

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

Thirty-first Legislative Day

Friday, February 6, 2004

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Harvey.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representatives Briggs, Lee--2.

11 Absent--Representative McGihon--1.

12 Present after roll call--Representative McGihon.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Judd, the reading of the journal of
 18 February 5, 2004, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

20

21

22

23

CONSIDERATION OF RESOLUTION

24

25 **HJR04-1011** by Representative(s) **Borodkin**, Berry, Boyd, Butcher,
 26 Decker, Hefley, Hodge, Jahn, Judd, Larson, Miller,
 27 Paccione, Rhodes, Rose, Tochtrop, Witwer; also
 28 Senator(s) Fitz-Gerald--Concerning American Heart
 29 Month and "Go Red for Women Day".

30

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

32

33 On motion of Representative Borodkin, the resolution was read at length
 34 and **adopted** by the following roll call vote:

35

YES	61	NO	01	EXCUSED	02	ABSENT	01
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	E	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	N	Weissmann	Y
3	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
4	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
5	Coleman	Y	Lee	E	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	Y	Witwer	Y
9	Frangas	Y	May	Y	Schultheis	Y	Young	Y
10							Speaker	-

11 Co-sponsors added: Representatives Brophy, Carroll, Clapp, Cloer, Coleman,
 12 Crane, Fairbank, Frangas, Garcia, Hall, Harvey, Hoppe, King, Madden, May,
 13 McCluskey, McFadyen, McGihon, Merrifield, Plant, Ragsdale, Romanoff,
 14 Salazar, Sinclair, Spence, Stafford, Stengel, Vigil, Weddig, Weissmann, Welker,
 15 White, Wiens, Williams S.

18 19 **THIRD READING OF BILLS--FINAL PASSAGE**

20
 21 The following bills were considered on Third Reading. The titles were
 22 publicly read. Reading of the bill at length was dispensed with by
 23 unanimous consent.

24
 25 **HB04-1316** by Representative(s) Young, Witwer, Plant; also
 26 Senator(s) Owen, Teck, Reeves--Concerning a
 27 supplemental appropriation to the department of
 28 agriculture.

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

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

34	YES	56	NO	07	EXCUSED	02	ABSENT	00
35	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
36	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
37	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
38	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
39	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
40	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
41	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
42	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
43	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
44	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
45	Cloer	N	Larson	Y	Rhodes	Y	White	Y
46	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
47	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
48	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
49	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
50	Frangas	Y	May	N	Schultheis	N	Young	Y
51							Speaker	Y

52 Co-sponsors added: Representatives McFadyen, Rippy.

53
 54

1 **HB04-1317** by Representative(s) Young, Witwer, Plant; also
 2 Senator(s) Owen, Teck, Reeves--Concerning a
 3 supplemental appropriation to the department of
 4 corrections.
 5

6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.
 10

	YES	63	NO	00	EXCUSED	02	ABSENT	00
11								
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	E	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	E	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	Y	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representative Stafford
 30

31 **HB04-1318** by Representative(s) Young, Witwer, Plant; also Senator(s)
 32 Owen, Teck, Reeves--Concerning a supplemental appropriation
 33 to the department of education.

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	46	NO	17	EXCUSED	02	ABSENT	00
39								
40	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	N
41	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
42	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
43	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
44	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
45	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
46	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
47	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
48	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
49	Clapp	Y	King	Y	Ragsdale	N	Welker	N
50	Cloer	N	Larson	Y	Rhodes	N	White	Y
51	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
52	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
53	Decker	N	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	Y	May	N	Schultheis	N	Young	Y
3							Speaker	Y

4 Co-sponsors added: Representatives Decker, Weddig, Williams S.

5
6 **HB04-1319** by Representative(s) Young, Witwer, Plant; also
7 Senator(s) Owen, Teck, Reeves--Concerning a
8 supplemental appropriation to the offices of the governor,
9 lieutenant governor, and state planning and budgeting.

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

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

15	YES	40	NO	23	EXCUSED	02	ABSENT	00
16	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
17	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
18	Boyd	Y	Harvey	N	McGihon	N	Spence	Y
19	Briggs	E	Hefley	Y	Merrifield	N	Stafford	Y
20	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
21	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
22	Cadman	N	Jahn	Y	Paccione	N	Vigil	N
23	Carroll	N	Johnson	Y	Plant	Y	Weddig	N
24	Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
25	Clapp	Y	King	Y	Ragsdale	N	Welker	N
26	Cloer	Y	Larson	Y	Rhodes	N	White	Y
27	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
28	Crane	N	Lundberg	N	Romanoff	N	Williams S.	Y
29	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
30	Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
31	Frangas	Y	May	N	Schultheis	N	Young	Y
32							Speaker	Y

33
34 **HB04-1320** by Representative(s) Young, Witwer, Plant; also
35 Senator(s) Owen, Teck, Reeves--Concerning a
36 supplemental appropriation to the department of health
37 care policy and financing.

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

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

43	YES	44	NO	19	EXCUSED	02	ABSENT	00
44	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	N	McGihon	N	Spence	Y
47	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
49	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
50	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
51	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
52	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
53	Clapp	Y	King	Y	Ragsdale	N	Welker	N
54	Cloer	N	Larson	Y	Rhodes	N	White	Y
55	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
56	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y

1	Decker	Y	Madden	N	Rose	N	Williams T.	Y
2	Fairbank	N	Marshall	N	Salazar	Y	Witwer	Y
3	Frangas	Y	May	N	Schultheis	N	Young	Y
4							Speaker	Y

5
6 **HB04-1321** by Representative(s) Young, Witwer, Plant; also Senator(s)
7 Owen, Teck, Reeves--Concerning a supplemental appropriation
8 to the department of higher education.
9 The question being "Shall the bill pass?".
10 A roll call vote was taken. As shown by the following recorded vote, a
11 majority of those elected to the House voted in the affirmative and the bill
12 was declared **passed**.

14	YES	63	NO	00	EXCUSED	02	ABSENT	00
15	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
16	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
17	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
18	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
19	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
20	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
21	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
22	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
23	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
24	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
25	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
26	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
27	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
28	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
29	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
30	Frangas	Y	May	Y	Schultheis	Y	Young	Y
31							Speaker	Y

32 Co-sponsors added: Representative Weddig

33
34 **HB04-1322** by Representative(s) Young, Witwer, Plant; also Senator(s)
35 Owen, Teck, Reeves--Concerning a supplemental appropriation
36 to the department of human services.
37 The question being "Shall the bill pass?".
38 A roll call vote was taken. As shown by the following recorded vote, a
39 majority of those elected to the House voted in the affirmative and the bill
40 was declared **passed**.

42	YES	47	NO	16	EXCUSED	02	ABSENT	00
43	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	N	McGihon	N	Spence	Y
46	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
49	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
53	Cloer	N	Larson	Y	Rhodes	N	White	Y
54	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
55	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
56	Decker	N	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	Y	May	N	Schultheis	N	Young	Y
3							Speaker	Y

4 Co-sponsors added: Representative Butcher

5
6 **HB04-1323** by Representative(s) Young, Witwer, Plant; also Senator(s)
7 Owen, Teck, Reeves--Concerning a supplemental appropriation
8 to the judicial department.

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

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

14	YES	43	NO	20	EXCUSED	02	ABSENT	00
15	Berry	Y	Garcia	N	McCluskey	N	Sinclair	N
16	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
17	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
18	Briggs	E	Hefley	N	Merrifield	Y	Stafford	Y
19	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
20	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
21	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
22	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
23	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
24	Clapp	N	King	Y	Ragsdale	Y	Welker	N
25	Cloer	N	Larson	Y	Rhodes	N	White	Y
26	Coleman	Y	Lee	E	Rippy	Y	Wiens	N
27	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
28	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
29	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
30	Frangas	Y	May	N	Schultheis	N	Young	Y
31							Speaker	Y

32 Co-sponsors added: Representative McGihon

33
34 **HB04-1324** by Representative(s) Young, Witwer, Plant; also Senator(s)
35 Owen, Teck, Reeves--Concerning a supplemental appropriation
36 to the department of labor and employment.

37
38 The question being "Shall the bill pass?".

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

43	YES	51	NO	12	EXCUSED	02	ABSENT	00
44	Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
47	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
50	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
51	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
52	Cerbo	Y	Judd	Y	Pommer	N	Weissmann	Y
53	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
54	Cloer	N	Larson	Y	Rhodes	N	White	Y
55	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
56	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y

1	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
2	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
3	Frangas	Y	May	N	Schultheis	N	Young	Y
4							Speaker	Y

5
6 **HB04-1325** by Representative(s) Young, Witwer, Plant; also
7 Senator(s) Owen, Teck, Reeves--Concerning a
8 supplemental appropriation to the department of law.
9 The question being "Shall the bill pass?".
10 A roll call vote was taken. As shown by the following recorded vote, a
11 majority of those elected to the House voted in the affirmative and the bill
12 was declared **passed**.

14	YES	48	NO	15	EXCUSED	02	ABSENT	00
15	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	N
16	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
17	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
18	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
19	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
20	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
21	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
22	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
23	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
24	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
25	Cloer	N	Larson	Y	Rhodes	N	White	Y
26	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
27	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
28	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
29	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
30	Frangas	Y	May	N	Schultheis	N	Young	Y
31							Speaker	Y

32 Co-sponsors added: Representative Weddig

33
34 **HB04-1326** by Representative(s) Young, Witwer, Plant; also
35 Senator(s) Owen, Teck, Reeves--Concerning a
36 supplemental appropriation to the department of
37 legislature.
38 The question being "Shall the bill pass?".
39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative and the bill
41 was declared **passed**.

43	YES	51	NO	12	EXCUSED	02	ABSENT	00
44	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
47	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
50	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
51	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
52	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
53	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
54	Cloer	N	Larson	Y	Rhodes	N	White	Y
55	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
56	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y

1	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
2	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
3	Frangas	Y	May	N	Schultheis	N	Young	Y
4							Speaker	Y

5 Co-sponsors added: Representative Cloer

6
7 **HB04-1327** by Representative(s) Young, Witwer, Plant; also
8 Senator(s) Owen, Teck, Reeves--Concerning a
9 supplemental appropriation to the department of local
10 affairs.

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

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

16	YES	52	NO	11	EXCUSED	02	ABSENT	00
17	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
18	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
19	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
20	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
21	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
22	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
23	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
24	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
25	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
26	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
27	Cloer	N	Larson	Y	Rhodes	N	White	Y
28	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
29	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
30	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
31	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
32	Frangas	Y	May	N	Schultheis	N	Young	Y
33							Speaker	Y

34 Co-sponsors added: Representative Butcher

35
36 **HB04-1328** by Representative(s) Young, Witwer, Plant; also
37 Senator(s) Owen, Teck, Reeves--Concerning a
38 supplemental appropriation to the department of military
39 and veterans affairs.

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

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

45	YES	60	NO	03	EXCUSED	02	ABSENT	00
46	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
47	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
48	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
49	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
50	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
51	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
52	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
53	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
54	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
55	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
56	Cloer	Y	Larson	Y	Rhodes	Y	White	Y

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

7 Co-sponsors added: Representatives Cloer, Coleman, Frangas, Harvey, Hefley,
8 Stafford, Weddig.

9
10 **HB04-1329** by Representative(s) Young, Witwer, Plant; also
11 Senator(s) Owen, Teck, Reeves--Concerning a
12 supplemental appropriation to the department of natural
13 resources.

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

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

19	YES	42	NO	21	EXCUSED	02	ABSENT	00
20	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	N
21	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
22	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
23	Briggs	E	Hefley	N	Merrifield	N	Stafford	Y
24	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
25	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
26	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
27	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
28	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
29	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
30	Cloer	N	Larson	Y	Rhodes	N	White	Y
31	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
32	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
33	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
34	Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y
35	Frangas	Y	May	N	Schultheis	N	Young	Y
36							Speaker	Y

37
38 **HB04-1330** by Representative(s) Young, Witwer, Plant; also
39 Senator(s) Owen, Teck, Reeves--Concerning a
40 supplemental appropriation to the department of personnel
41 and administration.

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

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

47	YES	48	NO	15	EXCUSED	02	ABSENT	00
48	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	N
49	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
50	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
51	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
52	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
53	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
54	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
55	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
56	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N

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

9
10 **HB04-1331** by Representative(s) Young, Witwer, Plant; also
11 Senator(s) Owen, Teck, Reeves--Concerning a
12 supplemental appropriation to the department of public
13 health and environment.

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

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

18								
19	YES	54	NO	09	EXCUSED	02	ABSENT	00
20	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
21	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
22	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
23	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
24	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
25	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
26	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
27	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
28	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
29	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
30	Cloer	Y	Larson	Y	Rhodes	N	White	Y
31	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
32	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
33	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
34	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
35	Frangas	Y	May	N	Schultheis	N	Young	Y
36							Speaker	Y

37 Co-sponsors added: Representative Coleman

38
39 **HB04-1332** by Representative(s) Young, Witwer, Plant; also
40 Senator(s) Owen, Teck, Reeves--Concerning a
41 supplemental appropriation to the department of public
42 safety.

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

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

47								
48	YES	63	NO	00	EXCUSED	02	ABSENT	00
49	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
52	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
56	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y

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

10 Co-sponsors added: Representatives Berry, Brophy, Frangas, Schultheis,
11 Stafford, Tochtrop, Weddig, Williams S.

12
13 **HB04-1333** by Representative(s) Young, Witwer, Plant; also
14 Senator(s) Owen, Teck, Reeves--Concerning a
15 supplemental appropriation to the department of regulatory
16 agencies.

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

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

21								
22	YES	54	NO	09	EXCUSED	02	ABSENT	00
23	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
24	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
25	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
26	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	N
27	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	N	Hoppe	Y	Mitchell	N	Tochtrop	Y
29	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
30	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	N	King	Y	Ragsdale	Y	Welker	Y
33	Cloer	N	Larson	Y	Rhodes	Y	White	Y
34	Coleman	Y	Lee	E	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	Y	Witwer	Y
38	Frangas	Y	May	N	Schultheis	Y	Young	Y
39							Speaker	Y

40
41 **HB04-1334** by Representative(s) Young, Witwer, Plant; also
42 Senator(s) Owen, Teck, Reeves--Concerning a
43 supplemental appropriation to the department of revenue.

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

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

48								
49	YES	55	NO	07	EXCUSED	02	ABSENT	01
50	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
51	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
52	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
53	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
54	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
55	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
56	Cadman	N	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	N	White	Y
5	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
6	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
7	Decker	Y	Madden	Y	Rose	N	Williams T.	-
8	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
9	Frangas	Y	May	N	Schultheis	Y	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representative Williams T.

12
13 **HB04-1335** by Representative(s) Young, Witwer, Plant; also
14 Senator(s) Owen, Teck, Reeves--Concerning a
15 supplemental appropriation to the department of state.

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

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

21	YES	53	NO	10	EXCUSED	02	ABSENT	00
22	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
23	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
24	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
25	Briggs	E	Hefley	N	Merrifield	Y	Stafford	Y
26	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
27	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
28	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
29	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
30	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
31	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
32	Cloer	N	Larson	Y	Rhodes	Y	White	Y
33	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
34	Crane	N	Lundberg	Y	Romanoff	Y	Williams S.	Y
35	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
36	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
37	Frangas	Y	May	N	Schultheis	N	Young	Y
38							Speaker	Y

39
40 **HB04-1336** by Representative(s) Young, Witwer, Plant; also
41 Senator(s) Owen, Teck, Reeves--Concerning a
42 supplemental appropriation to the department of
43 transportation.

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

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

49	YES	59	NO	04	EXCUSED	02	ABSENT	00
50	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
51	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
52	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
53	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
54	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
55	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
56	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y

1	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
2	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
3	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
4	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
5	Coleman	Y	Lee	E	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	Y	Witwer	Y
9	Frangas	Y	May	Y	Schultheis	Y	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Berry, Coleman, Stafford.

12
13 **HB04-1337** by Representative(s) Young, Witwer, Plant; also
14 Senator(s) Owen, Teck, Reeves--Concerning a
15 supplemental appropriation to the department of the
16 treasury.

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

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

21	YES	50	NO	13	EXCUSED	02	ABSENT	00
23	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
24	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
25	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
26	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
27	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
29	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
30	Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
31	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
32	Clapp	Y	King	Y	Ragsdale	N	Welker	N
33	Cloer	N	Larson	Y	Rhodes	Y	White	Y
34	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
35	Crane	N	Lundberg	Y	Romanoff	Y	Williams S.	Y
36	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
37	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
38	Frangas	Y	May	N	Schultheis	N	Young	Y
39							Speaker	Y

40
41 **HB04-1338** by Representative(s) Young, Witwer, Plant; also
42 Senator(s) Owen, Teck, Reeves--Concerning funding for
43 capital construction, and making supplemental
44 appropriations in connection therewith.

45
46 The question being "Shall the bill pass?".

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

50	YES	54	NO	09	EXCUSED	02	ABSENT	00
52	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
53	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
54	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
55	Briggs	E	Hefley	N	Merrifield	Y	Stafford	Y
56	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y

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

13 Co-sponsors added: Representatives Harvey, Weddig.

14
15
16 On motion of Representative King, **HB04-1273, 1166, 1194, 1076, 1087,**
17 **1129, 1195, 1197, 1182, 1034, 1155** were made Special Orders on
18 Friday, February 6, 2004, at 9:48 a.m.

19
20
21 The hour of 9:48 a.m., having arrived, on motion of Representative Berry,
22 the House resolved itself into Committee of the Whole for consideration
23 of Special Orders and she was called to the Chair to act as Chairman.

24 25 26 SPECIAL ORDERS--SECOND READING OF BILLS

27
28 The Committee of the Whole having risen, the Chairman reported the
29 titles of the following bills had been read (reading at length had been
30 dispensed with by unanimous consent), the bills considered and action
31 taken thereon as follows:

32
33 (Amendments to the committee amendment are to the printed committee
34 report which was printed and placed in the members' bill file.)

35
36 **HB04-1273** by Representative(s) Spradley, Madden, Fairbank, Larson,
37 Berry, Briggs, Cloer, Frangas, Hefley, Johnson R.,
38 Marshall, McCluskey, Merrifield, Paccione, Pommer,
39 Rippy, Rose, Salazar, Tochtrop, Weissmann, Wiens,
40 Williams S., Williams T.; also Senator(s) Kester, Phillips,
41 Gordon, Entz, Grossman, Veiga--Concerning the
42 establishment of an electric resource standard for
43 renewable energy for providers of electric service.

44
45 Amendment No. 1, Transportation & Energy Report, dated February 4,
46 2004, and placed in member's bill file; Report also printed in House
47 Journal, February 5, page 329.

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

51
52 **HB04-1166** by Representative(s) McCluskey, Hall, Rippy, Williams
53 T.; also Senator McElhany--Concerning an increase in the
54 amount of moneys transferred by the state board for
55 community colleges and occupational education from the

1 Colorado customized training program to the Colorado
2 existing industry training program.
3

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

7 **HB04-1194** by Representative(s) McCluskey, Carroll, Paccione; also
8 Senator Reeves--Concerning changes to the officers of the
9 board of governors of the Colorado state university
10 system.
11

12 Amendment No. 1, Education Report, dated January 28, 2004, and placed
13 in member's bill file; Report also printed in House Journal, January 29,
14 pages 217-218.
15

16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.
18

19 **HB04-1076** by Representative(s) Madden, Brophy, Hodge, Rose; also
20 Senator(s) Arnold--Concerning a prohibition on driving
21 motor vehicles in the passing lane except when
22 appropriate.
23

24 Amendment No. 1, by Transportation & Energy Report, dated January
25 28, 2004, and placed in member's bill file; Report also printed in House
26 Journal, January 29, page 224.
27

28 As amended, ordered engrossed and placed on the Calendar for Third
29 Reading and Final Passage.
30

31 **HB04-1087** by Representative(s) Rhodes; also Senator(S) Johnson--
32 Concerning the establishment of the highest degree of care
33 in the defense of a negligence claim under the high voltage
34 power line statutes by proof of compliance with an
35 applicable standard of the national electrical code.
36

37 Amendment No. 1, Transportation & Energy Report, dated January 28,
38 2004, and placed in member's bill file; Report also printed in House
39 Journal, January 29, page 224.
40

41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.
43

44 **HB04-1129** by Representative(s) Stafford; also Senator(s) Entz--
45 Concerning property taken by a county for delinquent
46 taxes.
47

48 Amendment No. 1, Finance Report, dated January 29, 2004, and placed
49 in member's bill file; Report also printed in House Journal, January 30,
50 pages 242-243.
51

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

1 **HB04-1195** by Representative(s) Stengel; also Senator(s) Dyer--
2 Concerning criminal history record checks for use in court
3 proceedings.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 **HB04-1197** by Representative(s) Weddig, Borodkin, Briggs, Cerbo,
9 Crane, Garcia, Hodge, Lee, Madden, McGihon,
10 Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence,
11 Vigil, Williams S.; also Senator(s) Evans, Takis--
12 Concerning the use of devices on motor vehicles that
13 interfere with the orderly regulation of traffic.
14

15 Amendment No. 1, Transportation & Energy Report, dated January 29,
16 2004, and placed in member's bill file; Report also printed in House
17 Journal, January 30, page 247.
18

19 Amendment No. 2, by Representatives Williams S, Weddig.
20

21 Amend printed bill, page 2, line 15, strike "PLASTIC" and after "THAT",
22 insert "DISTORTS ANGULAR VISIBILITY; ALTERS THE COLOR OF THE PLATE;
23 OR".
24

25 Amendment No. 3, by Representatives Weddig, Sinclair.
26

27 Amend printed bill, page 2, line 2, strike "(2)," and substitute "(2) and
28 (3),";
29

30 before line 17, insert the following:
31

32 "(3) (a) ~~Any~~ A person who violates any provision of this section
33 commits a class B traffic infraction.
34

35 (b) A PERSON WHO INTENTIONALLY VIOLATES SUBSECTION (2) OF
36 THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION AND SHALL BE
37 PUNISHED BY A FINE OF ONE HUNDRED DOLLARS."
38

39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.
41

42 **HB04-1034** by Representative(s) Welker, Berry, Borodkin, Larson,
43 Pommer, Sinclair, Spence, Stafford; also Senator(s) Takis,
44 Isgar, May R.--Concerning electronic renewal of a driver's
45 license.
46

47 Referred to the Committee on Information and Technology.
48

48 **HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman,
49 Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also
50 Senator(s) Hillman, Sandoval--Concerning standards for
51 the cleanup of illegal drug laboratories.
52

53 Laid over until February 9, retaining place on Calendar.
54
55
56

1 **HB04-1155** by Representative(s) Williams T.--Concerning a limitation
 2 on the authority of a municipality to regulate that portion
 3 of newly annexed land used as a right-of-way by
 4 agricultural users.
 5

6 Amendment No. 1, Local Government Report, dated February 2, 2004,
 7 and placed in member's bill file; Report also printed in House Journal,
 8 February 4, pages 300-301.
 9

10 As amended, ordered engrossed and placed on the Calendar for Third
 11 Reading and Final Passage.
 12
 13
 14

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

15
 16 Representative Mitchell moved to amend the Report of the Committee of
 17 the Whole to show that the following Mitchell amendment, (L.007) to
 18 HB 04-1273, did pass, and that HB 04-1273, as amended, did pass.
 19
 20

21 Amend printed bill, page 4, after line 10, insert the following:
 22

23 "(3) "HYDROELECTRICITY" MEANS ELECTRICITY GENERATED FROM
 24 A PROJECT THAT HARNESSSES THE HYDROELECTRIC POTENTIAL OF WATER
 25 IMPOUNDMENTS OR CONVEYANCE STRUCTURES."
 26

27 Renumber succeeding subsections accordingly.
 28

29 Page 5, line 6, strike "SMALL";
 30

31 line 11, strike "PUMPED STORAGE FACILITIES; HYDROELECTRICITY OTHER
 32 THAN";
 33

34 line 12, strike "SMALL HYDROELECTRICITY; COAL," and substitute
 35 "COAL,".
 36

37 Page 6, strike lines 18 through 27.
 38

39 Page 7, strike lines 1 through 5.
 40

41 Page 9, line 25, strike "(6)" and substitute "(7)".
 42

43 The amendment was declared **lost** by the following roll call vote:
 44

YES	23	NO	37	EXCUSED	04	ABSENT	01
Berry	N	Garcia	N	McCluskey	N	Sinclair	Y
Borodkin	E	Hall	Y	McFadyen	N	Smith	Y
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	E	Hefley	-	Merrifield	N	Stafford	N
Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
Butcher	N	Hoppe	E	Mitchell	Y	Tochtrop	N
Cadman	Y	Jahn	N	Paccione	N	Vigil	N
Carroll	N	Johnson	N	Plant	N	Weddig	N
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y

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

7
8
9 Representative Mitchell moved to amend the Report of the Committee of
10 the Whole to show that the following Mitchell amendment, (L.008) to
11 HB 04-1273, did pass, and that HB 04-1273, as amended, did pass.

12
13 Amend printed bill, page 12, after line 8, insert the following:

14
15 "(16) THE ELECTRIC RESOURCE STANDARD ESTABLISHED BY THE
16 COMMISSION SHALL NOT REQUIRE THE PROVIDER OF ELECTRIC SERVICE TO
17 INCUR A COST AT THE PROJECT BUSBAR OF MORE THAN FOUR AND
18 ONE-HALF CENTS PER KILOWATT HOUR IN 2004 FOR ANY RENEWABLE
19 ENERGY.".

20
21 The amendment was declared **lost** by the following roll call vote:

22								
23	YES	24	NO	37	EXCUSED	04	ABSENT	00
24	Berry	N	Garcia	N	McCluskey	N	Sinclair	Y
25	Borodkin	E	Hall	Y	McFadyen	N	Smith	Y
26	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
27	Briggs	E	Hefley	N	Merrifield	N	Stafford	N
28	Brophy	Y	Hodge	N	Miller	Y	Stengel	N
29	Butcher	N	Hoppe	E	Mitchell	Y	Tochtrop	N
30	Cadman	Y	Jahn	N	Paccione	N	Vigil	Y
31	Carroll	N	Johnson	N	Plant	N	Weddig	N
32	Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
33	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
34	Cloer	N	Larson	N	Rhodes	Y	White	Y
35	Coleman	N	Lee	E	Rippy	Y	Wiens	N
36	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
37	Decker	Y	Madden	N	Rose	N	Williams T.	N
38	Fairbank	N	Marshall	N	Salazar	N	Witwer	N
39	Frangas	N	May	Y	Schultheis	Y	Young	Y
40							Speaker	N

41 42 43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44
45 Passed Second Reading: **HB04-1273 amended, 1166, 1194 amended,**
46 **1076 amended, 1087 amended, 1129 amended, 1195, 1197 amended,**
47 **1155 amended.**

48
49 Laid over until date indicated retaining place on Calendar: **HB04-1182.**

50
51 Referred to Committee indicated: **HB04-1034--Committee on**
52 **Information and Technology.**

53
54

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	61	NO	00	EXCUSED	04	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	E	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	E	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	E	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

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJR04-012.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

The following resolution was read by title and given immediate consideration:

SJR04-012 by Senator(s) Lamborn; also Representative(s) Spradley--
Concerning recognizing Ronald Reagan Day in Colorado.

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

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

Co-sponsors added: Representatives Berry, Brophy, Cadman, Cloer, Coleman, Crane, Fairbank, Hall, Hefley, Johnson, King, Lundberg, May, McCluskey, Miller, Mitchell, Rhodes, Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Stafford, Stengel, Welker, White, Wiens, Williams T., Witwer, Young.

REPORTS OF COMMITTEES OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

HB04-1040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. 37-92-305, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-305. Standards with respect to rulings of the referee and decisions of the water judge. (17) (a) THE WATER JUDGE MAY NOT DECREE OR OTHERWISE RECOGNIZE A WATER RIGHT OR CHANGE OF WATER RIGHT DIVERTING WATER FROM ONE WATER DIVISION TO ANOTHER, EITHER DIRECTLY OR BY EXCHANGE, UNLESS THE DECREE INCLUDES TERMS AND CONDITIONS TO REQUIRE THAT THE PRESENT APPROPRIATION OF WATER AND PROSPECTIVE BENEFICIAL USES OF WATER WITHIN THE WATER DIVISION FROM WHICH THE WATER IS EXPORTED WILL NOT BE IMPAIRED OR INCREASED IN COST AT THE EXPENSE OF THE WATER USERS IN THAT DIVISION. THE REQUIREMENTS OF THIS SUBSECTION (17) SHALL BE DEEMED TO HAVE BEEN SATISFIED IF THE APPLICANT DEMONSTRATES THAT IT HAS ENTERED INTO AN ENFORCEABLE MITIGATION AGREEMENT WITH THE WATER CONSERVATION DISTRICT AND EACH WATER CONSERVANCY DISTRICT FROM WITHIN WHOSE BOUNDARIES THE WATERS ARE PROPOSED FOR DIVERSION AND THE TERMS AND CONDITIONS OF THE AGREEMENT ARE INCLUDED IN THE DECREE.

(b) A WATER CONSERVATION DISTRICT OR WATER CONSERVANCY DISTRICT THAT PROPOSES TO ENTER INTO A MITIGATION AGREEMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) SHALL PROVIDE NOTICE OF EITHER THE TERMS OR THE SUBSTANCE OF THE PROPOSED AGREEMENT, OR A DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED, TO BOTH THE WATER COURT AND THE DIVISION OF WATER RESOURCES. THE CLERK OF THE WATER COURT SHALL PUBLISH THE NOTICE IN THE WATER COURT RESUME. THE DIVISION OF WATER RESOURCES SHALL PUBLISH THE NOTICE ON ITS WEB SITE. THE WATER CONSERVATION DISTRICT OR WATER CONSERVANCY DISTRICT SHALL MAIL COPIES OF THE NOTICE TO ALL PERSONS WHO HAVE REQUESTED NOTICE IN ADVANCE PURSUANT TO SECTION 37-92-308 (6).

(c) A WATER CONSERVATION DISTRICT OR WATER CONSERVANCY DISTRICT THAT PROPOSES TO ENTER INTO A MITIGATION AGREEMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (17) SHALL HOLD A PUBLIC HEARING AT WHICH IT SHALL AFFORD INTERESTED PERSONS AN OPPORTUNITY TO SUBMIT WRITTEN DATA, VIEWS, OR ARGUMENTS AND TO PRESENT THE SAME ORALLY. THE DISTRICT SHALL CONSIDER ALL SUCH SUBMISSIONS. A PROPOSED AGREEMENT THAT IS TO BE CONSIDERED AT THE PUBLIC HEARING SHALL BE MADE AVAILABLE TO ANY PERSON AT LEAST FIVE DAYS BEFORE THE HEARING.

1 (d) NOTHING IN THIS SUBSECTION (17) SHALL ABROGATE OR IMPAIR
2 ANY STATE OR LOCAL LAND USE OR ENVIRONMENTAL AUTHORITY.

3
4 **SECTION 2. Applicability.** This act shall apply to applications
5 for water right decrees filed on or after the effective date of this act.

6
7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety."

10
11
12 **HB04-1089** be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:

15
16 Amend printed bill, strike everything below the enacting clause and
17 substitute the following:

18
19 "SECTION 1. Article 28 of title 35, Colorado Revised Statutes,
20 is amended BY THE ADDITION OF A NEW SECTION to read:

21
22 **35-28-124. Agricultural commodities - preferences - promotion**
23 **- task force - legislative declaration - repeal.** (1) THE GENERAL
24 ASSEMBLY HEREBY FINDS THAT:

25
26 (a) IN ITS EFFORTS TO PROMOTE COLORADO AGRICULTURAL
27 COMMODITIES, THE STATE HAS ATTEMPTED TO REQUIRE GOVERNMENTAL
28 ENTITIES TO GIVE A PREFERENCE TO THE PURCHASE OF COLORADO-GROWN
29 AGRICULTURAL PRODUCTS.

30
31 (b) AGRICULTURE SERVES AN IMPORTANT ROLE IN COLORADO, AND
32 THE STATE NEEDS TO PROMOTE AGRICULTURAL PRODUCTS IN A MANNER
33 THAT STRENGTHENS THE AGRICULTURAL ECONOMY FOR BOTH THE
34 AGRICULTURE INDUSTRY AND THE CITIZENS OF THE STATE.

35
36 (c) TO ADEQUATELY ADDRESS ISSUES CONNECTED WITH
37 PREFERENCE FOR THE PURCHASE OF COLORADO AGRICULTURAL PRODUCTS
38 AND PROMOTION OF COLORADO'S AGRICULTURAL PRODUCTS, IT IS
39 NECESSARY TO CREATE A TASK FORCE TO EXAMINE AND PROVIDE
40 DIRECTION FOR ENHANCING THE VALUE OF AGRICULTURAL PRODUCTS IN
41 ORDER TO CREATE MORE COMPETITIVE MARKETS AND INCREASED DEMAND
42 FOR THE STATE'S AGRICULTURAL PRODUCTS.

43
44 (2) (a) THERE IS HEREBY CREATED THE COLORADO AGRICULTURE
45 PROMOTION TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK
46 FORCE". THE TASK FORCE SHALL CONSIST OF ELEVEN MEMBERS
47 APPOINTED AS FOLLOWS:

48
49 (I) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
50 REPRESENTATIVES, ONE OF WHOM SHALL BE ENGAGED IN THE
51 AGRICULTURE INDUSTRY, AND NO MORE THAN TWO OF WHOM SHALL BE
52 FROM THE SAME POLITICAL PARTY;

53
54 (II) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE
55 AND TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE SENATE,
56 ONE OF WHOM SHALL BE ENGAGED IN THE AGRICULTURE INDUSTRY; AND

1 (III) THREE MEMBERS APPOINTED BY THE GOVERNOR, ONE OF
2 WHOM SHALL BE ENGAGED IN THE AGRICULTURE INDUSTRY.
3

4 (b) WHEN MAKING APPOINTMENTS TO THE TASK FORCE, THE
5 SPEAKER, THE PRESIDENT, AND THE GOVERNOR SHALL ATTEMPT TO
6 APPOINT MEMBERS WITH EXPERIENCE IN BANKING AND FINANCE,
7 ECONOMIC DEVELOPMENT, AND CAPITAL FORMATION. APPOINTMENTS TO
8 THE TASK FORCE SHALL BE MADE NO LATER THAN JULY 1, 2004.
9

10 (c) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT
11 COMPENSATION AND SHALL NOT RECEIVE REIMBURSEMENT FOR EXPENSES
12 INCURRED WHILE SERVING ON THE TASK FORCE.
13

14 (d) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S
15 DESIGNEE, THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT OR
16 THE DIRECTOR'S DESIGNEE, AND THE PRESIDENT OF COLORADO STATE
17 UNIVERSITY OR THE PRESIDENT'S DESIGNEE SHALL SERVE AS EX OFFICIO
18 NONVOTING MEMBERS OF THE TASK FORCE.
19

20 (e) THE TASK FORCE IS AUTHORIZED TO RECEIVE CONTRIBUTIONS,
21 GRANTS, SERVICES, AND IN-KIND DONATIONS FROM ANY PUBLIC OR
22 PRIVATE ENTITY TO BE EXPENDED FOR ANY DIRECT OR INDIRECT COSTS
23 ASSOCIATED WITH THE DUTIES OF THE TASK FORCE SET FORTH IN THIS
24 SECTION.
25

26 (f) THE DEPARTMENT OF AGRICULTURE, THE COLORADO OFFICE OF
27 ECONOMIC DEVELOPMENT, AND COLORADO STATE UNIVERSITY SHALL
28 PROVIDE STAFF ASSISTANCE TO THE TASK FORCE WITHIN EXISTING
29 RESOURCES.
30

31 (3) THE TASK FORCE SHALL STUDY THE FOLLOWING ISSUES:
32

33 (a) THE BENEFITS AND DETRIMENTS OF REQUIRING GOVERNMENTAL
34 ENTITIES THAT ARE PURCHASING AGRICULTURAL COMMODITIES TO GIVE
35 PREFERENCE TO AGRICULTURAL COMMODITIES THAT ARE PRODUCED IN THE
36 STATE.
37

38 (b) METHODS BY WHICH THE STATE CAN IMPROVE THE STATE'S
39 AGRICULTURAL INDUSTRY AND ENCOURAGE AND SUPPORT THE ECONOMIC
40 DEVELOPMENT OF AGRICULTURE IN RURAL PARTS OF THE STATE,
41 INCLUDING THE CONSIDERATION OF WAYS TO FACILITATE AND FOSTER
42 AGRICULTURE IN THE STATE AND AN EXAMINATION OF HOW STATE LAWS
43 AND REGULATIONS HELP OR HINDER THE AGRICULTURE INDUSTRY IN THE
44 STATE.
45

46 (c) MEASURES TO ADD VALUE TO THE STATE'S AGRICULTURAL
47 COMMODITIES.
48

49 (d) BETTER METHODS FOR RESPONDING TO NEW AND CHANGING
50 MARKETS AND OBTAINING A COMPETITIVE ADVANTAGE FOR THE STATE'S
51 AGRICULTURE INDUSTRY.
52

53 (4) THE TASK FORCE SHALL REPORT ITS FINDINGS AND
54 RECOMMENDATIONS TO THE AGRICULTURE, LIVESTOCK, AND NATURAL
55 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
56 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE

1 SENATE NO LATER THAN JANUARY 10, 2005.

2

3 (5) THIS SECTION IS REPEALED, EFFECTIVE MAY 1, 2005.

4

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety."

8

9

10

11 **HB04-1093** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:

14

15 Amend printed bill, page 2, line 21, strike "NO WORSE THAN" and
16 substitute "EQUAL TO".

17

18 Page 3, strike lines 24 through 26 and substitute the following:

19

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

29

30

31

32

33 **APPROPRIATIONS**

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

36

37 **HB04-1006** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **HB004-1017** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44

45 Amend the Transportation and Energy Committee Report, dated January
46 22, 2004, page 3, after line 31, insert the following:

47

48 **"SECTION 4. Appropriation in long bill to be adjusted.** For the
49 implementation of this act, appropriations made in the annual general
50 appropriation act for the fiscal year beginning July 1, 2004, shall be
51 adjusted as follows: the total general fund appropriation to the department
52 of revenue is decreased by four hundred fifty-three thousand two
53 hundred fifty dollars (\$453,250) and 4.9 FTE."

54

55 Renumber succeeding sections accordingly.

56

1 Strike page 4, and substitute the following:

2
3 "determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.".

5
6 Page 1 of the printed bill, strike line 102 and substitute the following:

7
8 "**MOTOR VEHICLE, AND MAKING AN APPROPRIATION IN CONNECTION**
9 **THEREWITH.**".

10

11

12

13

14 **HB04-1020** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17

18 Amend printed bill, page 3, line 8, after "AUDITOR," insert, "THE JOINT
19 BUDGET COMMITTEE,".

20

21

22

23 **HB04-1022** be referred to the Committee of the Whole with favorable
24 recommendation.

25

26

27 **HB04-1039** be referred to the Committee of the Whole with favorable
28 recommendation.

29

30

31 **HB04-1058** be referred to the Committee of the Whole with favorable
32 recommendation.

33

34

35 **HB04-1060** be referred to the Committee of the Whole with favorable
36 recommendation.

37

38

39 **HB04-1121** be referred to the Committee of the Whole with favorable
40 recommendation.

41

42

43

44

45 **BUSINESS AFFAIRS & LABOR**

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

48

49 **HB04-1094** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:

52

53 Amend printed bill, page 2, line 17, strike "FORTY-FIVE" and substitute
54 "FOURTEEN";

55

56 Page 3, strike lines 26 and 27.

1 Page 4, strike lines 1 through 19.

2
3 Renumber succeeding section accordingly.

4
5
6
7 **HB04-1095** be referred to the Committee of the Whole with favorable
8 recommendation.

9
10
11 **HB04-1116** be postponed indefinitely.

12
13
14 **HB04-1133** be postponed indefinitely.

15
16
17
18
19 **FINANCE**

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

22
23 **HB04-1009** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26
27 Amend printed bill, page 2, line 14, after "BOARD,", insert "AND THE
28 COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL ACTION OF
29 THE COMMISSION,".

30
31 Page 3, line 5, after "BOARD,", insert "AND THE COLORADO COMMISSION
32 ON HIGHER EDUCATION, BY FORMAL ACTION OF THE COMMISSION,".

33
34 Page 4, line 22, strike "EDUCATION MAY," and substitute "EDUCATION,";
35
36 line 23, after "BOARD,", insert "AND THE COLORADO COMMISSION ON
37 HIGHER EDUCATION, BY FORMAL ACTION OF THE COMMISSION, MAY".

38
39 Page 6, line 1, after "BOARD,", insert "AND THE COLORADO COMMISSION
40 ON HIGHER EDUCATION, BY FORMAL ACTION OF THE COMMISSION,".

41
42
43
44 **HB04-1044** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:

47
48 Amend printed bill, strike everything below the enacting clause and
49 substitute the following:

50
51 "SECTION 1. Part 5 of article 22 of title 39, Colorado Revised
52 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
53 read:

54
55 **39-22-529. Credit to cover health-related costs assumed by**
56 **employer - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS

1 THE CONTEXT OTHERWISE REQUIRES:

2
3 (a) "ELIGIBLE EMPLOYEE" MEANS AN EMPLOYEE RESIDING IN
4 COLORADO WHO WORKS ON A FULL-TIME BASIS AND WHOSE AVERAGE
5 WORK WEEK EXCEEDS THIRTY HOURS. "ELIGIBLE EMPLOYEE" INCLUDES
6 A SOLE PROPRIETOR, A PARTNER OF A PARTNERSHIP, AND AN INDEPENDENT
7 CONTRACTOR, IF THE SOLE PROPRIETOR, PARTNER, OR INDEPENDENT
8 CONTRACTOR IS INCLUDED AS AN EMPLOYEE UNDER THE HEALTH BENEFIT
9 PLAN OF AN ELIGIBLE SMALL EMPLOYER BUT DOES NOT INCLUDE AN
10 EMPLOYEE WHO WORKS ON A PART-TIME, TEMPORARY, OR SUBSTITUTE
11 BASIS OR WHO RESIDES OUTSIDE OF THE STATE OF COLORADO. FOR
12 PURPOSES OF THIS SECTION, EACH PERSON, THE PERSON'S SPOUSE, AND THE
13 PERSON'S MINOR CHILDREN SHALL CONSTITUTE ONLY ONE ELIGIBLE
14 EMPLOYEE WHEN THE PERSON, SPOUSE, OR CHILDREN ARE EMPLOYED BY
15 THE SAME ELIGIBLE SMALL EMPLOYER; EXCEPT THAT, IN THE CASE OF AN
16 ELIGIBLE EMPLOYEE WHO IS A FARMER, THE FARMER MAY CONSTITUTE AN
17 ELIGIBLE EMPLOYEE AND THE FARMER'S SPOUSE, IF EMPLOYED BY THE
18 FARMER, MAY CONSTITUTE A SECOND ELIGIBLE EMPLOYEE.

19
20 (b) "ELIGIBLE SMALL EMPLOYER" MEANS ANY PERSON SUBJECT TO
21 THE TAX IMPOSED BY THIS ARTICLE THAT IS ACTIVELY ENGAGED IN
22 BUSINESS AND THAT, FOR AT LEAST FIFTY PERCENT OF THE TIME DURING
23 THE LAST QUARTER OF THE YEAR PRECEDING THE INCOME TAX YEAR FOR
24 WHICH THE CREDIT IS CLAIMED PURSUANT TO THIS SECTION, EMPLOYED
25 NOT MORE THAN FIFTY ELIGIBLE EMPLOYEES, THE MAJORITY OF WHOM
26 WERE EMPLOYED BY THE ELIGIBLE SMALL EMPLOYER WITHIN COLORADO.
27 IN DETERMINING THE NUMBER OF ELIGIBLE EMPLOYEES FOR THE PURPOSES
28 OF THIS SECTION, AN EMPLOYER THAT OTHERWISE SATISFIES THE
29 REQUIREMENTS OF THIS SECTION AND THAT MAY FILE EITHER A COMBINED,
30 A CONSOLIDATED, OR A COMBINED AND CONSOLIDATED RETURN AS
31 DEFINED UNDER PART 3 OF THIS ARTICLE SHALL BE CONSIDERED ONE
32 EMPLOYER FOR PURPOSES OF THIS PARAGRAPH (b).

33
34 (c) "FARMER" MEANS ANY PERSON WHO DERIVES AT LEAST
35 TWO-THIRDS OF THE PERSON'S INCOME FROM USING OR CULTIVATING LAND
36 FOR THE PRODUCTION OF AGRICULTURAL CROPS, MILK OR DAIRY
37 PRODUCTS, POULTRY OR POULTRY PRODUCTS, OR FRUIT OR OTHER
38 HORTICULTURAL PRODUCTS; EXCEPT THAT THE TERM "FARMER" SHALL
39 NOT INCLUDE ANY PERSON WHO PROCESSES FARM PRODUCTS OR
40 DISTRIBUTES FARMING SUPPLIES BY CONTRACTING TO PROVIDE SPRAYING,
41 HARVESTING, OR OTHER FARMING SERVICES.

42
43 (d) "HEALTH BENEFIT PLAN" HAS THE SAME MEANING AS IS
44 PROVIDED UNDER SECTION 10-16-102 (21), C.R.S.

45
46 (e) "PERSON" HAS THE SAME MEANING AS IS PROVIDED UNDER
47 SECTION 39-21-101 (3).

48
49 (2) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (7) OF THIS
50 SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
51 JANUARY 1, 2006, BUT PRIOR TO JANUARY 1, 2011, IF, BASED ON THE
52 FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH
53 SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE
54 AMOUNT OF EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR ENDING
55 IN THAT INCOME TAX YEAR, EXCEEDS THE LIMITATION ON STATE FISCAL
56 YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE

1 STATE CONSTITUTION AND THE VOTERS HAVE NOT AUTHORIZED THE STATE
2 TO RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE
3 AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE
4 EXCESS STATE REVENUES FOR THAT FISCAL YEAR, A CREDIT AGAINST THE
5 TAX IMPOSED BY THIS ARTICLE SHALL BE ALLOWED AN ELIGIBLE SMALL
6 EMPLOYER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

7
8 (3) (a) SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (2) AND
9 (7) OF THIS SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR
10 AFTER JANUARY 1, 2006, BUT PRIOR TO JANUARY 1, 2011, THE CREDIT
11 ALLOWED BY THIS SECTION SHALL BE IN AN AMOUNT AS FOLLOWS:

12
13 (I) TO THE EXTENT THE ELIGIBLE SMALL EMPLOYER IS PAYING ALL
14 OR ANY PORTION OF A FEE OR CHARGE PASSED ON TO THE EMPLOYER BY AN
15 INSURER INTENDED TO RECOUP THE AMOUNT OF ANY ASSESSMENT TO BE
16 PAID BY THE INSURER FOR COVERCOLORADO PURSUANT TO SECTION
17 10-8-530 (1.5), C.R.S., THE AMOUNT OF THE CREDIT ALLOWED SHALL
18 INCLUDE THE AGGREGATE AMOUNT OF THE FEE OR CHARGE PAID BY THE
19 EMPLOYER DURING THE INCOME TAX YEAR.

20
21 (II) IN ADDITION TO THE CREDIT ALLOWED FOR PAYMENT OF ANY
22 FEE OR CHARGE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),
23 AS APPLICABLE, THE AMOUNT OF THE CREDIT SHALL ALSO INCLUDE AN
24 AMOUNT EQUAL TO TEN PERCENT OF THE EMPLOYER'S AGGREGATE
25 CONTRIBUTIONS TO THE HEALTH BENEFIT PLANS OF ITS ELIGIBLE
26 EMPLOYEES FOR THE INCOME TAX YEAR, ON A PER EMPLOYEE BASIS, UP TO
27 A LIMIT OF \$___ FOR EACH ELIGIBLE EMPLOYEE.

28
29 (b) FOR ANY GIVEN INCOME TAX YEAR IN WHICH THE CREDIT
30 AUTHORIZED BY THIS SECTION IS CLAIMED, THE CREDIT SHALL BE APPLIED
31 FIRST TO OFFSET THE ELIGIBLE SMALL EMPLOYER'S PAYMENT OF THE FEE
32 OR CHARGE DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS
33 SUBSECTION (3), AFTER ANY SUCH PAYMENT IS OFFSET IN ITS ENTIRETY IN
34 ACCORDANCE WITH THE REQUIREMENTS OF SAID SUBPARAGRAPH (I), THE
35 CREDIT SHALL BE APPLIED NEXT TO THE AGGREGATE CONTRIBUTIONS BY
36 THE ELIGIBLE SMALL EMPLOYER DESCRIBED IN SUBPARAGRAPH (II) OF
37 PARAGRAPH (a) OF THIS SUBSECTION (3).

38
39 (c) IN THE CASE OF A PARTNERSHIP, S CORPORATION, OR OTHER
40 SIMILAR PASS-THROUGH ENTITY THAT CLAIMS THE CREDIT ALLOWED BY
41 SUBSECTION (2) OF THIS SECTION, THE AMOUNT OF THE CREDIT ALLOWED
42 SHALL BE ALLOCATED TO THE ENTITY'S PARTNERS, MEMBERS, OR
43 SHAREHOLDERS IN PROPORTION TO THE PARTNERS', MEMBERS', OR
44 SHAREHOLDERS' DISTRIBUTIVE SHARES OF INCOME FROM SUCH ENTITY.
45 THE TOTAL AGGREGATE AMOUNT OF THE CREDIT ALLOCATED TO SUCH
46 PARTNERS, MEMBERS, AND SHAREHOLDERS SHALL NOT EXCEED THE
47 AMOUNT OF THE CREDIT ALLOWED IN ACCORDANCE WITH THE
48 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (3).

49
50 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

51
52 (a) NO PERSON SHALL BE ALLOWED TO CLAIM THE CREDIT
53 AUTHORIZED BY THIS SECTION FOR MORE THAN FIVE INCOME TAX YEARS.

54
55 (b) FOR ANY PARTICULAR TAXABLE YEAR IN WHICH THE CREDIT
56 AUTHORIZED BY THIS SECTION IS ALLOWED, NO PERSON SHALL BE

1 ALLOWED TO CLAIM THE CREDIT ALLOWED BY THIS SECTION WHO ALSO
2 CLAIMS ANY OTHER CREDIT OR DEDUCTION AUTHORIZED BY THIS ARTICLE
3 OR ARTICLE 30 OF THIS TITLE IN CONNECTION WITH:

4
5 (I) A FEE OR CHARGE PASSED ON TO THE EMPLOYER BY AN INSURER
6 INTENDED TO RECOUP THE AMOUNT OF ANY ASSESSMENT TO BE PAID BY
7 THE INSURER FOR COVERCOLORADO PURSUANT TO SECTION 10-8-530
8 (1.5), C.R.S.; OR

9
10 (II) THE EMPLOYER'S AGGREGATE CONTRIBUTIONS TO THE HEALTH
11 BENEFIT PLANS OF ITS ELIGIBLE EMPLOYEES FOR THE INCOME TAX YEAR.

12
13 (5) IF THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO THE
14 PROVISIONS OF THIS SECTION EXCEEDS THE AMOUNT OF INCOME TAXES
15 OTHERWISE DUE ON THE PERSON'S INCOME IN THE TAXABLE YEAR FOR
16 WHICH THE CREDIT IS BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT
17 USED AS AN OFFSET AGAINST INCOME TAXES IN THE INCOME TAX YEAR
18 SHALL NOT BE CARRIED FORWARD AND USED AS A CREDIT AGAINST
19 SUBSEQUENT YEARS' INCOME TAX LIABILITY.

20
21 (6) (a) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS
22 MAY BE NECESSARY TO ADMINISTER AND ENFORCE ANY PROVISION OF THIS
23 SECTION. THE RULES SHALL BE PROMULGATED IN ACCORDANCE WITH
24 ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE INCLUDED IN INCOME TAX
25 FORMS FOR THAT TAXABLE YEAR.

26
27 (b) THE DEPARTMENT OF REVENUE SHALL REQUIRE
28 DOCUMENTATION VERIFYING PAYMENT BY THE ELIGIBLE SMALL EMPLOYER
29 OF THE FEE OR CHARGE DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH
30 (a) OF SUBSECTION (3) OF THIS SECTION.

31
32 (7) IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE
33 CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE
34 CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR ANY
35 STATE FISCAL YEAR COMMENCING ON OR AFTER JANUARY 1, 2006, BUT
36 PRIOR TO JANUARY 1, 2011, EXCEEDS THE LIMITATION ON STATE FISCAL
37 YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE
38 STATE CONSTITUTION FOR THAT FISCAL YEAR BY LESS THAN FIVE HUNDRED
39 SIXTY-FIVE MILLION DOLLARS, AS ADJUSTED PURSUANT TO SUBSECTION (8)
40 OF THIS SECTION, THEN THE STATE INCOME TAX CREDIT AUTHORIZED BY
41 SUBSECTION (2) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE
42 INCOME TAX YEAR IN WHICH SAID STATE FISCAL YEAR ENDED.

43
44 (8) (a) NO LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR
45 COMMENCING ON OR AFTER JANUARY 1, 2006, THE EXECUTIVE DIRECTOR
46 SHALL ANNUALLY ADJUST THE DOLLAR AMOUNT SPECIFIED IN SUBSECTION
47 (7) OF THIS SECTION TO REFLECT THE RATE OF GROWTH OF COLORADO
48 PERSONAL INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING
49 THE CALENDAR YEAR IN WHICH SUCH ADJUSTMENT IS MADE. FOR
50 PURPOSES OF THIS PARAGRAPH (a), "THE RATE OF GROWTH OF COLORADO
51 PERSONAL INCOME" MEANS THE PERCENTAGE CHANGE BETWEEN THE MOST
52 RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR
53 COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF
54 ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE
55 FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR
56 IN WHICH THE ADJUSTMENT IS MADE AND THE MOST RECENT PUBLISHED

1 ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR COLORADO, AS
2 DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC
3 ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE FOR THE
4 CALENDAR YEAR PRIOR TO THE CALENDAR YEAR IMMEDIATELY PRECEDING
5 THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE.

6
7 (b) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR
8 AMOUNT IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (8),
9 THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE EXECUTIVE
10 COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION
11 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS
12 FOR THE ADJUSTMENT. THE WRITTEN NOTIFICATION SHALL BE GIVEN
13 WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED,
14 BUT THE WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN
15 OCTOBER 1 OF THE CALENDAR YEAR.

16
17 (c) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE
18 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE SUCH
19 ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER
20 RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.
21 ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE
22 EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE
23 AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS
24 THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT,
25 SUCH AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE
26 COMMITTEE DOES NOT APPROVE OR DISAPPROVE THE ADJUSTMENT AFTER
27 THE CONCLUSION OF THE HEARING. ANY HEARING CONDUCTED BY THE
28 EXECUTIVE COMMITTEE PURSUANT TO THIS PARAGRAPH (c) SHALL BE
29 CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH
30 WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

31
32 (d) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
33 DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY
34 THE EXECUTIVE DIRECTOR PURSUANT TO THIS SUBSECTION (8), THE
35 EXECUTIVE COMMITTEE SHALL SPECIFY SUCH ADJUSTED DOLLAR AMOUNT
36 TO BE UTILIZED BY THE EXECUTIVE DIRECTOR. ANY ADJUSTED DOLLAR
37 AMOUNT SPECIFIED BY THE EXECUTIVE COMMITTEE PURSUANT TO THIS
38 PARAGRAPH (d) SHALL BE CALCULATED IN ACCORDANCE WITH THE
39 PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (8).

40
41 (e) FOR THE PURPOSE OF DETERMINING WHETHER THE STATE
42 INCOME TAX CREDIT AUTHORIZED BY THIS SECTION IS TO BE ALLOWED IN
43 ANY GIVEN TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT UTILIZE ANY
44 ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED PURSUANT TO
45 PARAGRAPH (c) OF THIS SUBSECTION (8) OR OTHERWISE SPECIFIED
46 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (8).

47
48 (9) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE
49 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY
50 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2004, THAT SEEK
51 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY
52 PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE STATE
53 FISCAL YEAR ENDING DURING SAID CALENDAR YEAR, THE EXECUTIVE
54 DIRECTOR SHALL NOT DETERMINE WHETHER THE CREDIT AUTHORIZED BY
55 SUBSECTION (2) OF THIS SECTION SHALL BE ALLOWED AND SHALL NOT
56 PROMULGATE RULES CONTAINING THE CREDIT UNTIL THE IMPACT OF THE

1 RESULTS OF THE ELECTION ON THE AMOUNT OF THE EXCESS STATE
2 REVENUES TO BE REFUNDED IS ASCERTAINED.

3
4 (10) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
5 CREATING AN INCOME TAX CREDIT FOR ELIGIBLE SMALL BUSINESSES TO
6 OFFSET THE COSTS PAID BY SUCH BUSINESSES FOR ANY FEE OR CHARGE
7 PAID BY THEM FOR COVERCOLORADO, OR TO OFFSET THE EMPLOYER'S
8 AGGREGATE CONTRIBUTIONS TO THE HEALTH BENEFIT PLANS OF ITS
9 ELIGIBLE EMPLOYEES, IS A REASONABLE METHOD OF REFUNDING A
10 PORTION OF THE EXCESS STATE REVENUES REQUIRED TO BE REFUNDED IN
11 ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF THE STATE
12 CONSTITUTION.

13
14 (11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

15
16 **SECTION 2. Effective date.** This act shall take effect at 12:01
17 a.m. on the day following the expiration of the ninety-day period after
18 final adjournment of the general assembly that is allowed for submitting
19 a referendum petition pursuant to article V, section 1 (3) of the state
20 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
21 except that, if a referendum petition is filed against this act or an item,
22 section, or part of this act within such period, then the act, item, section,
23 or part, if approved by the people, shall take effect on the date of the
24 official declaration of the vote thereon by proclamation of the governor."

25
26
27
28 **HB04-1066** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31
32 Amend the State, Veterans, and Military Affairs Committee Report, dated
33 January 27, 2004, page 3, line 3, after "WITHIN", insert "OR EXCLUDED
34 FROM";

35
36 line 5, after "COSTS", insert "UP TO THE AMOUNT OF SEVENTEEN
37 THOUSAND FIVE HUNDRED DOLLARS".

38
39
40
41 **HB04-1131** be amended as follows, and as so amended, be referred to
42 the Committee on Appropriations with favorable
43 recommendation:

44
45 Amend printed bill, page 6, strike lines 4 and 5 and substitute the
46 following:

47
48 "CREDITED TO THE GENERAL FUND OR TO ANY OTHER FUND."

49
50
51
52 **HB04-1132** be postponed indefinitely.

53
54
55 **HB04-1135** be referred favorably to the Committee on Appropriations.
56

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

5 Amend the Information and Technology Committee Report, dated
6 February 2, 2004, page 2, line 11, strike "(a)," and substitute "(a), (3) (b),
7 and (5),";
8

9 line 12, strike "is" and substitute "are";
10

11 after line 17, insert the following:
12

13 "(3) (b) The clerk of the court shall apply the amounts toward the
14 outstanding restitution balance owed in the criminal OR JUVENILE case.
15 The clerk shall distribute the remainder, if any, to the person against
16 whom the restitution order was entered. The court shall notify the crime
17 victim or victims of actions taken under this paragraph (b).
18

19 (5) If a lottery winner owes restitution in a criminal OR JUVENILE
20 case and also owes a child support debt or arrearages as described in
21 section 26-13-118 (1), C.R.S., the lottery winnings offset described in
22 sections 24-35-212 (5) and 26-13-118, C.R.S., shall take priority and be
23 applied first. Any remaining lottery winnings shall be disbursed and
24 distributed in accordance with this section."
25

26 Page 4, line 10, strike "TAXES" and substitute "TAXES, PENALTIES, OR
27 INTEREST";
28

29 line 11, strike "TITLE," and substitute "TITLE THAT ARE DELINQUENT AND
30 ARE IN DISTRAINT,";
31

32 line 22, strike "TAXES" and substitute "TAXES, PENALTIES, OR INTEREST"
33 and strike "TITLE." and substitute "TITLE THAT ARE DELINQUENT AND ARE
34 IN DISTRAINT.";
35

36 line 26, strike "TAX," and substitute "DELINQUENT TAXES, PENALTIES, OR
37 INTEREST,".
38

39 Page 5, line 14, strike "CURRENT STATE TAX LIABILITY" and substitute
40 "DELINQUENT STATE TAXES, PENALTIES, OR INTEREST LIABILITY";
41

42 line 20, before "TAX", insert "DELINQUENT STATE".
43

44 Page 6, line 34, strike "STATE TAXES" and substitute "DELINQUENT STATE
45 TAXES, PENALTIES, OR INTEREST".
46

47 Page 7, line 7, strike "STATE TAXES," and substitute "DELINQUENT STATE
48 TAXES, PENALTIES, OR INTEREST,";
49

50 line 13, strike "TAXES" and substitute "TAXES, PENALTIES, OR INTEREST";
51

52 line 16, strike "STATE TAXES," and substitute "DELINQUENT STATE TAXES,
53 PENALTIES, OR INTEREST,";
54

55 line 21, strike "TAXES" and substitute "TAXES, PENALTIES, OR INTEREST".
56

1 Page 8, line 1, strike "STATE TAXES" and substitute "DELINQUENT STATE
2 TAXES, PENALTIES, OR INTEREST";
3
4 line 21, strike "STATE TAXES THAT ARE DUE." and substitute "DELINQUENT
5 STATE TAXES, PENALTIES, OR INTEREST."
6
7 line 22, after "OF", insert "DELINQUENT";
8
9 line 23, strike "TAXES DUE," and substitute "TAXES, PENALTIES, OR
10 INTEREST,";
11
12 line 27, strike "STATE TAXES" and substitute "DELINQUENT STATE TAXES,
13 PENALTIES, OR INTEREST".
14
15
16

17 **HB04-1187** be referred to the Committee of the Whole with favorable
18 recommendation.
19
20

21 **HB04-1190** be referred favorably to the Committee on Appropriations.
22
23

24 **HB04-1193** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:
27

28 Amend the Business Affairs and Labor Committee Report, dated January
29 29, 2004, page 4, line 9, strike "on.;" and substitute "on.";
30
31 strike lines 10 through 19.
32
33
34

35 **HB04-1257** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:
38

39 Amend printed bill, page 16, line 3, strike "(11)." and substitute "(11) (a),
40 (11) (c), (11) (d), (11) (e), AND (11) (f).".
41

42 Page 18, strike lines 9 through 11.
43

44 Reletter succeeding paragraphs accordingly.
45

46 Page 19, line 15, strike "(11)." and substitute "(11) (a), (11) (c), (11) (d),
47 (11) (e), AND (11) (f).".
48
49
50

51 **SB04-106** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55 Amend reengrossed bill, page 16, line 8, strike "C.R.S." and substitute
56 "C.R.S., UNLESS THE AUTHORITY WAIVES THIS REQUIREMENT.".

1 Page 18, line 17, strike "MONEY" and substitute "INSTITUTIONAL
2 INVESTMENT, FUND MANAGEMENT,";

3

4 strike line 18;

5

6 line 19, after "BANKING.", insert "A BOARD MEMBER SHALL NOT HAVE A
7 BUSINESS RELATIONSHIP WITH A CURRENT OR PROPOSED FUND MANAGER
8 IN THE PREVIOUS THREE YEARS OR FOR AT LEAST THREE YEARS AFTER AN
9 ALLOCATION OF CERTIFIED CAPITAL.".

10

11 Page 23, line 10, strike "CAPITAL;" and substitute "CAPITAL PRIOR TO THE
12 DISTRIBUTION OF ANY REMAINING PROCEEDS;"

13

14 line 27, after the period, add "WHEN SELECTING A FUND MANAGER, THE
15 AUTHORITY SHALL PLACE A SIGNIFICANT EMPHASIS ON:

16

17 (a) THE TOTAL AMOUNT OF VENTURE CAPITAL MANAGED BY THE
18 APPLICANT IN COLORADO AND ELSEWHERE;

19

20 (b) THE APPLICANT'S HISTORICAL RETURN ON INVESTMENT, WITH
21 AN EMPHASIS ON RETURNS FROM SEED AND EARLY STAGE INVESTMENTS;

22

23 (c) THE PERCENTAGE OF PROCEEDS TO BE RETAINED BY THE
24 APPLICANT IN COMPARISON WITH THE PERCENTAGE OF PROCEEDS TO BE
25 DISTRIBUTED TO THE ENTERPRISE FUND.".

26

27 Page 27, line 7, strike "MANAGER." and substitute "MANAGER PRIOR TO
28 MAKING DISTRIBUTIONS PURSUANT TO SUBPARAGRAPH (II) OF THIS
29 PARAGRAPH (b).".

30

31

32

33

34 **JUDICIARY**

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

37

38 **HB04-1159** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

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

44

45 "SECTION 1. 13-71-104 (1) and (3), Colorado Revised Statutes,
46 are amended to read:

47

48 **13-71-104. Eligibility for juror service - prohibition of**
49 **discrimination.** (1) Juror service is a duty that every qualified person
50 ~~shall~~ HAS AN OBLIGATION TO perform when selected.

51

52 (3) (a) No person shall be exempted or excluded from serving as
53 a trial or grand juror because of race, color, religion, sex, national origin,
54 economic status, or occupation.

55

56 (b) A person with a disability shall serve except:

1 (I) AS OTHERWISE PROVIDED IN SECTION 13-71-105 OR
2 13-71-119.5; OR
3

4 (II) Where the court finds that such person's disability prevents
5 the person from performing the duties and responsibilities of a juror.
6

7 (c) Before dismissing a person with a disability ~~on the basis of~~
8 ~~that person's disability~~ PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION
9 (3), the court shall interview the person to determine the reasonable
10 accommodations, if any, consistent with federal and state law, that the
11 court shall MAY make available to permit the person to perform the duties
12 of a juror.
13

14 **SECTION 2.** 13-71-105 (2) (f), Colorado Revised Statutes, is
15 amended to read:
16

17 **13-71-105. Qualifications for juror service.** (2) A prospective
18 trial or grand juror shall be disqualified, based on the following grounds:
19

20 (f) ~~SELECTION AND service for five days or more as a~~ AN
21 IMPANELED trial or grand juror in any municipal, tribal, military, state, or
22 federal court within the preceding twelve months or being scheduled for
23 juror service within the next twelve months. Any person claiming this
24 disqualification must submit a letter or certificate from the appropriate
25 authority verifying prior or pending juror service.
26

27 **SECTION 3.** 13-71-111, Colorado Revised Statutes, is amended
28 to read:
29

30 **13-71-111. Contents of juror summons.** The juror summons
31 shall state: Whether the anticipated service is that of a trial or grand
32 juror; the beginning date of the juror service; the name, address, hour, and
33 room number, if any, of the courthouse or office to which the juror shall
34 report on the first day of service; the fact that a knowing failure to obey
35 the summons without justifiable excuse is A VIOLATION OF SECTION
36 18-8-612, C.R.S., AND a class 3 misdemeanor punishable as provided in
37 section 18-1.3-501, C.R.S.; and such other information and instructions
38 as are deemed appropriate by the state court administrator or the jury
39 commissioner. Every prospective juror shall also receive, with the
40 summons, notice of the qualifications for juror service.
41

42 **SECTION 4.** Part 1 of article 71 of title 13, Colorado Revised
43 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
44 SECTIONS to read:
45

46 **13-71-116.5. Postponement related to co-employee jury service.**
47 UPON NOTICE BY AN EMPLOYEE, A JURY COMMISSIONER SHALL POSTPONE
48 AND RESCHEDULE THE SERVICE OF A SUMMONED JUROR WHO IS
49 REGULARLY EMPLOYED BY AN EMPLOYER WITH FIVE OR FEWER FULL-TIME
50 EMPLOYEES OR THEIR EQUIVALENT IF, DURING THE SAME PERIOD, ANOTHER
51 EMPLOYEE OF THE EMPLOYER HAS BEEN SUMMONED FOR JURY SERVICE.
52 A POSTPONEMENT ISSUED PURSUANT TO THIS SECTION SHALL NOT AFFECT
53 A PERSON'S RIGHT TO A POSTPONEMENT OF JURY SERVICE PURSUANT TO
54 SECTION 13-71-116.
55

56 **13-71-119.5. Persons entitled to be excused from jury service.**

1 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS THE POLICY
2 OF THIS STATE THAT ALL QUALIFIED CITIZENS HAVE AN OBLIGATION TO
3 SERVE ON JURIES WHEN SUMMONED BY THE COURTS OF THIS STATE UNLESS
4 EXCUSED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.
5

6 (2) (a) (I) A PERSON SHALL BE EXCUSED TEMPORARILY FROM
7 SERVICE AS A JUROR IF HIS OR HER JURY SERVICE WOULD CAUSE UNDUE OR
8 EXTREME PHYSICAL HARDSHIP TO HIM OR HER OR TO ANOTHER PERSON
9 UNDER HIS OR HER DIRECT CARE OR SUPERVISION.
10

11 (II) THE PROVISIONS OF THIS SUBSECTION (2) SHALL APPLY
12 NOTWITHSTANDING THE FACT THAT THE PERSON DOES NOT HAVE SOLE
13 RESPONSIBILITY FOR THE CARE OF ANOTHER PERSON AS DESCRIBED IN
14 SECTION 13-71-105 (2) (d).
15

16 (b) A JUDGE OR JURY COMMISSIONER OF THE COURT FOR WHICH A
17 PERSON WAS SUMMONED FOR JURY SERVICE SHALL DETERMINE WHETHER
18 JURY SERVICE WOULD CAUSE THE PROSPECTIVE JUROR OR ANOTHER
19 PERSON UNDER HIS OR HER DIRECT CARE UNDUE OR EXTREME PHYSICAL
20 HARDSHIP.
21

22 (c) A PERSON WHO REQUESTS TO BE EXCUSED UNDER THIS
23 SUBSECTION (2) SHALL TAKE ALL ACTIONS NECESSARY TO OBTAIN A
24 DETERMINATION ON THE REQUEST BEFORE THE DATE ON WHICH THE
25 PERSON IS SCHEDULED TO APPEAR FOR JURY DUTY.
26

27 (d) FOR PURPOSES OF THIS SUBSECTION (2), UNDUE OR EXTREME
28 PHYSICAL HARDSHIP SHALL BE LIMITED TO CIRCUMSTANCES IN WHICH A
29 PERSON:
30

31 (I) WOULD BE REQUIRED TO ABANDON A PERSON UNDER HIS OR
32 HER DIRECT CARE OR SUPERVISION BECAUSE OF THE INABILITY TO OBTAIN
33 AN APPROPRIATE SUBSTITUTE CARE PROVIDER DURING THE PERIOD OF JURY
34 SERVICE; OR
35

36 (II) WOULD SUFFER PHYSICAL HARDSHIP POSSIBLY RESULTING IN
37 ILLNESS OR DISEASE.
38

39 (e) A PERSON WHO REQUESTS TO BE EXCUSED UNDER THE
40 PROVISIONS OF THIS SUBSECTION (2) MAY PROVIDE THE JUDGE OR JURY
41 COMMISSIONER DOCUMENTATION THAT SUPPORTS THE REQUEST TO BE
42 EXCUSED, INCLUDING BUT NOT LIMITED TO MEDICAL STATEMENTS FROM
43 LICENSED PHYSICIANS, PROOF OF DEPENDENCY OR GUARDIANSHIP, OR
44 OTHER SIMILAR DOCUMENTS. THE JUDGE OR JURY COMMISSIONER MAY
45 EXCUSE A PERSON IF THE DOCUMENTATION CLEARLY SUPPORTS THE
46 REQUEST TO BE EXCUSED. THE DOCUMENTS COMPRISING THE
47 DOCUMENTATION DESCRIBED IN THIS SUBSECTION (4) SHALL NOT BE
48 DEEMED PUBLIC RECORDS AND SHALL NOT BE DISCLOSED TO THE PUBLIC.
49

50 (3) A PERSON WHO IS TEMPORARILY EXCUSED PURSUANT TO THIS
51 SECTION SHALL BECOME ELIGIBLE FOR QUALIFICATION AS A JUROR WHEN
52 THE TEMPORARY EXCUSE EXPIRES, AS DETERMINED BY THE COURT. A
53 PERSON MAY BE PERMANENTLY EXCUSED ONLY IF THE JUDGE OR JURY
54 COMMISSIONER DETERMINES THAT THE GROUNDS FOR BEING EXCUSED
55 FROM JURY SERVICE ARE PERMANENT IN NATURE.
56

1 (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
2 IMPANELED JURORS OR TO DELIBERATING JURORS DESCRIBED IN SECTION
3 13-71-119.

4
5 **SECTION 5.** 13-71-115, Colorado Revised Statutes, is amended
6 BY THE ADDITION A NEW SUBSECTION to read:

7
8 **13-71-115. Juror questionnaires.** (3) IF A PERSON'S ANSWERS TO
9 A QUESTIONNAIRE INDICATE THAT THE PERSON IS DISQUALIFIED OR
10 DISABLED FROM PERFORMING JURY SERVICE PURSUANT TO SECTION
11 13-71-104 (3), 13-71-105, OR 13-71-119.5, OR, IN THE OPINION OF THE
12 COURT, STATE GROUNDS SUFFICIENT TO BE EXCUSED FROM JURY SERVICE
13 PURSUANT TO SECTION 13-71-119.5, THE PERSON'S NAME SHALL NOT BE
14 INCLUDED IN THE JUROR POOL AND THE COURT SHALL NOTIFY THE PERSON
15 THAT HE OR SHE IS EXCUSED FROM JURY SERVICE.

16
17 **SECTION 6.** 13-71-119, Colorado Revised Statutes, is amended
18 to read:

19
20 **13-71-119. Deferments and excuses - limitations.** (1) It shall be
21 the policy of this article that every trial juror shall be prepared to serve
22 three trial days except ~~upon a finding of extreme hardship~~ AS OTHERWISE
23 PROVIDED IN THIS SECTION OR IN SECTION 13-71-104, 13-71-105, OR
24 13-71-119.5.

25
26 (2) The court or the jury commissioner may defer or advance the
27 term of service of the trial or grand juror ~~upon a finding of hardship or~~
28 ~~inconvenience~~ AS PROVIDED IN SECTION 13-71-104, 13-71-105, OR
29 13-71-119.5. The court may excuse a juror from grand juror service upon
30 a finding of hardship or inconvenience, taking into consideration the
31 length of grand juror service. The court may excuse a juror from trial
32 juror service upon a finding of extreme hardship. The court may dismiss
33 a trial or grand juror at any time in the best interest of justice.

34
35 (3) The court, after a hearing, may excuse and discharge an
36 impaneled juror prior to jury deliberation upon a finding of extreme
37 hardship, and such discharge shall not be grounds for objection or a
38 mistrial as long as the statutorily or constitutionally required number of
39 jurors remain able to proceed with the trial and deliberation. The court,
40 after a hearing, may excuse and discharge a juror participating in jury
41 deliberation only upon a finding of an emergency or for any other
42 compelling reason. If the statutorily or constitutionally required number
43 of jurors does not remain to hear evidence or to participate in jury
44 deliberation after the discharge of a juror, the trial may continue with the
45 lesser number of jurors only upon agreement of all parties on the record.
46 The court may discharge an impaneled juror who has not appeared for
47 juror service upon a finding that there is a strong likelihood that an
48 unreasonable delay in the trial would occur if the court were to await the
49 appearance of the juror. The court may exercise any authority granted in
50 this section at any time before or during a juror's term of service.

51
52 **SECTION 7. Effective date - applicability.** (1) This act shall
53 take effect at 12:01 a.m. on the day following the expiration of the
54 ninety-day period after final adjournment of the general assembly that is
55 allowed for submitting a referendum petition pursuant to article V,
56 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine

1 die is on May 5, 2004); except that, if a referendum petition is filed
2 against this act or an item, section, or part of this act within such period,
3 then the act, item, section, or part, if approved by the people, shall take
4 effect on the date of the official declaration of the vote thereon by
5 proclamation of the governor.

6
7 (2) The provisions of this act shall apply to persons summoned to
8 appear for jury service on or after the applicable effective date of this
9 act."

10
11
12
13 **HB04-1189** be amended as follows, and as so amended, be referred to
14 the Committee on Appropriations with favorable
15 recommendation:

16
17 Amend printed bill, page 2, strike lines 2 through 23.

18
19 Page 3, strike lines 1 through 19.

20
21 Renumber succeeding sections accordingly.

22
23 Page 3, line 27, strike "assault AS THEY EXISTED PRIOR TO JULY 1, 2000,
24 SEXUAL ASSAULT," and substitute "assault,".

25
26 Page 4, line 2, strike "JULY 1, 1987," and substitute "JUNE 7, 1990,";

27
28 line 14, strike "SEXUAL ASSAULT,";

29
30 line 25, strike "JULY 1, 1987," and substitute "JUNE 7, 1990,".

31
32 Page 5, line 12, strike "(2)" and substitute "(2.5)";

33
34 line 18, strike "MAY PLACE SUCH";

35
36 strike lines 19 through 21 and substitute the following:

37
38 "SHALL PLACE THE PERSON";

39
40 line 23, strike "(2)" and substitute "(2.5)".

41
42
43
44 **HB04-1218** be referred to the Committee of the Whole with favorable
45 recommendation.

46
47
48 **HB04-1280** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51
52 Amend printed bill, strike everything below the enacting clause and
53 substitute the following:

54
55 "SECTION 1. 15-10-106.5, Colorado Revised Statutes, is
56 amended to read:

1 **15-10-106.5. Petition to determine cause and date of death**
2 **resulting from disaster - body unidentifiable or missing.** (1) ~~When~~ If
3 the occurrence of a disaster has been declared by proclamation of the
4 governor under section 24-32-2104, C.R.S., and it appears that a person
5 has died as a direct result, ~~thereof~~, but ~~his~~ THE remains have ~~disappeared~~
6 NOT BEEN LOCATED or are unidentifiable, the coroner, sheriff, or district
7 attorney for the county in which ANY PART OF such disaster ~~or any part~~
8 ~~thereof has occurred, or the spouse, next of kin, heir at law, devisee, or~~
9 ~~personal representative named in a will, or a creditor or debtor of such~~
10 ~~person~~ OR PUBLIC ADMINISTRATOR FOR SUCH COUNTY, OR, THIRTY DAYS
11 AFTER THE DISASTER WAS DECLARED, ANY OTHER PERSON, may ~~file in~~
12 APPLY TO the ~~district court~~ THE CORONER of such county ~~or the probate~~
13 ~~court, if occurring in the city and county of Denver, a petition asking that~~
14 the ~~court~~ CORONER determine the cause, MANNER, and date of death of
15 ~~such person~~ THE ALLEGED DECEDENT.

16
17 (2) (a) Such ~~petition~~ APPLICATION shall ~~set forth~~ CONTAIN the facts
18 and circumstances concerning the disaster, the reasons for the belief that
19 the ~~person~~ THE ALLEGED DECEDENT perished, ~~therein~~, A STATEMENT that
20 ~~such person is~~ THE ALLEGED DECEDENT'S REMAINS HAVE NOT BEEN
21 LOCATED OR ARE unidentifiable, ~~or has disappeared~~, and the names and
22 addresses of all persons known or believed to be heirs at law of ~~such~~
23 ~~person~~ THE ALLEGED DECEDENT.

24
25 (b) ~~Upon the filing of the petition, the court shall fix the time and~~
26 ~~place for hearing, and the petitioner shall cause notice thereof to be given~~
27 ~~pursuant to section 15-10-401.~~ THE APPLICATION SHALL CONTAIN AN
28 AFFIDAVIT IN WHICH THE APPLICANT STATES THE FOLLOWING
29 INFORMATION TO THE EXTENT OF THE APPLICANT'S PERSONAL
30 KNOWLEDGE, INFORMATION, AND BELIEF:

31
32 (I) THE FULL NAME OF THE ALLEGED DECEDENT;

33
34 (II) THE ALLEGED DECEDENT'S RESIDENTIAL ADDRESS, INCLUDING
35 CITY, COUNTY, AND ZIP CODE;

36
37 (III) THE ALLEGED DECEDENT'S DATE AND PLACE OF BIRTH;

38
39 (IV) THE ALLEGED DECEDENT'S SEX, RACE, ETHNICITY, AND SOCIAL
40 SECURITY NUMBER;

41
42 (V) THE FULL NAMES OF THE ALLEGED DECEDENT'S PARENTS AND
43 THE MOTHER'S MAIDEN NAME;

44
45 (VI) THE APPLICANT'S NAME, ADDRESS, TELEPHONE NUMBER, AND
46 RELATIONSHIP TO THE ALLEGED DECEDENT;

47
48 (VII) THE IDENTIFICATION NUMBER OF ANY MISSING PERSON
49 REPORT FILED CONCERNING THE ALLEGED DECEDENT;

50
51 (VIII) THE DATE AND TIME OF THE APPLICANT'S LAST CONTACT
52 WITH THE ALLEGED DECEDENT AND A DESCRIPTION OF THAT CONTACT;

53
54 (IX) THE BASIS FOR THE BELIEF THAT THE ALLEGED DECEDENT WAS
55 PHYSICALLY PRESENT AT THE TIME AND PLACE OF AN OCCURRENCE
56 DECLARED UNDER SECTION 24-32-2104, C.R.S.;

1 (X) A DESCRIPTION OF THE EFFORTS UNDERTAKEN BY THE
2 APPLICANT, AND EFFORTS THE APPLICANT KNOWS OTHERS TO HAVE
3 UNDERTAKEN, TO LOCATE OR IDENTIFY THE ALLEGED DECEDENT;
4

5 (XI) WHETHER THE ALLEGED DECEDENT SERVED IN THE ARMED
6 FORCES OF THE UNITED STATES AND, IF SO, THE BRANCH AND DATES OF
7 SERVICE;
8

9 (XII) IF THE ALLEGED DECEDENT WAS EMPLOYED, THE NAME OF
10 THE ALLEGED DECEDENT'S EMPLOYER AND THE EMPLOYER'S ADDRESS AND
11 TELEPHONE NUMBER; AND
12

13 (XIII) THE ALLEGED DECEDENT'S MARITAL STATUS, THE NAME OF
14 SPOUSE, AND WIFE'S MAIDEN NAME, IF APPLICABLE.
15

16 (c) ~~At the hearing upon the petition, the court upon its own~~
17 ~~motion may, and upon motion of any interested party shall, impanel a~~
18 ~~jury as provided by section 15-10-306.~~ THE APPLICANT SHALL PAY AN
19 APPLICATION FEE OF TWENTY-FIVE DOLLARS WHEN FILING THE
20 APPLICATION.
21

22 (d) THE CORONER SHALL ASSIGN AN APPLICATION NUMBER TO THE
23 APPLICATION.
24

25 (3) ~~If the jury, or the court if there is no jury, CORONER finds from~~
26 ~~sufficient evidence that a disaster occurred in which such person AND~~
27 ~~THAT THE ALLEGED DECEDENT named in the petition was killed or~~
28 ~~APPLICATION may be presumed to have met death DIED, then the court~~
29 ~~CORONER shall enter an order which shall find the site of the disaster, the~~
30 ~~date, and, if possible, the time thereof and that such person met death in~~
31 ~~such disaster~~ ISSUE A CERTIFICATE OF DEATH UNDER THIS SECTION.
32

33 (4) A certified copy of ~~such~~ AN order ISSUED PURSUANT TO
34 SUBSECTION (7) OF THIS SECTION shall be sufficient when presented to the
35 coroner or other person acting in ~~his stead~~ PLACE OF THE CORONER for the
36 issuance of a certificate of death under this section.
37

38 (5) ~~No petition~~ AN APPLICATION for the finding of death as
39 ~~provided in~~ UNDER this section shall NOT be filed ~~within one year nor~~
40 ~~later than three~~ FIVE years following ~~the occurrence of~~ THE INITIAL
41 PROCLAMATION OF the disaster.
42

43 (6) ~~The provisions of~~ This section shall be applicable APPLY only
44 under the circumstances specified in subsection (1) of this section. In all
45 other cases and ~~in cases brought under this section in which the court~~ IF
46 THE CORONER finds the evidence insufficient to support the requested
47 ~~order~~ ISSUANCE OF A DEATH CERTIFICATION, the provisions of section
48 15-10-107 with respect to determination of death and status ~~are~~
49 applicable APPLY.
50

51 (7) IF THE CORONER DENIES OR FAILS TO ACT WITHIN THIRTY DAYS
52 ON AN APPLICATION THAT COMPLIES WITH SUBSECTION (2) OF THIS
53 SECTION, THE APPLICANT MAY FILE A PETITION, IN THE DISTRICT COURT
54 FOR THE COUNTY IN WHICH ANY PART OF THE DISASTER OCCURRED OR IN
55 THE DENVER PROBATE COURT IF ANY PART OF THE DISASTER OCCURRED IN
56 THE CITY AND COUNTY OF DENVER, FOR AN EXPEDITED DETERMINATION

1 OF DEATH IN ACCORDANCE WITH THIS SECTION. IF THE COURT DETERMINES
2 THE ALLEGED DECEDENT DIED, A CERTIFIED COPY OF THE COURT'S ORDER
3 SHALL CONSTITUTE SUFFICIENT EVIDENCE FOR THE CORONER UNDER
4 SUBSECTION (4) OF THIS SECTION.

5
6 **SECTION 2.** The introductory portion to 15-10-107 (1) and
7 15-10-107 (1) (e), Colorado Revised Statutes, is amended to read:

8
9 **15-10-107. Evidence of death or status.** (1) In addition to the
10 rules of evidence in courts of general jurisdiction, the following rules
11 relating to a COURT determination of death and status apply:

12
13 (e) An individual whose death is not established under paragraphs
14 (a) to (d) of this subsection (1) OR UNDER SECTION 15-10-106.5 who is
15 absent for a continuous period of five years, during which he or she has
16 not been heard from, and whose absence is not satisfactorily explained
17 after diligent search or inquiry, is presumed to be dead. His or her death
18 is presumed to have occurred at the end of the period unless there is
19 sufficient evidence, ~~for determining~~ INCLUDING, WITHOUT LIMITATION, A
20 DETERMINATION UNDER SECTION 15-10-106.5 that death occurred earlier.

21
22 **SECTION 3.** 30-10-606 (4), Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24
25 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**
26 **certificate of death.** (4) (c) A CERTIFICATE OF DEATH OR AFFIDAVIT OF
27 PRESUMED DEATH, INCLUDING ANY RELATED DOCUMENTS AND
28 STATEMENTS OF FACT, SHALL BE RETAINED IN THE APPLICABLE COUNTY
29 CORONER'S OFFICE LOCATED AT THE COUNTY SEAT OF THE COUNTY OR IN
30 AN OFFICE PROVIDED BY THE COUNTY.

31
32 **SECTION 4. Effective date - applicability.** (1) This act shall
33 take effect at 12:01 a.m. on the day following the expiration of the
34 ninety-day period after final adjournment of the general assembly that is
35 allowed for submitting a referendum petition pursuant to article V,
36 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine
37 die is on May 5, 2004); except that, if a referendum petition is filed
38 against this act or an item, section, or part of this act within such period,
39 then the act, item, section, or part, if approved by the people, shall take
40 effect on the date of the official declaration of the vote thereon by
41 proclamation of the governor.

42
43 (2) The provisions of this act shall apply to applications and
44 certificates of death filed on or after the applicable effective date of this
45 act."

46
47
48
49
50 **STATE, VETERANS, & MILITARY AFFAIRS**

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

53
54 **HB04-1247** be postponed indefinitely.

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB04-1173** 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, page 3, line 15, strike "B" and substitute "A";
10
11 line 27, strike "42-4-238, THAT RESULTS IN A MOTOR" and substitute
12 "42-4-238 1".
13

14 Page 4, strike line 1;

15
16 strike lines 3 and 4 and substitute the following:
17 "Statutes, is amended to read:".

18
19 Page 6, strike lines 12 through 16.
20

21
22
23 **HB04-1225** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26
27 Amend printed bill, page 4, line 18, strike "JANUARY" and substitute
28 "SEPTEMBER".
29

30 Page 5, after line 3 insert the following:

31
32 "(2) THE CHARGES COLLECTED PURSUANT TO SUBSECTION (1) OF
33 THIS SECTION SHALL NOT BE SUBJECT TO SALES TAX OR FRANCHISE FEES."
34

35 Renumber succeeding subsections accordingly.

36
37 Page 5, line 9, strike "(2)" and substitute "(3)";

38
39 line 15, after "RULE.", add "THE REIMBURSED AMOUNTS SHALL BE MADE
40 TO THE UTILITIES BEFORE THE FUNDS ARE DISTRIBUTED TO THE
41 ORGANIZATION."
42

43 (5) IF A UTILITY THAT IS SUBJECT TO THE COMMISSION'S
44 JURISDICTION HAS A QUALITY OF SERVICE PLAN APPROVED BY THE
45 COMMISSION, THE COMMISSION SHALL EXCLUDE ANY IMPACTS STEMMING
46 FROM THE IMPLEMENTATION OF THE ENERGY ASSISTANCE PROGRAM FROM
47 THE CALCULATION OF RELEVANT QUALITY OF SERVICE PLAN
48 MEASUREMENTS. THE IMPACTS MAY INCLUDE, BUT SHALL NOT BE LIMITED
49 TO, DELAYS IN ANSWERING CUSTOMER TELEPHONE CALLS AND AN
50 INCREASE IN CUSTOMER COMPLAINTS.";

51
52 line 23, strike "TO THE ORGANIZATION";

53
54 line 25, after "ARTICLE.", insert "THE MUNICIPALLY OWNED UTILITY OR
55 COOPERATIVE SHALL SUBMIT A STATEMENT TO THE ORGANIZATION THAT
56 STATES SUCH UTILITY OR COOPERATIVE HAS AN ALTERNATIVE ENERGY

1 ASSISTANCE PROGRAM.".

2

3 Page 9, line 6, strike "JANUARY" and substitute "SEPTEMBER";

4

5 line 14, after "CUSTOMER.", insert "CHARGES COLLECTED PRIOR TO THE
6 DATE THE CUSTOMER OPTS OUT OF THE PROGRAM SHALL NOT BE
7 REFUNDED.";

8

9 line 20, strike "'LOW-INCOME ENERGY" and substitute "'OPTIONAL
10 LOW-INCOME CHARGE, AS PROVIDED BY SECTION 40-8.7-104, C.R.S.'";

11

12 line 21, strike "ASSISTANCE CHARGE".

13

14 Page 11, line 16, strike "PROPANE" and substitute "PROPANE, GAS, OR
15 ELECTRIC";

16

17 line 17, strike "PROPANE COMPANIES DO NOT PAY";

18

19 line 18, strike "THE ENERGY ASSISTANCE CHARGE." and substitute
20 "PROPANE, GAS, ELECTRIC, OR GAS AND ELECTRIC COMPANIES DO NOT
21 PARTICIPATE IN THE ORGANIZATION'S PROGRAM.".

22

23 Page 12, line 5, strike "MEET THE CRITERIA FOR" and substitute "IS A
24 RECIPIENT OF";

25

26 line 7, strike "MEET THE CRITERIA FOR" and substitute "IS A RECIPIENT OF";

27

28 line 9, strike "MEET THE CRITERIA FOR" and substitute "IS A RECIPIENT OF";

29

30 line 11, strike "MEET THE CRITERIA FOR" and substitute "IS A RECIPIENT
31 OF".

32

33 Page 13, line 8, strike "JANUARY" and substitute "SEPTEMBER";

34

35 line 9, strike "JANUARY" and substitute "SEPTEMBER".

36

37 Strike page 14, and substitute the following:

38

39 **"SECTION 3. Effective date.** This act shall take effect at 12:01
40 a.m. on the day following the expiration of the ninety-day period after
41 final adjournment of the general assembly that is allowed for submitting
42 a referendum petition pursuant to article V, section 1 (3) of the state
43 constitution (August 4, 2004, if adjournment sine die is on May 5, 2004);
44 except that, if a referendum petition is filed against this act or an item,
45 section, or part of this act within such period, then the act, item, section,
46 or part, if approved by the people, shall take effect on the date of the
47 official declaration of the vote thereon by proclamation of the governor.".

48

49

50

51 **HB04-1231** be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:

54

55 Amend printed bill, page 11, after line 21, insert the following:

56

LAY OVER OF CALENDAR ITEMS

1
2
3 On motion of Representative King, the following items on the Calendar
4 were laid over until February 9, retaining place on Calendar:
5
6 Consideration of General Orders--**HB04-1012, 1054, 1130, 1175, 1108,**
7 **1073, 1208, SB04-005, HB04-1068, 1090, 1154, SB04-0096, HB04-**
8 **1149, SB04-061, 067, HB04-1026, 1079, 1114, 1210.**
9 Consideration of Resolutions--**HJR04-1007, 1008, 1009.**
10 Consideration of Senate Amendments--**HB04-1112.**

11

12

13

14 On motion of Representative King, the House adjourned until 10:00 a.m.,
15 February 9, 2004.

16

17

Approved:

18

19

20

21

LOLA SPRADLEY,
Speaker

22

23 Attest:

24

25 JUDITH RODRIGUE,
26 Chief Clerk