

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

Twenty-fourth Legislative Day

Friday, January 30, 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 Decker.

6

7 The roll was called with the following result:

8

9 Present--65.

10

11 The Speaker declared a quorum present.

12

13

14 On motion of Representative Hodge, the reading of the journal of January
 15 29, 2004, was declared dispensed with and approved as corrected by the
 16 Chief Clerk.

17

18

19

20

THIRD READING OF BILLS--FINAL PASSAGE

21

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

25

26 **HB04-1084** by Representative(s) Cadman; also Senator(s) McElhany--
 27 Concerning the execution of a writ of restitution after
 28 entry of judgment in a forcible entry and detainer action.

29

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

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

34

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y

43

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	Y	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 Crane, Hall, Hefley, McFadyen, Miller.

11
12 **HB04-1150** by Representative(s) Hefley, Mitchell, Harvey, Brophy,
13 Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy,
14 Salazar, Schultheis, Weddig, White, Williams S.; also
15 Senator(s) Hillman--Concerning the creation of the
16 "Commonsense Consumption Act".
17

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

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

23	YES	60	NO	04	EXCUSED	01	ABSENT	00
24	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
25	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
26	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
27	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
28	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
29	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
30	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
31	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
32	Cerbo	N	Judd	Y	Pommer	N	Weissmann	E
33	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
34	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
35	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
36	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
37	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
38	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
39	Frangas	Y	May	Y	Schultheis	Y	Young	Y
40							Speaker	Y

41 Co-sponsors added: Representatives Cadman, Clapp, Coleman, Crane, Hall,
42 Johnson, Marshall, Miller, Rhodes, Sinclair, Spence, Stafford, Stengel,
43 Tochtrop, Williams T., Speaker.

44 Representative Weissmann excused from voting under House Rule 21(c).
45

46 **HB04-1069** by Representative(s) White; also Senator(s) Lamborn--
47 Concerning deferred deposit loans.
48

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

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

54	YES	39	NO	26	EXCUSED	00	ABSENT	00
55	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
56	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y

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

16 Co-sponsors added: Representatives Brophy, Stengel, Williams T., Speaker.

17
18 **HB04-1206** by Representative(s) Mitchell, Butcher, Clapp, Coleman,
19 Decker, Frangas, Hall, Harvey, Judd, Marshall, May M.,
20 McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop,
21 Williams T.; also Senator(s) Hillman--Concerning the
22 second pool of premium tax credits available under the
23 "Certified Capital Company Act", and, in connection
24 therewith, creating an insurance premium tax credit for
25 contributions to CoverColorado by an insurance company.

26
27 Pursuant to House Rule 16, Representative Young moved "Shall the main
28 question be now put?" The motion was declared **lost** by the following
29 roll call vote:

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

50
51 The question being "Shall the bill pass?".

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

55
56

	YES	39	NO	26	EXCUSED	00	ABSENT	00
1								
2	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
5	Briggs	N	Hefley	N	Merrifield	Y	Stafford	Y
6	Brophy	N	Hodge	N	Miller	Y	Stengel	N
7	Butcher	Y	Hoppe	N	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	N	Paccione	Y	Vigil	N
9	Carroll	N	Johnson	Y	Plant	N	Weddig	Y
10	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	N	Ragsdale	Y	Welker	N
12	Cloer	N	Larson	N	Rhodes	Y	White	Y
13	Coleman	Y	Lee	N	Rippy	N	Wiens	N
14	Crane	N	Lundberg	Y	Romanoff	N	Williams S.	Y
15	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	N
18							Speaker	Y

19 Representative Decker requested his name be removed as sponsor.

20 Co-sponsors added: Representatives Madden, Merrifield, Paccione, Weddig,
21 Williams S., Speaker.

22 23 24 CONSIDERATION OF RESOLUTION

25
26 **SJR04-005** by Senator(s) Taylor, Owen, Teck, Reeves; also
27 Representative(s) Stengel, Young, Witwer, Plant--
28 Concerning the certification by the general assembly of its
29 estimate of state general fund revenues and allowable state
30 general fund appropriations for the 2004-05 budget year.

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

33
34 On motion of Representative Stengel, the resolution was **adopted** by the
35 following roll call vote:

	YES	63	NO	02	EXCUSED	00	ABSENT	00
37								
38	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
41	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
42	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
44	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
49	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
50	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
51	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
52	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	Y	Schultheis	Y	Young	Y
54							Speaker	Y

55 Co-sponsors added: Representative Vigil.

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

6 **GENERAL ORDERS--SECOND READING OF BILLS**

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

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

16 **HB04-1071** by Representative(s) Decker; also Senator(s) McElhany--
17 Concerning a credit for tobacco taxes that are bad debts.

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

22 **HB04-1192** by Representative(s) Stengel; also Senator Kester--
23 Concerning the payment of income taxes by nonresident
24 owners of certain pass-through entities.

26 Amendment No. 1, by Representative Stengel.

28 Amend printed bill page 4, line 16, strike "A NEW PARAGRAPH," and
29 substitute "THE FOLLOWING NEW PARAGRAPHS,".

31 Page 5, after line 4, insert the following:

33 "(e.5) PARAGRAPHS (d) AND (e) OF THIS SUBSECTION (5) SHALL NOT
34 APPLY TO A PUBLICLY TRADED PARTNERSHIP, AS DEFINED IN SECTION 7704
35 (b) OF THE INTERNAL REVENUE CODE, THAT MEETS ANY OF THE
36 EXCEPTIONS UNDER SECTION 7704 (c) OF THE INTERNAL REVENUE CODE
37 AND IS NOT TREATED AS A CORPORATION UNDER SECTION 7704 (a) OF THE
38 INTERNAL REVENUE CODE."

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

43 **HB04-1099** by Representative(s) Tochtrop; also Senator Entz--
44 Concerning the publication of salary information of county
45 employees by the board of county commissioners.

47 Amendment No. 1, by Representatives Plant and Tochtrop.

49 Amend printed bill, page 2, line 6, strike "each" and substitute "~~each~~";
50 strike line 7 and substitute the following:

53 "~~employee's name, title~~ THE NAME AND TITLE OF EACH ELECTED COUNTY
54 OFFICER AND EACH DEPUTY, ASSISTANT, AND EMPLOYEE APPOINTED BY A
55 COUNTY OFFICER, THE TITLE OF EACH OTHER COUNTY EMPLOYEE, and THE
56 gross monthly salary OF EACH OFFICER AND OTHER EMPLOYEE for the prior

1 June. The";
2
3 line 8, strike "each employee by" and substitute "~~each employee by~~";
4
5 strike line 9 and substitute the following:
6
7 "~~name and title, along with~~ THE NAME AND TITLE OF EACH ELECTED
8 COUNTY OFFICER AND EACH DEPUTY, ASSISTANT, AND EMPLOYEE
9 APPOINTED BY A COUNTY OFFICER, THE TITLE OF EACH OTHER COUNTY
10 EMPLOYEE, AND the total amount of gross salary paid to ~~such~~ EACH
11 OFFICER AND OTHER".
12

13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.
15

16 **HB04-1059** by Representative(s) Hoppe--Concerning additional
17 enforcement authority regarding marketing orders issued
18 by the commissioner of agriculture.
19

20 Amendment No. 1, by Representative Hoppe.
21

22 Amend printed bill, page 3, strike line 10 and substitute the following:
23

24 "orders issued before, on, or after the effective date of this act."
25

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

29 **HB04-1117** by Representative(s) Rhodes; also Senator(s) Hillman--
30 Concerning a grace period in which a health insurance
31 carrier may reenter the Colorado insurance market without
32 penalty.
33

34 Amendment No. 1, by Representative Spradley.
35

36 Amend printed bill, page 2, line 15, strike "OCTOBER 31, 2001," and
37 substitute "JANUARY 1, 2002,";
38

39 strike lines 17 through 20 and substitute the following:
40

41 "PARAGRAPH (a) IF:
42

43 (A) THE CARRIER FILES A WRITTEN STATEMENT OF ITS INTENT TO
44 REENTER THE COLORADO INSURANCE MARKET;
45

46 (B) THE CARRIER FILES ITS RATES AND FORMS WITH THE
47 COMMISSIONER ON OR BEFORE OCTOBER 31, 2004;
48

49 (C) THE CARRIER MEETS ALL REGULATORY REQUIREMENTS
50 PURSUANT TO THIS TITLE; AND
51

52 (D) THE CARRIER SERVES AN AREA OF THE STATE THAT HAS LESS
53 THAN THREE CARRIERS SERVING SUCH AREA IN ADDITION TO ANY OTHER
54 AREA OF THE STATE.
55

56 (II) THE COMMISSIONER, AT HIS OR HER DISCRETION, MAY EXTEND

1 THE".

2
3 Renumber succeeding subparagraph accordingly.

4
5 Amendment No. 2, by Representative Marshall.

6
7 Amend printed bill, page 2, line 16, strike "PERIOD" and substitute
8 "PERIOD, WITH THE COMMISSIONER'S DUE CONSIDERATION GIVEN TO THE
9 CARRIER'S PERFORMANCE,".

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

13

14

15 **HB04-1126** by Representative(s) McCluskey, Coleman, Harvey,
16 Hodge, Hoppe, Larson, Marshall, Paccione, Rhodes,
17 White, Wiens, Williams T.; also Senator(s) Taylor--
18 Concerning the continued regulation of institutions by the
19 division of financial services, and, in connection
20 therewith, extending the division of financial services.

21

22 Amendment No. 1, Business Affairs & Labor Report, dated January 22,
23 2004, and placed in member's bill file; Report also printed in House
24 Journal, January 23, pages 140-144.

25

26 Amendment No. 2, by Representative McCluskey.

27

28 Amend the Business Affairs and Labor Committee Report, dated January
29 22, 2004, page 2, line 23, strike "EACH CONTINUING AND" and substitute
30 "THE CONTINUING AND EACH";

31

32 line 24, strike "UNIONS" and substitute "UNION".

33

34 Page 3 of the committee report, strike lines 10 and 11 and substitute the
35 following:

36

37 "(c) A meeting of the members of each MERGING credit union
38 involved shall be called for the purpose of considering a merger.";

39

40 strike lines 30 and 31 and substitute the following:

41

42 "(II) More than two-thirds of the members of each MERGING credit
43 union have approved the terms and conditions of the ".

44

45 Page 4 of the committee report, strike line 21 and substitute the
46 following:

47

48 "over the assets and assume all the liabilities of ~~the merged~~ EACH
49 MERGING credit ~~unions~~ UNION.".

50

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

53

54

55

56

1 **HB04-1148** by Representative(s) Rippy; also Senator(s) McElhany--
2 Concerning the crime of defacing a cave.
3

4 Amendment No. 1, Judiciary Report, dated January 22, 2004, and placed
5 in member's bill file; Report also printed in House Journal, January 23,
6 page 144.
7

8 Amendment No. 2, by Representative Rippy.
9

10 Amend the Judiciary Committee Report, dated January 22, 2004, page 1,
11 line 15, strike "C.R.S., AND" and substitute "C.R.S.; EXCEPT THAT";
12

13 line 16, strike "SECTION 18-5-509 (1) (c), C.R.S.," and substitute
14 "PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION".
15

16 Amendment No. 3, by Representative Stengel.
17

18 Amend the Judiciary Committee Report, dated January 22, 2004, page 1,
19 strike line 2 and substitute the following:
20

21 ""KNOWINGLY"". "
22

23 Amendment No. 4, by Representative Lee.
24

25 Amend printed bill, page 3, strike lines 19 through 24 and substitute the
26 following:
27

28 ~~"(c) In addition, upon each conviction for defacing property~~
29 ~~pursuant to paragraph (b) of subsection (1) of this section, or adjudication~~
30 ~~as a juvenile delinquent for an act that would constitute defacing property~~
31 ~~pursuant to paragraph (b) of subsection (1) of this section if committed~~
32 ~~by an adult, the offender's driver's license shall be revoked as provided in~~
33 ~~section 42-2-125, C.R.S."~~
34

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

37 (For change in action, see Amendments to Report, pages 239-240.)
38

39 **HB04-1054** by Representative(s) Brophy; also Senator(s) Hillman--
40 Concerning the duties of occupants of vehicles involved in
41 accidents resulting in personal harm.
42

43 Amendment No. 1, by Representatives Brophy, Berry, Ragsdale,
44 McFadyen, Larson, Merrifield, Spence, Welker, Williams S.
45

46 Amend printed bill, page 4, after line 18, insert the following:
47

48 "SECTION 4. 42-2-111 (1), Colorado Revised Statutes, is
49 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
50

51 **42-2-111. Examination of applicants and drivers - when**
52 **required.** (1) (a.5) EFFECTIVE JULY 1, 2005, THE EXAMINATION
53 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL INCLUDE A
54 TEST OF THE APPLICANT'S KNOWLEDGE OF THE DUTIES OF OCCUPANTS OF
55 VEHICLES INVOLVED IN ACCIDENTS RESULTING IN PERSONAL HARM AS SET
56 FORTH IN SECTIONS 42-4-1601, 42-4-1603, AND 42-4-1607.

1 **SECTION 5.** Part 1 of article 2 of title 42, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4
5 **42-2-111.5. Driver handbook - duties of occupants of vehicles**
6 **involved in accidents.** EFFECTIVE JULY 1, 2005, THE "COLORADO DRIVER
7 HANDBOOK" ISSUED BY THE DEPARTMENT SHALL INCLUDE A DESCRIPTION
8 OF THE DUTIES OF OCCUPANTS OF VEHICLES INVOLVED IN ACCIDENTS
9 RESULTING IN PERSONAL HARM AS SET FORTH IN SECTIONS 42-4-1601,
10 42-4-1603, AND 42-4-1607."

11
12 Renumber succeeding sections accordingly.

13
14 As amended, laid over until February 2.

15
16 **HB04-1023** by Representative(s) Boyd, Miller, Rippy; also Senator(s)
17 Entz, Hanna--Concerning the designation of Yule marble
18 as the state rock.

19
20 Ordered engrossed and placed on the Calendar for Third Reading and
21 Final Passage.

22
23 **HB04-1092** by Representative(s) Spence--Concerning teachers serving
24 in administrative capacities.

25
26 Amendment No. 1, Education Report, dated January 26, 2004, and placed
27 in member's bill file; Report also printed in House Journal, January 27,
28 pages 170-171.

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

32
33 **HB04-1124** by Representative(s) Spence, Coleman, Crane, Hefley,
34 King, Rose, White, Wiens, Williams S.; also Senator(s)
35 Arnold, Evans--Concerning changes to the state school
36 accountability report to add information on adequate
37 yearly progress.

38
39 Amendment No. 1, Education Report, dated January 26, 2004, and placed
40 in member's bill file; Report also printed in House Journal, January 27,
41 page 171..

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

45
46 On motion of Representative King, the remainder of the General Orders
47 Calendar (**HB04-1012, 1029, 1177, 1212, 1049, 1004**) was laid over until
48 February 2, retaining place on Calendar.

49
50
51 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

52
53 Representatives White, Larson, Rippy, and Williams S. moved to amend
54 the Report of the Committee of the Whole to show that the following Lee
55 amendment, to **HB04-1148**, did not pass, and that **HB04-1148**, as
56 amended, did pass.

1 Amend printed bill, page 3, strike lines 19 through 24 and substitute the
2 following:

3
4 ~~"(c) In addition, upon each conviction for defacing property~~
5 ~~pursuant to paragraph (b) of subsection (1) of this section, or adjudication~~
6 ~~as a juvenile delinquent for an act that would constitute defacing property~~
7 ~~pursuant to paragraph (b) of subsection (1) of this section if committed~~
8 ~~by an adult, the offender's driver's license shall be revoked as provided in~~
9 ~~section 42-2-125, C.R.S."~~

10
11 The amendment was declared **passed** by the following roll call vote:

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

31
32 Representatives Wiens, Fairbank, and White moved to amend the Report
33 of the Committee of the Whole to show that **HB04-1099**, as amended, did
34 not pass.

35
36 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	35	EXCUSED	01	ABSENT	00
38	Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
39	Borodkin	Y	Hall	N	McFadyen	N	Smith	Y
40	Boyd	N	Harvey	N	McGihon	N	Spence	Y
41	Briggs	N	Hefley	Y	Merrifield	N	Stafford	Y
42	Brophy	N	Hodge	Y	Miller	N	Stengel	N
43	Butcher	N	Hoppe	N	Mitchell	Y	Tochtrop	N
44	Cadman	Y	Jahn	N	Paccione	N	Vigil	N
45	Carroll	N	Johnson	N	Plant	N	Weddig	Y
46	Cerbo	Y	Judd	N	Pommer	N	Weissmann	Y
47	Clapp	N	King	Y	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	N	White	Y
49	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
50	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
51	Decker	Y	Madden	N	Rose	N	Williams T.	Y
52	Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
53	Frangas	E	May	N	Schultheis	N	Young	N
54							Speaker	Y

55 Representative Frangas excused from voting under House Rule 21(c).
56

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1071, 1192 amended, 1099 amended, 1059 amended, 1117 amended, 1126 amended, 1148 amended, 1023, 1092 amended, 1124 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1012, 1054 amended, 1029, 1177, 1212, 1049, 1004--** February 2, 2004.

The Chairman moved the adoption of the Committee of the Whole Report. As shown by the following roll call vote, a majority of those elected to the House voted in the affirmative, and the Report was **adopted.**

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB04-1073 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 9, strike "OR" and substitute "DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION";

line 10, strike "ENLARGED DIVERSION, CONVEYANCE,";

line 12, after "ANY", insert "MODIFICATION TO THE EXISTING";

line 13, strike "EXPANDED".

1 **HB04-1131** be referred favorably to the Committee on Finance.

2

3

4 **HB04-1135** be amended as follows, and as so amended, be referred to
5 the Committee on Finance with favorable
6 recommendation:

7

8 Amend printed bill, page 2, strike line 12 and substitute the following:

9

10 "PARTS, EXCEPT AS AUTHORIZED BY RULE PROMULGATED BY THE
11 COMMISSION; OR".

12

13 Page 3, line 24, after the semicolon, add "AND".

14

15 Page 4, strike lines 1 through 6 and substitute the following:

16

17 "NEEDED.";

18

19 strike line 27.

20

21 Strike page 5.

22

23 Page 6, strike line 1.

24

25

26

27 **HB04-1201** be postponed indefinitely.

28

29

30

31

32 **FINANCE**

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

35

36 **HB04-1129** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39

40 Amend printed bill, page 3, line 16, after "BOARD", insert "OF COUNTY
41 COMMISSIONERS".

42

43 Page 4, line 7, strike "COUNTY." and substitute "COUNTY; EXCEPT THAT
44 THE BOARD OF COUNTY COMMISSIONERS MAY REJECT ANY BID THAT IS
45 LESS THAN THE VALUE OF THE PROPERTY AS DETERMINED BY THE
46 ASSESSOR.";

47

48 line 15, strike "~~Such notice shall reserve the right upon the part of the~~"
49 and substitute "Such notice shall reserve the right upon the part of the";

50

51 strike line 16 and substitute the following:

52

53 "board of county commissioners to reject any ~~or all bids which are~~ BID
54 THAT IS less";

55

56 line 17, strike "~~than the value determined by the assessor.~~" and substitute

1 "than the value determined by the assessor.";
2
3 line 25, strike "~~The board of county commissioners~~" and substitute "The
4 board of county commissioners";
5
6 strike line 26 and substitute the following:
7
8 "reserves the right to reject any ~~or all bids which are~~ BID THAT IS less than
9 the current";
10
11 strike line 27 and substitute the following:
12
13 "actual value fixed by the county assessor.".14

15 Page 5, after line 2, insert the following:
16

17 "(a.5) THE NOTICE OF SALE POSTED PURSUANT TO PARAGRAPH (a)
18 OF THIS SUBSECTION (4) SHALL CONTAIN A STATEMENT SUBSTANTIALLY IN
19 THE FOLLOWING FORM: "IF THIS PROPERTY IS AT LEAST FIFTY YEARS OLD,
20 IT MAY BE ELIGIBLE FOR INCLUSION IN THE STATE REGISTER OF HISTORIC
21 PROPERTIES OR DESIGNATION AS A LANDMARK. SUCH PROPERTY MAY BE
22 ELIGIBLE FOR CERTAIN REHABILITATION GRANTS AND INCENTIVES.";
23

24 line 6, strike "commissioners." and substitute "commissioners";
25

26 line 7, strike "~~price.~~" and substitute "~~price~~ EXCEPT THAT THE BOARD OF
27 COUNTY COMMISSIONERS MAY REJECT ANY BID THAT IS LESS THAN THE
28 VALUE OF THE PROPERTY AS DETERMINED BY THE ASSESSOR.".29
30
31

32 **HB04-1136** be amended as follows, and as so amended, be referred to
33 the Committee on Appropriations with favorable
34 recommendation:
35

36 Amend printed bill, page 2, line 14, after "(b)", insert "(I)";
37

38 line 17, strike "BE EQUAL TO FIVE PERCENT ABOVE" and substitute
39 "INCREASE BY THE RATE OF INFLATION FOR THE IMMEDIATELY PRECEDING
40 TAX YEAR. THE EXEMPTION SHALL BE ROUNDED UPWARD OR DOWNWARD
41 TO THE NEAREST TEN-DOLLAR INCREMENT. IF THE INFLATION RATE IS LESS
42 THAN ZERO, THE EXEMPTION VALUE SHALL BE THE VALUE USED FOR";
43

44 line 18, after "PRECEDING", insert "TAX";
45

46 after line 21, insert the following:
47

48 "(II) AS USED IN THIS PARAGRAPH (b), "INFLATION" MEANS THE
49 ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF
50 LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR
51 DENVER-BOULDER-GREELEY, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS
52 SUCCESSOR INDEX.".53
54
55

1 **HB04-1138** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 4, line 9, strike "ASSEMBLY" and substitute
6 "ASSEMBLY, BY AN AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS
7 OF EACH HOUSE,".
8
9
10

11 **HB04-1208** 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 23, strike "40.00" and substitute "30.00".
16

17 Page 3, line 2, strike "60.00" and substitute "50.00";
18

19 line 4, strike "40.00" and substitute "30.00";
20

21 line 5, strike "60.00" and substitute "50.00".
22
23
24
25

26 **JUDICIARY**

27 After consideration on the merits, the Committee recommends the
28 following:
29

30 **HB04-1153** be amended as follows, and as so amended, be referred to
31 the Committee on Appropriations with favorable
32 recommendation:
33

34 Amend printed bill, page 3, line 6, strike "NINETY" and substitute
35 "SIXTY";
36

37 line 8, strike "CAUSE OF, CONTRIBUTED TO, OR RESULTED IN" and
38 substitute "DIRECT CAUSE OF";
39

40 strike lines 16 through 22 and substitute the following:
41

42 "(c) A TENANT SEEKING TO AVAIL HERSELF OR HIMSELF OF THE
43 PROTECTIONS OF THIS SUBSECTION (4) SHALL HAVE AN OBLIGATION TO
44 ADVISE THE LANDLORD THAT SHE OR HE IS A VICTIM OF DOMESTIC ABUSE
45 OR DOMESTIC VIOLENCE AND TO PROVIDE THE LANDLORD WITH A COPY OF
46 THE POLICE REPORT OR ANY PROTECTION ORDER ENTERED PURSUANT TO
47 ARTICLE 14 OF THIS TITLE."
48

49 Page 4, strike lines 12 through 27.
50

51 Strike page 5.
52

53 Page 6, strike lines 1 through 11.
54

55 Renumber succeeding sections accordingly.
56

1 Page 6, line 22, strike "(1) If" and substitute "A LANDLORD SHALL NOT
2 INCLUDE IN A RESIDENTIAL RENTAL AGREEMENT OR LEASE AGREEMENT
3 FOR HOUSING A PROVISION AUTHORIZING THE LANDLORD TO TERMINATE
4 THE AGREEMENT OR TO IMPOSE A PENALTY ON A RESIDENTIAL TENANT FOR
5 CALLS MADE BY THE RESIDENTIAL TENANT FOR PEACE OFFICER ASSISTANCE
6 OR OTHER EMERGENCY ASSISTANCE IN RESPONSE TO A DOMESTIC
7 VIOLENCE OR DOMESTIC ABUSE SITUATION. A RESIDENTIAL TENANT MAY
8 NOT WAIVE THE RESIDENTIAL TENANT'S RIGHT TO CALL FOR POLICE OR
9 OTHER EMERGENCY ASSISTANCE.";

10
11 strike lines 23 through 27.

12
13 Page 7, strike lines 1 through 20.

14
15
16 **HB04-1170** be postponed indefinitely.

17
18
19 **HB04-1195** be referred to the Committee of the Whole with favorable
20 recommendation.

21
22
23
24
25 **STATE, VETERANS, & MILITARY AFFAIRS**

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

28
29 **HB04-1176** be postponed indefinitely.

30
31
32 **HB04-1181** be amended as follows, and as so amended, be referred to
33 the Committee on Appropriations with favorable
34 recommendation:

35
36 Amend printed bill, page 4, line 15, strike "THERE IS HEREBY" and
37 substitute "SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF THIS
38 SECTION, THERE IS HEREBY".

39
40 Page 5, after line 3, insert the following:

41
42 "(2) OF THE FOUR PERSONS APPOINTED TO THE COMMISSION IN
43 ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS
44 SECTION WHO ARE NOT MEMBERS OF THE GENERAL ASSEMBLY:

45
46 (a) EACH SUCH MEMBER SHALL BE APPOINTED WITH SPECIAL
47 REFERENCE TO HIS OR HER KNOWLEDGE OF COMPENSATION PRACTICES AND
48 FINANCIAL MATTERS GENERALLY;

49
50 (b) ONE SUCH MEMBER SHALL BE SERVING AT THE TIME OF HIS OR
51 HER APPOINTMENT TO THE COMMISSION AS A MEMBER OF THE BOARD OF
52 COUNTY COMMISSIONERS OF A CATEGORY I OR CATEGORY II COUNTY
53 WITHIN THE MEANING OF SECTION 30-2-102 (1) (a) AND (1) (b), C.R.S.;

54
55 (c) ONE SUCH MEMBER SHALL BE SERVING AT THE TIME OF HIS OR
56 HER APPOINTMENT TO THE COMMISSION AS A MEMBER OF THE BOARD OF

1 COUNTY COMMISSIONERS OF A CATEGORY III, CATEGORY IV, OR
2 CATEGORY V COUNTY WITHIN THE MEANING OF SECTION 30-2-102 (1) (c),
3 (1) (d), AND (1) (e), C.R.S.;

4
5 (d) ONE SUCH MEMBER SHALL BE SERVING AT THE TIME OF HIS OR
6 HER APPOINTMENT TO THE COMMISSION AS A MEMBER OF THE BOARD OF
7 DIRECTORS OF THE REGIONAL TRANSPORTATION COMMISSION CREATED IN
8 SECTION 32-9-105, C.R.S.; AND

9
10 (e) ONE SUCH MEMBER SHALL BE SERVING AT THE TIME OF HIS OR
11 HER APPOINTMENT TO THE COMMISSION AS A STATEWIDE ELECTED
12 OFFICIAL OR HIS OR HER DESIGNEE."

13
14 Renumber succeeding subsections accordingly.

15
16 Page 5, line 13, strike "(5)" and substitute "(6)";

17
18 line 19, strike "(5)" and substitute "(6)".

19
20 Page 6, line 19, after "THEREAFTER," insert "IN ACCORDANCE WITH THE
21 REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION,";

22
23 line 24, strike "THE" and substitute "SUBJECT TO THE REQUIREMENTS OF
24 SUBSECTION (4) OF THIS SECTION, THE";

25
26 line 27, strike "PUBLIC OFFICIALS FOR THE BIENNIAL" and substitute "TO
27 THE TYPE OF PUBLIC OFFICIAL WHOSE COMPENSATION IS ADDRESSED IN THE
28 REPORT FOR THE EIGHT-YEAR".

29
30 Page 7, after line 16, insert the following:

31
32 "(4) (a) THE REPORT TO BE SUBMITTED PURSUANT TO SUBSECTION
33 (2) OF THIS SECTION IN JANUARY 2006 AND EVERY EIGHT YEARS
34 THEREAFTER SHALL ADDRESS ONLY THE COMPENSATION TO BE AWARDED
35 COUNTY ELECTED OFFICIALS AND DISTRICT ATTORNEYS.

36
37 (b) THE REPORT TO BE SUBMITTED PURSUANT TO SUBSECTION (2)
38 OF THIS SECTION IN JANUARY 2008 AND EVERY EIGHT YEARS THEREAFTER
39 SHALL ADDRESS ONLY THE COMPENSATION TO BE AWARDED MEMBERS OF
40 THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT.

41
42 (c) THE REPORT TO BE SUBMITTED PURSUANT TO SUBSECTION (2)
43 OF THIS SECTION IN JANUARY 2010 AND EVERY EIGHT YEARS THEREAFTER
44 SHALL ADDRESS ONLY THE COMPENSATION TO BE AWARDED STATEWIDE
45 ELECTED OFFICIALS.

46
47 (d) THE REPORT TO BE SUBMITTED PURSUANT TO SUBSECTION (2)
48 OF THIS SECTION IN JANUARY 2012 AND EVERY EIGHT YEARS THEREAFTER
49 SHALL ADDRESS ONLY THE COMPENSATION TO BE AWARDED MEMBERS OF
50 THE GENERAL ASSEMBLY."

51
52 Renumber succeeding subsection accordingly.

53
54
55 **SB04-005** be referred to the Committee of the Whole with favorable
56 recommendation.

TRANSPORTATION & ENERGY

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

HB04-1034 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 17, strike "SIXTY-SIX" and substitute "SIXTY-ONE".

Page 3, after line 13, insert the following:

"(e) ON OR BEFORE AUGUST 31, 2004, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON THE DEPARTMENT'S PROGRESS WITH THE STATEWIDE INTERNET PORTAL OR OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH WHICH CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY INFORMATION, INCLUDING RULES NECESSARY FOR THE IMPLEMENTATION OF THIS SUBSECTION (1.5) AND MEASURES THE DEPARTMENT WILL IMPLEMENT TO MINIMIZE POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND FRAUD."

HB04-1113 be postponed indefinitely.

HB04-1197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 26, strike "DEVICE" and substitute "DEVICE, WITHOUT LAWFUL AUTHORITY,".

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:
HB04-1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SJR04-005.**

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB04-110, 025, 014, 023, SB04-022, amended as printed in Senate Journal, January 29, page 147.

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, SB04-110, 025, 014, and 023.
Without comment, as amended, SB04-22.

INTRODUCTION OF BILLS
First Reading

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

HB04-1315 by Representative(s) Mitchell, Cadman, Brophy, Miller,
Rhodes, Sinclair, Tochtrop--Concerning academic rights
in higher education.
Committee on Education

INTRODUCTION OF RESOLUTIONS

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

HJR04-1008 by Representative(s) Merrifield, Sinclair; also Senator(s)
Entz--Concerning the completion of the National World
War II Memorial.

HJR04-1009 by Representative(s) Young, Spradley; also Senator(s)
Kester--Concerning analysis of the impacts of diversions
of water out of the Arkansas river basin pursuant to
contracts issued by the federal bureau of reclamation.

LAY OVER OF CALENDAR ITEMS

On motion of Representative Frangas, the following items on the
Calendar were laid over until February 2, retaining place on Calendar:

Consideration of Resolutions--**HJR04-1004, 1006, 1007.**

Correction

H.J. page 229, line 28 after "White" insert ", Lundberg, Schultheis, Boyd,
Butcher, Fairbank, Miller, Mitchell".

On motion of Representative King, the House adjourned until 10:00 a.m.,
February 2, 2004.

Approved:

Attest:

JUDITH RODRIGUE,
Chief Clerk

LOLA SPRADLEY,
Speaker