

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

Sixty-fourth Legislative Day

Wednesday, March 10, 2004

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

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

5
6 Pledge of Allegiance led by Representative Plant.

7
8 The roll was called with the following result:

9
10 Present--60.

11 Excused--Representatives Clapp, McGihon, Miller, Smith--4.

12 Absent--Representatives Briggs--1.

13 Present after roll call--Representatives Briggs, Clapp, McGihon.

14
15 The Speaker declared a quorum present.

16 _____

17
18
19 On motion of Representative Pommer, the reading of the journal of
20 March 9, 2004, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22 _____

23
24
25 **REPORT OF COMMITTEE OF REFERENCE**

26
27 **JUDICIARY**

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

30
31 **HB04-1304** be amended as follows, and as so amended, be referred to
32 the Committee of the Whole with favorable
33 recommendation:

34
35 Amend printed bill, page 28, after line 20, insert the following:

36
37 "SECTION 2. Part 7 of article 60 of title 24, Colorado Revised
38 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
39 read:

40
41 **24-60-705.5. Assessments or fees - prohibition prior to July 1,**
42 **2006 - repeal.** (1) THE COMPACT ADMINISTRATOR OR CONTROLLER
43 SHALL NOT PAY AN ASSESSMENT OR FEE FOR THE INTERSTATE COMPACT ON

1 JUVENILES PURSUANT TO SECTION 24-60-702 PRIOR TO JULY 1, 2006.

2

3 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2007."

4

5 Renumber succeeding section accordingly.

6

7

8

9

PRINTING REPORT

10

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

12 **HB04-1395, 1396, 1397.**

13

14

15

16

DELIVERY OF BILLS TO GOVERNOR

17

18 The Chief Clerk of the House of Representatives reports the following
19 bills have been delivered to the Office of the Governor:

20

21 **HB04-1002, 1013, 1038, 1047, 1052, 1076, 1087, 1100, 1126, 1152,**
22 **1166** at 2:56 p.m. on March 9, 2004.

23

24 **HB04-1005, 1055, 1129** at 3:15 p.m. on March 9, 2004.

25

26

27

MESSAGE FROM THE SENATE

28

29 Madam Speaker:

30

31 The Senate has passed on Third Reading and returns herewith HB04-
32 1022, 1043, 1025, 1222, 1067, 1073, 1213, 1306, 1026, 1058, 1220,
33 1228, 1050.

34 The Senate has passed on Third Reading and transmitted to the Revisor
35 of Statutes: SB04-193,

36 SB04-094, amended as printed in Senate Journal, March 8, 2004, page
37 449,

38 HB04-1009, amended as printed in Senate Journal, March 8, 2004, page
39 450,

40 HB04-1147, amended as printed in Senate Journal, March 8, 2004, page
41 451,

42 HB04-1145, amended as printed in Senate Journal, March 5, 2004, page
43 434, and in Senate Journal, March 8, page 451,

44 HB04-1232, amended as printed in Senate Journal, March 8, 2004, page
45 451,

46 HB04-1285, amended as printed in Senate Journal, March 8, 2004, page
47 451.

48 HB04-1226, amended on Third Reading as printed in Senate Journal,
49 March 9, 2004.

50 The Senate has postponed indefinitely HB04-1208. The bill is returned
51 herewith.

52 The Senate has postponed indefinitely HB04-1192. The bill is returned
53 herewith.

54 The Senate has postponed indefinitely HB04-1173. The bill is returned
55 herewith.

56

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, SB04-193.
Without comment, as amended, HB04-1009, 1147, 1145, 1232, 1285, and
1226.
Without comment, as amended, SB04-094.

House in recess. House reconvened.

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

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

HJR04-1029 be referred out for final action.

SB04-185 be referred to the Committee of the Whole with favorable recommendation.

BUSINESS AFFAIRS & LABOR

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

HB04-1383 be referred to the Committee of the Whole with favorable recommendation.

SB04-131 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, line 18, strike "may" and substitute "~~may~~ SHALL".

Page 3, line 11, strike "MAY" and substitute "SHALL".

STATE, VETERANS, & MILITARY AFFAIRS

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

SB04-084 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 25 through 27.

2
3 Strike page 4.

4
5 Page 5, strike lines 1 through 11.

6
7 Renumber succeeding section accordingly.

8
9
10
11 **SB04-157** be amended as follows, and as so amended, be referred to
12 the Committee of the Whole with favorable
13 recommendation:
14

15 Amend reengrossed bill, page 3, strike lines 12 through 14 and substitute
16 the following:
17

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

27
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29
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31 **TRANSPORTATION & ENERGY**

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

35 **HB04-1377** be postponed indefinitely.

36
37
38 **SB04-010** be postponed indefinitely.
39

40
41
42
43 **REPORT FROM THE SENATE AND HOUSE**
44 **COMMITTEES ON DELAYED BILLS**
45

46 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
47 Delayed Bills, acting jointly, extend the following deadline for HB04-
48 1397, Concerning the Financing of Public Schools:
49

50 The Friday, March 12 deadline (the 66th legislative day) for final
51 passage, including any conference committee report, for any bill
52 prescribing all or a substantial portion of the total funding for public
53 schools pursuant to the "Public School Finance Act of 1994", article 54
54 of title 22, Colorado Revised Statutes, is extended until Friday, March 26,
55 2004 (the 80th legislative day).
56

1 This memorandum shall be printed in the journal of each house as is
2 required by said Joint Rule 23(c).

3
4 (signed) (signed)
5 Lola Spradley John Andrews
6 Keith King Mark Hillman
7 Andrew Romanoff Joan Fitz-Gerald

8
9

10 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

11
12 The Speaker has signed: **SB04-096; SJR04-020.**

13
14

15 **MESSAGE FROM THE SENATE**

16
17

Madam Speaker:

18

19 The Senate has passed on Third Reading and returns herewith HB04-
20 1356, 1262, 1020.

21 The Senate has passed on Third Reading and transmitted to the Revisor
22 of Statutes: SB04-191, 186, 187,
23 SB04-103, amended as printed in Senate Journal, March 9, 2004, page
24 468,
25 HB04-1054, amended as printed in Senate Journal, March 9, 2004, page
26 469.

27
28

29 **MESSAGE FROM THE REVISOR**

30

31 We herewith transmit:

32 Without comment, as amended, HB04-1054.

33 Without comment, as amended, SB04-191, 186, 187, and 103.

34
35

36

37 **MESSAGES FROM THE GOVERNOR**

38

39 I certify I received the following on the 10th day of March, 2004, at
40 10:20 a.m. The original is on file in the records of the House of
41 Representatives of the General Assembly.

42

43

Judith Rodrigue,
Chief Clerk of the House

44
45 March 10, 2004

46

47 To the Honorable
48 House of Representatives
49 Sixty-fourth General Assembly
50 Second Regular Session
51 Denver, CO 80203

52

53

Ladies and Gentlemen:

54

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

1 **HB04-1023** Concerning The Designation Of Yule Marble As The State
2 Rock.
3

4 Approved March 9, 2004 at 2:20 P.M.
5

6 Sincerely,
7 (signed)
8 Bill Owens
9 Governor

10

11

12

13 March 9, 2004
14

15 To the Honorable
16 House of Representatives
17 Sixty-fourth General Assembly
18 Second Regular Session
19 Denver, CO 80203
20

21 Ladies and Gentlemen:
22

23 I have the honor to inform you that I have approved and filed with the
24 Secretary of State the following acts:
25

26 **HB04-1068** Concerning Actions For Damages On Behalf Of An
27 Employee For Injuries That Arise From The Negligent
28 Conduct Of A Stranger.
29

30 Approved March 9, 2004 at 2:30 P.M.
31

32 Sincerely,
33 (signed)
34 Bill Owens
35 Governor

36

37

38 March 9, 2004
39

40

41

42 To the Honorable
43 House of Representatives
44 Sixty-fourth General Assembly
45 Second Regular Session
46 Denver, CO 80203
47

48 Ladies and Gentlemen:
49

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

52 **HB04-1027** Concerning The Role Of The Comprehensive Primary And
53 Preventive Care Grant Program's Advisory Council.
54

55 Approved March 9, 2004 at 4:55 P.M.
56

1 **HB04-1029** Concerning Authorization For Counties To Increase
2 Participation In Vocational Education By Colorado Works
3 Participants.
4

5 Approved March 9, 2004 at 5:10 P.M.
6
7

8 **HB04-1032** Concerning The Repeal Date Of The Discounted Youth
9 Hunting Licenses Program.
10

11 Approved March 9, 2004 at 4:56 P.M.
12

13 **HB04-1053** Concerning Allowing The Loss Of A License If A Person
14 Licensed To Sell Motor Vehicles Does Not Timely Notify
15 A Consumer Regarding The Outcome Of An Attempt To
16 Secure Financing For The Purchase Of A Motor Vehicle.
17

18 Approved March 9, 2004 at 5:05 P.M.
19

20 **HB04-1119** Concerning The Income Tax Credit For Child Care
21 Facilities, And, In Connection Therewith, Clarifying The
22 Meaning Of The Terms "Child Care" And "Child Care
23 Facility" And Extending The Credit For Five Additional
24 Years.
25

26 Approved March 9, 2004 at 5:01 P.M.
27

28 Sincerely,
29 (signed)
30 Bill Owens
31 Governor
32

33 INTRODUCTION OF BILLS 34 First Reading 35

36
37 The following bills were read by title and referred to the committees
38 indicated:
39

40 **HB04-1398** by Representative(s) Williams T.--Concerning statutory
41 provisions governing business entities contained in title 7
42 of the Colorado Revised Statutes.

43 Committee on Business Affairs & Labor
44

45 **HB04-1399** by Representative(s) Williams T.--Concerning statutory
46 provisions governing limited liability companies contained
47 in title 7 of the Colorado Revised Statutes.

48 Committee on Business Affairs & Labor
49

50 **SB04-059** by Senator(s) Isgar, Entz, Hillman; also Representative(s)
51 Salazar--Concerning the valuation of possessory interests
52 in agricultural land.

53 Committee on Finance

54 Committee on Appropriations
55

- 1 **SB04-094** by Senator(s) Hagedorn; also Representative(s) Spradley,
2 Hall--Concerning the implementation of health savings
3 accounts, and, in connection therewith, eliminating medical
4 savings accounts for basic health benefit plans for small
5 employers and converting the tax provisions for medical
6 savings accounts to apply to health savings accounts.
7 Committee on Business Affairs & Labor
8
- 9 **SB04-111** by Senator(s) Grossman, Groff; also Representative(s)
10 Stengel--Concerning the authority of a governing body to
11 use emergency telephone charges to fund the costs
12 associated with providing emergency services.
13 Committee on Transportation & Energy
14 Committee on Appropriations
15
- 16 **SB04-148** by Senator(s) Dyer; also Representative(s) Hefley--
17 Concerning the designation of certain persons employed by
18 the department of revenue as peace officers.
19 Committee on Finance
20 Committee on Appropriations
21
- 22 **SB04-171** by Senator(s) Teck, Owen, Reeves; also Representative(s)
23 Plant, Witwer, Young--Concerning contingency-based
24 contracts, and, in connection therewith, allowing a state
25 agency to enter into a contingency-based contract only
26 when specifically authorized to do so by law or when the
27 office of state planning and budgeting approves the
28 contract.
29 Committee on Transportation & Energy
30 Committee on Appropriations
31
- 32 **SB04-176** by Senator(s) Tupa, Anderson, Takis, Taylor; also
33 Representative(s) Vigil, Coleman--Concerning the division
34 of local government's oversight of eligible entities' use of
35 the conservation trust fund.
36 Committee on Local Government
37 Committee on Appropriations
38
- 39 **SB04-186** by Senator(s) Entz, Andrews, Lamborn; also
40 Representative(s) Larson--Concerning the authorization of
41 roadside memorials within public highway easements.
42 Committee on Local Government
43
- 44 **SB04-187** by Senator(s) Dyer; also Representative(s) Harvey--
45 Concerning removal from crimes limiting interactions with
46 persons involved in official proceedings the qualifier that
47 a person be legally summoned to the official proceeding.
48 Committee on Judiciary
49
- 50 **SB04-191** by Senator(s) Anderson; also Representative(s) Stengel--
51 Concerning the terms of service for members of the parole
52 board.
53 Committee on Judiciary
54
55

- 1 **SB04-193** by Senator(s) Entz; also Representative(s) Salazar--
2 Concerning the authority of the department of agriculture
3 to promulgate rules to specify the class of strawberries
4 allowed for production of nursery stock in the state.
5 Committee on Agriculture, Livestock, & Natural Resources
6
7
8 **SB04-195** by Senator(s) Evans, Dyer, Gordon, Jones; also
9 Representative(s) Lee, Hefley, Judd, Marshall, Smith--
10 Concerning implementation of recommendations of the
11 committee on legal services in connection with legislative
12 review of rules and regulations of state agencies.
13 Committee on Legal Services
14
15

17 INTRODUCTION OF CONCURRENT RESOLUTION

18
19 The following resolution was read by title and referred to the committee
20 indicated:

- 21
22 **HCR04-1007** by Representative(s) Carroll, Cloer; also Senator(s)
23 Tupa--Submitting to the registered electors of the
24 state of Colorado an amendment to section 1 of
25 article V of the constitution of the state of Colorado,
26 concerning a prohibition on the modification by the
27 general assembly of adopted statewide initiated
28 measures for a period of three years from the
29 effective date of such measures, and, in connection
30 therewith, allowing an initiated state statute to be
31 modified during the three-year period if approved
32 by thirty-eight members of the house of
33 representatives and twenty-three members of the
34 senate.
35 Committee on State, Veterans, & Military Affairs
36 Committee on Appropriations
37
38

40 INTRODUCTION OF RESOLUTIONS

41
42 The following resolution was read by title and laid over one day under the
43 rules:

- 44
45 **HJR04-1030** by Representative(s) Wiens, Spradley, Plant; also
46 Senator(s) Fitz-Gerald, McElhany--Concerning a
47 request that Indian gaming in Central City, Black
48 Hawk, and Cripple Creek abide by the same rules
49 and regulations as existing casinos.
50
51

52 The following resolution was read by title and referred to the committee
53 indicated:

- 54
55 **HJR04-1031** by Representative(s) Romanoff; also Senator(s)
56 Fitz-Gerald--Concerning the procedure for a

1 member of the general assembly to request a legal
2 opinion from the attorney general.
3 Committee on State, Veterans, & Military Affairs
4 Committee on Appropriations
5
6
7

8 **LAY OVER OF CALENDAR ITEMS**
9

10 On motion of Representative King, the following items on the Calendar
11 were laid over until March 11, retaining place on Calendar:
12

13 Consideration of Special Orders--**HB04-1257, 1345, 1104, SB04-051,**
14 **HB04-1315, 1367, SB04-082, 041, 123, HB04-1380, SB04-090, 108,**
15 **HB04-1203.**

16 Consideration of General Orders--**HB04-1309, 1355, SB04-007, 143,**
17 **HB04-1370, SB04-095, 117, HB04-1240, SB04-175, HB04-1382, SB04-**
18 **182, 089, HB04-1221, 1277, 1279, 1283, 1351, 1365, SB04-098, 109.**

19 Consideration of Resolutions--**HJR04-1008, 1012, 1013, 1005, 1018,**
20 **1020, SJR04-015, HJR04-1024, 1010, 1027.**

21 Consideration of Memorials--**SJM04-001, HM04-1001.**

22 Consideration of Senate Amendments--**HB04-1115, 1117.**
23
24
25

26 On motion of Representative Judd, the House adjourned until 9:00 a.m.,
27 March 10, 2004.
28

29 Approved:
30
31

32
33 LOLA SPRADLEY,
34 Speaker

35 Attest:

36
37 JUDITH RODRIGUE,
38 Chief Clerk