

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

Twenty-seventh Legislative Day

Monday, February 2, 2004

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Representative Fairbank.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representative Stafford--1.

11 Absent--Representatives Coleman, Mitchell, Rhodes--3.

12 Present after roll call--Representatives Coleman, Mitchell,
13 Rhodes.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Judd, the reading of the journal of
19 January 30, 2004, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

21

22

CONSIDERATION OF RESOLUTIONS

23

24
25 **HJR04-1004** by Representative(s) Hoppe; also Senator(s) Taylor--
26 Concerning the designation of Colorado 4-H Day.

27

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

29

30 On motion of Representative Hoppe, the resolution was read at length and
31 **adopted** by **viva voce** vote.

32

33 Co-sponsors added: Roll call of the House.

34

35 **HJR04-1006** by Representative(s) Wiens; also Senator(s) Cairns,
36 Evans--Concerning The Stand in the Gap Project, Inc.,
37 and, in connection therewith, expressing support for
38 Colorado's Reservists and National Guard members.

39

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

41

42 On motion of Representative Wiens, the resolution was read at length and
43 **adopted** by the following roll call vote:

	YES	64	NO	00	EXCUSED	01	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Roll call of the House.

22 THIRD READING OF BILLS--FINAL PASSAGE

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

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

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

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

	YES	58	NO	06	EXCUSED	01	ABSENT	00
36								
37	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
38	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
39	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
40	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
41	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
42	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
43	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
44	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
45	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
46	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
47	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
48	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
49	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
50	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
51	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	May	Y	Schultheis	N	Young	N
53							Speaker	Y

54 Co-sponsors added: Representatives Lee, Ragsdale.

1 **HB04-1192** by Representative(s) Stengel; also Senator(s) Kester--
 2 Concerning the payment of income taxes by nonresident
 3 owners of certain pass-through entities.
 4

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

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

	YES	64	NO	00	EXCUSED	01	ABSENT	00
11	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
12	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
14	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
15	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
16	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
17	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
18	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
19	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
20	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
21	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
22	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
23	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
24	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
25	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
26	Frangas	Y	May	Y	Schultheis	Y	Young	Y
27							Speaker	Y

28
 29 **HB04-1099** by Representative(s) Tochtrop; also Senator(s) ;Entz--
 30 Concerning the publication of salary information of county
 31 employees by the board of county commissioners.
 32

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

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

	YES	32	NO	31	EXCUSED	02	ABSENT	00
39	Berry	Y	Garcia	N	McCluskey	N	Sinclair	N
40	Borodkin	N	Hall	Y	McFadyen	Y	Smith	N
41	Boyd	Y	Harvey	Y	McGihon	Y	Spence	N
42	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	E
43	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
44	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
45	Cadman	N	Jahn	Y	Paccione	N	Vigil	Y
46	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
47	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
48	Clapp	Y	King	N	Ragsdale	N	Welker	N
49	Cloer	Y	Larson	N	Rhodes	Y	White	N
50	Coleman	N	Lee	N	Rippy	N	Wiens	N
51	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
52	Decker	N	Madden	Y	Rose	Y	Williams T.	N
53	Fairbank	N	Marshall	Y	Salazar	N	Witwer	N
54	Frangas	E	May	Y	Schultheis	Y	Young	N
55							Speaker	N

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

1 **HB04-1059** by Representative(s) Hoppe; also Senator Hillman--
 2 Concerning additional enforcement authority regarding
 3 marketing orders issued by the commissioner of
 4 agriculture.
 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	64	NO	00	EXCUSED	01	ABSENT	00
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	Y	Hefley	Y	Merrifield	Y	Stafford	E
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	Y	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: Representatives McFadyen, Rippy, Salazar, Wiens,
 30 Williams T., Speaker.
 31

32 **HB04-1117** by Representative(s) Rhodes; also Senator(s) Hillman--
 33 Concerning a grace period in which a health insurance
 34 carrier may reenter the Colorado insurance market without
 35 penalty.
 36

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**.
 41

	YES	64	NO	00	EXCUSED	01	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
46	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
53	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
55	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

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

4 Co-sponsors added: Representatives Berry, Cadman, Frangas, Hall, Harvey,
5 Hefley, Hoppe, Schultheis, Wiens, Williams T., Speaker.

6
7 **HB04-1126** by Representative(s) McCluskey, Coleman, Harvey,
8 Hodge, Hoppe, Larson, Marshall, Paccione, Rhodes,
9 White, Wiens, Williams T.; also Senator(s) Taylor--
10 Concerning the continued regulation of institutions by the
11 division of financial services, and, in connection
12 therewith, extending the division of financial services.

13
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	YES	64	NO	00	EXCUSED	01	ABSENT	00
19	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
20	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
21	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
22	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
23	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
24	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
25	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
26	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
27	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
28	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
29	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
30	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
31	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
32	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
33	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
34	Frangas	Y	May	Y	Schultheis	Y	Young	Y
35							Speaker	Y

36
37 Co-sponsors added: Representatives McFadyen, Ragsdale, Weddig.

38
39 **HB04-1148** by Representative(s) Rippy; also Senator(s) McElhany--
40 Concerning the crime of defacing a cave.

41
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**.

46	YES	56	NO	08	EXCUSED	01	ABSENT	00
47	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
48	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
49	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
50	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
51	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
52	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
53	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
54	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
55	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N

1	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
2	Cloer	Y	Larson	Y	Rhodes	N	White	Y
3	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
4	Crane	Y	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	Y	Schultheis	N	Young	Y
8							Speaker	Y

9 Co-sponsors added: Representatives Butcher, Cloer, Hefley, Larson, McFadyen,
10 Merrifield, Ragsdale, Salazar, Stengel, White, Williams S.

11
12 **HB04-1023** by Representative(s) Boyd, Miller, Rippy; also Senator(s)
13 Entz, Hanna--Concerning the designation of Yule marble
14 as the state rock.

15
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	64	NO	00	EXCUSED	01	ABSENT	00
22	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
23	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
24	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
25	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
26	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
27	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
29	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
30	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
31	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
32	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
33	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
34	Crane	Y	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	Y	Schultheis	Y	Young	Y
38							Speaker	Y

39 Co-sponsors added: Representatives Borodkin, Butcher, Cadman, Carroll,
40 Cloer, Coleman, Frangas, Harvey, Hefley, Hodge, Hoppe, Johnson, Madden,
41 Marshall, McFadyen, McGihon, Paccione, Ragsdale, Romanoff, Rose, Smith,
42 Spence, Tochtrop, Vigil, Weddig.

43
44 **HB04-1092** by Representative(s) Spence; also Senator Arnold--
45 Concerning teachers serving in administrative capacities.

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

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

52	YES	47	NO	17	EXCUSED	01	ABSENT	00
53	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
54	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
55	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
56	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	E

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

14 Co-sponsors added: Representatives King, Lee.

15
16 **HB04-1124** by Representative(s) Spence, Coleman, Crane, Hefley,
17 King, Rose, White, Wiens, Williams S.; also Senator(s)
18 Arnold, Evans--Concerning changes to the state school
19 accountability report to add information on adequate
20 yearly progress.

21
22 The question being "Shall the bill pass?"

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

27	YES	63	NO	01	EXCUSED	01	ABSENT	00
28	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
29	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
30	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
31	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	E
32	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
33	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
34	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
35	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
36	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
37	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
38	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
39	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
40	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
41	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
42	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
43	Frangas	Y	May	Y	Schultheis	Y	Young	Y
44							Speaker	Y

45 Co-sponsors added: Representatives Butcher, Lee, McFadyen, Merrifield,
46 Stengel.

47
48
49
50 On motion of Representative Spence, the House resolved itself into
51 Committee of the Whole for consideration of General Orders, and she
52 was called to the Chair to act as Chairman.

53
54
55
56

GENERAL ORDERS--SECOND READING OF BILLS

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

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

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

(Previously amended, as printed in House Journal, January 30, pages 239-238.)

Amendment No. 2, by Representative Brophy.

Amend printed bill, page 3, after line 17, insert the following:

"(c) ANY DRIVER OR OTHER OCCUPANT OF A VEHICLE INVOLVED IN
AN ACCIDENT THAT IS REQUIRED UNDER THE PROVISIONS OF THIS
SUBSECTION (1) TO RENDER REASONABLE ASSISTANCE TO A PERSON
INJURED IN THE ACCIDENT SHALL BE EXEMPT FROM CIVIL LIABILITY IN
ACCORDANCE WITH SECTION 13-21-108, C.R.S."

As amended, lost on Second Reading.

(For change in action, see Amendments to Report, page 257.)

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

Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
dated January 26, 2004, and placed in member's bill file; Report also
printed in House Journal, January 27, pages 160-161.

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

HB04-1049 by Representative(s) Williams S. also Senator(s) Johnson--
Concerning child care assistance for families who
transition off of the Colorado works program for specified
reasons.

Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
dated January 26, 2004, and placed in member's bill file; Report also
printed in House Journal, January 28, page 176.

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

On motion of Representative King, the remainder of the General Orders Calendar (**HB04-1012, 1177, 1212, 1004, 1175, 1080, 1109, 1115, 1130, 1166, 1194, 1108, 1076, 1087**) was laid over until February 3, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representatives May and Harvey moved to amend the Report of the Committee of the Whole to show that **HB04-1054**, was laid over unamended until February 3, 2004.

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

YES	61	NO	03	EXCUSED	01	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	E
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	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.	N
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1029 amended, 1049 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1012, 1054, 1177, 1212, 1004, 1175, 1080, 1109, 1115, 1130, 1166, 1194, 1108, 1076, 1087**--February 3, 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	64	NO	00	EXCUSED	01	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	E
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y

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

IMMEDIATE RECONSIDERATION OF HB04-1099

Having voted on the prevailing side, Representative Larson moved for immediate reconsideration of **HB04-1099**. As shown by the following recorded vote less than a two-thirds majority of those elected to the House voted in the affirmative and the motion was declared **lost**:

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

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

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

BUSINESS AFFAIRS & LABOR

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

HB04-1018 be postponed indefinitely.

1 **HB04-1068** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

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

8 "SECTION 1. 8-41-203 (4), Colorado Revised Statutes, is
9 amended to read:
10

11 **8-41-203. Negligence of stranger - remedies - subrogation -**
12 **actions - compromise.** (4) (a) (I) If the employee or, if the employee is
13 deceased, the employee's dependents ~~give notice to~~ MAKE A DEMAND
14 UPON OR A REQUEST OF a person OR ENTITY not in the same employ ~~that~~
15 ~~the employee or dependents may pursue a claim against such other person~~
16 AS THE EMPLOYEE TO SEEK RECOVERY FOR DAMAGES ARISING FROM
17 ACTIONS OF SUCH OTHER PERSON OR ENTITY, the employee or dependents
18 shall also give written notice, within ten days, to the division of workers'
19 compensation and to all parties who may be responsible for paying
20 benefits to the employee or dependents under articles 40 to 47 of this
21 title.
22

23 (II) IF THE PARTY RESPONSIBLE FOR PAYING WORKERS'
24 COMPENSATION BENEFITS UNDER ARTICLES 40 TO 47 OF THIS TITLE TO THE
25 EMPLOYEE OR, IF THE EMPLOYEE IS DECEASED, THE EMPLOYEE'S
26 DEPENDENTS, MAKES A DEMAND UPON OR A REQUEST OF A PERSON OR
27 ENTITY NOT IN THE SAME EMPLOY AS THE EMPLOYEE TO SEEK RECOVERY
28 FOR DAMAGES ARISING FROM ACTIONS OF THE OTHER PERSON OR ENTITY,
29 THE PARTY RESPONSIBLE FOR PAYING THE WORKERS' COMPENSATION
30 BENEFITS SHALL ALSO GIVE WRITTEN NOTICE, WITHIN TEN DAYS, TO THE
31 DIVISION OF WORKERS' COMPENSATION AND TO THE EMPLOYEE OR, IF THE
32 EMPLOYEE IS DECEASED, TO THE EMPLOYEE'S DEPENDENTS.
33

34 (III) THE NOTICE REQUIREMENTS OF THIS PARAGRAPH (a) SHALL
35 NOT APPLY TO DEMANDS OR REQUESTS SEEKING THE RECOVERY OF
36 MEDICAL PAYMENTS ONLY, AND NOT SEEKING THE RECOVERY OF ANY
37 OTHER TYPE OF DAMAGE OR LOSS.
38

39 (b) The notice required by this subsection (4) shall contain the
40 following:
41

42 (I) A description of the claim;
43

44 (II) The names and addresses of any and all other persons
45 believed to be negligent;
46

47 (III) The name and address of any attorney representing the
48 employee or dependents;
49

50 (IV) The name and address of any attorney representing other
51 persons believed to be negligent; and
52

53 (V) The name, address, and telephone number of the insurance
54 company or third-party administrator.
55

56 (c) (I) ~~The employee or, if the employee is deceased, the~~

1 ~~employee's dependents~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
2 THIS PARAGRAPH (c), AT LEAST TWENTY DAYS BEFORE COMMENCING A
3 LAWSUIT OR ARBITRATION PROCEEDING TO RECOVER DAMAGES ARISING
4 FROM ACTIONS OF ANOTHER PERSON OR ENTITY, THE PARTY INITIATING
5 SUCH LAWSUIT OR ARBITRATION shall give written notice to all parties
6 who may be responsible for paying benefits to the employee or
7 dependents under articles 40 to 47 of this title ~~at least twenty days prior~~
8 ~~to filing a lawsuit against such other person; except that, if any applicable~~
9 ~~statutory limitation period would expire before such twenty days have~~
10 ~~passed, the employee or dependents may file or serve the complaint, or~~
11 ~~otherwise act to toll the running of such limitation period, before such~~
12 ~~twenty days have passed~~ AND TO THE EMPLOYEE OR, IF THE EMPLOYEE IS
13 DECEASED, THE EMPLOYEE'S DEPENDENTS. Such notice shall contain all
14 of the information set out in paragraph (b) of this subsection (4) and shall
15 be accompanied by a draft copy of the complaint.

16
17 (II) IF ANY APPLICABLE STATUTORY LIMITATION PERIOD WOULD
18 EXPIRE BEFORE SUCH TWENTY DAYS HAVE PASSED, THE PARTY INITIATING
19 SUCH LAWSUIT OR ARBITRATION MAY FILE OR SERVE THE COMPLAINT, OR
20 OTHERWISE ACT TO TOLL THE RUNNING OF SUCH LIMITATION PERIOD,
21 BEFORE SUCH TWENTY DAYS HAVE PASSED. THE PARTY INITIATING THE
22 LAWSUIT OR ARBITRATION SHALL PROVIDE THE NOTICE REQUIRED BY
23 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) TO THE EMPLOYEE OR, IF THE
24 EMPLOYEE IS DECEASED, TO THE EMPLOYEE'S DEPENDENTS WITHIN
25 TWENTY DAYS AFTER COMMENCING SUCH ACTION.

26
27 (d) If the employee or dependents fail to provide the written
28 notice required pursuant to ~~paragraphs (a) and (b)~~ SUBPARAGRAPH (I) OF
29 PARAGRAPH (a) of this subsection (4):

30
31 (I) The party responsible for paying workers' compensation
32 benefits shall be entitled to reimbursement from all moneys collected
33 from the third party for all economic damages and for all physical
34 impairment and disfigurement damages, without any credit for reasonable
35 attorney fees as provided in paragraph (e) of subsection (1) of this
36 section. If the trier of fact makes a separate award for disfigurement
37 damages, reimbursement from such disfigurement damage award shall be
38 limited to the amount the party paying workers' compensation benefits
39 paid, or is obligated to pay, in disfigurement damages pursuant to articles
40 40 to 47 of this title. Such rights shall not extend to moneys collected for
41 noneconomic damages awarded for pain and suffering, inconvenience,
42 emotional stress, or impairment of quality of life.

43
44 (II) The employee or dependents shall not be liable for any
45 plaintiff's attorney fees for the third-party recovery on that portion of any
46 recovery equal to the assigned and subrogated interest and are not subject
47 to any action for refusal to pay such plaintiff's attorney fees resulting
48 from the third-party case.

49
50 (e) IF THE PARTY RESPONSIBLE FOR PAYING WORKERS'
51 COMPENSATION BENEFITS UNDER ARTICLES 40 TO 47 OF THIS TITLE FAILS
52 TO PROVIDE THE WRITTEN NOTICE REQUIRED PURSUANT TO SUBPARAGRAPH
53 (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE AMOUNT OF THE
54 CLAIM SHALL BE REDUCED BY FIFTY DOLLARS FOR EACH DAY SUCH NOTICE
55 WAS NOT GIVEN TO THE EMPLOYEE OR, IF THE EMPLOYEE IS DECEASED, THE
56 EMPLOYEE'S DEPENDENTS, IN AN AMOUNT NOT TO EXCEED TWENTY

1 PERCENT OF THE AMOUNT OF THE TOTAL ASSIGNED INTEREST AT THE TIME
2 SUCH NOTICE SHOULD HAVE BEEN GIVEN. THE FAILURE TO PROVIDE SUCH
3 NOTICE SHALL BE A REASSIGNMENT OF A PORTION OF THE CLAIM TO THE
4 EMPLOYEE OR, IF THE EMPLOYEE IS DECEASED, THE EMPLOYEE'S
5 DEPENDENTS, IN AN AMOUNT EQUAL TO THE PENALTY.

6
7 **SECTION 2. Effective date - applicability.** (1) This act shall
8 take effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly that is
10 allowed for submitting a referendum petition pursuant to article V,
11 section 1 (3) of the state constitution (August 4, 2004, if adjournment sine
12 die is on May 5, 2004); except that, if a referendum petition is filed
13 against this act or an item, section, or part of this act within such period,
14 then the act, item, section, or part, if approved by the people, shall take
15 effect on the date of the official declaration of the vote thereon by
16 proclamation of the governor.

17
18 (2) The provisions of this act shall apply to injuries to an
19 employee occurring on or after the applicable effective date of this act."
20

21
22
23 **HB04-1090** 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, strike lines 2 through 23.

28
29 Strike page 3.

30
31 Page 4, strike line 1.

32
33 Renumber succeeding sections accordingly.

34
35 Page 4, line 16, strike "SHALL" and substitute "MAY";

36
37 line 18, after "PLAN.", insert "THE DIRECTOR MAY FORWARD ANY
38 WORKERS' COMPENSATION COVERAGE ISSUE TO THE EMPLOYER'S
39 WORKERS' COMPENSATION CARRIER FOR FURTHER INVESTIGATION BY SUCH
40 CARRIER.";

41
42 strike lines 24 through 27.

43
44 Page 5, strike line 1;

45
46 line 2, strike "(b) "CONSTRUCTION" and substitute "(8) FOR THE
47 PURPOSES OF THIS SECTION, "CONSTRUCTION";

48
49 strike line 18 and substitute the following:

50
51 "WHETHER AN EMPLOYER HAS ANY LIABILITY PURSUANT TO ARTICLES 22
52 TO 29 OF TITLE 39, C.R.S.";

53
54 line 19, strike "ARTICLES 40 TO 47 OF THIS TITLE."
55
56

1 **HB04-1154** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB04-1193** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:
8

9 Amend printed bill, page 2, line 13, strike "(a), Colorado Revised
10 Statutes, is" and substitute "(a) and (4) (c), Colorado Revised Statutes,
11 are".
12

13 Page 3, line 7, strike "RESPONSIBILITY" and substitute "RESPONSIBILITY,
14 AS DEFINED IN SECTION 42-7-103 (14),";
15

16 after line 21, insert the following:
17

18 "(4) (c) The notice of suspension shall clearly specify the reason
19 and statutory grounds for the suspension, the effective date of the
20 suspension, the right of the person to request a hearing, the procedure for
21 requesting a hearing, and the date by which that request for a hearing
22 must be made. The notice shall also state that the ~~person may avoid~~
23 ~~suspension by filing with the department proof of financial responsibility~~
24 ~~for the future, or by compliance with section 42-7-302~~ PERSON'S DRIVER'S
25 LICENSE SHALL BE SUSPENDED IN ACCORDANCE WITH THE PROVISIONS OF
26 SUBSECTION (2) OF THIS SECTION. If the person files proof of financial
27 responsibility for the future, such proof of financial responsibility for the
28 future shall be maintained for three years from the date such proof of
29 financial responsibility for the future is received by the department AND
30 AFTER ANY APPLICABLE SUSPENSION PERIOD."
31

32 Page 4, line 22, strike "created." and substitute "created, AND TO THE
33 DEPARTMENT TO IMPLEMENT THE PROVISIONS OF HB 04-1193 AS ENACTED
34 DURING THE SECOND REGULAR SESSION OF THE SIXTY-FOURTH GENERAL
35 ASSEMBLY."
36

37 Page 5, line 1, strike "A,";
38

39 line 2, strike "B," and substitute "B";
40

41 line 14, strike "IN ADDITION TO the" and substitute "The";
42

43 line 15, strike "(A), shall be" and substitute "(A) shall be";
44

45 line 16, strike "THE";
46

47 strike line 17 and substitute "NOT".
48

49 Page 6, after line 20, insert the following:
50

51 "SECTION 7. 42-7-301.5 (1) and (2), Colorado Revised Statutes,
52 are amended to read:
53

54 **42-7-301.5. Proof of financial responsibility - repeal.** (1) Any
55 person who presents an altered or counterfeit letter or altered or
56 counterfeit insurance identification card from an insurer or agent for the

1 purpose of proving financial responsibility for purposes of this article
2 shall be in violation of this section 18-5-104, C.R.S., and THE MINIMUM
3 FINE shall be ~~punished by a fine of five hundred~~ ONE THOUSAND dollars.
4 ~~If such~~ A SECOND OR SUBSEQUENT presentation is said person's second or
5 ~~subsequent offense~~ IS A VIOLATION OF SECTION 18-5-104, C.R.S., AND the
6 MINIMUM fine shall be one thousand FIVE HUNDRED dollars. ~~and said~~
7 ~~person's uninsured motor vehicle shall be seized.~~
8

9 (2) Any person who alters or creates a counterfeit letter or
10 insurance identification card for another VIOLATES SECTION 18-5-104,
11 C.R.S., AND shall be punished by a MINIMUM fine of ~~five hundred~~ ONE
12 THOUSAND dollars. ~~If such alteration or creation is said person's~~ A second
13 or subsequent ~~offense~~ ALTERATION OR CREATION OF A COUNTERFEIT
14 LETTER OR INSURANCE IDENTIFICATION CARD IS A VIOLATION OF SECTION
15 18-5-104, C.R.S., AND the fine shall be one thousand FIVE HUNDRED
16 dollars."
17

18 Renumber succeeding sections accordingly.
19

20 Page 6, line 21, strike "(5) (a) (I), Colorado Revised Statutes, is" and
21 substitute "(5) (a) (I) and (5) (c) (III), Colorado Revised Statutes, are".
22

23 Page 7, after line 4, insert the following:
24

25 "(5) (c) The designated agent shall:
26

27 (III) Upon receipt of information that a vehicle has been operated
28 on public highways or streets and uninsured under the same owner for a
29 period of sixty consecutive days OR IN COMPLIANCE FOR A SUBSEQUENT
30 VIOLATION OF SECTION 42-7-605 (1), send a letter of noncompliance to
31 such owner pursuant to section 42-7-605 (1). Such letter shall state in
32 bold-faced type in the same font as the rest of the letter that the owner of
33 the vehicle is responsible for providing proof of insurance to the
34 designated agent and that such proof shall not be transmitted by the
35 department or by the county clerk or other local official.";
36

37 line 10, strike "three consecutive months," and substitute "~~three~~
38 ~~consecutive months~~ SIXTY DAYS,".
39

40 Page 9, strike lines 3 through 18 and substitute the following:
41

42 "SECTION 10. 10-4-615 (1) (a) (III), Colorado Revised Statutes,
43 is amended to read:
44

45 **10-4-615. Motorist insurance identification database program**
46 **- reporting required - fine - repeal.** (1) (a) Each insurer that issues a
47 policy pursuant to this part 6 ~~or part 7 of this article~~ shall provide to the
48 designated agent selected in accordance with section 42-7-604 (4),
49 C.R.S., a record of each policy issued during the immediately preceding
50 period. Such record shall comply with the requirements of subsections
51 (2) and (3) of this section, except as may otherwise be provided for
52 commercial lines of insurance in rules adopted by the department. This
53 subsection (1) shall not be construed to prohibit more frequent reporting.
54 Such policy information shall be provided to the designated agent as
55 follows:
56

(III) Beginning July 1, 2004, each insurer ~~that has ten thousand or more current policies~~ WITH ANY POLICIES in place for the preceding six months shall provide such policy information every week for the immediately preceding week. Such information shall be reported no later than seven working days after the last date of the week reported on.";

before line 19, insert the following:

"SECTION 11. Part 6 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-4-634. Limitation on recovery for noneconomic damages.
AN OPERATOR OF A MOTOR VEHICLE WHO FAILS TO HAVE A COMPLYING POLICY PURSUANT TO THIS PART 6 MAY NOT SEEK RECOVERY FOR NONECONOMIC LOSSES FROM AN INSURED OPERATOR OF A MOTOR VEHICLE."

Renumber succeeding sections accordingly.

SB04-096 be referred to the Committee of the Whole with favorable recommendation.

JUDICIARY

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

HB04-1165 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 1, line 2, strike "(2)," and substitute "(2), (4), and (8)," and, strike "is" and substitute "are".

Page 2, line 6, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

line 9, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY" and, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

line 11, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

after line 12, insert the following:

"(4) When a person commits theft twice or more within a period of six months without having been placed in jeopardy for the prior offense or offenses, ~~and the aggregate value of the things involved is five hundred dollars or more but less than fifteen~~ TWENTY thousand dollars, it is a class 4 felony; however, if the aggregate value of the things involved is ~~fifteen~~ TWENTY thousand dollars or more, it is a class 3 felony.

1 (8) A municipality shall have concurrent power to prohibit theft,
2 by ordinance, where the value of the thing involved is less than ~~five~~
3 ~~hundred~~ SEVEN HUNDRED FIFTY dollars.";

4
5 line 13, strike "(3) and (4)," and substitute "(3), (4), (5), and (6),";

6
7 line 17, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

8
9 line 20, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

10
11 line 21, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

12
13 after line 21, insert the following:

14
15 "(5) Theft of rental property is a class 3 felony where the value of
16 the property involved is ~~fifteen~~ TWENTY thousand dollars or more.

17
18 (6) When a person commits theft of rental property twice or more
19 within a period of six months without having been placed in jeopardy for
20 the prior offense or offenses, and the aggregate value of the property
21 involved is ~~five-hundred~~ SEVEN HUNDRED FIFTY dollars or more but less
22 than ~~fifteen~~ TWENTY thousand dollars, it is a class 5 felony; however, if
23 the aggregate value of the property involved is ~~fifteen~~ TWENTY thousand
24 dollars or more, it is a class 3 felony.";

25
26 line 22, strike "(4)," and substitute "(3) and (4)," and, strike "is" and
27 substitute "are";

28
29 strike line 24 and substitute the following:

30
31 **"18-4-409. Aggravated motor vehicle theft.** (3) Aggravated
32 motor vehicle theft in the first degree is a:

33
34 (a) Class 4 felony if the value of the motor vehicle or motor
35 vehicles involved is ~~fifteen~~ TWENTY thousand dollars or less;

36
37 (b) Class 3 felony if the value of the motor vehicle or motor
38 vehicles involved is more than ~~fifteen~~ TWENTY thousand dollars or if the
39 defendant has twice previously been convicted or adjudicated of charges
40 separately brought and tried either in this state or elsewhere of an offense
41 involving theft of a motor vehicle under the laws of this state, any other
42 state, the United States, or any territory subject to the jurisdiction of the
43 United States.

44
45 (4) A person".

46
47 Page 3, line 4, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

48
49 line 6, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

50
51 line 7, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

52
53 line 9, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

54
55 line 10, strike "(3) and (4)," and substitute "(3), (4), (5), (6), and (7),";

56

1 line 13, strike "ONE" and substitute "SEVEN HUNDRED FIFTY";

2

3 line 14, strike "THOUSAND";

4

5 line 15, strike "ONE" and substitute "SEVEN HUNDRED FIFTY";

6

7 line 16, strike "THOUSAND" and, strike "fifteen" and substitute "~~fifteen~~
8 TWENTY";

9

10 after line 17, insert the following:

11

12 "(5) Where the value of the thing involved is ~~fifteen~~ TWENTY
13 thousand dollars or more, theft by receiving is a class 3 felony.

14

15 (6) When the aggregate value of the thing or things involved is
16 ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or more and the person
17 committing theft by receiving is engaged in the business of buying,
18 selling, or otherwise disposing of stolen goods for a profit, theft by
19 receiving is a class 3 felony.

20

21 (7) When a person commits theft by receiving twice or more
22 within a period of six months without having been placed in jeopardy for
23 the prior offenses and the aggregate value of the things involved is ~~five~~
24 ~~hundred~~ SEVEN HUNDRED FIFTY dollars or more but less than ~~fifteen~~
25 TWENTY thousand dollars, it is a class 4 felony; however, if the aggregate
26 value of the things involved is ~~fifteen~~ TWENTY thousand dollars or more,
27 it is a class 3 felony."

28

29 Page 4, line 1, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED
30 FIFTY";

31

32 line 3, strike "ONE THOUSAND" and substitute "SEVEN HUNDRED FIFTY";

33

34 line 4, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

35

36 line 5, strike "fifteen" and substitute "~~fifteen~~ TWENTY";

37

38 after line 6, insert the following:

39

40 "SECTION 6. 12-44-102, Colorado Revised Statutes, is amended
41 to read:

42

43 **12-44-102. Defrauding an innkeeper.** Any person who, with
44 intent to defraud, procures food or accommodations from any public
45 establishment, without making payment therefor in accordance with his
46 or her agreement with such public establishment, is guilty of a
47 misdemeanor if the total amount due under such agreement is ~~five~~
48 ~~hundred~~ SEVEN HUNDRED FIFTY dollars or less and, upon conviction
49 thereof, shall be punished by a fine of not more than five hundred dollars,
50 or by imprisonment in the county jail for not more than ninety days, or by
51 both such fine and imprisonment; and, if the amount due under such
52 agreement is more than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars, such
53 person commits a class 6 felony and shall be punished as provided in
54 section 18-1.3-401, C.R.S.

55

56 **SECTION 7.** 18-5-205 (3) (b) and (3) (c), Colorado Revised

1 Statutes, are amended to read:

2
3 **18-5-205. Fraud by check - definitions - penalties.** (3) Fraud
4 by check is:

5
6 (b) A class 2 misdemeanor if the fraudulent check was for the sum
7 of one hundred dollars or more and less than ~~five hundred~~ SEVEN
8 HUNDRED FIFTY dollars or if the offender is convicted of fraud by check
9 involving the issuance of two or more checks within any sixty-day period
10 in the state of Colorado totaling one hundred dollars or more and less
11 than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars in the aggregate;

12
13 (c) A class 6 felony if the fraudulent check was for the sum of ~~five~~
14 ~~hundred~~ SEVEN HUNDRED FIFTY dollars or more, or if the offender is
15 convicted of fraud by check involving the issuance of two or more checks
16 within any sixty-day period in the state of Colorado totaling ~~five hundred~~
17 SEVEN HUNDRED FIFTY dollars or more in the aggregate, or if the offender
18 has been twice previously convicted under this section or a former statute
19 of this state of similar content and purport;

20
21 **SECTION 8.** 18-5-206, Colorado Revised Statutes, is amended
22 to read:

23
24 **18-5-206. Defrauding a secured creditor or debtor.** (1) If a
25 person, with intent to defraud a creditor by defeating, impairing, or
26 rendering worthless or unenforceable any security interest, sells, assigns,
27 transfers, conveys, pledges, encumbers, conceals, destroys, or disposes
28 of any collateral subject to a security interest:

29
30 (a) Such person commits a class 3 misdemeanor if the value of the
31 collateral is less than one hundred dollars;

32
33 (b) Such person commits a class 2 misdemeanor if the value of the
34 collateral is one hundred dollars or more but less than ~~five hundred~~ SEVEN
35 HUNDRED FIFTY dollars;

36
37 (c) Such person commits a class 5 felony if the value of the
38 collateral is ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or more but less
39 than ~~fifteen~~ TWENTY thousand dollars; and

40
41 (d) Such person commits a class 3 felony if the value of the
42 collateral is ~~fifteen~~ TWENTY thousand dollars or more.

43
44 (2) If a creditor, with intent to defraud a debtor, sells, assigns,
45 transfers, conveys, pledges, buys, or encumbers a promissory note or
46 contract signed by the debtor:

47
48 (a) Such creditor commits a class 3 misdemeanor if the amount
49 owing on the note or contract is less than one hundred dollars;

50
51 (b) Such creditor commits a class 2 misdemeanor if the amount
52 owing on such note or contract is one hundred dollars or more but less
53 than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars;

54
55 (c) Such creditor commits a class 5 felony if the amount owing on
56 such note or contract is ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or

1 more but less than ~~fifteen~~ TWENTY thousand dollars; and

2
3 (d) Such creditor commits a class 3 felony if the amount owing on
4 such note or contract is ~~fifteen~~ TWENTY thousand dollars or more.

5
6 **SECTION 9.** 18-5-502, Colorado Revised Statutes, is amended
7 to read:

8
9 **18-5-502. Failure to pay over assigned accounts.** Where, under
10 the terms of an assignment of an account, as defined in section 4-9-102
11 (a) (2), C.R.S., the assignor, being permitted to collect the proceeds from
12 the debtor, is to pay over to the assignee any of such proceeds and, after
13 collection thereof, the assignor willfully and wrongfully fails to pay over
14 to the assignee such proceeds amounting to ~~five hundred~~ SEVEN HUNDRED
15 FIFTY dollars or more, the person commits a class 5 felony. Where the
16 amount of such proceeds withheld by the assignor is less than ~~five~~
17 ~~hundred~~ SEVEN HUNDRED FIFTY dollars, the person commits a class 2
18 misdemeanor.

19
20 **SECTION 10.** 18-5-504, Colorado Revised Statutes, is amended
21 to read:

22
23 **18-5-504. Concealment or removal of secured property.** If a
24 person who has given a security interest in personal property, as security
25 interest is defined in section 4-1-201 (37), C.R.S., or other person with
26 actual knowledge of such security interest, during the existence of the
27 security interest, knowingly conceals or removes the encumbered
28 property from the state of Colorado without written consent of the
29 secured creditor, the person commits a class 5 felony where the value of
30 the property concealed or removed is ~~five hundred~~ SEVEN HUNDRED FIFTY
31 dollars or more. Where the value of the property concealed or removed
32 is less than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars, the person
33 commits a class 2 misdemeanor.

34
35 **SECTION 11.** 18-5-505, Colorado Revised Statutes, is amended
36 to read:

37
38 **18-5-505. Failure to pay over proceeds unlawful.** Where, under
39 the terms of any instrument creating a security interest in personal
40 property, as security interest is defined in section 4-1-201 (37), C.R.S.,
41 the person giving the security interest and retaining possession of the
42 encumbered property and having liberty of sale or other disposition, is
43 required to account to the secured creditor for the proceeds of such sale
44 or other disposition, and willfully and wrongfully fails to pay to the
45 secured creditor the amounts due on account thereof, the person giving
46 the security interest commits a class 5 felony where the amount of the
47 proceeds withheld is ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or more.
48 If the amount of the proceeds withheld is less than ~~five hundred~~ SEVEN
49 HUNDRED FIFTY dollars, the person commits a class 2 misdemeanor.

50
51 **SECTION 12.** 18-5-702 (3), Colorado Revised Statutes, is
52 amended to read:

53
54 **18-5-702. Unauthorized use of a financial transaction device.**
55 (3) Unauthorized use of a financial transaction device is:

56

1 (a) A class 1 petty offense if the value of the cash, credit,
2 property, or services obtained or of the financial payments made is less
3 than one hundred dollars;

4
5 (b) A class 2 misdemeanor if the value of the cash, credit,
6 property, or services obtained or of the financial payments made is one
7 hundred dollars or more but less than ~~five hundred~~ SEVEN HUNDRED FIFTY
8 dollars;

9
10 (c) A class 5 felony if the value of the cash, credit, property, or
11 services obtained or of the financial payments made is ~~five hundred~~
12 SEVEN HUNDRED FIFTY dollars or more but less than ~~fifteen~~ TWENTY
13 thousand dollars;

14
15 (d) A class 3 felony if the value of the cash, credit, property, or
16 services obtained or of the financial payments made is ~~fifteen~~ TWENTY
17 thousand dollars or more.

18
19 **SECTION 13.** 18-5.5-102 (3) (a), Colorado Revised Statutes, is
20 amended to read:

21
22 **18-5.5-102. Computer crime.** (3) (a) Except as provided in
23 paragraph (b) of this subsection (3), if the loss, damage, value of services,
24 or thing of value taken, or cost of restoration or repair caused by a
25 violation of this section is less than one hundred dollars, computer crime
26 is a class 3 misdemeanor; if one hundred dollars or more but less than
27 five hundred dollars, computer crime is a class 2 misdemeanor; if ~~five~~
28 ~~hundred~~ SEVEN HUNDRED FIFTY dollars or more but less than ~~fifteen~~
29 TWENTY thousand dollars, computer crime is a class 4 felony; if ~~fifteen~~
30 TWENTY thousand dollars or more, computer crime is a class 3 felony.

31
32 **SECTION 14.** 18-6.5-103 (5), Colorado Revised Statutes, is
33 amended to read:

34
35 **18-6.5-103. Crimes against at-risk adults and at-risk juveniles**
36 **- classifications.** (5) Any person who commits theft, and commits any
37 element or portion of the offense in the presence of the victim, as such
38 crime is described in section 18-4-401 (1), and the victim is an at-risk
39 adult or an at-risk juvenile, commits a class 5 felony if the value of the
40 thing involved is less than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or
41 a class 3 felony if the value of the thing involved is ~~five hundred~~ SEVEN
42 HUNDRED FIFTY dollars or more. Theft from the person of an at-risk adult
43 or an at-risk juvenile by means other than the use of force, threat, or
44 intimidation is a class 4 felony without regard to the value of the thing
45 taken.

46
47 **SECTION 15.** 26-2-306 (2) and (3), Colorado Revised Statutes,
48 are amended to read:

49
50 **26-2-306. Trafficking in food stamps.** (2) Trafficking in food
51 stamps is:

52
53 (a) A class 3 misdemeanor under section 18-1.3-501, C.R.S., if
54 the value of the food stamps is less than one hundred dollars;

55
56 (b) A class 2 misdemeanor under section 18-1.3-501, C.R.S., if

1 the value of the food stamps is one hundred dollars or more but less than
2 ~~five hundred~~ SEVEN HUNDRED FIFTY dollars;

3
4 (c) A class 4 felony under section 18-1.3-401, C.R.S., if the value
5 of the food stamps is ~~five hundred~~ SEVEN HUNDRED FIFTY dollars or more
6 but less than ~~fifteen~~ TWENTY thousand dollars;

7
8 (d) A class 3 felony under section 18-1.3-401, C.R.S., if the value
9 of the food stamps is ~~fifteen~~ TWENTY thousand dollars or more.

10
11 (3) When a person commits the offense of trafficking in food
12 stamps twice or more within a period of six months without having been
13 placed in jeopardy for the prior offense or offenses and the aggregate
14 value of the food stamps involved is ~~five hundred~~ SEVEN HUNDRED FIFTY
15 dollars or more but less than ~~fifteen~~ TWENTY thousand dollars, it is a class
16 4 felony; however, if the aggregate value of the food stamps involved is
17 ~~fifteen~~ TWENTY thousand dollars or more, it is a class 3 felony.

18
19 **SECTION 16.** 26-4-504 (8) (d), Colorado Revised Statutes, is
20 amended to read:

21
22 **26-4-504. Personal needs benefits - amount - patient personal**
23 **needs trust fund required - funeral and burial expenses - penalty for**
24 **illegal retention and use.** (8) (d) Unlawful use of a patient personal
25 needs trust fund is:

26
27 (I) A class 3 misdemeanor, if the amount involved is less than one
28 hundred dollars;

29
30 (II) A class 2 misdemeanor, if the amount involved is one hundred
31 dollars or more but less than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars;

32
33 (III) A class 4 felony, if the amount involved is ~~five hundred~~
34 SEVEN HUNDRED FIFTY dollars or more but less than ~~fifteen~~ TWENTY
35 thousand dollars;

36
37 (IV) A class 3 felony, if the amount involved is ~~fifteen~~ TWENTY
38 thousand dollars or more.

39
40 **SECTION 17.** 42-5-103 (2), Colorado Revised Statutes, is
41 amended to read:

42
43 **42-5-103. Tampering with a motor vehicle.** (2) Tampering with
44 a motor vehicle is:

45
46 (a) A class 2 misdemeanor if the damage is less than ~~five hundred~~
47 SEVEN HUNDRED FIFTY dollars;

48
49 (b) A class 5 felony if the damage is ~~five hundred~~ SEVEN
50 HUNDRED FIFTY dollars or more but less than ~~fifteen~~ TWENTY thousand
51 dollars;

52
53 (c) A class 3 felony if the damage is ~~fifteen~~ TWENTY thousand
54 dollars or more or causes bodily injury to any person.

55
56 **SECTION 18.** 42-5-104 (2), Colorado Revised Statutes, is

1 amended to read:

2
3 **42-5-104. Theft of motor vehicle parts - theft of license plates.**

4 (2) Theft of motor vehicle parts is:

5
6 (a) A class 2 misdemeanor if the value of the thing involved is less
7 than ~~five hundred~~ SEVEN HUNDRED FIFTY dollars;

8
9 (b) A class 5 felony if the value of the thing involved is ~~five~~
10 ~~hundred~~ SEVEN HUNDRED FIFTY dollars or more but less than ~~fifteen~~
11 TWENTY thousand dollars;

12
13 (c) A class 3 felony if the value of the thing involved is ~~fifteen~~
14 TWENTY thousand dollars or more."

15
16 Renumber succeeding sections accordingly.

17
18
19
20 **PRINTING REPORT**

21
22 The Chief Clerk reports the following bills have been correctly printed:
23 **HB04-1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324,**
24 **1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335,**
25 **1336, 1337, 1338.**

26
27
28
29 **MESSAGES FROM THE SENATE**

30
31 Madam Speaker:

32
33 The Senate has adopted and returns herewith: HJR04-1004.

34 The Senate has adopted and returns herewith: HJR04-1006.

35
36
37 The Senate has passed on Third Reading and transmitted to the Revisor
38 of Statutes: SB04-108, 120,

39
40 SB04-015, amended as printed in Senate Journal, January 30, page 155,
41 SB04-053, amended as printed in Senate Journal, January 30, page 155.

42
43
44
45 **MESSAGE FROM THE REVISOR**

46
47 We herewith transmit:

48 Without comment, SB04-108 and 120.

49 Without comment, as amended, SB04-015 and 053.

INTRODUCTION OF BILLS
First Reading

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

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

Committee on Appropriations

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

Committee on Appropriations

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

Committee on Appropriations

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

Committee on Appropriations

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

Committee on Appropriations

HB04-1321 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of higher education.

Committee on Appropriations

HB04-1322 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of human services.

Committee on Appropriations

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

Committee on Appropriations

- 1 **HB04-1324** by Representative(s) Young, Witwer, Plant; also
2 Senator(s) Owen, Teck, Reeves--Concerning a
3 supplemental appropriation to the department of labor and
4 employment.
5 Committee on Appropriations
6
- 7 **HB04-1325** by Representative(s) Young, Witwer, Plant; also
8 Senator(s) Owen, Teck, Reeves--Concerning a
9 supplemental appropriation to the department of law.
10 Committee on Appropriations
11
- 12 **HB04-1326** by Representative(s) Young, Witwer, Plant; also
13 Senator(s) Owen, Teck, Reeves--Concerning a
14 supplemental appropriation to the department of
15 legislature.
16 Committee on Appropriations
17
- 18 **HB04-1327** by Representative(s) Young, Witwer, Plant; also
19 Senator(s) Owen, Teck, Reeves--Concerning a
20 supplemental appropriation to the department of local
21 affairs.
22 Committee on Appropriations
23
- 24 **HB04-1328** by Representative(s) Young, Witwer, Plant; also
25 Senator(s) Owen, Teck, Reeves--Concerning a
26 supplemental appropriation to the department of military
27 and veterans affairs.
28 Committee on Appropriations
29
- 30 **HB04-1329** by Representative(s) Young, Witwer, Plant; also
31 Senator(s) Owen, Teck, Reeves--Concerning a
32 supplemental appropriation to the department of natural
33 resources.
34 Committee on Appropriations
35
- 36 **HB04-1330** by Representative(s) Young, Witwer, Plant; also
37 Senator(s) Owen, Teck, Reeves--Concerning a
38 supplemental appropriation to the department of personnel
39 and administration.
40 Committee on Appropriations
41
- 42 **HB04-1331** by Representative(s) Young, Witwer, Plant; also
43 Senator(s) Owen, Teck, Reeves--Concerning a
44 supplemental appropriation to the department of public
45 health and environment.
46 Committee on Appropriations
47
- 48 **HB04-1332** by Representative(s) Young, Witwer, Plant; also
49 Senator(s) Owen, Teck, Reeves--Concerning a
50 supplemental appropriation to the department of public
51 safety.
52 Committee on Appropriations
53
54
55
56

- 1 **HB04-1333** by Representative(s) Young, Witwer, Plant; also
2 Senator(s) Owen, Teck, Reeves--Concerning a
3 supplemental appropriation to the department of regulatory
4 agencies.
5 Committee on Appropriations
6
- 7 **HB04-1334** by Representative(s) Young, Witwer, Plant; also
8 Senator(s) Owen, Teck, Reeves--Concerning a
9 supplemental appropriation to the department of revenue.
10 Committee on Appropriations
11
- 12 **HB04-1335** by Representative(s) Young, Witwer, Plant; also
13 Senator(s) Owen, Teck, Reeves--Concerning a
14 supplemental appropriation to the department of state.
15 Committee on Appropriations
16
- 17 **HB04-1336** by Representative(s) Young, Witwer, Plant; also
18 Senator(s) Owen, Teck, Reeves--Concerning a
19 supplemental appropriation to the department of
20 transportation.
21 Committee on Appropriations
22
- 23 **HB04-1337** by Representative(s) Young, Witwer, Plant; also
24 Senator(s) Owen, Teck, Reeves--Concerning a
25 supplemental appropriation to the department of the
26 treasury.
27 Committee on Appropriations
28
- 29 **HB04-1338** by Representative(s) Young, Witwer, Plant; also
30 Senator(s) Owen, Teck, Reeves--Concerning funding for
31 capital construction, and making supplemental
32 appropriations in connection therewith.
33 Committee on Appropriations
34
- 35 **HB04-1339** by Representative(s) Merrifield, Plant, Williams S.--
36 Concerning modification of the formula used to calculate
37 the amount of the business personal property tax-based
38 credit against state taxes allowed to business entities
39 following a fiscal year in which the state collects a
40 specified minimum amount of revenues in excess of the
41 constitutional limitation on state fiscal year spending.
42 Committee on Finance
43
- 44 **HB04-1340** by Representative(s) Merrifield, McFadyen, Paccione,
45 Plant, Vigil, Williams S.--Concerning landlord and tenant
46 relations.
47 Committee on Information & Technology
48
49
50

LAY OVER OF CALENDAR ITEMS

51
52
53 On motion of Representative Plant, the following items on the Calendar
54 were laid over until February 3, 2004 retaining place on Calendar:
55 Consideration of Resolutions--**HJR04-1007, 1008, 1009.**
56

1 On motion of Representative Plant, the House adjourned until 9:00 a.m.,
2 February 3, 2004.
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Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk