

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

Fifteenth Legislative Day

Wednesday, January 21, 2004

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

2
3 The Speaker called the House to order at 9:00 a.m.

4
5 Pledge of Allegiance led by Representative Carroll.
6

7 The roll was called with the following result:

8
9 Present--64.
10 Excused--Representative Stengel--1.

11
12 The Speaker declared a quorum present.

13
14
15 On motion of Representative Frangas, the reading of the journal of
16 January 20, 2004, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

21

THIRD READING OF BILLS--FINAL PASSAGE

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

26
27 **HB04-1038** by Representative(s)Berry; also Senator(s) Arnold--
28 Concerning an exemption from civil liability for a
29 volunteer at a crisis telephone hotline.

30
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**.

35

36	YES	64	NO	00	EXCUSED	01	ABSENT	00
37	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
38	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
39	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
40	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
41	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
42	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
43	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y

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

11 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Cloer, Coleman,
 12 Decker, Frangas, Hefley, Hodge, Jahn, Lee, Madden, Mccluskey, McFadyen,
 13 McGihon, Merrifield, Paccione, Plant, Pommer, Ragsdale, Salazar, Spence,
 14 Stafford, Weddig, White, Wiens, Williams S.

15

16

17 **HB04-1055** by Representative(s) Rhodes, Coleman, Williams T.; also
 18 Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the
 19 modification of the process used to make matching grants
 20 for school district capital construction from the school
 21 construction and renovation fund.

22

23 The question being "Shall the bill pass?"

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

27

YES	63	NO	01	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
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	E
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

46 Co-sponsors added: Representatives Hodge, Jahn, King, Madden, McFadyen,
 47 Paccione, Plant, Spence, Stafford, Vigil.

48

49

50 **HB04-1005** by Representative(s) Williams T., Coleman, Rhodes; also
 51 Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the
 52 enterprise status of auxiliary facilities of institutions of
 53 higher education.

54

55 The question being "Shall the bill pass?"

56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
 2 was declared **passed**.
 3

4	YES	63	NO	01	EXCUSED	01	ABSENT	00
5	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
6	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
7	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
8	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
10	Butcher	N	Hoppe	Y	Mitchell	Y	Toch trop	Y
11	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
12	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
13	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
14	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
15	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
16	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	May	Y	Schlutheis	Y	Young	Y
21							Speaker	Y

22 Co-sponsors added: Representatives Fairbank, Hall, Hefley, Hoppe, Jahn,
 23 Madden, Paccione, Stafford, Vigil, Welker, Williams S.

24
 25 **HB04-1013** by Representative(s) Johnson R.; also Senator(s) Johnson
 26 S.--Concerning changing the name of the division of the
 27 prevention and intervention services for children and
 28 youth to the prevention services division.

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

52 Co-sponsors added: Representatives Borodkin, Butcher.

53
 54
 55

HB04-1046 by Representative(s) McGihon; also Senator(s) Teck--
Concerning the computation of days in determining certain
time periods for forcible entry and detainer actions.

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**.

10	YES	60	NO	04	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	Y
15	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
16	Butcher	Y	Hoppe	N	Mitchell	Y	Toch trop	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	N	Romanoff	Y	Williams S.	Y
24	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
25	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
26	Frangas	Y	May	Y	Schlutheis	N	Young	Y
27							Speaker	Y

28 Co-sponsors added: Representatives Borodkin, Coleman, Marshall, Vigil,
29 Williams S.

31
32 **HB04-1072** by Representative(s) May M.; also Senator(s) Evans --
33 Concerning the authority of the governing body of a
34 municipality to submit to the registered electors of the
35 municipality the question of changing the regular election
36 date of the municipality.

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

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

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

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

5 Co-sponsors added: Representatives Brophy, Butcher, Harvey, Hefley, Lee,
6 McFadyen, Rippy, Schultheis, Weddig.

7
8 **HB04-1019** by Representative(s) Borodkin, McFadyen, Stafford; also
9 Senator(s) Takis, Isgar--Concerning an increase in the
10 maximum dollar amount of a contract that a public airport
11 authority may execute without using a competitive bidding
12 process that awards the contract to the lowest responsible
13 bidder.

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

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

20	YES	53	NO	11	EXCUSED	01	ABSENT	00
21	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
22	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
23	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
24	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
26	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
27	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
28	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
29	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
30	Clapp	N	King	Y	Ragsdale	Y	Welker	Y
31	Cloer	N	Larson	Y	Rhodes	Y	White	Y
32	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
33	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
34	Decker	Y	Madden	Y	Rose	N	Williams T.	Y
35	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
36	Frangas	N	May	Y	Schultheis	N	Young	Y
37							Speaker	Y

38 Co-sponsors added: Representatives Berry, Butcher.

39
40 **HB04-1033** by Representative(s) McFadyen, Merrifield, Welker; also
41 Senator(s) Chlouber, May R.--Concerning information
42 signs on interstate highways within specified populated
43 areas.

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

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

49	YES	61	NO	03	EXCUSED	01	ABSENT	00
50	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
51	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
52	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
53	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
54	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
55	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	N	Larson	Y	Rhodes	Y	White	Y
6	Coleman	Y	Lee	N	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	N	Schultheis	Y	Young	Y
11							Speaker	Y

12 Co-sponsors added: Representatives Berry, Borodkin, Brophy, Butcher, Harvey,
 13 Hodge, McGihon, Miller, Sinclair, Smith, Weissmann, Williams S.

14

15 **HB04-1088** by Representative(s) Salazar; also Senator(s) Entz--
 16 Concerning the weight of a motor vehicle that may be
 17 issued special military license plates without paying a fee.
 18

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

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

23

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

42 Co-sponsors added: Representatives Brophy, Butcher, Carroll, Cloer, Coleman,
 43 Frangas, Harvey, Hodge, Hoppe, McFadyen, McGihon, Merrifield, Miller,
 44 Paccione, Ragsdale, Rippy, Smith, Spence, Stafford, Tochtrop, Vigil,
 45 Williams S., Speaker.

46

47 **HB04-1032** by Representative(s) Rose--Concerning the repeal date of
 48 the discounted youth hunting licenses program.

49

50 Laid over until January 22, retaining place on Calendar.

51

52 **HB04-1103** by Representative(s) Marshall, Coleman, Harvey, Hodge,
 53 Hoppe, Larson, McCluskey, Paccione, Rhodes, White,
 54 Wiens, Williams T.; also Senator(s) Lamborn--Concerning
 55 continuation of the securities board.

56

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

5

6

7	YES	62	NO	01	EXCUSED	02	ABSENT	00
8	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
9	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
10	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
11	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
12	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
13	Butcher	Y	Hoppe	Y	Mitchell	Y	Toch trop	Y
14	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
15	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
16	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
17	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
18	Cloer	Y	Larson	Y	Rhodes	Y	White	E
19	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
20	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
21	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
22	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
23	Frangas	Y	May	Y	Schultheis	Y	Young	Y
24							Speaker	Y

25 Co-sponsors added: Representatives Borodkin, Butcher, McGihon, Merrifield.

26

27

28 **HB04-1112** by Representative(s) Welker, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Sandoval-- Concerning the regulation of persons licensed to deal in certain monetary instruments, and, in connection therewith, continuing the regulatory authority of the banking board and the state bank commissioner over such activities.

36

37 The question being "Shall the bill pass?"

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

41

42	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	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Toch trop	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 Borodkin, Butcher, Salazar, Stafford.

5

6 **HB04-1052** by Representative(s) Judd; also Senator(s) Dyer--
7 Concerning changes to the name-change statute.

8

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

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

13

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

32 Co-sponsors added: Representatives Boyd, Butcher, Frangas, McFadyen,
33 McGihon, Merrifield, Paccione, Romanoff, Williams S.

34

35 **HB04-1100** by Representative(s) Young--Concerning Colorado's
36 process for planning private prisons.

37

38 Laid over until January 22, retaining place on Calendar.

39

40

41

42 REPORTS OF COMMITTEES OF REFERENCE

43

44 **JUDICIARY**

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

47

48 **HB04-1050** be amended as follows, and as so amended, be referred to
49 the Committee of the Whole with favorable
50 recommendation:

51

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

54

55 "SECTION 1. 12-12-101 (1), Colorado Revised Statutes, is
56 amended, and said 12-12-101 is further amended BY THE ADDITION

1 OF THE FOLLOWING NEW SUBSECTIONS, to read:

2
3 **12-12-101. Definitions.** As used in this article, unless the context
4 otherwise requires:

5
6 (1) "~~Cemetery~~" means any place, including a mausoleum, in
7 which there is provided space either below or above the surface of the
8 ground for the interment of the remains of human bodies. "~~Cemetery~~"
9 does not include a cemetery which is owned, operated, or maintained by
10 a government or governmental agency, by a church or synagogue, by a
11 labor organization, by a cooperative association as defined in section
12 7-55-101, C.R.S., by a corporation organized and operated exclusively
13 for religious purposes, or by a fraternal society, order, or association
14 operating under the lodge system and exempt from the payment of state
15 income tax and which has as its main business something other than the
16 ownership, operation, or maintenance of any business connected with the
17 burial of the dead. "BURIAL MEMORIAL" MEANS ANY TYPE OF
18 GRAVESTONE, TOMBSTONE, HEADSTONE, MEMORIAL, MONUMENT, OR
19 MARKER THAT COMMEMORATES THE PERMANENT DISPOSITION OF THE
20 REMAINS OF A HUMAN BODY EITHER BELOW OR ABOVE THE SURFACE OF
21 THE GROUND.

22
23 (1.5) "CEMETERY" MEANS ANY PLACE, INCLUDING A MAUSOLEUM,
24 IN WHICH THERE IS PROVIDED SPACE EITHER BELOW OR ABOVE THE
25 SURFACE OF THE GROUND FOR THE INTERMENT OF THE REMAINS OF HUMAN
26 BODIES. "CEMETERY" DOES NOT INCLUDE A CEMETERY THAT IS OWNED,
27 OPERATED, OR MAINTAINED BY A GOVERNMENT OR GOVERNMENTAL
28 AGENCY, BY A CHURCH OR SYNAGOGUE, BY A LABOR ORGANIZATION, BY
29 A COOPERATIVE ASSOCIATION AS DEFINED IN SECTION 7-55-101, C.R.S., BY
30 A CORPORATION ORGANIZED AND OPERATED EXCLUSIVELY FOR RELIGIOUS
31 PURPOSES, OR BY A FRATERNAL SOCIETY, ORDER, OR ASSOCIATION
32 OPERATING UNDER THE LODGE SYSTEM AND EXEMPT FROM THE PAYMENT
33 OF STATE INCOME TAX AND THAT HAS AS ITS MAIN BUSINESS SOMETHING
34 OTHER THAN THE OWNERSHIP, OPERATION, OR MAINTENANCE OF ANY
35 BUSINESS CONNECTED WITH THE BURIAL OF THE DEAD.

36
37 (4.5) "INSCRIPTION" MEANS ANY WORDS OR SYMBOLS ON A BURIAL
38 MEMORIAL.

39
40 **SECTION 2.** Article 12 of title 12, Colorado Revised Statutes,
41 is amended BY THE ADDITION OF A NEW SECTION to read:

42 **12-12-113.5. Burial memorial - changes - notice of ownership.**

43 (1) NO PERSON OTHER THAN THE OWNER OF A BURIAL MEMORIAL OR A
44 PERSON AUTHORIZED BY THE OWNER OF THE BURIAL MEMORIAL SHALL
45 MAKE A CHANGE TO THE INSCRIPTION ON SUCH BURIAL MEMORIAL.

46
47 (2) IF A BURIAL MEMORIAL IS TO BE PLACED AT A GRAVE SPACE,
48 NICHE, OR CRYPT THAT IS PURCHASED ON OR AFTER JULY 1, 2004, THE
49 CEMETERY AUTHORITY SHALL GIVE WRITTEN NOTICE TO THE PURCHASER
50 OF THE GRAVE SPACE, NICHE, OR CRYPT OF WHO SHALL BE THE OWNER OF
51 SUCH BURIAL MEMORIAL AND, AS OWNER, WHO SHALL BE ENTITLED TO
52 MAKE OR AUTHORIZE A CHANGE TO THE INSCRIPTION ON SUCH BURIAL
53 MEMORIAL.

54
55 (3) ANY PERSON VIOLATING THE PROVISIONS OF SUBSECTION (1)

1 OF THIS SECTION COMMITS THE CRIME OF DEFACING PROPERTY AS DEFINED
2 IN SECTION 18-4-509 (1) (b), C.R.S.

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

7
8
9
10 **HB04-1074** be referred to the Committee of the Whole with favorable
11 recommendation.

12
13
14 **HB04-1084** be amended as follows, and as so amended, be referred to
15 the Committee of the Whole with favorable
16 recommendation:

17
18 Amend printed bill, page 2, strike lines 6 and 7 and substitute the
19 following:

20
21 "provisions of this article out of any court until after the expiration of
22 forty-eight hours from the time of the entry of such judgment; and such";

23
24 strike lines 9 through 13 and substitute the following:
25 "and between sunrise and sunset. ANY WRIT OF RESTITUTION GOVERNED
26 BY THIS SECTION MAY BE EXECUTED BY A SHERIFF, UNDERSHERIFF, OR
27 DEPUTY SHERIFF, AS DESCRIBED IN SECTION 16-2.5-103 (1), C.R.S., WHILE
28 OFF-DUTY OR ON-DUTY AT RATES CHARGED BY THE EMPLOYING SHERIFF'S
29 OFFICE IN ACCORDANCE WITH SECTION 30-1-104 (1) (gg), C.R.S.".

30
31
32
33 **HB04-1118** be referred to the Committee of the Whole with favorable
34 recommendation.

35
36
37 **HB04-1150** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40
41 Amend printed bill, page 5, strike lines 22 and 23 and substitute the
42 following:

43
44 **"SECTION 2. Effective date - applicability.** This act shall take
45 effect upon passage, and shall apply to actions filed on or after the
46 effective date of this act.".

47
48
49
50
51 **STATE, VETERANS, & MILITARY AFFAIRS**
52 After consideration on the merits, the Committee recommends the
53 following:

54
55 **HB04-1020** be referred favorably to the Committee on Appropriations.
56

PRINTING REPORT

1
2
3 The Chief Clerk reports the following bills have been correctly printed:
4 **HB04-1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212.**
5
6
7

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

8
9
10 The Speaker has signed: **HR04-1005.**
11
12
13

INTRODUCTION OF BILLS
First Reading

14
15
16 The following bills were read by title and referred to the committees
17 indicated:
18

19
20 **SB04-003** by Senator(s) Taylor, Anderson, Takis, Tupa; also
21 Representative(s) Williams T., Coleman, Rhodes--
22 Concerning certain reporting requirements regarding
23 enterprise zones.
24 Committee on Finance
25

26 **SB04-005** by Senator(s) Reeves; also Representative(s) Witwer, King,
27 Romanoff, Spradley, Young--Concerning the presentation
28 of information by each principal department of the
29 executive branch of state government to legislative
30 committees of reference at the beginning of every regular
31 session of the general assembly.
32 Committee on State, Veterans, & Military Affairs
33

34 **SB04-007** by Senator(s) Anderson, Taylor; also Representative(s)
35 Williams T., Rhodes--Concerning the determination of
36 which higher education employees are exempt from the
37 state personnel system.
38 Committee on Business Affairs & Labor
39

40 **SB04-009** by Senator(s) Taylor, Anderson, Takis, Tupa; also
41 Representative(s) Vigil, Coleman, Rhodes, Williams T.--
42 Concerning the repeal of the requirement that the Colorado
43 state fair authority not accept contributions from nonstate
44 entities in any budget year that the authority would qualify
45 as an enterprise under section 20 of article X of the state
46 constitution that would cause the authority to receive more
47 than ten percent of its annual revenues from all Colorado
48 state and local governments combined.
49 Committee on Agriculture, Livestock, & Natural Resources
50

51 **SB04-016** by Senator(s) Anderson, Takis, Taylor, Tupa; also
52 Representative(s) Coleman, Rhodes, Williams T.--
53 Concerning the disposition of property by the division of
54 correctional industries.
55 Committee on State, Veterans, & Military Affairs
56

SB04-026 by Senator(s) Jones; also Representative(s) Welker--
Concerning increasing the time period in which the
insurance commissioner must hold a hearing about the
cancellation of motor vehicle insurance.

5 Committee on Transportation & Energy

SB04-030 by Senator(s) Arnold; also Representative(s) Mitchell--
Concerning crimes that make an inmate ineligible for
participation in the regimented inmate training program.

10 Committee on Judiciary

11 **SB04-044** by Senator(s) Fitz-Gerald; also Representative(s) Plant--
12 Concerning authorization of an owner of a retail gaming
13 tavern to own an interest in a hotel and restaurant
14 establishment licensed to sell alcohol beverages.
15

Committee on Business Affairs & Labor

17
18 **SB04-061** by Senator(s) Evans, Dyer, Gordon, Grossman, Jones; also
19 Representative(s) Lee, Hefley, Judd, Marshall, Smith--
20 Concerning the enactment of Colorado Revised Statutes
21 2003 as the positive and statutory law of the state of
22 Colorado.

22 Colorado.
23 Committee on Judiciary

24
25 **SB04-063** by Senator(s) Teck; also Representative(s) May M.--
26 Concerning court review of the rejection of a claim for
27 certain tax refunds.

LAY OVER OF CALENDAR ITEMS

33
34 Consideration of General Orders--**HB04-1053, 1078, 1057, 1012, 1043.**

37 On motion of Representative King, the House adjourned until 9:00 a.m.,
38 January 22, 2004.

Approved:

LOLA SPRADLEY, Speaker

46 Attest:

47

48

49

4