

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

Fifty-first Legislative Day

Thursday, February 26, 2004

1 Prayer by Dr. Dick Newman, General Manager of Day Star Television,
2 Arvada.

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

5
6 Pledge of Allegiance led by Representative Marshall.

7
8 The roll was called with the following result:

9
10 Present--63.

11 Excused--Representative Rhodes--1.

12 Absent--Representative Mitchell--1.

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

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Merrifield, the reading of the journal of
19 February 25, 2004, was declared dispensed with and approved as
20 corrected by the Chief Clerk.

21
22
23 On motion of Representative King, at 9:13 a.m., **SB04-096, HB04-1040,**
24 **1151, SB04-062, HB04-1083, 1345, 1081, SB04-127, 110, 128, HCR04-**
25 **1004, HB04-1034** were added to the Special Orders Calendar on
26 Thursday, February 26, 2004.

27
28
29 On motion of Representative Welker, the House resolved itself into
30 Committee of the Whole for consideration of Special Orders and he was
31 called to the Chair to act as Chairman.

32
33
34
35 **SPECIAL ORDERS--SECOND READING OF BILLS**

36
37 The Committee of the Whole having risen, the Chairman reported the
38 titles of the following bills had been read (reading at length had been
39 dispensed with by unanimous consent), the bills considered and action
40 taken thereon as follows:

41
42 (Amendments to the committee amendment are to the printed committee
43 report which was printed and placed in the members' bill file.)

- 1 **SB04-067** by Senator(s) Owen; also Representative(s) Smith--
2 Concerning the elimination of obsolete provisions of law.
3
4 Ordered revised and placed on the Calendar for Third Reading and Final
5 Passage.
6
7 **SB04-035** by Senator(s) Kester; also Representative(s) Briggs--
8 Concerning meetings of county boards of social services
9 to address public assistance responsibilities of county
10 departments.
11
12 Amendment No. 1, by Representative Briggs.
13
14 Amend reengrossed bill, page 2, line 13, strike "COMMISSIONERS." and
15 substitute "COMMISSIONERS, UPON FULL AND TIMELY NOTICE GIVEN
16 PURSUANT TO THE PROVISIONS OF SECTION 24-6-402, C.R.S."
17
18 As amended, ordered revised and placed on the Calendar for Third
19 Reading and Final Passage.
20
21 **SB04-012** by Senator(s) May R.; also Representative(s) Ragsdale,
22 Welker--Concerning the types of records necessary for the
23 department of revenue to administratively revoke a driver's
24 license for tampering with an interlock device.
25
26 Ordered revised and placed on the Calendar for Third Reading and Final
27 Passage.
28
29 **SB04-026** by Senator(s) Jones; also Representative(s) Welker--
30 Concerning increasing the time period in which the
31 insurance commissioner must hold a hearing about the
32 cancellation of motor vehicle insurance.
33
34 Ordered revised and placed on the Calendar for Third Reading and Final
35 Passage.
36
37 **SB04-096** by Senator(s) Veiga; also Representative(s) Fairbank--
38 Concerning the transfer of interests in telecommunication
39 utility assets that are not used in the provision of regulated
40 services without authorization by the public utilities
41 commission.
42
43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.
45
46 **HB04-1151** by Representative(s) Wiens, Plant--Concerning the ability
47 of the state of Colorado to respond to the initial attack of
48 a wildfire.
49
50 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
51 dated February 18, 2004, and placed in member's bill file; Report also
52 printed in House Journal, February 19, pages 526-527.
53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

1 **SB04-062** by Senator(s) Arnold; also Representative(s) Mitchell--
2 Concerning databases of school district employees.
3

4 Amendment No. 1, Education Report, dated February 18, 2004, and
5 placed in member's bill file; Report also printed in House Journal,
6 February 19, page 530.
7

8 Amendment No. 2, by Representative Mitchell.
9

10 Amend the Education Committee Report, dated February 18, 2004, page
11 1, line 3, strike "ANNUALLY" and substitute "AT LEAST ANNUALLY THE".
12

13 Amendment No. 3, by Representative Mitchell.
14

15 Amend reengrossed bill, page 2, line 15, strike "A" and substitute "AT
16 THE BEGINNING OF EACH SEMESTER, A".
17

18 As amended, ordered revised and placed on the Calendar for Third
19 Reading and Final Passage.
20

21 **HB04-1081** by Representative(s) White--Concerning attorney fees in
22 civil matters.
23

24 Amendment No. 1, Business Affairs & Labor Report, dated February 19,
25 2004, and placed in member's bill file; Report also printed in House
26 Journal, February 20, pages 581-584.
27

28 As amended, declared **lost** on Second Reading.
29

30 On motion of Representative King, the remainder of the Special Orders
31 Calendar (**HB04-1347, 1257, 1040, 1083, 1345, SB04-127, 110, 128,**
32 **HCR04-1004, HB04-1034**) was laid over until February 27, retaining
33 place on Calendar.
34

35
36
37 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
38

39 Representative Plant moved to amend the Report of the Committee of the
40 Whole to show that the following Plant amendment, to SB 04-067, did
41 pass, and that SB 04-067, as amended, did pass.
42

43 Amend reengrossed bill, page 35, line 8, strike "39-22-114," and
44 substitute "39-22-114 (3),";
45

46 strike lines 10 through 27 and substitute the following:
47

48 **"39-22-114. Residential energy credit.** (3) ~~This section applies~~
49 ~~only to expenditures made on or after January 1, 1980, but before January~~
50 ~~1, 1986."~~
51

52 Strike page 36.
53

54 Page 37, strike lines 1 through 12.
55

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

	YES	27	NO	35	EXCUSED	01	ABSENT	02
2	Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
3	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
4	Boyd	Y	Harvey	N	McGihon	Y	Spence	E
5	Briggs	-	Hefley	N	Merrifield	Y	Stafford	N
6	Brophy	N	Hodge	Y	Miller	N	Stengel	N
7	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
8	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	N	King	N	Ragsdale	Y	Welker	N
12	Cloer	N	Larson	N	Rhodes	N	White	N
13	Coleman	Y	Lee	N	Rippy	N	Wiens	N
14	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
15	Decker	-	Madden	Y	Rose	N	Williams T.	N
16	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
17	Frangas	Y	May	N	Schultheis	N	Young	N
18							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: SB04-067, 035 amended, 012, 026, 096, HB04-1151 amended, SB04-062 amended.

Lost on Second Reading: **HB04-1081** amended.

Laid over until date indicated retaining place on Calendar: **HB04-1347, 1257, 1040, 1083, 1345, SB04-127, 110, 128, HCR04-1004, HB04-1034--February 27, 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	62	NO	00	EXCUSED	01	ABSENT	02
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	E
Briggs	-	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	-	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

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

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

SB04-009 be referred to the Committee of the Whole with favorable recommendation.

SB04-013 be referred to the Committee of the Whole with favorable recommendation.

SB04-032 be referred favorably to the Committee on Appropriations.

SB04-040 be referred favorably to the Committee on Appropriations.

BUSINESS AFFAIRS & LABOR

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

SB04-022 be referred to the Committee of the Whole with favorable recommendation.

SB04-023 be referred to the Committee of the Whole with favorable recommendation.

SB04-116 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 3, line 18, strike "DECEMBER 1." and substitute "JANUARY 1 UNLESS THE COMMISSIONER, UPON APPLICATION, MAKES A FINDING UPON GOOD CAUSE SHOWN THAT A LATER DATE IS NECESSARY OR APPROPRIATE FOR THE IMPLEMENTATION OF SUCH FILING.".

EDUCATION

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

HB04-1315 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 12, after "WHO", insert "PERSISTENTLY".

1 Page 3, line 2, strike "SITE." and substitute "SITE;"

2

3 after line 2, insert the following:

4

5 "(l) STUDENTS HAVE A RIGHT TO ENGAGE IN THE FULL AND
6 VIGOROUS EXPRESSION AND DEBATE OF OPINIONS AND IN THE OPEN AND
7 CHALLENGING EXCHANGE OF IDEAS AMONG AND BETWEEN STUDENTS AND
8 FACULTY.

9

10 **SECTION 2.** 23-1-125, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12

13 **23-1-125. Commission directive - student bill of rights - degree**
14 **requirements - implementation of core courses - competency test -**
15 **academic freedoms. (5) Definitions.** FOR PURPOSES OF THIS SECTION,
16 "HOSTILE ENVIRONMENT" MEANS AN ENVIRONMENT CREATED BY A LEVEL
17 OF HARASSMENT THAT IS SUFFICIENTLY SERIOUS, SEVERE, PERSISTENT, OR
18 PERVERSIVE AS TO LIMIT OR DENY A STUDENT'S ABILITY TO PARTICIPATE IN
19 OR BENEFIT FROM AN EDUCATIONAL PROGRAM. TO ENGAGE IN A LEVEL OF
20 HARASSMENT THAT IS SUFFICIENT TO CREATE A HOSTILE ENVIRONMENT, A
21 PERSON MUST TAKE ACTIONS OTHER THAN THE EXPRESSION OF VIEWS,
22 WORDS, SYMBOLS, OR THOUGHTS THAT ANOTHER PERSON FINDS
23 OFFENSIVE."

24

25 Renumber succeeding sections accordingly.

26

27 Page 3, line 9, strike "(1) (k)." and substitute "(1) (l)."

28

29

30 **HJR04-1023** be referred out for final action.

31

32

33

34

35 **FINANCE**

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

38

39 **HB04-1082** be amended as follows, and as so amended, be referred to
40 the Committee on Agriculture, Livestock & Natural
41 Resources with favorable recommendation:

42

43 Amend printed bill, page 2, line 2, strike "(1.1) and";

44

45 line 3, strike "are" and substitute "is";

46

47 strike lines 6 through 13;

48

49 line 16, strike "profit," and substitute "profit; EXCEPT THAT THE TERM
50 ALSO INCLUDES A COMMERCIAL BEEKEEPING OPERATION OR A
51 COMMERCIAL GREENHOUSE,";

52

53 line 17, after "PRODUCTS", insert "GROWN IN THE GREENHOUSE";

54

55 line 19, strike "BEEKEEPING," and substitute "A COMMERCIAL BEEKEEPING
56 OPERATION,";

1 after line 25, insert the following:

2

3 "(c) AN ASSESSOR SHALL CLASSIFY A GREENHOUSE OR NURSERY AT
4 THE HIGHEST IRRIGATED AGRICULTURAL LAND CLASSIFICATION."

5

6 Page 3, strike lines 1 and 2 and substitute the following:

7

8 "**SECTION 2. Applicability.** (1) The changes in the definition
9 of "farm" contained in section 1 of this act shall apply to:

10

11 (a) Any property tax year that commences on or after January 1,
12 2004; and

13

14 (b) Any administrative proceeding or appeal to a court in which
15 the proper classification of property for purposes of property taxation for
16 any property tax year that commenced on or after January 1, 1997, but
17 before January 1, 2004, is at issue if:

18

19 (I) A final administrative or court judgment has been issued that
20 concluded that the property at issue was not a farm, and it appears that
21 application of the changes in the definition of "farm" in section 1 of this
22 act during the administrative proceeding or appeal to a court would have
23 changed that outcome; or

24

25 (II) The administrative proceeding or appeal to a court is pending
26 as of the effective date of this act."

27

28

29

30 **SB04-003** be referred to the Committee of the Whole with favorable
31 recommendation.

32

33

34 **SB04-015** be referred to the Committee of the Whole with favorable
35 recommendation.

36

37

38 **SB04-107** be amended as follows, and as so amended, be referred to
39 the Committee of the Whole with favorable
40 recommendation:

41

42 Amend reengrossed bill, page 4, line 2, after "C.R.S.", insert "FOR LIENS
43 FILED PURSUANT TO SECTION 26-13-128, C.R.S., FOR CURRENT CHILD
44 SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD
45 SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN
46 COMBINED WITH MAINTENANCE,";

47

48 line 3, strike "ARREARAGES FOR" and substitute "CURRENT";

49

50 strike line 4 and substitute the following:

51 "SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD
52 SUPPORT ARREARAGES, CHILD SUPPORT COSTS, OR CHILD SUPPORT WHEN
53 COMBINED WITH MAINTENANCE, AND FOR PAYMENTS MADE IN".

54

55

56

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

4
5 **SB04-025** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
9

10
11 **JUDICIARY**

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

14
15 **SB04-030** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:
18

19 Amend reengrossed bill, page 2, line 10, after "AN", insert "UNLAWFUL
20 SEXUAL BEHAVIOR";
21

22 line 11, strike "section 18-1.3-406, PART 2 OF" and substitute "A CRIME OF
23 VIOLENCE DESCRIBED IN section 18-1.3-406, AN ASSAULT OFFENSE
24 DESCRIBED IN PART 2 OF ARTICLE 3 OF TITLE 18, OR A CHILD ABUSE
25 OFFENSE DESCRIBED IN PART 4 OF ARTICLE 6 OF TITLE 18, C.R.S., or";
26

27 strike line 12;
28

29 line 14, after "AN", insert "UNLAWFUL SEXUAL BEHAVIOR";
30

31 line 15, strike "SECTION 18-1.3-406, PART 2 OF ARTICLE 3 OF TITLE 18, OR"
32 and substitute "A CRIME OF VIOLENCE DESCRIBED IN SECTION 18-1.3-406,
33 AN ASSAULT OFFENSE DESCRIBED IN PART 2 OF ARTICLE 3 OF TITLE 18, OR
34 A CHILD ABUSE OFFENSE DESCRIBED IN";
35

36 line 16, strike "agreement." and substitute "agreement OR WHO ARE NOT
37 ALIENS SUBJECT TO A REMOVAL ORDER."
38
39
40

41 **SB04-146** be referred to the Committee of the Whole with favorable
42 recommendation.
43
44

45 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

46
47 The Speaker has signed: **HB04-1206; SB04-106; SJR04-018, 019.**
48
49

50 **MESSAGES FROM THE SENATE**

51
52 Madam Speaker:
53

54 The Senate has adopted and returns herewith: HJR04-1015.
55
56

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3 SB04-115, amended as printed in Senate Journal, February 24, 2004,
4 pages 359-360 & 363.

MESSAGE FROM THE REVISOR

10 We herewith transmit:
11 Without comment, as amended, SB04-115.

INTRODUCTION OF BILLS First Reading

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

21 **HB04-1384** by Representative(s) Sinclair, Coleman, Johnson R.,
22 Larson, May M., McCluskey, Rose, Weddig; also
23 Senator(s) Lamborn--Concerning reporting requirements
24 reviewed by the state, veterans, and military affairs
25 committees of the general assembly pursuant to Colorado's
26 "Information Coordination Act".
27 Committee on State, Veterans, & Military Affairs

29 **SB04-185** by Senator(s) Entz; also Representative(s) Hoppe--
30 Concerning requirements for a permit for a nonexempt
31 ground water well located outside of the boundaries of any
32 designated ground water basin.
33 Committee on Agriculture, Livestock, & Natural Resources

INTRODUCTION OF RESOLUTION

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

42 **HJR04-1024** by Representative(s) Jahn; also Senator(s) Anderson--
43 Concerning support for the Stop Family Violence stamp.

LAY OVER OF CALENDAR ITEMS

49 On motion of Representative King, the following items on the Calendar
50 were laid over until February 27, retaining place on Calendar:

52 Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009,**
53 **HJR04-1013, 1005, SJR04-003, 004, HJR04-1018, 1020, SJR04-015.**
54 Consideration of Senate Amendments--**HB04-1112, 1038, 1072, 1052,**
55 **1100, 1110, 1005, 1152, 1055, 1002, 1013.**

1 On motion of Representative King, the House adjourned until 9:00 a.m.,
2 February 27, 2004.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,
13 Chief Clerk

14

15