

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

Forty-ninth Legislative Day

Tuesday, February 24, 2004

1 Prayer by the Reverend Steve Ong, Victory Baptist Church, Greeley.

2

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

4

5 Pledge of Allegiance led by Representative Larson.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Paccione--1.

11 Present after roll call--Representative Paccione.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Merrifield, the reading of the journal of
 17 February 23, 2004, was declared dispensed with and approved as
 18 corrected by the Chief Clerk.

19

20

21

22 **THIRD READING OF BILLS--FINAL PASSAGE**

23

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.

27

28 **HB04-1173** by Representative(s) Garcia; also Senator(s) Johnson S.--
 29 Concerning the regulation of the use of mobile
 30 communication devices by permitted drivers in motor
 31 vehicles.

32

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

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

37

38	YES	40	NO	24	EXCUSED	01	ABSENT	00
39	Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
40	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
41	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
42	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
43	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N

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

13 Co-sponsors added: Representatives Carroll, Marshall, Merrifield, Romanoff,
14 Williams S.

15
16 **HB04-1341** by Representative(s) Rose, Hefley; also Senator(s)
17 Windels--Concerning prisoner processing fees collected
18 by a county.

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

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

25	YES	49	NO	15	EXCUSED	01	ABSENT	00
26	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
27	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
28	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
29	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
30	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
32	Cadman	N	Jahn	Y	Paccione	E	Vigil	Y
33	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
34	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
35	Clapp	Y	King	N	Ragsdale	Y	Welker	Y
36	Cloer	N	Larson	Y	Rhodes	N	White	Y
37	Coleman	Y	Lee	Y	Rippy	Y	Wiens	N
38	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
39	Decker	N	Madden	Y	Rose	Y	Williams T.	N
40	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	May	N	Schultheis	N	Young	Y
42							Speaker	N

43 Co-sponsors added: Representatives Coleman, Vigil.

44
45 **HB04-1094** by Representative(s) McGihon, Cerbo; also Senator
46 Arnold--Concerning access to unemployment benefits by
47 persons who have quit a job due to domestic abuse.

48
49 The question being "Shall the bill pass?".

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

54	YES	30	NO	34	EXCUSED	01	ABSENT	00
55	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	N
56	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N

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

HB04-1274 by Representative(s) Marshall; also Senator(s) Veiga--
Concerning identity theft.

The question being "Shall the bill pass?".

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**.

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	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	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

Co-sponsors added: Representatives Boyd, Butcher, Carroll, Coleman, Crane, Frangas, Garcia, Hefley, Madden, Merrifield, Mitchell, Pommer, Ragsdale, Romanoff, Weissmann, Williams S., Speaker.

HB04-1264 by Representative(s) Young, Plant, Witwer; also
Senator(s) Teck, Owen, Reeves--Concerning billing cycles
for payments to providers under the "Colorado Medical
Assistance Act".

The question being "Shall the bill pass?".

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**.

	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	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	E	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: Representatives McFadyen, Rippy.

20
21 **HB04-1350** by Representative(s) Berry; also Senator(s) Anderson--
22 Concerning state programs to assist higher education
23 students in paying tuition.
24

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

26 A roll call vote was taken. As shown by the following recorded vote, a
27 majority of those elected to the House voted in the affirmative and the bill
28 was declared **passed**.
29

	YES	57	NO	07	EXCUSED	01	ABSENT	00
30								
31	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
32	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
33	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
34	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
35	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
36	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
37	Cadman	N	Jahn	Y	Paccione	E	Vigil	Y
38	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
39	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
40	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
41	Cloer	N	Larson	Y	Rhodes	Y	White	Y
42	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
43	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
44	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
45	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
46	Frangas	Y	May	Y	Schultheis	N	Young	Y
47							Speaker	Y

48 Co-sponsors added: Representatives Hefley, Jahn, Marshall, Romanoff, Weddig,
49 Williams S.
50

51
52 **HB04-1361** by Representative(s) Frangas, Jahn; also Senator(s) Owen--
53 -Concerning area vocational schools.
54

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

56 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**.

YES	63	NO	01	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	Y
Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	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

Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Cloer, Coleman, Crane, Hefley, Marshall, Merrifield, Miller, Romanoff, Vigil, Williams T.

HB04-1298 by Representative(s) Madden, Young; also Senator(s) Hillman, Kester--Concerning adjustments to the fees deposited into the wholesale food manufacturing and storage protection cash fund.

The question being "Shall the bill pass?".

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**.

YES	62	NO	02	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	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	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	N	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	N	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Cadman, Marshall, McFadyen, Rippy, Speaker.

1 **HB04-1307** by Representative(s) Cloer, Marshall; also Senator
 2 Lamborn--Concerning the determination of premium rates
 3 for compulsory legal liability coverage for a motor vehicle.
 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	48	NO	16	EXCUSED	01	ABSENT	00
11	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
12	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
14	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
15	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
16	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
17	Cadman	N	Jahn	Y	Paccione	E	Vigil	Y
18	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
19	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
20	Clapp	Y	King	N	Ragsdale	Y	Welker	N
21	Cloer	Y	Larson	Y	Rhodes	N	White	N
22	Coleman	Y	Lee	N	Rippy	Y	Wiens	N
23	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
24	Decker	N	Madden	Y	Rose	Y	Williams T.	N
25	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
26	Frangas	Y	May	Y	Schultheis	N	Young	N
27							Speaker	Y

28 Co-sponsors added: Representatives Brophy, Butcher, Coleman, Merrifield.
 29

30 **HB04-1343** by Representative(s) Jahn; also Senator(s) Johnson--
 31 Concerning the preclusion of the issuance of a court order
 32 nunc pro tunc when the order contains determinations that
 33 establish a child's eligibility under Title IV-E of the
 34 federal "Social Security Act".
 35

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

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

	YES	63	NO	01	EXCUSED	01	ABSENT	00
42	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
43	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
44	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
45	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
46	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
47	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
48	Cadman	Y	Jahn	Y	Paccione	E	Vigil	Y
49	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
50	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
51	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
52	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
53	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
54	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
55	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
56	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y

1	Frangas	Y	May	N	Schultheis	Y	Young	Y
2							Speaker	Y

3 Co-sponsors added: Representatives Marshall, Merrifield, Williams S.

4
5 **HB04-1224** by Representative(s) Paccione; also Senator(s) McElhany,
6 Lamborn--Concerning allowing minors to serve as
7 directors of nonprofit corporations.
8

9 Laid over until February 25, retaining place on Calendar.

10
11 **HB04-1354** by Representative(s) Hefley, Clapp, Stafford, Tochtrop,
12 Witwer; also Senator(s) Johnson S., Hanna--Concerning
13 enactment of the "Health Care Credentials Uniform
14 Application Act".
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**.
20

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	Y
26	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
27	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Jahn	Y	Paccione	E	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 Boyd, Carroll, Crane, Marshall, Miller,
40 Pommer, Weddig, Welker, Speaker.
41

42 **HB04-1356** by Representative(s) Smith--Concerning an increase in the
43 amount of income that an owner of certain tax exempt
44 property may earn from the rental of the property.
45

46 Laid over until February 25, retaining place on Calendar.
47
48
49

50 On motion of Representative Mitchell, the House resolved itself into
51 Committee of the Whole for consideration of Special Orders and he was
52 called to the Chair to act as Chairman.
53
54
55
56

SPECIAL 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.)

HB04-1067 by Representative(s) Coleman; also Senator(s) Taylor--
Concerning the conversion of state refunds of business personal property taxes owed by the department of revenue to a taxpayer into unclaimed property for which a claim may be filed under the "Unclaimed Property Act" when the refund is represented by a warrant that has been cancelled in accordance with law.

Amendment No. 1, Finance Report, dated January 21, 2004, and placed in member's bill file; Report also printed in House Journal, January 22, page 128.

Amendment No. 2, by Representative Coleman.

Strike the Finance Committee Report, dated January 21, 2004, and substitute the following:

"Amend printed bill, page 3, line 20, strike "UPON" and substitute "NO SOONER THAN EIGHTEEN MONTHS AFTER".".

Amendment No. 3, by Representative Coleman.

Amend printed bill, page 4, after line 2, insert the following:

"(b) IF THE DEPARTMENT HAS FORWARDED TO THE STATE TREASURER INFORMATION AND AN AMOUNT OF MONEY EQUAL TO THE AMOUNT OF THE WARRANT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE TAXPAYER MUST FILE THE CLAIM FOR THE AMOUNT OF THE REFUND WITH THE STATE TREASURER PURSUANT TO THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S. THE DEPARTMENT AND THE STATE TREASURER SHALL COOPERATE TO ENSURE THAT ANY TAXPAYER WHO CONTACTS THE DEPARTMENT TO CLAIM THE AMOUNT OF A REFUND REPRESENTED BY A CANCELLED WARRANT IS PROVIDED WITH THE INFORMATION OR ASSISTANCE NECESSARY TO OBTAIN THE REFUND FROM THE STATE TREASURER.".

Reletter succeeding paragraph accordingly.

Page 4, strike line 27.

Strike page 5.

Page 6, strike lines 1 through 12.

1 Renumber succeeding section accordingly.

2
3 As amended, ordered engrossed and placed on the Calendar for Third
4 Reading and Final Passage.

5
6 **HB04-1305** by Representative(s) Jahn, Frangas, Hefley; also
7 Senator(s) Anderson--Concerning protection orders.

8
9 Amendment No. 1, Judiciary Report, dated February 17, 2004, and placed
10 in member's bill file; Report also printed in House Journal, February 19,
11 pages 541-546.

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

15
16 **HB04-1230** by Representative(s) Hall, May M., Crane, Fairbank,
17 Lundberg, Mitchell, Rose, Spence, Williams S., Williams
18 T.; also Senator(s) Jones--Concerning the election of
19 school district directors from director districts.

20
21 Amendment No. 1, Local Government Report, dated February 18, 2004,
22 and placed in member's bill file; Report also printed in House Journal,
23 February 19, pages 546-549.

24
25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.

27
28 **HB04-1357** by Representative(s) Rose; also Senator(s) Isgar --
29 Concerning authorization for a winery to own a restaurant
30 licensed to sell alcohol beverages, and, in connection
31 therewith, allowing a winery to sell beverages of its own
32 manufacture in such restaurant.

33
34 Amendment No. 1, Local Government Report, dated February 18, 2004,
35 and placed in member's bill file; Report also printed in House Journal,
36 February 19, pages 549-554.

37
38 Amendment No. 2, by Representative Rose.

39
40 Amend the Local Government Committee Report, dated February 18,
41 2004, page 1, line 10, strike "FIVE HUNDRED" and substitute "TWO
42 HUNDRED FIFTY".

43
44 Page 3, line 2, strike "MANUFACTURED" and substitute "FERMENTED,
45 MANUFACTURED,";

46
47 line 6, strike "THREE HUNDRED" and substitute "FIFTY".

48
49 Amendment No. 3, by Representative Rose.

50
51 Amend the Local Government Committee Report, dated February 18,
52 2004, page 4, line 27, strike "(h) and (2)," and substitute "(l),";

53
54 strike lines 31 and 32 and substitute the following:

55
56 "(l) For each brew pub OR VINTNER'S RESTAURANT license, three

1 hundred twenty-five dollars;".

2
3 Page 5, strike lines 1 through 36;

4
5 line 37, strike "(d)," and substitute "(i),".

6
7 Page 6, strike lines 5 and 6 and substitute the following:

8
9 "(i) For each brew pub OR VINTNER'S RESTAURANT license, five
10 hundred dollars;".

11
12 Page 7, after line 30, insert the following:

13
14 "SECTION 13. 12-47-419 (2), Colorado Revised Statutes, is
15 amended to read:

16
17 **12-47-419. Public transportation system license.** (2) It is
18 unlawful for any owner, part owner, shareholder, or person interested
19 directly or indirectly in a public transportation system license to conduct,
20 own either in whole or in part, or be directly or indirectly interested in
21 any other business licensed pursuant to this article; except that a person
22 licensed under this section may be interested in ~~another public~~
23 ~~transportation system license or an arts license granted under this article,~~
24 OTHER RETAIL LIQUOR LICENSES or in a financial institution referred to in
25 section 12-47-308 (4).".

26
27 Renumber succeeding section accordingly.

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

31
32 **HB04-1210** by Representative(s) Williams T.; also Senator McElhany-
33 -Concerning authority of the insurance commissioner to
34 promulgate rules related to the administration of medical
35 payments coverage for the purpose of motor vehicle
36 insurance.

37
38 Amendment No. 1, by Representative Williams T.

39
40 Amend printed bill, page 2, line 5, strike "**coverage.**" and substitute
41 "**coverage - repeal.** (1)";

42
43 line 6, strike "MAY" and substitute "SHALL";

44
45 line 7, strike "INCLUDING, BUT NOT";

46
47 strike line 8 and substitute the following:

48
49 "AND COORDINATION OF";

50
51 line 9, after the period, add "MEDICAL PAYMENTS COVERAGE SHALL BE
52 PRIMARY TO ANY HEALTH INSURANCE BENEFIT OF A PERSON INJURED IN A
53 MOTOR VEHICLE ACCIDENT AND MEDICAL PAYMENTS COVERAGE SHALL
54 APPLY TO ANY COINSURANCE OR DEDUCTIBLE AMOUNT REQUIRED BY THE
55 INJURED PERSON'S HEALTH COVERAGE PLAN, AS DEFINED IN SECTION
56 10-16-102 (22.5).";

after line 9, insert the following:

"(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005."

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

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1347, SB04-067, 035, 012, 026, HB04-1348, 1175, 1196, 1093, 1121, 1257, 1218, 1209, 1153, 1270, 1353, 1241, 1248**) was laid over until later in the day, retaining place on Calendar.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1067 amended, 1305 amended, 1230 amended, 1357 amended, 1210 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1347, SB04-067, 035, 012, 026, HB04-1348, 1175, 1196, 1093, 1121, 1257, 1218, 1209, 1153, 1270, 1353, 1241, 1248**--later in the day.

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	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	E	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

CHANGE IN SPONSORSHIP

Speaker Spradley announced that Senator Groff has replaced Senator Arnold as Senate sponsor for **HJR04-1021**.

House in recess. House reconvened.

REPORT OF COMMITTEE OF REFERENCE**INFORMATION & TECHNOLOGY**

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

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

Strike the Transportation and Energy Committee Report, dated January 29, 2004, and substitute the following:

"Amend printed bill, page 2, line 13, after the period, add "IF A PERSON RENEWS HIS OR HER LICENSE PURSUANT TO THIS SUBPARAGRAPH (I) BY ELECTRONIC MEANS, THE PERSON SHALL ATTEST THAT HE OR SHE HAS HAD AN EYE EXAMINATION BY ANY OPTOMETRIST OR AN OPHTHALMOLOGIST WITHIN THREE YEARS BEFORE THE DATE OF APPLICATION.";

line 17, strike "SIXTY-SIX" and substitute "SIXTY-ONE";

line 18, strike "THE" and substitute "PURSUANT TO SECTIONS 24-19.5-103 (3) AND 29-11.5-103 (3), C.R.S., THE".

Page 3, line 6, after "C.R.S.", insert "AND HAS BEEN REVIEWED AND APPROVED BY THE COMMISSION ON INFORMATION MANAGEMENT WITHIN THE OFFICE OF INNOVATION AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR,";

after line 13, insert the following:

"(e) TO IMPLEMENT ELECTRONIC RENEWAL OF A DRIVER'S LICENSE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL:

(I) DEVELOP AND IMPLEMENT AN INFORMATION SECURITY PROGRAM AND UTILIZE A LAYERED SECURITY APPROACH WHICH SHALL CONSIST OF THE FOLLOWING:

(A) A BUSINESS IMPACT ANALYSIS THAT ASSESSES THE CRITICALITY OF SERVICES;

(B) A RISK OR SECURITY ASSESSMENT THAT IDENTIFIES VULNERABILITIES OF THE SYSTEM;

(C) A RISK MANAGEMENT PROCESS;

(D) A CONTINGENCY PLAN FOR DISASTER RECOVERY OF INFORMATION AND SERVICES AND BUSINESS CONTINUITY;

(E) PROCEDURES THAT IDENTIFY SECURITY SAFEGUARDS FOR ASSET PROTECTION;

(F) A SECURE ARCHITECTURAL DESIGN;

(G) SECURITY AWARENESS AND TRAINING PROGRAMS; AND

1 (H) MONITORING AND AUDIT SYSTEMS FOR BACK-END REVIEWS TO
2 EVALUATE EFFICIENCY AND EFFICACY;

3
4 (II) DEVELOP SECURITY POLICIES THAT ADDRESS, AT A MINIMUM,
5 THE FOLLOWING:

6
7 (A) SYSTEM PROTECTION FROM VIRUSES AND SYSTEM VIRUS
8 DETECTION;

9
10 (B) FIREWALL SECURITY;

11
12 (C) LOGGING CAPABILITY;

13
14 (D) SERVER SECURITY;

15
16 (E) INTRUSION DETECTION;

17
18 (F) ENCRYPTION;

19
20 (G) PHYSICAL SECURITY; AND

21
22 (H) SECURE REMOTE ACCESS COMMUNICATION, IF APPLICABLE;
23 AND

24
25 (III) DEVELOP A MIGRATION PLAN THAT SETS OUT THE
26 DEPARTMENT'S GOALS AND OBJECTIVES AND ESTABLISHES PRIORITIES AND
27 THE DEPARTMENT'S TIME LINE FOR ACHIEVING SUCH REQUIREMENTS.

28
29 (f) FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH
30 (e) OF THIS SUBSECTION (1.5) MAY RESULT IN THE DEPARTMENT BEING
31 REMOVED FROM OR DENIED ACCESS TO THE STATE NETWORK OR
32 MAINFRAME COMPUTER UNTIL ALL OF THE PROVISIONS OF PARAGRAPH (e)
33 ARE DEMONSTRATED BY THE DEPARTMENT.

34
35 (g) ON OR BEFORE AUGUST 31, 2004, THE DEPARTMENT SHALL
36 REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON
37 THE DEPARTMENT'S PROGRESS WITH THE STATEWIDE INTERNET PORTAL OR
38 OTHER ELECTRONIC SERVICE DELIVERY MECHANISM THROUGH WHICH
39 CITIZENS HAVE ELECTRONIC ACCESS TO STATE AGENCY INFORMATION,
40 INCLUDING RULES NECESSARY FOR THE IMPLEMENTATION OF THIS
41 SUBSECTION (1.5) AND MEASURES THE DEPARTMENT WILL IMPLEMENT TO
42 MINIMIZE POSSIBLE OPPORTUNITIES FOR IDENTITY THEFT AND FRAUD."."

43 44 45 46 PRINTING REPORT

47
48 The Chief Clerk reports the following bill has been correctly printed:
49 **HB04-1377.**

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and returns herewith HB04-1088, 1019, 1126, 1154, 1053, 1068, 1195, 1148, 1092, 1124, 1035.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB04-137, amended as printed in Senate Journal, February 23, 2004, page 343,

SB04-182, amended as printed in Senate Journal, February 23, 2004, page 344,

SB04-185, amended as printed in Senate Journal, February 23, 2004, page 345,

HB04-1055, amended as printed in Senate Journal, February 23, 2004, page 343,

HB04-1002, amended as printed in Senate Journal, February 23, 2004, page 345,

HB04-1013, amended as printed in Senate Journal, February 23, 2004, page 345.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB04-1002, 1013, and 1055.

Without comment, as amended, SB04-137, 182, and 185.

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1378 by Representative(s) Berry; also Senator(s) May R.--
Concerning the repeal of certain annual reporting requirements to the transportation legislation review committee pursuant to Colorado's "Information Coordination Act".

Committee on Transportation & Energy

HB04-1379 by Representative(s) Clapp; also Senator(s) Johnson S.--
Concerning reports received by the general assembly that concern matters to be heard by the health, environment, welfare, and institutions committees pursuant to Colorado's "Information Coordination Act".

Committee on Health, Environment, Welfare, & Institutions

HB04-1380 by Representative(s) Spence; also Senator(s) Arnold--
Concerning reports to the education committees of the general assembly pursuant to Colorado's "Information Coordination Act".

Committee on Education

- 1 **HB04-1381** by Representative(s) White; also Senator(s) McElhany--
2 Concerning standards for the distribution of limited
3 gaming revenues from the state historical fund by the
4 governing bodies of existing cities that provide grants of
5 such moneys for the benefit of historic properties.
6 Committee on Finance
7
8
9 **HB04-1382** by Representative(s) Lee, Frangas, Coleman, Clapp,
10 Pommer, Spence; also Senator(s) Groff, Evans, Jones,
11 McElhany--Concerning an offset against the actual value
12 of qualifying taxable personal property of an employer
13 that makes a payment to an eligible child center to defray
14 the child care costs of an employee.
15 Committee on Finance
16
17 **HB04-1383** by Representative(s) Williams T.; also Senator(s)
18 McElhany--Concerning reports to the general assembly
19 concerning issues before the business affairs and labor
20 committee pursuant to Colorado's "Information
21 Coordination Act".
22 Committee on Business Affairs & Labor
23
24
25 **SB04-088** by Senator(s) Hanna, Groff, Keller, Sandoval; also
26 Representative(s) Rhodes--Concerning the encouragement
27 of breastfeeding, and, in connection therewith, recognizing
28 the benefits of breastfeeding and providing for
29 breastfeeding in public.
30 Committee on Health, Environment, Welfare, & Institutions
31 Committee on Local Government
32
33 **SB04-125** by Senator(s) Kester; also Representative(s) Mitchell--
34 Concerning the prompt payment of auto insurance
35 benefits.
36 Committee on Business Affairs & Labor
37
38
39 **SB04-137** by Senator(s) Johnson S.; also Representative(s) Rhodes--
40 Concerning the rights of persons providing care to children
41 in out-of-home placement, and, in connection therewith,
42 requiring the provision of notice to such persons of, and
43 the opportunity to provide information at, a court hearing
44 involving the child; and maintaining the confidentiality of
45 personally identifiable information about a foster parent
46 without the written consent of the foster parent.
47 Committee on Health, Environment, Welfare, & Institutions
48
49 **SB04-179** by Senator(s) Dyer; also Representative(s) Lee--
50 Concerning collection of moneys for the costs incurred by
51 the judicial department.
52 Committee on Judiciary
53 Committee on Finance
54 Committee on Appropriations
55
56

1 **SB04-182** by Senator(s) Dyer; also Representative(s) Stengel--
2 Concerning the release of funds placed into escrow by a
3 tobacco product manufacturer that is not a participating
4 manufacturer under the terms of the tobacco litigation
5 master settlement agreement.

6 Committee on Finance

7

8

9

10

INTRODUCTION OF RESOLUTION

11

12 The following resolution was read by title and referred to the committee
13 indicated:

14

15 **HJR04-1023** by Representative(s) Young, Witwer, Plant; also
16 Senator(s) Owen, Teck, Reeves--Concerning the
17 certification by the General Assembly of the amount of
18 state education fund revenues that should be considered
19 available for appropriation for the 2004-05 state fiscal
20 year.

21 Committee on Education

22

23

24

25 On motion of Representative King, at 1:42 p.m., **HB04-1369** was added
26 to the Special Orders Calendar on Tuesday, February 24, 2004.

27

28

29 On motion of Representative Mitchell, 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

SPECIAL ORDERS--SECOND READING OF BILLS

35

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.)

44

45 **HB04-1121** by Representative(s) Fairbank; also Senator Lamborn--
46 Concerning the treatment under laws regulating campaign
47 finance of contributions to persons involved in the
48 political process.

49

50 Amendment No. 1, by Representative Weissmann.

51

52 Amend printed bill, page 3, line 21, strike "BALLOT." and substitute the
53 following:

54

55 "BALLOT; EXCEPT THAT, A CANDIDATE COMMITTEE ESTABLISHED IN THE
56 NAME OF A CANDIDATE WHO HAS A PRIMARY OPPONENT SHALL NOT

1 EXPEND CONTRIBUTIONS RECEIVED AND ACCEPTED FOR A GENERAL
2 ELECTION PRIOR TO THE DATE OF THE PRIMARY ELECTION IN WHICH THE
3 CANDIDATE IS ON THE PRIMARY ELECTION BALLOT.".

4

5 Amendment No. 2, by Representative Plant.

6

7 Amend printed bill, page 4, strike lines 10 through 13 and substitute the
8 following:

9 "CANDIDATE COMMITTEE. ANY REIMBURSEMENT OR REPORTING OF ANY
10 EXPENDITURE SHALL BE MADE PRIOR TO THE DATE OF THE PRIMARY OR
11 GENERAL ELECTION, AS APPLICABLE.".

12

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

15 (For change in action, see Amendments to Report, page 631.)

16

17 **HB04-1218** by Representative(s) Fairbank; also Senator Anderson--
18 Concerning municipal court marshals.

19

20 Amendment No. 1, by Representatives Carroll, Larson.

21

22 Amend printed bill, page 2, line 4, strike "DUTIES. A MUNICIPAL" and
23 substitute "DUTIES WHOSE";

24

25 line 5, strike "COURT MARSHAL'S";

26

27 line 9, after "LIMITS,", insert "AND";

28

29 line 10, strike "COURT, AND" and substitute "COURT WITHIN THE
30 MUNICIPAL LIMITS WHO";

31

32 strike line 11;

33

34 line 12, strike "MUNICIPAL COURT MARSHAL".

35

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

38 (For change in action, see Amendments to Report, page 631.)

39

40 **HB04-1209** by Representative(s) Tochtrop, Carroll, Mitchell,
41 Ragsdale, Welker; also Senator(s) Johnson S.--Concerning
42 the designation of an area as blighted for purposes of
43 statutory provisions governing urban renewal.

44

45 Amendment No. 1, Information & Technology Report, dated February
46 9, 2004, and placed in member's bill file; Report also printed in House
47 Journal, February 11, page 416.

48

49 Amendment No. 2, by Representative Judd.

50

51 Amend the Information and Technology Committee Report, dated
52 February 9, 2004, page 1, strike lines 3 through 6 and substitute the
53 following:

54

55 ""LAW, WHERE AN AREA HAS BEEN";

56

1 strike lines 9 and 10 and substitute the following:

2
3 "line 7, after "USES;", add "OR";

4
5 strike lines 8 through 10 and substitute the following:

6
7 "(b) CURRENTLY BEING USED FOR AGRICULTURAL PURPOSES OR
8 HAS BEEN USED FOR SUCH PURPOSES WITHIN THE PAST TWENTY FIVE
9 YEARS."."

10

11 As amended, declared **lost** on Second Reading.

12

13 **HB04-1153** by Representative(s) Stengel; also Senator Kester--
14 Concerning housing issues for victims of domestic
15 violence.

16

17 Amendment No. 1, Judiciary Report, dated January 29, 2004, and placed
18 in member's bill file; Report also printed in House Journal, January 30,
19 pages 244-245.

20

21 Amendment No. 2, by Representative Stengel.

22

23 Amend the Judiciary Committee Report, dated January 29, 2004, page 1,
24 line 11, strike "TITLE." and substitute "TITLE.";

25

26 after line 11, insert the following:

27

28 "(d) A POLICE REPORT USED AS PROOF BY A TENANT TO AVAIL
29 HERSELF OF HIMSELF OF THE PROTECTIONS OF THIS SUBSECTION (4) MUST
30 RESULT IN THE ARREST OF AT LEAST ONE PARTY."."

31

32 Amendment No. 3, by Representative Rhodes.

33

34 Amend the Judiciary Committee Report, dated January 29, 2004, page 1,
35 after line 2, insert the following:

36

37 "line 7, strike "OR" and insert "AND";";

38

39 line 10 of the committee report, strike "OR ANY" and substitute "AND
40 THE".

41

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

44 (For change in action, see Amendments to Report, page 632.)

45

46 **HB04-1270** by Representative(s) Stengel--Concerning extradition
47 proceedings.

48

49 Amendment No. 1, Judiciary Report, dated February 12, 2004, and placed
50 in member's bill file; Report also printed in House Journal, February 16,
51 page 455.

52

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

55

56

1 **HB04-1353** by Representative(s) Schultheis, Coleman, Crane, Decker,
2 Frangas, Garcia, Hall, Harvey, Jahn, King, Larson, Lee,
3 May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop,
4 Vigil, Weddig, Welker, Williams S.; also Senator Cairns--
5 Concerning immunity from liability for harm related to
6 emergency activities.
7

8 Amendment No. 1, Business Affairs & Labor Report, dated February 19,
9 2004, and placed in member's bill file; Report also printed in House
10 Journal, February 20, page 585.
11

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

15 **HB04-1241** by Representative(s) Miller; also Senator(s) Chlouber--
16 Concerning clarification of the existing exemption from
17 sales and use tax for property purchased for resale in the
18 regular course of business to apply to any motor vehicle
19 purchased by a motor vehicle dealer prior to the retail sale
20 of such vehicle.
21

22 Amendment No. 1, Transportation & Energy Report, dated February 12,
23 2004, and placed in member's bill file; Report also printed in House
24 Journal, February 13, page 442.
25

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

29 **HB04-1248** by Representative(s) Coleman, Rhodes, Vigil, Williams
30 T.; also Senator(s) Takis, Anderson, Taylor, Tupa--
31 Concerning the distribution of tobacco products.
32

33 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
34 February 19, 2004, and placed in member's bill file; Report also printed
35 in House Journal, February 20, page 587.
36

37 As amended, ordered engrossed and placed on the Calendar for Third
38 Reading and Final Passage.
39

40 **HB04-1348** by Representative(s) Mitchell; also Senator(s) McElhany--
41 Concerning standards for permissible noise from electric
42 transmission facilities.
43

44 Amendment No. 1, by Representative Berry.
45

46 Amend printed bill, page 2, strike lines 17 through 24 and substitute the
47 following:
48

49 **"25-12-103. Maximum permissible noise levels.**
50 (12) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE PUBLIC
51 UTILITIES COMMISSION SHALL SET THE MAXIMUM PERMISSIBLE NOISE
52 LEVELS FOR ELECTRIC TRANSMISSION FACILITIES. THE COMMISSION MAY
53 ESTABLISH THE PERMISSIBLE NOISE LEVELS AND THE APPROPRIATE
54 DISTANCE FROM THE EDGE OF THE RIGHT-OF-WAY TO MEASURE NOISE
55 LEVELS EITHER BY RULES OF GENERAL APPLICABILITY OR BY ISSUING
56 ORDERS TO SPECIFIC ELECTRIC TRANSMISSION FACILITIES OR

1 RIGHTS-OF-WAY PURSUANT TO TITLE 40, C.R.S. SUCH RULES SHALL BE
2 SUBJECT TO SECTIONS 24-4-103 AND 24-4-108, C.R.S. WHEN APPLYING,
3 AN APPLICANT SEEKING A COMMISSION ORDER COVERING NOISE LEVELS OF
4 A SPECIFIC ELECTRIC TRANSMISSION FACILITY OR RIGHT-OF-WAY SHALL
5 NOTIFY ALL MUNICIPALITIES AND COUNTIES WHERE THE SPECIFIC ELECTRIC
6 TRANSMISSION FACILITY OR RIGHT-OF-WAY IS OR WILL BE LOCATED. THE
7 PUBLIC UTILITIES COMMISSION SHALL AFFORD THE PUBLIC AN
8 OPPORTUNITY TO PARTICIPATE IN ALL PROCEEDINGS IN WHICH PERMISSIBLE
9 NOISE LEVELS ARE ESTABLISHED ACCORDING TO THE "PUBLIC UTILITIES
10 LAW", ARTICLES 1 TO 7 OF TITLE 40, C.R.S., AND THE "STATE
11 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S."

12
13 Amendment No. 2, by Representative Harvey.

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

17
18 "SECTION 3. **Effective date - applicability.** This act shall take
19 effect July 1, 2004, and shall apply to noise generated and civil actions
20 that are at issue under Rule 16, C.R.C.P., on or after said date."

21
22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.

24
25 HB04-1175 by Representative(s) Boyd, Sinclair; also Senator(s)
26 Veiga--Concerning the availability of emergency
27 contraception to a survivor of a sexual assault.

28
29 Ordered engrossed and placed on the Calendar for Third Reading and
30 Final Passage.

31
32 HB04-1196 by Representative(s) Williams S., Hall, Briggs, Coleman,
33 Crane, Decker, Frangas, Lee, Marshall, Miller, Paccione,
34 Rose, Sinclair; also Senator(s) Arnold--Concerning public
35 access to information regarding persons required to
36 register as sex offenders.

37
38 Amendment No. 1, Local Government Report, dated February 4, 2004,
39 and placed in member's bill file; Report also printed in House Journal,
40 February 5, pages 326-327.

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

44
45 HB04-1093 by Representative(s) McFadyen, Miller, Rose, Salazar,
46 Tochtrop; also Senator(s) Hillman, Entz, Isgar--
47 Concerning a preference for the purchase of Colorado
48 agricultural products by governmental entities.

49
50 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
51 dated February 5, 2004, and placed in member's bill file; Report also
52 printed in House Journal, February 6, page 355.

53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.

56

1 **HB04-1369** by Representative(s) King, Spradley; also Senator(s)
 2 Hillman, Andrews--Concerning payment of expenses of
 3 the legislative department, and making appropriations in
 4 connection therewith.

5
 6 Ordered engrossed and placed on the Calendar for Third Reading and
 7 Final Passage.

8
 9 On motion of Representative King, the remainder of the Special Orders
 10 Calendar (**HB04-1347, SB04-067, 035, 012, 026, HB04-1257**) was laid
 11 over until February 25, retaining place on Calendar.

12 13 14 15 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

16
 17 Representatives Larson, Carroll, Hefley, Rose, and Smith moved to
 18 amend the Report of the Committee of the Whole to show that the
 19 following Larson and Carroll amendment, to HB 04-1218, did pass, and
 20 that HB 04-1218, as amended, did pass.

21
 22 Amend printed bill, page 2, line 12, strike "MAY" and substitute "SHALL".

23
 24 The amendment was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	E	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	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

44
 45 Representative Fairbank moved to amend the Report of the Committee of
 46 the Whole to show that the following Weissmann amendment, to
 47 HB 04-1121, did not pass, and that HB 04-1121, as amended, did pass.

48
 49 Amend printed bill, page 3, line 21, strike "BALLOT." and substitute the
 50 following:

51
 52 "BALLOT; EXCEPT THAT, A CANDIDATE COMMITTEE ESTABLISHED IN THE
 53 NAME OF A CANDIDATE WHO HAS A PRIMARY OPPONENT SHALL NOT
 54 EXPEND CONTRIBUTIONS RECEIVED AND ACCEPTED FOR A GENERAL
 55 ELECTION PRIOR TO THE DATE OF THE PRIMARY ELECTION IN WHICH THE
 56 CANDIDATE IS ON THE PRIMARY ELECTION BALLOT.".

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

Representative Stengel moved to amend the Report of the Committee of the Whole to show that the following portion (severed section 1) of the Rhodes amendment, to HB 04-1153, did not pass, and that HB 04-1153, as amended, did pass.

Amend the Judiciary Committee Report, dated January 29, 2004, page 1, after line 2, insert the following:

"line 7, strike "OR" and insert "AND";";

line 10 of the committee report, strike "OR ANY" and substitute "AND THE";

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

YES	36	NO	28	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	E	McCluskey	Y	Sinclair	N
Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	Y	Hefley	N	Merrifield	Y	Stafford	N
Brophy	N	Hodge	Y	Miller	N	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	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	N	Ragsdale	Y	Welker	N
Cloer	N	Larson	Y	Rhodes	N	White	N
Coleman	Y	Lee	N	Rippy	Y	Wiens	N
Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	N
Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	N	Schultheis	N	Young	N
						Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1121 amended, 1218 amended, 1153 amended, 1270 amended, 1353 amended, 1241 amended, 1248 amended, 1348 amended, 1175, 1196 amended, 1093 amended, 1369.**

Lost on Second Reading: **HB04-1209 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1347, SB04-067, 035, 012, 026, HB04-1257.**

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	E	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until February 25, retaining place on Calendar:

Consideration of General Orders--**SB04-096, HB04-1040, 1151, SB04-062, HB04-1083, 1345, 1081, SB04-127, 110, 128.**

Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009, HJR04-1013, 1005, SJR04-003, 004, HJR04-1015, 1018, 1020, SJR04-018, 015, HJR04-1021.**

Consideration of Senate Amendments--**HB04-1112, 1038, 1072, 1052, 1100, 1110, 1005, 1152.**

1 On motion of Representative King, the House adjourned until 9:00 a.m.,
2 February 25, 2004.

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Approved:

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LOLA SPRADLEY,
Speaker

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10 Attest:

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12 JUDITH RODRIGUE,
13 Chief Clerk