

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

Tenth Legislative Day

Friday, January 16, 2004

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Butcher.

6

7 The roll was called with the following result:

8

9 Present--60.

10 Excused for Legislative Business--Representative Hoppe--1.

11 Excused--Representatives Borodkin, Hall, May, Williams S--4.

12

13 The Speaker declared a quorum present.

14

15

16

17 On motion of Representative Cerbo, the reading of the journal of  
18 January 15, 2004, was declared dispensed with and approved as corrected  
19 by the Chief Clerk.

20

21

22

23 On motion of Representative Crane, the House resolved itself into  
24 Committee of the Whole for consideration of General Orders, and he was  
25 called to the Chair to act as Chairman.

26

27

28

29

30

**GENERAL ORDERS--SECOND READING OF BILLS**

31

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

36

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

39

40 **HB04-1042** by Representative(s) Welker; also Senator(s) Jones--  
41 Concerning the requirement of demonstrating proof of  
42 motor vehicle insurance at the time a motor vehicle is  
43 registered.

1 Amendment No. 1, Business Affairs & Labor Report, dated January 13,  
2 2004, and placed in member's bill file; Report also printed in House  
3 Journal, January 14, pages 66-67.

4  
5 Amendment No. 2, by Representative Weissmann.

6  
7 Amend the Business Affairs and Labor Committee Report, dated January  
8 13, 2004, strike line 1 and substitute the following:

9  
10 "Amend printed bill, page 2, line 3, strike "**tax - repeal.**" and substitute  
11 "**tax.**";

12  
13 line 4, strike "MAY" and substitute "OR ITS".

14  
15 Amendment No. 3, by Representative Welker.

16  
17 Amend printed bill, page 3, before line 3, insert the following:

18  
19 "SECTION 2. 10-4-601 (6), Colorado Revised Statutes, is  
20 amended to read:

21  
22 **10-4-601. Definitions.** As used in this part 6, unless the context  
23 otherwise requires:

24  
25 (6) "Motor vehicle" means any vehicle of a type required to be  
26 registered and licensed under the laws of this state and that is designed to  
27 be propelled by an engine or motor; except that "motor vehicle" does not  
28 include minibikes, snowmobiles, bicycles with motor or engine attached,  
29 any vehicle designed primarily for use off the road or on rails, or  
30 ~~motorcycles and~~ motorscooters as defined in section 42-1-102, C.R.S.".

31  
32 Renumber succeeding sections accordingly.

33  
34 As amended, ordered engrossed and placed on the Calendar for Third  
35 Reading and Final Passage.

36  
37  
38 **HB04-1065** by Representative(s) Paccione; also Senator(s) Anderson--  
39 Concerning the granting of immunity related to the  
40 provision of human services referral information.

41  
42 Ordered engrossed and placed on the Calendar for Third Reading and  
43 Final Passage.

44  
45  
46 **HB04-1110** by Representative(s) White, Coleman, Harvey, Hodge,  
47 Hoppe, Larson, Marshall, May M., Paccione, Rhodes,  
48 Wiens; also Senator(s) Teck--Concerning the continuation  
49 of the regulation of banking by the division of banking,  
50 and, in connection therewith, increasing the state bank  
51 commissioner's supervision of affiliated entities, allowing  
52 additional loan production offices, raising the threshold for  
53 required real estate appraisals, and repealing the  
54 "Colorado Investment Deposit Act".

55  
56 Amendment No. 1, Business Affairs & Labor Report, dated January 13,

2004, and placed in member's bill file; Report also printed in House Journal, January 14, pages 67-69.

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

**HB04-1111** by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, May M., Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning continuation of the banking board.

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

On motion of Representative King, consideration of **HB04-1053, 1038, 1078** were laid over, retaining place on calendar until January 19, retaining place on Calendar.

#### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1042 amended, 1065, 1110 amended, 1111 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1053, 1038, 1078**--January 19, 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	60	NO	00	EXCUSED	05	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	E	Hall	E	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	E	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.	E
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	E	Schultheis	Y	Young	Y
						Speaker	Y

House in recess. House reconvened.

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

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

**HB04-1032** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 2 and 3 and substitute the following:

**"33-4-117. Youth licenses - special restrictions and privileges -**  
**(5) ~~This section is repealed, effective January 1, 2005.~~"**.

**BUSINESS AFFAIRS & LABOR**

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

**HB04-1057** be referred to the Committee of the Whole with favorable recommendation.

**HB04-1103** be referred to the Committee of the Whole with favorable recommendation.

**HB04-1112** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 8, strike line 12 and substitute ""COLORADO BANKING CODE", A STATUTE, OR A RULE ISSUED PURSUANT TO THAT CODE."

**JUDICIARY**

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

**HB04-1003** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 8, strike "(a)";

strike lines 9 through 25 and substitute the following:

**"SECTION 2.** Part 2 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1           **42-4-238. Blue and red lights - illegal use or possession.** (1) A  
2 PERSON SHALL NOT BE IN ACTUAL PHYSICAL CONTROL OF A VEHICLE,  
3 EXCEPT AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN SECTION  
4 42-1-102 (6), THAT THE PERSON KNOWS CONTAINS A LAMP OR DEVICE  
5 THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING IF  
6 AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT VISIBLE  
7 DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE.

8  
9           (2) IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT  
10 WAS:

11  
12           (a) A PEACE OFFICER AS DESCRIBED IN SECTION 16-2.5-101,  
13 C.R.S.; OR

14  
15           (b) IN ACTUAL PHYSICAL CONTROL OF A VEHICLE EXPRESSLY  
16 AUTHORIZED BY A CHIEF OF POLICE OR SHERIFF TO CONTAIN A LAMP OR  
17 DEVICE THAT IS DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF  
18 DISPLAYING IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE  
19 LIGHT VISIBLE FROM DIRECTLY IN FRONT OF THE CENTER OF THE VEHICLE;  
20 OR

21  
22           (c) A MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR A  
23 VOLUNTEER AMBULANCE SERVICE WHO POSSESSES A PERMIT FROM THE  
24 FIRE CHIEF OF THE FIRE DEPARTMENT OR CHIEF EXECUTIVE OFFICER OF THE  
25 AMBULANCE SERVICE THROUGH WHICH THE VOLUNTEER SERVES TO  
26 OPERATE A VEHICLE PURSUANT TO SECTION 42-4-222 (1) (b).

27  
28           (3) A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR."  
29

30 Page 3, strike lines 1 through 9.

31  
32  
33  
34 **HB04-1052** be amended as follows, and as so amended, be referred to  
35 the Committee of the Whole with favorable  
36 recommendation:

37  
38 Amend printed bill, page 3, strike lines 10 through 13 and substitute the  
39 following:

40  
41           "(c) A COURT SHALL NOT GRANT A PETITION FOR A NAME CHANGE  
42 IF THE COURT FINDS THE PETITIONER IS UNDER THE AGE OF SIXTEEN YEARS  
43 AND IS THE SUBJECT OF A CHILD SUPPORT, CUSTODY, OR VISITATION  
44 ACTION, UNLESS THE COURT CONSIDERING THE PETITION FOR A NAME  
45 CHANGE HAS JURISDICTION OVER THE CHILD SUPPORT, CUSTODY, OR  
46 VISITATION ACTION."

47  
48  
49  
50 **HB04-1100** be referred to the Committee of the Whole with favorable  
51 recommendation.

52  
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54  
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56

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4  
5 **HB04-1012** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9 **HB04-1043** be referred to the Committee of the Whole with favorable  
10 recommendation.

11  
12  
13  
14 **PRINTING REPORT**

15  
16 The Chief Clerk reports the following bills have been correctly printed:  
17 **HB04-1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199.**

18  
19  
20  
21 **MESSAGES FROM THE SENATE**

22  
23 Madam Speaker:

24  
25 The Senate voted to concur in House amendments to SB04-011, and  
26 repassed the bill as amended.

27  
28  
29 The Senate has passed on Third Reading and transmitted to the Revisor  
30 of Statutes: SB04-004, 012, 021.

31  
32  
33 **MESSAGE FROM THE REVISOR**

34  
35 We herewith transmit:

36  
37 Without comment, SB04-004, 012, and 021.

38  
39  
40 **INTRODUCTION OF BILLS**  
41 **First Reading**

42  
43 The following bills were read by title and referred to the committees  
44 indicated:

45  
46 **HB04-1200** by Representative(s) Clapp, Stafford, Berry, Boyd, Cloer,  
47 Frangas, Harvey, Hefley, Jahn, Johnson R., Lundberg,  
48 Madden, Plant, Pommer, Schultheis, Young; also  
49 Senator(s) Anderson, Reeves, Teck--Concerning the  
50 collaborative management of multi-agency services  
51 provided to children.

52 Committee on Health, Environment, Welfare, & Institutions

53  
54 **HB04-1201** by Representative(s) Miller; also Senator(s) Chlouber--  
55 Concerning the authority of a nonprofit organization that  
56 conducts a raffle of hunting licenses to retain up to an

1 additional ten percent of the proceeds of the sale to cover  
2 its expenses in conducting the raffle.  
3 Committee on Agriculture, Livestock, & Natural Resources  
4  
5 **HB04-1202** by Representative(s) Pommer--Concerning the funding of  
6 "Colorado History Day", and making an appropriation  
7 therefor.  
8 Committee on Education  
9 Committee on Appropriations  
10  
11 **HB04-1203** by Representative(s) Mitchell, May M., Schultheis,  
12 Carroll, Cloer, Frangas, Harvey, Hodge, Hoppe, Larson,  
13 Lundberg, McFadyen, Miller, Spradley, Tochtrop, Young;  
14 also Senator(s) Hillman, Anderson, Johnson S.--  
15 Concerning limitations on the power of governmental  
16 entities to restrict the rights of property owners.  
17 Committee on Information & Technology  
18  
19  
20

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### 21 INTRODUCTION OF RESOLUTION

22  
23 The following resolution was read by title and laid over one day under the  
24 rules:  
25

26 **HR04-1005** by Representative(s) Marshall, Spradley, King, Romanoff,  
27 Carroll, Frangas, Madden, Tochtrop, Vigil--Concerning  
28 the commemoration of the birthday of the Reverend Dr.  
29 Martin Luther King, Jr.  
30  
31  
32

33 On motion of Representative King, the House adjourned until 11:00 a.m.,  
34 January 19, 2004.  
35

36 Approved:  
37  
38  
39

40 LOLA SPRADLEY,  
41 Speaker  
42

42 Attest:  
43

44 JUDITH RODRIGUE,  
45 Chief Clerk