

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

Fourteenth Legislative Day

Tuesday, January 20, 2004

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.

2

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

4

5 Pledge of Allegiance led by Representative Briggs.

6

7 The roll was called with the following result:

8

9 Present--59.

10 Excused--Representatives Hall, Mitchell, Rippy, Stafford,

11 Williams S--5.

12 Absent--Representative Pommer--1.

13 Present after roll call--Representatives Mitchell, Stafford,

14 Pommer.

15

16 The Speaker declared a quorum present.

17

18

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

22

23

24

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

28

29

30

31

GENERAL ORDERS--SECOND READING OF BILLS

32

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

37

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

40

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

1 Amendment No. 1, Judiciary Report, dated January 13, 2004, and placed
2 in member's bill file; Report also printed in House Journal, January 14,
3 page 69.

4
5 Amendment No. 2, by Representative Berry.

6
7 Amend the Judiciary Committee Report, dated January 13, 2004, strike
8 lines 1 through 3 and substitute the following:

9
10 "Amend printed bill, page 2, line 3, after "(4)", insert "(a)";

11
12 strike lines 7 and 8 and substitute the following:

13
14 "OPERATING A TELEPHONE HOTLINE, ANSWERS QUESTIONS OF OR";

15
16 after line 12, insert the following:

17
18 "(b) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT
19 OTHERWISE REQUIRES, "HOTLINE" MEANS A TELEPHONE LINE STAFFED BY
20 INDIVIDUALS WITH THE CAPABILITY TO PROVIDE IMMEDIATE ASSISTANCE
21 TO CALLERS IN EMERGENCY OR CRISIS SITUATIONS."."

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

25
26
27 **HB04-1055** by Representative(s) Rhodes, Coleman, Williams T.; also
28 Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the
29 modification of the process used to make matching grants
30 for school district capital construction from the school
31 construction and renovation fund.

32
33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.

35
36 **HB04-1005** by Representative(s) Williams T., Coleman, Rhodes; also
37 Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the
38 enterprise status of auxiliary facilities of institutions of
39 higher education.

40
41 Ordered engrossed and placed on the Calendar for Third Reading and
42 Final Passage.

43
44 **HB04-1013** by Representative(s) Johnson R.; also Senator(s) Johnson
45 S.--Concerning changing the name of the division of
46 prevention and intervention services for children and
47 youth to the prevention services division.

48
49 Ordered engrossed and placed on the Calendar for Third Reading and
50 Final Passage.

51
52
53 **HB04-1046** by Representative(s) McGihon; also Senator(s) Teck--
54 Concerning the computation of days in determining certain
55 time periods for forcible entry and detainer actions.

56

1 Amendment No. 1, Information & Technology Report, dated January 14,
2 2004, and placed in member's bill file; Report also printed in House
3 Journal, January 15, pages 82-83.

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

7
8 **HB04-1072** by Representative(s) May M.--Concerning the authority of
9 the governing body of a municipality to submit to the
10 registered electors of the municipality the question of
11 changing the regular election date of the municipality.

12
13 Amendment No. 1, Local Government Report, dated January 14, 2004,
14 and placed in member's bill file; Report also printed in House Journal,
15 January 15, page 77.

16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.

19
20 **HB04-1019** by Representative(s) Borodkin, McFadyen, Stafford; also
21 Senator(s) Takis, Isgar--Concerning an increase in the
22 maximum dollar amount of a contract that a public airport
23 authority may execute without using a competitive bidding
24 process that awards the contract to the lowest responsible
25 bidder.

26
27 Ordered engrossed and placed on the Calendar for Third Reading and
28 Final Passage.

29
30 **HB04-1033** by Representative(s) McFadyen, Merrifield, Welker; also
31 Senator(s) Chlouber, May R.--Concerning information
32 signs on interstate highways within specified populated
33 areas.

34
35 Ordered engrossed and placed on the Calendar for Third Reading and
36 Final Passage.

37
38 **HB04-1032** by Representative(s) Rose--Concerning the repeal date of
39 the discounted youth hunting licenses program.

40
41 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
42 dated January 15, 2004, and placed in member's bill file; Report also
43 printed in House Journal, January 16, page 88.

44
45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.

47
48 **HB04-1103** by Representative(s) Marshall, Coleman, Harvey, Hodge,
49 Hoppe, Larson, McCluskey, Paccione, Rhodes, White,
50 Wiens, Williams T.; also Senator(s) Lamborn--Concerning
51 continuation of the securities board.

52
53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.

55
56

1 **HB04-1088** by Representative(s) Salazar; also Senator(s) Entz--
2 Concerning the weight of a motor vehicle that may be
3 issued special military license plates without paying a fee.
4

5 Amendment No. 1, Transportation & Energy Report, dated January 14,
6 2004, and placed in member's bill file; Report also printed in House
7 Journal, January 15, page 88.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB04-1112** by Representative(s) Welker, Coleman, Harvey, Hodge,
13 Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes,
14 White, Wiens, Williams T.; also Senator(s) Sandoval--
15 Concerning the regulation of persons licensed to deal in
16 certain monetary instruments, and, in connection
17 therewith, continuing the regulatory authority of the
18 banking board and the state bank commissioner over such
19 activities.
20

21 Amendment No. 1, Business Affairs & Labor Report, dated January 15,
22 2004, and placed in member's bill file; Report also printed in House
23 Journal, January 16, page 88.
24

25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.
27 (For change in action, see Amendments to Report, page 102.)
28

29 **HB04-1052** by Representative(s) Judd; also Senator(s) Dyer--
30 Concerning changes to the name-change statute.
31

32 Amendment No. 1, Judiciary Report, dated January 15, 2004, and placed
33 in member's bill file; Report also printed in House Journal, January 16,
34 page 89.
35

36 Amendment No. 2, by Representative Judd.
37

38 Amend the Judiciary Committee Report, dated January 15, 2004, page 1,
39 strike line 1 and substitute the following:
40

41 "Amend printed bill, page 2, line 9, strike "SIXTEEN" and substitute
42 "NINETEEN".
43

44 Page 3, strike lines 10 through 13 and substitute the following:";
45

46 line 4, strike "SIXTEEN" and substitute "NINETEEN".
47

48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.
50

51 **HB04-1100** by Representative(s) Young--Concerning Colorado's
52 process for planning private prisons.
53

54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.
56

On motion of Representative King, Consideration of **HB04-1053, 1078, 1057, 1012, 1043** was laid over until January 21, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representative Weissmann moved to amend the Report of the Committee of the Whole to show that the following Weissmann amendment to **HB04-1112** did pass:

Amend printed bill, page 9, strike lines 18 through 27.

Page 10, strike lines 1 through 9.

Renumber succeeding sections accordingly.

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

| YES | 36 | NO | 24 | EXCUSED | 04 | ABSENT | 01 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry | N | Garcia | Y | McCluskey | N | Sinclair | N |
| Borodkin | Y | Hall | E | McFadyen | Y | Smith | Y |
| Boyd | E | Harvey | N | McGihon | Y | Spence | N |
| Briggs | Y | Hefley | N | Merrifield | Y | Stafford | Y |
| Brophy | Y | Hodge | Y | Miller | N | Stengel | Y |
| Butcher | Y | Hoppe | N | Mitchell | Y | Tochtrop | Y |
| Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| Carroll | Y | Johnson | N | Plant | Y | Weddig | N |
| Cerbo | N | Judd | N | Pommer | Y | Weissmann | Y |
| Clapp | N | King | N | Ragsdale | Y | Welker | N |
| Cloer | N | Larson | N | Rhodes | N | White | N |
| Coleman | - | Lee | Y | Rippy | E | Wiens | Y |
| Crane | N | Lundberg | Y | Romanoff | N | Williams S. | E |
| Decker | N | Madden | Y | Rose | N | Williams T. | N |
| Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| | | | | | | Speaker | Y |

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1038 amended, 1055, 1005, 1013, 1046 amended, 1072, amended, 1019, 1033, 1032 amended, 1103, 1112 amended, 1088 amended, 1052 amended, 1100.**

Laid over until date indicated retaining place on Calendar: **HB04-1053, 1078, 1057, 1012, 1043**--January 21, 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 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 1 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 2 | Borodkin | Y | Hall | E | McFadyen | Y | Smith | Y |
| 3 | Boyd | E | Harvey | Y | McGihon | Y | Spence | Y |
| 4 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 5 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 6 | Butcher | Y | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 7 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 8 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 9 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 10 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 11 | Cloer | Y | Larson | Y | Rhodes | Y | White | Y |
| 12 | Coleman | E | Lee | Y | Rippy | E | Wiens | Y |
| 13 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | E |
| 14 | Decker | Y | Madden | Y | Rose | Y | Williams T. | Y |
| 15 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 16 | Frangas | Y | May | Y | Schultheis | Y | Young | Y |
| 17 | | | | | | | Speaker | Y |

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

EDUCATION

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

HB04-1039 be referred favorably to the Committee on Appropriations.

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

HB04-1027 be referred to the Committee of the Whole with favorable recommendation.

HB04-1060 be referred to the Committee of the Whole with favorable recommendation.

HB04-1061 be referred to the Committee of the Whole with favorable recommendation.

HB04-1047 be referred to the Committee of the Whole with favorable recommendation.

HB04-1127 be referred to the Committee of the Whole with favorable recommendation.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **SB04-011.**

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB04-026, 030, 061, 003, 063, 005, 044, 007,

SB04-016, amended as printed in Senate Journal, January 16, page 70,
SB04-009, amended as printed in Senate Journal, January 16, page 70.

MESSAGE FROM THE REVISOR

We herewith transmit:
without comment, **SB04-003, 005, 007, 026, 030, 044, 061, 063.**
without comment, as amended, **SB04-009, 016.**

**INTRODUCTION OF BILLS
First Reading**

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

HB04-1204 by Representative(s) Rhodes; also Senator(s) McElhany--
Concerning limitations on the type of criminal history
information that appears on credit reports under the
"Colorado Consumer Credit Reporting Act".
Committee on Business Affairs & Labor

HB04-1205 by Representative(s) Crane, Cadman, Harvey, Hefley,
Brophy, Schultheis, Briggs, Clapp, Lundberg, Mitchell,
Rhodes, Rose, Welker--Concerning prohibition of a
statewide concealed handgun permit database.
Committee on Information & Technology

HB04-1206 by Representative(s) Mitchell, Butcher, Clapp, Coleman,
Decker, Frangas, Hall, Harvey, Judd, Marshall, May M.,
McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop,
Williams T.; also Senator(s) Hillman--Concerning the
second pool of premium tax credits available under the
"Certified Capital Company Act", and, in connection
therewith, creating an insurance premium tax credit for
contributions to CoverColorado by an insurance company.
Committee on Information & Technology

- 1 **HB04-1207** by Representative(s) Spence, Lee, Rose--Concerning
2 higher education fixed-rate contracts.
3 Committee on Education
4 Committee on Finance
5 Committee on Appropriations
6
7
- 8 **HB04-1208** by Representative(s) Stengel--Concerning an increase in
9 wildlife license fees other than nonresident big game
10 license fees, and, in connection therewith, providing a
11 revenue source for and extending the repeal date of the
12 wildlife management public education advisory council.
13 Committee on Agriculture, Livestock, & Natural Resources
14 Committee on Finance
15
- 16 **HB04-1209** by Representative(s) Tochtrop, Carroll, Mitchell,
17 Ragsdale, Welker; also Senator(s) Johnson S.--Concerning
18 the designation of an area as blighted for purposes of
19 statutory provisions governing urban renewal.
20 Committee on Information & Technology
21
- 22 **HB04-1210** by Representative(s) Williams T.--Concerning authority of
23 the insurance commissioner to promulgate rules related to
24 the administration of medical payments coverage for the
25 purposes of motor vehicle insurance.
26 Committee on Business Affairs & Labor
27
- 28 **HB04-1211** by Representative(s) Hoppe, Brophy, Harvey, Hodge,
29 Johnson R., Madden, McCluskey, Miller, Rippy, Rose,
30 Salazar, Tochtrop, Wiens; also Senator(s) Chlouber--
31 Concerning the regulation of operators of water facilities,
32 and, in connection therewith, continuing the water and
33 wastewater facility operators certification board and
34 amending the size, composition, and duties of the board.
35 Committee on Agriculture, Livestock, & Natural Resources
36
- 37 **HB04-1212** by Representative(s) Mitchell, Berry, Borodkin, Boyd,
38 Briggs, Carroll, Cerbo, Cloer, Coleman, Crane, Decker,
39 Frangas, Hodge, Jahn, Johnson R., Judd, Larson, Madden,
40 Marshall, May M., McGihon, Ragsdale, Rippy, Romanoff,
41 Sinclair, Smith, Spence, Stafford, Vigil, Weddig, White,
42 Wiens, Williams S., Williams T.; also Senator(s)
43 Anderson, Arnold, Entz, Fitz-Gerald, Gordon, Groff,
44 Grossman, Hagedorn, Isgar, Johnson S., Jones, Keller,
45 Kester, Phillips, Reeves, Sandoval, Takis, Taylor,
46 Windels--Concerning the scientific and cultural facilities
47 district, and, in connection therewith, amending the ballot
48 question concerning the extension of the district that will
49 be submitted to the voters and modifying statutory
50 provisions concerning the administration of the district.
51 Committee on Local Government
52
53
- 54 **SB04-004** by Senator(s) May R.; also Representative(s) Spence--
55 Concerning the statewide tolling enterprise, and, in
56 connection therewith, clarifying the division of

1 responsibilities between the board of the enterprise and the
2 transportation commission with respect to the operation of
3 the enterprise.

4 Committee on Transportation & Energy

5
6 **SB04-012** by Senator(s) May R.; also Representative(s) Ragsdale,
7 Welker--Concerning the types of records necessary for the
8 department of revenue to administratively revoke a driver's
9 license for tampering with an interlock device.

10 Committee on Transportation & Energy

11
12 **SB04-021** by Senator(s) Takis; also Representative(s) Hodge--
13 Concerning eliminating the requirement that motor vehicle
14 insurance coverage indemnify loss that occurs outside of
15 the areas controlled by the United States.

16 Committee on Business Affairs & Labor

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19

20 On motion of Representative King, the House adjourned until 9:00 a.m.,
21 January 21, 2004.

22

23

Approved:

24

25

26

27

LOLA SPRADLEY,
Speaker

28

29 Attest:

30

31 JUDITH RODRIGUE,
32 Chief Clerk

33