

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

1 Prayer by Dr. C. Gene Selander, Denver.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Representative Williams S.
6
7 The roll was called with the following result:
8
9 Present--63.
10 Excused--Representative Carroll--1.
11 Absent--Representative Wiens--1.
12 Present after roll call--Representatives Carroll, W
13
14 The Speaker declared a quorum present.

16
17 On motion of Representative Borodkin, the reading of the journal of
18 April 6, 2004, was declared dispensed with and approved as corrected by
19 the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

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.

HB04-1355 by Representative(s) White, Hoppe, King, McCluskey, Williams T.; also Senator(s) McElhaney, Andrews, Johnson S., Jones, Kester--Concerning exclusions from uninsured motor vehicle coverage that limit recovery.

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

33 The question being "Shall the bill pass?".
34 A roll call vote was taken. As shown by the following recorded vote, less
35 than a majority of those elected to the House voted in the affirmative and
36 the bill was declared **lost**.

37	38	YES	32	NO	33	EXCUSED	00	ABSENT	00
39	Berry	N	Garcia	N	McCluskey	Y	Sinclair	Y	
40	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y	
41	Boyd	N	Harvey	Y	McGihon	N	Spence	Y	
42	Briggs	Y	Hefley	N	Merrifield	N	Stafford	Y	
43	Brophy	Y	Hodge	N	Miller	Y	Stengel	N	

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

13
14 **HB04-1028** by Representative(s) Coleman, Rhodes, Williams T.; also
15 Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the
16 fee paid in connection with representation of indigent
17 persons.
18

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

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

24	YES	65	NO	00	EXCUSED	00	ABSENT	00
25	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
26	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
27	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
28	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
29	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
30	Butcher	Y	Hoppe	Y	Mitchell	Y	Toch trop	Y
31	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
32	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
33	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
34	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
35	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
36	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
37	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
38	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
39	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
40	Frangas	Y	May	Y	Schultheis	Y	Young	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Carroll, Frangas, Rippy, Stafford, Vigil.
43

44 **HB04-1135** by Representative(s) Weissmann, Madden; also Senator(s)
45 Tupa--Concerning the regulation of wildlife, and, in
46 connection therewith, authorizing wildlife sanctuaries, and
47 making an appropriation.
48

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

50 A roll call vote was taken. As shown by the following recorded vote, a
51 majority of those elected to the House voted in the affirmative and the bill
52 was declared **passed**.
53

54	YES	64	NO	01	EXCUSED	00	ABSENT	00
55	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
56	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

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

16 Co-sponsors added: Representatives Borodkin, Brophy, Carroll, Coleman,
 17 Frangas, Hoppe, Larson, Marshall, May, McGihon, Merrifield, Miller, Paccione,
 18 Plant, Rippy, Romanoff, Stafford, Tochtrop, Weddig, Speaker.

19

20 **HB04-1157** by Representative(s) Larson; also Senator(s) Isgar--
 21 Concerning the procedures for purging title to a
 22 manufactured home.

23

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

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

28

YES	63	NO	02	EXCUSED	00	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	N
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	N	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

47 Co-sponsors added: Representatives Hodge, McFadyen, Rippy, Stengel.

48

49 **HB04-1237** by Representative(s) May M.; also Senator(s) Lamborn--
 50 Concerning the authorization for retailers to be held
 51 harmless for collecting the incorrect amount of state
 52 collected sales and use tax due on a purchase when relying
 53 on a certified electronic database of addresses to determine
 54 the jurisdictions to which tax is owed.

55

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

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

4

5	YES	65	NO	00	EXCUSED	00	ABSENT	00
6	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
7	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
8	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
9	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
10	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
11	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
12	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
13	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
14	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
15	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
16	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
17	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
18	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
19	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
20	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
21	Frangas	Y	May	Y	Schultheis	Y	Young	Y
22							Speaker	Y

23 Co-sponsors added: Representatives Berry, Brophy, Cadman, Harvey,
 24 McFadyen, Rhodes, Rippy, Stengel, Weddig, Weissmann.

25

26 **HB04-1030** by Representative(s) Frangas, Boyd, Johnson R., Stafford,
 27 Tochtrop; also Senator(s) Hanna, Hagedorn, Kester,
 28 Sandoval--Concerning the evaluation of the Colorado
 29 works program, and making an appropriation in
 30 connection therewith.

31

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

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

36

37	YES	58	NO	07	EXCUSED	00	ABSENT	00
38	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
41	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
42	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
44	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	Y	King	N	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
49	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
50	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
51	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
52	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	Y	Schultheis	N	Young	Y
54							Speaker	Y

55 Co-sponsors added: Representatives Borodkin, Madden, Paccione, Romanoff,
 56 Weddig.

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

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

10	YES	65	NO	00	EXCUSED	00	ABSENT	00
11	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
12	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
14	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
15	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
16	Butcher	Y	Hoppe	Y	Mitchell	Y	Toch trop	Y
17	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
18	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
19	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
20	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
21	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
22	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
23	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
24	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
25	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
26	Frangas	Y	May	Y	Schlutheis	Y	Young	Y
27							Speaker	Y

28 Co-sponsors added: Representatives Carroll, Cloer, Fairbank, Frangas, Hefley,
29 Madden, McFadyen, Miller, Paccione, Plant, Rippy, Spence, Stafford,
30 Williams S.

31
32 **HB04-1344** by Representative(s) May M.; also Senator(s) Evans--
33 Concerning the ability of landowners to petition to be
34 included in the Denver metropolitan scientific and cultural
35 facilities district.

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

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

42	YES	65	NO	00	EXCUSED	00	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
46	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Toch trop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
53	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
55	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	Y	May	Y	Schultheis	Y	Young	Y
3							Speaker	Y

4 Co-sponsors added: Representatives Stafford, Williams S.

5

6 **HB04-1347** by Representative(s) Witwer; also Senator(s) Jones--
 7 Concerning tuition assistance to members of the Colorado
 8 national guard, and making an appropriation in connection
 9 therewith.

10

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

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

15

16	YES	59	NO	06	EXCUSED	00	ABSENT	00
17	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
18	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
19	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
20	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
21	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
22	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
23	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
24	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
25	Cerbo	Y	Judd	N	Pommer	Y	Weissmann	N
26	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
27	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
28	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
29	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
30	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
31	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
32	Frangas	Y	May	Y	Schultheis	Y	Young	Y
33							Speaker	Y

34 Co-sponsors added: Representatives Borodkin, Cadman, Coleman, Frangas,
 35 Hall, Hefley, Hoppe, King, May, Merrifield, Miller, Paccione, Rhodes, Rippy,
 36 Rose, Salazar, Schultheis, Spence, Stafford, Weddig, Williams S.

37

38 **HB04-1015** by Representative(s) Pommer; also Senator(s) Johnson--
 39 Concerning the authorization of specified persons to
 40 obtain drugs commonly used in connection with animal
 41 control activities, and making an appropriation therefor.

42

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

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

47

48	YES	65	NO	00	EXCUSED	00	ABSENT	00
49	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
52	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
56	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y

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

10 Co-sponsors added: Representatives Brophy, Frangas, Hoppe, Madden,
 11 Marshall, Merrifield, Miller, Paccione, Plant, Weissmann.

12

13 **HB04-1016** by Representative(s) Johnson R.; also Senator(s) Dyer--
 14 Concerning the addition of certain obscenity offenses to
 15 the "Colorado Sex Offender Registration Act" that
 16 requires registration upon conviction of the offense, and
 17 making an appropriation therefor.
 18

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

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

YES	52	NO	13	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	N	Weddig	N
Cerbo	Y	Judd	N	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	N
Cloer	Y	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
Crane	N	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	Y	Young	Y
						Speaker	Y

42 Co-sponsors added: Representatives Borodkin, Coleman, Frangas, Romanoff,
 43 Stengel, Williams S.

44

45 **HB04-1021** by Representative(s) Briggs, Merrifield; also Senator(s)
 46 McElhany--Concerning the consumption of alcohol, and
 47 making an appropriation therefor.
 48

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

50 A roll call vote was taken. As shown by the following recorded vote, a
 51 majority of those elected to the House voted in the affirmative and the bill
 52 was declared **passed**.
 53

YES	39	NO	26	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y

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

16 Co-sponsors added: Representatives Carroll, Frangas, Plant, Stafford,
 17 Williams S.

18

19 **HB04-1134** by Representative(s) Miller; also Senator(s) Arnold--
 20 Concerning the administration of programs relating to the
 21 prohibition against using identity information for an
 22 unlawful purpose.

23

24 The question being "Shall the bill pass?"

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

28

29	YES	60	NO	05	EXCUSED	00	ABSENT	00
30	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
31	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
32	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
33	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
34	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N
35	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
36	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
37	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
38	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
39	Clapp	Y	King	N	Ragsdale	Y	Welker	Y
40	Cloer	Y	Larson	N	Rhodes	Y	White	Y
41	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
42	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
43	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
44	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
45	Frangas	Y	May	Y	Schultheis	Y	Young	Y
46							Speaker	N

47 Co-sponsors added: Representatives Borodkin, Boyd, Frangas, Hefley, May,
 48 McFadyen, Paccione, Romanoff, Williams S.

49

50 **HB04-1189** by Representative(s) Romanoff; also Senator(s) Dyer--
 51 Concerning changes to decrease the disparity between the
 52 time sentenced and the time served by individuals who are
 53 convicted of violent crimes, and making an appropriation
 54 in connection therewith.

55

56 The question being "Shall the bill pass?"

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

4

5	YES	62	NO	03	EXCUSED	00	ABSENT	00
6	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
7	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
8	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
9	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
10	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
11	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
12	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
13	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
14	Cerbo	Y	Judd	N	Pommer	Y	Weissmann	N
15	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
16	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
17	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
18	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
19	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
20	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
21	Frangas	Y	May	Y	Schultheis	Y	Young	Y
22							Speaker	Y

23 Co-sponsors added: Representatives Borodkin, Coleman, Fairbank, Frangas,
 24 Jahn, Marshall, Miller, Paccione, Stengel, Vigil, Williams S.

25

26

27

28

CONSIDERATION OF RESOLUTION

29

30 **HJR04-1044** by Representative(s) McFadyen, Spradley, Butcher,
 31 Salazar, Berry, Borodkin, Boyd, Briggs, Brophy, Carroll,
 32 Cerbo, Cloer, Coleman, Crane, Decker, Fairbank, Frangas,
 33 Garcia, Hall, Harvey, Hodge, Hoppe, Jahn, Johnson R.,
 34 Judd, King, Larson, Lundberg, Madden, Marshall,
 35 McCluskey, McGihon, Merrifield, Miller, Mitchell,
 36 Paccione, Plant, Pommer, Ragsdale, Rippy, Romanoff,
 37 Rose, Schultheis, Sinclair, Smith, Spence, Stafford,
 38 Stengel, Tochtrop, Vigil, Weddig, Weissmann, Welker,
 39 White, Wiens, Williams S., Williams T., Witwer, Young;
 40 also Senator(s) Tapia, Andrews, Entz, Chlouber, Phillips,
 41 Anderson, Arnold, Cairns, Dyer, Fitz-Gerald, Gordon,
 42 Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar,
 43 Johnson S., Jones, Keller, Kester, Lamborn, McElhany,
 44 Nichol, Owen, Reeves, Sandoval, Takis, Taylor, Teck,
 45 Tupa, Veiga, Windels--Concerning a request for the return
 46 of the USS Pueblo.

47

48 (Printed and placed in member's file.)

49

50 On motion of Representative McFadyen, the resolution was read at length
 51 and **adopted** by **viva voce** vote.

52

53 Co-sponsors added: Representatives Cadman, Clapp, Hefley, May.

54

55

56

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE**
 2 **RESOLUTION**

3
 4 **HJR04-1027** by Representative(s) Cloer, Carroll; also Senator(s) Groff-
 5 -Concerning the designation of the third Saturday in June
 6 as "Juneteenth".
 7

8 (Amended as printed in Senate Journal, March 30, pages 677-678)
 9

10 Representative Cloer moved that the House **concur** in Senate
 11 amendments. The motion was declared **passed** by the following roll call
 12 vote:

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

31
 32 The question being, "Shall the resolution, as amended, pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative, and the
 35 resolution, as amended, was declared **repassed**.
 36

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

55 Co-sponsors added: Representatives Borodkin, Weddig.
 56

1 **REPORTS OF COMMITTEES OF REFERENCE**

2
3 **APPROPRIATIONS**
4 After consideration on the merits, the Committee recommends the
5 following:

6 HB04-1168 be postponed indefinitely.

7
8
9 HB04-1169 be postponed indefinitely.

10
11
12 HB04-1171 be amended as follows, and as so amended, be referred to
13 the Committee of the Whole with favorable
14 recommendation:

15
16 Amend printed bill, page 4, strike lines 25 through 27.

17
18 Strike page 5.

19
20 Page 6, strike lines 1 through 11 and substitute the following:

21 **"24-52.5-102. Retirement health savings trust - state personnel
22 director - investigation and report.** (1) THE STATE PERSONNEL
23 DIRECTOR SHALL INVESTIGATE THE BENEFITS AND DRAWBACKS OF
24 ESTABLISHING A RETIREMENT HEALTH SAVINGS TRUST FOR THE BENEFIT OF
25 STATE EMPLOYEES. THE DIRECTOR SHALL INCLUDE THE FINDINGS OF THE
26 INVESTIGATION AND RECOMMENDATIONS REGARDING THE ESTABLISHMENT
27 OF SUCH A TRUST IN A REPORT AS SPECIFIED IN SUBSECTION (5) OF THIS
28 SECTION.

29
30 (2) IN INVESTIGATING THE BENEFITS AND DRAWBACKS OF
31 ESTABLISHING A RETIREMENT HEALTH SAVINGS TRUST, THE STATE
32 PERSONNEL DIRECTOR SHALL CONSIDER THE FEASIBILITY OF THE
33 FOLLOWING:

34
35 (a) THE STATE, AS AN EMPLOYER, ESTABLISHING A TRUST FOR THE
36 PURPOSE OF PROVIDING RETIREMENT HEALTH SAVINGS BENEFITS TO STATE
37 EMPLOYEES WHO CHOOSE TO PARTICIPATE IN THE TRUST;

38
39 (b) THE STATE SPECIFYING THAT PROVIDING RETIREMENT HEALTH
40 SAVINGS BENEFITS IS AN INTEGRAL PART OF THE STATE'S ACTIVITIES;

41
42 (c) THE STATE TREATING A TRUST THAT MAKES THE PROVISION OF
43 RETIREMENT HEALTH BENEFITS POSSIBLE AS AN INTEGRAL PART OF THE
44 STATE AND THEREFORE INCLUDING THE TRUST IN THE STATE'S TAX-EXEMPT
45 STATUS;

46
47 (d) THE STATE CREATING AN INDIVIDUAL ACCOUNT WITHIN THE
48 TRUST FOR EACH STATE EMPLOYEE WHO CHOOSES TO PARTICIPATE AND
49 ALLOWING THE STATE TO MAKE PRETAX CONTRIBUTIONS, INCLUDING
50 UNUSED ANNUAL OR SICK LEAVE, TO A STATE EMPLOYEE'S ACCOUNT ON
51 BEHALF OF THE EMPLOYEE;

52
53
54 (e) THE STATE MAINTAINING SUBSTANTIAL CONTROL OF THE TRUST
55 AND HAVING THE POWER TO AMEND OR TERMINATE THE TRUST AND
56 APPOINT THE TRUSTEES OF THE TRUST;

1 (f) THE STATE ALLOWING EACH STATE EMPLOYEE WHO
2 PARTICIPATES IN THE TRUST TO DETERMINE HOW HIS OR HER MONEY WILL
3 BE INVESTED;

4
5 (g) THE STATE ALLOWING ALL MONEYS IN THE TRUST TO GROW
6 WITHOUT BEING SUBJECT TO STATE OR FEDERAL INCOME TAXES;

7
8 (h) THE STATE ALLOWING PARTICIPATING STATE EMPLOYEES TO
9 MAKE WITHDRAWALS ON A TAX-FREE BASIS AFTER REACHING A CERTAIN
10 AGE, SO LONG AS THE MONEYS ARE USED FOR QUALIFIED MEDICAL
11 EXPENSES; AND

12
13 (i) THE STATE ALLOWING AN EMPLOYEE'S SPOUSE, DEPENDANTS,
14 OR OTHER BENEFICIARIES TO USE ANY ASSETS THAT REMAIN IN A
15 PARTICIPATING EMPLOYEE'S ACCOUNT AT THE TIME OF THE EMPLOYEE'S
16 DEATH FOR QUALIFIED MEDICAL EXPENSES.

17
18 (3) THE STATE PERSONNEL DIRECTOR, IN INVESTIGATING THE
19 FEASIBILITY OF ESTABLISHING A RETIREMENT HEALTH SAVINGS TRUST,
20 SHALL INVESTIGATE THE BENEFITS AND DRAWBACKS TO THE STATE AND TO
21 STATE EMPLOYEES OF ALLOWING THE STATE AS AN EMPLOYER AND STATE
22 EMPLOYEES THE OPTION TO MAKE THE FOLLOWING CONTRIBUTIONS TO THE
23 TRUST:";

24
25 strike lines 22 through 24 and substitute the following:

26
27 "(4) THE STATE PERSONNEL DIRECTOR SHALL INVESTIGATE THE
28 BENEFITS AND DRAWBACKS TO THE STATE AND TO STATE EMPLOYEES OF
29 VARIOUS POTENTIAL TERMS OF A RETIREMENT HEALTH SAVINGS TRUST,
30 INCLUDING, BUT NOT LIMITED TO:".

31
32 Page 7, strike lines 13 through 19 and substitute the following:

33
34 "(5) ON OR BEFORE DECEMBER 1, 2004, THE STATE PERSONNEL
35 DIRECTOR SHALL SUBMIT A WRITTEN REPORT TO THE MEMBERS OF THE
36 STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE AND THE HEALTH,
37 ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE SENATE
38 AND THE HOUSE OF REPRESENTATIVES AND TO THE MEMBERS OF THE JOINT
39 BUDGET COMMITTEE. THE REPORT SHALL REVIEW THE DIRECTOR'S
40 FINDINGS AND SHALL MAKE A RECOMMENDATION REGARDING THE
41 ESTABLISHMENT OF A RETIREMENT HEALTH SAVINGS TRUST FOR THE
42 BENEFIT OF STATE EMPLOYEES.".

43
44 Page 1, line 101, strike "**AUTHORIZATION FOR**" and substitute
45 "**DIRECTING**";

46
47 strike line 102 and substitute the following:

48
49 "**TO INVESTIGATE THE FEASIBILITY OF ESTABLISHING**".

50
51
52
53 **HB04-1190** be rereferred favorably to the Committee on Finance.

54

55

1 **HB04-1202** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:

4
5 Amend printed bill, page 4, line 24, after "(5)" insert "(a)".

6
7 Page 5, after line 3, insert the following:

8
9 "(b) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO ACCEPT
10 GIFTS, GRANTS, AND DONATIONS IN FURTHERANCE OF THE OBJECTIVES
11 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5).

12
13 (c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
14 OBJECTIVES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5) ARE TO
15 BE FUNDED THROUGH THE STATE EDUCATION FUND CREATED IN SECTION
16 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION. THE GENERAL
17 ASSEMBLY HEREBY FINDS THAT THE DEVELOPMENT, PROMOTION, AND
18 MAINTENANCE BY THE SCHOOL DISTRICTS OF THE STATE OF PROGRAMS FOR
19 ELEMENTARY AND SECONDARY STUDENTS THAT ENGAGE SUCH STUDENTS
20 IN THE PROCESS OF DISCOVERY AND INTERPRETATION OF HISTORICAL
21 TOPICS ASSISTS THESE STUDENTS IN MEETING STATE ACADEMIC STANDARDS
22 AND MAY THEREFORE BE FUNDED FROM MONEYS IN THE STATE EDUCATION
23 FUND.";

24
25 strike lines 4 through 9 and substitute the following:

26
27 **"SECTION 3. Appropriation.** In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the state
29 education fund created in section 17 (4) of article IX of the state
30 constitution, not otherwise appropriated, to the department of education,
31 for the fiscal year beginning July 1, 2004, the sum of twenty thousand
32 dollars (\$20,000), or so much thereof as may be necessary, for the
33 implementation of this act.".

34
35
36
37 **HB04-1227** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40
41 Amend printed bill, page 1, line 101, strike "**SYSTEMS, AND**
42 **MAKING AN APPROPRIATION IN**" and substitute "**SYSTEMS.**";

43
44 strike line 102.

45
46
47
48 **HB04-1231** be referred to the Committee of the Whole with favorable
49 recommendation.

50
51
52 **HB04-1249** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:

55
56 Amend printed bill, page 2, after line 15, insert the following:

1 **"SECTION 2. Appropriation - adjustments to the 2004 long**
2 **bill.** (1) In addition to any other appropriation, there is hereby
3 appropriated, to the department of education, assistance to public schools,
4 public school finance, for the state share of districts' total program
5 funding, for the fiscal year beginning July 1, 2004, the sum of three
6 hundred fifty thousand dollars (\$350,000), or so much thereof as may be
7 necessary, for the implementation of this act. Said sum shall be from the
8 general fund.

9

10 (2) For the implementation of this act, appropriations made in the
11 annual general appropriation act for the fiscal year beginning July 1,
12 2004, shall be adjusted as follows:

13

14 (a) The appropriation to the department of education, assistance
15 to public schools, public school finance, for additional state aid related
16 to locally negotiated business incentive agreements, is decreased by three
17 hundred fifty thousand dollars (\$350,000). Said sum shall be from the
18 general fund.".

19

20 Renumber succeeding section accordingly.

21

22 Page 1, line 103, strike "**PROPERTY.**" and substitute "**PROPERTY, AND**
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".

23

24

25

26

27

28 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

31

32 **HB04-1406** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35

36 Amend printed bill, page 2, line 11, strike "DISPOSITION" and substitute
37 "JUDGMENT";

38

39 line 12, strike "DISPOSITION" and substitute "JUDGMENT";

40

41 line 16, after the period, add "THE BOARD SHALL ALSO POST
42 ELECTRONICALLY A NOTICE OF FINAL JUDGMENT ENTERED BY A COURT OF
43 COMPETENT JURISDICTION IN ANOTHER STATE AT SUCH TIME AS THE
44 NOTICE IS SUBMITTED TO THE BOARD BY THE LICENSEE OR APPLICANT.".

45

46

47

48 **HJR04-1017** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:

51

52 Amend printed joint resolution, page 2, line 22, strike "to authorize" and
53 substitute "to ensure";

54

55 strike lines 23 and 24.

56

1 Page 3, line 4, after "law,", insert "and";
2
3 strike line 8 and substitute the following:
4
5 "departments of social services.";
6
7 strike lines 9 and 10;
8
9 line 11, strike "compliance.";
10
11 line 32, strike "the implementation of civil or criminal penalties and";
12
13 line 42, strike "no later than June 15, 2004." and substitute "on or after
14 July 1, 2004.".
15
16
17

18 **SB04-121** be postponed indefinitely.
19
20

PRINTING REPORT

21 The Chief Clerk reports the following bill has been correctly printed:
22 **HCR04-1010.**
23
24

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

25 The Speaker has signed: **HB04-1039, 1057, 1147, 1217, 1264, 1308,**
26 **1368; SB04-007, 040, 041, 068, 084, 095, 117, 152, 157, 187, 191, 195.**
27
28

MESSAGE FROM THE SENATE

29 Madam Speaker:
30
31

32 The Senate has adopted and returns herewith: **HJR04-1018.**
33
34

INTRODUCTION OF RESOLUTIONS

35 The following resolutions were read by title and laid over one day under
36 the rules:
37

38 **HJR04-1051** by Representative(s) Cloer, Sinclair, Schultheis, Cadman,
39 Decker, Hefley, King, Merrifield, Spradley; also
40 Senator(s) Lamborn, May R., McElhaney--Concerning the
41 recognition of the military personnel from Colorado who
42 are serving in Operation Iraqi Freedom and honoring those
43 who have died while serving in Iraq.
44

45 **HJR04-1052** by Representative(s) King; also Senator(s) Hillman--
46 Concerning the convening date for the 2005 First Regular
47 Session of the Sixty-fifth General Assembly.
48
49

50
51
52
53
54
55
56

1 **LAY OVER OF CALENDAR ITEMS**
23 On motion of Representative King, the following items on the Calendar
4 were laid over until April 8, retaining place on Calendar:
56 Consideration of Special Orders--**HB04-1138, 1284, 1254, 1260, 1293,**
7 **1414, 1423.**8 Consideration of General Orders--**SB04-185, HB04-1003, 1287, 1300,**
9 **1411.**10 Consideration of Resolutions--**HJR04-1012, 1013, SJR04-015,**
11 **HJR04-1010, SJR04-023, 024, 027, HJR04-1038, 1040, HR04-1008,**
12 **1009, HJR04-1047, SJR04-025, HJR04-1048, SJR04-030,**
13 **HJR04-1049, 1050.**14 Consideration of Memorial--**SJM04-001.**15 Consideration of Senate Amendments--**HB04-1127, 1357, 1263, 1292,**
16 **1251, 1150, 1234, 1187, 1348, 1311, 1121, 1376, 1393, 1387, 1399.**

17

18

19

20 On motion of Representative King, the House adjourned until 9:00 a.m.,
21 April 8, 2004.

22

23

24

25

26

27

28

Approved:

LOLA SPRADLEY,
Speaker

29 Attest:

30

31 JUDITH RODRIGUE,
32 Chief Clerk