

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

Fiftieth Legislative Day

Wednesday, February 25, 2004

1 Prayer by Representative Stafford.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 Pledge of Allegiance led by Speaker Spradley.
6
7 The roll was called with the following result:
8
9 Present--60.
10 Absent--Representatives Briggs, Coleman, Mitchell, Smith, Vigil--5.
11 Present after roll call--Representatives Briggs, Coleman, Mitchell,
12 Smith, Vigil.
13
14 The Speaker declared a quorum present.
15
16
17 On motion of Representative Merrifield, the reading of the journal of
18 February 24, 2004, was declared dispensed with and approved as
19 corrected by the Chief Clerk.
20
21
22
23

THIRD READING OF BILLS--FINAL PASSAGE

24
25
26 The following bills were considered on Third Reading. The titles were
27 publicly read. Reading of the bill at length was dispensed with by
28 unanimous consent.
29
30 **HB04-1224** by Representative(s) Paccione; also Senator(s) McElhany,
31 Lamborn--Concerning allowing minors to serve as
32 directors of nonprofit corporations.
33
34 The question being "Shall the bill pass?".
35 A roll call vote was taken. As shown by the following recorded vote, a
36 majority of those elected to the House voted in the affirmative and the bill
37 was declared **passed**.
38

	YES	45	NO	20	EXCUSED	00	ABSENT	00
40	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	N
41	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
42	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
43	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y

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

14 Co-sponsors added: Representatives Boyd, Butcher, Cerbo, Coleman, Frangas,
 15 Garcia, Hodge, Madden, Marshall, McFadyen, McGihon, Merrifield, Miller,
 16 Mitchell, Stafford.

17
 18 **HB04-1356** by Representative(s) Smith; also Senator(s) Kester--
 19 Concerning an increase in the amount of income that an
 20 owner of certain tax exempt property may earn from the
 21 rental of the property.

22
 23 The question being "Shall the bill pass?".

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

28	YES	64	NO	01	EXCUSED	00	ABSENT	00
29	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
30	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
31	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
32	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
33	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
35	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
36	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
37	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
38	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
39	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
40	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
41	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
42	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	May	Y	Schultheis	Y	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Hodge, McFadyen, Rippy.

47
 48 **HB04-1067** by Representative(s) Coleman; also Senator(s) Taylor--
 49 Concerning the conversion of state refunds of business
 50 personal property taxes owed by the department of
 51 revenue to a taxpayer into unclaimed property for which
 52 a claim may be filed under the "Unclaimed Property Act"
 53 when the refund is represented by a warrant that has been
 54 cancelled in accordance with law.

As shown by the following roll call vote, a majority of all members elected to the House voted in the affirmative, and Representative Coleman was given permission to offer a Third Reading amendment:

YES	65	NO	00	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	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

Third Reading amendment No. 1, by Representative Coleman.

Amend engrossed bill, page 3, line 20, strike "NO SOONER THAN" and substitute "WITHIN".

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

YES	65	NO	00	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	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

The question being, "Shall the bill, as amended, 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, as amended, was declared **passed**.

	YES	64	NO	01	EXCUSED	00	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	Y	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	N
18							Speaker	Y

19 Co-sponsors added: Representatives Frangas, Hefley, May, Stengel, Vigil.

20
21 **HB04-1305** by Representative(s) Jahn, Frangas, Hefley; also
22 Senator(s) Anderson--Concerning protection orders.
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	65	NO	00	EXCUSED	00	ABSENT	00
29								
30	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
31	Borodkin	Y	Hall	Y	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	Y
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	Y	Ragsdale	Y	Welker	Y
40	Cloer	Y	Larson	Y	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	Y

47 Co-sponsors added: Representatives Boyd, Coleman, Crane, Romanoff,
48 Stafford, Williams S.
49

50
51 **HB04-1230** by Representative(s) Hall, May M., Crane, Fairbank,
52 Lundberg, Mitchell, Rose, Spence, Williams S.,
53 Williams T.; also Senator(s) Jones--Concerning the
54 election of school district directors from director districts.
55

56 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	44	NO	21	EXCUSED	00	ABSENT	00
Berry	N	Garcia	Y	McCluskey	N	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
Boyd	N	Harvey	Y	McGihon	N	Spence	N
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	N
Brophy	Y	Hodge	N	Miller	N	Stengel	N
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	N
Cadman	Y	Jahn	N	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	N	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	N	Rhodes	Y	White	N
Coleman	Y	Lee	Y	Rippy	N	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Cadman, Garcia, Hefley, Lee, Vigil.
Representative Spence requested her name be removed as sponsor.

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

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	01	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	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	N
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, Crane, Frangas, Hall, Hoppe, Larson, McFadyen, Rippy, Stafford, Speaker.

1 **HB04-1348** by Representative(s) Mitchell; also Senator(s) McElhany--
 2 Concerning standards for permissible noise from electric
 3 transmission facilities.
 4
 5

6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.
 10

	YES	40	NO	25	EXCUSED	00	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	N	Hall	Y	McFadyen	Y	Smith	N
14	Boyd	N	Harvey	N	McGihon	N	Spence	Y
15	Briggs	Y	Hefley	N	Merrifield	N	Stafford	Y
16	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N
17	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
18	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
19	Carroll	N	Johnson	Y	Plant	N	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
21	Clapp	N	King	Y	Ragsdale	Y	Welker	Y
22	Cloer	N	Larson	N	Rhodes	Y	White	Y
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	N
24	Crane	N	Lundberg	Y	Romanoff	N	Williams S.	Y
25	Decker	N	Madden	N	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
27	Frangas	Y	May	N	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representatives McFadyen, Miller, Spence, Stafford.
 30
 31

32 **HB04-1175** by Representative(s) Boyd, Sinclair; also Senator(s)
 33 Veiga--Concerning the availability of emergency
 34 contraception to a survivor of a sexual assault.
 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	47	NO	18	EXCUSED	00	ABSENT	00
42	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
43	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
44	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
45	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
46	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
47	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
48	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
49	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
50	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
51	Clapp	N	King	N	Ragsdale	Y	Welker	N
52	Cloer	N	Larson	Y	Rhodes	N	White	Y
53	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
54	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
55	Decker	N	Madden	Y	Rose	N	Williams T.	Y
56	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y

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

3 Co-sponsors added: Representatives Borodkin, Carroll, Cerbo, Coleman,
 4 Garcia, Hodge, Jahn, Larson, Madden, Marshall, McFadyen, McGihon,
 5 Merrifield, Plant, Pommer, Ragsdale, Romanoff, Tochtrop, Vigil, Weddig,
 6 Weissmann, White, Williams S., Young.

7
 8 On motion of Representative King, the remainder of the Third Reading
 9 Calendar (**HB04-1210, 1196, 1093, 1121, 1218, 1153, 1270, 1353, 1241,**
 10 **1248, 1369**) was laid over until later, February 25, retaining place on
 11 Calendar.

12 13 14 CONSIDERATION OF RESOLUTION

15
 16 **HJR04-1021** by Representative(s) Williams S., Berry, Boyd, Carroll,
 17 Cloer, Hefley, Jahn, Judd, Madden, Merrifield, Rippey,
 18 Rose, Salazar, Spence, Vigil, Weddig, Witwer; also
 19 Senator(s) Groff--Concerning support for self-
 20 determination for people with disabilities.

21
 22 (Printed and placed in member's file.)

23
 24 On motion of Representative Williams S., the resolution was read at
 25 length.

26
 27 Amendment No. 1, moved by Representative Williams S.

28
 29 Amend printed joint resolution, page 2, line 7, strike "principals" and
 30 substitute "principles".

31
 32 The amendment was declared **passed** by **viva voce** vote.

33
 34 On motion of Representative Williams S., the resolution as amended was
 35 **adopted** by **viva voce** vote.

36
 37 Co-sponsors added: Roll Call of the House.

38 39 40 MESSAGE FROM THE SENATE

41
 42 Madam Speaker:

43
 44 The Senate has adopted and transmits herewith: SJR04-019.

45 46 47 INTRODUCTION AND CONSIDERATION OF RESOLUTION

48
 49 **SJR04-019** by Senator(s) Owen, May R., Entz; also Representative(s)
 50 Witwer--Concerning Huey-091 Day in Colorado.

51
 52 On motion of Representative King, the rules were suspended and the
 53 resolution given immediate consideration.

54
55
56

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

Co-sponsors added: Roll Call of the House .

House in recess. House reconvened.

THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

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

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	03	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	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	N	Welker	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y
Coleman	N	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 Hoppe, Paccione, Stengel, Speaker.

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

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	60	NO	05	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	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	N
Cerbo	Y	Judd	N	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	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	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Boyd, Hefley, May, Romanoff, Stafford.

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

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	50	NO	15	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
Cadman	Y	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	Y
Cloer	Y	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	N	Rippy	Y	Wiens	N
Crane	Y	Lundberg	N	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	N	Schultheis	N	Young	N
						Speaker	Y

Co-sponsors added: Representatives Brophy, Carroll, Coleman, Frangas, Garcia, Hodge, Madden, Marshall, McGihon, Paccione, Plant, Ragsdale, Romanoff, Stafford, Vigil, Weissmann.

1 **HB04-1121** by Representative(s) Fairbank; also Senator(s) Lamborn--
 2 Concerning the treatment under laws regulating campaign
 3 finance of contributions to persons involved in the
 4 political process.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

10

	YES	36	NO	29	EXCUSED	00	ABSENT	00
12	Berry	N	Garcia	N	McCluskey	Y	Sinclair	Y
13	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
14	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
16	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
17	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
18	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
19	Carroll	N	Johnson	Y	Plant	N	Weddig	N
20	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
21	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
22	Cloer	Y	Larson	N	Rhodes	Y	White	Y
23	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
25	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
27	Frangas	N	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Cadman, Clapp, Crane, Harvey, Hefley,
 30 King, Lee, May, Miller, Schultheis, Spence, Stafford, Speaker.

31

32

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

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	64	NO	01	EXCUSED	00	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	Y	Vigil	Y
49	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
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	Y	Schultheis	Y	Young	Y
2							Speaker	Y

3 Co-sponsors added: Representatives Boyd, Stafford, Weddig.

4
5 **HB04-1153** by Representative(s) Stengel; also Senator(s) Kester--
6 Concerning housing issues for victims of domestic
7 violence.

8
9 The question being "Shall the bill pass?".

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

14	YES	39	NO	26	EXCUSED	00	ABSENT	00
15	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	N
16	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
17	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
18	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	N
19	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
20	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
21	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
22	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
23	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
24	Clapp	N	King	N	Ragsdale	Y	Welker	N
25	Cloer	Y	Larson	Y	Rhodes	N	White	Y
26	Coleman	Y	Lee	N	Rippy	Y	Wiens	N
27	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
28	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
29	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
30	Frangas	Y	May	N	Schultheis	N	Young	N
31							Speaker	N

32 Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Carroll,
33 Coleman, Frangas, Garcia, Jahn, Marshall, McFadyen, McGihon, Merrifield,
34 Paccione, Plant, Romanoff, Vigil, Weissmann, Williams S.

35
36 **HB04-1270** by Representative(s) Stengel; also Senator(s) Dyer--
37 Concerning extradition proceedings.

38
39 The question being "Shall the bill pass?".

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

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

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	May	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6 Co-sponsors added: Representatives Coleman, Hefley, Hoppe, Romanoff.

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

14
15 The question being "Shall the bill pass?".

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

19								
20	YES	65	NO	00	EXCUSED	00	ABSENT	00
21	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
22	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
23	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
24	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
26	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
27	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
28	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
29	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
30	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
31	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
32	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
35	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
36	Frangas	Y	May	Y	Schultheis	Y	Young	Y
37							Speaker	Y

38 Co-sponsors added: Representatives Boyd, Cadman, Hoppe, Lundberg,
39 Mitchell, Paccione, Spence, Stafford.

40
41 **HB04-1241** by Representative(s) Miller; also Senator(s) Chlouber--
42 Concerning clarification of the existing exemption from
43 sales and use tax for property purchased for resale in the
44 regular course of business to apply to any motor vehicle
45 purchased by a motor vehicle dealer prior to the retail sale
46 of such vehicle.

47
48 The question being "Shall the bill pass?".

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

52								
53	YES	64	NO	00	EXCUSED	01	ABSENT	00
54	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
55	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
56	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y

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

15 Co-sponsors added: Representatives Coleman, Crane, Hefley, Hodge, Jahn, Lee,
16 Marshall, McFadyen, Ragsdale, Spence, Stafford, Stengel.

17 Representative Spradley excused from voting under House Rule 21(c).

18
19 **HB04-1248** by Representative(s) Coleman, Rhodes, Vigil, Williams
20 T.; also Senator(s) Takis, Anderson, Taylor, Tupa--
21 Concerning the distribution of tobacco products.

22
23 The question being "Shall the bill pass?".

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

28	YES	54	NO	11	EXCUSED	00	ABSENT	00
29	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
30	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
31	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
32	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
33	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
35	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
36	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
37	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
38	Clapp	Y	King	N	Ragsdale	Y	Welker	N
39	Cloer	N	Larson	Y	Rhodes	Y	White	Y
40	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
41	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
42	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	May	N	Schultheis	N	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Frangas, Marshall, McGihon, Romanoff.

47
48 **HB04-1369** by Representative(s) King, Spradley; also Senator(s)
49 Hillman, Andrews--Concerning payment of expenses of
50 the legislative department, and making appropriations in
51 connection therewith.

52
53 The question being "Shall the bill pass?".

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

	YES	39	NO	26	EXCUSED	00	ABSENT	00
1	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
2	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
3	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
4	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
5	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
6	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
7	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
8	Carroll	N	Johnson	Y	Plant	N	Weddig	N
9	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
10	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
11	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
12	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
13	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
14	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
15	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
16	Frangas	N	May	Y	Schultheis	Y	Young	Y
17							Speaker	Y

18
19 Co-sponsors added: Representatives Crane, Hefley, Lee, Stengel, Welker,
20 Young.

21 22 23 24 **CONSIDERATION OF RESOLUTIONS**

25
26 **HJR04-1015** by Representative(s) Carroll, Garcia, Marshall, Paccione,
27 Salazar, Vigil, Weissmann, Cloer, Romanoff, Smith,
28 Stafford, Stengel; also Senator(s) Groff, Grossman, Jones,
29 Phillips, Tapia, Tupa--Concerning the recognition of
30 Black History Month.

31
32 (Printed and placed in member's file.)

33
34 On motion of Representative Carroll, the resolution was read at length
35 and **adopted** by **viva voce** vote.

36
37 Co-sponsors added: Roll Call of the House.

38
39
40
41 **SJR04-018** by Senator(s) Taylor, Entz, Anderson; also
42 Representative(s) Miller--Concerning support for the
43 "HEALTHY Vets Act of 2004".

44
45 (Printed and placed in member's file.)

46
47 On motion of Representative Miller, the resolution was read at length
48 and **adopted** by **viva voce** vote.

49
50 Co-sponsors added: Roll Call of the House.

51
52
53
54
55

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

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

HB04-1203 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 through 7 and substitute the following:

"SECTION 1. 38-1-101 (1) and (3), Colorado Revised Statutes, are amended, and the said 38-1-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

38-1-101. Compensation - commission - jury - court - prohibition on elimination of nonconforming uses or nonconforming property design by amortization - prohibition on transfers of condemned land to private party - exceptions. (1) Private property shall not be taken or damaged for public or private use";

line 9, after "LAW," insert "EXCEPT AS AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTIONS (5) OR (6) OF THIS SECTION, AS APPLICABLE,";

after line 12, insert the following:

"(3) ~~(a)~~ Notwithstanding any other provision of law, ~~to the contrary,~~ a local government shall not enact or enforce ~~an~~ ANY ordinance, resolution, or regulation that requires:

(I) A nonconforming property use that was lawful at the time of its inception to be terminated or eliminated by amortization; OR

(II) A NONCONFORMING PROPERTY DESIGN THAT WAS LAWFUL AT THE TIME OF ITS INCEPTION UNDER THE LOCAL GOVERNMENT'S DESIGN CODE, GUIDELINES, OR STANDARDS TO BE TERMINATED OR ELIMINATED BY AMORTIZATION.

~~(b) For purposes of this subsection (3), "local government" means a county, city and county, town, or home rule or statutory city.~~

(4) (a) BEFORE ANY LOCAL GOVERNMENT MAY ACQUIRE PRIVATE PROPERTY TO BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY IN CONNECTION WITH A PLAN BY THE LOCAL GOVERNMENT FOR REDEVELOPMENT OR REHABILITATION OF THE PROPERTY, THE LOCAL GOVERNMENT SHALL ESTABLISH THROUGH THE SAME PUBLIC PROCESS USED BY THE LOCAL GOVERNMENT FOR THE ADOPTION OF ANY ORDINANCE OR RESOLUTION BY ITS GOVERNING BODY A SET OF COMMUNITY BENEFIT STANDARDS. THE PUBLIC PROCESS SHALL INCLUDE, WITHOUT LIMITATION, NOT LESS THAN TWO PUBLIC HEARINGS ON THE COMMUNITY BENEFIT STANDARDS. THE STANDARDS SHALL CONSIST OF A SET OF ELEMENTS BY WHICH THE LOCAL GOVERNMENT IS ABLE TO ASSESS AND APPROVE OR REJECT ANY PLAN NECESSITATING THE ACQUISITION OF PRIVATE PROPERTY

1 FOR SUBSEQUENT TRANSFER TO A PRIVATE PARTY WITHIN ITS TERRITORIAL
2 BOUNDARIES.

3
4 (b) THE ASSESSMENT REQUIRED FOR A SPECIFIC PLAN PURSUANT TO
5 PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL BE CONDUCTED BY MEANS
6 OF THE SAME PUBLIC PROCESS USED BY THE LOCAL GOVERNMENT FOR THE
7 ADOPTION OF ANY ORDINANCE OR RESOLUTION BY ITS GOVERNING BODY,
8 INCLUDING, WITHOUT LIMITATION, NOT LESS THAN TWO PUBLIC HEARINGS
9 ON ANY ASSESSMENT AS APPLIED TO A PARTICULAR PLAN. NO PLAN
10 NECESSITATING THE ACQUISITION BY CONDEMNATION OF PRIVATE
11 PROPERTY TO BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY
12 SHALL BE ALLOWED TO PROCEED UNLESS SUCH PLAN SATISFIES THE
13 STANDARDS ESTABLISHED PURSUANT TO THE REQUIREMENTS OF
14 PARAGRAPH (a) OF THIS SUBSECTION (4).

15
16 (5) PRIVATE PROPERTY ACQUIRED AFTER THE EFFECTIVE DATE OF
17 SUBSECTION (1) OF THIS SECTION, AS AMENDED, PURSUANT TO THIS
18 ARTICLE OR SECTIONS 14 AND 15 OF ARTICLE II OF THE STATE
19 CONSTITUTION MAY BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY
20 WHERE:

21
22 (a) THE OWNER OF THE PROPERTY CONSENTS IN WRITING TO
23 ACQUISITION OF THE PROPERTY BY THE LOCAL GOVERNMENT OR
24 AUTHORITY;

25
26 (b) THE PROPERTY IS SURPLUS PROPERTY LEFT OVER FROM THE
27 CONDEMNATION OF OTHER PROPERTY, THE OWNER OF THE PROPERTY TO
28 BE ACQUIRED, IF THE OWNER CAN BE LOCATED, IS GIVEN A RIGHT OF FIRST
29 REFUSAL TO ACQUIRE THE PROPERTY AT THE SAME PRICE THE OWNER OF
30 THE PROPERTY RECEIVED FOR SUCH OWNER'S PROPERTY, AND THE OWNER
31 OF THE PROPERTY DECLINES TO EXERCISE SUCH RIGHT OF FIRST REFUSAL;
32 OR

33
34 (c) THE PROPERTY THAT WAS ACQUIRED BY THE LOCAL
35 GOVERNMENT OR AUTHORITY HAD BEEN ABANDONED WITHIN THE
36 MEANING OF COLORADO LAW.

37
38 (6) (a) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (1)
39 OF THIS SECTION, PRIVATE PROPERTY ACQUIRED AFTER THE EFFECTIVE
40 DATE OF SUBSECTION (1) OF THIS SECTION, AS AMENDED, PURSUANT TO
41 THIS ARTICLE OR SECTIONS 14 AND 15 OF ARTICLE II OF THE STATE
42 CONSTITUTION MAY BE SUBSEQUENTLY TRANSFERRED TO A PRIVATE PARTY
43 WHERE EACH OF THE FOLLOWING CONDITIONS HAS BEEN MET:

44
45 (I) THE PROPERTY IS LOCATED IN A BLIGHTED AREA. FOR
46 PURPOSES OF THIS SECTION, THE DETERMINATION OF WHETHER A
47 PARTICULAR AREA IS BLIGHTED SHALL BE BASED UPON REASONABLY
48 CURRENT INFORMATION OBTAINED AT THE TIME THE BLIGHT
49 DETERMINATION IS MADE.

50
51 (II) PRIOR TO COMMENCEMENT OF THE ACQUISITION OF THE
52 PROPERTY BY EMINENT DOMAIN, THE LOCAL GOVERNMENT OR AUTHORITY
53 HAS PROVIDED NOTICE AND INVITED PROPOSALS FOR REDEVELOPMENT OR
54 REHABILITATION FROM ALL PROPERTY OWNERS, RESIDENTS, AND OWNERS
55 OF BUSINESS CONCERNS LOCATED ON THE PROPERTY ACQUIRED OR TO BE
56 ACQUIRED IN THE URBAN RENEWAL AREA BY MAILING NOTICE TO THEIR

1 LAST KNOWN ADDRESS OF RECORD;

2
3 (III) THE OWNER OF THE PROPERTY HAS NO FEASIBLE PLAN FOR THE
4 REDEVELOPMENT OR REHABILITATION OF THE PROPERTY;

5
6 (IV) NO OTHER PRIVATE PARTY HAS BEEN OFFERED ANY
7 ASSISTANCE OR INCENTIVES, INCLUDING, WITHOUT LIMITATION, TAX OR
8 OTHER FINANCIAL INCENTIVES, BY THE LOCAL GOVERNMENT OR
9 AUTHORITY THAT THE GOVERNMENT OR AUTHORITY HAS NOT OFFERED THE
10 OWNER OF THE PROPERTY; AND

11
12 (V) IN THE CASE OF A SET OF PARCELS TO BE ACQUIRED BY THE
13 LOCAL GOVERNMENT OR AUTHORITY IN CONNECTION WITH AN URBAN
14 RENEWAL PROJECT, AT LEAST ONE OF WHICH IS OWNED BY AN OWNER
15 HOLDING OUT FROM AN AGREEMENT FOR THE ACQUISITION OF THE ENTIRE
16 SET OF PARCELS, THE LOCAL GOVERNMENT OR AUTHORITY HAS MADE A
17 DETERMINATION THAT THE REDEVELOPMENT OR REHABILITATION OF THE
18 REMAINING PARCELS IS NOT VIABLE IN THE ABSENCE OF THE PARCEL
19 OWNED BY THE HOLD-OUT OWNER.

20
21 (b) ANY PERSON AGGRIEVED BY ANY DETERMINATION MADE BY A
22 LOCAL GOVERNMENT OR AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS
23 SUBSECTION (6) THAT INVOLVES THE EXERCISE OF DISCRETION ON THE
24 PART OF THE LOCAL GOVERNMENT OR AUTHORITY MAY FILE A CIVIL
25 ACTION IN DISTRICT COURT FOR THE COUNTY IN WHICH THE PROPERTY IS
26 LOCATED FOR A DETERMINATION OF WHETHER THE LOCAL GOVERNMENT
27 OR AUTHORITY HAS ABUSED ITS DISCRETION. THE DISTRICT COURT SHALL
28 REVIEW THE MATTER DE NOVO, AND THE PERSON CLAIMING TO BE
29 AGGRIEVED MAY DEMAND THAT THE FACT FINDER BE A JURY. IN ANY SUCH
30 PROCEEDING, IF THE COURT OR JURY, AS APPLICABLE, FINDS BY A
31 PREPONDERANCE OF THE EVIDENCE THAT THE LOCAL GOVERNMENT OR
32 AUTHORITY HAS ABUSED ITS DISCRETION, THEN THE COURT SHALL HOLD
33 UNLAWFUL AND SET ASIDE THE ACTION OF THE LOCAL GOVERNMENT OR
34 AUTHORITY AND SHALL RESTRAIN THE ENFORCEMENT OF THE ACTION
35 UNDER REVIEW, COMPEL ANY ACTION OF THE LOCAL GOVERNMENT OR
36 AUTHORITY TO BE TAKEN THAT HAS BEEN UNLAWFULLY WITHHELD OR
37 UNDULY DELAYED, AND AFFORD SUCH OTHER RELIEF AS MAY BE
38 APPROPRIATE.

39
40 (7) (a) THE LOCAL GOVERNMENT OR AUTHORITY ACQUIRING
41 PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (6)
42 OF THIS SECTION SHALL REIMBURSE THE OWNER OF THE PROPERTY FOR THE
43 OWNER'S REASONABLE ATTORNEY FEES INCURRED BY THE OWNER IN
44 CONNECTION WITH THE ACQUISITION.

45
46 (b) THE LOCAL GOVERNMENT OR AUTHORITY ACQUIRING
47 PROPERTY PURSUANT TO SUBSECTION (6) OF THIS SECTION SHALL PAY TO
48 THE OWNER OF THE PROPERTY BEING ACQUIRED ANY OF THE OWNER'S
49 EXPENSES FOR RELOCATING THE OWNER'S BUSINESS CONCERN RESULTING
50 FROM THE ACQUISITION. SUCH PAYMENT SHALL BE MADE TO THE OWNER
51 IN ADVANCE OF ANY RELOCATION AND SHALL COVER ANY OF THE ITEMS
52 FOR WHICH RELOCATION PAYMENTS ARE AUTHORIZED IN ACCORDANCE
53 WITH THE REQUIREMENTS OF SECTION 31-25-105 (1) (j), C.R.S. WHERE
54 THE PARTIES DISPUTE THE AMOUNT OF RELOCATION EXPENSES TO WHICH
55 THE OWNER IS ENTITLED, THE AMOUNT OF SUCH RELOCATION EXPENSES
56 NOT IN DISPUTE SHALL BE ADVANCED BY THE LOCAL GOVERNMENT OR

1 AUTHORITY.

2

3 (8) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

4

5 (I) THE ACQUISITION BY CONDEMNATION BY A HOME RULE
6 MUNICIPALITY OF PROPERTY OUTSIDE OF ITS TERRITORIAL BOUNDARIES
7 INVOLVES MATTERS OF BOTH STATEWIDE AND LOCAL CONCERN BECAUSE
8 SUCH ACQUISITION BY CONDEMNATION MAY INTERFERE WITH THE PLANS
9 AND OPERATIONS OF OTHER LOCAL GOVERNMENTS AND OF THE STATE.

10

11 (II) IN ORDER THAT EACH LOCAL GOVERNMENT AND THE STATE
12 ENJOY THE GREATEST FLEXIBILITY WITH RESPECT TO THE PLANNING AND
13 DEVELOPMENT OF LAND WITHIN ITS TERRITORIAL BOUNDARIES, IT IS
14 NECESSARY THAT THE POWERS OF A HOME RULE MUNICIPALITY TO
15 ACQUIRE BY CONDEMNATION PROPERTY OUTSIDE OF ITS TERRITORIAL
16 BOUNDARIES BE LIMITED TO THE NARROWEST EXTENT PERMITTED BY
17 ARTICLE XX OF THE STATE CONSTITUTION.

18

19 (b) EFFECTIVE JANUARY 1, 2004, NO HOME RULE MUNICIPALITY
20 SHALL EITHER ACQUIRE BY CONDEMNATION PROPERTY LOCATED OUTSIDE
21 OF ITS TERRITORIAL BOUNDARIES NOR PROVIDE ANY FUNDING, IN WHOLE
22 OR IN PART, FOR THE ACQUISITION BY CONDEMNATION BY ANY OTHER
23 PUBLIC OR PRIVATE PARTY OF PROPERTY LOCATED OUTSIDE OF ITS
24 TERRITORIAL BOUNDARIES; EXCEPT THAT THE REQUIREMENTS OF THIS
25 PARAGRAPH (b) SHALL NOT APPLY TO THE ACQUISITION BY CONDEMNATION
26 BY THE MUNICIPALITY OF PROPERTY TO BE USED FOR WATER WORKS, LIGHT
27 PLANTS, POWER PLANTS, TRANSPORTATION SYSTEMS, HEATING PLANTS,
28 ANY OTHER PUBLIC UTILITIES OR PUBLIC WORKS OR FOR ANY PURPOSES
29 REQUIRED FOR SUCH USES. EFFECTIVE JANUARY 1, 2004, NO HOME RULE
30 MUNICIPALITY SHALL EITHER ACQUIRE BY CONDEMNATION PROPERTY
31 LOCATED OUTSIDE OF ITS TERRITORIAL BOUNDARIES FOR THE PURPOSE OF
32 PARKS, RECREATION, OPEN SPACE, CONSERVATION, OR SIMILAR PURPOSES,
33 NOR PROVIDE ANY FUNDING, IN WHOLE OR IN PART, FOR THE ACQUISITION
34 BY CONDEMNATION BY ANY OTHER PRIVATE OR PUBLIC PARTY OF
35 PROPERTY LOCATED OUTSIDE OF ITS TERRITORIAL BOUNDARIES FOR THE
36 PURPOSE OF PARKS, RECREATION, OPEN SPACE, CONSERVATION, OR
37 SIMILAR PURPOSES.

38

39 (9) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
40 OTHERWISE REQUIRES:

41

42 (a) "AUTHORITY" HAS THE SAME MEANING AS "URBAN RENEWAL
43 AUTHORITY" AS DEFINED IN SECTION 31-25-103 (1), C.R.S.

44

45 (b) "BLIGHTED" MEANS AN AREA THAT, IN ITS PRESENT CONDITION
46 AND USE AND BY REASON OF THE PRESENCE OF EACH OF THE FOLLOWING
47 FACTORS, SUBSTANTIALLY IMPAIRS OR ARRESTS THE SOUND GROWTH OF
48 THE MUNICIPALITY, RETARDS THE PROVISION OF HOUSING
49 ACCOMMODATIONS, CONSTITUTES AN ECONOMIC OR SOCIAL LIABILITY,
50 AND IS A MENACE TO THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE:

51

52 (I) SLUM, DETERIORATED, OR DETERIORATING STRUCTURES;

53

54 (II) UNSANITARY OR UNSAFE CONDITIONS;

55

56 (III) THE EXISTENCE OF CONDITIONS THAT ENDANGER LIFE OR

1 PROPERTY BY FIRE AND OTHER CAUSES; AND

2

3 (IV) THE EXISTENCE OF BUILDINGS THAT ARE UNSAFE OR
4 UNHEALTHY FOR PERSONS TO LIVE OR WORK IN BECAUSE OF BUILDING
5 CODE VIOLATIONS, DILAPIDATION, DETERIORATION, DEFECTIVE DESIGN,
6 PHYSICAL CONSTRUCTION, OR FAULTY OR INADEQUATE FACILITIES.

7

8 (c) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY AND COUNTY,
9 TOWN, OR HOME RULE OR STATUTORY CITY."

10

11 Page 3, strike lines 6 and 7 and substitute the following:

12

13 "municipality in which such property is located AND, EXCEPT AS
14 AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
15 38-1-101 (5) OR (6), C.R.S., AS APPLICABLE, NO PRIVATE";

16

17 line 21, strike "2004." and substitute "2004; except that the provisions of
18 section 1 of this act concerning the acquisition by condemnation by a
19 home rule municipality of property located outside of its territorial
20 boundaries shall take effect January 1, 2004."

21

22

23

24

PRINTING REPORT

25

26 The Chief Clerk reports the following bills have been correctly printed:
27 **HB04-1378, 1379, 1380, 1381, 1382, 1383.**

28

29

30

31

DELIVERY OF BILLS TO GOVERNOR

32

33 The Chief Clerk of the House of Representatives reports the following
34 bills have been delivered to the Office of the Governor: **HB04-1111,**
35 **1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326,**
36 **1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338**
37 at 3:38 pm on February 24, 2004.

38

39

40

41

MESSAGE FROM THE SENATE

42

43 Madam Speaker:

44

45 The Senate has passed on Third Reading and returns herewith
46 HB04-1087, 1212, 1076, 1029, 1027.

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

49 SB04-180, amended as printed in Senate Journal, February 24, 2004,
50 pages 360-361,

51 SB04-166, amended as printed in Senate Journal, February 24, 2004,
52 pages 361-362, and in Senate Journal, February 25,

53 HB04-1197, amended as printed in Senate Journal, February 24, 2004,
54 page 362.

55

56

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB04-1197.
Without comment, as amended, SB04-166 and 180.

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 Special Orders--**HB04-1347, SB04-067, 035, 012, 026, HB04-1257.**
Consideration of General Orders--**SB04-096, HB04-1040, 1151, SB04-062, HB04-1083, 1345, 1081, SB04-127, 110, 128, HCR04-1004.**
Consideration of Resolutions--**HJR04-1008, 1009, 1012, SJR04-009, HJR04-1013, 1005, SJR04-003, 004, HJR04-1018, 1020, SJR04-015.**
Consideration of Senate Amendments--**HB04-1112, 1038, 1072, 1052, 1100, 1110, 1005, 1152.**

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

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk