

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

Thirty-fifth Legislative Day

Tuesday, February 12, 2002

1 Prayer by the Reverend Kraig Burleson, Loving Saints Christian  
2 Fellowship, Denver.

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

5  
6 The roll was called with the following result:

7  
8 Present--62.

9 Excused--Representatives Borodkin, Paschall--2.

10 Absent--Representative Garcia--1.

11 Present after roll call--Representatives Garcia, Paschall.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Snook, the reading of the journal of  
17 February 11, 2002, was declared dispensed with and approved as  
18 corrected by the Chief Clerk.

19

20

21

22

**APPOINTMENT**

23

24 Representative Grossman announced the following temporary change in  
25 committee assignment: Representative Coleman to temporarily replace  
26 Representative Borodkin on the Committee on Business Affairs & Labor.

27

28

29

30

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

31

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

35

36 **HB02-1164** by Representative(s) Hefley, King, Schultheis, Alexander,  
37 Crane, Stafford, White, Williams T.--Concerning the  
38 expansion of health insurance products for employers with  
39 fewer than fifty-one employees.

40

41 Laid over until February 13, retaining place on Calendar.

42

43

1 **HB02-1145** by Representative(s) Rippy, Groff; also Senator(s)  
 2 Linkhart--Concerning a prohibition against installing as a  
 3 component of an air bag system any object that is not  
 4 designed in accordance with federal safety regulations for  
 5 a particular vehicle.  
 6

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

	YES 63	NO 1	EXCUSED 1	ABSENT 0			
14 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
15 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
16 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
17 Borodkin	E	Hefley	Y	Paschall	Y	Stengel	Y
18 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
19 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
20 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
21 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
22 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
23 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
24 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
25 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
26 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
27 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
28 Fritz	Y	Mace	Y	Smith	N	Witwer	Y
29 Garcia	Y	Madden	Y	Snook	Y	Young	Y
30						Mr. Speaker	Y

31  
 32 Co-sponsors added: Representatives Coleman, Miller, Plant, Romanoff, Saliman,  
 33 Sanchez, Stengel, Swenson.  
 34

35 **HB02-1111** by Representative(s) White; also Senator(s) Nichol--  
 36 Concerning the terms of future advances secured by  
 37 mortgages.  
 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**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0			
46 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
47 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
48 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
49 Borodkin	E	Hefley	Y	Paschall	Y	Stengel	Y
50 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
51 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
52 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
53 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
54 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
55 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
56 Crane	Y	King	Y	Sanchez	Y	Weddig	Y

1	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
2	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
3	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
4	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
5	Garcia	Y	Madden	Y	Snook	Y	Young	Y
6							Mr. Speaker	Y

8  
9 **HB02-1163** by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

10  
11  
12  
13 The question being "Shall the bill pass?".  
14 A roll call vote was taken. As shown by the following recorded vote, a  
15 majority of those elected to the House voted in the affirmative and the bill  
16 was declared **passed**.

17  
18 YES 64            NO 0            EXCUSED 1            ABSENT 0

19								
20	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
21	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
22	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
23	Borodkin	E	Hefley	Y	Paschall	Y	Stengel	Y
24	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
25	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
26	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
27	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
28	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
29	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
30	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
31	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
32	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
33	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
34	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
35	Garcia	Y	Madden	Y	Snook	Y	Young	Y
36							Mr. Speaker	Y

37  
38 Co-sponsors added: Representatives Crane, Fairbank, Garcia, Lee, Paschall,  
39 Spradley, Swenson, Tapia, Young.

40  
41 **HB02-1089** by Representative(s) Kester; also Senator(s) Entz--  
42 Concerning the standards for approval of simulcast  
43 facilities by the Colorado racing commission.

44  
45 The question being "Shall the bill pass?".  
46 A roll call vote was taken. As shown by the following recorded vote, a  
47 majority of those elected to the House voted in the affirmative and the bill  
48 was declared **passed**.

49  
50 YES 60            NO 4            EXCUSED 1            ABSENT 0

51	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
52	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
53	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
54	Borodkin	E	Hefley	Y	Paschall	Y	Stengel	Y
55	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
56	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y

1	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
3	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
4	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
5	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
6	Daniel	Y	Larson	Y	Schultheis	N	White	Y
7	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
8	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
10	Garcia	Y	Madden	Y	Snook	Y	Young	Y
11							Mr. Speaker	Y

12  
13 Co-sponsors added: Representatives Coleman, Mace, Tapia, Vigil.

14  
15 **HB02-1169** by Representative(s) Groff; also Senator(s) Perlmutter--  
16 Concerning the notice given by an intrastate  
17 telecommunications provider prior to making changes  
18 affecting customer costs.

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

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

24	YES	64	NO	0	EXCUSED	1	ABSENT	0
25								
26								
27	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
28	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
29	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
30	Borodkin	E	Hefley	Y	Paschall	Y	Stengel	Y
31	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
32	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
33	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
34	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
35	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
36	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
37	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
38	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
39	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
40	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
41	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
42	Garcia	Y	Madden	Y	Snook	Y	Young	Y
43							Mr. Speaker	Y

44  
45 Co-sponsors added: Representatives Coleman, Garcia, Jahn, Jameson, Mace,  
46 Miller, Rippy, Sanchez, Tapia, Williams S., Mr. Speaker.

47  
48 **HB02-1181** by Representative(s) Romanoff, Stafford; also Senator  
49 Thiebaut--Concerning statutory modifications related to  
50 the education of homeless children to comply with federal  
51 law.

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**.



1 Representative Chavez moved for the adoption of **HB02-1106** on third  
2 reading and final passage.

3

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

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

8

9	YES 37	NO 27	EXCUSED 1	ABSENT 0				
10								
11	Alexander	N	Groff	Y	Marshall	Y	Spence	Y
12	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
13	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
14	Borodkin	E	Hefley	N	Paschall	N	Stengel	N
15	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
16	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
17	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
18	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
19	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
20	Coleman	Y	Kester	N	Saliman	Y	Webster	N
21	Crane	N	King	N	Sanchez	Y	Weddig	Y
22	Daniel	Y	Larson	N	Schultheis	N	White	Y
23	Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
24	Fairbank	N	Lee	Y	Sinclair	N	Williams T.	Y
25	Fritz	Y	Mace	Y	Smith	N	Witwer	N
26	Garcia	Y	Madden	Y	Snook	Y	Young	N
27							Mr. Speaker	N

28

29 Co-sponsors added: Representatives Grossman, Jahn, Mace, Madden, Mitchell,  
30 Saliman, Sanchez, Snook, Vigil.

31

32

33

34

## REPORTS OF COMMITTEES OF REFERENCE

35

### EDUCATION

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

39

40

41 **HB02-1233** be postponed indefinitely.

42

43

44 **HB02-1246** be referred to the Committee of the Whole with favorable  
45 recommendation.

46

47

48 **HB02-1257** be postponed indefinitely.

49

50

51 **HB02-1297** be referred favorably to the Committee on Appropriations.

52

53

54

55

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

4  
5  
6 **HB02-1206** be referred to the Committee of the Whole with favorable  
7 recommendation.

8  
9  
10 **HB02-1227** be postponed indefinitely.

11  
12  
13 **HB02-1230** be amended as follows, and as so amended, be referred to  
14 the Committee of the Whole with favorable  
15 recommendation:

16  
17 Amend printed bill, page 2, line 20, strike "(3) and";

18  
19 line 21, strike "are" and substitute "is";

20  
21 strike lines 22 through 25.

22  
23 Page 3, line 1, before "(5)", insert "**12-40-102. Practice of optometry**  
24 **defined.**".

25  
26 Page 4, line 26, strike "(1), (2)," and substitute "(1)".

27  
28 Page 5, strike lines 11 through 26.

29  
30 Page 6, strike lines 3 through 27.

31  
32 Page 7, strike lines 1 through 7.

33  
34 Renumber succeeding sections accordingly.

35  
36  
37 **HB02-1278** be referred favorably to the Committee on Appropriations.

38  
39  
40 **HB02-1282** be amended as follows, and as so amended, be referred to  
41 the Committee of the Whole with favorable  
42 recommendation:

43  
44 Amend printed bill, page 5, line 13, strike "IN INSTITUTIONS." and  
45 substitute "EITHER IN INSTITUTIONS OR IN OTHER COMMUNITY-BASED  
46 SETTINGS."

47  
48  
49 **HB02-1308** be amended as follows, and as so amended, be referred to  
50 the Committee of the Whole with favorable  
51 recommendation:

52  
53 Amend printed bill, page 2, line 8, strike "~~to be~~" and substitute "to be";

54  
55 line 9, strike "~~funded solely by nonstate moneys~~" and substitute "funded  
56 solely by nonstate moneys".

1 **LOCAL GOVERNMENT**

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

4  
5 **SB02-028** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend reengrossed bill, page 2, line 6, after "suitable", insert "AND  
10 QUALIFIED";

11  
12 line 7, strike "perform the duties of the office" and substitute "~~perform the~~  
13 ~~duties of the office~~ FILL THE POSITION OF SURVEYOR";

14  
15 line 8, strike "ELECTION FOR A COUNTY SURVEYOR." and substitute  
16 "ELECTION.".

17  
18  
19  
20 **PRINTING REPORT**

21  
22 The Chief Clerk reports the following bills have been correctly printed:  
23 **HB02-1327, 1328, 1329.**

24  
25  
26  
27 **MESSAGE FROM THE SENATE**

28 Mr. Speaker:

29  
30 The Senate has passed on Third Reading and transmitted to the Revisor  
31 of Statutes: SB02-092, SB02-055, SB02-084;

32  
33 SB02-020, amended as printed in Senate Journal, February 8, page 194.

34  
35  
36  
37 **MESSAGE FROM THE REVISOR**

38  
39 We herewith transmit without comment, SB02-092, 055, and 084; and  
40 Without comment, as amended, SB02-020.

41  
42  
43  
44 **INTRODUCTION OF BILLS**  
45 **First Reading**

46  
47 The following bills were read by title and referred to the committees  
48 indicated:

49  
50 **HB02-1329** by Representative(s) Hoppe, Alexander, Clapp, Hodge,  
51 Miller, Rippey, Snook, Webster; also Senator(s) Isgar,  
52 Entz--Concerning the authority of the commissioner of  
53 agriculture to monitor agricultural chemicals in  
54 groundwater.

55 Committee on Agriculture, Livestock, & Natural Resources

56



- 1 **HB02-1330** by Representative(s) Stengel; also Senator(s) Dyer--  
 2 Concerning changes to the amount of the cash value of life  
 3 insurance that is exempt from attachment by creditors.  
 4 Committee on Business Affairs & Labor  
 5
- 6 **HB02-1331** by Representative(s) Fritz, Fairbank--Concerning the use  
 7 of electronic technology when administering the  
 8 "Colorado Employment Security Act".  
 9 Committee on Information & Technology  
 10
- 11 **SB02-026** by Senator(s) Nichol; also Representative(s) Cadman--  
 12 Concerning death and disability benefits for members of  
 13 the statewide death and disability plan for police officers  
 14 and firefighters.  
 15 Committee on Local Government  
 16
- 17 **SB02-036** by Senator(s) Fitz-Gerald; also Representative(s) Lee--  
 18 Concerning the assessment of public service fees.  
 19 Committee on Civil Justice & Judiciary  
 20
- 21 **SB02-051** by Senator(s) Windels; also Representative(s) Spence--  
 22 Concerning changing the charter school application  
 23 deadline.  
 24 Committee on Education  
 25
- 26 **SB02-076** by Senator(s) Taylor; also Representative(s) Cloer--  
 27 Concerning the authority to increase the assessment  
 28 capacity of the Colorado guaranty fund from one percent  
 29 to two percent to cover claims of insolvent member  
 30 insurers.  
 31 Committee on Business Affairs & Labor  
 32

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### LAY OVER OF CALENDAR ITEMS

33  
 34  
 35  
 36  
 37 On motion of Representative Spradley, the following items on the  
 38 Calendar were laid over until February 13, retaining place on Calendar:  
 39

40 Consideration of General Orders--**HB02-1051, 1151, 1036, 1091, 1074,**  
 41 **1232, 1123, SB02-031, HB02-1210, 1002, 1034, 1059, 1087, SB02-108,**  
 42 **HB02-1103, 1104, 1168, 1171, 1185.**  
 43

44  
 45 On motion of Representative Spradley, the House adjourned until  
 46 9:00 a.m., February 13, 2002.

47 Approved:

48  
 49  
 50  
 51 DOUG DEAN,  
 52 Speaker

52 Attest:

53  
 54 JUDITH RODRIGUE,  
 55 Chief Clerk