

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

Twentieth Legislative Day

Monday, January 27, 2003

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
2 Church, Denver.

3
4 The Speaker called the House to order at 10:00 a.m.

5
6 Pledge of Allegiance led by Representative Stengel.

7
8 The roll was called with the following result:

9
10 Present--65.

11
12 The Speaker declared a quorum present.

13
14
15 On motion of Representative Frangas, the reading of the journal of
16 January 24, 2003, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

18
19
20
21 **CONSIDERATION OF RESOLUTIONS**

22
23 **SJR03-006** by Senator(s) Johnson S.; also Representative(s) Sinclair--
24 Concerning the affirmation of the general assembly's
25 support for the pledge of allegiance.

26
27 (Printed and placed in member's file.)

28
29 On motion of Representative Sinclair, the resolution was **adopted** by **viva**
30 **voce** vote.

31
32 Co-sponsors added: Representatives Berry, Briggs, Butcher, Cadman, Clapp,
33 Cloer, Coleman, Crane, Decker, Fairbank, Frangas, Fritz, Groff, Hall, Harvey,
34 Hefley, Hodge, Hoppe, Jahn, King, Lee, Lundberg, Marshall, May, McCluskey,
35 McFadyen, Merrifield, Miller, Paccione, Pommer, Rhodes, Romanoff, Salazar,
36 Schultheis, Smith, Spence, Stafford, Stengel, Tochtrop, Veiga, White, Wiens,
37 Williams S., Witwer, Young, Speaker.

38
39 **SJR03-007** by Senator(s) Andrews, Dyer, Taylor, Chlouber; also
40 Representative(s) Spradley, Cloer--Concerning support for
41 the Secretary of the Interior's actions to enforce
42 California's entitlements pursuant to the Colorado River
43 Compact.

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

2

3 On motion of Representative Spradley, the resolution was **adopted** by the
4 following roll call vote:

5

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

24 Co-sponsors added: Representatives Berry, Borodkin, Boyd, Briggs, Brophy,
25 Butcher, Cadman, Clapp, Coleman, Crane, Decker, Fairbank, Frangas, Fritz,
26 Garcia, Groff, Hall, Harvey, Hefley, Hodge, Hoppe, Jahn, Johnson, Judd, King,
27 Larson, Lee, Lundberg, Madden, Marshall, May, McCluskey, McFadyen,
28 Merrifield, Miller, Mitchell, Paccione, Plant, Pommer, Ragsdale, Rhodes, Rippy,
29 Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Stafford, Stengel,
30 Tochtrop, Veiga, Vigil, Weddig, Weissmann, White, Wiens, Williams S.,
31 Williams T., Witwer, Young.

32

33 **SJR03-008** by Senator(s) Anderson; also Representative(s) King--
34 Concerning modifications to the deadline schedule.

35

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

37

38 On motion of Representative King, the resolution was **adopted** by **viva**
39 **voce** vote.

40

41 Co-sponsors added: Representatives Clapp, Harvey, Hoppe, Paccione, Rose,
42 Salazar, Schultheis, Sinclair, Stafford, Speaker.

43

44 **HJR03-1011** by Representative(s) Harvey; also Senator(s) Lamborn--
45 Concerning identifying, claiming, and putting to beneficial
46 use Colorado's share of Colorado River compact water.

47

48 (Printed and placed in member's bill file; also printed in House Journal,
49 January 22, pages 171-172.)

50

51 On motion of Representative Harvey, the resolution was **adopted** by the
52 following roll call vote:

53

	YES	62	NO	02	EXCUSED	01	ABSENT	00
55	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
56	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

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

16 Co-sponsors added: Representatives Briggs, Brophy, Clapp, Cloer, Coleman,
17 Crane, Fairbank, Fritz, Garcia, Hall, Hefley, Hoppe, Johnson, King, Lee, May,
18 McCluskey, Mitchell, Paccione, Rhodes, Romanoff, Rose, Salazar, Schultheis,
19 Sinclair, Smith, Spence, Stafford, Stengel, Weddig, White, Williams S.,
20 Williams T., Witwer, Speaker.

21

22 **HJR03-1007** by Representative(s) Hoppe, Briggs, Fairbank, Hall, Harvey,
23 Rhodes, Rose, Schultheis, Spence; also Senator(s) Entz--
24 Concerning additions and modifications to the water pollution
25 control revolving fund eligibility list.

26

27 (Printed and placed in member's bill file; also printed in House Journal, January
28 23, pages 92-102.)

29

30 On motion of Representative Hoppe, the resolution was **adopted** by **viva voce**
31 vote.

32

33 Co-sponsors added: Representatives Brophy, Clapp, Cloer, Coleman, Crane,
34 Decker, Fritz, Hefley, Hodge, Jahn, Johnson, King, Larson, Lee, Madden,
35 McCluskey, McFadyen, Miller, Mitchell, Paccione, Rippy, Romanoff, Salazar,
36 Smith, Stafford, Tochtrop, White, Wiens, Williams S., Williams T., Witwer,
37 Speaker.

38

39 **HJR03-1008** by Representative(s) Hoppe, Briggs, Fairbank, Hall, Harvey,
40 Rhodes, Rose, Spence; also Senator(s) Entz--Concerning
41 additions and modifications to the drinking water revolving fund
42 eligibility list.

43

44 (Printed and placed in member's bill file; also printed in House Journal, January
45 23, pages 102-113.)

46

47 On motion of Representative Hoppe, the resolution was **adopted** by **viva voce**
48 vote.

49

50 Co-sponsors added: Representatives Brophy, Clapp, Cloer, Coleman, Crane,
51 Frangas, Fritz, Hodge, Johnson, Larson, Lee, Madden, Marshall, McCluskey,
52 McFadyen, Merrifield, Miller, Paccione, Ragsdale, Romanoff, Salazar, Smith,
53 Stafford, Stengel, Weddig, Wiens, Williams S., Williams T., Witwer, Speaker.

54

55

56

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.

HB03-1098 by Representative(s) White, Marshall, Berry, Groff, Larson, Paccione, Rippy, Romanoff, Salazar, Stengel, Wiens, Williams T., Young; also Senator(s) Chlouber--Concerning the addition of wireless telephone service subscribers to the Colorado no-call list.

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	63	NO	02	EXCUSED	00	ABSENT	00
Berry	Y		Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y
Briggs	Y		Hefley	Y	Miller	Y	Stafford	Y
Brophy	Y		Hodge	Y	Mitchell	Y	Stengel	Y
Butcher	Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
Cadman	Y		Jahn	Y	Plant	Y	Veiga	Y
Clapp	Y		Johnson	Y	Pommer	Y	Vigil	Y
Cloer	Y		Judd	Y	Ragsdale	Y	Weddig	Y
Coleman	Y		King	Y	Rhodes	Y	Weissmann	Y
Crane	Y		Larson	Y	Rippy	Y	White	Y
Decker	Y		Lee	N	Romanoff	Y	Wiens	Y
Fairbank	Y		Lundberg	Y	Rose	Y	Williams S.	Y
Frangas	Y		Madden	Y	Salazar	Y	Williams T.	Y
Fritz	Y		Marshall	Y	Sanchez	Y	Witwer	Y
Garcia	Y		May	Y	Schultheis	N	Young	Y
							Speaker	Y

Co-sponsors added: Representatives Borodkin, Boyd, Cloer, Coleman, Fritz, Garcia, Hodge, Jahn, Johnson, Madden, McCluskey, Merrifield, Plant, Pommer, Ragsdale, Rose, Sinclair, Tochtrop, Weissmann, Williams S.

HB03-1047 by Representative(s) Sinclair; also Senator(s) Takis-- Concerning the acceptance of contract terms by a public establishment.

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	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y		Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y
Briggs	Y		Hefley	Y	Miller	Y	Stafford	Y
Brophy	Y		Hodge	Y	Mitchell	Y	Stengel	Y
Butcher	Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
Cadman	Y		Jahn	Y	Plant	Y	Veiga	Y
Clapp	Y		Johnson	Y	Pommer	Y	Vigil	Y

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

10 Co-sponsors added: Representatives Fairbank, Frangas, Hall, Larson, Sanchez,
11 Weissmann.

12
13 **HB03-1027** by Representative(s) Harvey; also Senator Hillman--
14 Concerning interlocutory appellate review of class
15 certification orders in class action lawsuits.

16
17 The question being "Shall the bill pass?".

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

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

40 Co-sponsors added: Representatives Lee, May, Williams T.

41
42 **HB03-1161** by Representative(s) Rippy, Fritz, Cadman, Larson,
43 White; also Senator(s) McElhany--Concerning limitations
44 on claims for damages filed against construction
45 professionals.

46
47 The question being "Shall the bill pass?".

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

51	YES	34	NO	31	EXCUSED	00	ABSENT	00
53	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
54	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
55	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
56	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y

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

14 Co-sponsors added: Representatives Brophy, Crane, King, Lundberg,
15 Schultheis, Williams T.

16 Representative Larson requested his name be removed as sponsor.

17

18

19

IMMEDIATE RECONSIDERATION OF HB03-1161

20

21 Having voted on the prevailing side, Representative Rippy moved for
22 immediate reconsideration of **HB03-1161**. As shown by the following
23 recorded vote less than a two-thirds majority of those elected to the
24 House voted in the affirmative and the motion was declared **lost**:

25

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

44

45

46

47 **HB03-1014** by Representative(s) Ragsdale; also Senator(s) Takis--
48 Concerning the clarification of terms relating to the court-
49 appointed special advocate (CASA) program.

50

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

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

55

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
9	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
10	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
12	Crane	Y	Larson	Y	Rippy	Y	White	Y
13	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
15	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
16	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
17	Garcia	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Coleman, Frangas, Fritz, Garcia, Groff,
20 McCluskey, Paccione, Stafford, Tochtrop, Weddig.

21

22 **HB03-1007** by Representative(s) Williams T., Clapp; also Senator(s)
23 Hillman--Concerning the limitation on noneconomic
24 damages for certain physical injuries in medical
25 malpractice actions.

26

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

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

31

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

50 Co-sponsors added: Representatives Hall, Lee, Schultheis, Spence, Stafford.

51

52

53 IMMEDIATE RECONSIDERATION OF HB03-1007

54

55 Having voted on the prevailing side, Representative Williams T. moved
56 for immediate reconsideration of **HB03-1007**. As shown by the

1 following recorded vote less than a two-thirds majority of those elected
2 to the House voted in the affirmative and the motion was declared **lost**:

	YES	31	NO	34	EXCUSED	00	ABSENT	00
5	Berry	Y	Groff	Y	McCluskey	N	Sinclair	N
6	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
7	Boyd	Y	Harvey	N	Merrifield	Y	Spence	N
8	Briggs	N	Hefley	N	Miller	N	Stafford	N
9	Brophy	N	Hodge	Y	Mitchell	Y	Stengel	N
10	Butcher	Y	Hoppe	N	Paccione	Y	Tochtrop	Y
11	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
12	Clapp	N	Johnson	N	Pommer	Y	Vigil	Y
13	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	N
14	Coleman	N	King	N	Rhodes	N	Weissmann	Y
15	Crane	N	Larson	N	Rippy	N	White	N
16	Decker	N	Lee	N	Romanoff	Y	Wiens	N
17	Fairbank	Y	Lundberg	N	Rose	N	Williams S.	Y
18	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	N
19	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	N
20	Garcia	Y	May	N	Schultheis	N	Young	N
							Speaker	N

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22
23
24
25 **HB03-1012** by Representative(s) Williams T., Clapp; also Senator(s)
26 Hillman--Concerning the prohibition of the corporate
27 practice of medicine by a professional services corporation
28 formed by persons licensed to practice medicine.

29
30 The question being "Shall the bill pass?".

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

	YES	53	NO	12	EXCUSED	00	ABSENT	00
36	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
37	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
38	Boyd	Y	Harvey	Y	Merrifield	N	Spence	Y
39	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
40	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	N
42	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
43	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	N
44	Cloer	Y	Judd	N	Ragsdale	N	Weddig	Y
45	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
46	Crane	Y	Larson	Y	Rippy	Y	White	Y
47	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
48	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
49	Frangas	N	Madden	N	Salazar	Y	Williams T.	Y
50	Fritz	Y	Marshall	Y	Sanchez	N	Witwer	Y
51	Garcia	Y	May	Y	Schultheis	Y	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Hall, King, Stafford.

54
55

1 **HB03-1045** by Representative(s) Clapp, Madden, Romanoff, Stafford;
 2 also Senator(s) Hagedorn--Concerning penalties relating
 3 to unauthorized insurance policies.
 4

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**.
 9

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

28 Co-sponsors added: Representatives Cadman, Frangas, Groff, Jahn, Merrifield,
 29 Rhodes, Schultheis, Williams T.
 30
 31
 32

33 On motion of Representative Decker, the House resolved itself into
 34 Committee of the Whole for consideration of General Orders, and he was
 35 called to the Chair to act as Chairman.
 36
 37

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

39
 40 The Committee of the Whole having risen, the Chairman reported the
 41 titles of the following bills had been read (reading at length had been
 42 dispensed with by unanimous consent), the bills considered and action
 43 taken thereon as follows:
 44

45 (Amendments to the committee amendment are to the printed committee
 46 report which was printed and placed in the members' bill file.)
 47

48 **HB03-1015** by Representative(s) Marshall--Concerning the alleviation
 49 of the administrative workload of the department of public
 50 health and environment in areas not directly related to the
 51 enforcement of health and safety regulations, and, in
 52 connection therewith, delaying a statewide economic
 53 analysis and repealing a fee credit program
 54

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

1 **HB03-1037** by Representative(s) Romanoff; also Senator(s) Arnold--
2 Concerning the reporting of child abuse or neglect.
3

4 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
5 dated January 20, 2003, and placed in member's bill file; Report also
6 printed in House Journal, January 22, pages 168-169.).
7

8 Amendment No. 2, by Representative Romanoff.
9

10 Amend the Health, Environment, Welfare, & Institutions Committee
11 Report, dated January 20, 2003, page 1, strike lines 8 through 12 and
12 substitute the following:
13

14 "(m) Social worker or ~~worker in a family child care home, foster~~
15 ~~care home, or child care center as defined in section 26-6-102, C.R.S.~~
16 WORKER IN ANY FACILITY OR AGENCY THAT IS LICENSED OR CERTIFIED
17 PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26, C.R.S.;".
18

19 Page 1, line 101, strike "NEGLECT." and substitute "NEGLECT BY
20 PERSONS SUBJECT TO THE "CHILD CARE LICENSING ACT".".
21

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

25
26 **HB03-1084** by Representative(s) Clapp; also Senator(s) Sandoval--
27 Concerning the requirement that registered dietitians
28 report child abuse or neglect.
29

30 Amendment No. 1, Health, Environment, Welfare, & Institutions
31 Report, dated January 20, 2003, and placed in member's bill file; Report
32 also printed in House Journal, January 22, page 169.
33

34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.
36

37 **HB03-1095** by Representative(s) Berry; also Senator(s) Tate--
38 Concerning procedural requirements related to certain
39 abandoned children.
40

41 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
42 dated January 20, 2003, and placed in member's bill file; Report also
43 printed in House Journal, January 22, page 169.
44

45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.
47

48 **HB03-1034** by Representative(s) Merrifield; also Senator(s) Arnold--
49 Concerning the effective date for electronic transmission
50 of sex offender registration information.
51

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

1 **HB03-1067** by Representative(s) Larson; also Senator(s) Johnson S.--
 2 Concerning certain circumstances under which the
 3 purchaser of a motor vehicle that was abandoned on public
 4 property is required to obtain a bonded title for the
 5 vehicle.

6
 7 Ordered engrossed and placed on the Calendar for Third Reading and
 8 Final Passage.

9
 10 On motion of Representative King, Consideration of **HB03-1013, 1148,**
 11 **1129, 1003, 1103** was laid over until January 28, retaining place on
 12 Calendar.

13
 14
 15 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

16
 17 Passed Second Reading: **HB03-1015, 1037 amended, 1084 amended,**
 18 **1095 amended, 1034, 1067.**

19
 20 Laid over until date indicated retaining place on Calendar: **HB03-1013,**
 21 **1148, 1129, 1003, 1103**--January 28, 2003.

22
 23 The Chairman moved the adoption of the Committee of the Whole
 24 Report. As shown by the following roll call vote, a majority of those
 25 elected to the House voted in the affirmative, and the Report was
 26 **adopted.**

YES	64	NO	00	EXCUSED	00	ABSENT	01
Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Plant	-	Veiga	Y
Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
Crane	Y	Larson	Y	Rippy	Y	White	Y
Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
Garcia	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

46
 47 **INTRODUCTION OF BILLS**
 48 **First Reading**

49
 50 The following bills were read by title and referred to the committees
 51 indicated:

52
 53 **HB03-1190** by Representative(s) Spence--Concerning the authority of
 54 the department of revenue to issue a temporary special
 55 event license plate.

56 Committee on Transportation & Energy

- 1 **HB03-1191** by Representative(s) Clapp--Concerning the prohibition of
 2 computer dissemination of indecent material to children,
 3 and making an appropriation therefor.
 4 Committee on Information & Technology
 5 Committee on Appropriations
 6
- 7 **HB03-1192** by Representative(s) Rhodes--Concerning actions taken by
 8 the Colorado state board of chiropractic examiners that
 9 affect a chiropractor's licensing status.
 10 Committee on Business Affairs & Labor
 11
- 12 **HB03-1193** by Representative(s) Berry; also Senator(s) Teck--
 13 Concerning the membership of a board of cooperative
 14 services that consists of a single school district and a
 15 single postsecondary institution.
 16 Committee on Education
 17
- 18 **HB03-1194** by Representative(s) White; also Senator(s) Tate--
 19 Concerning real property instruments filed with a county
 20 clerk and recorder.
 21 Committee on Local Government
 22
- 23 **HB03-1195** by Representative(s) Weissmann; also Senator(s) Gordon--
 24 Concerning the election of water conservancy district
 25 boards of directors.
 26 Committee on State, Veterans, & Military Affairs
 27
- 28 **HB03-1196** by Representative(s) Rippy, Briggs, Cloer, Frangas, Vigil,
 29 Weddig; also Senator(s) Arnold--Concerning the
 30 regulation of mortgage originators.
 31 Committee on Local Government
 32 Committee on Appropriations
 33
- 34 **HB03-1197** by Representative(s) May M., Judd; also Senator(s)
 35 Taylor, Anderson--Concerning the use of confidential
 36 communications between certified public accountants and
 37 clients in proceedings relating to the attest activities of
 38 certified public accountants, and, in connection therewith,
 39 creating an exception to the Colorado accountant-client
 40 privilege for purposes of disciplinary functions of the state
 41 board of accountancy related to attest services.
 42 Committee on Business Affairs & Labor
 43

INTRODUCTION OF RESOLUTION

- 44
 45
 46
 47
 48 The following resolution was read by title and referred to the committee
 49 indicated:
 50
- 51 **HJR03-1013** by Representative(s) Stengel, Young, Witwer, Plant; also
 52 Senator(s) Taylor, Owen, Teck, Reeves--Concerning the
 53 certification by the general assembly of its estimate of
 54 state general fund revenues and allowable state general
 55 fund appropriations for the 2003-04 budget year.
 56 Committee on Finance

1 WHEREAS, The general assembly is required by section
2 24-75-201.3, Colorado Revised Statutes, to make an annual certification
3 of its estimate of general fund revenues for the next fiscal year to the
4 controller; and

5
6 WHEREAS, Gross general fund revenues for the 2003-04 fiscal
7 year, as estimated in this joint resolution, have already been obligated by
8 law as follows:

9
10 (1) \$101,158,362 for transfer to the capital construction fund
11 pursuant to section 24-75-302 (2) (p), Colorado Revised Statutes;

12
13 (2) Amounts required by statute to be used for: Payments to local
14 governments based on state cigarette tax collections; property tax and
15 heat or fuel expense grants; and payments to the fire and police members'
16 benefit fund; and

17
18 WHEREAS, Under current law, general fund revenues must be
19 used first to fund the obligations set forth above, second to fund
20 appropriations for the executive, legislative, and judicial departments, and
21 third to fund the reserve mandated by section 24-75-201.1 (1) (d),
22 Colorado Revised Statutes; and

23
24 WHEREAS, The general assembly recognizes that new programs
25 can be funded from the general fund only after these three priorities are
26 satisfied; and

27
28 WHEREAS, If appropriate statutes are amended, additional
29 general fund revenues could be realized; and

30
31 WHEREAS, The estimate of general fund revenues certified in this
32 joint resolution does not include the balance carried forward from the
33 2002-03 fiscal year; and

34
35 WHEREAS, The general assembly intends to make an annual
36 certification of its estimate of the total allowable state general fund
37 appropriations under section 24-75-201.1, Colorado Revised Statutes; and

38
39 WHEREAS, In accordance with the provisions of section
40 24-75-201.1, Colorado Revised Statutes, the estimate of the allowable
41 state general fund appropriations for the 2003-04 fiscal year will be based
42 upon the following conclusions:

43
44 (1) State general fund appropriations for the 2002-03 fiscal year,
45 prior to the enactment of any supplemental appropriations during the
46 2003 regular session, are \$5,950.4 million;

47
48 (2) The allowable increase in state general fund appropriations for
49 the 2003-04 fiscal year is the cost of reappraisal of taxable property for
50 property tax purposes as required by section 39-1-105.5, Colorado
51 Revised Statutes, plus six percent of the 2002-03 state general fund
52 appropriations; and

53
54 WHEREAS, The revenue estimate and the estimate of allowable
55 state general fund appropriations made pursuant to this joint resolution
56 are made for the purpose of providing direction and guidance to the joint

1 budget committee in the preparation of the 2003-04 general appropriation
2 act and does not affect the ability of the general assembly to make
3 spending decisions in the general appropriation act; and
4

5 WHEREAS, The revenue estimate and the estimate of allowable
6 state general fund appropriations made pursuant to this joint resolution
7 may be adjusted if additional relevant information is received by the
8 general assembly after the adoption thereof; and
9

10 WHEREAS, For purposes of section 39 of article V of the state
11 constitution, this joint resolution relates solely to the transaction of
12 business of the two houses of the general assembly; now, therefore,
13

14 *Be It Resolved by the House of Representatives of the Sixty-fourth*
15 *General Assembly of the State of Colorado, the Senate concurring*
16 *herein:*
17

18 That, in accordance with section 24-75-201.3, Colorado Revised
19 Statutes, the general assembly hereby certifies to the controller of the
20 state of Colorado that the estimate of gross general fund revenues for the
21 fiscal year beginning July 1, 2003, is \$5,950.3 million. The general
22 assembly further certifies that the estimate of the allowable state general
23 fund appropriations for the fiscal year beginning July 1, 2003, under
24 section 24-75-201.1, Colorado Revised Statutes, is \$6,307.5 million.
25

26 *Be It Further Resolved,* That a copy of this joint resolution be
27 transmitted to the controller of the state of Colorado, Arthur L. Barnhart.
28

31 PRINTING REPORT

32
33 The Chief Clerk reports the following bills have been correctly printed:
34 **HB03-1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197.**
35

36
37
38 House in recess. House reconvened.
39

42 MESSAGE FROM THE SENATE

43
44 Madam Speaker:
45

46 The Senate has passed on Third Reading and transmitted to the Revisor
47 of Statutes: SB03-046, 035, 057.
48

49 SB03-059, amended as printed in Senate Journal, January 15, 2003,
50 page 63
51 SB03-023, amended as printed in Senate Journal, January 16, 2003,
52 page 71
53 SB03-065, amended as printed in Senate Journal, January 24, 2003,
54 page 118
55 SB03-066, amended as printed in Senate Journal, January 17, 2003,
56 page 79

- 1 SB03-034, amended as printed in Senate Journal, January 20, 2003,
2 page 85
3 SB03-071, amended as printed in Senate Journal, January 22, 2003,
4 page 106
5 SB03-054, amended as printed in Senate Journal, January 22, 2003,
6 pages 106-108 and in Senate Journal, January 24, 2003,
7 page 119.
8
9
-

10
11 **MESSAGE FROM THE REVISOR**
12

13 We herewith transmit:
14 Without comment, SB03-046, 035, 057.
15 Without comment, as amended, SB03-059, 023, 065, 066, 034, 071, 054.
16
17

18
19 **INTRODUCTION OF BILLS**
20 **First Reading**
21

22 The following bills were read by title and referred to the committees
23 indicated:
24

25 **HB03-1198** by Representative(s) Lee; also Senator(s) McElhany--
26 Concerning a mandatory award of attorney fees to a party
27 in a civil action in certain circumstances.

28 Committee on Business Affairs & Labor
29

30 **HB03-1199** by Representative(s) Brophy--Concerning the deregulation
31 of certain passenger transportation.

32 Committee on Transportation & Energy
33

34 **HB03-1200** by Representative(s) Rose--Concerning the addition of a
35 no-solicitation list to the "Colorado Junk E-mail Law".

36 Committee on Information & Technology
37

38 **HB03-1201** by Representative(s) Brophy--Concerning the maximum
39 gross vehicle weight limits on state highways that are not
40 part of the interstate system.

41 Committee on Agriculture, Livestock, & Natural Resources
42

43 **SB03-023** by Senator(s) Keller; also Representative(s) Hefley--
44 Concerning the creation of time lines for terminating the
45 parent-child legal relationship of certain children.

46 Committee on Health, Environment, Welfare, & Institutions
47

48 **SB03-034** by Senator(s) Arnold; also Representative(s) Rippy--
49 Concerning the management of vacant facilities owned by
50 the state.

51 Committee on State, Veterans, & Military Affairs
52

53 **SB03-035** by Senator(s) Entz; also Representative(s) Salazar--
54 Concerning the categorization of Alamosa county for
55 purposes of establishing salaries of county officers.

56 Committee on Local Government

1 **SB03-046** by Senator(s) Entz, May, Takis, Teck; also
 2 Representative(s) Borodkin, Coleman, Ragsdale,
 3 Williams S.--Concerning the speed limit for single axle
 4 vehicles that are in the business of transporting trash.
 5 Committee on Transportation & Energy

6
 7 **SB03-054** by Senator(s) May R., Entz, Teck; also Representative(s)
 8 Larson--Concerning commercial vehicle permits, and, in
 9 connection therewith, eliminating requirements that certain
 10 permits be carried in the vehicles for which they are issued
 11 if peace officers or other enforcement officials may
 12 determine that the permits can be electronically verified at
 13 the time of contact and allowing the department of
 14 transportation to issue annual fleet permits for excess size
 15 and weight vehicles.
 16 Committee on Transportation & Energy

17
 18 **SB03-057** by Senator(s) Anderson, Hanna, Phillips; also
 19 Representative(s) Cadman--Concerning benefit plan
 20 alternatives within the fire and police pension association
 21 for members of money purchase plans.
 22 Committee on Finance

23
 24 **SB03-059** by Senator(s) Taylor; also Representative(s) White,
 25 Williams T.--Concerning the recreation of the division of
 26 insurance within the department of regulatory agencies,
 27 and, in connection therewith, reinstating the regulatory
 28 functions of the division of insurance as they existed as of
 29 July 1, 2002, staggering the time frame under which the
 30 division of insurance undergoes sunset review, and making
 31 conforming amendments.
 32 Committee on Business Affairs & Labor

33
 34 **SB03-065** by Senator(s) Chlouber; also Representative(s) Miller--
 35 Concerning animal protection.
 36 Committee on Agriculture, Livestock, & Natural Resources

37
 38 **SB03-066** by Senator(s) Takis; also Representative(s) McCluskey--
 39 Concerning the repeal of the motor vehicle air conditioning
 40 fee, and, in connection therewith, repealing the ozone
 41 protection fund.
 42 Committee on Transportation & Energy

43
 44 **SB03-071** by Senator(s) Sandoval; also Representative(s) Williams
 45 T.--Concerning the prerequisites for the issuance of liquor
 46 licenses to certain types of premises.
 47 Committee on Business Affairs & Labor

48
 49
 50 On motion of Representative King, the House adjourned until 9:00 a.m.,
 51 January 28, 2003.

52
 53
 54 Attest: Approved:
 55 JUDITH RODRIGUE, LOLA SPRADLEY,
 56 Chief Clerk Speaker