

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

Tenth Legislative Day

Friday, January 17, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Weissmann.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representative Tochtrop--1.

11 Absent--Representative Mitchell--1.

12 Present after roll call--Representative Mitchell.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Brophy, the reading of the journal of
18 January 16, 2003, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22 On motion of Representative Stengel, the House resolved itself into
23 Committee of the Whole for consideration of General Orders, and he was
24 called to the Chair to act as Chairman.

25

26

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

28

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

33

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

36

37 On motion of Representative King, Consideration of **HB03-1083, 1098,**
38 **1009** was laid over until January 20, retaining place on Calendar.

39

40 **HB03-1026** by Representative(s) Witwer; also Senator(s) Arnold--
41 Concerning the authority of public health agencies to
42 release to law enforcement officials information related to
43 bioterrorism.

1 Amendment No. 1, by Representative Weissmann.

2
3 Amend printed bill, page 2, line 22, strike "BIOTERRORISM." and
4 substitute "BIOTERRORISM; EXCEPT THAT REASONABLE EFFORTS SHALL BE
5 MADE TO LIMIT DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION TO
6 THE MINIMAL AMOUNT NECESSARY TO ACCOMPLISH THE LAW
7 ENFORCEMENT PURPOSE."

8
9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.

11
12 **HB03-1038** by Representative(s) Stafford, Romanoff; also Senator(s)
13 Hagedorn--Concerning domestic violence extensions
14 under the Colorado works program.

15
16 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
17 dated January 13, 2003, and placed in member's bill file; Report also
18 printed in House Journal, January 14, page 76.

19
20 As amended, ordered engrossed and placed on the Calendar for Third
21 Reading and Final Passage.

22
23 **HB03-1063** by Representative(s) Johnson R.; also Senator(s) Entz--
24 Concerning a patient's option to choose to have the
25 purpose for which a drug is prescribed printed on the
26 prescription label.

27
28 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
29 dated January 13, 2003, and placed in member's bill file; Report also
30 printed in House Journal, January 14, pages 77-78.

31
32 As amended, ordered engrossed and placed on the Calendar for Third
33 Reading and Final Passage.

34
35 **HB03-1061** by Representative(s) May M.--Concerning the repeal of
36 the requirement that the state board of registration for
37 professional engineers and professional land surveyors
38 publish an annual roster.

39
40 Ordered engrossed and placed on the Calendar for Third Reading and
41 Final Passage.

42
43 **HB03-1069** by Representative(s) McCluskey; also Senator(s) Takis--
44 Concerning the modification of certain procedures related
45 to the issuance of a duplicate warrant to pay money.

46
47 Ordered engrossed and placed on the Calendar for Third Reading and
48 Final Passage.

49
50 **HB03-1018** by Representative(s) Miller; also Senator(s) Chlouber--
51 Concerning the statutory limitation on bonded
52 indebtedness that may be issued by county governments.

53
54 Amendment No. 1, by Representative Miller.

55
56 Amend printed bill, page 2, line 10, strike "one and one-half" and

1 substitute "~~one and one-half~~ THREE" and after "the", insert "ACTUAL".

2

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

5

6 **HB03-1035** by Representative(s) Briggs, Young; also Senator(s) Entz--
7 Concerning the management of pest control districts, and,
8 in connection therewith, authorizing cooperative pest
9 control agreements.

10

11 Amendment No. 1, by Representative Brophy.

12

13 Amend printed bill, page 2, after line 1, insert the following:

14

15 **"SECTION 1.** 35-5-101 (10), Colorado Revised Statutes, is
16 amended to read:

17

18 **35-5-101. Definitions.** As used in this article, unless the context
19 otherwise requires:

20

21 (10) "Pest", as determined by the commissioner, means a noxious,
22 destructive, or troublesome plant, insect, or plant disease, when found to
23 be in epidemic proportions and of sufficient economic importance to
24 threaten the public welfare. "PEST" ALSO INCLUDES ANY MEMBER OF THE
25 GENERAL ASSEMBLY WHO IS ALSO A FORMER MEMBER OF THE REGIONAL
26 TRANSPORTATION DISTRICT, THE COLORADO AGRICULTURE COMMISSION,
27 THE ADAMS COUNTY COMMISSION, AND THE WESTMINSTER OPEN SPACE
28 BOARD AND IS A GRADUATE OF WESTMINSTER HIGH SCHOOL. "

29

30 Renumber succeeding sections accordingly.

31

32 As amended, ordered engrossed and placed on the Calendar for Third
33 Reading and Final Passage.

34 (For change in action, see Amendments to Report.)

35

36

37

38 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

39

40 Representatives Briggs, Cadman moved to amend the Report of the
41 Committee of the Whole to show that Amendment No. 1, by
42 Representative Brophy (printed in House Journal, page 133, lines 11-30)
43 to HB03-1035 did not pass and that HB03-1035 did pass.

44

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

46

47	YES	47	NO	17	EXCUSED	01	ABSENT	00
48	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	N
49	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
50	Boyd	Y	Harvey	N	Merrifield	N	Spence	Y
51	Briggs	Y	Hefley	N	Miller	Y	Stafford	Y
52	Brophy	N	Hodge	Y	Mitchell	Y	Stengel	N
53	Butcher	Y	Hoppe	Y	Paccione	N	Tochtrop	E
54	Cadman	Y	Jahn	N	Plant	Y	Veiga	N
55	Clapp	Y	Johnson	Y	Pommer	N	Vigil	Y
56	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB03-1026 amended, 1038 amended, 1063 amended, 1061, 1069, 1018 amended, 1035.**

Laid over until date indicated retaining place on Calendar: **HB03-1083, 1098, 1009--January 20, 2003.**

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

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

REPORTS OF COMMITTEES OF REFERENCE

JUDICIARY

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

HB03-1025 be referred to the Committee of the Whole with favorable recommendation.

HB03-1109 be referred to the Committee of the Whole with favorable recommendation.

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **HB03-1006** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 2, after "**SECTION 1.**", insert "The
10 introductory portion to 1-2-217.5 (1),";

11
12 line 9, strike "election," and substitute "election BY COMPLETING AN
13 EMERGENCY REGISTRATION AFFIDAVIT AS PRESCRIBED BY THE SECRETARY
14 OF STATE";

15
16 line 15, strike "C.R.S.;" and substitute "C.R.S.";

17
18 line 16, strike "and" and substitute "~~and~~";

19
20 strike line 17.

21
22 Page 3, strike line 1 and substitute the following:

23
24 "~~(c) Files an emergency registration and provisional ballot affidavit as~~
25 ~~prescribed by the secretary of state.~~";

26
27 line 14, strike "BY PROVISIONAL BALLOT" and after the period, add "IF THE
28 ELECTOR'S QUALIFICATION TO VOTE CANNOT BE IMMEDIATELY
29 ESTABLISHED AT THE OFFICE OF THE COUNTY CLERK AND RECORDER, THE
30 ELECTOR MAY VOTE BY PROVISIONAL BALLOT.";

31
32 line 17, strike "A NEW SUBSECTION," and substitute "THE
33 FOLLOWING NEW SUBSECTIONS,";

34
35 line 18, strike "and" and substitute "~~and~~ OR";

36
37 line 23, strike "recorder, OR A VOTER WHO COMPLETES" and substitute
38 "recorder";

39
40 strike line 24;

41
42 line 25, strike "PURSUANT TO SECTION 1-2-217.5,".

43
44 Page 4, after line 17, insert the following:

45
46 "(5) THE PROVISIONAL BALLOT AFFIDAVIT SHALL CONSTITUTE A
47 VOTER REGISTRATION FOR THE VOTER FOR FUTURE ELECTIONS. ANY
48 PREVIOUS VOTER REGISTRATION FOR THE VOTER SHALL BE CANCELLED
49 PURSUANT TO SECTION 1-2-603 (1).

50
51 (6) IF THE VOTER DOES NOT COMPLETE AND SIGN THE PROVISIONAL
52 BALLOT AFFIDAVIT OR IF THE VOTER DOES NOT PRESENT THE REQUIRED
53 IDENTIFICATION, THE BALLOT SHALL NOT BE COUNTED UNLESS THE
54 COUNTY CLERK AND RECORDER OR DESIGNATED ELECTION OFFICIAL
55 DETERMINES THAT THE VOTER WAS PROPERLY REGISTERED IN THE
56 PRECINCT AND COUNTY."

1 Page 5, line 3, strike "THAT (CHECK ONE):" and substitute "THAT:";
 2
 3 line 4, strike "___";
 4
 5 line 6, after "BOOKS;", add "OR";
 6
 7 line 7, strike "___", and strike "COUNTY OF _____" and substitute
 8 "STATE OF COLORADO";
 9
 10 line 11, strike "___";
 11
 12 line 13, strike "ON OR ABOUT";
 13
 14 strike line 14 and substitute "AT A VOTER";
 15
 16 line 19, after "BALLOT,", insert "THAT I WILL NOT VOTE IN ANY OTHER
 17 PRECINCT, COUNTY, OR STATE,".
 18
 19 Page 6, line 3, after "ELECTION", insert "HELD ON OR AFTER JANUARY 1,
 20 2004,";
 21
 22 line 10, strike "MEDIUM." and substitute "MEDIUM, IN ACCORDANCE WITH
 23 THE "HELP AMERICA VOTE ACT OF 2002", P.L. No. 107-252.
 24 INFORMATION ABOUT A PROVISIONAL BALLOT SHALL BE AVAILABLE ONLY
 25 TO THE VOTER WHO CAST THE BALLOT."
 26
 27
 28

29 **HB03-1047** be amended as follows, and as so amended, be referred to
 30 the Committee of the Whole with favorable
 31 recommendation:
 32
 33 Amend printed bill, page 2, line 8, strike, "MANAGER, ASSISTANT" and
 34 substitute "GENERAL";
 35
 36 line 10, strike "OWNER, MANAGER, OR";
 37
 38 line 11, strike "ASSISTANT" and substitute "OWNER OR GENERAL".
 39
 40
 41

42 **HB03-1070** be referred to the Committee of the Whole with favorable
 43 recommendation.
 44

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

46
 47
 48 The Speaker has signed: **HJR03-1001, 1002, 1003, 1004, and 1005;**
 49 **HR03-1001, 1002, 1003, 1004, 1005, 1006, 1007.**
 50

MESSAGE FROM THE SENATE

51
 52
 53 Madam Speaker:

54
 55 The Senate has adopted and returns herewith: HJR03-1009.
 56

INTRODUCTION OF RESOLUTION

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The following resolution was read by title and laid over one day under the rules:

HR03-1009 by Representative(s) Marshall, Spradley, King, Veiga, Romanoff, Madden, Tochtrop, Groff, Coleman, Frangas, Garcia, Larson, Mitchell, Paccione, Salazar, Sanchez-- Concerning the commemoration of the birthday of the Reverend Dr. Martin Luther King, Jr.

WHEREAS, The Reverend Dr. Martin Luther King, Jr., was born in Atlanta, Georgia, in 1929; and

WHEREAS, Rev. Dr. King graduated from Morehouse College with a Bachelor of Arts degree in 1948, graduated from Crozer Theological Seminary in 1951, and received a Ph.D. from Boston University in 1955; and

WHEREAS, The son of the pastor of the Ebenezer Baptist Church in Atlanta, Rev. Dr. King was ordained in 1947 and became minister of a Baptist church in Montgomery, Alabama, in 1954; and

WHEREAS, Rev. Dr. King led the boycott by Montgomery African Americans against the segregated city bus lines in 1955-56, the action that many historians consider to be the beginning of the Civil Rights Movement in America; and

WHEREAS, Rev. Dr. King attained national prominence by advocating a policy of nonviolent resistance to segregation; and

WHEREAS, In 1956, Rev. Dr. King won a major victory and prestige as a civil rights leader when the Montgomery buses began to operate on a desegregated basis; and

WHEREAS, After the Montgomery success, Rev. Dr. King organized the Southern Christian Leadership Conference, which gave him a base to pursue further civil rights activities, first in the South and later nationwide; and

WHEREAS, Rev. Dr. King was arrested on numerous occasions in the 1950s and 1960s while peacefully protesting injustices; and

WHEREAS, Rev. Dr. King's civil disobedience attracted worldwide attention to the plight of African Americans in the United States; and

WHEREAS, In 1963, Rev. Dr. King penned "Letter from Birmingham Jail", which remains a timeless exposition of the virtues of nonviolence and civil disobedience; and

WHEREAS, Rev. Dr. King organized the massive March on Washington, which took place on August 28, 1963, and which brought more than 200,000 people together in the name of equality and civil rights; and

1 WHEREAS, Rev. Dr. King's efforts were instrumental in the
2 enactment of the "Civil Rights Act of 1964", which prohibited
3 segregation in public accommodations and facilities and banned
4 discrimination based on race, color, or national origin; and
5

6 WHEREAS, Rev. Dr. King's efforts were instrumental in the
7 enactment of the "Voting Rights Act of 1965", which was landmark
8 legislation to protect the voting rights of minorities in America; and
9

10 WHEREAS, In 1964, Rev. Dr. King was awarded the Nobel Peace
11 Prize for his tireless and selfless work in the pursuit of justice for people
12 of color in America; and
13

14 WHEREAS, On April 4, 1968, Rev. Dr. King was shot and killed
15 by James Earl Ray while standing on the balcony of a motel in Memphis,
16 Tennessee; and
17

18 WHEREAS, Rev. Dr. King's birthday is a federal holiday in the
19 United States and a state holiday in the state of Colorado, which is
20 celebrated each year on the third Monday in January; now, therefore,
21

22 *Be It Resolved by the House of Representatives of the Sixty-fourth*
23 *General Assembly of the State of Colorado:*
24

25 That the House of Representatives hereby encourages appropriate
26 observance, ceremonies, and activities to observe and commemorate the
27 federal and state legal holiday honoring the Reverend Dr. Martin Luther
28 King, Jr., throughout all cities, towns, counties, school districts, and local
29 governments within Colorado.
30

31 LAY OVER OF CALENDAR ITEM

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33
34
35 On motion of Representative King, the following item on the Calendar
36 was laid over until January 20, retaining place on Calendar:
37

38 Consideration of Resolution--**SJR03-006**.
39
40

41
42 On motion of Representative King, the House adjourned until 11:00 a.m.,
43 January 20, 2003.
44

45 Approved:

46
47
48 LOLA SPRADLEY,
49 Speaker

50 Attest:

51
52 JUDITH RODRIGUE,
53 Chief Clerk