

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

Ninety-eighth Legislative Day

Tuesday, April 13, 2004

1 Prayer by Father Bill Carmody, Holy Family Catholic Church, Security.

2

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

4

5 Pledge of Allegiance led by Representative Young.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representatives McGihon, Mitchell, Stafford--3.

11 Absent--Representative Madden--1.

12 Present after roll call--Representatives Madden, Mitchell,
 13 Stafford.

14

15 The Speaker declared a quorum present.

16

17

18 On motion of Representative Boyd, the reading of the journal of
 19 April 12, 2004, was declared dispensed with and approved as corrected
 20 by the Chief Clerk.

21

22

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

24

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

28

29 **HB04-1254** by Representative(s) Welker; also Senator(s) Johnson--
 30 Concerning investigations of child care providers.

31

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

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

36

37	YES	50	NO	12	EXCUSED	03	ABSENT	00
38	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
39	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
41	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
42	Brophy	Y	Hodge	N	Miller	Y	Stengel	E
43	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y

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

12 Co-sponsors added: Representatives Crane, Harvey, Hefley, Stafford,
13 Williams S., Williams T.

14
15 **HB04-1293** by Representative(s) Plant, Wiens; also Senator(s)
16 Johnson--Concerning the creation of the volunteer fire
17 department grant fund to provide the matching funds
18 required in order for volunteer fire departments to receive
19 certain federal grant, and making an appropriation in
20 connection therewith.

21
22 The question being "Shall the bill pass?".

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

27	YES	40	NO	22	EXCUSED	03	ABSENT	00
28	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
29	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
30	Boyd	Y	Harvey	N	McGihon	E	Spence	Y
31	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
32	Brophy	N	Hodge	Y	Miller	N	Stengel	E
33	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
34	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
35	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
36	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
37	Clapp	Y	King	N	Ragsdale	N	Welker	N
38	Cloer	Y	Larson	N	Rhodes	N	White	N
39	Coleman	Y	Lee	N	Rippy	N	Wiens	Y
40	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
41	Decker	N	Madden	Y	Rose	N	Williams T.	Y
42	Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y
43	Frangas	Y	May	N	Schultheis	N	Young	Y
44							Speaker	Y

45 Co-sponsors added: Representatives Carroll, Frangas, Hefley, Jahn, Madden,
46 Merrifield, Paccione, Pommer, Stafford.

47
48 **HB04-1123** by Representative(s) Coleman, Decker, Carroll, Frangas,
49 Paccione, Ragsdale, Witwer, Young; also Senator(s)
50 Owen--Concerning the operation of the Colorado mental
51 health institute at Fort Logan.

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	59	NO	03	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
4	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
5	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
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	N	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	N

19 Co-sponsors added: Representatives Borodkin, Boyd, Larson, Madden,
 20 Marshall, Romanoff, Spence, Stafford, Tochtrop, Vigil, Weissmann, Williams S.

25 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

27 **HB04-1422** by Representative(s) Young, Witwer, Plant; also
 28 Senator(s) Owen, Teck, Reeves--Concerning the provision
 29 for payment of the expenses of the executive, legislative,
 30 and judicial departments of the state of Colorado, and of
 31 its agencies and institutions, for and during the fiscal year
 32 beginning July 1, 2004, except as otherwise noted.

34 (Amended as printed in Senate Journal, April 7, page 745, and 747-756.

36 Representative Young moved that the House **not concur** in Senate
 37 amendments and that a Conference Committee be appointed with
 38 permission to go beyond the scope of the differences between the House
 39 and the Senate. The motion was declared **passed** by the following roll
 40 call vote:

	YES	62	NO	00	EXCUSED	03	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	McGihon	E	Spence	Y
46	Briggs	E	Hefley	Y	Merrifield	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Miller	Y	Stengel	E
48	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
50	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
51	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
52	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
53	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
54	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
55	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
56	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

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

4 The Speaker appointed Representatives Young, Chairman, Witwer and
5 Plant as House conferees to the bill.

10 APPOINTMENTS TO CONFERENCE COMMITTEES

12 The Speaker appointed House conferees to the First Conference
13 Committees as follows:

15 **SB04-024**--Representatives Williams T., Chairman, McCluskey, and
16 Romanoff.

17 **SB04-094**--Representatives Spradley, Chairman, Williams T., and Miller

21 REPORTS OF COMMITTEES OF REFERENCE

23 STATE, VETERANS, & MILITARY AFFAIRS

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

27 **HB04-1408** be referred to the Committee of the Whole with favorable
28 recommendation.

31 **HCR04-1008** be postponed indefinitely.

35 FIRST REPORT OF FIRST CONFERENCE COMMITTEE 36 on HB04-1072

38 This Report Amends the Reengrossed Bill.

40 To the President of the Senate and the
41 Speaker of the House of Representatives:

43 Your first conference committee appointed on HB04-1072,
44 concerning the authority of the governing body of a municipality to
45 submit to the registered electors of the municipality the question of
46 changing the regular election date of the municipality, has met and
47 reports that it has agreed upon the following:

49 1. That the Senate recede from its amendments made to the bill,
50 as said amendments appear in the rerevised bill.

52 2. That, under the authority granted the committee to consider
53 matters not at issue between the two houses, the following amendment
54 be recommended:

56 Amend reengrossed bill, page 4, line 25, strike "MUNICIPALITY" and

1 substitute "MUNICIPALITY, IN CONSULTATION WITH THE CLERK AND
2 RECORDER OF THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED,".

3
4 Respectfully submitted,

5
6 House Committee:

7 Mike May

8 Gayle Berry

9 Ann Ragsdale

Senate Committee:

John Evans

Ed Jones

Joan Fitz-Gerald

10
11
12 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
13 **on HB04-1102**

14
15 This Report Amends the Rerevised Bill.

16
17 To the President of the Senate and the
18 Speaker of the House of Representatives:

19
20 Your first conference committee appointed on HB04-1102,
21 concerning the regulation of dental health care providers by the state
22 board of dental examiners, has met and reports that it has agreed upon the
23 following:

24
25 That the House accede to the Senate amendments made to the bill
26 as said amendments appear in the rerevised bill, with the following
27 changes:

28
29 Amend rerevised bill, page 9, line 5, strike "2019." and substitute
30 "2014.".

31
32 Page 65, strike lines 18 through 24 and substitute the following:

33
34 **"SECTION 6.** 24-34-104 (45), Colorado Revised Statutes, is
35 amended to read:

36
37 **24-34-104. General assembly review of regulatory agencies and**
38 **functions for termination, continuation, or reestablishment.** (45) The
39 following agencies, functions, or both, shall terminate on July 1, 2014:

40
41 (a) The accreditation of health care providers under the workers'
42 compensation system in accordance with section 8-42-101 (3.5) and
43 (3.6), C.R.S.

44
45 (b) THE STATE BOARD OF DENTAL EXAMINERS, CREATED BY
46 ARTICLE 35 OF TITLE 12, C.R.S.".

47
48 Renumber succeeding sections accordingly.

49
50 Respectfully submitted,

51
52 House Committee:

53 Lauri Clapp

54 William Sinclair

55 Jerry Frangas

Senate Committee:

Steve Johnson

Ken Kester

Bob Hagedorn

PRINTING REPORT

The Chief Clerk reports the following bills been correctly printed:
HB04-1432, 1435.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HJR04-1049.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB04-1090, 1244** at 9:27 a.m. on April 13, 2004.

MESSAGES FROM THE SENATE

Madam Speaker:

The Senate voted to concur in House amendments to SB04-137, and repassed the bill as amended.

The Senate has voted not to concur in House Amendments to SB04-125, and requests that a Conference Committee be appointed. The bill is transmitted herewith.

The Senate voted to concur in House amendments to SB04-105, and repassed the bill as amended.

The Senate has voted not to concur in House Amendments to SB04-024, and requests that a Conference Committee be appointed. The Senate granted permission to members of the First Conference Committee on SB04-024 to consider matters not at issue between the two houses. The bill is transmitted herewith.

The Senate voted to concur in House amendments to SB04-115, and repassed the bill as amended.

The Senate has voted not to concur in House Amendments to SB04-094, and requests that a Conference Committee be appointed. The bill is transmitted herewith.

The Senate voted to concur in House amendments to SB04-045, and repassed the bill as amended.

The Senate voted to concur in House amendments to SB04-188, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on HB04-1102, as printed in Senate Journal, March 30, pages 669-670, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB04-1072, as printed in Senate Journal, April 2, page 704, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted and returns herewith: HJR04-1050.

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes:
3 HB04-1397, amended as printed in Senate Journal, April 7, 2004, pages
4 738-739, and 741-744, and on Third Reading as printed in Senate
5 Journal, April 12.

7
8 **MESSAGE FROM THE REVISOR**
9

10 We herewith transmit:
11 Without comment, as amended, HB04-1397.

13
14 **MESSAGES FROM THE GOVERNOR**
15

16 I certify I received the following on the 12th day of April, 2004, at
17 2:45 p.m. The original is on file in the records of the House of
18 Representatives of the General Assembly.

19
20 Judith Rodrigue,
21 Chief Clerk of the House
22

23 April 12, 2004
24

25 To the Honorable
26 House of Representatives
27 Sixty-fourth General Assembly
28 Second Regular Session
29 Denver, CO 80203
30

31 Ladies and Gentlemen:
32

33 I have the honor to inform you that I have approved and filed with the
34 Secretary of State the following acts:
35

36 **HB04-1026** Concerning The Minimum Amount Of Medical Payments
37 Coverage That May Be Offered By An Auto Insurer.
38

39 Approved April 12, 2004 at 10:55 A.M.
40

41 Sincerely,
42 (signed)
43 Bill Owens
44 Governor
45

46
47 April 12, 2004
48

49 To the Honorable
50 House of Representatives
51 Sixty-fourth General Assembly
52 Second Regular Session
53 Denver, CO 80203
54

55 Ladies and Gentlemen:
56

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

HB04-1218 Concerning Municipal Court Marshals.

Approved April 12, 2004 at 10:55 A.M.

Sincerely,
(signed)
Bill Owens
Governor

INTRODUCTION OF BILLS First Reading

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

SB04-126 by Senator(s) Entz; also Representative(s) Sinclair--
Concerning the Colorado division of civil air patrol in the
department of military and veterans affairs.
Committee on State, Veterans, & Military Affairs

SB04-189 by Senator(s) Anderson; also Representative(s) King--
Concerning institutions of higher education, and making
an appropriation in connection therewith.
Committee on Education
Committee on Appropriations

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 14, retaining place on Calendar:

Consideration of Special Orders--**HB04-1136, 1144, 1405, 1425.**
Consideration of General Orders--**SB04-185, HB04-1003, 1287, 1300, 1411, 1075, 1362, 1171, 1202, 1227, 1231, 1249, 1406, 1426, 1431, SB04-205, 132, HB04-1409, 1427, SB04-198, 168.**
Consideration of Conference Committee Report--**SB04-082.**
Consideration of Resolutions--**HJR04-1012, 1013, SJR04-015, HJR04-1010, SJR04-023, 024, 027, HJR04-1040, HR04-1008, HJR04-1047, SJR04-025, 030, HJR04-1051, 1052, 1042, HR04-1010, HJR04-1053, SJR04-033, HJR04-1055, 1056, 1057, 1058, 1059.**
Consideration of Memorial--**SJM04-001.**
Consideration of Senate Amendments--**HB04-1127, 1357, 1263, 1292, 1251, 1150, 1234, 1187, 1348, 1311, 1121, 1376, 1393, 1387, 1399.**

On motion of Representative King, the House adjourned until 9:00 a.m., April 14, 2004.

Attest:

JUDITH RODRIGUE,
Chief Clerk

Approved:

LOLA SPRADLEY,
Speaker