

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

Fifty-fifth Legislative Day

Monday, March 1, 2004

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

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

4

5 Pledge of Allegiance led by Representative McCluskey.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Brophy--1.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Paccione, the reading of the journal of
16 February 27, 2004, was declared dispensed with and approved as
17 corrected by the Chief Clerk.

18

19

20

21

CONSIDERATION OF RESOLUTIONS

22

23 **HJR04-1009** by Representative(s) Young, Spradley; also Senator(s)
24 Kester--Concerning analysis of the impacts of diversions
25 of water out of the Arkansas river basin pursuant to
26 contracts issued by the federal bureau of reclamation.

27

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

29

30 Representative Young moved that the resolution be adopted.

31

32 Amendment No. 1, moved by Representative Young.

33

34 Amend printed joint resolution, page 2, line 31, after "any", insert
35 "long-term".

36

37 The amendment was declared **passed** by **viva voce** vote.

38

39 Amendment No. 2, moved by Representative Salazar.

40

41 Amend printed joint resolution, page 2, line 33, strike "valley." and
42 substitute "valley and the people of the state of Colorado".

43

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

YES	39	NO	25	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	N
Briggs	N	Hefley	Y	Merrifield	Y	Stafford	N
Brophy	E	Hodge	N	Miller	Y	Stengel	N
Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
Cadman	N	Jahn	N	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	N	King	Y	Ragsdale	Y	Welker	N
Cloer	N	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	N	Rippy	N	Wiens	N
Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	N	Williams T.	N
Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	N	Young	Y
						Speaker	Y

On motion of Representative Young, the resolution as amended was **adopted** by the following roll call vote:

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

Co-sponsors added: Representatives Berry, Butcher, Coleman, Fairbank, Larson, Madden, McFadyen, McGihon, Miller, Paccione, Plant, Salazar, Smith, Tochtrop.

SJR04-009 by Senator(s) Taylor; also Representative(s) Rippy, White--Concerning the designation of Steamboat Springs as a Preserve America Community .

(Printed and placed in member's file.)

Representative Rippy moved that the resolution be adopted.

1 Amendment No. 1, moved by Representative Rippy.

2
3 Amend engrossed joint resolution, page 2, strike line 34 and substitute the
4 following:

5
6 "Forest Service, the Colorado Department of Local Affairs, and Mrs.
7 Laura Bush, the First Lady of the United States of America.".

8
9 The amendment was declared **passed** by **viva voce** vote.

10
11 On motion of Representative Rippy, the resolution as amended was
12 **adopted** by **viva voce** vote.

13
14 Co-sponsors added: Roll Call of the House.

15
16 **SJR04-003** by Senator(s) Entz; also Representative(s) Hoppe--
17 Concerning additions and modifications to the water
18 pollution control revolving fund eligibility list.

19
20 (Printed and placed in member's file.)

21
22 On motion of Representative Hoppe, the resolution was **adopted** by the
23 following roll call vote:

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

43 Co-sponsors added: Representatives Cadman, Harvey, Hefley, King, McFadyen,
44 Miller, Rippy, Rose, Salazar, Smith, Weddig, Witwer, Young, Speaker.

45
46
47 **SJR04-004** by Senator(s) Entz; also Representative(s) Hoppe--
48 Concerning additions and modifications to the drinking
49 water revolving fund project eligibility list.

50
51 (Printed and placed in member's file.)

52
53 On motion of Representative Hoppe, the resolution was **adopted** by the
54 following roll call vote:

55
56

1	YES	64	NO	00	EXCUSED	01	ABSENT	00
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	E	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	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Merrifield, Miller, Rippy, Rose, Salazar,
20 Smith, Williams T., Witwer, Young, Speaker.

21
22
23 On motion of Representative King, at 11:12 a.m., **SB04-009, 013, 022,**
24 **023, 116**, were added to the Special Orders Calendar on Monday, March
25 1, 2004.

26
27
28 On motion of Representative Wiens, the House resolved itself into
29 Committee of the Whole for consideration of Special Orders and he was
30 called to the Chair to act as Chairman.

31 32 33 34 **SPECIAL ORDERS--SECOND READING OF BILLS**

35
36 The Committee of the Whole having risen, the Chairman reported the
37 titles of the following bills had been read (reading at length had been
38 dispensed with by unanimous consent), the bills considered and action
39 taken thereon as follows:

40
41 (Amendments to the committee amendment are to the printed committee
42 report which was printed and placed in the members' bill file.)

43
44 **SB04-127** by Senator(s) Veiga; also Representative(s) Carroll--
45 Concerning prohibited conduct of notaries public.

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

49
50 **SB04-110** by Senator(s) Cairns; also Representative(s) Frangas--
51 Concerning a prohibition against transporting uncovered
52 trash upon the highway.

53
54 Amendment No. 1, Transportation & Energy Report, dated February 19,
55 2004, and placed in member's bill file; Report also printed in House
56 Journal, February 20, pages 587-588.

1 Amendment No. 2, by Representative Frangas.
2
3 Amend the Transportation and Energy Committee Report, dated February
4 19, 2004, page 1, line 6, after "(2.4)", insert "(a)";
5
6 line 9, strike "(a)" and substitute "(I)";
7
8 line 12, strike "(b)" and substitute "(II)";
9
10 line 15, strike "(c)" and substitute "(III)".

11
12 Page 2, strike line 1 and substitute the following:

13
14 "392 AND 393.
15

16 (b) PARAGRAPH (a) OF THIS SUBSECTION (2.4) SHALL NOT APPLY
17 TO A MOTOR VEHICLE IN THE PROCESS OF COLLECTING TRASH OR
18 RECYCLABLES WITHIN A ONE-MILE RADIUS OF THE MOTOR VEHICLE'S LAST
19 COLLECTION POINT.";"

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

23
24 **SB04-128** by Senator(s) Nichol; also Representative(s) Sinclair--
25 Concerning administration of the laws regulating persons
26 who sell interests in motor vehicles.
27

28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.
30

31 **HCR04-1004** by Representative(s) Spradley, Cloer, Williams T., Berry,
32 Boyd, Briggs, Butcher, Carroll, Coleman, Fairbank,
33 Hodge, Jahn, King, McFadyen, Paccione, Pommer, Rippy,
34 Rose, Salazar, Schultheis, Spence, Stengel, Weissmann,
35 Welker, White, Wiens, Young; also Senator(s) Johnson S.,
36 Kester, Phillips, Andrews, Arnold, Entz, Gordon, Groff,
37 Grossman, Hagedorn, Hanna, Jones, Keller, Owen,
38 Reeves, Sandoval, Teck, Tupa, Veiga--Submitting to the
39 registered electors of the state of Colorado an amendment
40 to section 20 (2) (d) of article X of the constitution of the
41 state of Colorado, concerning the inclusion within the
42 definition of "enterprise" state institutions of higher
43 education that are designated by the general assembly as
44 enterprises, and, in connection therewith, specifying that
45 the general assembly retains its authority to authorize
46 tuition spending authority for the governing board of the
47 state institution of higher education that is designated as
48 an enterprise.
49

50 Amendment No. 1, by Representatives Spradley, King.
51

52 Amend printed concurrent resolution, page 2, line 16, strike "AUTHORIZED
53 TO" and substitute "THAT OPERATES UNDER THE CONTROL OF A
54 GOVERNING BOARD THAT IS AUTHORIZED TO ISSUE REVENUE BONDS ON
55 BEHALF OF THE INSTITUTION AND";
56

1 line 17, strike "ISSUE ITS OWN REVENUE BONDS".

2
3 As amended, ordered engrossed and placed on the Calendar for Third
4 Reading and Final Passage.

5
6 **SB04-009** by Senator(s) Taylor, Anderson, Takis, Tupa; also
7 Representative(s) Vigil, Coleman, Rhodes, Williams T.--
8 Concerning the repeal of the requirement that the
9 Colorado state fair authority not accept contributions from
10 nonstate entities in any budget year that the authority
11 would qualify as an enterprise under section 20 of article
12 X of the state constitution that would cause the authority
13 to receive more than ten percent of its annual revenues
14 from all Colorado state and local governments combined.

15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.

18
19 **SB04-013** by Senator(s) Entz, Dyer, Isgar, Tapia, Taylor; also
20 Representative(s) Hoppe, Miller, Rippey, Salazar, White--
21 Concerning senate confirmation of membership of certain
22 boards involved with water resources.

23
24 Ordered revised and placed on the Calendar for Third Reading and Final
25 Passage.

26
27 **SB04-022** by Senator(s) Owen; also Representative(s) Williams T.--
28 Concerning enactment of the "Interstate Insurance Product
29 Regulation Compact".

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33
34 **SB04-023** by Senator(s) McElhany; also Representative(s) Harvey--
35 Concerning the exclusion of certain payments made by an
36 employer to an employee for the purpose of supplementing
37 unemployment benefits from the definition of "wages"
38 under the "Colorado Employment Security Act".

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

42
43 **SB04-116** by Senator(s) Jones; also Representative(s) McCluskey--
44 Concerning rate-making in workers' compensation cases,
45 and, in connection therewith, setting the effective date of
46 workers' compensation insurance and medical benefit
47 rates.

48
49 Amendment No. 1, Business Affairs & Labor Report, dated February 24,
50 2004, and placed in member's bill file; Report also printed in House
51 Journal, February 26, page 659..

52
53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.

55
56

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1257, 1345, 1034**) was laid over until March 2, retaining place on Calendar.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB04-127, 110 amended, 128, HCR04-1004 amended, SB04-009, 013, 022, 023, 116 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1257, 1345, 1034**--March 2, 2004.

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	61	NO	00	EXCUSED	01	ABSENT	03
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	E	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	-
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	-	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	-	Schultheis	Y	Young	Y
						Speaker	Y

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1363**.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and returns herewith **HB04-1129, 1047, 1166**.

The Senate has adopted and returns herewith: **HJR04-1023**.

INTRODUCTION OF BILLS
First Reading

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

SB04-115 by Senator(s) Dyer; also Representative(s) Mitchell--
Concerning a limitation on the recovery of noneconomic
damages in breach of contract claims.

Committee on Information & Technology

SB04-174 by Senator(s) Tupa, Arnold, Cairns, Dyer, Entz, Fitz-
Gerald, Gordon, Groff, Grossman, Hillman, Keller,
Lamborn, Phillips, Takis, Tapia, Veiga, Windels; also
Representative(s) Sinclair--Concerning a limitation on
benefits that may be accepted by certain public officials.

Committee on State, Veterans, & Military Affairs

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar
were laid over until March 2, retaining place on Calendar:

Consideration of Third Reading--**HB04-1083**.

Consideration of General Orders--**HB04-1203, 1315, SB04-003, 015,
107, 025, 030, 146**.

Consideration of Resolutions--**HJR04-1008, 1012, 1013, 1005, 1018,
1020, SJR04-015, HJR04-1024, 1010**.

Consideration of Senate Amendments--**HB04-1197**.

On motion of Representative King, the House adjourned until 9:00 a.m.,
March 2, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk