

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

Ninetieth Legislative Day

Monday, April 5, 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 Wiens.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Cadman, Rose--2.

11 Present after roll call--Representative Cadman.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Borodkin, the reading of the journal of
 17 April 2, 2004, was declared dispensed with and approved as corrected by
 18 the Chief Clerk.

19

20

21

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

23

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

27

28 **HB04-1221** by Representative(s) Hoppe, Brophy, Harvey, Hefley,
 29 Hodge, McCluskey, Miller, Paccione, Salazar, Tochtrop,
 30 White, Wiens; also Senator(s) Entz--Concerning the
 31 funding of Colorado water conservation board projects,
 32 and making appropriations in connection therewith.

33

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

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

38

39	YES	64	NO	00	EXCUSED	01	ABSENT	00
40	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
41	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
42	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
43	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y

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

14 Co-sponsors added: Representatives Boyd, Briggs, Carroll, Hall, Jahn, Madden,
15 McFadyen, Merrifield, Weddig, Williams S., Williams T., Young.

16
17 **HB04-1203** by Representative(s) Mitchell, May M., Schultheis,
18 Carroll, Cloer, Frangas, Harvey, Hodge, Hoppe, Larson,
19 Lundberg, McFadyen, Miller, Spradley, Tochtrop, Young;
20 also Senator(s) Hillman, Anderson, Johnson S.--
21 Concerning limitations on the power of governmental
22 entities to restrict the rights of property owners.

23
24 The question being "Shall the bill pass?".

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

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

47 Representatives Larson, Frangas, Tochtrop, Hodge requested their names
48 be removed as sponsor.

49 Co-sponsors added: Representatives Brophy, Cadman, Fairbank, Hall, Hefley,
50 Jahn, Lee, Rhodes, Spence, Stafford, Welker.

51
52
53 On motion of Representative Rippy, the House resolved itself into
54 Committee of the Whole for consideration of Special Orders and he was
55 called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

HB04-1355 by Representative(s) White, Hoppe, King, McCluskey, Williams T.; also Senator(s) McElhany, Andrews, Johnson S., Jones, Kester--Concerning exclusions from uninsured motor vehicle coverage that limit recovery.

Amendment No. 1, by Representative White.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 10-4-609, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-4-609. Insurance protection against uninsured motorists - applicability. (6) AN INSURER MAY EXCLUDE A NAMED INSURED, HIS OR HER SPOUSE, OR A RESIDENT RELATIVE, FROM THE CLASS OF PERSONS COVERED UNDER UNINSURED AND UNDERINSURED MOTOR VEHICLE COVERAGE FOR BODILY INJURY OR DEATH THAT ARISES OUT OF THE OPERATION, MAINTENANCE, OR USE OF A MOTOR VEHICLE WHEN INJURY OR DEATH OCCURS IN A MOTOR VEHICLE THAT IS OWNED BY THE NAMED INSURED, HIS OR HER SPOUSE, OR A RESIDENT RELATIVE AND NOT INSURED UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to motor vehicle insurance policies issued or renewed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

(For change in action, see Amendments to Report, page 1209.)

HB04-1404 by Representative(s) Fairbank; also Senator(s) Kester--Concerning investments by local governments, and, in connection therewith, amending provisions governing the issuance of securities and increasing the range of investment vehicles available to local governmental entities.

Amendment No. 1, Local Government Report, dated March 24, 2004, and placed in member's bill file; Report also printed in House Journal, March 25, page 1055.

1 Amendment No. 2, by Representative Fairbank.

2
3 Amend printed bill, page 7, after line 6, insert the following:

4
5 "SECTION 7. 24-75-603, Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW SUBSECTION to read:

7
8 **24-75-603. Depositories.** (4) IN LIEU OF OR IN ADDITION TO
9 OTHER STATUTORY AUTHORIZATION FOR THE INVESTMENT OF PUBLIC
10 FUNDS, ANY PUBLIC FUNDS THAT ARE NOT NEEDED FOR CURRENT
11 OPERATING EXPENSES MAY BE INVESTED IN ACCORDANCE WITH THE
12 FOLLOWING CONDITIONS:

13
14 (a) THE PUBLIC FUNDS SHALL INITIALLY BE PLACED BY THE PUBLIC
15 ENTITY IN A BANK OR SAVINGS AND LOAN ASSOCIATION LOCATED IN THIS
16 STATE THAT IS AN ELIGIBLE PUBLIC DEPOSITORY CERTIFIED BY THE STATE
17 BANKING BOARD THAT OFFERS FEDERAL DEPOSIT INSURANCE
18 CORPORATION INSURANCE ON ITS DEPOSITS;

19
20 (b) THE SELECTED ELIGIBLE PUBLIC DEPOSITORY SIMULTANEOUSLY
21 SHALL ARRANGE FOR THE DEPOSIT OF ANY PUBLIC FUNDS IN EXCESS OF ONE
22 HUNDRED THOUSAND DOLLARS IN CERTIFICATES OF DEPOSIT OF ONE
23 HUNDRED THOUSAND DOLLARS OR LESS IN ONE OR MORE OTHER BANKS OR
24 SAVINGS AND LOAN ASSOCIATIONS WHEREVER LOCATED IN THE UNITED
25 STATES, FOR THE ACCOUNT OF THE PUBLIC ENTITY;

26
27 (c) AT THE SAME TIME THE PUBLIC FUNDS ARE DEPOSITED AND THE
28 CERTIFICATES OF DEPOSIT ARE ISSUED FOR THE BENEFIT OF THE PUBLIC
29 ENTITY, THE ELIGIBLE PUBLIC DEPOSITORY SHALL RECEIVE AN AMOUNT OF
30 DEPOSITS FROM CUSTOMERS OF OTHER BANKS OR SAVINGS AND LOAN
31 ASSOCIATIONS EQUAL TO THE AMOUNT OF THE PUBLIC FUNDS INITIALLY
32 PLACED BY THE PUBLIC ENTITY;

33
34 (d) EACH SUCH CERTIFICATE OF DEPOSIT SHALL BE INSURED BY THE
35 FEDERAL DEPOSIT INSURANCE CORPORATION; AND

36
37 (e) THE SELECTED ELIGIBLE PUBLIC DEPOSITORY SHALL ACT AS
38 CUSTODIAN FOR THE PUBLIC ENTITY WITH RESPECT TO THE CERTIFICATES
39 OF DEPOSIT ISSUED FOR THE PUBLIC ENTITY'S ACCOUNT."

40
41 Renumber succeeding sections accordingly.

42
43 As amended, ordered engrossed and placed on the Calendar for Third
44 Reading and Final Passage.

45
46 **HB04-1390** by Representative(s) Hefley, Coleman, Berry, Borodkin,
47 Boyd, Carroll, Clapp, Crane, Frangas, Harvey, Hodge,
48 Hoppe, Jahn, Judd, Larson, Madden, Marshall, May M.,
49 McFadyen, McGihon, Paccione, Ragsdale, Rippey, Rose,
50 Schultheis, Stafford, Tochtrop, White, Wiens, Williams S.;
51 also Senator(s) Johnson S.--Concerning the requirement
52 that each health insurer provide information to consumers
53 regarding covered benefits for cancer screening on the
54 Colorado health benefit plan description form.
55

Amendment No. 1, Health, Environment, Welfare, & Institutions Report, dated March 24, 2004, and placed in member's bill file; Report also printed in House Journal, March 25, pages 1047-1048.

Amendment No. 2, by Representatives McCluskey, Hefley.

Amend the Health, Environment, Welfare, and Institutions Committee Report, dated March 24, 2004, page 1, line 10, after "PLAN'S", insert "CANCER".

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

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1028, 1135, 1138, 1157, 1237**) was laid over until April 6, retaining place on Calendar.

AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT

Representative Romanoff moved to amend the Report of the Committee of the Whole to show that **HB04-1355**, unamended, was laid over until April 6, 2004.

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

YES	34	NO	29	EXCUSED	02	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	N
Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	N	Hefley	N	Merrifield	Y	Stafford	N
Brophy	Y	Hodge	Y	Miller	N	Stengel	Y
Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	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	N
Coleman	Y	Lee	N	Rippy	N	Wiens	N
Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	E	Williams T.	E
Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
Frangas	Y	May	Y	Schultheis	N	Young	N
						Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB04-1404 amended, 1390 amended.**

Laid over until date indicated retaining place on Calendar: **HB04-1355, 1028, 1135, 1138, 1157, 1237**--April 6, 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	62	NO	01	EXCUSED	02	ABSENT	00
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	Y	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	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	E	Williams T.	E
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed: **HB04-1426, 1427, 1428, 1429, 1430, 1431**.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HJR04-1043**.

DELIVERY OF BILL TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bill, has been delivered to the Office of the Governor: **HB04-1265** at 12:07 p.m. on April 2, 2004.

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has passed on Third Reading and returns herewith **HB04-1230, 1384, 1395, 1388, 1394, 1380, 1401**.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: **SB04-204**,

SB04-216, amended as printed in Senate Journal, April 2, 2004, page 709,

HB04-1387, amended as printed in Senate Journal, April 2, 2004, page 707,

1 HB04-1399, amended as printed in Senate Journal, April 2, 2004, pages
2 710-711.
3 The President appointed Senators Jones, chairman, Evans, and Veiga, as
4 members of the First Conference Committee on SB04-131.

6
7 **MESSAGE FROM THE REVISOR**

8
9 We herewith transmit:
10 Without comment, SB04-204.
11 Without comment, as amended, HB04-1387 and 1399.
12 Without comment, as amended, SB04-216.

14
15
16 **MESSAGES FROM THE GOVERNOR**

17
18 I certify I received the following on the 2nd day of April, 2004, at
19 2:55 p.m. The original is on file in the records of the House of
20 Representatives of the General Assembly.

21
22 Judith Rodrigue,
23 Chief Clerk of the House

24 April 2, 2004

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

31
32 Ladies and Gentlemen:

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

36
37 **HB04-1058** Concerning Eligibility Determinations Under The
38 "Colorado Medical Assistance Act".

39
40 Approved April 2, 2004 at 9:10 AM.

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

46
47 April 2, 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:

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

HB04-1151 Concerning The Ability Of The State Of Colorado To Respond To The Initial Attack Of A Wildfire.

Approved April 2, 2004 at 12:12 PM.

Sincerely,
(signed)
Bill Owens
Governor

INTRODUCTION OF BILLS First Reading

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

HB04-1430 by Representative(s) May M., Berry, Harvey--Concerning the dates by which certain action is to be taken affecting municipal elections.
Committee on State, Veterans, & Military Affairs

HB04-1431 by Representative(s) Rose--Concerning the continuation of the wildlife management public education advisory council.
Committee on Agriculture, Livestock, & Natural Resources

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 6, retaining place on Calendar:

Consideration of General Orders--**SB04-185, HB04-1003, 1030, 1269, 1284, 1287, 1300, 1344, 1347.**

Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015, HJR04-1010, SJR04-023, 024, HJR04-1037, SJR04-027, HJR04-1038, 1040, HR04-1008, HJR04-1044, HR04-1009, HJR04-1047, SJR04-025, HJR04-1048, SJR04-030, HJR04-1049.**

Consideration of Memorial--**SJM04-001.**

Consideration of Senate Amendments--**HB04-1127, 1357, 1263, 1292, 1251, 1150, 1234, 1187, 1348, 1311, 1121, 1376, 1393; HJR04-1027.**

On motion of Representative King, the House adjourned until 9:00 a.m., April 6, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk