

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

Eighty-fourth Legislative Day

Tuesday, March 30, 2004

1 Prayer by Rabbi Anot Moskowitz, Temple Shalome, Colorado Springs.

2
3 The Speaker called the House to order at 9:00 a.m.

4
5 Pledge of Allegiance led by Representative Weddig.

6
7 The roll was called with the following result:
8

9 Present--54.

10 Excused--Representatives Cloer, Madden, McGihon, Pommer,
11 Schultheis--5.

12 Absent--Representatives Berry, Coleman, Garcia, Harvey, Rippy,
13 Stengel--6.

14 Present after roll call--Representatives Berry, Coleman, Garcia,
15 Harvey, Madden, McGihon, Pommer, Rippy, Stengel.

16
17 The Speaker declared a quorum present.
18

19
20 On motion of Representative Welker, the reading of the journal of
21 March 29, 2004, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

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

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

29
30 **SB04-193** by Senator(s) Entz; also Representative(s) Salazar--
31 Concerning the authority of the department of agriculture
32 to promulgate rules to specify the class of strawberries
33 allowed for production of nursery stock in the state.

34
35 Laid over until March 31, retaining place on Calendar.

36
37 **HB04-1279** by Representative(s) Stafford, Rose; also Senator(s)
38 Hillman, Kester--Concerning liability regarding the
39 behavior of dogs.

40
41 The question being "Shall the bill pass?"

42
43 A roll call vote was taken. As shown by the following recorded vote, a
44 majority of those elected to the House voted in the affirmative and the bill
45 was declared **passed**.

| | YES | 55 | NO | 07 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 2 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 3 | Borodkin | N | Hall | Y | McFadyen | Y | Smith | N |
| 4 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 5 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 6 | Brophy | N | Hodge | Y | Miller | Y | Stengel | Y |
| 7 | Butcher | Y | Hoppe | Y | Mitchell | Y | Toch trop | Y |
| 8 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 9 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 10 | Cerbo | N | Judd | Y | Pommer | Y | Weissmann | N |
| 11 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 12 | Cloer | E | Larson | Y | Rhodes | Y | White | Y |
| 13 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 14 | Crane | Y | Lundberg | N | Romanoff | Y | Williams S. | Y |
| 15 | Decker | N | Madden | Y | Rose | Y | Williams T. | Y |
| 16 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 17 | Frangas | Y | May | Y | Schlutheis | E | Young | Y |
| 18 | | | | | | | Speaker | Y |

19 Co-sponsors added: Representatives Coleman, Fairbank, Garcia, Harvey,
 20 Larson, Madden, May, McCluskey, Merrifield, Paccione, Plant, Stengel,
 21 Williams S.

22

23 **SB04-105** by Senator(s) Kester; also Representative(s) Spence--
 24 Concerning the regulation of health insurance, and, in
 25 connection therewith, adopting certain modifications to
 26 health insurance laws recommended by the 2001 sunset
 27 report conducted by the department of regulatory agencies.

28

29 The question being "Shall the bill pass?"

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

33

| | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 35 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 36 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 37 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 38 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 39 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 40 | Butcher | Y | Hoppe | Y | Mitchell | Y | Toch trop | Y |
| 41 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 42 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 43 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 44 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 45 | Cloer | E | Larson | Y | Rhodes | Y | White | Y |
| 46 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 47 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 48 | Decker | Y | Madden | Y | Rose | Y | Williams T. | Y |
| 49 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 50 | Frangas | Y | May | Y | Schlutheis | E | Young | Y |
| 51 | | | | | | | Speaker | Y |

52 Co-sponsors added: Representatives Hefley, Rippy, Williams T.

53

54 **SB04-024** by Senator(s) Teck; also Representative(s) Romanoff--
 55 Concerning increased consistency in the regulation of
 56 certain professions by the division of registrations in the

1 department of regulatory agencies, and, in connection
 2 therewith, enacting uniform statutory provisions governing
 3 the issuance of letters of admonition, immunity, renewal
 4 and reinstatement of licenses, registrations, or certificates,
 5 investigatory subpoenas, and disposition of fines collected.
 6

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

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

11

| 12 | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 13 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 14 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 15 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 16 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 17 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 18 | Butcher | Y | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 19 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 20 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 21 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 22 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 23 | Cloer | E | Larson | Y | Rhodes | Y | White | Y |
| 24 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 25 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 26 | Decker | Y | Madden | Y | Rose | Y | Williams T. | Y |
| 27 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 28 | Frangas | Y | May | Y | Schultheis | E | Young | Y |
| 29 | | | | | | | Speaker | Y |

30 Co-sponsors added: Representatives Marshall, Weddig.

31

32 **SB04-094** by Senator(s) Hagedorn; also Representative(s) Spradley,
 33 Hall--Concerning the implementation of health savings
 34 accounts, and, in connection therewith, eliminating
 35 medical savings accounts for basic health benefit plans for
 36 small employers and converting the tax provisions for
 37 medical savings accounts to apply to health savings
 38 accounts.

39

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

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

44

| 45 | YES | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 46 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 47 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 48 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 49 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 50 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 51 | Butcher | Y | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 52 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 53 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 54 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 55 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 56 | Cloer | E | Larson | Y | Rhodes | Y | White | Y |

| | | | | | | | | |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 2 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 3 | Decker | Y | Madden | Y | Rose | Y | Williams T. | Y |
| 4 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 5 | Frangas | Y | May | Y | Schultheis | E | Young | Y |
| 6 | | | | | | | Speaker | Y |

7 Co-sponsors added: Representatives Boyd, Brophy, Cadman, Carroll, Clapp,
 8 Crane, Fairbank, Hefley, Hoppe, Jahn, Larson, Madden, Marshall, May,
 9 McFadyen, Paccione, Pommer, Rhodes, Rose, Stengel, White, Williams S.,
 10 Williams T.

11

12 **HB04-1386** by Representative(s) Stengel, Spradley; also Senator(s)
 13 Kester--Concerning physical notice through a salvage
 14 brand to potential purchasers that a motor vehicle has been
 15 salvaged.

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 | 62 | NO | 00 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 23 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 24 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 25 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 26 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 27 | Brophy | Y | Hodge | Y | Miller | Y | Stengel | Y |
| 28 | Butcher | Y | Hoppe | Y | Mitchell | Y | Tochtrop | Y |
| 29 | Cadman | Y | Jahn | Y | Paccione | Y | Vigil | Y |
| 30 | Carroll | Y | Johnson | Y | Plant | Y | Weddig | Y |
| 31 | Cerbo | Y | Judd | Y | Pommer | Y | Weissmann | Y |
| 32 | Clapp | Y | King | Y | Ragsdale | Y | Welker | Y |
| 33 | Cloer | E | Larson | Y | Rhodes | Y | White | Y |
| 34 | Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| 35 | Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| 36 | Decker | Y | Madden | Y | Rose | Y | Williams T. | Y |
| 37 | Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| 38 | Frangas | Y | May | Y | Schultheis | E | Young | Y |
| 39 | | | | | | | Speaker | Y |

40 Co-sponsors added: Representatives Borodkin, Carroll, Hoppe, Larson, May,
 41 Merrifield, Pommer, Rose, Spence, Stafford, Weddig, Welker, Young.

42

43 **SB04-045** by Senator(s) Johnson S.; also Representative(s) Vigil--
 44 Concerning a prohibition against toughperson fighting.

45

46 The question being "Shall the bill pass?"

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

50

| | YES | 54 | NO | 08 | EXCUSED | 03 | ABSENT | 00 |
|----|------------|-----------|-----------|-----------|----------------|-----------|---------------|-----------|
| 52 | Berry | Y | Garcia | Y | McCluskey | Y | Sinclair | Y |
| 53 | Borodkin | Y | Hall | Y | McFadyen | Y | Smith | Y |
| 54 | Boyd | Y | Harvey | Y | McGihon | E | Spence | Y |
| 55 | Briggs | Y | Hefley | Y | Merrifield | Y | Stafford | Y |
| 56 | Brophy | N | Hodge | Y | Miller | Y | Stengel | Y |

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

13 Co-sponsors added: Representatives Borodkin, Carroll, Coleman, Frangas,
 14 Madden, Sinclair, Weddig.

15

16 **SB04-188** by Senator(s) Arnold, Grossman, Owen; also
 17 Representative(s) Rose--Concerning the surcharge on fines
 18 for violation of certain county ordinances that is paid to
 19 the Colorado traumatic brain injury trust fund, and, in
 20 connection therewith, limiting the imposition of the
 21 surcharge to violations of speed limits.

22

23 The question being "Shall the bill pass?"

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

27

| YES | 58 | NO | 05 | 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 | N | Hodge | Y | Miller | Y | Stengel | N |
| Butcher | Y | Hoppe | Y | Mitchell | Y | Tochtrip | Y |
| Cadman | N | 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 | E | Larson | Y | Rhodes | Y | White | Y |
| Coleman | Y | Lee | Y | Rippy | Y | Wiens | Y |
| Crane | Y | Lundberg | Y | Romanoff | Y | Williams S. | Y |
| Decker | N | Madden | Y | Rose | Y | Williams T. | Y |
| Fairbank | Y | Marshall | Y | Salazar | Y | Witwer | Y |
| Frangas | Y | May | Y | Schultheis | E | Young | Y |
| | | | | | | Speaker | N |

46 Co-sponsors added: Representatives Borodkin, Coleman, Frangas, Hodge,
 47 Johnson, Larson, Marshall, McFadyen, Spence, Stafford, Vigil, Williams S.

48

49

50

51 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

52

53 The Speaker has signed: **HB04-1008, 1025, 1037, 1043, 1049, 1050,**
 54 **1067, 1071, 1073, 1093, 1108, 1118, 1137, 1159, 1211, 1212, 1214,**
 55 **1216, 1220, 1222, 1224, 1248, 1262, 1270.**

56

1 The Speaker has signed: **SB04-002, 030, 036, 044, 067, 090, 107, 122,**
2 **123, 143, 156, 159.**

3
4
5 The Speaker has signed:**HJR04-1039; SJR04-026.**

6
7
8
9 **INTRODUCTION OF BILL**
10 **First Reading**

11
12 The following bill was read by title and referred to the committee
13 indicated:

14
15 **SB04-097** by Senator(s) McElhany; also Representative(s) Cadman--
16 Concerning the acquisition of property by the division of
17 wildlife in El Paso county, and, in connection therewith,
18 making an appropriation.

19 Committee on Finance
20 Committee on Appropriations

21
22
23 **INTRODUCTION OF RESOLUTIONS**

24
25 The following resolution was read by title and referred to the committee
26 indicated:

27
28 **HJR04-1046** by Representative(s) Romanoff, Madden, Toch trop, Vigil;
29 also Senator(s) Fitz-Gerald--Concerning the authority of
30 minority leaders to appoint minority members to
31 conference and interim committees.

32 Committee on State, Veterans, & Military Affairs

33
34
35 The following resolution was read by title and laid over one day under the
36 rules:

37
38 **HJR04-1047** by Representative(s) Cloer, Merrifield, Larson, Frangas,
39 Paccione, Garcia, Butcher, Wiens, Berry, Borodkin, Boyd,
40 Briggs, Brophy, Cadman, Carroll, Cerbo, Clapp, Coleman,
41 Crane, Decker, Fairbank, Hall, Harvey, Hodge, Hoppe,
42 Jahn, Johnson R., Judd, King, Lee, Lundberg, Madden,
43 Marshall, May M., McCluskey, McFadyen, McGihon,
44 Miller, Mitchell, Plant, Pommer, Ragsdale, Rhodes,
45 Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair,
46 Smith, Spence, Spradley, Stafford, Stengel, Toch trop,
47 Vigil, Weddig, Weissmann, Welker, White, Williams S.,
48 Williams T., Witwer, Young; also Senator(s) McElhany--
49 Concerning Military Appreciation Month.

50
51
52
53
54
55

1 **LAY OVER OF CALENDAR ITEMS**

2
3 On motion of Representative King, the following items on the Calendar
4 were laid over until March 31, retaining place on Calendar:

5
6 Consideration of Special Orders--**HB04-1355, 1397, 1404.**

7 Consideration of General Orders--**HB04-1221, SB04-185, 020,**
8 **HB04-1390, 1203, 1003, 1028, 1030, 1135, 1138, 1157, 1237, 1269,**
9 **1284, 1287, 1300, 1344, 1347.**

10 Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015,**
11 **HJR04-1010, 1034, SJR04-023, 024, HJR04-1037, SJR04-027,**
12 **HJR04-1038, 1040, HR04-1008, HJR04-1043, 1044, HR04-1009.**

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

14 Consideration of Senate Amendments--**HB04-1054, 1127, 1298, 1241,**
15 **1357, 1084, 1271, 1177, 1062, 1109, 1061, 1153, 1066, 1263, 1292,**
16 **1251, 1150, 1234, 1187, 1348.**

17
18
19
20 On motion of Representative King, the House adjourned until 9:00 a.m.,
21 March 31, 2004.

22 Approved:

23
24
25
26
27 **LOLA SPRADLEY,**
28 Speaker

29 Attest:

30
31 **JUDITH RODRIGUE,**
32 Chief Clerk