

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

Seventy-sixth Legislative Day

Monday, March 22, 2004

1 Prayer by Chaplain Lowell Moore, United States Army.

2

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

4

5 Pledge of Allegiance led by Representative William Sinclair.

6

7 The roll was called with the following result:

8

9 Present--61.

10 Excused--Representatives Clapp, Garcia, Hodge, Pommer--4.

11 Present after roll call--Representatives Garcia, Hodge, Pommer.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Salazar, the reading of the journal of
17 March 19, 2004, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

20

21

CONSIDERATION OF RESOLUTION

22

23 **HJR04-1035** by Representative(s) Cloer, Sinclair; also Senator(s)
24 Lamborn--Concerning the recognition of Military
25 Appreciation Day, and, in connection therewith,
26 expressing gratitude and support for Fort Carson troops.

27

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

29

30 Representative Cloer moved that the resolution be adopted and requested
31 that it be read at length.

32

33 Amendment No. 1, moved by Representative Cloer.

34

35 Amend printed joint resolution, page 2, strike lines 8 and 9 and substitute
36 the following:

37

38 "WHEREAS, 12,000 troops from Fort Carson, Colorado, "The
39 Mountain Post", have been deployed to Iraq and Afghanistan, Fort
40 Carson's largest";

41

42 line 11, strike "Forty-two" and substitute "Forty-four".

43

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

2
3 On motion of Representative Cloer, the resolution as amended was
4 **adopted** by **viva voce** vote.

5
6 Co-sponsors added: Roll Call of the House.

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8
9

10 House in recess. House reconvened.

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14 On motion of Representative King, at 11:33 a.m., **SB04-040, 057, 088,**
15 **187, 195, 103, 087, HB04-1399, SB04-137** were added to the Special
16 Orders Calendar on Monday, March 22, 2004.

17
18

19 On motion of Representative Smith, the House resolved itself into
20 Committee of the Whole for consideration of Special Orders and he was
21 called to the Chair to act as Chairman.

22
23
24

25 SPECIAL ORDERS--SECOND READING OF BILLS

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27

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

32
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

38 **HB04-1257** by Representative(s) Rippey; also Senator(s) Entz--
39 Concerning reforms to the certified capital company
40 program.

41
42

43 A motion by Representative King that the Committee rise, report progress
44 and beg leave to sit again at 1:30 p.m., was adopted by unanimous
45 consent. (Continued on page 1011.)

46
47

48 House reconvened.

49
50

51 The Committee of the Whole reported it had risen, reported progress and
52 would sit again at 1:30 p.m.

53
54

55 House in recess. House reconvened.

56
57

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJR04-026, amended as printed in Senate Journal, March 22.

The Senate has adopted and transmits herewith: SJR04-027.

INTRODUCTION AND CONSIDERATION OF RESOLUTION

SJR04-026 by Senator(s) Tapia, Kester; also Representative(s) Salazar, Butcher--Concerning honoring Staff Sergeant Pete Jimenez for his gallantry, bravery, and valor during World War II, and, in connection therewith, encouraging Colorado's Congressional Delegation to request that the Department of the Army nominate Staff Sergeant Pete Jimenez for the Medal of Honor, commonly referred to as the "Congressional Medal of Honor"

On motion of Representative King, the rules were suspended and the resolution given immediate consideration.

On motion of Representative Salazar, the resolution was read at length and **adopted** by **viva voce** vote.

Co-sponsors added: Roll Call of the House.

On motion of Representative Smith, the House resolved itself into Committee of the Whole for continuation of consideration of Special Orders, and he returned to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

(Continued from page 1010)

HB04-1257 (continued)

Amendment No. 1, by Representative May.

Amend printed bill, page 2, strike line 1.

As amended, declared **lost** on Second Reading.

HB04-1315 by Representative(s) Mitchell, Cadman, Brophy, Miller, Rhodes, Sinclair, Tochtrop--Concerning academic rights in higher education.

Laid over until May 6, 2004. Deemed lost.

SB04-095 by Senator(s) Veiga; also Representative(s) Mitchell--Concerning certificates of stillbirth.

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

- 1 **SB04-040** by Senator(s) Entz; also Representative(s) Larson--
2 Concerning the acquisition of property by the division of
3 wildlife, and, in connection therewith, authorizing the
4 purchase of property in Rio Grande county for public
5 purposes.
6
7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9
10
11 **SB04-057** by Senator(s) Johnson S.; also Representative(s) Johnson
12 R.--Concerning the provision of information on
13 meningococcal disease to students at postsecondary
14 institutions.
15
16 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
17 dated March 15, 2004, and placed in member's bill file; Report also
18 printed in House Journal, March 16, pages 883-884.
19
20 Amendment No. 2, by Representative Johnson R.
21
22 Amend the Health, Environment, Welfare, & Institutions Committee
23 Report, dated March 15, 2004, page 1, line 3, after "OR", insert "ANY
24 STUDENT".
25
26 As amended, ordered revised and placed on the Calendar for Third
27 Reading and Final Passage.
28
29
30 **SB04-088** by Senator(s) Hanna, Groff, Keller, Sandoval; also
31 Representative(s) Rhodes--Concerning the encouragement
32 of breastfeeding, and, in connection therewith, recognizing
33 the benefits of breastfeeding and providing for
34 breastfeeding in public.
35
36 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
37 dated March 10, 2004, and placed in member's bill file; Report also
38 printed in House Journal, March 12, page 844.
39
40 Amendment No. 2, by Representative Madden.
41
42 Amend the Health, Environment, Welfare, and Institutions Committee
43 Report, dated March 10, 2004, page 1, strike line 8.
44
45 As amended, declared **lost** on Second Reading.
46 (For change in action, see Amendments to Report, page 1014.)
47
48
49 **SB04-187** by Senator(s) Dyer; also Representative(s) Harvey--
50 Concerning removal from crimes limiting interactions with
51 persons involved in official proceedings the qualifier that
52 a person be legally summoned to the official proceeding.
53
54 Ordered revised and placed on the Calendar for Third Reading and Final
55 Passage.
56

1 **SB04-195** by Senator(s) Evans, Dyer, Gordon, Jones; also
2 Representative(s) Lee, Hefley, Judd, Marshall, Smith--
3 Concerning implementation of recommendations of the
4 committee on legal services in connection with legislative
5 review of rules and regulations of state agencies.
6

7 Ordered revised and placed on the Calendar for Third Reading and Final
8 Passage.
9

10 **SB04-103** by Senator(s) Sandoval, Gordon, Phillips, Arnold, Entz,
11 Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar,
12 Johnson S., Jones, Keller, Kester, Reeves, Takis, Tapia,
13 Tupa, Veiga, Windels; also Representative(s) Cloer, Boyd,
14 Cadman, Cerbo, Frangas, Madden, Marshall, McFadyen,
15 McGihon, Merrifield, Romanoff, Vigil, Williams S.--
16 Concerning policies to increase the inclusion of nutritious
17 choices in school vending machines.
18

19 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
20 dated March 17, 2004, and placed in member's bill file; Report also
21 printed in House Journal, March 17, page 914.
22

23 As amended, ordered revised and placed on the Calendar for Third
24 Reading and Final Passage.
25

26 **SB04-087** by Senator(s) Owen; also Representative(s) Hall--
27 Concerning the nonsubstantive recodification of statutory
28 provisions that address sales and use tax exemptions.
29

30 Amendment No. 1, Finance Report, dated March 17, 2004, and placed in
31 member's bill file; Report also printed in House Journal, March 18, pages
32 926-946.
33

34 Amendment No. 2, by Representative Hall.
35

36 Amend Finance Committee Report, dated March 17, 2004, page 29, strike
37 lines 14 and 15 and substitute the following:
38

39 "Page 49, line 6, strike "SECTION 39-26-716 (4) (g)," and substitute
40 "SECTIONS 39-26-716 (2) (e) AND 39-26-716 (3) (e),";
41

42 line 22, strike "39-26-715 (1)," and substitute "39-26-715 (1) (a) (I),".
43

44 As amended, ordered revised and placed on the Calendar for Third
45 Reading and Final Passage.
46

47 **HB04-1399** by Representative(s) Williams T.--Concerning statutory
48 provisions governing limited liability companies contained
49 in title 7 of the Colorado Revised Statutes.
50

51 Amendment No. 1, Business Affairs & Labor Report, dated March 16,
52 2004, and placed in member's bill file; Report also printed in House
53 Journal, March 18, page 915.
54

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

On motion of Representative King, the remainder of the Special Orders Calendar (**HB04-1355, 1382, SB04-137**) was laid over until March 23, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representatives Rhodes, Boyd, Butcher, and Cloer moved to amend the Report of the Committee of the Whole to show that **SB04-088**, as amended, did pass.

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

YES	43	NO	21	EXCUSED	01	ABSENT	00
Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	N	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	E	King	Y	Ragsdale	Y	Welker	N
Cloer	Y	Larson	N	Rhodes	Y	White	N
Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	N	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	N	Schultheis	N	Young	N
						Speaker	N

Representatives Spence, May M., and Lee moved to amend the Report of the Committee of the Whole to show that **SB04-103**, as amended, did not pass.

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

YES	19	NO	44	EXCUSED	01	ABSENT	01
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	N
Borodkin	N	Hall	N	McFadyen	N	Smith	N
Boyd	N	Harvey	N	McGihon	N	Spence	Y
Briggs	N	Hefley	Y	Merrifield	N	Stafford	N
Brophy	N	Hodge	N	Miller	N	Stengel	N
Butcher	Y	Hoppe	N	Mitchell	-	Tochtrop	Y
Cadman	Y	Jahn	N	Paccione	N	Vigil	N
Carroll	N	Johnson	N	Plant	N	Weddig	Y
Cerbo	N	Judd	N	Pommer	N	Weissmann	Y
Clapp	E	King	N	Ragsdale	Y	Welker	N
Cloer	N	Larson	N	Rhodes	Y	White	N
Coleman	N	Lee	Y	Rippy	N	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
Decker	N	Madden	N	Rose	N	Williams T.	N

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB04-095, 040, 057 amended, 088 amended, 187, 195, 103 amended, 087 amended, HB04-1399 amended.**

Lost on Second Reading: **HB04-1257 amended.**

Laid over until date indicated retaining place on Calendar:

HB04-1355, 1382, SB04-137--March 23, 2004.

HB04-1315--May 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	63	NO	00	EXCUSED	01	ABSENT	01
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	-	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	E	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	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	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

FINANCE

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

SB04-072

The Committee returns herewith Senate Bill 04-072 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with House Rules, that the deadline applicable to committees under Joint Rule 23 (a)(1) has passed, that final action has not been taken by this Committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to be postponed indefinitely.

1 **TRANSPORTATION & ENERGY**

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

4
5 **SB04-111** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:
8

9 Amend reengrossed bill, page 3, line 21, strike "INCLUDING, BUT NOT" and
10 substitute "INCLUDING";

11
12 line 22, strike "LIMITED TO,".
13
14
15

16 **SB04-171** be amended as follows, and as so amended, be referred to
17 the Committee on Appropriations with favorable
18 recommendation:

19 Amend reengrossed bill, page 6, after line 7, insert the following:
20

21 **"24-17-205. Existing legal requirements not superseded.** THE
22 PROVISIONS OF THIS PART 2 SHALL NOT BE CONSTRUED TO REPEAL,
23 SUPERSEDE, OR OTHERWISE AFFECT ANY OTHER STATUTORY PROVISIONS
24 THAT LIMIT THE USE OF OR REQUIRE REVIEW OF CONTINGENCY-BASED
25 CONTRACTS."
26

27
28
29 **PRINTING REPORT**
30

31 The Chief Clerk reports the following bill was been correctly printed:
32 **HB04-1406.**
33

34
35
36 **MESSAGES FROM THE SENATE**
37

38 Madam Speaker:
39

40 The Senate has adopted and returns herewith: HJR04-1032.

41 The Senate has adopted and returns herewith: HJR04-1033.

42 The Senate has adopted and returns herewith: HJR04-1036.
43

44
45 The Senate has adopted and returns herewith: HJR04-1035.

46 The Senate has adopted and returns herewith: HJR04-1021.
47

48
49 The Senate has passed on Third Reading and returns herewith
50 HB04-1366, 1368.

51 The Senate has passed on Third Reading and transmitted to the Revisor
52 of Statutes:

53 HB04-1046, amended as printed in Senate Journal, March 19, 2004, page
54 575,

55 HB04-1084, amended as printed in Senate Journal, March 19, 2004, page
56 576,

1 HB04-1271, amended as printed in Senate Journal, March 18, 2004, page
2 557,
3 HB04-1177, amended as printed in Senate Journal, March 19, 2004,
4 pages 576-578,
5 HB04-1369, amended as printed in Senate Journal, March 19, 2004, page
6 578,
7 HB04-1236, amended as printed in Senate Journal, March 19, 2004, page
8 578,
9 HB04-1062, amended as printed in Senate Journal, March 19, 2004, page
10 579.

MESSAGE FROM THE REVISOR

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12
13
14
15 We herewith transmit:
16 Without comment, as amended, HB04-1046, 1084, 1271, 1177, 1369,
17 1236, and 1062.

INTRODUCTION OF RESOLUTIONS

18
19
20
21
22 The following resolutions were read by title and laid over one day under
23 the rules:

24
25 **HJR04-1037** by Representative(s) Decker, Spradley--Concerning
26 support for the quest to obtain a Nextel Cup race at Pikes
27 Peak International Raceway.

28
29 **SJR04-027** by Senator(s) Cairns; also Representative(s) Sinclair--
30 Concerning the designation of a portion of Interstate
31 Highway 70 as the Purple Heart Trail.

LAY OVER OF CALENDAR ITEMS

32
33
34
35
36 On motion of Representative King, the following items on the Calendar
37 were laid over until March 23, retaining place on Calendar:

38
39 Consideration of General Orders--**HB04-1221, 1279, SB04-185, 120,**
40 **HB04-1014, 1375, SB04-017, 115, 020, 193, 105, 125, 083, 166, 029.**
41 Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015,**
42 **HJR04-1010, 1034, SJR04-023, 024.**
43 Consideration of Memorial--**SJM04-001.**
44 Consideration of Senate Amendments--**HB04-1054, 1004, 1127, 1298.**
45 Consideration of Adherence--**HB04-1182.**

46
47
48 On motion of Representative King, the House adjourned until 9:00 a.m.,
49 March 23, 2004.

50
51
52 Approved:

53 Attest:

54
55 LOLA SPRADLEY,
56 Speaker

57
58 JUDITH RODRIGUE,
59 Chief Clerk