HOUSE JOURNAL

SIXTY-THIRD GENERAL ASSEMBLY

STATE OF COLORADO

Second Regular Session

Thirty-sixth Legislative Day Wednesday, February 13, 2002

Prayer by Pastor Brad Strait, South Fellowship, Littleton.

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

The roll was called with the following result:

Present--62.
Excused--Representatives Paschall, Spence, S. Williams--3.
Present after roll call--Representatives Spence, S. Williams.

The Speaker declared a quorum present.

On motion of Representative Snook, the reading of the journal of February 12, 2002, was declared dispensed with and approved as corrected by the Chief Clerk.

THIRD READING OF BILL--FINAL PASSAGE

The following bill was considered on Third Reading. The title was publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB02-1164 by Representative(s) Hefley, King, Schultheis, Alexander, Crane, Stafford, White, Williams T.; also Senator(s) Hernandez--Concerning the expansion of health insurance products for employers with fewer than fifty-one employees.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES 64 NO 0 EXCUSED 1 ABSENT 0

Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y

Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
Crane	Y	King	Y	Sanchez	Y	Weddig	Y
Daniel	Y	Larson	Y	Schultheis	Y	White	Y
Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
Garcia	Y	Madden	Y	Snook	Y	Young	Y
						Mr. Speaker	Y

Co-sponsors added: Representatives Cadman, Cloer, Coleman, Decker, Harvey, Hoppe, Jahn, Jameson, Lee, Mace, Marshall, Miller, Tapia, Williams S.

APPOINTMENT

Representative Grossman announced the following temporary changes in committee assignments:
On Thursday, February 14, 2002, Representative Romanoff to temporarily replace Representative Weddig on the Committee on State, Veterans, & Military Affairs
On Friday, February 15, 2002, Representative Garcia to temporarily replace Representative Tapia on the Committee on Appropriations

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REPORTS OF COMMITTEES OF REFERENCE

BUSINESS AFFAIRS & LABOR
After consideration on the merits, the Committee recommends the following:

HB02-1124 be postponed indefinitely.

HB02-1224 be referred favorably to the Committee on Finance.

HB02-1235 be referred to the Committee of the Whole with favorable recommendation.

HB02-1239 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 9, after line 18, insert the following:

"(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RELIEVE AN EMPLOYER OF THE RESPONSIBILITY OF PAYING OVERTIME OR OTHERWISE COMPLYING WITH ALL APPLICABLE FEDERAL AND STATE LAWS, RULES, AND STANDARDS.".

Page 22, line 5, after the period, insert the following:

"EACH DAY THAT THE CONDUCT CONSTITUTING THE VIOLATION IS CONTINUED AFTER THE ORDER IS MADE FINAL, AND EACH MINOR EMPLOYED IN VIOLATION OF THIS ARTICLE, CONSTITUTES A SEPARATE OFFENSE.";

line 6, strike "thereafter," and substitute "~~thereafter~~ AFTER THE ORDER IS MADE FINAL,";

line 7, before "pursuant", insert "FOR EACH SEPARATE OFFENSE".

HB02-1280 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 15 through 20 and substitute the following:

"(2) (a) (I) THE REGULATION OF BANKING IS A MATTER OF STATEWIDE CONCERN, AND IN ORDER TO MAINTAIN A UNIFORM STATEWIDE SYSTEM OF BANKING AND BANK REGULATORY POLICY IN COLORADO, THE REGULATION BY A POLITICAL SUBDIVISION OF DEPOSITS, LENDING, OR OTHER SERVICES OR PRODUCTS PROVIDED BY BANKS IN ACCORDANCE WITH APPLICABLE STATE OR FEDERAL LAW SHALL BE PROHIBITED.

(II) NOTHING IN THIS SUBSECTION (2) SHALL PRECLUDE A POLITICAL SUBDIVISION FROM ENACTING AND ENFORCING LAWS OR RULES OF GENERAL APPLICABILITY CONCERNING PUBLIC HEALTH, SAFETY, OR WELFARE.".

HB02-1326 be referred favorably to the Committee on Appropriations.

CIVIL JUSTICE & JUDICIARY

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

HB02-1231 be referred to the Committee of the Whole with favorable recommendation.

SB02-025 be referred to the Committee of the Whole with favorable recommendation.

CRIMINAL JUSTICE

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

HB02-1223 be referred to the Committee of the Whole with favorable recommendation.

HB02-1229 be referred favorably to the Committee on Appropriations.

HB02-1301 be referred favorably to the Committee on Appropriations.

STATE, VETERANS, & MILITARY AFFAIRS

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

HB02-1192 be referred to the Committee of the Whole with favorable recommendation.

HB02-1245 be referred to the Committee of the Whole with favorable recommendation.

HB02-1248 be postponed indefinitely.

HB02-1261 be referred to the Committee of the Whole with favorable recommendation.

PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed: **HB02-1330, 1331**.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB02-106, SB02-107, SB02-144, SB02-122, SCR02-002, SCR02-001, SB02-091

SB02-005, amended as printed in Senate Journal, February 11, page 203;
SB02-057, amended as printed in Senate Journal, February 11, pages 203-204.
SB02-069, amended as printed in Senate Journal, February 11, pages 207-208;

SB02-095, amended as printed in Senate Journal, February 11, pages 208-209;
SB02-049, amended as printed in Senate Journal, February 11, page 209;
SB02-007, amended as printed in Senate Journal, February 11, pages 209-210;
SB02-038, amended as printed in Senate Journal, February 11, pages 210-211;
SB02-021, amended as printed in Senate Journal, February 11, page 211;
SB02-113, amended as printed in Senate Journal, February 11, pages 211-212;
SB02-140, amended as printed in Senate Journal, February 11, page 212;
SB02-041, amended as printed in Senate Journal, February 11, page 208;

MESSAGE FROM THE REVISOR

We herewith transmit without comment, SB02-091, 106, 107, 122, 144, SCR02-001, and 002; and
Without comment, as amended, SB02-005, 007, 021, 038, 041, 049, 057, 069, 095, 113, and 140.

INTRODUCTION OF BILLS
First Reading

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

HB02-1332 by Representative(s) Harvey, Hefley, Alexander, Cadman, Clapp, Cloer, Coleman, Crane, Dean, Decker, Fairbank, Fritz, Hoppe, Jahn, Johnson, Kester, King, Lee, Mace, Miller, Mitchell, Paschall, Rhodes, Rippy, Schultheis, Scott, Sinclair, Smith, Snook, Spradley, Stafford, Stengel, Swenson, Webster, White, Williams T., Witwer, Young--Concerning the requirement of a daily recitation of the pledge of allegiance in each public school in the state.
Committee on State, Veterans, & Military Affairs

HB02-1333 by Representative(s) Stengel; also Senator(s) Fitz-Gerald--Concerning recommendations of the house committee on finance relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.
Committee on Finance

SB02-005 by Senator(s) Evans; also Representative(s) Larson--Concerning the regulation of motor vehicle dealers, and, in connection therewith, enhancing the penalties for unauthorized performance of acts for which a license is required and increasing the authority of investigators working for the motor vehicle dealer board.
Committee on Civil Justice & Judiciary

SB02-007 by Senator(s) Hillman; also Representative(s) Kester--Concerning county commissioner redistricting.
Committee on Local Government

SB02-020 by Senator(s) Gordon; also Representative(s) Mitchell--Concerning a prohibition against the examination of confidential communications made by a minor child to a parent and, in connection therewith, creating exceptions to the prohibition.
Committee on Civil Justice & Judiciary

SB02-021 by Senator(s) Reeves; also Representative(s) Stafford--Concerning child support guidelines.
Committee on Civil Justice & Judiciary

SB02-038 by Senator(s) Nichol; also Representative(s) Miller--Concerning the display of United States flags by public institutions.
Committee on State, Veterans, & Military Affairs

SB02-041 by Senator(s) Thiebaut; also Representative(s) Lawrence--Concerning local regulation of hazardous waste sites, and, in connection therewith, expanding the "State Hazardous Waste Incinerator Siting Act" to include all hazardous waste processors.
Committee on Health, Environment, Welfare, & Institutions

SB02-049 by Senator(s) Gordon; also Representative(s) Mitchell--Concerning limits on access to court records in domestic relations actions filed pursuant to title 14, Colorado Revised Statutes.
Committee on Civil Justice & Judiciary

SB02-055 by Senator(s) Perlmutter; also Representative(s) Madden--Concerning limitations on the total amount of disability benefits payable under the "Workers' Compensation Act of Colorado".
Committee on Business Affairs & Labor

SB02-057 by Senator(s) Hagedorn; also Representative(s) Smith--Concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol.
Committee on Criminal Justice

SB02-069 by Senator(s) Hillman, Entz, Isgar, Chlouber, Hanna, Musgrave, Taylor, Teck; also Representative(s) Hoppe, Miller, Tochtrop--Concerning the protection of products of agriculture.
Committee on Agriculture, Livestock, & Natural Resources

SB02-084 by Senator(s) Takis; also Representative(s) Hodge--Concerning real property subject to judicial process.
Committee on Civil Justice & Judiciary

SB02-091 by Senator(s) Isgar, Fitz-Gerald, Gordon; also Representative(s) Larson--Concerning the requirement that personal injury protection motor vehicle insurance coverage include a living expense benefit for persons participating in rehabilitative occupational training programs.
Committee on State, Veterans, & Military Affairs

SB02-092 by Senator(s) Isgar, Matsunaka; also Representative(s) Larson--Concerning the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.
Committee on Health, Environment, Welfare, & Institutions

SB02-095 by Senator(s) Hillman, Anderson; also Representative(s) Madden, Decker, Romanoff--Concerning the election offense of making false statements designed to affect the vote as proscribed by section 1-13-109, Colorado Revised Statutes.
Committee on State, Veterans, & Military Affairs

SB02-106 by Senator(s) Anderson, Arnold; also Representative(s) Stafford, Bacon, Kester, Marshall, Miller, Snook--Concerning conformance of public employee retirement plans with the federal internal revenue code.
Committee on Finance

SB02-107 by Senator(s) Fitz-Gerald; also Representative(s) Miller, White--Concerning deceptive practices in the business of insurance relating to the denial of coverage based solely on an individual's nonprofessional participation in specified sports.
Committee on Business Affairs & Labor

SB02-113 by Senator(s) Epps; also Representative(s) King--Concerning cooperation by institutions of higher education with federal anti-terrorism measures.
Committee on Education

SB02-122 by Senator(s) Chlouber; also Representative(s) Larson--Concerning the motorcycle operator safety training fund.
Committee on Transportation & Energy

SB02-140 by Senator(s) Arnold; also Representative(s) Swenson--Concerning the collection by the department of corrections of certain moneys owed by incarcerated offenders.
Committee on Criminal Justice

SB02-144 by Senator(s) Tupa, Pascoe, Windels; also Representative(s) King, Bacon, Groff, Lawrence, Spence--Concerning an exemption from public access requirements for proposals to honor individuals submitted to institutions of higher education.
Committee on Education

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

SCR02-001 by Senator(s) Owen, Fitz-Gerald, Hagedorn, Isgar; also Representative(s) Williams T., Miller, Spradley--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XI of the constitution of the state of Colorado, concerning the authorization for local governments that are lawfully authorized to provide health care to participate with a public or private entity in affecting the provision of such health care, and, in connection therewith, authorizing a county, city, town, township, or special district to become a subscriber, member, or shareholder in or a joint owner with any person or company, public or private, in order to provide such health care without incurring debt and without pledging its credit or faith; requiring any such county, city, town, township, or special district entering such an arrangement to own its just proportion to the whole amount invested; and providing that any such entity or relationship established for such purpose shall not be deemed a political subdivision, local government, or local public body for any purpose.

Committee on Health, Environment, Welfare, & Institutions

SCR02-002 by Senator(s) Pascoe; also Representative(s) Witwer--Submitting to the registered electors of the state of Colorado an amendment to article XIV of the constitution of the state of Colorado, concerning the authority of the general assembly to establish qualifications for the office of county coroner.

Committee on State, Veterans, & Military Affairs

LAY OVER OF CALENDAR ITEMS

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

Consideration of General Orders--**HB02-1051, 1151, 1036, 1091, 1074, 1232, 1123, SB02-031, HB02-1210, 1002, 1034, 1059, 1087, SB02-108, HB02-1103, 1104, 1168, 1171, 1185, 1158, 1162, 1070**.

On motion of Representative Spradley, the House adjourned until 9:00 a.m., February 14, 2002.

Approved:

DOUG DEAN,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk