

HOUSE JOURNAL
SIXTY-THIRD GENERAL ASSEMBLY
STATE OF COLORADO
Second Extraordinary Session

Fifteenth Legislative Day

Thursday, October 4, 2001

1 Prayer by Pastor Rick Long, Grace Church, Arvada.
2
3 The Speaker called the House to order at 9:00 a.m.
4
5 The roll was called with the following result:
6
7 Present--60.
8 Excused for Legislative Business--Representative Berry, Saliman,
9 Snook, Young--4.
10 Absent--Representative Plant--1.
11 Present after roll call--Representatives Berry, Plant, Saliman,
12 Young.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Stafford, the reading of the journal of
18 October 3, 2001, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

REPORTS OF COMMITTEES OF REFERENCE

22
23
24
25 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**
26 After consideration on the merits, the Committee recommends the
27 following:
28

29 **SB01S2-012** be referred favorably to the Committee on Appropriations.
30
31

32
33 **LOCAL GOVERNMENT**

34 After consideration on the merits, the Committee recommends the
35 following:
36

37 **SB01S2-005** be postponed indefinitely.
38
39

MESSAGE FROM THE SENATE

40
41
42 Mr. Speaker:

43
44 The Senate has adopted and transmits herewith: SJR01S2-007.
45

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and laid over until later:

HJR01S2-1007 by Representative(s) Clapp, Mace; also Senator(s) Hernandez, Dyer--Concerning encouragement of school district policies to prevent desecration of the American flag in public schools.

WHEREAS, Only one week after the tragic events of September 11, 2001, a student at Littleton High School chose to wear clothing to her public school that depicted an American flag, desecrated by profanity; and

WHEREAS, The picture of the desecrated flag had the effect of inciting and provoking another student, leading to a disruptive verbal altercation between the two students; and

WHEREAS, Desecrating the American flag is likely to incite and provoke students, potentially causing disruption, verbal altercations, and violence in our public schools; and

WHEREAS, Each school district board of education is currently required by statute to adopt a safe school plan that will provide an environment that is safe, conducive to the learning process, and free from unnecessary disruption; and

WHEREAS, Each school district's safe school plan by statute must include a conduct and discipline code that establishes general policies regarding student conduct, safety, and welfare; a dress code policy that defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school; and general policies and procedures for dealing with students who cause a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events; and

WHEREAS, Because the desecration of the American flag can involve clothing, action, and words, and may or may not be clearly addressed by any school district policy currently required by state statute; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado, the Senate concurring herein:

That, because desecration of the American flag is likely to incite and provoke violence in our public schools, each school district board of education is encouraged to develop a specific school district policy concerning the desecration of the American flag in whatever form such desecration occurs.

Be It Further Resolved, That a copy of this Joint Resolution be sent to each school district in the state of Colorado and to the Colorado Department of Education, and that the copy be displayed in an appropriate location in each facility or office.

1 The following resolution was read by title and referred to the committees
2 indicated:

3
4 **SJR01S2-007** by Senator(s) Linkhart; also Representative(s) Borodkin-
5 -Concerning measures to improve the security of citizens
6 of the state against terrorism.

7 Committee on State, Veterans, & Military Affairs

8 Committee on Appropriations

9

10

11

12

13

THIRD READING OF BILL--FINAL PASSAGE

14

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

18

19 **HB01S2-1034** by Representative(s) Tapia, Spradley, Lawrence; also
20 Senator(s) Hernandez--Concerning a pilot program for a
21 group benefit insurance plan for state employees
22 experiencing increases in HMO health insurance costs
23 exceeding a specified amount.

24

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

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

29

| 30 | YES 59 | NO 4 | EXCUSED 1 | ABSENT 1 | | | | |
|----|-----------|------|-----------|----------|------------|---|-------------|---|
| 31 | | | | | | | | |
| 32 | Alexander | Y | Groff | Y | Miller | Y | Spence | Y |
| 33 | Bacon | | Grossman | Y | Mitchell | Y | Spradley | Y |
| 34 | Y | | Hefley | Y | Nuñez | Y | Stafford | Y |
| 35 | Berry | | Hodge | Y | Paschall | N | Stengel | Y |
| 36 | Y | | Hoppe | Y | Plant | Y | Swenson | Y |
| 37 | Borodkin | Y | Jahn | - | Ragsdale | Y | Tapia | Y |
| 38 | Boyd | Y | Jameson | Y | Rhodes | Y | Tochtrop | |
| 39 | Cadman | Y | Johnson | Y | Rippy | Y | Y | |
| 40 | Chavez | Y | Kester | Y | Romanoff | Y | Veiga | Y |
| 41 | Clapp | Y | King | Y | Saliman | Y | Vigil | Y |
| 42 | Cloer | Y | Larson | Y | Sanchez | Y | Webster | Y |
| 43 | Coleman | Y | Lawrence | Y | Schultheis | Y | Weddig | N |
| 44 | Crane | N | Lee | N | Scott | Y | White | Y |
| 45 | Daniel | Y | Mace | Y | Sinclair | Y | Williams S. | Y |
| 46 | Decker | Y | Madden | Y | Smith | Y | Williams T. | Y |
| 47 | Fairbank | Y | Marshall | Y | Snook | E | Witwer | Y |
| 48 | Fritz | Y | | | | | Young | Y |
| 49 | Garcia | Y | | | | | | |
| 50 | | | | | | | Mr. Speaker | Y |

51

52 Co-sponsors added: Representatives Chavez, Garcia, Groff, Hoppe, Marshall,
53 Plant, Romanoff, Sanchez, Tochtrop, Veiga, Vigil, Young.

54

55

56

1

1 **CONSIDERATION OF RESOLUTIONS**

2

3 **HJR01S2-1007** by Representative(s) Clapp, Mace; also Senator(s)
 4 Hernandez, Dyer--Concerning encouragement of school
 5 district policies to prevent desecration of the American
 6 flag in public schools.

7

8 (Printed and placed in member's file; also printed in House Journal,
 9 October 4, page 162.)

10

11

12 On motion of Representative Spradley, the rules were suspended and the
 13 resolution given immediate consideration.

14

15 On motion of Representative Clapp, the resolution was read at length.

16

17

18 Amendment No. 1, moved by Representative Clapp.

19

20 Amend printed resolution, page 1, line 1, strike "one week" and substitute
 21 "days".

22

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

24

25

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

28

| 29 | YES 58 | NO 6 | EXCUSED 1 | ABSENT 0 |
|----|-----------|------------|--------------|-----------------|
| 30 | | | | |
| 31 | Alexander | Y Groff | N Miller | Y Spence Y |
| 32 | Bacon | Grossman | Y Mitchell | Y Spradley Y |
| 33 | Y | Hefley | Y Nuñez | Y Stafford Y |
| 34 | Berry | Hodge | N Paschall | Y Stengel Y |
| 35 | Y | Hoppe | Y Plant | N Swenson Y |
| 36 | Borodkin | Y Jahn | Y Ragsdale | N Tapia Y |
| 37 | Boyd | Y Jameson | Y Rhodes | Y Tochtrop |
| 38 | Cadman | Y Johnson | Y Rippy | Y Y |
| 39 | Chavez | Y Kester | Y Romanoff | Y Veiga Y |
| 40 | Clapp | Y King | Y Saliman | N Vigil Y |
| 41 | Cloer | Y Larson | Y Sanchez | Y Webster Y |
| 42 | Coleman | Y Lawrence | Y Schultheis | Y Weddig Y |
| 43 | Crane | Y Lee | Y Scott | Y White Y |
| 44 | Daniel | Y Mace | Y Sinclair | Y Williams S. Y |
| 45 | Decker | Y Madden | Y Smith | Y Williams T. Y |
| 46 | Fairbank | Y Marshall | N Snook | E Witwer Y |
| 47 | Fritz | Y | | Young Y |
| 48 | Garcia | Y | | |
| 49 | | | | Mr. Speaker Y |

50

51 Co-sponsors added: Representatives Cadman, Chavez, Cloer, Coleman, Crane,
 52 Decker, Fairbank, Fritz, Garcia, Hefley, Hoppe, Jahn, Kester, King, Larson,
 53 Lawrence, Lee, Miller, Mitchell, Nuñez, Paschall, Rhodes, Schultheis, Scott,
 54 Sinclair, Spradley, Stafford, Stengel, Swenson, Williams S., Williams T., Young,
 55 Mr. Speaker.

56

1

1 **HJR01S2-1006** by Representative(s) Mitchell, Dean; also Senator
 2 Hillman--Concerning the general assembly's
 3 constitutional role in determining the congressional
 4 redistricting of Colorado.
 5

6 (Printed and placed in member's file; also printed in House Journal,
 7 October 2, pages 127-128.)
 8

9 On motion of Representative Mitchell the resolution was read at length.
 10

11
 12 Amendment No. 1, moved by Representative Paschall.
 13

14 Amend printed resolution, page 2, after line 19, add the following:
 15

16 "Be It Further Resolved, That copies of this Joint Resolution be
 17 sent to the Colorado Supreme Court and to each State or Federal Court
 18 in which state redistricting litigation has been filed."
 19

20 The amendment was declared **passed** by the following roll call vote:
 21

| 22 | YES 35 | NO 28 | EXCUSED 2 | ABSENT 0 | | | | |
|----|-----------|-------|-----------|----------|------------|---|-------------|---|
| 23 | | | | | | | | |
| 24 | Alexander | Y | Groff | N | Miller | Y | Spence | Y |
| 25 | Bacon | | Grossman | N | Mitchell | Y | Spradley | Y |
| 26 | N | | Hefley | Y | Nuñez | Y | Stafford | Y |
| 27 | Berry | | Hodge | N | Paschall | Y | Stengel | Y |
| 28 | Y | | Hoppe | Y | Plant | N | Swenson | Y |
| 29 | Borodkin | N | Jahn | N | Ragsdale | N | Tapia | N |
| 30 | Boyd | N | Jameson | N | Rhodes | Y | Tochtrop | |
| 31 | Cadman | Y | Johnson | Y | Rippy | N | N | |
| 32 | Chavez | N | Kester | Y | Romanoff | N | Veiga | N |
| 33 | Clapp | Y | King | Y | Saliman | N | Vigil | N |
| 34 | Cloer | Y | Larson | Y | Sanchez | N | Webster | Y |
| 35 | Coleman | N | Lawrence | Y | Schultheis | Y | Weddig | N |
| 36 | Crane | Y | Lee | Y | Scott | Y | White | Y |
| 37 | Daniel | N | Mace | N | Sinclair | Y | Williams S. | N |
| 38 | Decker | Y | Madden | N | Smith | N | Williams T. | Y |
| 39 | Fairbank | Y | Marshall | N | Snook | E | Witwer | Y |
| 40 | Fritz | Y | | | | | Young | E |
| 41 | Garcia | N | | | | | | |
| 42 | | | | | | | Mr. Speaker | Y |

43
 44
 45
 46 On motion of Representative Mitchell, the resolution as amended was
 47 **adopted** by the following roll call vote:
 48

| 49 | YES 38 | NO 24 | EXCUSED 2 | ABSENT 1 | | | | |
|----|-----------|-------|-----------|----------|----------|---|----------|---|
| 50 | | | | | | | | |
| 51 | Alexander | Y | Groff | N | Miller | Y | Spence | - |
| 52 | Bacon | | Grossman | N | Mitchell | Y | Spradley | Y |
| 53 | N | | Hefley | Y | Nuñez | Y | Stafford | Y |
| 54 | Berry | | Hodge | N | Paschall | Y | Stengel | Y |
| 55 | Y | | Hoppe | Y | Plant | N | Swenson | Y |
| 56 | Borodkin | N | Jahn | N | Ragsdale | N | Tapia | N |

| | | | | | | | | |
|----|----------|---|----------|---|------------|---|-------------|---|
| 1 | Boyd | N | Jameson | N | Rhodes | Y | Tochtrop | |
| 2 | Cadman | Y | Johnson | Y | Rippy | Y | N | |
| 3 | Chavez | N | Kester | Y | Romanoff | Y | Veiga | N |
| 4 | Clapp | Y | King | Y | Saliman | N | Vigil | N |
| 5 | Cloer | Y | Larson | Y | Sanchez | N | Webster | Y |
| 6 | Coleman | N | Lawrence | Y | Schultheis | Y | Weddig | N |
| 7 | Crane | Y | Lee | Y | Scott | Y | White | Y |
| 8 | Daniel | N | Mace | N | Sinclair | Y | Williams S. | Y |
| 9 | Decker | Y | Madden | N | Smith | Y | Williams T. | Y |
| 10 | Fairbank | Y | Marshall | N | Snook | E | Witwer | Y |
| 11 | Fritz | Y | | | | | Young | E |
| 12 | Garcia | N | | | | | | |
| 9 | | | | | | | Mr. Speaker | Y |

10
 11 _____
 11 Co-sponsors added: Representatives Alexander, Cadman, Clapp, Crane, Decker,
 12 Fairbank, Fritz, Hoppe, Kester, King, Lawrence, Lee, Miller, Nuñez, Paschall,
 13 Rhodes, Rippy, Schultheis, Scott, Spradley, Stafford, Swenson, Webster, White,
 14 Williams T., Witwer.

15 _____
 16
 17
 18 **REPORT OF COMMITTEE OF REFERENCE**

19
 20 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

23
 24 **SB01S2-006** be postponed indefinitely.

25 _____
 26
 27 House in recess. House reconvened.
 28 _____

29
 30
 31 **REPORT OF COMMITTEE OF REFERENCE**

32
 33 **APPROPRIATIONS**

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

36
 37 **SB01S2-012** be amended as follows, and as so amended, be referred to
 38 the Committee of the Whole with favorable
 39 recommendation:

40
 41 Amend reengrossed bill, page 9, strike lines 21 through 27.

42
 43 Page 10, strike line 1;

44
 45 line 2, strike "(2) (a)" and substitute "**SECTION 5. Appropriation. (1)**
 46 (a)";

47
 48 line 22, strike "(3)" and substitute "(2)".

49
 50 Page 11, line 2, strike "(2)" and substitute "(1)".
 51
 52 _____

9
10

1 **MESSAGES FROM THE SENATE**

2 Mr. Speaker:

3
4 The Senate has passed on Third Reading and transmitted to the Revisor
5 of Statutes:

6
7 SB01S2-022, amended as printed in Senate Journal, October 3, page 60;
8 SB01S2-015, amended as printed in Senate Journal, October 3, page 65;
9 HB01S2-1020, amended as printed in Senate Journal, October 3, page 60;
10 HB01S2-1001, amended as printed in Senate Journal, October 3, page 64.

11
12
13 The Senate has adopted and returns herewith: HJR01S2-1003.

14
15 The Senate has adopted and transmits herewith: SJR01S2-002.

16
17
18 **MESSAGE FROM THE REVISOR**

19
20
21 We herewith transmit without comment, as amended, SB01S2-015, 022,
22 HB01S2-1001 and 1020.

23
24
25 **INTRODUCTION OF BILLS**

26 **First Reading**

27
28
29 The following bills were read by title and referred to the committees
30 indicated:

31
32 **SB01S2-015** by Senator(s) Hernandez, Perlmutter; also
33 Representative(s) Spence--Concerning land development
34 charges that may be imposed by local governments.
35 Committee on Business Affairs & Labor

36
37 **SB01S2-022** by Senator(s) Thiebaut, Hagedorn, Hernandez; also
38 Representative(s) Spradley--Concerning an increase in the
39 state contribution for employees enrolled in group benefit
40 plans, and making an appropriation in connection
41 therewith.
42 Committee on Appropriations

43
44
45 **INTRODUCTION OF RESOLUTION**

46
47
48 The following resolution was read by title and referred to the committees
49 indicated:

50
51 **SJR01S2-002** by Senator(s) Tupa; also Representative(s) Swenson--
52 Concerning creation of an interim committee to study
53 transportation funding.
54 Committee on State, Veterans, & Military Affairs
55 Committee on Appropriations

56

APPOINTMENTS

- 1
2 The Minority Leader announced the following changes in committee
3 assignments:
4
5 Committee on Business Affairs & Labor
6 Representative Marshall to replace Representative Borodkin
7 Representative Vigil to replace Representative Grossman
8 Representative Jameson to replace Representative Jahn
9
10 Committee on State, Veterans, & Military Affairs
11 Representative Borodkin to replace Representative Marshall
12 Representative Weddig to replace Representative Vigil
13
14
15

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

16
17
18 On motion of Representative Spradley the rules were suspended for
19 immediate consideration of Senate amendments to **HB01S2-1001, 1020**.

20
21 **HB01S2-1001** by Representative(s) Kester; also Senator(s) Phillips--
22 Concerning the opportunity for property owners adjacent
23 to an area proposed to be annexed to be included in such
24 annexation when the contiguity requirement is achieved
25 by annexing certain parcels of land.
26

27 (Amended as printed in Senate Journal, October 3, page 64.)
28

29 Representative Kester moved that the House **concur** in Senate amend-
30 ments. The motion was declared **passed** by the following roll call vote:
31

| YES | 62 | NO | 0 | EXCUSED | 3 | ABSENT | 0 |
|-----------|----|----------|---|------------|---|-------------|---|
| Alexander | Y | Groff | Y | Miller | Y | Spence | Y |
| Bacon | | Grossman | Y | Mitchell | Y | Spradley | Y |
| Y | | Hefley | Y | Nuñez | Y | Stafford | E |
| Berry | | Hodge | Y | Paschall | Y | Stengel | Y |
| Y | | Hoppe | Y | Plant | Y | Swenson | Y |
| Borodkin | Y | Jahn | Y | Ragsdale | Y | Tapia | Y |
| Boyd | Y | Jameson | Y | Rhodes | Y | Tochtrop | |
| Cadman | Y | Johnson | Y | Rippy | Y | Y | |
| Chavez | Y | Kester | Y | Romanoff | Y | Veiga | Y |
| Clapp | Y | King | Y | Saliman | Y | Vigil | Y |
| Cloer | Y | Larson | Y | Sanchez | Y | Webster | Y |
| Coleman | Y | Lawrence | Y | Schultheis | Y | Weddig | Y |
| Crane | Y | Lee | Y | Scott | Y | White | Y |
| Daniel | Y | Mace | Y | Sinclair | Y | Williams S. | Y |
| Decker | Y | Madden | Y | Smith | Y | Williams T. | Y |
| Fairbank | Y | Marshall | Y | Snook | E | Witwer | Y |
| Fritz | Y | | | | | Young | E |
| Garcia | Y | | | | | | |
| | | | | | | Mr. Speaker | Y |

52
53
54
55 The question being, "Shall the bill, as amended, pass?".
56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative, and the
2 bill, as amended, was declared **repassed**.

| 3 | YES 62 | NO 0 | EXCUSED 3 | ABSENT 0 | | |
|----|-----------|------|-----------|--------------|---------------|---|
| 4 | | | | | | |
| 5 | Alexander | Y | Groff | Y Miller | Y Spence | Y |
| 6 | Bacon | | Grossman | Y Mitchell | Y Spradley | Y |
| 7 | Y | | Hefley | Y Nuñez | Y Stafford | E |
| 8 | Berry | | Hodge | Y Paschall | Y Stengel | Y |
| 9 | Y | | Hoppe | Y Plant | Y Swenson | Y |
| 10 | Borodkin | Y | Jahn | Y Ragsdale | Y Tapia | Y |
| 11 | Boyd | Y | Jameson | Y Rhodes | Y Tochtrop | |
| 12 | Cadman | Y | Johnson | Y Rippy | Y | |
| 13 | Chavez | Y | Kester | Y Romanoff | Y Veiga | Y |
| 14 | Clapp | Y | King | Y Saliman | Y Vigil | Y |
| 15 | Cloer | Y | Larson | Y Sanchez | Y Webster | Y |
| 16 | Coleman | Y | Lawrence | Y Schultheis | Y Weddig | Y |
| 17 | Crane | Y | Lee | Y Scott | Y White | Y |
| 18 | Daniel | Y | Mace | Y Sinclair | Y Williams S. | Y |
| 19 | Decker | Y | Madden | Y Smith | Y Williams T. | Y |
| 20 | Fairbank | Y | Marshall | Y Snook | E Witwer | Y |
| 21 | Fritz | Y | | | Young | E |
| 22 | Garcia | Y | | | | |
| 23 | | | | | Mr. Speaker | Y |

24
25 Co-sponsors added: Representatives Coleman, Garcia, Mace, Tapia.

26
27
28 **HB01S2-1020** by Representative(s) Madden; also Senator(s) Teck--
29 Concerning procedures to resolve conflict arising from
30 local government decisions relating to master plans.

31
32 (Amended as printed in Senate Journal, October 3, page 60.)

33
34 Representative Madden moved that the House **concur** in Senate amend-
35 ments. The motion was declared **passed** by the following roll call vote:

| 37 | YES 63 | NO 0 | EXCUSED 2 | ABSENT 0 | | |
|----|-----------|------|-----------|--------------|---------------|---|
| 38 | | | | | | |
| 39 | Alexander | Y | Groff | Y Miller | Y Spence | Y |
| 40 | Bacon | | Grossman | Y Mitchell | Y Spradley | Y |
| 41 | Y | | Hefley | Y Nuñez | Y Stafford | E |
| 42 | Berry | | Hodge | Y Paschall | Y Stengel | Y |
| 43 | Y | | Hoppe | Y Plant | Y Swenson | Y |
| 44 | Borodkin | Y | Jahn | Y Ragsdale | Y Tapia | Y |
| 45 | Boyd | Y | Jameson | Y Rhodes | Y Tochtrop | |
| 46 | Cadman | Y | Johnson | Y Rippy | Y | |
| 47 | Chavez | Y | Kester | Y Romanoff | Y Veiga | Y |
| 48 | Clapp | Y | King | Y Saliman | Y Vigil | Y |
| 49 | Cloer | Y | Larson | Y Sanchez | Y Webster | Y |
| 50 | Coleman | Y | Lawrence | Y Schultheis | Y Weddig | Y |
| 51 | Crane | Y | Lee | Y Scott | Y White | Y |
| 52 | Daniel | Y | Mace | Y Sinclair | Y Williams S. | Y |
| 53 | Decker | Y | Madden | Y Smith | Y Williams T. | Y |
| 54 | Fairbank | Y | Marshall | Y Snook | E Witwer | Y |
| 55 | Fritz | Y | | | Young | Y |
| 56 | Garcia | Y | | | | |

1
2
3
4
5

Mr. Speaker Y

The question being, "Shall the bill, as amended, pass?".

A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative, and the
2 bill, as amended, was declared **repassed**.

| | YES 63 | NO 0 | EXCUSED 2 | ABSENT 0 | | | |
|-------------|--------|----------|-----------|------------|---|-------------|---|
| 6 Alexander | Y | Groff | Y | Miller | Y | Spence | Y |
| 7 Bacon | | Grossman | Y | Mitchell | Y | Spradley | Y |
| 8 Y | | Hefley | Y | Nuñez | Y | Stafford | E |
| 9 Berry | | Hodge | Y | Paschall | Y | Stengel | Y |
| 10 Y | | Hoppe | Y | Plant | Y | Swenson | Y |
| 11 Borodkin | Y | Jahn | Y | Ragsdale | Y | Tapia | Y |
| 12 Boyd | Y | Jameson | Y | Rhodes | Y | Tochtrop | |
| 13 Cadman | Y | Johnson | Y | Rippy | Y | Y | |
| 14 Chavez | Y | Kester | Y | Romanoff | Y | Veiga | Y |
| 15 Clapp | Y | King | Y | Saliman | Y | Vigil | Y |
| 16 Cloer | Y | Larson | Y | Sanchez | Y | Webster | Y |
| 17 Coleman | Y | Lawrence | Y | Schultheis | Y | Weddig | Y |
| 18 Crane | Y | Lee | Y | Scott | Y | White | Y |
| 19 Daniel | Y | Mace | Y | Sinclair | Y | Williams S. | Y |
| 20 Decker | Y | Madden | Y | Smith | Y | Williams T. | Y |
| 21 Fairbank | Y | Marshall | Y | Snook | E | Witwer | Y |
| 22 Fritz | Y | | | | | Young | Y |
| 23 Garcia | Y | | | | | | |
| 24 | | | | | | Mr. Speaker | Y |

25
26 Co-sponsors added: Representatives Mace, Weddig.

27
28
29
30 On motion of Representative Spradley, **SB01S2-012** was made Special
31 Orders on Thursday, October 4, 2001, at 1:51 p.m.

32
33
34 The hour of 1:51 p.m., having arrived, on motion of Representative
35 Hoppe, the House resolved itself into Committee of the Whole for
36 consideration of Special Orders and she was called to the Chair to act as
37 Chairman.

41 SPECIAL ORDERS--SECOND READING OF BILL

42
43 The Committee of the Whole having risen, the Chairman reported the
44 titles of the following bill had been read (reading at length had been
45 dispensed with by unanimous consent), the bill considered and action
46 taken thereon as follows:

47
48 (Amendments to the committee amendment are to the printed committee
49 report which was printed and placed in the members' bill file.)

50
51 **SB01S2-012** by Senator(s) Reeves, Hagedorn, Hanna, Linkhart, Pascoe,
52 Phillips, Windels, Hernandez, Tate; also Representative(s)
53 Spradley, Berry, Larson, Romanoff, Smith--Concerning
54 the creation of the breast and cervical cancer prevention
55 and treatment program, and making an appropriation
56 therefor.

1

1 Amendment No. 1, Appropriations Report, dated October 4, 2001, and
 2 placed in member's bill file; Report also printed in House Journal,
 3 October 4, page 166.

4
 5 Amendment No. 2, by Representative Lee.

6
 7 Amend second reengrossed bill, page 8, line 18, after the period, add:
 8 "THE STATE DEPARTMENT IS ENCOURAGED TO SECURE PRIVATE GIFTS,
 9 GRANTS, AND DONATIONS TO FUND THE STATE COSTS OF THE BREAST AND
 10 CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM."

11
 12 As amended, ordered revised and placed on the Calendar for Third
 13 Reading and Final Passage.

14
 15
 16
 17 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

18
 19 Passed Second Reading: **SB01S2-012 amended.**

20
 21 The Chairman moved the adoption of the Committee of the Whole
 22 Report. As shown by the following roll call vote, a majority of those
 23 elected to the House voted in the affirmative, and the Report was
 24 **adopted.**

25
 26 YES 58 NO 4 EXCUSED 3 ABSENT 0

| | | | | | | | | |
|----|-----------|---|----------|---|------------|---|-------------|---|
| 27 | | | | | | | | |
| 28 | Alexander | Y | Groff | Y | Miller | Y | Spence | Y |
| 29 | Bacon | | Grossman | Y | Mitchell | E | Spradley | Y |
| 30 | Y | | Hefley | Y | Nuñez | N | Stafford | Y |
| 31 | Berry | | Hodge | Y | Paschall | N | Stengel | Y |
| 32 | Y | | Hoppe | Y | Plant | Y | Swenson | Y |
| 33 | Borodkin | Y | Jahn | Y | Ragsdale | Y | Tapia | Y |
| 34 | Boyd | Y | Jameson | Y | Rhodes | E | Tochtrop | |
| 35 | Cadman | Y | Johnson | Y | Rippy | Y | Y | |
| 36 | Chavez | Y | Kester | Y | Romanoff | Y | Veiga | Y |
| 37 | Clapp | Y | King | Y | Saliman | Y | Vigil | Y |
| 38 | Cloer | Y | Larson | Y | Sanchez | Y | Webster | Y |
| 39 | Coleman | Y | Lawrence | Y | Schultheis | N | Weddig | Y |
| 40 | Crane | Y | Lee | Y | Scott | Y | White | Y |
| 41 | Daniel | Y | Mace | Y | Sinclair | N | Williams S. | Y |
| 42 | Decker | Y | Madden | Y | Smith | Y | Williams T. | Y |
| 43 | Fairbank | Y | Marshall | Y | Snook | E | Witwer | Y |
| 44 | Fritz | Y | | | | | Young | Y |
| 45 | Garcia | Y | | | | | | |
| 46 | | | | | | | Mr. Speaker | Y |

47
 48
 49
 50
 51 **APPOINTMENTS**

52
 53 The Speaker announced the following change in committee assignment
 54 for October 4 only:

55
 56 Committee on Business Affairs & Labor

1 Representative Hoppe to replace Representative Berry
2
3

4 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**
5

6 The following resolution was read at length and given immediate
7 consideration:
8

9 **HR01S2-1002** by Representative(s) Scott--Concerning legislative intent
10 on preserving county boundaries in congressional
11 redistricting.
12

13 WHEREAS, The House of Representatives of the Second
14 Extraordinary Session of the Sixty-third General Assembly has
15 extensively debated the principles applicable to congressional
16 redistricting and has voted on numerous redistricting bills and
17 amendments; and
18

19 WHEREAS, Due to the nature of the legislative process, a
20 representative may occasionally vote for a measure so as to advance a
21 particular measure further through the legislative process even though it
22 contains provisions that the representative argued against during floor
23 debate; and
24

25 WHEREAS, By this resolution, the House of Representatives
26 seeks to clearly express a primary principle regarding priorities in
27 redistricting; now, therefore,
28

29 *Be It Resolved by the House of Representatives of the Sixty-third*
30 *General Assembly of the State of Colorado:*
31

32 That it is the intent of the House of Representatives that unless it
33 is absolutely necessary to do so to preserve the constitutional requirement
34 of "one person, one vote", or for the exclusive purposes of establishing
35 contiguity with county enclaves of the city and county of Denver and
36 respecting the boundaries of the city and county of Broomfield, no county
37 shall be split into more than three districts.
38
39

40 On motion of Representative Spradley, the rules were suspended and the
41 resolution given immediate consideration.
42

43 On motion of Representative Scott, the resolution was read at length
44
45

46 Amendment No. 1, moved by Representative Vigil.
47

48 Amend printed resolution, page 1, line 17, strike "requirement" and
49 substitute "requirements";
50

51 line 18, strike "vote"," and substitute "vote" and protection of minority
52 rights,".
53

54 The amendment was declared **passed** by **viva voce** vote.
55
56

1 On motion of Representative Scott, the resolution as amended was
 2 **adopted** by the following roll call vote:
 3

| 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
|----|-----------|-------|-----------|----------|------------|----|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| | YES 37 | NO 26 | EXCUSED 2 | ABSENT 0 | | | | | | | | | | | | | | | | | | |
| 7 | Alexander | Y | Groff | N | Miller | Y | Spence | Y | | | | | | | | | | | | | | |
| 8 | Bacon | | Grossman | N | Mitchell | Y | Spradley | Y | | | | | | | | | | | | | | |
| 9 | N | | Hefley | Y | Nuñez | Y | Stafford | Y | | | | | | | | | | | | | | |
| 10 | Berry | | Hodge | N | Paschall | Y | Stengel | Y | | | | | | | | | | | | | | |
| 11 | Y | | Hoppe | Y | Plant | N | Swenson | Y | | | | | | | | | | | | | | |
| 12 | Borodkin | N | Jahn | N | Ragsdale | N | Tapia | N | | | | | | | | | | | | | | |
| 13 | Boyd | N | Jameson | N | Rhodes | E | Tochtrop | | | | | | | | | | | | | | | |
| 14 | Cadman | Y | Johnson | Y | Rippy | Y | N | | | | | | | | | | | | | | | |
| 15 | Chavez | N | Kester | Y | Romanoff | N | Veiga | N | | | | | | | | | | | | | | |
| 16 | Clapp | Y | King | Y | Saliman | N | Vigil | N | | | | | | | | | | | | | | |
| 17 | Cloer | Y | Larson | Y | Sanchez | N | Webster | Y | | | | | | | | | | | | | | |
| 18 | Coleman | N | Lawrence | Y | Schultheis | Y | Weddig | N | | | | | | | | | | | | | | |
| 19 | Crane | Y | Lee | Y | Scott | Y | White | Y | | | | | | | | | | | | | | |
| 20 | Daniel | N | Mace | N | Sinclair | Y | Williams S. | N | | | | | | | | | | | | | | |
| 21 | Decker | Y | Madden | N | Smith | Y | Williams T. | Y | | | | | | | | | | | | | | |
| 22 | Fairbank | Y | Marshall | N | Snook | E | Witwer | Y | | | | | | | | | | | | | | |
| 23 | Fritz | Y | | | | | Young | Y | | | | | | | | | | | | | | |
| 24 | Garcia | N | | | | | | | | | | | | | | | | | | | | |
| 25 | | | | | | | Mr. Speaker | Y | | | | | | | | | | | | | | |

27 Co-sponsors added: Representatives Cadman, Crane, Fairbank, Kester, King,
 28 Lawrence, Lee, Mitchell, Schultheis.
 29

30
 31 House in recess. House reconvened.
 32

33
 34 **REPORTS OF COMMITTEES OF REFERENCE**

35
 36 **BUSINESS AFFAIRS & LABOR**

37 After consideration on the merits, the Committee recommends the
 38 following:
 39

40 **SB01S2-015** be referred to the Committee of the Whole with favorable
 41 recommendation.
 42

43
 44
 45 **STATE, VETERANS, & MILITARY AFFAIRS**

46 After consideration on the merits, the Committee recommends the
 47 following:
 48

49 **SJR01S2-002** be postponed indefinitely.
 50

51
 52 **SJR01S2-007** be postponed indefinitely.
 53

54
 55
 56 **INTRODUCTION OF RESOLUTION**

1 The following resolution was read by title and laid over one day under the
2 rules:

3
4 **HR01S2-1003** by Representative(s) Mitchell, Dean--Concerning the
5 general assembly's constitutional role in determining the
6 congressional redistricting of Colorado.

7
8 WHEREAS, Federal law vests the states with original authority to
9 set the states' respective congressional district boundaries; and

10
11 WHEREAS, Colorado's constitution vests the General Assembly
12 with the sole and original authority to set Colorado's congressional
13 district boundaries; and

14
15 WHEREAS, Lawsuits have been filed in Colorado in both federal
16 and state district courts regarding the necessity to establish new
17 congressional district boundaries; and

18
19 WHEREAS, The United States supreme court has repeatedly ruled
20 that both state and federal courts should defer to legislative efforts to set
21 congressional district boundaries; and

22
23 WHEREAS, The first deadline for the next general election does
24 not occur until March 11, 2002; and

25
26 WHEREAS, The General Assembly will convene its next regular
27 session on January 9, 2002; now, therefore,

28
29 *Be It Resolved by the House of Representatives of the Sixty-third*
30 *General Assembly of the State of Colorado:*

31
32 (1) That the General Assembly solemnly acknowledges its
33 constitutional duty to establish new congressional district boundaries.

34
35 (2) That the General Assembly expresses its strong intent to
36 comply with that duty by enacting legislation to set such boundaries in
37 this Second Extraordinary Session of the Sixty-third General Assembly.

38
39 (3) That the courts should respect constitutional principles by:

40
41 (a) Deferring to the legislative process that the people of
42 Colorado, through the Colorado constitution, have entrusted to the
43 General Assembly; and

44
45 (b) Refraining from awarding any of the litigants in the
46 redistricting lawsuits any type of relief until, at the earliest, a date after
47 the General Assembly reconvenes in January of 2002.

48
49 *Be It Further Resolved*, That copies of this Resolution be sent to
50 the Colorado supreme court and to each state or federal court in which
51 state redistricting litigation has been filed.

52
53
54
55
56

House in recess. House reconvened.

1
2
3
4
5

1 **REPORTS OF COMMITTEES OF REFERENCE**

2
3 **APPROPRIATIONS**

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

6
7 **SB01S2-022** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend reengrossed bill, page 3, after line 9, insert the following:

12
13 "(2) The general assembly further finds and declares that, while
14 it is important for the state to address the higher costs of health insurance
15 experienced by state employees residing in Pueblo county by providing
16 an increase in the state contribution for said employees, the provision of
17 such increase shall not obligate the state to provide increases in the state
18 contribution for group benefit plans for any state employees in any future
19 year."

20
21 Page 4, line 15, after "(b)", insert "(I)" and after "2001,", insert
22 "THROUGH NOVEMBER 30, 2002,".

23
24 Page 5, after line 4, insert the following:

25
26 "(II) EFFECTIVE DECEMBER 1, 2002, FOR EMPLOYEES OTHER THAN
27 ELECTED STATE OFFICIALS WHO RECEIVE COMPENSATION OTHER THAN
28 EXPENSE REIMBURSEMENTS FROM STATE FUNDS, THE STATE OF COLORADO
29 SHALL CONTRIBUTE AN AMOUNT NECESSARY TO PAY ONE HUNDRED SIXTY
30 DOLLARS PER MONTH PER SINGLE EMPLOYEE, TWO HUNDRED THIRTY
31 DOLLARS PER MONTH PER EMPLOYEE WITH ONE COVERED DEPENDENT, AND
32 THREE HUNDRED SIXTEEN DOLLARS PER MONTH PER EMPLOYEE WITH TWO
33 OR MORE COVERED DEPENDENTS FOR EACH EMPLOYEE ENROLLED IN
34 GROUP BENEFIT PLANS THAT INCLUDE ENROLLMENT IN MEDICAL
35 BENEFITS.";

36
37 line 10, strike "TO AN AMOUNT THAT" and substitute "IN ACCORDANCE
38 WITH THE CHANGE IN THE CONSUMER PRICE INDEX FOR THE DENVER-
39 BOULDER METROPOLITAN STATISTICAL AREA FOR THE PRECEDING
40 CALENDAR YEAR, BUT";

41
42 strike lines 11 and 12.

43
44
45
46 On motion of Representative Spradley, **SB01S2-022, 015** were made
47 Special Orders on Thursday, October 4, 2001, at 6:48 p.m.

48
49
50 The hour of 6:48 p.m., having arrived, on motion of Representative
51 Hoppe, the House resolved itself into Committee of the Whole for
52 consideration of Special Orders and she was called to the Chair to act as
53 Chairman.

54
55
56

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.)

SB01S2-022 by Senator(s) Thiebaut, Hagedorn, Hernandez; also Representative(s) Spradley--Concerning an increase in the state contribution for employees enrolled in group benefit plans, and making an appropriation in connection therewith.

Amendment No. 1, Appropriations Report, dated October 4, 2001, and placed in member's bill file; Report also printed in House Journal, October 4, page 175.

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

SB01S2-015 by Senator(s) Hernandez, Perlmutter; also Representative(s) Spence--Concerning land development charges that may be imposed by local governments.

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representatives Jameson and Smith moved to amend the Report of the Committee of the Whole to show that the following Jameson amendment, to SB01S2-015, did pass, and that **SB01S2-015, as amended**, did pass.

Amend reengrossed bill, page 4, line 22, strike "IMPROVEMENT" and substitute "IMPROVEMENT, EQUIPMENT,".

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

| YES | 23 | NO | 39 | EXCUSED | 3 | ABSENT | 0 | |
|-----------|----|----|----------|---------|------------|--------|----------|---|
| Alexander | | N | Groff | Y | Miller | N | Spence | N |
| Bacon | | | Grossman | Y | Mitchell | N | Spradley | N |
| Y | | | Hefley | N | Nuñez | N | Stafford | N |
| Berry | | | Hodge | Y | Paschall | N | Stengel | N |
| N | | | Hoppe | N | Plant | Y | Swenson | N |
| Borodkin | | Y | Jahn | N | Ragsdale | Y | Tapia | Y |
| Boyd | | N | Jameson | Y | Rhodes | E | Tochtrop | |
| Cadman | | N | Johnson | N | Rippy | N | Y | |
| Chavez | | Y | Kester | N | Romanoff | Y | Veiga | Y |
| Clapp | | N | King | N | Saliman | Y | Vigil | Y |
| Cloer | | E | Larson | N | Sanchez | Y | Webster | N |
| Coleman | | Y | Lawrence | N | Schultheis | N | Weddig | Y |

| | | | | | | | | |
|---|----------|---|----------|---|----------|---|-------------|---|
| 1 | Crane | N | Lee | N | Scott | N | White | N |
| 2 | Daniel | N | Mace | N | Sinclair | N | Williams S. | N |
| 3 | Decker | Y | Madden | Y | Smith | Y | Williams T. | N |
| 4 | Fairbank | N | Marshall | Y | Snook | E | Witwer | N |
| 5 | Fritz | N | | | | | Young | N |
| 6 | Garcia | Y | | | | | | |
| 5 | | | | | | | Mr. Speaker | N |

7
8 Representative Jameson moved to amend the Report of the Committee of
9 the Whole to show that the following Jameson amendment, to SB01S2-
10 015, did pass, and that **SB01S2-015, as amended**, did pass.

11
12 Amend reengrossed bill, page 7, strike lines 7 through 19.

13
14 Renumber succeeding sections accordingly.

15
16 The amendment was declared **lost** by the following roll call vote:

| 17 | YES | 20 | NO | 42 | EXCUSED | 3 | ABSENT | 0 |
|----|-----------|----|----------|----|------------|---|-------------|---|
| 18 | | | | | | | | |
| 19 | | | | | | | | |
| 20 | Alexander | N | Groff | Y | Miller | N | Spence | N |
| 21 | Bacon | | Grossman | Y | Mitchell | N | Spradley | N |
| 22 | Y | | Hefley | N | Nuñez | N | Stafford | N |
| 23 | Berry | | Hodge | Y | Paschall | N | Stengel | N |
| 24 | N | | Hoppe | N | Plant | Y | Swenson | N |
| 25 | Borodkin | Y | Jahn | N | Ragsdale | Y | Tapia | Y |
| 26 | Boyd | N | Jameson | Y | Rhodes | E | Tochtrop | |
| 27 | Cadman | N | Johnson | N | Rippy | N | N | |
| 28 | Chavez | Y | Kester | N | Romanoff | Y | Veiga | Y |
| 29 | Clapp | N | King | N | Saliman | Y | Vigil | Y |
| 30 | Cloer | E | Larson | N | Sanchez | Y | Webster | N |
| 31 | Coleman | Y | Lawrence | N | Schultheis | N | Weddig | Y |
| 32 | Crane | N | Lee | N | Scott | N | White | N |
| 33 | Daniel | N | Mace | N | Sinclair | N | Williams S. | N |
| 34 | Decker | N | Madden | Y | Smith | Y | Williams T. | N |
| 35 | Fairbank | N | Marshall | N | Snook | E | Witwer | N |
| 36 | Fritz | N | | | | | Young | N |
| 37 | Garcia | Y | | | | | | |
| 38 | | | | | | | Mr. Speaker | N |

39
40
41 Representatives Plant and Smith moved to amend the Report of the
42 Committee of the Whole to show that the following Plant amendment, to
43 SB01S2-015, did pass, and that **SB01S2-015, as amended**, did pass.

44
45 Amend reengrossed bill, page 6, strike lines 14 through 16;

46
47 line 17, strike "(b)" and substitute "(8)" and strike "PROHIBIT ANY LOCAL
48 GOVERNMENT" and substitute "APPLY TO ANY HOME RULE MUNICIPALITY, HOME
49 RULE COUNTY, OR HOME RULE CITY AND COUNTY.";

50
51 strike lines 18 through 23.

52
53 The amendment was declared **lost** by the following roll call vote:

54

| | YES 26 | NO 36 | EXCUSED 3 | ABSENT 0 |
|----|-----------|------------|--------------|-----------------|
| 5 | | | | |
| 6 | | | | |
| 7 | Alexander | N Groff | Y Miller | N Spence N |
| 8 | Bacon | Grossman | Y Mitchell | N Spradley N |
| 9 | Y | Hefley | N Nuñez | N Stafford N |
| 1 | Berry | Hodge | Y Paschall | N Stengel N |
| 2 | N | Hoppe | N Plant | Y Swenson Y |
| 3 | Borodkin | Y Jahn | N Ragsdale | Y Tapia Y |
| 4 | Boyd | Y Jameson | Y Rhodes | E Tochtrop |
| 5 | Cadman | N Johnson | N Rippy | N Y |
| 6 | Chavez | Y Kester | N Romanoff | Y Veiga Y |
| 7 | Clapp | N King | N Saliman | Y Vigil Y |
| 8 | Cloer | E Larson | N Sanchez | Y Webster N |
| 9 | Coleman | Y Lawrence | N Schultheis | N Weddig Y |
| 10 | Crane | N Lee | N Scott | N White N |
| 11 | Daniel | N Mace | N Sinclair | Y Williams S. N |
| 12 | Decker | N Madden | Y Smith | Y Williams T. Y |
| 13 | Fairbank | N Marshall | Y Snook | E Witwer N |
| 14 | Fritz | N | | Young N |
| 15 | Garcia | Y | | |
| 15 | | | | Mr. Speaker N |

ADOPTION OF COMMITTEE OF THE WHOLE REPORT.

Passed Second Reading: **SB01S2-022 amended, 015.**

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 58 | NO 4 | EXCUSED 3 | ABSENT 0 |
|----|-----------|------------|--------------|-----------------|
| 28 | | | | |
| 29 | | | | |
| 30 | Alexander | Y Groff | Y Miller | Y Spence Y |
| 31 | Bacon | Grossman | Y Mitchell | Y Spradley Y |
| 32 | N | Hefley | Y Nuñez | Y Stafford Y |
| 33 | Berry | Hodge | Y Paschall | Y Stengel Y |
| 34 | Y | Hoppe | Y Plant | Y Swenson Y |
| 35 | Borodkin | Y Jahn | Y Ragsdale | N Tapia Y |
| 36 | Boyd | Y Jameson | Y Rhodes | E Tochtrop |
| 37 | Cadman | Y Johnson | Y Rippy | Y Y |
| 38 | Chavez | Y Kester | Y Romanoff | Y Veiga Y |
| 39 | Clapp | Y King | Y Saliman | Y Vigil Y |
| 40 | Cloer | E Larson | Y Sanchez | Y Webster Y |
| 41 | Coleman | Y Lawrence | Y Schultheis | Y Weddig N |
| 42 | Crane | Y Lee | Y Scott | Y White Y |
| 43 | Daniel | Y Mace | Y Sinclair | Y Williams S. Y |
| 44 | Decker | Y Madden | Y Smith | N Williams T. Y |
| 45 | Fairbank | Y Marshall | Y Snook | E Witwer Y |
| 46 | Fritz | Y | | Young Y |
| 47 | Garcia | Y | | |
| 48 | | | | Mr. Speaker Y |

15 On motion of Representative Spradley, the House adjourned until
16 9:00 a.m., October 5, 2001.

17

Approved:

18

19 Attest:

DOUG DEAN,
Speaker

20 JUDITH RODRIGUE,

21 Chief Clerk