

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

Fifty-sixth Legislative Day

Tuesday, March 5, 2002

1 Prayer by the Reverend Kraig Burleson, Loving Saints Christian
2 Fellowship, Denver.

3

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

5

6 The roll was called with the following result:

7

8 Present--60.

9

Excused--Representatives Fritz, Saliman--2.

10

Absent--Representatives Paschall, Veiga, Williams S.--3.

11

Present after roll call--Representatives Fritz, Veiga, Williams S.

12

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The Speaker declared a quorum present.

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On motion of Representative Rippy, the reading of the journal of

17

March 4, 2002, was declared dispensed with and approved as corrected

18

by the Chief Clerk.

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21

PRINTING REPORT

22

23

The Chief Clerk reports the following bills have been correctly printed:

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HB02-1360, 1361, 1362.

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

28

29

The Speaker has signed: **HB02-1040, 1055; HJR02-1014, 1016, 1018,**

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1020; HR02-1007.

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MESSAGE FROM THE SENATE

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Mr. Speaker:

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36

The Senate has passed on Third Reading and returns herewith

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HB02-1033, 1005, 1117, 1106.

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The Senate has passed on Third Reading and transmitted to the Revisor

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of Statutes: SB02-018;

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SB02-059, amended as printed in Senate Journal, March 1, page 381.

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MESSAGE FROM THE REVISOR

We herewith transmit without comment, SB02-018, 059.

**INTRODUCTION OF BILLS
First Reading**

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

HB02-1363 by Representative(s) Lawrence, King--Concerning creation of the facility summer school grant program, and making an appropriation therefor.
Committee on Education
Committee on Appropriations

HB02-1364 by Representative(s) Swenson--Concerning tax reimbursement for fuel that is exempt from taxation.
Committee on Finance

SB02-018 by Senator(s) Linkhart; also Representative(s) Hefley--Concerning the continued funding of the demonstration drug courts through the increase of probation supervision fees.
Committee on Criminal Justice

SB02-059 by Senator(s) Matsunaka; also Representative(s) Bacon--Concerning the design of assessments administered through the Colorado student assessment program.
Committee on Education
Committee on Appropriations

INTRODUCTION OF CONCURRENT RESOLUTION

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

HCR02-1001 by Representative(s) Swenson--Submitting to the registered electors of the state of Colorado an amendment to section 3.5 (1) (a) of article X of the constitution of the state of Colorado, concerning allowing a senior who has owned and occupied, as his or her primary residence at separate times, two different residential real properties located within Colorado for a total period of ten consecutive years preceding an assessment date to claim the same property tax exemption for his or her primary residence that certain other seniors may claim.
Committee on Finance

INTRODUCTION OF RESOLUTION

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

HJR02-1024 by Representative(s) Madden, Plant, Saliman; also Senator(s) Tupa, Phillips--Concerning honoring Carl Wieman and Eric Cornell for creating the Bose-Einstein condensate and winning the 2001 Nobel Prize in Physics.

WHEREAS, Professor Carl E. Wieman and Dr. Eric A. Cornell created in 1995 the world's first Bose-Einstein condensate, a new form of matter predicted by Albert Einstein in 1924; and

WHEREAS, Professor Wieman and Dr. Cornell received the 2001 Nobel Prize in Physics for this discovery; and

WHEREAS, Professor Wieman is a distinguished professor at the University of Colorado at Boulder, Dr. Cornell is an adjunct professor at CU-Boulder and senior scientist of the National Institute of Standards and Technology, and both are fellows of JILA, an interdisciplinary institute for research and graduate education in the physical sciences; and

WHEREAS, Professor Wieman and Dr. Cornell were able to capture and chill rubidium atoms in order to bring them to a near motionless state so that they would act as one superatom; and

WHEREAS, The researchers were able to cool the matter to 3 billionths of a degree above absolute zero, the lowest temperature ever achieved; and

WHEREAS, The creation of the condensate allows scientists to more easily study the world of quantum physics and has established a new branch of atomic physics that has spread across the globe; and

WHEREAS, Professor Wieman's and Dr. Cornell's discovery will allow scientists to control the usage of superatoms in new and innovative ways that could lead to much faster and smaller electronics; and

WHEREAS, The power of the Bose-Einstein condensate could lead to better computer chips, more precise measuring instruments, and advances in navigational instruments; and

WHEREAS, Discoveries such as this help to ensure the continued economic success of Colorado and the United States and help us to understand the universe around us; and

WHEREAS, Several other university groups were racing to be the first to create this new form of matter, including the Massachusetts Institute of Technology, Rice University, and Stanford University; and

WHEREAS, This discovery brings great honor to the University of Colorado and the citizens of Colorado; and

WHEREAS, In February 2002, University of Colorado alumnus Tom Marsico and his wife, Cydney Marsico, donated \$5 million to

1 establish two Marsico Endowed Chairs of Excellence at the University
2 of Colorado in honor of Professor Wieman and Dr. Cornell, who will
3 hold the first chairs; and
4

5 WHEREAS, The support of the Regents of the University of
6 Colorado, President Elizabeth Hoffman, and Chancellor Richard Byyny
7 has been important in sustaining this research effort; now, therefore,
8

9 *Be It Resolved by the House of Representatives of the Sixty-third*
10 *General Assembly of the State of Colorado, the Senate concurring*
11 *herein:*
12

13 That it is fitting that the General Assembly honor Professor Carl
14 Wieman and Dr. Eric Cornell for creating the Bose-Einstein condensate
15 and for winning the Nobel Prize in Physics for their discovery.
16

17 *Be It Further Resolved,* That copies of this resolution be sent to
18 Elizabeth Hoffman, President of the University of Colorado, to the
19 Regents of the University of Colorado, to Chancellor Richard Byyny, and
20 to Nobel Prize winners Professor Carl Wieman and Dr. Eric Cornell.
21

22 CONSIDERATION OF RESOLUTIONS

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26 **HJR02-1019** by Representative(s) Snook, Alexander, Hodge, Jameson,
27 Johnson, Kester, Miller, Plant, Tochtrop; also Senator(s)
28 Isgar--Concerning the encouragement of federal legislation
29 that promotes domestic agriculture.
30

31 (Printed and placed in member's file, also printed in House Journal,
32 February 22, pages 510-511.)
33

34 On motion of Representative Snook, the resolution was read at length and
35 **adopted by viva voce** vote.
36

37 Co-sponsors added: Representatives Bacon, Borodkin, Boyd, Cloer, Coleman,
38 Groff, Grossman, Harvey, Jahn, Mace, Madden, Rhodes, Romanoff, Sanchez,
39 Schultheis, Spradley, Stafford, Tapia, Veiga, Witwer.
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42 **HJR02-1021** by Representative(s) Cloer, Crane, Daniel, Dean, Harvey,
43 Jahn, Mace, Rhodes, Schultheis, Snook, Stafford,
44 Williams S., Witwer; also Senator(s) Lamborn--Con-
45 cerning Pregnancy and Infant Loss Remembrance Day.
46

47 (Printed and placed in member's file, also printed in House Journal,
48 February 27, pages 625-626.)
49

50 On motion of Representative Cloer, the resolution was read at length and
51 **adopted by viva voce** vote.
52

53 Co-sponsor added: Representative Groff.
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1 **HJR02-1023** by Representative(s) Hefley, Alexander, Berry, Cadman,
2 Chavez, Clapp, Cloer, Coleman, Daniel, Fairbank, Groff,
3 Harvey, Hoppe, Jahn, Mitchell, Sanchez, Stafford,
4 Stengel, Swenson, Vigil; also Senator(s) Takis--
5 Concerning Colorado Nonprofit Week.
6

7 (Printed and placed in member's file, also printed in House Journal,
8 March 4, pages 714-715.)
9

10 On motion of Representative Hefley, the resolution was read at length
11 and **adopted** by **viva voce** vote.
12

13 Co-sponsors added: Representatives Bacon, Borodkin, Boyd, Garcia,
14 Grossman, Hodge, Jameson, Larson, Mace, Madden, Miller, Plant, Ragsdale,
15 Rhodes, Romanoff, Scott, Smith, Snook, Tapia, Tochtrop, Veiga, Weddig,
16 Williams T.
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19 **SJR02-009** by Senator(s) Isgar, Matsunaka; also Representative(s)
20 Spence, Bacon, Williams S.--Concerning "Read Across
21 America Day".
22

23 (Printed and placed in member's file, also printed in House Journal,
24 March 4, page 715.)
25

26 On motion of Representative Spence, the resolution was read at length
27 and **adopted** by **viva voce** vote.
28

29 Co-sponsors added: Representatives Borodkin, Boyd, Cadman, Cloer, Coleman,
30 Crane, Daniel, Fairbank, Garcia, Groff, Hefley, Hodge, Hoppe, Jahn, Jameson,
31 King, Larson, Lawrence, Madden, Miller, Plant, Ragsdale, Rhodes, Romanoff,
32 Sanchez, Schultheis, Smith, Stengel, Tapia, Tochtrop, Veiga, Williams T.,
33 Young, Mr. Speaker.
34

37 INTRODUCTION AND CONSIDERATION OF RESOLUTION

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39 The following resolution was read at length and given immediate
40 consideration:
41

42 **HJR02-1025** by Representative(s) Plant; also Senator(s) Fitz-Gerald--
43 Concerning "Frozen Dead Guy Day".
44

45 WHEREAS, Bredo Morstoel, better known as "Grandpa Bredo",
46 died in Norway in 1989; and
47

48 WHEREAS, Mr. Morstoel was transported from Norway to
49 Nederland, Colorado, in 1989, and placed in a frozen state of suspended
50 animation at the residence of Trygve Bauge; and
51

52 WHEREAS, Trygve Bauge was deported to Norway in 1994; and
53

54 WHEREAS, The comment to a reporter by Trygve Bauge's
55 mother, "I don't know what I'm supposed to do with the dead bodies in
56 the shed", led to the international incident in Nederland, Colorado, which

1 became known locally as the “tale of the frozen dead guy”; and
 2
 3 WHEREAS, Sisters Robin, Shelley, and Kathy Beeck produced
 4 and directed the film “Grandpa’s in the Tuff Shed” in 1998, and won the
 5 “Best Short Documentary” award at the Breckenridge Film Festival and
 6 the Durango Film Festival, the Phil Loyd Award at the Telluride
 7 Mountain Film Festival, and an honorable mention for Best Documentary
 8 at the South Beach Film Festival in Florida, and toured 150 cities
 9 nationally and internationally in the Best of Banff Tour from the Banff
 10 Mountain Film Festival in Canada; and

11
 12 WHEREAS, Fame and international intrigue were welcomed with
 13 open arms by the small town of Nederland, Colorado; and

14
 15 WHEREAS, Dry ice continues to be delivered to the now
 16 infamous shed and current resting place of Grandpa Bredo on a biweekly
 17 basis; and

18
 19 WHEREAS, Grandpa Bredo, otherwise known as “The Frozen
 20 Dead Guy”, has been a model citizen, never giving the cold shoulder to
 21 anyone, and has responded to widespread adulation with icy resolve and
 22 a stiff upper lip; and

23
 24 WHEREAS, The town of Nederland has embraced Grandpa
 25 Bredo, arguably its coldest citizen, with a warmth that could almost melt
 26 dry ice; and

27
 28 WHEREAS, On March 9 and 10, 2002, the town of Nederland,
 29 Colorado, will celebrate the first annual “Frozen Dead Guy Days” festival
 30 with parades, a swim in Barker Reservoir, Coffin Races, a Grandpa
 31 Bredo Lookalike Contest, a feature screening of the film “Grandpa’s in
 32 the Tuff Shed”, and more; now, therefore,

33
 34 *Be It Resolved by the House of Representatives of the Sixty-third*
 35 *General Assembly of the State of Colorado, the Senate concurring*
 36 *herein:*

37
 38 That we, the members of the Sixty-Third General Assembly,
 39 hereby declare March 9, 2002, Colorado "Frozen Dead Guy Day".

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

43
 44 On motion of Representative Plant, the resolution was read at length.

45
 46 The resolution was declared **lost** by the following roll call vote:

47

	YES 27	NO 35	EXCUSED 2	ABSENT 1			
48							
49							
50	Alexander	N	Groff	Y	Marshall	Y	Spence N
51	Bacon	Y	Grossman	Y	Miller	Y	Spradley N
52	Berry	N	Harvey	N	Mitchell	N	Stafford N
53	Borodkin	Y	Hefley	N	Paschall	-	Stengel N
54	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
55	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia Y
56	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop Y

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

REPORTS OF COMMITTEES OF REFERENCE

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

HB02-1317 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, after line 27, insert the following:

"**SECTION 2. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding section accordingly.

LOCAL GOVERNMENT

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

SB02-105 be referred to the Committee of the Whole with favorable recommendation.

SB02-110 be postponed indefinitely.

SB02-143 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 4, strike lines 10 through 12 and substitute the following:

"**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after

1 final adjournment of the general assembly that is allowed for submitting
2 a referendum petition pursuant to article V, section 1 (3) of the state
3 constitution; except that, if a referendum petition is filed against this act
4 or an item, section, or part of this act within such period, then the act,
5 item, section, or part, if approved by the people, shall take effect on the
6 date of the official declaration of the vote thereon by proclamation of the
7 governor.".

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11 DELIVERY OF BILL TO GOVERNOR

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13 The Chief Clerk of the House of Representatives reports the following
14 bill has been delivered to the Office of the Governor: **HB02-1007** at
15 9:23 a.m., on March 5, 2002.

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19 LAY OVER OF CALENDAR ITEMS

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21 On motion of Representative Spradley, the following items on the
22 Calendar were laid over until March 6, retaining place on Calendar:

23

24 Consideration of General Orders--**HB02-1192, 1346, 1352, 1334, 1335,**
25 **SB02-107, 037, 140, 122.**

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29 On motion of Representative Spradley, the House adjourned until
30 9:00 a.m., March 6, 2002.

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Approved:

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36

DOUG DEAN,
Speaker

37

38

Attest:

39

40

JUDITH RODRIGUE,

41

Chief Clerk