

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

Twenty-first Legislative Day

Tuesday, January 28, 2003

1 Prayer by Dr. Timothy Bagwell, Word of Life Christian Center,  
2 LoneTree.

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

5  
6 Pledge of Allegiance led by Madam Speaker.

7  
8 The roll was called with the following result:

9  
10 Present--59.

11 Excused--Representatives Brophy, Fritz, Lee, Mitchell--4.

12 Absent--Representatives Merrifield, Weissmann--2.

13 Present after roll call--Representatives Fritz, Merrifield,  
14 Weissmann.

15  
16 The Speaker declared a quorum present.

17  
18  
19 On motion of Representative Frangas, the reading of the journal of  
20 January 27, 2003, was declared dispensed with and approved as corrected  
21 by the Chief Clerk.

22  
23  
24  
25 **REPORT OF COMMITTEE OF REFERENCE**

26  
27 **FINANCE**

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

30  
31 **HJR03-1013** be referred out for final action.

32  
33  
34  
35 **PRINTING REPORT**

36  
37 The Chief Clerk reports the following bills have been correctly printed:  
38 **HB03-1198, 1199, 1200, 1201.**

### THIRD READING OF BILLS--FINAL PASSAGE

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

**HB03-1015** by Representative(s) Marshall; also Senator(s) Anderson--  
Concerning the alleviation of the administrative workload of the department of public health and environment in areas not directly related to the enforcement of health and safety regulations, and, in connection therewith, delaying a statewide economic analysis and repealing a fee credit program.

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	62	NO	00	EXCUSED	03	ABSENT	00
Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y
Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
Crane	Y	Larson	Y	Rippy	Y	White	Y
Decker	Y	Lee	E	Romanoff	Y	Wiens	Y
Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
Garcia	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Boyd, Garcia, Groff, Jahn, Merrifield, Paccione, Rose, Tochtrop, Weddig.

**HB03-1037** by Representative(s) Romanoff; also Senator(s) Arnold--  
Concerning the reporting of child abuse or neglect by persons subject to the "Child Care Licensing Act".

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	58	NO	04	EXCUSED	03	ABSENT	00
Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y
Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y

1	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
2	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
3	Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
4	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
5	Crane	N	Larson	Y	Rippy	Y	White	Y
6	Decker	Y	Lee	E	Romanoff	Y	Wiens	Y
7	Fairbank	Y	Lundberg	N	Rose	Y	Williams S.	Y
8	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
9	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
10	Garcia	Y	May	Y	Schultheis	N	Young	Y
11							Speaker	Y

12 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Frangas,  
 13 Garcia, Groff, Jahn, Madden, Marshall, Merrifield, Paccione, Plant, Pommer,  
 14 Sanchez, Tochtrop, Veiga, Vigil, Weissmann, Williams S.

15  
 16 **HB03-1084** by Representative(s) Clapp; also Senator(s) Sandoval--  
 17 Concerning the requirement that registered dietitians  
 18 report child abuse or neglect.

19  
 20 The question being "Shall the bill pass?".

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

25	YES	59	NO	03	EXCUSED	03	ABSENT	00
26	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
27	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
28	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
29	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
30	Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y
31	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
32	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
33	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
34	Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
35	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
36	Crane	Y	Larson	Y	Rippy	Y	White	Y
37	Decker	Y	Lee	E	Romanoff	Y	Wiens	Y
38	Fairbank	Y	Lundberg	N	Rose	Y	Williams S.	Y
39	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
40	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
41	Garcia	Y	May	Y	Schultheis	N	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Boyd, Butcher, Coleman, Frangas, Jahn,  
 44 Merrifield, Romanoff, Weissmann, Williams S.

45  
 46  
 47 **HB03-1095** by Representative(s) Berry; also Senator(s) Tate--  
 48 Concerning procedural requirements related to certain  
 49 abandoned children.

50  
 51 The question being "Shall the bill pass?".

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

	YES	62	NO	00	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y
7	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
9	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
10	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
12	Crane	Y	Larson	Y	Rippy	Y	White	Y
13	Decker	Y	Lee	E	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
15	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
16	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
17	Garcia	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Clapp, Coleman,  
 20 Frangas, Garcia, Groff, Jahn, Marshall, Merrifield, Paccione, Ragsdale,  
 21 Romanoff, Sanchez, Stafford, Stengel, Tochtrop, Weissmann, Williams S.

22  
 23  
 24 **HB03-1034** by Representative(s) Merrifield; also Senator(s) Arnold--  
 25 Concerning the effective date for electronic transmission  
 26 of sex offender registration information.

27  
 28 The question being "Shall the bill pass?".  
 29 A roll call vote was taken. As shown by the following recorded vote, a  
 30 majority of those elected to the House voted in the affirmative and the bill  
 31 was declared **passed**.

	YES	62	NO	00	EXCUSED	03	ABSENT	00
33								
34	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
35	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
36	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
37	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
38	Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y
39	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
40	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
41	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
42	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
43	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
44	Crane	Y	Larson	Y	Rippy	Y	White	Y
45	Decker	Y	Lee	E	Romanoff	Y	Wiens	Y
46	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
47	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
48	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
49	Garcia	Y	May	Y	Schultheis	Y	Young	Y
50							Speaker	Y

51 Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Cloer, Coleman,  
 52 Frangas, Groff, Jahn, Marshall, Paccione, Pommer, Romanoff, Salazar, Sanchez,  
 53 Tochtrop, Veiga, Vigil, Williams S.

54  
 55

1 **HB03-1067** by Representative(s) Larson; also Senator(s) Johnson S.--  
 2 Concerning certain circumstances under which the  
 3 purchaser of a motor vehicle that was abandoned on public  
 4 property is required to obtain a bonded title for the  
 5 vehicle.  
 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

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

30 Co-sponsors added: Representatives Borodkin, Cloer, Merrifield, Ragsdale,  
 31 Williams S.  
 32

### 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56

## CONSIDERATION OF RESOLUTION

36 **HJR03-1013** by Representative(s) Stengel, Young, Witwer, Plant; also  
 37 Senator(s) Taylor, Owen, Teck, Reeves--Concerning the  
 38 certification by the general assembly of its estimate of  
 39 state general fund revenues and allowable state general  
 40 fund appropriations for the 2003-04 budget year.  
 41

42 (Printed and placed in member's file; also printed in House Journal,  
 43 January 27, 2003, pages 202-204.)  
 44

45 On motion of Representative King, the rules were suspended for  
 46 immediate consideration.  
 47

48 On motion of Representative Stengel, the resolution was **adopted** by the  
 49 following roll call vote:  
 50

	YES	61	NO	01	EXCUSED	03	ABSENT	00
52	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
53	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
54	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
55	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
56	Brophy	E	Hodge	Y	Mitchell	E	Stengel	Y

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

13 Co-sponsor added: Representative Fritz.

## 14 15 16 LAY OVER OF CALENDAR ITEMS

17  
18 On motion of Representative King, the following items on the Calendar  
19 were laid over until January 29, retaining place on Calendar:  
20 Consideration of General Orders--**HB03-1013, 1148, 1129, 1003, 1103,**  
21 **1046, 1032, 1104, 1187, 1165, 1144.**

22  
23  
24 House in recess. House reconvened.

## 25 26 27 REPORTS OF COMMITTEES OF REFERENCE

### 28 29 HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

32  
33 **HB03-1062** be amended as follows, and as so amended, be referred to  
34 the Committee on Appropriations with favorable  
35 recommendation:

36  
37 Amend printed bill, page 4, line 7, strike "YEAR;" and substitute  
38 "RENEWAL;".

39  
40  
41  
42 **HB03-1107** be amended as follows, and as so amended, be referred to  
43 the Committee of the Whole with favorable  
44 recommendation:

45  
46 Amend printed bill, page 2, line 7, strike "~~as many as one hundred fifty~~"  
47 and substitute "as many as one hundred fifty";

48  
49 line 8, strike "support TO THE EXTENT" and substitute "support.";

50  
51 line 9, strike "AUTHORIZED BY FEDERAL WAIVER.".

52  
53  
54  
55 **HB03-1151** be referred to the Committee of the Whole with favorable  
56 recommendation.

1 **LOCAL GOVERNMENT**

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

4  
5 **HB03-1065** be postponed indefinitely.

6  
7  
8 **HB03-1077** be amended as follows, and as so amended, be referred to  
9 the Committee of the Whole with favorable  
10 recommendation:

11  
12 Amend printed bill, page 4, strike lines 3 through 6 and substitute the  
13 following:

14  
15 **"mediating land use disputes - definitions. (2.3) (a) THE PARTIES TO AN**  
16 **INTERGOVERNMENTAL AGREEMENT ESTABLISHING A DEVELOPMENT PLAN**  
17 **SHALL PROVIDE NOTICE AND A COPY OF THE AGREEMENT, TOGETHER WITH**  
18 **AMAP DEMONSTRATING THE TERRITORY COVERED BY THE AGREEMENT, TO**  
19 **EACH NEIGHBORING JURISDICTION.**

20  
21 (b) EACH MUNICIPALITY THAT HAS RECEIVED A PETITION FOR  
22 ANNEXATION FILED PURSUANT TO SECTION 31-12-107, C.R.S., WHICH  
23 ANNEXATION COVERS TERRITORY INCLUDED WITHIN THE BOUNDARIES  
24 ENCOMPASSED WITHIN A DEVELOPMENT PLAN, AND THAT HAS RECEIVED  
25 NOTICE AND A COPY OF THE PLAN IN ACCORDANCE WITH THE  
26 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (2.3) SHALL  
27 PROVIDE TO THE PARTIES TO THE DEVELOPMENT PLAN WRITTEN NOTICE OF  
28 THE PETITION FOR ANNEXATION, AS WELL AS A COPY OF THE PETITION,  
29 PRIOR TO THE REFERRAL OF";

30  
31 line 15, strike "(a)." and substitute "(b).";

32  
33 strike line 18 and substitute the following:  
34 "OF THE PETITION WITH THE";

35  
36 line 24, strike "(a)." and substitute "(b).";

37  
38 line 25, strike "(b)" and substitute "(c)";

39  
40 line 27, strike "UNTIL THE" and substitute "UNTIL:

41  
42 (I) THE".

43  
44 Page 5, line 1, strike "(a)" and substitute "(b)";

45  
46 strike line 2 and substitute the following:  
47 "COMPLETED; OR

48  
49 (II) NOT LESS THAN NINETY DAYS HAVE PASSED FROM THE DATE ON  
50 WHICH THE MUNICIPALITY IN RECEIPT OF THE PETITION FOR ANNEXATION  
51 WAS NOTIFIED OF A REQUEST TO MEDIATE BY A NEIGHBORING JURISDICTION  
52 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2.3).";

53  
54 line 3, strike "(c)" and substitute "(d)";

55  
56 line 5, strike "(a)" and substitute "(b)".

1 **HB03-1081** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend printed bill, page 3, line 2, after "COUNTY", insert "CHILD  
6 WELFARE";  
7

8 line 7, after "HOME.", insert the following:  
9

10 "THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL NOT APPLY IF THE  
11 CHILD PLACEMENT AGENCY HAS OBTAINED A WAIVER FROM THE  
12 DEPARTMENT PURSUANT TO RULES ADOPTED BY THE STATE BOARD. IN  
13 GRANTING SUCH A WAIVER, THE DEPARTMENT SHALL CONSIDER, AT A  
14 MINIMUM:  
15

16 (A) THE NUMBER OF OTHER RELATIVES CERTIFIED BY THE CHILD  
17 PLACEMENT AGENCY;  
18

19 (B) WHETHER ANOTHER CHILD PLACEMENT AGENCY IS IN  
20 REASONABLE PROXIMITY TO THE FOSTER CARE HOME AND MAY CERTIFY  
21 THE FOSTER CARE HOME; AND  
22

23 (C) WHETHER NOT GRANTING SUCH A WAIVER WOULD CAUSE AN  
24 UNDUE HARDSHIP DUE TO THE LIMITED AVAILABILITY OF CERTIFIED FOSTER  
25 CARE HOMES.";  
26

27 line 12, strike "AN OWNERSHIP OR OTHER" and substitute "A".  
28

29 Page 5, line 10, after "AGENCY.", insert "THE PROVISION IN THE CONTRACT  
30 SHALL PROVIDE FOR AN APPEAL OF THE DECISION TO RECOVER THE FUNDS  
31 THAT SHALL INCLUDE AN ADMINISTRATIVE HEARING AFTER REASONABLE  
32 NOTICE TO THE CHILD PLACEMENT AGENCY."  
33

34  
35  
36 **HB03-1122** be postponed indefinitely.  
37  
38  
39

#### 40 MESSAGE FROM THE SENATE

41  
42 Madam Speaker:  
43

44 The Senate has passed on Third Reading and transmitted to the Revisor  
45 of Statutes: SB03-072,  
46  
47

48 SB03-016, amended as printed in the Senate Journal, January 27,  
49 page 132,  
50 SB03-067, amended as printed in the Senate Journal, January 27,  
51 page 132,  
52 SB03-002, amended as printed in the Senate Journal, January 26,  
53 page 132,  
54 SB03-009, amended as printed in the Senate Journal, January 23,  
55 page 111.  
56



**MESSAGE FROM THE REVISOR**

We herewith transmit:  
Without comment, SB03-072.  
Without comment, as amended, SB03-002, 009, 016 and 067.

**INTRODUCTION OF BILLS  
First Reading**

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

**HB03-1202** by Representative(s) Weissmann--Concerning the right of an injured employee to select a health care provider for treatment pursuant to the "Workers' Compensation Act of Colorado".

Committee on Business Affairs & Labor

**HB03-1203** by Representative(s) Pommer--Concerning corporation responsibility, and, in connection therewith, enacting provisions requiring a corporation to consider community interest and requiring that a corporation not tamper with or destroy corporate records.

Committee on Business Affairs & Labor

**HB03-1204** by Representative(s) Stengel; also Senator(s) Jones--Concerning disclosure by an investment firm to fiduciaries of public moneys regarding any business agreement that may create a conflict of interest for the investment firm.

Committee on Business Affairs & Labor

**HB03-1205** by Representative(s) McCluskey, Hoppe, Briggs, Brophy, Fairbank, Fritz, Hall, Johnson R., King, May M., Miller, Rose, White, Wiens--Concerning the refund of beef board fees by the board of directors of the Colorado beef council authority.

Committee on Agriculture, Livestock, & Natural Resources

**HB03-1206** by Representative(s) Rhodes; also Senator(s) McElhany--Concerning the clarification of responsibilities related to compensation for employment.

Committee on Business Affairs & Labor

**HB03-1207** by Representative(s) Briggs; also Senator(s) Entz--Concerning a modification to the statutory provisions regarding special districts to allow a municipality to agree to be the approving authority of a special district that was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation.

Committee on Local Government

**INTRODUCTION OF RESOLUTION**

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

**HJR03-1014** by Representative(s) Spradley, King, Veiga; also Senator(s) Andrews, Anderson, Fitz-Gerald--Concerning the authorization of the committee on legal services to retain legal counsel for the purpose of bringing an action on the purported vetoes of the headnote definitions of the 2002 long bill contained in H.B. 02-1420 and the appropriation clause in H.B. 02-1246.

WHEREAS, The General Assembly enacted H.B. 02-1420, the general appropriations bill, or "long bill", for the 2002-03 fiscal year; and

WHEREAS, By letter to the House of Representatives dated May 31, 2002, the Governor indicated that he was filing H.B. 02-1420 with the Secretary of State and that he approved H.B. 02-1420 in part and disapproved H.B. 02-1420 in part; and

WHEREAS, The Governor purported to veto thirteen headnote definitions in section 1 of H.B. 02-1420, which definitions effectively describe the purposes and parameters of a particular item for which an appropriation is made by the General Assembly, by lining through such definitions; and

WHEREAS, H.B. 02-1246 is entitled "Concerning the creation of the eligible facilities education task force, and making an appropriation therefor."; and

WHEREAS, On May 31, 2002, the Governor signed H.B. 02-1246 into law, but indicated that he was exercising his line item veto authority to disapprove section 3 of the bill containing the appropriation clause, thereby purporting to veto section 3 in its entirety; and

WHEREAS, Article III of the state constitution provides as follows:

"The powers of the government of this state are divided into three distinct departments,--the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted."; and

WHEREAS, The purported vetoes of the headnote definitions in H.B. 02-1420 are in violation of the separation of powers requirements of article III of the state constitution because the vetoes effectively allow the Governor to exercise the power of appropriation, which power is exclusively a power of the General Assembly; and

WHEREAS, Section 32 of article V of the state constitution provides as follows:

**"Section 32. Appropriation bills.** The general appropriation bill

1 shall embrace nothing but appropriations for the expense of the executive,  
2 legislative and judicial departments of the state, state institutions, interest  
3 on the public debt and for public schools. All other appropriations shall  
4 be made by separate bills, each embracing but one subject."; and

5  
6 WHEREAS, The purported vetoes of the headnote definitions in  
7 H.B. 02-1420 violate section 32 of article V of the state constitution  
8 because said vetoes effectively allow appropriations that have not been  
9 approved by the General Assembly in the general appropriation bill or in  
10 separate bills; and

11  
12 WHEREAS, Section 33 of article V of the state constitution  
13 provides as follows:

14  
15 **"Section 33. Disbursement of public money.** No moneys in the  
16 state treasury shall be disbursed therefrom by the treasurer except upon  
17 appropriations made by law, or otherwise authorized by law, and any  
18 amount disbursed shall be substantiated by vouchers signed and approved  
19 in the manner prescribed by law."; and

20  
21 WHEREAS, The purported vetoes of the headnote definitions in  
22 H.B. 02-1420 are in violation of the requirement of section 33 of article  
23 V of the state constitution that no moneys in the state treasury shall be  
24 disbursed except upon appropriation made or otherwise required by law;  
25 and

26  
27 WHEREAS, Section 12 of article IV of the state constitution  
28 provides as follows:

29  
30 **"Section 12. Governor may veto items in appropriation bills -**  
31 **reconsideration.** The governor shall have power to disapprove of any  
32 item or items of any bill making appropriations of money, embracing  
33 distinct items, and the part or parts of the bill approved shall be law, and  
34 the item or items disapproved shall be void, unless enacted in manner  
35 following: If the general assembly be in session, he shall transmit to the  
36 house in which the bill originated a copy of the item or items thereof  
37 disapproved, together with his objections thereto, and the items objected  
38 to shall be separately reconsidered, and each item shall then take the same  
39 course as is prescribed for the passage of bills over the executive veto."; and  
40

41  
42 WHEREAS, The purported vetoes of the headnote definitions in  
43 the 2002-03 long bill and the appropriation clause in H.B. 02-1246 are  
44 beyond the scope of the Governor's line item veto power under section 12  
45 of article IV of the state constitution; and

46  
47 WHEREAS, Pursuant to section 2-3-1001, Colorado Revised  
48 Statutes, the Committee on Legal Services may retain legal counsel to  
49 represent the General Assembly in a civil action to seek appropriate relief  
50 with regard to the purported vetoes of the headnote definitions in H.B.  
51 02-1420 and of the appropriation clause in H.B. 02-1246; now, therefore,

52  
53 *Be It Resolved by the House of Representatives of the Sixty-fourth*  
54 *General Assembly of the State of Colorado, the Senate concurring*  
55 *herein:*

1 (1) That, in view of the premises, there is grave doubt as to the  
2 constitutional validity of the purported vetoes of the headnote definitions  
3 in H.B. 02-1420 and of the purported veto of the appropriation clause in  
4 H.B. 02-1246 and it is the judgment of the General Assembly that the  
5 question of the constitutional validity of said vetoes is a matter of extreme  
6 importance and public interest involving the doctrine of separation of  
7 powers; and  
8

9 (2) That the Committee on Legal Services, in furtherance of its  
10 authority under section 2-3-1001, Colorado Revised Statutes, is  
11 authorized and directed to retain legal counsel to bring a civil action on  
12 behalf of the General Assembly to determine the validity of the purported  
13 vetoes and to seek appropriate relief with regard to said vetoes in the  
14 appropriate state court, including, but not limited to, an original  
15 proceeding in the Supreme Court of the State of Colorado, the District  
16 Court in and for the City and County of Denver, or other court of proper  
17 jurisdiction; and  
18

19 (3) That the Committee on Legal Services, on behalf of the  
20 General Assembly, is authorized to direct the preparation and conduct of  
21 the action.  
22

23  
24  
25 On motion of Representative King, the House adjourned until 9:00 a.m.,  
26 January 29, 2003.  
27

28 Approved:  
29

30  
31  
32 LOLA SPRADLEY,  
33 Speaker

34 Attest:

35  
36 JUDITH RODRIGUE,  
37 Chief Clerk