

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

Seventh Legislative Day

Tuesday, January 14, 2003

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

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

4

5 Pledge of Allegiance led by Representative S. Williams.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representative Wiens--1.

11 Absent--Representative Sanchez--1.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Brophy, the reading of the journal of
17 January 13, 2003, was declared dispensed with and approved as corrected
18 by the Chief Clerk.

19

APPOINTMENT

20

21
22 The Speaker announced a change in the Committee to Escort the
23 Governor: Representative Cadman to replace Representative Spradley.

24

25

CONSIDERATION OF RESOLUTION

26

27
28 **SJR03-005** by Senator(s) Hillman; also Representative(s) White--
29 Concerning Colorado on the Move.

30

31 (Printed and place in member's file.)

32

33 On motion of Representative White, the resolution was **adopted by viva**
34 **voce** vote.

35 Co-sponsors added: Representatives Boyd, Brophy, Butcher, Clapp, Cloer,
36 Decker, Frangas, Garcia, Groff, Hall, Hefley, Hodge, Hoppe, Jahn, Johnson,
37 Judd, King, Larson, Lundberg, Madden, McCluskey, Paccione, Rhodes,
38 Romanoff, Rose, Salazar, Sinclair, Smith, Spence, Stengel, Tochtrop, Veiga,
39 Vigil, Williams S., Williams T., Witwer, and Speaker.

40

41

House in recess.

42

43

**JOINT SESSION
INAUGURAL CEREMONY**

1
2
3
4 Senator John Andrews, President of the Senate, called the Joint Session
5 to order at 11:00 a.m.
6
7 President Andrews requested the Escort Committees, composed of
8 Senators Kester, Grossman and Representatives Sinclair, King, Jahn to
9 escort Lieutenant Governor-elect Jane Norton to the platform.
10
11 President Andrews requested the Escort Committees, composed of
12 Senators Anderson, Fitz-Gerald and Representatives T. Williams,
13 Cadman, Veiga to escort the Governor-elect Bill Owens to the platform.
14
15 President Andrews announced the posting of the Colors by the Colorado
16 National Guard and the playing of the National Anthem by the 101st
17 Army National Guard Band.
18
19 President Andrews requested Arch Bishop Charles Chaput to give the
20 invocation.
21
22 *America the Beautiful* was sung by the Colorado Children's Chorale.
23
24 On motion of Senator Anderson, the morning roll call of the Senate was
25 made the roll call of the Joint Session.
26
27 On motion of Representative King, the morning roll call of the House was
28 made the roll call of the Joint Session.
29
30 President Andrews declared a quorum present.
31
32 President Andrews presented the following elected officials and they
33 were administered the oath of office by Chief Justice Mary Mullarkey:
34
35 Members-elect of the State Board of Education Demetri Elrico Munn,
36 Pamela Jo Suckla, and Christine Baca.
37 Secretary of State-elect Donetta Davidson
38 Attorney General-elect Ken Salazar
39 State Treasurer-elect Mike Coffman
40 Lieutenant Governor-elect Jane Norton
41 Governor-elect Bill Owens
42
43 Governor Bill Owens delivered an inaugural address.
44
45 Ruffles and flourishes were performed by the 101st Army Band and the
46 COANG 120th Fighter Squadron flew over the capitol.
47
48 *The Colorado Song* was sung by the Colorado Children's Chorale.
49
50 President Andrews requested Rabbi Hillel Goldberg to deliver the
51 Benediction.
52
53 President Andrews requested the Escort Committees to escort Governor
54 Owens and Lieutenant Governor Norton to the executive chambers.
55

1 On motion of Representative Spradley, the Governor's Inaugural Address
2 was ordered printed in the House Journal.

3

4 On motion of Senator Kester, the Joint Session was dissolved.

5

6

7

**INAUGURAL ADDRESS
BY THE HONORABLE
BILL OWENS**

8

9

10

11 President Andrews, Speaker Spradley, Chief Justice Mullarkey, Lieutenant
12 Governor Norton, Family, Friends, My Fellow Coloradans:

13

14 It is a profound honor to, once again, stand before you and be sworn in as your
15 Governor.

16

17 We are fortunate to live and raise our family in the greatest state in the greatest
18 nation in the world. And, as I look back at the successes of the past four years
19 and ahead to many more successes in the next four years, I must begin with
20 thanking those people who have made it all possible.

21

22 I owe so much to my family, and I so proud to have them here. A wonderful
23 First Lady of Colorado, Frances Owens. And our children, Monica, Mark and
24 Brett.

25

26 My brother and sisters and their spouses. And all the Owens family who are
27 here today.

28

29 And, where would we be without Mom?

30

31 My friends, four years ago, we met on this historic spot. We opened a new day
32 for Colorado. We met on the threshold of a new century, believing in the
33 unlimited possibility of our great state and its people. And carrying big dreams
34 and big plans for our future.

35

36 Four years ago, on that crisp January morning, we said that Colorado's best
37 days are ahead. By embracing the energy and common-sense that define our
38 state. I said we would launch our state into a new century filled with promise.

39

40

41 From that day to this, I have worked to keep faith with the trust, and the honor,
42 that the people of Colorado have given to me. From that day to this, we have
43 focused squarely on the solutions that the people of Colorado deserve.

44

45 We said we would make our schools more accountable, and we did. We said
46 we would improve our transportation system, and we did. We said we would
47 ease the tax burden on Colorado families, and we did.

48

49 We did this with focus and energy. We did this by working together, as
50 Coloradans. We did this with common-sense and hard work.

51

52 And on this January morning, we renew our commitment to bold ideas and a
53 bright future of opportunity and hope for every Coloradan. We renew our
54 commitment to the simple truths that have sparked innovation and opportunity.

55

1 In this new century, the principles that are guiding our nation and its people, and
2 pointing toward progress, are those that have shaped and defined our American
3 West:
4
5 An optimism as big as our mountains.
6
7 A commitment to family, and community.
8
9 An energy to embrace new ideas.
10
11 A certainty that common sense can help us confront any challenge.
12
13 These are the qualities that define us. They are the source of our success. They
14 are why so many of our fellow Americans seek to build new lives in this, the
15 American West.
16
17 For generations, men and women have come to this place and looked to the
18 mountains that stand before us today.
19
20 Many might see mountains that are a barrier to progress, too high to climb and
21 too hard to cross.
22
23 But these Americans saw something different. They saw the mountains as a
24 doorway to a future of opportunity. A chance to make a new life in a new land.
25 A land that offered unlimited possibility. And in return, it required hard work,
26 a strong spirit and an unshakable belief that tomorrow will always be better than
27 yesterday.
28
29 It was Katharine Lee Bates, who wrote "America the Beautiful" after a trip to
30 Pike's Peak. She described the view from the peak, saying that "all of America
31 seemed to be displayed there."
32
33 Our American story, for generations, is of a people who seek to move forward.
34 A people who look at a mountain and worry not about the tough climb ahead,
35 but dream about the view from the summit.
36
37 Today, on this January morning, we look to the mountains and renew our
38 certain belief in the principles and the spirit that help us face any challenge, and
39 surmount any obstacle.
40
41 It is this spirit that, I pledge again today, will continue to guide Colorado toward
42 progress and opportunity in this new century.
43
44 Progress for Colorado begins with progress for our youngest citizens. These
45 children will be shaped by this new century, and many may live to see the next
46 century.
47
48 Our job as parents and educators is to equip every child with the tools they'll
49 need to thrive in this new century.
50
51 The achievement of Colorado's children is woven into Colorado's promise.
52 Together, we have moved beyond good wishes and earnest hopes for our
53 schools and, instead, required a call to excellence. Today, leaving no children
54 behind is not a slogan; it is a solution that we are, every day, closer to making
55 reality.
56

1 Progress for Colorado lies in the promise and the spirit of our people. No
2 society will long remain free or prosperous without strong, healthy families.
3 Families are the tie that reminds us of yesterday, provide strength and support
4 today, and give us hope for tomorrow. No government, no matter how well-
5 intentioned, or well-managed, can provide what our families provide.
6
7 To keep our families strong, we must always understand that the families of
8 Colorado fund the government of Colorado. This golden dome should always
9 remind us that the gold in Colorado's treasury belongs to the people whom we
10 proudly serve. Our commitment to this inflexible principle protects us when
11 cold economic winds buffet us. And this principle, the belief that there is no
12 such thing as government money – only people's money – will help bring our
13 economy back.
14
15 We limit government so that we can allow our families, our workers, our
16 entrepreneurs, to seize the unlimited potential that lies within them. The most
17 fertile soil for family sustaining jobs is not the soil that this Capitol rests upon.
18 It lies out in our state, in communities of hard working Coloradans. In small
19 shops. In the growing company that was, just a few years ago, nothing but an
20 idea. On the ranches and farms that feed and sustain our people.
21
22 A renewed commitment to the freedom and opportunity of our people is the
23 touchstone of our time. In this new century, where tests are many and
24 challenges change with the shifting of the wind, we must hold fast to the
25 principles that have made our nation the envy of the world.
26
27 We know the tests are great. Just four years ago, we met a time when the word
28 "columbine" reminded us of our state flower, and September 11 was just another
29 day on the calendar.
30
31 Yet, in a quiet Colorado community just a few miles from this spot, and in our
32 great cities nearly two thousand miles to the East, we looked into the face of
33 evil. Evil brought to us by those who believed they would divide us, and break
34 us as a people- break us as a country.
35
36 Ladies and gentlemen, they were wrong.
37
38 They were wrong because our principles and values are too strong to be thrown
39 aside. Just as with the pioneers who came before us, our principles and values
40 grow stronger when they are tested.
41
42 How will we meet the test of a new century?
43
44 What are we called to achieve in these next four years?
45
46 We must renew our efforts to keep our communities safe, from the dangers of
47 terrorists from foreign lands and from common criminals here at home. Let no
48 criminal believe that tough fiscal times will yield an open cell door and a ticket
49 to freedom.
50
51 We will maintain the natural beauty of Colorado's landscape that gives our state
52 its identity. We will enhance the water supply upon which Colorado's farmers,
53 ranchers and communities rely.
54
55 We will support and strengthen Colorado families, who are the bedrock of our
56 society.

1 We must renew our commitment to make Colorado a magnet for entrepreneurs
2 and quality jobs.

3
4 This is what we are called to do. This is what we together can do. This is what
5 I will do as your governor.

6
7 In this new century, our commitment to family and to faith, to community and
8 opportunity, to freedom and to hope, will be the light that shines to lead us
9 forward.

10
11 Together, we are taking Colorado into this new American century. Together,
12 we will remember that the sun sets behind our mountains every evening and it
13 will rise up and shine upon them the next day. Together, we will build a
14 tomorrow for which our children, and our children's children, will be proud.

15
16 God bless each of you. God bless America. And God bless Colorado.

17
18
19

House reconvened.

20
21
22

23 **REPORTS OF COMMITTEES OF REFERENCE**

24 **EDUCATION**

25
26 After consideration on the merits, the Committee recommends the
27 following:

28
29 **HB03-1083** be referred to the Committee of the Whole with favorable
30 recommendation.

31
32
33
34

35 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

38
39 **HB03-1026** be referred to the Committee of the Whole with favorable
40 recommendation.

41
42
43 **HB03-1038** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46
47 Amend printed bill, page 2, line 18, strike "LAW," and substitute "LAW
48 DUE TO THE INCLUSION OF DOMESTIC VIOLENCE EXTENSIONS,";

49
50 line 20, after "AND", insert "IF THIS DETERMINATION INDICATES THAT THE
51 STATE EXCEEDS THE TWENTY-PERCENT NUMERICAL LIMIT DUE TO
52 DOMESTIC VIOLENCE EXTENSIONS THAT QUALIFY AS DOMESTIC VIOLENCE
53 WAIVERS, THE STATE DEPARTMENT SHALL";

54
55 line 24, strike "42" and substitute "45".

56

1 **HB03-1049** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 8, after "MEDICATIONS", insert "EXCEPT
6 FOR CONTROLLED SUBSTANCES";

7
8 strike lines 13 and 14 and substitute the following:
9

10 "THIS SECTION IF THE MEDICATIONS ARE:

11
12 (a) LIQUID AND THE VIAL IS STILL SEALED AND PROPERLY STORED;
13 OR

14
15 (b) INDIVIDUALLY PACKAGED AND THE PACKAGING HAS NOT BEEN
16 DAMAGED.".

17
18
19
20 **HB03-1063** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:
23

24 Amend printed bill, page 2, line 14, strike "REQUEST," and substitute
25 "AUTHORIZATION,".

26
27 Page 3, line 18, strike "REQUEST," and substitute "AUTHORIZATION,";

28
29 line 24, strike "SHALL" and substitute "MAY".
30

31 Page 4, line 4, after the period, add "FAILURE TO ADVISE A PATIENT
32 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS
33 FOR ANY CIVIL ACTION AGAINST A PODIATRIST IN A NEGLIGENCE OR TORT
34 ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION
35 AGAINST A PODIATRIST.";

36
37 line 18, strike "SHALL" and substitute "MAY";
38

39 line 25, after the period, add "FAILURE TO ADVISE A PATIENT PURSUANT TO
40 SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL
41 ACTION AGAINST A DENTIST IN A NEGLIGENCE OR TORT ACTION, NOR SHALL
42 SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A DENTIST.".

43
44 Page 5, line 5, strike "SHALL" and substitute "MAY";
45

46 line 13, after the period, add "FAILURE TO ADVISE A PATIENT PURSUANT TO
47 SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL
48 ACTION AGAINST A PHYSICIAN OR PHYSICIAN'S ASSISTANT IN A NEGLIGENCE
49 OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL
50 ACTION AGAINST A PHYSICIAN OR A PHYSICIAN'S ASSISTANT.";

51
52 line 19, strike "SHALL" and substitute "MAY";
53

54 line 25, after the period, add "FAILURE TO ADVISE A PATIENT PURSUANT TO
55 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR
56 ANY CIVIL ACTION AGAINST A NURSE IN A NEGLIGENCE OR TORT ACTION,

1 NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A
2 NURSE."

3
4 Page 6, line 2, strike "SHALL" and substitute "MAY".

5
6
7
8
9 **INFORMATION & TECHNOLOGY**

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

12
13 **HB03-1059** be postponed indefinitely.

14
15
16 **HB03-1061** be referred to the Committee of the Whole with favorable
17 recommendation.

18
19
20 **HB03-1069** be referred to the Committee of the Whole with favorable
21 recommendation.

22
23
24
25 **PRINTING REPORT**

26
27 The Chief Clerk reports the following bills have been correctly printed:
28 **HB03-1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124,**
29 **1125, 1126, 1127, 1128, 1129, 1130.**

30
31
32
33 **INTRODUCTION OF BILLS**
34 **First Reading**

35
36 The following bills were read by title and referred to the committees
37 indicated:

38
39 **HB03-1131** by Representative(s) Fritz, Cadman, Clapp, Crane,
40 Fairbank, Harvey, King, Lee, White--Concerning the
41 authority of boards of county commissioners to issue
42 permits for agricultural use of rights-of-way along
43 highways.

44 Committee on Agriculture, Livestock, & Natural Resources

45
46 **HB03-1132** by Representative(s) Fairbank, Lee--Concerning modifica-
47 tions to the "Fair Campaign Practices Act" in furtherance
48 of constitutional provisions addressing campaign finance
49 enacted as article XXVIII of the state constitution by a
50 vote of the people at the 2002 general election.

51 Committee on State, Veterans, & Military Affairs

52
53 **HB03-1133** by Representative(s) Garcia--Concerning surviving spouse
54 eligibility for the property tax exemption for qualifying
55 seniors, and, in connection therewith, requiring that the
56 spouse of a deceased senior who was eligible for the

- 1 property tax exemption be married to, and reside with, the
2 deceased spouse for the ten years immediately preceding
3 the death of the spouse to qualify for the property tax
4 exemption as a surviving spouse.
5 Committee on Finance
6
- 7 **HB03-1134** by Representative(s) Pommer, Judd, McFadyen, Paccione;
8 --Concerning Colorado's law on unsolicited commercial
9 electronic transmissions.
10 Committee on Information & Technology
11
- 12 **HB03-1135** by Representative(s) Decker, Schultheis, Sinclair, Harvey,
13 Lee, Lundberg; also Senator(s) Cairns, Jones--Concerning
14 the education of children whose dominant language is not
15 English.
16 Committee on Education
17
- 18 **HB03-1136** by Representative(s) Decker, Briggs, King--Concerning
19 the conditions under which the department of revenue may
20 issue a driver's license to an individual, and, in connection
21 therewith, eliminating renewals by mail and reducing
22 certain fees.
23 Committee on Transportation & Energy
24
- 25 **HB03-1137** by Representative(s) King, Williams T., Fritz, Berry,
26 Briggs, Cadman, Clapp, Crane, Decker, Fairbank, Hall,
27 Harvey, Hefley, Hoppe, Lee, Lundberg, May M.,
28 McCluskey, Mitchell, Rhodes, Rippy, Rose, Schultheis,
29 Sinclair, Spence, Stafford, White, Wiens; also Senator(s)
30 Hagedorn--Concerning a credit against state income tax
31 for contributions to nonprofit organizations that provide
32 resources for education, and making an appropriation in
33 connection therewith.
34 Committee on Education
35 Committee on Appropriations
36
- 37 **HB03-1138** by Representative(s) Hefley, Schultheis, Cloer, May M.,
38 Crane, Lee, Rhodes; also Senator(s) Hillman--Concerning
39 offenses against pregnant women that affect their unborn
40 children.
41 Committee on Judiciary
42
- 43 **HB03-1139** by Representative(s) Hefley, Berry, Decker, Groff, Jahn,
44 Judd, Lee, Veiga; also Senator(s) Arnold--Concerning the
45 sentence imposed on a juvenile who is convicted as an
46 adult of a class 1 felony.
47 Committee on Judiciary
48
- 49 **HB03-1140** by Representative(s) Larson, Tochtrop, Young, Harvey,
50 Hodge, Hoppe, Rippy, White; also Senator(s) Entz,
51 Chlouber, Taylor, Isgar, Kester--Concerning the
52 classification of state noxious weeds, and, in connection
53 therewith, implementing management programs for such
54 classified noxious weeds.
55 Committee on Agriculture, Livestock, & Natural Resources
56

- 1 **HB03-1141** by Representative(s) Plant, Madden--Concerning the
2 creation of the "Colorado Civil Union Act".
3 Committee on Information & Technology
4
- 5 **HB03-1142** by Representative(s) Crane, Cadman, Clapp, Fairbank,
6 Fritz, Harvey, Hefley, King, Lee, May M., Mitchell,
7 Rhodes, Schultheis, Spence, Stafford, White; also
8 Senator(s) Chlouber, Lamborn--Concerning minor
9 political parties.
10 Committee on State, Veterans, & Military Affairs
11
- 12 **HB03-1143** by Representative(s) Crane, Brophy, Cadman, Clapp,
13 Fairbank, Fritz, Harvey, Hefley, King, Lee, Lundberg,
14 May M., Mitchell, Rhodes, Schultheis, Sinclair, Spence,
15 Stafford, White; also Senator(s) May R., Andrews,
16 Arnold, Cairns, Hillman, Johnson S., Jones, Kester,
17 Lamborn--Concerning leave for teachers' union activities.
18 Committee on State, Veterans, & Military Affairs
19
- 20 **HB03-1144** by Representative(s) Groff--Concerning the exemption of
21 two-point-lap-belt-only systems from certain child
22 restraint system requirements.
23 Committee on Transportation & Energy
24
- 25 **HB03-1145** by Representative(s) Madden--Concerning the treatment
26 of obesity under the "Colorado Medical Assistance Act".
27 Committee on Health, Environment, Welfare, & Institutions
28
- 29 **HB03-1146** by Representative(s) Spradley, Salazar--Concerning an
30 expansion of water judges' jurisdiction to address the
31 effects of a change of a water right on water quality.
32 Committee on Agriculture, Livestock, & Natural Resources
33
- 34 **HB03-1147** by Representative(s) Frangas, Butcher, Spence, Vigil--
35 Concerning income tax checkoffs, and, in connection
36 therewith, requiring that state individual income tax return
37 forms contain a line whereby individual taxpayers may
38 make a voluntary contribution to the senior support
39 services fund and modifying the total number of checkoffs
40 that may appear on the income tax return form each year.
41 Committee on Finance
42
- 43 **HB03-1148** by Representative(s) Cloer, Schultheis, Cadman, Crane,
44 Fairbank, Hall, Hefley, King, Lee, Lundberg, McFadyen,
45 Mitchell, Stengel, White; also Senator(s) Hillman--
46 Concerning restoration of self-defense as a defense in
47 criminal cases.
48 Committee on Judiciary
49
- 50 **HB03-1149** by Representative(s) Cloer, Crane, Hall, Harvey,
51 Lundberg, Mitchell, Rhodes, Schultheis, White, Wiens--
52 Concerning the creation of a penalty against a government
53 employee for making a materially false statement related
54 to the dependency or neglect of a child.
55 Committee on Judiciary
56

- 1 **HB03-1150** by Representative(s) Schultheis, Lundberg--Concerning
2 certain prerequisites that parties to a domestic relations
3 proceeding involving dependent children must meet prior
4 to the entry of the decree.
5 Committee on Judiciary
6
- 7 **HB03-1151** by Representative(s) Boyd; also Senator(s) Johnson S.--
8 Concerning out-of-home placement provider consortia.
9 Committee on Health, Environment, Welfare, & Institutions
10
- 11 **HB03-1152** by Representative(s) Boyd; also Senator(s) Johnson S.--
12 Concerning the Colorado works education for self-
13 sufficiency program.
14 Committee on Health, Environment, Welfare, & Institutions
15
- 16 **HB03-1153** by Representative(s) Weddig--Concerning the conduct of
17 mail ballot elections.
18 Committee on State, Veterans, & Military Affairs
19
- 20 **HB03-1154** by Representative(s) Butcher; also Senator(s) Hagedorn--
21 Concerning a program to provide assistance with
22 prescription drug costs to senior citizens using moneys
23 received under the tobacco master settlement agreement.
24 Committee on Health, Environment, Welfare, & Institutions
25 Committee on Education
26
- 27 **HB03-1155** by Representative(s) McFadyen--Concerning increased
28 requirements for the disposal of radioactive classified
29 waste.
30 Committee on Finance
31
- 32 **HB03-1156** by Representative(s) Romanoff; also Senator(s) Johnson
33 S.--Concerning the Colorado state board of medical
34 examiners' ability to fine a licensee for certain
35 unprofessional conduct.
36 Committee on Health, Environment, Welfare, & Institutions
37
- 38 **HB03-1157** by Representative(s) Sinclair, Decker, May M., Rhodes,
39 Smith--Concerning credit terms for the sale of alcohol
40 beverages to retailers.
41 Committee on Business Affairs & Labor
42
- 43 **HB03-1158** by Representative(s) Romanoff; also Senator(s) Entz,
44 Teck--Concerning landlord and tenant relations.
45 Committee on Business Affairs & Labor
46
- 47 **HB03-1159** by Representative(s) Paccione, Groff, Merrifield, Pommer,
48 Spence, Williams S.--Concerning certification of
49 education paraprofessionals.
50 Committee on Education
51 Committee on Appropriations
52
- 53 **HB03-1160** by Representative(s) Spence, Briggs, Cadman, Clapp,
54 Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg,
55 Rhodes, Rose, Schultheis, Spradley, Stafford, White,
56 Williams T., Witwer--Concerning the provision of

1 financial assistance for kindergarten through twelfth grade
2 education to disadvantaged children.
3 Committee on Education
4

5 **HB03-1161** by Representative(s) Rippey, Fritz, Cadman, Larson,
6 White--Concerning limitations on claims for damages filed
7 against construction professionals.
8 Committee on Business Affairs & Labor
9

10

11

12

INTRODUCTION OF RESOLUTION

13

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

16

17 **HJR03-1006** by Representative(s) Borodkin, Coleman, Jahn; also
18 Senator(s) Takis--Concerning the rights of children in
19 foster care.

20 Committee on Health, Environment, Welfare, & Institutions
21

22

23 WHEREAS, In America, on any given day, there are over a half
24 million children and youth in foster care; and

25

26 WHEREAS, In Colorado, there are over five thousand children
27 and youth in foster care on any given day; and

28

29 WHEREAS, Entry into the foster care system is often a difficult
30 transition for children, and it can be even more frightening and confusing
31 when these children are not provided with the age-appropriate
32 information to help them adjust and transition into the foster care system;
33 and

34

35 WHEREAS, Every child in foster care is endowed with certain
36 rights inherently belonging to all children; and

37

38 WHEREAS, Due to the trauma of separation from or loss of
39 parents and other family members in a child's life, a child transitioning
40 into foster care should be afforded special safeguards, resources, and
41 care; and

42

43 WHEREAS, Abuse and neglect incidents in Colorado's foster care
44 system have more than doubled from federal fiscal year 1998 to federal
45 fiscal year 2000; and

46

47 WHEREAS, The state of Colorado has a responsibility to ensure
48 the well-being of children in foster care; now, therefore,

49

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

53

54 That we, the members of the Sixty-fourth General Assembly,
55 declare that every child in foster care in the state of Colorado shall have
56 the following rights:

- 1 (1) To receive written notification of these rights and to have them
2 fully explained in a language or mode of communication the child can
3 understand when he or she is placed in foster care;
4
- 5 (2) To enjoy individual dignity, freedom of thought, freedom of
6 conscience, the protection of cultural and ethnic practices, and the
7 protection of his or her civil and legal rights;
8
- 9 (3) To have reasonable age-appropriate privacy and to respect
10 others' privacy;
11
- 12 (4) To live in a safe, healthy, and comfortable home where he or
13 she receives appropriate and reasonable adult guidance, support, and
14 supervision;
15
- 16 (5) To be placed in a foster home with no more than three other
17 foster children, unless he or she is part of a sibling group, or unless the
18 child is placed in an adoptive home, group home, or residential treatment
19 center;
20
- 21 (6) To be placed with nurturing foster caregivers who are not
22 financially dependent on foster care payments for their own livelihood
23 and who have been carefully selected to meet the individual needs of the
24 foster child;
25
- 26 (7) To be placed in a home separate from other children known
27 to pose a documented threat of harm to him or her, either because of his
28 or her own risk factors or because of risk factors of the other child;
29
- 30 (8) To be free from physical or emotional abuse, inhumane
31 treatment, corporal punishment, neglect, and sexual abuse or exploitation;
32
- 33 (9) To receive adequate and healthy food;
34
- 35 (10) To receive clean and adequate season-appropriate clothing;
36
- 37 (11) To receive an age-appropriate allowance;
38
- 39 (12) To receive medical, dental, vision, and mental health
40 services;
41
- 42 (13) To be allowed visits and contact with case workers,
43 guardians ad litem, attorneys, therapists, court-appointed special
44 advocates, members of the clergy, and probation officers;
45
- 46 (14) To be allowed visits and contact with parents, grandparents,
47 aunts, uncles, and other family members, unless prohibited by court order
48 or unless there are safety concerns for the foster child or the foster
49 family;
50
- 51 (15) To be allowed visits and contact with brothers and sisters and
52 half-brothers and half-sisters, unless prohibited by court order or unless
53 there are safety concerns for the foster child or the foster family;
54
- 55 (16) To be allowed to make and receive uncensored
56 communication;

- 1 (17) To be allowed to attend religious services and activities of his
2 or her choice;
3
- 4 (18) Not to be inappropriately locked in any room, building, or
5 facility premises, or otherwise inappropriately restrained;
6
- 7 (19) To attend school and to be allowed to participate in
8 extracurricular, cultural learning, sports, and personal enrichment
9 activities at school and in the community, consistent with the child's age
10 and developmental level;
11
- 12 (20) To have a lighted, quiet study area;
13
- 14 (21) To have storage space for private use;
15
- 16 (22) To be given appropriate space and respect for personal
17 belongings;
18
- 19 (23) To be allowed, when appropriate, to enter the workforce and
20 develop job skills at an age-appropriate level that is consistent with state
21 law;
22
- 23 (24) To be allowed to have social contacts with people outside of
24 the foster care system, such as teachers, church members, mentors, and
25 suitable friends consistent with the child's age and developmental level,
26 as appropriate;
27
- 28 (25) To attend independent living classes and activities if he or
29 she meets age requirements;
30
- 31 (26) To attend court hearings as the court deems appropriate and
32 to speak to the judge;
33
- 34 (27) To review his or her own case plan, to receive information
35 about his or her out-of-home placement and case plan, including
36 information concerning changes in the plan, and to have his or her
37 opinions heard and considered to the greatest extent possible;
38
- 39 (28) To receive meaningful case management and planning that
40 will return the child to his or her family, or move the child on to other
41 forms of permanency, within twelve months of being placed in foster
42 care;
43
- 44 (29) To receive regular communication with a caseworker, at least
45 once each month, which shall include meeting with his or her caseworker
46 alone and the right to have his or her caseworker confer with the foster
47 caregiver;
48
- 49 (30) To have a guardian ad litem appointed to represent his or her
50 best interests, to receive regular communication with the guardian ad
51 litem, and for the foster child's guardian ad litem to have immediate and
52 unlimited access to the child he or she represents;
53
- 54 (31) To confidentiality of all juvenile records consistent with state
55 law.
56

1 *Be It Further Resolved*, That a copy of this Joint Resolution be
2 sent to Marva Livingston Hammons, Executive Director of the
3 Department of Human Services, the directors of county departments of
4 human services, and Peg Long, Executive Director of the Colorado
5 Association of Family and Children's Agencies.

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10 On motion of Representative King, the House adjourned until 9:00 a.m.,
11 January 15, 2003.

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19 Attest:

20

21 JUDITH RODRIGUE,
22 Chief Clerk

Approved:

LOLA SPRADLEY,
Speaker