

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

ADDENDUM

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado.)

REPORTS OF COMMITTEES OF REFERENCE

EDUCATION

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

HB04-1259 The House Committee on Education has had under consideration HB04-1259. Adjournment sine die of the Second Regular Session of the 64th General Assembly having passed, HB04-1259 is returned herewith to the House.

STATE, VETERANS, & MILITARY AFFAIRS

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

HJR04-1076 The House Committee on State, Veterans, and Military Affairs has had under consideration HJR04-1076. Adjournment sine die of the Second Regular Session of the 64th General Assembly having passed, HJR04-1076 is returned herewith to the House.

HJR04-1089 The House Committee on State, Veteran, and Military Affairs has had under consideration HJR04-1089. Adjournment sine die of the Second Regular Session of the 64th General Assembly having passed, HJR04-1089 is returned herewith to the House.

HR04-1016 The House Committee on State, Veteran, and Military Affairs has had under consideration HR04-1016. Adjournment sine die of the Second Regular Session of the 64th General Assembly having passed, HR04-1016 is returned herewith to the House.

1 **TRANSPORTATION & ENERGY**

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

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5 **HJR04-1026** The House Committee on Transportation and Energy has
6 had under consideration HJR04-1026. Adjournment sine
7 die of the Second Regular Session of the 64th General
8 Assembly having passed, HJR04-1026 is returned
9 herewith to the House.

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MESSAGES FROM THE SENATE

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16 Madam Speaker:

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18 The Senate has adopted the First Report of the First Conference
19 Committee on SB04-244, as printed in Senate Journal May 5, and
20 repassed the bill as amended.

21

22 The Senate has adopted the First Report of the Second Conference
23 Committee on SB04-216, as printed in Senate Journal May 5, and
24 repassed the bill as amended.

25

26

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28 The Senate voted to concur in House amendments to SB04-257, and
29 repassed the bill as amended.

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31 The Senate voted to concur in House amendments to SB04-256, and
32 repassed the bill as amended.

33

34 The Senate voted to concur in House amendments to SB04-252, and
35 repassed the bill as amended.

36

37 The Senate voted to concur in House amendments to SB04-233, and
38 repassed the bill as amended.

39

40 The Senate has adopted and returns herewith: HJR04-1094. Pursuant to
41 the resolution, the President appointed senators Chlouber and Reeves.

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45 The Senate has postponed indefinitely HJR04-1042. The resolution is
46 returned herewith.

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48 The Senate has postponed indefinitely HCR04-1014. The resolution is
49 returned herewith.

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SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1003, 1006, 1015, 1016, 1017, 1021, 1028, 1030, 1034, 1048, 1061, 1072, 1075, 1077, 1079, 1080, 1086, 1089, 1102, 1104, 1107, 1115, 1117, 1121, 1123, 1127, 1134, 1135, 1141, 1157, 1165, 1171, 1177, 1189, 1190, 1193, 1199, 1202, 1203, 1207, 1210, 1219, 1221, 1225, 1227, 1231, 1234, 1236, 1240, 1251, 1254, 1256, 1261, 1263, 1269, 1277, 1283, 1284, 1292, 1300, 1309, 1311, 1344, 1358, 1359, 1360, 1361, 1362, 1365, 1367, 1373, 1375, 1376, 1386, 1387, 1390, 1393, 1397, 1398, 1399, 1404, 1405, 1406, 1411, 1414, 1420, 1421, 1423, 1424, 1425, 1426, 1428, 1430, 1431, 1433, 1435, 1438, 1441, 1446, 1447, 1448, 1449, 1451, 1454, 1455, 1456, 1464, 1465; HCR04-1005; HJR04-1010, 1022, 1023, 1038, 1047, 1048, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1060, 1061, 1062, 1063, 1064, 1067, 1068, 1071, 1075, 1077, 1078, 1079, 1081, 1084, 1085, 1088, 1090, 1091, 1092, 1094; HR04-1013, 1015, 1018, 1019, 1020; SB04-001, 013, 017, 024, 028, 032, 037, 045, 059, 065, 071, 078, 082, 087, 097, 105, 108, 111, 114, 125, 126, 134, 137, 138, 144, 153, 154, 168, 171, 176, 177, 178, 185, 188, 193, 196, 198, 204, 206, 207, 211, 213, 216, 219, 220, 221, 222, 223, 225, 226, 229, 230, 231, 233, 235, 236, 237, 239, 243, 244, 246, 247, 249, 251, 252, 253, 254, 256, 257; SCR04-005; SJR04-010, 036, 038, 040, 042, 057, 058, 059; SJM04-004.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor:

HB04-1006, 1028, 1048, 1127, 1423 at 3:21p.m. on May 6, 2004.

HB04-1003, 1015, 1016, 1017, 1030, 1061, 1072, 1075, 1077, 1079, 1080, 1086, 1089, 1102, 1107, 1117, 1121, 1134, 1135, 1157, 1165, 1171, 1189, 1193, 1199, 1202, 1207, 1210, 1219, 1221, 1231, 1234, 1240, 1251, 1261, 1269, 1277, 1283, 1300, 1309, 1311, 1344, 1358, 1359, 1361, 1365, 1367, 1375, 1386, 1387, 1390, 1399, 1393, 1404, 1406, 1414, 1420, 1425, 1426, 1435 at 9:48 a.m. on May 17, 2004.

HB04-1034, 1177, 1225, 1256, 1263, 1292, 1362, 1431 at 1:15 p.m. on May 20, 2004.

HB04-1021 at 9:30 a.m. on May 21, 2004.

HB04-1104, 1115, 1123, 1141, 1190, 1203, 1227, 1236, 1254, 1284, 1360, 1373, 1376, 1397, 1398, 1405, 1411, 1421, 1424, 1428, 1430, 1433, 1438, 1441, 1446, 1447, 1448, 1449, 1451, 1454, 1455, 1456, 1464, 1465 at 1:03 p.m. on May 24, 2004.

MESSAGES FROM THE GOVERNOR

I certify I received the following on the 12th day of May, 2004, at 2:45 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

May 12, 2004

To the Honorable
House of Representatives
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

HB04-1028 Concerning The Fee Paid In Connection With Representation Of Indigent Persons.

Approved May 11, 2004 at 2:30 P.M.

HB04-1048 Concerning Beneficiary Deeds.

Approved May 12, 2004 at 9:20 A.M.

HB04-1127 Concerning A Limitation On The Use Of The Professional Title Of Nurse”.

Approved May 12, 2004 at 9:21 A.M.

HB04-1348 Concerning Standards For Permissible Noise From Electric Transmission Facilities.

Approved May 12, 2004 at 9:23 A.M.

HB04-1357 Concerning Authorization For A Winery To Own A Restaurant Licensed To Sell Alcohol Beverages, And, In Connection Therewith, Allowing A Winery To Sell Beverages Of Its Own Manufacture In Such Restaurant.

Approved May 12, 2004 at 9:30 A.M.

HB04-1381 Concerning Standards For The Distribution Of Limited Gaming Revenues From The State Historical Fund By The Governing Bodies Of Existing Cities That Provide Grants Of Such Moneys For The Benefit Of Historic Properties.

Approved May 12, 2004 at 9:32 A.M.

1 **HB04-1400** Concerning The Regulation Of Warranties On Vehicle
2 Protection Products.

3
4 Approved May 12, 2004 at 9:40 A.M.

5
6 **HB04-1413** Concerning The Surcharge Collected On Documents
7 Received By A County Clerk And Recorder That Is Used
8 For The Purpose Of Defraying The Costs Of Providing
9 Electronic Filing Capabilities.

10
11 Approved May 12, 2004 at 9:42 A.M.

12
13 **HB04-1416** Concerning The Elimination Of The Requirement To Use
14 General Fund Moneys For The Breast And Cervical
15 Cancer Prevention And Treatment Program In State Fiscal
16 Year 2004-05, And Making An Appropriation Therefor.

17
18 Approved May 12, 2004 at 9:45 A.M.

19
20 **HB04-1417** Concerning The Transfer Of Moneys In The Colorado
21 Heritage Communities Fund To The General Fund.

22
23 Approved May 12, 2004 at 9:45 A.M.

24
25 **HB04-1419** Concerning A Requirement That Private Prison
26 Contractors Reimburse The State Only For Monitoring
27 Costs Associated With Monitoring Out-Of-State Inmates
28 With A Corresponding Reduction In The Private Prison
29 Reimbursement Rate From \$50.37 Per Inmate Per Day To
30 \$49.56 Per Inmate Per Day, And Making An
31 Appropriation In Connection Therewith.

32
33 Approved May 12, 2004 at 9:50 A.M.

34
35 **HB04-1445** Concerning The Timing Of Meetings Of The Ballot Title
36 Board.

37
38 Approved May 12, 2004 at 9:53 A.M.

39 Sincerely,
40 (signed)
41 Bill Owens
42 Governor

43
44
45 I certify I received the following on the 17th day of May, 2004, at
46 2:25 p.m. The original is on file in the records of the House of
47 Representatives of the General Assembly.

48
49
50 Judith Rodrigue,
Chief Clerk of the House

51 May 17, 2004
52 To the Honorable
53 House of Representatives
54 Sixty-fourth General Assembly
55 Second Regular Session
56 Denver, CO 80203

1 Ladies and Gentlemen:

2

3 I have the honor to inform you that I have approved and filed with the
4 Secretary of State the following acts:

5

6 **HB04-1150** Concerning The Creation Of The “Commonsense
7 Consumption Act”.

8

9 Approved May 17, 2004 at 10:14 A.M.

10

11 **HB04-1237** Concerning The Authorization For Retailers To Be Held
12 Harmless For Collecting The Incorrect Amount Of State
13 Collected Sales And Use Tax Due On A Purchase When
14 Relying On A Certified Electronic Database Of Addresses
15 To Determine The Jurisdictions To Which Tax Is Owed.

16

17 Approved May 17, 2004 at 10:17 A.M.

18 Sincerely,

19 (signed)

20 Bill Owens

21 Governor

22

23

24 I certify I received the following on the 20th day of May, 2004, at
25 4:00 p.m. The original is on file in the records of the House of
26 Representatives of the General Assembly.

27

28

29

Judith Rodrigue,
Chief Clerk of the House

30 May 20, 2004

31

32 To the Honorable
33 House of Representatives
34 Sixty-fourth General Assembly
35 Second Regular Session
36 Denver, CO 80203

37

38 Ladies and Gentlemen:

39

40 I have the honor to inform you that I have approved and filed with the
41 Secretary of State the following acts:

42

43 **HB04-1435** Concerning Legislative Approval Of Air Quality Control
44 Commission Action On March 12, 2004, Regarding
45 Ozone.

46

47 Approved May 20, 2004 at 10:17 A.M.

48

49 Sincerely,

50 (signed)

51 Bill Owens

52 Governor

53

54

55

1 I certify I received the following on the 24th day of May, 2004, at
2 11:19 a.m. The original is on file in the records of the House of
3 Representatives of the General Assembly.

4
5 Judith Rodrigue,
6 Chief Clerk of the House

7 May 21, 2004

8
9 To the Honorable
10 House of Representatives
11 Sixty-fourth General Assembly
12 Second Regular Session
13 Denver, CO 80203

14
15 Ladies and Gentlemen:

16
17 I have the honor to inform you that I have approved and filed with the
18 Secretary of State the following acts:

19
20 **HB04-1021** Concerning The Consumption Of Alcohol, And Making
21 An Appropriation Therefor.

22
23 Approved May 20, 2004 at 10:21 A.M.

24
25 **HB04-1193** Concerning Requirements For Operating A Motor Vehicle
26 With Valid Proof Of Complying Insurance.

27
28 Approved May 20, 2004 at 10:22 A.M.

29
30 Sincerely,
31 (signed)
32 Bill Owens
33 Governor

34
35
36 May 21, 2004

37
38 To the Honorable
39 House of Representatives
40 Sixty-fourth General Assembly
41 Second Regular Session
42 Denver, CO 80203

43
44 Ladies and Gentlemen:

45
46 I have the honor to inform you that I have approved and filed with the
47 Secretary of State the following acts:

48
49 **HB04-1015** Concerning The Authorization Of Specified Persons To
50 Obtain Drugs Commonly Used In Connection With
51 Animal Control Activities, And Making An Appropriation
52 Therefor.

53
54 Approved May 21, 2004 at 1:56 P.M.

- 1 **HB04-1016** Concerning The Addition Of Certain Obscenity Offenses
2 To The Colorado Sex Offender Registration Act” That
3 Requires Registration Upon Conviction Of The Offense,
4 And Making An Appropriation Therefor.
5
6 Approved May 21, 2004 at 1:56 P.M.
7
- 8 **HB04-1030** Concerning The Evaluation Of The Colorado Works
9 Program, And Making An Appropriation In Connection
10 Therewith.
11
12 Approved May 21, 2004 at 1:56 P.M.
13
- 14 **HB04-1061** Concerning The Utilization Of Child Advocacy Centers.
15
16 Approved May 21, 2004 at 1:57 P.M.
17
- 18 **HB04-1072** Concerning The Authority Of The Governing Body Of A
19 Municipality To Submit To The Registered Electors Of
20 The Municipality The Question Of Changing The Regular
21 Election Date Of The Municipality.
22
23 Approved May 21, 2004 at 1:57 P.M.
24
- 25 **HB04-1075** Concerning Continued Services For Women In The
26 Treatment Program For High-Risk Pregnant Women, And
27 Making An Appropriation Therefor.
28
29 Approved May 21, 2004 at 1:57 P.M.
30
- 31 **HB04-1077** Concerning The Requirement That A Current Background
32 Investigation Be Conducted On Persons Who Apply For
33 Placement On Certain Treatment Services Provider Lists,
34 And Making An Appropriation Therefor.
35
36 Approved May 21, 2004 at 1:57 P.M.
37
- 38 **HB04-1079** Concerning Standard Nonforfeiture Regulation For
39 Individual Deferred Annuities Offered By Insurers.
40
41 Approved May 21, 2004 at 1:58 P.M.
42
- 43 **HB04-1102** Concerning The Regulation Of Dental Health Care
44 Providers By The State Board Of Dental Examiners.
45
46 Approved May 21, 2004 at 1:58 P.M.
47
- 48 **HB04-1107** Concerning The Transfer Of The Office Of Homeless
49 Youth Services From The Department Of Public Health
50 And Environment To The Department Of Human Services,
51 And Making An Appropriation In Connection Therewith.
52
53 Approved May 21, 2004 at 1:58 P.M.
54
55

- 1 **HB04-1121** Concerning The Treatment Under Laws Regulating
2 Campaign Finance Of Contributions To Persons Involved
3 In The Political Process.
4
5 Approved May 21, 2004 at 1:59 P.M.
6
- 7 **HB04-1157** Concerning The Procedures For Purging Title To A
8 Manufactured Home.
9
10 Approved May 21, 2004 at 1:59 P.M.
11
- 12 **HB04-1171** Concerning Directing The State Personnel Director To
13 Investigate The Feasibility Of Establishing A Retirement
14 Health Savings Trust For The Benefit Of State Employees.
15
16 Approved May 21, 2004 at 1:59 P.M.
17
- 18 **HB04-1177** Concerning Health Insurance, And, In Connection
19 Therewith, Making It A Deceptive Trade Practice Under
20 The Consumer Protection Act To Sell Health Discount
21 Services Without Certain Disclosures And Increasing
22 Incentives For Insurers To Provide Health Benefit
23 Coverage To Multiple Employer Welfare Arrangements.
24
25 Approved May 21, 2004 at 2:14 P.M.
26
- 27 **HB04-1202** Concerning The Funding Of "Colorado History Day", And
28 Making An Appropriation Therefor.
29
30 Approved May 21, 2004 at 2:00 P.M.
31
- 32 **HB04-1219** Concerning Community Transition Services For Eligible
33 Persons Under The "Home- And Community-Based
34 Services For The Elderly, Blind, And Disabled Act", And
35 Making An Appropriation In Connection Therewith.
36
37 Approved May 21, 2004 at 2:00 P.M.
38
- 39 **HB04-1221** Concerning The Funding Of Colorado Water Conservation
40 Board Projects, And Making Appropriations In
41 Connection Therewith.
42
43 Approved May 21, 2004 at 2:01 P.M.
44
- 45 **HB04-1231** Concerning The Conditions Applicable To The Holders Of
46 Commercial Drivers' Licenses.
47
48 Approved May 21, 2004 at 2:01 P.M.
49
- 50 **HB04-1234** Concerning Measures To Enhance Consumer Protection
51 For Certain Motor Vehicle Coverages.
52
53 Approved May 21, 2004 at 2:02 P.M.
54
55

- 1 **HB04-1251** Concerning Continuation Of The Regulation Of Mental
2 Health Professionals By The Department Of Regulatory
3 Agencies, And Making An Appropriation In Connection
4 Therewith.
5
6 Approved May 21, 2004 at 2:03 P.M.
7
- 8 **HB04-1263** Concerning The Removal Of The Requirement Under
9 Colorado Law For Submission Of A Social Security
10 Number On An Application For A License Issued By The
11 Division Of Wildlife
12
13 Approved May 21, 2004 at 2:26 P.M.
14
- 15 **HB04-1269** Concerning Creation Of The Crime Of Criminal Operation
16 Of A Device In A Motion Picture Theater
17
18 Approved May 21, 2004 at 2:04 P.M.
19
- 20 **HB04-1344** Concerning The Ability Of Landowners To Petition To Be
21 Included In The Denver Metropolitan Scientific and
22 Cultural Facilities District.
23
24 Approved May 21, 2004 at 2:04 P.M.
25
- 26 **HB04-1358** Concerning An Income Tax Checkoff For The Colorado
27 State Fair And Industrial Exposition, And Making An
28 Appropriation In Connection Therewith.
29
30 Approved May 21, 2004 at 2:05 P.M.
31
- 32 **HB04-1361** Concerning Area Vocational Schools.
33
34 Approved May 21, 2004 at 2:06 P.M.
35
- 36 **HB04-1386** Concerning Physical Notice Through A Salvage Brand To
37 Potential Purchasers That A Motor Vehicle Has Been
38 Salvaged.
39
40 Approved May 21, 2004 at 2:07 P.M.
41
- 42 **HB04-1390** Concerning The Requirement That Each Health Insurer
43 Provide Information To Consumers Regarding Covered
44 Benefits For Cancer Screening On The Colorado Health
45 Benefit Plan Description Form.
46
47 Approved May 21, 2004 at 2:07 P.M.
48
- 49 **HB04-1399** Concerning Statutory Provisions Governing Limited
50 Liability Companies Contained In Title 7 Of The Colorado
51 Revised Statutes.
52
53 Approved May 21, 2004 at 2:07 P.M.
54
55

1 **HB04-1404** Concerning Investments By Local Governments, And, In
2 Connection Therewith, Amending Provisions Governing
3 The Issuance Of Securities And Increasing The Range Of
4 Investment Vehicles Available To Local Governmental
5 Entities.
6

7 Approved May 21, 2004 at 2:07 P.M.
8

9 **HB04-1406** Concerning Notification To The Public Of Professional
10 Malpractice Judgments By The State Board Of Medical
11 Examiners.
12

13 Approved May 21, 2004 at 2:08 P.M.
14

15 **HB04-1414** Concerning The Distribution Of The Excess Of The
16 Amount Set Aside From Federal Revenues Earned By The
17 State Pursuant To Title IV-E Of The Federal "Social
18 Security Act", As Amended, And Making An
19 Appropriation Therefor.
20

21 Approved May 21, 2004 at 2:09 P.M.
22

23 **HB04-1420** Concerning The Fiscal Policy Of The State For The 2003-
24 04 State Fiscal Year In Relation To The Statutorily
25 Required General Fund Reserve.
26

27 Approved May 21, 2004 at 2:10 P.M.
28

29 **HB04-1425** Concerning The Legal Publication Of State Ballot
30 Measures.
31

32 Approved May 21, 2004 at 2:11 P.M.
33

34 Sincerely,
35 (signed)
36 Bill Owens
37 Governor
38

39
40 I certify I received the following on the 26th day of May, 2004, at
41 10:15 a.m. The original is on file in the records of the House of
42 Representatives of the General Assembly.
43

44 Judith Rodrigue,
45 Chief Clerk of the House
46

47 May 25, 2004
48

49 To the Honorable
50 House of Representatives
51 Sixty-fourth General Assembly
52 Second Regular Session
53 Denver, CO 80203
54

55 Ladies and Gentlemen:
56

1 I have the honor to inform you that I have approved and filed with the
2 Secretary of State the following acts:

3
4 **HB04-1003** Concerning Laws Related To The Impersonation Of A
5 Peace Officer, And Making An Appropriation Therefor.

6
7 Approved May 25, 2004 at 11:24 A.M.

8
9 Sincerely,
10 (signed)
11 Bill Owens
12 Governor

13
14
15 I certify I received the following on the 28th day of May, 2004, at
16 10:40 a.m. The original is on file in the records of the House of
17 Representatives of the General Assembly.

18
19 Judith Rodrigue,
20
21 Chief Clerk of the House

22
23 May 27, 2004

24
25 To the Honorable
26 House of Representatives
27 Sixty-fourth General Assembly
28 Second Regular Session
29 Denver, CO 80203

30
31 Ladies and Gentlemen:

32
33 I have the honor to inform you that I have approved and filed with the
34 Secretary of State the following acts:

35
36 **HB04-1006** Concerning The Classification Of A Dependent Of A
37 Member Of The Armed Forces For Purposes Of
38 Determining Tuition At Public Institutions Of Higher
39 Education.

40
41 Approved May 27, 2004 at 1:52 P.M.

42
43 **HB04-1347** Concerning Tuition Assistance To Members Of The
44 Colorado National Guard, And Making An Appropriation
45 In Connection Therewith.

46
47 Approved May 27, 2004 at 1:53 P.M.

48
49 Sincerely,
50 (signed)
51 Bill Owens
52 Governor

1 I certify I received the following on the 1st day of June, 2004, at
2 2:25 p.m. The original is on file in the records of the House of
3 Representatives of the General Assembly.

4
5 Judith Rodrigue,
6 Chief Clerk of the House
7

8 May 28, 2004
9

10 To the Honorable
11 House of Representatives
12 Sixty-fourth General Assembly
13 Second Regular Session
14 Denver, CO 80203
15

16 Ladies and Gentlemen:
17

18 I have the honor to inform you that I have approved and filed with the
19 Secretary of State the following acts:
20

21 **HB04-1017** Concerning The Age At Which A Person May Lawfully
22 Drive A Motor Vehicle, And Making An Appropriation In
23 Connection Therewith.
24

25 Approved May 28, 2004 at 1:50 P.M.
26

27 **HB04-1034** Concerning Electronic Renewal Of A Driver's License.
28

29 Approved May 28, 2004 at 1:50 P.M.
30

31 **HB04-1086** Concerning The Structure Of The State System Of
32 Community Colleges.
33

34 Approved May 28, 2004 at 2:04 P.M.
35

36 **HB04-1104** Concerning Educator Licensure, And Making An
37 Appropriation In Connection Therewith.
38

39 Approved May 28, 2004 at 1:51 P.M.
40

41 **HB04-1115** Concerning The Continuation Of The State Board Of
42 Registration For Professional Engineers And Professional
43 Land Surveyors.
44

45 Approved May 28, 2004 at 1:51 P.M.
46

47 **HB04-1117** Concerning A Grace Period In Which A Health Insurance
48 Carrier May Reenter The Colorado Insurance Market
49 Without Penalty.
50

51 Approved May 28, 2004 at 1:51 P.M.
52

53 **HB04-1123** Concerning The Operation Of The Colorado Mental
54 Health Institute At Fort Logan.
55

56 Approved May 28, 2004 at 1:52 P.M.

- 1 **HB04-1135** Concerning The Regulation Of Wildlife, And, In
2 Connection Therewith, Authorizing Wildlife Sanctuaries,
3 And Making An Appropriation.
4
5 Approved May 28, 2004 at 1:52 P.M.
6
- 7 **HB04-1190** Concerning Economic Development Incentives, And, In
8 Connection Therewith, Allowing A Certified Capital
9 Company To Use Proceeds Or Gains From The Use Of
10 Certified Capital To Pay Taxes Passed Through To The
11 Equity Owners Of The Certified Capital Company And
12 Modifying The Circumstances Under Which A Certified
13 Capital Company May Make Distributions From Certified
14 Capital.
15
16 Approved May 28, 2004 at 1:53 P.M.
17
- 18 **HB04-1199** Concerning Nonfelony Traffic Matters Involving Minors
19 Under The Age Of Eighteen Years.
20
21 Approved May 28, 2004 at 1:53 P.M.
22
- 23 **HB04-1207** Concerning Higher Education Fixed-Rate Contracts.
24
25 Approved May 28, 2004 at 1:54 P.M.
26
- 27 **HB04-1210** Concerning Authority Of The Insurance Commissioner To
28 Promulgate Rules Related To The Administration Of
29 Medical Payments Coverage For The Purposes Of Motor
30 Vehicle Insurance.
31
32 Approved May 28, 2004 at 1:54 P.M.
33
- 34 **HB04-1227** Concerning Voting Systems.
35
36 Approved May 28, 2004 at 1:55 P.M.
37
- 38 **HB04-1256** Concerning An Expansion Of The Period During Which
39 An Interruptible Water Supply Agreement May Operate,
40 And Making An Appropriation Therefor.
41
42 Approved May 28, 2004 at 1:56 P.M.
43
- 44 **HB04-1284** Concerning Audit Procedures Related To Providers Under
45 The "Colorado Medical Assistance Act".
46
47 Approved May 28, 2004 at 1:56 P.M.
48
- 49 **HB04-1300** Concerning The Regulation Of Notaries Public, And, In
50 Connection Therewith, Modernizing The Office Of Notary
51 Public, And Making An Appropriation.
52
53 Approved May 28, 2004 at 1:57 P.M.
54
55

- 1 **HB04-1375** Concerning Limitations On Education Regarding
2 Manifestations Of Human Sexuality.
3
4 Approved May 28, 2004 at 1:58 P.M.
5
- 6 **HB04-1376** Concerning The Sealing Of Arrest Records In Cases That
7 Are Not Adjudicated Due To Plea Agreements.
8
9 Approved May 28, 2004 at 1:58 P.M.
10
- 11 **HB04-1387** Concerning Changes To The Procedural Criminal Laws.
12
13 Approved May 28, 2004 at 1:59 P.M.
14
- 15 **HB04-1393** Concerning Amendments To The Colorado "Ski Safety
16 Act Of 1979" To Reflect Evolution In The Sport Of
17 Skiing.
18
19 Approved May 28, 2004 at 1:59 P.M.
20
- 21 **HB04-1397** Concerning The Financing Of Public Schools, And
22 Making An Appropriation Therefor.
23
24 Approved May 28, 2004 at 2:00 P.M.
25
- 26 **HB04-1398** Concerning Statutory Provisions Governing Business
27 Entities Contained In Title 7 Of The Colorado Revised
28 Statutes.
29
30 Approved May 28, 2004 at 2:00 P.M.
31
- 32 **HB04-1405** Concerning The Power Of The Colorado Educational And
33 Cultural Facilities Authority To Enter Into Additional
34 Financing Agreements.
35
36 Approved May 28, 2004 at 2:01 P.M.
37
- 38 **HB04-1411** Concerning The Administration Of Appropriated Moneys.
39
40 Approved May 28, 2004 at 2:01 P.M.
41
- 42 **HB04-1430** Concerning The Dates By Which Certain Action Is To Be
43 Taken Affecting Municipal Elections.
44
45 Approved May 28, 2004 at 2:02 P.M.
46
- 47 **HB04-1431** Concerning The Continuation Of The Wildlife
48 Management Public Education Advisory Council.
49
50 Approved May 28, 2004 at 2:03 P.M.
51
- 52 **HB04-1438** Concerning Hospital Reimbursements Under The
53 Colorado Indigent Care Program.
54
55 Approved May 28, 2004 at 2:03 P.M.
56

1 **HB04-1441** Concerning Consumer Protections Regarding Financial
2 Matters, And, In Connection Therewith, Limiting The Use
3 Of Lender Information In Solicitations And Expanding
4 The Definition Of Security Accounts For The Purposes Of
5 Nonprobate Transfers Upon Death.

6
7 Approved May 28, 2004 at 2:04 P.M.

8
9 **HB04-1446** Concerning The Ability Of A State Employee To Receive
10 Compensation From More Than One State Agency.

11
12 Approved May 28, 2004 at 2:05 P.M.

13
14 **HB04-1448** Concerning The Regulation Of Trade Names.

15
16 Approved May 28, 2004 at 2:06 P.M.

17
18 **HB04-1449** Concerning The Authority Of The State Personnel
19 Director To Establish The Group Benefit Plan Year.

20
21 Approved May 28, 2004 at 2:07 P.M.

22
23 **HB04-1451** Concerning The Collaborative Management Of Multi-
24 Agency Services Provided To Children.

25
26 Approved May 28, 2004 at 2:06 P.M.

27
28 **HB04-1454** Concerning A Supplemental Appropriation To The
29 Department Of Higher Education.

30
31 Approved May 28, 2004 at 2:07 P.M.

32
33 **HB04-1456** Concerning The Authorization Of The Department Of
34 Transportation To Dispose Of Non-Right-Of-Way
35 Property For The Purpose Of Entering Into A Lease With
36 An Option To Purchase.

37
38 Approved May 28, 2004 at 2:08 P.M.

39 Sincerely,
40 (signed)
41 Bill Owens
42 Governor

43
44
45 I certify I received the following on the 3rd day of June, 2004, at
46 2:30 p.m. The original is on file in the records of the House of
47 Representatives of the General Assembly.

48
49
50 June 3, 2004

Judith Rodrigue,
Chief Clerk of the House

51
52 To the Honorable
53 House of Representatives
54 Sixty-fourth General Assembly
55 Second Regular Session
56 Denver, CO 80203

1 Ladies and Gentlemen:

2

3 I have the honor to inform you that I have approved and filed with the
4 Secretary of State the following acts:

5

6 **HB04-1141** Concerning Charter Schools.

7

8 Approved June 3, 2004 at 10:21 A.M.

9

10 **HB04-1362** Concerning The Authorization Of Institute Charter
11 Schools By The State Charter School Institute, And
12 Making An Appropriation Therefor.

13

14 Approved June 3, 2004 at 10:21 A.M.

15

16 **HB04-1433** Concerning The Longitudinal Measurement Of Student
17 Academic Growth.

18

19 Approved June 3, 2004 at 10:21 A.M.

20

21 Sincerely,
22 (signed)
23 Bill Owens
24 Governor

25

26

27

28 I certify I received the following on the 4th day of June, 2004, at
29 1:45 p.m. The original is on file in the records of the House of
30 Representatives of the General Assembly.

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Judith Rodrigue,
Chief Clerk of the House

June 4, 2004

To the Honorable
House of Representatives
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the
Secretary of State the following acts:

HB04-1373 Concerning Modifications To The "State Personnel
System Act".

Approved June 4, 2004 at 10:28 A.M.

Sincerely,
(signed)
Bill Owens
Governor

1 June 4, 2004

2

3 To the Honorable
4 House of Representatives
5 Sixty-fourth General Assembly
6 Second Regular Session
7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

11 I have the honor to inform you that I have approved and filed with the
12 Secretary of State the following acts:

13

14 **HB04-1080** Concerning The "Uniform Arbitration Act".

15

16 Approved June 4, 2004 at 11:00 A.M.

17

18 **HB04-1089** Concerning A Preference For The Purchase Of Colorado
19 Agricultural Products By Governmental Entities.

20

21 Approved June 4, 2004 at 11:00 A.M.

22

23 **HB04-1134** Concerning The Administration Of Programs Relating To
24 The Prohibition Against Using Identity Information For
25 An Unlawful Purpose.

26

27 Approved June 4, 2004 at 11:00 A.M.

28

29 **HB04-1189** Concerning Changes To Decrease The Disparity Between
30 The Time Sentenced And The Time Served By Individuals
31 Who Are Convicted Of Violent Crimes.

32

33 Approved June 4, 2004 at 11:01 A.M.

34

35 **HB04-1203** Concerning Limitations On The Power Of Governmental
36 Entities To Restrict The Rights Of Property Owners.

37

38 Approved June 4, 2004 at 11:01 A.M.

39

40 **HB04-1236** Concerning Notice Requirements To Be Made By An
41 Insurer To An Applicant For Homeowner's Insurance

42

43 Approved June 4, 2004 at 11:27 A.M.

44

45 **HB04-1240** Concerning Continuation Of The Regulation Of Bail
46 Bonding Agents By The Division Of Insurance.

47

48 Approved June 4, 2004 at 11:01 A.M.

49

50 **HB04-1254** Concerning Investigations Of Child Care Providers.

51

52 Approved June 4, 2004 at 11:02 A.M.

53

54

55

- 1 **HB04-1261** Concerning The Regulation Of Dangerous Dogs, And
2 Making An Appropriation Therefor.
3
4 Approved June 4, 2004 at 11:02 A.M.
5
- 6 **HB04-1277** Concerning The Child Care Commission, And, In
7 Connection Therewith, Modifying The Responsibilities Of
8 The Commission And Changing The Name Of The
9 Commission To The Early Childhood And School
10 Readiness Commission, And Making An Appropriation
11 Therefor.
12
13 Approved June 4, 2004 at 11:03 A.M.
14
- 15 **HB04-1292** Concerning Requirements Of An Insurer Regarding
16 Factors That May Negatively Affect An Insured's Ability
17 To Obtain Homeowner's Insurance.
18
19 Approved June 4, 2004 at 11:25 A.M.
20
- 21 **HB04-1311** Concerning Identity Theft.
22
23 Approved June 4, 2004 at 11:19 A.M.
24
- 25 **HB04-1360** Concerning Financial Literacy Education Within Public
26 Schools, And Making An Appropriation In Connection
27 Therewith.
28
29 Approved June 4, 2004 at 11:04 A.M.
30
- 31 **HB04-1365** Concerning Water Planning By Retail Water Providers.
32
33 Approved June 4, 2004 at 11:05 A.M.
34
- 35 **HB04-1426** Concerning A Requirement That Applicants For A Mining
36 Permit Issued Pursuant To The "Colorado Mined Land
37 Reclamation Act" Mail A Copy Of The Application To
38 Only Those Surface Owners Whose Interests Appear Of
39 Record.
40
41 Approved June 4, 2004 at 11:05 A.M.
42
- 43 **HB04-1428** Concerning A Moratorium On The Granting Of Permits
44 To Create A Landfill In Which To Dispose Only Of Tires.
45
46 Approved June 4, 2004 at 11:06 A.M.
47
- 48 **HB04-1447** Concerning The Enrollment In The Children's Basic
49 Health Plan Of A Child Who Is No Longer Eligible For
50 Medicaid Due To The Implementation Of Senate Bill 03-
51 176, And Making An Appropriation Therefor.
52
53 Approved June 4, 2004 at 11:06 A.M.
54
55

1 **HB04-1465** Concerning The Capital Development Committee.

2

3

Approved June 4, 2004 at 11:06 A.M.

4

5 Sincerely,

6 (signed)

7 Bill Owens

8 Governor

9

10

11 June 4, 2004

12

13 The Honorable Colorado House of Representatives

14 Sixty-Fourth General Assembly

15 Second Regular Session

16 Denver, CO 80203

17

18 Ladies and Gentlemen:

19

20 I am filing with the Secretary of State House Bill 04-1309, "Concerning
21 the Creation of a Safe Routes to School Program, and Making an
22 Appropriation in Connection therewith." I will neither sign nor veto
23 House Bill 04-1309. Therefore, this bill becomes law at 12:01 A.M. on
24 June 5. This letter sets forth my reasons for letting this bill become law
25 without my signature.

26

27 Providing safe routes for our children to travel to and from school is a
28 laudable goal. That is why Congress will likely create a "Safe Routes to
29 School" program to improve sidewalks and pathways near schools in the
30 reauthorization of federal highway legislation. House Bill 04-1309
31 creates an advisory board to review applications for the federal Safe
32 Routes to School program and to make recommendations on those
33 applications to the Colorado Transportation Commission.

34

35 House Bill 04-1309 is likely premature, as it may require the Commission
36 to promulgate rules on the federal Safe Routes to School program even
37 before Congress establishes the program. Passage of a comprehensive
38 federal highway reauthorization bill prior to the adjournment of the 108th
39 Congress is growing less likely. Because House Bill 04-1309
40 appropriates funds to study and promulgate the rules in Fiscal Year 2004-
41 2005, it can be assumed that the rules must be completed in that time
42 frame, regardless of the status of the federal program.

43

44 Although I support the intent of the Safe Routes to School program, I am
45 concerned that creating an advisory board sets an untenable precedent for
46 such boards to oversee the distribution of federal transportation grants.
47 Furthermore, I am concerned that the General Assembly is creating a
48 program to distribute federal funds over which the General Assembly
49 holds no power to allocate or appropriate. The Transportation
50 Commission promulgates rules for the management of dozens, if not
51 hundreds, of federal transportation programs meant to improve public
52 mobility and traffic safety. Managing these programs requires as much
53 flexibility as possible to address statewide transportation needs. House
54 Bill 04-1309 creates a nine member advisory board that must include
55 educators, parents, bicyclists, pedestrians and law enforcement personnel.
56 While board members from these fields may provide the Commission

1 with keen insight into the subject of safe school environments, they are
2 not likely to be versed in the transportation needs of our state and in the
3 role of the Commission to meet those needs.

4
5 Despite these concerns, I look forward to working with the bill sponsors
6 and the Transportation Commission in the coming months to ensure that
7 Colorado's Safe Routes to School program becomes a model program
8 nationwide.

9
10 Accordingly, I am allowing this bill to become law without my signature.

11
12 Sincerely,
13 (signed)
14 Bill Owens

15
16
17
18 June 4, 2004

19
20 The Honorable Colorado House of Representatives
21 Sixty-Fourth General Assembly
22 First Regular Session
23 Denver, CO 80203

24
25 Ladies and Gentlemen:

26
27 I am filing with the Secretary of State House Bill 04-1359, "Concerning
28 the Relocation of the Colorado Geological Survey from the Department
29 of Natural Resources to the Colorado School of Mines." I will neither
30 sign nor veto House Bill 04-1359. Therefore, this bill becomes law at
31 12:01 A.M. on June 5. This letter sets forth my reasons for letting this
32 bill become law without my signature.

33
34 This bill provides for a collaborative study of the benefits and
35 disadvantages of relocating the Colorado Geological Survey from the
36 Department of Natural Resources to the Colorado School of Mines.
37 Insofar as it may identify areas of potential collaboration between the
38 Geological Survey and the School of Mines in the fields of research and
39 applied geology, this proposed study will benefit the people of Colorado.
40 At the same time, our State stands to gain from a better understanding of
41 comparative administrative structures used in other States for their
42 geological surveys. In our federal framework, each State serves as its
43 own laboratory for public policy, and in the area of geology, as in so
44 many other policy areas, Colorado can only benefit from an awareness of
45 the lessons and experience of neighboring States.

46
47 I remain concerned, however, that certain language in this bill, including
48 its title, contemplates a recommendation that the Geological Survey
49 should be relocated from the Department of Natural Resources to the
50 School of Mines. I have expressed my opposition to such a transfer on
51 multiple occasions in the past. Relocating the Geological Survey out of
52 the Department of Natural Resources not only would introduce
53 inefficiency and further cost into our state government, but also would
54 erode Executive Branch authority over the performance of a vital state
55 function. Nonetheless, the lines of inquiry in the proposed study warrant
56 pursuing on their own merit.

1 Accordingly, I am allowing this bill to become law without my signature.

2

3 Sincerely,

4 (signed)

5 Bill Owens

6

7

8

9 June 4, 2004

10

11 The Honorable Colorado House of Representatives

12 Sixty-Fourth General Assembly

13 Second Regular Session

14 Denver, CO 80203

15

16 Ladies and Gentlemen:

17

18 I am filing with the Secretary of State House Bill 04-1455, "Concerning
19 the Elimination of Appropriations of Revenue made for the Payment of
20 the Expenses of the State of Colorado, including its Departments,
21 Agencies, and Institutions, that are Appropriated on January 1, 2005." I
22 will neither sign nor veto House Bill 04-1455. Therefore, this bill
23 becomes law at 12:01 A.M. on June 5. This letter sets forth my reasons
24 for letting this bill become law without my signature.

25

26 House Bill 04-1455 eliminates most of the appropriations of state
27 revenues for health-related purposes on January 1, 2005. The legislative
28 declaration provides: "By enacting House Bill 04-1455, the General
29 Assembly is reducing the level of state appropriations for health-related
30 purposes that may be required in future fiscal years if any such initiated
31 constitutional amendment is approved by voters and is preserving, to the
32 greatest degree possible, the flexibility of the General Assembly to set the
33 level of funding for state programs and functions, which is inherent in its
34 plenary power of appropriation." While I recognize the hazards of
35 incorporating funding requirements in our state constitution and the
36 difficulties such funding requirements have caused in balancing the
37 state's priorities during the past few years, I believe that some may view
38 House Bill 04-1455 as an attempt to circumvent the voters' intent.

39

40 Accordingly, I am allowing this bill to become law without my signature.

41

42 Sincerely,

43 (signed)

44 Bill Owens

45

46

47

48 June 4, 2004

49

50 The Honorable Colorado House of Representatives

51 Sixty-Fourth General Assembly

52 Second Regular Session

53 Denver, CO 80203

54

55 Ladies and Gentlemen:

56

1 I am filing with the Secretary of State House Bill 04-1421, "Concerning
2 the Allocation of Tobacco Settlement Monies Received by the State, and
3 Making an Appropriation therefore." Approved in part and disapproved
4 in part on June 4, 2004 at 10:55 A.M.

5
6 Under article IV, section 12 of the Colorado Constitution, I have the
7 "power to disapprove of any item or items of any bill making
8 appropriations of money, embracing distinct items." I have exercised this
9 power with respect to certain distinct items in House Bill 04-1421.
10 Pursuant to the Colorado Constitution, I am forwarding copies of the
11 vetoed items from this bill, with my objections, to the Secretary of State.
12 While I have approved the House Bill 04-1421 as a whole, I have vetoed
13 certain distinct items. In lining through these provisions, I have vetoed
14 the following items:

15
16 1. Section 17, subsections (1)(a) and (b), that provide:

17
18 (a) The appropriation for assistance to public schools, grant programs and
19 other distributions, Read-to-Achieve cash fund, is decreased by twelve
20 million seven hundred twenty-eight thousand two hundred fifteen dollars
21 (\$12,728,215). Said sum shall be cash funds exempt from the tobacco
22 litigation settlement cash fund pursuant to section 24-75-1104.5, C.R.S.

23
24 (b) The appropriation for assistance to public schools, grant programs and
25 other distributions, Read-to-Achieve grant program, is decreased by
26 twelve million seven hundred twenty-eight thousand two hundred fifteen
27 dollars (\$12,728,215). Said sum shall be cash funds exempt from the
28 read-to-achieve cash fund created in Section 22-7-506 (4), C.R.S.

29
30 While I am in general agreement with a majority of the provisions of
31 House Bill 04-1421, I believe it makes too drastic of a reduction in an
32 important literacy program for second and third graders. Studies show
33 that intensive reading programs such as Read-to-Achieve help students
34 succeed throughout their school years. It is imperative that we invest in
35 our young children before they fall further behind.

36
37 In order to restore funding to the amount provided in the FY 2004-05
38 general appropriations bill, I have exercised my power to veto certain
39 portions of this bill.

40
41 Sincerely,
42 (signed)
43 Bill Owens

44
45
46 June 4, 2004

47
48 The Honorable Colorado House of Representatives
49 Sixty-Fourth General Assembly
50 Second Regular Session
51 Denver, CO 80203

52
53 Ladies and Gentlemen:

54
55 I am filing with the Secretary of State House Bill 04-1464, "Concerning
56 the Authorization of Additional Personnel to the Department of Education

1 to Provide Assistance to Public Schools Relating to School Capital
2 Construction.” Approved in part and disapproved in part on June 4, 2004
3 at 10:55 A.M.

4
5 It is my constitutional obligation to review the general appropriations bill
6 and exercise the line item veto when necessary. House Bill 04-1464
7 amends the general appropriations bill. While I have approved House
8 Bill 04-1464 as a whole, I have vetoed footnote 16a within the bill.

9
10 Footnote 16a: Department of Education, Assistance to Public
11 Schools, Grant Programs and Other Distributions, State Public
12 School Fund, School Capital Construction Expenditures Reserve
13 – The purpose of this increase in the FTE authorization is to: (a)
14 Improve the department’s ability to efficiently administer the
15 school district capital construction assistance program; and (b) to
16 enhance the department’s ability to provide technical consultation
17 and administrative services to school districts to evaluate the need
18 for capital construction expenditures and the district’s plans for
19 expending any assistance received from the school capital
20 construction expenditures reserve, as required by section 22-54-
21 117(1.5)(c), C.R.S. In connection with this increase in the FTE
22 authorization, the general assembly requests that the department
23 provide information to the Joint Budget Committee by November
24 1, 2004, concerning any recommended statutory changes that may
25 further enhance the Department’s ability to provide technical
26 consultation to school districts or to ensure the efficient
27 administration of the school district capital construction assistance
28 program and the school capital construction expenditures reserve.
29 The department is encouraged to work with and solicit input from
30 various departments, agencies, or institutions of state government
31 with expertise or experience in construction management for the
32 purpose of responding to this footnote.

33
34 This footnote violates the separation of powers in Article III of the
35 Colorado Constitution by attempting to administer the appropriation. In
36 addition, this footnote violates Article V, Section 32 because it constitutes
37 substantive legislation that cannot be included in the general
38 appropriations bill. I will instruct the department to comply to the extent
39 feasible.

40
41 For these reasons, I have exercised my power to veto certain portions of
42 this bill.

43
44 Sincerely,
45 (signed)
46 Bill Owens

47
48
49
50 June 4, 2004

51
52 The Honorable Colorado House of Representatives
53 Sixty-Fourth General Assembly
54 Second Regular Session
55 Denver, CO 80203

56

1 Ladies and Gentlemen:

2
3 I am filing with the Secretary of State House Bill 04-1165, "Concerning
4 Changes to the Felony Threshold Loss Amount in Certain Crimes." I
5 vetoed this bill as of 10:55 A.M. today. This letter sets forth my reasons
6 for doing so.

7
8 House Bill 04-1165 would raise the felony threshold limits from \$500 to
9 \$675, thus permitting a defendant to steal property or services of
10 increased value before such crime is determined to be a felony. This
11 allows someone to commit a crime with an increased value amount and
12 incur a lesser punishment than current law mandates. House Bill 04-1165
13 would give criminals a 25% increase in the amount of goods or services
14 they could steal before being charged with a felony.

15
16 House Bill 04-1165 was introduced as a cost savings measure. The
17 amount of money saved does not compensate for the potential increases
18 in losses suffered by victims of these crimes.

19
20 Accordingly, I have vetoed this bill.

21
22 Sincerely,
23 (signed)
24 Bill Owens

25
26
27
28 June 4, 2004

29
30 The Honorable Colorado House
31 Sixty-Fourth General Assembly
32 Second Regular Session
33 Denver, CO 80203

34
35 Ladies and Gentlemen:

36
37 I am filing with the Secretary of State House Bill 04-1225, "Concerning
38 the Low Income Energy Assistance Act." This bill creates a Low-Income
39 Energy Assistance Program, to be administered by Energy Outreach
40 Colorado, a Colorado non-profit corporation. I vetoed this bill as of
41 10:53 A.M. today. This letter sets forth my reason for doing so.

42
43 House Bill 04-1225 requires Colorado utilities to participate in the
44 Energy Assistance Program and to collect an energy assistance charge
45 from each electric and gas customer beginning on January 1, 2005. That
46 charge will be added to the customer's bill unless he or she affirmatively
47 "opts out" of the charge through a process that would be promulgated by
48 the Public Utility Commission. The presence of the "opt out" provision
49 – which forces consumers to retract a financial commitment made on
50 their behalf by elected officials – causes me to veto this bill.

51
52 I have been a longtime, and consistent, opponent of opt out provisions.
53 In 2000, for example, I was pleased to sign legislation in 2000 that
54 created an "opt-in" system for students at the University of Colorado
55 regarding fees to the Colorado Public Interest Research Group
56 (COPIRG). Students had been assessed the fee but could opt out of the

1 payment. This legislation did the right thing by allowing students to opt
2 in.

3
4 I am not alone in my deep concerns about the fairness and propriety of
5 "opt out" provisions. Colorado was party to a case in 2003 that
6 challenged opt-out marketing practices by H&R Block. Attorney General
7 Ken Salazar said at the conclusion of this case that, "Silence should never
8 mean 'yes' in a consumer transaction. Consumers have the right to
9 expect that they will be charged for only those products or services that
10 they expressly request. Consumers should not have to act to prevent
11 unwanted sales from taking place."

12
13 The Consumer Federation of America also strongly supports opt-in,
14 rather than opt out procedures, stating in the context of a national cell-
15 phone directory, "Someone needs to ask you face-to-face if you want to
16 be listed before they do it."

17
18 Clearly, the opt-out provision of House Bill 04-1225 clearly would result
19 in consumers unwittingly paying a fee that they would otherwise choose
20 not to pay. The evidence for this is the admission by proponents of this
21 legislation that the opt-out provision would raise up to \$8 million more
22 in fees than the current opt in provision does.

23
24 Let me be clear that my focused concern about the opt-out provision,
25 which is resulting in a veto, does not diminish my support for the Low
26 Income Energy Assistance Program. Throughout my term as governor, I
27 have taken significant steps to support this program, putting in an
28 additional \$20 million. Specifically, in 2001, I requested and the
29 Legislature enacted a bill to allocate \$10 million from the state severance
30 tax fund. And last year I allocated \$10 million from flexible federal
31 funds for the program. This is a valuable program, worthy of investment.

32
33 Clearly, "opt out" legislation is controversial, given the close 33-31 vote
34 in the House of Representatives. In contrast, if this legislation had been
35 presented with an opt-in provision, I would have signed it. If such a bill
36 is introduced in the 2005 session, I will support it and sign it into law.

37
38 Sincerely,
39 (signed)
40 Bill Owens

41
42
43
44 June 4, 2004

45
46 The Honorable Colorado House of Representatives
47 Sixty-Fourth General Assembly
48 Second Regular Session
49 Denver, CO 80203

50
51 Ladies and Gentlemen:

52
53 I am filing with the Secretary of State, House Bill 04-1283, "Concerning
54 a Study to Determine the Quality of Education Provided in Colorado's
55 Public High Schools." I vetoed this bill as of 10:55 A.M. today. This
56 letter sets forth my reasons for doing so.

1 House Bill 04-1283 creates a commission to study issues pertaining to
2 high school education in Colorado. This is well intentioned but currently
3 unnecessary legislation. Local school districts understand the importance
4 of improving student achievement in their high schools and are already
5 taking steps to do so. The Mapleton School District, for instance, is
6 completely revamping its high schools under its Choices for Learning
7 initiative. The Denver Public School District recently formed the
8 Secondary School Reform Commission to review best practices and apply
9 them to their own district to boost student achievement. With these and
10 other efforts at high school reform already underway in Colorado, a state
11 commission would only distract from their efforts.
12

13 Furthermore, was I to conclude that a high school commission is
14 warranted, the structure in House Bill 04-1283 is not one I support. First,
15 the bill greatly limits the appointing authority of the Executive Branch.
16 Rather than allow the Governor to appoint from a wide variety of citizens
17 with a stake in high schools, the bill focuses on representatives from a
18 narrow set of trade associations and organizations. Additionally, the bill
19 puts the Department of Education in the awkward position of having to
20 solicit contributions to fund the commission. As I have said in previous
21 veto messages to the General Assembly, I am reluctant to approve
22 legislation with a "tin cup" approach to funding a government endeavor.
23

24 I strongly support further reforms of Colorado's high schools to boost
25 student achievement. Clearly, more work must be done to close the
26 learning gap, reduce drop out rates and boost college enrollment. While
27 I praise the good intentions of the bill sponsors, I conclude that at this
28 time House Bill 04-1283 is not warranted.
29

30 Accordingly, I have vetoed this bill.

31 Sincerely,
32 (signed)
33 Bill Owens
34

35 _____
36
37
38 June 4, 2004
39

40 The Honorable Colorado House of Representatives
41 Sixty-Fourth General Assembly
42 Second Regular Session
43 Denver, CO 80203
44

45 Ladies and Gentlemen:

46
47 I am filing with the Secretary of State, House Bill 04-1367, "Concerning
48 the Exclusion of Certain Areas Located Within the Territorial Boundaries
49 of a Municipality From the Area of a Library District." The bill would
50 have allowed certain entities to request an order excluding a particular
51 area within the territorial boundaries of a municipality from a library
52 district. I vetoed this bill as of 11:54 A.M. today. This letter sets forth
53 my reasons for doing so.
54

55 This bill will allow municipalities to withdraw from library districts
56 without a vote of the electors affected by such action. Residents of the

1 withdrawing municipality would continue to bear the burden of paying
2 their proportional share of any debt incurred by the existing library
3 district as well as the burden of financing a new municipal library. It will
4 lead to the fragmentation of library services in communities throughout
5 the state, a possible decrease in the quality of services provided, and the
6 future financial viability of certain library districts.

7
8 House Bill 04-1367 was introduced to address a conflict between two
9 local governments over public library services. This bill clearly
10 represents an issue where local control should be preserved.

11
12 Accordingly, I have vetoed this bill.

13
14 Sincerely,
15 (signed)
16 Bill Owens

17 _____
18
19
20 June 4, 2004

21
22 The Honorable Colorado House of Representatives
23 Sixty-Fourth General Assembly
24 Second Regular Session
25 Denver, CO 80203

26
27 Ladies and Gentlemen:

28
29 I am filing with the Secretary of State, House Bill 04-1423, "Concerning
30 the Indirect Costs of Programs Administered by the State Of Colorado,
31 Which are Funded by Moneys other than State General Fund Moneys
32 Appropriated by the General Assembly." I vetoed this bill as of
33 10:53 A.M. today. This letter sets forth my reasons for doing so.

34
35 While I understand the intent of House Bill 04-1423, I believe its
36 implementation violates the separation of powers principle. Even though
37 the bill gives seemingly benign direction to Executive Branch
38 departments to maximize allowable indirect cost recoveries from federal
39 grants, this bill is actually an attempt by the Legislature to use these
40 collections to reduce the State's General Fund appropriation to these
41 departments, thereby indirectly appropriating federal funds over which
42 the General Assembly currently does not have such authority.

43
44 I appreciate the General Assembly's efforts in managing the recent
45 budget shortfall, but this bill inappropriately expands legislative
46 appropriation authority to non-state funds that are in the purview of the
47 executive branch.

48
49 For these reasons, I vetoed this bill.

50
51 Sincerely,
52 (signed)
53 Bill Owens

1 June 4, 2004

2

3 The Honorable Colorado House of Representatives

4 Sixty-Fourth General Assembly

5 Second Regular Session

6 Denver, CO 80203

7

8 Ladies and Gentlemen:

9

10 I am filing with the Secretary of State House Bill 04-1424, "Concerning
11 the Valuation of Possessory Interests of Negligible Value." I vetoed this
12 bill as of 10:54 A.M. today. This letter sets forth my reasons for doing
13 so.

14

15 House Bill 04-1424 is attempting to exempt from taxation certain,
16 otherwise taxable possessory interests in property when those interests
17 are below certain thresholds. It is my opinion that this legislation violates
18 Article X, Section 3 of the Colorado Constitution that requires uniform
19 taxation unless otherwise exempted by the constitution. A possessory
20 interest of negligible value is not exempt from taxation in the Colorado
21 Constitution.

22

23 Taxation is a legislative power, but is subject to constitutional limitations.
24 The Colorado Supreme Court has struck down similar laws enacted by
25 the General Assembly attempting to exempt certain possessory interests
26 in property, and I believe House Bill 04-1424 may be unconstitutional as
27 well.

28

29 Accordingly, I have vetoed this bill.

30

31 Sincerely,

32 (signed)

33 Bill Owens

34

35

36

37 **REPORTS TO THE COLORADO GENERAL ASSEMBLY**

38

39 The following Reports have been received by the Chief Clerk of the House of
40 Representatives. The reports are on file in the Library of Legislative Council.

41

42 **Colorado Agricultural Development Authority**

43 Twenty-third annual report (pursuant to 35-75-104, CRS)

44

45 **Colorado Commission on Indian Affairs**

46 Annual Report 2003

47

48 **Colorado Commission on Information Management and Governor's Office 49 of Innovation and Technology**

50 Statewide Portal Plan (Response to SB03-336)

51

52 **Colorado Housing and Finance Authority**

53 Community Report 2003

54

55 **Colorado Water Resources and Power Development Authority**

56 Annual Report, Fiscal Year 2003 (pursuant to 37-95-116, CRS)

1 Department of Education

2 Colorado Charter Schools--Examination of the Effect of HB99-1113 on
3 Charter School Funding
4

5 Department of Health Care Policy & Financing

6 Disease Management Demonstration Pilot--April 15, 2004 (pursuant to 26-4-
7 408.5(2), CRS)
8 Executive Summary--Comparative Analysis of Children Enrolled in the
9 Medicaid and CHP+ Programs (pursuant to HB02-1293)
10 Responses to Footnotes SB03-258
11 Footnote 02 - Federal and Cash Exempt Funded Additional FTE
12 Footnote 38 - Safety net financing provider payments update
13

14 Department of Higher Education

15 Commission on Higher Education: Governor's Task Force to Strengthen and
16 Improve the Community College System, Final Report April 5, 2004
17 Institutions of Higher Education Enterprise activity reports (pursuant to 24-
18 77-103(7), CRS)
19 Metropolitan State College of Denver
20 for the third quarter Fiscal Year 2004
21 University of Northern Colorado
22 October 1, 2003 through December 31, 2003
23 University of Colorado Investment Portfolio (pursuant to 23-20-119, CRS)
24

25 Department of Human Services

26 The State Auditor's Performance Audit of the Foster Care Program (pursuant
27 to section 24-1-136, CRS)
28

29 Department of Local Affairs

30 2003 annual report on the distribution and use of the Private Activity Bond
31 (PAB) (pursuant to section 24-32-1707 (9) CRS)
32 Colorado Workforce Development Council: Annual Report
33

34 Department of Natural Resources

35 2003 Annual Report on the Health of Colorado's Forests
36 Colorado State Board of Land Commissioners annual report 2003
37 State Engineer's nineteenth annual report on DAM SAFETY FY 02-03
38 (pursuant to section 37-87-114.4. CRS)
39

40 Department of Public Health and Environment

41 Resonse to Footnote 161 - Department AIDS Drug Assistance Program
42 (Ryan White Act) Activities (pursuant to SB03-258)
43 Third Annual Report on Status of Hazardous Waste Control Program in
44 Colorado (pursuant to section 25-15-301.5(3), CRS--2/1/04)
45

46 Department of Public Safety

47 Local Victim Assistance and Law Enforcement (VALE) fund activity
48 (pursuant to section 24-4.2-108, CRS)
49 2003 Annual Report
50 2004 Grant Awards by Judicial District
51 2004-2005 State VALE Grant Award List
52 Colorado Victim Compensation 2003 Annual report (pursuant to 24-4.1-
53 100.1 CRS)
54 Safety issues raised by living arrangements for and location of sex ffenders
55 in the community (pursuant to section 16-11.7-103 (4)(j), CRS)
56

1 Department of Revenue

2 2003 Colorado Lottery Annual Report (pursuant to section 24-35-211(2),
3 CRS)

4 Division of Gaming

5 Limited Gaming Control Commission Annual report 2003

6 Statement of Gaming Revenues Gaming Taxes, and Expenditures
7 (unaudited) (pursuant to section 12-47.1-203 (i), CRS)

8 for the six (6) months ended December 31, 2003

9 for the seven (7) months ended January 31, 2004

10 for the eight (8) months ended February 29, 2004

11 for the ten (10) months ended April 30, 2004

12 Division of Racing Events: Fifty-fifth Pari-mutuel wagering season 2003
13 (pursuant to section 12-60-302(2), CRS)

14 Statement of lottery revenues, prize disbursements and other expenses
15 (unaudited) (pursuant to 24-35-204 CRS)

16 for the second quarter ended December 31, 2003

17 for the third quarter ended March 31, 2004

18 for the five (5) months ended November 30, 2003

19 for the seven (7) months ended January 31, 2004
20

21 Department of State

22 Annual report on the Operation of the Filing office for the year ending
23 June 30, 2004 (pursuant to 4-9-527, CRS)
24

25 Department of Transportation

26 Law Enforcement Assistance Fund Annual Report 2003 (pursuant to section
27 43-4-404 CRS)
28

29 Department of Treasury

30 Statement of Financial Condition:

31 December 31, 2003

32 March 31, 2004
33

34 Economic Development and International Trade

35 Colorado Economic Development Commission activity report 2003
36
37
38

39 Approved:

40
41
42
43 LOLA SPRADLEY,
44 Speaker

45 Attest:

46
47 JUDITH RODRIGUE,
48 Chief Clerk