

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

First Legislative Day

Wednesday, January 7, 2004

- 1 Colors were posted by the Colorado National Guard.
- 2
- 3 Pledge of Allegiance led by Representative McGihon.
- 4
- 5 Prayer by E. Fred Sullivan, Beulah United Methodist Church.
- 6
- 7 The Speaker called the House to order at 10:00 a.m.
- 8
- 9 The Speaker appointed Judith Rodrigue Temporary Chief Clerk.

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COMMUNICATIONS
STATE OF COLORADO

**Department of
State**

UNITED STATES OF AMERICA) SS. Certificate
STATE OF COLORADO

I, **Donetta Davidson**, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Resignation from Office as filed in this office on the 26th day of June, 2003 by State Representative Timothy Fritz.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 17th day of July, 2003.

(Signed)
Donetta Davidson
Secretary of State

STATE OF COLORADO

**Department of
State**

UNITED STATES OF AMERICA) SS. Certificate
STATE OF COLORADO

I, **Donetta Davidson**, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Certificate

1 of Appointment to Fill a Vacancy as filed in this office on the 16th day
 2 of July, 2003, by the Republican 51st House District Vacancy
 3 Committee, designating the appointment of **James E Welker** to fill the
 4 vacancy in the office of the Colorado State House of Representatives,
 5 District 51, for the Sixty-fourth General Assembly of the State of
 6 Colorado, caused by the resignation of the Honorable Timothy Fritz.

7
 8 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 9 the Great Seal of the State of Colorado, at the City and County of Denver
 10 this 18th day of July 2003.

11
 12 (Signed)
 13 Donetta Davidson
 14 Secretary of State

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 17 **STATE OF COLORADO**

18 **Department of**
 19 **State**

20
 21 **UNITED STATES OF AMERICA**)
 22 **STATE OF COLORADO**) **SS. Certificate**

23
 24 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
 25 hereby certify that the attached is a true and exact copy of the Candidate
 26 Acceptance of Designation and Declaration of Qualification as filed in
 27 this office on the 16th day of July, 2003, by **James E. Welker**, accepting
 28 the appointment of the Republican 51st House District Vacancy
 29 Committee, to fill the vacancy in the office of Colorado State House of
 30 Representatives, District 51, for the Sixty-Fourth General Assembly of
 31 the State of Colorado, caused by the resignation of the Honorable
 32 Timothy Fritz.

33
 34 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 35 the Great Seal of the State of Colorado, at the City and County of Denver
 36 this 18th day of July, 2003.

37
 38 (Signed)
 39 Donetta Davidson
 40 Secretary of State

41
 42 (Note: On July 18, 2003, at 9:00 a.m., James E. Welker of 1757 Stove
 43 Prairie Circle, Loveland, Colorado 80538 was sworn in as Representative
 44 for District 51. Speaker Lola Spradley administered the oath of office in
 45 the Chamber of the House of Representatives.)

47
 48 **STATE OF COLORADO**

49 **Department of**
 50 **State**

51
 52 **UNITED STATES OF AMERICA**)
 53 **STATE OF COLORADO**) **SS. Certificate**

54
 55 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
 56 hereby certify that the attached is a true and exact copy of the letter of

1 Resignation from Office as filed in this office on the 21st day of July,
2 2003, by State Representative Jennifer Veiga.

3
4 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
5 the Great Seal of the State of Colorado, at the City and County of Denver
6 this 4th day of August, 2003.

7
8 (Signed)
9 Donetta Davidson
10 Secretary of State

11 _____
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13 **STATE OF COLORADO**

14 **Department of**
15 **State**

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17 **UNITED STATES OF AMERICA**) **SS. Certificate**
18 **STATE OF COLORADO**)

19
20 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
21 hereby certify that the attached is a true and exact copy of the Certificate
22 of Appointment to Fill a Vacancy as filed in this office on the 31st day
23 of July, 2003, by the Democratic 3rd House District Vacancy Committee,
24 designating the appointment of **Anne L. McGihon** to fill the vacancy in
25 the office of the Colorado State House of Representatives, District 3, for
26 the Sixty-Fourth General Assembly of the State of Colorado, caused by
27 the resignation of the Honorable Jennifer Veiga.

28
29 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
30 the Great Seal of the State of Colorado, at the City and County of Denver
31 this 4th day of August, 2003.

32
33 (Signed)
34 Donetta Davidson
35 Secretary of State

36 _____
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39 **STATE OF COLORADO**

40 **Department of**
41 **State**

42
43 **UNITED STATES OF AMERICA**) **SS. Certificate**
44 **STATE OF COLORADO**)

45
46
47 I, **Donetta Davidson**, Secretary of State of the State of Colorado, do
48 hereby certify that the attached is a true and exact copy of the Acceptance
49 of Designation/Nomination by Vacancy Committee and Declaration of
50 Qualification as filed in this office on the 31st day of July, 2003 by **Anne**
51 **L. McGihon**, accepting the appointment of the Democratic 3rd House
52 District Vacancy Committee, to fill the vacancy in the office of Colorado
53 State House of Representatives, District 3, for the Sixty-Fourth General
54 Assembly of the State of Colorado, caused by the resignation of the
55 Honorable Jennifer Veiga.

56

1 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
2 the Great Seal of the State of Colorado, at the City and County of Denver
3 this 4th day of August, 2003.

4
5 (Signed)
6 Donetta Davidson
7 Secretary of State

8
9 (Note: On August 4, 2003, at 2:30 p.m., Anne McGihon of 238 South
10 Ogden, Denver, Colorado, was sworn in as Representative for District 3.
11 Justice Mary Mallarkey administered the oath of office in the Chamber
12 of the House of Representatives.)

13 _____
14
15 The roll was called with the following result:

16 Present--64.
17 Excused--Representative Lee--1.

18
19
20 The Speaker declared a quorum present.

21 _____
22
23 On motion of Representative King, the Speaker appointed
24 Representatives Mitchell, Chairman, Smith, and Jahn to notify the Senate
25 that the House was organized and ready for business.

26 _____
27
28 House in recess.

29 _____
30
31 The Speaker recognized a committee from the Senate. Senators Johnson,
32 Taylor, and Windels reported that the Senate was organized and ready for
33 business.

34 _____
35
36 House reconvened.

37 _____
38
39 Representative Mitchell, Chairman, of the Committee to Notify the
40 Senate, reported that the Senate had been notified that the House was
41 organized and ready for business.

42 _____
43
44
45 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

46
47 **HJR04-1001** by Representative(s) King, White, Romanoff, Vigil; also
48 Senator(s) Hillman, Andrews, Fitz-Gerald--Concerning a
49 Joint Session of the House of Representatives and the
50 Senate for the purpose of hearing a message from His
51 Excellency, Governor Bill Owens, and appointing a
52 committee to escort the Governor.

53
54 On motion of Representative King, the rules were suspended and the
55 resolution given immediate consideration.

56

1 On motion of Representative King, the resolution was read by title and
2 **adopted by viva voce** vote.

3
4 The Speaker appointed Representatives Sinclair, T. Williams, Miller
5 pursuant to the resolution.

6
7
8 **MESSAGE FROM THE SENATE**
9

10 Madam Speaker:

11
12 The Senate has adopted and transmits herewith: SJR04-001. Pursuant to
13 the resolution, the President appointed Senators Anderson and Tapia.

14
15 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**
16

17
18 On motion of Representative King, the rules were suspended and the
19 resolution given immediate consideration.

20
21 **SJR04-001** by Senator(s) Hillman, Andrews, Fitz-Gerald; also
22 Representative(s) King, Spradley, Romanoff--Concerning
23 the appointment of a joint committee to notify the
24 governor that the Second Regular Session of the Sixty-
25 fourth General Assembly is organized and ready to
26 transact business.

27
28 On motion of Representative King, the resolution was read by title and
29 **adopted by viva voce** vote.

30
31 The Speaker appointed Representatives Berry, chairman, Spence, Miller
32 pursuant to the resolution.

33
34
35 House in recess. House reconvened.
36

37
38 Representative Berry, Chairman, of the Committee to Notify the
39 Governor, reported that the office of the Governor had been notified that
40 the House was organized and ready for business.

41
42
43 Representative King moved that the remarks of Speaker Spradley and
44 Representative Romanoff be printed in the House Journal. There being
45 no objection the remarks were printed.

46
47
48 Speaker Spradley delivered the following address to the House:
49

50 Mr. Majority Leader, Mr. Minority Leader, fellow representatives, staff, family
51 and honored guests: Let me begin by welcoming two new members, one from
52 each side of the aisle, who were not part of the General Assembly when we
53 adjourned in May. Rep. Jim Welker was chosen to replace Tim Fritz, as the
54 representative from House District 51 in Larimer County. And Rep. Anne
55 McGihon was chosen to replace Jennifer Veiga, as the representative from
56 House District 3, which includes parts of Denver and Englewood. Welcome to

1 the General Assembly. We look forward to working with you.

2

3 I would like to give a special thanks to the families of our legislators who will
4 spend many hours away from their loved ones during the legislative session.
5 Over the next 120 days, you won't see enough of your loved ones, and we
6 appreciate the sacrifice you will make while they are doing the people's business.
7 Thank you for your continued support and encouragement.

8

9 Each session brings new challenges -- and new opportunities. Today, as we
10 begin the 2nd Regular Session of the 64th General Assembly, I would like to
11 take a moment to reflect back to this same point in time one year ago.

12

13 When the 2003 session began, we were facing the largest budget shortfall since
14 World War II, a record drought, the aftermath of devastating wildfires and
15 spiraling increases in the cost of purchasing health and auto insurance. Many
16 observers felt the General Assembly would accomplish little more than balancing
17 the state budget.

18

19 They underestimated our resolve. Certainly we had our differences. We had
20 many spirited debates in committee and on this House floor. At the same time,
21 members on both sides of the aisle shared the goal of wanting to minimize the
22 impact budget cuts would have on Coloradans, particularly our most vulnerable
23 citizens. At the end of the day, we were able to balance the budget -- and
24 thereby meet our constitutional responsibility -- with bipartisan cooperation on
25 a number of key votes. We achieved nearly \$1 billion in budget savings, without
26 raising taxes, and we managed to increase funding in four key areas: K-12
27 education, corrections, the judiciary and Medicaid.

28

29 Our successes did not stop there. We passed significant legislation dealing with
30 the economy, education, health care, auto insurance, tort reform, public safety --
31 and more.

32

33 Leading up to the 2004 session, there are some who want to ignore these
34 significant achievements and instead focus all their attention and energy on
35 looking back at just one issue -- congressional redistricting. Admittedly, this was
36 one of the most partisan political battles Colorado has seen in a long time.
37 Feelings ran strong among Republicans and Democrats alike, as they always do
38 during redistricting or reapportionment.

39

40 But I am optimistic that this body can rise above any leftover feelings we might
41 have over redistricting. It is time to move forward. We need to roll up our
42 sleeves and do the people's business.

43

44 Today, we are pleased to have with us several individuals who have faced
45 tremendous challenges of their own. Rather than wringing their hands and
46 thinking of themselves as victims, they have shown courage, determination and
47 optimism in overcoming the obstacles before them. We would do well to follow
48 their example.

49

50 First, I would like to introduce Sergeant First Class Gregory Hatfield. He
51 represents the many fine men and women stationed at Fort Carson who have
52 seen the front lines of the war against terrorism. With Sergeant First Class
53 Hatfield is his wife Erin and their children, Michaela and Connor.

54

55 Each day, the news media reminds us of the danger our troops face in the war
56 on terror. As of Friday, 34 soldiers from Fort Carson have died in Iraq. Overall,

1 nearly 500 U.S. troops have been killed since the war began. Rarely a day goes
2 by without an attack of some type. Families of our men and women in uniform
3 have also had to endure hardships of their own.

4
5 Sergeant First Class Hatfield is a platoon sergeant, and is no stranger to threats
6 on the battlefield. During his seven month long deployment in Iraq, he served as
7 a member of the entry team on several raids looking for weapons and fugitives.
8 He also conducted daily patrols of the main supply route searching for explosive
9 devices targeted at American convoys. Despite the risk, Sergeant First Class
10 Hatfield will be returning to Iraq on the first of February.

11
12 Last month, Time magazine named "The American soldier" as its Person of the
13 Year. In its cover story, Time noted: "...in a year when it felt at times as if we
14 had nothing in common anymore, we were united in this hope: that our men and
15 women at arms might soon come safely home, because their job was done. They
16 are the bright, sharp instrument of a blunt policy, and success or failure in a war
17 unlike any in history ultimately rests with them."

18
19 Sergeant First Class Hatfield, we salute you and your family. We wish you
20 godspeed and a safe return. Please tell your fellow soldiers that they have our
21 prayers and our gratitude.

22
23 Next, let me introduce Carol Kyte, a constituent of mine from Beulah. She is
24 here today with her husband Gary. They have faced a different kind of challenge.

25
26 Carol's daughter Kristi is a single mother who supports two teenage children by
27 working as an occupational therapist for School District 60 in Pueblo. As a
28 result of her diabetes, she had to be placed on kidney dialysis. Then four years
29 ago she underwent a kidney transplant after her mother unselfishly donated one
30 of her kidneys. As Carol said, "Being a mom, it was an easy choice. I wanted my
31 daughter to have a better life."

32
33 The insurance paid for the operation and both Kristi and Carol came through in
34 good shape. But there's another piece to the story. Before doctors would allow
35 the operation, Carol, who was in her late 50s, was put through all kinds of tests
36 to ensure that she was healthy enough to give up one of her kidneys, and
37 afterwards there was additional screening.

38
39 Even though Carol was – and continues to be – in excellent health, she was
40 turned down when she later tried to switch to a less expensive insurance plan.
41 The reason: she was a kidney donor. Society encourages us to be organ donors,
42 and Carol had no forewarning that an insurance company would reject her
43 because she had given the ultimate gift of life. Those who give so unselfishly of
44 themselves should not be the targets of unjust premiums. Carol, we appreciate
45 your bringing this example of unfair discrimination to our attention. This session,
46 we will take up legislation to address this problem.

47
48 As Colorado has seen firsthand, fire can be one of the most devastating forces
49 in nature. The largest wildfire in Colorado history was the Hayman fire, which
50 ignited June 8, 2002. Before it was finally controlled six weeks later, the
51 Hayman fire burned an estimated 137,000 acres and destroyed some 600
52 structures. The cost was nearly \$40 million.

53
54 This morning, I'd like to introduce Mark Knight and his daughter Kami. Two
55 years before the Hayman fire, Mark had realized his long-time dream of starting
56 his own business, an aerial mapping company. He ran the business from his

1 residence on a ranch in northwestern Teller County.

2

3 Shortly after the Hayman fire began, Mark and his children evacuated their
4 home. The fire ended up consuming seven of the 10 structures on the ranch.
5 Although Mark's residence was spared, smoke damage to his equipment was
6 substantial. As a result, he was not able to fulfill several important contracts,
7 which in turn put his aerial photography business in jeopardy.

8

9 Had it not been for financial help he received through the Forest Fire Victims
10 Task Force, Mark believes his business would not have survived. Mark had
11 never been one to ask for help, but he is grateful for the assistance he received
12 and is back on his feet. To give back to the community, he is now serving on the
13 Board of Directors and volunteering as a caseworker for another group which
14 helps the less fortunate in Teller County. Mark, thank you for being with us
15 today and letting me share your story.

16

17 More recently, you may have read about the historic Virginia Dale Church,
18 which was destroyed by fire on November 16, 2003. Authorities believe the fire
19 was due to arson.

20

21 The town of Virginia Dale is located on Highway 287 halfway between Fort
22 Collins and Laramie, Wyoming. It is on the old Overland Trail stagecoach line
23 and has a colorful history. Virginia Dale Church is located about a mile from the
24 old stage coach stop. Originally built of hand hewn logs, the church has always
25 been known for being left unlocked as a welcome shelter for travelers and
26 nearby residents.

27

28 Over the years, anywhere from six to a dozen people have worshiped at the
29 church each Sunday, including Norma Dent, who is with us today. Please help
30 me welcome Norma, her husband Bob and daughter Sheri. Norma is 70 and has
31 attended the Virginia Dale Church her entire life. She was shocked when the
32 church was burned down in November, but says there was never any doubt that
33 it would be rebuilt. Support has poured in from all over. Almost all the work and
34 materials have been donated. The congregation plans to hold a service in
35 someone's house as early as this coming Sunday, and hopes to have the church
36 ready for services in February. Despite the fire, the rebuilt church will continue
37 to leave its doors open to those seeking shelter or a moment of reflection.

38

39 All of the individuals I have introduced today faced enormous challenges. Their
40 stories are remarkable. They could have chosen to be victims and walk away.
41 Instead, they chose to be survivors by exhibiting a strong "can-do" spirit. We
42 face a similar choice. The next 120 days will determine which path we choose.

43

44 Our journey will not always be easy. I believe that we need to create jobs, create
45 affordable energy, and create healthcare coverage by creating consensus. We
46 need to build on the spirit of "can-do" to produce a legacy of "was-done."

47

48 In this spirit, creating jobs will be at the top of our agenda. Economists are
49 cautiously optimistic about 2004, but Colorado's recovery is lagging behind the
50 rest of the country. Businesses have begun talking about hiring more workers,
51 but 5.6 percent of our workforce is still unemployed.

52

53 We can start by making Colorado more business-friendly. Many existing
54 companies are at the point of expanding or retooling, and will be deciding in the
55 near future whether they can afford to stay in Colorado, or whether they should
56 move to another state, or even another country.

1 It is important to encourage out-of-state companies to relocate to Colorado, but
2 it's also important that we enable existing businesses to remain here and prosper.

3

4 Here are several steps we might consider:

5

6 1. Phasing out or eliminating the business personal property tax, which makes
7 it difficult for Colorado businesses to compete with those in other states.

8

9 2. Modifying or expanding enterprise zones, particularly in rural areas.

10

11 3. Ensuring funding for community college programs that train workers.
12 Without a well-trained workforce, businesses cannot expand, even if they want
13 to do so.

14

15 4. Redirecting the \$100 million planned to go to the Certified Capital Company
16 (CAPCO) program into more effective ways to promote economic
17 development.

18

19 5. Taking a new look at making Colorado a Right to Work state.

20

21 In addition, we need to be careful about the image we project. As recently as a
22 few years ago, a number of people, including some in this body, were advocating
23 no-growth or limited-growth strategies that would have been among the most
24 radical in the nation. Even some of the master plans that some local jurisdictions
25 have implemented have become a detriment to business expansion and growth.
26 That is not the message we want to send to business decision makers who might
27 be considering relocating their companies to Colorado.

28

29 As part of the budget cuts we had to make last year, the legislature suspended
30 the senior citizen property tax exemption -- not because we wanted to do so, but
31 because we had to in order to balance the budget. Now that the economy is
32 showing signs of improvement, we should look at restoring at least part of the
33 senior homestead exemption and targeting the exemption to those seniors who
34 need it most.

35

36 While we're working to provide jobs for Coloradans, we will work to provide
37 affordable energy for those without work or with limited income.

38

39 That's why another priority is addressing the high cost of energy. The recent 73
40 percent jump in natural gas prices poses a serious hardship for many Coloradans,
41 in particular seniors living on fixed incomes and other struggling individuals and
42 families.

43

44 Gov. Owens recently authorized an additional \$10 million to be used to help
45 low-income citizens with their heating bills. We appreciate this investment, but
46 we need to look at the predictability and sustainability of the subsidy system we
47 have in order to ensure that all our citizens are warm this winter and in the
48 future.

49

50 In addition, we need to reexamine our dependence on natural gas. I will be
51 reintroducing a Renewable Energy Bill that will encourage increased production
52 of alternative sources of energy, including wind, biomass, geothermal, hydro and
53 solar.

54

55 We need to make health care more affordable. Currently, 700,000 Coloradans
56 are uninsured. Many small businesses can no longer afford to offer coverage to

1 their employees due to Cover Colorado assessments and continuing premium
2 increases.

3

4 There are at least three steps we can take:

5

6 1. As soon as revenues permit, we need to restore adequate funding for the
7 Cover Colorado program, which contributes to health coverage for uninsured
8 individuals with preexisting health conditions. By doing this, insurance carriers
9 would no longer need to tack such a large special assessment onto all health
10 insurance policies.

11

12 2. We need to revisit the Multiple Employer Welfare Arrangements (MEWA)
13 law that passed last year to make it easier for small businesses to band together
14 and find less expensive group coverage.

15

16 3. Finally, it is important that we preserve and enhance tax exempt accounts for
17 medical needs. The language in our Medical Savings Account statute needs to
18 conform with the new federal Health Savings Accounts passed as a part of the
19 Medicaid Bill signed by President Bush. We need to make these savings
20 accounts available to a larger number of Coloradoans.

21

22 Another priority is to address the interaction between three constitutional
23 amendments -- Amendment 23, TABOR and Gallagher. Acting together, they
24 have created what's been referred to as "the perfect fiscal storm." By
25 simultaneously mandating increases in spending for K-12 and limiting the
26 amount of revenue we can spend, they are making it more and more difficult for
27 the legislature to balance the budget each year and still provide services our
28 citizens expect from government. Unless we make changes, we will have to cut
29 deeply into other programs.

30

31 Admittedly it's an election year. But I am hopeful that a bipartisan majority will
32 emerge to enable us to address these amendments so that we can keep the major
33 purpose behind each of them while at the same time giving us more flexibility,
34 particularly in times of economic downturn. For us to put any changes before the
35 voters will take a two-thirds vote in both houses, so there needs to be a greater
36 willingness to compromise than we've seen so far from the proponents of these
37 amendments.

38

39 There is no denying the fact that Colorado has a finite water supply and a
40 growing population. This body passed Referendum A last year on a bipartisan
41 vote, but the citizens of Colorado sent a message that more money was not the
42 solution. We need to work on basin of origin issues, mitigation and
43 intergovernmental cooperation to address our water concerns.

44

45 In order to set the stage for future growth, we need to bring parties together
46 from all four corners of the state to meet Colorado's future water needs. We
47 should encourage conservation along with development of water storage.

48

49 From conversations I have had with members of both sides of the aisle, I believe
50 there is consensus on many of the goals and priorities for this session. This year
51 is the same as other years; the difference is that we have different solutions. The
52 question we must ask is whether we can exhibit the type of "can-do spirit"
53 exemplified by the people we have met here today.

54

55 In closing, let me cite one more example of what cooperation and teamwork can
56 achieve. Let's call it the story of two Erics -- one is a Republican; the other a

1 Democrat. Some of you may have met them when they were here two years ago
2 for a tribute brought forth by Rep. Witwer.

3
4 The one Erik is 34-year-old Erik Weihenmayer, who lives in Golden. Despite
5 losing his vision at age 13, he is an accomplished mountain climber, paraglider,
6 and skier. He has run in several marathons and just recently completed a
7 grueling 457-mile endurance adventure race through the Sierra Nevadas. But on
8 May 25, 2001, Erik achieved what many of us would consider the impossible.
9 That's when he became the first blind man in history to reach the summit of
10 Mount Everest, the world's highest peak at 29,035 feet.

11
12 For Erik, whose sight is totally gone, this was just another example of never
13 letting his blindness interfere with his passion for an exhilarating and fulfilling
14 life. But he would be the first to tell you that he could not have achieved this feat
15 alone. With him were 12 other members of the Colorado Everest Summit Team,
16 including the other Eric -- Eric Alexander.

17
18 Eric Alexander is a long-time ski instructor to the blind who lives in Vail and
19 founded a nonprofit organization for disabled teens. He is credited with helping
20 to provide the vision that enabled Erik Weihenmayer to reach the top of Everest,
21 guiding his blind friend by shouting out instructions to Erik as they climbed.
22 Both placed total faith and trust in one another, and what they achieved is
23 remarkable.

24
25 Before their ascent, some wondered why someone who is blind would want to
26 climb Mount Everest. "After all, it's about the view, isn't it?" they asked.

27
28 "No," responded Eric Alexander. "It's about the journey. It's about how you get
29 there."

30
31 In the 2004 session, it's about the journey and what we do once we get there.
32 I believe that in this room we have the team and the spirit to create jobs, warm
33 homes and insure the uninsured. Through consensus, we can make the ascent to
34 the top of our own Mt. Everest – good public policy for the citizens of
35 Colorado.

36

37

38 House in recess. House reconvened.

39

40

41 Representative Romanoff delivered the following address to the House:

42

43 There is a great deal on which Democrats and Republicans agree:

- 44 • Like the citizens who sent us here, we want our children to be not just more
45 comfortable but safer, smarter, and healthier than we are.
- 46 • We want to create jobs, to curb the cost of health care, and to rekindle the
47 promise of public education.
- 48 • We want to preserve the land, the water, the natural beauty that make
49 Colorado such an extraordinary place to live.

50

51 We Coloradans literally stand atop the nation. But by many counts, we are not
52 leading America; we are lagging it. Over the last three years, Colorado has
53 fallen to 48th in high-school graduation, 49th in job growth, and 50th in child
54 immunization.

55

56 Today, 140,000 Coloradans can't find jobs; 650,000 Coloradans can't afford

1 health insurance; and 400,000 Coloradans – more than one quarter of them,
2 children – live in poverty.

3
4 We can do better. We can get this state back to work. We can stage the
5 greatest comeback in Colorado history.

6
7 And we can do so without raiding resources from the next generation. If we
8 reshape our priorities and repair our constitution, we can not only balance our
9 own budget but also make it possible for our successors to balance theirs.

10
11 In the weeks ahead, Democrats will offer 100 specific proposals to restore
12 Colorado's prosperity. Here are four of them:

13
14 First, we engineer an economic comeback. We reduce the tax burden on small
15 businesses. We help farmers earn more from their commodities. We promote
16 Colorado to prospective tourists and employers. And – most important – we
17 make sure that our state still has something to promote: a skilled workforce, a
18 modern transportation system, and a high quality of life.

19
20 Second, we reform our health care system. We make insurance coverage
21 affordable – and insurance companies accountable – to all Coloradans. We tame
22 the price of prescription drugs. And we replace both our tough talk about
23 substance abuse and our medieval attitudes toward mental illness with actual
24 treatment.

25
26 Third, we prepare our students to compete with their counterparts around the
27 world. We give schools not only the tests we need to measure their
28 performance but also the teachers, the training, and the textbooks they need to
29 succeed. We make preschool and kindergarten available to more children. And
30 we ensure that any Academic Bill of Rights includes the right to financial aid, so
31 that the doors of higher education remain open to every Coloradan.

32
33 Fourth, we sustain Colorado's natural resources. We recognize the realities of
34 living in a semi-arid state, by pursuing both water storage and water
35 conservation. We protect basins of origin from the economic and environmental
36 damage of water diversions. And we make Colorado a leader in the production
37 and use of clean, efficient, and renewable energy.

38
39 Delivering the Great Colorado Comeback will not be easy, and it will not be
40 free. But doing nothing is far more expensive.

41
42 If you want to know how much it costs to ignore drug addiction, ask a prison
43 warden or a welfare agent or an emergency-room physician. Ask a foster parent
44 or a special-education teacher to calculate the consequences of fetal alcohol
45 syndrome. And then ask yourself why we don't change course.

46
47 If we are to change course – if Colorado is to stage a comeback – you and I
48 must first renew our commitment to work together, to put this building back to
49 work.

50
51 *“While one party may possess the levers of power, one party does not possess*
52 *a monopoly on good ideas.”*

53
54 Governor Owens was right when he said that in his State-of-the-State Address
55 last year. Both parties would benefit from his advice. Even in an election year,
56 politicians like us can debate public policy without demonizing our opponents,

1 denigrating each other's patriotism, or destroying the democratic process we are
2 sworn to defend.

3
4 Most Coloradans are unimpressed by ideology and suspicious of self-
5 righteousness. They share a Democratic demand for progress and a Republican
6 respect for prudence. They are socially tolerant, fiscally responsible, and
7 fundamentally pragmatic.

8
9 Our work should reflect the bread-and-butter concerns of these constituents:
10 jobs, schools, health care, water. Given the challenges we face in each of these
11 areas, collaboration is a sign not of cowardice but of common sense.

12
13 During the next 120 days, we will have occasion to engage in rhetorical combat.
14 We Democrats will not shrink from this fight. But we know that when we
15 adjourn, our success will be measured less by the arguments we have won than
16 by the work we have done.

17
18 Our predecessors understood that. They used their time here to bring jobs to
19 Colorado; to build schools and parks, rail-lines and roadways. The territory they
20 led can now claim, in proportional terms, more high-quality hospitals, more
21 aerospace firms, and more top-ranked public colleges and universities than
22 almost any other state in the union.

23
24 We can take pride in these achievements, but we cannot take them for granted.
25 Most victories result not from coincidence or from happenstance but from talent,
26 from tenacity, and – above all – from teamwork. Colorado's comeback will be
27 no exception.

28
29 The men and women who held these seats before us did not always agree with
30 one another. But, for the most part, they treated each other with respect. And
31 in doing so, they earned the respect of the citizens they served. If we follow
32 their lead, perhaps the same will someday be said of us.

33
34 The hour of 11:22 a.m. has arrived, and with it has come something even more
35 precious than the end of a lawmaker's speech. In Alamosa, or in Yuma, or in
36 some other part of our state, in the 10 minutes it has taken me to finish these
37 words, a baby has been born.

38
39 More than 20,000 children will make their way into this world – or at least the
40 corner we call Colorado – by the time our session is through. Will their dreams
41 be deferred? Or will the miracle of their birth be matched by the majesty of our
42 imagination?

43
44 Let us agree to make laws worthy of the power we hold and the lives we share.

45
46
47
48 **MESSAGE FROM THE SENATE**

49
50 Madam Speaker:

51
52 The Senate has adopted and transmits herewith: SJR04-002.

53
54
55
56

1 **INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

2
3 **SJR04-002** by Senator(s) Hillman, Andrews, Fitz-Gerald; also
4 Representative(s) Cloer, Johnson R., Garcia, Jahn--
5 Concerning employee salary ranges for the Second
6 Regular Session of the Sixty-fourth General Assembly.

7
8 On motion of Representative King, the rules were suspended and the
9 resolution given immediate consideration.

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

13
14
15 **HR04-1001** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
16 Concerning employees and positions for the House of
17 Representatives convened in the Second Regular Session
18 of the Sixty-fourth General Assembly.

19
20 On motion of Representative King, the rules were suspended and the
21 resolution given immediate consideration.

22
23 On motion of Representative Cloer, the resolution was read by title and
24 **adopted by viva voce** vote.

25
26
27 **HR04-1002** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
28 Concerning payment of employees for pre-session work
29 for the House of Representatives convened in the Second
30 Regular Session of the Sixty-fourth General Assembly.

31
32 On motion of Representative King, the rules were suspended and the
33 resolution given immediate consideration.

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

37
38
39 **HR04-1003** by Representative(s) Cloer, Johnson R., Garcia, Jahn--
40 Concerning the chaplain position in the House of
41 Representatives.

42
43 On motion of Representative King, the rules were suspended and the
44 resolution given immediate consideration.

45
46 On motion of Representative Cloer, the resolution was read by title and
47 **adopted by viva voce** vote.

48
49
50
51 **HR04-1004** by Representative(s) King--Concerning modification of
52 certain requirements imposed when resolutions, joint
53 resolutions, memorials, and joint memorials are introduced
54 in the House of Representatives of the Colorado General
55 Assembly.

1 Representative King moved to suspend the rules for immediate
 2 consideration of the resolution. The motion was adopted by the
 3 following roll call vote:

	YES	58	NO	06	EXCUSED	01	ABSENT	00
6	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
7	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
8	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
9	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
10	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
11	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
12	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
13	Carroll	Y	Johnson	Y	Plant	Y	Weddig	N
14	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
15	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
16	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
17	Coleman	Y	Lee	E	Rippy	Y	Wiens	Y
18	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
19	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
20	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
21	Frangas	Y	May	Y	Schultheis	Y	Young	Y
22							Speaker	Y

23
 24 On motion of Representative King, the resolution was read by title and
 25 **adopted** by the following roll call vote:

	YES	52	NO	12	EXCUSED	01	ABSENT	00
28	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
29	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
30	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
31	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
32	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
33	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
34	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
35	Carroll	Y	Johnson	Y	Plant	N	Weddig	N
36	Cerbo	N	Judd	Y	Pommer	N	Weissmann	Y
37	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
38	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
39	Coleman	N	Lee	E	Rippy	Y	Wiens	Y
40	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
41	Decker	N	Madden	N	Rose	Y	Williams T.	Y
42	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
43	Frangas	Y	May	Y	Schultheis	Y	Young	Y
44							Speaker	Y

APPOINTMENTS

45
 46
 47
 48
 49
 50 Representative Romanoff announced the following changes in committee
 51 assignments:

52 Committee on Appropriations

53 Representative Madden to replace Representative Butcher

54 Committee on Business Affairs & Labor

55 Representatives Butcher and Cerbo to replace Representatives
 56 Coleman and Hodge

- 1 Committee on Finance
 2 Representative Coleman to replace Representative Boyd
 3 Committee on Health, Environment, Welfare, and Institutions
 4 Representatives Coleman and Weissmann to replace
 5 Representatives Cerbo and Romanoff
 6 Committee on Information & Technology
 7 Representatives Garcia and McGihon to replace Representatives
 8 Carroll and Salazar
 9 Committee on Judiciary
 10 Representatives Boyd and McGihon to replace Representatives
 11 Madden and Romanoff
 12 Committee on Legislative Council
 13 Representative Vigil to replace Representative Veiga
 14 Committee on Local Government
 15 Representatives Carroll and Cerbo to replace Representatives
 16 Coleman and Ragsdale
 17 Committee on State, Veterans, & Military Affairs
 18 Representative Ragsdale to replace Representative Cerbo
 19
 20

- 21 The Speaker announced the following changes in committee assignments:
 22 Committee on Capitol Development
 23 Representative Rose to replace Representative Rippy
 24 Committee on Education
 25 Representative King to replace Representative T. Williams
 26 Committee on Finance
 27 Representative Cloer to replace Representative Fritz
 28 Committee on Information & Technology
 29 Representative Welker to replace Representative Fritz
 30 Committee on Transportation & Energy
 31 Representative Welker to replace Representative Cloer
 32
 33

34 The appointment to the Committee on Legislative Council was confirmed
 35 by unanimous consent.
 36
 37

38 House in recess. House reconvened.
 39
 40

41 PRINTING REPORT

42
 43
 44 The Chief Clerk reports the following bills have been correctly
 45 preprinted: **HB04-1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,**
 46 **1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021,**
 47 **1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032,**
 48 **1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043,**
 49 **1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054,**
 50 **1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065,**
 51 **1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076,**
 52 **1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085; HCR04-1001,**
 53 **1002, 1003.**
 54
 55
 56

INTRODUCTION OF BILLS
First Reading

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

HB04-1001 by Representative(s) Stengel; also Senator(s) Cairns--
Concerning the property tax exemption for qualifying seniors, and, in connection therewith, increasing the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation for the 2004 and 2005 property tax years.

Committee on Finance

HB04-1002 by Representative(s) Crane; also Senator(s) Lamborn--
Concerning conforming amendments to the pledge of allegiance statute to make the statute constitutional as required by the United States court of appeals for the seventh circuit in the 1992 decision entitled Sherman versus Community Consolidated School District 21 of Wheeling Township.

Committee on State, Veterans, & Military Affairs

HB04-1003 by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning laws related to the impersonation of a peace officer, and making an appropriation therefor.

Committee on Judiciary

Committee on Appropriations

HB04-1004 by Representative(s) Stafford, Welker; also Senator(s) Lamborn--Concerning enhanced protection for child users of public library services from harmful materials on the internet.

Committee on Information & Technology

HB04-1005 by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the enterprise status of auxiliary facilities of institutions of higher education.

Committee on Finance

HB04-1006 by Representative(s) Hefley; also Senator(s) McElhany--
Concerning the classification of a dependent of a member of the armed forces for purposes of determining tuition at public institutions of higher education.

Committee on Education

HB04-1007 by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the obligations of a governing body of an institution of higher education that establishes an optional retirement plan.

Committee on Education

- 1 **HB04-1008** by Representative(s) Cloer; also Senator(s) Lamborn--
2 Concerning assignment of benefits offered under a motor
3 vehicle insurance policy.
4 Committee on Business Affairs & Labor
5
- 6 **HB04-1009** by Representative(s) King; also Senator(s) Reeves--
7 Concerning the ability of the governing board of each
8 institution of higher education to elect to be exempt from
9 certain state administrative restrictions.
10 Committee on Finance
11
- 12 **HB04-1010** by Representative(s) King, Spradley; also Senator(s)
13 Reeves--Concerning the elimination of certain education
14 advisory boards.
15 Committee on Education
16
- 17 **HB04-1011** by Representative(s) King; also Senator(s) Anderson,
18 Andrews--Concerning the employment status of persons
19 employed within the state system of higher education.
20 Committee on Education
21
- 22 **HB04-1012** by Representative(s) Rose--Concerning clarifications to
23 the requirement of obtaining a criminal background check
24 prior to the transfer of a firearm at a gun show.
25 Committee on State, Veterans, & Military Affairs
26
- 27 **HB04-1013** by Representative(s) Johnson R.; also Senator(s)
28 Johnson S.--Concerning changing the name of the division
29 of prevention and intervention services for children and
30 youth to the prevention services division.
31 Committee on Health, Environment, Welfare, & Institutions
32
- 33 **HB04-1014** by Representative(s) Tochtrop; also Senator(s) Isgar --
34 Concerning the regulation of medication administration by
35 certified nurse aides.
36 Committee on Health, Environment, Welfare, & Institutions
37
- 38 **HB04-1015** by Representative(s) Pommer--Concerning the
39 authorization of specified persons to obtain drugs
40 commonly used in connection with animal control
41 activities.
42 Committee on Agriculture, Livestock, & Natural Resources
43
- 44 **HB04-1016** by Representative(s) Johnson R.; also Senator(s) Dyer --
45 Concerning the addition of certain obscenity offenses to
46 the "Colorado Sex Offender Registration Act" that
47 requires registration upon conviction of the offense.
48 Committee on Judiciary
49
- 50 **HB04-1017** by Representative(s) Berry, Borodkin, Larson, McFadyen,
51 Pommer, Spence, Stafford, Welker, Williams S.; also
52 Senator(s) May R., Isgar--Concerning the age at which a
53 person may lawfully drive a motor vehicle.
54 Committee on Transportation & Energy
55
56

- 1 **HB04-1018** by Representative(s) Cerbo--Concerning the requirement
2 that a notice of final admission in a workers'
3 compensation case include a statement that the case will
4 not automatically be closed as to maintenance medical
5 benefits if a claimant does not contest the final admission.
6 Committee on Business Affairs & Labor
7
- 8 **HB04-1019** by Representative(s) Borodkin, McFadyen, Stafford; also
9 Senator(s) Takis, Isgar--Concerning an increase in the
10 maximum dollar amount of a contract that a public airport
11 authority may execute without using a competitive bidding
12 process that awards the contract to the lowest responsible
13 bidder.
14 Committee on Transportation & Energy
15
- 16 **HB04-1020** by Representative(s) Romanoff, Plant; also Senator(s)
17 Teck, Reeves--Concerning state employee incentive
18 programs for cost-savings innovations.
19 Committee on State, Veterans, & Military Affairs
20 Committee on Appropriations
21
- 22 **HB04-1021** by Representative(s) Briggs, Merrifield; also Senator(s)
23 McElhany--Concerning the consumption of alcohol.
24 Committee on Transportation & Energy
25
- 26 **HB04-1022** by Representative(s) Vigil, Coleman, Rhodes, Williams
27 T.; also Senator(s) Anderson, Takis, Taylor, Tupa--
28 Concerning the duties of the division of central services in
29 the department of personnel.
30 Committee on Finance
31 Committee on Appropriations
32
- 33 **HB04-1023** by Representative(s) Boyd, Miller, Rippy; also Senator(s)
34 Entz, Hanna--Concerning the designation of Yule marble
35 as the state rock.
36 Committee on State, Veterans, & Military Affairs
37
- 38 **HB04-1024** by Representative(s) Weissmann--Concerning a
39 requirement that the political subdivision holding a mail
40 ballot election pay the postage on the return envelope
41 provided to registered voters.
42 Committee on State, Veterans, & Military Affairs
43
- 44 **HB04-1025** by Representative(s) Ragsdale, McFadyen, Merrifield;
45 also Senator(s) None, Isgar, May R., Nichol--Concerning
46 the expiration date of certificates of emissions control for
47 new diesel vehicles.
48 Committee on Transportation & Energy
49
- 50 **HB04-1026** by Representative(s) Carroll--Concerning the minimum
51 amount of medical payments coverage that may be offered
52 by an auto insurer.
53 Committee on Business Affairs & Labor
54
55

- 1 **HB04-1027** by Representative(s) Vigil, Coleman, Rhodes, Williams
2 T.; also Senator(s) Takis, Anderson, Taylor, Tupa--
3 Concerning the role of the comprehensive primary and
4 preventive care grant program's advisory council.
5 Committee on Health, Environment, Welfare, & Institutions
6
- 7 **HB04-1028** by Representative(s) Coleman, Rhodes, Williams T.; also
8 Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the
9 fee paid in connection with representation of indigent
10 persons.
11 Committee on Judiciary
12
- 13 **HB04-1029** by Representative(s) Boyd, Cloer, Coleman, Frangas,
14 Johnson R., Stafford, Tochtrop; also Senator(s) Hagedorn,
15 Hanna, Kester, Sandoval--Concerning authorization for
16 counties to increase participation in vocational education
17 by Colorado works participants.
18 Committee on Health, Environment, Welfare, & Institutions
19
- 20 **HB04-1030** by Representative(s) Frangas, Boyd, Johnson R., Stafford,
21 Tochtrop; also Senator(s) Hanna, Hagedorn, Kester,
22 Sandoval--Concerning the evaluation of the Colorado
23 works program, and making an appropriation in
24 connection therewith.
25 Committee on Health, Environment, Welfare, & Institutions
26 Committee on Appropriations
27
- 28 **HB04-1031** by Representative(s) Weissmann--Concerning the public
29 utilities commission, and, in connection therewith,
30 requiring the members of the public utilities commission
31 to be elected and subjecting the rate and coverage
32 decisions of the insurance commissioner to oversight by
33 the public utilities commission.
34 Committee on Business Affairs & Labor
35 Committee on State, Veterans, & Military Affairs
36
- 37 **HB04-1032** by Representative(s) Rose--Concerning the repeal date of
38 the discounted youth hunting licenses program.
39 Committee on Agriculture, Livestock, & Natural Resources
40
- 41 **HB04-1033** by Representative(s) McFadyen, Merrifield, Welker; also
42 Senator(s) Chlouber, May R.--Concerning information
43 signs on interstate highways within specified populated
44 areas.
45 Committee on Transportation & Energy
46
- 47 **HB04-1034** by Representative(s) Welker, Berry, Borodkin, Larson,
48 Pommer, Sinclair, Spence, Stafford; also Senator(s) Takis,
49 Isgar, May R.--Concerning electronic renewal of a driver's
50 license.
51 Committee on Transportation & Energy
52
53

- 1 **HB04-1035** by Representative(s) Hoppe, Miller, Rippy, Salazar,
2 White; also Senator(s) Entz, Dyer, Isgar, Tapia, Taylor--
3 Concerning a prohibition on proxy voting by members of
4 the Colorado water conservation board.
5 Committee on Agriculture, Livestock, & Natural Resources
6
- 7 **HB04-1036** by Representative(s) Williams S., Briggs, Larson,
8 Merrifield; also Senator(s) Arnold--Concerning a
9 prohibition against minor drivers carrying minor
10 passengers.
11 Committee on State, Veterans, & Military Affairs
12
- 13 **HB04-1037** by Representative(s) Hodge--Concerning the treatment of
14 American sign language as a foreign language in
15 education.
16 Committee on Education
17
- 18 **HB04-1038** by Representative(s) Berry; also Senator(s) Arnold--
19 Concerning an exemption from civil liability for a
20 volunteer at a crisis telephone hotline.
21 Committee on Judiciary
22
- 23 **HB04-1039** by Representative(s) Spence--Concerning the expansion of
24 the teacher loan forgiveness pilot program to include a
25 teacher who is hired to teach in a qualified position after
26 his or her first year of teaching.
27 Committee on Education
28 Committee on Appropriations
29
- 30 **HB04-1040** by Representative(s) Salazar, Miller, Rippy, White; also
31 Senator(s) Taylor, Entz, Isgar--Concerning the
32 requirement to mitigate the effects on the water basin of
33 origin of a diversion of water from a water basin.
34 Committee on Agriculture, Livestock, & Natural Resources
35
- 36 **HB04-1041** by Representative(s) Clapp; also Senator(s) Teck--
37 Concerning changes to the eligibility requirements for the
38 home care allowance program.
39 Committee on Health, Environment, Welfare, & Institutions
40
- 41 **HB04-1042** by Representative(s) Welker; also Senator(s) Jones--
42 Concerning the requirement of demonstrating proof of
43 motor vehicle insurance at the time a motor vehicle is
44 registered.
45 Committee on Business Affairs & Labor
46
- 47 **HB04-1043** by Representative(s) Fairbank--Concerning mandatory
48 criteria to be used by courts in determining congressional
49 district boundaries.
50 Committee on State, Veterans, & Military Affairs
51
52

- 1 **HB04-1044** by Representative(s) Vigil--Concerning the establishment
2 of a credit against the state income tax in favor of eligible
3 small businesses to offset the costs of premiums paid by
4 the businesses for obtaining health insurance coverage on
5 behalf of their employees.
6 Committee on Finance
7 Committee on Appropriations
8
- 9 **HB04-1045** by Representative(s) Borodkin--Concerning the creation
10 of a medical advisory board to assist the department of
11 revenue in the determination of whether a person is able to
12 operate a motor vehicle safely upon the highways of this
13 state.
14 Committee on State, Veterans, & Military Affairs
15
- 16 **HB04-1046** by Representative(s) McGihon--Concerning the
17 computation of days in determining certain time periods
18 for forcible entry and detainer actions.
19 Committee on Information & Technology
20
- 21 **HB04-1047** by Representative(s) Rose; also Senator(s) Hagedorn--
22 Concerning the authority of a county to require certain
23 persons who receive child care assistance to cooperate
24 with child support enforcement efforts.
25 Committee on Health, Environment, Welfare, & Institutions
26
- 27 **HB04-1048** by Representative(s) King; also Senator(s) McElhany--
28 Concerning beneficiary deeds.
29 Committee on Judiciary
30
- 31 **HB04-1049** by Representative(s) Williams S.--Concerning child care
32 assistance for families who transition off of the Colorado
33 works program for specified reasons.
34 Committee on Health, Environment, Welfare, & Institutions
35
- 36 **HB04-1050** by Representative(s) Butcher; also Senator(s) Tapia--
37 Concerning a prohibition against changing an inscription
38 on a burial memorial without required permission.
39 Committee on Judiciary
40
- 41 **HB04-1051** by Representative(s) Weddig--Concerning a requirement
42 that a local government approve the termination of certain
43 common interest communities.
44 Committee on Local Government
45
- 46 **HB04-1052** by Representative(s) Judd--Concerning changes to the
47 name-change statute.
48 Committee on Judiciary
49
- 50 **HB04-1053** by Representative(s) Hall; also Senator(s) Groff--
51 Concerning allowing the loss of a license if a person
52 licensed to sell motor vehicles does not timely notify a
53 consumer regarding the outcome of an attempt to secure
54 financing for the purchase of a motor vehicle.
55 Committee on Business Affairs & Labor
56

- 1 **HB04-1054** by Representative(s) Brophy; also Senator(s) Hillman--
2 Concerning the duties of occupants of vehicles involved in
3 accidents resulting in personal harm.
4 Committee on Transportation & Energy
5
- 6 **HB04-1055** by Representative(s) Rhodes, Coleman, Williams T.; also
7 Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the
8 modification of the process used to make matching grants
9 for school district capital construction from the school
10 construction and renovation fund.
11 Committee on Education
12
- 13 **HB04-1056** by Representative(s) Frangas--Concerning residential
14 expenses assistance for the elderly or disabled.
15 Committee on Finance
16
- 17 **HB04-1057** by Representative(s) Miller; also Senator(s) Taylor--
18 Concerning newspaper theft.
19 Committee on Business Affairs & Labor
20
- 21 **HB04-1058** by Representative(s) Rippy; also Senator(s) May R.--
22 Concerning eligibility determinations under the "Colorado
23 Medical Assistance Act".
24 Committee on Health, Environment, Welfare, & Institutions
25
- 26 **HB04-1059** by Representative(s) Hoppe--Concerning additional
27 enforcement authority regarding marketing orders issued
28 by the commissioner of agriculture.
29 Committee on Agriculture, Livestock, & Natural Resources
30
- 31 **HB04-1060** by Representative(s) Lundberg--Concerning modifications
32 to the "Colorado Children's Code" to comply with the
33 federal "Keeping Children and Families Safe Act of
34 2003".
35 Committee on Health, Environment, Welfare, & Institutions
36
- 37 **HB04-1061** by Representative(s) Berry, Hefley, Jahn, Madden,
38 McFadyen, Williams S.--Concerning the utilization of
39 child advocacy centers.
40 Committee on Health, Environment, Welfare, & Institutions
41
- 42 **HB04-1062** by Representative(s) Larson, Berry, McFadyen; also
43 Senator(s) May R., Takis--Concerning the disposition of
44 motor vehicles abandoned at motor vehicle repair shops.
45 Committee on Local Government
46
- 47 **HB04-1063** by Representative(s) Garcia--Concerning the regulation of
48 mobile communication devices in motor vehicles.
49 Committee on Information & Technology
50
- 51 **HB04-1064** by Representative(s) Tochtrop; also Senator(s) Jones--
52 Concerning the repeal of the provision defining a child as
53 dependent or neglected when the child is beyond the
54 control of the person responsible for the child.
55 Committee on Health, Environment, Welfare, & Institutions
56

- 1 **HB04-1065** by Representative(s) Paccione--Concerning the granting of
2 immunity related to the provision of human services
3 referral information.
4 Committee on Business Affairs & Labor
5
- 6 **HB04-1066** by Representative(s) Wiens--Concerning the opportunity
7 for voters in the town of Castle Rock in Douglas county to
8 determine whether to be included in the boundaries of
9 certain special districts.
10 Committee on State Affairs
11 Committee on Finance
12
- 13 **HB04-1067** by Representative(s) Coleman; also Senator(s) Taylor--
14 Concerning the conversion of state refunds of business
15 personal property taxes owed by the department of
16 revenue to a taxpayer into unclaimed property for which
17 a claim may be filed under the "Unclaimed Property Act"
18 when the refund is represented by a warrant that has been
19 cancelled in accordance with law.
20 Committee on Finance
21
- 22 **HB04-1068** by Representative(s) Marshall; also Senator(s) Veiga--
23 Concerning actions for damages on behalf of an employee
24 for injuries that arise from the negligent conduct of a
25 stranger.
26 Committee on Business Affairs & Labor
27
- 28 **HB04-1069** by Representative(s) White; also Senator(s) Lamborn--
29 Concerning deferred deposit loans.
30 Committee on Business Affairs & Labor
31
- 32 **HB04-1070** by Representative(s) Schultheis, Brophy, Cloer, Crane,
33 Harvey, May M., Mitchell, Stafford; also Senator(s)
34 Lamborn, Hillman, Johnson S.--Concerning the protection
35 of women's health through the licensure of health clinics
36 that perform abortions.
37 Committee on Health, Environment, Welfare, & Institutions
38 Committee on Appropriations
39
- 40 **HB04-1071** by Representative(s) Decker; also Senator(s) McElhany--
41 Concerning a credit for tobacco taxes that are bad debts.
42 Committee on Finance
43
- 44 **HB04-1072** by Representative(s) May M.--Concerning the authority of
45 the governing body of a municipality to submit to the
46 registered electors of the municipality the question of
47 changing the regular election date of the municipality.
48 Committee on Local Government
49
- 50 **HB04-1073** by Representative(s) Smith--Concerning surface owner
51 notifications filed by an applicant for a water right.
52 Committee on Agriculture, Livestock, & Natural Resources
53
- 54 **HB04-1074** by Representative(s) Lee--Concerning a department of
55 corrections reentry program.
56 Committee on Judiciary

- 1 **HB04-1075** by Representative(s) Romanoff--Concerning continued
2 services for women in the treatment program for high-risk
3 pregnant women.
4 Committee on Health, Environment, Welfare, & Institutions
5
- 6 **HB04-1076** by Representative(s) Madden, Brophy, Hodge, Rose; also
7 Senator(s) Arnold--Concerning a prohibition on driving
8 motor vehicles in the passing lane except when
9 appropriate.
10 Committee on Transportation & Energy
11
- 12 **HB04-1077** by Representative(s) Jahn--Concerning the requirement
13 that a current background investigation be conducted on
14 persons who apply for placement on certain treatment
15 services provider lists.
16 Committee on Judiciary
17
- 18 **HB04-1078** by Representative(s) Harvey, Lundberg, Rhodes--
19 Concerning regulation of sexually explicit representations
20 that are harmful to minors.
21 Committee on Judiciary
22
- 23 **HB04-1079** by Representative(s) Cadman; also Senator(s) Dyer--
24 Concerning standard nonforfeiture regulation for
25 individual deferred annuities offered by insurers.
26 Committee on Business Affairs & Labor
27
- 28 **HB04-1080** by Representative(s) Williams T.; also Senator(s)
29 Lamborn--Concerning the "Uniform Arbitration Act".
30 Committee on Business Affairs & Labor
31
- 32 **HB04-1081** by Representative(s) White--Concerning attorney fees in
33 civil matters.
34 Committee on Business Affairs & Labor
35
- 36 **HB04-1082** by Representative(s) Briggs--Concerning the property tax
37 classification of land used to produce agricultural and
38 livestock products not grown in the ground.
39 Committee on Finance
40
- 41 **HB04-1083** by Representative(s) Sinclair--Concerning termination of
42 child support obligations based upon DNA evidence of
43 nonparentage.
44 Committee on Information & Technology
45
- 46 **HB04-1084** by Representative(s) Cadman--Concerning the execution
47 of a writ of restitution after entry of judgment in a forcible
48 entry and detainer action.
49 Committee on Judiciary
50
- 51 **HB04-1085** by Representative(s) Plant--Concerning the creation of the
52 "Colorado Civil Union Act".
53 Committee on Information & Technology
54
55

- 1 **HB04-1086** by Representative(s) Spradley, King, Young; also
 2 Senator(s) Teck, Owen--Concerning the structure of the
 3 state system of community colleges.
 4 Committee on Education
 5
- 6 **HB04-1087** by Representative(s) Rhodes--Concerning the
 7 establishment of the highest degree of care in the defense
 8 of a negligence claim under the high voltage power line
 9 statutes by proof of compliance with an applicable
 10 standard of the national electrical code.
 11 Committee on Transportation & Energy
 12
- 13 **HB04-1088** by Representative(s) Salazar; also Senator(s) Entz--
 14 Concerning the weight of a motor vehicle that may be
 15 issued special military license plates without paying a fee.
 16 Committee on Transportation & Energy
 17
- 18 **HB04-1089** by Representative(s) McCluskey--Concerning a preference
 19 for the purchase of Colorado agricultural products by
 20 governmental entities.
 21 Committee on Agriculture, Livestock, & Natural Resources
 22
- 23 **HB04-1090** by Representative(s) Rhodes--Concerning criteria for
 24 independent contractors for purposes of workers'
 25 compensation coverage.
 26 Committee on Business Affairs & Labor
 27
- 28 **HB04-1091** by Representative(s) Miller--Concerning development of
 29 the Denver basin aquifers.
 30 Committee on Agriculture, Livestock, & Natural Resources
 31
- 32 **HB04-1092** by Representative(s) Spence--Concerning teachers serving
 33 in administrative capacities.
 34 Committee on Education
 35
- 36 **HB04-1093** by Representative(s) McFadyen, Miller, Rose, Salazar,
 37 Tochtrop; also Senator(s) Hillman, Entz, Isgar--
 38 Concerning a preference for the purchase of Colorado
 39 agricultural products by governmental entities.
 40 Committee on Agriculture, Livestock, & Natural Resources
 41
 42
 43
 44

45 INTRODUCTION OF CONCURRENT RESOLUTIONS

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

- 50 **HCR04-1001** by Representative(s) Romanoff--Submitting to the
 51 registered electors of the state of Colorado amendments to
 52 section 17 (1) of article IX and section 20 of article X of
 53 the constitution of the state of Colorado, concerning the
 54 stabilization of government revenues, and, in connection
 55 therewith, suspending the required one percent increase in
 56 certain state education funding during an economic

1 downturn, requiring fiscal year spending limits for state
2 and local districts to be calculated based upon prior fiscal
3 year spending limits, with adjustments for inflation and
4 growth, without being subject to reduction due to declines
5 in revenues, and allowing local districts to seek voter
6 approval to impose a fluctuating mill levy for a specified
7 period in order to allow the local district to collect
8 property tax revenues not to exceed the amount of such
9 revenues collected in the prior year, as adjusted for
10 inflation and local growth.

11 Committee on State, Veterans, & Military Affairs

12 Committee on Finance

13

14 **HCR04-1002** by Representative(s) White--Submitting to the registered
15 electors of the state of Colorado the proposal for the
16 holding of a constitutional convention to revise, alter, and
17 amend section 17 of article IX and sections 3, 3.5, and 20
18 of article X of the constitution of the state of Colorado,
19 with any referred measure from the convention requiring
20 the vote of two-thirds of the delegates thereto.

21 Committee on State, Veterans, & Military Affairs

22

23 **HCR04-1003** by Representative(s) King--Submitting to the registered
24 electors of the state of Colorado amendments to section 17
25 of article IX and section 20 of article X of the constitution
26 of the state of Colorado, concerning state spending, and,
27 in connection therewith, replacing the requirement that
28 statewide base per pupil funding for preschool, primary,
29 and secondary education and total state funding for all
30 categorical programs for each of the ten state fiscal years
31 starting with the 2001-02 state fiscal year increase by at
32 least the rate of inflation plus one percentage point with a
33 requirement that the general assembly set the statewide
34 base per pupil funding and total state funding for all
35 categorical programs at no less than the levels of the
36 statewide base per pupil funding and total state funding for
37 all categorical programs for the prior state fiscal year in
38 any state fiscal year that follows a calendar year in which
39 state general fund revenues did not increase by at least the
40 sum of inflation plus the percentage change in state
41 population for the prior calendar year; replacing the
42 requirement that statewide base per pupil funding for
43 preschool, primary, and secondary education and total
44 state funding for all categorical programs for state fiscal
45 years starting with the 2011-12 state fiscal year increase
46 by the rate of inflation with a requirement that the general
47 assembly set the statewide base per pupil funding and total
48 state funding for all categorical programs at no less than
49 the levels of the statewide base per pupil funding for
50 preschool, primary, and secondary education and total
51 state funding for all categorical programs for the prior
52 fiscal year; increasing the state fiscal year spending limits
53 for the 2005-06 and 2006-07 state fiscal years by one
54 percentage point each; including each one percentage
55 point increase in the state fiscal year spending base for the
56 purpose of calculating subsequent years' state fiscal year

1 spending limits even if state revenues decline; and
2 requiring some of the additional moneys under the
3 increased state fiscal year spending limits to be expended
4 first to compensate local governments for revenue losses
5 from the senior property tax exemption, next to provide a
6 state credit against business personal property taxes, and
7 lastly for refunds to taxpayers.

8 Committee on State, Veterans, & Military Affairs
9

10

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12

MESSAGE FROM THE SENATE

13

14 Madam Speaker:

15

16 The Senate has adopted and returns herewith: HJR04-1001.

17

18 Pursuant to HJR04-1001, the President appointed Chlouber and Nichol.

19

20

21 On motion of Representative King, the House adjourned until 9:00 a.m.,
22 January 08, 2004.

23

24

Approved:

25

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28

LOLA SPRADLEY,
Speaker

29

30 Attest:

31

32 JUDITH RODRIGUE,
33 Chief Clerk