

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

Ninth Legislative Day

Thursday, January 16, 2003

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

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

4

5 Pledge of Allegiance led by Representative White.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Wiens--1.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Brophy, the reading of the journal of  
16 January 15, 2003, was declared dispensed with and approved as corrected  
17 by the Chief Clerk.

18

19

20 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

21

22 The following resolution was read at length and given immediate  
23 consideration:

24

25 **HJR03-1009** by Representative(s) Spradley; also Senator(s) Andrews--  
26 Concerning the appointment of members of the Colorado  
27 Commission on Uniform State Laws.

28

29 *Be It Resolved by the House of Representatives of the Sixty-fourth*  
30 *General Assembly of the State of Colorado, the Senate concurring*  
31 *herein:*

32

33 That pursuant to section 2-3-601, Colorado Revised Statutes,  
34 Representative Tambor Williams, Mr. Bryan Frederickson, Mr. Wayne  
35 Williams, Senator Doug Lamborn, Mr. Richard Mutzebaugh, and Mr.  
36 Thomas T. Grimshaw are hereby appointed as members of the Colorado  
37 Commission on Uniform State Laws for terms of two years each.

37

38 On motion of Representative King, the rules were suspended and the  
39 resolution given immediate consideration.

40

41 On motion of Representative Spradley, the resolution was adopted by  
42 **viva voce** vote.

43

**LAY OVER OF CALENDAR ITEMS**

On motion of Representative King, the following items on the Calendar were laid over until January 17, retaining place on Calendar:

Consideration of General Orders--**HB03-1083, 1026, 1038, 1063, 1061, 1069.**

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House in recess.

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**JOINT SESSION**

The Joint Session was called to order by the Speaker of the House, Lola Spradley.

On motion of Senator Anderson, the morning roll call of the Senate was made the roll call of the Joint Session.

Present--34.  
Excused--Senator Gordon.

On motion of Representative King, the morning roll call of the House was made the roll call of the Joint Session.

Present--64.  
Excused--Representative Wiens.

The Speaker declared a quorum present and as is customary presented the gavel to the President of the Senate to preside over the joint session.

President Andrews requested the Joint Committee, composed of Senators Chlouber, Sandoval, and Representatives T. Williams, Hoppe, Miller to escort the Governor from the Governor's Chambers to the rostrum.

Chief Sergeant-at-Arms Suman announced the arrival of the Honorable Bill Owens, Governor of the State of Colorado.

The Joint Committee escorted the Governor to the rostrum where he addressed the Joint Session.

The Joint Committee escorted the Governor from the Chambers.

On motion of Representative King, the Governor's message was ordered printed in the House Journal.

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**ADDRESS BY THE HONORABLE  
Bill Owens**

Lieutenant Governor Norton, Speaker Spradley, President Andrews, Members of the Cabinet, Honorable Senators and Representatives, my fellow Coloradans:

It is a great pleasure to be greeted this morning by Colorado 's first woman

1 speaker. We know that Lola Spradley is one of the most effective legislators  
2 ever to serve in this body. And we know that she'll wield the gavel with a fair  
3 and firm hand. Speaker Spradley, congratulations.

4  
5 The Senate has a new leader as well. We congratulate Senate President John  
6 Andrews, who also happens to be my Senator.

7  
8 While one party may possess the levers of power, one party does not possess a  
9 monopoly on good ideas. Good lawmaking, after all, is about the ability to  
10 craft effective solutions.

11  
12 And that is my commitment to you this morning. To work with you --  
13 Democrats and Republicans alike. And that commitment begins with the four  
14 new floor leaders who serve in this General Assembly.

15  
16 I look forward to working with Senator Norma Anderson and Senator Joan  
17 FitzGerald; Representative Keith King and Representative Jennifer Viega.

18  
19 We also this morning welcome another leader to the chamber. A familiar face  
20 to most of you, but in a new role. I'm proud of the new partner I have in the  
21 executive branch. And she will be, an effective partner with you in developing  
22 important legislation for Colorado. Please welcome Colorado's new Lieutenant  
23 Governor, Jane Norton.

24  
25 Taking nothing away from John Andrews and Keith King, it's a pleasure to take  
26 note of the fact that so many talented and effective women are leading Colorado.

27  
28 And I want to mention one more.

29  
30 For the past four years, Colorado's First Lady has been a tireless advocate for  
31 so many causes. From promoting literacy to keeping children away from drugs  
32 and alcohol, she has made a profound difference in the lives of so many  
33 Coloradans. Ladies and gentlemen, please welcome a great First Lady, Frances  
34 Owens.

35  
36 Ladies and gentlemen, we meet at a time of challenge, not of crisis. We meet  
37 at a time when we are called to work together.

38  
39 A simple goal, the constant search for common-sense solutions to the problems  
40 that face Colorado, must be our continuing focus this session. Over the past  
41 four years, that is what we have done, tackling the unmet challenges that had  
42 lingered for many years. Challenges such as making our schools more  
43 accountable, and improving our transportation system.

44  
45 To accomplish this and much more, we harnessed the bounty of a robust  
46 national economy. Today, with our economy emerging from a national  
47 recession that was deepened by the September 11 terrorist attacks, our agenda  
48 must be tailored to fit the resources the taxpayers have provided to us.

49  
50 That is why our conversation about this legislative session must begin with a  
51 discussion of our state budget. And, I ask that -- this year -- we do engage in a  
52 dialogue about how best to balance Colorado's budget. The Constitution gives  
53 us no choice; we cannot spend more money than we have.

54  
55 Friends, we can and we must overcome this challenge. To do this, we must treat  
56 Colorado's budget the way a Colorado family deals with its household budget.

1 Families do this by setting priorities. By putting off the extras until times get  
2 better. By pulling together.  
3  
4 By working together, whether Democrat or Republican. Whether liberal,  
5 moderate or conservative. We have to do this because we are all Coloradans.  
6  
7 And I emphasize the latter point.  
8  
9 Last year, when Colorado's revenues were down 13 percent, I received a budget  
10 that boosted spending by 7 percent.  
11  
12 From that day to this, my Administration has worked to balance the budget.  
13 Most state agencies are reducing spending by 10 percent. We are in many  
14 instances using this as an opportunity to make government more efficient and  
15 affordable.  
16  
17 At the same time, we have protected K through 12 education funding and many  
18 programs affecting the state's most vulnerable citizens. And we have limited the  
19 cuts required from Medicaid and public safety.  
20  
21 We are keeping our commitment to Colorado's core priorities. To address the  
22 needs of the poor, Medicaid spending has reached record levels of over \$1  
23 billion. As we continue to fully fund elementary and secondary education, we  
24 are also investing more than \$700 million in higher education.  
25  
26 My point to you is this: while we are tightening our belts, we are not abandoning  
27 our key investments.  
28  
29 But a simple fact remains – we are required by our Constitution to balance the  
30 budget.  
31  
32 I ask you to work with me this session to craft a common-sense budget that fits  
33 our revenues.  
34  
35 Last year, we worked together and forged a strong, long-term solution to  
36 Colorado's transportation challenges. Let's recapture that same bipartisan spirit  
37 as we face this year's fiscal challenges.  
38  
39 I very much appreciate the efforts of the members of the Joint Budget  
40 Committee to work with our Administration this year, under the leadership of  
41 its Chairman, Senator Dave Owen.  
42  
43 As we work together, we must avoid the too-easy answer of asking more from  
44 Colorado taxpayers. Some have said we should change Colorado's system of  
45 tax limitation. Some say now is the time to roll back the fundamental  
46 protections that the Taxpayer Bill of Rights gives Colorado taxpayers. The  
47 goal? Taking more money from the paychecks of Colorado families to spend  
48 more on government.  
49  
50 I believe that far from being a straightjacket for Colorado, TABOR is an  
51 economic bulletproof vest. While other states spent their way through the  
52 1990s, and are now raising taxes to pay for their spending, Colorado was better  
53 prepared for the revenue downturn that we face.  
54  
55 Here in Colorado, we will not weaken our taxpayer protections. We will live  
56 within our means.

1 We must not raise taxes. And so long as I am Governor, we will not raise taxes.  
2  
3 While our budget will shape many of our conversations, it will not stop us from  
4 taking steps that are needed to keep Colorado moving forward.  
5  
6 Step one is sparking growth in our economy and creating family-sustaining jobs.  
7 At the national level, the President has offered a common-sense plan to jump-  
8 start the economy by allowing families and small businesses to keep more of  
9 their money.  
10  
11 After all, it is the private sector – not the government sector – that is the source  
12 of the quality jobs that draw a top-notch workforce.  
13  
14 Here in Colorado, we must take steps to improve our economy.  
15  
16 As many of you know, Colorado received \$142 million from the federal  
17 government last spring in unemployment insurance funding. And while there  
18 have been many proposals to spend this money, I believe only one makes sense:  
19 using it to provide benefits for unemployed workers.  
20  
21 This means keeping it in the Unemployment Trust Fund, where my  
22 Administration has protected these funds since we received them, so that these  
23 funds can be used by Colorado’s unemployed workers as they need them. This  
24 also has the added effect of delaying an unemployment tax increase on  
25 Colorado’s businesses.  
26  
27 That’s a win-win situation for Colorado’s workers and our economy. We  
28 provide assistance to those who need it, and we delay a tax increase on those  
29 who create jobs.  
30  
31 To spark economic growth, my administration has identified \$19 million that can  
32 be used for a number of very worthwhile endeavors.  
33  
34 I propose that we use it. Let’s invest an additional \$10 million in tourism  
35 promotion to give one of Colorado’s most important industries the extra help  
36 it needs.  
37  
38 Let’s invest \$7 million in economic development grants to bring companies to  
39 Colorado or help existing employers grow and create new jobs. We’ll target a  
40 healthy chunk of these dollars toward rural communities – to help agriculture  
41 and to help Colorado.  
42  
43 And, finally, let’s invest the remaining \$2 million in increasing our promotion of  
44 Colorado agricultural products. We’re all “Colorado Proud” of the products  
45 that are grown here in our state. These additional resources will help our  
46 farmers increase sales at a very difficult time for their \$5 billion industry.  
47  
48 While other states are raising taxes in difficult economic times, Colorado can  
49 work to attract companies that are seeking far more tax-friendly environments.  
50  
51 Every doctor takes an oath to “first, do no harm.” That should be our economic  
52 oath, too. Colorado, like every state, has reams of rules and regulations. Many  
53 are necessary to protect our fellow citizens. Others, I am convinced, can tie the  
54 hands of entrepreneurs with needless red tape and stifle job creation.  
55  
56 It’s time to put these rules and regulations under a microscope. Determine

1 which ones are helpful, and which are harmful before they get on the state 's  
2 books. Our goal is to renew a bipartisan effort on regulatory reform begun  
3 under Governor Dick Lamm.

4  
5 I urge you to back a proposal by Senator Andy McElhany and Representative  
6 Tambor Williams to allow a thorough cost-benefit analysis of new regulations.  
7 This new tool will help ensure that the state takes aggressive steps to help  
8 Colorado businesses compete in today's global economy.

9  
10 A strong economy begins with a strong, well-educated workforce. The only  
11 path to opportunity for every Coloradan travels through a quality school system.

12  
13 Ensuring full funding for our public schools has been a success that we have  
14 achieved together in each of the past four years, even before the voters approved  
15 Amendment 23. Building on Governor Romer's strong start with world-class  
16 academic standards, we have created a school accountability system that is being  
17 recognized as among the best in the nation.

18  
19 In crafting this system, we have looked to the experience of so many of you who  
20 have worked in our education system. Men and women who know first hand  
21 the challenges of sparking excellence in the classroom.

22  
23 I'm thinking of legislators like Lynn Hefley, Steve Johnson, Moe Keller and  
24 Suzanne Williams, all of whom are current or former teachers. We also value  
25 the experience of members such as Keith King, Nancy Spence and Abel Tapia  
26 who have served on school boards.

27  
28 We have put your knowledge and experience to work in our education reforms,  
29 and I thank you. And, for that same reason, at the heart of our effective reforms  
30 is the spirit of our educators. Men and women who are meeting the challenge  
31 of excellence. Professionals who aren't afraid to be held accountable to parents  
32 and taxpayers for their school's performance.

33  
34 When we put this new system in place, we said it would challenge our most  
35 troubled schools to improve. It did. And it worked.

36  
37 Last month, we unveiled this year's school accountability reports. Nearly three-  
38 quarters of the schools that received unsatisfactory ratings in 2001 have  
39 improved and moved out of that category. The best news is that today we have  
40 eleven thousand fewer students attending unsatisfactory schools than we did a  
41 year ago.

42  
43 Our work has become an example that other states are following. President  
44 Bush's Education Secretary came to Colorado and called our reforms "the envy  
45 of the nation." And, just last week, we were one of just five states honored by  
46 the President as having a model accountability system in place that's working for  
47 the children of Colorado.

48  
49 Friends, that's progress. I thank each of you, Democrats and Republicans, who  
50 worked with us to put this system in place. I thank the educators-- particularly  
51 at Denver Public Schools -- who have made accountability work for their schools  
52 and their students.

53  
54 Now that the system is showing results, we must stay the course. The old  
55 voices of the status quo have not been stilled. Too much testing, they say. Or  
56 the stakes are too high, they say.

1 Can there be any higher stakes than improving the future for all of Colorado's  
2 children? We cannot falter in this task, or weaken our resolve. Our reforms are  
3 working. Colorado educators are making them work for the children.  
4

5 We will continue on this path to progress – because Colorado's children deserve  
6 no less.  
7

8 Ensuring a bright future for every Coloradan doesn't stop in twelfth grade. The  
9 fact is that fewer than one in four Coloradans go on to higher education. While  
10 the barrier to attending a Colorado college or university is not always financial,  
11 there is no question that dollars and cents can trump what for many is a  
12 common-sense decision to pursue higher education.  
13

14 Today, Colorado invests more than \$700 million in our public higher education  
15 institutions. Those dollars support the tuition for thousands of our fellow  
16 citizens. But, for many Coloradans— particularly low-income men and women  
17 – the fact that these dollars are there, for them, is simply not real.  
18

19 Our Blue Ribbon Commission on Higher Education has recommended that we  
20 change the funding equation. I agree. We should allow the dollars to follow the  
21 student to the public college or university of his or her choice. Let's create, this  
22 year, the College Opportunity Fund.  
23

24 A student may choose a community college, a state college or one of our public  
25 universities. But this puts the choice and the opportunity in their hands. No  
26 strings attached. It tells them that there is up to \$18,000 waiting for them to  
27 claim to pursue a brighter future in higher education.  
28

29 A brighter future for our farmers and ranchers – indeed all of Colorado –  
30 depends on all of us focusing, this year, on our water policy.  
31

32 It's no secret that 2002 was the driest in Colorado history. In fact, scientists  
33 tell us that this is perhaps the worst drought in 350 years. The drought hit our  
34 farmers and ranchers hardest, since they use 85 percent of Colorado's water  
35 supply.  
36

37 Despite these challenges, we should all be proud of how Colorado responded to  
38 the drought. Water restrictions were obeyed, and water managers worked  
39 quickly to improve their water delivery systems. The General Assembly  
40 responded as well. During the Special Session, you passed legislation to ensure  
41 that communities would receive emergency water supplies, while farmers were  
42 aided in their well irrigation.  
43

44 Some say that new water storage fuels growth. Let me suggest, respectfully,  
45 that this position is mistaken. When we increase the supply of water, we lower  
46 its cost for those who use it. Eighty-five percent of Colorado's water fuels  
47 agriculture, not subdivisions. By lowering the cost of water we are protecting  
48 the 50 percent of Colorado's land area that is agricultural open space.  
49

50 Let us continue to make flexibility and cooperation the cornerstone of  
51 Colorado's water policy. I offer the following suggestions designed to face our  
52 current drought and better prepare for future drought cycles:  
53

54 We must increase Colorado's efforts to conserve water. Let's ensure that all  
55 Colorado communities operate under sound water conservation plans. Where  
56 feasible, let's encourage water reuse.

1 We must launch a Statewide Water Supply Initiative. This initiative will survey  
2 all major water users in the state, and determine future water needs. It will then  
3 identify water projects that can respond to those needs.

4  
5 We must examine innovative ways to save more of Colorado 's water. If we  
6 want to protect Colorado's entitled water from California's lawns, we must  
7 identify a method to store our share of the Colorado River's water.

8  
9 We are especially appreciative of the efforts of Colorado 's former attorney  
10 general – and the current Secretary of the Interior – Gale Norton. Secretary  
11 Norton has taken the strong steps to protect the use of water from the Colorado  
12 River. She deserves our thanks.

13  
14 To increase our storage capacity, let's focus first on refurbishing and  
15 rehabilitating our existing reservoirs and delivery systems. In my first four years  
16 in office, we increased Colorado's water storage by 100,000 acre-feet at a cost  
17 of only \$11million. In many cases, water users will receive more water-per-  
18 dollar simply by improving the facilities they already own.

19  
20 Ultimately, our communities and irrigation districts need the financial capacity  
21 to pay for these much-needed projects. There are several ways we can do this.  
22 For example, the voters can approve bonding through a referred measure. The  
23 Water Resources and Power Development Authority could utilize the revenue  
24 resources of the Colorado Water Conservation Board. Or other state bonding  
25 authorities could play a role. But we must offer this help, particularly to the  
26 smaller communities throughout our state.

27  
28 But if you cannot send me a compromise on water storage that will protect our  
29 agriculture and open spaces, there is no doubt in my mind that the voters will  
30 demand a voice, and an opportunity to provide financing where the General  
31 Assembly could not. And I would join them in that effort.

32  
33 As you know, two decades of state water practices along the South Platte River  
34 have been blocked in state court. This is a serious situation that not only affects  
35 our farmers and ranchers. It affects communities and schools as well. I look  
36 forward to working with you to ensure that we can find a solution to this  
37 problem in a legislative conference room as opposed to in a courtroom.

38 We are fortunate here in Colorado to be part of the world 's most innovative  
39 health care system. We also know that the best health care system is, by its  
40 nature, an expensive health care system. Yet these high prices threaten too  
41 many Coloradans' access to the system. Too many of our residents do not have  
42 health insurance, and those who do face daunting increases in their premium  
43 costs.

44  
45 Families in our rural communities often struggle to find a doctor or medical  
46 provider who is convenient and accessible. Too many doctors are buried in  
47 paperwork. Frivolous lawsuits increase the cost of health insurance and threaten  
48 patients' access to medical care. Moreover, our businesses are faced with  
49 skyrocketing health insurance costs that crush jobs. And damage the  
50 competitiveness of Colorado companies.

51 These are complex problems with no easy answers or silver bullets. And, the  
52 fact is that there is a limited amount of effective action we can take at the state  
53 level. But, what we can do, we must do this year.

54  
55 Let's work together this year to make health insurance more affordable,  
56 particularly for workers at small businesses.

1 We've already proven that we can get the job done on health care. We've  
2 worked together to give nearly 46,000 lower income children access to  
3 affordable health insurance and to get women diagnosed with breast or cervical  
4 cancer the timely medical treatment that can save their lives. Most recently,  
5 Republicans and Democrats came together to provide prenatal care to low-  
6 income women.

7  
8 This issue calls us again to work together. One of the Lieutenant Governor's  
9 greatest assets is her ability to pull different groups together to reach consensus  
10 on difficult issues. I have great confidence that she will bring together  
11 businesses, consumers, insurance companies and providers to reach a common-  
12 sense solution to this difficult problem.

13  
14 On these efforts, the Lieutenant Governor will have the benefit of working  
15 closely with Speaker Spradley, Senators Hillman, Johnson and Owen, and  
16 Representatives Clapp, Hefley and Weissman – all of whom have worked hard  
17 for health insurance reform.

18  
19 Their mission will be to help create a more affordable health care system that  
20 provides Coloradans with greater choices and control over their health care  
21 decisions.

22  
23 We can realize this reformed system by taking the following six steps:

- 24 • We need to trust Coloradans. Let's give them the choices and empower  
25 them to purchase a lower-cost, basic health plan that best suits their needs,  
26 and not what the government says they need;
- 27 • Remove government mandates and red tape that unnecessarily drive health  
28 insurance costs to an unaffordable level;
- 29 • Provide a truly independent analysis of the effect that any new benefit  
30 mandate would have before we impose them on health care consumers;
- 31 • Allow small businesses to band together so they can leverage their  
32 purchasing power, ease their administrative burden and have more choice.
- 33 • Discourage lawsuits that have no merit, which will make health insurance  
34 more affordable and ensure that Coloradans have access to specialty care;  
35 and,
- 36 • Encourage more competition and choice by making it easier for insurance  
37 companies to return to Colorado's reformed insurance market.

38  
39 As we all know, not just the cost of health insurance, the cost of auto insurance  
40 is soaring. We're seeing double-digit increases in just the past year, as high as  
41 fifteen percent or more. Today the average auto insurance premium is more  
42 than \$750. Put a few teenagers in your house, as I have in mine, and your rates  
43 are well "above average."

44  
45 This year, we need to put the brakes on these out-of-control insurance costs.

46  
47 Nearly three decades ago, we started down the road of a "no fault" system that  
48 has two goals: keep costs down and keep claims out of court. After thirty years,  
49 this is a dead-end road.

50  
51 When I was a member of the state Senate in the early 1990s, Colorado had  
52 relatively affordable insurance rates, ranking 35<sup>th</sup> in the nation. Today, we are  
53 the eighth most expensive. We've jumped over 27 states in just a decade.  
54 How did we arrive at this point?

55  
56 Today, Colorado mandates personal injury protection, which is really health

1 insurance for those involved in auto accidents. This mandated coverage is  
2 simply too broad, going well beyond those covered by even the most generous  
3 health insurance policy. Colorado consumers have been required to pay for hot  
4 tubs, treadmills, weight loss programs and aromatherapy. Auto policies should  
5 provide a path to repairing injuries, not a gift certificate to a fancy spa.

6  
7 As a result of this excessive, mandated coverage, Colorado has the second  
8 highest benefit level in the country, trailing only New York.

9  
10 For the sake of all Colorado motorists, let's bring some sanity back to the auto  
11 insurance system. Last year I signed into law legislation to extend Colorado's  
12 current system one more year. I will not do so again. Leaders in Colorado's  
13 business, healthcare and auto insurance industries have been working for several  
14 months on legislation that will dramatically reform Colorado's no fault system.  
15 I commend them for their efforts, and I recommend their suggestions to you.

16  
17 They suggest that we establish a "medically necessary" standard for treatment,  
18 matching the standard used in the health care field. We should insist on citizens  
19 citing specific damages and injuries resulting from an auto accident before they  
20 go to court. And we should offer consumers more affordable policies that  
21 provide medical treatments without expensive non-traditional therapies. These,  
22 and others the group may suggest, represent a U-turn away from soaring rates  
23 and toward reasonable, affordable auto coverage.

24  
25 But make no mistake. The time for action is this session. I will not allow  
26 another extension of the no fault system without reform that will reduce costs  
27 for consumers. Our system is broken. Now is the time to fix it.

28  
29 Together, last session we faced the growing scourge of methamphetamine that  
30 is infecting communities throughout Colorado. We gave law enforcement  
31 strong new tools to stem its manufacture, and those tools are working.

32  
33 We made progress. But, friends, we have more work to do, particularly to  
34 protect innocent children who have done nothing wrong. When law  
35 enforcement raids a meth lab, in nearly half the cases, children are present. What  
36 type of future will these children have if their parents are more concerned with  
37 cooking an illegal drug than with cooking their son or daughter a decent meal?

38  
39 I ask for your support for new legislation to expand the definition of child abuse  
40 under criminal and civil law to include manufacturing meth in the presence of a  
41 child. Ladies and gentlemen, if there was ever an example of child abuse, this  
42 is it. I'm pleased that these bills have been introduced with bipartisan  
43 sponsorship. I urge you to help me find the funding this year to address this  
44 urgent need for Colorado's children.

45  
46 There is more we can do this session to protect Colorado's children.

47  
48 To protect innocent children from the exploitation of pornographers, we must  
49 close one, broad loophole. Today, an individual can traffic in child pornography  
50 and, as long as he doesn't make any money on the transactions, Colorado can't  
51 use the full force of our laws against him. That's wrong. For the exploited  
52 child, whether there is a commercial transaction involved is utterly irrelevant.

53  
54 I ask you to eliminate the loophole that requires trafficking in child pornography  
55 to have a commercial purpose.

56

1 Ladies and gentlemen, protecting children reminds us all that one of the most  
2 essential functions of government is public safety.  
3  
4 Today, Colorado lacks a uniform legal standard for the issuance of a right to  
5 carry permit. I propose that, this year, we create one.  
6  
7 Both the Denver Post and the Rocky Mountain News have editorialized that this  
8 patchwork of laws must be changed. I agree with them. This year is the year  
9 that, together, we must create a uniform shall-issue "right to carry" standard this  
10 session.  
11  
12 Ladies and gentlemen, it is an unfortunate fact that corrections takes up about  
13 8 percent of our budget. I wish it were not so.  
14  
15 In the early 1990s, our state faced fiscal challenges. Then, as now, there were  
16 calls that we spend too much on prisons. Or that we should release felons early  
17 to save money.  
18  
19 While it is appropriate to look at the cost of incarceration, I suggest,  
20 respectfully, that we must also look at the cost of not incarcerating criminals.  
21  
22 In 1990, I wrote an opinion piece in the Rocky Mountain News on the myth that  
23 Colorado cannot afford to build new prisons. Here's what I wrote:  
24  
25 "I believe we cannot afford not to build the prison's Colorado felons so clearly  
26 deserve...The costs to society of releasing that felon, in terms of increased  
27 police and court costs – not to mention pain and suffering – is often substantially  
28 greater."  
29  
30 My views have not changed and will not change.  
31  
32 Our duty is to the law-abiding, not the law breaking. It is to the innocent  
33 families, not to the felons who prey on them.  
34  
35 We will not release criminals early for fiscal reasons. We will work with you to  
36 build new prisons to house criminals. We will keep our commitment to protect  
37 the people of Colorado.  
38  
39 Our mission in this challenging year is to remember the people who have  
40 honored us with the chance to represent them in public office. These men and  
41 women ask us to come to this historic building and conduct the people's  
42 business.  
43  
44 They ask us to keep them safe. To provide a quality public education for their  
45 children. To build a transportation system that is worthy of a great state. To  
46 make auto and health insurance affordable and accessible.  
47  
48 To do this, and much more, they ask us to remember that, of itself, the  
49 government has no money of its own. To do the people's business, we are  
50 entrusted with the people's money. And we must meet our fiscal challenges  
51 with that simple, but profound truth in the forefront of our discussions.  
52  
53 Ladies and gentlemen, we will meet these challenges. Colorado has met  
54 challenges in the past and we overcame them. With unity of purpose, and  
55 common sense. With new ideas, and a reliance on age-old values.  
56

1 Together, as Coloradans, let us renew our commitment to achieving great things  
2 for our great state. And, together, as Coloradans we proclaim, with certainty  
3 and with hope for a bright future for all our people, that the state of our state is  
4 sound.

5

6 May God bless each of you. May God bless America. And may God bless  
7 Colorado.

8

9 Thank you.

10

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12 On motion of Senator King, the Joint Session was dissolved.

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House reconvened.

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### REPORTS OF COMMITTEES OF REFERENCE

21

#### AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

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HB03-1032 be referred favorably to the Committee on Finance.

1 **FINANCE**

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

4  
5 **HB03-1048** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, page 3, line 23, after "EXPENSE", insert "TRUST".  
10

11  
12

13 **HB03-1050** be amended as follows, and as so amended, be referred to  
14 the Committee on Appropriations with favorable  
15 recommendation:

16  
17 Amend printed bill, page 2, line 12, after "ANY", insert "FEDERAL";

18  
19 strike line 13 and substitute the following:

20  
21 "THAT MAY BECOME AVAILABLE. ANY MONEYS CURRENTLY ATTRIBUTED  
22 TO THE BUSINESS ENTERPRISE PROGRAM AND ANY RESERVES SHALL BE  
23 TRANSFERRED TO THIS FUND FOR FUTURE USE CONSISTENT WITH THIS  
24 ARTICLE.";

25  
26 line 18, strike "SECTION 24-36-113," and substitute "SECTIONS 24-36-109,  
27 24-36-112, AND 24-36-113,".  
28

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31 **HB03-1056** be referred favorably to the Committee on Appropriations.  
32

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36 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

39  
40 **HB03-1028** be referred to the Committee of the Whole with favorable  
41 recommendation.  
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45  
46 **JUDICIARY**

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

49  
50 **HB03-1091** be referred to the Committee of the Whole with favorable  
51 recommendation.  
52

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1 **TRANSPORTATION & ENERGY**

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

4  
5 **HB03-1010** be referred favorably to the Committee on Appropriations.  
6

7  
8 **HB03-1040** be referred to the Committee of the Whole with favorable  
9 recommendation.  
10

11  
12 **HB03-1053** be amended as follows, and as so amended, be referred to  
13 the Committee on Appropriations with favorable  
14 recommendation:  
15

16 Amend printed bill, page 2, line 2, strike "(1) and (2)," and substitute  
17 "(1), (2), (3) (a), and (3) (b),";

18  
19 strike line 13 and substitute the following:

20  
21 "~~(2) (a) The executive director of the department of public health~~";  
22  
23 line 14, strike "~~and environment~~" and substitute "~~and environment~~  
24 COMMISSION";  
25

26 line 15, strike "area" and substitute "area, ROUTINELY OPERATED IN THE  
27 PROGRAM AREA OR PRINCIPALLY OPERATED FROM A TERMINAL,  
28 MAINTENANCE FACILITY, BRANCH, OR DIVISION LOCATED WITHIN THE  
29 PROGRAM AREA,".  
30

31 Page 3, after line 21, insert the following:

32  
33 "~~(3) (a) Any owner who operates or permits the operation of a motor  
34 vehicle which is subject to the provisions of subsection (1) of this section  
35 and which does not comply with emissions regulations promulgated  
36 pursuant to subsection (2) of this section as required in this subsection (3)  
37 is guilty of a misdemeanor and, upon conviction thereof, shall be  
38 punished by a fine of not less than twenty-five dollars nor more than three  
39 hundred dollars.~~

40  
41 "~~(b) Any owner who violates any rule or regulation of the department  
42 of public health and environment or the commission establishing  
43 standards or procedures for testing or inspections is guilty of a  
44 misdemeanor and, upon conviction thereof, shall be punished by a fine  
45 of not less than one hundred dollars nor more than three hundred  
46 dollars.~~".  
47

48 Page 6, after line 19, insert the following:

49  
50 "**SECTION 6. Repeal.** 42-4-404, Colorado Revised Statutes, is  
51 repealed as follows:  
52

53 **42-4-404. Powers and duties of the executive director of the**  
54 **department of public health and environment.** ~~(6) The executive~~  
55 ~~director may establish an arrangement by contract or otherwise with the~~  
56 ~~Colorado institute for fuels and high altitude engine research of the~~

1 ~~Colorado school of mines. Such contract may provide for services~~  
2 ~~including, but not limited to, in-use testing of heavy duty vehicles,~~  
3 ~~development of effective inspection procedures, and investigation of~~  
4 ~~emissions abatement technologies for the unique conditions existing in~~  
5 ~~the front range and the high altitude communities.~~  
6

7 **SECTION 7.** 25-7-122 (1) (b), Colorado Revised Statutes, is  
8 amended to read:  
9

10 **25-7-122. Civil penalties.** (1) Upon application of the division,  
11 penalties as determined under this article may be collected by the division  
12 by action instituted in the district court for the district in which is located  
13 the air pollution source affected in accordance with the following  
14 provisions:  
15

16 (b) Any person who violates any requirement or prohibition of an  
17 applicable emission control regulation of the commission, the state  
18 implementation plan, a construction permit, any provision for the  
19 prevention of significant deterioration under part 2 of this article, any  
20 provision related to attainment under part 3 of this article, or any  
21 provision of section 25-7-105, 25-7-106, 25-7-106.3, 25-7-106.8,  
22 25-7-106.9, 25-7-108, 25-7-109, 25-7-111, 25-7-112, 25-7-113,  
23 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-135, 25-7-206, 25-7-403,  
24 25-7-404, 25-7-405, 25-7-407, 42-4-403, 42-4-404, 42-4-405, 42-4-406,  
25 42-4-407, 42-4-409, ~~or~~ 42-4-410, OR 42-4-414, C.R.S., shall be subject  
26 to a civil penalty of not more than fifteen thousand dollars per day for  
27 each day of such violation; except that there shall be no civil penalties  
28 assessed or collected against persons who violate emission regulations  
29 promulgated by the commission for the control of odor until a compliance  
30 order issued pursuant to section 25-7-115 and ordering compliance with  
31 the odor regulation has been violated."  
32

33 Renumber succeeding section accordingly.  
34  
35  
36

37 **HB03-1071** be amended as follows, and as so amended, be referred to  
38 the Committee of the Whole with favorable  
39 recommendation:  
40

41 Amend printed bill, page 2, line 14, after "INSPECTIONS", insert  
42 "CONDUCTED TO DETERMINE COMPLIANCE WITH RULES AND REGULATIONS  
43 PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH (a)".  
44

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## 45 PRINTING REPORT

46  
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48  
49 The Chief Clerk reports the following bills have been correctly printed:  
50 **HB03-1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171,**  
51 **1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182,**  
52 **1183, 1184.**  
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**MESSAGE FROM THE SENATE**

Madam Speaker:

The Senate has adopted and transmits herewith: SJR03-006.

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**INTRODUCTION OF BILL  
First Reading**

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

**HB03-1185** by Representative(s) Brophy; also Senator(s) Entz--  
Concerning the maximum gross weight of a vehicle  
combination operated by an electric utility.  
Committee on Transportation & Energy

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**INTRODUCTION OF RESOLUTION**

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

**SJR03-006** by Senator(s) Johnson S.; also Representative(s) Sinclair--  
Concerning the affirmation of the general assembly's  
support for the pledge of allegiance.

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On motion of Representative King, the House adjourned until 9:00 a.m.,  
January 17, 2003.

Approved:

LOLA SPRADLEY,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk