

**SENATE JOURNAL**  
Sixty-third General Assembly  
**STATE OF COLORADO**  
First Regular Session

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One hundred-fourteenth Legislative Day Thursday, May 3, 2001

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Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Call to Order By the President at 8:00 a.m.

Roll Call Present--Total, 30.  
Absent/Excused--Hanna, Hernandez, Hillman, Musgrave, Reeves--Total, 5.  
Present later--Hanna, Hernandez, Hillman, Musgrave, Reeves.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Wednesday, May 2, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

**SENATE SERVICES REPORT**

Senate Services Correctly rerevised: HB01-1271, 1229, 1090, 1205, 1344, 1294, 1272, 1086, 1298, 1130, 1191, 1263, 1269, 1155, 1184.

Correctly reengrossed: SB01-214, 236.

Correctly revised: HJR01-1039, HJR01-1040, HJR01-1033, HB01-1372, 1365, 1373, 1022, 1234.

Correctly engrossed: SB01-232, 220, 237, 229, 231, 227, 235, 224, 211, 234, SCR01-005.

**THIRD READING--FINAL PASSAGE OF BILLS--  
CONSENT CALENDAR**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent.

**HB01-1372** by Representative Spradley; also Senator Chlouber--Concerning real property in Fremont county used by the special operations response team of the department of corrections, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	E		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

**SB01-232** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--Concerning an increase in the transfer of moneys from the general fund to the capital construction fund.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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**SB01-232**

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	E		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

**SB01-220**

by Senators Entz and Dyer (Durango); also Representatives Snook and Miller--Concerning special license plates for members of the United States Marine Corps.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: The present roll call of the Senate.

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent.

**HB01-1345**

by Representatives Hoppe, Miller, Snook, Rippy and Webster; also Senator Dyer (Durango)--Concerning the creation of the mineral and energy reclamation trust fund for the purpose of repairing damage to land following the extraction of certain elements.

Laid over until Friday, May 4, 2001, retaining its place on the calendar.

**SB01-237**

by Senator Thiebaut; also Representative King--Concerning the financing of capital construction needs of charter schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	30	NO	1	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	N	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Anderson, Fitz-Gerald, Hagedorn, Nichol, Taylor, Teck.

**SB01-229**

by Senators Anderson and Perlmutter; also Representatives Witwer and Daniel--Concerning the use of performance contracts for state-supported institutions of higher education.

**SB01-229**

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	1	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Cairns, Dyer (Durango), Entz, Evans, Fitz-Gerald, Hagedorn, Matsunaka, May, McElhany, Nichol, Owen, Teck.

**SB01-231**

by Senator Entz; also Representative Snook--Concerning the concurrent jurisdiction of the state of Colorado and the United States over newly designated lands dedicated to national park purposes.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Lamborn.

**SB01-227**

by Senator Thiebaut; also Representative Lawrence--Concerning local regulation of hazardous waste sites, and, in connection therewith, expanding the "State Hazardous Waste Incinerator Siting Act" to include all hazardous waste processors.

A majority of those elected to the Senate having voted in the affirmative, Senator Thiebaut was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Thiebaut.

Amend engrossed bill, page 4, line 11, strike "TO, OR OTHERWISE REGULATED BY," and substitute "TO".

A majority of members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

**SB01-227** Co-sponsors added: Entz, Takis.

**SB01-235** by Senators Tate, Reeves and Owen; also Representatives Young, Berry and Saliman-- Concerning the repeal of obsolete provisions of state law in order to clarify the status of the Colorado geological survey as a separate division in the department of natural resources.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

**SB01-224** by Senator Hagedorn; also Representative Spradley--Concerning the enhancement of health care services for rural areas of Colorado, and, in connection therewith, enhancing flexibility for network adequacy, enhancing provider service networks, creating community contracted health care providers, expanding the use of telemedicine, and creating an interim committee to study health care issues.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	11	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Dyer (Durango), Fitz-Gerald, Hanna, Matsunaka, Nichol, Pascoe, Perlmutter, Takis, Thiebaut, Tupa, Windels.

**SB01-211** by Senator Musgrave; also Representative Clapp--Concerning alternatives to foster care placement.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	2	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	N		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Cairns, Dyer (Durango), Epps.

**SCR01-005**

by Senators Pascoe, Teck, Epps, Arnold, Chlouber, Dyer (Durango), Fitz-Gerald, Hanna, Hernandez and Windels; also Representative Alexander--Concerning the submission to the registered electors of the state of Colorado of an amendment to article XIV of the constitution of the state of Colorado, authorizing the general assembly to establish qualifications for the office of county coroner.

On motion of Senator Thiebaut, **SCR01-005** was laid over until the next Third Reading Calendar.

(For further action, see page 1159.)

**HB01-1365**

by Representatives Dean, Hefley, Borodkin, Coleman, Mace, Spence, Tapia and Williams S.; also Senators Matsunaka and Anderson--Concerning the creation of the science and technology education center grant program, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	27	NO	6	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Dyer (Durango), Epps, Hagedorn, Hanna, Lamborn, Takis, Taylor, Teck.

**HB01-1373**

by Representatives Larson, Paschall, Borodkin, Fairbank, Jameson, Kester, Marshall, Miller, Rhodes, Webster, White and Williams T.; also Senators Taylor and Dyer (Durango)--Concerning the creation of the division of oil and public safety in the department of labor and employment, and, in connection therewith, eliminating the office of state inspector of oils.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Entz, Matsunaka.

**HB01-1022**

by Representative Tochtrop; also Senator Linkhart--Concerning transitional medicaid.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	21	NO	12	EXCUSED	2	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

**HB01-1022** A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Hagedorn, Hanna, Pascoe, Tate, Tupa, Windels.

**HB01-1234** by Representative Boyd; also Senator Linkhart--Concerning interviews with participants of the Colorado works program.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	20	NO	14	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Tate.

**SB01-234** by Senators Reeves, Tate and Owen; also Representatives Saliman, Young and Berry-- Concerning the date by which the state personnel director shall submit the annual total compensation survey to the governor and the joint budget committee.

A majority of those elected to the Senate having voted in the affirmative, Senator Reeves was given permission to offer a Third Reading Amendment.

Third Reading Amendment, by Senator Reeves.

Amend engrossed bill, page 2, line 14, strike "REQUEST OF A DEPARTMENT" and substitute "REQUESTS OF ALL THE DEPARTMENTS";

line 16, strike "21," and substitute "24,";

line 18, strike "DEPARTMENT'S BUDGET REQUEST" and substitute "BUDGET REQUESTS";

line 21, strike "THE DEPARTMENT" and substitute "ALL DEPARTMENTS" and strike "DEPARTMENT'S";

line 22, strike "REQUEST." and substitute "REQUESTS."

A majority of members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsor added: Hernandez.

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Committee  
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Whole

On motion of Senator Tupa, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills Consent Calendar and Senator Tupa was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS--  
CONSENT CALENDAR**

The Committee of the Whole having risen, the Chairman reported that the following bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB01-1383**

by Representatives Tapia and Larson; also Senator McElhany--Concerning the simplification of regulatory treatment by the public utilities commission for small privately owned water companies.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.  
(Printed in Senate Journal, May 1, 2001, pages 1101-1102.)

As amended, ordered revised and placed on the Consent calendar for Third Reading and Final Passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Tupa, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1383** as amended.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1189, SB01-216** as amended, **SB01-067, SB01-225, SB01-233, SB01-239, SB01-210, HB01-1381, HB01-1375, HB01-1400, HB01-1357, HB01-1195, HB01-1097, HB01-1359** were made Special Orders at 9:00 a.m.

Committee  
of the  
Whole

The hour of 9:00 a.m. having arrived, Senator Tupa moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Tupa was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB01-225**

by Senator Linkhart; also Representative Groff--Concerning parental consent for the transfer of handguns to underage persons.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 24, 2001, page 981.)

As amended, declared **lost** on Second Reading.

**SB01-233**

by Senator Hernandez; also Representative Dean--Concerning the use of moneys allocated from the employment support fund for existing programs in the department of labor and employment, and, in connection therewith, making an appropriation.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, May 2, 2001, pages 1125-1129.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB01-216**

by Senators Entz, Dyer (Durango) and Hanna; also Representatives Spradley, Plant, Sinclair and Young--Concerning the establishment of a procedure for the adjudication of a recreational in-channel diversion by a local government, and making an appropriation therefor.

(Amended in General Orders as printed in Senate Journal, April 24, 2001, page 978 and in General Orders as printed in Senate Journal, April 26, 2001, page 1003.)

**SB01-216**

Amendment No. 5(L.017), by Senator Entz.

Strike the committee amendment, as printed in Senate Journal, April 20, page 923, lines 48 through 72, page 924, page 925, lines 1 through 15, strike the Pascoe floor amendment (SB216\_L.007) as printed in Senate Journal, April 26, page 1003, lines 18 through 34, strike the Pascoe floor amendment (SB2126\_L.008), as printed in Senate Journal, page 1003, lines 38 through 48, strike the Entz floor amendment (SB216\_L.013), as printed in Senate Journal, page 1003, lines 51 through 59, and strike the Entz floor amendment, (SB216\_L009) as printed in Senate Journal, page 978 and substitute the following:

"Amend printed bill, strike everything below the enacting clause, and substitute the following:

**"SECTION 1.** 37-92-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**37-92-102. Legislative declaration - basic tenets of Colorado water law.** (5) WITHIN THIRTY DAYS AFTER INITIATING ANY WATER RIGHTS FILING FOR THE ADJUDICATION OF A RECREATIONAL IN-CHANNEL DIVERSION, ANY COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT, WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT SHALL SUBMIT A COPY OF THE WATER RIGHTS APPLICATION TO THE BOARD FOR REVIEW.

(6) (a) FOLLOWING A PUBLIC HEARING, IF REQUESTED BY ANY PARTY, THE BOARD SHALL MAKE FINDINGS OF FACT AND A FINAL RECOMMENDATION AS TO WHETHER THE APPLICATION SHOULD BE GRANTED, GRANTED WITH CONDITIONS, OR DENIED.

(b) IN DETERMINING WHETHER THE BOARD SHALL RECOMMEND THAT THE WATER COURT GRANT, GRANT WITH CONDITIONS, OR DENY SUCH APPLICATION, THE BOARD SHALL CONSIDER THE FOLLOWING FACTORS AND MAKE WRITTEN FINDINGS THEREON:

(I) WHETHER THE ADJUDICATION AND ADMINISTRATION OF THE RECREATIONAL IN-CHANNEL DIVERSION WOULD IMPAIR THE ABILITY OF COLORADO TO FULLY DEVELOP AND PLACE TO CONSUMPTIVE BENEFICIAL USE ITS COMPACT ENTITLEMENTS;

(II) THE APPROPRIATE REACH OF STREAM REQUIRED FOR THE INTENDED USE;

(III) WHETHER THERE IS ACCESS FOR RECREATIONAL IN-CHANNEL USE;

(IV) WHETHER EXERCISE OF THE RECREATIONAL IN-CHANNEL DIVERSION WOULD CAUSE MATERIAL INJURY TO INSTREAM FLOW WATER RIGHTS APPROPRIATED PURSUANT TO SUBSECTIONS (3) AND (4) OF THIS SECTION;

(V) WHETHER ADJUDICATION AND ADMINISTRATION OF THE RECREATIONAL IN-CHANNEL DIVERSION WOULD PROMOTE MAXIMUM UTILIZATION OF WATERS OF THE STATE AS REFERENCED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION; AND

(VI) SUCH OTHER FACTORS AS MAY BE DETERMINED APPROPRIATE FOR EVALUATION OF RECREATIONAL IN-CHANNEL DIVERSIONS AND SET FORTH IN RULES ADOPTED BY THE BOARD, AFTER PUBLIC NOTICE AND COMMENT.

(c) WITHIN NINETY DAYS AFTER THE FILING OF STATEMENTS OF OPPOSITION, THE BOARD SHALL REPORT ITS FINDINGS TO THE WATER COURT FOR REVIEW PURSUANT TO SECTION 34-92-305 (13). THE BOARD MAY DEFEND SUCH FINDINGS THROUGH PARTICIPATION IN THE WATER COURT PROCEEDINGS.

(d) NOTHING IN SUBSECTION (5) OF THIS SECTION OR THIS SUBSECTION (6) SHALL APPLY IN ANY WAY TO ANY APPLICATION FOR A WATER RIGHT OR CONDITIONAL WATER RIGHT FOR RECREATIONAL

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SB01-216

IN-CHANNEL DIVERSION PURPOSES THAT WAS FILED PRIOR TO DECEMBER 1, 2000.

(e) NOTHING IN SUBSECTION (5) OF THIS SECTION OR THIS SUBSECTION (6) SHALL APPLY IN ANY WAY TO ANY WATER RIGHT OR CONDITIONAL WATER RIGHT FOR RECREATIONAL IN-CHANNEL DIVERSION PURPOSES FOR WHICH A DECREE WAS ENTERED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (6), INCLUDING ANY PROCEEDING CONCERNING DILIGENCE ON SUCH CONDITIONAL WATER RIGHT OR ANY PROCEEDING TO MAKE SUCH CONDITIONAL WATER RIGHT ABSOLUTE.

**SECTION 2.** 37-92-103 (4) and (7), Colorado Revised Statutes, are amended, and the said 37-92-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**37-92-103. Definitions.** As used in this article, unless the context otherwise requires:

(4) "Beneficial use" is the use of that amount of water that is reasonable and appropriate under reasonably efficient practices to accomplish without waste the purpose for which the appropriation is lawfully made and, without limiting the generality of the foregoing, includes the impoundment of water for recreational purposes, including fishery or wildlife, AND ALSO INCLUDES THE DIVERSION OF WATER BY A COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT, WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT FOR RECREATIONAL IN-CHANNEL DIVERSION PURPOSES. For the benefit and enjoyment of present and future generations, "beneficial use" shall also include the appropriation by the state of Colorado in the manner prescribed by law of such minimum flows between specific points or levels for and on natural streams and lakes as are required to preserve the natural environment to a reasonable degree.

(7) "Diversion" or "divert" means removing water from its natural course or location, or controlling water in its natural course or location, by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other structure or device; EXCEPT THAT ONLY A COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT, WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT MAY CONTROL WATER IN ITS NATURAL COURSE OR LOCATION FOR RECREATIONAL IN-CHANNEL DIVERSIONS. THIS DOES NOT APPLY TO APPLICATIONS FILED PRIOR TO DECEMBER 1, 2000.

(10.3) "RECREATIONAL IN-CHANNEL DIVERSION" MEANS THE MINIMUM STREAM FLOW AS IT IS DIVERTED, CAPTURED, CONTROLLED, AND PLACED TO BENEFICIAL USE BETWEEN SPECIFIC POINTS DEFINED BY PHYSICAL CONTROL STRUCTURES PURSUANT TO AN APPLICATION FILED BY A COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT, WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT FOR A REASONABLE RECREATION EXPERIENCE IN AND ON THE WATER.

**SECTION 3.** 37-92-305, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**37-92-305. Standards with respect to rulings of the referee and decisions of the water judge.** (13) THE WATER COURT SHALL APPLY THE FACTORS SET FORTH IN SECTION 37-92-102 (6). ALL FINDINGS OF FACT CONTAINED IN THE RECOMMENDATION OF THE COLORADO WATER CONSERVATION BOARD SHALL BE PRESUMPTIVE AS TO SUCH FACTS, SUBJECT TO REBUTTAL BY ANY PARTY.

(14) NO DECREE SHALL BE ENTERED ADJUDICATING A CHANGE OF CONDITIONAL WATER RIGHTS TO A RECREATIONAL IN-CHANNEL DIVERSION.

(15) WATER RIGHTS FOR RECREATIONAL IN-CHANNEL DIVERSIONS, WHEN HELD BY A MUNICIPALITY OR OTHERS, SHALL NOT CONSTITUTE A USE OF WATER FOR DOMESTIC PURPOSES AS DESCRIBED IN SECTION 6 OF ARTICLE XVI OF THE STATE CONSTITUTION.

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**SB01-216**

(16) IN THE CASE OF AN APPLICATION FOR RECREATIONAL IN-CHANNEL DIVERSIONS FILED BY A COUNTY, MUNICIPALITY, CITY AND COUNTY, WATER DISTRICT, WATER AND SANITATION DISTRICT, WATER CONSERVATION DISTRICT, OR WATER CONSERVANCY DISTRICT FILED ON OR AFTER DECEMBER 1, 2000, THE APPLICANT SHALL RETAIN ITS ORIGINAL PRIORITY DATE FOR SUCH A RIGHT, BUT SHALL SUBMIT A COPY OF THE APPLICATION TO THE COLORADO WATER CONSERVATION BOARD FOR REVIEW AND RECOMMENDATION AS PROVIDED IN SECTION 37-92-102 (6). THE BOARD'S RECOMMENDATION SHALL BECOME A PART OF THE RECORD TO BE CONSIDERED BY THE WATER COURT AS PROVIDED IN SUBSECTION (13) OF THIS SECTION.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety." "

Amendment No. 6(L.022), by Senators Entz, Taylor and Fitz-Gerald.

Amend the Entz floor amendment (SB216\_L.017), page 3, line 9, strike "DECEMBER" and substitute "JANUARY";

line 10, strike "2000." and substitute "2001."

Page 4, line 12, strike "DECEMBER 1, 2000." and substitute "JANUARY 1, 2001."

Page 5, line 8, strike "DECEMBER 1, 2000," and substitute "JANUARY 1, 2001,".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar (**HB01-1189, SB01-067, SB01-239, SB01-210, HB01-1381, HB01-1375, HB01-1400, HB01-1357, HB01-1195, HB01-1097, HB01-1359**) of Thursday, May 3, 2001, was laid over until the next Special Orders calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Tupa, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB01-233** as amended, **SB01-216** as amended.

Lost on Second Reading: **SB01-225** as amended.

Laid over until the next Special Orders calendar: **HB01-1189, SB01-067, SB01-239, SB01-210, HB01-1381, HB01-1375, HB01-1400, HB01-1357, HB01-1195, HB01-1097, HB01-1359.**

**MESSAGE FROM THE HOUSE**

May 3, 2001  
Mr. President:

The House has adopted and transmits herewith HJR01-1037,1052, as printed in House Journal, April 19, page 1319.

**INTRODUCTION OF RESOLUTIONS**

**HJR01-1037** by Representatives Spence and Sanchez; also Senators Reeves and Anderson-- Concerning recognition of the achievements of Girls Incorporated.

Laid over one day under Senate Rule 30(e).

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR01-1052** by Representatives Boyd, Alexander, Borodkin, Hefley, Hodge, Hoppe, Jahn, Mace, Madden, Marshall, Ragsdale, Rhodes, Spradley, Tochtrop, Veiga, Williams S., and Williams T.; also Senator Windels--Concerning the recognition of Girls' day in Colorado.

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**HJR01-1052** Senator Windels moved to suspend Senate Rule 30(e), for immediate consideration of **HJR01-1052**.

A majority of those elected to the Senate having voted in the affirmative, immediate consideration was granted.

On motion of Senator Windels, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	E	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills **SB01-100** and **SB01-142**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB01-100** by Senator Gordon; also Representative Stengel--Concerning the requirement for additional disclosures by persons making charitable solicitations, and, in connection therewith, prohibiting certain practices and making an appropriation therefor.

Senator Gordon moved that the Senate not concur in House amendments to **SB01-100**, as printed in House Journal, May 1, 2001, page 1488, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

Senator Gordon moved that the Senate Conferes on the First Conference Committee on **SB01-100** be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

(For further action, see Appointments to Conference Committees.)

**SB01-142** by Senator McElhany; also Representative Romanoff--Concerning the standard of evidence necessary for certain applicants to establish their social security numbers with the department of revenue.

Senator McElhany moved that the Senate not concur in House amendments to **SB01-142**, as printed in House Journal, May 1, 2001, pages 1492-1493, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

Senator McElhany moved that the Senate Conferes on the First Conference Committee on **SB01-142** be given the powers to go beyond the scope of the differences between the two Houses.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

(For further action, see Appointments to Conference Committees.)

**APPOINTMENTS TO CONFERENCE COMMITTEES**

The President appointed Senators Gordon, Chairman, Windels and Dyer (Arapahoe) as Senate Conferees on the First Conference Committee on **SB01-100**.

The President appointed Senators McElhany, Chairman, Reeves and Tate as Senate Conferees on the First Conference Committee on **SB01-142**.

Committee of the Whole

On motion of Senator Tupa, the Senate resolved itself into Committee of the Whole for continuation of Special Orders--Second Reading of Bills (**HB01-1189, SB01-067, SB01-239, SB01-210, HB01-1381, HB01-1375, HB01-1400, HB01-1357, HB01-1195, HB01-097, HB01-1359**). Senator Tupa returned to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB01-239**

by Senators Phillips and Matsunaka; also Representatives Spradley--Concerning the prohibition of unauthorized transfers of accounts of prescription drug customers.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, May 2, 2001, pages 1123-1124.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB01-210**

by Senator Arnold; also Representative Mitchell--Concerning penalties for the offense of failure to register as a sex offender.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 10, 2001, pages 798-799.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 26, 2001, pages 1007-1008.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**HB01-1381**

by Representatives Grossman, Miller, Scott, Smith and Veiga; also Senator Hagedorn--Concerning utility cost-savings measures that may be financed by governmental agencies.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.  
(Printed in Senate Journal, May 2, 2001, page 1114.)

Amendment No. 2(L.002), by Senator Hagedorn.

Amend the Government, Veterans and Military Relations, and Transportation committee amendment, as printed in Senate Journal, May 2, page 1114, strike line 46 and substitute the following:

"AND EFFICIENCY PROGRAMS AND STANDARDS ESTABLISHED";

line 47, strike "STRUCTURES OWNED OR RENTED".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1375**

by Representatives Scott, Johnson, Madden, Mitchell, Plant and Witwer; also Senator Teck--Concerning the issuance of bonds by the trust fund board of the great outdoors Colorado trust fund for the purpose of financing expenditures that may be made from the trust fund.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, May 2, 2001, page 1124.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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**HB01-1400**

by Representatives Berry, Young and Saliman; also Senators Owen, Reeves and Tate--  
Concerning a one year waiver of the target reserve requirement for five specific cash funds  
for the 2000-01 fiscal year only, and, in connection therewith, authorizing a one time  
waiver of the target reserve requirement for the educator licensure cash fund, the supplier  
database cash fund, the emergency services medical services account of the highway users  
tax fund, the wildlife cash fund, and the historical society enterprise services fund.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, May 2, 2001, page 1124.)

As amended, ordered revised and placed on the calendar for Third Reading and Final  
Passage.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having  
voted in the affirmative, the balance of the Special Orders Calendar (**HB01-1357, HB01-  
1195, HB01-1097, HB01-1359, HB01-1189, SB01-067**) of Thursday, May 3, 2001, was  
laid over until the next Special Orders Calendar.

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### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tupa, the Report of the Committee of the Whole was adopted and, a  
majority of all members elected having voted in the affirmative, the following action was  
taken:

Passed on Second Reading: **SB01-239** as amended, **SB01-210** as amended, **HB01-1381** as  
amended, **HB01-1375** as amended, **HB01-1400** as amended.  
Laid over until the next Special Orders Calendar: **HB01-1357, HB01-1195, HB01-1097,  
HB01-1359, HB01-1189, SB01-067.**

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### MESSAGE FROM THE HOUSE

May 3, 2001

Mr. President:

The House has adopted and returns herewith SJR01-010.

The House has voted not to concur in the Senate amendments to HB01-1155 and requests  
that a conference committee be appointed. The Speaker has appointed Representatives  
Stengel, chairman, Mitchell, and Coleman as House conferees on the  
First Conference Committee on HB01-1155. The House has granted authorization to go  
beyond the scope of differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB01-1264 and requests  
that a conference committee be appointed. The Speaker has appointed Representatives  
Stafford, chairman, Clapp, and Jahn as House conferees on the First Conference  
Committee on HB01-1264. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB01-1298 and requests  
that a conference committee be appointed. The Speaker has appointed Representatives  
Berry, chairman, Hefley, and Daniel as House conferees on the First Conference  
Committee on HB01-1298. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB01-1086 and requests  
that a conference committee be appointed. The Speaker has appointed Representatives  
Alexander, chairman, Hoppe, and Tochtrop as House conferees on the First Conference  
Committee on HB01-1086. The bill is transmitted herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes  
HB01-1199, amended as printed in House Journal, May 2, page 1528.  
HB01-1387, amended as printed in House Journal, May 2, page 1528.  
HB01-1394, amended as printed in House Journal, May 2, pages 1528-1529.

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### INTRODUCTION OF BILLS--FIRST READING

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

**HB01-1377**

by Representative Williams T.; also Senator Tate--Concerning probate matters.  
Judiciary

**HB01-1386** by Representative Fritz; also Senator Matsunaka--Concerning the exemption of voter-approved marketing and promotion taxes levied by a local marketing district from the statutory six and ninety one-hundredths percent sales or use tax limit.  
 Business, Labor, and Finance

**HB01-1390** by Representative Romanoff, Fairbank, Grossman, Mitchell and Sinclair; also Senator McElhany--Concerning the enforcement of the reporting requirements under the "Fair Campaign Practices Act".  
 Judiciary

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
 ON HB01-1274**

\*\*\*\*\*  
 THIS REPORT AMENDS THE  
 REREVISED BILL  
 \*\*\*\*\*

To the President of the Senate and the  
 Speaker of the House of Representatives:

Your first conference committee appointed on HB01-1274, concerning clarifications to the "Uniform Election Code of 1992", has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 17, after "(1)", insert "(a)";

strike lines 20 and 21 and substitute the following:

"TO THE PUBLIC DURING THE CAUCUS in or proximate to each precinct at a time and place to be";

strike lines 24 through 27 and substitute the following:

"year, which day shall be known as "precinct caucus day".

(b) ANY PRIVATE HOME IN WHICH A PRECINCT CAUCUS IS TO BE HELD SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES IN ACCORDANCE WITH THE RULES OF THE COUNTY CENTRAL COMMITTEE OR EXECUTIVE COMMITTEE OF EACH POLITICAL PARTY. THE RULES SHALL SPECIFY GUIDELINES FOR DETERMINING WHETHER A PRIVATE HOME IS ACCESSIBLE TO PERSONS WITH DISABILITIES FOR PURPOSES OF THIS SUBSECTION(1) AND FOR DETERMINING CONTROVERSIES REGARDING SUCH ACCESSIBILITY."

Page 4, strike line 1;

strike lines 21 and 22 and substitute the following:

"being circulated and, for partisan candidates, is affiliated with the political party mentioned in the petition at the time the petition is circulated, as".

Respectfully submitted,

House Committee: Senate Committee:

(signed) Representative Fairbank, Chairman (signed) Senator Thiebaut, Chairman

(signed) Representative Garcia (signed) Senator Entz

(signed) Representative Scott (signed) Senator Tupa

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Senate in Recess--Senate Reconvened.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1225**, as amended, was added to the Special Orders calendar at 3:35 p.m.

Committee of the Whole

The hour of 3:35 p.m. having arrived, Senator Tate moved that the Senate resolve itself into Committee of the Whole for continuation of Special Orders--Second Reading of Bills. (**HB01-1357, HB01-1195, HB01-1097, HB01-1359, HB01-1189, SB01-067**) Senator Tate was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB01-1189**

by Representatives Daniel, Boyd, Crane, Hefley, Jahn, Veiga and Williams S.; also Senator Windels--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment. (Printed in Senate Journal, March 26, 2001, page 643.)

Amendment No. 2(L.008), by Senator McElhany.

Amend reengrossed bill, page 3, line 23, after the period, insert "THIS SUBSECTION (1.5) DOES NOT APPLY TO FACILITIES OR PORTIONS THEREOF THAT ARE NOT OTHERWISE REQUIRED TO BE LICENSED UNDER 25-3-101. FACILITIES OR PORTIONS THEREOF THAT ARE NOT OTHERWISE REQUIRED TO BE LICENSED UNDER 25-3-101 SHALL BE SUBJECT TO LAWS RELATING TO LANDLORDS AND TENANTS INCLUDING, BUT NOT LIMITED TO, SECTION 13-21-115, C.R.S., SECTION 38-20-102, C.R.S., ARTICLE 40 OF TITLE 13, C.R.S., AND ARTICLE 12 OF TITLE 38, C.R.S."

Page 5, line 9, after the period, insert "THIS SECTION DOES NOT APPLY TO FACILITIES OR PORTIONS THEREOF THAT ARE NOT OTHERWISE REQUIRED TO BE LICENSED UNDER THIS ARTICLE 27. FACILITIES OR PORTIONS THEREOF THAT ARE NOT OTHERWISE REQUIRED TO BE LICENSED UNDER THIS ARTICLE 27 SHALL BE SUBJECT TO LAWS RELATING TO LANDLORDS AND TENANTS INCLUDING, BUT NOT LIMITED TO, SECTION 13-21-115, C.R.S., SECTION 38-20-102, C.R.S., ARTICLE 40 OF TITLE 13, C.R.S., AND ARTICLE 12 OF TITLE 38, C.R.S."

As amended, declared **lost** on Second Reading.

(For further action, see Amendments to the Committee of the Whole Report.)

**HB01-1225**

by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.

(Amended as printed in General Orders, May 2, 2001, pages 1121-1122.)

Amendment No. 4(L.146), by Senator Perlmutter.

Amend Public Policy & Planning Committee amendment, as printed in Senate Journal, April 26, page 1022, strike lines 36 through 42 and substitute the following:

**"24-63-104. Applicability.** (1) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO:

(a) EACH COUNTY THE POPULATION OF WHICH IS TWENTY FIVE THOUSAND OR MORE;

(b) EACH COUNTY THE POPULATION OF WHICH IS FOURTEEN THOUSAND EIGHT HUNDRED OR MORE AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION DURING ANY FIVE YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

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(c) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN TEN THOUSAND AND FOURTEEN THOUSAND EIGHT HUNDRED AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION OR BUILDING PERMITS APPROVED OF TEN PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(d) EACH COUNTY THE POPULATION OF WHICH IS BETWEEN FIVE THOUSAND AND NINE THOUSAND NINE HUNDRED AND NINETY-NINE AND THAT HAS EXPERIENCED AN INCREASE IN POPULATION OR BUILDING PERMITS APPROVED OF TWENTY PERCENT OR MORE DURING ANY FIVE-YEAR PERIOD ENDING IN 2000 OR ANY SUBSEQUENT YEAR;

(e) EACH COUNTY THAT IS A MEMBER OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AS CONSTITUTED ON JANUARY 1, 2001; AND

(f) EACH MUNICIPALITY, ANY PART OF WHICH IS LOCATED WITHIN A COUNTY DESCRIBED IN PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (1) AND THAT HAS A POPULATION OF ONE THOUSAND OR MORE.

(2) (a) A COUNTY OR MUNICIPALITY SHALL ADOPT A MASTER PLAN IN CONFORMITY WITH THE REQUIREMENTS OF PART 2 OF THIS ARTICLE PRIOR TO APPROVING ANY DEVELOPMENT APPLICATION, BUILDING PERMIT, SUBDIVISION OF LAND, OR PLATTING THAT IS PROJECTED BY THE DEPARTMENT TO CAUSE SUCH COUNTY OR MUNICIPALITY TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE UNDER SUBSECTION (1) OF THIS SECTION. AT SUCH TIME, SUCH COUNTY OR MUNICIPALITY SHALL BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(b) FOR PURPOSES OF THIS SECTION, THE DETERMINATION OF POPULATION SHALL REFLECT THE ANTICIPATED MAXIMUM NUMBER OF RESIDENTS IN THE JURISDICTION BASED UPON THE CURRENT POPULATION AS WELL AS THE RESIDENTS OF THE PROPOSED DEVELOPMENT AT THE TIME OF BUILD OUT.

(3) THE DETERMINATION OF THE APPLICABILITY OF THIS ARTICLE IN ACCORDANCE WITH SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL BE MADE ANNUALLY BY THE DEPARTMENT BASED UPON THE POPULATION STATISTICS MAINTAINED BY THE DEPARTMENT.

(4) IF ANY LOCAL PLANNING JURISDICTION BECOMES SUBJECT TO THE PROVISIONS OF THIS ARTICLE PURSUANT TO SUBSECTION (1) OF THIS SECTION, IT SHALL AT ALL TIMES THEREAFTER REMAIN SUBJECT TO ITS PROVISIONS.

(5) (a) ANY LOCAL PLANNING JURISDICTION NOT OTHERWISE SUBJECT TO THE PROVISIONS OF THIS ARTICLE MAY, BY RESOLUTION OR ORDINANCE OF ITS GOVERNING BODY, ELECT TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(b) IF A LOCAL PLANNING JURISDICTION THAT IS A COUNTY ELECTS TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (5), EACH MUNICIPALITY LOCATED WITHIN SUCH COUNTY THE POPULATION OF WHICH IS ONE THOUSAND OR MORE SHALL ALSO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

(6) THE PROVISIONS OF PART 7 OF THIS ARTICLE SHALL APPLY TO ANY COUNTY THAT IS ADJACENT TO OR THAT INCLUDES WITHIN ITS TERRITORIAL BOUNDARIES A MUNICIPALITY SUBJECT TO THIS ARTICLE."

Page 1038, after line 23, insert the following:

"(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO LOCAL PLANNING JURISDICTION SHALL HAVE THE AUTHORITY TO ASSESS OR IMPOSE ANY IMPACT FEE, SITE SPECIFIC PAYMENT, DEDICATION REQUIREMENT, OR OTHER DEVELOPMENT CHARGE AS MAY BE GRANTED BY PARAGRAPH (a) OF THIS SUBSECTION (4) UNLESS SUCH JURISDICTION IS EITHER SUBJECT TO THE PROVISIONS OF THIS ARTICLE OR HAS ELECTED TO BECOME SUBJECT TO THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-63-104 (1) AND (5)."

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**HB01-1225** Amendment No. 5(L.176), by Senator Phillips.

Amend the Perlmutter floor amendment (HB1225\_L.146), page 3, line 17, strike "is";

line 18, strike "SUBJECT TO" and substitute "CONFORMS WITH".

Amendment No. 6(L.175), by Senator Matsunaka.

Amend the Public Policy and Planning committee amendment, as printed in Senate Journal, April 26, page 1048, after line 15, insert the following:

**"SECTION 10.** 39-30-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-30-103. Zones established - termination.** (7) (a) ANY AREA NEWLY DESIGNATED AS AN ENTERPRISE ZONE ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7) SHALL BE LOCATED ENTIRELY WITHIN A RURAL AREA.

(b) AS USED IN THIS SUBSECTION (7), "RURAL AREA" MEANS:

(I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

(II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

(III) THE UNINCORPORATED PART OF A COUNTY LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS."

Renumber succeeding sections accordingly.

Amendment No. 7(L.167), by Senator Perlmutter.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1030, strike lines 42 through 44 and substitute the following:

**"24-63-301. Land designations.** (1) EACH LOCAL PLANNING JURISDICTION THAT IS A MUNICIPALITY SHALL DESIGNATE AN URBAN SERVICE AREA IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 3.

(2) EACH LOCAL PLANNING JURISDICTION THAT IS A COUNTY MAY DESIGNATE ONE OR MORE URBAN SERVICE AREAS WITHIN ITS TERRITORIAL BOUNDARIES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE A COUNTY TO DESIGNATE ANY LAND AS AN URBAN SERVICE AREA."

Renumber succeeding subsections accordingly.

Page 1033, after line 27, insert the following:

"(10) (a) NOTHING IN THIS SECTION SHALL REQUIRE ANY LOCAL PLANNING JURISDICTION THAT IS A COUNTY TO INCLUDE WITHIN ANY URBAN SERVICE AREA DESIGNATED BY SUCH JURISDICTION ANY LAND CONTAINING APPROVED DEVELOPMENT THAT, AS OF JULY 1, 2001, IS:

(I) SERVED BY A CENTRAL WATER AND SEWER SYSTEM; AND

(II) IN A DISTRICT ZONED FOR RURAL USES UNDER SUCH JURISDICTION'S LAND DEVELOPMENT REGULATIONS.

(b) FOR PURPOSES OF THIS SUBSECTION (10), "APPROVED DEVELOPMENT" SHALL MEAN DEVELOPMENT THAT HAS RECEIVED FINAL APPROVAL FROM THE LOCAL PLANNING JURISDICTION BY JULY 1, 2001, OR

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THAT REQUIRES ONLY MINISTERIAL OR ADMINISTRATIVE ACTION TO RECEIVE FINAL APPROVAL AS OF THAT DATE. LAND CONTAINING APPROVED DEVELOPMENT MAY BE DESIGNATED AS RURAL LANDS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(c) ANY DEVELOPMENT THAT HAS NOT RECEIVED FINAL APPROVAL FROM THE LOCAL PLANNING JURISDICTION BY JULY 1, 2001, OR THAT REQUIRES MORE THAN MINISTERIAL OR ADMINISTRATIVE ACTION TO RECEIVE FINAL APPROVAL AS OF THAT DATE SHALL BE SUBJECT TO THE LAND DESIGNATIONS SPECIFIED IN THIS PART 3.";

strike line 29 and substitute the following:

**"24-63-304. Urban service area.** (1) TO THE EXTENT SUCH DESIGNATION IS REQUIRED IN ACCORDANCE WITH SECTION 24-63-301 (1), IN ITS MASTER PLAN, EACH".

Amendment No. 8(L.145), by Senator Perlmutter.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1020, strike lines 52 through 59.

Reletter succeeding paragraphs accordingly.

Page 1020, line 64, after "CONTROLS", insert "OR LOCAL POLICIES".

Page 1021, after line 63, insert the following:

"(bb) "RURAL DEVELOPMENT AREAS" MEANS A PORTION OF RURAL LANDS DESIGNATED BY A LOCAL PLANNING JURISDICTION IN ACCORDANCE WITH SECTION 24-63-303 (3).".

Reletter succeeding paragraphs accordingly.

Page 1022, line 20, strike "TO" and substitute "THAT";

line 23, strike "AN AREA" and substitute "ONE OR MORE AREAS";

strike line 25 and substitute the following:

"WHICH PROJECTED URBAN GROWTH FOR THE NEXT TWENTY YEARS SHALL BE DIRECTED BY DELINEATION OF SUCH AREAS,";

line 26, strike "USES" and substitute "USE";

line 28, strike "AN" and substitute "ANY SUCH";

line 29, strike "OPEN SPACE AND CONSERVATION" and substitute "CONSERVATION AND OPEN SPACE".

Page 1023, strike line 69 and substitute the following:

"THE BOUNDARIES OF THE EXISTING URBANIZED AREAS AND THAT ARE NOT IN CONFLICT WITH".

Page 1024, strike lines 16 through 18 and substitute the following:

"GOVERNMENTS, THE MASTER OR COMPREHENSIVE PLAN OF SUCH JURISDICTION INCLUDES PROVISIONS THAT ADDRESS EACH OF THE ELEMENTS REQUIRED BY SECTION 24-63-604 (3).";

line 22, strike "CONTAINS ALL" and substitute "INCLUDES PROVISIONS THAT ADDRESS EACH OF THE".

Page 1025, strike lines 55 through 57 and substitute the following:

"(8) WITHIN ONE YEAR OF THE ADOPTION OF THE MASTER PLAN, AN";

line 61, strike "PRESENT." and substitute "PRESENT, SUBJECT TO ANY APPLICABLE REQUIREMENTS SPECIFIED IN SUBSECTIONS (4) TO (9) OF THIS

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SECTION.";

line 64, strike "APPROVED" and substitute "ADOPTED OR AMENDED";

strike lines 65 through 67 and substitute the following:

"ACCORDANCE WITH THE TERMS OF THIS ARTICLE, THE GOVERNING BODY SHALL IMPLEMENT ITS MASTER PLAN THROUGH LAND DEVELOPMENT REGULATIONS AND PROGRAMS. IN ADDITION, AFTER THE".

Page 1026, line 11, strike "ESTABLISH";

line 12, strike "PROCEDURES TO";

line 70, strike "LOCAL PLANNING COMMISSION" and substitute "JURISDICTION";

line 71, strike "LOCAL PLANNING".

Page 1027, line 58, strike "ARTICLE;" and substitute "ARTICLE; AND";

line 64, strike "ARTICLE; AND" and substitute "ARTICLE."

Page 1029, line 41, after "BY", insert "ESTABLISHING URBAN DESIGN STANDARDS AND".

Page 1032, strike lines 15 through 17 and substitute the following:

"DEVELOPMENT APPLICATION WITHIN A RURAL DEVELOPMENT AREA UNLESS SUCH APPLICATION IS APPROVED IN";

line 19, strike "NONURBAN" and substitute "RURAL";

line 20, strike "LAND." and substitute "LAND FROM DEVELOPMENT.";

line 67, strike "THAT" and substitute "THAT, CONSISTENT WITH APPLICABLE LAWS AND REGULATIONS,";

line 69, strike "INCLUDING, WITHOUT LIMITATION," and substitute "INCLUDING";

line 70, strike "ALL".

Page 1033, line 8, strike "MAY:" and substitute "MAY, WITHOUT LIMITATION:";

line 14, strike "OR";

line 17, strike "ARTICLE." and substitute "ARTICLE; OR

(c) UTILIZE ANY OTHER LAND PRESERVATION TECHNIQUE PERMITTED BY LAW.";

line 30, strike "AN" and substitute "ONE OR MORE";

line 31, strike "AREA" and substitute "AREAS";

line 33, strike "URBAN SERVICE AREA" and substitute "TOTAL LAND AREA WITHIN ALL OF THE URBAN SERVICE AREAS DESIGNATED BY THE LOCAL PLANNING JURISDICTION";

line 36, after "GROWTH,", insert "THE PROJECTED POPULATION ON RURAL LANDS,";

line 38, strike "SUCH" and substitute "ANY SUCH";

line 43, strike the first "THE" and substitute "A";

line 47, strike "SUCH" and substitute "ANY SUCH";

strike line 51 and substitute the following:

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"(2) ANY GENERAL URBAN SERVICE AREA AND ANY SIX-YEAR";  
line 71, strike "IN THE SIX-YEAR DESIGNATED";  
line 72, strike "AREA".  
Page 1034, line 70, strike "LOCAL";  
strike lines 71 and 72 and substitute the following:  
"JURISDICTION PERIODICALLY AND NOT LESS THAN ONCE EVERY FIVE  
YEARS REVIEWS PROGRESS IN THE JURISDICTION".  
Page 1035, line 4, strike "LOCAL PLANNING COMMISSION" and substitute  
"JURISDICTION";  
line 6, strike "LOCAL PLANNING";  
line 7, strike "LOCAL";  
line 8, strike "PLANNING";  
line 10, strike "THE LOCAL PLANNING".  
Page 1040, line 44, after "HAS", insert "BEEN".  
Page 1048, line 13, after "AND", insert "MAY ALSO BE USED".

Amendment No. 9(L.151), by Senator Perlmutter.

Amend the Public Policy and Planning Committee amendment, as printed  
in Senate Journal, April 26, page 1020, line 47, strike "ANY" and  
substitute "A DESIGNATED";  
line 48, strike "INCLUDING, BUT NOT LIMITED TO," and substitute "SUCH  
AS";  
strike lines 49 and 50 and substitute the following:  
"FLOOR AREA RATIO."  
Page 1033, line 24, after "DESIGNATED", insert "AND ZONED";  
line 47, after "DESIGNATIONS.", insert the following:  
"A LOCAL PLANNING JURISDICTION SHALL ALSO CONSIDER POLICIES AND  
STRATEGIES TO ENCOURAGE INFILL DEVELOPMENT, INCLUDING, WITHOUT  
LIMITATION, AN EXPEDITED PERMIT PROCESS, REDUCTION OR WAIVER OF  
LOCAL DEVELOPMENT FEES, AND ANY OTHER INCENTIVES DEEMED  
APPROPRIATE BY SUCH JURISDICTION."  
Page 1037, strike line 19 and substitute the following:  
"**service area.** (1) EACH LOCAL PLANNING JURISDICTION SHALL";  
line 20, strike "CRITERIA TO";  
strike lines 21 through 26 and substitute the following:  
"SIX-YEAR DESIGNATED AREAS BASED UPON THE JURISDICTION'S MASTER  
PLAN, LAND USE AND DEVELOPMENT REGULATIONS AND CRITERIA,  
INCLUDING THOSE ADOPTED PURSUANT TO SECTION 24-63-202 (9), AND  
SITE SPECIFIC CONDITIONS WHERE APPROPRIATE. ANY SUCH SITE SPECIFIC  
CONDITION UPON A LAND USE APPROVAL SHALL BE BASED UPON DULY  
ADOPTED STANDARDS THAT ARE SUFFICIENTLY SPECIFIC TO ENSURE THAT  
THE CONDITION IS IMPOSED IN A RATIONAL AND CONSISTENT MANNER."  
line 33, strike "AREA." and substitute the following:  
"AREA SUBJECT TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS  
SECTION. NOTHING IN THIS SECTION SHALL RESTRICT A LOCAL PLANNING

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JURISDICTION FROM APPLYING ITS MASTER PLAN, LAND USE AND DEVELOPMENT REGULATIONS AND CRITERIA, INCLUDING THOSE ADOPTED PURSUANT TO SECTION 24-63-202 (9), AND SITE-SPECIFIC CONDITIONS WHERE APPROPRIATE EVEN IN CIRCUMSTANCES WHERE SUCH APPLICATION MAY AFFECT THE PRESUMED LAND USES, DENSITIES, OR INTENSITIES.";

strike lines 35 and 36 and substitute the following:

"(3) A DEVELOPMENT APPLICATION FOR URBAN GROWTH WITHIN";

strike lines 41 through 43 and substitute the following:

"APPLICATION SATISFIES ALL APPLICABLE REQUIREMENTS BASED UPON THE JURISDICTION'S MASTER PLAN, LAND USE AND DEVELOPMENT REGULATIONS AND CRITERIA, INCLUDING THOSE ADOPTED PURSUANT TO SECTION 24-63-202 (9), AND SITE SPECIFIC CONDITIONS WHERE APPROPRIATE. ANY SUCH SITE SPECIFIC CONDITION UPON A LAND USE APPROVAL SHALL BE BASED UPON DULY ADOPTED STANDARDS THAT ARE SUFFICIENTLY SPECIFIC TO ENSURE THAT THE CONDITION IS IMPOSED IN A RATIONAL AND CONSISTENT MANNER."

Amendment No. 10(L.173), by Senator Andrews.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1021, after line 16, insert the following:

"(t) "LOCAL TRANSPORTATION PROJECT" MEANS A TRANSPORTATION PROJECT NOT ON THE STATE HIGHWAY SYSTEM."

Reletter succeeding paragraphs accordingly.

Amendment No. 11(L.149), by Senator Dyer (Durango).

Amend the Public Policy & Planning Committee amendment, as printed in Senate Journal, April 26, page 1020, line 23, after "REGULATIONS.", add ""DEVELOPMENT" SHALL NOT INCLUDE THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO.";

line 27, after "REGULATIONS.", add ""DEVELOPMENT APPLICATION" SHALL NOT INCLUDE AN APPLICATION RELATING TO OR FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO."

Amendment No. 12(L.170), by Senator Taylor.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1031, strike lines 58 and 59 and substitute the following:

"PROHIBIT AN OWNER OF A SINGLE PARCEL OF PROPERTY THAT WAS LAWFULLY CREATED PRIOR TO JANUARY 1, 2001, ON LAND IN AN UNINCORPORATED, RURAL AREA,";

line 62, after "SYSTEM.", insert "NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO PROHIBIT THE CONSTRUCTION OF A CARETAKER UNIT OR HOUSING FOR SUCH CARETAKER, IN CONJUNCTION WITH SUCH SINGLE FAMILY RESIDENCE, AS MAY BE ALLOWED UNDER LOCAL DEVELOPMENT REGULATIONS.";

line 67, after "APPLY.", add "THIS PARAGRAPH (a) SHALL NOT AFFECT EXISTING LAW AS IT PERTAINS TO THIRTY-FIVE ACRE PARCELS."

Amendment No. 13(L.183), by Senator Pascoe.

Amend the Matsunaka floor amendment (HB 1225\_L.175), page 1, line 8, after "AREA.", add "THIS SUBSECTION (7) SHALL NOT BE CONSTRUED TO PROHIBIT THE MODIFICATION OF THE BOUNDARIES OF AN EXISTING

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ENTERPRISE ZONE."

Amendment No. 14(L.131), by Senator Tate.

Amend the Public Policy & Planning Committee amendment, as printed in Senate Journal, April 26, page 1048, after line 15, insert the following:

"SECTION 10. 38-12-301, Colorado Revised Statutes, is amended to read:

**38-12-301. Control of rents by counties and municipalities prohibited.** The general assembly finds and declares that the imposition of rent control on private residential housing units is a matter of statewide concern; therefore, no county or municipality may enact any ordinance or resolution ~~which~~ THAT would control rents on private residential ~~property~~ HOUSING; EXCEPT THAT NOTHING IN THIS SECTION IS INTENDED OR SHALL BE CONSTRUED TO PROHIBIT A PROPERTY OWNER FROM OFFERING OR PROVIDING RENT-CONTROLLED HOUSING UNITS IN ORDER TO FURNISH AFFORDABLE HOUSING OR TO RESTRICT THE RIGHT OF ANY PROPERTY OWNER AND ANY STATE AGENCY, COUNTY, MUNICIPALITY, OR HOUSING AUTHORITY TO ENTER INTO AND TO ENFORCE CONTRACTS TO CONTROL RENTS ON PRIVATE RESIDENTIAL HOUSING. This section is not intended to impair the right of any state agency, county, or municipality to manage and control any property in which it has an interest through a housing authority or similar agency."

Renumber succeeding sections accordingly.

Amendment No. 15(L.165), by Senator Perlmutter.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1031, after line 52, insert the following:

"(c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (1), RURAL LANDS, AS DESIGNATED PURSUANT TO THIS SECTION, SHALL BE SUBJECT TO ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND REGULATIONS, INCLUDING ANY SUBDIVISION REGULATION PROMULGATED BY A LOCAL PLANNING JURISDICTION.";

line 54, strike "(I)";

line 55, strike the second "TO" and substitute "COMPACT AND";

strike lines 58 through 62 and substitute the following:

"PROHIBIT AN OWNER OF A SINGLE PARCEL OF PROPERTY THAT WAS LAWFULLY CREATED PRIOR TO JANUARY 1, 2001, ON LAND IN AN UNINCORPORATED, RURAL AREA OUTSIDE OF AN URBAN SERVICE AREA FROM CONSTRUCTING IMPROVEMENTS UTILIZING AN INDIVIDUAL SEPTIC SYSTEM IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL PLANNING JURISDICTION'S LAND USE REGULATIONS. THIS PARAGRAPH (a) SHALL NOT BE CONSTRUED TO PERMIT THE";

line 66, strike "RIGHTS," and substitute "RIGHTS. ALL OTHER APPLICABLE FEDERAL, STATE, OR LOCAL LAWS";

strike line 67 and substitute the following:

"APPLICABLE LAND USE REGULATIONS, INCLUDING SUBDIVISION REGULATIONS PROMULGATED BY THE LOCAL PLANNING JURISDICTION, SHALL APPLY IN THE CASE OF A SINGLE PARCEL OR ANY CLUSTERED DEVELOPMENT AS MAY BE AUTHORIZED BY SECTION 30-28-403, C.R.S.";

line 69, strike "(II)" and substitute "(b)";

strike line 70 and substitute the following:

"ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS, INCLUDING THE JURISDICTION'S LAND USE OR SUBDIVISION REGULATIONS:";

line 72, strike "(A)" and substitute "(I)".

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Page 1032, strike lines 2 and 3 and substitute the following:

"PRODUCTIVE USES, SUCH AS:

(A) ANY AGRICULTURAL OPERATION THAT EMPLOYS METHODS OR PRACTICES THAT ARE COMMONLY OR REASONABLY ASSOCIATED WITH AGRICULTURAL PRODUCTION OR ACTIVITY, SUCH AS HORTICULTURE, FLORICULTURE, VITICULTURE, FORESTRY, DAIRY, LIVESTOCK AS DEFINED IN SECTION 35-1-102 (6), C.R.S., POULTRY, BEE, AND ANY AND ALL FORMS OF FARM PRODUCTS AND FARM PRODUCTION;

(B) MINES, SAND AND GRAVEL PITS, CLAY ROCKS, ROCK AND STONE QUARRIES, AND USES CUSTOMARILY ASSOCIATED WITH THE EXPLORATION FOR, AND THE EXTRACTION, PROCESSING, STORAGE, AND TRANSPORTATION OF, PRECIOUS METALS, COALS, OIL SHALE, ROCK, STONE, SAND AND GRAVEL, QUARRY AGGREGATE, OR OTHER COMMERCIAL MINERAL DEPOSITS;

(C) EXPLORATION FOR, AND THE EXTRACTION, PROCESSING, STORAGE AND TRANSPORTATION OF, OIL AND GAS;

(D) OUTDOOR RURAL RECREATIONAL AND TOURISM USES, INCLUDING, WITHOUT LIMITATION, HIKING, MOUNTAIN BIKING, ROCK CLIMBING, SKIING, CROSS COUNTRY SKIING, RAFTING, FISHING, BOATING, HUNTING, AND SHOOTING, AND COMMERCIAL FACILITIES DIRECTLY RELATING TO SUPPORTING SUCH USES THAT DO NOT REQUIRE THE PROVISION OF BOTH A CENTRAL WATER SYSTEM AND A CENTRAL SEWER SYSTEM;

(E) FACILITIES NECESSARY OR DESIRABLE FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING, WITHOUT LIMITATION, SCHOOLS AND OTHER EDUCATIONAL FACILITIES;

(F) ON ANY PARCEL OF PROPERTY OF THIRTY-FIVE ACRES OR MORE IN SIZE, A SINGLE-FAMILY RESIDENTIAL DWELLING UTILIZING AN INDIVIDUAL SEPTIC SYSTEM;

(G) EMPLOYEE HOUSING FOR AGRICULTURAL EMPLOYEES IN CONFORMITY WITH THE REQUIREMENTS OF PARAGRAPH (b.1) OF THIS SUBSECTION (2); AND

(H) COMMERCIAL FACILITIES DIRECTLY RELATED TO THE USES IDENTIFIED IN SUB-SUBPARAGRAPHS (A) THROUGH (F) OF THIS SUBPARAGRAPH (I).";

line 5, strike "(B)" and substitute "(II)";

line 9, strike "(C)" and substitute "(III)";

after line 10, insert the following:

"(b.1) EMPLOYEE HOUSING FOR AGRICULTURAL USES CONSTITUTES A NATURALLY PRODUCTIVE USE ALLOWING FOR DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (2) WHERE SUCH HOUSING:

(I) IS ON THE LAND WHERE SUCH EMPLOYEES ARE EMPLOYED;

(II) IS NOT MORE THAN THE AMOUNT REASONABLY NECESSARY TO ACCOMMODATE SUCH EMPLOYEES OR TEN UNITS, WHICHEVER IS LESS; AND

(III) WHERE THE BUILDING SITES FOR SUCH HOUSING SHALL NOT BE SUBDIVIDED FROM THE AGRICULTURAL LAND.";

line 12, strike "(b)" and substitute "(c)";

line 15, strike "FOR URBAN GROWTH";

line 20, strike "LAND." and substitute "LAND FROM DEVELOPMENT.

(d) IN CONNECTION WITH THE CREATION OF ANY LOT LESS THAN

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**HB01-1225**

THIRTY-FIVE ACRES IN SIZE, THE LANDOWNER SHALL ARRANGE FOR THE PURCHASE OF TRANSFERABLE DEVELOPMENT RIGHTS PURSUANT TO A TRANSFERABLE DEVELOPMENT RIGHTS PROGRAM ESTABLISHED BY THE LOCAL PLANNING JURISDICTION PURSUANT TO SUBSECTION (9) OF THIS SECTION SUCH THAT THE TOTAL ACREAGE OF THE LOT SIZE COMBINED WITH THE ACREAGE OF THE LAND FROM WHICH THE TRANSFERABLE DEVELOPMENT RIGHTS ARE PURCHASED IS EQUAL TO THIRTY-FIVE."

strike lines 22 and 23 and substitute the following:

"(3) (a) A LOCAL PLANNING JURISDICTION MAY DESIGNATE LANDS IT HAS DESIGNATED AS RURAL";

strike lines 27 and 28 and substitute the following:

"APPLICABLE FEDERAL, STATE, OR LOCAL LAW. THE RURAL DEVELOPMENT AREA SHALL BE NO GREATER THAN AN AMOUNT OF LAND NEEDED FOR RURAL RESIDENTIAL AND SUPPORTING NONRESIDENTIAL DEVELOPMENT, GIVEN PROJECTIONS OF POPULATION AND JOB GROWTH, PROJECTED DENSITY, AND THE JURISDICTION'S FINANCIAL ABILITY TO PROVIDE AND MAINTAIN AN ADEQUATE LEVEL OF SERVICES FOR THE SUCCEEDING TWENTY-YEAR PERIOD. SUCH RURAL DEVELOPMENT AREA SHALL BE AMENDED OR UPDATED AT LEAST EVERY FIVE YEARS PURSUANT TO THE PROCEDURES SPECIFIED IN SECTION 24-63-202 (5) AND (8).

(b) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, A LOCAL PLANNING JURISDICTION MAY PERMIT LIMITED DEVELOPMENT IN ANY SUCH RURAL";

strike lines 34 through 41 and substitute the following:

"(I) A RESIDENTIAL DEVELOPMENT WITH AN AVERAGE DENSITY NO GREATER THAN THE CAPACITY OF THE LAND TO SUPPORT THE PROPOSED WATER AND WASTEWATER PROVISIONS WHERE:

(A) THE DEVELOPMENT IS COMPACT AND CLUSTERED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-28-403, C.R.S.; AND

(B) THE DEVELOPMENT SATISFIES ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND REGULATIONS, INCLUDING SUBDIVISION REGULATIONS.

(II) SUCH COMMERCIAL DEVELOPMENT AS MAY BE NECESSARY AND APPROPRIATE TO SERVE THE RESIDENTIAL DEVELOPMENT AREA AND THAT SATISFIES ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND REGULATIONS, INCLUDING SUBDIVISION REGULATIONS; OR";

line 43, strike "(c)" and substitute "(III)";

line 52, strike "AND";

strike lines 54 through 56 and substitute the following:

(b) DEVELOPMENT OF SUCH LAND HAS MINIMAL IMPACT ON CONSERVATION AND OPEN SPACE LAND AND PRIME AGRICULTURAL LAND, CONSISTENT WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAW;

(c) DEVELOPMENT OF SUCH LAND DOES NOT REASONABLY IMPEDE FUTURE EXPANSION OF URBAN SERVICE AREAS; AND

(d) DEVELOPMENT OF SUCH LANDS WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ABILITY OF THE LOCAL PLANNING JURISDICTION TO PROVIDE SERVICES OR HAVE A SIGNIFICANT ADVERSE EFFECT UPON OTHER PROPERTY WITHIN THE JURISDICTION, INCLUDING LAND SUPPORTING AGRICULTURAL OPERATIONS."

Page 1033, after line 27, insert the following:

"(9) (a) ANY LOCAL PLANNING JURISDICTION THAT ELECTS TO PERMIT DEVELOPMENT IN A RURAL DEVELOPMENT ZONE PURSUANT TO

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HB01-1225

SUBSECTION (3) OF THIS SECTION SHALL ADOPT REGULATIONS ESTABLISHING A PROGRAM FOR THE TRANSFER OF DEVELOPMENT RIGHTS WITHIN THE JURISDICTION. IN DESIGNING SUCH REGULATIONS, THE JURISDICTION SHALL IDENTIFY MEASURES TO GIVE PRIORITY TO LAND WITHIN DESIGNATED SENDING AREAS WITH THE FOLLOWING ATTRIBUTES:

(I) HIGHLY PRODUCTIVE AGRICULTURAL LAND;

(II) CONSERVATION AND OPEN SPACE LAND; OR

(III) LAND THAT IS IMPORTANT FOR PRESERVING VIEWSHEDS, RIDGELINES, CORRIDORS, COMMUNITY BUFFER ZONES, AND OTHER ELEMENTS OF THE LANDSCAPE THAT ARE IMPORTANT TO THE JURISDICTION.

(b) THE REGULATIONS IMPLEMENTING PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE DESIGNED TO GIVE A PRIORITY IN THE PURCHASE OF TRANSFERABLE DEVELOPMENT RIGHTS TO DEVELOPMENT RIGHTS ON LAND THAT IS REASONABLY NEAR THE DEVELOPMENT FOR WHICH ADDITIONAL DEVELOPMENT RIGHTS ARE BEING PURCHASED AND TO ENSURE THAT AN INDIVIDUAL PARCEL OF LAND FROM WHICH A TRANSFERABLE DEVELOPMENT RIGHT IS BEING PURCHASED IS OF A SUFFICIENT SIZE, LOCATION, AND CHARACTER TO PROVIDE MEANINGFUL CONSERVATION, AGRICULTURAL, OR OPEN SPACE BENEFITS.

(c) FOR THE PURPOSES OF SATISFYING THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (9) AND PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION, THE JURISDICTION MAY UTILIZE A TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM IN EXISTENCE AS OF JULY 1, 2001. ANY SUCH EXISTING TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM SHALL BE CONSIDERED TO BE CONSISTENT WITH THIS SECTION FOR ALL PURPOSES.

(d) THE GENERAL ASSEMBLY SHALL ESTABLISH A COMMITTEE TO MEET IN THE INTERIM AFTER THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY TO STUDY, REVIEW, AND EVALUATE APPROACHES THAT MAY BE TAKEN BY LOCAL PLANNING JURISDICTIONS TO MAXIMIZE THE EFFECTIVENESS OF ANY TRANSFERRABLE DEVELOPMENT RIGHTS PROGRAM ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) AND TO SUBMIT A WRITTEN REPORT ON ITS FINDINGS AND RECOMMENDATIONS, INCLUDING, WITHOUT LIMITATION, ANY RECOMMENDATIONS FOR LEGISLATION, TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL NO LATER THAN NOVEMBER 15, 2001."

Amendment No. 16(L.184), by Senator Perlmutter.

Amend the Perlmutter amendment, (HB1225\_L.165), page 7, line 2, after "(d)" insert "(I)";

after line 11, insert the following:

"(II) THE INTERIM COMMITTEE REQUIRED BY SUBPARAGRAPH OF THIS PARAGRAPH (d) SHALL CONSIST OF SIX MEMBERS OF THE GENERAL ASSEMBLY. THREE OF SUCH MEMBERS SHALL BE FROM THE SENATE, WITH TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THREE OF SUCH MEMBERS SHALL BE FROM THE HOUSE OF REPRESENTATIVES, WITH TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES."

Amendment No. 17(L.171), by Senator Perlmutter.

Amend the Perlmutter amendment, (HB1225\_L.165), page 7, line 2, after "(d)" insert "(I)";

after line 11, insert the following:

"(II) THE INTERIM COMMITTEE REQUIRED BY SUBPARAGRAPH OF THIS PARAGRAPH (d) SHALL CONSIST OF SIX MEMBERS OF THE GENERAL ASSEMBLY. THREE OF SUCH MEMBERS SHALL BE FROM THE SENATE, WITH TWO APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED

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**HB01-1225**

BY THE MINORITY LEADER OF THE SENATE. THREE OF SUCH MEMBERS SHALL BE FROM THE HOUSE OF REPRESENTATIVES, WITH TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

(For further action, see Amendments to the Committee of the Whole Report.)

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders Calendar (**HB01-1357, HB01-1195, HB01-1097, HB01-1359, HB01-1189, SB01-067**) of Thursday, May 3, 2001, was laid over until the next Special Orders Calendar.

**AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

**HB01-1189**

by Representatives Daniel, Boyd, Crane, Hefley, Jahn, Veiga and Williams S.; also Senator Windels--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.

Senator Windels moved to amend the Report of the Committee of the Whole to show that the Health, Environment, Children & Families Committee amendment to **HB01-1189** did not pass.

The amendment was **adopted** by the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

**HB01-1225**

by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Hillman floor amendment, (L.177) to HB 01-1225, did pass.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1033, after line 4, insert the following:

"(6.3) THE LOCAL PLANNING JURISDICTION SHALL COMPENSATE THE OWNER FOR THE FAIR MARKET VALUE OF ANY LAND THAT HAS BEEN DESIGNATED AS CONSERVATION AND OPEN SPACE LAND, WHICH VALUE SHALL BE DETERMINED AS IF THE LAND HAD NOT BEEN SO DESIGNATED AND AS IF THE JURISDICTION HAD ACQUIRED SUCH LAND THROUGH THE PROCESS OF EMINENT DOMAIN. THE JURISDICTION MAY INITIATE THE COMPENSATION PROCESS, WHICH MAY INCLUDE CONDEMNATION PROCEEDINGS, AT ANY TIME AFTER THE LAND HAS BEEN DESIGNATED AS CONSERVATION AND OPEN SPACE LAND BUT SHALL INITIATE SUCH PROCESS UPON THE WRITTEN REQUEST OF THE LANDOWNER SO AFFECTED WITHIN THIRTY DAYS FOLLOWING SUCH REQUEST."

The amendment was declared **lost** by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

**ROLL CALL ON HB01-1189**

**HB01-1189** by Representatives Daniel, Boyd, Crane, Hefley, Jahn, Veiga and Williams S.; also Senator Windels--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.

Upon request of Senator Windels a roll call vote was taken with the following result:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Tate, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1225** as amended.  
 Lost on Second Reading: **HB01-1189** as amended.  
 Laid over until the next Special Orders calendar: **HB01-1357, HB01-1195, HB01-1097, HB01-1359, SB01-067.**

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Third Reading--Final Passage of Bills **SCR01-005.**

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent.

**SCR01-005** by Senators Pascoe, Teck, Epps, Arnold, Chlouber, Dyer (Durango), Fitz-Gerald, Hanna, Hernandez and Windels; also Representative Alexander--Concerning the submission to the registered electors of the state of Colorado of an amendment to article XIV of the constitution of the state of Colorado, authorizing the general assembly to establish qualifications for the office of county coroner.

Laid over until Friday, May 4, 2001, retaining its place on the calendar.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Judiciary After consideration on the merits, the committee recommends that **HB01-1242** be referred favorably to the Committee on Appropriations.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **HB01-1388** be referred favorably to the Committee of the Whole.

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Government,  
Veterans and  
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Transportation

After consideration on the merits, the committee recommends that **HCR01-1004** be postponed indefinitely.

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Education

The committee returns herewith HB01-1218 and reports that the said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

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Education

After consideration on the merits, the committee recommends that **HB01-1380** be postponed indefinitely.

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Education

After consideration on the merits, the committee recommends that **HJR01-1011** be amended as follows and, as so amended be referred to the Senate for final action.

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Amend engrossed joint resolution, page 1, strike lines 1 through 15 and substitute the following:

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"WHEREAS, The current governance structure for higher education in the state of Colorado was established through legislation enacted in 1985, and the General Assembly has not considered legislation making significant changes to the governance structure for higher education since that time; and

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WHEREAS, The state recently received a report from the Northwest Educational Research Center recommending changes in the governance alignment for institutions of higher education in Colorado; and

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WHEREAS, The study finds that public expectations of higher education are changing dramatically and that "interest in access and certification, financial scarcity, the expanding application of information technologies, and a persistent emphasis on economic competitiveness argue for reconsideration of the manner in which [the state system of higher education] is governed and managed"; and

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WHEREAS, The Northwest Educational Research Center report did not address the fiscal implications of the recommended governance realignments; and

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WHEREAS, Any governance report is incomplete without a discussion of the respective roles and missions of the state-supported institutions of higher education; and

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WHEREAS, Any changes in governance structure should be preceded by ample opportunity for review and comment on proposals by all effected parties, including students, parents, alumni, and local communities; and

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WHEREAS, Maintaining a strong and vital system of higher education is crucial to the economic well-being of the state; and

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WHEREAS, Recent studies of higher education performance indicate that Colorado's system of higher education is affordable, accessible, and of high quality; and

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WHEREAS, Prior to implementation of governance changes for selected state-supported institutions of higher education it is appropriate to reexamine and adjust, if necessary, the roles and missions of each of the state-supported institutions of higher education; and

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WHEREAS, Higher education governance has not been studied

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**HJR01-1011**

by the Colorado General Assembly since 1984; now, therefore,".

Page 2, strike lines 1 through 23;

strike lines 26 through 43 and substitute the following:

"(1) That there shall be a legislative committee formed to study governance of state-supported institutions of higher education, hereinafter referred to as the "interim committee", which shall meet in the interim after the 2001 regular session of the Sixty-third General Assembly.

(2) That the interim committee shall consist of twelve members as follows:

(a) Six senators appointed by the President of the Senate, one of whom shall be the chair of the Senate education committee and who shall serve as the chair of the interim committee, and no more than four of whom shall be from the same political party;

(b) Six representatives appointed by the Speaker of the House of Representatives, one of whom shall be the chair of the House education committee and who shall serve as the vice-chair of the interim committee, and no more than four of whom shall be from the same political party.

(3) That the interim committee shall consider the following issues:

(a) The implications of realigning state-supported institutions of higher education within the current governing board structure or within a newly created governing board structure including, but not limited to, the autonomy of the schools and the financial viability of the institutions;

(b) An examination of role and mission of the state-supported institutions of higher education to ensure that institutions are meeting the needs of the state of Colorado and the local communities;

(c) An examination of mechanisms to grant state-supported institutions of higher education increased autonomy in exchange for higher levels of demonstrated performance.

(4) Appointments to the interim committee shall be made by July 1, 2001.

(5) That the staff of the Legislative Council and the Office of Legislative Legal Services shall be available to assist the interim committee in carrying out its duties.

(6) That the interim committee shall make recommendations regarding the issues reviewed and, if necessary, recommend legislation. Legislation recommended by the committee shall be treated as legislation recommended by any other legislative interim committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the Senate and the House of Representatives.

(7) That the legislative members of the interim committee shall be compensated as provided in section 2-2-307, Colorado Revised Statutes, for attendance at meetings of the interim committee.

(8) That the actual and necessary expenses, including per diem, incurred in the conduct of the interim committee shall be approved by the chairperson of the Legislative Council and paid by vouchers and warrants drawn as provided by law from funds allocated to the Legislative Council from appropriations made by the General Assembly."

Strike pages 3 and 4.

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Health,  
Environment  
Children  
and Families

The committee has had under consideration and has had a hearing of the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE  
COLORADO COMMISSION FOR THE DEAF  
AND HARD OF HEARING

for a term expiring July 1, 2006:

James B. Duresky of Durango, Colorado, to serve as a member who is hard of hearing and as an Unaffiliated, appointed.

Health,  
Environment  
Children  
and Families

The committee has had under consideration and has had a hearing of the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
COLORADO UNINSURABLE HEALTH INSURANCE PLAN  
BOARD OF DIRECTORS

for terms expiring July 1, 2004:

Val Clark Dean, M.D. of Franktown, Colorado, to serve as a carrier representative, appointed;

Herbert J. Rothenberg, M.D. of Denver, Colorado, to serve as a medical professional who specializes in chronic diseases, reappointed.

Health,  
Environment,  
Children  
and Families

The committee has had under consideration and has had a hearing of the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE  
STATE BOARD OF HUMAN SERVICES

for a terms expiring March 1, 2005:

Shirl McGuire-Belden of Grand Junction, Colorado, to serve as a member of the public, reappointed;

Carole J. Custer of Westcliffe, Colorado, to serve as a member of the public, reappointed;

Bruce Brian Bass of Brush, Colorado, to serve as a member of the public, reappointed;

Patricia Delores Baca of Denver, Colorado, to serve as a member of the public, reappointed.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1134** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, before line 18, insert the following:

**"SECTION 3.** 25-4-904 (1), Colorado Revised Statutes, is amended to read:

**25-4-904. Rules and regulations - immunization rules - rule-making authority of state board of health.** (1) The state board of health shall establish rules and regulations for administering this part 9. Such rules and regulations shall establish which immunizations shall be required and the manner and frequency of their administration and shall conform to recognized standard medical practices. AT A MINIMUM, SUCH RULES SHALL INCLUDE MANDATORY HEPATITIS A IMMUNIZATION FOR SCHOOL CHILDREN. Such rules and regulations may also require the reporting of statistical information and names of noncompliers by the schools. The department of public health and environment shall

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administer and enforce the immunization requirements.

**SECTION 4.** 25-4-906 (1), Colorado Revised Statutes, is amended to read:

**25-4-906. Certificate of immunization - forms.** (1) The department of public health and environment shall provide official certificates of immunization to the schools, private physicians, and local health departments. UPON THE COMMENCEMENT OF THE GATHERING OF EPIDEMIOLOGICAL INFORMATION PURSUANT TO SECTION 25-4-1705 (5) TO IMPLEMENT THE IMMUNIZATION TRACKING SYSTEM, SUCH FORM SHALL INCLUDE A NOTICE THAT INFORMS A PARENT OR LEGAL GUARDIAN THAT HE OR SHE HAS THE OPTION TO EXCLUDE HIS OR HER INFANT'S, CHILD'S, OR STUDENT'S IMMUNIZATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-1705 (5). Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by the school official as certification of immunization if the information is transferred to the official certificate of immunization and verified by the school official.

**SECTION 5.** The introductory portion to 25-4-1705 (5) and 25-4-1705 (5) (e), Colorado Revised Statutes, are amended, and the said 25-4-1705 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**25-4-1705. Department of public health and environment - powers and duties.** (5) The board of health, in consultation with the medical services board in the state department of health care policy and financing, and such other persons, agencies, or organizations that the board of health deems advisable, shall formulate, adopt, and promulgate rules and regulations governing the implementation and operation of the infant immunization program. Such rules shall address the following:

(e) (I) The gathering of epidemiological information, including the establishment of a comprehensive immunization tracking system. Infant Immunization information may be gathered for such tracking system by state and local health departments from the following sources:

- (A) Physicians and licensed health care practitioners;
  - (B) Clinics;
  - (C) Schools;
  - (D) A parent of ~~the~~ AN infant, as defined in section 25-4-1703 (3);
  - (E) A child or student, as defined in ~~sections~~ SECTION 25-4-901 (1.5) and (3);
  - (F) Managed care organizations or health insurers in which a child or student, as defined in ~~sections~~ SECTION 25-4-901 (1.5) and (3), or an infant is enrolled as a member or insured, if such managed care organization or health insurer reimburses or otherwise financially provides coverage for immunizations;
  - (G) Hospitals; or
  - (H) Persons and entities that have contracted with the state pursuant to section 25-4-1705 (7).
- (II) Records in the immunization tracking system established pursuant to subparagraph (I) of this paragraph (e) shall be strictly confidential and shall not be released, shared with any agency or institution, or made public UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE, except under the following circumstances:
- (A) Release may be made of medical and epidemiological information in a manner such that no individual person can be identified.
  - (B) Release may be made of immunization records and

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epidemiological information to the extent necessary for the treatment, control, investigation, and prevention of vaccine preventable diseases; except that every effort shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the public health purpose.

(C) Release may be made of immunization records and epidemiological information to the parent of ~~the~~ AN infant, the physician treating the person who is the subject of an immunization record, a school in which such person is enrolled, or any entity or person described in sub-subparagraph (E), (F), (G), or (H) of subparagraph (I) of this paragraph (e).

(D) No officer or employee or agent of the state department of public health and environment or local department of health shall be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any infant's report obtained by such department without consent of the infant's parent OR GUARDIAN. However, this provision shall not apply to infants who are under isolation, quarantine, or other restrictive action taken pursuant to section 25-1-107 (1) (b).

(E) THE DEPARTMENT MAY RELEASE RECORDS OF MEDICAID-ELIGIBLE INFANTS, CHILDREN, AND STUDENTS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PURPOSES OF THE MEDICAID PROGRAM.

(III) (A) ANY OFFICER, EMPLOYEE, AGENT OF THE DEPARTMENT, OR ANY OTHER PERSON WHO VIOLATES THIS SECTION BY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S. THE UNAUTHORIZED RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE PURSUANT TO THIS SUBPARAGRAPH (III).

(B) ANY NATURAL PERSON WHO IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S.

(C) ANY BUSINESS ENTITY WHO, IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION SHALL BE ASSESSED A CIVIL PENALTY OF TEN THOUSAND DOLLARS PER SALE OF INFORMATION PER SUBJECT OF SUCH INFORMATION.

(IV) THE DEPARTMENT SHALL NOT DIRECTLY CONTACT THE PARENT OR LEGAL GUARDIAN FOR THE PURPOSE OF NOTIFYING THE PARENT OR LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR REQUIRED BY THE BOARD OF HEALTH, UNLESS SUCH CONTACT IS NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT THE SPREAD OF A VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION 25-1-107 (1) (a) OR 25-4-908.

(V) A PARENT OR LEGAL GUARDIAN WHO CONSENTS TO THE IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT PURSUANT TO THIS PART 17 OR PART 9 OF THIS ARTICLE SHALL HAVE THE OPTION TO EXCLUDE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM. THE PARENT

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OR LEGAL GUARDIAN SHALL HAVE THE OPTION TO REMOVE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM AT ANY TIME. THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO EXCLUDE SUCH PERSONAL INFORMATION FROM SUCH SYSTEM AND THE POTENTIAL BENEFITS OF INCLUSION IN SUCH SYSTEM. IN ADDITION, THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM SUCH PARENT OR LEGAL GUARDIAN OF THE OPTION TO REFUSE AN IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS PURSUANT TO SECTION 25-4-903.

(9) (a) AS NECESSARY TO VOLUNTARILY IMMUNIZE INFANTS, CHILDREN, STUDENTS, AND ADULTS OF COLORADO, THE DEPARTMENT MAY CONTRACT IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., WITH A PRIVATE OR NONPROFIT ENTITY TO ARRANGE FOR THE COST-EFFECTIVE ORDERING, DISTRIBUTION, AND ACCOUNTING OF VACCINES. PRIOR TO THE EXECUTION OF ANY CONTRACT WITH SUCH AN ENTITY, THE DEPARTMENT SHALL PROVIDE TO THE BOARD OF HEALTH FOR PUBLIC REVIEW A REPORT DESCRIBING THE PROPOSED BUSINESS MODEL OF THE PROSPECTIVE CONTRACTOR. ONCE UNDER CONTRACT, THE ENTITY SHALL ALSO PROVIDE COMPLETE RECORDS OF IMMUNIZATIONS TO THE SUBJECT OF SUCH RECORDS AND THE PERSONS OR ENTITIES LISTED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT OR ANY PERSON WHO CONTRACTS WITH THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) OR SUBSECTION (7) OF THIS SECTION SHALL NOT ESTABLISH A UNIVERSAL PURCHASE SYSTEM FOR THE PROCUREMENT OF VACCINES FOR PRIVATELY INSURED PERSONS UNDER FEDERAL GOVERNMENT CONTRACTS.

(10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS, SCHOOLS, LICENSED CHILD CARE PROVIDERS, HOSPITALS, MANAGED CARE ORGANIZATIONS OR HEALTH INSURERS IN WHICH A STUDENT AS DEFINED IN SECTION 25-4-901 (3) OR AN INFANT IS ENROLLED AS A MEMBER OR INSURED, PERSONS THAT HAVE CONTRACTED WITH THE DEPARTMENT PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND PUBLIC HEALTH OFFICIALS MAY RELEASE ANY IMMUNIZATION RECORDS IN THEIR POSSESSION, WHETHER OR NOT SUCH RECORDS ARE IN THE IMMUNIZATION TRACKING SYSTEM, TO THE PERSONS OR ENTITIES SPECIFIED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION TO PROVIDE AN ACCURATE AND COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY COMPLIANCE WITH STATE IMMUNIZATION LAW.

**SECTION 6.** Article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 12  
MEDICAL RECORD CONFIDENTIALITY

**25-1-1201. Legislative declaration.** THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT MAINTAINING THE CONFIDENTIALITY OF MEDICAL RECORDS IS OF THE UTMOST IMPORTANCE TO THE STATE AND OF CRITICAL IMPORTANCE TO PATIENT PRIVACY FOR HIGH QUALITY MEDICAL CARE. MOST PEOPLE IN THE UNITED STATES CONSIDER CONFIDENTIALITY OF HEALTH INFORMATION IMPORTANT AND WORRY THAT THE INCREASED COMPUTERIZATION OF HEALTH RECORDS MAY RESULT IN INAPPROPRIATE DISCLOSURE OF SUCH RECORDS. PATIENTS HAVE A STRONG INTEREST IN PRESERVING THE PRIVACY OF THEIR PERSONAL HEALTH INFORMATION, BUT THEY ALSO HAVE AN INTEREST IN MEDICAL RESEARCH AND OTHER EFFORTS BY HEALTH CARE ORGANIZATIONS TO IMPROVE THE MEDICAL CARE THEY RECEIVE. HOW BEST TO PRESERVE CONFIDENTIALITY WITHIN A STATE HEALTH INFORMATION INFRASTRUCTURE IS AN IMPORTANT DISCUSSION THAT IS AFFECTED BY RECENT REGULATIONS PROMULGATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO THE ELECTRONIC STORAGE OF HEALTH INFORMATION. THE PURPOSE OF THIS PART 12 IS TO INDEX THE PROVISIONS THAT GOVERN MEDICAL RECORD CONFIDENTIALITY TO FACILITATE LOCATING THE LAW CONCERNING THE

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CONFIDENTIALITY OF MEDICAL RECORDS AND HEALTH INFORMATION. IT IS NOT INTENDED TO EXPAND, NARROW, OR CLARIFY EXISTING PROVISIONS.

**25-1-1202. Index of statutory sections regarding medical record confidentiality and health information.** (1) STATUTORY PROVISIONS CONCERNING POLICIES, PROCEDURES, AND REFERENCES TO THE RELEASE, SHARING, AND USE OF MEDICAL RECORDS AND HEALTH INFORMATION INCLUDE THE FOLLOWING:

(a) SECTION 6-18-103, C.R.S., CONCERNING USE OF INFORMATION BY HEALTH CARE COOPERATIVES;

(b) SECTION 8-43-404, C.R.S., CONCERNING EXAMINATIONS BY A PHYSICIAN OR CHIROPRACTOR FOR THE PURPOSES OF WORKERS' COMPENSATION;

(c) SECTION 8-43-501, C.R.S., CONCERNING UTILIZATION REVIEW RELATED TO WORKERS' COMPENSATION;

(d) SECTION 8-73-108, C.R.S., CONCERNING THE AWARD OF BENEFITS FOR UNEMPLOYMENT COMPENSATION BENEFITS;

(e) SECTION 10-3-1104.7, C.R.S., CONCERNING THE CONFIDENTIALITY AND USE OF GENETIC TESTING INFORMATION;

(f) SECTION 10-16-113, C.R.S., CONCERNING THE PROCEDURES RELATED TO THE DENIAL OF HEALTH BENEFITS BY AN INSURER;

(g) SECTION 10-16-113.5, C.R.S., CONCERNING THE USE OF INDEPENDENT EXTERNAL REVIEW WHEN HEALTH BENEFITS HAVE BEEN DENIED;

(h) SECTION 10-16-423, C.R.S., CONCERNING THE CONFIDENTIALITY OF MEDICAL INFORMATION IN THE CUSTODY OF A HEALTH MAINTENANCE ORGANIZATION;

(i) SECTION 12-32-108.3, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST PODIATRISTS;

(j) SECTION 12-33-126, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST CHIROPRACTORS;

(k) SECTION 12-35-118, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST DENTISTS AND DENTAL HYGIENISTS;

(l) SECTION 12-36-118, C.R.S., CONCERNING DISCIPLINARY ACTIONS AGAINST PHYSICIANS;

(m) SECTION 12-36-135 (1), C.R.S., CONCERNING REPORTING REQUIREMENTS FOR PHYSICIANS PERTAINING TO CERTAIN INJURIES;

(n) SECTION 12-36.5-104, C.R.S., CONCERNING PROFESSIONAL REVIEW COMMITTEES FOR PHYSICIANS;

(o) SECTION 12-36.5-104.4, C.R.S., CONCERNING HOSPITAL PROFESSIONAL REVIEW COMMITTEES;

(p) SECTION 12-37.5-104, C.R.S., CONCERNING REPORTING REQUIREMENTS BY PHYSICIANS RELATED TO ABORTIONS FOR MINORS;

(q) SECTION 12-38-116.5, C.R.S., CONCERNING DISCIPLINARY PROCEEDINGS AGAINST A PRACTICAL NURSE, A PROFESSIONAL NURSE, OR A PSYCHIATRIC TECHNICIAN;

(r) SECTION 12-43-218, C.R.S., CONCERNING THE DISCLOSURE OF CONFIDENTIAL COMMUNICATIONS BY A MENTAL HEALTH PROFESSIONAL;

(s) SECTION 12-43-224 (4), C.R.S., CONCERNING DISCIPLINARY PROCEEDINGS AGAINST A MENTAL HEALTH PROFESSIONAL;

(t) SECTION 13-21-110, C.R.S., CONCERNING CONFIDENTIALITY OF

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INFORMATION, DATA, REPORTS, OR RECORDS OF A UTILIZATION REVIEW COMMITTEE OF A HOSPITAL OR OTHER HEALTH CARE FACILITY;

(u) SECTION 13-21-117, C.R.S., CONCERNING CIVIL LIABILITY OF A MENTAL HEALTH PROFESSIONAL, MENTAL HEALTH HOSPITAL, COMMUNITY MENTAL HEALTH CENTER, OR CLINIC RELATED TO A DUTY TO WARN OR PROTECT;

(v) SECTIONS 13-22-101 TO 13-22-106, C.R.S., CONCERNING THE AGE OF COMPETENCE FOR CERTAIN MEDICAL PROCEDURES;

(w) SECTION 13-64-502, C.R.S., CONCERNING CIVIL LIABILITY RELATED TO GENETIC COUNSELING AND SCREENING AND PRENATAL CARE, OR ARISING FROM OR DURING THE COURSE OF LABOR AND DELIVERY, OR THE PERIOD OF POSTNATAL CARE IN A HEALTH INSTITUTION;

(x) SECTION 13-80-103.7, C.R.S., CONCERNING A LIMITED WAIVER OF MEDICAL INFORMATION IN CIVIL ACTIONS RELATED TO SEXUAL ASSAULT OR SEXUAL OFFENSES AGAINST A CHILD;

(y) SECTION 13-90-107 (1) (d), C.R.S., CONCERNING WHEN A PHYSICIAN, SURGEON, OR REGISTERED PROFESSIONAL NURSE MAY TESTIFY RELATED TO THE CARE AND TREATMENT OF A PERSON;

(z) SECTION 14-10-124, C.R.S., CONCERNING THE BEST INTERESTS OF A CHILD FOR THE PURPOSES OF A SEPARATION OR DISSOLUTION OF MARRIAGE;

(aa) SECTION 14-10-127, C.R.S., CONCERNING THE ALLOCATION OF PARENTAL RESPONSIBILITIES WITH RESPECT TO A CHILD;

(bb) SECTION 17-27.1-101 (4), C.R.S., CONCERNING NONGOVERNMENTAL FACILITIES FOR OFFENDERS AND THE WAIVER OF CONFIDENTIAL INFORMATION;

(cc) SECTION 18-3-203 (1) (f.5), C.R.S., CONCERNING ASSAULT IN THE SECOND DEGREE AND THE AVAILABILITY OF MEDICAL TESTING FOR CERTAIN CIRCUMSTANCES;

(dd) SECTION 18-4-412, C.R.S., CONCERNING THEFT OF MEDICAL RECORDS OR MEDICAL INFORMATION;

(ee) SECTIONS 18-6-101 TO 18-6-104 C.R.S., CONCERNING A JUSTIFIED MEDICAL TERMINATION OF PREGNANCY;

(ff) SECTION 18-18-503, C.R.S., CONCERNING COOPERATIVE AGREEMENTS TO CONTROL SUBSTANCE ABUSE;

(gg) SECTION 19-3-304, C.R.S., CONCERNING PERSONS REQUIRED TO REPORT CHILD ABUSE OR NEGLECT;

(hh) SECTION 19-3-305, C.R.S., CONCERNING POSTMORTEM INVESTIGATION RELATED TO THE DEATH OF A CHILD;

(ii) SECTION 19-5-306, C.R.S., CONCERNING EVIDENCE OF ABUSE OR NEGLECT OF A CHILD;

(JJ) SECTION 19-5-103 (2), C.R.S., CONCERNING RELINQUISHMENT OF RIGHTS CONCERNING A CHILD;

(kk) SECTION 19-5-305, C.R.S., CONCERNING ACCESS TO ADOPTION RECORDS;

(ll) SECTION 22-1-123 (5), C.R.S., CONCERNING THE PROTECTION OF STUDENT DATA;

(mm) SECTIONS 22-32-109.1 (6) AND 22-32-109.3 (2), C.R.S., CONCERNING SPECIFIC POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION;

(nn) SECTION 22-64-216, C.R.S., CONCERNING CONFIDENTIALITY

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OF RECORDS MAINTAINED BY SCHOOL DISTRICT RETIREMENT PLANS;

(oo) SECTION 24-51-213, C.R.S., CONCERNING CONFIDENTIALITY OF RECORDS MAINTAINED BY THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION;

(pp) SECTION 24-72-204 (3), C.R.S., CONCERNING PUBLIC RECORDS NOT OPEN TO PUBLIC INSPECTION;

(qq) SECTION 25-1-122, CONCERNING REPORTING OF CERTAIN DISEASES AND CONDITIONS FOR INVESTIGATION OF EPIDEMIC AND COMMUNICABLE DISEASES, MORBIDITY AND MORTALITY, CANCER IN CONNECTION WITH THE STATEWIDE CANCER REGISTRY, ENVIRONMENTAL AND CHRONIC DISEASES, VENEREAL DISEASES, TUBERCULOSIS, AND RABIES AND MAMMAL BITES BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(rr) SECTION 25-1-124 (2), CONCERNING HEALTH CARE FACILITIES AND REPORTING REQUIREMENTS;

(ss) SECTIONS 25-1-309 AND 25-1-312, CONCERNING THE TREATMENT OF INTOXICATED PERSONS;

(tt) SECTION 25-1-801, CONCERNING PATIENT RECORDS IN THE CARE OF A HEALTH CARE FACILITY;

(uu) SECTION 25-1-802, CONCERNING PATIENT RECORDS IN THE CARE OF INDIVIDUAL HEALTH CARE PROVIDERS;

(vv) SECTIONS 25-1-1105 AND 25-1-1108, CONCERNING THE TREATMENT OF DRUG ABUSERS;

(ww) SECTION 25-2-120, CONCERNING REPORTS OF ELECTROCONVULSIVE TREATMENT;

(xx) SECTION 25-3-109, CONCERNING QUALITY MANAGEMENT FUNCTIONS OF HEALTH CARE FACILITIES LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(yy) SECTION 25-3.5-501, CONCERNING RECORDS MAINTAINED BY AMBULANCE SERVICES AND EMERGENCY MEDICAL TECHNICIANS;

(zz) SECTION 25-3.5-704 (2) (d) AND (2) (f), CONCERNING THE DESIGNATION OF EMERGENCY MEDICAL FACILITIES AND THE STATEWIDE TRAUMA SYSTEM;

(aaa) SECTION 25-4-402 (4), CONCERNING THE REPORTING OF VENEREAL DISEASES;

(bbb) SECTION 25-4-1003 CONCERNING NEWBORN SCREENING PROGRAMS AND GENETIC COUNSELING;

(ccc) SECTIONS 25-4-1402 TO 25-4-1407 CONCERNING REPORTING AND INVESTIGATION OF THE HUMAN IMMUNODEFICIENCY VIRUS;

(ddd) SECTION 25-4-1705 CONCERNING IMMUNIZATION INFORMATION;

(eee) SECTION 25-4-1905, CONCERNING RECORDS COLLECTED RELATED TO GULF WAR SYNDROME;

(fff) SECTION 25.5-2-104, C.R.S., CONCERNING THE RELEASE OF MEDICAL INFORMATION TO A POISON CONTROL SERVICE PROVIDER;

(ggg) SECTION 26-3.1-102 (2), C.R.S., CONCERNING REPORTING REQUIREMENTS RELATED TO AT-RISK ADULTS;

(hhh) SECTION 26-11.5-108, C.R.S., CONCERNING THE LONG-TERM OMBUDSMAN PROGRAM AND ACCESS TO MEDICAL RECORDS;

(iii) SECTION 27-10-103 (2), C.R.S., CONCERNING VOLUNTARY

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**HB01-1134**

APPLICATIONS FOR MENTAL HEALTH SERVICES;

(jjj) SECTIONS 27-10-120 (1.5) AND 27-10-120.5, C.R.S., CONCERNING RECORDS RELATED TO MENTAL HEALTH SERVICES FOR MINOR CHILDREN;

(kkk) SECTION 30-10-606 (6), C.R.S., CONCERNING POSTMORTEM INVESTIGATIONS AND RECORDS;

(lll) SECTION 35-9-109, C.R.S., CONCERNING CONFIDENTIALITY OF INFORMATION RELEASED TO THE COMMISSIONER OF AGRICULTURE RELATED TO HUMAN EXPOSURE TO PESTICIDE APPLICATIONS; AND

(mmm) SECTION 42-2-112, C.R.S., CONCERNING INFORMATION SUPPLIED TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF RENEWING OR OBTAINING A LICENSE TO OPERATE A MOTOR VEHICLE.

**25-1-1203. Electronic storage of medical records.** HEALTH PLANS, HEALTH CARE CLEARINGHOUSES, AND HEALTH CARE PROVIDERS SHALL DEVELOP POLICIES, PROCEDURES, AND SYSTEMS TO COMPLY WITH FEDERAL REGULATIONS PROMULGATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATED TO ELECTRONIC STORAGE AND MAINTENANCE OF MEDICAL RECORD INFORMATION PURSUANT TO FEDERAL LAW."

Renumber succeeding section accordingly.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **SB01-230** be postponed indefinitely.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **SB01-238** be referred favorably to the Committee on Appropriations.

Public  
Policy and  
Planning

After consideration on the merits, the committee recommends that **SB01-241** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 16 through 20 and substitute the following:

"(A) THE EXTENT TO WHICH THE STATEWIDE MULTI-MODAL TRANSPORTATION POLICY AND PLAN REFLECTS AND INTEGRATES THE TWENTY-YEAR TRANSPORTATION PLANS OF EACH TRANSPORTATION PLANNING REGION OR THE DEPARTMENT'S PLAN FOR A REGION; AND

(B) WHETHER THE COORDINATION OF THE PLANNING PROCESSES OF THE TRANSPORTATION PLANNING REGIONS AND THE DEPARTMENT SET FORTH IN SECTION 43-1-1103 AND THE PROVISIONS OF THIS PARAGRAPH (e) CAN BE ENHANCED TO IMPROVE THE DEVELOPMENT AND IMPLEMENTATION OF THE STATEWIDE".

Public  
Policy and  
Planning

After consideration on the merits, the committee recommends that **SR01-013** be postponed indefinitely.

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Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01-1402** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 1, strike everything below the enacting clause, and substitute the following:

**"SECTION 4. Legislative declaration.** The general assembly hereby declares that it intends to encourage the department of public health and environment to focus its efforts on remote sensing technology for monitoring vehicle emissions and to enter into a contract for implementation of the clean screen program in the enhanced program area as soon as is feasible. Such implementation will enhance Colorado's ability to claim credits in the state implementation plan for the reduction of pollutants achieved as a result of the clean screen program. It is the intent of the general assembly that there be a smooth transition between the current contract and the next contract and that the clean screen program be extended to the enhanced program areas as soon as possible to maximize citizen convenience. Discussions with the current contractor have established that the contractor will agree to start the clean screen program at the earliest practicable date allowed by the new state implementation plan and to stabilize the testing fee. The general assembly also intends that the contract for the clean screen program in the enhanced and basic program areas specify that the inspection fee to be charged by the contractor shall not exceed the statutory cap set in section 42-4-311 (6), Colorado Revised Statutes, and that the contractor shall purchase and maintain all clean screen program equipment and software to be used by the contractor in conjunction with the department of revenue and shall have it operational within six months after a new contract is signed. Finally, the general assembly intends that unless there is a compelling reason to the contrary, the department of public health and environment should begin discussions for a new contract with a contractor that has operated in another state both centralized testing and remote sensing at the earliest possible date.

**SECTION 5.** 42-4-304 (5), Colorado Revised Statutes, is amended, and the said 42-4-304 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

**42-4-304. Definitions relating to automobile inspection and readjustment program.** As used in sections 42-4-301 to 42-4-316, unless the context otherwise requires:

(5) "Contractor" means any person, partnership, entity, or corporation that is awarded a contract ~~or service agreement~~ by the state of Colorado through a competitive bid process conducted by the division in consultation with the executive director and in accordance with the "Procurement Code", articles 101 to 112 of title 24, C.R.S., and section 42-4-306, to provide inspection services for vehicles required to be inspected pursuant to section 42-4-310 within the enhanced program area, as set forth in subsection (9) of this section, ~~and to operate enhanced inspection centers necessary to perform inspections, Any such contractor shall establish new enhanced inspection centers and shall update existing technical centers in the enhanced program area to the same level of inspection technology as enhanced inspection centers~~ AND TO OPERATE THE CLEAN SCREEN PROGRAM WITHIN THE PROGRAM AREA.

(8.5) "ENHANCED EMISSIONS INSPECTION" MEANS A MOTOR VEHICLE EMISSIONS INSPECTION CONDUCTED PURSUANT TO THE ENHANCED EMISSIONS PROGRAM, INCLUDING A DETECTION OF HIGH EMISSIONS BY REMOTE SENSING, AN IDENTIFICATION OF HIGH EMITTERS, A CLEAN SCREEN INSPECTION, OR AN INSPECTION CONDUCTED AT AN ENHANCED INSPECTION CENTER.

**SECTION 6.** 42-4-306 (3) (a) (I) (C), (3) (b) (I), (17) (e), and (23), Colorado Revised Statutes, are amended, and the said 42-4-306 (3) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**42-4-306. Powers and duties of commission - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program.**

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HB01-1402

(3) (a) (I) (C) Upon the adoption of specifications for measuring instruments and test analyzer systems, the division in consultation with the executive director ~~shall~~ MAY let bids for the procurement of instruments ~~which~~ THAT meet federal requirements or guidelines and the standards of the federal act. The invitation for bids for test analyzer systems for the basic program and the inspection-only facilities in the enhanced program shall include, but shall not be limited to, the requirements for data collection and electronic transfer of data as established by the commission, service and maintenance requirements for such instruments for the period of the contract, requirements for replacement or loan instruments in the event that the purchased or leased instruments do not function, and the initial purchase or lease price. On and after ~~May 26, 1998~~, THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (C), AS AMENDED, each contract for the purchase of such instruments shall have a term of no more than ~~five~~ FOUR years. ~~and shall be subject to rebidding under the provisions of this paragraph (a).~~

(b) (I) For the enhanced emissions program, the commission shall develop system design standards, performance standards, and contractor requirements. Upon the adoption of such criteria, ~~an open competitive request for proposals shall be issued by~~ the division in consultation with the executive director MAY, according to ~~established~~ procedures and protocol ~~to establish~~ ESTABLISHED IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., ENTER INTO a contract for the design, construction, equipment, maintenance, and operation of enhanced inspection centers to serve affected motorists. ~~The request for proposals~~ CRITERIA FOR THE AWARD OF SUCH CONTRACT shall include, but shall not be limited to, such criteria as ~~bidders'~~ THE CONTRACTOR'S qualifications and experience in providing emissions inspection services, financial and personnel resources available for start-up, technical or management expertise, and capacity to satisfy such requirements for the life of the contract.

(V) (A) NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., OR THIS ARTICLE, THE CONTRACT FOR INSPECTION SERVICES IN EFFECT ON AND BEFORE DECEMBER 31, 2001, MAY BE RENEWED FOR A TERM NOT TO EXCEED TWO YEARS, AFTER WHICH THE CONTRACT MAY BE RENEWED FOR A SINGLE FOUR-YEAR TERM OR REBID; EXCEPT THAT INSPECTION FEES DURING ANY SUCH FOUR-YEAR RENEWAL CONTRACT SHALL BE AS DETERMINED UNDER SECTION 42-4-311 (6).

(B) THE COMMISSION SHALL HAVE RULE-MAKING AUTHORITY TO IMPLEMENT ANY ENVIRONMENTAL PROTECTION AGENCY-APPROVED ALTERNATIVE EMISSIONS INSPECTION SERVICES OR TECHNOLOGIES, INCLUDING ON-BOARD DIAGNOSTICS, SO LONG AS SUCH INSPECTION TECHNOLOGIES PROVIDE SIP CREDITS EQUAL TO OR GREATER THAN THOSE INSPECTIONS CONDUCTED AT AN ENHANCED INSPECTION CENTER.

(17) For the enhanced emissions program, the commission shall promulgate rules and regulations establishing a network of enhanced inspection centers and inspection-only facilities within the enhanced emissions program area consistent with the following:

(e) (F) The network of enhanced inspection centers shall be located to provide adequate coverage and convenience. ~~At least eighty percent of the population shall be within an average of five miles of an enhanced inspection center, and at least ninety-five percent of the population shall be within an average of twelve miles of an enhanced inspection center.~~ AT A MINIMUM, THE NUMBER OF ENHANCED INSPECTION CENTERS SHALL BE EQUIVALENT TO THE NETWORK THAT EXISTED ON JANUARY 1, 2000, AND THE HOURS OF OPERATION SHALL BE DETERMINED BY THE CONTRACT.

(H) ~~Demographic studies shall be performed by the contractor or contractors, compared to that of the state demographer, and used by the commission in establishing center location requirements to ensure that siting reflects density and distribution of census populations.~~

(H) ~~A separate demographic analysis shall be done for Boulder county and Douglas county. The convenience factors set forth in~~

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~~paragraphs (b), (c), and (d) of this subsection (17) shall be applied separately to Boulder county and Douglas county.~~

~~(IV) Local jurisdictions and the department of revenue shall be consulted to optimize demographic analysis.~~

(23) (a) The commission shall promulgate rules governing the operation of the clean screen program. Such rules shall authorize the division to commence the clean screen program in the ~~Weld county and Larimer county portions of the~~ basic emissions program AREA commencing ~~January 1, 1999, or as expeditiously as possible. thereafter.~~ Such rules shall authorize the division to extend, if feasible, the clean screen program to other parts of the state upon request of the lead air quality planning agencies for each respective area. Such rules shall govern operation of the clean screen program pursuant to the contract or service agreement entered into under section 42-4-307 (10.5). Such rules shall determine the percentage of the vehicle fleet targeted for the clean screen program, which percentage shall develop a target of the eligible vehicle fleet that meets air quality needs. Such rules shall specify emission levels for vehicles in the same manner as for other vehicles in the basic emissions program. THE COMMISSION MAY, UPON WRITTEN REQUEST OF THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS, EXCLUDE THE EL PASO COUNTY PORTION OF THE BASIC EMISSIONS PROGRAM AREA FROM THE CLEAN SCREEN PROGRAM IF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVES WRITTEN NOTIFICATION FROM THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS TO SUCH EFFECT BY JUNE 1, 2001.

(b) THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (23) MAY ALSO AUTHORIZE THE DIVISION TO COMMENCE THE CLEAN SCREEN PROGRAM IN THE ENHANCED EMISSIONS PROGRAM

area commencing January 1, 2002, or as soon thereafter as is practical.

**SECTION 7.** 42-4-307 (6) (a), (10) (b), and (10.5) (a), Colorado Revised Statutes, are amended to read:

**42-4-307. Powers and duties of the department of public health and environment - division of administration - automobile inspection and readjustment program - basic emissions program - enhanced emissions program - clean screen program - repeal.** (6) (a) (I) The division shall administer, in accordance with federal requirements, the on-road remote sensing program. ~~which shall include the measurement of at least five-tenths of one percent of the vehicles required to participate in the enhanced emissions program annually.~~

(II) Pursuant to commission rule and based on confirmatory tests at an emissions technical center ~~which~~ OR EMISSIONS INSPECTION FACILITY THAT identify such vehicles as exceeding applicable emissions standards, off-cycle repairs may be required for noncomplying vehicles.

(10) (b) Upon approval by the department of public health and environment and the executive director, the contractor shall provide inspection services for vehicles within the enhanced program area required to be inspected pursuant to section 42-4-310. NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., OR THIS ARTICLE, THE CONTRACT FOR INSPECTION SERVICES IN EFFECT ON AND BEFORE DECEMBER 31, 2001, MAY BE RENEWED FOR A TERM NOT TO EXCEED TWO YEARS TO ENSURE THAT, ON OR AFTER DECEMBER 31, 2001, INSPECTION SERVICES IN THE ENHANCED PROGRAM AREA WILL NOT BE INTERRUPTED BY THE EXPIRATION OF THE PREVIOUS CONTRACT, AFTER WHICH THE CONTRACT MAY BE RENEWED FOR A SINGLE FOUR-YEAR TERM AS PROVIDED IN SECTION 42-4-306 (3) (b) (V) (A). ANY NEW CONTRACT ENTERED INTO OR RENEWED AFTER THE TWO-YEAR RENEWAL SHALL REQUIRE THE CONTRACTOR TO PROVIDE ANY NECESSARY ALTERNATIVE INSPECTION SERVICES OR TECHNOLOGIES SO APPROVED.

(10.5) (a) For the clean screen program and the Denver clean screening pilot study, the department of public health and environment

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and the department of revenue may, pursuant to the "Procurement Code", articles 101 to 112 of title 24, C.R.S., enter into a contract ~~or contracts, or service agreement or agreements,~~ with ~~contractors~~ A CONTRACTOR for the purchase of equipment, the collection of remote sensing and other data and operation of remote sensing and support equipment, data processing and vehicle ownership matching in cooperation with the executive director, collection of remote sensing and other data for the Denver clean screening pilot study, including analysis of the results of such study and report preparation. Under any such contract ~~or service agreement,~~ the department of public health and environment and the department of revenue may purchase approved remote sensing and support equipment or authorize the use of a qualified contractor or contractors to purchase approved remote sensing and support equipment for use in the clean screen program. ~~The department of revenue and any such contractor may charge a fee not to exceed fifteen dollars or such lesser amount as established by the department of revenue and any such contractor to the owner of each vehicle voluntarily inspected under the clean screen program.~~ NOTWITHSTANDING ANY CONTRARY PROVISION IN THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., THE CLEAN SCREEN CONTRACT MAY BE INCORPORATED INTO ANY CONTRACT OR RENEWED CONTRACT PURSUANT TO SUBSECTION (10) OF THIS SECTION. THE CONTRACTOR PURSUANT TO THIS SUBSECTION (10.5) SHALL BE THE SAME AS THE CONTRACTOR PURSUANT TO SUBSECTION (10) OF THIS SECTION. THE CONTRACTOR SHALL MAKE ONE-TIME TRANSFERS INTO THE CLEAN SCREEN FUND CREATED IN SECTION 42-3-134 (26.5) IN A TOTAL AMOUNT NECESSARY TO COVER COMPUTER PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, IN THE FOLLOWING ORDER:

(I) UP TO THIRTY THOUSAND DOLLARS FROM THE CONTRACTOR'S REVENUES;

(II) UP TO THIRTY THOUSAND DOLLARS FROM THE PUBLIC RELATIONS ACCOUNT PROVIDED FOR IN THE CONTRACT; AND

(III) UP TO FORTY THOUSAND DOLLARS FROM THE TECHNICAL CENTER ACCOUNT PROVIDED FOR IN THE CONTRACT.

**SECTION 8.** Part 3 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-307.5. Clean screen authority - enterprise - revenue bonds.** (1) THERE IS HEREBY CREATED A CLEAN SCREEN AUTHORITY CONSISTING OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR THEIR DESIGNEES AND ANY NECESSARY SUPPORT STAFF. THE AUTHORITY SHALL CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THE PROVISIONS OF THIS SECTION, THE AUTHORITY SHALL NOT BE A DISTRICT FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(2) (a) THE AUTHORITY MAY, BY RESOLUTION THAT MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION, AUTHORIZE AND ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS IN THE AGGREGATE FOR EXPENSES OF THE AUTHORITY. SUCH BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE GENERAL ASSEMBLY ACTING EITHER BY BILL OR JOINT RESOLUTION AND AFTER APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION. SUCH BONDS SHALL BE PAYABLE ONLY FROM MONEYS ALLOCATED TO THE AUTHORITY FOR EXPENSES OF THE DIVISION AND THE COMMISSION PURSUANT TO SECTIONS 42-4-306 AND 42-4-307.

(b) ALL BONDS ISSUED BY THE AUTHORITY SHALL PROVIDE THAT:

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(I) NO HOLDER OF ANY SUCH BOND MAY COMPEL THE STATE OR ANY SUBDIVISION THEREOF TO EXERCISE ITS APPROPRIATION OR TAXING POWER; AND

(II) THE BOND DOES NOT CONSTITUTE A DEBT OF THE STATE AND IS PAYABLE ONLY FROM THE NET REVENUES ALLOCATED TO THE AUTHORITY FOR EXPENSES AS DESIGNATED IN SUCH BOND.

(3) (a) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION SHALL STATE:

(I) THE DATE OF ISSUANCE OF THE BONDS;

(II) A MATURITY DATE OR DATES DURING A PERIOD NOT TO EXCEED THIRTY YEARS FROM THE DATE OF ISSUANCE OF THE BONDS;

(III) THE INTEREST RATE OR RATES ON, AND THE DENOMINATION OR DENOMINATIONS OF, THE BONDS; AND

(IV) THE MEDIUM OF PAYMENT OF THE BONDS AND THE PLACE WHERE THE BONDS WILL BE PAID.

(b) ANY RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION MAY:

(I) STATE THAT THE BONDS ARE TO BE ISSUED IN ONE OR MORE SERIES;

(II) STATE A RANK OR PRIORITY OF THE BONDS; AND

(III) PROVIDE FOR REDEMPTION OF THE BONDS PRIOR TO MATURITY, WITH OR WITHOUT PREMIUM.

(4) ANY BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION MAY BE SOLD AT PUBLIC OR PRIVATE SALE. IF BONDS ARE TO BE SOLD AT A PUBLIC SALE, THE AUTHORITY SHALL ADVERTISE THE SALE IN SUCH MANNER AS THE AUTHORITY DEEMS APPROPRIATE. ALL BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION SHALL BE SOLD AT A PRICE NOT LESS THAN THE PAR VALUE THEREOF, TOGETHER WITH ALL ACCRUED INTEREST TO THE DATE OF DELIVERY.

(5) NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, ALL BONDS ISSUED PURSUANT TO THIS SECTION ARE NEGOTIABLE.

(6) (a) A RESOLUTION PERTAINING TO ISSUANCE OF BONDS UNDER THIS SECTION MAY CONTAIN COVENANTS AS TO:

(I) THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF THE BONDS MAY BE APPLIED AND TO THE USE AND DISPOSITION THEREOF;

(II) SUCH MATTERS AS ARE CUSTOMARY IN THE ISSUANCE OF REVENUE BONDS INCLUDING, WITHOUT LIMITATION, THE ISSUANCE AND LIEN POSITION OF OTHER OR ADDITIONAL BONDS; AND

(III) BOOKS OF ACCOUNT AND THE INSPECTION AND AUDIT THEREOF.

(b) ANY RESOLUTION MADE PURSUANT TO THE TERMS OF THIS SECTION SHALL BE DEEMED A CONTRACT WITH THE HOLDERS OF THE BONDS, AND THE DUTIES OF THE AUTHORITY UNDER SUCH RESOLUTION SHALL BE ENFORCEABLE BY ANY APPROPRIATE ACTION IN A COURT OF COMPETENT JURISDICTION.

(7) BONDS ISSUED UNDER THIS SECTION AND BEARING THE SIGNATURES OF THE AUTHORITY IN OFFICE ON THE DATE OF THE SIGNING SHALL BE DEEMED VALID AND BINDING OBLIGATIONS REGARDLESS OF WHETHER, PRIOR TO DELIVERY AND PAYMENT, ANY OR ALL OF THE PERSONS WHOSE SIGNATURES APPEAR THEREON HAVE CEASED TO BE MEMBERS OF THE AUTHORITY.

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(8) (a) EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION AUTHORIZING THE BONDS, ALL BONDS OF THE SAME ISSUE UNDER THIS SECTION SHALL HAVE A PRIOR AND PARAMOUNT LIEN ON THE NET REVENUES PLEDGED THEREFOR. THE AUTHORITY MAY PROVIDE FOR PREFERENTIAL SECURITY FOR ANY BONDS, BOTH PRINCIPAL AND INTEREST, TO BE ISSUED UNDER THIS SECTION TO THE EXTENT DEEMED FEASIBLE AND DESIRABLE BY SUCH AUTHORITY OVER ANY BONDS THAT MAY BE ISSUED THEREAFTER.

(b) BONDS OF THE SAME ISSUE OR SERIES ISSUED UNDER THIS SECTION SHALL BE EQUALLY AND RATABLY SECURED, WITHOUT PRIORITY BY REASON OF NUMBER, DATE, SALE, EXECUTION, OR DELIVERY, BY A LIEN ON THE NET REVENUE PLEDGED IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION AUTHORIZING THE BONDS.

(9) THE CLEAN SCREEN AUTHORITY SHALL BE A GOVERNMENT-OWNED BUSINESS THAT PROVIDES FINANCIAL SERVICES TO ALL ENTITIES PROVIDING INSPECTION SERVICES, THE DEPARTMENT, AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WITH REGARD TO THE REVENUES SUBJECT TO SECTION 42-3-134 (26.5).

(10) THE CLEAN SCREEN AUTHORITY MAY ACCEPT GRANTS FROM ANY SOURCE AND SHALL DEPOSIT SUCH MONEYS IN THE CLEAN SCREEN FUND CREATED IN SECTION 42-3-134 (26.5).

(11) THE CLEAN SCREEN AUTHORITY MAY CONTRACT WITH THE DEPARTMENT AND EXPEND MONEYS FROM THE CLEAN SCREEN FUND FOR COMPUTER PROGRAMMING COSTS ASSOCIATED WITH IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY. THE DEPARTMENT IS AUTHORIZED TO CONTINUOUSLY EXPEND MONEYS PURSUANT TO SUCH CONTRACT, EFFECTIVE THE FISCAL YEAR COMMENCING JULY 1, 2000.

**SECTION 9.** 42-4-310 (1) (a) (I), (1) (b) (II) (A), (1) (d) (VI), (5) (b), and (5) (c), Colorado Revised Statutes, are amended to read:

**42-4-310. Periodic emissions control inspection required.**  
 (1) (a) (I) ~~Effective October 1, 1989,~~ No motor vehicle that is required to be registered in the program area shall be sold, registered for the first time WITHOUT A CERTIFICATION OF EMISSIONS COMPLIANCE, or reregistered unless such vehicle has PASSED A CLEAN SCREEN TEST OR HAS A valid certification of emissions ~~compliance, emissions waiver, or emissions exemption, or, beginning January 1, 1995, if such vehicle has an emissions exemption or certificate of emissions control and verification of emissions test, certification~~ as required by the appropriate county. The provisions of this paragraph (a) shall not apply to motor vehicle transactions at wholesale between motor vehicle dealers licensed pursuant to article 6 of title 12, C.R.S. This subparagraph (I) does not apply to the sale of a motor vehicle ~~which~~ THAT is inoperable or otherwise cannot be tested in accordance with regulations promulgated by the department of revenue if the seller of the motor vehicle provides a written notice to the purchaser pursuant to the requirements of subsection (4) of this section. If a motor vehicle is exempted from the requirement for obtaining a certification of emissions control prior to sale because it is inoperable or otherwise cannot be tested, the new owner of the motor vehicle is required to obtain a certification of emissions control for such motor vehicle before registering it in the program area.

(b) (II) (A) MOTOR VEHICLE DEALERS SHALL PURCHASE VERIFICATION OF EMISSIONS TEST FORMS FOR THE SUM OF TWENTY-FIVE CENTS PER FORM FROM THE DEPARTMENT OR PERSONS AUTHORIZED BY THE DEPARTMENT TO MAKE SUCH SALES TO BE USED ONLY ON NEW MOTOR VEHICLES. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS. New motor vehicles required under this section to have a ~~certification of emissions control~~ VERIFICATION OF EMISSIONS TEST FORM shall be issued a certification of emissions compliance without inspection, which shall expire on the anniversary of the day of the issuance of such certification when such vehicle has reached its fourth model year or on the date of the transfer of ownership at any time prior to the fourth model year. Prior to the expiration of such certification such vehicle shall be inspected and a

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certification of emissions control shall be obtained therefor.

(d) (VI) For the enhanced emissions program, effective January 1, 1995, for businesses that operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1968 and later required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to section 42-4-306, if total expenditures of at least four hundred fifty dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle does not meet such standards, a certification of emissions waiver shall be issued for such vehicle except as prescribed in subparagraph (XII) of this paragraph (d) pertaining to vehicle warranty. The four-hundred-fifty-dollar minimum expenditure shall MAY be adjusted annually by AN AMOUNT NOT TO EXCEED the percentage, if any, by which the consumer price index for all urban consumers (CPIU) for the Denver-Boulder metropolitan statistical area for the preceding year differs from such index for 1989. Vehicles that are owned by the state of Colorado or any agency or political subdivision thereof are not eligible for emissions-related repair waivers under this subparagraph (VI).

(5) (b) If the contractor determines that ~~the~~ A motor vehicle REQUIRED TO BE REGISTERED IN THE PROGRAM AREA has complied with the inspection requirements pursuant to this subsection (5), THE CONTRACTOR SHALL SEND a notice ~~shall be sent to the owner of the vehicle~~ DEPARTMENT OF REVENUE identifying the owner of the vehicle, the license plate number, and any other pertinent registration information, stating that the vehicle has successfully complied with the applicable emission requirements. ~~Such notice shall also include a notification that the registered owner of the vehicle may return the notice to the contractor with the payment as set forth on the notice to pay for the clean screen program. Upon receipt of the payment from the motor vehicle owner, the county clerk shall be notified that the motor vehicle has complied with the inspection requirements pursuant to this subsection (5).~~

(c) The department shall, by contract with a private vendor or by rule, establish a procedure for a vehicle owner to obtain the necessary emissions-related documents for the registration and operation of a vehicle ~~which~~ THAT has complied with the inspection requirements pursuant to this subsection (5). ~~At a minimum such contract or rule shall specify that any valid verification of emissions test, commonly referred to as an "emissions sticker", has sufficient identifying data to ensure that such verification of emissions test is attached to the appropriate vehicle.~~

**SECTION 10.** 42-4-311 (3) (a) (III), (4) (a), and (6), Colorado Revised Statutes, are amended to read:

**42-4-311. Operation of inspection and readjustment stations - inspection-only facilities - fleet inspection stations - motor vehicle dealer test facilities - enhanced inspection centers - repeal.**

(3) (a) (III) (A) Verification of emissions test forms shall be purchased only by licensed inspection and readjustment stations, inspection-only facilities, fleet inspection stations, or motor vehicle dealer test facilities ~~or authorized enhanced inspection centers~~ from the department or persons authorized by the department to make such sales, and, effective with the sale of such forms, the department shall receive from the buyer the sum of twenty-five cents per form. No refund or credit shall be allowed for any unused verification of emissions test forms. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2001.

(B) COMMENCING JULY 1, 2001, EVERY INSPECTION AND READJUSTMENT STATION, FLEET INSPECTION STATION, AND INSPECTION-ONLY FACILITY SHALL MONTHLY TRANSMIT TO THE DEPARTMENT THE SUM OF TWENTY-FIVE CENTS PER MOTOR VEHICLE INSPECTION PERFORMED BY SUCH ENTITY PURSUANT TO THIS PART 3. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS.

(C) THE CONTRACTOR SHALL MONTHLY TRANSMIT TO THE DEPARTMENT THE SUM OF TWENTY-FIVE CENTS PER MOTOR VEHICLE INSPECTION PERFORMED BY THE CONTRACTOR PURSUANT TO THIS PART 3. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED

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## VERIFICATION OF EMISSIONS TEST FORMS.

(4) (a) ~~A licensed inspection and readjustment station shall charge a fee not to exceed nine dollars through December 31, 1994. On and after January 1, 1995, a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles in the basic emissions program or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars. In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to section 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under section 42-4-310, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to section 42-4-305 for the issuance of a replacement verification of emissions test. ON AND AFTER NOVEMBER 1, 2001, INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).~~

(6) (a) ~~The fee charged by an enhanced inspection center for ENHANCED emissions inspections performed within the enhanced emissions program area ON 1982 AND LATER MOTOR VEHICLES shall not be any greater than that determined by the competitive bid process conducted by the division in consultation with the executive director in contractor selection CONTRACT and in no case greater than twenty-five dollars. THE FEE CHARGED FOR CLEAN SCREEN INSPECTIONS PERFORMED ON VEHICLES REGISTERED IN THE BASIC AREA AND ON 1981 AND OLDER VEHICLES REGISTERED IN THE ENHANCED AREA SHALL NOT BE ANY GREATER THAN THAT DETERMINED BY THE CONTRACT AND IN NO CASE GREATER THAN FIFTEEN DOLLARS. Such fee shall not exceed the maximum fee required to be posted by the enhanced inspection center pursuant to section 42-4-305 for the inspection of any motor vehicle required to be inspected under section 42-4-310. ON AND AFTER NOVEMBER 1, 2001, THE CONTRACTOR AND INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).~~

(b) DURING THE TWO-YEAR RENEWAL OF THE CONTRACT ENTERED INTO PURSUANT TO SECTION 42-4-307 (10), THE COMMISSION SHALL HOLD A RULE-MAKING HEARING TO DETERMINE THE MAXIMUM FEE THAT MAY BE CHARGED PURSUANT TO THE CONTRACT FOR INSPECTIONS DURING ANY SUBSEQUENT RENEWAL TERM. SUCH MAXIMUM FEE SHALL BE BASED ON ESTIMATED ACTUAL OPERATING COSTS DURING THE LIFE OF THE CONTRACT, DETERMINED PURSUANT TO THE RULE-MAKING PROCEEDING AND AN AUDIT CONDUCTED BY THE OFFICE OF THE STATE AUDITOR ON THE CONTRACTOR, PLUS A PERCENTAGE TO BE DETERMINED BY THE COMMISSION, NOT TO EXCEED TEN PERCENT AND NOT TO EXCEED TWENTY-FIVE DOLLARS.

**SECTION 11.** 43-4-203 (1) (b), Colorado Revised Statutes, is amended to read:

**43-4-203. Sources of revenue.** (1) All net revenue from the

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following sources shall be paid into and credited to the highway users tax fund as soon as received:

(b) From the imposition of annual registration fees on drivers, motor vehicles, trailers, and semitrailers, EXCEPT AS PROVIDED IN SECTION 42-3-134 (26.5), C.R.S.;

SECTION 12. 42-4-316 (2), (3) (a), and the introductory portion to (3) (b), Colorado Revised Statutes, are amended to read:

**42-4-316. AIR program - demonstration of compliance with ambient air quality standards and transportation conformity.** (2) The legislative audit committee shall cause to be conducted performance audits of the program, INCLUDING THE CLEAN SCREEN PROGRAM. The first of such audits shall be completed not later than January 1, 2000, and shall be completed not later than January 1, 2004 AND JANUARY 1 of each third year thereafter. ~~In conducting the audit, the legislative audit committee shall take into consideration, but shall not be limited to considering, the factors listed in paragraph (b) of subsection (3) of this section.~~ Upon completion of the audit report, the legislative audit committee shall hold a public hearing for the purposes of a review of the report. A copy of the report shall be made available to each member of the general assembly.

~~(3) (a) Prior to December 31, 2001, a committee of reference in each house of the general assembly shall hold a joint public hearing, receiving testimony from the public, the executive directors of the departments of revenue and public health and environment, the chairperson of the air quality control commission, and the air pollution control division of the department of public health and environment.~~

(b) In such ~~hearings~~ AUDITS, the determination as to whether an ongoing public need for the program has been demonstrated shall take into consideration the following factors, among others:

SECTION 13. 42-3-134, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-3-134. Registration fees - passenger and passenger-mile taxes - refund - clean screen fund - repeal.** (26.5) (a) ON AND AFTER AUGUST 1, 2001, IN ADDITION TO ANY OTHER FEE IMPOSED BY THIS SECTION, COUNTY CLERKS AND RECORDERS, ACTING AS AGENTS FOR THE CLEAN SCREEN AUTHORITY, SHALL COLLECT AT THE TIME OF REGISTRATION AN EMISSIONS INSPECTION FEE IN AN AMOUNT DETERMINED BY PARAGRAPH (b) OF THIS SUBSECTION (26.5) ON EVERY 1982 AND NEWER MOTOR VEHICLE REQUIRED TO BE REGISTERED IN THE PROGRAM AREA; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR MOTOR VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO HAVE AN EMISSIONS INSPECTION UNDER PART 3 OF ARTICLE 4 OF THIS TITLE. ON AND AFTER NOVEMBER 1, 2001, THE CONTRACTOR INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A). COUNTY CLERKS AND RECORDERS SHALL BE ENTITLED TO RETAIN THREE AND ONE-THIRD PERCENT OF THE FEE SO COLLECTED TO COVER THE CLERKS' EXPENSES IN THE COLLECTION AND REMITTANCE OF SUCH FEE. COUNTY TREASURERS SHALL, NO LATER THAN TEN DAYS AFTER THE LAST BUSINESS DAY OF EACH MONTH, REMIT THE REMAINDER OF SUCH FEE TO THE CLEAN SCREEN AUTHORITY CREATED IN SECTION 42-4-307.5. THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT SUCH FEE TO THE STATE TREASURER, WHO SHALL DEPOSIT THE SAME IN THE CLEAN SCREEN FUND, WHICH FUND IS HEREBY CREATED. THE CLEAN SCREEN FUND SHALL BE A PASS-THROUGH TRUST ACCOUNT TO BE HELD IN TRUST SOLELY FOR THE PURPOSES AND THE BENEFICIARIES SPECIFIED IN THIS SUBSECTION (26.5). MONEYS IN THE CLEAN SCREEN FUND SHALL NOT CONSTITUTE FISCAL YEAR SPENDING OF THE STATE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, AND SUCH MONEYS SHALL BE DEEMED CUSTODIAL FUNDS

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THAT ARE NOT SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY. INTEREST EARNED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CLEAN SCREEN FUND SHALL BE CREDITED TO THE CLEAN SCREEN FUND, AND THE CLEAN SCREEN AUTHORITY MAY ALSO EXPEND INTEREST EARNED ON THE DEPOSIT AND INVESTMENT OF THE CLEAN SCREEN FUND TO PAY FOR ITS COSTS ASSOCIATED WITH THE IMPLEMENTATION OF HOUSE BILL 01-1402, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY. THE CLEAN SCREEN AUTHORITY SHALL TRANSMIT MONEYS FROM THE CLEAN SCREEN FUND MONTHLY TO THE CONTRACTOR, TO INSPECTION AND READJUSTMENT STATIONS, AND TO FLEET INSPECTION STATIONS IN ACCORDANCE WITH THE FEES DETERMINED BY PARAGRAPH (c) OF THIS SUBSECTION (26.5) WITHIN ONE WEEK AFTER RECEIPT BY THE DEPARTMENT OF REVENUE OF A NOTIFICATION FROM THE CONTRACTOR, FROM INSPECTION AND READJUSTMENT STATIONS, AND FROM FLEET INSPECTION STATIONS OF THE NUMBER OF FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND THE NUMBER OF INSPECTIONS FOR A TRANSFER OF TITLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA COMPLETED BY SUCH ENTITY IN THE PREVIOUS MONTH.

(b) (I) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE ONE-HALF OF THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6), NOT TO EXCEED TWELVE DOLLARS AND FIFTY CENTS FOR VEHICLES THAT WERE NOT CLEAN SCREENED AND NOT TO EXCEED SEVEN DOLLARS AND FIFTY CENTS IF THE VEHICLE WAS CLEAN SCREENED.

(II) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE SEVEN DOLLARS AND FIFTY CENTS.

(c) MONEYS SHALL BE TRANSMITTED FROM THE CLEAN SCREEN FUND PURSUANT TO THIS SUBSECTION (26.5) AS FOLLOWS:

(I) TO THE CONTRACTOR, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6);

(II) TO INSPECTION AND READJUSTMENT STATIONS, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER BASIC EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (4);

(III) TO THE CONTRACTOR AND INSPECTION AND READJUSTMENT STATIONS, FOR TRANSFERS OF OWNERSHIP OF 1982 AND NEWER MOTOR VEHICLES, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311, NOT TO EXCEED:

(A) TWELVE DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA THAT WERE NOT CLEAN SCREENED AND NOT TO EXCEED FIFTEEN DOLLARS IF THE VEHICLE WAS CLEAN SCREENED; AND

(B) SEVEN DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA; AND

(IV) TO FLEET INSPECTION STATIONS, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY PAID INTO THE FUND FOR VEHICLES INSPECTED BY SUCH FLEET INSPECTION STATIONS.

(d) THIS SUBSECTION (26.5) IS REPEALED, EFFECTIVE DECEMBER 31, 2007. ANY MONEYS REMAINING IN THE CLEAN SCREEN FUND ON DECEMBER 31, 2007, SHALL REVERT TO THE AIR ACCOUNT ESTABLISHED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (26) OF THIS SECTION.

**SECTION 14.** 42-4-313 (1) (a), (1) (b), (2), (3) (a), (3) (b), (4)

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(a), and (4) (c), Colorado Revised Statutes, are amended to read:

**42-4-313. Penalties.** (1) (a) No person shall make, issue, or knowingly use any imitation or deceptively similar or counterfeit certification of emissions control form. ~~or verification of emissions test forms.~~

(b) No person shall possess a certification of emissions control ~~or verification of emissions test~~ if such person knows the same is fictitious, or was issued for another motor vehicle, or was issued without an emissions inspection having been made when required.

(2) (a) No emissions inspector or emissions mechanic shall issue a certification of emissions control ~~or a verification of emissions test~~ for a motor vehicle which does not qualify for the certification or verification issued.

(b) Any emissions inspector or emissions mechanic who issues a certification of emissions control ~~or verification of emissions test~~ in violation of paragraph (a) of this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

(3) (a) No person shall operate a motor vehicle registered or required to be registered in this state, ~~or any vehicle otherwise required to display a valid verification of emissions test,~~ nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle ~~displaying a valid verification of~~ HAVING PASSED ANY NECESSARY emissions test. The owner of any motor vehicle ~~which~~ THAT is in violation of this paragraph (a) ~~because it is parked without displaying a valid verification of emissions test~~ shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.

(b) ~~Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of sections 42-4-301 to 42-4-316. In the event that such vehicle does not display a valid verification of emissions test, the officer shall issue a summons to the driver.~~

(4) (a) For the ~~enhanced~~ emissions program, a contractor who is awarded a contract to perform emissions inspections within the ~~enhanced~~ emissions program area shall be held accountable to the department of public health and environment and the department of revenue. Any such contractor shall be subject to civil penalties in accordance with this section or article 7 of title 25, C.R.S., as appropriate, for any violation of applicable laws or rules and regulations of the department of revenue or the commission.

(c) Pursuant to the provisions of article 4 of title 24, C.R.S., the executive director shall impose administrative fines in amounts set by the executive director of not less than twenty-five dollars and not more than one thousand dollars against any operator or employee operating an inspection and readjustment station, an inspection-only facility, or a motor vehicle dealer test facility, or any contractor operating an enhanced inspection center ~~which~~ OR CLEAN SCREEN CONTRACTOR THAT engages in TWO OR MORE INCIDENTS PER PERSON, STATION, FACILITY, OR CENTER, OF any of the following:

- (I) Test data entry violations;
- (II) Test sequence violations;
- (III) Emission retest procedural violations;

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- (IV) Vehicle emissions tag replacement test procedural violations;
- (V) Performing any emissions test on noncertified equipment;
- (VI) Wait-time and lane availability violations; ~~or~~
- (VII) Physical emissions test examination violations;
- (VIII) KNOWINGLY PASSING FAILING VEHICLES; OR
- (IX) KNOWINGLY FAILING PASSING VEHICLES.

**SECTION 15. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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**MESSAGE FROM THE HOUSE**

May 3, 2001

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Stengel, chairman, Kester, and Bacon as House conferees on the First Conference Committee on SB01-100.

The House has postponed indefinitely SB01-002. The bill is returned herewith.

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May 3, 2001

Mr. President:

The House has voted not to concur in Senate amendments to HB01-1184, and requests that a conference committee be appointed. The Speaker has appointed Representatives Lawrence, chairman, and Hefley, and Veiga as House conferees on the First Conference Committee on HB01-1184. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

without comment, as amended, HB01-1199, 1387, and 1394.

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**INTRODUCTION OF BILLS--FIRST READING**

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

- HB01-1199** by Representatives Johnson, Tochtrop, Witwer, Alexander, Fritz, Hefley, Lee, Romanoff and Sinclair; also Senators Reeves, Epps, Anderson, Evans and Hanna--Concerning medical assistance reforms, and making an appropriation in connection therewith.  
Health, Environment, Children & Families  
Appropriations
- HB01-1387** by Representative Snook; also Senator Entz--Concerning measures designed to mitigate hazards originating from solid waste, and, in connection therewith, making an appropriation.  
Government, Veterans and Military Relations, and Transportation  
Appropriations
- HB01-1394** by Representative Sinclair and Marshall; also Senator Matsunaka--Concerning the authority of the commissioner of insurance to establish component rating credit insurance, and making an appropriation therefor.  
Business, Labor, and Finance

MESSAGE FROM THE GOVERNOR

May 3, 2001

*The Honorable Colorado Senate*

Sixty-Third General Assembly  
First Regular Session  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State the following act:

SENATE BILL 01-212, CONCERNING THE PROVISION FOR PAYMENT OF THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING THE FISCAL YEAR BEGINNING JULY 1, 2001, EXCEPT AS OTHERWISE NOTED.

Approved in part and disapproved in part on May 3, 2001, at 6:50 a.m.

It is my constitutional obligation to review the general appropriations bill and exercise the line item veto when necessary. While I have approved Senate Bill 01-212 (the "FY 2001-02 Long Bill") as a whole, I have vetoed several headnotes and footnotes. Pursuant to the Colorado Constitution, I have forwarded copies of the vetoed items from this bill, with my objections, to the house of origin.

Footnote number 228 is duplicated in the Department of Public Safety and in the Department of Regulatory Agencies. In order to assure there is no confusion relating to vetoed footnotes, my vetoes will be very specific about the page numbers and the agency affected.

The Constitution allows me to exercise line item vetoes on the general appropriations bill. I have exercised this power with regard to headnotes and footnotes that I believe violate the Constitution and/or do not meet with my approval. Some sections of the FY 2001-02 Long Bill violate Articles III and V of the Colorado Constitution. The bill contains some items that inhibit the ability of the Executive Branch to administer appropriations or which constitute substantive legislation.

Article III provides for the separation of powers between the Executive and Legislative branches. The Legislative Branch has broad powers concerning the appropriation of state funds. The Executive Branch of government has the inherent responsibility and authority for administering the government. Therefore, the legislature's power does not include the ability to attach conditions in the Long Bill that intrude into the executive functions of state government. Colorado General Assembly v. Lamm, 704 P.2d 1371 (Colo. 1985); Anderson v. Lamm, 195 Colo. 437, 579 P.2d 620 (1978).

Article V, Section 32 provides that substantive legislation cannot be included in the Long Bill. The purpose of the Long Bill is to meet charges already created against the public fund by affirmative acts of the General Assembly; it may not include substantive legislation, nor may it amend or repeal a law. See also Anderson.

In vetoing these provisions, I have lined through the following items:

HEADNOTES

**1. Section 1. Definitions – general provisions, headnote (3), pages 2-3:** (3) (a) (I) Except as otherwise provided in paragraph (b) of this subsection, "full time equivalent" or "FTE" means the budgetary equivalent of one permanent position continuously filled full time for an entire fiscal year by elected state officials or by state employees who are paid for at least two thousand eighty hours per fiscal year, with adjustments made to: (A) Include in such time computation any sick, annual, administrative, or other paid leave; and (B) Exclude from such time computation any overtime or shift differential payments made in excess of regular or normal hours worked and any leave payouts upon termination of employment. (II) "Full time equivalent" or "FTE" does not include contractual, temporary, or permanent seasonal positions. (III) As used in this paragraph (a), "state employee" means a person employed by the state, whether or not such person is a classified employee in the state personnel system. (b) For purposes of higher education professional personnel and assistants in resident instruction and professional personnel in organized research and activities relating to

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instruction, "full time equivalent" or "FTE" means the equivalent of one permanent position continuously filled for a nine-month or ten-month academic year. (c) The maximum limitation on the number of FTE that are allowed for the fiscal year to which this act pertains may comprise any combination of part-time positions or full-time positions so long as the maximum FTE limitation is not exceeded.

I vetoed this headnote last year. The Colorado Supreme Court concluded in 1978 that legislative attempts to administer the appropriation by placing "specific staffing and resource allocation decisions" in a general appropriations bill were unconstitutional. Anderson v. Lamm, 195 Colo. 437, 579 P.2d 620 (1978). The Supreme Court in so doing recognized that the ability to make staffing decisions is one of the most fundamental components of managing state government. Therefore, this headnote and its references are constitutionally void. Such a headnote inhibits the Executive Branch's authority to administer the appropriation and is, thus, unconstitutional.

**2. Section 1. Definitions, headnote (8), page 4:** (8) "Legal services" means the purchase of legal services from the department of law; however, up to ten percent of the amount appropriated for legal services may instead be expended for operating expenses, contractual services, and tuition for employee training. No funds shall be expended for legal services except those specifically appropriated for such purpose. The provision of this subsection (8) shall not apply to the departments of education, higher education, transportation, and the risk management fund in the department of personnel.

I vetoed this headnote last year. Legal services expenditures are not discretionary in protecting the interest of the State and its citizens. Limiting the departments' abilities to expend funds for these services would result in ineffective administration of the government. Therefore, I am vetoing this headnote to preserve flexibility and ensure proper utilization of legal services dollars.

**3. Section 1. Definitions, headnote (16), page 6:** (16) Where no purpose is specified or where a special program is specified, the appropriation shall be for contractual services, tuition, and operating expenses and, only if the appropriation includes a specified FTE limitation, for personal services other than contractual services.

I vetoed this headnote last year. My actions on this headnote are for the same reasons specified in the statement related to headnote (3) regarding management prerogatives and needed flexibility to operate state government programs.

**4. Section 1. Definitions, headnote (18), page 7:** (18) When it is not feasible, due to the format of this act, to set forth fully in the line item description the purpose of an item of appropriation or a condition or limitation on the item of appropriation, the footnotes at the end of each section of this act refer to provisions which set forth such purposes, conditions, or limitations, and such provisions are therefore intended to be binding portions of the items of appropriation to which they relate. In other cases, where clearly expressed, footnotes refer to statements which are not intended by the general assembly to be binding portions of appropriations but which are related to the indicated item or items of appropriation. Such nonbinding statements include explanations of the assumptions used in making appropriations, the general assembly's intent with respect to future appropriations, and requests on the part of the general assembly for particular administrative action in connection with items of appropriation.

I vetoed this headnote last year. This headnote indicates that footnotes refer to provisions which set forth purpose, conditions, or limitations regarding the appropriation and states that those provisions are therefore intended to be "binding portions" of the items of appropriations to which they relate. I will not consider footnotes to be binding.

**FOOTNOTES**

**1. Footnote 4, pages 16, 31, 40-41, 47, 59, 74, 99, 119, 129, 136, 139, 147, 151, 165, 179, 205, 220, 230, 242, 248, 252, 256:** All departments, Totals — Every department is requested to submit to the joint budget committee information on the number of additional federal and cash funds exempt FTE associated with any federal grants or private donations that are

applied for or received during FY 2001-02. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

I vetoed this footnote last year. This footnote violates the separation of powers in that it is attached to federal funds and private donations, which are not subject to legislative appropriation. Placing information requirements on such funds could constitute substantive legislation in the general appropriations bill.

**2. Footnote 7, pages 31, 99, 120, 220, 242, 252-253:** Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Office of Adult Health and Rehabilitation, Alcohol and Drug Abuse Division and Division of Youth Corrections; Judicial Department, Probation and Related Services; Department of Public Safety, Division of Criminal Justice; Department of Revenue, Motor Vehicle Business Group, Motor Vehicle Division; and Department of Transportation, Office of Transportation Safety — It is the intent of the general assembly that state agencies involved in multi-agency programs requiring separate appropriations to each agency designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the joint budget committee. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the drug offender surcharge fund, the sex offender surcharge fund, the persistent drunk driver cash fund, and the alcohol and drug driving safety fund, among other programs.

This footnote violates the separation of powers by dictating the format of the budget request for the Executive Branch. I will direct the departments to comply to the extent feasible.

**3. Footnote 8, pages 31, 100, 220:** Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners, Local Jails, and Private Facilities; Department of Human Services, Office of Adult Health and Rehabilitation, Mental Health Community Programs; Community Services for Persons with Developmental Disabilities, Adult Community Programs; Division of Vocational Rehabilitation; Alcohol and Drug Abuse Division, Community Programs; and Division of Youth Corrections; Department of Public Safety, Division of Criminal Justice, Community Corrections — It is the intent of the General Assembly that, of the additional funding provided, a portion be used to increase community provider rates by two and one-half percent.

I vetoed a similar footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the departments to follow legislative intent if practicable.

**4. Footnote 9, page 31:** Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners, Private Facilities — It is the intent of the General Assembly that the appropriations made for payments to private facilities housing state inmates be used exclusively for per diem payments. The Department is not authorized to withhold funds from the per diem payments to cover major medical expenses incurred by state inmates assigned to private facilities. Appropriations made in the medical services subprogram are deemed to be sufficient to cover major medical expenses incurred by state inmates held in both state and private facilities.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. It is my hope that the Department of Corrections will be able to fund all medical services for the department out of the line item appropriation for medical services for inmates. However, the State is required to provide medical services and a request for additional funding may occur.

**5. Footnote 10, page 32:** Department of Corrections, Institutions, Utilities Subprogram, Utilities — The Department of Corrections is requested to continue the energy management program designed to reduce overall energy consumption in the department's facilities. Up to \$100,000 of the Department's utility appropriation may be for this program and a portion of these funds may be used to hire the equivalent of 1.0 FTE as an energy management program manager. The Department is requested to submit with its annual budget document a detailed accounting of any savings achieved as a result of the program and a summary of funds used to hire the 1.0 FTE.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. The General Assembly has no authority to appropriate or prescribe limits on FTE. I will instruct the

Department to follow the legislative intent of the footnote.

**6. Footnote 15, page 33:** Department of Corrections, Community Services, Parole Intensive Supervision Subprogram; and Community Intensive Supervision Subprogram — It is the intent of the General Assembly that the Department shall maintain a ratio of 1 officer to 20 offenders in these subprograms and not add additional FTE unless warranted by an anticipated increase in the offender caseload.

The footnote attempts to administer the appropriation and violates the separation of powers. The Department does maintain a 1 to 20 ratio in its Community Intensive Supervision Program and Parole Intensive Supervision Program. Furthermore, the Department does not typically hire FTE if there is no caseload to support it. I will instruct the Department to comply to the extent practicable.

**7. Footnote 17, page 33:** Department of Corrections, Parole Board — The Parole Board is requested to provide a report on parole data. The report should contain, at the minimum, the number of discretionary paroles granted, discretionary paroles denied, mandatory paroles granted, deferred paroles, parole revocations, self-revocations, parolees revoked back to prison, parolees revoked to community corrections, and parolees revoked to any other form of supervision. The report should contain all the above referenced information for FY 2000-01. The report is to be submitted to the House Judiciary Committees, Senate Judiciary Committee, and Joint Budget Committee by November 1, 2001.

I vetoed this footnote last year. Such a report by the Department is anticipated to duplicate the work of the interim committee on criminal sentencing.

**8. Footnote 23, page 41:** Department of Education, Assistance to Public Schools, Grant Programs and Other Distributions, State Public School Fund, Contingency Reserve — It is the intent of the General Assembly that the State Board of Education utilize the assistance of the Division of Property Taxation in the Department of Local Affairs in making a determination of school district requests for payment from the contingency reserve fund prior to approving payments from the fund.

This footnote violates the separation of powers by attempting to direct elected officials in their duties. I will instruct the Department to comply to the extent feasible.

**9. Footnote 26, page 47:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of the Governor; and Office of State Planning and Budgeting — As part of the FY 2002-03 budget submission, the Office of State Planning and Budgeting is requested to provide a report on indirect cost recoveries from federal programs that are administered through the Office of the Governor or that are not shown elsewhere in the Long Bill. The report should include an analysis, by federal program, of: indirect costs collected in FY 1999-00 and FY 2000-01; where funds collected are spent; the potential for additional indirect cost collections in FY 2001-02 and future years; and the potential for offsetting General Fund expenditures in the Office of the Governor or other departments through these collections.

I vetoed this footnote last year. The Governor's Office is already part of the statewide indirect cost plan developed by the Department of Personnel. These federal funds are not appropriated by the General Assembly.

**10. Footnote 27, page 48:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of the Governor, Governor's Office, Administration of Governor's Office and Residence; and Other Programs and Grants — The Governor's Office is requested to provide to the Joint Budget Committee, with its FY 2002-03 budget request, information pertaining to federal and cash exempt funds received and expected to be received. This information is to include the amount and source of each grant, any matching and maintenance of effort requirements, duration of the grant, as well as the name of the program or project and number of FTE the funds will support.

I vetoed this footnote last year. The General Assembly has no authority to appropriate or prescribe limits on FTE or on non-appropriated funds.

**11. Footnote 28, page 48:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of State Planning and Budgeting — The Office of State Planning and Budgeting is requested to conduct a study to determine the feasibility of consolidating existing workforce development programs throughout State Agencies into one designated lead agency.

This footnote requires a substantial dedication of resources from the agency without commensurate funding.

**12. Footnote 29, page 48:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of State Planning and Budgeting — It is the intent of the General Assembly that the Commission on Information Management, in conjunction with the Office of State Planning and Budgeting, submit a priority list for all state information technology projects requested in the FY 2002-03 budget requests by November 1, 2001.

The Office of State Planning and Budgeting does not review budget requests from elected officials, the Legislative Branch, or the Judicial Branch. I will direct the Office of State Planning and Budgeting to prioritize the information technology requests of the Executive Branch departments according to programmatic priorities and to provide this report to the Joint Budget Committee by November 1, 2001.

**13. Footnote 30, pages 48 and 180:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of State Planning and Budgeting; and Department of Personnel, Human Resource Services — It is the intent of the General Assembly that the Office of State Planning and Budgeting and the Department of Personnel work with the departments to improve the timeliness and accuracy of information about state personnel. Improvements, at a minimum, should include: personnel information being updated on a centralized computerized data base; accurate reporting of filled FTE positions; number of reclassifications that are approved; turnover rates by agency; tracking of FTE positions funded to FTE positions filled; an accurate count of part-time and temporary FTE positions; and elimination of unused FTE positions. The Department and the Office of State Planning and Budgeting are requested to submit a consolidated statewide personnel report to the General Assembly by September 1, 2001. This report should include, by line item, by Department, a summary of vacant positions, the length of time each position has been vacant, and the number of reclassifications that were approved in FY 2000-01.

I vetoed this footnote last year. This footnote requests substantial information on state personnel, which is unavailable without a significant information technology investment and a significant devotion of human resources. This information was required in a footnote to the FY 2000-01 Long Bill, and a report to the Joint Budget Committee will be completed by June 30, 2001. I will direct the Office of State Planning and Budgeting and the Department of Personnel to comply with this footnote by providing a similar report in FY 2001-02 as they did in FY 2000-01.

**14. Footnote 31, page 48:** Governor – Lieutenant Governor – State Planning and Budgeting, Economic Development Programs, International Trade Office — The International Trade Office is requested to provide a report to the Joint Budget Committee, by November 1, 2001, that includes the following information: number of new and existing companies assisted; activity reports from overseas representatives and offices; number of incoming missions; and regional export activities.

This footnote requires a substantial dedication of resources from the International Trade Office. I will instruct the International Trade Office to provide the information to the extent feasible.

**15. Footnote 32, page 48:** Governor – Lieutenant Governor – State Planning and Budgeting, Economic Development Program, Economic Development Commission, General Economic Incentives and Marketing — It is the intent of the General Assembly that the Economic Development Commission emphasize funding for rural economic development.

This footnote violates the separation of powers by attempting to administer the appropriation. I have long emphasized to the Economic Development Commission the importance of rural economic development and will continue to do so without the need for such a footnote.

**16. Footnote 33, pages 48-49 and 74-75:** Governor – Lieutenant Governor – State Planning and Budgeting, Economic Development Programs, Colorado First Customized Job Training; and Existing Industry Training; and Department of Higher Education, Division of Occupational Education, Colorado First Customized Job Training; and Existing Industry Training — These programs are requested to submit to the Joint Budget Committee by November 1, 2001, a detailed plan for accountability, including review criteria for selection of companies to participate, the number of new jobs created by the programs, the number of unemployed and underemployed individuals who were trained and employed by these programs, the amount of new personal income and state personal and corporate income tax generated by these programs, the time period for repayment of state investment in these programs, and the number of persons taken off state support programs and the money saved thereby. Up to ten percent of the Customized Job Training appropriation may be used to supplement the Existing Industry Training appropriation.

This footnote violates the separation of powers by attempting to administer the appropriation. The footnote also requires a detailed plan that will drive a substantial dedication of resources without additional funding. I will instruct the referenced agencies and the State Controller's Office to comply to the extent feasible.

**17. Footnote 34, page 49:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of Innovation and Technology — It is the intent of the General Assembly that the Office of Innovation and Technology oversee the State implementation of federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and develop a statewide strategic plan to ensure that the State achieves compliance with this legislation in a timely and cost effective manner, as necessary. To that effect, the Office of Innovation and Technology is requested to prepare a report that (1) provides a statewide assessment of the programmatic and fiscal impact of HIPAA on all state agencies; and (2) delineates the status of such strategic plan, and HIPAA implementation, including affected agencies, and associated costs and time lines. Such report is requested to be submitted by no later than October 15, 2001, to the Joint Budget Committee, the House Information and Technology Committee, the House Health, Environment, Welfare, and Institutions Committee, and the Senate Health, Environment, Children and Families Committee.

The Office of Innovation and Technology is responsible for oversight, coordination, and review of information technology issues, not programmatic and fiscal issues. I have designated the Office of State Planning and Budgeting to coordinate statewide implementation of HIPAA to the extent feasible within existing resources. The Office of Information and Technology will be responsible for coordinating any modifications to information technology systems required by HIPAA. A strategic plan may not be necessary to ensure compliance with this legislation. I will direct the Office of State Planning and Budgeting to coordinate this effort in the most cost-effective manner and to prepare a report outlining the status of HIPAA implementation to the Joint Budget Committee.

**18. Footnote 35, page 49:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of Innovation and Technology — It is the intent of the General Assembly that the Office of Innovation and Technology provide a report to the Joint Budget Committee, by November 1, 2001, that includes a list of job titles in the office, corresponding job descriptions, and a summary of how each supports the work of the Office.

This footnote implies restrictions on Executive Branch staffing decisions. Because most of this information is already available in the budget request submitted by the Office of Innovation and Technology, this footnote is not necessary.

**19. Footnote 36, page 49:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of Innovation and Technology — It is the intent of the General Assembly that the Office of Innovation and Technology provide, by November 1, 2001, a plan that includes anticipated staffing needs and anticipated activities that may require legal services in the office over the next five years.

The Office of Innovation and Technology documented its need for legal services in its FY 2001-02 budget request. The request was not approved. If the Office chooses to re-submit this request, such documentation will be included again.

**20. Footnote 37, page 49:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of Innovation and Technology — It is the intent of the General Assembly that the Office of Innovation and Technology provide to the Joint Budget Committee, by November 1, 2001, specific cost savings and estimated cost avoidance to the State through June 30, 2001, compared to estimates in the New Century Colorado report. Additionally, this report should include updated projections of specific cost savings and cost avoidance as a result of New Century Colorado recommendations implemented to date.

The Office of Innovation and Technology has already reported anticipated savings in a detailed report. Any further effort in this direction would be a duplication of effort and would not be the best use of state resources.

**21. Footnote 39, page 49:** Governor – Lieutenant Governor – State Planning and Budgeting, Office of Innovation and Technology — It is the intent of the General Assembly that the Commission on Information Management perform a study of variances between information technology estimates and expenses. Such study should compare departments' cost estimates with actual expenditures on information technology projects and equipment.

I vetoed this footnote last year. This footnote requires a substantial dedication of resources from the Office of Innovation and Technology. The information will be provided to the extent feasible within resource constraints.

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**22.Footnote 42, pages 60 and 100:** Department of Health Care Policy and Financing, Executive Director's Office, Colorado Benefits Management System; and Department of Human Services, Office of Information Technology Services, Colorado Benefits Management System — It is the intent of the General Assembly that moneys appropriated in these line items that are utilized to pay contractors involved in the development and implementation of the Colorado Benefits Management System (CBMS) be restricted by the State Controller until the Commission on Information Management approves the release of such restriction or restrictions. The Departments are requested to identify and restrict those portions of the appropriations that are related to such contractor payments.

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This footnote attempts to administer the appropriation and violates the separation of powers.

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**23.Footnote 44, pages 60 and 101:** Department of Health Care Policy and Financing, Medical Programs Administration; and Department of Human Services, Office of Adult Health and Rehabilitation, Administration of Mental Health and Developmental Disability Services — It is the intent of the General Assembly that the Department of Human Services' monitoring activities for the Medicaid mental health capitation program be comparable in intensity and scope to the Department of Health Care Policy and Financing's monitoring of other managed care programs. The Departments are requested to report, with their annual budget submission, on efforts to align their approaches to program monitoring.

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This footnote attempts to administer the appropriation and violates the separation of powers. I will direct the departments to comply to the extent feasible.

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**24.Footnote 64, pages 63 and 102:** Department of Health Care Policy and Financing, Department of Human Services Medicaid-Funded Programs; and Department of Human Services, Office of Adult Health and Rehabilitation, Mental Health Community Programs, Mental Health Capitation — The Departments are requested to submit future requests for rate adjustments for the mental health capitation program as separate decision items or to include specific plans for apportioning rate adjustments as part of any requests for community provider rate adjustments.

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I vetoed this footnote last year. This footnote dictates the format and content of the Executive budget request. I will direct the departments to submit requests in the same format as required for other budget requests.

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**25.Footnote 67, pages 75 and 180:** Department of Higher Education, Colorado Commission on Higher Education; Governing Boards and Local District Junior Colleges, Trustees of the State Colleges in Colorado; State Board of Agriculture; Regents of the University of Colorado; Trustees of the Colorado School of Mines; University of Northern Colorado; State Board for Community Colleges and Occupational Education State System Community Colleges; Auraria Higher Education Center; and Department of Personnel, Executive Director's Office — The Department of Personnel is requested to submit, after consultation with the Colorado Commission on Higher Education and with the higher education governing boards, a report to the Joint Budget Committee by September 1, 2001, that analyzes alternatives to higher education's participation in the following programs operated by the department of personnel: Liability insurance; property insurance; worker's compensation; state purchasing; travel management; and fleet management. The report should also identify cost-effective options that may provide more flexibility to higher education, including the scenario in which higher education is exempted from these programs. The report should provide a comparison of cost estimates of the options identified.

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The request for information contained in this footnote will create a substantial workload increase for the departments involved. I will instruct the affected departments to provide the requested information to the extent practicable by September 1, 2001, within existing resources.

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**27.Footnote 70a, page 75:** Department of Higher Education, Colorado Commission on Higher Education Financial Aid, Special Purpose, Grant Program for Nurses Training — It is the intent of the General Assembly that the first priority for the \$97,056 General Fund increase in the nursing scholarships over FY 2000-01 funding levels be for students attending rural nursing programs.

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The footnote attempts to administer the appropriation and violates the separation of powers. While it is my intent to comply with the footnote, it is

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also my intent to fund inner-city nursing programs.

**28.Footnote 71, page 76:** Department of Higher Education, Governing Boards and Local District Junior Colleges — The General Assembly requests that the governing boards report to the Colorado Commission on Higher Education and the General Assembly on or before November 1, 2001, on identifying the adequacy of full-time and part-time exempt staff compensation. This report should include, but not be limited to, what actions have been taken within each governing board's existing appropriations, using the flexibility inherent in a single line item appropriation, to resolve any issues identified with the adequacy of exempt staff compensation.

The Colorado Commission on Higher Education has already completed a comprehensive compensation study. Any further effort in this direction would be a duplication of effort and would not be the best use of State resources.

**29.Footnote 73, page 76:** Department of Higher Education, Governing Boards and Local District Junior Colleges, Trustees of the State Colleges in Colorado; State Board of Agriculture; Regents of the University of Colorado; Trustees of the Colorado School of Mines; University of Northern Colorado; State Board for Community Colleges and Occupational Education State System Community Colleges — It is the intent of the General Assembly that each governing board may increase tuition rates by an amount calculated to generate up to a maximum of 4.0 percent additional revenue from resident students and up to a maximum of 5.0 percent additional revenue from nonresident students, not including the effects of enrollment changes. These rates are used in order to increase spending authority for program enhancements and this is not an attempt by the General Assembly to set tuition policy. Each governing board will give consideration to establishing equity of tuition increases among the campuses and programs under the governing board's jurisdiction. In addition to the tuition increases outlined above, the General Assembly has approved an additional \$2,762,154 in tuition spending authority for the University of Colorado for the following: at the Colorado Springs campus for resident and nonresident undergraduate and graduate tuition; at the Denver campus for resident undergraduate freshman and sophomore tuition and for junior and senior College of Liberal Arts and Sciences, engineering, and business tuition; at the Boulder campus for resident and nonresident undergraduate tuition and graduate business tuition.

The footnote attempts to administer the appropriation and violates the separation of powers. I will direct the Department and the governing boards to comply with the footnote.

**30.Footnote 74, page 76:** Department of Higher Education, Governing Boards and Local District Junior Colleges, Regents of the University of Colorado — It is the intent of the General Assembly that \$100,000 of the General Fund appropriation to the Regents shall be used to provide additional targeted resources to the Area Health Education Centers established by the CU Health Sciences Center in Greeley, Alamosa, Pueblo, and Grand Junction for treatment, outreach and education to persons with epilepsy.

I vetoed this footnote last year. The footnote attempts to administer the appropriation and violates the separation of powers. I will direct the Department to comply to the extent feasible.

**31.Footnote 75, page 76:** Department of Higher Education, Governing Boards and Local District Junior Colleges, State Board for Community Colleges and Occupational Education State System Community Colleges; Division of Occupational Education, Area Vocational School Support — The Community Colleges of Colorado, in conjunction with the Area Vocational Schools, are requested to conduct a study of the Area Vocational Schools. This study should include reviews of role and mission, funding mechanisms, including both operating and capital funding, and the appropriate relationship between the Area Vocational Schools and the Community Colleges of Colorado. The findings of this study, along with recommendations on any changes in the structure, governance, and funding of the Area Vocational Schools, should be submitted to the Joint Budget Committee by November 1, 2001. The costs of conducting the study should be paid from within existing resources.

The Colorado Commission on Higher Education is responsible for oversight and coordination of studies within the higher education system. The footnote is requesting a study that should be overseen by the Colorado Commission on Higher Education. I will direct the Colorado Commission on Higher Education to conduct the study and to include input from the Community Colleges and the Area Vocational Schools.

**32.Footnote 77, page 103:** Department of Human Services, Executive Director's Office, General Administration, Personal Services and Operating Expenses — It is the intent of the General Assembly that funding associated with management and administrative staff

responsible for specific program areas within the Department be appropriated to the relevant program areas rather than to the Executive Director's Office. The Department is requested to recommend changes to the Long Bill so that it accurately reflects the Department's organizational structure and to reflect the transfer of such dollar amounts and the associated FTE to specific program areas in its FY 2002-03 budget request as a decision item.

This footnote violates the separation of powers by dictating the content of the Executive budget request. I allowed the Department to comply with this footnote during a period of reorganization within the Department last year. However, for FY 2001-02, I will instruct the Department to comply only as practicable.

**33. Footnote 80, page 103:** Department of Human Services, Office of Information Technology Services — The Department is requested to include in its annual budget request total information technology expenditures and, where applicable, associated FTE usage across the major budget divisions for the preceding actual fiscal year. Expenditures should be categorized as either Help Desk, Applications, Data Systems and Scheduling, Microcomputer/Local Area Network, or Networks/Telecommunications. This report should also include actual expenditures for microcomputer leases and the number of microcomputers associated with such expenditures.

I vetoed this footnote last year. This footnote requires a substantial dedication of resources from the Department. I will instruct the Department to provide the information to the extent feasible within existing resources.

**34. Footnote 87, page 104:** Department of Human Services, Office of Adult Health and Rehabilitation, Community Services for Persons with Developmental Disabilities, Adult Community Programs — The Department is requested to require that all Community Centered Boards provide documentation on how the 5.3 percent base rate increase was applied. The Department is requested to submit a report to the Joint Budget Committee with the FY 2002-03 budget request that documents how CCBs applied the base rate increase and its affect on the following performance measures: 1) The percentage reduction in the turnover rate of direct-care comprehensive services staff; and 2) the average change in compensation packages of direct-care comprehensive services staff. The report should include any additional impact the base rate increase or additional quality assurance staff have on the quality of services in the developmental disabilities system.

The information requested by this footnote will not be available until FY 2002-03 (for submission with FY 2003-04 budget request).

**35. Footnote 88, page 104:** Department of Human Services, Office of Adult Health and Rehabilitation, Community Services for Persons with Developmental Disabilities, Adult Community Programs — The Department is requested to require that the Community Centered Boards conduct a survey of all individuals on their comprehensive services waiting lists, in June 2001, to determine when each individual will need comprehensive services. The Department is requested to report the results of the CCB surveys in the submission of the FY 2002-03-budget request to the Joint Budget Committee.

The footnote requires the survey to be done in a relatively short time frame (June 2001). I will direct the Department to comply to the extent feasible.

**36. Footnote 89, page 104:** Department of Human Services, Office of Adult Health and Rehabilitation, Community Services for Persons with Developmental Disabilities, Adult Community Programs — It is the intent of the General Assembly that this appropriation be fully utilized for the provision of community services for persons with developmental disabilities and that the Department make every reasonable effort to reduce the number of people and families on waiting lists for these services. The Department is requested to report in its annual budget request on any reversion of funds from this line item in FY 2000-01, as well as any under expenditure anticipated for FY 2001-02. The report should include an explanation of the causes of the reversion or anticipated under expenditure, the actions taken by the Department to address the causes of the reversion or anticipated under expenditure, and recommended legislative action, if any.

I question the continued need for the footnote since the Systems Change Project is fully operational. I allowed the Department to comply with a similar footnote in the FY 2000-01 Long Bill because the project was in a period of transition. The complete analysis of transition issues and reversions was included in a report submitted to the Joint Budget Committee on November 1, 2000.

**37. Footnote 90, page 105:** Department of Human Services, Office of Adult Health and Rehabilitation, Community Services for Persons with Developmental Disabilities, Adult

Community Programs; Office of Direct Services, Institutional Programs for Persons with Developmental Disabilities — The Department is requested to report on how the Community Centered Board (CCB) system will coordinate and provide services for clients coming from the regional centers and clients coming from other systems such as Child Welfare, Mental Health, Corrections and Judicial. The Department's plan should: (1) Estimate the costs associated with all components of the plan; (2) identify current or anticipated limitations on CCB capacity to serve these clients; (3) recommend options for reducing limitations; (4) prioritize the provision of services to clients listed above; and (5) identify other anticipated challenges. The Department is requested to incorporate these outstanding components into the plan submitted to the Joint Budget Committee September 15, 2000, pursuant to footnote 106 of the FY 2000-01 Long Bill, and submit the completed plan to the Joint Budget Committee on October 15, 2001.

Because the issues addressed in the footnote are not limited to Community Centered Boards, the Department should be directed to report the required information for developmental disabilities services in general. I will direct the Department to comply with the intent of this footnote for all developmental disabilities services.

**38. Footnote 91, page 105:** Department of Human Services, Office of Adult Health and Rehabilitation, Community Services for Persons with Developmental Disabilities, Preventive Dental Hygiene — It is the intent of the General Assembly that this appropriation be used to assist the Colorado Foundation of Dentistry in providing special dental services for persons with developmental disabilities.

I vetoed this footnote last year. This footnote attempts to administer the appropriation and violates the separation of powers. I will direct the Department to comply with the footnote to the extent feasible.

**39. Footnote 93, page 105:** Department of Human Services, Office of Adult Health and Rehabilitation, Division of Vocational Rehabilitation, Independent Living Centers and State Independent Living Council — It is the intent of the General Assembly that, of the total amount in this line item, \$2,222 cash funds exempt and \$20,000 federal funds be for one-time only grants.

This footnote attempts to administer the appropriation and violates the separation of powers. I will direct the Department to comply with the footnote to the extent feasible.

**40. Footnote 96, page 105:** Department of Human Services, Office of Direct Services, Mental Health Institutes — The Department is requested to submit any requests for supplemental adjustments to the FY 2001-02 mental health institute budget that are associated with the new Mental Health Institute Operational Plan as part of the Department's November 1, 2001, budget submission.

This footnote dictates the timing and content of the Executive budget request. I will direct the Department to submit all supplemental requests by the deadline established in existing statute.

**41. Footnote 102, page 106:** Department of Human Services, Office of Self Sufficiency, Colorado Works Program, County Block Grants — Pursuant to Sections 26-2-714 (7) and 26-2-714 (9), C.R.S., under certain conditions, a county may transfer federal Temporary Assistance for Needy Families (TANF) funds within its Colorado Works Program Block Grant to the federal child care development fund or to programs funded by Title XX of the federal Social Security Act. One of the conditions specified is that the amount a county transfers must be specified by the Department of Human Services as being available for transfer within the limitation imposed by federal law. It is the intent of the General Assembly that the Department allow individual counties to transfer a greater percent of federal TANF funds than the state is allowed under federal law as long as: (a) Each county has had an opportunity to transfer an amount up to the federal maximum allowed; and (b) the total amount transferred statewide does not exceed the federal maximum.

This footnote constitutes substantive legislation by specifying conditions when individual counties are to transfer a greater percent of federal TANF funds than the State is allowed under federal law. I will direct the Department to comply to the extent feasible.

**42. Footnote 103, page 107:** Department of Human Services, Office of Self Sufficiency, Special Purpose Welfare Programs, Low Income Energy Assistance Program — The cash funds exempt appropriation for this line item represents an estimate of donations the Department anticipates receiving from the Colorado Energy Assistance Foundation. It is the intent of the General Assembly that if actual cash funds exempt expenditures that are eligible to be counted as part of the State's maintenance of effort for the federal Temporary Assistance

for Needy Families program exceed the appropriated amount, the Department report actual eligible expenditures to the federal government for such purpose.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the Department to comply to the extent feasible.

**43.Footnote 109, page 108:** Department of Human Services, Office of Adult and Veterans Services, Aging Services Programs, State-funding for Senior Services — It is the intent of the General Assembly that the funding associated with the State-funding for Senior Services line be used to provide funding flexibility, through the existing Area Agencies on Aging, to local communities to address specific needs in their communities that are not being met with existing resources.

This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the Department to comply to the extent feasible.

**44.Footnote 114, page 108:** Department of Human Services, Division of Child Welfare; and Division of Youth Corrections — The Department is requested to submit a report to the Joint Budget Committee on or before November 1, 2001 assessing the feasibility of assigning all juvenile offenders and delinquents to the Division of Youth Corrections, including a scenario with the Division of Youth Corrections contracting with county departments of social services for assistance in managing the population. The assessment should include, but not be limited to, the impact of such a change on reducing duplication of responsibilities, the impact on judicial oversight of placements, and how funding for youth placements and services would need to change.

This footnote requires a substantial dedication of resources from the agency. I will direct the Department to comply to the extent feasible.

**45.Footnote 119, page 109:** Department of Human Services, Division of Youth Corrections, Community Programs, S.B. 91-94 Programs — It is the intent of the General Assembly that funds appropriated for Senate Bill 91-94 programs are to provide alternative services for juveniles determined to be at imminent risk of being placed in a detention or commitment facility and to provide services designed to reduce the length of stay of juveniles placed in Division facilities. In an effort to improve the effectiveness of S.B. 91-94 in reducing detention and commitment populations, the Division is requested to focus S.B. 91-94 funds on programs and services that will most effectively reduce populations in Division facilities, including intake screening, assessment, and case management services and other services designed to divert youth from placement in secure facilities.

This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the Department to comply to the extent feasible.

**46.Footnote 153, page 130:** Department of Labor and Employment, Division of Employment and Training, Unemployment Insurance Fraud Program — The Department is requested to investigate potential funding sources for the Unemployment Insurance Fraud Program. The Department should include the findings of this investigation in its FY 2002- 03 budget request. In addition, the Department is requested to include in its FY 2002- 03 budget request information on fraud detection and recovery, including, but not limited to, an estimate of the amount of unemployment insurance fraud that may have occurred in FY 2001- 02, how much of this fraud was detected, and how much of this fraud was recovered.

The Department of Labor and Employment prepared and submitted this report to the Joint Budget Committee in November 2000. Any further effort in this direction would be a duplication of effort and not the best use of State resources.

**47.Footnote 154, page 130:** Department of Labor and Employment, Division of Employment and Training, Employment and Training Programs, State Operations — It is the intent of the General Assembly that, of this appropriation, \$102,523 be awarded as grants to one stop job centers that provide services to displaced homemakers.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to comply to the extent feasible, while considering options to maximize the number of individuals served.

**48.Footnote 155, page 130:** Department of Labor and Employment, Division of Employment and Training, Employment and Training Programs, Welfare-to-Work Block Grant — It is the intent of the General Assembly that the Department count a portion of the General Fund or cash funds exempt appropriated to the Department of Human Services, Self- Sufficiency, for

Colorado Works Program County Block Grants, as the state match for federal Welfare-to-Work Block Grant funds. However, it is the intent of the General Assembly that only that portion of such funds that exceeds the minimum federal maintenance of effort requirement for the Temporary Assistance to Needy Families program be used in such a manner. In addition, the Department is requested to identify any other existing resources that could be counted as the state's match for the federal Welfare-to-Work Block Grant. Such existing resources might include, but shall not be limited to: State funds appropriated for programs administered by the Department of Corrections, the Department of Education, the Department of Higher Education, the Department of Human Services, the Department of Local Affairs, and the Department of Public Safety; tax credits provided to employers that hire individuals receiving public assistance; and reduced-price bus passes provided through the Regional Transportation District to individuals receiving public assistance.

The Department of Labor and Employment prepared and submitted this information to the Joint Budget Committee in November 2000, which showed that the Department will exceed the amount necessary to match the federal Welfare-to-Work Block Grant. As such, any further effort in this direction would be a duplication of effort and not the best use of State resources.

**49.Footnote 156, page 131:** Department of Labor and Employment, Division of Employment and Training, Employment and Training Programs, Welfare-to-Work Block Grant — It is the intent of the General Assembly that, when allocating the fifteen percent discretionary funds for special projects with community-based organizations, priority be given to those organizations that collaborate with the region's One-Stop Job Center. The Department is requested to include in its annual budget request information regarding the allocation of such discretionary funds. Such information should include, but not be limited to, the names of the organizations that receive discretionary funds, the amount of such awards, a description of the organizations' collaboration with the region's One-Stop Job Center, and an explanation of any discretionary funds awarded to community-based organizations that do not collaborate with a One-Stop Job Center.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to comply to the extent practicable.

**50.Footnote 165, pages 138, 166, 205-206:** Department of Law, Special Purpose, Comprehensive Environmental Response, Compensation and Liability Act Contracts; Department of Natural Resources, Executive Director's Office, Comprehensive Environmental Response, Compensation and Liability Act; and Department of Public Health and Environment, Hazardous Materials and Waste Management Division, Contaminated Site Cleanups — It is the intent of the General Assembly that the Department work toward the goal of removing contaminated sites from the federal list of Superfund sites as soon as possible. In this regard, the departments are requested to cooperate in the preparation of a report on the State's CERCLA Program. The report should be prepared annually and should be submitted on November 1 with each department's budget request. This report should include detailed expenditures, by department, for CERCLA contracts, including actual, estimated, and requested funding for personal services, contract services, operating expenses, and other costs. The report also should include an analysis of long-term funding needs of the State in responding to, litigating, and cleaning up CERCLA sites, including estimated long-term maintenance costs for these sites. Finally, the report should discuss the possible downsizing of the State's CERCLA programs.

This footnote presents an expensive and unfunded mandate on the departments. I will direct the departments to comply to the extent feasible within budget constraints.

**51.Footnote 172, page 166:** Department of Natural Resources, Executive Director's Office — It is the intent of the General Assembly that the Department of Natural Resources not combine easily separable funding requests into single decision items. If the Department wishes to request multiple new projects in a single division, each request should be separately justified as a distinct decision item. Items not submitted accordingly will not be considered.

This footnote violates the separation of powers by instructing the Executive Branch on how to structure its decision items. I will direct the Department to follow the intent of the footnote to the extent practicable.

**52.Footnote 176, page 166:** Department of Natural Resources, Oil and Gas Conservation Commission, Accelerated Drilling — It is the intent of the General Assembly that this line item continue to exist as long as the workload continues and revenue is available to fund these activities. If workloads decrease or revenues are insufficient, this line item and the associated

FTE shall be eliminated. The Oil and Gas Conservation Commission should continue to provide in the annual budget request document an annual justification for the continuation of this line item because of continuing or increasing workloads. It is the intent of the General Assembly that this line item not be merged with any other line item within the Oil and Gas Conservation Commission budget.

I vetoed this footnote last year. This footnote violates the separation of powers by instructing the Executive Branch on how to structure its budget submission. I will direct the Department to follow the intent of the footnote to the extent practicable.

**53.Footnote 176a, page 167:** Department of Natural Resources, Parks and Outdoor Recreation — It is the intent of the General Assembly that 1.0 FTE Environmental Interpreter position is funded within the total appropriation for this division.

This footnote violates the separation of powers by attempting to administer the appropriation. The General Assembly has no authority to appropriate or prescribe limits on FTE. The Department has significant responsibilities in a number of key areas. This footnote attempts to diminish the resources directed to statutorily required programs.

**54.Footnote 177, page 167:** Department of Natural Resources, Parks and Outdoor Recreation, Established State Parks — It is the intent of the General Assembly that the Division support its FTE initiative entirely with cash funds and cash funds exempt, and that the Division spread requested increases over both FY 2002-03 and FY 2003-04, if necessary, to accomplish this intent.

This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to comply with this footnote to the extent practicable.

**55.Footnote 179, page 167:** Department of Natural Resources, Parks and Outdoor Recreation, Great Outdoors Colorado Board Grants — These funds are anticipated from the Great Outdoors Colorado Board, and while these funds are not subject to appropriation by the Legislature pursuant to Article XXVII, Section 5, of the Colorado Constitution, they are shown here for informational purposes. The General Assembly accepts no obligation to continue funding these FTE and programs if Great Outdoors Colorado funds are no longer available.

I vetoed this footnote last year. This footnote implies restrictions on the Division of Parks and Outdoor Recreation regarding the receipt of funds from Great Outdoors Colorado. The General Assembly has no authority to appropriate funds from Great Outdoors Colorado.

**56.Footnote 180, page 167:** Department of Natural Resources, Parks and Outdoor Recreation, Great Outdoors Colorado Board Grants, Statewide Programs — It is the intent of the General Assembly that of the total funds reflected in this line item, \$57,596 be used to support 1.0 FTE Interpretation and Environmental Education Coordinator as indicated in the October 2, 2000 Great Outdoors Colorado 2001 Funding Plan.

The reason for my veto is the same as in footnote 176a.

**57.Footnote 181, page 167:** Department of Natural Resources, Water Resources Division, Personal Services — It is the intent of the General Assembly that 2.0 FTE authorized to eliminate the backlog in final permitting be eliminated at the end of FY 2006-07.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. The General Assembly has no authority to appropriate or prescribe limits on FTE.

**58.Footnote 183, page 167:** Department of Natural Resources, Division of Wildlife — The Division of Wildlife is requested to report to the Joint Budget Committee before signing a contract to implement a point-of-sale licensing system. If it has not already reported to the Joint Budget Committee pursuant to this footnote, the Division is requested to provide the Committee with an update on the status of the project on November 1, 2001. Such report should include: (1) A summary of the different types of bids received by vendors for development and operation of the Division's new licensing system, including an analysis of each proposal's up-front and long-term operating costs; (2) justification behind the proposed selection of a specific vendor's bid; (3) the amount of costs related to the new licensing system that will be paid by sales agents; (4) a discussion of anticipated efficiencies, including the amount of FTE which will no longer be needed by the Division, as a result of implementing the proposed new system; and (5) the anticipated budget and time frame for implementing the

new system.

This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to comply to the extent feasible.

**59. Footnote 184, page 168:** Department of Natural Resources, Division of Wildlife — It is the intent of the General Assembly that the Division of Wildlife work with the Joint Budget Committee to evaluate the following: (1) The zero-based budgeting process in an attempt to make the process more meaningful for both the Division and the General Assembly; (2) the value in the Division continuing to perform a zero-based budget; and (3) whether an alternate budget format and budget process should be adopted. The Division is requested to present recommendations to the Joint Budget Committee regarding these issues on or before July 1, 2001.

This footnote violates the separation of powers by instructing the Executive Branch on how to structure its budget submission. I will direct the Department to work with the Office of State Planning and Budgeting and the Joint Budget Committee to follow the intent of the footnote to the extent practicable.

**60. Footnote 185, page 168:** Department of Natural Resources, Division of Wildlife — It is the intent of the General Assembly that the Division of Wildlife align its process for requesting grants from the Great Outdoors Colorado Board with the process of requesting appropriations from the General Assembly. Such alignment should include the process for requesting both base funding and Legacy funding from the GOCO Board. Further, the Division is requested to include its request for funding from the Great Outdoors Colorado Board with the Department's annual budget request. The Division is also requested to submit its FY 2002-03 budget request to the Great Outdoors Colorado Board so that it may be approved no later than November 1, 2001.

The General Assembly has no authority to appropriate funds from Great Outdoors Colorado. This footnote also violates the separation of powers by instructing the Department on what to include in its budget submission. I will instruct the Department to comply to the extent practicable.

**61. Footnote 187, page 168:** Department of Natural Resources, Division of Wildlife — It is the intent of the General Assembly that the Division of Wildlife use the Wildlife for Future Generations Trust Fund to provide for the increased operating and maintenance costs of new fee title property acquisitions. In this regard, whenever the Division makes a new fee title acquisition, it should concurrently seek an appropriation of funds to the Wildlife for Future Generations Trust Fund necessary to cover the long-term cost of operating and maintaining that property.

This footnote constitutes substantive legislation. I will direct the Department to comply with this footnote to the extent feasible.

**62. Footnote 188, page 168:** Department of Natural Resources, Division of Wildlife — Any funds from the Great Outdoors Colorado Board while not subject to appropriation by the Legislature, pursuant to Article XXVII, Section 5, of the Colorado Constitution are shown for informational purposes. The General Assembly accepts no obligation to continue funding these FTE and programs if Great Outdoors Colorado funds are no longer available. The General Assembly retains authority to determine appropriations of Wildlife Cash, other State funds, and state-funded FTE used to match projects receiving funding from Great Outdoors Colorado.

I vetoed this footnote last year. This footnote violates the separation of powers. The General Assembly has no authority to appropriate FTE.

**63. Footnote 189, page 181:** Department of Personnel, Human Resource Services, Human Resource Services, Colorado State Employee Assistance Program — Because there is no specific statutory authority for this program, it is the intent of the General Assembly that the funds and FTE appropriated for this section are a one-time appropriation and that the funds and FTE will be eliminated after June 30, 2002. Specific statutory authority for the program will be required for the program to receive an appropriation in FY 2002-03.

This footnote violates the separation of powers. The General Assembly has no authority to appropriate FTE.

**64. Footnote 194, page 181:** Department of Personnel, Colorado Information Technology Services, Network Services -- It is the intent of the General Assembly that, prior to any requirement that state agencies or institutions of higher education use the state's multi-use network for any additional services beyond the initial deployment of data services, the

Division of Colorado Information Technology Services (CITS) is requested to submit a report detailing the fiscal impact of such a requirement. Such a report shall outline the impact to each agency or institution as well as the impact to the state. This report is to be submitted to the Joint Budget Committee as well as the Office of State Planning and Budgeting.

The Colorado Supreme Court determined that appropriations that are conditioned upon certain reports to or approval from the General Assembly's Joint Budget Committee constitute legislative encroachment on the Executive Branch. See Anderson. As recognized by the General Assembly, the State can only realize economies of scale by aggregating demand on the Multi-Use Network (MNT). Thus, all departments are required to use the MNT in accordance with Executive Order B02-01. The General Assembly will receive a comprehensive status report on the Multi-Use Network pursuant to Footnote 193. This report will provide the General Assembly with information on the anticipated costs and benefits of the entire project.

**65.Footnote 197, page 206:** Department of Public Health and Environment, Administration and Support — It is the intent of the General Assembly that the Department shall not exceed the total FTE authorization included in the Long Bill, and that any transfer of FTE between divisions within the Department shall be limited to federally-funded grants or programs and again shall not exceed the total authorized level. Any exception to this policy should be limited to federal funds and should be reported to the Joint Budget Committee, documenting the source and amount of funding, increase in number of FTE, activities to be performed, and anticipated time frame for continued receipt of new funding.

I vetoed this footnote last year. The footnote violates the separation of powers. The General Assembly does not have the authority to appropriate FTE or federal funds.

**66.Footnote 198, page 206:** Department of Public Health and Environment, Center for Health and Environmental Information; Laboratory and Radiation Services; Disease Control and Environmental Epidemiology Division; Family and Community Health Services Division; Emergency Medical Services and Prevention Division; and Prevention and Intervention Services for Children and Youth — The Department is requested to provide to the Joint Budget Committee a chart of federal grants for each of these divisions with its annual budget submission. This chart should show the following information for each federal grant: Grant name, federal fiscal year grant period, federal funding agency, and brief description of program funded by the grant; amount expended and FTE used in the past two actual state fiscal years, amount estimated and FTE assigned in the current state fiscal year, and amount anticipated and FTE planned for use in the request state fiscal year.

I vetoed this footnote last year. The footnote violates the separation of powers. The General Assembly does not have the authority to appropriate FTE or federal funds.

**67.Footnote 201, page 207:** Department of Public Health and Environment, Hazardous Materials and Waste Management Division — It is the intent of the General Assembly that the Department perform routine water quality inspections in Waterton Canyon in response to remediation efforts by the United States Environmental Protection Agency.

The Hazardous Materials and Waste Management Division is not the appropriate entity to perform water quality inspections. Testing and inspections were performed in FY 2000-01 by the Water Quality Control Division. The results of this work will be completed by December 2001 and will satisfy the requirements of this footnote. Additional testing and reporting would require a duplication of work already completed.

**68.Footnote 208, page 208:** Department of Public Health and Environment, Family and Community Health Services Division, Women's Health - Family Planning, Purchase of Services — It is the intent of the General Assembly that a portion of the funds for this program be used for peer intervention efforts. The Department is requested to include the following information in its annual budget submission: A listing of peer intervention programs that have been awarded family planning dollars and the amount of funds given to each; and the number of teens that participated in listed peer intervention programs.

I vetoed this footnote last year. The footnote attempts to administer the appropriation and violates the separation of powers. I will direct the Department to comply to the extent feasible.

**69.Footnote 212, page 209:** Department of Public Health and Environment, Prevention and Intervention Services for Children and Youth, Youth Crime Prevention and Positive Intervention Program, Prevention Services Programs — It is the intent of the General



Assembly that the Department require all program administrators at each level to account for revenues and expenditures for all state monies provided for community based programs.

This footnote represents an unfunded mandate on the Department.

**70.Footnote 214, page 221:** Department of Public Safety, Executive Director's Office, Colorado Integrated Criminal Justice Information System (CICJIS) — It is the intent of the General Assembly that with this appropriation the Colorado Bureau of Investigation in the Department of Public Safety, the Judicial Department, the Department of Corrections, the Division of Youth Corrections in the Department of Human Services, and the Colorado District Attorneys' Council should be able to improve the Colorado Integrated Criminal Justice Information System to achieve a match between felony court filings and the initial charges in at least sixty-five percent of the cases by December 31, 2001, and seventy percent of the cases by June 30, 2002.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to make increasing the performance of the system a top priority.

**71.Footnote 216, page 221:** Department of Public Safety, Executive Director's Office, Colorado Integrated Criminal Justice Information System (CICJIS) — It is the intent of the General Assembly that moneys appropriated in this line item that are utilized to pay for the implementation and maintenance of the Colorado Integrated Criminal Justice Information System (CICJIS) be restricted by the State Controller until the Commission on Information Management approves the release of such restrictions.

This footnote violates the separation of powers by attempting to administer the appropriation.

**72.Footnote 219, page 222:** Department of Public Safety, Colorado State Patrol, Aircraft Pool — It is the intent of the General Assembly that, of the appropriated amount for the Aircraft Pool, a portion of the funds shall be transferred to the Aircraft Engine Reserve Fund. The amount of the transfer shall be based on the number of flight hours per plane and should be sufficient to cover routine replacement of engines that exceed the recommended flight hours.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the Department to follow legislative intent if practicable and to ensure safety concerns are taken into consideration.

**73.Footnote 220, page 222:** Department of Public Safety, Colorado State Patrol, Counter-drug Program — It is the intent of the General Assembly that, if federal funds for the administration of this program are ever reduced, the FTE will also be reduced, and the workload will be absorbed with existing FTE in the Civilians line item.

I vetoed this footnote last year. This footnote violates the separation of powers. The General Assembly has no authority to appropriate or prescribe limits on non-match federal grants or FTE.

**74.Footnote 223, page 222:** Department of Public Safety, Division of Criminal Justice, Juvenile Justice and Delinquency Prevention, Juvenile Diversion Programs – Restitution; Juvenile Diversion Programs – Victim/Offender Mediation; and Juvenile Diversion Programs — The funds appropriated in these line items are intended solely for disbursement to local agencies and programs in support of juvenile diversion programs. The Division shall not use any of these funds to pay for operating expenses incurred in the normal course of administering these program funds.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will instruct the Department to follow legislative intent if practicable.

**75.Footnote 228, page 223:** Department of Public Safety, Colorado Bureau of Investigation, Investigative Services — It is the intent of the General Assembly that a portion of the costs for genetic testing of sex offenders shall be paid from the Sex Offender Identification Fund created in Section 24-33.5-415.5, C.R.S., as soon as there are sufficient revenues in the fund. To this end, the General Assembly requests that the Colorado Bureau of Investigation submit a report to the Joint Budget Committee by November 1, 2001, on the revenues and balance of the sex offender identification fund and the cost of genetic testing of sex offenders. This report should also include an analysis of ways to increase the success of collecting reasonable testing fees from sex offenders, including but not limited to evaluating what methods could be implemented to increase revenues or reduce costs in order to make this program

self-sufficient in future fiscal years.

I vetoed this footnote last year. This footnote requires a substantial dedication of resources from the program. I will direct the Department to comply to the extent feasible.

**76.Footnote 231, page 243:** Department of Revenue, Executive Director's Office — The Department of Revenue is requested to present its FY 2002-03 budget submission in the revised Long Bill format. All figures are requested to be presented in this format, including but not limited to the two prior years' actual expenditures, allocated central appropriations, and revenue schedules.

This footnote violates the separation of powers by instructing the Executive Branch on how to structure its budget submission. I will direct the Department to work with the Office of State Planning and Budgeting and the Joint Budget Committee to follow the intent of the footnote to the extent practicable.

**77.Footnote 232, page 243:** Department of Revenue, Executive Director's Office, Information Technology Asset Maintenance — It is the intent of the General Assembly that the appropriation to this line item be a one-time appropriation for FY 2001-02. The Department of Revenue is requested to provide a report to the Joint Budget Committee by September 1, 2001, summarizing the inventory of computers by type of computer for each organizational unit in the Department. The report should include a plan for replacing this equipment.

This footnote will drive a large workload. I will instruct the Department to comply with the footnote to the extent feasible.

**78.Footnote 233, page 243:** Department of Revenue, Information Technology Division — It is the intent of the General Assembly that the Department submit a decision item to the Joint Budget Committee when an appropriation request reflects a 5 percent increase from the prior year's base appropriation for purchases of services from Computer Center-Pueblo and purchases of services from Computer Center-GGCC.

This footnote dictates the format of the Executive budget request and thus violates the separation of powers. I will direct the Department to comply to the extent practicable.

**79.Footnote 234, page 243:** Department of Revenue, Information Technology Division — It is the intent of the General Assembly that the Department of Revenue consistently reflect additional computer programming costs in fiscal notes for proposed legislation. The Department is requested to meet with the Legislative Council fiscal note staff and the Joint Budget Committee staff in an effort to identify potential solutions to this issue. The Department is requested to submit, with its November 2001 budget request for FY 2002-03, a memorandum explaining its policy with respect to reflecting additional computer programming costs in fiscal notes for legislation during the 2002 legislative session. The Department is requested to submit a negative supplemental request for any estimated savings associated with implementing legislation enacted during the 2001 legislative session.

The Department already complied with a similar footnote last year. I will direct the Department to comply to the extent practicable.

**80.Footnote 239, page 244:** Department of Revenue, Motor Vehicle Business Group, Motor Vehicle Division — The Department of Revenue is requested to submit a report to the Joint Budget Committee by September 1, 2001, on the cost-effectiveness of the driver license mail-in renewal program. This report should summarize the costs and workload of the program for FY 1999-00 and FY 2000-01, and it should compare these measures with those of walk-in driver license renewals. The report should identify ways to improve the mail-in renewal program and evaluate the option of eliminating this program.

This footnote requires a substantial dedication of resources from the Department. I will direct the Department to comply to the extent practicable.

**81.Footnote 240, page 244:** Department of Revenue, Motor Vehicle Business Group, Motor Vehicle Division — The Department of Revenue is requested to submit a report to the Joint Budget Committee by September 1, 2001, evaluating the cost-effectiveness of a centralized license plate inventory and distribution system. This report should include detailed cost estimates and time requirements for implementing such a system and should take into consideration the potential cost savings associated with eliminating the need for county clerks to maintain inventories of plates. If the Department determines that it is feasible and cost-effective to implement a centralized license plate inventory system in FY 2002-03, the

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Department is requested to submit a decision item with its FY 2002-03 budget request on November 1, 2001.

The requirements of the footnote dictate the format of the Executive budget request. The Department has already started an investigation into this issue. I will direct the Department to comply to the extent practicable within existing resources.

**82.Footnote 242, page 245:** Department of Revenue, Enforcement Business Group, State Lottery Division, Personal Services — It is the intent of the General Assembly that the Department of Revenue use its sales staff to distribute scratch lottery tickets to retail outlets. It is further the intent of the General Assembly that this function not be outsourced to any vendor.

I vetoed this footnote last year. This footnote violates separation of powers by attempting to administer the appropriation. I will direct the Department to comply with the intent of this footnote to the extent feasible.

**83.Footnote 244, page 245:** Department of Revenue, Enforcement Business Group, Division of Racing Events — It is the intent of the General Assembly that the Department of Revenue, Division of Racing Events operate in the most efficient and effective manner. It is furthermore the intent of the General Assembly that the Division utilize its resources in the optimal manner as recommended by the Colorado State Auditor's Office in its June 1997 Performance Audit. In FY 2001-02, the Department should hold at least as many race days as were held in FY 2000-01. The Department of Revenue is also requested to provide a staffing report to the Joint Budget Committee by November 1, 2001, that justifies the staffing pattern for the Division. The report should include recommendations for eliminating positions and for reducing costs in the Division; summarize the work that is performed for each position in the Division; and contain a summary of performance measures for each year since 1993. The performance measures should include the following information for horse and dog events: the number of race performances; race days; race meets; inspections; citations, license applications received; licenses issued; the number of criminal investigations; the number of administrative investigations; and the number of simulcast investigations.

I vetoed this footnote last year. This footnote violates the separation of powers by attempting to administer the appropriation. I will direct the Department to comply with the intent of this footnote to the extent feasible within available resources.

The actions I am taking are based upon legal opinions and court decisions regarding inclusions in the general appropriations bill.

Sincerely,

(signed)  
Bill Owens  
Governor

Rec'd: 5/3/01  
K. Goldman, Secretary

May, 2, 2001

To the Honorable  
Senate  
Sixty-third General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

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

**S.B. 01-080** – Concerning The Prevention Of Bullying.

Approved May 2, 2001 at 2:17 p.m.

**S.B. 01-203** – Concerning Deadlines For The Submittal Of Budget Information By Certain State Agencies To The Capital Development Committee.

Approved May 2, 2001 at 1:14 p.m.

Sincerely,

(signed)  
Bill Owens  
Governor

Rec'd: 5/3/01  
K. Goldman, Secretary

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, May 3, 2001, was laid over until Friday, May 4, 2001, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB01-1131, HB01-1368, HB01-1354, HB01-1262.**

Consideration of Resolutions: **SJR01-023, SJR01-024, SJR01-018, SJR01-029, SJR01-030, SR01-017, SJR01-031, SJR01-032, SR01-020, HJR01-1030, HJR01-1045, SR01-016.**

Consideration of Memorials: **HJM01-1001, SJM01-002, SJM01-003.**

Consideration of House Amendments to Senate Bills: **SB01-205, SB01-006, SB01-084, SB01-078, SB01-113, SB01-121, SB01-035, SB01-037, SB01-073, SB01-149, SB01-032, SB01-089, SB01-091, SB01-164, SB01-168, SB01-209, SB01-088, SB01-095, SB01-109, SB01-206, SB01-012, SB01-014, SB01-029, SB01-046, SB01-057, SB01-099, SB01-174, SB01-208.**

Consideration of House Adherence: **HJR01-1010.**

Consideration of Governors Appointments

- Colorado Tourism Office
- State Housing Board
- Board of Directors of the Colorado Compensation Insurance Authority
- Securities Board
- Special Funds Board for Workers' Compensation Self Insurers
- Wildlife Commission
- Board of Assessment Appeals
- State Agricultural Commission
- Colorado Water Conservation Board
- Air Quality Control Commission
- Colorado Racing Commission
- Colorado Commission of Higher Education
- Read to Achieve Board
- Public Utilities Commission of the State of Colorado
- Colorado Student Obligation Bond Authority Board of Directors

Consideration of Conference Committee Reports: **HB01-1250, HB01-1124, HB01-1187, HB01-1034, HB01-1292, HB01-1030, SB01-123, SB01-034, SB01-131, HB01-1260.**

**TRIBUTES--A POINT OF INTEREST**

Honoring Christian Antuna by Senator Musgrave

Honoring Luke Williams by Senator Musgrave

Honoring Karen Goldman by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring Heidi Horvath by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring JoAnn Whitehead by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring Susie Velasquez by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring Alfredo Kemm by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring David Votava by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring Meghan Foulke by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

Honoring Troy McNulty by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Elizabeth Bliss by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	1 2 3
Honoring Wanda Freeman by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	4 5 6
Honoring Kevin Wilson by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	7 8 9
Honoring Jerry Garland by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	10 11 12
Honoring Bruce Daly by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	13 14 15
Honoring Harold Jackson by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	16 17 18
Honoring Howard Smith by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	19 20 21
Honoring Elaine Calzolari by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	22 23 24
Honoring Royda Kimball by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	25 26 27
Honoring Natalie Gallegos by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	28 29 30
Honoring Mike Devers by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	31 32 33
Honoring Renee White by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	34 35 36
Honoring Dorothy Cardinale by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	37 38 39
Honoring Charlotte Jackson by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	40 41 42
Honoring Valerie Vigil by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	43 44 45
Honoring Mickey Pearce by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	46 47 48
Honoring Danielle Radovich Piper by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	49 50 51
Honoring Denis Berckefeldt by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	52 53 54
Honoring Lesley Fuller by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	55 56 57
Honoring Mark Messsenbaugh by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	58 59 60
Honoring Dani Newsum by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	61 62 63
Honoring Patrick Culbreth by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	64 65 66
Honoring Tina McCray by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	67 68 69
Honoring Megan VanEns by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate	70 71 72

Honoring Cliff Dodge by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Melissa Padilla by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Darin Goens by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Miriam Frey by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Donna Cooley by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

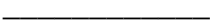
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Honoring Sharon Dilley by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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Honoring Kate Fowler by Senators Matsunaka, Perlmutter, Thiebaut and Andrews and all the Members of the Senate

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, May 4, 2001.

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Approved:

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Stan Matsunaka  
President of the Senate

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Attest:

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Karen Goldman  
Secretary of the Senate

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