

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

Forty-first Legislative Day

Monday, February 18, 2002

1 Prayer by Pastor Russ Kane, New Hope Presbyterian Church,
2 Castle Rock.

3
4 The Speaker called the House to order at 10:00 a.m.

5
6 The roll was called with the following result:

7
8 Present--61.

9 Excused--Representatives Cloer, Hefley, Spradley, Weddig--4.

10 Present after roll call--Representative Cloer.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Schultheis, the reading of the journal of
16 February 15, 2002, was declared dispensed with and approved as
17 corrected by the Chief Clerk.

18

19

20

21

APPOINTMENTS

22

23 Representative Grossman announced the following temporary change in
24 committee assignment:

25 For today only, Representative Jameson to Replace Representative
26 Weddig on the Committee on Local Government

27

28

29

30

THIRD READING OF BILLS--FINAL PASSAGE

31

32 The following bills were considered on Third Reading. The titles were
33 publicly read. Reading of the bill at length was dispensed with by
34 unanimous consent.

35

36 **HB02-1232** by Representative(s) Witwer; Senator(s) Hanna--Concern-
37 ing an increase in the amounts of fees relating to inspec-
38 tion of machines that are sources of ionizing radiation.

39

40 The question being "Shall the bill pass?".

41 A roll call vote was taken. As shown by the following recorded vote, a
42 majority of those elected to the House voted in the affirmative and the bill
43 was declared **passed**.

	YES 43	NO 19	EXCUSED 3	ABSENT 0				
1								
2								
3	Alexander	N	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
5	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
6	Borodkin	Y	Hefley	E	Paschall	N	Stengel	N
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	N	Saliman	Y	Webster	Y
13	Crane	N	King	Y	Sanchez	Y	Weddig	E
14	Daniel	Y	Larson	N	Schultheis	N	White	Y
15	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
16	Fairbank	Y	Lee	N	Sinclair	N	Williams T.	N
17	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	N
19							Mr. Speaker	N
20								

21 Co-sponsor added: Representative Sanchez.

22
23
24 **HB02-1103** by Representative(s) Mitchell--Concerning the assertion of
25 claims for exemplary damages.

26
27 Laid over until February 19, retaining place on Calendar.

28
29
30 **HB02-1185** by Representative(s) Romanoff, Alexander, Bacon, Crane,
31 Daniel, Groff, Rippy, Stafford, Williams S.; also
32 Senator(s) Anderson, Entz, Evans, Pascoe--Concerning the
33 Colorado preschool program.

34
35 The question being "Shall the bill pass?".

36 A roll call vote was taken. As shown by the following recorded vote, a
37 majority of those elected to the House voted in the affirmative and the bill
38 was declared **passed**.

	YES 41	NO 21	EXCUSED 3	ABSENT 0				
41								
42								
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
45	Berry	N	Harvey	N	Mitchell	N	Stafford	Y
46	Borodkin	Y	Hefley	E	Paschall	N	Stengel	N
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
48	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
50	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	N	Sanchez	Y	Weddig	E
54	Daniel	Y	Larson	N	Schultheis	N	White	Y
55	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
56	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	N

1	Fritz	N	Mace	Y	Smith	N	Witwer	Y
2	Garcia	Y	Madden	Y	Snook	N	Young	N
3							Mr. Speaker	N

4
5 Co-sponsors added: Representatives Borodkin, Boyd, Chavez, Coleman, Garcia,
6 Grossman, Hodge, Jahn, Jameson, Mace, Madden, Marshall, Plant, Ragsdale,
7 Sanchez, Tochtrop, Veiga.

8
9 **HB02-1158** by Representative(s) Crane, King, Lee, Schultheis, Snook,
10 Williams S.; also Senator(s) McElhany--Concerning the
11 right of the life and health insurance protection association
12 to elect to succeed to the reinsurance contracts of an
13 insolvent member insurer.

14
15 The question being "Shall the bill pass?".

16 A roll call vote was taken. As shown by the following recorded vote, a
17 majority of those elected to the House voted in the affirmative and the bill
18 was declared **passed**.

19	YES	62	NO	0	EXCUSED	3	ABSENT	0
22	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
23	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
24	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
26	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
27	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
28	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
29	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
30	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
31	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
32	Crane	Y	King	Y	Sanchez	Y	Weddig	E
33	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
35	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
37	Garcia	Y	Madden	Y	Snook	Y	Young	Y
38							Mr. Speaker	Y

39
40 Co-sponsors added: Representatives Stafford, Stengel.

41
42 **HB02-1162** by Representative(s) Cloer, Jahn, Kester, King, Lee,
43 Mace, Schultheis, Stafford, White; also Senator(s) Epps--
44 Concerning the prohibition against imposing additional
45 charges on winners of sweepstakes who must respond to
46 the sponsor of the sweepstake to claim the prize.

47
48 The question being "Shall the bill pass?".

49 A roll call vote was taken. As shown by the following recorded vote, a
50 majority of those elected to the House voted in the affirmative and the bill
51 was declared **passed**.

52	YES	57	NO	5	EXCUSED	3	ABSENT	0
54	Alexander	Y	Groff	Y	Marshall	Y	Spence	N
55	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

1	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
2	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
3	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
4	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
5	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
6	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
7	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
8	Crane	Y	King	Y	Sanchez	Y	Weddig	E
9	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
10	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
11	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
12	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
13	Garcia	Y	Madden	Y	Snook	Y	Young	N
14							Mr. Speaker	N

15
16 Co-sponsors added: Representatives Garcia, Groff, Jameson.

17
18 **HB02-1246** by Representative(s) King; also Senator(s) Windels--
19 Concerning the creation of the eligible facilities education
20 task force.

21
22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative and the bill
25 was declared **passed**.

26
27 YES 61 NO 1 EXCUSED 3 ABSENT 0

28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	N	Miller	Y	Spradley	E
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	E
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y

46
47 Co-sponsors added: Representatives Lawrence, Romanoff.

48
49 **HB02-1206** by Representative(s) Plant, Jahn, Saliman, Young; also
50 Senator(s) Owen, Reeves, Tate--Concerning eligibility
51 periods for the children's basic health plan.

52
53 The question being "Shall the bill pass?".

54 A roll call vote was taken. As shown by the following recorded vote, a
55 majority of those elected to the House voted in the affirmative and the bill
56 was declared **passed**.

	YES 62	NO 0	EXCUSED 3	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	E
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y

20
21 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Daniel, Groff,
22 Madden, Marshall, Paschall, Sanchez, Tapia, Tochtrop.

23
24 **HB02-1230** by Representative(s) Stafford, Cloer, Tochtrop; also
25 Senator(s) Phillips--Concerning continuation of the state
26 board of optometric examiners.

27
28 The question being "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a
30 majority of those elected to the House voted in the affirmative and the bill
31 was declared **passed**.

	YES 62	NO 0	EXCUSED 3	ABSENT 0				
32								
33								
34								
35	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
36	Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
37	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
38	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
39	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
40	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
41	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
42	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
43	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
44	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
45	Crane	Y	King	Y	Sanchez	Y	Weddig	E
46	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
47	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
48	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
49	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
50	Garcia	Y	Madden	Y	Snook	Y	Young	Y
51							Mr. Speaker	Y

52
53 Co-sponsors added: Representatives Bacon, Borodkin, Coleman, Jameson, Lee,
54 Mace, Rippy, Sanchez, Williams S.

55

1 **HB02-1282** by Representative(s) Berry, Smith; also Senator(s) Teck--
 2 Concerning modifications to the home- and community-
 3 based services program for persons with brain injury.
 4

5 The question being "Shall the bill pass?".

6 A roll call vote was taken. As shown by the following recorded vote, a
 7 majority of those elected to the House voted in the affirmative and the bill
 8 was declared **passed**.
 9

10	YES 62	NO 0	EXCUSED 3	ABSENT 0			
11							
12	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
13	Bacon	Y	Grossman	Y	Miller	Y	Spradley E
14	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
15	Borodkin	Y	Hefley	E	Paschall	Y	Stengel Y
16	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
17	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
18	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
19	Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
20	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
21	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
22	Crane	Y	King	Y	Sanchez	Y	Weddig E
23	Daniel	Y	Larson	Y	Schultheis	Y	White Y
24	Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y
25	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
26	Fritz	Y	Mace	Y	Smith	Y	Witwer Y
27	Garcia	Y	Madden	Y	Snook	Y	Young Y
28							Mr. Speaker Y
29							

30 Co-sponsors added: Representatives Borodkin, Chavez, Coleman, Crane, Groff,
 31 Hodge, Hoppe, Jahn, Lawrence, Mace, Rippy, Romanoff, Sanchez, Tapia,
 32 Tochtrop, Vigil, Williams S., Young.
 33

34 **SB02-028** by Senator(s) Windels, Anderson, Andrews, Hanna; also
 35 Representative(s) Fairbank, Jahn, Weddig, Witwer--
 36 Concerning the appointment of county surveyors when a
 37 vacancy occurs.
 38

39 The question being "Shall the bill pass?".

40 A roll call vote was taken. As shown by the following recorded vote, a
 41 majority of those elected to the House voted in the affirmative and the bill
 42 was declared **passed**.
 43

44	YES 60	NO 2	EXCUSED 3	ABSENT 0			
45							
46	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
47	Bacon	Y	Grossman	Y	Miller	Y	Spradley E
48	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
49	Borodkin	Y	Hefley	E	Paschall	Y	Stengel Y
50	Boyd	Y	Hodge	N	Plant	Y	Swenson Y
51	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia Y
52	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
53	Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
54	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
55	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
56	Crane	Y	King	Y	Sanchez	Y	Weddig E

1	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
2	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
3	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
4	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
5	Garcia	Y	Madden	Y	Snook	Y	Young	Y
6							Mr. Speaker	Y

8 Co-sponsors added: Representatives Kester, Scott, Tapia.

12 INTRODUCTION AND CONSIDERATION OF RESOLUTION

14 The following resolution was read at length and given immediate
15 consideration:

17 **HJR02-1016** by Representative(s) Dean; also Senator(s) Perlmutter--
18 Concerning the 200th anniversary of the United States
19 Military Academy.

22 WHEREAS, The United States Military Academy in West Point,
23 New York, was founded in 1802 when President Thomas Jefferson
24 signed legislation creating the Academy; and

26 WHEREAS, Since its founding, the United States Military
27 Academy has strived to instill in all of its cadets a sense of discipline,
28 honor, duty, and patriotism; and

30 WHEREAS, The United States Military Academy has produced
31 some of this nation's finest military leaders and distinguished public
32 servants including General George G. Meade, President Ulysses S. Grant,
33 General John J. Pershing, General Douglas MacArthur, General George
34 Patton, General Omar N. Bradley, President Dwight D. Eisenhower,
35 National Security Advisory Brent Scowcroft, and General H. Norman
36 Schwarzkopf, as well as astronauts Frank Borman, Edwin E. "Buzz"
37 Aldrin, Edward White II, and Michael Collins; and

39 WHEREAS, Graduates of the United States Military Academy
40 have made great contributions to society in a variety of areas, including
41 engineering, education, science, and the arts; and

43 WHEREAS, Throughout the history of the United States Military
44 Academy, the nation has called upon its graduates to serve and protect the
45 country both at home and abroad; and

47 WHEREAS, The nation continues to call upon the graduates of the
48 United States Military Academy to serve and protect the country in the
49 continuing war against terrorism; and

51 WHEREAS, Now, more than ever, it is fitting to pay tribute to the
52 many graduates of the United States Military Academy who have served
53 their country bravely and faithfully, and to the institution that has
54 produced such commendable graduates; now, therefore,

55

1 *Be It Resolved by the House of Representatives of the Sixty-third*
 2 *General Assembly of the State of Colorado, the Senate concurring*
 3 *herein:*

4
 5 (1) That we, the members of the Sixty-third General Assembly,
 6 commend the United States Military Academy on its long and
 7 distinguished history and honor the many contributions the graduates of
 8 this fine institution have made to our nation since 1802.

9
 10 (2) That we, the members of the Sixty-third General Assembly,
 11 commend the many fine men and women from Colorado who have
 12 graduated from, and those who are currently attending the United States
 13 Military Academy.

14
 15 (3) That we, the members of the Sixty-third General Assembly,
 16 congratulate the United States Military Academy on the occasion of its
 17 Bicentennial.

18
 19 *Be It Further Resolved*, That a copy of this resolution be sent to
 20 Delegate Jay O'Brien, member of the Virginia House of Delegates, to be
 21 presented to the Superintendent of the United States Military Academy
 22 at its Bicentennial in West Point, New York, on March 16, 2002.

23
 24 On motion of Representative King, the rules were suspended and the
 25 resolution given immediate consideration.

26
 27 On motion of Representative Dean the resolution was read at length and
 28 **adopted by viva voce** vote.

29
 30 Co-sponsors added: Roll call of the House.

31 _____
 32
 33
 34 **REPORTS OF COMMITTEE OF REFERENCE**

35
 36 **BUSINESS AFFAIRS & LABOR**

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

39
 40 **HB02-1220** be amended as follows, and as so amended, be referred to
 41 the Committee of the Whole with favorable
 42 recommendation:

43
 44 Amend printed bill, page 3, strike line 4;

45
 46 line 5, strike "(II)" and substitute "(I)";

47
 48 line 7, strike "(III)" and substitute "(II)";

49
 50 line 15, strike "A NEW SUBSECTION" and substitute "THE
 51 FOLLOWING NEW SUBSECTIONS";

52
 53 after line 24, insert the following:

54
 55 "(27.3) "MINOR CHILD" MEANS ANY PERSON UNDER THE AGE OF
 56 EIGHTEEN YEARS.";

1 strike lines 25 through 27 and substitute the following:
 2

3 **"SECTION 3. Effective date - applicability.** (1) This act shall
 4 take effect January 1, 2003, unless a referendum petition is filed during
 5 the ninety-day period after final adjournment of the general assembly that
 6 is allowed for submitting a referendum petition pursuant to article V,
 7 section 1 (3) of the state constitution. If such a referendum petition is
 8 filed against this act or an item, section, or part of this act within such
 9 period, then the act, item, section, or part shall take effect on the specified
 10 date only if approved by the people.
 11

12 (2) The provisions of this act shall apply to policies issued or
 13 renewed on or after the applicable effective date of this act."
 14

15 Strike page 4.
 16
 17
 18

19 **HB02-1294** be postponed indefinitely.
 20
 21
 22

23 **MESSAGE FROM THE SENATE**

24 Mr. Speaker:
 25

26 The Senate has adopted and returns herewith: HJR02-1004, HJR02-1009,
 27 HJR02-1014.
 28

29 The Senate has postponed indefinitely HB02-1001, HB02-1072. The
 30 bills are returned herewith.
 31
 32
 33

34 **INTRODUCTION OF BILLS** 35 **First Reading**

36
 37 The following bills were read by title and referred to the committees
 38 indicated:
 39

40 **HB02-1337** by Representative(s) Schultheis--Concerning certain
 41 prerequisites that parties to a domestic relations
 42 proceeding involving dependent children must meet prior
 43 to the entry of the decree.

44 Committee on Civil Justice & Judiciary
 45

46 **HB02-1338** by Representative(s) Webster; also Senator(s) Reeves--
 47 Concerning fees for performing emissions testing on motor
 48 vehicles.

49 Committee on Transportation & Energy
 50
 51
 52

53 On motion of Representative Scott, the House resolved itself into
 54 Committee of the Whole for consideration of General Orders, and he was
 55 called to the Chair to act as Chairman.
 56

GENERAL ORDERS--SECOND READING OF BILLS

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

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

HB02-1235 by Representative(s) Young; also Senator(s) Hernandez-- Concerning changes in the repeal dates for funding from the employment support fund for certain programs administered by the department of labor and employment.

Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

HB02-1280 by Representative(s) Rhodes; also Senator(s) Taylor, Fitzgerald--Concerning the prohibition of the regulation of banking by a political subdivision.

Amendment No. 1, Business Affairs & Labor Report, dated February 12, 2002, and placed in member's bill file; Report also printed in House Journal, February 13, page 387.

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

HB02-1231 by Representative(s) Snook, Bacon, Boyd, Jahn, Madden, Mitchell; also Senator(s) Isgar--Concerning the continuation of the subpoena powers granted to the director of the Colorado civil rights division in cases relating to allegations of unfair employment practices.

Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

SB02-025 by Senator(s) Perlmutter, Epps, Evans, Gordon, Linkhart; also Representative(s) Groff, Hefley, Lee, Mitchell, Plant--Concerning the enactment of Colorado Revised Statutes 2001 as the positive and statutory law of the state of Colorado.

Ordered revised and placed on the Calendar for Third Reading and Final Passage.

HB02-1223 by Representative(s) Veiga; also Senator(s) Anderson-- Concerning sentencing of persons convicted of offenses committed on or after July 1, 2002, involving unlawful sexual behavior.

Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.

1 **HB02-1245** by Representative(s) Lee; also Senator(s) Evans--
2 Concerning utilization of party committees to fill
3 vacancies occurring on the state board of education.
4

5 Amendment No. 1, by Representatives Lee and Garcia.
6

7 Amend printed bill, page 6, line 19, strike "CANDIDATES." and substitute
8 "CANDIDATES; EXCEPT THAT THE VACATING BOARD MEMBER SHALL NOT
9 PARTICIPATE IN THE INTERVIEW PROCESS.";

10
11 line 23, after the period, insert "THE VACATING BOARD MEMBER SHALL
12 NOT PARTICIPATE IN THE OPEN MEETING TO VOTE ON THE SELECTION OF A
13 NOMINEE TO FILL THE VACANCY."
14

15 As amended, ordered engrossed and placed on the Calendar for Third
16 Reading and Final Passage.
17

18
19 **HB02-1316** by Representative(s) Harvey; also Senator(s) Tupa--
20 Concerning repayment of loans issued through the
21 interest-free loan program to alleviate cash flow
22 management problems for school districts.
23

24 Amendment No. 1, Education Report, dated February 13, 2002, and
25 placed in member's bill file; Report also printed in House Journal,
26 February 14, page 398.
27

28 As amended, ordered engrossed and placed on the Calendar for Third
29 Reading and Final Passage.
30

31
32 **HB02-1211** by Representative(s) Williams T., Coleman, Scott, Vigil;
33 also Senator(s) Tupa, Anderson, Takis, Taylor--
34 Concerning the timely issuance of a final determination by
35 the executive director of the department of revenue
36 following a hearing on a dispute between a taxpayer and
37 the state involving a state tax deficiency.
38

39 Ordered engrossed and placed on the Calendar for Third Reading and
40 Final Passage.
41

42 **HB02-1217** by Representative(s) Kester; also Senator(s) Takis,
43 Hagedorn, Hillman--Concerning investment of public
44 funds in securities issued by Colorado public entities.
45

46 Amendment No. 1, Finance Report, dated February 13, 2002, and placed
47 in member's bill file; Report also printed in House Journal, February 14,
48 page 399.
49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
52

53
54 **HB02-1219** by Representative(s) Larson--Concerning frivolous state
55 income tax returns.
56

1 Amendment No. 1, Finance Report, dated February 13, 2002, and placed
2 in member's bill file; Report also printed in House Journal, February 14,
3 page 399.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **HB02-1279** by Representative(s) Stafford, Plant, Saliman, Spradley;
9 also Senator(s) Hernandez, Anderson, Hagedorn,
10 Matsunaka--Concerning the designation of managed
11 service organizations for the purchase of treatment
12 services related to alcohol and drug abuse.

13
14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.

16
17 **SB02-014** by Senator(s) Entz, Isgar, May; also Representative(s)
18 Swenson, Larson, Mace, Ragsdale, Sinclair, Smith,
19 Stafford, Williams S.--Concerning the authority of the
20 executive director of the department of revenue to issue
21 certificates of registration for certain commercial vehicles,
22 and, in connection therewith, authorizing the issuance of
23 such certificates for vehicles that are registered as part of
24 a fleet based in Colorado, owned by a nonresident, and for
25 which the owner obtains apportioned registration.

26
27 Ordered revised and placed on the Calendar for Third Reading and Final
28 Passage.

29
30 **SB02-072** by Senator(s) Hernandez; also Representative(s) Larson--
31 Concerning the authority of the department of revenue to
32 identify fleet motor vehicles by means of special license
33 plates.

34
35 Amendment No. 1, Transportation & Energy Report, dated February 13,
36 2002, and placed in member's bill file; Report also printed in House
37 Journal, February 14, page 403.

38
39 As amended, ordered revised and placed on the Calendar for Third
40 Reading and Final Passage.

41
42
43 On motion of Representative King, the remainder of the General Orders
44 Calendar (**HB02-1192, 1261, 1250, 1291, 1325**) was laid over until
45 February 19, retaining place on Calendar.

46
47
48
49 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

50
51 Passed Second Reading: **HB02-1235, 1280 amended, 1231, SB02-025,**
52 **HB02-1223, 1245 amended, 1316 amended, 1211, 1217 amended,**
53 **1219 amended, 1279, SB02-014, 072 amended.**

54
55 Laid over until date indicated retaining place on Calendar: **HB02-1192,**
56 **1261, 1250, 1291, 1325**--February 19, 2002.

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
8 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9 Bacon	Y	Grossman	Y	Miller	Y	Spradley	E
10 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11 Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
12 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
13 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
14 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
15 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
16 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
17 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18 Crane	Y	King	Y	Sanchez	Y	Weddig	E
19 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
21 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
22 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
23 Garcia	Y	Madden	Y	Snook	Y	Young	Y
						Mr. Speaker	Y

INTRODUCTION OF RESOLUTION

31 The following resolution was read by title and referred to the committee
 32 indicated:

34 **HJR02-1017** by Representative(s) Lee, Dean, Fairbank, Groff,
 35 Grossman, Mitchell, Scott; also Senator(s) Gordon--
 36 Concerning the creation of a committee to investigate the
 37 attack that occurred at Columbine High School on
 38 April 20, 1999.

39 Committee on Civil Justice & Judiciary

41 WHEREAS, It has been almost three years since the attack
 42 occurred at Columbine High School on April 20, 1999; and

44 WHEREAS, Although several investigations into the events that
 45 occurred prior to, on, and after that day have been conducted and are
 46 ongoing, many questions remain unanswered; and

48 WHEREAS, None of the entities investigating those events had the
 49 power to compel testimony of witnesses; and

51 WHEREAS, The people of the state of Colorado need an
 52 impartial, full investigation into these events to bring closure to the
 53 incident; and

55 WHEREAS, The General Assembly has the authority to give to a
 56 committee the power to compel the testimony of witnesses through

1 subpoenas and the production of documents pursuant to subpoenas duces
2 tecum; and

3
4 WHEREAS, The General Assembly also has the authority to
5 prescribe the conditions under which witnesses may testify to respect the
6 feelings of the victims of these incidents; now, therefore,

7
8 *Be It Resolved by the House of Representatives of the Sixty-third*
9 *General Assembly of the State of Colorado, the Senate concurring*
10 *herein:*

11
12 (1) That there is hereby created a legislative committee,
13 hereinafter referred to as the "committee", to investigate and act as a
14 fact-finder concerning the attack that occurred at Columbine High School
15 on April 20, 1999, and the events surrounding that attack, and to
16 recommend any legislative changes found necessary as a result of its
17 investigation. The committee shall meet during the 2002 regular session
18 of the Sixty-third General Assembly and in the interim after such session.

19
20 (2) (a) That the committee shall consist of six members as
21 follows:

22
23 (I) Three members of the House of Representatives appointed by
24 the Speaker of the House of Representatives; and

25
26 (II) Three members of the Senate, two of whom shall be appointed
27 by the President of the Senate and one of whom shall be appointed by the
28 Minority Leader of the Senate.

29
30 (b) No more than three members of the committee shall be from
31 the same political party.

32
33 (3) That the committee shall have, at a minimum, the following
34 duties:

35
36 (a) To select legal counsel to conduct an investigation into the
37 attack occurring at Columbine High School on April 20, 1999, and the
38 events leading up to that attack, and to direct the investigation by such
39 legal counsel;

40
41 (b) With the assistance of the legal counsel selected, to collect
42 documents and testimony concerning the events surrounding the attack at
43 Columbine High School on April 20, 1999;

44
45 (c) To authorize the issuance of subpoenas or subpoenas duces
46 tecum pursuant to subsection (6) of this Resolution; and

47
48 (d) To issue a report of its findings, which may include
49 recommended legislation, to the General Assembly and the public on or
50 before December 1, 2002.

51
52 (4) That, pursuant to section 2-3-1001, Colorado Revised Statutes,
53 the Committee on Legal Services is directed to retain and pay the
54 compensation of the legal counsel selected pursuant to subsection (3) (a)
55 of this Resolution from moneys allocated to the Committee on Legal
56 Services for legal fees from appropriations made by the General

1 Assembly.

2

3 (5) That, pursuant to section 2-2-313, Colorado Revised Statutes,
4 all testimony of witnesses shall be taken as depositions by legal counsel
5 retained on behalf of the committee pursuant to subsection (4) of this
6 Resolution. Written transcripts of all such depositions shall be prepared
7 and shall be made available to the public once the final report of the
8 committee is submitted.

9

10 (6) That, pursuant to Rule 33 of the Joint Rules of the Senate and
11 the House of Representatives, the General Assembly hereby vests in the
12 committee the power to subpoena witnesses, to take testimony under
13 oath, and to assemble records, documents, and other evidence by
14 subpoena duces tecum. The issuance of any subpoena shall be approved
15 by a majority of the members of the committee. No person who was a
16 student enrolled at Columbine High School on April 20, 1999, shall be
17 compelled to testify.

18

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

22

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

26

27 (9) That all expenditures, except for the compensation and
28 expenses of the legal counsel retained pursuant to subsection (4) of this
29 Resolution, incurred while conducting this study shall be approved by the
30 chair of the Legislative Council and paid by vouchers and warrants drawn
31 as provided by law from moneys allocated to the Legislative Council for
32 legislative studies from appropriations made by the General Assembly.

33

34 (10) That the committee shall make a report to the General
35 Assembly no later than December 1, 2002.

36

37 (11) That the committee shall not be considered an interim
38 committee pursuant to Rule 24A of the Joint Rules of the Senate and
39 House of Representatives; however, any bill recommended by the
40 committee shall be exempt from the five-bill limit established in Rule 24
41 (b) (1) (A) of the Joint Rules of the Senate and House of Representatives.

42

43

44

House in recess. House reconvened.

45

46

47

48

REPORT OF COMMITTEE OF REFERENCE

49

LEGAL SERVICES

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

52

53
54 **HB02-1203** be referred to the Committee of the Whole with favorable
55 recommendation.

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INTRODUCTION OF BILLS

First Reading

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

HB02-1339 by Representative(s) Cadman--Concerning measures that will address whether all accounts for alcohol beverages sold to the applicant are paid when applying for a temporary permit pending transfer of certain alcohol licenses.
Committee on Business Affairs & Labor

HB02-1340 by Representative(s) Dean--Concerning changes to the dates of certain events in the political party nomination process for the calendar year 2002 necessitated by the redrawing of the general election precinct boundaries in accordance with the court-approved reapportionment plan for senatorial and representative districts of members of the general assembly.
Committee on State, Veterans, & Military Affairs

HB02-1341 by Representative(s) Swenson; also Senator(s) Nichol-- Concerning recommendations of the house committee on transportation and energy relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.
Committee on Transportation & Energy

HB02-1342 by Representative(s) Mitchell, Groff, Grossman, Harvey, Weddig, White; also Senator(s) Fitz-Gerald, Andrews, Perlmutter--Concerning public access to information relating to public bodies, and, in connection therewith, clarifying that public officials and employees are persons for purposes of the public records act, article 72 of title 24, Colorado Revised Statutes, and specifying the manner in which public bodies are to record their meetings.
Committee on Civil Justice & Judiciary

LAY OVER OF CALENDAR ITEM

On motion of Representative King, the following item on the Calendar was laid over until February 19, retaining place on Calendar:
Consideration of Resolution--**HJR02-1015**.

On motion of Representative Witwer, the House adjourned until 9:00 a.m., February 19, 2002.

Attest: **JUDITH RODRIGUE,**
Chief Clerk

Approved:
DOUG DEAN,
Speaker