

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

Ninety-eighth Legislative Day

Tuesday, April 16, 2002

1 Prayer by the Reverend Kraig Burleson, Loving Saints Christian
2 Fellowship, Denver.

3

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

5

6 The roll was called with the following result:

7

8 Present--60.

9 Excused--Representatives Fritz, Grossman, Jameson, Plant,
10 Hefley--5.

11 Present after roll call--Representatives Fritz, Grossman, Plant,
12 Hefley.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Groff, the reading of the journal of April 15,
18 2002, was declared dispensed with and approved as corrected by the
19 Chief Clerk.

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22

23

CONSIDERATION OF RESOLUTION

24

25 **HR02-1012** by Representative(s) Williams S., Alexander, Groff,
26 Larson--Concerning designation of equal pay day.

27

28 (Printed and placed in member's file; also printed in House Journal,
29 April 11, pages 1261-1262.)

30

31 On motion of Representative Williams S., the resolution was read at
32 length and **adopted** by **viva voce** vote.

33

34 Co-sponsors added: Representatives Bacon, Borodkin, Boyd, Chavez, Coleman,
35 Daniel, Fritz, Hefley, Hodge, Hoppe, Jahn, Lawrence, Mace, Madden, Marshall,
36 Miller, Ragsdale, Rippey, Romanoff, Saliman, Sanchez, Sinclair, Smith, Snook,
37 Spradley, Stafford, Swenson, Tapia, Tochtrop, Veiga, Vigil, Weddig, White,
38 Witwer.

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THIRD READING OF BILLS--FINAL PASSAGE

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

HB02-1009 by Representative(s) Stafford--Concerning civil restraining orders, and making an appropriation in connection therewith.

Laid over until April 17, retaining place on Calendar.

HB02-1242 by Representative(s) Schultheis, Crane, Cloer, Harvey, Paschall, Rhodes, Sinclair, Snook; also Senator(s) Hillman, Cairns, Musgrave--Concerning the issuance of permits for concealed handguns, and making an appropriation in connection therewith.

Laid over until April 17, retaining place on Calendar.

HB02-1317 by Representative(s) Harvey, Mitchell, Cadman, Clapp, Cloer, Crane, Dean, Fairbank, Johnson, King, Lee, Paschall, Rhodes, Schultheis, Scott, Sinclair, Snook, Stafford, Stengel, Witwer; also Senator(s) Lamborn, Musgrave, Cairns, Dyer, Hillman--Concerning statutory definitions related to human beings to include every infant human being who is born alive at any stage of development.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

YES	49	NO	13	EXCUSED	3	ABSENT	0
Alexander	Y	Groff	Y	Marshall	N	Spence	Y
Bacon	N	Grossman	E	Miller	Y	Spradley	Y
Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
Boyd	N	Hodge	N	Plant	E	Swenson	Y
Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
Coleman	Y	Kester	Y	Saliman	N	Webster	Y
Crane	Y	King	Y	Sanchez	N	Weddig	Y
Daniel	Y	Larson	Y	Schultheis	Y	White	Y
Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
Fritz	Y	Mace	N	Smith	Y	Witwer	Y
Garcia	Y	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

Co-sponsors added: Representatives Decker, Hefley, Hoppe, Young.

1 **HB02-1404** by Representative(s) Mitchell, Bacon, Boyd, Crane,
 2 Daniel, Dean, Decker, Groff, Jahn, Lee, Madden, Rhodes,
 3 Tapia, Tochtrop; also Senator(s) Thiebaut, Andrews,
 4 McElhany, Tate, Teck--Concerning civil forfeiture.
 5

6 As shown by the following roll call vote, a majority of all members
 7 elected to the House voted in the affirmative, and Representative Mitchell
 8 was given permission to offer a Third Reading amendment:
 9

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
12 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
13 Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
14 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
15 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
16 Boyd	Y	Hodge	Y	Plant	E	Swenson	Y
17 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
18 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
19 Clapp	Y	Jameson	E	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	Y
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
						Mr. Speaker	Y

30
 31
 32 **Third Reading amendment No. 1**, by Representative Mitchell.

33
 34 Amend engrossed bill, page 26, line 9, strike "ANY STATE OR";
 35
 36 strike lines 10 through 14.
 37

38
 39 The amendment was declared **passed** by the following roll call vote:
 40

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
43 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44 Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
45 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47 Boyd	Y	Hodge	Y	Plant	E	Swenson	Y
48 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
49 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50 Clapp	Y	Jameson	E	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	Y	Sanchez	Y	Weddig	Y
54 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

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

6 The question being, "Shall the bill, as amended, pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative, and the
 9 bill, as amended, was declared **passed**.

10	YES	51	NO	11	EXCUSED	3	ABSENT	0
13	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
14	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
15	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
16	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
17	Boyd	Y	Hodge	N	Plant	E	Swenson	Y
18	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
19	Chavez	N	Jahn	Y	Rhodes	Y	Tochtrop	Y
20	Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
21	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
22	Coleman	N	Kester	Y	Saliman	N	Webster	Y
23	Crane	Y	King	Y	Sanchez	Y	Weddig	N
24	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
25	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
26	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
27	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
28	Garcia	Y	Madden	Y	Snook	Y	Young	Y
29							Mr. Speaker	Y

31 Representative Jahn requested her name be removed as sponsor.
 32 Co-sponsors added: Representatives Cadman, Cloer, Fairbank, Harvey, Miller,
 33 Paschall, Schultheis, Scott, Snook, Stengel, Williams T.

36 **HB02-1402** by Representative(s) Crane, Rhodes, Schultheis, Clapp,
 37 Cloer, Hefley, Spradley, Stafford; also Senator(s) Owen--
 38 Concerning authorization for disease management
 39 programs under the "Colorado Medical Assistance Act".

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

46	YES	62	NO	0	EXCUSED	3	ABSENT	0
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	E	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
55	Clapp	Y	Jameson	E	Rippy	Y	Veiga	Y
56	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y

1	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
2	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
3	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
4	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
5	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
6	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
7	Garcia	Y	Madden	Y	Snook	Y	Young	Y
8							Mr. Speaker	Y
9								

10 Co-sponsors added: Representatives Berry, Boyd, Groff, Kester, Lawrence,
11 Lee, Mace, Paschall, Rippy, Romanoff, Tochtrop.

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15 On motion of Representative Spradley, **HB02-1420, 1413, 1414** were
16 made Special Orders on Tuesday, April 16, 2002, at 9:49 a.m.

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19 The hour of 9:49 a.m., having arrived, on motion of Representative Scott,
20 the House resolved itself into Committee of the Whole for consideration
21 of Special Orders and he was called to the Chair to act as Chairman.

22 23 24 **SPECIAL ORDERS--SECOND READING OF BILLS**

25
26 The Committee of the Whole having risen, the Chairman reported the
27 titles of the following bills had been read (reading at length had been
28 dispensed with by unanimous consent), the bills considered and action
29 taken thereon as follows:

30
31 (Amendments to the committee amendment are to the printed committee
32 report which was printed and placed in the members' bill file.)

33
34 **HB02-1420** by Representative(s) Young, Berry, Saliman; also
35 Senator(s) Reeves, Tate, Owen--Concerning the provision
36 for payment of the expenses of the executive, legislative,
37 and judicial departments of the state of Colorado, and of
38 its agencies and institutions, for and during the fiscal year
39 beginning July 1, 2002, except as otherwise noted.

40
41 **Amendment No. 1**, by Representative Spradley.

42
43 Amend printed bill, page 53, line 15, in the ITEM & SUBTOTAL
44 column, strike "9,270,539" and substitute "9,037,280".

45
46 Page 54, line 1, in the ITEM & SUBTOTAL column, strike "(191.0
47 FTE)" and substitute "(185.0 FTE)";

48
49 line 2, in the ITEM & SUBTOTAL column, strike "6,860,295" and
50 substitute "6,735,295";

51
52 line 4, in the ITEM & SUBTOTAL column, strike "2,419,702" and
53 substitute "2,244,702";

54
55 strike line 6;

56

1 line 8, in the TOTAL column, strike "43,176,267" and substitute
2 "42,614,358" and, in the CASH FUNDS EXEMPT column, strike
3 "43,176,267" and substitute "42,614,358";

4
5 line 10, strike "\$10,379,463" and substitute "\$9,817,554".

6
7 Adjust affected totals accordingly.

8
9
10 **Amendment No. 2**, by Representative Scott.

11
12 Amend printed bill, page 90, strike lines 3 through 5.

13
14 Adjust affected totals accordingly.

15
16 Page 537, strike lines 13 and 14, and substitute "eighteen million four
17 hundred twenty-one thousand seven hundred eleven dollars
18 (\$18,421,711)".

19
20 Page 564, after line 5, insert the following:

	TOTAL	CAPITAL CONSTRUCTION FUND EXEMPT
	\$	\$
DEPARTMENT OF TRANSPORTATION		
(1) CAPITAL CONSTRUCTION		
Highway Construction Projects	90,000	90,000
TOTALS PART XII (TRANSPORTATION)	\$90,000	\$90,000

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36 Adjust affected totals accordingly.

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39 **Amendment No. 3**, by Representatives Romanoff, Alexander, Borodkin,
40 Coleman, Daniel, Garcia, Groff, Grossman, Harvey, Hodge, Jahn,
41 Johnson, Lawrence, Mace, Plant, Ragsdale, Sanchez, Smith, Stafford,
42 Tochtrop, Veiga, Vigil, Williams S.

43
44 Amend printed bill, page 205, line 12, in the ITEM & SUBTOTAL
45 column, strike "326,532" and substitute "485,174" and, in the GENERAL
46 FUND column, strike "326,532" and substitute "485,174".

47
48 Adjust affected totals accordingly.

49
50 Page 209, line 11, in the ITEM & SUBTOTAL column, strike "450,162"
51 and substitute "669,240" and, in the GENERAL FUND column, strike
52 "450,162" and substitute "669,240".

53
54 Adjust affected totals accordingly.

55
56 Page 535, line 11, strike "**BUDGETS**" and substitute "**BUDGETS**²⁴³";

1 after line 14, insert the following:

2

3 "243 GRAND TOTALS -- OPERATING BUDGETS -- It is the
4 intent of the General Assembly that the General Fund
5 appropriation for each department be reduced by the
6 amount indicated in the table below. Departments are
7 requested to reduce out-of-state travel expenditures in
8 order to accomplish the stated reduction.
9

10	Department	Reduction
11	Agriculture	(1,655)
12	Corrections	(7,971)
13	Education	(4,049)
14	Governor	(5,820)
15	Health Care Policy and Financing	(434)
16	Higher Education - Colorado Commission on Higher Education,	
17	Administration	(732)
18	Higher Education - Trustees of the State Colleges	(31,793)
19	Higher Education - State Board of Agriculture	(93,581)
20	Higher Education - Regents University of Colorado	(126,439)
21	Higher Education - Trustees of the Colorado School of Mines	(13,956)
22	Higher Education - University of Northern Colorado	(23,487)
23	Higher Education - State Board for Community Colleges and	
24	Occupational Education State System Community Colleges	(22,288)
25	Higher Education - Council on the Arts	(346)
26	Higher Education - Historical Society	(530)
27	Human Services	(6,689)
28	Judicial	(15,247)
29	Law	(1,913)
30	Local Affairs	(489)
31	Military Affairs	(664)
32	Natural Resources	(1,873)
33	Personnel	(1,566)
34	Public Health and Environment	(3,402)
35	Public Safety	(2,533)
36	Regulatory Agencies	(460)
37	Revenue	(9,538)
38	Treasury	(265)
39	GRAND TOTAL	(\$377,720) ".

40

41

42 A motion by Representative Spradley that the Committee rise, report
43 progress and beg leave to sit again at 1:30 p.m., was adopted by
44 unanimous consent.

45

46

47

House reconvened.

48

49 The Committee of the Whole reported it had risen, reported progress and
50 would sit again at 1:30 p.m.

51

APPOINTMENTS TO CONFERENCE COMMITTEES

Pursuant to a request from the Senate, the Speaker appointed House conferees to the First Conference Committees as follows:

SB02-099--Representatives Spradley, Chair, Sinclair, Miller
SB02-113--Representatives King, Chair, Spence, Plant

CHANGE IN SPONSORSHIP

Mr. Speaker announced that Representative Fairbank replaced Representative Sinclair as prime sponsor for **HB02-1243**.

REPORTS OF COMMITTEES OF REFERENCE**EDUCATION**

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

HB02-1419 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, strike lines 20 through 23 and substitute "program."

Page 5, line 20, after "MEMBERS", insert "INITIALLY";

line 26, strike "JUNE 30," and substitute "JANUARY 1,";

line 27, strike "JUNE 30, 2005, AND THREE" and substitute "JANUARY 1, 2005, TWO".

Page 6, line 1, strike "JUNE 30, 2006;" and substitute "JANUARY 1, 2006, AND ONE MEMBER OF THE BOARD HAS A TERM EXPIRING ON JANUARY 1, 2007;"

line 4, strike "NO MORE";

line 5, strike "THAN" and substitute "AT LEAST", and strike "FROM" and substitute "RESIDENTS OF";

line 5, after the period, add "THE BOARD MEMBERS FROM SOUTHWESTERN COLORADO SHALL RESIDE IN EITHER ARCHULETA, DOLORES, LA PLATA, MONTEZUMA, OR SAN JUAN COUNTY."

Page 12, line 2, strike "YEARS;" and substitute "YEARS. THE STATE BOARD OF AGRICULTURE SHALL COOPERATE WITH THE BOARD OF TRUSTEES TO FACILITATE THE USE OF PORTIONS OF THE HESPERUS PROPERTY, WHICH IS OWNED BY THE STATE BOARD OF LAND COMMISSIONERS, SO LONG AS SUCH USES ARE COMPATIBLE AND NOT INCONSISTENT WITH THE USE AND OPERATION OF PROPERTY BY THE COLORADO AGRICULTURAL EXPERIMENT STATION.";

1 strike lines 3 through 6 and substitute the following:
2

3 "(b) THE STATE BOARD OF AGRICULTURE SHALL HAVE THE RIGHT
4 TO USE THE REAL PROPERTY UPON WHICH THE COLORADO STATE FOREST
5 SERVICE DISTRICT OFFICE IS LOCATED ON THE FORT LEWIS COLLEGE MAIN
6 CAMPUS FOR A MINIMUM OF TWENTY-FIVE YEARS;"

7
8 line 17, strike "TRANSFER:" and substitute "TRANSFER TO THE BOARD OF
9 TRUSTEES:".

10
11 Page 17, line 2, strike "PRIOR TO" and substitute "ON AND AFTER".
12

13 Page 20, line 3, strike "RESPECTIVE OF" and substitute "CONSISTENT
14 WITH".
15

16 Page 21, line 12, strike "COLLEGE:" and substitute "COLLEGE, STUDENT
17 AND FACILITY OPERATIONS AND ACTIVITIES.";

18
19 strike lines 13 and 14.
20
21
22

23 **SB02-109** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:
26

27 Amend reengrossed bill, page 4, line 7, strike "AND";

28
29 strike line 9 and substitute the following:
30

31 "LEARNERS; AND
32

33 (VI) AN EMPLOYEE OF THE DEPARTMENT WITH EXPERIENCE WITH
34 ENGLISH LANGUAGE LEARNERS.".

35
36 Page 9, strike lines 2 through 9.
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39
40

41 **LOCAL GOVERNMENT**

42 After consideration on the merits, the Committee recommends the
43 following:
44

45 **HB02-1319** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:
48

49 Strike the Local Government Committee Report, dated February 18,
50 2002, and substitute the following:
51

52 "Amend printed bill, strike everything below the enacting clause, and
53 substitute the following:
54

55 "**SECTION 1. Legislative declaration.** The general assembly
56 hereby finds and declares that continued growth within the state of

1 Colorado requires the installation of extensive utility infrastructure to
2 provide electricity, gas, water, steam, telecommunications, and other
3 services to Colorado homes and businesses. As growth occurs, land
4 readily available for installation of these facilities diminishes. The
5 general assembly further finds and declares that railroads are public
6 highways under the Colorado constitution and public utilities under title
7 40 of the Colorado Revised Statutes, and that railroad rights-of-way,
8 which are ubiquitous throughout the state of Colorado, provide
9 opportunities for placement of electric, gas, water, steam,
10 telecommunications, and other facilities in a manner that does not
11 materially interfere with railroad operations. Recently, railroad
12 companies have demanded substantial increases in license and permit fees
13 for the use of railroad rights-of-way. Such fees appear to have no rational
14 relation to the burden placed on the railroad for the use of the railroad
15 rights-of-way. The public interest requires that these railroad
16 rights-of-way be made available for public crossing in exchange for
17 reasonable compensation. Therefore, in order to preserve the public
18 health, safety, and welfare, and to provide safe and efficient use of these
19 rights-of-way, the general assembly hereby declares that the public
20 utilities commission shall be authorized to set reasonable compensation
21 for crossing of railroad rights-of-way by other public utilities in a manner
22 similar to the current joint use provisions of public utilities law.

23
24 **SECTION 2.** 40-4-105, Colorado Revised Statutes, is amended
25 to read:

26
27 **40-4-105. Joint use of equipment and facilities.** (1) Whenever
28 the commission, after a hearing upon its own motion or upon complaint
29 of a public utility affected, finds that the public convenience and
30 necessity require the use by one public utility of the conduits, subways,
31 tracks, wires, poles, pipes, or other equipment, or any part thereof on,
32 over, or under any street or highway ~~which~~ THAT belongs to another
33 public utility, OR THE CROSSING OF A RAILROAD RIGHT-OF-WAY BY A
34 PUBLIC UTILITY FOR INSTALLATION OF ITS OWN FACILITIES IN A MANNER
35 AND IN A LOCATION THAT IS COMPATIBLE WITH THE USE FOR RAILROAD
36 PURPOSES, and that such use will not result in irreparable injury to the
37 owners or other users of such conduits, subways, wires, tracks, poles,
38 pipes, or other equipment OR TO THE RAILROAD'S USE OF THE
39 RIGHT-OF-WAY, or in any substantial detriment to the service, and that
40 such public utilities have failed to agree upon such use or the terms and
41 conditions or compensation for the same, the commission by order may
42 direct that such use be permitted and prescribe reasonable compensation
43 and reasonable terms and conditions for the joint use. If such use is
44 directed, the public utility to whom the use is permitted shall be liable to
45 the owner or other users of such conduits, subways, tracks, wires, poles,
46 pipes, or other equipment, OR RAILROAD RIGHT-OF-WAY, for such damage
47 as may result therefrom to the property of such owners or other users
48 thereof.

49
50 (2) IN PROCEEDINGS ARISING OUT OF A COMPLAINT REQUESTING
51 THE COMMISSION TO AUTHORIZE AND DETERMINE APPROPRIATE
52 COMPENSATION TO BE PAID BY A PUBLIC UTILITY TO INSTALL ITS OWN
53 FACILITIES ACROSS A RAILROAD RIGHT-OF-WAY IN A MANNER AND
54 LOCATION COMPATIBLE WITH RAILROAD USE OF THE RIGHT-OF-WAY, THE
55 COMMISSION MAY REQUIRE THE PARTIES INVOLVED IN THE PROCEEDING TO
56 REIMBURSE THE COMMISSION FOR THE REASONABLE EXPENSES, ATTORNEY

1 FEES, AND EXPERT WITNESS FEES THE COMMISSION INCURS IN MAKING ITS
2 DETERMINATION. ANY FEE COLLECTED PURSUANT TO THIS SECTION SHALL
3 BE REMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH FEE TO
4 THE PUBLIC UTILITIES COMMISSION FIXED UTILITY FUND CREATED
5 PURSUANT TO SECTION 40-2-114.

6
7 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
8 RIGHT OF A PUBLIC UTILITY TO EXERCISE THE POWER OF EMINENT DOMAIN
9 TO ACQUIRE PROPERTY PURSUANT TO APPLICABLE LAW.

10
11 (4) FOR PURPOSES OF THIS SECTION, WITH RESPECT TO CROSSING
12 OF RAILROAD RIGHTS-OF-WAY BY A PUBLIC UTILITY, THE TERM "PUBLIC
13 UTILITY" SHALL INCLUDE POWER AUTHORITIES ORGANIZED UNDER SECTION
14 29-1-204, C.R.S. THE TERM "PUBLIC UTILITY" SHALL ALSO INCLUDE
15 MUNICIPAL UTILITIES AND COOPERATIVE ELECTRIC ASSOCIATIONS
16 OTHERWISE EXEMPT FROM THIS ARTICLE.

17
18 **SECTION 3.** 40-3.5-101 (1), Colorado Revised Statutes, is
19 amended to read:

20
21 **40-3.5-101. Application - reasonable charges - adequate**
22 **service.** (1) This article shall be applicable within the authorized electric
23 and natural gas service areas of each municipal utility ~~which~~ THAT lie
24 outside the jurisdictional limits of such municipality. Insofar as
25 municipal utilities establish rates, charges, and tariffs and any regulations
26 pertaining thereto in accordance with the provisions of this article, the
27 provisions of section 40-1-104 and articles 4, 6, and 7 of this title shall
28 not apply; EXCEPT THAT SECTION 40-4-105 SHALL APPLY WITH RESPECT TO
29 THE CROSSING OF RAILROAD RIGHTS-OF-WAY. Nothing in this article shall
30 be construed as limiting the applicability of article 5 of this title.

31
32 **SECTION 4.** 40-9.5-112, Colorado Revised Statutes, is amended
33 to read:

34
35 **40-9.5-112. Provisions applicable to cooperative electric**
36 **associations.** Except as otherwise provided in this part 1, the provisions
37 of article 55 of title 7, C.R.S., shall apply to cooperative electric
38 associations. SECTION 40-4-105 SHALL APPLY TO COOPERATIVE ELECTRIC
39 ASSOCIATIONS WITH RESPECT TO CROSSING OF RAILROAD RIGHTS-OF-WAY.

40
41 **SECTION 5.** 29-1-204 (3), Colorado Revised Statutes, is
42 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

43
44 **29-1-204. Establishment of separate governmental entity.**

45 (3) The general powers of such entity shall include the following powers:

46
47 (o) TO ACQUIRE OR CROSS RAILROAD RIGHTS-OF-WAY IN THE
48 MANNER SET FORTH IN SECTION 40-5-105, C.R.S.

49
50 **SECTION 6. Safety clause.** The general assembly hereby finds,
51 determines, and declares that this act is necessary for the immediate
52 preservation of the public peace, health, and safety."."

53
54
55

1 **HB02-1411** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4
5 **HB02-1416** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill, page 2, strike lines 2 through 4 and substitute the
10 following:
11

12 **"SECTION 1.** Part 1 of article 28 of title 30, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:
15

16 **30-28-139. Merger of lots - notice - hearing - assessment of**
17 **merged parcels.** (1) NOTWITHSTANDING".
18

19 Page 3, strike lines 1 through 6 and substitute the following:
20

21 "ANY OTHER PROVISION OF LAW, WHERE A COUNTY ORDINANCE,
22 REGULATION, OR RESOLUTION PROVIDES FOR THE MERGER OF TWO OR
23 MORE PARCELS OF LAND FOR THE PURPOSE OF ELIMINATING INTERIOR LOT
24 LINES, OBSOLETE SUBDIVISIONS, OR OTHERWISE, THE ORDINANCE,
25 REGULATION, OR RESOLUTION SHALL PROVIDE THAT:
26

27 (a) PRIOR TO THE COMPLETION OF THE MERGER, THE COUNTY
28 SHALL SEND";
29

30 line 7, strike the third "THE" and substitute "EACH";
31

32 line 8, strike "OF EACH" and strike "REGISTERED" and substitute
33 "CERTIFIED";
34

35 line 11, strike "(13)," and substitute "(1),";
36

37 strike lines 14 and 15 and substitute the following:
38

39 "WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE NOTICE REQUIRED
40 BY THIS PARAGRAPH (a) IS RECEIVED BY SAID OWNER.";
41

42 line 16, strike the third "THE" and substitute "EACH";
43

44 line 17, strike "EACH" and substitute "AN";
45

46 line 19, strike "(13)," and substitute "(1),";
47

48 line 20, strike "COUNTY OR" and substitute "COUNTY.";
49

50 line 21, strike "THE BOARD'S DESIGNEE.";
51

52 line 22, strike "OR THE DESIGNEE";
53

54 strike line 27 and substitute the following:
55

56 "SHALL BE PROVIDED TO EACH OWNER OF THE AFFECTED PARCELS AND
ALSO".

1 Page 4, line 6, strike "(13)," and substitute "(1),";
2
3 line 7, strike "SHALL BE HELD," and substitute "IS REQUIRED,";
4
5 line 8, strike "(13)." and substitute "(1).";
6
7 line 12, strike "(13) SHALL TAKE PLACE NO SOONER THAN SIXTY" and
8 substitute "(1) SHALL TAKE PLACE NO SOONER THAN NINETY";
9
10 line 14, strike "(13)." and substitute "(1).";
11
12 strike lines 15 through 17 and substitute the following:
13
14 "(2) NO MERGER OF PARCELS THAT IS THE SUBJECT OF A HEARING
15 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE EFFECTIVE
16 UNLESS:
17
18 (a) THE OWNER OF THE PARCELS HAS GIVEN HIS, HER, OR ITS
19 CONSENT TO THE MERGER OF SAID PARCELS; AND
20
21 (b) THE MERGER HAS BEEN APPROVED BY A MAJORITY OF THE
22 BOARD OF COUNTY COMMISSIONERS.";
23
24 strike line 18 and substitute the following:
25
26 "(3) UPON COMPLETION OF ANY MERGER OF PARCELS IN
27 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, THE COUNTY
28 SHALL:
29
30 (I) FOR";
31
32 line 20, strike "THE COUNTY SHALL";
33
34 line 21, strike "PROPERTY." and substitute the following:
35
36 "PROPERTY; AND
37
38 (II) FILE OF RECORD A NOTICE OF MERGER IN THE OFFICE OF THE
39 CLERK AND RECORDER OF DEEDS FOR THE COUNTY IN WHICH THE MERGED
40 PARCELS OF REAL PROPERTY ARE LOCATED.";
41
42 after line 21, insert the following:
43
44 "(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
45 THE REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL
46 NOT APPLY TO ANY MERGER OF PARCELS OF LAND THAT IS REQUESTED BY
47 EACH OWNER OF AN AFFECTED PARCEL OR TO ANY MERGER THAT IS
48 REQUIRED AS A CONDITION OF A LAND USE PERMIT OR APPROVAL.
49
50 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE
51 OR OTHERWISE DIMINISH OR EXPAND ANY RIGHTS A LANDOWNER MAY
52 HAVE UNDER ARTICLE 68 OF TITLE 24, C.R.S., PERTAINING TO VESTED
53 PROPERTY RIGHTS."
54
55 Page 5, strike lines 3 and 4 and substitute the following:
56

1 "(2) (a) Provisions of this act addressing the requirements of
2 notice and hearing shall only apply to mergers that take effect on or after
3 the effective date of this act.
4
5 (b) Provisions of this act addressing the assessment of merged
6 parcels as one parcel of real property for purposes of the levying and
7 collection of the tax on real and personal property shall apply to mergers
8 that take effect prior to, on, and after the effective date of this act, but
9 shall not be construed to require a reassessment of property for property
10 tax years commencing prior to January 1, 2002."

PRINTING REPORT

16 The Chief Clerk reports the following bills have been correctly printed:
17 **HB02-1449, 1450.**

MESSAGE FROM THE SENATE

22 Mr. Speaker:

24 The Senate has passed on Third Reading and returns herewith
25 HB02-1364, 1355, 1329, 1244, 1278, 1025

27 The Senate has passed on Third Reading and transmitted to the Revisor
28 of Statutes:

30 SB02-173, amended as printed in Senate Journal, April 11, page 744;
31 SB02-196, amended as printed in Senate Journal, April 15, page 848;
32 SB02-062, amended as printed in Senate Journal, April 15, pages
33 850-851;
34 HB02-1220, amended as printed in Senate Journal, April 11, page 745;
35 HB02-1034, amended as printed in Senate Journal, April 15, pages
36 848-849;
37 HB02-1014, amended as printed in Senate Journal, April 15, page 849;
38 HB02-1341, amended as printed in Senate Journal, April 15, pages
39 849-850.

MESSAGE FROM THE REVISOR

45 Without comment, as amended, SB02-173, 196, 062, HB02-1220, 1034,
46 1014, and 1341.

MESSAGE FROM THE GOVERNOR

52 I certify I received the following on the 15th day of April, 2002, at
53 4:10 p.m. The original is on file in the records of the House of
54 Representatives of the General Assembly.

55 Judith Rodrigue,
56 Chief Clerk of the House

1 April 15, 2002

2

3 To the Honorable

4 House of Representatives

5 Sixty-third General Assembly

6 Second Regular Session

7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

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

13

14 **HB02-1206** Concerning Eligibility Periods For The Children's Basic
15 Health Plan.

16

17 Approved April 15, 2002 at 3:47 p.m.

18

19 **HB02-1214** Concerning County Reserve Account Moneys Under The
20 Colorado Works Program.

21

22 Approved April 15, 2002 at 3:53 p.m.

23

24 Sincerely,

25 (signed)

26 Bill Owens

27 Governor

28

29

30 House in recess. House reconvened.

31

32

33

34 On motion of Representative Scott, the House resolved itself into
35 Committee of the Whole for continuation of consideration of Special
36 Orders, and he returned to the Chair to act as Chairman.

37

38

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

40

(Continued from page 1341)

41

42 **HB02-1420** by Representative(s) Young, Berry, Saliman; also
43 Senator(s) Reeves, Tate, Owen--Concerning the provision
44 for payment of the expenses of the executive, legislative,
45 and judicial departments of the state of Colorado, and of
46 its agencies and institutions, for and during the fiscal year
47 beginning July 1, 2002, except as otherwise noted.

48

49 (Amended as printed in House Journal, pages 1339-1341.)

50

51 **Amendment No. 4**, by Representatives Hefley, Alexander, Boyd.

52

53 Amend printed bill, page 230, strike lines 3 through 7 and substitute the
54 following:

55

56 "116 Department of Human Services, Division of Child Welfare, Child

1 Welfare Services -- The funding provided for this line item
 2 includes an increase of \$2,809,204 based on a 1.0 percent increase
 3 in base funding. If a county intends to use its share of the 1.0
 4 percent increase for a purpose other than increasing provider rates
 5 by 1.0 percent, it shall provide information to the Department of
 6 Human Services concerning how it plans to spend such funds. The
 7 Department is requested to provide a summary of such
 8 information to the Joint Budget Committee, the House Health,
 9 Environment, Welfare, and Institutions Committee, and the Senate
 10 Health, Environment, Children and Families Committee on or
 11 before November 1, 2002."

12
 13
 14 **Amendment No. 5**, by Representative Spradley.

15
 16 Amend printed bill, page 239, line 2, strike "Furnishings¹³²" and substitute
 17 "Furnishings^{132, 132a}".

18
 19 Page 258, after line 7, insert the following:

20
 21 "132a Judicial Department, Courts Administration, Administration,
 22 County Courthouse Furnishings -- The Judicial Department shall
 23 comply with the provisions of Section 17-24-111, C.R.S., and
 24 make every effort to purchase its county courthouse furnishings
 25 from Correctional Industries. As part of its budget request for FY
 26 2003-04, the Department shall submit a report to the Joint Budget
 27 Committee indicating what portion of its furnishings was
 28 purchased from Correctional Industries, what portion was
 29 purchased elsewhere, and why those furnishings were purchased
 30 elsewhere."

31
 32
 33 **Amendment No. 6**, by Representative King.

34
 35 Amend printed bill, page 240, line 11, in the ITEM & SUBTOTAL
 36 column, strike "85,676" and substitute "40,000" and, in the GENERAL
 37 FUND column, strike "85,676" and substitute "40,000".

38
 39 Adjust affected totals accordingly.

40
 41 Page 537, strike lines 13 through 14, and substitute "eighteen million
 42 three hundred seventy-seven thousand three hundred eighty-seven dollars
 43 (\$18,377,387)".

44
 45 Page 564, after line 5, insert the following:

	TOTAL	CAPITAL CONSTRUCTION FUND EXEMPT
	\$	\$
DEPARTMENT OF TRANSPORTATION		
(1) CAPITAL CONSTRUCTION		
Highway Construction Projects	45,676	45,676

1 **TOTALS PART XII**
 2 **(TRANSPORTATION)** \$45,676 \$45,676" .

3
 4 Adjust affected totals accordingly.
 5

6
 7 **Amendment No. 7**, by Representative Webster.
 8

9 Amend printed bill, page 304, line 3, in the ITEM & SUBTOTAL
 10 column, strike "2,904,376" and substitute "2,154,376" and, in the
 11 GENERAL FUND column, strike "2,904,376" and substitute
 12 "2,154,376".
 13

14 Adjust affected totals accordingly.
 15

16 Page 308, after line 15, insert the following
 17

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
21 "Colorado Heritage 22 Communities Fund	750,000	750,000".

23
 24 Page 309, line 2, in the ITEM & SUBTOTAL column, strike "55,000"
 25 and substitute "805,000" and, in the CASH FUNDS EXEMPT column,
 26 strike "55,000" and substitute "805,000".
 27

28 Adjust affected totals accordingly.
 29

30 Page 310, strike line 2 and substitute the following "h Of this amount,
 31 \$750,000 shall be from General Fund moneys appropriated to the
 32 Colorado Heritage Communities Fund pursuant to Section 24-32-3207,
 33 C.R.S., and \$55,000 shall be from existing fund balance in the Colorado
 34 Heritage Communities Fund."
 35
 36

37 **Amendment No. 8**, by Representative White.
 38

39 Amend printed bill, page 342, line 6, in the ITEM & SUBTOTAL
 40 column, strike "14,557,423" and substitute "14,902,923";
 41

42 line 7, in the ITEM & SUBTOTAL column, strike "(221.5 FTE)" and
 43 substitute "(227.5 FTE)";
 44

45 line 8, in the ITEM & SUBTOTAL column, strike "8,905,355" and
 46 substitute "9,370,055";
 47

48 line 14, in the ITEM & SUBTOTAL column, strike "15,106,038" and
 49 substitute "15,394,038";
 50

51 line 15, in the ITEM & SUBTOTAL column, strike "(289.8 FTE)" and
 52 substitute "(294.5 FTE)".
 53

54 Page 343, line 1, in the ITEM & SUBTOTAL column, strike "4,500,770"
 55 and substitute "4,793,690";
 56

1 line 6, in the ITEM & SUBTOTAL column, strike "2,360,224" and
 2 substitute "2,381,724".

3
 4 Page 344, line 9, in the ITEM & SUBTOTAL column, strike
 5 "67,693,195" and substitute "69,105,815" and, in the CASH FUNDS
 6 EXEMPT column, strike "58,237,464" and substitute "59,650,084".

7
 8 Adjust affected totals accordingly.

9
 10 Page 344, line 11, strike "\$48,632,664" and substitute "\$50,045,284".

11
 12 Page 557, line 14, in the ITEM & SUBTOTAL column, strike
 13 "1,350,620" and substitute "1,878,620" and, in the CASH FUNDS
 14 EXEMPT column, strike "1,350,620" and substitute "1,878,620".

15
 16 Adjust affected totals accordingly.

17
 18
 19 A motion by Representative Spradley that the Committee rise, report
 20 progress and beg leave to sit again at 4:30 p.m., was adopted by
 21 unanimous consent.

22
 23
 24 House reconvened.

25
 26 The Committee of the Whole reported it had risen, reported progress and
 27 would sit again at 4:30 p.m.

28
 29
 30
 31 Pursuant to House Rule 33A(b), Representative Spradley moved that
 32 Representative Mitchell be granted permission to offer a second reading
 33 amendment to HB02-1420. Permission was granted by the following roll
 34 call vote:

35
 36 YES 36 NO 26 EXCUSED 3 ABSENT 0

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

55
 56

1 On motion of Representative Scott, the House resolved itself into
 2 Committee of the Whole for continuation of consideration of Special
 3 Orders, and he returned to the Chair to act as Chairman.

4
 5
 6 **SPECIAL ORDERS--SECOND READING OF BILLS**
 7 (Continued from page 1352)
 8

9 **HB02-1420** by Representative(s) Young, Berry, Saliman; also
 10 Senator(s) Reeves, Tate, Owen--Concerning the provision
 11 for payment of the expenses of the executive, legislative,
 12 and judicial departments of the state of Colorado, and of its
 13 agencies and institutions, for and during the fiscal year
 14 beginning July 1, 2002, except as otherwise noted.
 15

16 (Amended as printed in House Journal, pages 1339-1341, and pages
 17 1349-1352.)
 18

19 **Amendment No. 9**, by Representative Mitchell.
 20

21 Amend printed bill, page 236, line 5, in the ITEM & SUBTOTAL
 22 column, strike "2,531,892" and substitute "2,491,089" and, in the
 23 GENERAL FUND column, strike "2,531,892" and substitute
 24 "2,491,089".
 25

26 Adjust affected totals accordingly.
 27

28 Page 238, line 4, in the ITEM & SUBTOTAL column, strike "5,358,210"
 29 and substitute "5,264,946" and, in the GENERAL FUND column, strike
 30 "5,358,210" and substitute "5,264,946".
 31

32 Adjust affected totals accordingly.
 33

34 Page 245, line 1, in the ITEM & SUBTOTAL column, strike
 35 "80,696,506" and substitute "81,021,537" and, in the GENERAL FUND
 36 column, strike "80,696,506" and substitute "81,021,537";
 37

38 line 2, strike "(1,523.1 FTE)" and substitute "(1,553.1 FTE)";
 39

40 line 3, in the ITEM & SUBTOTAL column, strike "5,811,457" and
 41 substitute "5,854,957" and, in the GENERAL FUND column, strike
 42 "3,746,619" and substitute "3,790,119";
 43

44 after line 3, insert the following:
 45

	ITEM & SUBTOTAL	GENERAL FUND
"Capital Outlay	588,882	588,882".

51 Adjust affected totals accordingly.
 52

53 Page 250, line 8, in the ITEM & SUBTOTAL column, strike
 54 "23,921,717" and substitute "23,915,888" and, in the GENERAL FUND
 55 column, strike "23,921,717" and substitute "23,915,888".
 56

1 Adjust affected totals accordingly.

2

3 Page 252, line 3, in the ITEM & SUBTOTAL column, strike "352,144"
4 and substitute "340,486" and, in the GENERAL FUND column, strike
5 "352,144" and substitute "340,486".

6

7 Adjust affected totals accordingly.

8

9 Page 257, line 1, strike "a one-";

10

11 line 2, strike "year increase in";

12

13 strike lines 4 through 14 and substitute the following:

14

15

16	Chief Justice, Supreme Court	110,308
17	Associate Justice, Supreme Court	107,808
18	Chief Judge, Court of Appeals	105,808
19	Associate Judge, Court of Appeals	103,308
20	District Court Judge	98,808
21	County Court Judge	94,308

22

23 In addition, funding is provided to maintain the salary of the Public
24 Defender at the level of an".

25

26 Page 535, line 11, strike "**BUDGETS**" and substitute "**BUDGETS**²⁴³";

27

28 after line 14, insert the following:

29

30 "243 GRAND TOTALS -- OPERATING BUDGETS -- It is the
31 intent of the General Assembly that the General Fund
32 appropriation for each department be reduced by the
33 amount indicated in the table below. Departments are
34 requested to reduce out-of-state travel expenditures in
35 order to accomplish the stated reduction.

36

37	Department	Reduction
38	Agriculture	(3,531)
39	Corrections	(17,006)
40	Education	(8,638)
41	Governor	(12,417)
42	Health Care Policy and Financing	(927)
43	Higher Education - Colorado Commission on Higher Education,	
44	Administration	(1,562)
45	Higher Education - Trustees of the State Colleges	(67,830)
46	Higher Education - State Board of Agriculture	(199,653)
47	Higher Education - Regents University of Colorado	(269,753)
48	Higher Education - Trustees of the Colorado School of Mines	(29,774)
49	Higher Education - University of Northern Colorado	(50,109)
50	Higher Education - State Board for Community Colleges and	
51	Occupational Education State System Community Colleges	(47,550)
52	Higher Education - Council on the Arts	(739)

	Department	Reduction
1	Higher Education - Historical Society	(1,132)
2	Human Services	(14,270)
3	Judicial	(32,529)
4	Law	(4,082)
5	Local Affairs	(1,044)
6	Military Affairs	(1,416)
7	Natural Resources	(3,995)
8	Personnel	(3,342)
9	Public Health and Environment	(7,259)
10	Public Safety	(5,405)
11	Regulatory Agencies	(981)
12	Revenue	(20,349)
13	Treasury	(566)
14	GRAND TOTAL	(\$805,859) ".

15
 16 As amended, ordered engrossed and placed on the Calendar for Third
 17 Reading and Final Passage.
 18 (For change in action, see Amendments to Report, pages 1356, 1361,
 19 1362, 1364-1365.)

20
 21
 22 **HB02-1413** by Representative(s) Sinclair, Dean, Johnson, Kester,
 23 Miller, Tochtrop, White, Williams T., Witwer; also
 24 Senator(s) Nichol, Entz--Concerning the state
 25 administration of veterans programs, and, in connection
 26 therewith, transferring certain functions related to veterans
 27 programs to the department of military and veterans
 28 affairs, renaming a department, and making a transfer of
 29 appropriation.

30
 31 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 32 April 4, 2002, and placed in member's bill file; Report also printed in
 33 House Journal, April 5, pages 1186-1187.

34
 35 Amendment No. 2, Appropriations Report, dated April 12, 2002, and
 36 placed in member's bill file; Report also printed in House Journal,
 37 April 12, page 1266.

38
 39 Amendment No. 3, by Representative Sinclair.

40
 41 Amend printed bill, page 41, after line 11, insert the following:

42
 43 **"SECTION 30. Harmonization of relocated statutes.** Pursuant
 44 to sections 2-4-301 and 2-5-103, Colorado Revised Statutes, the revisor
 45 of statutes shall renumber the sections of any other bill enacted during the
 46 second regular session of the sixty-third general assembly that amends
 47 any provision being relocated by this act and shall harmonize
 48 amendments made to said sections with those contained in this act."

49
 50 Renumber succeeding sections accordingly.

51
 52

1 Amendment No. 4, by Representative Sinclair.
 2
 3 Amend printed bill, page 37, line 15, strike "HOUSE BILL 02-____," and
 4 substitute "HOUSE BILL 02-1413,".
 5
 6 As amended, ordered engrossed and placed on the Calendar for Third
 7 Reading and Final Passage.
 8
 9

10 **HB02-1414** by Representative(s) Hoppe, Alexander, Kester, Borodkin,
 11 Coleman, Daniel, Fritz, Harvey, Hodge, Johnson,
 12 Mitchell, Rippy, Smith, Snook, Webster, Weddig, White,
 13 Williams T., Young; also Senator(s) Entz, Isgar, Andrews,
 14 Chlouber, Dyer, Hanna, Hernandez, Hillman, Matsunaka,
 15 Musgrave--Concerning the continued authority of the state
 16 engineer to approve limited substitute water supply plans.
 17

18 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
 19 dated April 3, 2002, and placed in member's bill file; Report also printed
 20 in House Journal, April 4, pages 1135-1136.
 21

22 Amendment No. 2, Appropriations Report, dated April 12, 2002, and
 23 placed in member's bill file; Report also printed in House Journal,
 24 April 12, page 1267.
 25

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

31 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
 32

33 Representatives Berry, Saliman, White, and Young moved to amend the
 34 Report of the Committee of the Whole to show that Amendment No. 2,
 35 by Representative Scott (printed in House Journal, page 1340, lines
 36 10-36) to HB02-1420, did not pass, and that **HB02-1420, as amended**,
 37 did pass.
 38

39 The amendment was declared **passed** by the following roll call vote:
 40

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

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

6 Representatives Bacon, Grossman, and Veiga moved to amend the Report
7 of the Committee of the Whole to show that the following Jameson,
8 Bacon, Borodkin, Garcia, Groff, Grossman, Hodge, Jahn, Mace,
9 Marshall, Ragsdale, Romanoff, Tapia, Tochtrop, Vigil, and S. Williams
10 amendment to HB02-1420, did pass, and that **HB02-1420, as amended,**
11 did pass:

13 Amend printed bill, page 138, line 6, in the ITEM & SUBTOTAL
14 column, strike "43,550,101" and substitute "44,550,101";

16 line 9, in the ITEM & SUBTOTAL column, strike "51,550,101" and
17 substitute "52,550,101" and, in the GENERAL FUND column, strike
18 "51,550,101" and substitute "52,550,101";

20 line 11, in the ITEM & SUBTOTAL column, strike "14,874,498" and
21 substitute "13,874,498" and, in the GENERAL FUND column, strike
22 "14,874,498" and substitute "13,874,498".

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

26	YES	22	NO	41	EXCUSED	2	ABSENT	0
28	Alexander	N	Groff	Y	Marshall	Y	Spence	N
29	Bacon	Y	Grossman	Y	Miller	N	Spradley	N
30	Berry	N	Harvey	N	Mitchell	N	Stafford	N
31	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
32	Boyd	Y	Hodge	E	Plant	Y	Swenson	N
33	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
34	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
35	Clapp	N	Jameson	E	Rippy	N	Veiga	Y
36	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
37	Coleman	Y	Kester	N	Saliman	N	Webster	N
38	Crane	N	King	N	Sanchez	Y	Weddig	Y
39	Daniel	N	Larson	N	Schultheis	N	White	N
40	Decker	N	Lawrence	N	Scott	N	Williams S.	Y
41	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
42	Fritz	N	Mace	Y	Smith	N	Witwer	N
43	Garcia	Y	Madden	Y	Snook	N	Young	N
44							Mr. Speaker	N

47 Representatives Tochtrop, Plant, Grossman, Marshall, Ragsdale, Vigil,
48 Jameson, Daniel, S. Williams, Coleman, Groff, and Borodkin moved to
49 amend the Report of the Committee of the Whole to show that the
50 following Plant, Grossman, Marshall, Tochtrop, Ragsdale, Vigil,
51 Jameson, Daniel, S. Williams, Coleman, Groff, and Borodkin amendment
52 to HB02-1420, did pass, and that **HB02-1420, as amended,** did pass:

54 Amend printed bill, page 139, line 8, in the ITEM & SUBTOTAL
55 column, strike "335,856" and substitute "671,712" and, in the GENERAL
56 FUND column, strike "335,856" and substitute "671,712".

1 Adjust affected totals accordingly.
 2
 3 Page 535, line 11, strike "**BUDGETS**" and substitute "**BUDGETS**²⁴³";
 4
 5 after line 14, insert the following:
 6
 7 "243 **GRAND TOTALS -- OPERATING BUDGETS --** It is the
 8 intent of the General Assembly that the General Fund
 9 appropriation for each department be reduced by the
 10 amount indicated in the table below. Departments are
 11 requested to reduce out-of-state travel expenditures in
 12 order to accomplish the stated reduction.
 13

Department	Reduction
Agriculture	(1,472)
Corrections	(7,087)
Education	(3,600)
Governor	(5,175)
Health Care Policy and Financing	(386)
Higher Education - Colorado Commission on Higher Education, Administration	(651)
Higher Education - Trustees of the State Colleges	(28,269)
Higher Education - State Board of Agriculture	(83,209)
Higher Education - Regents University of Colorado	(112,425)
Higher Education - Trustees of the Colorado School of Mines	(12,409)
Higher Education - University of Northern Colorado	(20,884)
Higher Education - State Board for Community Colleges and Occupational Education State System Community Colleges	(19,817)
Higher Education - Council on the Arts	(308)
Higher Education - Historical Society	(472)
Human Services	(5,947)
Judicial	(13,557)
Law	(1,701)
Local Affairs	(435)
Military Affairs	(590)
Natural Resources	(1,665)
Personnel	(1,393)
Public Health and Environment	(3,025)
Public Safety	(2,253)
Regulatory Agencies	(409)
Revenue	(8,481)
Treasury	(236)
GRAND TOTAL	(\$335,856) ".

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

	YES 23	NO 40	EXCUSED 2	ABSENT 0			
49 Alexander	N	Groff	Y	Marshall	Y	Spence	N
50 Bacon	Y	Grossman	Y	Miller	N	Spradley	N
51 Berry	N	Harvey	N	Mitchell	N	Stafford	N

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

17 Representatives Lee and Cadman moved to amend the Report of the
 18 Committee of the Whole to show that the following Lee amendment to
 19 HB02-1420, did pass, and that **HB02-1420, as amended**, did pass:

20
 21 Amend printed bill, page 149, strike lines 12 through 14 and substitute
 22 the following:

	TOTAL	CASH FUNDS EXEMPT	FEDERAL FUNDS
26	\$	\$	\$
27 "Council on the			
28 Arts Programs	650,072	108,172 ^a	541,900
29		(2.0 FTE)	

30
 31 ^a Of this amount, \$105,672 shall be from the Art in Public Places Fund
 32 originating from capital construction appropriations, and \$2,500 shall be
 33 from gifts, grants, and donations."

34
 35 Page 150, strike lines 1 through 7.

36
 37 Adjust affected totals accordingly.

38
 39 Page 537, strike lines 13 through 14 and substitute "twenty million two
 40 hundred thirty-nine thousand six hundred eighty-eight dollars
 41 (\$20,239,688)."

42
 43 Page 564, after line 5, insert the following:

	TOTAL	CAPITAL CONSTRUCTION FUND EXEMPT
48	\$	\$

49
 50 **"PART XII**
 51 **DEPARTMENT OF TRANSPORTATION**

52
 53 **(1) CAPITAL CONSTRUCTION**

54			
55	Highway Construction Projects	1,907,977	1,907,977

56

1 **TOTALS PART XII**
 2 **(TRANSPORTATION)** \$1,907,977 \$1,907,977".

3
 4 Adjust affected totals accordingly.
 5
 6

7 Pursuant to House Rule 16, Representative Larson moved "Shall the main
 8 question be now put?" The motion was declared **passed** by the following
 9 roll call vote:

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	YES 34	NO 29	EXCUSED 2	ABSENT 0															
13	Alexander	Y	Groff	N	Marshall	N	Spence	Y											
14	Bacon	N	Grossman	N	Miller	Y	Spradley	Y											
15	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y											
16	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y											
17	Boyd	N	Hodge	E	Plant	N	Swenson	Y											
18	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N											
19	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	N											
20	Clapp	N	Jameson	E	Rippy	Y	Veiga	N											
21	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N											
22	Coleman	N	Kester	Y	Saliman	N	Webster	Y											
23	Crane	Y	King	Y	Sanchez	N	Weddig	N											
24	Daniel	N	Larson	Y	Schultheis	Y	White	Y											
25	Decker	N	Lawrence	Y	Scott	Y	Williams S.	N											
26	Fairbank	Y	Lee	N	Sinclair	N	Williams T.	Y											
27	Fritz	N	Mace	N	Smith	Y	Witwer	N											
28	Garcia	N	Madden	N	Snook	Y	Young	Y											
29							Mr. Speaker	Y											

30
 31
 32
 33 The amendment by Representatives Lee and Cadman, to the Committee
 34 of the Whole report was declared **lost** by the following roll call vote:

36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
YES 15	NO 48	EXCUSED 2	ABSENT 0																
38	Alexander	N	Groff	N	Marshall	N	Spence	N											
39	Bacon	N	Grossman	N	Miller	N	Spradley	N											
40	Berry	N	Harvey	Y	Mitchell	N	Stafford	N											
41	Borodkin	N	Hefley	N	Paschall	Y	Stengel	N											
42	Boyd	N	Hodge	E	Plant	N	Swenson	Y											
43	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N											
44	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N											
45	Clapp	Y	Jameson	E	Rippy	N	Veiga	N											
46	Cloer	N	Johnson	N	Romanoff	N	Vigil	N											
47	Coleman	N	Kester	N	Saliman	N	Webster	N											
48	Crane	Y	King	Y	Sanchez	N	Weddig	N											
49	Daniel	N	Larson	N	Schultheis	Y	White	N											
50	Decker	N	Lawrence	N	Scott	N	Williams S.	N											
51	Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	N											
52	Fritz	Y	Mace	N	Smith	N	Witwer	Y											
53	Garcia	N	Madden	N	Snook	N	Young	N											
54							Mr. Speaker	Y											

56

1 Representatives Spradley, Young, Berry, and Saliman moved to amend
 2 the Report of the Committee of the Whole to show that Amendment
 3 No. 3, by Representatives Romanoff, Alexander, Borodkin, Coleman,
 4 Daniel, Garcia, Groff, Grossman, Harvey, Hodge, Jahn, Johnson,
 5 Lawrence, Mace, Plant, Ragsdale, Sanchez, Smith, Stafford, Tochtrop,
 6 Veiga, Vigil, S. Williams (printed in House Journal, page 1340, lines
 7 39-56 and on page 1341, lines 1-39) to HB02-1420, did not pass, and that
 8 **HB02-1420, as amended**, did pass.

9
 10 The amendment was declared **passed** by the following roll call vote:

	YES 40	NO 23	EXCUSED 2	ABSENT 0			
14 Alexander	Y	Groff	N	Marshall	N	Spence	Y
15 Bacon	N	Grossman	N	Miller	Y	Spradley	Y
16 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
17 Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
18 Boyd	N	Hodge	E	Plant	N	Swenson	Y
19 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
20 Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
21 Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
22 Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
23 Coleman	N	Kester	Y	Saliman	Y	Webster	Y
24 Crane	Y	King	Y	Sanchez	N	Weddig	N
25 Daniel	N	Larson	Y	Schultheis	Y	White	Y
26 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
27 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
28 Fritz	Y	Mace	N	Smith	Y	Witwer	Y
29 Garcia	N	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

31
 32
 33 Representatives Young, Berry, and Saliman moved to amend the Report
 34 of the Committee of the Whole to show that Amendment No. 6, by
 35 Representative King (printed in House Journal page 1350, lines 33-56,
 36 and page 1351, lines 1-4) to HB02-1420, did not pass, and that
 37 **HB02-1420, as amended**, did pass.

38
 39 The amendment was declared **passed** by the following roll call vote:

	YES 35	NO 28	EXCUSED 2	ABSENT 0			
43 Alexander	N	Groff	Y	Marshall	Y	Spence	N
44 Bacon	Y	Grossman	Y	Miller	N	Spradley	N
45 Berry	Y	Harvey	N	Mitchell	Y	Stafford	N
46 Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
47 Boyd	Y	Hodge	E	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	E	Rippy	Y	Veiga	Y
51 Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
52 Coleman	Y	Kester	Y	Saliman	Y	Webster	N
53 Crane	N	King	N	Sanchez	Y	Weddig	Y
54 Daniel	Y	Larson	Y	Schultheis	N	White	N
55 Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
56 Fairbank	N	Lee	N	Sinclair	N	Williams T.	Y

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

6 Representative Fairbank moved to amend the Report of the Committee of
7 the Whole to show that the following Fairbank and Alexander amendment
8 to HB02-1420, did pass, and that **HB02-1420, as amended**, did pass.

10 Amend printed bill, page 198, line 10, strike "Program¹¹⁰" and substitute
11 "Program^{110, 110a}".

13 Page 228, after line 12, insert the following:

15 "110a Department of Human Services, Office of Adult and Veterans
16 Services, Aging Services Programs, State Ombudsman Program --
17 It is the intent of the General Assembly that the funds appropriated
18 in this line item are to be expended to serve the residents of
19 long-term care facilities, as defined in the Older Americans Act
20 (42 USCA, §§ 3001, et seq.)."

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

24	YES	33	NO	30	EXCUSED	2	ABSENT	0
26	Alexander	Y	Groff	N	Marshall	N	Spence	Y
27	Bacon	N	Grossman	N	Miller	N	Spradley	Y
28	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
29	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
30	Boyd	N	Hodge	E	Plant	N	Swenson	Y
31	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
32	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
33	Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
34	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
35	Coleman	N	Kester	Y	Saliman	N	Webster	Y
36	Crane	Y	King	Y	Sanchez	N	Weddig	N
37	Daniel	N	Larson	N	Schultheis	Y	White	Y
38	Decker	N	Lawrence	Y	Scott	Y	Williams S.	N
39	Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	Y
40	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
41	Garcia	N	Madden	N	Snook	Y	Young	N
42							Mr. Speaker	Y

46 Representatives Saliman, Berry, and Young moved to amend the Report
47 of the Committee of the Whole to show that Amendment No. 7, by
48 Representative Webster (printed in House Journal page 1351, lines 7-34)
49 to HB02-1420, did not pass, and that **HB02-1420, as amended**, did pass.

52 Pursuant to House Rule 16, Representative Sinclair moved "Shall the
53 main question be now put?" The motion was declared **passed** by the
54 following roll call vote:

	YES 40	NO 23	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	N	Marshall	N	Spence	Y
4	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	N
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	N	Hodge	E	Plant	N	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
9	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	N
10	Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
11	Cloer	N	Johnson	Y	Romanoff	N	Vigil	N
12	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
13	Crane	Y	King	Y	Sanchez	N	Weddig	N
14	Daniel	N	Larson	N	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	N	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	N	Madden	N	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								
21								
22								
23								

24 The amendment by Representatives Saliman, Berry, and Young was
 25 declared **lost** by the following roll call vote:

	YES 29	NO 34	EXCUSED 2	ABSENT 0				
26								
27								
28								
29	Alexander	N	Groff	Y	Marshall	Y	Spence	N
30	Bacon	Y	Grossman	Y	Miller	N	Spradley	N
31	Berry	Y	Harvey	Y	Mitchell	N	Stafford	N
32	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
33	Boyd	Y	Hodge	E	Plant	Y	Swenson	N
34	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
36	Clapp	N	Jameson	E	Rippy	N	Veiga	Y
37	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
38	Coleman	N	Kester	N	Saliman	Y	Webster	N
39	Crane	N	King	N	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	N	White	N
41	Decker	N	Lawrence	N	Scott	Y	Williams S.	Y
42	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
43	Fritz	N	Mace	Y	Smith	N	Witwer	N
44	Garcia	Y	Madden	Y	Snook	N	Young	Y
45							Mr. Speaker	N
46								
47								
48								

49 Representatives Young, Berry, and Saliman moved to amend the Report
 50 of the Committee of the Whole to show that Amendment No. 9, by
 51 Representative Mitchell (printed in House Journal page 1353 lines 19-55,
 52 page 1354 lines 1-52, and page 1355 lines 1-14) to HB02-1420, did not
 53 pass, and that **HB02-1420, as amended**, did pass.

54
 55
 56

1 Pursuant to House Rule 16, Representative Mitchell moved "Shall the
2 main question be now put?" The motion was declared **passed** by the
3 following roll call vote:

	YES 40	NO 23	EXCUSED 2	ABSENT 0			
7 Alexander	Y	Groff	N	Marshall	N	Spence	Y
8 Bacon	N	Grossman	N	Miller	Y	Spradley	Y
9 Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
10 Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
11 Boyd	N	Hodge	E	Plant	N	Swenson	Y
12 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	N
13 Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	Y
14 Clapp	Y	Jameson	E	Rippy	Y	Veiga	N
15 Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
16 Coleman	Y	Kester	Y	Saliman	N	Webster	Y
17 Crane	Y	King	Y	Sanchez	N	Weddig	N
18 Daniel	N	Larson	Y	Schultheis	Y	White	Y
19 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
20 Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	Y
21 Fritz	Y	Mace	N	Smith	Y	Witwer	Y
22 Garcia	N	Madden	N	Snook	Y	Young	N
						Mr. Speaker	Y

28 The amendment by Representatives Young, Berry, and Saliman was
29 declared **lost** by the following roll call vote:

	YES 27	NO 36	EXCUSED 2	ABSENT 0			
33 Alexander	N	Groff	Y	Marshall	Y	Spence	N
34 Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
35 Berry	Y	Harvey	N	Mitchell	N	Stafford	N
36 Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
37 Boyd	Y	Hodge	E	Plant	Y	Swenson	N
38 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
39 Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
40 Clapp	N	Jameson	E	Rippy	N	Veiga	Y
41 Cloer	N	Johnson	N	Romanoff	N	Vigil	Y
42 Coleman	Y	Kester	N	Saliman	Y	Webster	N
43 Crane	N	King	N	Sanchez	Y	Weddig	Y
44 Daniel	Y	Larson	Y	Schultheis	N	White	N
45 Decker	N	Lawrence	N	Scott	N	Williams S.	Y
46 Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
47 Fritz	N	Mace	Y	Smith	N	Witwer	N
48 Garcia	Y	Madden	Y	Snook	N	Young	Y
						Mr. Speaker	N

53 Representatives Lawrence and Tapia moved to amend the Report of the
54 Committee of the Whole to show that the following Tapia and Lawrence
55 amendment to HB02-1420, did pass, and that **HB02-1420, as amended,**
56 did pass.

1 Amend printed bill, page 548, after line 8, insert the following:

2			
3		ITEM &	CASH
4		SUBTOTAL	FUNDS
5			EXEMPT
6	\$		\$
7	"El Pueblo Museum,		
8	Education Facility		
9	Renovation and		
10	New Construction	<u>850,000</u>	850,000 ^c .

11
12 Adjust affected totals accordingly.

13
14 Page 548, after line 12, insert the following:

15
16 ^c This amount shall be from private donations, State Historical Fund
17 insurance proceeds, and unrestricted funds."

18
19 The amendment was declared **passed** by the following roll call vote:

20								
21	<u>YES 63</u>	<u>NO 0</u>	<u>EXCUSED 2</u>	<u>ABSENT 0</u>				
22								
23	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
24	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
25	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
26	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
27	Boyd	Y	Hodge	E	Plant	Y	Swenson	Y
28	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
29	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
30	Clapp	Y	Jameson	E	Rippy	Y	Veiga	Y
31	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
32	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
33	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
34	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
35	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
37	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
38	Garcia	Y	Madden	Y	Snook	Y	Young	Y
39							Mr. Speaker	Y

40
41
42
43 Representative Grossman moved to amend the Report of the Committee
44 of the Whole to show that the following Grossman, Coleman, Groff,
45 Jahn, Marshall, Plant, and Veiga amendment, to HB02-1420, did pass,
46 and that **HB02-1420, as amended**, did pass.

47
48 Amend printed bill, page 89, line 5, in the ITEM & SUBTOTAL column,
49 strike "955,474" and substitute "755,474" and, in the GENERAL FUND
50 column, strike "905,474" and substitute "705,474".

51
52 Page 90, line 13, in the ITEM & SUBTOTAL column, strike "1,113,968"
53 and substitute "1,313,968" and, in the GENERAL FUND column, strike
54 "1,113,968" and substitute "1,313,968".

55
56 Adjust affected totals accordingly.

1 Page 148, line 10, in the ITEM & SUBTOTAL column, strike
 2 "1,113,968" and substitute "1,313,968" and, in the CASH FUNDS
 3 EXEMPT column, strike "1,113,968(T)" and substitute "1,313,968(T)".

4
 5 Adjust affected totals and (T) notation totals accordingly.

6
 7 The amendment was declared **lost** by the following roll call vote:

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

34 Passed Second Reading: **HB02-1420 amended, 1413 amended,**
 35 **1414 amended.**

36
 37 The Chairman moved the adoption of the Committee of the Whole
 38 Report. As shown by the following roll call vote, a majority of those
 39 elected to the House voted in the affirmative, and the Report was
 40 **adopted.**

	YES 63	NO 0	EXCUSED 2	ABSENT 0			
44	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
45	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
46	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
47	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
48	Boyd	Y	Hodge	E	Plant	Y	Swenson Y
49	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia Y
50	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
51	Clapp	Y	Jameson	E	Rippy	Y	Veiga Y
52	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
53	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
54	Crane	Y	King	Y	Sanchez	Y	Weddig Y
55	Daniel	Y	Larson	Y	Schultheis	Y	White Y
56	Decker	Y	Lawrence	Y	Scott	Y	Williams S. Y

1	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
2	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
3	Garcia	Y	Madden	Y	Snook	Y	Young	Y
4							Mr. Speaker	Y

REPORTS OF COMMITTEE OF REFERENCE

APPROPRIATIONS

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

HB02-1155 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 2, insert the following:

"**SECTION 3.** 26-19-105 (2.5), Colorado Revised Statutes, is amended to read:

26-19-105. Trust - created. (2.5) For fiscal year 2000-01, the general assembly shall appropriate to the trust ten million dollars from the moneys received by the state for said fiscal year pursuant to the master settlement agreement. ~~Beginning in FOR fiscal year 2001-02, and for each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement,~~ the general assembly shall appropriate to the trust nine million eight hundred thousand dollars from the moneys annually received by the state pursuant to the master settlement agreement. BEGINNING IN FISCAL YEAR 2002-03, AND FOR EACH FISCAL YEAR THEREAFTER SO LONG AS THE STATE RECEIVES MONEYS PURSUANT TO THE MASTER SETTLEMENT AGREEMENT, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE TRUST SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE MONEYS ANNUALLY RECEIVED BY THE STATE PURSUANT TO THE MASTER SETTLEMENT AGREEMENT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-22-115.5, C.R.S., the general assembly shall appropriate the amount specified in this subsection (2.5) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S. The amount appropriated pursuant to this subsection (2.5) shall be in addition to and not in replacement of any general fund moneys appropriated to the trust."

Renumber succeeding sections accordingly.

Page 5, strike lines 8 through 22 and substitute the following:

"**SECTION 7.** 24-22-115.5 (2), Colorado Revised Statutes, is amended to read:

24-22-115.5. Legislative declaration - tobacco litigation settlement trust fund - creation. (2) There is hereby created in the state treasury the tobacco litigation settlement trust fund. The principal of the trust fund shall consist of the first thirty-three million dollars of all moneys, other than attorney fees and costs, paid to the state treasurer in

1 accordance with the terms of the master settlement agreement, the
 2 smokeless tobacco master settlement agreement, and the consent decree
 3 approved and entered by the court in the case denominated *State of*
 4 *Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds*
 5 *Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson*
 6 *Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.;*
 7 *Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries,*
 8 *P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco*
 9 *Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and
 10 county of Denver, not less than twenty-one percent of all additional
 11 moneys, other than attorney fees and costs, paid to the state treasurer in
 12 accordance with the settlement agreements and the consent decree, and
 13 any moneys transferred to the trust fund from the tobacco litigation
 14 settlement cash fund at the end of any fiscal year pursuant to section
 15 24-22-115. The principal of the trust fund shall not be expended or
 16 appropriated for any purpose; EXCEPT THAT MONEYS IN THE TRUST FUND
 17 MAY BE ALLOCATED TO THE CHILDREN'S BASIC HEALTH PLAN TRUST AS
 18 PROVIDED IN SECTION 24-75-1104 (2). All interest derived from the
 19 deposit and investment of moneys in the trust fund shall be credited to the
 20 trust fund. Such interest shall become subject to appropriation by the
 21 general assembly for the funding of any programs or funds authorized by
 22 law to be funded by tobacco litigation settlement moneys at such time as
 23 the state auditor certifies that actuarially sound projections of future
 24 interest earnings indicate that such interest will be sufficient to fully fund
 25 such programs and funds. No part of such trust fund, principal or
 26 interest, shall be transferred to the general fund or any other fund or used
 27 or appropriated except as provided in this section.

28
 29 **SECTION 8.** 24-75-1103 (4), Colorado Revised Statutes, is
 30 amended to read:

31
 32 **24-75-1103. Policy on use of tobacco settlement funds.**

33 (4) Since the amount of moneys to be received by the state is uncertain,
 34 a portion of the settlement moneys shall be placed in an endowment trust
 35 fund created in section 24-22-115.5, with the principal and interest
 36 reinvested in the trust fund until the state auditor certifies that actuarially
 37 sound projections of future interest earnings indicate that the interest
 38 earned will be sufficient to fully fund the tobacco settlement programs.
 39 HOWEVER, NOTWITHSTANDING THE POLICY PROHIBITING THE
 40 APPROPRIATION OF THE PRINCIPAL IN THE TRUST FUND, THE PRINCIPAL MAY
 41 BE EXPENDED AS PROVIDED IN SECTION 24-22-115.5 (2).

42
 43 **SECTION 9.** 24-74-1104 (1) (b) and (2), Colorado Revised
 44 Statutes, are amended to read:

45
 46 **24-75-1104. Use of settlement moneys - programs.** (1) For the
 47 2000-01 fiscal year and for each fiscal year thereafter, the following
 48 programs shall receive appropriations in the specified amounts from the
 49 settlement moneys annually received by the state:

50
 51 (b) (I) FOR THE FISCAL YEAR 2001-02, the children's basic health
 52 plan trust created in section 26-19-105, C.R.S., shall receive nine million
 53 eight hundred thousand dollars;

54
 55 (II) FOR THE FISCAL YEAR 2002-03 AND EACH FISCAL YEAR
 56 THEREAFTER, THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN

1 SECTION 26-19-105, C.R.S., SHALL RECEIVE SEVENTEEN MILLION FIVE
2 HUNDRED THOUSAND DOLLARS;

3
4 (2) The general assembly shall appropriate the amounts specified
5 in subsection (1) of this section from moneys credited to the tobacco
6 litigation settlement cash fund created in section 24-22-115. THE STATE
7 CONTROLLER SHALL FIRST ALLOCATE THE AMOUNTS SPECIFIED IN
8 PARAGRAPHS (a), (c), (d), (e), (f), AND (g) OF SUBSECTION (1) OF THIS
9 SECTION AND THEN ALLOCATE THE AMOUNT FOR THE CHILDREN'S BASIC
10 HEALTH PLAN TRUST AS SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1)
11 OF THIS SECTION. IF THE MONEYS IN THE TOBACCO LITIGATION
12 SETTLEMENT CASH FUND ARE INSUFFICIENT TO FUND THE FULL AMOUNT
13 SPECIFIED IN SUBPARAGRAPH (II) OF SAID PARAGRAPH (b) FOR THE
14 CHILDREN'S BASIC HEALTH PLAN TRUST, THE AMOUNT OF THE SHORTFALL
15 SHALL BE ALLOCATED OUT OF THE TOBACCO LITIGATION SETTLEMENT
16 TRUST FUND. Any amount of unencumbered settlement moneys
17 remaining in the fund of any program specified in subsection (1) of this
18 section at the end of any fiscal year shall be transferred to the tobacco
19 litigation settlement trust fund created in section 24-22-115.5; except that
20 unencumbered settlement moneys shall not be transferred from the
21 following funds:

22
23 (a) The children's basic health plan trust created in section
24 26-19-105, C.R.S.;

25
26 (b) The read-to-achieve cash fund created pursuant to section
27 22-7-506, C.R.S.;

28
29 (c) The Colorado state veterans trust fund created in section
30 26-10-111, C.R.S.;

31
32 (d) The state dental loan repayment fund created in section
33 25-23-104, C.R.S.

34
35 **SECTION 10. Appropriation.** (1) In addition to any other
36 appropriation, there is hereby appropriated, to the department of health
37 care policy and financing, indigent care program, children's basic health
38 plan trust, for the fiscal year beginning July 1, 2002, the sum of seven
39 million seven hundred thousand dollars (\$7,700,000), or so much thereof
40 as may be necessary, for the implementation of this act. Said sum shall
41 be from the tobacco litigation settlement cash fund created in section
42 24-22-115.5, Colorado Revised Statutes, pursuant to section 24-75-1104
43 (1) (b) (II), Colorado Revised Statutes.

44
45 (2) In addition to any other appropriation, there is hereby
46 appropriated, to the department of health care policy and financing,
47 indigent care program, the sum of six million three hundred twenty-one
48 thousand five hundred sixty-one dollars (\$6,321,561). Said sum shall be
49 from cash funds exempt from the children's basic health plan trust created
50 in section 26-19-105, Colorado Revised Statutes. The moneys hereby
51 appropriated shall be for the costs under section 26-19-109, Colorado
52 Revised Statutes. In addition to said appropriation, the general assembly
53 anticipates that, for the fiscal year beginning July 1, 2002, the department
54 of health care policy and financing, indigent care program, will receive
55 the sum of eleven million seven hundred forty thousand forty-four dollars
56 (\$11,740,044) in federal funds for the implementation of this act.

1 Although the federal funds are not appropriated in this act, they are noted
2 for the purpose of indicating the assumptions used relative to these funds.

3
4 (3) In addition to any other appropriation, there is hereby
5 appropriated, to the department of health care policy and financing,
6 department of human services medicaid-funded programs, office of
7 information technology services - medicaid funding, the sum of
8 twenty-six thousand one hundred sixty-three dollars (\$26,163). Said sum
9 shall be from cash funds exempt from the H.B. 97-1304 children's basic
10 health plan trust created in section 26-19-105, Colorado Revised Statutes.
11 In addition to said appropriation, the general assembly anticipates that,
12 for the fiscal year beginning July 1, 2002, the department of health care
13 policy and financing, indigent care program, will receive the sum of
14 forty-eight thousand five hundred eighty-seven dollars (\$48,587) in
15 federal funds for the implementation of this act. Although the federal
16 funds are not appropriated in this act, they are noted for the purpose of
17 indicating the assumptions used relative to these funds.

18
19 (4) In addition to any other appropriation, there is hereby
20 appropriated, to the department of human services, office of information
21 technology services, the sum of seventy-four thousand seven hundred
22 fifty dollars (\$74,750). Said sum shall be from cash funds exempt
23 received from the department of health care policy and financing out of
24 the appropriation made in subsection (3).".

25
26 Renumber succeeding sections accordingly.

27
28
29
30 **HB02-1410** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33
34 Amend printed page 26, line 12 strike "three";

35
36 strike lines 13 through 15 and substitute the following:

37
38 "seven hundred eighty-five thousand two hundred seventy-one dollars
39 (\$785,271) and 3.4 FTE, or so much thereof as may be necessary, for
40 implementation of this act. Of said sum, three hundred sixty thousand six
41 hundred seventy-one dollars (\$360,671) shall be from cash funds from
42 fingerprint and name check processing fees, and four hundred twenty-
43 four thousand six hundred dollars (\$424,600) shall be from cash funds
44 exempt.".

45
46
47
48 **SB02-054** be referred to the Committee of the Whole with favorable
49 recommendation.

50
51
52 **SB02-057** be amended as follows, and as so amended, be referred to
53 the Committee of the Whole with favorable
54 recommendation:

55
56 Amend reengrossed bill, page 51, after line 26, insert the following:

1 **"SECTION 21. No appropriation.** The general assembly has
2 determined that this act can be implemented within existing
3 appropriations, and therefore no separate appropriation of state moneys
4 is necessary to carry out the purposes of this act."

5
6 Renumber succeeding sections accordingly.

7
8
9
10 **SB02-059** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13
14 Amend the Education Committee Report, dated March 18, 2002, page 1,
15 line 8, strike "RESULTS.;" and substitute "RESULTS. IT IS THE INTENT OF
16 THE GENERAL ASSEMBLY THAT THE DEPARTMENT IMPLEMENT THE
17 PROVISIONS OF THIS SUBPARAGRAPH (I.5) WITHIN AVAILABLE RESOURCES
18 AND WITHOUT REQUESTING ADDITIONAL RESOURCES FOLLOWING RECEIPT
19 OF THE RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE.;"

20
21
22
23 **SB02-071** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26
27 Amend reengrossed bill, page 7, line 27, strike "one thousand eight
28 hundred dollars (\$1,800)," and substitute "fifty thousand two hundred
29 thirty-one dollars (\$50,231),".

30
31 Page 8, line 1, after "act." insert "This amount is to be for the contract for
32 the state ombudsman program.";

33
34 strike lines 4 through 6, and substitute the following:

35
36 "one hundred eight thousand seven hundred forty-five dollars (\$108,745).
37 In addition, the department is not anticipated to receive one hundred eight
38 thousand seven hundred forty-five dollars (\$108,745) federal funds.
39 Although such funds are not";

40
41 strike lines 12 through 20, and substitute the following:

42
43 "(a) The appropriation to the department of health care policy and
44 financing, medical programs administration, for the fiscal year beginning
45 July 1, 2002, is decreased by eighty-nine thousand five hundred six
46 dollars (\$89,506). Of this sum, twenty-two thousand three hundred
47 seventy-six dollars (\$22,376) shall be from the general fund and sixty-
48 seven thousand one hundred thirty dollars (\$67,130) shall be from federal
49 funds.";

50
51 line 24, strike "twenty-seven thousand nine hundred thirty dollars
52 (\$127,930)." and substitute "twenty-six thousand one hundred thirty
53 dollars (\$126,130).";

54
55 line 25, strike "nine hundred" and, strike "(\$63,965)" and substitute
56 "(\$63,065)";

1 line 26, strike "nine hundred";

2

3 line 27 strike "\$63,965" and substitute "\$63,065".

4

5 Page 9, strike line 9 and substitute "hundred twenty-six thousand one
6 hundred thirty dollars (\$126,130)";

7

8 strike lines 11 through 19, and substitute the following:

9

10 "(e) The general fund appropriation to the department of health
11 care policy and financing, medical services premiums, is increased by
12 eighty-five thousand four hundred forty-one dollars (\$85,441). In
13 addition, the general assembly anticipates that the department of health
14 care policy and financing will receive the sum of eighty-five thousand
15 four hundred forty-one dollars (\$85,441) federal funds. Although such
16 funds are not appropriated, they are noted for the purpose of indicating
17 the assumptions used relative to these funds."

18

19

20

21 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

22

23 The Speaker has signed: **HB02-1042, 1071, 1153, 1322.**

24

25

26

27 **INTRODUCTION OF CONCURRENT RESOLUTION**

28

29 The following resolution was read by title and referred to the committees
30 indicated:

31

32 **HCR02-1006** by Representative(s) Schultheis, Harvey, Cloer, Crane,
33 Mitchell, Rhodes, Romanoff, Sinclair--Submitting to the
34 registered electors of the state of Colorado an amendment
35 to section 20 of article X of the constitution of the state of
36 Colorado, concerning a prohibition on modifying the
37 methods used to refund state revenues in excess of the
38 fiscal year spending limitation if the modification reduces
39 the amount of revenues that would be refunded under the
40 existing method for refunding excess state revenues
41 through a refund of state sales tax revenues as provided by
42 law at the time of the modification.

43 Committee on Finance

44 Committee on Appropriations

45

46

47

48 **INTRODUCTION OF RESOLUTIONS**

49

50 The following resolutions were read by title and laid over one day under
51 the rules:

52

53 **HJR02-1056** by Representative(s) Jahn, Alexander, Larson, Romanoff,
54 Williams S.; also Senator(s) Anderson--Concerning
55 Colorado Crime Victims' Rights Week.

56

1 WHEREAS, America's crime victims' rights proponents have had
2 a powerful impact in educating our nation about the devastating effects
3 of crime and victimization and the need to provide support and services
4 to individuals and communities hurt by crime; and

5
6 WHEREAS, One violent crime is committed in America every 5
7 seconds and one property crime every 1.6 seconds; and

8
9 WHEREAS, 25.9 million Americans are victims of crime each
10 year and, of those, 6.3 million are victims of violent crime; and

11
12 WHEREAS, Despite the recent reduction in the rate of crime, far
13 too many persons still suffer the impact of crime; and

14
15 WHEREAS, Crime victims play an indispensable role in bringing
16 offenders to justice; and

17
18 WHEREAS, Honor must be brought to victims by striving to
19 create a world where the legal rights of victims are respected and
20 government agencies are accountable for their treatment of victims; and

21
22 WHEREAS, Despite the significant progress of the victims' rights
23 movement in providing services to and improving the rights of crime
24 victims over the past two decades, large segments of our population,
25 including crime victims who are elderly, disabled, or living in rural areas,
26 are still under-served; and

27
28 WHEREAS, As a nation devoted to "liberty and justice for all",
29 America must increase its efforts to protect, restore, and expand crime
30 victims' rights and services; now, therefore,

31
32 *Be It Resolved by the House of Representatives of the Sixty-third*
33 *General Assembly of the State of Colorado, the Senate concurring*
34 *herein:*

35
36 (1) That the Colorado General Assembly proclaims the week of
37 April 21 through April 27, 2002, to be Colorado Crime Victims' Rights
38 Week and proclaims victims' voices as an important chorus for fairness
39 and dignity.

40
41 (2) That the Colorado General Assembly encourages the citizens
42 of the State of Colorado as individuals, as communities, and as a nation
43 to seek justice and compassion for crime victims.

44
45
46
47 **HJR02-1057** by Representative(s) Fritz, Rippey, Coleman, Tochtrop,
48 Stengel, Kester, Alexander, Cloer, Dean, Hoppe, Johnson,
49 Lee, Miller, Snook, Spradley, Webster, White; also
50 Senator(s) Teck, Entz, Chlouber, Taylor, Hillman, Dyer,
51 Anderson, May, McElhany, Musgrave, Owen, Takis--
52 Concerning efforts to stop the spread of Chronic Wasting
53 Disease.

54
55 WHEREAS, Chronic Wasting Disease is a neurological disease
56 found in deer and elk herds, both captive and wild, in portions of

1 Colorado, Kansas, Montana, Nebraska, New Mexico, South Dakota,
2 Wisconsin, and Wyoming as well as in parts of Canada; and

3
4 WHEREAS, Chronic Wasting Disease belongs to a family of
5 diseases known as transmissible spongiform encephalopathies and is
6 currently untreatable and always fatal to infected animals; and

7
8 WHEREAS, Recent confirmed outbreaks in areas of Wisconsin
9 and western Colorado have shown the disease to be expanding into areas
10 of the country where historically Chronic Wasting Disease has not been
11 known to exist; and

12
13 WHEREAS, Recent outbreaks of the disease have resulted in the
14 destruction of thousands of captive and wild animals throughout the
15 country, causing the United States Department of Agriculture and state
16 agencies to expend significant resources in responding to the spread of
17 the disease through increased costs of both research and management
18 activities; and

19
20 WHEREAS, The impact on state and local economies resulting
21 from the disease has been significant and will almost assuredly continue
22 to grow; and

23
24 WHEREAS, The continued threat of Chronic Wasting Disease will
25 have dramatic impacts on agricultural interests and local economies; and

26
27 WHEREAS, Chronic Wasting Disease management and research
28 presents an unprecedented and previously unforeseen challenge to state
29 and local governmental agencies responsible for protection of both wild
30 and captive animals; and

31
32 WHEREAS, Chronic Wasting Disease is a national and
33 international problem that requires a systematic approach by federal,
34 state, and local governments to research and manage this disease; and

35
36 WHEREAS, The existing human and fiscal resources available to
37 state and local governments are insufficient to address the threat created
38 by the expanding scope of Chronic Wasting Disease; now, therefore,

39
40 *Be It Resolved by the House of Representatives of the Sixty-third*
41 *General Assembly of the State of Colorado, the Senate concurring*
42 *herein:*

43
44 That the General Assembly hereby requests that the federal
45 government support state-based management of Chronic Wasting Disease
46 and offer any appropriate assistance to affected states, including
47 assistance from the United States Department of Agriculture and the
48 United States Department of the Interior, in the continued efforts to
49 research and manage Chronic Wasting Disease effectively.

50
51 *Be It Further Resolved,* That a copy of this resolution be
52 transmitted to the following: the President of the United States, George
53 W. Bush; the President of the United States Senate, Richard Cheney; the
54 Speaker of the United States House of Representatives, Dennis Hastert;
55 the United States Secretary of Agriculture, Ann Veneman; the United
56 States Secretary of the Interior, Gale Norton; the Governor of Colorado,

1 Bill Owens; the Governor of Kansas, Bill Graves; the Governor of
2 Montana, Judy Martz; the Governor of Nebraska, Mike Johanns; the
3 Governor of New Mexico, Gary Johnson; the Governor of South Dakota,
4 William Janklow; the Governor of Wisconsin, Scott McCallum; the
5 Governor of Wyoming, Jim Geringer; and to each member of Colorado's
6 delegation to the United States Congress.

7
8
9
10 **HR02-1013** by Representative(s) Cloer--Concerning recognition of the
11 215th anniversary of the United States Constitution.

12
13 WHEREAS, September 17, 2002, marks the 215th anniversary of
14 the United States Constitution; and

15
16 WHEREAS, On this day our nation will celebrate the oldest
17 written national constitution currently in effect, a landmark legal
18 document that is a testament to the wisdom and foresight of its authors
19 and that serves as a model for democratic governments around the world;
20 and

21
22 WHEREAS, The United States Constitution, a document of
23 remarkable fairness and flexibility that has served our nation well for over
24 two centuries, created a balance of powers and responsibilities among the
25 three branches of government and among the federal government, the
26 states, and individual citizens; and

27
28 WHEREAS, The adoption of the first ten amendments to the
29 United States Constitution, known collectively as the Bill of Rights,
30 added a clear, concise enumeration of the fundamental rights of
31 individuals; and

32
33 WHEREAS, The United States Constitution and the Bill of Rights
34 together express our nation's commitment to the principles first set out in
35 the Declaration of Independence, "We hold these truths to be self-evident,
36 that all men are created equal, that they are endowed by their Creator
37 with certain inalienable Rights, that among these are Life, Liberty, and
38 the pursuit of Happiness"; and

39
40 WHEREAS, The celebration of the anniversary of the United
41 States Constitution reminds us that the Constitution and the Bill of Rights
42 can only be effective guarantees of our rights and freedoms if we
43 understand and appreciate the principles they enshrine; now, therefore,

44
45 *Be It Resolved by the House of Representatives of the Sixty-third*
46 *General Assembly of the State of Colorado:*

47
48 That we, the members of the House of Representatives of the
49 Sixty-third General Assembly, encourage the citizens of the State of
50 Colorado to reflect not only on their many rights, but also on their
51 responsibilities as citizens of this great nation on the 215th anniversary of
52 the United States Constitution, September 17, 2002.

53
54 *Be It Further Resolved,* That copies of this Resolution be sent to
55 the American Legislative Exchange Council, the Heritage Foundation, the
56 Independence Institute, the Rocky Mountain Family Council, the

1 Federalist Society, the Family Research Council, Governor Bill Owens,
2 the Colorado Congressional Delegation, the Colorado State Shooting
3 Association, the Firearm Coalition of Colorado, the Pikes Peak Firearms
4 Coalition, the Pro-Second Amendment Committee, and Colorado Gun
5 Owners (of Pueblo).

6

7

8

9

INTRODUCTION OF MEMORIAL

10

11 The following memorial was read by title and laid over one day under the
12 rules:

13

14 **HM02-1001** by Representative(s) Lawrence--Memorializing former
15 Representative Madge Gaylord.

16

17 WHEREAS, By the Will of Divine Providence, our beloved
18 former member, the Honorable Madge Gaylord, departed this life on
19 February 1, 2002, at the age of 85; and

20

21 WHEREAS, Representative Gaylord was born on July 3, 1916, in
22 St. Joseph, Missouri; and

23

24 WHEREAS, Representative Gaylord and her husband, Don,
25 moved to Pueblo from Michigan as newlyweds in 1951; and

26

27 WHEREAS, Representative Gaylord taught English in Pueblo
28 County schools from 1951 to 1964; and

29

30 WHEREAS, In 1964, Representative Gaylord moved on to the
31 University of Southern Colorado where she taught English until 1966, at
32 which point she became the Director of the College Center, a position she
33 held until her retirement in 1977; and

34

35 WHEREAS, After her retirement, Representative Gaylord devoted
36 her time to volunteering at the Assistance League of Pueblo, the
37 American Association of University Women, and numerous other
38 organizations; and

39

40 WHEREAS, Representative Gaylord served selflessly and
41 faithfully in the Colorado House of Representatives in 1959 and 1960;
42 and

43

44 WHEREAS, As a member of the Colorado General Assembly,
45 Representative Gaylord served on the Education, Mining, and State
46 Institutions committees; and

47

48 WHEREAS, It is fitting that we, the members of the House of
49 Representatives of the Sixty-third General Assembly, pay tribute to the
50 dedicated service of Representative Gaylord and express our deep regret
51 and sorrow occasioned by her death; now, therefore,

52

53 *Be It Resolved by the House of Representatives of the Sixty-third*
54 *General Assembly of the State of Colorado:*

55

1 That, in the death of Madge Gaylord, the people of the state of
2 Colorado have lost a dedicated public servant and outstanding citizen,
3 and that we, the members of the House of Representatives of the
4 Sixty-third General Assembly, do hereby extend our deep and heartfelt
5 sympathy to the members of her family and pay tribute to a woman who
6 served her state well and faithfully.

7
8 *Be It Further Resolved*, That copies of this Memorial be sent to
9 Representative Gaylord's husband, Don Gaylord, and her children, Nona
10 Gaylord and Don Gaylord, Jr.

11
12
13
14 **LAY OVER OF CALENDAR ITEMS**

15
16 On motion of Representative Spradley, the following items on the
17 Calendar were laid over until April 17, retaining place on Calendar:

18
19 Consideration of General Orders--**HB02-1015, SB02-064, HB02-1309,**
20 **1044, 1292, 1046, 1125, 1237, 1283, 1295, 1297, 1298, 1301, 1303,**
21 **1363, 1396, 1405, SB02-168, HB02-1027, 1112, 1266, 1276, 1417,**
22 **1361, SB02-185, HB02-1398, 1401, HCR02-1003, HB02-1312, 1362,**
23 **SB02-018, 068, 086, 087, 097.**

24 Consideration of Resolutions--**SJR02-008, HJR02-1037, 1038, 1032,**
25 **HR02-1010, SJR02-018, 028, 029, HR02-1011, HJR02-1049, 1052,**
26 **1053, 1054, 1055.**

27 Consideration of Senate Amendments--**HB02-1064, 1089, 1141, 1333,**
28 **1245, 1191, 1225, 1146, 1013, 1287, 1218, 1269, 1221, 1135, 1139,**
29 **1336, 1210.**

30
31
32 On motion of Representative Spradley, the House adjourned until
33 9:00 a.m., April 17, 2002.

34
35 Approved:

36
37
38
39 DOUG DEAN,
40 Speaker

41 Attest:

42
43 JUDITH RODRIGUE,
44 Chief Clerk