

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

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One-hundred-eleventh Legislative Day Monday, April 29, 2002

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Call to Order 1  
 By the President at 10:00 a.m. 2

Roll Call 3  
 Present--Total, 30. 4  
 Absent/Excused--Evans, Gordon, Musgrave, Nichol, Phillips--Total, 5. 5  
 Present later--Evans, Gordon, Musgrave, Nichol, Phillips. 6

Quorum 7  
 The President announced a quorum present. 8

Reading of Journal 9  
 On motion of Senator Tate, reading of the Journal of Friday, April 26, was dispensed with and the Journal was approved as corrected by the Secretary. 10

**COMMITTEE OF REFERENCE REPORTS**

Appropriations 11  
 After consideration on the merits, the committee recommends that **HB02-1161** be referred favorably to the Committee of the Whole. 12

Appropriations 13  
 After consideration on the merits, the committee recommends that **HB02-1226** be referred favorably to the Committee of the Whole. 14

Appropriations 15  
 After consideration on the merits, the committee recommends that **HB02-1229** be referred favorably to the Committee of the Whole. 16

Appropriations 17  
 After consideration on the merits, the committee recommends that **HB02-1241** be referred favorably to the Committee of the Whole. 18

Appropriations 19  
 After consideration on the merits, the committee recommends that **HB02-1259** be referred favorably to the Committee of the Whole. 20

Appropriations 21  
 After consideration on the merits, the committee recommends that **HB02-1263** be referred favorably to the Committee of the Whole. 22

Appropriations 23  
 After consideration on the merits, the committee recommends that **HB02-1290** be referred favorably to the Committee of the Whole. 24

Appropriations 25  
 After consideration on the merits, the committee recommends that **HB02-1147** be referred favorably to the Committee of the Whole. 26

Appropriations 27  
 After consideration on the merits, the committee recommends that **HB02-1292** be referred favorably to the Committee of the Whole. 28

Appropriations 29  
 After consideration on the merits, the committee recommends that **HB02-1293** be referred favorably to the Committee of the Whole. 30

Appropriations After consideration on the merits, the committee recommends that **HB02-1301** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1304** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1307** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1344** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1039** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1067** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1125** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1138** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **SJR02-032** be referred to the Senate for final action.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1155** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 12, line 1, strike "H.B. 97-1304";

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line 5, strike "indigent care program," and substitute "department of human services medicaid - funded programs, office of information technology services - medicaid funding,";

after line 15, insert the following:

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**"SECTION 12. Effective date.** This act shall take effect upon passage; except that section 11 of this act shall take effect only if Senate Bill 02-062 does not become law."

Renumber succeeding section accordingly.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1281** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 13, strike lines 1 through 10 and substitute the following:

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**HB02-1281**

**"SECTION 7. No appropriation.** The General Assembly has determined that the costs of this act can be implemented within existing appropriations until December 31, 2003, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1027** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 27, strike "\$330,772," and substitute "\$330,772) and 1.0 FTE,".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1010** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 27, insert the following:

"(5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND DOLLARS BE APPROPRIATED FOR THE PURPOSES OF IMPLEMENTING THE REQUIREMENTS OF THIS SECTION."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1295** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "**medical**";

line 7, strike "**assistance cash fund -**".

Page 5, strike lines 16 through 27.

Page 6, strike lines 1 through 7.

Reorder succeeding subsection accordingly.

Page 9, strike lines 14 through 27.

Page 10, strike lines 1 through 4.

Reorder succeeding subsection accordingly.

Page 10, strike lines 25 through 27 and substitute the following:

**"SECTION 4. Appropriation.** (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2002, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of health care policy and financing, the sum of fifty thousand five hundred sixty-three dollars (\$50,563), or so much thereof as may be necessary, for implementation of this act. The general assembly further anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing will receive the sum of fifty thousand five hundred sixty-three dollars (\$50,563) in federal funds for the implementation of this act. Although these federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) It is the intent of the general assembly that the general fund appropriation in for the implementation of this act shall be derived from savings generated from the implementation of the provisions of House Bill 02-1292, as enacted during the Second Regular Session of the Sixty-third General Assembly.

**SECTION 5. Effective date.** (1) This act shall take effect on

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HB02-1295

July 1, 2002; except that, this act shall only take effect if:

(a) The final fiscal estimate for House Bill 02-1292, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 4 of this act; and

(b) House Bill 02-1292 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law."

Page 11, strike lines 1 through 11.

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the committee recommends that **SB02-217** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 1, strike "SERVICES" and substitute "SERVICES, INCLUDING MENTAL HEALTH CARE SERVICES THAT ARE CURRENTLY COVERED,".

Page 4, line 15, strike "COLORADAN" and substitute "COLORADAN, INCLUDING MENTAL HEALTH CARE SERVICES THAT ARE CURRENTLY COVERED,".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1237** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 19, before line 1, insert the following:

**"SECTION 22.** 18-9-202 (2) (a.5) (I) (A) and (2) (a.5) (II), Colorado Revised Statutes, are amended, and the said 18-9-202 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**18-9-202. Cruelty to animals - aggravated cruelty to animals - neglect of animals - offenses - repeal.** (2) (a.5) (I) (A) In addition to the sentence imposed pursuant to this subsection (2), any person convicted of committing cruelty to animals pursuant to subsection (1) of this section OR AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal shall pay a surcharge of up to four hundred dollars to the clerk of the court in the county in which the conviction occurs or in which a deferred sentence is entered. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the fund.

(II) In addition to the sentence imposed pursuant to subparagraph (I) of this paragraph (a.5) any person convicted of committing cruelty to animals pursuant to subsection (1) of this section OR AGGRAVATED CRUELTY TO ANIMALS PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other appropriate treatment program.

(c) AGGRAVATED CRUELTY TO ANIMALS IS A CLASS 6 FELONY; EXCEPT THAT A SECOND OR SUBSEQUENT CONVICTION FOR THE OFFENSE OF AGGRAVATED CRUELTY TO ANIMALS IS A CLASS 5 FELONY. A PLEA OF NOLO CONTENDERE ACCEPTED BY THE COURT SHALL BE CONSIDERED A CONVICTION FOR PURPOSES OF THIS SECTION.

**SECTION 23.** 18-9-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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HB02-1237

**18-9-202. Cruelty to animals - aggravated cruelty to animals - neglect of animals - offenses - repeal.** (1.5) A PERSON COMMITS AGGRAVATED CRUELTY TO ANIMALS IF HE OR SHE KNOWINGLY TORTURES, TORTURES, OR KILLS AN ANIMAL, OR CAUSES OR PROCURES ANY SUCH ACT TO BE DONE.

**SECTION 24.** 18-18-405 (2.1) (a) (I) (B), (2.1) (a) (II) (B), (2.1) (a) (III) (B), (2.1) (a) (IV) (B), (2.3) (a) (II), and (2.6) (a), Colorado Revised Statutes, as enacted in Senate Bill 02-039, enacted at the Second Regular Session of the Sixty-third General Assembly, are amended to read:

**18-18-405. Unlawful distribution, manufacturing, dispensing, sale, or possession - repeal.** (2.1) (a) Except as is otherwise provided for offenses concerning marihuana and marihuana concentrate in section 18-18-406 and offenses involving minors in section 18-18-407 (1) (g), any person who violates any of the provisions of subsection (1) of this section:

(I) In the case of a controlled substance listed in schedule I or II of part 2 of this article, commits:

(B) A class 2 felony, if the violation is committed subsequent to a prior conviction ~~for~~ IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF a violation to which this subparagraph (I) applies OR WOULD APPLY IF CONVICTED IN THIS STATE;

(II) In the case of a controlled substance listed in schedule III of part 2 of this article, commits:

(B) A class 3 felony, if the violation is committed subsequent to any prior conviction ~~under~~ IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF A VIOLATION TO WHICH subparagraph (I) of this paragraph (a) or this subparagraph (II) APPLIES OR WOULD APPLY IF CONVICTED IN THIS STATE;

(III) In the case of a controlled substance listed in schedule IV of part 2 of this article, commits:

(B) A class 4 felony, if the violation is committed subsequent to a prior conviction ~~for~~ IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF a violation to which subparagraph (I) or (II) of this paragraph (a) or this subparagraph (III) applies OR WOULD APPLY IF CONVICTED IN THIS STATE;

(IV) In the case of a controlled substance listed in schedule V of part 2 of this article, commits:

(B) A class 5 felony, if the violation is committed subsequent to any prior conviction ~~under~~ IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF A VIOLATION TO WHICH subparagraph (I), (II), or (III) of this paragraph (a) or this subparagraph (IV) APPLIES OR WOULD APPLY IF CONVICTED IN THIS STATE.

(2.3) (a) Any person who violates the provisions of subsection (1) of this section by possession of any material, compound, mixture, or preparation weighing one gram or less that contains any quantity of a controlled substance listed in schedules I through IV of part 2 of this article commits:

(II) A class 4 felony, if the violation is committed subsequent to any prior conviction ~~under~~ IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF A VIOLATION TO WHICH subparagraph (I), (II), or (III) of paragraph (a) of subsection (2) of this section or this subsection (2.3) APPLIES OR WOULD APPLY IF CONVICTED IN THIS STATE.

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HB02-1237

(2.6) (a) Notwithstanding the provisions of subparagraph (III) of paragraph (a) of subsection (2.1) of this section, a person who violates the provisions of subsection (1) of this section with regard to flunitrazepam commits a class 3 felony; except that the person commits a class 2 felony if the violation is committed subsequent to a prior conviction for IN THIS OR ANY OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES OF a violation involving flunitrazepam or to which subparagraph (I) of paragraph (a) of subsection (2.1) of this section applies OR WOULD APPLY IF CONVICTED IN THIS STATE.

**SECTION 25.** Part 1 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-2-127.3. Authority to suspend license - controlled substance violations.** (1) (a) WHENEVER THE DEPARTMENT RECEIVES NOTICE THAT A PERSON HAS BEEN CONVICTED OF ANY FELONY OFFENSE PROVIDED FOR IN SECTION 18-18-404, 18-18-405, OR 18-18-406, C.R.S., OR ANY ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF SAID OFFENSES, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN ONE YEAR, UNLESS THE PROVISIONS OF SECTION 42-2-132 (2) (b) ALLOW FOR A SHORTER PERIOD OF SUSPENSION.

(b) WHENEVER THE DEPARTMENT RECEIVES NOTICE THAT A MINOR DRIVER HAS BEEN CONVICTED OF OR ADJUDICATED A DELINQUENT UNDER TITLE 19, C.R.S., FOR ANY OFFENSE PROVIDED FOR IN SECTION 18-18-404 (1) (a) (II) OR (1.1) (a) (II), 18-18-405 (2) (a) (IV) (A) OR (2.1) (a) (IV) (A), OR 18-18-406 (1), (3) (a) (I), OR (4) (a) (I), C.R.S., OR ANY COMPARABLE MUNICIPAL CHARTER OR ORDINANCE OFFENSE, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE LICENSE OF THE PERSON FOR A PERIOD OF NOT LESS THAN ONE YEAR, UNLESS THE PROVISIONS OF SECTION 42-2-132 (2) (b) ALLOW FOR A SHORTER PERIOD OF SUSPENSION.

(c) FOR PURPOSES OF THIS SUBSECTION (1), A PERSON HAS BEEN CONVICTED WHEN SUCH PERSON HAS BEEN FOUND GUILTY BY A COURT OR A JURY, ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE, OR RECEIVED A DEFERRED SENTENCE FOR AN OFFENSE.

(2) (a) UPON SUSPENDING THE LICENSE OF ANY PERSON AS REQUIRED BY THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE LICENSEE AS PROVIDED IN SECTION 42-2-119 (2).

(b) UPON RECEIPT OF THE NOTICE OF SUSPENSION, THE LICENSEE OR THE LICENSEE'S ATTORNEY MAY REQUEST A HEARING IN WRITING. THE DEPARTMENT, UPON NOTICE TO THE LICENSEE AS PROVIDED IN SECTION 42-2-119 (2), SHALL HOLD A HEARING NOT LESS THAN THIRTY DAYS AFTER RECEIVING SUCH REQUEST THROUGH A HEARING COMMISSIONER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-4-105, C.R.S. THE HEARING SHALL BE HELD AT THE DISTRICT OFFICE OF THE DEPARTMENT CLOSEST TO THE RESIDENCE OF THE LICENSEE; EXCEPT THAT ALL OR PART OF THE HEARING MAY, AT THE DISCRETION OF THE DEPARTMENT, BE CONDUCTED IN REAL TIME, BY TELEPHONE OR OTHER ELECTRONIC MEANS IN ACCORDANCE WITH SECTION 42-1-218.5. AFTER SUCH HEARING, THE LICENSEE MAY APPEAL THE DECISION OF THE DEPARTMENT TO THE DISTRICT COURT AS PROVIDED IN SECTION 42-2-135. SHOULD A DRIVER WHO HAS HAD A LICENSE SUSPENDED UNDER THIS SECTION BE SUBSEQUENTLY ACQUITTED OF THE CONVICTION WHICH REQUIRED THE SUSPENSION BY A COURT OF RECORD, THE DEPARTMENT SHALL IMMEDIATELY, IN ANY EVENT NOT LATER THAN TEN DAYS AFTER THE RECEIPT OF SUCH NOTICE OF ACQUITTAL, REINSTATE SAID LICENSE TO THE DRIVER AFFECTED, UNLESS THE LICENSE IS UNDER OTHER RESTRAINT.

(3) (a) IF THERE IS NO OTHER STATUTORY REASON FOR DENIAL OF A PROBATIONARY LICENSE, ANY INDIVIDUAL WHO HAS HAD A LICENSE SUSPENDED BY THE DEPARTMENT BECAUSE OF, AT LEAST IN PART, A CONVICTION OF AN OFFENSE SPECIFIED IN SUBSECTION (1) OF THIS SECTION MAY BE ENTITLED TO A PROBATIONARY LICENSE FOR THE PURPOSE OF DRIVING FOR REASONS OF EMPLOYMENT, EDUCATION, HEALTH,

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**HB02-1237**

COMPLIANCE WITH THE REQUIREMENTS OF PROBATION OR SUSPENDED SENTENCE, OR ALCOHOL AND DRUG EDUCATION OR TREATMENT. SUCH A PROBATIONARY LICENSE SHALL:

(I) CONTAIN ANY OTHER RESTRICTIONS AS THE DEPARTMENT DEEMS REASONABLE AND NECESSARY;

(II) BE SUBJECT TO CANCELLATION FOR VIOLATION OF ANY SUCH RESTRICTIONS, INCLUDING ABSENCES FROM ALCOHOL AND DRUG EDUCATION OR TREATMENT SESSIONS OR FAILURE TO COMPLETE ALCOHOL AND DRUG EDUCATION OR TREATMENT PROGRAMS; AND

(III) BE ISSUED FOR THE ENTIRE PERIOD OF SUSPENSION.

(b) THE DEPARTMENT MAY REFUSE TO ISSUE A PROBATIONARY LICENSE IF THE DEPARTMENT FINDS THAT THE DRIVING RECORD OF THE INDIVIDUAL IS SUCH THAT THE INDIVIDUAL HAS SUFFICIENT POINTS TO REQUIRE THE SUSPENSION OR REVOCATION OF A LICENSE TO DRIVE ON THE HIGHWAYS OF THIS STATE PURSUANT TO SECTION 42-2-127, OR IF THE DEPARTMENT FINDS FROM THE RECORD AFTER A HEARING CONDUCTED IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION THAT AGGRAVATING CIRCUMSTANCES EXIST TO INDICATE THE INDIVIDUAL IS UNSAFE FOR DRIVING FOR ANY PURPOSE. IN REFUSING TO ISSUE A PROBATIONARY LICENSE, THE DEPARTMENT SHALL MAKE SPECIFIC FINDINGS OF FACT TO SUPPORT SUCH REFUSAL."

Renumber succeeding sections accordingly.

Strike line 5, and substitute the following:

"date, with the following exceptions: (1) Sections 22 and 23 shall take effect July 1, 2003, and shall apply to offenses committed on or after said date; (2) Sections 24 and 25 shall only take effect if Senate Bill 02-039, is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law; and, (3) Section 15 shall take effect only if Senate Bill 02-039, is not enacted at the Second Regular Session of the Sixty-third General Assembly or does not become law."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1009** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 25, strike "\$92,427)." and substitute "\$92,427) and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act."

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, SB02-057.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-229**

by Senator(s) Matsunaka; also Representative(s) Rippy--Concerning publication procedures related to rule-making by state agencies, and making an appropriation in connection therewith.

Appropriations

**HB02-1189**

by Representative(s) Spradley; also Senator(s) Fitz-Gerald--Concerning the assignment to every salvage vehicle of a substitute vehicle identification number that clearly denotes the fact that the vehicle is a salvage vehicle.

Business, Labor, and Finance

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SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB02-080, 171, 194, 197, 203; SJR02-045; SR02-008, 016.

Correctly revised: HJR02-1073.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR02-024.

THIRD READING--FINAL PASSAGE OF BILLS  
CONSENT CALENDAR

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

SB02-197

by Senator(s) Hanna; also Representative(s) Witwer--Concerning home- and community-based services for persons with major mental illnesses.

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

Table with 4 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, Windels, Mr. President.

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

Co-sponsor added: Takis.

SB02-203

by Senator(s) Hanna, Linkhart; also Representative(s) Tochtrop--Concerning the rule-making authority of the state board of nursing related to the nurse diversion program.

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

Table with 4 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, Windels, Mr. President.

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

THIRD READING--FINAL PASSAGE OF BILLS

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

SB02-176

by Senator(s) Matsunaka, Perlmutter, Reeves--Concerning limitations on the authority of the Colorado commission on higher education.

Laid over until Tuesday, April 30, retaining its place on the calendar.

SB02-171

by Senator(s) Thiebaut; also Representative(s) Grossman--Concerning the requirement that the state personnel director authorize payroll deductions to employee organizations representing state employees when a written request for the deduction is received.

- SB02-171** Laid over until later in the day, Monday, April 29. 1
- SB02-080** by Senator(s) Pascoe, Evans, Fitz-Gerald, Linkhart, Perlmutter, Windels; also 2  
Representative(s) King, Groff--Concerning education improvement. 3  
Laid over until later in the day, Monday, April 29. 4  
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- SB02-194** by Senator(s) Thiebaut; also Representative(s) Grossman--Concerning limitations on 8  
payments made by the state for the employment of certain legal counsel paid on an hourly 9  
basis. 10  
Laid over until later in the day, Monday, April 29. 11  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having 15  
voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar 16  
(**HB02-1312**) of Monday, April 29, was laid over until Tuesday, April 30, retaining its 17  
place on the calendar. 18

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On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the 21  
Senate having voted in the affirmative, **HB02-1113, HB02-1417, HB02-1307, HB02- 22**  
**1226, HB02-1301, HB02-1304, HB02-1229, HB02-1161, HB02-1324, HB02-1009, 23**  
**HB02-1241, HB02-1295, HB02-1084, HB02-1173, HB02-1323, HB02-1359, HB02- 24**  
**1310, HB02-1054, HB02-1247, HB02-1114, HB02-1265, HB02-1070, HB02-1262, 25**  
**HB02-1292, SB02-180, SB02-190, SB02-205, SB02-209, SB02-207, SB02-218, SB02- 26**  
**221, SB02-210, SB02-195, SB02-204, SB02-223** were made Special Orders at 10:20 a.m. 27  
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Committee of the Whole The hour of 10:20 a.m. having arrived, Senator Pascoe moved that the Senate resolve itself 30  
into the Committee of the Whole for consideration of Special Orders--Second Reading of 31  
Bills and Senator Pascoe was called to the Chair to act as Chairman. 32  
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**SPECIAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, 36  
reading at length having been dispensed with by unanimous consent, had been considered 37  
and action taken thereon as follows: 38  
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**HB02-1113** by Representative(s) Stengel; also Senator(s) Hagedorn--Concerning the crime of posting 40  
the personal information of a peace officer on the internet. 41

Amendment No. 1, Judiciary Committee Amendment. 42  
(Printed in Senate Journal, April 24, page 973 and placed in members' bill file.) 43  
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As amended, ordered revised and placed on the calendar for Third Reading and Final 45  
Passage. 46  
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**HB02-1417** by Representative(s) Mitchell; also Senator(s) Thiebaut--Concerning clarification of 48  
circumstances for awarding an owner recoverable litigation expenses in a highway 49  
condemnation action. 50  
51

Amendment No. 1, Judiciary Committee Amendment. 52  
(Printed in Senate Journal, April 25, page 990 and placed in members' bill file.) 53  
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As amended, ordered revised and placed on the calendar for Third Reading and Final 55  
Passage. 56  
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**HB02-1307** by Representative(s) Fairbank; also Senator(s) Fitz-Gerald--Concerning elections, and 58  
making an appropriation in connection therewith. 59  
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Amendment No. 1, Government, Veterans and Military Relations, and Transportation 61  
Committee Amendment. 62  
(Printed in Senate Journal, April 25, pages 975-978 and placed in members' bill file.) 63  
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Amendment No. 2(L.015), by Senator FitzGerald. 65  
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Amend reengrossed bill, page 18, line 2, strike "THE" and substitute "FOR 67  
AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, THE"; 68

line 5, after the period, add "FOR AN ELECTION NOT COORDINATED BY THE 69  
COUNTY CLERK AND RECORDER, THE DEPOSITORY SHALL BE DESIGNATED 70  
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**HB02-1307**

BY THE DESIGNATED ELECTION OFFICIAL AND LOCATED IN A SECURE PLACE UNDER THE SUPERVISION OF THE DESIGNATED ELECTION OFFICIAL, AN ELECTION JUDGE, OR ANOTHER PERSON DESIGNATED BY THE DESIGNATED ELECTION OFFICIAL."

Page 19, line 12, strike "AND" and substitute "AND, IN AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER,";

line 22, strike "THE" and substitute "IN AN ELECTION COORDINATED BY THE COUNTY CLERK AND RECORDER, THE".

Page 20, line 26, strike "official" and substitute "official, AS APPLICABLE,".

Page 21, line 15, strike "official" and substitute "official, AS APPLICABLE,".

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

**HB02-1226**

by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the authority of the state personnel director to create a state employee assistance program, and making an appropriation in connection therewith.

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

**HB02-1301**

by Representative(s) Decker, Hefley, Mitchell, Ragsdale, Romanoff; also Senator(s) Hillman--Concerning clarification of the crimes of introducing contraband, and making an appropriation therefor.

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

**HB02-1304**

by Representative(s) Williams S., Bacon, Groff, Romanoff, Williams T.; also Senator(s) Anderson, Evans--Concerning the provision of literacy services to students preparing to enter the first grade.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 24, page 968-969 and placed in members' bill file.) (Committee Report was severed. Part 1: page 1, lines 1-4 was declared lost. Part 2: page 1, lines 5-13; page 2, lines 1-26 was declared adopted.)

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

**HB02-1229**

by Representative(s) Veiga, Groff, Hefley, Lawrence, Smith; also Senator(s) Tate--Concerning continuation of the regulation of controlled substances, and, in connection therewith, updating the statutes to reflect the regulatory functions within the department of human services, and making an appropriation therefor.

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

**HB02-1161**

by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones.

Laid over to follow **HB02-1292**.

**HB02-1009**

by Representative(s) Stafford; also Senator(s) Gordon--Concerning civil restraining orders, and making an appropriation in connection therewith.

Laid over to follow **HB02-1161**.

**HB02-1241**

by Representative(s) Weddig; also Senator(s) Teck--Concerning loans by the department of the treasury to taxpayers as part of the homestead property tax deferral program, and making an appropriation in connection therewith.

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

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- HB02-1295** by Representative(s) Romanoff, Alexander, Decker, Hefley, Kester, Snook; also Senator(s) Owen, Andrews, Linkhart--Concerning procedures to facilitate the provision of benefits to offenders transitioning from the criminal justice system, and making an appropriation in connection therewith. 1  
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- Amendment No. 1, Judiciary Committee Amendment. 6  
(Printed in Senate Journal, April 24, page 972-973 and placed in members' bill file.) 7  
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- Amendment No. 2, Appropriations Committee Amendment. 9  
(Printed in Senate Journal, April 29, pages 1027-1028 and placed in members' bill file.) 10  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 12  
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- HB02-1084** by Representative(s) Stengel; also Senator(s) Hanna--Concerning composition of the wildlife commission membership. 15  
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- Amendment No. 1, Agriculture and Natural Resources Committee Amendment. 18  
(Printed in Senate Journal, March 15, page 485 and placed in members' bill file.) 19  
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- Amendment No. 2, Appropriations Committee Amendment. 21  
(Printed in Senate Journal, April 15, page 782 and placed in members' bill file.) 22  
23
- Amendment No. 3(L.012), by Senator Hanna. 24  
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- Strike the Agriculture and Natural Resources Committee Report, dated March 12, 2002, and substitute the following: 26  
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- "Amend reengrossed bill, page 2, line 8, strike "THREE" and substitute "FOUR".". 29  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 32  
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- (For further action, see Amendments to the Committee of the Whole Report.) 35  
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- HB02-1324** by Representative(s) Lawrence, Alexander, Bacon, Boyd, Cadman, Chavez, Daniel, Dean, Decker, Fairbank, Garcia, Groff, Hodge, Hoppe, Jahn, Kester, King, Lee, Mace, Miller, Mitchell, Rippy, Sanchez, Snook, Spence, Spradley, Swenson, Tapia, Tochtrop, Webster, Weddig, White, Williams S., Williams T., Witwer, Young; also Senator(s) Thiebaut--Concerning establishment of a Colorado state university at Pueblo, and, in connection therewith, changing the name of the university of southern Colorado and modifying the university's role and mission. 37  
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- Amendment No. 1, Public Policy and Planning Committee Amendment. 45  
(Printed in Senate Journal, April 5, page 675-676 and placed in members' bill file.) 46  
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- Amendment No. 2(L.005), by Senator Thiebaut. 48  
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- Amend reengrossed bill, page 2, line 11, before "MASTER-LEVEL", insert "SELECTED" and after "PROGRAM", insert a period; 50  
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- line 12, strike "THAT ADDRESS REGIONAL NEEDS.". 53  
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 55  
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- SB02-190** by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon, Hernandez, Hillman, Matsunaka, Musgrave, Nichol, Takis, Tate, Taylor, Teck, Tupa; also Representative(s) Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester, Lawrence, Miller, Rippy, Scott, Smith, Snook, Spence, Tapia, Veiga, White--Concerning expansion of the stationary source voluntary emission reduction program, and, in connection therewith, providing for additional flexibility and cost recovery incentives. 58  
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- Laid over to follow **HB02-1323**. 65  
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- HB02-1173** by Representative(s) Lee, Fairbank, Cloer, Crane, Dean, Decker, Fritz, Groff, Hefley, Johnson, King, Miller, Mitchell, Paschall, Rhodes, Rippy, Romanoff, Scott, Sinclair, Snook, Spence, Swenson, White, Williams S.; also Senator(s) Owen, Chlouber, Andrews, Arnold, Cairns, Epps, Hillman, McElhany, Taylor, Teck--Concerning persons enrolling in state-supported institutions of higher education who are convicted of crimes related to rioting. 67  
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**HB02-1173**

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 1, page 374-375 and placed in members' bill file.)

Amendment No. 2, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 14, page 463-464 and placed in members' bill file.)

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

**HB02-1323**

by Representative(s) Berry; also Senator(s) Windels--Concerning assisted living residences, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.  
(Printed in Senate Journal, April 15, page 839 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 25, page 994 and placed in members' bill file.)

Amendment No. 3(L.022), by Senator Windels.

Amend reengrossed bill, page 3, line 24, strike "AND";

line 25, strike "INDEPENDENTLY WITH" and substitute "INDEPENDENTLY; AND", and strike "BEING" and substitute "THAT SHALL BE".

Page 7, line 26, after "amended", insert "and the said 25-27-105 (2.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 8, after line 24, insert the following:

"(a.5) ON AND AFTER JULY 1, 2002, THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR REQUEST FROM A CRIMINAL JUSTICE AGENCY DESIGNATED BY THE DEPARTMENT A CRIMINAL HISTORY RECORD ON SUCH ADMINISTRATOR. THE INFORMATION, UPON SUCH REQUEST AND SUBJECT TO ANY RESTRICTIONS IMPOSED BY SUCH AGENCY, SHALL BE FORWARDED BY THE CRIMINAL JUSTICE AGENCY DIRECTLY TO THE DEPARTMENT."

Page 14, line 25, strike "VIOLATIONS;" and substitute "VIOLATIONS, AS DETERMINED NECESSARY BY THE DEPARTMENT;"

line 27, strike "LOST." and substitute "LOST, AS DETERMINED NECESSARY BY THE DEPARTMENT."

Page 21, line 23, after "THE", insert "DEPARTMENT IN CONSULTATION WITH THE".

Page 22, line 25, after "THE", insert "DEPARTMENT AND THE".

Amendment No. 4(L.023), by Senator Windels.

Amend the Health, Environment, Children and Families Committee Report, dated April 11, 2002, page 1, strike line 7.

Amendment No. 5(L.024), by Senator Windels.

Amend the Health, Environment, Children and Families Committee Report, dated April 11, 2002, page 2, strike lines 10 through 25 and substitute the following:

"Page 25, strike line 27.

Page 26, strike lines 1 through 17 and substitute the following:

"(5) IN CONSULTATION WITH THE ADVISORY COMMITTEE FOR ASSISTED LIVING RESIDENCES, THE BOARD SHALL REPORT TO THE HOUSE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE, THE SENATE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE, AND THE JOINT BUDGET COMMITTEE ON OCTOBER 15, 2003, AND EVERY FIVE YEARS THEREAFTER, CONCERNING THE COST OF ADMINISTERING THE ASSISTED LIVING RESIDENCE PROGRAM, STATUTORY AND REGULATORY MANDATES FOR WHICH THE DEPARTMENT DOES NOT HAVE ADEQUATE

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**HB02-1323**

RESOURCES, AND ANY ADDITIONAL MONEYS NECESSARY TO FUND THE PROGRAM."."

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders--Second Reading of Bills Calendar (**SB02-190, HB02-1359, HB02-1310, HB02-1054, HB02-1247, HB02-1114, HB02-1265, HB02-1070, HB02-1262, HB02-1292, HB02-1161, HB02-1009, SB02-180, SB02-205, SB02-209, SB02-207, SB02-218, SB02-221, SB02-210, SB02-195, SB02-204, SB02-223**) of Monday, April 29, was laid over until the next Special Orders Calendar later in the day, April 29, retaining its place on the calendar.

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

**HB02-1084**

by Representative(s) Stengel; also Senator(s) Hanna--Concerning composition of the wildlife commission membership.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Hillman amendment, to HB 02-1084, did pass.

Amend reengrossed bill, page 3, line 25, strike "large." and substitute "large; ONE OF WHOM SHALL RESIDE IN A COUNTY WITH A POPULATION OF SIXTY THOUSAND OR FEWER RESIDENTS."

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

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

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

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

Passed on Second Reading: **HB02-1113** as amended, **HB02-1417** as amended, **HB02-1307** as amended, **HB02-1226, HB02-1301, HB02-1304** as amended, **HB02-1229, HB02-1241, HB02-1295** as amended, **HB02-1084** as amended, **HB02-1324** as amended, **HB02-1173** as amended, **HB02-1323** as amended.

Laid over until the next Special Orders Calendar, April 29: **SB02-190, HB02-1359, HB02-1310, HB02-1054, HB02-1247, HB02-1114, HB02-1265, HB02-1070, HB02-1262, HB02-1292, HB02-1161, HB02-1009, SB02-180, SB02-205, SB02-209, SB02-207, SB02-218, SB02-221, SB02-210, SB02-195, SB02-204, SB02-223.**

**MESSAGE FROM THE HOUSE**

April 29, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1054, as printed in House Journal, April 15, pages 1331-1332.

The House has adopted and transmits herewith HJR02-1049, as printed in House Journal, April 11, pages 1260-1261.

**INTRODUCTION OF BILLS--FIRST READING**

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

**HB02-1397** by Representative(s) Smith; also Senator(s) Thiebaut--Concerning the adoption of changes to article 9 of the "Uniform Commercial Code".  
Business, Labor, and Finance

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR02-1049** by Representative(s) Spence, Alexander, Berry, Chavez, Clapp, Crane, Hefley, Hoppe, Johnson, Kester, King, Lawrence, Lee, Rippey, Stafford, White, Williams S.; also Senator(s) Fitz-Gerald--Concerning the recognition of Early Childhood Intervention Awareness Day.

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

**HJR02-1054** by Representative(s) Tochtrop; also Senator(s) Nichol--Concerning the recognition of Motorcycle Safety Month in Colorado.

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

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Windels, Chairman, Tate, and Entz as Senate Conferees on the First Conference Committee on **HB02-1135**.

Senate in Recess--Senate Reconvened

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB02-190, HB02-1359, HB02-1310, HB02-1054, HB02-1247, HB02-1114, HB02-1265, HB02-1070, HB02-1262, HB02-1292, HB02-1161, HB02-1009, SB02-180, SB02-205, SB02-209, SB02-207, SB02-218, SB02-221, SB02-210, SB02-195, SB02-204, SB02-223** were made Special Orders at 3:40 p.m.

Committee of the Whole The hour of 3:40 p.m. having arrived, Senator Pascoe moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Pascoe was called to the Chair to act as Chairman.

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

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

**HB02-1359** by Representative(s) Stafford, Coleman, Harvey, Mace, Paschall, Sanchez; also Senator(s) Linkhart--Concerning child placement in dependency or neglect actions.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 23, page 949 and placed in members' bill file.)

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

**HB02-1310** by Representative(s) King; also Senator(s) May--Concerning modifications to state funding available to address critical needs of the state's citizens, and, in connection therewith, increasing the allocation of sales and use tax revenue to the highway users tax fund, establishing a minimum annual allocation of funds for transportation purposes, creating a state rainy day fund for purposes of meeting a revenue shortfall, and creating a statewide toll authority for the purpose of financing and constructing additional highway capacity.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.  
(Printed in Senate Journal, April 12, page 757-777 and placed in members' bill file.)

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<b>HB02-1310</b>	<u>Amendment No. 2(L.052), by Senators Tupa and Fitz-Gerald.</u>	1
	Amend the Government, Veterans and Military Relations, and Transportation Committee Report, page 9, after line 31, insert the following:	2
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	"SECTION 4. 30-11-101 (1) (f), Colorado Revised Statutes, is amended, and the said 30-11-101 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:	7
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	<b>30-11-101. Powers of counties.</b> (1) Each organized county within the state shall be a body corporate and politic, and as such shall be empowered for the following purposes:	11
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	(f) To develop, maintain, and operate mass transportation systems, which power shall be vested either individually in the board of county commissioners or jointly with other political subdivisions or governmental entities formed pursuant to the provisions of part 2 of article 1 of title 29, C.R.S. Except that AS PROVIDED IN PARAGRAPH (j) OF THIS SUBSECTION (1), this provision shall not apply to any county or portion thereof encompassed by the regional transportation district as formed pursuant to the provisions of article 9 of title 32, C.R.S. Counties, by ordinance adopted, administered, and enforced in accordance with part 4 of article 15 of this title, shall have the authority: To fix, maintain, and revise passenger fees, rates, and charges, and terms and conditions for such systems; to prescribe the method of development, maintenance, and operation of such mass transportation systems; and to receive contributions, gifts, or other support from public and private entities to defray the operating costs of such systems.	15
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	(j) FOR ANY COUNTY LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE REGIONAL TRANSPORTATION DISTRICT, TO PROVIDE TRANSIT SERVICES IN COOPERATION WITH AND PURSUANT TO AN AGREEMENT WITH THE BOARD OF DIRECTORS OF THE DISTRICT. FOR PURPOSES OF THIS PARAGRAPH (j), "COUNTY" MEANS ANY COUNTY OR CITY AND COUNTY. "	31
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	Renumber succeeding sections accordingly.	38
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	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	40
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<b>SB02-190</b>	by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon, Hernandez, Hillman, Matsunaka, Musgrave, Nichol, Takis, Tate, Taylor, Teck, Tupa; also Representative(s) Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester, Lawrence, Miller, Rippy, Scott, Smith, Snook, Spence, Tapia, Veiga, White--Concerning expansion of the stationary source voluntary emission reduction program, and, in connection therewith, providing for additional flexibility and cost recovery incentives.	43
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	<u>Amendment No. 1, Business, Labor, and Finance Committee Amendment.</u>	50
	(Printed in Senate Journal, April 23, page 948 and placed in members' bill file.)	51
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	53
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<b>HB02-1054</b>	by Representative(s) Grossman; also Senator(s) Gordon--Concerning a prohibition against allowing a court to grant a name change to any person convicted of a felony, and making an appropriation in connection therewith.	56
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	60
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<b>HB02-1247</b>	by Representative(s) Decker, Jameson, Mace, Schultheis, Swenson, Webster; also Senator(s) Epps, Hernandez--Concerning the penalty for theft of motor fuel, and making an appropriation in connection therewith.	62
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	66
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<b>HB02-1114</b>	by Representative(s) Stengel; also Senator(s) Hagedorn--Concerning sex offender registration in relation to persons associated with institutions of postsecondary education.	68
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	71
	(Printed in Senate Journal, April 24, page 973 and placed in members' bill file.)	72

- HB02-1114** As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 1  
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- HB02-1265** by Representative(s) White; also Senator(s) Matsunaka--Concerning clarification of the property tax status of certain residential real property. 3  
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Amendment No. 1, Public Policy and Planning Committee Amendment. 7  
(Printed in Senate Journal, April 26, page 1000-1001 and placed in members' bill file.) 8  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 10  
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- HB02-1262** by Representative(s) Mace; also Senator(s) Hernandez--Concerning assistance for the benefit of grandchildren who exit foster care into the legal care of a grandparent. 13  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 16  
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- HB02-1292** by Representative(s) Clapp; also Senator(s) Reeves--Concerning the statewide managed care system under the "Colorado Medical Assistance Act", and making an appropriation in connection therewith. 18  
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Amendment No. 1, Health, Environment, Children & Families Committee Amendment. 22  
(Printed in Senate Journal, April 26, pages 1003-1004 and placed in members' bill file.) 23  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 25  
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27
- HB02-1161** by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones. 28  
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Laid over until Tuesday, April 30, retaining its place on the General Orders--Second Reading of Bills Calendar. 33  
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35
- HB02-1070** by Representative(s) Groff, Marshall, Tapia; also Senator(s) Hernandez--Concerning the use of child passenger restraints in motor vehicles. 36  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 39  
40
- SB02-207** by Senator(s) Hagedorn; also Representative(s) Stengel--Concerning alcohol beverage licensing. 41  
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Amendment No. 1, Appropriations Committee Amendment. 44  
(Printed in Senate Journal, April 25, page 984 and placed in members' bill file.) 45  
46  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 47  
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- HB02-1009** by Representative(s) Stafford; also Senator(s) Gordon--Concerning civil restraining orders, and making an appropriation in connection therewith. 50  
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Amendment No. 1, Judiciary Committee Amendment. 53  
(Printed in Senate Journal, April 25, page 991 and placed in members' bill file.) 54  
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Amendment No. 2, Appropriations Committee Amendment. 56  
(Printed in Senate Journal, April 29, page 1031 and placed in members' bill file.) 57  
58  
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 59  
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61
- SB02-180** by Senator(s) Phillips--Concerning the use of renewable energy sources, and, in connection therewith, requiring providers of electric service to comply with an electric resource standard for renewable energy, authorizing the Colorado public utilities commission to impose administrative fines against noncomplying providers under certain circumstances, providing an exemption from the standard in specified circumstances, and specifying reporting requirements relating to the standard. 62  
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Amendment No. 1, Public Policy and Planning Committee Amendment. 69  
(Printed in Senate Journal, April 24, page 969-970 and placed in members' bill file.) 70  
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- SB02-180** Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 25, page 985 and placed in members' bill file.)  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-205** by Senator(s) Dyer, Matsunaka, Anderson, Andrews, Arnold, Chlouber, Entz, Epps, Evans, Gordon, Hanna, Hernandez, Isgar, Lamborn, May, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Teck, Tupa, Windels; also Representative(s) Groff, Williams S.--Concerning changes to the crime of child abuse.  
Laid over until Tuesday, April 30, retaining its place on the General Orders--Second Reading of Bills Calendar.
- SB02-218** by Senator(s) Reeves; also Representative(s) Stengel--Concerning the repeal of the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by section 20 of article X of the state constitution be calculated to refund the amount of excess state revenues not refunded by other mechanisms by one hundred five percent.  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-221** by Senator(s) Isgar, Chlouber, Taylor, Entz, Hagedorn, Hanna, Hillman, Matsunaka, Owen; also Representative(s) Hefley, Alexander, Kester, Miller, Paschall, Tapia, Tochtrop, Vigil, White, Young--Concerning the extension of the effective dates of certain horse racing statutes for five years.  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-210** by Senator(s) Fitz-Gerald; also Representative(s) Boyd--Concerning mandatory reporting of child abuse or neglect by clergy members.  
Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, April 25, page 992-994 and placed in members' bill file.)  
Amendment No. 2(L.005), by Senator FitzGerald.  
Amend the Judiciary Committee Amendment, dated April 24, 2002, page 1, line 8, strike "RABBI, OR ANY" and substitute "RABBI";  
strike lines 9 through 13.  
Page 2, line 28, strike "minister, priest, or rabbi, OR" and substitute "MINISTER, PRIEST, OR RABBI";  
strike lines 29 through 32;  
line 33, strike "ORGANIZATION".  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-195** by Senator(s) Fitz-Gerald; also Representative(s) Daniel--Concerning an exemption from the statutory limitation on the total sales and use tax that may be imposed for a county tax to fund the acquisition of land for open space.  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-209** by Senator(s) Phillips, Matsunaka, Gordon, Perlmutter, Tupa; also Representative(s) Scott--Concerning the establishment by local governments of programs for the transfer of development rights.  
Laid over to follow **SB02-232**.
- SB02-204** by Senator(s) Perlmutter; also Representative(s) Cloer--Concerning the required use of safety helmets by children.  
Laid over until Thursday, May 9.

**SB02-223**

by Senator(s) Perlmutter--Concerning the empowerment of public entities to address the impacts caused by high growth rates, and, in connection therewith, providing for legally enforceable local government master plans, authorizing impact fees to fund capital facilities of a school district, authorizing local governments to provide incentives to encourage smart growth, and requiring collaboration on a regional basis among public entities with respect to transportation planning.

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

On motion of Senator Theibaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders--Second Reading of Bills Calendar (**SB02-209**) of Monday, April 29, was laid over until Tuesday, April 30, retaining its place on the General Orders--Second Reading of Bills calendar.

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

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

Passed on Second Reading: **HB02-1359** as amended, **HB02-1310** as amended, **SB02-190** as amended, **HB02-1054**, **HB02-1247** as amended, **HB02-1114** as amended, **HB02-1265** as amended, **HB02-1262**, **HB02-1292** as amended, **HB02-1070**, **SB02-207** as amended, **HB02-1009** as amended, **SB02-180** as amended, **SB02-218**, **SB02-221**, **SB02-210** as amended, **SB02-195**, **SB02-223**.

Laid over until the General Orders--Second Reading of Bills Calendar of Tuesday, April 30: **HB02-1161**, **SB02-205**, **SB02-209**.

Laid over until Thursday, May 9: **SB02-204**.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the committee recommends that **HJR02-1039** be referred favorably to the Senate for final action.

Judiciary After consideration on the merits, the committee recommends that **SB02-228** be referred favorably to the Committee of the Whole.

Judiciary After consideration on the merits, the committee recommends that **HB02-1046** be referred with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary After consideration on the merits, the committee recommends that **HB02-1405** be referred favorably to the Committee of the Whole.

**MESSAGE FROM THE HOUSE**

April 29, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB02-1450**, **1409**.

The House has passed on Third Reading and returns herewith **SB02-169,175,181,201**.

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB02-1326**, amended as printed in House Journal, April 26, page 1610.

**HB02-1403**, amended as printed in House Journal, April 26, pages 1610-1611.

**SB02-196**, amended as printed in House Journal, April 26, page 1609.

**SB02-097**, amended as printed in House Journal, April 26, page 1609.

**SB02-019**, amended as printed in House Journal, April 26, page 1610.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1450 and 1409.

Without comment, as amended, HB02-1326 and 1403 and SB02-196, 097, and 019.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-230**

by Senator(s) Windels; --Concerning the designation of the county in which specified actions related to the activities of a public trustee may occur.

Government, Veterans and Military Relations, and Transportation

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

The President has signed: HB02-1219, 1232, 1244, 1254, 1347, 1421, 1422, 1423, 1424, 1426, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1438, 1441, 1445, 1446.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, April 29, was laid over until Tuesday, April 30, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **SB02-171, SB02-080, SB02-194.**

General Orders--Second Reading of Bills: **HB02-1338, SB02-184, SB02-157, SB02-042, HB02-1339, SB02-200, HB02-1407, SCR02-004, SB02-213, HB02-1414, SB02-152, HB02-1400.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-035, SR02-014, SJR02-036, SJR02-037, SJR02-040, HJR02-1038.**

Consideration of Memorials: **SJM02-002.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161, SB02-018, SB02-087, SB02-086, SB02-071, SB02-156, SB02-057, SB02-078, SB02-109.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

Examining Board of Plumbers

State Housing Board

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061, SB02-124, SB02-099.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, April 30, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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