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

Fifty-ninth Legislative Day

Friday, March 8, 2002

$\frac{1}{2}$	Prayer by Father Michael Suchnicki, Samaritan House, Denver.
2 3 4 5	The Speaker called the House to order at 9:00 a.m.
5 6	The roll was called with the following result:
7 8 9 10 11 12 13	Present61. ExcusedRepresentative Paschall1. AbsentRepresentatives Johnson, Mitchell, Smith3. Present after roll callRepresentatives Johnson, Mitchell, Smith. The Speaker declared a quorum present.
14 15 16 17 18 19	On motion of Representative Rippy, the reading of the journal of March 8, 2002, was declared dispensed with and approved as corrected by the Chief Clerk.
20 21 22	THIRD READING OF BILLSFINAL PASSAGE
23 23 24 25 26	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.
27 28 29 30	HB02-1129 by Representative(s) Tochtrop; also Senator(s) HannaConcerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.
31 32 33 34 35	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 .
36 37	YES 64 NO 0 EXCUSED 1 ABSENT 0
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Decker		Lawrence		Scott	Ŷ	
Fairbank		Lee		Sinclair		Williams T
Fritz	Y	Mace	Y	Smith		Witwer
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28 SB02-105 by Senator(s) Entz; also Representative(s) BorodkinConcerning aviation in the state of Colorado. 30 The question being "Shall the bill pass?". 31 The question being "Shall the bill pass?". 32 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. 35 YES 64 NO 0 EXCUSED 1 ABSENT 0 36 YES 64 NO 0 EXCUSED 1 ABSENT 0 37 Alexander Y Groff Y Marshall Y Spence Y 38 Bacon Y Grossman Y Miller Y Spradley Y 39 Berry Y Harvey Y Mitchell Y Stafford Y 40 Borodkin Y Hefley Y Paschall E Stengel Y 41 Boyd Y Hodge Y Plant Y Swenson Y 42 Cadman Y Hoppe Y Ragsdale Y		Co-sponsors a	luueu. K	epresentati	ves boy	i, Kester, Ma	e, Ma	i shan, w mans	з.
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55 Co-sponsors added: Representatives Larson, Mace, Mitchell, Ragsdale, Scott,56 Smith, Stafford, Stengel, Tapia, Weddig, Williams S.

	Page 764	House Journal59th DayMarch 8, 2002							
$1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 12 \\ 13 \\ 14 \\ 15 \\ 16 \\$	A roll call vot	Concerning the duties of a county treasurer, and, in connection therewith, requiring a county treasurer to address any recommendation or finding contained in an audit of the treasurer's office and to report to the board of county commissioners regarding the disposition of the recommendation or finding, subjecting a county treasurer to contempt for failure to comply with these requirements, and specifying the penalty for failure to perform the duties of a county treasurer.							
17	YES 63	NO	1	EXC	US	ED 1	ABS	ENT 0	
18 19 20 21 22 23 24 25 26 27 28 29 30 31	Alexander Bacon Berry Borodkin Boyd Cadman Chavez Clapp Cloer Coleman Crane Daniel Decker Fairbank Fritz Garcia	Y Y Y Y Y Y Y Y Y Y Y	Groff		Y Y Y Y	Marshall Miller Mitchell Paschall Plant Ragsdale Rhodes Rippy Romanoff Saliman Sanchez Schultheis Scott Sinclair	Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y	Spence Spradley Stafford Stengel Swenson Tapia Tochtrop Veiga Vigil Webster Weddig White Williams S.	Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y Y
36 37	Co-sponsors ad	lded: R	enresentat	ives C	rai	ne Honne Ke	oster '	Williams T	
38 39 40 41 42 43 44 45 46 47 48 49	On motion of Representative Sinclair, the House resolved itself into Committee of the Whole for consideration of General Orders, and he was called to the Chair to act as Chairman. GENERAL ORDERSSECOND READING OF BILLS The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been								
50 51 52 53 54 55	dispensed with by unanimous consent), the bills considered and action taken thereon as follows:(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)								

$\frac{1}{2}$		
$\frac{2}{3}$		
2 3 4 5 6 7 8 9	<u>SB02-076</u>	by Senator(s) Taylor; also Representative(s) Cloer Concerning the authority to increase the assessment capacity of the Colorado guaranty fund from one percent to two percent to cover claims of insolvent member insurers.
10 11 12 13	Ordered revis Passage.	ed and placed on the Calendar for Third Reading and Final
14 15 16	<u>SB02-084</u>	by Senator(s) Takis; also Representative(s) Hodge Concerning real property subject to judicial process.
17 18	Ordered revis Passage.	ed and placed on the Calendar for Third Reading and Final
19 20 21 22	<u>SB02-051</u>	by Senator(s) Windels; also Representative(s) Spence Concerning changing the charter school application deadline.
23 24 25 26		No. 1, Education Report, dated March 4, 2002, and placed bill file; Report also printed in House Journal, March 6,
27 28 29		ordered revised and placed on the Calendar for Third Final Passage.
30 31 32 33 34	<u>SB02-113</u>	by Senator(s) Epps; also Representative(s) King Concerning cooperation by institutions of higher education with federal anti-terrorism measures.
34 35 36 37 38		No. 1, Education Report, dated March 4, 2002, and placed bill file; Report also printed in House Journal, March 6, 9.
38 39 40 41	Reading and l	ordered revised and placed on the Calendar for Third Final Passage. n action, see Amendments to Report, page 766.)
42 43 44 45 46 47	SB02-144	by Senator(s) Tupa, Pascoe, Windels; also Representative(s) King, Bacon, Groff, Lawrence, Spence Concerning an exemption from public access requirements for proposals to honor individuals submitted to institutions of higher education.
48 49 50 51	Ordered revis Passage.	ed and placed on the Calendar for Third Reading and Final
51 52 53 54 55 56	<u>HB02-1342</u>	by Representative(s) Mitchell, Groff, Grossman, Harvey, Weddig, White; also Senator(s) Fitz-Gerald, Andrews, PerlmutterConcerning public access to information relating to public bodies, and, in connection therewith, clarifying that public officials and employees are persons

House Journal--59th Day--March 8, 2002 Page 766 for purposes of the public records act, article 72 of title 1 2 3 24, Colorado Revised Statutes, and specifying the manner in which public bodies are to record their meetings. 4 5 Amendment No. 1, Civil Justice & Judiciary Report, dated March 5, 6 2002, and placed in member's bill file; Report also printed in House 7 Journal, March 6, pages 727-728. 8 9 As amended, ordered engrossed and placed on the Calendar for Third 10 Reading and Final Passage. 11 12 13 14 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT 15 Representatives Smith and Schultheis moved to amend the Report of the 16 17 Committee of the Whole to show that the following Mitchell amendment, 18 to SB02-113, as amended by the following Plant amendment, did pass, 19 and that **SB02-113**, as amended, did pass: 20 21 Amendment by Representative Mitchell: 22 23 Amend reengrossed bill, page 2, after line 16, insert the following: 24 25 "(3) THE REGISTRAR AT EACH STATE-SUPPORTED INSTITUTION OF 26 HIGHER EDUCATION SHALL VERIFY WITH THE IMMIGRATION AND 27 NATURALIZATION SERVICE THE VISA STATUS OF ALL ENROLLED FOREIGN 28 STUDENTS FROM IRAN, IRAQ, LEBANON, PAKISTAN, SAUDI ARABIA, SYRIA, 29 SUDAN, SOMALIA, YEMEN, EGYPT, LIBYA, UNITED ARAB EMIRATES, 30 MALAYSIA, INDONESIA, AND THE PHILLIPPINES AND REPORT THE VISA 31 STATUS OF EACH SUCH STUDENT TO THE COLORADO COMMISSION ON 32 HIGHER EDUCATION WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF 33 THIS SECTION AND ANNUALLY THEREAFTER.". 34 35 Amendment by Representative Plant: 36 37 Amend the above Mitchell amendment as printed in the House Journal, 38 page 766, strike lines 28 through 30 and substitute the following: 39 40 "STUDENTS AND REPORT THE VISA". 41 42 The amendment was declared **passed** by the following roll call vote: 43 44 YES 49 NO 15 EXCUSED 1 ABSENT 0 45 46 Alexander Y Groff Marshall Spence Y Ν Ν 47 Y Y Bacon Y Grossman Y Miller Spradley 48 Berry Y Y Harvey Y Mitchell Y Stafford N Hefley Y 49 Borodkin Y Paschall E Stengel 50 Boyd Y Y Y Hodge Y Plant Swenson 51 Cadman Y Hoppe Y Ragsdale Y Tapia Y Ν Y 52 Chavez Jahn Ν Rhodes Y Tochtrop 53 Clapp Y Jameson Y Rippy Y Veiga Ν 54 Cloer Y Johnson Y Romanoff Y Vigil Ν Y 55 Coleman Ν Kester Y Saliman Ν Webster Y 56 Crane Y King Ν Sanchez Ν Weddig

House Journal--59th Day--March 8, 2002

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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Passed Secon 144, HB02-1 Laid over unt SB02-122, H March 11, 20 The Chairma Report. As a	d Reac 342 an il date B02-10 02. un mov shown	ling: SB0 nended. indicated 015, 1320, yed the ac by the fo	2-076, 0 retainin 1317, S loption llowing	84, 051 ame g place on C B02-114, 11 of the Com roll call vot	ended Calend 8, HB mitte e, a n	JE REPORT , 113 amende ar: HB02-119 02-1343, 1003 e of the Who najority of tho	92, 3
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55 54 55 56	<u>HB02-1010</u>		erred to the the termendation		nittee of the	Whol	e with favorab	ole

House Journal--59th Day--March 8, 2002 Page 768 1 HB02-1090 be rereferred favorably to the Committee on Health, 2 3 Environment, Welfare & Institutions. 4 5 6 <u>HB02-1151</u> be postponed indefinitely. 7 8 be referred to the Committee of the Whole with favorable <u>HB02-1180</u> 9 recommendation. 10 11 12 HB02-1254 be amended as follows, and as so amended, be referred to 13 Committee of the Whole with favorable the 14 recommendation: 15 Amend printed bill, page 3, line 17, strike "02-____," and substitute "02-16 17 1254,". 18 19 20 21 HB02-1321 be amended as follows, and as so amended, be referred to 22 the Committee of the Whole with favorable 23 recommendation: 24 25 Amend the State, Veterans, & Military Affairs Committee Report dated 26 February 21, 2002, page 14, after line 4, insert the following: 27 28 "SECTION 18. Appropriation - adjustments in 2002 long bill. 29 (1) In addition to any other appropriation, there is hereby appropriated, 30 out of any moneys in the bingo-raffle cash fund created in section 12-9-103.5, Colorado Revised Statutes, to the department of state, for the fiscal 31 year beginning July 1, 2002, the sum of eight thousand seven hundred 32 33 thirty-one dollars (\$8,731) and 0.1 +FTE, or so much thereof may be 34 necessary, for the implementation of this act. Upon transfer of the 35 unexpended and unencumbered balance of the bingo-raffle cash fund, 36 pursuant to section 24-21-104 (3) (b), Colorado Revised Statutes, the unexpended and unencumbered amount of the appropriation made in this 37 38 subsection (1) is hereby appropriated, out of any moneys in the 39 department of state cash fund created in section 24-21-104, Colorado 40 Revised Statutes, to the department of state, for the fiscal year beginning 41 July 1, 2002, for the implementation of this act. 42 43 (2) In addition to any other appropriation, there is hereby 44 appropriated, to the department of law, for the fiscal year beginning July 45 1, 2002, the sum of five hundred eighty-four dollars (\$584), or so much 46 thereof as may be necessary, for the provision of legal services to the 47 department of state related to the implementation of this act. Such sum 48 shall be from cash funds exempt received from the department of state 49 out of the appropriation made in subsection (1) of this section. 50 51 (3) For the implementation of this act, appropriations made in the 52 annual general appropriation act for the fiscal year beginning July 1, 53 2002, shall be adjusted as follows: 54 55 (a) The appropriation to the department of state, from the bingo-56 raffle cash fund created in section 12-9-103.5, Colorado Revised Statutes,

1 upon transfer of the unexpended and unencumbered balance of the bingo-2 raffle cash fund, pursuant to section 24-21-104 (3) (b), Colorado Revised 3 Statutes, is hereby reduced by the unexpended and unencumbered amount 4 of such appropriation, and such sum is hereby appropriated to the 5 department of state, out of any moneys in the department of state cash 6 fund not otherwise appropriated, for the fiscal year beginning July 1, 7 2002, for the implementation of the annual general appropriation act for 8 the fiscal year beginning July 1, 2002."; 9 10 line 5, strike "SECTION 18." and substitute "SECTION 19."; 11 12 after line 15, insert the following: 13 14 "Page 1, line 102, strike "STATE." and substitute "STATE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".". 15 16 17 18 19 20 **BUSINESS AFFAIRS & LABOR** 21 After consideration on the merits, the Committee recommends the 22 following: 23 24 <u>HB02-1330</u> be referred to the Committee of the Whole with favorable 25 recommendation. 26 27 28 SB02-032 be amended as follows, and as so amended, be referred to 29 the Committee of the Whole with favorable 30 recommendation: 31 32 Amend reengrossed bill, page 2, strike lines 2 and 3 and substitute the 33 following: 34 35 **"SECTION 1.** The introductory portion to 31-25-807 (3) (a) and 36 31-25-807 (3) (a) (II), Colorado Revised Statutes, are amended to read:"; 37 38 after line 14, insert the following: 39 40 "(II) That portion of said property taxes or all or any portion of 41 said sales taxes, or both, in excess of such amount shall be allocated to 42 and, when collected, paid into a special fund of the municipality for the 43 payment of the principal of, the interest on, and any premiums due in 44 connection with the bonds of, loans or advances to, or indebtedness 45 incurred by, whether funded, refunded, assumed, or otherwise, the municipality for financing or refinancing, in whole or in part, a 46 47 development project within the boundaries of the plan of development 48 area. Any excess municipal sales tax collection not allocated pursuant to 49 this subparagraph (II) shall be paid into the funds of the municipality. 50 Unless and until the total valuation for assessment of the taxable property 51 within the boundaries of the plan of development area exceeds the base 52 valuation for assessment of the taxable property within such boundaries, 53 as provided in subparagraph (I) of this paragraph (a), all of the taxes 54 levied upon the taxable property in such boundary area shall be paid into 55 the funds of the respective public bodies. Unless and until the total 56 municipal sales tax collections in the plan of development area exceed the

1 base year municipal sales tax collections in such area, as provided in 2 subparagraph (I) of this paragraph (a), all such sales tax collections shall 3 be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any 4 5 premiums due in connection therewith, and including any refunding securities therefor, have been paid, all taxes upon the taxable property or 6 7 the total municipal sales tax collections, or both, in such boundary area 8 shall be paid into the funds of the respective public bodies. THE 9 PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL APPLY AS FOLLOWS: 10 11 (A) FOR THE FIRST TWENTY-FIVE YEARS AFTER THE EFFECTIVE

12 DATE OF APPROVAL BY A GOVERNING BODY, SUCH EXCESS PORTION SHALL 13 INCLUDE ANY TAX LEVIED UPON TAXABLE PROPERTY WITHIN THE 14 BOUNDARIES OF THE PLAN OF DEVELOPMENT OR THE MUNICIPAL SALES 15 TAX, OR BOTH.

16

17 (B) FOR YEARS TWENTY-SIX THROUGH THIRTY-FIVE, SUCH EXCESS 18 PORTION SHALL ONLY INCLUDE THE MUNICIPAL PORTION OF TAXES LEVIED 19 UPON SUCH TAXABLE PROPERTY OR THE MUNICIPAL SALES TAX, OR BOTH; 20 EXCEPT THAT THE BOARD MAY ENTER INTO AN INTERGOVERNMENTAL 21 AGREEMENT WITH AN AFFECTED TAXING ENTITY TO ALLOW SOME AMOUNT 22 OF THE EXCESS PORTION OF THE PROPERTY TAX LEVIED BY SUCH TAXING 23 ENTITY TO BE PAID INTO THE SPECIAL FUND OF THE MUNICIPALITY, IN 24 WHICH CASE THE EXCESS PORTION SHALL ALSO INCLUDE SUCH AMOUNT.". 25

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29 **CIVIL JUSTICE & JUDICIARY**

30 After consideration on the merits, the Committee recommends the 31 following:

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- 33 **HJR02-1017** be postponed indefinitely.
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- 36 37

38 **FINANCE**

39 After consideration on the merits, the Committee recommends the 40 following:

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42 be referred to the Committee of the Whole with favorable **SB02-106** 43 recommendation.

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- 45 46
- 47

STATE, VETERANS, & MILITARY AFFAIRS 48

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

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52 HB02-1332 be referred to the Committee of the Whole with favorable 53 recommendation.

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SB02-038 be amended as follows, and as so amended, be referred to 3 the Committee of the Whole with favorable recommendation: Amend reengrossed bill, page 4, strike lines 20 through 22 and substitute the following: **"SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state 12 constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, 14 item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.". SB02-139 be referred to the Committee of the Whole with favorable recommendation. **TRANSPORTATION & ENERGY** After consideration on the merits, the Committee recommends the following: SB02-158 be referred to the Committee of the Whole with favorable recommendation. **PRINTING REPORT** The Chief Clerk reports the following bill has been correctly printed: HB02-1365. SIGNING OF BILLS - RESOLUTIONS - MEMORIALS The Speaker has signed: **SJR02-011**. **MESSAGE FROM THE SENATE** Mr. Speaker: The Senate has adopted and returns herewith: HJR02-1008; HJR02-1023, amended as printed in Senate Journal, March 7.

	Page 772	House Journal59	9th DayMarch 8, 2002
$ 1 \\ 2 \\ 3 $		INTRODUCTION OF BI First Reading	LL
$ \begin{array}{c} 1 \\ 2 \\ 3 \\ 4 \\ 5 \\ 6 \\ 7 \\ 8 \end{array} $	The followin indicated:	g bill was read by title and refe	erred to the committee
9 10	HB02-1365 Committee of	by Representative(s) JohnsonCo of specified persons from the do agency. n Business Affairs & Labor	oncerning the exemption efinition of a collection
11 12 13 14		LAY OVER OF CALENDAR	ITEMS
15		LAT OVER OF CALENDAR	
16 17 18	On motion of Calendar wer	of Representative Spradley, the free laid over until March 11, retaining	following items on the ng place on Calendar:
18 19 20 21 22		n of Senate Amendments HB02-1 n of Governor's Vetoes HB02-13 2	
22 23 24 25	On motion of 10:00 a.m., M	of Representative Spradley, the Jarch 11, 2002.	House adjourned until
23 26 27 28			Approved:
29 30 31	A		DOUG DEAN, Speaker
32	Attest:		
33 34 35	JUDITH RO Chief Clerk		