

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

Forty-eighth Legislative Day

Monday, February 25, 2002

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

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

5  
6 The roll was called with the following result:

7  
8 Present--63.  
9 Excused--Representative Hefley--1.  
10 Absent--Representative King--1.  
11 Present after roll call--Representative King.

12  
13 The Speaker declared a quorum present.

14  
15  
16 On motion of Representative Romanoff, the reading of the journal of  
17 February 22, 2002, was declared dispensed with and approved as  
18 corrected by the Chief Clerk.

19  
20  
21 **THIRD READING OF BILLS--FINAL PASSAGE**

22  
23 The following bills were considered on Third Reading. The titles were  
24 publicly read. Reading of the bill at length was dispensed with by  
25 unanimous consent.

26  
27 **HB02-1103** by Representative(s) Mitchell--Concerning the assertion of  
28 claims for exemplary damages.

29  
30 Laid over until February 26, retaining place on Calendar.

31  
32 **HB02-1340** by Representative(s) Dean; also Senator(s) Matsunaka--  
33 Concerning changes to the dates of certain events in the  
34 political party nomination process for the calendar year  
35 2002 necessitated by the redrawing of the general election  
36 precinct boundaries in accordance with the court-approved  
37 reapportionment plan for senatorial and representative  
38 districts of members of the general assembly.

39  
40 The question being "Shall the bill pass?".  
41 A roll call vote was taken. As shown by the following recorded vote, a  
42 majority of those elected to the House voted in the affirmative and the bill  
43 was declared **passed**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21 Co-sponsors added: Representatives Borodkin, Cadman, Cloer, Coleman,  
 22 Daniel, Decker, Fairbank, Garcia, Hoppe, Jahn, Kester, Lawrence, Mace,  
 23 Marshall, Paschall, Ragsdale, Romanoff, Sanchez, Spradley, Stengel, Weddig,  
 24 Williams S., Young.

25  
 26 **HB02-1261** by Representative(s) Groff, Crane, Garcia, Jahn; also  
 27 Senator(s) Dyer--Concerning the applicability of insurance  
 28 coverages under the "Colorado Auto Accident Reparations  
 29 Act".  
 30

31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.  
 35

	YES 61	NO 3	EXCUSED 1	ABSENT 0				
36								
37								
38	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
40	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
42	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
43	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
44	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
46	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
48	Crane	Y	King	N	Sanchez	Y	Weddig	Y
49	Daniel	Y	Larson	Y	Schultheis	N	White	Y
50	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
51	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
52	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
53	Garcia	Y	Madden	Y	Snook	Y	Young	Y
54							Mr. Speaker	Y
55								

56 Co-sponsors added: Representatives Chavez, Jameson, Spradley.

1 **HB02-1250** by Representative(s) Dean; also Senator(s) Tupa--  
 2 Concerning the continuation of the lottery division in the  
 3 department of revenue.  
 4

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

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

10	YES 57	NO 7	EXCUSED 1	ABSENT 0				
11								
12	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
13	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
14	Berry	Y	Harvey	Y	Mitchell	N	Stafford	N
15	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
16	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
17	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
18	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
19	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
20	Cloer	Y	Johnson	N	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	N	Schultheis	Y	White	Y
24	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
25	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
26	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
27	Garcia	Y	Madden	Y	Snook	Y	Young	Y
28							Mr. Speaker	Y
29								

30 Co-sponsors added: Representatives Garcia, Hodge, Jahn, Mace, Scott, Spence,  
 31 Stengel, Tapia, Williams S., Young.  
 32

33 **HB02-1325** by Representative(s) Cloer; also Senator(s) Hernandez--  
 34 Concerning the inclusion of licensed podiatrists as medical  
 35 providers who may authorize that a person with a  
 36 temporary physical impairment may obtain temporary  
 37 disabled parking privileges.  
 38

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

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

44	YES 64	NO 0	EXCUSED 1	ABSENT 0				
45								
46	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
47	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
48	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
49	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
50	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
51	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
52	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
53	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
54	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
55	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
56	Crane	Y	King	Y	Sanchez	Y	Weddig	Y

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

8 Co-sponsors added: Representatives Mace, Marshall, Spradley, Stafford, Vigil,  
9 Williams S.

10  
11 **HB02-1091** by Representative(s) Fritz; also Senator(s) Hanna--  
12 Concerning the augmentation of law enforcement tools  
13 used to gain compliance with laws regulating the  
14 recreational use of Colorado natural resources.

15  
16 The question being "Shall the bill pass?".  
17 A roll call vote was taken. As shown by the following recorded vote, a  
18 majority of those elected to the House voted in the affirmative and the bill  
19 was declared **passed**.

20  
21 YES 64            NO 0            EXCUSED 1            ABSENT 0

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	E	Paschall	Y	Stengel	Y
27	Boyd	Y	Hodge	Y	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	Y	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 Co-sponsors added: Representatives Garcia, Groff, Jahn, Kester, Rippy,  
42 Stafford, Stengel.

43  
44 **HB02-1221** by Representative(s) Snook, Alexander, Hoppe, Miller,  
45 White; also Senator(s) Entz--Concerning the management  
46 of black bear hunting.

47  
48 The question being "Shall the bill pass?".  
49 A roll call vote was taken. As shown by the following recorded vote, a  
50 majority of those elected to the House voted in the affirmative and the bill  
51 was declared **passed**.

52  
53 YES 35            NO 29            EXCUSED 1            ABSENT 0

54	Alexander	Y	Groff	N	Marshall	N	Spence	Y
55	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

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

15  
16 Co-sponsors added: Representatives Clapp, Fairbank, Kester, Lee.

17  
18 **SB02-045** by Senator(s) Entz, Isgar, Taylor; also Representative(s)  
19 Rippy, Hodge, Hoppe, Tapia, White--Concerning the  
20 reconciliation of inconsistent statutory provisions  
21 regarding the qualifications of electors for irrigation  
22 districts.  
23

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

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

28								
29	<u>YES</u>	64	<u>NO</u>	0	<u>EXCUSED</u>	1	<u>ABSENT</u>	0
30								
31	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
32	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
33	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
34	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
35	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
36	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
37	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
38	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
39	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
40	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
41	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
42	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
43	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
44	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
45	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
46	Garcia	Y	Madden	Y	Snook	Y	Young	Y
47							Mr. Speaker	Y

48  
49 Co-sponsors added: Representatives Alexander, Coleman, Kester.

50  
51 **HB02-1079** by Representative(s) Bacon; also Senator Windels--  
52 Concerning imposition of incarceration for violating a  
53 valid court order under the "School Attendance Law of  
54 1963".  
55

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

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

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

24  
 25 Co-sponsors added: Representatives Groff, Mace, Romanoff, Spence, Vigil.

26  
 27 **HB02-1084** by Representative(s) Stengel; also Senator(s) Hanna--  
 28 Concerning composition of the wildlife commission  
 29 membership.

30  
 31 The question being "Shall the bill pass?".

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

	YES 61	NO 3	EXCUSED 1	ABSENT 0			
38 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
40 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41 Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y
42 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
43 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
44 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
45 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
46 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
47 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
48 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
49 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
50 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
51 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
52 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
53 Garcia	Y	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

54  
 55  
 56 Co-sponsors added: Representatives Alexander, Kester.

1 **HB02-1225** by Representative(s) Lawrence; also Senator(s) Fitz-  
 2 Gerald--Concerning procedural changes for the  
 3 strengthening of criminal laws.  
 4

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

	YES 64	NO 0	EXCUSED 1	ABSENT 0			
12 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
13 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
14 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
15 Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
16 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
17 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
18 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
19 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
20 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
21 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
22 Crane	Y	King	Y	Sanchez	Y	Weddig	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
28						Mr. Speaker	Y

30 Co-sponsors added: Representatives Boyd, Coleman, Garcia, Groff, Jahn,  
 31 Kester, Mace, Romanoff, Veiga, Williams S.  
 32

33 **HB02-1218** by Representative(s) Rippy; also Senator(s) Taylor--  
 34 Concerning the requirement that any extension of an  
 35 expiring tax be deemed in effect from the date of the first  
 36 imposition of the tax when calculating the total sales and  
 37 use tax imposed by all levels of government.  
 38

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

	YES 64	NO 0	EXCUSED 1	ABSENT 0			
45 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48 Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
49 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
51 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
53 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
55 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
56 Daniel	Y	Larson	Y	Schultheis	Y	White	Y

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

7 Co-sponsors added: Representatives Coleman, Fritz, Vigil.

9 **HB02-1286** by Representative(s) Jahn; also Senator(s) Anderson--  
 10 Concerning surplus state property.

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

17	YES	64	NO	0	EXCUSED	1	ABSENT	0
19	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
20	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
21	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
22	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
23	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
24	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
25	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
26	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
27	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
28	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
29	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
30	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
31	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
32	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
33	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
34	Garcia	Y	Madden	Y	Snook	Y	Young	Y
35							Mr. Speaker	Y

37 Co-sponsors added: Representatives Cadman, Coleman, Fritz, Mace, Spradley,  
 38 Williams S.

40 **HB02-1305** by Representative(s) Williams S., Veiga, White, Hefley;  
 41 also Senator(s) Gordon, Anderson, Owen--Concerning  
 42 expansion of the definition of the crime of abuse of health  
 43 care insurance, and, in connection therewith, adding the  
 44 elimination of the need for payment by a patient of any  
 45 required financial penalty applicable in the patient's health  
 46 benefit plan to the list of ways that a person who provides  
 47 health care may commit abuse of health insurance.

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

54	YES	60	NO	4	EXCUSED	1	ABSENT	0
55	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
56	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y



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

16  
17 Co-sponsors added: Representatives Boyd, Coleman, Grossman, Jahn, Mace.

18  
19 **HB02-1258** by Representative(s) Marshall; also Senator Anderson--  
20 Concerning increased protections for victims of identity  
21 theft, and, in connection therewith, prohibiting the  
22 processing of credit report entries that are based on  
23 identity theft and expediting judicial determinations  
24 concerning identity theft.

25  
26 The question being "Shall the bill pass?".

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

30	YES 64	NO 0	EXCUSED 1	ABSENT 0				
31								
32	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
33	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
34	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
35	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
36	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
37	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
38	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
39	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
40	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
41	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
42	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
43	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
44	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
45	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
46	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
47	Garcia	Y	Madden	Y	Snook	Y	Young	Y
48							Mr. Speaker	Y

49  
50 Co-sponsors added: Representatives Bacon, Boyd, Cadman, Chavez, Cloer,  
51 Coleman, Daniel, Fairbank, Fritz, Garcia, Groff, Harvey, Jahn, Jameson, King,  
52 Lawrence, Lee, Madden, Miller, Paschall, Plant, Romanoff, Scott, Stengel,  
53 Tapia, Veiga, Vigil, Weddig, Williams S.

54  
55  
56

1 On motion of Representative Paschall, the House resolved itself into  
2 Committee of the Whole for consideration of General Orders, and he was  
3 called to the Chair to act as Chairman.

4  
5  
6 **GENERAL ORDERS--SECOND READING OF BILLS**

7  
8 The Committee of the Whole having risen, the Chairman reported the  
9 titles of the following bills had been read (reading at length had been  
10 dispensed with by unanimous consent), the bills considered and action  
11 taken thereon as follows:

12  
13 (Amendments to the committee amendment are to the printed committee  
14 report which was printed and placed in the members' bill file.)

15  
16 On motion of Representative Spradley, Consideration of **HB02-1192,**  
17 **1051, 1203, 1214, 1270** was laid over until February 26, retaining place  
18 on Calendar.

19  
20 **HB02-1151** by Representative(s) Schultheis, Cadman, Clapp, Cloer,  
21 Crane, King, Mitchell, Rhodes, Romanoff, Snook,  
22 Weddig, Witwer--Concerning the review of pilot  
23 programs, and, in connection therewith, requiring the  
24 development of objective performance measures for pilot  
25 programs and requiring annual reviews of pilot programs.

26  
27 Referred to the Committee on Appropriations.

28  
29 **HB02-1070** by Representative(s) Groff, Marshall, Tapia--Concerning  
30 the use of child passenger restraints in motor vehicles.

31  
32 Amendment No. 1, Finance Report, dated February 7, 2002, and placed  
33 in member's bill file; Report also printed in House Journal, February 11,  
34 pages 372-373.

35  
36 Amendment No. 2, by Representatives Groff, Cloer.

37  
38 Amend Finance Committee Report, dated February 7, 2002, page 2, after  
39 line 17, insert the following:

40  
41 **"SECTION 3.** 42-4-236, Colorado Revised Statutes, is amended  
42 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,** to  
43 read:

44  
45 (9) NO DRIVER IN A MOTOR VEHICLE SHALL BE CITED FOR A  
46 VIOLATION OF THIS SECTION UNLESS SUCH DRIVER WAS STOPPED BY A LAW  
47 ENFORCEMENT OFFICER FOR AN ALLEGED VIOLATION OF ARTICLES 1 TO 4  
48 OF THIS TITLE OTHER THAN A VIOLATION OF THIS SECTION OR SECTION 42-  
49 4-237.

50  
51 (10) FOR ONE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS  
52 SUBSECTION (10), A LAW ENFORCEMENT OFFICER WHO STOPS A DRIVER OF  
53 A MOTOR VEHICLE WITH AN OCCUPANT OF THE VEHICLE IN VIOLATION OF  
54 THIS SECTION SHALL WARN SUCH DRIVER THAT SUCH VIOLATION IS A CLASS  
55 B TRAFFIC INFRACTION AND SHALL NOT CITE SUCH DRIVER FOR SUCH  
56 VIOLATION."

1 Renumber succeeding section accordingly.

2

3 Page 3, line 10, strike "January" and substitute "August".

4

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

7

8 **HB02-1167** by Representative(s) Jahn, Bacon, Boyd, Daniel, Groff,  
9 Grossman, Hefley, Johnson, Lee, Madden, Marshall,  
10 Mitchell, Plant, Rippy, Saliman, Snook, Stengel, Tapia,  
11 Vigil; also Senator(s) Anderson--Concerning the repeal of  
12 the prohibition of the use of state general fund moneys  
13 associated with the notification of victims of crime.

14

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

17

18 **HB02-1220** by Representative(s) Larson; also Senator(s) Hanna--  
19 Concerning the insurance coverage of hearing aids for  
20 minors.

21

22 Amendment No. 1, Business Affairs & Labor Report, dated February 14,  
23 2002, and placed in member's bill file; Report also printed in House  
24 Journal, February 18, pages 432-433.

25

26 Amendment No. 2, by Representative Larson.

27

28 Amend the Business Affairs and Labor Committee Report, dated  
29 February 14, 2002, page 1, strike lines 1 through 3, and substitute the  
30 following:

31

32 "Amend printed bill, page 3, strike line 4, and substitute the following:

33

34 "(I) PURCHASE OF INITIAL HEARING AIDS AND REPLACEMENT  
35 HEARING AIDS NOT MORE FREQUENTLY THAN EVERY FIVE YEARS;

36

37 strike line 13 of the printed bill, and substitute the following:

38

39 "POLICY AND UTILIZATION REVIEW AS PROVIDED IN SECTIONS 10-16-112,  
40 10-16-113, AND 10-16-113.5.

41

42 (d) THE CARRIER MAY REQUIRE THAT BENEFITS ACCORDED  
43 PURSUANT TO THIS SUBSECTION (15) SHALL BE COVERED BENEFITS ONLY  
44 IF THE SERVICES ARE PROVIDED BY AN AUDIOLOGIST WITH APPROPRIATE  
45 EXPERIENCE AND SKILLS WHO IS DESIGNATED BY AND AFFILIATED WITH A  
46 HEALTH MAINTENANCE ORGANIZATION, OR WHO HAS OTHERWISE  
47 EXECUTED A CONTRACT WITH THE CARRIER PURSUANT TO THE PROVISIONS  
48 OF SECTION 10-16-121. SUCH BENEFITS SHALL ALSO BE SUBJECT TO THE  
49 PROVISIONS OF PART 7 OF THIS ARTICLE.";

50

51 line 8 of the committee report, strike "EIGHTEEN" and substitute  
52 "SIXTEEN".

53

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

56

1 **HB02-1300** by Representative(s) Spence; also Senator(s) Evans--  
 2 Concerning the preparation of teachers for licensure.

3  
 4 Referred to the Committee on Appropriations.

5  
 6  
 7 **HB02-1291** by Representative(s) Clapp, Mace; also Senator(s)  
 8 Musgrave--Concerning limitations on recommendations  
 9 regarding student behavior.

10  
 11 Amendment No. 1, by Representative Clapp.

12  
 13 Strike the Health, Environment, Welfare & Institutions Committee  
 14 Report, dated February 13, 2002, and substitute the following:

15  
 16 "Amend printed bill, page 2, strike lines 2 through 23 and substitute the  
 17 following:

18  
 19 **"SECTION 1.** 22-32-109 (1), Colorado Revised Statutes, is  
 20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21  
 22 **22-32-109. Board of education - specific duties - repeal.** (1) In  
 23 addition to any other duty required to be performed by law, each board  
 24 of education shall have and perform the following specific duties:

25  
 26 (dd) TO ADOPT A POLICY TO PROHIBIT SCHOOL PERSONNEL FROM  
 27 RECOMMENDING OR REQUIRING THE USE OF A PSYCHOTROPIC DRUG FOR  
 28 ANY STUDENT. SCHOOL PERSONNEL SHOULD BE ENCOURAGED TO REFER  
 29 CONCERNS ABOUT A CHILD'S BEHAVIOR TO AN APPROPRIATE HEALTH CARE  
 30 PROFESSIONAL.

31  
 32 **SECTION 2. Safety clause.** The general assembly hereby finds,  
 33 determines, and declares that this act is necessary for the immediate  
 34 preservation of the public peace, health, and safety."."

35  
 36 As amended, ordered engrossed and placed on the Calendar for Third  
 37 Reading and Final Passage.

38  
 39 **HB02-1311** by Representative(s) Berry, Hefley, Borodkin, Marshall,  
 40 Mitchell, Saliman, Sanchez, Stafford, Veiga, Young; also  
 41 Senator(s) Tate, Hagedorn, Matsunaka, Perlmutter,  
 42 Phillips, Reeves, Thiebaut--Concerning documents  
 43 relating to abandoned children.

44  
 45 Ordered engrossed and placed on the Calendar for Third Reading and  
 46 Final Passage.

47  
 48  
 49 On motion of Representative Spradley, the remainder of the General  
 50 Orders Calendar (**HB02-1290, 1226, 1306, 1331, 1222**) was laid over  
 51 until February 26, retaining place on Calendar.

52  
 53  
 54  
 55

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

2  
3 Passed Second Reading: **HB02-1070 amended, 1167, 1220 amended,**  
4 **1291 amended, 1311.**

5  
6 Laid over until date indicated retaining place on Calendar:  
7 **HB02-1192, 1051, 1203, 1214, 1270, 1290, 1226, 1306, 1331, 1222--**  
8 February 26, 2002.

9  
10 Referred to Committee indicated:  
11 **HB02-1151, 1300--**Committee on Appropriations.

12  
13 The Chairman moved the adoption of the Committee of the Whole  
14 Report. As shown by the following roll call vote, a majority of those  
15 elected to the House voted in the affirmative, and the Report was  
16 **adopted.**

17  
18 YES 63            NO 0            EXCUSED 2            ABSENT 0

19								
20	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
21	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
22	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
23	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
24	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
25	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
26	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
27	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
28	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
29	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
30	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
31	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
32	Decker	Y	Lawrence	E	Scott	Y	Williams S.	Y
33	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
34	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
35	Garcia	Y	Madden	Y	Snook	Y	Young	Y
36							Mr. Speaker	Y

37  
38  
39  
40  
41           House in recess. House reconvened.  
42  
43

44  
45           **REPORTS OF COMMITTEES OF REFERENCE**

46  
47           **APPROPRIATIONS**

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

50  
51 **HB02-1014** be amended as follows, and as so amended, be referred to  
52 the Committee of the Whole with favorable  
53 recommendation:  
54

55 Amend printed bill, page 3, strike lines 3 through 9, and substitute the  
56 following:

1           **"SECTION 2. Appropriation.** In addition to any other  
2 appropriation, there is hereby appropriated to the department of state, out  
3 of any moneys in the central information system cash fund created in  
4 section 4-9.3-105, Colorado Revised Statutes, not otherwise appropriated,  
5 for the fiscal year beginning July 1, 2002, the sum of five hundred eighty-  
6 seven thousand seven hundred twenty-two dollars (\$587,722), or so much  
7 thereof as may be necessary, for the implementation of this act."

8  
9  
10  
11 **HB02-1049** be postponed indefinitely.

12  
13  
14 **HB02-1094** be postponed indefinitely.

15  
16  
17 **HB02-1160** be amended as follows, and as so amended, be referred to  
18 the Committee of the Whole with favorable  
19 recommendation:

20  
21 Amend printed bill, page 6, after line 2, insert the following:

22  
23           **"SECTION 3. Appropriation.** In addition to any other  
24 appropriation, there is hereby appropriated, out of any moneys in the  
25 olympic committee fund created in section 39-22-902, Colorado Revised  
26 Statutes, not otherwise appropriated, to the department of revenue, cash  
27 and document processing division, for data entry costs, for the fiscal year  
28 beginning July 1, 2002, the sum of eight hundred twelve dollars (\$812),  
29 or so much thereof as may be necessary, for the implementation of this  
30 act."

31  
32 Renumber succeeding section accordingly.

33  
34 Page 1, line 105, strike "COMMITTEE." and substitute "COMMITTEE, AND  
35 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

36  
37  
38  
39 **HB02-1165** be referred to the Committee of the Whole with favorable  
40 recommendation.

41  
42  
43 **HB02-1176** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:

46  
47 Amend printed bill, page 4, after line 24, insert the following:

48  
49           **"SECTION 2. Appropriation.** In addition to any other  
50 appropriation, there is hereby appropriated, out of any moneys in the  
51 court-appointed special advocates fund created in section 39-22-2303 (1),  
52 Colorado Revised Statutes, not otherwise appropriated, to the department  
53 of revenue, cash and document processing division, for data entry costs,  
54 for the fiscal year beginning July 1, 2002, the sum of eight hundred  
55 twelve dollars (\$812), or so much thereof as may be necessary, for the  
56 implementation of this act."

1 Renumber succeeding section accordingly.

2

3 Page 1, line 105, strike "FUND." and substitute "FUND, AND MAKING AN  
4 APPROPRIATION IN CONNECTION THEREWITH."

5

6

7

8 **HB02-1186** be amended as follows, and as so amended, be referred to  
9 the Committee of the Whole with favorable  
10 recommendation:

11

12 Amend printed bill, page 2, after line 1, insert the following:

13

14 **"SECTION 1. Legislative intent.** The general assembly intends  
15 for organic certification to be self-funded through certification fees  
16 imposed in order to obtain such certification, and the general assembly  
17 further intends that organic certification not be funded though an  
18 appropriation from the general fund."

19

20 Renumber succeeding sections accordingly.

21

22 Page 12, after line 7, insert the following:

23

24 **"SECTION 16. Appropriation.** (1) In addition to any other  
25 appropriation, there is hereby appropriated, out of any moneys in the  
26 organic certification fund created in section 35-11.5-113 (1), Colorado  
27 Revised Statutes, not otherwise appropriated, to the department of  
28 agriculture, for the fiscal year beginning July 1, 2002, the sum of one  
29 hundred eighteen thousand nine hundred fifty-one dollars (\$118,951) and  
30 2.0 FTE, or so much thereof as may be necessary, for the implementation  
31 of this act.

32

33 (2) In addition to any other appropriation, there is hereby  
34 appropriated, to the department of law, for the fiscal year beginning July  
35 1, 2002, the sum of ten thousand five hundred seventeen dollars  
36 (\$10,517), or so much thereof as may be necessary, for the  
37 implementation of this act. Such sum shall be from cash funds exempt  
38 received from the department of agriculture out of the appropriation made  
39 in subsection (1) of this section."

40

41 Renumber succeeding sections accordingly.

42

43 Page 1, line 103, strike "1990"." and substitute "1990", AND MAKING AN  
44 APPROPRIATION THEREFOR."

45

46

47

48 **HB02-1310** be referred to the Committee of the Whole with favorable  
49 recommendation.

50

51

52

53

54

55

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4  
5 **HB02-1146** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend the Information and Technology Committee Report, dated  
10 February 4, 2002, page 2, line 6, strike "PURPOSE." and substitute  
11 "PURPOSE, INFORMATION COLLECTED IN FURTHERANCE OF LITIGATION IN  
12 WHICH THE STATE IS A PARTY, OR INFORMATION THAT IS REQUIRED TO BE  
13 COLLECTED PURSUANT TO ANY STATE OR FEDERAL STATUTE OR  
14 REGULATION.";

15  
16 line 16, strike "DATA COLLECTED" and substitute "THE COLLECTION OF  
17 PERSONALLY IDENTIFIABLE INFORMATION";

18  
19 strike lines 19 and 20 and substitute the following:

20  
21 "(c) CLEAR NOTICE OF THE APPLICABILITY OF THE STATE OPEN  
22 RECORDS ACT PURSUANT TO PART 2 OF THIS ARTICLE;";

23  
24 strike lines 25 through 28.

25  
26 Renumber succeeding subsection accordingly.

27  
28 Page 3, after line 12, insert the following:

29  
30 "(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE  
31 A PRIVATE CAUSE OF ACTION BASED ON ALLEGED VIOLATIONS OF THIS  
32 SECTION.".

33  
34  
35  
36 **HB02-1251** be postponed indefinitely.

37  
38  
39 **HB02-1252** be referred to the Committee of the Whole with favorable  
40 recommendation.

41  
42  
43 **HB02-1284** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:

46  
47 Amend printed bill, strike everything below the enacting clause and  
48 substitute the following:

49  
50 "SECTION 1. Article 10 of title 26, Colorado Revised Statutes,  
51 is amended BY THE ADDITION OF A NEW SECTION to read:

52  
53 **26-10-112. Board of veterans affairs - world war II memorial**  
54 **dedication - fund - grants - repeal.** (1) THERE IS HEREBY ESTABLISHED  
55 IN THE STATE TREASURY THE WORLD WAR II MEMORIAL DEDICATION FUND,  
56 REFERRED TO IN THIS SECTION AS THE "FUND". THE STATE DEPARTMENT



1 IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, CONTRIBUTIONS, AND  
2 DONATIONS FOR THE PURPOSES OF THIS SECTION. ANY MONEYS SO  
3 RECEIVED SHALL BE TRANSFERRED TO THE STATE TREASURY FOR DEPOSIT  
4 IN THE FUND. THE FUND SHALL CONSIST OF ANY MONEYS RECEIVED FROM  
5 SUCH GIFTS, DONATIONS, CONTRIBUTIONS, OR GRANTS FROM ANY PERSON  
6 OR ENTITY. MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL  
7 APPROPRIATION FOR THE PURPOSES SPECIFIED IN THIS SECTION. NO SUCH  
8 MONEYS SHALL BE UTILIZED FOR THE PAYMENT OF ADMINISTRATIVE COSTS  
9 OF THE STATE DEPARTMENT, BOARD, DIVISION, OR COUNTY VETERANS  
10 SERVICE OFFICES. ANY INTEREST DERIVED FROM THE DEPOSIT AND  
11 INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.  
12 AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED  
13 MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE  
14 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.  
15 ANY MONEYS REMAINING IN THE FUND UPON THE REPEAL OF THIS SECTION  
16 SHALL BE TRANSFERRED TO THE COLORADO STATE VETERANS TRUST FUND  
17 CREATED IN SECTION 26-10-111.

18  
19 (2) (a) ON AND AFTER JULY 1, 2002, THE BOARD IS AUTHORIZED TO  
20 AWARD GRANTS TO WORLD WAR II VETERANS SEEKING TO ATTEND THE  
21 DEDICATION OF THE NATIONAL WORLD WAR II MEMORIAL IN WASHINGTON,  
22 D.C. TO DEFRAY THE COSTS OF ANY OF THE FOLLOWING, OR ANY  
23 COMBINATION OF THE FOLLOWING:

- 24  
25 (I) TRANSPORTATION;  
26  
27 (II) HOUSING; OR  
28  
29 (III) MEALS.

30  
31 (b) THE BOARD SHALL ENSURE THAT PRIORITY IN AWARDING THE  
32 GRANTS SHALL BE GIVEN TO THOSE WORLD WAR II VETERANS WHO WOULD  
33 NOT BE ABLE TO ATTEND THE DEDICATION WITHOUT THE ASSISTANCE OF A  
34 GRANT. THE BOARD SHALL ALSO ENSURE THAT GRANTS ARE DISTRIBUTED  
35 EQUITABLY AMONG THE VARIOUS REGIONS OF THE STATE. GRANTS  
36 AWARDED PURSUANT TO THIS SUBSECTION (2) SHALL BE PAID OUT OF  
37 MONEYS DEPOSITED IN THE WORLD WAR II MEMORIAL DEDICATION FUND  
38 CREATED IN SUBSECTION (1) OF THIS SECTION, AND NO GRANT SHALL BE  
39 MORE THAN ONE THOUSAND DOLLARS.

40  
41 (c) COUNTY VETERANS SERVICE OFFICES, ESTABLISHED PURSUANT  
42 TO ARTICLE 9 OF THIS TITLE, SHALL RECEIVE APPLICATIONS AND FROM  
43 SUCH APPLICATIONS MAKE RECOMMENDATIONS TO THE BOARD FOR  
44 GRANTS AWARDED PURSUANT TO THIS SUBSECTION (2). THE BOARD SHALL  
45 ESTABLISH GUIDELINES THAT SET FORTH THE APPLICATION CONTENTS AND  
46 PROCESS AND THE RECOMMENDATION PROCESS. THE BOARD SHALL ALSO  
47 ESTABLISH GUIDELINES THAT REQUIRE COUNTY VETERANS SERVICE  
48 OFFICES TO FORWARD RECOMMENDATIONS TO THE BOARD ON A REGIONAL  
49 BASIS. THE BOARD AND THE DIVISION SHALL COORDINATE WITH COUNTY  
50 VETERAN SERVICE OFFICERS AND COOPERATE WITH STATEWIDE  
51 ORGANIZATIONS OF VETERANS IN IMPLEMENTING THE PROVISIONS OF THIS  
52 SECTION. THE BOARD SHALL MAKE THE FINAL DETERMINATION OF WHO  
53 SHALL RECEIVE GRANTS PURSUANT TO THIS SECTION AND SHALL AWARD  
54 THE GRANTS THROUGH COUNTY VETERANS SERVICE OFFICES.

55  
56 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004.

1           **SECTION 2.** 26-10-111 (1) (a), Colorado Revised Statutes, is  
2 amended to read:

3  
4           **26-10-111. Colorado state veterans trust fund - created -**  
5 **report.** (1) (a) There is hereby created in the state treasury the Colorado  
6 state veterans trust fund that shall consist of the moneys appropriated  
7 thereto pursuant to subsection (2) of this section. In addition, the state  
8 treasurer may credit to the trust fund any public or private gifts, grants,  
9 or donations received by the department of human services for  
10 implementation of the purposes specified in this subsection (1), AND ANY  
11 MONEYS TRANSFERRED TO THE TRUST FUND PURSUANT TO SECTION  
12 26-10-112 (1).

13  
14           **SECTION 3. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety."

17  
18  
19  
20 **HB02-1287** be amended as follows, and as so amended, be referred to  
21 the Committee of the Whole with favorable  
22 recommendation:

23  
24 Amend printed bill, page 2, strike lines 2 through 11.

25  
26 Renumber succeeding sections accordingly.

27  
28 Page 3, after line 16, insert the following:

29  
30           "(2) ANY REPORT MADE BY THE CLERK OF THE COURT OF EVERY  
31 JUDICIAL DISTRICT IN THE STATE PURSUANT TO THIS SECTION SHALL  
32 DESCRIBE THE REASON FOR THE REPORT AND INDICATE THAT THE REPORT  
33 IS MADE IN ACCORDANCE WITH 18 U.S.C. SEC. 922 (g) (4).

34  
35           (3) THE CLERK OF THE COURT OF EVERY JUDICIAL DISTRICT IN THE  
36 STATE SHALL TAKE ALL NECESSARY STEPS TO CANCEL A RECORD MADE BY  
37 THAT CLERK IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK  
38 SYSTEM IF:

39  
40           (a) THE PERSON TO WHOM THE RECORD PERTAINS MAKES A  
41 WRITTEN REQUEST TO THE CLERK; AND

42  
43           (b) THE RECORD IS BASED ON A COURT ORDER ISSUED NO LESS  
44 THAN FIVE YEARS BEFORE THE DATE OF THE WRITTEN REQUEST."

45  
46 Page 4, after line 12, insert the following:

47  
48           "(2) ANY REPORT MADE BY THE CLERK OF THE PROBATE COURT  
49 PURSUANT TO THIS SECTION SHALL DESCRIBE THE REASON FOR THE REPORT  
50 AND INDICATE THAT THE REPORT IS MADE IN ACCORDANCE WITH 18 U.S.C.  
51 SEC. 922 (g) (4).

52  
53           (3) THE CLERK OF THE PROBATE COURT SHALL TAKE ALL  
54 NECESSARY STEPS TO CANCEL A RECORD MADE BY THAT CLERK IN THE  
55 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IF:

1 (a) THE PERSON TO WHOM THE RECORD PERTAINS MAKES A  
2 WRITTEN REQUEST TO THE CLERK; AND  
3

4 (b) THE RECORD IS BASED ON A COURT ORDER ISSUED NO LESS  
5 THAN FIVE YEARS BEFORE THE DATE OF THE WRITTEN REQUEST.";  
6

7 strike lines 13 through 27.  
8

9 Page 5, strike lines 1 and 2.  
10

11 Renumber succeeding section accordingly.  
12  
13  
14

15 **HB02-1298** be amended as follows, and as so amended, be referred to  
16 the Committee on Appropriations with favorable  
17 recommendation:  
18

19 Amend printed bill, page 2, strike lines 2 through 15.  
20

21 Strike page 3.  
22

23 Page 4, strike lines 1 through 26 and substitute the following:  
24

25 "SECTION 1. Article 50 of title 24, Colorado Revised Statutes,  
26 is amended BY THE ADDITION OF A NEW PART to read:  
27

28 PART 8  
29

30 STATE EMPLOYEE INCENTIVE PROGRAM  
31

32 **24-50-801. Legislative declaration.** THE GENERAL ASSEMBLY  
33 HEREBY FINDS AND DECLARES THAT IT IS THE POLICY OF THIS STATE TO  
34 CONCENTRATE ON IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF  
35 STATE GOVERNMENT IN ORDER TO PROVIDE BETTER SERVICE TO THE  
36 CITIZENS OF THE STATE OF COLORADO, TO INCREASE STATE GOVERNMENT  
37 PRODUCTIVITY, AND TO DECREASE STATE GOVERNMENT COSTS. THE  
38 GENERAL ASSEMBLY RECOGNIZES THAT ONE METHOD OF ACHIEVING A  
39 MORE EFFICIENT AND EFFECTIVE STATE GOVERNMENT IS TO ENCOURAGE  
40 THE INVOLVEMENT OF STATE EMPLOYEES IN THE DEVELOPMENT OF  
41 INNOVATIVE IDEAS THAT WILL INCREASE THE PRODUCTIVITY AND SERVICE  
42 LEVEL OF STATE GOVERNMENT WHILE DECREASING THE COSTS OF STATE  
43 GOVERNMENT. THE GENERAL ASSEMBLY REALIZES THAT EMPLOYEE  
44 INCENTIVE PROGRAMS THAT REWARD STATE EMPLOYEES FOR INNOVATIONS  
45 BY ALLOWING THE EMPLOYEES TO SHARE THE COST SAVINGS RESULTING  
46 FROM SUCH INNOVATIONS WILL HELP ENCOURAGE EMPLOYEE  
47 INVOLVEMENT IN MAKING STATE GOVERNMENT MORE EFFICIENT AND  
48 EFFECTIVE. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THAT  
49 REWARDING STATE EMPLOYEES MAY ALSO INCREASE EMPLOYEE MORALE  
50 AND ENTHUSIASM, DECREASE EMPLOYEE TURNOVER, AND IMPROVE  
51 CUSTOMER SERVICE.  
52

53 **24-50-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE  
54 CONTEXT OTHERWISE REQUIRES:  
55

56 (1) (a) "EMPLOYEE" MEANS ANY EMPLOYEE WITHIN THE STATE

1 PERSONNEL SYSTEM.

2

3 (b) "EMPLOYEE" DOES NOT MEAN:

4

5 (I) AN EMPLOYEE OF THE OFFICE OF STATE PLANNING AND  
6 BUDGETING, THE OFFICE OF THE STATE AUDITOR, OR THE DEPARTMENT OF  
7 PERSONNEL;

8

9 (II) AN ELECTED OFFICIAL OR MEMBER OF THE GENERAL  
10 ASSEMBLY; OR

11

12 (III) THE EXECUTIVE DIRECTORS AND BUDGET OFFICERS OF  
13 PRINCIPAL DEPARTMENTS AND THEIR DEPUTIES OR THE PRESIDENTS OF ANY  
14 COLLEGE OR UNIVERSITY AND THEIR DEPUTIES.

15

16 (2) "STATE AGENCY" MEANS ANY DEPARTMENT, BOARD, BUREAU,  
17 COMMISSION, DIVISION, INSTITUTION, OR OTHER AGENCY OF THE STATE,  
18 INCLUDING INSTITUTIONS OF HIGHER EDUCATION.

19

20 **24-50-803. Employee incentive program - report by state**  
21 **personnel director.** NO LATER THAN JULY 1, 2003, THE STATE  
22 PERSONNEL DIRECTOR SHALL SUBMIT A REPORT TO THE JOINT BUDGET  
23 COMMITTEE WITH RECOMMENDATIONS FOR THE IMPLEMENTATION OF AN  
24 EMPLOYEE INCENTIVE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF  
25 THIS PART 8.

26

27 **24-50-804. Task force - creation - recommendations.** (1) NO  
28 LATER THAN AUGUST 15, 2002, THE STATE PERSONNEL DIRECTOR SHALL  
29 APPOINT A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR AN  
30 EMPLOYEE INCENTIVE PROGRAM. THE TASK FORCE SHALL INCLUDE, BUT  
31 NEED NOT BE LIMITED TO, REPRESENTATIVES FROM THE STATE PERSONNEL  
32 BOARD, THE OFFICE OF STATE PLANNING AND BUDGETING, THE OFFICE OF  
33 THE STATE CONTROLLER, THE OFFICE OF THE STATE AUDITOR, AND THE  
34 FOUR LARGEST EMPLOYEE ORGANIZATIONS REPRESENTING EMPLOYEES IN  
35 THE STATE PERSONNEL SYSTEM.

36

37 (2) THE TASK FORCE SHALL DEVELOP ITS RECOMMENDATIONS WITH  
38 INPUT FROM EMPLOYEES IN THE STATE PERSONNEL SYSTEM, MANAGERS,  
39 AND OTHER AFFECTED PARTIES AND SHALL CONSIDER INCLUDING THE  
40 FOLLOWING ELEMENTS IN THE RECOMMENDATIONS FOR AN EMPLOYEE  
41 INCENTIVE PROGRAM:

42

43 (a) PROBLEM-SOLVING TEAMS;

44

45 (b) A METHOD FOR RECEIVING PROMPT AND EFFECTIVE FEEDBACK;

46

47 (c) CRITERIA FOR ELIGIBILITY FOR THE EMPLOYEE INCENTIVE  
48 PROGRAM;

49

50 (d) A FORMULA FOR CALCULATING AND DISTRIBUTING COST  
51 SAVINGS.

52

53 (e) EMPLOYEE PROTECTIONS, INCLUDING PROVISIONS SPECIFYING  
54 THAT:

55

56 (I) NO EMPLOYEE SHALL BE RETALIATED AGAINST OR DISCIPLINED

1 FOR INITIATING OR PARTICIPATING IN AN EMPLOYEE INCENTIVE PROGRAM;  
2 AND

3  
4 (II) ANY EMPLOYEE WHO PARTICIPATES IN AN EMPLOYEE  
5 INCENTIVE PROGRAM THAT RESULTS IN THE ABOLISHMENT OF THAT  
6 EMPLOYEE'S POSITION SHALL BE OFFERED A VACANT POSITION IN THE  
7 STATE PERSONNEL SYSTEM THAT IS AT THE SAME OR HIGHER GRADE AS THE  
8 JOB BEING ABOLISHED AND FOR WHICH THE EMPLOYEE MEETS THE  
9 EDUCATION AND EXPERIENCE REQUIREMENTS WHEN SUCH POSITION IS  
10 AVAILABLE.

11  
12 (f) LIMITATIONS ON DISTRIBUTIONS OF COST SAVINGS MADE TO AN  
13 OFFICE, DIVISION, OR EMPLOYEE AS FOLLOWS:

14  
15 (I) ANY BONUS PAYABLE TO AN EMPLOYEE PURSUANT TO THIS  
16 SECTION SHALL NOT BE SALARY, AS DEFINED IN SECTION 24-51-101 (42),  
17 TO THAT EMPLOYEE FOR PURPOSES OF CALCULATING ANY EMPLOYEE  
18 BENEFIT UNDER ARTICLE 51 OF THIS TITLE.

19  
20 (II) ANY BONUS PAYABLE TO AN EMPLOYEE PURSUANT TO THIS  
21 PART 8 SHALL BE IN ADDITION TO AND SHALL NOT REDUCE:

22  
23 (A) ANY INCREASE IN COMPENSATION TO WHICH THE EMPLOYEE IS  
24 ENTITLED PURSUANT TO SECTION 24-50-104 OR ANY OTHER PROVISION OF  
25 LAW; AND

26  
27 (B) ANY INCENTIVE AWARD PAYABLE TO THE EMPLOYEE UNDER A  
28 PERFORMANCE PAY PLAN DEVELOPED BY THE STATE PERSONNEL DIRECTOR  
29 PURSUANT TO SECTION 24-50-104 (1) (c) (I).

30  
31 (III) THE TOTAL AMOUNT OF ANY BONUS AWARDED TO AN  
32 EMPLOYEE IN CONNECTION WITH A SUCCESSFUL EMPLOYEE INCENTIVE  
33 PROGRAM OR PROJECT SHALL NOT EXCEED AN AMOUNT EQUAL TO TWO  
34 TIMES THE AMOUNT OF THAT EMPLOYEE'S ANNUAL SALARY.

35  
36 (g) A MEANS OF PROVIDING PUBLIC RECOGNITION OF EMPLOYEES  
37 WHOSE INNOVATIONS RESULT IN COST SAVINGS TO THE STATE.

38  
39 (3) THE TASK FORCE SHALL SUBMIT ITS RECOMMENDATIONS TO  
40 THE STATE PERSONNEL DIRECTOR NO LATER THAN MAY 1, 2003.

41  
42 **SECTION 2. Repeal.** 24-1-128 (7) (j), Colorado Revised  
43 Statutes, is repealed as follows:

44  
45 **24-1-128. Department of personnel - creation.** (7) (j) The  
46 ~~incentive award suggestion system board. Such board, created by part 8~~  
47 ~~of article 30 of this title, and its powers, duties, and functions are~~  
48 ~~transferred by a type 2 transfer to the department of personnel.~~

49  
50 **SECTION 3. Repeal.** Part 8 of article 30 of title 24, Colorado  
51 Revised Statutes, is repealed."

52  
53 Renumber succeeding section accordingly.

54  
55  
56

1 **HB02-1321** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Amend printed bill, strike everything below the enacting clause, and  
6 substitute the following:  
7

8 **SECTION 1.** 12-9-102 (11.5), (12.5), and (18.1), Colorado  
9 Revised Statutes, are amended, and the said 12-9-102 is further amended  
10 BY THE ADDITION OF A NEW SUBSECTION, to read:  
11

12 **12-9-102. Definitions.** As used in this article, unless the context  
13 otherwise requires:  
14

15 (2.7) "DEAL" MEANS EACH SEPARATE PACKAGE OR SERIES OF  
16 PACKAGES OF PULL TABS WITH THE SAME NAME, FORM NUMBER, SERIAL  
17 NUMBER, AND COLOR CODE.  
18

19 (11.5) "License" means any license OR CERTIFICATION issued by  
20 the licensing authority pursuant to this article, INCLUDING, WITHOUT  
21 LIMITATION, THE CERTIFICATION OF A GAMES MANAGER PURSUANT TO  
22 SECTION 12-9-105.1.  
23

24 (12.5) "Licensee" means the holder of any license OR  
25 CERTIFICATION issued by the licensing authority pursuant to this article.  
26 "LICENSEE" INCLUDES THE FORMER HOLDER OF SUCH LICENSE OR  
27 CERTIFICATION FOR PURPOSES OF INVESTIGATION OF ACTIVITIES THAT  
28 TOOK PLACE DURING THE PERIOD IN WHICH SUCH LICENSE OR  
29 CERTIFICATION WAS EFFECTIVE.  
30

31 (18.1) "Pull tab game" means ~~the specific~~ A TYPE OF game of  
32 chance commonly known as a pickle, break-open, or jar raffle, LAST SALE  
33 TICKET, OR SEAL CARD for which tickets are preprinted with markings  
34 distinguishing winners and nonwinners, each ticket so made that its  
35 markings and winning or nonwinning status cannot be known or revealed  
36 until the ticket is broken or torn apart.  
37

38 **SECTION 2.** 12-9-102.5 (1), Colorado Revised Statutes, is  
39 amended, and the said 12-9-102.5 is further amended BY THE  
40 ADDITION OF A NEW SUBSECTION, to read:  
41

42 **12-9-102.5. Legislative declaration - consideration for tickets**  
43 **- conditions.** (1) The general assembly hereby finds and declares that  
44 the conduct of free product giveaways through the use of free chances for  
45 purposes of commercial advertisement, the creation of goodwill, the  
46 promotion of new products OR SERVICES, or the collection of names  
47 should not be subject to regulation under this article. Such giveaways  
48 shall be exempt from regulation under this article when all of the  
49 conditions set forth in subsection (2) of this section are satisfied.  
50

51 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF  
52 THIS SUBSECTION (4), THIS SECTION SHALL NOT AUTHORIZE THE  
53 ALLOTMENT OF A CASH PRIZE, ANY PRIZE THAT IS REDEEMABLE FOR CASH,  
54 OR ANY PRIZE OF A PRODUCT OR SERVICE, IN AMOUNT OR VALUE GREATER  
55 THAN ONE THOUSAND DOLLARS BY ANY LICENSEE AT PREMISES WHERE  
56 GAMES OF CHANCE ARE CONDUCTED, WHETHER OR NOT A FEE IS PAID FOR

1 ADMISSION TO THE PREMISES AS A CONDITION OF PARTICIPATING IN AN  
2 ALLOTMENT OF PRIZES SET FORTH IN SUBSECTION (2) OF THIS SECTION.  
3 WITHIN TEN DAYS AFTER ALLOTMENT OF ANY PRIZE, THE LICENSEE SHALL  
4 FILE WITH THE LICENSING AUTHORITY A WRITTEN REPORT CONTAINING A  
5 DESCRIPTION OF THE PRIZE, THE VALUE OF THE PRIZE, AND SUCH OTHER  
6 INFORMATION AS THE LICENSING AUTHORITY MAY REQUIRE BY RULE.  
7

8 (b) THE LICENSING AUTHORITY MAY INCREASE BY RULE THE  
9 AMOUNT OR VALUE OF A PRIZE OF A PRODUCT OR SERVICE THAT MAY BE  
10 ALLOTTED.  
11

12 **SECTION 3.** 12-9-103 (1) (a) (III), Colorado Revised Statutes,  
13 is amended, and the said 12-9-103 (1) (a) is further amended BY THE  
14 ADDITION OF A NEW SUBPARAGRAPH, to read:  
15

16 **12-9-103. Licensing authority - powers - duties - license**  
17 **suspension or revocation proceedings.** (1) The secretary of state is  
18 hereby designated as the "licensing authority" of this article. As state  
19 licensing authority, the secretary of state's powers and duties are as  
20 follows:  
21

22 (a) (III) The refusal of the licensing authority to grant OR RENEW  
23 a license shall entitle the applicant to administrative review of such  
24 refusal by an administrative law judge in accordance with subsection (2)  
25 of this section. ~~For purposes of such review, the refusal to grant a license~~  
26 ~~shall be treated as the equivalent of a suspension or revocation.~~  
27

28 (IV) IF A LICENSEE FAILS TO FILE A REPORT WITHIN THE TIME  
29 REQUIRED BY THIS ARTICLE, OR IF SUCH REPORT IS NOT PROPERLY VERIFIED  
30 OR IS NOT FULLY, ACCURATELY, AND TRUTHFULLY COMPLETED ON ITS  
31 FACE, THE LICENSING AUTHORITY MAY REFUSE TO RENEW THE LICENSEE'S  
32 LICENSE UNTIL THE LICENSEE HAS CORRECTED SUCH FAILURE OR  
33 DEFICIENCY. IF THE LICENSING AUTHORITY REFUSES TO RENEW A LICENSE  
34 PURSUANT TO THIS SUBPARAGRAPH (IV), THE LICENSEE SHALL NOT  
35 ENGAGE IN ACTIVITY AUTHORIZED BY SUCH LICENSE UNTIL SUCH LICENSE  
36 IS RENEWED.  
37

38 **SECTION 4.** 12-9-103 (1) (d) and (3) (a), Colorado Revised  
39 Statutes, are amended, and the said 12-9-103 is further amended BY THE  
40 ADDITION OF A NEW SUBSECTION, to read:  
41

42 **12-9-103. Licensing authority - powers - duties - license**  
43 **suspension or revocation proceedings.** (1) The secretary of state is  
44 hereby designated as the "licensing authority" of this article. As state  
45 licensing authority, the secretary of state's powers and duties are as  
46 follows:  
47

48 (d) Upon application by any licensee, to issue a letter ruling  
49 granting approval for any new concept, method, technology, practice, or  
50 procedure that may be applied to, or used in the conduct of, games of  
51 chance that are not in conflict with the constitution or this article.  
52 Application for such approval shall be submitted in a form prescribed by  
53 the licensing authority. If an application is not acted upon within  
54 forty-five days after ~~submission~~ RECEIPT BY THE LICENSING AUTHORITY,  
55 the licensee may implement such concept, method, technology, practice,  
56 or procedure so long as it is not in conflict with the constitution or this

1 article; EXCEPT THAT THE LICENSING AUTHORITY'S FAILURE TO ACT UPON  
 2 AN APPLICATION WITHIN FORTY-FIVE DAYS AFTER RECEIPT SHALL NOT  
 3 PRECLUDE THE LICENSING AUTHORITY FROM LATER FILING A COMPLAINT  
 4 CHALLENGING SUCH CONCEPT, METHOD, TECHNOLOGY, PRACTICE, OR  
 5 PROCEDURE ON THE GROUND THAT IT IS IN CONFLICT WITH THE  
 6 CONSTITUTION OR THIS ARTICLE. An adverse ruling on such application  
 7 may be appealed to an administrative law judge.  
 8

9 (3) (a) Upon a finding by an administrative law judge of a  
 10 violation of this article, ~~or the rules ADOPTED PURSUANT TO THIS ARTICLE,~~  
 11 ~~or both ANY OTHER PROVISION OF LAW,~~ such as would warrant the  
 12 suspension or revocation of a license, ~~the administrative law judge in~~  
 13 ~~addition to any other penalties that may be imposed, by the administrative~~  
 14 ~~law judge,~~ THE LICENSING AUTHORITY may declare the violator ineligible  
 15 to conduct a game of bingo and to apply for a license under said laws  
 16 PURSUANT TO THIS ARTICLE for a period not exceeding twelve months  
 17 after the date of such declaration. Such declaration of ineligibility may  
 18 be extended to include, in addition to the violator, any of its subsidiary  
 19 organizations, its parent organization, or otherwise, affiliated with the  
 20 violator when, in the opinion of the licensing authority, the circumstances  
 21 of the violation warrant such action.  
 22

23 (5) UPON AN ADMINISTRATIVE OR JUDICIAL FINDING OF A  
 24 VIOLATION OF THIS ARTICLE, THE RULES ADOPTED PURSUANT TO THIS  
 25 ARTICLE, OR ANY OTHER PROVISION OF LAW, SUCH AS WOULD WARRANT  
 26 THE SUSPENSION OR REVOCATION OF A LICENSE, THE LICENSING  
 27 AUTHORITY, IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE  
 28 IMPOSED, MAY ISSUE AN ORDER EXCLUDING THE VIOLATOR OR ANY  
 29 OWNER, OFFICER, DIRECTOR, OR GAMES MANAGER OF THE VIOLATOR FROM  
 30 THE LICENSED PREMISES DURING THE CONDUCT OF GAMES OF CHANCE.  
 31

32 **SECTION 5.** 12-9-103.5 (1), (2), and (3), Colorado Revised  
 33 Statutes, are amended to read:  
 34

35 **12-9-103.5. Fees - department of state cash fund.** (1) All fees  
 36 collected by the licensing authority pursuant to this article shall be  
 37 transmitted to the state treasurer who shall credit the same to the  
 38 ~~bingo-raffle~~ DEPARTMENT OF STATE cash fund CREATED IN SECTION  
 39 24-21-104 (3) (b), C.R.S., also referred to in this section as the "fund".  
 40 ~~which fund is hereby created in the state treasury.~~ The moneys in the  
 41 fund shall be subject to annual appropriation by the general assembly for  
 42 the purposes of financing the licensing and enforcement activities of the  
 43 secretary of state as specified in this article. ~~Any unexpended balance~~  
 44 ~~remaining in said fund at the end of any fiscal year shall remain in the~~  
 45 ~~fund.~~  
 46

47 (2) ~~There shall be no commingling of moneys between the fund~~  
 48 ~~and the department of state cash fund created in section 24-21-104 (3)~~  
 49 ~~(b), C.R.S.~~  
 50

51 (3) Fees authorized by this article shall be established by the  
 52 licensing authority, in consultation with the board, in amounts sufficient  
 53 to ensure that the total revenue generated by the collection of such fees  
 54 approximates the direct and indirect costs incurred by the licensing  
 55 authority in carrying out its duties under this article. The amounts of all  
 56 fees shall be reviewed annually. The licensing authority shall annually



1 furnish to the board BOTH an ANNUAL AND A QUARTERLY accounting of  
2 all fee AND FINE revenues received AND EXPENDITURES MADE pursuant to  
3 this article, together with a list of all fees in effect, for purposes of  
4 inclusion in the board's annual report to the general assembly pursuant to  
5 section 12-9-202 (1) (c).

6

7 **SECTION 6.** Part 1 of article 9 of title 12, Colorado Revised  
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
9 read:

10

11 **12-9-105.1. Games managers - certification.** (1) THE  
12 LICENSING AUTHORITY SHALL ISSUE A GAMES MANAGER CERTIFICATION TO  
13 ANY QUALIFIED APPLICANT WHO HAS DEMONSTRATED SUFFICIENT  
14 KNOWLEDGE OF THIS ARTICLE, AS DETERMINED BY THE LICENSING  
15 AUTHORITY, AND WHO HAS PAID THE FEE ESTABLISHED IN ACCORDANCE  
16 WITH SECTION 12-9-103.5 (3). A GAMES MANAGER CERTIFICATION SHALL  
17 BE VALID FOR A TIME PERIOD TO BE DETERMINED BY THE LICENSING  
18 AUTHORITY BY RULE, AND MAY BE DENIED, SUSPENDED, OR REVOKED FOR  
19 ANY VIOLATION OF THIS ARTICLE OR ANY RULE OR ORDER OF THE  
20 LICENSING AUTHORITY PROMULGATED OR ISSUED PURSUANT TO THIS  
21 ARTICLE.

22

23 (2) A PERSON SHALL NOT BE ELIGIBLE FOR CERTIFICATION OR ACT  
24 AS A GAMES MANAGER IN THE CONDUCT OF ANY GAME OF CHANCE  
25 PURSUANT TO THIS ARTICLE IF SUCH PERSON HAS BEEN CONVICTED OF ANY  
26 FELONY OR ANY OFFENSE INVOLVING GAMBLING.

27

28 (3) A PERSON SHALL NOT BE DESIGNATED OR SERVE AS A GAMES  
29 MANAGER FOR MORE THAN THREE BINGO-RAFFLE LICENSEES  
30 SIMULTANEOUSLY. THE LICENSING AUTHORITY MAY PROMULGATE RULES  
31 ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A PERSON MAY BE  
32 DESIGNATED AND SERVE AS GAMES MANAGER FOR MORE THAN THREE, BUT  
33 IN NO EVENT MORE THAN FIVE, BINGO-RAFFLE LICENSEES WITHIN A  
34 SPECIFIED PERIOD OF TIME.

35

36 **SECTION 7.** 12-9-105 (2), Colorado Revised Statutes, is  
37 amended to read:

38

39 **12-9-105. Application for bingo-raffle license.** (2) (a) In each  
40 application there shall be designated active members of the applicant  
41 organization under whom the games of chance described in the  
42 application are to be held, operated, and conducted, and to the application  
43 shall be appended a statement executed by the applicant and by the  
44 members so designated that they will be responsible for the holding,  
45 operation, and conduct of such games of chance in accordance with the  
46 terms of the license and the provisions of this article.

47

48 (b) Each designated games manager shall have been an active  
49 member of the applicant for at least the six months immediately  
50 preceding his or her designation and ~~must~~ SHALL be certified by the  
51 licensing authority PURSUANT TO SECTION 12-9-105.1 before assuming  
52 games management duties. ~~A person shall not act as a games manager in  
53 the conduct of any game of chance for more than three bingo-raffle  
54 licensees at any one time.~~

55

56 **SECTION 8.** 12-9-105.3 (3), Colorado Revised Statutes, is

1 amended to read:

2  
3 **12-9-105.3. Application for landlord license - fee.** (3) There  
4 shall be attached to each application an affidavit signed by the applicant  
5 stating that the landlord has not been convicted of any felony or any  
6 gambling-related offense as defined in article 10 of title 18, C.R.S. If the  
7 landlord is a corporation, LIMITED LIABILITY COMPANY, or partnership,  
8 such affidavit shall make such verification as to each officer and director  
9 OF SUCH CORPORATION, EACH MEMBER AND MANAGER OF SUCH LIMITED  
10 LIABILITY COMPANY, or each partner and associate ~~respectively~~ OF SUCH  
11 PARTNERSHIP.

12  
13 **SECTION 9.** 12-9-105.5 (2), Colorado Revised Statutes, is  
14 amended to read:

15  
16 **12-9-105.5. Application for manufacturer license.** (2) To each  
17 application for a manufacturer license shall be attached a statement that  
18 the applicant or its owners or its officers or directors if a corporation, or  
19 its MEMBERS, MANAGERS, partners, or associates if another business  
20 entity, has not been convicted of any felony or any offense involving  
21 gambling as defined in article 10 of title 18, C.R.S.

22  
23 **SECTION 10.** 12-9-105.7 (2), Colorado Revised Statutes, is  
24 amended to read:

25  
26 **12-9-105.7. Application for supplier license.** (2) To each  
27 application for a supplier license shall be attached a statement that the  
28 applicant or its owners or its officers or directors if a corporation, or its  
29 MEMBERS, MANAGERS, partners, or associates if another business entity,  
30 has not been convicted of any felony or any offense involving gambling  
31 as defined in article 10 of title 18, C.R.S.

32  
33 **SECTION 11.** 12-9-107 (13), Colorado Revised Statutes, is  
34 amended to read:

35  
36 **12-9-107. Persons permitted to conduct games of chance -**  
37 **premises - equipment - expenses.** (13) (a) No prize greater, in amount  
38 or value, than two hundred fifty dollars shall be offered or given in any  
39 single game of bingo or lotto conducted under any such license; except  
40 that, not more than once during a bingo occasion, a single prize in an  
41 amount or value greater than two hundred fifty dollars but not exceeding  
42 five hundred dollars may be awarded in a single game of bingo or lotto.  
43 The aggregate amount of all prizes offered or given in all games played  
44 on a single occasion shall not exceed one thousand five hundred dollars.

45  
46 (b) NOTWITHSTANDING THE LIMITATIONS STATED IN PARAGRAPH  
47 (a) OF THIS SUBSECTION (13), DURING A BINGO OCCASION A BINGO-RAFFLE  
48 LICENSEE MAY ALSO START A SINGLE GAME OF PROGRESSIVE BINGO, IN AN  
49 AMOUNT NOT TO EXCEED ONE HUNDRED DOLLARS, IN WHICH THE GAME IS  
50 WON WHEN A PREVIOUSLY DESIGNATED ARRANGEMENT OF NUMBERS OR  
51 SPACES ON THE CARD OR SHEET IS COVERED WITHIN A PREVIOUSLY  
52 DESIGNATED NUMBER OF OBJECTS OR BALLS DRAWN. IF THE GAME IS NOT  
53 WON WITHIN THE DRAWING OF THE PREVIOUSLY DESIGNATED NUMBER OF  
54 OBJECTS OR BALLS, THE GAME SHALL BE REPLAYED DURING SUBSEQUENT  
55 OCCASIONS USING THE PREVIOUSLY DESIGNATED ARRANGEMENT OF  
56 NUMBERS OR SPACES, WITH OR WITHOUT A CHANGE IN THE NUMBER OF

1 OBJECTS OR BALLS DRAWN, UNTIL THE GAME IS WON. IN EACH OCCASION  
2 AFTER THE FIRST OCCASION, THE AMOUNT OF THE PRIZE SHALL BE  
3 INCREASED BY SEVENTY PERCENT OF THE GROSS PROCEEDS COLLECTED  
4 FROM THE SALE OF PROGRESSIVE BINGO CARDS OR SHEETS AT SUCH  
5 OCCASION.

6  
7 (c) NO MORE THAN ONE GAME OF PROGRESSIVE BINGO MAY BE  
8 CONDUCTED DURING AN OCCASION. IN ORDER TO ENSURE THAT ALL PRIZES  
9 OFFERED ARE TIMELY AWARDED, THE LICENSING AUTHORITY MAY LIMIT BY  
10 RULE THE NUMBER OF OCCASIONS IN WHICH A PROGRESSIVE BINGO GAME  
11 MAY BE CONDUCTED BEFORE A PRIZE MUST BE AWARDED; EXCEPT THAT  
12 SUCH NUMBER OF OCCASIONS SHALL BE NOT LESS THAN THIRTY.

13  
14 (d) A BINGO-RAFFLE LICENSEE MAY OFFER A PROGRESSIVE  
15 PULL-TAB GAME IN WHICH A PRIZE MAY BE CARRIED OVER AND INCREASED  
16 FROM ONE DEAL TO ANOTHER UNTIL A PRIZE IS AWARDED. SUCH GAME  
17 MAY INCLUDE A SUBSEQUENT PULL-TAB DEAL BEARING A DIFFERENT  
18 SERIAL NUMBER FROM THAT OFFERED IN A PREVIOUS DEAL. NO PRIZE  
19 GREATER, IN AMOUNT OR VALUE, THAN FIVE THOUSAND DOLLARS SHALL  
20 BE OFFERED OR GIVEN IN ANY PROGRESSIVE PULL TAB GAME.

21  
22 (e) WHEN A DEAL OF PROGRESSIVE PULL TABS IS RECEIVED IN TWO  
23 OR MORE PACKAGES, BOXES, OR OTHER CONTAINERS, ALL OF THE  
24 PROGRESSIVE PULL TABS FROM THE RESPECTIVE PACKAGES, BOXES, OR  
25 OTHER CONTAINERS SHALL BE PLACED OUT FOR PLAY AT THE SAME TIME.

26  
27 (f) A BINGO-RAFFLE LICENSEE MAY OFFER A PRIZE TO THE  
28 PURCHASER OF A LAST SALE TICKET IN A PULL TAB GAME, DEAL, OR SERIES  
29 WITHOUT REGARD TO ITS WINNING OR NON-WINNING STATUS AS REVEALED  
30 IF BROKEN OR TORN APART.

31  
32 (g) EACH BINGO-RAFFLE LICENSEE SHALL MAINTAIN, IN SUCH  
33 MANNER AND AMOUNT AS THE LICENSING AUTHORITY MAY REQUIRE BY  
34 RULE, SUFFICIENT CASH FUNDS TO PROTECT THE LICENSEE'S PATRONS  
35 AGAINST DEFAULTS IN CHARITABLE GAMING DEBTS OWED OR TO BECOME  
36 PAYABLE BY THE LICENSEE. IF AT ANY TIME THE AMOUNT OF THE  
37 LICENSEE'S CASH FUNDS ARE LESS THAN THE AMOUNT OWED OR TO  
38 BECOME PAYABLE, THE LICENSEE SHALL IMMEDIATELY NOTIFY THE  
39 LICENSING AUTHORITY OF THIS DEFICIENCY. FAILURE TO MAINTAIN THE  
40 MINIMUM CASH FUNDS REQUIRED BY SUCH RULES, OR FAILURE TO NOTIFY  
41 THE LICENSING AUTHORITY OF ANY SUCH DEFICIENCIES, SHALL BE  
42 GROUNDS FOR THE IMPOSITION OF A FINE OR REVOCATION OF THE  
43 LICENSEE'S LICENSE.

44  
45 **SECTION 12.** 12-9-108 (6), Colorado Revised Statutes, is  
46 amended to read:

47  
48 **12-9-108. Bingo-affle licensee's statement of receipts -**  
49 **expenses - fee.** (6) (a) For the purposes enumerated in subsection (5) of  
50 this section, the following terms shall have the following meanings:

51  
52 (I) "Goods, wares, and merchandise" means prizes, equipment as  
53 defined in section 12-9-102 (5), electronic devices used as aids in the  
54 game of bingo, and articles of a minor nature.

55  
56 (II) "Services rendered" means:

1 (A) THE repair to OF equipment and electronic devices used as  
2 aids in the game of bingo;

3  
4 (B) Compensation to bookkeepers or accountants, not more than  
5 two in the aggregate, for services in preparing financial reports for a  
6 reasonable amount as determined by the licensing authority in rules for  
7 each occasion;

8  
9 (C) THE rental of premises; ~~in a reasonable amount as determined~~  
10 ~~by the licensing authority in rules for each occasion;~~

11  
12 (D) A reasonable amount for janitorial service as determined by  
13 the licensing authority in rules for each occasion; and

14  
15 (E) A reasonable amount for security expense based on  
16 established need as determined by the licensing authority in rules for each  
17 occasion.

18  
19 (b) There shall be paid to the licensing authority an administrative  
20 fee, established in accordance with section 12-9-103.5 (3), upon the gross  
21 receipts of any game of chance held, operated, or conducted under the  
22 provisions of this article; except that an exempt organization shall not be  
23 charged more than twenty dollars per year. All administrative fees  
24 collected by the licensing authority under this article shall be deposited  
25 in the ~~bingo-raffle~~ DEPARTMENT OF STATE cash fund created in section  
26 ~~12-9-103.5~~ 24-21-104, C.R.S.

27  
28 **SECTION 13.** 12-9-112, Colorado Revised Statutes, is amended  
29 BY THE ADDITION OF A NEW SUBSECTION to read:

30  
31 **12-9-112. Unfair trade practices.** (3) A LICENSEE SHALL NOT  
32 SELL OR OFFER FOR SALE ANY GAMES OF CHANCE OR SUPPLIES FOR GAMES  
33 OF CHANCE THAT ARE NOT AUTHORIZED BY THIS ARTICLE OR BY ANY RULES  
34 PROMULGATED PURSUANT TO THIS ARTICLE.

35  
36 **SECTION 14.** Part 1 of article 9 of title 12, Colorado Revised  
37 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
38 read:

39  
40 **12-9-112.5. Common members - bingo-raffle licensees.**  
41 (1) FOR THE PURPOSES OF THIS SECTION, "BINGO-RAFFLE LICENSEE  
42 AFFILIATE" MEANS THE FOLLOWING:

43  
44 (a) ANY PERSON THAT DIRECTLY OR INDIRECTLY THROUGH ONE OR  
45 MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR IS UNDER  
46 COMMON CONTROL WITH, A BINGO-RAFFLE LICENSEE SPECIFIED; OR

47  
48 (b) ANY PERSON THAT HAS AN OFFICER, DIRECTOR, MEMBER,  
49 MANAGER, PARTNER, GAMES MANAGER, SALARIED EMPLOYEE, OR MEMBER  
50 OF THEIR IMMEDIATE FAMILIES IN COMMON WITH A BINGO-RAFFLE  
51 LICENSEE.

52  
53 (2) PROCEEDS FROM A BINGO OR RAFFLE GAME THAT ARE  
54 TRANSFERRED FROM A BINGO-RAFFLE LICENSEE TO A BINGO-RAFFLE  
55 LICENSEE'S AFFILIATE SHALL NOT BE USED TO PAY THE SALARY,  
56 REMUNERATION, OR EXPENSES OF ANY OFFICER, DIRECTOR, MEMBER,

1 MANAGER, PARTNER, GAMES MANAGER, OR EMPLOYEE OF SUCH AFFILIATE.  
2 ALL SUCH TRANSFERRED PROCEEDS SHALL BE DEPOSITED BY THE DONEE  
3 ENTITY OR ORGANIZATION IN A SEGREGATED ACCOUNT THAT CONTAINS  
4 ONLY SUCH DONATIONS, AND SUCH TRANSFERRED PROCEEDS SHALL NOT  
5 BE COMMINGLED WITH OTHER FUNDS OF THE DONEE ENTITY OR  
6 ORGANIZATION. THE LICENSING AUTHORITY AND ITS AGENTS MAY  
7 EXAMINE OR CAUSE TO BE EXAMINED THE BOOKS AND RECORDS OF ANY  
8 DONEE ENTITY OR ORGANIZATION INsofar AS THEY MAY RELATE TO  
9 ACCOUNT OR TO ANY TRANSACTIONS CONNECTED WITH BINGO OR RAFFLE  
10 PROCEEDS.

11  
12 **SECTION 15.** 12-9-114, Colorado Revised Statutes, is amended  
13 to read:

14  
15 **12-9-114. Penalties for violation.** Every licensee and every  
16 officer, agent, or employee of the licensee and every other person or  
17 corporation who willfully violates or who procures, aids, or abets in the  
18 willful violation of this article commits a class 2 misdemeanor and shall  
19 be punished as provided in section 18-1-106, C.R.S.; EXCEPT THAT, IF THE  
20 UNDERLYING FACTUAL BASIS OF THE VIOLATION CONSTITUTES A CRIME AS  
21 DEFINED BY ANY OTHER PROVISION OF LAW, THEN SUCH PERSON MAY BE  
22 CHARGED, PROSECUTED, AND PUNISHED IN ACCORDANCE WITH SUCH  
23 OTHER PROVISION OF LAW.

24  
25 **SECTION 16.** 24-21-104 (3) (b), Colorado Revised Statutes, is  
26 amended, and the said 24-21-104 (3) is further amended BY THE  
27 ADDITION OF A NEW PARAGRAPH, to read:

28  
29 **24-21-104. Fees of secretary of state.** (3) (b) The department  
30 of state shall adjust its fees so that the revenue generated from the fees  
31 approximates its direct and indirect costs; except that the department may  
32 reduce its fees to generate revenue in an amount less than costs if  
33 necessary pursuant to section 24-75-402 (3). Such costs shall not include  
34 the costs paid by the amounts appropriated by the general assembly from  
35 the general fund to the department of state for elections pursuant to  
36 section 24-21-104.5. Such fees shall remain in effect for the fiscal year  
37 following the adjustment. All fees collected by said department, ~~shall be~~  
38 ~~transmitted to the state treasurer;~~ except moneys collected pursuant to  
39 ~~subparagraph (H) of paragraph (f) of this subsection (3), and article 55 of~~  
40 title 12, C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, who  
41 shall credit the same to the department of state cash fund, which fund is  
42 hereby created. All moneys credited to the department of state cash fund  
43 shall be used as provided in this section and shall not be deposited in or  
44 transferred to the general fund of this state or any other fund. The  
45 moneys credited to the department of state cash fund shall be available  
46 for appropriation by the general assembly to the department of state in the  
47 general appropriation bill or pursuant to section 24-9-105 (2).

48  
49 (j) (I) WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS  
50 PARAGRAPH (j), THE UNEXPENDED AND UNENCUMBERED BALANCE OF THE  
51 BINGO-RAFFLE CASH FUND CREATED IN SECTION 12-9-103.5, C.R.S., SHALL  
52 BE TRANSFERRED TO THE DEPARTMENT OF STATE CASH FUND.

53  
54 (II) THIS PARAGRAPH (j) IS REPEALED, EFFECTIVE JULY 1, 2003.

55  
56 **SECTION 17.** 12-9-201 (2) (a) (VI), (2) (f), and (2) (i), Colorado

1 Revised Statutes, are amended to read:

2

3 **12-9-201. Colorado bingo-raffle advisory board - creation.**

4 (2) The board shall consist of nine members, all of whom shall be  
5 citizens of the United States who have been residents of the state for at  
6 least the past five years. No member shall have been convicted of a  
7 felony or gambling-related offense, notwithstanding the provisions of  
8 section 24-5-101, C.R.S. No more than five of the nine members shall be  
9 members of the same political party. At the first meeting of each fiscal  
10 year, a chair and vice-chair of the board shall be chosen from the  
11 membership by a majority of the members. Membership and operation  
12 of the board shall additionally meet the following requirements:

13

14 (a) (VI) One member of the board shall be a registered elector of  
15 the state who is not ~~a member of, or employed by, a licensee~~ EMPLOYED  
16 BY OR AN OFFICER OR DIRECTOR OF A LICENSEE, DOES NOT HAVE A  
17 FINANCIAL INTEREST IN ANY LICENSE, AND DOES NOT HAVE AN ACTIVE  
18 PART IN THE CONDUCT OR MANAGEMENT OF GAMES OF CHANCE BY ANY  
19 BINGO-RAFFLE LICENSEE.

20

21 (f) The term of any member of the board who misses more than  
22 two consecutive regular board meetings without good cause, OR WHO NO  
23 LONGER MEETS THE REQUIREMENTS FOR MEMBERSHIP IMPOSED BY THIS  
24 SECTION, shall be terminated ~~and~~ BY THE APPOINTING OFFICER. Such  
25 member's successor shall be appointed in the manner provided for  
26 appointments under this section.

27

28 (i) The board shall hold at least ~~one meeting each month~~ SIX  
29 MEETINGS EACH YEAR and such additional meetings as the members may  
30 deem necessary. In addition, special meetings may be called by the chair,  
31 any three board members, or the secretary of state if written notification  
32 of such meeting is delivered to each member at least seventy-two hours  
33 prior to such meeting. Notwithstanding the provisions of section  
34 24-6-402, C.R.S., in emergency situations in which a majority of the  
35 board certifies that exigencies of time require that the board meet without  
36 delay, the requirements of public notice and of seventy-two hours' actual  
37 advance written notice to members may be dispensed with, and board  
38 members as well as the public shall receive such notice as is reasonable  
39 under the circumstances.

40

41 **SECTION 18. Effective date - applicability.** (1) This act shall  
42 take effect at 12:01 a.m. on the day following the expiration of the  
43 ninety-day period after final adjournment of the general assembly that is  
44 allowed for submitting a referendum petition pursuant to article V,  
45 section 1 (3) of the state constitution; except that, if a referendum petition  
46 is filed against this act or an item, section, or part of this act within such  
47 period, then the act, item, section, or part, if approved by the people, shall  
48 take effect on the date of the official declaration of the vote thereon by  
49 proclamation of the governor.

50

51 (2) The provisions of this act shall apply to games of chance  
52 conducted on or after the applicable effective date of this act."

53

54

55

**PRINTING REPORT**

The Chief Clerk reports the following bills have been correctly printed:  
**HB02-1350, 1351.**

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **SB02-014, 025, 072.**

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**MESSAGES FROM THE SENATE**

Mr. Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB02-158;

SB02-064, amended as printed in Senate Journal, February 15, page 258;  
SB02-086, amended as printed in Senate Journal, February 20, page 294;  
SB02-141, amended as printed in Senate Journal, February 14, pages 240-241; amended as printed in Senate Journal, February 15, page 268; amended as printed in Senate Journal, February 20, pages 294-295; and amended as printed in Senate Journal, February 22;

SB02-012, amended as printed in Senate Journal, February 20, page 295;  
SB02-079, amended as printed in Senate Journal, February 20, page 297;  
SB02-131, amended as printed in Senate Journal, February 20, page 297;  
SB02-013, amended as printed in Senate Journal, February 20, page 302;  
SB02-161, amended as printed in Senate Journal, February 20, pages 302-304;

SB02-120, amended as printed in Senate Journal, February 15, pages 272-273, and amended as printed in Senate Journal, February 21, pages 310-313;

SB02-114, amended as printed in Senate Journal, February 21, page 314;  
SB02-139, amended as printed in Senate Journal, February 21, page 314;  
SB02-128, amended as printed in Senate Journal, February 21, page 314;  
SB02-104, amended as printed in Senate Journal, February 21, page 315;  
SB02-099, amended as printed in Senate Journal, February 21, page 318;  
SB02-124, amended as printed in Senate Journal, February 21, pages 318-319;

SB02-145, amended as printed in Senate Journal, February 22.

The Senate voted to adhere to its position on SB02-064.

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

SB02-118, amended as printed in Senate Journal, February 22, pages 332-333;

SB02-085, amended as printed in Senate Journal, February 20, pages 297-298.

---

**MESSAGES FROM THE REVISOR**

1  
2  
3 We herewith transmit without comment, SB02-158; and  
4 Without comment, as amended, SB02-086, 141, 012, 079, 131, 013, 161,  
5 120, 114, 139, 128, 104, 124, and 145; and  
6 With comment, as amended, SB02-064 and 099.

7  
8  
9 We herewith transmit without comment, as amended, SB02-085 and 118.

**INTRODUCTION OF BILLS  
First Reading**

10  
11  
12  
13  
14  
15  
16 The following bills were read by title and referred to the committees  
17 indicated:

18  
19 **HB02-1352** by Representative(s) Hoppe; also Senator(s) Isgar--  
20 Concerning recommendations of the house committee on  
21 agriculture, livestock, and natural resources relating to the  
22 continuation of requirements for certain reports to the  
23 general assembly from executive agencies, and, in  
24 connection therewith, repealing reporting requirements to  
25 the general assembly that are obsolete.

26 Committee on Agriculture, Livestock, & Natural Resources

27  
28 **HB02-1353** by Representative(s) Mitchell, Boyd, Chavez, Cloer, Jahn,  
29 Johnson, Lawrence, Miller, Ragsdale, Snook, Tochtrop;  
30 also Senator(s) Hanna, Isgar, Pascoe, Tate--Concerning  
31 requirements for the retroactive adjustment of health care  
32 claims.

33 Committee on Business Affairs & Labor

34  
35 **SB02-013** by Senator(s) Isgar, Fitz-Gerald, Hagedorn, McElhany,  
36 Owen; also Representative(s) Tochtrop, Miller--Concerning  
37 prompt payment of health insurance claims.

38 Committee on Business Affairs & Labor

39  
40 **SB02-064** by Senator(s) Teck; also Representative(s) Lee--Concerning  
41 notice of convictions pertaining to employees in public  
42 schools.

43 Committee on Criminal Justice

44  
45 **SB02-086** by Senator(s) Nichol, Entz, Evans, Takis, Tupa; also  
46 Representative(s) Grossman--Concerning neighborhood  
47 notification of transportation construction projects.

48 Committee on Transportation & Energy

49 Committee on Appropriations

50  
51 **SB02-099** by Senator(s) Nichol, Entz, Isgar, Takis, Teck, Cairns; also  
52 Representative(s) Spradley--Concerning the updating of  
53 statutory provisions regarding the state military forces.

54 Committee on State, Veterans, & Military Affairs

55



- 1 **SB02-104** by Senator(s) Taylor; also Representative(s) White--  
2 Concerning authorization for the department of natural  
3 resources to acquire rights to specified state lands currently  
4 supervised by the state board of land commissioners, and, in  
5 connection therewith, authorizing the department to transfer  
6 any rights acquired to the county of Eagle.  
7 Committee on Agriculture, Livestock, & Natural Resources  
8
- 9 **SB02-114** by Senator(s) Hanna; also Representative(s) Crane--  
10 Concerning the regulation of ski area guest child care  
11 facilities.  
12 Committee on Business Affairs & Labor  
13
- 14 **SB02-118** by Senator(s) Epps, Entz, Hagedorn, Hernandez, Reeves,  
15 Takis; also Representative(s) Jameson--Concerning landlord  
16 and tenant relations.  
17 Committee on Business Affairs & Labor  
18
- 19 **SB02-120** by Senator(s) Tate; also Representative(s) Jameson--  
20 Concerning the adoption of legally enforceable local  
21 government master plans.  
22 Committee on Local Government  
23 Committee on State, Veterans, & Military Affairs  
24
- 25 **SB02-124** by Senator(s) Windels; also Representative(s) Hefley--  
26 Concerning the resolution of disputes arising from a charter  
27 school contract, and, in connection therewith, specifying  
28 procedures for the use of forms of alternative dispute  
29 resolution and modifying the process of appeals to the state  
30 board of education.  
31 Committee on Education  
32
- 33 **SB02-128** by Senator(s) Epps; also Representative(s) Hefley--  
34 Concerning the ability of youth in out-of-home placement to  
35 obtain authority from the department of revenue to drive.  
36 Committee on Health, Environment, Welfare, & Institutions  
37
- 38 **SB02-131** by Senator(s) Linkhart; also Representative(s) Stafford--  
39 Concerning insurance coverage for additional mental  
40 disorders.  
41 Committee on Health, Environment, Welfare, & Institutions  
42
- 43 **SB02-139** by Senator(s) Taylor; also Representative(s) Miller--  
44 Concerning procedures for voting by absentee ballot by  
45 members of the United States armed forces stationed outside  
46 of the United States.  
47 Committee on State, Veterans, & Military Affairs  
48
- 49 **SB02-145** by Senator(s) Owen; also Representative(s) Kester--  
50 Concerning retirement incentives to retain qualified teachers  
51 in the state, and, in connection therewith, establishing a post-  
52 retirement teaching incentive plan for public school teachers.  
53 Committee on Education  
54  
55

1 **SB02-158** by Senator(s) Isgar, Entz, Hillman, Musgrave, Nichol,  
2 Taylor; also Representative(s) Larson, Kester, Miller, Rippy,  
3 White--Concerning limitations on the size of certain  
4 vehicles.

5 Committee on Transportation & Energy

6  
7 **SB02-161** by Senator(s) Perlmutter; also Representative(s) Smith--  
8 Concerning the modification of procedures for the  
9 foreclosure of deeds of trust.

10 Committee on Finance

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 February 26, retaining place on Calendar:

18

19 Consideration of Resolutions--**HJR02-1018, 1019.**

20

21

22 On motion of Representative Spradley, the House adjourned until  
23 9:00 a.m., February 26, 2002.

24

25

Approved:

26

27

28

29

DOUG DEAN,  
Speaker

30

31 Attest:

32

33 JUDITH RODRIGUE,  
34 Chief Clerk