

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

Forty-ninth Legislative Day

Tuesday, February 26, 2002

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

3
 4 The Speaker called the House to order at 9:00 a.m.

5
 6 The roll was called with the following result:

7
 8 Present--62.

9 Excused--Representatives Hefley, Paschall, Swenson--3.

10 Present after roll call--Representatives Paschall, Swenson.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Romanoff, the reading of the journal of
 16 February 25, 2002, was declared dispensed with and approved as
 17 corrected by the Chief Clerk.

18

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 27, retaining place on Calendar.

31

32 **HB02-1291** by Representative(s) Clapp, Mace; also Senator(s)
 33 Musgrave--Concerning limitations on recommendations
 34 regarding student behavior.

35

36 As shown by the following roll call vote, a majority of all members
 37 elected to the House voted in the affirmative, and Representative Clapp
 38 was given permission to offer a Third Reading amendment:

39

YES	63	NO	0	EXCUSED	2	ABSENT	0	
Alexander		Y	Groff	Y	Marshall	Y	Spence	Y
Bacon		Y	Grossman	Y	Miller	Y	Spradley	Y
Berry		Y	Harvey	Y	Mitchell	Y	Stafford	Y

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

Third Reading amendment No. 1, by Representative Clapp.

Amend engrossed bill, page 2, line 9, strike "REFER" and substitute "DISCUSS";

strike lines 10 and 11 and substitute the following:

"CONCERNS ABOUT A CHILD'S BEHAVIOR WITH THE PARENT OR LEGAL GUARDIAN OF SUCH CHILD. SUCH DISCUSSIONS MAY INCLUDE A SUGGESTION BY SCHOOL PERSONNEL THAT THE PARENT OR LEGAL GUARDIAN SPEAK WITH AN APPROPRIATE HEALTH CARE PROFESSIONAL."

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

17	<u>YES 63</u>	<u>NO 0</u>	<u>EXCUSED 2</u>	<u>ABSENT 0</u>				
18								
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	E
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

The question being, "Shall the bill, as amended, 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, as amended, was declared **passed**.

	YES 54	NO 9	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	N	Marshall	Y	Spence	N
4	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	N
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
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	N
11	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	Y
12	Coleman	N	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	N
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	N	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

21 Co-sponsors added: Representatives Crane, Fritz, Harvey, Larson, Lee,
22 Mitchell, Paschall, Rhodes, Schultheis, Spradley, Stafford, Mr. Speaker.

23
24 **HB02-1070** by Representative(s) Groff, Marshall, Tapia; also
25 Senator(s) Hernandez--Concerning the use of child
26 passenger restraints in motor vehicles.

27
28 As shown by the following roll call vote, a majority of all members
29 elected to the House voted in the affirmative, and Representative Kester
30 was given permission to offer a Third Reading amendment:

	YES 57	NO 6	EXCUSED 2	ABSENT 0				
31								
32								
33								
34	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
35	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
36	Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
37	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
38	Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
39	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
40	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
41	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
42	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
43	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
44	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
45	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
46	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
47	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
48	Fritz	Y	Mace	N	Smith	N	Witwer	Y
49	Garcia	Y	Madden	Y	Snook	Y	Young	Y
50							Mr. Speaker	Y
51								
52								

53 **Third Reading amendment No. 1**, by Representative Kester.

54
55 Amend engrossed bill, page 5, line 3, strike "EIGHT" and substitute "SIX"
56 and strike "FIFTY-SEVEN" and substitute "FIFTY-FIVE";

1 line 6, strike "EIGHT" and substitute "SIX";

2

3 line 7, strike "FIFTY-SEVEN" and substitute "FIFTY-FIVE".

4

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

6

	YES 45	NO 18	EXCUSED 2	ABSENT 0			
9 Alexander	Y	Groff	Y	Marshall	N	Spence	N
10 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
11 Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
12 Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
13 Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
14 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
15 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
16 Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
17 Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
18 Coleman	Y	Kester	Y	Saliman	Y	Webster	N
19 Crane	Y	King	N	Sanchez	Y	Weddig	Y
20 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
21 Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
22 Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
23 Fritz	Y	Mace	N	Smith	N	Witwer	Y
24 Garcia	N	Madden	Y	Snook	Y	Young	Y
						Mr. Speaker	N

25

26

27

28 On motion of Representative Young, **HB02-1070, as amended**, was
 29 referred to the Committee on Appropriations by the following roll call
 30 vote:

31

	YES 36	NO 26	EXCUSED 2	ABSENT 1			
34 Alexander	Y	Groff	N	Marshall	N	Spence	Y
35 Bacon	N	Grossman	N	Miller	N	Spradley	Y
36 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
37 Borodkin	-	Hefley	E	Paschall	Y	Stengel	Y
38 Boyd	N	Hodge	N	Plant	N	Swenson	E
39 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
40 Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
41 Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
42 Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
43 Coleman	N	Kester	Y	Saliman	N	Webster	Y
44 Crane	Y	King	Y	Sanchez	N	Weddig	N
45 Daniel	N	Larson	Y	Schultheis	Y	White	Y
46 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
47 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
48 Fritz	Y	Mace	N	Smith	Y	Witwer	Y
49 Garcia	N	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

50

51

52

53

54 **HB02-1167** by Representative(s) Jahn, Bacon, Boyd, Daniel, Groff,
 55 Grossman, Hefley, Johnson, Lee, Madden, Marshall,
 56 Mitchell, Plant, Rippy, Saliman, Snook, Stengel, Tapia,

1 Vigil; also Senator(s) Anderson--Concerning the repeal of
 2 the prohibition of the use of state general fund moneys
 3 associated with the notification of victims of crime.
 4

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

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

10	YES 52	NO 11	EXCUSED 2	ABSENT 0			
11							
12	Alexander	Y	Groff	Y	Marshall	Y	Spence N
13	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
14	Berry	N	Harvey	Y	Mitchell	Y	Stafford N
15	Borodkin	Y	Hefley	E	Paschall	Y	Stengel Y
16	Boyd	Y	Hodge	Y	Plant	Y	Swenson E
17	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia Y
18	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
19	Clapp	N	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	N	Sanchez	Y	Weddig Y
23	Daniel	Y	Larson	Y	Schultheis	N	White Y
24	Decker	Y	Lawrence	Y	Scott	N	Williams S. Y
25	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
26	Fritz	Y	Mace	Y	Smith	N	Witwer Y
27	Garcia	Y	Madden	Y	Snook	Y	Young N
28							Mr. Speaker N
29							

30 Co-sponsors added: Representatives Alexander, Borodkin, Cloer, Coleman,
 31 Mace, Romanoff, Tochtrop.
 32
 33

34 **HB02-1220** by Representative(s) Larson; also Senator(s) Hanna--
 35 Concerning the insurance coverage of hearing aids for
 36 minors.
 37

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

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

43	YES 41	NO 23	EXCUSED 1	ABSENT 0			
44							
45	Alexander	Y	Groff	Y	Marshall	Y	Spence N
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley N
47	Berry	Y	Harvey	N	Mitchell	N	Stafford Y
48	Borodkin	Y	Hefley	E	Paschall	N	Stengel Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson N
50	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia Y
51	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop Y
52	Clapp	N	Jameson	Y	Rippy	Y	Veiga Y
53	Cloer	N	Johnson	Y	Romanoff	Y	Vigil Y
54	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
55	Crane	N	King	N	Sanchez	Y	Weddig Y
56	Daniel	Y	Larson	Y	Schultheis	N	White N

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

6
 7 Co-sponsors added: Representatives Borodkin, Boyd, Garcia, Groff, Hodge,
 8 Jahn, Jameson, Kester, Mace, Madden, Marshall, Plant, Ragsdale, Romanoff,
 9 Saliman, Sanchez, Stengel, Tochtrop, Weddig, Williams S.

10
 11

12 **HB02-1311** by Representative(s) Berry, Hefley, Borodkin, Marshall,
 13 Mitchell, Saliman, Sanchez, Stafford, Veiga, Young; also
 14 Senator(s) Tate, Hagedorn, Matsunaka, Perlmutter,
 15 Phillips, Reeves, Thiebaut--Concerning documents
 16 relating to abandoned children.

17

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

22

23 YES 63 NO 1 EXCUSED 1 ABSENT 0

24

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

42

43 Co-sponsors added: Representatives Boyd, Cloer, Coleman, Crane, Groff, Jahn,
 44 Ragsdale, Scott, Stengel, Tochtrop, Williams S.

45

46

47

48 On motion of Representative Spradley, **HB02-1310** was made Special
 49 Orders on Tuesday, February 26, 2002, at 9:55 a.m.

50

51

52 The hour of 9:55 a.m., having arrived, on motion of Representative
 53 Smith, the House resolved itself into Committee of the Whole for
 54 consideration of Special Orders and he was called to the Chair to act as
 55 Chairman.

56

SPECIAL ORDERS--SECOND READING OF BILL1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

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

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

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

Amendment No. 1, by Representative Scott.

Strike the Finance Committee Report, dated February 13, 2002, and substitute the following:

"Strike the Transportation and Energy Committee Report, dated February 6, 2002, and substitute the following:

"Amend printed bill, page 8, strike lines 4 through 27 and substitute the following:

"SECTION 4. 43-3-202.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-3-202.5. Public-private initiatives - legislative declaration - nonprofit entities. (5) THE DEPARTMENT OF TRANSPORTATION, PURSUANT TO SECTION 24-1-107.5, C.R.S., IS AUTHORIZED TO ESTABLISH, CREATE, AND APPROVE NONPROFIT ENTITIES AND BONDS ISSUED BY OR ON BEHALF OF SUCH NONPROFIT ENTITIES FOR THE PURPOSE OF FINANCING, CONSTRUCTING, OPERATING, OR MAINTAINING TOLL HIGHWAYS, TO ACCEPT THE ASSETS OF ANY SUCH NONPROFIT ENTITY, TO OBTAIN AN OPTION TO ACQUIRE THE ASSETS OF ANY SUCH NONPROFIT ENTITY BY PAYING SUCH BONDS, TO APPOINT OR APPROVE THE APPOINTMENT OF MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY, AND TO REMOVE THE MEMBERS OF THE GOVERNING BOARD OF ANY SUCH NONPROFIT ENTITY FOR CAUSE."

Strike pages 9 through 23.

Page 24, strike lines 1 through 21."

Amendment No. 2, by Representative King.

Amend the Amendment No. 1, by Representative Scott, printed in House Journal page 553, line 46, strike "CAUSE." and substitute "CAUSE. ANY

1 MONEYS THAT ARE DERIVED FROM OR ATTRIBUTABLE TO THE TOLL
2 REVENUES OF A PARTICULAR TOLL HIGHWAY SHALL BE APPLIED TO AND
3 EXPENDED IN THE CORRIDOR WHERE SUCH TOLL HIGHWAY IS LOCATED."

4
5
6 Amendment No. 3, by Representative Lawrence.

7
8 Amend printed bill, page 7, line 3, after "C.R.S.:", insert "AND";
9
10 strike line 5 and substitute "24-75-302."
11
12 strike lines 6 through 22.

13
14
15 Amendment No. 4, by Representative Spradley.

16
17 Amend printed bill, page 5, line 19, strike "ON" and substitute "(a)
18 EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), ON".

19
20 Renumber succeeding subparagraphs accordingly.

21
22 Page 6, after line 17 insert the following:

23
24 "(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
25 THIS SUBSECTION (3) TO THE CONTRARY, ANY AMOUNT REQUIRED TO BE
26 ALLOCATED TO THE OLDER COLORADANS CASH FUND IN ORDER TO
27 IMPLEMENT H.B. 02-1209, ENACTED AT THE SECOND REGULAR SESSION OF
28 THE SIXTY-THIRD GENERAL ASSEMBLY SHALL BE SO ALLOCATED PRIOR TO
29 CREDITING THE RECEIPTS TO THE FUNDS DESCRIBED IN SAID PARAGRAPH
30 (a)."

31
32 Page 25, after line 16, insert the following:

33
34 "**SECTION 6.** Except for section 39-26-123 (3) (b), Colorado
35 Revised Statutes, contained in Section 1 of this act, this act shall take
36 effect upon passage; except that Section 39-26-123 (3) (b), Colorado
37 Revised Statutes, contained in Section 1 of this act, shall take effect if
38 House Bill 02-1209 is enacted at the Second Regular Session of the
39 Sixty-third general assembly."

40
41 Renumber succeeding section accordingly.

42
43
44 Amendment No. 5, by Representative King.

45
46 Amend printed bill, page 25, after line 16, insert the following:

47
48 "**SECTION 6.** 43-3-202.5, Colorado Revised Statutes, is
49 amended BY THE ADDITION OF A NEW SUBSECTION to read:

50
51 **43-3-202.5. Public-private initiatives - legislative declaration.**
52 (5) (a) FOR PURPOSES OF THIS SECTION, "TOLL HIGHWAY" MEANS A NEW
53 HIGHWAY OR ADDITIONAL LANE CAPACITY ADDED TO AN EXISTING
54 HIGHWAY THAT IS FINANCED, CONSTRUCTED, OPERATED, OR MAINTAINED
55 PURSUANT TO THIS PART 8. A TOLL HIGHWAY MAY CONSIST OF
56 IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, PAVING, GRADING,

1 LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
 2 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS,
 3 FRONTAGE ROADS, ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES,
 4 SERVICE AREAS, ADMINISTRATIVE OR MAINTENANCE FACILITIES, GAS,
 5 ELECTRIC, WATER, SEWER, AND OTHER UTILITIES LOCATED OR TO BE
 6 LOCATED IN THE RIGHT-OF-WAY FOR A TOLL HIGHWAY, AND OTHER REAL
 7 OR PERSONAL PROPERTY, INCLUDING EASEMENTS, RIGHTS-OF-WAY, AND
 8 OTHER INTERESTS THEREIN RELATING TO THE FINANCING, CONSTRUCTION,
 9 OPERATION, AND MAINTENANCE OF A TOLL HIGHWAY.

10
 11 (b) NO PUBLIC OR PRIVATE ENTITY SHALL HAVE AUTHORITY TO
 12 TOLL PREVIOUSLY EXISTING HIGHWAY LANES."

13
 14 Renumber succeeding sections accordingly.

15
 16
 17 A motion by Representative Spradley that the Committee rise, report
 18 progress and beg leave to sit again at 1:30 p.m., was adopted by
 19 unanimous consent.

20 _____
 21
 22
 23 House reconvened.

24
 25 The Committee of the Whole reported it had risen, reported progress and
 26 would sit again at 1:30 p.m.

27 _____
 28
 29 House in recess. House reconvened.

30 _____

31
 32
 33 **REPORT OF COMMITTEE OF REFERENCE**

34
 35 **LOCAL GOVERNMENT**

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

38
 39 **HB02-1336** be amended as follows, and as so amended, be referred to
 40 the Committee of the Whole with favorable
 41 recommendation:

42
 43 Amend printed bill, page 2, strike lines 2 through 11.

44
 45 Page 3, strike lines 1 through 26.

46
 47 Renumber succeeding sections accordingly.

48
 49 Page 4, strike lines 10 through 21.

50
 51 Renumber succeeding section accordingly.

52
 53 _____
 54
 55

PRINTING REPORT1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

The Chief Clerk reports the following bills have been correctly printed:
HB02-1352, 1353.

MESSAGES FROM THE SENATE

Mr. Speaker:

The Senate has passed on Third Reading and returns herewith
HB02-1327, 1328.

The Senate has passed on Third Reading and returns herewith
HB02-1007, 1040, 1055.

The Senate has passed on Third Reading and transmitted to the Revisor
of Statutes: SB02-146

HB02-1008, amended as printed in Senate Journal, February 25,
page 341.

MESSAGE FROM THE REVISOR

We herewith transmit without comment, SB02-146; and
Without comment, as amended, HB02-1008.

**INTRODUCTION OF BILLS
First Reading**

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

SB02-012 by Senator(s) Hagedorn; also Representative(s) Spradley--
Concerning the definition of basic health benefit coverage.
Committee on Health, Environment, Welfare, & Institutions

SB02-079 by Senator(s) Lamborn; also Representative(s) Paschall--
Concerning the enforcement of the "Fair Campaign
Practices Act", article 45 of title 1, Colorado Revised
Statutes.

Committee on State, Veterans, & Military Affairs

SB02-085 by Senator(s) Takis, Entz, Hagedorn, Hernandez, Isgar,
May, Nichol, Phillips, Tate, Teck, Tupa; also
Representative(s) Sinclair--Concerning increasing the
public's participation in decisions made by transportation
authorities by providing for the public's ability to have
input into such decisions.

Committee on State, Veterans, & Military Affairs

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

4
 5
 6
 7
 8
 9

SPECIAL ORDERS--SECOND READING OF BILL

(Continued)

10

11 **HB02-1310** (continued from page 555)

12

13

14 Amendment No. 6, by Representative Williams S.

15

16 Amend printed bill, page 25, after line 16, insert the following:

17

18 "SECTION 6. 43-1-103, Colorado Revised Statutes, is amended
 19 by THE ADDITION OF A NEW SUBSECTION to read:

20

21 **43-1-103. Department created - executive director.** (5) THE
 22 DEPARTMENT OF TRANSPORTATION AND THE REGIONAL TRANSPORTATION
 23 DISTRICT SHALL COLLABORATE IN THE PLANNING AND DEVELOPMENT OF
 24 TRANSPORTATION CORRIDORS IN THE STATE WHERE APPLICABLE."

25

26 Renumber succeeding section accordingly.

27

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

30

31

32

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

33

34 Representative Grossman moved to amend the Report of the Committee
 35 of the Whole to show that Amendment No. 3, by Representative
 36 Lawrence (printed in House Journal page 554, lines 6-12) to HB02-1310,
 37 did not pass, and that **HB02-1310, as amended**, did pass.

38

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

40

41

42 YES 25 NO 37 EXCUSED 3 ABSENT 0

43

44 Alexander	N	Groff	Y	Marshall	Y	Spence	N
45 Bacon	Y	Grossman	Y	Miller	N	Spradley	N
46 Berry	N	Harvey	N	Mitchell	N	Stafford	N
47 Borodkin	Y	Hefley	E	Paschall	N	Stengel	N
48 Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
49 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
50 Chavez	E	Jahn	Y	Rhodes	N	Tochtrop	Y
51 Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
52 Cloer	N	Johnson	E	Romanoff	Y	Vigil	Y
53 Coleman	Y	Kester	N	Saliman	Y	Webster	N
54 Crane	N	King	N	Sanchez	Y	Weddig	Y
55 Daniel	Y	Larson	N	Schultheis	N	White	N
56 Decker	N	Lawrence	N	Scott	N	Williams S.	Y

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

5
6
7
8 Representative Tapia moved to amend the Report of the Committee of the
9 Whole to show that the following Tapia amendment, to HB02-1310, did
10 pass, and that **HB02-1310, as amended**, did pass.

11
12 Amend printed bill, page 25, after line 16, insert the following:

13
14 **"SECTION 6.** 43-1-106, Colorado Revised Statutes, is amended
15 **BY THE ADDITION OF A NEW SUBSECTION** to read:

16
17 **43-1-106. Transportation commission - powers and duties.**

18 (17) (a) COMMENCING WITH THE 2004-05 FISCAL YEAR THROUGH THE
19 2008-09 FISCAL YEAR, THE COMMISSION SHALL BUDGET AND ALLOCATE,
20 OUT OF MONEYS CREDITED TO THE DEPARTMENT AND IN ACCORDANCE
21 WITH THE SECTION 43-1-113, AN AMOUNT OF NOT LESS THAN FIVE MILLION
22 DOLLARS EACH YEAR TO BE DISTRIBUTED AMONG THE FIFTEEN REGIONAL
23 TRANSPORTATION PLANNING COMMISSIONS FOR RURAL AND SMALL URBAN
24 AREAS WITH POPULATIONS OF TWO HUNDRED THOUSAND PEOPLE OR LESS,
25 AS DETERMINED BY THE UNITED STATES DEPARTMENT OF COMMERCE AND
26 THE UNITED STATES BUREAU OF THE CENSUS, WHICH ALLOCATION SHALL
27 BE KNOWN AS THE "SMALL URBAN PROGRAM".

28
29 (b) THE MONEYS ALLOCATED EACH YEAR TO THE REGIONAL
30 TRANSPORTATION PLANNING COMMISSIONS PURSUANT TO PARAGRAPH (a)
31 OF THIS SUBSECTION (17) SHALL BE DISTRIBUTED AS FOLLOWS:

32
33 (I) ONE PERCENT OF THE TOTAL AMOUNT ALLOCATED SHALL BE
34 ALLOCATED TO THE DEPARTMENT FOR ADMINISTERING THE SMALL URBAN
35 PROGRAM;

36
37 (II) FIFTY PERCENT OF THE MONEYS REMAINING AFTER MAKING
38 THE ALLOCATION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b)
39 SHALL BE DISTRIBUTED TO THE REGIONAL TRANSPORTATION PLANNING
40 COMMISSIONS BASED ON THE POPULATION OF THE TRANSPORTATION
41 PLANNING REGION AS DETERMINED BY THE UNITED STATES DEPARTMENT
42 OF COMMERCE AND THE UNITED STATES BUREAU OF THE CENSUS; AND

43
44 (III) FIFTY PERCENT OF THE MONEYS REMAINING AFTER MAKING
45 THE ALLOCATION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b)
46 SHALL BE DISTRIBUTED TO THE REGIONAL TRANSPORTATION PLANNING
47 COMMISSIONS BASED ON THE DAILY STATE HIGHWAY VEHICLE MILES
48 TRAVELED IN EACH TRANSPORTATION PLANNING REGION AS DETERMINED
49 BY THE DEPARTMENT.

50
51 (c) EACH REGIONAL TRANSPORTATION PLANNING COMMISSION AND
52 THE DEPARTMENT SHALL PRIORITIZE AND SELECT PROJECTS FOR INCLUSION
53 INTO THE STATE TRANSPORTATION IMPROVEMENT PLAN. SUCH
54 RECOMMENDATIONS SHALL BE FORWARDED TO THE COMMISSION. EACH
55 TRANSPORTATION PLANNING REGION OR RESPECTIVE METROPOLITAN
56 PLANNING ORGANIZATION SHALL PROVIDE AN ANNUAL REPORT AND

1 ACCOUNTING TO THE TRANSPORTATION COMMISSION OF COLORADO NO
 2 LATER THAN OCTOBER 31 OF EACH YEAR IN WHICH A DISTRIBUTION IS
 3 MADE PURSUANT TO THIS SUBSECTION (17) OF THIS SECTION. THE STATE
 4 TRANSPORTATION LEGISLATION REVIEW COMMITTEE SHALL REVIEW THE
 5 SMALL URBAN PROGRAM ON OR BEFORE OCTOBER 31, 2007, TO EVALUATE
 6 ITS EFFECTIVENESS, CONSIDER THE FEASIBILITY OF CONTINUING THE
 7 SMALL URBAN PROGRAM AFTER ITS EXPIRATION, AND PROPOSE ANY
 8 LEGISLATION TO EFFECT ANY SUCH CONTINUANCE."
 9

10 Renumber succeeding section accordingly.

11
 12 The amendment was declared **lost** by the following roll call vote:

13
 14 YES 27 NO 36 EXCUSED 2 ABSENT 0

15								
16	Alexander	N	Groff	Y	Marshall	Y	Spence	N
17	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
18	Berry	N	Harvey	N	Mitchell	N	Stafford	N
19	Borodkin	Y	Hefley	E	Paschall	N	Stengel	N
20	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
21	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
22	Chavez	E	Jahn	Y	Rhodes	N	Tochtrop	Y
23	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
24	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
25	Coleman	Y	Kester	Y	Saliman	Y	Webster	N
26	Crane	N	King	N	Sanchez	Y	Weddig	Y
27	Daniel	Y	Larson	N	Schultheis	N	White	N
28	Decker	N	Lawrence	N	Scott	N	Williams S.	Y
29	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
30	Fritz	N	Mace	Y	Smith	N	Witwer	N
31	Garcia	Y	Madden	Y	Snook	N	Young	N
32							Mr. Speaker	N

33
 34
 35

36 Representative Madden moved to amend the Report of the Committee of
 37 the Whole to show that the following Madden amendment, to
 38 HB02-1310, did pass, and that **HB02-1310, as amended**, did pass.

39
 40 Amend printed bill, page 7, after line 22, insert the following:

41
 42 **"SECTION 3.** 43-4-205 (6.5) (a), Colorado Revised Statutes, is
 43 amended, and the said 43-4-205 (6.5) is further amended BY THE
 44 ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

45
 46 **43-4-205. Allocation of fund.** (6.5) (a) Except as provided in
 47 paragraphs (c), and (d), (e), AND (f) of this subsection (6.5), the revenues
 48 credited to the highway users tax fund pursuant to section 39-26-123 (2),
 49 C.R.S., shall be paid to the state highway fund for allocation to the
 50 department of transportation and shall be expended as provided in section
 51 43-4-206 (2).
 52

53 (e) ON AND AFTER JULY 1, 2002, FIFTEEN PERCENT OF THE
 54 REVENUES REQUIRED TO BE CREDITED TO THE HIGHWAY USERS TAX FUND
 55 PURSUANT TO SECTION 39-26-123 (2)(a)(II)(A.5), C.R.S., SHALL BE
 56 ALLOCATED TO THE MASS TRANSPORTATION CAPITAL FUND CREATED IN

1 PARAGRAPH (g) OF THIS SUBSECTION (6.5);

2

3 (f) ON AND AFTER JULY 1, 2003, FIFTEEN PERCENT OF THE AMOUNT
4 OF REVENUES ATTRIBUTABLE TO THE INCREASE IN RECEIPTS IN EXCESS OF
5 TEN PERCENT THAT ARE DIRECTED TO THE HIGHWAY USERS TAX FUND
6 COMMENCING IN SUCH FISCAL YEAR PURSUANT TO SECTION 39-26-123 (3),
7 C.R.S., SHALL BE ALLOCATED TO THE MASS TRANSPORTATION CAPITAL
8 FUND CREATED IN PARAGRAPH (g) OF THIS SUBSECTION (6.5);

9

10 (g) THE MASS TRANSPORTATION CAPITAL FUND IS HEREBY
11 CREATED IN THE STATE TREASURY. MONEYS IN THE FUND SHALL BE USED
12 TO FUND MASS TRANSIT CAPITAL PROJECTS APPROVED BY THE
13 DEPARTMENT, INCLUDING, BUT NOT LIMITED TO RAIL AND BUS PROJECTS.
14 ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS
15 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED OR
16 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
17 SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE
18 GENERAL FUND OR ANY OTHER FUND. THE MONEYS IN THE FUND SHALL BE
19 CONTINUOUSLY APPROPRIATED FOR THE PURPOSES DESCRIBED IN THIS
20 PARAGRAPH (g)."

21

22 Renumber succeeding sections accordingly.

23

24 Page 7, line 25, strike "THE" and substitute "EIGHTY-FIVE PERCENT OF
25 THE".

26

27 Page 8, strike line 3, and substitute the following:

28

29 "EXPANSION PROJECTS AND FIFTEEN PERCENT TO THE MASS
30 TRANSPORTATION CAPITAL FUND CREATED IN SECTION 43-4-205 (6.5)(g)."

31

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

33

34 YES 25 NO 38 EXCUSED 2 ABSENT 0

35

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

53

54

55

56

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

2
3 Passed Second Reading: **HB02-1310 amended.**

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

9
10 YES 41 NO 22 EXCUSED 2 ABSENT 0

11								
12	Alexander	Y	Groff	N	Marshall	N	Spence	Y
13	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
14	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
15	Borodkin	N	Hefley	E	Paschall	Y	Stengel	Y
16	Boyd	N	Hodge	N	Plant	N	Swenson	Y
17	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
18	Chavez	E	Jahn	N	Rhodes	Y	Tochtrop	N
19	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
20	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
21	Coleman	N	Kester	Y	Saliman	N	Webster	Y
22	Crane	Y	King	Y	Sanchez	Y	Weddig	N
23	Daniel	N	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	N	Madden	N	Snook	Y	Young	Y
28							Mr. Speaker	Y

29
30
31
32

33 On motion of Representative Smith, the House resolved itself into
34 Committee of the Whole for consideration of General Orders, and he was
35 called to the Chair to act as Chairman.

36
37
38 **GENERAL ORDERS--SECOND READING OF BILLS**

39
40 The Committee of the Whole having risen, the Chairman reported the
41 titles of the following bills had been read (reading at length had been
42 dispensed with by unanimous consent), the bills considered and action
43 taken thereon as follows:

44
45 (Amendments to the committee amendment are to the printed committee
46 report which was printed and placed in the members' bill file.)

47
48 On motion of Representative Spradley, Consideration of **HB02-1192,**
49 **1051, SB02-005, HB02-1333** was laid over until February 27, retaining
50 place on Calendar.

51
52 **HB02-1203** by Representative(s) Lee, Groff, Hefley, Mitchell, Plant;
53 also Senator(s) Linkhart, Epps, Evans, Gordon, Perlmutter-
54 -Concerning implementation of recommendations of the
55 committee on legal services in connection with legislative
56 review of rules and regulations of state agencies.

1 Amendment No. 1, by Representative Johnson.

2
3 Amend printed bill, page 2, strike lines 21 and 22 and substitute the
4 following:

5
6 "the following rules are not extended:

7
8 (I) The following rule of the medical services board on medical
9 assistance: Rule 8.110.52 B. 5. b. 1) l), concerning";

10
11 after line 24, insert the following:

12
13 "(II) The following rule of the medical services board on
14 utilization control measures for home- and community-based services and
15 long term home health: Rule 8.487.11, concerning provider agencies
16 conforming to all state established standards, abiding by all terms of their
17 provider agreement, complying with all federal and state statutory
18 requirements, and prohibiting discrimination against persons applying for
19 or receiving services on the basis of age, sex, religion, race, sexual
20 orientation, political belief, physical diagnosis, handicap or disability (10
21 CCR 2505-10);".

22
23 Page 3, strike line 23 and substitute the following:

24
25 "following rules are not extended:

26
27 (I) The following rule of the air quality control commission:";

28
29 after line 25, insert the following:

30
31 "(II) The following rule of the state board of health on emergency
32 medical services: Rule 10.2.2 (i), concerning unlawfully discriminating
33 in the provisions of services based upon national origin, race, color,
34 creed, religion, sex, age, physical or mental disability, sexual preference,
35 infectious disease, or economic status (6 CCR 1015-3);".

36
37 Page 7, after line 19, insert the following:

38
39 "(6) The following rules of the medical services board,
40 department of health care policy and financing, on general certification
41 standards for adult foster care and home- and community-based services
42 for the elderly, blind, and disabled provider agencies are repealed:

43
44 (a) Rule 8.483.60 A., which rule was adopted on or after
45 November 1, 1995, and before November 1, 1996, concerning any person
46 providing any service under these regulations strictly complying with all
47 federal, state and local laws, regulations and ordinances and prohibiting
48 discrimination against persons applying for or receiving services on the
49 basis of age, sex, religion, race, sexual preference, political belief,
50 physical diagnosis, handicap or disability (10 CCR 2505-10);

51
52 (b) Rule 8.515.40 A. 1., which rule was adopted on or after
53 November 1, 1996, and before November 1, 1997, concerning provider
54 agencies conforming to all state established standards for the specific
55 services they provide under this program and prohibiting discrimination
56 against persons applying for or receiving services on the basis of age, sex,

1 religion, race, sexual orientation, political belief, physical diagnosis,
2 handicap or disability (10 CCR 2505-10).".

3

4 Renumber succeeding subsection accordingly.

5

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

8

9

10 **HB02-1290** by Representative(s) Hoppe, Kester, Miller, Snook,
11 Spradley, Tapia; also Senator(s) Musgrave--Concerning
12 modifications to the correctional education program.

13

14 Amendment No. 1, Criminal Justice Report, dated February 19, 2002, and
15 placed in member's bill file; Report also printed in House Journal,
16 February 20, page 461.

17

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

20

21

22 **HB02-1270** by Representative(s) Williams T., Spradley, White,
23 Mitchell, Spence--Concerning limitations on the double
24 recovery of damages for noneconomic loss or injury in
25 civil actions involving claims under both state and federal
26 employment discrimination laws.

27

28 Laid over until February 27, retaining place on Calendar.

29

30

31 **HB02-1226** by Representative(s) Williams T., Coleman, Scott, Vigil;
32 also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning
33 the authority of the state personnel director to create a state
34 employee assistance program.

35

36 Referred to the Committee on Appropriations.

37

38

39 **HB02-1331** by Representative(s) Fritz, Fairbank--Concerning the use
40 of electronic technology when administering the "Colorado
41 Employment Security Act".

42

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

45

46 **HB02-1215** by Representative(s) Coleman, Scott, Vigil, Williams T.;
47 also Senator(s) Taylor, Anderson, Takis, Tupa--Concerning
48 risk-based inspections of nursery stock areas by the
49 department of agriculture.

50

51 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
52 dated February 20, 2002, and placed in member's bill file; Report also
53 printed in House Journal, February 22, page 497.

54

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

- 1 **HB02-1260** by Representative(s) Johnson, Fritz, Bacon, Jameson; also
2 Senator(s) Reeves, Matsunaka--Concerning changing the
3 name of the state board of agriculture to the board of
4 governors of the Colorado state university system.
5
6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
9 **HB02-1313** by Representative(s) Tochtrop, Tapia; Senator(s) Thiebaut--
10 Concerning peace officers certified by the peace officers
11 standards and training board.
12
13 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
14 dated February 20, 2002, and placed in member's bill file; Report also
15 printed in House Journal, February 22, pages 497-498.
16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.
19
20 **HB02-1222** by Representative(s) Tochtrop; also Senator(s) Nichol--
21 Concerning careless driving when the person's driving of a
22 motor vehicle is the proximate cause of at least bodily
23 injury to a person riding a motorcycle.
24
25 Amendment No. 1, Transportation & Energy Report, dated February 20,
26 2002, and placed in member's bill file; Report also printed in House
27 Journal, February 21, page 483.
28
29 As amended, referred to the Committee on Appropriations.
30
31
32 **HB02-1329** by Representative(s) Hoppe, Alexander, Clapp, Hodge,
33 Miller, Rippy, Snook, Webster; also Senator(s) Isgar,
34 Entz--Concerning the authority of the commissioner of
35 agriculture to monitor agricultural chemicals in
36 groundwater.
37
38 Referred to the Committee on Appropriations.
39
40
41 **HB02-1143** by Representative(s) Lawrence--Concerning the treatment
42 of forensic patients.
43
44 Amendment No. 1, Criminal Justice Report, dated February 21, 2002, and
45 placed in member's bill file; Report also printed in House Journal,
46 February 22, pages 501-505.
47
48 As amended, ordered engrossed and placed on the Calendar for Third
49 Reading and Final Passage.
50
51 **HB02-1224** by Representative(s) Madden--Concerning the use of sales
52 tax revenue by a local improvement district to promote
53 business development within the district.
54
55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

1 **HB02-1244** by Representative(s) Smith--Concerning moneys in the
2 identification security fund.
3

4 Amendment No. 1, Finance Report, dated February 20, 2002, and placed
5 in member's bill file; Report also printed in House Journal, February 22,
6 page 506.
7

8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.
10

11 **HB02-1269** by Representative(s) Borodkin, Swenson; also Senator(s)
12 May--Concerning the regulation of roadside advertising.
13

14 Amendment No. 1, Transportation & Energy Report, dated February 20,
15 2002, and placed in member's bill file; Report also printed in House
16 Journal, February 22, page 508.
17

18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.
20

21 **HB02-1214** by Representative(s) Chavez--Concerning county reserve
22 account moneys under the Colorado works program.
23

24 Ordered engrossed and placed on the Calendar for Third Reading and
25 Final Passage.
26

27 **HB02-1306** by Representative(s) Spence--Concerning programs related
28 to the federal "No Child Left Behind Act of 2001".
29

30 Amendment No. 1, Education Report, dated February 20, 2002, and
31 placed in member's bill file; Report also printed in House Journal,
32 February 21, pages 479-480.
33

34 Amendment No. 2, by Representative Spence.
35

36 Amend printed bill, page 2, line 23, strike "SIXTH" and substitute "FIFTH".
37

38 Amendment No. 3, by Representative Spence.
39

40 Amend printed bill, page 2, line 17, after "(g)", insert "(I)";
41

42 after line 24, insert the following:
43

44 "(II) THE ASSESSMENTS DESCRIBED IN THIS PARAGRAPH (g) SHALL
45 ONLY BE DEVELOPED OR ADMINISTERED TO THE EXTENT THAT FEDERAL
46 MONEYS ARE RECEIVED TO PAY FOR SUCH DEVELOPMENT AND
47 ADMINISTRATION. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO
48 STATE MONEYS EVER BE USED TO DEVELOP OR ADMINISTER THE
49 ASSESSMENTS DESCRIBED IN THIS PARAGRAPH (g).";
50

51 before line 25, insert the following:
52

53 "(2) THE PROGRAM DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
54 (1) OF THIS SECTION AND THE ASSESSMENT DESCRIBED IN PARAGRAPH (b)
55 OF SUBSECTION (1) OF THIS SECTION SHALL ONLY BE DESIGNED OR
56 ADMINISTERED TO THE EXTENT THAT FEDERAL MONEYS ARE RECEIVED TO

1 PAY FOR SUCH DESIGN OR ADMINISTRATION. IT IS THE INTENT OF THE
 2 GENERAL ASSEMBLY THAT NO STATE MONEYS EVER BE USED TO DESIGN
 3 THE PROGRAM OR DEVELOP OR ADMINISTER THE ASSESSMENTS DESCRIBED
 4 IN SUBSECTION (1) OF THIS SECTION."

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

8
 9
 10
 11 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

12
 13 Representative Grossman moved to amend the Report of the Committee
 14 of the Whole to show that Amendment No. 1, by Representative Johnson
 15 (printed in House Journal page 562, lines 1-56, and page 563 lines 1-4)
 16 to HB02-1203, did not pass, and that **HB02-1203 did pass**.

17
 18 The amendment was declared **lost** by the following roll call vote:

19
 20 YES 26 NO 38 EXCUSED 1 ABSENT 0

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

39
 40
 41
 42
 43 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

44
 45 Passed Second Reading: **HB02-1203 amended, 1290 amended, 1331,**
 46 **1215 amended, 1260, 1313 amended, 1143 amended, 1224,**
 47 **1244 amended, 1269 amended, 1214, 1306 amended.**

48
 49 Laid over until date indicated retaining place on Calendar: **HB02-1192,**
 50 **1051, SB02-005, HB02-1333, 1270--February 27, 2002.**

51
 52 Referred to Committee indicated:
 53 **HB02-1226, 1222 amended, 1329--Committee on Appropriations.**

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

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

26
 27
 28
 29 On motion of Representative Spradley, **HB02-1014, 1160, 1165, 1176,**
 30 **1186, 1146, 1252, 1284, 1287** were made Special Orders on Tuesday,
 31 February 26, 2002, at 4:41 p.m.

32
 33
 34 The hour of 4:41 p.m., having arrived, on motion of Representative
 35 Smith, the House resolved itself into Committee of the Whole for
 36 consideration of Special Orders and he was called to the Chair to act as
 37 Chairman.

38 39 40 **SPECIAL ORDERS--SECOND READING OF BILLS**

41
 42 The Committee of the Whole having risen, the Chairman reported the
 43 titles of the following bills had been read (reading at length had been
 44 dispensed with by unanimous consent), the bills considered and action
 45 taken thereon as follows:

46
 47 (Amendments to the committee amendment are to the printed committee
 48 report which was printed and placed in the members' bill file.)

49
 50 **HB02-1014** by Representative(s) Smith; also Senator(s) Fitz-Gerald--
 51 Concerning the removal by the secretary of state of
 52 identification numbers from financing statements filed
 53 before July 1, 2001, pursuant to repealed provisions of
 54 article 9 of the "Uniform Commercial Code", and making
 55 an appropriation therefor.
 56

1 Amendment No. 1, Appropriations Report, dated February 22, 2002, and
2 placed in member's bill file; Report also printed in House Journal,
3 February 25, pages 525-526.

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

7
8 **HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--
9 Concerning the reestablishment of the requirement that
10 Colorado state individual income tax return forms contain
11 a line whereby individual taxpayers may make a voluntary
12 contribution to the United States Olympic committee.

13
14 Amendment No. 1, Appropriations Report, dated February 22, 2002, and
15 placed in member's bill file; Report also printed in House Journal,
16 February 25, page 526.

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

20
21 **HB02-1165** by Representative(s) Chavez; also Senator(s) Tate--
22 Concerning the establishment of an independent governing
23 board for Metropolitan state college of Denver.

24
25 Amendment No. 1, Education Report, dated January 28, 2002, and placed
26 in member's bill file; Report also printed in House Journal, January 29,
27 pages 205-213.

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

31
32 **HB02-1176** by Representative(s) Alexander, Larson; also Senator(s)
33 Tate--Concerning the requirement that Colorado state
34 individual income tax return forms contain a line whereby
35 individual taxpayers may make a voluntary contribution to
36 the Colorado court-appointed special advocates fund.

37
38 Amendment No. 1, Appropriations Report, dated February 22, 2002, and
39 placed in member's bill file; Report also printed in House Journal,
40 February 25, pages 527-526.

41
42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **HB02-1186** by Representative(s) Plant, Hodge, Johnson, Snook,
46 Alexander, Jameson, Tochtrop; also Senator(s) Isgar--Con-
47 cerning the state certification of organic producers pursuant
48 to the federal "Organic Foods Production Act of 1990".

49
50 Amendment No. 1, Appropriations Report, dated February 22, 2002, and
51 placed in member's bill file; Report also printed in House Journal,
52 February 25, page 527.

53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.

56

1 **HB02-1146** by Representative(s) Smith; also Senator(s) Gordon--
2 Concerning a uniform state privacy policy for the purpose
3 of standardizing the treatment of personally identifiable
4 information collected by state governmental entities.
5

6 Amendment No. 1, Information & Technology Report, dated February 4,
7 2002, and placed in member's bill file; Report also printed in House
8 Journal, February 6, pages 319-321.
9

10 Amendment No. 2, State, Veterans, & Military Affairs Report, dated
11 February 21, 2002, and placed in member's bill file; Report also printed
12 in House Journal, February 25, page 528.
13

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

17 **HB02-1252** by Representative(s) Vigil--Concerning the election of
18 county commissioners representing individual districts,
19 and, in connection therewith, giving the voters of counties
20 with three commissioners the power to change from at-
21 large voting to voting by district for commissioners and
22 requiring that commissioner districts preserve communities
23 of interest when possible.
24

25 Amendment No. 1, by Representative Plant.
26

27 Amend printed bill, page 3, line 4, strike "NINETIETH" and substitute "ONE
28 HUNDRED FIFTIETH";
29

30 line 9, strike "A" and substitute "IN THE ABSENCE OF A REFERENDUM AS
31 PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) OR SECTION
32 30-10-306.5 (2), OR AN INITIATIVE AS PROVIDED IN SECTION 30-10-306.5
33 (3), A".
34

35 As amended, declared **lost** on Second Reading.
36
37

38 **HB02-1284** by Representative(s) Grossman, Sinclair--Concerning the
39 authorization of need-based grants for veterans to defray
40 the costs of attendance at the dedication of the world war
41 II memorial in Washington, D.C.
42

43 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
44 February 21, 2002, and placed in member's bill file; Report also printed
45 in House Journal, February 25, pages 528-530.
46

47 Amendment No. 2, by Representative Grossman.
48

49 Amend the State, Veterans, and Military Affairs Committee Report, dated
50 February 21, 2002, page 2, line 8, strike "SEEKING TO ATTEND" and
51 substitute "FOR THE PURPOSE OF ATTENDING".
52

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

1 **HB02-1287** by Representative(s) Veiga; also Senator(s) Phillips--
2 Concerning access to records for purposes of background
3 checks conducted in connection with firearm transfers.
4

5 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
6 February 21, 2002, and placed in member's bill file; Report also printed
7 in House Journal, February 25, pages 530-531.
8

9 Amendment No. 2, by Representative Veiga.

10
11 Amend printed bill, page 4, after line 12, insert the following:
12

13 "SECTION 4. 18-4-412 (4), Colorado Revised Statutes, is
14 amended to read:
15

16 **18-4-412. Theft of medical records or medical information -**
17 **penalty.** (4) The obtaining, accessing, use, or disclosure of relevant
18 medical records or medical information pursuant to 18 U.S.C. sec. 922 (t)
19 and ~~section 24-33.5-424~~ SECTIONS 24-33.5-424, 13-5-142, AND 13-9-123,
20 C.R.S., by the Colorado bureau of investigation, THE CLERK OF THE
21 COURT OF ANY JUDICIAL DISTRICT IN THE STATE, THE CLERK OF THE
22 PROBATE COURT OF THE CITY AND COUNTY OF DENVER, or by any of its
23 THEIR employees and accessing such records and information through the
24 NICS system shall not constitute theft of a medical record or medical
25 information under this section."
26

27 Renumber succeeding sections accordingly.
28

29 As amended, ordered engrossed and placed on the Calendar for Third
30 Reading and Final Passage.
31

32
33
34 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
35

36 Representative Vigil moved to amend the Report of the Committee of the
37 Whole to show that **HB02-1252, as amended**, did pass.
38

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

	YES	25	NO	39	EXCUSED	1	ABSENT	0
43 Alexander	N		Groff	Y	Marshall	Y	Spence	N
44 Bacon	Y		Grossman	Y	Miller	N	Spradley	N
45 Berry	N		Harvey	N	Mitchell	N	Stafford	N
46 Borodkin	Y		Hefley	E	Paschall	N	Stengel	Y
47 Boyd	Y		Hodge	Y	Plant	Y	Swenson	N
48 Cadman	N		Hoppe	N	Ragsdale	N	Tapia	Y
49 Chavez	Y		Jahn	Y	Rhodes	N	Tochtrop	N
50 Clapp	N		Jameson	Y	Rippy	N	Veiga	Y
51 Cloer	N		Johnson	N	Romanoff	Y	Vigil	Y
52 Coleman	N		Kester	N	Saliman	Y	Webster	N
53 Crane	N		King	N	Sanchez	Y	Weddig	Y
54 Daniel	Y		Larson	N	Schultheis	N	White	N
55 Decker	N		Lawrence	N	Scott	N	Williams S.	Y
56 Fairbank	N		Lee	N	Sinclair	Y	Williams T.	N

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

8
9 Passed Second Reading: **HB02-1014 amended, 1160 amended, 1165 amended, 1176 amended, 1186 amended, 1146 amended, 1284 amended, 1287 amended.**

12
13 Lost on Second Reading: **HB02-1252 amended.**

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

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

LAY OVER OF CALENDAR ITEMS

44 On motion of Representative Spradley, the following items on the
45 Calendar were laid over until February 27, retaining place on Calendar:

46
47 Consideration of Resolutions--**HJR02-1018, 1019.**

48
49
50 On motion of Representative Spradley, the House adjourned until
51 9:00 a.m., February 27, 2002.

52 Approved:

53
54 Attest:
55 JUDITH RODRIGUE,
56 Chief Clerk

DOUG DEAN,
Speaker