

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

One Hundred-nineteenth Legislative Day Tuesday, May 7, 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 Pledge of Allegiance led by the Color Guard from the Department of
9 Corrections.

10
11 Present--65.

12
13 The Speaker declared a quorum present.

14
15
16 On motion of Representative Daniel, the reading of the journal of May 7,
17 2002, was declared dispensed with and approved as corrected by the
18 Chief Clerk.

CONSIDERATION OF RESOLUTIONS

19
20
21
22
23
24 **HJR02-1074** by Representative(s) Spradley; also Senator(s) Chlouber--
25 Concerning declaration of the week of May 5, 2002, as
26 Correctional Employees Appreciation Week.

27
28 (Printed and placed in member's file; also printed in House Journal,
29 April 19, page 1473.)

30
31 On motion of Representative Spradley, the resolution was read at length
32 and **adopted** by **viva voce** vote.

33
34 Co-sponsors added: Roll call of the House.

35
36
37 **HJR02-1064** by Representative(s) Spence; also Senator(s) Anderson--
38 Concerning honoring University of Colorado Regent
39 Norwood Robb.

40
41 (Printed and placed in member's file; also printed in House Journal,
42 April 17, pages 1410-1411.)

43

1 On motion of Representative Spence, the resolution was read at length
2 and **adopted** by **viva voce** vote.

3
4 Co-sponsors added: Roll call of the House.

5
6
7
8 House in recess. House reconvened.

9
10
11
12 **MESSAGE FROM THE SENATE**

13 Mr. Speaker:
14
15 The Senate has adopted and transmits herewith: SJR02-006, 026, 035.

16
17
18
19 **INTRODUCTION OF RESOLUTIONS**

20
21 The following resolutions were read by title and laid over until later in the
22 day:

23
24 **SJR02-006** by Senator(s) Taylor; also Representative(s) White, Rippy
25 --Concerning the honoring of Colorado's 2002 Olympic
26 Winter Games athletes.

27
28 **SJR02-026** by Senator(s) Entz, Phillips, Teck; also Representative(s)
29 Borodkin, Bacon, Daniel, Garcia, Hodge, Hoppe, Jahn,
30 Madden, Marshall, Rippy, Stengel, Tapia, Veiga, Weddig--
31 Concerning honoring general aviation in Colorado and
32 Aircraft Owners and Pilots Association President Phil
33 Boyer for their contributions to Colorado's economy and
34 their success in restoring the "freedom to fly" in America.

35
36
37
38 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

39
40 The following resolution was read by title and given immediate
41 consideration:

42
43 **SJR02-035** by Senator(s) Owen, Arnold, Phillips; also
44 Representative(s) Webster--Concerning commemoration of
45 the 100th anniversary of Johnstown.

46
47 On motion of Representative Spradley, the rules were suspended and the
48 resolution given immediate consideration.

49
50 On motion of Representative Webster, the resolution was read at length
51 and **adopted** by **viva voce** vote.

52
53 Co-sponsors added: Roll call of the House.

54
55
56

1 **THIRD READING OF BILLS--FINAL PASSAGE**

2
3 The following bills were considered on Third Reading. The titles were
4 publicly read. Reading of the bill at length was dispensed with by
5 unanimous consent.

6
7 **HCR02-1011** by Representative(s) Young--Submitting to the registered
8 electors of the state of Colorado an amendment to section
9 48 of article V of the constitution of the state of
10 Colorado, concerning legislative reapportionment, and,
11 in connection therewith, changing the number of
12 members of the Colorado reapportionment commission
13 from eleven to thirteen, granting authority to the
14 legislative leadership of the general assembly to appoint
15 twelve commission members whose appointees would
16 then agree on a final commission member, and clarifying
17 that the proceedings of the commission are subject to
18 legal requirements governing public records and open
19 meetings.

20
21 Laid over until May 8, retaining place on Calendar.

22
23 **HB02-1272** by Representative(s) Daniel, Groff, Hefley, Romanoff,
24 Spence, Williams S.; also Senator(s) Teck--Concerning the
25 participation of children in on-line programs, and, in
26 connection therewith, eliminating certain restrictions
27 related to a school district's pupil enrollment count and
28 establishing eligibility for funding from the state education
29 fund, and making an appropriation therefor.

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
36 YES 62 NO 3 EXCUSED 0 ABSENT 0

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	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hodge	Y	Plant	N	Swenson	Y
43	Cadman	Y	Hoppe	Y	Ragsdale	Y	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	N	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
54							Mr. Speaker	Y

55
56 Co-sponsors added: Representatives Jahn, King, Scott, Stafford.

1 **SB02-202** by Senator(s) Takis; also Representative(s) Fritz--
 2 Concerning the regulation of motor vehicle carriers exempt
 3 from regulation as public utilities.
 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 61	NO 4	EXCUSED 0	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	N	Stafford	Y
15	Borodkin	Y	Hefley	Y	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	N	Larson	N	Schultheis	Y	White	N
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 Hoppe, Johnson.

31
 32 **SB02-207** by Senator(s) Hagedorn; also Representative(s) Stengel--
 33 Concerning alcohol beverage licensing, and making an
 34 appropriation in connection therewith.
 35

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

	YES 62	NO 3	EXCUSED 0	ABSENT 0				
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	N	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y

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

4
5
6
7 **SB02-064** by Senator(s) Teck; also Representative(s) Lee--
8 Concerning notice of convictions pertaining to employees
9 in public schools.

10
11 The question being "Shall the bill pass?".
12 A roll call vote was taken. As shown by the following recorded vote, a
13 majority of those elected to the House voted in the affirmative and the bill
14 was declared **passed**.

15	YES	55	NO	10	EXCUSED	0	ABSENT	0
18	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
19	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
20	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
21	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
22	Boyd	Y	Hodge	N	Plant	Y	Swenson	Y
23	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
24	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	N
25	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
26	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	N
27	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
28	Crane	Y	King	Y	Sanchez	Y	Weddig	N
29	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
30	Decker	N	Lawrence	Y	Scott	Y	Williams S.	Y
31	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
32	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
33	Garcia	Y	Madden	Y	Snook	Y	Young	Y
34							Mr. Speaker	Y

35
36 Co-sponsors added: Representatives Alexander, Clapp, Fritz, Hefley.

37
38 **SB02-159** by Senator(s) Evans, Epps, Gordon, Linkhart, Perlmutter;
39 also Representative(s) Plant, Groff, Hefley, Lee, Mitchell--
40 Concerning the revision of statutes in the Colorado Revised
41 Statutes, as amended, amending or repealing obsolete,
42 inconsistent, and conflicting provisions of law and
43 clarifying the language to reflect the legislative intent of
44 the laws.

45
46 The question being "Shall the bill pass?".
47 A roll call vote was taken. As shown by the following recorded vote, a
48 majority of those elected to the House voted in the affirmative and the bill
49 was declared **passed**.

50	YES	65	NO	0	EXCUSED	0	ABSENT	0
53	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
54	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
55	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
56	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y

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

14
15 Co-sponsor added: Representative Coleman.

16
17 **SB02-080** by Senator(s) Pascoe, Evans, Fitz-Gerald, Linkhart,
18 Perlmutter, Windels; also Representative(s) King, Groff--
19 Concerning education improvement.

20
21 Laid over until later in the day, retaining place on Calendar.

22
23
24 **SB02-197** by Senator(s) Hanna; also Representative(s) Witwer--
25 Concerning home- and community-based services for
26 persons with major mental illnesses.

27
28 The question being "Shall the bill pass?".

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

32
33 YES 65 NO 0 EXCUSED 0 ABSENT 0

34								
35	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
36	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
37	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
38	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
39	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
40	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
41	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
42	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
43	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
44	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
45	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
46	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
47	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
48	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
49	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
50	Garcia	Y	Madden	Y	Snook	Y	Young	Y
51							Mr. Speaker	Y

52
53 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Groff, Jahn,
54 Jameson, Lawrence, Mace, Marshall, Plant, Romanoff, Sanchez, Tapia,
55 Tochtrop, Williams S.

56

1 **SB02-157** by Senator(s) Isgar; also Representative(s) Alexander--
 2 Concerning the taxation of possessory interests in exempt
 3 real property.
 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 65	NO 0	EXCUSED 0	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	Y	Stafford	Y
15	Borodkin	Y	Hefley	Y	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
29								

30 Co-sponsors added: Representatives Harvey, Hoppe, Mace, Rippy.

31
 32 **SB02-089** by Senator(s) Phillips, Takis; also Representative(s) Jahn--
 33 Concerning disclosure of credit scoring information to
 34 consumers for consumer loans secured by a dwelling.
 35

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

41	YES 62	NO 3	EXCUSED 0	ABSENT 0				
42								
43	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
44	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
45	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
46	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	Hoppe	N	Ragsdale	Y	Tapia	Y
49	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
50	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
51	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
52	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y

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

4
 5 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Daniel, Garcia,
 6 Groff, Grossman, Mace, Madden, Marshall, Plant, Romanoff, Sanchez, Stengel,
 7 Tapia, Veiga, Vigil, Weddig, Williams S.

8
 9 **SB02-184** by Senator(s) Tupa, Pascoe, Perlmutter; also
 10 Representative(s) Swenson, Plant, Stafford, Williams S.--
 11 Concerning the authority of counties located within the
 12 boundaries of the regional transportation district to provide
 13 transit services in cooperation with the district.

14
 15 As shown by the following roll call vote, less than a majority of all
 16 members elected to the House voted in the affirmative, and
 17 Representative Paschall was denied permission to offer a Third Reading
 18 amendment:

19								
20	<u>YES</u>	28	<u>NO</u>	37	<u>EXCUSED</u>	0	<u>ABSENT</u>	0
21								
22	Alexander	N	Groff	N	Marshall	N	Spence	Y
23	Bacon	N	Grossman	N	Miller	N	Spradley	N
24	Berry	N	Harvey	Y	Mitchell	Y	Stafford	N
25	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	N
26	Boyd	N	Hodge	N	Plant	N	Swenson	N
27	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
28	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
29	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
30	Cloer	Y	Johnson	N	Romanoff	N	Vigil	N
31	Coleman	N	Kester	N	Saliman	N	Webster	Y
32	Crane	Y	King	N	Sanchez	N	Weddig	N
33	Daniel	N	Larson	N	Schultheis	Y	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
35	Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
37	Garcia	N	Madden	N	Snook	Y	Young	Y
38							Mr. Speaker	Y

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

44
 45 **SB02-184** by Senator(s) Tupa, Pascoe, Perlmutter; also Repre-
 46 sentative(s) Swenson, Plant, Stafford, Williams S.--
 47 Concerning the authority of counties located within the
 48 boundaries of the regional transportation district to provide
 49 transit services in cooperation with the district.

50
 51 Laid over until later in the day, retaining place on Calendar.

52
 53 **SB02-053** by Senator(s) Hernandez; also Representative(s) Mace--
 54 Concerning the designation of the thirty-first day of March
 55 as a legal holiday for the observation of the birthday of
 56 Cesar Estrada Chavez as "Cesar Chavez day".

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

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

27 Representative Veiga moved for a call of the House. Representative
28 Spradley moved the call be raised. The motion was declared passed by
29 the following roll call vote:

	YES 38	NO 25	EXCUSED 0	ABSENT 2			
33 Alexander	Y	Groff	N	Marshall	N	Spence	Y
34 Bacon	N	Grossman	-	Miller	N	Spradley	Y
35 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
36 Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
37 Boyd	N	Hodge	N	Plant	N	Swenson	Y
38 Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
39 Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
40 Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
41 Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
42 Coleman	N	Kester	Y	Saliman	N	Webster	Y
43 Crane	Y	King	Y	Sanchez	-	Weddig	N
44 Daniel	N	Larson	Y	Schultheis	Y	White	Y
45 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
46 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
47 Fritz	Y	Mace	N	Smith	Y	Witwer	Y
48 Garcia	N	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

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

56

	YES 38	NO 25	EXCUSED 0	ABSENT 2				
1								
2								
3	Alexander	Y	Groff	N	Marshall	N	Spence	Y
4	Bacon	N	Grossman	-	Miller	N	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	N	Hodge	N	Plant	N	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
9	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
10	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
11	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
12	Coleman	N	Kester	Y	Saliman	N	Webster	Y
13	Crane	Y	King	Y	Sanchez	-	Weddig	N
14	Daniel	N	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
18	Garcia	N	Madden	N	Snook	Y	Young	Y
19							Mr. Speaker	Y
20								

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

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

47 Co-sponsors added: Representatives Borodkin, Chavez, Coleman, Garcia, Groff,
48 Madden, Marshall, Plant, Ragsdale, Rippy, Saliman, Snook, Tapia, Tochtrop,
49 Veiga, Vigil, Weddig.

50
51 **HB02-1470** by Representative(s) Rippy; also Senator(s) Taylor--
52 Concerning recommendations of the water availability task
53 force relating to measures to address drought conditions.

54
55 The question being "Shall the bill pass?".
56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

3
4 YES 62 NO 1 EXCUSED 0 ABSENT 2

5 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
6 Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
7 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
8 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
9 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
10 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
11 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
12 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
13 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
14 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
15 Crane	Y	King	Y	Sanchez	-	Weddig	Y
16 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
17 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
18 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
19 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
20 Garcia	Y	Madden	Y	Snook	Y	Young	Y
21						Mr. Speaker	Y

22
23 Co-sponsors added: Representatives Alexander, Fairbank, Fritz, Hoppe, Larson,
24 Plant, Romanoff, Smith, Young, Mr. Speaker.

25
26 **HB02-1471** by Representative(s) Young, Berry, Saliman; also
27 Senator(s) Reeves, Tate, Owen--Concerning funding for
28 capital construction, and making supplemental
29 appropriations in connection therewith.

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
36 YES 63 NO 0 EXCUSED 0 ABSENT 2

38 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39 Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
40 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
42 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
43 Cadman	Y	Hoppe	Y	Ragsdale	Y	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	-	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	Y	Snook	Y	Young	Y
54						Mr. Speaker	Y

55
56 Co-sponsors added: Representatives Rippy, Stengel.

1 **HB02-1472** by Representative(s) Young, Berry, Saliman; also
 2 Senator(s) Reeves, Tate, Owen--Concerning a
 3 supplemental appropriation to the department of
 4 corrections.
 5

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

	YES 60	NO 3	EXCUSED 0	ABSENT 2				
13	Alexander	Y	Groff	N	Marshall	N	Spence	Y
14	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
15	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
16	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
17	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
18	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
19	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
20	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
21	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
22	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
23	Crane	Y	King	Y	Sanchez	-	Weddig	Y
24	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
25	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
26	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
27	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
28	Garcia	Y	Madden	Y	Snook	Y	Young	Y
29							Mr. Speaker	Y

30
 31 Co-sponsor added: Representative Kester.

32
 33 **HB02-1473** by Representative(s) Young, Berry, Saliman; also
 34 Senator(s) Reeves, Tate, Owen--Concerning a
 35 supplemental appropriation to the department of health care
 36 policy and financing.
 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**.

	YES 63	NO 0	EXCUSED 0	ABSENT 2				
45	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	Y	Hefley	Y	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	-	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

6
7 Co-sponsors added: Representatives Weddig, Williams S.

8
9
10 **HB02-1474** by Representative(s) Young, Berry, Saliman; also Sena-
11 tor(s) Reeves, Tate, Owen--Concerning a supplemental
12 appropriation to the department of human services.

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

18								
19	<u>YES</u>	63	<u>NO</u>	0	<u>EXCUSED</u>	0	<u>ABSENT</u>	2
20	<hr/>							
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
26	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	-	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y
37							Mr. Speaker	Y

38
39
40 **HB02-1475** by Representative(s) Young, Berry, Saliman; also
41 Senator(s) Reeves, Tate, Owen--Concerning authorization
42 for the controller to allow the department of corrections to
43 make a one-time overexpenditure of line item
44 appropriations to fund portions of the medical services
45 subprogram for department institutions for the 2001-02
46 fiscal year.

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	<u>YES</u>	63	<u>NO</u>	0	<u>EXCUSED</u>	0	<u>ABSENT</u>	2
54	<hr/>							
54	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
55	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y

1	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
2	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
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	-	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

16
17 **HB02-1476** by Representative(s) Kester; also Senator(s) Entz--
18 Concerning the provision of state revenues to assist school
19 districts with capital construction funding for the 2002-03
20 fiscal year, and making appropriations in connection
21 therewith.

22
23 The question being "Shall the bill pass?".

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

27								
28	YES	58	NO	5	EXCUSED	0	ABSENT	2
29								
30	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
31	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
32	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
33	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
34	Boyd	Y	Hodge	N	Plant	N	Swenson	Y
35	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
36	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
37	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
38	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
39	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
40	Crane	Y	King	Y	Sanchez	-	Weddig	Y
41	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
42	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
43	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
44	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
45	Garcia	Y	Madden	N	Snook	Y	Young	Y
46							Mr. Speaker	Y

47
48 Co-sponsors added: Representatives Fritz, Harvey, Hefley, King, Romanoff,
49 Snook, Spradley, Tapia, Witwer, Young.

50
51 **HB02-1477** by Representative(s) Saliman, Young, Berry; also
52 Senator(s) Owen, Reeves, Tate--Concerning clarification
53 of the cost-neutral requirement in the performance plan for
54 periodic salary increases for certain employees of the
55 department of higher education who are included in the
56 state personnel system.

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

	YES 60	NO 3	EXCUSED 0	ABSENT 2				
7	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
8	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
9	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
10	Borodkin	Y	Hefley	Y	Paschall	N	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	-	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	N	Sinclair	Y	Williams T.	Y
21	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
22	Garcia	Y	Madden	Y	Snook	Y	Young	Y
23							Mr. Speaker	Y

24
 25 Co-sponsor added: Representative Rippy.

26
 27 **HB02-1478** by Representative(s) Young, Berry, Saliman; also
 28 Senator(s) Reeves, Tate, Owen--Concerning the fiscal
 29 policy of the state for the 2001-02 and 2002-03 state fiscal
 30 years in relation to the statutorily required general fund
 31 reserve in the event of a revenue shortfall.

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

	YES 47	NO 16	EXCUSED 0	ABSENT 2				
39	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
40	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
41	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
42	Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
43	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
44	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
45	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
46	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
47	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
48	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
49	Crane	N	King	N	Sanchez	-	Weddig	Y
50	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
51	Decker	N	Lawrence	Y	Scott	N	Williams S.	Y
52	Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
53	Fritz	Y	Mace	Y	Smith	Y	Witwer	N
54	Garcia	Y	Madden	Y	Snook	Y	Young	Y
55							Mr. Speaker	Y

1 **HB02-1469** by Representative(s) Williams T.; also Senator(s) Entz--
 2 Concerning a requirement for legal liability motor vehicle
 3 insurance for personal liability and property damage, and
 4 making an appropriation therefor.
 5

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

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

30
 31 Co-sponsors added: Representatives Spradley, Stengel.
 32
 33
 34

35 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

36
 37 **HB02-1281** by Representative(s) Saliman; also Senator(s) Owen--
 38 Concerning the creation of the Colorado traumatic brain
 39 injury board, and, in connection therewith, increasing
 40 certain motor vehicle fines to provide moneys for the
 41 Colorado traumatic brain injury trust fund.
 42

43 (Amended as printed in Senate Journal, April 30, page 1068-1069, and
 44 May 1.)
 45

46 Representative Saliman moved that the House **concur** in Senate amend-
 47 ments. The motion was declared **passed** by the following roll call vote:
 48

	YES 58	NO 5	EXCUSED 0	ABSENT 2				
51	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
52	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
53	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
54	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
55	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
56	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y

1	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
3	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
4	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
5	Crane	Y	King	Y	Sanchez	-	Weddig	Y
6	Daniel	Y	Larson	Y	Schultheis	N	White	Y
7	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
8	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
10	Garcia	Y	Madden	Y	Snook	Y	Young	Y
11							Mr. Speaker	N

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

19	YES	51	NO	12	EXCUSED	0	ABSENT	2
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	-	Miller	Y	Spradley	N
23	Berry	Y	Harvey	N	Mitchell	N	Stafford	Y
24	Borodkin	Y	Hefley	N	Paschall	N	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
26	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	N	Sanchez	-	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	N	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y
37							Mr. Speaker	N

38
39 Co-sponsors added: Representatives Boyd, Marshall.

40
41 **HB02-1283** by Representative(s) Fritz; and Senator(s) Gordon--
42 Concerning prohibitions against weapons that may cause
43 mass destruction, and making an appropriation in
44 connection therewith.

45
46 (Amended as printed in Senate Journal, May 1, page 1101.)

47
48 Representative Fritz moved that the House **concur** in Senate amendments.
49 The motion was declared **passed** by the following roll call vote:

51	YES	63	NO	0	EXCUSED	0	ABSENT	2
53	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
54	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
55	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
56	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y

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

14
15

16 The question being, "Shall the bill, as amended, 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
19 bill, as amended, was declared **repassed**.

20

21	<u>YES 63</u>	<u>NO 0</u>	<u>EXCUSED 0</u>	<u>ABSENT 2</u>
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22

23	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
24	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
25	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
26	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
27	Boyd	Y	Hodge	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	-	Weddig	Y
34	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
35	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
37	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
38	Garcia	Y	Madden	Y	Snook	Y	Young	Y
39							Mr. Speaker	Y

40

41

42

43 **HB02-1396** by Representative(s) Fritz, Lee, Alexander, Cadman,
44 Clapp, Coleman, Fairbank, Grossman, Hefley, Jahn,
45 Johnson, Lawrence, Rhodes, Rippy, Romanoff, Scott,
46 Snook, Tochtrop, Veiga; also Senator(s) Gordon--
47 Concerning the statute of limitations for commencing
48 criminal proceedings involving sex crimes committed
49 against children.

50

51 (Amended as printed in Senate Journal, May 1, page 1101.)

52

53 Representative Fritz moved that the House **concur** in Senate amendments.
54 The motion was declared **passed** by the following roll call vote:

55

	YES 63	NO 0	EXCUSED 0	ABSENT 2				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	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	-	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
 22 The question being, "Shall the bill, as amended, pass?".
 23 A roll call vote was taken. As shown by the following recorded vote, a
 24 majority of those elected to the House voted in the affirmative, and the
 25 bill, as amended, was declared **repassed**.

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

46
 47 Co-sponsor added: Representative Cloer.

48
 49 **HB02-1209** by Representative(s) Spradley, Cloer; also Senator(s) Epps-
 50 -Concerning the older Coloradans program, and making an
 51 appropriation in connection therewith.

52
 53 (Amended as printed in Senate Journal, May 1, page 1101.)

54
 55 Representative Spradley moved that the House **concur** in Senate amend-
 56 ments. The motion was declared **passed** by the following roll call vote:

	YES 63	NO 0	EXCUSED 0	ABSENT 2				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	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	-	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

22 The question being, "Shall the bill, as amended, pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a

24 majority of those elected to the House voted in the affirmative, and the

25 bill, as amended, was declared **repassed**.

	YES 63	NO 0	EXCUSED 0	ABSENT 2				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	-	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	Y
46								

47 Co-sponsors added: Representatives Boyd, Hefley, Rhodes, Rippy, Spence,

48 Young.

49

50 **HB02-1312** by Representative(s) Paschall, Fairbank, Alexander,

51 Borodkin, Boyd, Clapp, Coleman, Crane, Daniel, Decker,

52 Fritz, Garcia, Groff, Harvey, Hefley, Hoppe, King, Larson,

53 Mace, Mitchell, Rhodes, Sanchez, Schultheis, Tochtrop,

54 Vigil, Weddig, Williams S., Witwer; also Senator(s)

55 Linkhart--Concerning the priority of adoption hearings on

56 court dockets.

1 (Amended as printed in Senate Journal, May 1, pages 1100-1101.)

2
3 Representative Paschall moved that the House **concur** in Senate amend-
4 ments. The motion was declared **passed** by the following roll call vote:

5
6 YES 62 NO 1 EXCUSED 0 ABSENT 2

7								
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	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	N	Johnson	Y	Romanoff	Y	Vigil	Y
17	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18	Crane	Y	King	Y	Sanchez	-	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
24							Mr. Speaker	Y

25
26
27 The question being, "Shall the bill, as amended, pass?".
28 A roll call vote was taken. As shown by the following recorded vote, a
29 majority of those elected to the House voted in the affirmative, and the
30 bill, as amended, was declared **repassed**.

31
32 YES 62 NO 1 EXCUSED 0 ABSENT 2

33								
34	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
35	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
36	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
37	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
38	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
39	Cadman	Y	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	N	Johnson	Y	Romanoff	Y	Vigil	Y
43	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
44	Crane	Y	King	Y	Sanchez	-	Weddig	Y
45	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
46	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
47	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
48	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
49	Garcia	Y	Madden	Y	Snook	Y	Young	Y
50							Mr. Speaker	Y

51
52
53
54 **HB02-1029** by Representative(s) Romanoff, Clapp, Mace, Stafford;
55 also Senator(s) Hanna, Hernandez--Concerning expansion
56 of the program of all-inclusive care for the elderly.

1 (Amended as printed in Senate Journal, May 1, page 1100.)

2
3 Representative Romanoff moved that the House **adhere** to its position on
4 **HB02-1029** . The motion was **passed** by the following roll call vote:

5
6 YES 63 NO 0 EXCUSED 0 ABSENT 2

7								
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	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	-	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
24							Mr. Speaker	Y

25
26
27 **HB02-1338** by Representative(s) Webster; also Senator(s) Reeves--
28 Concerning fees for performing emissions testing on motor
29 vehicles.

30
31 (Amended as printed in Senate Journal, May 1, page 1100.)

32
33 Representative Webster moved that the House **concur** in Senate amend-
34 ments. The motion was declared **passed** by the following roll call vote:

35
36 YES 62 NO 1 EXCUSED 0 ABSENT 2

37								
38	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
39	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
40	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
41	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
43	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
46	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
48	Crane	Y	King	Y	Sanchez	-	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	Y	Snook	Y	Young	Y
54							Mr. Speaker	Y

55
56

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

	YES 62	NO 1	EXCUSED 0	ABSENT 2				
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	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	N	Johnson	Y	Romanoff	Y	Vigil	Y
17	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18	Crane	Y	King	Y	Sanchez	-	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
24							Mr. Speaker	Y

25
 26
 27
 28
 29
 30 **INTRODUCTION OF BILL**
 31 **First Reading**

32
 33 The following bill was read by title and referred to the committee
 34 indicated:

35
 36 **SB02-227** by Senator(s) Matsunaka; also Representative(s) Stengel--
 37 Concerning the extension for two years of the scheduled
 38 repeal date of the "Colorado Auto Accident Reparations
 39 Act".
 40 Committee on Finance

41
 42
 43
 44 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

45
 46 **HB02-1357** by Representative(s) Rippy; also Senator(s) Isgar--
 47 Concerning modification of the requirements relating to
 48 notification of surface development to owners of severed
 49 mineral estates.

50
 51 (Amended as printed in Senate Journal, May 3, page 1137.)

52
 53 Representative Rippy moved that the House **concur** in Senate amend-
 54 ments. The motion was declared **passed** by the following roll call vote:

55

	YES 61	NO 0	EXCUSED 2	ABSENT 2				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
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	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	-	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	E
19							Mr. Speaker	Y
20								

21
22 The question being, "Shall the bill, as amended, pass?".
23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative, and the
25 bill, as amended, was declared **repassed**.

	YES 62	NO 0	EXCUSED 1	ABSENT 2				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	-	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	E
45							Mr. Speaker	Y
46								

47
48 **HB02-1189** by Representative(s) Spradley; also Senator(s) Fitz-Gerald-
49 -Concerning the assignment to every salvage vehicle of a
50 substitute vehicle identification number that clearly denotes
51 the fact that the vehicle is a salvage vehicle.

52
53 (Amended as printed in Senate Journal, May 3, page 1137.)

54
55 Representative Spradley moved that the House **concur** in Senate amend-
56 ments. The motion was declared **passed** by the following roll call vote:

	YES 62	NO 0	EXCUSED 1	ABSENT 2				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	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	-	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	E
19							Mr. Speaker	Y

20
21
22 The question being, "Shall the bill, as amended, pass?".
23 A roll call vote was taken. As shown by the following recorded vote, a
24 majority of those elected to the House voted in the affirmative, and the
25 bill, as amended, was declared **repassed**.

	YES 61	NO 1	EXCUSED 1	ABSENT 2				
26								
27								
28								
29	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
30	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
36	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	-	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
42	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	E
45							Mr. Speaker	Y

46
47 Co-sponsors added: Representatives Jameson, Kester.

48
49
50 **HB02-1310** by Representative(s) King; also Senator(s) May--
51 Concerning modifications to state funding available to
52 address critical needs of the state's citizens, and, in
53 connection therewith, increasing the allocation of sales and
54 use tax revenue to the highway users tax fund, establishing
55 a minimum annual allocation of funds for transportation
56 purposes, creating a state rainy day fund for purposes of

1 meeting a revenue shortfall, and creating a statewide toll
 2 authority for the purpose of financing and constructing
 3 additional highway capacity.
 4

5 (Amended as printed in Senate Journal, April 29, pages 1038-1039,
 6 and on May 6.)
 7

8 Representative King moved that the House **not concur** in Senate
 9 amendments and that a Conference Committee be appointed. The motion
 10 was declared **passed** by the following roll call vote:
 11

	YES 52	NO 11	EXCUSED 0	ABSENT 2			
14 Alexander	Y	Groff	N	Marshall	N	Spence	Y
15 Bacon	N	Grossman	-	Miller	Y	Spradley	Y
16 Berry	Y	Harvey	N	Mitchell	Y	Stafford	Y
17 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
18 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
19 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
20 Chavez	N	Jahn	Y	Rhodes	Y	Tochtrop	N
21 Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
22 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
23 Coleman	Y	Kester	Y	Saliman	N	Webster	Y
24 Crane	Y	King	Y	Sanchez	-	Weddig	N
25 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
26 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
27 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
28 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
29 Garcia	N	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

31
 32 The Speaker appointed Representatives King, Chairman, Fairbank and
 33 Veiga as House conferees to the bill.
 34

35 36 37 **HOUSE RECEDES ON HB02-1300**

38
 39 **HB02-1300** by Representative(s) Spence; also Senator(s) Evans--
 40 Concerning the preparation of teachers for licensure.
 41

42 (Amended as printed in Senate Journal, April 19, page 925-926 and
 43 April 22, pages 943-944.)
 44

45 Representative Spence moved that the House recede from its position,
 46 discharge the Conference Committee and **concur** in Senate amendments.
 47 The motion was declared **passed** by the following roll call vote:
 48

	YES 62	NO 1	EXCUSED 0	ABSENT 2			
51 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
52 Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
53 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
54 Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
55 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
56 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y

1	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
3	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
4	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
5	Crane	Y	King	Y	Sanchez	-	Weddig	Y
6	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
7	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
8	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
10	Garcia	Y	Madden	Y	Snook	Y	Young	Y
11							Mr. Speaker	Y

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

19	YES	62	NO	1	EXCUSED	0	ABSENT	2
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	-	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
26	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	-	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y
37							Mr. Speaker	Y

38
39 Co-sponsors added: Representatives Boyd, Coleman, Decker.

40
41
42
43 House in recess. House reconvened.

44
45
46
47
48 **CONSIDERATION OF RESOLUTION**

49
50 **HJR02-1051** by Representative(s) Alexander; also Senator Isgar--
51 Concerning opposition to the federal Recreational Fee
52 Demonstration Program.

53
54 (Printed and placed in member's file; also printed in House Journal,
55 April 12, pages 1291-1292.)

56

1 Amendment No. 1, moved by Representative Alexander.
2
3 Amend printed resolution, page 1, line 13, after "paying", insert
4 "Recreational Fee Demonstration Program".
5
6 The amendment was declared **passed** by **viva voce** vote.
7
8 On motion of Representative Alexander, the resolution as amended was
9 **adopted** by **viva voce** vote.
10
11 Co-sponsors added: Representatives Cadman, Decker, Larson, Spradley,
12 Weddig.

13
14
15
16 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
17 **on SB02-019**

18
19 This Report Amends the Rerevised Bill.

20
21 To the President of the Senate and the
22 Speaker of the House of Representatives:

23
24 Your first conference committee appointed on SB02-019,
25 concerning DNA testing of all felons, has met and reports that it has
26 agreed upon the following:

27
28 1. That the Senate accede to the House amendments made to the
29 bill, as said amendments appear in the rerevised bill, with the following
30 changes:

31
32 Amend rerevised bill, page 17, line 19, strike "(g.5)" and substitute
33 "(i.8)";

34
35 line 20, strike "THEREOF," and substitute "THEREOF;"

36
37 strike line 21.

38
39 2. That, under the authority granted the committee to consider
40 matters not at issue between the two houses, the following amendment be
41 recommended:

42
43 Amend rerevised bill, page 12, strike lines 20 and 21 and substitute the
44 following:

45
46 "genetic markers thereof. ~~and to chemical testing of the offender's~~
47 ~~saliva to determine secretor status thereof.~~ Such testing shall occur prior
48 to the".

49
50 page 17, line 14, strike "A NEW PARAGRAPH" and substitute "THE
51 FOLLOWING NEW PARAGRAPHS";

52
53 after line 18, insert the following:

54
55 "(i.2) PAYMENT OF PROBATION SUPERVISION FEES;

56

1 (i.4) PAYMENT OF A DRUG OFFENDER SURCHARGE PURSUANT TO
2 ARTICLE 19 OF TITLE 18, C.R.S.;

3
4 (i.6) PAYMENT OF A SEX OFFENDER SURCHARGE PURSUANT TO
5 ARTICLE 21 OF TITLE 18, C.R.S.;"

6
7 Respectfully submitted,
8 Senate Committee: House Committee:
9 Sue Windels Dan Grossman
10 Doug Lamborn Lynn Hefley
11 Alice Nichol Joyce Lawrence

12
13
14 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

15
16 The Speaker has signed: **HB02-1025, 1089, 1098, 1160, 1247, 1405;**
17 **SJR02-018, 027, 028, 029, 032, 036, 037, 041.**

18
19
20 **MESSAGES FROM THE SENATE**

21 Mr. Speaker:

22
23 The Senate has passed on Third Reading and transmitted to the Revisor
24 of Statutes: SB02-227, 212, 230, 233, 235, SCR02-006;

25
26 SB02-225, amended as printed in Senate Journal, May 6, page 1176;
27 SB02-231, amended as printed in Senate Journal, May 6, page 1176;
28 SB02-050, amended as printed in Senate Journal, May 6, page 1180;
29 SB02-229, amended as printed in Senate Journal, May 6, pages
30 1180-1183;
31 SB02-234, amended as printed in Senate Journal, May 6, page 1189;
32 HB02-1457, amended as printed in Senate Journal, May 6, page 1176;
33 HB02-1461, amended as printed in Senate Journal, May 6, page 1190.

34
35
36 The Senate granted permission to members of the First Conference
37 Committee on HB02-1013 to consider matters not at issue between the
38 two houses.

39
40 The Senate granted permission to members of the First Conference
41 Committee on HB02-1359 to consider matters not at issue between the
42 two houses.

43
44 The Senate granted permission to members of the First Conference
45 Committee on HB02-1161 to consider matters not at issue between the
46 two houses.

47
48 The Senate has passed on Third Reading and transmitted to the Revisor
49 of Statutes:

50
51 SB02-206, amended as printed in Senate Journal, May 6, pages
52 1177-1179.

53
54
55 The Senate has adopted and returns herewith: HJR02-1074, 1064.

56

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MESSAGES FROM THE REVISOR

We herewith transmit without comment, SB02-227, 212, 230, 233, 235 and SCR02-006; and; Without comment, as amended, SB02-225, 231, 050, 229, 234, HB02-1457 and 1461.



We herewith transmit without comment, as amended, SB02-206.



**INTRODUCTION OF BILLS
First Reading**

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

SB02-050 by Senator(s) Gordon; also Representative(s) Decker-- Concerning a prohibition on the possession of certain substances used to manufacture controlled substances, and making an appropriation in connection therewith.
Committee on Criminal Justice
Committee on Appropriations

SB02-206 by Senator(s) Hernandez; also Representative(s) Stafford-- Concerning statutes relating to the powers of the department of public health and environment with respect to childhood immunities, and making an appropriation in connection therewith.
Committee on State, Veterans, & Military Affairs
Committee on Appropriations

SB02-212 by Senator(s) Matsunaka; also Representative(s) Bacon-- Concerning a program to provide assistance funded through the state education fund to certain poorly performing public school students through school districts.
Committee on Education
Committee on Appropriations

SB02-223 by Senator(s) Perlmutter; also Representative(s) Grossman--Concerning the empowerment of public entities to address the impacts caused by high growth rates, and, in connection therewith, providing for legally enforceable local government master plans, authorizing impact fees to fund capital facilities of a school district, authorizing local governments to provide incentives to encourage smart growth, and requiring collaboration on a regional basis among public entities with respect to transportation planning.
Committee on Local Government
Committee on State, Veterans, & Military Affairs

- 1 **SB02-225** by Senator(s) Thiebaut; also Representative(s) Romanoff--
 2 Concerning a prohibition on the acceptance of certain
 3 items by public officials serving in elective office in
 4 connection with their public service.
 5 Committee on State, Veterans, & Military Affairs
 6
- 7 **SB02-229** by Senator(s) Matsunaka; also Representative(s) Rippy--
 8 Concerning publication procedures related to rule-making
 9 by state agencies, and making an appropriation in
 10 connection therewith.
 11 Committee on State, Veterans, & Military Affairs
 12 Committee on Appropriations
 13
- 14 **SB02-230** by Senator(s) Windels; also Representative(s) Mitchell--
 15 Concerning the designation of the county in which
 16 specified actions related to the activities of a public trustee
 17 may occur.
 18 Committee on Local Government
 19
- 20 **SB02-231** by Senator(s) Owen; also Representative(s) Stengel, King--
 21 -Concerning the administration of retirement plans by the
 22 state deferred compensation committee.
 23 Committee on Finance
 24
- 25 **SB02-233** by Senator(s) Reeves, Tate, Owen; also Representative(s)
 26 Berry, Young, Saliman--Concerning a clarification that for
 27 the purposes of determining and maintaining
 28 compensation for state troopers employed by the Colorado
 29 state patrol the nonsalary elements of such troopers' total
 30 compensation shall be the same as for all other state
 31 employees.
 32 Committee on Appropriations
 33
- 34 **SB02-235** by Senator(s) Isgar; also Representative(s) Larson--
 35 Concerning the intergovernmental agreement between the
 36 Southern Ute Indian tribe and the state of Colorado on air
 37 quality control on the Southern Ute Indian reservation.
 38 Committee on Transportation & Energy
 39

INTRODUCTION OF CONCURRENT RESOLUTION

41
 42
 43 The following resolution was read by title and referred to the committee
 44 indicated:

- 45
 46 **SCR02-006** by Senator(s) Owen; also Representative(s) Williams T.--
 47 Submitting to the registered electors of the state of
 48 Colorado amendments to articles VI and XVIII of the
 49 constitution of the state of Colorado, concerning the repeal
 50 of certain obsolete provisions in the constitution of the
 51 state of Colorado.
 52 Committee on Civil Justice & Judiciary
 53

54
 55 House in recess. House reconvened.
 56

1 **IMMEDIATE RECONSIDERATION OF SB02-053**

2
3 Having voted on the prevailing side, Representative Mace moved for
4 immediate reconsideration of **SB02-053**. As shown by the following
5 recorded vote less than a two-thirds majority of those elected to the
6 House voted in the affirmative and the motion was declared **lost**:

7
8 YES 15 NO 44 EXCUSED 6 ABSENT 0

9

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

27
28
29

30
31 **CHANGE IN SPONSORSHIP**

32
33 The Speaker announced that Representative Boyd has replaced
34 Representative Stafford as House sponsor for **SB02-206**.

35
36
37 House in recess. House reconvened.

38
39
40
41 **REPORTS OF COMMITTEES OF REFERENCE**

42
43 **FINANCE**

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

46
47 **SB02-227** be postponed indefinitely.

48
49
50 **SB02-231** be referred to the Committee of the Whole with favorable
51 recommendation.

52
53
54
55

1 CRIMINAL JUSTICE

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

4
5 **SB02-050** be referred favorably to the Committee on Appropriations.
6

**7
8
9 TRANSPORTATION & ENERGY**

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

12
13 **SB02-235** be referred to the Committee of the Whole with favorable
14 recommendation.
15

16
17 **MESSAGE FROM THE SENATE**

18 Mr. Speaker:

19
20 The Senate has voted not to concur in House Amendments to SB02-179
21 and requests that a Conference Committee be appointed. The President
22 appointed Senators Matsunaka, Chm., Nichol and May as members of the
23 First Conference Committee on the part of the Senate. The bill is
24 transmitted herewith.
25

26 The Senate granted permission to members of the First Conference
27 Committee on SB02-179 to consider matters not at issue between the two
28 houses.
29

30 The Senate voted to concur in House amendments to SB02-090 and
31 repassed the bill as amended.
32

33
34 **APPOINTMENTS TO CONFERENCE COMMITTEE**

35
36 Pursuant to a request from the Senate, the Speaker appointed
37 Representatives King, Chairman, Fairbank and Veiga as House conferees
38 to the First Conference Committee on **SB02-179**.
39

40
41 **INTRODUCTION OF BILL**
42 **First Reading**

43
44 The following bill was read by title and referred to the committees
45 indicated:

46
47 **SB02-234** by Senator(s) Hernandez; also Representative(s) Stengel--
48 Concerning the requirement that bail insurance companies
49 post with the division of insurance an amount equal to fifty
50 thousand dollars for each bonding agent affiliated with the
51 company who writes bond in Colorado, and making an
52 appropriation therefor.

53 Committee on State, Veterans, & Military Affairs
54 Committee on Appropriations
55
56

House in recess. House reconvened.

REPORTS OF COMMITTEES OF REFERENCE

CIVIL JUSTICE & JUDICIARY

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

SCR02-006 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed concurrent resolution, page 8, after line 22, insert the following:

"Section 1 of article XX of the constitution of the state of Colorado is amended to read:

Section 1. Incorporated. The municipal corporation known as the city of Denver and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver". By that name said corporation shall have perpetual succession, and shall own, possess, and hold all property, real and personal, theretofore owned, possessed, or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed, or held by the said county of Arapahoe, and shall assume, manage, and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits and shall assume and pay all bonds, obligations, and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable, or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct, and operate water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefore, for the use of said city and county and the inhabitants thereof, and any such systems, plants, or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall

1 have the power to issue bonds upon the vote of the taxpaying electors, at
2 any special or general election, in any amount necessary to carry out any
3 of said powers or purposes, as may by the charter be provided.
4

5 The provisions of section 3 of article XIV of this constitution and
6 the general annexation and consolidation statutes of the state relating to
7 counties shall apply to the city and county of Denver. Any contiguous
8 town, city, or territory hereafter annexed to or consolidated with the city
9 and county of Denver, under any such laws of this state, in whatsoever
10 county the same may be at the time, shall be detached per se from such
11 other county and become a municipal and territorial part of the city and
12 county of Denver, together with all property thereunto belonging.
13

14 The city and county of Denver shall alone always constitute one
15 judicial district of the state.
16

17 Any other provisions of this constitution to the contrary
18 notwithstanding:
19

20 No annexation or consolidation proceeding shall be initiated after
21 the effective date of this amendment pursuant to the general annexation
22 and consolidation statutes of the state of Colorado to annex lands to or
23 consolidate lands with the city and county of Denver until such proposed
24 annexation or consolidation is first approved by a majority vote of a
25 six-member boundary control commission composed of one
26 commissioner from each of the boards of county commissioners of
27 Adams, Arapahoe, and Jefferson counties, respectively, and three elected
28 officials of the city and county of Denver to be chosen by the mayor. The
29 commissioners from each of the said counties shall be appointed by
30 resolution of their respective boards.
31

32 No land located in any county other than Adams, Arapahoe, or
33 Jefferson counties shall be annexed to or consolidated with the city and
34 county of Denver unless such annexation or consolidation is approved by
35 the unanimous vote of all the members of the board of county
36 commissioners of the county in which such land is located.
37

38 ~~Any territory attached to the city and county of Denver or the city~~
39 ~~of Lakewood or the city of Aurora during the period extending from April~~
40 ~~1, 1974, to the effective date of this amendment, whether or not subject~~
41 ~~to judicial review, shall be detached therefrom on July 1, 1975, unless~~
42 ~~any such annexation is ratified by the boundary control commission on~~
43 ~~or before July 1, 1975.~~
44

45 ~~Nothing in this amendment shall be construed as prohibiting the~~
46 ~~entry of any final judgment in any annexation judicial review proceeding~~
47 ~~pending on April 1, 1974, declaring any annexation by the city and~~
48 ~~county of Denver to be invalid.~~
49

50 ~~The boundary control commission shall have the power at any~~
51 ~~time by four concurring votes to detach all or any portion of any territory~~
52 ~~validly annexed to the city and county of Denver during the period~~
53 ~~extending from March 1, 1973, to the effective date of this amendment.~~
54

55 All actions, including actions regarding procedural rules, shall be
56 adopted by the commission by majority vote. Each commissioner shall

1 have one vote, including the commissioner who acts as the chairman of
 2 the commission. All procedural rules adopted by the commission shall
 3 be filed with the secretary of state.

4
 5 This amendment shall be self-executing.

6
 7 Section 3 of article XX of the constitution of the state of Colorado
 8 is amended to read:

9
 10 **Section 3. Establishment of government civil service**
 11 **regulations.** Immediately upon the canvass of the vote showing the
 12 adoption of this amendment, it shall be the duty of the governor of the
 13 state to issue his proclamation accordingly. ~~and thereupon the city of~~
 14 ~~Denver, and all municipal corporations and that part of the county of~~
 15 ~~Arapahoe within the boundaries of said city, shall merge into the city and~~
 16 ~~county of Denver, and the terms of office of all officers of the city of~~
 17 ~~Denver and of all included municipalities and of the county of Arapahoe~~
 18 ~~shall terminate; except, that the then mayor, auditor, engineer, council~~
 19 ~~(which shall perform the duties of a board of county commissioners);~~
 20 ~~police magistrate, chief of police and boards, of the city of Denver shall~~
 21 ~~become, respectively, said officers of the city and county of Denver, and~~
 22 ~~said engineer shall be ex officio surveyor and said chief of police shall be~~
 23 ~~ex officio sheriff of the city and county of Denver; and the then clerk and~~
 24 ~~ex officio recorder, treasurer, assessor and coroner of the county of~~
 25 ~~Arapahoe, and the justices of the peace and constables holding office~~
 26 ~~within the city of Denver, shall become, respectively, said officers of the~~
 27 ~~city and county of Denver, and the district attorney shall also be ex~~
 28 ~~officio attorney of the city and county of Denver. The foregoing officers~~
 29 ~~shall hold the said offices as above specified only until their successors~~
 30 ~~are duly elected and qualified as herein provided for; except that the then~~
 31 ~~district judges, county judge and district attorney shall serve their full~~
 32 ~~terms, respectively, for which elected. The police and firemen of the city~~
 33 ~~of Denver, except the chief of police as such, shall continue severally as~~
 34 ~~the police and firemen of the city and county of Denver until they are~~
 35 ~~severally discharged under such civil service regulations as shall be~~
 36 ~~provided by the charter; and Every charter shall provide that the~~
 37 ~~department of fire and police and the department of public utilities and~~
 38 ~~works shall be under such civil service regulations as in said charter shall~~
 39 ~~be provided.";~~

40
 41 line 25, strike "VI" and substitute "VI,";

42
 43 line 26, strike "AND XVIII" and substitute "XVIII, AND XX".

44
 45 Page 1, line 102, strike "VI AND XVIII" and substitute "VI, XVIII, AND
 46 XX".

47
 48
 49
 50 **LOCAL GOVERNMENT**

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

53
 54 **SB02-223** be amended as follows, and as so amended, be referred to
 55 the Committee on State, Veterans, & Military Affairs with
 56 favorable recommendation:

1 Amend reengrossed bill, page 7, line 24, strike "TWO-THIRDS" and
2 substitute "SIXTY PERCENT".

3
4 Page 14, line 17, strike "TWO-THIRDS" and substitute "SIXTY PERCENT".

5
6 Page 22, strike lines 20 through 27.

7
8 Strike pages 23 and 24.

9
10 Page 25, strike lines 1 through 13.

11
12 Renumber succeeding section accordingly.

13
14
15
16 **SB02-230** be referred to the Committee of the Whole with favorable
17 recommendation.

18
19
20
21 **DELIVERY OF BILLS TO GOVERNOR**

22
23 The Chief Clerk of the House of Representatives reports the following
24 bills have been delivered to the Office of the Governor: **HB02-1025,**
25 **1089, 1098, 1160, 1247, 1405** at 4:10 p.m. on May 07, 2002.

26
27
28 **MESSAGE FROM THE SENATE**

29 Mr. Speaker:

30
31 At the request of the House, HB02-1300 is returned herewith.

32
33 The Senate has postponed indefinitely HB02-1192. The bill is returned
34 herewith.

35
36
37 On motion of Representative Spradley, **SB02-218, 203, 200, 210, 152,**
38 **221, 214, 220** were made Special Orders on Tuesday, May 7, 2002, at
39 5:09 p.m.

40
41
42 The hour of 5:09 p.m., having arrived, on motion of Representative
43 Clapp, the House resolved itself into Committee of the Whole for
44 consideration of Special Orders and she was called to the Chair to act as
45 Chairman.

46
47
48 **SPECIAL ORDERS--SECOND READING OF BILLS**

49
50 The Committee of the Whole having risen, the Chairman reported the
51 titles of the following bills had been read (reading at length had been
52 dispensed with by unanimous consent), the bills considered and action
53 taken thereon as follows:

54
55 (Amendments to the committee amendment are to the printed committee
56 report which was printed and placed in the members' bill file.)

- 1 **SB02-218** by Senator(s) Reeves; also Representative(s) Stengel--
2 Concerning the repeal of the requirement that the state
3 sales tax refund mechanism used to refund excess state
4 revenues as required by section 20 of article X of the state
5 constitution be calculated to refund the amount of excess
6 state revenues not refunded by other mechanisms by one
7 hundred five percent.
8
9 Ordered revised and placed on the Calendar for Third Reading and Final
10 Passage.
11
12 **SB02-203** by Senator(s) Hanna, Linkhart; also Representative(s)
13 Tochtrop--Concerning the rule-making authority of the
14 state board of nursing related to the nurse diversion
15 program.
16
17 Ordered revised and placed on the Calendar for Third Reading and Final
18 Passage.
19
20 **SB02-200** by Senator(s) Evans; also Representative(s) Williams T.--
21 Concerning probate matters.
22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.
25
26 **SB02-210** by Senator(s) Fitz-Gerald; also Representative(s) Boyd--
27 Concerning mandatory reporting of child abuse or neglect
28 by clergy members.
29
30 Amendment No. 1, Civil Justice & Judiciary Report, dated May 6, 2002,
31 and placed in member's bill file; Report also printed in House Journal,
32 May 6, page 1876.
33
34 Amendment No. 2, by Representative Mitchell.
35
36 Amend the Civil Justice and Judiciary Committee Report, dated May 6,
37 2002, page 1, line 8, strike "INCLUDES BUT IS NOT LIMITED" and substitute
38 "MEANS";
39
40 line 9, strike "TO".
41
42 As amended, ordered revised and placed on the Calendar for Third
43 Reading and Final Passage.
44
45 **SB02-152** by Senator(s) Evans; also Representative(s) Spence--
46 Concerning programs to prepare persons for licensure as
47 school principals.
48
49 Amendment No. 1, Education Report, dated May 6, 2002, and placed in
50 member's bill file; Report also printed in House Journal, May 6,
51 pages 1882-1883.
52
53 As amended, ordered revised and placed on the Calendar for Third
54 Reading and Final Passage.
55

1 **SB02-221** by Senator(s) Isgar, Chlouber, Taylor, Entz, Hagedorn,
 2 Hanna, Hillman, Matsunaka, Owen; also Representative(s)
 3 Hefley, Alexander, Kester, Miller, Paschall, Tapia,
 4 Tochtrop, Vigil, White, Young--Concerning the extension
 5 of the effective dates of certain horse racing statutes for
 6 five years.

7
 8 Ordered revised and placed on the Calendar for Third Reading and Final
 9 Passage.

10
 11 **SB02-214** by Senator(s) Fitz-Gerald; also Representative(s) White--
 12 Concerning the relocation of existing provisions of the
 13 Colorado Revised Statutes governing the Moffat tunnel.

14
 15 Ordered revised and placed on the Calendar for Third Reading and Final
 16 Passage.

17
 18 **SB02-220** by Senator(s) Teck; also Representative(s) Swenson--
 19 Concerning administration of the distribution of license
 20 plates.

21
 22 Amendment No. 1, Transportation & Energy Report, dated May 6, 2002,
 23 and placed in member's bill file; Report also printed in House Journal,
 24 May 6, pages 1882.

25
 26 Amendment No. 2, by Representative Swenson.

27
 28 Amend reengrossed bill, page 3, line 3, strike "CORRECTIONS; AND" and
 29 substitute "CORRECTIONS."

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

33
 34
 35
 36 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

37
 38 Passed Second Reading: **SB02-218, 203, 200, 210 amended,**
 39 **152 amended, 221, 214, 220 amended.**

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

45
 46 YES 64 NO 0 EXCUSED 0 ABSENT 1

47								
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
55	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
56	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y

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

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

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

SB02-233 be referred to the Committee of the Whole with favorable recommendation.

BUSINESS AFFAIRS & LABOR

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

SB02-171 be postponed indefinitely.

EDUCATION

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

SB02-212 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 22-2-112 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-2-112. Commissioner - duties. (1) Subject to the supervision of the state board, the commissioner has the following duties:

(p) TO ENTER INTO AGREEMENTS AS DESCRIBED IN SECTION 39-22-529 (2) (c) (II), C.R.S., WITH ELIGIBLE SCHOOLS, AS DEFINED IN SECTION 39-22-529 (2) (c), C.R.S.

SECTION 2. Part 5 of article 22 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2

3 **39-22-529. Credit for contributions to nonprofit educational**
4 **assistance organizations - mechanism to refund excess state revenues**
5 **- legislative declaration - administration of credit. (1) Legislative**
6 **declaration.** THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
7 THAT:

8

9 (a) THE DEVELOPMENT OF YOUNG PEOPLE IS CRITICAL TO THEIR
10 FUTURE SUCCESS AND THE FUTURE SUCCESS OF THE STATE;

11

12 (b) EACH CHILD IS UNIQUE AND HAS INDIVIDUAL NEEDS THAT MAY
13 BE SERVED BY EXPANDED EDUCATIONAL OPPORTUNITIES;

14

15 (c) THE DROPOUT RATE IS OF GREAT CONCERN TO THIS STATE AND
16 IT IS IN THE INTEREST OF ALL COLORADANS FOR THE STATE TO TAKE STEPS
17 TO REDUCE THE DROPOUT RATE; AND

18

19 (d) THE CREDIT AGAINST STATE INCOME TAX AUTHORIZED BY THIS
20 SECTION FOR CONTRIBUTIONS THAT WILL HELP FUND SCHOLARSHIPS
21 PROVIDED BY NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS WILL
22 EXPAND THE NUMBER AND DIVERSITY OF EDUCATIONAL OPPORTUNITIES
23 AVAILABLE TO CHILDREN OF FAMILIES THAT HAVE LIMITED FINANCIAL
24 RESOURCES AND INCREASE THE ACADEMIC ACHIEVEMENTS OF THE
25 CHILDREN OF COLORADO.

26

27 (2) **Definitions.** FOR PURPOSES OF THIS SECTION:

28

29 (a) "CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE
30 ORGANIZATION" MEANS A NONPROFIT EDUCATIONAL ASSISTANCE
31 ORGANIZATION THAT IS CERTIFIED PURSUANT TO SUBSECTION (5) OF THIS
32 SECTION.

33

34 (b) "DESIGNATED NONPROFIT ORGANIZATION" MEANS THE
35 NONPROFIT ORGANIZATION CONTRACTED WITH BY THE DEPARTMENT OF
36 REVENUE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

37

38 (c) "ELIGIBLE SCHOOL" MEANS A NONPUBLIC KINDERGARTEN,
39 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL, OR A CERTIFIED
40 EDUCATIONAL CLINIC, AS DEFINED IN SECTION 22-27-102(2), C.R.S., THAT
41 IS LOCATED WITHIN COLORADO AND THAT:

42

43 (I) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
44 ORGANIZATION APPROVED BY THE STATE BOARD OF EDUCATION WHOSE
45 ACCREDITATION PROCESS INCLUDES PERIODIC ASSESSMENTS OF THE
46 ACADEMIC PERFORMANCE OF THE SCHOOL, INCLUDING AN ASSESSMENT OF
47 STUDENT ACHIEVEMENT BY SUCH TESTING AS THE ACCREDITING
48 ORGANIZATION REQUIRES; OR

49

50 (II) HAS ENTERED INTO AN AGREEMENT WITH THE COMMISSIONER
51 OF EDUCATION, AS AUTHORIZED BY SECTION 22-2-112(1)(p), C.R.S., THAT
52 REQUIRES ANY STUDENT WHO ATTENDS THE NONPUBLIC SCHOOL OR
53 CERTIFIED EDUCATIONAL CLINIC AND RECEIVES A SCHOLARSHIP FROM A
54 CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION TO BE
55 ANNUALLY TESTED BY A RECOGNIZED TESTING FIRM TO MEASURE THE
56 ACADEMIC ACHIEVEMENT IN A MANNER SPECIFIED IN THE AGREEMENT.

1 (d) "FUNDED PUBLIC-TO-PRIVATE STUDENT" MEANS AN
2 INCOME-QUALIFIED STUDENT ATTENDING AN ELIGIBLE SCHOOL WHO:
3

4 (I) WAS COUNTED IN PUPIL ENROLLMENT, AS DEFINED IN SECTION
5 22-54-103 (10), C.R.S., DURING THE STATE FISCAL YEAR THAT
6 IMMEDIATELY PRECEDED ANY STATE FISCAL YEAR IN WHICH A CERTIFIED
7 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION PROVIDES A
8 SCHOLARSHIP IN AN AMOUNT EQUAL TO AT LEAST THIRTY PERCENT OF THE
9 STUDENT'S ANNUAL TUITION TO THE STUDENT; OR
10

11 (II) IF THE STUDENT HAS RECEIVED SCHOLARSHIPS FROM A
12 CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION IN TWO
13 OR MORE CONSECUTIVE STATE FISCAL YEARS, WAS COUNTED IN PUPIL
14 ENROLLMENT AS DEFINED IN SECTION 22-54-103 (10), C.R.S., DURING THE
15 STATE FISCAL YEAR THAT IMMEDIATELY PRECEDED THE FIRST STATE
16 FISCAL YEAR IN WHICH THE STUDENT RECEIVED A SCHOLARSHIP IN AN
17 AMOUNT EQUAL TO AT LEAST THIRTY PERCENT OF THE STUDENT'S ANNUAL
18 TUITION.
19

20 (e) "INCOME-QUALIFIED STUDENT" MEANS A KINDERGARTEN,
21 ELEMENTARY SCHOOL, OR SECONDARY SCHOOL STUDENT WHO:
22

23 (I) IS A MEMBER OF A HOUSEHOLD WHOSE ANNUAL HOUSEHOLD
24 INCOME FOR THE CALENDAR YEAR PRECEDING ANY YEAR IN WHICH A
25 SCHOLARSHIP IS TO BE AWARDED TO THE STUDENT BY A CERTIFIED
26 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION DOES NOT EXCEED
27 TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL; OR
28

29 (II) IS A MEMBER OF A HOUSEHOLD:
30

31 (A) WHOSE ANNUAL HOUSEHOLD INCOME FOR THE CALENDAR
32 YEAR THAT PRECEDED THE FIRST YEAR IN WHICH THE STUDENT WAS
33 AWARDED A SCHOLARSHIP BY A CERTIFIED NONPROFIT EDUCATIONAL
34 ASSISTANCE ORGANIZATION DID NOT EXCEED TWO HUNDRED PERCENT OF
35 THE FEDERAL POVERTY LEVEL; AND
36

37 (B) WHOSE ANNUAL HOUSEHOLD INCOME WHILE THE STUDENT HAS
38 BEEN RECEIVING SCHOLARSHIPS FROM A CERTIFIED NONPROFIT
39 EDUCATIONAL ASSISTANCE ORGANIZATION HAS SUBSEQUENTLY EXCEEDED
40 TWO HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL FOR A PERIOD
41 OF NOT MORE THAN TWO CONSECUTIVE CALENDAR YEARS.
42

43 (f) "NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION" MEANS
44 AN ORGANIZATION THAT IS DEDICATED TO PROVIDING FINANCIAL
45 ASSISTANCE TO DEFRAY EDUCATIONAL EXPENSES OF KINDERGARTEN,
46 ELEMENTARY SCHOOL, AND SECONDARY SCHOOL STUDENTS.
47

48 (g) "QUALIFYING CONTRIBUTION" MEANS A DONATION OF MONEY
49 NOT LESS THAN ONE HUNDRED DOLLARS AND NOT MORE THAN ONE
50 HUNDRED SEVENTY-FIVE THOUSAND DOLLARS AND DOES NOT INCLUDE A
51 PAYMENT FOR TUITION, ACTIVITY FEES, OR OTHER EDUCATIONAL EXPENSES
52 OF THE TAXPAYER MAKING THE PAYMENT, A SPOUSE OR DEPENDENT OF
53 SUCH TAXPAYER, OR ANY INDIVIDUAL STUDENT IDENTIFIED BY NAME BY
54 SUCH TAXPAYER AS THE INTENDED BENEFICIARY OF THE PAYMENT.
55

56 (3) **Income tax credit.** (a) SUBJECT TO THE PROVISIONS OF

1 PARAGRAPH (b) OF THIS SUBSECTION (3) AND SUBSECTION (9) OF THIS
2 SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
3 JANUARY 1, 2002, BUT BEFORE JANUARY 1, 2012, IF, BASED ON THE
4 FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH
5 SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE
6 AMOUNT OF STATE REVENUES FOR THE STATE FISCAL YEAR ENDING IN THAT
7 INCOME TAX YEAR EXCEEDS THE LIMITATION ON STATE FISCAL YEAR
8 SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE
9 CONSTITUTION BY MORE THAN FIVE HUNDRED MILLION DOLLARS, AS
10 ADJUSTED PURSUANT TO SUBSECTION (9) OF THIS SECTION, AND THE
11 VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN
12 AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED
13 THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE
14 REVENUES FOR THAT FISCAL YEAR, THERE SHALL BE ALLOWED TO ANY
15 TAXPAYER WHO MAKES A QUALIFYING CONTRIBUTION TO THE DESIGNATED
16 NONPROFIT ORGANIZATION AND OBTAINS APPROVAL OF AN APPLICATION
17 FOR AND A RECEIPT FOR A TAX CREDIT FROM THE DESIGNATED NONPROFIT
18 ORGANIZATION IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (6)
19 OF THIS SECTION A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE.
20

21 (b) (I) THE CREDIT ALLOWED BY THIS SECTION SHALL BE IN AN
22 AMOUNT EQUAL TO SIXTY-FIVE PERCENT OF THE TOTAL AMOUNT OF THE
23 TAXPAYER'S QUALIFYING CONTRIBUTIONS MADE DURING THE INCOME TAX
24 YEAR FOR WHICH THE CREDIT IS CLAIMED. HOWEVER, THE TOTAL AMOUNT
25 OF CREDITS APPROVED BY THE DESIGNATED NONPROFIT ORGANIZATION
26 SHALL NOT EXCEED:
27

28 (A) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR
29 COMMENCING JANUARY 1, 2002;
30

31 (B) FIVE MILLION DOLLARS FOR THE CALENDAR YEAR
32 COMMENCING JANUARY 1, 2003;
33

34 (C) TEN MILLION DOLLARS FOR THE CALENDAR YEAR
35 COMMENCING JANUARY 1, 2004;
36

37 (D) FIFTEEN MILLION DOLLARS FOR THE CALENDAR YEAR
38 COMMENCING JANUARY 1, 2005; AND
39

40 (E) TWENTY MILLION DOLLARS FOR THE CALENDAR YEAR
41 COMMENCING JANUARY 1, 2006, AND TWENTY MILLION DOLLARS FOR
42 EACH SUCCEEDING CALENDAR YEAR THAT COMMENCES BEFORE JANUARY
43 1, 2012.
44

45 (II) THE DESIGNATED NONPROFIT ORGANIZATION SHALL APPROVE
46 APPLICATIONS FOR TAX CREDITS IN THE ORDER FOR WHICH THEY WERE
47 APPLIED AND SHALL NOT APPROVE CREDITS IN EXCESS OF THE MAXIMUM
48 AMOUNT OF CREDITS THAT MAY BE CLAIMED BY ALL TAXPAYERS IN ANY
49 CALENDAR YEAR PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
50 (b).
51

52 (III) IF THE AMOUNT OF THE CREDIT ALLOWED BY THIS SUBSECTION
53 (3) EXCEEDS THE AMOUNT OF INCOME TAXES DUE ON THE TAXPAYER'S
54 INCOME IN THE INCOME TAX YEAR FOR WHICH THE TAXPAYER IS CLAIMING
55 THE CREDIT, THE AMOUNT OF THE CREDIT NOT USED TO OFFSET INCOME
56 TAXES IN THE INCOME TAX YEAR SHALL NOT BE CARRIED FORWARD AS TAX

1 CREDITS AGAINST THE TAXPAYER'S SUBSEQUENT YEARS' INCOME TAX
2 LIABILITY AND SHALL BE REFUNDED TO THE TAXPAYER.

3
4 (c) IN THE CASE OF A TAXPAYER THAT IS A PARTNERSHIP, S
5 CORPORATION, OR OTHER SIMILAR PASS-THROUGH ENTITY, THE AMOUNT
6 OF THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (a) OF THIS
7 SUBSECTION (3) SHALL BE ALLOCATED TO THE ENTITY'S PARTNERS,
8 MEMBERS, OR SHAREHOLDERS IN PROPORTION TO THE PARTNERS',
9 MEMBERS', OR SHAREHOLDERS' DISTRIBUTIVE SHARES OF INCOME FROM
10 SUCH ENTITY.

11
12 (4) **Designated nonprofit organization.** THE DEPARTMENT OF
13 REVENUE SHALL ENTER INTO A CONTRACT WITH A NONPROFIT
14 ORGANIZATION UNDER WHICH THE NONPROFIT ORGANIZATION SHALL BE
15 DESIGNATED TO CERTIFY NONPROFIT EDUCATIONAL ASSISTANCE
16 ORGANIZATIONS, ACCEPT QUALIFYING CONTRIBUTIONS, APPROVE CREDIT
17 APPLICATIONS, DISTRIBUTE QUALIFYING CONTRIBUTIONS TO NONPROFIT
18 EDUCATIONAL ASSISTANCE ORGANIZATIONS, AND COORDINATE WITH THE
19 DEPARTMENT IN ADMINISTERING THE CREDIT ALLOWED BY THIS SECTION.
20 TO QUALIFY FOR DESIGNATION, A NONPROFIT ORGANIZATION SHALL:

21
22 (a) BE EXEMPT FROM TAXATION UNDER SECTION 501 (c) (3) OF THE
23 INTERNAL REVENUE CODE; AND

24
25 (b) HAVE THE ADMINISTRATIVE CAPABILITY TO PROMOTE THE
26 SUCCESS OF THE CREDIT ALLOWED BY THIS SECTION BY RECRUITING AND
27 COORDINATING ACTIVITIES WITH ALL INTERESTED NONPROFIT
28 EDUCATIONAL ASSISTANCE ORGANIZATIONS IN COLORADO AND
29 CERTIFYING THOSE NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS
30 THAT MEET THE CERTIFICATION CRITERIA SET FORTH IN SUBSECTION (5) OF
31 THIS SECTION.

32
33 (5) **Certification of nonprofit educational assistance**
34 **organizations.** (a) THE DESIGNATED NONPROFIT ORGANIZATION SHALL
35 CERTIFY ANY NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION THAT
36 APPLIES FOR CERTIFICATION AND MEETS THE REQUIREMENTS OF THIS
37 SUBSECTION (5). INITIAL CERTIFICATION SHALL LAST FOR A PERIOD OF
38 TWO YEARS AND SHALL BE RENEWED FOR ADDITIONAL TWO-YEAR PERIODS
39 UNLESS A CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION
40 FAILS TO REMAIN IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
41 SUBSECTION (5). EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
42 THIS SUBSECTION (5), A NONPROFIT EDUCATIONAL ASSISTANCE
43 ORGANIZATION SEEKING CERTIFICATION SHALL DEMONSTRATE THAT IT:

44
45 (I) OPERATES IN COLORADO;

46
47 (II) IS EXEMPT FROM FEDERAL INCOME TAXES PURSUANT TO
48 SECTION 501 (c) (3) OF THE INTERNAL REVENUE CODE;

49
50 (III) WORKS WITH LOW-INCOME POPULATIONS LIKELY TO BENEFIT
51 FROM QUALIFYING CONTRIBUTIONS MADE BECAUSE OF THE CREDIT
52 ALLOWED BY THIS SECTION;

53
54 (IV) ALLOCATES ALL QUALIFYING CONTRIBUTIONS IT RECEIVES
55 FROM THE DESIGNATED NONPROFIT ORGANIZATION PURSUANT TO THIS
56 SECTION FOR THE PURPOSE OF PROVIDING SCHOLARSHIPS TO

1 INCOME-QUALIFIED STUDENTS WHO ATTEND ELIGIBLE SCHOOLS, EXCEPT AS
2 OTHERWISE PROVIDED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a);
3

4 (V) AWARDS SCHOLARSHIPS IN ANY FISCAL YEAR IN AN AMOUNT
5 THAT DOES NOT EXCEED AN AMOUNT EQUAL TO THE NUMBER OF FUNDED
6 PUBLIC-TO-PRIVATE STUDENTS TO WHOM IT AWARDS SCHOLARSHIPS IN THE
7 FISCAL YEAR MULTIPLIED BY THE AVERAGE AMOUNT OF PER PUPIL
8 OPERATING REVENUES, AS DEFINED IN SECTION 22-54-103 (9), C.R.S., FOR
9 ALL SCHOOL DISTRICTS IN THE STATE FOR THE FISCAL YEAR AND DIVIDED
10 BY SIXTY-FIVE PERCENT, COUNTING ANY FUNDED PUBLIC-TO-PRIVATE
11 STUDENT WHO IS A CHILD WITH DISABILITIES, AS DEFINED IN SECTION
12 22-20-103 (1.5), C.R.S., AS TWO PUBLIC-TO-PRIVATE STUDENTS;
13

14 (VI) ALLOCATES AT LEAST FORTY PERCENT OF THE AGGREGATE
15 AMOUNT OF ALL QUALIFYING CONTRIBUTIONS IT RECEIVES FOR THE
16 PURPOSE OF ASSISTING INCOME-QUALIFIED STUDENTS WHO ATTEND PUBLIC
17 OR PRIVATE PRESCHOOLS OR KINDERGARTENS, PUBLIC ELEMENTARY
18 SCHOOLS, OR PUBLIC SECONDARY SCHOOLS IN COLORADO IN DEFRAYING
19 EDUCATION-RELATED COSTS, INCLUDING, BUT NOT LIMITED TO, THE COSTS
20 OF:
21

22 (A) INDIVIDUAL OR GROUP TUTORING SERVICES PROVIDED APART
23 FROM THE REGULAR INSTRUCTIONAL PROGRAM OF A PUBLIC OR PRIVATE
24 PRESCHOOL OR KINDERGARTEN, A PUBLIC ELEMENTARY SCHOOL, OR A
25 PUBLIC SECONDARY SCHOOL BY ANY FOR PROFIT, NONPROFIT, OR PUBLIC
26 SCHOOL BASED ENTITY;
27

28 (B) EDUCATIONAL SUPPLIES AND MATERIALS USED IN CONNECTION
29 WITH SUCH INDIVIDUAL OR GROUP TUTORING SERVICES;
30

31 (C) INTER-SCHOOL DISTRICT TRANSPORTATION TO AND FROM ANY
32 SCHOOL TO THE EXTENT THAT A SCHOOL DISTRICT OR THE STATE DOES NOT
33 PAY FOR THE TRANSPORTATION;
34

35 (D) TUITION AND FEES CHARGED BY PUBLIC SCHOOLS.
36

37 (VII) DEMONSTRATES A PATTERN OF GIVING PRIORITY IN
38 AWARDING SCHOLARSHIPS TO THOSE INCOME-QUALIFIED STUDENTS WHO
39 DEMONSTRATE THE GREATEST NEED FOR SCHOLARSHIPS.
40

41 (b) THE DESIGNATED NONPROFIT ORGANIZATION MAY GRANT
42 INITIAL CERTIFICATION TO A NONPROFIT EDUCATIONAL ASSISTANCE
43 ORGANIZATION THAT OPERATES IN COLORADO AND IS EXEMPT FROM
44 FEDERAL INCOME TAXES PURSUANT TO SECTION 501 (c) (3) OF THE
45 INTERNAL REVENUE CODE, BUT THAT DOES NOT MEET ALL OF THE OTHER
46 REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (5) SO LONG AS
47 THE NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION AGREES IN
48 WRITING TO CONDUCT ITS FUTURE ACTIVITIES IN ACCORDANCE WITH THOSE
49 REQUIREMENTS.
50

51 (c) AN UNCERTIFIED OR CERTIFIED NONPROFIT EDUCATIONAL
52 ASSISTANCE ORGANIZATION APPLYING FOR INITIAL CERTIFICATION OR
53 RENEWAL OF CERTIFICATION SHALL ALLOW THE DESIGNATED NONPROFIT
54 ORGANIZATION ACCESS TO ANY DOCUMENTS THAT THE DESIGNATED
55 NONPROFIT ORGANIZATION REASONABLY REQUIRES TO MAKE A
56 CERTIFICATION DETERMINATION.

1 **(6) Contribution and credit approval process - distribution of**
2 **contributions.** (a) A TAXPAYER SHALL APPLY TO THE DESIGNATED
3 NONPROFIT ORGANIZATION FOR APPROVAL OF THE CREDIT ALLOWED BY
4 THIS SECTION BY MAKING A QUALIFYING CONTRIBUTION TO THE
5 DESIGNATED NONPROFIT ORGANIZATION, IDENTIFYING A CERTIFIED
6 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION TO WHICH THE
7 DESIGNATED NONPROFIT ORGANIZATION SHALL FORWARD THE
8 CONTRIBUTION, AND SUBMITTING AN APPLICATION FOR APPROVAL OF THE
9 CREDIT IN ACCORDANCE WITH ANY RULES PROMULGATED BY THE
10 EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (8) OF THIS SECTION.

11
12 (b) BEFORE ACCEPTING ANY CONTRIBUTION AND ACCOMPANYING
13 CREDIT APPLICATION, THE DESIGNATED NONPROFIT ORGANIZATION SHALL
14 INFORM THE CONTRIBUTOR IF:

15
16 (I) THE DESIGNATED NONPROFIT ORGANIZATION WILL BE UNABLE
17 TO APPROVE THE CREDIT APPLICATION BECAUSE THE DESIGNATED
18 NONPROFIT ORGANIZATION HAS ALREADY APPROVED CREDITS IN THE
19 MAXIMUM AMOUNT ALLOWED PURSUANT TO PARAGRAPH (b) OF
20 SUBSECTION (3) OF THIS SECTION FOR THE CALENDAR YEAR IN WHICH THE
21 CONTRIBUTION IS TO BE MADE;

22
23 (II) THE DESIGNATED NONPROFIT ORGANIZATION WILL BE UNABLE
24 TO APPROVE THE CREDIT APPLICATION BECAUSE THE CREDIT WILL NOT BE
25 ALLOWED FOR THE INCOME TAX YEAR IN WHICH THE CONTRIBUTION IS TO
26 BE MADE PURSUANT TO SUBSECTION (9) OF THIS SECTION; OR

27
28 (III) THE DESIGNATED NONPROFIT ORGANIZATION MAY BE UNABLE
29 TO APPROVE THE CREDIT APPLICATION BECAUSE IT IS NOT YET CLEAR
30 WHETHER OR NOT THE CREDIT WILL BE ALLOWED FOR THE INCOME TAX
31 YEAR IN WHICH THE CONTRIBUTION IS TO BE MADE PURSUANT TO
32 SUBSECTION (9) OF THIS SECTION. IN SUCH A SITUATION, THE DESIGNATED
33 NONPROFIT ORGANIZATION SHALL INFORM THE TAXPAYER THAT IT WILL
34 APPROVE THE CREDIT APPLICATION IF IT BECOMES CLEAR THAT THE CREDIT
35 WILL BE ALLOWED FOR THE INCOME TAX YEAR.

36
37 (c) UPON RECEIVING A QUALIFYING CONTRIBUTION AND
38 APPROVING A CREDIT APPLICATION, THE DESIGNATED NONPROFIT
39 ORGANIZATION SHALL ISSUE A RECEIPT TO THE CONTRIBUTOR THAT
40 VERIFIES THE CONTRIBUTOR'S RIGHT TO CLAIM THE CREDIT ALLOWED BY
41 THIS SECTION ON A STANDARDIZED FORM PROVIDED TO THE DESIGNATED
42 NONPROFIT ORGANIZATION BY THE DEPARTMENT OF REVENUE. THE
43 RECEIPT SHALL INCLUDE THE NAME OF THE CERTIFIED NONPROFIT
44 EDUCATIONAL ASSISTANCE ORGANIZATION, THE NAME OF THE TAXPAYER,
45 THE AMOUNT OF THE CONTRIBUTION, THE DATE THE CONTRIBUTION WAS
46 MADE, AND ANY ADDITIONAL INFORMATION THAT THE DEPARTMENT MAY
47 REQUIRE. TO CLAIM THE CREDIT ALLOWED BY THIS SECTION, A TAXPAYER
48 SHALL SUBMIT A COPY OF THE RECEIPT TO THE DEPARTMENT WITH THE
49 TAXPAYER'S INCOME TAX RETURN ONLY FOR THE INCOME TAX YEAR IN
50 WHICH THE RECEIPT WAS ISSUED.

51
52 (d) THE DESIGNATED NONPROFIT ORGANIZATION SHALL FORWARD
53 A QUALIFYING CONTRIBUTION TO THE CERTIFIED NONPROFIT EDUCATIONAL
54 ASSISTANCE ORGANIZATION PROMPTLY UPON RECEIPT. THE DESIGNATED
55 NONPROFIT ORGANIZATION MAY DEDUCT AN ADMINISTRATIVE FEE IN AN
56 AMOUNT CALCULATED TO DEFRAY THE REASONABLE AND NECESSARY

1 EXPENSES INCURRED BY THE ORGANIZATION IN ADMINISTERING THE
2 CREDIT BEFORE FORWARDING THE NET AMOUNT OF A QUALIFYING
3 CONTRIBUTION IF THE EXECUTIVE DIRECTOR AUTHORIZES THE
4 ORGANIZATION TO COLLECT A FEE AND SPECIFIES THE AMOUNT OF THE FEE
5 TO BE COLLECTED. THE AMOUNT OF SAID FEE SHALL NOT EXCEED TWO
6 PERCENT OF THE AMOUNT OF THE QUALIFYING CONTRIBUTION FROM WHICH
7 IT IS DEDUCTED.

8
9 (7) **Reporting requirements.** (a) (I) NOT LATER THAN FEBRUARY
10 1, 2003, AND EACH FEBRUARY 1 THEREAFTER, THE DESIGNATED
11 NONPROFIT ORGANIZATION SHALL SUBMIT TO THE STATE AUDITOR AND THE
12 LEGISLATIVE AUDIT COMMITTEE AN ANNUAL REPORT THAT EVALUATES THE
13 IMPLEMENTATION OF THE INCOME TAX CREDIT ALLOWED BY THIS SECTION
14 AND PROVIDES INFORMATION CONCERNING THE AMOUNTS OF TAX CREDITS
15 CLAIMED AND ALLOWED UNDER THIS SECTION. EACH CERTIFIED
16 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION SHALL PROVIDE THE
17 DESIGNATED NONPROFIT ORGANIZATION ACCESS TO ANY RECORDS AND
18 DOCUMENTS THAT THE DESIGNATED NONPROFIT ORGANIZATION
19 REASONABLY REQUIRES TO PREPARE THE REPORT.

20
21 (II) THE STATE AUDITOR MAY AUDIT THE REPORT SUBMITTED BY
22 THE DESIGNATED NONPROFIT ORGANIZATION PURSUANT TO SUBPARAGRAPH
23 (I) OF THIS PARAGRAPH (a) TO VERIFY THE ACCURACY OF THE CREDITS
24 CLAIMED, AND BOTH THE DESIGNATED NONPROFIT ORGANIZATION AND
25 EACH CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION
26 SHALL PROVIDE THE STATE AUDITOR ACCESS TO ANY RECORDS OR
27 DOCUMENTS THAT THE STATE AUDITOR REASONABLY REQUIRES TO ENSURE
28 THE ACCURACY OF THE AUDIT.

29
30 (b) NOT LATER THAN FEBRUARY 1, 2011, THE STATE AUDITOR
31 SHALL SUBMIT A REPORT ON THE IMPLEMENTATION AND EFFECTS OF THE
32 CREDIT ALLOWED BY THIS SECTION TO THE HOUSE AND SENATE EDUCATION
33 COMMITTEES OF THE GENERAL ASSEMBLY. THE STATE AUDITOR SHALL
34 CONSULT WITH THE DEPARTMENT OF EDUCATION IN PREPARING THE
35 REPORT. THE REPORT MAY CONTAIN ANY RECOMMENDATION OF THE
36 STATE AUDITOR OR THE DEPARTMENT AS TO WHETHER THE CREDIT SHOULD
37 BE ALLOWED FOR INCOME TAX YEARS COMMENCING ON OR AFTER
38 JANUARY 1, 2012, AND SHALL INCLUDE INFORMATION REGARDING:

39
40 (I) THE FISCAL IMPACT OF THE CREDIT, INCLUDING THE AMOUNT OF
41 CREDITS ALLOWED;

42
43 (II) THE AMOUNT OF CONTRIBUTIONS MADE TO CERTIFIED
44 NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATIONS;

45
46 (III) THE ESTIMATED NUMBER AND AMOUNT OF SCHOLARSHIPS
47 AWARDED TO QUALIFYING STUDENTS AS A RESULT OF THE CREDIT;

48
49 (IV) THE IMPACT OF THE CREDIT ON COLORADO PUBLIC
50 ELEMENTARY AND SECONDARY SCHOOLS; AND

51
52 (V) ANY OTHER INFORMATION THAT THE STATE AUDITOR BELIEVES
53 WILL HELP THE HOUSE AND SENATE EDUCATION COMMITTEES EVALUATE
54 THE SUCCESS OF THE CREDIT.

55
56 (8) **Rule-making authority.** AFTER CONSULTATION WITH THE

1 DESIGNATED NONPROFIT ORGANIZATION, THE EXECUTIVE DIRECTOR SHALL
2 PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION OF THE
3 INCOME TAX CREDIT ALLOWED BY THIS SECTION IN ACCORDANCE WITH
4 ARTICLE 4 OF TITLE 24, C.R.S.

5
6 (9) **Mechanism to refund excess state revenues.** (a) (I) NO
7 LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR COMMENCING ON
8 OR AFTER JANUARY 1, 2002, THE EXECUTIVE DIRECTOR SHALL ANNUALLY
9 ADJUST THE DOLLAR AMOUNT SPECIFIED IN PARAGRAPH (a) OF SUBSECTION
10 (3) OF THIS SECTION TO REFLECT THE RATE OF GROWTH OF COLORADO
11 PERSONAL INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING
12 THE CALENDAR YEAR IN WHICH SUCH ADJUSTMENT IS MADE. FOR
13 PURPOSES OF THIS SUBPARAGRAPH (I), "THE RATE OF GROWTH OF
14 COLORADO PERSONAL INCOME" MEANS THE PERCENTAGE CHANGE
15 BETWEEN THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL
16 PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY
17 REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES
18 DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR IMMEDIATELY
19 PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE AND
20 THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL
21 INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE
22 BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF
23 COMMERCE FOR THE CALENDAR YEAR PRIOR TO THE CALENDAR YEAR
24 IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE
25 ADJUSTMENT IS MADE.

26
27 (II) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR
28 AMOUNT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH
29 (a), THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE EXECUTIVE
30 COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION
31 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS
32 FOR THE ADJUSTMENT. SUCH WRITTEN NOTIFICATION SHALL BE GIVEN
33 WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED,
34 BUT SUCH WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN
35 OCTOBER 1 OF THE CALENDAR YEAR.

36
37 (III) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE
38 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE SUCH
39 ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER
40 RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.
41 ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE
42 EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE
43 AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS
44 THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT,
45 SUCH AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE
46 COMMITTEE DOES NOT APPROVE OR DISAPPROVE SUCH ADJUSTMENT AFTER
47 THE CONCLUSION OF SUCH HEARING. ANY HEARING CONDUCTED BY THE
48 EXECUTIVE COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (III) SHALL BE
49 CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH
50 WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

51
52 (b) (I) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
53 DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY
54 THE EXECUTIVE DIRECTOR PURSUANT TO PARAGRAPH (a) OF THIS
55 SUBSECTION (9), THE EXECUTIVE COMMITTEE SHALL SPECIFY SUCH
56 ADJUSTED DOLLAR AMOUNT TO BE UTILIZED BY THE EXECUTIVE DIRECTOR.

1 ANY ADJUSTED DOLLAR AMOUNT SPECIFIED BY THE EXECUTIVE
2 COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE CALCULATED
3 IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS
4 SUBSECTION (9).

5
6 (II) FOR THE PURPOSE OF DETERMINING WHETHER THE CREDIT
7 AUTHORIZED BY SUBSECTION (3) OF THIS SECTION IS TO BE ALLOWED FOR
8 ANY GIVEN INCOME TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT
9 UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED
10 PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION
11 (9) OR OTHERWISE SPECIFIED PURSUANT TO SUBPARAGRAPH (I) OF THIS
12 PARAGRAPH (b).

13
14 (c) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE
15 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY
16 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, THAT SEEK
17 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OF THE
18 AMOUNT OF EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR ENDING
19 DURING THE CALENDAR YEAR, THE EXECUTIVE DIRECTOR SHALL NOT
20 DETERMINE WHETHER THE CREDIT AUTHORIZED BY SUBSECTION (3) OF THIS
21 SECTION SHALL BE ALLOWED AND SHALL NOT PROMULGATE RULES
22 CONTAINING THE CREDIT UNTIL THE IMPACT OF THE RESULTS OF THE
23 ELECTION ON THE AMOUNT OF THE EXCESS STATE REVENUES TO BE
24 REFUNDED IS ASCERTAINED.

25
26 **SECTION 2. Effective date.** This act shall take effect at 12:01
27 a.m. on the day following the expiration of the ninety-day period after
28 final adjournment of the general assembly that is allowed for submitting
29 a referendum petition pursuant to article V, section 1 (3) of the state
30 constitution; except that, if a referendum petition is filed against this act
31 or an item, section, or part of this act within such period, then the act,
32 item, section, or part, if approved by the people, shall take effect on the
33 date of the official declaration of the vote thereon by proclamation of the
34 governor."

35
36
37
38
39 **INFORMATION & TECHNOLOGY**

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

42
43 **SB02-213** be postponed indefinitely.

44
45
46
47
48 **STATE, VETERANS, & MILITARY AFFAIRS**

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

51
52 **SB02-206** be postponed indefinitely.

53
54
55

1 **SB02-225** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

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

8 "SECTION 1. 24-6-203 (2), Colorado Revised Statutes, is
9 amended, and the said 24-6-203 is further amended BY THE ADDITION
10 OF A NEW SUBSECTION to read:
11

12 **24-6-203. Reporting by incumbents and elected candidates -**
13 **gifts, honoraria, and other benefits - penalty.** (2) (a) (I) Every
14 incumbent in or candidate elected to public office who receives from any
15 other person any item described in subsection (3) of this section in
16 connection with the incumbent's or elected candidate's public service
17 shall file with the appropriate officer on or before January 15 of each
18 year, a report for the preceding calendar year.
19

20 (II) THIS PARAGRAPH (a) IS REPEALED EFFECTIVE JANUARY 16,
21 2003.
22

23 (b) ON AND AFTER JANUARY 1, 2003, EVERY INCUMBENT IN OR
24 CANDIDATE ELECTED TO PUBLIC OFFICE WHO RECEIVES FROM ANY OTHER
25 PERSON ANY ITEM DESCRIBED IN SUBSECTION (3) OF THIS SECTION IN
26 CONNECTION WITH THE INCUMBENT'S OR ELECTED CANDIDATE'S PUBLIC
27 SERVICE SHALL FILE WITH THE APPROPRIATE OFFICER NO LATER THAN
28 APRIL 15, JULY 15, OCTOBER 15, AND JANUARY 15, A REPORT FOR THE
29 PRECEDING CALENDAR QUARTER.
30

31 (c) Such report shall be on forms prescribed by the secretary of
32 state and shall contain, at a minimum, the name of the person from whom
33 the item was received and the amount or value and the date of receipt.
34 The secretary of state shall furnish such forms to municipal clerks, to
35 county clerk and recorders, and to incumbents and elected candidates for
36 state offices and district offices of districts greater than a county free of
37 charge for use by incumbents and elected candidates required to file such
38 forms. If any incumbent in or candidate elected to public office does not
39 receive any such item, he OR SHE shall not be required to file such report.
40

41 (4.5) EVERY INCUMBENT IN OR CANDIDATE ELECTED TO PUBLIC
42 OFFICE IS PROHIBITED FROM RECEIVING OR ACCEPTING FROM ANY OTHER
43 PERSON, IN CONNECTION WITH THE INCUMBENT'S OR ELECTED CANDIDATE'S
44 PUBLIC SERVICE, ANY ITEM THAT IS NOT DESCRIBED IN SUBSECTION (3) OR
45 SUBSECTION (4) OF THIS SECTION.
46

47 **SECTION 2. Effective date.** This act shall take effect at 12:01
48 a.m. on the day following the expiration of the ninety-day period after
49 final adjournment of the general assembly that is allowed for submitting
50 a referendum petition pursuant to article V, section 1 (3) of the state
51 constitution; except that, if a referendum petition is filed against this act
52 or an item, section, or part of this act within such period, then the act,
53 item, section, or part, if approved by the people, shall take effect on the
54 date of the official declaration of the vote thereon by proclamation of the
55 governor."
56

1 **SB02-229** be amended as follows, and as so amended, be referred to
 2 the Committee on Appropriations with favorable
 3 recommendation:
 4

5 Amend reengrossed bill, page 8, strike lines 4 through 27.
 6

7 Strike pages 9 through 12.
 8

9 Page 13, strike lines 1 through 18.
 10

11 Renumber succeeding section accordingly.
 12
 13
 14

15 **SB02-234** be postponed indefinitely.
 16
 17

18 **CONSENT GRANTED TO CONFERENCE COMMITTEES**

19 Representative King moved that the First Conference Committee on
 20 **SB02-179** be granted permission to go beyond the scope of the difference
 21 between the House and the Senate. The motion was passed by the
 22 following roll call vote:
 23
 24

25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
	YES 61	NO 1	EXCUSED 0	ABSENT 3																
28	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y												
29	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y												
30	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y												
31	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y												
32	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y												
33	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y												
34	Chavez	-	Jahn	Y	Rhodes	Y	Tochtrop	Y												
35	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y												
36	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y												
37	Coleman	Y	Kester	Y	Saliman	-	Webster	Y												
38	Crane	Y	King	Y	Sanchez	Y	Weddig	Y												
39	Daniel	Y	Larson	Y	Schultheis	Y	White	Y												
40	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y												
41	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y												
42	Fritz	-	Mace	Y	Smith	Y	Witwer	Y												
43	Garcia	Y	Madden	Y	Snook	Y	Young	Y												
44							Mr. Speaker	Y												

46
 47
 48 Representative Young moved that the First Conference Committee on
 49 **HB02-1161** be granted permission to go beyond the scope of the
 50 difference between the House and the Senate. The motion was passed by
 51 the following roll call vote:
 52

53	54	55	56	YES 63	NO 0	EXCUSED 0	ABSENT 2
54	Alexander	Y	Groff	Y	Marshall	Y	Spence
55	Bacon	Y	Grossman	Y	Miller	Y	Spradley
56	Berry	Y	Harvey	Y	Mitchell	Y	Stafford

1	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
2	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
3	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
4	Chavez	-	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	-	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

ANNOUNCEMENT

The Speaker announced the House was in the last two days of session.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

HB02-1457 by Representative(s) Young, Jahn, Hefley, Cloer, Alexander, Boyd, Clapp, Coleman, Crane, Daniel, Dean, Fritz, Garcia, Groff, Grossman, Harvey, Hodge, Johnson, Kester, Lawrence, Lee, Mace, Miller, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Sanchez, Scott, Snook, Spence, Spradley, Stafford, Stengel, Tapia, Tochtrop, Veiga, Vigil, White, Williams S., Williams T., Witwer; also Senator(s) Windels, Reeves, Anderson, Arnold, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, McElhany, Owen, Pascoe, Phillips, Takis, Taylor, Thiebaut, Tupa-- Concerning the suspension of the eight percent limitation on increases in health care costs for nursing facilities by using funding related to the quality of care incentive payment program, and, in connection therewith, repealing the quality of care incentive payment program and modifying the resident-centered quality improvement program, and making an appropriation in connection therewith.

Representative Young moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

50	<u>YES</u>	65	<u>NO</u>	0	<u>EXCUSED</u>	0	<u>ABSENT</u>	0
----	------------	----	-----------	---	----------------	---	---------------	---

51								
52	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
53	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
54	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
55	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
56	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y

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

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

20	YES	65	NO	0	EXCUSED	0	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	Y	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

41 _____
 42 House in recess. House reconvened.
 43 _____

46 On motion of Representative Spradley, **SB02-231, 235, SCR02-006,**
 47 **SB02-219, 233, 217, 180, 190, 230** were made Special Orders on
 48 Tuesday, May 7, 2002, at 7:36 p.m.

51 _____
 51 The hour of 7:36 p.m., having arrived, on motion of Representative
 52 Clapp, the House resolved itself into Committee of the Whole for
 53 consideration of Special Orders and she was called to the Chair to act as
 54 Chairman.

55 _____
 56

SPECIAL ORDERS--SECOND READING OF BILLS

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

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

SB02-235 by Senator(s) Isgar; also Representative(s) Larson-- Concerning the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.

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

SB02-231 by Senator(s) Owen; also Representative(s) Stengel, King --Concerning the administration of retirement plans by the state deferred compensation committee.

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

SCR02-006 by Senator(s) Owen; also Representative(s) Williams T.-- Submitting to the registered electors of the state of Colorado amendments to articles VI and XVIII of the constitution of the state of Colorado, concerning the repeal of certain obsolete provisions in the constitution of the state of Colorado.

Amendment No. 1, Civil Justice & Judiciary Report, dated May 7, 2002, and placed in member's bill file; Report also printed in House Journal, May 7, pages 1924-1926.

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

SB02-219 by Senator(s) Perlmutter; also Representative(s) Smith-- Concerning property exempt from levy and sale under writ.

Amendment No. 1, by Representative Smith.

Amend reengrossed bill, page 3, strike lines 6 and 7 and substitute the following:

"effect July 1, 2002, and shall apply to debts incurred on or after said date."

Amendment No. 2, by Representative Smith.

Amend reengrossed bill, page 2, strike lines 13 through 23 and substitute the following:

1 "(II) IF A DEBTOR OR THE SPOUSE OF THAT DEBTOR CLAIMS AN
 2 EXEMPTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THEN
 3 NEITHER SUCH DEBTOR NOR THE SPOUSE OF SUCH DEBTOR SHALL BE
 4 ENTITLED TO CLAIM AN EXEMPTION UNDER PARAGRAPH (i) OF THIS
 5 SUBSECTION (1) UNLESS THE DEBTOR OR THE SPOUSE OF THE DEBTOR NOT
 6 CLAIMING AN EXEMPTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
 7 (g) IS SOLELY ENGAGED IN AN OCCUPATION OTHER THAN AGRICULTURE.
 8 IN THAT EVENT, THE DEBTOR OR THE SPOUSE OF THE DEBTOR NOT
 9 CLAIMING AN EXEMPTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH
 10 (g) CAN CLAIM AN EXEMPTION UNDER PARAGRAPH (i) OF THIS SUBSECTION
 11 (1). IF A CONSENSUAL LIEN ON PROPERTY DESCRIBED IN THIS PARAGRAPH
 12 (g) IS SIGNED BY THE DEBTOR AND THE SPOUSE OF THE DEBTOR, ONLY ONE
 13 EXEMPTION IN THE AGGREGATE VALUE OF TWENTY-FIVE THOUSAND
 14 DOLLARS SHALL BE ALLOWED.";

15
 16 line 27, strike "dollars." and substitute "dollars; EXCEPT THAT ANY OF THE
 17 PROPERTY DESCRIBED IN THIS PARAGRAPH (i) MAY NOT ALSO BE CLAIMED
 18 UNDER PARAGRAPH (g) OF THIS SUBSECTION (1).".

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

22
 23 **SB02-233** by Senator(s) Reeves, Tate, Owen; also Representative(s)
 24 Berry, Young, Saliman--Concerning a clarification that for
 25 the purposes of determining and maintaining compen-
 26 sation for state troopers employed by the Colorado state
 27 patrol the nonsalary elements of such troopers' total
 28 compensation shall be the same as for all other state
 29 employees.

30
 31 Ordered revised and placed on the Calendar for Third Reading and Final
 32 Passage.

33
 34 **SB02-180** by Senator(s) Phillips; also Representative(s) Spradley--
 35 Concerning the use of renewable energy sources, and, in
 36 connection therewith, requiring providers of electric
 37 service to comply with an electric resource standard for
 38 renewable energy, authorizing the Colorado public utilities
 39 commission to impose administrative fines against
 40 noncomplying providers under certain circumstances,
 41 providing an exemption from the standard in specified
 42 circumstances, and specifying reporting requirements
 43 relating to the standard, and making an appropriation
 44 therefor.

45
 46 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
 47 dated May 2, 2002, and placed in member's bill file; Report also printed
 48 in House Journal, May 2, pages 1792-1794.

49
 50 Amendment No. 2, by Representative Spradley.

51
 52 Amend the Agriculture, Livestock, & Natural Resources Committee
 53 Report, dated May 2, 2002, page 3, strike lines 5 through 11 and
 54 substitute the following:

55
 56 ""(5) IN APPLYING THE ELECTRIC RESOURCE STANDARD, THE

1 COMMISSION SHALL FULLY CREDIT THE PROVIDER OF ELECTRIC SERVICE
2 WITH THE RENEWABLE ENERGY THAT THE PROVIDER OF ELECTRIC SERVICE
3 HAS INSTALLED OR PURCHASED, NOTWITHSTANDING WHETHER THE COST
4 OF THE RENEWABLE ENERGY HAS BEEN OR WILL BE RECOVERED THROUGH
5 AN OPTIONAL PRICING PROGRAM OR THROUGH STANDARD UTILITY
6 RATES.";"

7
8 Page 4, after line 20, insert the following:

9
10 "Page 10, line 4, strike "SHALL INCLUDE PROVISIONS";

11
12 line 5, strike "GOVERNING THE IMPOSITION OF ADMINISTRATIVE FINES."
13 and substitute "SHALL INCLUDE PROVISIONS GOVERNING THE IMPOSITION
14 OF ADMINISTRATIVE FINES, BUT THE PROVIDER SHALL NOT BE FINED IF THE
15 PROVIDER FAILS TO COMPLY WITH THE ELECTRIC RESOURCE STANDARD
16 DUE TO THE NONPERFORMANCE OF A PARTY OTHER THAN THE PROVIDER
17 UNDER A RENEWABLE ENERGY CONTRACT AND THE PROVIDER EXERCISES
18 REASONABLE DILIGENCE TO COME INTO COMPLIANCE WITH THE ELECTRIC
19 RESOURCE STANDARD."."

20
21 Amendment No. 3, by Representative Young.

22
23 Amend the Agriculture, Livestock, & Natural Resources Committee
24 Report, dated May 2, 2002, page 1, before line 1, insert the following:

25
26 "Amend reengrossed bill, page 3, strike line 5.

27
28 Renumber succeeding subparagraphs accordingly."

29
30 Page 1 of the committee report, line 1, strike "Amend reengrossed bill,
31 page 3," and substitute "Page 3,";

32
33 strike lines 11 through 15.

34
35 Page 2, strike lines 1 through 4 and substitute the following:

36
37 ""(9) "SMALLHYDROPROJECT" MEANS A HYDROELECTRIC PROJECT
38 WITH A NAMEPLATE RATING OF TWENTY MEGAWATTS OR LESS IN
39 EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ARTICLE, AND
40 TECHNOLOGIES THAT HARNESS THE INCREMENTAL HYDROELECTRIC
41 POTENTIAL OF WATER CONVEYANCE STRUCTURES IN EXISTENCE AS OF THE
42 EFFECTIVE DATE OF THIS ARTICLE, PROVIDED SUCH INCREMENTAL
43 HYDROELECTRIC DEVELOPMENT DOES NOT RESULT IN THE INCREASED
44 DIVERSION OR CONSUMPTIVE USE OF WATER FROM ANY RIVER, STREAM, OR
45 OTHER WATERWAY. THE TERM DOES NOT INCLUDE DEVELOPED CAPACITY
46 OF ANY EXISTING OR NEW PUMPED STORAGE HYDROELECTRIC FACILITY.";"

47
48 As amended, declared **lost** on Second Reading.
49 (For change in action, see Amendments to Report.)

50
51
52 On motion of Representative Dean, the remainder of the Special Orders
53 Calendar (**SB02-217, 190, 230**) was laid over until 10:30 p.m., retaining
54 place on Calendar.

55
56

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

2

3 Representative Spradley moved to amend the Report of the Committee of
4 the Whole to show that **SB02-180, as amended**, did pass.

5

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

9

10	YES 46	NO 16	EXCUSED 3	ABSENT 0				
11								
12	Alexander	Y	Groff	N	Marshall	N	Spence	Y
13	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
14	Berry	E	Harvey	Y	Mitchell	N	Stafford	Y
15	Borodkin	N	Hefley	Y	Paschall	N	Stengel	Y
16	Boyd	N	Hodge	N	Plant	N	Swenson	Y
17	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
18	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	N
19	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
20	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
21	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
22	Crane	Y	King	Y	Sanchez	N	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	N
27	Garcia	N	Madden	N	Snook	Y	Young	E
28							Mr. Speaker	Y

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31 The amendment by Representative Spradley was declared **passed** by the
32 following roll call vote:

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34	YES 39	NO 22	EXCUSED 3	ABSENT 1				
35								
36	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
37	Bacon	Y	Grossman	Y	Miller	N	Spradley	Y
38	Berry	E	Harvey	N	Mitchell	N	Stafford	N
39	Borodkin	Y	Hefley	N	Paschall	Y	Stengel	N
40	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
41	Cadman	N	Hoppe	Y	Ragsdale	N	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
43	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
44	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
45	Coleman	Y	Kester	-	Saliman	E	Webster	Y
46	Crane	N	King	N	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	Y	Schultheis	N	White	Y
48	Decker	N	Lawrence	N	Scott	Y	Williams S.	Y
49	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
50	Fritz	Y	Mace	Y	Smith	N	Witwer	N
51	Garcia	Y	Madden	Y	Snook	Y	Young	E
52							Mr. Speaker	N

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

2
3 Passed Second Reading: **SB02-235, 231, SCR02-006 amended,**
4 **SB02-219 amended, 233, 180 amended.**

5
6 Laid over until date indicated retaining place on Calendar: **SB02-217,**
7 **190, 230--10:30 p.m., May 7, 2002.**

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

13
14 YES 61 NO 0 EXCUSED 3 ABSENT 1

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

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37 **REPORTS OF COMMITTEES OF REFERENCE**

38
39 **LEGAL SERVICES**

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

42
43 **SB02-232** be referred to the Committee of the Whole with favorable
44 recommendation.

45
46
47
48
49 **STATE, VETERANS, & MILITARY AFFAIRS**

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

52
53 **SB02-223** be postponed indefinitely.

54
55
56

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB02-049**

This Report Amends the Rerevised Bill.

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB02-049,
concerning limits on access to court records in domestic relations actions
filed pursuant to title 14, Colorado Revised Statutes, has met and reports
that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 2, strike lines 23 through 26 and substitute the
following:

"(f) ANY ATTACHMENT TO A STIPULATION OR OTHER TEMPORARY
ORDERS AGREEMENT OF THE PARTIES SETTING FORTH AN ITEMIZATION OF
PROPERTY, LIABILITIES, DETAILS OF OBLIGATIONS UNDERTAKEN BY THE
PARTIES, OR PARENTAL RESPONSIBILITIES OF THE PARTIES, INCLUDING
DECISION-MAKING RESPONSIBILITIES AND PARENTING TIME;" .

Page 3, strike lines 1 through 15 and substitute the following:

"(g) ANY ATTACHMENT TO A STIPULATION OR OTHER AGREEMENT
OF THE PARTIES REGARDING A DECLARATION OF INVALIDITY SETTING
FORTH AN ITEMIZATION OF PROPERTY, LIABILITIES, DETAILS OF
OBLIGATIONS UNDERTAKEN BY THE PARTIES, OR PARENTAL
RESPONSIBILITIES OF THE PARTIES, INCLUDING DECISION-MAKING
RESPONSIBILITIES AND PARENTING TIME; AND

(h) ANY ATTACHMENT TO A SEPARATION AGREEMENT OF THE
PARTIES SETTING FORTH AN ITEMIZATION OF PROPERTY, LIABILITIES,
DETAILS OF OBLIGATIONS UNDERTAKEN BY THE PARTIES, OR PARENTAL
RESPONSIBILITIES OF THE PARTIES, INCLUDING DECISION-MAKING
RESPONSIBILITIES AND PARENTING TIME." .

Page 4, line 21, strike "AGENCIES" and substitute "AGENCIES, OR
DESIGNEES OF SUCH PERSONS OR AGENCIES," .

Page 6, line 6, strike "OR AGENCY", and substitute "AGENCY, OR
INSTITUTION OF HIGHER EDUCATION";

line 7, after "DATA;", add "AND";

strike lines 8 through 11.

Reletter succeeding paragraph accordingly.

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendment be
recommended:

1 Amend rerevised bill, page 2, line 5, strike "THE" and substitute "UPON
2 WRITTEN AGREEMENT OF BOTH PARTIES, THE";

3
4 Page 6, after line 16, insert the following:

5
6 "(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT
7 OR OTHERWISE AFFECT THE ABILITY OF ANY PARTY TO FILE A MOTION TO
8 LIMIT ACCESS TO THE COURT FILE OR TO RESTRICT OR OTHERWISE AFFECT
9 THE COURT'S AUTHORITY TO GRANT A MOTION FOR LIMITATION OF ACCESS
10 TO A COURT FILE PURSUANT TO THE COLORADO RULES OF CIVIL
11 PROCEDURE."

12
13 Respectfully submitted,

14 Senate Committee:

15 Ken Gordon
16 Sue Windels
17 Jim Dyer

House Committee:

Shawn Mitchell
Bob Bacon
Jim Snook

18
19
20
21 **MESSAGES FROM THE SENATE**

22 Mr. Speaker:

23
24 The Senate has postponed indefinitely HB02-1122, 1273, 1363. The bills
25 are returned herewith.

26
27
28 The Senate has postponed indefinitely HB02-1460, 1454, 1469. The bills
29 are returned herewith.

30
31
32
33 **THIRD READING OF BILLS--FINAL PASSAGE**

34
35 The following bills were considered on Third Reading. The titles were
36 publicly read. Reading of the bill at length was dispensed with by
37 unanimous consent.

38
39 **SB02-184** by Senator(s) Tupa, Pascoe, Perlmutter; also
40 Representative(s) Swenson, Plant, Stafford, Williams S.--
41 Concerning the authority of counties located within the
42 boundaries of the regional transportation district to provide
43 transit services in cooperation with the district.

44
45 As shown by the following roll call vote, a majority of all members
46 elected to the House voted in the affirmative, and Representative Mitchell
47 was given permission to offer a Third Reading amendment:

48
49 YES 45 NO 19 EXCUSED 1 ABSENT 0

50
51 Alexander Y Groff N Marshall N Spence Y
52 Bacon Y Grossman N Miller Y Spradley Y
53 Berry Y Harvey Y Mitchell Y Stafford Y
54 Borodkin N Hefley Y Paschall Y Stengel Y
55 Boyd Y Hodge N Plant N Swenson Y
56 Cadman Y Hoppe Y Ragsdale N Tapia N

1	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
3	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
4	Coleman	N	Kester	Y	Saliman	N	Webster	Y
5	Crane	Y	King	Y	Sanchez	N	Weddig	N
6	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
7	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
8	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
10	Garcia	N	Madden	N	Snook	Y	Young	E
11							Mr. Speaker	Y

12
13
14 **Third Reading amendment No. 1**, by Representative Mitchell.

15
16 Amend revised bill, page 2, line 25, strike "AN";

17
18 line 26, strike "AGREEMENT" and substitute "CONSULTATION".

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

21	YES	45	NO	20	EXCUSED	0	ABSENT	0
22	Alexander	Y	Groff	N	Marshall	N	Spence	Y
23	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
24	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	N	Hodge	N	Plant	N	Swenson	Y
27	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
28	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
29	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
30	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
31	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
32	Crane	Y	King	Y	Sanchez	N	Weddig	Y
33	Daniel	N	Larson	Y	Schultheis	Y	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
35	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
36	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
37	Garcia	N	Madden	N	Snook	Y	Young	Y
38							Mr. Speaker	Y

39
40
41
42
43 The question being, "Shall the bill, as amended, pass?".

44 A roll call vote was taken. As shown by the following recorded vote, a
45 majority of those elected to the House voted in the affirmative, and the
46 bill, as amended, was declared **passed**.

47	YES	65	NO	0	EXCUSED	0	ABSENT	0
48	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
49	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
54	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y

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

11
12 Co-sponsors added: Representatives Bacon, Coleman, Harvey, Kester, Madden,
13 Mitchell, Rippy, Saliman, Stengel.

14
15 **SB02-080** by Senator(s) Pascoe, Evans, Fitz-Gerald, Linkhart,
16 Perlmutter, Windels; also Representative(s) King, Groff--
17 Concerning education improvement.

18
19 As shown by the following roll call vote, a majority of all members
20 elected to the House voted in the affirmative, and Representative Spence
21 was given permission to offer a Third Reading amendment:

22	YES	54	NO	11	EXCUSED	0	ABSENT	0
23								
24								
25	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
26	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
27	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
28	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
29	Boyd	Y	Hodge	N	Plant	N	Swenson	Y
30	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
31	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
32	Clapp	Y	Jameson	N	Rippy	Y	Veiga	Y
33	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	N
34	Coleman	Y	Kester	Y	Saliman	N	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	N	Madden	Y	Snook	Y	Young	Y
41							Mr. Speaker	Y

42
43
44 **Third Reading amendment No. 1**, by Representative Spence.

45
46 Amend revised bill, page 3, after line 1, insert the following:

47
48 "SECTION 1. 22-2-112 (1), Colorado Revised Statutes, is
49 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

50
51 **22-2-112. Commissioner - duties.** (1) Subject to the supervision
52 of the state board, the commissioner has the following duties:

53
54 (p) TO ENTER INTO AGREEMENTS AS DESCRIBED IN SECTION
55 39-22-529 (2) (c) (II), C.R.S., WITH ELIGIBLE SCHOOLS, AS DEFINED IN
56 SECTION 39-22-529 (2) (c), C.R.S."

1 Renumber succeeding sections accordingly.

2

3 Page 5, line 17, strike "COLORADO." and substitute "COLORADO AND
4 THAT:

5

6 (I) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING
7 ORGANIZATION APPROVED BY THE STATE BOARD OF EDUCATION WHOSE
8 ACCREDITATION PROCESS INCLUDES PERIODIC ASSESSMENTS OF THE
9 ACADEMIC PERFORMANCE OF THE SCHOOL, INCLUDING AN ASSESSMENT OF
10 STUDENT ACHIEVEMENT BY SUCH TESTING AS THE ACCREDITING
11 ORGANIZATION REQUIRES; OR

12

13 (II) HAS ENTERED INTO AN AGREEMENT WITH THE COMMISSIONER
14 OF EDUCATION, AS AUTHORIZED BY SECTION 22-2-112 (1)(p), C.R.S., THAT
15 REQUIRES ANY STUDENT WHO ATTENDS THE NONPUBLIC SCHOOL OR
16 CERTIFIED EDUCATIONAL CLINIC AND RECEIVES A SCHOLARSHIP FROM A
17 CERTIFIED NONPROFIT EDUCATIONAL ASSISTANCE ORGANIZATION TO BE
18 ANNUALLY TESTED BY A RECOGNIZED TESTING FIRM TO MEASURE THE
19 ACADEMIC ACHIEVEMENT IN A MANNER SPECIFIED IN THE AGREEMENT."

20

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

22

23	YES 62	NO 3	EXCUSED 0	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	Y	Paschall	Y	Stengel Y
29	Boyd	Y	Hodge	N	Plant	Y	Swenson Y
30	Cadman	Y	Hoppe	Y	Ragsdale	N	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

44 As shown by the following roll call vote, a majority of all members
45 elected to the House voted in the affirmative, and Representative Spence
46 was given permission to offer a Third Reading amendment:

47

48	YES 41	NO 24	EXCUSED 0	ABSENT 0			
49							
50	Alexander	Y	Groff	N	Marshall	N	Spence Y
51	Bacon	N	Grossman	N	Miller	Y	Spradley Y
52	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
53	Borodkin	N	Hefley	Y	Paschall	Y	Stengel Y
54	Boyd	N	Hodge	N	Plant	N	Swenson Y
55	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia N
56	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop Y

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

10

11

12

13

Third Reading amendment No. 2, by Representative Spence.

14

15

Amend revised bill, page 7, line 4, after "HUNDRED", insert "SEVENTY-FIVE".

16

17

18

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

19

20

YES	42	NO	23	EXCUSED	0	ABSENT	0
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The question being, "Shall the bill, as amended, pass?".

42

43

44

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**.

45

46

YES	40	NO	25	EXCUSED	0	ABSENT	0
-----	----	----	----	---------	---	--------	---

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48	Alexander	Y	Groff	N	Marshall	N	Spence	Y
49	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
50	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
51	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
52	Boyd	N	Hodge	N	Plant	N	Swenson	Y
53	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
54	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
55	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
56	Cloer	N	Johnson	Y	Romanoff	N	Vigil	N

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

9
10 Representative Groff requested his name be removed as sponsor.
11 Co-sponsors added: Representatives Cadman, Fairbank, Harvey, Hefley,
12 Johnson, Lawrence, Smith, Stafford, Swenson.

13
14
15 **IMMEDIATE RECONSIDERATION OF SB02-080**

16
17 Having voted on the prevailing side, Representative Spradley moved for
18 immediate reconsideration of **SB02-080**. As shown by the following
19 recorded vote less than a two-thirds majority of those elected to the
20 House voted in the affirmative and the motion was declared **lost**:

21
22 YES 24 NO 40 EXCUSED 0 ABSENT 1

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

41
42
43
44 House in recess. House reconvened.

45
46
47
48 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
49 **on HB02-1420**

50
51 This Report Amends the Rerevised Bill.

52
53 To the President of the Senate and the
54 Speaker of the House of Representatives:

55
56 Your first conference committee appointed on HB02-1420,

1 concerning the provision for payment of the expenses of the executive,
2 legislative, and judicial departments of the state of Colorado, and of its
3 agencies and institutions, for and during the fiscal year beginning July 1,
4 2002, except as otherwise noted, has met and reports that it has agreed
5 upon the following:

6
7 1. That the House accede to the Senate amendments made to the
8 bill, as said amendments appear in the rerevised bill, with the following
9 changes:

10
11 Page 198, line 10, strike "Program¹¹⁰" and substitute "Program^{110, 110a}".
12

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

14
15 "110a Department of Human Services, Office of Adult and
16 Veterans Services, Aging Services Programs, State
17 Ombudsman Program -- It is the intent of the General
18 Assembly that the funds appropriated in this line item are
19 to be expended to serve the residents of long-term care
20 facilities, as defined in the Older Americans Act (42
21 USCA, §§ 3001, et seq.) and the Colorado Revised
22 Statutes.".
23

24 Page 230, strike lines 6 through 10 and substitute the following:

25
26 "116 Department of Human Services, Division of Child Welfare,
27 Child Welfare Services -- Pursuant to Section 26-5-104 (6),
28 C.R.S., counties are authorized to negotiate rates, services,
29 and outcomes with child welfare service providers and are
30 thus not required to provide a specific rate increase for any
31 provider. The funding appropriated for this line item
32 includes an increase of \$2,809,204 based on a 1.0 percent
33 increase in base funding. If a county intends to use its share
34 of the 1.0 percent increase for a purpose other than
35 increasing provider rates by 1.0 percent, it shall provide
36 information to the Department of Human Services
37 concerning how it plans to spend such funds. The
38 Department is requested to provide a summary of such
39 information to the Joint Budget Committee, the House
40 Health, Environment, Welfare, and Institutions Committee,
41 and the Senate Health, Environment, Children and Families
42 Committee, on or before January 1, 2003.".
43

44 Page 240, line 2, strike "Furnishings¹³²" and substitute "Furnishings^{132,}
45 ^{132a}".
46

47 Page 259, strike lines 9 through 12 and substitute the following:

48
49 "132a Judicial Department, Courts Administration,
50 Administration, County Courthouse Furnishings -- The
51 Judicial Department shall comply with the provisions of
52 Section 17-24-111, C.R.S., and make every effort to
53 purchase its county courthouse furnishings from
54 Correctional Industries. As part of its budget request for
55 FY 2003-04, the Department shall submit a report to the
56 Joint Budget Committee indicating what portion of its

1 furnishings was purchased from Correctional Industries,
2 what portion was purchased elsewhere, and why those
3 furnishings were purchased elsewhere."
4

5 Page 246, line 1, in the ITEM & SUBTOTAL column, strike
6 "80,696,506" and substitute "82,309,746" and, in the GENERAL FUND
7 column, strike "80,696,506" and substitute "82,309,746";
8

9 line 2, in the GENERAL FUND column, strike "(1,523.1 FTE)" and
10 substitute "(1,553.1 FTE)";
11

12 line 3, in the ITEM & SUBTOTAL column, strike "5,811,457" and
13 substitute "5,854,957" and, in the GENERAL FUND column, strike
14 "3,746,619" and substitute "3,790,119";
15

16 strike line 4 and substitute the following:
17

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

23
24 Adjust affected totals accordingly.
25

26 Page 251, line 8, in the ITEM & SUBTOTAL column, strike
27 "23,921,717" and substitute "23,991,028" and, in the GENERAL FUND
28 column, strike "23,921,717" and substitute "23,991,028";
29

30 line 9, in the GENERAL FUND column, strike "(339.2 FTE)" and
31 substitute "(340.7 FTE)";
32

33 line 14, in the ITEM & SUBTOTAL column, strike "1,155,848" and
34 substitute "1,157,474" and, in the GENERAL FUND column, strike
35 "1,143,098" and substitute "1,144,724".
36

37 Page 252, line 6, in the ITEM & SUBTOTAL column, strike "10,338"
38 and substitute "13,784" and, in the GENERAL FUND column, strike
39 "10,338" and substitute "13,784".
40

41 Adjust affected totals accordingly.
42

43 Page 310, after line 1, insert the following:
44

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Colorado Heritage Communities Fund	251,051	251,051";

51
52 line 4, in the ITEM & SUBTOTAL column, strike "55,000" and
53 substitute "555,000" and, in the CASH FUNDS EXEMPT column, strike
54 "55,000" and substitute "555,000".
55

56 Adjust affected totals accordingly.

1 Page 311, strike line 5 and substitute the following:

2

3 ^h Of this amount, \$303,949 shall be from the existing fund balance in the
4 Colorado Heritage Communities Fund and \$251,051(T) shall be from
5 General Fund moneys appropriated to the Colorado Heritage
6 Communities Fund pursuant to Section 24-32-3207, C.R.S."

7

8 Adjust affected (T) notation totals accordingly.

9

10

11 2. That, under the authority granted the committee to consider
12 matters not at issue between the two houses, the following amendments
13 be recommended:

14

15 Page 10, line 2, strike "24-27-201.1 (1) (d) (III)," and substitute "24-75-
16 201.1 (1) (d) (III),".

17

18 Page 20, line 7, in the ITEM & SUBTOTAL column, strike "640,756"
19 and substitute "610,615" and, in the CASH FUNDS EXEMPT column,
20 strike "640,756(T)^a" and substitute "610,615(T)^a".

21

22 Adjust affected totals and affected (T) notation totals accordingly.

23

24 Page 21, line 4, strike "\$698,732" and substitute "\$668,591".

25

26 Page 28, line 5, strike "**Subprogram**^{7,8}" and substitute "**Subprogram**⁷".

27

28 Page 35, line 1, in the GENERAL FUND column, strike "(469.6 FTE)"
29 and substitute "(470.3 FTE)".

30

31 Page 61, line 7, in the CASH FUNDS column, insert "(1.0 FTE)" and, in
32 the CASH FUNDS EXEMPT column, strike "(15.5 FTE)" and substitute
33 "(14.5 FTE)".

34

35 Page 112, line 16, strike "Trust⁵⁷" and substitute "Trust".

36

37 Page 130, strike lines 15 through 17.

38

39 Page 116, strike line 15 and substitute the following:

40

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	"Medicaid Funding						
2	Colorado Benefits Management System	4,555,021		2,382,823(M)		23,556(T) ^a	2,148,642
3	Other Office of Information Technology						
4	Services line items	406,074		203,037(M)			203,037
5		<u>4,961,095</u>					".
6							

- 1 Page 309, line 11, in the ITEM & SUBTOTAL column, strike
2 "62,544,000^b" and substitute "62,544,000".
3
- 4 Page 310, strike line 11.
5
- 6 Page 366, line 6, strike "\$750,169" and substitute "\$744,029" and, strike
7 "\$55,260" and substitute "\$61,400".
8
- 9 Page 373, strike line 5;
10
- 11 line 10, in the ITEM & SUBTOTAL column, strike "9,778,410" and
12 substitute "9,767,647", and in the CASH FUNDS EXEMPT column,
13 strike "9,590,702(T)^b" and substitute "9,579,939(T)^b".
14
- 15 Page 374, after line 4, insert the following:
16
- | | | |
|----|------------|----------|
| 17 | | ITEM & |
| 18 | | SUBTOTAL |
| 19 | | \$ |
| 20 | "Utilities | 10,763"; |
| 21 | | |
- 22 line 6, in the ITEM & SUBTOTAL column, strike "1,928,376" and
23 substitute "1,939,139", and in the CASH FUNDS EXEMPT column,
24 strike "1,928,376(T)^a" and substitute "1,939,139(T)^a".
25
- 26 Page 380, line 6, strike "Central Services, Facilities Maintenance and
27 Planning, State Buildings and Real Estate Services Program" and
28 substitute "Finance and Procurement, Real Estate Services Program".
29
- 30 Page 401, line 4, in the CASH FUNDS EXEMPT column, strike
31 "44,344(T)^d" and substitute "44,344^d";
32
- 33 line 11, strike "\$8,155" and substitute "\$8,155(T)".
34
- 35 Adjust affected (T) notation totals accordingly.
36
- 37 Page 487, line 15, in the ITEM & SUBTOTAL column, strike "794,930"
38 and substitute "798,203", in the CASH FUNDS column, strike "127,132^c"
39 and substitute "127,655^c", and, in the CASH FUNDS EXEMPT column,
40 strike "667,798^d" and substitute "670,548^d".
41
- 42 Adjust affected totals accordingly.
43
- 44 Page 488, line 10, strike "\$454,851" and substitute "\$455,374";
45
- 46 line 13, strike "\$1,699,351" and substitute "\$1,702,101".
47
- 48 Page 564, line 4, in the CASH FUNDS column, strike "334,387^b", and in
49 the CASH FUNDS EXEMPT column, strike "463,816(T)^b" and substitute
50 "798,203(T)^b";
51
- 52 Adjust affected totals and affected (T) notation totals accordingly.
53
- 54 Page 564, line 10, strike "These amounts" and substitute "This amount".
55
- 56 Page 523, line 12, in the ITEM & SUBTOTAL column, strike "65,455"

- 1 and substitute "66,631" and, in the FEDERAL FUNDS column, strike
2 "65,455" and substitute "66,631".
3
4 Adjust affected totals accordingly.
5
6 Page 524, line 6, strike "\$20,289,021" and substitute "\$20,295,854", and
7 strike "\$1,416,703(T)" and substitute "\$1,409,870(T)";
8
9 line 8, strike "201.7" and substitute "204.7" and strike "18.0" and
10 substitute "15.0".
11
12 Adjust affected totals and affected (T) notation totals accordingly.
13
14 Page 537, line 13, strike "\$78,969,975" and substitute "\$78,953,815".
15
16 Page 568, line 4, strike "**PART XVII**" and substitute "**PART XI**".
17
18 Page 86, line 8, strike "**BUDGETING**^{25, 26, 28, 29, 30}" and substitute
19 "**BUDGETING**^{25, 26, 28, 29, 30, 30a}".
20
21 Page 96, after line 9, insert the following:
22
23 "30a Governor-Lieutenant Governor-State Planning and
24 Budgeting, Office of State Planning and Budgeting -- It is
25 the intent of the General Assembly that efforts to maximize
26 the State's collection of federal revenues should be pursued
27 by the Executive Branch. To this end, the Office of State
28 Planning and Budgeting is encouraged to pursue contracts
29 to maximize federal revenues on a contingency basis. It is
30 anticipated that no additional State funds would be required
31 to enter into these contracts and that the Office of State
32 Planning and Budgeting shall report to the Joint Budget
33 Committee on a monthly basis on the status of such
34 efforts."
35
36 Page 136, line 12, in the ITEM & SUBTOTAL column, strike
37 "4,441,483" and substitute "3,126,546", in the GENERAL FUND
38 column, strike "875,467", and, in the CASH FUNDS EXEMPT column,
39 strike "3,440,195(T)^b" and substitute "3,000,725(T)^b";
40
41 line 13, in the ITEM & SUBTOTAL column, strike "1,345,000" and
42 substitute "886,907" and, in the GENERAL FUND column, strike
43 "458,093".
44
45 Page 137, line 2, in the GENERAL FUND column, strike "789,850" and
46 substitute "350,380" and, in the CASH FUNDS EXEMPT column, insert
47 "439,470(T)^b".
48
49 Adjust affected totals accordingly.
50
51 Page 137, line 10, strike "^b This amount" and substitute "^b These
52 amounts".
53
54 Page 541, strike lines 13 and 14 and substitute "eighteen million eighty
55 thousand six hundred sixty dollars (\$18,080,660)".
56

1 Page 563, strike lines 12 through 15 and substitute the following:

2
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14

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND EXEMPT
	\$	\$
"2002 Issue (Refunding of 1992 Issue)	265,988	265,988".

Adjust affected totals accordingly.
After page 576, insert the following:

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	"SECTION 5. Part V (6) and the affected totals of section 2 of chapter 363, Session Laws of Colorado 2001, as amended by House Bill 02-1370 and as						
3	further amended by House Bill 02-1425, enacted at the Second Regular Session of the Sixty-third General Assembly, are amended to read:						
4							
5	Section 2. Appropriation.						
6							
			PART V				
7			DEPARTMENT OF HEALTH CARE POLICY AND FINANCING				
8							
9	(6) DEPARTMENT OF HUMAN SERVICES MEDICAID-FUNDED PROGRAMS^{61, 62, 63, 64, 65}						
10	(A) Executive Director's Office -						
11	Medicaid Funding	9,310,604		4,655,302(M)			4,655,302
12	(B) Office of Information Technology						
13	Services - Medicaid Funding	5,115,592		2,187,204(M)	471,824 ^a		2,456,564
14	(C) Office of Operations - Medicaid						
15	Funding	5,464,323		2,732,161(M)			2,732,162
16	(D) Office of Adult Health and						
17	Rehabilitation - Medicaid Funding						
18	Administration of Mental Health and						
19	Developmental Disability Services	2,588,527		1,294,264(M)			1,294,263

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Mental Health Community Programs,							
2 Mental Health Capitation	147,230,977		73,615,489(M)				73,615,488
3	151,108,342		75,554,172(M)				75,554,170
4 Mental Health Community Programs,							
5 Medicaid Anti-psychotic Pharmaceuticals	19,641,077		9,820,538(M)				9,820,539
6 Community Services for Persons With							
7 Developmental Disabilities	202,160,645		101,080,323(M)				101,080,322
8 Alcohol and Drug Abuse Division - High							
9 Risk Pregnant Women Program	347,524		173,762(M)				173,762
10	<u>371,968,750</u>						
11	375,846,115						
12 (E) Office of Direct Services - Medicaid							
13 Funding							
14 Administration	145,521		72,761(M)				72,760
15 Mental Health Institutes	3,495,344		1,747,672(M)				1,747,672
16 Institutional Programs for Persons With							
17 Developmental Disabilities	35,931,958		17,965,980(M)				17,965,978
18	<u>39,572,823</u>						

			APPROPRIATION FROM				
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 (F) County Administration - Medicaid							
2 Funding	8,988,276		3,370,604(M)				5,617,672
3 (G) Office of Self Sufficiency,							
4 Disability Determination Services -							
5 Medicaid Funding	1,212,761		606,381(M)				606,380
6 (H) Division of Child Welfare -							
7 Medicaid Funding	73,321,275		36,660,638(M)				36,660,637
8 (I) Division of Youth Corrections -							
9 Medicaid Funding	11,850,990		5,925,495(M)				5,925,495
10 (J) Division of Children's Health and							
11 Rehabilitation - Medicaid Funding							
12 Administration	109,404		54,702(M)				54,702
13 Services for Children with							
14 Developmental Disabilities	3,499,051		1,749,526(M)				1,749,525
15 Children's Mental Health Services,							
16 Residential Treatment for Youth (H.B.							
17 99-1116)	595,776		297,889(M)				297,887
18	4,204,231						
19							

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		531,009,625					
2		534,886,990					
3	^a This amount shall be from the Old Age Pension Fund.						
4							
5	TOTALS PART V						
6	(HEALTH CARE POLICY AND						
7	FINANCING)^{4,5}						
		\$2,520,247,189	\$1,080,890,025 ^a		\$11,203,053 ^b	\$180,583,228 ^c	\$1,247,570,883
8		\$2,524,124,554	\$1,082,828,708 ^a				\$1,249,509,565
9		_____	_____	_____	_____	_____	_____
10							

11 ^a Of this amount, \$121,009 is exempt from the statutory limit on state General Fund appropriations pursuant to Section 24-75-201.1 (1) (a) (III) (B), C.R.S.

12 ^b Of this amount, \$10,000,000 is included as information for purposes of complying with the limitation on state fiscal year spending imposed by Article X, Section 20
13 of the State Constitution. As this amount is continuously appropriated by a constitutional provision, it is not subject to the limitation of General Fund appropriations as
14 set forth in Section 24-75-201.1, C.R.S.

15 ^c Of this amount, \$781,748 contains an (L) notation, and \$12,844 contains a (T) notation."

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Renumber succeeding sections accordingly.							
2							
3 After page 576, insert the following:							
4							
5 "SECTION 6. Part VII (4) (B) and the affected totals of section 2 of chapter 363, Session Laws of Colorado 2001, as amended by House Bill 02-1372, and as							
6 further amended by House Bill 02-1427, enacted at the Second Regular Session of the Sixty-third General Assembly, are amended to read:							
7							
8 Section 2. Appropriation.							
9							
			PART VII				
10			DEPARTMENT OF HUMAN SERVICES				
11							
12 (4) OFFICE OF ADULT HEALTH AND REHABILITATION							
13 (B) Mental Health Community Programs^{8, 58, 85}							
14 Mental Health Capitation and Fee for							
15 Service Payments ^{53, 61, 62, 63, 64}	147,230,977					147,230,977(T) ^π	
16	151,108,342					151,108,342(T) ^a	
17 Medicaid Anti-Psychotic							
18 Pharmaceuticals ⁶⁵	19,641,077					19,641,077(T) ^a	
19 Services for Target Clients	25,869,723		18,777,197			2,191,430 ^b	4,901,096 ^c

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Services for Non-Target Clients	696,794		696,794				
2 Goebel Lawsuit Settlement ⁸⁶	17,616,278		9,218,340 ^f			8,397,938(T) ^d	
3	18,874,894		7,030,708 ^f			11,844,186(T) ^d	
4	(2.0 FTE)						
5 Assertive Community Treatment							
6 Programs	1,213,600		606,800			606,800(L) ^e	
7	<u>212,268,449</u>						
8	217,404,430						
9							

10 ^a These amounts shall be from Medicaid funds appropriated to the Department of Health Care Policy and Financing.

11 ^b Of this amount, \$1,655,099(T) shall be from the Division of Vocational Rehabilitation and \$536,331(L) shall be from local matching funds to provide a 33 percent
12 match for General Fund appropriations for purchase of pharmaceuticals.

13 ^c Of this amount, it is estimated that \$4,487,620 shall be from the Mental Health Services Block Grant and \$413,476 shall be from the Homeless Prevention Block
14 Grant.

15 ^d Of this amount, \$160,306 shall be from the Division of Vocational Rehabilitation and ~~\$8,237,632~~ \$11,683,880 is shown for informational purposes only and reflects
16 the portion of the Mental Health Capitation line item estimated to be used for services to the Goebel plaintiff class.

17 ^e This amount shall be from local matching funds.

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
4		531,876,136					
5		537,012,117					
6	TOTALS PART VII,						
7	(HUMAN SERVICES) ^{4, 5, 124, 125, 125a}	\$1,788,240,144	\$500,465,383 ^a		\$68,851,504	\$751,581,660 ^b	\$467,341,597
8		<u>\$1,793,376,125</u>	<u>\$498,277,751^a</u>			<u>\$758,905,273^b</u>	
9							

10 ^a Of this amount, \$3,680,278 is exempt from the statutory limit on state General Fund appropriations. This amount includes \$2,074,832 that is exempt pursuant to
11 Section 24-75-201.1 (1)(a)(III)(A), C.R.S., and \$1,605,446 that is exempt pursuant to Section 24-75-201.1 (1)(a)(III)(B), C.R.S.

12 ^b Of this amount, ~~\$577,191,409~~ \$584,515,022 contains a (T) notation, and \$104,514,509 contains an (L) notation."

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Renumber succeeding sections accordingly.
After page 581, insert the following:

"SECTION 8. Part XII (3) (B) (2) and the affected totals of section 2 of chapter 363, Session Laws of Colorado 2001, as amended by House Bill 02-1377, and as further amended by House Bill 02-1429, enacted at the Second Regular Session of the Sixty-third General Assembly, are amended to read:

Section 2. **Appropriation.**

		APPROPRIATION FROM					
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS	
\$	\$	\$	\$	\$	\$	\$	

PART XII

DEPARTMENT OF LOCAL AFFAIRS

- (3) COMMUNITY DEVELOPMENT**
- (B) Division of Local Government**
- (2) Field Services

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Program Costs	1,990,686		453,816			1,210,103(T) ^a	326,767
2			(11.0 FTE)			(10.1 FTE)	(4.8 FTE)
3 Community Development Block							
4 Grant (Business and Infrastructure							
5 Development)	8,091,499						8,091,499
6 Local Government Mineral and							
7 Energy Impact Grants and							
8 Disbursements	59,269,242 ^h				21,000,000 ^b	38,269,242 ^c	
9 Local Government Limited							
10 Gaming Impact Grants	5,050,000					5,050,000 ^d	
11 Search and Rescue Program	480,000				390,000 ^e	90,000 ^f	
12					(0.3 FTE)		
13 Colorado Heritage Communities							
14 Fund	88,775		88,775				
15	337,724		337,724				
16 Colorado Heritage Communities							
17 Grants	88,775					88,775 ^g	
18 Rural Telecommunications Grants	100,000		100,000				

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1		75,158,977					
2		75,407,926					
3							
4	^a Of this amount, \$817,524 shall be from the Local Government Severance Tax Fund, \$158,762 shall be from the Local Government Mineral Impact Fund, \$59,339						
5	shall be from Limited Gaming Funds appropriated to the Department of Revenue, \$143,045 are from indirect cost recoveries, and \$31,433 shall be from funds						
6	transferred from the Economic Development Commission in the Governor's Office. The Severance Tax and Mineral Impact amounts are transferred from the Local						
7	Government Mineral and Energy Impact Grants and Disbursements line item.						
8	^b This amount shall be from the Local Government Severance Tax Fund pursuant to Section 39-29-110, C.R.S.						
9	^c Of this amount, \$18,769,242 shall be from reserves in the Local Government Severance Tax Fund and \$19,500,000 shall be from the Local Government Mineral						
10	Impact Fund, pursuant to Section 34-63-102, C.R.S., which is comprised of federal mineral leasing revenues and the existing fund balance.						
11	^d This amount shall be from the fund balance in the Local Government Limited Gaming Impact Fund, which consists of funds transferred from the Limited Gaming						
12	Fund in the Department of Revenue in the prior fiscal year, pursuant to Sections 12-47.1-701 and 12-47.1-1601, C.R.S.						
13	^e This amount shall be from the Search and Rescue Fund pursuant to Section 33-1-112.5, C.R.S.						
14	^f This amount shall be from reserves in the Search and Rescue Fund pursuant to Section 33-1-112.5, C.R.S.						
15	^g This amount shall be from the Colorado Heritage Communities Fund pursuant to Section 24-32-3207, C.R.S.						
16	^h Of this amount, at least \$1,970,000 shall be awarded as grants for affordable housing purposes and at least \$530,000 shall be awarded as grants to local governments						
17	to address planning/growth issues and to develop master plans.						
18							

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	TOTALS PART XII						
2	(LOCAL AFFAIRS)^{4,5}	\$164,271,766	\$10,268,293		\$24,311,696	\$87,745,238 ^a	\$41,946,539
3		<u>\$164,520,715</u>	<u>\$10,517,242</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4							

5 ^a Of this amount, \$3,192,602 contains a (T) notation."

6

1 Renumber succeeding sections accordingly.

2

3 Respectfully submitted,

4 House Committee:

5 Brad Young

6 Gayle Berry

7 Todd Saliman

Senate Committee:

Peggy Reeves

Penfield Tate

Dave Owen

8

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MESSAGE FROM THE SENATE

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APPOINTMENTS TO CONFERENCE COMMITTEE

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SPECIAL ORDERS--SECOND READING OF BILLS

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

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

1 **SB02-205** by Senator(s) Dyer, Matsunaka, Anderson, Andrews,
 2 Arnold, Chlouber, Entz, Epps, Evans, Gordon, Hanna,
 3 Hernandez, Isgar, Lamborn, May, Musgrave, Nichol,
 4 Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate,
 5 Teck, Tupa, Windels; also Representative(s) Groff,
 6 Williams S.--Concerning changes to the crime of child
 7 abuse.

8
 9 Laid over until May 9. The bill is deemed lost.

10
 11 **SB02-225** by Senator(s) Thiebaut; also Representative(s) Romanoff--
 12 Concerning a prohibition on the acceptance of certain
 13 items by public officials serving in elective office in
 14 connection with their public service.

15
 16 Amendment No. 1, by Representative Stengel.

17
 18 Amend reengrossed bill, page 2, strike line 1.

19
 20 As amended, declared **lost** on Second Reading.

21
 22
 23 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

24
 25 Representative Romanoff moved to amend the Report of the Committee
 26 of the Whole to show that Amendment No. 1, by Representative Stengel
 27 (printed in House Journal page 1975, line 15) to SB02-225, did not pass,
 28 that the following Romanoff amendment to SB02-225, did pass, that the
 29 State, Veterans, and Military Affairs Committee Report, dated May 7,
 30 2002, did pass, and that **SB02-225, as amended**, did pass:

31
 32 Amend the State, Veterans, & Military Affairs Committee Report, dated
 33 May 7, 2002, page 2, line 2, strike "NO LATER THAN" and substitute "ON
 34 OR BEFORE JANUARY 15 AND JULY 15 OF EACH YEAR, A SEMIANNUAL
 35 REPORT FOR THE PRECEDING SIX-MONTH PERIOD ENDING ON JANUARY 1
 36 AND JULY 1, RESPECTIVELY.";

37
 38 strike lines 3 and 4.

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

41
 42 YES 26 NO 37 EXCUSED 0 ABSENT 2

43								
44	Alexander	N	Groff	Y	Marshall	N	Spence	N
45	Bacon	Y	Grossman	Y	Miller	Y	Spradley	N
46	Berry	Y	Harvey	N	Mitchell	N	Stafford	-
47	Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
48	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
49	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
50	Chavez	N	Jahn	Y	Rhodes	N	Tochtrop	Y
51	Clapp	N	Jameson	Y	Rippy	N	Veiga	Y
52	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
53	Coleman	Y	Kester	N	Saliman	N	Webster	N
54	Crane	N	King	N	Sanchez	Y	Weddig	Y
55	Daniel	Y	Larson	Y	Schultheis	N	White	N
56	Decker	N	Lawrence	N	Scott	N	Williams S.	Y

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

10 Lost on Second Reading: **SB02-225 amended.**

12 Laid over until date indicated retaining place on Calendar:
13 **SB02-205--May 9, 2002.**

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

20	YES 46	NO 18	EXCUSED 1	ABSENT 0				
22	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
23	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
24	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	N	Hodge	Y	Plant	N	Swenson	Y
27	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
28	Chavez	Y	Jahn	N	Rhodes	Y	Tochtrop	Y
29	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
30	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
31	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
32	Crane	Y	King	Y	Sanchez	N	Weddig	N
33	Daniel	N	Larson	N	Schultheis	Y	White	Y
34	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
35	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
36	Fritz	E	Mace	Y	Smith	Y	Witwer	Y
37	Garcia	N	Madden	N	Snook	Y	Young	Y
38							Mr. Speaker	Y

REPORTS OF COMMITTEE OF REFERENCE

APPROPRIATIONS

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

48 **SB02-050** be referred to the Committee of the Whole with favorable
49 recommendation.

51 **SB02-212** be referred to the Committee of the Whole with favorable
52 recommendation.

54 **SB02-229** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 On motion of Representative Spradley, **SB02-229, 050, 212** were added
2 to the Special Orders on Tuesday, May 7, 2002, at 10:30 p.m.

3
4
5 The hour of 10:30 p.m., having arrived, on motion of Representative
6 Clapp, the House resolved itself into Committee of the Whole for
7 consideration of Special Orders and she was called to the Chair to act as
8 Chairman.

9
10
11 **SPECIAL ORDERS--SECOND READING OF BILLS**

12
13 The Committee of the Whole having risen, the Chairman reported the
14 titles of the following bills had been read (reading at length had been
15 dispensed with by unanimous consent), the bills considered and action
16 taken thereon as follows:

17
18 (Amendments to the committee amendment are to the printed committee
19 report which was printed and placed in the members' bill file.)

20
21 **SB02-212** by Senator(s) Matsunaka; also Representative(s) Bacon--
22 Concerning a program to provide assistance funded
23 through the state education fund to certain poorly
24 performing public school students through school districts.

25
26 Laid over until May 9. The bill is deemed lost.

27
28 **SB02-229** by Senator(s) Matsunaka; also Representative(s) Rippy--
29 Concerning publication procedures related to rule-making
30 by state agencies, and making an appropriation in
31 connection therewith.

32
33 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
34 May 7, 2002, and placed in member's bill file; Report also printed in
35 House Journal, May 7, page 1941.

36
37 Amendment No. 2, by Representative Tochtrop.

38
39 Amend reengrossed bill, page 7, after line 20, insert the following:

40
41 "SECTION 2. Article 12 of title 18, Colorado Revised Statutes,
42 is amended BY THE ADDITION OF A NEW PART to read:

43
44 **PART 2**
45 **PERMITS TO CARRY CONCEALED HANDGUNS**

46
47 **18-12-201. Legislative declaration.** (1) THE GENERAL
48 ASSEMBLY FINDS THAT:

49
50 (a) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG
51 JURISDICTIONS WITHIN THE STATE WITH REGARD TO THE ISSUANCE OF
52 PERMITS TO CARRY CONCEALED HANDGUNS;

53
54 (b) TO SOME DEGREE, THIS INCONSISTENCY AMONG JURISDICTIONS
55 ARISES FROM INCONSISTENCY WITH REGARD TO THE CRITERIA FOR
56 ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS;

1 (c) THIS INCONSISTENCY TOO OFTEN RESULTS IN THE ARBITRARY
2 AND CAPRICIOUS DENIAL OF PERMITS TO CARRY CONCEALED HANDGUNS
3 BASED ON THE JURISDICTION OF RESIDENCE RATHER THAN THE
4 QUALIFICATIONS FOR OBTAINING A PERMIT; AND

5
6 (d) THE CRITERIA AND PROCEDURES FOR THE ISSUANCE OF PERMITS
7 TO CARRY CONCEALED HANDGUNS SHOULD BE CONSISTENT THROUGHOUT
8 THE STATE TO ENSURE THE CONSISTENT IMPLEMENTATION OF STATE LAW.

9
10 (2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS
11 SECTION, THE GENERAL ASSEMBLY HEREBY CONCLUDES THAT:

12
13 (a) THE ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS
14 IS A MATTER OF STATEWIDE CONCERN;

15
16 (b) IT IS NECESSARY TO PROVIDE STATEWIDE UNIFORM STANDARDS
17 FOR ISSUING PERMITS TO CARRY CONCEALED HANDGUNS FOR
18 SELF-DEFENSE; AND

19
20 (c) IT IS NECESSARY THAT THE STATE OCCUPY THE FIELD OF
21 REGULATION OF THE BEARING OF CONCEALED HANDGUNS FOR
22 SELF-DEFENSE TO ENSURE THAT NO HONEST, LAW-ABIDING PERSON WHO
23 QUALIFIES FOR A PERMIT UNDER THE PROVISIONS OF THIS PART 2 IS
24 SUBJECTIVELY OR ARBITRARILY DENIED THE ABILITY TO CARRY A
25 CONCEALED HANDGUN.

26
27 (3) IN ACCORDANCE WITH THE FINDINGS AND CONCLUSIONS
28 SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, THE GENERAL
29 ASSEMBLY HEREBY INSTRUCTS EACH SHERIFF TO IMPLEMENT AND
30 ADMINISTER THE PROVISIONS OF THIS PART 2. THE GENERAL ASSEMBLY
31 DOES NOT DELEGATE TO THE SHERIFFS THE AUTHORITY TO REGULATE OR
32 RESTRICT THE ISSUANCE OF PERMITS PROVIDED FOR IN THIS PART 2
33 BEYOND THE PROVISIONS OF THIS PART 2. ANY ACTION OR RULE THAT
34 ENCUMBERS THE PERMIT PROCESS BY PLACING BURDENS ON THE
35 APPLICANT BEYOND THOSE SWORN STATEMENTS AND SPECIFIED
36 DOCUMENTS DETAILED IN THIS PART 2 OR THAT CREATES RESTRICTIONS
37 BEYOND THOSE SPECIFIED IN THIS PART 2 IS IN CONFLICT WITH THE INTENT
38 OF THIS PART 2 AND IS PROHIBITED.

39
40 **18-12-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
41 CONTEXT OTHERWISE REQUIRES:

42
43 (1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION
44 WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

45
46 (2) "HANDGUN" MEANS A HANDGUN AS DEFINED IN SECTION
47 18-12-101 (1) (e.5); EXCEPT THAT THE TERM DOES NOT INCLUDE A
48 MACHINE GUN AS DEFINED IN SECTION 18-12-101 (1) (g).

49
50 (3) "HANDGUN TRAINING CLASS" MEANS ANY HANDGUN SAFETY OR
51 TRAINING CLASS OR COURSE THAT:

52
53 (a) IS OFFERED BY A LAW ENFORCEMENT AGENCY OR BY A JUNIOR
54 COLLEGE, COLLEGE, OR UNIVERSITY OR BY A PRIVATE OR PUBLIC
55 INSTITUTION, ORGANIZATION, OR HANDGUN TRAINING SCHOOL; AND

56

1 (b) USES INSTRUCTORS OR CURRICULUM CERTIFIED BY THE
2 NATIONAL RIFLE ASSOCIATION OR BY THE PEACE OFFICERS STANDARDS
3 AND TRAINING BOARD; AND
4

5 (c) INCLUDES TRAINING IN THE SAFE HANDLING AND STORAGE OF
6 HANDGUNS, HANDGUN CARE AND MAINTENANCE, AND THE LAWFUL USE OF
7 DEADLY PHYSICAL FORCE.
8

9 (4) "LAWFUL USE OF DEADLY PHYSICAL FORCE" MEANS THE USE OF
10 DEADLY PHYSICAL FORCE, AS THAT TERM IS DEFINED IN SECTION 18-1-901
11 (3) (d), BY PERSONS USING HANDGUNS IN CIRCUMSTANCES UNDER WHICH
12 FORCE IS JUSTIFIED PURSUANT TO THE PROVISIONS OF PART 7 OF ARTICLE
13 1 OF THIS TITLE.
14

15 (5) "PERMIT" MEANS A PERMIT TO CARRY A CONCEALED HANDGUN
16 ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 2; EXCEPT THAT
17 "PERMIT" DOES NOT INCLUDE A TEMPORARY EMERGENCY PERMIT ISSUED
18 PURSUANT TO SECTION 18-12-208.
19

20 (6) "SHERIFF" MEANS THE SHERIFF OF A COUNTY, OR HIS OR HER
21 DESIGNEE, OR THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY
22 AND COUNTY, OR HIS OR HER DESIGNEE.
23

24 (7) "TRAINING CERTIFICATE" MEANS A CERTIFICATE, AFFIDAVIT, OR
25 OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR
26 ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT
27 EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS
28 REQUIREMENTS.
29

30 **18-12-203. Criteria for obtaining a permit.** (1) EFFECTIVE
31 JULY 1, 2002, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
32 SHERIFF SHALL ISSUE A PERMIT TO CARRY A CONCEALED HANDGUN TO ANY
33 APPLICANT WHO:
34

35 (a) IS A LEGAL RESIDENT OF THE STATE OF COLORADO. FOR
36 PURPOSES OF THIS PART 2, ANY PERSON WHO IS A MEMBER OF THE ARMED
37 FORCES AND IS STATIONED PURSUANT TO PERMANENT DUTY STATION
38 ORDERS AT A MILITARY INSTALLATION IN THIS STATE, AND ANY MEMBER
39 OF SUCH PERSON'S IMMEDIATE FAMILY LIVING IN COLORADO, SHALL BE
40 DEEMED TO BE A LEGAL RESIDENT OF THE STATE OF COLORADO.
41

42 (b) IS TWENTY-ONE YEARS OF AGE OR OLDER;
43

44 (c) IS NOT INELIGIBLE TO POSSESS A FIREARM PURSUANT TO
45 SECTION 18-12-108 OR ANY FEDERAL LAW;
46

47 (d) HAS NOT BEEN CONVICTED OF PERJURY UNDER SECTION
48 18-8-503, IN RELATION TO INFORMATION PROVIDED OR DELIBERATELY
49 OMITTED ON A PERMIT APPLICATION SUBMITTED PURSUANT TO THIS PART
50 2;
51

52 (e) (I) DOES NOT CHRONICALLY AND HABITUALLY USE ALCOHOLIC
53 BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES
54 ARE IMPAIRED. IT SHALL BE PRESUMED THAT AN APPLICANT CHRONICALLY
55 AND HABITUALLY USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE
56 APPLICANT'S NORMAL FACULTIES ARE IMPAIRED IF THE APPLICANT HAS

1 EVER BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-310
2 OR 25-1-311, C.R.S., OR IF, WITHIN THE TEN-YEAR PERIOD IMMEDIATELY
3 PRECEDING THE DATE ON WHICH THE PERMIT APPLICATION IS SUBMITTED,
4 THE APPLICANT:

5
6 (A) HAS BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO
7 SECTION 25-1-308 OR 25-1-309, C.R.S.; OR

8
9 (B) HAS HAD TWO OR MORE ALCOHOL-RELATED CONVICTIONS
10 UNDER SECTION 42-4-1301 (1) OR (2), C.R.S., OR ANY LAW OF ANOTHER
11 STATE THAT HAS SIMILAR ELEMENTS, OR REVOCATIONS RELATED TO
12 MISDEMEANOR, ALCOHOL-RELATED CONVICTIONS UNDER SECTION
13 42-2-126, C.R.S., OR ANY LAW OF ANOTHER STATE THAT HAS SIMILAR
14 ELEMENTS.

15
16 (II) THE PROHIBITION SPECIFIED IN THIS PARAGRAPH (e) SHALL NOT
17 APPLY TO ANY APPLICANT WHO PROVIDES AN AFFIDAVIT, SIGNED BY A
18 PROFESSIONAL COUNSELOR WHO IS LICENSED PURSUANT TO ARTICLE 43 OF
19 TITLE 12, C.R.S., AND SPECIALIZES IN ALCOHOL ADDICTION, STATING THAT
20 THE APPLICANT HAS BEEN EVALUATED BY THE COUNSELOR AND HAS BEEN
21 DETERMINED TO BE A RECOVERING ALCOHOLIC WHO HAS REFRAINED FROM
22 USING ALCOHOL FOR AT LEAST THREE YEARS.

23
24 (f) IS NOT AN UNLAWFUL USER OF OR ADDICTED TO ANY
25 CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5).
26 WHETHER AN APPLICANT IS AN UNLAWFUL USER OF OR ADDICTED TO ANY
27 CONTROLLED SUBSTANCE SHALL BE DETERMINED AS PROVIDED IN FEDERAL
28 LAW AND REGULATIONS.

29
30 (g) IS NOT SUBJECT TO:

31
32 (I) A RESTRAINING ORDER ISSUED PURSUANT TO SECTION
33 18-1-1001 OR SECTION 19-2-707, C.R.S., THAT IS IN EFFECT AT THE TIME
34 THE APPLICATION IS SUBMITTED; OR

35
36 (II) A PERMANENT RESTRAINING ORDER ISSUED PURSUANT TO
37 ARTICLE 14 OF TITLE 13, C.R.S.; OR

38
39 (III) A TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO
40 ARTICLE 14 OF TITLE 13, C.R.S., THAT IS IN EFFECT AT THE TIME THE
41 APPLICATION IS SUBMITTED;

42
43 (h) DEMONSTRATES COMPETENCE WITH A HANDGUN BY
44 SUBMITTING EITHER:

45
46 (I) A CERTIFICATE SHOWING HONORABLE DISCHARGE FROM
47 MILITARY SERVICE THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED
48 WITHIN FIVE YEARS PRIOR TO THE DATE ON WHICH THE PERMIT
49 APPLICATION IS SUBMITTED;

50
51 (II) A CERTIFICATE SHOWING RETIREMENT FROM A LAW
52 ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED
53 WITHIN FIVE YEARS PRIOR TO SAID RETIREMENT; OR

54
55 (III) A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS
56 OBTAINED WITHIN FIVE YEARS PRIOR TO THE DATE ON WHICH THE PERMIT

1 APPLICATION IS SUBMITTED. THE APPLICANT SHALL SUBMIT THE ORIGINAL
2 TRAINING CERTIFICATE OR A PHOTOCOPY THEREOF THAT IS CERTIFIED BY
3 A NOTARY PUBLIC AS TO ITS AUTHENTICITY.
4

5 (2) REGARDLESS OF WHETHER AN APPLICANT MEETS THE CRITERIA
6 SPECIFIED IN SUBSECTION (1) OF THIS SECTION, IF THE SHERIFF HAS A
7 REASONABLE BELIEF THAT DOCUMENTED PREVIOUS BEHAVIOR BY THE
8 APPLICANT MAKES IT LIKELY THE APPLICANT WILL PRESENT A DANGER TO
9 SELF OR OTHERS IF THE APPLICANT RECEIVES A PERMIT TO CARRY A
10 CONCEALED HANDGUN, THE SHERIFF MAY DENY THE PERMIT.
11

12 (3) THE SHERIFF SHALL DENY, REVOKE, OR REFUSE TO RENEW A
13 PERMIT IF AN APPLICANT OR A PERMITTEE FAILS TO MEET ANY OF THE
14 CRITERIA LISTED IN SUBSECTION (1) OF THIS SECTION AND MAY DENY,
15 REVOKE, OR REFUSE TO RENEW A PERMIT ON THE GROUNDS SPECIFIED IN
16 SUBSECTION (2) OF THIS SECTION. FOLLOWING ISSUANCE OF A PERMIT, IF
17 THE ISSUING SHERIFF HAS REASON TO BELIEVE THAT A PERMITTEE NO
18 LONGER MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS
19 SECTION OR THAT THE PERMITTEE PRESENTS A DANGER AS DESCRIBED IN
20 SUBSECTION (2) OF THIS SECTION, THE SHERIFF SHALL SUSPEND THE PERMIT
21 UNTIL SUCH TIME AS THE MATTER IS RESOLVED AND THE ISSUING SHERIFF
22 DETERMINES THAT THE PERMITTEE IS ELIGIBLE TO POSSESS A PERMIT AS
23 PROVIDED IN THIS SECTION. IF THE SHERIFF SUSPENDS OR REVOKES A
24 PERMIT, THE PERMIT HOLDER MAY SEEK A REVIEW OF THE DECISION TO
25 SUSPEND OR REVOKE BY THE SHERIFF AND MAY SUBMIT ADDITIONAL
26 INFORMATION FOR THE RECORD. THE PERMIT HOLDER MAY ALSO SEEK
27 JUDICIAL REVIEW PURSUANT TO RULE 106 OF THE COLORADO RULES OF
28 CIVIL PROCEDURE EITHER IN LIEU OF OR SUBSEQUENT TO THE SHERIFF'S
29 REVIEW.
30

31 **18-12-204. Contents of permits - validity - carrying**
32 **requirements - use in purchase.** (1) (a) EACH PERMIT SHALL BEAR A
33 COLOR PHOTOGRAPH OF THE PERMITTEE AND SHALL DISPLAY THE
34 SIGNATURE OF THE SHERIFF WHO ISSUES THE PERMIT. IN ADDITION, THE
35 SHERIFFS OF THIS STATE SHALL ENSURE THAT ALL PERMITS ISSUED
36 PURSUANT TO THIS ARTICLE CONTAIN THE SAME ITEMS OF INFORMATION
37 AND ARE THE SAME SIZE AND THE SAME COLOR.
38

39 (b) A PERMIT IS VALID FOR A PERIOD OF FIVE YEARS AFTER THE
40 DATE OF ISSUANCE AND MAY BE RENEWED AS PROVIDED IN SECTION
41 18-12-210. A PERMIT ISSUED PURSUANT TO THIS PART 2 IS EFFECTIVE IN
42 ALL AREAS OF THE STATE, EXCEPT AS OTHERWISE PROVIDED IN SECTION
43 18-12-213.
44

45 (2) ANY PERMITTEE, IN COMPLIANCE WITH THE TERMS OF A
46 PERMIT, MAY CARRY A CONCEALED HANDGUN AS ALLOWED BY THE
47 PROVISIONS OF SECTION 18-12-105 (2) (c). THE PERMITTEE SHALL CARRY
48 THE PERMIT, TOGETHER WITH VALID PHOTO IDENTIFICATION, AT ALL TIMES
49 DURING WHICH THE PERMITTEE IS IN ACTUAL POSSESSION OF A CONCEALED
50 HANDGUN AND SHALL PRODUCE BOTH DOCUMENTS UPON DEMAND BY A
51 LAW ENFORCEMENT OFFICER. FAILURE TO PRODUCE A PERMIT UPON
52 DEMAND BY A LAW ENFORCEMENT OFFICER RAISES A REBUTTABLE
53 PRESUMPTION THAT THE PERSON DOES NOT HAVE A PERMIT. FAILURE TO
54 CARRY AND PRODUCE A PERMIT AND PHOTO IDENTIFICATION UPON DEMAND
55 AS REQUIRED IN THIS SUBSECTION (2) IS A CLASS 1 PETTY OFFENSE. A
56 CHARGE OF FAILURE TO CARRY AND PRODUCE A PERMIT AND PHOTO

1 IDENTIFICATION UPON DEMAND PURSUANT TO THIS SUBSECTION (2) SHALL
2 BE DISMISSED BY THE COURT IF, AT OR BEFORE THE PERMITTEE'S
3 SCHEDULED COURT APPEARANCE, THE PERMITTEE EXHIBITS TO THE COURT
4 A VALID PERMIT AND VALID PHOTO IDENTIFICATION ISSUED TO THE
5 PERMITTEE PRIOR TO THE DATE ON WHICH THE PERMITTEE WAS CHARGED
6 WITH FAILURE TO CARRY AND PRODUCE THE PERMIT.
7

8 (3) (a) ANY PERSON WHO MAY LAWFULLY POSSESS A HANDGUN
9 MAY CARRY A HANDGUN UNDER THE FOLLOWING CIRCUMSTANCES
10 WITHOUT OBTAINING A PERMIT AND THE HANDGUN SHALL NOT BE
11 CONSIDERED CONCEALED:
12

13 (I) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS IN A
14 PRIVATE AUTOMOBILE OR IN SOME OTHER PRIVATE MEANS OF
15 CONVEYANCE AND WHO CARRIES THE HANDGUN FOR ANY LEGAL USE,
16 INCLUDING SELF-DEFENSE;
17

18 (II) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS
19 TRANSPORTING THE HANDGUN DIRECTLY TO OR FROM ANY LEGAL
20 ACTIVITY, INCLUDING BUT NOT LIMITED TO PURCHASING OR SELLING THE
21 HANDGUN, TARGET SHOOTING, OR HUNTING; OR
22

23 (III) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS
24 LEGALLY ENGAGED IN HUNTING ACTIVITIES ON UNDEVELOPED REAL
25 PROPERTY WITHIN THE STATE.
26

27 (b) THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT BE
28 CONSTRUED TO AUTHORIZE THE CARRYING OF A HANDGUN IN VIOLATION
29 OF THE PROVISIONS OF SECTION 18-12-105 OR 18-12-105.5.
30

31 **18-12-205. Sheriff - application - procedure - background**
32 **check.** (1) (a) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT
33 APPLICATION ON A STATEWIDE STANDARDIZED FORM DEVELOPED BY THE
34 SHERIFFS AND AVAILABLE FROM THE SHERIFF OF ANY COUNTY OR CITY AND
35 COUNTY. THE PERMIT APPLICATION FORM SHALL SOLICIT ONLY THE
36 FOLLOWING INFORMATION FROM THE APPLICANT:
37

38 (I) THE APPLICANT'S FULL NAME, DATE OF BIRTH, AND ADDRESS;
39

40 (II) THE APPLICANT'S BIRTH NAME, IF DIFFERENT FROM THE NAME
41 PROVIDED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), AND
42 ANY OTHER NAMES THE APPLICANT MAY HAVE USED OR BY WHICH THE
43 APPLICANT MAY HAVE BEEN KNOWN;
44

45 (III) THE APPLICANT'S HOME ADDRESS OR ADDRESSES FOR THE
46 TEN-YEAR PERIOD IMMEDIATELY PRECEDING SUBMITTAL OF THE
47 APPLICATION;
48

49 (IV) WHETHER THE APPLICANT IS A RESIDENT OF THIS STATE AS OF
50 THE DATE OF APPLICATION AND WHETHER THE APPLICANT HAS A VALID
51 DRIVER'S LICENSE OR OTHER STATE-ISSUED PHOTO IDENTIFICATION OR
52 MILITARY ORDER PROVING SUCH RESIDENCE; AND
53

54 (V) WHETHER THE APPLICANT MEETS THE CRITERIA FOR
55 OBTAINING A PERMIT SPECIFIED IN SECTION 18-12-203 (1).
56

1 (b) THE PERMIT APPLICATION FORM SHALL NOT REQUIRE ANY
2 WAIVER OR RELEASE BY THE APPLICANT OF ANY RIGHT OR PRIVILEGE,
3 INCLUDING BUT NOT LIMITED TO THE WAIVER OR RELEASE OF ANY
4 PRIVILEGED OR CONFIDENTIAL INFORMATION CONTAINED IN MEDICAL
5 RECORDS.

6
7 (2) (a) AN APPLICANT SHALL COMPLETE THE PERMIT APPLICATION
8 FORM AND RETURN IT, IN PERSON, TO THE SHERIFF OF THE COUNTY OR CITY
9 AND COUNTY IN WHICH THE APPLICANT RESIDES OR TO THE SHERIFF OF THE
10 COUNTY OR CITY AND COUNTY IN WHICH THE APPLICANT MAINTAINS A
11 SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE
12 APPLICANT IN A BUSINESS. THE APPLICANT SHALL SIGN THE COMPLETED
13 PERMIT APPLICATION FORM IN PERSON BEFORE THE SHERIFF. THE
14 SIGNATURE SHALL BE GIVEN VOLUNTARILY UPON A SWORN OATH THAT THE
15 APPLICANT KNOWS THE CONTENTS OF THE PERMIT APPLICATION AND THAT
16 THE INFORMATION CONTAINED IN THE PERMIT APPLICATION IS TRUE AND
17 CORRECT. ANY APPLICANT WHO KNOWINGLY AND INTENTIONALLY MAKES
18 ANY FALSE OR MISLEADING STATEMENT ON A PERMIT APPLICATION OR
19 DELIBERATELY OMITTS ANY MATERIAL INFORMATION REQUESTED ON THE
20 APPLICATION COMMITS PERJURY AS DEFINED IN SECTION 18-8-503. UPON
21 CONVICTION, SAID APPLICANT SHALL BE PUNISHED AS PROVIDED IN
22 SECTION 18-1-106. IN ADDITION, SAID APPLICANT SHALL BE DENIED THE
23 RIGHT TO OBTAIN OR POSSESS A PERMIT, AND THE SHERIFF SHALL REVOKE
24 SAID APPLICANT'S PERMIT IF ISSUED PRIOR TO CONVICTION.

25
26 (b) THE APPLICANT SHALL ALSO SUBMIT TO THE SHERIFF A PERMIT
27 FEE NOT TO EXCEED ONE HUNDRED DOLLARS FOR PROCESSING THE PERMIT
28 APPLICATION. THE SHERIFF SHALL SET THE AMOUNT OF THE PERMIT FEE AS
29 PROVIDED IN SUBSECTION (5) OF THIS SECTION. IN ADDITION, THE
30 APPLICANT SHALL SUBMIT AN AMOUNT SPECIFIED BY THE DIRECTOR,
31 PURSUANT TO SECTION 24-72-306, C.R.S., FOR PROCESSING THE
32 APPLICANT'S FINGERPRINTS THROUGH THE BUREAU AND THROUGH THE
33 FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT SHALL PAY THE
34 AMOUNT FOR PROCESSING FINGERPRINTS IN THE FORM OF A MONEY ORDER
35 OR A CASHIER'S CHECK MADE PAYABLE TO THE BUREAU. NEITHER THE
36 PERMIT FEE NOR THE FINGERPRINT PROCESSING FEE SHALL BE REFUNDABLE
37 IN THE EVENT THE SHERIFF DENIES THE APPLICANT'S PERMIT APPLICATION
38 OR SUSPENDS OR REVOKES THE PERMIT SUBSEQUENT TO ISSUANCE.

39
40 (3) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2) OF
41 THIS SECTION, THE APPLICANT, WHEN SUBMITTING THE COMPLETED PERMIT
42 APPLICATION, SHALL SUBMIT THE FOLLOWING ITEMS TO THE SHERIFF:

43
44 (a) DOCUMENTARY EVIDENCE DEMONSTRATING COMPETENCE WITH
45 A HANDGUN AS SPECIFIED IN SECTION 18-12-203 (1) (h); AND

46
47 (b) A FULL FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT
48 TAKEN WITHIN THE THIRTY DAYS IMMEDIATELY PRECEDING SUBMITTAL OF
49 THE PERMIT APPLICATION; EXCEPT THAT THE APPLICANT NEED NOT SUBMIT
50 A PHOTOGRAPH IF THE SHERIFF PHOTOGRAPHS THE APPLICANT FOR
51 PURPOSES OF ISSUING A PERMIT. ANY PHOTOGRAPH SUBMITTED SHALL
52 SHOW THE APPLICANT'S FULL HEAD, INCLUDING HAIR AND FACIAL
53 FEATURES, AND THE DEPICTION OF THE APPLICANT'S HEAD SHALL MEASURE
54 ONE AND ONE-EIGHTH INCHES WIDE AND ONE AND ONE-FOURTH INCHES
55 HIGH.

56

1 (4) (a) THE SHERIFF SHALL WITNESS THE APPLICANT'S SIGNATURE
2 ON THE PERMIT APPLICATION AS PROVIDED IN SUBSECTION (2) OF THIS
3 SECTION AND VERIFY THAT THE PERSON MAKING APPLICATION FOR A
4 PERMIT IS THE SAME PERSON WHO APPEARS IN ANY PHOTOGRAPH
5 SUBMITTED AND THE SAME PERSON WHO SIGNED THE PERMIT APPLICATION
6 FORM. TO VERIFY THE APPLICANT'S IDENTITY, THE APPLICANT SHALL
7 PRESENT TO THE SHERIFF THE APPLICANT'S VALID COLORADO DRIVER'S
8 LICENSE OR VALID COLORADO OR MILITARY PHOTO IDENTIFICATION.
9

10 (b) AFTER VERIFYING THE APPLICANT'S IDENTITY, THE SHERIFF
11 SHALL TAKE TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS. THE
12 SHERIFF SHALL SUBMIT BOTH SETS OF FINGERPRINTS TO THE BUREAU, AND
13 THE SHERIFF SHALL NOT RETAIN A SET OF THE APPLICANT'S FINGERPRINTS.
14

15 (c) AFTER RECEIPT OF A PERMIT APPLICATION AND THE ITEMS
16 SPECIFIED IN THIS SECTION, THE SHERIFF SHALL VERIFY THAT THE
17 APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND
18 IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2). SUCH
19 VERIFICATION AT A MINIMUM SHALL INCLUDE REQUESTING THE BUREAU TO
20 CONDUCT A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
21 CHECK SYSTEM AND A SEARCH OF THE STATE INTEGRATED CRIMINAL
22 JUSTICE INFORMATION SYSTEM TO DETERMINE WHETHER THE APPLICANT
23 MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1). IN ADDITION,
24 THE SHERIFF SHALL CONSULT WITH OTHER LOCAL LAW ENFORCEMENT
25 AGENCIES INCLUDING ANY MUNICIPAL POLICE DEPARTMENT IN THE
26 JURISDICTION IN WHICH THE APPLICANT RESIDES.
27

28 (5) THE SHERIFF IN EACH COUNTY OR CITY AND COUNTY IN THE
29 STATE SHALL ESTABLISH THE AMOUNT OF THE NEW AND RENEWAL PERMIT
30 FEES WITHIN HIS OR HER JURISDICTION. THE AMOUNT OF THE NEW AND
31 RENEWAL PERMIT FEES SHALL COMPLY WITH THE LIMITS SPECIFIED IN
32 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND SECTION
33 18-12-210 (1), RESPECTIVELY. THE FEE AMOUNTS SHALL REFLECT THE
34 ACTUAL DIRECT AND INDIRECT COSTS TO THE SHERIFF OF PROCESSING
35 PERMIT APPLICATIONS AND RENEWAL APPLICATIONS PURSUANT TO THIS
36 PART 2.
37

38 **18-12-206. Sheriff - issuance or denial of permits.** (1) WITHIN
39 NINETY DAYS AFTER THE DATE OF RECEIPT OF THE ITEMS SPECIFIED IN
40 SECTION 18-12-205, THE SHERIFF SHALL:
41

42 (a) APPROVE THE PERMIT APPLICATION AND ISSUE THE PERMIT; OR
43

44 (b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE
45 GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA
46 LISTED IN SECTION 18-12-203 (1) OR THAT THE APPLICANT WOULD BE A
47 DANGER AS DESCRIBED IN SECTION 18-12-203 (2). IF THE SHERIFF DENIES
48 THE PERMIT APPLICATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN
49 WRITING, STATING THE GROUNDS FOR DENIAL AND INFORMING THE
50 APPLICANT OF THE RIGHT TO SEEK A SECOND REVIEW OF THE APPLICATION
51 BY THE SHERIFF AND TO SUBMIT ADDITIONAL INFORMATION FOR THE
52 RECORD. THE APPLICANT MAY ALSO SEEK JUDICIAL REVIEW PURSUANT TO
53 RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE EITHER IN LIEU
54 OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.
55 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AT
56 SUCH JUDICIAL REVIEW THE SHERIFF SHALL HAVE THE BURDEN OF PROVING

1 BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT FAILED TO
2 QUALIFY FOR A PERMIT UNDER THE CRITERIA LISTED IN SECTION 18-12-203
3 (1) OR WOULD BE A DANGER AS DESCRIBED IN SECTION 18-12-203 (2).

4
5 (2) IF THE SHERIFF DOES NOT RECEIVE THE RESULTS OF THE
6 FINGERPRINT CHECKS CONDUCTED BY THE BUREAU AND BY THE FEDERAL
7 BUREAU OF INVESTIGATION WITHIN NINETY DAYS AFTER RECEIVING A
8 PERMIT APPLICATION, THE SHERIFF SHALL DETERMINE WHETHER TO GRANT
9 OR DENY THE PERMIT APPLICATION WITHOUT CONSIDERING SUCH
10 INFORMATION. IF, UPON RECEIPT OF SUCH INFORMATION, THE SHERIFF
11 FINDS THAT THE PERMIT WAS ISSUED OR DENIED ERRONEOUSLY, BASED ON
12 THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND (2), THE SHERIFF
13 SHALL EITHER REVOKE OR ISSUE THE PERMIT, WHICHEVER IS APPROPRIATE.

14
15 (3) EACH SHERIFF SHALL MAINTAIN A LIST OF THE PERSONS TO
16 WHOM HE OR SHE ISSUES PERMITS PURSUANT TO THIS PART 2. UPON
17 REQUEST BY ANOTHER CRIMINAL JUSTICE AGENCY FOR LAW ENFORCEMENT
18 PURPOSES, A SHERIFF SHALL PROVIDE INFORMATION TO SUCH CRIMINAL
19 JUSTICE AGENCY IDENTIFYING PERSONS HOLDING PERMITS ISSUED BY THE
20 SHERIFF.

21
22 (4) EACH SHERIFF SHALL ANNUALLY PREPARE A REPORT
23 SPECIFYING, AT A MINIMUM, THE NUMBER OF PERMIT APPLICATIONS
24 RECEIVED DURING THE YEAR FOR WHICH THE REPORT WAS PREPARED, THE
25 NUMBER OF PERMITS ISSUED DURING SUCH YEAR, THE NUMBER OF PERMITS
26 DENIED DURING SUCH YEAR, AND THE REASONS FOR DENIAL. THE REPORT
27 SHALL NOT INCLUDE THE NAME OF ANY PERSON WHO APPLIES FOR A
28 PERMIT, REGARDLESS OF WHETHER THE PERSON RECEIVES OR IS DENIED A
29 PERMIT. EACH SHERIFF SHALL SUBMIT THE REPORT ON OR BEFORE MARCH
30 1, 2003, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, TO THE
31 MEMBERS OF THE GENERAL ASSEMBLY. IN ADDITION, EACH SHERIFF SHALL
32 PROVIDE A COPY OF THE ANNUAL REPORT PREPARED PURSUANT TO THIS
33 SUBSECTION (4) TO ANY MEMBER OF THE PUBLIC UPON REQUEST.

34
35 **18-12-207. Colorado bureau of investigation - duties.**

36 (1) UPON RECEIPT OF A PERMIT APPLICANT'S FINGERPRINTS FROM A
37 SHERIFF PURSUANT TO SECTION 18-12-205 (4) OR UPON A SHERIFF'S
38 REQUEST PURSUANT TO SECTION 18-12-210 (1), THE BUREAU SHALL
39 PROCESS THE FULL SET OF FINGERPRINTS TO OBTAIN ANY AVAILABLE STATE
40 CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION PURSUANT TO
41 SECTION 16-21-103 (5), C.R.S., AND SHALL REPORT ANY INFORMATION
42 RECEIVED TO THE SHERIFF. IN ADDITION, WITHIN TEN DAYS AFTER
43 RECEIVING THE FINGERPRINTS, THE BUREAU SHALL FORWARD ONE SET OF
44 THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR
45 PROCESSING TO OBTAIN ANY AVAILABLE STATE CRIMINAL JUSTICE
46 INFORMATION OR FEDERAL INFORMATION.

47
48 (2) THE BUREAU SHALL USE THE FINGERPRINTS RECEIVED
49 PURSUANT TO THIS PART 2 SOLELY FOR THE PURPOSES OF:

50
51 (a) OBTAINING INFORMATION FOR THE ISSUANCE OR RENEWAL OF
52 PERMITS; AND

53
54 (b) NOTIFYING AN ISSUING SHERIFF THAT A PERMIT HOLDER HAS
55 BEEN ARRESTED FOR OR CHARGED WITH AN OFFENSE THAT WOULD
56 REQUIRE REVOCATION OR SUSPENSION OF THE PERMIT OR THAT A PERMIT

1 HOLDER HAS BEEN CONVICTED OF SUCH AN OFFENSE.
2

3 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
4 SAFETY, WITHIN EXISTING APPROPRIATIONS, SHALL PROMULGATE RULES IN
5 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF TITLE 24, C.R.S.,
6 REGARDING THE EXERCISE OF THE DUTIES OF THE BUREAU PURSUANT TO
7 THIS SECTION. AT A MINIMUM, SUCH RULES SHALL INCLUDE, BUT NEED
8 NOT BE LIMITED TO, THE PROCEDURES BY AND TIME LINES IN WHICH THE
9 BUREAU SHALL RETURN TO A REQUESTING SHERIFF THE INFORMATION
10 RECEIVED AS A RESULT OF PROCESSING FINGERPRINTS PURSUANT TO THIS
11 SECTION, THE PROCEDURES BY AND TIME LINES IN WHICH THE BUREAU
12 SHALL PROVIDE NOTICE TO A SHERIFF AS PROVIDED IN PARAGRAPH (b) OF
13 SUBSECTION (2) OF THIS SECTION, AND THE PROCEDURES THE BUREAU
14 SHALL IMPLEMENT IN MAINTAINING ANY FINGERPRINTS RECEIVED
15 PURSUANT TO THIS SECTION TO ENSURE THAT THE PROVISIONS OF
16 SUBSECTION (2) ARE MET. IN PROMULGATING RULES PURSUANT TO THIS
17 SECTION, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT SUCH RULES ARE
18 APPROPRIATELY AND PROPERLY PUBLISHED TO ENSURE THAT SUCH RULES
19 ARE ACCESSIBLE BY MEMBERS OF THE PUBLIC.
20

21 **18-12-208. Issuance by sheriffs of temporary emergency**
22 **permits.** (1) NOTWITHSTANDING ANY PROVISIONS OF THIS PART 2 TO THE
23 CONTRARY, A SHERIFF, AS PROVIDED IN THIS SECTION, SHALL ISSUE A
24 TEMPORARY EMERGENCY PERMIT TO CARRY A CONCEALED HANDGUN TO
25 ANY PERSON WHO THE SHERIFF HAS REASON TO BELIEVE MAY BE IN
26 IMMEDIATE DANGER.
27

28 (2) TO RECEIVE A TEMPORARY EMERGENCY PERMIT, A PERSON
29 SHALL SUBMIT TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN
30 WHICH THE PERSON RESIDES OR IN WHICH THE CIRCUMSTANCES GIVING
31 RISE TO THE EMERGENCY EXIST THE ITEMS SPECIFIED IN SECTION
32 18-12-205; EXCEPT THAT AN APPLICANT FOR A TEMPORARY EMERGENCY
33 PERMIT NEED NOT SUBMIT DOCUMENTARY EVIDENCE DEMONSTRATING
34 COMPETENCE WITH A HANDGUN AS REQUIRED UNDER SECTION 18-12-205
35 (3) (a), AND THE APPLICANT SHALL SUBMIT A TEMPORARY PERMIT FEE NOT
36 TO EXCEED TWENTY-FIVE DOLLARS, AS SET BY THE SHERIFF. UPON
37 RECEIPT OF SAID DOCUMENTS, THE SHERIFF SHALL REQUEST THAT THE
38 BUREAU CONDUCT A COMPUTER RECORDS CHECK OF THE BUREAU FILES
39 AND A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
40 SYSTEM. THE SHERIFF SHALL ISSUE A TEMPORARY EMERGENCY PERMIT TO
41 THE APPLICANT IF THE SHERIFF DETERMINES THE PERSON MAY BE IN
42 IMMEDIATE DANGER AND THE COMPUTER RECORDS CHECK SHOWS THAT
43 THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203;
44 EXCEPT THAT THE APPLICANT NEED NOT DEMONSTRATE COMPETENCE WITH
45 A HANDGUN AND THE APPLICANT MAY BE EIGHTEEN YEARS OF AGE OR
46 OLDER. ANY TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO THIS
47 SECTION SHALL BE VALID FOR A PERIOD OF NINETY DAYS AFTER THE DATE
48 OF ISSUANCE AND MAY BE RENEWED BY THE ISSUING SHERIFF ONCE WITHIN
49 TEN DAYS AFTER EXPIRATION FOR AN ADDITIONAL PERIOD OF NINETY
50 DAYS.
51

52 **18-12-209. Maintenance of permit - address change - invalidity**
53 **of permit.** (1) WITHIN THIRTY DAYS AFTER A PERMITTEE CHANGES THE
54 ADDRESS SPECIFIED ON HIS OR HER PERMIT OR WITHIN THREE BUSINESS
55 DAYS AFTER HIS OR HER PERMIT IS LOST, STOLEN, OR DESTROYED, THE
56 PERMITTEE SHALL NOTIFY THE ISSUING SHERIFF OF THE CHANGE OF

1 ADDRESS OR PERMIT LOSS, THEFT, OR DESTRUCTION. FAILURE TO NOTIFY
2 THE SHERIFF PURSUANT TO THIS SUBSECTION (1) IS A CLASS 1 PETTY
3 OFFENSE.

4
5 (2) IF A PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMIT IS
6 AUTOMATICALLY INVALID. THE PERSON TO WHOM THE PERMIT WAS ISSUED
7 MAY OBTAIN A DUPLICATE OR SUBSTITUTE THEREFOR UPON PAYMENT OF
8 FIFTEEN DOLLARS TO THE ISSUING SHERIFF AND UPON SUBMISSION OF A
9 NOTARIZED STATEMENT TO THE ISSUING SHERIFF THAT THE PERMIT HAS
10 BEEN LOST, STOLEN, OR DESTROYED.

11
12 **18-12-210. Renewal of permits.** (1) WITHIN NINETY DAYS PRIOR
13 TO EXPIRATION OF A PERMIT, THE PERMITTEE MAY OBTAIN A RENEWAL
14 FORM FROM THE ISSUING SHERIFF AND RENEW THE PERMIT BY SUBMITTING
15 TO THE ISSUING SHERIFF A COMPLETED RENEWAL FORM, A NOTARIZED
16 AFFIDAVIT STATING THAT THE PERMITTEE REMAINS QUALIFIED PURSUANT
17 TO THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g), AND
18 THE REQUIRED RENEWAL FEE NOT TO EXCEED FIFTY DOLLARS, AS SET BY
19 THE SHERIFF PURSUANT TO SECTION 18-12-205 (5). THE SHERIFF SHALL
20 VERIFY PURSUANT TO SECTION 18-12-205 (4) (c) THAT THE PERMITTEE
21 MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g)
22 AND IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2) AND SHALL
23 EITHER RENEW OR DENY THE RENEWAL OF THE PERMIT IN ACCORDANCE
24 WITH THE PROVISIONS OF SECTION 18-12-206 (1). IF THE SHERIFF DENIES
25 RENEWAL OF A PERMIT, THE PERMIT HOLDER MAY SEEK A SECOND REVIEW
26 OF THE RENEWAL APPLICATION BY THE SHERIFF AND MAY SUBMIT
27 ADDITIONAL INFORMATION FOR THE RECORD. THE PERMIT HOLDER MAY
28 ALSO SEEK JUDICIAL REVIEW PURSUANT TO RULE 106 OF THE COLORADO
29 RULES OF CIVIL PROCEDURE EITHER IN LIEU OF OR SUBSEQUENT TO THE
30 SHERIFF'S SECOND REVIEW.

31
32 (2) A PERMITTEE WHO FAILS TO FILE A RENEWAL FORM ON OR
33 BEFORE THE PERMIT EXPIRATION DATE MAY RENEW THE PERMIT BY PAYING
34 A LATE FEE OF FIFTEEN DOLLARS IN ADDITION TO THE RENEWAL FEE
35 ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION. NO PERMIT
36 SHALL BE RENEWED SIX MONTHS OR MORE AFTER ITS EXPIRATION DATE,
37 AND THE PERMIT SHALL BE DEEMED TO HAVE PERMANENTLY EXPIRED. A
38 PERSON WHOSE PERMIT HAS PERMANENTLY EXPIRED MAY REAPPLY FOR A
39 PERMIT, BUT THE PERSON SHALL SUBMIT AN APPLICATION FOR A PERMIT
40 AND THE FEE REQUIRED PURSUANT TO SECTION 18-12-205. A PERSON WHO
41 KNOWINGLY AND INTENTIONALLY FILES FALSE OR MISLEADING
42 INFORMATION OR DELIBERATELY OMITTS MATERIAL INFORMATION
43 REQUIRED UNDER THIS SECTION IS SUBJECT TO CRIMINAL PROSECUTION FOR
44 PERJURY UNDER SECTION 18-8-503.

45
46 **18-12-211. Exemption.** (1) THIS PART 2 SHALL NOT APPLY TO
47 PEACE OFFICERS, LEVELS I AND Ia, AS DEFINED IN SECTION 18-1-901 (3) (I)
48 (I) AND (3) (I) (II), AND FEDERAL OFFICERS WHOSE DUTIES ARE
49 COMPARABLE TO THOSE PERFORMED BY PEACE OFFICERS, LEVELS I AND Ia.
50 IN ADDITION, THIS PART 2 SHALL NOT APPLY TO PEACE OFFICERS, LEVEL II,
51 AS DEFINED IN SECTION 18-1-901 (3) (I) (III), WHILE ON DUTY.

52
53 (2) THIS PART 2 SHALL NOT APPLY TO LAW ENFORCEMENT
54 OFFICERS EMPLOYED BY JURISDICTIONS OUTSIDE THIS STATE, SO LONG AS
55 THE FOREIGN EMPLOYING JURISDICTION EXEMPTS PEACE OFFICERS
56 EMPLOYED BY JURISDICTIONS WITHIN COLORADO FROM ANY CONCEALED

1 HANDGUN OR CONCEALED WEAPONS LAWS IN EFFECT IN THE FOREIGN
2 EMPLOYING JURISDICTION.

3

4 (3) THIS PART 2 SHALL NOT APPLY TO ANY RETIRED PEACE OFFICER,
5 LEVEL I OR Ia, AS DEFINED IN SECTION 18-1-901 (3) (I) AND (3) (I) (II),
6 WITHIN THE FIRST FIVE YEARS AFTER RETIREMENT SO LONG AS THE
7 RETIRED PEACE OFFICER HAS A LETTER SIGNED BY HIS OR HER LAST
8 COMMANDING OFFICER ATTESTING THAT THE RETIRED OFFICER MEETS THE
9 CRITERIA SPECIFIED IN SECTION 18-12-203 (1).

10

11 (4) THIS PART 2 SHALL NOT APPLY TO ANY PERSON EMPLOYED BY
12 A SCHOOL DISTRICT AS A SCHOOL SECURITY OFFICER WHILE SUCH PERSON
13 IS ON DUTY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
14 CONTRARY, ANY PERSON EMPLOYED BY A SCHOOL DISTRICT AS A SCHOOL
15 SECURITY OFFICER MAY CARRY A CONCEALED HANDGUN ONTO THE REAL
16 PROPERTY, OR INTO ANY IMPROVEMENT ERECTED THEREON, OF ANY
17 PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL WHILE SUCH
18 PERSON IS ON DUTY.

19

20 **18-12-212. Reciprocity.** ANY PERMIT TO CARRY A CONCEALED
21 HANDGUN OR A CONCEALED WEAPON THAT IS ISSUED TO A PERSON
22 TWENTY-ONE YEARS OF AGE OR OLDER BY A STATE THAT RECOGNIZES THE
23 VALIDITY OF PERMITS ISSUED PURSUANT TO THIS PART 2 SHALL BE VALID
24 IN THIS STATE IN ALL RESPECTS AS A PERMIT ISSUED PURSUANT TO THIS
25 PART 2.

26

27 **18-12-213. Authority granted by permit - carrying restrictions.**

28 (1) (a) A PERMIT TO CARRY A CONCEALED HANDGUN AUTHORIZES THE
29 PERMIT HOLDER TO CARRY A CONCEALED HANDGUN IN ALL AREAS OF THE
30 STATE, EXCEPT AS SPECIFICALLY LIMITED IN THIS SECTION. A PERMIT DOES
31 NOT AUTHORIZE THE PERMIT HOLDER TO USE A HANDGUN IN A MANNER
32 THAT WOULD VIOLATE ANY PROVISION OF STATE LAW.

33

34 (b) A PEACE OFFICER MAY TEMPORARILY DISARM ANY PERMIT
35 HOLDER, INCIDENT TO A LAWFUL STOP OF THE PERMIT HOLDER. THE PEACE
36 OFFICER SHALL RETURN THE HANDGUN TO THE PERMIT HOLDER PRIOR TO
37 DISCHARGING THE PERMIT HOLDER FROM THE SCENE.

38

39 (2) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
40 AUTHORIZE ANY PERSON TO CARRY A CONCEALED HANDGUN INTO ANY
41 PLACE WHERE THE CARRYING OF FIREARMS IS PROHIBITED BY FEDERAL
42 LAW.

43

44 (3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
45 CONTRARY, A SCHOOL DISTRICT BOARD OF EDUCATION MAY ADOPT A
46 RESOLUTION PROHIBITING THE CARRYING OF CONCEALED HANDGUNS BY
47 ANY PERSONS, INCLUDING PERMIT HOLDERS, ONTO THE REAL PROPERTY OR
48 INTO ANY IMPROVEMENTS ERECTED THEREON, OF ANY PUBLIC
49 ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL WITHIN THE
50 BOUNDARIES OF THE SCHOOL DISTRICT.

51

52 (4) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO LIMIT,
53 RESTRICT, OR PROHIBIT IN ANY MANNER THE EXISTING RIGHTS OF ANY
54 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
55 EMPLOYER, OR PRIVATE BUSINESS ENTITY TO CONTROL THE POSSESSION OF
56 HANDGUNS ON ANY PROPERTY OWNED OR CONTROLLED BY THE

1 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
2 EMPLOYER, OR PRIVATE BUSINESS ENTITY.

3
4 **18-12-214. Immunity.** (1) THE BUREAU AND ANY LOCAL LAW
5 ENFORCEMENT AGENCY AND ANY INDIVIDUAL EMPLOYED BY THE BUREAU
6 OR A LOCAL LAW ENFORCEMENT AGENCY SHALL NOT BE LIABLE FOR ANY
7 DAMAGES THAT MAY RESULT FROM GOOD FAITH COMPLIANCE WITH THE
8 PROVISIONS OF THIS PART 2.

9
10 (2) ANY LAW ENFORCEMENT OFFICER OR AGENCY, ANY MEDICAL
11 PERSONNEL, AND ANY ORGANIZATION THAT OFFERS HANDGUN TRAINING
12 CLASSES AND ITS PERSONNEL WHO IN GOOD FAITH PROVIDE INFORMATION
13 REGARDING AN APPLICANT SHALL NOT BE LIABLE FOR ANY DAMAGES THAT
14 MAY RESULT FROM ISSUANCE OR DENIAL OF A PERMIT.

15
16 **18-12-215. Permits issued prior to July 1, 2002.** (1) ANY
17 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
18 TO JULY 1, 2002, SHALL PERMANENTLY EXPIRE ON JUNE 30, 2003, OR ON
19 ANY EXPIRATION DATE SPECIFIED ON THE PERMIT, WHICHEVER OCCURS
20 FIRST. ANY PERSON WHO SUBMITTED A FULL SET OF FINGERPRINTS TO
21 OBTAIN A PERMIT PRIOR TO JULY 1, 2002, UPON EXPIRATION OF SAID
22 PERMIT, MAY APPLY FOR RENEWAL OF SAID PERMIT AS PROVIDED IN THIS
23 PART 2. ANY PERSON WHO DID NOT SUBMIT A FULL SET OF FINGERPRINTS
24 TO OBTAIN A PERMIT PRIOR TO JULY 1, 2002, UPON EXPIRATION OF SAID
25 PERMIT, MAY APPLY FOR A NEW PERMIT AS PROVIDED IN THIS PART 2.

26
27 (2) WITHIN NINETY DAYS PRIOR TO THE EXPIRATION OF ANY
28 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
29 TO JULY 1, 2002, THE ISSUING AUTHORITY SHALL SEND A NOTICE OF
30 EXPIRATION TO THE PERMIT HOLDER TO NOTIFY THE PERMIT HOLDER OF
31 THE PERMIT EXPIRATION AS PROVIDED IN SUBSECTION (1) OF THIS SECTION
32 AND OF HIS OR HER ABILITY TO RENEW THE PERMIT OR OBTAIN A NEW
33 PERMIT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

34
35 **SECTION 3. Repeal.** 18-12-105.1, Colorado Revised Statutes,
36 is repealed.

37
38 **SECTION 4.** 18-12-105 (2) (c), Colorado Revised Statutes, is
39 amended to read:

40
41 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**
42 **possession of weapons.** (2) It shall not be an offense if the defendant
43 was:

44
45 (c) A person who, ~~prior to~~ AT the time of carrying a concealed
46 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
47 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
48 ~~weapon by the chief of police of a city or city and county, or the sheriff~~
49 ~~of a county~~ AS IT EXISTED PRIOR TO JULY 1, 2002, OR, IF THE WEAPON
50 INVOLVED WAS A HANDGUN, HELD A VALID PERMIT TO CARRY A
51 CONCEALED HANDGUN ISSUED PURSUANT TO PART 2 OF THIS ARTICLE;
52 EXCEPT THAT IT SHALL BE AN OFFENSE UNDER THIS SECTION IF THE PERSON
53 WAS CARRYING A CONCEALED HANDGUN IN VIOLATION OF THE PROVISIONS
54 OF SECTION 18-12-213; or

55
56 **SECTION 5.** 18-12-105.5 (3) (d), Colorado Revised Statutes, is

1 amended to read:

2

3 **18-12-105.5. Unlawfully carrying a weapon - unlawful**
4 **possession of weapons - school, college, or university grounds.** (3) It
5 shall not be an offense under this section if:

6

7 (d) The person, ~~prior to~~ AT the time of carrying a concealed
8 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
9 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
10 ~~weapon by the chief of police of a city or city and county or the sheriff~~
11 ~~of a county~~ AS SAID SECTION EXISTED PRIOR TO JULY 1, 2002, OR, IF THE
12 WEAPON INVOLVED WAS A HANDGUN, THE PERSON HELD A VALID PERMIT
13 TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT TO PART 2 OF THIS
14 ARTICLE; or

15

16 **SECTION 6.** 18-12-106 (1) (d), Colorado Revised Statutes, is
17 amended to read:

18

19 **18-12-106. Prohibited use of weapons.** (1) A person commits
20 a class 2 misdemeanor if:

21

22 (d) ~~He~~ THE PERSON has in his OR HER possession a firearm while
23 ~~he~~ THE PERSON is under the influence of intoxicating liquor or of a
24 controlled substance, as defined in section 12-22-303 (7), C.R.S.
25 Possession of a permit issued under section 18-12-105.1, AS IT EXISTED
26 PRIOR TO JULY 1, 2002, OR POSSESSION OF A PERMIT ISSUED PURSUANT TO
27 PART 2 OF THIS ARTICLE is no defense to a violation of this subsection (1).

28

29 **SECTION 7.** 19-2-517 (1) (a) (II) (B), Colorado Revised
30 Statutes, is amended to read:

31

32 **19-2-517. Direct filing - repeal.** (1) (a) A juvenile may be
33 charged by the direct filing of an information in the district court or by
34 indictment only when:

35

36 (II) The juvenile is fourteen years of age or older and:

37

38 (B) Is alleged to have committed a felony offense described in
39 PART 1 OF article 12 of title 18, C.R.S., except for the possession of a
40 handgun by a juvenile, as set forth in section 18-12-108.5, C.R.S.; or

41

42 **SECTION 8.** 24-33.5-412 (1) (o), Colorado Revised Statutes, is
43 amended to read:

44

45 **24-33.5-412. Functions of bureau - legislative review.** (1) The
46 bureau has the following authority:

47

48 (o) ~~When requested by a police chief or sheriff, to conduct a~~
49 ~~criminal history check of an applicant for a permit to carry a concealed~~
50 ~~weapon, including processing of fingerprints, as provided in section~~
51 ~~18-12-105.1 (2), C.R.S.;~~ TO CARRY OUT THE DUTIES SET FORTH IN PART
52 2 OF ARTICLE 12 OF TITLE 18, C.R.S.;

53

54 **SECTION 9.** 30-10-523, Colorado Revised Statutes, is amended
55 to read:

56

1 **30-10-523. Sheriff - permits for concealed handguns.** The
 2 sheriff of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A
 3 SHERIFF IN EACH CITY AND COUNTY SHALL issue written permits to carry
 4 concealed weapons. ~~Any such permit shall be issued in accordance with~~
 5 ~~section 18-12-105.1, C.R.S.~~ HANDGUNS AS PROVIDED IN PART 2 OF
 6 ARTICLE 12 OF TITLE 18, C.R.S.

7
 8 **SECTION 10. Repeal.** 31-4-112.1, Colorado Revised Statutes,
 9 is repealed as follows:

10
 11 **31-4-112.1. Chief of police - permits for concealed handguns.**
 12 ~~The chief of police of a city or city and county may issue written permits~~
 13 ~~to carry concealed weapons. Any such permit shall be issued in~~
 14 ~~accordance with section 18-12-105.1, C.R.S.~~

15
 16 **SECTION 11. Appropriation.** In addition to any other
 17 appropriation, there is hereby appropriated, out of any moneys collected
 18 pursuant to section 18-12-205 (2) (b), Colorado Revised Statutes, to the
 19 department of public safety for allocation to the Colorado bureau of
 20 investigation, for the fiscal year beginning July 1, 2002, the sum of seven
 21 hundred eighty-five thousand two hundred seventy-one dollars
 22 (\$785,271) and 3.4 FTE, or so much thereof as may be necessary, for
 23 implementation of this act. Of said sum, three hundred sixty thousand six
 24 hundred seventy-one dollars (\$360,671) shall be from cash funds from
 25 fingerprint and name check processing fees, and four hundred
 26 twenty-four thousand six hundred dollars (\$424,600) shall be from cash
 27 funds exempt.

28
 29 **SECTION 12. Effective date - applicability.** This act shall take
 30 effect upon passage; except that sections 2 through 10 shall take effect
 31 July 1, 2002, and shall apply to offenses committed on or after said
 32 date.".

33
 34 Renumber succeeding sections accordingly.

35
 36 Amendment No. 3, by Representative Paschall.

37
 38 Amend the Amendment No. 2, by Representative Tochtrop as printed in
 39 House Journal page 1989, strike lines 18 through 20 and substitute the
 40 following:

41
 42 "TO JULY 1, 2002, SHALL PERMANENTLY EXPIRE ON THE DATE SPECIFIED
 43 ON THE PERMIT. ANY PERSON WHO SUBMITTED A FULL SET OF
 44 FINGERPRINTS TO".

45
 46 As amended, ordered revised and placed on the Calendar for Third
 47 Reading and Final Passage.

48
 49 **SB02-050** by Senator(s) Gordon; also Representative(s) Decker--
 50 Concerning a prohibition on the possession of certain
 51 substances used to manufacture controlled substances, and
 52 making an appropriation in connection therewith.

53
 54 Ordered revised and placed on the Calendar for Third Reading and Final
 55 Passage.

1 **SB02-190** by Senator(s) Phillips, Anderson, Fitz-Gerald, Gordon,
2 Hernandez, Hillman, Matsunaka, Musgrave, Nichol,
3 Takis, Tate, Taylor, Teck, Tupa; also Representative(s)
4 Hoppe, Boyd, Cloer, Daniel, Fairbank, Garcia, Kester,
5 Lawrence, Miller, Rippy, Scott, Smith, Snook, Spence,
6 Tapia, Veiga, White--Concerning expansion of the
7 stationary source voluntary emission reduction program,
8 and, in connection therewith, providing for additional
9 flexibility and cost recovery incentives.

10
11 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
12 dated May 2, 2002, and placed in member's bill file; Report also printed
13 in House Journal, May 2, page 1794.

14
15 Amendment No. 2, by Representatives Harvey, Stengel.

16
17 Amend the Agriculture, Livestock, and Natural Resources Committee
18 Report, dated May 2, 2002, page 1, strike line 6 and substitute the
19 following:

20
21 "(c) ANY CONTRACT ENTERED INTO FOR CONSTRUCTION OF AIR
22 QUALITY IMPROVEMENTS ON OR AFTER JULY 1, 2002, SHALL BE AWARDED
23 TO THE LOWEST QUALIFIED BIDDER REGARDLESS OF WHETHER THE BIDDER
24 IS A UNION OR NONUNION CONTRACTOR.

25
26 (8) THE AIR QUALITY IMPROVEMENT COSTS SHALL BE SET FORTH".

27
28 Amendment No. 3, by Representatives Stafford, Jahn, Vigil.

29
30 Amend reengrossed bill, page 7, line 22, strike "YEARS OR LESS. THE"
31 and substitute the following:

32
33 "YEARS OR LESS.

34
35 (c) (I) THE";

36
37 after line 25, insert the following:

38
39 "(II) A PUBLIC UTILITY THAT ENTERS INTO A VOLUNTARY
40 AGREEMENT ON OR AFTER JULY 1, 2002, SHALL NOT RECOVER AIR QUALITY
41 IMPROVEMENT COSTS FROM CUSTOMERS OF THE PUBLIC UTILITY WHO ARE
42 DETERMINED TO BE ELIGIBLE RECIPIENTS IN THE LOW-INCOME ENERGY
43 ASSISTANCE PROGRAM IN ACCORDANCE WITH SECTION 40-8.5-105."

44
45 As amended, ordered revised and placed on the Calendar for Third
46 Reading and Final Passage.

47
48 **SB02-217** by Senator(s) Hagedorn, Owen; also Representative(s)
49 Spradley, Veiga--Concerning modifications to health care
50 systems in Colorado to improve the delivery of health care
51 services to Coloradans.

52
53 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
54 dated May 6, 2002, and placed in member's bill file; Report also printed
55 in House Journal, May 6, pages 1877-1881.

56

1 Amendment No. 2, by Representative Spradley.

2

3 Amend the Health, Environment, Welfare, & Institutions Committee
4 Report dated May 6, 2002, page 2, line 18, after "AND" insert "OF";

5

6 line 23, strike "PLAN;"; and substitute "PLAN, AND IDENTIFICATION OF
7 WHAT SERVICES ARE NECESSARY, INCLUDING MENTAL HEALTH SERVICES
8 THAT ARE CURRENTLY COVERED;";

9

10 line 30, after the semicolon, add "AND".

11

12 Page 3, line 1, strike "ARRANGEMENTS;" and substitute
13 "ARRANGEMENTS.";

14

15 strike lines 2 through 19.

16

17 Page 6, line 22, strike "**report - repeal.**" and substitute "**report.**";

18

19 line 23, after "THAT", insert a comma;

20

21 line 24, after "RESOURCES", insert a comma;

22

23 line 25, after "ENSURE", insert "THE AVAILABILITY OF".

24

25 Page 7, line 2, strike "PEOPLE" and substitute "MEETING THE NEEDS OF
26 PERSONS";

27

28 line 15, strike "DISEASE." and substitute "DISEASE OR COMBINATION OF
29 DISEASES.";

30

31 line 19, after "TO", insert "THE MOST COST-EFFECTIVE AND";

32

33 line 29, strike "OCCUR" and substitute "BE MADE";

34

35 line 30, strike the third "THE" and substitute "A DISEASE MANAGEMENT";

36

37 line 32, strike "A DISEASE MANAGEMENT" and substitute "SUCH";

38

39 strike lines 33 through 35.

40

41 Page 8, strike lines 1 through 9.

42

43 Renumber succeeding sections accordingly.

44

45 Amendment No. 3, by Representatives Lawrence, Tapia.

46

47 Amend the Health, Environment, Welfare, & Institutions Committee
48 Report, dated May 6, 2002, page 8, after line 9, insert the following:

49

50 "SECTION 6. 24-82-703, Colorado Revised Statutes, is amended
51 to read:

52

53 **24-82-703. Lessor.** (1) (a) The lessor under any additional
54 lease-purchase agreement entered into by the director pursuant to the
55 provisions of this part 7 shall be a nonprofit corporation organized for the
56 purpose of becoming a lessor pursuant to the provisions of this part 7.

1 PRIOR TO JULY 1, 2002, the controller, the director of the office of state
2 planning and budgeting, and the director of research of the legislative
3 council shall serve ex officio as directors of such nonprofit corporation.
4 The participation of such nonprofit corporation, and of the controller, the
5 director of the office of state planning and budgeting, and the director of
6 research of the legislative council, acting as directors of such nonprofit
7 corporation, shall not constitute a potential conflicting interest, as such
8 term is defined in section 18-8-308 (2), C.R.S.

9
10 (b) EFFECTIVE JULY 1, 2002, THE CONTROLLER, THE DIRECTOR OF
11 THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE DIRECTOR OF
12 RESEARCH OF THE LEGISLATIVE COUNCIL SHALL CEASE ACTING AS THE
13 BOARD OF DIRECTORS FOR THE NONPROFIT CORPORATION. PRIOR TO SAID
14 DATE, SUCH OFFICIALS SHALL APPOINT FIVE PERSONS TO SERVE AS THE
15 BOARD OF DIRECTORS FOR THE NONPROFIT CORPORATION, WHICH PERSONS
16 SHALL TAKE OFFICE JULY 1, 2002. THE TERMS OF THE DIRECTORS OF THE
17 NONPROFIT CORPORATION, THE PROCEDURES FOR APPOINTMENT OF
18 DIRECTORS AND FOR FILLING VACANCIES, AND ANY OTHER NECESSARY
19 PROVISIONS REGARDING THE BOARD OF DIRECTORS SHALL BE SPECIFIED IN
20 THE BYLAWS OF THE NONPROFIT CORPORATION.

21
22 (c) IN APPOINTING THE BOARD OF DIRECTORS, THE CONTROLLER,
23 THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND BUDGETING, AND
24 THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL SELECT
25 PERSONS WHO ARE COLORADO RESIDENTS AND HAVE EXPERIENCE IN
26 FINANCE, REAL ESTATE, OR LEASING AND WHO ARE NOT OFFICIALS OR
27 EMPLOYEES OF THE STATE.

28
29 ~~(2) On and after June 9, 1993, the powers of the nonprofit~~
30 ~~corporation shall be limited to the refinancing of instruments issued~~
31 ~~pursuant to the provisions of this part 7 on or before November 3, 1992,~~
32 ~~unless and until a court of competent jurisdiction enters a final decision~~
33 ~~as to the constitutionality of the issuance of certificates of participation~~
34 ~~or other instruments evidencing the commitment of a district to make~~
35 ~~payments in subsequent fiscal years of moneys due under a contract for~~
36 ~~the purchase or lease of property, real or personal, even if such~~
37 ~~commitment of funds is expressly made contingent upon funds for that~~
38 ~~purpose being appropriated, budgeted, or otherwise made available.~~
39 Nothing in the repeal of other sections of this part 7 shall be construed to
40 impair any contract or instrument in existence on November 3, 1992, if
41 said contract was validly entered into or said instrument was validly
42 issued under the law in effect at the time of entering into said contract or
43 issuing said instrument.

44
45 (3) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

46
47 (a) THE NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE
48 OF BECOMING A LESSOR PURSUANT TO THE PROVISIONS OF THIS PART 7 IS
49 A PRIVATE, NONPROFIT CORPORATION AND IS NOT A PART OF STATE
50 GOVERNMENT OR OF ANY LOCAL GOVERNMENT;

51
52 (b) ANY LEASE-PURCHASE AGREEMENT ENTERED INTO BY THE
53 STATE WITH THE LESSOR PURSUANT TO THIS PART 7 IS SUBJECT TO ANNUAL
54 RENEWAL BY THE STATE AND IS SECURED BY THE PROPERTY THAT IS THE
55 SUBJECT OF THE LEASE-PURCHASE AGREEMENT;

56

1 (c) IN THE EVENT THE STATE CHOOSES NOT TO RENEW ANY
2 LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS PART 7,
3 THE LESSOR'S SOLE RECOURSE AGAINST THE STATE IS TO RECOVER OR
4 POSSESS THE PROPERTY LEASED TO THE STATE PURSUANT TO THE
5 LEASE-PURCHASE AGREEMENT AND TO RECEIVE ANY MONEYS
6 APPROPRIATED BY THE GENERAL ASSEMBLY FOR PAYMENT OF MONEYS
7 OWED UNDER THE LEASE-PURCHASE AGREEMENT BUT NOT YET PAID FOR
8 THE STATE FISCAL YEAR IN WHICH THE STATE CHOOSES NOT TO RENEW THE
9 LEASE-PURCHASE AGREEMENT;

10
11 (d) ANY INSTRUMENTS ISSUED, DISTRIBUTED, OR SOLD EVIDENCING
12 RIGHTS TO RECEIVE RENTALS AND OTHER PAYMENTS MADE OR TO BE MADE
13 UNDER A LEASE-PURCHASE AGREEMENT ENTERED INTO PURSUANT TO THIS
14 PART 7 ARE ISSUED, DISTRIBUTED, OR SOLD BY THE LESSOR AND NOT BY
15 THE STATE AND DO NOT CREATE A RELATIONSHIP BETWEEN THE
16 PURCHASERS OF SUCH INSTRUMENTS AND THE STATE OR CREATE ANY
17 OBLIGATION ON THE PART OF THE STATE TO SAID PURCHASERS; AND

18
19 (e) SAID INSTRUMENTS, BECAUSE THEY ARE ISSUED BY THE LESSOR
20 AND DO NOT REPRESENT AN OBLIGATION FROM THE STATE TO THE
21 PURCHASERS OF SAID INSTRUMENTS, DO NOT CONSTITUTE A
22 MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DISTRICT DEBT OR OTHER
23 FINANCIAL OBLIGATION AND THEREFORE ARE NOT SUBJECT TO THE
24 PROVISIONS OF SECTION 20 (4) (b) OF ARTICLE X OF THE STATE
25 CONSTITUTION.

26
27 **SECTION 7.** Part 7 of article 82 of title 24, Colorado Revised
28 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
29 read:

30
31 **24-82-703.5. Lease-purchase agreements - other state agencies**
32 **- authority.** NOTWITHSTANDING ANY PROVISION OF THIS PART 7 TO THE
33 CONTRARY, A STATE AGENCY THAT HAS GENERAL STATUTORY AUTHORITY
34 TO ENTER INTO AGREEMENTS UNDER WHICH THE STATE MAY ACQUIRE
35 TITLE TO REAL AND PERSONAL PROPERTY MAY WORK DIRECTLY WITH THE
36 NONPROFIT CORPORATION CREATED PURSUANT TO SECTION 24-82-703 TO
37 ENTER INTO SUCH AGREEMENTS WHEN SPECIFICALLY AUTHORIZED BY A
38 SEPARATE BILL ENACTED BY THE GENERAL ASSEMBLY PURSUANT TO
39 SECTION 24-82-102 (1) (b). ANY SUCH TRANSACTION SHALL NOT REQUIRE
40 THE ASSISTANCE OR INVOLVEMENT OF THE DIRECTOR. ANY SUCH
41 AGREEMENTS SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS
42 24-82-704 TO 24-82-709.

43
44 **SECTION 8.** 24-82-704, Colorado Revised Statutes, is amended
45 to read:

46
47 **24-82-704. Payment obligations subject to annual**
48 **appropriation by the general assembly.** Every additional
49 lease-purchase agreement authorized by the director pursuant to the
50 provisions of this part 7 shall provide that all payment obligations of the
51 state under such additional lease-purchase agreement are subject to
52 annual appropriation by the general assembly and that such obligations
53 shall not be deemed or construed as creating an indebtedness of the state
54 within the meaning of any provision of the Colorado constitution or the
55 laws of the state of Colorado concerning or limiting the creation of
56 indebtedness by the state of Colorado AND SHALL NOT BE DEEMED OR

1 CONSTRUED AS CREATING A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT
2 DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE
3 MEANING OF SECTION 20 (4) (b) OF ARTICLE X OF THE STATE
4 CONSTITUTION.

5

6 **SECTION 9.** 24-82-705, Colorado Revised Statutes, is amended
7 to read:

8

9 **24-82-705. Terms and conditions of lease-purchase**
10 **agreements.** Any additional lease-purchase agreement entered into by
11 the director pursuant to the provisions of this part 7 may contain such
12 terms, provisions, and conditions as the director may deem appropriate.
13 Such provisions may allow the state to receive fee title to the real and
14 personal property ~~which~~ THAT is the subject of such additional
15 lease-purchase agreement on or prior to the expiration of the entire term
16 of the agreement, including all optional renewal terms. Any additional
17 lease-purchase agreement entered into pursuant to the provisions of this
18 part 7 may further provide for the issuance, distribution, and sale of
19 instruments BY THE LESSOR evidencing rights to receive rentals and other
20 payments made and to be made under such additional lease-purchase
21 agreement. ~~but only if and after a court of competent jurisdiction renders~~
22 ~~a final decision as to the constitutionality of the issuance of certificates~~
23 ~~of participation or other instruments evidencing the commitment of a~~
24 ~~district to make payments in subsequent fiscal years of moneys due under~~
25 ~~an installment purchase agreement for the purchase of real or personal~~
26 ~~property which requires payments during more than one fiscal year, or~~
27 ~~any agreement for the lease or rental of real or personal property which~~
28 ~~requires payments during more than one fiscal year and under which such~~
29 ~~district is entitled to receive title to the property at the end of the term for~~
30 ~~nominal or no additional consideration.~~ Such instruments shall not be
31 notes, bonds, or any other evidence of indebtedness of the state of
32 Colorado within the meaning of any provision of the Colorado
33 constitution or the laws of the state of Colorado concerning or limiting
34 the creation of indebtedness by the state of Colorado AND SHALL NOT
35 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR
36 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF
37 SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION. Interest
38 paid under any additional lease-purchase agreement entered into pursuant
39 to this part 7, including interest represented by such instruments, shall be
40 exempt from Colorado income tax. Any such additional lease-purchase
41 agreements shall provide an option for the state to purchase the property
42 ~~which~~ THAT is the subject of the lease prior to the termination of such
43 additional lease-purchase agreement. In no event shall any individual
44 representing a firm ~~which~~ THAT was the successful bidder for a proposed
45 financial services contract, which contract related to a master leasing
46 program, prior to June 20, 1987, be allowed to become the underwriter
47 or financial advisor for any master leasing agreement entered into by the
48 director prior to June 30, 1988, pursuant to the provisions of this part 7.

49

50 **SECTION 10.** 24-82-801 (3), Colorado Revised Statutes, is
51 amended to read:

52

53 **24-82-801. Lease-purchase agreements for acquisition of real**
54 **or personal property.** (3) As used in this section, "lease-purchase
55 agreement" means any installment purchase agreement for the purchase
56 of real or personal property ~~which~~ THAT requires payments during more

1 than one fiscal year, or any agreement for the lease or rental of real or
2 personal property ~~which~~ THAT requires payments during more than one
3 fiscal year and under which the state is entitled to receive title to the
4 property at the end of the term for nominal or no additional consideration.
5 Such agreement may further provide for the issuance, distribution, and
6 sale of instruments BY THE LESSOR CREATED PURSUANT TO SECTION
7 24-82-703 evidencing rights to receive rentals and other payments made
8 by the state under any such lease-purchase agreement. ~~but only if and~~
9 ~~after a court of competent jurisdiction renders a final decision as to the~~
10 ~~constitutionality of the issuance of certificates of participation or other~~
11 ~~instruments evidencing the commitment of a district to make payments~~
12 ~~subject to annual appropriation in subsequent fiscal years of moneys due~~
13 ~~under an installment purchase agreement for the purchase of real or~~
14 ~~personal property which requires payments during more than one fiscal~~
15 ~~year, or any agreement for the lease or rental of real or personal property~~
16 ~~which requires payments subject to annual appropriation during more~~
17 ~~than one fiscal year and under which such district is entitled to receive~~
18 ~~title to the property at the end of the term for nominal or no additional~~
19 ~~consideration.~~ Such instruments shall not include notes, bonds, or any
20 other evidence of indebtedness of the state within the meaning of any
21 provision of the constitution or laws of the state of Colorado concerning
22 or limiting the creation of indebtedness by the state AND SHALL NOT
23 CONSTITUTE A MULTIPLE-FISCAL YEAR DIRECT OR INDIRECT DEBT OR
24 OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE MEANING OF
25 SECTION 20 (4) (b) of article X of the state constitution.

26
27 **SECTION 11. Lease-purchase agreement.** (1) The department
28 of personnel is hereby authorized to execute a lease-purchase agreement
29 for the purpose of funding forensics medium and maximum security
30 replacement and heating plant at the Colorado mental health institute at
31 Pueblo, in which the department of personnel is the lessee for the benefit
32 and use of the department of human services.

33
34 (2) The maximum amount that may be financed pursuant to the
35 lease-purchase agreement shall be fifty-one million two hundred fifty
36 thousand dollars. The lease-purchase agreement shall be for a term of
37 fifteen years and shall provide that all of the obligations of the state under
38 the agreement shall be subject to the action of the general assembly and
39 the department of personnel in annually making moneys available for all
40 payments thereunder.

41
42 (3) The lease-purchase agreement may contain such terms,
43 provisions, and conditions as the department of personnel and the
44 department of human services deem appropriate, including provisions by
45 which the state may receive fee title to the real and personal property that
46 is the subject of the lease-purchase agreement on or prior to the
47 expiration of the term thereof, including all optional terms. Any title to
48 such property received by the state on or prior to the expiration of the
49 term of the lease-purchase agreement shall be held for the benefit and use
50 of the department of human services. The lease-purchase agreement may
51 further provide for the issuance, distribution, and sale of instruments
52 evidencing rights to receive rentals and other payments made and to be
53 made under the lease-purchase agreement. Such instruments shall not be
54 notes, bonds, or any other evidence or indebtedness of the state within the
55 meaning of any provision of the Colorado constitution or the law of the
56 state concerning or limiting the creation of indebtedness of the state.

1 (4) The department of personnel and the department of human
2 services are authorized to enter into such ancillary agreements and
3 instruments as are deemed necessary or appropriate in connection with
4 the lease-purchase agreement."
5

6 Renumber succeeding sections accordingly.
7

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

11 **SB02-230** by Senator(s) Windels; also Representative(s) Mitchell--
12 Concerning the designation of the county in which
13 specified actions related to the activities of a public trustee
14 may occur.
15

16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.
18

19
20 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
21

22 Representative Groff moved to amend the Report of the Committee of the
23 Whole to show that the following Groff amendment, to SB02-229, did
24 pass, and that **SB02-229, as amended**, did pass:
25

26 Amend reengrossed bill, page 7, after line 20, insert the following:
27

28 "SECTION 2. 18-6-401 (7) (b), Colorado Revised Statutes, is
29 amended BY THE ADDITION OF THE FOLLOWING NEW
30 SUBPARAGRAPHS to read:
31

32 **18-6-401. Child abuse.** (7) (b) Where no death or injury results,
33 the following shall apply:
34

35 (III) WHERE A PERSON RECKLESSLY PERMITS A CHILD TO BE
36 UNREASONABLY PLACED IN A SITUATION WHICH POSES A SUBSTANTIAL
37 THREAT OF SERIOUS BODILY INJURY TO THE CHILD, CHILD ABUSE IS A CLASS
38 1 MISDEMEANOR.
39

40 (IV) WHERE A PERSON WITH CRIMINAL NEGLIGENCE PERMITS A
41 CHILD TO BE UNREASONABLY PLACED IN A SITUATION WHICH POSES A
42 SUBSTANTIAL THREAT OF SERIOUS BODILY INJURY TO THE CHILD, CHILD
43 ABUSE IS A CLASS 2 MISDEMEANOR."
44

45 Renumber succeeding section accordingly.
46

47 The amendment was declared **lost** by the following roll call vote:
48

	YES	24	NO	37	EXCUSED	4	ABSENT	0
51 Alexander	N	Groff	Y	Marshall	Y	Spence	N	
52 Bacon	Y	Grossman	Y	Miller	N	Spradley	N	
53 Berry	N	Harvey	N	Mitchell	N	Stafford	N	
54 Borodkin	Y	Hefley	N	Paschall	N	Stengel	N	
55 Boyd	Y	Hodge	Y	Plant	Y	Swenson	N	
56 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y	

1	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	N
2	Clapp	N	Jameson	Y	Rippy	N	Veiga	E
3	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
4	Coleman	E	Kester	N	Saliman	Y	Webster	N
5	Crane	N	King	E	Sanchez	Y	Weddig	Y
6	Daniel	N	Larson	Y	Schultheis	N	White	N
7	Decker	N	Lawrence	N	Scott	N	Williams S.	Y
8	Fairbank	E	Lee	N	Sinclair	N	Williams T.	N
9	Fritz	N	Mace	Y	Smith	N	Witwer	Y
10	Garcia	Y	Madden	Y	Snook	N	Young	N
11							Mr. Speaker	N

15 Representative Paschall moved to amend the Report of the Committee of
16 the Whole to show that **SB02-190**, as amended, did not pass.

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

20	YES 22	NO 41	EXCUSED 2	ABSENT 0				
21								
22	Alexander	Y	Groff	N	Marshall	N	Spence	Y
23	Bacon	N	Grossman	N	Miller	N	Spradley	N
24	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
25	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
26	Boyd	N	Hodge	N	Plant	N	Swenson	Y
27	Cadman	Y	Hoppe	N	Ragsdale	N	Tapia	N
28	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
29	Clapp	Y	Jameson	N	Rippy	N	Veiga	E
30	Cloer	N	Johnson	Y	Romanoff	N	Vigil	N
31	Coleman	N	Kester	N	Saliman	N	Webster	N
32	Crane	Y	King	E	Sanchez	N	Weddig	N
33	Daniel	N	Larson	N	Schultheis	Y	White	N
34	Decker	Y	Lawrence	N	Scott	N	Williams S.	N
35	Fairbank	Y	Lee	Y	Sinclair	N	Williams T.	N
36	Fritz	N	Mace	N	Smith	Y	Witwer	Y
37	Garcia	N	Madden	N	Snook	N	Young	Y
38							Mr. Speaker	Y

43 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

45 Passed Second Reading: **SB02-229 amended, 050, 190 amended,**
46 **217 amended, 230.**

48 Laid over until date indicated retaining place on Calendar:
49 **SB02-212--May 9, 2002.**

51 The Chairman moved the adoption of the Committee of the Whole
52 Report. As shown by the following roll call vote, a majority of those
53 elected to the House voted in the affirmative, and the Report was
54 **adopted.**

55

	YES 62	NO 1	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	N	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	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	E
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	E	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								

20

21

22

23

24 On motion of Representative Clapp, the House resolved itself into
 25 Committee of the Whole for consideration of General Orders, and she
 26 was called to the Chair to act as Chairman.

27

28

29

30

GENERAL ORDERS--SECOND READING OF BILLS

31

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

36

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

39

40 **SB02-195** by Senator(s) Fitz-Gerald; also Representative(s) Daniel--
 41 Concerning an exemption from the statutory limitation on
 42 the total sales and use tax that may be imposed for a
 43 county tax to fund the acquisition of land for open space.

44

45 Declared **lost** on Second Reading.

46

47

48

49 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

50

51 Representative Daniel moved to amend the Report of the Committee of
 52 the Whole to show that **SB02-195** did pass.

53

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

55

1 **REPORT FROM THE SENATE AND HOUSE**
2 **COMMITTEES ON DELAYED BILLS**
3

4 The Friday, April 12 deadline (the 94th legislative day) for adoption of the
5 conference committee report on HB02-1420, the Long Appropriation Bill
6 is extended until Friday, April 26, 2002 (the 108th legislative day) is
7 further extended to Wednesday, May 8, 2002 (the 120th legislative day).
8

9 This memorandum shall be printed in the journal of each house as is
10 required by said Joint Rule 23(c).
11

12 (signed)	(signed)
13 Doug Dean	Stan Matsunaka
14 Lola Spradley	Ed Perlmutter
15 Dan Grossman	John Andrews

16
17 **LAY OVER OF CALENDAR ITEMS**
18

19
20 On motion of Representative Spradley, the following items on the
21 Calendar were laid over until May 8, retaining place on Calendar:
22

23 Consideration of Conference Committee Reports--**HB02-1246, 1135,**
24 **SB02-032, 161.**

25 Consideration of Resolutions--**HJR02-1059, 1077, 1078, HR02-1013,**
26 **HJR02-1075, SJR02-038, 025, 046.**

27 Consideration of Memorial--**SJM02-001.**
28
29

30 On motion of Representative Spradley, the House adjourned until
31 10:00 a.m., May 8, 2002.
32

33 Approved:
34

35
36
37 DOUG DEAN,
38 Speaker

39 Attest:

40
41 JUDITH RODRIGUE,
42 Chief Clerk