

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

Twenty-fourth Legislative Day

Friday, February 1, 2002

1 Prayer by Father John Toepfer, Annunciation Catholic Church, Denver.

2

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

4

5 The roll was called with the following result:

6

7 Present--59.

8

9 Excused--Representatives Alexander, Hefley, Lee, Mace, Saliman,

10

11 Schultheis--6.

12

13 The Speaker declared a quorum present.

14

15 On motion of Representative Weddig, the reading of the journal of

16

17 January 31, 2002, was declared dispensed with and approved as corrected

18

19 by the Chief Clerk.

20

CONSIDERATION OF RESOLUTION

21

22 **HJR02-1010** by Representative(s) Fritz; also Senator(s) Hernandez--

23

24 Concerning Colorado's Olympic torchbearers.

25

26 (Printed and placed in member's file, also printed in House Journal,

27

28 January 29, pages 218-219.)

29

30 On motion of Representative Fritz, the resolution was read at length and

31

32 **adopted by viva voce** vote.

33

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

35

36 House in recess. House reconvened.

37

THIRD READING OF BILLS--FINAL PASSAGE

38

39 The following bills were considered on Third Reading. The titles were

40

41 publicly read. Reading of the bill at length was dispensed with by

42

43 unanimous consent.

1 **HB02-1022** by Representative(s) Johnson, Alexander; also Senator(s)
 2 Linkhart--Concerning annual redeterminations of adoption
 3 assistance for children with special needs.
 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 58	NO 0	EXCUSED 7	ABSENT 0			
12 Alexander	E	Groff	Y	Marshall	Y	Spence	Y
13 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
14 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
15 Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
16 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
17 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
18 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
19 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
20 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
21 Coleman	Y	Kester	Y	Saliman	E	Webster	Y
22 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
23 Daniel	Y	Larson	Y	Schultheis	E	White	Y
24 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
25 Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
26 Fritz	E	Mace	E	Smith	Y	Witwer	Y
27 Garcia	Y	Madden	Y	Snook	Y	Young	Y
28						Mr. Speaker	Y

30 Co-sponsors added: Representatives Boyd, Coleman, Groff, Jahn, Madden,
 31 Sanchez, Tochtrop, Williams S.
 32

33 **HB02-1064** by Representative(s) Williams S., Alexander, Cloer; also
 34 Senator(s) Isgar, Entz--Concerning statutory changes to
 35 enhance consistent compliance with the federal "Indian
 36 Child Welfare Act" statewide.
 37

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

	YES 45	NO 13	EXCUSED 7	ABSENT 0			
45 Alexander	E	Groff	Y	Marshall	Y	Spence	N
46 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47 Berry	Y	Harvey	Y	Mitchell	N	Stafford	N
48 Borodkin	Y	Hefley	E	Paschall	N	Stengel	N
49 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50 Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
51 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52 Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
53 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54 Coleman	Y	Kester	Y	Saliman	E	Webster	Y
55 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
56 Daniel	Y	Larson	Y	Schultheis	E	White	Y

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

6
7 Co-sponsors added: Representatives Borodkin, Boyd, Coleman, Groff, Larson,
8 Ragsdale, Romanoff, Vigil.

9
10 **HB02-1118** by Representative(s) Scott; also Senator(s) Reeves--
11 Concerning the discretion of the Colorado water resources
12 and power development authority in financing projects.

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	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
	YES 58	NO 0	EXCUSED 7	ABSENT 0															
21	Alexander	E	Groff	Y	Marshall	Y	Spence	Y											
22	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y											
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y											
24	Borodkin	Y	Hefley	E	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	E	Webster	Y											
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y											
32	Daniel	Y	Larson	Y	Schultheis	E	White	Y											
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y											
34	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y											
35	Fritz	E	Mace	E	Smith	Y	Witwer	Y											
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y											
37							Mr. Speaker	Y											

38
39 Co-sponsors added: Representatives Hoppe, Rippy.

40
41 **HB02-1050** by Representative(s) Coleman; also Senator(s) Hernandez--
42 -Concerning disclosures specifically related to the cost
43 savings associated with managed care options in personal
44 injury protection under the no-fault motor vehicle
45 insurance law.

46
47 The question being "Shall the bill pass?".

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

51	52	53	54	55	56	57	58	59	60
	YES 55	NO 2	EXCUSED 7	ABSENT 1					
54	Alexander	E	Groff	Y	Marshall	Y	Spence	Y	
55	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y	
56	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y	

1	Borodkin	Y	Hefley	E	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	-	Rippy	Y	Veiga	Y
6	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
7	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
8	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
9	Daniel	Y	Larson	Y	Schultheis	E	White	Y
10	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
11	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
12	Fritz	E	Mace	E	Smith	Y	Witwer	Y
13	Garcia	Y	Madden	Y	Snook	Y	Young	Y
14							Mr. Speaker	Y

15
16 Co-sponsors added: Representatives Borodkin, Boyd, Jameson, Ragsdale,
17 Tapia, Williams S.

18
19 **HB02-1121** by Representative(s) Kester, Williams S.; also Senator(s)
20 McElhany, Hagedorn--Concerning the requirement that
21 explanations be given prior to the issuance of an auto
22 insurance policy.
23

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

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

28								
29	<u>YES</u>	57	<u>NO</u>	1	<u>EXCUSED</u>	7	<u>ABSENT</u>	0
30								
31	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
32	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
33	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
34	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
35	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
36	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
37	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
38	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
39	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
40	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
41	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
42	Daniel	Y	Larson	Y	Schultheis	E	White	Y
43	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
44	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
45	Fritz	E	Mace	E	Smith	Y	Witwer	Y
46	Garcia	Y	Madden	Y	Snook	Y	Young	Y
47							Mr. Speaker	Y

48
49 Co-sponsors added: Representatives Boyd, Groff, Jahn, Spradley.

50
51 **HB02-1088** by Representative(s) Mace; also Senator(s) Hernandez--
52 Concerning the limitations on the duties of notaries public
53 who are not licensed to practice law.
54

55 Laid over until February 4, retaining place on Calendar.

56

1 **HB02-1083** by Representative(s) Lawrence; also Senator(s) Gordon--
2 Concerning the creation of the Amber alert program.
3

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

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

8	9	YES 58	NO 0	EXCUSED 7	ABSENT 0			
11	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
12	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
13	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
14	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
15	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
16	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
17	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
18	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
19	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
20	Coleman	Y	Kester	Y	Saliman	E	Webster	Y
21	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
22	Daniel	Y	Larson	Y	Schultheis	E	White	Y
23	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
24	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
25	Fritz	E	Mace	E	Smith	Y	Witwer	Y
26	Garcia	Y	Madden	Y	Snook	Y	Young	Y
27							Mr. Speaker	Y

29 Co-sponsors added: Representatives Borodkin, Garcia, Groff, Jahn, Miller,
30 Romanoff, Scott, Snook, Spence, Stafford, Tapia, Veiga, Weddig, White,
31 Williams S., Mr. Speaker.
32

33 **HB02-1076** by Representative(s) Madden; also Senator(s) Teck--
34 Concerning certain prerequisites for a tax refund offset.
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**.

41	YES 59	NO 0	EXCUSED 6	ABSENT 0				
43	Alexander	E	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	E	Paschall	Y	Stengel	Y
47	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
48	Cadman	Y	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	E	Webster	Y
53	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
54	Daniel	Y	Larson	Y	Schultheis	E	White	Y
55	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
56	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y

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

4
5 Co-sponsors added: Representatives Garcia, Groff, Marshall, Williams S.

6
7 **HB02-1040** by Representative(s) Sinclair; also Senator(s) Hagedorn--
8 Concerning background investigations for alcohol
9 beverage licenses.

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
16 YES 59 NO 0 EXCUSED 6 ABSENT 0

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

35
36 Co-sponsors added: Representatives Borodkin, Crane, Hodge, Paschall, Rippy,
37 Stafford.

38
39 **HB02-1071** by Representative(s) Miller; also Senator(s) Teck--
40 Concerning the standard a government agency must meet
41 in order to use driver's license image technology.

42
43 The question being "Shall the bill 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 bill
46 was declared **passed**.

47
48 YES 59 NO 0 EXCUSED 6 ABSENT 0

49								
50	Alexander	E	Groff	Y	Marshall	Y	Spence	Y
51	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
52	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
53	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
54	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
55	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
56	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	E	Webster	Y
4	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
5	Daniel	Y	Larson	Y	Schultheis	E	White	Y
6	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
7	Fairbank	Y	Lee	E	Sinclair	Y	Williams T.	Y
8	Fritz	Y	Mace	E	Smith	Y	Witwer	Y
9	Garcia	Y	Madden	Y	Snook	Y	Young	Y
10							Mr. Speaker	Y

11
12 Co-sponsors added: Representatives Coleman, Fairbank, Fritz, Hodge, Jameson,
13 Kester, Marshall, Plant, Rippy, Scott, Tapia, Webster.

17 REPORTS OF COMMITTEES OF REFERENCE

19 AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

22
23 **HB02-1084** be amended as follows, and as so amended, be referred to
24 the Committee on Appropriations with favorable
25 recommendation:

26
27 Amend page 2, line 2, strike "(b), (5), and (7)," and substitute "(b) and
28 (5),";

29
30 strike lines 5 through 24.

31
32 Page 3, strike lines 1 and 2 and substitute the following:

33
34 "**status.** (1) (b) (I) The commission shall consist of ~~ten~~ ELEVEN members
35 with at least one voting member from each of the five districts created
36 under subsection (2) of this section, and two voting members from the
37 public at large, the commissioner of agriculture, and the executive
38 director of the department of natural resources, or their designees, both
39 of whom shall serve as ex officio nonvoting members. Neither the
40 commissioner of agriculture, the executive director of the department of
41 natural resources, nor their designees shall be considered as
42 representatives of any political party for purposes of subsection (5) of this
43 section. No more than two voting members shall be from any one of the
44 five districts; EXCEPT THAT ONE OF THE AT LARGE MEMBERS MAY BE
45 APPOINTED FROM ANY DISTRICT SO THAT A DISTRICT MAY HAVE THREE
46 VOTING MEMBERS. The members of the commission shall be appointed
47 by the governor, with the consent of the senate. Members of the
48 commission shall be residents of this state, and each member appointed
49 from a district created under subsection (2) of this section shall, at the
50 time of the member's appointment and at all times during the member's
51 term of office, be a bona fide resident of the district from which
52 appointed. All members of the commission shall have a reasonable
53 knowledge of wildlife issues, wildlife habitat, or wildlife management.
54 Members shall be removed from office by the governor only for cause.";

55
56 line 8, strike "COMMENCING MARCH 1, 2006, AND EVERY";

1 strike line 9;

2

3 line 10, strike "MEMBERS TO THE COMMISSION."

4

5 Page 4, strike lines 5 through 27.

6

7 Page 5, strike lines 1 through 11.

8

9 Renumber succeeding section accordingly.

10

11

12

13 **HB02-1098** be referred to the Committee of the Whole with favorable
14 recommendation.

15

16

17

18

19 **CIVIL JUSTICE & JUDICIARY**

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

22

23 **HB02-1100** be amended as follows, and as so amended, be referred to
24 the Committee of the Whole with favorable
25 recommendation:

26

27 Amend printed bill, page 2, line 4, strike "A" and substitute "THE".

28

29

30

31 **HB02-1106** be referred to the Committee of the Whole with favorable
32 recommendation.

33

34

35

36

37 **FINANCE**

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

40

41 **HB02-1049** be amended as follows, and as so amended, be referred to
42 the Committee of the Whole with favorable
43 recommendation:

44

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

47

48 "SECTION 1. Part 1 of article 22 of title 39, Colorado Revised
49 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
50 read:

51

52 **39-22-128. Credit for taxpayers who were victims of terrorist**
53 **attacks or who died in combat.** (1) EXCEPT AS PROVIDED IN
54 SUBSECTION (2) OF THIS SECTION, FOR INCOME TAX YEARS COMMENCING
55 ON OR AFTER JANUARY 1, 2001, ANY TAXPAYER WHO WAS A RESIDENT
56 INDIVIDUAL WHO DIED AS A RESULT OF WOUNDS OR INJURIES INCURRED AS

1 A RESULT OF THE TERRORIST ATTACKS AGAINST THE UNITED STATES ON
2 SEPTEMBER 11, 2001, WHO WAS A RESIDENT INDIVIDUAL WHO WAS A
3 MEMBER OF THE ARMED FORCES OF THE UNITED STATES KILLED WHILE
4 SERVING IN A COMBAT ZONE OR WHO DIED AS A RESULT OF WOUNDS OR
5 INJURIES INCURRED WHILE SO SERVING, OR WHO WAS A RESIDENT
6 INDIVIDUAL WHO WAS A MILITARY OR CIVILIAN EMPLOYEE OF THE UNITED
7 STATES WHO WAS KILLED ABROAD IN ANY TERRORIST ATTACK OR
8 MILITARY ACTION SHALL BE ALLOWED A CREDIT AGAINST THE INCOME TAX
9 IMPOSED BY THIS ARTICLE IN AN AMOUNT EQUAL TO FOUR AND
10 SIXTY-THREE ONE-HUNDREDTHS PERCENT OF ANY EARNED INCOME
11 TAXABLE PURSUANT TO THIS ARTICLE TO THE EXTENT INCLUDED IN
12 FEDERAL TAXABLE INCOME.

13
14 (2) (a) NO TAX CREDIT SHALL BE ALLOWED TO ANY TAXPAYER
15 PURSUANT TO THIS SECTION UNLESS SUCH TAXPAYER QUALIFIES FOR AN
16 EXEMPTION FROM FEDERAL INCOME TAX PURSUANT TO SECTION 692 OF
17 THE INTERNAL REVENUE CODE.

18
19 (b) THIS SECTION SHALL NOT APPLY TO ANY INDIVIDUAL WHO WAS
20 IDENTIFIED BY THE UNITED STATES ATTORNEY GENERAL TO BE A
21 PERPETRATOR OR CONSPIRATOR OF ANY TERRORIST ATTACK.

22
23 (3) THE EXECUTIVE DIRECTOR SHALL DETERMINE WHETHER ANY
24 CREDIT CLAIMED PURSUANT TO THIS SECTION SHALL BE ALLOWED.

25
26 (4) IF THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO THE
27 PROVISIONS OF THIS SECTION EXCEEDS THE AMOUNT OF INCOME TAXES
28 OTHERWISE DUE ON THE TAXPAYER'S INCOME IN THE INCOME TAX YEAR
29 FOR WHICH THE CREDIT IS BEING CLAIMED, THE AMOUNT OF THE CREDIT
30 NOT USED AS AN OFFSET AGAINST INCOME TAXES IN SAID INCOME TAX
31 YEAR SHALL NOT BE CARRIED FORWARD AS A CREDIT AGAINST
32 SUBSEQUENT YEARS' INCOME TAX LIABILITY AND SHALL NOT BE REFUNDED
33 TO THE TAXPAYER.

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

38
39
40
41 **HB02-1160** be referred favorably to the Committee on Appropriations.

42
43
44 **HB02-1161** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:

47
48 Amend printed bill, page 2, line 10, strike "amended" and substitute
49 "amended, and the said 39-30-103 (4) is further amended BY THE
50 ADDITION OF A NEW PARAGRAPH,".

51
52 Page 3, after line 17, insert the following:

53
54 "(f) AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (f), NO AREA
55 SHALL BE NEWLY DESIGNATED AS AN ENTERPRISE ZONE OR AS A PORTION
56 OF AN ENTERPRISE ZONE UNLESS THE AREA IS ELIGIBLE FOR DESIGNATION

1 AS AN ENHANCED RURAL ENTERPRISE ZONE IN ACCORDANCE WITH THE
2 CRITERIA IN SECTION 39-30-103.2 (1)."

3
4 Page 4, line 2, strike "BASED ON" and substitute "OTHERWISE ACTUALLY
5 EARNED UP TO THE LIMITS OF".

6
7 Page 7, line 4, strike "BASED ON" and substitute "OTHERWISE ACTUALLY
8 EARNED UP TO THE LIMITS OF";

9
10 line 25, after "TO", insert "SECTION 39-22-508.2 (3) (b) AND WITHOUT
11 REGARD TO".

12
13 Page 9, strike lines 10 and 11 and substitute the following:

14
15 "(b) In addition to the ~~five-hundred-dollar~~ credit";

16
17 strike lines 23 through 27.

18
19 Page 10, strike lines 1 through 15.

20
21
22
23 **HB02-1176** be referred favorably to the Committee on Appropriations.

24
25
26
27
28 **STATE, VETERANS, & MILITARY AFFAIRS**
29 After consideration on the merits, the Committee recommends the
30 following:

31
32 **HB02-1069** be postponed indefinitely.

33
34
35 **HB02-1139** be referred to the Committee of the Whole with favorable
36 recommendation.

37
38
39 **HB02-1191** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42
43 Amend printed bill, page 4, strike lines 21 through 23 and substitute the
44 following:

45
46 "SECTION 6. **Effective date.** This act shall take effect at 12:01
47 a.m. on the day following the expiration of the ninety-day period after
48 final adjournment of the general assembly that is allowed for submitting
49 a referendum petition pursuant to article V, section 1 (3) of the state
50 constitution; except that, if a referendum petition is filed against this act
51 or an item, section, or part of this act within such period, then the act,
52 item, section, or part, if approved by the people, shall take effect on the
53 date of the official declaration of the vote thereon by proclamation of the
54 governor."

55
56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB02-1112** be amended as follows, and as so amended, be referred to
6 the Committee on Finance with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 6, strike, "EITHER A PASSENGER CAR OR
10 A TRUCK NOT OVER TEN" and substitute the following:

11
12 "CLASS C OR CLASS B VEHICLES UNDER SIXTEEN";

13
14 line 21, strike "THIRTY-FIVE" and substitute "TWENTY-FIVE".

15
16 Page 3, after line 10, insert the following:

17
18 "SECTION 2. Article 3 of title 42, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SECTION to read:

20
21 **42-3-122.5. Special plates - fees - special license plate account**
22 **- creation.** (1) THE FEES COLLECTED PURSUANT TO SECTION 42-3-115.6
23 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
24 THE SAME TO THE SPECIAL LICENSE PLATE ACCOUNT IN THE HIGHWAY
25 USERS TAX FUND, WHICH ACCOUNT IS HEREBY CREATED. THE MONEYS IN
26 THE ACCOUNT SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE
27 GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS INCURRED BY
28 THE DEPARTMENT OF REVENUE IN THE ADMINISTRATION OF SECTION
29 42-3-115.6. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND
30 UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT SHALL REVERT
31 BACK TO THE HIGHWAY USERS TAX FUND.

32
33 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
34 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CHANGE OR REDUCE
35 THE PERCENTAGE OF FEES CREDITED TO THE SPECIAL ACCOUNT CREATED
36 IN SUBSECTION (1) OF THIS SECTION IN ORDER TO MINIMIZE THE AMOUNT
37 OF MONEYS THAT REVERT TO THE HIGHWAY USERS TAX FUND PURSUANT
38 TO SUBSECTION (1) OF THIS SECTION."

39
40 Renumber succeeding section accordingly.

41
42
43
44 **HB02-1131** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

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

50
51 "SECTION 1. Article 3 of title 42, Colorado Revised Statutes, is
52 amended BY THE ADDITION OF A NEW SECTION to read:

53
54 **42-3-117.5. Special plates - qualifications for issuance of**
55 **special license plates.** (1) THE FOLLOWING PLATES CREATED BY RULE BY
56 THE DEPARTMENT SHALL BE SUBJECT TO THE REQUIREMENT SO SPECIFIED:

1 (a) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
2 A DENVER FIREFIGHTERS' SPECIAL LICENSE PLATE TO AN APPLICANT UNTIL
3 SUCH APPLICANT HAS PROVIDED TO THE DEPARTMENT OR AN AUTHORIZED
4 AGENT SUFFICIENT EVIDENCE TO DEMONSTRATE THAT THE APPLICANT IS AN
5 ACTIVE OR RETIRED DENVER FIREFIGHTER.

6
7 (b) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
8 A RAPTOR EDUCATIONAL FOUNDATION SPECIAL LICENSE PLATE TO AN
9 APPLICANT UNTIL SUCH APPLICANT HAS PROVIDED TO THE DEPARTMENT OR
10 AN AUTHORIZED AGENT SUFFICIENT EVIDENCE TO DEMONSTRATE THAT THE
11 APPLICANT IS A MEMBER IN GOOD STANDING OF THE LOWRY RAPTOR
12 EDUCATIONAL CENTER THAT IS ENTITLED TO A RAPTOR EDUCATIONAL
13 FOUNDATION SPECIAL LICENSE PLATE.

14
15 (c) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
16 A ROTARY CLUB SPECIAL LICENSE PLATE TO AN APPLICANT UNTIL SUCH
17 APPLICANT HAS PROVIDED TO THE DEPARTMENT OR AN AUTHORIZED AGENT
18 SUFFICIENT EVIDENCE TO DEMONSTRATE THAT THE APPLICANT IS A
19 MEMBER OF THE ROTARY CLUB.

20
21 (d) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
22 A VIETNAM VETERAN SPECIAL LICENSE PLATE TO AN APPLICANT UNTIL
23 SUCH APPLICANT HAS PROVIDED TO THE DEPARTMENT OR AN AUTHORIZED
24 AGENT A DD214 FORM ISSUED BY THE UNITED STATES GOVERNMENT OR
25 OTHER EVIDENCE SUFFICIENT TO DEMONSTRATE THAT THE APPLICANT IS A
26 VETERAN OF THE ARMED SERVICES WHO SERVED DURING THE VIETNAM
27 ENGAGEMENT.

28
29 (e) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
30 A UNITED STATES ARMY SPECIAL LICENSE PLATE TO AN APPLICANT UNTIL
31 SUCH APPLICANT HAS PROVIDED TO THE DEPARTMENT OR AN AUTHORIZED
32 AGENT A DD214 FORM ISSUED BY THE UNITED STATES GOVERNMENT, AN
33 HONORABLE DISCHARGE FROM THE UNITED STATES ARMY, OR SUFFICIENT
34 EVIDENCE TO DEMONSTRATE THAT THE APPLICANT IS AN ACTIVE, RESERVE,
35 OR RETIRED MEMBER OF THE UNITED STATES ARMY.

36
37 (f) THE DEPARTMENT OR AN AUTHORIZED AGENT SHALL NOT ISSUE
38 AN ELKS SPECIAL LICENSE PLATE TO AN APPLICANT UNTIL SUCH APPLICANT
39 HAS PROVIDED TO THE DEPARTMENT OR AN AUTHORIZED AGENT
40 SUFFICIENT EVIDENCE TO DEMONSTRATE THAT THE APPLICANT IS A
41 MEMBER OF THE ELKS CLUB.

42
43 **SECTION 2. Effective date.** This act shall take effect at 12:01
44 a.m. on the day following the expiration of the ninety-day period after
45 final adjournment of the general assembly that is allowed for submitting
46 a referendum petition pursuant to article V, section 1 (3) of the state
47 constitution; except that, if a referendum petition is filed against this act
48 or an item, section, or part of this act within such period, then the act,
49 item, section, or part, if approved by the people, shall take effect on the
50 date of the official declaration of the vote thereon by proclamation of the
51 governor."

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1 **HB02-1145** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 3, after line 9, insert the following:
6

7 "SECTION 3. Part 7 of article 1 of title 6, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:
10

11 **6-1-710. Installation or reinstallation of false air bag -**
12 **deceptive trade practices - criminal liability.** (1) A PERSON ENGAGES
13 IN A DECEPTIVE TRADE PRACTICE WHEN SUCH PERSON INSTALLS OR
14 REINSTALLS, AS PART OF A VEHICLE INFLATABLE RESTRAINT SYSTEM, ANY
15 OBJECT IN LIEU OF AN AIR BAG THAT WAS DESIGNED IN ACCORDANCE WITH
16 FEDERAL SAFETY REGULATIONS FOR THE MAKE, MODEL, AND YEAR OF THE
17 VEHICLE.
18

19 (2) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION
20 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
21 PUNISHED BY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED
22 DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS PER VIOLATION,
23 OR IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR, OR BOTH."
24

25 Renumber succeeding sections accordingly.
26

27
28 **PRINTING REPORT**
29

30
31 The Chief Clerk reports the following bills have been correctly printed:
32 **HB02-1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276,**
33 **1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287,**
34 **1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298,**
35 **1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309,**
36 **1310.**
37

38
39 **INTRODUCTION OF BILL**
40 **First Reading**
41

42
43 The following bill was read by title and referred to the committee
44 indicated:
45

46 **HB02-1310** by Representative(s) King--Concerning modifications to
47 state funding available to address critical needs of the
48 state's citizens, and, in connection therewith, increasing
49 the allocation of sales and use tax revenue to the highway
50 users tax fund, establishing a minimum annual allocation
51 of funds for transportation purposes, creating a state rainy
52 day fund for purposes of meeting a revenue shortfall, and
53 creating a statewide toll authority for the purpose of
54 financing and constructing additional highway capacity.
55 Committee on Transportation & Energy
56

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

4

5

6

GENERAL ORDERS--SECOND READING OF BILLS

7

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

12

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

15

16 **HB02-1179** by Representative(s) Garcia, Groff, Weddig--Concerning
17 requirements applicable to a candidate for elective office
18 under the "Fair Campaign Practices Act".

19

20 Laid over until February 4, retaining place on Calendar.

21

22 **HB02-1047** by Representative(s) King; also Senator(s) Hernandez--
23 Concerning compulsory insurance coverage for motor
24 vehicles.

25

26 Amendment No. 1, Transportation & Energy Report, dated January 23,
27 2002, and placed in member's bill file; Report also printed in House
28 Journal, January 25, pages 181-183.

29

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

32

33 **HB02-1019** by Representative(s) Tapia; also Senator(s) Gordon--
34 Concerning registration with local law enforcement
35 agencies as a condition of release for certain persons
36 found not guilty by reason of insanity.

37

38 Amendment No. 1, Criminal Justice Report, dated January 24, 2002, and
39 placed in member's bill file; Report also printed in House Journal,
40 January 28, pages 195-197.

41

42 Amendment No. 2, by Representative Tapia.

43

44 Amend the Criminal Justice Committee Report, dated January 24, 2002,
45 page 2, line 10, strike "C.R.S., AND RELEASE OF INFORMATION ON THE"
46 and substitute "C.R.S.";

47

48 strike line 11.

49

50 Page 4, line 1, strike "C.R.S., AND RELEASE OF INFORMATION ON THE" and
51 substitute "C.R.S.";

52

53 strike line 2.

54

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

- 1 **HB02-1093** by Representative(s) Alexander; also Senator(s)
2 Hernandez--Concerning the recovery of overpayments of
3 public assistance.
4
- 5 Laid over until February 4, retaining place on Calendar.
6
- 7 **HB02-1177** by Representative(s) Hefley, Clapp, Crane, Lee, Mitchell,
8 Schultheis, Williams S.; also Senator(s) Hanna--
9 Concerning the administration of certain medications in
10 family child care homes.
11
- 12 Laid over until February 4, retaining place on Calendar.
13
- 14 **HB02-1136** by Representative(s) Williams T., Borodkin, Jameson,
15 Kester, Marshall, Paschall, White; also Senator(s) Fitz-
16 Gerald--Concerning regulatory functions of the division of
17 insurance, and, in connection therewith, extending the
18 functions of the division of insurance.
19
- 20 Amendment No. 1, Business Affairs & Labor Report, dated January 29,
21 2002, and placed in member's bill file; Report also printed in House
22 Journal, January 30, pages 227-229.
23
- 24 As amended, ordered engrossed and placed on the Calendar for Third
25 Reading and Final Passage.
26
- 27 **HB02-1154** by Representative(s) Scott; also Senator(s) Fitz-Gerald--
28 Concerning a prohibition on any retail gaming licensee
29 who holds a license issued by the limited gaming
30 commission to knowingly permit the removal of an alcohol
31 beverage from licensed premises where the liquor license
32 is for on-premises consumption of alcohol beverages only.
33
- 34 Amendment No. 1, Business Affairs & Labor Report, dated January 29,
35 2002, and placed in member's bill file; Report also printed in House
36 Journal, January 30, page 229.
37
- 38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.
40
- 41 **HB02-1132** by Representative(s) Marshall, Borodkin, Fritz, Garcia,
42 Groff, Hefley, Lee, Madden, Saliman, Veiga; also
43 Senator(s) Epps--Concerning limitations on the housing
44 used by persons convicted of sex offenses.
45
- 46 Laid over until February 4, retaining place on Calendar.
47
- 48 **HB02-1086** by Representative(s) Plant; also Senator(s) Fitz-Gerald--
49 Concerning emergency notification service.
50
- 51 Amendment No. 1, Information & Technology Report, dated January 28,
52 2002, and placed in member's bill file; Report also printed in House
53 Journal, January 30, pages 239-240.
54
- 55 As amended, ordered engrossed and placed on the Calendar for Third
56 Reading and Final Passage.

1 **HB02-1144** by Representative(s) Daniel, Boyd, Garcia, Jahn,
2 Romanoff; also Senator(s) Arnold--Concerning restrictions
3 on credit card receipts.
4

5 Amendment No. 1, Information & Technology Report, dated January 28,
6 2002, and placed in member's bill file; Report also printed in House
7 Journal, January 30, page 241.
8

9 Amendment No. 2, by Representative Daniel.
10

11 Amend the Information and Technology Committee Report, dated
12 January 28, 2002, page 1, strike lines 4 and 5 and substitute the
13 following:
14

15 "line 6, strike "ON AND AFTER JANUARY 1, 2003," and substitute "EXCEPT
16 AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (5), ON AND AFTER
17 JANUARY 1, 2004,";"
18

19 strike line 14.
20

21 Strike page 2.
22

23 Amendment No. 3, by Representative Fairbank.
24

25 Amend printed bill, page 2, after line 27, insert the following:
26

27 "(5) ANY PERSON THAT VIOLATES THE PROVISIONS OF THIS SECTION
28 SHALL BE SUBJECT TO CIVIL REMEDIES AS PURSUED BY THE CARDHOLDER."
29

30 Renumber succeeding subsection accordingly.
31

32 As amended, ordered engrossed and placed on the Calendar for Third
33 Reading and Final Passage.
34

35 **HB02-1123** by Representative(s) Swenson, Crane, Johnson, King,
36 Webster, Witwer--Concerning procedures for electing
37 members of the board of county commissioners by district
38 in counties where the membership of the board of county
39 commissioners is three.
40

41 Laid over until February 4, retaining place on Calendar.
42

43 **HB02-1078** by Representative(s) Vigil; also Senator(s) Tupa--
44 Concerning the regulation of boxing in Colorado.
45

46 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
47 January 29, 2002, and placed in member's bill file; Report also printed in
48 House Journal, January 30, page 242.
49

50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.
52

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1 Revised Statutes, are amended, and the said 10-16-102 (11) (a) is further
2 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

3
4 **10-16-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6
7 (11) (a) "Class of business" means all or a distinct grouping of
8 small employers as shown on the records of a small employer carrier. A
9 small employer carrier may establish no more than nine separate classes
10 of business, and each class shall reflect substantial differences in
11 expected claims experience or administrative costs related to the
12 following:

13
14 (II) The acquisition of a class of business from another small
15 employer carrier; or

16
17 (III) The provision of coverage to one or more association groups
18 that meet the requirements of section 10-16-214 (1); OR

19
20 (IV) THE OFFERING OF A HIGH DEDUCTIBLE PLAN PURSUANT TO
21 SECTION 10-16-105 (7.3) (c) (II)."

22
23 Renumber succeeding sections accordingly.

24
25 Page 3, line 9, after "10-16-105", insert "(7.3) (c)";
26
27 line 10, strike "SUBSECTION," and substitute "SUBPARAGRAPH,".

28
29 Page 4, after line 1, insert the following:

30
31 "(IV) IF A SMALL EMPLOYER CARRIER OFFERS A HEALTH BENEFIT
32 PLAN WITH A DEDUCTIBLE OF AT LEAST ONE THOUSAND FIVE HUNDRED
33 DOLLARS, THE SMALL EMPLOYER CARRIER SHALL PROVIDE TO EACH
34 COVERED PERSON A CLEAR AND UNDERSTANDABLE DISCLOSURE IN THE
35 HEALTH BENEFIT PLAN CONTRACT OR MATERIALS INDICATING:

36
37 (A) THE AMOUNT OF THE DEDUCTIBLE;

38
39 (B) THE POLICIES RELATED TO COPAYMENTS, DEDUCTIBLES, AND
40 COST-SHARING ARRANGEMENTS; AND

41
42 (C) THAT THE PREMIUM RATE IS CALCULATED USING CASE
43 CHARACTERISTICS, HEALTH STATUS, SIC CLASSIFICATION, INDUSTRY,
44 LIFESTYLE, AND SMOKER STATUS, AND THE SIGNIFICANCE OF THESE
45 FACTORS IN THE PREMIUM CALCULATION.

46
47 **SECTION 4.** 10-16-105, Colorado Revised Statutes, is amended
48 BY THE ADDITION OF A NEW SUBSECTION to read:".

49
50 Renumber succeeding sections accordingly.

51
52 Page 4, line 2, before "(13)", insert "**10-16-105. Small group sickness
53 and accident insurance - guaranteed issue - mandated provisions for
54 basic and standard health benefit plans.**";

55
56 line 8, strike "SHALL" and substitute "MAY";

1 line 12, strike "EMPLOYER, INCLUDING" and substitute "EMPLOYER AND
2 INCLUDING,";

3
4 line 13, strike "TO" and substitute "TO,";

5
6 line 14, after the period, add "FOR THE PURPOSES OF THIS SECTION,
7 "LIFESTYLE" SHALL NOT INCLUDE ANY ACTIVITY THAT WOULD BE
8 PROHIBITED PURSUANT TO SECTION 10-3-1104 (1) (f).".

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has adopted and returns herewith: HJR02-1010.

INTRODUCTION OF BILLS
First Reading

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

HB02-1311 by Representative(s) Berry, Hefley, Borodkin, Marshall, Mitchell, Saliman, Sanchez, Stafford, Veiga, Young; also Senator(s) Tate, Hagedorn, Matsunaka, Perlmutter, Phillips, Reeves, Thiebaut--Concerning documents relating to abandoned children.
Committee on Health, Environment, Welfare, & Institutions

HB02-1312 by Representative(s) Paschall, Fairbank, Alexander, Borodkin, Boyd, Clapp, Coleman, Crane, Daniel, Decker, Fritz, Garcia, Groff, Harvey, Hefley, Hoppe, King, Larson, Mace, Mitchell, Rhodes, Sanchez, Schultheis, Tochtrop, Vigil, Weddig, Williams S., Witwer; also Senator(s) Linkhart--Concerning the priority of adoption hearings on court dockets.
Committee on Health, Environment, Welfare, & Institutions

HB02-1313 by Representative(s) Tochtrop, Tapia--Concerning peace officers certified by the peace officers standards and training board.
Committee on Agriculture, Livestock, & Natural Resources

HB02-1314 by Representative(s) Plant; also Senator(s) Tate--Concerning the provision of prescription medications through the use of a pharmaceutical benefits manager.
Committee on Health, Environment, Welfare, & Institutions

INTRODUCTION OF RESOLUTION

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The following resolution was read by title and laid over one day under the rules:

HJR02-1014 by Representative(s) Hoppe, Alexander, Fritz, Hodge, Kester, Miller, Rippy, Snook, Spradley, Webster, White; also Senator(s) Isgar, Hillman, Taylor--Concerning passage of the "Farm Security Act of 2001" and the Farm Bill currently under consideration in the United States Senate, and, in connection therewith, removal of the Reid Amendment from said bill.

WHEREAS, The "Federal Agriculture Improvement and Reform Act of 1996" will expire in 2002; and

WHEREAS, The U.S. House of Representatives has passed H.R. 2646, the "Farm Security Act of 2001", and the U.S. Senate is now considering S. 1731, the "Farm Bill", to replace the 1996 farm law; and

WHEREAS, Both farm bills continue to focus on a consistent, long-term market-oriented farm policy that will improve net farm income, enhance the economic opportunity for farmers, preserve property rights, and conserve the environment; and

WHEREAS, The Senate has approved an amendment to the Farm Bill by Senator Harry Reid, titled the "Water Conservation Program", that could dramatically affect state water laws, interstate compacts, and the "Law of the River"; and

WHEREAS, With the Congress' enactment of the McCarran Amendment in 1952, the U.S. waived its sovereign immunity and consented to the jurisdiction of state water laws, and the U.S. Supreme Court affirmed that the McCarran Amendment subjected federal claims to state laws; and

WHEREAS, The Reid Amendment provides for the enrollment of some 1.1 million acres and acquisition of water rights from landowners and, therefore, invites conflict and confusion within the well-established and time-honored prior appropriations system; and

WHEREAS, Colorado's Attorney General, Ken Salazar, has expressed his "concern about the Water Conservation Program amendment to the Farm Bill"; and

WHEREAS, Mr. Salazar has urged Senator Reid to "not include your underlying amendment in the pending Farm Bill and instead provide an opportunity for a fuller discussion of the issues by Congress at a more appropriate time"; and

WHEREAS, The Reid Amendment should not unnecessarily delay action on the Farm Bill; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado, the Senate concurring herein:

