

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

Forty-fifth Legislative Day

Friday, February 22, 2002

1 Prayer by Father Ed Judy, Former Director Samaritan House, 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--52.
8 Excused--Representatives Grossman, Harvey, Hefley, King,
9 Lawrence, Rippy, Scott, Sinclair, Spence, Stengel, Tapia,
10 Young--12.
11 Absent--Representative Paschall--1.
12 Present after roll call--Representatives King, Lawrence,
13 Paschall, Rippy, Stengel, Tapia, Young.
14

15 The Speaker declared a quorum present.
16
17

18 On motion of Representative Schultheis, the reading of the journal of
19 February 21, 2002, was declared dispensed with and approved as
20 corrected by the Chief Clerk.
21
22

REPORT OF COMMITTEE OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

27 After consideration on the merits, the Committee recommends the
28 following:
29

30 **HB02-1340** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33

34 Amend printed bill, page 6, line 19, strike "12," and substitute "18,".

35
36 Page 8, after line 4, insert the following:
37

38 "SECTION 6. 1-6-103 (1), Colorado Revised Statutes, is
39 amended to read:
40

41 **1-6-103. Recommendations by county chairperson.** (1) (a) No
42 later than the last Tuesday of April in even-numbered years, the county
43 chairperson of each major political party in the county shall certify to the

1 county clerk and recorder the names and addresses of registered electors
2 recommended to serve as election judges for each precinct in the county.
3

4 (b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
5 THIS SUBSECTION (1) TO THE CONTRARY, FOR THE CALENDAR YEAR
6 COMMENCING JANUARY 1, 2002, THE COUNTY CHAIRPERSON OF EACH
7 MAJOR POLITICAL PARTY IN THE COUNTY SHALL CERTIFY TO THE COUNTY
8 CLERK AND RECORDER THE NAMES AND ADDRESSES OF REGISTERED
9 ELECTORS RECOMMENDED TO SERVE AS ELECTION JUDGES FOR EACH
10 PRECINCT IN THE COUNTY NO LATER THAN MAY 14, 2002.

11
12 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2002."
13

14 Renumber succeeding section accordingly.
15
16

17
18 **LAY OVER OF CALENDAR ITEM**
19

20 On motion of Representative Spradley, the following item on the
21 Calendar were laid over until February 25, retaining place on Calendar:
22

23 Consideration of Third Reading--**HB02-1103**.
24
25

26
27 On motion of Representative Spradley, **HB02-1340** was made Special
28 Orders on Friday, February 22, 2002, at 9:20 a.m.
29

30
31 The hour of 9:20 a.m., having arrived, on motion of Representative
32 Kester, the House resolved itself into Committee of the Whole for
33 consideration of Special Orders and he was called to the Chair to act as
34 Chairman.
35

36
37
38 **SPECIAL ORDERS--SECOND READING OF BILL**
39

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

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

48 **HB02-1340** by Representative(s) Dean; also Senator(s) Matsunaka--
49 Concerning changes to the dates of certain events in the
50 political party nomination process for the calendar year
51 2002 necessitated by the redrawing of the general election
52 precinct boundaries in accordance with the court-approved
53 reapportionment plan for senatorial and representative
54 districts of members of the general assembly.
55

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 2 February 22, 2002, and placed in member's bill file; Report also printed
 3 in House Journal, February 22, pages 487-488.

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

7
 8
 9
 10 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

11
 12 Passed Second Reading: **HB02-1340 amended.**

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

18
 19 YES 59 NO 0 EXCUSED 6 ABSENT 0

20								
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	E
22	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	E	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	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
33	Decker	Y	Lawrence	Y	Scott	E	Williams S.	Y
34	Fairbank	Y	Lee	Y	Sinclair	E	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
 41
 42 On motion of Representative Kester, the House resolved itself into
 43 Committee of the Whole for consideration of General Orders, and he was
 44 called to the Chair to act as Chairman.

45
 46
 47 **GENERAL ORDERS--SECOND READING OF BILLS**

48
 49 The Committee of the Whole having risen, the Chairman reported the
 50 titles of the following bills had been read (reading at length had been
 51 dispensed with by unanimous consent), the bills considered and action
 52 taken thereon as follows:

53
 54 (Amendments to the committee amendment are to the printed committee
 55 report which was printed and placed in the members' bill file.)

56

- 1 On motion of Representative Spradley, consideration of **HB02-1192**,
2 **1291, 1051, 1151, 1070, 1167** was laid over until February 25, retaining
3 place on Calendar.
4
5
- 6 **HB02-1261** by Representative(s) Groff, Crane, Garcia, Jahn; also
7 Senator(s) Dyer--Concerning the applicability of insurance
8 coverages under the "Colorado Auto Accident Reparations
9 Act".
10
- 11 Ordered engrossed and placed on the Calendar for Third Reading and
12 Final Passage.
13
14
- 15 **HB02-1325** by Representative(s) Cloer; also Senator(s) Hernandez--
16 Concerning the inclusion of licensed podiatrists as medical
17 providers who may authorize that a person with a
18 temporary physical impairment may obtain temporary
19 disabled parking privileges.
20
- 21 Ordered engrossed and placed on the Calendar for Third Reading and
22 Final Passage.
23
24
- 25 **HB02-1091** by Representative(s) Fritz; also Senator(s) Hanna--
26 Concerning the augmentation of law enforcement tools
27 used to gain compliance with laws regulating the
28 recreational use of Colorado natural resources.
29
- 30 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
31 dated January 24, 2002, and placed in member's bill file; Report also
32 printed in House Journal, January 25, page 172.
33
- 34 Amendment No. 2, Finance Report, dated February 6, 2002, and placed
35 in member's bill file; Report also printed in House Journal, February 7,
36 pages 343-344.
37
- 38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.
40
41
- 42 **HB02-1074** by Representative(s) Chavez--Concerning the prohibition
43 of open alcoholic containers in motor vehicles.
44
- 45 Declared **lost** on Second Reading.
46
47
- 48 **HB02-1221** by Representative(s) Snook, Alexander, Hoppe, Miller,
49 White; also Senator(s) Entz--Concerning the management
50 of black bear hunting.
51
- 52 Ordered engrossed and placed on the Calendar for Third Reading and
53 Final Passage.
54
55

1 **SB02-045** by Senator(s) Entz, Isgar, Taylor; also Representative(s)
2 Rippy, Hodge, Hoppe, Tapia, White--Concerning the
3 reconciliation of inconsistent statutory provisions
4 regarding the qualifications of electors for irrigation
5 districts.
6

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

10 **HB02-1250** by Representative(s) Dean; also Senator(s) Tupa--
11 Concerning the continuation of the lottery division in the
12 department of revenue.
13

14 Amendment No. 1, by Representative Dean.
15

16 Amend printed bill, page 2, after line 4, insert the following:
17

18 "SECTION 2. 24-35-218 (1) (b), (1) (c), and (1) (d), Colorado
19 Revised Statutes, are RECREATED AND REENACTED, WITH
20 AMENDMENTS, to read:
21

22 **24-35-218. Division subject to termination.** (1) (b) (I) THE
23 STATE AUDITOR SHALL CONDUCT ANNUAL FINANCIAL AUDITS OF THE
24 DIVISION.
25

26 (II) AT LEAST ONCE EVERY FIVE YEARS, AND MORE FREQUENTLY
27 IN THE STATE AUDITOR'S DISCRETION, THE STATE AUDITOR SHALL CONDUCT
28 AN ANALYSIS AND EVALUATION OF THE PERFORMANCE OF THE DIVISION
29 AND SHALL SUBMIT A WRITTEN REPORT, TOGETHER WITH SUCH
30 SUPPORTING MATERIALS AS MAY BE REQUESTED, TO THE GENERAL
31 ASSEMBLY. THE FIRST SUCH REPORT SHALL BE COMPLETED BY JANUARY
32 1, 2007.
33

34 (c) IN CONDUCTING THE ANALYSIS AND EVALUATION REQUIRED BY
35 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (1), THE STATE
36 AUDITOR SHALL TAKE INTO CONSIDERATION, BUT NOT BE LIMITED TO
37 CONSIDERING, THE FOLLOWING FACTORS:
38

39 (I) THE AMOUNT OF REVENUE GENERATED BY THE LOTTERY FOR
40 THE CONSERVATION TRUST FUND AND THE PERCENTAGE THAT SUCH
41 AMOUNT BEARS TO TOTAL STATE REVENUES;
42

43 (II) THE ADMINISTRATIVE AND OTHER EXPENSE OF LOTTERY
44 DOLLAR COLLECTIONS AS COMPARED TO REVENUE DERIVED;
45

46 (III) AN EVALUATION OF THE PERFORMANCE OF LOTTERY
47 EQUIPMENT CONTRACTORS AND LICENSED SALES AGENTS;
48

49 (IV) WHETHER THE COMMISSION ENCOURAGES PUBLIC
50 PARTICIPATION IN ITS DECISIONS RATHER THAN PARTICIPATION ONLY BY
51 THE PEOPLE WHOM IT REGULATES;
52

53 (V) WHETHER THE DIVISION'S COMPLAINT, INVESTIGATION, AND
54 DISCIPLINARY PROCEDURES ADEQUATELY PROTECT THE PUBLIC;
55

56 (VI) WHETHER THE DIVISION PERFORMS ITS STATUTORY DUTIES

1 EFFICIENTLY AND EFFECTIVELY;

2

3 (VII) WHETHER ADMINISTRATIVE OR STATUTORY CHANGES ARE
4 NECESSARY TO IMPROVE THE OPERATION OF THE LOTTERY IN THE BEST
5 INTERESTS OF THE STATE'S CITIZENS; AND

6

7 (VIII) ANY OTHER MATTERS OF CONCERN ABOUT THE OPERATION
8 AND FUNCTIONING OF THE LOTTERY.

9

10 (d) PRIOR TO ANY REVISION OF THE DIVISION'S FUNCTIONS, A
11 COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY
12 SHALL HOLD A PUBLIC HEARING THEREON TO CONSIDER THE REPORT
13 PROVIDED BY THE STATE AUDITOR, AS REQUIRED BY SUBPARAGRAPH (II)
14 OF PARAGRAPH (b) OF THIS SUBSECTION (1). THE HEARING SHALL INCLUDE
15 THE FACTORS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (1)."

16

17 Renumber succeeding section accordingly.

18

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

21

22 **HB02-1079** by Representative(s) Bacon--Concerning imposition of
23 incarceration for violating a valid court order under the
24 "School Attendance Law of 1963".

25

26 Amendment No. 1, Education Report, dated January 23, 2002, and placed
27 in member's bill file; Report also printed in House Journal, January 24,
28 pages 162-163.

29

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

32

33 **HB02-1084** by Representative(s) Stengel; also Senator(s) Hanna--
34 Concerning composition of the wildlife commission
35 membership.

36

37 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
38 dated January 30, 2002, and placed in member's bill file; Report also
39 printed in House Journal, February 1, pages 273-274.

40

41 Amendment No. 2, Appropriations Report, dated February 15, 2002, and
42 placed in member's bill file; Report also printed in House Journal,
43 February 15, page 420.

44

45 Amendment No. 3, by Representative Stengel.

46

47 Amend the Agriculture, Livestock, & Natural Resources Committee
48 Report, dated January 30, 2002, page 1, line 7, strike "two" and substitute
49 "two THREE".

50

51 Page 2, line 7, strike "cause.;" and substitute "cause.".";

52

53 strike lines 8 through 10.

54

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

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

5 Amendment No. 1, Criminal Justice Report, dated February 14, 2002, and
6 placed in member's bill file; Report also printed in House Journal,
7 February 15, pages 420-421.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB02-1199** by Representative(s) Stengel; also Senator(s) Fitz-Gerald--
13 Concerning the refunding of state sales tax revenues paid
14 on worthless accounts that have been charged off for
15 income tax purposes.
16

17 Rereferred to the Committee on Finance.
18

19 **HB02-1218** by Representative(s) Rippy; also Senator(s) Taylor--
20 Concerning the requirement that any extension of an
21 expiring tax be deemed in effect from the date of the first
22 imposition of the tax when calculating the total sales and
23 use tax imposed by all levels of government.
24

25 Amendment No. 1, by Representative Rippy.
26

27 Amend printed bill, page 2, line 7, after "TAX.", add "NOTHING IN THIS
28 SUBSECTION (6) SHALL BE CONSTRUED TO ALLOW THE EXTENSION OF AN
29 EXPIRING TAX WITHOUT THE APPROVAL OF ELIGIBLE ELECTORS IN THE
30 STATE, COUNTY, CITY, TOWN, OR LOCALITY AS APPLICABLE."
31

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

35 **HB02-1286** by Representative(s) Jahn; also Senator(s) Anderson--
36 Concerning surplus state property.
37

38 Ordered engrossed and placed on the Calendar for Third Reading and
39 Final Passage.
40

41 **HB02-1305** by Representative(s) Williams S., Veiga, White, Hefley;
42 also Senator(s) Gordon, Anderson, Owen--Concerning
43 expansion of the definition of the crime of abuse of health
44 care insurance, and, in connection therewith, adding the
45 elimination of the need for payment by a patient of any
46 required financial penalty applicable in the patient's health
47 benefit plan to the list of ways that a person who provides
48 health care may commit abuse of health insurance.
49

50 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
51 dated February 18, 2002, and placed in member's bill file; Report also
52 printed in House Journal, February 19, page 454.
53

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

1 On motion of Representative Spradley, the remainder of the General
 2 Orders Calendar (**HB02-1220, 1203, 1300, 1311, 1214, 1270, 1290,**
 3 **1226**) was laid over until February 25, retaining place on Calendar.
 4

5
 6
 7 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
 8

9 Representative Plant moved to amend the Report of the Committee of the
 10 Whole to show that the following Plant amendment, to HB02-1091, did
 11 pass, and that **HB02-1091, as amended**, did pass.
 12

13 Amend printed bill, page 12, line 27, strike "MAY" and substitute
 14 "SHALL".
 15

16 Page 13, line 8, strike "MAY" and substitute "SHALL".
 17

18 The amendment was declared **lost** by the following roll call vote:
 19

20	YES 21	NO 38	EXCUSED 6	ABSENT 0			
21							
22	Alexander	N	Groff	Y	Marshall	Y	Spence E
23	Bacon	Y	Grossman	E	Miller	N	Spradley N
24	Berry	N	Harvey	E	Mitchell	N	Stafford N
25	Borodkin	Y	Hefley	E	Paschall	N	Stengel N
26	Boyd	N	Hodge	Y	Plant	Y	Swenson N
27	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia Y
28	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop N
29	Clapp	N	Jameson	Y	Rippy	N	Veiga Y
30	Cloer	N	Johnson	N	Romanoff	Y	Vigil Y
31	Coleman	Y	Kester	N	Saliman	Y	Webster N
32	Crane	N	King	N	Sanchez	Y	Weddig N
33	Daniel	N	Larson	N	Schultheis	N	White N
34	Decker	N	Lawrence	N	Scott	E	Williams S. Y
35	Fairbank	N	Lee	N	Sinclair	E	Williams T. N
36	Fritz	N	Mace	Y	Smith	N	Witwer N
37	Garcia	Y	Madden	Y	Snook	N	Young N
38							Mr. Speaker N
39							

40
 41
 42 Representative Chavez moved to amend the Report of the Committee of
 43 the Whole to show that **HB02-1074** did pass.
 44

45 The amendment was declared **lost** by the following roll call vote:
 46

47	YES 25	NO 34	EXCUSED 6	ABSENT 0			
48							
49	Alexander	N	Groff	Y	Marshall	Y	Spence E
50	Bacon	Y	Grossman	E	Miller	N	Spradley N
51	Berry	N	Harvey	E	Mitchell	N	Stafford N
52	Borodkin	Y	Hefley	E	Paschall	N	Stengel N
53	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
54	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia Y
55	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop N
56	Clapp	N	Jameson	Y	Rippy	N	Veiga Y

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

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16 Passed Second Reading: **HB02-1261, 1325, 1091 amended, 1221,**
 17 **SB02-045, HB02-1250 amended, 1079 amended, 1084 amended,**
 18 **1225 amended, 1218 amended, 1286, 1305 amended.**

20 Lost on Second Reading: **HB02-1074.**

22 Laid over until date indicated retaining place on Calendar: **HB02-1192,**
 23 **1291, 1051, 1151, 1070, 1167, 1220, 1203, 1300, 1311, 1214, 1270,**
 24 **1290, 1226--February 25, 2002.**

26 Rereferred to Committee indicated: **HB02-1199--Committee on Finance.**

28 The Chairman moved the adoption of the Committee of the Whole
 29 Report. As shown by the following roll call vote, a majority of those
 30 elected to the House voted in the affirmative, and the Report was
 31 **adopted.**

33	YES	58	NO	1	EXCUSED	6	ABSENT	0
35	Alexander	Y	Groff	Y	Marshall	Y	Spence	E
36	Bacon	Y	Grossman	E	Miller	Y	Spradley	Y
37	Berry	Y	Harvey	E	Mitchell	Y	Stafford	Y
38	Borodkin	Y	Hefley	E	Paschall	Y	Stengel	Y
39	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
40	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
41	Chavez	N	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	E	Williams S.	Y
48	Fairbank	Y	Lee	Y	Sinclair	E	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

1 On motion of Representative Spradley, **HB02-1258** was made Special
2 Orders on Friday, February 22, 2002, at 11:41 a.m.

3
4
5 The hour of 11:41 a.m., having arrived, on motion of Representative
6 Kester, the House resolved itself into Committee of the Whole for
7 consideration of Special Orders and he was called to the Chair to act as
8 Chairman.

9

10

11 **SPECIAL ORDERS--SECOND READING OF BILL**

12

13 The Committee of the Whole having risen, the Chairman reported the title
14 of the following bill had been read (reading at length had been dispensed
15 with by unanimous consent), the bill considered and action taken thereon
16 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 **HB02-1258** by Representative(s) Marshall--Concerning increased
22 protections for victims of identity theft, and, in connection
23 therewith, prohibiting the processing of credit report
24 entries that are based on identity theft and expediting
25 judicial determinations concerning identity theft.

26

27 Amendment No. 1, Information & Technology Report, dated
28 February 20, 2002, and placed in member's bill file; Report also printed
29 in House Journal, February 21, page 482.

30

31 Amendment No. 2, by Representative Marshall.

32

33 Amend the Information & Technology Committee Report, dated February
34 20, 2002, page 2, strike lines 19 and 20 and substitute the following:

35

36 "Page 8, strike lines 1 through 13 and substitute the following:

37

38 **"SECTION 4.** 16-18.5-103, Colorado Revised Statutes, is
39 amended BY THE ADDITION OF A NEW SUBSECTION to read:

40

41 **16-18.5-103. Assessment of restitution - corrective orders.**

42 (7) WHEN A PERSON'S MEANS OF IDENTIFICATION OR FINANCIAL
43 INFORMATION WAS USED WITHOUT THAT PERSON'S AUTHORIZATION IN
44 CONNECTION WITH A CONVICTION FOR ANY CRIME IN VIOLATION OF PART
45 2, 3, OR 4 OF ARTICLE 4, PART 1, 2, 3, OR 7 OF ARTICLE 5, OR ARTICLE 5.5
46 OF TITLE 18, THE SENTENCING COURT MAY ISSUE SUCH ORDERS AS ARE
47 NECESSARY TO CORRECT A PUBLIC RECORD THAT CONTAINS FALSE
48 INFORMATION RESULTING FROM ANY VIOLATION OF SUCH LAWS."."

49

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

52

53

54

55

1 Amend printed bill, page 2, line 2, strike "(I)," and substitute "(I) and (3)
2 (I) (III)," and strike "is" and substitute "are";
3
4 line 8, strike "ANY OTHER PERSON" and substitute "A DISTRICT WILDLIFE
5 MANAGER OR PARKS AND RECREATION OFFICER DEFINED AS A PEACE
6 OFFICER PURSUANT TO SECTION 33-1-102, C.R.S., AND ACTING UNDER THE
7 AUTHORITY OF A PEACE OFFICER PURSUANT TO SECTIONS 33-6-101 AND
8 33-15-101, C.R.S., OR A POLICE ADMINISTRATOR OR POLICE OFFICER
9 EMPLOYED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO,";

10
11 strike lines 9 through 11;

12
13 line 12, strike "C.R.S.";

14
15 after line 16, insert the following:

16
17 "(III) "Peace officer, level II," means an inspector of the state
18 licensing authority under the "Colorado Beer Code" or the liquor
19 enforcement division under section 12-47-904, C.R.S., or part 5 of article
20 35 of title 24, C.R.S.; an authorized investigator of the state lottery
21 division pursuant to section 24-35-205 (3) or 24-35-206 (7), C.R.S.; any
22 authorized investigator and the director of the division of gaming and the
23 executive director of the department of revenue pursuant to section
24 12-47.1-204, C.R.S.; any fire arson investigator appointed by the chief of
25 any fire department and approved by the sheriff or the chief of police of
26 the jurisdiction in which such fire arson investigator performs duties; any
27 officer, guard, or supervisory employee within the department of
28 corrections, except the inspector general and any investigators appointed
29 pursuant to section 17-1-103.8, C.R.S., employed by the department of
30 corrections; a security guard employed by the state of Colorado; a
31 security officer as defined in section 24-7-101, C.R.S.; a ~~district wildlife
32 manager; special district wildlife manager or parks and recreation officer~~
33 defined as a peace officer pursuant to section 33-1-102, C.R.S., and
34 acting under the authority of a peace officer pursuant to ~~sections
35 33-6-101, and 33-15-101~~ SECTION 33-6-101, C.R.S.; an investigator for
36 the division of racing events and the investigator's supervisors, including
37 the director of the division of racing events pursuant to section
38 12-60-203, C.R.S., or a railroad employee defined as a peace officer
39 pursuant to section 40-32-104.5, C.R.S., who shall have access to
40 Colorado bureau of investigation fugitive and stolen property records.
41 "Peace officer, level II," has the authority to enforce all the laws of the
42 state of Colorado while acting within the scope of his OR HER authority
43 and in the performance of his OR HER duties, and section 18-1-106 (1.5)
44 and section 18-3-107 shall apply to "peace officer, level II".";

45
46 strike line 27 and substitute the following:

47 "POLICE ADMINISTRATORS OR POLICE OFFICERS EMPLOYED BY THE
48 COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.".

49
50 Page 3, strike line 1.

51

52

53

54 **HB02-1329** be referred to the Committee of the Whole with favorable
55 recommendation.

56

1 **CIVIL JUSTICE & JUDICIARY**

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

4
5 **HB02-1073** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend printed bill, page 4, line 27, after "CONSTITUTION.", insert
10 ""HUMAN CLONING" DOES NOT MEAN STEM CELL RESEARCH THAT IS
11 OTHERWISE AUTHORIZED BY LAW."

12
13 Page 5, line 7, strike "SHIP" and substitute "KNOWINGLY SHIP";

14
15 strike line 9 and substitute the following:

16
17 "(d) KNOWINGLY IMPORT THE PRODUCT OF HUMAN CLONING FOR
18 ANY PURPOSE. NOTHING IN THIS PARAGRAPH (d) SHALL BE CONSTRUED TO
19 PROHIBIT ANY PERSON WHO HAS RECEIVED ANY THERAPY OR TREATMENT
20 FROM ENTERING OR RESIDING IN THIS STATE.";

21
22 strike lines 10 through 21 and substitute the following:

23
24 "(4) ANY PERSON WHO COMMITS AN ACT IN VIOLATION OF THIS
25 SECTION COMMITS A CLASS 5 FELONY AND SHALL BE PUNISHED AS
26 PROVIDED IN SECTION 18-1-105.

27
28 (5) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT
29 SCIENTIFIC RESEARCH INVOLVING THE USE OF NUCLEAR TRANSFER OR
30 OTHER CLONING TECHNIQUES TO PRODUCE MOLECULES, DNA, CELLS
31 OTHER THAN HUMAN EMBRYOS, TISSUES, ORGANS, PLANTS, OR ANIMALS
32 OTHER THAN HUMANS, NOR SHALL IT BE CONSTRUED TO PROHIBIT ANY
33 PROCEDURE INVOLVING ADULT STEM CELLS OR EMBRYONIC STEM CELLS
34 THAT ARE NOT THE PRODUCT OF HUMAN CLONING."

35
36
37
38 **HB02-1247** be amended as follows, and as so amended, be referred to
39 the Committee on Appropriations with favorable
40 recommendation:

41
42 Amend printed bill, page 2, strike lines 1 through 7 and substitute the
43 following:

44
45 "SECTION 1. Part 4 of article 4 of title 18, Colorado Revised
46 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
47 read:

48
49 **18-4-418. Fuel piracy.** (1) A PERSON COMMITS FUEL PIRACY
50 WHEN SUCH PERSON KNOWINGLY LEAVES THE PREMISES OF AN
51 ESTABLISHMENT THAT OFFERS FUEL FOR SALE AFTER DISPENSING FUEL AND
52 KNOWINGLY FAILS TO PAY FOR SUCH FUEL.

53
54 (2) FUEL PIRACY IS:
55

1 (a) A CLASS 3 MISDEMEANOR IF THE VALUE OF SUCH FUEL IS LESS
2 THAN ONE HUNDRED DOLLARS;

3
4 (b) A CLASS 2 MISDEMEANOR IF THE VALUE OF SUCH FUEL IS ONE
5 HUNDRED DOLLARS OR MORE BUT LESS THAN FIVE HUNDRED DOLLARS.

6
7 (3) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW,
8 AFTER A DEFENDANT HAS BEEN CONVICTED OF OR HAS ENTERED A PLEA OF
9 GUILTY OR NOLO CONTENDERE TO FUEL PIRACY, THE MANDATORY
10 MINIMUM FINE SHALL BE TWO HUNDRED FIFTY DOLLARS.";

11
12 strike lines 12 through 16 and substitute the following:

13
14 "RECEIVES NOTICE THAT A PERSON HAS TWICE BEEN CONVICTED OF OR
15 ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE TO A VIOLATION OF
16 SECTION 18-4-418, C.R.S., THE DEPARTMENT SHALL SUSPEND THE LICENSE
17 OF THE";

18
19 strike lines 19 through 23 and substitute the following:

20
21 "PERSON HAS THREE OR MORE TIMES BEEN CONVICTED OF OR ENTERED A
22 PLEA OF GUILTY OR NOLO CONTENDERE TO A VIOLATION OF SECTION
23 18-4-418, C.R.S., THE DEPARTMENT SHALL SUSPEND THE LICENSE OF THE
24 PERSON".

25
26
27
28 **SB02-005** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31
32 Amend reengrossed bill, page 5, after line 6, insert the following:

33
34 "SECTION 3. 12-6-118 (3) (o) and (5) (q), Colorado Revised
35 Statutes, are amended to read:

36
37 **12-6-118. Licenses - grounds for denial, suspension, or**
38 **revocation.** (3) A motor vehicle dealer's, wholesale motor vehicle
39 auction dealer's, wholesaler's, buyer agent's, or used motor vehicle
40 dealer's license may be denied, suspended, or revoked on the following
41 grounds:

42
43 (o) To willfully violate any state or federal law respecting
44 commerce or motor vehicles, or any lawful rule or regulation respecting
45 commerce or motor vehicles promulgated by any licensing or regulating
46 authority pertaining to motor vehicles, UNDER CIRCUMSTANCES IN WHICH
47 THE ACT CONSTITUTING THE VIOLATION DIRECTLY AND NECESSARILY
48 INVOLVES COMMERCE OR MOTOR VEHICLES;

49
50 (5) The license of a motor vehicle salesperson may be denied,
51 revoked, or suspended on the following grounds:

52
53 (q) Willfully violating any state or federal law respecting
54 commerce or motor vehicles, or any lawful rule or regulation respecting
55 commerce or motor vehicles promulgated by any licensing or regulating
56 authority pertaining to motor vehicles, UNDER CIRCUMSTANCES IN WHICH

1 THE ACT CONSTITUTING THE VIOLATION DIRECTLY AND NECESSARILY
2 INVOLVES COMMERCE OR MOTOR VEHICLES;".

3
4 Renumber succeeding sections accordingly.

5

6

7

8

9 **CRIMINAL JUSTICE**

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

12

13 **HB02-1143** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, strike everything below the enacting clause and
18 substitute the following:

19

20 **"SECTION 1. Legislative declaration.** The general assembly
21 hereby finds and declares that the population of patients admitted to the
22 institute for forensic psychiatry at the Colorado mental health institute at
23 Pueblo, referred to in this section as the "institute", consists of defendants
24 with criminal charges pending who are being held in jail, inmates who are
25 serving a criminal sentence in jail or the department of corrections, and
26 persons found not guilty by reason of insanity. The general assembly
27 recognizes that the security measures required to protect these patients,
28 the institute staff, and the public are different from those needed in civil
29 commitment facilities. Current state statutes establish a process for
30 transferring and committing some defendants or inmates from jail to the
31 institute directly under title 16, Colorado Revised Statutes. These
32 existing statutes, however, fail to include all defendants and inmates who
33 may need to be transferred to the institute, and the absence of specific
34 statutes dedicated to transferring any defendant or inmate has required
35 some defendants or inmates to be civilly committed when transferred
36 from jail or from a correctional facility to the institute. Further, some of
37 the patients who are transferred from the department of corrections or
38 who are transferred or committed under title 16, Colorado Revised
39 Statutes, are also currently civilly committed for involuntary medication
40 proceedings. Civil commitment statutes, however, provide statutory
41 rights for these patients that are inconsistent with the security needs of the
42 institute. Therefore, the general assembly finds that it is necessary and
43 proper, for the safety and security of the patients and the staff of the
44 institute and for the protection of the public, to establish procedures for
45 commitment and medication hearings for persons transferred to the
46 institute from jail or from a correctional facility and to require the
47 department of human services to define specific rights, consistent with
48 constitutional and applicable statutory standards, for the care and
49 treatment of these patients, so that all patients in the forensic institute fall
50 under one set of statutory rights and procedures governing their mental
51 health care and treatment.

52

53 **SECTION 2.** Part 1 of article 8 of title 16, Colorado Revised
54 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
55 read:

56

- 1 **16-8-117.5. Care and treatment of forensic patients.** (1) AS
2 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
3
- 4 (a) "FORENSIC PATIENT" MEANS:
5
- 6 (I) ANY PERSON WHO IS COMMITTED TO THE CUSTODY OF THE
7 DEPARTMENT OF HUMAN SERVICES THROUGH ANY PROVISION OF THIS
8 ARTICLE; AND
9
- 10 (II) ANY PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF
11 CORRECTIONS AND WHO IS SUBSEQUENTLY COMMITTED OR TRANSFERRED
12 TO THE DEPARTMENT OF HUMAN SERVICES FOR EVALUATION OR
13 TREATMENT AT THE STATE FACILITY; AND
14
- 15 (III) ANY PERSON WHO IS CONFINED IN A JAIL OR OTHER
16 CORRECTIONAL OR DETENTION FACILITY AND WHO IS SUBSEQUENTLY
17 COMMITTED OR TRANSFERRED TO THE DEPARTMENT OF HUMAN SERVICES
18 FOR EVALUATION OR TREATMENT AT THE STATE FACILITY.
19
- 20 (b) "STATE FACILITY" MEANS THE INSTITUTE FOR FORENSIC
21 PSYCHIATRY AT THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO
22 ESTABLISHED PURSUANT TO SECTION 27-13-101, C.R.S.
23
- 24 (2) **Rights and procedures.** (a) THE RIGHTS AND PROCEDURES
25 SPECIFIED IN THIS SECTION SHALL APPLY TO FORENSIC PATIENTS, AND THE
26 RIGHTS AND PROCEDURES SPECIFIED IN ARTICLE 10 OF TITLE 27, C.R.S.,
27 SHALL NOT APPLY TO FORENSIC PATIENTS.
28
- 29 (b) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE
30 RULES, CONSISTENT WITH CONSTITUTIONAL AND STATUTORY STANDARDS,
31 CONCERNING THE CARE AND TREATMENT OF FORENSIC PATIENTS.
32
- 33 (3) **Medication.** (a) ANTIPSYCHOTIC MEDICATION MAY BE
34 ADMINISTERED TO A FORENSIC PATIENT ONLY IF:
35
- 36 (I) THE FORENSIC PATIENT HAS CONSENTED TO THE
37 ADMINISTRATION OF ANTIPSYCHOTIC MEDICATION; OR
38
- 39 (II) A COURT HAS ISSUED AN ORDER PURSUANT TO PARAGRAPH (b)
40 OF THIS SUBSECTION (3) AUTHORIZING THE ADMINISTRATION OF
41 ANTIPSYCHOTIC MEDICATION; OR
42
- 43 (III) THERE IS AN EMERGENCY SITUATION THAT PRESENTS AN
44 IMMEDIATE AND SUBSTANTIAL THREAT TO THE LIFE OR SAFETY OF THE
45 FORENSIC PATIENT OR OTHERS IN THE STATE FACILITY.
46
- 47 (b) IN THE EVENT THAT A FORENSIC PATIENT REFUSES TO ACCEPT
48 ANTIPSYCHOTIC MEDICATION, THE TREATING PHYSICIAN MAY BRING A
49 PETITION FOR AN ORDER THAT PROVIDES THAT THE FORENSIC PATIENT
50 SHALL ACCEPT SUCH TREATMENT AND THAT, IF NECESSARY, THE
51 MEDICATION MAY BE FORCIBLY ADMINISTERED TO HIM OR HER. SUCH
52 PETITION SHALL BE BROUGHT IN THE COURT IN WHICH THE FORENSIC
53 PATIENT'S CRIMINAL CASE IS PENDING OR WAS HEARD, THE COURT
54 COMMITTING THE FORENSIC PATIENT TO THE CUSTODY OF THE
55 DEPARTMENT OF HUMAN SERVICES, OR THE DISTRICT COURT OF THE
56 JUDICIAL DISTRICT IN WHICH THE STATE FACILITY IS LOCATED. THE

1 DISTRICT COURT OF THE JUDICIAL DISTRICT IN WHICH THE STATE FACILITY
2 IS LOCATED SHALL NOT EXERCISE JURISDICTION OVER PETITIONS
3 CONCERNING MEDICATION WITHOUT THE PERMISSION OF THE COURT THAT
4 COMMITTED THE FORENSIC PATIENT TO THE CUSTODY OF THE DEPARTMENT
5 OF HUMAN SERVICES. UPON THE FILING OF SUCH A PETITION, THE COURT
6 SHALL APPOINT AN ATTORNEY, IF ONE HAS NOT ALREADY BEEN APPOINTED,
7 TO REPRESENT THE FORENSIC PATIENT AND SHALL HEAR THE MATTER
8 WITHIN TEN DAYS AFTER THE PETITION IS FILED.
9

10 (c) NOTWITHSTANDING ANY PROVISIONS OF THIS SUBSECTION (3)
11 TO THE CONTRARY, THE DEPARTMENT OF CORRECTIONS OR THE
12 DEPARTMENT OF HUMAN SERVICES, THROUGH A PANEL OF MEDICAL AND
13 MENTAL HEALTH PROFESSIONALS, MAY AUTHORIZE INVOLUNTARY
14 ANTIPSYCHOTIC MEDICATION FOR FORENSIC PATIENTS TRANSFERRED TO
15 THE DEPARTMENT OF HUMAN SERVICES FROM THE DEPARTMENT OF
16 CORRECTIONS.
17

18 (4) **Proceedings.** (a) ALL PROCEEDINGS HELD UNDER THE
19 PROVISIONS OF THIS SECTION SHALL BE CONDUCTED BY THE DISTRICT
20 ATTORNEY OF THE JUDICIAL DISTRICT IN WHICH THE PROCEEDING IS HELD
21 OR BY A QUALIFIED ATTORNEY ACTING FOR THE DISTRICT ATTORNEY AND
22 APPOINTED BY THE DISTRICT COURT FOR THAT PURPOSE; EXCEPT THAT, IN
23 ANY COUNTY OR IN ANY CITY AND COUNTY HAVING A POPULATION
24 EXCEEDING FIFTY THOUSAND PERSONS, THE PROCEEDINGS SHALL BE
25 CONDUCTED BY THE COUNTY ATTORNEY OR BY A QUALIFIED ATTORNEY
26 ACTING FOR THE COUNTY ATTORNEY AND APPOINTED BY THE DISTRICT
27 COURT.
28

29 (b) IN ANY HEARING HELD UNDER THE PROVISIONS OF THIS SECTION
30 IN A COURT FOR THE JUDICIAL DISTRICT IN WHICH THE TREATING STATE
31 FACILITY IS LOCATED, THE COMMITTING COUNTY OR CITY AND COUNTY
32 SHALL REIMBURSE THE COUNTY OR CITY AND COUNTY IN WHICH THE
33 PROCEEDING IS HELD FOR THE REASONABLE COSTS INCURRED IN
34 CONDUCTING THE PROCEEDING.
35

36 (5) **Jail transfers.** (a) ANY PERSON WHO IS CONFINED IN JAIL
37 WITH CRIMINAL CHARGES PENDING OR WHILE SERVING A SENTENCE AND
38 WHO APPEARS TO HAVE A MENTAL ILLNESS AND, AS A RESULT OF SUCH
39 MENTAL ILLNESS, APPEARS TO BE AN IMMINENT DANGER TO OTHERS OR TO
40 HIMSELF OR HERSELF OR TO BE GRAVELY DISABLED, AS DEFINED IN
41 SECTION 27-10-102 (5), C.R.S., MAY BE TRANSFERRED TO THE
42 DEPARTMENT OF HUMAN SERVICES FOR ADMISSION TO THE STATE FACILITY
43 FOR MENTAL HEALTH EVALUATION AND TREATMENT AS A FORENSIC
44 PATIENT.
45

46 (b) (I) UPON ADMISSION TO THE STATE FACILITY, ANY PERSON
47 TRANSFERRED PURSUANT TO THIS SUBSECTION (5) SHALL BE ADVISED BY
48 THE FACILITY DIRECTOR OR HIS OR HER DULY APPOINTED REPRESENTATIVE
49 THAT THE PERSON HAS THE RIGHT TO RETAIN AND CONSULT WITH HIS OR
50 HER ATTORNEY, AND, IF THE PERSON CANNOT AFFORD AN ATTORNEY, UPON
51 PROOF OF INDIGENCY, ONE WILL BE APPOINTED BY THE COURT TO
52 REPRESENT THE PERSON WITHOUT COST FOR ISSUES DIRECTLY RELATED TO
53 THE PERSON'S MENTAL HEALTH EVALUATION AND TREATMENT. ANY
54 PERSON TRANSFERRED PURSUANT TO THIS SUBSECTION (5) SHALL ALSO BE
55 ADVISED THAT AT ANY TIME AFTER SEVENTY-TWO HOURS, THE PERSON HAS
56 A RIGHT TO REQUEST A HEARING TO CONTEST HIS OR HER TRANSFER TO THE

1 STATE FACILITY AND TO SEEK RETURN TO THE JAIL AND THAT SUCH
2 HEARING SHALL BE HELD WITHIN TEN DAYS AFTER THE REQUEST,
3 EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS. THE TRANSFERRED
4 PERSON SHALL ALSO BE ADVISED OF THE RIGHT TO A REVIEW HEARING TO
5 CONTEST FURTHER MENTAL HEALTH EVALUATION AND TREATMENT EVERY
6 NINETY DAYS AFTER THE INITIAL HEARING. SUCH REVIEW HEARING SHALL
7 DETERMINE WHETHER THE PERSON HAS A MENTAL ILLNESS AND WHETHER,
8 AS A RESULT OF SUCH MENTAL ILLNESS, THE PERSON IS AN IMMINENT
9 DANGER TO OTHERS OR TO HIMSELF OR HERSELF OR IS GRAVELY DISABLED.

10
11 (II) IF THE PROFESSIONAL STAFF OF THE STATE FACILITY
12 DETERMINES THAT THE TRANSFERRED PERSON REQUIRES MENTAL HEALTH
13 EVALUATION AND TREATMENT BEYOND THE SEVENTY-TWO-HOUR PERIOD
14 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE DEPARTMENT
15 OF HUMAN SERVICES SHALL NOTIFY THE COURT IN THE CITY, COUNTY, OR
16 CITY AND COUNTY FROM WHICH THE PERSON WAS TRANSFERRED. THE
17 COURT SHALL APPOINT COUNSEL FOR THE TRANSFERRED PERSON AS
18 PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b). IF A
19 TRANSFERRED PERSON REQUESTS A HEARING TO CONTEST THE TRANSFER
20 TO THE STATE FACILITY, THE HEARING SHALL BE HELD NO LATER THAN TEN
21 DAYS AFTER THE REQUEST, EXCLUDING SATURDAYS, SUNDAYS, AND
22 HOLIDAYS. THE BURDEN OF PROOF SHALL BE UPON THE FACILITY THAT
23 TRANSFERRED THE PERSON TO THE STATE FACILITY. THE STANDARD FOR
24 CONTINUED MENTAL HEALTH EVALUATION AND TREATMENT SHALL BE
25 WHETHER THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE
26 TRANSFERRED PERSON HAS A MENTAL ILLNESS AND, AS A RESULT OF THAT
27 MENTAL ILLNESS, IS AN IMMINENT DANGER TO SELF OR OTHERS OR IS
28 GRAVELY DISABLED.

29
30 (c) ALL HEARINGS CONDUCTED PURSUANT TO THIS SUBSECTION (5)
31 SHALL BE HELD IN THE COURT IN WHICH THE FORENSIC PATIENT'S CRIMINAL
32 CASE IS PENDING OR WAS HEARD, THE COURT COMMITTING THE FORENSIC
33 PATIENT TO THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES, OR
34 THE DISTRICT COURT OF THE JUDICIAL DISTRICT IN WHICH THE STATE
35 FACILITY IS LOCATED. THE DISTRICT COURT OF THE JUDICIAL DISTRICT IN
36 WHICH THE STATE FACILITY IS LOCATED SHALL NOT EXERCISE
37 JURISDICTION WITHOUT THE PERMISSION OF THE COURT THAT COMMITTED
38 THE FORENSIC PATIENT TO THE CUSTODY OF THE DEPARTMENT OF HUMAN
39 SERVICES.

40
41 (d) IF THE FORENSIC PATIENT DISCHARGES HIS OR HER JAIL
42 SENTENCE OR IS OTHERWISE RELEASED FROM THE JURISDICTION OF THE
43 CRIMINAL COURT, THE FORENSIC PATIENT SHALL BE DISCHARGED FROM
44 TREATMENT AT THE STATE FACILITY UNDER THE PROVISIONS OF THIS
45 SECTION, AND, IF APPROPRIATE, CIVIL PROCEEDINGS MAY BE INSTITUTED
46 AGAINST THE PERSON PURSUANT TO ARTICLE 10 OF TITLE 27, C.R.S.

47
48 (e) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5) TO
49 THE CONTRARY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
50 HUMAN SERVICES, OR HIS OR HER DESIGNEE, SHALL HAVE THE AUTHORITY
51 TO ASSIGN A FORENSIC PATIENT TRANSFERRED TO THE DEPARTMENT OF
52 HUMAN SERVICES PURSUANT TO THIS SUBSECTION (5) TO A FACILITY THAT
53 HOUSES PATIENTS COMMITTED PURSUANT TO ARTICLE 10 OF TITLE 27,
54 C.R.S. IN EXERCISING THIS AUTHORITY, THE EXECUTIVE DIRECTOR, OR HIS
55 OR HER DESIGNEE, SHALL CONSIDER THE NEEDS OF THE FORENSIC PATIENT
56 AS WELL AS THE SAFETY OF THE FORENSIC PATIENT, THE OTHER PATIENTS,

1 THE STAFF, AND THE PUBLIC.
2

3 (f) NOTHING IN THIS SUBSECTION (5) SHALL AFFECT THE
4 AUTHORITY OF THE DEPARTMENT OF CORRECTIONS TO UTILIZE
5 ADMINISTRATIVE PROCESSES ESTABLISHED FOR THE TRANSFER OF
6 OFFENDERS FROM THE DEPARTMENT OF CORRECTIONS TO THE
7 DEPARTMENT OF HUMAN SERVICES.
8

9 **SECTION 3.** 27-10-111 (4.5), Colorado Revised Statutes, is
10 amended to read:
11

12 **27-10-111. Hearing procedures - jurisdiction.** (4.5) (a) In the
13 event that a respondent a person found not guilty by reason of impaired
14 mental condition pursuant to section 16-8-103.5 (5), C.R.S., or by reason
15 of insanity pursuant to section 16-8-105 (4), C.R.S., or a defendant found
16 incompetent to proceed pursuant to section 16-8-112 (2), C.R.S., refuses
17 to accept medication, the court having jurisdiction of the action pursuant
18 to subsection (4) of this section the court committing the person or
19 defendant to the custody of the department of human services pursuant
20 to section 16-8-103.5 (5), 16-8-105 (4), or 16-8-112 (2), C.R.S., or the
21 court of the jurisdiction in which the designated facility treating the
22 respondent, person, or defendant is located shall have jurisdiction and
23 venue to accept a petition by a treating physician and to enter an order
24 requiring that the respondent person, or defendant accept such treatment
25 or, in the alternative, that the medication be forcibly administered to him
26 or her. The court of the jurisdiction in which the designated facility is
27 located shall not exercise its jurisdiction without the permission of the
28 court that committed the person or defendant to the custody of the
29 department of human services. Upon the filing of such a petition, the
30 court shall appoint an attorney, if one has not been appointed, to
31 represent such respondent person, or defendant and hear the matter within
32 ten days.
33

34 (b) In any case brought under paragraph (a) of this subsection
35 (4.5) in a court for the county in which the treating facility is located, the
36 county where the proceeding was initiated pursuant to subsection (4) of
37 this section or the court committing the person or defendant to the
38 custody of the department of human services pursuant to section
39 16-8-103.5 (5), 16-8-105 (4), or 16-8-112 (2), C.R.S., shall either
40 reimburse the county in which the proceeding pursuant to this subsection
41 (4.5) was filed and in which the proceeding was held for the reasonable
42 costs incurred in conducting the proceeding or conduct the proceeding
43 itself using its own personnel and resources, including its own district or
44 county attorney, as the case may be.
45

46 **SECTION 4. Safety clause.** The general assembly hereby finds,
47 determines, and declares that this act is necessary for the immediate
48 preservation of the public peace, health, and safety."
49

50
51
52 **HB02-1283** be amended as follows, and as so amended, be referred to
53 the Committee on Appropriations with favorable
54 recommendation:
55

1 Amend printed bill, page 2, line 1, strike "(2), (4), (5), (6)," and substitute
2 "(4)";

3
4 line 2, strike "amended" and substitute "amended, and the said 18-12-109
5 is further amended BY THE ADDITION OF THE FOLLOWING NEW
6 SUBSECTIONS,";

7
8 strike lines 5 through 9 and substitute the following:
9 **"biological, and nuclear weapons - persons exempt - hoaxes.**
10 (2.5) ANY PERSON WHO KNOWINGLY POSSESSES, CONTROLS,
11 MANUFACTURERS, GIVES, MAILES, SENDS, OR CAUSES TO BE SENT A
12 CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL WEAPON COMMITS A CLASS 3
13 FELONY.";

14
15 strike lines 15 through 25 and substitute the following:

16
17 "(5.5) ANY PERSON WHO REMOVES OR CAUSES TO BE REMOVED OR
18 CARRIES AWAY ANY CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL WEAPON
19 FROM THE PREMISES WHERE SAID CHEMICAL, BIOLOGICAL, OR
20 RADIOLOGICAL WEAPON IS KEPT BY THE LAWFUL USER, VENDOR,
21 TRANSPORTER, OR MANUFACTURER THEREOF, WITHOUT THE CONSENT OR
22 DIRECTION OF THE LAWFUL POSSESSOR, COMMITS A CLASS 3 FELONY. A
23 PERSON CONVICTED OF THIS OFFENSE SHALL BE SUBJECT TO A MANDATORY
24 MINIMUM SENTENCE OF TWO YEARS.

25
26 (6.5) ANY PERSON WHO POSSESSES ANY CHEMICAL WEAPON,
27 BIOLOGICAL WEAPON, OR RADIOLOGICAL WEAPON PARTS COMMITS A
28 CLASS 3 FELONY.".

29

30

31

32

33 **FINANCE**

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

36

37 **HB02-1212** be postponed indefinitely.

38

39

40 **HB02-1224** be referred to the Committee of the Whole with favorable
41 recommendation.

42

43

44 **HB02-1244** 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, page 2, strike lines 19 and 20.

49

50 Renumber succeeding section accordingly.

51

52

53

54 **HB02-1309** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

1 Amend printed bill, page 5, line 20, strike "2007," and substitute "2012,".

2

3 Page 6, line 27, strike "2006." and substitute "2006, AND TWENTY
4 MILLION DOLLARS FOR EACH SUCCEEDING CALENDAR YEAR THAT
5 COMMENCES BEFORE JANUARY 1, 2012.".

6

7 Page 13, line 27, strike "2006," and substitute "2011,".

8

9 Page 14, line 8, strike "2007," and substitute "2012,".

10

11 Page 18, strike lines 13 through 15 and substitute the following:

12

13 **"SECTION 2. Effective date.** This act shall take effect at 12:01
14 a.m. on the day following the expiration of the ninety-day period after
15 final adjournment of the general assembly that is allowed for submitting
16 a referendum petition pursuant to article V, section 1 (3) of the state
17 constitution; except that, if a referendum petition is filed against this act
18 or an item, section, or part of this act within such period, then the act,
19 item, section, or part, if approved by the people, shall take effect on the
20 date of the official declaration of the vote thereon by proclamation of the
21 governor.".

22

23

24

25 **HB02-1333** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28

29 Amend printed bill, page 11, strike lines 15 through 27.

30

31 Page 12, strike lines 1 through 14.

32

33 Renumber succeeding sections accordingly.

34

35 Page 15, strike lines 23 through 27.

36

37 Page 16, strike lines 1 through 4.

38

39 Renumber succeeding sections accordingly.

40

41

42

43

44 **INFORMATION & TECHNOLOGY**

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

47

48 **HB02-1299** The Committee returns herewith HB02-1299 and reports
49 that said bill has been considered on its merits and voted
50 upon by the committee in accordance with House Rules,
51 that the deadline applicable to committees under Joint
52 Rule 23 (a)(1) has passed, that final action has not been
53 taken by this Committee within said deadline, and that the
54 Committee on Delayed Bills has not waived said deadline.
55 Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to
56 be postponed indefinitely.

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB02-1269** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 8, after "(f)", insert "(I)" and after
10 "LAW,", insert "WITH THE EXCEPTION OF SECTION 43-1-416,".

11
12 Page 3, after line 7, insert the following:

13
14 "(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL NOT APPLY
15 IF THE DEPARTMENT RECEIVES WRITTEN NOTIFICATION FROM THE
16 APPLICABLE FEDERAL AUTHORITY THAT THE PROPOSED ADVERTISING
17 DEVICE WITH A MESSAGE CENTER DISPLAY WILL DIRECTLY CAUSE THE
18 REPAYMENT OR DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE
19 AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH FEDERAL LAW,
20 BUT ONLY TO THE EXTENT NECESSARY TO PREVENT THE REPAYMENT OR
21 DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH
22 FEDERAL LAW.";

23
24 line 11, after "LAW,", insert "EXCEPT FOR SECTION 43-1-416,";

25
26 strike lines 19 through 27.

27
28 Page 4, strike lines 1 through 12 and substitute the following:

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

39
40
41
42 **PRINTING REPORT**

43
44 The Chief Clerk reports the following bill has been correctly printed:
45 **HB02-1349.**

46
47
48
49 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

50
51 The Speaker has signed: **SB02-108; HJR02-1004, 1009.**

52
53
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55

MESSAGE FROM THE SENATE

1
2 Mr. Speaker:

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4 The Senate voted to concur in House amendments to SB02-031 and
5 repassed the bill as amended.

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7 The Senate has adopted and returns herewith: HJR02-1016.

8

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

11

12 SB02-102, amended as printed in Senate Journal, February 15, page
13 273-274;

14 SB02-110, amended as printed in Senate Journal, February 15, page 270.

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MESSAGE FROM THE REVISOR

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20 We herewith transmit without comment, SB02-102, 110.

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INTRODUCTION OF BILLS

25

First Reading

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

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30 **HB02-1350** by Representative(s) Young, Kester, Miller; also
31 Senator(s) Taylor--Concerning the terms of the lease
32 agreement for the Towner railroad line.

33 Committee on Agriculture, Livestock, & Natural Resources

34

35 **HB02-1351** by Representative(s) Cadman, Williams S., Dean,
36 Spradley, Crane, Fairbank, Fritz, Harvey, Hefley, Kester,
37 King, Lee, Paschall, Rhodes, Schultheis, Snook, Stengel,
38 Swenson, Webster, White, Williams T., Hoppe, Miller,
39 Sinclair--Concerning a requirement for auto insurers to
40 offer consumers a choice between personal injury
41 protection coverage or the preservation of claims against
42 tortfeasors under the "Colorado Auto Accident
43 Reparations Act".

44 Committee on Business Affairs & Labor

45

46 **SB02-102** by Senator(s) Perlmutter; also Representative(s) Vigil--
47 Concerning impact fees.

48 Committee on Local Government

49 Committee on State, Veterans, & Military Affairs

50

51 **SB02-110** by Senator(s) Matsunaka; also Representative(s) Plant--
52 Concerning the authority of local governments to provide
53 incentives to encourage smart growth.

54 Committee on Local Government

55 Committee on State, Veterans, & Military Affairs

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INTRODUCTION OF RESOLUTIONS1
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The following resolutions were read by title and laid over one day under the rules:

HJR02-1018 by Representative(s) Weddig; also Senator(s) Hagedorn-- Concerning the expression of the General Assembly's gratitude for the distinguished military service of Marine Corporal Christopher Chandler of Aurora, Colorado, the first Marine to receive the Purple Heart in Operation Enduring Freedom.

WHEREAS, On December 25, 2001, Marine Corporal Christopher Chandler of Aurora, Colorado, was awarded the Nation's oldest military decoration, the Purple Heart, for wounds received during Operation Enduring Freedom; and

WHEREAS, Corporal Chandler is the first Marine in Operation Enduring Freedom to receive the Purple Heart; and

WHEREAS, Corporal Chandler was wounded while assisting his unit in clearing land mines at Kandahar International Airport in Afghanistan; and

WHEREAS, Corporal Chandler's wounds included injuries to his left hand and the complete loss of his left foot; and

WHEREAS, Corporal Chandler joined the United States Marine Corps in 1998 after graduating from Gateway High School in Aurora, Colorado; and

WHEREAS, Corporal Chandler has a record of distinguished service as a member of the 1st Light Armored Reconnaissance Battalion, 1st Marine Division; and

WHEREAS, Corporal Chandler has expressed the desire to return to active duty after his period of rehabilitation; 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:

That we, the members of the General Assembly, hereby express our thanks to Marine Corporal Christopher Chandler and honor his distinguished service to our country.

Be It Further Resolved, That a copy of this Joint Resolution be presented to Corporal Christopher Chandler and to his family.

HJR02-1019 by Representative(s) Snook, Alexander, Hodge, Jameson, Johnson, Kester, Miller, Plant, Tochtrop; also Senator(s) Isgar--Concerning the encouragement of federal legislation that promotes domestic agriculture.

1 WHEREAS, Cattle and beef production is the single largest sector
2 of our nation's agricultural industry, totaling approximately 800,000 cattle
3 producers in all fifty states and contributing approximately \$30 billion
4 annually to our national economy; and

5
6 WHEREAS, The cattle and beef industry accounts for
7 approximately sixty percent of Colorado's agricultural economy, totaling
8 approximately \$2.6 billion generated from over 14,600 operations
9 statewide; and

10
11 WHEREAS, The Colorado General Assembly desires to protect
12 and preserve this vital industry and to ensure the quality and safety of
13 cattle and beef products marketed within the state of Colorado; now,
14 therefore,

15
16 *Be It Resolved by the House of Representatives of the Sixty-third*
17 *General Assembly of the State of Colorado, the Senate concurring*
18 *herein:*

19
20 That the Colorado General Assembly finds that it is necessary in
21 order to preserve the health, safety, and welfare of the citizens of the state
22 of Colorado to endorse:

23
24 (1) The "Consumer Right-To-Know Act of 2001", United States
25 Senate Bill No. 280, which provides that:

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27 (a) Beef, lamb, pork, fish, fruits, vegetables, and peanuts shall
28 have mandatory country-of-origin labeling;

29
30 (b) Only meat from animals exclusively born, raised, and
31 slaughtered within the United States shall be eligible for a USA label; and

32
33 (c) The United States Department of Agriculture quality grade
34 stamp cannot be used on imported meat; and

35
36 (2) United States Senate Bill No. 142, which amends the "Packers
37 and Stockyards Act, 1921" to make it unlawful for a packer to own, feed,
38 or control livestock intended for slaughter.

39
40 *Be It Further Resolved, That a copy of this Joint Resolution be*
41 *provided to each member of Colorado's delegation to the United States*
42 *Congress.*

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46 On motion of Representative Spradley, the House adjourned until
47 10:00 a.m., February 25, 2002.

48 Approved:

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51 DOUG DEAN,
52 Speaker

53 Attest:
54
55 JUDITH RODRIGUE,
56 Chief Clerk