

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

Twenty-second Legislative Day Wednesday, January 30, 2002

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.
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--57.
8 Excused--Representatives Fritz, Hoppe--2.
9 Absent--Representatives Daniel, Garcia, Hefley, Madden,
10 Plant, Williams S.--6.
11 Present after roll call--Representatives Daniel, Garcia, Hefley,
12 Madden, Plant, Williams S.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Weddig, the reading of the journal of
18 January 29, 2002, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

THIRD READING OF BILL--FINAL PASSAGE

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23
24
25 The following bill was considered on Third Reading. The title was
26 publicly read. Reading of the bill at length was dispensed with by
27 unanimous consent.
28

29 **HB02-1141** by Representative(s) Miller; also Senator(s) Chlouber--
30 Concerning the public announcement by the court at
31 sentencing of the minimum range of actual imprisonment
32 that a defendant can be expected to serve.
33

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

	YES 61	NO 0	EXCUSED 3	ABSENT 1				
40 Alexander	Y		Groff	Y	Marshall	Y	Spence	Y
41 Bacon	Y		Grossman	Y	Miller	Y	Spradley	Y
42 Berry	Y		Harvey	Y	Mitchell	Y	Stafford	Y
43 Borodkin	Y		Hefley	Y	Paschall	Y	Stengel	Y

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

14
15
16 **Third Reading amendment No. 1**, by Representative Hefley.

17
18 Amend engrossed bill, page 2, strike lines 16 through 26 and substitute
19 the following:

20
21 "(2) (a) IF A COURT SENTENCES A DEFENDANT TO THE CUSTODY OF
22 THE DEPARTMENT OF CORRECTIONS, THE COURT SHALL, AFTER FIXING A
23 DEFINITE TERM OF IMPRISONMENT, READ THE FOLLOWING STATEMENT:

24
25 "I NEED TO ADVISE YOU THAT THE ACTUAL TIME THE DEFENDANT
26 WILL SPEND IN THE DEPARTMENT OF CORRECTIONS PRIOR TO
27 RELEASE ON COMMUNITY CORRECTIONS OR PAROLE WILL BE
28 DETERMINED BY THE DEPARTMENT OF CORRECTIONS AFTER
29 CONSIDERING A NUMBER OF FACTORS INCLUDING:

- 30
31 • THE DEFENDANT'S CRIMINAL HISTORY;
32 • ELIGIBILITY FOR EARNED TIME OR CORRECTIONAL
33 EDUCATION PROGRAM TIME;
34 • CREDIT FOR TIME SERVED.
35

36 IN MANY INSTANCES, A PRISONER WILL SERVE A MINIMUM OF
37 THIRTY-SEVEN AND ONE-HALF PERCENT (37.5%) OF HIS OR HER
38 SENTENCE. MINIMUM SENTENCES OF FIFTY PERCENT (50%) OR
39 SEVENTY-FIVE PERCENT (75%) MAY APPLY DEPENDING UPON
40 INDIVIDUAL CIRCUMSTANCES."
41

42 (b) BY REQUIRING THE COURT TO READ THE STATEMENT
43 CONTAINED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE GENERAL
44 ASSEMBLY DOES NOT INTEND TO GRANT ANY ADDITIONAL RIGHTS TO THE
45 DEFENDANT. FAILURE OF A COURT TO COMPLY WITH THE REQUIREMENTS
46 OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT BE GROUNDS FOR
47 A DEFENDANT TO WITHDRAW A GUILTY PLEA OR IN ANY WAY GAIN A
48 REVERSAL OF A CONVICTION OR REDUCTION IN SENTENCE."
49

50 Page 3, strike lines 1 and 2;

51
52 line 3, strike "STATISTICAL BASIS DESCRIBED" and substitute "STATISTICS
53 SET FORTH" and strike "PARAGRAPH";

54
55 line 4, strike "(b) OF".
56

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

	YES 61	NO 0	EXCUSED 3	ABSENT 1			
5	Alexander	Y	Groff	Y	Marshall	Y	Spence Y
6	Bacon	Y	Grossman	Y	Miller	Y	Spradley Y
7	Berry	Y	Harvey	Y	Mitchell	Y	Stafford Y
8	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel Y
9	Boyd	Y	Hodge	Y	Plant	Y	Swenson Y
10	Cadman	Y	Hoppe	E	Ragsdale	Y	Tapia Y
11	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop Y
12	Clapp	Y	Jameson	Y	Rippy	Y	Veiga Y
13	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil Y
14	Coleman	Y	Kester	Y	Saliman	Y	Webster Y
15	Crane	Y	King	E	Sanchez	Y	Weddig Y
16	Daniel	Y	Larson	Y	Schultheis	Y	White Y
17	Decker	Y	Lawrence	Y	Scott	Y	Williams S. -
18	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T. Y
19	Fritz	E	Mace	Y	Smith	Y	Witwer Y
20	Garcia	Y	Madden	Y	Snook	Y	Young Y
21							Mr. Speaker Y

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

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

49 Co-sponsors added: Representatives Alexander, Borodkin, Boyd, Cloer,
 50 Coleman, Crane, Daniel, Garcia, Groff, Hefley, Hodge, Jahn, Kester, Larson,
 51 Lawrence, Lee, Mace, Madden, Marshall, Paschall, Ragsdale, Rippy, Romanoff,
 52 Schultheis, Smith, Snook, Spence, Spradley, Stafford, Stengel, Swenson, Tapia,
 53 Tochtrop, Veiga, Weddig, Young, Mr. Speaker.

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CONSIDERATION OF RESOLUTIONS

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HJR02-1009 by Representative(s) Coleman, Scott, Vigil, Williams T., Bacon, Marshall, Miller, Spradley, Tapia, Tochtrop, Young; also Senator(s) Taylor, Anderson, Takis, Tupa, Cairns, Reeves, Windels--Concerning the appointment of Joanne Hill to the position of state auditor.

(Printed and placed in member's file, also printed in House Journal, January 28, pages 191-192.)

On motion of Representative Coleman, the resolution was read at length and **adopted** by the following roll call vote:

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

Co-sponsors added: Representatives Hodge, Mace, Ragsdale, Stafford.

HJR02-1011 by Representative(s) Lee; also Senator(s) Anderson-- Concerning honoring the 1999 and 2000 Columbine High School football teams for winning the State 5A Championship.

(Printed and placed in member's file, also printed in House Journal, January 29, pages 219-220.)

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

Co-sponsors added: Roll call of the House.

HJR02-1012 by Representative(s) Lee; also Senator(s) Fitz-Gerald-- Concerning congratulating the 2001 Chatfield High School football team on winning the State 5A Championship.

1 (Printed and placed in member's file, also printed in House Journal,
2 January 29, pages 220-221.)
3

4 On motion of Representative Lee, the resolution was read at length and
5 **adopted by viva voce** vote.
6

7 Co-sponsors added: Roll call of the House.
8
9

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11 House in recess. House reconvened.
12
13

14 **REPORTS OF COMMITTEES OF REFERENCE**

15 **BUSINESS AFFAIRS & LABOR**

16
17 **BUSINESS AFFAIRS & LABOR**
18 After consideration on the merits, the Committee recommends the
19 following:
20

21 **HB02-1136** be amended as follows, and as so amended, be referred to
22 the Committee of the Whole with favorable
23 recommendation:
24

25 Amend printed bill, page 3, line 2, strike "Article 18 of title 6," and
26 substitute "Part 1 of article 18 of title 6, part 2 of article 18 of title 6, part
27 4 of article 18 of title 6,".
28

29 Page 4, line 4, before "and", insert "(1) (c),".
30

31 Page 5, after line 3, insert the following:
32

33 ~~"(c) The boxes used for deposit of securities pursuant to~~
34 ~~paragraph (a) of this subsection (1) shall be in the vault of a trust~~
35 ~~company, safe deposit company, or bank in the city and county of~~
36 ~~Denver, to be selected by the commissioner and the insurance companies~~
37 ~~shall pay the several fees for such boxes.".~~
38

39 Page 21, after line 24, insert the following:
40

41 **"SECTION 12.** 10-16-310 (2), Colorado Revised Statutes, is
42 amended to read:
43

44 **10-16-310. Surplus - guarantee fund deposit - regulations.**

45 (2) The cash or securities representing the guarantee fund required by
46 this section shall be deposited with the commissioner ~~under joint control~~
47 in the same manner as prescribed in sections 10-3-206, 10-3-210, and
48 10-3-211.
49

50 **SECTION 13.** 10-16-412 (1), Colorado Revised Statutes, is
51 amended to read:
52

53 **10-16-412. Statutory deposit.** (1) Unless otherwise provided in
54 subsections (2) and (3) of this section, each health maintenance
55 organization shall furnish cash or securities acceptable to the
56 commissioner to be held by the commissioner ~~under joint control~~ in the

1 same manner as prescribed in sections 10-3-206, 10-3-210, and 10-3-211.
2 The primary purpose of this deposit shall be to protect the interests of the
3 enrollees and to assure continuation of health care services to enrollees
4 of a health maintenance organization and to cover reasonable
5 administration costs attributed to rehabilitation, liquidation, or
6 conservation under section 10-16-418."

7
8 Renumber succeeding sections accordingly.

9
10 Page 22, after line 7, insert the following:

11
12 **"SECTION 15.** 10-16-505 (2), Colorado Revised Statutes, is
13 amended to read:

14
15 **10-16-505. Guarantee fund deposit.** (2) The cash or securities
16 representing the guarantee fund required by this section shall be deposited
17 with the commissioner ~~under joint control~~ in the same manner as
18 prescribed in sections 10-3-206, 10-3-210, and 10-3-211."

19
20 Renumber succeeding sections accordingly.

21
22 Page 26, strike lines 10 through 13.

23
24 Renumber succeeding subsections accordingly.

25
26 Page 30, line 6, strike "PROVIDED" and substitute "SO LONG AS".

27
28 Page 31, line 24, strike "10-16-917" and substitute "10-16-914".

29
30 Page 40, line 5, strike "10-16-902 (1) (c);" and substitute "10-16-903 (1)
31 (c);".

32
33 Page 51, strike lines 26 and 27.

34
35 Strike pages 52 through 55.

36
37 Page 56, strike lines 1 through 9.

38
39 Renumber succeeding C.R.S. sections accordingly.

40
41 Page 60, line 27, strike "10-16-902 (4)," and substitute "6-18-301.5 (1),".

42
43 Page 62, after line 13, insert the following:

44
45 **"SECTION 27.** Part 3 of article 18 of title 6, Colorado Revised
46 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
47 read:

48
49 **6-18-301.5 Definitions.** AS USED IN THIS PART 3, UNLESS THE
50 CONTEXT OTHERWISE REQUIRES:

51
52 (1) "LICENSED PROVIDER NETWORK" OR "LICENSED INDIVIDUAL
53 PROVIDER" MEANS A PROVIDER NETWORK OR INDIVIDUAL PROVIDER THAT
54 IS AUTHORIZED TO TRANSACT INSURANCE BUSINESS PURSUANT TO THIS
55 TITLE.

56

1 (2) "PROVIDER" MEANS A STATE-LICENSED, STATE-CERTIFIED, OR
2 STATE-AUTHORIZED FACILITY OR A PRACTITIONER DELIVERING HEALTH
3 CARE SERVICES TO INDIVIDUALS.

4
5 (3) "PROVIDER NETWORK" MEANS A GROUP OF HEALTH CARE
6 PROVIDERS FORMED TO PROVIDE HEALTH CARE SERVICES TO INDIVIDUALS.

7
8 **SECTION 28.** 6-18-302 (1) (b) (II), Colorado Revised Statutes,
9 is amended to read:

10
11 **6-18-302. Creation of provider networks - requirements.**

12 (1) (b) (II) The fact that a provider network or individual provider has a
13 capitated contract or other agreement with a carrier, pursuant to which the
14 provider network or individual provider shares some of the risk of
15 providing services to groups or individuals covered under a health care
16 coverage plan issued by a carrier, shall not, in and of itself, be grounds
17 for a determination by the commissioner of insurance that the provider
18 network or individual provider is engaged in the transaction of insurance
19 business. ~~so long as an officer of the provider network or individual~~
20 ~~provider annually files a statement certifying that the network or provider~~
21 ~~is not engaged in the transaction of insurance business, as defined in~~
22 ~~section 10-3-903, C.R.S."~~

23
24 Renumber succeeding sections accordingly.

25
26
27
28 **HB02-1154** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31
32 Amend printed bill, page 3, strike lines 11 through 13 and substitute the
33 following:

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

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47
48 **CIVIL JUSTICE & JUDICIARY**

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

51
52 **HB02-1009** be amended as follows, and as so amended, be referred to
53 the Committee on Appropriations with favorable
54 recommendation:

55
56 Amend printed bill, page 3, line 14, after "OR", insert "WITHIN TWELVE

1 MONTHS";

2

3 line 16, after "(b)", insert "(I)";

4

5 line 19, strike "MISDEMEANOR," and substitute "MISDEMEANOR OTHER
6 THAN THE ORIGINAL OFFENSE,";

7

8 line 22, strike "FELONY OTHER THAN THE ORIGINAL OFFENSE," and
9 substitute "FELONY,";

10

11 strike line 25 and substitute the following:

12

13 "SHALL NOT BE DISMISSED BY THE COURT.

14

15 (II) ANY MOTION TO MODIFY A RESTRAINING ORDER FILED BY A
16 RESTRAINED PARTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
17 (17.5) SHALL BE ACCOMPANIED BY THE RESULTS OF A CERTIFIED,
18 FINGERPRINT-BASED CRIMINAL HISTORY CHECK. THE FINGERPRINT-BASED
19 CRIMINAL HISTORY CHECK SHALL INCLUDE ARRESTS, CONVICTION
20 RECORDS, ANY CRIMINAL DISPOSITIONS REFLECTED IN THE COLORADO
21 BUREAU OF INVESTIGATION AND FEDERAL BUREAU OF INVESTIGATION
22 RECORDS, FINGERPRINT PROCESSING BY THE FEDERAL BUREAU OF
23 INVESTIGATION AND THE COLORADO BUREAU OF INVESTIGATION, AND A
24 QUERY OF THE RESTRAINING ORDER REGISTRY. THE MOVING PARTY SHALL
25 BE RESPONSIBLE FOR PROVIDING CERTIFIED COPIES OF ANY CRIMINAL
26 DISPOSITIONS THAT ARE NOT REFLECTED IN THE COLORADO BUREAU OF
27 INVESTIGATION OR FEDERAL BUREAU OF INVESTIGATION RECORDS AND
28 ANY OTHER DISPOSITIONS THAT ARE UNKNOWN. THE MOVING PARTY
29 SHALL BE RESPONSIBLE FOR SUPPLYING FINGERPRINTS TO THE COLORADO
30 BUREAU OF INVESTIGATION AND FOR OBTAINING THE FINGERPRINT-BASED
31 CRIMINAL HISTORY CHECK. THE MOVING PARTY SHALL ALSO BE
32 RESPONSIBLE FOR THE COST OF THE FINGERPRINT-BASED CRIMINAL
33 HISTORY CHECK.

34

35 (c) EXCEPT AS OTHERWISE".

36

37 Reletter succeeding paragraphs accordingly.

38

39 Page 4, line 6, strike "PERSONALLY SERVE" and substitute "AFFECT
40 PERSONAL SERVICE ON";

41

42 line 12, after the period, add "IF THE PROTECTED PARTY HAS REQUESTED
43 THAT HIS OR HER ADDRESS BE KEPT CONFIDENTIAL, THE COURT SHALL NOT
44 DISCLOSE SUCH INFORMATION TO THE RESTRAINED PARTY OR ANY OTHER
45 PERSON, EXCEPT AS OTHERWISE AUTHORIZED BY LAW.".

46

47

48

49 **HB02-1168** be amended as follows, and as so amended, be referred to
50 the Committee on Finance with favorable
51 recommendation:

52

53 Amend printed bill, page 2, line 13, after the period add:

54

55 "IF AN ADOPTIVE PARENT OR AN ADOPTED PERSON MAKES SUCH A
56 REQUEST, THE STATE REGISTRAR SHALL PRODUCE ONE CERTIFICATE OF

1 BIRTH MARKED WITH THE LANGUAGE INDICATED IN THIS SUBSECTION
2 (b)AND ONE WITHOUT SUCH LANGUAGE.

3

4 (c) THE OFFICE OF VITAL RECORDS IN THE DEPARTMENT OF HEALTH
5 SHALL DEVELOP RULES TO ENSURE THAT THE ADOPTIVE PARENT'S DECISION
6 TO INCLUDE SUCH INFORMATION, IN SUBSECTION (b) OF THIS SECTION, IS
7 MADE KNOWINGLY, INCLUDING HAVING A SEPARATE SIGNATURE LINE
8 VERIFYING SUCH CHOICE."

9

10

11

12

13 **CRIMINAL JUSTICE**

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

16

17 **HB02-1038** be referred favorably to the Committee on Appropriations.

18

19

20 **HB02-1079** be referred favorably to the Committee on Appropriations.

21

22

23 **HB02-1116** be amended as follows, and as so amended, be referred to
24 the Committee on Appropriations with favorable
25 recommendation:

26

27 Amend printed bill, page 3, line 13, strike "REASONABLE AND PROPER"
28 and substitute "LAWFUL";

29

30 line 14, after "PERSON", insert "IN A LAWFUL MANNER".

31

32

33

34 **HB02-1132** be referred to the Committee of the Whole with favorable
35 recommendation.

36

37

38 **HB02-1167** be referred favorably to the Committee on Appropriations.

39

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42

43 **INFORMATION & TECHNOLOGY**

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

46

47 **HB02-1075** be amended as follows, and as so amended, be referred to
48 the Committee on Appropriations with favorable
49 recommendation:

50

51 Amend printed bill, strike everything below the enacting clause and
52 substitute the following:

53

54 "SECTION 1. 2-2-307 (3) (a) (IV), Colorado Revised Statutes,
55 is amended to read:

56

1 **2-2-307. Compensation of members - reimbursement of**
2 **expenses.** (3) (a) When the general assembly is in recess for more than
3 three days or is not in session, in addition to the base compensation
4 specified in subsection (1) of this section, the following members of the
5 general assembly shall be entitled to the further sum of ninety-nine
6 dollars per day for necessary attendance at meetings or functions or to
7 legislative matters as follows:

8
9 (IV) (A) Except as provided in sub-subparagraph (B) of this
10 subparagraph (IV), any member of a JOINT committee of reference
11 designated pursuant to section 2-3-1201 OR OF A COMMITTEE OF
12 REFERENCE who attends a meeting of the JOINT committee of reference or
13 THE COMMITTEE OF REFERENCE OR who attends a meeting of the joint
14 budget committee when it is considering matters for which the member's
15 JOINT COMMITTEE OF REFERENCE OR committee of reference has oversight
16 responsibility, or, with the approval of the chairperson, who attends a
17 state function or a function at a state institution or state agency at which
18 matters concerning the committee are considered. The executive
19 committee of the legislative council may establish guidelines for the
20 payment of per diem to members of a JOINT COMMITTEE OF REFERENCE OR
21 A committee of reference who attend meetings of the joint budget
22 committee as allowed by this subparagraph (IV).

23
24 (B) If a member of the current general assembly is appointed
25 when the general assembly is in recess for more than three days or is not
26 in session to serve on a JOINT COMMITTEE OF REFERENCE OR A committee
27 of reference for the next regular session of the general assembly, such
28 member shall thereafter only be entitled to compensation pursuant to this
29 subparagraph (IV) as a member of a JOINT COMMITTEE OF REFERENCE OR
30 A committee of reference upon which the member has been appointed to
31 serve during the next regular session of the general assembly and shall
32 not be entitled to compensation pursuant to this subparagraph (IV) as a
33 member of a JOINT COMMITTEE OF REFERENCE OR A committee of
34 reference upon which the member served during the most recently
35 completed regular session of the general assembly but upon which the
36 member is not appointed to serve during the next regular session of the
37 general assembly.

38
39 (C) For purposes of this subparagraph (IV), "member" includes
40 an appointee to a JOINT COMMITTEE OF REFERENCE OR A committee of
41 reference designated by the appointing authority as provided by the
42 applicable rules of the house of representatives and senate respectively
43 prior to the convening of the general assembly at which such member is
44 to serve, whether such appointee is a member of the then current general
45 assembly or member-elect of the next general assembly, or both.

46
47 **SECTION 2.** 2-3-1201 (1), Colorado Revised Statutes, is
48 amended to read:

49
50 **2-3-1201. Sunrise and sunset review - designation of joint**
51 **committees of reference to conduct review.** (1) (a) At the convening
52 of the first regular session of each general assembly, the speaker of the
53 house of representatives and the president of the senate shall each
54 designate one or more ~~house~~ JOINT committees of reference ~~for~~
55 ~~even-numbered years and one or more senate committees of reference for~~
56 ~~odd-numbered years~~ to perform the duties and functions assigned to it

1 relating to the termination of each division, board, or agency pursuant to
2 the provisions of section 24-34-104, C.R.S., and the duties and functions
3 assigned to it by this part 12 relating to the sunset review of advisory
4 committees, AND THE DUTIES AND FUNCTIONS ASSIGNED TO IT RELATING
5 TO THE SUNRISE REVIEW OF NEW REGULATION OF OCCUPATIONS AND
6 PROFESSIONS UNDER SECTION 24-34-104.1, C.R.S. ~~The committees of~~
7 ~~reference designated by the speaker of the house of representatives to~~
8 ~~conduct reviews under this section in even-numbered years and the~~
9 ~~committees of reference designated by the president of the senate to~~
10 ~~conduct such reviews in odd-numbered years.~~ THE RESPECTIVE
11 COMMITTEES COMPOSING THE JOINT COMMITTEE OF REFERENCE shall ALSO
12 be the committees of reference for any bills introduced under sections
13 2-3-1203, and 24-34-104, AND 24-34-104.1, C.R.S., during any regular
14 or extraordinary session of the general assembly.
15

16 (b) WHEN CONSIDERING BILLS INTRODUCED UNDER SECTIONS
17 2-3-1203, 24-34-104, AND 24-34-104.1, C.R.S., THE COMMITTEES OF
18 REFERENCE THAT COMPOSED A JOINT COMMITTEE OF REFERENCE ON A BILL
19 UNDER CONSIDERATION DURING ANY REGULAR OR EXTRAORDINARY
20 SESSION SHALL ALSO CONSIDER THE STAFF SUMMARY OF ANY HEARING
21 CONDUCTED ON THE BILL BY THE JOINT COMMITTEE OF REFERENCE. The
22 speaker of the house of representatives may AND THE PRESIDENT OF THE
23 SENATE SHALL authorize one or more ~~house~~ JOINT committees of
24 reference and ~~the president of the senate may authorize one or more~~
25 ~~senate committees of reference~~ to conduct hearings prior to the convening
26 of any regular session of the general assembly. THE SPEAKER OF THE
27 HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL
28 AGREE ON AND ASSIGN SUNRISE AND SUNSET REVIEWS TO APPROPRIATE
29 COMMITTEES OF REFERENCE OF THE HOUSE OF REPRESENTATIVES AND THE
30 SENATE. THE COMMITTEES OF REFERENCE TO WHICH SUCH REVIEWS ARE
31 ASSIGNED SHALL MEET AS JOINT COMMITTEES OF REFERENCE TO CONDUCT
32 SUNRISE AND SUNSET REVIEWS. HEARINGS OF JOINT COMMITTEES OF
33 REFERENCE APPOINTED UNDER THIS SUBSECTION (1) SHALL OCCUR
34 BETWEEN SEPTEMBER 15 AND DECEMBER 1 OF EACH YEAR. IN
35 ODD-NUMBERED YEARS THE SPEAKER SHALL APPOINT THE CHAIR OF THE
36 JOINT COMMITTEES OF REFERENCE CONSTITUTED UNDER THIS SUBSECTION
37 (1), AND IN EVEN-NUMBERED YEARS THE PRESIDENT SHALL APPOINT THE
38 CHAIR OF SUCH JOINT COMMITTEES OF REFERENCE. A SIMPLE MAJORITY OF
39 THE TOTAL NUMBER OF MEMBERS OF EACH JOINT COMMITTEE OF
40 REFERENCE SHALL CONSTITUTE A QUORUM FOR CONDUCTING BUSINESS.
41

42 (c) (I) FOR THE JOINT COMMITTEES OF REFERENCE APPOINTED IN
43 2002, THE ASSIGNMENTS REQUIRED BY THIS SUBSECTION (1) AND
44 DESIGNATION OF JOINT COMMITTEE CHAIRS SHALL OCCUR NO LATER THAN
45 SEPTEMBER 15, 2002.
46

47 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2003.
48

49 **SECTION 3.** 2-3-1202, Colorado Revised Statutes, is amended
50 to read:
51

52 **2-3-1202. Staff assistance.** In carrying out duties under section
53 24-34-104, C.R.S., and this part 12, any JOINT committee designated
54 pursuant to section 2-3-1201 may request staff assistance from the
55 legislative council, created by part 3 of this article.
56

1 **SECTION 4.** 2-3-1203 (2) (a), (2) (b) (III), (2) (c), (2) (d), and
2 (2) (e), Colorado Revised Statutes, are amended to read:

3
4 **2-3-1203. Sunset review of advisory committees.** (2) (a) A
5 JOINT legislative committee of reference designated pursuant to section
6 2-3-1201 shall consider whether to continue or to continue with
7 modification any advisory committee ~~which~~ THAT is scheduled to have its
8 statutory authorization repealed and may recommend the consideration
9 of a bill as it deems necessary to effect such continuation.

10
11 (b) (III) The department of regulatory agencies shall conduct an
12 analysis and evaluation of the performance of each division, board, or
13 agency or each function scheduled for termination under this section.
14 The department of regulatory agencies shall submit a report containing
15 such analysis and evaluation to the office of legislative legal services by
16 ~~October 15~~ SEPTEMBER 15 of the year preceding the date established for
17 termination.

18
19 (c) A JOINT legislative committee of reference designated pursuant
20 to section 2-3-1201 shall conduct hearings for each advisory committee
21 that submits the information required by paragraph (b) of this subsection
22 (2) DURING THE INTERIM PERIOD PRECEDING EACH REGULAR SESSION OF
23 THE GENERAL ASSEMBLY BETWEEN SEPTEMBER 15 AND DECEMBER 1 OF
24 EACH YEAR.

25
26 ~~(d) A bill recommended for consideration under this subsection~~
27 ~~(2) shall be introduced in the house of representatives in even-numbered~~
28 ~~years and in the senate in odd-numbered years.~~

29
30 (e) A bill recommended for consideration under this subsection
31 (2) shall BE SPONSORED BY A HOUSE AND SENATE MEMBER AS SPECIFIED
32 PURSUANT TO SECTION 24-34-104 (9) (c) (II), C.R.S., BUT SHALL not be
33 counted against the number of bills to which the ~~sponsor~~ SPONSORS ARE
34 limited by any law or joint rule of the senate and house of representatives.

35
36 **SECTION 5.** 24-34-104 (8) (a) (I), (8) (a) (II), (9) (a), (9) (c), (9)
37 (c.3), (9) (d), and (21.1), Colorado Revised Statutes, are amended to read:

38
39 **24-34-104. General assembly review of regulatory agencies and**
40 **functions for termination, continuation, or reestablishment.**

41 (8) (a) (I) The department of regulatory agencies shall conduct an
42 analysis and evaluation of the performance of each division, board, or
43 agency or each function scheduled for termination under this section. In
44 conducting the analysis and evaluation, the department of regulatory
45 agencies shall take into consideration, but need not be limited to
46 considering, the factors listed in paragraph (b) of subsection (9) of this
47 section. The department of regulatory agencies shall submit a report and
48 supporting materials to the office of legislative legal services no later than
49 ~~October 15~~ SEPTEMBER 15 of the year preceding the date established for
50 termination, and a copy of said report shall be made available to each
51 member of the general assembly NO LATER THAN TEN DAYS BEFORE A
52 SCHEDULED HEARING OF A JOINT COMMITTEE OF REFERENCE.

53
54 ~~(II) The department of regulatory agencies shall submit its report~~
55 ~~to the office of legislative legal services for the preparation of draft~~
56 ~~legislation based solely on specific recommendations for legislation~~

1 contained in such report. Such report shall be submitted, no later than
2 October 15 of the year preceding the date established for termination, to
3 the office of legislative legal services for the preparation of draft
4 legislation. Such draft legislation shall be prepared by the office of
5 legislative legal services prior to the next regular session of the general
6 assembly for the committee of reference designated pursuant to section
7 2-3-1201, C.R.S., and shall be submitted with the report of the
8 department of regulatory agencies by the office of legislative legal
9 services to the committee of reference designated pursuant to section
10 2-3-1201, C.R.S. The committee of reference designated pursuant to
11 section 2-3-1201, C.R.S., shall determine the title of any legislation
12 drafted pursuant to this subparagraph (H).
13

14 (9) (a) Prior to the termination, continuation, or reestablishment
15 of an agency or function, AND DURING THE INTERIM PERIOD PRECEDING
16 EACH REGULAR SESSION BETWEEN SEPTEMBER 15 AND DECEMBER 1, a
17 JOINT legislative committee of reference designated pursuant to section
18 2-3-1201, C.R.S., shall hold public hearings. to receive testimony from
19 the public, the executive director of the department of regulatory
20 agencies, and the agencies involved AT SUCH HEARINGS, THE JOINT
21 LEGISLATIVE COMMITTEE OF REFERENCE SHALL CONSIDER THE REPORT
22 PROVIDED BY THE DEPARTMENT OF REGULATORY AGENCIES AND SHALL
23 RECEIVE ANY TESTIMONY FROM THE PUBLIC AND THE EXECUTIVE DIRECTOR
24 OF THE DEPARTMENT OF REGULATORY AGENCIES. BASED ON SUCH
25 INFORMATION, THE JOINT LEGISLATIVE COMMITTEE OF REFERENCE SHALL
26 CONSIDER THE FACTORS AND TESTIMONY SET FORTH IN PARAGRAPH (b) OF
27 THIS SUBSECTION (9) AND DETERMINE WHETHER AN AGENCY OR FUNCTION
28 SHOULD BE TERMINATED, CONTINUED, OR REESTABLISHED, AND WHETHER
29 ITS FUNCTIONS SHOULD BE REVISED AND, IF DEEMED ADVISABLE,
30 RECOMMEND THE CONSIDERATION OF A PROPOSED BILL TO CARRY OUT ITS
31 RECOMMENDATIONS. In such hearing, each agency shall have the burden
32 of demonstrating a public need for continued existence of the agency or
33 function and that its regulation is the least restrictive regulation consistent
34 with the public interest.
35

36 (c) A legislative committee of reference that conducts a review
37 pursuant to paragraph (a) of this subsection (9) shall determine whether
38 each agency or function should be terminated, continued, or reestablished
39 and whether its functions should be revised and, if deemed advisable,
40 may recommend the consideration of a proposed bill to carry out its
41 recommendations.
42

43 (c.3) (I) Bills recommended for consideration pursuant to
44 paragraph (c) of this subsection (9) shall be introduced in the house of
45 representatives in even numbered years and in the senate in odd
46 numbered years. The chair of each legislative committee of reference
47 that recommends a bill for consideration shall assign the proposed bill to
48 the following for sponsorship; except that no more than two such bills
49 shall be assigned to any one member of the general assembly:
50

51 (A) Members of the committee of reference; or
52

53 (B) Members of the general assembly who are not members of the
54 committee if approved by a majority vote of the committee's members.
55

56 (II) The speaker of the house of representatives shall assign the

1 ~~proposed bill to a representative for sponsorship in the house of~~
 2 ~~representatives in odd numbered years. The president of the senate shall~~
 3 ~~assign the proposed bill to a senator for sponsorship in the senate in even~~
 4 ~~numbered years~~ THE CHAIR OF A JOINT COMMITTEE OF REFERENCE SHALL
 5 ASSIGN A PROPOSED BILL TO MEMBERS OF THE JOINT COMMITTEE OF
 6 REFERENCE FOR SPONSORSHIP IN THE HOUSE OF REPRESENTATIVES AND
 7 THE SENATE. MEMBERS OF THE GENERAL ASSEMBLY WHO ARE NOT
 8 MEMBERS OF THE JOINT COMMITTEE OF REFERENCE MAY SPONSOR
 9 PROPOSED BILLS RECOMMENDED BY A JOINT COMMITTEE OF REFERENCE IF
 10 APPROVED BY A MAJORITY VOTE OF THE MEMBERS OF THE JOINT
 11 COMMITTEE OF REFERENCE. NO MORE THAN TWO BILLS FROM JOINT
 12 COMMITTEES OF REFERENCE CONDUCTING SUNRISE AND SUNSET REVIEWS
 13 SHALL BE ASSIGNED TO ANY ONE MEMBER OF THE GENERAL ASSEMBLY.
 14

15 ~~(d) Prior to the termination, continuation, reestablishment, or~~
 16 ~~revision of an agency's functions, a committee of reference in each house~~
 17 ~~of the general assembly designated pursuant to section 2-3-1201, C.R.S.,~~
 18 ~~shall hold a public hearing to consider the report provided by the~~
 19 ~~department of regulatory agencies and any bill recommended for~~
 20 ~~consideration pursuant to paragraph (c) of this subsection (9), said~~
 21 ~~hearing to include the factors and testimony set forth in paragraph (b) of~~
 22 ~~this subsection (9).~~
 23

24 (21.1) The Colorado manufactured housing licensing board,
 25 created by article 51.5 of title 12, C.R.S., was repealed, effective July 1,
 26 1992. However, a JOINT legislative committee of reference designated
 27 pursuant to section 2-3-1201, C.R.S., has continuing jurisdiction and may
 28 exercise discretion to review and recommend reestablishment of such
 29 board.
 30

31 **SECTION 6.** 24-34-104.1 (3) and (6), Colorado Revised Statutes,
 32 are amended to read:
 33

34 **24-34-104.1. General assembly sunrise review of new**
 35 **regulation of occupations and professions.** (3) The department of
 36 regulatory agencies shall conduct an analysis and evaluation of the
 37 proposed regulation. The analysis and evaluation shall be based upon the
 38 criteria listed in paragraph (b) of subsection (4) of this section. The
 39 department of regulatory agencies shall submit a report to the proponents
 40 of such regulation and to the general assembly no later than October 15
 41 TEN DAYS PRIOR TO A SCHEDULED HEARING OF A JOINT COMMITTEE OF
 42 REFERENCE, WHICH HEARING SHALL BE SCHEDULED TO OCCUR BETWEEN
 43 SEPTEMBER 15 AND DECEMBER 1 of the year following the year in which
 44 the proposed regulation was submitted.
 45

46 (6) WHEN A JOINT COMMITTEE OF REFERENCE APPROVES OF THE
 47 REGULATION OF A PROFESSIONAL OR OCCUPATIONAL GROUP AFTER A
 48 HEARING CONDUCTED PURSUANT TO THIS SECTION, the supporters of
 49 regulation of a SUCH professional or occupational group may request
 50 members of the general assembly to present appropriate legislation to the
 51 general assembly during each of the two regular sessions that
 52 immediately succeed the date of the report required pursuant to
 53 subsection (3) of this section without the supporters having to comply
 54 again with the provisions of subsections (2), (3), and (4) of this section
 55 SUCH APPROVAL. IF A JOINT COMMITTEE OF REFERENCE DISAPPROVES OF
 56 THE REGULATION OF A PROFESSIONAL OR OCCUPATIONAL GROUP, NO

1 PROPOSAL TO REGULATE SUCH PROFESSIONAL OR OCCUPATIONAL GROUP
2 MAY BE REVIEWED BY THE DEPARTMENT OF REGULATORY AGENCIES AND
3 NO LEGISLATION MAY BE PRESENTED BY OR ON BEHALF OF A JOINT
4 COMMITTEE OF REFERENCE TO THE GENERAL ASSEMBLY FOR A PERIOD OF
5 FOUR YEARS AFTER SUCH DISAPPROVAL UNLESS THE GENERAL ASSEMBLY
6 DETERMINES THAT THE PROTECTION OF THE PUBLIC PEACE, HEALTH, AND
7 SAFETY REQUIRES THE REGULATION OF SUCH A PROFESSIONAL OR
8 OCCUPATIONAL GROUP NOTWITHSTANDING THE PROVISIONS OF THIS
9 SUBSECTION (6). Bills introduced pursuant to this subsection (6) shall
10 count against the number of bills to which members of the general
11 assembly are limited by any joint rule of the senate and the house of
12 representatives. The general assembly shall not consider the regulation
13 of more than five occupations or professions in any one session of the
14 general assembly.

15
16 **SECTION 7.** 24-34-104.1 (4), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF THE FOLLOWING NEW
18 PARAGRAPHS to read:

19
20 **24-34-104.1. General assembly sunrise review of new**
21 **regulation of occupations and professions.** (4) (a.5) AFTER RECEIVING
22 THE REPORT REQUIRED BY SUBSECTION (3) OF THIS SECTION AND PRIOR TO
23 THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY, A JOINT
24 COMMITTEE OF REFERENCE DESIGNATED AS PROVIDED IN SECTION
25 2-3-1201, C.R.S., SHALL CONDUCT PUBLIC HEARINGS TO RECEIVE
26 TESTIMONY FROM THE PUBLIC, THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT OF REGULATORY AGENCIES, AND THE GROUP, ORGANIZATION,
28 OR INDIVIDUAL THAT SUBMITTED THE PROPOSAL FOR REGULATION.

29
30 (c.5) THE JOINT COMMITTEE OF REFERENCE SHALL REPORT ITS
31 FINDINGS AND RECOMMENDATIONS TO THE NEXT REGULAR SESSION OF THE
32 GENERAL ASSEMBLY. SUCH REPORT SHALL INCLUDE A FINDING AS TO
33 WHETHER REGULATION OF EACH OCCUPATION OR PROFESSION IS
34 NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND, IF REGULATION IS
35 DEEMED NECESSARY, THE COMMITTEE'S RECOMMENDATIONS AS TO WHAT
36 IS THE LEAST RESTRICTIVE TYPE OF REGULATION CONSISTENT WITH THE
37 PUBLIC INTEREST.

38
39 **SECTION 8.** 12-36-106 (3) (o), Colorado Revised Statutes, is
40 amended to read:

41
42 **12-36-106. Practice of medicine defined - exemptions from**
43 **licensing requirements - repeal.** (3) Nothing in this section shall be
44 construed to prohibit, or to require a license under this article with respect
45 to, any of the following acts:

46
47 (o) (I) The administration and monitoring of medications in
48 facilities as provided in section 25-1-107 (1) (ee), C.R.S.

49
50 (II) This paragraph (o) is repealed, effective July 1, 2009. Prior
51 to such repeal, the exemption to licensure requirement set forth in this
52 paragraph (o) shall be subject to review by a JOINT legislative committee
53 of reference designated pursuant to section 2-3-1201, C.R.S., to conduct
54 the review pursuant to section 24-34-104, C.R.S., and the provisions of
55 section 24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an
56 analysis and evaluation, public hearings, and claims by or against an

1 agency shall apply to the operation of the program specified in this
2 paragraph (o).

3
4 **SECTION 9.** 12-38-125 (1) (h), Colorado Revised Statutes, is
5 amended to read:

6
7 **12-38-125. Exclusions - repeal.** (1) No provision of this article
8 shall be construed to prohibit:

9
10 (h) (I) The administration and monitoring of medications in
11 facilities pursuant to section 25-1-107 (1) (ee), C.R.S.

12
13 (II) This paragraph (h) is repealed, effective July 1, 2009. Prior
14 to such repeal, the exclusion set forth in this paragraph (h) shall be
15 subject to review by a JOINT legislative committee of reference designated
16 pursuant to section 2-3-1201, C.R.S., to conduct the review pursuant to
17 section 24-34-104, C.R.S., and the provisions of section 24-34-104 (5) to
18 (12), C.R.S., concerning a wind-up period, an analysis and evaluation,
19 public hearings, and claims by or against an agency shall apply to the
20 operation of the program specified in this paragraph (h).

21
22 **SECTION 10.** The introductory portion to 24-34-901 (1) and
23 24-34-901 (1) (b), Colorado Revised Statutes, are amended to read:

24
25 **24-34-901. Proposed continuing education requirements for**
26 **regulated occupations and professions - review by office of executive**
27 **director.** (1) Before any bill is introduced in the general assembly that
28 contains, or any bill is amended to contain, a mandatory continuing
29 education requirement for any occupation or profession, the practice of
30 which requires a state of Colorado license, certificate, or registration, the
31 group or association proposing such mandatory continuing education
32 requirement shall first submit information concerning the need for such
33 a requirement to the office of the executive director of the department of
34 regulatory agencies BY JULY 1 OF THE YEAR PRECEDING THE SESSION
35 DURING WHICH THE BILL IS INTRODUCED. WITHIN THIRTY DAYS AFTER
36 RECEIPT OF A PROPOSAL, the executive director shall impartially review
37 such evidence, analyze and evaluate the proposal, and report in writing
38 to the general assembly whether mandatory continuing education would
39 likely protect the public served by the practitioners. Proposals may
40 include, but need not be limited to: Information that shows that the
41 knowledge base for the profession or occupation is changing; that
42 mandatory continuing education of this profession or occupation is
43 required in other states; if applicable, that any independent studies have
44 shown that mandatory continuing education is effective in assuring the
45 competency of practitioners. The proposal may also include any
46 assessment tool that shows the effectiveness of mandatory continuing
47 education and recommendations about sanctions that should be included
48 for noncompliance with the requirement of mandatory continuing
49 education. The provisions of this section shall not be applicable to:

50
51 (b) Any bill that is introduced as a result of a JOINT legislative
52 ~~interim~~ committee OF REFERENCE DESIGNATED PURSUANT TO SECTION
53 2-3-1201, C.R.S., and that as introduced in the general assembly includes
54 a mandatory continuing education requirement.

55
56 **SECTION 11.** 25-1-107 (1) (ee) (VI) (B), Colorado Revised

1 Statutes, is amended to read:

2

3 **25-1-107. Powers and duties of the department - repeal.**

4 (1) The department has, in addition to all other powers and duties
5 imposed upon it by law, the following powers and duties:

6

7 (ee) (VI) (B) Prior to such repeal, the program established by this
8 paragraph (ee) shall be subject to review by a JOINT legislative committee
9 of reference designated pursuant to section 2-3-1201, C.R.S., to conduct
10 the review pursuant to section 24-34-104, C.R.S., and the provisions of
11 section 24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an
12 analysis and evaluation, public hearings, and claims by or against an
13 agency shall apply to the operation of the program specified in this
14 paragraph (ee). Such review shall include an examination of the
15 regulatory process that governs facilities using trained but unlicensed
16 persons to monitor and administer medication.

17

18 **SECTION 12.** 25-7-109.2 (6), Colorado Revised Statutes, is
19 amended to read:

20

21 **25-7-109.2. Small business stationary source technical and
22 environmental compliance assistance program - repeal.** (6) The

23 general assembly finds, determines, and declares that this section is
24 enacted for purposes of compliance with the provisions of section 507 of
25 the federal act. Subsections (2), (3), and (4) of this section and this
26 subsection (6) are repealed, effective July 1, 2007. Prior to said repeal,
27 the compliance advisory panel shall be reviewed by a JOINT legislative
28 committee of reference, designated pursuant to section 2-3-1201, C.R.S.,
29 to conduct the review pursuant to section 24-34-104, C.R.S.

30

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

40

41

42

43 **HB02-1086** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:

46

47 Amend printed bill, page 2, after line 11, insert the following:

48

49 **"SECTION 2.** 29-11-104 (2) (a) (I) (C) and (2) (a) (I) (D),
50 Colorado Revised Statutes, are amended, and the said 29-11-104 (2) (a)
51 (I) is further amended BY THE ADDITION OF A NEW
52 SUB-SUBPARAGRAPH, to read:

53

54 **29-11-104. Agreements or contracts for emergency telephone
55 service - use of funds collected.** (2) (a) (I) Except as otherwise provided
56 in paragraphs (b) and (c) of this subsection (2), funds collected from the

1 charges imposed pursuant to this article shall be spent solely to pay for:

2
3 (C) Reimbursement of the costs of wireless carriers and BESPs
4 for equipment changes necessary for the provision or transmission of
5 wireless ANI or wireless ALI to a public safety answering point; and

6
7 (D) ~~Other costs, excluding personnel costs, directly related to the~~
8 ~~continued operation of the emergency telephone service.~~ COSTS RELATED
9 TO THE PROVISION OF EMERGENCY NOTIFICATION SERVICE; AND

10
11 (E) OTHER COSTS, EXCLUDING PERSONNEL COSTS, DIRECTLY
12 RELATED TO THE CONTINUED OPERATION OF THE EMERGENCY TELEPHONE
13 SERVICE.".

14
15 Renumber succeeding section accordingly.

16
17 Page 1, strike line 101 and substitute the following:

18 "**CONCERNING THE USE OF MONEYS COLLECTED AS A RESULT OF**
19 **EMERGENCY 9-1-1 CHARGES TO FUND THE PROVISION OF EMERGENCY**
20 **NOTIFICATION SERVICE.**".

21
22
23
24 **HB02-1119** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:

27
28 Amend printed bill, page 5, strike lines 15 and 16;

29
30 line 18, after "ELECTRONICALLY.", insert "WHEN SUCH ENDORSEMENT IS
31 MADE ELECTRONICALLY, THE ENDORSEMENT SHALL BE IMMEDIATELY
32 PERCEPTIBLE AND REPRODUCIBLE. ANY DOCUMENT THAT IS RECEIVED
33 ELECTRONICALLY SHALL BE RECORDED BY THE END OF THE DAY THAT THE
34 DOCUMENT IS RECEIVED IF THE DOCUMENT IS RECEIVED BY 3 P.M. ON A
35 BUSINESS DAY OR BY THE END OF THE NEXT BUSINESS DAY IF THE
36 DOCUMENT IS NOT RECEIVED ON A BUSINESS DAY OR IT IS RECEIVED AFTER
37 3 P.M. ON A BUSINESS DAY.".

38
39 Page 6, line 2, after "(5)", insert "A CLERK AND RECORDER WHO DECIDES
40 TO ACCEPT ELECTRONIC FILINGS SHALL ESTABLISH PROCEDURES FOR SUCH
41 ELECTRONIC FILINGS. SUCH PROCEDURES SHALL NOT BE ESTABLISHED
42 UNTIL THE CLERK AND RECORDER HAS CONSIDERED THE
43 RECOMMENDATIONS MADE BY THE CLERK AND RECORDER ELECTRONIC
44 FILING TECHNOLOGY FUND ADVISORY PANEL ISSUED PURSUANT TO
45 SECTION 30-10-423 (4). NO ELECTRONIC FILINGS SHALL BE ACCEPTED BY
46 THE CLERK AND RECORDER UNTIL THE CLERK AND RECORDER HAS
47 ESTABLISHED AND MADE PUBLICALLY AVAILABLE THE PROCEDURES FOR
48 ELECTRONIC FILINGS.";

49
50 line 4, after "FILINGS.", insert "NOTHING IN THIS ARTICLE SHALL BE
51 INTERPRETED TO REQUIRE ANY CLERK AND RECORDER TO ACCEPT
52 ELECTRONIC FILINGS. NOTHING IN THIS ARTICLE SHALL ABRIDGE THE
53 POWER OF ANY CLERK AND RECORDER TO ACCEPT OR REJECT ELECTRONIC
54 FILINGS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 38-35-202,
55 C.R.S.";

56

1 line 21, strike "FILING." and substitute "FILING TO BE UTILIZED TO DEFRAY
2 THE COST OF PROVIDING ELECTRONIC FILING AND RECORDING
3 CAPABILITIES."
4

5 Page 8, after line 24, insert the following:
6

7 "(4) THE PANEL SHALL RECOMMEND PROCEDURES TO THE CLERKS
8 AND RECORDERS FOR ELECTRONIC FILINGS AND RECORDINGS. SUCH
9 RECOMMENDATIONS SHALL BE MADE NO LATER THAN OCTOBER 1, 2002."
10

11 Renumber succeeding subsections accordingly.
12
13
14

15 **HB02-1133** be postponed indefinitely.
16
17

18 **HB02-1144** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:
21

22 Amend printed bill, page 2, line 18, after "DATE", insert ", OR BOTH,".
23

24 Page 3, line 1, strike "THIS" and substitute "EXCEPT AS PROVIDED IN
25 PARAGRAPH (c) OF THIS SUBSECTION (5), THIS";
26

27 line 6, strike "ON" and substitute "EXCEPT AS PROVIDED IN PARAGRAPH (c)
28 OF THIS SUBSECTION (5), ON";
29

30 after line 10, insert the following:
31

32 "(c) ON AND AFTER JANUARY 1, 2005, THIS SECTION SHALL APPLY
33 TO:
34

35 (I) INSTITUTIONS OF HIGHER EDUCATION; AND
36

37 (II) PERSONS WHO EMPLOY NO MORE THAN TWENTY-FIVE
38 EMPLOYEES OR WHO HAVE GENERATED NO MORE THAN FIVE MILLION
39 DOLLARS ANNUALLY IN REVENUES FROM THE PERSON'S BUSINESS
40 ACTIVITIES."
41

42 strike lines 11 through 19 and substitute the following:
43

44 **"SECTION 2. Effective date.** This act shall take effect January
45 1, 2004, unless a referendum petition is filed during the ninety-day period
46 after final adjournment of the general assembly that is allowed for
47 submitting a referendum petition pursuant to article V, section 1 (3) of the
48 state constitution. If such a referendum petition is filed against this act
49 or an item, section, or part of this act within such period, then the act,
50 item, section, or part shall take effect on the specified date only if
51 approved by the people."
52
53
54
55

1 **LOCAL GOVERNMENT**

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

4
5 **HB02-1123** 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 5, strike lines 7 through 15 and substitute the
10 following:

11
12 "(I) ARE AS NEAR EQUAL IN POPULATION AS POSSIBLE; AND

13
14 (II) ARE NUMBERED CONSECUTIVELY.";

15
16 line 19, strike "FOUR" and substitute "TWO".

17
18
19
20
21 **STATE, VETERANS, & MILITARY AFFAIRS**

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

24
25 **HB02-1078** 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 2, line 21, strike "THOSE";

30
31 strike lines 22 and 23 and substitute the following:

32 "boxers, SECONDS, INSPECTORS,".

33
34
35
36 **HB02-1195** be postponed indefinitely.

37
38
39 **PRINTING REPORT**

40
41 The Chief Clerk reports the following bills have been correctly printed:
42 **HB02-1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236,**
43 **1237, 1238, 1239, 1240, 1241.**

44
45
46 **MESSAGES FROM THE SENATE**

47 Mr. Speaker:

48
49 The Senate has passed on Third Reading and transmitted to the Revisor
50 of Statutes: SB02-025, 045, 014, 031;

51
52 SB02-023, amended as printed in Senate Journal, January 28, page 98.

53
54
55 The Senate voted to recall SB02-023 for reconsideration and requests the
56 return of the bill.

1 The Senate has passed on Third Reading and retransmitted to the Revisor
2 of Statutes:

3
4 SB02-023, amended as printed in Senate Journal, January 28, page 98.

5
6 The Senate has adopted and returns herewith: HJR02-1011, 1012.

7
8
9

MESSAGES FROM THE REVISOR

10
11
12 We herewith transmit Without comment, SB02-014, 025, 031 and 045;
13 and Without comment, as amended, SB02-023.

14
15

16 We herewith retransmit without comment, as amended, SB02-023.

17
18
19

INTRODUCTION OF BILLS First Reading

20
21
22
23

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

25

26 **HB02-1238** by Representative(s) White--Concerning financial support
27 for the provision of cellular telecommunications service in
28 high cost geographic areas of the state, and, in connection
29 therewith, allowing providers of cellular telecommunica-
30 tions service access to the high cost support mechanism.

31 Committee on Information & Technology

32

33 **HB02-1239** by Representative(s) Lee; also Senator(s) Hagedorn--
34 Concerning revisions to the "Colorado Youth Employment
35 Opportunity Act of 1971".

36 Committee on Business Affairs & Labor

37

38 **HB02-1240** by Representative(s) Webster--Concerning the use of state
39 moneys to pay a county for the cost of remodeling or
40 constructing a courthouse that is necessary as a result of a
41 state-mandated increase in the number of judges.

42 Committee on Local Government

43

44 **HB02-1241** by Representative(s) Weddig; also Senator(s) Teck--
45 Concerning loans by the department of the treasury to
46 taxpayers as part of the homestead property tax deferral
47 program.

48 Committee on Finance

49

50 **HB02-1242** by Representative(s) Schultheis, Crane, Cloer, Harvey,
51 Paschall, Rhodes, Sinclair, Snook; also Senator(s)
52 Hillman, Cairns, Musgrave--Concerning the issuance of
53 permits for concealed handguns.

54 Committee on State, Veterans, & Military Affairs

55

- 1 **HB02-1243** by Representative(s) Sinclair; also Senator(s) Nichol--
2 Concerning mail ballot elections, and, in connection
3 therewith, providing for the verification of signatures in
4 November coordinated mail ballot elections, requiring said
5 signatures and identifying information to be contained on
6 the inside of the return envelope, allowing watchers to
7 observe the processing, receiving, and counting of mail
8 ballots, and requiring the appointment of receiving and
9 counting judges in mail ballot elections.
10 Committee on State, Veterans, & Military Affairs
11
- 12 **HB02-1244** by Representative(s) Smith--Concerning moneys in the
13 identification security fund.
14 Committee on Finance
15
- 16 **HB02-1245** by Representative(s) Lee; also Senator(s) Evans--
17 Concerning utilization of party committees to fill
18 vacancies occurring on the state board of education.
19 Committee on State, Veterans, & Military Affairs
20
- 21 **HB02-1246** by Representative(s) King; also Senator(s) Windels--
22 Concerning the creation of the eligible facilities education
23 task force.
24 Committee on Education
25
- 26 **HB02-1247** by Representative(s) Decker, Jameson, Mace, Schultheis,
27 Swenson, Webster; also Senator(s) Epps, Hernandez--
28 Concerning the penalty for theft of motor fuel.
29 Committee on Civil Justice & Judiciary
30
- 31 **HB02-1248** by Representative(s) Madden, Garcia--Concerning the
32 retention of state revenues in excess of the constitutional
33 limitation on state fiscal year spending for the purpose of
34 providing additional revenues for multi-modal capital
35 transportation projects.
36 Committee on State, Veterans, & Military Affairs
37 Committee on Finance
38
- 39 **HB02-1249** by Representative(s) Hefley, Cloer, Borodkin, Boyd,
40 Decker, Garcia, Groff, Hodge, Lawrence, Marshall,
41 Ragsdale, Romanoff, Tapia, Williams S.; also Senator(s)
42 Linkhart, Phillips--Concerning the state earned income tax
43 credit, and, in connection therewith, allowing the credit for
44 any income tax year commencing on or after January 1,
45 2002.
46 Committee on Finance
47
- 48 **HB02-1250** by Representative(s) Dean; also Senator(s) Tupa--
49 Concerning the continuation of the lottery division in the
50 department of revenue.
51 Committee on Finance
52
- 53 **HB02-1251** by Representative(s) Vigil--Concerning the provision of
54 moneys for public school capital construction.
55 Committee on State, Veterans, & Military Affairs
56

- 1 **HB02-1252** by Representative(s) Vigil--Concerning the election of
2 county commissioners representing individual districts,
3 and, in connection therewith, giving the voters of counties
4 with three commissioners the power to change from at-
5 large voting to voting by district for commissioners and
6 requiring that commissioner districts preserve
7 communities of interest when possible.
8 Committee on State, Veterans, & Military Affairs
9
- 10 **HB02-1253** by Representative(s) Boyd--Concerning technical
11 amendments to the statutes enforced by the administrator
12 of the "Uniform Consumer Credit Code", and, in
13 connection therewith, amending or repealing obsolete,
14 inconsistent, and conflicting provisions of law and
15 eliminating the notification fee for certain creditors.
16 Committee on Information & Technology
17
- 18 **HB02-1254** by Representative(s) Webster--Concerning the "Public
19 Securities Information Reporting Act".
20 Committee on Finance
21
22
23 House in recess. House reconvened.
24
25
- 26 **HB02-1255** by Representative(s) Johnson--Concerning health insur-
27 ance coverage for children between eighteen and twenty-
28 four years of age who are children of an insured parent.
29 Committee on Business Affairs & Labor
30
- 31 **HB02-1256** by Representative(s) Cloer; also Senator(s) Hernandez--
32 Concerning the regulation of home inspectors.
33 Committee on Business Affairs & Labor
34
- 35 **HB02-1257** by Representative(s) Jameson, Groff; also Senator(s)
36 Hernandez--Concerning the establishment of the teaching
37 corps Colorado program.
38 Committee on Education
39 Committee on Appropriations
40
- 41 **HB02-1258** by Representative(s) Marshall--Concerning increased
42 protections for victims of identity theft, and, in connection
43 therewith, prohibiting the processing of credit report
44 entries that are based on identity theft and expediting
45 judicial determinations concerning identity theft.
46 Committee on Information & Technology
47
- 48 **HB02-1259** by Representative(s) Marshall--Concerning protection of
49 consumers' home ownership equity.
50 Committee on Information & Technology
51
- 52 **HB02-1260** by Representative(s) Johnson, Fritz, Bacon, Jameson; also
53 Senator(s) Reeves, Matsunaka--Concerning changing the
54 name of the state board of agriculture to the board of
55 governors of the Colorado state university system.
56 Committee on Agriculture, Livestock, & Natural Resources

- 1 **HB02-1261** by Representative(s) Groff, Crane, Garcia, Jahn--
2 Concerning the applicability of insurance coverages under
3 the "Colorado Auto Accident Reparations Act".
4 Committee on State, Veterans, & Military Affairs
5
- 6 **HB02-1262** by Representative(s) Mace--Concerning assistance for the
7 benefit of grandchildren who exit foster care into the legal
8 care of a grandparent.
9 Committee on Health, Environment, Welfare, & Institutions
10
- 11 **HB02-1263** by Representative(s) Alexander--Concerning substance
12 abuse treatment.
13 Committee on Health, Environment, Welfare, & Institutions
14
- 15 **HB02-1264** by Representative(s) Borodkin, Bacon, Chavez, Coleman,
16 Garcia, Groff, Hodge, Jameson, Mace, Madden, Marshall,
17 Ragsdale, Romanoff, Saliman, Tapia, Veiga, Weddig,
18 Williams S.--Concerning safe storage of firearms to
19 prevent juvenile possession of firearms.
20 Committee on State, Veterans, & Military Affairs
21
22
- 23 **HB02-1265** by Representative(s) White--Concerning clarification of
24 the property tax status of certain residential real property,
25 and, in connection therewith, specifying that a residential
26 unit that is rented or otherwise used at the election of the
27 separate owners thereof and that is not part of an affiliated
28 group of residential units or that is held as inventory by a
29 single owner primarily for sale to customers in the
30 ordinary course of the owner's trade or business, that is
31 actively marketed for sale by the owner, and that is not
32 subject to an allowance for depreciation under the federal
33 internal revenue code while owned by the owner, is not a
34 hotel or motel for purposes of property taxation.
35 Committee on Finance
36
37
- 38 **HB02-1266** by Representative(s) Fritz--Concerning the protection of
39 children in public schools from access to harmful
40 materials on the internet, and making an appropriation
41 therefor.
42 Committee on State, Veterans, & Military Affairs
43 Committee on Appropriations
44
- 45 **SB02-014** by Senator(s) Entz, Isgar, May; also Representative(s)
46 Swenson, Larson, Mace, Ragsdale, Sinclair, Smith,
47 Stafford, Williams S.--Concerning the authority of the
48 executive director of the department of revenue to issue
49 certificates of registration for certain commercial vehicles,
50 and, in connection therewith, authorizing the issuance of
51 such certificates for vehicles that are registered as part of
52 a fleet based in Colorado, owned by a nonresident, and for
53 which the owner obtains apportioned registration.
54 Committee on Transportation & Energy
55

1 **SB02-025** by Senator(s) Perlmutter, Epps, Evans, Gordon, Linkhart;
 2 also Representative(s) Groff, Hefley, Lee, Mitchell, Plant-
 3 -Concerning the enactment of Colorado Revised Statutes
 4 2001 as the positive and statutory law of the state of
 5 Colorado.

6 Committee on Civil Justice & Judiciary
 7

8 **SB02-031** by Senator(s) Entz; also Representative(s) Spradley--
 9 Concerning categorization of Custer county for purposes
 10 of establishing salaries of county officers.

11 Committee on Local Government
 12

13 **SB02-045** by Senator(s) Entz, Isgar, Taylor; also Representative(s)
 14 Rippy, Hodge, Hoppe, Tapia, White--Concerning the
 15 reconciliation of inconsistent statutory provisions
 16 regarding the qualifications of electors for irrigation
 17 districts.

18 Committee on Agriculture, Livestock, & Natural Resources
 19
 20
 21

INTRODUCTION OF RESOLUTION

22
 23
 24 The following resolution was read by title and laid over one day under the
 25 rules:

26
 27 **HJR02-1013** by Representative(s) Hoppe; also Senator(s) Taylor--
 28 Concerning the designation of Colorado 4-H Day.
 29

30 WHEREAS, Succeeding generations of well-educated, concerned,
 31 and involved youth are required to ensure that America has a competent
 32 and innovative work force, a cohesive social structure, an effective
 33 education system, strong leadership, continued economic prosperity, and
 34 healthy communities in the years to come; and
 35

36 WHEREAS, The 4-H Program is founded on the notion that youth
 37 are a vital resource for ensuring a better tomorrow, and that assisting
 38 youth as they prepare for the future is the 4-H Program's central mission;
 39 and
 40

41 WHEREAS, In 2002, the National 4-H Program is celebrating its
 42 centennial as one of our nation's longest serving youth development
 43 programs, offering a wealth of opportunities for young people to acquire
 44 decision-making, leadership, and communication skills, as well as a host
 45 of other life skills, in a hands-on, friendly learning environment; and
 46

47 WHEREAS, Since 1914, young people in all parts of Colorado
 48 have employed 4-H's "learn-by-doing" philosophy while working on a
 49 wide range of constructive and engaging projects and, in the process,
 50 have learned to manage time, follow through on commitments, meet
 51 deadlines, and cooperate with one another; and
 52

53 WHEREAS, Nearly 150,000 Colorado youth, with the guidance
 54 of over 10,000 adult and youth volunteer leaders, currently contribute to
 55 their communities and gain practical experience in such subject areas as
 56 workforce preparation and career exploration, leadership and

1 volunteerism, character and ethics, food and nutrition, agriculture and
2 natural resources, conservation, consumer decision-making, veterinary
3 medicine, animal sciences, and public speaking, just to name a few; and
4

5 WHEREAS, For 50 years the Colorado 4-H Youth Fund, Inc., has
6 provided invaluable support to Colorado 4-H by funding programs for
7 which public funds are unavailable and by providing awards and
8 recognition to Colorado 4-H participants; and
9

10 WHEREAS, Colorado 4-H provides youth an opportunity to
11 interact with people from other countries and cultures through its
12 international exchange program, which pairs participants from other
13 nations with host families in Colorado and places Colorado 4-H members
14 in homes abroad; and
15

16 WHEREAS, The 4-H emblem, a green, four-leaf clover with a
17 white "H" on each leaf, represents the characteristics each 4-H participant
18 develops: Head, which involves thinking, making decisions, and learning
19 new things; heart, which entails caring about other people, accepting
20 responsibility, and developing positive values; hands, which symbolize
21 the effort to acquire and perfect new skills; and health, which involves
22 protecting the well-being of the self and others; and
23

24 WHEREAS, Participation in 4-H in Colorado is open to youth
25 from all economic, social, and cultural backgrounds between the ages of
26 5 and 19; now, therefore,
27

28 *Be It Resolved by the House of Representatives of the Sixty-third*
29 *General Assembly of the State of Colorado, the Senate concurring*
30 *herein:*
31

32 (1) That the General Assembly salutes the Colorado 4-H Program
33 in its efforts to prepare Colorado's youth for the future.
34

35 (2) That the General Assembly commends the Colorado 4-H
36 Youth Fund, Inc., on its 50th anniversary, for its work in supporting the
37 mission of the Colorado 4-H program.
38

39 (3) That the General Assembly wishes to encourage young people
40 in Colorado to get a head start on life by participating in 4-H activities.
41

42 *Be It Further Resolved*, That the State of Colorado hereby declares
43 this day, February 4, 2002, Colorado 4-H Day in recognition of the 4-H
44 Program's efforts on behalf of Colorado's youth.
45

48 LAY OVER OF CALENDAR ITEMS

49
50 On motion of Representative Spradley, the following items on the
51 Calendar were laid over until January 31, retaining place on Calendar:
52

53 Consideration of General Orders--**HB02-1022, 1064, 1118, 1050, 1121,**
54 **1088, 1083, 1076, 1040, 1071, 1179, 1047, 1019.**

55 Consideration of Resolutions--**HJR02-1008, 1010.**
56

1 On motion of Representative Spradley, the House adjourned until
2 9:00 a.m., January 31, 2002.
3
4 Approved:
5
6
7
8 DOUG DEAN,
9 Speaker
10 Attest:
11
12 JUDITH RODRIGUE,
13 Chief Clerk