

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
Second Regular Session

One-hundred-seventh Legislative Day

Thursday, April 25, 2002

Prayer	By the chaplain, Reverend Clyde H. Miller, Jr., United Church of Christ
Call to Order	By the President at 9:00 a.m.
Roll Call	Present--Total, 28. Absent/Excused--Cairns, Gordon, Hillman, Isgar, Linkhart, Nichol, Thiebaut--Total, 7. Present later--Cairns, Gordon, Hillman, Isgar, Linkhart, Nichol, Thiebaut.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Taylor, reading of the Journal of Wednesday, April 24, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Government, Veterans and Military Relations, and Transportation	After consideration on the merits, the committee recommends that HB02-1307 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.
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Amend reengrossed bill, page 3, after line 1, insert the following:

"SECTION 1. 1-2-217.5 (1) (a) and (1) (c), the introductory portion to 1-2-217.5 (2), and 1-2-217.5 (3), (4), and (5), Colorado Revised Statutes, are amended to read:

1-2-217.5. Change in residence before close of registration - lack of knowledge - emergency registration and provisional ballots.

(1) Notwithstanding the provisions of sections 1-2-101 and 1-2-102, an elector may register to vote in an election after the registration books of the county clerk and recorder are closed for that election, if the elector:

(a) Appears in person at the primary office of the county clerk and recorder or at any office regularly maintained by the county clerk and recorder and staffed by regular employees OR AT THE POLLING PLACE;

(c) Files an emergency registration AND PROVISIONAL BALLOT affidavit as prescribed by the secretary of state.

(2) The elector shall declare under oath in the emergency registration AND PROVISIONAL BALLOT affidavit that the elector wishes to register to vote in the election in the precinct and county for which the registration books are closed and that either:

~~(3) Prior to registering an elector who makes a declaration pursuant to paragraph (a) of subsection (2) of this section, the county clerk and recorder shall verify the elector's registration in the county of previous residence.~~

(4) The elector shall subscribe to the oath before an officer authorized by law to administer oaths. Upon completion of the affidavit AND THE APPROVAL AND QUALIFICATION OF THE ELECTOR BY THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL, the name of the elector shall be placed in the registration books or added to the list of eligible electors for the election for which the registration books were closed.

(5) An elector changing registration on an election day pursuant to this section ~~at the discretion of the county clerk and recorder,~~ may vote in the office of the county clerk and recorder ~~rather than voting~~ OR in the

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precinct where the new address is located."

Renumber succeeding sections accordingly.

Page 3, line 10, strike "ADDRESSES AND SIGNATURES," and substitute "ADDRESSES, SIGNATURES, AND PARTY AFFILIATION,".

Page 4, after line 2, insert the following:

"SECTION 3. 1-4-904 (2), Colorado Revised Statutes, is amended to read:

1-4-904. Signatures on the petitions. (2) For partisan petitions, each signer shall be affiliated with the major political party named in the petition and shall state the following to the circulator: That the signer has been affiliated with the major political party named in the petition for at least twenty-nine days as shown on the registration books of the county clerk and recorder; ~~that the signer intends to vote for the candidate at the ensuing primary election;~~ and that the signer has not signed any other petition for any other candidate for the same office."

Renumber succeeding sections accordingly.

Page 10, line 15, after "1-5-407", insert "(1),";

line 17, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";

line 18, after "**ballots.**", insert "(1) Except as provided in ~~subsection (1.5)~~ SUBSECTIONS (1.5) AND (1.6) of this section, the extreme top part of each ballot may be divided into two spaces by two perforated or dotted lines. Each space shall be not less than one inch wide. The top portion is called the stub, and the next portion is called the duplicate stub. The same number shall be printed upon both the stub and the duplicate stub. All ballots shall be numbered consecutively. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates, officers, ballot issues, and ballot questions to be printed in clear, plain type, with a space of at least one-half inch between the different columns on the ballot. On each ballot shall be printed the endorsement "Official ballot for", and after the word "for" shall follow the designation of the precinct, if appropriate, and the political subdivision for which the ballot is prepared, the date of the election, and a facsimile of the signature of the election official. The ballot shall contain no caption or other endorsement, except as provided in this section. The election official shall use precisely the same quality and tint of paper, the same kind of type, and the same quality and tint of plain black ink for all ballots prepared for one election.

(1.6) NO BALLOT STUB IS REQUIRED FOR A BALLOT PRODUCED ON DEMAND, SO LONG AS THE QUANTITY OF BALLOTS PRODUCED FOR THE ELECTION CAN BE RECONCILED BY THE BALLOT PROCESSING METHOD USED BY THE VOTING SYSTEM. SUCH BALLOTS MAY CONTAIN PRINTED AND DISTINGUISHING MARKS, SO LONG AS SECRECY IN VOTING IS PROTECTED."

Page 12, line 5, strike "A" and substitute "ONE" and strike "NO MORE THAN ONCE PER ELECTION";

line 6, strike "CYCLE BUT";

line 7, after the period, add "THE COUNTY CLERK AND RECORDER OR OTHER DESIGNATED ELECTION OFFICIAL MAY REQUIRE A PERSON APPOINTED AS AN ELECTION JUDGE TO ATTEND MORE THAN ONE CLASS OF INSTRUCTION IN AN ELECTION CYCLE."

Page 22, line 27, strike "OFFICIAL IN" and substitute "OFFICIAL."

Page 23, strike line 1;

line 2, strike "OR";

line 3, strike "THE RULES PROMULGATED" and substitute "INSTRUCTIONS

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ON THE VOTING AND HANDLING OF PROVISIONAL BALLOTS DRAFTED";

line 18, strike "HAS";

line 19, strike "APPLIED FOR AN ABSENTEE BALLOT BUT" and substitute "TO WHOM AN ABSENTEE BALLOT HAS BEEN MAILED OR DELIVERED".

Page 28, after line 15, insert the following:

"SECTION 33. 1-45-108 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-45-108. Disclosure - repeal. (1)(c) A CANDIDATE COMMITTEE IN A SPECIAL DISTRICT ELECTION SHALL NOT BE REQUIRED TO FILE REPORTS UNDER THIS SECTION UNTIL THE COMMITTEE HAS RECEIVED CONTRIBUTIONS OR MADE EXPENDITURES EXCEEDING TWENTY DOLLARS IN THE AGGREGATE."

Renumber succeeding sections accordingly.

Page 28, line 16, after "1-45-109", insert "(1) and", and strike "is" and substitute "are";

line 18, after "**timeliness.**", insert "(1) For the purpose of meeting the filing and reporting requirements of this article, candidates for state wide office, the general assembly, district attorney, district court judge, or any office representing more than one county, except candidates for school district director; the candidate committees for such candidates; political committees in support of or in opposition to such candidates; and issue committees in support of or in opposition to an issue on the ballot in more than one county shall file with the secretary of state. Candidates in municipal elections, their candidate committees, any political committee in support of or in opposition to such candidate, and an issue committee supporting or opposing a municipal ballot issue shall file with the municipal clerk. CANDIDATES IN SPECIAL DISTRICT ELECTIONS, EXCEPT CANDIDATES FOR DIRECTOR OF THE REGIONAL TRANSPORTATION DISTRICT; THE CANDIDATE COMMITTEES OF SUCH CANDIDATES; POLITICAL COMMITTEES IN SUPPORT OF OR IN OPPOSITION TO SUCH CANDIDATES; AND ISSUE COMMITTEES SUPPORTING OR OPPOSING A SPECIAL DISTRICT BALLOT ISSUE SHALL FILE WITH THE CLERK AND RECORDER OF THE COUNTY IN WHICH THE DISTRICT COURT HAVING JURISDICTION OVER THE SPECIAL DISTRICT PURSUANT TO SECTION 32-1-303, C.R.S., IS LOCATED. All other candidates, candidate committees, issue committees and political committees shall file with the county clerk and recorder of the county of their residence. However, a report required to be filed with a county clerk and recorder shall be deemed properly filed if filed electronically pursuant to subsection (8) of this section.";

after line 22, insert the following:

"SECTION 35. 1-45-110 (1), Colorado Revised Statutes, is amended to read:

1-45-110. Candidate affidavit - disclosure statement. (1) When any individual becomes a candidate, such individual shall certify, by affidavit filed with the appropriate officer within ten days, that the candidate is familiar with the provisions of this article; except that an individual who is a candidate in a special legislative election that filed a candidate affidavit for the preceding general election shall not be required to comply with the provisions of this section, AND EXCEPT THAT A CANDIDATE IN A SPECIAL DISTRICT ELECTION SHALL FILE THE CANDIDATE AFFIDAVIT OR, ALTERNATIVELY, A COPY OF THE CANDIDATE'S SELF-NOMINATION AND ACCEPTANCE FORM OR LETTER SUBMITTED IN ACCORDANCE WITH SECTION 32-1-804.3, C.R.S., IF SUCH FORM OR LETTER CONTAINS A STATEMENT THAT THE CANDIDATE IS FAMILIAR WITH THE PROVISIONS OF THIS ARTICLE, NO LATER THAN THE DATE ESTABLISHED FOR CERTIFICATION OF THE SPECIAL DISTRICT'S BALLOT PURSUANT TO SECTION 1-5-203 (3) (a). A CANDIDATE IN A MUNICIPAL ELECTION MAY COMPLY WITH THIS SECTION BY FILING A CANDIDATE AFFIDAVIT PURSUANT TO SECTION 31-10-302 (6), C.R.S., IF SUCH AFFIDAVIT CONTAINS A STATEMENT THAT THE CANDIDATE IS FAMILIAR WITH THE PROVISIONS OF

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THIS ARTICLE.

SECTION 36. Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-21-104.7. Acceptance of gifts and grants. THE DEPARTMENT OF STATE MAY RECEIVE AND EXPEND ANY GIFT OR GRANT, INCLUDING FEDERAL FUNDS, IF SUCH GIFT OR GRANT INVOLVES NO STATE FUNDS AND IS AVAILABLE FOR THE PURPOSE OF EXERCISING THE POWERS AND PERFORMING THE DUTIES OF THE SECRETARY OF STATE AS SPECIFIED IN SECTION 1-1-107, C.R.S. SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY PROVIDE MATCHING FUNDS WHEN NECESSARY TO RECEIVE ANY SUCH GIFT OR GRANT.

SECTION 37. 24-71.1-106 (3) (b), Colorado Revised Statutes, is amended to read:

24-71.1-106. Electronic signatures. (3) (b) Notwithstanding paragraph (a) of this subsection (3), the department of revenue shall not sell, permit the sale of, or otherwise release to anyone other than the person in interest any electronic signature filed with, maintained by, or prepared by the department of revenue pursuant to section 42-2-114 (1), C.R.S.; however, nothing in this section shall prevent the department of revenue from sharing any information with a criminal justice agency as defined in section 24-72-302 (3) OR WITH THE DEPARTMENT OF STATE PURSUANT TO SECTION 42-1-211 (1.5), C.R.S."

Renumber succeeding sections accordingly.

Page 28, line 23, strike "42-1-211 (1)," and substitute "42-1-211,";

line 24, strike "PARAGRAPH" and substitute "SUBSECTION";

strike lines 26 and 27.

Page 29, strike lines 1 through 3;

line 4, strike "(c)" and substitute "(1.5) (a)";

line 5, after "INFORMATION", insert "ON RESIDENCE ADDRESSES, SIGNATURES, AND PARTY AFFILIATION";

line 6, after "AND", insert "THE MASTER LIST OF REGISTERED ELECTORS MAINTAINED BY";

line 7, strike "TO COLLECT INFORMATION ON RESIDENCE ADDRESSES";

line 8, strike "RESIDENCE", and strike "THE COLORADO STATE" and substitute "THESE SYSTEMS.";

strike lines 9 and 10;

after line 10, insert the following:

"(b) FOR PURPOSES OF THIS SECTION, THE SYSTEMS USED BY THE DEPARTMENT OF REVENUE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE COLORADO STATE TITLING AND REGISTRATION SYSTEM, THE DRIVER'S LICENSE DATABASE, THE MOTOR VEHICLE REGISTRATION DATABASE, THE MOTORIST INSURANCE DATABASE, AND THE STATE INCOME TAX INFORMATION SYSTEMS."

Government, After consideration on the merits, the committee recommends that **HB02-1112** be
Veterans and postponed indefinitely.
Military
Relations and
Transportation

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Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **HB02-1226** be referred favorably to the Committee on Appropriations.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-209** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **SCR02-004** be referred favorably to the Committee of the Whole.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-226 by Senator(s) Hernandez, Phillips, Takis; --Concerning the regulation of mortgage originators.
Business, Labor, and Finance

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **SJR02-038, SJR02-041, SR02-015.**

CONSIDERATION OF RESOLUTIONS

SJR02-038 by Senator(s) Pascoe; also Representative(s) Grossman--Concerning honoring William "Gully" Stanford for his contributions to the arts and education in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

SJR02-041 by Senator(s) Evans, Hillman; also Representative(s) Harvey, Spence, Young--Concerning honoring top ranking high school seniors in Senate District 30.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

SR02-015

by Senator(s) Windels--Concerning honoring Ted Polito for his many accomplishments.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB02-208

by Senator(s) Hernandez; also Representative Rippey--Concerning the regulation of home inspectors, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Epps, Nichol.

HB02-1101

by Representative(s) Williams T.; also Senator(s) Gordon--Concerning family-friendly courts, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Gordon was given permission to offer a Third Reading amendment.

Third Reading Amendment, by Senator Gordon.

Amend revised bill, page 10, line 26, strike "**administrator.** (7)" and substitute "**administrator - repeal.** (7) (a)".

Page 11, after line 2, insert the following:

"(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2005.";

line 6, strike "**schedule.** (4) (a) (VI)" and substitute "**schedule - repeal.** (4) (a) (VI) (A)";

after line 20, insert the following:

"(B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 2005.".

A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

HB02-1101

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Hernandez, Tate, Windels.

HB02-1180

by Representative(s) Larson, Alexander, Boyd, Coleman, Groff, Madden, Paschall, Stengel; also Senator(s) Hernandez, Gordon, Taylor--Concerning the transfer of moneys from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund for the purpose of implementing a program for the deaf and hard of hearing, and making an appropriation therefor.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Phillips.

HB02-1129

by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB02-1313

by Representative(s) Tochtrop, Tapia; also Senator(s) Thiebaut--Concerning peace officers certified by the peace officers standards and training board.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Chlouber.

SB02-193

by Senator(s) Tate, Entz; also Representative(s) Plant, Weddig--Concerning requirements for processing prescriptions.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Tupa.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1259** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 16, after line 26, insert the following:

"SECTION 2. Article 40 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-40-105. Prohibited acts by originators of certain mortgage loans. (1) THE FOLLOWING ACTS BY ANY MORTGAGE BROKER OR MORTGAGE ORIGINATOR WITH RESPECT TO ANY LOAN THAT IS SECURED BY A FIRST OR SUBORDINATE MORTGAGE OR DEED OR TRUST LIEN AGAINST A DWELLING ARE PROHIBITED:

(a) TO KNOWINGLY ADVERTISE, DISPLAY, DISTRIBUTE, BROADCAST, TELEVISE, OR CAUSE OR PERMIT TO BE ADVERTISED, DISPLAYED, DISTRIBUTED, BROADCAST, OR TELEVISED, IN ANY MANNER, ANY FALSE, MISLEADING, OR DECEPTIVE STATEMENT WITH REGARD TO RATES, TERMS, OR CONDITIONS FOR A MORTGAGE LOAN.

(b) TO MAKE A FALSE PROMISE OR MISREPRESENTATION OR CONCEAL AN ESSENTIAL OR MATERIAL FACT TO ENTICE EITHER A BORROWER OR A CREDITOR TO ENTER INTO A MORTGAGE AGREEMENT.

(c) TO KNOWINGLY AND WITH INTENT TO DEFRAUD PRESENT, CAUSE TO BE PRESENTED, OR PREPARE WITH KNOWLEDGE OR BELIEF THAT IT WILL BE PRESENTED TO OR BY A LENDER OR AN AGENT THEREOF ANY WRITTEN STATEMENT OR INFORMATION IN SUPPORT OF AN APPLICATION FOR A MORTGAGE LOAN THAT HE OR SHE KNOWS TO CONTAIN FALSE INFORMATION CONCERNING ANY FACT MATERIAL THERETO OR IF HE OR SHE

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HB02-1259

KNOWINGLY AND WITH INTENT TO DEFRAUD OR MISLEAD CONCEALS INFORMATION CONCERNING ANY FACT MATERIAL THERETO.

(d) TO FACILITATE THE CONSUMMATION OF A MORTGAGE LOAN AGREEMENT THAT IS UNCONSCIONABLE GIVEN THE TERMS AND CIRCUMSTANCES OF THE TRANSACTION.

(2) (a) IF A COURT, AS A MATTER OF LAW, FINDS A MORTGAGE CONTRACT OR ANY CLAUSE OF THE CONTRACT TO HAVE BEEN UNCONSCIONABLE AT THE TIME IT WAS MADE, THE COURT MAY REFUSE TO ENFORCE THE CONTRACT, OR IT MAY ENFORCE THE REMAINDER OF THE CONTRACT WITHOUT THE UNCONSCIONABLE CLAUSE, OR IT MAY SO LIMIT THE APPLICATION OF ANY UNCONSCIONABLE CLAUSE AS TO AVOID ANY UNCONSCIONABLE RESULT.

(b) WHEN IT IS CLAIMED OR APPEARS TO THE COURT THAT THE CONTRACT OR ANY CLAUSE THEREOF MAY BE UNCONSCIONABLE, THE PARTIES SHALL BE AFFORDED A REASONABLE OPPORTUNITY TO PRESENT EVIDENCE AS TO ITS COMMERCIAL SETTING, PURPOSE, AND EFFECT, TO AID THE COURT IN MAKING THE DETERMINATION.

(c) IN ORDER TO SUPPORT A FINDING OF UNCONSCIONABILITY, THERE MUST BE EVIDENCE OF SOME OVERREACHING ON THE PART OF THE MORTGAGE BROKER OR MORTGAGE ORIGINATOR SUCH AS THAT WHICH RESULTS FROM AN INEQUALITY OF BARGAINING POWER OR UNDER OTHER CIRCUMSTANCES IN WHICH THERE IS AN ABSENCE OF MEANINGFUL CHOICE ON THE PART OF ONE OF THE PARTIES, TOGETHER WITH CONTRACT TERMS THAT ARE UNREASONABLY FAVORABLE TO THE MORTGAGE BROKER, MORTGAGE ORIGINATOR, OR LENDER.

(3) A VIOLATION OF THIS SECTION SHALL BE DEEMED A DECEPTIVE TRADE PRACTICE AS PROVIDED IN SECTION 6-1-105 (1) (uu), C.R.S.

SECTION 3. 6-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(uu) VIOLATES SECTION 38-40-105, C.R.S.

SECTION 4. 6-1-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

6-1-110. Restraining orders - injunctions - assurances of discontinuance. (3) WHEN THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY SHOWS BY A PREPONDERANCE OF EVIDENCE THAT A MORTGAGE BROKER OR MORTGAGE ORIGINATOR HAS CONTINUED TO CONDUCT THE BUSINESS OF ORIGINATING MORTGAGE LOANS IN VIOLATION OF SECTION 38-40-105, C.R.S., AFTER HAVING BEEN PREVIOUSLY ENJOINED FROM PRACTICES IN VIOLATION OF SUCH SECTION, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY APPLY FOR AND OBTAIN, IN THE COURT THAT HAS PREVIOUSLY ISSUED AN INJUNCTION, A FURTHER INJUNCTION AGAINST CONTINUING TO PARTICIPATE IN THE BUSINESS OF ORIGINATING MORTGAGE LOANS FOR UP TO TWO YEARS."

Renumber succeeding section accordingly.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB02-213** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 21 and substitute the following:

"SECTION 1. 6-1-903 (7), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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SB02-213

6-1-903. Definitions. As used in this part 9, unless the context otherwise requires:

(7) (c) NOTWITHSTANDING PARAGRAPH (a) OR (b) OF THIS SUBSECTION (7), WITH RESPECT TO A PROVIDER OF BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE, THE PUBLIC UTILITIES COMMISSION SHALL ADOPT RULES DEFINING AN "ESTABLISHED BUSINESS RELATIONSHIP"; EXCEPT THAT THE ADOPTION OF SUCH RULES SHALL NOT DELAY THE IMPLEMENTATION OF THE NO-CALL LIST ON JULY 1, 2002, AS SPECIFIED IN THIS PART 9."

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1241** be referred favorably to the Committee on Appropriations.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1054** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-207** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, after line 18, insert the following:

"SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S., not otherwise appropriated, to the department of revenue, for allocation to the liquor enforcement division, for the fiscal year beginning July 1, 2001, the sum of one thousand fifty dollars (\$1,050), or so much thereof as may be necessary, for the implementation of this act.

SECTION 7. Appropriation - adjustments to the 2002 long bill. For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(1) The general fund appropriation to the department of revenue, executive director's office, is decreased by eighty-seven thousand six hundred sixteen dollars (\$87,616).

(2) The cash fund appropriation to the department of revenue, executive director's office, is increased by eighty-seven thousand six hundred sixteen dollars (\$87,616). Said sum shall be from the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S.

(3) The general fund appropriation to the department of revenue, liquor enforcement division, is decreased by three hundred one thousand two hundred nineteen dollars (\$301,219).

(4) The cash fund appropriation to the department of revenue, liquor enforcement division, is increased by three hundred one thousand two hundred nineteen dollars (\$301,219). Said sum shall be from the liquor enforcement division and state licensing authority cash fund created in Section 24-35-401, C.R.S."

Renumber succeeding sections accordingly.

Page 1, line 101, strike "LICENSING." and substitute "LICENSING, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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Appropriations	After consideration on the merits, the committee recommends that SB02-218 be referred favorably to the Committee of the Whole.	1 2 3 4 5
Appropriations	After consideration on the merits, the committee recommends that HB02-1113 be referred favorably to the Committee of the Whole.	6 7 8 9 10
Appropriations	After consideration on the merits, the committee recommends that HB02-1114 be referred favorably to the Committee of the Whole.	11 12 13 14 15
Appropriations	After consideration on the merits, the committee recommends that HB02-1414 be referred favorably to the Committee of the Whole.	16 17 18 19 20
Appropriations	After consideration on the merits, the committee recommends that SB02-180 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24
	Amend printed bill, page 10, after line 3, insert the following:	25 26
	"SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the fixed utilities fund created in 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2002, the sum of seventy-nine thousand nine hundred eighty-four dollars (\$79,984) and 0.8 FTE, or so much thereof as may be necessary, to be allocated as follows:	27 28 29 30 31 32 33 34
	(a) Thirteen thousand one hundred forty-seven dollars (\$13,147) to the executive director's office for the provision of legal services to the public utilities commission related to the implementation of this act;	35 36 37 38
	(b) Sixty-six thousand eight hundred thirty-seven dollars (\$66,837) and 0.8 FTE for allocation to the public utilities commission, for the implementation of this act.	39 40 41 42
	(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of thirteen thousand one hundred forty-seven dollars (\$13,147) and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services to the public utilities commission related to the implementation of this act. Such sum shall be from cash funds exempt received from the public utilities commission out of the appropriation made in subsection (1) of this section."	43 44 45 46 47 48 49 50 51
	Renumber succeeding section accordingly.	52 53
	Page 1, line 109, strike "STANDARD." and substitute "STANDARD, AND MAKING AN APPROPRIATION THEREFOR."	54 55 56 57 58
Appropriations	After consideration on the merits, the committee recommends that HB02-1247 be referred favorably to the Committee of the Whole.	59 60 61 62 63
Appropriations	After consideration on the merits, the committee recommends that SB02-194 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	64 65 66 67
	Amend printed bill, page 3, line 11, strike "BUT MAY" and substitute "AND SHALL NOT";	68 69 70
	line 12, strike "ACTUAL AND NECESSARY" and substitute "ANY".	71 72

Appropriations

After consideration on the merits, the committee recommends that **SB02-152** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Strike the Education Committee Report, dated March 26, 2002, and substitute the following:

"Amend printed bill, page 3, line 5, strike "**programs.**" and substitute "**programs - repeal.**".

Page 4, strike lines 6 through 13;

line 14, strike "(b)" and substitute "(a)";

line 17, strike "(c)" and substitute "(b)";

line 20, strike "(d)" and substitute "(c)";

strike lines 25 through 27 and substitute the following:

"(3) ON OR BEFORE JULY 1, 2003, THE COMMISSION SHALL ADOPT A PLAN FOR ESTABLISHING THE PROGRAM REQUIREMENTS FOR PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION. THE COMMISSION SHALL WORK CLOSELY WITH THE STATE BOARD OF EDUCATION IN ENSURING THAT THE PERFORMANCE-BASED STANDARDS FOR LICENSURE BECOME THE BASE FOR PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION AND IN ENSURING THAT DEMONSTRATED COMPETENCY IN THE ADOPTED LICENSURE STANDARDS GUIDES THE PROGRAM DEVELOPMENT OF THE INSTITUTIONS OF HIGHER EDUCATION. SAID REQUIREMENTS SHALL ENSURE THAT EACH PRINCIPAL PREPARATION PROGRAM IS DESIGNED ON A PERFORMANCE-BASED MODEL AND SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING ELEMENTS:

(a) A COMPREHENSIVE ADMISSION SYSTEM THAT INCLUDES SCREENING OF AND COUNSELING FOR STUDENTS WHO ARE CONSIDERING BECOMING PRINCIPAL CANDIDATES;

(b) ONGOING SCREENING AND COUNSELING OF PRINCIPAL CANDIDATES;

(c) COURSE WORK AND FIELD-BASED TRAINING THAT INTEGRATE THEORIES, METHODOLOGIES, PRACTICES, AND PROCEDURES OF:

(I) PERSONNEL MANAGEMENT AND SUPERVISION;

(II) PROGRAM ANALYSIS AND EVALUATION;

(III) STAFF DEVELOPMENT IN A STANDARDS-BASED LEARNING ENVIRONMENT;

(IV) BUDGET AND FINANCE;

(V) STATE AND LOCAL LAW; AND

(VI) COMMUNITY PARTNERSHIPS;

(d) A MINIMUM OF THREE HUNDRED SIXTY HOURS OF SUPERVISED FIELD-BASED EXPERIENCE THAT INTEGRATES THEORY AND PRACTICE;

(e) A REQUIREMENT THAT EACH PRINCIPAL CANDIDATE MUST DEMONSTRATE, PRIOR TO GRADUATION AND IN A MANNER CONSISTENT WITH THE POLICIES OF THE COMMISSION, THE SKILLS AND KNOWLEDGE REQUIRED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109, C.R.S.;

(f) A COMPREHENSIVE, ONGOING EVALUATION PROCESS FOR COLLECTING AND REPORTING ON THE QUALITY OF THE GRADUATES AND FOR MODIFYING THE PROGRAM AS NECESSARY TO ENSURE HIGH QUALITY GRADUATES; AND

(g) PERIODIC REVIEW BY THE INSTITUTION OF HIGHER EDUCATION

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SB02-152

OFFERING THE PRINCIPAL PREPARATION PROGRAM TO ENSURE THAT THE PROGRAM MEETS THE REQUIREMENTS SPECIFIED BY THE COMMISSION PURSUANT TO THIS SECTION.

(4) ON OR BEFORE JANUARY 1, 2004, THE COMMISSION, ALONG WITH THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION, SHALL SUBMIT THE JOINT REPORT DESCRIBED IN SECTION 22-2-109 (6) (b), C.R.S., TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005."

Strike pages 5 through 9.

Page 10, strike lines 1 through 3;

line 6, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION";

strike lines 12 through 27 and substitute the following:

"(6) (a) ON OR BEFORE JANUARY 1, 2003, THE STATE BOARD OF EDUCATION BY RULE SHALL ADOPT PERFORMANCE-BASED PRINCIPAL LICENSURE STANDARDS TO GUIDE THE DEVELOPMENT OF PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION. SAID STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) STRONG LEADERSHIP DEVELOPMENT THAT SHALL INCLUDE BUT NEED NOT BE LIMITED TO DECISION-MAKING, COMMUNICATION, AND HUMAN RELATIONS SKILLS;

(II) KNOWLEDGE AND DEMONSTRATED SKILL IN THE AREAS OF:

(A) PERSONNEL MANAGEMENT AND SUPERVISION;

(B) PROGRAM ANALYSIS AND EVALUATION;

(C) STAFF DEVELOPMENT IN A STANDARDS-BASED LEARNING ENVIRONMENT;

(D) BUDGET AND FINANCE;

(E) STATE AND LOCAL LAW; AND

(F) COMMUNITY PARTNERSHIPS;

(III) INSTRUCTIONAL SKILLS AND KNOWLEDGE AND THE USE OF DATA NECESSARY TO LEAD AND ORGANIZE A STANDARDS-BASED SCHOOL THAT IS CHARACTERIZED BY STUDENT PROFICIENCY IN LITERACY AND THE STATE MODEL CONTENT STANDARDS AS DESCRIBED IN SECTION 22-7-406.

(b) ON OR BEFORE JANUARY 1, 2004, THE STATE BOARD AND THE DEPARTMENT, ALONG WITH THE COMMISSION ON HIGHER EDUCATION, SHALL SUBMIT A JOINT REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SAID REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) AN ANALYSIS OF CURRENT STATE LICENSING AND PRINCIPAL PREPARATION PROGRAM PRACTICES;

(II) THE PERFORMANCE-BASED PRINCIPAL LICENSURE STANDARDS AS ADOPTED BY THE STATE BOARD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6);

(III) THE PROPOSED PROGRAM REQUIREMENTS FOR INSTITUTIONS OF HIGHER EDUCATION, AS ESTABLISHED BY THE COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-1-121.1, C.R.S.;

(IV) A PLAN FOR PERIODIC REVIEW AND APPROVAL OF PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER

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SB02-152

EDUCATION;

(V) PROPOSED ASSESSMENTS TO BE USED IN EVALUATING THE SKILLS AND KNOWLEDGE OF CANDIDATES SEEKING LICENSURE AS A PRINCIPAL PURSUANT TO ARTICLE 60.5 OF THIS TITLE;

(VI) A PLAN FOR EVALUATING THE EFFECTIVENESS OF THE PERFORMANCE-BASED PRINCIPAL LICENSURE STANDARDS ADOPTED PURSUANT TO THIS SUBSECTION (6) AND PERFORMANCE-BASED PRINCIPAL PREPARATION PROGRAMS AS THEY RELATE TO ENHANCING THE QUALITY OF SCHOOL LEADERSHIP AND IMPLEMENTATION OF A STANDARDS-BASED EDUCATION FOR ALL STUDENTS; AND

(VII) THE ESTIMATED COSTS TO LOCAL SCHOOL DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION, AND STATE AGENCIES OF IMPLEMENTING THE RECOMMENDATIONS OF THE STATE BOARD, THE DEPARTMENT, AND THE COMMISSION ON HIGHER EDUCATION CONTAINED IN THE REPORT DESCRIBED IN THIS PARAGRAPH (b).".

Strike pages 11 through 27.

Page 28, strike lines 1 through 13;

line 14, strike "8." and substitute "3.".

Judiciary

After consideration on the merits, the committee recommends that **SJR02-032** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed resolution, page 2, line 8, strike "twelve" and substitute "ten";

line 14, strike "Four" and substitute "Three";

line 15, strike "Representatives and chosen from among the" and substitute "Representatives.";

strike lines 16 and 17;

line 18, strike "Five" and substitute "Four";

strike lines 19 and 20 and substitute "Senate.";

line 21, strike "four" and substitute "three";

line 22, strike "four" and substitute "three".

Page 3, line 14, after the period, add "Legislative members of the committee shall be compensated for attendance at subcommittee meetings of the committee, as funds allow, from the moneys allocated from appropriations made by the General Assembly for the committee.".

Judiciary

After consideration on the merits, the committee recommends that **HB02-1147** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 9.

Strike pages 3 through 5.

Page 6, strike line 1.

Re-number succeeding sections accordingly.

Page 7, after line 3, insert the following:

"SECTION 3. 24-72-204 (3) (a), Colorado Revised Statutes, is

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HB02-1147

amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XV) ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, MILITARY RECORDS FILED WITH A COUNTY CLERK AND RECORDER'S OFFICE CONCERNING A MEMBER OF THE MILITARY'S SEPARATION FROM MILITARY SERVICE, INCLUDING THE FORM DD214 ISSUED TO A MEMBER OF THE MILITARY UPON SEPARATION FROM SERVICE, THAT ARE RESTRICTED FROM PUBLIC ACCESS PURSUANT TO 5 U.S.C. SEC. 552 (b) (6) AND THE REQUIREMENTS ESTABLISHED BY THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE MEMBER OF THE MILITARY ABOUT WHOM THE RECORD CONCERNS IS DECEASED, THE CUSTODIAN SHALL ALLOW THE RIGHT OF INSPECTION TO THE MEMBER'S PARENTS, SIBLINGS, WIDOW OR WIDOWER, AND CHILDREN."

Renumber succeeding sections accordingly.

Page 7, line 11, after "agent", insert "must";

line 12, strike "must" and substitute "SHALL".

Page 14, line 5, strike "must" and substitute "must SHALL".

Page 16, line 14, strike "~~file the with the secretary of state~~" and substitute "~~file the statement of intent to dissolve with the secretary of state~~";

line 17, strike "statement of" and substitute "STATEMENT OF";

line 18, strike "intent to dissolve." and substitute "INTENT TO DISSOLVE".

Page 28, line 18, strike "must" and substitute "must SHALL";

line 20, strike "must" and substitute "must SHALL";

line 23, strike "must" and substitute "must SHALL".

Page 33, line 17, strike "must" and substitute "must SHALL".

Page 58, line 6, strike "ARTICLE 90 OF THIS TITLE." and substitute "THIS ARTICLE.";

strike lines 20 through 23 and substitute the following:

"(b) A DOCUMENT SHALL BE SUBJECT TO THIS PART 3 IF THE DOCUMENT IS REQUIRED OR PERMITTED TO BE FILED IN THE RECORDS OF THE SECRETARY OF STATE PURSUANT TO ANY PROVISION OF THIS TITLE OR ANY OTHER ORGANIC STATUE OF THIS STATE.";

line 26, after "OFFICE", insert "OF THE SECRETARY OF STATE".

Page 73, strike lines 12 and 13 and substitute the following:

"SECTION 106. Repeal. 7-102-102 (1) (f), Colorado Revised Statutes, is repealed as follows:".

Page 74, line 8, strike "state," and substitute "state".

Page 89, line 6, strike "is" and substitute "are".

Page 97, line 7, strike "4" and substitute "1".

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Judiciary

After consideration on the merits, the committee recommends that **HB02-1283** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 12, after "WEAPON", insert "OR MATERIALS".

Page 3, after line 4, insert the following:

"SECTION 2. 18-12-109 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18-12-109. Possession, use, or removal of explosives or incendiary devices - possession of components thereof - persons exempt - hoaxes. (3) Subsection (2) of this section shall not apply to the following persons:

(f) A PERSON OR ENTITY AUTHORIZED TO USE CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL MATERIALS IN THEIR LAWFUL BUSINESS OPERATIONS WHILE USING THE CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL MATERIALS IN THE COURSE OF LEGITIMATE BUSINESS ACTIVITIES. AUTHORIZED USERS SHALL INCLUDE CLINICAL, ENVIRONMENTAL, VETERINARY, AGRICULTURAL, PUBLIC HEALTH, OR RADIOLOGICAL LABORATORIES AND ENTITIES OTHERWISE LICENSED TO POSSESS RADIOLOGICAL MATERIALS."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1417** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 10, strike "02-___, including" and substitute "02-1417";

strike line 11 and substitute the following:

"establishes a clear".

Judiciary

After consideration on the merits, the committee recommends that **HB02-1237** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 3, strike "THREE" and substitute "TWELVE".

Page 18, after line 27, insert the following:

"SECTION 22. 18-9-202 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

18-9-202. Cruelty to animals - neglect of animals - offenses - repeal. (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), cruelty to animals is a class 1 misdemeanor.

(b) (I) ~~In the case of any person incurring~~ A second or subsequent conviction under the provisions of paragraph (a) of this subsection (2) ~~a sentence of imprisonment within the minimum and maximum terms for a class 1 misdemeanor as provided in section 18-1-106 shall be mandatory and shall not be subject to suspension, nor shall such person be eligible for probation or parole for any part of such period~~ IS A CLASS 6 FELONY. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(II) IN ANY CASE WHERE THE COURT SENTENCES A PERSON CONVICTED OF A CLASS 6 FELONY UNDER THE PROVISIONS OF THIS PARAGRAPH (b) TO PROBATION, THE COURT SHALL, IN ADDITION TO ANY OTHER CONDITION OF PROBATION IMPOSED, ORDER THAT:

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HB02-1237

(A) THE OFFENDER, PURSUANT SECTION 16-11-202 (1), C.R.S., BE COMMITTED TO THE COUNTY JAIL FOR NINETY DAYS; OR

(B) THE OFFENDER, PURSUANT TO SECTION 17-27.8-102 (3), C.R.S., BE SUBJECT TO HOME DETENTION FOR NO FEWER THAN NINETY DAYS.

(III) IN ANY CASE WHERE AN OFFENDER IS COMMITTED TO THE COUNTY JAIL OR PLACED IN HOME DETENTION PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), THE COURT SHALL ENTER JUDGMENT AGAINST THE OFFENDER FOR ALL COSTS ASSESSED PURSUANT TO SECTION 16-11-501, C.R.S., INCLUDING, BUT NOT LIMITED TO, THE COST OF CARE.

SECTION 23. Repeal. 18-9-303 (1) (e), Colorado Revised Statutes, is repealed as follows:

18-9-303. Wiretapping prohibited - penalty. (1) Any person not a sender or intended receiver of a telephone or telegraph communication commits wiretapping if he:

(e) ~~Knowingly prevents, obstructs, or delays, by any means whatsoever, the sending, transmission, conveyance, or delivery in this state of any message, communication, or report by or through any telegraph or telephone line, wire, cable, or other facility or any electronic, mechanical, or other device; or~~

SECTION 24. Part 3 of article 9 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-9-306.5. Obstruction of telephone or telegraph service. (1) A PERSON COMMITS OBSTRUCTION OF TELEPHONE OR TELEGRAPH SERVICE IF THE PERSON KNOWINGLY PREVENTS, OBSTRUCTS, OR DELAYS, BY ANY MEANS WHATSOEVER, THE SENDING, TRANSMISSION, CONVEYANCE, OR DELIVERY IN THIS STATE OF ANY MESSAGE, COMMUNICATION, OR REPORT BY OR THROUGH ANY TELEGRAPH OR TELEPHONE LINE, WIRE, CABLE, OR OTHER FACILITY OR ANY CORDLESS, WIRELESS, ELECTRONIC, MECHANICAL, OR OTHER DEVICE.

(2) OBSTRUCTION OF TELEPHONE OR TELEGRAPH SERVICE IS A CLASS 1 MISDEMEANOR."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1009** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 8, after "order", insert "AND THE SHOW CAUSE HEARING".

Page 3, line 14, strike "WITHIN";

line 15, strike "TWELVE MONTHS".

Page 4, line 2, strike "OF A CERTIFIED," and substitute "FROM THE COLORADO BUREAU OF INVESTIGATION OF A";

line 3, after "HISTORY", insert "RECORD";

line 4, after "HISTORY", insert "RECORD";

line 7, strike "RECORDS," and substitute "RECORDS CONCERNING ANY FELONY RECORD OR ANY MISDEMEANOR RECORD, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY A COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE,";

line 16, after "HISTORY", insert "RECORD";

line 18, after "HISTORY", insert "RECORD".

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Judiciary After consideration on the merits, the committee recommends that **HB02-1301** be referred favorably to the Committee on Appropriations.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1242** be postponed indefinitely.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1312** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1396** be referred favorably to the Committee on Appropriations.

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MESSAGE FROM THE HOUSE

April 25, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-039.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB02-018, amended as printed in House Journal, April 24, page 1548. SB02-087, amended as printed in House Journal, April 24, page 1548. SB02-086, amended as printed in House Journal, April 24, page 1548.

The House has postponed indefinitely SB02-063, 162, 134. The bills are returned herewith.

SENATE SERVICES REPORT

Senate Correctly printed: SB02-222, 223, 224, 225; SR02-015.

Services Correctly engrossed: SB02-193.

Correctly reengrossed: SB02-089.

Correctly revised: HB02-1101, 1180, 1129, 1313.

Correctly enrolled: SB02-020, 085, 114, 128, 151, 158, 182.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB02-1250, 1258, 1348.

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

Agriculture After consideration on the merits, the committee recommends that **SB02-221** be referred favorably to the Committee of the Whole.

and Natural Resources

Judiciary After consideration on the merits, the committee recommends that **SB02-210** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

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SB02-210

"SECTION 1. 19-3-304 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(aa) (I) CLERGY MEMBER, MINISTER, PRIEST, OR RABBI, OR ANY INDIVIDUAL CHARGED BY A RELIGIOUS BODY OR ORGANIZATION WHO ACQUIRES INFORMATION REGARDING SUCH ABUSE OR NEGLECT OR CIRCUMSTANCES DURING THE COURSE OF LEADING, DIRECTING, OR SUPERVISING ACTIVITIES ON BEHALF OF THE RELIGIOUS BODY OR ORGANIZATION.

(II) THE PROVISIONS OF THIS PARAGRAPH (aa) SHALL NOT APPLY TO A PERSON WHO ACQUIRES REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT DURING A PENITENTIAL COMMUNICATION UNLESS THE PERSON ALSO ACQUIRES SUCH REASONABLE CAUSE FROM A SOURCE OTHER THAN A PENITENTIAL COMMUNICATION.

(III) FOR PURPOSES OF THIS PARAGRAPH (aa), UNLESS THE CONTEXT OTHERWISE REQUIRES, "PENITENTIAL COMMUNICATION" MEANS A COMMUNICATION ABOUT WHICH THE PERSON MAY NOT BE EXAMINED AS A WITNESS PURSUANT TO SECTION 13-90-107 (1) (c), C.R.S.

SECTION 2. 13-90-107 (1) (I) (I), Colorado Revised Statutes, as enacted by Senate Bill 02-020, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

13-90-107. Who may not testify without consent. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(1) (I) A parent may not be examined as to any communication made in confidence by the parent's minor child to the parent when the minor child and the parent were in the presence of an attorney representing the minor child, or in the presence of a physician who has a confidential relationship with the minor child pursuant to paragraph (d) of this subsection (1), or in the presence of a mental health professional who has a confidential relationship with the minor child pursuant to paragraph (g) of this subsection (1), or in the presence of a ~~clergyman~~ CLERGY MEMBER, minister, priest, or rabbi who has a confidential relationship with the minor child pursuant to paragraph (c) of this subsection (1). The exception may be waived by express consent to disclosure by the minor child who made the communication or by failure of the minor child to object when the contents of the communication are demanded. This exception does not relieve any physician, ~~or~~ mental health professional, OR CLERGY MEMBER, minister, priest, or rabbi, OR ANY INDIVIDUAL CHARGED BY A RELIGIOUS BODY OR ORGANIZATION WHO ACQUIRES INFORMATION REGARDING SUCH ABUSE OR NEGLECT OR CIRCUMSTANCES DURING THE COURSE OF LEADING, DIRECTING, OR SUPERVISING ACTIVITIES ON BEHALF OF THE RELIGIOUS BODY OR ORGANIZATION from any statutory reporting requirements.

SECTION 3. 13-90-107 (1) (c), Colorado Revised Statutes, is amended to read:

13-90-107. Who may not testify without consent. (1) There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person shall not be examined as a witness in the following cases:

(c) A ~~clergyman~~ CLERGY MEMBER, minister, priest, or rabbi shall not be examined without both his OR HER consent and also the consent of the person making the confidential communication as to any confidential communication made to him OR HER in his OR HER professional capacity in the course of discipline expected by the religious body to which he OR SHE belongs.

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SB02-210

SECTION 4. Effective date. This act shall take effect upon passage; except that section 2 of this act shall only take effect if Senate Bill 02-020 is enacted by the Sixty-third General Assembly and becomes law.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1323** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Health, Environment, Children and Families Committee Report, dated April 11, 2002, page 1, after line 7, insert the following:

"Page 7, strike line 24 and substitute the following:

"A BASIS FOR A MODIFIED FEE SCHEDULE. A HIGH MEDICAID UTILIZATION RESIDENCE SHALL BE A RESIDENCE IN WHICH NO LESS THAN THIRTY-FIVE PERCENT OF THE AVAILABLE BEDS ARE OCCUPIED BY MEDICAID ENROLLEES AS INDICATED BY THE MOST COMPLETE CLAIMS DATA AVAILABLE.

(k) A MODIFIED FEE SCHEDULE FOR RESIDENCES THAT SERVE A DISPROPORTIONATE SHARE OF LOW INCOME RESIDENCES. THE BOARD MAY ADOPT A STANDARD FOR DETERMINING RESIDENCES THAT SERVE A DISPROPORTIONATE SHARE OF LOW INCOME RESIDENCES. SUCH STANDARD MAY REQUIRE A RESIDENCE TO SUBMIT DOCUMENTATION DETERMINED APPROPRIATE BY THE DEPARTMENT FOR VERIFICATION." .";

line 10 of the committee report, strike "'TWENTY';" and substitute "'TWENTY-THREE';".

Page 2 of the committee report, strike line 5 and substitute the following:

"ENVIRONMENT.";

line 22, after "(c)", insert "(I)";

line 23, strike "FIFTEEN" and substitute "TWENTY-THREE".

Page 16, after line 1, insert the following:

"(II) AN ASSISTED LIVING RESIDENCE THAT MEETS THE DEFINITION OF A HIGH MEDICAID UTILIZATION RESIDENCE SHALL SUBMIT TO THE DEPARTMENT ONE HUNDRED FIFTY DOLLARS AS AN APPLICATION FEE AND A FEE OF FIFTEEN DOLLARS PER BED ADDED BY THE RESIDENCE WHEN THE LICENSEE INCREASES THE NUMBER OF BEDS IN A RESIDENCE PRIOR TO RENEWAL. THE FEE FOR AN INCREASED NUMBER OF BEDS IN A RESIDENCE SHALL BE PAID AT THE TIME THE REQUEST FOR THE INCREASE IS MADE WITH THE LICENSEE'S APPLICATION." .";

after line 9 of the committee report, insert the following:

"Page 23, line 14, strike "**utilization.**" and substitute "**utilization and disproportionate low income residences.**";

after line 26, insert the following:

"(3) RESIDENCES IDENTIFIED AS SERVICING A DISPROPORTIONATE NUMBER OF LOW INCOME RESIDENTS MAY BE SUBJECT TO A MODIFIED FEE SCHEDULE AS DETERMINED BY THE BOARD." .";

after line 25 of the committee report, insert the following:

"Page 27, strike line 14, and substitute "two hundred ninety-one thousand four hundred eighty-two dollars (\$291,482)";

line 15, strike "2.5" and substitute "3.3" .".

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MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02-018, 087, and 086.

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1410 by Representative(s) Tochtrop, White, Johnson, Alexander, Berry, Cloer, Dean, Kester, Lee, Miller, Snook, Stengel, Swenson, Tapia, Webster; also Senator(s) Chlouber, Matsunaka, Entz, Epps, Evans, Hagedorn, Isgar, McElhany, Nichol, Owen, Teck-- Concerning permits that authorize carrying of concealed handguns in areas other than public kindergarten through twelfth-grade school environments issued to persons with handgun training who pass background checks that include fingerprinting to ensure such persons are not a danger, and, in connection therewith, identifying the issuance of permits that authorize carrying of concealed handguns as an issue of statewide concern and making an appropriation. Agriculture and Natural Resources Appropriations

SB02-227 by Senator(s) Matsunaka; also Representative(s) Stengel--Concerning the extension for two years of the scheduled repeal date of the "Colorado Auto Accident Reparations Act". Business, Labor, and Finance

SENATE SERVICES REPORT

Senate Services To the Governor for signature on Thursday, April 25, 2002, at 4: p.m. SB02-114, SB02-151, SB02-182.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning After consideration on the merits, the committee recommends that HB02-1400 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 6 through 11.

Strike page 6.

Page 7, strike lines 1 through 4.

Renumber succeeding section accordingly.

Public Policy and Planning The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

STATE HOUSING BOARD

for terms expiring January 31, 2005:

Karen C. Gerard of Loveland, Colorado, to serve as a member from the Fourth Congressional District and as an Unaffiliated, appointed;

Peter H. Neukirch of Littleton, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed;

Janet S. Oldham of Louisville, Colorado, to serve as a member from the Second Congressional District and as a Democrat, reappointed;

Laurie L. Bower of Edwards, Colorado, to serve as a member from the Third Congressional District and as an Unaffiliated, appointed;

Rose A. Durham of Colorado Springs, to serve as a member from the Fifth Congressional District and as a Republican, reappointed.

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1344** be referred favorably to the Committee on Appropriations.

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INTRODUCTION OF RESOLUTIONS

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The following resolutions were read by title:

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SJR02-045 by Senator(s) Thiebaut--Concerning the recognition of Workers Memorial Day.

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Laid over one day under Senate rule 30(b).

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SR02-016 by Senator(s) Phillips, Thiebaut--Concerning honoring Army Special Forces Sergeant First Class Daniel Aaron Romero.

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Laid over one day under Senate rule 30(c).

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INTRODUCTION OF MEMORIALS

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The following memorial was read by title:

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SJM02-002 by Senator(s) Teck--Concerning memorializing Congress to require conspicuous disclosure of rollover billing in consumer credit transactions.

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Laid over one day under Senate rule 30(d).

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INTRODUCTION OF BILLS--FIRST READING

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

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SB02-228 by Senator(s) Tupa--Concerning fingerprint-based criminal history record checks for licensed educators.
Judiciary

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Senate in Recess--Senate Reconvened

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COMMITTEE OF REFERENCE REPORTS

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Government, Veterans and Military Relation, and Transportation After consideration on the merits, the committee recommends that **HB02-1044** be referred favorably to the Committee on Public Policy and Planning.

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Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-223** be referred favorably to the Committee of the Whole.

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Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB02-211** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

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"SECTION 1. 24-9-102 (1) (d), Colorado Revised Statutes, is amended to read:

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24-9-102. Salaries of appointed state officials. (1) The following state officials shall receive annual salaries and allowances, payable monthly, as follows:

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(d) ~~(f)~~ Effective July 1, ~~1996~~ 2002, public utilities commission, each commissioner, an amount as set pursuant to subparagraph ~~(H)~~ of this

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SB02-211

paragraph (d).

~~(H) The commissioner's salary shall be set BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES based on a one-time occupational classification and salary survey which the state auditor shall conduct or cause to be conducted on or before July 1, 1996. The salary survey shall include, but not be limited to, a fair sample of public and private employments with similar qualifications, experience, and workload from areas throughout the state THE MOST RECENT AVAILABLE FIGURES CONTAINED IN THE ANNUAL TOTAL COMPENSATION SURVEY CONDUCTED BY THE STATE PERSONNEL DIRECTOR PURSUANT TO SECTION 24-50-104 (4) (a) AND SUBJECT TO REVIEW BY THE STATE AUDITOR AND THE GENERAL ASSEMBLY PURSUANT TO SECTION 24-50-104 (4) (b) AND (4) (c). EACH COMMISSIONER'S SALARY SHALL BE SET WITHIN THE RANGE IDENTIFIED IN THE SURVEY FOR THE CATEGORY OF SENIOR EXECUTIVE SERVICE.~~

~~(HH) Upon completion of the occupational classification and salary survey, the state auditor shall certify and transmit the results of the survey and the salary level established pursuant to the survey to the director of research of the legislative council and the executive director of the department of regulatory agencies.~~

~~(IV) In the event a commissioner's salary is increased by more than thirty percent of the current salary as a result of the occupational classification and salary survey conducted pursuant to subparagraph (H) of this paragraph (d), such increase shall be implemented as follows: The increase equal to thirty percent of the current salary plus one-half of the increase over thirty percent of the current salary shall be effective July 1, 1996; the remainder of the salary increase shall be effective July 1, 1997.~~

~~(V) The state auditor shall conduct a review or cause a review to be conducted of the occupational classification and salary survey whenever conditions indicate that a change in the commissioner's salary is necessary. Such change will be confirmed by the audit committee before implementation.~~

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, April 25, was laid over until Friday, April 26, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB02-1310, HB02-1338, SB02-195, SB02-171, SB02-204, SB02-184, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173, SB02-190, HB02-1359.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-035, SR02-014, SJR02-036, SJR02-037, SJR02-040, HJR02-1038.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission
- Examining Board of Plumbers
- Juvenile Parole Board

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, April 26, 2002.

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate