

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

ADDENDUM

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado.)

MESSAGES FROM THE SENATE

- 1
2 Mr. Speaker:
3
4 In response to the request of the House, HB02-1179 is returned herewith.
5
6
7 The Senate voted to concur in House amendments and repassed the
8 resolution as amended: SJM02-001.
9
10 The Senate voted to concur in House amendments and repassed the bills
11 as amended: SB02-210, 219.
12
13
14 The President announced a change of sponsor on HB02-1310. Senator
15 Fitz-Gerald replaced Senator May as prime sponsor.
16
17
18 The Senate has adopted the First Report of the First Conference
19 Committee on SB02-161, as printed in Senate Journal, May 7, pages
20 1208-1210, and repassed the bill as amended.
21
22 The Senate has adopted the First Report of the First Conference
23 Committee on SB02-113, as printed in Senate Journal, May 3, pages
24 1142-1143, and repassed the bill as amended.
25
26 The Senate has adopted the First Report of the First Conference
27 Committee on SB02-032, as printed in Senate Journal, May 7, pages
28 1207-1208, and repassed the bill as amended.
29
30 The Senate has adopted the First Report of the First Conference
31 Committee on SB02-019, as printed in Senate Journal, May 7, pages
32 1210-1211 and repassed the bill as amended.
33
34
35 The Senate has adopted and returns herewith: HJR02-1082.
36
37 The Senate voted to concur in House amendments and repassed as
38 amended: SCR02-006, SB02-152.
39
40 The Senate has adopted the First Report of the First Conference
41 Committee on HB02-1359, as printed in Senate Journal, May 8, and
42 repassed the bill as amended. The bill is returned herewith.

1 The Senate has adopted the First Report of the First Conference
 2 Committee on SB02-179, as printed in Senate Journal, May 8, and
 3 repassed the bill as amended.

4
 5 The Senate voted to recede from its position on HB02-1303, and repassed
 6 the bill. The bill is returned herewith.

7
 8
 9 Due to adjournment sine die, the following bills and resolutions were not
 10 acted on:

11
 12 HB02-1163, 1185, 1266, 1272, 1290, 1407, 1416, 1461, 1463, 1464,
 13 1470, 1476; HJR02-1003, 1015, 1021, 1035, 1037, 1039, 1053, 1057,
 14 1058, 1059, 1080.

15 16 17 **REPORT OF COMMITTEE OF REFERENCE**

18 19 **FINANCE**

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

22
 23 **SB02-167** The House Committee on Finance has had under consider-
 24 ation SB02-167. Adjournment sine die of the Second
 25 Regular Session of the 63rd General Assembly having
 26 passed, SB02-167, is returned herewith to the House.

27 28 29 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

30
 31 The Speaker has signed: **HB02-1003, 1009, 1010, 1013, 1014, 1015,**
 32 **1019, 1024, 1027, 1029, 1034, 1036, 1038, 1039, 1044, 1046, 1054,**
 33 **1061, 1066, 1067, 1070, 1084, 1090, 1099, 1101, 1113, 1114, 1119,**
 34 **1125, 1129, 1131, 1135, 1138, 1139, 1141, 1146, 1147, 1152, 1155,**
 35 **1161, 1165, 1173, 1179, 1180, 1186, 1189, 1191, 1203, 1209, 1210,**
 36 **1218, 1220, 1221, 1225, 1226, 1229, 1237, 1241, 1245, 1246, 1259,**
 37 **1260, 1262, 1263, 1265, 1276, 1281, 1283, 1284, 1287, 1288, 1292,**
 38 **1293, 1295, 1297, 1300, 1301, 1303, 1304, 1306, 1307, 1310, 1312,**
 39 **1313, 1315, 1316, 1319, 1321, 1323, 1324, 1326, 1329, 1330, 1333,**
 40 **1336, 1338, 1339, 1341, 1342, 1344, 1349, 1352, 1353, 1355, 1357,**
 41 **1358, 1364, 1395, 1396, 1397, 1399, 1400, 1401, 1403, 1404, 1409,**
 42 **1411, 1412, 1414, 1415, 1417, 1419, 1420, 1425, 1427, 1437, 1440,**
 43 **1442, 1443, 1444, 1447, 1450, 1452, 1455, 1456, 1457, 1458, 1459,**
 44 **1465, 1468, 1471, 1472, 1473, 1474, 1475, 1477, 1478; HJR02-1023,**
 45 **1027, 1028, 1029, 1030, 1031, 1033, 1034, 1036, 1038, 1041, 1042,**
 46 **1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1054, 1055,**
 47 **1056, 1061, 1062, 1063, 1064, 1065, 1066, 1070, 1071, 1072, 1073,**
 48 **1074, 1076, 1077, 1078, 1079, 1081, 1082; HR02-1008, 1009, 1010,**
 49 **1011, 1012, 1013, 1014, 1016; SB02-010, 016, 018, 019, 027, 032, 039,**
 50 **049, 050, 053, 054, 057, 059, 068, 071, 078, 086, 087, 089, 090, 094,**
 51 **097, 099, 109, 113, 124, 132, 142, 152, 156, 157, 159, 160, 161, 168,**
 52 **169, 175, 179, 181, 185, 187, 188, 196, 197, 198, 200, 201, 203, 207,**
 53 **210, 214, 218, 219, 221, 230, 231, 233, 235; SCR02-006; SJR02-006,**
 54 **008, 025, 026, 035, 038, 040, 044, 045, 046; SJM02-001.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor:

HB02-1203 at 9:35 a.m. on May 14, 2002.

HB02-1014, 1019, 1034, 1036, 1039, 1054, 1067, 1129, 1241, 1262, 1301, 1316, 1329, 1330, 1342, 1355 at 3:40 p.m. on May 17, 2002.

HB-02-1009, 1010, 1013, 1015, 1027, 1029, 1038, 1044, 1061, 1066, 1070, 1084, 1090, 1099, 1101, 1113, 1114, 1119, 1125, 1131, 1138, 1139, 1141, 1146, 1152, 1155, 1165, 1180, 1189, 1191, 1209, 1210, 1218, 1220, 1221, 1225, 1226, 1229, 1245, 1246, 1260, 1265, 1276, 1283, 1287, 1292, 1293, 1300, 1304, 1306, 1307, 1310, 1312, 1313, 1324, 1326, 1364, 1400, 1401, 1403, 1404, 1411, 1414, 1415, 1417, 1420, 1425, 1427, 1437, 1452, 1457, 1458, 1471, 1472, 1473, 1474; HJR02-1038 at 3:50 p.m. on May 21, 2002.

HB02-1409 at 10:15 a.m. on May 23, 2002.

HB02-1003, 1024, 1135, 1147, 1161, 1173, 1179, 1186, 1237, 1259, 1263, 1281, 1284, 1288, 1295, 1297, 1303, 1315, 1319, 1321, 1323, 1333, 1336, 1338, 1339, 1341, 1344, 1352, 1353, 1357, 1358, 1395, 1396, 1397, 1399, 1412, 1419, 1440, 1442, 1443, 1444, 1447, 1450, 1455, 1459, 1465, 1468, 1475, 1477, 1478 at 3:30 p.m. on May 28, 2002.

HB02-1349, 1456 at 3:17 p.m. on May 30, 2002.

HB02-1046 at 12:00 p.m. on June 3, 2002.

**REPORT FROM THE SENATE AND HOUSE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill 02-1349, Concerning the Financing of Public Schools and Making an Appropriation Therefor:

The Friday, March 15 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Monday, April 15, 2002, (the 97th legislative day) and as further extended until Monday, April 29, 2002 (the 111th legislative day) is further extended until Wednesday, May 8, 2002 (the 120th legislative day).

1 This memorandum shall be printed in the journal of each house as is
2 required by said Joint Rule 23 (c).

3
4 (signed) (signed)
5 Doug Dean Stan Matsunaka
6 Lola Spradley Ed Perlmutter
7 Dan Grossman John Andrews

8
9

10

11 **MESSAGES FROM THE GOVERNOR**

12

13 I certify I received the following on the 14th day of May, 2002, at
14 10:20 a.m. The original is on file in the records of the House of
15 Representatives of the General Assembly.

16

17

Judith Rodrigue,
Chief Clerk of the House

18

19 May 13, 2002

20

21 To the Honorable
22 House of Representatives
23 Sixty-third General Assembly
24 Second Regular Session
25 Denver, CO 80203

26

27 Ladies and Gentlemen:

28

29 I have the honor to inform you that I have approved and filed with
30 the Secretary of State the following act:

31

32 **HB02-1176** Concerning The Requirement That Colorado State
33 Individual Income Tax Return Forms Contain A Line
34 Whereby Individual Taxpayers May Make A Voluntary
35 Contribution To The Colorado Court-appointed Special
36 Advocates Fund, And Making An Appropriation In
37 Connection Therewith.

38

39 Approved May 13, 2002 at 12:40 p.m.

40

41 Sincerely,
42 (signed)
43 Bill Owens
44 Governor

45

46

47

48 I certify I received the following on the 14th day of May, 2002, at
49 3:30 p.m. The original is on file in the records of the House of
50 Representatives of the General Assembly.

51

52

Judith Rodrigue,
Chief Clerk of the House

53

54

55

1 May 14, 2002

2

3 To the Honorable
4 House of Representatives
5 Sixty-third General Assembly
6 Second Regular Session
7 Denver, CO 80203

8

9 Ladies and Gentlemen:

10

11 I have the honor to inform you that I have approved and filed with
12 the Secretary of State the following act:

13

14 **HB02-1203** Concerning Implementation Of Recommendations Of
15 The Committee On Legal Services In Connection With
16 Legislative Review Of Rules And Regulations Of State
17 Agencies, And Making An Appropriation In Connection
18 Therewith.

19

20 Approved May 14, 2002 at 3:06 p.m.

21

22 Sincerely,
23 (signed)
24 Bill Owens
25 Governor

26

27

28

29 I certify I received the following on the 23rd day of May, 2002, at
30 3:30 p.m. The original is on file in the records of the House of
31 Representatives of the General Assembly.

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Judith Rodrigue,
Chief Clerk of the House

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1 A Voluntary Contribution To The United States Olympic
2 Committee, And Making An Appropriation In Connection
3 Therewith.

4
5 Approved May 20, 2002 at 1:42 p.m.

6
7 **HB02-1414** Concerning The Continued Authority Of The State
8 Engineer To Approve Limited Substitute Water Supply
9 Plans, And Making An Appropriation In Connection
10 Therewith.

11
12 Approved May 23, 2002 at 1:57 p.m.

13
14 Sincerely,
15 (signed)
16 Bill Owens
17 Governor

18 _____

19
20
21 I certify I received the following on the 24th day of May, 2002, at
22 2:45 p.m. The original is on file in the records of the House of
23 Representatives of the General Assembly.

24
25 Judith Rodrigue,
26 Chief Clerk of the House

27 May 24, 2002

28
29 To the Honorable
30 House of Representatives
31 Sixty-third General Assembly
32 Second Regular Session
33 Denver, CO 80203

34
35 Ladies and Gentlemen:

36
37 I have the honor to inform you that I have approved and filed with
38 the Secretary of State the following acts:

39
40 **HB02-1009** Concerning Civil Restraining Orders, And Making An
41 Appropriation In Connection.

42
43 Approved May 24, 2002 at 8:14 a.m.

44
45 **HB02-1019** Concerning Registration With Local Law Enforcement
46 Agencies As A Condition Of Release For Certain Persons
47 Found Not Guilty By Reason Of Insanity.

48
49 Approved May 24, 2002 at 8:15 a.m.

50
51 **HB02-1025** Concerning Methods To Address Barriers To Self-
52 sufficiency In Colorado Works Participants.

53
54 Approved May 24, 2002 at 8:17 a.m.

55

- 1 **HB02-1036** Concerning State Contributions To Volunteer Firefighter
2 Pension Plans, And Making An Appropriation In
3 Connection Therewith.
4
5 Approved May 24, 2002 at 8:17 a.m.
6
- 7 **HB02-1089** Concerning The Standards For Approval Of Simulcast
8 Facilities By The Colorado Racing Commission.
9
10 Approved May 24, 2002 at 8:19 a.m.
11
- 12 **HB02-1098** Concerning A Requirement That Any Donation Of A
13 Perpetual Conservation Easement For Which A Credit
14 Against State Income Tax Is Claimed Be Eligible To
15 Qualify As A Qualified Conservation Contribution
16 Pursuant To Requirements Specified In The Federal
17 Internal Revenue Code.
18
19 Approved May 24, 2002 at 8:21 a.m.
20
- 21 **HB02-1099** Concerning The Nomenclature Applicable To Agencies
22 Within The Department Of Agriculture, And, In
23 Connection Therewith, Changing The Names Of The Soil
24 Conservation Districts To The Conservation Board And
25 Conservation Districts, Respectively.
26
27 Approved May 24, 2002 at 8:23 a.m.
28
- 29 **HB02-1138** Concerning The Provision Of Child Welfare Services.
30
31 Approved May 24, 2002 at 8:25 a.m.
32
- 33 **HB02-1219** Concerning Frivolous State Income Tax Returns.
34
35 Approved May 24, 2002 at 8:26 a.m.
36
- 37 **HB02-1232** Concerning An Increase In The Amounts Of Fees Relating
38 To Inspection Of Machines That Are Sources Of Ionizing
39 Radiation.
40
41 Approved May 24, 2002 at 8:27 a.m.
42
- 43 **HB02-1244** Concerning Moneys In The Identification Security Fund.
44
45 Approved May 24, 2002 at 8:31 a.m.
46
- 47 **HB02-1245** Concerning Utilization Of Party Committees To Fill
48 Vacancies Occurring On The State Board Of Education.
49
50 Approved May 24, 2002 at 8:35 a.m.
51
- 52 **HB02-1254** Concerning The "Public Securities Information Reporting
53 Act."
54
55 Approved May 24, 2002 at 8:37 a.m.
56

- 1 **HB02-1269** Concerning The Regulation Of Roadside Advertising.
- 2
- 3 Approved May 24, 2002 at 8:38 a.m.
- 4
- 5 **HB02-1278** Concerning Physician Training Licenses, And Making An
- 6 Appropriation Therefor.
- 7
- 8 Approved May 24, 2002 at 9:02 a.m.
- 9
- 10 **HB02-1316** Concerning Repayment Of Loans Issued Through The
- 11 Interest-free Loan Program To Alleviate Cash Flow
- 12 Management Problems For School Districts.
- 13
- 14 Approved May 24, 2002 at 9:06 a.m.
- 15
- 16 **HB02-1347** Concerning The Exclusion Of Certain Workers'
- 17 Compensation Cash Funds From The limitation On The
- 18 Amount Of Uncommitted Moneys That May Be Retained
- 19 In A Cash Fund.
- 20
- 21 Approved May 24, 2002 at 9:10 a.m.
- 22
- 23 **HB02-1364** Concerning Tax Reimbursement For Fuel That Is Exempt
- 24 From Taxation.
- 25 Approved May 24, 2002 at 9:13 a.m.
- 26

27
 28 Sincerely,
 29 (signed)
 30 Bill Owens
 31 Governor

32 _____
 33
 34 May 24, 2002

35
 36 To the Honorable
 37 House of Representatives
 38 Sixty-third General Assembly
 39 Second Regular Session
 40 Denver, CO 80203

41
 42 Ladies and Gentlemen:

43
 44 I have the honor to inform you that I have approved and filed with
 45 the Secretary of State the following acts:

- 46
- 47 **HB02-1084** Concerning Composition Of The Wildlife Commission
- 48 Membership.
- 49
- 50 Approved May 24, 2002 at 11:20 a.m.
- 51
- 52 **HB02-1101** Concerning Family-friendly Courts, And Making An
- 53 Appropriation Therefor.
- 54
- 55 Approved May 24, 2002 at 12:33 p.m.
- 56

- 1 **HB02-1155** Concerning The Coverage Of Pregnant Women Under The
2 Children's Basic Health Plan, And Making An
3 Appropriation Therefor.
4
5 Approved May 24, 2002 at 11:40 a.m.
6
- 7 **HB02-1189** Concerning The Assignment To Every Salvage Vehicle Of
8 A Substitute Vehicle Identification Document That Clearly
9 Denotes The Fact That The Vehicle Is A Salvage Vehicle.
10
11 Approved May 24, 2002 at 12:36 p.m.
12
- 13 **HB02-1129** Concerning The Distribution Of Food Coupons
14 Redeemable At Farmers' Markets To Women, Infants,
15 And Children Program Participants.
16
17 Approved May 24, 2002 at 12:34 p.m.
18
- 19 **HB02-1241** Concerning Loan By The Department Of The Treasury To
20 Taxpayers As Part Of The Homestead Property Tax
21 Deferral Program, And Making An Appropriation In
22 Connection Therewith.
23
24 Approved May 24, 2002 at 12:40 p.m.
25
- 26 **HB02-1330** Concerning Changes To The Amount Of The Cash Value
27 Of Life Insurance That Is Exempt From Attachment By
28 Creditors.
29
30 Approved May 24, 2002 at 12:42 p.m.
31
- 32 **HB02-1342** Concerning Public Access To Information Relating To
33 Public Bodies, And, In Connection Therewith, Clarifying
34 That Public Officials and Employees Are Persons For
35 Purposes Of The Public Records Act, Article 27 Of Title
36 24, Colorado Revised Statutes, And Specifying The
37 Manner In Which Public Bodies Are To Record Their
38 Meetings.
39
40 Approved May 24, 2002 at 12:50 p.m.
41
- 42 **HB02-1400** Concerning Violations Detected Using Automated Vehicle
43 Identification Devices.
44
45 Approved May 24, 2002 at 11:44 p.m.
46

47 Sincerely,
48 (signed)
49 Bill Owens
50 Governor

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55

1 I certify I received the following on the 24th day of May, 2002, at
2 2:45 p.m. The original is on file in the records of the House of
3 Representatives of the General Assembly.

4

5

Judith Rodrigue,
Chief Clerk of the House

6

7 May 24, 2002

8

9 The Honorable Colorado House of Representatives
10 Sixty-Third General Assembly
11 Second Regular Session
12 Denver, CO 80203

13

14 Ladies and Gentlemen:

15

16 I am filing with the Secretary of State, House Bill 02-1027, "Concerning
17 Case-Mix Reimbursement Methodology for the Reimbursement of
18 Services under the 'Colorado Medical Assistance Act', and Making an
19 Appropriation in Connection Therewith." I vetoed this bill as of 1:05 p.m
20 today, and this letter sets forth my reasons for doing so.

21

22 The legislation would require Colorado's Department of Health Care
23 Policy and Financing to conduct a feasibility study for a highly
24 speculative approach to Medicaid reimbursement of home health and
25 home care providers. The bill requires the Department to solicit a
26 significant amount of grants and donations to fund a simulation of a
27 "case-mix" reimbursement methodology, with the strong possibility that
28 the entire exercise will produce no more than an expensive report.

29

30 House Bill 02-1027 would place the Department in the awkward position
31 of relying on a significant amount of voluntary contributions to carry out
32 the General Assembly's policy directive. If the legislature decides this
33 program is important to Colorado's citizens, then it should provide the
34 resources necessary to make it successful.

35

36 Accordingly, I have vetoed this bill.

37

38 Sincerely,
39 (signed)
40 Bill Owens

41

42

43 May 24, 2002

44

45 The Honorable Colorado House of Representatives
46 Sixty-Third General Assembly
47 Second Regular Session
48 Denver, CO 80203

49

50 Ladies and Gentlemen:

51

52 I am filing with the Secretary of State, House Bill 02-1220, "Concerning
53 the Insurance Coverage of Hearing Aids for Minors, and Making an
54 Appropriation in Connection Therewith." The bill would have required
55 health insurance plans to cover the costs of hearing aids, services,
56 supplies, and associated therapy. I vetoed this bill as of 1:10 p.m. today.

1 This letter sets forth my reasons for doing so.
2 More than twenty health insurance mandates have been added to
3 Colorado's health plans through the years. Individually, these mandates
4 are well intentioned. Cumulatively, though, they are having the
5 unintended effect of making health care less affordable. A recent study
6 by PriceWaterhouseCoopers found that mandated benefits accounted for
7 15 percent of the \$67 billion increase in health care spending in 2001.
8 Additionally, a 1999 study by the Health Insurance Association of
9 America found that nearly one out of four uninsured Americans lack
10 health insurance due to the cost of state mandates.

11
12 It would be irresponsible of me to increase the cost of health care when
13 health insurance is already out of reach for many Coloradans. A recent
14 report by the Colorado Division of Insurance, which showed that more
15 than 81,000 workers abandoned Colorado's health insurance market for
16 small businesses in 2001, underscores the magnitude of the problem.

17
18 My decision was influenced also by a Senate committee's decision to
19 eliminate a proposal to provide small businesses with a basic health plan
20 option free from mandates that the employer's workers may not need or
21 want. Health insurance policies in Colorado are currently a "take-it-or-
22 leave-it" proposition: employers either take the expensive, mandate-laden
23 policy or leave their employees without coverage. When we are dealing
24 with the health care of our fellow Coloradans a simplistic "all-or-nothing"
25 approach is wrong and unnecessary.

26
27 There is no question it would have been easier to sign this legislation and
28 add another mandate to health insurance policies in Colorado. This
29 action, though, would have ignored the consequences of increasing health
30 care costs, and ignored the fact that Coloradans will have to go another
31 year without a truly basic health plan option. Accordingly, I have vetoed
32 this bill.

33
34 Sincerely,
35 (signed)
36 Bill Owens

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39

40 I certify I received the following on the 29th day of May, 2002, at
41 3:10 p.m. The original is on file in the records of the House of
42 Representatives of the General Assembly.

43
44

Judith Rodrigue,
Chief Clerk of the House

45
46 May 29, 2002

47

48 The Honorable House of Representatives
49 Sixty-third General Assembly
50 Second Regular Session
51 Denver, CO 80203

52

53 Ladies and Gentlemen:

54

55 I have the honor to inform you that I have signed and filed with the
56 Secretary of State the following acts:

- 1 **HB02-1014** Concerning the Removal by the Secretary of State of
2 Identification Numbers from Financing Statements Filed
3 Before July 1, 2001, Pursuant to Repealed Provisions of
4 Article 9 of the "Uniform Commercial Code", and Making
5 an Appropriation Therefor.
6
7 Approved May 28, 2002 at 4:46 p.m.
8
- 9 **HB02-1139** Concerning Protections for Person on State Military Duty.
10
11 Approved May 29, 2002 at 6:40 a.m.
12
- 13 **HB02-1229** Concerning Continuation of the Regulation of Controlled
14 Substances, and, in Connection Therewith, Updating the
15 Statutes to Reflect the Regulatory Functions within the
16 Department of Human Services, and Making an
17 Appropriation Therefor.
18
19 Approved May 28, 2002 at 4:47 p.m.
20
- 21 **HB02-1284** Concerning the Authorization of Need-based Grants for
22 Veterans to Defray the Costs of Attendance at the
23 Dedication of the World War II Memorial in Washington,
24 D.C.
25
26 Approved May 29, 2002 at 6:38 a.m.
27
- 28 **HB02-1304** Concerning the Provision of Literacy Services to Students
29 Preparing to Enter the First Grade, and Making an
30 Appropriation in Connection Therewith.
31
32 Approved May 28, 2002 at 4:52 p.m.
33
- 34 **HB02-1425** Concerning a Supplemental Appropriation to the
35 Department of Health Care Policy and Financing.
36
37 Approved May 28, 2002 at 4:48 p.m.
38
- 39 **HB02-1427** Concerning a Supplemental Appropriation to the
40 Department of Human Services.
41
42 Approved May 28, 2002 at 4:50 p.m.
43
- 44 **HB02-1437** Concerning a Supplemental Appropriation to the
45 Department of Transportation.
46
47 Approved May 28, 2002 at 4:51 p.m.
48
- 49 **HB02-1442** Concerning the Designation of State Moneys to Constitute
50 the State Emergency Reserve for the 2001-02 State Fiscal
51 Year, and, in Connection Therewith, Specifying that the
52 Principal Credited to the Unclaimed Property Trust Fund
53 Constitutes State Fiscal Year Spending so that Moneys in
54 Said Trust Fund May Be Designated as Part of the State
55 Emergency Reserve, and Designated Moneys in the
56 Subsequent Injury Fund, the Major Medical Insurance

1 Fund, the Wildlife Cash Fund, and the Unclaimed
2 Property Trust Fund as Part of the State Emergency
3 Reserve.

4
5 Approved May 28, 2002 at 4:59 p.m.

6
7 **HB02-1443** Concerning Reductions in the Revenues Available to Fund
8 Capital Projects for Purposes of Addressing the
9 Anticipated Revenue Shortfall for the 2001-02 and 2002-
10 02 Fiscal Years.

11
12 Approved May 28, 2002 at 4:56 p.m.

13
14 **HB02-1444** Concerning the Augmentation of the General Fund
15 Through Transfers of Certain Moneys in the 2001-02 State
16 Fiscal Year.

17
18 Approved May 28, 2002 at 4:54 p.m.

19
20 **HB02-1475** Concerning Authorization for the Controller to Allow the
21 Department of Corrections to Make a One-time
22 Overexpenditure of Line Item Appropriations to Fund
23 Portions of the Medical Services Subprogram for
24 Department of Institutions for the 2001-02 Fiscal Year.

25
26 Approved May 28, 2002 at 5:02 p.m.

27
28 **HB02-1478** Concerning the Fiscal Policy of the State for the 2001-02
29 and 2002-03 State Fiscal Years in Relation to the
30 Statutorily required General Fund Reserve in the Event of
31 a Revenue Shortfall.

32
33 Approved May 28, 2002 at 4:59 p.m.

34
35 Sincerely,
36 (signed)
37 Bill Owens

38 _____

39
40
41 I certify I received the following on the 31st day of May, 2002, at
42 3:55 p.m. The original is on file in the records of the House of
43 Representatives of the General Assembly.

44
45 Judith Rodrigue,
46 Chief Clerk of the House

47 To the Honorable
48 House of Representatives
49 Sixty-third General Assembly
50 Second Regular Session
51 Denver, CO 80203

52
53 Ladies and Gentlemen:

54
55 I have the honor to inform you that I have approved and filed with
56 the Secretary of State the following acts:

- 1 **HB02-1010** Concerning the efficient delivery of quality care to
2 seniors.
3
4 Approved May 31, 2002 at 9:22 a.m.
5
- 6 **HB02-1029** Concerning expansion of the program of all-inclusive care
7 for the elderly, and making an appropriation in connection
8 therewith.
9
10 Approved May 31, 2002 at 9:24 a.m.
11
- 12 **HB02-1039** Concerning the creation of a consumer-directed care pilot
13 program for the elderly, and making an appropriation in
14 connection therewith.
15
16 Approved May 30, 2002 at 3:21 p.m.
17
- 18 **HB02-1064** Concerning statutory changes to enhance consistent
19 compliance with the federal "Indian Child Welfare Act"
20 statewide.
21
22 Approved May 30, 2002 at 3:20 p.m.
23
- 24 **HB02-1066** Concerning measures that will stabilize the cash flow
25 associated with the issuance of license plates.
26
27 Approved May 30, 2002 at 3:22 p.m.
28
- 29 **HB02-1067** Concerning implementation of the family caregiver
30 support program.
31
32 Approved May 30, 2002 at 3:21 p.m.
33
- 34 **HB02-1119** Concerning electronic documents, and making an
35 appropriation in connection therewith.
36
37 Approved May 30, 2002 at 3:20 p.m.
38
- 39 **HB02-1125** Concerning the creation of a Colorado stroke advisory
40 board, and making an appropriation therefor.
41
42 Approved May 30, 2002 at 3:19 p.m.
43
- 44 **HB02-1146** Concerning a uniform state privacy policy for the purpose
45 of standardizing the treatment of personally identifiable
46 information collected by state governmental entities.
47
48 Approved May 30, 2002 at 3:18 p.m.
49
- 50 **HB02-1180** Concerning the transfer of moneys from the Colorado
51 disabled telephone users fund to the Colorado commission
52 for the deaf and hard of hearing cash fund for the purpose
53 of implementing a program for the deaf and hard of
54 hearing, and making an appropriation therefor.
55
56 Approved May 30, 2002 at 3:18 p.m.

- 1 **HB02-1191** Concerning the "Colorado Common Interest Ownership
2 Act".
3
4 Approved May 30, 2002 at 3:17 p.m.
5
- 6 **HB02-1209** Concerning the older Coloradans program, and making an
7 appropriation in connection therewith.
8
9 Approved May 31, 2002 at 9:24 a.m.
10
- 11 **HB02-1210** Concerning requirements for disabled persons to obtain
12 special license plates, and, in connection therewith,
13 allowing such persons to apply for such license plates for
14 a motor vehicle owned by a trust set up for the person with
15 a disability.
16
17 Approved May 30, 2002 at 3:17 p.m.
18
- 19 **HB02-1221** Concerning the management of black bear hunting.
20
21 Approved May 29, 2002 at 1:10 p.m.
22
- 23 **HB02-1225** Concerning procedural changes for the strengthening of
24 criminal laws.
25
26 Approved May 30, 2002 3:16 p.m.
27
- 28 **HB02-1226** Concerning the authority of the state personnel director to
29 create a state employee assistance program, and making an
30 appropriation in connection therewith.
31
32 Approved May 30, 2002 at 3:16 p.m.
33
- 34 **HB02-1262** Concerning assistance for the benefit of grandchildren
35 who exit foster care into the legal care of a grandparent.
36
37 Approved May 31, 2002 at 9:27 a.m.
38
- 39 **HB02-1263** Concerning substance abuse treatment, and making an
40 appropriation in connection therewith.
41
42 Approved May 30, 2002 at 3:15 p.m.
43
- 44 **HB02-1276** Concerning the provision of additional funding for the
45 health care needs of old age pension recipients, and
46 making an appropriation therefor.
47
48 Approved May 31, 2002 at 9:32 a.m.
49
- 50 **HB02-1287** Concerning access to records for purposes of background
51 checks conducted in connection with firearm transfers.
52
53 Approved May 30, 2002 at 3:15 p.m.
54
55

- 1 **HB02-1288** Concerning the assessment of property for property tax
2 purposes.
3
4 Approved May 30, 2002 at 3:24 p.m.
5
- 6 **HB02-1292** Concerning the statewide managed care system under the
7 "Colorado Medical Assistance Act", and making an
8 appropriation in connection therewith.
9
10 Approved May 30, 2002 at 3:23 p.m.
11
- 12 **HB02-1295** Concerning procedures to facilitate the provision of
13 benefits to offenders transitioning from the criminal justice
14 system, and making an appropriation in connection
15 therewith.
16
17 Approved May 30, 2002 at 3:21 p.m.
18
- 19 **HB02-1301** Concerning clarification of the crimes of introducing
20 contraband, and making an appropriation therefor.
21
22 Approved May 30, 2002 at 3:21 p.m.
23
- 24 **HB02-1303** Concerning the establishment of a family literacy
25 education grant program.
26
27 Approved May 30, 2002 at 3:22 p.m.
28
- 29 **HB02-1306** Concerning programs related to the federal "No Child Left
30 Behind Act of 2001".
31
32 Approved May 30, 2002 at 3:23 p.m.
33
- 34 **HB02-1310** Concerning modifications to state funding available to
35 address critical needs of the state's citizens, and making an
36 appropriation in connection therewith.
37
38 Approved May 30, 2002 at 2:16 p.m.
39
- 40 **HB02-1313** Concerning peace officers certified by the Peace Officers
41 Standards and Training Board.
42
43 Approved May 30, 2002 at 3:23 p.m.
44
- 45 **HB02-1324** Concerning establishment of a Colorado State University
46 at Pueblo, and, in connection therewith, changing the
47 name of the University of Southern Colorado and
48 modifying the University's role and mission.
49
50 Approved May 29, 2002 at 3:05
51
- 52 **HB02-1326** Concerning adoption of the "Uniform Electronic
53 Transactions Act", and, in connection therewith, making
54 an appropriation.
55
56 Approved May 30, 2002 at 3:24 p.m.

- 1 **HB02-1333** Concerning recommendations of the House Committee on
2 Finance relating to the continuation of requirements for
3 certain reports to the General Assembly from executive
4 agencies, and, in connection therewith, repealing reporting
5 requirements to the General Assembly that are obsolete.
6
7 Approved May 30, 2002 at 3:25 p.m.
8
- 9 **HB02-1336** Concerning recommendations of the House Committee on
10 Local Government relating to the continuation of
11 requirements for certain reports to the General Assembly
12 from executive agencies, and, in connection therewith,
13 repealing reporting requirements to the general assembly
14 that are obsolete.
15
16 Approved May 30, 2002 at 3:26 p.m.
17
- 18 **HB02-1339** Concerning measures that will address whether all
19 accounts for alcohol beverages sold to the applicant are
20 paid when applying for a temporary permit pending
21 transfer of certain alcohol licenses.
22
23 Approved May 30, 2002 at 3:27 p.m.
24
- 25 **HB02-1341** Concerning recommendations of the House Committee on
26 Transportation and Energy relating to the continuation of
27 requirements for certain reports to the General Assembly
28 from executive agencies, and, in connection therewith,
29 repealing reporting requirements to the General Assembly
30 that are obsolete.
31
32 Approved May 30, 2002 at 3:28 p.m.
33
- 34 **HB02-1352** Concerning recommendations of the House Committee on
35 Agriculture, Livestock, and Natural Resources relating to
36 the continuation of requirements for certain reports to the
37 General Assembly from executive agencies, and, in
38 connection therewith, repealing reporting requirements to
39 the General Assembly that are obsolete.
40
41 Approved May 30, 2002 at 3:29 p.m.
42
- 43 **HB02-1353** Concerning requirements for the retroactive adjustment of
44 health care claims.
45
46 Approved May 30, 2002 at 3: 30 p.m.
47
- 48 **HB02-1355** Concerning whether certain business practices violate the
49 prohibition upon charging a higher price based on the
50 customer's use of a credit card rather than other forms of
51 payment.
52
53 Approved May 30, 2002 at 3:31 p.m.
54
55

1 **HB02-1357** Concerning modification of the requirements relating to
 2 notification of surface development to owners of severed
 3 mineral estates.

4
 5 Approved May 30, 2002 at 3: 32 p.m.

6
 7 **HB02-1404** Concerning civil forfeiture.

8
 9 Approved May 31, 2002 at 9:40 a.m.

10
 11 **HB02-1440** Concerning state emergency services, and making an
 12 appropriation in connection therewith.

13
 14 Approved May 29, 2002 at 1:12 p.m.

15
 16 Sincerely,
 17 (signed)
 18 Bill Owens
 19 Governor

20

21

22

23 I certify I received the following on the 31st day of May, 2002, at
 24 3:55 p.m. The original is on file in the records of the House of
 25 Representatives of the General Assembly.

26

27

Judith Rodrigue,
 Chief Clerk of the House

28

29 May 31, 2002

30

31 The Honorable Colorado House of Representatives
 32 Sixty-Third General Assembly
 33 Second Regular Session
 34 Denver, CO 80203

35

36 Ladies and Gentlemen:

37

38 I am filing with the Secretary of State House Bill 02-1246, "Concerning the
 39 Creation of the Eligible Facilities Education Task Force, and Making an
 40 Appropriation Therefore." Pursuant to Article IV, Section 12 of the Colorado
 41 Constitution, I am exercising my authority to disapprove of any distinct item or
 42 items of any bill making appropriations of money.

43

44 Approved in part and disapproved in part on May 31, 2002, at 9:28 a.m. I
 45 vetoed Section 3 of this bill, in its entirety, and this letter sets forth my reasons
 46 for doing so.

47

48 House Bill 02-1246 creates the Eligible Facilities Education Task Force and sets
 49 forth the membership and the requirements of the study to be conducted by the
 50 task force. Section 3 appropriates no more than ten thousand dollars from the
 51 general fund for the fiscal year beginning July 1, 2002, to compensate legislative
 52 members who serve on the task force.

53

54 Section 3 provides up to ten thousand dollars compensation for only the four
 55 members of the General Assembly who sit on this task force, while non-
 56 legislative members are not provided any compensation. Given the current

1 pressing need to reduce general fund expenditures, I encourage the General
2 Assembly to find ways to fund its members' activities within its current budget
3 constraints. In addition, the task force positions are voluntary, and therefore
4 voluntary service on this task force will not force a financial burden on any
5 legislative member.

6
7 Accordingly, I have vetoed Section 3 of this bill.

8
9 Sincerely,
10 (signed)
11 Bill Owens _____

12
13
14 May 31, 2002

15
16 *The Honorable Colorado House of Representatives*

17
18 Sixty-Third General Assembly
19 Second Regular Session
20 State Capitol Building
21 Denver, CO 80203

22
23 Ladies and Gentlemen:

24
25 I am filing with the Secretary of State the following act:

26
27 HOUSE BILL 02-1420, CONCERNING THE PROVISION FOR PAYMENT OF THE
28 EXPENSES OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE
29 STATE OF COLORADO, AND OF ITS AGENCIES AND INSTITUTIONS, FOR AND DURING
30 THE FISCAL YEAR BEGINNING JULY 1, 2002, EXCEPT AS OTHERWISE NOTED.

31
32 Approved in part and disapproved in part on May 31, 2002, at 9:20 a.m.

33
34 It is my constitutional obligation to review the general appropriations bill and
35 exercise the line item veto when necessary. While I have approved House Bill
36 02-1420 (the "FY 2002-03 Long Bill") as a whole, I have vetoed a large number
37 of headnotes, footnotes, and line items within the bill. Pursuant to the Colorado
38 Constitution, I have filed copies of the vetoed items from this bill, with my
39 objections, with the Secretary of State.

40
41 I am faced with a difficult decision regarding the FY 2002-03 budget. The
42 budget presented to me by the General Assembly does not reflect the reality of
43 lower revenues. Revenues began declining in October 2001, yet the Joint
44 Budget Committee continued to appropriate up to the maximum limit for both
45 FY 2001-02 and FY 2002-03. The guiding fact is this: despite revenues being
46 down 13 percent this year, next year's budget increases spending 7.3 percent.
47 This, as I have said before, is a 20 percentage-point swing away from fiscal
48 reality.

49
50 At the core of this problem is the inclination to treat the 6 percent General Fund
51 appropriations limit as a floor instead of a ceiling. The Joint Budget Committee
52 worked hard to guarantee 6 percent spending growth as if this were commanded
53 at any cost. Yet, there is no question that I have a constitutional duty to assure
54 a balanced budget. As a result, even if this bill appropriates to the legal limit,
55 our Constitution does not allow the State to spend beyond its means.
56 No Colorado family could take this same approach with its household budget.

1 Imagine one of our constituents who, faced with a 13 percent drop in his
2 income, decided to increase his spending while ignoring family income. We
3 would view him as woefully irresponsible, and he would garner little sympathy.

4
5
6 Yet this is Colorado fiscal policy in 2002.

7
8 Beyond the precipitous imbalance between spending and revenue that is at the
9 heart of this budget, the Legislature has also decided to use \$1.2 billion in one-
10 time revenues to balance the budget and to support ongoing programs. This
11 only worsens the hole that the Legislature and the Governor must dig Colorado
12 out of next year.

13
14 If this budget would have been presented to me on the date it should have been
15 – April 12th – I would have vetoed the budget in its entirety and requested that
16 the General Assembly lower appropriations in order to balance the budget. To
17 veto the budget at this date, however, is futile at best. I believe that a special
18 session would produce a document little different than the one I have on my
19 desk today. Meanwhile, vetoing the entire budget would shut down state
20 government on July 1, something that is obviously not feasible.

21
22 The next best step I can take for the taxpayers of Colorado is to reduce the
23 overspending that is the hallmark of this budget. With regret, I have exercised
24 my line-item veto authority and will require agencies to impose additional
25 restrictions in order to balance next year's budget, as is my constitutional duty.
26 In total, I will reduce next year's budget by \$228 million. I have vetoed roughly
27 \$46 million out of the state's budget bill. Furthermore, all agencies except K-12
28 education will be required to restrict approximately \$140 million (or 4 percent)
29 of their FY 2002-03 General Fund appropriations. I will require departments to
30 delay increases in provider rates until February 2003, at which time we can
31 evaluate as to whether there are sufficient revenues to fund the increases (\$12
32 million), and I will require capital projects that are currently frozen to remain
33 frozen in the next fiscal year, a \$30 million to \$35 million savings. These actions
34 are in addition to \$640 million of reductions already taken in the current fiscal
35 year. In the 17 years prior to my tenure as Governor, the line item veto power
36 was used sparingly on General Fund items – only three times for a total of \$1.5
37 million. In the FY 1999-00 budget, I vetoed \$25.4 million of General Funded
38 capital projects and now must veto additional amounts in order to help balance
39 the budget.

40
41 Let me make two key points about these actions. First, I would have preferred
42 to merely reduce many of these line items rather than veto them in entirety.
43 However, such a constructive option was not available to me.

44
45 **Second, despite what some members of the Joint Budget Committee have**
46 **said, none of these vetoes or restrictions will allow General Fund dollars to**
47 **flow to transportation.** The budget in the Long Bill does not devote *one single*
48 *cent* of General Fund money to transportation and my line item vetoes will not
49 change that fact. **The line item vetoes have everything to do with upholding**
50 **the State Constitution that requires a balanced budget and will have no**
51 **impact on transportation funding.**

52
53 The following text explains my vetoes to the Long Bill:

54
55 Veto and Comment on Headnotes, Footnotes, and Line Items

56

1 The Constitution allows me to exercise line item vetoes on the general
2 appropriations bill. I have exercised this power with regard to headnotes and
3 footnotes that I believe violate the Constitution and/or do not meet with my
4 approval. Some sections of the FY 2002-03 Long Bill violate Articles III and
5 V of the Colorado Constitution. The bill contains some items that inhibit the
6 ability of the Executive Branch to administer appropriations or which constitute
7 substantive legislation.

8
9 Article III of the state Constitution provides for the separation of powers
10 between the Executive and Legislative branches. The Legislative Branch has
11 broad powers concerning the appropriation of state funds. The Executive
12 Branch of government has the inherent responsibility and authority for
13 administering the government. Therefore, the legislature's power does not
14 include the ability to attach conditions in the Long Bill that intrude into the
15 executive functions of state government. Colorado General Assembly v. Lamm,
16 704 P.2d 1371 (Colo. 1985); Anderson v. Lamm, 195 Colo. 437, 579 P.2d 620
17 (1978).

18
19 Article V, Section 32 of the state Constitution provides that substantive
20 legislation cannot be included in the Long Bill. The purpose of the Long Bill is
21 to meet charges already created against the public fund by affirmative acts of the
22 General Assembly; it may not include substantive legislation, nor may it amend
23 or repeal a law. See also Anderson.

24
25 In vetoing these provisions, I have lined through the following items:

26
27 **SECTION 1: HEADNOTES**

28
29 **1. Section 1. Definitions – general provisions, headnote (1), pages 1-2:** (1)
30 (a) “Capital outlay” means: (I) Equipment, furniture, motor vehicles,
31 software, and other items that have a useful life of one year or more and that
32 cost less than fifty thousand dollars; (II) Alterations and replacements,
33 meaning major and extensive repair, remodeling, or alteration of buildings,
34 the replacement thereof, or the replacement and renewal of the plumbing,
35 wiring, electrical, fiber optic, heating, and air conditioning systems therein,
36 costing less than fifteen thousand dollars; (III) New structures, meaning the
37 construction of entirely new buildings where the cost will be less than fifteen
38 thousand dollars, including the value of materials and labor, either state-
39 supplied or supplied by contract; (IV) Nonstructural improvements to land,
40 meaning the grading, leveling, drainage, irrigation, and landscaping thereof
41 and the construction of roadways, fences, ditches, and sanitary and storm
42 sewers, where the cost will be less than five thousand dollars. (b) “Capital
43 outlay” does not include those things defined as capital construction by
44 section 24-75-301, Colorado Revised Statutes.

45
46 The state has experienced significant reductions in personal services and
47 operating budgets during the last four years. In addition, capital funding
48 for FY 2001-02 has been significantly reduced. Revenues have been
49 decreasing and since October 2001, I have ordered restrictions on
50 General Fund spending. In order to provide flexibility for departments
51 so that impacts in services to citizens are minimized, I am vetoing this
52 headnote. Furthermore, the dollar amounts listed in this headnote have
53 not been changed since 1977. I will direct the departments to comply
54 with this headnote to the extent feasible. However, to the extent that
55 this headnote might hinder the ability of departments to meet the needs
56 of citizens, they will be allowed to spend outside of these parameters.

1 **2. Section 1. Definitions – general provisions, headnote (3), pages 2-3:** (3)
 2 (a) (I) Except as otherwise provided in paragraph (b) of this subsection, “full
 3 time equivalent” or “FTE” means the budgetary equivalent of one permanent
 4 position continuously filled full time for an entire fiscal year by elected state
 5 officials or by state employees who are paid for at least two thousand eighty
 6 hours per fiscal year, with adjustments made to: (A) Include in such time
 7 computation any sick, annual, administrative, or other paid leave; and (B)
 8 Exclude from such time computation any overtime or shift differential
 9 payments made in excess of regular or normal hours worked and any leave
 10 payouts upon termination of employment. (II) “Full time equivalent” or
 11 “FTE” does not include contractual, temporary, or permanent seasonal
 12 positions. (III) As used in this paragraph (a), “state employee” means a
 13 person employed by the state, whether or not such person is a classified
 14 employee in the state personnel system. (b) For purposes of higher education
 15 professional personnel and assistants in resident instruction and professional
 16 personnel in organized research and activities relating to instruction, “full
 17 time equivalent” or “FTE” means the equivalent of one permanent position
 18 continuously filled for a nine-month or ten-month academic year. (c) The
 19 maximum limitation on the number of FTE that are allowed for the fiscal year
 20 to which this act pertains may comprise any combination of part-time
 21 positions or full-time positions so long as the maximum FTE limitation is not
 22 exceeded.
 23

24 I vetoed this headnote last year. The Colorado Supreme Court
 25 concluded in 1978 that legislative attempts to administer the
 26 appropriation by placing “specific staffing and resource allocation
 27 decisions” in a general appropriations bill were unconstitutional.
 28 *Anderson v. Lamm*, 195 Colo. 437, 579 P.2d 620 (1978). The Supreme
 29 Court in so doing recognized that the ability to make staffing decisions
 30 is one of the most fundamental components of managing state
 31 government. Therefore, this headnote and its references are
 32 constitutionally void. Although I generally agree with the definition of
 33 the FTE, such a headnote inhibits the executive branch’s authority to
 34 administer the appropriation and is thus unconstitutional.
 35

36 **3. Section 1. Definitions – general provisions, headnote (4), page 3:** (4)
 37 “Health, life, and dental” means the state contribution to employee health,
 38 life, and dental insurance pursuant to section 24-50-609, Colorado Revised
 39 Statutes. No funds appropriated for health, life, and dental shall be expended
 40 for any other purpose.
 41

42 The state has experienced four consecutive years of reductions in
 43 personal services. In addition, revenues have been decreasing and I have
 44 ordered restrictions on General Fund spending since October 2001. In
 45 order to provide flexibility for departments so that impacts in services to
 46 citizens are minimized, I am vetoing this headnote. I will direct the
 47 departments to comply with this headnote to the extent feasible.
 48 However, to the extent that this headnote might hinder the ability of
 49 departments to meet the needs of citizens, they will be allowed to spend
 50 outside of these parameters.
 51

52 **4. Section 1. Definitions – general provisions, headnote (6), pages 3-4:** (6)
 53 “Lease purchase” means the use and acquisition of equipment under an
 54 agreement to purchase, pursuant to which payments are made for a period of
 55 longer than one year and are subject to annual appropriation. “Lease
 56 purchase” may also include payments made under the agreement for the

1 maintenance of the equipment. No funds shall be expended for lease
2 purchases except those specifically appropriated for such purpose. The
3 provisions of this subsection (6) shall not apply to the board of regents of the
4 university of Colorado; the state board of agriculture; the board of trustees
5 of the Colorado school of mines; the board of trustees of the university of
6 northern Colorado; the trustees of the state colleges in Colorado; the state
7 board for community colleges and occupational education (except for
8 administration and the division of occupational education); the board for the
9 Auraria higher education center; the state historical society; the Colorado
10 council on the arts; the county departments of social services; and the low-
11 income energy assistance block grant.

12
13 The state has experienced significant reductions in personal services and
14 operating budgets during the last four years. Revenues have been
15 decreasing and I have ordered restrictions on General Fund spending
16 since October 2001. In order to provide flexibility for departments so
17 that impacts in services to citizens are minimized, I am vetoing this
18 headnote. I will direct the departments to comply with this headnote to
19 the extent feasible. However, to the extent that this headnote might
20 hinder the ability of departments to meet the needs of citizens, they will
21 be allowed to spend outside of these parameters.

22
23 **5. Section 1. Definitions – general provisions, headnote (7), page 4:** (7)

24 “Leased space” means the use and acquisition of office facilities and office
25 and parking space pursuant to a rental agreement. No funds shall be
26 expended for leased space except pursuant to a specific appropriation for
27 such purpose. The provisions of this subsection (7) shall not apply to the
28 board of regents of the university of Colorado; the state board of agriculture;
29 the board of trustees of the Colorado school of mines; the board of trustees
30 of the university of northern Colorado; the trustees of the state colleges in
31 Colorado; the state board for community colleges and occupational education
32 (except for administration and the division of occupational education); the
33 board for the Auraria higher education center; the state historical society; the
34 Colorado council on the arts; the division of wildlife; the water conservation
35 board; the county departments of social services; and the low-income energy
36 assistance block grant.

37
38 The state has experienced significant reductions in personal services and
39 operating budgets during the last four years. Revenues have been
40 decreasing and I have ordered restrictions on General Fund spending
41 since October 2001. In order to provide flexibility for departments so
42 that impacts in services to citizens are minimized, I am vetoing this
43 headnote. I will direct the departments to comply with this headnote to
44 the extent feasible. However, to the extent that this headnote might
45 hinder the ability of departments to meet the needs of citizens, they will
46 be allowed to spend outside of these parameters.

47
48 **6. Section 1. Definitions, headnote (8), page 4:** (8) “Legal services” means

49 the purchase of legal services from the department of law; however, up to ten
50 percent of the amount appropriated for legal services may instead be
51 expended for operating expenses, contractual services, and tuition for
52 employee training. No funds shall be expended for legal services except
53 those specifically appropriated for such purpose. The provision of this
54 subsection (8) shall not apply to the departments of education, higher
55 education, transportation, and the risk management fund in the department
56 of personnel.

1
2 I vetoed this headnote last year. Legal services expenditures are not
3 discretionary in protecting the interest of the state and its citizens.
4 Limiting the departments' ability to expend funds for these services
5 would result in ineffective administration of the government. However,
6 I recognize the need to contain state expenditures for legal services. I
7 will instruct the departments to use all necessary restraint in legal service
8 expenditures and to provide an accurate annual accounting of all legal
9 expenditures to the Joint Budget Committee.

10
11 **7. Section 1. Definitions – general provisions, headnote (10), pages 4-5:**

12 (10) "Operating expenses" means: (a) Supplies and materials, meaning items
13 that by their nature are consumable and that have a useful life of less than one
14 year or that, after usage, undergo an impairment of, or a material change in,
15 physical condition, including, but not limited to, books, periodicals, and
16 educational, laboratory, medical, data processing, custodial, postal, office,
17 photographic, and road maintenance supplies and materials; (b) Current
18 charges, meaning charges for items or services not otherwise defined in this
19 section for which a separate appropriation is not made, including, but not
20 limited to, charges for utilities, trash removal, custodial services,
21 telecommunications, data processing, advertising, freight, rentals of
22 equipment and property, storage, parking, minor repair or maintenance, and
23 printing and reproduction, and insurance premiums, dues, subscriptions,
24 casualty losses, commissions, royalties, interest, fees, fines, reimbursements,
25 and payments of prizes, awards, and judgments other than to state employees
26 as compensation; except that no funds appropriated for operating expenses
27 may be expended for vehicle lease payments, leased space, or lease purchase
28 unless otherwise authorized by law; (c) Capital outlay, as defined in
29 subsection (1) of this section. (d) The cost of travel by common carrier or by
30 state-owned or privately owned conveyance and the costs of meals and
31 lodging incident to such travel.

32
33 The state has experienced significant reductions in personal services and
34 operating budgets during the last four years. Revenues have been
35 decreasing and I have ordered restrictions on General Fund spending
36 since October 2001. In order to provide flexibility for departments so
37 that impacts in services to citizens are minimized, I am vetoing this
38 headnote. I will direct the departments to comply with this headnote to
39 the extent feasible. However, to the extent that this headnote might
40 hinder the ability of departments to meet the needs of citizens, they will
41 be allowed to spend outside of these parameters.

42
43 **8. Section 1. Definitions – general provisions, headnote (11), pages 5-6:**

44 (11) "Personal services" means: (a) All salaries and wages, whether to full-
45 time, part-time, or temporary employees of the state, and also includes the
46 state's contribution to the public employees' retirement fund and the state's
47 share of federal Medicare tax paid for state employees. Payments for
48 overtime shall be in compliance with rules and procedures adopted by the
49 state personnel director. (b) Professional services, meaning services requiring
50 advanced study in a specialized discipline that are rendered or performed by
51 firms or individuals for the state other than for employment compensation as
52 an employee of the state, including but not limited to accounting, consulting,
53 architectural, engineering, physician, nurse, specialized computer, and
54 construction management services. Payments for professional services shall
55 be in compliance with section 24-30-202 (2) and (3), Colorado Revised
56 Statutes. (c) Temporary services, meaning clerical, administrative, and casual

1 labor rendered or performed by firms or individuals for the state other than
2 for employment compensation as an employee of the state. Payments for
3 temporary services shall be in compliance with section 24-30-202 (2) and (3),
4 Colorado Revised Statutes. d) Tuition, meaning payments for graduate or
5 undergraduate courses taken by state employees at institutions of higher
6 education. (e) Payments for unemployment insurance as required by the
7 department of labor and employment.
8

9 The state has experienced four consecutive years of reductions in
10 personal services. In addition, revenues have been decreasing and I have
11 ordered restrictions on General Fund spending since October 2001. In
12 order to provide flexibility for departments so that impacts in services to
13 citizens are minimized, I am vetoing this headnote. I will direct the
14 departments to comply with this headnote to the extent feasible.
15 However, to the extent that this headnote might hinder the ability of
16 departments to meet the needs of citizens, they will be allowed to spend
17 outside of these parameters.
18

- 19 **9. Section 1. Definitions – general provisions, headnote (12), page 6:** (12)
20 “Purchase of services from computer center” means the purchase of
21 automated data processing services from the general government computer
22 center.
23

24 The state has experienced significant reductions in personal services and
25 operating budgets during the last four years. Revenues have been
26 decreasing and I have ordered restrictions on General Fund spending
27 since October 2001. In order to provide flexibility for departments so
28 that impacts in services to citizens are minimized, I am vetoing this
29 headnote. I will direct the departments to comply with this headnote to
30 the extent feasible. However, to the extent that this headnote might
31 hinder the ability of departments to meet the needs of citizens, they will
32 be allowed to spend outside of these parameters.
33

- 34 **10. Section 1. Definitions – general provisions, headnote (13), page 6:**
35 (13) “Short-term disability” means the state contribution for employee
36 short-term disability pursuant to section 24-50-603, Colorado Revised
37 Statutes. No funds appropriated for short-term disability shall be expended
38 for any other purpose.
39

40 The state has experienced four consecutive years of reductions in
41 personal services. In addition, revenues have been decreasing and I have
42 ordered restrictions on General Fund spending since October 2001. In
43 order to provide flexibility for departments so that impacts in services to
44 citizens are minimized, I am vetoing this headnote. I will direct the
45 departments to comply with this headnote to the extent feasible.
46 However, to the extent that this headnote might hinder the ability of
47 departments to meet the needs of citizens, they will be allowed to spend
48 outside of these parameters.
49

- 50 **11. Section 1. Definitions – general provisions, headnote (14), page 6:**
51 (14) “Utilities” means water, sewer service, electricity, payments to energy
52 service companies, purchase of energy conservation equipment, and all
53 heating fuels.
54

55 The state has experienced significant reductions in personal services and
56 operating budgets during the last four years. Revenues have been

1 decreasing and I have ordered restrictions on General Fund spending
 2 since October 2001. In order to provide flexibility for departments so
 3 that impacts in services to citizens are minimized, I am vetoing this
 4 headnote. I will direct the departments to comply with this headnote to
 5 the extent feasible. However, to the extent that this headnote might
 6 hinder the ability of departments to meet the needs of citizens, they will
 7 be allowed to spend outside of these parameters.
 8

9 **12. Section 1. Definitions – general provisions, headnote (15), page 6:**

10 (15) “Vehicle lease payments” means the annual payments to the
 11 department of personnel for the cost of administration, repayment of a loan
 12 from the state treasury, and lease-purchase payments for new and
 13 replacement vehicles. No funds shall be expended for vehicle lease
 14 payments except those specifically appropriated for such purposes. The
 15 provisions of this subsection (15) shall not apply to the departments of
 16 education, higher education, and transportation.
 17

18 The state has experienced significant reductions in personal services and
 19 operating budgets during the last four years. Revenues have been
 20 decreasing and I have ordered restrictions on General Fund spending
 21 since October 2001. In order to provide flexibility for departments so
 22 that impacts in services to citizens are minimized, I am vetoing this
 23 headnote. I will direct the departments to comply with this headnote to
 24 the extent feasible. However, to the extent that this headnote might
 25 hinder the ability of departments to meet the needs of citizens, they will
 26 be allowed to spend outside of these parameters.
 27

28 **13. Section 1. Definitions – general provisions, headnote (16), page 6:**

29 (16) “Multiuse Network Payments” means payments to the Department of
 30 Personnel for the cost of administration and the use of the state’s
 31 telecommunications network. No funds appropriated for multiuse network
 32 payments shall be expended for any other purpose.
 33

34 The state has experienced significant reductions in personal services and
 35 operating budgets during the last four years. Revenues have been
 36 decreasing and I have ordered restrictions on General Fund spending
 37 since October 2001. In order to provide flexibility for departments so
 38 that impacts in services to citizens are minimized, I am vetoing this
 39 headnote. I will direct the departments to comply with this headnote to
 40 the extent feasible. However, to the extent that this headnote might
 41 hinder the ability of departments to meet the needs of citizens, they will
 42 be allowed to spend outside of these parameters.
 43

44 **14. Section 1. Definitions, headnote (17), pages 6 and 7:** (17) Where no
 45 purpose is specified or where a special program is specified, the
 46 appropriation shall be for contractual services, tuition, and operating
 47 expenses and, only if the appropriation includes a specified FTE limitation,
 48 for personal services other than contractual services.
 49

50 My actions on this headnote are for the same reasons specified in the
 51 statement related to headnote (3) regarding management prerogatives
 52 and needed flexibility to operate state government programs.
 53

54 **15. Section 1. Definitions, headnote (19), page 7:** (19) When it is not
 55 feasible, due to the format of this act, to set forth fully in the line item
 56 description the purpose of an item of appropriation or a condition or

1 limitation on the item of appropriation, the footnotes at the end of each
 2 section of this act refer to provisions which set forth such purposes,
 3 conditions, or limitations, and such provisions are therefore intended to be
 4 binding portions of the items of appropriation to which they relate. In other
 5 cases, where clearly expressed, footnotes refer to statements which are not
 6 intended by the general assembly to be binding portions of appropriations
 7 but which are related to the indicated item or items of appropriation. Such
 8 nonbinding statements include explanations of the assumptions used in
 9 making appropriations, the general assembly's intent with respect to future
 10 appropriations, and requests on the part of the general assembly for
 11 particular administrative action in connection with items of appropriation.
 12

13 This headnote indicates that footnotes refer to provisions which set forth
 14 purpose, conditions, or limitations regarding the appropriation and states
 15 that provisions are therefore intended to be "binding portions" of the
 16 items of appropriations to which they relate. I will consider all footnotes
 17 to be advisory, not binding.
 18

19 **SECTION 2: LINE ITEMS AND FOOTNOTES**

20
 21 **1. Footnote 1, pages 16, 81, 179, and 268:** Department of Agriculture,
 22 Agricultural Services Division; Department of Higher Education, Governing
 23 Boards and Local District Junior Colleges, State Board of Agriculture;
 24 Department of Natural Resources, State Board of Land Commissioners, State
 25 Trust Land Evaluations and Trust Asset Management and Analysis; Parks and
 26 Outdoor Recreation; and Division of Wildlife; and Department of Transportation,
 27 Construction, Maintenance, and Operations — Pursuant to Executive Order
 28 D00699, issued July 19, 1999, and requirements of Sections 35- 5.5- 104, 35-
 29 5.5- 110, and 35- 5.5- 112, C.R.S., the State Weed Coordinator is requested to
 30 collaborate with the Departments of Agriculture, Higher Education, Natural
 31 Resources, and Transportation and prepare a report to be submitted to the Joint
 32 Budget Committee on or before October 1, 2002. This report should identify,
 33 by Division within each respective department, total FY 2001-02 actual
 34 expenditures, by fund source, and FY 2002-03 total appropriations, by fund
 35 source, for each weed management and control project in order to provide a
 36 centralized accounting of the total annual funds expended toward these efforts.
 37

38 This footnote violates the separation of powers by attempting to
 39 administer the appropriation.
 40

41 **2. Footnote 4, page 17:** Department of Agriculture, Soil Conservation Board,
 42 Matching Grants to Districts — It is the intent of the General Assembly that
 43 all funds distributed from the Matching Grants to Districts line item be
 44 matched with at least one dollar federal, local, or private funds for each dollar
 45 of state funds received under this program.
 46

47 The footnote violates the separation of powers by attempting to
 48 administer the appropriation. The General Assembly has no authority to
 49 appropriate federal or private funds. Furthermore, I do not believe that
 50 the state should depend on uncertain private donations to ensure these
 51 important functions are undertaken.
 52

53 **3. Footnote 5, pages 17, 31-32, 43, 51, 66, 81-82, 110, 133, 143, 150-151,**
 54 **153-154, 161-162, 165, 179, 193, 221, 236, 245, 259, 264, 268, and 272-**
 55 **273:** All departments, Totals — Every department is requested to submit to
 56 the Joint Budget Committee information on the number of additional federal

1 and cash funds exempt FTE associated with any federal grants or private
 2 donations that are applied for or received during FY 2001-02. The
 3 information should include the number of FTE, the associated costs (such as
 4 workers' compensation, health and life benefits, need for additional space,
 5 etc.) that are related to the additional FTE, the direct and indirect matching
 6 requirements associated with the federal grant or donated funds, the duration
 7 of the grant, and a brief description of the program and its goals and
 8 objectives.

9
 10 This footnote violates the separation of powers in that it is attached to
 11 federal funds and private donations, which are not subject to legislative
 12 appropriation. Placing information requirements on such funds could
 13 constitute substantive legislation in the general appropriations bill.

14
 15 **4. Section 2, Part II, Department of Corrections, (2) INSTITUTIONS, (G)**
 16 **Superintendents Subprogram, page 22:**

17
 18

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
19 Contract Services	\$823,932	\$823,932				

20 Although I understand the need for these services, it is necessary to
 21 reduce General Fund in order to align expenditures with revenues. This
 22 line is intended to supplement \$15.3 million of similar services that are
 23 already funded throughout the Department of Corrections. Because of
 24 its discretionary nature and because we already fund a significant amount
 25 of similar services, I am vetoing this line.

26
 27 **5. Section 2, Part II, Department of Corrections, (3) SUPPORT**
 28 **SERVICES, (F) Training Subprogram, page 25:**

29
 30

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
31 Advanced Special 32 Training	\$101,515	\$101,515				

33 This training is in addition to \$2.04 million of training provided within
 34 the department and is therefore a supplement to existing training
 35 programs. Given the need to reduce state expenditures, I have vetoed
 36 this line.

37
 38 **6. Footnote 7, pages 32, 110-111, 133, 236, 259, and 269:** Department of
 39 Corrections, Management, Executive Director's Office Subprogram;
 40 Department of Human Services, Office of Behavioral Health and Housing,
 41 Alcohol and Drug Abuse Division and Division of Youth Corrections;
 42 Judicial Department, Probation and Related Services; Department of Public
 43 Safety, Division of Criminal Justice; Department of Revenue, Motor Vehicle
 44 Business Group, Motor Vehicle Division; and Department of Transportation,
 45 Office of Transportation Safety — It is the intent of the General Assembly
 46 that state agencies involved in multi-agency programs requiring separate
 47 appropriations to each agency designate one lead agency to be responsible for
 48 submitting a comprehensive annual budget request for such programs to the
 49 Joint Budget Committee. Each agency is still requested to submit its portion

1 of such request with its own budget document. This applies to requests for
 2 appropriation from the Drug Offender Surcharge Fund, the Sex Offender
 3 Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and
 4 Drug Driving Safety Fund, among other programs.

5
 6 This footnote violates the separation of powers by dictating the format
 7 of the budget request for the executive branch. I will direct the
 8 departments to comply to the extent feasible.
 9

- 10 **7. Footnote 9, page 32:** Department of Corrections, Management, External
 11 Capacity Subprogram, Payments to House State Prisoners, Private Facilities
 12 — It is the intent of the General Assembly that the appropriations made for
 13 payments to private facilities housing state inmates be used exclusively for
 14 per diem payments. The Department is not authorized to withhold funds
 15 from the per diem payments to cover major medical expenses incurred by
 16 state inmates assigned to private facilities. Appropriations made in the
 17 medical services subprogram are deemed to be sufficient to cover major
 18 medical expenses incurred by state inmates held in both state and private
 19 facilities.
 20

21 I vetoed this footnote last year. This footnote violates the separation of
 22 powers by attempting to administer the appropriation. It is my hope that
 23 the Department of Corrections will be able to fund all medical services
 24 for the department out of the line item appropriation for medical services
 25 for inmates. However, the State is required to provide medical services
 26 and a request for additional funding may occur.
 27

- 28 **8. Footnote 10, page 32:** Department of Corrections, Institutions, Utilities
 29 Subprogram, Utilities — The Department of Corrections is requested to
 30 continue the energy management program designed to reduce overall energy
 31 consumption in the department's facilities. Up to \$100,000 of the
 32 Department's utility appropriation may be for this program and a portion of
 33 these funds may be used to hire the equivalent of 1.0 FTE as an energy
 34 management program manager. The Department is requested to submit with
 35 its annual budget document a detailed accounting of any savings achieved as
 36 a result of the program and a summary of funds used to hire the 1.0 FTE.
 37

38 I vetoed this footnote last year. This footnote violates the separation of
 39 powers by attempting to administer the appropriation. The General
 40 Assembly has no authority to appropriate or prescribe limits on FTE. I
 41 will instruct the department and the Controller to follow the legislative
 42 intent of the footnote.
 43

- 44 **9. Footnote 15, page 33:** Department of Corrections, Inmate Programs,
 45 Community Reintegration Subprogram, Offender Re-employment Center —
 46 It is the intent of the General Assembly that no new General Fund dollars will
 47 be used for the Offender Re-employment Center and that the Department use
 48 funds received as gifts, grants, and donations for this center. Existing
 49 General Fund dollars may be used as a match for gifts, grants, and donations
 50 but shall not be used if they are to be considered maintenance of effort. Of
 51 the amount appropriated in this line, up to \$94,000 may be used for the
 52 acquisition of leased space notwithstanding the provisions outlined in head
 53 note number 7 with regard to leased space.
 54

55 The footnote violates the separation of powers by attempting to
 56 administer the appropriation. The General Assembly has no authority to

1 appropriate federal or private funds.

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10. Footnote 16, page 33: Department of Corrections, Community Services, Parole Intensive Supervision Subprogram; and Community Intensive Supervision Subprogram — It is the intent of the General Assembly that the Department shall maintain a ratio of 1 officer to 20 offenders in these subprograms and not add additional FTE unless warranted by an anticipated increase in the offender caseload.

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The footnote attempts to administer the appropriation and violates the separation of powers. The department does maintain a 1 to 20 ratio in its Community Intensive Supervision Program and Parole Intensive Supervision Program. Furthermore, the department does not typically hire FTE if there is no caseload to support it.

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11. Footnote 17, pages 33-34: Department of Corrections, Parole Board — The General Assembly requests the Parole Board prepare a report indicating 1. If the Parole Board believes the current level of 15 percent of parolees being placed on parole ISP is the correct level; 2. The number of inmates that would have been granted parole in FY 2002-03 if additional parole ISP slots had been available beyond the 15 percent currently authorized; and 3. The number of parolees that would have been placed on parole ISP rather than sent back to prison if more parole ISP slots had been available. The Parole Board should submit the report to the JBC by August 15, 2003.

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30

No empirical data exist to answer the footnote request and the responses would be purely speculative. In addition, there is no physical cap on the number of ISP slots, just a funding cap, which has resulted in the number of offenders on ISP fluctuating from day to day.

31
32
33

12. Section 2, Part III, Department of Education, (2) Assistance to Public Schools, (C) Grants and Other Distributions, Page 39:

34

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
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Teacher Develop- ment Fund	\$1,771,625	\$1,771,625				
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The primary reason for vetoing this line is the need to reduce General Fund expenditures. While I originally proposed the Teacher Development Grant Program during the 2000 legislative session and continue to believe it is a worthwhile program, this is a grant program that can be foregone for one year without severely impacting the level of services provided to Colorado students. I am proud that during my tenure as Governor, I have been able to increase funding for K-12 education by more than 40 percent and have required accountability in the form of school accountability reports. This program was proposed at a time when the Constitution did not require a specific level of increase in K-12 funding. Indeed, prior to my term, K-12 had not been funded at inflation for more than a decade. Now, given the constitutionally required increases in K-12 funding, given that this is a discretionary item, given that this does not entail the need to lay off state employees, and given this year's need to reduce General Fund expenditures, I am vetoing this line.

1 **13. Section 2, Part III, Department of Education, (2) Assistance to Public**
 2 **Schools, (C) Grants and Other Distributions, Page 39**
 3

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
5 Teacher Development Grant Program	\$2,000,000				\$2,000,000	

7
 8 This line authorizes the department to spend \$2,000,000 from the
 9 Teacher Development Fund. However, since I vetoed the General Fund
 10 appropriation to the Teacher Development Fund (see veto number 12
 11 above), the funding associated with this spending authority will not be
 12 available. I am therefore vetoing this line.
 13

14 **14. Section 2, Part III, Department of Education, (3) Library Programs,**
 15 **page 41:**
 16

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
18 Colorado Resource Center	\$2,299,194	\$2,299,194				

21 The primary reason for vetoing this line is the need to reduce General
 22 Fund expenditures. In addition, this does not entail the need to lay off
 23 state employees.
 24

25 **15. Section 2, Part III, Department of Education, (3) Library Programs,**
 26 **page 41:**
 27

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
29 State Grants to Publicly Supported Libraries Fund	\$2,000,000	\$2,000,000				

33 The primary reason for vetoing this line is the need to reduce General
 34 Fund expenditures. While I recognize the benefits of providing grants
 35 to libraries to obtain educational resources they would not otherwise be
 36 able to afford, this is a grant program and thus is not used as an ongoing
 37 source of funds for libraries throughout the state.
 38

39 **16. Section 2, Part III, Department of Education, (3) Library Programs,**
 40 **page 41:**
 41

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
43 State Grants to Publicly Supported Libraries Program	\$2,000,000				\$2,000,000	

47 This line authorizes the department to spend \$2,000,000 from the State
 48 Grants to Publicly Supported Libraries Fund. However, since I have

1 vetoed the General Fund appropriation to this fund (see veto number 15
 2 above), the funds associated with this spending authority will not be
 3 available. I am therefore vetoing this line as well.

4
 5 **17. Section 2, Part III, Department of Education, (3) Library Programs,**
 6 **page 41:**

	<u>Item &</u>	<u>General</u>	<u>General</u>	<u>Cash</u>	<u>Cash</u>	<u>Federal</u>
	<u>Subtotal</u>	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>	<u>Funds</u>	<u>Funds</u>
			<u>Exempt</u>		<u>Exempt</u>	
8 Interlibrary Loan	\$170,091	\$170,091				

9 The primary reason for vetoing this line is the need to reduce General
 10 Fund expenditures. In addition, this is a discretionary item and does not
 11 entail the need to lay off state employees.

12
 13 **18. Footnote 19, page 44:** Department of Education, Assistance to Public
 14 Schools, Public School Finance, State Share of Districts' Total Program
 15 Funding — The Department is requested to include in its annual budget request
 16 information concerning the Colorado preschool program. The information
 17 provided should include the following for FY 2001-02: (a) A list of
 18 participating districts; (b) the funded pupil count (FTE) allocated to each
 19 participating district and a description regarding how such allocation was
 20 determined; (c) data reflecting the ratio of each district's funded pupil count for
 21 the preschool program to its funded pupil count for kindergarten; (d) data
 22 indicating the number of three-year-old children that participated in each
 23 district's preschool program; (e) data indicating the number of children that
 24 participated in each district's preschool program for a full-day rather than a
 25 half-day; (f) data indicating the number of preschool program FTE each district
 26 used to provide a full-day kindergarten component; (g) the state and local
 27 shares of each district's total program funding that is attributable to the
 28 preschool program; and (h) whether or not each district contracted for
 29 preschool services with community providers.

30
 31 This footnote dictates the format of the executive budget request and
 32 therefore violates the separation of powers.

33
 34 **19. Footnote 20, pages 44 and 82:** Department of Education, Assistance to
 35 Public Schools, Categorical Programs; and Department of Higher Education,
 36 Division of Occupational Education, Colorado Vocational Act Distributions
 37 pursuant to Section 23-8-102, C.R.S. — The Department of Education is
 38 requested to work with the Department of Higher Education and to include in
 39 its annual budget request information concerning each categorical program.
 40 For grant programs, such information should include, but not be limited to: (a)
 41 The total number and dollar amount of requests received; (b) the amount
 42 awarded or distributed to each district, board of cooperative services, or
 43 administrative unit; and (c) a description of the criteria utilized to evaluate
 44 requests and to determine grant awards. For other programs, such information
 45 should include, but not be limited to: (a) The total amount distributed to each
 46 district, board of cooperative services, or administrative unit; (b) the total
 47 amount that each entity would be eligible to receive pursuant to state law
 48 and/or State Board of Education rule; and (c) a description of the method or
 49 formula used to determine the amount for which entities are eligible and to
 50 distribute funds.

51
 52 This footnote dictates the format of the executive budget request and

1 therefore violates the separation of powers.
 2
 3 **20. Footnote 21, page 44:** Department of Education, Assistance to Public
 4 Schools, Categorical Programs, Other Categorical Programs, Federal
 5 Special Education Grants for Infants, Toddlers, and Their Families — The
 6 Department is requested to include in its annual budget request information
 7 concerning the expenditure of federal funds provided pursuant to Part C of
 8 the federal Individuals with Disabilities Education Act for the most recent
 9 state fiscal year. Such information should include sufficient detail to
 10 identify expenditures related to the provision of direct services, by type of
 11 service.

12
 13 The General Assembly has no authority to appropriate federal funds.
 14 Furthermore, this footnote directs the executive branch on how to
 15 submit its budget request and therefore violates the separation of
 16 powers.

17
 18 **21. Footnote 23, page 44:** Department of Education, Assistance to Public
 19 Schools, Grant Programs and Other Distributions, State Public School
 20 Fund, Contingency Reserve — It is the intent of the General Assembly that
 21 the State Board of Education utilize the assistance of the Division of
 22 Property Taxation in the Department of Local Affairs in making a
 23 determination of school district requests for payment from the contingency
 24 reserve fund prior to approving payments from the fund.

25
 26 This footnote violates the separation of powers by attempting to direct
 27 elected officials in their duties. I will instruct the department to comply to
 28 the extent feasible.

29
 30 **22. Section 2, Part IV, Department of Governor, Lieutenant Governor,
 31 State Planning and Budgeting, (4) Economic Development Programs,
 32 page 49:**

33

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
34 Production and	\$90,000	\$90,000				
35 Distribution of State						
36 Highway Maps						

37
 38 The primary reason for vetoing this line is the need to reduce General
 39 Fund expenditures. In addition, this is a discretionary item.

40
 41 **23. Footnote 25, page 52:** Governor – Lieutenant Governor – State Planning
 42 and Budgeting, Office of the Governor; Office of the Lieutenant Governor;
 43 Office of State Planning and Budgeting; Economic Development Programs;
 44 and Office of Innovation and Technology — Each of these offices is
 45 requested to develop and maintain an Information Technology Inventory
 46 and Asset Management Plan. The General Assembly requests that the
 47 Office of Innovation and Technology assist the offices with the
 48 development of these plans and deliver them to the Joint Budget Committee
 49 no later than October 2, 2002.

50
 51 This footnote would require a substantial dedication of resources from
 52 these offices and amounts to an unfunded mandate. I will direct the
 53 offices to comply to the extent feasible.

54 **24. Footnote 26, page 52:** Governor – Lieutenant Governor – State Planning

1 and Budgeting, Office of the Governor; and Office of State Planning and
2 Budgeting — As part of the FY 2002-03 budget submission, the Office of
3 State Planning and Budgeting is requested to provide a report on indirect
4 cost recoveries from federal programs that are administered through the
5 Office of the Governor or that are not shown elsewhere in the Long Bill.
6 The report should include an analysis, by federal program, of: indirect costs
7 collected in FY 1999-00 and FY 2000-01; where funds collected are spent;
8 the potential for additional indirect cost collections in FY 2001-02 and
9 future years; and the potential for offsetting General Fund expenditures in
10 the Office of the Governor or other departments through these collections.

11
12 I vetoed this footnote last year. The Governor's Office is already part
13 of the statewide indirect cost plan developed by the Department of
14 Personnel; thus this is a redundant request. Furthermore, these federal
15 funds are not appropriated by the General Assembly.

- 16
17 **25. Footnote 27, page 52:** Governor – Lieutenant Governor – State Planning
18 and Budgeting, Office of the Governor, Governor's Office, Administration
19 of Governor's Office and Residence; and Other Programs and Grants —
20 The Governor's Office is requested to provide to the Joint Budget
21 Committee, with its FY 2002-03 budget request, information pertaining to
22 federal and cash exempt funds received and expected to be received. This
23 information is to include the amount and source of each grant, any
24 matching and maintenance of effort requirements, duration of the grant, as
25 well as the name of the program or project and number of FTE the funds
26 will support.

27
28 This footnote violates the separation of powers by attempting to
29 administer the appropriation. Requesting additional information on non-
30 appropriated sources within the Governor's Office restricts the flexibility
31 of the Office. In addition, the General Assembly has no authority to
32 appropriate federal money or to prescribe limits on FTE. I will instruct
33 the department not to comply with the footnote request.

- 34
35 **26. Footnote 28, page 52:** Governor – Lieutenant Governor – State Planning
36 and Budgeting, Office of State Planning and Budgeting — It is the intent
37 of the General Assembly that the Commission on Information Management,
38 in conjunction with the Office of State Planning and Budgeting, submit a
39 priority list for all state information technology projects requested in the FY
40 2003-04 budget requests by November 1, 2002.

41
42 The Office of State Planning and Budgeting does not review budget
43 requests from elected officials, the Legislative Branch, or the Judicial
44 Branch. I will direct the Office of State Planning and Budgeting, in
45 conjunction with the Office of Innovation and Technology, to prioritize
46 the information technology requests of the Executive Branch
47 departments according to programmatic priorities and to provide this
48 report to the JBC by November 2002. However, I will not require the
49 offices to prioritize non-executive requests in this list.

- 50
51
52 **27. Footnote 29, page 52:** Governor – Lieutenant Governor – State Planning
53 and Budgeting, Office of State Planning and Budgeting — The General
54 Assembly requests that the Office of State Planning and Budgeting provide
55 periodic updates to the Joint Budget Committee on the status of the State's
56 efforts to comply with the Health Insurance Portability and Accountability

1 Act (HIPAA).

2
3 This footnote violates the separation of powers. As an elected official,
4 it is my prerogative to direct the activities of the Office of State Planning
5 and Budgeting. Nonetheless, I understand the importance of HIPAA
6 efforts and will direct the OSPB to comply with this footnote to the
7 extent feasible.
8

- 9 **28. Footnote 30, pages 52-53, and 194:** Governor – Lieutenant Governor –
10 State Planning and Budgeting, Office of State Planning and Budgeting; and
11 Department of Personnel, Human Resource Services — It is the intent of
12 the General Assembly that the Office of State Planning and Budgeting and
13 the Department of Personnel work with the departments to improve the
14 timeliness and accuracy of information about state personnel.
15 Improvements, at a minimum, should include: personnel information being
16 updated on a centralized computerized data base; accurate reporting of
17 filled FTE positions; number of reclassifications that are approved; turnover
18 rates by agency; tracking of FTE positions funded to FTE positions filled;
19 an accurate count of part-time and temporary FTE positions; and
20 elimination of unused FTE positions. The Department and the Office of
21 State Planning and Budgeting are requested to submit a consolidated
22 statewide personnel report to the General Assembly by September 1, 2002.
23 This report should include, by line item, by Department, a summary of
24 vacant positions, the length of time each position has been vacant, and the
25 number of reclassifications that were approved in FY 2001-02.
26

27 For the last three years, my administration has worked diligently to
28 provide the JBC with information on FTE within existing resources. My
29 administration has provided the JBC with more information on FTE than
30 any prior administration and will continue to work cooperatively with
31 the JBC. However, the JBC must realize that the full amount of
32 information requested in this footnote is not available and to make this
33 information available would require significant investments in computer
34 technology and human resources. Without these investments, the
35 footnote constitutes an unfunded mandate. I will continue to direct
36 representatives from the Governor's Office and the Department of
37 Personnel and Administration to provide the requested information to
38 the extent feasible given available data and resource constraints.
39

- 40 **29. Footnote 31, page 53:** Governor – Lieutenant Governor – State Planning
41 and Budgeting, Economic Development Programs, International Trade
42 Office — The International Trade Office is requested to provide a report
43 to the Joint Budget Committee, by November 1, 2002, that includes the
44 following information: number of new and existing companies assisted;
45 activity reports from overseas representatives and offices; number of
46 incoming missions; and regional export activities.
47

48 This footnote requires a substantial dedication of resources from the
49 International Trade Office and is an unfunded mandate. I will instruct
50 the International Trade Office to provide the information to the extent
51 feasible.
52

- 53 **30. Footnote 32, page 53:** Governor – Lieutenant Governor – State Planning
54 and Budgeting, Economic Development Program, Economic Development
55 Commission, General Economic Incentives and Marketing — In its annual
56 report to the General Assembly, the Economic Development Commission

1 is requested to provide an analysis and summary of programs and activities
 2 undertaken to assist the economies of rural areas of the state. For each
 3 project in a rural area, the report should include the following information:
 4 the location; recipient; purpose; dollar amount received from the
 5 Commission; local and/or private matching contributions; and other
 6 economic development assistance provided by the state for that project,
 7 such as job training. The report should also provide the total dollar amount
 8 provided by the Commission to rural areas, the percentage of total
 9 Commission assistance that went to rural areas, and information on any
 10 rural projects that applied for but did not receive Commission assistance.

11
 12 This footnote constitutes a substantial increase in workload without
 13 additional funding. I have long emphasized to the Economic
 14 Development Commission the importance of rural economic
 15 development and will continue to do so without the need for such a
 16 footnote.

- 17
 18 **31. Footnote 33, page 53:** Governor – Lieutenant Governor – State Planning
 19 and Budgeting, Office of Innovation and Technology — The Commission
 20 on Information Management is requested to investigate the feasibility and
 21 cost-efficiency of leasing, rather than purchasing, information technology
 22 equipment and to report its findings to the Joint Budget Committee no later
 23 than July 1, 2002. The report should: include information on the short- and
 24 long-term financial implications of leasing versus purchasing; compare the
 25 costs and benefits incurred by departments that have leased equipment and
 26 those that have purchased equipment; and provide specific criteria
 27 departments can use to determine whether they should lease or purchase
 28 equipment.

29
 30 This footnote requires a substantial dedication of resources from the
 31 Office of Innovation and Technology. Furthermore, the executive
 32 branch has previously provided analysis showing that the Department of
 33 Human Services could save \$3 million by purchasing rather than leasing
 34 computer equipment and the JBC chose to provide funds for leasing
 35 instead of purchasing. Given that substantial work has been done on this
 36 issue, yet the JBC chooses to fund items in a contrary manner, I do not
 37 believe it is a wise use of staff resources to continue to provide these
 38 reports.

- 39
 40 **32. Footnote 34, page 54:** Governor - Lieutenant Governor - State Planning
 41 and Budgeting, Office of State Planning and Budgeting and Office of
 42 Innovation and Technology -- The General Assembly requests the Office
 43 of State Planning and Budgeting and the Office of Innovation and
 44 Technology to work with Joint Budget Committee staff and departmental
 45 staff to develop recommendations for standardizing Long Bill information
 46 technology appropriations in order to achieve consistency in long bill
 47 appropriations for information technology. The Office of State Planning
 48 and Budgeting and the Office of Innovation and Technology are requested
 49 to report to the General Assembly their recommendations for such a system
 50 no later than November 1, 2002.

51
 52 This footnote violates the separation of powers by directing the
 53 appropriation. I will direct the agencies to comply with the intent of the
 54 footnote to the extent feasible.

- 55
 56 **33. Footnote 35, page 54:** Governor – Lieutenant Governor – State Planning and

1 Budgeting, Office of Innovation and Technology — The Office of Innovation
2 and Technology is requested to provide a report to the Joint Budget
3 Committee, by November 1, 2002, that summarizes statewide spending on
4 information technology. For each department, this report should include the
5 FY 2001-02 appropriation and actual spending for: (1) information technology
6 maintenance; (2) information technology support personnel and related
7 operating expenses; (3) maintenance of ongoing systems; (4) long-term
8 information technology projects; (5) short-term information technology
9 projects; and (6) other information technology costs.

10
11 This footnote requires a substantial dedication of resources from the
12 OIT. Furthermore, the data will not be available to evaluate until
13 September 30, 2003, thus the requested date is unrealistic. As an
14 elected official, it is my prerogative to direct the activities of my office.
15 I will direct the office to comply to the extent feasible by June 30, 2004.

- 16
17 **34. Footnote 36, page 54:** Governor – Lieutenant Governor – State Planning
18 and Budgeting, Office of Innovation and Technology — The Office of
19 Innovation and Technology and the Division of Finance and Procurement
20 within the Department of Personnel are requested to provide a report to the
21 Joint Budget Committee, by November 1, 2002, that describes steps taken
22 to increase the ease of information technology procurement and compliance
23 with state technology standards by state agencies. This report should
24 include the status of: (1) the quarterly Desktop Standards, including
25 updates on which desktop models from each vendor meet the state
26 standards for each class of user; (2) the quarterly Desktop Standards,
27 including updated pricing standards; (3) posting the quarterly Desktop
28 Standards on-line; (4) updating the state pricing agreement website pages
29 for each vendor to show the costs for models for each class of user; (5)
30 linking the quarterly Desktop Standards internet site to the BIDs system;
31 and (6) the availability of the comparison-shopping feature of the e-
32 procurement system for all information technology products and vendors.

33
34 This footnote requires a substantial dedication of resources from the
35 OIT and therefore administers the appropriation; further there is no e-
36 procurement system in place.

- 37
38 **35. Footnote 37, pages 54, 67, and 111:** Governor – Lieutenant Governor –
39 State Planning and Budgeting, Office of Innovation and Technology;
40 Department of Health Care Policy and Financing, Executive Director's
41 Office, Colorado Benefits Management System (CBMS); and Department
42 of Human Services, Office of Information Technology Services, Colorado
43 Benefits Management System (CBMS) — Representatives of the
44 Commission on Information Management are requested to monitor the
45 status of the Colorado Benefits Management System project on at least a
46 monthly basis. The Commission on Information Management is further
47 requested to periodically report its findings and recommendations on the
48 status of the project to the Departments of Human Services and Health
49 Care Policy and Financing and the Joint Budget Committee.

50
51 The footnote is unnecessary. The departments have already provided
52 numerous reports on the status of CBMS to the IMC on at least a
53 monthly basis. Furthermore, a six-member IMC subcommittee already
54 monitors and reports on the status of the project, as does an executive
55 oversight committee for the project. Additional reporting on the project
56 will require resources that are not available and will divert important

1 resources away from successful completion of the project. I will request
2 that the commission continue to provide the existing level of oversight
3 and to continue to provide these reports to the JBC.
4

5 **36. Footnote 38, page 67:** Department of Health Care Policy and Financing,
6 Executive Director's Office — The Department is requested to submit an
7 accounting of all line items by actual expenditure. Actual expenditure is
8 defined as final expenditure, including post-closing payments. The
9 Department is requested to submit this information to the Joint Budget
10 Committee by January 1, 2003.
11

12 I will direct the department to comply with this footnote to the extent
13 feasible. However, the footnote requires information on January 1, 2003
14 and Medical Services Premiums are not closed out until December 31,
15 2002. Thus, the Medical Services Premium portion of this report will be
16 delayed.
17

18 **37. Footnote 40, page 67:** Department of Health Care Policy and Financing,
19 Executive Director's Office — The Department is requested to construct
20 a list of its administrative contracts that are going out to bid in FY 2003-04.
21 This information is requested to be provided to the Joint Budget Committee
22 by no later than December 15, 2002.
23

24 This footnote presents an onerous workload requirement on the
25 department. Approximately eleven reporting requirements were added
26 through footnotes for the 2002-03 fiscal year, in addition to ten
27 reporting requirements that were carried over from FY 2001-02.
28 The department estimates that it spent 1,014 hours on footnote reporting in
29 FY 2001-02. The number and depth of these reports are administering
30 the appropriation. Thus, I will direct the department not to comply.
31

32 **38. Footnote 41, pages 67 and 111:** Department of Health Care Policy and
33 Financing, Executive Director's Office, Colorado Benefits Management
34 System (CBMS); and Department of Human Services, Office of
35 Information Technology Services, Colorado Benefits Management System
36 (CBMS) — It is the intent of the General Assembly that staff employed by
37 the Department of Human Services to oversee compliance with the Health
38 Insurance Portability and Accountability Act also oversee compliance
39 activities associated with the development and implementation of the
40 Colorado Benefits Management System.
41

42 This footnote administers the appropriation. It is the intent of the
43 executive Branch to continue to streamline and coordinate HIPAA
44 compliance efforts, including those related to CBMS. I will ask both
45 departments, in consultation with the Office of Innovation and
46 Technology, the Office of State Planning & Budgeting, and the HIPAA
47 Task Force, to develop an internal strategy for CBMS HIPAA efforts to
48 the extent practicable within existing resources.
49

50 **39. Footnote 42, pages 67-68 and 111-112:** Department of Health Care
51 Policy and Financing, Executive Director's Office, Colorado Benefits
52 Management System (CBMS); and Department of Human Services, Office
53 of Information Technology Services, Colorado Benefits Management
54 System (CBMS) -- It is the understanding of the General Assembly that the
55 primary goal of the Colorado Benefits Management System (CBMS)
56 project is to streamline several county administrative functions by creating

1 a single, integrated, eligibility and client management system that will
 2 minimize manual and paper-intensive processes. The 1997 feasibility study
 3 that was prepared for the CBMS project included an analysis of the annual
 4 savings that would result from the statewide implementation of CBMS,
 5 estimating \$31.0 million in annual savings from all fund sources. The
 6 feasibility study did not include an analysis of the impact of medical
 7 application sites. A re-analysis in December 2000 projects annual savings
 8 of \$13.0 million. Further project changes anticipated as of March 2002 are
 9 expected to result in the level of savings being further reduced to \$12.4
 10 million. It is the intent of the General Assembly that, once CBMS is fully
 11 implemented statewide, various appropriations will be adjusted to reflect
 12 the resulting cost savings. It is further the intent of the General Assembly
 13 that such adjustments be based on an objective analysis of the impact of the
 14 implementation of CBMS on the Department of Health Care Policy and
 15 Financing, the Department of Human Services, and county departments of
 16 social services.

17
 18 This footnote attempts to administer the appropriation and violates the
 19 separation of powers.
 20

- 21 **40. Footnote 43, pages 68 and 112:** Department of Health Care Policy and
 22 Financing, Medical Programs Administration; and Department of Human
 23 Services, Office of Behavioral Health and Housing, Administration — It is
 24 the intent of the General Assembly that the Department of Human Services'
 25 monitoring activities for the Medicaid mental health capitation program be
 26 comparable in intensity and scope to the Department of Health Care Policy
 27 and Financing's monitoring of other managed care programs. The
 28 Departments are requested to report, with their annual budget submissions,
 29 on efforts to align their approaches to program monitoring.
 30

31 This footnote attempts to administer the appropriation and violates the
 32 separation of powers. The footnote violates the separation of powers by
 33 dictating the format of the executive budget request. I will direct the
 34 department not to comply with this footnote.
 35

- 36 **41. Footnote 45, page 68:** Department of Health Care Policy and Financing,
 37 Medical Programs Administration, Health Insurance Portability and
 38 Accountability Act of 1996 (HIPAA) Implementation Contract Costs —
 39 Within this appropriation is \$11,245,436 total funds (including \$2,686,359
 40 General Fund) associated with contract systems costs for implementation
 41 of the federal rules on Health Insurance Portability and Accountability Act
 42 of 1996 (HIPAA) transaction codes. Said funding is based on preliminary
 43 estimates provided by the contractor performing the HIPAA feasibility
 44 study. It is the intent of the General Assembly that the Department use a
 45 portion of this appropriation to secure an evaluation of the technical
 46 viability and financial appropriateness of the winning proposal for
 47 implementation of the HIPAA transaction codes from an independent
 48 expert source prior to awarding said contract.
 49

50 This footnote attempts to administer the appropriation. Given the scope
 51 and complexity of upcoming HIPAA compliance efforts, I understand
 52 the General Assembly's concern regarding cost validity. However, I am
 53 also concerned that this additional requirement will unnecessarily delay
 54 the project.
 55

- 56 **42. Footnote 48, page 68-69:** Department of Health Care Policy and

1 Financing, Medical Services Premiums — The Department is requested to
 2 study the Medicaid reimbursements made to nursing home pharmacies serv-
 3 ing Medicaid clients in the long-term care system. The Department is re-
 4 quested to study the Medicaid reimbursement level, including the ability of
 5 such pharmacies to cost-shift. The Department is requested to submit a
 6 report concerning this study to the JBC by no later than November 1, 2002.
 7

8 This report was submitted last year and it is a waste of staff resources to
 9 duplicate the information already provided. The department does not
 10 expect to receive any new information that would alter the conclusions
 11 of the previous report. As a result, I will direct the department not to
 12 comply with this request.
 13

- 14 **43. Footnote 49, page 69:** Department of Health Care Policy and Financing,
 15 Medical Services Premiums — The Department is requested to work with
 16 long-term care clients and providers, including home and community based
 17 services, home health, and nursing facilities to examine any issues of rate
 18 disparity and rate shortfalls within the long-term care continuum of care, to
 19 evaluate areas of greatest need affecting client services, and ways to control
 20 utilization, costs of these services, and overall growth in the long-term care
 21 system. The Department is furthermore requested to report on its final
 22 analysis and recommendations to the JBC by October 1, 2002.
 23

24 This footnote presents an onerous workload requirement. Footnote 50A
 25 in the 00-01 Long Bill drove significant staff costs throughout the
 26 department. Staffing this Committee was so labor intensive that
 27 footnote 50A ultimately administered the personal services
 28 appropriation. This is a similar footnote request. I will direct the
 29 department not to comply with this footnote.
 30

- 31 **44. Footnote 50, page 69:** Department of Health Care Policy and Financing,
 32 Medical Services Premiums — It is the General Assembly's understanding
 33 that expenditures for Medicaid county transportation have increased
 34 significantly in the last 10 years. From FY 1991-92 to FY 2000-01, these
 35 expenditures have increased over 469 percent while caseload has increased
 36 only 22.0 percent over this same time period. To that effect, the Depart-
 37 ment is requested to research options for ensuring more efficient and effec-
 38 tive expenditures, including rule changes for County Administration pro-
 39 cedures or outsourcing all or part of the management and oversight func-
 40 tions to a separate contract. The Department is requested to include in its
 41 research and evaluation the costs and benefits of using a regional trans-
 42 portation broker versus other models. This report is requested to be pro-
 43 vided to the Joint Budget Committee by no later than November 1, 2002.
 44

45 A similar report was submitted to the Joint Budget Committee in the
 46 previous fiscal year. The department does not expect to receive any new
 47 information that would alter the conclusions of the previous report. I
 48 will direct the department not to comply with this footnote.
 49

- 50 **45. Footnote 51, page 69:** Department of Health Care Policy and Financing,
 51 Medical Services Premiums — The Department is requested to report on
 52 reimbursements for primary care physicians and to offer recommendations
 53 for changes in this area, if any. This report is requested to be provided to
 54 the Joint Budget Committee by no later than November 1, 2002.
 55

56 This footnote presents an onerous workload requirement on the

1 department. Approximately eleven reporting requirements were added
2 through footnotes for the 2002-03 fiscal year, in addition to ten
3 reporting requirements that were carried over from FY 2001-02. The
4 department estimates it spent 1,014 hours on footnote reporting in FY
5 2001-02. This extensive reporting requirement would divert staff
6 resources from other efforts in this area.
7

8 **46. Footnote 52, page 69:** Department of Health Care Policy and Financing,
9 Medical Services Premiums — The Department is requested to provide
10 programmatic and fiscal evaluations of the current methodology for
11 reimbursing single entry points and recommendations for any changes to
12 the funding methodology for reimbursing single entry points. This report
13 is requested to be provided to the Joint Budget Committee by November 1,
14 2002.
15

16 This is an onerous workload requirement and the footnote attempts to
17 direct the executive branch's budget request. To the extent feasible, I
18 will direct the department to comply.
19

20 **47. Footnote 53, page 69:** Department of Health Care Policy and Financing,
21 Medical Services Premiums — The Department is requested to work with
22 pharmacy providers, including institutional and community pharmacies,
23 both independent and chains, pharmaceutical manufacturers, legislators, and
24 stakeholders to determine a methodology to reduce Medicaid prescription
25 drug costs, specifically the utilization and cost of such pharmaceuticals.
26 The Department is requested to report its analysis and recommendations to
27 the Joint Budget Committee no later than November 1, 2002.
28

29 The department has already provided extensive information regarding
30 pharmaceutical costs and potential methodologies to reduce drug costs.
31 Staffing this working group would drive significant meeting time and
32 staff resources and will administer the appropriation. I will direct the
33 department not to comply with this request.
34

35 **48. Footnote 54, pages 69-70 and 112:** Department of Health Care Policy
36 and Financing, Medical Services Premiums; and Department of Human
37 Services, Office of Behavioral Health and Housing, Mental Health
38 Community Programs, Mental Health Capitation — The Departments are
39 requested to provide a report on the placement of mentally ill persons in
40 nursing homes and alternative care facilities. The report is requested to
41 specifically address the quality and quantity of mental health services that
42 persons with mental illness are receiving in these facilities. This report is
43 requested to be provided to the Joint Budget Committee by November 1,
44 2002.
45

46 This report was prepared and submitted to the Joint Budget Committee
47 last year. The department does not expect any new information that
48 would alter the conclusions of the previous report. I will direct the
49 department not to comply.
50

51 **49. Footnote 56, page 70:** Department of Health Care Policy and Financing,
52 Indigent Care Program, Out-state Indigent Care Program, Disproportionate
53 Share Payments to Hospitals, Pre-Component 1 Disproportionate Share
54 Payments to Hospitals — The State currently funds three hospital
55 reimbursements for the medically indigent that uses three distinct funding
56 methodologies. It is the intent of the General Assembly that the Department

1 evaluate the criteria on which current hospital reimbursements for the medically
 2 indigent programs are based. Specifically, the Department is requested to
 3 provide information and its recommendations on streamlining the criteria in
 4 order to: (1) Make funding more equitable across all hospital providers based
 5 on services to the medically indigent; (2) maximize the use of limited federal
 6 Disproportionate Share Payments to Hospitals' dollars; and (3) minimize the
 7 expenditure of General Fund, to the extent possible. The Department is
 8 requested to provide a report on this information to the Joint Budget
 9 Committee by no later than November 1, 2002.

10
 11 This footnote creates unfunded mandates and attempts to administer the
 12 appropriation. The department is already devoting significant staff
 13 resources to this issue. This extensive reporting requirement would
 14 divert staff resources from other efforts in this area. I will direct the
 15 department not to comply with this footnote.
 16

- 17 **50. Footnote 59, pages 70-71 and 112:** Department of Health Care Policy
 18 and Financing, Indigent Care Program, Children's Basic Health Plan
 19 Premium Costs; and Department of Human Services, Office of Behavioral
 20 Health and Housing, Mental Health Community Programs — The
 21 Departments are requested to report, with their annual budget submissions,
 22 on the potential for the expansion of Children's Basic Health Plan (CHP+)
 23 services to children with severe emotional disturbance. The report should
 24 specifically address: (1) Any recommended steps to expand the role of
 25 community mental health centers in identification of and service provision
 26 for CHP+ clients with mental illness; (2) the best structure for such a
 27 program, including the relative financial and management responsibilities
 28 of CHP+ health maintenance organizations versus community mental health
 29 centers; and (3) the fiscal impact of modifying the CHP+ program to
 30 provide an expanded benefit package for children with severe emotional
 31 disturbance. This analysis should take into consideration the estimated
 32 number of clients currently enrolled in CHP+ who could be expected to
 33 qualify for such a program; the estimated number of severely emotionally
 34 disturbed clients enrolled in CHP+ who now receive services at community
 35 mental health centers; and the extent to which the services such clients now
 36 receive are covered by CHP+.
 37

38 An extensive report on this subject was already completed last year. The
 39 department does not expect any new significant information that would
 40 alter the conclusions of the previous report. A duplication of this effort
 41 would be a waste of staff resources. I will direct the department not to
 42 comply.
 43

- 44 **51. Footnote 61, page 71:** Department of Health Care Policy and Financing,
 45 Other Medical Services, S.B. 97-101 Public School Health Services — The
 46 Department is requested to provide information on any budget changes and
 47 corrections that may need to be made in the Department's administrative
 48 line items per the Department's responses to Footnote 60 of S.B. 01- 212.
 49 This information is requested to be included in the November 1, 2002,
 50 budget submission for FY 2003-04.
 51

52 This footnote violates the separation of powers by dictating the content
 53 and format of the executive budget request. I will direct the department
 54 to comply to the extent feasible.
 55

- 56 **52. Footnote 62, pages 71 and 112-113:** Department of Health Care Policy

1 and Financing, Department of Human Services Medicaid-Funded Programs;
2 and Department of Human Services, Office of Behavioral Health and
3 Housing, Mental Health Community Programs, Mental Health Capitation
4 — The Departments are requested to provide a report to the Joint Budget
5 Committee, as part of their annual budget submissions, that reviews their
6 proposals and plans for the Medicaid mental health capitation program for
7 FY 2002-03 and future years. The report should specifically address the
8 following issues: (1) Progress on the development of a model for setting
9 new capitation rates; (2) the feasibility of addressing some of the inequities
10 in rates paid in various regions of the State prior to a rebid of the program;
11 (3) any plans to expand the program to other services; and (4) any
12 recommendations for statutory changes.

13
14 This footnote violates the separation of powers by dictating the content
15 and format of the executive budget request. In addition, it imposes an
16 onerous workload requirement on the department. I will direct the
17 department not to comply.

- 18
19 **53. Footnote 63, pages 71 and 113:** Department of Health Care Policy and
20 Financing, Department of Human Services Medicaid-Funded Programs; and
21 Department of Human Services, Office of Behavioral Health and Housing,
22 Mental Health Community Programs, Capitation Performance Incentive
23 Awards — It is the intent of the General Assembly that performance
24 incentive awards be distributed to capitated Medicaid providers based on
25 merit, as demonstrated through objective criteria. All funds awarded
26 should be reinvested in community mental health services. The
27 Departments are requested to provide information on the use of these funds
28 as part of their annual budget submissions.

29
30 This footnote attempts to administer the appropriation and violates the
31 separation of powers. I will direct the departments to comply to the
32 extent feasible.

- 33
34 **54. Footnote 64, pages 71 and 113:** Department of Health Care Policy and
35 Financing, Department of Human Services Medicaid-Funded Programs; and
36 Department of Human Services, Office of Behavioral Health and Housing,
37 Mental Health Community Programs, Medicaid Anti-Psychotic
38 Pharmaceuticals — The Departments are requested to report to the Joint
39 Budget Committee with their November 1 budget submissions on their
40 progress toward managing Medicaid mental health pharmaceutical costs.
41 This report should include an expected time line for planned activities, as
42 well as estimates of the programmatic and fiscal impacts of any changes.
43 The Departments are encouraged to pursue pilot programs to contain costs
44 through physician education and management. The Departments are also
45 requested to identify actual expenditures and growth projections for anti-
46 depressant, anti-anxiety, and anti-mania medications as part of their budget
47 submissions.

48
49 A similar report was submitted last year. The department is not
50 expecting any new information that would alter the conclusions of the
51 previous report. In addition, this footnote is directing the format and
52 content of the executive budget request and therefore violates the
53 separation of powers.

1 **55. Section 2, Part VI, Department of Higher Education, (8) Council on**
 2 **the Arts, Page 79:**

	<u>Item &</u>	<u>General</u>	<u>General</u>	<u>Cash</u>	<u>Cash</u>	<u>Federal</u>
	<u>Subtotal</u>	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>	<u>Funds</u>	<u>Funds</u>
			<u>Exempt</u>		<u>Exempt</u>	
4 Programs/Scientific and	\$990,649	\$718,449			\$1,250	\$270,950
5 Cultural Facilities District						

6
 7 The primary reason for vetoing this line is the need to reduce General
 8 Fund expenditures. This is a discretionary item and grants to these arts
 9 programs go to the metro-Denver area that already has a dedicated sales
 10 tax for these purposes. Indeed, in the most recent tax year, the sales tax
 11 generated \$38 million for arts programs in the metro-Denver area.
 12 Because there is a large alternate source of revenue, and given the
 13 discretionary, one-time nature of the funds, I am vetoing this line. It is
 14 important to note that I left the funding in the Long Bill for the arts
 15 programs that are in the rural areas of the state.

16
 17 **56. Footnote 65, page 82:** Department of Higher Education, Colorado
 18 Commission on Higher Education — For the FY 2003-04 budget request,
 19 the Colorado Commission on Higher Education is directed to submit a
 20 unified budget request representing all functions performed by the
 21 Governing Boards and Local District Junior Colleges. This request should
 22 include the independent Colorado State University agencies and the various
 23 occupational education programs under the Colorado Community College
 24 and Occupational Education System. In recognition of the state's General
 25 Fund appropriation limitation, the Commission is directed to limit the total
 26 General Fund increase requested to no more than six percent.

27
 28 This footnote dictates the content and format of the executive budget
 29 submission. While it establishes a ceiling on CCHE's budget request, it
 30 also establishes a target growth rate. Furthermore, even with this
 31 footnote, the General Assembly chose to increase the department's
 32 appropriation above six percent in FY 2002-03.

33
 34 **57. Footnote 67, pages 82-83:** Department of Higher Education, Colorado
 35 Commission on Higher Education; Governing Boards and Local District
 36 Junior Colleges, State Board for Community Colleges and Occupational
 37 Education State System Community Colleges; Division of Occupational
 38 Education, Area Vocational School Support -- The Colorado Commission
 39 on Higher Education, in conjunction with the Community Colleges of
 40 Colorado and the Area Vocational Schools, is requested to conduct a study
 41 of the Area Vocational Schools. This study should include reviews of role
 42 and mission, funding mechanisms, including both operating and capital
 43 funding, and the appropriate relationship between the Area Vocational
 44 Schools and the Community Colleges of Colorado. The findings of this
 45 study, along with recommendations on any changes in the structure,
 46 governance, and funding of the Area Vocational Schools, should be
 47 submitted to the Joint Budget Committee by November 1, 2002. The costs
 48 of conducting the study should be paid from within existing resources.

49
 50 This footnote entails a substantial workload increase. I will direct
 51 CCHE and the governing boards to comply with the intent of this
 52 footnote to the extent feasible.

53
 54 **58. Footnote 67a, pages 83 and 194:** Department of Higher Education,

1 Colorado Commission on Higher Education; Governing Boards and Local
 2 District Junior Colleges, Trustees of the State Colleges in Colorado; State
 3 Board of Agriculture; Regents of the University of Colorado; Trustees of
 4 the Colorado School of Mines; University of Northern Colorado; State
 5 Board for Community Colleges and Occupational Education State System
 6 Community Colleges; Auraria Higher Education Center; and Department
 7 of Personnel, Executive Director's Office — The Department of Personnel
 8 is requested to submit, after consultation with the Colorado Commission
 9 on Higher Education and with the higher education governing boards, a
 10 report to the Joint Budget Committee by September 1, 2002, that analyzes
 11 alternatives to higher education's participation in the fleet management
 12 program. The report should identify cost- effective options that may
 13 provide more flexibility to higher education, including the scenario in which
 14 higher education is exempted from this program. The report should
 15 provide a comparison of cost estimates of the options identified.

16
 17 This report was already submitted on December 31, 2001. It would be
 18 a waste of staff effort to do this report again. In an analysis of this
 19 report, JBC staff acknowledged that, "Staff does not believe there would
 20 be any additional benefit to requesting the department to submit these
 21 reports (or an updated version of them) again."
 22

23 **59. Footnote 70, page 83:** Department of Higher Education, Colorado
 24 Commission on Higher Education Financial Aid — The Department should
 25 continue its efforts to provide data on the efficiency and effectiveness of
 26 state financial aid in expanding access to higher education for Colorado
 27 residents. The Department is requested to provide to the Joint Budget
 28 Committee by November 1 of each year an evaluation of financial aid
 29 programs, which should include, but not be limited to: 1) an estimate of the
 30 amount of federal, institutional, and private resources (including tax credits)
 31 devoted to financial aid; 2) the number of recipients from all sources; 3)
 32 information on typical awards; and 4) the typical debt loads of graduates.
 33 To the extent possible the Department should differentiate the data based
 34 on available information about the demographic characteristics of the
 35 recipients.
 36

37 The footnote entails a substantial workload increase and some of the
 38 information is not available.
 39

40 **60. Footnote 71, pages 83-84:** Department of Higher Education, Colorado
 41 Commission on Higher Education Financial Aid, Governor's Opportunity
 42 Scholarships — The Department is requested to submit a report to the Joint
 43 Budget Committee by November 1, 2002, comparing the retention rates of
 44 students receiving Governor's Opportunity Scholarships with retention
 45 rates for low- income students receiving other types of financial aid
 46 packages.
 47

48 The footnote entails a substantial workload increase and some of the
 49 information is not available.
 50

51 **61. Footnote 74, page 84:** Department of Higher Education, Governing
 52 Boards and Local District Junior Colleges, Trustees of the State Colleges
 53 in Colorado; State Board of Agriculture; Regents of the University of
 54 Colorado; Trustees of the Colorado School of Mines; University of
 55 Northern Colorado; State Board for Community Colleges and Occupational
 56 Education State System Community Colleges — It is the intent of the

1 General Assembly that each governing board, except the Community
 2 Colleges, may increase tuition rates by an amount calculated to generate up
 3 to a maximum of 7.7 percent additional revenue from resident students and
 4 up to a maximum of 7.7 percent additional revenue from nonresident
 5 students, not including the effects of enrollment changes. It is the intent of
 6 the General Assembly that the Community Colleges may increase tuition
 7 rates by an amount calculated to generate up to a maximum of 5.7 percent
 8 additional revenue from resident students and up to a maximum of 7.7
 9 percent additional revenue from nonresident students, not including the
 10 effects of enrollment changes. These rates are used in order to increase
 11 spending authority for program enhancements and this is not an attempt by
 12 the General Assembly to set tuition policy. Each governing board will give
 13 consideration to establishing equity of tuition increases among the
 14 campuses and programs under the governing board's jurisdiction. In
 15 addition to the tuition increases outlined above, the General Assembly has
 16 approved an additional \$3,274,351 in tuition spending authority for the
 17 Regents of the University of Colorado as follows: \$842,384 for various
 18 tuition rate increases at the Colorado Springs campus; \$933,800 for various
 19 tuition rate increases at the Denver campus; \$1,097,000 for tuition rate
 20 increases in programs associated with the college of business at the Boulder
 21 campus; and \$401,167 for nursing, doctor of medicine, physical therapy,
 22 and doctor of dental surgery programs at the Health Sciences Center. Also,
 23 the General Assembly has approved an additional \$878,422 in tuition
 24 spending authority for the State Board of Agriculture for programs asso-
 25 ciated with the college of veterinary medicine at Colorado State University.

26
 27 Affordability is a crucial aspect of college opportunity for Colorado's
 28 citizens. The gap between high-and-low income Coloradans going to
 29 college is a glaring policy problem. At a time when Colorado's families
 30 are being buffeted by a slow economy, an across the board 7.7% tuition
 31 increase is too high. However, given the outlook of the state's General
 32 Fund budget, I also recognize the very real financial constraints facing
 33 our colleges and universities.

34
 35 Therefore, I am directing the Colorado Commission on Higher
 36 Education to consult with the Governing Boards of the public
 37 institutions of higher education and to prepare a tuition and General
 38 Fund increase plan that is more in line with inflation than the legislative
 39 plan in this bill. In particular, such a plan must protect affordability and
 40 financial aid and take into account the tuition differences among
 41 institutions. This plan shall be prepared and submitted for my approval,
 42 pursuant to Section 23-1-105(3), C.R.S., no later than July 1, 2002.
 43 Through this directive, it is my intent to keep tuition and college costs
 44 in line with inflation and more affordable for all Coloradans, particularly
 45 in these challenging financial times for the state.

- 46
 47 **62. Footnote 76, page 85:** Department of Higher Education, Governing
 48 Boards and Local District Junior Colleges, Regents of the University of
 49 Colorado — It is the intent of the General Assembly that \$100,000 of the
 50 General Fund appropriation to the Regents shall be used to provide addi-
 51 tional targeted resources to the Area Health Education Centers established
 52 by the CU Health Sciences Center in Greeley, Alamosa, Pueblo, and Grand
 53 Junction for treatment, outreach and education to persons with epilepsy.

54
 55 The footnote attempts to administer the appropriation and violates the
 56 separation of powers.

1 **63. Footnote 77, page 113:** Department of Human Services, Executive
2 Director's Office — The General Assembly expects the State Board of
3 Human Services to take appropriate actions pursuant to Section 26-1-
4 121(1)(c), C.R.S., as soon as the Executive Director determines that any
5 appropriation for payment of the costs described in paragraph (a) of said
6 subsection (1) is inadequate. The Department and the State Board should
7 not expect to rely on supplemental appropriations in determining what
8 action is to be taken.
9

10 This footnote violates the separation of powers by dictating the content
11 of the executive budget request. While I will direct the State Board of
12 Human Services to comply to the extent feasible, supplemental requests
13 may be necessary to assure that the needs of the state's most vulnerable
14 citizens are met.
15

16 **64. Footnote 78, page 113:** Department of Human Services, Executive
17 Director's Office, General Administration, Injury Prevention Program —
18 The Department is requested to include in its annual budget request
19 information regarding the cost-effectiveness of this program. Such
20 information should include: actual and planned annual expenditures for this
21 line item, by program; the actual number of workers' compensation claims
22 filed, by type of injury and by program; and the related costs associated
23 with workers' compensation claims filed, by type of injury and by program.
24

25 This footnote violates the separation of powers by dictating the content
26 and format of the executive budget request. I will instruct the
27 department to comply with the intent of the footnote.
28

29 **65. Footnote 79, page 113-114:** Department of Human Services, Office of
30 Information Technology Services — The Department is requested to include
31 in its annual budget request total information technology expenditures and,
32 where applicable, associated FTE usage across the major budget divisions for
33 the preceding actual fiscal year. Expenditures should be categorized as either
34 Help Desk, Applications, Data Systems and Scheduling, Microcomputer/ Local
35 Area Network, or Networks/Telecommunications. This report should also
36 include actual expenditures for microcomputer leases and the number of
37 microcomputers associated with such expenditures.
38

39 I vetoed this footnote last year. This footnote requires a substantial
40 dedication of resources from the department. I will instruct the
41 department to provide the information to the extent feasible within
42 existing resources.
43

44 **66. Footnote 81, pages 114 and 194:** Department of Human Services, Office
45 of Operations, and Department of Personnel, Finance and Procurement,
46 Real Estate Services Program — The Departments are requested to provide
47 a report on the state's efforts to standardize operational maintenance
48 requirements of its facilities statewide and demonstrate how the DHS
49 maintenance levels compare to the rest of State. Departments are
50 requested to submit report to JBC on or before Oct. 1, 2002.
51

52 This footnote constitutes an unfunded mandate, as it would take a
53 significant amount of staff resources away from other duties. The
54 Department of Personnel and Administration does not have authority to
55 direct or recommend changes in operating budgets. Therefore, I will
56 direct the department not to comply with this footnote.

1 **67. Footnote 82, page 114:** Department of Human Services, Office of Operations;
2 Office of Adult and Veterans Services, Administration, Western Slope Military
3 Veteran's Cemetery Fund — On or before September 1, 2002, the Department
4 is requested to provide to the Joint Budget Committee a plan for operating the
5 Western Slope Military Veteran's Cemetery. The plan should describe the
6 functions required to operate the cemetery, the method in which those functions
7 will be carried out, and the estimated costs and source of funds associated with
8 each function.
9

10 This footnote is not applicable since the function is now in the
11 Department of Military Affairs instead of the Department of Human
12 Services. This will require a significant workload without resources. I
13 will direct the Department of Military Affairs to comply to the extent
14 feasible.
15

16 **68. Footnote 83, page 114:** Department of Human Services, Office of
17 Operations, Utilities — Up to \$100,000 of the Department's utility
18 appropriation may be used to develop and implement a program designed
19 to decrease energy consumption. A portion of these funds may be used to
20 hire an energy program manager.
21

22 This footnote violates the separation of powers by attempting to
23 administer the appropriation. The General Assembly has no authority to
24 appropriate or prescribe limits on FTE. I will instruct the department
25 and the Controller to follow the legislative intent of the footnote.
26

27 **69. Footnote 85, page 114:** Department of Human Services, Office of
28 Behavioral Health and Housing, Mental Health Community Programs,
29 Services for Target Clients — It is the intent of the General Assembly that
30 all funds added to this line item beyond increases associated with a 2.0
31 percent community provider cost of living adjustment be distributed to
32 community mental health centers on a formula basis that reflects the need
33 and demand for community mental health services for indigent adult clients
34 with serious mental illness in each region of the State. Such funds should
35 be used to increase the number of clients served and/ or the services
36 provided to qualified clients, with concomitant reductions in service waiting
37 lists. The Department of Human Services is requested to provide a report
38 to the Joint Budget Committee by November 1, 2002, concerning the use
39 of these funds.
40

41 This footnote violates the separation of powers by attempting to
42 administer the appropriation. I will instruct the department to follow the
43 legislative intent of the footnote to the extent feasible.
44

45 **70. Footnote 87, page 115:** Department of Human Services, Office of
46 Behavioral Health and Housing, Mental Health Community Programs,
47 Goebel Lawsuit Settlement — Funding included in this line item represents
48 only a portion of total expenditures for the Goebel Lawsuit Settlement.
49 The Department is requested to include, as part of its annual budget
50 submission, a summary of all actual revenues and expenditures for services
51 for the Goebel plaintiff class in the prior fiscal year, including moneys from
52 non-state sources. This report should also specifically identify all actual,
53 estimated, and requested state appropriations for the Goebel class by Long
54 Bill line item.
55

56 This footnote violates the separation of powers by dictating the content

1 and format of the executive budget request. I will direct the department
2 to comply to the extent feasible.
3

4 **71. Footnote 93, page 116:** Department of Human Services, Office of
5 Behavioral Health and Housing, Alcohol and Drug Abuse Division,
6 Community Programs, Treatment Services, Treatment and Detox Contracts
7 — The Department is requested to report as part of its annual budget
8 submission, on the allocation of funding in this line item between treatment
9 and detoxification services and to explain any changes from the prior years
10 allocations. It is further the intent of the General Assembly that not more
11 than 10 percent of the funding historically allocated to detoxification
12 services or to treatment services be shifted from one purpose to the other.
13

14 This footnote attempts to administer the appropriation and violates the
15 separation of powers. In addition, this footnote dictates the format of
16 the executive budget submission.
17

18 **72. Footnote 94, page 116:** The Department is requested to keep the JBC
19 informed of its plan for compliance with the Olmstead v. L.C. Supreme
20 Court decision of June 1999. Funding requests related to the Olmstead
21 ruling are to be coordinated with the statewide plan for complying with the
22 state's associated legal obligations, and the Department is requested to
23 demonstrate such alignment in its funding requests. .
24

25 This footnote violates the separation of powers by dictating the content
26 and format of the executive budget request.
27

28 **73. Footnote 95, page 116:** Department of Human Services, Office of
29 Rehabilitation and Disability Services, Community Services for Persons
30 with Developmental Disabilities, Adult Community Programs — The
31 Department is requested to require that all Community Centered Boards
32 provide documentation on how the 5.3 percent base rate increase was
33 applied. The Department is requested to submit a report to the Joint Bud-
34 get Committee with the FY 2003-04 budget request that documents how
35 CCBs applied the base rate increase and its affect on the following perform-
36 ance measures: 1) The percentage reduction in the turnover rate of direct-
37 care comprehensive services staff; and 2) the average change in compen-
38 sation packages of direct- care comprehensive services staff. The report
39 should include any additional impact the base rate increase or additional
40 quality assurance staff have on the quality of services in the developmental
41 disabilities system and the Department's desired salary level for direct care
42 and case management staff and the time line for reaching that target level.
43

44 This footnote violates the separation of powers by dictating the content
45 and format of the executive budget request. I will instruct the
46 department to provide the information it determines important on the
47 impact of the provider rate increase to the Joint Budget Committee.
48

49 **74. Footnote 96, page 116:** Department of Human Services, Office of
50 Rehabilitation and Disability Services, Community Services for Persons
51 with Developmental Disabilities, Adult Community Programs — The
52 Department is requested to survey of all individuals on the comprehensive
53 services waiting list, in June 2002, to determine when each individual will
54 need comprehensive services. The Department is requested to report the
55 results of the CCB surveys in the submission of the FY 2003-04 budget
56 request to the Joint Budget Committee.

1 This footnote violates the separation of powers by dictating the content
2 and format of the executive budget request. I will instruct the
3 department to comply with the intent of the footnote.
4

5 **75. Footnote 98, page 117:** Department of Human Services, Office of Adult
6 Health and Rehabilitation, Community Services for Persons with
7 Developmental Disabilities, Preventive Dental Hygiene — It is the intent of
8 the General Assembly that this appropriation be used to assist the Colorado
9 Foundation of Dentistry in providing special dental services for persons
10 with developmental disabilities.
11

12 I vetoed this footnote last year. This footnote attempts to administer the
13 appropriation and violates the separation of powers. I will direct the
14 department to comply with the footnote to the extent feasible.
15

16 **76. Footnote 100, page 117:** Department of Human Services, Office of
17 Rehabilitation and Disability Services, Division of Vocational
18 Rehabilitation, Rehabilitation Programs – Local Funds Match — It is the
19 intent of the General Assembly that the Division of Vocational
20 Rehabilitation actively pursue partnerships with local entities that provide
21 matching funds for federal vocational rehabilitation dollars. The Division
22 is requested to provide a report to the Joint Budget Committee, as part of
23 its annual budget request, on such partnerships. The report should include
24 a discussion of the potential for replacing General Fund support in the
25 Rehabilitation Programs – General Fund Match line item for cash and cash
26 exempt support in the Rehabilitation Programs – Local Funds Match line
27 item.
28

29 This footnote violates the separation of powers by dictating the content
30 and format of the executive budget request. Furthermore, this requests
31 the department to try and raise money from local entities for this state
32 function. The state should not rely on donations for a state function that
33 the General Assembly deems necessary. I will direct the department to
34 comply with the legislative intent of this footnote to the extent feasible.
35

36 **77. Footnote 104, page 118:** Department of Human Services, Office of Self
37 Sufficiency, Colorado Works Program, County Block Grants — Pursuant
38 to Sections 26-2-714 (7) and 26-2-714 (9), C.R.S., under certain
39 conditions, a county may transfer federal Temporary Assistance for Needy
40 Families (TANF) funds within its Colorado Works Program Block Grant
41 to the federal child care development fund or to programs funded by Title
42 XX of the federal Social Security Act. One of the conditions specified is
43 that the amount a county transfers must be specified by the Department of
44 Human Services as being available for transfer within the limitation imposed
45 by federal law. It is the intent of the General Assembly that the Department
46 allow individual counties to transfer a greater percent of federal TANF
47 funds than the state is allowed under federal law as long as: (a) Each
48 county has had an opportunity to transfer an amount up to the federal
49 maximum allowed; and (b) the total amount transferred statewide does not
50 exceed the federal maximum.
51

52 This footnote constitutes substantive legislation by specifying conditions
53 when individual counties are to transfer a greater percent of federal TANF
54 funds than the State is allowed under federal law.
55

56 **78. Footnote 105, page 118:** Department of Human Services, Office of Self-

1 sufficiency, Colorado Works Program, County Training; and Community
2 Resource Investment Liaison — The Department is requested to utilize a
3 portion of the funding provided through these line items, in addition to
4 other available resources, for the purpose of providing technical assistance
5 and training for county staff concerning requirements of the federal
6 Americans with Disabilities Act and the provision of services to special
7 needs populations.
8

9 This footnote attempts to administer the appropriation and violates the
10 separation of powers.
11

- 12 **79. Footnote 106, page 118:** Department of Human Services, Office of Self
13 Sufficiency, Special Purpose Welfare Programs, Low Income Energy
14 Assistance Program — The cash funds exempt appropriation for this line
15 item represents an estimate of donations the Department anticipates
16 receiving from the Colorado Energy Assistance Foundation. It is the intent
17 of the General Assembly that if actual cash funds exempt expenditures that
18 are eligible to be counted as part of the State's maintenance of effort for the
19 federal Temporary Assistance for Needy Families program exceed the
20 appropriated amount, the Department report actual eligible expenditures to
21 the federal government for such purpose.
22

23 I vetoed this footnote last year. This footnote violates the separation of
24 powers by attempting to administer the appropriation. I will instruct the
25 department to comply to the extent feasible.
26

- 27 **80. Footnote 107, page 118:** Department of Human Services, Office of Adult
28 and Veterans Services, Adult Assistance Programs, Old Age Pension
29 Program — The Department is requested to reflect in its annual budget
30 request an itemized account of each expenditure associated with the Old
31 Age Pension Program, including grant payments for each recipient
32 population, state and county program administration costs, burial
33 reimbursements, expenditures applied to any other program or computer
34 system, and refunds and state revenue intercepts.
35

36 This footnote violates the separation of powers by dictating the content
37 and format of the executive budget request. I will instruct the
38 department to comply with the intent of the footnote.
39

- 40 **81. Footnote 110a, page 119:** Department of Human Services, Office of
41 Adult and Veterans Services, Aging Services Programs, State Ombudsman
42 Program — It is the intent of the General Assembly that the funds
43 appropriated in this line item are to be expended to serve the residents of
44 long-term care facilities, as defined in the Older Americans Act (42 USCA,
45 §§ 3001, et seq.) and the Colorado Revised Statutes.
46

47 This footnote violates the separation of powers by attempting to
48 administer the appropriation.
49

- 50 **82. Footnote 112, page 119:** Department of Human Services, Division of
51 Child Welfare — The Department is requested to reflect in its annual
52 budget request the gross amount of payments to child welfare service
53 providers, including amounts that were paid using revenues other than
54 county, state, or federal tax revenues. The Department is requested to
55 reflect such amounts for the last two actual fiscal years.
56

1 This footnote violates the separation of powers by dictating the content
2 and format of the executive budget request. I will instruct the
3 department to comply with the intent of the footnote.
4

5 **83. Footnote 114, page 119:** Department of Human Services, Division of
6 Child Welfare, Administration — In order to focus its recruitment and
7 retention efforts on those family foster and adoptive homes that are most
8 likely to provide appropriate placements for children and least likely to
9 result in a disruption, the Department is requested to evaluate the success
10 rate for various types of family foster and adoptive home placements (e.g.,
11 kinship homes, foster-adopt homes, county-administered homes, child
12 placement agency-certified homes, etc.). The Department is requested to
13 report its findings in its fiscal year 2003-04 budget request.
14

15 This footnote violates the separation of powers by dictating the content
16 and format of the executive budget request. I will instruct the
17 department to comply with the intent of the footnote.
18

19 **84. Footnote 115, pages 119-120:** Department of Human Services, Division
20 of Child Welfare, Child Welfare Services — The Department is requested
21 to reflect in its annual budget request expenditures for the last two fiscal
22 years for services that are now funded through this consolidated line item.
23 Such data should include both the number of children for whom services
24 were purchased and the average payment per child for the following
25 services: Out-of-home placement care, subsidized adoption payments, case
26 service payments related to subsidized adoptions, child welfare- related
27 child care, and burials.
28

29 This footnote violates the separation of powers by dictating the content
30 and format of the executive budget request. I will instruct the
31 department to comply with the intent of the footnote.
32

33 **85. Footnote 116, page 120:** Department of Human Services, Division of
34 Child Welfare, Child Welfare Services — Pursuant to Section 26-5-104 (6),
35 C.R.S., counties are authorized to negotiate rates, services, and outcomes
36 with child welfare service providers and are thus not required to provide a
37 specific rate increase for any provider. The funding provided for this line
38 item includes an increase of \$2,809,204 based on a 1.0 percent increase in
39 base funding. The Department is requested to provide information to the
40 Joint Budget Committee on or before November 1, 2002, concerning how
41 counties have elected to utilize the additional funding provided.
42

43 This footnote violates the separation of powers by attempting to
44 administer the appropriation. I will instruct the department to follow the
45 legislative intent of the footnote to the extent feasible.
46

47 **86. Footnote 120, page 120:** Department of Human Services, Division of
48 Youth Corrections, Community Programs, S.B. 91-94 Programs — It is the
49 intent of the General Assembly that funds appropriated for Senate Bill 91-
50 94 programs are to provide alternative services for juveniles determined to
51 be at imminent risk of being placed in a detention or commitment facility
52 and to provide services designed to reduce the length of stay of juveniles
53 placed in Division facilities. In an effort to improve the effectiveness of
54 S.B. 91-94 in reducing detention and commitment populations, the Division
55 is requested to focus S.B. 91-94 funds on programs and services that will
56 most effectively reduce populations in Division facilities, including intake

1 screening, assessment, and case management services and other services
 2 designed to divert youth from placement in secure facilities.

3
 4 This footnote violates the separation of powers by attempting to
 5 administer the appropriation. I will instruct the department to comply
 6 to the extent feasible.

7
 8 **87. Footnote 122, page 121:** Department of Human Services, Division of
 9 Youth Corrections, Community Programs, Parole Program Services — The
 10 Department is requested to submit a report to the Joint Budget Committee
 11 by November 1, 2002, analyzing the effectiveness of parole program
 12 services, and the impact that decreasing or increasing funding would have
 13 on the services that could be provided and the expected youth outcomes.
 14 The General Fund appropriation for this line item is based on an estimated
 15 \$983,564 in federal title IV-E revenues. It is the intent of the General
 16 Assembly that if title IV-E revenues exceed this amount, the department
 17 could apply up to \$50,000 toward the cost of preparing this report.

18
 19 This footnote violates the separation of powers by attempting to
 20 administer the appropriation and by attempting to appropriate federal
 21 funds.

22
 23 **88. Footnote 123, page 121:** Department of Human Services, Division of
 24 Children’s Health and Rehabilitation, Services for Children with
 25 Developmental Disabilities, Family Support Pilot — It is the intent of the
 26 General Assembly to provide 20 full program equivalent resources for 20
 27 families to participate in the Family Support Services pilot for FY 2000-01
 28 and FY 2001-02. The Department is requested to adhere to the statutory
 29 limitations on program administration of seven percent provided for in
 30 Sections 27-10.5-401 through 407 C.R.S., for the administration of this
 31 pilot program. As indicated in the Department’s pilot proposal, at the end
 32 of two years, the Department is requested to report to the Joint Budget
 33 Committee, on the outcomes of the pilot and provide recommendations
 34 based upon its findings.

35
 36 This footnote violates the separation of powers by attempting to
 37 administer the appropriation. I will instruct the department to follow the
 38 legislative intent of the footnote to the extent feasible.

39
 40 **89. Section 2, Part VIII, Judicial Department, (3) Courts Administration,**
 41 **(B) Administrative Special Purpose, Page 126:**

42
 43

	<u>Item &</u>	<u>General</u>	<u>General</u>	<u>Cash</u>	<u>Cash</u>	<u>Federal</u>
	<u>Subtotal</u>	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>	<u>Funds</u>	<u>Funds</u>
			<u>Exempt</u>		<u>Exempt</u>	
44	Judicial Conference	\$85,676	\$85,676			

45 The primary reason for vetoing this line is the need to reduce General
 46 Fund expenditures. In periods of falling revenues, the state should cut
 47 back on expenditures for conferences. This veto does not preclude the
 48 Judiciary from having a conference, as they may pay for such a
 49 conference out of other lines given the flexibility provided them by the
 50 headnote vetoes I have also made. It is likely that this veto will reduce
 51 the amount of money spent on such a conference, however.

1 **90. Section 2, Part VIII, Judicial Department, (3) Courts Administration,**
 2 **(B) Administrative Special Purpose, Page 126:**
 3

4		Item & <u>Subtotal</u>	General <u>Fund</u>	General Fund <u>Exempt</u>	Cash <u>Funds</u>	Cash Funds <u>Exempt</u>	Federal <u>Funds</u>
5	Training	\$190,028	\$190,028				

6 The primary reason for vetoing this line is the need to reduce General
 7 Fund expenditures. In addition, this is a discretionary item. This does
 8 not preclude the Judiciary from conducting training, however, as they
 9 must now pay for training out of other lines given the flexibility provided
 10 them by the headnote vetoes I have also made.
 11

12 **91. Footnote 136, page 135:** Judicial Department, Trial Courts, Mandated
 13 Costs — The Department is requested to report all court- related costs
 14 associated with death penalty cases as part of the Department's annual
 15 budget request.
 16

17 The footnote requests information on only death penalty cases. I find it
 18 curious that the General Assembly is not interested in the costs of other
 19 types of court cases.
 20

21 **92. Footnote 142, page 136:** Judicial Department, Public Defender — The
 22 Public Defender shall provide a report on the number of hours, dollars, and
 23 FTE utilized by the office in death penalty cases during the most recently
 24 completed fiscal year. In addition, the report shall include the number of
 25 motions filed by the office and the number of motions responded to by the
 26 office in death penalty cases during the fiscal year. This report should be
 27 submitted as part of the Public Defender's annual budget request.
 28

29 The footnote requests information on only death penalty cases. I find it
 30 curious that the General Assembly is not interested in the costs of other
 31 types of court cases.
 32

33 **93. Footnote 154, page 144:** Department of Labor and Employment,
 34 Executive Director's Office, Operating Expenses — The Department is
 35 requested to include estimated costs of computer contract maintenance
 36 agreements in its annual budget request.
 37

38 This footnote violates the separation of powers by dictating the content
 39 and format of the executive budget request. I will instruct the
 40 department to comply with the intent of the footnote.
 41

42 **94. Footnote 155, page 144:** Department of Labor and Employment, Division
 43 of Employment and Training, Unemployment Insurance Fraud Program —
 44 The Department is requested to investigate potential funding sources for
 45 the Unemployment Insurance Fraud Program. The Department should
 46 include the findings of this investigation in its FY 2002-03 budget request.
 47 In addition, the Department is requested to include in its FY 2002-03
 48 budget request information on fraud detection and recovery, including, but
 49 not limited to, an estimate of the amount of unemployment insurance fraud
 50 that may have occurred in FY 2001-02, how much of this fraud was
 51 detected, and how much of this fraud was recovered.
 52

1 This footnote directs the executive budget submission and is a violation
2 of the separation of powers. The Department of Labor and Employment
3 prepared and submitted a report to the Joint Budget Committee on this
4 subject in November 2001. Any further effort in this direction would be
5 a duplication of effort and not the best use of State resources.
6

7 **95. Footnote 156, page 144:** Department of Labor and Employment, Division
8 of Employment and Training, Employment and Training Programs, State
9 Operations —It is the intent of the General Assembly that, of this
10 appropriation, \$114,707 be awarded as grants to one stop job centers that
11 provide services to displaced homemakers.
12

13 I vetoed this footnote last year. This footnote violates the separation of
14 powers by attempting to administer the appropriation. I will direct the
15 department to comply to the extent feasible, while considering options
16 to maximize the number of individuals served.
17

18 **96. Footnote 157, page 144:** Department of Labor and Employment, Division
19 of Employment and Training, Employment and Training Programs,
20 Welfare-to-Work Block Grant — It is the intent of the General Assembly
21 that the Department count a portion of the General Fund or Cash Funds
22 exempt appropriated to the Department of Human Services, Self-
23 Sufficiency, for Colorado works Program County Block Grants, as the
24 state match for federal Welfare-to-Work Block Grant funds. However, it
25 is the intent of the General Assembly that only that portion of such funds
26 that exceeds the minimum federal maintenance of effort requirement for the
27 Temporary Assistance to Needy Families program be used in such manner.
28 In addition, the Department is requested to identify any other existing
29 resources that could be counted as the state's match for the federal
30 Welfare-to-Work Block Grant. Such existing resources may include, but
31 need not be limited to: State funds appropriated for programs administered
32 by the Department of Corrections, the Department of Education, the
33 Department of Higher Education, the Department of Human Services,
34 Department of Local Affairs, and the Department of Public Safety; tax
35 credits provided to employers that hire individuals receiving public
36 assistance; and reduced-price bus passes provided through the Regional
37 Transportation District to individuals receiving public assistance.
38

39 The department has already done this exercise and submitted this report
40 to U.S. Department of Labor in July 2001 and to JBC on November 1,
41 2001. This information showed that the department will exceed the
42 amount necessary to match the federal Welfare-to-Work Block Grant.
43 As such, any further effort in this direction would be a duplication of
44 effort and not the best use of State resources.
45

46 **97. Footnote 158, pages 144-145:** Department of Labor and Employment,
47 Division of Employment and Training, Employment and Training Programs,
48 Welfare-to-Work Block Grant — It is the intent of the General Assembly
49 that, when allocating the fifteen percent discretionary funds for special
50 projects with community-based organizations, priority be given to those
51 organizations that collaborate with the region's one-stop job center. The
52 Department is requested to include in its annual budget request information
53 regarding the allocation of such discretionary funds. Such information
54 should include, but not limited to, the names of the organizations that
55 receive discretionary funds, the amount of such awards, a description of the
56 organizations' collaboration with the region's One-Stop job center, and an

1 explanation of any discretionary funds awarded to community-based
2 organizations that do not collaborate with a One-Stop job center.

3
4 I vetoed this footnote last year. This footnote violates the separation of
5 powers by attempting to administer the appropriation. I will direct the
6 department to comply to the extent practicable.

- 7
8 **98. Footnote 159, page 145:** Department of Labor and Employment, Division
9 of Labor, Welfare Reform — The Department is requested to provide, as
10 part of its FY 2003- 04 budget submission, a report to the Joint Budget
11 Committee detailing the number of grievances filed, the number requiring
12 mediation or arbitration and the outcome of each, and the amount of staff
13 time involved in each.

14
15 This footnote violates the separation of powers by dictating the content
16 and format of the executive budget request. I will instruct the
17 department to comply with the intent of the footnote.

- 18
19 **99. Footnote 160, page 145:** Department of Labor and Employment, Division
20 of Workers' Compensation, Workers' Compensation — The Department
21 is requested to provide a report to the Joint Budget Committee, as part of
22 its FY 2003-04 budget submission, regarding the worker's compensation
23 self- insurance program. The report should include, by employer: The
24 annual amount of losses incurred; the annual amount of claim expenditures;
25 the total amount of outstanding liabilities; and the amount of security held.
26 The report should also include the number of and grounds for revoked
27 permits and denied applications.

28
29 This footnote violates the separation of powers by dictating the content
30 and format of the executive budget request. I will instruct the
31 department to comply with the intent of the footnote.

- 32
33 **100. Footnote 165, page 152:** Department of Law, Criminal Justice and
34 Appellate, Capital Crimes Prosecution Unit — The Department is
35 requested to report to the General Assembly, no later than October 15,
36 2002, on both the dollars and the FTE utilized by the district attorneys in
37 prosecuting death penalty cases in FY 2001-02. In addition, the
38 department is requested to report no later than October 15, 2002, on the
39 dollars and FTE utilized within the department in assisting district
40 attorneys in such death penalty cases in FY 2001-02.

41
42 The footnote requests information only on death penalty cases. I find it
43 curious that the General Assembly is not interested in the costs of other
44 types of court cases.

- 45
46 **101. Footnote 166, page 152:** Department of Law, Criminal Justice and
47 Appellate, Capital Crimes Prosecution Unit — The Department is
48 requested to report to the Joint Budget Committee, no later than October
49 15, 2002, on the allocation of Department resources in FY 2001-02 for
50 death penalty cases. The report should itemize the number of hours and
51 dollars dedicated to all aspects of the Department's work on death penalty
52 cases, including researching and drafting, case investigation, and
53 appearances in court. The report should also include information about
54 the number of motions filed by the Department, as well as the number of
55 motions responded to by the Department, in death penalty cases. The
56 information requested should be provided for all Department units

1 involved in prosecuting death penalty cases, including the Capital Crimes
 2 Unit and the Appellate Section.

3
 4 The footnote requests information only on death penalty cases. I find it
 5 curious that the General Assembly is not interested in the costs of other
 6 types of court cases.
 7

8 **102. Footnote 169, pages 152, 179-180, and 221-222:** Department of Law,
 9 Special Purpose, Comprehensive Environmental Response, Compensation
 10 and Liability Act Contracts; Department of Natural Resources, Executive
 11 Director’s Office, Comprehensive Environmental Response, Compensation
 12 and Liability Act; and Department of Public Health and Environment,
 13 Hazardous Materials and Waste Management Division, Contaminated Site
 14 Cleanups — The Departments are requested to work toward the goal of
 15 removing contaminated sites from the federal list of Superfund sites as
 16 soon as possible. In this regard, the departments are requested to
 17 cooperate in the preparation of a report on the State’s CERCLA Program.
 18 The report should be prepared annually and should be submitted on
 19 November 1 with each department’s budget request. This report should
 20 include detailed expenditures, by department, for CERCLA contracts,
 21 including actual, estimated, and requested funding for personal services,
 22 contract services, operating expenses, and other costs. The report should
 23 also include an analysis of long- term funding needs of the State in
 24 responding to, litigating, and cleaning up CERCLA sites, including
 25 estimated long- term maintenance costs for these sites. Finally, the report
 26 should discuss the possible downsizing of the State’s CERCLA programs.
 27

28 This footnote presents an expensive and unfunded mandate on the
 29 departments. I will direct the departments to comply to the extent
 30 feasible within budget constraints.
 31

32 **103. Section 2, Part XI Legislative Department, (3) State Auditor’s Office,**
 33 **Page 153:**

	<u>Item &</u>	<u>General</u>	<u>General</u>	<u>Cash</u>	<u>Cash</u>	<u>Federal</u>
	<u>Subtotal</u>	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>	<u>Funds</u>	<u>Funds</u>
			<u>Exempt</u>		<u>Exempt</u>	
35	Evaluation of Changes in	\$40,000	\$40,000			
36	State Mental Health					
37	Services Training					

38
 39 The intent of this funding is to track and evaluate the downsizing of
 40 Mental Health Institute beds and the development of community
 41 alternatives for individuals with mental illness. However, the amount of
 42 funding in this line is insufficient to conduct a thorough evaluation. In
 43 addition, because significant resources will be required by the
 44 Department of Human Services (DHS) to properly manage the
 45 completion of this study, I believe that DHS should have received this
 46 appropriation. Finally, because the community alternatives will only be
 47 operational for six months, it will be too early to draw major conclusions
 48 about downsizing of mental health institute beds for FY 2003-04.
 49 Therefore, I have asked the Department to examine what resources
 50 would need to be available to do a more comprehensive evaluation.
 51 Until the point in which the necessary resources can be dedicated to this
 52 study, I will direct the department to track all necessary data and to
 53 closely monitor the transition of individuals from the mental health
 54 institutes to the community.

1 **104. Section 2, Part XII, Department of Local Affairs, (3) Division of**
 2 **Housing, (C) Affordable Housing Development, page 157:**
 3

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
5 Colorado Affordable Housing Construction	\$2,904,376	\$2,904,376				
7 Grants and Loans:						

8
 9 I am vetoing this line because of the need to lower General Fund
 10 expenditures. It is my intent, however, to maintain this program through
 11 other revenue sources. I will direct the Department of Local Affairs to
 12 fund this amount of grants and loans for affordable housing from
 13 alternate sources available to them. Notably, the department has the
 14 ability to utilize energy impact funds for this purpose.
 15

16 **105. Section 2, Part XIV, Department of Natural Resources, (1) Executive**
 17 **Director's Office, (E) Youth in Natural Resources Program, Page**
 18 **167:**
 19

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
21 Program Administration	\$113,472	\$113,472				

23 This program can continue to function without this funding because the
 24 department has found a business process to more efficiently administer
 25 the program. Indeed, the department requested a negative supplemental
 26 in FY 2001-02 because of improved efficiency of operation. Thus the
 27 program will continue without negative consequences even with the veto
 28 of these funds.
 29

30 **106. Section 2, Part XIV, Department of Natural Resources, (4) Oil and**
 31 **Gas Conservation Commission, Page 171:**
 32

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
34 Energy Research	\$250,000			\$250,000		

36 This funding, in conjunction with the associated footnote also vetoed in
 37 this bill, constitutes substantive legislation because the School of Mines
 38 does not have statutory authority to receive severance taxes. Therefore,
 39 I have vetoed this line.
 40

41 **107. Section 2, Part XIV, Department of Natural Resources, (8)Water**
 42 **Resources Division, Page 175:**
 43

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
45 Retirements	\$122,918	\$122,918				

1 This line was added several years ago to help the division deal with
2 various retirement issues. Although I understand the challenges facing
3 this division, other divisions are able to manage their retirement issues
4 within their personal services lines. This should be especially true in FY
5 2002-03 since the headnote vetoes provided in this message will provide
6 them with greater flexibility to face the challenge of their aging work
7 force. Furthermore, this division has a very large, \$14.8 million,
8 personal services line. Given the large personal services budget and the
9 added flexibility in the current year, I am vetoing this line.

10

11 **108. Footnote 174, page 180:** Department of Natural Resources, Executive
12 Director's Office — It is the intent of the General Assembly that the
13 Department of Natural Resources not combine easily separable funding
14 requests into single decision items. If the department wishes to request
15 multiple new projects in a single division, each request should be
16 separately justified as a distinct decision item. Items not submitted
17 accordingly will not be considered.

18

19 This footnote violates the separation of powers by instructing the
20 executive branch on how to structure its decision items. I will direct the
21 department to follow the intent of the footnote.

22

23 **109. Footnote 175, page 180:** Department of Natural Resources, Executive
24 Director's office, Information Technology Services, Technology Initiative
25 — Funding for this line item is considered one-time in nature. Any future
26 requests for funding should be made in the November 1 budget request,
27 regardless of requested fund source.

28

29 This footnote violates the separation of powers by instructing the
30 executive branch on how to structure its budget submission.

31

32 **110. Footnote 178, page 180:** Department of Natural Resources, Oil and Gas
33 Conservation Commission, Accelerated Drilling — It is the intent of the
34 General Assembly that this line item continue to exist as long as the
35 workload continues and revenue is available to fund these activities. If
36 workloads decrease or revenues are insufficient, this line item and the
37 associated FTE shall be eliminated. The Oil and Gas Conservation
38 Commission should continue to provide in the annual budget request
39 document an annual justification for the continuation of this line item
40 because of continuing or increasing workloads. It is the intent of the
41 General Assembly that this line item shall not be merged with any other
42 line item within the Oil and Gas Conservation Commission budget.

43

44 I vetoed this footnote last year. This footnote violates the separation of
45 powers by instructing the executive branch on how to structure its
46 budget submission. I will direct the department to follow the intent of
47 the footnote to the extent practicable.

48

49 **111. Footnote 178a, page 181:** Department of Natural Resources, Oil and Gas
50 Conservation Commission, Energy Research — Upon the execution of a
51 memorandum of understanding between the Department of Natural
52 Resources and the Colorado School of Mines, this funding is intended to
53 provide support for the management and operation of the Colorado
54 Energy Research Institute as created in Section 23-41-114, C.R.S.

55

56 This footnote constitutes substantive legislation because the School of

1 Mines does not have statutory authority to receive severance taxes. In
2 addition, the footnote administers the appropriation.
3

4 **112. Footnote 179, page 181:** Department of Natural Resources, Parks and
5 Outdoor Recreation, Established State Parks — It is the intent of the
6 General Assembly that the Division support its FTE initiative entirely with
7 cash funds and cash funds exempt, and that the Division spread requested
8 increases over both FY 2002-03 and FY 2003-04, if necessary, to
9 accomplish this intent.
10

11 This footnote violates the separation of powers by attempting to
12 administer the appropriation. I will direct the department to comply
13 with this footnote to the extent practicable.
14

15 **113. Footnote 181, page 181:** Department of Natural Resources, Parks and
16 Outdoor Recreation, Great Outdoors Colorado Board Grants — These
17 funds are anticipated from the Great Outdoors Colorado Board, and while
18 these funds are not subject to appropriation by the Legislature pursuant to
19 Article XXVII, Section 5, of the Colorado Constitution, they are shown
20 here for informational purposes. The General Assembly accepts no
21 obligation to continue funding these FTE and programs if Great Outdoors
22 Colorado Funds are no longer available.
23

24 I vetoed this footnote last year. This footnote implies restrictions on the
25 Division of Parks and Outdoor Recreation regarding the receipt of funds
26 from Great Outdoors Colorado. The General Assembly has no authority
27 to appropriate funds from Great Outdoors Colorado.
28

29 **114. Footnote 182, page 181:** Department of Natural Resources, Water
30 Conservation Board — It is the intent of the General Assembly that
31 requested changes to any standard budget item be included in the
32 November 1 budget request. This includes, but is not limited to, leased
33 space, capitol complex leased space, operating expenses, and capital
34 outlay. This includes appropriations requested from the Water
35 Conservation Board Construction Fund.
36

37 This footnote violates the separation of powers by instructing the
38 executive branch on how to structure its decision items.
39

40 **115. Footnote 183, page 181:** Department of Natural Resources, Water
41 Resources Division, Personal Services — It is the intent of the General
42 Assembly that 2.0 FTE authorized to eliminate the backlog in final
43 permitting be eliminated at the end of FY 2006-07.
44

45 I vetoed this footnote last year. This footnote violates the separation of
46 powers by attempting to administer the appropriation. The General
47 Assembly has no authority to appropriate or prescribe limits on FTE.
48

49 **116. Footnote 184, page 181:** Department of Natural Resources, Parks and
50 Outdoor Recreation; Division of Wildlife — It is the intent of the General
51 Assembly that the Division of Wildlife and the Division of Parks and
52 outdoor Recreation align their processes for requesting grants from the
53 Great Outdoors Colorado (GOCO) Board with the process of requesting
54 appropriations from the General Assembly. Such alignment should include
55 the process for requesting both base funding and Legacy funding from the
56 GOCO Board. Further, the two divisions are requested to include their

1 requests for funding from the GOCO Board by October 1, 2002, so that
2 they may be approved no later than December 1, 2002. Finally, the two
3 divisions are requested to submit budget amendments by the normal
4 January deadlines to reflect any changes from the GOCO Board requests,
5 as contained in the Department's annual budget requests, and the actual
6 amounts awarded by the GOCO Board.

7
8 The General Assembly has no authority to appropriate funds from Great
9 Outdoors Colorado. This footnote also violates the separation of
10 powers by instructing the department on what to include in its budget
11 submission. I will instruct the department to comply to the extent
12 practicable

- 13
14 **117. Footnote 187, page 182:** Department of Natural Resources, Division of
15 Wildlife — It is the intent of the General Assembly that the Division of
16 Wildlife use the Wildlife for Future Generations Trust Fund to provide for
17 the increased operating and maintenance costs of new fee title property
18 acquisitions. In this regard, whenever the division makes a new fee title
19 acquisition, it should concurrently seek an appropriation of funds to the
20 Wildlife for Future Generations Trust Fund necessary to cover the long-
21 term cost of operating and maintaining that property.

22
23 This footnote constitutes substantive legislation. I will direct the
24 department to comply with this footnote to the extent feasible.

- 25
26 **118. Footnote 188, page 182:** Department of Natural Resources, Division of
27 Wildlife — Any funds from the Great Outdoors Colorado Board while not
28 subject to appropriation by the Legislature, pursuant to Article XXVII,
29 Section 5, of the Colorado Constitution are shown for informational
30 purposes. The General Assembly accepts no obligation to continue
31 funding these FTE and programs if Great Outdoors Colorado funds are no
32 longer available. The General Assembly retains authority to determine
33 appropriations of Wildlife Cash, other State funds, and State-funded FTE
34 used to match projects receiving funding from Great Outdoors Colorado.

35
36 I vetoed this footnote last year. This footnote violates the separation of
37 powers. The General Assembly has no authority to appropriate FTE.

- 38
39 **119. Footnote 191, page 195:** Department of Personnel, Central Services,
40 Fleet Management Program and Motor Pool Services — The Department
41 of Personnel is requested to submit, after consultation with the individual
42 departments and agencies that use the state's Fleet Management Program,
43 a report delineating the benefit to the state and to each separate
44 department or agency of maintaining its relationship with the Fleet
45 Management Program. This report should include an analysis that
46 compares (1) maintaining the Fleet Management Program in its current
47 form with (2) reverting control of the state's fleet to individual
48 departments with regard to purchasing, maintenance of the vehicle,
49 insurance costs, operating costs of the vehicle, and disposal of the vehicle.
50 This report should be submitted to the Joint Budget Committee no later
51 than September 1, 2002.

52
53 This footnote would present an onerous requirement on the department
54 of Personnel and Administration. The department is committed to
55 identifying improvements in service delivery that ensure services are
56 provided in the most efficient manner. Expending resources on this

1 report will divert the department from providing necessary services to
2 its clients.
3

4 **120. Footnote 192, page 195:** Department of Personnel, Central Services,
5 Facilities Maintenance and Planning, Property Maintenance — The
6 Department of Personnel, in conjunction with all affected state agencies,
7 is requested to perform a statewide reconciliation of the square footage in
8 each building the Department of Personnel maintains to the actual square
9 footage that each agency occupies. The Department of Personnel is
10 requested to provide this report to the Joint Budget Committee no later
11 than October 1, 2002.
12

13 The department already compiled this information prior in March 2002
14 and provided it to the Joint Budget Committee in April 2002.
15 Duplication of this effort would be a waste of staff resources.
16

17 **121. Footnote 193, page 195:** Department of Personnel, Central Services,
18 Facilities Maintenance and Planning, State Buildings and Real Estate
19 Services Program — The Department of Personnel, in conjunction with
20 the State Auditor's Office, is requested to perform a statewide audit
21 concerning the compliance of building codes established by the State
22 Buildings and Real Estate Services Program. This audit should determine
23 if the state's departments and agencies are uniformly complying with the
24 state's building codes during the construction of new buildings.
25

26 This footnote violates the separation of powers by attempting to
27 administer the appropriation. I will instruct the department to follow the
28 legislative intent of the footnote to the extent feasible.
29

30 **122. Footnote 194, page 195:** Department of Personnel, Colorado
31 Information Technology Services, Computer Services — It is the intent of
32 the General Assembly that the Department of Personnel perform an annual
33 mid- year review of actual usage compared to agency appropriations in
34 order to determine the accuracy of the cost allocation billing methodology
35 for General Government Computer Center (GGCC) services. This
36 information should be submitted to the Joint Budget Committee for review
37 no later than January 1, 2003, for statewide supplemental consideration.
38

39 This footnote violates the separation of powers by dictating the content
40 and format of the executive budget request. I will instruct the
41 department to comply with the intent of the footnote.
42

43 **123. Footnote 195, page 195:** Department of Personnel, Administrative
44 Hearings — The Department of Personnel is requested to perform an
45 annual mid- year review of actual usage compared to agency
46 appropriations in order to determine the accuracy of the cost allocation
47 billing methodology for Administrative Hearings services. This
48 information should be submitted to the Joint Budget Committee for review
49 no later than January 1, 2003 for statewide supplemental consideration.
50

51 This footnote violates the separation of powers by dictating the content
52 and format of the executive budget request. I will instruct the
53 department to comply with the intent of the footnote.
54

55 **124. Section 2, Part XVI, Department of Public Health and Environment,**
56 **(4) Local Health Services, (A) Local Liaison, Pages 200-201:**

1		<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
2	Local, District, and	\$5,348,337	\$4,960,273				\$388,064
3	Regional Health Depart-						
4	ment Distributions						
5	pursuant to Section						
6	25-1-516, C.R.S.						

7
8 The primary reason for vetoing this line is the need to reduce General Fund
9 expenditures. In addition, this is a discretionary item and amounts to a
10 relatively small portion of local health departments budgets, about 5 percent.
11 In a year when state expenditures may exceed revenues, it is imperative for
12 the state to cut its supplementary funding for programs. In addition, local
13 health agencies will receive more than \$7 million in new federal funds in FY
14 2002-03, thus mitigating some of the impact of this veto.

15
16 **125. Section 2, Part XVI, Department of Public Health and Environment, (10)**
17 **Prevention and Intervention Services, (B) Prevention Partnerships, (1) Tony**
18 **Grampas Youth Services Program, Page 212:**

20		<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
21	Prevention Services	\$7,594,816	\$7,594,816				
22	Program						

23
24 The primary reason for vetoing this line is the need to reduce General Fund
25 expenditures. In addition, this is a discretionary grant item and agencies do
26 not rely on this as an ongoing source of revenue. The funding is not
27 intended to be used on a recurring basis by recipients.

28
29 **126. Section 2, Part XVI, Department of Public Health and Environment, (10)**
30 **Prevention and Intervention Services, (B) Prevention Partnerships, (3) Build**
31 **A Generation Grants, Page 212:**

33		<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
34	Build A Generation	\$425,597	\$425,597				
35	Grants						

36 The primary reason for vetoing this line is the need to reduce General Fund
37 expenditures. In addition, this is a discretionary grant program and
38 recipients do not rely on this as an ongoing source of revenue. The funding
39 is intended to be one-time in nature and is not in place for use on a recurring
40 basis.

41
42 **127. Footnote 196, page 222:** Department of Public Health and Environment,
43 Administration and Support — The Department is requested to submit a
44 report by October 1, 2002, to Joint Budget Committee listing all block grants
45 the Department will receive for FY 2002-03 and is expecting to receive for FY
46 2003-04. The report should also include a description of the grant, and line
47 items in the Long Bill each grant is being used to finance. The report should
48 include all line items with a General Fund appropriation for which block grants
49 could be used.

1 This footnote violates the separation of powers by directing the activity of the
2 department.
3

4 **128. Footnote 197, page 222:** Department of Public Health and Environment,
5 Administration and Support — The Department is requested to submit a
6 report by October 1, 2002, to Joint Budget Committee listing all block grants
7 the Department will receive for FY 2002-03 and is expecting to receive for FY
8 2003-04. The report should also include a description of the grant, and line
9 items in the Long Bill each grant is being used to finance. The report should
10 match each block grant with all potential Long Bill line items that are eligible
11 for funding.
12

13 This footnote violates the separation of powers by directing the activity of
14 the department.
15

16 **129. Footnote 198, page 222:** Department of Public Health and Environment,
17 Administration and Support — It is the intent of the General Assembly that
18 the Department shall not exceed the total FTE authorization included in the
19 Long Bill, and that any transfer of FTE between divisions within the
20 Department shall be limited to federally-funded grants or programs and again
21 shall not exceed the total authorized level. Any exception to this policy should
22 be limited to federal funds and should be reported to the Joint Budget
23 Committee, documenting the source and amount of funding, increase in
24 number of FTE, activities to be performed, and anticipated time frame for
25 continued receipt of new funding.
26

27 I vetoed this footnote last year. The footnote violates the separation of
28 powers. The General Assembly does not have the authority to appropriate
29 FTE or federal funds.
30

31 **130. Footnote 201, page 223:** Department of Public Health and Environment,
32 Disease Control and Environmental Epidemiology Division, Special Purpose
33 Disease Control Programs, Immunization — The Department is requested to
34 provide, with its annual budget submission, detailed information regarding
35 immunization services and funding. This information should include, but not
36 be limited to: the amount and funding source available for each line item where
37 funds are provided to support immunization services, including General Fund
38 dollars, cash funds, cash funds exempt, and federal funds; a description of
39 services provided relative to funding in each line item; an explanation of
40 service delivery, including a distinction between public local or public county,
41 public state, non-profit, and private providers; and the number of patients
42 served in each applicable program.
43

44 This footnote violates the separation of powers by dictating the content and
45 format of the executive budget request. I will instruct the department to
46 comply with the intent of the footnote.
47

48 **131. Footnote 203, page 223:** Department of Public Health and Environment,
49 Disease Control and Environmental Epidemiology Division, Special Purpose
50 Disease Control Programs, Tuberculosis Control and Treatment — The
51 Department is requested to provide, with its annual budget submission, a
52 listing of counties which participate in tuberculosis control. Information
53 should include, but not be limited to, the number of patients served for
54 tuberculosis infection and active tuberculosis in each county, the total costs
55 associated with all aspects of treatment and control by county, and a breakout
56 of each revenue source. This information would account for counties' 20-

1 percent match required in Section 25-4-513, C.R.S. This information should
2 be provided for one actual year, the estimate year, and the request year.

3
4 This footnote violates the separation of powers by dictating the content and
5 format of the executive budget request. I will instruct the department to
6 comply with the intent of the footnote.
7

8 **132. Footnote 209, page 224:** Department of Public Health and Environment,
9 Health Promotion and Disease Prevention, Women’s Health - Family
10 Planning, Purchase of Services — The Department is requested to submit a
11 report to the Joint Budget Committee with its annual budget submission. This
12 report should include, but not be limited to, a detailed explanation of how state
13 funds are expended by each contractor receiving any amount of state funds for
14 the family planning program. Reporting should be completed for each
15 contract organization, including public, private, and non-profit organizations,
16 and should itemize expenditures for the previous fiscal year actual amounts,
17 the current fiscal year estimated amounts, and the request fiscal year amounts.
18

19 This footnote violates the separation of powers by dictating the content and
20 format of the executive budget request. I will instruct the department to
21 comply with the intent of the footnote.
22

23 **133. Footnote 210, page 224:** Department of Public Health and Environment,
24 Family and Community Health Services Division, Women’s Health – Family
25 Planning, Purchase of Services — It is the intent of the General Assembly that
26 a portion of the funds for this program be used for peer intervention efforts.
27 The Department is requested to include the following information in its annual
28 budget submission: A listing of peer intervention programs that have been
29 awarded family planning dollars and the amount of funds given to each; and
30 the number of teens that participated in listed peer intervention programs.
31

32 I vetoed this footnote last year. The footnote attempts to administer the
33 appropriation and violates the separation of powers. I will direct the
34 department to comply to the extent feasible.
35

36 **134. Section 2, Part XVII, Department of Public Safety, (4) Division of Criminal
37 Justice, Page 231:**

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
39 Juvenile Diversion	\$200,000	\$200,000				
40 Programs --Victim/ 41 Offender Mediation						

42 The primary reason for vetoing this line is the need to reduce General Fund
43 expenditures. While this may be a worthwhile program, it is voluntary for
44 the offender. In addition, these are grant moneys and therefore recipients
45 should not be using the money on an ongoing basis for programs.
46

47 **135. Section 2, Part XVII, Department of Public Safety, (4) Division of Criminal
48 Justice, Page 231:**

	<u>Item & Subtotal</u>	<u>General Fund</u>	<u>General Fund Exempt</u>	<u>Cash Funds</u>	<u>Cash Funds Exempt</u>	<u>Federal Funds</u>
50 Juvenile Diversion	\$1,000,000	\$1,000,000				
51 Programs – 52 Restitution						

1 The primary reason for vetoing this line is the need to reduce General Fund
 2 expenditures. In addition, there is an overlap in this program and other
 3 programs in the Division of Youth Corrections, where \$12.3 million is
 4 appropriated for juvenile offender diversion programs. Furthermore, these
 5 are grant programs and therefore are not used on an ongoing basis for
 6 programs. Finally, it is estimated that this \$1 million generates \$550,000 in
 7 actual restitution payments to victims.
 8

9 **136. Section 2, Part XVII, Department of Public Safety, (4) Division of Criminal**
 10 **Justice, Page 231:**

	<u>Item &</u>	<u>General</u>	<u>General</u>	<u>Cash</u>	<u>Cash</u>	<u>Federal</u>
	<u>Subtotal</u>	<u>Fund</u>	<u>Fund</u>	<u>Funds</u>	<u>Funds</u>	<u>Funds</u>
			<u>Exempt</u>		<u>Exempt</u>	
12 Juvenile Diversion Programs	\$1,283,702	\$1,283,702				

14 The primary reason for vetoing this line is the need to reduce General Fund
 15 expenditures. In addition, there is an overlap in this program and other
 16 programs in the Division of Youth Corrections, where \$12.3 million is
 17 appropriated for juvenile offender diversion programs. Furthermore, these
 18 are grant programs and therefore are not used on an ongoing basis.
 19

20 **137. Footnote 211, page 237:** Department of Public Safety, Executive Director’s
 21 Office, Witness Protection Program— It is the intent of the General Assembly
 22 that the Witness Protection Board apply to the Victims Assistance and Law
 23 Enforcement Advisory Board for a grant to fund the provision of services
 24 through the Witness Protection Program to eligible persons who are victims,
 25 as defined in Section 24-4.1-302(5), C.R.S. The Department of Public Safety
 26 is requested to report to the Joint Budget Committee by December 15, 2002,
 27 on the results of the grant application. In addition, this report should include
 28 a detailed summary of revenues and expenditures for FY 2000-01 and 2001-
 29 02 and projections for FY 2002-03.
 30

31 The VALE Board has stated that witness protection is not a high priority for
 32 funding. Since FY 2000-01, the VALE Board has repeatedly denied the
 33 department’s requests for witness protection dollars. Given the VALE
 34 Board’s history regarding this issue, any attempts by the department to
 35 secure funding for witness protection will likely be fruitless and will not be
 36 the best use of staff resources.
 37

38 **138. Footnote 212, page 237:** Department of Public Safety, Executive
 39 Director’s Office, Colorado Integrated Criminal Justice Information
 40 System (CICJIS) — It is the intent of the General Assembly that with this
 41 appropriation the Colorado Bureau of Investigation in the Department of
 42 Public Safety, the Judicial Department, the Department of Corrections, the
 43 Division of Youth Corrections in the Department of Human Services, and
 44 the Colorado District Attorneys’ Council should be able to improve the
 45 Colorado Integrated Criminal Justice Information System to achieve a
 46 match between felony court filings and the initial charges in at least eighty
 47 percent of the cases by December 31, 2002, and eighty-five percent of the
 48 cases by June 30, 2003.
 49

50 I vetoed this footnote last year. This footnote violates the separation of
 51 powers by attempting to administer the appropriation. I understand the
 52 importance of increasing the disposition match rate and will direct the
 53 department to make improving the performance of the system a priority.

- 1 **139. Footnote 215, page 237:** Department of Public Safety, Colorado State
2 Patrol, Aircraft Pool — It is the intent of the General Assembly that, of the
3 appropriated amount for the Aircraft Pool, a portion of the funds shall be
4 transferred to the Aircraft Engine Reserves Fund. The amount of the
5 transfer shall be based on the number of flight hours per plane and should
6 be sufficient to cover routine replacement of engines that exceed the
7 recommended flight hours.
8
- 9 I vetoed this footnote last year. This footnote violates the separation of
10 powers by attempting to administer the appropriation. I will instruct the
11 department to follow legislative intent if practicable and to ensure safety
12 concerns are taken into consideration.
13
- 14 **140. Footnote 216, page 238:** Department of Public Safety, Colorado State
15 Patrol, Counter-drug Program — It is the intent of the General Assembly
16 that, if federal funds for the administration of this program are ever
17 reduced, the FTE will also be reduced, and workload will be absorbed
18 with existing FTE in the Civilians line item.
19
- 20 I vetoed this footnote last year. This footnote violates the separation of
21 powers. The General Assembly has no authority to appropriate or
22 prescribe limits on non-match federal grants or FTE.
23
- 24 **141. Footnote 218, page 238:** Department of Public Safety, Division of
25 Criminal Justice, Juvenile Justice and Delinquency Prevention, Juvenile
26 Diversion Programs – Restitution; Juvenile Diversion Programs –
27 Victim/Offender Mediation; and Juvenile Diversion Programs — The
28 funds appropriated in these line items are intended solely for the purpose
29 of disbursement to local agencies and programs in support of juvenile
30 diversion programs. The Division shall not use any of these funds to pay
31 for operating expenses incurred in the normal course of administering
32 these program funds.
33
- 34 This footnote is immaterial since I also vetoed the associated funding.
35
- 36 **142. Footnote 219, page 238:** Department of Public Safety, Division of
37 Criminal Justice, Juvenile Justice and Delinquency Prevention, Alternative
38 to Placement Projects — It is the intent of the General Assembly that these
39 funds be used for the purpose of competitively awarding to counties that
40 submit proposals for multi-disciplinary, non-categorical programs to
41 provide child welfare services to at-risk children and their families. It is
42 the intent of the General Assembly that such services include, but not be
43 limited to, assessment, intervention, treatment, supervision, and shelter
44 when and if appropriate.
45
- 46 This footnote violates the separation of powers by attempting to
47 administer the appropriation.
48
- 49 **143. Footnote 221, page 238:** Department of Public Safety, Colorado Bureau
50 of Investigation — The Colorado Bureau of Investigation is requested to
51 present its FY 2003-04 budget submission in the revised Long Bill format.
52 All figures are requested to be presented in this format, including but not
53 limited to, the two prior years' actual expenditures, allocated central
54 appropriations, and revenue schedules.
55
- 56 This footnote violates the separation of powers by dictating the format

1 of the budget request. The department is already in compliance with the
2 intent of this footnote and there would be no benefit from requesting
3 funds organized in an outdated and irrelevant way.
4

5 **144. Footnote 222, page 238:** Department of Public Safety, Colorado Bureau
6 of Investigation, Investigative Services — It is the intent of the General
7 Assembly that a portion of the costs for genetic testing of sex offenders
8 shall be paid from the Sex Offender Identification Fund created in Section
9 24-33.5-415.5, C.R.S., as soon as there are sufficient revenues in the fund.
10 To this end, the General Assembly requests that the Colorado Bureau of
11 Investigation submit a report to the Joint Budget Committee by November
12 1, 2002, on the revenues and balance of the sex offender identification
13 fund and the cost of genetic testing of sex offenders. This report should
14 also include an analysis of ways to increase the success of collecting
15 reasonable testing fees from sex offenders, including but not limited to
16 evaluating what methods could be implemented to increase revenues or
17 reduce costs in order to make this program self-sufficient in future fiscal
18 years.
19

20 The Sex Offender Identification Fund is maintained by the Judicial
21 Department. It is not reasonable for the department to perform any
22 study or analysis regarding revenue sources for a fund that is outside of
23 its authority.
24

25 **145. Footnote 227, page 259-260:** Department of Revenue, Information
26 Technology Division — The Department of Revenue is requested to
27 consistently reflect additional computer programming costs in fiscal notes
28 for proposed legislation. The Department is requested to meet with the
29 Legislative Council fiscal note staff and the Joint Budget Committee staff
30 in an effort to identify potential solutions to this issue. The Department
31 is requested to submit, with its November 2002 budget request for FY
32 2003-04, a memorandum explaining its policy with respect to reflecting
33 additional computer programming costs in fiscal notes for legislation
34 during the 2003 legislative session. The Department is requested to
35 submit a negative supplemental request for any estimated savings
36 associated with implementing legislation enacted during the 2002
37 legislative session.
38

39 This footnote violates the separation of powers by dictating the format
40 and content of the executive budget request. I will direct the department
41 to comply to the extent practicable.
42

43 **146. Footnote 228, page 260:** Department of Revenue, Information
44 Technology Division — The Department of Revenue is requested to
45 submit a status report on the Department's major computer projects to the
46 Joint Budget Committee with its November 1 budget request. The
47 following projects should be included in this report: (1) Distributive Data
48 Processing System Rewrite; (2) the Colorado Tax Application; and (3) the
49 Lottery Division's Wang System Replacement. The status report should
50 include a summary of any problems that have been encountered with
51 revised time and cost estimates to complete the projects.
52

53 This footnote violates the separation of powers by directing the
54 executive branch how to submit its budget request. I will direct the
55 department to comply to the extent feasible within existing resources.
56

1 **147. Footnote 231, page 260:** Department of Revenue, Motor Vehicle
2 Business Group, Motorist Insurance Identification Database Program —
3 The Department is requested to submit a progress report to the Joint
4 Budget Committee on the implementation of this program by November
5 1, 2002. The report is requested to summarize: (a) the steps taken by the
6 Department to implement the statutory provisions authorizing the
7 Department to administratively suspend motor vehicle registrations for
8 failure to provide proof of insurance; (b) the resources that have been used
9 to suspend motor vehicle registrations; (c) the number of administrative
10 suspensions from July 1, 2001 through September 30, 2002; and (d) the
11 number of individuals who have failed to provide proof of insurance within
12 45 days of being requested to do so by the Department from July 1, 2001,
13 through September 30, 2002.

14
15 This requirement constitutes excessive workload on the department. I
16 will direct the department to comply to the extent feasible within existing
17 resources.
18

19 **148. Footnote 233, page 261:** Department of Revenue, Enforcement Business
20 Group, State Lottery Division, Personal Services — It is the intent of the
21 General Assembly that the Department of Revenue use its sales staff to
22 distribute scratch lottery tickets to retail outlets. It is further the intent of
23 the General Assembly that this function not be outsourced to any vendor.
24 The Department is requested to submit a report to the General Assembly
25 by September 1, 2002, delineating the costs and benefits of using vendors
26 to distribute lottery products instead of using lottery staff for this purpose.
27 The report is requested to include an analysis of the feasibility of this type
28 of distribution process, and it should identify the monetary savings that
29 could be achieved, including any reductions in FTE.

30
31 This footnote violates the separation of powers by attempting to
32 administer the appropriation.
33

34 **149. Footnote 235, page 261:** Department of Revenue, Enforcement Business
35 Group, Division of Racing Events — The Department of Revenue is
36 requested to provide a staffing report to the Joint Budget Committee by
37 November 1, 2002, that justifies the staffing pattern for the Division. The
38 report should include recommendations for eliminating positions and for
39 reducing costs in the Division; summarize the work that is performed for
40 each position in the Division; and contain a summary of performance
41 measures for each year since 1993. The performance measures should
42 include the following information for horse and dog events: the number of
43 race performances; race days; race meets; inspections; citations, license
44 applications received; licenses issued; the number of criminal
45 investigations; the number of administrative investigations; and the number
46 of simulcast investigations.

47
48 I vetoed this footnote last year. This footnote violates the separation of
49 powers by attempting to administer the appropriation and FTE. I will
50 direct the department to comply with the intent of this footnote to the
51 extent feasible within available resources.
52

53 **150. Footnote 239, page 269:** Department of Transportation, County and
54 Municipal Bridge Funds — It is the intent of the General Assembly that
55 funds for this program be spent as soon as practicable. The Department
56 is requested to provide a report to the Joint Budget Committee by

1 November 1 of each year regarding the status of bridge projects funded
 2 under this program. For each project, the report shall contain information
 3 on the amount of the project grant, the date the funds were granted, and
 4 the status of project completion.
 5

6 This footnote violates the separation of powers by attempting to
 7 administer the appropriation. I will instruct the department to follow the
 8 legislative intent of the footnote to the extent feasible.
 9

10 **VETO AND COMMENT ON CAPITAL ISSUES**
 11

12 As you are aware, capital construction projects over the last several years have
 13 been funded from excess General Fund reserves. Revenue forecasts do not
 14 show any excess General Fund reserves until FY 2005-06. Therefore, capital
 15 construction requests will be competing with operating budget requests for
 16 limited amounts of General Fund revenue in FY 2003-04. In order to minimize
 17 the impact of the lack of money for state services, I am vetoing all capital
 18 projects in their early stages of construction and the \$18 million general fund
 19 appropriation to the Capital Construction Fund within the six percent limit. In
 20 total, two projects consisting of \$5.37 million of FY 2002-03 State Funds and
 21 \$527,875 of university cash funds were vetoed. The specific projects vetoed
 22 and my reasoning are listed as follows.
 23

24 **151. Section 3, Capital Construction Appropriation, page 274:** (1) (d) In
 25 addition to any other appropriation made for the fiscal year beginning July
 26 1, 2002, there is hereby appropriated, out of any moneys in the general
 27 fund not otherwise appropriated, to the capital construction fund created
 28 in section 24-75-302, Colorado Revised Statutes, the sum of eighteen
 29 million eighty thousand six hundred and sixty six dollars (\$18,080,660).
 30

31 I am vetoing this item because it places \$18,080,660 under the six
 32 percent limit for the purpose of maintaining the six percent General Fund
 33 appropriations base. However, as previously stated, there are not
 34 sufficient revenues to maintain such a spending base. General fund
 35 revenues will be down 13 percent in FY 2001-02, yet the General
 36 Assembly increased appropriations by 5.8 percent in that year and by
 37 another 7.3 percent in FY 2002-03. Without sufficient revenues,
 38 maintenance of this base merely delays necessary decisions to cut the
 39 budget and forces more dramatic cuts in services at a later date.
 40

41 **152. Section 3, Capital Construction Appropriation, Part III, Department**
 42 **of Higher Education, (2) Colorado State University, Capital**
 43 **Construction Project, page 278:**
 44

	<u>Item &</u>	<u>Capital Construction</u>	<u>Cash Funds</u>
	<u>Subtotal</u>	<u>Funds Exempt</u>	<u>Exempt</u>
47 University Center			
48 for the Arts	\$1,777,875	\$1,250,000	\$527,875

49
 50 I am vetoing this project for three reasons. First, House Bill 02-1438
 51 cut approximately \$5.6 million of this project's appropriation in order to
 52 help balance the State's revenue shortfall. Second, because there is only
 53 a minimal amount of construction underway on this project, the
 54 remaining \$7.6 million of its FY 2001-02 appropriation is currently part
 55 of a Statewide freeze on capital construction spending. The freeze is
 56 applicable for all projects that have expended 25 percent or less of their

1 appropriations. This freeze continues to be necessary to assure that the
 2 state meets its constitutional obligation to balance the budget. Finally,
 3 given the reduction in the project's appropriation and the large amount
 4 of unspent funds that are frozen, the original project plan and schedule
 5 can no longer be achieved. Therefore, this project can be delayed until
 6 a time when the State has sufficient revenues to maintain a balanced
 7 budget.

8
 9 **153. Section 3, Capital Construction Appropriation, Part III, Department**
 10 **of Higher Education, (4) University of Colorado at Colorado**
 11 **Springs, Capital Construction Projects, page 279:**

	Item & <u>Subtotal</u>	Capital Construction <u>Funds Exempt</u>
15 Main and Cragmor Halls	\$4,120,000	\$4,120,000

16
 17 This money is for the second phase of this project. Funding for the
 18 renovation of Main Hall has already been appropriated and that project
 19 is well underway. The funding in the current Long Bill applies to
 20 Cragmor Hall, the renovation of which has only very recently begun.
 21 Because it is in its early stage of construction, this project can be delayed
 22 until a time when the state has sufficient revenues to resume capital
 23 projects.

24
 25 The actions I am taking are based upon legal opinions and court decisions
 26 regarding inclusions in the general appropriations bill.

27
 28 Sincerely,
 29 (signed)
 30 Bill Owens
 31 Governor

32
 33
 34
 35
 36 I certify I received the following on the 4th day of June, 2002, at 4:10 p.m.
 37 The original is on file in the records of the House of Representatives of
 38 the General Assembly.

39
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 41
 42
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 53
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 55
 56

Judith Rodrigue,
Chief Clerk of the House

June 4, 2002

To the Honorable
 House of Representatives
 Sixty-third General Assembly
 Second Regular Session
 Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with
 the Secretary of State the following acts:

HB02-1015 Concerning a requirement that a portion of the general
 fund surplus for any fiscal year be reserved until such time

- 1 as the state resumes the use of the accrual system of
2 accounting, as enunciated by the governmental accounting
3 standards board, to determine the general fund surplus.
4
5 Approved June 1, 2002 at 8:15 p.m.
6
7 **HB02-1024** Concerning the creation of a permanent water resources
8 review committee of the Colorado General Assembly.
9
10 Approved June 3, 2002 at 12:31 p.m.
11
12 **HB02-1034** Concerning fees in connection with restraining orders.
13
14 Approved June 3, 2002 at 1:56 p.m.
15
16 **HB02-1054** Concerning a prohibition against allowing a court to grant
17 a name change to any person convicted of a felony, and
18 making an appropriation in connection therewith.
19
20 Approved June 3, 2002 at 1:54 p.m.
21
22 **HB02-1070** Concerning the use of child passenger restraints in motor
23 vehicles.
24
25 Approved June 4, 2002 at 7:02 a.m.
26
27 **HB02-1113** Concerning the crime of posting the personal information
28 of a peace officer on the Internet.
29
30 Approved June 3, 2002 at 1:52 p.m.
31
32 **HB02-1114** Concerning sex offender registration in relation to persons
33 associated with institutions of postsecondary education.
34
35 Approved June 3, 2002 at 2:49 p.m.
36
37 **HB02-1141** Concerning the public announcement by the court at
38 sentencing of the minimum range of actual imprisonment
39 that a defendant can be expected to serve.
40
41 Approved June 3, 2002 at 1:51 p.m.
42
43 **HB02-1161** Concerning the creation of enhanced rural enterprise
44 zones, and, in connection therewith, establishing state
45 income tax credits for taxpayers who establish new
46 business facilities in enhanced rural enterprise zones.
47
48 Approved June 3, 2002 at 12:34 p.m.
49
50 **HB02-1173** Concerning persons enrolling in state-supported
51 institutions of higher education who are convicted of
52 crimes related to rioting.
53
54 Approved June 3, 2002 1:50 p.m.
55

- 1 **HB02-1186** Concerning the state certification of organic producers
2 pursuant to the federal "Organic Foods Production Act of
3 1990", and making an appropriation therefor.
4
5 Approved June 3, 2002 at 12:35 p.m.
6
- 7 **HB02-1247** Concerning the penalty for theft of motor fuel, and making
8 an appropriation in connection therewith.
9
10 Approved June 3, 2002 at 1:47 p.m.
11
- 12 **HB02-1260** Concerning changing the name of the State Board of
13 Agriculture to the Board of Governors of the Colorado
14 State University System.
15
16 Approved June 4, 2002 at 2:43 p.m.
17
- 18 **HB02-1283** Concerning prohibitions against weapons that may cause
19 mass destruction, and making an appropriation in
20 connection therewith.
21
22 Approved June 3, 2002 at 2:48 p.m.
23
- 24 **HB02-1315** Concerning Colorado's response to terrorism, and, in
25 connection therewith, creating the Office of Preparedness,
26 Security, and Fire Safety.
27
28 Approved June 3, 2002 at 2:50 p.m.
29
- 30 **HB02-1329** Concerning the authority of the Commissioner of
31 Agriculture to monitor agricultural chemicals in
32 groundwater, and making an appropriation therefor.
33
34 Approved June 3, 2002 at 12:31 p.m.
35
- 36 **HB02-1395** Concerning the denial of the right of inspection of certain
37 military records filed with the county clerk and recorder's
38 office regarding a member of the military's separation
39 from service.
40
41 Approved June 1, 2002 at 8:16 p.m.
42
- 43 **HB02-1396** Concerning the statute of limitations for commencing
44 criminal proceedings involving sex crimes committed
45 against children, and making an appropriation in
46 connection therewith.
47
48 Approved June 3, 2002 at 1:45 p.m.
49
- 50 **HB02-1397** Concerning the adoption of changes to article 9 of the
51 "Uniform Commercial Code."
52
53 Approved June 1, 2002 at 8:16 p.m.
54
- 55 **HB02-1399** Concerning the Economic Recovery Act, and, in
56 connection therewith, increasing the maximum term for

- 1 which a school district board of education, a county, or a
2 municipality may negotiate a business incentive
3 agreement, requiring a school district board of education
4 to submit a business incentive agreement for the review of
5 the Colorado Economic Development Commission before
6 entering into the business incentive agreement, and
7 repealing a statutory provision that requires the creation
8 and review of a plan establishing criteria, procedures, and
9 a schedule for the termination of enterprise zones or
10 portions thereof that no longer meet specified criteria.
11
12 Approved June 3, 2002 at 12:36 p.m.
13
14 **HB02-1401** Concerning the continuation of a credit against
15 unemployment insurance.
16
17 Approved June 1, 2002 at 8:17 p.m.
18
19 **HB02-1403** Concerning the modification of governmental
20 appointments to accommodate the effect of redistricting
21 Colorado congressional districts.
22
23 Approved June 1, 2002 at 8:17 p.m.
24
25 **HB02-1405** Concerning the filing of financial information with the
26 secretary of state by charitable organizations.
27
28 Approved June 1, 2002 at 8:18 p.m.
29
30 **HB02-1409** Concerning the repeal date of a provision that authorizes
31 the use of moneys in the petroleum storage tank fund to
32 verify that petroleum storage systems comply with
33 applicable standards.
34
35 Approved June 1, 2002 at 8:20 p.m.
36
37 **HB02-1412** Concerning the extension of a certificate of title
38 application fee related to the Colorado state titling and
39 registration system account.
40
41 Approved June 1, 2002 at 8:22 p.m.
42
43 **HB02-1411** Concerning the air quality control commission's authority
44 to submit a redesignation request to the federal
45 environmental protection agency regarding Fort Collins'
46 compliance with the carbon monoxide national ambient air
47 quality standard without first undergoing legislative
48 review.
49
50 Approved June 4, 2002 at 2:50 p.m.
51
52 **HB02-1415** Concerning net metering by electric utilities.
53
54 Approved June 3, 2002 at 12:37 p.m.
55

- 1 **HB02-1417** Concerning clarification of circumstances for awarding an
2 owner recoverable litigation expenses in a highway
3 condemnation action.
4
5 Approved June 1, 2002 at 8:22 p.m.
6
7 **HB02-1419** Concerning Fort Lewis College.
8
9 Approved June 4, 2002 at 2:47 p.m.
10
11 **HB02-1447** Concerning the direct care provider career path pilot
12 program, and making an appropriation in connection
13 therewith.
14
15 Approved June 1, 2002 at 8:23 p.m.
16
17 **HB02-1452** Concerning the operation of higher education student
18 financial aid enterprises.
19
20 Approved June 1, 2002 at 8:23 p.m.
21
22 **HB02-1455** Concerning a restriction in the class of motor vehicles for
23 which emissions test fees are collected upon registration
24 to only those that have been clean screened.
25
26 Approved June 1, 2002 at 8:28 p.m.
27
28 **HB02-1459** Concerning federal requirements for the performance of
29 non-firearm-related criminal history record checks, and
30 making an appropriation in connection therewith.
31
32 Approved June 1, 2002 at 8:30 p.m.
33 Sincerely,
34 (signed)
35 Bill Owens
36 _____
37
38 June 3, 2002
39
40 To the Honorable
41 House
42 Sixty-third General Assembly
43 Second Regular Session
44 Denver, CO 80203
45
46 Ladies and Gentlemen:
47 I have the honor to inform you that I have approved and returned
48 to the House of Representatives the following act:
49
50 **HJR02-1038** Concerning The Species Conservation Eligibility List.
51
52 Approved June 1, 2002 at 8:35 p.m.
53 Sincerely,
54 (signed)
55 Bill Owens
56 Governor _____

1 I certify I received the following on the 7th day of June, 2002, at 3:30 p.m.
2 The original is on file in the records of the House of Representatives of
3 the General Assembly.

4

5

Judith Rodrigue,
Chief Clerk of the House

6

7 June 7, 2002

8

9 To the Honorable House of Representatives
10 Sixty-third General Assembly
11 Second Regular Session
12 Denver, CO 80203

13

14 I have the honor to inform you that I have approved and filed with
15 the Secretary of State the following acts:

16

17 **HB02-1003** Concerning expanded access to health insurance.

18

19 Approved June 7, 2002 at 10:49 a.m.

20

21 **HB02-1013** Concerning the guaranteed issue of health insurance
22 benefits for business groups of one.

23

24 Approved June 7, 2002 at 10:10 a.m.

25

26 **HB02-1038** Concerning the unlawful possession of certain items with
27 intent to manufacture a controlled substance, and making
28 an appropriation in connection therewith.

29

30 Approved June 6, 2002 at 9:52 a.m.

31

32 **HB02-1044** Concerning the issuance of certain special license plates,
33 and making an appropriation in connection therewith.

34

35 Approved June 7, 2002 at 12:18 p.m.

36

37 **HB02-1046** Concerning the relocation of certain existing criminal
38 sentencing statutes to a new article in title 18, Colorado
39 Revised Statutes.

40

41 Approved June 7, 2002 at 11:58 a.m.

42

43 **HB02-1061** Concerning applications for absentee ballots.

44

45 Approved June 7, 2002 at 11:59 a.m.

46

47 **HB02-1090** Concerning the creation of an advisory committee to study
48 the administration of medications by certified nurse aides.

49

50 Approved June 7, 2002 at 10:47 a.m.

51

52 **HB02-1131** Concerning the qualifications required of an applicant
53 before a special license plate may be issued.

54

55 Approved June 7, 2002 at 12:17 p.m.

56

- 1 **HB02-1135** Concerning the Colorado Compensation Insurance
2 Authority.
3
4 Approved June 7, 2002 at 12:22 p.m.
5
- 6 **HB02-1147** Concerning public information requirements, and making
7 an appropriation in connection therewith.
8
9 Approved June 7, 2002 at 12:19 p.m.
10
- 11 **HB02-1159** Concerning the creation of the office of homeless youth
12 services, and making an appropriation in connection
13 therewith.
14
15 Approved June 7, 2002 at 11:59 a.m.
16
- 17 **HB02-1165** Concerning the establishment of an independent governing
18 board for Metropolitan State College of Denver.
19
20 Approved June 7, 2002 at 9:18 a.m.
21
- 22 **HB02-1179** Concerning requirements applicable to a candidate for
23 elective office under the "Fair Campaign Practices Act".
24
25 Approved June 7, 2002 at 12:00 p.m.
26
- 27 **HB02-1237** Concerning substantive changes for the strengthening of
28 criminal laws.
29
30 Approved June 7, 2002 at 12:01 p.m.
31
- 32 **HB02-1259** Concerning protection of consumers' home ownership
33 equity.
34
35 Approved June 7, 2002 at 12:02 p.m.
36
- 37 **HB02-1265** Concerning clarification of the property tax status of
38 certain residential real property.
39
40 Approved June 7, 2002 at 12:35 p.m.
41
- 42 **HB02-1281** Concerning the creation of the Colorado traumatic brain
43 injury board, and, in connection therewith, increasing
44 certain motor vehicle fines to provide moneys for the
45 Colorado traumatic brain injury trust fund, and making an
46 appropriation therefor.
47
48 Approved June 7, 2002 at 12:03 p.m.
49
- 50 **HB02-1293** Concerning a study of the access of children to health
51 care, and making an appropriation in connection therewith.
52
53 Approved June 7, 2002 at 12:04 p.m.
54
55

- 1 **HB02-1297** Concerning school readiness through community
2 consolidated child care pilots, and making an
3 appropriation in connection therewith.
4
5 Approved June 7, 2002 at 12:04
6
- 7 **HB02-1300** Concerning the preparation of teachers for licensure.
8
9 Approved June 7, 2002 at 12:05 p.m.
10
- 11 **HB02-1307** Concerning elections, and making an appropriation in
12 connection therewith.
13
14 Approved June 7, 2002 at 12: 06 p.m.
15
- 16 **HB02-1312** Concerning the priority of adoption hearings on court
17 dockets.
18
19 Approved June 7, 2002 at 12:07 p.m.
20
- 21 **HB02-1321** Concerning the regulation of games of chance by the
22 secretary of state, and making an appropriation in
23 connection therewith.
24
25 Approved June 7, 2002 at 12:08 p.m.
26
- 27 **HB02-1323** Concerning assisted living residences, and making an
28 appropriation in connection therewith.
29
30 Approved June 7, 2002 at 11:50
31
- 32 **HB02-1338** Concerning fees for performing emissions testing on motor
33 vehicles.
34
35 Approved June 7, 2002 at 10:14 a.m.
36
- 37 **HB02-1344** Concerning the water quality control discharge permit
38 program, and, in connection therewith, increasing permit
39 fees, requiring a study to determine whether such program
40 should be modified to reasonably accommodate the unique
41 attributes of Colorado's water bodies, and making an
42 appropriation.
43
44 Approved June 7, 2002 at 12:09 p.m.
45
- 46 **HB02-1349** Concerning the financing of public schools, and making an
47 appropriation therefor.
48
49 Approved June 7, 2002 at 12:16 p.m.
50
- 51 **HB02-1358** Concerning the assessment of a bed and breakfast for
52 property tax purposes.
53
54 Approved June 7, 2002 at 12:10 p.m.
55

- 1 **HB02-1450** Concerning expenditures for political messages by
2 candidate committees of nominees for the offices of
3 governor and lieutenant governor.
4
5 Approved June 7, 2002 at 12:32 p.m.
6
- 7 **HB02-1456** Concerning statutory provisions governing business
8 entities contained in title 7 of the Colorado Revised
9 Statutes, and making an appropriation therefor.
10
11 Approved June 7, 2002 at 12:11 p.m.
12
- 13 **HB02-1457** Concerning the suspension of the eight percent limitation
14 on increases in health care costs for nursing facilities by
15 using funding related to the quality of care incentive
16 payment program, and, in connection therewith, repealing
17 the quality of care incentive payment program and
18 modifying the resident-centered quality improvement
19 program, and making an appropriation in connection
20 therewith.
21
22 Approved June 7, 2002 at 12:33 p.m.
23
- 24 **HB02-1458** Concerning the confidentiality of electors' electronic
25 signatures held by governmental entities.
26
27 Approved June 7, 2002 at 12:21 p.m.
28
- 29 **HB02-1465** Concerning the division of special districts into
30 subdistricts.
31
32 Approved June 7, 2002 at 12:12 p.m.
33
- 34 **HB02-1472** Concerning a supplemental appropriation to the
35 Department of Corrections.
36
37 Approved June 7, 2002 at 12:13 p.m.
38
- 39 **HB02-1473** Concerning a supplemental appropriation to the
40 Department of Health Care Policy and Financing.
41
42 Approved June 7, 2002 at 12:14 p.m.
43
- 44 **HB02-1474** Concerning a supplemental appropriation to the
45 Department of Human Services.
46
47 Approved June 7, 2002 at 12:15 p.m.
48

49 Sincerely,
50 (signed)
51 Bill Owens

52
53
54
55

1 June 7, 2002

2

3 The Honorable Colorado House of Representatives

4 Sixty-Third General Assembly

5 Second Regular Session

6 Denver, CO 80203

7

8 Ladies and Gentlemen:

9

10 I am filing with the Secretary of State House Bill 02-1218, "Concerning
11 the requirement that any extension of an expiring tax be deemed in effect
12 from the date of the first imposition of the tax when calculating the total
13 sales and use tax imposed by all levels of government." I will neither
14 sign nor veto House Bill 02-1218. Therefore, this bill becomes law at
15 12:01 A.M. on June 8th. This letter sets forth my reasons for letting this
16 bill become law without my signature.

17

18 House Bill 02-1218 allows voters to extend an existing tax that is
19 scheduled to sunset even if the extension would cause the aggregate limit
20 of sales tax assessed in that community to exceed the state sales tax cap.

21

22 While some communities can present compelling reasons to extend
23 current taxes, I am concerned that this bill will weaken the state sales tax
24 cap, which serves to keep Colorado's sales tax rate relatively low. I am
25 also uncomfortable with a provision in this bill that limits a citizen's
26 ability to address local tax issues through the initiative process.

27

28 Therefore, I am allowing House Bill 02-1218 to become law without my
29 signature.

30

31 Sincerely,

32 (signed)

33 Bill Owens

34

35

36 June 7, 2002

37

38 The Honorable Colorado House of Representatives

39 Sixty-third General Assembly

40 Second Regular Session

41 Denver, Colorado 80203

42

43 Dear Ladies and Gentlemen:

44

45 I am filing with the Secretary of State House Bill 02-1319, "Concerning
46 the acquisition rights of a noninterfering use of a railroad right of way."
47 Therefore, this bill becomes state law at 12:01 A.M. on June 8. This
48 letter sets forth my reasoning for letting the bill become law without my
49 signature.

50

51 H.B. 02-1319 gives authority to the Public Utilities Commission to
52 determine the reasonable compensation for crossing a privately owned
53 railroad right-of-way and declares that the fees currently charged by
54 railroads for the right to cross their right-of-way "appear to have no
55 rational relation to the burden placed on the railroad for the use of the
56 railroad right-of-way."

1 As a strong supporter of private property rights, I am concerned with
2 giving additional authority to the Public Utilities Commission over
3 privately held rights-of-way. As a general matter, I believe that these
4 types of decisions are best left for the free market, rather than the General
5 Assembly and the Executive Branch.

6
7 The initial version of the act included provisions for condemnation of
8 property, as well as the increase in authority to the Public Utilities
9 Commission. I respect the compromise reached by the bill sponsors and
10 the parties affected by H.B. 02-1319. I remain, however, concerned that
11 this type of legislation will lead to a further erosion of the rights of
12 private property owners.

13
14 For these reasons, I am allowing H.B. 02-1319 to become law without my
15 signature.

16
17 Sincerely,
18 (signed)
19 Bill Owens

20
21 _____
22 June 7, 2002

23
24 The Honorable Colorado House of Representatives
25 Sixty-Third General Assembly
26 Second Regular Session
27 Denver, CO 80203

28
29 Ladies and Gentlemen:

30
31 I am filing with the Secretary of State, House Bill 02-1468, "Concerning
32 the state contribution for employees enrolled in group benefit plans that
33 include enrollment in medical benefits, and making an appropriation in
34 connection therewith." I will neither sign nor veto House Bill 02-1468.
35 Therefore, this bill becomes law at 12:01 a.m. on June 8. This letter sets
36 forth my reasons for letting this bill become law without my signature.

37
38 Medical costs for state employees have soared and are expected to
39 continue rising by a significant percentage for the near future. When I
40 took office, I proposed raising the state's contribution to workers'
41 premiums to help mitigate the increase in costs, and to compensate for the
42 fact that Colorado ranks 48th in the nation in the amount of money the
43 state contributes to its employees' insurance premiums. Unfortunately,
44 the Joint Budget Committee (JBC) only partially funded my request.

45
46 This year, I asked the JBC for an additional 8 percent increase in the
47 state's contribution. This amount reflected the additional funding the
48 JBC rejected last year plus an extra cost-of-living increase for 2002.
49 Unfortunately, the JBC again chose to only partially fund my request.
50 While the increase in the state contribution contained in House Bill 02-
51 1468 will help somewhat, it does not keep pace with significant increases
52 in health care premiums that will fall largely on the backs of our state
53 employees.

54
55 Because lower-income state employees will be even less likely to afford
56 health insurance, I supported an amendment to House Bill 02-1468 that

1 would have authorized the Department of Personnel and Administration
2 to conduct a pilot program to provide alternative low-cost health care for
3 low- to middle-income state employees and their dependents. I was
4 disappointed to see that this amendment was not included in the final bill.
5

6 Despite my reservations with House Bill 02-1468, some increase in the
7 state contribution to employees' health premiums is better than no
8 increase. Accordingly, I am allowing House Bill 02-1468 to become law
9 without my signature. I also look forward to working with the legislature
10 next year to make fundamental changes to the state health plan that will
11 provide more affordable options for state workers.
12

13 Sincerely,
14 (signed)
15 Bill Owens
16

17 _____
18 June 7, 2002
19

20 The Honorable Colorado House of Representatives
21 Sixty-Third General Assembly
22 Second Regular Session
23 State Capitol Building
24 Denver, CO 80203
25

26 Ladies and Gentlemen:
27

28 I am filing with the Secretary of State the following act:
29

30 House Bill 02-1471, Concerning funding for capital construction, and
31 making supplemental appropriations in connection therewith.
32

33 Approved in part and disapproved in part on June 7, 2002, at 12:50 p.m.
34

35 It is my constitutional obligation to review appropriations bills and
36 exercise the line item veto when necessary. Pursuant to the Colorado
37 Constitution, I have forwarded copies of the vetoed items from this bill,
38 with my objections, to the Secretary of State.
39

40 I have lined through the following item.
41

42 **Section 3. Capital construction appropriation. Headnote (1)(d) page**
43 **11:** (d) In addition to any other appropriation made for fiscal year
44 beginning July 1, 2002, there is hereby appropriated, out of any moneys
45 in the general fund not otherwise appropriated, to the capital construction
46 fund created in section 24-75-302, Colorado Revised Statutes, the sum of
47 ~~eighteen million three hundred thirty-one thousand seven hundred eleven~~
48 ~~dollars (\$18,331,711).~~ EIGHTEEN MILLION ONE HUNDRED
49 THIRTY-TWO THOUSAND FOUR HUNDRED FIFTY-TWO
50 DOLLARS (\$18,132,452).
51

52 I am vetoing this item because it places \$18,132,452 under the six
53 percent limit for the purpose of maintaining the six percent
54 General Fund appropriations base. However, as previously stated,
55 there are not sufficient revenues to maintain such a spending base.
56 General fund revenues will be down 13 percent in FY 2001-02,

1 yet the General Assembly increased appropriations by 5.8 percent
2 in that year and by another 7.3 percent in FY 2002-03. Without
3 sufficient revenues, maintenance of this base merely delays
4 necessary decisions to cut the budget and forces more dramatic
5 cuts in services at a later date.

6
7 The actions I am taking are based upon legal opinions and court decisions
8 regarding inclusions in the general appropriations bill.

9
10 Sincerely,
11 (signed)
12 Bill Owens

13
14
15 June 7, 2002

16
17 The Honorable Colorado House of Representatives
18 Sixty-Third General Assembly
19 Second Regular Session
20 Denver, CO 80203

21
22 Ladies and Gentlemen:

23
24 I am filing with the Secretary of State, House Bill 02-1477, "Concerning
25 clarification of the cost-neutral requirement in the performance plan for
26 periodic salary increases for certain employees of the department of
27 higher education who are included in the state personnel system." The
28 bill would have extended to higher education institutions the opportunity
29 to design and administer a performance-management system that allows
30 all employees to be compensated in a single system which would be
31 tailored to each institution's needs. I vetoed this bill as of 12:43 p.m.
32 today. This letter sets forth my reason for doing so.

33
34 Performance pay has been actively developing since 1981 when former
35 Governor Lamm's Executive Committee on Personnel Management in
36 State Government recommended that the state implement a performance
37 based compensation system. Over the ensuing years, a number of efforts
38 were made to follow through on this initial recommendation, culminating
39 July 1, 1994, when the General Assembly adopted a merit-based
40 performance pay system for state employees.

41
42 Higher education institutions manage a significant portion of its
43 employees outside of the state personnel system with this kind of
44 flexibility and performance system. In addition, on a broad basis higher
45 education has, since the Memorandums of Understanding of 1980 and
46 1981, operated with broad flexibility but without dedicated resources to
47 cover programs or mandated costs. Since that time, the General
48 Assembly has appropriated lump sums to governing boards that then have
49 the freedom to spend those funds free of line item specificity and with
50 rollover authority. Governing boards were also freed of the "central pots"
51 allocations that included the salary survey and anniversary increases of
52 the state personnel system. At the same time, higher education did not
53 receive funding to cover the costs associated with statewide cost centers
54 like salary survey and anniversary increases. This flexibility was
55 reaffirmed for the higher education system with the passage of HB85-
56 1187.

1 HB02-1477 eliminates that hard-won and well-implemented flexibility.
2 No longer would colleges and universities be able to choose how to
3 dedicate their performance pay; they would be micro-managed by the
4 General Assembly.

5
6 I do not intend to micro-manage our colleges and universities. In an era
7 of scarce resources, I do not want to pass on new mandated costs without
8 providing the resources to pay for those costs. Accordingly, I have vetoed
9 this bill.

10
11 Sincerely,
12 (signed)
13 Bill Owens

14
15
16
17 **REPORTS TO THE COLORADO GENERAL ASSEMBLY**

18
19 The following Reports have been received by the Chief Clerk of the
20 House of Representatives. The reports are on file in the Library of
21 Legislative Council.

22
23 **Colorado Agricultural Development Authority**

24 Annual Report for the year ended December 31, 2001

25
26 **Colorado Child Support Commission**

27 Review of child support guidelines and general child support issues
28 (pursuant to 14010-115(18)(a), CRS)

29
30 **Colorado Commission on Indian Affairs**

31 25th Anniversary report (pursuant to 24-44-101, CRS)

32
33 **Colorado Commission on Uniform State Laws**

34 Report, January, 2002 (pursuant to 24-1-136, CRS)

35
36 **Colorado Commission on Taxation**

37 Second Status Report (pursuant to 39-34-101, CRS)

38
39 **Colorado Educational and Cultural Facilities Authority**

40 Audited Financial Statements - Years ended September 30, 2001
41 and 2002

42
43 **Colorado Energy Assistance Foundation**

44 Status report on Colorado's low-income energy consumers

45
46 **Colorado Health Facilities Authority**

47 Financial Statements as of September 30, 2001 (pursuant to 25-25-127,
48 CRS)

49
50 **Colorado Housing and Finance Authority**

51 Colorado energy efficiency programs and building costs - an
52 assessment (pursuant to 29-4-729, CRS)

53
54 **Colorado Judicial Branch**

55 2001 Annual Report

56

- 1 **Colorado Legislative Task Force on Affordable Housing**
- 2 Final Report (pursuant to HJR01-1046)
- 3
- 4 **Colorado Vocational Act**
- 5 Thirty-first Annual Report
- 6
- 7 **Colorado Water Resources & Power Development Authority**
- 8 Annual Report, Fiscal Year 2001 (pursuant to 37-95-116, CRS)
- 9
- 10 Fund request for 2002 (pursuant to 37-95-116, CRS)
- 11
- 12 Debt service reserve fund (pursuant to 37-95-113(7), CRS)
- 13
- 14 **Department of Corrections**
- 15 Annual Report concerning the status of private contract prisons
- 16 (pursuant to 17-1-201, CRS)
- 17
- 18 **Department of Education**
- 19 Charter Schools in Colorado, 2000-01 executive summary
- 20
- 21 Colorado Community Consolidated Child Care Pilots
- 22
- 23 Colorado Preschool Program 2002 Report
- 24
- 25 Colorado School for the Deaf and the Blind Annual Report 2000-2001
- 26
- 27 **Department of Health Care Policy & Financing**
- 28 Annual Savings Report (pursuant to SB97-005, CRS)
- 29
- 30 Children's Basic Health Plan Annual Report 2000-2001 (pursuant to
- 31 25.5-1-303 (7), CRS)
- 32
- 33 Children's Basic Health Plan Seven-year Forecast
- 34
- 35 Responses to Footnotes of SB01-212
- 36 Footnote 40 - Accounting of all line items by actual expenditure
- 37 Footnote 41 - Children's Basic Health Program coverage for youth
- 38 leaving detention
- 39 Footnote 44 - Monitoring activities of managed care programs
- 40 Footnote 45 - Dental start up grants program
- 41 Footnote 50 - 50a cost reporting
- 42 Footnote 51 - Managed care in long term care
- 43 Footnote 53 - The placement and utilization of mental health services
- 44 by Medicaid clients in nursing homes and alternative care facilities
- 45 Footnote 54 - Fund-raising for Children's Basic Health Program
- 46 Footnote 58 - Benefits and costs of expansion of Children's Basic
- 47 Health Program to children with severe emotional disturbance
- 48 Footnote 60 - The state administrative costs for the School Health
- 49 Services Program
- 50 Footnote 62 - Incorporating adult inpatient services at State mental
- 51 health institutes into Medicaid mental health capitation program
- 52 Footnote 63 - Mental health assessment and service agency perform-
- 53 ance incentive payments
- 54 Footnote 65 - Medicaid Anti-psychotic Pharmaceuticals
- 55

- 1 **Department of Higher Education**
2 Institutions of Higher Education Enterprise activities (pursuant to
3 24-77-103(7), CRS)
4 State Colleges in Colorado:
5 First quarter of Fiscal Year 2002
6 Second quarter of Fiscal Year 2002
7 Third quarter of Fiscal Year 2002
8 University of Northern Colorado
9 July 1, 2001 through December 31, 2001
10 July 1, 2001 through March 31, 2002
11
12
- 13 **Department of Human Services**
14 Child Care Commission Year One Report to the Colorado General
15 Assembly (pursuant to SJR99-034)
16
17 Colorado Commission for the Deaf and Hard of Hearing Legislative
18 Progress Report (pursuant to 26-21-102, CRS)
19
20 Number of children abandoned (pursuant to 19-3-304.5, CRS)
21
22 Older Coloradans Program Funds (pursuant to 26-11-205.5, CRS)
23
24
- 25 **Department of Law**
26 Annual Report of the Colorado Attorney General for 2001
27
28 Applications for orders authorizing the interception of wire or oral
29 communications, 2001 (pursuant to 16-15-104, CRS)
30
31
- 32 **Department of Local Affairs**
33 Summary and status report of Mineral Lease and Severance Tax Funds
34 (pursuant to 39-29-110(3), CRS)
35
36 Summary of 2001 private activity bond allocations to state authorities
37 (pursuant to 24-32-1705, CRS)
38
39
- 40 **Department of Natural Resources**
41 Annual report, 2002
42
43 2002 County Profiles - activities in each county, key resource issues
44
45 Board of Land Commissioners: (pursuant to 36-1-148(4), CRS)
46 Monies expended from the Land and Water Management Fund
47 Use and disposition of property acquired by the State Land Board
48 State Land Board 2001 Annual Report
49
50 Colorado Avalanche Information Center Annual Report 2000-2001
51
52 Division of Forestry: 2001 report; Condition of Colorado's forests
53
54 Economic comparison of the rules and regulations of the Colorado Oil
55 and Gas Conservation Commission, Final Report, January, 2001
56 (pursuant to SB94-177)

1 Department of Personnel and Administration

2 Alternatives to higher education participation in various programs
3 operated by the DPA, including purchasing (pursuant to SB01-212,
4 Footnote 67)

5
6 Cash basis comparative revenue summary for the six month period
7 ended December 31, 2001

8
9 Colorado State Fleet Management - vehicle under-utilization report

10
11 Comprehensive Annual Financial Report on the operations of the State
12 of Colorado for the fiscal year ended June 30, 2001 (pursuant to 24-
13 30-204, CRS)

14
15 Division of Central Services: Annual Report 1999-2000 & 2000-2001

16
17 General Government Computer Center Annual Report concerning the
18 capacity and utilization of the mainframe computer system (pursuant
19 to 24-30-1603(d), CRS)

20
21 Schedule of federal funds transactions for all state agencies for the
22 fiscal year ended June 30, 2001 (pursuant to 24-75-212, CRS)

23 Department of Public Health and Environment

24 Responses to Footnotes of SB01-212

25 Footnote 165 - CERCLA Program

26 Footnote 192 - status of the Digital Trunked Radio Project

27 Footnote 200 - Revenues and expenditures relating to the regulation
28 of hog farms

29 Footnote 202 - Immunization services and funding

30 Footnote 203 - AIDS Drug Assistance Program (Ryan White Act)

31 Footnote 204 - Tuberculosis control

32 Footnote 205 - Use of MCH block grant abstinence funding

33 Footnote 207 - Family Planning Program expenditures

34 Footnote 208 - Peer Intervention efforts

35 Footnote 209 - Chronic Disease and Cancer Control matching funds

36 Footnote 210 - Tony Grampas Youth Services Program

37 Footnote 211 - Tony Grampas Youth Services Program Longitu-
38 dinal Evaluation

39
40
41 Status of the Hazardous Waste Control Program in Colorado (pursuant
42 to 25-15-301.5(3), CRS)

43
44 Western Regional Air Partnership and the Regional Haze Program
45 (pursuant to 25-7-137, CRS)

46 Department of Public Safety

47 Responses to Footnotes of SB01-212

48 Footnote 213 - Witness Protection Board grant application

49 Footnote 217 - Colorado State Patrol FTE by function

50 Footnote 221 - Transitional services for special needs offenders

51 Footnote 222 - State VALE Program grant awards

52
53
54 Second Annual Report on Lifetime Supervision of Sex Offenders
55 (pursuant to 16-13-811, CRS)

56

1 **Department of Regulatory Agencies**

2 Division of Insurance: 2002 Workers' Compensation Closed Claim
3 Study (pursuant to 8-44-113, CRS)

4
5 Public Utilities Commission: Annual Report of the Colorado High
6 Cost Support Mechanism (pursuant to 40-15-208, CRS)

7
8
9 **Department of Revenue**

10 Colorado Lottery

11 2001 annual report (pursuant to 24-35-322(2), CRS)

12
13 (the following reports issued pursuant to 24-35-204, CRS):

14 Financial Statements (unaudited):

15 Fiscal year ended June 30, 2001

16 First quarter ended September 30, 2001

17 Second quarter ended December 31, 2001

18 Statement of Lottery Revenues, Prize Disbursements and other
19 expenses (unaudited):

20 for one (1) month ended July 31, 2001

21 for two (2) months ended August 31, 2001

22 for four (4) months ended October 31, 2001

23 for five (5) months ended November 30, 2001

24

25 Division of Gaming:

26 Colorado Limited Gaming Control Commission 2001 Annual Report

27

28 Statement of Gaming Revenues, Gaming Taxes, and Expenditures
29 (Unaudited) (pursuant to 12-47.1-203(i), CRS):

30 for the three (3) months ended September 30, 2001

31 for the four (4) months ended October 31, 2001

32 for the five (5) months ended November 30, 2001

33 for the six (6) months ended December 31, 2001

34 for the seven (7) months ended January 31, 2002

35 for the eight (8) months ended February 28, 2002

36 for the nine (9) months ended March 31, 2002

37

38 Liquor Enforcement Division

39 Enforcement Summary January 1, 2001 - December 31, 2001

40 (pursuant to 12-47-601(8), CRS)

41

42

43 **Department of State**

44 Annual Report of the Colorado Bingo-Raffle Advisory Board for 2001

45 (pursuant to 12-9-202, CRS)

46

47

48 **Department of Transportation**

49 Law Enforcement Assistance Fund Annual Report, 2001 (pursuant to
50 43-4-404, CRS)

51

52 Responses to Footnotes of SB01-212

53 Footnote 249 - Status of expenditures of county and municipal bridge
54 funds (pursuant to 43-4-205(7)(a), CRS)

55

56

- 1 **Department of the Treasury**
2 Annual report and analysis of the Tax Deferral Program for the Elderly
3 for Fiscal Year 2001-2002
4
5 Statement of Financial Condition:
6 as of December 31, 2001
7 as of March 31, 2002
8
- 9 **Great Outdoors Colorado**
10 Trust Fund Annual Report for fiscal year 2000-2001
11
- 12 **Office of Innovation and Technology**
13 Statewide Information Technology Plan for Fiscal Years 2003-2006
14 (pursuant to 24-37.5-106(1)(a), CRS)
15
- 16 **Office of the State Court Administrator**
17 Pre-release termination and Post-release recidivism rates of Colorado's
18 probationers (pursuant to SB01-212, footnote 136)
19
- 20 **Office of State Planning and Budgeting**
21 Responses to Footnotes of SB01-212
22 Footnote 29 - Priority list for state information technology projects
23
24 Colorado Economic Perspective - State revenue and economic
25 projections through FY 2006-07
26
- 27 **Rocky Mountain Low-Level Radioactive Waste Board**
28 2001 annual report
29
- 30 **Scientific & Cultural Facilities District**
31 2000 Annual Report
32
- 33 **Secretary of State**
34 Colorado Task Force on Information Technology (pursuant to
35 24-37.5-303(2), CRS)
36
- 37 **State Capitol Building Advisory Committee**
38 Annual Report FY 2000-2001 (pursuant to 24-82-108, CRS)
39
- 40 **University of Colorado**
41 Consolidated Endowment Fund and the Foundation Long Term
42 Investment Pool for the fiscal year ending June 30, 2001 (pursuant to
43 23-20-119, CRS)
44
-
- 45
46
47 Approved:
48
49
50 DOUG DEAN,
51 Attest: Speaker
52
53 JUDITH RODRIGUE,
54 Chief Clerk