

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

Forty-third Legislative Day

Wednesday, February 20, 2002

1 Prayer by Pastor Dan Elliott, South Fellowship, Littleton.

2

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

4

5 The roll was called with the following result:

6

7 Present--61.

8

9 Excused--Representatives Hefley, Paschall, Rippy, Witwer--4.

9

10 Present after roll call--Representatives Paschall, Witwer.

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The Speaker declared a quorum present.

APPOINTMENTS

The Speaker announced the following changes in committee assignments:

Representative Cloer to replace Representative Sinclair on the Committee
on Transportation & Energy

Representative Sinclair to replace Representative Cloer on the Committee
on Finance

LAY OVER OF CALENDAR ITEM

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

Consideration of Third Reading--**HB02-1103**.

CONSIDERATION OF RESOLUTION

HJR02-1015 by Representative(s) Cloer, Garcia, Snook; also Senator(s)
Lamborn--Concerning the recognition of a Colorado
Greyhound Adoption Day.

1 (Printed and placed in member's file, also printed in House Journal,
2 February 15, pages 423-424.)

3
4 On motion of Representative Cloer, the resolution was read at length and
5 **adopted** by the following roll call vote:

	YES 48	NO 13	EXCUSED 4	ABSENT 0			
9 Alexander	Y	Groff	Y	Marshall	Y	Spence	N
10 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
11 Berry	N	Harvey	Y	Mitchell	N	Stafford	Y
12 Borodkin	Y	Hefley	E	Paschall	E	Stengel	Y
13 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
14 Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
15 Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
16 Clapp	N	Jameson	Y	Rippy	E	Veiga	Y
17 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
18 Coleman	Y	Kester	Y	Saliman	Y	Webster	N
19 Crane	N	King	Y	Sanchez	Y	Weddig	Y
20 Daniel	Y	Larson	Y	Schultheis	Y	White	N
21 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
22 Fairbank	N	Lee	N	Sinclair	Y	Williams T.	Y
23 Fritz	N	Mace	Y	Smith	N	Witwer	E
24 Garcia	Y	Madden	Y	Snook	Y	Young	N
						Mr. Speaker	Y

26
27 Co-sponsors added: Representatives Coleman, Daniel, Grossman, Jameson,
28 Mace, Marshall, Plant, Romanoff, Stengel, Veiga, Vigil, Weddig, Williams S.

29
30
31
32 On motion of Representative Spradley, **HB02-1327, 1328** were made
33 Special Orders on Wednesday, February 20, 2002, at 9:29 a.m.

34
35
36 The hour of 9:29 a.m., having arrived, on motion of Representative
37 Decker, the House resolved itself into Committee of the Whole for
38 consideration of Special Orders and he was called to the Chair to act as
39 Chairman.

40 41 42 **SPECIAL ORDERS--SECOND READING OF BILLS**

43
44 The Committee of the Whole having risen, the Chairman reported the
45 titles of the following bills had been read (reading at length had been
46 dispensed with by unanimous consent), the bills considered and action
47 taken thereon as follows:

48
49 (Amendments to the committee amendment are to the printed committee
50 report which was printed and placed in the members' bill file.)

51
52 **HB02-1327** by Representative(s) Young, Berry, Saliman; also Sen-
53 ator(s) Reeves, Tate, Owen--Concerning modifications to
54 the sources of funding of state capital construction projects
55 for the 2001-02 state fiscal year in order to increase the
56 amount of general fund appropriations made during said

1 fiscal year used to calculate the statutory limitation on
 2 general fund appropriations for the 2002-03 state fiscal
 3 year, and making appropriations in connection therewith.
 4

5 Amendment No. 1, Finance Report, dated February 13, 2002, and placed
 6 in member's bill file; Report also printed in House Journal, February 14,
 7 page 400.
 8

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

12 **HB02-1328** by Representative(s) Young, Berry, Saliman; also
 13 Senator(s) Reeves, Tate, Owen--Concerning modifications
 14 to the source of funding for the older Coloradans program
 15 for the 2001-02 state fiscal year in order to increase the
 16 amount of general fund appropriations made during said
 17 fiscal year used to calculate the statutory limitation on
 18 general fund appropriations for the 2002-03 state fiscal
 19 year, and making an appropriation in connection
 20 therewith.
 21

22 Declared **lost** on Second Reading.
 23 (For change in action, see Amendments to Report.)
 24

25
 26 House in recess. House reconvened.
 27

28 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

29 Representatives Young, Berry, Saliman moved to amend the Report of
 30 the Committee of the Whole to show that **HB02-1328** did pass.
 31

32 The amendment was declared **passed** by the following roll call vote:
 33

34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54
YES	42	NO	21	EXCUSED	2	ABSENT	0													
Alexander	N	Groff	Y	Marshall	Y	Spence	N													
Bacon	Y	Grossman	Y	Miller	N	Spradley	Y													
Berry	Y	Harvey	N	Mitchell	N	Stafford	Y													
Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y													
Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y													
Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y													
Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y													
Clapp	N	Jameson	Y	Rippy	E	Veiga	Y													
Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y													
Coleman	Y	Kester	Y	Saliman	Y	Webster	Y													
Crane	N	King	N	Sanchez	Y	Weddig	Y													
Daniel	Y	Larson	Y	Schultheis	N	White	Y													
Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y													
Fairbank	N	Lee	N	Sinclair	Y	Williams T.	N													
Fritz	Y	Mace	Y	Smith	N	Witwer	N													
Garcia	Y	Madden	Y	Snook	N	Young	Y													
						Mr. Speaker	N													

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB02-1327 amended, 1328.**

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

	YES 59	NO 4	EXCUSED 2	ABSENT 0			
Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
Borodkin	Y	Hefley	E	Paschall	N	Stengel	Y
Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Jameson	Y	Rippy	E	Veiga	Y
Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
Crane	Y	King	Y	Sanchez	Y	Weddig	Y
Daniel	Y	Larson	Y	Schultheis	Y	White	Y
Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
Fairbank	N	Lee	Y	Sinclair	Y	Williams T.	Y
Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
Garcia	Y	Madden	Y	Snook	Y	Young	Y
						Mr. Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

BUSINESS AFFAIRS & LABOR

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

HB02-1228 be postponed indefinitely.

HB02-1255 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, after line 1, insert the following:

"SECTION 1. 10-16-102 (10) (b) (I), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

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

(10) (b) "Case characteristics" are limited to the following demographic characteristics:

1 (I) The age of covered individuals according to the following
2 brackets:

3
4 (C) FOR DEPENDENT CHILDREN WHO ARE AT LEAST NINETEEN
5 YEARS OF AGE AND UNDER TWENTY-FOUR YEARS OF AGE AND WHO ARE
6 NOT FULL-TIME STUDENTS, A SINGLE BRACKET;".

7
8 Renumber succeeding sections accordingly.

9
10 Page 2, strike lines 6 through 9 and substitute the following:

11
12 "(14) "Dependent" means a spouse, an unmarried child under
13 nineteen years of age, an unmarried child who is a full-time student under
14 twenty-four years of age, ~~and AN UNMARRIED CHILD UNDER TWENTY-FOUR~~
15 YEARS OF AGE who is financially dependent upon the parent AND WHO
16 DOES NOT HAVE ACCESS TO HEALTH INSURANCE THROUGH HIS OR HER OWN
17 EMPLOYER, and an unmarried".

18
19
20
21 **HB02-1256** be postponed indefinitely.

22
23
24 **HB02-1274** be postponed indefinitely.

25
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29 **CIVIL JUSTICE & JUDICIARY**

30 After consideration on the merits, the Committee recommends the
31 following:

32
33 **HB02-1270** be referred to the Committee of the Whole with favorable
34 recommendation.

35
36
37
38
39 **CRIMINAL JUSTICE**

40 After consideration on the merits, the Committee recommends the
41 following:

42
43 **HB02-1236** be postponed indefinitely.

44
45
46 **HB02-1290** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49
50 Amend printed bill, page 6, strike line 3 and substitute the following:

51
52 "(I) Is serving a life sentence or is under sentence of death;".
53
54
55

1 **HB02-1295** be amended as follows, and as so amended, be referred to
2 the Committee on Appropriations with favorable
3 recommendation:
4
5 Amend printed bill, page 2, line 10, strike "26-4-201," and substitute
6 "26-4-201 (1) (i),";
7
8 line 11, strike "26-4-301," and substitute "26-4-301 (1) (l),".
9
10 Page 3, line 2, strike "26-4-201," and substitute "26-4-201 (1) (i),";
11
12 line 3, strike "26-4-301," and substitute "26-4-301 (1) (l),";
13
14 line 8, strike "OR";
15
16 line 9, strike "SOCIAL SECURITY DISABILITY INSURANCE BENEFITS";
17
18 line 12, strike "OR";
19
20 line 13, strike "SOCIAL SECURITY DISABILITY INSURANCE BENEFITS";
21
22 line 15, strike "OR";
23
24 line 16, strike "SOCIAL SECURITY DISABILITY INSURANCE BENEFITS".
25
26 Page 4, line 1, strike "OR SOCIAL SECURITY DISABILITY INSURANCE";
27
28 line 3, strike "OR SOCIAL SECURITY";
29
30 line 4, strike "DISABILITY INSURANCE BENEFITS";
31
32 line 26, strike "OR SOCIAL SECURITY";
33
34 line 27, strike "DISABILITY INSURANCE".
35
36 Page 5, line 8, strike "OR SOCIAL";
37
38 line 9, strike "SECURITY DISABILITY INSURANCE";
39
40 line 10, strike "26-4-201," and substitute "26-4-201 (1) (i),";
41
42 line 11, strike "26-4-301," and substitute "26-4-301 (1) (l),";
43
44 line 21, strike "26-4-201," and substitute "26-4-201 (1) (i),";
45
46 line 22, strike "26-4-301," and substitute "26-4-301 (1) (l),";
47
48 line 24, strike "26-4-201," and substitute "26-4-201 (1) (i),";
49
50 line 25, strike "26-4-301," and substitute "26-4-301 (1) (l),".
51
52 Page 6, line 4, strike "OR SOCIAL SECURITY";
53
54 line 5, strike "DISABILITY INSURANCE BENEFITS";
55
56 line 8, strike "OR";

1 line 9, strike "SOCIAL SECURITY DISABILITY INSURANCE BENEFITS";
2
3 line 11, strike "OR";
4
5 line 12, strike "SOCIAL SECURITY DISABILITY INSURANCE BENEFITS";
6
7 line 24, strike "OR SOCIAL SECURITY DISABILITY INSURANCE";
8
9 line 26, strike "OR SOCIAL";
10
11 line 27, strike "SECURITY DISABILITY INSURANCE BENEFITS".

12
13 Page 7, line 23, strike "OR SOCIAL SECURITY";

14
15 line 24, strike "DISABILITY INSURANCE".

16
17 Page 8, line 5, strike "OR SOCIAL";

18
19 line 6, strike "SECURITY DISABILITY INSURANCE";

20
21 line 7, strike "26-4-201," and substitute "26-4-201 (1) (i),";

22
23 line 8, strike "26-4-301," and substitute "26-4-301 (1) (l),".

24

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HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

29 After consideration on the merits, the Committee recommends the
30 following:

31

32 **HB02-1281** be amended as follows, and as so amended, be referred to
33 the Committee on Appropriations with favorable
34 recommendation:

35

36 Amend printed bill, page 3, line 11, strike "26-1-209" and substitute "26-
37 1-210";

38

39 line 18, strike "ELEVEN" and substitute "THIRTEEN";

40

41 line 21, strike "THE STATE EPIDEMIOLOGIST," and substitute "THE
42 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND
43 ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE,".

44

45 Page 4, line 5, before "OR", insert "OCCUPATIONAL THERAPIST,";

46

47 line 8, after "NEUROSURGEON", insert "OR NEUROPSYCHIATRIST";

48

49 line 11, strike "AND";

50

51 line 14, strike "INJURY." and substitute "INJURY; AND";

52

53 after line 14, insert the following:

54

55 "(h) TWO MEMBERS OF THE PUBLIC WHO HAVE EXPERIENCE WITH
56 PERSONS WITH TRAUMATIC BRAIN INJURIES.";

1 line 16, strike "SHALL" and substitute "MAY";

2

3 line 18, before "THE", insert "INITIAL APPOINTMENTS TO THE BOARD
4 SHALL BE MADE NO LATER THAN MARCH 1, 2003.";

5

6 line 22, strike "THREE" and substitute "FOUR" and, strike "2003;" and
7 substitute "2004;"

8

9 line 23, strike "2004;" and substitute "2005;"

10

11 line 24, strike "TWO" and substitute "THREE" and, strike "2005." and
12 substitute "2006."

13

14 Page 6, strike lines 23 and 24 and substitute the following:

15

16 "(2) TO BE ELIGIBLE FOR ASSISTANCE";

17

18 line 27, strike "OFFERED" and substitute "PROVIDED".

19

20 Page 7, strike lines 12 through 19;

21

22 line 20, strike "(c)" and substitute "(4)".

23

24 Page 8, strike line 20 and substitute the following:

25

26 "FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES AND ASSIST
27 EDUCATORS, PARENTS, AND NONMEDICAL PROFESSIONALS IN THE
28 IDENTIFICATION OF TRAUMATIC BRAIN INJURIES SO AS TO ASSIST SUCH
29 PERSONS IN SEEKING PROPER MEDICAL INTERVENTION OR TREATMENT."

30

31 Page 9, strike lines 7 through 10 and substitute the following:

32

33 "**26-1-208. Administrative costs.** THE ADMINISTRATIVE
34 EXPENSES OF THE BOARD AND THE DEPARTMENT SHALL BE PAID FROM
35 MONEYS IN THE TRUST FUND. THE JOINT BUDGET COMMITTEE SHALL
36 ANNUALLY APPROPRIATE MONEYS FROM THE FUND TO PAY FOR THE
37 ADMINISTRATIVE EXPENSES OF THE PROGRAM.

38

39 "**26-1-209. General fund moneys.** EXCEPT FOR INITIAL COMPUTER
40 PROGRAMING COSTS FOR THE DEPARTMENT OF REVENUE, IT IS THE INTENT
41 OF THE GENERAL ASSEMBLY THAT NO GENERAL FUND MONEYS BE
42 APPROPRIATED FOR THE IMPLEMENTATION, OPERATION, OR
43 ADMINISTRATION OF THE TRUST FUND AND THE SERVICES PROVIDED BY
44 THE TRUST FUND."

45

46 Renumber succeeding C.R.S. sections accordingly.

47

48 Page 10, line 7, strike "26-1-211" and substitute "26-1-212";

49

50 line 23, strike "____" and substitute "FIFTEEN DOLLARS";

51

52 line 26, strike "26-1-209" and substitute "26-1-210".

53

54 Page 11, line 3, after "(e)", insert "(I)" and, strike "____" and substitute
55 "TEN DOLLARS";

56

1 line 10, strike "26-1-209," and substitute "26-1-210,";

2

3 line 12, strike "26-1-210" and substitute "26-1-211";

4

5 after line 12, insert the following:

6

7 "(II) IF THE SURCHARGE IS COLLECTED BY A COUNTY OR MUNICIPAL
8 COURT, THE SURCHARGE SHALL BE TWELVE DOLLARS OF WHICH TWO
9 DOLLARS SHALL BE RETAINED BY THE COUNTY OR MUNICIPALITY AND THE
10 REMAINING TEN DOLLARS SHALL BE TRANSMITTED TO THE STATE
11 TREASURER AND CREDITED TO THE COLORADO TRAUMATIC BRAIN INJURY
12 TRUST FUND CREATED PURSUANT TO SECTION 26-1-210, C.R.S., WITHIN
13 FOURTEEN DAYS AFTER THE END OF EACH QUARTER, TO BE USED FOR THE
14 PURPOSES SET FORTH IN SECTIONS 26-1-202 TO 26-1-211, C.R.S.

15

16 **SECTION 5.** 16-18.5-110 (1) (e), Colorado Revised Statutes, is
17 amended, and the said 16-18.5-110 (1) is further amended BY THE
18 ADDITION OF A NEW PARAGRAPH, to read:

19

20 **16-18.5-110. Order of crediting payments.** (1) Payments
21 received shall be credited in the following order:

22

23 (e) Late fees; and

24

25 (e.5) THE SURCHARGE COLLECTED FOR THE COLORADO
26 TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO SECTION
27 26-1-210, C.R.S., PURSUANT TO SECTION 42-4-1301 (9) (g) (IV), C.R.S.,
28 AND SECTION 42-4-1701 (4) (e), C.R.S.; AND

29

30 **SECTION 6.** 30-15-402 (2), Colorado Revised Statutes, is
31 amended to read:

32

33 **30-15-402. Violations - penalty.** (2) In addition to the penalties
34 prescribed in subsection (1) of this section, persons convicted of a
35 violation of any ordinance adopted pursuant to this part 4 are subject to:

36

37 (a) A surcharge of ten dollars ~~These surcharges~~ THAT shall be paid
38 to the clerk of the court by the defendant and each clerk shall transmit the
39 moneys to the court administrator of the judicial district in which the
40 offense occurred for credit to the victims and witnesses assistance and
41 law enforcement fund established in that judicial district pursuant to
42 section 24-4.2-103, C.R.S.;

43

44 (b) A SURCHARGE OF TWELVE DOLLARS THAT SHALL BE PAID TO
45 THE CLERK OF THE COURT BY THE DEFENDANT AND EACH CLERK SHALL
46 TRANSMIT THE MONEYS TO THE COURT ADMINISTRATOR OF THE JUDICIAL
47 DISTRICT IN WHICH THE OFFENSE OCCURRED FOR CREDIT TO THE
48 COLORADO TRAUMATIC BRAIN INJURY TRUST FUND CREATED PURSUANT TO
49 SECTION 26-1-210, C.R.S. TWO DOLLARS OF THE SURCHARGE SHALL BE
50 RETAINED BY THE COUNTY AND THE REMAINING TEN DOLLARS SHALL BE
51 TRANSMITTED TO THE COLORADO TRAUMATIC BRAIN INJURY TRUST FUND.

52

53 **SECTION 7.** 42-4-110 (2), Colorado Revised Statutes, is
54 amended to read:

55

56 **42-4-110. Provisions uniform throughout state.** (2) The

1 municipal courts have jurisdiction over violations of traffic regulations
2 enacted or adopted by municipalities. However, the provisions of
3 sections 42-4-1701, 42-4-1705, and 42-4-1707 shall not be applicable to
4 municipalities, EXCEPT FOR THE PROVISIONS OF SECTION 42-4-1701 (4) (e)
5 (II).".

6
7 Renumber succeeding section accordingly.

8
9

10

11 **HB02-1323** be amended as follows, and as so amended, be referred to
12 the Committee on Appropriations with favorable
13 recommendation:

14

15 Amend printed bill, page 12, line 9, strike "THAT IS NO GREATER THAN
16 TWO";

17

18 strike line 10 and substitute "NOT TO EXCEED TWO THOUSAND DOLLARS IN
19 A CALENDAR YEAR.".

20

21 Page 14, line 21, strike "SUBSECTIONS (1.5) AND" and substitute
22 "SUBSECTION".

23

24 Page 16, strike lines 17 through 27.

25

26 Strike page 17.

27

28 Page 18, strike lines 1 through 11;

29

30 line 12, strike "SET FORTH IN PARAGRAPHS (a) TO (d) OF THIS";

31

32 strike lines 13 through 15 and substitute the following:

33 "SET FORTH IN PARAGRAPHS (a) TO (d) OF THIS SUBSECTION (1) SHALL NOT
34 BE INCREASED IF:";

35

36 line 20, strike "(1.5)" and substitute "(1)";

37

38 line 23, strike "(1.5)" and substitute "(1)".

39

40 Page 19, line 1, strike "(1.5)" and substitute "(1)".

41

42 Page 21, strike line 13 and substitute "SUBSECTIONS (1) AND".

43

44 Page 26, strike line 27 and substitute the following:

45

46 "amended, and the said 25-1-108 is further amended BY THE
47 ADDITION OF A NEW SUBSECTION, to read:".

48

49 Page 27, after line 11, insert the following:

50

51 "(5) IN CONSULTATION WITH THE ADVISORY COMMITTEE FOR
52 ASSISTED LIVING RESIDENCES, THE BOARD SHALL REPORT TO THE HEALTH
53 ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE
54 OF REPRESENTATIVES, THE HEALTH, ENVIRONMENT, CHILDREN AND
55 FAMILIES COMMITTEE OF THE SENATE, AND THE JOINT BUDGET COMMITTEE
56 EVERY FIVE YEARS CONCERNING FEES CHARGED TO ASSISTED LIVING

1 RESIDENCES PURSUANT TO SECTION 25-27-107. THE REPORT SHALL
2 EVALUATE WHETHER SUCH FEES:

3
4 (a) ARE SUFFICIENT TO MEET THE EXPENSES OF THE DEPARTMENT
5 RELATED TO INSPECTIONS, REVIEWS, ENFORCEMENT, EDUCATION, AND
6 ASSISTANCE TO FACILITIES PURSUANT TO THIS ARTICLE;

7
8 (b) CREATE A FINANCIAL BURDEN FOR ASSISTED LIVING
9 RESIDENCES AND WHETHER ANY INCREASE IN FEES REQUIRED PURSUANT
10 TO SECTION 25-27-107 WOULD AFFECT THE SOLVENCY OF AN ASSISTED
11 LIVING RESIDENCE; AND

12
13 (c) SHOULD BE INCREASED OR DECREASED, THE AMOUNT SUCH
14 FEES SHOULD BE INCREASED OR DECREASED, AND JUSTIFICATION FOR THE
15 INCREASE OR DECREASE IN THE AMOUNT OF SUCH FEES."

16
17
18
19
20 **STATE, VETERANS, & MILITARY AFFAIRS**

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

23
24 **HB02-1213** be postponed indefinitely.

25
26
27 **HB02-1226** be referred to the Committee of the Whole with favorable
28 recommendation.

29
30
31 **HB02-1307** be amended as follows, and as so amended, be referred to
32 the Committee on Appropriations with favorable
33 recommendation:

34
35 Amend printed bill, page 3, line 10, strike "ADDRESSES," and substitute
36 "ADDRESSES AND SIGNATURES,";

37
38 line 11, strike "DATABASE," and substitute "DATABASE. THE DEPARTMENT
39 OF REVENUE MAY EXCHANGE INFORMATION ON RESIDENCE ADDRESSES IN
40 THE DRIVER'S LICENSE DATABASE WITH THE".

41
42 Page 4, line 5, strike "___" and substitute "FIFTY-FIVE";

43
44 line 6, strike "facsimile" and substitute "facsimile ELECTRONIC".

45
46 Page 17, after line 15, insert the following:

47
48 "SECTION 15. 1-7.5-107 (4) (b), Colorado Revised Statutes, is
49 amended to read:

50
51 **1-7.5-107. Procedures for conducting mail ballot election.**

52 (4) (b) The eligible elector may return the marked ballot to the
53 designated election official by United States mail or by depositing the
54 ballot at the office of the official or any place designated by the official.
55 The ballot must be returned in the return-verification envelope. If an
56 eligible elector returns the ballot by mail, the elector must provide

1 postage. The ballot shall be received at the office of the designated
 2 election official or a designated depository, which shall remain open until
 3 7 p.m. on election day. THE DEPOSITORY SHALL BE DESIGNATED BY THE
 4 COUNTY CLERK AND RECORDER AND LOCATED IN A SECURE PLACE UNDER
 5 THE SUPERVISION OF A MUNICIPAL CLERK, AN ELECTION JUDGE OR A
 6 MEMBER OF THE CLERK AND RECORDER'S STAFF.

7
 8 **SECTION 16.** 1-8-104 (2), Colorado Revised Statutes, is
 9 amended to read:

10
 11 **1-8-104. Application for absentee ballot.** (2) The application
 12 for an absentee ballot shall be personally signed by the applicant; ~~or a~~
 13 ~~family member related by blood or marriage;~~ or, in case of the applicant's
 14 inability to sign, the elector's mark shall be witnessed by another person.

15
 16 **SECTION 17.** 1-8-113 (1), Colorado Revised Statutes, is
 17 amended to read:

18
 19 **1-8-113. Manner of absentee voting.** (1) Any eligible elector
 20 applying for and receiving an absentee ballot, in casting the ballot, shall
 21 make and subscribe to the self-affirmation on the return envelope. The
 22 elector shall then mark the ballot, fold the ballot or insert the ballot card
 23 in the special envelope provided for the purpose so as to conceal the
 24 marking, deposit it in the return envelope, and seal the envelope securely.
 25 The envelope may be delivered personally or mailed by the elector to the
 26 designated election official issuing the ballot. Alternatively, an elector
 27 may deliver the ballot to any person of the elector's own choice or to any
 28 duly authorized agent of the designated election official for mailing or
 29 personal delivery to the designated election official; EXCEPT THAT NO ONE
 30 PERSON OTHER THAN A DULY AUTHORIZED AGENT OF THE DESIGNATED
 31 ELECTION OFFICIAL MAY RECEIVE MORE THAN FIVE ABSENTEE BALLOTS IN
 32 ANY ELECTION FOR MAILING OR DELIVERY TO THE DESIGNATED ELECTION
 33 OFFICIAL. All envelopes containing absentee ballots shall be in the hands
 34 of the designated election official no later than 7 p.m. on the day of the
 35 election. Absentee envelopes received after 7 p.m. on the day of the
 36 election but postmarked on or before the day of the election will remain
 37 sealed and uncounted, but the elector's registration record will not be
 38 canceled for failure to vote in a general election.

39
 40 **SECTION 18.** 1-8-304 (1) and (2), Colorado Revised Statutes,
 41 are amended to read:

42
 43 **1-8-304. Preparing to count absentee ballots - rejections.**
 44 (1) (a) Before opening any absentee ballot, one of the receiving judges,
 45 in the presence of a majority of the receiving judges, shall inspect the
 46 self-affirmation on the return envelope AND COMPARE THE SIGNATURE ON
 47 THE SELF-AFFIRMATION WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR
 48 ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE.

49
 50 (b) ~~For the ballot to be counted,~~ The self-affirmation ~~must have~~
 51 ~~been~~ IS VALID IF:

52
 53 (I) THE SELF-AFFIRMATION WAS completed by the elector or a
 54 person acting in the elector's behalf; ~~and must have been~~

55
 56 (II) THE SELF-AFFIRMATION WAS signed by the elector OR, IF THE

1 ELECTOR IS UNABLE TO SIGN, MARKED BY THE ELECTOR WITH OR WITHOUT
2 ASSISTANCE AND WITNESSED BY ANOTHER PERSON; AND

3
4 (III) THE SIGNATURE ON THE SELF-AFFIRMATION MATCHES THE
5 SIGNATURE ON FILE IN THE COUNTY CLERK AND RECORDER'S OFFICE, OR
6 THE ELIGIBLE ELECTOR'S MARKS ON THE APPLICATION AND THE
7 SELF-AFFIRMATION WERE WITNESSED BY OTHER PERSONS.

8
9 (c) If ~~these requirements are met and the self-affirmation appears~~
10 ~~complete and correct~~ IS VALID, the receiving judge shall tear open the
11 envelope without defacing the self-affirmation or mutilating the enclosed
12 ballot. One of the election judges shall enter or verify the name of the
13 absentee voter in the pollbook, and another election judge shall deposit
14 the ballot in the ballot box.

15
16 (d) FOR PURPOSES OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
17 THIS SUBSECTION (1), THE SIGNATURES ON AN ELIGIBLE ELECTOR'S
18 SELF-AFFIRMATION AND ON FILE IN THE COUNTY CLERK AND RECORDER'S
19 OFFICE SHALL BE COMPARED IN THE SAME MANNER AS SIGNATURES ON
20 MAIL BALLOTS ARE COMPARED PURSUANT TO ARTICLE 7.5 OF THIS TITLE.

21
22 (2) If the self-affirmation on the return envelope ~~does not meet the~~
23 ~~requirements of subsection (1) of this section or is in some other way~~
24 ~~incorrect or incomplete~~ IS INVALID, the election judges shall mark the
25 envelope "rejected" and shall write on the envelope the reason for the
26 rejection. The envelope shall be set aside without being opened, and the
27 ballot shall not be counted."

28
29 Renumber succeeding sections accordingly.

30
31 Page 25, after line 15, insert the following:

32
33 "SECTION 31. 1-45-109 (4) (a), Colorado Revised Statutes, is
34 amended to read:

35
36 **1-45-109. Filing - where to file - timeliness.** (4) (a) All reports
37 required to be filed by this article are public records and shall be open to
38 inspection by the public during regular business hours. A copy of the
39 report shall be kept by the appropriate officer as a permanent record and
40 a copy shall be made available immediately in a file for public
41 inspection."

42
43 Renumber succeeding sections accordingly.

44
45
46
47 **PRINTING REPORT**

48
49 The Chief Clerk reports the following bills have been correctly printed:
50 **HB02-1344, 1345.**

51
52
53 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

54
55 The Speaker has signed: **SJR02-005.**

56

MESSAGES FROM THE SENATE

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Mr. Speaker:

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

SB02-127, amended as printed in Senate Journal, February 15, pages 268-269;

SB02-105, amended as printed in Senate Journal, February 15, page 270;

SB02-143, amended as printed in Senate Journal, February 15, page 271;

SB02-054, amended as printed in Senate Journal, February 15, page 271.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB02-100, SB02-159;

SB02-117, amended as printed in Senate Journal, February 19, page 290.

MESSAGES FROM THE REVISOR

We herewith transmit Without comment, SB02-127, 105, 143, and 054.

We herewith transmit without comment, SB02-100 and 159; and Without comment, as amended, SB02-117.

**INTRODUCTION OF BILLS
First Reading**

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

HB02-1344 by Representative(s) Scott; --Concerning the water quality control discharge permit program, and, in connection therewith, increasing permit fees, requiring a study to determine whether such program should be modified to reasonably accommodate the unique attributes of Colorado's water bodies, and making an appropriation.

Committee on Finance

Committee on Appropriations

HB02-1345 by Representative(s) Spence; also Senator(s) Fitz-Gerald-- Concerning a credit against state income tax for care and treatment expenses incurred by parents of children who are on the waiting list for enrollment in a qualifying program that would pay such expenses.

Committee on Health, Environment, Welfare, & Institutions

1 **HB02-1346** by Representative(s) Miller, White, Coleman, Rippy,
2 Tapia; also Senator(s) Chlouber, Taylor--Concerning the
3 designation of rhodochrosite as the state mineral.
4 Committee on Agriculture, Livestock, & Natural Resources

5
6
7
8 **LAY OVER OF CALENDAR ITEMS**
9

10 On motion of Representative Spradley, the following items on the
11 Calendar were laid over until February 21, retaining place on Calendar:

12
13 Consideration of General Orders--**HB02-1192, 1261, 1250, 1291, 1325,**
14 **1051, 1151, 1091, 1074, 1070, 1221, SB02-045, HB02-1079, 1084,**
15 **1167, 1225, 1199, 1218, 1286, 1220, 1203.**

16
17
18 On motion of Representative Young, the House adjourned until 9:00 a.m.,
19 February 21, 2002.

20
21 Approved:

22
23
24
25 DOUG DEAN,
26 Speaker

27 Attest:

28
29 JUDITH RODRIGUE,
30 Chief Clerk