

HOUSE JOURNAL
SIXTY-THIRD GENERAL ASSEMBLY
STATE OF COLORADO
Third Extraordinary Session

Second Legislative Day

Tuesday, July 9, 2002

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

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3 The Speaker called the House to order at 9:30 a.m.

4

5 The roll was called with the following result:

6

7 Pledge of Allegiance led by Representative Bacon.

8

9 Present--61.

10 Excused--Representatives Garcia, Paschall, Swenson--3.

11 Absent--Representative Plant--1.

12 Present after roll call--Representatives Garcia, Paschall, Plant.

13

14 The Speaker declared a quorum present.

15

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17 On motion of Representative Crane, the reading of the journal of July 8,
18 2002, was declared dispensed with and approved as corrected by the
19 Chief Clerk.

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PRINTING REPORT

22

23

24 The Chief Clerk reports the following bills have been correctly printed:
25 **HB02S-1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,**
26 **1017, 1018, 1019, 1020.**

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INTRODUCTION OF BILL

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First Reading

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

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35 **HB02S-1021** by Representative(s) Borodkin, Boyd, Coleman, Daniel,
36 Grossman, Hodge, Jahn, Madden, Plant, Tapia, Veiga,
37 Vigil, Weddig, Williams S.; also Senator(s) Tupa--
38 Concerning state management of wildfires, and, in
39 connection therewith, creating the interagency wildfire
40 command office.

41 Committee on State, Veterans, & Military Affairs

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LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, Consideration of Special Orders (**HB02S-1010**) was laid over until later in the day, retaining place on Calendar.

THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB02S-1001 by Representative(s) Rippy; also Senator(s) Taylor--
Concerning recommendations of the water availability task force relating to measures to address drought conditions.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES 63	NO 0	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	Y	Paschall	E	Stengel	Y
Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
Crane	Y	King	Y	Sanchez	Y	Weddig	Y
Daniel	Y	Larson	Y	Schultheis	Y	White	Y
Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
Fairbank	Y	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

Co-sponsors added: Representatives Alexander, Cadman, Crane, Decker, Fairbank, Fritz, Garcia, Groff, Hoppe, Jahn, Kester, Lee, Mace, Marshall, Ragsdale, Romanoff, Schultheis, Snook, Spence, Spradley, Stafford, Stengel, Tochtrop, Veiga, Webster, White, Williams S., Mr. Speaker.

HB02S-1004 by Representative(s) Johnson; also Senator Isgar--
Concerning a limitation on the uses to which the Colorado water conservation construction fund may be put.

The question being "Shall the bill pass?".
A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill was declared **passed**.

	YES 53	NO 10	EXCUSED 2	ABSENT 0			
1							
2	Alexander	Y Groff	N Marshall	N Spence	Y		
3	Bacon	Y Grossman	N Miller	Y Spradley	Y		
4	Berry	Y Harvey	Y Mitchell	Y Stafford	Y		
5	Borodkin	Y Hefley	Y Paschall	E Stengel	Y		
6	Boyd	Y Hodge	N Plant	N Swenson	E		
7	Cadman	Y Hoppe	Y Ragsdale	Y Tapia	Y		
8	Chavez	Y Jahn	Y Rhodes	Y Tochtrop	Y		
9	Clapp	Y Jameson	Y Rippy	Y Veiga	N		
10	Cloer	Y Johnson	Y Romanoff	Y Vigil	N		
11	Coleman	Y Kester	Y Saliman	N Webster	Y		
12	Crane	Y King	Y Sanchez	N Weddig	Y		
13	Daniel	Y Larson	Y Schultheis	Y White	Y		
14	Decker	Y Lawrence	Y Scott	Y Williams S.	Y		
15	Fairbank	Y Lee	Y Sinclair	Y Williams T.	Y		
16	Fritz	Y Mace	Y Smith	Y Witwer	Y		
17	Garcia	Y Madden	N Snook	Y Young	Y		
18				Mr. Speaker	Y		
19							

20 Co-sponsors added: Representatives Cadman, Crane, Mace, Miller, Schultheis,
21 Stafford, Young.

22
23 **HB02S-1002** by Representative(s) Kester, Mace; also Senator(s)
24 Hernandez--Concerning the crime of intentionally setting
25 a wildfire, and making an appropriation in connection
26 therewith.

27
28 The question being "Shall the bill pass?".

29 A roll call vote was taken. As shown by the following recorded vote, a
30 majority of those elected to the House voted in the affirmative and the bill
31 was declared **passed**.

	YES 63	NO 0	EXCUSED 2	ABSENT 0			
32							
33							
34							
35	Alexander	Y Groff	Y Marshall	Y Spence	Y		
36	Bacon	Y Grossman	Y Miller	Y Spradley	Y		
37	Berry	Y Harvey	Y Mitchell	Y Stafford	Y		
38	Borodkin	Y Hefley	Y Paschall	E Stengel	Y		
39	Boyd	Y Hodge	Y Plant	Y Swenson	E		
40	Cadman	Y Hoppe	Y Ragsdale	Y Tapia	Y		
41	Chavez	Y Jahn	Y Rhodes	Y Tochtrop	Y		
42	Clapp	Y Jameson	Y Rippy	Y Veiga	Y		
43	Cloer	Y Johnson	Y Romanoff	Y Vigil	Y		
44	Coleman	Y Kester	Y Saliman	Y Webster	Y		
45	Crane	Y King	Y Sanchez	Y Weddig	Y		
46	Daniel	Y Larson	Y Schultheis	Y White	Y		
47	Decker	Y Lawrence	Y Scott	Y Williams S.	Y		
48	Fairbank	Y Lee	Y Sinclair	Y Williams T.	Y		
49	Fritz	Y Mace	Y Smith	Y Witwer	Y		
50	Garcia	Y Madden	Y Snook	Y Young	Y		
51				Mr. Speaker	Y		
52							

53 Co-sponsors added: Representatives Alexander, Borodkin, Boyd, Chavez,
54 Clapp, Cloer, Fairbank, Fritz, Garcia, Groff, Hoppe, Jahn, Johnson, Lee, Miller,
55 Mitchell, Plant, Romanoff, Schultheis, Scott, Sinclair, Snook, Stafford, Webster,
56 Weddig, Williams S., Mr. Speaker.

1 **HB02S-1013** by Representative(s) Spradley, Paschall; also Senator(s)
 2 Lamborn--Concerning a refund of state sales and use tax
 3 paid in connection with the reconstruction of improve-
 4 ments destroyed by wildfire.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

10	YES 40	NO 23	EXCUSED 2	ABSENT 0				
11	Alexander	Y	Groff	N	Marshall	N	Spence	Y
12	Bacon	N	Grossman	Y	Miller	Y	Spradley	Y
13	Berry	N	Harvey	Y	Mitchell	Y	Stafford	Y
14	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
15	Boyd	N	Hodge	N	Plant	N	Swenson	E
16	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
17	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
18	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
19	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	N
20	Coleman	N	Kester	Y	Saliman	N	Webster	Y
21	Crane	Y	King	Y	Sanchez	N	Weddig	N
22	Daniel	N	Larson	Y	Schultheis	N	White	Y
23	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	N
24	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
25	Fritz	Y	Mace	N	Smith	Y	Witwer	Y
26	Garcia	Y	Madden	N	Snook	Y	Young	Y
27							Mr. Speaker	Y

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 29
 30 Co-sponsors added: Representatives Alexander, Cadman, Cloer, Fairbank, Fritz,
 31 Hefley, Hoppe, Lawrence, Miller, Rippy, Scott, Snook, Stafford, Webster,
 32 Mr. Speaker.

33
 34 **HB02S-1005** by Representative(s) Hefley; also Senator(s) Gordon--
 35 Concerning determination of the death penalty by a jury.

36
 37 The question being "Shall the bill pass?".
 38 A roll call vote was taken. As shown by the following recorded vote, a
 39 majority of those elected to the House voted in the affirmative and the bill
 40 was declared **passed**.

41	YES 59	NO 4	EXCUSED 2	ABSENT 0				
42	Alexander	Y	Groff	N	Marshall	Y	Spence	Y
43	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
44	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
45	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
46	Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
47	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
48	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
49	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
50	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
51	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
52	Crane	Y	King	Y	Sanchez	N	Weddig	Y
53	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
54	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
55	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y

1 Fritz Y Mace Y Smith Y Witwer Y
 2 Garcia Y Madden N Snook Y Young Y
 3 Mr. Speaker Y
 4

5 Co-sponsors added: Representatives Cadman, Chavez, Clapp, Cloer, Coleman,
 6 Crane, Decker, Fairbank, Fritz, Grossman, Harvey, Hoppe, Jameson, Johnson,
 7 Kester, King, Mace, Mitchell, Ragsdale, Rhodes, Schultheis, Scott, Sinclair,
 8 Smith, Snook, Spence, Spradley, Stafford, Veiga, Vigil, Weddig, White,
 9 Williams S., Young.

10
 11 **HB02S-1006** by Representative(s) Alexander; also Senator(s) Anderson-
 12 -Concerning wildfires, and, in connection therewith,
 13 increasing the penalties for starting fires, and providing
 14 local authorities with the power to control and limit fires,
 15 and making an appropriation in connection therewith.

16
 17 The question being "Shall the bill pass?".
 18 A roll call vote was taken. As shown by the following recorded vote, a
 19 majority of those elected to the House voted in the affirmative and the bill
 20 was declared **passed**.

21

22	YES 61	NO 2	EXCUSED 2	ABSENT 0			
23	Alexander	Y Groff	Y Marshall	N Spence	Y		
24	Bacon	Y Grossman	Y Miller	Y Spradley	Y		
25	Berry	Y Harvey	Y Mitchell	Y Stafford	Y		
26	Borodkin	Y Hefley	Y Paschall	E Stengel	Y		
27	Boyd	Y Hodge	Y Plant	Y Swenson	E		
28	Cadman	Y Hoppe	Y Ragsdale	Y Tapia	Y		
29	Chavez	Y Jahn	Y Rhodes	Y Tochtrop	Y		
30	Clapp	Y Jameson	Y Rippy	Y Veiga	Y		
31	Cloer	Y Johnson	Y Romanoff	Y Vigil	N		
32	Coleman	Y Kester	Y Saliman	Y Webster	Y		
33	Crane	Y King	Y Sanchez	Y Weddig	Y		
34	Daniel	Y Larson	Y Schultheis	Y White	Y		
35	Decker	Y Lawrence	Y Scott	Y Williams S.	Y		
36	Fairbank	Y Lee	Y Sinclair	Y Williams T.	Y		
37	Fritz	Y Mace	Y Smith	Y Witwer	Y		
38	Garcia	Y Madden	Y Snook	Y Young	Y		
39				Mr. Speaker	Y		

40
 41 Co-sponsors added: Representatives Boyd, Coleman, Fairbank, Fritz, Garcia,
 42 Groff, Hefley, Hoppe, Jahn, Jameson, Johnson, Kester, King, Lawrence, Miller,
 43 Romanoff, Scott, Snook, Spence, Spradley, Stafford, Tapia, Veiga, Webster,
 44 White, Williams S., Mr. Speaker.

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 47 **APPOINTMENT**

48
 49 Minority Leader Grossman announced the following temporary change
 50 in committee assignment: For July 9 only, Representative Borodkin to
 51 replace Representative Jameson on the Committee on Agriculture,
 52 Livestock, & Natural Resources.

53
 54
 55 House in recess. House reconvened.
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**INTRODUCTION OF BILL
First Reading**

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

HB02S-1022 by Representative(s) Hoppe, Stafford, Crane, Fairbank, Fritz, Harvey, Hefley, Johnson, Kester, King, Lawrence, Lee, Mitchell, Rhodes, Sinclair, Snook, Spence, Spradley, Stengel, Webster, Williams T., Young--Concerning the financing of water infrastructure projects by the state, and, in connection therewith, authorizing the issuance of voter-approved revenue bonds for the purpose of financing such projects and excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending.
Committee on Agriculture, Livestock, & Natural Resources

House in recess. House reconvened.

**INTRODUCTION OF BILLS
First Reading**

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

HB02S-1023 by Representative(s) Rhodes, Fritz, Hefley, Mitchell, Paschall--Concerning mandatory sentencing for crimes involving property that has been evacuated.
Committee on State, Veterans, & Military Affairs

HB02S-1024 by Representative(s) Spence--Concerning the determination of sentence in a class 1 felony case by a ten-person majority of a twelve-person jury.
Committee on Criminal Justice
Committee on Appropriations

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and laid over until later in the day:

HJR02S-1002 by Representative(s) Rippy, Smith; also Senator(s) Taylor--Concerning the recognition of volunteer water donations to benefit western slope water users.

WHEREAS, The State of Colorado is experiencing the most dangerous wildfire season in the history of the state, with more than 250,000 acres burned since April 2002; and

1 WHEREAS, The State of Colorado is facing one of the worst
2 drought conditions in recent times, and Colorado's farmers and ranchers
3 throughout the state are suffering the effects of this drought; and
4

5 WHEREAS, Extraordinary measures are necessary to protect
6 public health, ensure public safety, and render relief for those most
7 severely impacted; and
8

9 WHEREAS, In times of great need, it is the hard work and
10 dedication of volunteers in the community that unselfishly contribute to
11 the success of overcoming dire situations; and
12

13 WHEREAS, Unique collaborations between private enterprise and
14 state, local, and federal governments have been created to solve critical
15 water supply problems caused by one of the worst droughts in Colorado's
16 history; and
17

18 WHEREAS, ExxonMobil Corporation has agreed to provide 5,500
19 acre-feet of water it owns at Ruedi Reservoir at no cost for one year to
20 the Colorado River Water Conservation District to benefit Green
21 Mountain Reservoir contract holders left without water by the drought
22 conditions; and
23

24 WHEREAS, Local public and private entities such as the City of
25 New Castle, the City of Rifle, the Town of Carbondale, the Bureau of
26 Reclamation, the Redlands Water and Power Authority, the Middle Park
27 Water Conservancy District, the Ruedi Water and Power Authority, the
28 Basalt Water Conservancy District, Xcel Energy, the Orchard Mesa
29 Irrigation District, the Grand Valley Water Users Association, Grand
30 Valley Irrigation Company, and the Colorado River Water Conservation
31 District have collaborated as well to donate hundreds of acre-feet of water
32 to assist in relieving the drought conditions; and
33

34 WHEREAS, The volunteer efforts by these public and private
35 entities will provide enormous, immediate benefit to the ranchers,
36 farmers, firefighters, households, communities, and businesses suffering
37 from the drought; now, therefore,
38

39 *Be It Resolved by the House of Representatives of the Sixty-third*
40 *General Assembly of the State of Colorado, the Senate concurring*
41 *herein:*
42

43 1. That the General Assembly commends the collaborative
44 volunteer efforts undertaken by private industry and federal, state, and
45 local governments to assist in relieving our drought-stricken Western
46 Slope.
47

48 2. That the General Assembly urges other public and private
49 entities to engage in the same collective efforts as shown by the entities
50 referenced herein.
51

52 *Be it further resolved,* That copies of this Joint Resolution be sent
53 to ExxonMobil Corporation, the Middle Park Water Conservancy
54 District, the Ruedi Water and Power Authority, the Basalt Water
55 Conservancy District, the Town of Carbondale, the City of New Castle,
56 the City of Rifle, the Bureau of Reclamation, the Redlands Water and

1 Power Authority, Xcel Energy, the Orchard Mesa Irrigation District, the
2 Grand Valley Water Users Association, Grand Valley Irrigation
3 Company, and the Colorado River Water Conservation District.
4

5
6 **HJR02S-1003** by Representative(s) Berry; also Senator(s) Teck--
7 Concerning encouragement to the Colorado Water
8 Conservation Board to consider and study the Big Straw
9 water project.
10

11 WHEREAS, Water is the lifeblood of the arid west, sustaining
12 communities, local economies, and a richly diverse natural environment;
13 and
14

15 WHEREAS, Demand for water in Colorado is projected to
16 increase dramatically as the state's population continues to grow; and
17

18 WHEREAS, The 2000 census shows that Colorado's population
19 grew nearly 30% since 1990 and demographers project similar growth
20 patterns into the future; and
21

22 WHEREAS, Commensurate with that spike in population will
23 come a sizeable increase in demand for water; and
24

25 WHEREAS, Surface flows and reservoir storage are currently at
26 record lows in Colorado; and
27

28 WHEREAS, The current drought is the worst drought on record
29 in Colorado, including the last great drought in 1977; and
30

31 WHEREAS, Tree ring and other historical studies indicate that
32 prior to recorded water records, there were extended droughts of many
33 years in Colorado on a periodic basis; and
34

35 WHEREAS, The Colorado Water Conservation Board is the water
36 policy board of the State of Colorado; and
37

38 WHEREAS, The Colorado Water Conservation Board is
39 considering studying the project known as the Colorado River Pump Back
40 System, also known as the "Big Straw" water project, which project
41 would take water from the Colorado River at the Utah line and pump it
42 back to approximately the Continental Divide for use in the Arkansas
43 Basin, South Platte Basin, and Colorado Basin; and
44

45 WHEREAS, The Big Straw water project has the potential to
46 provide between 200,000 acre-feet and 400,000 acre-feet of water per
47 year on a firm yield basis; and
48

49 WHEREAS, No other project of which the General Assembly is
50 aware has the potential to deliver either this much water or firm yield
51 water for our use in the three basins; and
52

53 WHEREAS, This project would keep water in the Western Slope
54 rivers, but such water would still be available to the state for consumptive
55 use; now, therefore,
56

1 *Be It Resolved by the House of Representatives of the Sixty-third*
2 *General Assembly of the State of Colorado, the Senate concurring*
3 *herein:*

4
5 That we, the members of the Sixty-third General Assembly, hereby
6 give the strongest indication to the Colorado Water Conservation Board
7 that the Big Straw water project is worthy of study at this time on a first
8 priority basis to include determining the parameters and cost estimates of
9 implementing such a project.

10
11 *Be It Further Resolved, That copies of this Joint Resolution be*
12 *sent to each member of the Colorado Water Conservation Board and to*
13 *the Executive Director of the Department of Natural Resources.*

14
15
16 **HR02S-1001** by Representative(s) Spradley--Concerning the recognition
17 of the ability of the state inmate population to provide
18 disaster relief.

19
20 WHEREAS, Colorado is in the midst of a widespread and lengthy
21 drought, has experienced throughout this summer a plague of dangerous
22 and destructive wildfires in various locations, and may be in danger of
23 experiencing calamitous flash-flooding; and

24
25 WHEREAS, The extraordinary challenges of these and other
26 natural disasters demand creative and innovative approaches to prevent
27 and mitigate the destruction caused by these and other natural and
28 man-made forces; and

29
30 WHEREAS, For decades the Colorado Department of Corrections
31 has supervised the provision of valuable services to the state and its
32 communities by hundreds of inmates; and

33
34 WHEREAS, The Colorado inmate population can provide reliable
35 and needed assistance to combat the onslaught of these disasters and to
36 mitigate their destruction and stands ready as a flexible, trained, and
37 capable workforce for the state; and

38
39 WHEREAS, The Colorado Department of Corrections can easily
40 and quickly train and mobilize hundreds of inmates to perform various
41 critical tasks, including: Forest and vegetation management; mitigation of
42 burned areas; flood control; reforestation and reseeded; trail and road
43 rebuilding; and various reclamation projects; now, therefore,

44
45 *Be It Resolved by the House of Representatives of the Sixty-third*
46 *General Assembly of the State of Colorado:*

47
48 (1) That we, the members the House of Representatives of the
49 Sixty-third General Assembly hereby encourage all relevant agencies of
50 federal, state, and local government to consider that the Colorado inmate
51 population may be easily trained and mobilized on request to perform
52 numerous assignments in preparing for and responding to various
53 disasters; and

54
55 (2) That the Colorado Department of Corrections can provide the
56 necessary training and supervision for those inmates to carry out those

1 critical assignments.

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INTRODUCTION OF MEMORIAL

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The following memorial was read by title and laid over until later in the day:

HM02S-1001 by Representative(s) Coleman--Memorializing Congress to provide additional crop and livestock assistance due to drought.

WHEREAS, Snowpack levels and precipitation from rainfall have been far below normal for many western states, including Colorado; and

WHEREAS, Facing one of the most severe droughts in the state's history, all Colorado counties have been designated disaster areas, as dry conditions have greatly reduced the ability of farmers and ranchers to produce their commodities and to provide related services; and

WHEREAS, The lack of moisture will drastically decrease the harvest of many Colorado crops, such as wheat which is expected to yield a crop that is 25-40% of a normal yield; and

WHEREAS, Irrigated farms on average have received only 15% of the water they normally use for crop production; and

WHEREAS, In addition to making it more difficult to raise crops, the extreme dryness also carries with it several secondary concerns, such as the loss of top soil, soil erosion, and an increased possibility of insect infestation; and

WHEREAS, Farmers who are unable to produce any crop at all become ineligible for federal farm programs that would otherwise provide financial assistance to equalize the market price and the county target price; and

WHEREAS, The suffering state of agriculture directly impacts the prospects of raising livestock, by way of low-yielding feeder crops, limited harvest foliage and forage, and the increasing price of hay and other feed; and

WHEREAS, Livestock auction barns in the west are extending their sale hours to accommodate the large numbers of livestock being sold because ranchers cannot afford to feed their herds; and

WHEREAS, There is no insurance available for suffering livestock producers; and

1 WHEREAS, Livestock and crop prices alike have been low since
2 1997, giving producers very little financial cushion for hard times; and
3

4 WHEREAS, The financial impact caused by the drought could be
5 devastating to Colorado's agricultural community, but will also have an
6 overall effect on the economy of the entire state; and
7

8 WHEREAS, An allocation of nearly \$2.5 billion for disaster
9 assistance was originally included in the federal Farm Security and Rural
10 Investment Act of 2002, commonly known as the "2002 Farm Bill", but
11 this allocation was removed during conference committee deliberations
12 on the bill; and
13

14 WHEREAS, Members of Congress subsequently tried to make
15 disaster assistance moneys available by including an allocation in another
16 bill, but unfortunately, this attempt failed as well; now, therefore,
17

18 *Be It Resolved by the House of Representatives of the Sixty-third*
19 *General Assembly of the State of Colorado:*
20

21 That we, the members of the House of Representatives, strongly
22 urge the United States Congress:
23

24 (1) To examine and adopt measures to allow producers of
25 agricultural commodities to receive short-term assistance in coping with
26 and responding to the drought conditions, such as the following:
27

28 (a) Directing the United States Department of Agriculture to
29 coordinate the availability of hay and other types of livestock feed for
30 those ranchers in drought areas from areas that are still producing
31 adequate amounts of such feed;
32

33 (b) Implementing tax code modifications that enable producers
34 who are forced to sell livestock during periods of drought to receive
35 additional time to reinvest the sale proceeds before having to pay capital
36 gains tax on the earnings, thus allowing the producer to wait until the
37 drought conditions have subsided before reinvesting;
38

39 (c) Allocating funds in the \$4-5 billion range to provide crop and
40 livestock producers with direct emergency assistance to be delivered
41 through existing Farm Service Agency channels;
42

43 (2) To develop comprehensive and integrated public policy that
44 identifies and implements long-term plans for combating the impact of
45 droughts, including components such as:
46

47 (a) Reexamining how drought relief assistance is provided and
48 elevating the manner in which it is provided to place drought assistance
49 on the same level of assistance that is provided to other natural disasters
50 such as wildfires, hurricanes, and floods;
51

52 (b) Researching farming methods and seed varieties that are
53 resistant to drought and long periods of low moisture;
54

55 (c) Examining the feasibility of prioritizing water allocations;
56

1 (d) Establishing a National Drought Council within the Federal
 2 Emergency Management Agency to provide an integrated and
 3 coordinated approach toward minimizing the effects of drought and to
 4 educate and inform American citizens on how to prepare for and respond
 5 to drought emergencies;

6
 7 (e) More closely considering water availability when creating
 8 public policy to manage growth, not only for consumption purposes, but
 9 also being mindful of future drought potential as well.

10
 11 *Be It Further Resolved*, That copies of this Memorial be sent to the
 12 President of the United States, the Majority Leader of the United States
 13 Senate, the Minority Leader of the United States Senate, the Majority
 14 Leader of the United States House of Representatives, the Minority
 15 Leader of the United States House of Representatives, and to each
 16 member of the Colorado Congressional Delegation.

17
 18
 19 House in recess. House reconvened.
 20
 21

22 **REPORTS OF COMMITTEES OF REFERENCE**

23 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

24
 25 After consideration on the merits, the Committee recommends the
 26 following:
 27

28
 29 **HB02S-1022** be referred to the Committee of the Whole with favorable
 30 recommendation.
 31

32 33 **CRIMINAL JUSTICE**

34 After consideration on the merits, the Committee recommends the
 35 following:
 36

37
 38 **HB02S-1024** be amended as follows, and as so amended, be referred to
 39 the Committee on Appropriations with favorable
 40 recommendation:
 41

42 Amend printed bill, page 5, line 10, strike "RENDER" and substitute "AT
 43 LEAST TEN JURORS SHALL AGREE UPON";

44
 45 line 20, strike "TEN" and substitute "TWELVE";

46
 47 line 26, strike "unless, BY THE AGREEMENT OF" and substitute "unless:";

48
 49 strike line 27, and substitute the following:

50 "~~it unanimously finds and specifies in writing that:~~".

51
 52 Page 6, line 1, strike "At", and substitute "IT UNANIMOUSLY FINDS AND
 53 SPECIFIES IN WRITING THAT at";

54
 55 line 2, strike "There" and substitute "BY THE AGREEMENT OF AT LEAST
 56 TEN JURORS, IT FINDS AND SPECIES IN WRITING THAT there".

1 Page 16, line 9, strike "RENDER" and substitute "AT LEAST TEN JURORS
2 SHALL AGREE UPON";
3
4 line 19, strike "TEN" and substitute "TWELVE";
5
6 line 25, strike "unless, BY THE AGREEMENT OF" and substitute "unless:";
7
8 strike line 26, and substitute the following:
9 "~~it unanimously finds and specifies in writing that:~~".

10
11 line 27, strike "At", and substitute "IT UNANIMOUSLY FINDS AND SPECIFIES
12 IN WRITING THAT at";
13

14 Page 17, line 1, strike "There" and substitute "BY THE AGREEMENT OF AT
15 LEAST TEN JURORS, IT FINDS AND SPECIES IN WRITING THAT there".
16

17 Page 39, strike lines 3 and 4, and substitute the following:
18

19 **"SECTION 13.** 18-1.4-102 (1) (a) and (1) (b), the introductory
20 portion to 18-1.4-102 (2) (a), 18-1.4-102 (2) (b), (2) (c), (2)".
21

22 Page 41, after line 1, insert the following:
23

24 "(2) (a) After hearing all the evidence and arguments of the
25 prosecuting attorney and the defendant, the jury shall deliberate and
26 ~~render~~ AT LEAST TEN JURORS SHALL AGREE UPON a verdict based upon the
27 following considerations:";
28

29 line 2, strike "(2)";
30

31 line 3, strike "TEN" and substitute "TWELVE";
32

33 line 7, strike "unless, BY THE" and substitute "unless:";
34

35 strike lines 8 and 9, and substitute the following:
36 "~~it finds and specifies in writing that:~~";
37

38 after line 9, insert the following:
39

40 "(A) IT UNANIMOUSLY FINDS AND SPECIFIES IN WRITING THAT AT
41 LEAST ONE AGGRAVATING FACTOR HAS BEEN PROVED; AND
42

43 (B) BY THE AGREEMENT OF AT LEAST TEN JURORS, IT FINDS AND
44 SPECIES IN WRITING THAT THERE ARE INSUFFICIENT MITIGATING FACTORS
45 TO OUTWEIGH THE AGGRAVATING FACTOR OR FACTORS THAT WERE
46 PROVED.";
47

48
49
50 **PRINTING REPORT**

51
52 The Chief Clerk reports the following bills have been correctly printed:
53 **HB02S-1021, 1022, 1023, 1024.**
54
55
56

INTRODUCTION OF BILL
First Reading

1
2
3
4 The following bill was read by title and referred to the committee
5 indicated:
6
7 **HB02S-1025** by Representative(s) Plant--Concerning regional
8 management of wildfires.
9 Committee on State, Veterans, & Military Affairs
10 Committee on Appropriations

11
12
13
14 House in recess. House reconvened.
15
16
17
18

REPORTS OF COMMITTEES OF REFERENCE

19
20 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**
21 After consideration on the merits, the Committee recommends the
22 following:
23
24 **HB02S-1020** be postponed indefinitely.
25
26
27
28

29 **APPROPRIATIONS**
30 After consideration on the merits, the Committee recommends the
31 following:
32
33 **HB02S-1024** be referred to the Committee of the Whole with favorable
34 recommendation.
35
36
37
38

39 **STATE, VETERANS, & MILITARY AFFAIRS**
40 After consideration on the merits, the Committee recommends the
41 following:
42
43 **HB02S-1018** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:
46

47 Amend printed bill, page 2, strike lines 2 through 17.

48
49 Page 3, strike lines 1-12.

50
51 Renumber succeeding sections accordingly.

52
53 Page 3, line 25, strike "evidence;" and substitute "evidence.";

54
55 line 26, after "fireworks;", add "THE BAN ON OPEN FIRES IN ACCORDANCE
56 WITH THE REQUIREMENTS OF THIS PARAGRAPH (n.5) MAY INCLUDE A

1 PROHIBITION ON THE SALE OF FIREWORKS WITHIN THOSE PORTIONS OF THE
2 UNINCORPORATED AREAS OF THE COUNTY WHERE THE DANGER OF FOREST
3 OR GRASS FIRES HAS BEEN FOUND TO BE HIGH BASED ON COMPETENT
4 EVIDENCE.";

5
6 strike lines 14 through 15 and substitute "amended to read:";

7
8 strike line 27.

9
10 Page 4, strike lines 1 through 27.

11
12 Renumber succeeding section accordingly.

13
14 Page 1, line 102, after "WILDFIRES" insert "BY CONTROLLING THE SALE OF
15 FIREWORKS IN COUNTIES".

16
17
18
19 **HB02S-1019** be postponed indefinitely.

20
21
22 **HB02S-1023** be referred favorably to the Committee on Appropriations.

PRINTING REPORT

26
27
28 The Chief Clerk reports the following bill has been correctly printed:
29 **HB02S-1025**.

30
31
32
33 On motion of Representative Spradley, **HB02S-1018, 1022, 1024** were
34 added to the Special Orders Calendar on Tuesday, July 9, 2002.

35
36
37 On motion of Representative Johnson, the House resolved itself into
38 Committee of the Whole for consideration of Special Orders and he was
39 called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

42
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 **HB02S-1010** by Representative(s) Young, Miller, Snook; also
53 Senator(s) Taylor--Concerning the deferral of the payment
54 of taxes on the sale of livestock resulting from weather-
55 related conditions.

56

1 Amendment No. 1, by Representative Young.
2 Amend printed bill, strike everything below the enacting clause, and
3 substitute the following:
4

5 "SECTION 1. Article 22 of title 39, Colorado Revised Statutes,
6 is amended BY THE ADDITION OF A NEW SECTION to read:
7

8 **39-22-128. Credit for income eligible to be deferred on sale of**
9 **livestock due to weather-related conditions - repeal.** (1) FOR ANY
10 INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, BUT
11 PRIOR TO JANUARY 1, 2004, ANY TAXPAYER WHO IS ELIGIBLE TO DEFER
12 INCOME UNDER 26 U.S.C. SEC. 451 (e) SHALL BE ALLOWED A CREDIT
13 AGAINST THE INCOME TAX IMPOSED BY THIS ARTICLE EQUAL TO FOUR AND
14 THREE-QUARTERS PERCENT OF THE INCOME ELIGIBLE TO BE DEFERRED IN
15 THE TAX YEAR IN WHICH THE INCOME WAS DEFERRED.
16

17 (2) IF THE CREDIT ALLOWED UNDER SUBSECTION (1) OF THIS
18 SECTION EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
19 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
20 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
21 AGAINST INCOME TAXES IN SAID INCOME TAX YEAR MAY BE CARRIED
22 FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS' INCOME
23 TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND SHALL BE
24 APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE. ANY
25 CREDIT REMAINING AFTER SAID PERIOD SHALL NOT BE REFUNDED OR
26 CREDITED TO THE TAXPAYER.
27

28 (3) ANY CREDIT ALLOWED PURSUANT TO THE PROVISIONS OF THIS
29 SECTION SHALL BE PUBLISHED IN RULES PROMULGATED BY THE EXECUTIVE
30 DIRECTOR OF THE DEPARTMENT OF REVENUE IN ACCORDANCE WITH
31 ARTICLE 4 OF TITLE 24, C.R.S., AND SHALL BE INCLUDED IN INCOME TAX
32 FORMS FOR THAT TAXABLE YEAR.
33

34 (4) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2009.
35

36 **SECTION 2. Safety clause.** The general assembly hereby finds,
37 determines, and declares that this act is necessary for the immediate
38 preservation of the public peace, health, and safety."
39

40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.
42

43
44 **HB02S-1018** by Representative(s) Daniel, Coleman, Jahn, Vigil,
45 Ragsdale, Weddig; also Senator(s) Arnold--Concerning an
46 expansion of the powers of local governments to mitigate
47 the effects of wildfires.
48

49 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
50 July 9, 2002, and placed in member's bill file; Report also printed in
51 House Journal, July 9, pages 54-55.
52

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

1 **HB02S-1024** by Representative(s) Spence; also Senator Teck--Con-
2 cerning the determination of sentence in a class 1 felony
3 case by a ten-person majority of a twelve-person jury.
4

5 Amendment No. 1, Criminal Justice Report, dated July 9, 2002, and
6 placed in member's bill file; Report also printed in House Journal, July 9,
7 pages 52-53.
8

9 Amendment No. 2, by Representative Spence.
10 Amend the Criminal Justice Committee Report, dated July 9, 2002, page
11 1, line 10, strike "SPECIES" and substitute "SPECIFIES".
12

13 Page 2, line 7, strike "SPECIES" and substitute "SPECIFIES".
14

15 Page 3, line 2, strike "SPECIES" and substitute "SPECIFIES".
16

17 Amendment No. 3, by Representative Williams T.
18 Amend printed bill, page 7, line 9, strike "PENALTY;" and substitute
19 "PENALTY OR WITHIN SUCH OTHER TIME FRAME AS THE SUPREME COURT
20 MAY ESTABLISH BY RULE;"
21

22 Page 8, line 18, strike "TRIAL;" and substitute "TRIAL OR WITHIN SUCH
23 OTHER TIME FRAME AS THE SUPREME COURT MAY ESTABLISH BY RULE;"
24

25 Page 18, line 8, strike "PENALTY;" and substitute "PENALTY OR WITHIN
26 SUCH OTHER TIME FRAME AS THE SUPREME COURT MAY ESTABLISH BY
27 RULE;"
28

29 Page 19, line 17, strike "TRIAL;" and substitute "TRIAL OR WITHIN SUCH
30 OTHER TIME FRAME AS THE SUPREME COURT MAY ESTABLISH BY RULE;"
31

32 Page 45, line 7, strike "PENALTY;" and substitute "PENALTY OR WITHIN
33 SUCH OTHER TIME FRAME AS THE SUPREME COURT MAY ESTABLISH BY
34 RULE;"
35

36 Page 46, line 18, strike "TRIAL;" and substitute "TRIAL OR WITHIN SUCH
37 OTHER TIME FRAME AS THE SUPREME COURT MAY ESTABLISH BY RULE;"
38

39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.
41

42 **HB02S-1022** by Representative(s) Hoppe, Stafford, Crane, Fairbank,
43 Fritz, Harvey, Hefley, Johnson, Kester, King, Lawrence,
44 Lee, Mitchell, Rhodes, Sinclair, Snook, Spence, Spradley,
45 Stengel, Webster, Williams T., Young--Concerning the
46 financing of water infrastructure projects by the state, and,
47 in connection therewith, authorizing the issuance of voter-
48 approved revenue bonds for the purpose of financing such
49 projects and excluding revenues derived from bond
50 proceeds and projects financed by bonds from state fiscal
51 year spending.
52

53 Ordered engrossed and placed on the Calendar for Third Reading and
54 Final Passage.
55
56

1 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

2

3 Representative Plant moved to amend the Report of the Committee of the
4 Whole to show that the following Plant amendment, to HB02-1022, did
5 pass, and that **HB02-1022, as amended**, did pass.

6

7 Amend printed bill, page 7, line 17, strike "APPROVE BY BILL" and
8 substitute "REFER";

9

10 line 19, strike "SECTION." and substitute "SECTION TO THE REGISTERED
11 ELECTORS OF THIS STATE FOR APPROVAL."

12

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

14

15 YES 24 NO 36 EXCUSED 5 ABSENT 0

16

17 Alexander	N	Groff	Y	Marshall	Y	Spence	N
18 Bacon	E	Grossman	Y	Miller	Y	Spradley	N
19 Berry	N	Harvey	N	Mitchell	N	Stafford	N
20 Borodkin	Y	Hefley	N	Paschall	N	Stengel	N
21 Boyd	Y	Hodge	Y	Plant	Y	Swenson	E
22 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
23 Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
24 Clapp	N	Jameson	E	Rippy	N	Veiga	Y
25 Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
26 Coleman	Y	Kester	N	Saliman	E	Webster	N
27 Crane	N	King	N	Sanchez	Y	Weddig	Y
28 Daniel	Y	Larson	N	Schultheis	N	White	E
29 Decker	N	Lawrence	N	Scott	N	Williams S.	Y
30 Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
31 Fritz	N	Mace	Y	Smith	N	Witwer	N
32 Garcia	Y	Madden	Y	Snook	N	Young	N
33						Mr. Speaker	N

34

35

36

37

38 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

39

40 Passed Second Reading: **HB02S-1010 amended, 1018 amended,**
41 **1024 amended, 1022.**

42

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

47

48 YES 52 NO 8 EXCUSED 5 ABSENT 0

49

50 Alexander	Y	Groff	N	Marshall	N	Spence	Y
51 Bacon	E	Grossman	Y	Miller	Y	Spradley	Y
52 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
53 Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
54 Boyd	Y	Hodge	Y	Plant	N	Swenson	E
55 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
56 Chavez	N	Jahn	Y	Rhodes	Y	Tochtrop	Y

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

REPORTS OF COMMITTEE OF REFERENCE

STATE, VETERANS, & MILITARY AFFAIRS

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

HB02S-1009 be postponed indefinitely.

HB02S-1017 be postponed indefinitely.

HB02S-1021 be postponed indefinitely.

HB02S-1025 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

"SECTION 1. Part 3 of article 30 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-30-310. Wildfire emergency response fund - creation.

(1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WILDFIRE EMERGENCY RESPONSE FUND, WHICH SHALL BE ADMINISTERED BY THE COLORADO STATE FOREST SERVICE. THE FUND SHALL CONSIST OF ALL MONEYS THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY. ALL INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY APPROPRIATED FOR THE PURPOSES INDICATED IN SUBSECTION (2) OF THIS SECTION. ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND.

(2) THE COLORADO STATE FOREST SERVICE SHALL USE THE MONEYS IN THE WILDFIRE EMERGENCY RESPONSE FUND TO PROVIDE FUNDING OR REIMBURSEMENT FOR THE FIRST AERIAL TANKER FLIGHT TO A WILDFIRE AT THE REQUEST OF ANY COUNTY SHERIFF, MUNICIPAL FIRE

1 DEPARTMENT, OR FIRE PROTECTION DISTRICT.

2

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

6

7 Page 1, strike line 101 and substitute "**CONCERNING THE CREATION OF**
8 **A WILDFIRE EMERGENCY RESPONSE FUND.**".

9

10

11

12

INTRODUCTION OF RESOLUTION

13

14 The following resolution was read by title and laid over until later in the
15 day:

16

17 **HJR02S-1004** by Representative(s) Larson, Alexander, Rippy; also
18 Senator(s) Hagedorn, Isgar--Concerning the honoring of
19 the firefighters who have fought the Colorado wildfires.

20

21 WHEREAS, The General Assembly of the state of Colorado
22 wishes to recognize and honor the many sacrifices of the firefighters who
23 have battled the dangerous wildfires that have caused extensive damage
24 throughout the state in the spring and summer of 2002; and

25

26 WHEREAS, The wildfires have destroyed hundreds of homes and
27 other structures; and

28

29 WHEREAS, The wildfires have scorched hundreds of thousands
30 of acres of forested land; and

31

32 WHEREAS, Countless animals have been killed or displaced as
33 a result of the wildfires; and

34

35 WHEREAS, Thousands of citizens have endured the hardship of
36 evacuation to avoid the wildfires that engulfed their communities; and

37

38 WHEREAS, The total cost of the wildfires will be in the hundreds
39 of millions of dollars; and

40

41 WHEREAS, But for the heroic actions of the firefighters who have
42 risked their lives to help contain the wildfires, the great devastation
43 caused by the wildfires would have been immeasurably worse; and

44

45 WHEREAS, Hundreds of dedicated firefighters from all over the
46 country have come to Colorado to help suppress the wildfires; and

47

48 WHEREAS, The firefighters have worked endlessly long hours in
49 extremely dangerous conditions; and

50

51 WHEREAS, All firefighters, both professional and volunteer,
52 made great sacrifices to battle the wildfires; and

53

54 WHEREAS, The fight against the wildfires was not without tragic
55 loss; and

56

1 WHEREAS, Bartholomew Bailey, Jacob Brent Martindale, Dan
2 Rama, Retha Shirley, and Zachary Zigich lost their lives in an accident
3 on their way to fight the Hayman Fire; and
4

5 WHEREAS, Alan Wyatt was killed while in the line of duty while
6 fighting the Missionary Ridge Fire; and
7

8 WHEREAS, The citizens of the state of Colorado are deeply
9 indebted to all firefighters, but especially to those who gave their lives in
10 helping to put out the wildfires that have plagued the state; now,
11 therefore,
12

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

17 That we, the members of the General Assembly of the state of
18 Colorado, hereby recognize and honor the courage and dedication of the
19 men and women who tirelessly fought the 2002 wildfires in Colorado,
20 and thank them for all the sacrifices that they have made in protecting the
21 lives and property of the citizens of Colorado.
22

23 *Be It Further Resolved, That copies of this Joint Resolution be*
24 *sent to the families of Bartholomew Bailey, Jacob Brent Martindale, Dan*
25 *Rama, Retha Shirley, Zachary Zigich, and Alan Wyatt, the National*
26 *Interagency Fire Center for distribution to firefighters who reside outside*
27 *of Colorado, the Colorado State Forest Service for distribution to*
28 *wildland firefighters in Colorado, and the Colorado Division of Fire*
29 *Safety for distribution to structural firefighters in Colorado.*
30

31 _____
32
33 House in recess. House reconvened.
34 _____
35

36 37 **REPORTS OF COMMITTEE OF REFERENCE**

38 39 **APPROPRIATIONS**

40 After consideration on the merits, the Committee recommends the
41 following:
42

43 **HB02S-1023** be amended as follows, and as so amended, be referred to
44 the Committee of the Whole with favorable
45 recommendation:
46

47 Amend printed bill, page 7, strike lines 11 through 23 and substitute the
48 following:
49

50 "SECTION 5. Part 1 of article 1 of title 17, Colorado Revised
51 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
52 read:
53

54 **17-1-144. Appropriation to comply with section 2-2-703.**
55 (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY
56 APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE

1 IN ORDER TO IMPLEMENT H.B. 02S-1023, ENACTED AT THE THIRD
2 EXTRAORDINARY SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

3
4 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
6 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
7 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
8 SECTION 17-1-116, THE SUM OF EIGHTY-FIVE THOUSAND FIVE HUNDRED
9 EIGHTY-THREE DOLLARS (\$85,583).

10
11 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION
12 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
13 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
14 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
15 SECTION 17-1-116, THE SUM OF TWENTY THOUSAND SEVEN HUNDRED ONE
16 DOLLARS (\$20,701).

17
18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-THREE
22 THOUSAND FIVE HUNDRED SEVENTY-THREE DOLLARS (\$33,573).

23
24 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION
25 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
26 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
27 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
28 SECTION 17-1-116, THE SUM OF ONE THOUSAND SEVEN HUNDRED THIRTY-
29 SEVEN DOLLARS (\$1,737).

30
31 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION
32 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
33 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
34 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FORTY-ONE THOUSAND
35 SIX HUNDRED NINETY-FOUR DOLLARS (\$41,694).

36
37 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
38 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
39 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
40 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
41 SECTION 17-1-116, THE SUM OF ONE THOUSAND SEVEN HUNDRED THIRTY-
42 SEVEN DOLLARS (\$1,737).

43
44 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
45 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
46 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
47 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FORTY-TWO THOUSAND
48 THREE HUNDRED SEVENTY-FIVE DOLLARS (\$42,375).

49
50 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
51 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
52 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
53 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FORTY-THREE
54 THOUSAND FIFTY-SEVEN DOLLARS (\$43,057).

55
56 **SECTION 6.** 24-75-302 (2) (o), (2)(p), (2) (q), and (2) (r),

1 Colorado Revised Statutes, are amended, to read:

2
3 **24-75-302. Capital construction fund - capital assessment fees**
4 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
5 through July 1, 2005, a sum as specified in this subsection (2) shall
6 accrue to the capital construction fund. The state treasurer and the
7 controller shall transfer such sum out of the general fund and into the
8 capital construction fund as moneys become available in the general fund
9 during the fiscal year beginning on said July 1. Transfers between funds
10 pursuant to this subsection (2) shall not be deemed to be appropriations
11 subject to the limitations of section 24-75-201.1. The amount which shall
12 accrue pursuant to this subsection (2) shall be as follows:

13
14 (o) On July 1, 2002, nine million four hundred eighty-nine
15 thousand dollars; plus four hundred eighty-six thousand two hundred
16 sixty-nine dollars pursuant to S.B. 02-050, enacted at the second regular
17 session of the sixty-third general assembly; plus four hundred eighty-six
18 thousand two hundred sixty-nine dollars pursuant to H.B. 02-1038,
19 enacted at the second regular session of the sixty-third general assembly;
20 plus sixty-nine thousand four hundred sixty-seven dollars pursuant to
21 H.B. 02-1283, enacted at the second regular session of the sixty-third
22 general assembly; plus sixty-nine thousand four hundred sixty-seven
23 dollars pursuant to H.B. 02-1396, enacted at the second regular session
24 of the sixty-third general assembly; PLUS EIGHTY-FIVE THOUSAND FIVE
25 HUNDREDEIGHTY-THREEDOLLARS PURSUANT TO H.B. 02S-1023, ENACTED
26 AT THE THIRD EXTRAORDINARY SESSION OF THE SIXTY-THIRD GENERAL
27 ASSEMBLY;

28
29 (p) On July 1, 2003, one hundred million dollars, plus twenty-six
30 thousand six hundred twenty-nine dollars pursuant to H.B. 01-1204,
31 enacted at the first regular session of the sixty-third general assembly;
32 plus one hundred thirty-eight thousand nine hundred thirty-four dollars
33 pursuant to H.B. 01-1242, enacted at the first regular session of the
34 sixty-third general assembly; plus four hundred eighty-six thousand two
35 hundred sixty-nine dollars pursuant to S.B. 02-050, enacted at the second
36 regular session of the sixty-third general assembly; plus five hundred six
37 thousand five hundred thirty dollars pursuant to H.B. 02-1038, enacted
38 at the second regular session of the sixty-third general assembly; PLUS
39 TWENTY THOUSAND SEVEN HUNDRED ONE DOLLARS PURSUANT TO H.B.
40 02S-1023, ENACTED AT THE THIRD EXTRAORDINARY SESSION OF THE
41 SIXTY-THIRD GENERAL ASSEMBLY;

42
43 (q) On July 1, 2004, one hundred million dollars, plus two
44 hundred thirty-three thousand eight hundred seventy-two dollars pursuant
45 to H.B. 00-1201, enacted at the second regular session of the sixty-second
46 general assembly; plus seventy-nine thousand eight hundred eighty-seven
47 dollars pursuant to H.B. 01-1242, enacted at the first regular session of
48 the sixty-third general assembly; plus four hundred eighty-six thousand
49 two hundred sixty-nine dollars pursuant to S.B. 02-050, enacted at the
50 second regular session of the sixty-third general assembly; plus nine
51 hundred seventy-two thousand five hundred thirty-eight dollars pursuant
52 to H.B. 02-1038, enacted at the second regular session of the sixty-third
53 general assembly; PLUS ONE THOUSAND SEVEN HUNDRED THIRTY-SEVEN
54 DOLLARS PURSUANT TO H.B. 02S-1023, ENACTED AT THE THIRD
55 EXTRAORDINARY SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

56

1 (r) On July 1, 2005, one hundred million dollars; plus four
 2 hundred forty-nine thousand seven hundred ninety-nine dollars pursuant
 3 to S.B.02-050, enacted at the second regular session of the sixty-third
 4 general assembly; PLUS ONE THOUSAND SEVEN HUNDRED THIRTY-SEVEN
 5 DOLLARS PURSUANT TO H.B. 02S-1023, ENACTED AT THE THIRD
 6 EXTRAORDINARY SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;"

7
 8 Page 1, line 102, strike "EVACUATED." and substitute "EVACUATED, AND
 9 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

10

11

12

13 **HB02S-1025** be amended as follows, and as so amended, be referred to
 14 the Committee of the Whole with favorable
 15 recommendation:

16

17 Amend House State, Veterans, and Military Affairs Committee Report,
 18 dated July 9, 2002, page 2, after line 3, insert the following:

19

20 "SECTION 2. Appropriations. In addition to any other
 21 appropriation, for the fiscal year beginning July 1, 2002, there is hereby
 22 appropriated, from the Disaster Emergency Fund created in section 24-
 23 32-2106, Colorado revised statutes, to the wildfire emergency response
 24 fund created in section 23-30-310, Colorado revised statutes, the sum of
 25 two hundred forty thousand two hundred fifty dollars (\$240,250), or so
 26 much thereof as may be necessary, for the implementation of this act."

27

28 Renumber succeeding section accordingly.

29

30 Page 2 of the House State, Veterans, and Military Affairs Committee
 31 Report, line 8, strike "FUND."" and substitute "FUND, AND MAKING AN
 32 APPROPRIATION IN CONNECTION THEREWITH."."

33

34

35

36 MESSAGE FROM THE SENATE

37 Mr. Speaker:

38

39 The Senate has postponed indefinitely and returns herewith:
 40 HB02S-1004, 1013.

41

42

43

44 On motion of Representative Spradley, **HB02S-1025, 1023** were made
 45 Special Orders on Tuesday, July 9, 2002, at 6:40 p.m.

46

47

48 The hour of 6:40 p.m., having arrived, on motion of Representative
 49 Rippy, the House resolved itself into Committee of the Whole for
 50 consideration of Special Orders and he was called to the Chair to act as
 51 Chairman.

52

53

54

55

1 **SPECIAL ORDERS--SECOND READING OF BILLS**

2
3 The Committee of the Whole having risen, the Chairman reported the
4 titles of the following bills had been read (reading at length had been
5 dispensed with by unanimous consent), the bills considered and action
6 taken thereon as follows:

7
8 (Amendments to the committee amendment are to the printed committee
9 report which was printed and placed in the members' bill file.)

10
11 **HB02S-1025** by Representative(s) Plant--Concerning regional manage-
12 ment of wildfires.

13
14 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
15 July 9, 2002, and placed in member's bill file; Report also printed in
16 House Journal, July 9, pages 59-60.

17
18 Amendment No. 2, Appropriations Report, dated July 9, 2002, and placed
19 in member's bill file; Report also printed in House Journal, July 9,
20 page 64.

21
22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.

24
25 **HB02S-1023** by Representative(s) Rhodes, Fritz, Hefley, Mitchell,
26 Paschall; also Senator(s) Hagedorn--Concerning man-
27 datory sentencing for crimes involving property that has
28 been evacuated.

29
30 Amendment No. 1, Appropriations Report, dated July 9, 2002, and placed
31 in member's bill file; Report also printed in House Journal, July 9,
32 pages 61-64.

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

36
37
38
39 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

40
41 Passed Second Reading: **HB02S-1025 amended, 1023 amended.**

42
43 The Chairman moved the adoption of the Committee of the Whole
44 Report. As shown by the following roll call vote, a majority of those
45 elected to the House voted in the affirmative, and the Report was
46 **adopted.**

47
48 YES 58 NO 0 EXCUSED 7 ABSENT 0

49
50 Alexander Y Groff Y Marshall Y Spence Y
51 Bacon E Grossman Y Miller Y Spradley Y
52 Berry Y Harvey Y Mitchell Y Stafford Y
53 Borodkin Y Hefley Y Paschall Y Stengel Y
54 Boyd Y Hodge Y Plant Y Swenson E
55 Cadman Y Hoppe Y Ragsdale Y Tapia Y
56 Chavez Y Jahn Y Rhodes Y Tochtrop Y

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

11

12

13

14

15

LAY OVER OF CALENDAR ITEMS

16

17 On motion of Representative Spradley, the following items were laid over
18 until July 10, retaining place on Calendar:

19

20 Consideration of Resolutions--**HJR02S-1002, 1003, 1004; HR02S-1001;**
21 **HM02S-1001.**

22

23

24

25 On motion of Representative Spradley, the House adjourned until
26 9:30 a.m., July 10, 2002.

27

28

Approved:

29

30

31

32

DOUG DEAN,
Speaker

33

34 Attest:

35

36 JUDITH RODRIGUE,
37 Chief Clerk