

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

Thirtieth Legislative Day

Thursday, February 8, 2001

1 Prayer by Pastor Rick Long, Grace Church, Arvada.
2
3 The Speaker Pro Tempore called the House to order at 9:00 a.m.
4
5 The roll was called with the following result:
6
7 Present--62.
8 Excused--Representatives Dean, Stafford--2.
9 Absent--Representative Fritz--1.
10 Present after roll call--Representatives Dean, Fritz, Stafford.
11
12 The Speaker Pro Tempore declared a quorum present.
13
14
15 On motion of Representative Cloer, the reading of the journal of
16 February 7, 2001, was dispensed with and approved as corrected by the
17 Chief Clerk.
18
19
20

REPORTS OF COMMITTEES OF REFERENCE

FINANCE

23 **FINANCE**
24 After consideration on the merits, the Committee recommends the
25 following:
26
27 **HB01-1059** be postponed indefinitely.
28
29
30 **HB01-1086** be referred favorably to the Committee on Appropriations.
31
32
33 **HB01-1097** be amended as follows, and as so amended, be referred to
34 the Committee on Appropriations with favorable
35 recommendation:
36
37 Amend printed bill, page 4, line 25, strike "PROFIT OR NOT-FOR-PROFIT"
38 and substitute "FOR-PROFIT";
39
40 line 27, strike "BUSINESSES" and substitute "BUSINESSES,".
41
42 Page 6, line 19, strike "EITHER OR BOTH" and substitute "ANY";
43
44 line 22, strike "MANAGING, AND OPERATING" and substitute "AND
45 ORGANIZING";

1 line 25, strike "AND OPERATION";

2

3 strike lines 26 and 27 and substitute the following:

4

5 "COMPANY; EXCEPT THAT NO SUCH COST OR EXPENSE SHALL BE PAID TO A
6 CERTIFIED INVESTOR OR AFFILIATE OF A CERTIFIED INVESTOR;

7

8 (b) REASONABLE COSTS AND EXPENSES OF MANAGING AND
9 OPERATING THE CERTIFIED CAPITAL COMPANY, INCLUDING AN ANNUAL
10 MANAGEMENT FEE IN AN AMOUNT THAT DOES NOT EXCEED TWO AND
11 ONE-HALF PERCENT OF".

12

13 Page 7, line 1, strike "OF THE CERTIFIED CAPITAL COMPANY;" and
14 substitute "CERTIFIED CAPITAL;"

15

16 line 2, strike "INVESTOR; AND" and substitute "INVESTOR OR AFFILIATE OF
17 A CERTIFIED INVESTOR AND THAT SUCH COSTS AND EXPENSES IN THE
18 AGGREGATE SHALL NOT EXCEED FIVE PERCENT OF CERTIFIED CAPITAL IN
19 ANY ONE YEAR;"

20

21 after line 2, insert the following:

22

23 "(c) REASONABLE AND NECESSARY FEES IN ACCORDANCE WITH
24 INDUSTRY CUSTOM FOR PROFESSIONAL SERVICES, INCLUDING, BUT NOT
25 LIMITED TO, LEGAL AND ACCOUNTING SERVICES, RELATED TO THE
26 OPERATION OF THE CERTIFIED CAPITAL COMPANY; AND".

27

28 Reletter succeeding paragraph accordingly.

29

30 Page 10, line 13, strike "CAPITAL." and substitute "CAPITAL WITH RESPECT
31 TO INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT TO JANUARY
32 31, 2002.";

33

34 line 17, after the period, add "WITH RESPECT TO INVESTMENTS OF
35 CERTIFIED CAPITAL MADE SUBSEQUENT TO JANUARY 31, 2004, A CERTIFIED
36 INVESTOR SHALL BE ENTITLED TO TAKE UP TO TEN PERCENT OF THE VESTED
37 PREMIUM TAX CREDIT EACH YEAR BEGINNING IN TAX YEAR 2005 AND
38 CONTINUING THEREAFTER FOR TEN YEARS OR, IF THE CREDIT IS CARRIED
39 FORWARD PURSUANT TO SUBSECTION (2) OF THIS SECTION, UNTIL THE
40 CREDIT IS FULLY UTILIZED.".

41

42 Page 11, line 5, strike "TWENTY MILLION DOLLARS PER YEAR." and
43 substitute "TEN MILLION DOLLARS PER YEAR FOR TEN YEARS BEGINNING IN
44 TAX YEAR 2003, WHICH CERTIFIED CAPITAL MAY BE INVESTED IN
45 CERTIFIED CAPITAL COMPANIES NO EARLIER THAN JANUARY 31, 2002, PLUS
46 AN ADDITIONAL AMOUNT THAT WOULD ENTITLE ALL CERTIFIED INVESTORS
47 IN CERTIFIED CAPITAL COMPANIES TO TAKE AGGREGATE CREDITS OF TEN
48 MILLION DOLLARS PER YEAR FOR TEN YEARS BEGINNING IN TAX YEAR
49 2005, WHICH CERTIFIED CAPITAL MAY BE INVESTED IN CERTIFIED CAPITAL
50 COMPANIES NO EARLIER THAN JANUARY 31, 2004.".

51

52 Page 13, line 16, after "ARTICLE.", insert "FOR PURPOSES OF SATISFYING
53 THE PERCENTAGE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION
54 ONLY, A CERTIFIED CAPITAL COMPANY THAT INVESTS IN A QUALIFIED
55 BUSINESS WHOSE PRINCIPAL BUSINESS OPERATIONS, AT THE TIME OF THE
56 INVESTMENT, WERE LOCATED IN A COUNTY WITH A POPULATION OF LESS

1 THAN ONE HUNDRED FIFTY THOUSAND SHALL BE DEEMED TO HAVE
2 INVESTED ONE AND ONE-HALF DOLLARS FOR EVERY DOLLAR ACTUALLY SO
3 INVESTED."

4

5 Page 15, strike lines 6 and 7 and substitute the following:

6

7 "(d) MARKETABLE OBLIGATIONS THAT ARE RATED "AA" OR
8 BETTER BY A NATIONALLY RECOGNIZED RATING";

9

10 line 10, strike the second "OR";

11

12 before line 11, insert the following:

13

14 "(f) INTERESTS IN MONEY MARKET FUNDS, THE PORTFOLIOS OF
15 WHICH ARE LIMITED TO CASH AND OBLIGATIONS DESCRIBED IN THIS
16 SUBSECTION (6); OR".

17

18 Reletter succeeding paragraph accordingly.

19

20 Page 16, strike lines 26 and 27 and substitute the following:

21 "CAPITAL; EXCEPT THAT A CERTIFIED CAPITAL COMPANY MAY MAKE
22 REPAYMENTS OF".

23

24 Page 17, line 4, strike "CREDITS; AND" and substitute "CREDITS.";

25

26 strike lines 5 through 11.

27

28 Page 18, line 2, after "THEN", insert "THE CERTIFIED CAPITAL COMPANY
29 SHALL ANNUALLY REPORT TO THE DIVISION OF HOUSING IN THE
30 DEPARTMENT OF LOCAL AFFAIRS THE AMOUNT OF MONEY EQUAL TO";

31

32 strike lines 5 through 7 and substitute the following:

33

34 "RETURN.

35

36 (c) UPON THE APPROVAL OF THE STATE HOUSING BOARD WITHIN
37 THE DIVISION OF HOUSING IN ACCORDANCE WITH RULES PROMULGATED BY
38 THE BOARD, THE DIVISION SHALL DIRECT EACH CERTIFIED CAPITAL
39 COMPANY THAT REPORTS TO THE DIVISION PURSUANT TO PARAGRAPH (b)
40 OF THIS SUBSECTION (3) TO TRANSFER TO ONE OR MORE LOCAL HOUSING
41 AUTHORITIES, PUBLIC NONPROFIT CORPORATIONS, OR PRIVATE NONPROFIT
42 CORPORATIONS AN AMOUNT OF MONEY EQUAL TO THE AMOUNT IDENTIFIED
43 IN SUCH REPORT FOR:

44

45 (I) DEVELOPMENT OR REDEVELOPMENT COSTS INCURRED PRIOR TO
46 THE COMPLETION OR OCCUPANCY OF LOW- OR MODERATE-INCOME
47 HOUSING, AS DEFINED IN SECTION 24-32-717 (4) (b), C.R.S., OR FOR THE
48 REHABILITATION OF SUCH HOUSING;

49

50 (II) PROVIDING INCENTIVES FOR THE ADDITIONAL ACQUISITION,
51 CONSTRUCTION, REHABILITATION, OR RENOVATION OF AFFORDABLE
52 HOUSING THAT IS MADE AVAILABLE TO HOUSEHOLDS OF VERY LOW
53 INCOMES AND TO HOUSEHOLDS OF SENIOR CITIZENS AND THAT ADDRESSES
54 THE SPECIAL NEEDS OF MEMBERS OF THESE COMMUNITIES, ESPECIALLY IN
55 CONNECTION WITH THE AVAILABILITY OF RENTAL HOUSING;

56

1 (III) PROVIDING MIXED-INCOME HOUSING TO BETTER ENSURE
2 ECONOMIC INTEGRATION;

3
4 (IV) ENSURING THE AFFORDABILITY OF HOUSING OVER THE LONG
5 TERM AND HELPING TO PRESERVE PROJECT-BASED
6 FEDERALLY-AUTHORIZED RENTAL UNITS;

7
8 (V) ALLOWING THE STATE OR A LOCAL GOVERNMENT OR ANY OF
9 THEIR AGENCIES TO LEVERAGE FEDERAL, LOCAL, AND PRIVATE RESOURCES
10 SUCH AS LOW-INCOME HOUSING TAX CREDITS, PRIVATE ACTIVITY BONDS,
11 MORTGAGE REVENUE BONDS, COMMUNITY DEVELOPMENT BLOCK GRANTS,
12 MCKINNEY FUNDS, HOME FUNDS, PRIVATE GRANTS, AND LAND DONATIONS
13 TO INCREASE THE POOL OF CAPITAL AVAILABLE TO FINANCE THE PROVISION
14 OF AFFORDABLE HOUSING;

15
16 (VI) PROVIDING RESOURCES TO LOCAL GOVERNMENTS AND OTHER
17 APPROPRIATE ENTITIES THAT RESULT IN THE OPERATION, CONSTRUCTION,
18 AND RENOVATION OF EMERGENCY SHELTERS AND DIRECT SERVICES LINKED
19 TO HOUSING; OR

20
21 (VII) PROVIDING RESOURCES TO LOCAL GOVERNMENTS TO ASSIST
22 HOME BUYERS WITH THE FINANCING OF DOWN PAYMENTS OR CLOSING
23 COSTS."

24
25 Page 21, line 17, strike "MARCH 1, 2002." and substitute "SEPTEMBER 30,
26 2001.";

27
28 line 20, strike "JUNE 1, 2002." and substitute "OCTOBER 31, 2001.";

29
30 line 25, after "2002,", insert "FOR PREMIUM TAX CREDITS THAT MAY BE
31 TAKEN BEGINNING IN TAX YEAR 2003, AND NO EARLIER THAN MARCH 1,
32 2004,".

33
34 Page 22, line 1, strike "2003." and substitute "2003, WITH RESPECT TO
35 INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT TO OCTOBER 1,
36 2002, OR UNTIL THE TAX YEAR BEGINNING ON OR AFTER JANUARY 1, 2005,
37 WITH RESPECT TO INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT
38 TO JANUARY 31, 2004.".

39
40
41
42 **HB01-1109** be postponed indefinitely.

43
44
45 **HB01-1110** be postponed indefinitely.

46
47
48 **HB01-1120** be postponed indefinitely.

49
50
51 **HB01-1145** be amended as follows, and as so amended, be referred to
52 the Committee on Appropriations with favorable
53 recommendation:

54
55 Amend printed bill, page 2, after line 1, insert the following:

56

1 **"SECTION 1.** 39-4-101, Colorado Revised Statutes, is amended
2 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS** to
3 read:

4
5 **39-4-101. Definitions.** As used in this article, unless the context
6 otherwise requires:

7
8 (2.3) "HARD INTANGIBLE PERSONAL PROPERTY" MEANS THE
9 INTANGIBLE ASSETS THAT A PUBLIC UTILITY HAS INCLUDED ON THE
10 BALANCE SHEET OF SUCH UTILITY'S ANNUAL STATEMENT OF PROPERTY TO
11 THE ADMINISTRATOR.

12
13 (4) "SOFT INTANGIBLE PERSONAL PROPERTY" MEANS ALL ASSETS
14 THAT ARE NOT CONSIDERED HARD INTANGIBLE PERSONAL PROPERTY
15 PURSUANT TO SUBSECTION (2.3) OF THIS SECTION."

16
17 Renumber succeeding sections accordingly.

18
19 Page 2, line 18, strike "UTILITY," and substitute "UTILITY SHALL BE";

20
21 strike lines 19 through 22.

22
23 Page 3, line 1, strike "SECTION, NOR SHALL THE" and substitute "SECTION.
24 HARD INTANGIBLE PERSONAL PROPERTY SHALL BE REMOVED FROM THE
25 ALLOCATED COLORADO SYSTEM MARKET VALUE, AND SOFT INTANGIBLE
26 PERSONAL PROPERTY SHALL BE REMOVED FROM THE ALLOCATED
27 COLORADO SYSTEM MARKET VALUE TO THE EXTENT THAT THE VALUATION
28 OF ANY PUBLIC UTILITY YIELDS A MARKET TO BOOK RATIO GREATER THAN
29 ONE. ALL INTANGIBLE PERSONAL PROPERTY SHALL BE EXEMPT PURSUANT
30 TO SECTION 39-3-118 FOR AIRLINES AND RAILROADS THAT HAVE BEEN
31 GRANTED PROTECTION FROM TAX DISCRIMINATION PURSUANT TO
32 APPLICABLE FEDERAL LAW.";

33
34 strike lines 2 through 5;

35
36 strike lines 26 and 27 and substitute the following:

37
38 **"SECTION 3. Effective date.** This act shall take effect January
39 1, 2003, unless a referendum petition is filed during the ninety-day period
40 after final adjournment of the general assembly that is allowed for
41 submitting a referendum petition pursuant to article V, section 1 (3) of the
42 state constitution. If such a referendum petition is filed against this act
43 or an item, section, or part of this act within such period, then the act,
44 item, section, or part shall take effect on the specified date only if
45 approved by the people."

46
47 Strike page 4.

48
49
50
51 **HB01-1151** be referred favorably to the Committee on Appropriations.

52
53
54 **HB01-1159** be postponed indefinitely.

55
56

- 1 **HB01-1173** 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 3, line 1, strike "2001," and substitute "2003,".
6
- 7 Page 4, line 2, strike "policies." and substitute "policies OR FOR A JOINT
8 POLICY THAT COVERS EACH INDIVIDUAL SEPARATELY.";
9
- 10 line 6, strike "2001," and substitute "2003,".
11
- 12 Page 5, line 1, strike "POLICIES." and substitute "POLICIES OR FOR A JOINT
13 POLICY THAT COVERS EACH INDIVIDUAL SEPARATELY.";
14
- 15 line 10, strike "2001," and substitute "2003,";
16
- 17 line 21, strike "FIVE HUNDRED" and substitute "TWO HUNDRED FIFTY".
18
- 19 Page 6, strike lines 18 through 26;
20
- 21 line 27, strike "(b)" and substitute "(6) (a)".
22
- 23 Reletter succeeding paragraph accordingly.
24
- 25 Page 7, line 3, strike "2001," and substitute "2003,";
26
- 27 line 6, strike " _____ " and substitute "FOUR HUNDRED TEN";
28
- 29 line 7, strike "(c)" and substitute "(b)";
30
- 31 line 12, strike "2002," and substitute "2003,";
32
- 33 line 14, strike "(b)" and substitute "(a)";
34
- 35 line 17, strike "MADE." and substitute "MADE; EXCEPT THAT IN 2003 THE
36 EXECUTIVE DIRECTOR SHALL ADJUST SAID DOLLAR AMOUNT TO REFLECT
37 THE RATE OF GROWTH OF COLORADO PERSONAL INCOME FOR CALENDAR
38 YEARS 2001 AND 2002.".
39
- 40 Page 8, line 4, strike "(c)," and substitute "(b)".
41
- 42 Page 9, line 2, strike "(c)," and substitute "(b)";
43
- 44 line 11, strike "(c)" and substitute "(b)";
45
- 46 line 16, strike "2001," and substitute "2003,".
47
48
49
- 50 **HB01-1197** be postponed indefinitely.
51
52
- 53 **HB01-1202** be postponed indefinitely.
54
55
56

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

4
5 **HB01-1169** be referred to the Committee of the Whole with favorable
6 recommendation.

7
8
9 **HB01-1199** be referred favorably to the Committee on Appropriations.

10

11

12

13

14 **LOCAL GOVERNMENT**

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

17

18 **HB01-1208** be amended as follows, and as so amended, be referred to
19 the Committee on Finance with favorable
20 recommendation:

21

22 Amend printed bill, page 3, line 3, strike "OR 30-28-133," and substitute
23 "30-28-133, OR 30-28-136,".

24

25

26 **HB01-1211** be referred to the Committee of the Whole with favorable
27 recommendation.

28

29

30

31

32 **STATE, VETERANS, & MILITARY AFFAIRS**

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

35

36 **HB01-1176** be postponed indefinitely.

37

38

39 **HB01-1190** be referred to the Committee of the Whole with favorable
40 recommendation.

41

42

43 **HB01-1194** be postponed indefinitely.

44

45

46 **HB01-1198** 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 11, strike lines 12 through 27.

51

52 Strike pages 12 through 14.

53

54 Page 15, strike lines 1 through 12.

55

56 Renumber succeeding section accordingly.

1 **HB01-1204** 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 3, strike lines 9 through 15 and substitute the
 6 following:
 7

8 **"18-1-106. Misdemeanors classified - penalties.** (6) FOR A
 9 DEFENDANT WHO IS CONVICTED OF ASSAULT IN THE THIRD DEGREE, AS
 10 DESCRIBED IN SECTION 18-3-204, THE COURT, IN ADDITION TO ANY FINE
 11 THE COURT MAY IMPOSE, SHALL SENTENCE THE DEFENDANT TO A TERM OF
 12 IMPRISONMENT OF AT LEAST NINE MONTHS, BUT NOT LONGER THAN THE
 13 MAXIMUM SENTENCE AUTHORIZED FOR THE OFFENSE, AS SPECIFIED IN
 14 SUBSECTION (1) OF THIS SECTION, WHICH SENTENCE SHALL NOT BE
 15 SUSPENDED IN WHOLE OR IN PART, IF THE COURT MAKES THE FOLLOWING
 16 FINDINGS".
 17

18
 19
 20 **INTRODUCTION OF BILL**
 21 **First Reading**
 22

23 The following bill was read by title and referred to the committee
 24 indicated:
 25

26 **SB01-080** by Senator(s) Tate; also Representative(s) Lee--
 27 Concerning the prevention of bullying.
 28 Committee on Education
 29

30
 31
 32 **THIRD READING OF BILL--FINAL PASSAGE**
 33

34 The following bill was considered on Third Reading. The title was
 35 publicly read. Reading of the bill at length was dispensed with by
 36 unanimous consent.
 37

38 **HB01-1068** by Representative(s) Mitchell; also Senator(s) Dyer
 39 (Durango)--Concerning enactment of the "Colorado
 40 Dormant Oil and Gas Interests Act."
 41

42 The question being "Shall the bill pass?".
 43 A roll call vote was taken. As shown by the following recorded vote, a
 44 majority of those elected to the House voted in the affirmative and the bill
 45 was declared **passed**.
 46

47	YES 50	NO 14	EXCUSED 1	ABSENT 0				
49	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
50	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	N
51	Berry	N	Hefley	N	Nuñez	Y	Stafford	Y
52	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	N
53	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
54	Cadman	N	Jahn	Y	Ragsdale	N	Tapia	Y
55	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
56	Clapp	Y	Johnson	N	Rippy	Y	Veiga	Y

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

10

11 Representative Smith excused from voting under House Rule 21(c).

12 Co-sponsors added: Representatives Larson, Lawrence, Madden, Plant, Rippy.

13

14

15

16 On motion of Representative Spradley, **HB01-1006, 1061, 1136, 1171,**
 17 **1185, 1084, 1133, 1154, 1091** shall be made Special Orders on Thursday,
 18 February 8, 2001, at 9:50 a.m.

19

20

21 The hour of 9:50 a.m., having arrived, on motion of Representative
 22 Lawrence, the House resolved itself into Committee of the Whole for
 23 consideration of Special Orders and she was called to the Chair to act as
 24 Chairman.

25

26

27 SPECIAL ORDERS--SECOND READING OF BILLS

28

29 The Committee of the Whole having risen, the Chairman reported the
 30 titles of the following bills had been read (reading at length had been
 31 dispensed with by unanimous consent), the bills considered and action
 32 taken thereon as follows:

33

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

36

37

38 **HB01-1006** by Representative(s) Ragsdale, Young; also Senator(s)
 39 Teck, Evans--Concerning state records filed with the
 40 secretary of state.

41

42 Ordered engrossed and placed on the Calendar for Third Reading and
 43 Final Passage.

44

45

46 **HB01-1061** by Representative(s) Young; also Senator(s) Phillips--
 47 Concerning the prohibition of unauthorized charges from
 48 a telecommunications provider.

49

50 Amendment No. 1, Information & Technology Report, dated January 31,
 51 2001, and placed in member's bill file; Report also printed in House
 52 Journal, February 1, pages 239-240.

53

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

56

- 1 **HB01-1136** by Representative(s) Witwer; also Senator(s) Evans--
2 Concerning the creation of a statewide fire fighting
3 resource database.
4
- 5 Amendment No. 1, Information & Technology Report, dated January 29,
6 2001, and placed in member's bill file; Report also printed in House
7 Journal, February 1, page 240.
8
- 9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11
12
- 13 **HB01-1171** by Representative(s) Romanoff, Berry, Johnson, Stafford,
14 Tochtrop, Witwer, Young; also Senator(s) Owen,
15 Hernandez--Concerning recoveries by the medical
16 assistance program from third parties.
17
- 18 Amendment No. 1, Civil Justice & Judiciary Report, dated February 1,
19 2001, and placed in member's bill file; Report also printed in House
20 Journal, February 2, pages 256-257.
21
- 22 As amended, ordered engrossed and placed on the Calendar for Third
23 Reading and Final Passage.
24
25
- 26 **HB01-1185** by Representative(s) Clapp, Fairbank, Fritz, Hefley,
27 Miller, Mitchell, Nuñez, Schultheis, Snook, Spence,
28 Stafford, Webster, Williams T.; also Senator(s) Arnold--
29 Concerning victims in probation matters.
30
- 31 Amendment No. 1, Criminal Justice Report, dated February 1, 2001, and
32 placed in member's bill file; Report also printed in House Journal,
33 February 2, page 258.
34
- 35 As amended, ordered engrossed and placed on the Calendar for Third
36 Reading and Final Passage.
37
38
- 39 **HB01-1084** by Representative(s) Boyd--Concerning disclosure
40 requirements for multi-line telephone system operators
41 relating to 9-1-1 emergency service calls.
42
- 43 Amendment No. 1, Information & Technology Report, dated January 31,
44 2001, and placed in member's bill file; Report also printed in House
45 Journal, February 2, pages 259-260.
46
- 47 As amended, ordered engrossed and placed on the Calendar for Third
48 Reading and Final Passage.
49
50
- 51 **HB01-1133** by Representative(s) Tapia, Borodkin, Coleman,
52 Grossman, Sanchez, Veiga; also Senator(s) Dennis--
53 Concerning the eligibility criteria for resident bidders
54 given bid preference on construction contracts for public
55 projects.
56

- 1 Amendment No. 1, State Veterans & Military Affairs Report, dated
2 February 1, 2001, and placed in member's bill file; Report also printed
3 in House Journal, February 2, page 260.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
8
- 9 **HB01-1154** by Representative(s) Spence, Crane, Sinclair, Weddig,
10 Cadman, Daniel, Jahn; also Senator(s) Phillips, Epps--
11 Concerning the use of electronic bingo devices.
12
- 13 Amendment No. 1, State Veterans & Military Affairs Report, dated
14 January 30, 2001, and placed in member's bill file; Report also printed
15 in House Journal, February 2, pages 260-264.
16
- 17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.
19
20
- 21 **HB01-1091** by Representative(s) Paschall; also Senator(s) Hagedorn--
22 Concerning a method for payment of the costs associated
23 with expanding the clean screen program, and, in
24 connection therewith, providing for the payment of clean
25 screen inspection fees through a clean screen enterprise.
26
- 27 Amendment No. 1, Transportation & Energy Report, dated January 11,
28 2001, and placed in member's bill file; Report also printed in House
29 Journal, January 12, page 77.
30
- 31 Amendment No. 2, Finance Report, dated January 24, 2001, and placed
32 in member's bill file; Report also printed in House Journal, January 26,
33 pages 184-185.
34
- 35 Amendment No. 3, Appropriations Report, dated February 6, 2001, and
36 placed in member's bill file; Report also printed in House Journal,
37 February 6, page 288.
38
- 39 Amendment No. 4, by Representative Paschall.
40
- 41 Amend the Transportation and Energy Committee Report, dated January
42 11, 2001, page 1, line 4, strike "STATION," and substitute "STATION,"";
43
44 strike line 5 and substitute the following:
45
46 "Page 16, after line 7, insert the following:
47
48 "(D) VERIFICATION OF EMISSIONS TEST FORMS SHALL BE
49 PURCHASED ONLY BY MOTOR VEHICLE DEALER TEST FACILITIES FROM THE
50 DEPARTMENT OR PERSONS AUTHORIZED BY THE DEPARTMENT TO MAKE
51 SUCH SALES, AND, EFFECTIVE WITH THE SALE OF SUCH FORMS, THE
52 DEPARTMENT SHALL RECEIVE FROM THE BUYER THE SUM OF TWENTY-FIVE
53 CENTS PER FORM. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY
54 UNUSED VERIFICATION OF EMISSIONS TEST FORMS."."
55

- 1 Amendment No. 5, by Representative Paschall.
 2
 3 Amend printed bill, page 7, line 14, strike "MARCH" and substitute
 4 "MAY".
 5
 6 Page 15, line 23, strike "_____." and substitute "JULY 1, 2001.";
 7
 8 line 24, strike "_____,", and substitute "JULY 1, 2001,".
 9
 10 Page 18, line 5, strike "RECORDERS" and substitute "RECORDERS, ACTING
 11 AS AGENTS FOR THE CLEAN SCREEN AUTHORITY,".
 12
 13 Page 19, line 9, strike "APRIL" and substitute "MAY";
 14
 15 line 18, strike "MONEYS FROM THE PASS-THROUGH TRUST ACCOUNT" and
 16 substitute "INTEREST EARNED ON THE DEPOSIT OF THE CLEAN SCREEN
 17 FUND";
 18
 19 strike line 19 and substitute the following:
 20 "PAY FOR ITS COSTS ASSOCIATED WITH THE";
 21
 22 line 23, after the period, add "ANY MONEYS REMAINING IN THE CLEAN
 23 SCREEN FUND ON DECEMBER 31, 2005, SHALL REVERT TO THE AIR
 24 ACCOUNT CREATED IN SECTION 42-3-134 (26) (a) (I).".
 25
 26 As amended, ordered engrossed and placed on the Calendar for Third
 27 Reading and Final Passage.
 28
 29
 30

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

31
 32
 33 Passed Second Reading: **HB01-1006, 1061 amended, 1136 amended,**
 34 **1171 amended, 1185 amended, 1084 amended, 1133 amended,**
 35 **1154 amended, 1091 amended.**
 36

37 The Chairman moved the adoption of the Committee of the Whole
 38 Report. As shown by the following roll call vote, a majority of those
 39 elected to the House voted in the affirmative, and the Report was
 40 **adopted.**
 41

YES	65	NO	0	EXCUSED	0	ABSENT	0
Alexander	Y	Groff	Y	Miller	Y	Spence	Y
Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
Coleman	Y	King	Y	Saliman	Y	Webster	Y
Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
Decker	Y	Lee	Y	Scott	Y	Williams S.	Y

1	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
2	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
3	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
4							Mr. Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB01-1098 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 17, strike "or any meat" and substitute "or any meat";

strike line 18 and substitute "~~product containing such imported meat~~";

line 19, strike "FRUIT, VEGETABLE, OR HONEY,".

Page 3, strike lines 1 through 8 and substitute the following:

~~"(2) (a) Foods which, in accordance with the practice of the trade, are to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed shall be exempt from any labeling requirements under this section if such food is not adulterated or misbranded under any provision of this part 4 upon removal from such processing, labeling, or repacking establishment~~
 FOOD THAT DOES NOT BEAR THE LABELING REQUIRED BY THIS PART 4 IS NOT DEEMED TO BE MISBRANDED IF SUCH FOOD MEETS THE FOLLOWING REQUIREMENTS:

(I) SUCH FOOD IS PROCESSED, LABELED, OR REPACKED IN SUBSTANTIAL QUANTITIES AT AN ESTABLISHMENT OTHER THAN THE ESTABLISHMENT WHERE SUCH FOOD WAS ORIGINALLY PROCESSED OR PACKED;

(II) SUCH FOOD IS NOT SOLD OR TRANSFERRED TO CONSUMERS AT THE SAME TIME AS IT IS SOLD OR TRANSFERRED TO BE PROCESSED, LABELED, OR REPACKED IN SUBSTANTIAL QUANTITIES; AND

(III) SUCH FOOD COMPLIES WITH THE LABELING REQUIREMENTS OF THIS PART 4 WHEN SUCH FOOD IS OFFERED FOR SALE TO CONSUMERS.";

line 10, strike "such exemptions" and substitute "~~such~~ exemptions FROM THE LABELING REQUIREMENTS OF THIS PART 4";

after line 15, insert the following:

"SECTION 2. 25-5-402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1 **25-5-402. Definitions.** As used in this part 4, unless the context
2 otherwise requires:

3
4 (15.5) "MEAT" MEANS THE BODY, CARCASS, OR PART OF A
5 CARCASS DERIVED FROM CATTLE, SHEEP, SWINE, GOATS, RABBITS,
6 POULTRY, AND ANY OTHER ANIMAL, INCLUDING ANY STAGE OF LIFE AT OR
7 FOLLOWING THE BIRTH OF SUCH ANIMAL."

8
9 Renumber succeeding sections accordingly.

10

11

12

13 **HB01-1246** be amended as follows, and as so amended, be referred to
14 the Committee of the Whole with favorable
15 recommendation:

16

17 Amend printed bill, page 2, line 4, after "(1)", insert "(a)";

18

19 line 8, strike "OR";

20

21 strike lines 9 through 11 and substitute the following:

22 "concerning the";

23

24 after line 12, insert the following:

25

26 "(b) (I) TO MEET THE RESPONSIBILITY OF THE STATE WITH RESPECT
27 TO THE PROTECTION OF PUBLIC HEALTH AND TO ASSIST UNINCORPORATED
28 AREAS IN COUNTIES, THE DIVISION, IN THE NAME OF THE STATE AND TO THE
29 EXTENT OF STATE FUNDS APPROPRIATED THEREFOR, MAY ENTER INTO
30 CONTRACTS WITH COUNTIES ON BEHALF OF UNINCORPORATED AREAS
31 EXISTING ON JANUARY 1, 2001, WITH HIGH-PRIORITY WASTEWATER
32 TREATMENT NEEDS AND THAT SERVE POPULATIONS OF NOT MORE THAN
33 FIVE THOUSAND PERSONS CONCERNING THE PLANNING, DESIGN, OR
34 CONSTRUCTION OF DOMESTIC WASTEWATER TREATMENT WORKS.

35

36 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2006.";

37

38 line 23, strike "applying municipality OR COUNTY" and substitute
39 "~~applying municipality~~ APPLICANT".

40

41 Page 3, line 6, strike "municipality OR COUNTY." and substitute
42 "~~municipality~~ APPLICANT".

43

44

45

46 **HB01-1250** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49

50 Amend page 2, line 13, strike "malicious" and substitute "~~malicious~~".

51

52

53

54

55

1 **CIVIL JUSTICE & JUDICIARY**

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

4
5 **HB01-1113** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:
8

9 Amend printed bill page 2, line 7, strike "AND ITS RESIDENTS";

10
11 line 9, after "OFFICE;", insert "OR";

12
13 strike lines 10 through 12 and substitute the following:

14
15 "(II) NOTIFY A COUNTY OF ANY SITE WITHIN SUCH COUNTY THAT
16 THE DIVISION HAS SELECTED TO BECOME A BRANCH PAROLE OFFICE IF THE
17 SITE IS NOT WITHIN A MUNICIPALITY LOCATED IN THE COUNTY.";

18
19 strike lines 13 through 16.

20
21 Page 3, line 4, strike "(1) AT LEAST NINETY" and substitute "(1) (a) AT
22 LEAST FORTY-FIVE";

23
24 strike lines 6 through 10 and substitute the following:

25
26 "ADULT PAROLE SHALL CONTEMPORANEOUSLY SEND WRITTEN NOTICE TO
27 THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY AND THE CITY
28 COUNCIL OR BOARD OF TRUSTEES OF THE MUNICIPALITY IN WHICH THE
29 DIVISION INTENDS TO OPERATE THE BRANCH PAROLE OFFICE.

30
31 (b) IF THE SITE OF THE BRANCH PAROLE OFFICE THAT THE DIVISION
32 INTENDS TO OPERATE IS NOT LOCATED WITHIN A MUNICIPALITY, THE
33 DIRECTOR OF THE DIVISION SHALL SEND WRITTEN NOTICE TO THE BOARD
34 OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE DIVISION
35 INTENDS TO OPERATE THE BRANCH PAROLE OFFICE.

36
37 (c) THE NOTICE REQUIRED UNDER THIS SUBSECTION (1) SHALL
38 STATE ALL OF THE FOLLOWING:";

39
40 line 12, strike "MUNICIPALITY;" and substitute "MUNICIPALITY OR COUNTY
41 DESCRIBED IN THE NOTICE";

42
43 line 22, strike "PROCESS;" and substitute "PROCESS.";

44
45 strike lines 23 through 27.

46
47 Page 4, strike lines 1 through 8;

48
49 line 9, strike "(c)" and substitute "(d)";

50
51 strike lines 10 through 13 and substitute the following:

52
53 "(I) "ACTUAL ACQUISITION" MEANS THE LEGAL PROCESS
54 NECESSARY TO VEST THE DEPARTMENT OF CORRECTIONS WITH FEE TITLE
55 OR A NEW LEASEHOLD INTEREST IN REAL ESTATE THAT THE DIVISION OF
56 ADULT PAROLE INTENDS TO OPERATE AS A BRANCH PAROLE OFFICE IN A

1 NEW LOCATION.";

2

3 strike lines 21 through 27 and substitute the following:

4

5 "(2) A MUNICIPALITY OR COUNTY NOTIFIED PURSUANT TO
6 SUBSECTION (1) OF THIS SECTION MAY NOTIFY ITS RESIDENTS AND INVITE
7 PUBLIC REVIEW AND COMMENT ON THE DIVISION'S SELECTION OF THE
8 BRANCH PAROLE OFFICE SITE THROUGH PUBLIC MEETING, PUBLIC HEARING,
9 OR ANY OTHER PUBLIC FORUM DEEMED APPROPRIATE BY THE
10 MUNICIPALITY OR COUNTY."

11

12 Strike page 5.

13

14 Page 6, line 1, strike "(4)" and substitute "(3)";

15

16 line 2, strike "(4)," and substitute "(3),";

17

18 line 11, after "MUNICIPALITY", insert "OR COUNTY".

19

20

21

22 **HB01-1114** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25

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

28

29 "SECTION 1. 24-33.5-503 (1), Colorado Revised Statutes, is
30 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31

32 **24-33.5-503. Duties of division.** (1) The division has the
33 following duties:

34

35 (r) TO RECEIVE DATA REGARDING PROFILING, TO CONDUCT AN
36 ANALYSIS OF SUCH DATA, AND TO REPORT TO THE GENERAL ASSEMBLY
37 PURSUANT TO SECTION 24-33.5-512.

38

39 **SECTION 2.** Part 5 of article 33.5 of title 24, Colorado Revised
40 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
41 read:

42

43 **24-33.5-512. Profiling - analysis of data - report - repeal.**

44 (1) THE DIVISION SHALL CONDUCT AN ANALYSIS OF THE DATA RECEIVED
45 PURSUANT TO SECTION 42-4-115 (4), C.R.S., USING THE GIFTS, DONATIONS,
46 OR GRANTS CONTAINED IN THE LAW ENFORCEMENT PROFILING REPORT
47 CASH FUND CREATED IN SUBSECTION (4) OF THIS SECTION, TO DETERMINE
48 WHETHER LAW ENFORCEMENT AGENCIES ARE USING PROFILING IN LAW
49 ENFORCEMENT ACTIVITIES.

50

51 (2) THE DIVISION SHALL INCLUDE THE ANALYSIS DESCRIBED IN
52 SUBSECTION (1) AND ANY CONCLUSIONS DERIVED THEREFROM IN A
53 REPORT. THE DIVISION SHALL SUBMIT SUCH REPORT TO THE GENERAL
54 ASSEMBLY ON OR BEFORE JULY 1, 2005.

55

56 (3) THE DIVISION MAY CONTRACT WITH ANY PUBLIC OR PRIVATE

1 ENTITY HAVING EXPERIENCE IN THE ANALYSIS OF LAW ENFORCEMENT
2 DATA TO PERFORM THE ANALYSIS AND TO ASSIST IN THE PREPARATION OF
3 THE REPORT REQUIRED BY THIS SECTION.

4
5 (4) THE DIVISION IS AUTHORIZED TO RECEIVE GIFTS, DONATIONS,
6 OR GRANTS OF ANY KIND FROM ANY PUBLIC OR PRIVATE ENTITY TO CARRY
7 OUT THE PURPOSES OF THIS SECTION SUBJECT TO THE TERMS AND
8 CONDITIONS UNDER WHICH GIVEN; EXCEPT THAT NO GIFT, DONATION, OR
9 GRANT SHALL BE ACCEPTED IF THE CONDITIONS ATTACHED THERETO
10 REQUIRE THE USE OR EXPENDITURE THEREOF IN A MANNER CONTRARY TO
11 LAW. ALL SUCH GIFTS, DONATIONS, AND GRANTS SHALL BE TRANSMITTED
12 TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LAW
13 ENFORCEMENT PROFILING REPORT CASH FUND, WHICH FUND IS HEREBY
14 CREATED IN THE STATE TREASURY. AT THE END OF EACH FISCAL YEAR,
15 ANY UNEXPENDED AND UNENCUMBERED FUNDS REMAINING IN SAID CASH
16 FUND SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE TRANSFERRED
17 TO THE GENERAL FUND.

18
19 (5) FOR PURPOSES OF THIS SECTION, "PROFILING" MEANS ANY
20 POLICE-INITIATED ACTION THAT RELIES ON RACE, ETHNICITY, OR NATIONAL
21 ORIGIN OF AN INDIVIDUAL RATHER THAN ON THE BEHAVIOR OF AN
22 INDIVIDUAL OR INFORMATION THAT LEADS LAW ENFORCEMENT OFFICERS
23 TO A PARTICULAR INDIVIDUAL WHO HAS BEEN IDENTIFIED AS BEING
24 ENGAGED IN OR HAVING ENGAGED IN CRIMINAL ACTIVITY.

25
26 (6) THIS SECTION IS REPEALED, EFFECTIVE MARCH 31, 2006.

27
28 **SECTION 3.** Part 1 of article 4 of title 42, Colorado Revised
29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
30 read:

31
32 **42-4-115. Information on traffic law enforcement - collection**
33 **- profiling - annual report - repeal.** (1) EXCEPT AS OTHERWISE
34 PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE COLORADO STATE
35 PATROL AND ALL LOCAL LAW ENFORCEMENT AGENCIES THAT SERVE
36 POPULATIONS OF SEVENTY-FIVE THOUSAND PERSONS OR MORE SHALL
37 COLLECT AND MAINTAIN THE FOLLOWING INFORMATION REGARDING
38 TRAFFIC STOPS:

39
40 (a) THE NUMBER OF PERSONS DETAINED FOR ROUTINE TRAFFIC
41 INFRACTIONS AND WHETHER A CITATION OR WARNING WAS ISSUED AS A
42 RESULT OF EACH TRAFFIC STOP;

43
44 (b) IDENTIFYING CHARACTERISTICS OF THE PERSONS DETAINED
45 DURING EACH TRAFFIC STOP, INCLUDING RACE OR ETHNICITY, AGE, AND
46 GENDER;

47
48 (c) THE APPROXIMATE DATE, TIME, AND LOCATION OF EACH
49 TRAFFIC STOP;

50
51 (d) THE ALLEGED VIOLATION LEADING TO EACH TRAFFIC STOP;

52
53 (e) WHETHER A SEARCH OF THE PERSON OCCURRED AS A RESULT
54 OF EACH TRAFFIC STOP;

55
56 (f) WHETHER, AS A RESULT OF EACH TRAFFIC STOP, THE PERSON'S

1 VEHICLE OR PERSONAL EFFECTS OR THE VEHICLE'S DRIVER OR PASSENGERS
2 WERE SEARCHED AND THE RACE OR ETHNICITY, AGE, AND GENDER OF ANY
3 PERSON SEARCHED;

4
5 (g) WHETHER THE SEARCH WAS CONDUCTED PURSUANT TO
6 CONSENT, PROBABLE CAUSE, OR REASONABLE SUSPICION TO SUSPECT A
7 CRIME, INCLUDING THE BASIS FOR THE REQUEST FOR CONSENT OR THE
8 CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE OR REASONABLE
9 SUSPICION;

10
11 (h) WHETHER ANY CONTRABAND WAS FOUND AS A RESULT OF
12 EACH TRAFFIC STOP;

13
14 (i) WHETHER AN ARREST WAS MADE AS A RESULT OF EACH TRAFFIC
15 STOP;

16
17 (j) WHETHER ANY PROPERTY WAS SEIZED AS A RESULT OF EACH
18 TRAFFIC STOP;

19
20 (k) WHETHER THE OFFICERS DETAINING THE PERSON DURING EACH
21 TRAFFIC STOP ENGAGED IN THE USE OF FORCE AGAINST THE PERSON, THE
22 DRIVER, OR ANY PASSENGERS.

23
24 (2) THE COLORADO STATE PATROL OR ANY LOCAL LAW
25 ENFORCEMENT AGENCY THAT SERVES A POPULATION OF SEVENTY-FIVE
26 THOUSAND PERSONS OR MORE NEED NOT COMPLY WITH THE PROVISIONS
27 OF SUBSECTION (1) OF THIS SECTION IF SUCH AGENCY, ON OR BEFORE THE
28 EFFECTIVE DATE OF THIS ACT, COLLECTS AND MAINTAINS INFORMATION ON
29 AN ONGOING BASIS THAT IS SUBSTANTIALLY SIMILAR TO THE INFORMATION
30 DESCRIBED IN SUCH SUBSECTION.

31
32 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
33 THE COLLECTION AND MAINTENANCE OF INFORMATION IN CONNECTION
34 WITH ROADBLOCKS, VEHICLE CHECKS, OR CHECKPOINTS, EXCEPT WHEN
35 SUCH TRAFFIC STOPS RESULT IN A WARNING, SEARCH, SEIZURE, OR ARREST.

36
37 (4) (a) THE COLORADO STATE PATROL AND ALL LOCAL LAW
38 ENFORCEMENT AGENCIES THAT SERVE A POPULATION OF SEVENTY-FIVE
39 THOUSAND PERSONS OR MORE SHALL COMPILE AND, BEGINNING JANUARY
40 1, 2002, AND EACH JANUARY 1 THEREAFTER THROUGH JANUARY 1, 2005,
41 REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION
42 24-33.5-502, C.R.S., THE INFORMATION GATHERED PURSUANT TO THIS
43 SECTION OR GATHERED PURSUANT TO THE EXEMPTION DESCRIBED IN
44 SUBSECTION (2) OF THIS SECTION.

45
46 (b) ANY LOCAL LAW ENFORCEMENT AGENCY THAT SERVES A
47 POPULATION OF FEWER THAN SEVENTY-FIVE THOUSAND PERSONS MAY
48 COMPILE THE INFORMATION AND REPORT TO THE DIVISION OF CRIMINAL
49 JUSTICE IN THE SAME MANNER AS OTHER AGENCIES THAT ARE REQUIRED TO
50 COMPILE AND REPORT SUCH INFORMATION PURSUANT TO THIS SECTION.

51
52 (5) THIS SECTION IS REPEALED, EFFECTIVE MARCH 31, 2006.

53
54 **SECTION 4. Safety clause.** The general assembly hereby finds,
55 determines, and declares that this act is necessary for the immediate
56 preservation of the public peace, health, and safety."

- 1 **HB01-1130** 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 3, line 1, strike "EVERY OFFENDER" and
6 substitute "SUBJECT TO AVAILABLE APPROPRIATIONS BEGINNING MARCH
7 31, 2002, EVERY PERSON";
8
9 line 2, strike "OR RECEIVES A DEFERRED JUDGMENT AND";
10
11 line 3, strike "SENTENCE FOR".
12
- 13 Page 4, line 21, strike "TO, OR" and substitute "TO";
14
15 line 22, strike "RECEIVES A DEFERRED JUDGMENT AND SENTENCE TO".
16
- 17 Page 5, line 7, strike "TO, OR A DEFERRED JUDGMENT AND SENTENCE FOR"
18 and substitute "TO";
19
20 strike lines 25 through 27.
21
- 22 Strike page 6.
23
- 24 Page 7, strike lines 1 through 23.
25
- 26 Renumber succeeding sections accordingly.
27
- 28 Page 8, line 1, strike "TO, OR WHO RECEIVES A DEFERRED" and substitute
29 "TO";
30
31 line 2, strike "JUDGMENT AND SENTENCE FOR";
32
33 line 18, strike "TO, OR WHO" and substitute "TO";
34
35 line 19, strike "RECEIVES A DEFERRED JUDGMENT AND SENTENCE FOR".
36
- 37 Page 10, line 8, strike "TO, OR WHO" and substitute "TO";
38
39 line 9, strike "RECEIVES A DEFERRED JUDGMENT AND SENTENCE FOR";
40
41 strike lines 18 through 27 and substitute the following:
42
- 43 **"SECTION 5.** 16-11-308 (4.5) (a) (I), Colorado Revised Statutes,
44 is amended to read:
45
- 46 **16-11-308. Custody of department of corrections - procedure.**
47 (4.5) (a) While confined in the diagnostic center, the following offenders
48 shall submit to a chemical testing of the offender's blood to determine the
49 genetic markers:
50
- 51 (I) Any offender sentenced on or after July 1, 2000, as a habitual
52 offender pursuant to the provisions of section ~~16-11-101~~ 16-13-101; and
53
- 54 **SECTION 6.** Part 3 of article 22.5 of title 17, Colorado Revised
55 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
56 read:

1 **17-22.5-303.7. Genetic testing as condition of parole.**(1) ANY
2 OFFENDER DISCHARGED FROM A CORRECTIONAL FACILITY ON OR AFTER
3 JULY 1, 2000, SUBJECT TO PAROLE SHALL SUBMIT TO A CHEMICAL TESTING
4 OF THE OFFENDER'S BLOOD TO DETERMINE THE GENETIC MARKERS
5 THEREOF. SUCH TESTING SHALL OCCUR AT LEAST NINETY DAYS PRIOR TO
6 THE OFFENDER'S RELEASE FROM INCARCERATION, AND THE RESULTS
7 THEREOF SHALL BE FILED WITH AND MAINTAINED BY THE COLORADO
8 BUREAU OF INVESTIGATION. THE RESULTS OF SUCH TESTS SHALL BE
9 FURNISHED TO ANY LAW ENFORCEMENT AGENCY UPON REQUEST.

10
11 **SECTION 7. Effective date.** This act shall take effect March 31,
12 2002."

13
14 Renumber succeeding section accordingly.

15
16
17
18 **HB01-1155** be amended as follows, and as so amended, be referred to
19 the Committee on Appropriations with favorable
20 recommendation:

21
22 Amend printed bill, page 6, line 11, after "(2) (a) (I)," insert "(2) (a)
23 (II),".

24
25 Page 7, after line 3, insert the following:

26
27 "(II) Department of corrections personnel and department of
28 human services personnel shall require any offender described in
29 subsection (1) of this section to specify, at least five days prior to release
30 into the community, the address at which the offender plans to reside
31 upon release. PRIOR TO THE RELEASE OF SAID OFFENDER, DEPARTMENT OF
32 CORRECTIONS PERSONNEL MAY ALSO OBTAIN A RECENT PHOTOGRAPH OR
33 IMAGE OF SAID OFFENDER. Prior to release of said offender, department
34 of corrections personnel or department of human services personnel,
35 whichever is appropriate, in cooperation with local law enforcement
36 officers, shall verify that the address is a residence, that the occupants or
37 owners know of the offender's history of unlawful sexual behavior, and
38 that the occupants or owners have agreed to allow the offender to reside
39 at the address. If the offender is being released on parole, department
40 personnel shall also verify that the address complies with any conditions
41 imposed by the parole board."

42
43 Page 9, line 8, strike "REQUEST." and substitute "REQUEST, OR, AT THE
44 OPTION OF THE LAW ENFORCEMENT AGENCY, FORWARD THE INFORMATION
45 BACK TO THE LAW ENFORCEMENT AGENCY THAT MAY RELEASE SUCH
46 INFORMATION TO THE PERSON MAKING THE REQUEST."

47
48
49
50 **HB01-1167** be amended as follows, and as so amended, be referred to
51 the Committee on Appropriations with favorable
52 recommendation:

53
54 Amend printed bill, page 2, strike lines 2 through 24.

55
56 Page 3, strike lines 1 through 18.

1 Renumber succeeding sections accordingly.

2

3 Page 5, after line 13, insert the following:

4

5 "(c) (I) A CLAIM FOR EXEMPLARY DAMAGES IN AN ACTION
6 GOVERNED BY THIS SECTION MAY NOT BE INCLUDED IN ANY INITIAL CLAIM
7 FOR RELIEF. A CLAIM FOR EXEMPLARY DAMAGES IN AN ACTION GOVERNED
8 BY THIS SECTION SHALL BE ALLOWED BY AMENDMENT TO THE PLEADINGS
9 ONLY AFTER THE PLAINTIFF ESTABLISHES PRIMA FACIE PROOF OF A TRIABLE
10 ISSUE. AFTER THE PLAINTIFF ESTABLISHES THE EXISTENCE OF A TRIABLE
11 ISSUE OF EXEMPLARY DAMAGES, THE COURT MAY, IN ITS DISCRETION,
12 ALLOW ADDITIONAL DISCOVERY ON THE ISSUE OF EXEMPLARY DAMAGES
13 AS THE COURT DEEMS APPROPRIATE.

14

15 (II) A CLAIM FOR EXEMPLARY DAMAGES IN AN ACTION GOVERNED
16 BY THIS SECTION SHALL NOT BE TIME BARRED BY THE APPLICABLE
17 PROVISIONS OF LAW FOR THE COMMENCEMENT OF ACTIONS, SO LONG AS:

18

19 (A) THE CLAIM FOR EXEMPLARY DAMAGES ARISES, PURSUANT TO
20 PARAGRAPH (a) OF THIS SUBSECTION (3), FROM THE CLAIM IN SUCH ACTION
21 THAT IS BROUGHT UNDER SECTION 13-21-201 OR 13-21-202; AND

22

23 (B) THE CLAIM IN SUCH ACTION THAT IS BROUGHT UNDER SECTION
24 13-21-201 OR 13-21-202 IS NOT TIME BARRED.

25

26 (III) THE ASSERTION OF A CLAIM FOR EXEMPLARY DAMAGES IN AN
27 ACTION GOVERNED BY THIS SECTION SHALL NOT BE RENDERED
28 INEFFECTIVE SOLELY BECAUSE THE ASSERTION WAS MADE AFTER THE
29 APPLICABLE DEADLINE CONTAINED IN THE COURT'S CASE MANAGEMENT
30 ORDER, SO LONG AS THE PLAINTIFF ESTABLISHES THAT HE OR SHE DID NOT
31 DISCOVER, AND COULD NOT HAVE REASONABLY DISCOVERED PRIOR TO
32 SUCH DEADLINE, THE GROUNDS FOR ASSERTING THE EXEMPLARY DAMAGES
33 CLAIM."

34

35 Page 6, after line 6, insert the following:

36

37 "(5) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY
38 LEVEL OF PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (1), C.R.S.,
39 OR TO ANY FIREFIGHTER, AS DEFINED IN SECTION 18-3-201 (1), C.R.S., FOR
40 CLAIMS ARISING OUT OF INJURIES SUSTAINED FROM AN ACT OR OMISSION
41 OF SUCH PEACE OFFICER OR FIREFIGHTER ACTING IN THE PERFORMANCE OF
42 HIS OR HER DUTIES AND WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT.

43

44 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR
45 AMEND THE PROVISIONS OF SECTION 13-64-302.5."

46

47

48

49 **HB01-1168** be amended as follows, and as so amended, be referred to
50 the Committee of the Whole with favorable
51 recommendation:

52

53 Amend printed bill, page 2, line 7, strike "(III) (C)," and substitute
54 "(III),".

55

56 Page 3, line 7, strike "MISDEMEANOR," and substitute "MISDEMEANOR OR

1 THE FOLLOWING OFFENSES OF ANY DEGREE: MENACING, IN VIOLATION OF
 2 SECTION 18-3-206, C.R.S.; HARASSMENT, IN VIOLATION OF SECTION
 3 18-9-111, C.R.S.; FOURTH DEGREE ARSON, IN VIOLATION OF SECTION
 4 18-4-105, C.R.S.; THEFT, IN VIOLATION OF SECTION 18-4-401, C.R.S.;
 5 AGGRAVATED MOTOR VEHICLE THEFT IN VIOLATION OF SECTION 18-4-409,
 6 C.R.S.; CRIMINAL MISCHIEF, IN VIOLATION OF SECTION 18-4-501, C.R.S.;
 7 DEFACING PROPERTY, IN VIOLATION OF SECTION 18-4-509, C.R.S.;
 8 DISORDERLY CONDUCT, IN VIOLATION OF SECTION 18-9-106, C.R.S.;
 9 HAZING, IN VIOLATION OF SECTION 18-9-124, C.R.S.; OR POSSESSION OF A
 10 HANDGUN BY A JUVENILE, IN VIOLATION OF SECTION 18-12-108.5,
 11 C.R.S.,";

12
 13 line 9, strike "~~principal~~" and substitute "principal";

14
 15 line 10, strike "SUPERINTENDENT";

16
 17 line 11, strike "~~principal~~ SUPERINTENDENT" and substitute "principal";

18
 19 after line 12, add "IN THE EVENT THE PROSECUTING ATTORNEY, IN GOOD
 20 FAITH, IS NOT ABLE TO EITHER IDENTIFY THE SCHOOL WHICH THE JUVENILE
 21 ATTENDS OR CONTACT THE PRINCIPAL OF THE JUVENILE'S SCHOOL, THEN
 22 THE PROSECUTING ATTORNEY MAY CONTACT THE SUPERINTENDENT OF THE
 23 JUVENILE'S SCHOOL DISTRICT.".

24
 25 Page 1, line 101, strike "**CONCERNING CHANGES TO THE JUVENILE**
 26 **JUSTICE SYSTEM.**" and substitute "**CONCERNING SUBSTANTIVE CHANGES**
 27 **FOR THE STRENGTHENING OF THE JUVENILE LAWS.**".

28

29

30

31

32 **CRIMINAL JUSTICE**

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

35

36 **HB01-1184** be amended as follows, and as so amended, be referred to
 37 the Committee on Appropriations with favorable
 38 recommendation:

39

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

41

42 "SECTION 1. 14-10-107.8, Colorado Revised Statutes, is
 43 amended to read:

44

45 **14-10-107.8. Required notice of prior restraining orders to**
 46 **prevent domestic abuse - petitions for dissolution of marriage or legal**
 47 **separation.** (1) When filing a petition for dissolution of marriage or
 48 legal separation pursuant to this article, the filing party shall have a duty
 49 to disclose to the court the CIRCUMSTANCES RELATING TO ANY ACTS OF
 50 DOMESTIC ABUSE, AS DEFINED IN SECTION 14-4-101, OR DOMESTIC
 51 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., INVOLVING THE
 52 OTHER PARTY OR A CHILD RESIDING IN EITHER PARTY'S RESIDENCE. THE
 53 FILING PARTY SHALL ALSO HAVE A DUTY TO DISCLOSE THE existence of any
 54 prior temporary or permanent restraining orders to prevent domestic
 55 abuse issued pursuant to article 14 of title 13, C.R.S., any mandatory
 56 restraining orders issued pursuant to section 18-1-1001, C.R.S., and any

1 emergency protection orders issued pursuant to section 14-4-103 entered
2 against either party by any court within ~~ninety days~~ TWO YEARS prior to
3 the filing of the petition of dissolution of marriage or legal separation.
4 The disclosure required pursuant to this section shall address the subject
5 matter of the previous restraining or emergency protection orders,
6 including the case number and jurisdiction issuing such orders.
7

8 (2) AFTER THE FILING OF THE PETITION, THE COURT SHALL ADVISE
9 THE PARTIES CONCERNING SERVICES AND POTENTIAL FINANCIAL
10 RESOURCES THAT MAY BE AVAILABLE AND SHALL STRONGLY ENCOURAGE
11 THE PARTIES TO OBTAIN SUCH SERVICES FOR THEIR CHILDREN. IF THE
12 PARTIES' CHILDREN PARTICIPATE IN SUCH SERVICES, THE COURT SHALL
13 APPORTION THE COSTS OF SUCH SERVICES BETWEEN THE PARTIES AS IT
14 DEEMS APPROPRIATE.
15

16 (3) THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL OBTAIN
17 THE INFORMATION PREPARED PURSUANT TO SECTION 24-4.1-303 (9) (a), (9)
18 (b), AND (9) (c), C.R.S., AND DISTRIBUTE SUCH INFORMATION TO THE
19 DISTRICT COURT JUDGES AND MAGISTRATES IN THAT JUDICIAL DISTRICT
20 THAT HEAR DOMESTIC PROCEEDINGS PURSUANT TO THIS ARTICLE. EACH
21 SUCH JUDGE OR MAGISTRATE SHALL PROVIDE THE INFORMATION TO THE
22 PARTIES TO DOMESTIC PROCEEDINGS, WHERE THE JUDGE OR MAGISTRATE
23 DEEMS IT IS APPROPRIATE."
24

25 Renumber succeeding sections accordingly.
26

27 Page 4, line 9, strike "court. within ninety days prior to the" and
28 substitute "court within ~~ninety days~~ TWO YEARS prior to the";
29

30 line 10, strike "filing of the proceeding." and substitute "filing of the
31 proceeding.";
32

33 strike lines 14 through 18 and substitute the following:
34

35 "(3) AFTER THE FILING OF THE PETITION, THE COURT";
36

37 strike lines 25 through 27 and substitute the following:
38

39 "(4) THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL OBTAIN
40 THE INFORMATION PREPARED PURSUANT TO SECTION 24-4.1-303 (9) (a), (9)
41 (b), AND (9) (c), C.R.S., AND DISTRIBUTE SUCH INFORMATION TO THE
42 DISTRICT COURT JUDGES AND MAGISTRATES IN THAT JUDICIAL DISTRICT
43 THAT HEAR DOMESTIC PROCEEDINGS PURSUANT TO THIS ARTICLE. EACH
44 SUCH JUDGE OR MAGISTRATE SHALL PROVIDE THE INFORMATION TO THE
45 PARTIES TO DOMESTIC PROCEEDINGS, WHERE THE JUDGE OR MAGISTRATE
46 DEEMS IT IS APPROPRIATE."
47

48 Page 5, strike lines 1 through 10.
49

50 Renumber succeeding sections accordingly.
51

52 Page 6, line 5, strike "WERE PRESENT AT THE TIME OF" and substitute
53 "MAY HAVE SEEN OR HEARD";
54

55 line 6, strike "OFFENSE." and substitute "OFFENSE; EXCEPT THAT, IN THE
56 ABSENCE OF BAD FAITH, THE FAILURE OF A PEACE OFFICER TO NOTE THAT

1 A CHILD MAY HAVE SEEN OR HEARD THE ALLEGED OFFENSE SHALL NOT BE
2 GROUNDS TO DISMISS THE MATTER.";

3
4 after line 6, insert the following:

5
6 **"SECTION 5.** 26-2-708, Colorado Revised Statutes, is amended
7 BY THE ADDITION OF A NEW SUBSECTION to read:

8
9 **26-2-708. Benefits - assessment - individual responsibility**
10 **contract - screening for domestic violence.** (5.5) (a) IN ORDER TO
11 FACILITATE THE PROPER IDENTIFICATION, SCREENING, AND ASSESSMENT OF
12 PAST AND PRESENT VICTIMS OF DOMESTIC VIOLENCE APPLYING FOR OR
13 PARTICIPATING IN THE COLORADO WORKS PROGRAM AND TO ASSIST
14 COUNTIES IN COMPLYING WITH THE PROVISIONS OF THIS SUBSECTION (5.5)
15 AND SUBSECTION (5) OF THIS SECTION, THE STATE BOARD OF HUMAN
16 SERVICES SHALL PROMULGATE RULES THAT REQUIRE THE STATE
17 DEPARTMENT TO PROVIDE ONGOING DOMESTIC VIOLENCE TRAINING AND
18 APPROPRIATE DOMESTIC VIOLENCE TRAINING MATERIALS TO COUNTY
19 STAFF AND TO:

20
21 (I) ASSIST COUNTIES IN DEVELOPING LOCAL RESOURCES AND
22 UTILIZING AVAILABLE COMMUNITY RESOURCES TO PROVIDE COUNSELING
23 AND SUPPORTIVE SERVICES TO PAST AND PRESENT VICTIMS OF DOMESTIC
24 VIOLENCE; AND

25
26 (II) REQUIRE COUNTIES TO MAKE APPLICANTS TO AND
27 PARTICIPANTS OF THE COLORADO WORKS PROGRAM AWARE OF THE
28 SERVICES AND ASSISTANCE PROVIDED BY THE STATE DEPARTMENT
29 PURSUANT TO THIS SUBSECTION (5.5) AND BY THE COUNTY.

30
31 (b) THE STATE DEPARTMENT SHALL HAVE THE AUTHORITY TO
32 CONTRACT WITH ANY INDIVIDUAL OR ENTITY THAT HAS DEMONSTRATED
33 EXPERTISE IN THE AREA OF DOMESTIC VIOLENCE FOR THE PROVISION OF
34 THE SERVICES SPECIFIED IN THIS SUBSECTION (5.5).

35
36 **SECTION 6.** 26-2-721, Colorado Revised Statutes, is amended
37 to read:

38
39 **26-2-721. Long-term works reserve fund - creation - use.** There
40 is hereby created the Colorado long-term works reserve fund that shall
41 consist of TANF block grant moneys, state general funds appropriated
42 thereto by the general assembly, or moneys transferred pursuant to
43 section 26-2-714 (5) (a), 26-2-716 (4) (b), or 26-2-720 (4). Moneys in
44 the reserve fund shall be used only for the purpose of implementing the
45 works program, INCLUDING BUT NOT LIMITED TO THE PROVISIONS SET
46 FORTH IN SECTION 26-2-708 (5.5), or for the purpose of making transfers
47 that are allowed under the federal law for transfers to programs funded
48 by Title XX of the social security act or for transfers to the child care
49 development fund and shall be subject to annual appropriation by the
50 general assembly. Prior to requesting any appropriations out of the
51 reserve fund for the purpose of making transfers, the state department
52 shall consult with counties and provide information to the joint budget
53 committee for the purposes of insuring that all transfers of TANF funds
54 do not exceed the federal limits for transfers and insuring that the needs
55 of counties to make transfers authorized pursuant to section 26-2-714 (7)
56 and (9) are considered. Federal funds available to the state under the

1 TANF block grant not otherwise appropriated shall be appropriated to the
2 Colorado long-term works reserve fund. All interest derived from the
3 deposit or investment of the moneys in the reserve fund shall be credited
4 to the reserve fund.

5
6 **SECTION 7. Appropriation.** In addition to any other
7 appropriation, there is hereby appropriated from the long-term Colorado
8 works reserve fund established in section 26-2-721, Colorado Revised
9 Statutes, to the department of human services, for the fiscal year
10 beginning July 1, 2001, the sum of _____ (\$), or so much thereof as
11 may be necessary, for the implementation of this act."

12
13 Renumber succeeding section accordingly.

14
15
16
17 **HB01-1221** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:

20
21 Amend printed bill, page 2, after line 1, insert the following:

22
23 "SECTION 1. 18-4-407, Colorado Revised Statutes, is amended
24 to read:

25
26 **18-4-407. Questioning of person suspected of theft without**
27 **liability.** If any person TRIGGERS AN ALARM OR A THEFT DETECTION
28 DEVICE AS DEFINED IN SECTION 18-4-417 (2) C.R.S., OR conceals upon his
29 person or otherwise carries away any unpurchased goods, wares, or
30 merchandise held or owned by any store or mercantile establishment, the
31 merchant or any employee thereof or any peace officer, acting in good
32 faith and upon probable cause based upon reasonable grounds therefor,
33 may detain and question such person, in a reasonable manner for the
34 purpose of ascertaining whether the person is guilty of theft. Such
35 questioning of a person by a merchant, merchant's employee, or peace or
36 police officer does not render the merchant, merchant's employee, or
37 peace officer civilly or criminally liable for slander, false arrest, false
38 imprisonment, malicious prosecution, or unlawful detention."

39
40 Renumber succeeding sections accordingly.

41
42 Page 2, line 7, strike "DEVICE." and substitute "DEVICE WITH THE
43 KNOWLEDGE THAT SOME PERSON INTENDS TO USE THE DEVICE IN THE
44 COMMISSION OF AN OFFENSE INVOLVING THEFT."

45
46 Page 3, strike lines 14 through 26.

47
48
49
50
51 **EDUCATION**

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

54
55 **HB01-1044** be postponed indefinitely.

56

1 **HB01-1192** be postponed indefinitely.

2

3

4 **HB01-1215** be referred to the Committee of the Whole with favorable
5 recommendation.

6

7

8 **HB01-1260** be referred to the Committee of the Whole with favorable
9 recommendation.

10

11

12

13

14 **INFORMATION & TECHNOLOGY**

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

17

18 **HB01-1126** be postponed indefinitely.

19

20

21 **HB01-1149** be postponed indefinitely.

22

23

24 **HB01-1163** be amended as follows, and as so amended, be referred to
25 the Committee on Appropriations with favorable
26 recommendation:

27

28 Amend printed bill, page 4, after line 4, insert the following:

29

30 "(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT, FOR
31 PURPOSES OF THIS ARTICLE, ANY SCHOOL THAT PROVIDES EDUCATIONAL
32 SERVICES TO STUDENTS WHO ARE INCLUDED IN THE PUPIL COUNT OF A
33 SCHOOL DISTRICT AND RECEIVES A PORTION OF THE PER PUPIL OPERATING
34 REVENUES OF A SCHOOL DISTRICT IN EXCHANGE FOR PROVIDING SUCH
35 SERVICES SHALL BE CONSIDERED A PUBLIC SCHOOL.";

36

37 after line 8, insert the following:

38

39 "(2) "FACILITY SCHOOL" MEANS A SCHOOL THAT IS OPERATED BY
40 A RESIDENTIAL CHILD CARE FACILITY OR A RESIDENTIAL TREATMENT
41 FACILITY THAT RECEIVES A PORTION OF THE PER PUPIL OPERATING
42 REVENUES OF ONE OR MORE SCHOOL DISTRICTS TO PROVIDE EDUCATIONAL
43 SERVICES FOR CHILDREN WHO ARE INCLUDED IN THE PUPIL COUNT OF A
44 SCHOOL DISTRICT AND ARE RESIDING AT THE FACILITY. FOR PURPOSES OF
45 THIS ARTICLE, A FACILITY SCHOOL SHALL BE CONSIDERED TO BE A PUBLIC
46 SCHOOL.".

47

48 Renumber succeeding subsections accordingly.

49

50 Page 4, line 13, after "THE", insert "DEVELOPMENT,";

51

52 line 14, strike "TECHNOLOGICAL OR DIGITAL" and substitute
53 "INFORMATION TECHNOLOGY";

54

55 line 23, strike "DISTRICTS AND CHARTER SCHOOLS" and substitute
56 "DISTRICTS, CHARTER SCHOOLS, AND FACILITY SCHOOLS";

- 1 line 25, after "SCHOOL", insert "AND FACILITY SCHOOL".
2
3 Page 5, line 9, strike "DISTRICT OR CHARTER SCHOOL" and substitute
4 "DISTRICT, CHARTER SCHOOL, OR FACILITY SCHOOL";
5
6 line 15, strike "DISTRICTS AND CHARTER SCHOOLS" and substitute
7 "DISTRICTS, CHARTER SCHOOLS, AND FACILITY SCHOOLS";
8
9 line 17, strike "DISTRICT OR" and substitute "DISTRICT,";
10
11 line 18, strike "SCHOOL" and substitute "SCHOOL, OR FACILITY SCHOOL";
12
13 line 20, strike "DISTRICTS AND" and substitute "DISTRICTS,";
14
15 line 21, strike "SCHOOLS" and substitute "SCHOOLS, AND FACILITY
16 SCHOOLS".
17
18 Page 6, line 6, strike "DISTRICT OR" and substitute "DISTRICT,";
19
20 line 7, strike "SCHOOL" and substitute "SCHOOL, OR FACILITY SCHOOL";
21
22 line 14, strike "SCHOOL" and substitute "SCHOOL, FACILITY SCHOOL,";
23
24 line 16, strike "DISTRICT'S OR CHARTER SCHOOL'S" and substitute
25 "DISTRICT'S, CHARTER SCHOOL'S, OR FACILITY SCHOOL'S";
26
27 line 20, strike "DISTRICT OR CHARTER SCHOOL" and substitute "DISTRICT,
28 CHARTER SCHOOL, OR FACILITY SCHOOL";
29
30 line 27, after the first "SCHOOL,", insert "FACILITY SCHOOL,".
31
32 Page 7, line 10, strike "DISTRICT OR CHARTER SCHOOL" and substitute
33 "DISTRICT, CHARTER SCHOOL, OR FACILITY SCHOOL", and add a comma
34 after "DISTRICTS";
35
36 line 11, strike "AND CHARTER SCHOOLS" and substitute "CHARTER
37 SCHOOLS, AND FACILITY SCHOOLS";
38
39 line 13, strike "DISTRICT'S OR" and substitute "DISTRICT'S,";
40
41 line 14, strike "SCHOOL'S" and substitute "SCHOOL'S, OR FACILITY
42 SCHOOL'S";
43
44 line 19, strike "DISTRICT OR CHARTER SCHOOL" and substitute "DISTRICT,
45 CHARTER SCHOOL, OR FACILITY SCHOOL";
46
47 line 22, after the first "SCHOOL,", insert "FACILITY SCHOOL,".
48
49 Page 8, line 1, strike "DISTRICT OR CHARTER SCHOOL" and substitute
50 "DISTRICT, CHARTER SCHOOL, OR FACILITY SCHOOL";
51
52 line 5, strike "DISTRICTS AND" and substitute "DISTRICTS,";
53
54 line 6, strike "SCHOOLS" and substitute "SCHOOLS, AND FACILITY
55 SCHOOLS";
56

1 line 11, strike "DISTRICTS AND CHARTER SCHOOLS" and substitute
2 "DISTRICTS, CHARTER SCHOOLS, AND FACILITY SCHOOLS";

3

4 after line 12, insert the following:

5

6 "(4) IF A FACILITY SCHOOL RECEIVES ONE OR MORE GRANTS
7 PURSUANT TO THIS SECTION, AND THE FACILITY SCHOOL SUBSEQUENTLY
8 CEASES OPERATIONS, ANY HARDWARE OR SOFTWARE PURCHASED USING
9 THE GRANT MONEYS RECEIVED SHALL REVERT TO THE SCHOOL DISTRICT IN
10 WHICH THE FACILITY SCHOOL WAS LOCATED.";

11

12 line 13, strike "DISTRICT AND" and substitute "DISTRICT,";

13

14 line 14, strike "SCHOOL" and substitute "SCHOOL, AND FACILITY SCHOOL";

15

16 line 15, strike the second "THE" and substitute "EACH";

17

18 line 25, strike "DISTRICT'S OR CHARTER SCHOOL'S" and substitute
19 "DISTRICT'S, CHARTER SCHOOL'S, OR FACILITY SCHOOL'S".

20

21 Page 9, line 10, strike "DISTRICTS AND CHARTER SCHOOLS" and substitute
22 "DISTRICTS, CHARTER SCHOOLS, AND FACILITY SCHOOLS";

23

24 line 16, after the first "SCHOOLS," insert "FACILITY SCHOOLS,";

25

26 line 22, strike "DISTRICTS AND" and substitute "DISTRICTS,";

27

28 line 23, strike "SCHOOLS" and substitute "SCHOOLS, AND FACILITY
29 SCHOOLS".

30

31

32

33 **HB01-1170** be amended as follows, and as so amended, be referred to
34 the Committee on Finance with favorable
35 recommendation:

36

37 Amend printed bill, page 2, after line 23, insert the following:

38

39 "(III) THE DEPARTMENT SHALL MAINTAIN THE FULL AMOUNT OF
40 REVENUE OTHERWISE REQUIRED TO BE DISTRIBUTED TO THE HIGHWAY
41 USERS TAX FUND NOTWITHSTANDING ANY THIRD PARTY CHARGES THAT
42 MAY BE ASSESSED TO COMPLETE THE ELECTRONIC TRANSACTION.".

43

44 Page 3, line 2, strike "MAY PROMULGATE" and substitute "SHALL NOT
45 ALLOW THE RENEWAL OF A DRIVER'S LICENSE BY ELECTRONIC MEANS
46 UNTIL THE DEPARTMENT PROMULGATES";

47

48 line 3, strike "(1.5)." and substitute "(1.5), INCLUDING RULES, IN
49 COMPLIANCE WITH STANDARDS ESTABLISHED PURSUANT TO ARTICLE 37.5
50 OF TITLE 24, C.R.S., TO MINIMIZE TO THE GREATEST EXTENT POSSIBLE
51 OPPORTUNITIES FOR IDENTITY THEFT AND THE RISKS OF A DRIVER'S
52 LICENSE BEING OBTAINED FRAUDULENTLY OR ISSUED TO THE IMPROPER
53 PERSON.".

54

55

56

1 **TRANSPORTATION & ENERGY**

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

4
5 **HB01-1007** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 7, strike "ORGANIZATION" and substitute
10 "ORGANIZATION, OTHER THAN AN INDIVIDUAL MUNICIPALITY OR COUNTY,".

11
12 Page 3, line 12, strike "JULY 1, 2001, AND EACH JULY";

13
14 line 13, strike "1" and substitute "AUGUST 15, 2001, AND EACH AUGUST
15 15".

16
17
18
19 **HB01-1049** be postponed indefinitely.

20
21
22 **HB01-1210** be amended as follows, and as so amended, be referred to
23 the Committee of the Whole with favorable
24 recommendation:

25
26 Amend printed bill, page 4, strike lines 13 through 21 and substitute:

27
28 "SECTION 4. **Safety clause.** The general assembly hereby finds,
29 determines, and declares that this act is necessary for the immediate
30 preservation of the public peace, health, and safety."

31
32
33
34 **HB01-1220** be referred favorably to the Committee on Appropriations.

35
36
37
38 **INTRODUCTION OF RESOLUTION**

39
40 The following resolution was read by title and referred to the committee
41 indicated:

42
43 **HJR01-1011** by Representative(s) Berry--Concerning creation of an
44 interim committee to study higher education governance
45 issues.

46 Committee on Education

47
48 WHEREAS, The current governance structure for higher education
49 in the state of Colorado was established through legislation enacted in
50 1985, and the General Assembly has not considered legislation making
51 significant changes to the governance structure for higher education since
52 that time; and

53
54 WHEREAS, The demand and need for higher education has
55 increased significantly since 1985 due, in part, to population growth and
56 advances in technology that drive changes in the educational needs of

1 Colorado students; and

2

3 WHEREAS, It is essential that the higher education needs of
4 students in all areas of the state, particularly the rural areas, are
5 adequately, efficiently, and effectively met; and

6

7 WHEREAS, During the first regular session of the sixty-second
8 General Assembly, the General Assembly adopted House Bill 99-1289
9 requiring a study" to reexamine higher education performance in the state
10 and determine whether changes and improvements may be made in the
11 delivery of higher education services to more effectively serve Colorado's
12 citizens throughout the state"; and

13

14 WHEREAS, The study has been completed by the Northwest
15 Educational Research Center ("NORED") and recommendations were
16 made in a report entitled, "Steady Progress: A Program for Colorado
17 Higher Education at the Dawn of the 21st Century"; and

18

19 WHEREAS, The study finds that public expectations of higher
20 education are changing dramatically and that "interest in access and
21 certification, financial scarcity, the expanding application of information
22 technologies, and a persistent emphasis on economic competitiveness
23 argue for reconsideration of the manner in which [the state system of
24 higher education] is governed and managed"; and

25

26 WHEREAS, The study further suggests that the framework for
27 higher education policy may be shifting from dependence on close
28 regulation of institutions to greater reliance on the positive effect of
29 market forces and from limited, traditional definitions of providers and
30 students to a more comprehensive understanding of education delivery in
31 a variety of circumstances and locations and a greater recognition of
32 students that represent a broader cross section of society; and

33

34 WHEREAS, To ensure the effectiveness, efficacy, and success of
35 implementing some of the governance changes suggested by the study,
36 the General Assembly needs to undertake careful consideration of the
37 fiscal implications for individual state-supported institutions of higher
38 education and for the statewide system of higher education as a whole;
39 and

40

41 WHEREAS, Prior to implementation of governance changes for
42 selected state-supported institutions of higher education it is appropriate
43 to reexamine and adjust, if necessary, the roles and missions of each of
44 the state-supported institutions of higher education; now, therefore,

45

46 *Be It Resolved by the House of Representatives of the Sixty-third*
47 *General Assembly of the State of Colorado, the Senate concurring*
48 *herein:*

49

50 (1) That there is hereby created an interim committee to work
51 through the 2001 interim to study the feasibility of implementing the
52 recommendations made in the NORED report and, in connection
53 therewith, to examine the role and mission of each of the state-supported
54 institutions of higher education. In studying the feasibility of
55 implementing the recommendations and examining the institutional role
56 and missions, the interim committee may recommend legislation to:

- 1 (a) Implement the report's recommendations or to implement
2 alternative approaches to achieve the same goals identified by the report's
3 recommendations; and
4
- 5 (b) Implement changes to the role and mission of one or more
6 state-supported institutions of higher education.
7
- 8 (2) The interim committee shall consist of seventeen members.
9 The Speaker of the House of Representatives and the President of the
10 Senate shall appoint the members of the committee no later than thirty
11 days after passage of this resolution, as follows:
12
- 13 (a) The Speaker of the House of Representatives shall appoint:
14
- 15 (I) Five representatives, one of whom shall be named the
16 chairperson of the interim committee, and no more than three of whom
17 shall be from the same political party;
18
- 19 (II) One representative of the Colorado commission on higher
20 education;
21
- 22 (III) One representative of the state board of agriculture;
23
- 24 (III) One representative of the board of trustees of the state
25 colleges in Colorado; and
26
- 27 (IV) One representative of the board of trustees of the Colorado
28 school of Mines;
29
- 30 (b) The President of the Senate shall appoint:
31
- 32 (I) Four senators, one of whom shall be named the
33 vice-chairperson of the interim committee, and no more than three of
34 whom shall be from the same political party;
35
- 36 (II) One representative of the Colorado commission on higher
37 education;
38
- 39 (III) One representative of the university of Colorado board of
40 regents;
41
- 42 (IV) One representative of the board of trustees for the University
43 of Northern Colorado; and
44
- 45 (V) One representative of the state board for community colleges
46 and occupational education.
47
- 48 (3) That the interim committee shall meet no fewer than four
49 times and shall take public testimony that, at a minimum, shall include
50 testimony from each of the four-year state-supported institutions of higher
51 education.
52
- 53 (4) That the interim committee shall make findings and
54 recommendations regarding the issues reviewed in this study, and shall
55 submit a written report on the interim committee's findings and
56 recommendations, including but not limited to any recommendations for

1 legislation, to the General Assembly no later than November 15, 2001.
2 Legislation recommended by the interim committee shall be treated as
3 legislation recommended by any other interim committee for purposes of
4 any introduction deadlines or bill limitations imposed by the Joint Rules
5 of the Senate and the House of Representatives.

6
7 (5) That the legislative members of the interim committee shall be
8 paid compensation as provided in section 2-2-307, Colorado Revised
9 Statutes, for attendance at meetings of the interim committee.

10
11 (6) That the non-legislative members of the interim committee
12 shall serve without compensation.

13
14 (7) That the Legislative Council staff, the Office of Legislative
15 Legal Services, and the department of higher education shall be made
16 available to assist the interim committee in carrying out its duties.

17
18 (8) That all expenditures incurred while conducting this study
19 shall be approved by the chair of the Legislative Council and paid by
20 vouchers and warrants drawn as provided by law from moneys allocated
21 to the Legislative Council for legislative studies from appropriations
22 made by the General Assembly.

23 _____
24
25 **LAY OVER OF CALENDAR ITEMS**

26
27
28 On motion of Representative Spradley, Consideration of General Orders
29 **(HB01-1089, 1150, 1189, 1012, 1160, 1175, 1186, 1134, 1152, 1161,**
30 **1135)** was laid over until February 9, retaining place on Calendar.

31 _____
32
33 On motion of Representative Spradley, the House adjourned until
34 9:00 a.m., February 9, 2001.

35
36 Approved:

37
38
39
40 DOUG DEAN,
41 Speaker

42 Attest:

43
44 JUDITH RODRIGUE,
45 Chief Clerk
46