

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

Forty-fourth Legislative Day

Thursday, February 22, 2001

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

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

4

5 The roll was called with the following result:

6

7 Present--61.

8 Excused for Legislative Business--Representative Smith--1.

9 Excused--Representatives Bacon, Chavez--2.

10 Absent--Representative Grossman--1.

11 Present after roll call--Representatives Bacon, Grossman.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Daniel, the reading of the journal of
17 February 21, 2001, was declared dispensed with and approved as
18 corrected by the Chief Clerk.

19

20

21

INTRODUCTION AND CONSIDERATION OF RESOLUTION

22

23 The following resolution was read at length and given immediate
24 consideration:

25

26
27 **HJR01-1014** by Representative Dean; also Senator Matsunaka--
28 Concerning closing the learning gap.

29

30 WHEREAS, Education is the necessary passport to full
31 participation in the opportunities available in American society; and

32

33 WHEREAS, Those opportunities may be seriously diminished for
34 the young person who cannot obtain a personally satisfying or financially
35 adequate job because he or she never received an adequate education; and

36

37 WHEREAS, If our American democracy is to endure and prosper,
38 it cannot be a society that tolerates two systems of education - one of high
39 expectations for children from affluent families and one of lower
40 expectations for children of a lower socioeconomic status or of any
41 minority group; and

42

43 WHEREAS, If Colorado is to be the best state in which to raise a
44 child, then it must be so for all children; and

45

1 WHEREAS, Both Republican and Democrat governors and
2 legislators have given us the tools to compel accountability on behalf of
3 our children; and
4

5 WHEREAS, Colorado Governor Bill Owens and Colorado
6 Attorney General Ken Salazar are Co-Chairs of Colorado's Closing the
7 Learning Gap Coalition; now, therefore,
8

9 *Be It Resolved by the House of Representatives of the Sixty-third*
10 *General Assembly of the State of Colorado, the Senate concurring*
11 *herein:*
12

13 (1) That closing the learning gap is an important goal of
14 Colorado's education reform program; and
15

16 (2) That the State Board of Education and the Department of
17 Education are urged to take all appropriate steps to make closing the
18 learning gap a central element of educational accountability in Colorado.
19

20
21 On motion of Representative Spradley, the rules were suspended and the
22 resolution given immediate consideration
23

24 On motion of Representative Dean, the resolution was read at length.
25

26
27 Amendment No. 1, moved by Representative Lee.
28

29 Amend printed joint resolution, page 1, line 6, strike "American
30 democracy" and substitute "constitutional republic".
31

32 The amendment was declared **passed** by **viva voce** vote.
33

34
35 On motion of Representative Dean, the resolution as amended was
36 **adopted** by **viva voce** vote.
37

38 Co-sponsors added: Roll call of the House.
39

40 _____
41
42 **THIRD READING OF BILL--FINAL PASSAGE**
43

44 The following bill was considered on Third Reading. The title was
45 publicly read. Reading of the bill at length was dispensed with by
46 unanimous consent.
47

48 **HB01-1114** by Representative(s) Groff; also Senator(s) Tate--
49 Concerning profiling in connection with law enforcement
50 traffic stops.
51

52 The question being "Shall the bill pass?".
53 A roll call vote was taken. As shown by the following recorded vote, a
54 majority of those elected to the House voted in the affirmative and the bill
55 was declared **passed**.
56

	YES 58	NO 4	EXCUSED 3	ABSENT 0
1				
2				
3	Alexander	Y Groff	Y Miller	Y Spence Y
4	Bacon	E Grossman	Y Mitchell	Y Spradley Y
5	Berry	Y Hefley	N Nuñez	Y Stafford Y
6	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
7	Boyd	Y Hoppe	Y Plant	Y Swenson Y
8	Cadman	N Jahn	Y Ragsdale	Y Tapia Y
9	Chavez	E Jameson	Y Rhodes	Y Tochtrop Y
10	Clapp	Y Johnson	Y Rippy	Y Veiga Y
11	Cloer	Y Kester	Y Romanoff	Y Vigil Y
12	Coleman	Y King	Y Saliman	Y Webster Y
13	Crane	Y Larson	Y Sanchez	Y Weddig Y
14	Daniel	Y Lawrence	Y Schultheis	N White Y
15	Decker	Y Lee	Y Scott	Y Williams S. Y
16	Fairbank	Y Mace	Y Sinclair	N Williams T. Y
17	Fritz	Y Madden	Y Smith	E Witwer Y
18	Garcia	Y Marshall	Y Snook	Y Young Y
19				Mr. Speaker Y
20				

21 Co-sponsors added: Representatives Alexander, Borodkin, Boyd, Cloer,
 22 Coleman, Crane, Daniel, Decker, Fairbank, Fritz, Garcia, Grossman, Hodge,
 23 Hoppe, Jahn, Jameson, Johnson, Larson, Lee, Mace, Madden, Miller, Mitchell,
 24 Paschall, Plant, Ragsdale, Rippy, Romanoff, Saliman, Sanchez, Scott, Snook,
 25 Spence, Spradley, Stafford, Tapia, Tochtrop, Veiga, Vigil, Weddig, White,
 26 Williams S., Mr. Speaker.

27
 28
 29
 30 On motion of Representative Spradley, **HB01-1297, 1161, 1320, 1201,**
 31 **1286** shall be made Special Orders on Thursday, February 22, 2001, at
 32 9:35 a.m.

33
 34
 35 The hour of 9:35 a.m., having arrived, on motion of Representative
 36 Kester, the House resolved itself into Committee of the Whole for
 37 consideration of Special Orders and he was called to the Chair to act as
 38 Chairman.

42 SPECIAL ORDERS--SECOND READING OF BILLS

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

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

51
 52 **HB01-1297** by Representative(s) Spradley; also Senator(s) McElhany--
 53 Concerning a prohibition on removing an alcohol beverage
 54 from certain licensed premises.
 55

1 Amendment No. 1, Local Government Report, dated February 14, 2001,
2 and placed in member's bill file; Report also printed in House Journal,
3 February 15, page 409.

4
5 Amendment No. 2, by Representative Spradley.

6
7 Amend the Local Government Committee Report, dated February 14,
8 2001, page 1, strike lines 1 through 3;

9
10 line 4, before "strike", insert "Amend printed bill, page 2,";

11
12 strike lines 5 through 11 and substitute the following:

13
14 "''''WARNING
15 DO NOT LEAVE THE PREMISES OF THIS ESTABLISHMENT
16 WITH AN ALCOHOL BEVERAGE.
17 IT IS ILLEGAL TO CONSUME AN ALCOHOL BEVERAGE IN
18 A PUBLIC PLACE.
19 A FINE OF UP TO \$250 MAY BE IMPOSED BY THE COURTS
20 FOR A VIOLATION OF THIS PROVISION.''''.
21

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

24
25 **HB01-1161** by Representative(s) Mace, Coleman, Sanchez, Tochtrop,
26 Williams S.; also Senator(s) Hernandez--Concerning
27 eligibility requirements for children's access to health care.
28

29 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
30 dated February 5, 2001, and placed in member's bill file; Report also
31 printed in House Journal, February 6, pages 294-294.
32

33 Amendment No. 2, by Representatives Young and Berry.

34
35 Amend the Health, Environment, Welfare, & Institutions Committee
36 Report, dated February 5, 2001, page 2, after line 25, insert the following:

37
38 "SECTION 2. **Legislative intent.** If the department of health
39 care policy and financing implements the provisions of section 26-4-106,
40 Colorado Revised Statutes, as amended by this act, it is the intent of the
41 general assembly that the department shall seek authorization from the
42 general assembly for FTE to implement this act."
43

44 Renumber succeeding sections accordingly.

45
46 As amended, ordered engrossed and placed on the Calendar for Third
47 Reading and Final Passage.

48
49 **HB01-1320** by Representative(s) Spradley; also Senator(s) Phillips,
50 Takis--Concerning a consumer right to equitable access to
51 prescription drugs.
52

53 Amendment No. 1, Business Affairs & Labor Report, dated February 15,
54 2001, and placed in member's bill file; Report also printed in House
55 Journal, February 16, page 431.
56

1 Amendment No. 2, by Representative Spradley.

2

3 Amend the Business, Affairs, and Labor Committee Report, dated
4 February 15, 2001, page 1, strike line 13 and substitute the following:

5

6 "PHARMACY.

7

8 (8) SUBSECTIONS (4) AND (5) OF THIS SECTION ARE NOT INTENDED
9 TO CHANGE PRICING, COST SHARING, OR ANY OF THE PARAMETERS WITH
10 REGARD TO HOW A HEALTH BENEFIT PLAN OPERATES.";"

11

12 Amendment No. 3, by Representative Mitchell.

13

14 Amend the Amendment No. 2, by Representative Spradley, printed in
15 House Journal page 501, line 8, strike "ARE NOT INTENDED" and substitute
16 "SHALL NOT BE CONSTRUED".

17

18 Amendment No. 4, by Representative Spradley.

19

20 Amend printed bill, page 4, line 2, after "CONDITIONS", insert
21 "INCLUDING, BUT NOT LIMITED TO, CONDITIONS CONCERNING ANY
22 DIFFERENCE IN THE AMOUNT OR LENGTH OF A PRESCRIPTION,".

23

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

26

27 **HB01-1286** by Representative(s) Alexander; also Senator(s) Hagedorn
28 --Concerning faith healing in the crime of child abuse.

29

30 Ordered engrossed and placed on the Calendar for Third Reading and
31 Final Passage.

32

33 **HB01-1201** by Representative(s) Stafford, Clapp, Cloer, Johnson,
34 Smith, Snook, Webster, White; also Senator(s) Musgrave--
35 Concerning the modification of existing state income tax
36 credits.

37

38 Amendment No. 1, Finance Report, dated February 7, 2001, and placed
39 in member's bill file; Report also printed in House Journal, February 9,
40 page 368.

41

42 As amended, referred to the Committee on Appropriations.

43

44

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

46

47 Representatives Spence, Mitchell, King, Cadman, and Cloer moved to
48 amend the Report of the Committee of the Whole to show that the
49 following Spence amendment, to HB01-1286, did pass, and that
50 **HB01-1286, as amended**, did pass.

51

52 Amend printed bill, page 1, strike lines 2 through 4 and substitute the
53 following:

54

55 "SECTION 1. 18-6-401 (6), Colorado Revised Statutes, is
56 amended, and the said 18-6-401 is further amended BY THE ADDITION

1 OF A NEW SUBSECTION, to read:

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18-6-401. Child abuse. (6) A parent, guardian, or legal custodian who chooses and legitimately practices treatment by spiritual means through prayer in accordance with section 19-3-103, C.R.S., PROVIDED RELIANCE UPON SUCH TREATMENT IS REASONABLE UNDER THE CIRCUMSTANCES, shall not be considered to have injured or endangered the child and to be criminally liable under the laws of this state solely because he SUCH PERSON fails to provide medical treatment for the child, unless such person inhibits or interferes with the provision of medical treatment for the child in accordance with a court order, or unless there is an additional reason, other than health care, to consider the said child to be injured or endangered.

(6.5) IN DETERMINING WHETHER RELIANCE UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER IS REASONABLE, THE FOLLOWING FACTORS, AT A MINIMUM, SHALL BE CONSIDERED:

- (a) THE AGE, MATURITY, AND CAPACITY OF THE CHILD;
- (b) THE CONDITION FOR WHICH THE CHILD IS BEING TREATED;
- (c) WHETHER THE CHILD EXHIBITS CLEAR SYMPTOMS OF A LIFE-THREATENING CONDITION OR A CONDITION THAT WOULD RESULT IN SERIOUS DISABILITY;
- (d) THE LENGTH OF TIME DURING WHICH THE CHILD EXPERIENCES THE CONDITION; AND
- (e) THE LIKELIHOOD MEDICAL TREATMENT WOULD SUCCEED IN REMEDYING THE CHILD'S CONDITION."

Page 2, strike lines 1 through 8.

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

YES	26	NO	36	EXCUSED	3	ABSENT	0	
Alexander	N	Groff	N	Miller	N	Spence	Y	
Bacon	E	Grossman	N	Mitchell	Y	Spradley	N	
Berry	N	Hefley	N	Nuñez	Y	Stafford	Y	
Borodkin	N	Hodge	N	Paschall	Y	Stengel	N	
Boyd	N	Hoppe	Y	Plant	N	Swenson	Y	
Cadman	Y	Jahn	N	Ragsdale	N	Tapia	N	
Chavez	E	Jameson	N	Rhodes	Y	Tochtrop	N	
Clapp	Y	Johnson	N	Rippy	N	Veiga	N	
Cloer	Y	Kester	N	Romanoff	N	Vigil	N	
Coleman	N	King	Y	Saliman	N	Webster	Y	
Crane	Y	Larson	N	Sanchez	N	Weddig	N	
Daniel	N	Lawrence	N	Schultheis	Y	White	Y	
Decker	Y	Lee	Y	Scott	Y	Williams S.	N	
Fairbank	Y	Mace	N	Sinclair	Y	Williams T.	Y	
Fritz	Y	Madden	N	Smith	E	Witwer	Y	
Garcia	N	Marshall	N	Snook	Y	Young	N	
						Mr. Speaker	Y	

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB01-1297 amended, 1161 amended,**
4 **1320 amended, 1286.**

5
6 Referred to Committee indicated: **HB01-1201 amended**--Committee on
7 Appropriations.

8
9 The Chairman moved the adoption of the Committee of the Whole
10 Report. As shown by the following roll call vote, a majority of those
11 elected to the House voted in the affirmative, and the Report was
12 **adopted.**

13
14 YES 60 NO 3 EXCUSED 2 ABSENT 0

15								
16	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
17	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
18	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
19	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
20	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
21	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
22	Chavez	E	Jameson	Y	Rhodes	Y	Tochtrop	Y
23	Clapp	N	Johnson	Y	Rippy	Y	Veiga	Y
24	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
25	Coleman	Y	King	Y	Saliman	Y	Webster	Y
26	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
27	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
28	Decker	N	Lee	Y	Scott	Y	Williams S.	Y
29	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
30	Fritz	Y	Madden	Y	Smith	E	Witwer	N
31	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
32							Mr. Speaker	Y

33
34
35
36

37 **REPORTS OF COMMITTEES OF REFERENCE**

38
39 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

42
43 **HB01-1054** be postponed indefinitely.

44
45
46 **HB01-1346** 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 2, line 12, strike "THE DIVISION AND";

51
52 line 20, strike "1001-4," and substitute "1001-5,".

53
54
55

1 **HB01-1350** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, strike line 5 and substitute the following:

6 "(4) A PERSON";

7
8 line 6, strike "OF THE STATE";

9
10 line 14 after "UPON", insert "PRIVATELY OWNED";

11
12 line 17, strike "LANDOWNER, LESSEE," and substitute "LANDOWNER AND
13 THE LESSEE";

14
15 line 19, strike "GIVEN BY RADIO," and substitute "IN WRITING AND
16 DELIVERED IN PERSON OR BY MAIL ADDRESSED TO SUCH OWNER'S,
17 LESSEE'S, OR OCCUPANT'S LAST-KNOWN PLACE OF RESIDENCE.".

18
19 Page 3, strike line 1;

20
21 line 2, strike "OWNER, LESSEE, OR OCCUPANT.";

22
23 line 8, strike "SHALL" and substitute "MAY".
24
25
26
27

28 **BUSINESS AFFAIRS & LABOR**

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

31
32 **HB01-1243** be postponed indefinitely.
33
34

35 **HB01-1251** be referred to the Committee of the Whole with favorable
36 recommendation.
37
38

39 **HB01-1281** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:
42

43 Amend printed bill, page 2, strike lines 8 through 10 and substitute the
44 following:

45
46 "FORM DEED OF TRUST. SUCH";

47
48 strike line 12 and substitute the following:

49 "ACKNOWLEDGMENT OR SIGNATURE; WITHOUT";

50
51 line 13, strike "OR DESCRIPTION";

52
53 line 18, after "FORMS", insert "IN THE GRANTEE INDEX";

54
55 line 19, strike "RECORDED IN THE MANNER PROVIDED FOR" and substitute
56 "RECORDED.";

1 strike line 20;
 2
 3 line 23, strike "OF REAL" and substitute "ENCUMBERING REAL".
 4
 5 Page 3, line 5, strike "INSTRUMENT";
 6
 7 line 9, strike "LESS" and substitute "FEWER";
 8
 9 line 13, strike "PROVISIONS. IN" and substitute "PROVISIONS, PROVIDED
 10 THAT IN";
 11
 12 line 14, strike "INCORPORATED AND" and substitute "INCORPORATED.";
 13
 14 strike line 15;
 15
 16 line 18, strike "INSTRUMENT";
 17
 18 line 19, strike "THE MASTER" and substitute "SUCH MASTER";
 19
 20 line 20, strike "INCORPORATED BY REFERENCE".
 21
 22
 23

24 **HB01-1319** be amended as follows, and as so amended, be referred to
 25 the Committee of the Whole with favorable
 26 recommendation:
 27

28 Amend printed bill, page 3, strike lines 20 through 22.
 29

30 Page 4, strike lines 3 through 6.
 31

32 Page 7, line 7, strike "shall" and substitute "~~shall~~ MAY".
 33

34 Page 12, line 10, strike "(1.5)" and substitute "(4)";
 35

36 strike lines 12 through 14 and substitute the following:
 37

38 "including children who have been placed for adoption, as defined in
 39 section 10-16-104 ~~(16.5)~~ (6.5) or are under the legal guardianship of a
 40 resident of Colorado, shall be eligible for coverage under".
 41

42 Page 13, line 10, strike "INELIGIBILITY." and substitute "ELIGIBILITY".
 43

44 Page 21, line 24, strike "ABATEMENT" and substitute "DEFERRAL";
 45

46 line 25, strike "COMMISSIONER." and substitute "BOARD AND APPROVED
 47 BY THE COMMISSIONER OR FOR THE ABATEMENT OF FEES BASED ON
 48 CRITERIA ESTABLISHED BY THE COMMISSIONER."
 49

50 Page 23, line 2, strike "BOARD." and substitute "BOARD IN ACCORDANCE
 51 WITH INVESTMENT GUIDELINES SET FORTH IN ITS PLAN OF OPERATION.";
 52

53 strike lines 3 through 16 and substitute the following:
 54

55 **"SECTION 28. Repeal.** 10-8-531, Colorado Revised Statutes,
 56 is repealed as follows:

1 **10-8-531. Oversight of Colorado uninsurable health insurance**
 2 **plan - health, environment, welfare, and institutions committees of**
 3 **senate and house of representatives.** ~~The health, environment, welfare,~~
 4 ~~and institutions committees of the senate and house of representatives, on~~
 5 ~~or after July 1, 1992, shall review the implementation and evaluate the~~
 6 ~~effectiveness of the Colorado uninsurable health insurance plan. No later~~
 7 ~~than January 1, 1993, the health, environment, welfare, and institutions~~
 8 ~~committees of the senate and house of representatives shall make~~
 9 ~~recommendations to the general assembly about the operation,~~
 10 ~~administration, and funding of the plan."~~

11
 12 Page 24, after line 6, insert the following:

13
 14 **"SECTION 31.** 10-16-102, Colorado Revised Statutes, is
 15 amended BY THE ADDITION OF THE FOLLOWING NEW
 16 SUBSECTIONS to read:

17
 18 **10-16-102. Definitions.** As used in this article, unless the context
 19 otherwise requires:

20
 21 (10.5) "CHURCH PLAN" SHALL HAVE THE SAME MEANING AS SET
 22 FORTH IN 29 U.S.C. SEC. 1002 (33) OF THE FEDERAL "EMPLOYEE
 23 RETIREMENT INCOME SECURITY ACT OF 1974".

24
 25 (20.5) "GOVERNMENT PLAN" SHALL HAVE THE SAME MEANING AS
 26 SET FORTH IN 29 U.S.C. SEC. 1002 (32) OF THE FEDERAL "EMPLOYEE
 27 RETIREMENT INCOME SECURITY ACT OF 1974", AND AS IN ANY FEDERAL
 28 GOVERNMENTAL PLAN."

29
 30 Renumber succeeding sections accordingly.

31
 32 Page 30, line 19, strike "31" and substitute "32";

33
 34 line 21, strike "14 to 30, and 32 to 41" and substitute "14 to 31, and 33 to
 35 42".

36
 37
 38 **HB01-1335** be amended as follows, and as so amended, be referred to
 39 the Committee of the Whole with favorable
 40 recommendation:

41
 42 Amend printed bill, page 3, line 20, strike "AND SHALL NOT BE";

43
 44 line 21, strike "DISCOUNTED OR OTHERWISE REDUCED" and substitute
 45 "WITHOUT DIMINUTION".

46
 47
 48
 49
 50 **EDUCATION**

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

53
 54 **HB01-1262** be amended as follows, and as so amended, be referred to
 55 the Committee on Appropriations with favorable
 56 recommendation:

- 1 Amend printed bill, page 7, line 17, strike "SECTION 39-22-104," and
2 substitute "SECTIONS 39-22-104, 39-22-304, 39-22-509, AND 39-22-518,".
3
- 4 Page 9, line 14, strike "OFFICE OF STATE PLANNING AND BUDGETING" and
5 substitute "STAFF OF THE LEGISLATIVE COUNCIL";
6
7 line 18, strike "OFFICE OF";
8
9 line 19, strike "STATE PLANNING AND BUDGETING" and substitute "STAFF
10 OF THE LEGISLATIVE COUNCIL";
11
12 line 20, strike "PURSUANT TO SECTION 24-75-201.3 (2),";
13
14 line 21, strike "C.R.S.," and substitute "BY THE STAFF".
15
- 16 Page 10, line 4, strike "OFFICE OF STATE PLANNING AND BUDGETING" and
17 substitute "STAFF OF THE LEGISLATIVE COUNCIL";
18
19 line 12, strike "OFFICE OF STATE PLANNING";
20
21 line 13, strike "AND BUDGETING" and substitute "STAFF OF THE
22 LEGISLATIVE COUNCIL";
23
24 line 16, strike "OFFICE OF";
25
26 line 17, strike "STATE PLANNING AND BUDGETING" and substitute "STAFF
27 OF THE LEGISLATIVE COUNCIL";
28
29 line 25, strike "OFFICE OF STATE";
30
31 line 26, strike "PLANNING AND BUDGETING" and substitute "STAFF OF THE
32 LEGISLATIVE COUNCIL".
33
- 34 Page 11, line 22, strike "(20) (7) (a)" and substitute "20 (7) (a) OF ARTICLE
35 X".
36
- 37 Page 12, line 6, strike "THE RATE OF INFLATION" and substitute "AT LEAST
38 THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE
39 IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR";
40
41 line 10, strike "THE RATE OF INFLATION." and substitute "AT LEAST THE
42 RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE
43 IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR.";
44
45 line 22, strike "THE RATE OF INFLATION" and substitute "AT LEAST THE
46 RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE
47 IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR";
48
49 line 26, strike "THE RATE OF";
50
51 strike line 27 and substitute the following:
52
53 "AT LEAST THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN
54 THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR."
55
- 56 Page 13, line 13, strike "SIX" and substitute "FIVE";

1 line 17, strike "STAFF OF THE";

2

3 line 18, strike "LEGISLATIVE COUNCIL" and substitute "STATE AUDITOR";

4

5 line 24, strike "STAFF OF THE LEGISLATIVE COUNCIL SHALL,";

6

7 strike lines 25 through 27 and substitute the following:

8

9 "STATE AUDITOR, IN CONSULTATION WITH THE STAFF OF THE LEGISLATIVE
10 COUNCIL, THE OFFICE OF STATE PLANNING AND BUDGETING, THE STATE
11 TREASURER, THE DEPARTMENT OF EDUCATION, AND THE JOINT BUDGET
12 COMMITTEE SHALL CAUSE TO BE CONDUCTED A REVIEW OF THE MODEL
13 USED TO FORECAST REVENUES IN AND EXPENDITURES FROM THE STATE
14 EDUCATION FUND AND THE SPENDING REQUIREMENTS OF THE "PUBLIC
15 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE. THE REVIEW
16 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

17

18 (a) DETERMINING THE REASONABLENESS OF THE ASSUMPTIONS
19 USED TO FORECAST THE REVENUES AND EXPENDITURES;

20

21 (b) REVISING THE ASSUMPTIONS AS NECESSARY; AND

22

23 (c) PROVIDING INFORMATION ON THE FINANCIAL STABILITY OF THE
24 FUND TO THE GENERAL ASSEMBLY.";

25

26 after line 27, insert the following:

27

28 **"SECTION 2.** 22-7-603 (1), Colorado Revised Statutes, is
29 amended to read:

30

31 **22-7-603. State data reporting system.** (1) The department
32 shall develop and implement a comprehensive data collection and
33 reporting system for collecting and reporting performance indicators from
34 each public school. On or before September 1, 2000, the department
35 shall contract out for the development of the state data reporting system.
36 The department shall award the contract based upon a competitive bid;
37 except that the provisions of the "Procurement Code", articles 101 to 112
38 of title 24, C.R.S., shall not apply to this contract. The state data
39 reporting system shall be designed to collect, through electronic transfer
40 where possible, all student and public school performance data required
41 to ascertain the degree to which public schools and school districts are
42 meeting state performance standards and shall be capable of producing
43 data for decision-making and for the comprehensive annual report cards
44 on public school and district performance pursuant to sections 22-7-604
45 and 22-7-605. The state data reporting system shall be designed to
46 protect the privacy of individual students. ~~and individually identifying~~
47 ~~data.~~ In addition, the state data reporting system shall be designed to
48 include all the information and data elements needed for measuring
49 student and school performance, including fiscal, student, program,
50 personnel, facility, community, evaluation, and other relevant data and
51 shall allow for the analysis of the relationship between school district and
52 public school expenditures and effectiveness. ON AND AFTER JUNE 1,
53 2002, THE STATE DATA REPORTING SYSTEM SHALL ALSO HAVE THE
54 CAPABILITIES DESCRIBED IN SECTION 22-7-603.5 (3). Data elements
55 collected and provided by the department, school districts, and individual
56 public schools shall be compatible. The state data reporting system shall

1 be managed and administered by the department. Each school district
2 that has a unique information management system shall assure that
3 compatibility exists between its unique system and the data elements of
4 the state data reporting system so that all data required to be input into the
5 state data reporting system is made available through electronic transfer
6 and in the appropriate input format.

7
8 **SECTION 3.** Part 6 of article 7 of title 22, Colorado Revised
9 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
10 read:

11
12 **22-7-603.5 Legislative declaration - measurement of value**
13 **added to academic progress.** (1) (a) THE GENERAL ASSEMBLY HEREBY
14 FINDS AND DECLARES THAT:

15
16 (I) THE EDUCATION OF THE YOUTH OF THE STATE IS ONE OF THE
17 PRIMARY PURPOSES OF GOVERNMENT;

18
19 (II) EACH CHILD, NO MATTER WHERE THE CHILD STARTS, SHOULD
20 IMPROVE THE EQUIVALENT OF AT LEAST ONE ACADEMIC GRADE DURING A
21 SCHOOL YEAR;

22
23 (III) EACH SCHOOL YEAR, THE GOAL OF EACH SCHOOL AND EVERY
24 TEACHER SHOULD BE TO ADD VALUE TO EVERY STUDENT'S ACADEMIC
25 PROGRESS EQUIVALENT TO AT LEAST ONE ACADEMIC GRADE;

26
27 (IV) THERE IS CURRENTLY NO MECHANISM IN PLACE TO TRACK A
28 STUDENT'S ACADEMIC PROGRESS FROM YEAR-TO-YEAR OR OVER TIME; AND

29
30 (V) THERE IS CURRENTLY NO MECHANISM IN PLACE TO DETERMINE
31 THE VALUE ADDED TO A STUDENT'S ACADEMIC PROGRESS FROM SPENDING
32 A YEAR IN A SCHOOL.

33
34 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

35
36 (I) IN ADOPTING SECTION 17 OF ARTICLE IX OF THE STATE
37 CONSTITUTION, THE VOTERS INDICATED THAT SPECIFIED AREAS ARE
38 PRIORITIES FOR STATE EDUCATION FUNDING;

39
40 (II) AMONG THE AREAS THAT ARE TO BE GIVEN A PRIORITY FOR
41 STATE EDUCATION FUNDING ARE ACCOUNTABLE EDUCATION REFORM,
42 ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND
43 ACCOUNTABILITY REPORTS; AND

44
45 (III) A PROGRAM THAT TRACKS INDIVIDUAL STUDENT'S ACADEMIC
46 PROGRESS FROM YEAR-TO-YEAR OR OVER TIME MEETS MANY OF THE
47 PRIORITIES ADOPTED BY THE VOTERS.

48
49 (c) IN ENACTING THIS SECTION, IT IS THE INTENT OF THE GENERAL
50 ASSEMBLY TO:

51
52 (I) ESTABLISH A METHOD OF MEASURING A STUDENT'S ACADEMIC
53 PROGRESS FROM YEAR-TO-YEAR AND OVER TIME; AND

54
55 (II) ESTABLISH A METHOD OF MEASURING THE VALUE ADDED TO A
56 STUDENT'S ACADEMIC PROGRESS FROM SPENDING A YEAR IN A SCHOOL.

1 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
 2 REQUIRES, "VALUE ADDED" MEANS THE MEASUREMENT OF A STUDENT'S
 3 ACADEMIC PROGRESS FROM ONE SCHOOL YEAR TO THE NEXT, AS SHOWN BY
 4 THE STUDENT'S SCORES ON THE CSAP ASSESSMENTS.
 5

6 (3) NO LATER THAN JUNE 1, 2002, THE DEPARTMENT SHALL
 7 MODIFY THE STATE DATA REPORTING SYSTEM DEVELOPED AND
 8 IMPLEMENTED PURSUANT TO SECTION 22-7-603 AS NECESSARY TO ENSURE
 9 THAT THE SYSTEM:
 10

11 (a) IS CAPABLE OF STORING ALL CSAP SCORES FROM THE CSAP
 12 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-409 IN THE
 13 2001-02 SCHOOL YEAR AND EACH SUCCEEDING SCHOOL YEAR;
 14

15 (b) CAN BE USED TO PERFORM A VARIETY OF LONGITUDINAL
 16 ANALYSES OF INDIVIDUAL STUDENT ASSESSMENT RESULTS, CLASSROOM
 17 ASSESSMENT RESULTS, AND ENTIRE SCHOOL ASSESSMENT RESULTS WITH
 18 RESPECT TO SAID CSAP ASSESSMENTS; AND
 19

20 (c) IS CAPABLE OF LONGITUDINALLY TRACKING THE CSAP
 21 ASSESSMENT RESULTS OF STUDENTS WHO TRANSFER FROM ONE SCHOOL
 22 DISTRICT TO ANOTHER AND WHOSE ANNUAL ASSESSMENTS ARE
 23 ADMINISTERED BY DIFFERENT DISTRICTS.
 24

25 **SECTION 4. Appropriation.** In addition to any other
 26 appropriation, there is hereby appropriated, out of any moneys in the state
 27 education fund, created pursuant to section 17 of article IX of the state
 28 constitution, not otherwise appropriated, to the department of education,
 29 for the fiscal year beginning July 1, 2001, the sum of _____ dollars
 30 (____), or so much thereof as may be necessary, for the implementation
 31 of this act."
 32

33 Renumber succeeding section accordingly.
 34

35 Page 1, line 102, strike "CONSTITUTION." and substitute "CONSTITUTION,
 36 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."
 37
 38
 39

40 **HB01-1263** be amended as follows, and as so amended, be referred to
 41 the Committee on Appropriations with favorable
 42 recommendation:
 43

44 Amend printed bill, page 2, line 5, strike "**common core**" and substitute
 45 "**core courses**".
 46

47 Page 3, line 13, strike "AND";
 48

49 line 16, strike "REQUIREMENTS." and substitute "REQUIREMENTS;";
 50

51 after line 16, insert the following:
 52

53 "(h) A STUDENT'S CREDIT FOR THE COMPLETION OF THE CORE
 54 REQUIREMENTS AND CORE COURSES SHALL NOT EXPIRE FOR TEN YEARS
 55 FROM THE DATE OF INITIAL ENROLLMENT AND SHALL BE
 56 TRANSFERRABLE."

- 1 Page 4, line 15, strike "**Common core.**" and substitute "**Core courses.**";
2
3 line 17, strike "COMMON";
4
5 line 18, strike "COMMON";
6
7 line 20, strike "COMMON";
8
9 line 22, strike "AND ORAL";
10
11 line 23, strike "COMMON";
12
13 line 27, strike "REQUIRE" and substitute "ENSURE THAT INSTITUTIONS
14 DEVELOP".
15
16 Page 5, line 2, strike "COMMON";
17
18 line 3, strike "DETERMINE" and substitute "ENSURE THAT INSTITUTIONS
19 DEVELOP";
20
21 line 6, strike the first and second "COMMON";
22
23 line 13, strike "COMMON";
24
25 line 15, strike "STATE INSTITUTIONS OF";
26
27 strike lines 16 through 18;
28
29 strike line 19, and substitute "STUDENTS SHALL BE GRANTED CREDIT FOR
30 THE CORE".
31
32
33
34 **HB01-1290** be amended as follows, and as so amended, be referred to
35 the Committee of the Whole with favorable
36 recommendation:
37
38 Amend printed bill, page 16, after line 15, insert the following:
39
40 "(2) DURING THE PERIOD IN WHICH THE UNIVERSITY OF SOUTHERN
41 COLORADO UNDERTAKES THE ACTIVITIES SET FORTH IN SUBSECTION (1) OF
42 THIS SECTION, COLORADO STATE UNIVERSITY SHALL ASSIST THE
43 UNIVERSITY OF SOUTHERN COLORADO IN THE COORDINATION AND
44 DEVELOPMENT OF OUTREACH, CONTINUING EDUCATION AND SPECIAL
45 PROGRAMS, AND IN ADVANCING RECRUITMENT AND ENROLLMENT
46 MANAGEMENT STRATEGIES AND RESOURCES, STRATEGIC PLANNING, AND
47 OBJECTIVES OF MEETING REGIONAL NEEDS IN ACADEMIC PROGRAMMING."
48
49 Renumber succeeding subsections accordingly.
50
51 Page 16, line 17, strike "DECEMBER 1, 2002," and substitute "JANUARY 1,
52 2003,".
53
54
55

1 **HB01-1298** 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 3, strike "STATE" and substitute "A
6 STATEWIDE ARTICULATION MATRIX SYSTEM OF";
7

8 line 13, strike "COMMON COURSE NUMBERING SYSTEM" and substitute
9 "ARTICULATION MATRIX SYSTEM OF COMMON COURSE NUMBERING";
10

11 line 22, strike "INSTITUTIONS." and substitute "INSTITUTIONS; A
12 REPRESENTATIVE OF A STATEWIDE ASSOCIATION THAT REPRESENTS
13 STUDENTS ENROLLED IN HIGHER EDUCATION INSTITUTIONS; AND A
14 REPRESENTATIVE OF THE COMMISSION.";
15

16 strike lines 23 through 27 and substitute the following:
17

18 "(b) THE COUNCIL SHALL RECOMMEND TO THE COMMISSION A
19 STATEWIDE ARTICULATION MATRIX SYSTEM OF COMMON COURSE
20 NUMBERING TO WHICH THE GENERAL EDUCATION COURSES FOR EACH
21 HIGHER EDUCATION INSTITUTION MAY BE MAPPED."
22

23 Page 4, strike lines 1 through 6 and substitute the following:
24

25 "(c) (I) ON OR BEFORE OCTOBER 1, 2002, THE COUNCIL SHALL
26 RECOMMEND TO THE COMMISSION A LIST OF GENERAL EDUCATION
27 COURSES TO BE INCLUDED IN THE COURSE NUMBERING SYSTEM.";
28

29 strike lines 8 and 9 and substitute the following:
30

31 "ADOPT A STATEWIDE ARTICULATION MATRIX SYSTEM OF COMMON COURSE
32 NUMBERING FOR GENERAL EDUCATION COURSES, INCLUDING CRITERIA FOR
33 SUCH COURSES, ON OR";
34

35 line 10, strike "MAY 1, 2002." and substitute "JANUARY 1, 2003.";
36

37 strike line 12 and substitute the following:
38

39 "EDUCATION COURSES AND THE COURSE NUMBERING SYSTEM, INCLUDING
40 THE CRITERIA,";
41

42 line 13, strike "COMPETENCIES";
43

44 after line 15, insert the following:
45

46 "(d) ON OR BEFORE MARCH 31, 2002, THE COMMISSION SHALL
47 SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE
48 OF REPRESENTATIVES AND TO THE JOINT BUDGET COMMITTEE A REPORT ON
49 THE PROGRESS MADE BY THE COUNCIL AND THE COMMISSION TOWARD
50 ADOPTING THE COURSE NUMBERING SYSTEM."
51

52 Reletter succeeding paragraph accordingly.
53

54 Page 4, line 21, strike everything after the period;
55

56 strike lines 22 and 23;

1 line 24, strike "IN THE COURSE NUMBERING SYSTEM.";

2

3 line 25, strike "COURSES", and substitute "COURSES, INCLUDING COURSE
4 DESCRIPTIONS,";

5

6 line 26, strike "AUGUST 1, 2002." and substitute "MARCH 1, 2003, FOR
7 INCLUSION IN THE HIGHER EDUCATION INSTITUTION'S FALL 2003 COURSE
8 CATALOGUE.";

9

10 line 27, strike "2002," and substitute "2003,".

11

12 Page 5, line 13, after the period, add "EACH GOVERNING BOARD SHALL
13 MODIFY ITS EXISTING POLICIES AS MAY BE NECESSARY FOR THE
14 IMPLEMENTATION OF THIS SECTION.";

15

16 strike lines 18 and 19 and substitute the following:

17

18 "PROCEDURES.".

19

20

21

22 **HB01-1348** 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 2, line 17, strike "22-20-108." and substitute
27 "22-20-108. BEFORE AN EXEMPTION IS GRANTED, SUCH SCHOOLS MUST
28 PROVE AND MAKE PUBLIC THEY HAVE A PROCESS THAT WILL PROVIDE FOR
29 ACCOUNTABILITY.".

30

31 Page 4, line 15, after "classroom", insert "OR".

32

33

34

35

36 **FINANCE**

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

39

40 **HB01-1125** be amended as follows, and as so amended, be referred to
41 the Committee on Appropriations with favorable
42 recommendation:

43

44 Amend printed bill, page 4, line 5, strike "(a), Colorado Revised Statutes,
45 is" and substitute "(a) and (2) (a) (I) (E), Colorado Revised Statutes, are";

46

47 strike line 6 and substitute the following:

48 "amended, and the said 42-2-114 (2) (a) (I) is further amended BY THE
49 ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:".

50

51 Page 5, after line 23, insert the following:

52

53 "(IV) THE DEPARTMENT SHALL PROMULGATE RULES THAT SHALL
54 NOT ALLOW THE ACCESS AND USE OF IMAGES AND IMAGE COMPARISON
55 TECHNOLOGY, UNLESS SUCH IMAGES AND IMAGE COMPARISON
56 TECHNOLOGY IS USED FOR THE FOLLOWING:

1 (A) TO AID LAW ENFORCEMENT IN FELONY CRIMINAL
2 INVESTIGATIONS;

3
4 (B) TO AID THE DEPARTMENT TO ASCERTAIN A PERSON'S CORRECT
5 IDENTITY; OR

6
7 (C) TO AID THE DEPARTMENT TO PREVENT THE ISSUANCE OF
8 MULTIPLE DRIVER'S LICENSES OR IDENTIFICATION CARDS TO THE SAME
9 PERSON.

10
11 (2) (a) (I) Except as provided in subsection (3) of this section:

12
13 (E) On or before July 1, 2005, the department shall submit a
14 report to the transportation legislation review committee, created in
15 section 43-2-145, C.R.S., concerning the effect of extending the
16 expiration of driver's licenses on the fee revenue of the department and
17 its authorized agents, AND THE ADVISABILITY OF CONTINUING THE FEES
18 IMPOSED IN SUB-SUBPARAGRAPH (F) OF THIS SUBPARAGRAPH (I) AND THE
19 IDENTIFICATION SECURITY FUND CREATED IN SECTION 42-1-220 THAT IS
20 FUNDED THROUGH SUCH FEES.

21
22 (F) IN ADDITION TO THE FEES IMPOSED IN SUB-SUBPARAGRAPHS (A)
23 TO (D) OF THIS SUBPARAGRAPH (I), THE FEE FOR THE FIRST TIME ISSUANCE
24 OF A MINOR DRIVER'S OR DRIVER'S LICENSE SHALL INCLUDE A FIFTY CENT
25 SURCHARGE. SUCH SURCHARGE SHALL BE FORWARDED TO THE
26 DEPARTMENT FOR TRANSMISSION TO STATE TREASURER, WHO SHALL
27 CREDIT THE SAME TO THE IDENTIFICATION SECURITY FUND CREATED IN
28 SECTION 42-1-220. THIS SUB-SUBPARAGRAPH (F) IS REPEALED, EFFECTIVE
29 JULY 1, 2006.

30
31 **SECTION 4.** 42-2-306 (1) (a) (IV), Colorado Revised Statutes,
32 as it will become effective July 1, 2001, is amended, and the said
33 42-2-306 (1) (a) is further amended BY THE ADDITION OF A NEW
34 SUBPARAGRAPH to read:

35
36 **42-2-306. Fees - disposition.** (1) The department shall charge
37 and collect the following fees:

38
39 (a) (IV) On or before July 1, 2005, the department shall submit a
40 report to the transportation legislation review committee, created in
41 section 43-2-145, C.R.S., concerning the effect of extending the
42 expiration of identification cards on the fee revenue of the department,
43 AND THE ADVISABILITY OF CONTINUING THE FEES IMPOSED IN
44 SUBPARAGRAPH (V) OF THIS PARAGRAPH (a) AND THE IDENTIFICATION
45 SECURITY FUND CREATED IN SECTION 42-1-220 THAT IS FUNDED THROUGH
46 SUCH FEES.

47
48 (V) (A) IN ADDITION TO THE FEES IMPOSED IN SUBPARAGRAPHS (I)
49 TO (III) OF THIS PARAGRAPH (a), THE FEE FOR THE FIRST TIME ISSUANCE OF
50 A MINOR DRIVER'S OR DRIVER'S LICENSE SHALL INCLUDE A FIFTY CENT
51 SURCHARGE. SUCH SURCHARGE SHALL BE FORWARDED TO THE
52 DEPARTMENT FOR TRANSMISSION TO STATE TREASURER, WHO SHALL
53 CREDIT THE SAME TO THE IDENTIFICATION SECURITY FUND CREATED IN
54 SECTION 42-1-220.

55
56 (B) THIS SUB-SUBPARAGRAPH IS REPEALED, EFFECTIVE JULY 1,

1 2006.

2

3 **SECTION 5.** Part 2 of article 1 of title 42, Colorado Revised
4 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
5 read:

6

7 **42-1-220. Identification security fund.** (1) THERE IS HEREBY
8 CREATED A SPECIAL PURPOSE ACCOUNT IN THE HIGHWAY USERS TAX FUND
9 FOR THE PURPOSE OF ENHANCING THE SECURITY OF THE DRIVER'S LICENSES
10 AND IDENTIFICATION CARDS. MONEYS RECEIVED FROM THE FEES IMPOSED
11 IN SECTIONS 42-2-114 (2) (a) (I) (F) AND 42-2-306 (1) (a) (V) SHALL BE
12 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO
13 SUCH SPECIAL ACCOUNT WITHIN THE HIGHWAY USERS TAX FUND, TO BE
14 KNOWN AS THE IDENTIFICATION SECURITY FUND. MONEYS IN THE
15 IDENTIFICATION SECURITY FUND SHALL BE USED, SUBJECT TO
16 APPROPRIATION BY THE GENERAL ASSEMBLY, TO COVER THE COSTS OF
17 DRIVER'S LICENSE AND IDENTIFICATION CARD SECURITY ENHANCEMENTS
18 REQUIRED BY SECTIONS 42-2-106 (2) (b), 42-2-107 (1) (a) (II), 42-2-114
19 (1) (a), 42-2-302 (4), AND 42-2-303 (3).

20

21 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006."

22

23 Renumber succeeding sections accordingly.

24

25

26

27 **HB01-1208** be postponed indefinitely.

28

29

30 **HB01-1212** be amended as follows, and as so amended, be referred to
31 the Committee on Appropriations with favorable
32 recommendation:

33

34 Amend printed bill, page 2, line 6, strike "STATE SALES TAX LIABILITY"
35 and substitute "LIABILITY FOR STATE SALES TAX ONLY";

36

37 strike line 18 and substitute "REMIT SALES TAX PRIOR TO THE THIRD DAY
38 FOLLOWING THE DEADLINE SPECIFIED IN SECTION 39-26-105 FOR
39 TAXPAYERS".

40

41

42

43 **HB01-1223** be referred favorably to the Committee on Appropriations.

44

45

46 **HB01-1224** 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 5, line 5, strike "PURPOSES;" and substitute
51 "PURPOSES AND IS THE MAKER OF THE TRUST OR A PRINCIPAL OF THE
52 CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY;";

53

54 line 9, strike "PROPERTY AND" and substitute "PROPERTY,";

55

56 line 12, strike "PURPOSES;" and substitute "PURPOSES, AND WHO IS THE

1 MAKER OF THE TRUST OR A PRINCIPAL OF THE CORPORATE PARTNERSHIP OR
2 OTHER LEGAL ENTITY;";

3
4 line 17, strike "DEATH AND" and substitute "DEATH,";

5
6 line 21, strike "DEATH." and substitute "DEATH, AND WHO WAS THE MAKER
7 OF THE TRUST OR A PRINCIPAL OF THE CORPORATE PARTNERSHIP OR OTHER
8 LEGAL ENTITY PRIOR TO HIS OR HER DEATH.".

9
10 Page 7, strike line 4 and substitute the following:

11
12 "(2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
13 SUBSECTION (1) OF THIS SECTION,".

14
15 Renumber succeeding subsections accordingly.

16
17 Page 7, line 5, strike "SUBSECTION (1),";

18
19 line 20, strike "SINGLE-DWELLING" and substitute "SINGLE DWELLING";

20
21 line 22, after "RESIDENCE.", add "THE FULL AMOUNT OF THE EXEMPTION
22 ALLOWED BY SUBSECTION (1) OF THIS SECTION SHALL BE ALLOWED WITH
23 RESPECT TO ANY SINGLE DWELLING UNIT OF RESIDENTIAL REAL PROPERTY
24 SO LONG AS ANY OWNER-OCCUPIER OF THE DWELLING UNIT SATISFIES THE
25 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND THE FACT THAT
26 ANY OTHER PERSON WHO DOES NOT SATISFY SAID REQUIREMENTS IS ALSO
27 AN OWNER OF RECORD OF THE DWELLING UNIT SHALL NOT AFFECT THE
28 AMOUNT OF THE EXEMPTION.".

29
30 Page 8, line 23, strike "(5)" and substitute "(6)".

31
32 Page 9, line 25, after "ADDRESS", insert "AND SCHEDULE OR PARCEL
33 NUMBER".

34
35 Page 10, after line 2, insert the following:

36
37 "(IV) IF A TRUST IS THE OWNER OF RECORD OF THE RESIDENTIAL
38 REAL PROPERTY FOR WHICH AN EXEMPTION IS CLAIMED, THE NAMES OF
39 THE MAKER OF THE TRUST, THE TRUSTEE, AND THE BENEFICIARIES OF THE
40 TRUST;

41
42 "(V) IF A CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY IS THE
43 OWNER OF RECORD OF THE RESIDENTIAL REAL PROPERTY FOR WHICH AN
44 EXEMPTION IS CLAIMED, THE NAMES OF THE PRINCIPALS OF THE
45 CORPORATE PARTNERSHIP OR OTHER LEGAL ENTITY;".

46
47 Renumber succeeding subparagraphs accordingly.

48
49 Page 10, line 11, strike "APPLICANT" and substitute "APPLICANT, OR IN
50 THE CASE OF RESIDENTIAL REAL PROPERTY FOR WHICH THE OWNER OF
51 RECORD IS A TRUST, THE TRUSTEE,";

52
53 line 12, strike "IMMEDIATELY INFORM THE ASSESSOR" and substitute
54 "INFORM THE ASSESSOR WITHIN SIXTY DAYS".

55
56 Page 11, line 8, strike "AN APPLICANT WHO FAILS TO IMMEDIATELY" and

1 substitute "IF AN APPLICANT OR A TRUSTEE FAILS TO";
2
3 line 9, after "ASSESSOR", insert "WITHIN SIXTY DAYS";
4
5 strike line 14 and substitute the following:

6
7 "(I) AN EXEMPTION SHALL NOT BE ALLOWED WITH RESPECT TO THE
8 RESIDENTIAL REAL PROPERTY; AND";
9

10 line 15, strike "SHALL" and substitute "THE APPLICANT OR TRUSTEE
11 SHALL";
12

13 line 17, after "APPLICANT'S", insert "OR TRUSTEE'S".
14

15 Page 17, line 12, after "PAID.", insert "WHEN A TREASURER DISTRIBUTES
16 SAID AMOUNT, THE TREASURER SHALL PROVIDE EACH LOCAL
17 GOVERNMENTAL ENTITY WITH A STATEMENT OF THE AMOUNT DISTRIBUTED
18 TO THE LOCAL GOVERNMENTAL ENTITY THAT REPRESENTS
19 REIMBURSEMENT RECEIVED FROM THE STATE FOR PROPERTY TAX
20 REVENUES LOST AS A RESULT OF THE EXEMPTION."
21

22
23 **HB01-1248** be postponed indefinitely.
24

25
26 **HB01-1253** be amended as follows, and as so amended, be referred to
27 the Committee on Appropriations with favorable
28 recommendation:
29

30 Amend printed bill, page 3, line 18, strike "ONE HUNDRED" and substitute
31 "SIXTY";
32

33 line 27, strike "JANUARY 1, 2002," and substitute "JANUARY 1, 2004,".
34
35
36

37 **HB01-1256** be referred favorably to the Committee on Appropriations.
38
39

40 **HB01-1257** be amended as follows, and as so amended, be referred to
41 the Committee on Appropriations with favorable
42 recommendation:
43

44 Amend printed bill, page 3, after line 7, insert the following:
45

46 "(III) FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
47 JANUARY 1, 2002, "HEALTH CARE PROFESSIONAL" MEANS A PHYSICIAN,
48 PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, DENTIST, OR DENTAL
49 HYGIENIST WHO IS LICENSED OR CERTIFIED AS SUCH UNDER THE LAWS OF
50 THIS STATE."
51

52
53
54 **HB01-1266** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

- 1 Amend printed bill, page 2, line 18, strike "ET SEQ., EXCEPT VITAMIN AND"
2 and substitute "ET SEQ.;"
3
4 line 19, strike "COSMETIC PRODUCTS;"
5
6 Page 3, line 16, strike "ET SEQ., EXCEPT VITAMIN AND" and substitute "ET
7 SEQ.;"
8
9 line 17, strike "COSMETIC PRODUCTS;"
10
11 Page 11, line 1, strike "ASSEMBLY, UNLESS THE DISTRICT" and substitute
12 "ASSEMBLY.;"
13
14 strike lines 2 and 3.
15
16 Page 12, line 9, strike "ASSEMBLY, UNLESS THE DISTRICT" and substitute
17 "ASSEMBLY.;"
18
19 strike line 10;
20
21 line 11, strike "TAX."
22
23 Page 16, strike lines 14 through 24 and substitute the following:
24
25 **"SECTION 12. Effective date.** This act shall take effect July 1,
26 2003, unless a referendum petition is filed during the ninety-day period
27 after final adjournment of the general assembly that is allowed for
28 submitting a referendum petition pursuant to article V, section 1 (3) of the
29 state constitution. If such a referendum petition is filed against this act
30 or an item, section, or part of this act within such period, then the act,
31 item, section, or part shall take effect on the specified date only if
32 approved by the people."
33
34
35
36 **HB01-1283** be referred to the Committee of the Whole with favorable
37 recommendation.
38
39
40 **HB01-1312** be amended as follows, and as so amended, be referred to
41 the Committee on Appropriations with favorable
42 recommendation:
43
44 Amend printed bill, page 3, line 13, after "39-22-604.5.", add "FOR
45 PURPOSES OF THIS SECTION, CREDITS INCLUDES ALL CREDITS WITHOUT
46 REGARD TO WHETHER THEY ARE PREPAYMENT CREDITS OR REFUNDS OF
47 EXCESS STATE REVENUE.";
48
49 line 19, after "UNDERPAYMENT.", add "THE PENALTY IMPOSED BY THIS
50 SECTION SHALL BE THE ONLY PENALTY IMPOSED FOR UNDERPAYMENT OF
51 THE ESTIMATED TAX REQUIRED BY THIS SECTION."
52
53 Page 5, line 22, strike "(IV)" and substitute "(d)".
54
55 Page 9, after line 4, insert the following:
56

1 **"SECTION 2.** 39-22-606, Colorado Revised Statutes, is
2 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

3
4 **39-22-606. Failure by corporation to pay estimated income tax.**

5 (1) EVERY CORPORATION SUBJECT TO TAXATION UNDER THE PROVISIONS
6 OF THIS ARTICLE AND ARTICLE 29 OF THIS TITLE SHALL MAKE AND FILE
7 ESTIMATED PAYMENTS IN THE AMOUNTS AS SPECIFIED IN THIS SECTION.

8
9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11
12 (a) "RETURN" MEANS A COLORADO RETURN REQUIRED TO BE MADE
13 OR FILED UNDER SECTION 39-22-601 OR 39-29-112.

14
15 (b) "TAX" OR "TAX LIABILITY" MEANS:

16
17 (I) THE TAX IMPOSED UNDER THIS ARTICLE PLUS THE TAX IMPOSED
18 UNDER ARTICLE 29 OF THIS TITLE; MINUS

19
20 (II) THE CREDITS AGAINST TAX PROVIDED BY THIS ARTICLE AND
21 ARTICLE 29 OF THIS TITLE OTHER THAN THE CREDIT AGAINST TAX FOR
22 WITHHOLDING PROVIDED PURSUANT TO SECTION 39-29-111. FOR
23 PURPOSES OF THIS SECTION, CREDITS INCLUDE ALL CREDITS WITHOUT
24 REGARD TO WHETHER THEY ARE PREPAYMENT CREDITS OR REFUNDS OF
25 EXCESS STATE REVENUE.

26
27 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN THE
28 CASE OF ANY UNDERPAYMENT OF ESTIMATED TAX BY A CORPORATION,
29 THERE SHALL BE ADDED TO THE TAX UNDER THIS ARTICLE AND ARTICLE 29
30 OF THIS TITLE FOR THE TAXABLE YEAR AN AMOUNT DETERMINED BY
31 APPLYING THE RATE OF INTEREST ESTABLISHED UNDER SECTION
32 39-21-110.5 TO THE AMOUNT OF THE UNDERPAYMENT FOR THE PERIOD OF
33 THE UNDERPAYMENT.

34
35 (b) FOR PURPOSES OF THIS SUBSECTION (3), THE AMOUNT OF THE
36 UNDERPAYMENT SHALL BE THE EXCESS OF THE REQUIRED INSTALLMENT
37 OVER THE AMOUNT, IF ANY, OF THE INSTALLMENT PAID ON OR BEFORE THE
38 DUE DATE FOR THE INSTALLMENT.

39
40 (c) THE PERIOD OF THE UNDERPAYMENT SHALL RUN FROM THE DUE
41 DATE FOR THE INSTALLMENT TO WHICHEVER OF THE FOLLOWING DATES IS
42 EARLIER:

43
44 (I) THE FIFTEENTH DAY OF THE FOURTH MONTH FOLLOWING THE
45 CLOSE OF THE TAXABLE YEAR; OR

46
47 (II) WITH RESPECT TO ANY PORTION OF THE UNDERPAYMENT, THE
48 DATE ON WHICH SUCH PORTION IS PAID.

49
50 (d) FOR PURPOSES OF SUBPARAGRAPH (II) OF PARAGRAPH (c) OF
51 THIS SUBSECTION (3), A PAYMENT OF ESTIMATED TAX SHALL BE CREDITED
52 AGAINST UNPAID REQUIRED INSTALLMENTS IN THE ORDER IN WHICH SUCH
53 INSTALLMENTS ARE REQUIRED TO BE PAID.

54
55 (4) FOR PURPOSES OF THIS SECTION, THERE SHALL BE FOUR
56 REQUIRED INSTALLMENTS FOR EACH TAXABLE YEAR. THE DUE DATES FOR

1 SUCH INSTALLMENTS SHALL BE AS FOLLOWS:

2	3 INSTALLMENT	4 DUE DATE
5	6 1ST	7 APRIL 15
8	9 2ND	10 JUNE 15
11	12 3RD	13 SEPTEMBER 15
14	15 4TH	16 DECEMBER 15

17 (5) (a) FOR PURPOSES OF THIS SECTION, THE AMOUNT OF THE
18 REQUIRED INSTALLMENTS SHALL BE TWENTY-FIVE PERCENT OF THE
19 REQUIRED ANNUAL PAYMENT.

20 (b) FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (5),
21 "REQUIRED ANNUAL PAYMENT" MEANS THE LESSER OF:

22 (I) SEVENTY PERCENT OF THE TAXPAYER'S ACTUAL COLORADO TAX
23 LIABILITY SHOWN ON THE RETURN FOR THE TAXABLE YEAR OR, IF NO
24 RETURN IS FILED, SEVENTY PERCENT OF THE TAX FOR SUCH YEAR; OR

25 (II) (A) ONE HUNDRED PERCENT OF THE TAXPAYER'S ACTUAL
26 COLORADO TAX LIABILITY SHOWN ON THE RETURN OF THE CORPORATION
27 FOR THE PRECEDING TAXABLE YEAR.

28 (B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) SHALL
29 NOT APPLY IF THE PRECEDING TAXABLE YEAR WAS NOT A TAXABLE YEAR
30 OF TWELVE MONTHS OR IF THE TAXPAYER DID NOT FILE A COLORADO
31 RETURN FOR SUCH PRECEDING TAXABLE YEAR.

32 (c) (I) IF THE TAXPAYER IS A LARGE CORPORATION AS DEFINED IN
33 SECTION 6655 OF THE INTERNAL REVENUE CODE, SUB-SUBPARAGRAPH (A)
34 OF SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (5) SHALL
35 NOT APPLY; EXCEPT THAT THE FIRST REQUIRED INSTALLMENT FOR ANY
36 TAXABLE YEAR MAY BE BASED ON TWENTY-FIVE PERCENT OF THE
37 TAXPAYER'S ACTUAL COLORADO TAX LIABILITY SHOWN ON THE RETURN
38 OF THE CORPORATION FOR THE PRECEDING YEAR. ANY REDUCTION IN THE
39 FIRST INSTALLMENT PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE
40 RECAPTURED BY INCREASING THE AMOUNT OF THE NEXT REQUIRED
41 INSTALLMENT.

42 (II) FOR PURPOSES OF RETURNS AND ESTIMATED PAYMENTS FOR
43 THE 2001 TAX YEAR, THE LIMITATION ON THE USE OF THE PRECEDING
44 YEAR'S TAX LIABILITY PURSUANT TO SUBPARAGRAPH (I) OF THIS
45 PARAGRAPH (c) SHALL NOT APPLY.

46 (d) WHEN THE TAXPAYER HAS ELECTED ANNUALIZED
47 INSTALLMENTS OR ADJUSTED SEASONAL INSTALLMENTS FOR THE PAYMENT
48 OF FEDERAL INCOME TAX, THE AMOUNT OF THE REQUIRED INSTALLMENT
49 PURSUANT TO THIS SECTION AND THE CALCULATION OF ANY ADDITION TO
50 TAX SHALL BE DETERMINED UNDER RULES PROMULGATED BY THE
51 DEPARTMENT OF REVENUE.

52 (6) (a) NO ADDITION TO TAX SHALL BE IMPOSED UNDER
53 SUBSECTION (3) OF THIS SECTION FOR ANY TAXABLE YEAR IF THE TAX
54 SHOWN ON THE RETURN FOR SUCH TAXABLE YEAR OR, IF NO RETURN IS
55 FILED, THE TAX, REDUCED BY THE CREDIT ALLOWABLE UNDER SECTION
56 39-29-111, IS LESS THAN FIVE THOUSAND DOLLARS.

1 (b) NO ADDITION TO TAX SHALL BE IMPOSED UNDER SUBSECTION
2 (3) OF THIS SECTION WITH RESPECT TO ANY UNDERPAYMENT TO THE
3 EXTENT THE EXECUTIVE DIRECTOR DETERMINES THAT THE UNDERPAYMENT
4 WAS DUE TO GOOD CAUSE SHOWN BY THE TAXPAYER.
5

6 (7) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
7 THIS SUBSECTION (7), FOR PURPOSES OF APPLYING THIS SECTION, THE
8 AMOUNT OF THE CREDIT ALLOWED PURSUANT TO SECTION 39-29-111 FOR
9 THE TAXABLE YEAR SHALL BE DEEMED A PAYMENT OF ESTIMATED TAX AND
10 AN EQUAL PART OF SUCH AMOUNT SHALL BE DEEMED PAID ON EACH DUE
11 DATE FOR SUCH TAXABLE YEAR.
12

13 (b) IF THE TAXPAYER ESTABLISHES THE DATES ON WHICH ALL
14 AMOUNTS WERE ACTUALLY WITHHELD, THE AMOUNTS SO WITHHELD SHALL
15 BE DEEMED PAYMENTS OF ESTIMATED TAX ON THE DATES ON WHICH SUCH
16 AMOUNTS WERE ACTUALLY WITHHELD.
17

18 (8) (a) IN APPLYING THIS SECTION TO A TAXABLE YEAR BEGINNING
19 ON ANY DATE OTHER THAN JANUARY 1, THE CORRESPONDING MONTHS
20 SHALL BE SUBSTITUTED FOR THE MONTHS SPECIFIED IN THIS SECTION.
21

22 (b) THIS SECTION SHALL BE APPLIED TO TAXABLE YEARS OF LESS
23 THAN TWELVE MONTHS IN ACCORDANCE WITH RULES PRESCRIBED BY THE
24 DEPARTMENT OF REVENUE.
25

26 (9) ALL OF THE PROVISIONS OF THIS ARTICLE, ARTICLE 29 OF THIS
27 TITLE, AND ARTICLE 21 OF THIS TITLE RELATING TO THE POWERS OF THE
28 EXECUTIVE DIRECTOR FOR THE ADMINISTRATION, ASSESSMENT, AND
29 ENFORCEMENT OF TAXES REQUIRED TO BE PAID PURSUANT TO SAID
30 ARTICLES SHALL APPLY TO THE PROVISIONS OF THIS SECTION.
31

32 (10) THE DEPARTMENT OF REVENUE SHALL PRESCRIBE SUCH RULES
33 AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.
34 SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF
35 TITLE 24, C.R.S."
36

37 Renumber succeeding section accordingly.
38
39
40

41 **HB01-1313** be amended as follows, and as so amended, be referred to
42 the Committee on Appropriations with favorable
43 recommendation:
44

45 Amend printed bill, strike everything below the enacting clause and
46 substitute the following:
47

48 "SECTION 1. Part 1 of article 22 of title 39, Colorado Revised
49 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
50 read:
51

52 **39-22-127. Credit for providing foster care - refund of excess**
53 **state revenues for fiscal years commencing on or after January 1,**
54 **2003 - legislative declaration.** (1) AS USED IN THIS SECTION, UNLESS THE
55 CONTEXT OTHERWISE REQUIRES:
56

1 (a) "CHILD IN FOSTER CARE" MEANS A CHILD WHO IS UNDER THE
2 AGE OF EIGHTEEN YEARS, LIVES IN A FOSTER CARE HOME, IS PROVIDED
3 WITH TWENTY-FOUR HOUR FAMILY CARE IN THE FOSTER CARE HOME, AND
4 IS NOT RELATED TO THE INDIVIDUAL OR INDIVIDUALS WHO OPERATE SUCH
5 FOSTER CARE HOME.

6
7 (b) "FOSTER CARE HOME" SHALL HAVE THE SAME MEANING AS SET
8 FORTH IN SECTION 26-6-102 (4.5), C.R.S.

9
10 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (5) OF THIS
11 SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER
12 JANUARY 1, 2003, IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE
13 CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE
14 CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR THE
15 STATE FISCAL YEAR ENDING IN THAT INCOME TAX YEAR EXCEEDS THE
16 LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7)

17 (a) OF ARTICLE X OF THE STATE CONSTITUTION AND THE VOTERS
18 STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND
19 SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED THE
20 STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE
21 REVENUES FOR THAT FISCAL YEAR, A CREDIT AGAINST THE INCOME TAX
22 IMPOSED BY THIS ARTICLE IN THE AMOUNT OF FIVE HUNDRED DOLLARS PER
23 FOSTER CARE HOME SHALL BE ALLOWED TO ANY RESIDENT INDIVIDUAL
24 TAXPAYER WHO OPERATES A FOSTER CARE HOME IF THE TAXPAYER HAS
25 INCURRED ANY NONREIMBURSED EXPENSE IN CONNECTION WITH
26 OPERATING THE FOSTER CARE HOME DURING THE TAXABLE YEAR FOR
27 WHICH THE CREDIT IS CLAIMED AND IF:

28
29 (I) THE TAXPAYER HAS PROVIDED ONE CHILD IN FOSTER CARE WITH
30 TWENTY-FOUR HOUR FAMILY CARE IN THE TAXPAYER'S FOSTER CARE HOME
31 FOR TWELVE MONTHS OF THE TAXABLE YEAR FOR WHICH THE CREDIT IS
32 CLAIMED; OR

33
34 (II) THE TAXPAYER HAS PROVIDED TWO OR MORE CHILDREN IN
35 FOSTER CARE WITH TWENTY-FOUR HOUR FAMILY CARE IN THE TAXPAYER'S
36 FOSTER CARE HOME FOR A TOTAL OF SIX MONTHS OF THE TAXABLE YEAR
37 FOR WHICH THE CREDIT IS CLAIMED.

38
39 (3) IF THE AMOUNT OF THE CREDIT ALLOWED PURSUANT TO THIS
40 SECTION EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
41 TAXPAYER'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT IS
42 BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
43 AGAINST INCOME TAXES IN SAID INCOME TAX YEAR SHALL NOT BE CARRIED
44 FORWARD AS A TAX CREDIT AGAINST THE INDIVIDUAL TAXPAYER'S
45 SUBSEQUENT YEAR'S INCOME TAX LIABILITY AND SHALL BE REFUNDED TO
46 THE INDIVIDUAL.

47
48 (4) UPON REQUEST FROM THE DEPARTMENT OF REVENUE, THE
49 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE TO THE DEPARTMENT
50 OF REVENUE A LIST OF THE HOUSEHOLDS THAT ARE FOSTER CARE HOMES
51 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION. THE
52 LIST SHALL INCLUDE THE SOCIAL SECURITY NUMBER OF ANY INDIVIDUAL
53 IN THE HOUSEHOLD WHO IS RESPONSIBLE FOR THE OPERATION OF THE
54 FOSTER CARE HOME.

55
56 (5) (a) IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE

1 CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE
2 CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR ANY
3 STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2003, EXCEEDS
4 THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20
5 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THAT FISCAL YEAR
6 BY LESS THAN FIVE HUNDRED MILLION DOLLARS, AS ADJUSTED PURSUANT
7 TO PARAGRAPH (b) OF THIS SUBSECTION (5), THEN THE CREDIT AUTHORIZED
8 BY SUBSECTION (2) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE
9 INCOME TAX YEAR IN WHICH SAID STATE FISCAL YEAR ENDED.

10

11 (b) (I) NO LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR
12 COMMENCING ON OR AFTER JANUARY 1, 2003, THE EXECUTIVE DIRECTOR
13 OF THE DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE DOLLAR
14 AMOUNT SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5) TO REFLECT
15 THE RATE OF GROWTH OF COLORADO PERSONAL INCOME FOR THE
16 CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH
17 SUCH ADJUSTMENT IS MADE; EXCEPT THAT IN 2003 THE EXECUTIVE
18 DIRECTOR SHALL ADJUST SAID DOLLAR AMOUNT TO REFLECT THE RATE OF
19 GROWTH OF COLORADO PERSONAL INCOME FOR CALENDAR YEARS 2001
20 AND 2002. FOR PURPOSES OF THIS SUBPARAGRAPH (I), "THE RATE OF
21 GROWTH OF COLORADO PERSONAL INCOME" MEANS THE PERCENTAGE
22 CHANGE BETWEEN THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF
23 TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY
24 REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES
25 DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR IMMEDIATELY
26 PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE AND
27 THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL
28 INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE
29 BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF
30 COMMERCE FOR THE CALENDAR YEAR PRIOR TO THE CALENDAR YEAR
31 IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE
32 ADJUSTMENT IS MADE.

33

34 (II) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR
35 AMOUNT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH
36 (b), THE EXECUTIVE DIRECTOR SHALL NOTIFY IN WRITING THE EXECUTIVE
37 COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION
38 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS
39 FOR THE ADJUSTMENT. THE WRITTEN NOTIFICATION SHALL BE GIVEN
40 WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED,
41 BUT THE WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN
42 OCTOBER 1 OF THE CALENDAR YEAR.

43

44 (III) IT IS THE FUNCTION OF THE EXECUTIVE COMMITTEE OF THE
45 LEGISLATIVE COUNCIL TO REVIEW AND APPROVE OR DISAPPROVE SUCH
46 ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER
47 RECEIPT OF THE WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.
48 ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE
49 EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE
50 AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS
51 THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT,
52 AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE
53 COMMITTEE DOES NOT APPROVE OR DISAPPROVE SUCH ADJUSTMENT AT THE
54 CONCLUSION OF THE HEARING. ANY HEARING CONDUCTED BY THE
55 EXECUTIVE COMMITTEE PURSUANT TO THIS SUBPARAGRAPH (III) SHALL BE
56 CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF THE

1 WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

2

3 (IV) (A) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
4 COUNCIL DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT
5 CALCULATED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS PARAGRAPH
6 (b), THE EXECUTIVE COMMITTEE SHALL SPECIFY THE ADJUSTED DOLLAR
7 AMOUNT TO BE UTILIZED BY THE EXECUTIVE DIRECTOR. ANY ADJUSTED
8 DOLLAR AMOUNT SPECIFIED BY THE EXECUTIVE COMMITTEE PURSUANT TO
9 THIS SUB-SUBPARAGRAPH (A) SHALL BE CALCULATED IN ACCORDANCE
10 WITH THE PROVISIONS OF THIS SUBSECTION (5).

11

12 (B) FOR THE PURPOSE OF DETERMINING WHETHER THE CREDIT
13 AUTHORIZED BY SUBSECTION (2) OF THIS SECTION IS TO BE ALLOWED FOR
14 ANY GIVEN INCOME TAX YEAR, THE EXECUTIVE DIRECTOR SHALL NOT
15 UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED
16 PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) OR OTHERWISE
17 SPECIFIED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH
18 (IV).

19

20 (V) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE
21 VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY
22 CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2003, THAT SEEK
23 AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY
24 PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE STATE
25 FISCAL YEAR ENDING DURING SAID CALENDAR YEAR, THE EXECUTIVE
26 DIRECTOR SHALL NOT DETERMINE WHETHER THE CREDIT AUTHORIZED BY
27 SUBSECTION (2) OF THIS SECTION SHALL BE ALLOWED AND SHALL NOT
28 PROMULGATE RULES CONTAINING THE AMOUNT OF SAID CREDIT UNTIL THE
29 IMPACT OF THE RESULTS OF SAID ELECTION ON THE AMOUNT OF THE
30 EXCESS STATE REVENUES TO BE REFUNDED IS ASCERTAINED.

31

32 (6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
33 CREDIT AUTHORIZED BY SUBSECTION (2) OF THIS SECTION IS A
34 REASONABLE METHOD OF REFUNDING A PORTION OF THE EXCESS STATE
35 REVENUES REQUIRED TO BE REFUNDED IN ACCORDANCE WITH SECTION 20
36 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION.

37

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

41

42

43

44 **HB01-1315** be postponed indefinitely.

45

46

47 **HB01-1317** be postponed indefinitely.

48

49

50 **HB01-1322** 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, line 4, strike "SUBJECT TO THE PROVISIONS
55 OF";

56

- 1 line 5, strike "SECTION 39-26-127, ALL" and substitute "ALL";
2
3 line 16, strike "SUBJECT TO THE PROVISIONS OF SECTION 39-26-127, TO"
4 and substitute "TO";
5
6 strike lines 22 through 27.
7
8 Strike page 3.
9
10 Page 4, strike lines 1 through 9.
11
12 Renumber succeeding sections accordingly.
13
14 Page 10, after line 24, insert the following:
15
16 **"SECTION 8.** 39-26-123 (2) (a) (I), Colorado Revised Statutes,
17 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH
18 to read:
19
20 **39-26-123. Receipts - disposition.** (2)(a) (I) (A.9) COMMENCING
21 AUGUST 1, 2003, THE ALLOCATION OF RECEIPTS UNDER
22 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) TO THE HIGHWAY
23 USERS TAX FUND SHALL BE INCREASED BY _____ OF A PERCENTAGE POINT,
24 PURSUANT TO HOUSE BILL 01-1322, ENACTED AT THE FIRST REGULAR
25 SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY. THE MODIFICATIONS
26 TO THE ALLOCATION OF RECEIPTS MADE PURSUANT TO THIS
27 SUB-SUBPARAGRAPH (A.9) SHALL BE IN ADDITION TO ANY OTHER
28 MODIFICATIONS TO THE ALLOCATION OF SUCH RECEIPTS MADE BY LAW."
29
30 Renumber succeeding section accordingly.
31
32 Page 10, line 25, strike "**date.**" and substitute "**date - applicability.** (1)";
33
34 line 26, strike "2002," and substitute "2003,".
35
36 Page 11, after line 5, insert the following:
37
38 "(2) The provisions of this act shall apply to all sales, purchases,
39 storage, use, or consumption of subscription magazines and periodicals
40 on or after the applicable effective date of this act."
41
42
43
44 **HB01-1329** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:
47
48 Amend printed bill, page 4, line 1, strike "AND" and after "LARIMER,"
49 insert "PUEBLO, AND WELD,";
50
51 line 12, strike "TRANSPORTATION;" and substitute "TRANSPORTATION,
52 INCLUDING FACILITIES FOR BICYCLING AND WALKING;"
53
54 Page 5, line 14, strike "OPEN SPACE;"
55
56 line 16, strike "FACILITIES THAT";

1 strike line 17.

2

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

4

5 "(4) "RURAL REGION" MEANS ANY REGION OR COUNTY THAT IS NOT
6 INCLUDED WITHIN THE FRONT RANGE REGION."

7

8 Page 9, line 21, strike "OUTSIDE THE" and substitute "IN A";

9

10 line 22, strike "FRONT RANGE" and substitute "RURAL";

11

12 strike lines 23 and 24 and substitute the following:

13

14 "43-11-103 (2). ANY AMOUNT OF THE TWENTY-FIVE PERCENT PORTION OF
15 MULTI-MODAL TRANSPORTATION FUND MONEYS THAT IS";

16

17 line 26, strike "AN AREA OUTSIDE THE";

18

19 line 27, strike "FRONT RANGE" and substitute "A RURAL".

20

21 Page 10, line 13, after "PROJECTS", insert "THAT ARE IN COMPLIANCE WITH
22 AN EXISTING REGIONAL PLAN FOR THE REGION IN WHICH THE PROJECT WILL
23 BE LOCATED AND";

24

25 line 18, after "PROJECT", insert "THAT IS IN COMPLIANCE WITH AN
26 EXISTING REGIONAL PLAN FOR THE REGION IN WHICH THE PROJECT WILL BE
27 LOCATED AND";

28

29 strike lines 20 and 21 and substitute the following:

30

31 "TWENTY PERCENT ARE AVAILABLE IF:

32

33 (a) THE PROJECT IS LOCATED IN A RURAL REGION; AND

34

35 (b) THE COMMISSION, UPON REVIEW OF THE ASSESSED PROPERTY
36 VALUES IN THE REGION SEEKING FUNDING PURSUANT TO THIS SUBSECTION
37 (2), DETERMINES THAT A LOCAL MATCH IS NOT FEASIBLE."

38

39 Page 13, line 12, after "CONSTITUTION", insert "ON STATE OR LOCAL
40 GOVERNMENT FISCAL YEAR SPENDING".

41

42

43

44 **HB01-1334** be amended as follows, and as so amended, be referred to
45 the Committee on Appropriations with favorable
46 recommendation:

47

48 Amend printed bill, page 3, line 5, strike "AND";

49

50 line 9, strike "UTILITIES." and substitute "UTILITIES; AND";

51

52 after line 9, insert the following:

53

54 "(III) FOR WHICH THE OWNER OF THE FACILITY HAS SHOWN THAT
55 THE RENT FOR THE FACILITY FOR WHICH THE EXEMPTION AUTHORIZED IN
56 SUBSECTION (2) OF THIS SECTION APPLIES IS LOWER THAN THE RENT FOR

1 A COMPARABLE FACILITY FOR WHICH SAID EXEMPTION DOES NOT APPLY BY
2 AN AMOUNT EQUAL TO AT LEAST THE VALUE OF SAID EXEMPTION.";

3
4 line 25, strike "amended" and substitute "amended, and the said 39-3-112
5 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

6
7 Page 5, after line 8, insert the following:

8
9 "(6) FOR PURPOSES OF PROCESSING APPLICATIONS RECEIVED FOR
10 THE EXEMPTION AUTHORIZED BY SUBSECTION (2) OF THIS SECTION FOR
11 LOW-INCOME HOUSEHOLD RESIDENTIAL FACILITIES, THE DEPARTMENT OF
12 LOCAL AFFAIRS SHALL CONTRACT WITH AN INDEPENDENT CONTRACTOR
13 FOR THE PERFORMANCE OF THE APPLICATION PROCESSING SERVICES IN
14 ACCORDANCE WITH SECTION 24-50-504, C.R.S. SAID CONTRACT SHALL BE
15 LIMITED TO A TERM OF ONE YEAR AND SHALL COMMENCE WHEN THE
16 EXEMPTION FOR LOW-INCOME HOUSEHOLD RESIDENTIAL FACILITIES FIRST
17 BECOMES AVAILABLE.";

18
19 line 19, strike "the applicable effective date of this act." and substitute
20 "January 1, 2003.".

21
22
23
24
25 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

28
29 **HB01-1282** be referred favorably to the Committee on Appropriations.

30
31
32 **HB01-1310** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36 Amend printed bill, strike everything below the enacting clause and
37 substitute the following:

38
39 **"SECTION 1. Legislative declaration.** The general assembly
40 finds and declares that the development of health promotion and
41 health-risk reduction programs will serve the best interests of the public
42 welfare by encouraging health care consumers to engage in healthy
43 lifestyle behaviors which will result in a reduction of the long-term costs
44 of providing health care. Recognizing that the basic and standard health
45 benefit plan is an option available to small employers, the general
46 assembly encourages participation in healthy lifestyles, and finds that it
47 is necessary to determine which age-appropriate adult preventative health
48 care services are necessary to further this goal.

49
50 **SECTION 2.** 26-15-107 (3), Colorado Revised Statutes, is
51 amended to read:

52
53 **26-15-107. Colorado health care task force - legislative**
54 **declaration - creation - duties - repeal.** (3) **Duties.** (a) In carrying out
55 its duties and functions under this section, the task force shall consider,
56 but need not be limited to, the following:

- 1 (I) Emerging trends in Colorado health care and their impacts on
2 consumers, including, but not limited to:
3
- 4 (A) Changes in relationships among health care providers,
5 patients, and payors;
6
- 7 (B) Restrictions in health care options available to consumers;
8
- 9 (C) Professional liability issues arising from such restrictions;
10
- 11 (D) Medical and patient record confidentiality;
12
- 13 (E) Health care work force requirements; and
14
- 15 (F) Home care in the continuum of care.
16
- 17 (II) The effect of recent shifts in the way health care is delivered
18 and paid for;
19
- 20 (III) The ability of consumers to obtain and keep adequate,
21 affordable health insurance coverage, including coverage for catastrophic
22 illnesses;
23
- 24 (IV) The effect of managed care on the ability of consumers to
25 obtain timely access to quality care;
26
- 27 (V) The operation of the program for the medically indigent in
28 order to give guidance and direction to the state department in the
29 development and operation of such program;
30
- 31 (VI) The future trends for health care coverage rates for
32 employees and employers;
33
- 34 (VII) The role of public health programs and services;
35
- 36 (VIII) Social and financial costs and benefits of mandated health
37 care coverage; and
38
- 39 (IX) Costs and benefits of providing preventive care and early
40 treatment for people with chronic illnesses who may eventually need
41 long-term care; AND
42
- 43 (X) THE AGE-APPROPRIATE ADULT PREVENTATIVE HEALTH CARE
44 SERVICES THAT SHOULD BE PROVIDED BY HEALTH BENEFIT PLANS TO
45 ENSURE COST-EFFECTIVE HEALTH PROMOTION AND HEALTH-RISK
46 REDUCTION.
47
- 48 (b) The task force shall make such recommendations as it deems
49 necessary to the general assembly concerning matters studied under this
50 section. Legislation recommended by the task force shall be treated as
51 legislation recommended by an interim legislative committee for purposes
52 of any introduction deadlines or bill limitations imposed by the joint rules
53 of the general assembly.
54
- 55 (c) THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE
56 HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE

1 HOUSE OF REPRESENTATIVES AND THE HEALTH, ENVIRONMENT, CHILDREN
2 AND FAMILIES COMMITTEE OF THE SENATE BY THE 2003 REGULAR
3 LEGISLATIVE SESSION REGARDING THE ISSUES PRESENTED IN
4 SUBPARAGRAPH (X) OF PARAGRAPH (a) OF THIS SUBSECTION (3).

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

9
10 Page 1, line 102, strike "PLANS, AND, IN CONNECTION" and substitute
11 "PLANS.";

12
13 strike lines 103 and 104.

14
15
16
17 **HB01-1330** be postponed indefinitely.

18
19
20 **HB01-1343** be referred favorably to the Committee on Appropriations.

21
22
23
24
25 **LOCAL GOVERNMENT**

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

28
29 **HB01-1225** be amended as follows, and as so amended, be referred to
30 the Committee on Appropriations with favorable
31 recommendation:

32
33 Amend printed bill, page 7, strike lines 9 through 27 and substitute the
34 following:

35
36 "(a) THE POPULATION OF COLORADO IS LIKELY TO INCREASE AT A
37 RATE ABOVE THE NATIONAL AVERAGE FOR THE FORESEEABLE FUTURE.

38
39 (b) THE EXPECTED GROWTH IN COLORADO'S POPULATION
40 NECESSARILY RESULTS IN EITHER THE DEVELOPMENT OF LANDS THAT ARE
41 CURRENTLY UNDEVELOPED OR THE DENSIFICATION OF THE EXISTING
42 DEVELOPED AREAS OF THE STATE. THE GENERAL ASSEMBLY FINDS NO
43 CLEAR CONSENSUS AMONG THE PEOPLE OF THE STATE AS TO WHICH
44 COURSE OF ACTION THEY PREFER AND, THEREFORE, INTERPRETS THIS
45 SENTIMENT AS A DESIRE TO DEVELOP POPULATION GROWTH MANAGEMENT
46 POLICY THAT SEEKS BALANCE BETWEEN THE DEVELOPMENT OF
47 UNDEVELOPED LAND AND THE FURTHER DENSIFICATION OF DEVELOPED
48 LANDS.

49
50 (c) GROWTH PLANNING WILL IMPROVE THE LIKELIHOOD THAT
51 COLORADO WILL RETAIN THE BENEFITS GROWTH PROVIDES WHILE
52 PROTECTING OPEN SPACE, ENSURING COORDINATION OF INFRASTRUCTURE
53 AND CAPITAL FACILITIES, AND PROMOTING THE GOALS OF COMPACT,
54 CONTIGUOUS, AND ORDERLY DEVELOPMENT. DECISIONS OF LOCAL
55 GOVERNMENTS THAT FACILITATE OR RESTRICT GROWTH WITHIN THEIR
56 OWN JURISDICTIONS HAVE SIGNIFICANT IMPACTS OUTSIDE OF SUCH

- 1 JURISDICTIONS. ACCORDINGLY, MANDATORY MASTER PLANNING USING
2 CERTAIN MINIMUM REQUIRED ELEMENTS AND THE ESTABLISHMENT AND
3 COORDINATION OF URBAN GROWTH AREAS ARE MATTERS OF STATEWIDE
4 INTEREST AND CONCERN."
5
6 Strike page 8.
7
8 Page 9, strike lines 1 through 20;
9
10 line 21, strike "(2)" and substitute "(d)".
11
12 Page 10, line 1, strike "(3)" and substitute "(2)";
13
14 strike lines 8 through 12;
15
16 line 19, after "SEWAGE.", add "JOINTLY SHARED SEPTIC OR WATER
17 FACILITIES IN A CLUSTERED DEVELOPMENT PURSUANT TO PART 4 OF
18 ARTICLE 28 OF TITLE 30, C.R.S., SHALL NOT BE INCLUDED WITHIN THE
19 DEFINITION OF "CENTRAL SEWER SYSTEM" FOR PURPOSES OF THIS
20 ARTICLE.";
21
22 line 21, after "WATER.", add "JOINTLY SHARED SEPTIC OR WATER
23 FACILITIES IN A CLUSTERED DEVELOPMENT PURSUANT TO PART 4 OF
24 ARTICLE 28 OF TITLE 30, C.R.S., SHALL NOT BE INCLUDED WITHIN THE
25 DEFINITION OF "CENTRAL WATER SYSTEM" FOR PURPOSES OF THIS
26 ARTICLE."
27
28 Page 11, line 10, after "JURISDICTION.", add ""DEVELOPMENT" SHALL NOT
29 INCLUDE THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR
30 REPLACEMENT OF FACILITIES FOR THE DIVERSION, STORAGE,
31 TRANSPORTATION, TREATMENT, USE, OR REUSE OF WATER OR
32 WASTEWATER WITHIN THE STATE OF COLORADO.";
33
34 line 12, after "REGULATIONS.", add ""DEVELOPMENT APPLICATION" SHALL
35 NOT INCLUDE AN APPLICATION RELATING TO OR FOR THE CONSTRUCTION,
36 OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF FACILITIES FOR
37 THE DIVERSION, STORAGE, TRANSPORTATION, TREATMENT, USE, OR REUSE
38 OF WATER OR WASTEWATER WITHIN THE STATE OF COLORADO."
39
40 Page 16, strike lines 15 through 20 and substitute the following:
41
42 **"24-63-105. Supplements existing law.** THE PROVISIONS OF THIS
43 ARTICLE SUPPLEMENT, BUT DO NOT REPLACE, THOSE PROVISIONS OF
44 ARTICLE 20 OF TITLE 29, C.R.S.; PART 1 OF ARTICLE 28 OF TITLE 30,
45 C.R.S.; PART 2 OF ARTICLE 23 OF TITLE 31, C.R.S.; AND ANY OTHER
46 STATUTES GRANTING PLANNING AND REGULATORY POWERS TO REGIONS OR
47 LOCAL GOVERNMENTS. IN THE EVENT OF A CONFLICT BETWEEN THE
48 PROVISIONS OF ANY SUCH LAW AND THIS ARTICLE, THE PROVISIONS OF THIS
49 ARTICLE SHALL GOVERN; EXCEPT THAT THESE PROVISIONS SHALL NOT
50 APPLY TO THE LAWFUL EXERCISE OF AUTHORITY UNDER ARTICLE 65.1 OF
51 THIS TITLE."
52
53 Page 17, line 11, after "ADOPT,", insert "BY ORDINANCE,".
54
55 Page 22, line 21, after "AMENDMENT.", add "ALL AMENDMENTS TO THE
56 MASTER PLAN SHALL BE BY ORDINANCE.";

1 line 24, strike "PROMPTLY";

2

3 line 26, strike "PLAN." and substitute "PLAN WITHIN ONE YEAR OF
4 ADOPTION OR AMENDMENT OF SUCH PLAN."

5

6 Page 28, after line 18, insert the following:

7

8 (h) A TRANSPORTATION PLAN ELEMENT THAT SHALL BE SUFFICIENT
9 TO SERVE THE PROJECTED TRANSPORTATION NEEDS OF THE LOCAL
10 GOVERNMENT FOR TWENTY YEARS FROM THE DATE THE PLAN IS ADOPTED
11 AND SHALL INCLUDE MULTI-MODAL TRANSPORTATION OPTIONS AND
12 MASS-TRANSIT OPTIONS WHERE APPROPRIATE.

13

14 (i) AN ESSENTIAL COMMUNITY SERVICES PLAN ELEMENT THAT
15 DEMONSTRATES THE COMMUNITY'S DESIRED PATTERNS FOR THE GENERAL
16 LOCATION, CHARACTER, AND EXTENT OF PUBLIC AND SEMIPUBLIC
17 BUILDINGS, LAND, AND FACILITIES FOR THE TWENTY-YEAR GROWTH
18 PERIOD. SUCH FACILITIES SHALL INCLUDE, WITHOUT LIMITATION,
19 SCHOOLS, TRANSPORTATION, BASIC INFRASTRUCTURE, CENTRAL WATER
20 AND SEWER SERVICES, EMERGENCY SERVICES, AND OTHER PUBLIC
21 FACILITIES. THE ESSENTIAL COMMUNITY SERVICES PLAN ELEMENT SHALL
22 ALSO ESTABLISH AN URBAN SERVICE AREA WITHIN THE URBAN GROWTH
23 BOUNDARY. SUCH URBAN SERVICE AREA SHALL BE BASED ON FISCAL
24 CONSTRAINTS, APPLICABLE BORROWING, TAXING, AND SPENDING
25 LIMITATIONS, AND COMMUNITY OBJECTIVES AS IDENTIFIED IN THE MASTER
26 PLAN.

27

28 (j) AN OPEN SPACE ELEMENT THAT ADDRESSES THE FOLLOWING:

29

30 (I) THE PROTECTION AND ENHANCEMENT OF OPEN SPACE,
31 INCLUDING, WITHOUT LIMITATION, RECREATIONAL FACILITIES, TRAILS,
32 WILDLIFE VIEWING, AND VIEW CORRIDORS FOR THE USE AND ENJOYMENT
33 OF THE RESIDENTS OF THE LOCAL PLANNING JURISDICTION;

34

35 (II) PRESERVATION OF WILDLIFE HABITATS AND MIGRATION
36 CORRIDORS;

37

38 (III) PROTECTION OF SENSITIVE AREAS, INCLUDING RIPARIAN AREAS
39 AND WETLANDS;

40

41 (IV) ESTABLISHMENT OF BUFFER ZONES BETWEEN DEVELOPED
42 AREAS; AND

43

44 (V) PRESERVATION OF AGRICULTURAL LANDS THAT ARE TO BE
45 USED FOR TRADITIONAL AGRICULTURAL PURPOSES.

46

47 (k) AN ENVIRONMENTAL QUALITY ELEMENT THAT ADDRESSES
48 COMPLIANCE WITH BOTH APPLICABLE FEDERAL AND STATE
49 ENVIRONMENTAL LAWS AND LOCALLY DETERMINED GOALS, OBJECTIVES,
50 PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO PRESERVE AND
51 PROTECT THE FOLLOWING FROM THE ADVERSE EFFECTS OF DEVELOPMENT
52 INSIDE URBAN SERVICE AREAS AND RURAL LANDS, INCLUDING RURAL
53 DEVELOPMENT AREAS WHERE DESIRED:

54

55 (I) AIR QUALITY, INCLUDING POLLUTION CONTROL;

56

1 (II) SENSITIVE AREAS, INCLUDING, BUT NOT LIMITED TO, THE
2 FOLLOWING:

3
4 (A) WETLANDS AND OTHER AREAS CONTAINING THE HABITATS OF
5 THREATENED OR ENDANGERED SPECIES AND OTHER SIGNIFICANT FLORA
6 AND FAUNA;

7
8 (B) LAKES, RESERVOIRS, STREAMS, RIVERS, AND RIPARIAN AREAS;

9
10 (C) WILDERNESS, RECREATIONAL, AND OUTSTANDING SCENIC
11 AREAS;

12
13 (D) ANY OTHER AREAS WITHIN THE JURISDICTION OF THE LOCAL
14 GOVERNMENT IN NEED OF SPECIAL PROTECTION AS IDENTIFIED IN THE
15 COMPREHENSIVE PLAN OF SUCH LOCAL GOVERNMENT; AND

16
17 (III) WILDLIFE HABITATS, INCLUDING MIGRATION CORRIDORS.".

18
19 Reletter succeeding paragraph accordingly.

20
21 Page 31, after line 2, insert the following:

22
23 "(11) IN CONNECTION WITH THE DESIGNATION OF ANY CRITICAL
24 AND SENSITIVE AREA BY ANY PLANNING JURISDICTION, NOTHING IN THIS
25 ARTICLE SHALL BE CONSTRUED TO EXPAND OR SUPERSEDE ANY EXISTING
26 FEDERAL OR STATE REQUIREMENT PERTAINING TO ENVIRONMENTAL
27 PROTECTION.".

28
29 Page 33, strike line 25.

30
31 Reletter succeeding paragraph accordingly.

32
33 Page 34, line 11, strike "NATURALLY PRODUCTIVE LAND" and substitute
34 "LAND AVAILABLE FOR NONURBAN USES";

35
36 line 13, strike "24-63-304." and substitute "24-63-305.";

37
38 strike lines 18 through 27.

39
40 Page 35, strike lines 1 through 20.

41
42 Renumber succeeding C.R.S. sections accordingly.

43
44 Page 36, line 27, strike "(4) A" and substitute "(4) EXCEPT FOR AN
45 APPLICATION REGARDING UTILITY FACILITIES, A".

46
47 Page 37, line 5, strike "NATURALLY PRODUCTIVE LAND OR AS";

48
49 line 10, strike "SHALL" and substitute "SHALL:";

50
51 strike line 11 and substitute the following:

52
53 "(a) ADVISE THE COUNTY ASSESSOR OF SUCH DESIGNATION; AND

54
55 (b) ADOPT LAND DEVELOPMENT REGULATIONS THAT ALLOW THE
56 USE OF SUCH LANDS FOR PURPOSES CONSISTENT WITH SUCH DESIGNATION,

1 INCLUDING, WITHOUT LIMITATION, MEASURES TO ENSURE THAT A
2 LANDOWNER MAY ENGAGE IN ALL NECESSARY OR CUSTOMARY
3 AGRICULTURAL, TIMBER, MINING, OR MINERAL PRACTICES, AS APPLICABLE,
4 UPON SUCH LANDS.";

5
6 line 12, strike "(3) A" and substitute "(3) EXCEPT FOR AN APPLICATION
7 REGARDING UTILITY FACILITIES, A";

8
9 after line 15, insert the following:

10
11 "(4) IF A PLANNING JURISDICTION DESIGNATES LAND AS LAND
12 AVAILABLE FOR NONURBAN USES, IT MAY:

13
14 (a) ESTABLISH A PROGRAM OF TRANSFERABLE DEVELOPMENT
15 RIGHTS THAT PROVIDE VALUE TO THE LANDOWNER IN EXCHANGE FOR HIS
16 OR HER AGREEMENT TO PRESERVE SUCH LAND FOR NONURBAN USES;

17
18 (b) ACCEPT GIFTS AND GRANTS FROM PUBLIC OR PRIVATE SOURCES
19 FOR THE PURPOSES OF ACQUIRING CONSERVATION EASEMENTS AND
20 PRESERVING OPEN SPACE AND OTHERWISE COOPERATE WITH PUBLIC AND
21 PRIVATE ENTITIES TO ACHIEVE SUCH PURPOSES; AND

22
23 (c) UTILIZE ANY OTHER LAND PRESERVATION TECHNIQUE NOT
24 INCONSISTENT WITH THIS ARTICLE.

25
26 (5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PREEMPT
27 THE PROVISIONS OF SECTION 35-3.5-102, C.R.S."

28
29 Page 45, after line 7, insert the following:

30
31 "(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
32 NO MORATORIUM AUTHORIZED BY THIS SECTION SHALL APPLY TO ANY
33 DEVELOPMENT APPLICATION FOR UTILITY FACILITIES.";

34
35 strike lines 8 through 13.

36
37 Page 48, line 19, strike "(1) EXCEPT AS" and substitute the following:

38
39 "(1) FOLLOWING COMPLETION OR REVISION OF A COMPREHENSIVE PLAN,
40 EACH PLANNING JURISDICTION SHALL PUBLISH A SCHEDULE FOR REVIEW OF
41 DEVELOPMENT APPLICATIONS. THE APPROVAL, CONDITIONAL APPROVAL,
42 OR DENIAL OF DEVELOPMENT APPLICATIONS SHALL BE BASED ON THE
43 MASTER PLAN, LAND USE REGULATIONS, AND SITE SPECIFIC CONDITIONS
44 WHERE APPROPRIATE. IF THE PLANNING JURISDICTION HAS NOT ALREADY
45 PUBLISHED A SCHEDULE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
46 SUBSECTION (1), IT SHALL PUBLISH SUCH A SCHEDULE NOT LATER THAN
47 JULY 1, 2002.";

48
49 strike lines 20 through 27.

50
51 Strike pages 49 through 53.

52
53 Page 54, strike lines 1 through 21.

54
55 Renumber succeeding subsections accordingly.

56

1 Page 58, line 5, strike "AND";

2

3 after line 5, insert the following:

4

5 "(c) ANY PROCEEDING UNDER THE PUBLIC UTILITIES LAW OF THE
6 STATE; AND".

7

8 Reletter succeeding paragraph accordingly.

9

10 Page 65, after line 18, insert the following:

11

12 **"24-63-609. Effect of article - public utilities.** (1) IN
13 CONNECTION WITH PUBLIC UTILITIES, NOTHING IN THIS ARTICLE SHALL BE
14 CONSTRUED AS ENHANCING OR DIMINISHING:

15

16 (a) THE POWER AND AUTHORITY OF THE PUBLIC UTILITIES
17 COMMISSION. ANY ORDER, RULE, AGREEMENT, OR DIRECTIVE ISSUED BY
18 ANY LOCAL GOVERNMENT PURSUANT TO THIS ARTICLE SHALL NOT BE
19 INCONSISTENT WITH, OR IN CONTRAVENTION OF, ANY DECISION, ORDER,
20 RULE, OR FINDING OF THE PUBLIC UTILITIES COMMISSION. THE
21 COMMISSION AND PUBLIC UTILITIES SHALL TAKE INTO CONSIDERATION
22 AND, WHEN FEASIBLE, FOSTER COMPLIANCE WITH MATER PLANS ADOPTED
23 PURSUANT TO THIS ARTICLE; OR

24

25 (b) THE RIGHTS AND PROCEDURES WITH RESPECT TO THE POWER OF
26 A PUBLIC UTILITY TO ACQUIRE PROPERTY AND RIGHTS-OF-WAY BY
27 EMINENT DOMAIN TO SERVE PUBLIC NEED IN THE MOST ECONOMICAL AND
28 EXPEDIENT MANNER."

29

30 Page 67, after line 26, insert the following:

31

32 **"SECTION 4.** 43-1-203, Colorado Revised Statutes, is amended
33 BY THE ADDITION OF A NEW SUBSECTION to read:

34

35 **43-1-203. Definitions.** As used in this part 2, unless the context
36 otherwise requires:

37

38 (2) "STATE TRANSPORTATION PURPOSES" MEANS THE TRANSPORT
39 OF PERSONS OR PROPERTY BY MOTOR VEHICLE, BUS, TRUCK, RAILROAD,
40 LIGHT RAIL, MASS TRANSIT, OR AIRPLANE.

41

42 **SECTION 5.** 43-1-208 (3), Colorado Revised Statutes, is
43 amended to read:

44

45 **43-1-208. State highway - damages - eminent domain - state**
46 **transportation commission.** (3) (a) Any person owning land or having
47 an interest in any land over which any proposed state highway extends
48 who is of the opinion that the tender made to him by the transportation
49 commission is inadequate, personally or by agent or attorney on or before
50 ten days from the date of such tender, may file a written request
51 addressed to the transportation commission for a jury to ascertain the
52 compensation ~~which~~ THAT he OR SHE may be entitled to by reason of
53 damages sustained by altering, widening, changing, or laying out such
54 state highway. Thereupon the transportation commission shall proceed
55 in the acquisition of such premises, under articles 1 to 7 of title 38, C.R.S.

56

1 (b) IN ADDITION TO ANY OTHER POWER UNDER THIS SECTION, the
2 transportation commission also has the power and is authorized to
3 proceed in the acquisition of the lands of private persons for state
4 highway TRANSPORTATION purposes, according to said articles 1 to 7 of
5 title 38, C.R.S., without tender or other proceedings under this part 2.

6
7 **SECTION 6.** 43-1-209, Colorado Revised Statutes, is amended
8 to read:

9
10 **43-1-209. Subsurface support deemed acquired.** Whenever real
11 property is acquired for ~~road or highway~~ STATE TRANSPORTATION
12 purposes, whether such acquisition is by purchase, lease, or other means
13 or by eminent domain, the right to subsurface support of such real
14 property is deemed to be acquired therewith. In the event the acquiring
15 authority determines that public convenience, necessity, and safety do not
16 require such subsurface support or determines that only a part of such
17 subsurface support is required for public convenience, necessity, and
18 safety, such acquiring authority may specifically exclude such subsurface
19 support, either in whole or in part, in such acquisition in accordance with
20 said determination.

21
22 **SECTION 7.** 43-1-210 (1) and (3), Colorado Revised Statutes,
23 are amended to read:

24
25 **43-1-210. Acquisition and disposition of property.**
26 (1) Whenever a part of a parcel of land is to be taken for state highway
27 TRANSPORTATION purposes and the remainder is to be left in such shape
28 or condition as to be of little value to its owner or to give rise to claims
29 or litigation concerning severance or other damage, the department of
30 transportation may acquire by purchase or condemnation the whole
31 parcel; except that the owner of said parcel may, at his OR HER option,
32 retain the mineral or gravel interests therein, subject to the right to
33 subsurface support retained by the department of transportation pursuant
34 to section 43-1-209. The owner who retains said mineral or gravel
35 interests shall not disturb the surface of the acquired parcel. The
36 department of transportation may sell or lease the remainder of said
37 parcel or may exchange the same for other property needed for state
38 highway TRANSPORTATION purposes.

39
40 (3) The department of transportation has the authority to acquire
41 by purchase, exchange, or condemnation rights-of-way for future needs
42 for which rights-of-way have been identified in the current five-year
43 highway program of projects and to lease any lands ~~which~~ THAT are held
44 for state highway TRANSPORTATION purposes and are not presently
45 needed therefor on such terms and conditions as the chief engineer, with
46 the approval of the governor, may fix. When any right-of-way is to be
47 acquired for future needs pursuant to this subsection (3), the department
48 of transportation may obtain possession of such right-of-way pursuant to
49 section 38-1-105 (6) (a), C.R.S., even though construction funds are not
50 available at the time of acquisition, following the approval of an
51 environmental assessment."

52
53 Renumber succeeding sections accordingly.
54
55
56

1 **HB01-1288** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 2, line 1, strike "(1) (g), (1) (j)" and substitute
6 "(1) (g), (1) (h.5), (1) (j)";
7

8 strike lines 3 and 4 and substitute "Revised Statutes, are amended to
9 read:";
10

11 line 10, strike "SIXTY" and substitute "FORTY";
12

13 line 25, strike "THIRTY" and substitute "TWENTY-FIVE";
14

15 after line 25, insert the following:
16

17 "(h.5) Mileage for each mile actually and necessarily traveled in
18 serving each writ, subpoena, or other process in other than a criminal
19 action, ~~thirty-one~~ FORTY-ONE cents; except that actual and not
20 constructive mileage shall be allowed in all cases; and, where more than
21 one warrant is served by any officer on one trip, the actual mileage only
22 shall be allowed such officer, and the actual mileage shall be apportioned
23 among the several warrants served on the trip;"
24

25 Page 3, line 1, strike "expenses or" and substitute "expenses, ~~or~~ BUT NOT
26 MORE THAN";
27

28 line 4, strike "expenses or" and substitute "expenses, ~~or~~ BUT NOT MORE
29 THAN";
30

31 line 10, after "class,", insert "ACTUAL EXPENSES, BUT NOT MORE THAN";
32

33 line 11, after "class,", insert "ACTUAL EXPENSES, BUT NOT MORE THAN";
34

35 line 22, after "class,", insert "ACTUAL EXPENSES, BUT NOT MORE THAN".
36

37 Page 4, strike lines 16 through 23.
38
39
40

41 **HB01-1306** be postponed indefinitely.
42
43

44 **HB01-1338** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:
47

48 Amend printed bill, page 2, strike lines 13 through 17 and substitute the
49 following:
50

51 **"SECTION 2. Effective date.** This act shall take effect at 12:01
52 a.m. on the day following the expiration of the ninety-day period after
53 final adjournment of the general assembly that is allowed for submitting
54 a referendum petition pursuant to article V, section 1 (3) of the state
55 constitution; except that, if a referendum petition is filed against this act
56 or an item, section, or part of this act within such period, then the act,

1 item, section, or part, if approved by the people, shall take effect on the
2 date of the official declaration of the vote thereon by proclamation of the
3 governor.".

4
5

6

7 **SB01-036** be referred to the Committee of the Whole with favorable
8 recommendation.

9

10

11

12

13 **STATE, VETERANS, & MILITARY AFFAIRS**

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

16

17 **HB01-1325** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:

20

21 Amend printed bill, page 2, line 6, strike "COMPLETION OF THE SECOND";

22

23 line 7, strike "TRIMESTER" and substitute "TWENTIETH WEEK OF
24 PREGNANCY".

25

26 Page 3, line 8, after "FETUS," insert "NOTWITHSTANDING THE PROVISIONS
27 OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE PHYSICIAN, NURSE, OR
28 OTHER MEDICAL PERSONNEL ATTENDING TO THE STILLBORN DEATH MAY
29 FILE THE DEATH CERTIFICATE REQUIRED BY PARAGRAPH (a) OF THIS
30 SUBSECTION (3)." and strike "THE PERSON" and substitute "THE PERSON";

31

32 line 9, after "CERTIFICATE", insert "IN THE CASE OF A STILLBORN FETUS";

33

34 after line 11, insert the following:

35

36 "(c) IF A DEATH CERTIFICATE IS NOT FILED IN THE CASE OF A FETAL
37 DEATH AS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3), A PARENT
38 MAY INFORM THE STATE REGISTRAR OF THE INFORMATION NECESSARY TO
39 COMPLETE THE DEATH CERTIFICATE AND A DEATH CERTIFICATE SHALL BE
40 COMPLETED BY THE STATE REGISTRAR."

41

42

43

44

45 **TRANSPORTATION & ENERGY**

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

48

49 **HB01-1261** be amended as follows, and as so amended, be referred to
50 the Committee on Appropriations with favorable
51 recommendation:

52

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

55

56 **"SECTION 1.** 42-6-102, Colorado Revised Statutes, is amended

1 to read:

2

3 **42-6-102. Definitions.** As used in this part 1, unless the context
4 otherwise requires:

5

6 (1) "Authorized agents" means the county clerk and recorder in
7 each of the counties of the state, except in the city and county of Denver,
8 and therein the manager of revenue is the authorized agent.

9

10 (2) "Dealer" means any person, firm, partnership, corporation, or
11 association licensed under the laws of this state to engage in the business
12 of buying, selling, exchanging, or otherwise trading in motor vehicles.

13

14 (3) "Department" means the department of revenue.

15

16 (4) "Director" means the executive director of the department of
17 revenue.

18

19 ~~(4.2)~~ (5) "Electronic record" has the same meaning as defined in
20 section 24-71.1-103 (3), C.R.S., and shall have the same effect as set
21 forth in section 24-71.1-105, C.R.S.

22

23 ~~(4.4)~~ (6) "File" means the creation of or addition to an electronic
24 record maintained for a certificate of title by the director or an authorized
25 agent of the director, as defined in section 42-6-105.

26

27 (7) (a) "FLOOD VEHICLE" MEANS A MOTOR VEHICLE THAT EITHER:

28

29 (I) HAS BEEN ACQUIRED BY AN INSURER AS PART OF A DAMAGE
30 SETTLEMENT DUE TO WATER DAMAGE; OR

31

32 (II) HAS BEEN SUBMERGED IN WATER TO THE POINT THAT WATER
33 HAS REACHED OVER THE DOOR SILL, ENTERED THE PASSENGER OR TRUNK
34 COMPARTMENT, AND EXPOSED ANY ELECTRICAL, COMPUTERIZED, OR
35 MECHANICAL COMPONENT TO WATER.

36

37 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (7),
38 "FLOOD VEHICLE" DOES NOT INCLUDE A MOTOR VEHICLE THAT, AS
39 DETERMINED UPON INSPECTION BY AN INSURANCE ADJUSTER OR
40 ESTIMATOR, MOTOR VEHICLE REPAIR PROFESSIONAL, OR MOTOR VEHICLE
41 DEALER:

42

43 (I) HAS NO ELECTRICAL, COMPUTERIZED, OR MECHANICAL
44 COMPONENTS THAT WERE DAMAGED BY WATER; OR

45

46 (II) HAS ONE OR MORE ELECTRICAL, COMPUTERIZED, OR
47 MECHANICAL COMPONENTS THAT WERE DAMAGED BY WATER BUT ALL
48 SUCH COMPONENTS HAVE BEEN REPAIRED OR REPLACED.

49

50 ~~(5)~~ (8) "Manufacturer" means a person, firm, partnership,
51 corporation, or association engaged in the manufacture of new motor
52 vehicles, trailers, or semitrailers.

53

54 ~~(6)~~ (9) "Mortgages" or "mortgage" or "chattel mortgage" means
55 chattel mortgages, conditional sales contracts, or any other like
56 instrument intended to operate as a mortgage or to create a lien on a

1 motor vehicle as security for an undertaking of the owner thereof or some
2 other person.

3
4 ~~(7)~~ (10) "Motor vehicle" means any self-propelled vehicle which
5 is designed primarily for travel on the public highways and which is
6 generally and commonly used to transport persons and property over the
7 public highways, trailers, semitrailers, and trailer coaches, without motive
8 power, except: Motorized bicycles, as defined in section 42-1-102 (59)
9 (b); vehicles which operate only upon rails or tracks laid in place on the
10 ground or that travel through the air or that derive their motive power
11 from overhead electric lines; farm tractors, farm trailers, and other
12 machines and tools used in the production, harvesting, and care of farm
13 products; and mobile machinery, self-propelled construction equipment,
14 or industrial machinery not designed primarily for highway
15 transportation.

16
17 ~~(8)~~ (11) "New vehicle" means any motor vehicle being transferred
18 for the first time from a manufacturer or importer, or dealer or agent of
19 a manufacturer or importer, and which motor vehicle had previously not
20 been used and is what is commonly known as a new motor vehicle. A
21 motor vehicle that has been used by a dealer solely for the purpose of
22 demonstration to prospective customers shall be considered a "new
23 vehicle" unless such demonstration use has been for more than one
24 thousand five hundred miles. Motor vehicles having a gross vehicle
25 weight rating of sixteen thousand pounds or more shall be exempt from
26 this definition.

27
28 (12) (a) "NONREPAIRABLE VEHICLE" MEANS A MOTOR VEHICLE
29 THAT HAS BEEN DESTROYED OR DISMANTLED TO SUCH AN EXTENT, OR IN
30 SUCH A MANNER, THAT IT:

31
32 (I) NO LONGER FUNCTIONS AS A MOTOR VEHICLE;

33
34 (II) CANNOT BE REPAIRED TO MEET CURRENT STANDARDS OF THE
35 INTER-INDUSTRY CONFERENCE ON AUTO COLLISION REPAIR OR ANY
36 SUCCESSOR STANDARDS THAT ARE GENERALLY RECOGNIZED AND APPLIED
37 IN THE AUTOMOBILE REPAIR INDUSTRY; AND

38
39 (III) HAS NO VALUE EXCEPT AS PARTS OR SCRAP.

40
41 (b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (12),
42 A MOTOR VEHICLE IS A NONREPAIRABLE MOTOR VEHICLE IF:

43
44 (I) THE MOTOR VEHICLE HAS BEEN DAMAGED;

45
46 (II) AN INSURER OR ANY OTHER PERSON HAS PAID VALUE TO THE
47 OWNER OF THE MOTOR VEHICLE TO ACQUIRE THE MOTOR VEHICLE, MAKE
48 SETTLEMENT OF A CLAIM IN CONNECTION WITH THE DAMAGE, OR BOTH;
49 AND

50
51 (III) THE COST OF REPAIRING THE MOTOR VEHICLE TO MEET
52 CURRENT STANDARDS OF THE INTER-INDUSTRY CONFERENCE ON AUTO
53 COLLISION REPAIR, OR TO MEET ANY SUCCESSOR STANDARDS THAT ARE
54 GENERALLY RECOGNIZED AND APPLIED IN THE AUTOMOBILE REPAIR
55 INDUSTRY, EXCEEDS EIGHTY-FIVE PERCENT OF THE MOTOR VEHICLE'S FAIR
56 MARKET VALUE PRIOR TO THE DAMAGE, AS SET FORTH IN A CURRENT

1 EDITION OF A NATIONALLY RECOGNIZED COMPILATION OF MOTOR VEHICLE
2 MARKET VALUES, INCLUDING ANY AUTOMATED DATA BASE THAT HAS BEEN
3 APPROVED BY THE DEPARTMENT.

4

5 (c) FOR PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION (12),
6 THE COST OF REPAIR:

7

8 (I) SHALL INCLUDE PARTS, LABOR, AND ANY APPLICABLE SALES
9 TAX; AND

10

11 (II) SHALL NOT INCLUDE PAYMENTS BY AN INSURER OR ANY OTHER
12 PERSON FOR BODILY INJURY, MEDICAL CARE, VEHICLE RENTAL,
13 NONECONOMIC DAMAGES, OR ANY OTHER COST NOT INCLUDED IN
14 SUBPARAGRAPH (I) OF THIS PARAGRAPH (c).

15

16 (13) "NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE" MEANS A
17 DOCUMENT ISSUED UNDER THE AUTHORITY OF THE DIRECTOR TO INDICATE
18 OWNERSHIP OF A NONREPAIRABLE MOTOR VEHICLE THAT WILL BE USED
19 ONLY FOR PARTS, AS SCRAP, OR BOTH.

20

21 ~~(9)~~ (14) "Owner" means any person, association of persons, firm,
22 or corporation in whose name the title to a motor vehicle is registered.

23

24 ~~(10)~~ (15) "Person" means natural persons, associations of persons,
25 firms, partnerships, and corporations.

26

27 (16) "REBUILT SALVAGE TITLE" MEANS A DOCUMENT ISSUED
28 UNDER THE AUTHORITY OF THE DIRECTOR TO INDICATE OWNERSHIP OF A
29 MOTOR VEHICLE THAT WAS PREVIOUSLY DESIGNATED AS A SALVAGE
30 VEHICLE AND THAT HAS SUBSEQUENTLY PASSED INSPECTION AND
31 DOCUMENTATION REQUIREMENTS AND BEEN DESIGNATED AS A REBUILT
32 SALVAGE VEHICLE.

33

34 (17) "REBUILT SALVAGE VEHICLE" MEANS A MOTOR VEHICLE THAT
35 WAS PREVIOUSLY ISSUED A SALVAGE CERTIFICATE OF TITLE AND THAT HAS
36 BEEN REPAIRED TO THE POINT THAT IT IS ROADWORTHY.

37

38 ~~(10.5)~~ (18) "Record" has the same meaning as defined in section
39 24-71.1-103 (9), C.R.S.

40

41 ~~(11)~~ (19) (a) "Roadworthy" means a condition in which a motor
42 vehicle:

43

44 (I) Has sufficient power and is fit to operate on the roads and
45 highways of this state after visual inspection by appropriate law
46 enforcement authorities; AND

47

48 (II) IN THE CASE OF A MOTOR VEHICLE THAT HAS BEEN REPAIRED,
49 MEETS CURRENT STANDARDS OF THE INTER-INDUSTRY CONFERENCE ON
50 AUTO COLLISION REPAIR OR ANY SUCCESSOR STANDARDS THAT ARE
51 GENERALLY RECOGNIZED AND APPLIED IN THE AUTOMOBILE REPAIR
52 INDUSTRY.

53

54 (b) In order to ~~be roadworthy, such~~ PASS INSPECTION UNDER
55 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (19), A vehicle,
56 in accord with its design and use, shall have all major parts and systems

1 permanently attached and functioning and shall not appear to have been
2 repaired in such a manner as to make the vehicle unsafe. For purposes of
3 this subsection ~~(11)~~ (19), "major parts and systems" shall include, but not
4 be limited to, the body of a motor vehicle with related component parts,
5 engine, transmission, tires, wheels, seats, exhaust, and all other
6 equipment required by Colorado law for the particular vehicle.
7

8 ~~(12)~~ (20) "Salvage certificate of title" means a document issued
9 under the authority of the director to indicate ownership of a salvage
10 vehicle.
11

12 ~~(13)~~ (21) (a) "Salvage vehicle" means ANY OF THE FOLLOWING:
13

14 (I) Any MOTOR vehicle ~~which is~~ THAT HAS BEEN damaged by
15 collision, fire, flood, accident, trespass, or other occurrence, excluding
16 hail damage, to the extent that the cost of repairing the vehicle IN
17 ACCORDANCE WITH CURRENT STANDARDS OF THE INTER-INDUSTRY
18 CONFERENCE ON AUTO COLLISION REPAIR OR ANY SUCCESSOR STANDARDS
19 THAT ARE GENERALLY RECOGNIZED AND APPLIED IN THE AUTOMOBILE
20 REPAIR INDUSTRY AND OF EQUIPPING THE VEHICLE for legal operation on
21 the highways exceeds the vehicle's retail fair market value immediately
22 prior to such damage, as ~~determined by the person who owns the vehicle~~
23 ~~at the time of such occurrence or by the insurer or other person acting on~~
24 ~~behalf of such owner~~ SET FORTH IN A CURRENT EDITION OF A NATIONALLY
25 RECOGNIZED COMPILATION OF MOTOR VEHICLE MARKET VALUES,
26 INCLUDING ANY AUTOMATED DATA BASE THAT HAS BEEN APPROVED BY
27 THE DEPARTMENT;
28

29 (II) A TOTAL LOSS VEHICLE;
30

31 (III) ANY MOTOR VEHICLE THE OWNERSHIP OF WHICH HAS BEEN
32 ACQUIRED BY AN INSURER AS A RESULT OF A DAMAGE SETTLEMENT, NOT
33 INCLUDING A HAIL DAMAGE SETTLEMENT AND NOT INCLUDING A THEFT
34 RECOVERY UNLESS THE RECOVERED VEHICLE SUSTAINED SUFFICIENT
35 DAMAGE IN THE COURSE OF THE THEFT TO MEET THE REQUIREMENTS OF
36 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a);
37

38 (IV) ANY MOTOR VEHICLE AS TO WHICH THE OWNER, OR AN
39 INSURER OR AGENT OF THE OWNER, HAS OBTAINED A SALVAGE TITLE IN
40 ACCORDANCE WITH THIS ARTICLE OR A SALVAGE TITLE OR ITS EQUIVALENT
41 ISSUED BY ANOTHER STATE, HOWEVER SUCH TITLE MAY BE DESIGNATED IN
42 SUCH OTHER STATE; OR
43

44 (V) A FLOOD VEHICLE.
45

46 (b) ~~In assessing whether a vehicle is a "salvage vehicle" under this~~
47 ~~section, the retail fair market value shall be determined by reference to~~
48 ~~sources generally accepted within the insurance industry including price~~
49 ~~guide books, dealer quotations, computerized valuation services,~~
50 ~~newspaper advertisements, and certified appraisals, taking into account~~
51 ~~the condition of the vehicle prior to the damage~~ THE COST OF REPAIR FOR
52 PURPOSES OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION
53 (21) SHALL CONSIST OF THE COST OF PARTS, LABOR, AND ANY APPLICABLE
54 TAX.
55

56 (c) This section shall not apply to a vehicle whose model year of

1 manufacture is eight years or older at the time of damage.

2

3 ~~(13.5)~~ (22) "Signature" means either a written signature or an
4 electronic signature as described in section 24-71.1-106, C.R.S.

5

6 ~~(14)~~ (23) "State" includes the territories and the federal districts
7 of the United States.

8

9 ~~(15)~~ (24) "Street rod vehicle" means a vehicle ~~manufactured in~~
10 ~~1948 or earlier with a~~ THAT IS MORE THAN TWENTY-FIVE YEARS OLD AND
11 THAT HAS HAD ITS body design ~~which has been~~ modified for safe road
12 use, including, but not limited to, modifications of the drive train,
13 suspension, and brake systems, modifications to the body through the use
14 of materials such as steel or fiberglass, and any other safety or comfort
15 features.

16

17 (25) (a) "TOTAL LOSS VEHICLE" MEANS A MOTOR VEHICLE THAT
18 MEETS ALL OF THE FOLLOWING CRITERIA:

19

20 (I) THE MOTOR VEHICLE HAS BEEN DAMAGED;

21

22 (II) AN INSURER OR ANY OTHER PERSON HAS PAID VALUE TO THE
23 OWNER OF THE MOTOR VEHICLE TO ACQUIRE THE MOTOR VEHICLE, MAKE
24 SETTLEMENT OF A CLAIM IN CONNECTION WITH THE DAMAGE, OR BOTH;
25 AND

26

27 (III) THE COST OF REPAIRING THE MOTOR VEHICLE TO MEET
28 CURRENT STANDARDS OF THE INTER-INDUSTRY CONFERENCE ON AUTO
29 COLLISION REPAIR, OR TO MEET ANY SUCCESSOR STANDARDS THAT ARE
30 GENERALLY RECOGNIZED AND APPLIED IN THE AUTOMOBILE REPAIR
31 INDUSTRY, EXCEEDS EIGHTY PERCENT OF THE MOTOR VEHICLE'S FAIR
32 MARKET VALUE PRIOR TO THE DAMAGE, AS SET FORTH IN A CURRENT
33 EDITION OF A NATIONALLY RECOGNIZED COMPILATION OF MOTOR VEHICLE
34 MARKET VALUES, INCLUDING ANY AUTOMATED DATA BASE THAT HAS BEEN
35 APPROVED BY THE DEPARTMENT.

36

37 (b) FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (25),
38 THE COST OF REPAIR:

39

40 (I) SHALL INCLUDE PARTS, LABOR, AND ANY APPLICABLE SALES
41 TAX; AND

42

43 (II) SHALL NOT INCLUDE PAYMENTS BY AN INSURER OR ANY OTHER
44 PERSON FOR BODILY INJURY, MEDICAL CARE, VEHICLE RENTAL,
45 NONECONOMIC DAMAGES, OR ANY OTHER COST NOT INCLUDED IN
46 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

47

48 ~~(16)~~ (26) "Used vehicle" means any motor vehicle that has been
49 sold, bargained, exchanged, or given away, or the title thereto transferred
50 from the person who first took title thereto from the manufacturer or
51 importer, dealer, or agent of the manufacturer or importer, or so used as
52 to have become what is commonly known as a secondhand motor vehicle.
53 A motor vehicle that has been used by a dealer for the purpose of
54 demonstration to prospective customers shall be considered a "used
55 vehicle" if such demonstration use has been for more than one thousand
56 five hundred miles.

1 ~~(17)~~ (27) "Vehicle" means any motor vehicle as defined in
2 subsection ~~(7)~~ (10) of this section.

3
4 **SECTION 2.** 42-6-136, Colorado Revised Statutes, as it will
5 become effective July 1, 2001, is amended to read:

6
7 **42-6-136. Surrender and cancellation of certificate - penalty**
8 **for violation.** (1) (a) The owner of any motor vehicle for which a
9 Colorado certificate of title has been issued ~~upon the destruction or~~
10 ~~dismantling of said motor vehicle, upon its being changed in such manner~~
11 ~~that it is no longer a motor vehicle, or upon its being sold or otherwise~~
12 ~~disposed of as salvage~~ AND WHICH MOTOR VEHICLE HAS BECOME A
13 NONREPAIRABLE VEHICLE OR SALVAGE VEHICLE shall surrender the
14 certificate of title to the motor vehicle to the director or the director's
15 authorized agent to be canceled or notify the director or the director's
16 authorized agent on ~~director approved~~ forms APPROVED BY THE DIRECTOR
17 indicating the loss, destruction or dismantling, or sale for salvage; and,
18 upon said owner's procuring the consent of the holders of any mortgages
19 noted on or recorded as part of the certificate of title and shown to be
20 unreleased in the office of the director, such certificate shall be canceled.
21 ~~Any person who violates any of the provisions of this section commits a~~
22 ~~class 1 petty offense and shall be punished as provided in section~~
23 ~~18-1-107, C.R.S.~~

24
25 (b) AN INSURER THAT MAKES A TOTAL LOSS DAMAGE SETTLEMENT
26 ON A MOTOR VEHICLE BUT DOES NOT ACQUIRE OWNERSHIP OF THE VEHICLE
27 SHALL:

28
29 (I) NOTIFY THE OWNER OF THE OWNER'S OBLIGATION TO APPLY FOR
30 A NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE OR SALVAGE
31 CERTIFICATE OF TITLE PURSUANT TO THIS SECTION; AND

32
33 (II) NOTIFY THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT
34 OF THE FACT THAT THE VEHICLE HAS BECOME A NONREPAIRABLE VEHICLE
35 OR SALVAGE VEHICLE.

36
37 (2) Upon the sale or transfer of any motor vehicle for which a
38 current Colorado certificate of title has been issued or filed AND which
39 motor vehicle has become a NONREPAIRABLE VEHICLE OR salvage vehicle,
40 ~~as defined in section 42-6-102 (13);~~ the purchaser or transferee shall
41 make application for a NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE OR
42 A salvage certificate of title, AS APPROPRIATE. The owner of any such
43 motor vehicle may make application for a ~~salvage~~ SUCH certificate of title
44 before the sale or transfer of such vehicle. Any owner making application
45 for a ~~salvage~~ SUCH certificate of title shall provide the director WITH SUCH
46 evidence of ownership ~~that satisfies~~ AS SHALL SATISFY the director of the
47 right of the applicant to have a ~~salvage~~ THE REQUESTED certificate of title
48 filed in favor of the owner.

49
50 (3) Any owner of a REBUILT salvage vehicle ~~which has been made~~
51 ~~roadworthy~~ who makes application for a ~~certificate of~~ REBUILT SALVAGE
52 title ~~as provided in section 42-6-116~~ shall include such information
53 regarding the salvage vehicle as the director may require by rule ~~The~~
54 ~~owner~~ AND shall provide to the director SUCH evidence of ownership
55 ~~which satisfies~~ AS SHALL SATISFY the director that the applicant is entitled
56 to filing of a REBUILT SALVAGE certificate of title.

1 (4) The director or the director's authorized agent shall ~~place the~~
 2 ~~letter "S" in a conspicuous place in the record for a vehicle that is a~~
 3 ~~salvage vehicle that has been made roadworthy. Such letter "S"~~
 4 ~~designation shall become a permanent part of the certificate of title for~~
 5 ~~such vehicle and shall appear~~ CLEARLY AND CONSPICUOUSLY IDENTIFY
 6 EVERY SALVAGE CERTIFICATE OF TITLE, REBUILT SALVAGE TITLE, AND
 7 NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE BY MEANS THAT ARE
 8 PERMANENT AND UNMISTAKABLE, WHETHER BY PRINTING SUCH TITLE ON
 9 BRIGHTLY COLORED CARD STOCK, BY THE INCLUSION OF A SPECIFIED
 10 WORDS OR PHRASES, OR BY OTHER MEANS APPROVED BY THE DIRECTOR.
 11 SUCH IDENTIFICATION SHALL APPEAR ON THE FIRST AND on all subsequent
 12 certificates of title for ANY such vehicle.

13
 14 (5) ONLY A SALVAGE CERTIFICATE OF TITLE OR REBUILT SALVAGE
 15 TITLE SHALL BE ISSUED FOR ANY VEHICLE THAT IS OR EVER WAS A
 16 SALVAGE VEHICLE.

17
 18 (6) ONLY A NONREPAIRABLE VEHICLE CERTIFICATE OF TITLE SHALL
 19 BE ISSUED FOR ANY VEHICLE THAT IS OR EVER WAS A NONREPAIRABLE
 20 VEHICLE.

21
 22 (7) ANY PERSON WHO KNOWINGLY VIOLATES ANY OF THE
 23 PROVISIONS OF THIS SECTION COMMITS A CLASS 1 PETTY OFFENSE AND
 24 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-107, C.R.S.

25
 26 **SECTION 3.** Part 3 of article 5 of title 18, Colorado Revised
 27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 28 read:

29
 30 **18-5-308. Salvage vehicle fraud.** (1) A PERSON COMMITS THE
 31 CRIME OF SALVAGE VEHICLE FRAUD IF, WITH INTENT TO CONCEAL THE
 32 FACT THAT A MOTOR VEHICLE HAS BEEN REBUILT FROM SALVAGE, HE OR
 33 SHE FAILS TO PREPARE AND DELIVER TO A PROSPECTIVE PURCHASER OF
 34 SUCH MOTOR VEHICLE A DISCLOSURE AFFIDAVIT IN ACCORDANCE WITH
 35 SECTION 42-6-206, C.R.S.

36
 37 (2) SALVAGE VEHICLE FRAUD IS:

38
 39 (a) A CLASS 2 MISDEMEANOR IF THE DOLLAR VALUE OF THE MOTOR
 40 VEHICLE IS LESS THAN FIVE HUNDRED DOLLARS;

41
 42 (b) A CLASS 6 FELONY IF THE DOLLAR VALUE OF THE MOTOR
 43 VEHICLE IS FIVE HUNDRED DOLLARS OR MORE BUT LESS THAN FIFTEEN
 44 THOUSAND DOLLARS; AND

45
 46 (c) A CLASS 5 FELONY IF THE DOLLAR VALUE OF THE MOTOR
 47 VEHICLE IS FIFTEEN THOUSAND DOLLARS OR MORE.

48
 49 **SECTION 4.** 6-1-708 (1) (b), Colorado Revised Statutes, is
 50 amended to read:

51
 52 **6-1-708. Motor vehicle sales and leases - deceptive trade**
 53 **practices.** (1) A person engages in a deceptive trade practice when, in
 54 the course of such person's business, vocation, or occupation, such
 55 person:

56

1 (b) Fails to disclose in writing, prior to sale, to the purchaser that
2 a motor vehicle is a salvage vehicle, as defined in section 42-6-102 ~~(13)~~
3 (21), C.R.S., that a vehicle was repurchased by or returned to the
4 manufacturer from a previous owner for inability to conform the motor
5 vehicle to the manufacturer's warranty in accordance with article 10 of
6 title 42, C.R.S., or with any other state or federal motor vehicle warranty
7 law, or knowingly fails to disclose, in writing, prior to sale, to the
8 purchaser that a motor vehicle has sustained material damage at any one
9 time from any one incident.

10

11 **SECTION 5.** 42-4-310 (1) (a) (II) (A), Colorado Revised
12 Statutes, is amended to read:

13

14 **42-4-310. Periodic emissions control inspection required.**
15 (1) (a) (II) (A) If title to a roadworthy motor vehicle, as defined in
16 section 42-6-102 ~~(11)~~ (19), for which a certification of emissions
17 compliance or emissions waiver must be obtained pursuant to this
18 paragraph (a) is being transferred to a new owner, the new owner may
19 require at the time of sale that the prior owner provide said certification
20 as required for the county of residence of the new owner.

21

22 **SECTION 6.** 42-6-113, Colorado Revised Statutes, as it will
23 become effective July 1, 2001, is amended to read:

24

25 **42-6-113. New vehicles - bill of sale - certificate of title.** Upon
26 the sale or transfer by a dealer of a new motor vehicle, such dealer shall,
27 upon the delivery thereof, make, execute, and deliver to the purchaser or
28 transferee a good and sufficient bill of sale therefor, together with the
29 manufacturer's certificate of origin. Said bill of sale shall be affirmed by
30 a statement signed by such dealer, shall contain or be accompanied by a
31 written declaration that it is made under the penalties of perjury in the
32 second degree, as defined in section 18-8-503, C.R.S., shall be in such
33 form as the director may prescribe, and shall contain, in addition to other
34 information that the director may by rule from time to time require, the
35 make and model of the motor vehicle so sold or transferred, the
36 identification number placed upon the vehicle by the manufacturer for
37 identification purposes, the manufacturer's suggested retail price, and the
38 date of the sale or transfer thereof, together with a description of any
39 mortgage on the vehicle given to secure the purchase price or any part
40 thereof. Upon presentation of such a bill of sale to the director or one of
41 the director's authorized agents, a new certificate of title for the vehicle
42 described in the bill of sale shall be filed and disposition thereof made as
43 in other cases. The transfer of a motor vehicle that has been used by a
44 dealer for the purpose of demonstration to prospective customers, if such
45 motor vehicle is a new vehicle as defined in section 42-6-102 ~~(8)~~ (11),
46 shall be made in accordance with the provisions of this section.

47

48 **SECTION 7.** 42-6-120 (1), Colorado Revised Statutes, as it will
49 become effective July 1, 2001, is amended to read:

50

51 **42-6-120. Security interests upon motor vehicles.** (1) Except
52 as provided in this section, the provisions of the "Uniform Commercial
53 Code", title 4, C.R.S., relating to the filing, recording, releasing, renewal,
54 and extension of chattel mortgages, as the term is defined in section
55 42-6-102 ~~(6)~~ (9), shall not be applicable to motor vehicles. Any mortgage
56 or refinancing of a mortgage intended by the parties to the mortgage or

1 refinancing to encumber or create a lien on a motor vehicle, to be
 2 effective as a valid lien against the rights of third persons, purchasers for
 3 value without notice, mortgagees, or creditors of the owner, shall be filed
 4 for public record and the fact of filing noted on the owner's certificate of
 5 title or bill of sale substantially in the manner provided in section
 6 42-6-121; and the filing of such mortgage with the director's authorized
 7 agent and the notation by the agent of that fact in the filing of the
 8 certificate of title or bill of sale substantially in the manner provided in
 9 section 42-6-121 shall constitute notice to the world of each and every
 10 right of the person secured by such mortgage.

11

12 **SECTION 8.** 42-6-206 (1) and (6), Colorado Revised Statutes,
 13 are amended to read:

14

15 **42-6-206. Disclosure requirements upon transfer of ownership**
 16 **of a salvage vehicle.** (1) Prior to ANY sale, EXCHANGE, DELIVERY, OR
 17 OTHER TRANSFER of a vehicle rebuilt from salvage to a prospective
 18 purchaser for the purpose of selling or transferring ownership of such
 19 vehicle OR ANY INTEREST THEREIN, the owner shall prepare a disclosure
 20 affidavit stating that the vehicle was rebuilt from salvage. The disclosure
 21 affidavit shall also contain a statement of the owner stating the nature of
 22 the damage which resulted in the determination that the vehicle is a
 23 salvage vehicle. The words "rebuilt from salvage" shall appear in bold
 24 print at the top of each such affidavit.

25

26 (6) As used in this section, unless the context otherwise requires:

27

28 (a) "OWNER" INCLUDES, WITHOUT LIMITATION, AN INSURER.

29

30 ~~(a)~~ (b) "Sale" means any sale or transfer of a vehicle rebuilt from
 31 salvage.

32

33 ~~(b)~~ (c) "Salvage vehicle" shall have the same meaning as set forth
 34 in section 42-6-102 ~~(13)~~ (21).

35

36 **SECTION 9. Effective date - applicability.** (1) This act shall
 37 take effect September 1, 2001; except that, if a referendum petition is
 38 filed against this act or an item, section, or part of this act within the
 39 ninety-day period after final adjournment of the general assembly that is
 40 allowed for submitting a referendum petition pursuant to article V,
 41 section 1 (3) of the state constitution, then the act, item, section, or part,
 42 if approved by the people, shall take effect on the date of the official
 43 declaration of the vote thereon by proclamation of the governor.

44

45 (2) The provisions of this act shall apply to acts committed on or
 46 after the applicable effective date of this act."

47

48

49 **HB01-1278** be postponed indefinitely.

50

51

52

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

54

55 The Speaker has signed: **HR01-1009.**

56

1 **MESSAGE FROM THE SENATE**

2
3 Mr. Speaker:

4
5 The Senate has passed on Third Reading and transmitted to the Revisor
6 of Statutes: SB01-172

7
8 The Senate has passed on Third Reading and transmitted to the Revisor
9 of Statutes:

10
11 SB01-115, amended as printed in Senate Journal February 19, page 361;
12 SB01-001, amended as printed in Senate Journal February 20, page 370;
13 SB01-140, amended as printed in Senate Journal February 20, page 370;
14 SB01-031, amended as printed in Senate Journal February 20, page 370.

15
16
17
18 **MESSAGE FROM THE REVISOR**

19
20 We herewith transmit without comment, SB01-172; and
21 without comment, as amended, SB01-115, 001, 140, and 031.

22
23
24
25 **INTRODUCTION OF BILLS**
26 **First Reading**

27
28 The following bills were read by title and referred to the committees
29 indicated:

30
31 **SB01-001** by Senator(s) Hernandez; also Representative(s) Boyd--
32 Concerning privacy protection for the medical records of
33 persons claiming workers' compensation benefits.
34 Committee on Business Affairs & Labor

35
36 **SB01-031** by Senator(s) Tate, Dyer (Durango); also
37 Representative(s) Alexander, Grossman--Concerning
38 privately owned rent-controlled housing.
39 Committee on State, Veterans, & Military Affairs

40
41 **SB01-115** by Senator(s) Cairns; also Representative(s) Schultheis--
42 Concerning the release of information identifying
43 individuals who defer the payment of property taxes
44 pursuant to the state elderly property tax deferral program.
45 Committee on Information & Technology

46
47 **SB01-140** by Senator(s) Matsunaka; also Representative(s) Johnson--
48 Concerning small claims court.
49 Committee on Civil Justice & Judiciary

50
51 **SB01-172** by Senator(s) Chlouber; also Representative(s) Miller--
52 Concerning the regulation of electricians by the state
53 electrical board.
54 Committee on Business Affairs & Labor

55
56

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LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, the following items on the Calendar were laid over until February 23, retaining place on Calendar:

Consideration of General Orders--**HB01-1189, 1113, SB01-047, HB01-1132, 1236, 1239, 1321, 1292, 1252, 1279, 1289, 1226, SB01-058, 084, 015, HB01-1249, 1174, 1274, 1237, 1245, 1323, 1304, 1328, 1232, 1308.**

On motion of Representative Spradley, the House adjourned until 9:00 a.m., February 23, 2001.

Approved:

DOUG DEAN,
Speaker

Attest:
JUDITH RODRIGUE,
Chief Clerk