

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

Fifty-eighth Legislative Day

Thursday, March 8, 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--Representatives Mace, Saliman, Swenson--3.
 9 Absent--Representative Williams S.--1.
 10 Present after roll call--Representatives Saliman, Williams S.

11
 12 The Speaker declared a quorum present.

13
 14
 15 On motion of Representative Garcia, the reading of the journal of
 16 March 7, 2001, was declared dispensed with and approved as corrected
 17 by the Chief Clerk.

18
 19
 20
 21 **THIRD READING OF BILL--FINAL PASSAGE**

22
 23 The following bill was considered on Third Reading. The title was
 24 publicly read. Reading of the bill at length was dispensed with by
 25 unanimous consent.

26
 27 **SB01-048** by Senator(s) Arnold; also Representative(s) Mitchell--
 28 Concerning officials for the city and county of
 29 Broomfield, and making an appropriation therefor.

30
 31 The question being "Shall the bill pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.

35
 36 YES 63 NO 0 EXCUSED 2 ABSENT 0

37								
38	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
39	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
40	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
41	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
43	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y

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

10

11 Co-sponsors added: Representatives Crane, Decker, Plant, Scott.

12

13

14

15

16 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

17

18 On motion of Representative Spradley, consideration of Senate
 19 amendments to **HB01-1040, 1061, 1011** was laid over until March 9.

20

21

22 **HB01-1250** by Representative(s) Williams T., Hoppe, Johnson,
 23 Webster, Young; also Senator(s) Hagedorn--Concerning
 24 interference with the flow of water in a ditch.

25

26 (Amended as printed in Senate Journal, March 2, page 449.)

27

28 Representative Williams T. moved that the House **not concur** in Senate
 29 amendments and that a Conference Committee be appointed. The motion
 30 was declared **passed** by the following roll call vote:

31

32 YES 62 NO 0 EXCUSED 2 ABSENT 1

33

34	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
35	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
36	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
37	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
38	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
39	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
40	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
41	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
42	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
43	Coleman	Y	King	Y	Saliman	Y	Webster	Y
44	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
45	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
46	Decker	Y	Lee	Y	Scott	Y	Williams S.	-
47	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
48	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
49	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
50							Mr. Speaker	Y

51

52 The Speaker appointed Representatives Williams T., Chairman, Rippy
 53 and Madden as House conferees to the bill.

54

55

1 **HB01-1136** by Representative(s) Witwer; also Senator(s) Evans--
 2 Concerning the creation of a statewide fire fighting
 3 resource database.

4
 5 (Amended as printed in Senate Journal, March 2, page 450.)

6
 7 Representative Witwer moved that the House **concur** in Senate amend-
 8 ments. The motion was declared **passed** by the following roll call vote:

10	YES 63	NO 0	EXCUSED 2	ABSENT 0
11				
12	Alexander	Y Groff	Y Miller	Y Spence
13	Bacon	Y Grossman	Y Mitchell	Y Spradley
14	Berry	Y Hefley	Y Nuñez	Y Stafford
15	Borodkin	Y Hodge	Y Paschall	Y Stengel
16	Boyd	Y Hoppe	Y Plant	Y Swenson
17	Cadman	Y Jahn	Y Ragsdale	Y Tapia
18	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
19	Clapp	Y Johnson	Y Rippy	Y Veiga
20	Cloer	Y Kester	Y Romanoff	Y Vigil
21	Coleman	Y King	Y Saliman	Y Webster
22	Crane	Y Larson	Y Sanchez	Y Weddig
23	Daniel	Y Lawrence	Y Schultheis	Y White
24	Decker	Y Lee	Y Scott	Y Williams S.
25	Fairbank	Y Mace	E Sinclair	Y Williams T.
26	Fritz	Y Madden	Y Smith	Y Witwer
27	Garcia	Y Marshall	Y Snook	Y Young
28				Mr. Speaker
29				

30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.

36	YES 63	NO 0	EXCUSED 2	ABSENT 0
37				
38	Alexander	Y Groff	Y Miller	Y Spence
39	Bacon	Y Grossman	Y Mitchell	Y Spradley
40	Berry	Y Hefley	Y Nuñez	Y Stafford
41	Borodkin	Y Hodge	Y Paschall	Y Stengel
42	Boyd	Y Hoppe	Y Plant	Y Swenson
43	Cadman	Y Jahn	Y Ragsdale	Y Tapia
44	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
45	Clapp	Y Johnson	Y Rippy	Y Veiga
46	Cloer	Y Kester	Y Romanoff	Y Vigil
47	Coleman	Y King	Y Saliman	Y Webster
48	Crane	Y Larson	Y Sanchez	Y Weddig
49	Daniel	Y Lawrence	Y Schultheis	Y White
50	Decker	Y Lee	Y Scott	Y Williams S.
51	Fairbank	Y Mace	E Sinclair	Y Williams T.
52	Fritz	Y Madden	Y Smith	Y Witwer
53	Garcia	Y Marshall	Y Snook	Y Young
54				Mr. Speaker
55				

56

1 **HB01-1138** by Representative(s) Cadman; also Senator(s) Phillips--
 2 Concerning state information technology governance.

3
 4 (Amended as printed in Senate Journal, March 2, page 450.)

5
 6 Representative Cadman moved that the House **concur** in Senate amend-
 7 ments. The motion was declared **passed** by the following roll call vote:

8
 9 YES 63 NO 0 EXCUSED 2 ABSENT 0

10								
11	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
12	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
13	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
14	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
15	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
16	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
17	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
18	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
19	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
20	Coleman	Y	King	Y	Saliman	Y	Webster	Y
21	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
22	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
23	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
24	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
25	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
26	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
27							Mr. Speaker	Y

28
 29
 30 The question being, "Shall the bill, as amended, pass?".

31 A roll call vote was taken. As shown by the following recorded vote, a
 32 majority of those elected to the House voted in the affirmative, and the
 33 bill, as amended, was declared **repassed**.

34
 35 YES 63 NO 0 EXCUSED 2 ABSENT 0

36								
37	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
38	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
39	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
40	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
41	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
42	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
43	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
44	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
45	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
46	Coleman	Y	King	Y	Saliman	Y	Webster	Y
47	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
48	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
49	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
50	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
51	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
52	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
53							Mr. Speaker	Y

54
 55
 56

1 **HB01-1154** by Representative(s) Spence, Crane, Sinclair, Weddig,
 2 Cadman, Daniel, Jahn; also Senator(s) Phillips, Epps--
 3 Concerning the use of electronic bingo devices.

4
 5 (Amended as printed in Senate Journal, March 2, page 450.)

6
 7 Representative Spence moved that the House **concur** in Senate amend-
 8 ments. The motion was declared **passed** by the following roll call vote:

9
 10 YES 63 NO 0 EXCUSED 2 ABSENT 0

11								
12	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
13	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
14	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
15	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
16	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
17	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
18	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
19	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
20	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
21	Coleman	Y	King	Y	Saliman	Y	Webster	Y
22	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
23	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
24	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
25	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
26	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
27	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
28							Mr. Speaker	Y

29
 30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.

35
 36 YES 62 NO 1 EXCUSED 2 ABSENT 0

37								
38	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
39	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
40	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
41	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
42	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
43	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
46	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	King	Y	Saliman	Y	Webster	Y
48	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
49	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
50	Decker	Y	Lee	Y	Scott	N	Williams S.	Y
51	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
52	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
53	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
54							Mr. Speaker	Y

55
 56 Co-sponsors added: Representatives Kester, Williams S.

1 **HB01-1004** by Representative(s) Hefley, Lawrence, Tochtrop; also
 2 Senator(s) Epps, Evans, Hagedorn, Linkhart--Concerning
 3 earned income disregards for the Colorado works program.

4
 5 (Amended as printed in Senate Journal, March 2, page 450.)

6
 7 Representative Hefley moved that the House **concur** in Senate amend-
 8 ments. The motion was declared **passed** by the following roll call vote:

9
 10 YES 63 NO 0 EXCUSED 2 ABSENT 0

11								
12	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
13	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
14	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
15	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
16	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
17	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
18	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
19	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
20	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
21	Coleman	Y	King	Y	Saliman	Y	Webster	Y
22	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
23	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
24	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
25	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
26	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
27	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
28							Mr. Speaker	Y

29
 30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.

35
 36 YES 61 NO 2 EXCUSED 2 ABSENT 0

37								
38	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
39	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
40	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
41	Borodkin	Y	Hodge	Y	Paschall	N	Stengel	Y
42	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
43	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
44	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
45	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
46	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
47	Coleman	Y	King	Y	Saliman	Y	Webster	Y
48	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
49	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
50	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
51	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
52	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
53	Garcia	Y	Marshall	Y	Snook	Y	Young	N
54							Mr. Speaker	Y

55
 56 Co-sponsors added: Representatives Garcia, Plant, Weddig.

1 **HB01-1035** by Representative(s) Spence, Larson; also Senator(s) Tupa
 2 --Concerning appointments to higher education boards and
 3 commissions.
 4

5 (Amended as printed in Senate Journal, March 2, page 451.)
 6

7 Representative Spence moved that the House **concur** in Senate amend-
 8 ments. The motion was declared **passed** by the following roll call vote:
 9

10	YES 51	NO 12	EXCUSED 2	ABSENT 0
11				
12	Alexander	N Groff	Y Miller	Y Spence Y
13	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
14	Berry	N Hefley	N Nuñez	Y Stafford Y
15	Borodkin	Y Hodge	Y Paschall	N Stengel Y
16	Boyd	Y Hoppe	Y Plant	Y Swenson E
17	Cadman	N Jahn	Y Ragsdale	Y Tapia Y
18	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
19	Clapp	Y Johnson	Y Rippy	Y Veiga N
20	Cloer	Y Kester	N Romanoff	Y Vigil Y
21	Coleman	Y King	Y Saliman	N Webster Y
22	Crane	Y Larson	Y Sanchez	Y Weddig Y
23	Daniel	Y Lawrence	Y Schultheis	Y White Y
24	Decker	Y Lee	Y Scott	Y Williams S. Y
25	Fairbank	Y Mace	E Sinclair	N Williams T. Y
26	Fritz	Y Madden	Y Smith	N Witwer Y
27	Garcia	Y Marshall	Y Snook	Y Young N
28				Mr. Speaker N

29
 30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.
 35

36	YES 62	NO 1	EXCUSED 2	ABSENT 0
37				
38	Alexander	Y Groff	Y Miller	Y Spence Y
39	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
40	Berry	N Hefley	Y Nuñez	Y Stafford Y
41	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
42	Boyd	Y Hoppe	Y Plant	Y Swenson E
43	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
44	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
45	Clapp	Y Johnson	Y Rippy	Y Veiga Y
46	Cloer	Y Kester	Y Romanoff	Y Vigil Y
47	Coleman	Y King	Y Saliman	Y Webster Y
48	Crane	Y Larson	Y Sanchez	Y Weddig Y
49	Daniel	Y Lawrence	Y Schultheis	Y White Y
50	Decker	Y Lee	Y Scott	Y Williams S. Y
51	Fairbank	Y Mace	E Sinclair	Y Williams T. Y
52	Fritz	Y Madden	Y Smith	Y Witwer Y
53	Garcia	Y Marshall	Y Snook	Y Young Y
54				Mr. Speaker Y

55
 56

1 **HB01-1168** by Representative(s) Lawrence; also Senator(s) Anderson-
 2 -Concerning substantive changes for the strengthening of
 3 the juvenile laws.
 4

5 (Amended as printed in Senate Journal, March 2, page 451.)
 6

7 Representative Lawrence moved that the House **concur** in Senate amend-
 8 ments. The motion was declared **passed** by the following roll call vote:
 9

10	YES 63	NO 0	EXCUSED 2	ABSENT 0
11				
12	Alexander	Y Groff	Y Miller	Y Spence
13	Bacon	Y Grossman	Y Mitchell	Y Spradley
14	Berry	Y Hefley	Y Nuñez	Y Stafford
15	Borodkin	Y Hodge	Y Paschall	Y Stengel
16	Boyd	Y Hoppe	Y Plant	Y Swenson
17	Cadman	Y Jahn	Y Ragsdale	Y Tapia
18	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
19	Clapp	Y Johnson	Y Rippy	Y Veiga
20	Cloer	Y Kester	Y Romanoff	Y Vigil
21	Coleman	Y King	Y Saliman	Y Webster
22	Crane	Y Larson	Y Sanchez	Y Weddig
23	Daniel	Y Lawrence	Y Schultheis	Y White
24	Decker	Y Lee	Y Scott	Y Williams S.
25	Fairbank	Y Mace	E Sinclair	Y Williams T.
26	Fritz	Y Madden	Y Smith	Y Witwer
27	Garcia	Y Marshall	Y Snook	Y Young
28				Mr. Speaker
29				Y

30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.
 35

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

56 Co-sponsors added: Representatives Garcia, Sanchez, Weddig.

1 **HB01-1171** by Representative(s) Romanoff, Berry, Johnson, Stafford,
 2 Tochtrop, Witwer, Young; also Senator(s) Owen,
 3 Hernandez--Concerning recoveries by the medical
 4 assistance program from third parties.
 5

6 (Amended as printed in Senate Journal, March 5, pages 473-474.)
 7

8 Representative Romanoff moved that the House **concur** in Senate amend-
 9 ments. The motion was declared **passed** by the following roll call vote:

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	YES 63	NO 0	EXCUSED 2	ABSENT 0																
13	Alexander	Y	Groff	Y	Miller	Y	Spence	Y												
14	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y												
15	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y												
16	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y												
17	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E												
18	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y												
19	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y												
20	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y												
21	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y												
22	Coleman	Y	King	Y	Saliman	Y	Webster	Y												
23	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y												
24	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y												
25	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y												
26	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y												
27	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y												
28	Garcia	Y	Marshall	Y	Snook	Y	Young	Y												
29							Mr. Speaker	Y												

31
 32 The question being, "Shall the bill, as amended, pass?".
 33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative, and the
 35 bill, as amended, was declared **repassed**.
 36

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

55
 56 Co-sponsor added: Representative Decker.

1 **HB01-1027** by Representative(s) Plant, Alexander, Mace, Miller,
 2 Ragsdale, Scott, Smith; also Senator(s) Andrews--Con-
 3 cerning survivor benefits for certain survivors of members
 4 of the statewide death and disability pension plan for
 5 police officers and firefighters upon the death of a member
 6 in active service who is not eligible for a normal
 7 retirement pension.

8
 9 (Amended as printed in Senate Journal, March 5, page 474.)

10
 11 Representative Plant moved that the House **concur** in Senate
 12 amendments. The motion was declared **passed** by the following roll call
 13 vote:

15	YES 62	NO 1	EXCUSED 2	ABSENT 0
16				
17	Alexander	Y Groff	Y Miller	Y Spence Y
18	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
19	Berry	Y Hefley	Y Nuñez	Y Stafford Y
20	Borodkin	Y Hodge	Y Paschall	N Stengel Y
21	Boyd	Y Hoppe	Y Plant	Y Swenson E
22	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
23	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
24	Clapp	Y Johnson	Y Rippy	Y Veiga Y
25	Cloer	Y Kester	Y Romanoff	Y Vigil Y
26	Coleman	Y King	Y Saliman	Y Webster Y
27	Crane	Y Larson	Y Sanchez	Y Weddig Y
28	Daniel	Y Lawrence	Y Schultheis	Y White Y
29	Decker	Y Lee	Y Scott	Y Williams S. Y
30	Fairbank	Y Mace	E Sinclair	Y Williams T. Y
31	Fritz	Y Madden	Y Smith	Y Witwer Y
32	Garcia	Y Marshall	Y Snook	Y Young Y
33				Mr. Speaker Y

34
 35
 36 The question being, "Shall the bill, as amended, pass?"

37 A roll call vote was taken. As shown by the following recorded vote, a
 38 majority of those elected to the House voted in the affirmative, and the
 39 bill, as amended, was declared **repassed**.

41	YES 63	NO 0	EXCUSED 2	ABSENT 0
42				
43	Alexander	Y Groff	Y Miller	Y Spence Y
44	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
45	Berry	Y Hefley	Y Nuñez	Y Stafford Y
46	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
47	Boyd	Y Hoppe	Y Plant	Y Swenson E
48	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
49	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
50	Clapp	Y Johnson	Y Rippy	Y Veiga Y
51	Cloer	Y Kester	Y Romanoff	Y Vigil Y
52	Coleman	Y King	Y Saliman	Y Webster Y
53	Crane	Y Larson	Y Sanchez	Y Weddig Y
54	Daniel	Y Lawrence	Y Schultheis	Y White Y
55	Decker	Y Lee	Y Scott	Y Williams S. Y
56	Fairbank	Y Mace	E Sinclair	Y Williams T. Y

1	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
2	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
3							Mr. Speaker	Y

4
5 Co-sponsors added: Representatives Grossman, Marshall, Saliman, Veiga, Vigil.
6
7

8
9 **MESSAGE FROM THE SENATE**

10 Mr. Speaker:

11
12 The Senate has passed on Third Reading and returns herewith
13 HB01-1001.
14

15 The Senate has passed on Third Reading and transmitted to the Revisor
16 of Statutes:
17 HB01-1075, amended as printed in Senate Journal, March 6, page 487.
18

19 The Senate has adopted and transmits herewith: SJR01-016.
20

21
22 **MESSAGE FROM THE REVISOR**

23
24 We herewith transmit without comment, as amended, HB01-1075.
25
26

27
28 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

29
30 On motion of Representative Spradley, the rules were suspended for
31 immediate consideration of Senate amendments on HB01-1075.
32

33 **HB01-1075** by Representative(s) Mitchell, Hefley, Dean, Grossman;
34 also Senator(s) Perlmutter, Andrews, Matsunaka--
35 Concerning an increase in the number of district court
36 judges in ten judicial districts, and making an
37 appropriation therefor.
38

39 (Amended as printed in Senate Journal, March 6, page 487.)
40

41 Representative Mitchell moved that the House **concur** in Senate amend-
42 ments. The motion was declared **passed** by the following roll call vote:
43

44 YES 63 NO 0 EXCUSED 2 ABSENT 0

46	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
47	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
48	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
49	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
50	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
51	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
52	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
53	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
54	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
55	Coleman	Y	King	Y	Saliman	Y	Webster	Y
56	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y

1	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
2	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
3	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
4	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
5	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
6							Mr. Speaker	Y

7
8
9 The question being, "Shall the bill, as amended, pass?".
10 A roll call vote was taken. As shown by the following recorded vote, a
11 constitutional two-thirds majority of those elected to the House voted in
12 the affirmative, and the bill, as amended, was declared **repassed**.

13	14	YES	63	NO	0	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	E
	21	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
	22	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
	23	Clapp	Y	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	Y	Lee	Y	Scott	Y	Williams S.	Y
	29	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
	30	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
	31	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
	32							Mr. Speaker	Y

33
34 Co-sponsors added: Representatives Alexander, Stengel, Tapia.
35
36
37

38 **REPORTS OF COMMITTEES OF REFERENCE**

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

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

43
44 **SB01-044** be referred to the Committee of the Whole with favorable
45 recommendation.
46

47
48 **SB01-111** be referred to the Committee of the Whole with favorable
49 recommendation.
50

51
52 **SB01-112** be referred to the Committee of the Whole with favorable
53 recommendation.
54
55
56

1 **BUSINESS AFFAIRS & LABOR**

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

4
5 **HB01-1166** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, strike everything below the enacting clause and
10 substitute the following:

11
12 "SECTION 1. Article 20 of title 13, Colorado Revised Statutes,
13 is amended BY THE ADDITION OF A NEW PART to read:

14
15 PART 8

16
17 CONSTRUCTION DEFECT ACTIONS
18 FOR PROPERTY LOSS AND DAMAGE

19
20 **13-20-801. Short title.** THIS PART 8 SHALL BE KNOWN AND MAY
21 BE CITED AS THE "CONSTRUCTION DEFECT ACTION REFORM ACT".

22
23 **13-20-802. Legislative declaration.** THE GENERAL ASSEMBLY
24 HEREBY FINDS, DECLARES, AND DETERMINES THAT LIMITED CHANGES IN
25 THE LAW ARE NECESSARY AND APPROPRIATE CONCERNING CIVIL ACTIONS
26 CLAIMING DAMAGES, INDEMNITY, OR CONTRIBUTION IN CONNECTION WITH
27 ALLEGED CONSTRUCTION DEFECTS RESULTING IN PROPERTY LOSS OR
28 DAMAGE. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS PART 8
29 APPLY TO THESE TYPES OF CIVIL ACTIONS WHILE PRESERVING ADEQUATE
30 RIGHTS AND REMEDIES FOR PROPERTY OWNERS WHO BRING AND MAINTAIN
31 SUCH ACTIONS.

32
33 **13-20-803. List of defects required.** (1) IN EVERY ACTION
34 BROUGHT AGAINST ANY ARCHITECT, CONTRACTOR, BUILDER, BUILDER
35 VENDOR, ENGINEER, OR INSPECTOR PERFORMING OR FURNISHING THE
36 DESIGN, SUPERVISION, INSPECTION, CONSTRUCTION, OR OBSERVATION OF
37 CONSTRUCTION OF ANY IMPROVEMENT TO REAL PROPERTY, THE CLAIMANT
38 SHALL FILE WITH THE COURT AND SERVE ON THE DEFENDANT AN INITIAL
39 LIST OF CONSTRUCTION DEFECTS IN ACCORDANCE WITH THIS SECTION. AS
40 USED IN THIS PART 8, "ACTION" MEANS ANY CIVIL ACTION OR ARBITRATION
41 PROCEEDING FOR DAMAGES, INDEMNITY, OR CONTRIBUTION ASSERTING A
42 CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY CLAIM FOR
43 INJURY OR LOSS TO, OR THE LOSS OF USE OF, ANY REAL PROPERTY CAUSED
44 BY AN ALLEGED DEFECT IN THE CONSTRUCTION OF AN IMPROVEMENT TO
45 THE REAL PROPERTY.

46
47 (2) THE INITIAL LIST OF CONSTRUCTION DEFECTS SHALL CONTAIN
48 A DESCRIPTION OF THE CONSTRUCTION THAT THE CLAIMANT ALLEGES TO
49 BE DEFECTIVE. THE INITIAL LIST OF CONSTRUCTION DEFECTS SHALL BE
50 FILED WITH THE COURT AND SERVED ON THE DEFENDANT WITHIN SIXTY
51 DAYS AFTER THE COMMENCEMENT OF THE ACTION OR WITHIN SUCH
52 LONGER PERIOD AS THE COURT IN ITS DISCRETION MAY ALLOW.

53
54 (3) THE INITIAL LIST OF CONSTRUCTION DEFECTS MAY BE AMENDED
55 BY THE CLAIMANT TO IDENTIFY ADDITIONAL CONSTRUCTION DEFECTS AS
56 THEY BECOME KNOWN TO THE CLAIMANT. IN NO EVENT SHALL THE COURT

1 ALLOW THE CASE TO BE SET FOR TRIAL BEFORE THE INITIAL LIST OF
2 CONSTRUCTION DEFECTS IS FILED AND SERVED.

3
4 (4) IF A SUBCONTRACTOR OR SUPPLIER IS ADDED AS A PARTY TO AN
5 ACTION UNDER THIS SECTION, THE CLAIMANT MAKING THE CLAIM AGAINST
6 SUCH SUBCONTRACTOR SHALL FILE WITH THE COURT AND SERVE ON THE
7 DEFENDANT AN INITIAL LIST OF CONSTRUCTION DEFECTS IN ACCORDANCE
8 WITH THIS SECTION WITHIN SIXTY DAYS AFTER SERVICE OF THE COMPLAINT
9 AGAINST THE SUBCONTRACTOR OR SUPPLIER OR WITHIN SUCH LONGER
10 PERIOD AS THE COURT IN ITS DISCRETION MAY ALLOW. IN NO EVENT SHALL
11 THE FILING OF A DEFECT LIST UNDER THIS SUBSECTION (4) DELAY THE
12 SETTING OF THE TRIAL.

13
14 **13-20-804. Restriction on residential construction defect**
15 **negligence claims.** (1) NO NEGLIGENCE CLAIM SEEKING DAMAGES FOR
16 A RESIDENTIAL CONSTRUCTION DEFECT MAY BE ASSERTED IN AN ACTION
17 IF SUCH CLAIM ARISES FROM THE FAILURE TO CONSTRUCT A RESIDENTIAL
18 IMPROVEMENT TO REAL PROPERTY IN SUBSTANTIAL COMPLIANCE WITH AN
19 APPLICABLE BUILDING CODE OR INDUSTRY STANDARD; EXCEPT THAT SUCH
20 CLAIM MAY BE ASSERTED IF SUCH FAILURE RESULTS IN ONE OR MORE OF
21 THE FOLLOWING:

22
23 (a) ACTUAL OR PROBABLE DAMAGE TO REAL OR PERSONAL
24 PROPERTY;

25
26 (b) ACTUAL OR PROBABLE LOSS OF THE USE OF REAL OR PERSONAL
27 PROPERTY;

28
29 (c) BODILY INJURY OR WRONGFUL DEATH; OR

30
31 (d) A RISK OF PERSONAL INJURY OR DEATH TO, OR A THREAT TO
32 THE LIFE, HEALTH, OR SAFETY OF, THE OCCUPANTS OF THE REAL PROPERTY
33 FOR WHICH THE RESIDENTIAL IMPROVEMENT WAS CONSTRUCTED.

34
35 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT,
36 LIMIT, OR IMPAIR THE FOLLOWING:

37
38 (a) THE ASSERTION OF TORT CLAIMS OTHER THAN CLAIMS FOR
39 NEGLIGENCE; OR

40
41 (b) THE ASSERTION OF CONTRACT OR WARRANTY CLAIMS,
42 INCLUDING BUT NOT LIMITED TO, CONTRACT OR WARRANTY CLAIMS THAT
43 ARISE FROM THE VIOLATION OF ANY STATUTE.

44
45 **SECTION 2.** 13-80-104 (l) (b), Colorado Revised Statutes, is
46 amended to read:

47
48 **13-80-104. Limitation of actions against architects,**
49 **contractors, builders or builder vendors, engineers, inspectors, and**
50 **others.** (l) (b) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH
51 (II) OF THIS PARAGRAPH (b), a claim for relief arises under this section at
52 the time the claimant or the claimant's predecessor in interest discovers
53 or in the exercise of reasonable diligence should have discovered the
54 physical manifestations of a defect in the improvement which ultimately
55 causes the injury.

56

1 (II) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
2 THIS SUBSECTION (1), ALL CLAIMS, INCLUDING, BUT NOT LIMITED TO
3 INDEMNITY OR CONTRIBUTION, BY A CLAIMANT AGAINST A PERSON WHO IS
4 OR MAY BE LIABLE TO THE CLAIMANT FOR ALL OR PART OF THE CLAIMANT'S
5 LIABILITY TO A THIRD PERSON:
6

7 (A) ARISE AT THE TIME THE THIRD PERSON'S CLAIM AGAINST THE
8 CLAIMANT IS SETTLED OR AT THE TIME FINAL JUDGMENT IS ENTERED ON
9 THE THIRD PERSON'S CLAIM AGAINST THE CLAIMANT, WHICHEVER COMES
10 FIRST; AND
11

12 (B) SHALL BE BROUGHT WITHIN NINETY DAYS AFTER THE CLAIMS
13 ARISE, AND NOT THEREAFTER.
14

15 **SECTION 3.** Part 3 of article 33.3 of title 38, Colorado Revised
16 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:
17

18 **38-33.3-303.5. Construction defect actions - disclosure.**

19 (1) (a) IN THE EVENT THE EXECUTIVE BOARD, PURSUANT TO SECTION
20 38-33.3-302 (1) (d), INSTITUTES AN ACTION ASSERTING DEFECTS IN THE
21 CONSTRUCTION OF FIVE OR MORE UNITS, THE PROVISIONS OF THIS SECTION
22 SHALL APPLY. FOR PURPOSES OF THIS SECTION, "ACTION" SHALL HAVE THE
23 SAME MEANING AS SET FORTH IN SECTION 13-20-803 (1), C.R.S.
24

25 (b) THE EXECUTIVE BOARD SHALL SUBSTANTIALLY COMPLY WITH
26 THE PROVISIONS OF THIS SECTION.
27

28 (2) (a) PRIOR TO THE SERVICE OF THE SUMMONS AND COMPLAINT
29 ON ANY DEFENDANT WITH RESPECT TO AN ACTION GOVERNED BY THIS
30 SECTION, THE EXECUTIVE BOARD SHALL MAIL OR DELIVER WRITTEN NOTICE
31 OF THE COMMENCEMENT OR ANTICIPATED COMMENCEMENT OF SUCH
32 ACTION TO EACH UNIT OWNER AT THE LAST KNOWN ADDRESS DESCRIBED
33 IN THE ASSOCIATION'S RECORDS.
34

35 (b) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION
36 (2) SHALL STATE A GENERAL DESCRIPTION OF THE FOLLOWING:
37

38 (I) THE NATURE OF THE ACTION AND THE RELIEF SOUGHT; AND
39

40 (II) THE EXPENSES AND FEES THAT THE EXECUTIVE BOARD
41 ANTICIPATES WILL BE INCURRED IN PROSECUTING THE ACTION.
42

43 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:
44

45 (a) REQUIRE THE DISCLOSURE IN THE NOTICE OR THE DISCLOSURE
46 TO A UNIT OWNER OF ATTORNEY-CLIENT COMMUNICATIONS OR OTHER
47 PRIVILEGED COMMUNICATIONS;
48

49 (b) PERMIT THE NOTICE TO SERVE AS A BASIS FOR ANY PERSON TO
50 ASSERT THE WAIVER OF ANY APPLICABLE PRIVILEGE RESULTING FROM, OR
51 TO CLAIM IMMUNITY IN CONNECTION WITH, THE DISCLOSURE OF
52 INFORMATION IN THE NOTICE; OR
53

54 (c) LIMIT OR IMPAIR THE AUTHORITY OF THE EXECUTIVE BOARD TO
55 CONTRACT FOR LEGAL SERVICES, OR LIMIT OR IMPAIR THE ABILITY TO
56 ENFORCE SUCH A CONTRACT FOR LEGAL SERVICES.

1 **SECTION 4. Effective date - applicability.** (1) This act shall
2 take effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly that is
4 allowed for submitting a referendum petition pursuant to article V,
5 section 1 (3) of the state constitution; except that, if a referendum petition
6 is filed against this act or an item, section, or part of this act within such
7 period, then the act, item, section, or part, if approved by the people, shall
8 take effect on the date of the official declaration of the vote thereon by
9 proclamation of the governor.

10
11 (2) This act shall apply to actions filed on or after the applicable
12 effective date of this act."

13
14 Page 1, line 102, strike "**DAMAGE.**" and substitute "**DAMAGE, AND, IN**
15 **CONNECTION THEREWITH, CREATING A DISCLOSURE REQUIREMENT IN**
16 **CERTAIN ACTIONS, RESTRICTING CONSTRUCTION DEFECT NEGLIGENCE**
17 **CLAIMS, MODIFYING THE STATUTE OF LIMITATIONS FOR CERTAIN**
18 **CLAIMS, AND REQUIRING THE DISCLOSURE OF CONSTRUCTION DEFECT**
19 **LITIGATION BY THE EXECUTIVE BOARD OF A UNIT OWNERS'**
20 **ASSOCIATION TO THE UNIT OWNERS.**".

21
22
23
24 **HB01-1245** be postponed indefinitely.

25
26
27 **SB01-156** be amended as follows, and as so amended, be referred to
28 the Committee of the Whole with favorable
29 recommendation:

30
31 Amend reengrossed bill, page 2, line 19, strike "FILE A SUPPLEMENTAL
32 APPLICATION";

33
34 line 20, strike "WITH" and substitute "SEND A COPY OF THE APPLICATION
35 OR SUPPLEMENTAL APPLICATION FOR AN ADDITIONAL SALES ROOM TO".

36
37 Page 3, line 2, strike "IF IT" and substitute "BY THE STATE LICENSING
38 AUTHORITY IF THE LOCAL LICENSING AUTHORITY".

39
40 strike line 4 and substitute the following:
41 "NEIGHBORHOOD AND THE DESIRES OF THE";

42
43 line 5, strike "RESIDENTS" and substitute "INHABITANTS";

44
45 line 8, strike "HAS PROVIDED";

46
47 line 9, strike "EVIDENCE THAT THE APPLICANT".

48
49
50
51 **SB01-172** be referred to the Committee of the Whole with favorable
52 recommendation.

53
54
55
56

1 **EDUCATION**

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

4
5 **HB01-1352** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 19, strike "OR" and substitute "AND".

10

11

12

13 **HJR01-1011** be amended as follows, and as so amended, be referred to
14 the Committee on Appropriations with favorable
15 recommendation:

16

17 Amend printed joint resolution, page 2, line 44, strike "seventeen" and
18 substitute "nineteen".

19

20 Page 3, line 5, strike "Five representatives," and substitute "Five members
21 of the House of Representatives,";

22

23 line 7, strike "party;" and substitute "party, and at least one member being
24 from rural Colorado.";

25

26 line 11, strike "(III)" and substitute "(IV)";

27

28 line 12, strike "and";

29

30 line 13, strike "(IV)" and substitute "(V)";

31

32 line 14, after the semi-colon, add "and";

33

34 after line 14, insert the following:

35

36 "(VI) One person who is enrolled as a traditional student at a
37 state-supported institution of higher education in this state and who is a
38 representative of a statewide organization that represents the interests of
39 higher education students.";

40

41 line 18, strike "party;" and substitute "party, and at least one member
42 being from rural Colorado.";

43

44 line 24, strike "and";

45

46 line 26, strike "education." and substitute "education; and";

47

48 after line 26, insert the following:

49

50 "(VI) One person who is enrolled as a nontraditional student at a
51 state-supported institution of higher education in this state and who is a
52 representative of a statewide organization that represents the interests of
53 higher education students.";

54

55 Line 27, strike "four" and substitute "six".

56

1 **SB01-123** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend reengrossed bill, page 2, line 6, after "(4)", insert "(a)";

6
7 line 9, after "TO", insert "AT LEAST NINETY-FIVE PERCENT OF";

8
9 line 11, strike "THE";

10
11 strike lines 12 through 14 and substitute the following:

12 "AND AVAILABLE FOR EXPENDITURE FOR THE DISTRICT'S PRESCHOOL
13 PROGRAM. ANY MONEYS BUDGETED FOR A DISTRICT'S PRESCHOOL
14 PROGRAM THAT ARE NOT EXPENDED DURING A BUDGET";

15
16 strike lines 17 through 25 and substitute the following:

17
18 "(b) NO LATER THAN OCTOBER 1, 2002, AND EACH OCTOBER 1
19 THEREAFTER, THE BOARD OF EDUCATION OF EACH DISTRICT SHALL
20 ANNUALLY REPORT TO THE DEPARTMENT OF EDUCATION THE PERCENTAGE
21 OF THE DISTRICT'S PER PUPIL OPERATING REVENUES THAT THE BOARD OF
22 EDUCATION ESTABLISHED FOR PURPOSES OF BUDGETING FOR THE
23 DISTRICT'S PRESCHOOL PROGRAM FOR THE IMMEDIATELY PRECEDING
24 BUDGET YEAR AND THE TOTAL AMOUNT OF THE DISTRICT'S REVENUES THAT
25 WERE EXPENDED FOR THE DISTRICT'S PRESCHOOL PROGRAM FOR THE SAME
26 BUDGET YEAR. SUCH REPORT SHALL BE MADE IN ACCORDANCE WITH
27 RULES PROMULGATED BY THE STATE BOARD PURSUANT TO ARTICLE 4 OF
28 TITLE 24, C.R.S."
29

30 Page 3, strike lines 1 through 12.

31
32 Renumber succeeding section accordingly.
33
34
35

36 **SB01-169** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend reengrossed bill, page 3, line 4, strike "BY" and substitute "ON
41 BEHALF OF";

42
43 line 9, after "INFORMATION.", insert "SUCH DATA SHALL BE PROVIDED
44 THROUGH THE STATE DEPARTMENT'S COMPUTERIZED SYSTEMS, IF
45 AVAILABLE. COUNTIES SHALL NOT BE REQUIRED TO PROVIDE ADDITIONAL
46 MANUAL OR COMPUTERIZED SYSTEMS TO GATHER SUCH DATA."
47
48
49

50 **FINANCE**

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

54 **HB01-1337** 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 3, strike lines 10 through 13 and substitute the
2 following:

3 "DIRECTION BY ANY STATE AGENCY EXCEPT AS PROVIDED IN THIS
4 ARTICLE."

5
6 Page 4, line 2, strike "AND";

7
8 line 3, strike "ORGANIZATION." and substitute "ORGANIZATION; AND";

9
10 after line 3, insert the following:

11 "(VII) ONE MEMBER OF THE GENERAL PUBLIC WITH AN INTEREST
12 IN ANIMAL WELFARE."

13
14 Page 5, line 1, after the period, add "MEMBERS SHALL NOT RECEIVE ANY
15 REIMBURSEMENT FROM THE BOARD FOR ANY EXPENSES INCURRED
16 FULFILLING THEIR RESPONSIBILITIES PURSUANT TO THIS SECTION.";

17
18 line 2, strike "(a)";

19
20 strike lines 3 through 5;

21
22 line 6, strike "(II)" and substitute "(a)";

23
24 line 9, strike "(III)" and substitute "(b)";

25
26 line 13, strike "(IV)" and substitute "(c)";

27
28 strike lines 18 through 27 and substitute the following:

29 "(d) DEVELOP, ADOPT, AND IMPLEMENT A COOPERATIVE PROCESS
30 TO WORK WITH LOCAL VETERINARIANS, LICENSED ANIMAL SHELTERS, AND
31 LOCAL COMMUNITIES CONCERNING PET WELFARE, ANIMAL SHELTERING,
32 AND PET OVERPOPULATION CONTROL IN THIS STATE."

33
34 Page 6, strike lines 1 through 15.

35
36 Page 7, after line 4, insert the following:

37 "(6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
38 AUTHORIZE THE COLORADO PET WELFARE AUTHORITY TO PROMULGATE
39 RULES TO IMPLEMENT THIS SECTION."

40
41 Page 8, line 15, strike "(a)";

42
43 line 19, strike "SHALL NOT" and substitute "SHALL";

44
45 strike lines 21 and 22.

46
47
48
49
50 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

53
54 **SB01-011** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1 Amend reengrossed bill, page 3, after line 13, insert the following:

2

3 **"SECTION 2. Repeal.** 12-41.5-110 (1), Colorado Revised
4 Statutes, is repealed as follows:

5

6 **12-41.5-110. Exceptions.** (1) ~~For purposes of this section, "direct~~
7 ~~supervision" shall mean the supervision of those tasks or procedures that~~
8 ~~do not require the presence of a respiratory therapist in the room where~~
9 ~~performed but require the respiratory therapist's presence on the premises~~
10 ~~and availability for prompt consultation and treatment."~~

11

12 Renumber succeeding sections accordingly.

13

14 Page 3, line 22, strike "supervision." and substitute "supervision OF A
15 RESPIRATORY THERAPIST ON THE PREMISES WHO IS AVAILABLE FOR
16 PROMPT CONSULTATION OR TREATMENT."

17

18 Page 4, line 22, strike "THE DIRECT SUPERVISION OF A" and substitute
19 "SUPERVISION AS DETERMINED APPROPRIATE BY THE RESPIRATORY
20 THERAPIST AND AFTER SUCH RESPIRATORY THERAPIST";

21

22 strike line 23.

23

24

25

26 **SB01-101** be postponed indefinitely.

27

28

29

30

31 **LOCAL GOVERNMENT**

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

34

35 **HCR01-1001** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:

38

39 Amend printed concurrent resolution, page 3, line 4, strike "three" and
40 substitute "three FOUR";

41

42 line 14, strike "registered" and substitute "registered";

43

44 after line 19, insert the following:

45

46 "Section 1 of article VII of the constitution of the state of Colorado
47 is amended to read:

48

49 **Section 1. Qualifications of elector.** Every citizen of the United
50 States who has attained the age of eighteen years, has resided in this state
51 not less than ~~one year~~ THIRTY DAYS next preceding the election at which
52 he offers to vote and in the county, city, town, ward, or precinct such
53 time as may be prescribed by law, and has been duly registered as a voter
54 if required by law shall be qualified to vote at all elections; except that
55 the general assembly may by law extend to citizens of the United States
56 who have resided in this state less than ~~one year~~ THIRTY DAYS the right

- 1 to vote for presidential and vice-presidential electors.";
- 2
- 3 line 23, after "ARTICLE V", insert "AND SECTION 1 OF ARTICLE VII";
- 4
- 5 line 24, after "COLORADO,", insert "MODIFYING ELECTION PROCEDURES,
- 6 AND, IN CONNECTION THEREWITH,".
- 7
- 8 Page 4, line 2, strike "ELECTION."" and substitute "ELECTION, INCREASING
- 9 THE PERIOD PRIOR TO AN ELECTION THAT INITIATIVE PETITIONS MUST BE
- 10 FILED WITH THE SECRETARY OF STATE TO AT LEAST FOUR MONTHS,
- 11 INSTEAD OF THREE MONTHS, BEFORE THE ELECTION AT WHICH THEY ARE
- 12 TO BE VOTED UPON, AND DECREASING THE PERIOD OF RESIDENCY THAT A
- 13 CITIZEN MUST RESIDE IN THE STATE TO BE A QUALIFIED ELECTOR FROM AT
- 14 LEAST ONE YEAR TO AT LEAST THIRTY DAYS."".
- 15
- 16 Page 1, line 103, after "ARTICLE V", insert "AND SECTION 1 OF ARTICLE
- 17 VII";
- 18
- 19 line 104, after "COLORADO,", insert "MODIFYING ELECTION
- 20 PROCEDURES AND, IN CONNECTION THEREWITH,";
- 21
- 22 line 110, strike "ELECTION." and substitute "ELECTION, INCREASING THE
- 23 PERIOD PRIOR TO AN ELECTION THAT INITIATIVE PETITIONS MUST BE
- 24 FILED WITH THE SECRETARY OF STATE TO AT LEAST FOUR MONTHS,
- 25 INSTEAD OF THREE MONTHS, BEFORE THE ELECTION AT WHICH THEY
- 26 ARE TO BE VOTED UPON, AND DECREASING THE PERIOD OF RESIDENCY
- 27 THAT A CITIZEN MUST RESIDE IN THE STATE TO BE A QUALIFIED
- 28 ELECTOR FROM AT LEAST ONE YEAR TO AT LEAST THIRTY DAYS.".
- 29
- 30
- 31
- 32 **SB01-038** be amended as follows, and as so amended, be referred to
- 33 the Committee of the Whole with favorable
- 34 recommendation:
- 35
- 36 Amend reengrossed bill, page 2, line 13, after "TO", insert "OR HAS
- 37 PRESUMED USE OF".
- 38
- 39
- 40
- 41 **SB01-135** be amended as follows, and as so amended, be referred to
- 42 the Committee of the Whole with favorable
- 43 recommendation:
- 44
- 45 Amend reengrossed bill, page 3, line 4, strike "COUNTY";
- 46
- 47 line 5, strike "CORONERS";
- 48
- 49 line 6, strike the second "75,500";
- 50
- 51 line 7, strike "45,000";
- 52
- 53 line 8, strike "38,000";
- 54
- 55 line 9, strike "18,000";
- 56

1 line 10, strike "9,000";
 2
 3 strike lines 11 through 26.
 4
 5 Page 4, strike lines 1 through 18.
 6
 7 Renumber succeeding section accordingly.
 8
 9

10
 11

12 **TRANSPORTATION & ENERGY**

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

15

16 **SB01-201** be referred to the Committee of the Whole with favorable
 17 recommendation.
 18

19

20

21 **REPORTS FROM THE SENATE AND HOUSE**
 22 **COMMITTEES ON DELAYED BILLS**

23

24 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 25 Delayed Bills, acting jointly, extend the following deadline for Senate
 26 Bill 01-129, Concerning the Financing of Public Schools and Making an
 27 Appropriation in Connection Therewith:

28

29 The Friday, March 16 deadline (the 66th legislative day) for final passage,
 30 including any conference committee report, for any bill prescribing all or
 31 a substantial portion of the total funding for public schools pursuant to
 32 the "Public School Finance Act of 1994", article 54 of title 22, Colorado
 33 Revised Statutes, is extended until March 26, 2001 (the 76th legislative
 34 day).

35

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

38

39 (signed)	(signed)
40 Doug Dean	Stan Matsunaka
41 Lola Spradley	Ed Perlmutter
42 Dan Grossman	John Andrews

43

44

45

46 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 47 Delayed Bills, acting jointly, extend the following deadline for Senate
 48 Bill 01-137, Concerning the Financing of Public Schools and Making an
 49 Appropriation in Connection Therewith:

50

51 The Friday, March 16 deadline (the 66th legislative day) for final passage,
 52 including any conference committee report, for any bill prescribing all or
 53 a substantial portion of the total funding for public schools pursuant to
 54 the "Public School Finance Act of 1994", article 54 of title 22, Colorado
 55 Revised Statutes, is extended until March 26, 2001 (the 76th legislative
 56 day).

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

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

8
9
10
11 **PRINTING REPORT**

12
13 The Chief Clerk reports the following bill has been correctly printed:
14 **HB01-1359.**

15
16
17 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

18
19 The Speaker has signed: **HB01-1117, 1146, 1186, 1196; SJR01-004,**
20 **005.**

21
22
23 **DELIVERY OF BILLS TO GOVERNOR**

24
25 The Chief Clerk of the House of Representatives reports the following
26 bills have been delivered to the Office of the Governor: **HB01-1013,**
27 **1015, 1063, 1085, 1118** at 2:45 p.m. on March 7, 2001.

28
29
30 **INTRODUCTION OF BILLS**
31 **First Reading**

32
33 The following bills were read by title and referred to the committees
34 indicated:

35
36 **HB01-1360** by Representative(s) Lawrence, Larson, Miller; also
37 Senator(s) Phillips--Concerning the master lease program.
38 Committee on Finance

39
40 **HB01-1361** by Representative(s) Lawrence, Larson, Miller; also
41 Senator(s) Phillips--Concerning the authority of the
42 department of corrections to enter into lease-purchase
43 agreements to fund construction of certain correctional
44 facility expansions.

45 Committee on Finance

46
47
48 **INTRODUCTION OF RESOLUTION**

49
50 The following resolution was read by title and laid over one day under the
51 rules:

52
53 **SJR01-016** by Senator(s) Gordon; also Representative(s) Stengel,
54 Grossman--Concerning the recognition of Liberty Day and
55 Liberty Month in Colorado.

56

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, the following items on the Calendar were laid over until March 9, retaining place on Calendar:

Consideration of General Orders--**SB01-027, 102, 025, 055, HB01-1287, 1309, SB01-043, HB01-1018, 1331, SB01-088, 049, 120, 022, 128.**
Consideration of Resolution--**SJR01-015.**

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

Approved:

DOUG DEAN,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk