

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

Sixty-third Legislative Day

Tuesday, March 12, 2002

1 Prayer by the Reverend Kraig Burleson, Loving Saints Christian
2 Fellowship, Denver.

3

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

5

6 The roll was called with the following result:

7

8 Present--61.

9

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

11

12 Excused--Representatives Chavez, Cloer, Paschall--3.

13

14 Present after roll call--Representatives Chavez, Cloer, Paschall.

15

16 The Speaker declared a quorum present.

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20 On motion of Representative Marshall, the reading of the journal of
21 March 11, 2002, was declared dispensed with and approved as corrected
22 by the Chief Clerk.

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CONSIDERATION OF RESOLUTION

25 **HJR02-1026** by Representative(s) Lawrence, Alexander, Berry,
26 Borodkin, Boyd, Clapp, Coleman, Hefley, Hodge, Hoppe,
27 Jahn, Mace, Marshall, Ragsdale, Rhodes, Sanchez,
28 Spence, Spradley, Stafford, Tochtrop, Veiga, Williams S.,
29 Williams T.; also Senator(s) Anderson--Concerning Girl
30 Scout Day.

32 (Printed and placed in member's file; also printed in House Journal,
33 March 11, 2002, pages 783-784.)

35 On motion of Representative Lawrence, the resolution was read at length
36 and **adopted** by **viva voce** vote.

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

THIRD READING OF BILLS--FINAL PASSAGE

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

HB02-1320 by Representative(s) Harvey, Paschall, Alexander, Cadman, Clapp, Crane, Fairbank, Fritz, Lee, Mitchell, Rhodes, Schultheis; also Senator(s) May, Lamborn, Musgrave, Andrews, Hillman--Concerning the prohibition of discrimination against employees based upon labor union participation.

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

	YES 36	NO 28	EXCUSED 1	ABSENT 0			
Alexander	Y	Groff	N	Marshall	N	Spence	Y
Bacon	N	Grossman	N	Miller	N	Spradley	Y
Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
Boyd	N	Hodge	N	Plant	N	Swenson	Y
Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
Coleman	N	Kester	Y	Saliman	N	Webster	Y
Crane	Y	King	Y	Sanchez	N	Weddig	N
Daniel	N	Larson	Y	Schultheis	Y	White	Y
Decker	Y	Lawrence	N	Scott	Y	Williams S.	N
Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
Fritz	Y	Mace	N	Smith	E	Witwer	Y
Garcia	N	Madden	N	Snook	Y	Young	Y
						Mr. Speaker	Y

Co-sponsors added: Representatives Decker, Hefley, Hoppe, Johnson, King, Spence, Webster, Young.

HB02-1003 by Representative(s) Spradley, Clapp, Tochtrop, Williams T.; also Senator(s) Hagedorn, Owen--Concerning expanded access to health insurance.

As shown by the following roll call vote, less than a majority of all members elected to the House voted in the affirmative, and Representative Paschall was denied permission to offer a Third Reading amendment:

	YES 5	NO 59	EXCUSED 1	ABSENT 0			
Alexander	N	Groff	N	Marshall	N	Spence	N
Bacon	N	Grossman	N	Miller	N	Spradley	N
Berry	N	Harvey	N	Mitchell	N	Stafford	N
Borodkin	N	Hefley	N	Paschall	Y	Stengel	N

1	Boyd	N	Hodge	N	Plant	N	Swenson	Y
2	Cadman	N	Hoppe	N	Ragsdale	N	Tapia	N
3	Chavez	N	Jahn	N	Rhodes	N	Tochtrop	N
4	Clapp	Y	Jameson	N	Rippy	N	Veiga	N
5	Cloer	N	Johnson	N	Romanoff	N	Vigil	N
6	Coleman	N	Kester	N	Saliman	N	Webster	N
7	Crane	Y	King	N	Sanchez	N	Weddig	N
8	Daniel	N	Larson	N	Schultheis	Y	White	N
9	Decker	N	Lawrence	N	Scott	N	Williams S.	N
10	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
11	Fritz	N	Mace	N	Smith	E	Witwer	N
12	Garcia	N	Madden	N	Snook	N	Young	N
13							Mr. Speaker	N

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

22	YES	40	NO	24	EXCUSED	1	ABSENT	0
24	Alexander	Y	Groff	N	Marshall	N	Spence	Y
25	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
26	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
27	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
28	Boyd	N	Hodge	N	Plant	N	Swenson	Y
29	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	N
30	Chavez	N	Jahn	N	Rhodes	Y	Tochtrop	N
31	Clapp	Y	Jameson	N	Rippy	Y	Veiga	N
32	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
33	Coleman	N	Kester	Y	Saliman	N	Webster	Y
34	Crane	Y	King	Y	Sanchez	N	Weddig	Y
35	Daniel	N	Larson	N	Schultheis	Y	White	Y
36	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
37	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
38	Fritz	Y	Mace	Y	Smith	E	Witwer	Y
39	Garcia	N	Madden	N	Snook	Y	Young	Y
40							Mr. Speaker	Y

42 Representative Tochtrop requested her name be removed as sponsor.
 43 Co-sponsors added: Representatives Alexander, Cadman, Cloer, Crane, Decker,
 44 Fairbank, Fritz, Harvey, Hefley, Hoppe, Johnson, Kester, King, Lawrence, Lee,
 45 Miller, Mitchell, Paschall, Rhodes, Rippy, Scott, Snook, Spence, Stafford,
 46 Stengel, Webster, White, Young, Mr. Speaker.

49 **HB02-1350** by Representative(s) Young, Kester, Miller; also
 50 Senator(s) Taylor--Concerning the terms of the lease
 51 agreement for the Towner railroad line.

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

	YES 61	NO 3	EXCUSED 1	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
8	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	N	White	Y
15	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	E	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	Y
19							Mr. Speaker	Y

20
21 Co-sponsors added: Representatives Decker, Hoppe, Romanoff, Spradley,
22 Tapia.

23
24 **HB02-1354** by Representative(s) Cloer, Jahn, Dean, Fairbank, Stengel;
25 also Senator(s) Takis, Thiebaut--Concerning distributions
26 to purse funds from pari-mutuel wagering receipts on
27 simulcast races.

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

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

	YES 33	NO 31	EXCUSED 1	ABSENT 0				
33								
34								
35								
36	Alexander	N	Groff	N	Marshall	Y	Spence	N
37	Bacon	N	Grossman	N	Miller	N	Spradley	Y
38	Berry	Y	Harvey	N	Mitchell	N	Stafford	N
39	Borodkin	N	Hefley	N	Paschall	N	Stengel	Y
40	Boyd	Y	Hodge	Y	Plant	N	Swenson	Y
41	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
42	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
43	Clapp	Y	Jameson	N	Rippy	N	Veiga	Y
44	Cloer	Y	Johnson	N	Romanoff	Y	Vigil	Y
45	Coleman	N	Kester	N	Saliman	N	Webster	N
46	Crane	N	King	Y	Sanchez	Y	Weddig	Y
47	Daniel	Y	Larson	N	Schultheis	Y	White	N
48	Decker	N	Lawrence	Y	Scott	Y	Williams S.	N
49	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	N
50	Fritz	Y	Mace	Y	Smith	E	Witwer	Y
51	Garcia	Y	Madden	N	Snook	N	Young	N
52							Mr. Speaker	Y

53
54 Co-sponsors added: Representatives Mace, Tapia, Vigil.

55
56

1 On motion of Representative Johnson, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and he was
3 called to the Chair to act as Chairman.

4

5

6

GENERAL ORDERS--SECOND READING OF BILLS

7

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

12

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

15

16 **HB02-1192** by Representative(s) Sinclair, Hefley, Dean, Decker, Lee,
17 Marshall, Plant; also Senator(s) Linkhart--Concerning the
18 enactment of the "Citizen Participation in Government Act
19 of 2002".

20

21 Amendment No. 1, by Representatives Cadman, Mitchell.

22

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

25

26 **"SECTION 1.** Article 21 of title 13, Colorado Revised Statutes,
27 is amended BY THE ADDITION OF A NEW PART to read:

28

29

PART 10

30

CITIZEN PARTICIPATION IN GOVERNMENT ACT OF 2002

31

32 **13-21-1001. Short title.** THIS PART 10 SHALL BE KNOWN AND
33 MAY BE CITED AS THE "CITIZEN PARTICIPATION IN GOVERNMENT ACT OF
34 2002".

35

36 **13-21-1002. Legislative declaration.** THE GENERAL ASSEMBLY
37 DECLARES THAT THE PURPOSE OF THIS PART 10 IS TO SAFEGUARD THE
38 RIGHTS OF CITIZENS TO PARTICIPATE IN GOVERNMENT WITHOUT FEAR OF
39 RETALIATORY LITIGATION AND TO PERMIT THOSE TRULY AGGRIEVED BY
40 ABUSE OF PARTICIPATION TO VINDICATE THEIR LEGAL RIGHTS. THE
41 GENERAL ASSEMBLY'S INTENT IN ENACTING THIS PART 10 IS TO PROVIDE
42 FOR AN EXPEDITED RESOLUTION OF THE ISSUES WHEN AN ALLEGATION IS
43 MADE THAT A LAWSUIT CONSTITUTES A STRATEGIC LAWSUIT AGAINST
44 PUBLIC PARTICIPATION, ALSO KNOWN AS A SLAPP.

45

46 **13-21-1003. Definitions.** AS USED IN THIS PART 10, UNLESS THE
47 CONTEXT OTHERWISE REQUIRES:

48

49 (1) "DEFENDANT" MEANS ANY PERSON AGAINST WHOM THE
50 JUDICIAL CLAIM WAS FILED AND WHO IS FILING A MOTION AS DESCRIBED IN
51 SECTION 13-21-1004 TO SEEK DISMISSAL OF THE JUDICIAL CLAIM ON THE
52 GROUNDS THAT THE JUDICIAL CLAIM IS A SLAPP.

53

54 (2) "GOVERNMENTAL BODY" MEANS A BRANCH, DEPARTMENT,
55 AGENCY, BOARD, COMMITTEE, COUNCIL, OR COMMISSION OF THE FEDERAL
56 GOVERNMENT, THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS STATE

1 OR OTHER PUBLIC AUTHORITY.

2

3 (3) "JUDICIAL CLAIM" OR "CLAIM" MEANS ANY CIVIL LAWSUIT,
4 CAUSE OF ACTION, OR CLAIM SEEKING DAMAGES OR REQUESTING RELIEF.

5

6 (4) "LACKS SUBSTANTIAL JUSTIFICATION" MEANS SUBSTANTIALLY
7 FRIVOLOUS, SUBSTANTIALLY GROUNDLESS, OR SUBSTANTIALLY
8 VEXATIOUS.

9

10 (5) "MOTION" MEANS ANY MOTION TO DISMISS OR ANY MOTION
11 FOR SUMMARY JUDGMENT OR ANY OTHER JUDICIAL PLEADING FILED TO
12 DISPOSE OF A JUDICIAL CLAIM.

13

14 (6) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION,
15 ASSOCIATION, ORGANIZATION, PARTNERSHIP, TWO OR MORE PERSONS
16 HAVING A JOINT OR COMMON INTEREST, OR OTHER LEGAL ENTITY.

17

18 (7) "PLAINTIFF" MEANS THE PERSON WHO FILED THE ORIGINAL
19 JUDICIAL CLAIM.

20

21 (8) "PUBLIC PARTICIPATION" MEANS ANY ORAL OR WRITTEN
22 TESTIMONY SUBMITTED OR PROVIDED TO A GOVERNMENTAL BODY DURING
23 THE COURSE OF A GOVERNMENTAL PROCEEDING.

24

25 (9) "SLAPP" MEANS A STRATEGIC LAWSUIT AGAINST PUBLIC
26 PARTICIPATION AND REFERS TO A LAWSUIT WHICH LACKS SUBSTANTIAL
27 JUSTIFICATION OR IS INTERPOSED FOR DELAY OR HARASSMENT AND WHICH
28 IS SOLELY BASED ON THE PARTY'S PUBLIC PARTICIPATION BEFORE A
29 GOVERNMENTAL BODY.

30

31 **13-21-1004. Protection of citizens to participate in government**
32 **- applicability - procedures - discovery.** (1) THIS SECTION APPLIES TO
33 ANY MOTION IN A JUDICIAL PROCEEDING TO DISMISS OR OTHERWISE
34 DISPOSE OF A JUDICIAL CLAIM ON THE GROUNDS THAT THE CLAIM
35 INVOLVES PUBLIC PARTICIPATION AND IS A SLAPP LAWSUIT.

36

37 (2) IF A MOTION AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION
38 IS FILED, THE COURT SHALL HOLD A HEARING AND MAKE A FINDING ON
39 SUCH A MOTION WITHIN FORTY-FIVE DAYS AFTER THE FILING OF THE
40 MOTION.

41

42 (3) AFTER THE FILING OF ANY MOTION DESCRIBED IN SUBSECTION
43 (1) OF THIS SECTION, DISCOVERY SHALL BE SUSPENDED, PENDING THE
44 FINAL DISPOSITION OF THE MOTION; EXCEPT THAT THE COURT MAY, ON
45 MOTION AND FOR GOOD CAUSE SHOWN, ORDER THAT SPECIFIED AND
46 LIMITED DISCOVERY BE CONDUCTED.

47

48 (4) THE PLAINTIFF SHALL HAVE THE BURDEN OF PROOF ON THE
49 MOTION. THE PLAINTIFF SHALL HAVE THE BURDEN OF PROVING BY A
50 PREPONDERANCE OF THE EVIDENCE THAT THE LAWSUIT IS NOT A SLAPP.

51

52 (5) IF THE COURT FINDS THAT THE PLAINTIFF HAS NOT MET THE
53 BURDEN OF PROOF, THEN THE COURT SHALL GRANT THE MOTION
54 DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND DISMISS THE JUDICIAL
55 CLAIM.

56

1 **13-21-1005. Attorney fees and costs.** THE COURT SHALL AWARD
2 TO A DEFENDANT WHO PREVAILS IN A MOTION DESCRIBED IN SECTION
3 13-21-1004 (1) THE COSTS OF LITIGATION, INCLUDING REASONABLE
4 ATTORNEY FEES, INCURRED IN CONNECTION WITH THE MOTION. THE
5 COURT SHALL AWARD ATTORNEY FEES TO A PLAINTIFF WHO PREVAILS IN
6 DEFENDING AGAINST A MOTION DESCRIBED IN SECTION 13-21-1004 (1) IF
7 THE COURT FINDS THAT SUCH MOTION LACKS SUBSTANTIAL JUSTIFICATION
8 OR IS INTERPOSED FOR DELAY OR HARASSMENT.
9

10 **SECTION 2. Effective date - applicability.** (1) This act shall
11 take effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly that is
13 allowed for submitting a referendum petition pursuant to article V,
14 section 1 (3) of the state constitution; except that, if a referendum petition
15 is filed against this act or an item, section, or part of this act within such
16 period, then the act, item, section, or part, if approved by the people, shall
17 take effect on the date of the official declaration of the vote thereon by
18 proclamation of the governor.
19

20 (2) The provisions of this act shall apply to any causes of action
21 accruing on or after the applicable effective date of this act."
22

23 Amendment No. 2, by Representative Mitchell.
24

25 Amend the Amendment No. 1, by Representatives Cadman, Mitchell, as
26 printed in the House Journal, page 791, line 4, strike the second "THE";
27

28 strike lines 5 through 8.
29

30 As amended, ordered engrossed and placed on the Calendar for Third
31 Reading and Final Passage.
32

33 On motion of Representative Spradley, the remainder of the General
34 Orders Calendar (**SB02-122, HB02-1015, 1317, SB02-114, 118,**
35 **HB02-1343, 1357, SB02-145, HB02-1347, SB02-007, 026, SCR02-001,**
36 **HB02-1010, 1180, 1254, 1321, 1330, SB02-032, 106, HB02-1332,**
37 **SB02-038, 139, 158**) was laid over until March 13, retaining place on
38 Calendar.
39

42 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

43
44 Passed Second Reading: **HB02-1192 amended.**
45

46 Laid over until date indicated retaining place on Calendar: **SB02-122,**
47 **HB02-1015, 1317, SB02-114, 118, HB02-1343, 1357, SB02-145, HB02-**
48 **1347, SB02-007, 026, SCR02-001, HB02-1010, 1180, 1254, 1321, 1330,**
49 **SB02-032, 106, HB02-1332, SB02-038, 139, 158**--March 13, 2002.
50

51 The Chairman moved the adoption of the Committee of the Whole
52 Report. As shown by the following roll call vote, a majority of those
53 elected to the House voted in the affirmative, and the Report was
54 **adopted.**
55

	YES 61	NO 2	EXCUSED 2	ABSENT 0				
1								
2								
3	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
4	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
5	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
6	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
7	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
8	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
9	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
10	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
11	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
12	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
13	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
14	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
15	Decker	Y	Lawrence	Y	Scott	E	Williams S.	Y
16	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
17	Fritz	Y	Mace	Y	Smith	E	Witwer	Y
18	Garcia	Y	Madden	Y	Snook	Y	Young	N
19							Mr. Speaker	Y

APPOINTMENTS

The Speaker announced the following temporary change in committee assignment:

For today only, Representative King to replace Representative Smith on the Committee on Criminal Justice.

Representative Grossman announced the following temporary change in committee assignments:

For today only, Representative Tapia to replace Representative Veiga on the Committee on Criminal Justice

For today only, Representative Plant to replace Representative Madden on the Committee on Civil Justice & Judiciary

REPORTS OF COMMITTEES OF REFERENCE

EDUCATION

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

SB02-124 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 2, strike lines 4 through 14.

Page 3, strike lines 1 through 9 and substitute the following:

1 **"22-30.5-107.5. Dispute resolution - governing policy**
 2 **provisions - appeal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
 3 22-30.5-108, ANY DISPUTES THAT MAY ARISE BETWEEN A CHARTER
 4 SCHOOL AND ITS CHARTERING SCHOOL DISTRICT CONCERNING GOVERNING
 5 POLICY PROVISIONS OF THE SCHOOL'S CHARTER CONTRACT SHALL BE
 6 RESOLVED PURSUANT TO THIS SECTION.

7
 8 (2) (a) A CHARTER SCHOOL OR ITS CHARTERING SCHOOL DISTRICT
 9 MAY INITIATE A RESOLUTION TO ANY DISPUTE CONCERNING A GOVERNING
 10 POLICY PROVISION OF THE SCHOOL'S CHARTER CONTRACT BY PROVIDING
 11 REASONABLE WRITTEN NOTICE TO THE OTHER PARTY OF AN INTENT TO
 12 INVOKE THIS SECTION. SUCH NOTICE SHALL INCLUDE, AT A MINIMUM, A
 13 BRIEF DESCRIPTION OF THE MATTER IN DISPUTE AND THE SCOPE OF THE
 14 DISAGREEMENT BETWEEN THE PARTIES.

15
 16 (b) WITHIN THIRTY DAYS AFTER RECEIPT OF THE WRITTEN NOTICE
 17 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE CHARTER
 18 SCHOOL AND THE SCHOOL DISTRICT SHALL AGREE TO USE ANY FORM OF
 19 ALTERNATIVE DISPUTE RESOLUTION TO RESOLVE THE DISPUTE, INCLUDING
 20 BUT NOT LIMITED TO ANY OF THE FORMS DESCRIBED IN THE "DISPUTE
 21 RESOLUTION ACT", PART 3 OF ARTICLE 22 OF TITLE 13, C.R.S.; EXCEPT
 22 THAT ANY FORM CHOSEN BY THE PARTIES SHALL RESULT IN FINAL WRITTEN
 23 FINDINGS BY A NEUTRAL THIRD PARTY WITHIN ONE HUNDRED TWENTY
 24 DAYS AFTER RECEIPT OF SUCH WRITTEN NOTICE.

25
 26 (c) THE CHARTER SCHOOL AND THE SCHOOL DISTRICT SHALL EACH
 27 BE RESPONSIBLE FOR PAYING THE REASONABLE COSTS FOR ENGAGING IN
 28 ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO THIS SECTION,
 29 INCLUDING BUT NOT LIMITED TO THE DIRECT COSTS OF SERVICES OF THE
 30 NEUTRAL THIRD PARTY, AS THOSE REASONABLE COSTS ARE APPORTIONED
 31 BY THE NEUTRAL THIRD PARTY."

32
 33 Page 3, line 11, after "FINDINGS", insert "OF THE NEUTRAL THIRD PARTY";

34
 35 line 16, strike "FINDINGS," and substitute "FINDINGS OF THE NEUTRAL
 36 THIRD PARTY,";

37
 38 line 26, after "FINDINGS", insert "OF THE NEUTRAL THIRD PARTY".

39
 40 Page 4, strike line 17 and substitute the following:

41
 42 "Statutes, are amended, and the said 22-30.5-108 is further amended BY
 43 THE ADDITION OF A NEW SUBSECTION, to read:";

44
 45 line 22, after "schools", insert "THE";

46
 47 line 23, after "APPLICATION,", insert "THE";

48
 49 line 24, after "OR", insert "THE".

50
 51 Page 5, strike line 4 and substitute the following:

52
 53 "APPLICATION, OR THE NONRENEWAL OR REVOCATION OF A CHARTER, OR
 54 THE UNILATERAL IMPOSITION OF CONDITIONS ON A CHARTER APPLICANT,
 55 shall";

56

1 strike lines 9 and 10 and substitute the following:

2

3 "grounds for THE denial OF OR THE NONRENEWAL OR REVOCATION OF A
4 CHARTER, OR THE UNILATERAL IMPOSITION OF CONDITIONS ON A CHARTER
5 APPLICANT,";

6

7 strike lines 14 and 15 and substitute the following:

8

9 "NONRENEWAL OR REVOCATION OF A CHARTER, OR IMPOSITION OF
10 CONDITIONS ON A CHARTER APPLICANT was in error.

11

12 (2.5) IF A DISTRICT COURT DISMISSES A CASE FOR LACK OF
13 JURISDICTION AND THE CASE INVOLVES A CHARTER APPLICATION, OR THE
14 NONRENEWAL OR REVOCATION OF A CHARTER, OR THE UNILATERAL
15 IMPOSITION OF CONDITIONS ON A CHARTER APPLICANT, THE THIRTY-DAY
16 PERIOD FOR FILING A NOTICE OF APPEAL OR OF FACILITATION DESCRIBED
17 IN SUBSECTION (2) OF THIS SECTION SHALL BE TOLLED UNTIL THE DATE OF
18 DISMISSAL BY THE COURT."

19

20 Page 6, strike line 6 and substitute the following:

21

22 "application, OR TO RENEW OR REINSTATE THE CHARTER, OR TO APPROVE
23 OR DISAPPROVE THE CONDITIONS IMPOSED ON THE CHARTER APPLICANT.
24 The decision of".

25

26

27

28 **SB02-136** be amended as follows, and as so amended, be referred to
29 the Committee of the Whole with favorable
30 recommendation:

31

32 Amend reengrossed bill, page 2, strike lines 5 through 22 and substitute
33 the following:

34

35 "(3) IN ADDITION, AN AGE-APPROPRIATE UNIT ON PATRIOTISM, INCLUDING
36 BUT NOT LIMITED TO A DISCUSSION OF THE RIGHTS, PRIVILEGES, AND
37 RESPONSIBILITIES INVOLVED WITH UNITED STATES CITIZENSHIP AND A
38 HISTORICAL REVIEW OF WHAT IT MEANS TO BE AN AMERICAN, IS
39 ENCOURAGED TO BE TAUGHT IN ALL THE PUBLIC SCHOOLS OF THE STATE."

40

41

42

43

44 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

47

48 **HB02-1345** be referred favorably to the Committee on Finance.

49

50

51 **HB02-1359** be referred to the Committee of the Whole with favorable
52 recommendation.

53

54

55 **SB02-092** be postponed indefinitely.

56

1 **LOCAL GOVERNMENT**

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

4
5 **SB02-120** be amended as follows, and as so amended, be referred to
6 the Committee on State, Veterans, & Military Affairs with
7 favorable recommendation:

8
9 Amend reengrossed bill, page 13, strike lines 18 through 21.

10

11

12

13 **SB02-166** be referred to the Committee of the Whole with favorable
14 recommendation.

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19 **PRINTING REPORT**

20

21 The Chief Clerk reports the following bills have been correctly printed:
22 **HB02-1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375,**
23 **1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386,**
24 **1387, 1388, 1389, 1390, 1391, 1392, 1394.**

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28 **MESSAGES FROM THE SENATE**

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50 **MESSAGE FROM THE REVISOR**

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We herewith transmit without comment, as amended, HB02-1026, 1041,
1019, 1020, and 1185.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 11th day of March, 2002, at 1:30 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

March 8, 2002

To the Honorable
House of Representatives
Sixty-third General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and returned to the House of Representatives the following resolution:

HJR02-1004 Concerning The Additions And Modifications To The Drinking Water Revolving Fund Eligibility List.

Approved March 8, 2002 at 1:40 p.m.

Sincerely,
(signed)
Bill Owens
Governor

INTRODUCTION OF BILLS
First Reading

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

HB02-1366 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of agriculture.
Committee on Appropriations

HB02-1367 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental to the department of corrections.
Committee on Appropriations

HB02-1368 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of education.
Committee on Appropriations

- 1 **HB02-1369** by Representative(s) Young, Berry, Saliman; also Sen-
2 ator(s) Reeves, Tate, Owen--Concerning a supplemental
3 appropriation to the offices of the governor, lieutenant
4 governor, and state planning and budgeting.
5 Committee on Appropriations
6
- 7 **HB02-1370** by Representative(s) Young, Berry, Saliman; also Sen-
8 ator(s) Reeves, Tate, Owen--Concerning a supplemental
9 appropriation to the department of health care policy and
10 financing.
11 Committee on Appropriations
12
- 13 **HB02-1371** by Representative(s) Young, Berry, Saliman; also Sen-
14 ator(s) Reeves, Tate, Owen--Concerning a supplemental
15 appropriation to the department of higher education.
16 Committee on Appropriations
17
- 18 **HB02-1372** by Representative(s) Young, Berry, Saliman; also Sen-
19 ator(s) Reeves, Tate, Owen--Concerning a supplemental
20 appropriation to the department of human services.
21 Committee on Appropriations
22
- 23 **HB02-1373** by Representative(s) Young, Berry, Saliman; also Sen-
24 ator(s) Reeves, Tate, Owen--Concerning a supplemental
25 appropriation to the judicial department.
26 Committee on Appropriations
27
- 28 **HB02-1374** by Representative(s) Young, Berry, Saliman; also Sen-
29 ator(s) Reeves, Tate, Owen--Concerning a supplemental
30 appropriation to the department of labor and employment.
31 Committee on Appropriations
32
- 33 **HB02-1375** by Representative(s) Young, Berry, Saliman; also Sen-
34 ator(s) Reeves, Tate, Owen--Concerning a supplemental
35 appropriation to the department of law.
36 Committee on Appropriations
37
- 38 **HB02-1376** by Representative(s) Young, Berry, Saliman; also Sen-
39 ator(s) Reeves, Tate, Owen--Concerning a supplemental
40 appropriation to the legislative department.
41 Committee on Appropriations
42
- 43 **HB02-1377** by Representative(s) Young, Berry, Saliman; also Sen-
44 ator(s) Reeves, Tate, Owen--Concerning a supplemental
45 appropriation to the department of local affairs.
46 Committee on Appropriations
47
- 48 **HB02-1378** by Representative(s) Young, Berry, Saliman; also Sen-
49 ator(s) Reeves, Tate, Owen--Concerning a supplemental
50 appropriation to the department of military affairs.
51 Committee on Appropriations
52
- 53 **HB02-1379** by Representative(s) Young, Berry, Saliman; also Sen-
54 ator(s) Reeves, Tate, Owen--Concerning a supplemental
55 appropriation to the department of natural resources.
56 Committee on Appropriations

- 1 **HB02-1380** by Representative(s) Young, Berry, Saliman; also Sen-
2 ator(s) Reeves, Tate, Owen--Concerning a supplemental
3 appropriation to the department of personnel.
4 Committee on Appropriations
5
- 6 **HB02-1381** by Representative(s) Young, Berry, Saliman; also Sen-
7 ator(s) Reeves, Tate, Owen--Concerning a supplemental
8 appropriation to the department of public health and
9 environment.
10 Committee on Appropriations
11
- 12 **HB02-1382** by Representative(s) Young, Berry, Saliman; also Sen-
13 ator(s) Reeves, Tate, Owen--Concerning a supplemental
14 appropriation to the department of public safety.
15 Committee on Appropriations
16
- 17 **HB02-1383** by Representative(s) Young, Berry, Saliman; also Sen-
18 ator(s) Reeves, Tate, Owen--Concerning a supplemental
19 appropriation to the department of regulatory agencies.
20 Committee on Appropriations
21
- 22 **HB02-1384** by Representative(s) Young, Berry, Saliman; also Sen-
23 ator(s) Reeves, Tate, Owen--Concerning a supplemental
24 appropriation to the department of revenue.
25 Committee on Appropriations
26
- 27 **HB02-1385** by Representative(s) Young, Berry, Saliman; also Sen-
28 ator(s) Reeves, Tate, Owen--Concerning a supplemental
29 appropriation to the department of state.
30 Committee on Appropriations
31
- 32 **HB02-1386** by Representative(s) Young, Berry, Saliman; also Sen-
33 ator(s) Reeves, Tate, Owen--Concerning a supplemental
34 appropriation to the department of transportation.
35 Committee on Appropriations
36
- 37 **HB02-1387** by Representative(s) Young, Berry, Saliman; also Sen-
38 ator(s) Reeves, Tate, Owen--Concerning a supplemental
39 appropriation to the department of the treasury.
40 Committee on Appropriations
41
- 42 **HB02-1388** by Representative(s) Young, Berry, Saliman; also Sen-
43 ator(s) Reeves, Tate, Owen--Concerning funding for
44 capital construction, and making supplemental
45 appropriations in connection therewith.
46 Committee on Appropriations
47
- 48 **HB02-1389** by Representative(s) Young, Berry, Saliman; also Sen-
49 ator(s) Reeves, Tate, Owen--Concerning modifications to
50 the sources of funding of state capital construction projects
51 for the 2001-02 state fiscal year in order to increase the
52 amount of general fund appropriations made during said
53 fiscal year used to calculate the statutory limitation on
54 general fund appropriations for the 2002-03 state fiscal
55 year, and making appropriations in connection therewith.
56 Committee on Appropriations

- 1 **HB02-1390** by Representative(s) Young, Berry, Saliman; also Sen-
2 ator(s) Reeves, Tate, Owen--Concerning modifications to
3 the source of funding for the older Coloradans program for
4 the 2001-02 state fiscal year in order to increase the
5 amount of general fund appropriations made during said
6 fiscal year used to calculate the statutory limitation on
7 general fund appropriations for the 2002-03 state fiscal
8 year, and making an appropriation in connection
9 therewith.
10 Committee on Appropriations
11
- 12 **HB02-1391** by Representative(s) Young, Berry, Saliman; also Sen-
13 ator(s) Reeves, Tate, Owen--Concerning the augmentation
14 of the general fund through transfers of certain moneys in
15 the 2001-02 state fiscal year, and, in connection therewith,
16 providing for the subsequent restoration of certain moneys
17 transferred for such augmentation of the general fund.
18 Committee on Appropriations
19
- 20 **HB02-1392** by Representative(s) Young, Berry, Saliman; also Sen-
21 ator(s) Reeves, Tate, Owen--Concerning the use of
22 moneys in the unclaimed property trust fund, and making
23 an appropriation in connection therewith.
24 Committee on Appropriations
25
- 26 **HB02-1393** by Representative(s) Young, Berry, Saliman; also Sen-
27 ator(s) Reeves, Tate, Owen--Concerning a reduction in the
28 amount of the general fund appropriation for the 2001-02
29 state fiscal year required to be made to be in compliance
30 with the maintenance of effort requirement in section 17
31 of article IX of the Colorado constitution, and, in
32 connection therewith, specifying the amount of the general
33 fund appropriation for the 2002-03 state fiscal year
34 required to be made to be in compliance with the
35 maintenance of effort requirement in section 17 of article
36 IX of the Colorado constitution and to offset the impact of
37 said reduced general fund appropriation on the long-term
38 solvency of the state education fund.
39 Committee on Appropriations
40
- 41 **HB02-1394** by Representative(s) Young, Berry, Saliman; also Sen-
42 ator(s) Reeves, Tate, Owen--Concerning modifications to
43 the designation of state moneys to constitute the state
44 emergency reserve for the 2001-02 state fiscal year.
45 Committee on Appropriations
46
- 47 **HB02-1395** by Representative(s) Sinclair, Cadman, Crane, Decker,
48 Hodge, Miller, Ragsdale; also Senator(s) Taylor--
49 Concerning the denial of the right of inspection of certain
50 military records filed with the county clerk and recorder's
51 office regarding a member of the military's separation
52 from service.
53 Committee on State, Veterans, & Military Affairs
54
55

1 **HB02-1396** by Representative(s) Fritz, Lee, Alexander, Cadman,
2 Clapp, Coleman, Fairbank, Grossman, Hefley, Jahn,
3 Johnson, Lawrence, Rhodes, Rippy, Romanoff, Scott,
4 Snook, Tochtrop, Veiga--Concerning the statute of
5 limitations for commencing criminal proceedings
6 involving sex crimes committed against children.
7 Committee on Criminal Justice

8
9

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11

INTRODUCTION OF RESOLUTIONS

12

13 The following resolutions were read by title and laid over one day under
14 the rules:

15

16 **HJR02-1027** by Representative(s) Sinclair--Concerning declaring
17 September to be prostate cancer awareness month.

18

19 WHEREAS, Prostate cancer is the most commonly diagnosed
20 form of cancer, after skin cancer, and the second-leading cause of
21 cancer-related deaths among men; and

22

23 WHEREAS, According to the American Cancer Society, in 2002
24 there will be more than 190,000 new cases of prostate cancer diagnosed
25 and approximately 31,000 deaths from prostate cancer in the United
26 States; and

27

28 WHEREAS, The American Cancer Society also estimates that
29 more than 2,000 men in Colorado will be diagnosed with prostate cancer,
30 with more than 300 men dying from the disease in our state this year; and

31

32 WHEREAS, The mortality rates for African-American men with
33 prostate cancer are more than twice as high as mortality rates in
34 Caucasian men with the disease; and

35

36 WHEREAS, Additional research is important to refine the
37 screening and treatment of prostate cancer and to ensure efficient delivery
38 of these health care services through a uniform standard of care; and

39

40 WHEREAS, Prostate cancer has accounted for, on average, 15%
41 of the nation's cancer burden, yet it has only received, on average, 5% of
42 the funds that this nation commits to cancer research; and

43

44 WHEREAS, Approximately 25% of prostate cancer cases occur
45 in men under the age of 65 during their prime working years; and

46

47 WHEREAS, City and state education and advocacy are needed to
48 raise public awareness of prostate cancer; and

49

50 WHEREAS, Increased awareness and the use of early detection
51 practices are essential to controlling prostate cancer and men can greatly
52 reduce their risk of dying from prostate cancer if they follow
53 recommended screening guidelines, including examination by a health
54 care provider; now, therefore,

55

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

4
5 That we, the members of the Sixty-third General Assembly,
6 declare September, 2002, to be Prostate Cancer Awareness Month in the
7 state of Colorado.

8
9
10
11 **HJR02-1028** by Representative(s) Romanoff, Alexander, Coleman,
12 Lawrence, Mace, Sanchez, Stafford, Stengel, Veiga,
13 Williams S.; also Senator(s) Pascoe--Concerning
14 recognition of the seventieth anniversary of the University
15 of Denver Graduate School of Social Work.

16
17 WHEREAS, The University of Denver Graduate School of Social
18 Work is ranked among the leading graduate schools of social work in the
19 United States; and

20
21 WHEREAS, The School's Master of Social Work program is
22 accredited by the national Council on Social Work Education,
23 maintaining rigorous standards of education for entry into advanced
24 social practice; and

25
26 WHEREAS, The University of Denver Graduate School of Social
27 Work makes the single largest contribution to the human services
28 infrastructure of Colorado by educating approximately 3,000 of the
29 professionals who lead and staff its agencies and organizations; and

30
31 WHEREAS, The School's internships provide approximately
32 180,000 hours of unpaid service in Colorado's schools, mental health
33 centers, family agencies, and hospitals each year, which is a contribution
34 of more than \$2.7 million annually; and

35
36 WHEREAS, The School's Institute for Families provides training
37 to all child-welfare workers in the state; and

38
39 WHEREAS, The School's Bridge Project seeks to end the cycle of
40 poverty for children in Denver's public housing projects by providing
41 tutoring, mentoring, computer training, and full-tuition college
42 scholarships to Denver's underprivileged youth; and

43
44 WHEREAS, The School's affiliate Project "WISE", Women's
45 Initiative for Service and Empowerment, offers valuable and supportive
46 services and leadership training to Denver-area women who are
47 transitioning from welfare to work; and

48
49 WHEREAS, The School's Institute of Gerontology has been a
50 multi-disciplinary center for gerontological research, training, and
51 community services in Colorado for more than 20 years; and

52
53 WHEREAS, The University of Denver Graduate School of Social
54 Work has had a profound international impact, educating more than 5,000
55 social work professionals worldwide; and

56

1 WHEREAS, The School has developed a new Latino/Latina
2 Certificate Program promoting linguistic and cultural proficiency among
3 social workers serving Colorado's rapidly growing Mexican and Latin
4 American populations; and

5
6 WHEREAS, March is Professional Social Work Month; and

7
8 WHEREAS, The School was founded in 1931, making it the oldest
9 graduate school of social work in the Rocky Mountain region, and the
10 third oldest west of the Mississippi River; now, therefore,

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

15
16 That we, the members of the Sixty-third General Assembly, hereby
17 honor the long and successful history of the University of Denver
18 Graduate School of Social Work as it celebrates its 70th anniversary.

19
20 *Be It Further Resolved,* That copies of this Joint Resolution be
21 sent to the University of Denver's Chancellor Daniel L. Ritchie and the
22 Graduate School of Social Work's Dean Catherine Alter.

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

27
28 On motion of Representative Spradley, the following items on the
29 Calendar were laid over until March 13, retaining place on Calendar:

30
31 Consideration of Senate Amendments--**HB02-1008, 1048, 1120;**
32 **HJR02-1023.**

33 Consideration of Governor's Vetoes--**HB02-1327, 1328.**

34
35
36
37 On motion of Representative Spradley, the House adjourned until
38 9:00 a.m., March 13, 2002.

39
40 Approved:

41
42
43
44 DOUG DEAN,
45 Speaker

46 Attest:

47
48 JUDITH RODRIGUE,
49 Chief Clerk