

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

Fifty-eighth Legislative Day

Thursday, March 7, 2002

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--62.
8 Excused for Legislative Business--Representative Young--1.
9 Excused--Representatives Paschall, Rhodes--2.
10 Present after roll call--Representative Young.

11
12 The Speaker declared a quorum present.
13
14

15 On motion of Representative Rippy, the reading of the journal of
16 March 6, 2002, was declared dispensed with and approved as corrected
17 by the Chief Clerk.
18
19
20

THIRD READING OF BILLS--FINAL PASSAGE

21
22
23 The following bills were considered on Third Reading. The titles were
24 publicly read. Reading of the bill at length was dispensed with by
25 unanimous consent.
26

27 **HB02-1346** by Representative(s) Miller, White, Coleman, Rippy,
28 Tapia; also Senator(s) Chlouber, Taylor--Concerning the
29 designation of rhodochrosite as the state mineral.
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

	YES	61	NO	1	EXCUSED	3	ABSENT	0
38 Alexander	Y		Groff	Y	Marshall	Y	Spence	Y
39 Bacon	Y		Grossman	Y	Miller	Y	Spradley	Y
40 Berry	Y		Harvey	Y	Mitchell	Y	Stafford	Y
41 Borodkin	Y		Hefley	Y	Paschall	E	Stengel	Y
42 Boyd	Y		Hodge	Y	Plant	Y	Swenson	N
43 Cadman	Y		Hoppe	Y	Ragsdale	Y	Tapia	Y

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

12
13 Co-sponsors added: Representatives Alexander, Bacon, Borodkin, Boyd, Cloer,
14 Decker, Fritz, Harvey, Hefley, Hodge, Hoppe, Jahn, Kester, Larson, Mace,
15 Marshall, Plant, Ragsdale, Romanoff, Scott, Smith, Spradley, Stafford, Stengel,
16 Tochtrop, Williams S.

17
18 **HB02-1352** by Representative(s) Hoppe; also Senator(s) Isgar--
19 Concerning recommendations of the house committee on
20 agriculture, livestock, and natural resources relating to the
21 continuation of requirements for certain reports to the
22 general assembly from executive agencies, and, in
23 connection therewith, repealing reporting requirements to
24 the general assembly that are obsolete.

25
26 The question being "Shall the bill pass?".

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

30								
31	<u>YES</u>	62	<u>NO</u>	0	<u>EXCUSED</u>	3	<u>ABSENT</u>	0
32								
33	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
34	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
35	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
36	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
37	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
38	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
39	Chavez	Y	Jahn	Y	Rhodes	E	Tochtrop	Y
40	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
41	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
42	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
43	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
44	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
45	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
46	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
47	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
48	Garcia	Y	Madden	Y	Snook	Y	Young	E
49							Mr. Speaker	Y

50
51 Co-sponsors added: Representatives Kester, Spradley, Stafford.

52
53 **HB02-1334** by Representative(s) Kester; also Senator(s) Nichol--
54 Concerning notice of dishonor of negotiable instruments
55 by mail.

56

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

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
8 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
10 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11 Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
12 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
13 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
14 Chavez	Y	Jahn	Y	Rhodes	E	Tochtrop	Y
15 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
16 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
17 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
19 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
21 Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
22 Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
23 Garcia	Y	Madden	Y	Snook	Y	Young	E
						Mr. Speaker	Y

25
 26 Co-sponsors added: Representatives Groff, Jameson, Marshall, Schultheis,
 27 Mr. Speaker.

28
 29 **HB02-1335** by Representative(s) Williams T.; also Senator(s) Fitz-
 30 Gerald--Concerning recommendations of the house
 31 committee on business affairs and labor relating to the
 32 continuation of requirements for certain reports to the
 33 general assembly from executive agencies, and, in
 34 connection therewith, repealing reporting requirements to
 35 the general assembly that are obsolete.

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

	YES 62	NO 0	EXCUSED 3	ABSENT 0			
44 Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
45 Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
46 Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
47 Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
48 Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
49 Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
50 Chavez	Y	Jahn	Y	Rhodes	E	Tochtrop	Y
51 Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
52 Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
53 Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
54 Crane	Y	King	Y	Sanchez	Y	Weddig	Y
55 Daniel	Y	Larson	Y	Schultheis	Y	White	Y
56 Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y

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

6 Co-sponsors added: Representatives Harvey, Marshall.

8 **SB02-107** by Senator(s) Fitz-Gerald; also Representative(s) Miller,
 9 White--Concerning deceptive practices in the business of
 10 insurance relating to the denial of coverage based solely
 11 on an individual's nonprofessional participation in
 12 specified sports.

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

19	<u>YES</u>	59	<u>NO</u>	3	<u>EXCUSED</u>	3	<u>ABSENT</u>	0
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
22	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
24	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
26	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
27	Chavez	Y	Jahn	Y	Rhodes	E	Tochtrop	Y
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
32	Daniel	Y	Larson	Y	Schultheis	N	White	Y
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
34	Fairbank	Y	Lee	N	Sinclair	Y	Williams T.	Y
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
36	Garcia	Y	Madden	Y	Snook	Y	Young	E
37							Mr. Speaker	Y

39 Co-sponsors added: Representatives Boyd, Groff, Harvey, Marshall, Rippy,
 40 Scott, Smith, Tochtrop, Williams S., Mr. Speaker.

42 **SB02-037** by Senator(s) Anderson, Taylor, Tupa; also
 43 Representative(s) Williams T., Coleman, Scott, Vigil--
 44 Concerning repeal of the state crime victim compensation
 45 fund, and, in connection therewith, repealing all
 46 requirements related to the state crime victim
 47 compensation fund.

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

54	<u>YES</u>	62	<u>NO</u>	0	<u>EXCUSED</u>	3	<u>ABSENT</u>	0
55	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
56	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y

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

16
17 Co-sponsors added: Representatives Cadman, Hefley, Plant.

18
19 **SB02-140** by Senator(s) Arnold; also Representative(s) Swenson--
20 Concerning the collection by the department of corrections
21 of certain moneys owed by incarcerated offenders.

22
23 The question being "Shall the bill pass?".

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

27
28 YES 62 NO 0 EXCUSED 3 ABSENT 0

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

47
48 Co-sponsors added: Representatives Cloer, Decker, Kester, Romanoff.

49
50
51
52 On motion of Representative Cadman, the House resolved itself into
53 Committee of the Whole for consideration of General Orders, and he was
54 called to the Chair to act as Chairman.

55
56

GENERAL ORDERS--SECOND READING OF BILLS

1
2
3 The Committee of the Whole having risen, the Chairman reported the
4 titles of the following bills had been read (reading at length had been
5 dispensed with by unanimous consent), the bills considered and action
6 taken thereon as follows:

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

10
11 On motion of Representative Spradley, Consideration of **HB02-1192**,
12 **SB02-122**, **HB02-1015**, **1320**, **1317** was laid over until March 8,
13 retaining place on Calendar.

14
15 **HB02-1129** by Representative(s) Tochtrop; also Senator(s) Hanna--
16 Concerning the distribution of food coupons redeemable
17 at farmers' markets to women, infants, and children
18 program participants.

19
20 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
21 dated February 6, 2002, and placed in member's bill file; Report also
22 printed in House Journal, February 7, page 331.

23
24 Amendment No. 2, by Representative Tochtrop.

25
26 Amend printed bill, page 3, line 5, strike "RULES TO IMPLEMENT," and
27 substitute "RULES,";

28
29 line 7, after the comma insert, "TO IMPLEMENT".

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

33
34 **HB02-1152** by Representative(s) Hoppe, Alexander, Johnson, Kester,
35 Lawrence, Rippy, Snook, Spradley, Stengel, Webster,
36 White; also Senator(s) Isgar, Entz--Concerning the funding
37 of Colorado water conservation board projects, and
38 making appropriations in connection therewith.

39
40 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
41 dated February 6, 2002, and placed in member's bill file; Report also
42 printed in House Journal, February 8, page 356.

43
44 Amendment No. 2, Appropriations Report, dated March 1, 2002, and
45 placed in member's bill file; Report also printed in House Journal,
46 March 4, pages 654-655.

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

50
51 **SB02-143** by Senator(s) Owen; also Representative(s) Webster--
52 Concerning the duties of a county treasurer, and, in
53 connection therewith, requiring a county treasurer to
54 address any recommendation or finding contained in an
55 audit of the treasurer's office and to report to the board of
56 county commissioners regarding the disposition of the

1 recommendation or finding, subjecting a county treasurer
 2 to contempt for failure to comply with these requirements,
 3 and specifying the penalty for failure to perform the duties
 4 of a county treasurer.
 5

6 Amendment No. 1, Local Government Report, dated March 4, 2002, and
 7 placed in member's bill file; Report also printed in House Journal,
 8 March 5, pages 723-724.
 9

10 As amended, ordered revised and placed on the Calendar for Third
 11 Reading and Final Passage.
 12

13 **HB02-1278** by Representative(s) Stafford; also Senator(s) Hanna--
 14 Concerning physician training licenses.
 15

16 Amendment No. 1, Appropriations Report, dated March 1, 2002, and
 17 placed in member's bill file; Report also printed in House Journal,
 18 March 4, pages 655.
 19

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

23 **SB02-105** by Senator(s) Entz; also Representative(s) Borodkin--
 24 Concerning aviation in the state of Colorado.
 25

26 Ordered revised and placed on the Calendar for Third Reading and Final
 27 Passage.
 28

30
 31 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 32

33 Passed Second Reading: **HB02-1129 amended, 1152 amended,**
 34 **SB02-143 amended, HB02-1278 amended, SB02-105.**
 35

36 Laid over until date indicated retaining place on Calendar: **HB02-1192,**
 37 **SB02-122, HB02-1015, 1320, 1317--**March 8, 2002.
 38

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

44 YES 62 NO 0 EXCUSED 3 ABSENT 0
 45

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

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

7
8
9
10
11 **REPORTS OF COMMITTEES OF REFERENCE**

12
13 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

16
17 **HB02-1350** 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 19, strike "SHALL" and substitute "MAY";
22
23 line 20, strike "AGREEMENT." and substitute the following:

24
25 "AGREEMENT, SO LONG AS LESSEE DEMONSTRATES TO THE DEPARTMENT
26 SUCH SOLVENCY ON AN ANNUAL BASIS."
27

28
29
30 **HB02-1357** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33
34 Amend printed bill, page 2, line 10, strike "zoning, rezoning," and
35 substitute "zoning, rezoning".

36
37 Page 3, line 4, strike "A NEW SUBSECTION" and substitute "THE
38 FOLLOWING NEW SUBSECTIONS";

39
40 after line 11, insert the following:

41
42 "(6) BEFORE COMPLETING THE SALE OF A MINERAL ESTATE, A
43 MINERAL ESTATE OWNER WHO HAS RECEIVED NOTICE AS THE OWNER OF
44 THE MINERAL ESTATE OF A PUBLIC HEARING WITH RESPECT TO AN
45 APPLICATION FOR DEVELOPMENT PURSUANT TO THIS SECTION SHALL
46 NOTIFY THE BUYER OF THE MINERAL ESTATE OF THE EXISTENCE OF THE
47 APPLICATION FOR DEVELOPMENT."
48

49
50
51
52
53
54

1 **EDUCATION**

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

4
5 **SB02-145** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend reengrossed bill, page 2, line 17, after "LOCAL", insert "AND
10 WIDELY DISTRIBUTED";

11
12 line 18, after "NEWSPAPERS, ", insert "TEACHER EDUCATION PROGRAMS,";

13
14 Page 5, line 7, strike "DAY." and substitute "DAY OR WHO IS EMPLOYED AS
15 THE PRINCIPAL OF AN ELIGIBLE SCHOOL.".

16
17
18
19
20 **FINANCE**

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

23
24 **HB02-1199** be postponed indefinitely.

25
26
27 **HB02-1265** be amended as follows, and as so amended, be referred to
28 the Committee on Appropriations with favorable
29 recommendation:

30
31 Amend printed bill, page 2, line 10, strike the second "care" and
32 substitute "care";

33
34 strike lines 13 through 16.

35
36 Page 3, strike lines 1 through 17 and substitute the following:

37 "(I) A RESIDENTIAL UNIT, EXCEPT FOR A RESIDENTIAL UNIT THAT
38 IS A HOTEL UNIT;

39
40 (II) A RESIDENTIAL UNIT THAT IS HELD AS INVENTORY BY A
41 DEVELOPER PRIMARILY FOR SALE TO CUSTOMERS IN THE ORDINARY
42 COURSE OF THE DEVELOPER'S TRADE OR BUSINESS, THAT IS MARKETED FOR
43 SALE BY THE DEVELOPER, AND THAT IS NOT SUBJECT TO AN ALLOWANCE
44 FOR DEPRECIATION UNDER THE INTERNAL REVENUE CODE, AS DEFINED IN
45 SECTION 39-22-103 (5.3), WHILE OWNED BY THE DEVELOPER; OR

46
47 (III) A RESIDENTIAL IMPROVEMENT IF A PORTION OF THE
48 RESIDENTIAL IMPROVEMENT IS OCCUPIED BY ITS OWNER OR BY ONE OR
49 MORE LESSEES OF THE OWNER AS A PRIMARY RESIDENCE AND A PORTION
50 OF THE RESIDENTIAL IMPROVEMENT IS OFFERED TO THE GENERAL PUBLIC
51 FOR ACCOMMODATIONS AS A BED AND BREAKFAST OR A SIMILAR
52 OPERATION. THE ACTUAL VALUE AND VALUATION FOR ASSESSMENT OF
53 SUCH A RESIDENTIAL IMPROVEMENT SHALL BE DETERMINED AS PROVIDED
54 IN SECTION 39-1-103 (9) (a).

55
56 (b) IF ANY TIME SHARE ESTATE, TIME SHARE USE PERIOD,

1 UNDIVIDED INTEREST, OR OTHER PARTIAL OWNERSHIP INTEREST IN ANY
2 HOTEL UNIT IS OWNED BY ANY RESIDENTIAL UNIT OWNER, THEN, UNLESS
3 A DECLARATION OR OTHER EXPRESS AGREEMENT BINDING ON THE
4 RESIDENTIAL UNIT OWNERS AND THE HOTEL UNIT OWNERS PROVIDES
5 OTHERWISE:

6
7 (I) THE HOTEL UNIT OWNERS SHALL PAY THE TAXES ON THE HOTEL
8 UNIT.

9
10 (II) EACH RESIDENTIAL UNIT OWNER SHALL PAY TO THE HOTEL
11 UNIT OWNERS, NO LATER THAN THE DUE DATE FOR THE TAXES ON THE
12 HOTEL UNIT, AN AMOUNT EQUAL TO THE RESIDENTIAL UNIT OWNER'S
13 OWNERSHIP OR USAGE PERCENTAGE OF THE HOTEL UNIT MULTIPLIED BY
14 THE PROPERTY TAX THAT WOULD HAVE BEEN LEVIED ON THE HOTEL UNIT
15 IF THE ACTUAL VALUE AND VALUATION FOR ASSESSMENT OF THE HOTEL
16 UNIT HAD BEEN DETERMINED AS IF THE HOTEL UNIT WAS RESIDENTIAL REAL
17 PROPERTY. THE AMOUNT DUE FROM EACH RESIDENTIAL UNIT OWNER TO
18 THE HOTEL UNIT OWNERS SHALL BE A DEBT DUE, RECOVERABLE BY THE
19 HOTEL UNIT OWNERS BY DIRECT ACTION IN DEBT.

20
21 (III) FOR PURPOSES OF DETERMINING THE AMOUNT DUE FROM ANY
22 RESIDENTIAL UNIT OWNER PURSUANT TO SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH (b), THE ASSESSOR SHALL, UPON THE REQUEST OF ANY
24 RESIDENTIAL UNIT OWNER OR HOTEL UNIT OWNER, CALCULATE THE
25 PROPERTY TAX THAT WOULD HAVE BEEN LEVIED ON THE HOTEL UNIT IF THE
26 ACTUAL VALUE AND VALUATION FOR ASSESSMENT OF THE HOTEL UNIT HAD
27 BEEN DETERMINED AS IF THE HOTEL UNIT WERE RESIDENTIAL REAL
28 PROPERTY. A RESIDENTIAL UNIT OWNER OR HOTEL UNIT OWNER MAY
29 PETITION THE COUNTY BOARD OF EQUALIZATION FOR REVIEW OF THE
30 ASSESSOR'S CALCULATION PURSUANT TO THE PROCEDURES SET FORTH IN
31 SECTION 39-10-114. ANY APPEAL FROM THE DECISION OF THE COUNTY
32 BOARD SHALL BE GOVERNED BY SECTION 39-10-114.5.

33
34 (c) AS USED IN THIS SUBSECTION (5.5):

35
36 (I) "CONDOMINIUM UNIT" MEANS A UNIT, AS DEFINED IN SECTION
37 38-33.3-103 (30), C.R.S., AND ALSO INCLUDES A TIME SHARE UNIT.

38
39 (II) "HOTEL UNIT OWNERS" MEANS ANY PERSON OR MEMBER OF A
40 GROUP OF RELATED PERSONS WHOSE OWNERSHIP AND USE OF A
41 RESIDENTIAL UNIT CAUSE THE RESIDENTIAL UNIT TO BE CLASSIFIED AS A
42 HOTEL UNIT.

43
44 (III) "HOTEL UNITS" MEANS MORE THAN FOUR RESIDENTIAL UNITS
45 IN A PROJECT THAT ARE OWNED, IN WHOLE OR IN PART, DIRECTLY, OR
46 INDIRECTLY THROUGH ONE OR MORE INTERMEDIATE ENTITIES, BY ONE
47 PERSON OR BY A GROUP OF RELATED PERSONS IF THE PERSON OR GROUP OF
48 RELATED PERSONS USES THE RESIDENTIAL UNITS OR PARTS THEREOF IN
49 CONNECTION WITH A BUSINESS ESTABLISHMENT PRIMARILY TO PROVIDE
50 LODGING, CAMPING, OR PERSONAL CARE OR HEALTH FACILITIES TO THE
51 GENERAL PUBLIC PREDOMINANTLY ON AN OVERNIGHT OR WEEKLY BASIS.
52 "HOTEL UNIT" MEANS ANY RESIDENTIAL UNIT INCLUDED IN HOTEL UNITS.
53 FOR PURPOSES OF THIS SUBPARAGRAPH (III):

54
55 (A) "CONTROL" MEANS THE POWER TO DIRECT THE BUSINESS OR
56 AFFAIRS OF AN ENTITY THROUGH DIRECT OR INDIRECT OWNERSHIP OF

1 STOCK, PARTNERSHIP INTERESTS, MEMBERSHIP INTERESTS, OR OTHER
2 FORMS OF BENEFICIAL INTERESTS.

3
4 (B) "RELATED PERSONS" MEANS INDIVIDUALS WHO ARE MEMBERS
5 OF THE SAME FAMILY, INCLUDING ONLY SPOUSES AND MINOR CHILDREN,
6 OR PERSONS WHO CONTROL, ARE CONTROLLED BY, OR ARE UNDER
7 COMMON CONTROL WITH EACH OTHER. PERSONS ARE NOT RELATED
8 PERSONS SOLELY BECAUSE THEY ENGAGE A COMMON AGENT TO MANAGE
9 OR RENT THEIR RESIDENTIAL UNITS, THEY ARE MEMBERS OF AN OWNERS
10 ASSOCIATION OR SIMILAR GROUP, THEY ENTER INTO A TENANCY IN
11 COMMON OR A SIMILAR AGREEMENT WITH RESPECT TO UNDIVIDED
12 INTERESTS IN A RESIDENTIAL UNIT, OR ANY COMBINATION OF THE
13 FOREGOING.

14
15 (IV) "PROJECT" MEANS A REAL ESTATE DEVELOPMENT THAT
16 CONTAINS RESIDENTIAL UNITS WHOSE BOUNDARIES ARE DESCRIBED IN OR
17 DETERMINED BY THE SAME DECLARATION, AS DEFINED IN SECTION
18 38-33.3-103 (13), C.R.S.

19
20 (V) "RESIDENTIAL UNIT" MEANS A CONDOMINIUM UNIT, A SINGLE
21 FAMILY RESIDENCE, OR A TOWNHOME.

22
23 (VI) "RESIDENTIAL UNIT OWNER" MEANS ANY OWNER OF A TIME
24 SHARE ESTATE, TIME SHARE USE PERIOD, UNDIVIDED INTEREST, OR OTHER
25 PARTIAL OWNERSHIP INTEREST IN ANY HOTEL UNIT WHO IS NOT A HOTEL
26 UNIT OWNER WITH RESPECT TO THE HOTEL UNIT.

27
28 (VII) "TIME SHARE UNIT" MEANS A CONDOMINIUM UNIT THAT IS
29 DIVIDED INTO TIME SHARE ESTATES AS DEFINED IN SECTION 38-33-110 (5),
30 C.R.S., OR THAT IS SUBJECT TO A TIME SHARE USE AS DEFINED IN SECTION
31 12-61-401 (4), C.R.S."

32
33 Page 1, line 102, strike "**PROPERTY, AND, IN CONNECTION**" and substitute
34 "**PROPERTY.**";

35
36 strike lines 103 to 113.

37
38
39
40 **HB02-1344** be referred favorably to the Committee on Appropriations.

41
42
43 **HB02-1347** be referred to the Committee of the Whole with favorable
44 recommendation.

45
46
47 **HB02-1354** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50
51 Amend printed bill, page 2, line 1, after "12-60-702", insert "(1) (d.5)
52 and";

53
54 line 2, strike "is" and substitute "are";

55
56 line 4, strike "(1) (e) (II) (A) Each" and substitute "(d.5) For each

1 greyhound race meet it conducts, a licensee shall file with its license
 2 application with the commission an agreement between such licensee and
 3 the organization which represents the majority of kennel owners
 4 participating at such race meet. Such agreement shall specify the purse
 5 structure which shall apply to the races conducted at such greyhound race
 6 meet AND SHALL INCLUDE THE ALLOCATION OF PURSE FUNDS GENERATED
 7 PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF
 8 PARAGRAPH (e) OF THIS SUBSECTION (1).

9
 10 (1) (e) (II) (A) Each";

11
 12 line 23, after the period, add "AMOUNTS PAYABLE TO GREYHOUND PURSE
 13 FUNDS SHALL BE HELD PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION
 14 (1) AND DISTRIBUTED PURSUANT TO PARAGRAPH (d.5) OF THIS SUBSECTION
 15 (1).".

16
 17
 18
 19
 20 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

23
 24 **HB02-1348** be referred favorably to the Committee on Appropriations.

25
 26
 27 **SCR02-001** be referred to the Committee of the Whole with favorable
 28 recommendation.

29
 30
 31
 32
 33 **LOCAL GOVERNMENT**

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

36
 37 **SB02-007** be referred to the Committee of the Whole with favorable
 38 recommendation.

39
 40
 41 **SB02-026** be referred to the Committee of the Whole with favorable
 42 recommendation.

43
 44
 45
 46 **REPORT FROM THE SENATE AND HOUSE**
 47 **COMMITTEES ON DELAYED BILLS**

48
 49 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 50 Delayed Bills, acting jointly, extend the following deadline for HB02-
 51 1349, Concerning the Financing of Public Schools and Making an
 52 Appropriation Therefor:

53
 54 The Friday, March 15 deadline (the 66th legislative day) for final
 55 passage, including any conference committee report, for any bill
 56 prescribing all or a substantial portion of the total funding for public

1 schools pursuant to the "Public School Finance Act of 1994", article 54
2 of title 22, Colorado Revised Statutes, is extended until Monday,
3 April 15, 2002 (the 97th legislative day).

4
5 This memorandum shall be printed in the journal of each house as is
6 required by said Joint Rule 23(c).

7
8 (signed) (signed)
9 Doug Dean Stan Matsunaka
10 Lola Spradley Ed Perlmutter
11 Dan Grossman John Andrews

12 _____
13
14
15 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

16
17 The Speaker has signed: **HB02-1005, 1018, 1031, 1033, 1106, 1117.**

18 _____
19
20
21 **MESSAGE FROM THE SENATE**

22 Mr. Speaker:

23
24 The Senate has adopted and returns herewith: HJR02-1024.

25 _____
26
27
28 **LAY OVER OF CALENDAR ITEMS**

29
30 On motion of Representative Spradley, the following items on the
31 Calendar were laid over until March 8, retaining place on Calendar:

32
33 Consideration of Senate Amendments--**HB02-1008, 1048, 1120.**
34 Consideration of Governor's Vetoes--**HB02-1327, 1328.**

35 _____
36
37 On motion of Representative Spradley, the House adjourned until
38 9:00 a.m., March 8, 2002.

39
40 Approved:

41
42
43
44 DOUG DEAN,
45 Speaker

46 Attest:

47
48 JUDITH RODRIGUE,
49 Chief Clerk