HOUSE JOURNAL

SIXTY-THIRD GENERAL ASSEMBLY

STATE OF COLORADO

First Regular Session

Twenty-fourth Legislative Day Friday, February 2, 2001 Prayer by Father Ed Judy, Samaritan House, Denver. 2 The Speaker called the House to order at 9:00 a.m. 4 5 The roll was called with the following result: 7 Present--61. 8 9 Excused--Representatives Larson, Lawrence, Miller, Sinclair--4. Present after roll call--Representatives Larson, Lawrence, Miller. 10 11 The Speaker declared a quorum present. 12 13 On motion of Representative Cadman, the reading of the journal of 14 15 February 1, 2001, was dispensed with and approved as corrected by the Chief Clerk. 16 17 18 19 20 REPORT OF COMMITTEE OF REFERENCE 21 **APPROPRIATIONS** 23 After consideration on the merits, the Committee recommends the 24 following: 25 26 **HB01-1267** be referred to the Committee of the Whole with favorable 27 recommendation. 28 $\overline{29}$ 30 PRINTING REPORT 31 The Chief Clerk reports the following bills have been correctly printed: HB01-1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 35 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320. 36 37 38 39 INTRODUCTION OF RESOLUTION 40 41 The following resolution was read by title and laid over one day under the

HJR01-1009 by Representative(s) Hoppe, Alexander, Hodge, Jameson,

Johnson, Miller, Plant, Rippy, Snook, Spradley, Tochtrop,

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rules:

Webster; also Senator(s) Dennis, Arnold, Dyer (Durango),

May, Nichol, Takis, Teck, Tupa--Concerning the

designation of Colorado 4-H Day.

WHEREAS, Succeeding generations of well-educated, concerned, and involved youth are required to ensure that America has a competent

healthy communities in the years to come; and

WHEREAS, The 4-H Program is founded on the notion that youth are a vital resource for ensuring a better tomorrow, and assisting youth as they prepare for the future is the 4-H Program's central mission; and

and innovative work force, a cohesive social structure, an effective education system, strong leadership, continued economic prosperity, and

WHEREAS, To this end, 4-H offers a wealth of opportunities for young people to acquire decision-making, leadership, and communication skills, as well as a host of other life skills, in a hands-on, friendly learning environment; and

WHEREAS, Since 1914, young people in all parts of Colorado have employed 4-H's "learn-by-doing" philosophy while working on a wide range of constructive and engaging projects and, in the process, learning to manage time, follow through on commitments, meet deadlines, and cooperate with one another; and

WHEREAS, Nearly 150,000 Colorado youth, with the guidance of over 10,000 adult and youth volunteer leaders, currently contribute to their communities and gain practical experience in such subject areas as workforce preparation and career exploration, leadership and volunteerism, character and ethics, food and nutrition, agriculture and natural resources, conservation, consumer decision-making, veterinary medicine, animal sciences, and public speaking, just to name a few; and

WHEREAS, Colorado 4-H provides youth an opportunity to interact with people from other countries and cultures through its international exchange program, which pairs participants from other nations with host families in Colorado and places Colorado 4-H members in homes abroad; and

WHEREAS, The 4-H emblem, a green, four-leaf clover with a white "H" on each leaf, represents the characteristics each 4-H participant develops: Head, which involves thinking, making decisions, and learning new things; heart, which entails caring about other people, accepting responsibility, and developing positive values; hands, which symbolize the effort to acquire and perfect new skills; and health, which involves protecting the well-being of the self and others; and

WHEREAS, Participation in 4-H in Colorado is open to youth from all economic, social, and cultural backgrounds between the ages of 5 and 19; now, therefore,

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

That the General Assembly salutes the Colorado 4-H Program in its efforts to prepare Colorado's youth for the future. 3 4 That the General Assembly wishes to encourage young people in 5 Colorado to get a head start on life by participating in 4-H activities. 6 7 Be It Further Resolved, That the State of Colorado hereby declares 8 this day, February 5, 2001, Colorado 4-H Day in recognition of the 4-H 9 Program's efforts on behalf of Colorado's youth. 10 11 12 On motion of Representative Spradley, HB01-1267, 1179, 1032, 1116, 13 14 1187, 1013, 1076, 1078, 1118, 1085, 1196 shall be made Special Orders 15 on Friday, February 2, 2000, at 9:19 a.m. 16 17 18 The hour of 9:19 a.m., having arrived, on motion of Representative 19 Fairbank, the House resolved itself into Committee of the Whole for 20 consideration of Special Orders and he was called to the Chair to act as 21 Chairman. 23 24 SPECIAL ORDERS--SECOND READING OF BILLS 25 The Committee of the Whole having risen, the Chairman reported the 27 titles of the following bills had been read (reading at length had been 28 dispensed with by unanimous consent), the bills considered and action 29 taken thereon as follows: 30 31 (Amendments to the committee amendment are to the printed committee 32 report which was printed and placed in the members' bill file.) 33 34 HB01-1179 by Representative(s) Smith--Concerning the requirement 35 to file a Colorado amended return to report a change in 36 federal taxable income. 37 38 Ordered engrossed and placed on the Calendar for Third Reading and 39 Final Passage. 40 41 HB01-1116 by Representative(s) Paschall; also Senator(s) Takis--42 Concerning circumstances in which an independent 43 medical examiner may be selected. 44 Amendment No. 1, Business Affairs & Labor Report, dated January 25, 2001, and placed in member's bill file; Report also printed in House 45 46 47 Journal, January 26, pages 182-183. 48 49 As amended, ordered engrossed and placed on the Calendar for Third 50 Reading and Final Passage. 51 52 by Representative(s) Hefley; also Senator(s) Linkhart--HB01-1187

Concerning procedural changes for the strengthening of

criminal laws.

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1 2 3 4	Amendment No. 1, Criminal Justice Report, dated January 25, 2001, and placed in member's bill file; Report also printed in House Journal, January 26, page 183.					
5 6 7	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
8 9 10 11 12 13 14 15 16 17 18	<u>HB01-1013</u>	by Representative(s) Stengel, Larson; also Senator(s) Chlouber, Dyer (Durango)Concerning the wildlife commission's authority to decrease license fees.				
	Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
	<u>HB01-1076</u>	by Representative(s) Marshall; also Senator(s) HernandezConcerning the requirement that applicants for a license to practice podiatry complete an approved residency.				
20 21	Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
22 23 24 25 26 27	HB01-1078	by Representative(s) Witwer; also Senator(s) PerlmutterConcerning the authorization of the executive director of the department of human services to sell certain real property situated in Jefferson county.				
28 29 30 31	Amendment No. 1, Finance Report, dated January 25, 2001, and placed in member's bill file; Report also printed in House Journal, January 26, page 184.					
32 33 34	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
35 36 37	<u>HB01-1118</u>	by Representative(s) GarciaConcerning aggravating factors for aggravated motor vehicle theft.				
38 39 40 41	Ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
42 43 44 45	<u>HB01-1085</u>	by Representative(s) Sinclair; also Senator(s) Takis-Concerning the selection process for employment in the state personnel system.				
46 47 48	7 Laid over until February 5, retaining place on Calendar.					
49 50 51 52 53 54 55	HB01-1196	by Representative(s) Cloer, Borodkin, Daniel, Fritz, Grossman, Hefley, Hodge, Jahn, King, Larson, Mitchell, Nuñez, Rhodes, Romanoff, StaffordConcerning the writing portion of the Colorado student assessment program statewide assessments.				

1 2 3 4	Amendment No. 1, Education Report, dated January 29, 2001, and placed in member's bill file; Report also printed in House Journal, January 31, page 223.					
5 6 7	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
8 9 10 11 12	<u>HB01-1032</u> by Representative(s) Young, Miller; also Senator(s) Anderson, Lamborn, Reeves, TaylorConcerning the protection of water quality by increasing the efficiency of discharge permitting.					
13 14	Amendment No. 1, by Representative Jameson.					
15 16 17 18	Amend printed bill, page 2, line 17, strike "REQUIREMENTS" and substitute "REQUIREMENTS, BUT NOT TO LESSEN COMPLIANCE WITH FEDERAL STANDARDS,";					
19 20	line 18, strike "WHERE FEW" and substitute "EVEN WHERE MINIMAL";					
21 22 23	line 19, after the period, insert "RENEWAL SHALL BE REQUIRED WHERE MORE THAN MINIMAL CHANGES IN PERMIT CONDITIONS ARE NECESSARY.".					
24 25	Page 3, line 1, strike "FEW" and substitute "MINIMAL".					
26 27 28	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
29 30 31 32 33	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Owen, TateConcerning a one-time transfer of moneys from the controlled maintenance trust fund in the 2001-02 state fiscal year to be restored to said trust fund in the following state fiscal year.					
34 35	Amendment No. 1, by Representative King.					
36 37 38 39	Amend printed bill, page 4, line 6, strike "ON" and substitute "FOR THE FISCAL YEAR COMMENCING";					
40 41 42 43 44	line 8, after "TRANSFER", insert "AT SUCH TIME AS SUCH MONEYS ARE REQUIRED TO BE EXPENDED, AS CERTIFIED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, SUCH AMOUNTS THE TOTAL OF WHICH SHALL NOT TO EXCEED".					
45 46 47	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.					
48 49	ADOPTION OF COMMITTEE OF THE WHOLE REPORT					
50 51 52 53 54	Passed Second Reading: HB01-1179 , 1116 amended, 1187 amended, 1013 , 1076 , 1078 amended, 1118 , 1196 amended, 1032 amended, 1267 amended.					
J+						

Laid over until date indicated retaining place on Calendar: **HB01-1085**-- February 5, 2001.

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

6	YES 64	NO 0		EXC	EXCUSED 1		ABSENT 0		
7								<u>.</u>	
8	Alexander	Y	Groff	Y	Miller	Y	Spence	Y	
9	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y	
10	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y	
11	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y	
12	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y	
13	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y	
14	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y	
15	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y	
16	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y	
17	Coleman	Y	King	Y	Saliman	Y	Webster	Y	
18	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y	
19	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y	
20	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y	
21	Fairbank	Y	Mace	Y	Sinclair	E	Williams T.	Y	
22	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y	
23	Garcia	Y	Marshall	Y	Snook	Y	Young	Y	
24							Mr. Speaker	Y	
25							1		

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

<u>HB01-1062</u> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 9, strike "WELL." and substitute "WELL AND THE ONGOING OCCUPATION AND USE OF THE SURFACE, IF ANY, FOR MAINTENANCE OF OIL AND GAS PRODUCTION.";

line 11, strike "CONDUCTED." and substitute "CONDUCTED, TAKING INTO ACCOUNT SUCH INTERIM SITE RECLAMATION AS MAY BE REQUIRED BY THE RULES OF THE COMMISSION.";

47 line 18, strike "REASONABLY ANTICIPATED TO" and substitute "EXPECTED 48 TO BE CAUSED BY";

50 line 19, strike "ARISE FROM";

strike lines 23 and 24 and substitute the following: "SITE,".

Page 3, line 1, strike "OF OIL AND GAS PRODUCTION,";

line 10, strike "REASONABLY"; line 11, strike "ANTICIPATED TO BE ASSOCIATED WITH" and substitute "EXPECTED TO BE CAUSED BY"; 5 strike line 12 and substitute the following: 7 "DRILLING OPERATIONS"; 9 line 13, strike "PRODUCTION,"; 10 11 line 18, after "(3)", insert "(a)"; 12 13 strike line 22 and substitute the following: 14 "OWNER WHOSE ADDRESS"; 15 16 after line 26, insert the following: 17 18 "(b) IF A SURFACE OWNER WHO CANNOT BE LOCATED DOES NOT 19 RESPOND WITHIN TWENTY DAYS AFTER THE PUBLICATION OF THE NOTICE 20 PROVIDED FOR IN PARAGRAPH (a) OF THIS SUBSECTION (3), THE OPERATOR 21 MAY ELECT TO TERMINATE THE APPRAISAL PROCEEDING AND SHALL HAVE THE CONTINUING RIGHT OF ENTRY SUBJECT TO THE SUBMISSION OF THE 23 SECURITY REQUIRED IN SECTION 34-60-207 WITH THE COMMISSION. IN SUCH CASE, THIS PART 2 SHALL HAVE NO APPLICATION TO THE DRILLING 25 OPERATIONS ON THE SUBJECT PARCEL OF LAND.". 26 27 Page 4, line 4, strike "AND"; 28 strike line 6 and substitute the following: 31 "APPRAISER; 32 33 (D) ALL APPRAISERS SHALL MEET THE REQUIREMENTS OF A 34 CERTIFIED GENERAL APPRAISER AS ESTABLISHED PURSUANT TO SECTION 35 12-61-706, C.R.S., AND POSSESS THE NECESSARY QUALIFICATIONS, 36 ABILITY, AND EXPERIENCE TO EXECUTE THE APPRAISAL AND VALUATION OF 37 REAL PROPERTY AND THE VALUE OF IMPROVEMENTS ON SUCH REAL 38 PROPERTY; AND 39 40 (E) NO APPRAISER SHALL BE A CURRENT OR FORMER DIRECTOR, 41 OFFICER, PARTNER, EMPLOYEE, CONSULTANT, ATTORNEY, ACCOUNTANT, 42 OR RELATIVE OF THE OPERATOR OR SURFACE OWNER."; 43 44 line 19, strike "REASONABLY ANTICIPATED" and substitute "EXPECTED"; 45 strike lines 20 and 21 and substitute the following: 47 "CAUSED BY THE OPERATOR'S PROPOSED DRILLING OPERATIONS. TO THE 48 EXTENT". 49 50 Page 5, strike lines 2 through 4 and substitute the following: "DAMAGES THAT ARE EXPECTED TO BE CAUSED BY THE OPERATOR'S

54 line 11, after the period, add "IF THE SURFACE OWNER CANNOT BE LOCATED, THE OPERATOR SHALL PAY SUCH SURFACE OWNER'S SHARE, 56 WHICH AMOUNT SHALL BE DEDUCTED FROM THE COMPENSATION AWARD

52 PROPOSED DRILLING OPERATIONS. THE APPRAISERS SHALL";

1 RECOMMENDED BY THE APPRAISERS.". Page 6, line 7, strike "APPRAISAL, THE OPERATOR" and substitute 4 "APPRAISAL AT THE REQUEST OF THE OPERATOR, THE OPERATOR SHALL 5 HAVE CONTINUING RIGHT OF ENTRY, SO LONG AS THE OPERATOR HAS 6 SUBMITTED THE SECURITY REQUIRED IN SECTION 34-60-207 TO THE 7 COMMISSION."; 9 strike lines 8 and 9; 10 11 after line 17, insert the following: 12 13 "(c) If the operator does not file an exception or appeal 14 PURSUANT TO THIS SECTION AND THE SURFACE OWNER CANNOT BE 15 LOCATED, THE COURT SHALL CERTIFY THE COMPENSATION AWARD 16 RECOMMENDED BY THE APPRAISERS AS FINAL AND BINDING. 17 OPERATOR SHALL HAVE THE CONTINUING RIGHT OF ENTRY SO LONG AS THE 18 OPERATOR HAS SUBMITTED THE SECURITY REQUIRED IN SECTION 34-60-207 19 TO THE COMMISSION."; 20 21 line 27, strike "RIGHTS OR TO" and substitute "RIGHTS.". 23 Page 7, strike lines 1 and 2. 24 25 Page 8, line 5, strike "OPERATIONS" and substitute "OPERATIONS."; 26 27 strike lines 6 and 7 and substitute the following: 28 "THIS REQUIREMENT MAY BE SATISFIED BY THE SUBMISSION OF A BLANKET 29 BOND, IN AN AMOUNT DETERMINED BY THE COMMISSION, TO COVER ALL 30 DRILLING OPERATIONS BY AN OPERATOR WITHIN THE STATE.". 31 32 33 34 **HB01-1068** be amended as follows, and as so amended, be referred to 35 the Committee of the Whole with favorable 36 recommendation: 37 38 Amend printed bill, page 2, line 5, strike "Uniform Dormant Mineral Interests" and substitute "Dormant Oil and Gas Interests"; 39 40 41 line 8, strike "MINERAL" and substitute "OIL AND GAS"; 42 43 line 10, strike "MINERAL" and substitute "OIL AND GAS"; 44 line 12, strike "MINERAL" and substitute "OIL AND GAS"; 45 46 47 strike lines 22 and 23 and substitute the following: 48 49 "(2) "MINERALS" MEANS GAS, OIL, AND OTHER GASEOUS AND 50 LIQUID HYDROCARBONS.". 51 52 Page 3, strike lines 1 through 5. 54 Page 6, strike lines 26 and 27. 55 56 Page 7, strike lines 1 and 2;

strike lines 11 and 12 and substitute the following: "MINERAL INTERESTS, WHENEVER CREATED."; 4 strike lines 18 through 22. 5 6 Page 8, strike line 1 and substitute the following: 7 ""COLORADO DORMANT OIL AND GAS INTERESTS ACT"."; 9 strike lines 2 through 9 and substitute the following: 10 11 "**SECTION 2. Effective date.** This act shall take effect at 12:01 12 a.m. on the day following the expiration of the ninety-day period after 13 final adjournment of the general assembly that is allowed for submitting 14 a referendum petition pursuant to article V, section 1 (3) of the state 15 constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the 17 date of the official declaration of the vote thereon by proclamation of the 18 19 governor.". 20 21 Page 1, line 101, strike ""UNIFORM DORMANT MINERAL" and substitute ""COLORADO DORMANT OIL AND GAS". 23 24 25 HB01-1088 be amended as follows, and as so amended, be referred to 27 the Committee of the Whole with favorable 28 recommendation: 29 Amend printed bill, page 2, strike lines 7 through 12 and substitute the 31 following: 32 33 "PROPERTY."; 34 35 line 16, strike "BY THE" and substitute "BY"; 36 37 line 17, strike "REAL ESTATE RECORDS" and substitute "RECORDED 38 DOCUMENTS THAT IMPART CONSTRUCTIVE NOTICE IN THE OFFICE OF THE 39 CLERK AND RECORDER"; 40 41 line 20, strike "PERSON" and substitute "PURCHASER"; 42 43 strike lines 22 through 27 and substitute the following: 44 45 "(2) A TITLE INSURANCE AGENT OR TITLE INSURANCE COMPANY SHALL PROVIDE. AS PART OF EACH TITLE COMMITMENT FOR THE ISSUANCE 47 OF AN OWNER'S TITLE INSURANCE POLICY, THE FOLLOWING WRITTEN STATEMENT WHEN IT IS DETERMINED THAT A MINERAL ESTATE HAS BEEN 49 SEVERED FROM THE SURFACE ESTATE: 50 51 (a) THAT THERE IS RECORDED EVIDENCE THAT A MINERAL ESTATE 52 HAS BEEN SEVERED, LEASED, OR OTHERWISE CONVEYED FROM THE".

Page 3, line 7, strike "TITLE" and substitute "A TITLE INSURANCE AGENT OR TITLE INSURANCE COMPANY";

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"MAY RELY ON RECORDED DOCUMENTS THAT IMPART CONSTRUCTIVE 4 NOTICE IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY IN";

after line 10, insert the following:

- "(4) A TITLE INSURANCE COMPANY OR TITLE INSURANCE AGENT MAY RELY ON ANY DOCUMENT PURPORTING TO SEVER MINERAL INTERESTS TO ACT AS NOTICE OF SUCH SEVERANCE WHEN SUCH DOCUMENT IS RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN THE 12 COUNTY IN WHICH THE REAL PROPERTY IS SITUATED.
- (5) A TITLE INSURANCE AGENT OR TITLE INSURANCE COMPANY 15 SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION WHEN IT 16 RELIES ON ANY DOCUMENT PURPORTING TO SEVER MINERAL INTERESTS OR TO ACT AS NOTICE OF SUCH SEVERANCE WHEN SUCH DOCUMENT IS 18 RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF THE 19 COUNTY IN WHICH THE REAL PROPERTY IS SITUATED. NO TITLE INSURANCE 20 AGENT OR TITLE INSURANCE COMPANY SHALL BE LIABLE FOR OBLIGATIONS 21 ABOVE, OR FOR AN AMOUNT IN EXCESS OF, THOSE STATED IN THE OWNER'S 22 POLICY OF TITLE INSURANCE ISSUED PURSUANT TO THE COMMITMENT FOR 23 FAILURE TO COMPLY WITH THE PROVISION OF SUBSECTION (2) OF THIS SECTION.".
- 26 Page 4, line 9, after "REZONING,", insert "GENERAL DEVELOPMENT PLANS,";
 - line 20, after "OWNER", insert "OR LESSEE".
 - Page 5, line 22, after "LOCATED", insert "OR A TELEPHONE OR OTHER DIRECTORY OF GENERAL USE IN THE AREA WHERE THE REAL PROPERTY IS LOCATED";
- 35 line 23, strike "OWNER, AND THE" and substitute "OWNER. THE".
 - Page 7, strike line 27.
- 39 Page 8, strike lines 1 through 11.
 - Renumber succeeding section accordingly.
 - **HB01-1111** be postponed indefinitely.

CIVIL JUSTICE & JUDICIARY

- After consideration on the merits, the Committee recommends the following:
- 54 HB01-1171 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 13, after "SHALL", insert "REVIEW AND, IF NECESSARY,"; line 15, strike "AMENDED, WHENEVER" and substitute "AMENDED."; 5 6 7 strike lines 16 through 19. 8 9 10 HB01-1183 be referred favorably to the Committee on Appropriations. 11 12 13 HB01-1193 be amended as follows, and as so amended, be referred to 14 the Committee on Appropriations with favorable 15 recommendation: 16 17 Amend printed bill, page 10, strike lines 17 through 20 and substitute the 18 following: 19 20 "(c) If the review is conducted by the department of human 21 services as an administrative review, the department shall forward a copy of the findings required in paragraph (a) of this subsection (2) to the 23 appropriate judicial district.". 24 25 Page 12, strike lines 10 through 13 and substitute the following: 26 27 "(c) If the review is conducted by the department of human 28 services as an administrative review, the department shall forward a copy of the findings required in paragraph (a) of this subsection (3) to the 30 appropriate judicial district.". 31 32 Page 16, line 23, strike "CHILD OR" and substitute "CHILD,"; 33 34 line 24, strike "CHILD." and substitute "CHILD, OR ANOTHER CHILD OF 35 EITHER PARENT.". 36 37 Page 19, strike lines 24 through 27 and substitute the following: 38 39 "hearing. 40 41 (3.5) AT ANY PERMANENCY HEARING CONDUCTED BY THE COURT, 42 OR, IF THERE IS NO OBJECTION BY ANY PARTY TO THE ACTION, AN 43 ADMINISTRATIVE PERMANENCY REVIEW CONDUCTED BY THE DEPARTMENT 44 OF HUMAN SERVICES, THE ENTITY CONDUCTING THE PERMANENCY 45 HEARING OR THE ADMINISTRATIVE PERMANENCY REVIEW SHALL MAKE 46 DETERMINATIONS AS TO THE FOLLOWING: 47 48 (a) WHETHER PROCEDURAL SAFEGUARDS TO PRESERVE PARENTAL 49 RIGHTS HAVE BEEN APPLIED IN CONNECTION WITH ANY CHANGE IN THE 50 CHILD'S PLACEMENT OR ANY DETERMINATION AFFECTING PARENTAL 51 VISITATION OF THE CHILD; 52

(b) WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO

54 FINALIZE THE PERMANENCY PLAN THAT IS IN EFFECT AT THE TIME OF THE

55 PERMANENCY HEARING; 56

1 2 3 4	THE OUT-OF-S	A CHILD RESIDES IN A PLACEMENT OUT OF STATE, WHETHER STATE PLACEMENT CONTINUES TO BE APPROPRIATE AND IN ERESTS OF THE CHILD; AND				
4 5 6 7		THE CHILD IS SIXTEEN YEARS OF AGE OR OLDER, WHETHER ENCY PLAN INCLUDES INDEPENDENT LIVING SERVICES.".				
8 9		ne 22, strike "ADOPTION, LEGAL GUARDIANSHIP, OR and substitute "ADOPTION, OR LEGAL GUARDIANSHIP.";				
10 11	strike line 23					
12 13	Page 22, strik	te lines 18 through 21.				
14 15 16	Page 23, strik	Page 23, strike lines 15 through 18.				
17 18 19 20 21		ne 10, after "PERMANENCY", insert "HEARINGS OR IVE PERMANENCY".				
22 23 24 25	CRIMINAL After consideration following:	JUSTICE eration on the merits, the Committee recommends the				
26 27 28 29	<u> </u>	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:				
30 31	Amend printe	ed bill, page 2, line 4, strike "and" and substitute "and";				
32 33	strike line 5 a	and substitute "officer,";				
34 35	line 6, strike	"C.R.S.,";				
38	line 12, strike written reque	"and upon the written request" and substitute "and upon the st";				
39 40 41	line 13, strike	e "of a victim" and substitute "of a victim".				
42 43 44 45 46 47	<u>HB01-1205</u>	be referred favorably to the Committee on Appropriations.				
48 49 50 51	FINANCE After consideration following:	eration on the merits, the Committee recommends the				
52 53 54 55 56	<u>HB01-1094</u>	be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:				

Amend printed bill, page 4, line 17, after "(5)", insert "(a)";

4 PARAGRAPH (b) OF THIS SUBSECTION (5),". 6

Page 5, after line 5, insert the following:

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NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (5), WHERE THE DIFFERENCE BETWEEN THE AMOUNT OF TOTAL GENERAL FUND APPROPRIATIONS THAT WOULD HAVE BEEN ALLOWED FOR THAT FISCAL YEAR IF THE LIMITATION ON TOTAL STATE GENERAL FUND 12 APPROPRIATIONS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF 13 SUBSECTION (1) OF THIS SECTION HAD BEEN APPLICABLE DURING THAT 14 FISCAL YEAR AND THE ACTUAL AMOUNT OF TOTAL GENERAL FUND 15 APPROPRIATIONS ALLOWED FOR THAT FISCAL YEAR PURSUANT TO 16 SUBPARAGRAPH (II.5) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION HAD BEEN APPLICABLE DURING THAT FISCAL YEAR IS GREATER 18 THAN THE AMOUNT OF MONEYS REQUIRED TO BE REFUNDED FOR THAT 19 FISCAL YEAR IN ACCORDANCE WITH SECTION 20 (7) (d) OF ARTICLE X OF 20 THE STATE CONSTITUTION, MONEYS REPRESENTING THE DIFFERENCE 21 BETWEEN THE APPLICABLE LIMITATIONS ON STATE GENERAL FUND 22 APPROPRIATIONS DESCRIBED IN SUBPARAGRAPHS (II) AND (II.5) OF 23 PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL NOT BE AVAILABLE FOR GENERAL GOVERNMENTAL PURPOSES AND SHALL BE REFUNDED IN THE NEXT FISCAL YEAR AS REQUIRED BY LAW IN ADDITION TO ANY OTHER MONEYS REQUIRED TO BE REFUNDED.".

line 18, after "CONTRARY,", insert "EXCEPT AS OTHERWISE PROVIDED IN

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HB01-1182 be postponed indefinitely.

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INFORMATION & TECHNOLOGY

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

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HB01-1084 be amended as follows, and as so amended, be referred to Committee of the Whole with favorable recommendation:

41 42 43

Amend printed bill, page 4, line 9, strike "OWNS OR";

44 45 46

line 10, strike "LEASES FROM A THIRD PARTY AND";

47

line 11, strike "END-USE CUSTOMER" and substitute "END-USER";

48 49

line 27, after "(1)", insert "WHEN THE PROPER METHOD OF DIALING 9-1-1 50 FROM AN MLTS TELEPHONE IN AN EMERGENCY IS A DIALING PATTERN OTHER THAN 9-1-1,".

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53 Page 5, line 1, strike "CUSTOMERS" and substitute "END-USERS";

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line 4, strike "CUSTOMERS" and substitute "END-USERS";

1 2 2	line 6, after ""END-USER"")" ar	nd strike '	'"CUSTOMER""	and substitute	
2 3 4 5	after line 10, insert the following:						
5 6 7 8 9	"(b) FOR PURPOSES OF THIS SECTION, "MLTS OPERATOR" MEANS THE PERSON WHO HAS RESPONSIBILITY TO THE END-USER TO COORDINATE TELEPHONE LINE NUMBER AND ADDRESS LOCATION ASSIGNMENTS.";						
10	line 11, strike	"SHALL" and s	ubst	itute "MA`	Y";		
11 12	after line 13,	insert the follow	ving	:			
13 14 15 16 17	THE METHOD TELECOMMUN	OF REGULATION	ON (ICE B	OR DEREC	GULATION OF BLICUTILITIES (RUED TO ALTER PROVIDERS OF COMMISSION AS	
18 19							
20 21							
22 23 24	STATE, VET After consider following:	FERANS, & Neration on the	IILI mei	TARY A	FFAIRS Committee re-	commends the	
25 26 27 28	HB01-1133	be amended as the Commit recommendati	tee			l, be referred to th favorable	
29 30	Amend printe	d bill, page 2,	strike	e lines 2 tl	hrough 17.		
31 32 Page 3, strike lines 1 through 16.							
33 34	Renumber succeeding sections accordingly.						
35 36	5 Page 3, strike line 27.						
37 38	8 Page 4, strike lines 1 through 21.						
39 40	Renumber succeeding section accordingly.						
41 42							
43 44 45 46 47	HB01-1154	be amended as the Commit recommendati	tee	lows, and of the		, be referred to th favorable	
48 49	Amend printe substitute "(1.	ed bill, page (3), (1.4), (1.6).	2, lin , (1.7	ne 13, st 7), (13.3),	rike "(1.6), and (20.3),".	nd (1.7)," and	
50 51	Page 3, after 1	ine 8, insert the	e fol	lowing:			
52 53 54						on, other than a s, or otherwise	

"(1.3) "Bingo-raffle manufacturer" means a person, other than a bingo-raffle licensee, who makes, assembles, produces, or otherwise prepares pull tabs, bingo cards or sheets, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, or other equipment or parts thereof for

games of chance, as defined in subsection (7) of this section. "Bingo-raffle manufacturer" does not include a person who prints raffle tickets, other than pull tabs, for and at the request of a bingo-raffle licensee.

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(1.4) "Bingo-raffle supplier" means a person, other than a bingo-raffle licensee, who sells, distributes, or otherwise furnishes pull tabs, bingo cards or sheets, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, or other games of chance equipment, as defined in subsection (5) of this section. "Bingo-raffle supplier" does not include a person who prints raffle tickets, other than pull tabs, for and at the request of a bingo-raffle licensee.";

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strike lines 11 through 13 and substitute the following:

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""CARD" MEANS EITHER A DISPOSABLE AND NONREUSABLE PAPER BINGO CARD IDENTIFIED BY COLOR, SERIAL NUMBER, AND CARD NUMBER, OR A 18 REUSABLE BINGO CARD INTENDED FOR REPEATED USE, INCLUDING BUT NOT 19 LIMITED TO A HARD CARD OR SHUTTER CARD. "CARD" DOES NOT INCLUDE 20 AN ELECTRONIC REPRESENTATION OR ELECTRONIC IMAGE OF A BINGO CARD.";

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after line 24, insert the following:

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"Manufacturer's agent" means an individual who "(13.3)represents a manufacturer in any of its activities in connection with the presales, driver sales, or distribution with excess stock of pull tabs, bingo cards or sheets, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, or other games of chance equipment; except employees of commercial delivery services.";

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after line 26, insert the following:

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"(20.3) "Supplier's agent" means an individual who represents a bingo-raffle supplier in the course of the bingo-raffle supplier's presales, driver sales, or distribution with excess bingo-supplier stock, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, or chance equipment on hand; except employees of commercial delivery services.";

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line 27, strike "12-9-107," and substitute "12-9-107 (9),", and strike "amended" and substitute "amended, and the said 12-9-107 is further amended,".

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Page 4, strike line 4 and substitute the following:

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"**premises - equipment - expenses.** (9) Equipment, prizes, and supplies for games of bingo OR ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO shall not be purchased or sold at prices in excess of the usual price thereof.

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(28) (a) If A CARD OR SHEET IS";

line 7, after the period, add "NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE THE PLAYING OF BINGO SOLELY BY MEANS OF AN ELECTRONIC DEVICE.".

Page 5, after line 10, insert the following:

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"(d) IF A MANUFACTURER OF AN ELECTRONIC DEVICE USED AS AN AID IN THE GAME OF BINGO UTILIZES A BINGO AID COMPUTER SYSTEM THAT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION (29), THE LICENSING AUTHORITY SHALL APPROVE SUCH SYSTEM FOR USE BY A LETTER RULING PURSUANT TO SECTION 12-9-103 (1) (d).

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SECTION 4. 12-9-107.5 (1), the introductory portion to 12-9-107.5 (4), and 12-9-107.5 (4) (a), (5), and (6), Colorado Revised Statutes, are amended to read:

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12-9-107.5. Persons permitted to manufacture and distribute games of chance equipment - reporting requirements. (1) No person other than a manufacturer licensee or licensed agent shall act as a bingo-raffle manufacturer within Colorado. Printing of raffle tickets other than pull tabs, as designed and requested by a licensee, does not constitute the manufacture of games of chance equipment. MANUFACTURE OF ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF 20 BINGO, AND THE PRINTING OF RAFFLE TICKETS OTHER THAN PULL TABS, AS DESIGNED AND REQUESTED BY A LICENSEE, DOES NOT CONSTITUTE THE MANUFACTURE OF GAMES OF CHANCE EQUIPMENT; EXCEPT THAT SUCH ELECTRONIC DEVICES SHALL BE SUBJECT TO THE REPORTING REQUIREMENTS OF SUBSECTIONS (5) AND (6) OF THIS SECTION.

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(4) Except to the extent otherwise provided in section 12-9-107 (1), no manufacturer or supplier licensee or licensed agent shall buy, receive, sell, lease, furnish, or distribute any pull tabs, bingo cards or sheets, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, or other games of chance equipment from or to any person within Colorado other than manufacturer or supplier licensees or agents and bingo-raffle licensees; except that:

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(a) A landlord licensee, supplier, or manufacturer or its agent may sell or distribute cards, sheets, and equipment, OR ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO for the playing of bingo not for resale to nursing homes and other entities that distribute the cards, or sheets, OR ELECTRONIC DEVICES and allow playing of the game free of charge, without consideration given or received by any person for the privilege of playing; and

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(5) Every manufacturer and supplier licensee shall file, upon forms prescribed by the licensing authority, quarterly reports on its licensed activities within Colorado. Such reports shall be accompanied by quarterly fees established by the licensing authority in accordance with section 12-9-103.5 (3) and deposited in the bingo-raffle cash fund. Such reports shall be filed with the licensing authority no later than April 30, July 31, October 31, and January 31 of each year licensed, and each report shall cover the preceding calendar quarter. Reports shall enumerate by quantity, purchaser, and price the pull tabs, bingo cards or sheets, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, and other games of chance equipment manufactured, conveyed, or distributed within Colorado or for use or distribution in Colorado and shall include the licensee's total sales, including amounts realized from leases, of equipment as defined in section 12-9-102 (5) AND ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO and the names and addresses of all Colorado suppliers or agents of the licensee and shall be signed and verified by the owner or the chief executive officer of the licensee. These quarterly reports shall not be public records as defined in section 24-72-202, C.R.S.

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(6) Every manufacturer or supplier licensee, and every licensed agent for such licensee, shall keep and maintain complete and accurate records, in accord with generally accepted accounting principles, of all licensed activities. The records shall include invoices for all games of chance equipment OR ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO conveyed or distributed within Colorado, or for use or distribution 12 in Colorado, which invoices are specific as to the nature, description, quantity, and serial numbers of the pull tabs, bingo cards or sheets, 14 ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, and other equipment so conveyed or distributed. The records shall also show all 16 receipts and expenditures made in connection with licensed activities, including, but not limited to, records of sales by dates, purchasers, and 18 items sold OR LEASED, monthly bank account reconciliations, disbursement records, and credit memos for any returned items. These 20 records shall be maintained for a period of at least three years.

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SECTION 5. 12-9-104.5 (3), Colorado Revised Statutes, is amended to read:

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12-9-104.5. Landlord licensees - stipulations. (3) No landlord licensee or any employee of a landlord licensee shall require, induce, or coerce a bingo-raffle licensee to purchase supplies, or equipment, OR ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO from a particular supplier, distributor, or manufacturer as a condition of conducting games of chance at a commercial bingo facility.

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SECTION 6. 12-9-105.5 (1) (c), Colorado Revised Statutes, is amended to read:

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12-9-105.5. Application for manufacturer license. (1) Each application for a manufacturer license shall include, but not be limited to, the following information:

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(c) A description of the equipment manufactured OR ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO in connection with games of chance activities in Colorado;

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SECTION 7. 12-9-105.7 (1) (c), Colorado Revised Statutes, is amended to read:

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Application for supplier license. (1) 12-9-105.7. application for a supplier license shall include, but not be limited to, the following information:

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(c) A description of the equipment, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, and supplies sold or distributed in connection with games of chance activities in Colorado;

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> **SECTION 8.** 12-9-105.9 (1) (e), Colorado Revised Statutes, is amended to read:

Page 264 1 12-9-105.9. Application for manufacturer's agent license or **supplier's agent license.** (1) Each application for a manufacturer's agent license or supplier's agent license shall include, but not be limited to, the following information: 5 6 (e) The location in Colorado where the agent's records of sales 7 and distributions of bingo and raffle equipment, ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, and supplies will be available to the 9 licensing authority. SECTION 9. 12-6-108 (6), Colorado Revised Statutes, is 12 amended to read: 12-9-108. Bingo-raffle licensee's statement of receipts -15 **expenses - fee.** (6) For the purposes enumerated in subsection (5) of this section, the following terms shall have the following meanings: "Goods, 16 17 wares, and merchandise" means prizes, equipment as defined in section 12-9-102 (5), ELECTRONIC DEVICES USED AS AIDS IN THE GAME OF BINGO, 18 and articles of a minor nature; "services rendered" means repair to 19 20 equipment, compensation to bookkeepers or accountants, not more than 21 two in the aggregate, for services in preparing financial reports for a reasonable amount as determined by the licensing authority in rules for each occasion, rental of premises in a reasonable amount as determined 24 by the licensing authority in rules for each occasion, a reasonable amount 25 for janitorial service as determined by the licensing authority in rules for each occasion, and a reasonable amount for security expense based on 27 established need as determined by the licensing authority in rules for each 28 occasion. There shall be paid to the licensing authority an administrative fee, established in accordance with section 12-9-103.5(3), upon the gross 29 receipts of any game of chance held, operated, or conducted under the 31 provisions of this article; except that an exempt organization shall not be 32 charged more than twenty dollars per year. All administrative fees collected by the licensing authority under this article shall be deposited

Renumber succeeding section accordingly.

INTRODUCTION OF BILLS First Reading

in the bingo-raffle cash fund created in section 12-9-103.5.".

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

HB01-1321 by Representative(s) Decker, Cadman, Garcia, White--Concerning the effect of the execution of a tax deed on a preexisting equitable servitude that runs with land.

Committee on Local Government

by Representative(s) Decker; also Senator(s) Phillips--HB01-1322 Concerning the exemption of specified printed materials from the state sales and use tax.

Committee on Finance

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1 2	<u>HB01-1323</u>	by Representative(s) Hefley; also Senator(s) Linkhart-Concerning the assessment of costs in criminal cases.					
2 3	Committee on	Criminal Justice					
4 5	HB01-1324	by Representative(s) Hefley; also Senator(s) Andrews-					
6 7 8	Committee on	Concerning an incentive program for teachers. Education					
9 10	HB01-1325	by Representative(s) MitchellConcerning requirements for a stillborn fetus.					
11 12	Committee on	State, Veterans, & Military Affairs					
13 14 15 16 17 18	<u>HB01-1326</u>	by Representative(s) MitchellConcerning regulation of air pollution emissions from stationary sources, and, in connection therewith, amending the fee structure for air pollutant emission notices, changing the applicable dates for cumulative economic analyses, and making an appropriation.					
19 20		Transportation & Energy Appropriations					
21 22 23 24	<u>HB01-1327</u>	by Representative(s) Fritz, Lee; also Senator(s) Owen-Concerning the shortening of time frames affecting the ability to possess weapons.					
25 26	Committee on	nittee on State, Veterans, & Military Affairs					
27 28 29 30 31 32 33 34 35 36 37 38 39	HB01-1328 Committee on	by Representative(s) Madden, Boyd, PlantConcerning the construction of permanently affordable units as a condition of subdivision approval by a board of county commissioners in counties having a population of ten thousand or more. Local Government					
	<u>HB01-1329</u>	by Representative(s) Madden, Saliman, Williams S.; also Senator(s) Fitz-GeraldConcerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purpose of providing additional revenues for multi-modal capital transportation projects.					
40 41	Committee on Committee on	Finance Appropriations					
42 43	<u>HB01-1330</u>	by Representative(s) Saliman; also Senator(s) Anderson					
44 45	Committee on	Concerning the process for funding child welfare services. Health, Environment, Welfare, & Institutions					
46 47 48 49 50 51 52 53 54	HB01-1331	by Representative(s) Saliman, Young; also Senator(s) Owen, Reeves, TateConcerning administration of the children's basic health care plan, and, in connection therewith, placing the rule-making authority with the medical services board and placing the administrative oversight with the department of health care policy and financing and authorizing and studying several administrative changes.					
55 56		Health, Environment, Welfare, & Institutions Appropriations					

1 2 3	<u>HB01-1332</u>	by Representative(s) Borodkin, Chavez, Madden, Tapia Concerning leave from employment for parents whose emancipated child sustains an injury.
4 5	Committee of	n Business Affairs & Labor
6 7	<u>HB01-1333</u>	by Representative(s) RomanoffConcerning measures to reduce the spread of bloodborne pathogens.
8 9	Committee or	n Health, Environment, Welfare, & Institutions
10 11	<u>HB01-1334</u>	by Representative(s) RomanoffConcerning the exemption of property used for low-income household
12 13		residential facilities that are occupied by low-income households from property tax.
14	Committee or	
15	Committee or	n Appropriations
16 17	HB01-1335	by Representative(s) Snook, Williams TConcerning the
18	<u>11D01-1335</u>	liabilities of insurers in the context of insolvency
19		proceedings.
20	Committee or	n Business Affairs & Labor
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24		LAY OVER OF CALENDAR ITEMS
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21 22 23 24 25 26 27 28 29 30 31 32 33		of Representative Spradley, the following items on the e laid over until February 5, retaining place on Calendar:
20 29	Consideration	n of General Orders HB01-1089, 1150 .
3 0		n of ResolutionHJR01-1008.
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32	On motion	of Domesontative Canadley the House edicumed until
33 34 35		of Representative Spradley, the House adjourned until ebruary 5, 2001.
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37		Approved:
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39 40		
41		DOUG DEAN,
42 43		Speaker
44	Attest:	
45 46	JUDITH RO	DDRIGHE
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47	Chief Clerk	DRIGGE,