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HOUSE JOURNAL

SIXTY-THIRD GENERAL ASSEMBLY

STATE OF COLORADO

First Regular Session

Sixty-fourth Legislative Day

Wednesday, March 14, 2001

1	Prayer by P	astor D	an Elliott, S	outh F	ellowship, L	ittlete	on.	
3	The Speaker called the House to order at 9:00 a.m. The roll was called with the following result:							
5								
6 7 8 9 10	Excus				dley, Staffor ntative Staffo			
11 12	The Speaker	declare	ed a quorum	prese	nt.			
13 14 15 16 17 18	On motion March 13, 20 by the Chief	001, wa						
19 20 21 22 23	CONSIDERATION OF SENATE AMENDMENTS TO HOUSE RESOLUTION							
24 25 26	Concerning recognition of President Ronald Reagan.							
27 28	(Amended as printed in Senate Journal, March 12, pages 524-525.)							
29 30 31	Representati HJR01-1010							
32	YES 46	NO) 18	EXC	CUSED 1		ABSENT	0
33 34 35 36	Alexander Bacon Berry	Y N Y		N N Y	Miller Mitchell Nuñez	Y Y Y	Spence Spradley Stafford	Y E Y
37 38 39	Borodkin Boyd Cadman	Y N Y	Hodge Hoppe Jahn	N Y Y	Paschall Plant Ragsdale	Y N N	Stengel Swenson Tapia	Y Y N
40 41 42 43	Chavez Clapp Cloer Coleman	N Y Y Y	Jameson Johnson Kester King	N Y Y Y	Rhodes Rippy Romanoff Saliman	Y Y Y N	Tochtrop Veiga Vigil Webster	Y N N Y
44 45	Crane Daniel	Y N	Larson Lawrence	Y Y	Sanchez Schultheis	N Y	Weddig White	N Y

N Lawrence

Y Schultheis

1 2 3 4 5 6 7 8 9	Decker Fairbank Fritz Garcia	Y Y	Lee Mace Madden Marshall	Y N	Scott Sinclair Smith Snook	Y Y	Williams S. Williams T. Witwer Young Mr. Speaker	Y Y Y Y Y
7 8 9 0 1 2 3	CIVIL JUST	TICE &		RY			RENCE ecommends tl	he
5	following: HB01-1347	be an	nended as fol	lows,	and as so a	mende	ed, be referred	to
.7 .8 .9 20	Amand print	recon	nmendation:				with favorab	
21 22 23 24 25	Amend printed bill, page 4, strike line 25 and substitute the following: "or guardian receives any payment COMPENSATION therefor OR WHERE THE WORK TO BE PERFORMED HAS BEEN DECLARED TO BE HAZARDOUS UNDER SECTION 8-12-110;".							
26 27	Page 6, strike lines 26 and 27.							
28 29	Page 7, strike lines 1 through 4 and substitute the following:							
0 1 2 3	"school day. Except as otherwise provided in Section 8-12-105.5, a minor who is at least sixteen years of age and under eighteen years of age shall not be permitted to:							
1 5 5 7		YASCH	OOL DAY OR	FOR M	ORE THAN N		ONE DAY THAT OURS IN ANY ON	
)							NY ONE SCHOO ONE NONSCHOO	
	(c) W	ORK FO	OR MORE THA	N SIX	DAYS IN AN	IY ONE	E SCHOOL WEEL	Κ;
	OR (d) B	EGIN A	WORK DAY I	BEFOR	E 5 A.M. DU	RING A	A SCHOOL WEE	к;
) 7 3	(e) WORK UNTIL AFTER MIDNIGHT ON A NIGHT THAT IS FOLLOWED BY A SCHOOL DAY.".							
) 1 2	strike lines 25	5 and 2 subsec	6 and substiction (4) shal	tute " 1 not	thirty-day p apply to thi	eriod. s subs	Overtime was ection (5).".	ge
} -	Page 8, strike	lines 2	2 through 27	•				
5	Page 9, strike	lines	1 through 18	and s	substitute th	e follo	owing:	

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1
          "8-12-105.5.
                              Working
                                           hours -
                                                        exceptions.
   (1) NOTWITHSTANDING ANY PROVISION OF SECTION 8-12-105 (3) TO THE
   CONTRARY, AN EMPLOYER WHO COMPLIES WITH SUBSECTION (2) OF THIS
   SECTION MAY EMPLOY A MINOR WHO IS AT LEAST SIXTEEN YEARS OF AGE
 5
   AND UNDER EIGHTEEN YEARS OF AGE TO:
 6
 7
          (a) Work until 1 a.m. on a night that is followed by a
 8
   SCHOOL DAY;
 9
10
          (b) Work up to forty-eight hours during a school week; or
11
12
          (c) WORK UP TO NINE HOURS IN ANY ONE DAY DURING A SCHOOL
13
   WEEK.
14
15
          (2) AN EMPLOYER MAY EMPLOY A MINOR IN ACCORDANCE WITH
16
   SUBSECTION (1) OF THIS SECTION IF THE EMPLOYER HAS OBTAINED
17
   WRITTEN PERMISSION FROM THE MINOR'S PARENT OR LEGAL GUARDIAN
18
   AND PLACED THE PERMISSION ON FILE IN THE EMPLOYER'S OFFICE.";
19
20 line 19, strike "(f)" and substitute "(3)";
21
   line 23, strike "(I)" and substitute "(a)";
23
24 line 25, strike "(II)" and substitute "(b)";
25
26 line 27, strike "(III)" and substitute "(c)";
27
28
   after line 27, insert the following:
29
30
          "(4) NOTWITHSTANDING SUBSECTIONS (1) AND (2) OF THIS
31
   SECTION, A MINOR WHO IS UNDER EIGHTEEN YEARS OF AGE AND NOT
   COVERED BY SUBSECTION (3) OF THIS SECTION SHALL NOT BE PERMITTED
   TO WORK AFTER 10 P.M. DURING A SCHOOL WEEK IN ANY OCCUPATION
34 DECLARED TO BE HAZARDOUS UNDER SECTION 8-12-110.".
35
   Page 10, line 3, strike "Permissible occupations, by age." and substitute
36
37
   "Permissible occupations for persons under sixteen - authority of
38
   director.";
39
40 line 17, strike "IN" and substitute "ON OR BEFORE JANUARY 1, 2002, IN";
41
42 line 19, strike everything after "C.R.S.,";
43
44
   strike line 20;
45
   line 21, strike "CATEGORY," and substitute "AND";
46
47
48 line 24, strike "ACT." and substitute "ACT, THE DIRECTOR SHALL BY ORDER
49
   ESTABLISH PERMITTED OCCUPATIONS FOR MINORS UNDER THE AGE OF
50
   SIXTEEN.".
51
52 Page 13, strike lines 14 through 24 and substitute the following:
53
54
          "8-12-110. Hazardous occupations prohibited for minors -
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door-to-door sales - authority of director. (1) ON OR BEFORE JANUARY 56 1, 2002, IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE

ACT", ARTICLE 4 OF TITLE 24, C.R.S., AND CONSISTENT WITH THE FEDERAL
"FAIR LABOR STANDARDS ACT OF 1938", 29 U.S.C. SEC. 201 ET SEQ., AND
RULES OF THE UNITED STATES SECRETARY OF LABOR PROMULGATED
UNDER THE AUTHORITY GRANTED IN SAID FEDERAL ACT, THE DIRECTOR
SHALL BY ORDER DECLARE THOSE OCCUPATIONS WHICH ARE HAZARDOUS
FOR MINORS. No minor shall be permitted employment in any occupation
declared to be hazardous. in subsection (2) of this section unless such
minor is fourteen years of age or older and he is employed:".

10 Page 20, line 6, strike "shall" and substitute "shall MAY".

Page 22, line 20, strike "This" and substitute "(1) Sections 1 to 6 and 12 to 20 of this";

strike line 25 and substitute the following:

"or against said sections or any item or part of said sections, then said".

19 Page 23, after line 2, insert the following:

"(2) Sections 7 to 11 of this act shall take effect January 1, 2002, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or against said sections or any item or part of said sections, then said item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of this governor."

SB01-158

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

Amend reengrossed bill, page 5, line 13, strike "PARAGRAPH (b) OF THIS SUBSECTION (2)," and substitute "THIS PARAGRAPH (b),";

line 16, strike "PARAGRAPH (b) OF THIS SUBSECTION (2)" and substitute "THIS PARAGRAPH (b)";

line 18, strike "PARAGRAPH (b) OF THIS SUBSECTION (2)." and substitute "THIS PARAGRAPH (b).".

EDUCATION

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

<u>SB01-165</u> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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Amend reengrossed bill, page 2, line 10, strike "AUGUST 15" and
    substitute "OCTOBER 1";
 4
   line 11, strike "such" and substitute "such THE";
 5
 6
    line 20, after "amended", insert "and is further amended by the addition
 7
    of a NEW PARAGRAPH,";
 9
    strike line 21 and substitute the following:
10
11
           "22-32-124. Building codes - zoning - planning. (1.5) (a) As
12 USED IN THIS SUBSECTION, "THE BODY" MEANS THE PLANNING COMMISSION
13 OR GOVERNING BODY, IF NO PLANNING COMMISSION EXISTS.
14
15
           (b) Prior to";
16
17
    line 25, strike "relevant planning commission or governing" and substitute
18
    "relevant planning commission or governing";
19
20 line 27, strike "such" and substitute "such A".
21
    Page 3, line 1, strike "relevant" and substitute "relevant";
23
24
    line 2, strike "planning commission or governing" and substitute
25
    "planning commission or governing";
26
27 line 3, strike "such" and substitute "such";
28
29
    line 4, strike "relevant planning commission or governing" and substitute
30
    "relevant planning commission or governing";
31
32 line 5, strike "such" and substitute "such THE";
33
34
    strike line 7 and substitute the following:
35
36
    "<del>such</del> the plan. No provision of this section shall be construed to
37
    REQUIRE THE APPROVAL OF ANY PLANNING COMMISSION OR OTHER
38 GOVERNING BODY IN CONNECTION WITH ANY SITE DEVELOPMENT PLAN OR
39
    SIMILAR PLAN.
                     NOR SHALL ANY PROVISION OF THIS SECTION BE
40 CONSTRUED TO AUTHORIZE OR CONFER JURISDICTION TO ANY PLANNING
41 COMMISSION OR OTHER GOVERNING BODY OTHER THAN THE RIGHTS TO
42 COMMENT AND TO REQUEST A HEARING AS PROVIDED HEREIN. The relevant
43
   planning commission or governing body, if not";
44
45 line 8, strike "such" and substitute "such ITS";
46
47
    line 9, strike "such plan." and substitute "such THE plan." and strike "Such
48
    hearing," and substitute "Such A hearing,";
49
50 line 10, strike "OF" and substitute "AFTER";
   line 11, strike "PLAN, AND SUCH" and substitute "PLAN. THE";
52
53
    line 12, strike "held, if at all," and substitute "held, if at all, HELD" and
55
    strike "the request of" and substitute "RECEIVING the request of";
```

line 13, strike "RECEIVING NOTIFICATION";

after line 16, insert the following:

"SECTION 3. 22-30.5-110 (1), Colorado Revised Statutes, is amended to read:

7

10 11

5

22-30.5-110. Charter schools - term - renewal of charter grounds for nonrenewal or revocation. (1) A new charter may be approved for a period of at least three years but not more than five academic years. A charter may be renewed for a period not to exceed 12 five years. Upon contract renewal, a charter school shall not 13 HAVE AN ENROLLMENT CAP IMPOSED UPON IT IF IT IS IN COMPLIANCE WITH 14 THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION.

15 16

SECTION 4. 22-30.5-112 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17 18 19

21

25

22-30.5-112. Charter schools financing 20 guidelines. (2) (a.4) (I) WITHIN NINETY DAYS AFTER THE END OF EACH FISCAL YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER SCHOOL WITHIN ITS DISTRICT AN ITEMIZED ACCOUNTING OF ALL ITS CENTRAL ADMINISTRATIVE OVERHEAD COSTS. THE ACTUAL CENTRAL 24 ADMINISTRATIVE OVERHEAD COSTS SHALL BE THE AMOUNT CHARGED TO THE CHARTER SCHOOL. ANY DIFFERENCE, WITHIN THE LIMITATIONS OF 26 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (2) AND 27 PARAGRAPH (a.3) OF THIS SUBSECTION (2), BETWEEN THE AMOUNT INITIALLY CHARGED TO THE CHARTER SCHOOL AND THE ACTUAL COST SHALL BE RECONCILED AND PAID TO THE OWED PARTY.

30

31

(II) WITHIN NINETY DAYS AFTER THE END OF EACH FISCAL YEAR, EACH SCHOOL DISTRICT SHALL PROVIDE TO EACH CHARTER SCHOOL WITHIN 33 ITS DISTRICT AN ITEMIZED ACCOUNTING OF ALL THE ACTUAL COSTS OF 34 DISTRICT SERVICES THE CHARTER SCHOOL CHOSE AT ITS DISCRETION TO 35 PURCHASE FROM THE DISTRICT, CALCULATED IN ACCORDANCE WITH 36 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. ANY DIFFERENCE BETWEEN THE AMOUNT INITIALLY CHARGED TO THE CHARTER SCHOOL AND 38 THE ACTUAL COST SHALL BE RECONCILED AND PAID TO THE OWED PARTY.

39 40

(III) IF EITHER PARTY DISPUTES AN ITEMIZED ACCOUNTING 41 PROVIDED PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (a.4), ANY CHARGES INCLUDED IN AN ACCOUNTING, OR CHARGES TO EITHER PARTY, THAT PARTY IS ENTITLED TO REQUEST A THIRD PARTY 44 REVIEW AT THE REQUESTING PARTY'S EXPENSE. THE REVIEW SHALL BE CONDUCTED BY THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT'S DETERMINATION SHALL BE FINAL.".

47 48

45 46

Renumber succeeding sections accordingly.

49 50 51

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

52 53 54

The Speaker has signed: **HB01-1035**, **1084**, **1136**, **1138**.

1 2 3 4	Mr. Speaker:	MESSAGE FROM THE SENATE							
4									
5 6 7	The Senate HB01-1251,	has passed on Third Reading and returns herewith 1304, 1335, 1215, 1222, 1076, 1152, 1211							
8 9	The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:								
10 11	HB01-1228,								
12 13	HB01-1030,								
14 15 16	HB01-1034,	page 523; amended as printed in Senate Journal, March 12, pages 523-524;							
17 18									
19 20		MESSAGE FROM THE REVISOR							
21 22 23	We herewith and 1034.	transmit without comment, as amended, HB01-1228, 1030,							
24 25 26 27		MESSAGE FROM THE GOVERNOR							
28 29 30	8 I certify I received the following on the 13th day of March, 200 10:39 a.m. The original is on file in the records of the Hou 0 Representatives of the General Assembly.								
31 32	Judith Rodrigue,								
33 34 35	March 11, 2001 Chief Clerk of the Hous								
36 37 38 39 40 41	To the Honorable House of Representatives Sixty-third General Assembly First Regular Session Denver, CO 90203								
42	Ladies and Gentlemen:								
43 44 45 46	I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:								
47 48 49 50	HB01-1005 Concerning Relief From State Income Tax Liability For An Individual Who Unknowingly Makes A Joint Income Tax Return Upon Which Such Individual's Spouse Has Understated Income Tax Liability.								
51 52	2 Approved March 11, 2001 at 3:11 p.m.								
53 54 55 56	HB01-1006	Concerning State Records Filed With The Secretary Of State.							

1		Approved March 11, 2001 at 3:12 p.m.				
2 3 4 5	HB01-1013	Concerning The Wildlife Commission's Authority To Decrease License Fees.				
4 5 6 7		Approved March 11, 2001 at 3:12 p.m.				
8 9	HB01-1032	Concerning The Protection Of Water Quality By Increasing The Efficiency Of Discharge Permitting.				
10		Approved March 11, 2001 at 3:13 p.m.				
12 13 14 15	HB01-1039	Concerning The Repeal Of Obsolete Provisions Regarding Temporary Help Contracting Firms.				
15 16 17		Approved March 11, 2001 at 3:14 p.m.				
18 19	HB01-1085	Concerning The Selection Process For Employment In The State Personnel System.				
21		Approved March 11, 2001 at 3:15 p.m.				
22 23 24	HB01-1116	Concerning Circumstances In Which An Independent Medical Examiner May Be Selected.				
25 26		Approved March 11, 2001 at 3:16 p.m.				
20 21 22 22 23 24 25 26 27 28 29 33 33 34 33 35	HB01-1117	Concerning The Prerequisite That Public Entities Obtain The Advance Of The Sex Offender Management Board Prior To Taking Certain Actions Related To The Provisions Of Treatment For Juvenile Sex Offenders.				
33		Approved March 11, 2001 at 3:17 p.m.				
36 37	HB01-1146	Concerning The Performance Evaluation Of The Superintendent Of A School District By A School District Board Of Education.				
38 39		Approved March 11, 2001 at 3:19 p.m.				
40 41 42 43	HB01-1186	Concerning The Maintenance Of Public Employee Retirement Benefits For Retirees Who Are Hired By A School District During A Critical Shortage Of Employees.				
14 15		Approved March 11, 2001 at 3:20 p.m.				
16 17	Sincerely, (signed)					
18 19 50	Bill Owens Governor					
50 51 52 53	March 12, 20	March 12, 2001				
54 55	To the Honorable House of Representatives					
56	Sixty-third General Assembly					

1 2	First Regular Session Denver, CO 80203						
3 4 5	Ladies and G	entlemen:					
2 3 4 5 6 7 8		the honor to inform you that I have approved and filed with of State the following act:					
9 10	HB01-1043	Concerning The Calculation Of Unemployment Insurance Tax Refunds.					
11 12 13		Approved March 12, 2001 at 3:34 p.m.					
14 15 16 17	Sincerely, (signed) Bill Owens Governor						
18 19 20	March 12, 20	001					
21 22 23 24 25 26	To the Honorable House of Representatives Sixty-third General Assembly First Regular Session Denver, CO 80203						
27 28 29	Ladies and Gentlemen:						
30 31	I have the honor to inform you that I have approved and filed wit the Secretary of State the following act:						
32 33 34	HB01-1118	Concerning Aggravating Factors For Aggravated Motor Vehicle Theft.					
35 36		Approved March 12, 2001 at 3:40 p.m.					
37 38 39 40 41 42	Sincerely, (signed) Bill Owens Governor						
43 44							
45 46	INTRODUCTION OF BILL First Reading						
47 48 49	The following bill was read by title and referred to the committees indicated:						
50 51 52 53 54 55	<u>HB01-1365</u>	by Representative(s) Dean, Hefley, Borodkin, Coleman, Mace, Spence, Tapia, Williams S.; also Senator(s) Matsunaka, AndersonConcerning the creation of the science and technology education center grant program, and making an appropriation therefor.					
56	Committee or	n Education					

Committee on Appropriations 2 3 4 5 INTRODUCTION OF RESOLUTION 6 7 The following resolution was read by title and referred to the committee 8 indicated: 9 10 HR01-1011 by Representative(s) Madden, Alexander, Grossman, Jahn, Johnson, Larson, Lawrence, Plant, Scott, Stafford, 11 12 Tochtrop--Concerning the use of dogs in laboratory classes at the University of Colorado School of Medicine. 13 14 Committee on Education 15 16 17 WHEREAS, The University of Colorado School of Medicine uses live dogs in laboratory classes for 1st year students; and 18 19 20 WHEREAS, During the laboratory classes, the dogs are 21 anesthetized, and, following a vivisection, the dogs are euthanized; and 23 WHEREAS, The University of Colorado School of Medicine obtains dogs for use in laboratory classes from Class B dog dealers. 24 25 Class B dealers sell dogs that the dealer did not raise, and they include dog brokers, persons who operate dog auctions, and "bunchers", 27 individuals who obtain dogs solely to sell; and 28 29 WHEREAS, Various Class B dog dealers have been known to receive stolen dogs, receive dogs from "Free to a Good Home" ads, kill 31 dogs rather than treat them for illness, and keep dogs in unhealthy 32 conditions; and 33 34 WHEREAS, 88 out of 125 medical schools in the United States, 35 including Harvard, Columbia, Stanford, and Yale, have eliminated the use of dogs in laboratory classes due to the availability of comparable 37 teaching alternatives; and 38 39 WHEREAS, The United States Congress has asked the National 40 Institute of Health not to award grants to research facilities that purchase 41 dogs from Class B dog dealers; now, therefore, 42 43 Be It Resolved by the House of Representatives of the Sixty-third 44 *General Assembly of the State of Colorado:* 45 46 That we, the members of the House of Representatives of the 47 Sixty-third General Assembly, hereby urge the University of Colorado 48 School of Medicine to cease purchasing dogs from Class B dog dealers and to continue to evaluate the implementation of teaching alternatives 49 50 that do not require the euthanization of dogs. 51 Be It Further Resolved, That copies of this resolution be sent to 53 President Hoffman, Chancellor Shore, and Dean Krugman of the 54 University of Colorado School of Medicine.

LAY OVER OF CALENDAR ITEMS
On motion of Representative King, the following items on the Calendar were laid over until March 15, retaining place on Calendar:
Consideration of General OrdersSB01-027, 102, 088, 178, HB01-1352, SB01-169, HCR01-1001, SB01-135, HB01-1167, 1256, 1313, 1319, 1345, SB01-003, SB01-066.
Consideration of ResolutionsSJR01-016, HR01-1010. Consideration of MemorialHM01-1001.
Consideration of MemorialHW01-1001. Consideration of Senate AmendmentsHB01-1011, 1265, 1023, 1056.
Consideration of Schale AmendmentsHD01-1011, 1203, 1023, 1030.
On motion of Representative King, the House adjourned until 9:00 a.m.,
March 15, 2001.
Approved:
DOLIC DE AN
DOUG DEAN,
Speaker Attest:
Aucsi.
JUDITH RODRIGUE,
Chief Clerk