

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

Ninety-first Legislative Day

Tuesday, April 10, 2001

1 Prayer by Pastor Steve Garcia, Celebration Community Church, Denver.  
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--49.  
8 Excused for Legislative Business--Representatives Berry, Lawrence,  
9 Lee, King, Madden, Nuñez, Paschall, Plant, Romanoff, Saliman,  
10 Scott, Stengel, Tapia, Vigil, Williams T., Young--16.  
11 Present after roll call--Representatives King, Williams T.  
12

13 The Speaker declared a quorum present.  
14  
15

16 On motion of Representative Grossman, the reading of the journal of  
17 April 9, 2001, was declared dispensed with and approved as corrected by  
18 the Chief Clerk.  
19  
20

**CONSIDERATION OF RESOLUTION**

21  
22  
23  
24 **HJR01-1026** by Representative(s) Miller, Decker, Stengel, White,  
25 Williams T.; also Senator(s) Chlouber--Concerning  
26 Western State College Week.  
27

28 (Printed and placed in member's file, Report also printed in House  
29 Journal April 3, pages 1091-1092.)  
30

31 On motion of Representative Miller, the resolution was read at length and  
32 **adopted by viva voce** vote.  
33

34 Co-sponsors added: Roll call of the House.  
35  
36

**CONSENT GRANTED TO CONFERENCE COMMITTEE**

37  
38  
39  
40 Representative Hefley moved that the First Conference Committee on  
41 **HB01-1292** be granted permission to go beyond the scope of the  
42 difference between the House and the Senate. The motion was passed by  
43 the following roll call vote:  
44

	YES 51	NO 0	EXCUSED 14	ABSENT 0
1				
2				
3	Alexander	Y Groff	Y Miller	Y Spence
4	Bacon	Y Grossman	Y Mitchell	Y Spradley
5	Berry	E Hefley	Y Nuñez	E Stafford
6	Borodkin	Y Hodge	Y Paschall	E Stengel
7	Boyd	Y Hoppe	Y Plant	E Swenson
8	Cadman	Y Jahn	Y Ragsdale	Y Tapia
9	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
10	Clapp	Y Johnson	Y Rippy	Y Veiga
11	Cloer	Y Kester	Y Romanoff	E Vigil
12	Coleman	Y King	Y Saliman	E Webster
13	Crane	Y Larson	Y Sanchez	Y Weddig
14	Daniel	Y Lawrence	E Schultheis	Y White
15	Decker	Y Lee	E Scott	E Williams S.
16	Fairbank	Y Mace	Y Sinclair	Y Williams T.
17	Fritz	Y Madden	E Smith	Y Witwer
18	Garcia	Y Marshall	Y Snook	Y Young
19				Mr. Speaker
20				Y

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### PRINTING REPORT

The Chief Clerk reports the following bills have been correctly printed:  
**HB01-1379, 1380, 1381.**

### SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB01-1011, 1166, 1256.**

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

SB01-046, amended as printed in Senate Journal, April 6, page 772;  
 HB01-1274, amended as printed in Senate Journal, April 6, page 769,  
 also amended as printed in Senate Journal, April 9,  
 page 792;  
 HB01-1088, amended as printed in Senate Journal, April 6,  
 pages 769-772.

### MESSAGE FROM THE REVISOR

We herewith transmit without comment, as amended, SB01-046,  
 HB01-1088, and 1274.



1 WHEREAS, There is a need to harmonize and clarify Colorado's  
2 criminal sentencing laws; and

3  
4 WHEREAS, There is therefore a need to examine the criminal  
5 sentencing structure in Colorado; now, therefore,

6  
7 *Be It Resolved by the House of Representatives of the Sixty-third*  
8 *General Assembly of the State of Colorado, the Senate concurring*  
9 *herein:*

10  
11 (1) That there is hereby created a legislative committee to study  
12 the criminal sentencing statutes, hereinafter referred to as the  
13 "committee", which shall meet in the interim after the 2001 regular  
14 session of the Sixty-third General Assembly.

15  
16 (2) (a) That the committee shall consist of twelve members as  
17 follows:

18  
19 (I) The chair of the House Criminal Justice committee, or her  
20 designee, the chair of the House Civil Justice and Judiciary committee,  
21 or his designee, and the chair of the Senate Judiciary committee, or his  
22 designee; and

23  
24 (II) Four members of the House of Representatives appointed by  
25 the Speaker of the House of Representatives and chosen from among the  
26 members of the Criminal Justice committee and the Civil Justice and  
27 Judiciary committee; and

28  
29 (III) Five members of the Senate appointed by the President of the  
30 Senate and chosen from among the members of the Senate Judiciary  
31 committee.

32  
33 (b) No more than four members from the House of  
34 Representatives shall be from the same political party. No more than four  
35 members from the Senate shall be from the same political party.

36  
37 (3) That the committee shall have, at a minimum, the following  
38 duties, which it shall perform with the goal of preserving and protecting  
39 the public peace and safety:

40  
41 (a) To identify and attempt to clarify areas in which the criminal  
42 sentencing statutes conflict or are unclear or unduly confusing; and

43  
44 (b) To make recommendations to the General Assembly regarding  
45 the mechanisms and language necessary to provide legal clarity in the  
46 criminal sentencing statutes; and

47  
48 (c) To consider and recommend, if appropriate, changes to the  
49 criminal sentencing statutes and the Colorado criminal code, title 18,  
50 Colorado Revised Statutes, that would be designed to keep criminals who  
51 are a danger to the public safety separated from the community; and

52  
53 (d) To consider correctional and sentencing alternatives to prison  
54 when appropriate and consistent with public safety; and

55

1 (e) To examine the criminal sentencing statutes of Colorado to  
2 devise the most fair, effective, and economic criminal justice system  
3 possible.

4  
5 (4) That the committee shall meet no more than six times  
6 beginning in June, 2001. The committee may form subcommittees to  
7 accomplish its goals and may invite additional members of the  
8 community, such as representatives of the judiciary, law enforcement  
9 agencies, prosecuting attorneys, criminal defense attorneys, and  
10 community treatment providers, to participate in such subcommittees.  
11 Each meeting of the committee shall include an opportunity for public  
12 comment on items related to the committee's agenda.

13  
14 (5) That the legislative members of the committee shall be  
15 compensated as provided in section 2-2-307, Colorado Revised Statutes,  
16 for attendance at meetings of the committee.

17  
18 (6) That the Legislative Council staff, the Office of Legislative  
19 Legal Services, the Department of Corrections, the Department of Public  
20 Safety, the Colorado District Attorneys' Council, and the Judicial  
21 Department shall be available to assist the committee in carrying out its  
22 duties.

23  
24 (7) That all expenditures incurred while conducting this study  
25 shall be approved by the chair of the Legislative Council and paid by  
26 vouchers and warrants drawn as provided by law from moneys allocated  
27 to the Legislative Council for legislative studies from appropriations  
28 made by the General Assembly.

29  
30 (8) That the committee shall make a report to the General  
31 Assembly by no later than November 15, 2001. Such report may include  
32 recommendations for legislation, including but not limited to legislation  
33 continuing the committee, and an outline of further time and process  
34 which may be necessary to achieve the committee's study goals.  
35 Legislation recommended by the committee shall be treated as legislation  
36 recommended by any other interim committee for purposes of any  
37 introduction deadlines or bill limitations imposed by the Joint Rules of  
38 the Senate and House of Representatives.

39  
40  
41  
42 **INTRODUCTION OF MEMORIAL**

43  
44 The following memorial was read by title and laid over one day under the  
45 rules:

46  
47 **HM01-1002** by Representatives Stengel, Clapp, Garcia, Spence,  
48 Stafford, Veiga, Weddig, Young--Memorializing former  
49 Representative Betty Ann Dittmore.

50  
51 WHEREAS, By the Will of Divine Providence, our beloved  
52 former member, the Honorable Betty Ann Dittmore, departed this life  
53 on November 22, 2000, at the age of 81; and

54  
55 WHEREAS, Representative Dittmore was born on November 12,  
56 1919, in Trinidad, Colorado; and

1 WHEREAS, Representative Dittmore attended the University of  
2 Colorado in 1937 and 1938, studying political science and journalism and  
3 attended the University of Denver in 1967, studying communications; and  
4

5 WHEREAS, Representative Dittmore ran for the state House of  
6 Representatives at the age of 48, using her initials "B.A.D.", as her  
7 campaign slogan; and  
8

9 WHEREAS, Representative Dittmore served in the House of  
10 Representatives from 1968 through 1978, representing the areas of  
11 Denver and Arapahoe county located in District 37; and  
12

13 WHEREAS, Representative Dittmore became the first woman  
14 from Arapahoe County to be elected to the Colorado General Assembly;  
15 and  
16

17 WHEREAS, Representative Dittmore is best known for  
18 sponsoring the legislation that created the Colorado Housing and Finance  
19 Authority, the body that assists Colorado's poor and senior citizens with  
20 finding affordable housing; and  
21

22 WHEREAS, Representative Dittmore was the prime sponsor of  
23 important land use legislation, including House Bill 74-1041 that  
24 established areas and activities of state interest still known as "1041  
25 powers" after the number of her bill; and  
26

27 WHEREAS, Representative Dittmore's work as a legislator on  
28 issues affecting land use laid the groundwork for the responsible  
29 management of the explosive growth that the state has experienced in  
30 recent years; and  
31

32 WHEREAS, Representative Dittmore rose to leadership in 1975  
33 and 1976, becoming the Assistant Minority Leader, and in 1977 and  
34 1978, becoming the Assistant Majority Leader; and  
35

36 WHEREAS, Representative Dittmore was elected Arapahoe  
37 County Commissioner in 1980, becoming the county's first female  
38 commissioner, and served in that position for eight years; and  
39

40 WHEREAS, It is fitting that we, the members of the House of  
41 Representatives of the Sixty-third General Assembly, pay tribute to the  
42 dedicated service of Representative Dittmore and express our deep  
43 regret and sorrow occasioned by her death; now, therefore,  
44

45 *Be It Resolved by the House of Representatives of the Sixty-third*  
46 *General Assembly of the State of Colorado:*  
47

48 That, in the death of Betty Ann Dittmore, the people of the state  
49 of Colorado have lost a dedicated public servant and outstanding citizen,  
50 and that we, the members of the House of Representatives of the  
51 Sixty-third General Assembly, do hereby extend our deep and heartfelt  
52 sympathy to the members of her family and pay tribute to a woman who  
53 served this state and our nation well and faithfully.  
54  
55

1           *Be It Further Resolved*, That copies of this Memorial be sent to  
2 Representative Dittimore's husband, Richard Dittimore, and her  
3 daughters, Rebecca Ann Bernie of Massachusetts and Diane Schindler of  
4 Arizona.

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**LAY OVER OF CALENDAR ITEMS**

10 On motion of Representative Spradley, the following items on the  
11 Calendar were laid over until April 11, retaining place on Calendar:

12

13 Consideration of General Orders--**HB01-1081, 1100, 1106, 1172, 1193,**  
14 **1219, 1234, 1271, 1303, 1334, SB01-202, 203.**

15 Consideration of Conference Committee Report--**SB01-123.**

16 Consideration of Resolutions--**HJR01-1021, 1025, SJR01-013,**  
17 **HJR01-1012.**

18 Consideration of Senate Amendments--**HB01-1113, 1163, 1236, 1210,**  
19 **1160, 1239, 1348, 1096, 1025, 1238, 1169, 1114, 1319, 1132, 1174,**  
20 **1252.**

21 Consideration of Adherence--**SB01-178, 165.**

22  
23

24 On motion of Representative Spradley, the House adjourned until  
25 9:00 a.m., April 11, 2001.

26  
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30  
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Approved:

DOUG DEAN,  
Speaker

33 Attest:

34  
35  
36

JUDITH RODRIGUE,  
Chief Clerk