

SENATE JOURNAL  
Sixty-third General Assembly  
STATE OF COLORADO  
First Regular Session

Sixteenth Legislative Day Thursday, January 25, 2001

- Prayer By the chaplain, The Reverend Constance Delzell, St. Andrews Episcopal Church.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--Total, 33.  
Absent/Excused--Dennis, Musgrave--Total 2.  
Present later--Musgrave.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator F. Jim Dyer, reading of the Journal of Wednesday, January 24, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

- Senate Services Correctly engrossed: SR 01-006.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

- Judiciary After consideration on the merits, the committee recommends that **SB01-095** be referred favorably to the Committee on Appropriations.
- Judiciary After consideration on the merits, the committee recommends that **SB01-084** be referred favorably to the Committee of the Whole.
- Agriculture and Natural Resources After consideration on the merits, the committee recommends that **SB01-054** 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 5, strike "LIVESTOCK," and substitute "LIVESTOCK OR PERSONAL PROPERTY USED IN THE PRODUCTION OF RAW AGRICULTURAL PRODUCTS,".
- Health, Environment, Children and Families After consideration on the merits, the committee recommends that **SB01-011** be referred favorably to the Committee of the Whole.
- Health, Environment, Children and Families After consideration on the merits, the committee recommends that **SB01-047** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE HOUSE

January 24, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1043,1082,1099.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1034, amended as printed in House Journal, January 23, pages 143-144.

MESSAGES FROM THE REVISOR

We herewith transmit:

without comment, HB01-1005, 1015, 1016, 1020, 1039, 1055, 1069, and 1203;  
without comment, as amended, HB01-1023 and 1056;  
with comment, HB01-1027;  
with comment, as amended, HB01-1011.

We herewith transmit:

without comment, HB01-1043, 1082, and 1099;  
without comment, as amended, HB01-1034.

INTRODUCTION OF BILLS--FIRST READING

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

- SB01-121

by Senator Taylor--Concerning continuation of the asbestos control program.  
Business, Labor, and Finance
- SB01-122

by Senator Matsunaka--Concerning the creation of a state performance-based budgeting pilot program.  
Public Policy and Planning
- SB01-123

by Senators Anderson, Lamborn, Linkhart, Reeves, Taylor and Windels; also Representatives Young and Miller--Concerning the required expenditure of a portion of a school district's per pupil operating revenue for the school district's preschool program.  
Education
- SB01-124

by Senator Dyer (Arapahoe)--Concerning an appropriation for multiple sclerosis research.  
Health, Environment, Children & Families
- SB01-125

by Senator Owen; also Representative Berry--Concerning regulation of foreign capital depositories under the "Colorado Foreign Capital Depository Act".  
Business, Labor, and Finance
- SB01-126

by Senator Andrews--Concerning representation on the Colorado water conservation board.  
Agriculture and Natural Resources
- HB01-1005

by Representative Berry; also Senator Reeves--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.  
Business, Labor, and Finance
- HB01-1011

by Representatives Mace, Alexander, Miller, Plant, Ragsdale, Scott and Smith; also Senator Andrews--Concerning revisions to the laws governing new hire fire and police pension plans.  
Government, Veterans and Military Relations, and Transportation
- HB01-1015

by Representative Miller; also Senator Phillips--Concerning the submission of information to a local liquor licensing authority by an applicant seeking the transfer of a liquor license.  
Business, Labor, and Finance
- HB01-1016

by Representative Larson; also Senator Taylor--Concerning the investment adviser registration depository under the "Colorado Securities Act".  
Business, Labor, and Finance
- HB01-1020

by Representative Hoppe; also Senator Hillman--Concerning changes to the "Colorado Agricultural Marketing Act of 1939" to permit assessments on certain crops produced outside of Colorado for sale in Colorado, and, in connection therewith, clarifying who is required to collect assessments and defining "handler" to include producers who ship agricultural commodities, purchasers of agricultural commodities, and governmental entities that acquire interests in agricultural commodities under governmental agricultural commodity programs.  
Agriculture and Natural Resources

<b>HB01-1023</b>	by Representatives Tochtrop and Coleman; also Senator Anderson--Concerning the establishment of a reduced-rate nursing license for retired volunteer nurses. Health, Environment, Children & Families	1 2 3 4
<b>HB01-1027</b>	by Representatives Plant, Alexander, Mace, Miller, Ragsdale, Scott and Smith; also Senator Andrews--Concerning survivor benefits for certain survivors of members of the statewide death and disability pension plan for police officers and firefighters upon the death of a member in active service who is not eligible for a normal retirement pension. Government, Veterans and Military Relations, and Transportation	5 6 7 8 9 10
<b>HB01-1034</b>	by Representative White; also Senator Hagedorn--Concerning amendments to the "Colorado Auto Accident Reparations Act", and, in connection therewith, consolidating the definition of a resident relative and clarifying the types of insurance policies. Business, Labor, and Finance	11 12 13 14 15 16
<b>HB01-1039</b>	by Representative Cloer; also Senator McElhany--Concerning the repeal of obsolete provisions regarding temporary help contracting firms. Business, Labor, and Finance	17 18 19 20
<b>HB01-1043</b>	by Representative Crane; also Senator Cairns--Concerning the calculation of unemployment insurance tax refunds. Business, Labor, and Finance	21 22 23 24
<b>HB01-1055</b>	by Representative Snook; also Senator Taylor--Concerning a requirement that title insurance companies file fees with the commissioner of insurance. Business, Labor, and Finance	25 26 27 28
<b>HB01-1056</b>	by Representative Tapia; also Senator Dennis--Concerning construction contracts for public projects. Business, Labor, and Finance	29 30 31 32
<b>HB01-1069</b>	by Representative Lawrence; also Senator Gordon--Concerning cruelty to animals. Judiciary	33 34 35
<b>HB01-1082</b>	by Representatives Romanoff, Grossman, Hodge, Jameson, Johnson, Lee, Marshall, Plant, Rippy and Spradley; also Senator Dyer (Durango)--Concerning a clarification that the easements that are not affected by the execution of a tax deed to the purchaser of a tax lien include conservation easements. Agriculture and Natural Resources	36 37 38 39 40 41
<b>HB01-1099</b>	by Representative Berry; also Senator Matsunaka--Concerning technical corrections to the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws. Business, Labor, and Finance	42 43 44 45 46 47
<b>HB01-1203</b>	by Representative Dean; also Senator Dyer (Durango)--Concerning weight limits for veteran license plates. Agriculture and Natural Resources	48 49 50 51

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading Consent Calendar of Thursday, January 25, was laid over until Monday, January 29, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Second Reading Calendar of Thursday, January 25, was laid over until Friday, January 26, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Governor's Appointments Consent Calendar of Thursday, January 25, was laid over until Monday, January 29, retaining its place on the calendar.

**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The President has signed: **HJR01-1001, 1002, 1003.**

MESSAGE FROM THE HOUSE

January 25, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1117, amended as printed in House Journal, January 24, page 152.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1117.

Senate in Recess--Senate Reconvened.

SENATE SERVICES REPORT

Senate  
Services

Correctly printed: SB 01-114, 115, 116, 117.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **HJR01-1006** be referred favorably to the Committee of the Whole.

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB01-027** 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 3, strike "amended" and substitute, "amended, and the said 38-38-101 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

line 9, strike "THE SALE OF A RESIDENTIAL" and substitute "A DEED OF TRUST THAT ENCUMBERS A DWELLING AS DEFINED IN SECTION 5-1-301 (18), C.R.S., AND THAT SECURES A";

strike line 10;

line 12, after "C.R.S.," insert "OR A LOAN PRIMARILY SECURED BY AN INTEREST IN LAND, AS DEFINED IN SECTION 5-1-301 (26), C.R.S.";

after line 14, insert the following:

"(15) FAILURE OF THE OWNER OF AN EVIDENCE OF DEBT TO COMPLY WITH SECTIONS 5-3-105, 5-5-110, OR 5-5-111, C.R.S., IF APPLICABLE WITH RESPECT TO ANY PERSON, SHALL PRECLUDE SUCH OWNER FROM PROVIDING TO ANY CREDIT REPORTING AGENCY INFORMATION CONCERNING THE DEFAULT OF ANY SUCH PERSON. SUCH FAILURE SHALL CONSTITUTE AN ABSOLUTE DEFENSE IN ANY ACTION AGAINST SUCH PERSON TO RECOVER A PERSONAL JUDGMENT WITH RESPECT TO ANY AMOUNT OWED PURSUANT TO THE EVIDENCE OF DEBT. SUCH FAILURE SHALL NOT AFFECT THE VALIDITY OF THE DEED OF TRUST FORECLOSURE OR OF ANY PROCEEDINGS CONDUCTED IN CONNECTION THEREWITH.

**SECTION 2.** 5-1-301 (15) (c), Colorado Revised Statutes, is amended to read:

**5-1-301. General definitions.** In addition to definitions appearing in subsequent articles, as used in this code, unless the context otherwise requires:

SB01-027	(15) (c) Unless the loan is made subject to this code by an agreement described in section 5-2-501 and except as provided with respect to the disclosure described in section 5-3-101, debtors' remedies described in section 5-5-204, and powers and functions of the administrator under part 1 of article 6 of this title, NOTICE TO COSIGNERS AND SIMILAR PARTIES UNDER SECTION 5-3-105, NOTICE OF RIGHT TO CURE UNDER SECTION 5-5-110, AND CURE OF DEFAULT UNDER SECTION 5-5-111, "consumer loan" does not include a "loan primarily secured by an interest in land" as defined in subsection (26) of this section."	1 2 3 4 5 6 7 8
	Renumber succeeding section accordingly.	9 10
		11 12
	Judiciary	13
	After consideration on the merits, the committee recommends that SB01-077 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:	14 15 16
	Amend printed bill, page 2, line 16, after "FOR", insert "A PERMISSIBLE".	17 18
	Page 4, after line 12, insert the following:	19 20
	"SECTION 4. Effective date - applicability. This act shall take effect July 1, 2001, and shall apply to juveniles paroled on or after said date.";	21 22 23
	line 13, strike "4." and substitute "5."	24 25 26
Judiciary		27
	Judiciary	28
	After consideration on the merits, the committee recommends that SB01-050 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:	29 30 31
	Amend printed bill, page 2, line 6, after "DISABLED", insert "PURSUANT TO SECTION 27-10.5-102 (11)";	32 33 34
	line 7, strike "EMPLOYEES AND" and, after the second "EMPLOYEES", insert "AND PROSPECTIVE CONTRACTORS";	35 36 37
	line 13, after "DISABILITIES", insert "PURSUANT TO THIS ARTICLE";	38 39
	line 14, strike "EMPLOYEES AND";	40 41
	line 15, after "EMPLOYEES", insert "AND PROSPECTIVE CONTRACTORS" and, strike the second "WHO" and substitute "RECEIVING SERVICES.";	42 43 44
	line 16, strike "ARE DEVELOPMENTALLY DISABLED.";	45 46
	line 20, strike "FINGERPRINT" and substitute "NAME" and, strike "INVESTIGATION." and substitute "INVESTIGATION AND A CRIMINAL HISTORY SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT.";	47 48 49 50
	line 22, strike "THOSE";	51 52
	line 23, strike "EMPLOYEES AND" and, after the second "EMPLOYEES", insert "AND PROSPECTIVE CONTRACTORS";	53 54 55
	line 24, after "THE", insert "STATE DEPARTMENT SHALL PAY FOR THE COSTS OF CRIMINAL BACKGROUND CHECKS CONDUCTED PURSUANT TO THIS SECTION.";	56 57 58
	strike line 25.	59 60
	Page 3, strike lines 1 and 2;	61 62
	line 4, strike "AN EMPLOYEE OR" and substitute "A";	63 64
	line 5, after "EMPLOYEE", insert "OR PROSPECTIVE CONTRACTOR";	65 66
	line 8, strike "AS AN" and substitute "IN OR CONTRACTING FOR";	67 68
	line 9, strike "EMPLOYEE IN" and, strike the second "WITH" and substitute "RECEIVING SERVICES.";	69 70 71
	strike lines 10 through 16, and substitute the following:	72

SB01-050	"(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE THE LOCAL AGENCY FROM ADOPTING A POLICY REGARDING SELF-REPORTING OF ARRESTS, CHARGES, OR SUMMONSES OR A POLICY REGARDING DISQUALIFICATION FROM EMPLOYMENT OR CONTRACTING THAT INCLUDES OTHER OFFENSE NOT SET FORTH IN SECTION 27-1-110 (7) (b) OR (c).	1
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	(d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESULT IN ADDITIONAL LIABILITY FOR ANY PROVIDER THAT HIRES AN EMPLOYEE CONDITIONALLY UPON THE REQUIRED BACKGROUND CHECK BEING COMPLETED PURSUANT TO THIS SECTION.";	7
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	line 23, strike "WHO ARE DEVELOPMENTALLY" and substitute "RECEIVING SERVICES";	11
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	line 24, strike "DISABLED" and, after "EMPLOYEE", insert "OR CONTRACTOR";	13
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	line 27, strike "CLIENTS OR PATIENTS," and substitute "PERSONS RECEIVING SERVICES".	15
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	Page 4, line 1, strike "HOUSEKEEPING STAFF, KITCHEN" and substitute "TRANSPORTATION PERSONNEL, AND ADMINISTRATIVE STAFF.";	17
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	strike line 2 and substitute the following:	20
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	"SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2001, the sum of sixty-six thousand eight hundred twenty-one dollars (\$66,821), or so much thereof as may be necessary, for the implementation of this act."	22
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	Renumber succeeding sections accordingly.	28
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	Page 1, line 102, strike "PERSONS." and substitute "PERSONS, AND MAKING AN APPROPRIATION THEREFOR."	30
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Judiciary	After consideration on the merits, the committee recommends that SB01-032 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:	35
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	Amend printed bill, page 3, strike lines 8 through 18, and substitute the following:	39
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	"(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, IN ORDER TO ASSURE THAT CRIMINAL BACKGROUND CHECKS FOR CHILD CARE WORKERS ARE ACCURATE AND COMPLETE, IT IS CRITICAL THAT THE STATE JUDICIAL DEPARTMENT CONTINUE TO WORK WITH OTHER LAW ENFORCEMENT ENTITIES TO COMPLETE AND IMPLEMENT THE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM IN A TIMELY MANNER AND CONSIDER THE INTEGRATION OF MUNICIPAL RECORDS, INCLUDING THE COUNTY COURT RECORDS OF THE CITY AND COUNTY OF DENVER, INTO SUCH SYSTEM."	41
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	Page 4, strike lines 14 and 15 and substitute the following:	49
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	"amended BY THE ADDITION OF A NEW PARAGRAPH to read:";	51
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	line 22, after "IDENTIFIERS", insert "EXISTING ON OR AFTER THE EFFECTIVE DATE OF THIS ACT".	53
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	Page 5, strike lines 7 through 11.	56
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	Page 10, line 17, before "NOTWITHSTANDING", insert "(1)".	58
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	Page 11, after line 2, insert the following:	60
		61
	"(2) THE CRIMINAL BACKGROUND CHECK DESCRIBED IN SUBSECTION (1) OF THIS SECTION NEED NOT INCLUDE A FINGERPRINT CHECK, BUT SHALL INCLUDE A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT."	62
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Public Policy and Planning	After consideration on the merits, the committee recommends that SB01-009 be postponed indefinitely.	68
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MESSAGE FROM THE GOVERNOR

Appointments Letters of designation and appointment from Governor Owens were read and assigned to the Committees as follows:

June 16, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:  
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit for your consideration, the following:

MEMBER OF THE  
FIRE AND POLICE PENSION  
ASSOCIATION

for a term expiring September 1, 2003:

Leo J. Johnsom of Littleton, Colorado, to serve as a representative of a special district and as a Republican, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 6/29/00  
G. Aberle, Ass't Secretary

Committee on Government, Veterans and Military Relations and Transportation.

August 16, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:  
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE  
FIRE AND POLICE PENSION  
ASSOCIATION

for a term expiring September 1, 2003:

John M. Bramble of Brighton, Colorado, to serve as a municipal employer representative and as an Unaffiliated, appointed;

for terms expiring September 1, 2004:

L. Kristine Gardner of Glenwood Springs, Colorado, to serve as a representative of the state's financial community with experience in investments and as a Republican, reappointed;

Edward Lujan, Jr. of Littleton, Colorado, to serve as a full-time paid police officer representative and as an Unaffiliated, reappointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 8/25/00  
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

May 18, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:  
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

COLORADO LIMITED GAMING  
CONTROL COMMISSION

for terms expiring July 1, 2004:

Shirley O. Harris of Littleton, Colorado, to serve as a registered elector from the Sixth Congressional District and as a Democrat, reappointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 5/24/00  
G. Aberle, Asst. Secretary

Committee on Business, Labor and Finance.

October 11, 2000

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:  
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
COLORADO RACING COMMISSION

for a term expiring July 1, 2004:

Arnold L. Mackley of Rifle, Colorado, to serve as a Republican from the Third Congressional District and as a registered elector, reappointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 10/26/00  
P. Dicks, Secretary

Committee on Business, Labor and Finance.

**TRIBUTE--A POINT OF INTEREST**

Memorializing Dr. Arthur J. Ellis by Senators Evans, Matsunaka, Pascoe, Anderson, Arnold, Cairns, Fitz-Gerald, Tupa and Windels.

Honoring Pat Kanda by Senator Teck.



On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, January 26, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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