

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

Eighty-fifth Legislative Day

Wednesday, April 4, 2001

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.

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--48.

8

9 Excused for Legislative Business--Representatives Berry, Boyd,
10 Johnson, Lawrence, Lee, Madden, Nuñez, Paschall, Plant,
11 Ragsdale, Romanoff, Saliman, Scott, Stengel, Tapia, Vigil,
12 Young--17.

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The Speaker declared a quorum present.

On motion of Representative Jameson, the reading of the journal of April 3, 2001, was declared dispensed with and approved as corrected by the Chief Clerk.

THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

HB01-1369 by Representative(s) Stafford, Cadman, Cloer, Coleman, Crane, Dean, Fairbank, Fritz, Hoppe, Johnson, Kester, King, Larson, Lee, Mace, Nuñez, Rhodes, Rippey, Schultheis, Scott, Snook, Spence, Spradley, Swenson, Webster, Williams S.; also Senator(s) Tupa--Concerning unsolicited proposals for public-private initiatives.

The question being "Shall the bill pass?".

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

	YES 65	NO 0	EXCUSED 0	ABSENT 0	
1					
2					
3	Alexander	Y Groff	Y Miller	Y Spence	Y
4	Bacon	Y Grossman	Y Mitchell	Y Spradley	Y
5	Berry	Y Hefley	Y Nuñez	Y Stafford	Y
6	Borodkin	Y Hodge	Y Paschall	Y Stengel	Y
7	Boyd	Y Hoppe	Y Plant	Y Swenson	Y
8	Cadman	Y Jahn	Y Ragsdale	Y Tapia	Y
9	Chavez	Y Jameson	Y Rhodes	Y Tochtrop	Y
10	Clapp	Y Johnson	Y Rippy	Y Veiga	Y
11	Cloer	Y Kester	Y Romanoff	Y Vigil	Y
12	Coleman	Y King	Y Saliman	Y Webster	Y
13	Crane	Y Larson	Y Sanchez	Y Weddig	Y
14	Daniel	Y Lawrence	Y Schultheis	Y White	Y
15	Decker	Y Lee	Y Scott	Y Williams S.	Y
16	Fairbank	Y Mace	Y Sinclair	Y Williams T.	Y
17	Fritz	Y Madden	Y Smith	Y Witwer	Y
18	Garcia	Y Marshall	Y Snook	Y Young	Y
19				Mr. Speaker	Y

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22

23 **HB01-1225** by Representative(s) Stengel; also Senator(s) Perlmutter--
 24 Concerning growth management in Colorado, and making
 25 an appropriation therefor.

26

27 The question being "Shall the bill pass?".

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

31

	YES 40	NO 25	EXCUSED 0	ABSENT 0	
32					
33					
34	Alexander	Y Groff	N Miller	Y Spence	Y
35	Bacon	N Grossman	N Mitchell	Y Spradley	Y
36	Berry	Y Hefley	Y Nuñez	Y Stafford	Y
37	Borodkin	N Hodge	N Paschall	Y Stengel	Y
38	Boyd	N Hoppe	Y Plant	N Swenson	Y
39	Cadman	Y Jahn	N Ragsdale	N Tapia	Y
40	Chavez	N Jameson	N Rhodes	Y Tochtrop	N
41	Clapp	Y Johnson	N Rippy	Y Veiga	N
42	Cloer	Y Kester	Y Romanoff	N Vigil	N
43	Coleman	Y King	Y Saliman	N Webster	Y
44	Crane	Y Larson	Y Sanchez	N Weddig	N
45	Daniel	N Lawrence	Y Schultheis	Y White	Y
46	Decker	Y Lee	Y Scott	Y Williams S.	N
47	Fairbank	Y Mace	Y Sinclair	Y Williams T.	Y
48	Fritz	Y Madden	N Smith	N Witwer	Y
49	Garcia	N Marshall	N Snook	Y Young	Y
50				Mr. Speaker	Y

51

52 Co-sponsors added: Representatives Crane, Decker, King, Schultheis, Spence,
 53 Webster.

54

55

56

1 On motion of Representative Rippy, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and he was
3 called to the Chair to act as Chairman.

4

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7

GENERAL ORDERS--SECOND READING OF BILLS

8

9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:

13

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

16

17

18 **HB01-1079** by Representative(s) Mace; also Senator(s) Epps--
19 Concerning the older Coloradans program.

20

21 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
22 dated February 19, 2001, and placed in member's bill file; Report also
23 printed in House Journal, February 20, page 480.

24

25 Amendment No. 2, Appropriations Report, dated March 23, 2001, and
26 placed in member's bill file; Report also printed in House Journal,
27 March 23, page 930.

28

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

31

32

33 **HCR01-1002** by Representative(s) Weddig, Alexander, Bacon,
34 Borodkin, Boyd, Chavez, Garcia, Groff, Hefley, Hodge,
35 Hoppe, Jahn, Kester, Lawrence, Lee, Mace, Madden,
36 Marshall, Plant, Ragsdale, Saliman, Sinclair, Stengel,
37 Swenson, Tapia, Veiga, Vigil, Webster, Williams S.,
38 Young; also Senator(s) Dyer (Arapahoe), Arnold, Dyer
39 (Durango), Gordon, Hanna, Linkhart, Thiebaut, Windels--
40 Concerning the submission to the registered electors of the
41 state of Colorado of an amendment to section 1 of article
42 IV, section 3 of article V, and section 11 of article XVIII
43 of the constitution of the state of Colorado, changing term
44 limits for elected officials from eight to twelve years,
45 subject to section 11 (2) of article XVIII of the
46 constitution, which allows voters to modify or remove
47 term limits for all local and certain state officials.

48

49 Ordered engrossed and placed on the Calendar for Third Reading and
50 Final Passage.

51

52

53 **HB01-1003** by Representative(s) Lawrence; also Senator(s) Evans--
54 Concerning the creation of a state income tax credit for
55 employer contributions to medical savings accounts.

56

- 1 Amendment No. 1, Finance Report, dated February 7, 2001, and placed
2 in member's bill file; Report also printed in House Journal, February 9,
3 pages 361.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
- 8 **HB01-1090** by Representative(s) Spradley; also Senator(s) Owen--
9 Concerning an increase in the income tax credit for the
10 donation of a perpetual conservation easement.
11
- 12 Amendment No. 1, Appropriations Report, dated March 30, 2001, and
13 placed in member's bill file; Report also printed in House Journal,
14 March 30, pages 1046-1048.
15
- 16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.
18
- 19 **HB01-1097** by Representative(s) Dean; also Senator(s) Matsunaka--
20 Concerning creation of the "Certified Capital Company
21 Act", and, in connection therewith, making an
22 appropriation.
23
- 24 Laid over until April 5, retaining place on Calendar.
25
26
- 27 **HB01-1284** by Representative(s) Sinclair, Hefley, Johnson, Miller,
28 Nuñez, Tapia, Tochtrop, Witwer; also Senator(s) Dyer
29 (Durango)--Concerning compliance with federal selective
30 service requirements prior to the issuance of drivers'
31 licenses.
32
- 33 Amendment No. 1, by Representative Sinclair.
34
- 35 Amend printed bill, page 3, line 1, strike "ON THE APPLICATION";
36
37 line 21, strike "ON THE APPLICATION".
38
- 39 Page 4, line 14, strike "ON THE APPLICATION".
40
- 41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.
43
44
- 45 On motion of Representative Spradley, the remainder of the General
46 Orders Calendar (**HB01-1294, 1326, 1343, 1359, 1125, 1337**) was laid
47 over until April 5, retaining place on Calendar.
48
49
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- 51 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
52
- 53 Representatives Scott and Dean moved to amend the Report of the
54 Committee of the Whole to show that **HCR01-1002** did not pass.
55
- 56 The amendment was declared **lost** by the following roll call vote:

	YES 25	NO 40	EXCUSED 0	ABSENT 0
1				
2				
3	Alexander	N Groff	N Miller	N Spence Y
4	Bacon	N Grossman	N Mitchell	N Spradley Y
5	Berry	Y Hefley	N Nuñez	Y Stafford Y
6	Borodkin	Y Hodge	N Paschall	N Stengel N
7	Boyd	N Hoppe	N Plant	N Swenson N
8	Cadman	Y Jahn	N Ragsdale	N Tapia N
9	Chavez	N Jameson	N Rhodes	Y Tochtrop Y
10	Clapp	Y Johnson	Y Rippy	N Veiga N
11	Cloer	Y Kester	N Romanoff	N Vigil N
12	Coleman	N King	Y Saliman	N Webster N
13	Crane	N Larson	Y Sanchez	N Weddig N
14	Daniel	Y Lawrence	Y Schultheis	Y White N
15	Decker	Y Lee	N Scott	Y Williams S. N
16	Fairbank	Y Mace	N Sinclair	N Williams T. Y
17	Fritz	Y Madden	N Smith	Y Witwer Y
18	Garcia	N Marshall	N Snook	N Young N
19				Mr. Speaker Y

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

25 Passed Second Reading: **HB01-1079 amended, HCR01-1002,**
 26 **HB01-1003 amended, 1090 amended, 1284 amended.**

28 Laid over until date indicated retaining place on Calendar: **HB01-1097,**
 29 **1294, 1326, 1343, 1359, 1125, 1337--April 5, 2001.**

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

	YES 65	NO 0	EXCUSED 0	ABSENT 0
36				
37				
38	Alexander	Y Groff	Y Miller	Y Spence Y
39	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
40	Berry	Y Hefley	Y Nuñez	Y Stafford Y
41	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
42	Boyd	Y Hoppe	Y Plant	Y Swenson Y
43	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
44	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
45	Clapp	Y Johnson	Y Rippy	Y Veiga Y
46	Cloer	Y Kester	Y Romanoff	Y Vigil Y
47	Coleman	Y King	Y Saliman	Y Webster Y
48	Crane	Y Larson	Y Sanchez	Y Weddig Y
49	Daniel	Y Lawrence	Y Schultheis	Y White Y
50	Decker	Y Lee	Y Scott	Y Williams S. Y
51	Fairbank	Y Mace	Y Sinclair	Y Williams T. Y
52	Fritz	Y Madden	Y Smith	Y Witwer Y
53	Garcia	Y Marshall	Y Snook	Y Young Y
54				Mr. Speaker Y

MESSAGE FROM THE SENATE

1
2 Mr. Speaker:

3
4 In response to the request of the House for a Conference Committee on
5 HB01-1187, the President appointed Senators Linkhart, Chm., Gordon
6 and Dyer(Arapahoe) as members of the First Conference Committee on
7 the part of the Senate.

8
9 In response to the request of the House for a Conference Committee on
10 HB01-1292, the President appointed Senators Matsunaka, Chm., Windels
11 and Evans as members of the First Conference Committee on the part of
12 the Senate.

13 _____
14
15 House in recess. House reconvened.
16 _____
17

REPORTS OF COMMITTEES OF REFERENCE**AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

24
25 **HB01-1378** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28
29 Amend printed bill, page 3, line 2, strike "Individual" and substitute
30 "~~Individual~~";

31
32 strike line 3 and substitute the following:
33 "Identification is required on any ~~breeding cattle and on any swine~~
34 LIVESTOCK and".

APPROPRIATIONS

35
36
37
38
39 After consideration on the merits, the Committee recommends the
40 following:

41
42
43 **HB01-1081** be referred to the Committee of the Whole with favorable
44 recommendation.

45
46
47 **HB01-1100** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50
51 Strike the Finance Committee Report, dated February 7, 2001, substitute
52 the following:

53
54 "Amend printed bill, page 7, line 22, strike "of _____ dollars (\$)," and
55 substitute "of four million four hundred twenty-four thousand one
56 hundred twenty-four dollars (\$4,424,124) and 4.9 FTE,";

1 strike lines 24 through 27.

2

3 Page 8, strike lines 1 through 4, and substitute the following:

4

5 "(2) The appropriation made in paragraph (1) of this section shall
6 become available on July 1, 2001, and, if any appropriated".

7

8

9

10 **HB01-1106** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13

14 Amend printed bill, page 3, line 5, strike "PROGRAM" and substitute
15 "PROGRAM, ONLY IF THE DEPARTMENT HAS RECEIVED A GRANT, GIFT, OR
16 BEQUEST PURSUANT TO SUBSECTION (3) OF THIS SECTION THAT IS
17 SUFFICIENT TO DO SO,".

18

19 Page 4, line 2, strike "SOURCE" and substitute "SOURCE, EXCLUDING
20 APPROPRIATIONS FROM THE GENERAL FUND,";

21

22 line 3, strike "SECTION." and substitute "SECTION, SUBJECT TO ANNUAL
23 APPROPRIATION BY THE GENERAL ASSEMBLY.";

24

25 line 10, strike "ACCOUNT" and substitute "FUND";

26

27 after line 16, insert the following:

28

29 "**SECTION 3. Appropriation.** In addition to any other
30 appropriation, there is hereby appropriated, out of any moneys in the
31 cathode ray tube recycling fund not otherwise appropriated, to the
32 department of public health and environment, for the fiscal year
33 beginning July 1, 2001, the sum of thirty-seven thousand six hundred
34 ninety-three dollars (\$37,693), or so much thereof as may be necessary,
35 for the implementation of this act."

36

37 Renumber succeeding section accordingly.

38

39 Page 1, line 103, strike "**PROGRAM.**" and substitute "**PROGRAM, AND
40 MAKING AN APPROPRIATION.**".

41

42

43

44 **HB01-1144** be postponed indefinitely.

45

46

47 **HB01-1172** be amended as follows, and as so amended, be referred to
48 the Committee of the Whole with favorable
49 recommendation:

50

51 Amend the Local Government Committee Report, dated January 31,
52 2001, page 2, line 7, strike ""OR" and substitute ""ALL OR";

53

54 line 8, strike ""PORTION." and substitute ""PORTION OF THE AREA
55 WITHIN".

56

1 **HB01-1193** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend printed bill, page 25, after line 22, insert the following:
6

7 **"SECTION 14. Appropriation.** (1) (a) In addition to any other
8 appropriation, there is hereby appropriated, to the department of human
9 services, for allocation to the executive director's office, special purpose,
10 for child welfare staff training, for the fiscal year beginning July 1, 2001,
11 the sum of eighty-one thousand seven hundred thirteen dollars (\$81,713),
12 or so much thereof as may be necessary, for the implementation of this
13 act. Said amount shall be from the general fund and shall be subject to
14 the "(M)" notation as defined in the general appropriation act. Said
15 amount is exempt from the statutory limit on state general fund
16 appropriations pursuant to section 24-75-201.1 (1) (a) (III) (A), Colorado
17 Revised Statutes.
18

19 (b) In addition to the appropriation made in paragraph (a) of this
20 subsection (1), the general assembly anticipates that, for the fiscal year
21 beginning July 1, 2001, the department of human services will receive the
22 sum of nine thousand seventy-nine dollars (\$9,079) in federal funds for
23 the implementation of this act. Although the federal funds are not
24 appropriated in this act, they are noted for the purpose of indicating the
25 assumptions used relative to these funds."
26

27 Renumber succeeding section accordingly.
28

29 Page 1, line 102, strike "LAW." and substitute "LAW, AND MAKING AN
30 APPROPRIATION IN CONNECTION THEREWITH."
31

32
33
34 **HB01-1199** be referred favorably to the Committee on Health,
35 Environment, Welfare & Institutions.
36

37
38 **HB01-1219** be referred to the Committee of the Whole with favorable
39 recommendation.
40

41
42 **HB01-1234** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:
45

46 Amend the Health, Environment, Welfare & Institutions Committee
47 Report, dated February 14, 2001, page 2, strike lines 2 through 4 and
48 substitute the following:
49

50 **"SECTION 2. Effective date.** This act shall take effect at 12:01
51 a.m. on the day following the expiration of the ninety-day period after
52 final adjournment of the general assembly that is allowed for submitting
53 a referendum petition pursuant to article V, section 1 (3) of the state
54 constitution; except that, if a referendum petition is filed against this act
55 or an item, section, or part of this act within such period, then the act,
56 item, section, or part, if approved by the people, shall take effect on the

1 date of the official declaration of the vote thereon by proclamation of the
2 governor."."

3
4
5
6 **HB01-1261** be postponed indefinitely.

7
8
9 **HB01-1271** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:
12

13 Amend printed bill, page 4, line 4, after "GROUP.", insert "IN ADDITION,
14 THE STATE DEPARTMENT SHALL APPLY TO THE SECRETARY OF THE FEDERAL
15 DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A MEDICAID
16 INFRASTRUCTURE GRANT TO DEVELOP AND IMPLEMENT THE "TICKET TO
17 WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.";

18
19 line 6, strike "EFFECT," and substitute "EFFECT AND THE STATE
20 DEPARTMENT HAS RECEIVED A MEDICAID INFRASTRUCTURE GRANT,";

21
22 line 9, after the period add "IT IS THE INTENT OF THE GENERAL ASSEMBLY
23 THAT THE MEDICAID BUY-IN PROGRAM OUTLINED IN THIS PART 11 SHALL
24 NOT BE IMPLEMENTED IF THE STATE DEPARTMENT DOES NOT RECEIVE A
25 MEDICAID INFRASTRUCTURE GRANT. FURTHERMORE, IT IS THE INTENT OF
26 THE GENERAL ASSEMBLY THAT THIS PROGRAM SHALL BE DISCONTINUED AT
27 SUCH TIME THAT THE FEDERAL MEDICAID INFRASTRUCTURE GRANT TO
28 DEVELOP AND IMPLEMENT THE "TICKET TO WORK AND WORK INCENTIVES
29 IMPROVEMENT ACT OF 1999" FUNDS ARE DISCONTINUED."
30
31
32

33 **HB01-1303** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:
36

37 Amend the Education Committee Report, dated February 19, 2001, page
38 4, line 8, strike "2002," and substitute "2003,";

39
40 line 12, strike "2002," and substitute "2003,".

41
42 Page 6, line 1, strike "2002," and substitute "2003,";

43
44 line 7, strike "2002," and substitute "2003,".

45
46 Page 8, line 27, strike "_____dollars (\$) and ____" and substitute "two
47 million nine hundred thousand dollars (\$2,900,000),";

48
49 line 28, strike "FTE,".
50
51
52

53 **HB01-1334** be referred to the Committee of the Whole with favorable
54 recommendation.
55
56

1 **SB01-035** be referred favorably to the Committee on Finance.

2
3

4 **SB01-202** be referred to the Committee of the Whole with favorable
5 recommendation.

6
7

8
9 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

10
11

The Speaker has signed: **SB01-108, 114, 130, 132.**

12
13

14 **INTRODUCTION OF BILLS**
15 **First Reading**

16
17

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

19
20

SB01-016 by Senator(s) Reeves; also Representative(s) Larson--
21 Concerning certification by the Colorado peace officers
22 standards and training board, and making an appropriation
23 therefor.

24 Committee on Local Government
25 Committee on Appropriations

26
27

SB01-109 by Senator(s) Hagedorn, Hernandez; also Representative(s)
28 Romanoff--Concerning motor vehicle insurance, and, in
29 connection therewith, continuing the motorist insurance
30 identification database program and the "Colorado Auto
31 Accident Reparations Act", and making an appropriation in
32 connection therewith.

33 Committee on Business Affairs & Labor
34 Committee on Appropriations

35
36

37 **LAY OVER OF CALENDAR ITEMS**

38
39

On motion of Representative Spradley, the following items on the
40 Calendar were laid over until April 5, retaining place on Calendar:

41
42

42 Consideration of Resolutions--**HJR01-1021, SJR01-021, HJR01-1023,**
43 **1025, 1026.**

44
45

44 Consideration of Senate Amendments--**HB01-1113, 1163, 1236, 1210,**
45 **1160, 1239, 1348, 1096, 1025, 1238, 1169, 1114, 1319.**

46
47

48 On motion of Representative Spradley, the House adjourned until
49 9:00 a.m., April 5, 2001.

50
51

Approved:

52
53

Attest:

DOUG DEAN,
Speaker

54
55

JUDITH RODRIGUE,
56 Chief Clerk