

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

Twenty-seventh Legislative Day

Monday, February 5, 2001

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

3  
4 The Speaker called the House to order at 10:00 a.m.

5  
6 The roll was called with the following result:

7  
8 Present--64.

9 Excused--Representative Daniel--1.

10  
11 The Speaker declared a quorum present.

12  
13  
14 On motion of Representative Cloer, the reading of the journal of  
15 February 2, 2001, was dispensed with and approved as corrected by the  
16 Chief Clerk.

17  
18  
19 **CONSIDERATION OF RESOLUTIONS**

20  
21 **HJR01-1009** by Representative(s) Hoppe, Alexander, Hodge, Jameson,  
22 Johnson, Miller, Plant, Rippy, Snook, Spradley, Tochtrop,  
23 Webster; also Senator(s) Dennis, Arnold, Dyer (Durango),  
24 May, Nichol, Takis, Teck, Tupa--Concerning the  
25 designation of Colorado 4-H Day.

26  
27 (Printed and placed in member's file; also printed in House Journal,  
28 February 2, page 247.)

29  
30 On motion of Representative Hoppe, the resolution was **adopted** by  
31 **viva voce** vote.

32 Co-sponsors added: Roll call of the House.

33  
34 **HJR01-1008** by Representative(s) Miller; also Senator(s) Anderson--  
35 Concerning the appointment of J. David Barba to the  
36 position of state auditor.

37  
38 (Printed and placed in member's file; also printed in House Journal,  
39 February 1, page 245.)

40  
41 On motion of Representative Miller, the resolution was **adopted** by  
42 **viva voce** vote.

43 Co-sponsors added: Representatives Chavez, Cloer, Coleman, Crane,  
44 Kester, Larson, Sinclair, Smith, Stafford, White, Williams T., Young,  
45 Mr. Speaker.

**THIRD READING OF BILLS--FINAL PASSAGE**

1  
2  
3 The following bills were considered on Third Reading. The titles were  
4 publicly read. Reading of the bill at length was dispensed with by  
5 unanimous consent.

6  
7 **HB01-1267** by Representative(s) Young, Berry, Saliman; also  
8 Senator(s) Reeves, Owen, Tate--Concerning a one-time  
9 transfer of moneys from the controlled maintenance trust  
10 fund in the 2001-02 state fiscal year to be restored to said  
11 trust fund in the following state fiscal year.

12  
13 The question being "Shall the bill pass?".  
14 A roll call vote was taken. As shown by the following recorded vote, a  
15 majority of those elected to the House voted in the affirmative and the bill  
16 was declared **passed**.

17

18	YES 61	NO 2	EXCUSED 2	ABSENT 0
19				
20	Alexander	Y Groff	Y Miller	Y Spence
21	Bacon	Y Grossman	Y Mitchell	Y Spradley
22	Berry	Y Hefley	Y Nuñez	Y Stafford
23	Borodkin	Y Hodge	Y Paschall	E Stengel
24	Boyd	Y Hoppe	Y Plant	Y Swenson
25	Cadman	Y Jahn	Y Ragsdale	Y Tapia
26	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
27	Clapp	Y Johnson	Y Rippy	Y Veiga
28	Cloer	Y Kester	Y Romanoff	Y Vigil
29	Coleman	Y King	Y Saliman	Y Webster
30	Crane	Y Larson	Y Sanchez	Y Weddig
31	Daniel	E Lawrence	Y Schultheis	N White
32	Decker	Y Lee	N Scott	Y Williams S.
33	Fairbank	Y Mace	Y Sinclair	Y Williams T.
34	Fritz	Y Madden	Y Smith	Y Witwer
35	Garcia	Y Marshall	Y Snook	Y Young
36				Mr. Speaker
37				Y

38 Co-sponsors added: Representatives Coleman, Larson, Mace, Marshall, Plant,  
39 Sinclair, Smith, Stafford, Swenson, Webster.

40  
41 **HB01-1179** by Representative(s) Smith; also Senator(s) Tate--  
42 Concerning the requirement to file a Colorado amended  
43 return to report a change in federal taxable income.

44  
45 The question being "Shall the bill pass?".  
46 A roll call vote was taken. As shown by the following recorded vote, a  
47 majority of those elected to the House voted in the affirmative and the bill  
48 was declared **passed**.

49

50	YES 61	NO 1	EXCUSED 2	ABSENT 1
51				
52	Alexander	Y Groff	Y Miller	Y Spence
53	Bacon	Y Grossman	Y Mitchell	Y Spradley
54	Berry	Y Hefley	Y Nuñez	Y Stafford
55	Borodkin	Y Hodge	Y Paschall	E Stengel
56	Boyd	Y Hoppe	Y Plant	Y Swenson

1	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
2	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
3	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
4	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
5	Coleman	Y	King	Y	Saliman	Y	Webster	Y
6	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
7	Daniel	E	Lawrence	Y	Schultheis	-	White	Y
8	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
9	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
10	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
11	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
12							Mr. Speaker	Y

13  
14  
15  
16 **HB01-1032** by Representative(s) Young, Miller; also Senator(s)  
17 Anderson, Lamborn, Reeves, Taylor--Concerning the  
18 protection of water quality by increasing the efficiency of  
19 discharge permitting.  
20

21 The question being "Shall the bill pass?".  
22 A roll call vote was taken. As shown by the following recorded vote, a  
23 majority of those elected to the House voted in the affirmative and the bill  
24 was declared **passed**.  
25

26	<u>YES 49</u>	<u>NO 15</u>	<u>EXCUSED 1</u>	<u>ABSENT 0</u>				
27								
28	Alexander	Y	Groff	N	Miller	Y	Spence	Y
29	Bacon	N	Grossman	N	Mitchell	Y	Spradley	Y
30	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
31	Borodkin	N	Hodge	N	Paschall	Y	Stengel	Y
32	Boyd	Y	Hoppe	Y	Plant	N	Swenson	Y
33	Cadman	Y	Jahn	Y	Ragsdale	N	Tapia	Y
34	Chavez	N	Jameson	Y	Rhodes	Y	Tochtrop	N
35	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	N
36	Cloer	Y	Kester	Y	Romanoff	N	Vigil	N
37	Coleman	N	King	Y	Saliman	N	Webster	Y
38	Crane	Y	Larson	Y	Sanchez	N	Weddig	Y
39	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y
40	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
41	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
42	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
43	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
44							Mr. Speaker	Y

45  
46  
47  
48 **HB01-1116** by Representative(s) Paschall; also Senator(s) Takis--  
49 Concerning circumstances in which an independent  
50 medical examiner may be selected.  
51

52 The question being "Shall the bill pass?".  
53 A roll call vote was taken. As shown by the following recorded vote, a  
54 majority of those elected to the House voted in the affirmative and the bill  
55 was declared **passed**.  
56

	YES 64	NO 0	EXCUSED 1	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	E 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

20  
21 Co-sponsor added: Representative Marshall.

22  
23 **HB01-1187** by Representative(s) Hefley; also Senator(s) Linkhart --  
24 Concerning procedural changes for the strengthening of  
25 criminal laws.

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**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0
31				
32				
33				
34	Alexander	Y Groff	Y Miller	Y Spence Y
35	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
36	Berry	Y Hefley	Y Nuñez	Y Stafford Y
37	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
38	Boyd	Y Hoppe	Y Plant	Y Swenson Y
39	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
40	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
41	Clapp	Y Johnson	Y Rippy	Y Veiga Y
42	Cloer	Y Kester	Y Romanoff	Y Vigil Y
43	Coleman	Y King	Y Saliman	Y Webster Y
44	Crane	Y Larson	Y Sanchez	Y Weddig Y
45	Daniel	E Lawrence	Y Schultheis	Y White Y
46	Decker	Y Lee	Y Scott	Y Williams S. Y
47	Fairbank	Y Mace	Y Sinclair	Y Williams T. Y
48	Fritz	Y Madden	Y Smith	Y Witwer Y
49	Garcia	Y Marshall	Y Snook	Y Young Y
50				Mr. Speaker Y

51  
52 Co-sponsors added: Representatives Boyd, Coleman, Grossman, Romanoff,  
53 Schultheis, Stafford.

54  
55

1 **HB01-1013** by Representative(s) Stengel, Larson; also Senator(s)  
 2 Chlouber, Dyer (Durango)--Concerning the wildlife  
 3 commission's authority to decrease license fees.  
 4

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

6 A roll call vote was taken. As shown by the following recorded vote, a  
 7 majority of those elected to the House voted in the affirmative and the bill  
 8 was declared **passed**.  
 9

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

30 Co-sponsors added: Representatives Cadman, Cloer, Coleman, Fairbank,  
 31 Garcia, Hoppe, Kester, Rippy, Snook, Tochtrop, Webster.  
 32

33 **HB01-1076** by Representative(s) Marshall; also Senator(s) Hernandez-  
 34 -Concerning the requirement that applicants for a license  
 35 to practice podiatry complete an approved residency.  
 36

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

38 A roll call vote was taken. As shown by the following recorded vote, a  
 39 majority of those elected to the House voted in the affirmative and the bill  
 40 was declared **passed**.  
 41

42	YES 60	NO 4	EXCUSED 1	ABSENT 0
43				
44	Alexander	Y Groff	Y Miller	Y Spence
45	Bacon	Y Grossman	Y Mitchell	N Spradley
46	Berry	Y Hefley	Y Nuñez	Y Stafford
47	Borodkin	Y Hodge	Y Paschall	N Stengel
48	Boyd	Y Hoppe	Y Plant	Y Swenson
49	Cadman	N Jahn	Y Ragsdale	Y Tapia
50	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
51	Clapp	Y Johnson	Y Rippy	Y Veiga
52	Cloer	Y Kester	Y Romanoff	Y Vigil
53	Coleman	Y King	Y Saliman	Y Webster
54	Crane	Y Larson	Y Sanchez	Y Weddig
55	Daniel	E Lawrence	Y Schultheis	Y White
56	Decker	Y Lee	N Scott	Y Williams S.

1	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
2	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
3	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
4							Mr. Speaker	Y

5  
6 Co-sponsors added: Representatives Cloer, Groff, Jahn, Mace, Romanoff,  
7 Tochtrop, Williams S.

8  
9 **HB01-1078** by Representative(s) Witwer; also Senator(s) Perlmutter--  
10 Concerning the authorization of the executive director of  
11 the department of human services to sell certain real  
12 property situated in Jefferson county.

13  
14 The question being "Shall the bill pass?".  
15 A roll call vote was taken. As shown by the following recorded vote, a  
16 majority of those elected to the House voted in the affirmative and the bill  
17 was declared **passed**.

18	19	YES	64	NO	0	EXCUSED	1	ABSENT	0
21	Alexander	Y	Groff	Y	Miller	Y	Spence	Y	
22	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y	
23	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y	
24	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y	
25	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y	
26	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y	
27	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y	
28	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y	
29	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y	
30	Coleman	Y	King	Y	Saliman	Y	Webster	Y	
31	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y	
32	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y	
33	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y	
34	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y	
35	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y	
36	Garcia	Y	Marshall	Y	Snook	Y	Young	Y	
37							Mr. Speaker	Y	

38  
39 Co-sponsors added: Representatives Boyd, Cloer, Fairbank, Hoppe, Jahn, Mace,  
40 Paschall, Ragsdale, Scott, Stengel, Webster.

41  
42 **HB01-1118** by Representative(s) Garcia; also Senator(s) Hagedorn--  
43 Concerning aggravating factors for aggravated motor  
44 vehicle theft.

45  
46 The question being "Shall the bill pass?".  
47 A roll call vote was taken. As shown by the following recorded vote, a  
48 majority of those elected to the House voted in the affirmative and the bill  
49 was declared **passed**.

50	51	YES	64	NO	0	EXCUSED	1	ABSENT	0
53	Alexander	Y	Groff	Y	Miller	Y	Spence	Y	
54	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y	
55	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y	
56	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y	

1	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
2	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
3	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
4	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
5	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
6	Coleman	Y	King	Y	Saliman	Y	Webster	Y
7	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
8	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y
9	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
10	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
11	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
12	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
13							Mr. Speaker	Y

15 Co-sponsors added: Representatives Chavez, Coleman, Decker, Fairbank, Groff,  
 16 Grossman, Jahn, Mace, Marshall, Mitchell, Romanoff, Sanchez, Scott, Spradley,  
 17 Stafford, Tapia, Vigil, Weddig.

19 **HB01-1196** by Representative(s) Cloer, Borodkin, Daniel, Fritz,  
 20 Grossman, Hefley, Hodge, Jahn, King, Larson, Mitchell,  
 21 Nuñez, Rhodes, Romanoff, Stafford; --Concerning the  
 22 writing portion of the Colorado student assessment  
 23 program statewide assessments.

25 The question being "Shall the bill pass?".  
 26 A roll call vote was taken. As shown by the following recorded vote, a  
 27 majority of those elected to the House voted in the affirmative and the bill  
 28 was declared **passed**.

30	<u>YES 63</u>	<u>NO 1</u>	<u>EXCUSED 1</u>	<u>ABSENT 0</u>				
31								
32	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
33	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
34	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
35	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
36	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
37	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
38	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
39	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
40	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
41	Coleman	Y	King	Y	Saliman	Y	Webster	Y
42	Crane	N	Larson	Y	Sanchez	Y	Weddig	Y
43	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y
44	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
45	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
46	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
47	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
48							Mr. Speaker	Y

50 Co-sponsors added: Representatives Bacon, Boyd, Cadman, Chavez, Coleman,  
 51 Crane, Garcia, Groff, Hoppe, Mace, Madden, Marshall, Miller, Paschall,  
 52 Schultheis, Snook, Vigil.

53  
 54  
 55

**INTRODUCTION OF RESOLUTION**

The following resolution was read by title and laid over until later in the day:

**HJR01-1010** by Representative(s) Dean; also Senator(s) Andrews--  
Concerning recognition of President Ronald Reagan.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked through his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the fortieth President of the United States of America, and, for his second term, President Reagan was victorious in forty-nine of the fifty states in the general election, earning the confidence of three-fifths of the electorate - a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, an agenda that led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, President Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America and her values, which are values cherished throughout the free world, and prepared America's armed forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, offering new hope for the restoration of basic human rights for millions of people; and

WHEREAS, On February 6, 2001, Ronald Reagan will have reached the age of ninety years, thus becoming the oldest living former president; 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:*

1. That the Colorado General Assembly hereby recognizes the many accomplishments of President Reagan, his tireless service to our country, and the commitment he has demonstrated to every American; and



1           2. That the Colorado General Assembly also hereby recognizes  
2 and congratulates President Reagan on his ninetieth birthday.

3  
4           *Be It Further Resolved*, That a copy of this Resolution be sent to  
5 President Ronald Wilson Reagan.

6  
7  
8  
9 On motion of Representative Spradley, **HB01-1073, 1115, 1021, 1218,**  
10 **1222, 1001, 1009, 1010** shall be added to the Special Orders Calendar.

11  
12  
13 On motion of Representative Smith, the House resolved itself into  
14 Committee of the Whole for consideration of Special Orders and he was  
15 called to the Chair to act as Chairman.

16  
17  
18           **SPECIAL ORDERS--SECOND READING OF BILLS**

19  
20 The Committee of the Whole having risen, the Chairman reported the  
21 titles of the following bills had been read (reading at length had been  
22 dispensed with by unanimous consent), the bills considered and action  
23 taken thereon as follows:

24  
25 (Amendments to the committee amendment are to the printed committee  
26 report which was printed and placed in the members' bill file.)

27  
28 **HB01-1085** by Representative(s) Sinclair; also Senator(s) Takis--  
29 Concerning the selection process for employment in the  
30 state personnel system.

31  
32 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
33 January 25, 2001, and placed in member's bill file; Report also printed  
34 in House Journal, January 26, page 187.

35  
36 As amended, ordered engrossed and placed on the Calendar for Third  
37 Reading and Final Passage.

38  
39 **HB01-1115** by Representative(s) White, Stengel; also Senator(s)  
40 Phillips--Concerning requirements that licensed  
41 automobile dealers disclose the amount of compensation  
42 prior to completion of a transaction.

43  
44 Amendment No. 1, by Representative White.

45  
46 Amend printed bill, strike everything below the enacting clause, and  
47 substitute the following:

48  
49           **"SECTION 1.** 12-6-108 (1) (b), Colorado Revised Statutes, is  
50 amended to read:

51  
52           **12-6-108. Classes of licenses.** (1) Licenses issued under the  
53 provisions of this part 1 shall be of the following classes:

54  
55           (b) Used motor vehicle dealer's license shall permit the licensee  
56 to engage in the business of selling, exchanging, leasing, or offering used

1 motor vehicles only. Such license shall also permit a licensee to negotiate  
 2 for a consumer the sale, exchange, or lease of used and new motor  
 3 vehicles not owned by the licensee, except those vehicles defined in  
 4 section 42-1-102 (55), C.R.S., as motorcycles and section 33-14.5-101  
 5 (3), C.R.S., as off-highway vehicles; however, ~~the licensee shall disclose~~  
 6 ~~in writing to all parties prior to any such negotiation for the sale,~~  
 7 ~~exchange, or lease of a motor vehicle not owned by the licensee whether~~  
 8 ~~the licensee will receive any compensation from the consumer and~~  
 9 ~~whether the licensee will receive any compensation from the owner of the~~  
 10 ~~motor vehicle as a result of such transaction.~~ prior to completion of such  
 11 sale, exchange, or lease of a motor vehicle not owned by the licensee, the  
 12 licensee shall disclose in writing to all parties ~~the amount of the~~  
 13 ~~compensation to be received from the consumer and the amount of~~  
 14 ~~compensation to be received from the owner of the motor vehicle as a~~  
 15 ~~result of such transaction~~ THE CONSUMER WHETHER THE LICENSEE WILL  
 16 RECEIVE ANY COMPENSATION FROM THE CONSUMER AND WHETHER THE  
 17 LICENSEE WILL RECEIVE ANY COMPENSATION FROM THE OWNER OF THE  
 18 MOTOR VEHICLE AS A RESULT OF SUCH TRANSACTION. IF THE LICENSEE  
 19 RECEIVES COMPENSATION FROM THE OWNER OF THE MOTOR VEHICLE AS A  
 20 RESULT OF THE TRANSACTION, THE LICENSEE SHALL INCLUDE IN THE  
 21 WRITTEN DISCLOSURE THE NAME OF SUCH OWNER FROM WHOM THE  
 22 LICENSEE WILL RECEIVE COMPENSATION. This form of license shall  
 23 permit not more than two persons named therein who shall be owners or  
 24 part owners of the business of the licensee to act as motor vehicle  
 25 salespersons.

26  
 27 **SECTION 2. Effective date.** This act shall take effect at 12:01  
 28 a.m. on the day following the expiration of the ninety-day period after  
 29 final adjournment of the general assembly that is allowed for submitting  
 30 a referendum petition pursuant to article V, section 1 (3) of the state  
 31 constitution; except that, if a referendum petition is filed against this act  
 32 or an item, section, or part of this act within such period, then the act,  
 33 item, section, or part, if approved by the people, shall take effect on the  
 34 date of the official declaration of the vote thereon by proclamation of the  
 35 governor."

36  
 37 As amended, ordered engrossed and placed on the Calendar for Third  
 38 Reading and Final Passage.

39  
 40 **HB01-1021** by Representative Tochtrop; also Senator Tate--  
 41 Concerning increased disclosure requirements relating to  
 42 the provision of automobile personal injury protection  
 43 insurance.

44  
 45 Amendment No. 1, Business Affairs & Labor Report, dated January 30,  
 46 2001, and placed in member's bill file; Report also printed in House  
 47 Journal, February 1, pages 232-233.

48  
 49 As amended, ordered engrossed and placed on the Calendar for Third  
 50 Reading and Final Passage.

51  
 52 **HB01-1218** by Representative(s) Spence, Bacon, Groff, Hefley,  
 53 Kester, King, Lee, White, Williams S.; also Senator(s)  
 54 Arnold--Concerning the use of the curriculum-based  
 55 achievement college entrance examination, and in  
 56 connection therewith, delaying the use of the scores of the

1 examination for rating schools' academic performance and  
2 authorizing certain students to take the examination on an  
3 alternative, nationwide date.

4  
5 Ordered engrossed and placed on the Calendar for Third Reading and  
6 Final Passage.

7  
8 **HB01-1222** by Representative(s) Hefley, King, Spence; also Senator(s)  
9 Anderson--Concerning the replacement of information on  
10 student drop out rates with information on school  
11 attendance rates in reports for elementary schools.

12  
13 Ordered engrossed and placed on the Calendar for Third Reading and  
14 Final Passage.

15  
16 **HB01-1001** by Representative(s) King; also Senator(s) McElhany--  
17 Concerning the state sales tax refund payable to qualified  
18 individuals when state revenues are in excess of the  
19 constitutional limitation on state fiscal year spending.

20  
21 Ordered engrossed and placed on the Calendar for Third Reading and  
22 Final Passage.

23  
24 **HB01-1009** by Representative(s) Young, Ragsdale; also Senator(s)  
25 Evans, Teck--Concerning the state auditor's duty to  
26 conduct records management audits of state government  
27 agencies.

28  
29 Ordered engrossed and placed on the Calendar for Third Reading and  
30 Final Passage.

31  
32 **HB01-1010** by Representative(s) Young; also Senator(s) Evans,  
33 Hernandez, Teck--Concerning the assessment of available  
34 space for public records storage in state archives and  
35 public records.

36  
37 Amendment No. 1, Information & Technology Report, dated January 31,  
38 2001, and placed in member's bill file; Report also printed in House  
39 Journal, February 1, page 239.

40  
41 As amended, ordered engrossed and placed on the Calendar for Third  
42 Reading and Final Passage.

43  
44 **HB01-1073** by Representative(s) Veiga; also Senator(s) Tupa--  
45 Concerning an increase in compensation for members of  
46 the board of directors of the regional transportation district  
47 to twelve thousand dollars per annum.

48  
49 Laid over until February 6, retaining place on Calendar.

50  
51  
52 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

53  
54 Representative Paschall moved to amend the Report of the Committee of  
55 the Whole to show that the following Paschall amendment, to  
56 HB01-1085, did pass, and that **HB01-1085, as amended**, did pass.

1 Amend the State, Veterans, & Military Affairs Committee Report, dated  
 2 January 25, 2001, page 1, strike line 5;  
 3  
 4 line 6, before "line 6,", insert "Page 5,".

5  
 6 The amendment was declared **lost** by the following roll call vote:

	YES 26	NO 37	EXCUSED 1	ABSENT 1				
10	Alexander	N	Groff	N	Miller	N	Spence	Y
11	Bacon	N	Grossman	N	Mitchell	Y	Spradley	N
12	Berry	N	Hefley	N	Nuñez	Y	Stafford	Y
13	Borodkin	N	Hodge	N	Paschall	Y	Stengel	Y
14	Boyd	N	Hoppe	N	Plant	N	Swenson	Y
15	Cadman	Y	Jahn	N	Ragsdale	N	Tapia	N
16	Chavez	N	Jameson	N	Rhodes	Y	Tochtrop	N
17	Clapp	Y	Johnson	N	Rippy	N	Veiga	N
18	Cloer	N	Kester	Y	Romanoff	N	Vigil	N
19	Coleman	N	King	Y	Saliman	N	Webster	Y
20	Crane	Y	Larson	Y	Sanchez	N	Weddig	N
21	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y
22	Decker	N	Lee	Y	Scott	Y	Williams S.	N
23	Fairbank	Y	Mace	N	Sinclair	N	Williams T.	N
24	Fritz	Y	Madden	N	Smith	N	Witwer	Y
25	Garcia	N	Marshall	-	Snook	Y	Young	Y
26							Mr. Speaker	Y

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

32 Passed Second Reading: **HB01-1085 amended, 1115 amended,**  
 33 **1021 amended, 1218, 1222, 1001, 1009, 1010 amended.**

35 Laid over until date indicated retaining place on Calendar: **HB01-1073--**  
 36 **February 6, 2001.**

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

	YES 64	NO 0	EXCUSED 1	ABSENT 0				
45	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
47	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
48	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
50	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
53	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
54	Coleman	Y	King	Y	Saliman	Y	Webster	Y
55	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
56	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y

1	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
4	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
5							Mr. Speaker	Y

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### CONSIDERATION OF RESOLUTION

11

12 **HJR01-1010** by Representative(s) Dean; also Senator(s) Andrews--  
 13 Concerning recognition of President Ronald Reagan

14

15 (Printed and placed in member's file; also printed in House Journal,  
 16 February 5, pages 274-275.)

17

18 On motion of Representative Spradley, the rules were suspended and the  
 19 resolution given immediate consideration.

20

21 On motion of Representative Dean the resolution was read at length.

22

23

24 Amendment No. 1, moved by Representative Grossman.

25

26 Amend printed resolution, page 1, line 6, strike "and distinction";

27

28 line 7, strike "America, and," and substitute "America; and";

29

30 strike lines 8 through 16.

31

32 Page 2, strike line 1 through 13;

33

34 line 20, strike "many" and strike "tireless";

35

36 line 21, strike "has" and strike "to every American".

37

38

39 The amendment was declared **lost** by the following roll call vote:

40

41	<u>YES</u>	19	<u>NO</u>	44	<u>EXCUSED</u>	2	<u>ABSENT</u>	0
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42

43	Alexander	N	Groff	Y	Miller	N	Spence	N
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44	Bacon	Y	Grossman	Y	Mitchell	N	Spradley	N
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45	Berry	N	Hefley	N	Nuñez	N	Stafford	N
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46	Borodkin	Y	Hodge	Y	Paschall	N	Stengel	N
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47	Boyd	Y	Hoppe	N	Plant	Y	Swenson	N
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48	Cadman	N	Jahn	Y	Ragsdale	Y	Tapia	Y
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49	Chavez	N	Jameson	Y	Rhodes	N	Tochtrop	N
----	--------	---	---------	---	--------	---	----------	---

50	Clapp	N	Johnson	N	Rippy	N	Veiga	Y
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51	Cloer	N	Kester	N	Romanoff	N	Vigil	Y
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52	Coleman	N	King	N	Saliman	Y	Webster	N
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53	Crane	N	Larson	N	Sanchez	E	Weddig	Y
----	-------	---	--------	---	---------	---	--------	---

54	Daniel	E	Lawrence	N	Schultheis	N	White	N
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55	Decker	N	Lee	N	Scott	N	Williams S.	Y
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56	Fairbank	N	Mace	N	Sinclair	N	Williams T.	N
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1	Fritz	N	Madden	Y	Smith	N	Witwer	N
2	Garcia	Y	Marshall	Y	Snook	N	Young	N
3							Mr. Speaker	N

4  
5  
6  
7 On motion of Representative Dean, the resolution was **adopted** by the  
8 following roll call vote:

9								
10	<u>YES 55</u>	<u>NO 8</u>	<u>EXCUSED 2</u>	<u>ABSENT 0</u>				
11								
12	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
13	Bacon	N	Grossman	N	Mitchell	Y	Spradley	Y
14	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
15	Borodkin	Y	Hodge	N	Paschall	Y	Stengel	Y
16	Boyd	Y	Hoppe	Y	Plant	N	Swenson	Y
17	Cadman	Y	Jahn	Y	Ragsdale	N	Tapia	Y
18	Chavez	Y	Jameson	N	Rhodes	Y	Tochtrop	Y
19	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	N
20	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
21	Coleman	Y	King	Y	Saliman	N	Webster	Y
22	Crane	Y	Larson	Y	Sanchez	E	Weddig	Y
23	Daniel	E	Lawrence	Y	Schultheis	Y	White	Y
24	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
25	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
26	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
27	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
28							Mr. Speaker	Y
29								

30 Co-sponsors added: Representatives Alexander, Berry, Cadman, Clapp, Cloer,  
31 Coleman, Crane, Decker, Fairbank, Fritz, Garcia, Hefley, Hoppe, Jahn, Johnson,  
32 Kester, King, Larson, Lawrence, Lee, Mace, Miller, Mitchell, Nuñez, Paschall,  
33 Rhodes, Rippy, Schultheis, Scott, Sinclair, Smith, Snook, Spence,, Stafford,  
34 Stengel, Swenson, Webster, White, Williams S., Williams T., Witwer, Young.

## 37 38 **REPORTS OF COMMITTEES OF REFERENCE**

### 39 40 **BUSINESS AFFAIRS & LABOR**

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

43  
44 **HB01-1175** be amended as follows, and as so amended, be referred to  
45 the Committee of the Whole with favorable  
46 recommendation:

47  
48 Amend printed bill, page 3, strike lines 22 through 25 and substitute the  
49 following:

50  
51 "management of resources."

52  
53 Page 4, line 15, strike "**functions.**" and substitute "**functions -**  
54 **administrative justice cash fund.**"

55  
56 Page 6, after line 4, insert the following:

1           "(5) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
2 ADMINISTRATIVE JUSTICE CASH FUND, WHICH SHALL BE ADMINISTERED BY  
3 THE DEPARTMENT OF PERSONNEL. THE FUND SHALL CONSIST OF MONEYS  
4 APPROPRIATED THERETO BY THE GENERAL ASSEMBLY OR TRANSFERRED  
5 THERETO TO COVER THE DIRECT AND INDIRECT COSTS OF THE ACTIVITIES  
6 OF THE DIVISION INCLUDING, BUT NOT LIMITED TO, ACTIVITIES RELATING  
7 TO ADMINISTRATIVE HEARINGS CONDUCTED BY THE DIVISION. MONEYS IN  
8 THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
9 ASSEMBLY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT  
10 OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS  
11 NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE  
12 TRANSFERRED TO OR REVERT TO THE GENERAL FUND OF THE STATE AT THE  
13 END OF ANY FISCAL YEAR."

14  
15 Page 7, line 14, strike the period and substitute "; AND ";

16  
17 after line 14, insert the following:

18  
19           "(e) CONTRACT WITH AN ADMINISTRATIVE LAW JUDGE NOT  
20 EMPLOYED BY THE DIVISION TO CONDUCT HEARINGS WHEN THE  
21 DEPARTMENT OF PERSONNEL OR AN EMPLOYEE OF THE DEPARTMENT OF  
22 PERSONNEL IS A PARTY TO A PROCEEDING REFERRED TO THE DIVISION BY  
23 THE STATE PERSONNEL BOARD PURSUANT TO SECTION 24-50-139."

24  
25 Page 8, strike line 20 and substitute the following:

26  
27 "FEES PURSUANT TO SECTIONS 13-17-102 AND 13-17-103, C.R.S., SUBJECT  
28 TO FINAL AGENCY ACTION; AND "

29  
30 Page 28, strike lines 7 through 9 and substitute the following:

31  
32 "matter within the jurisdiction of the board upon such conditions and  
33 terms as the board may determine and subject to the provisions of section  
34 24-50-103 (7) and article 4 of this title."

35  
36 Page 30, line 5, strike "HEARINGS " and substitute "JUSTICE ".

37  
38 Page 36, line 18, strike "HEARINGS " and substitute "JUSTICE ".

39  
40 Page 1, line 106, strike "DIVISION THROUGH DIRECT " and substitute  
41 "DIVISION,";

42  
43 line 107, strike "APPROPRIATION,".

44

45

46

47

48 **LOCAL GOVERNMENT**

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

51

52 **HB01-1092** be postponed indefinitely.

53

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**PRINTING REPORT**

The Chief Clerk reports the following bills have been correctly printed:  
**HB01-1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335.**

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**LAY OVER OF CALENDAR ITEMS**

On motion of Representative Spradley, Consideration of General Orders  
**(HB01-1089, 1150, 1189, 1012, 1006, 1061, 1136, 1160)** was laid over  
until February 6, retaining place on Calendar.

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On motion of Representative Spradley, the House adjourned until  
9:00 a.m., February 6, 2001.

Approved:

**DOUG DEAN,**  
Speaker

Attest:

**JUDITH RODRIGUE,**  
Chief Clerk