

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

Eighth Legislative Day

Wednesday, January 17, 2001

1 Prayer by Pastor Dan Elliott, 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--62.

8

9 Excused--Representatives Nuñez, Paschall, Schultheis--3.

10

11 Present after roll call--Representative Paschall.

12

13 The Speaker declared a quorum present.

14

15 On motion of Representative Borodkin, the reading of the journal of  
16 January 16, 2001, was dispensed with and approved as corrected by the  
17 Chief Clerk.

18

19

20

**REPORTS OF COMMITTEE OF REFERENCE**

21

**BUSINESS AFFAIRS AND LABOR**

22

23 After consideration on the merits, the Committee recommends the

24

25 following:

26

27 **HB01-1015** be referred to the Committee of the Whole with favorable

28 recommendation.

29

30 **HB01-1016** be referred to the Committee of the Whole with favorable

31 recommendation.

32

33 **HB01-1039** be referred to the Committee of the Whole with favorable

34 recommendation.

35

36 **HB01-1055** be referred to the Committee of the Whole with favorable

37 recommendation.

38

39

**PRINTING REPORT**

40 The Chief Clerk reports the following bills have been correctly printed:

41

42 **HB01-1135, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153,**

43 **1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164,**

44 **1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174.**

45

**INTRODUCTION OF BILLS**

- 1  
2  
3 The following bills were read by title and referred to the committees  
4 indicated:  
5
- 6 **HB01-1164** by Representative(s) Stengel, Berry, Daniel, Dean,  
7 Mitchell, Nuñez, Paschall, White, Williams S.; also  
8 Senator(s) Perlmutter--Concerning the extension of the  
9 time within which the Colorado commission on taxation  
10 shall accomplish its duties.  
11 Committee on Finance  
12
- 13 **HB01-1165** by Representative(s) Plant--Concerning comprehensive  
14 land use planning.  
15 Committee on Local Government  
16
- 17 **HB01-1166** by Representative(s) Stengel--Concerning actions asserting  
18 construction defect claims for property loss and damage.  
19 Committee on Business Affairs & Labor  
20
- 21 **HB01-1167** by Representative(s) Paschall, King, Rhodes, Saliman;  
22 also Senator(s) Gordon, Hagedorn, Lamborn, Perlmutter--  
23 Concerning damages in wrongful death cases.  
24 Committee on Civil Justice & Judiciary  
25
- 26 **HB01-1168** by Representative(s) Lawrence--Concerning changes to  
27 the juvenile justice system.  
28 Committee on Civil Justice & Judiciary  
29
- 30 **HB01-1169** by Representative(s) Stafford, Cloer, Smith, Snook; also  
31 Senator(s) Linkhart--Concerning the use of county block  
32 grant moneys for the Colorado works program for the  
33 purpose of investing in community resources.  
34 Committee on Health, Environment, Welfare, & Institutions  
35
- 36 **HB01-1170** by Representative(s) Fritz, Cadman, Paschall; also  
37 Senator(s) May--Concerning the issuance of documents by  
38 the department of revenue.  
39 Committee on Information & Technology  
40
- 41 **HB01-1171** by Representative(s) Romanoff, Berry, Johnson, Stafford,  
42 Tochtrop, Witwer, Young; also Senator(s) Owen,  
43 Hernandez--Concerning recoveries by the medical  
44 assistance program from third parties.  
45 Committee on Civil Justice & Judiciary  
46
- 47 **HB01-1172** by Representative(s) White, Rippy, Snook, Stengel; also  
48 Senator(s) Fitz-Gerald--Concerning multijurisdictional  
49 housing authorities.  
50 Committee on Local Government  
51
- 52 **HB01-1173** by Representative(s) Saliman, Larson, Tochtrop, Young;  
53 also Senator(s) Tate--Concerning an expansion of the state  
54 long-term care insurance income tax credit.  
55 Committee on Finance  
56 Committee on Appropriations

- 1 **HB01-1174** by Representative(s) Sanchez--Concerning the promotion  
2 of affordable housing by local governments, and, in  
3 connection therewith, authorizing the establishment of  
4 affordable housing dwelling unit advisory boards by local  
5 governments.  
6 Committee on Local Government  
7
- 8 **HB01-1175** by Representative(s) Williams T.; also Senator(s)  
9 McElhany--Concerning the consolidation of administrative  
10 adjudication functions, and, in connection therewith,  
11 creating the division of administrative justice in the  
12 department of personnel, transferring certain  
13 administrative law judges from other state agencies to the  
14 new division, providing funding for the new division  
15 through direct appropriation, and making certain types of  
16 final agency actions subject to judicial review by the court  
17 of appeals.  
18 Committee on Business Affairs & Labor  
19
- 20 **HB01-1176** by Representative(s) Boyd--Concerning the creation of a  
21 metropolitan affordable housing district.  
22 Committee on State, Veterans, & Military Affairs  
23
- 24 **HB01-1177** by Representative(s) Scott--Concerning the issuance of  
25 state health care obligation notes to pay in one lump sum  
26 the state's share of the unfunded liability of the health care  
27 trust fund of the public employees' retirement association.  
28 Committee on Local Government  
29
- 30 **HB01-1178** by Representative(s) Webster--Concerning the refunding  
31 of state revenues in excess of the constitutional limitation  
32 on state fiscal year spending to certain child care centers  
33 for property taxes paid.  
34 Committee on Finance  
35
- 36 **HB01-1179** by Representative(s) Smith--Concerning the requirement  
37 to file a Colorado amended return to report a change in  
38 federal taxable income.  
39 Committee on Finance  
40
- 41 **HB01-1180** by Representative(s) Schultheis, King, Lee--Concerning an  
42 income tax credit to mitigate the expense of educating a  
43 child outside the public school system.  
44 Committee on Education  
45 Committee on Finance  
46
- 47 **HB01-1181** by Representative(s) Nuñez, Cadman, Clapp, Cloer,  
48 Crane, Lee, Mitchell, Paschall, Rhodes, Schultheis,  
49 Stafford, Dean, Fairbank, Fritz, Hefley, King, Scott,  
50 Sinclair, Smith, Snook, Spradley, Swenson, Webster,  
51 White; also Senator(s) Lamborn--Concerning the reduction  
52 of the state income tax rate.  
53 Committee on Finance  
54 Committee on Appropriations  
55

- 1 **HB01-1182** by Representative(s) Nuñez, Cadman, Clapp, Crane,  
2 Hefley, Lee, Mitchell, Paschall, Rhodes, Schultheis, Scott,  
3 Stafford, Webster, Fritz, White--Concerning the  
4 modification of the statutory limit on state general fund  
5 appropriations, and, in connection therewith, excluding  
6 state general fund appropriations excepted from the  
7 limitation on the level of state general fund appropriations  
8 from the calculation of the annual allowable increase in  
9 state general fund appropriations and requiring certain  
10 moneys to be used only to refund excess state revenues.  
11 Committee on Finance  
12 Committee on Appropriations  
13
- 14 **HB01-1183** by Representative(s) Daniel, Jahn--Concerning the  
15 compensation of jurors.  
16 Committee on Civil Justice & Judiciary  
17
- 18 **HB01-1184** by Representative(s) Veiga--Concerning domestic  
19 violence.  
20 Committee on Criminal Justice  
21
- 22 **HB01-1185** by Representative(s) Clapp, Fairbank, Fritz, Hefley,  
23 Miller, Mitchell, Nuñez, Schultheis, Snook, Spence,  
24 Stafford, Webster, Williams T.--Concerning victims in  
25 probation matters.  
26 Committee on Criminal Justice  
27
- 28 **HB01-1186** by Representative(s) Tapia; also Senator(s) Evans--  
29 Concerning the maintenance of public employee  
30 retirement benefits for retirees who are hired by a school  
31 district during a critical shortage of employees.  
32 Committee on Education  
33
- 34 **HB01-1187** by Representative(s) Hefley--Concerning procedural  
35 changes for the strengthening of criminal laws.  
36 Committee on Criminal Justice  
37
- 38 **HB01-1188** by Representative(s) Weddig; also Senator(s) Chlouber--  
39 Concerning the registration of plumbing designers.  
40 Committee on Business Affairs & Labor  
41
- 42 **HB01-1189** by Representative(s) Daniel, Boyd, Crane, Hefley, Jahn,  
43 Veiga, Williams S.--Concerning forfeiture provisions in  
44 agreements affecting persons in facilities providing  
45 residential care.  
46 Committee on Business Affairs & Labor  
47
- 48 **HB01-1190** by Representative(s) Lee, Fritz, Fairbank, Hoppe,  
49 Johnson, Miller, Nuñez, Spence; also Senator(s) Chlouber,  
50 Teck--Concerning the release of information that identifies  
51 persons who hold permits to carry concealed weapons.  
52 Committee on State, Veterans, & Military Affairs  
53
- 54 **HB01-1191** by Representative(s) Lee, Johnson, Williams T.; also  
55 Senator(s) Linkhart--Concerning matching grants to  
56 community mediation programs, and, in connection

- 1                   therewith, authorizing an adjunct committee of the office  
2                   of dispute resolution advisory committee to provide grants  
3                   to community mediation programs, and making an  
4                   appropriation therefor.  
5   Committee on Civil Justice & Judiciary  
6   Committee on Appropriations  
7  
8   **HB01-1192**   by Representative(s) Chavez, Paschall; also Senator(s)  
9                   Tate, Gordon--Concerning governance of the state  
10                  colleges.  
11   Committee on Education  
12  
13   **HB01-1193**   by Representative(s) Alexander, Coleman--Concerning  
14                   modifications to the "Colorado Children's Code" to be  
15                   consistent with federal law.  
16   Committee on Civil Justice & Judiciary  
17  
18   **HB01-1194**   by Representative(s) Schultheis--Concerning implemen-  
19                   tation of a community outreach program.  
20   Committee on State, Veterans, & Military Affairs  
21  
22   **HB01-1195**   by Representative(s) Smith--Concerning procedures to  
23                   resolve conflicts arising from local government decisions  
24                   relating to public utilities.  
25   Committee on Local Government  
26  
27   **HB01-1196**   by Representative(s) Cloer, Borodkin, Daniel, Fritz,  
28                   Grossman, Hefley, Hodge, Jahn, King, Larson, Mitchell,  
29                   Nuñez, Rhodes, Romanoff, Stafford--Concerning the  
30                   writing portion of the Colorado student assessment  
31                   program statewide assessments.  
32   Committee on Education  
33  
34   **HB01-1197**   by Representative(s) Crane, Rhodes--Concerning an  
35                   increase in the maximum amount of retirement income  
36                   received by an individual fifty-five years of age or older  
37                   that may be subtracted from federal taxable income for the  
38                   purpose of determining Colorado taxable income.  
39   Committee on Finance  
40   Committee on Appropriations  
41  
42   **HB01-1198**   by Representative(s) Dean; also Senator(s) Dyer  
43                   (Durango)--Concerning the circulation of a petition in  
44                   connection with an election, and, in connection therewith,  
45                   making it unlawful for a person to employ another person  
46                   to circulate a petition on either a paid or volunteer basis  
47                   without knowing or reasonably believing that the circu-  
48                   lator is legally qualified to vote in a political subdivision  
49                   in which the petition is being circulated, eliminating the  
50                   requirements that certain petition circulators be registered  
51                   electors and that the identifying badge worn by a cir-  
52                   culator of a statewide initiative and referendum petition  
53                   list the name of the circulator, and modifying the informa-  
54                   tion that must be provided in reports on the payment of  
55                   statewide initiative and referendum petition circulators.  
56   Committee on State, Veterans, & Military Affairs

- 1 **HB01-1199** by Representative(s) Johnson, Tochtrop, Witwer,  
 2 Alexander, Fritz, Hefley, Lee, Romanoff, Sinclair; also  
 3 Senator(s) Reeves, Epps, Anderson, Evans, Hanna--  
 4 Concerning medical assistance reforms.  
 5 Committee on Health, Environment, Welfare, & Institutions  
 6 Committee on Appropriations  
 7
- 8 **HB01-1200** by Representative(s) Cadman, Decker, Fairbank, Fritz,  
 9 Hefley, Paschall--Concerning the elimination of payment  
 10 of unemployment insurance taxes owed by an employer  
 11 when the amount of unemployment insurance tax is less  
 12 than five dollars in a calendar quarter.  
 13 Committee on Business Affairs & Labor  
 14
- 15 **HB01-1201** by Representative(s) Stafford, Clapp, Cloer, Johnson,  
 16 Smith, Snook, Webster, White--Concerning the modifica-  
 17 tion of existing state income tax credits.  
 18 Committee on Finance  
 19
- 20 **HB01-1202** by Representative(s) Fritz, Lee, Mitchell, Rhodes--  
 21 Concerning an income tax credit for a qualifying  
 22 contribution to a nonprofit organization that provides  
 23 assistance to low-income individuals.  
 24 Committee on Finance  
 25 Committee on Appropriations  
 26

---

## 28 INTRODUCTION OF RESOLUTIONS

29  
 30  
 31 The following resolution was read by title and laid over one day under the  
 32 rules:  
 33

- 34 **HR01-1007** by Representative(s) Alexander, Rhodes, Chavez, Mace--  
 35 Concerning an employee position for the House of  
 36 Representatives convened in the First Regular Session of  
 37 the Sixty-third General Assembly.  
 38

39 *Be It Resolved by the House of Representatives of the Sixty-third*  
 40 *General Assembly of the State of Colorado:*  
 41

42 That the following named person be appointed as an employee of  
 43 the House of Representatives of the Sixty-third General Assembly,  
 44 convened in the First Regular Session to the position set opposite her  
 45 respective name.

46  
 47 Lisha Gallegos Minority Caucus Secretary  
 48  
 49

50  
 51 The following resolution was read by title and referred to the committee  
 52 indicated:  
 53

- 54 **HJR01-1006** by Representative(s) Stengel, Young, Berry, Saliman; also  
 55 Senator(s) Fitz-Gerald, Reeves, Tate, Owen--Concerning  
 56 the certification by the general assembly of its estimate of

1 state general fund revenues and allowable state general  
2 fund appropriations for the 2001-02 budget year.  
3 Committee on Finance  
4

5 WHEREAS, The general assembly is required by section  
6 24-75-201.3, Colorado Revised Statutes, to make an annual certification  
7 of its estimate of general fund revenues for the next fiscal year to the  
8 controller; and  
9

10 WHEREAS, Gross general fund revenues for the 2001-02 fiscal  
11 year, as estimated in this joint resolution, have already been obligated by  
12 law as follows:  
13

14 (1) \$103,737,591 for transfer to the capital construction fund  
15 pursuant to section 24-75-302 (2) (n), Colorado Revised Statutes;  
16

17 (2) Amounts required by statute to be used for: Payments to local  
18 governments based on state cigarette tax collections; property tax and  
19 heat or fuel expense grants; and payments to the fire and police members'  
20 benefit fund; and  
21

22 WHEREAS, Under current law, general fund revenues must be  
23 used first to fund the obligations set forth above, second to fund  
24 appropriations for the executive, legislative, and judicial departments, and  
25 third to fund the reserve mandated by section 24-75-201.1 (1) (d),  
26 Colorado Revised Statutes; and  
27

28 WHEREAS, The general assembly recognizes that new programs  
29 can be funded from the general fund only after these three priorities are  
30 satisfied; and  
31

32 WHEREAS, If appropriate statutes are amended, additional  
33 general fund revenues could be realized; and  
34

35 WHEREAS, The estimate of general fund revenues certified in this  
36 resolution does not include the balance carried forward from the 2000-01  
37 fiscal year; and  
38

39 WHEREAS, The general assembly intends to make an annual  
40 certification of its estimate of the total allowable state general fund  
41 appropriations under section 24-75-201.1, Colorado Revised Statutes; and  
42

43 WHEREAS, In accordance with the provisions of section  
44 24-75-201.1, Colorado Revised Statutes, the estimate of the allowable  
45 state general fund appropriations for the 2001-02 fiscal year will be based  
46 upon the following conclusions:  
47

48 (1) State general fund appropriations for the 2000-01 fiscal year,  
49 prior to the enactment of any supplemental appropriations during the  
50 2001 regular session, are \$5,317.4 million;  
51

52 (2) The allowable increase in state general fund appropriations for  
53 the 2001-02 fiscal year is the cost of reappraisal of taxable property for  
54 property tax purposes as required by section 39-1-105.5, Colorado  
55 Revised Statutes, plus 6% of the 2000-01 state general fund  
56 appropriations; and

1 WHEREAS, The revenue estimate and the estimate of allowable  
2 state general fund appropriations made pursuant to this resolution are  
3 made for the purpose of providing direction and guidance to the joint  
4 budget committee in the preparation of the 2001-02 general appropriation  
5 act and does not affect the ability of the general assembly to make  
6 spending decisions in the general appropriation act; and  
7

8 WHEREAS, The revenue estimate and the estimate of allowable  
9 state general fund appropriations made pursuant to this resolution may be  
10 adjusted if additional relevant information is received by the general  
11 assembly after the adoption thereof; and  
12

13 WHEREAS, For purposes of section 39 of article V of the state  
14 constitution, this joint resolution relates solely to the transaction of  
15 business of the two houses of the general assembly; now, therefore,  
16

17 *Be It Resolved by the House of Representatives of the Sixty-third*  
18 *General Assembly of the State of Colorado, the Senate concurring*  
19 *herein:*  
20

21 That, in accordance with section 24-75-201.3, Colorado Revised  
22 Statutes, the general assembly hereby certifies to the controller of the  
23 state of Colorado that the estimate of gross general fund revenues for the  
24 fiscal year beginning July 1, 2001, is \$6,752.6 million. The general  
25 assembly further certifies that the estimate of the allowable state general  
26 fund appropriations for the fiscal year beginning July 1, 2001, under  
27 section 24-75-201.1, Colorado Revised Statutes, is \$5,636.4 million.  
28

29 *Be It Further Resolved,* That a copy of this Joint Resolution be  
30 transmitted to the controller of the state of Colorado, Arthur L. Barnhart.  
31

---

32  
33  
34  
35 **MESSAGE FROM THE SENATE**  
36

37 Mr. Speaker:  
38

39 The Senate has adopted and transmits herewith: SJR01-006.  
40  
41  
42  
43

---

44 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**  
45

46 The following resolution was read at length and given immediate  
47 consideration:  
48

49 **SJR01-006** by Senator(s) Perlmutter; also Representative(s) Dean--  
50 Concerning honoring Bill and Claudia Coleman and the  
51 University of Colorado for their support in improving the  
52 lives of individuals with cognitive disabilities.  
53

54 (Printed and placed in member's file.)  
55  
56



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

3  
4 On motion of Representative Dean the resolution was read at length and  
5 **adopted by viva voce** vote.

6  
7 Co-sponsors added: Roll call of the House.

8  
9

10  
11 House in recess. House reconvened.

12  
13

14  
15 **INTRODUCTION OF BILLS**

16  
17 The following bills were read by title and referred to the committees  
18 indicated:

19  
20 **HB01-1203** by Representative(s) Dean; also Senator(s) Dyer  
21 (Durango)--Concerning weight limits for veteran license  
22 plates.

23 Committee on Transportation & Energy

24

25 **HB01-1204** by Representative(s) Hefley, Cadman, Clapp, Crane,  
26 Fairbank, Johnson, King, Mitchell, Nunez, Scott,  
27 Williams T.--Concerning enhanced penalties for offenses  
28 committed against pregnant women, and making an  
29 appropriation therefor.

30 Committee on State, Veterans, & Military Affairs

31

32

33

34 **MESSAGE FROM THE SENATE**

35 Mr. Speaker:

36

37 The Senate has passed on Third Reading and sent to the Revisor of  
38 Statutes: HB01-1107, amended as printed in Senate Journal, January 19,  
39 page 40.

40

41

42

43 **MESSAGE FROM THE REVISOR**

44

45 We herewith transmit without comment, as amended, HB01-1107.

46

47

48

49 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

50

51 On motion of Representative Spradley, Consideration of Senate  
52 amendments to HB01-1107 was given immediate consideration.

53

54 **HB01-1107** by Representative(s) Snook, Cloer, Rhodes, Dean, Stengel,  
55 Spence; also Senator(s) Hernandez--Concerning the  
56 provision of additional funding for the low-income energy  
assistance program, and making an appropriation therefor.

1 (Amended as printed in Senate Journal, January 16, page 40.)

2

3 Representative Snook moved that the House **concur** in Senate  
4 amendments. The motion was declared **passed** by the following roll call  
5 vote:

6

7 YES 61                      NO 2                      EXCUSED 2                      ABSENT 0

8

9 Alexander	Y	Groff	Y	Miller	Y	Spence	Y
10 Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
11 Berry	Y	Hefley	Y	Nuñez	E	Stafford	Y
12 Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
13 Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
14 Cadman	N	Jahn	Y	Ragsdale	Y	Tapia	Y
15 Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
16 Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
17 Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
18 Coleman	Y	King	Y	Saliman	Y	Webster	Y
19 Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
20 Daniel	Y	Lawrence	Y	Schultheis	E	White	Y
21 Decker	Y	Lee	N	Scott	Y	Williams S.	Y
22 Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
23 Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
24 Garcia	Y	Marshall	Y	Snook	Y	Young	Y
25						Mr. Speaker	Y

26

27

28 The question being, "Shall the bill, as amended, pass?".

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

32

33 YES 60                      NO 3                      EXCUSED 2                      ABSENT 0

34

35 Alexander	Y	Groff	Y	Miller	Y	Spence	Y
36 Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
37 Berry	Y	Hefley	Y	Nuñez	E	Stafford	Y
38 Borodkin	Y	Hodge	Y	Paschall	N	Stengel	Y
39 Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
40 Cadman	N	Jahn	Y	Ragsdale	Y	Tapia	Y
41 Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
42 Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
43 Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
44 Coleman	Y	King	Y	Saliman	Y	Webster	Y
45 Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
46 Daniel	Y	Lawrence	Y	Schultheis	E	White	Y
47 Decker	Y	Lee	N	Scott	Y	Williams S.	Y
48 Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
49 Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
50 Garcia	Y	Marshall	Y	Snook	Y	Young	Y
51						Mr. Speaker	Y

52

53 Co-sponsors added: Representatives Borodkin, Hefley, Hodge, Jahn, Jameson,  
54 King, Larson, Rippy, Webster, Weddig, Williams, S.

55

56

1 On motion of Representative Spradley, the House adjourned until  
2 9:00 a.m., January 18, 2001.

3

4

5

Approved:

6

7

8

9

DOUG DEAN,  
Speaker

10

11

12 Attest:

13

14 JUDITH RODRIGUE,

15 Chief Clerk

16