

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

Ninety-seventh Legislative Day

Monday, April 16, 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--50.
9 Excused for Legislative Business--Representatives Cadman,
10 Coleman, Fritz, Hodge, Lawrence, Lee, Madden, Marshall,
11 Mitchell, Paschall, Rippy, Vigil--12.
12 Excused--Representatives Alexander, Hefley, Williams S.--3.
13 Present after roll call--Representative Alexander.

14
15 The Speaker declared a quorum present.

16
17
18 On motion of Representative Sanchez, the reading of the journal of
19 April 12, 2001, was declared dispensed with and approved as corrected
20 by the Chief Clerk.

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22
23
24 **LAY OVER OF CALENDAR ITEMS**

25
26 On motion of Representative Spradley, Consideration of Third Reading
27 (**HB01-1130, 1374, 1282, 1106, 1155, 1081, 1086, 1205**) was laid over
28 until April 17, retaining place on Calendar.

29
30
31
32 On motion of Representative Smith, the House resolved itself into
33 Committee of the Whole for consideration of General Orders, and he was
34 called to the Chair to act as Chairman.

35
36
37 **GENERAL ORDERS--SECOND READING OF BILLS**

38
39 The Committee of the Whole having risen, the Chairman reported the
40 titles of the following bills had been read (reading at length had been
41 dispensed with by unanimous consent), the bills considered and action
42 taken thereon as follows:

43
44 (Amendments to the committee amendment are to the printed committee
45 report which was printed and placed in the members' bill file.)

- 1 **HB01-1234** by Representative(s) Boyd; also Senator(s) Linkhart--
2 Concerning interviews with participants of the Colorado
3 works program.
4
- 5 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
6 dated February 14, 2001, and placed in member's bill file; Report also
7 printed in House Journal, February 15, page 407.
8
- 9 Amendment No. 2, Appropriations Report, dated April 4, 2001, and
10 placed in member's bill file; Report also printed in House Journal,
11 April 4, pages 100-1101.
12
- 13 As amended, ordered engrossed and placed on the Calendar for Third
14 Reading and Final Passage.
15
- 16 **HB01-1271** by Representative(s) Ragsdale; also Senator(s) Owen--
17 Concerning employment incentives for people with
18 disabilities through a medicaid buy-in program.
19
- 20 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
21 dated February 19, 2001, and placed in member's bill file; Report also
22 printed in House Journal, February 20, page 482.
23
- 24 Amendment No. 2, Finance Report, dated February 22, 2001, and placed
25 in member's bill file; Report also printed in House Journal, February 23,
26 page 568.
27
- 28 Amendment No. 3, Appropriations Report, dated April 4, 2001, and
29 placed in member's bill file; Report also printed in House Journal,
30 April 4, page 1101.
31
- 32 Amendment No. 4, by Representative Ragsdale.
33
- 34 Amend the Appropriations Committee Report, dated April 4, 2001, page
35 1, strike lines 11 through 15 and substitute the following:
36
- 37 "MEDICAID INFRASTRUCTURE GRANT." ". "
38
- 39 As amended, ordered engrossed and placed on the Calendar for Third
40 Reading and Final Passage.
41
- 42
- 43 **HB01-1303** by Representative(s) King; also Senator(s) Hernandez--
44 Concerning the creation of the school improvement grant
45 program to provide grants to certain public schools that
46 choose to operate under a school improvement plan, and,
47 in connection therewith, modifying the requirements of the
48 school improvement plan and the duration of operation
49 under said plan to conform to the requirements of the
50 school improvement grant program, and making an
51 appropriation in connection therewith.
52
- 53 Laid over until May 10. The bill is deemed lost.
54
55

1 **HB01-1334** by Representative(s) Romanoff--Concerning the exemp-
2 tion of property used for low-income household residential
3 facilities that are occupied by low-income households
4 from property tax.
5

6 Amendment No. 1, Finance Report, dated February 21, 2001, and placed
7 in member's bill file; Report also printed in House Journal, February 22,
8 page 526.
9

10 As amended, ordered engrossed and placed on the Calendar for Third
11 Reading and Final Passage.
12

13 **HB01-1269** by Representative(s) Chavez; also Senator(s) Epps--
14 Concerning punishment of criminal gang activities, and
15 making an appropriation in connection therewith.
16

17 Amendment No. 1, Criminal Justice Report, dated February 13, 2001, and
18 placed in member's bill file; Report also printed in House Journal,
19 February 15, page 406.
20

21 Amendment No. 2, Appropriations Report, dated April 6, 2001, and
22 placed in member's bill file; Report also printed in House Journal,
23 April 9, pages 1139-1140
24

25 As amended, ordered engrossed and placed on the Calendar for Third
26 Reading and Final Passage.
27

28 **HB01-1373** by Representative(s) Larson, Paschall, Borodkin,
29 Fairbank, Jameson, Kester, Marshall, Miller, Rhodes,
30 Webster, White, Williams T.; also Senator(s) Taylor, Dyer
31 (Durango)--Concerning the creation of the division of oil
32 and public safety in the department of labor and
33 employment, and, in connection therewith, eliminating the
34 office of state inspector of oils.
35

36 Ordered engrossed and placed on the Calendar for Third Reading and
37 Final Passage.
38

39 **HB01-1022** by Representative(s) Tochtrop; also Senator(s) Linkhart--
40 Concerning transitional medicaid.
41

42 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
43 dated January 31, 2001, and placed in member's bill file; Report also
44 printed in House Journal, February 1, pages 235-236.
45

46 Amendment No. 2, by Representative Tochtrop.
47

48 Amend the Health, Environment, Welfare, & Institutions Committee
49 Report, dated January 31, 2001, page 1, strike line 13 and substitute "OF
50 NEW SUBSECTIONS, to read:";
51

52 line 19 of the committee report, strike "26-4-301 (o)" and substitute
53 "26-4-301 (1) (o)".
54

55 Page 2 of the committee report, after line 2, insert the following:
56

1 "(22) "TRANSITIONAL MEDICAID" MEANS THE MEDICAL ASSISTANCE
2 PROVIDED TO RECIPIENTS ELIGIBLE PURSUANT TO SECTION 26-4-201 (1)
3 (b).".
4

5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7

8 **HB01-1157** by Representative(s) Crane, Fritz, Hefley, King, Nuñez,
9 Paschall, Rhodes, Schultheis, Snook, Spence, Witwer; also
10 Senator(s) Cairns--Concerning reading assessments for
11 students.
12

13 Amendment No. 1, Education Report, dated January 31, 2001, and placed
14 in member's bill file; Report also printed in House Journal, February 1,
15 pages 234-235.
16

17 Amendment No. 2, Appropriations Report, dated April 10, 2001, and
18 placed in member's bill file; Report also printed in House Journal,
19 April 11, page 1162.
20

21 As amended, ordered engrossed and placed on the Calendar for Third
22 Reading and Final Passage.
23

24 **HB01-1298** by Representative(s) Berry; also Senator(s) Tate--
25 Concerning creation of a statewide common course
26 numbering system for the transfer of course credits among
27 state-supported institutions of higher education, and
28 making an appropriation in connection therewith.
29

30 Amendment No. 1, Education Report, dated February 21, 2001, and
31 placed in member's bill file; Report also printed in House Journal,
32 February 22, pages 512-513.
33

34 Amendment No. 2, Appropriations Report, dated April 10, 2001, and
35 placed in member's bill file; Report also printed in House Journal,
36 April 11, pages 1165-1166.
37

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

41 **HB01-1102** by Representative(s) Veiga; also Senator(s) Perlmutter--
42 Concerning the juvenile parole board.
43

44 Amendment No. 1, Appropriations Report, dated April 11, 2001, and
45 placed in member's bill file; Report also printed in House Journal,
46 April 11, page 1212.
47

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

51 **HB01-1184** by Representative(s) Veiga--Concerning domestic
52 violence.
53

54 Amendment No. 1, Criminal Justice Report, dated February 6, 2001, and
55 placed in member's bill file; Report also printed in House Journal,
56 February 8, pages 336-339.

- 1 Amendment No. 2, Appropriations Report, dated April 11, 2001, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 11, pages 1212-1213.
4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
8
9 **HB01-1195** by Representative(s) Smith--Concerning procedures to
10 resolve conflicts arising from local government decisions
11 relating to public utilities.
12
13 Amendment No. 1, Local Government Report, dated March 19, 2001, and
14 placed in member's bill file; Report also printed in House Journal,
15 March 20, pages 866-871.
16
17 Amendment No. 2, Appropriations Report, dated April 11, 2001, and
18 placed in member's bill file; Report also printed in House Journal,
19 April 11, pages 1213-1214.
20
21 As amended, ordered engrossed and placed on the Calendar for Third
22 Reading and Final Passage.
23
24
25 **HB01-1344** by Representative(s) Rhodes; also Senator(s) Arnold--
26 Concerning the limitation for commencing criminal
27 proceedings.
28
29 Amendment No. 1, Appropriations Report, dated April 11, 2001, and
30 placed in member's bill file; Report also printed in House Journal,
31 April 11, pages 1214-1216.
32
33 As amended, ordered engrossed and placed on the Calendar for Third
34 Reading and Final Passage.
35
36
37 **HB01-1353** by Representative(s) Kester; also Senator(s) Dennis, Teck
38 --Concerning the management of natural areas by the
39 natural areas council.
40
41 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
42 dated March 14, 2001, and placed in member's bill file; Report also
43 printed in House Journal, March 16, page 819.
44
45 Amendment No. 2, by Representative King.
46
47 Strike the Finance Committee Report, dated March 21, 2001.
48
49 Amend the Agriculture, Livestock, & Natural Resources Committee
50 Report, dated March 14, 2001, page 2, line 7, strike "EASEMENT." and
51 substitute "EASEMENT, IF THE AGREEMENT HAS BEEN IN EFFECT FOR AT
52 LEAST FOUR YEARS.".
53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

- 1 **HB01-1365** by Representative(s) Dean, Hefley, Borodkin, Coleman,
2 Mace, Spence, Tapia, Williams S.; also Senator(s)
3 Matsunaka, Anderson--Concerning the creation of the
4 science and technology education center grant program,
5 and making an appropriation therefor.
6
- 7 Amendment No. 1, Education Report, dated March 26, 2001, and placed
8 in member's bill file; Report also printed in House Journal, March 27,
9 page 963.
10
- 11 Amendment No. 2, by Representative Dean.
12
- 13 Amend printed bill, page 5, line 13, strike "SEPTEMBER 1, 2001," and
14 substitute "JANUARY 2, 2002,".
15
- 16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.
18
19
- 20 **HB01-1372** by Representative(s) Spradley; also Senator(s) Chlouber--
21 Concerning real property in Fremont county used by the
22 special operations response team of the department of
23 corrections, and making an appropriation in connection
24 therewith.
25
- 26 Amendment No. 1, Appropriations Report, dated April 11, 2001, and
27 placed in member's bill file; Report also printed in House Journal,
28 April 11, page 1218.
29
- 30 As amended, ordered engrossed and placed on the Calendar for Third
31 Reading and Final Passage.
32
- 33 **SB01-077** by Senator(s) Perlmutter; also Representative(s) Veiga--
34 Concerning the length of juvenile parole.
35
- 36 Amendment No. 1, Appropriations Report, dated April 11, 2001, and
37 placed in member's bill file; Report also printed in House Journal,
38 April 11, pages 1218-1219.
39
- 40 As amended, ordered revised and placed on the Calendar for Third
41 Reading and Final Passage.
42
43
- 44 **HB01-1263** by Representative(s) King, Crane, Lee; also Senator(s)
45 Teck--Concerning state institutions of higher education
46 degree requirements.
47
- 48 Amendment No. 1, Education Report, dated February 21, 2001, and
49 placed in member's bill file; Report also printed in House Journal,
50 February 22, pages 510-511.
51
- 52 Amendment No. 2, Appropriations Report, dated April 10, 2001, and
53 placed in member's bill file; Report also printed in House Journal,
54 April 11, page 1165.
55

1 Amendment No. 3, by Representative Spradley.

2
3 Amend printed bill, page 4, line 14, change the period to a semicolon;
4
5 after line 14, insert the following:

6
7 "(d) CIRCUMSTANCES IN WHICH THE STUDENT HAS NOT COMPLETED
8 A DEGREE PROGRAM BECAUSE OF ANY OF THE FOLLOWING:

9
10 (I) THE STUDENT IS IN A TRANSITION PHASE TO A NEW JOB;

11
12 (II) THE STUDENT WAS LAID OFF FROM HIS OR HER JOB AND NEEDS
13 ADDITIONAL TRAINING AT AN INSTITUTION OF HIGHER EDUCATION;

14
15 (III) THE STUDENT HAS DETERMINED THAT HE OR SHE NEEDS TO
16 FIND A NEW CAREER.".

17
18 As amended, ordered engrossed and placed on the Calendar for Third
19 Reading and Final Passage.

20
21
22 On motion of Representative Spradley, consideration of **HB01-1219**,
23 **1191, 1242, 1262, 1272, 1324, 1204, 1347, 1354, 1357** on the General
24 Orders Calendar was laid over until April 17, retaining place on Calendar.

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28 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

29
30 Passed Second Reading: **HB01-1234 amended, 1271 amended,**
31 **1334 amended, 1269 amended, 1373, 1022 amended, 1157 amended,**
32 **1298 amended, 1102 amended, 1184 amended, 1195 amended,**
33 **1344 amended, 1353 amended, 1365 amended, 1372 amended,**
34 **SB01-077 amended, HB01-1263 amended.**

35
36 Laid over until date indicated retaining place on Calendar: **HB01-1219,**
37 **1191, 1242, 1262, 1272, 1324, 1204, 1347, 1354, 1357--April 17, 2001.**
38 **HB01-1303--May 10, 2001.**

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

44
45 YES 50 NO 0 EXCUSED 15 ABSENT 0

46								
47	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
48	Bacon	Y	Grossman	Y	Mitchell	E	Spradley	Y
49	Berry	Y	Hefley	E	Nuñez	Y	Stafford	Y
50	Borodkin	Y	Hodge	E	Paschall	E	Stengel	Y
51	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
52	Cadman	E	Jahn	Y	Ragsdale	Y	Tapia	Y
53	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
54	Clapp	Y	Johnson	Y	Rippy	E	Veiga	Y
55	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	E
56	Coleman	E	King	Y	Saliman	Y	Webster	Y

1	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
2	Daniel	Y	Lawrence	E	Schultheis	Y	White	Y
3	Decker	Y	Lee	E	Scott	E	Williams S.	E
4	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
5	Fritz	E	Madden	E	Smith	Y	Witwer	Y
6	Garcia	Y	Marshall	E	Snook	Y	Young	Y
7							Mr. Speaker	Y

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MESSAGE FROM THE SENATE

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INTRODUCTION AND CONSIDERATION OF RESOLUTION

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REPORTS OF COMMITTEES OF REFERENCE

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

SB01-042 be postponed indefinitely.

SB01-121 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, strike lines 26 and 27 and substitute the following:

"(1) (a) "Area of public access" means any building,".

1 Page 3, strike lines 10 through 16 and substitute the following:

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"(b) THE COMMISSION SHALL ESTABLISH A STAKEHOLDER PROCESS TO REVIEW THE DEFINITION OF "AREA OF PUBLIC ACCESS" AND SEND A REPORT CONTAINING ITS RECOMMENDATIONS, INCLUDING STATUTORY CHANGES, IF ANY, TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 2001."

10 **SB01-205** be referred to the Committee of the Whole with favorable
11 recommendation.
12
13
14
15

16 **FINANCE**

17 After consideration on the merits, the Committee recommends the
18 following:
19

20 **SB01-035** be amended as follows, and as so amended, be referred to
21 the Committee on Appropriations with favorable
22 recommendation:
23

24 Amend reengrossed bill, page 2, line 15, strike "GROSS" and substitute
25 "EMPTY".
26
27
28
29

30 **STATE, VETERANS, & MILITARY AFFAIRS**

31 After consideration on the merits, the Committee recommends the
32 following:
33

34 **HB01-1368** be referred to the Committee of the Whole with favorable
35 recommendation.
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40 **TRANSPORTATION & ENERGY**

41 After consideration on the merits, the Committee recommends the
42 following:
43

44 **SB01-119** be postponed indefinitely.
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48 **PRINTING REPORT**

49
50 The Chief Clerk reports the following bills have been correctly printed:
51 **HB01-1385, 1386, 1387.**
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DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB01-1275, 1287, 1288, 1325, 1364** 2:35 at p.m. on April 12, 2001.

MESSAGE FROM THE SENATE

Mr. Speaker:
The Senate voted to concur in House Amendments to SB01-066 and 080 and repassed the bills as amended.
The Senate has adopted and returns herewith: HJR01-1028.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 12th day of April, 2001, at 3:20 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

April 12, 2001

To the Honorable
House of Representatives
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

HB01-1283 Concerning The Bonding Authority Of The Colorado Housing And Finance Authority, And, In Connection Therewith, Eliminating The Dollar Limitation On The Amount Of Bonds That The Authority May Issue And Prohibiting The Authority From Establishing New Capital Reserve Funds Used For The Payment Of Bonds.

Approved April 12, 2001 at 1:44 p.m.

HB01-1297 Concerning A Prohibition On Removing An Alcohol Beverage From Certain Licensed Premises.

Approved April 12, 2001 at 2:16 p.m.

Sincerely,
(signed)
Bill Owens
Governor

1 **INTRODUCTION OF RESOLUTION**

2
3 The following resolution was read by title and laid over one day under the
4 rules:

5
6 **HJR01-1031** by Representative(s) King, Alexander, Bacon, Berry,
7 Cadman, Clapp, Crane, Daniel, Dean, Fairbank, Fritz,
8 Groff, Hefley, Hoppe, Jahn, Johnson, Kester, Larson, Lee,
9 Mace, Miller, Mitchell, Nunez, Paschall, Rhodes, Rippy,
10 Romanoff, Schultheis, Scott, Sinclair, Smith, Snook,
11 Spence, Spradley, Stafford, Stengel, Swenson, Webster,
12 Weddig, White, Williams S., Williams T., Witwer; also
13 Senator(s) Pascoe, Andrews, Arnold, Cairns, Epps, Evans,
14 Gordon, May, Teck--Concerning Colorado's support of
15 George W. Bush's plan to create charter states to access
16 federal funds.

17
18 WHEREAS, President George W. Bush has proposed bipartisan
19 education reform to transform the federal government's role in assisting
20 states in improving student academic achievement; and

21
22 WHEREAS, The President's plan consolidates, streamlines, and
23 reduces federal requirements while placing student achievement first,
24 rewarding states that raise student achievement; and

25
26 WHEREAS, The President's plan makes federal education funding
27 more flexible by creating a charter option to allow states to enter into a
28 charter agreement with the Secretary of Education that offers freedom
29 from current requirements on categorical grant programs in return for a
30 state's submission of a five-year performance agreement to the Secretary
31 of Education establishing specific goals for and methods of measuring
32 increased student performance; and

33
34 WHEREAS, The President's plan would require states to be
35 subject to accountability for improving student achievement; and

36
37 WHEREAS, It is in the best interests of the students and parents
38 of Colorado for the State of Colorado to support this plan because it has
39 the potential to free the State of Colorado from unnecessary requirements
40 while allowing the State of Colorado much needed flexibility in selecting
41 the means for achieving academic improvement; and

42
43 WHEREAS, The President's plan to create charter states will
44 become a source of federal legislation; now, therefore,

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

49
50 That the General Assembly of the State of Colorado supports the
51 charter state option in the President's plan and requests and encourages
52 the United States Congress to adopt such legislation.

53
54 *Be It Further Resolved*, That copies of this Joint Resolution be
55 delivered to all of the members of the Colorado Congressional delegation.
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LAY OVER OF CALENDAR ITEMS

On motion of Representative Spradley, the following items on the Calendar were laid over until April 17, retaining place on Calendar:

- Consideration of Conference Committee Report--**SB01-123**.
- Consideration of Resolutions--**HJR01-1025, 1012, 1030**.
- Consideration of Memorial--**HM01-1002**.
- Consideration of Senate Amendments--**HB01-1113, 1163, 1236, 1210, 1160, 1239, 1348, 1096, 1025, 1169, 1114, 1319, 1132, 1174, 1252, 1349**.
- Consideration of Adherence--**SB01-178, 165**.

On motion of Representative Spradley, the House adjourned until 9:00 a.m., April 17, 2001.

Approved:

DOUG DEAN,
Speaker

Attest:
JUDITH RODRIGUE,
Chief Clerk