

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

Eighty-sixth Legislative Day

Thursday, April 5, 2001

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

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--65.

8

9

10 The Speaker declared a quorum present.

11

12

13 On motion of Representative Jameson, the reading of the journal of
 14 April 4, 2001, was declared dispensed with and approved as corrected by
 15 the Chief Clerk.

16

17

18

19

THIRD READING OF BILLS--FINAL PASSAGE

20

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

24

25 **HB01-1079** by Representative(s) Mace; also Senator(s) Epps--
 26 Concerning the older Coloradans program, and making an
 27 appropriation therefor.

28

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

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

33

34 YES 58 NO 6 EXCUSED 0 ABSENT 1

35

36 Alexander	Y	Groff	Y	Miller	Y	Spence	Y
37 Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
38 Berry	N	Hefley	Y	Nuñez	N	Stafford	Y
39 Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
40 Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
41 Cadman	N	Jahn	Y	Ragsdale	Y	Tapia	Y
42 Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
43 Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
44 Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
45 Coleman	Y	King	Y	Saliman	Y	Webster	Y

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

8
9 Co-sponsors added: Representatives Alexander, Bacon, Borodkin, Boyd,
10 Chavez, Cloer, Coleman, Daniel, Fairbank, Fritz, Groff, Grossman, Hodge,
11 Jahn, Kester, Larson, Madden, Miller, Plant, Ragsdale, Rippy, Scott, Stengel,
12 Tochtrop, Veiga, Vigil, Williams S., Williams T.
13

14
15 **HCR01-1002** by Representative(s) Weddig, Alexander, Bacon,
16 Borodkin, Boyd, Chavez, Garcia, Groff, Hefley, Hodge,
17 Hoppe, Jahn, Kester, Lawrence, Lee, Mace, Madden,
18 Marshall, Plant, Ragsdale, Saliman, Sinclair, Stengel,
19 Swenson, Tapia, Veiga, Vigil, Webster, Williams S.,
20 Young; also Senator(s) Dyer (Arapahoe), Arnold, Dyer
21 (Durango), Gordon, Hanna, Linkhart, Thiebaut, Windels--
22 Concerning the submission to the registered electors of the
23 state of Colorado of an amendment to section 1 of article
24 IV, section 3 of article V, and section 11 of article XVIII
25 of the constitution of the state of Colorado, changing term
26 limits for elected officials from eight to twelve years,
27 subject to section 11 (2) of article XVIII of the
28 constitution, which allows voters to modify or remove
29 term limits for all local and certain state officials.
30

31 Laid over until April 6, retaining place on Calendar.
32

33
34 **HB01-1003** by Representative(s) Lawrence; also Senator(s) Evans--
35 Concerning the creation of a state income tax credit for
36 employer contributions to medical savings accounts.
37

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

39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative and the bill
41 was declared **passed**.
42

43	YES	61	NO	4	EXCUSED	0	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	N	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	N
56	Daniel	Y	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	N	Marshall	N	Snook	Y	Young	Y
5							Mr. Speaker	Y

6
7 Co-sponsors added: Representatives Alexander, Chavez, Cloer, Fairbank,
8 Grossman, Hefley, Hoppe, Johnson, King, Larson, Lee, Paschall, Rhodes,
9 Smith, Snook, Stafford, Stengel, Veiga, Williams T., Young, Mr. Speaker.

10

11

12 **HB01-1090** by Representative(s) Spradley; also Senator(s) Owen--
13 Concerning an increase in the income tax credit for the
14 donation of a perpetual conservation easement.

15

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

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

20

21	YES	56	NO	9	EXCUSED	0	ABSENT	0
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22

23	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
24	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
25	Berry	N	Hefley	Y	Nuñez	N	Stafford	Y
26	Borodkin	Y	Hodge	N	Paschall	Y	Stengel	Y
27	Boyd	Y	Hoppe	Y	Plant	N	Swenson	Y
28	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
29	Chavez	N	Jameson	Y	Rhodes	Y	Tochtrop	Y
30	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
31	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	N
32	Coleman	Y	King	Y	Saliman	N	Webster	Y
33	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
34	Daniel	Y	Lawrence	Y	Schultheis	N	White	Y
35	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
37	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
38	Garcia	N	Marshall	Y	Snook	Y	Young	Y
39							Mr. Speaker	Y

40

41 Co-sponsors added: Representatives Boyd, Coleman, Grossman, Jahn, Jameson,
42 Johnson, Kester, Larson, Lawrence, Lee, Mace, Madden, Miller, Rippy, Stengel,
43 Swenson, Weddig.

44

45

46 **HB01-1284** by Representative(s) Sinclair, Hefley, Johnson, Miller,
47 Nuñez, Tapia, Tochtrop, Witwer; also Senator(s) Dyer
48 (Durango)--Concerning compliance with federal selective
49 service requirements prior to the issuance of drivers'
50 licenses.

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 54	NO 11	EXCUSED 0	ABSENT 0			
1							
2							
3	Alexander	Y Groff	Y Miller	Y Spence	Y		
4	Bacon	Y Grossman	Y Mitchell	N Spradley	Y		
5	Berry	Y Hefley	Y Nuñez	Y Stafford	Y		
6	Borodkin	Y Hodge	N Paschall	Y Stengel	Y		
7	Boyd	N Hoppe	Y Plant	N Swenson	Y		
8	Cadman	Y Jahn	N Ragsdale	N Tapia	Y		
9	Chavez	Y Jameson	N Rhodes	Y Tochtrop	Y		
10	Clapp	Y Johnson	Y Rippy	Y Veiga	N		
11	Cloer	Y Kester	Y Romanoff	Y Vigil	N		
12	Coleman	Y King	Y Saliman	N 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	N Smith	Y Witwer	Y		
18	Garcia	Y Marshall	Y Snook	Y Young	Y		
19				Mr. Speaker	Y		

20
21 Co-sponsors added: Representatives Coleman, Garcia, Hoppe, Lee, Mace,
22 Snook, Weddig, Mr. Speaker.

23
24
25
26 **CONSIDERATION OF RESOLUTION**

27
28 **SJR01-021** by Senator(s) Hanna, Dennis, Epps, Fitz-Gerald,
29 Hagedorn, McElhany, Pascoe, Taylor, Windels; also
30 Representative(s) Rhodes, Cloer, Coleman, Marshall,
31 Romanoff, Spence, Stafford--Concerning raising
32 awareness of the disease Scleroderma.

33
34 (Printed and placed in member's bill file.)

35
36 On motion of Representative Rhodes, the resolution was read at length
37 and **adopted** by **viva voce** vote.

38
39 Co-sponsors added: Roll call of the House.

40
41
42
43 On motion of Representative Spradley, **HB01-1378, 1097, 1294, 1326,**
44 **1343, 1359, 1125, 1337** shall be made Special Orders on Thursday,
45 April 5, 2001, at 9:28 a.m.

46
47
48 The hour of 9:28 a.m., having arrived, on motion of Representative Cloer,
49 the House resolved itself into Committee of the Whole for consideration
50 of Special Orders and he was called to the Chair to act as Chairman.

51
52
53 **SPECIAL ORDERS--SECOND READING OF BILLS**

54
55 The Committee of the Whole having risen, the Chairman reported the
56 titles of the following bills had been read (reading at length had been

1 dispensed with by unanimous consent), the bills considered and action
2 taken thereon as follows:

3

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

6

7 **HB01-1097** by Representative(s) Dean; also Senator(s) Matsunaka--
8 Concerning creation of the "Certified Capital Company
9 Act", and, in connection therewith, making an
10 appropriation.

11

12 Amendment No. 1, Finance Report, dated, February 7, 2001, and placed
13 in member's bill file; Report also printed in House Journal, February 8,
14 pages 315.

15

16 Amendment No. 2, Appropriations Report, dated March 30, 2001, and
17 placed in member's bill file; Report also printed in House Journal,
18 March 30, pages 1047-1048.

19

20 Amendment No. 3, by Representative Dean.

21

22 Amend the Finance Committee Report, dated February 7, 2001, page 1,
23 line 1, strike "line 25, strike "PROFIT OR NOT-FOR-PROFIT"" and substitute
24 the following:

25

26 "line 24, strike "WHETHER";

27

28 line 25, strike "PROFIT OR NOT-FOR-PROFIT";

29

30 after line 3 of the committee report, insert the following:

31

32 "Page 5, strike lines 3 and 4 and substitute the following:

33 "THAT CONTRIBUTES CERTIFIED CAPITAL PURSUANT TO AN";

34

35 strike lines 6 through 9 and substitute the following:

36 "10-3.5-106."";

37

38 strike lines 9 and 10 of the committee report and substitute the following:

39 ""COMPANY, AND THE COST OF FINANCING AND INSURING THE
40 OBLIGATIONS OF THE CERTIFIED CAPITAL COMPANY;"

41

42 Page 2 of the committee report, after line 10, insert the following:

43

44 "Page 7, strike line 11 and substitute the following:

45 "PURCHASE OF ANY DEBT, DEBT PARTICIPATION, EQUITY, OR HYBRID
46 SECURITY,";

47

48 line 12, strike "AND DESCRIPTION WHATSOEVER,";

49

50 line 18, strike "10-6-128." and substitute "10-6-128, OR, IN THE CASE OF
51 A REPEAL OR REDUCTION BY THE STATE OF THE LIABILITY IMPOSED BY
52 SECTIONS 10-3-209 OR 10-6-128, ANY OTHER TAX LIABILITY IMPOSED
53 UPON AN INSURANCE COMPANY BY THE STATE."

54

55 Page 9, line 21, after the semicolon, add "OR";

56

- 1 line 23, strike "COMPANY; OR" and substitute "COMPANY.";
- 2
- 3 strike lines 24 through 26 and substitute the following:
- 4
- 5 "(b) A CERTIFIED CAPITAL COMPANY MAY OBTAIN A GUARANTY,
- 6 INDEMNITY, BOND, INSURANCE POLICY, OR OTHER PAYMENT UNDERTAKING
- 7 FOR THE BENEFIT OF ITS CERTIFIED INVESTORS FROM ANY ENTITY; EXCEPT
- 8 THAT IN NO CASE SHALL MORE THAN ONE CERTIFIED INVESTOR OF SUCH
- 9 CERTIFIED CAPITAL COMPANY OR AFFILIATE OF SUCH CERTIFIED INVESTOR
- 10 BE ENTITLED TO PROVIDE SUCH GUARANTY, INDEMNITY, BOND, INSURANCE
- 11 POLICY, OR OTHER PAYMENT UNDERTAKING IN FAVOR OF THE CERTIFIED
- 12 INVESTORS OF THE CERTIFIED CAPITAL COMPANY AND ITS AFFILIATES IN
- 13 THIS STATE.";
- 14
- 15 line 27, strike "(b)" and substitute "(c).";
- 16
- 17 line 11 of the committee report, strike "strike "CAPITAL." and substitute
- 18 "CAPITAL WITH" and substitute "strike "A CERTIFIED" and substitute
- 19 "WITH";
- 20
- 21 line 13 of the committee report, strike "2002.;" and substitute "2002, BUT
- 22 PRIOR TO JANUARY 31, 2004, A CERTIFIED";";
- 23
- 24 after line 13 of the committee report, insert the following:
- 25 "line 15, strike "CALENDAR" and substitute "TAX";";
- 26
- 27 line 29 of the committee report, strike "2004." and substitute "2004."";
- 28
- 29 after line 29 of the committee report, insert the following:
- 30 "line 9, after "ALLOWED", insert "AT THE TIME OF FILING";
- 31
- 32 line 20, strike "SECTION," and substitute "SECTION AT THE TIME OF
- 33 FILING,";
- 34
- 35 line 25, after "SECTION", insert "AT THE TIME OF FILING,".
- 36
- 37 Page 12, line 23, strike "CERTIFIED CAPITAL FOR WHICH";
- 38
- 39 line 24, strike "CREDITS ARE ALLOWED TO" and substitute "CREDIT
- 40 ALLOCATION CLAIMS THAT";
- 41
- 42 line 25, after "AFFILIATES", insert "MAY FILE";
- 43
- 44 line 26, strike "TEN" and substitute "FIFTEEN";
- 45
- 46 line 27, strike "SECTION." and substitute "SECTION AT THE TIME OF SUCH
- 47 FILING.".";
- 48
- 49 strike line 30 of the committee report and substitute the following:
- 50 "Page 13, line 5, strike "ITS" and substitute "AN";
- 51
- 52 strike line 8 and substitute the following:
- 53 "PERCENT OF THE CERTIFIED CAPITAL ALLOCATED TO ITS CERTIFIED
- 54 INVESTORS ON SUCH ALLOCATION DATE.";
- 55
- 56 line 9, strike "ITS" and substitute "AN";

- 1 line 11, strike "ITS" and substitute "THE";
2
3 line 12, strike "CAPITAL." and substitute "CAPITAL ALLOCATED TO ITS
4 CERTIFIED INVESTORS ON SUCH ALLOCATION DATE.";
5
6 line 14, strike "ITS" and substitute "AN";
7
8 line 16, after "ARTICLE.", insert "FOR PURPOSES OF SATISFYING".
9
10 Page 3 of the committee report, line 4, strike "and 7" and substitute
11 "through 8";
12
13 strike lines 5 and 6 and substitute the following:
14
15 ""(d) DEBT INSTRUMENTS RATED AT LEAST "AA" OR ITS
16 EQUIVALENT BY A NATIONALLY RECOGNIZED CREDIT RATING
17 ORGANIZATION, OR ISSUED BY, OR GUARANTEED WITH RESPECT TO
18 PAYMENT BY, AN ENTITY WHOSE UNSECURED INDEBTEDNESS IS RATED AT
19 LEAST "AA" OR ITS EQUIVALENT BY A NATIONALLY RECOGNIZED CREDIT
20 RATING ORGANIZATION, AND THAT IS NOT SUBORDINATED TO OTHER
21 UNSECURED INDEBTEDNESS OF THE ISSUER OR THE GUARANTOR, AS THE
22 CASE MAY BE;"";
23
24 strike line 13 of the committee report and substitute the following:
25 "Page 16, line 22, after "CAPITAL", insert "ALLOCATED TO ITS CERTIFIED
26 INVESTORS ON A PARTICULAR ALLOCATION DATE";
27
28 line 25, strike "ITS" and substitute "THE";
29
30 strike lines 26 and 27 and substitute the following:";
31 line 14 of the committee report, strike "CAPITAL;" and substitute "CAPITAL
32 ALLOCATED TO ITS CERTIFIED INVESTORS ON SUCH ALLOCATION DATE";
33
34 line 17 of the committee report, strike "11." and substitute "11";
35
36 after line 17 of the committee report, insert the following:
37 "line 12, after "DISTRIBUTIONS", insert "OUT OF CERTIFIED CAPITAL
38 ALLOCATED ON A PARTICULAR ALLOCATION DATE";
39
40 line 14, strike "DISTRIBUTIONS," and substitute "DISTRIBUTIONS FROM
41 SUCH CERTIFIED CAPITAL,";
42
43 line 15, strike "CAPITAL COMPANY'S ORIGINAL";
44
45 line 16, after "CAPITAL", insert "ALLOCATED TO THE CERTIFIED INVESTORS
46 OF THE CERTIFIED CAPITAL COMPANY ON SUCH ALLOCATION DATE";
47
48 line 20, strike "DISTRIBUTIONS," and substitute "DISTRIBUTIONS FROM
49 SUCH CERTIFIED CAPITAL,";
50
51 line 21, after "COMPANY'S", insert "CERTIFIED";
52
53 line 22, after "CREDITS", insert "ALLOCATED ON SUCH ALLOCATION DATE
54 AND";
55
56 line 23, before "INVESTORS", insert "CERTIFIED";

- 1 line 25, strike "COMPANY'S ORIGINAL CAPITAL" and substitute
2 "ALLOCATED TO THE CERTIFIED INVESTORS OF THE CERTIFIED CAPITAL
3 COMPANY ON SUCH ALLOCATION DATE".";
4
5 after line 20 of the committee report, insert the following:
6 "line 3, strike "DISTRIBUTIONS," and substitute "DISTRIBUTIONS FROM
7 SUCH CERTIFIED CAPITAL,";".
8
9 Page 4 of the committee report, after line 32, insert the following:
10 "Page 19, line 13, strike "ITS INITIAL" and substitute "AN";
11
12 line 14, after "CREDITS", insert "ALLOCATED TO ITS CERTIFIED INVESTORS
13 ON SUCH ALLOCATION DATE THAT WERE";
14
15 line 15, strike "FUTURE PREMIUM TAX CREDITS" and substitute "PREMIUM
16 TAX CREDITS ALLOCATED TO ITS CERTIFIED INVESTORS ON SUCH
17 ALLOCATION DATE THAT ARE STILL";
18
19 line 20, after "(a)", insert "WITH RESPECT TO CERTIFIED CAPITAL
20 ALLOCATED ON A PARTICULAR ALLOCATION DATE";
21
22 strike line 22 and substitute the following:
23 "10-3.5-107 (1) (b) WITH RESPECT TO SUCH CERTIFIED CAPITAL, THOSE
24 PREMIUM TAX CREDITS ALLOCATED TO THE CERTIFIED INVESTORS OF THE
25 CERTIFIED CAPITAL COMPANY ON SUCH ALLOCATION DATE THAT HAVE
26 BEEN OR WILL BE TAKEN";
27
28 line 23, strike "THE INITIAL" and substitute "SUCH";
29
30 line 24, strike "FOR THE CERTIFIED CAPITAL COMPANY";
31
32 line 26, after "CREDITS", insert "ALLOCATED TO THE CERTIFIED INVESTORS
33 OF THE CERTIFIED CAPITAL COMPANY ON SUCH ALLOCATION DATE".
34
35 Page 20, line 3, after "(1)", insert "WITH RESPECT TO CERTIFIED CAPITAL
36 ALLOCATED ON A PARTICULAR ALLOCATION DATE";
37
38 line 4, strike "CREDITS THAT HAVE BEEN" and substitute "CREDITS
39 ALLOCATED TO THE CERTIFIED INVESTORS OF THE CERTIFIED CAPITAL
40 COMPANY ON SUCH ALLOCATION DATE THAT HAVE BEEN OR WILL BE";
41
42 line 5, strike "THE INITIAL ALLOCATION DATE FOR THE CERTIFIED CAPITAL"
43 and substitute "SUCH ALLOCATION DATE";
44
45 line 6, strike "COMPANY";
46
47 line 7, strike "TO BE TAKEN AFTER THE FIFTH YEAR OF" and substitute
48 "ALLOCATED TO THE CERTIFIED INVESTORS OF THE CERTIFIED CAPITAL
49 COMPANY ON SUCH ALLOCATION DATE TO BE TAKEN AFTER THE FIFTH
50 ANNIVERSARY OF SUCH ALLOCATION DATE";
51
52 line 8, strike "CERTIFICATION";
53
54 line 9, strike "ITS INITIAL" and substitute "SUCH";
55
56 line 12, strike "ITS" and substitute "THE";

1 strike line 13 and substitute the following:
2 "CERTIFIED CAPITAL ALLOCATED TO ITS CERTIFIED INVESTORS ON A
3 PARTICULAR ALLOCATION DATE IN QUALIFIED INVESTMENTS, ALL PREMIUM
4 TAX CREDITS ALLOCATED TO SUCH CERTIFIED INVESTORS ON SUCH
5 ALLOCATION DATE THAT WERE";
6
7 line 14, after "OR", insert "REMAIN".
8
9 Page 5 of the committee report, line 3, strike "after "2002,"", insert "FOR"
10 and substitute "strike "OCTOBER 1, 2002," and substitute "JANUARY 31,
11 2002, FOR";
12
13 line 4 of the committee report, strike "MARCH 1," and substitute
14 "JANUARY 31,";
15
16 strike line 5 of the committee report and substitute the following:
17 "2004, FOR PREMIUM TAX CREDITS THAT MAY BE TAKEN BEGINNING IN TAX
18 YEAR 2005,".";
19
20 strike line 6 of the committee report and substitute the following:
21 "Page 22, line 1, strike "JANUARY 1, 2003." and substitute "THE TAX YEAR
22 BEGINNING ON OR AFTER JANUARY 1, 2003, WITH RESPECT TO";
23
24 line 7, strike "OCTOBER 1," and substitute "JANUARY 31,";
25
26 line 8, after "2002,"", insert "BUT PRIOR TO JANUARY 31, 2004,".
27
28 Amendment No. 4, by Representative Dean.
29
30 Amend the Amendment No. 3, by Representative Dean, printed in House
31 Journal, page 1109, line 40, after "strike", insert "the first";
32
33 line 45, after "after", insert "the first".
34
35 House Journal page 1110, line 6, after "strike", insert "the first".
36
37 Amendment No. 5, by Representative King.
38
39 Amend printed bill, page 4, line 25, after "THAT," insert "HAS ITS
40 PRINCIPAL OFFICE LOCATED OR IS HEADQUARTERED IN COLORADO, THAT".
41
42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.
44
45
46 **HB01-1294** by Representative(s) King; also Senator(s) May--
47 Concerning the uninterrupted existence of statutes setting
48 forth motor vehicle registration fees for application in
49 years in which surplus state revenues under section 20 of
50 article X of the state constitution are not sufficient to
51 permit reduction of such fees as a refund mechanism.
52
53 Amendment No. 1, Finance Report, dated February 22, 2001, and placed
54 in member's bill file; Report also printed in House Journal, February 23,
55 pages 569.
56

- 1 Amendment No. 2, Appropriations Report, dated March 30, 2001, and
2 placed in member's bill file; Report also printed in House Journal,
3 March 30, page 1049.
4
- 5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.
7
8
- 9 **HB01-1378** by Representative(s) Webster, Hoppe, Alexander,
10 Coleman, Hefley, Hodge, Jameson, King, Miller, Plant,
11 Rippy, Schultheis, Snook, Spradley, Tochtrop, White; also
12 Senator(s) Dyer (Durango)--Concerning the authority of
13 the state agricultural commission to prevent the spread of
14 livestock disease in Colorado
15
- 16 Ordered engrossed and placed on the Calendar for Third Reading and
17 Final Passage.
18
19
- 20 **HB01-1326** by Representative(s) Mitchell--Concerning regulation of
21 air pollution emissions from stationary sources, and, in
22 connection therewith, amending the fee structure for air
23 pollutant emission notices, changing the applicable dates
24 for cumulative economic analyses, and making an
25 appropriation.
26
- 27 Amendment No. 1, Committee on Appropriations Report, dated
28 March 30, 2001, and placed in member's bill file; Report also printed in
29 House Journal, March 30, pages 1049-1050.
30
- 31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.
33
- 34 **HB01-1343** by Representative(s) Clapp, Stafford; also Senator(s)
35 Hernandez--Concerning the enrollment of medicaid
36 recipients in managed care.
37
- 38 Amendment No. 1, Appropriations Report, dated March 30, 2001, and
39 placed in member's bill file; Report also printed in House Journal,
40 March 30, pages 1050-1051.
41
- 42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.
44
- 45 **HB01-1359** by Representative(s) Mitchell, Grossman; also Senator(s)
46 Matsunaka, Andrews--Concerning public access to infor-
47 mation, and, in connection therewith, providing for public
48 access to information discussed in certain meetings of
49 public bodies and providing remedies and penalties for
50 violations of the open meetings law and the open records
51 act.
52
- 53 Amendment No. 1, Information & Technology Report, dated March 28,
54 2001, and placed in member's bill file; Report also printed in House
55 Journal, March 30, pages 1051-1052.
56

1 Amendment No. 2, by Representative Mitchell.

2

3 Amend the Information and Technology Committee Report, dated March
4 28, 2001, page 1, line 4, strike "Any" and substitute "SUBJECT TO THE
5 PROVISIONS OF SECTION 24-72-204 (3) (a) (IV), any";

6

7 line 7, strike "All" and substitute "SUBJECT TO THE PROVISIONS OF
8 SECTION 24-72-204 (3) (a) (IV), all".

9

10 Amendment No. 3, by Representatives Mitchell, Grossman.

11

12 Amend printed bill, page 3, line 8, after "MEETINGS.", insert "A STATE
13 PUBLIC BODY MAY SATISFY THE RECORDING REQUIREMENTS OF THIS
14 SUB-SUBPARAGRAPH (A) BY MAKING ANY FORM OF ELECTRONIC
15 RECORDING OF THE DISCUSSIONS IN AN EXECUTIVE SESSION OF THE STATE
16 PUBLIC BODY.";

17

18 line 12, strike "SESSION AND" and substitute "SESSION,";

19

20 line 13, strike "SESSION." and substitute "SESSION, AND A SIGNED
21 STATEMENT FROM THE CHAIRMAN OF THE EXECUTIVE SESSION ATTESTING
22 THAT ANY WRITTEN MINUTES SUBSTANTIALLY REFLECT THE SUBSTANCE OF
23 THE DISCUSSIONS DURING THE EXECUTIVE SESSION. FOR PURPOSES OF THIS
24 SUB-SUBPARAGRAPH (A), "ACTUAL CONTENTS OF THE DISCUSSION" SHALL
25 NOT BE CONSTRUED TO REQUIRE THE MINUTES OF AN EXECUTIVE SESSION
26 TO CONTAIN A VERBATIM TRANSCRIPT OF THE DISCUSSION DURING SAID
27 EXECUTIVE SESSION.".

28

29 Page 4, line 4, strike "THE MINUTES" and substitute "ANY ELECTRONIC
30 RECORD";

31

32 line 11, after "COMMUNICATION.", add "ANY WRITTEN MINUTES SHALL
33 CONTAIN A SIGNED STATEMENT FROM THE ATTORNEY REPRESENTING THE
34 STATE PUBLIC BODY ATTESTING THAT THE PORTION OF THE EXECUTIVE
35 SESSION THAT WAS NOT RECORDED CONSTITUTED A PRIVILEGED
36 ATTORNEY-CLIENT COMMUNICATION IN THE OPINION OF THE ATTORNEY
37 AND WAS CONFINED TO THE TOPIC AUTHORIZED FOR DISCUSSION IN AN
38 EXECUTIVE SESSION PURSUANT TO SUBSECTION (3) OF THIS SECTION.";

39

40 line 27, strike "AVAILABLE" and substitute "SUBJECT TO DISCOVERY IN
41 ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING, EXCEPT UPON THE
42 CONSENT OF THE STATE PUBLIC BODY OR AS PROVIDED IN".

43

44 Page 5, strike line 1;

45

46 after line 3, insert the following:

47

48 "(E) THE MINUTES OF AN EXECUTIVE SESSION OF A STATE PUBLIC
49 BODY RECORDED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS
50 SUBPARAGRAPH (I) SHALL BE RETAINED FOR AT LEAST NINETY DAYS AFTER
51 THE DATE OF THE EXECUTIVE SESSION.";

52

53 line 7, after "MEETINGS.", insert "A LOCAL PUBLIC BODY MAY SATISFY THE
54 RECORDING REQUIREMENTS OF THIS SUB-SUBPARAGRAPH (A) BY MAKING
55 ANY FORM OF ELECTRONIC RECORDING OF THE DISCUSSIONS IN AN
56 EXECUTIVE SESSION OF THE LOCAL PUBLIC BODY.";

- 1 line 11, strike "SESSION AND" and substitute "SESSION,";
2
3 line 12, strike "SESSION." and substitute "SESSION, AND A SIGNED
4 STATEMENT FROM THE CHAIRMAN OF THE EXECUTIVE SESSION ATTESTING
5 THAT ANY WRITTEN MINUTES SUBSTANTIALLY REFLECT THE SUBSTANCE OF
6 THE DISCUSSIONS DURING THE EXECUTIVE SESSION. FOR PURPOSES OF THIS
7 SUB-SUBPARAGRAPH (A), "ACTUAL CONTENTS OF THE DISCUSSION" SHALL
8 NOT BE CONSTRUED TO REQUIRE THE MINUTES OF AN EXECUTIVE SESSION
9 TO CONTAIN A VERBATIM TRANSCRIPT OF THE DISCUSSION DURING SAID
10 EXECUTIVE SESSION.";
11
12 line 22, strike "THE MINUTES" and substitute "ANY ELECTRONIC RECORD".
13
14 Page 6, line 2, after "COMMUNICATION.", add "ANY WRITTEN MINUTES
15 SHALL CONTAIN A SIGNED STATEMENT FROM THE ATTORNEY
16 REPRESENTING THE LOCAL PUBLIC BODY ATTESTING THAT THE PORTION OF
17 THE EXECUTIVE SESSION THAT WAS NOT RECORDED CONSTITUTED A
18 PRIVILEGED ATTORNEY-CLIENT COMMUNICATION IN THE OPINION OF THE
19 ATTORNEY AND WAS CONFINED TO THE TOPIC AUTHORIZED FOR
20 DISCUSSION IN AN EXECUTIVE SESSION PURSUANT TO SUBSECTION (4) OF
21 THIS SECTION.";
22
23 strike line 19 and substitute the following:
24 "SUBJECT TO DISCOVERY IN ANY ADMINISTRATIVE OR JUDICIAL
25 PROCEEDING, EXCEPT UPON THE CONSENT OF THE LOCAL PUBLIC BODY OR
26 AS PROVIDED IN";
27
28 after line 21, insert the following:
29
30 "(E) THE MINUTES OF AN EXECUTIVE SESSION OF A LOCAL PUBLIC
31 BODY RECORDED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS
32 SUBPARAGRAPH (II) SHALL BE RETAINED FOR AT LEAST NINETY DAYS
33 AFTER THE DATE OF THE EXECUTIVE SESSION."
34
35 Page 7, line 11, strike "action" and substitute "action, EXCEPT THE
36 REVIEW, APPROVAL, AND AMENDMENT OF THE MINUTES OF AN EXECUTIVE
37 SESSION RECORDED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (d.5)
38 OF SUBSECTION (2) OF THIS SECTION,".
39
40 Page 8, line 22, strike "action" and substitute "action, EXCEPT THE
41 REVIEW, APPROVAL, AND AMENDMENT OF THE MINUTES OF AN EXECUTIVE
42 SESSION RECORDED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (d.5)
43 OF SUBSECTION (2) OF THIS SECTION,".
44
45 Page 9, strike lines 17 through 19 and substitute the following:
46 "institution, or political subdivision OR AGENCY THEREOF, except
47 employment positions in the state personnel system or employment
48 positions in a classified system or civil service system of an institution or
49 political subdivision."
50
51 Page 10, line 12, strike "FROM WHICH THE APPOINTMENT IS" and substitute
52 "MADE PUBLIC PURSUANT TO SECTION 24-6-402 (3.5),";
53
54 line 13, strike "MADE,";
55
56 line 21, strike "record." and substitute "record; EXCEPT THAT, AT LEAST

1 THREE BUSINESS DAYS PRIOR TO FILING AN APPLICATION WITH THE
2 DISTRICT COURT, THE PERSON WHO HAS BEEN DENIED THE RIGHT TO
3 INSPECT THE RECORD SHALL FILE A WRITTEN NOTICE WITH THE CUSTODIAN
4 WHO HAS DENIED THE RIGHT TO INSPECT THE RECORD INFORMING SAID
5 CUSTODIAN THAT THE PERSON INTENDS TO FILE AN APPLICATION WITH THE
6 DISTRICT COURT."

7
8 As amended, declared **lost** on Second Reading.
9 (For change in action, see Amendments to Report, page 1116.)

10
11

12 **HB01-1337** by Representative(s) Kester; also Senator(s) Hanna--
13 Concerning the welfare of pets, and, in connection
14 therewith, creating a pet animal welfare authority funded
15 in part by voluntary contributions through the income tax
16 form, and making an appropriation.

17

18 Amendment No. 1, Finance Report, dated March 7, 2001, and placed in
19 member's bill file; Report also printed in House Journal, March 8,
20 pages 717.

21

22 Amendment No. 2, Appropriations Report, dated March 30, 2001, and
23 placed in member's bill file; Report also printed in House Journal,
24 April 2, pages 1062.

25

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

28

29 **HB01-1125** by Representative(s) Miller; also Senator(s) Teck--
30 Concerning measures that will prevent the misuse of
31 certain forms of identification.

32

33 Amendment No. 1, Finance Report, dated February 21, 2001, and placed
34 in member's bill file; Report also printed in House Journal, February 22,
35 pages 513.

36

37 Amendment No. 2, Appropriations Report, dated March 30, 2001, and
38 placed in member's bill file; Report also printed in House Journal,
39 April 2, pages 1061-1062.

40

41 Amendment No. 3, by Representative Miller.

42

43 Amend the Finance Committee Report, dated February 21, 2001, page 1,
44 strike lines 11 and 12 and substitute the following:

45

46 "(A) TO AID A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY
47 IN CARRYING OUT SUCH AGENCY'S OFFICIAL FUNCTIONS PURSUANT TO
48 SECTION 24-72-204 (7), C.R.S.;"

49

50 Page 3, line 2 of the Finance Committee Report, strike
51 "SUB-SUBPARAGRAPH" and substitute "SUBPARAGRAPH (V)";

52

53 strike line 20 of the Finance Committee Report and substitute the
54 following:

55

56 "(2) ON OR BEFORE JULY 1, 2006, THE STATE AUDITOR SHALL

1 SUBMIT A REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
 2 COMMITTEE, CREATED IN SECTION 43-2-145, C.R.S., CONCERNING THE
 3 EFFECTIVENESS OF THE SECURITY FEATURES THAT ARE PART OF THE
 4 DRIVER'S LICENSE SYSTEM IN REDUCING THE INCIDENCE OF ISSUANCE OF
 5 FRAUDULENT DRIVERS' LICENSES AND IDENTIFICATION CARDS.

6
 7 (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2006."."
 8
 9 As amended, ordered engrossed and placed on the Calendar for Third
 10 Reading and Final Passage.

11 _____
 12
 13
 14 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

15
 16 Representatives Mitchell, Grossman moved to amend the Report of the
 17 Committee of the Whole to show that **HB01-1359, as amended**, did pass.

18
 19 The amendment was declared **passed** by the following roll call vote:

20
 21 YES 53 NO 11 EXCUSED 0 ABSENT 1

22							
23	Alexander	Y	Groff	Y	Miller	Y	Spence N
24	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley Y
25	Berry	Y	Hefley	N	Nuñez	Y	Stafford -
26	Borodkin	Y	Hodge	Y	Paschall	N	Stengel N
27	Boyd	Y	Hoppe	Y	Plant	Y	Swenson Y
28	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia Y
29	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop Y
30	Clapp	N	Johnson	Y	Rippy	Y	Veiga Y
31	Cloer	Y	Kester	Y	Romanoff	Y	Vigil Y
32	Coleman	N	King	Y	Saliman	Y	Webster Y
33	Crane	N	Larson	Y	Sanchez	Y	Weddig Y
34	Daniel	Y	Lawrence	Y	Schultheis	Y	White N
35	Decker	N	Lee	Y	Scott	Y	Williams S. Y
36	Fairbank	Y	Mace	N	Sinclair	N	Williams T. Y
37	Fritz	Y	Madden	Y	Smith	Y	Witwer Y
38	Garcia	Y	Marshall	Y	Snook	Y	Young Y
39							Mr. Speaker Y

40
 41 _____
 42
 43

44 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

45
 46 Passed Second Reading: **HB01-1097 amended, 1294 amended, 1378,**
 47 **1326 amended, 1343 amended, 1359 amended, 1337 amended,**
 48 **1125 amended.**

49
 50 The Chairman moved the adoption of the Committee of the Whole
 51 Report. As shown by the following roll call vote, a majority of those
 52 elected to the House voted in the affirmative, and the Report was
 53 **adopted.**

	<u>YES 63</u>	<u>NO 1</u>	<u>EXCUSED 0</u>	<u>ABSENT 1</u>
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	- Webster Y
13 Crane	Y	Larson	Y Sanchez	Y Weddig Y
14 Daniel	Y	Lawrence	Y Schultheis	Y White N
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

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

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

HB01-1356 be postponed indefinitely.

HJR01-1022 be referred favorably to the Committee on Appropriations.

FINANCE

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

SB01-134 be referred favorably to the Committee on Appropriations.

SB01-203 be referred to the Committee of the Whole with favorable recommendation.

TRANSPORTATION & ENERGY

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

SB01-005 be referred favorably to the Committee on Appropriations.

1 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

2
3 The Speaker has signed: **HB01-1040, 1167, 1232, 1286, 1351; SJR01-**
4 **015, 016, 020.**

5
6
7
8 **INTRODUCTION OF MEMORIAL**

9
10 The following memorial was read by title and laid over one day under the
11 rules:

12
13 **HJM01-1001** by Representatives T. Williams, Webster; also Senator
14 Owen--Memorializing former Representative Kenneth W.
15 Monfort.

16
17 WHEREAS, By the Will of Divine Providence, our beloved
18 former member, the Honorable Kenneth W. Monfort, departed this life
19 on February 2, 2001, at the age of 72; and

20
21 WHEREAS, Representative Monfort was born November 22,
22 1928, in Greeley, Colorado; and

23
24 WHEREAS, Representative Monfort attended Greeley High
25 School and Colorado State University; and

26
27 WHEREAS, Representative Monfort served 2 terms in districts 43
28 and 8 in the Colorado House of Representatives from 1965 to 1969; and

29
30 WHEREAS, Representative Monfort served as vice-chair of the
31 Business Affairs Committee and was a member of the Appropriations,
32 Natural Resources, and Health, Welfare & Institutions Committees,
33 including the Advisory Committee on Higher Education; and

34
35 WHEREAS, Greeley became a community with the Monfort beef
36 business at its core; and

37
38 WHEREAS, Representative Monfort was a visionary who changed
39 the beef industry by combining several operations, including beef
40 feeding, slaughter, meat packing, sales, and distribution into a Fortune
41 500 company; and

42
43 WHEREAS, Representative Monfort was a generous benefactor
44 to and received an honorary degree from Colorado State University,
45 donating to a scholarship fund in his name, an arts center, the library, and
46 athletic facilities; and

47
48 WHEREAS, Representative Monfort also donated generously to
49 the University of Northern Colorado in his hometown, and the University
50 named its business school the Kenneth W. Monfort College of Business
51 in his honor in 1999; and

52
53 WHEREAS, Representative Monfort and his family also helped
54 to establish the Union Colony Civic Center, the Monfort Family Birth
55 Center at North Colorado Medical Center, the Monfort Children's Clinic,
56 and the Greeley Veterans' Park; and

1 WHEREAS, Representative Monfort earned numerous awards,
2 including the Employer of the Year Award in 1970, was inducted into the
3 Colorado Business Hall of Fame, and received the Citizen of the West
4 Award from the National Western Stock Show in 1991; and
5

6 WHEREAS, It is fitting that we, the members of the Sixty-third
7 General Assembly, pay tribute to the dedicated service of Representative
8 Monfort and express our deep regret and sorrow occasioned by his death;
9 now, therefore,
10

11 *Be It Resolved by the House of Representatives of the Sixty-third*
12 *General Assembly of the State of Colorado, the Senate concurring*
13 *herein:*
14

15 That, in the death of Kenneth W. Monfort, the people of the state
16 of Colorado have lost a dedicated public servant, successful businessman,
17 and outstanding citizen, and that we, the members of the Sixty-third
18 General Assembly, do hereby extend our deep and heartfelt sympathy to
19 the members of his family and pay tribute to a man who served this state
20 and our nation well and faithfully.
21

22 *Be It Further Resolved,* That copies of this Joint Memorial be sent
23 to Representative Monfort's wife, Myra, his sons, Dick and Charlie
24 Monfort of Greeley, Colorado, his daughters, Kyle Futo of Wichita,
25 Kansas, and Kaye Ward of Greeley, Colorado.
26

27
28
29 **LAY OVER OF CALENDAR ITEMS**
30

31 On motion of Representative Spradley, the following items on the
32 Calendar were laid over until April 6, retaining place on Calendar:
33

34 Consideration of Resolutions--**HJR01-1021, 1023, 1025, 1026.**
35 Consideration of Senate Amendments--**HB01-1113, 1163, 1236, 1210,**
36 **1160, 1239, 1348, 1096, 1025, 1238, 1169, 1114, 1319.**
37

38
39 On motion of Representative Spradley, the House adjourned until
40 9:00 a.m., April 6, 2001.
41

42 Approved:
43
44

45
46 DOUG DEAN,
47 Speaker

48 Attest:
49

50 JUDITH RODRIGUE,
51 Chief Clerk