

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

Fifteenth Legislative Day

Wednesday, January 24, 2001

1 Prayer by Pastor Brad Strait, South Fellowship, Littleton.  
 2  
 3 The Speaker called the House to order at 9:00 a.m.  
 4  
 5 The roll was called with the following result:  
 6  
 7 Present--61.  
 8 Excused--Representatives Coleman, Mitchell, Stengel--3.  
 9 Absent--Representative Johnson--1.  
 10 Present after roll call--Representatives Coleman, Johnson, Mitchell,  
 11 Stengel.

12  
 13 The Speaker declared a quorum present.  
 14  
 15

16 On motion of Representative Boyd, the reading of the journal of  
 17 January 23, 2001, was dispensed with and approved as corrected by the  
 18 Chief Clerk.  
 19  
 20

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

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

26  
 27 **HB01-1043** by Representative(s) Crane; also Senator(s) Cairns--Con-  
 28 cerning the calculation of unemployment insurance tax  
 29 refunds.  
 30

31 The question being "Shall the bill pass?".  
 32 A roll call vote was taken. As shown by the following recorded vote, a  
 33 majority of those elected to the House voted in the affirmative and the bill  
 34 was declared **passed**.  
 35

YES	64	NO	0	EXCUSED	1	ABSENT	0
Alexander	Y	Groff	Y	Miller	Y	Spence	Y
Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y	Johnson	E	Rippy	Y	Veiga	Y
Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y

1	Coleman	Y	King	Y	Saliman	Y	Webster	Y
2	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
3	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
4	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
5	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
6	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
7	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
8							Mr. Speaker	Y
9								

10 Co-sponsors added: Representatives Daniel, Paschall.

11  
12 **HB01-1099** by Representative(s) Berry; also Senator(s) Matsunaka--  
13 Concerning technical corrections to the "Uniform  
14 Consumer Credit Code", and, in connection therewith,  
15 amending or repealing obsolete, inconsistent, and  
16 conflicting provisions of law and clarifying the language  
17 to reflect the legislative intent of the laws.

18  
19 The question being "Shall the bill pass?".

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

23								
24	<u>YES</u>	64	<u>NO</u>	0	<u>EXCUSED</u>	1	<u>ABSENT</u>	0
25								
26	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
27	Bacon	Y	Grossman	Y	Mitchell	Y	Spradley	Y
28	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
29	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
30	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	Y
31	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
32	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
33	Clapp	Y	Johnson	E	Rippy	Y	Veiga	Y
34	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
35	Coleman	Y	King	Y	Saliman	Y	Webster	Y
36	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
37	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
38	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
39	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
40	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
41	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
42							Mr. Speaker	Y
43								

44 Co-sponsor added: Representative Smith.

45  
46 **HB01-1082** by Representative(s) Romanoff, Grossman, Hodge,  
47 Jameson, Johnson, Lee, Marshall, Plant, Rippy, Spradley;  
48 also Senator(s) Dyer (Durango)--Concerning a  
49 clarification that the easements that are not affected by the  
50 execution of a tax deed to the purchaser of a tax lien  
51 include conservation easements.

52  
53 The question being "Shall the bill pass?".

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

	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	E Rippy	Y Veiga Y
11	Cloer	Y Kester	Y Romanoff	Y Vigil Y
12	Coleman	Y King	Y Saliman	Y Webster Y
13	Crane	Y Larson	Y Sanchez	Y Weddig Y
14	Daniel	Y Lawrence	Y Schultheis	Y White Y
15	Decker	Y Lee	Y Scott	Y Williams S. Y
16	Fairbank	Y Mace	Y Sinclair	Y Williams T. Y
17	Fritz	Y Madden	Y Smith	Y Witwer Y
18	Garcia	Y Marshall	Y Snook	Y Young Y
19				Mr. Speaker Y
20				

21 Co-sponsors added: Representatives Borodkin, Fairbank, Jahn, Mace, Ragsdale,  
 22 Scott, Stengel, Tapia, Tochtrop, Williams S.

23  
 24 **HB01-1034** by Representative(s) White; also Senator(s) Hagedorn--  
 25 Concerning amendments to the "Colorado Auto Accident  
 26 Reparations Act", and, in connection therewith,  
 27 consolidating the definition of a resident relative, and  
 28 clarifying the types of insurance policies.

29  
 30 The question being "Shall the bill pass?".  
 31 A roll call vote was taken. As shown by the following recorded vote, a  
 32 majority of those elected to the House voted in the affirmative and the bill  
 33 was declared **passed**.

	YES 64	NO 0	EXCUSED 1	ABSENT 0
34				
35				
36				
37	Alexander	Y Groff	Y Miller	Y Spence Y
38	Bacon	Y Grossman	Y Mitchell	Y Spradley Y
39	Berry	Y Hefley	Y Nuñez	Y Stafford Y
40	Borodkin	Y Hodge	Y Paschall	Y Stengel Y
41	Boyd	Y Hoppe	Y Plant	Y Swenson Y
42	Cadman	Y Jahn	Y Ragsdale	Y Tapia Y
43	Chavez	Y Jameson	Y Rhodes	Y Tochtrop Y
44	Clapp	Y Johnson	E Rippy	Y Veiga Y
45	Cloer	Y Kester	Y Romanoff	Y Vigil Y
46	Coleman	Y King	Y Saliman	Y Webster Y
47	Crane	Y Larson	Y Sanchez	Y Weddig Y
48	Daniel	Y Lawrence	Y Schultheis	Y White Y
49	Decker	Y Lee	Y Scott	Y Williams S. Y
50	Fairbank	Y Mace	Y Sinclair	Y Williams T. Y
51	Fritz	Y Madden	Y Smith	Y Witwer Y
52	Garcia	Y Marshall	Y Snook	Y Young Y
53				Mr. Speaker Y
54				
55				
56				

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

4

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6

7

### GENERAL ORDERS--SECOND READING OF BILLS

8

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

13

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

16

17

18 On motion of Representative Spradley **HB01-1030, 1124, 1008** were laid  
 19 over until January 26.

20

21

22 **HB01-1117** by Representative(s) Witwer; also Senator(s) Evans--  
 23 Concerning juvenile sex offender treatment.

24

25 Amendment No. 1, Civil Justice & Judiciary, dated January 18, 2001, and  
 26 placed in member's bill file; Report also printed in House Journal,  
 27 January 22, page 125.

28

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

31

32

33 **HB01-1064** by Representative(s) Scott; also Senator(s) Phillips--  
 34 Concerning uniform accounting principles for insurers  
 35 authorized to conduct business within Colorado.

36

37 Laid over until January 26, retaining place on Calendar.

38

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40

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

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YES	65	NO	0	EXCUSED	0	ABSENT	0	
Alexander		Y	Groff	Y	Miller	Y	Spence	Y
Bacon		Y	Grossman	Y	Mitchell	Y	Spradley	Y
Berry		Y	Hefley	Y	Nuñez	Y	Stafford	Y

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

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## REPORTS OF COMMITTEES OF REFERENCE

### CIVIL JUSTICE & JUDICIARY

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

**HB01-1040** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 6, after "KNOWINGLY", insert "OR WITH RECKLESS DISREGARD";

line 8, after "KNOWINGLY", insert "OR WITH RECKLESS DISREGARD";

line 10, after "KNOWINGLY", insert "OR WITH RECKLESS DISREGARD";

line 14, after "KNOWINGLY", insert "OR WITH RECKLESS DISREGARD";

line 18, after "KNOWINGLY", insert "OR WITH RECKLESS DISREGARD".

Page 5, strike lines 1 through 6 and substitute the following:

"THE PERSON HAS ACTUAL KNOWLEDGE OF THE FALSITY OF THE INFORMATION. "KNOWINGLY" REQUIRES PROOF OF SPECIFIC INTENT TO DEFRAUD.

(b) "RECKLESS DISREGARD" MEANS THAT, NOTWITHSTANDING ANY OTHER DEFINITION FOUND IN THIS TITLE 26, THE PERSON MUST, AT A MINIMUM, SHOW CONSCIOUS INDIFFERENCE TO THE TRUTH OR FALSITY OF THE INFORMATION. "RECKLESS DISREGARD" DOES NOT REQUIRE PROOF OF SPECIFIC INTENT TO DEFRAUD.

(c) INNOCENT MISTAKE SHALL BE A DEFENSE TO AN ACTION UNDER THIS ACT.";

line 10, strike "UPON A FINDING THAT SUCH PERSON HAS VIOLATED THE";

1 strike lines 11 and 12 and substitute the following:

2

3 "(a) UPON FINDING THAT SUCH PERSON HAS KNOWINGLY VIOLATED  
4 THE PROVISIONS OF THIS PART 11, THE COURT SHALL ORDER SUCH PERSON  
5 TO PAY TO THE STATE DEPARTMENT:";

6

7 line 13, strike "(a)" and substitute "(I)";

8

9 line 16, strike "(b)" and substitute "(II)";

10

11 strike lines 20 through 23;

12

13 after line 23, insert the following:

14

15 "(b) UPON FINDING THAT SUCH PERSON HAS, WITH RECKLESS  
16 DISREGARD, VIOLATED THE PROVISIONS OF THIS PART 11, THE COURT  
17 SHALL ORDER SUCH PERSON TO PAY TO THE STATE DEPARTMENT:

18

19 (I) FULL RESTITUTION IN THE AMOUNT OF ALL MEDICAL  
20 ASSISTANCE FOUND BY THE COURT TO HAVE BEEN RECEIVED BY THE  
21 PERSON BECAUSE OF SUCH VIOLATION; AND

22

23 (II) A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS PER  
24 CLAIM, BUT IN NO EVENT MORE THAN FIFTY THOUSAND DOLLARS, OR TWO  
25 TIMES THE AMOUNT OF ALL MEDICAL ASSISTANCE FOUND BY THE COURT TO  
26 HAVE BEEN RECEIVED BY THE PERSON BECAUSE OF SUCH VIOLATION.";

27

28 line 25, strike "PARAGRAPH (b) OF" and substitute "SUBPARAGRAPH (II) OF  
29 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION OR IN SUBPARAGRAPH  
30 (II) OF PARAGRAPH (b) OF".

31

32 Page 6, strike line 11 and substitute the following:

33

34 "THE VIOLATION, AND THE PERSON DID NOT HAVE ACTUAL KNOWLEDGE OF  
35 THE EXISTENCE OF AN INVESTIGATION INTO SUCH VIOLATION.".

36

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#### 40 **CRIMINAL JUSTICE**

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

43

44 **HB01-1036** be amended as follows, and as so amended, be referred to  
45 the Committee on Appropriations with favorable  
46 recommendation:

47

48 Amend printed bill, page 2, line 21, strike "**17-1-125**" and substitute "**17-  
49 1-133**";

50

51 line 22, strike "**01-\_\_\_\_.**" and substitute "**01-1036.**".

52

53 Page 5, line 12, strike "01-\_\_\_\_," and substitute "01-1036,".

54

55

1 Page 6, line 4, strike "01-\_\_\_\_," and substitute "01-1036,";  
2  
3 line 7, strike "01-\_\_\_\_," and substitute "01-1036,".  
4

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6  
7 **HB01-1050** be postponed indefinitely.  
8

9  
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11  
12 **STATE, VETERANS, & MILITARY AFFAIRS**

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

15  
16 **HB01-1038** be postponed indefinitely.  
17

18  
19 **HB01-1073** be referred to the Committee of the Whole with favorable  
20 recommendation.  
21

22  
23 **HB01-1074** be amended as follows, and as so amended, be referred to  
24 the Committee of the Whole with favorable  
25 recommendation:  
26

27 Amend printed bill, page 2, strike line 8 and substitute the following:  
28  
29 "affairs to convey, without consideration, all Fort Lyon real property and  
30 improvements to the";  
31  
32 line 11, strike "property" and substitute "improvements";  
33  
34 line 15, strike "government." and substitute "government, inclusive of all  
35 water rights historically associated with Fort Lyon.";  
36  
37 line 21, before "PROPERTY", insert "REAL";  
38  
39 line 26, strike "CHAPEL" and substitute "CHAPEL";  
40  
41 strike line 27 and substitute the following:  
42 "THE CEMETERY PURSUANT TO".  
43

44  
45  
46 **PRINTING REPORT**  
47

48 The Chief Clerk reports the following bills have been correctly printed:  
49 **HB01-1209, 1210.**  
50

51  
52 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**  
53

54 The Speaker has signed: **HJR01-1001, 1002, 1003; HR01-1001, 1002,**  
55 **1003, 1004.**  
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**MESSAGE FROM THE SENATE**

Mr. Speaker:

The Senate returns herewith: **HJR01-1007.**

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**INTRODUCTION OF BILLS  
First Reading**

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

**HB01-1209** by Representative(s) Fairbank, Cadman, Hoppe, Kester, Lee, Paschall, Scott, Spence, Stengel; also Senator(s) Phillips--Concerning the authorization of alcohol tastings on licensed premises.  
Committee on Business Affairs & Labor

**HB01-1210** by Representative(s) Sinclair; also Senator(s) Arnold--Concerning the authorization of electronic hearings in situations where citations for certain driving offenses may cause individuals to lose their driver's licenses.  
Committee on Transportation & Energy

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On motion of Representative King, the House adjourned until 9:00 a.m., January 25, 2001.

Approved:

DOUG DEAN,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk