

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

Fifty-ninth Legislative Day

Friday, March 9, 2001

1 Prayer by Father Ed Judy, Samaritan House, Denver.  
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--44.  
8 Excused for Legislative Business--Representatives Berry, Fritz,  
9 Hoppe, Lawrence, Lee, Madden, Nuñez, Paschall, Plant,  
10 Saliman, Scott, Stengel, Tapia, Vigil, Young--15.  
11 Excused--Representative Bacon, Grossman, Mace, Mitchell,  
12 Swenson--5.  
13 Absent--Representative Williams S.--1.  
14 Present after roll call--Representatives Berry, Fritz, Hoppe,  
15 Lawrence, Lee, Madden, Nuñez, Paschall, Plant, Saliman, Scott,  
16 Stengel, Tapia, Vigil, Williams S., Young.  
17  
18 The Speaker declared a quorum present.

19 \_\_\_\_\_  
20  
21 On motion of Representative Garcia, the reading of the journal of  
22 March 8, 2001, was declared dispensed with and approved as corrected  
23 by the Chief Clerk.  
24 \_\_\_\_\_  
25

**REPORTS OF COMMITTEES OF REFERENCE**

**STATE, VETERANS, & MILITARY AFFAIRS**

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

**HB01-1342** be postponed indefinitely.

**TRANSPORTATION & ENERGY**

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

**SB01-003** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, strike line 11 and substitute the  
2 following:

3  
4 "OR ANY VEHICLE THAT DOES NOT HAVE A GROSS VEHICLE WEIGHT RATING  
5 OF TWENTY-SIX THOUSAND ONE OR MORE POUNDS AND THAT IS OWNED OR  
6 OPERATED BY A SCHOOL DISTRICT";

7  
8 line 12, strike "SCHOOL OR SCHOOL" and substitute "SCHOOL";

9  
10 line 14, strike "VEHICLE, UNLESS SUCH VEHICLE IS" and substitute  
11 "VEHICLE; and";

12  
13 strike line 15.

14  
15  
16 **PRINTING REPORT**

17  
18 The Chief Clerk reports the following bills have been correctly printed:  
19 **HB01-1360, 1361, 1362.**

20  
21  
22 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

23  
24 The Speaker has signed: **HB01-1009, 1010, 1115, 1209, 1230;**  
25 **SB01-048.**

26  
27  
28 **DELIVERY OF BILLS TO GOVERNOR**

29  
30 The Chief Clerk of the House of Representatives reports the following  
31 bills have been delivered to the Office of the Governor: **HB01-1117,**  
32 **1146, 1186, 1196** at 4:00 p.m., on March 8, 2001.

33  
34  
35 **MESSAGE FROM THE SENATE**

36 Mr. Speaker:

37  
38 The Senate voted to concur in House amendments to SB01-048 and  
39 repassed the bill as amended.

40  
41  
42  
43 **INTRODUCTION OF BILLS**  
44 **First Reading**

45  
46 The following bills were read by title and referred to the committees  
47 indicated:

48  
49 **HB01-1362** by Representative(s) Paschall, Cadman, Clapp, Crane,  
50 Dean, Fairbank, Hefley, Lee, Mitchell, Nuñez, Rhodes,  
51 Sinclair, Spence, Stafford; also Senator(s) Musgrave, May,  
52 Andrews, Arnold, Cairns, Lamborn, Teck--Concerning the  
53 nonrecognition of domestic relationships.

54 Committee on State, Veterans, & Military Affairs

55

- 1 **HB01-1363** by Representative(s) Cloer, Boyd, Clapp, Crane, Mace,  
 2 Rhodes, Sanchez, Schultheis, Stafford, Tochtrop; also  
 3 Senator(s) Hernandez, Epps, Hanna--Concerning licensed  
 4 health care professionals that may verify a person has a  
 5 physical impairment for the purpose of obtaining disabled  
 6 parking privileges.  
 7 Committee on Health, Environment, Welfare, & Institutions  
 8
- 9 **HB01-1364** by Representative(s) Fairbank; also Senator(s) Takis--  
 10 Concerning the modification of statutory provisions  
 11 affecting the administration of state income tax returns.  
 12 Committee on Finance  
 13  
 14  
 15

16 On motion of Representative Clapp, the House resolved itself into  
 17 Committee of the Whole for consideration of General Orders, and she  
 18 was called to the Chair to act as Chairman.  
 19  
 20

### 21 **GENERAL ORDERS--SECOND READING OF BILLS**

22  
 23 The Committee of the Whole having risen, the Chairman reported the  
 24 titles of the following bills had been read (reading at length had been  
 25 dispensed with by unanimous consent), the bills considered and action  
 26 taken thereon as follows:  
 27

28 (Amendments to the committee amendment are to the printed committee  
 29 report which was printed and placed in the members' bill file.)  
 30  
 31

32 On motion of Representative Spradley, consideration of **SB01-027, 102,**  
 33 **HB01-1309, 1018, SB01-088, 120, 178** was laid over until March 12.  
 34  
 35

36 **SB01-025** by Senator(s) Dyer (Arapahoe); also Representative(s)  
 37 Stengel--Concerning fiscal impact statements included in  
 38 the ballot information booklet for initiated or referred  
 39 measures.  
 40

41 Amendment No. 1, Finance Report, dated February 28, 2001, and placed  
 42 in member's bill file; Report also printed in House Journal, March 2,  
 43 page 666.  
 44

45 As amended, ordered revised and placed on the Calendar for Third  
 46 Reading and Final Passage.  
 47

48 **SB01-055** by Senator(s) Phillips; also Representative(s) Webster--  
 49 Concerning the tax status of certain shipping aids used in  
 50 the movement of certain products.  
 51

52 Ordered revised and placed on the Calendar for Third Reading and Final  
 53 Passage.  
 54  
 55

- 1 **HB01-1287** by Representative(s) Spradley; also Senator(s) Perlmutter--  
2 Concerning business personal property tax, and, in  
3 connection therewith, increasing the amount of the credit  
4 against state taxes for a portion of business personal  
5 property tax paid and modifying the administration of the  
6 credit.  
7
- 8 Amendment No. 1, Finance Report, dated February 28, 2001, and placed  
9 in member's bill file; Report also printed in House Journal, March 2,  
10 pages 665-666.  
11
- 12 Amendment No. 2, by Representative Spradley.  
13
- 14 Amend the Finance Committee Report, dated February 28, 2001, page 1,  
15 line 1, strike "FOUR" and substitute "FOUR ONE-HUNDREDTHS OF ONE";  
16  
17 line 2, strike "'SIXTEEN AND FIFTY-SIX'." and substitute "'SIXTEEN'";  
18  
19 line 3, strike "NINETY-SIX" and substitute "NINETY-SIX ONE-HUNDREDTHS  
20 OF ONE";  
21  
22 strike line 4 and substitute "'EIGHTY-FOUR'";  
23  
24 strike lines 5 and 6 and substitute the following:  
25  
26 "line 6, strike "FOUR HUNDRED NINE DOLLARS AND EIGHTY CENTS." and  
27 substitute "FIVE HUNDRED EIGHTY-EIGHT DOLLARS."."  
28
- 29 As amended, ordered engrossed and placed on the Calendar for Third  
30 Reading and Final Passage.  
31
- 32 **SB01-043** by Senator(s) Dyer (Durango), Fitz-Gerald; also  
33 Representative(s) Scott, Dean--Concerning the  
34 continuation of the sunset date for the passenger tramway  
35 safety board in the division of registrations.  
36
- 37 Amendment No. 1, Transportation & Energy Report, dated March 1,  
38 2001, and placed in member's bill file; Report also printed in House  
39 Journal, March 2, pages 669.  
40
- 41 As amended, ordered revised and placed on the Calendar for Third  
42 Reading and Final Passage.  
43
- 44 **HB01-1331** by Representative(s) Saliman, Young; also Senator(s)  
45 Owen, Reeves, Tate--Concerning administration of the  
46 children's basic health care plan, and, in connection  
47 therewith, placing the rule-making authority with the  
48 medical services board and placing the administrative  
49 oversight with the department of health care policy and  
50 financing and authorizing and studying several  
51 administrative changes.  
52
- 53 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
54 dated February 12, 2001, and placed in member's bill file; Report also  
55 printed in House Journal, February 14, page 392.  
56

1 Amendment No. 2, Appropriations Report, dated March 2, 2001, and  
2 placed in member's bill file; Report also printed in House Journal,  
3 March 5, page 682.

4  
5 Amendment No. 3, by Representative Saliman.

6  
7 Amend the Health, Environment, Welfare, & Institutions Committee  
8 Report, dated February 12, 2001, page 1, strike lines 14 and 15 and  
9 substitute the following:

10  
11 "strike lines 15 through 25 and substitute the following:

12  
13 **"SECTION 10.** Article 19 of title 26, Colorado Revised Statutes,  
14 is amended BY THE ADDITION OF A NEW SECTION to read:

15  
16 **26-19-113. Reports by contractors to medical services board.**

17 ANY PERSONAL SERVICES CONTRACTOR THAT CONTRACTS WITH THE STATE  
18 DEPARTMENT TO PROVIDE SERVICES UNDER THIS ARTICLE SHALL PROVIDE  
19 REPORTS TO THE MEDICAL SERVICES BOARD AS OFTEN AS DIRECTED BY THE  
20 BOARD RELATING TO THE FUNCTIONS PERFORMED BY THE CONTRACTOR,  
21 INCLUDING REPORTS ON ENROLLMENT, UTILIZATION, MARKETING, AND ANY  
22 CONCERNS OR RECOMMENDATIONS RELATING TO IMPROVING THE  
23 ADMINISTRATION OF OR THE QUALITY OF THE PROGRAM. IN ADDITION, ANY  
24 CONTRACTOR SHALL SUBMIT ANY DATA REQUESTED BY THE MEDICAL  
25 SERVICES BOARD RELATING TO THE CHILDREN'S BASIC HEALTH PLAN AND  
26 THE FUNCTIONS PROVIDED BY THAT CONTRACTOR."."

27  
28 Amendment No. 4, by Representative Saliman.

29  
30 Amend printed bill, page 13, line 25, strike "BOARD," and substitute  
31 "BOARD WHO SHALL HAVE EXPERIENCE WITH THE DELIVERY OF HEALTH  
32 CARE,".

33  
34 Amendment No. 5, by Representative Saliman.

35  
36 Amend printed bill, page 14, after line 9, insert the following:

37  
38 **"SECTION 14.** 25.5-1-303, Colorado Revised Statutes, is  
39 amended BY THE ADDITION OF A NEW SUBSECTION to read:

40  
41 **25.5-1-303. Powers and duties of the board - scope of authority**  
42 **-rules.** (7) THE BOARD SHALL REPORT ANNUALLY TO THE JOINT BUDGET  
43 COMMITTEE OF THE GENERAL ASSEMBLY AND THE HEALTH, ENVIRONMENT,  
44 CHILDREN AND FAMILIES COMMITTEE OF THE SENATE AND THE HEALTH,  
45 ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE  
46 OF REPRESENTATIVES ON THE IMPLEMENTATION AND PERFORMANCE OF  
47 THE CHILDREN'S BASIC HEALTH PLAN PROGRAM, INCLUDING BUT NOT  
48 LIMITED TO THE EXTENT TO WHICH PRIVATE SECTOR STRATEGIES AND  
49 RESOURCES ARE EFFECTIVELY USED AS PART OF THE PROGRAM."."

50  
51 Renumber succeeding sections accordingly.

52  
53 As amended, ordered engrossed and placed on the Calendar for Third  
54 Reading and Final Passage.

55

1 **SB01-049** by Senator(s) Windels, Anderson, Lamborn, Reeves,  
2 Taylor; also Representative(s) Vigil--Concerning pre-  
3 school program community providers.  
4

5 Ordered revised and placed on the Calendar for Third Reading and Final  
6 Passage.  
7

8 **SB01-022** by Senator(s) Hagedorn; also Representative(s) Snook--  
9 Concerning the licensure of addiction counselors.  
10

11 Amendment No. 1, by Representative Snook.  
12

13 Amend reengrossed bill, page 5, line 10, strike "12-43-222," and  
14 substitute "12-43-221,";  
15

16 line 25, strike "ALCOHOL" and substitute "ALCOHOLISM".  
17

18 Page 6, line 12, strike "ANY" and substitute "THE";  
19

20 line 13, strike "COUNSELOR." and substitute "COUNSELOR UNLESS SUCH  
21 PERSON IS ALSO A LICENSED ADDICTION COUNSELOR."  
22

23 Page 8, line 26, strike "BOTH A CERTIFICATE AND".  
24

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

28 **SB01-128** by Senator(s) Takis; also Representative(s) Clapp--  
29 Concerning the licensure of physician assistants.  
30

31 Ordered revised and placed on the Calendar for Third Reading and Final  
32 Passage.  
33

34 **SB01-141** by Senator(s) Taylor; also Representative(s) Sinclair--  
35 Concerning adoption of an interstate compact governing  
36 emergency management assistance.  
37

38 Ordered revised and placed on the Calendar for Third Reading and Final  
39 Passage.  
40

---

41  
42  
43 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**  
44

45 Representatives Boyd and Coleman moved to amend the Report of the  
46 Committee of the Whole to show that the following Boyd amendment,  
47 to HB01-1331, did pass, and that **HB01-1331, as amended**, did pass.  
48

49 Amend printed bill, page 5, strike lines 2 and 3 and substitute the  
50 following:  
51

52 "SECTION 2. 26-19-103 (4), Colorado Revised Statutes, is  
53 amended, and the said 26-19-103 is further amended BY THE  
54 ADDITION OF A NEW SUBSECTION, to read:"  
55

1 after line 5, insert the following:

2

3 "(4) "Eligible person" means a person who is less than nineteen  
4 years of age, whose family income does not exceed ~~one~~ TWO hundred  
5 ~~eighty-five~~ percent of the federal poverty level, adjusted for family size."

6

7 Page 12, after line 1, insert the following:

8

9 "**SECTION 9.** 26-19-109 (3), Colorado Revised Statutes, is  
10 amended to read:

11

12 **26-19-109. Eligibility.** (3) The department may establish  
13 procedures such that children with family incomes that exceed ~~one~~ TWO  
14 hundred ~~eighty-five~~ percent of the federal poverty guidelines may enroll  
15 in the plan, but are not eligible for subsidies from the department."

16

17 Renumber succeeding sections accordingly.

18

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

20

21	YES	20	NO	40	EXCUSED	5	ABSENT	0
23	Alexander	N	Groff	Y	Miller	N	Spence	N
24	Bacon	E	Grossman	E	Mitchell	E	Spradley	N
25	Berry	N	Hefley	N	Nuñez	N	Stafford	N
26	Borodkin	Y	Hodge	Y	Paschall	N	Stengel	N
27	Boyd	Y	Hoppe	N	Plant	Y	Swenson	E
28	Cadman	N	Jahn	Y	Ragsdale	Y	Tapia	Y
29	Chavez	Y	Jameson	Y	Rhodes	N	Tochtrop	Y
30	Clapp	N	Johnson	N	Rippy	N	Veiga	Y
31	Cloer	N	Kester	N	Romanoff	Y	Vigil	Y
32	Coleman	Y	King	N	Saliman	N	Webster	N
33	Crane	N	Larson	N	Sanchez	Y	Weddig	Y
34	Daniel	N	Lawrence	N	Schultheis	N	White	N
35	Decker	N	Lee	N	Scott	N	Williams S.	Y
36	Fairbank	N	Mace	E	Sinclair	N	Williams T.	N
37	Fritz	N	Madden	Y	Smith	N	Witwer	N
38	Garcia	N	Marshall	Y	Snook	N	Young	N
39							Mr. Speaker	N

40

41

42

43

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

45

46 Passed Second Reading: **SB01-025 amended, 055, HB01-1287**  
47 **amended, SB01-043 amended, HB01-1331 amended, SB01-049,**  
48 **022 amended, 128, 141.**

49

50 Laid over until date indicated retaining place on Calendar: **SB01-027,**  
51 **102, HB01-1309, 1018, SB01-088, 120, 178--March 12, 2001.**

52

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

	YES 60	NO 0	EXCUSED 5	ABSENT 0				
1	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
2	Bacon	E	Grossman	E	Mitchell	E	Spradley	Y
3	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
4	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
5	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
6	Cadman	Y	Jahn	Y	Ragsdale	Y	Tapia	Y
7	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
8	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
9	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
10	Coleman	Y	King	Y	Saliman	Y	Webster	Y
11	Crane	Y	Larson	Y	Sanchez	Y	Weddig	Y
12	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
13	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
14	Fairbank	Y	Mace	E	Sinclair	Y	Williams T.	Y
15	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
16	Garcia	Y	Marshall	Y	Snook	Y	Young	Y
17							Mr. Speaker	Y

### CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

**HB01-1040** by Representative(s) Young, Miller; also Senator(s) Reeves, Anderson, Lamborn, Linkhart, Taylor, Windels--  
Concerning penalties for false medicaid claims.

(Amended as printed in Senate Journal, March 2, pages 450-451.)

Representative Young moved that the House **not concur** in Senate amendments and that a Conference Committee be appointed. The motion was declared **passed** by the following roll call vote:

	YES 59	NO 0	EXCUSED 5	ABSENT 1				
35	Alexander	Y	Groff	Y	Miller	Y	Spence	Y
36	Bacon	E	Grossman	E	Mitchell	E	Spradley	Y
37	Berry	Y	Hefley	Y	Nuñez	Y	Stafford	Y
38	Borodkin	Y	Hodge	Y	Paschall	Y	Stengel	Y
39	Boyd	Y	Hoppe	Y	Plant	Y	Swenson	E
40	Cadman	Y	Jahn	Y	Ragsdale	-	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	Y	White	Y
47	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
48	Fairbank	Y	Mace	E	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

The Speaker appointed Representatives Young, Chairman, Mitchell and Miller as House conferees to the bill.



1 **HB01-1061** by Representative(s) Young; also Senator(s) Phillips--  
 2 Concerning the prohibition of unauthorized charges from  
 3 a telecommunications provider.  
 4

5 (Amended as printed in Senate Journal, March 5, page 471.)  
 6

7 Representative Young moved that the House **concur** in Senate amend-  
 8 ments. The motion was declared **passed** by the following roll call vote:  
 9

10	YES 60	NO 0	EXCUSED 5	ABSENT 0
11				
12	Alexander	Y Groff	Y Miller	Y Spence
13	Bacon	E Grossman	E Mitchell	E Spradley
14	Berry	Y Hefley	Y Nuñez	Y Stafford
15	Borodkin	Y Hodge	Y Paschall	Y Stengel
16	Boyd	Y Hoppe	Y Plant	Y Swenson
17	Cadman	Y Jahn	Y Ragsdale	Y Tapia
18	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
19	Clapp	Y Johnson	Y Rippy	Y Veiga
20	Cloer	Y Kester	Y Romanoff	Y Vigil
21	Coleman	Y King	Y Saliman	Y Webster
22	Crane	Y Larson	Y Sanchez	Y Weddig
23	Daniel	Y Lawrence	Y Schultheis	Y White
24	Decker	Y Lee	Y Scott	Y Williams S.
25	Fairbank	Y Mace	E Sinclair	Y Williams T.
26	Fritz	Y Madden	Y Smith	Y Witwer
27	Garcia	Y Marshall	Y Snook	Y Young
28				Mr. Speaker
29				

30  
 31 The question being, "Shall the bill, as amended, 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  
 34 bill, as amended, was declared **repassed**.  
 35

36	YES 60	NO 0	EXCUSED 5	ABSENT 0
37				
38	Alexander	Y Groff	Y Miller	Y Spence
39	Bacon	E Grossman	E Mitchell	E Spradley
40	Berry	Y Hefley	Y Nuñez	Y Stafford
41	Borodkin	Y Hodge	Y Paschall	Y Stengel
42	Boyd	Y Hoppe	Y Plant	Y Swenson
43	Cadman	Y Jahn	Y Ragsdale	Y Tapia
44	Chavez	Y Jameson	Y Rhodes	Y Tochtrop
45	Clapp	Y Johnson	Y Rippy	Y Veiga
46	Cloer	Y Kester	Y Romanoff	Y Vigil
47	Coleman	Y King	Y Saliman	Y Webster
48	Crane	Y Larson	Y Sanchez	Y Weddig
49	Daniel	Y Lawrence	Y Schultheis	Y White
50	Decker	Y Lee	Y Scott	Y Williams S.
51	Fairbank	Y Mace	E Sinclair	Y Williams T.
52	Fritz	Y Madden	Y Smith	Y Witwer
53	Garcia	Y Marshall	Y Snook	Y Young
54				Mr. Speaker
55				

**REPORTS OF COMMITTEES OF REFERENCE****AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

**HR01-1010** be amended as follows, and as so amended, be referred out for final action:

Amend printed resolution, page 1, after line 5, insert the following:

"WHEREAS, During the public comment period the Forest Service failed to provide sufficient information, including maps identifying areas which would be subject to the rule, on which potentially affected parties could base their comments; and

WHEREAS, The Forest Service failed to provide the public with quantifiable costs and benefits of the alternatives presented during the public comment period; and

WHEREAS, During the public comment period, Forest Service officials stated that no changes to the boundaries would be considered by that agency; and

WHEREAS, The State of Colorado and local governments within the State did not have adequate information or time in which to assess the impacts from the designation of roadless areas within their communities prior to the close of the public comment period; and

WHEREAS, Arguments were presented during public comment which raised the possibility that the Roadless Area regulation was developed in violation of the Federal Advisory Committee Act; and";

line 11, strike "States;" and substitute "States as well as valuable deposits of oil and gas;"

after line 16, insert the following:

"WHEREAS, Oil and gas deposits on Forest Service lands may aid in reducing the extraordinarily high costs of home heating and transportation fuels, as well as reducing reliance on foreign oil; and";

line 18, strike "coal" and substitute "extractive minerals";

after line 19, insert the following:

"WHEREAS, Oil and gas exploration and development would be prohibited by roadless area designation; and".

**APPROPRIATIONS**

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

**HB01-1167** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend Civil Justice & Judiciary Committee Report dated February 6,  
2 2001, page 1, line 9, after "AFTER", insert "THE PASSAGE OF SIXTY DAYS  
3 FOLLOWING THE EXCHANGE OF INITIAL DISCLOSURES PURSUANT TO RULE  
4 26 OF THE COLORADO RULES OF CIVIL PROCEDURE AND".

5  
6 Page 2, line 19, strike "13-64-302.5." and substitute "13-64-302.5 OR  
7 THE PROVISIONS OF PART 1 OF ARTICLE 10 OF TITLE 24, C.R.S.". .".

8  
9  
10 **HB01-1201** be postponed indefinitely.

11  
12  
13 **HB01-1253** be postponed indefinitely.

14  
15  
16 **HB01-1256** be referred to the Committee of the Whole with favorable  
17 recommendation.

18  
19 **HB01-1266** be postponed indefinitely.

20  
21  
22 **HB01-1313** be amended as follows, and as so amended, be referred to  
23 the Committee of the Whole with favorable  
24 recommendation:

25  
26 Amend the Finance Committee Report, dated February 21, 2001, page 1,  
27 line 12, strike "AND" and substitute "AND, EXCEPT IN THE CASE OF  
28 RELATIVE CARE,";

29  
30 line 17, strike "(a)".

31  
32 Page 2, line 15, strike "(I)" and substitute "(a)";

33  
34 line 19, strike "(II)" and substitute "(b)".

35  
36  
37 **HB01-1322** be postponed indefinitely.

38  
39  
40 **HB01-1345** be amended as follows, and as so amended, be referred to  
41 the Committee of the Whole with favorable  
42 recommendation:

43  
44 Amend printed bill, page 4, line 12, strike "FIVE MILLION" and substitute  
45 "TWO MILLION FIVE HUNDRED THOUSAND".

46  
47  
48  
49  
50 **FINANCE**

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

53  
54 **HB01-1319** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

- 1 Strike the Business Affairs and Labor Committee Report, dated February  
2 20, 2001, and substitute the following:  
3  
4 "Amend printed bill, page 3, strike lines 20 through 22.  
5  
6 Page 4, strike lines 3 through 6;  
7  
8 line 7, after "AS", insert ""GROUP PLAN" AS";  
9  
10 line 10, strike "PLANS" and substitute "PLANS, AS DEFINED IN SECTION  
11 10-16-102 (21),";  
12  
13 line 11, before "PROVIDES", insert "DIRECTLY OR INDIRECTLY";  
14  
15 line 13, strike "OR REINSURANCE COVERAGE TO A CARRIER IN THIS  
16 STATE,".  
17  
18 Page 5, line 13, strike "(1), and (2) (a)," and substitute "(1), (2), and (3),";  
19  
20 line 18, strike "Six" and substitute "Six SEVEN";  
21  
22 line 24, strike "Three" and substitute "Three FOUR";  
23  
24 line 26, strike "organization and" and substitute "organization, and";  
25  
26 line 27, strike "carrier;" and substitute "carrier, AND ONE OF WHICH SHALL  
27 BE A REPRESENTATIVE OF A STOP-LOSS OR EXCESS LOSS INSURANCE  
28 CARRIER;".  
29  
30 Page 6, after line 4, insert the following:  
31  
32 ~~"(b) One member of the board shall be a member of the general  
33 assembly who shall serve for a term of two years. The initial appointee  
34 shall be a member of the senate appointed by the president of the senate,  
35 the next appointee shall be a member of the house of representatives  
36 appointed by the speaker of the house of representatives, and thereafter  
37 such appointment shall rotate in like manner between the senate and the  
38 house of representatives.~~  
39  
40 (3) The commissioner or his OR HER designee AND A MEMBER OF  
41 THE GENERAL ASSEMBLY shall serve as an ex officio nonvoting member  
42 MEMBERS of the board. THE INITIAL APPOINTEE OF THE GENERAL  
43 ASSEMBLY SHALL BE A MEMBER OF THE SENATE APPOINTED BY THE  
44 PRESIDENT OF THE SENATE, THE NEXT APPOINTEE SHALL BE A MEMBER OF  
45 THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE  
46 HOUSE OF REPRESENTATIVES, AND THEREAFTER SUCH APPOINTMENT SHALL  
47 ROTATE IN LIKE MANNER BETWEEN THE SENATE AND THE HOUSE OF  
48 REPRESENTATIVES."  
49  
50 Page 7, line 7, strike "shall" and substitute "shall MAY".  
51  
52 Page 8, line 13, strike "AND";  
53  
54 after line 17, insert the following:  
55  
56 "(m) ESTABLISH PROCEDURES FOR THE REASONABLE ADVANCE

1 NOTICE TO INTERESTED PARTIES OF THE AGENDA FOR MEETINGS OF THE  
2 BOARD; AND

3

4 (n) ACCEPT AND EXPEND GIFTS, GRANTS, AND DONATIONS FOR  
5 OPERATION OF THE PROGRAM."

6

7 Page 12, line 1, after "(3)", insert "(a)";

8

9 after line 3, insert the following:

10

11 (b) THE BOARD SHALL INCREASE THE PREMIUM RATES TO AN  
12 AVERAGE OF ONE HUNDRED THIRTY-FIVE PERCENT OF THE STANDARD RISK  
13 RATE ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION NO  
14 LATER THAN JULY 1, 2002.";

15

16 line 10, strike "(1.5)" and substitute "(4)";

17

18 strike lines 12 through 14 and substitute the following:

19 "including children who have been placed for adoption, as defined in  
20 section 10-16-104 ~~(16.5)~~ (6.5) or are under the legal guardianship of a  
21 resident of Colorado, shall be eligible for coverage under".

22

23 Page 13, line 10, strike "INELIGIBILITY." and substitute "ELIGIBILITY.".

24

25 Page 20, line 21, strike "**program.**" and substitute "**program - repeal.**".

26

27 Page 21, after line 3, insert the following:

28

29 (e) ANY MONEYS ACCEPTED THROUGH GIFTS, GRANTS, OR  
30 DONATIONS RECEIVED BY THE BOARD FOR OPERATION OF THE PROGRAM.";

31

32 strike line 4 and substitute the following:

33

34 "(1.5) (a) THE PROGRAM MAY ASSESS";

35

36 line 19, strike "THE COMMISSIONER SHALL PROMULGATE RULES TO";

37

38 strike lines 20 through 25 and substitute the following:

39

40 "ALL SPECIAL FEES".

41

42 Page 22, after line 7, insert the following:

43

44 (b) (I) THE COMMISSIONER SHALL PROMULGATE RULES TO  
45 IMPLEMENT THIS SUBSECTION (1.5), INCLUDING, BUT NOT LIMITED TO:

46

47 (A) THE REASONABLE TIME FRAMES FOR THE DETERMINATION OF  
48 THE NEED FOR AN EQUITABLE ASSESSMENT AND FOR THE BILLING AND  
49 COLLECTION OF SUCH FEES;

50

51 (B) THE PROCESS FOR DETERMINING THE PER CAPITA ASSESSMENT;

52

53 (C) ANY PROCEDURES FOR THE APPROVAL OF DEFERRAL OR  
54 ABATEMENT OF SPECIAL FEES, IN WHOLE OR IN PART, INCLUDING, BUT NOT  
55 LIMITED TO, THE CREATION OF A CREDIT AGAINST THE AMOUNT OF AN  
56 ASSESSMENT OWED BY AN INSURER FOR SUCH INSURER WHO ISSUES A  
SUBSTANTIAL NUMBER OF HEALTH BENEFIT PLANS TO PERSONS WHO ARE

ELIGIBLE FOR THE PROGRAM; AND

- 1 (D) THE EQUITY OF THE ASSESSMENT.  
2
- 3 (II) IN PROMULGATING SUCH RULES FOR AN EQUITABLE  
4 ASSESSMENT, THE COMMISSIONER SHALL GIVE CONSIDERATION TO:  
5
- 6 (A) THE VOLUME OF PREMIUM DOLLARS RECEIVED BY A STOP-LOSS  
7 INSURER RELATIVE TO THE NUMBER OF COVERED LIVES INSURED BY THAT  
8 INSURER AND ANY OTHER FACTORS; AND  
9
- 10 (B) THE BUDGET AND RATE SETTING DEADLINES OF THE INSURERS.  
11
- 12 (III) IN PROMULGATING SUCH RULES, THE COMMISSIONER SHALL  
13 INCLUDE PROVISIONS THAT NOTICE OF THE FIRST ASSESSMENT SHALL BE  
14 PROVIDED TO THE INSURERS NO LATER THAN FEBRUARY 1, 2002, AND THAT  
15 PAYMENT FOR SUCH ASSESSMENT SHALL BE MADE NO EARLIER THAN JUNE  
16 1, 2003.  
17
- 18 (c) PRIOR TO NOTICE OF THE FIRST ASSESSMENT TO BE PAID BY  
19 INSURERS AND PRIOR TO AN INCREASE IN THE AMOUNT OF THE ASSESSMENT  
20 PURSUANT TO THIS SUBSECTION (1.5), THE BOARD SHALL OBTAIN AT LEAST  
21 TWO ACTUARIAL EVALUATIONS OF THE AMOUNT OF THE ASSESSMENT.  
22
- 23 (d) THE DEPARTMENT OF REGULATORY AGENCIES IN COOPERATION  
24 WITH THE DIVISION OF INSURANCE SHALL CONDUCT A REVIEW OF THE  
25 EFFICACY OF THE ASSESSMENT PURSUANT TO SECTION 24-34-104, C.R.S.  
26 SUCH REVIEW SHALL BE COMPLETED BY OCTOBER 15, 2007. THE DIVISION  
27 OF INSURANCE SHALL MAKE COPIES OF THE REPORT AVAILABLE TO EVERY  
28 MEMBER OF THE GENERAL ASSEMBLY.  
29
- 30 (e) IN THE EVENT THE ASSESSMENT PURSUANT TO THIS SUBSECTION  
31 (1.5) EQUALS FIFTY PERCENT OF THE ADMINISTRATIVE AND CLAIMS  
32 EXPENSES TOTALED THAT ARE PROJECTED FOR THE PROGRAM, THE BOARD  
33 SHALL CONDUCT A REVIEW OF THE PREMIUM LEVELS, BENEFIT DESIGN,  
34 COSTS OF ADMINISTRATION, COST CONTAINMENT MEASURES AVAILABLE,  
35 AND ANY OTHER FACTORS THAT MIGHT CONTRIBUTE TO THE CONTINUED  
36 FINANCIAL SOLVENCY OF THE PROGRAM. SUCH REVIEW SHALL BE  
37 PRESENTED TO THE MEMBERS OF THE JOINT BUDGET COMMITTEE WITHIN  
38 NINETY DAYS AFTER AN ASSESSMENT THAT EQUALS FIFTY PERCENT OF THE  
39 EXPENSES OF THE PROGRAM IS MADE.  
40
- 41 (f) EACH INSURER IS REQUIRED TO RECOUP OVER A REASONABLE  
42 LENGTH OF TIME A SUM REASONABLY CALCULATED TO RECOUP THE  
43 AMOUNT OF ANY ASSESSMENT TO BE PAID BY THE INSURER FOR  
44 COVER COLORADO PURSUANT TO THIS SUBSECTION (1.5). AMOUNTS  
45 RECOUPED SHALL NOT BE CONSIDERED PREMIUMS FOR ANY OTHER  
46 PURPOSE, INCLUDING THE COMPUTATION OF GROSS PREMIUM TAX OR  
47 AGENT'S COMMISSION.  
48
- 49 (g) FOR PURPOSES OF THIS SUBSECTION (1.5), "LIVES INSURED"  
50 DOES NOT INCLUDE PERSONS WHO RECEIVE HEALTH BENEFITS THROUGH  
51 MEDICAID, MEDICARE, OR THE CHILDREN'S BASIC HEALTH PLAN PURSUANT  
52 TO ARTICLE 19 OF TITLE 26, C.R.S.  
53
- 54 (h) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2008."  
55

1 Page 23, line 2, strike "BOARD." and substitute "BOARD IN ACCORDANCE  
2 WITH INVESTMENT GUIDELINES SET FORTH IN ITS PLAN OF OPERATION.";

3  
4 strike lines 3 through 16 and substitute the following:

5  
6 **"SECTION 28. Repeal.** 10-8-531, Colorado Revised Statutes,  
7 is repealed as follows:

8  
9 **10-8-531. Oversight of Colorado uninsurable health insurance**  
10 **plan - health, environment, welfare, and institutions committees of**  
11 **senate and house of representatives.** ~~The health, environment, welfare,~~  
12 ~~and institutions committees of the senate and house of representatives, on~~  
13 ~~or after July 1, 1992, shall review the implementation and evaluate the~~  
14 ~~effectiveness of the Colorado uninsurable health insurance plan. No later~~  
15 ~~than January 1, 1993, the health, environment, welfare, and institutions~~  
16 ~~committees of the senate and house of representatives shall make~~  
17 ~~recommendations to the general assembly about the operation,~~  
18 ~~administration, and funding of the plan."~~

19  
20 Page 24, after line 6, insert the following:

21  
22 **"SECTION 31.** 10-16-102, Colorado Revised Statutes, is  
23 amended BY THE ADDITION OF THE FOLLOWING NEW  
24 SUBSECTIONS to read:

25  
26 **10-16-102. Definitions.** As used in this article, unless the context  
27 otherwise requires:

28  
29 (10.5) "CHURCH PLAN" SHALL HAVE THE SAME MEANING AS SET  
30 FORTH IN 29 U.S.C. SEC. 1002 (33) OF THE FEDERAL "EMPLOYEE  
31 RETIREMENT INCOME SECURITY ACT OF 1974".

32  
33 (20.5) "GOVERNMENT PLAN" SHALL HAVE THE SAME MEANING AS  
34 SET FORTH IN 29 U.S.C. SEC. 1002 (32) OF THE FEDERAL "EMPLOYEE  
35 RETIREMENT INCOME SECURITY ACT OF 1974", AND AS IN ANY FEDERAL  
36 GOVERNMENTAL PLAN."

37  
38 Renumber succeeding sections accordingly.

39  
40 Page 30, after line 17, insert the following:

41  
42 **"SECTION 41.** 24-34-104 (39) (b), Colorado Revised Statutes,  
43 is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to  
44 read:

45  
46 **24-34-104. General assembly review of regulatory agencies and**  
47 **functions for termination, continuation, or reestablishment.**  
48 (39) (b) The following agencies, functions, or both, shall terminate on  
49 July 1, 2008:

50  
51 (XII) REVIEW OF THE ASSESSMENT IMPOSED BY SECTION 10-8-530  
52 (1.5), C.R.S., BY THE DIVISION OF INSURANCE IN COOPERATION WITH THE  
53 DEPARTMENT OF REGULATORY AGENCIES."

54  
55 Renumber succeeding sections accordingly.

56

1 Page 30, line 19, strike "and 31" and substitute "32, 42, and 43";  
2  
3 line 20, strike "Sections 1 to 11," and substitute "The remainder of this  
4 act shall take effect July 1, 2001, and";  
5  
6 strike line 21.

---

7  
8  
9  
10 **MESSAGE FROM THE SENATE**

11  
12 Mr. Speaker:

13  
14 The Senate has passed on Third Reading and transmitted to the Revisor  
15 of Statutes:

16  
17 SB01-129, amended as printed in Senate Journal, March 8,  
18 pages 504-507;  
19 SB01-021, amended as printed in Senate Journal, March 8, page 507.

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20  
21  
22  
23 **MESSAGE FROM THE REVISOR**

24  
25 We herewith transmit without comment, as amended, SB01-021 and 129.

---

26  
27  
28  
29 **INTRODUCTION OF MEMORIAL**

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

33  
34 **HM01-1001** by Representative(s) Stafford, Young, Berry, Borodkin,  
35 Boyd, Cadman, Clapp, Cloer, Coleman, Crane, Daniel,  
36 Fairbank, Fritz, Garcia, Groff, Hefley, Hodge, Hoppe,  
37 Jahn, Jameson, Johnson, Kester, King, Lawrence, Lee,  
38 Madden, Marshall, Miller, Nuñez, Paschall, Plant,  
39 Ragsdale, Rhodes, Rippy, Romanoff, Saliman, Sanchez,  
40 Sinclair, Smith, Spence, Spradley, Stengel, Tapia,  
41 Tochtrop, Veiga, Vigil, Webster, Weddig, White,  
42 Williams S., Williams T., Witwer--Memorializing former  
43 Representative Gary McPherson.

44  
45 WHEREAS, By the Will of Divine Providence, our beloved  
46 former member, the Honorable Gary McPherson, departed this life on  
47 October 12, 2000, at the age of 37; and

48  
49 WHEREAS, Representative McPherson was born on December 4,  
50 1962, in Auburn, Washington; and

51  
52 WHEREAS, Representative McPherson graduated from Union  
53 College and obtained his law degree from the University of Nebraska;  
54 and

55  
56 WHEREAS, Representative McPherson held many honors



1 including the International Academy of Trial Lawyers Award in 1987 and  
2 1988, Aurora Public Schools Superintendent's Award in 1992, Colorado  
3 Bar Association Outstanding Young Lawyer in 1993, CACI Legislator of  
4 the Year in 1995, NFIB's Guardian of Small Business Award in 1998 and  
5 2000, and the American Council of Young Political Leaders Outstanding  
6 Alumni Award in 1999; and

7  
8 WHEREAS, Representative McPherson proudly served as a Major  
9 in the Civil Air Patrol since 1995; and

10  
11 WHEREAS, Representative McPherson was appointed to fill a  
12 House vacancy in District 40 in 1994 and was elected as representative  
13 from District 40 in 1996 and 1998; and

14  
15 WHEREAS, Representative McPherson was chair of the House  
16 Finance Committee, playing a major role in efforts to reduce state taxes;  
17 and

18  
19 WHEREAS, Representative McPherson sponsored a bill to create  
20 the official state tartan in appreciation of Coloradans of Scottish, Irish,  
21 and other Celtic descent; and

22  
23 WHEREAS, Representative McPherson loved politics and serving  
24 this state, and he will be remembered as one of the General Assembly's  
25 most highly regarded and popular members; and

26  
27 WHEREAS, Representative McPherson was an honorable,  
28 hardworking public servant who was respected by both Republicans and  
29 Democrats; and

30  
31 WHEREAS, Representative McPherson was a loving husband,  
32 married to Shelley McPherson, and the proud father of three beautiful  
33 daughters, Christina, Elizabeth, and Ashley; and

34  
35 WHEREAS, Representative McPherson enjoyed life to the fullest,  
36 playing golf, scuba diving, and traveling, and having a passion for flying  
37 his single-engine Piper; now, therefore,

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, in the death of Gary McPherson, the people of the State of  
43 Colorado have lost an outstanding citizen and public servant and that we,  
44 the members of the House of Representatives of the Sixty-third General  
45 Assembly, hereby extend our deep and heartfelt sympathy to the members  
46 of his family and pay tribute to a man who served his state well and  
47 faithfully.

48  
49 *Be It Further Resolved,* That copies of this Memorial be sent to  
50 Representative McPherson's wife Shelley, his three daughters, Christina,  
51 Elizabeth, and Ashley McPherson, and his parents, Ivan and Vickie  
52 McPherson.

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**LAY OVER OF CALENDAR ITEMS**

On motion of Representative Spradley, the following items on the Calendar were laid over until March 12, retaining place on Calendar:

- Consideration of Resolutions--**SJR01-015, 016.**
- Consideration of Senate Amendments--**HB01-1011.**

On motion of Representative Spradley, the House adjourned until 10:00 a.m., March 12, 2001.

Approved:

DOUG DEAN,  
Speaker

Attest:  
JUDITH RODRIGUE,  
Chief Clerk