

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

Sixty-fifth Legislative Day

Thursday, March 15, 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--62.
8 Excused for Legislative Business--Representatives Larson,
9 Lawrence--2.
10 Absent--Representative Williams S.--1.
11 Present after roll call--Representatives Larson, Lawrence,
12 Williams S.
13

14 The Speaker declared a quorum present.
15
16

17 On motion of Representative Groff, the reading of the journal of
18 March 14, 2001, was declared dispensed with and approved as corrected
19 by the Chief Clerk.
20
21

22
23 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**
24

25 The following resolution was read at length and given immediate
26 consideration:
27

28 **HJR01-1017** by Representative(s) Fritz; also Senator(s) Matsunaka--
29 Concerning the "House the Senate Built" project.
30

31 WHEREAS, Habitat for Humanity was created in Colorado in
32 1992 to help develop additional funding for housing projects within the
33 state; and
34

35 WHEREAS, Habitat for Humanity builds simple but adequate
36 housing for less fortunate families; and
37

38 WHEREAS, Habitat for Humanity of Colorado has funded the
39 construction of over 250 houses since its inception; and
40

41 WHEREAS, Colorado ranks third nationwide in home price
42 increases; and
43

44 WHEREAS, The citizens of Colorado recognize that there is a
45 need for affordable housing; and

1 WHEREAS, An integral element of a strong community is a
2 sufficient supply of affordable housing; and
3

4 WHEREAS, A disproportionate number of families in the United
5 States that are not homeowners are low-income families; and
6

7 WHEREAS, Wayne Allard, United States Senator from Colorado,
8 was the prime co-sponsor of Senate Resolution 319 last year which
9 encouraged the Senate to participate in the "House the Senate Built"
10 project; and
11

12 WHEREAS, The United States Senate resolved that everyone in
13 the United States should have a decent home and that members of the
14 Senate should demonstrate the importance of volunteerism; and
15

16 WHEREAS, The Senators were encouraged to start the project in
17 their home states; and
18

19 WHEREAS, Because of Senator Allard's efforts in the Habitat for
20 Humanity project, he has selected Loveland to be the first "House the
21 Senate Built" project in the State of Colorado; and
22

23 WHEREAS, The groundbreaking of this first project is scheduled
24 for March 17, 2001, at 1209 Raven Place in Loveland, Colorado; now,
25 therefore,
26

27 *Be It Resolved by the House of Representatives of the Sixty-third*
28 *General Assembly of the State of Colorado, the Senate concurring*
29 *herein:*
30

31 That the House of Representatives and the Senate promote Senator
32 Allard's efforts in this project and encourage all Coloradans to participate
33 in the "House the Senate Built" project on March 17, 2001.
34

35 *Be it further resolved,* That copies of this Joint Resolution be sent
36 to Senator Allard and the Habitat for Humanity of Colorado chapter.
37

38
39 On motion of Representative Spradley, the rules were suspended and the
40 resolution given immediate consideration.
41

42 On motion of Representative Fritz, the resolution was read at length and
43 **adopted by viva voce** vote.
44

45 Co-sponsors added: Roll call of the House.
46
47

48
49
50 On motion of Representative Spradley, **SB01-102, HB01-1319, 1167,**
51 **1256, 1313, 1345, SB01-003, HB01-1355, SB01-115, 171, 155** shall be
52 made Special Orders on Thursday, March 15, 2001, at 9:19 a.m.
53
54
55

1 The hour of 9:19 a.m., having arrived, on motion of Representative
2 Cadman, the House resolved itself into Committee of the Whole for
3 consideration of Special Orders and he was called to the Chair to act as
4 Chairman.

5

6

7 SPECIAL 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 **SB01-102** by Senator(s) Arnold; also Representative(s) Mitchell--
18 Concerning the modification of certain statutory
19 provisions in preparation for the operation of the city and
20 county of Broomfield.

21

22 Ordered revised and placed on the Calendar for Third Reading and Final
23 Passage.

24

25 **HB01-1319** by Representative(s) Marshall, Saliman; also Senator(s)
26 Takis, Reeves--Concerning health insurance for persons
27 identified as high risk, and, in connection therewith,
28 codifying the name of the existing state program for
29 providing coverage to such persons as "CoverColorado",
30 clarifying eligibility for the program, allowing health care
31 coverage of dependents in the program, and creating an
32 assessment to be paid by health benefit plan carriers
33 authorized to conduct business in Colorado.

34

35 Amendment No. 1, Finance Report, dated March 7, 2001, and placed in
36 member's bill file; Report also printed in House Journal, March 9, pages
37 735-740.

38

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

41

42 **HB01-1167** by Representative(s) Paschall, King, Rhodes, Saliman;
43 also Senator(s) Gordon, Hagedorn, Lamborn, Perlmutter--
44 Concerning damages in wrongful death cases.

45

46 Amendment No. 1, Civil Justice & Judiciary Report, dated February 6,
47 2000, and placed in member's bill file; Report also printed in House
48 Journal, February 8, pages 334-335.

49

50 Amendment No. 2, Appropriations Report, dated March 9, 2001, and
51 placed in member's bill file; Report also printed in House Journal,
52 March 9, pages 734-735.

53

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

56

- 1 **HB01-1256** by Representative(s) Webster; also Senator(s) Phillips--
2 Concerning an expansion of the definition of "farm
3 equipment" under the state sales and use tax to include
4 dairy equipment.
5
- 6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
- 9 **HB01-1313** by Representative(s) Jahn--Concerning the creation of a
10 Colorado income tax credit for individual taxpayers who
11 incur nonreimbursed expenses in connection with
12 providing foster care for children who are under the age of
13 eighteen years.
14
- 15 Amendment No. 1, Finance Report, dated February 21, 2001, and placed
16 in member's bill file; Report also printed in House Journal, February 22,
17 pages 521-524.
18
- 19 Amendment No. 2, Appropriations Report, dated March 9, 2001, and
20 placed in member's bill file; Report also printed in House Journal,
21 March 9, page 735.
22
- 23 As amended, ordered engrossed and placed on the Calendar for Third
24 Reading and Final Passage.
25
- 26 **HB01-1345** by Representative(s) Hoppe, Miller, Snook, Rippy,
27 Webster; also Senator(s) Dyer (Durango)--Concerning the
28 creation of the mineral and energy reclamation trust fund
29 for the purpose of repairing damage to land following the
30 extraction of certain elements.
31
- 32 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
33 dated February 22, 2001, and placed in member's bill file; Report also
34 printed in House Journal, February 23, pages 558-559.
35
- 36 Amendment No. 2, Appropriations Report, dated March 9, 2001, and
37 placed in member's bill file; Report also printed in House Journal,
38 March 9, page 735.
39
- 40 As amended, ordered engrossed and placed on the Calendar for Third
41 Reading and Final Passage.
42
- 43 **SB01-003** by Senator(s) Hillman; also Representative(s) Kester--
44 Concerning the exemption of school buses from
45 constraints generally applicable to commercial vehicles.
46
- 47 Amendment No. 1, Transportation & Energy Report, dated March 8,
48 2000, and placed in member's bill file; Report also printed in House
49 Journal, March 9, pages 725-726.
50
- 51 As amended, ordered revised and placed on the Calendar for Third
52 Reading and Final Passage.
53
- 54 **HB01-1355** by Representative(s) Fairbank, Lee, Alexander, Berry,
55 Cadman, Clapp, Cloer, Crane, Dean, Decker, Fritz,
56 Hefley, Hoppe, Johnson, Kester, King, Larson, Lawrence,

1 Mitchell, Nuñez, Paschall, Rhodes, Rippy, Schultheis,
 2 Scott, Sinclair, Smith, Snook, Spence, Spradley, Stafford,
 3 Stengel, Swenson, Webster, White, Williams T., Witwer,
 4 Young; also Senator(s) Hillman, Andrews, Cairns,
 5 Chlouber, Dyer (Arapahoe), Evans, Lamborn, May,
 6 McElhany, Musgrave, Taylor, Teck--Concerning the
 7 procedures involved with the waiver of educational laws
 8 granted by the state board of education.
 9

10 Amendment No. 1, by Representative Romanoff.

11
 12 Amend printed bill, page 2, strike lines 4 through 12 and substitute the
 13 following:
 14

15 **"22-2-117. Additional power - state board - waiver of**
 16 **requirements - rules.** (1) (d) In addition to any requirements for a
 17 waiver application that are specified in this subsection (1), any
 18 application submitted by a school district that has a funded pupil count,
 19 as defined in section 22-54-103 (7), of three thousand or more pupils
 20 shall demonstrate that such application has ~~the consent of a majority of~~
 21 BEEN SUBMITTED FOLLOWING CONSULTATION WITH the appropriate
 22 accountability committee, ~~a majority of~~ the affected licensed
 23 administrators, and ~~a majority of~~ the teachers of the affected school or
 24 district."
 25

26 Amendment No. 2, by Representative King.

27
 28 Amend the Amendment No. 1, by Representative Romanoff, as printed
 29 in House Journal, page 789, line 19, strike "three" and substitute "**three**
 30 **SIX**";
 31

32 As amended, ordered engrossed and placed on the Calendar for Third
 33 Reading and Final Passage.
 34

35 **SB01-115** by Senator(s) Cairns; also Representative(s) Schultheis--
 36 Concerning the release of information identifying
 37 individuals who defer the payment of property taxes
 38 pursuant to the state elderly property tax deferral program.
 39

40 Ordered revised and placed on the Calendar for Third Reading and Final
 41 Passage.
 42

43 **SB01-171** by Senator(s) Taylor; also Representative(s) Miller--
 44 Concerning records required to be maintained by certain
 45 state agencies for construction projects under the
 46 supervision of those state agencies.
 47

48 Ordered revised and placed on the Calendar for Third Reading and Final
 49 Passage.
 50

51 **SB01-155** by Senator(s) Lamborn; also Representative(s) Scott--
 52 Concerning the use of the sales and use tax revenues of a
 53 local government pledged to a capital improvement fund.
 54

55 Ordered revised and placed on the Calendar for Third Reading and Final
 56 Passage.

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **SB01-102, HB01-1319 amended, 1167**
4 **amended, 1256, 1313 amended, 1345 amended, SB01-003 amended,**
5 **HB01-1355 amended, SB01-115, 171, 155.**

6
7 The Chairman moved the adoption of the Committee of the Whole
8 Report. As shown by the following roll call vote, a majority of those
9 elected to the House voted in the affirmative, and the Report was
10 **adopted.**

11	12	13	14	15	16	17	18
	YES 64	NO 0	EXCUSED 1		ABSENT 0		
14	Alexander	E Groff	Y Miller	Y Spence	Y		Y
15	Bacon	Y Grossman	Y Mitchell	Y Spradley	Y		Y
16	Berry	Y Hefley	Y Nuñez	Y Stafford	Y		Y
17	Borodkin	Y Hodge	Y Paschall	Y Stengel	Y		Y
18	Boyd	Y Hoppe	Y Plant	Y Swenson	Y		Y
19	Cadman	Y Jahn	Y Ragsdale	Y Tapia	Y		Y
20	Chavez	Y Jameson	Y Rhodes	Y Tochtrop	Y		Y
21	Clapp	Y Johnson	Y Rippy	Y Veiga	Y		Y
22	Cloer	Y Kester	Y Romanoff	Y Vigil	Y		Y
23	Coleman	Y King	Y Saliman	Y Webster	Y		Y
24	Crane	Y Larson	Y Sanchez	Y Weddig	Y		Y
25	Daniel	Y Lawrence	Y Schultheis	Y White	Y		Y
26	Decker	Y Lee	Y Scott	Y Williams S.	Y		Y
27	Fairbank	Y Mace	Y Sinclair	Y Williams T.	Y		Y
28	Fritz	Y Madden	Y Smith	Y Witwer	Y		Y
29	Garcia	Y Marshall	Y Snook	Y Young	Y		Y
30				Mr. Speaker	Y		Y

31
32
33
34
35 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

36
37 **HB01-1034** by Representative(s) White; also Senator(s) Hagedorn--
38 Concerning amendments to the "Colorado Auto Accident
39 Reparations Act", and, in connection therewith,
40 consolidating the definition of a resident relative, and
41 clarifying the types of insurance policies.

42
43 (Amended as printed in Senate Journal, March 12, pages 523-524.)

44
45 Representative White moved that the House **not concur** in Senate amend-
46 ments and that a Conference Committee be appointed. The motion was
47 declared **passed** by the following roll call vote:

49	YES 62	NO 2	EXCUSED 1	ABSENT 0
51	Alexander	E Groff	Y Miller	Y Spence
52	Bacon	Y Grossman	Y Mitchell	Y Spradley
53	Berry	Y Hefley	Y Nuñez	Y Stafford
54	Borodkin	Y Hodge	Y Paschall	Y Stengel
55	Boyd	Y Hoppe	Y Plant	Y Swenson
56	Cadman	Y Jahn	Y Ragsdale	Y Tapia

1	Chavez	Y	Jameson	Y	Rhodes	Y	Tochtrop	Y
2	Clapp	Y	Johnson	Y	Rippy	Y	Veiga	Y
3	Cloer	Y	Kester	Y	Romanoff	Y	Vigil	Y
4	Coleman	Y	King	Y	Saliman	Y	Webster	Y
5	Crane	Y	Larson	Y	Sanchez	Y	Weddig	N
6	Daniel	Y	Lawrence	Y	Schultheis	Y	White	Y
7	Decker	Y	Lee	Y	Scott	Y	Williams S.	Y
8	Fairbank	Y	Mace	Y	Sinclair	Y	Williams T.	Y
9	Fritz	Y	Madden	Y	Smith	Y	Witwer	Y
10	Garcia	N	Marshall	Y	Snook	Y	Young	Y
11							Mr. Speaker	Y

12
13 The Speaker appointed Representatives White, Chairman, Stengel and
14 Miller as House conferees to the bill.

15
16
17
18 **REPORTS OF COMMITTEES OF REFERENCE**

19
20 **BUSINESS AFFAIRS & LABOR**

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

23
24 **SB01-034** be amended as follows, and as so amended, be referred to
25 the Committee of the Whole with favorable
26 recommendation:

27
28 Amend reengrossed bill, page 12, strike lines 12 through 18 and substitute
29 the following:

30
31 "(b) This section shall not apply to any person holding a limited
32 or restricted license ~~which the commissioner determines to be exempt~~
33 ~~from the requirements of this section, nor shall it apply to a nonresident~~
34 ~~who complies with the continuing education requirements of his or her~~
35 ~~state of residence, if the insurance commission of such state and the~~
36 ~~insurance division of this state have in effect a reciprocity agreement~~
37 ~~concerning continuing education requirements~~ IF SUCH LICENSE IS IN
38 GOOD STANDING WITH THE DIVISION AND NO COMPLAINTS HAVE BEEN
39 FILED AGAINST THE LICENSEE."

40
41 Page 14, line 13, strike "A NEW PARAGRAPH," and substitute "THE
42 FOLLOWING NEW PARAGRAPHS,".

43
44 Page 15, after line 21, insert the following:

45
46 "(g) AN INDIVIDUAL APPLICANT WHO HOLDS THE DESIGNATION OF
47 CHARTERED FINANCIAL CONSULTANT ("ChFC"); EXCEPT THAT SUCH
48 INDIVIDUAL IS NOT EXEMPT FROM THAT PORTION OF THE EXAMINATION
49 PERTAINING TO COLORADO LAWS AND RULES PERTINENT TO LIFE
50 INSURANCE AND HEALTH COVERAGE INSURANCE;

51
52 (h) AN INDIVIDUAL APPLICANT WHO HOLDS THE DESIGNATION OF
53 REGISTERED HEALTH UNDERWRITER ("RHU"); EXCEPT THAT SUCH
54 INDIVIDUAL IS NOT EXEMPT FROM THAT PORTION OF THE EXAMINATION
55 PERTAINING TO COLORADO LAWS AND RULES PERTINENT TO LIFE
56 INSURANCE AND HEALTH COVERAGE INSURANCE."

1 Page 21, line 2, strike "(4) and";
2
3 line 3, strike "are" and substitute "is";
4
5 strike lines 6 through 10.
6
7 Page 24, line 7, strike "FOR THE OPERATION OF";
8
9 line 8, strike "THIS ARTICLE" and substitute "FOR THE FOLLOWING";
10
11 strike lines 9 through 10 and substitute the following:

12
13 (a) Insurance producer license; AND

14
15 (b) Continuation of license."
16

17 Page 26, strike lines 5 through 13.

18
19 Renumber succeeding subsections accordingly.

20
21 Page 26, line 22, strike "(4)" and substitute "(3)";

22
23 line 25, strike "(1), (2), AND (3)" and substitute "(1) AND (2)".

24
25 Page 27, line 14, strike "(6)" and substitute "(5)";

26
27 strike lines 15 through 17 and substitute the following:

28
29 "(4) **Immunities.** (a) IN THE ABSENCE OF WILFUL AND WANTON
30 BEHAVIOR, AN INSURER, THE AUTHORIZED REPRESENTATIVE OF THE
31 INSURER, A PRODUCER, THE COMMISSIONER, OR AN ORGANIZATION OF
32 WHICH THE COMMISSIONER IS A MEMBER AND THAT COMPILES THE
33 INFORMATION AND MAKES IT AVAILABLE TO OTHER COMMISSIONERS OR
34 REGULATORY OR LAW ENFORCEMENT AGENCIES SHALL NOT BE SUBJECT TO
35 CIVIL LIABILITY, AND A CIVIL CAUSE OF ACTION OF ANY NATURE SHALL NOT
36 ARISE AGAINST THESE ENTITIES OR THEIR RESPECTIVE AGENTS OR
37 EMPLOYEES, AS A RESULT OF ANY STATEMENT OR INFORMATION REQUIRED
38 BY OR PROVIDED PURSUANT TO THIS SECTION OR ANY INFORMATION
39 RELATING TO ANY STATEMENT THAT MAY BE REQUESTED IN WRITING BY
40 THE COMMISSIONER, FROM AN INSURER OR PRODUCER OR A STATEMENT BY
41 A TERMINATING INSURER OR PRODUCER TO AN INSURER OR PRODUCER
42 LIMITED SOLELY AND EXCLUSIVELY TO WHETHER A TERMINATION FOR
43 CAUSE UNDER THIS PARAGRAPH (a) WAS REPORTED TO THE COMMISSIONER,
44 IF THE PROPRIETY OF ANY TERMINATION FOR CAUSE UNDER SUBSECTION (1)
45 OF THIS SECTION IS CERTIFIED IN WRITING BY AN OFFICER OR AUTHORIZED
46 REPRESENTATIVE OF THE INSURER OR PRODUCER TERMINATING THE
47 RELATIONSHIP.

48
49 (b) PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL NOT ABROGATE
50 OR MODIFY ANY EXISTING STATUTORY OR COMMON LAW PRIVILEGES OR
51 IMMUNITIES.

52
53 (5) **Confidentiality.** (a) (I) EXCEPT AS PROVIDED IN PARAGRAPH
54 (e) OF THIS SUBSECTION (5), ANY DOCUMENTS, MATERIALS, OR OTHER
55 INFORMATION IN THE CONTROL OR POSSESSION OF THE DIVISION OF
56 INSURANCE THAT IS FURNISHED BY AN INSURER, PRODUCER, OR EMPLOYEE

1 OR AGENT THEREOF ACTING ON BEHALF OF THE INSURER OR PRODUCER, OR
2 OBTAINED BY THE COMMISSIONER IN AN INVESTIGATION PURSUANT TO THIS
3 SECTION, SHALL BE CONFIDENTIAL BY LAW AND PRIVILEGED AND SHALL
4 NOT BE SUBJECT TO:

5
6 (A) ARTICLE 72 OF TITLE 24, C.R.S.;

7
8 (B) SUBPOENA;

9
10 (C) DISCOVERY OR ADMISSIBLE INTO EVIDENCE IN ANY PRIVATE
11 CIVIL ACTION.

12
13 (II) THE COMMISSIONER IS AUTHORIZED TO USE THE DOCUMENTS,
14 MATERIALS, OR OTHER INFORMATION IN THE FURTHERANCE OF ANY
15 REGULATORY OR LEGAL ACTION BROUGHT AS A PART OF THE
16 COMMISSIONER'S DUTIES.

17
18 (b) NEITHER THE COMMISSIONER NOR ANY PERSON WHO RECEIVED
19 DOCUMENTS, MATERIALS, OR OTHER INFORMATION WHILE ACTING UNDER
20 THE AUTHORITY OF THE COMMISSIONER SHALL BE PERMITTED OR REQUIRED
21 TO TESTIFY IN ANY PRIVATE CIVIL ACTION CONCERNING ANY
22 CONFIDENTIAL DOCUMENTS, MATERIALS, OR INFORMATION SUBJECT TO
23 PARAGRAPH (a) OF THIS SUBSECTION (5).

24
25 (c) IN ORDER TO ASSIST IN THE PERFORMANCE OF THE
26 COMMISSIONER'S DUTIES UNDER THIS ARTICLE, THE COMMISSIONER, IF THE
27 RECIPIENT AGREES TO MAINTAIN THE CONFIDENTIALITY AND PRIVILEGED
28 STATUS OF THE DOCUMENT, MATERIAL, OR OTHER INFORMATION, AND HAS
29 THE AUTHORITY TO DO SO, MAY:

30
31 (I) SHARE DOCUMENTS, MATERIALS, OR OTHER INFORMATION,
32 INCLUDING THE CONFIDENTIAL AND PRIVILEGED DOCUMENTS, MATERIALS
33 OR INFORMATION SUBJECT TO PARAGRAPH (a) OF THIS SUBSECTION (5),
34 WITH ANY OF THE FOLLOWING:

35
36 (A) OTHER STATE, FEDERAL, AND INTERNATIONAL REGULATORY
37 AGENCIES;

38
39 (B) THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS
40 OR ITS AFFILIATES OR SUBSIDIARIES; AND

41
42 (C) STATE, FEDERAL, AND INTERNATIONAL LAW ENFORCEMENT
43 AUTHORITIES.

44
45 (II) RECEIVE DOCUMENTS, MATERIALS, OR INFORMATION,
46 INCLUDING OTHERWISE CONFIDENTIAL AND PRIVILEGED DOCUMENTS,
47 MATERIALS, OR INFORMATION, FROM THE NATIONAL ASSOCIATION OF
48 INSURANCE COMMISSIONERS, ITS AFFILIATES OR SUBSIDIARIES, AND
49 REGULATORY AND LAW ENFORCEMENT OFFICIALS OF OTHER FOREIGN OR
50 DOMESTIC JURISDICTIONS, AND SHALL MAINTAIN AS CONFIDENTIAL OR
51 PRIVILEGED ANY DOCUMENT, MATERIAL, OR INFORMATION RECEIVED WITH
52 THE UNDERSTANDING THAT IT IS CONFIDENTIAL OR PRIVILEGED UNDER THE
53 LAWS OF THE JURISDICTION THAT IS THE SOURCE OF THE DOCUMENT,
54 MATERIAL, OR INFORMATION; AND

55
56 (III) ENTER INTO AGREEMENTS GOVERNING SHARING AND USE OF

1 INFORMATION CONSISTENT WITH THIS SUBSECTION (5).

2

3 (d) NO WAIVER OF ANY APPLICABLE PRIVILEGE OR CLAIM OF
4 CONFIDENTIALITY IN THE DOCUMENTS, MATERIALS, OR INFORMATION
5 SHALL OCCUR AS A RESULT OF DISCLOSURE TO THE COMMISSIONER UNDER
6 THIS SECTION OR AS A RESULT OF SHARING AS AUTHORIZED IN PARAGRAPH
7 (c) OF THIS SUBSECTION (5).

8

9 (e) NOTHING IN THIS ARTICLE SHALL PROHIBIT THE COMMISSIONER
10 FROM RELEASING FINAL, ADJUDICATED ACTIONS OR CLOSED FILES,
11 INCLUDING THOSE PORTIONS OF THE RECORD PERTAINING TO FOR CAUSE
12 TERMINATIONS THAT SHALL BE OPEN TO PUBLIC INSPECTION PURSUANT TO
13 ARTICLE 72 OF TITLE 24, C.R.S., AND TO A DATABASE OR OTHER
14 CLEARINGHOUSE SERVICE MAINTAINED BY THE NATIONAL ASSOCIATION OF
15 INSURANCE COMMISSIONERS OR ITS AFFILIATES OR SUBSIDIARIES."

16

17 Renumber succeeding subsection accordingly.

18

19 Page 28, line 17, strike "The" and substitute "EXCEPT FOR INDIVIDUALS
20 OR ENTITIES WRITING BAIL, the".

21

22 Page 34, line 3, strike "AN" and substitute "EXCEPT FOR INDIVIDUALS OR
23 ENTITIES WRITING BAIL, AN".

24

25 Page 35, strike lines 22 and 23 and substitute the following:

26

27 "(g) (I) Conviction of a felony or misdemeanor involving moral
28 turpitude;

29

30 (II) FOR THE PURPOSES OF THIS PARAGRAPH (g) "MORAL
31 TURPITUDE" SHALL INCLUDE ANY SEXUAL OFFENSE AGAINST A CHILD AS
32 DEFINED IN SECTION 18-3-411, C.R.S."

33

34 Page 41, after line 2, insert the following:

35

36 "**SECTION 42.** 10-16-107 (1.5) (b), Colorado Revised Statutes,
37 is amended to read:

38

39 **10-16-107. Rate regulation - approval of policy forms - benefit**
40 **certificates - evidences of coverage - loss ratio guarantees - disclosures**
41 **on treatment of intractable pain.** (1.5) Rates for an individual sickness,
42 accident, or health insurance policy, contract, certificate, or other
43 evidence of coverage issued or delivered to any policyholder, enrollee,
44 subscriber, or member in Colorado by an insurer subject to the provisions
45 of part 2 of this article or an entity subject to the provisions of part 3 or
46 4 of this article shall not be excessive, inadequate, or unfairly
47 discriminatory to assure compliance with the requirements of this section
48 that rates are not excessive in relation to benefits. Rates on a particular
49 individual policy form, contract, or other evidence of coverage issued or
50 delivered to any policyholder, subscriber, or member in Colorado subject
51 to the provisions of parts 1 to 4 of this article will not be considered
52 excessive in relation to benefits upon filing with the commissioner if the
53 health care coverage entity has filed with the commissioner a loss ratio
54 guarantee which meets the requirements of this subsection (1.5) and loss
55 ratio standards conforming with generally accepted actuarial principles
56 and standards and regulations adopted by the commissioner of insurance.

1 In promulgating such regulations the commissioner shall consider the
 2 standards on health rate filings adopted by the national association of
 3 insurance commissioners. Rates will not be considered excessive so long
 4 as such entity complies with the terms of the loss ratio guarantee as
 5 provided for in this subsection (1.5). This loss ratio guarantee shall be in
 6 writing, signed by an officer of the entity, and shall contain at least the
 7 following:

8
 9 (b) A certification by ~~an independent~~ A QUALIFIED actuary that the
 10 loss ratio standards referred to in paragraph (a) of this subsection (1.5)
 11 conform with generally accepted actuarial principles and standards and
 12 that the rates are not excessive, inadequate, nor unfairly discriminatory;"

13
 14 Renumber succeeding sections accordingly.

15
 16
 17
 18 **SB01-040** be referred to the Committee of the Whole with favorable
 19 recommendation.

20
 21
 22 **SB01-107** be amended as follows, and as so amended, be referred to
 23 the Committee of the Whole with favorable
 24 recommendation:

25
 26 Amend reengrossed bill, page 3, strike lines 13 through 21 and substitute
 27 the following:

28
 29 "SECTION 2. 43-1-411 (1) (d), Colorado Revised Statutes, is
 30 amended to read:

31
 32 **43-1-411. Issuance of permits prohibited - when.** (1) No permit
 33 shall be issued for the erection, use, or maintenance of any advertising
 34 device which is or would be:

35
 36 (d) ~~Used or intended to be used for more than two advertisements~~
 37 ~~facing in the same direction.~~ DESIGNED, USED OR INTENDED TO BE
 38 DESIGNED, OR USED TO INCLUDE MORE THAN TWO ADVERTISING PANELS ON
 39 AN ADVERTISING DEVICE FACING IN THE SAME DIRECTION.

40
 41 **SECTION 3. Safety clause.** The general assembly hereby finds,
 42 determines, and declares that this act is necessary for the immediate
 43 preservation of the public peace, health, and safety."

44
 45
 46
 47
 48 **EDUCATION**

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

51
 52 **HB01-1277** be amended as follows, and as so amended, be referred to
 53 the Committee on Appropriations with favorable
 54 recommendation:

55
 56 Amend printed bill, page 4, line 20, strike "SECTION" and substitute

1 "SECTION, PLUS THE TOTAL NUMBER OF NEW PUPILS EXPECTED TO BE
2 ENROLLED IN SAID QUALIFIED CHARTER SCHOOLS FOR THE BUDGET YEAR
3 FOR WHICH STATE EDUCATION FUND MONEYS ARE TO BE DISTRIBUTED,";
4
5 line 24, strike "BOTH".
6
7 Page 5, line 23, strike "INCLUDED";
8
9 strike line 24;
10
11 line 25, strike "SECTION 22-30.5-106(1)(g)" and substitute the following:
12
13 "SUBMITTED BY THE CHARTER SCHOOL TO THE DISTRICT THAT GRANTED ITS
14 CHARTER FOR THE BUDGET YEAR FOR WHICH STATE EDUCATION FUND
15 MONEYS ARE TO BE APPROPRIATED PURSUANT TO SUBSECTION (4) OF THIS
16 SECTION FOR CAPITAL CONSTRUCTION";
17
18 line 26, strike "THE" and substitute "SAID";
19
20 strike line 27 and substitute "BUDGET YEAR FOR CAPITAL
21 CONSTRUCTION."
22
23 Page 6, strike lines 1 and 2;
24
25 strike line 14 and substitute the following:
26
27 "AMOUNT EQUAL TO THE GREATER OF:
28
29 (I) FIFTY-FIVE PERCENT OF THE CERTIFIED STATEWIDE";
30
31 line 17, strike "DISTRIBUTED." and substitute "DISTRIBUTED; OR
32
33 (II) FIFTY-FIVE PERCENT OF THE AVERAGE CERTIFIED STATEWIDE
34 AVERAGE AMOUNT OF PER PUPIL BOND REDEMPTION REVENUES FOR THE
35 BUDGET YEARS TWO YEARS PRIOR, THREE YEARS PRIOR, AND FOUR YEARS
36 PRIOR TO THE BUDGET YEAR FOR WHICH STATE EDUCATION FUND MONEYS
37 ARE TO BE DISTRIBUTED.";
38
39 line 23, strike "YEAR" and substitute "YEAR, PLUS THE TOTAL NUMBER OF
40 NEW PUPILS EXPECTED TO BE ENROLLED IN SAID QUALIFIED CHARTER
41 SCHOOLS DURING THE NEXT BUDGET YEAR,".
42
43 Page 7, line 3, strike "THE PRIOR BUDGET YEAR." and substitute "EACH OF
44 THE THREE PRECEDING BUDGET YEARS."
45
46 Page 8, line 14, strike "THE";
47
48 strike line 16 and substitute the following:
49
50 "MULTIPLIED BY AN AMOUNT EQUAL TO THE GREATER OF:
51
52 (I) FIFTY-FIVE PERCENT OF THE";
53
54 strike lines 20 through 22 and substitute the following:
55
56 "EDUCATION FUND MONEYS ARE TO BE RECEIVED; OR

1 (II) FIFTY -FIVE PERCENT OF THE AVERAGE CERTIFIED STATEWIDE
2 AVERAGE AMOUNT OF PER PUPIL BOND REDEMPTION REVENUES, AS
3 DEFINED IN SECTION 22-54-123 (1) (b), FOR THE BUDGET YEARS TWO
4 YEARS PRIOR, THREE YEARS PRIOR, AND FOUR YEARS PRIOR TO THE
5 BUDGET YEAR FOR WHICH STATE EDUCATION FUND MONEYS ARE TO BE
6 RECEIVED.

7
8 (b) FUNDING RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS
9 SUBSECTION (1) SHALL BE IN ADDITION TO ANY FUNDING PROVIDED
10 PURSUANT TO SECTION 22-30.5-112."

11
12 Reletter succeeding paragraph accordingly.

13
14 Page 9, line 14, strike "22-54-123 (1) (f)" and substitute "22-54-123 (1)
15 (f), PROVIDE, FOR EACH QUALIFIED CHARTER SCHOOL THAT HAS RECEIVED
16 FUNDING FROM THE DISTRICT PURSUANT TO THIS SECTION FOR THE BUDGET
17 YEAR IN WHICH THE DISTRICT MAKES A REPORT, AN ESTIMATE OF THE
18 NUMBER OF NEW PUPILS EXPECTED TO BE ENROLLED IN THE CHARTER
19 SCHOOL DURING THE NEXT BUDGET YEAR,";

20
21 line 17, strike "THE BUDGET YEAR FOLLOWING";

22
23 strike line 18 and substitute the following:

24
25 "SAID NEXT BUDGET YEAR."
26
27
28
29

30 **FINANCE**

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

33
34 **HB01-1181** be amended as follows, and as so amended, be referred to
35 the Committee on Appropriations with favorable
36 recommendation:

37
38 Amend printed bill, page 2, line 8, strike "2001," and substitute "2004,";

39
40 line 13, strike "2001," and substitute "2004,";

41
42 line 14, strike "ONE-QUARTER" and substitute "ONE-HALF".

43
44 Page 3, line 1, strike "2001," and substitute "2004,";

45
46 line 5, strike "2001," and substitute "2004,";

47
48 line 8, strike "NINETEEN ONE-HUNDREDTHS" and substitute
49 "THREE-EIGHTHS";

50
51 line 22, strike "2001," and substitute "2004,";

52
53 line 27, strike "2001," and substitute "2004,".

54
55 Page 4, line 2, strike "ELEVEN AND THIRTY-EIGHT ONE-HUNDREDTHS" and
56 substitute "TWELVE";

1 line 14, strike "2001," and substitute "2004,";
2
3 line 17, strike "2001," and substitute "2004," and strike "ONE-QUARTER"
4 and substitute "ONE-HALF".
5
6 Page 5, line 6, strike "2001," and substitute "2004," and strike
7 "ONE-QUARTER" and substitute "ONE-HALF".
8
9

10
11 **HB01-1361** be referred to the Committee of the Whole with favorable
12 recommendation.
13

14
15 **HB01-1364** be referred to the Committee of the Whole with favorable
16 recommendation.
17

18
19 **SB01-140** be amended as follows, and as so amended, be referred to
20 the Committee of the Whole with favorable
21 recommendation:
22

23 Amend reengrossed bill, page 10, line 12, strike "TWENTY-NINE" and
24 substitute "TWENTY-THREE";
25

26 line 13, strike "TWENTY-FIVE" and substitute "FIFTEEN".
27

28 Page 11, line 9, strike "THIRTY" and substitute "TWENTY".
29
30
31
32

33 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**
34 After consideration on the merits, the Committee recommends the
35 following:
36

37 **SB01-079** be postponed indefinitely.
38
39

40 **SB01-114** be referred to the Committee of the Whole with favorable
41 recommendation.
42
43
44
45

46 **LOCAL GOVERNMENT**

47 After consideration on the merits, the Committee recommends the
48 following:
49

50 **SB01-151** be referred to the Committee of the Whole with favorable
51 recommendation.
52
53
54
55

- 1 **STATE, VETERANS, & MILITARY AFFAIRS**
2 After consideration on the merits, the Committee recommends the
3 following:
4
5 **SB01-132** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
9
10
11 **TRANSPORTATION & ENERGY**
12 After consideration on the merits, the Committee recommends the
13 following:
14
15 **SB01-144** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:
18
19 Amend reengrossed bill, page 2, line 14, after "THE", insert
20 "CONSTRUCTION";
21
22 line 16, after "SUCH", insert "ADDITIONAL INCREMENTAL".
23
24 Page 3, line 5, strike "PROMULGATE RULES";
25
26 strike lines 6 through 9 and substitute the following:
27
28 "UNDERTAKE AN INVESTIGATION INTO NATURAL GAS PUBLIC UTILITIES'
29 SUPPLY ACQUISITION PRACTICES. THE INVESTIGATION SHALL EXAMINE,
30 AMONG OTHER ITEMS, HOW PUBLIC UTILITIES CURRENTLY ACQUIRE SUPPLY
31 AND THEIR ABILITY TO MANAGE THE RISK OF PRICE SPIKES IN NATURAL GAS
32 MARKETS. BASED ON THE INVESTIGATION'S FINDINGS, THE COMMISSION
33 MAY PROVIDE RECOMMENDATIONS AS TO HOW NATURAL GAS PORTFOLIOS
34 MIGHT BE STRUCTURED IN THE FUTURE SO AS TO PROVIDE GREATER
35 LONG-TERM NATURAL GAS PRICE STABILITY FOR CONSUMERS.
36 INFORMATION FROM THE INVESTIGATION SHALL BE MADE AVAILABLE TO
37 INTERESTED PARTIES AT THE COMMISSION'S OFFICE. SUCH PORTFOLIO
38 SHALL".
39
40 line 12, after the period, add "THE COMMISSION SHALL SUBMIT A REPORT
41 TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE ON OR BEFORE
42 FEBRUARY 1, 2004, AND BIENNIALY ON OR BEFORE EVERY OTHER
43 FEBRUARY 1 THEREAFTER, THAT DESCRIBES THE STATUS OF THE COAL
44 SYNGAS COMPONENT OF NATURAL GAS PUBLIC UTILITIES' PORTFOLIOS."
45
46 Page 4, strike lines 23 through 27.
47
48 Page 5, strike lines 1 through 9.
49
50 Renumber succeeding section accordingly.
51
52
53
54
55
-

1 of the constitution of the state of Colorado, changing term
2 limits for elected officials from eight to twelve years,
3 subject to section 11 (2) of article XVIII of the
4 constitution, which allows voters to modify or remove
5 term limits for all local and certain state officials.

6 Committee on State, Veterans, & Military Affairs

7
8
9

10 **INTRODUCTION OF RESOLUTION**

11
12 The following resolution was read by title and laid over one day under the
13 rules:

14
15 **SJR01-012** by Senator(s) Reeves, Hagedorn; also Representative(s)
16 Lawrence, Bacon--Concerning the Bone and Joint Decade.

17
18
19

20 **LAY OVER OF CALENDAR ITEMS**

21
22 On motion of Representative Spradley, the following items on the
23 Calendar were laid over until March 16, retaining place on Calendar:

24
25 Consideration of General Orders--**SB01-027, 088, 178, HB01-1352,**
26 **SB01-169, HCR01-1001, SB01-135, SB01-066, 145.**

27 Consideration of Resolutions--**SJR01-016, HR01-1010.**

28 Consideration of Memorial--**HM01-1001.**

29 Consideration of Senate Amendments--**HB01-1011, 1265, 1023, 1056,**
30 **1228, 1030.**

31
32
33

34 On motion of Representative Spradley, the House adjourned until
35 9:00 a.m., March 16, 2001.

36
37
38

Approved:

39
40
41

DOUG DEAN,
Speaker

42
43 Attest:

44
45
46

JUDITH RODRIGUE,
Chief Clerk