

**HOUSE JOURNAL**  
**SIXTY-THIRD GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Extraordinary Session**

**ADDENDUM**

(As authorized by Section 26, Article V of  
the Constitution of the State of Colorado.)

**NO FINAL ACTION TAKEN**

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The House took no final action on the following bills:

- HB01S2-1017, 1026 (Consideration of Second Reading)
  - SB01S2-020 (Consideration of Senate Adherence)
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**REPORT OF COMMITTEE OF REFERENCE**

**APPROPRIATIONS**

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

**HB01S2-1024** The Committee returns the bill herewith and reports that said bill has been considered on its merits and voted upon by the Committee, and that final action has not been taken by this Committee. Said bill cannot be passed within the time remaining in the current legislative session; therefore, said bill is deemed to be postponed indefinitely.

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**MESSAGES FROM THE SENATE**

Mr. Speaker:

The Senate failed to recede on HB01S2-1019. The bill is returned herewith.

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The Senate took no action on HJR01S2-1006 and HJR01S2-1007. The resolutions are returned herewith.

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**SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

The Speaker has signed: **HB01S2-1006, 1034; HJR01S2-1003, HR01S2-1002, 1003, 1004, 1005; SB01S2-012, 015, 022, 023; SJR01S2-008, 009.**

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1 **HB01S2-1034** Concerning a Pilot Program for a Group Benefit  
2 Insurance Plan for State Employees Experiencing  
3 Increases in HMO Health Insurance Costs Exceeding a  
4 Specified Amount.

5  
6 Approved November 6, 2001 at 9:46 a.m.

7  
8 Sincerely,  
9 (signed)  
10 Bill Owens  
11 Governor

12

13

14

15 The written text of Governor Owens' address to the joint session of the  
16 House and Senate is printed in the House Journal September 20, 2001,  
17 pages 15-21. The following are the extemporaneous remarks by  
18 Governor Owens that were not included in that written text:

19

20 Let me talk for a moment about the topics that I've chosen for this session  
21 and what's called "the Governor's call". I know that there has been some  
22 concern about, I believe, the 14 topics that have been outlined. Some  
23 have wanted a more expansive call some have wanted additional items  
24 added to the call.

25

26 Let me walk you through some things that I remember from the 12 years  
27 that I spent in this chamber as well as in the Senate. Section 9 of Article  
28 4 of the Colorado Constitution reads as follows. The Governor may on  
29 extraordinary occasions convene the General Assembly by proclamation,  
30 stating therein the purposes for which to assemble but at such special  
31 session no business shall be transacted other than that specifically named  
32 in the proclamation. As you can imagine this has been the subject of  
33 lawsuits, lots of lawsuits over the years. Let me read you what the  
34 Supreme Court says about Section 9. The Governor -- this was the  
35 subject of a lawsuit a number of years ago and the Supreme Court  
36 decided as follows: The Governor is required to state in his proclamation  
37 the purpose for which the Legislature is to assemble in special session.  
38 And it provided that in such session no business shall be transacted other  
39 than that specifically named in the proclamation. The Governor is thus  
40 invested, said the Supreme Court, with extraordinary powers. He alone  
41 is to determine when there is an extraordinary occasion for convening the  
42 Legislature; and he alone is to designate the business which the  
43 Legislature is to transact when thus convened.

44

45 Also, in 1980 there was another lawsuit. The Supreme Court, in a case  
46 involving Governor Lamm, decided as follows: In the 1980 case the  
47 Colorado Supreme Court upheld an extremely narrow call of Governor  
48 Lamm's. The Governor's call read as follows: Solely for the business of  
49 changing the effective date of House Bill 1589, Chapter 216 Session  
50 Laws of 1977, by amending Section 79 thereof. The Governor's call was  
51 upheld because the Legislature could either choose to postpone the  
52 effective date or leave it the same. In the years that I served in this  
53 Legislature I was involved in a number of special sessions.

54

55 In 1991 Governor Romer called a special session with this as one of the  
56 call items: Concerning the reenactment of Section 16-11-103, C.R.S., as

1 it existed prior to the approval of Senate Bill 88-78, and concerning its  
2 applicability to crimes committed on or after July 1, 1998 -- very, very  
3 specific.

4  
5 In 1993 I was in the Senate chamber when we had a call which read as  
6 follows: Concerning an additional district court judge for the 18<sup>th</sup> Judicial  
7 District. It would not have been constitutional to put that judge in the 19<sup>th</sup>  
8 or the 17<sup>th</sup> or to add two or three judges. It said "an additional judge for  
9 the 18<sup>th</sup> District", decide 'yes' or 'no' in that case.

10  
11 Some of you, many of you were here in 1997 when a special session  
12 decided how to deal with the Tabor refund. And if some of you are  
13 wondering why the refund is designed as it has been, let me read you  
14 what Governor Romer's call in 1997 dealt with in terms of the Tabor  
15 refund: Concerning the refund of state revenues in excess of the limits  
16 established by Section 20, Article 10 of the Colorado Constitution to  
17 Colorado resident individuals in a flat dollar amount per eligible  
18 individual and making an appropriation in connection thereof. It wasn't  
19 allowed to give a rebate to businesses. It wasn't allowed to give anything  
20 other than a flat dollar amount, not proportionate, but flat, to Colorado  
21 individuals. That's where the Tabor refund came from and it was based  
22 on the Governor's limited call to the legislature in 1997. Governor Romer  
23 also added to that call later, and this is his call item: Concerning  
24 continuation statements filed with filing officers under the uniform  
25 commercial code, secured transactions, the central filing of effective  
26 financing statements act, in connection therewith validating such  
27 statements filed in forms not containing certain language previously  
28 required but deleted or intending to be deleted by Senate Bill 97-155 and  
29 deleting remaining statutory language reflecting this requirement  
30 mistakenly not deleted by Senate Bill 97-155.

31  
32 Ladies and Gentlemen, the constitution is very clear. A special session  
33 is different than a regular session. Just like my predecessors, I have the  
34 power to set the call for a special session and I would urge the members  
35 to accept the difference between a regular session and a special session.

36  
37 We all know what the issues are going to be.

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## 41 **REPORTS TO THE COLORADO GENERAL ASSEMBLY**

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43 The following Reports have been received by the Chief Clerk of the  
44 House of Representatives. The reports are on file in the Library of  
45 Legislative Council.

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### 47 **Department of Corrections**

48 Response to Footnote 16 to SB01-212, concerning the utilization of  
49 global positioning satellite and electronic paging devices for high risk  
50 offenders

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### 52 **Department of Education**

53 Consolidated child care pilots - status report (pursuant to 26-6.5-103,  
54 CRS)

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- 1 **Department of Health Care Policy and Financing**  
2 Proposal for tracking children leaving the Children's Basic Health  
3 Program (pursuant to SB01-212, Footnote 57)  
4  
5 Historical and anticipated expenditures of the Medicaid nursing  
6 facilities quality incentive payment programs (pursuant to SB01-212,  
7 Footnote 53a)  
8
- 9 **Department of Higher Education**  
10 Institutions of Higher Education Enterprise activities (pursuant to  
11 24-77-103(7), CRS)  
12 University of Northern Colorado Net revenues:  
13 for the period of April 1, 2001 through June 30, 2001  
14
- 15 **Department of Human Services**  
16 Low-Income Energy Assistance Program (LEAP) 2000-2001 Annual  
17 Report  
18
- 19 **Department of Natural Resources**  
20 Division of Water Resources:  
21 2000 Annual Report and the 2000 Cumulative Yearly Statistics  
22 State Engineer's seventeenth annual report on dam safety for Fiscal  
23 Year 2000-2001 (pursuant to 37-87-114.4, CRS)  
24
- 25 **Department of Personnel**  
26 General Support Services: General purpose financial statements  
27 (pursuant to 24-30-204, CRS)  
28  
29 Risk Management Employment Claims Tracking Report (pursuant to  
30 HB99-1077)  
31
- 32 **Department of Public Health and Environment**  
33 Air Quality Commission: Regarding the "Area of Public Access" in the  
34 context of asbestos abatement (pursuant to 25-7-502(1)(b), CRS)  
35  
36 Responses to Footnotes of SB01-212  
37 Footnote 194a - Regarding remediation efforts in Waterton Canyon  
38 Footnote 200 - Regarding revenues and expenditures relating to the  
39 regulation of hog farms  
40 Footnote 199 regarding computer inventory and replacement  
41 Footnote 203 - Regarding the AIDS Drug Assistance Program  
42  
43 Vehicle emissions inspection and maintenance program (pursuant to  
44 42-4-306(9)(a)(1), CRS)  
45
- 46 **Department of Public Safety**  
47 Response to Footnotes of SB01-212  
48 Footnote 11 - Plan for public access to criminal data  
49 Footnote 218 - Policies and effectiveness of overtime appropriation  
50 for the Colorado State Patrol  
51
- 52 **Department of Regulatory Agencies**  
53 Division of Banking: Ninety-first Annual Report of the State Bank  
54 Commissioner January 1, 2000 to December 31, 2000 (pursuant to  
55 11-2-110, CRS)  
56

1 **Department of Revenue**  
2 Colorado Lottery  
3 Financial Statements (unaudited) (pursuant to 24-35-204, CRS):  
4 Third quarter ended March 31, 2001  
5  
6 Statement of Lottery Revenues, Prize Disbursements and other  
7 expenses (unaudited) (pursuant to 24-35-204, CRS):  
8 for ten (10) months ended April 30, 2001  
9 for eleven (11) months ended May 30, 2001  
10  
11 Division of Gaming:  
12 Statement of Gaming Revenues, Gaming Taxes, and Expenditures  
13 (Unaudited) (pursuant to 12-47.1-203(i), CRS):  
14 for the ten (10) months ended April 30, 2001  
15 for the eleven (11) months ended May 31, 2001  
16 for the twelve (12) months ended June 30, 2001  
17 for the first (1) month ended July 31, 2001  
18 for the two (2) months ended August 31, 2001  
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20 **Department of State**  
21 Responses to Footnotes of SB01-212  
22 Footnote 245 - Concerning declining usage of the Colorado  
23 Voter Registration System  
24  
25 **Department of Treasury**  
26 Statement of financial condition as of June 29, 2001  
27 Statement of financial condition as of September 28, 2001  
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31 Approved:  
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35 DOUG DEAN,  
36 Speaker  
37 Attest:  
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39 JUDITH RODRIGUE,  
40 Chief Clerk