

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

Thirteenth Legislative Day

Monday, January 21, 2002

1 Prayer by Pastor Robert Woolfolk, Agape Christian Church, Denver.
2
3 The Speaker called the House to order at 11:00 a.m.
4
5 The roll was called with the following result:
6
7 Present--56.
8 Excused--Representatives Coleman, Groff, Kester, Marshall,
9 Paschall, Plant, Romanoff, Sanchez, S. Williams--9.
10 Present after roll call--Representatives Groff, Marshall,
11 Paschall, Plant, Romanoff, Sanchez, S. Williams.
12

13 The Speaker declared a quorum present.
14
15

16 On motion of Representative White, the reading of the journal of
17 January 18, 2002, was declared dispensed with and approved as corrected
18 by the Chief Clerk.
19
20

REPORTS OF COMMITTEE OF REFERENCE

BUSINESS AFFAIRS & LABOR

25 After consideration on the merits, the Committee recommends the
26 following:
27

28 **HB02-1005** be referred to the Committee of the Whole with favorable
29 recommendation.
30

31
32 **HB02-1013** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:
35

36 Amend printed bill, strike everything below the enacting clause, and
37 substitute the following:
38

39 **SECTION 1.** 10-16-102 (6) (a) (6) (b), and (40) Colorado
40 Revised Statutes, are amended to read:
41

42 **10-16-102. Definitions.** As used in this article, unless the context
43 otherwise requires:

1 (6) (a) "Business group of one" means, for purposes of
2 qualification, an individual, a sole proprietor, or a single full-time
3 employee of a subchapter S corporation, C corporation, nonprofit
4 corporation, limited liability company, or partnership:
5

6 (I) Who:
7

8 (A) Has carried on significant business activity for a period of at
9 least one year prior to application for coverage FROM WHICH GROSS
10 INCOME IS DERIVED; AND
11

12 (B) Has gross income as indicated on federal internal revenue
13 service forms 1040, schedule C, F, or SE, or other forms recognized by
14 the federal internal revenue service for income reporting purposes; ~~which~~
15 ~~generated gross income from which that individual, sole proprietor, or~~
16 ~~single full-time employee has derived at least a substantial part of such~~
17 ~~individual's income; AND~~
18

19 (II) WHOSE GROSS INCOME, for one year out of the most recent
20 consecutive three-year period, ~~For the purposes of this subsection (6);~~
21 ~~"substantial part of such individual's income" means income derived from~~
22 ~~business activities of the business group of one that are IS:~~
23

24 (A) AT LEAST THE EQUIVALENT OF TWENTY-FOUR HOURS PER
25 WEEK MULTIPLIED BY THE FEDERAL MINIMUM WAGE; OR
26

27 (B) Sufficient to pay for annual health insurance premiums for the
28 business group of one.
29

30 (b) "Business group of one" includes a full-time household
31 employee who ~~works twenty-four hours or more a week~~ EARNS A GROSS
32 AMOUNT PER WEEK OF AT LEAST TWENTY-FOUR HOURS MULTIPLIED BY THE
33 FEDERAL MINIMUM WAGE on a permanent basis as a household employee,
34 if that employee has derived ~~at least a substantial part of such employee's~~
35 earned income for AT LEAST one year out of the preceding three-year
36 period from household employment, and if the employee's employer, on
37 at least fifty percent of the days in a normal work week during the
38 preceding calendar quarter, employed at least one household employee.
39

40 (40) (a) "Small employer" means any person, firm, corporation,
41 partnership, or association that is actively engaged in business that, on at
42 least fifty percent of its working days during the preceding calendar
43 quarter, employed no more than fifty eligible employees, the majority of
44 whom were employed within this state and that was not formed primarily
45 for the purpose of purchasing insurance. On and after January 1, 1996,
46 "small employer" includes a business group of one. In determining the
47 number of eligible employees, companies that are affiliated companies,
48 or that are eligible to file a combined tax return for purposes of state
49 taxation, shall be considered one employer.
50

51 (b) IN ORDER TO BE CLASSIFIED AS A SMALL EMPLOYER WITH MORE
52 THAN ONE EMPLOYEE WHEN ONLY ONE EMPLOYEE ENROLLS IN THE SMALL
53 EMPLOYER'S HEALTH BENEFIT PLAN, THE SMALL EMPLOYER SHALL SUBMIT
54 TO THE SMALL EMPLOYER CARRIER THE TWO MOST RECENT QUARTERLY
55 EMPLOYMENT AND TAX STATEMENTS SUBSTANTIATING THAT THE
56 EMPLOYER HAD TWO OR MORE EMPLOYEES. SUCH SMALL EMPLOYER

1 GROUP SHALL ALSO MEET THE PARTICIPATION REQUIREMENTS OF THE
2 SMALL EMPLOYER CARRIER.

3

4 **SECTION 2.** 10-16-118 (1) (a) (I), Colorado Revised Statutes,
5 is amended to read:

6

7 **10-16-118. Limitations on preexisting condition limitations.** (1)

8 A health coverage plan that covers residents of this state:

9

10 (a) (I) If it is a group health benefit plan, shall not deny, exclude,
11 or limit benefits for a covered individual because of a preexisting
12 condition for losses incurred more than ~~six~~ TWELVE months following the
13 date of enrollment of the individual in such plan or, if earlier, the first day
14 of the waiting period for such enrollment. A group health benefit plan
15 may impose a preexisting condition exclusion or limitation only if such
16 exclusion relates to a condition (whether physical or mental), regardless
17 of the cause of the condition, for which medical advice, diagnosis, care,
18 or treatment was recommended or received within six months
19 immediately preceding the date of enrollment of the individual in such
20 plan or, if earlier, the first day of the waiting period for such enrollment;
21 except that a group health benefit plan shall not impose any preexisting
22 condition exclusion in the case of a child that is adopted or placed for
23 adoption before attaining eighteen years of age, or relating to pregnancy.

24

25 **SECTION 3. Effective date - applicability.** (1) This act shall
26 take effect January 1, 2003, unless a referendum petition is filed during
27 the ninety-day period after final adjournment of the general assembly that
28 is allowed for submitting a referendum petition pursuant to article V,
29 section 1 (3) of the state constitution. If such a referendum petition is
30 filed against this act or an item, section, or part of this act within such
31 period, then the act, item, section, or part shall take effect on the specified
32 date only if approved by the people.

33

34 (2) The provisions of this act shall apply to health benefit plans
35 issued or renewed on or after the applicable effective date of this act."

36

37

38

39 **HB02-1048** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:

42

43 Amend printed bill, page 2, line 11, strike "therapist, OR ENGAGES IN THE
44 PRACTICE OF OCCUPATIONAL" and substitute "therapist";

45

46 line 12, strike "THERAPY,".

47

48 Page 3, line 1, strike "a minimum of six months or nine hundred" and
49 substitute "~~a minimum of six months or nine hundred~~";

50

51 line 2, strike "forty hours of advanced" and substitute "~~forty hours of~~
52 ~~advanced~~ THE MINIMUM REQUIREMENTS OF";

53

54 line 4, strike "current" and substitute "~~current~~";

55

1 line 5, strike "~~American occupational therapy certification board~~" and
 2 substitute "American occupational therapy certification board OR THE
 3 ENTRY-LEVEL CERTIFICATION EXAMINATION GIVEN BY THE";
 4
 5 line 7, after "a", insert "CURRENT".
 6

7
8
9 **INTRODUCTION OF BILLS**
10 **First Reading**

11
12 The following bills were read by title and referred to the committees
13 indicated:

14
15 **HB02-1204** by Representative(s) Swenson--Concerning a requirement
16 that a person who drives a motor vehicle on the highways
17 of this state with knowledge that the person's driving
18 privileges are under restraint lose access to that motor
19 vehicle.

20 Committee on Transportation & Energy

21
22 **HB02-1205** by Representative(s) Swenson--Concerning increased
23 penalties for violations of drunk driving laws, and, in
24 connection therewith, making an appropriation.

25 Committee on Transportation & Energy

26 Committee on Appropriations

27
28 **HB02-1206** by Representative(s) Plant, Jahn, Saliman, Young; also
29 Senator(s) Owen, Reeves, Tate--Concerning eligibility
30 periods for the children's basic health plan.

31 Committee on Health, Environment, Welfare, & Institutions

32
33 **HB02-1207** by Representative(s) Witwer--Concerning the biennial
34 adjustment of the level of value of taxable real property,
35 and, in connection therewith, requiring the subtraction of
36 an amount equal to the preliminary adjusted level of value
37 as of the final day of the data-gathering period multiplied
38 by the rate of consumer inflation for the data-gathering
39 period in determining the final adjusted level of value.

40 Committee on Finance

41
42 **HB02-1208** by Representative(s) Stengel; also Senator(s) Phillips--
43 Concerning compliance with federal law in the imposition
44 of a sales tax in the state on mobile telecommunications
45 service.

46 Committee on Finance

47
48
49 **INTRODUCTION OF RESOLUTION**

50
51
52 The following resolution was read by title and laid over for a few
53 minutes:

54
55 **HR02-1005** by Representative(s) Grossman, Dean, Spradley, Marshall,
56 Groff, Veiga, Tapia, Bacon, Boyd, Hodge, Weddig,

1 Williams S.--Concerning the commemoration of the
2 birthday of Dr. Martin Luther King, Jr.

3
4 WHEREAS, Dr. Martin Luther King, Jr., was born in Atlanta,
5 Georgia in 1929; and

6
7 WHEREAS, Dr. King graduated from Morehouse College with a
8 Bachelor of Arts degree in 1948, graduated from Crozer Theological
9 Seminary in 1951, and received a Ph.D. from Boston University in 1955;
10 and

11
12 WHEREAS, The son of the pastor of the Ebenezer Baptist Church
13 in Atlanta, Dr. King was ordained in 1947 and became minister of a
14 Baptist church in Montgomery, Alabama in 1954; and

15
16 WHEREAS, Dr. King led the boycott by Montgomery blacks
17 against the segregated city bus lines in 1955-56, the action that many
18 historians consider to be the beginning of the Civil Rights Movement in
19 America; and

20
21 WHEREAS, Dr. King attained national prominence by advocating
22 a policy of non-violent resistance to segregation; and

23
24 WHEREAS, In 1956, Dr. King won a major victory and prestige
25 as a civil rights leader when the Montgomery buses began to operate on
26 a desegregated basis; and

27
28 WHEREAS, After the Montgomery success, Dr. King organized
29 the Southern Christian Leadership Conference, which gave him a base to
30 pursue further civil rights activities, first in the South and later
31 nationwide; and

32
33 WHEREAS, Dr. King was arrested on numerous occasions in the
34 1950s and 1960s while peacefully protesting injustices; and

35
36 WHEREAS, Dr. King's civil disobedience attracted worldwide
37 attention to the plight of African Americans in the United States; and

38
39 WHEREAS, In 1963 Dr. King penned, "Letter from Birmingham
40 Jail," that remains a timeless exposition of the virtues of non-violence and
41 civil disobedience; and

42
43 WHEREAS, Dr. King organized the massive March on
44 Washington, which took place on August 28, 1963, and which brought
45 more than 200,000 people together in the name of equality and civil
46 rights; and

47
48 WHEREAS, Dr. King's efforts were instrumental in the enactment
49 of the Civil Rights Act of 1964 that prohibited segregation in public
50 accommodations and facilities and banned discrimination based on race,
51 color, or national origin; and

52
53 WHEREAS, Dr. King's efforts were instrumental in the enactment
54 of the Voting Rights Act of 1965, which was landmark legislation to
55 protect the voting rights of minorities in America; and

56

1 WHEREAS, In 1964 Dr. King was awarded the Nobel Peace Prize
 2 for his tireless and selfless work in pursuit of justice for people of color
 3 in America; and
 4

5 WHEREAS, On April 4, 1968, Dr. King was shot and killed by
 6 James Earl Ray while standing on the balcony of a motel in Memphis,
 7 Tennessee; and
 8

9 WHEREAS, Dr. King's birthday is a federal holiday in the United
 10 States and a state holiday in the state of Colorado, which is celebrated
 11 each year on the third Monday in January; now, therefore,
 12

13 *Be It Resolved by the House of Representatives of the Sixty-third*
 14 *General Assembly of the State of Colorado:*
 15

16 That the House of Representatives hereby encourages appropriate
 17 observance, ceremonies, and activities to observe and commemorate the
 18 federal and state legal holiday honoring Dr. Martin Luther King, Jr.,
 19 throughout all cities, towns, counties, school districts, and local
 20 governments within Colorado.
 21

22
 23 House in recess. House reconvened.
 24
 25

26
 27 **CONSIDERATION OF RESOLUTION**
 28

29 **HR02-1005** by Representative(s) Grossman, Dean, Spradley, Marshall,
 30 Groff, Veiga, Tapia, Bacon, Boyd, Hodge, Weddig,
 31 Williams S.--Concerning the commemoration of the
 32 birthday of Dr. Martin Luther King, Jr.
 33

34 (Printed and placed in member's file; also printed in House Journal,
 35 January 21, 2002, pages 122-124.)
 36

37 On motion of Representative Spradley the rules were suspended for
 38 immediate consideration of the resolution.
 39

40 On motion of Representative Grossman, the resolution was read at length
 41 and **adopted** by the following roll call vote:
 42

43	YES	63	NO	0	EXCUSED	2	ABSENT	0
45	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
53	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54	Coleman	E	Kester	E	Saliman	Y	Webster	Y
55	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
56	Daniel	Y	Larson	Y	Schultheis	Y	White	Y

1	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
4	Garcia	Y	Madden	Y	Snook	Y	Young	Y
5							Mr. Speaker	Y

6
7 Co-sponsors added: Roll call of the House.

8
9

10

11

LAY OVER OF CALENDAR ITEMS

12

13 On motion of Representative Spradley, the following items on the
14 Calendar were laid over until January 22, retaining place on Calendar:

15

16 Consideration of General Orders--**HB02-1016, 1072, 1043, 1092, 1020,**
17 **1066, 1033, 1041, 1032, 1057, 1085, 1110, 1042, 1061.**

18

19

20 On motion of Representative Spradley, the House adjourned until
21 9:00 a.m., January 22, 2002.

22

23

Approved:

24

25

26

27

DOUG DEAN,
Speaker

28

29 Attest:

30

31 JUDITH RODRIGUE,
32 Chief Clerk