

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

Sixty-ninth Legislative Day

Monday, March 18, 2002

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian
 2 Church, Denver.

3
 4 The Speaker called the House to order at 10:30 a.m.

5
 6 The roll was called with the following result:

7
 8 Present--59.
 9 Excused--Representatives Fritz, Mitchell, Paschall, Rippy,
 10 Williams S.--5.
 11 Absent--Representative Lee--1.
 12 Present after roll call--Representative Lee, Williams S.

13
 14 The Speaker declared a quorum present.

15
 16
 17 On motion of Representative Madden, the reading of the journal of
 18 March 15, 2002, was declared dispensed with and approved as corrected
 19 by the Chief Clerk.

THIRD READING OF BILL--FINAL PASSAGE

20
 21
 22
 23
 24
 25 The following bill was considered on Third Reading. The title was
 26 publicly read. Reading of the bill at length was dispensed with by
 27 unanimous consent.

28
 29 **SB02-114** by Senator(s) Hanna; also Representative(s) Crane--
 30 Concerning the regulation of ski area guest child care
 31 facilities.

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

37

YES 46	NO 13	EXCUSED 5	ABSENT 1
Alexander	Y Groff	N Marshall	N Spence
Bacon	Y Grossman	Y Miller	Y Spradley
Berry	Y Harvey	Y Mitchell	E Stafford
Borodkin	Y Hefley	Y Paschall	E Stengel

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

14
15 Co-sponsors added: Representatives Alexander, Miller, Scott, Smith,
16 Mr. Speaker.

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

23
24
25 **GENERAL ORDERS--SECOND READING OF BILLS**

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

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

34
35 **SB02-026** by Senator(s) Nichol; also Representative(s) Cadman--
36 Concerning death and disability benefits for members of
37 the statewide death and disability plan for police officers
38 and firefighters.

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

42
43 **SCR02-001** by Senator(s) Owen, Fitz-Gerald, Hagedorn, Isgar; also
44 Representative(s) Williams T., Miller, Spradley--
45 Submitting to the registered electors of the state of
46 Colorado an amendment to section 2 of article XI of the
47 constitution of the state of Colorado, concerning the
48 authorization for local governments that are lawfully
49 authorized to provide health care to participate with a
50 public or private entity in affecting the provision of such
51 health care, and, in connection therewith, authorizing a
52 county, city, town, township, or special district to become
53 a subscriber, member, or shareholder in or a joint owner
54 with any person or company, public or private, in order to
55 provide such health care without incurring debt and
56 without pledging its credit or faith; requiring any such

1 county, city, town, township, or special district entering
2 such an arrangement to own its just proportion to the
3 whole amount invested; and providing that any such entity
4 or relationship established for such purpose shall not be
5 deemed a political subdivision, local government, or local
6 public body for any purpose.

7
8 Amendment No. 1, by Representative T. Williams.

9
10 Amend reengrossed bill, page 4, strike lines 23 through 27.

11
12 Page 5, strike lines 1 through 9 and substitute the following:

13
14 "CONCERNING THE AUTHORIZATION FOR LOCAL GOVERNMENTS TO BECOME
15 A PARTNER WITH A PUBLIC OR PRIVATE ENTITY IN THE PROVISION OF
16 HEALTH CARE SERVICES, AND, IN CONNECTION THEREWITH, AUTHORIZING
17 A LOCAL GOVERNMENT TO BECOME A SUBSCRIBER, MEMBER, OR
18 SHAREHOLDER IN OR A JOINT OWNER WITH ANY PERSON OR COMPANY,
19 PUBLIC OR PRIVATE, IN ORDER TO PROVIDE SUCH HEALTH CARE WITHOUT
20 INCURRING DEBT."."

21
22 Page 1, strike lines 104 through 113.

23
24 Page 2, strike lines 101 through 106 and substitute the following:

25
26 **THE AUTHORIZATION FOR LOCAL GOVERNMENTS TO BECOME A**
27 **PARTNER WITH A PUBLIC OR PRIVATE ENTITY IN THE PROVISION OF**
28 **HEALTH CARE SERVICES, AND, IN CONNECTION THEREWITH,**
29 **AUTHORIZING A LOCAL GOVERNMENT TO BECOME A SUBSCRIBER,**
30 **MEMBER, OR SHAREHOLDER IN OR A JOINT OWNER WITH ANY PERSON**
31 **OR COMPANY, PUBLIC OR PRIVATE, IN ORDER TO PROVIDE SUCH**
32 **HEALTH CARE WITHOUT INCURRING DEBT."**

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

36
37 **SB02-007** by Senator(s) Hillman; also Representative(s) Kester--
38 Concerning county commissioner redistricting.

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

42
43 **HB02-1180** by Representative(s) Larson, Alexander, Boyd, Coleman,
44 Groff, Madden, Paschall, Stengel; also Senator(s)
45 Hernandez, Gordon, Taylor--Concerning the transfer of
46 moneys from the Colorado disabled telephone users fund
47 to the Colorado commission for the deaf and hard of
48 hearing cash fund for the purpose of implementing a
49 program for the deaf and hard of hearing, and making an
50 appropriation therefor.

51
52 Ordered engrossed and placed on the Calendar for Third Reading and
53 Final Passage.

54
55

1 **HB02-1254** by Representative(s) Webster; also Senator(s) Reeves--
2 Concerning the "Public Securities Information Reporting
3 Act".
4

5 Amendment No. 1, Appropriations Report, dated March 8, 2002, and
6 placed in member's bill file; Report also printed in House Journal,
7 March 8, page 768.
8

9 As amended, ordered engrossed and placed on the Calendar for Third
10 Reading and Final Passage.
11

12 **HB02-1321** by Representative(s) Crane, Daniel, Sanchez; also
13 Senator(s) Phillips--Concerning the regulation of games of
14 chance by the secretary of state.
15

16 Laid over until March 19, retaining place on Calendar.
17

18 **HB02-1330** by Representative(s) Stengel; also Senator(s) Dyer--
19 Concerning changes to the amount of the cash value of life
20 insurance that is exempt from attachment by creditors.
21

22 Ordered engrossed and placed on the Calendar for Third Reading and
23 Final Passage.
24

25 **SB02-032** by Senator(s) Teck; also Representative(s) Berry--
26 Concerning the extension of the period that a portion of
27 municipal taxes may be allocated to a special fund to pay
28 indebtedness related to a downtown development
29 authority.
30

31 Amendment No. 1, Business Affairs & Labor Report, dated March 7,
32 2002, and placed in member's bill file; Report also printed in House
33 Journal, March 8, pages 769-770.
34

35 As amended, ordered revised and placed on the Calendar for Third
36 Reading and Final Passage.
37

38 **SB02-106** by Senator(s) Anderson, Arnold; also Representative(s)
39 Stafford, Bacon, Kester, Marshall, Miller, Snook--
40 Concerning conformance of public employee retirement
41 plans with the federal internal revenue code.
42

43 Ordered revised and placed on the Calendar for Third Reading and Final
44 Passage.
45

46 **HB02-1332** by Representative(s) Harvey, Hefley, Alexander, Cadman,
47 Clapp, Cloer, Coleman, Crane, Dean, Decker, Fairbank,
48 Fritz, Hoppe, Jahn, Johnson, Kester, King, Lee, Mace,
49 Miller, Mitchell, Paschall, Rhodes, Rippy, Schultheis,
50 Scott, Sinclair, Smith, Snook, Spradley, Stafford, Stengel,
51 Swenson, Webster, White, Williams T., Witwer, Young;
52 also Senator(s) Musgrave--Concerning the requirement of
53 a daily recitation of the pledge of allegiance in each public
54 school in the state.
55

1 Amendment No. 1, by Representatives Boyd, Lee, Sinclair, Williams S.

2

3 Amend printed bill, page 2, after line 20, insert the following:

4

5 "(c) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO
6 REQUIRE FOREIGN STUDENTS ATTENDING SCHOOL IN THE STATE OF
7 COLORADO TO RECITE THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE
8 UNITED STATES OF AMERICA."

9

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

12

13 On motion of Representative Spradley, the remainder of the General
14 Orders Calendar (**SB02-038, 139, 158, HB02-1119, 1296, SB02-124,**
15 **136, HB02-1359, SB02-166, 020, 021, 036, 112, 064, 165, HB02-1341,**
16 **SB02-122, HB02-1015, 1343, 1357, SB02-145, HB02-1347, 1010**) was
17 laid over until March 19, retaining place on Calendar.

18

19

20

21 AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

22

23 Representatives Weddig and Sanchez moved to amend the Report of the
24 Committee of the Whole to show that the following portion of the
25 Weddig and Sanchez amendment, to HB02-1332, did pass, and that
26 **HB02-1332, as amended**, did pass.

27

28 Amend printed bill, page 2, line 6, strike "PUBLIC";

29

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

31

32 YES 23 NO 37 EXCUSED 5 ABSENT 0

33

34 Alexander	N	Groff	Y	Marshall	E	Spence	N
35 Bacon	Y	Grossman	Y	Miller	N	Spradley	N
36 Berry	N	Harvey	N	Mitchell	E	Stafford	N
37 Borodkin	Y	Hefley	N	Paschall	E	Stengel	N
38 Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
39 Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
40 Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	N
41 Clapp	N	Jameson	Y	Rippy	E	Veiga	Y
42 Cloer	N	Johnson	N	Romanoff	N	Vigil	Y
43 Coleman	Y	Kester	N	Saliman	Y	Webster	N
44 Crane	N	King	N	Sanchez	Y	Weddig	Y
45 Daniel	Y	Larson	N	Schultheis	N	White	N
46 Decker	N	Lawrence	N	Scott	N	Williams S.	Y
47 Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
48 Fritz	E	Mace	Y	Smith	N	Witwer	N
49 Garcia	Y	Madden	Y	Snook	N	Young	N
50						Mr. Speaker	N

51

52

53

54 Representative Garcia moved to amend the Report of the Committee of
55 the Whole to show that the following Garcia amendment, to HB02-1332,
56 did pass, and that **HB02-1332, as amended**, did pass.

1 Amend printed bill, page 2, strike line 13 and substitute the following:

2
3 "STATE OF COLORADO SHALL, AT LEAST ONCE EACH SCHOOL DAY, RECITE
4 ALOUD".

5
6 The amendment was declared **lost** by the following roll call vote:

7
8 YES 21 NO 39 EXCUSED 5 ABSENT 0

9								
10	Alexander	N	Groff	Y	Marshall	E	Spence	N
11	Bacon	Y	Grossman	Y	Miller	N	Spradley	N
12	Berry	N	Harvey	N	Mitchell	E	Stafford	N
13	Borodkin	Y	Hefley	N	Paschall	E	Stengel	N
14	Boyd	Y	Hodge	Y	Plant	Y	Swenson	N
15	Cadman	N	Hoppe	N	Ragsdale	Y	Tapia	Y
16	Chavez	Y	Jahn	N	Rhodes	N	Tochtrop	Y
17	Clapp	N	Jameson	Y	Rippy	E	Veiga	Y
18	Cloer	N	Johnson	N	Romanoff	Y	Vigil	Y
19	Coleman	N	Kester	N	Saliman	Y	Webster	N
20	Crane	N	King	N	Sanchez	Y	Weddig	Y
21	Daniel	Y	Larson	N	Schultheis	N	White	N
22	Decker	N	Lawrence	N	Scott	N	Williams S.	N
23	Fairbank	N	Lee	N	Sinclair	N	Williams T.	N
24	Fritz	E	Mace	N	Smith	N	Witwer	N
25	Garcia	Y	Madden	Y	Snook	N	Young	N
26							Mr. Speaker	N

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30
31 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

32
33 Passed Second Reading: **SB02-026, SCR02-001 amended, SB02-007,**
34 **HB02-1180, 1254 amended, 1330, SB02-032 amended, 106,**
35 **HB02-1332 amended.**

36
37 Laid over until date indicated retaining place on Calendar: **SB02-122,**
38 **HB02-1015, 1343, 1357, SB02-145, HB02-1347, 1010 1321, SB02-038,**
39 **139, 158, HB02-1119, 1296, SB02-124, 136, HB02-1359, SB02-166,**
40 **020, 021, 036, 112, 064, 165, HB02-1341--March 19, 2002.**

41
42 The Chairman moved the adoption of the Committee of the Whole
43 Report. As shown by the following roll call vote, a majority of those
44 elected to the House voted in the affirmative, and the Report was
45 **adopted.**

46
47 YES 59 NO 1 EXCUSED 5 ABSENT 0

48								
49	Alexander	Y	Groff	Y	Marshall	E	Spence	Y
50	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
51	Berry	Y	Harvey	Y	Mitchell	E	Stafford	Y
52	Borodkin	Y	Hefley	Y	Paschall	E	Stengel	Y
53	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
54	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
55	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
56	Clapp	Y	Jameson	Y	Rippy	E	Veiga	Y

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

House in recess. House reconvened.

REPORT OF COMMITTEE OF REFERENCE

FINANCE

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

SB02-141 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, strike everything below the enacting clause, and substitute the following:

"SECTION 1. Special ad-hoc task force on oil and gas royalty payments. (1) The general assembly finds, determines, and declares that a special ad-hoc task force should be convened to immediately address the following:

(a) The case of *Rogers v. Westerman Farm Company*, 29 P.3d 887 (Colo. 2001);

(b) The protection of the legal interests of oil and gas lease royalty payors and payees, including but not limited to underlying landowners and oil and gas producers;

(c) The protection of the sanctity of contract with respect to the interests of oil and gas lease royalty payors and payees;

(d) Recommendations for how to create settled law on the issue of the terms of oil and gas leases and royalty payments thereunder in light of the *Westerman* decision; and

(e) The protection of the oil and gas industry in Colorado into the future through the creation of settled law on these issues.

(2) The ad-hoc task force shall consist of the following nine members:

1 (a) Two members of the senate appointed by the president of the
2 senate and two members of the house of representatives appointed by the
3 speaker of the house of representatives;

4
5 (b) The following five members appointed jointly by the president
6 of the senate and the speaker of the house of representatives:

7
8 (I) A representative of agricultural producers;

9
10 (II) A representative of oil and gas royalty owners;

11
12 (III) A representative of oil and gas producers;

13
14 (IV) A county commissioner from an oil and gas producing
15 county; and

16
17 (V) A member of the state board of land commissioners.

18
19 (3) Members of the task force shall receive no compensation or
20 reimbursement of expenses for their attendance at meetings of the task
21 force.

22
23 (4) The legislative council staff and the office of legislative legal
24 services staff shall be available to assist the ad-hoc task force in carrying
25 out its duties.

26
27 (5) The ad-hoc task force shall begin to meet as soon as possible
28 after the effective date of this section.

29
30 (6) The ad-hoc task force shall not be considered an interim
31 committee pursuant to rule 24A of the joint rules of the senate and house
32 or representatives; however, any bill recommended by the ad-hoc task
33 force shall be exempt from the five-bill limit established in rule 24 (b) (1)
34 (A) of the joint rules of the senate and house of representatives. It is the
35 intent of the general assembly that the ad-hoc task force report its
36 recommendations by April 25, 2002, so that a bill may be considered
37 prior to adjournment of the second regular session of the sixty-third
38 general assembly.

39
40 **SECTION 2. Safety clause.** The general assembly hereby finds,
41 determines, and declares that this act is necessary for the immediate
42 preservation of the public peace, health, and safety."

43
44 Page 1, line 102, change the period to a comma and add "**AND, IN**
45 **CONNECTION THEREWITH, ESTABLISHING A SPECIAL AD-HOC TASK**
46 **FORCE TO ADDRESS ISSUES RELATING TO SUCH ROYALTY INTERESTS.**".

47
48
49
50 **PRINTING REPORT**

51
52 The Chief Clerk reports the following bill has been correctly printed:
53 **HB02-1400.**

DELIVERY OF BILLS TO GOVERNOR

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The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB02-1032, 1056, 1118, 1171, 1230** at 2:30 p.m. on March 15, 2002.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has postponed indefinitely and returns herewith: HB02-1103, 1291, 1100.

The Senate has adopted and returns herewith: HJR02-1028.

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

SB02-097, amended as printed in Senate Journal, March 11, page 447.

MESSAGES FROM THE REVISOR

We herewith transmit without comment, as amended, SB02-097.

**INTRODUCTION OF BILLS
First Reading**

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

HB02-1401 by Representative Williams T.--Concerning the continuation of a credit against unemployment insurance.
Committee on business Affairs & Labor

SB02-097 by Senator(s) Tate, Fitz-Gerald, Takis; also Representative(s) Romanoff--Concerning the provision of affordable housing in the state, and making an appropriation in connection therewith.
Committee on State, Veterans, & Military Affairs
Committee on Appropriations

INTRODUCTION OF RESOLUTION

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

HJR02-1030 by Representative(s) Hoppe, Alexander, Hodge, Jameson, Johnson, Miller, Plant, Rippy, Snook, Tochtrop, Webster; also Senator(s) Isgar, Chlouber, Gordon, Hagedorn, Hanna, Hillman, Taylor--Concerning the designation of National Ag Day.

1
2 WHEREAS, The American economy at its founding and for many
3 years thereafter was rooted in an agrarian society, an important legacy for
4 Americans to remember; and

5
6 WHEREAS, Agriculture continues to be a major component of the
7 American economy, as the nation's largest employer with 22 million
8 people working in some phase of agriculture and with one in 5 jobs
9 dependant on agriculture; and

10
11 WHEREAS, United States farm receipts totaled \$209.2 billion in
12 1999; and

13
14 WHEREAS, Livestock and livestock products account for \$3
15 billion in agricultural exports from Colorado annually; and

16
17 WHEREAS, Meat products represent 42% of Colorado's
18 agricultural exports; and

19
20 WHEREAS, 42% of the land area in the United States is farm
21 land; and

22
23 WHEREAS, 31.9 million acres of the 66 million acres of land in
24 Colorado are used in agricultural production; and

25
26 WHEREAS, In 1998, on average, each American farmer provided
27 food for 132 people in the United States; and

28
29 WHEREAS, Agriculture is a way of life for many Americans, with
30 90% of U.S. farms operated by individuals and family corporations; and

31
32 WHEREAS, Agriculture as an industry has actively pursued new
33 methods and technologies that not only increase productivity but also
34 conserve natural resources; and

35
36 WHEREAS, Through the use of conservation tillage practices on
37 more than 109.2 million acres, soil erosion on U.S. crop land has been
38 reduced by 24% in the last 18 years; and

39
40 WHEREAS, Agriculture contributes to environmentally-friendly
41 efforts by producing crops that can be used in biodegradable products;
42 and

43
44 WHEREAS, Farmers annually enroll 31.4 million acres in the
45 conservation reserve program to protect the environment and habitat for
46 wildlife; and

47
48 WHEREAS, Agriculture benefits the environment by providing
49 food and habitat for 75% of the United States' wildlife; and

50
51 WHEREAS, Agriculture contributes to medical advances by
52 assisting in the development of immunizations, surgical techniques, and
53 pharmaceuticals; and

54
55 WHEREAS, An entire day's harvest in the 1930s yielded what can
56 now be harvested with modern technology in 7 minutes, and, as a result

1 of the industry's improved efficiency, Americans spend approximately
2 10.9% of their income on food, one of the lowest in the world; and
3

4 WHEREAS, The week of March 17, 2002, is National Agriculture
5 Week; now, therefore,
6

7 *Be It Resolved by the House of Representatives of the Sixty-third*
8 *General Assembly of the State of Colorado, the Senate concurring*
9 *herein:*
10

11 That we, the members of the General Assembly, proudly recognize
12 "National Agriculture Day" on March 20, 2002, in celebration of the
13 many men and women who provide Americans and others worldwide
14 with food and fiber.
15

16
17
18 **LAY OVER OF CALENDAR ITEMS**
19

20 On motion of Representative Spradley, the following items on the
21 Calendar were laid over until March 19, retaining place on Calendar:
22

23 Consideration of Resolutions--**HJR02-1027, 1029, SJR02-012.**
24 Consideration of Senate Amendments--**HB02-1041, 1153, 1061, 1050,**
25 **1168.**
26

27
28 On motion of Representative Spradley, the House adjourned until
29 9:00 a.m., March 19, 2002.
30

31 Approved:
32
33

34
35 DOUG DEAN,
36 Speaker

37 Attest:
38

39 JUDITH RODRIGUE,
40 Chief Clerk