

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

Seventy-ninth Legislative Day

Thursday, March 27, 2003

1 Prayer by Dr. Gary Bowser, First Baptist Church of Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Clapp.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Excused--Representative Cloer--1.

11 Present after roll call--Representative Cloer.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative McFadyen, the reading of the journal of
 17 March 26, 2003, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.

19

20

21

THIRD READING OF BILLS--FINAL PASSAGE

22

23

24 The following bills were considered on Third Reading. The titles were
 25 publicly read. Reading of the bill at length was dispensed with by
 26 unanimous consent.

27

28 **HB03-1325** by Representative(s) Vigil; also Senator(s) Tapia--
 29 Concerning the types of matches that make a participant a
 30 professional boxer.

31

32 The question being "Shall the bill pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
 34 majority of those elected to the House voted in the affirmative and the bill
 35 was declared **passed**.

36

37

38

39

40

41

42

43

| YES | 54 | NO | 11 | EXCUSED | 00 | ABSENT | 00 |
|----------|----|--------|----|------------|----|----------|----|
| Berry | Y | Fritz | Y | May | N | Sinclair | Y |
| Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| Boyd | Y | Hall | Y | McFadyen | N | Spence | Y |
| Briggs | Y | Harvey | N | Merrifield | Y | Stafford | Y |
| Brophy | N | Hefley | Y | Miller | Y | Stengel | Y |
| Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |

| | | | | | | | | |
|----|----------|---|----------|---|------------|---|-------------|---|
| 1 | Cadman | N | Hoppe | Y | Paccione | Y | Veiga | Y |
| 2 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 3 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 4 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 5 | Cloer | N | King | Y | Rhodes | N | White | Y |
| 6 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 7 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 8 | Decker | Y | Lundberg | N | Rose | N | Williams T. | Y |
| 9 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 10 | Frangas | Y | Marshall | Y | Schultheis | N | Young | Y |
| 11 | | | | | | | Speaker | Y |

12 Co-sponsors added: Representatives Frangas, Merrifield, Ragsdale, Sinclair.

13
14
15 **HB03-1206** by Representative(s) Rhodes; also Senator(s) McElhany--
16 Concerning the clarification of responsibilities related to
17 compensation for employment.

18
19 The question being "Shall the bill pass?".
20 A roll call vote was taken. As shown by the following recorded vote, a
21 majority of those elected to the House voted in the affirmative and the bill
22 was declared **passed**.

| 24 | YES | 64 | NO | 01 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 25 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 26 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 27 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 28 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 29 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 30 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 31 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 32 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 33 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 34 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 35 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 36 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 37 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 38 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 39 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 40 | Frangas | N | Marshall | Y | Schultheis | Y | Young | Y |
| 41 | | | | | | | Speaker | Y |

42 Co-sponsor added: Representative Crane.

43
44
45 **HB03-1322** by Representative(s) Mitchell--Concerning changes in the
46 procedures for workers' compensation hearings.

47
48 Laid over until later in the day.

49
50
51
52
53 On motion of Representative King, **SB03-155** was added to the end of the
54 Special Orders Calendar on Thursday, March 27, 2003.

1 On motion of Representative Lundberg, the House resolved itself into
2 Committee of the Whole for consideration of Special Orders and he was
3 called to the Chair to act as Chairman.

4
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 **HB03-1164** by Representative(s) Spradley, Butcher; also Senator(s)
18 Hillman--Concerning the expansion of access to health
19 insurance.

20
21 Amendment No. 1, Business Affairs & Labor Report, dated January 30,
22 2003, and placed in member's bill file; Report also printed in House
23 Journal, February 3, pages 259-262.

24
25 Amendment No. 2, Appropriations Report, dated March 14, 2003, and
26 placed in member's bill file; Report also printed in House Journal,
27 March 14, page 1148.

28
29 Amendment No. 3, by Representative Spradley.

30
31 Amend the Business Affairs and Labor Committee Report, dated January
32 30, 2003, page 3, before line 1, insert the following:

33
34 "Page 6, line 19, strike "UNEMPLOYMENT." and substitute "MEDICAL
35 BENEFITS CONTINUED AFTER TERMINATION OF EMPLOYMENT."";

36
37 strike lines 13 and 14 of the committee report and substitute the
38 following:

39
40 "Page 8, strike line 25 and substitute the following:

41
42 "PROVISION THAT REQUIRES A MEWA TO ACCEPT ANY EMPLOYER WHO IS
43 A MEMBER OF";

44
45 line 27, strike "YEARS." and substitute "YEARS AND THE MEWA APPLY
46 THE SAME RATE TO ALL EMPLOYERS IN A MEWA."."

47
48 Page 4 of the committee report, after line 24, insert the following:

49
50 "Page 13, line 11, before "In" insert "THE FIRST YEAR THE FEE SHALL BE
51 NO MORE THAN TWO THOUSAND TWO HUNDRED DOLLARS AND IN
52 SUBSEQUENT YEARS THE FEE SHALL BE NO MORE THAN ONE THOUSAND
53 SEVEN HUNDRED DOLLARS."."

54
55

1 Amendment No. 4, by Representative Spradley.

2
3 Amend printed bill, page 3, before line 24, insert the following:

4
5 **"SECTION 3.** 10-8-601.5 (1) (a) (IV), Colorado Revised
6 Statutes, is amended to read:

7
8 **10-8-601.5. Applicability and scope.** (1) (a) Except as provided
9 in paragraphs (b), (c), and (c.5) of this subsection (1), this article and
10 article 16 of this title shall apply to any health benefit plan that provides
11 coverage to the employees of a small employer in this state if any of the
12 following conditions are met:

13
14 (IV) The plan is marketed to individual employees through an
15 employer or at a place of business, except as otherwise allowed by rule.
16 The division of insurance shall promulgate a rule ~~by December 31, 1995,~~
17 to allow, WITH THE PERMISSION OF OR AT THE REQUEST OF THE EMPLOYER:

18
19 (A) Agents to market health benefit plans through an employer or
20 at an employer's place of business ~~with the permission of or at the request~~
21 ~~of the employer,~~ to such employer's ineligible employees;

22
23 (B) SMALL EMPLOYER CARRIERS TO MARKET INDIVIDUAL HEALTH
24 BENEFIT PLANS THROUGH AN EMPLOYER OR AT AN EMPLOYER'S PLACE OF
25 BUSINESS TO SUCH EMPLOYER'S INELIGIBLE EMPLOYEES AND TO
26 DEPENDENTS OF ELIGIBLE EMPLOYEES.

27
28 **SECTION 4.** 10-16-102 (15), Colorado Revised Statutes, is
29 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30
31 **10-16-102. Definitions.** As used in this article, unless the context
32 otherwise requires:

33
34 (15) (c) NOTHING IN THIS SUBSECTION (15) IS INTENDED TO LIMIT
35 THE EMPLOYER'S TRADITIONAL ABILITY TO SET VALID AND ACCEPTABLE
36 STANDARDS FOR EMPLOYEE ELIGIBILITY BASED ON THE TERMS AND
37 CONDITIONS OF EMPLOYMENT, INCLUDING A MINIMUM WEEKLY WORK
38 REQUIREMENT IN EXCESS OF TWENTY-FOUR HOURS AND ELIGIBILITY BASED
39 UPON SALARIED VERSUS HOURLY WORKERS AND MANAGEMENT VERSUS
40 NONMANAGEMENT EMPLOYEES.

41
42 **SECTION 5.** The introductory portion to 10-16-105 (7.2) and
43 10-16-105 (7.5) (a), Colorado Revised Statutes, are amended to read:

44
45 **10-16-105. Small group sickness and accident insurance -**
46 **guaranteed issue - mandated provisions for basic and standard health**
47 **benefit plans.** (7.2) The commissioner shall promulgate rules to
48 implement a basic health benefit plan and a standard health benefit plan
49 to be offered by each small employer carrier as a condition of transacting
50 business in this state. THE COMMISSIONER SHALL SURVEY SMALL GROUP
51 CARRIERS TO DETERMINE THE RANGE OF HEALTH BENEFIT PLANS
52 AVAILABLE ANNUALLY. THE COMMISSIONER SHALL IMPLEMENT A BASIC
53 PLAN THAT APPROXIMATES THE LOWEST LEVEL OF COVERAGE OFFERED IN
54 SMALL GROUP HEALTH BENEFIT PLANS AND SHALL IMPLEMENT A
55 STANDARD PLAN THAT APPROXIMATES THE AVERAGE LEVEL OF COVERAGE
56 OFFERED IN SMALL GROUP HEALTH BENEFIT PLANS. IN DETERMINING SUCH

1 LEVELS OF COVERAGE, THE COMMISSIONER SHALL CONSIDER SUCH
2 FACTORS AS COINSURANCE, COPAYMENTS, DEDUCTIBLES, OUT-OF-POCKET
3 MAXIMUMS AND COVERED BENEFITS. THE COMMISSIONER SHALL AMEND
4 THE RULES TO IMPLEMENT THE BASIC AND STANDARD PLANS ANNUALLY.
5 Such rules shall be in conformity with the provisions of article 4 of title
6 24, C.R.S., and shall incorporate the following:

7
8 (7.5) (a) Effective January 1, 1995, if a small employer carrier
9 offers coverage to a small employer, such small employer carrier shall
10 offer the same coverage to all of the eligible employees of the small
11 employer. ~~and their dependents.~~ A small employer carrier shall not offer
12 coverage to only certain eligible individuals in a small employer group or
13 to only part of the group, except in the case of late enrollees as provided
14 in section 10-16-118 (1) (c).

15
16 **SECTION 6.** Part 1 of article 16 of title 10, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19
20 **10-16-105.3. Health benefit plans - not prohibited.** (1) A
21 CARRIER SHALL NOT BE PROHIBITED FROM OFFERING HEALTH BENEFIT
22 PLANS THAT:

23
24 (a) PROVIDE FOR DIFFERENT BENEFITS FOR INSURED AND
25 DEPENDENTS OF SUCH INSURED COVERED BY THE SAME POLICY; AND

26
27 (b) ENCOURAGE APPROPRIATE HEALTH CARE CONDITION
28 MANAGEMENT BASED ON CLINICAL GUIDELINES BY PROVIDING CASE
29 MANAGEMENT BENEFITS TO COVERED PERSONS."

30
31 Renumber succeeding sections accordingly.

32
33 Page 6, before line 1, insert the following:

34
35 **"SECTION 8.** 10-16-402 (2) (c), Colorado Revised Statutes, is
36 amended to read:

37
38 **10-16-402. Issuance of certificate of authority - denial.** (2) The
39 commissioner shall issue or deny a certificate of authority to any person
40 filing an application pursuant to section 10-16-401 within thirty days of
41 receipt of the certification from the executive director. Issuance of a
42 certificate of authority shall be granted upon payment of the application
43 fee prescribed in section 10-16-110 (2) if the commissioner is satisfied
44 that the following conditions are met:

45
46 (c) (I) The health maintenance organization will effectively
47 provide or arrange for the provision of basic health care services on a
48 prepaid basis, through insurance or otherwise, except to the extent of
49 reasonable requirements for copayments, deductibles, and payments for
50 out-of-network services received pursuant to section 10-16-704 (2);

51
52 (II) NOTHING IN THIS PARAGRAPH (c) SHALL PROHIBIT A CARRIER
53 FROM OFFERING A HEALTH BENEFIT PLAN THAT:

54
55 (A) PROVIDES FOR DIFFERENT BENEFITS FOR INSURED AND
56 DEPENDENTS OF INSURED COVERED BY THE SAME POLICY; AND

1 (B) ENCOURAGES APPROPRIATE HEALTH CARE CONDITION
2 MANAGEMENT BASED ON CLINICAL GUIDELINES BY PROVIDING CASE
3 MANAGEMENT BENEFITS TO COVERED PERSONS."

4

5 Renumber succeeding sections accordingly.

6

7 Amendment No. 5, by Representative Spradley.

8

9 Amend printed bill, page 17, before line 20, insert the following:

10

11 "SECTION 5. 26-4-127 (1), Colorado Revised Statutes, is
12 amended, and the said 26-4-127 is further amended BY THE ADDITION
13 OF A NEW SUBSECTION, to read:

14

15 **26-4-127. Direct contracting with providers - legislative**
16 **declaration.** (1) The general assembly hereby finds, determines, and
17 declares that costs associated with providing medical assistance to
18 recipients have increased substantially due in part to increased costs of
19 health care services and higher utilization rates. These cost pressures
20 have been most dramatically demonstrated in the southern area of the
21 state. Therefore, the general assembly finds, determines, and declares
22 that a pilot program PROGRAMS should be created to evaluate whether a
23 provider may contract directly with the state department for the provision
24 of services to recipients.

25

26 (2.5) THE STATE DEPARTMENT IS AUTHORIZED TO CONTRACT
27 DIRECTLY WITH ANY PROVIDER WHO IS ABLE TO PROVIDE A
28 COST-EFFECTIVE AND QUALITY HEALTH CARE SYSTEM THROUGH A
29 CAPITATED PARTIAL RISK PROGRAM ON A PER MEMBER PER MONTH BASIS
30 OR THROUGH ANY OTHER FINANCIAL ARRANGEMENT WITH THE
31 DEPARTMENT WHERE THE PROVIDER MANAGES THE HEALTH CARE
32 AVAILABLE TO THE RECIPIENTS AND SHARES WITH THE STATE DEPARTMENT
33 THE SAVINGS ASSOCIATED WITH MANAGEMENT OF SUCH HEALTH CARE."

34

35 Renumber succeeding sections accordingly.

36

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

39

40 **SB03-016** by Senator(s) Lamborn; also Representative(s) Wiens--
41 Concerning the prohibition of certain persons controlling
42 an industrial bank.

43

44 Amendment No. 1, Business Affairs & Labor Report, dated March 11,
45 2003, and placed in member's bill file; Report also printed in House
46 Journal, March 13, pages 1123-1124.

47

48 As amended, ordered revised and placed on the Calendar for Third
49 Reading and Final Passage.

50

51 **SB03-091** by Senator(s) Tupa, Phillips; also Representative(s)
52 Briggs--Concerning incentives for increased use of
53 alternative fuels, and, in connection therewith, allowing
54 hybrid vehicles to use high occupancy vehicle lanes and
55 requiring the use of alternative fuels for certain state
56 vehicles.

1 Amendment No. 1, Finance Report, dated March 12, 2003, and placed in
2 member's bill file; Report also printed in House Journal, March 13,
3 pages 1128-1129.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **SB03-023** by Senator(s) Keller; also Representative(s) Hefley--
9 Concerning the creation of time lines for terminating the
10 parent-child legal relationship of certain children.

11
12 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
13 dated March 12, 2003, and placed in member's bill file; Report also
14 printed in House Journal, March 13, page 1129.

15
16 Amendment No. 2, by Representatives Cloer, Hefley.

17
18 Amend reengrossed bill, page 4, after line 5, insert the following:

19
20 "SECTION 3. 19-3-202 (1), Colorado Revised Statutes, is
21 amended to read:

22
23 **19-3-202. Right to counsel and jury trial.** (1) At the first
24 appearance of a respondent parent, guardian, or legal custodian, the court
25 shall fully advise such party of his legal rights, including the right to a
26 jury trial, the right to be represented by counsel at every stage of the
27 proceedings, and the right to seek the appointment of counsel if the party
28 is unable financially to secure counsel on his own. THE COURT SHALL
29 FULLY EXPLAIN TO SUCH PARTY THE INFORMATIONAL NOTICE OF RIGHTS
30 AND REMEDIES FOR FAMILIES PREPARED PURSUANT TO SECTION 19-3-212,
31 AND SHALL RECOMMEND THAT THE PARTY DISCUSS SUCH NOTICE WITH
32 COUNSEL. FURTHER, THE COURT SHALL ADVISE THE PARTY OF THE
33 MINIMUM AND MAXIMUM TIME FRAMES FOR THE DEPENDENCY AND
34 NEGLECT PROCESS, INCLUDING THE MINIMUM AND MAXIMUM TIMEFRAMES
35 FOR ADJUDICATION, DISPOSITION, AND TERMINATION OF PARENTAL RIGHTS
36 FOR A CHILD WHO IS UNDER SIX YEARS OF AGE AT THE TIME THE PETITION
37 IS FILED IN A COUNTY DESIGNATED PURSUANT TO SECTION 19-1-123."

38
39 Renumber succeeding section accordingly.

40
41 As amended, ordered revised and placed on the Calendar for Third
42 Reading and Final Passage.

43
44 **SB03-038** by Senator(s) Windels; also Representative(s) Jahn--
45 Concerning a clarification of certain terms contained in the
46 unlawful acts section of the "Mortuary Science Code".

47
48 Amendment No. 1, Business Affairs & Labor Report, dated March 13,
49 2003, and placed in member's bill file; Report also printed in House
50 Journal, March 14, page 1150.

51
52 As amended, ordered revised and placed on the Calendar for Third
53 Reading and Final Passage.

54
55

1 A motion by Representative King that the Committee rise, report progress
2 and beg leave to sit again at 1:00 p.m., was adopted by unanimous
3 consent.

4 _____
5
6 House reconvened.

7
8 The Committee of the Whole reported it had risen, reported progress and
9 would sit again at 1:00 p.m.

10 _____
11
12
13 **REPORTS OF COMMITTEES OF REFERENCE**

14
15 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

18
19 **HB03-1334** be amended as follows, and as so amended, be referred to
20 the Committee on Finance with favorable
21 recommendation:

22
23 Amend printed bill, page 2, line 13, strike "NET".

24
25 Page 4, line 2, strike "HISTORIC" and substitute "HISTORICAL";

26
27 line 10, strike "TO PREVENT" and substitute "SO THAT IT WILL NOT CAUSE";

28
29 line 18, strike "HISTORIC NET" and substitute "HISTORICAL";

30
31 line 20, strike "PREVENT" and substitute "NOT CAUSE";

32
33 line 23, strike "HISTORIC NET" and substitute "HISTORICAL".

34
35 Page 5, line 14, strike "PERIOD." and substitute "PERIOD, FOR WHICH ONLY
36 A SINGLE APPROVAL IS REQUIRED. THE TEN-YEAR PERIOD SHALL BEGIN
37 WITH THE GRANTING OF SUCH APPROVAL.".

38
39
40
41 **SB03-114** be referred to the Committee on Appropriations with
42 favorable recommendation.

43
44
45
46
47 **INFORMATION & TECHNOLOGY**

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

50
51 **HB03-1335** be referred to the Committee of the Whole with favorable
52 recommendation.

53
54
55
56

1 **FINANCE**

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

4
5 **HB03-1328** be referred favorably to the Committee on Appropriations.

6
7
8 **HB03-1331** be postponed indefinitely.

9
10
11 **HB03-1332** be referred to the Committee of the Whole with favorable
12 recommendation.

13
14
15 **SB03-107** be referred to the Committee of the Whole with favorable
16 recommendation.

17
18
19 **SB03-141** be amended as follows, and as so amended, be referred to
20 the Committee on Appropriations with favorable
21 recommendation:

22
23 Amend reengrossed bill, page 4, line 4, after "THE", insert "BED AND
24 MEDICAL";

25
26 line 5, strike "MEDICAL".

27
28
29
30 **SB03-237** be referred to the Committee of the Whole with favorable
31 recommendation.

32
33
34 **SB03-243** be referred to the Committee of the Whole with favorable
35 recommendation.

36
37
38
39
40 **TRANSPORTATION & ENERGY**

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

43
44 **SB03-007** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47
48 Amend reengrossed bill, page 2, line 12, strike "A REASONABLE TIME
49 AFTER" and substitute "THIRTY DAYS AFTER RECEIPT OF THE";

50
51 strike line 14 and substitute the following:

52
53 "HIGHWAY AUTHORITY AN AFFIDAVIT CONTAINING THE NAME, ADDRESS,
54 AND STATE DRIVER'S LICENSE NUMBER OF THE PERSON OR";

55
56 line 25, strike "NAME AND ADDRESS" and substitute "NAME, ADDRESS, AND

1 STATE DRIVER'S LICENSE NUMBER".
 2
 3 Page 3, line 12, strike "A REASONABLE TIME AFTER" and substitute
 4 "THIRTY DAYS AFTER RECEIPT OF THE";
 5
 6 strike line 14, and substitute the following:
 7
 8 "ENTERPRISE AN AFFIDAVIT CONTAINING THE NAME, ADDRESS, AND STATE
 9 DRIVER'S LICENSE NUMBER OF THE PERSON OR COMPANY WHO";
 10
 11 line 24, strike "NAME AND ADDRESS" and substitute "NAME, ADDRESS, AND
 12 STATE DRIVER'S LICENSE NUMBER".
 13
 14
 15

16 **SB03-039** be postponed indefinitely.
 17
 18

19 **SB03-058** be referred to the Committee of the Whole with favorable
 20 recommendation.
 21
 22

23
 24 **REPORT FROM THE SENATE AND HOUSE**
 25 **COMMITTEES ON DELAYED BILLS**
 26

27 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 28 Delayed Bills, acting jointly, extend the following deadline for Senate
 29 Bill No. 03-248, Concerning the Financing of Public Schools and Making
 30 an Appropriation Therefor:
 31

32 The Friday, March 14 deadline (the 66th legislative day) for final
 33 passage, including any conference committee report, for any bill
 34 prescribing all or a substantial portion of the total funding for public
 35 schools pursuant to the "Public School Finance Act of 1994", article 54
 36 of title 22, Colorado Revised Statutes, as extended until Friday, March
 37 28, 2003 (the 80th legislative day) is further extended until Friday, April
 38 4, 2003 (the 87th legislative day).
 39

40 This memorandum shall be printed in the journal of each house as is
 41 required by said Joint Rule 23 (c).
 42

| | |
|-------------------|----------------|
| 43 (signed) | (signed) |
| 44 Lola Spradley | John Andrews |
| 45 Keith King | Norma Anderson |
| 46 Jennifer Veiga | |

47
 48
 49
 50 **PRINTING REPORT**
 51

52 The Chief Clerk reports the following bill has been correctly printed:
 53 **HB03-1343.**
 54
 55
 56

MESSAGES FROM THE SENATE

1
2
3 Madam Speaker:

4
5 The Senate has postponed indefinitely HB03-1112. The bill is returned
6 herewith.

7
8
9 The President appointed Senators Chlouber, Chm., Hillman, and
10 Grossman as members of the First Conference Committee on SB03-065.

11
12 The President appointed Senators Andrews, Chm., Dyer, and Nichol as
13 members of the First Conference Committee on HB03-1224.

14
15
16
17
18 **INTRODUCTION OF BILLS**
19 **First Reading**

20
21 The following bills were read by title and referred to the committees
22 indicated:

23
24 **HB03-1343** by Representative(s) Briggs--Concerning the consumption
25 of alcohol.

26 Committee on Transportation & Energy

27
28 **SB03-241** by Senator(s) May R.; also Representative(s) Rippy--
29 Concerning the continuation of the regulation of certain
30 persons in the business of automotive sales, and, in
31 connection therewith, continuing the regulatory functions
32 of the executive director of the department of revenue
33 related to motor vehicle sales.

34 Committee on Business Affairs & Labor

35
36
37
38 **INTRODUCTION OF RESOLUTIONS**

39
40 The following resolution was read by title and referred to the committee
41 indicated:

42
43 **HR03-1013** by Representative(s) Weddig, Coleman, Frangas,
44 Romanoff, Schultheis, Harvey, Carroll, Cerbo, Crane,
45 Fairbank, Lundberg, McCluskey, Merrifield, Mitchell,
46 Plant, Ragsdale, Stafford, Weissmann, Williams S., Cloer,
47 Fritz, Tochtrop--Concerning the elimination of the
48 persecution of practitioners of the Falun Gong practice.

49 Committee on Health, Environment, Welfare, & Institutions

50
51 WHEREAS, Falun Gong, also called Falun Dafa, is a
52 self-improvement practice rooted in ancient Chinese culture that promotes
53 the principles of truthfulness, compassion, and tolerance; and

54
55 WHEREAS, Despite the peaceful, positive, and nonpolitical goals
56 of Falun Gong, the government of the People's Republic of China has for

1 several years brutally and systematically killed, tortured, and illegally
2 detained those who practice Falun Gong; and
3

4 WHEREAS, In addition to the ongoing suppression of Falun Gong
5 practitioners in the People's Republic of China, reputable media outlets
6 have reported incidents of persecution and harassment of Falun Gong
7 practitioners by non-United States citizens in this country; and
8

9 WHEREAS, Colorado practitioners cannot freely do business or
10 visit relatives in China without fear of being arrested, as in the recent
11 incident of Charles Li, a United States citizen, who has been in illegal
12 detention in China since January 22, 2003; and
13

14 WHEREAS, The actions of the Chinese government have been
15 universally condemned by, among others, the President of the United
16 States, the United States Department of State, the United States Congress,
17 and the political leaders of many U.S. states and local governments; and
18

19 WHEREAS, There have been many proclamations and resolutions
20 in cities throughout America and by countries like New Zealand,
21 Australia, France, and Canada condemning the persecution of Falun Gong
22 practitioners; and
23

24 WHEREAS, Falun Gong practitioners from Denver, its suburbs,
25 Colorado Springs, Fort Collins, Boulder, Grand Junction, Avon, and
26 Leadville continue to promote awareness of the beauty of practicing
27 belief freely and, by providing demonstrations, workshops, and seminars
28 on Falun Gong, encourage all citizens to uphold the ideals of world peace
29 and harmony; and
30

31 WHEREAS, The great compassion and tolerance demonstrated by
32 Falun Gong practitioners in upholding the principles of their practice
33 under most severe environments has touched the hearts of people
34 throughout our state, nation, and world; now, therefore,
35

36 *Be It Resolved by the House of Representatives of the Sixty-fourth*
37 *General Assembly of the State of Colorado:*
38

39 That the Colorado House of Representatives urges the government
40 of the People's Republic of China to end the senseless and illegal
41 persecution of practitioners of the Falun Gong or Falun Dafa movement.
42

43 That the Colorado House of Representatives condemns abuses
44 against Falun Gong practitioners and recognizes the peaceful nature of
45 Falun Gong.
46

47 *Be It Further Resolved,* That a copy of this Resolution be
48 transmitted to the Falun Gong coordinators of Colorado: Vivian Lam of
49 Denver, Dr. Showay Xia of Boulder, Frank Zhong of Colorado Springs,
50 Dr. Joe Zhang of Fort Collins, Lee Jun Ivie of Avon, Joy Zhao of Denver,
51 Cary Dunst of Denver, and Jim Fogarty of Leadville and to the Honorable
52 Yang Jiechi, Ambassador of the People's Republic of China.
53

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

3
4 **HJR03-1038** by Representative(s) Spradley--Concerning declaration of
5 the week of May 5, 2003, as Correctional Employees
6 Appreciation Week.

7
8 WHEREAS, The General Assembly recognizes the importance of
9 correctional facilities in the criminal justice system and the magnitude of
10 the contributions made by correctional employees in the State of
11 Colorado; and

12
13 WHEREAS, Correctional employees are the primary agents for
14 promoting health, welfare, security, and safety within correctional
15 facilities and in parole and other community supervision programs; and

16
17 WHEREAS, Correctional employees directly interact with
18 convicted offenders and are the essential catalysts of positive change in
19 the correctional process; and

20
21 WHEREAS, Correctional employees risk their lives daily to
22 protect the citizens of Colorado from persons incarcerated for committing
23 crimes against society; and

24
25 WHEREAS, The National Correctional Officers Association will
26 observe June 23, 2003, through June 29, 2003, as National Correctional
27 Officers Week to honor those who have dedicated their lives to
28 preserving the public safety; now, therefore,

29
30 *Be It Resolved by the House of Representatives of the Sixty-fourth*
31 *General Assembly of the State of Colorado, the Senate concurring*
32 *herein:*

33
34 That the General Assembly of the State of Colorado hereby
35 declares the week of May 5, 2003, as Correctional Employees
36 Appreciation Week in Colorado in recognition of the efforts of
37 correctional employees in the protection of society and in respect for their
38 professionalism, vigilance, and courage in the line of duty, and that the
39 General Assembly calls upon Colorado's citizens to recognize and
40 participate in the observance of this worthy occasion.

41
42 *Be It Further Resolved*, That copies of this Joint Resolution be
43 sent to the Department of Corrections for distribution to each correctional
44 facility and parole, community supervision, and administrative office of
45 the Department of Corrections in the State of Colorado, and that the copy
46 be displayed in an appropriate location in each facility or office.

47
48
49
50 **HJR03-1039** by Representative(s) Sinclair; also Senator(s) Lamborn--
51 Concerning the recognition of Military Appreciation Day.

52
53 WHEREAS, On March 31, 2003, the Department of Military and
54 Veterans Affairs and the United Veterans Committee will sponsor a
55 veterans commemorative event at the Colorado State Capitol in honor of
56 Military Appreciation Day; and

1 WHEREAS, Colorado has a proud and distinguished history of
2 dedicated military service by men and women of this state whose
3 sacrifice, courage, and heroism preserve for past, present, and future
4 generations the liberties and democratic way of life set forth in our state
5 and national constitutions; and
6

7 WHEREAS, This service is manifested in the significant number
8 of medals of honor accredited to service members from the state of
9 Colorado, medals awarded to personnel "For Conspicuous Gallantry and
10 Intrepidity in Action At the Risk of Life Above and Beyond the Call of
11 Duty"; and
12

13 WHEREAS, The state of Colorado significantly benefits from the
14 presence and military service of the more than 40,000 men and women
15 of the United States Army, Navy, Air Force, Marine Corps, Coast Guard,
16 and their Reserves, and the Colorado National Guard and the Civil Air
17 Patrol at military institutions, offices, and bases throughout Colorado; and
18

19 WHEREAS, In these times of great conflict in the Middle East, it
20 is particularly appropriate to recognize the Coloradans in all branches and
21 components of the Armed Services who selflessly serve around the world
22 today to protect the security and peace of our nation and other nations;
23 and
24

25 WHEREAS, In addition to active members of the Armed Services,
26 Colorado is the proud home to and the beneficiary of more than 460,000
27 military veterans who have served their country long and well and bring
28 great honor and distinction to the state; and
29

30 WHEREAS, Colorado is home not only to active duty service
31 personnel and veterans, but also home to countless family members of
32 such men and women, family members who, like their kin, display
33 dedication, sacrifice, and courage; and
34

35 WHEREAS, Dedicated mothers, like those currently residing in
36 Colorado, founded American Gold Star Mothers, Inc., in 1929, an
37 organization composed of mothers who have lost a son or daughter in
38 service to the nation, that works to develop and keep alive a spirit of
39 service to our world, foster a sense of individual obligation, maintain ties
40 of fellowship and assist in further patriotic work, and promote peace and
41 goodwill for the United States and all other nations; now, therefore,
42

43 *Be It Resolved by the House of Representatives of the Sixty-fourth*
44 *General Assembly of the State of Colorado, the Senate concurring*
45 *herein:*
46

47 That we, the members of the Sixty-fourth General Assembly,
48 hereby extend our heartfelt gratitude to our state's veterans, past and
49 present, to all military men and women currently serving in the Armed
50 Services, and to the family members of active duty personnel and
51 veterans, and encourage the citizens of Colorado to join in the celebration
52 of Colorado Military Appreciation Day on March 31, 2003, in
53 recognition and honor of the thousands of fellow citizens who have put
54 on a military uniform in order to protect and serve their community, state,
55 and country.
56

1 *Be It Further Resolved*, That copies of this joint resolution be sent
2 to each of the senior commanders of active duty units and National Guard
3 units located in the State of Colorado; to Marvin Meyers, President of the
4 United Veterans Committee to forward to each member non-profit
5 veterans service organization; to Dorothy Oxendine, National President
6 of American Gold Star Mothers; and to each member of Colorado's
7 congressional delegation.

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11

House in recess. House reconvened.

12

13

14

15 On motion of Representative Lundberg, the House resolved itself into
16 Committee of the Whole for continuation of consideration of Special
17 Orders, and he returned to the Chair to act as Chairman.

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19

20

SPECIAL ORDERS--SECOND READING OF BILLS

21

(Continued from page 1286)

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SB03-088 by Senator(s) Linkhart, Evans, Gordon; also
Representative(s) Plant, Groff, Mitchell--Concerning
implementation of recommendations of the committee on
legal services in connection with legislative review of
rules and regulations of state agencies.

Amendment No. 1, by Representatives Lee, Smith.

Amend reengrossed bill, page 7, before line 11, insert the following:

"(3) The following rules of the medical services board of the
department of health care policy and financing, (10 CCR 2505-10), are
repealed:

(a) Rule 8.487.11, which rule was adopted on February 9, 2001,
concerning provider agencies conforming to all state established
standards, abiding by all terms of their provider agreement, complying
with all federal and state statutory requirements, and prohibiting
discrimination against persons applying for or receiving services on the
basis of age, sex, religion, race, sexual orientation, political belief,
physical diagnosis, handicap or disability (10 CCR 2505-10);

(b) Rule 8.483.60 A., which rule was adopted on or after
November 1, 1995, and before November 1, 1996, concerning any person
providing any service under these regulations strictly complying with all
federal, state and local laws, regulations and ordinances and prohibiting
discrimination against persons applying for or receiving services on the
basis of age, sex, religion, race, sexual preference, political belief,
physical diagnosis, handicap or disability (10 CCR 2505-10);

(c) Rule 8.515.40 A. 1., which rule was adopted on or after
November 1, 1996, and before November 1, 1997, concerning provider
agencies conforming to all state established standards for the specific
services they provide under this program and prohibiting discrimination

1 against persons applying for or receiving services on the basis of age, sex,
2 religion, race, sexual orientation, political belief, physical diagnosis,
3 handicap or disability (10 CCR 2505-10).

4
5 (4) Rule 10.2.2 (i), concerning unlawfully discriminating in the
6 provisions of emergency medical services based upon national origin,
7 race, color, creed, religion, sex, age, physical or mental disability, sexual
8 preference, infectious disease, or economic status, of the state board of
9 health, department of public health and environment (6 CCR 1015-3),
10 which rule was adopted on February 21, 2001, is repealed."

11
12 Renumber succeeding subsection accordingly.

13
14 Amendment No. 2, by Representative Plant.

15
16 Amend reengrossed bill, page 4, line 14, strike "rules" and substitute
17 "rule";

18
19 strike lines 15 through 20 and substitute the following:
20 "of the state board of human services".

21
22 As amended, ordered revised and placed on the Calendar for Third
23 Reading and Final Passage.

24
25
26 **SB03-119** by Senator(s) Johnson S.; also Representative(s) Clapp--
27 Concerning the continuation of the regulatory functions of
28 the state board of pharmacy.

29
30 Ordered revised and placed on the Calendar for Third Reading and Final
31 Passage.

32
33
34 **SB03-034** by Senator(s) Arnold; also Representative(s) Rippy--
35 Concerning the management of vacant facilities owned by
36 the state.

37
38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.

40
41
42 **SB03-044** by Senator(s) Hagedorn; also Representative(s) Fritz--
43 Concerning restrictions on post-tenure employment of
44 former members of the general assembly.

45
46 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
47 March 18, 2003, and placed in member's bill file; Report also printed in
48 House Journal, March 20, page 1191.

49
50 As amended, ordered revised and placed on the Calendar for Third
51 Reading and Final Passage.

52
53
54 **SB03-056** by Senator(s) Phillips, Hanna; also Representative(s)
55 Ragsdale--Concerning membership in plans administered
56 by the fire and police pension association.

1 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
2 March 13, 2003, and placed in member's bill file; Report also printed in
3 House Journal, March 20, page 1191.

4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.

7
8
9 **SB03-102** by Senator(s) Arnold; also Representative(s) White--
10 Concerning voter identification.

11
12 Amendment No. 1, by Representative Weissmann.

13
14 Amend reengrossed bill, page 2, after line 7, insert the following:

15 " (II) A VALID STATE-ISSUED IDENTIFICATION CARD;".

16
17 Renumber succeeding subparagraphs accordingly.

18
19 As amended, ordered revised and placed on the Calendar for Third
20 Reading and Final Passage.

21
22
23 **SB03-106** by Senator(s) Jones, May R.; also Representative(s)
24 Larson--Concerning third-party damages subject to
25 subrogation in claims that are paid pursuant to the
26 "Workers' Compensation Act of Colorado".

27
28 Amendment No. 1, Business Affairs & Labor Report, dated March 20,
29 2003, and placed in member's bill file; Report also printed in House
30 Journal, March 21, pages 1210-1211.

31
32 Amendment No. 2, by Representative Larson.

33
34 Amend the Business Affairs and Labor Committee report, dated March
35 20, 2003, page 2, strike lines 6 through 10 and substitute the following:

36
37 " (II) IF THE BENEFICIARY OF THE ASSIGNED AND SUBROGATED
38 CAUSE OF ACTION ELECTS TO INDEPENDENTLY PURSUE SUCH ASSIGNED
39 CAUSE OF ACTION, ANY RECOVERY BY SUCH BENEFICIARY SHALL NOT BE
40 REDUCED BY ANY ATTORNEY FEES AND COSTS INCURRED BY THE
41 EMPLOYEE. IF THE BENEFICIARY OF THE ASSIGNED AND SUBROGATED
42 CAUSE OF ACTION ELECTS TO INTERVENE WITHIN NINETY DAYS AFTER
43 RECEIVING THE NOTICE REQUIRED BY PARAGRAPH (c) OF SUBSECTION (4)
44 OF THIS SECTION, ANY RECOVERY BY SUCH BENEFICIARY SHALL NOT BE
45 REDUCED BY ANY ATTORNEY FEES AND COSTS INCURRED BY THE
46 EMPLOYEE. IF SUCH BENEFICIARY ELECTS TO INTERVENE AFTER THE
47 EXPIRATION OF SUCH NINETY-DAY PERIOD, THE COURT MAY REDUCE THE
48 BENEFICIARY'S RECOVERY BY A REASONABLE AMOUNT FOR ANY ATTORNEY
49 FEES AND COSTS INCURRED BY THE EMPLOYEE AFTER THE END OF SUCH
50 NINETY-DAY PERIOD AND BEFORE RECEIVING NOTICE THAT THE
51 BENEFICIARY INTENDS TO INTERVENE. ";".

52
53 Amendment No. 3, by Representative Larson.

54
55 Amend the Business Affairs and Labor Committee report, dated March
56 20, 2003, page 2, strike line 13 and substitute the following:

1 "Page 7, line 2, change the period to a semicolon and insert "EXCEPT
2 THAT IF ANY APPLICABLE STATUTORY LIMITATION PERIOD WOULD EXPIRE
3 BEFORE SUCH TWENTY DAYS HAS PASSED, THE EMPLOYEE OR DEPENDENTS
4 MAY FILE OR SERVE THE COMPLAINT, OR OTHERWISE ACT TO TOLL THE
5 RUNNING OF SUCH LIMITATION PERIOD, BEFORE SUCH TWENTY DAYS HAS
6 PASSED.";

7
8 strike lines 6 through 22 and substitute the following:"

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

12
13
14 **SB03-155** by Senator(s) Kester; also Representative(s) Rhodes--
15 Concerning the administration of regulations pertaining to
16 debt collectors, and, in connection therewith, continuing
17 the collection agency board.

18
19 Referred to the Committee on Appropriations.

20
21 On motion of Representative King, the remainder of the Special Orders
22 Calendar (**SB03-015, 113, 149, 042, 158, 233, 021, 079**) was laid over
23 until March 28, retaining place on Calendar.

24
25
26
27 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

28
29 Representatives Paccione, Borodkin, Cerbo, and Tochtrop moved to
30 amend the Report of the Committee of the Whole to show that the
31 following Paccione amendment, to HB03-1164, did pass, and that
32 HB03-1164, as amended, did pass.

33
34 Amend printed bill page 17, before line 20, insert the following:

35
36 "SECTION 5. Part 1 of article 16 of title 10, Colorado Revised
37 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
38 read:

39
40 **10-16-105.3. Pooling small employers by geographic area.**

41 (1) THE COMMISSIONER SHALL CONTRACT WITH UP TO THREE SMALL
42 EMPLOYER CARRIERS TO PROVIDE HEALTH BENEFIT COVERAGE TO ANY
43 WILLING SMALL EMPLOYER LOCATED IN THE SAME GEOGRAPHIC LOCATION
44 OF THE POLICYHOLDERS. SUCH SMALL EMPLOYERS SHALL BE POOLED INTO
45 ONE GROUP FOR THAT GEOGRAPHIC AREA FOR THE PURPOSES OF OBTAINING
46 HEALTH BENEFIT COVERAGE. THE COMMISSIONER SHALL ACCEPT BIDS
47 FROM ANY SMALL EMPLOYER CARRIER FOR HEALTH BENEFIT COVERAGE
48 FOR THE SMALL EMPLOYERS IN THE GEOGRAPHIC AREA. THE
49 COMMISSIONER MAY ALLOW A CARRIER SUBMITTING A BID TO LIMIT
50 COVERAGE WITHIN THE GEOGRAPHIC AREA TO THE FOLLOWING:

51
52 (a) HEALTH BENEFIT COVERAGE FOR SMALL EMPLOYER GROUPS
53 WITH NO MORE THAN TEN EMPLOYEES;

54
55 (b) HEALTH BENEFIT COVERAGE FOR SMALL EMPLOYER GROUPS
56 WITH ELEVEN TO TWENTY-FIVE EMPLOYEES; AND

1 (c) HEALTH BENEFIT COVERAGE FOR SMALL EMPLOYER GROUPS
2 WITH TWENTY-SIX TO FIFTY EMPLOYEES.

3
4 (2) THE COMMISSIONER SHALL CONTRACT WITH THE SMALL
5 EMPLOYER CARRIER THAT SUBMITS THE BID WITH THE LOWEST PREMIUMS
6 FOR HEALTH BENEFIT COVERAGE IN THE GEOGRAPHIC AREA AND FOR EACH
7 SMALL EMPLOYER GROUP SIZE PURSUANT TO PARAGRAPHS (a) TO (c) OF
8 SUBSECTION (1) OF THIS SECTION. A SMALL EMPLOYER CARRIER MAY
9 CONSIDER THE EXPERIENCE OF THE GEOGRAPHIC AREA WHEN DETERMINING
10 PREMIUMS FOR SUCH SMALL EMPLOYERS.

11
12 (3) ANY SMALL EMPLOYER WITHIN THE SAME GEOGRAPHIC AREA
13 MAY OBTAIN COVERAGE FROM THE SMALL EMPLOYER CARRIERS SELECTED
14 BY THE COMMISSIONER PURSUANT TO THIS SECTION.

15
16 (4) THE COMMISSIONER MAY ASSESS A FEE FROM THE SMALL
17 EMPLOYER CARRIERS CONDUCTING BUSINESS WITHIN THIS STATE TO PAY
18 FOR THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS SECTION.
19 SUCH MONEYS SHALL BE TRANSMITTED TO THE STATE TREASURER AND
20 CREDITED TO THE SMALL EMPLOYER POOL CASH FUND, WHICH FUND IS
21 HEREBY CREATED. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
22 APPROPRIATIONS PURSUANT TO THIS SECTION FOR EXPENDITURES OF THE
23 COMMISSIONER INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES
24 UNDER THIS SECTION. SUCH EXPENDITURES SHALL BE MADE FROM SUCH
25 APPROPRIATIONS UPON VOUCHERS AND WARRANTS DRAWN PURSUANT TO
26 LAW."

27
28 Renumber succeeding sections accordingly.

29
30 The amendment was declared **lost** by the following roll call vote:

| | YES | 24 | NO | 39 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 33 | Berry | N | Fritz | N | May | N | Sinclair | N |
| 34 | Borodkin | Y | Garcia | Y | McCluskey | N | Smith | N |
| 35 | Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| 36 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |
| 37 | Brophy | N | Hefley | N | Miller | N | Stengel | N |
| 38 | Butcher | N | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 39 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 40 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 41 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 42 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 43 | Cloer | N | King | N | Rhodes | N | White | N |
| 44 | Coleman | Y | Larson | N | Rippy | N | Wiens | N |
| 45 | Crane | E | Lee | N | Romanoff | Y | Williams S. | N |
| 46 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 47 | Fairbank | N | Madden | Y | Salazar | N | Witwer | N |
| 48 | Frangas | Y | Marshall | Y | Schultheis | E | Young | N |
| 49 | | | | | | | Speaker | N |

50
51
52 Representatives Merrifield, Borodkin, Cerbo, Tochtrop, and Williams S.
53 moved to amend the Report of the Committee of the Whole to show that
54 the following Merrifield amendment, to HB03-1164, did pass, and that
55 HB03-1164, as amended, did pass.

56

1 Amend printed bill, page 17, after line 19, insert the following:

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"SECTION 5. Article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 6
COUNCIL ON PHARMACEUTICAL BULK PURCHASING

25.5-1-601. Short title. THIS PART 6 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO COUNCIL ON PHARMACEUTICAL BULK PURCHASING".

25.5-1-602. Legislative findings and declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) THE COST OF PRESCRIPTION DRUGS IN COLORADO IS GROWING;

(b) THE BENEFIT OF PRESCRIPTION DRUGS WHEN APPROPRIATELY USED DECREASES THE NEED FOR OTHER EXPENSIVE TREATMENTS AND IMPROVES A PERSON'S HEALTH; AND

(c) PROVIDING THE MOST EFFECTIVE DRUGS IN THE MOST COST-EFFECTIVE MANNER WILL BENEFIT BOTH PATIENTS AND TAXPAYERS.

(2) THEREFORE, THE COLORADO GENERAL ASSEMBLY FINDS THAT IT IS IN THE BEST INTERESTS OF COLORADO TO CREATE DIFFERENT APPROACHES TO ADDRESSING THE RISING COST OF PRESCRIPTION DRUGS. THE COST OF PRESCRIPTION DRUGS IN THIS PRESCRIPTION DRUG PROGRAM IS MANAGED THROUGH MARKET COMPETITION AMONG PHARMACEUTICAL MANUFACTURERS BY PUBLICLY CONSIDERING, FIRST, THE EFFECTIVENESS OF A GIVEN DRUG AND, SECOND, ITS RELATIVE COST.

25.5-1-603. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COUNCIL" MEANS THE COLORADO COUNCIL ON PHARMACEUTICAL BULK PURCHASING CREATED IN SECTION 25.5-1-604.

(2) "LABELER" MEANS AN ENTITY OR PERSON THAT RECEIVES PRESCRIPTION DRUGS FROM A MANUFACTURER OR WHOLESALER, THAT REPACKAGES THOSE DRUGS FOR LATER RETAIL SALE, AND THAT HAS A LABELER CODE FROM THE FEDERAL FOOD AND DRUG ADMINISTRATION UNDER 21 CFR 207.20 (1999).

(3) "MANUFACTURER" MEANS A MANUFACTURER OF PRESCRIPTION DRUGS AS DEFINED IN 42 U.S.C. SEC. 1396r-8 (k) (5), INCLUDING A SUBSIDIARY OR AFFILIATE OF A MANUFACTURER.

25.5-1-604. Council on pharmaceutical bulk purchasing.

(1) THERE IS HEREBY CREATED THE COLORADO COUNCIL ON PHARMACEUTICAL BULK PURCHASING WITHIN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. THE COUNCIL SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY A **TYPE 1** TRANSFER.

(2) THE COUNCIL SHALL BE COMPRISED OF SEVEN MEMBERS:

1 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
2 SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3
4 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR THE
5 EXECUTIVE DIRECTOR'S DESIGNEE;

6
7 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
8 CORRECTIONS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9
10 (d) A MEMBER OF THE BOARD OF THE PUBLIC EMPLOYEES'
11 RETIREMENT ASSOCIATION, CREATED IN SECTION 24-51-203, C.R.S.; AND

12
13 (e) (I) THREE MEMBERS REPRESENTING NONPROFIT OR FOR-PROFIT
14 ENTITIES THAT HAVE EXPERIENCE IN PURCHASING PHARMACEUTICALS, TO
15 BE APPOINTED BY THE GOVERNOR.

16
17 (II) INITIAL APPOINTMENTS SHALL BE MADE NO LATER THAN
18 MARCH 15, 2004.

19
20 (3) THE COUNCIL SHALL ANNUALLY ELECT, BY MAJORITY VOTE, A
21 CHAIRPERSON FROM AMONG THE MEMBERS WHO SHALL ACT AS THE
22 PRESIDING OFFICER OF THE COUNCIL.

23
24 (4) (a) THE COUNCIL MAY CONTRACT WITH ENTITIES TO PROVIDE
25 ALL OR PART OF THE SERVICES DESCRIBED IN THIS PART 6 FOR THE BULK
26 PURCHASING OF PHARMACEUTICALS.

27
28 (b) THE COUNCIL MAY ACCEPT AND EXPEND GIFTS, GRANTS, AND
29 DONATIONS FOR OPERATION OF THE BULK PURCHASING OF
30 PHARMACEUTICALS.

31
32 (5) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT
33 COMPENSATION, EXCEPT FOR THE REIMBURSEMENT OF REASONABLE
34 EXPENSES TO CARRY OUT THE DUTIES OF THE MEMBERS OF THE COUNCIL.

35
36 **25.5-1-605. Council powers and duties - administering entity**
37 **- optional participation.** (1) (a) THE COUNCIL SHALL DEVELOP
38 PROCEDURES UNDER WHICH STATE AGENCIES MAY PURCHASE
39 PHARMACEUTICALS. ALL STATE AGENCIES MAY PARTICIPATE IN THE BULK
40 PURCHASING OF PHARMACEUTICALS. PERSONS INSURED THROUGH PRIVATE
41 HEALTH BENEFIT PLANS MAY RECEIVE THE BENEFITS OF SUCH BULK
42 PURCHASING AS DEEMED APPROPRIATE BY THE INSURANCE COMMISSIONER.

43
44 (b) AN AGENCY THAT DOES NOT FOLLOW THE COUNCIL'S
45 PROCEDURES SHALL REPORT TO THE COUNCIL THE FOLLOWING
46 INFORMATION:

47
48 (I) THE PURCHASE PRICE OF THE PHARMACEUTICALS; AND

49
50 (II) THE NAME OF THE WHOLESALER, RETAILER, OR
51 MANUFACTURER SELLING THE PHARMACEUTICALS.

52
53 (2) (a) THE COUNCIL SHALL CONTRACT WITH AN ADMINISTERING
54 ENTITY TO COORDINATE THE CENTRAL PURCHASING OF PHARMACEUTICALS.

55
56 (b) IF THE COUNCIL DOES NOT CONTRACT WITH AN ADMINISTERING

1 ENTITY TO PROVIDE ALL OR PART OF THE SERVICES DESCRIBED IN THIS
2 PART 6 FOR THE BULK PURCHASING OF PHARMACEUTICALS, THE COUNCIL
3 SHALL UNDERTAKE TO PROVIDE SUCH SERVICES TO THE BEST OF ITS
4 ABILITY.

5

6 (3) THE COUNCIL SHALL USE EXISTING DISTRIBUTION NETWORKS,
7 INCLUDING WHOLESALER AND RETAIL DISTRIBUTORS, TO DISSEMINATE THE
8 PHARMACEUTICALS.

9

10 (4) THE COUNCIL SHALL:

11

12 (a) INVESTIGATE ANY AND ALL OPTIONS FOR BETTER PURCHASING
13 POWER, INCLUDING, BUT NOT LIMITED TO, EXPANDING THE PURCHASE OF
14 PHARMACEUTICALS THROUGH THE MEDICAL ASSISTANCE PROGRAM
15 PURSUANT TO ARTICLE 4 OF TITLE 26, C.R.S., QUALIFYING FOR THE
16 PARTICIPATION IN PURCHASING PROGRAMS UNDER 42 U.S.C. SEC. 256b, AS
17 AMENDED, USING REBATE PROGRAMS, HOSPITAL DISPROPORTIONATE
18 SHARE PURCHASING, AND HEALTH DEPARTMENT AND FEDERALLY
19 QUALIFIED HEALTH CENTER PURCHASING; AND

20

21 (b) MAKE RECOMMENDATIONS REGARDING DRUG UTILIZATION
22 REVIEW, PRIOR AUTHORIZATION, THE USE OF RESTRICTIVE FORMULARIES,
23 THE USE OF MAIL ORDER PROGRAMS, AND COPAYMENT STRUCTURES FOR
24 USE BY STATE AGENCIES.

25

26 (5) THE COUNCIL MAY ENTER INTO AGREEMENTS WITH A LOCAL
27 GOVERNING ENTITY TO PURCHASE PHARMACEUTICALS FOR THE LOCAL
28 GOVERNING ENTITY.

29

30 (6) THE COUNCIL SHALL DEVELOP PROCEDURES UNDER WHICH THE
31 COUNCIL MAY DISCLOSE INFORMATION RELATING TO THE PRICES THAT
32 MANUFACTURERS OR WHOLESALERS CHARGE FOR PHARMACEUTICALS BY
33 CATEGORY OF PHARMACEUTICAL. THE COUNCIL MAY NOT DISCLOSE
34 INFORMATION THAT IDENTIFIES A SPECIFIC MANUFACTURER OR
35 WHOLESALER OR THE PRICES CHARGED BY A SPECIFIC MANUFACTURER FOR
36 A SPECIFIC PHARMACEUTICAL.

37

38 **25.5-1-606. Average manufacturer price.** (1) A
39 MANUFACTURER, INCLUDING A MANUFACTURER OF GENERIC DRUGS, WHO
40 SELLS DRUGS IN THIS STATE SHALL REPORT TO THE COUNCIL THE
41 FOLLOWING INFORMATION:

42

43 (a) THE AVERAGE MANUFACTURER PRICE FOR THE
44 PHARMACEUTICAL; AND

45

46 (b) THE PRICE THAT EACH WHOLESALER IN THIS STATE PAYS THE
47 MANUFACTURER TO PURCHASE THE PHARMACEUTICAL.

48

49 (2) THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF
50 THIS SECTION SHALL BE FILED ANNUALLY OR MORE FREQUENTLY AS
51 DETERMINED BY THE DEPARTMENT.

52

53 (3) THE COUNCIL AND THE ATTORNEY GENERAL MAY INVESTIGATE
54 A MANUFACTURER TO DETERMINE THE ACCURACY OF THE INFORMATION
55 PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE ATTORNEY
56 GENERAL MAY TAKE ACTION TO ENFORCE THIS SECTION.

1 **25.5-1-607. Reporting of purchase price - rules.** (1) UPON
2 REQUEST OF THE COUNCIL, A WHOLESALER THAT DISTRIBUTES
3 PHARMACEUTICALS IN THIS STATE SHALL FILE WITH THE COUNCIL
4 INFORMATION SHOWING THE ACTUAL PRICE AT WHICH THE WHOLESALE
5 DISTRIBUTOR SELLS A PARTICULAR PHARMACEUTICAL TO A RETAIL
6 PHARMACY.

7
8 (2) THE COUNCIL MAY ADOPT RULES TO IMPLEMENT THIS SECTION.
9

10 (3) THE COUNCIL AND THE ATTORNEY GENERAL MAY INVESTIGATE
11 THE MANUFACTURER TO DETERMINE THE ACCURACY OF THE INFORMATION
12 PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE ATTORNEY
13 GENERAL MAY TAKE ACTION TO ENFORCE THIS SECTION.
14

15 **SECTION 6.** 24-1-119.5, Colorado Revised Statutes, is amended
16 BY THE ADDITION OF A NEW SUBSECTION to read:
17

18 **24-1-119.5. Department of health care policy and financing -**
19 **creation.** (8) THE COLORADO COUNCIL ON PHARMACEUTICAL BULK
20 PURCHASING, CREATED IN SECTION 25.5-1-604, C.R.S., SHALL EXERCISE
21 ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME
22 WERE TRANSFERRED BY A **TYPE 1** TRANSFER TO THE DEPARTMENT OF
23 HEALTH CARE POLICY AND FINANCING."
24

25 Renumber succeeding sections accordingly.
26

27 Page 18, after line 1, insert the following:
28

29 **"SECTION 8. No appropriation.** The general assembly has
30 determined that sections 5 and 6 of this act can be implemented within
31 existing appropriations, and therefore no separate appropriation of state
32 moneys is necessary to carry out the purposes of this act."
33

34 Renumber succeeding sections accordingly.
35

36 The amendment was declared **lost** by the following roll call vote:
37

| | YES | 26 | NO | 37 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 39 | Berry | N | Fritz | N | May | N | Sinclair | N |
| 40 | Borodkin | Y | Garcia | Y | McCluskey | N | Smith | N |
| 41 | Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| 42 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |
| 43 | Brophy | N | Hefley | N | Miller | N | Stengel | N |
| 44 | Butcher | N | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 45 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 46 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 47 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 48 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 49 | Cloer | N | King | N | Rhodes | N | White | N |
| 50 | Coleman | Y | Larson | N | Rippy | N | Wiens | N |
| 51 | Crane | E | Lee | N | Romanoff | Y | Williams S. | Y |
| 52 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 53 | Fairbank | N | Madden | Y | Salazar | Y | Witwer | N |
| 54 | Frangas | Y | Marshall | Y | Schultheis | E | Young | N |
| 55 | | | | | | | Speaker | N |

56

1 Representatives Romanoff, Borodkin, Cerbo, Tochtrop, and Williams S.
2 moved to amend the Report of the Committee of the Whole to show that
3 the following Romanoff amendment, to HB03-1164, did pass, and that
4 HB03-1164, as amended, did pass.

5
6 Amend printed bill, page 2, before line 3, insert the following:

7
8 "SECTION 1. 26-4-302 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10

11 **26-4-302. Basic services for the categorically needy - optional**
12 **services.** (1) The following are services for which federal financial
13 participation is available and which Colorado has selected to provide as
14 optional services under the medical assistance program:

15

16 (u) (I) FOR ANY PERSON WHO IS ELIGIBLE FOR MEDICAL
17 ASSISTANCE UNDER THIS ARTICLE PURSUANT TO SECTION 26-4-201 (1) (a),
18 26-4-201 (1) (b), 26-4-301 (1) (a), OR 26-4-301 (1) (o), MEDICALLY
19 NECESSARY ALCOHOL AND DRUG ADDICTION COUNSELING AND
20 TREATMENT, INCLUDING OUTPATIENT AND RESIDENTIAL CARE.

21

22 (II) THIS PARAGRAPH (u) IS ONLY EFFECTIVE IF THE STATE
23 DEPARTMENT RECEIVES FEDERAL AUTHORIZATION TO PROVIDE ALCOHOL
24 AND DRUG ADDICTION COUNSELING AND TREATMENT SERVICES AND
25 IMPLEMENTS THE WAIVER PURSUANT TO SECTION 26-4-424.

26

27 **SECTION 2.** Part 4 of article 4 of title 26, Colorado Revised
28 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
29 read:

30

31 **26-4-424. Substance abuse treatment - federal waiver - audit -**
32 **repeal.** (1) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT, IN
33 CONSULTATION WITH THE DEPARTMENT OF HUMAN SERVICES, SHALL APPLY
34 FOR A FEDERAL WAIVER, CONDITIONED UPON THE RECEIPT OF GIFTS,
35 GRANTS, AND DONATIONS SUFFICIENT TO PROVIDE FOR THE STATE'S
36 ADMINISTRATIVE COSTS OF PREPARING AND SUBMITTING THE WAIVER, TO
37 PROVIDE ALCOHOL AND DRUG ADDICTION COUNSELING AND TREATMENT,
38 INCLUDING OUTPATIENT AND RESIDENTIAL CARE SERVICES, TO ANY PERSON
39 WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER THIS ARTICLE
40 PURSUANT TO SECTION 26-4-201 (1) (a), 26-4-201 (1) (b), 26-4-301 (1) (a),
41 OR 26-4-301 (1) (o), PURSUANT TO SECTION 26-4-302 (1) (u).

42

43 (b) IF SUFFICIENT MONEYS TO SUPPORT THE COST OF PREPARING
44 AND SUBMITTING THE NECESSARY FEDERAL WAIVER HAVE NOT BEEN
45 CREDITED TO THE SUBSTANCE ABUSE TREATMENT CASH FUND ESTABLISHED
46 IN PARAGRAPH (c) OF THIS SUBSECTION (1), PRIOR TO DECEMBER 31, 2003,
47 THE STATE TREASURER SHALL IMMEDIATELY PROVIDE WRITTEN
48 NOTIFICATION OF SUCH FACT TO THE STATE DEPARTMENT AND TO THE
49 REVISOR OF STATUTES. THIS SECTION AND SECTION 26-4-302 (1) (u) ARE
50 REPEALED UPON RECEIPT BY THE REVISOR OF STATUTES OF SUCH WRITTEN
51 NOTIFICATION.

52

53 (c) (I) THE EXECUTIVE DIRECTOR MAY ACCEPT AND EXPEND
54 MONEYS FROM GIFTS, GRANTS, AND DONATIONS FOR PURPOSES OF
55 PROVIDING FOR THE ADMINISTRATIVE COSTS OF PREPARING AND
56 SUBMITTING THE NECESSARY FEDERAL WAIVER TO PROVIDE SUBSTANCE

1 ABUSE TREATMENT SERVICES PURSUANT TO SECTION 26-4-302 (1)(u). ALL
 2 SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE
 3 STATE TREASURER WHO SHALL CREDIT THE SAME TO THE SUBSTANCE
 4 ABUSE TREATMENT CASH FUND, WHICH FUND IS HEREBY CREATED. THE
 5 MONEYS IN THE SUBSTANCE ABUSE TREATMENT CASH FUND SHALL BE
 6 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. ANY
 7 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
 8 THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
 9 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
 10 FUND.

11
 12 (II) IF THIS SECTION AND SECTION 26-4-302 (1) (u) ARE REPEALED
 13 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), ALL UNEXPENDED
 14 AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JANUARY 1,
 15 2004, SHALL BE TRANSFERRED TO THE GENERAL FUND.

16
 17 (2) THE PROVISIONS OF THE FEDERAL WAIVER SHALL NOT BE
 18 IMPLEMENTED UNTIL THE STATE DEPARTMENT RECEIVES APPROVAL BY THE
 19 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. ONCE THE STATE
 20 DEPARTMENT HAS RECEIVED APPROVAL BY THE JOINT BUDGET COMMITTEE,
 21 THE STATE DEPARTMENT MAY IMPLEMENT THE WAIVER TO THE EXTENT
 22 AUTHORIZED BY THE FEDERAL GOVERNMENT.

23
 24 (3) (a) IF THE STATE DEPARTMENT IMPLEMENTS THE FEDERAL
 25 WAIVER PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE STATE
 26 AUDITOR SHALL SUBMIT A REPORT TO THE LEGISLATIVE AUDIT COMMITTEE
 27 FIVE YEARS AFTER THE IMPLEMENTATION OF THE WAIVER, AS PRESCRIBED
 28 IN THIS SECTION, ANALYZING THE COST AND SAVINGS TO THE MEDICAL
 29 ASSISTANCE PROGRAM AND OTHER PUBLIC ASSISTANCE PROGRAMS, AS
 30 DEFINED IN 26-2-103 (7), OF PROVIDING ALCOHOL AND DRUG ADDICTION
 31 COUNSELING AND TREATMENT PURSUANT TO SECTION 26-4-302 (1) (u).

32
 33 (b) IF THE REPORT SUBMITTED TO THE LEGISLATIVE AUDIT
 34 COMMITTEE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) DOES
 35 NOT SHOW A NET SAVINGS TO THE MEDICAL ASSISTANCE PROGRAM AND
 36 OTHER PUBLIC ASSISTANCE PROGRAMS, THE STATE AUDITOR SHALL NOTIFY
 37 THE REVISOR OF STATUTES IN WRITING THAT SUCH SAVINGS WERE NOT
 38 REALIZED. UPON RECEIPT OF THE NOTIFICATION BY THE REVISOR OF
 39 STATUTES, SECTION 26-4-302 (1) (u) IS REPEALED."

40
 41 Renumber succeeding sections accordingly.

42
 43 The amendment was declared **lost** by the following roll call vote:

44
 45

| | YES | 29 | NO | 34 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|---------|----|------------|----|-----------|----|
| 46 | Berry | Y | Fritz | N | May | N | Sinclair | N |
| 47 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | N |
| 48 | Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| 49 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |
| 50 | Brophy | N | Hefley | N | Miller | N | Stengel | N |
| 51 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 52 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 53 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 54 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 55 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 56 | Cloer | N | King | N | Rhodes | N | White | N |

| | | | | | | | | |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Coleman | Y | Larson | N | Rippy | N | Wiens | N |
| 2 | Crane | E | Lee | N | Romanoff | Y | Williams S. | Y |
| 3 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 4 | Fairbank | N | Madden | Y | Salazar | Y | Witwer | N |
| 5 | Frangas | Y | Marshall | Y | Schultheis | E | Young | N |
| 6 | | | | | | | Speaker | N |

7
8
9 Representatives McFadyen, Borodkin, Butcher, Carroll, Cerbo, Frangas,
10 Garcia, Hodge, Jahn, Judd, Madden, Marshall, Merrifield, Paccione,
11 Plant, Pommer, Romanoff, Tochtrop, Veiga, Vigil, Weddig, Weissmann,
12 and Williams S. moved to amend the Report of the Committee of the
13 Whole to show that the following McFadyen amendment, to HB03-1164,
14 did pass, and that HB03-1164, as amended, did pass.

15
16 Amend printed bill, page 18, before line 2, insert the following:

17
18 **"SECTION 5.** 26-4-406, Colorado Revised Statutes, is amended
19 to read:

20
21 **26-4-406. Providers - drug reimbursement.** As to drugs for
22 which payment is made, the state department's rules ~~and regulations~~
23 for the payment therefor shall include but need not be limited to the use of
24 generic names on commonly used drugs, CONSISTENT WITH THE
25 PROVISIONS OF SECTION 26-4-406.5.

26
27 **SECTION 6.** Part 4 of article 4 of title 26, Colorado Revised
28 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
29 read:

30
31 **26-4-406.5. Colorado pharmacy and therapeutics committee -**
32 **creation - advisory committee - duties - evidence based - preferred**
33 **drug list - rules.** (1) (a) THERE IS HEREBY CREATED THE COLORADO
34 PHARMACY AND THERAPEUTICS COMMITTEE, REFERRED TO IN THIS SECTION
35 AS THE "COMMITTEE". THE COMMITTEE SHALL CONSIST OF NINE MEMBERS
36 WHO HAVE EXPERIENCE IN THE EVALUATION OF MEDICAL TECHNOLOGIES
37 AND CLINICAL OUTCOMES OR WHO ARE KNOWLEDGEABLE IN HEALTH CARE
38 AND RESEARCH ISSUES, APPOINTED BY THE GOVERNOR AS FOLLOWS:

39
40 (I) THREE PHYSICIANS, INCLUDING ONE PSYCHIATRIST, ONE OF
41 WHOM IS TRAINED IN PUBLIC HEALTH SERVICES, AND EACH OF WHOM IS
42 LICENSED TO PRACTICE IN THIS STATE;

43
44 (II) ONE REPRESENTATIVE OF HOSPITALS;

45
46 (III) ONE HEALTH SERVICES RESEARCHER;

47
48 (IV) TWO INDEPENDENT PHARMACISTS WHO ARE LICENSED TO
49 PRACTICE IN THIS STATE; AND

50
51 (V) TWO CONSUMER REPRESENTATIVES, ONE OF WHOM
52 REPRESENTS SENIORS.

53
54 (b) FOR THE INITIAL APPOINTMENTS TO THE COMMITTEE, FOUR
55 MEMBERS SHALL SERVE TERMS ENDING JULY 1, 2005, AND THE OTHER FIVE
56 MEMBERS SHALL SERVE TERMS ENDING JULY 1, 2006. THEREAFTER, THE

1 TERM OF OFFICE OF EACH MEMBER SHALL BE THREE YEARS. EACH MEMBER
2 APPOINTED SERVES AT THE PLEASURE OF THE GOVERNOR. A MEMBER IS
3 ELIGIBLE FOR REAPPOINTMENT. IF THERE IS A VACANCY FOR ANY CAUSE,
4 THE GOVERNOR SHALL MAKE AN APPOINTMENT TO BECOME IMMEDIATELY
5 EFFECTIVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

6
7 (c) MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT
8 COMPENSATION; EXCEPT THAT THEY SHALL BE REIMBURSED FOR ANY
9 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
10 THEIR DUTIES UNDER THIS SECTION, INCLUDING MILEAGE BASED ON THE
11 STATE FISCAL RULES.

12
13 (d) NO MEMBER OF THE COMMITTEE MAY HAVE CURRENT
14 ECONOMIC PROFESSIONAL AGREEMENTS WITH THE PHARMACEUTICAL
15 INDUSTRY THAT MIGHT INFLUENCE THEIR OPINION ON THE RELATIVE
16 EFFICACY OF A DRUG OR WHETHER A DRUG SHOULD BE RECOMMENDED FOR
17 INCLUSION ON THE PREFERRED DRUG LIST.

18
19 (2) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE GOVERNOR
20 SHALL SOLICIT NOMINEES FROM PROFESSIONAL AND OTHER INTERESTED
21 ORGANIZATIONS.

22
23 (3) WITHIN SIX MONTHS OF THE STATE DEPARTMENT'S RECEIPT OF
24 ANY NECESSARY FEDERAL AUTHORIZATION, AND EVERY SIX MONTHS
25 THEREAFTER, THE COMMITTEE SHALL RECOMMEND TO THE STATE
26 DEPARTMENT AND THE GOVERNOR:

27
28 (a) A PREFERRED DRUG LIST FOR EACH CLASS OF DRUGS; AND

29
30 (b) A PRIOR AUTHORIZATION PROCESS FOR OBTAINING AN
31 EXCEPTION TO THE PREFERRED DRUG LIST. THE PRIOR AUTHORIZATION
32 PROCESS SHALL INCLUDE:

33
34 (I) A TWENTY-FOUR-HOUR HOTLINE TO RECEIVE REQUESTS FOR
35 PRIOR AUTHORIZATION;

36
37 (II) AN APPROVAL PROCESS THAT WILL ENABLE PHYSICIANS TO BE
38 ABLE TO GAIN APPROVAL FOR A REQUEST EITHER DIRECTLY OR BY
39 WORKING WITH A PHARMACIST;

40
41 (III) AN APPROVAL PROCESS THAT PROVIDES A RESPONSE AS
42 QUICKLY AS THE RECIPIENT'S PARTICULAR CONDITION REQUIRES, BUT IN NO
43 EVENT LATER THAN SEVENTY-TWO HOURS AFTER THE RECEIPT OF THE
44 REQUEST FOR PRIOR AUTHORIZATION; AND

45
46 (IV) AUTHORIZATION FOR A SEVENTY-TWO-HOUR SUPPLY OF A
47 MEDICATION FOR AN EMERGENCY SITUATION, IF DEEMED NECESSARY BY
48 THE PATIENT'S PHYSICIAN.

49
50 (4) (a) THE COMMITTEE SHALL RECOMMEND A PREFERRED DRUG
51 LIST TO THE STATE DEPARTMENT. THE PREFERRED DRUG LIST SHALL
52 INCLUDE AT LEAST TWO DRUGS IN EACH CLASS OF DRUGS BASED ON
53 CLINICAL EFFECTIVENESS, SAFETY, PATIENT OUTCOMES, AND COST.

54
55 (b) (I) IN DEVELOPING THE PREFERRED DRUG LIST, THE COMMITTEE
56 SHALL OBTAIN, SOLICIT, AND REVIEW ALL CURRENT MEDICAL AND

1 SCIENTIFIC EVIDENCE, INCLUDING BUT NOT LIMITED TO:

2

3 (A) PEER-REVIEWED SCIENTIFIC STUDIES;

4

5 (B) PEER-REVIEWED MEDICAL LITERATURE;

6

7 (C) MEDICAL JOURNALS RECOGNIZED BY THE SECRETARY OF THE
8 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER
9 SECTION 1861 (t) (2) OF THE "SOCIAL SECURITY ACT";

10

11 (D) STANDARD REFERENCE COMPENDIA RELATING TO
12 PRESCRIPTION DRUGS; AND

13

14 (E) FINDINGS STUDIES, OR RESEARCH CONDUCTED BY OR UNDER THE
15 AUSPICES OF FEDERAL GOVERNMENT AGENCIES AND NATIONALLY
16 RECOGNIZED FEDERAL RESEARCH INSTITUTES.

17

18 (II) IN DEVELOPING THE PREFERRED DRUG LIST, THE COMMITTEE
19 MAY REVIEW OTHER STATES' EFFORTS TO DEVELOP A PREFERRED DRUG LIST
20 AND ANY STATE'S PREFERRED DRUG LIST THAT HAS BEEN IMPLEMENTED.

21

22 (5) THE COMMITTEE SHALL MAINTAIN AN UPDATED PREFERRED
23 DRUG LIST ELECTRONICALLY FOR THE STATE DEPARTMENT AND MAKE IT
24 AVAILABLE TO HEALTH PROVIDERS, MEDICAL ASSISTANCE RECIPIENTS, AND
25 TO THE PUBLIC ON THE STATE DEPARTMENT'S WEBSITE. A PUBLISHED
26 VERSION SHALL BE MADE AVAILABLE ANNUALLY AND MADE AVAILABLE TO
27 HEALTH PRACTITIONERS UPON REQUEST.

28

29 (6) THE STATE DEPARTMENT SHALL REQUIRE PRIOR
30 AUTHORIZATION FOR THE USE OF ANY DRUG NOT INCLUDED ON THE
31 PREFERRED DRUG LIST CONSISTENT WITH RECOMMENDATIONS OF THE
32 COMMITTEE PURSUANT TO SUBSECTION (3) OF THIS SECTION, EXCEPT AS
33 PROVIDED FOR IN SUBSECTIONS (7) AND (13) OF THIS SECTION OR IN
34 SECTION 26-4-406.7.

35

36 (7) THE COMMITTEE SHALL RECOMMEND A PROCEDURE FOR
37 OBTAINING AN EXCEPTION TO THE PREFERRED DRUG LIST RECOMMENDED
38 PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE STATE BOARD. THE
39 PROCEDURE RECOMMENDED BY THE COMMITTEE SHALL CONTAIN A
40 PROVISION THAT AN EXCEPTION SHALL BE GRANTED AND PRIOR
41 AUTHORIZATION OR OTHER CONDITIONS MAY NOT BE IMPOSED IF A
42 TREATING PHYSICIAN, OR A PHARMACIST WITH THE CONCURRENCE OF THE
43 TREATING PHYSICIAN, REQUESTS AN EXCEPTION TO THE PREFERRED DRUG
44 LIST FOR ONE OF THE FOLLOWING REASONS:

45

46 (a) A LISTED DRUG IS CONTRAINDICATED BECAUSE OF
47 EXPERIENCED OR ANTICIPATED INTERACTION WITH ANOTHER MEDICATION
48 A PATIENT IS TAKING;

49

50 (b) A LISTED DRUG IS CONTRAINDICATED BECAUSE OF A HEALTH
51 CONDITION OF A PATIENT;

52

53 (c) A LISTED DRUG HAS BEEN TRIED AND HAS FAILED TO PRODUCE
54 THE DESIRED OUTCOME;

55

56 (d) A LISTED DRUG HAS BEEN TRIED AND HAS HAD UNACCEPTABLE

1 SIDE EFFECTS;

2

3 (e) A PATIENT HAS BEEN STABILIZED ON A MEDICATION AND A
4 TRANSITION TO A LISTED DRUG WOULD BE UNACCEPTABLY DISRUPTIVE OR
5 RISKY; OR

6

7 (f) A PATIENT CANNOT MANAGE THE METHOD OR FREQUENCY OF
8 ADMINISTRATION OF A LISTED DRUG.

9

10 (8) THE STATE BOARD SHALL ADOPT BY RULE THE PREFERRED
11 DRUG LIST RECOMMENDED BY THE COMMITTEE FOR EACH CLASS OF DRUGS
12 DISPENSED TO FEE-FOR-SERVICE AND PRIMARY CARE PHYSICIAN PROGRAM
13 RECIPIENTS NO LATER THAN NINETY DAYS AFTER RECEIPT OF EACH
14 RECOMMENDATION OF THE COMMITTEE. THE STATE BOARD SHALL ADOPT
15 BY RULE ANY RECOMMENDED CHANGES MADE TO THE PREFERRED DRUG
16 LIST BY THE COMMITTEE.

17

18 (9) THE RULES ADOPTED BY THE STATE BOARD UNDER SUBSECTION
19 (8) OF THIS SECTION SHALL INCLUDE THE PRIOR AUTHORIZATION PROCESS
20 RECOMMENDED BY THE COMMITTEE, INCLUDING THE PROVISIONS FOR
21 OBTAINING AN EXCEPTION TO THE PREFERRED DRUG LIST PURSUANT TO
22 SUBSECTION (7) OF THIS SECTION.

23

24 (10) THE COMMITTEE MAY RECEIVE AND EXPEND GIFTS, GRANTS,
25 AND DONATIONS FOR THE OPERATION OF THE COMMITTEE. SUCH GIFTS,
26 GRANTS, AND DONATIONS SHALL BE CREDITED TO THE PHARMACY AND
27 THERAPEUTICS COMMITTEE FUND, WHICH FUND IS HEREBY CREATED AND
28 REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND
29 ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR
30 THE OPERATION OF THE COMMITTEE. ALL INTEREST DERIVED FROM THE
31 DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED
32 TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
33 UNENCUMBERED MONEYS REMAINING IN THE FUND SHALL REMAIN IN THE
34 FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
35 FUND OR ANY OTHER FUND.

36

37 (11) (a) THE STATE DEPARTMENT SHALL ESTABLISH AN ADVISORY
38 COMMITTEE TO THE COLORADO PHARMACY AND THERAPEUTICS
39 COMMITTEE, WHICH SHALL BE REFERRED TO AS THE PHARMACEUTICAL
40 PRESCRIPTION DRUG OVERSIGHT AND EDUCATION COMMITTEE. THE
41 ADVISORY COMMITTEE SHALL CONSIST OF NO MORE THAN FIFTEEN
42 MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR, AT LEAST ONE-THIRD
43 OF WHOM SHALL BE REPRESENTATIVES OF ORGANIZATIONS THAT
44 REPRESENT CONSUMERS. MEMBERS OF THE ADVISORY COMMITTEE SHALL
45 SERVE WITHOUT COMPENSATION; EXCEPT THAT MEMBERS SHALL BE
46 REIMBURSED FOR MILEAGE, BASED ON STATE FISCAL RULES, AND ANY
47 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES
48 UNDER THIS SECTION.

49

50 (b) THE PHARMACEUTICAL PRESCRIPTION DRUG OVERSIGHT AND
51 EDUCATION COMMITTEE SHALL BE FULLY AND ADEQUATELY SUPPORTED BY
52 STAFF AND RESOURCES OF THE STATE DEPARTMENT.

53

54 (c) THE PHARMACEUTICAL PRESCRIPTION DRUG OVERSIGHT AND
55 EDUCATION COMMITTEE'S DUTIES ARE AS FOLLOWS:

56

1 (I) TO ADVISE THE COMMITTEE REGARDING THE DEVELOPMENT
 2 AND IMPLEMENTATION OF THE PREFERRED DRUG LIST AND THE PRIOR
 3 AUTHORIZATION PROCESS;

4
 5 (II) TO MONITOR THE OPERATION OF THESE PROGRAMS TO ENSURE
 6 THAT MEDICAL ASSISTANCE RECIPIENTS ARE NOT ADVERSELY AFFECTED BY
 7 THE PRIOR AUTHORIZATION PROCESS AND ARE RECEIVING QUALITY CARE;

8
 9 (III) TO EVALUATE AND DOCUMENT THE COST EFFECTIVENESS AND
 10 SAVINGS OF THE PROGRAMS;

11
 12 (IV) TO MAKE RECOMMENDATIONS TO THE STATE DEPARTMENT
 13 REGARDING ADDITIONAL WAYS TO GENERATE FURTHER COST SAVINGS TO
 14 THE MEDICAL ASSISTANCE PROGRAM RELATED TO PRESCRIPTION DRUGS,
 15 WHICH SHALL INCLUDE THE USE OF SUPPLEMENTAL REBATES;

16
 17 (V) TO DEVELOP A PROGRAM WORKING WITH OTHER PUBLIC- AND
 18 PRIVATE- SECTOR ORGANIZATIONS TO EDUCATE CONSUMERS, PHYSICIANS,
 19 PHARMACISTS, AND OTHER HEALTH PROVIDERS ABOUT RELATIVE DRUG
 20 EFFECTIVENESS AND THE APPROPRIATE USE OF GENERIC DRUGS; AND

21
 22 (VI) TO ENSURE THAT THE RESULTS OF THE EVIDENCE-BASED
 23 STUDIES ARE TRANSLATED INTO A CONSUMER GUIDE FOR EASY CONSUMER
 24 ACCESS, UNDERSTANDING, AND USE AND, AT A MINIMUM, MADE AVAILABLE
 25 ON THE STATE DEPARTMENT'S WEBSITE.

26
 27 (12) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK ANY
 28 NECESSARY FEDERAL AUTHORIZATION REQUIRED FOR THE
 29 IMPLEMENTATION OF THIS SECTION.

30
 31 (13) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
 32 CONTRARY, THE PREFERRED DRUG LIST SHALL NOT APPLY TO MEDICATIONS
 33 FOR THE TREATMENT OF CANCER, ANTIRETROVIRAL MEDICATIONS FOR THE
 34 TREATMENT OF HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED
 35 IMMUNODEFICIENCY SYNDROME, AND ANTIPSYCHOTIC MEDICATIONS NOR
 36 SHALL THE PREFERRED DRUG LIST APPLY TO INPATIENT HOSPITAL
 37 SERVICES.

38
 39 **SECTION 6.** Part 1 of article 16 of title 10, Colorado Revised
 40 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 41 read:

42
 43 **10-16-127 Preferred drug list.** IF AN INSURER PROVIDES A
 44 PRESCRIPTION DRUG BENEFIT PURSUANT TO THIS ARTICLE, THE INSURER
 45 SHALL UTILIZE THE PREFERRED DRUG LIST CREATED IN SECTION
 46 26-4-406.5, C.R.S."

47
 48 Renumber succeeding sections accordingly.

49
 50 The amendment was declared **lost** by the following roll call vote:

51
 52

| YES | 27 | NO | 36 | EXCUSED | 02 | ABSENT | 00 |
|----------|----|--------|----|------------|----|----------|----|
| Berry | N | Fritz | N | May | N | Sinclair | N |
| Borodkin | Y | Garcia | Y | McCluskey | N | Smith | N |
| Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |

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| | | | | | | | | |
|----|----------|---|----------|---|------------|---|-------------|---|
| 1 | Brophy | N | Hefley | N | Miller | N | Stengel | N |
| 2 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 3 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 4 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 5 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 6 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 7 | Cloer | N | King | N | Rhodes | N | White | N |
| 8 | Coleman | Y | Larson | N | Rippy | N | Wiens | N |
| 9 | Crane | E | Lee | N | Romanoff | Y | Williams S. | Y |
| 10 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 11 | Fairbank | N | Madden | Y | Salazar | Y | Witwer | N |
| 12 | Frangas | Y | Marshall | Y | Schultheis | E | Young | N |
| 13 | | | | | | | Speaker | N |

14
15
16 Representative Plant moved to amend the Report of the Committee of the
17 Whole to show that Amendment No. 1, by Representatives Lee and
18 Smith, to SB03-088 (printed in House Journal page 1293, lines 29-56,
19 and on page 1294, lines 1-12), did not pass, and that SB03-088, as
20 amended, did pass.

21
22 The amendment was declared **lost** by the following roll call vote:

| 23 | YES | 29 | NO | 34 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 24 | | | | | | | | |
| 25 | Berry | N | Fritz | N | May | N | Sinclair | N |
| 26 | Borodkin | Y | Garcia | Y | McCluskey | N | Smith | N |
| 27 | Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| 28 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |
| 29 | Brophy | N | Hefley | N | Miller | Y | Stengel | N |
| 30 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 31 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 32 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 33 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 34 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 35 | Cloer | N | King | N | Rhodes | N | White | N |
| 36 | Coleman | Y | Larson | N | Rippy | Y | Wiens | N |
| 37 | Crane | E | Lee | N | Romanoff | Y | Williams S. | Y |
| 38 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 39 | Fairbank | N | Madden | Y | Salazar | Y | Witwer | N |
| 40 | Frangas | Y | Marshall | Y | Schultheis | E | Young | N |
| 41 | | | | | | | Speaker | N |

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

46
47 Passed Second Reading: **HB03-1164 amended, SB03-016 amended,**
48 **091 amended, 023 amended, 038 amended, 088 amended, 119, 034,**
49 **044 amended, 056 amended, 102 amended, 106 amended.**

50
51 Laid over until date indicated retaining place on Calendar: **SB03-015,**
52 **113, 149, 042, 158, 233, 021, 079--March 28, 2003.**

53
54 Referred to Committee indicated:
55 **SB03-155--Committee on Appropriations.**

56

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted**.

| | YES | 63 | NO | 00 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 7 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 8 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 9 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 10 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 11 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 12 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 13 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 14 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 15 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 16 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 17 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 18 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 19 | Crane | E | Lee | Y | Romanoff | Y | Williams S. | Y |
| 20 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 21 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 22 | Frangas | Y | Marshall | Y | Schultheis | E | Young | Y |
| 23 | | | | | | | Speaker | Y |

THIRD READING OF BILL--FINAL PASSAGE

26
 27
 28
 29
 30 The following bill was considered on Third Reading. The title was
 31 publicly read. Reading of the bill at length was dispensed with by
 32 unanimous consent.

33
 34 **HB03-1322** by Representative(s) Mitchell; also Senator(s) Kester--
 35 Concerning changes in the procedures for workers'
 36 compensation hearings.

37
 38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.

| | YES | 55 | NO | 08 | EXCUSED | 02 | ABSENT | 00 |
|----|----------|----|---------|----|------------|----|-------------|----|
| 44 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 45 | Borodkin | N | Garcia | Y | McCluskey | Y | Smith | Y |
| 46 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 47 | Briggs | Y | Harvey | Y | Merrifield | N | Stafford | Y |
| 48 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 49 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | N |
| 50 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 51 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 52 | Cerbo | N | Johnson | Y | Pommer | Y | Weddig | N |
| 53 | Clapp | Y | Judd | Y | Ragsdale | N | Weissmann | Y |
| 54 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 55 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 56 | Crane | E | Lee | Y | Romanoff | Y | Williams S. | Y |

| | | | | | | | | |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 2 | Fairbank | Y | Madden | N | Salazar | Y | Witwer | Y |
| 3 | Frangas | N | Marshall | Y | Schultheis | E | Young | Y |
| 4 | | | | | | | Speaker | Y |

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9 **REPORT OF COMMITTEE OF REFERENCE**

10 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

11 After consideration on the merits, the Committee recommends the
12 following:
13

14 **SB03-126** be referred to the Committee of the Whole with favorable
15 recommendation.
16
17

18
19
20 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

21 The Speaker has signed: **HB03-1015, 1027, 1035, 1045, 1047, 1077,**
22 **1169; HR03-1012; HJR03-1011.**
23
24

25
26
27 **MESSAGES FROM THE SENATE**

28
29 Madam Speaker:

30 The Senate has passed on Third Reading and returns herewith
31 HB03-1010, 1294.
32

33 The Senate has passed on Third Reading and transmitted to the Revisor
34 of Statutes:
35

36 HB03-1007, amended on Third Reading as printed in Senate Journal,
37 March 27, 2003,

38 HB03-1207, amended as printed in Senate Journal, March 26, 2003,
39 page 748,

40 HB03-1253, amended as printed in Senate Journal, March 26, 2003,
41 pages 748-749,

42 HB03-1160, amended as printed in Senate Journal, March 26, 2003,
43 pages 749-750, and on Third Reading as printed in Senate
44 Journal, March 27,

45 HB03-1033, amended as printed in Senate Journal, March 26, 2003,
46 pages 750-751.
47
48

49
50 The Senate failed to pass HB03-1129 on Second Reading. The bill is
51 returned herewith.
52

53
54 The President appointed Senators Taylor, Chm., Hillman, and Grossman
55 as members of the First Conference Committee on HB03-1003.
56

1 The President appointed Senators Entz, Chm., Chlouber, and Grossman
2 as members of the First Conference Committee on HB03-1005.

3
4 The President appointed Senators Evans, Chm., Kester, and Nichol as
5 members of the First Conference Committee on HB03-1111.

6
7
8
9 **MESSAGE FROM THE REVISOR**

10
11 We herewith transmit without comment, as amended, HB03-1007, 1207,
12 1253, 1160, and 1033.

13
14
15
16 **INTRODUCTION OF BILL**
17 **First Reading**

18
19 The following bill was read by title and referred to the committee
20 indicated:

21
22 **HB03-1344** by Representative(s) Lee, Hefley, Mitchell, Plant; also
23 Senator(s) Gordon, Evans--Concerning the revision of
24 statutes in the Colorado Revised Statutes, as amended,
25 amending or repealing obsolete, inconsistent, and
26 conflicting provisions of law and clarifying the language to
27 reflect the legislative intent of the laws.

28 Committee on Judiciary

29
30
31
32 **INTRODUCTION OF CONCURRENT RESOLUTION**

33
34 The following resolution was read by title and referred to the committees
35 indicated:

36
37 **HCR03-1004** by Representative(s) Weddig, Larson, Madden, Witwer,
38 Borodkin, Boyd, Briggs, Carroll, Coleman, Decker,
39 Garcia, Hodge, Jahn, Judd, Lee, Marshall, Merrifield,
40 Paccione, Pommer, Ragsdale, Romanoff, Salazar,
41 Sinclair, Spence, Stafford, Tochtrop, Vigil, Weissmann,
42 Williams S.; also Senator(s) Teck, Groff, Hillman,
43 Phillips, Arnold, Grossman, Hagedorn, Isgar, Sandoval--
44 Submitting to the registered electors of the state of
45 Colorado an amendment to section 2 (3) of article XIX
46 of the constitution of the state of Colorado, concerning
47 an exemption from the single-subject requirement for
48 proposed constitutional amendments relating to the
49 system of state and local taxation submitted by the
50 general assembly in the elections of 2005 and 2006.

51 Committee on State, Veterans, & Military Affairs

52 Committee on Finance

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INTRODUCTION OF RESOLUTION

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

HJR03-1040 by Representative(s) Spence, Briggs, McCluskey, Paccione, Salazar; also Senator(s) Teck, Reeves-- Concerning the 50th anniversary of the Western Interstate Commission for Higher Education and its contributions to higher education in Colorado and the Western states.

WHEREAS, The state of Colorado has been an integral part of the Western Interstate Commission for Higher Education, known commonly as "WICHE", since its creation in 1953 by the Western Higher Education Compact; and

WHEREAS, WICHE remains a distinctive regional organization working to expand educational access and excellence in the West; and

WHEREAS, Thousands of Colorado professional, undergraduate, and graduate students have received their education through WICHE's Student Exchange Programs and returned to the state to pursue their careers; and

WHEREAS, WICHE has provided millions of dollars in tuition savings each year to Colorado students and their families through educational exchange opportunities in the 14 other WICHE states; and

WHEREAS, WICHE aids Colorado in filling slots in undergraduate college programs by bringing thousands of students into the state, and provides access for Colorado students to programs not available in the state; and

WHEREAS, Support fees paid by other WICHE states fund a significant proportion, currently 32 percent, of the College of Veterinary Medicine and Biological Sciences at Colorado State University, and a significant portion of the cost of expanding the CSU veterinary hospital was financed by WICHE states through their support fees; and

WHEREAS, Support fees paid by other WICHE states contribute directly to the University of Colorado Health Sciences Center Dental School, where WICHE students comprise nearly a quarter of the enrollment, as well as to the enrollments in University of Colorado Health Sciences Center programs in medicine, physical therapy, and pharmacy; and

WHEREAS, WICHE's policy work has provided a rich resource, aiding Colorado legislators, educators, and other decision makers in shaping public policy; and

WHEREAS, WICHE has been a source of higher-education innovation and cooperation for Colorado policymakers in a host of areas, from finance to distance education; and

WHEREAS, WICHE has been a resource in the region for a half century, with its base of operations located in Colorado since 1955; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

1 (1) That we, the members of the Sixty-fourth General Assembly
2 of the State of Colorado, congratulate the Western Interstate Commission
3 for Higher Education on the occasion of its 50th Anniversary.
4

5 (2) That we extend continued support for the Western Interstate
6 Commission for Higher Education's student exchange programs and
7 acknowledge their longstanding benefit to the state's students and
8 institutions.
9

10 (3) That we commend and endorse the collaborative efforts and
11 research work of the Western Interstate Commission for Higher
12 Education among Colorado and the Western states.
13

14 *Be It Further Resolved*, That copies of this Joint Resolution be
15 sent to the Western Interstate Commission for Higher Education's
16 headquarters in Boulder, Colorado.
17

18 APPOINTMENT

19
20
21
22 The Speaker announced the following temporary change in committee
23 assignment:
24

25 For March 28 only, Representative Lee to replace Representative
26 Fairbank on the Committee on Appropriations.
27

28 APPOINTMENTS TO CONFERENCE COMMITTEE

29
30 Pursuant to a request from the Senate, the Speaker appointed
31 Representatives Spradley, Chairman, Hall and Miller as House conferees
32 to the First Conference Committee on **SB03-065**.
33
34
35

36 LAY OVER OF CALENDAR ITEMS

37
38 On motion of Representative King, the following items on the Calendar
39 were laid over until March 28, retaining place on Calendar:
40

41
42 Consideration of General Orders--**HB03-1311, 1252, 1132, 1085, 1173,**
43 **SB03-120, HB03-1330, 1327, 1319, 1333.**

44 Consideration of Resolutions--**HJR03-1020, 1029, 1022, 1033, 1035,**
45 **1036, 1037.**

46 Consideration of Senate Amendments--**HB03-1304, 1240, 1221, 1255,**
47 **1061, 1172, 1108, 1218, 1211, 1297, 1186, 1219, 1228.**
48
49

50
51 On motion of Representative King, the House adjourned until 9:00 a.m.,
52 March 28, 2003.
53

54 Approved:

55
56
57
58 LOLA SPRADLEY,
59 Speaker

60 Attest:

61
62 JUDITH RODRIGUE,
63 Chief Clerk