

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

Twenty-ninth Legislative Day

Wednesday, February 6, 2002

1 Prayer by Pastor Dan Elliott, South Fellowship, Littleton.

2

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

4

5 The roll was called with the following result:

6

7 Present--64.

8

9 Excused--Representative Fritz--1.

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10 Present after roll call--Representative Fritz.

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The Speaker declared a quorum present.

On motion of Representative Stafford, the reading of the journal of February 5, 2002, was declared dispensed with and approved as corrected by the Chief Clerk.

**CONSIDERATION OF RESOLUTION**

**HR02-1006** by Representative(s) Dean--Concerning recognizing February 6, 2002, as "Ronald Reagan Day".

(Printed and placed in member's file, also printed in House Journal, February 5, pages 309-310.)

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

	YES	64	NO	0	EXCUSED	1	ABSENT	0
Alexander	Y		Groff	Y	Marshall	Y	Spence	Y
Bacon	Y		Grossman	Y	Miller	Y	Spradley	Y
Berry	Y		Harvey	Y	Mitchell	Y	Stafford	Y
Borodkin	Y		Hefley	Y	Paschall	Y	Stengel	Y
Boyd	Y		Hodge	Y	Plant	Y	Swenson	Y
Cadman	E		Hoppe	Y	Ragsdale	Y	Tapia	Y
Chavez	Y		Jahn	Y	Rhodes	Y	Tochtrop	Y
Clapp	Y		Jameson	Y	Rippy	Y	Veiga	Y
Cloer	Y		Johnson	Y	Romanoff	Y	Vigil	Y
Coleman	Y		Kester	Y	Saliman	Y	Webster	Y
Crane	Y		King	Y	Sanchez	Y	Weddig	Y

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

7  
8 Co-sponsors added: Representatives Alexander, Berry, Clapp, Cloer, Coleman,  
9 Crane, Decker, Fairbank, Fritz, Harvey, Hefley, Hoppe, Jahn, Johnson, Kester,  
10 King, Larson, Lawrence, Lee, Mace, Miller, Mitchell, Paschall, Rhodes, Rippy,  
11 Schultheis, Scott, Sinclair, Smith, Snook, Spence, Spradley, Stafford, Stengel,  
12 Swenson, White, Williams S., Williams T., Witwer, Young.

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16 **APPOINTMENT**

17  
18 The Speaker announced the following appointment:  
19 Representative Spradley to temporarily replace Representative Cadman  
20 on the Committee on State, Veterans, & Military Affairs.

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23  
24 **REPORTS OF COMMITTEES OF REFERENCE**

25  
26 **BUSINESS AFFAIRS & LABOR**

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

29  
30 **HB02-1111** be amended as follows, and as so amended, be referred to  
31 the Committee of the Whole with favorable  
32 recommendation:

33  
34 Amend printed bill, page 3, after line 3, insert the following:

35  
36 "(3) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY  
37 SUBSEQUENT ADVANCE AGAINST A MORTGAGE INSTRUMENT AFTER A  
38 MORTGAGEE HAS INITIALLY ADVANCED PRINCIPAL UP TO THE MAXIMUM  
39 AMOUNT STATED IN THE MORTGAGE, UNLESS THE MORTGAGE INSTRUMENT  
40 CLEARLY STATES THAT IT WAS MADE PURSUANT TO A REVOLVING CREDIT  
41 ARRANGEMENT.";

42  
43 line 4, strike "(3)" and substitute "(4)".

44  
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46  
47 **HB02-1148** be postponed indefinitely.

48  
49  
50 **HB02-1150** be postponed indefinitely.

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53  
54 **HB02-1163** be amended as follows, and as so amended, be referred to  
55 the Committee of the Whole with favorable  
56 recommendation:

1 Amend printed bill, page 2, after line 1, insert the following:

2

3 "SECTION 1. 10-8-601.5 (1) (c) (I), Colorado Revised Statutes,  
4 is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH  
5 to read:

6

7 **10-8-601.5. Applicability and scope.** (1) (c) (I) Effective  
8 October 1, 1997, the provisions of this article and article 16 of this title  
9 concerning small employer carriers and small group plans shall not apply  
10 to an individual health benefit plan newly issued to a business group of  
11 one that includes only a self-employed person who has no employees, or  
12 a sole proprietor who is not offering or sponsoring health care coverage  
13 to his or her employees, together with the dependents of such a  
14 self-employed person or sole proprietor if, pursuant to rules adopted by  
15 the commissioner, all of the following conditions are met:

16

17 (H) AS PART OF ITS APPLICATION FORM, AN INDIVIDUAL CARRIER  
18 REQUIRES A BUSINESS GROUP OF ONE SELF-EMPLOYED PERSON OR ANY  
19 OTHER SMALL EMPLOYER PURCHASING AN INDIVIDUAL HEALTH BENEFIT  
20 PLAN PURSUANT TO THIS SUBPARAGRAPH (I) TO READ AND SIGN A  
21 DISCLOSURE FORM STATING THAT, BY PURCHASING AN INDIVIDUAL POLICY  
22 INSTEAD OF A SMALL GROUP POLICY, SUCH PERSON MAY BE SUBJECT TO  
23 PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT  
24 ABOVE THE MODIFIED COMMUNITY RATE IF THE SMALL EMPLOYER  
25 SUBSEQUENTLY PURCHASES HEALTH BENEFIT COVERAGE FROM A SMALL  
26 EMPLOYER CARRIER.

27

28 **SECTION 2.** 10-8-601.5 (1), Colorado Revised Statutes, is  
29 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30

31 **10-8-601.5. Applicability and scope.** (1) (d) EFFECTIVE  
32 JANUARY 1, 2003, THE PROVISIONS OF THIS ARTICLE AND ARTICLE 16 OF  
33 THIS TITLE CONCERNING SMALL EMPLOYER CARRIERS AND SMALL GROUP  
34 PLANS SHALL NOT APPLY TO AN INDIVIDUAL WHO OBTAINS HEALTH  
35 BENEFIT COVERAGE THROUGH AN EMPLOYEE LEASING COMPANY AS  
36 DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., OR WHO OBTAINS  
37 COVERAGE FROM A STOP-LOSS CARRIER. IF A SMALL EMPLOYER  
38 PURCHASES HEALTH BENEFIT COVERAGE THROUGH AN EMPLOYEE LEASING  
39 COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., OR  
40 COVERAGE FROM A STOP-LOSS CARRIER AS PART OF ITS APPLICATION  
41 FORM, THE EMPLOYEE LEASING COMPANY OR THE STOP-LOSS CARRIER  
42 SHALL INDICATE IN A WRITTEN DISCLOSURE THAT A SMALL EMPLOYER  
43 PURCHASING AN INDIVIDUAL HEALTH BENEFIT PLAN INSTEAD OF A SMALL  
44 GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH  
45 STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY  
46 RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH  
47 BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER.

48

49 **SECTION 3.** 10-16-105.2 (1), Colorado Revised Statutes, as  
50 enacted by House Bill 02-1136, enacted at the Second Regular Session  
51 of the Sixty-third General Assembly, is amended BY THE ADDITION  
52 OF A NEW PARAGRAPH to read:

53

54 **10-16-105.2. Small employer health insurance availability**  
55 **program.** (1) (e) EFFECTIVE JANUARY 1, 2003, THE PROVISIONS OF THIS  
56 ARTICLE CONCERNING SMALL EMPLOYER CARRIERS AND SMALL GROUP

1 PLANS SHALL NOT APPLY TO AN INDIVIDUAL WHO OBTAINS HEALTH  
2 BENEFIT COVERAGE THROUGH AN EMPLOYEE LEASING COMPANY AS  
3 DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., OR WHO OBTAINS  
4 COVERAGE FROM A STOP-LOSS CARRIER. IF A SMALL EMPLOYER  
5 PURCHASES HEALTH BENEFIT COVERAGE THROUGH AN EMPLOYEE LEASING  
6 COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., OR  
7 COVERAGE FROM A STOP-LOSS CARRIER AS PART OF ITS APPLICATION  
8 FORM, THE EMPLOYEE LEASING COMPANY OR THE STOP-LOSS CARRIER  
9 SHALL INDICATE IN A WRITTEN DISCLOSURE THAT THE SMALL EMPLOYER  
10 PURCHASING AN INDIVIDUAL HEALTH BENEFIT PLAN INSTEAD OF A SMALL  
11 GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH  
12 STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY  
13 RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH  
14 BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER."

15  
16 Renumber succeeding sections accordingly.

17  
18 Page 6, line 1, after "FOR", insert "A PERIOD NO GREATER THAN".

19  
20 Page 7, line 24, strike "THE COMMISSIONER SHALL ADJUST";

21  
22 strike lines 25 through 27.

23  
24 Page 8, strike lines 1 through 4.

25  
26 Page 10, line 2, strike "MAY OFFER" and substitute "THAT OFFERS";

27  
28 line 3, strike "FOR SERVICES OF SUBGROUPS.";

29  
30 line 4, strike "CARRIERS";

31  
32 line 10, strike "This" and substitute "(a) Except as otherwise provided in  
33 paragraph (b) of this subsection (1), this";

34  
35 after line 17, insert the following:

36  
37 "(b) Sections 1 and 2 of this act shall not take effect if House Bill  
38 02-1136 is enacted at the Second Regular Session of the Sixty-third  
39 General Assembly and becomes law; and section 3 of this act shall not  
40 take effect if House Bill 02-1136 is not enacted at the Second Regular  
41 Session of the Sixty-third General Assembly and does not becomes law."

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44

45 **HB02-1216** be postponed indefinitely.

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49

50 **CIVIL JUSTICE & JUDICIARY**

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

53

54 **HB02-1037** be postponed indefinitely.

55

56

1 **HB02-1051** be amended as follows, and as so amended, be referred to  
2 the Committee of the Whole with favorable  
3 recommendation:  
4

5 Amend the Business Affairs & Labor Committee Report, dated January  
6 24, 2002, page 2, line 1, strike "TWELVE" and substitute "THREE".  
7

8 Amend printed bill, page 2, line 18, after the period, add "AN EMPLOYER  
9 SHALL NOT BELIEVABLE FOR FAILING TO OBTAIN A CIVIL RESTRAINING ORDER  
10 IN THE NAME OF THE BUSINESS FOR THE PROTECTION OF THE EMPLOYEES  
11 AND PATRONS."  
12

13  
14  
15 **HB02-1094** be amended as follows, and as so amended, be referred to  
16 the Committee on Appropriations with favorable  
17 recommendation:  
18

19 Amend printed bill, page 2, strike lines 2 through 11.  
20

21 Renumber succeeding sections accordingly.  
22

23 Page 2, strike lines 15 through 20;  
24

25 line 21, strike "(b)" and substitute "(2)".  
26

27 Page 3, line 4, strike "**discretionary unless**" and substitute  
28 "**discretionary.**";  
29

30 line 5, strike "**required by district commission.**".  
31

32 Page 5, strike lines 22 through 27.  
33

34 Page 6, strike lines 1 through 14;  
35

36 line 15, strike "(5)" and substitute "(4)";  
37

38 line 16, strike "SUBSECTIONS (1) AND (4)" and substitute "SUBSECTION  
39 (1)";  
40

41 strike line 21 and substitute the following:  
42

43 "(5) ANY PERSON LISTED IN SUBSECTION (1) OF THIS SECTION".  
44

45 Page 7, line 9, strike "OR (4)".  
46

47 Page 1, line 102, strike "**PERFORMANCE, AND, IN**" and substitute  
48 "**PERFORMANCE.**";  
49

50 strike lines 103 through 106.  
51

52  
53  
54 **HB02-1101** be amended as follows, and as so amended, be referred to  
55 the Committee on Appropriations with favorable  
56 recommendation:

1 Amend printed bill, page 10, strike lines 3 through 7.

2

3 Reletter succeeding paragraph accordingly.

4

5 Page 12, strike lines 20 through 27.

6

7 Page 13, strike lines 1 through 25 and substitute the following:

8

9 "SECTION 6. 19-1-125, Colorado Revised Statutes, is amended  
10 to read:

11

12 **19-1-125. Family stabilization services.** (1) It is the intent of  
13 the general assembly to assist in the provision of appropriate and  
14 necessary short-term services to help stabilize families that are at risk of  
15 having their children placed in out-of-home placement when those  
16 families voluntarily request such services.

17

18 (2) The moneys identified in section 13-32-101 (1) (a), C.R.S.,  
19 shall be transmitted to the state treasurer who shall credit the same to the  
20 family stabilization services fund, which fund is hereby created. The  
21 moneys in the fund shall be subject to annual appropriation by the general  
22 assembly to the department of human services for allocation to county  
23 departments for the purposes described in subsection (3) of this section  
24 AND TO JUDICIAL DISTRICTS SEEKING TO ESTABLISH OR ENHANCE EXISTING  
25 FAMILY-FRIENDLY COURT PROGRAMS PURSUANT TO SECTION 25-20.5-205,  
26 C.R.S. All interest derived from the deposit and investment of moneys  
27 in the fund shall be credited to the fund. At the end of any fiscal year, all  
28 unexpended and unencumbered moneys in the fund shall remain therein  
29 and shall not be credited or transferred to the general fund or any other  
30 fund.

31

32 (3) County departments AND JUDICIAL DISTRICTS shall use any  
33 moneys allocated pursuant to this section to provide for family  
34 stabilization services, defined by rule of the state board of human  
35 services, that may include but not be limited to:

36

37 (a) Less than twenty-four-hour respite care for parents and  
38 children;

39

40 (b) In-home services that may include kinship care and  
41 counseling; or

42

43 (c) Services that assist the family to reintegrate following a  
44 separation or out-of-home placement; OR

45

46 (d) SERVICES PROVIDED THROUGH A FAMILY-FRIENDLY COURT  
47 PROGRAM ESTABLISHED OR ENHANCED PURSUANT TO SECTION  
48 25-20.5-205, C.R.S."

49

50 Renumber succeeding sections accordingly.

51

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55

1 **FINANCE**

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

4  
5 **HB02-1089** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8  
9 **HB02-1112** be amended as follows, and as so amended, be referred to  
10 the Committee on Appropriations with favorable  
11 recommendation:

12  
13 Amend the Transportation and Energy Report, dated January 31, 2002,  
14 page 1, strike lines 13 and 14 and substitute the following:

15  
16 "THE ACCOUNT SHALL BE CONTINUOUSLY APPROPRIATED FOR THE DIRECT  
17 AND INDIRECT COSTS INCURRED BY".

18  
19 Page 2, strike line 7 and substitute the following:

20  
21 "TO SUBSECTION (1) OF THIS SECTION.

22  
23 (3) IN ADDITION TO THE INITIAL APPROPRIATION TO THE  
24 DEPARTMENT, ALL MONEYS PAID INTO THE SPECIAL ACCOUNT CREATED IN  
25 SUBSECTION (1) OF THIS SECTION SHALL BE AVAILABLE IMMEDIATELY,  
26 WITHOUT FURTHER APPROPRIATION, FOR THE PURPOSES OF SUCH ACCOUNT.

27  
28 (4) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL MAKE  
29 AN ANNUAL REPORT BY MARCH 1 OF EACH YEAR TO THE GENERAL  
30 ASSEMBLY THAT SHALL INCLUDE A SUMMARY OF THE DEPARTMENT'S  
31 ACTIVITIES FOR THE PREVIOUS YEAR, A STATEMENT OF PLATE REVENUES,  
32 INFORMATION REGARDING SPECIAL PLATE PURCHASES, EXPENSES OF THE  
33 DEPARTMENT, ALLOCATION OF REMAINING REVENUES, AND ANY  
34 RECOMMENDATIONS FOR CHANGES IN STATUTES THAT THE EXECUTIVE  
35 DIRECTOR DEEMS NECESSARY OR DESIRABLE. THE REPORT SHALL BE OPEN  
36 FOR PUBLIC INSPECTION."."

37  
38  
39  
40  
41 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

44  
45 **HB02-1125** be amended as follows, and as so amended, be referred to  
46 the Committee on Appropriations with favorable  
47 recommendation:

48  
49 Amend printed bill, page 2, line 11, strike "COULD" and substitute "MAY";  
50 line 15, after "AND", insert "POTENTIAL".

51  
52  
53 Page 3, strike lines 12 through 14 and substitute the following:

54 "BOARD TO EVALUATE POTENTIAL STRATEGIES FOR STROKE PREVENTION  
55 AND TREATMENT AND DEVELOP A STATEWIDE NEEDS ASSESSMENT  
56 OUTLINING RELEVANT RESOURCES.";

1 line 17, strike "FOUR" and substitute "FIVE";

2

3 line 18, strike "AT LEAST";

4

5 after line 18, insert the following:

6

7 "(I) PRIMARY CARE;

8

9 (II) NEUROLOGY;".

10

11 Renumber succeeding subparagraphs accordingly.

12

13 Page 4, line 7, strike "AND";

14

15 line 9, strike "VICTIMS." and substitute the following:

16

17 "VICTIMS; AND

18

19 (j) ONE PHYSICAL THERAPIST OR OCCUPATIONAL THERAPIST  
20 ACTIVELY INVOLVED IN STROKE CARE.";

21

22 strike line 12 and substitute the following:

23

24 "(a) EVALUATION OF CURRENT AVAILABLE STROKE TREATMENTS";

25

26 line 14, strike "BEST PRACTICES," and substitute "MEDICAL EVIDENCE,";

27

28 strike lines 15 and 16 and substitute the following:

29

30 "(b) EVALUATION OF POTENTIAL IMPLEMENTATION STRATEGIES  
31 FOR STROKE THERAPIES, INCLUDING A STROKE CENTER SYSTEM;";

32

33 line 23, before "ECONOMIC", insert "HEALTH AND".

34

35 Page 5, line 3, strike "**center network**" and substitute "**prevention and  
36 treatment**";

37

38 line 4, strike "CENTER";

39

40 line 5, strike "NETWORK" and substitute "PREVENTION AND TREATMENT";

41

42 line 9, after "ASSEMBLY." insert "NO MONEYS SHALL BE APPROPRIATED  
43 FROM THE GENERAL FUND FOR PAYMENT OF ANY EXPENSES INCURRED  
44 UNDER THIS ARTICLE.";

45

46 line 20, strike "CENTER NETWORK" and substitute "PREVENTION AND  
47 TREATMENT";

48

49 line 22, strike "CENTER";

50

51 line 23, strike "NETWORK" and substitute "PREVENTION AND TREATMENT".

52

53

54

55 **HB02-1155** be referred favorably to the Committee on Appropriations.

56



1 **HB02-1159** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Amend printed bill, page 3, line 23, strike "HIGHER EDUCATION," and,  
6 strike "LOCAL AFFAIRS,";

7  
8 line 24, strike "NATURAL RESOURCES," and, strike "TRANSPORTATION,".  
9

10 Page 5, line 10, strike "LOCATE" and substitute "IDENTIFY";

11  
12 line 22, strike "SUPPORT" and substitute "TECHNICAL ASSISTANCE";

13  
14 line 23, strike "SERVICES".

15  
16 Page 6, strike lines 4 through 6 and substitute the following:

17  
18 "(c) TO OBTAIN INFORMATION FROM SERVICE PROVIDERS  
19 CONCERNING KNOWN SERVICES AVAILABLE FOR THE HOMELESS YOUTH  
20 POPULATION IN THE STATE OF COLORADO, AND TO POST SUCH  
21 INFORMATION ON A WEBSITE ON THE INTERNET;";

22  
23 strike lines 12 through 14 and substitute the following:

24  
25 "(e) TO OBTAIN INFORMATION CONCERNING KNOWN FUNDING  
26 SOURCES AVAILABLE FOR THE HOMELESS YOUTH POPULATION IN THE STATE  
27 OF COLORADO;".

28  
29 Page 7, strike lines 1 through 6 and substitute the following:

30  
31 "(i) TO INCLUDE INFORMATION CONCERNING THE OFFICE OF  
32 HOMELESS YOUTH SERVICES IN THE ANNUAL EXECUTIVE SUMMARY REPORT  
33 PREPARED AND SUBMITTED PURSUANT TO SECTION 25-20.5-108 (6)".

34  
35  
36  
37 **HB02-1200** be postponed indefinitely.

38  
39  
40  
41  
42 **INFORMATION & TECHNOLOGY**

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

45  
46 **HB02-1146** be amended as follows, and as so amended, be referred to  
47 the Committee on State, Veterans, & Military Affairs with  
48 favorable recommendation:

49  
50 Amend printed bill, strike everything below the enacting clause and  
51 substitute the following:

52  
53 "SECTION 1. Article 72 of title 24, Colorado Revised Statutes,  
54 is amended BY THE ADDITION OF A NEW PART to read:

55

PART 5

CREATION OF PRIVACY POLICIES BY  
GOVERNMENTAL ENTITIES

**24-72-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
CONTEXT OTHERWISE REQUIRES:

(1) "GOVERNMENTAL ENTITY" MEANS THE STATE AND ANY STATE  
DEPARTMENT, AGENCY, OR INSTITUTION OF THE STATE.

(2) "PERSONALLY IDENTIFIABLE INFORMATION" MEANS  
INFORMATION ABOUT AN INDIVIDUAL COLLECTED BY A GOVERNMENTAL  
ENTITY THAT COULD REASONABLY BE USED TO IDENTIFY SUCH INDIVIDUAL,  
INCLUDING, BUT NOT LIMITED TO, FIRST AND LAST NAME, RESIDENCE OR  
OTHER PHYSICAL ADDRESS, ELECTRONIC MAIL ADDRESS, TELEPHONE  
NUMBER, BIRTH DATE, CREDIT CARD INFORMATION, AND SOCIAL SECURITY  
NUMBER. NOTWITHSTANDING ANY PROVISION TO THE CONTRARY,  
"PERSONALLY IDENTIFIABLE INFORMATION" SHALL NOT INCLUDE  
INFORMATION COLLECTED IN FURTHERANCE OF ANY REGULATORY,  
INVESTIGATIVE, OR CRIMINAL JUSTICE PURPOSE.

**24-72-502. Creation of a privacy policy for governmental  
entities.** (1) EACH GOVERNMENTAL ENTITY OF THE STATE SHALL CREATE  
A PRIVACY POLICY FOR THE PURPOSE OF STANDARDIZING WITHIN SUCH  
GOVERNMENTAL ENTITY THE COLLECTION, STORAGE, TRANSFER, AND USE  
OF PERSONALLY IDENTIFIABLE INFORMATION BY SUCH GOVERNMENTAL  
ENTITY. THE POLICY OF EACH GOVERNMENTAL ENTITY SHALL ADDRESS,  
BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(a) A GENERAL STATEMENT DECLARING SUPPORT FOR THE  
PROTECTION OF INDIVIDUAL PRIVACY;

(b) A PROVISION FOR THE MINIMIZATION OF DATA COLLECTED TO  
THE LEAST AMOUNT OF INFORMATION REQUIRED TO COMPLETE A  
PARTICULAR TRANSACTION;

(c) CLEAR NOTICE OF THE STATE OPEN RECORDS ACT AND ITS  
EFFECT ON PRIVACY PURSUANT TO PART 2 OF THIS ARTICLE;

(d) A METHOD FOR FEEDBACK FROM THE PUBLIC ON COMPLIANCE  
WITH THE PRIVACY POLICY; AND

(e) A STATEMENT THAT THE POLICY EXTENDS TO THE COLLECTION  
OF ALL DATA, REGARDLESS OF THE SOURCE OR MEDIUM.

(2) IN PREPARING THE POLICY IN SUBSECTION (1) OF THIS SECTION,  
EACH GOVERNMENTAL ENTITY SHALL CONSIDER THE MOST CURRENT  
RECOMMENDATION THEN AVAILABLE FROM THE OFFICE OF INNOVATION  
AND TECHNOLOGY CREATED IN THE OFFICE OF THE GOVERNOR.

(3) (a) ANY GOVERNMENTAL ENTITY THAT OPERATES A WORLD  
WIDE WEB SITE AS OF THE EFFECTIVE DATE OF THIS PART 5 SHALL  
ESTABLISH AND PUBLISH ON ITS WEB SITE A PRIVACY POLICY PURSUANT TO  
THIS PART 5 NO LATER THAN JULY 1, 2003.

1 (b) ANY GOVERNMENTAL ENTITY THAT DOES NOT OPERATE A  
2 WORLD WIDE WEB SITE AS OF THE EFFECTIVE DATE OF THIS PART 5 AND  
3 BEGINS OPERATION OF A WEB SITE BEFORE JULY 1, 2003, SHALL ESTABLISH  
4 AND PUBLISH ON ITS WEB SITE A PRIVACY POLICY PURSUANT TO THIS PART  
5 5 BY JULY 1, 2003.

6  
7 (c) IN NO EVENT SHALL A GOVERNMENTAL ENTITY BE PERMITTED  
8 TO OPERATE A WORLD WIDE WEB SITE AFTER JULY 1, 2003, WITHOUT FIRST  
9 ESTABLISHING A PRIVACY POLICY PURSUANT TO THIS PART 5. THE PRIVACY  
10 POLICY SHALL BE PUBLISHED ON SUCH GOVERNMENTAL ENTITY'S WEB SITE  
11 AS OF THE FIRST DAY OF OPERATION OF SUCH WEB SITE.

12  
13 **SECTION 2. Effective date.** This act shall take effect at 12:01  
14 a.m. on the day following the expiration of the ninety-day period after  
15 final adjournment of the general assembly that is allowed for submitting  
16 a referendum petition pursuant to article V, section 1 (3) of the state  
17 constitution; except that, if a referendum petition is filed against this act  
18 or an item, section, or part of this act within such period, then the act,  
19 item, section, or part, if approved by the people, shall take effect on the  
20 date of the official declaration of the vote thereon by proclamation of the  
21 governor."

22  
23  
24  
25 **HB02-1151** be amended as follows, and as so amended, be referred to  
26 the Committee of the Whole with favorable  
27 recommendation:

28  
29 Amend printed bill, page 3, line 3, after "AUDITOR", insert "AND THE  
30 DEPARTMENT, DIVISION, OR OTHER AGENCY OF STATE GOVERNMENT  
31 RESPONSIBLE FOR THE IMPLEMENTATION OF A PILOT PROGRAM";

32  
33 line 7, after "BE", insert "FIRST";

34  
35 line 8, strike "2003," and substitute "2002,";

36  
37 line 17, after "SHALL", insert "NOTIFY THE STATE AUDITOR BEFORE  
38 DEVELOPING AND IMPLEMENTING A NEW PILOT PROGRAM, SHALL";

39  
40 line 19, strike "MEASURES." and substitute "MEASURES, AND SHALL  
41 ENSURE THAT THE STATE AUDITOR HAS SUFFICIENT INFORMATION TO  
42 ASSIST THE DEPARTMENT, DIVISION, OR AGENCY IN DEVELOPING AND  
43 ESTABLISHING THE OBJECTIVE PERFORMANCE MEASURES.";

44  
45 strike lines 20 and 21 and substitute the following:

46  
47 "CAUSE TO BE CONDUCTED A REVIEW OF EACH PILOT PROGRAM AFTER THE  
48 PILOT PROGRAM HAS BEEN OPERATING FOR ONE YEAR FOR THE PURPOSE OF  
49 DETERMINING WHETHER";

50  
51 line 25, after "AUDITOR", insert "AND THE IMPLEMENTING DEPARTMENT,  
52 DIVISION, OR OTHER AGENCY";

53  
54 strike lines 26 and 27 and substitute the following:

55  
56 "MEASURES FOR THE PILOT PROGRAM. THE STATE AUDITOR SHALL ALSO

1 EVALUATE THE CONTINUED APPROPRIATENESS OF THE ESTABLISHED  
2 OBJECTIVE PERFORMANCE MEASURES AND MAY MAKE REASONABLE  
3 RECOMMENDATIONS FOR MODIFICATIONS TO THE OBJECTIVE  
4 PERFORMANCE MEASURES. IF THE INITIAL ONE-YEAR REVIEW OF A PILOT  
5 PROGRAM INDICATES THAT THE IMPLEMENTING DEPARTMENT, DIVISION, OR  
6 OTHER AGENCY OF STATE GOVERNMENT IS NOT ACCURATELY GATHERING  
7 AND QUANTIFYING ALL OF THE RELATED AND RELEVANT STATISTICAL DATA  
8 NECESSARY TO ALLOW THE STATE AUDITOR TO TRACK THE PERFORMANCE  
9 MEASURES OR INDICATES THAT THE PERFORMANCE MEASURES SHOULD BE  
10 MODIFIED, THE STATE AUDITOR SHALL MAKE ANY REASONABLE  
11 RECOMMENDATIONS NECESSARY TO ENSURE THAT THE IMPLEMENTING  
12 DEPARTMENT, DIVISION, OR OTHER AGENCY WILL ACCURATELY GATHER  
13 AND QUANTIFY THE DATA IN THE FUTURE AND THAT APPROPRIATE  
14 MODIFICATIONS ARE MADE TO THE OBJECTIVE PERFORMANCE MEASURES.  
15 THE STATE AUDITOR MAY ALSO CONDUCT OR CAUSE TO BE CONDUCTED  
16 ANY ADDITIONAL REVIEWS OF A PILOT PROGRAM THAT THE STATE AUDITOR  
17 CONSIDERS NECESSARY TO ENSURE THAT THE RELATED AND RELEVANT  
18 STATISTICAL DATA ARE BEING ACCURATELY GATHERED AND QUANTIFIED  
19 AND THAT THE PERFORMANCE MEASURES ARE APPROPRIATE. DURING THE  
20 CALENDAR YEAR BEFORE THE SCHEDULED EXPIRATION OF A PILOT  
21 PROGRAM, THE STATE AUDITOR SHALL PREPARE A FINAL REPORT THAT SETS  
22 FORTH THE RESULTS OF THE TRACKING OF THE OBJECTIVE PERFORMANCE  
23 MEASURES FOR THE PILOT PROGRAM AND MAKES A DETERMINATION AS TO  
24 THE DEGREE OF SUCCESS OF THE PILOT PROGRAM IN ACHIEVING ITS  
25 GOALS."

26

27 Page 4, strike lines 1 through 5;

28

29 line 7, strike "ANNUAL" and substitute "THE";

30

31 strike lines 8 through 10 and substitute the following:

32

33 "REVIEWS REQUIRED OR AUTHORIZED BY PARAGRAPH (a) OF THIS  
34 SUBSECTION (2). IN ASSISTING THE DEPARTMENT, DIVISION, OR OTHER  
35 AGENCY OF STATE GOVERNMENT IMPLEMENTING A PILOT PROGRAM IN  
36 DETERMINING THE DEGREE OF SUCCESS OF A PILOT PROGRAM IN ACHIEVING  
37 ITS GOALS AND FOR PURPOSES OF PREPARING A FINAL REPORT REQUIRED BY  
38 PARAGRAPH (a) OF THIS SUBSECTION (2), THE STATE AUDITOR SHALL APPLY  
39 THE OBJECTIVE PERFORMANCE";

40

41 line 15, strike "2004," and substitute "2003,";

42

43 line 17, strike "AND";

44

45 strike line 18 and substitute the following:

46

47 "PERFORMED PURSUANT TO SUBSECTION (2) OF THIS SECTION, A COPY OF  
48 EACH FINAL REPORT PREPARED PURSUANT TO SUBSECTION (2) OF THIS  
49 SECTION,".

50

51 Page 5, strike lines 11 through 19 and substitute the following:

52

53 **"SECTION 2. Effective date.** This act shall take effect July 1,  
54 2002.

55

1           **SECTION 3. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety."  
4

5 Page 1, line 104, strike "ANNUAL".  
6

7  
8  
9           **HB02-1169** be amended as follows, and as so amended, be referred to  
10 the Committee of the Whole with favorable  
11 recommendation:  
12

13 Amend printed bill, strike everything below the enacting clause and  
14 substitute the following:  
15

16           **"SECTION 1. Legislative declaration.** The general assembly  
17 hereby declares that this act is not intended to affect the statutes and rules  
18 that concern the standards for achieving a competitive local exchange  
19 market or the regulation of such market. Therefore, nothing in this act  
20 shall be construed to modify regulatory requirements for providers of  
21 competitive local exchange or interexchange telecommunications services  
22 or public utilities commission rules promulgated pursuant to sections  
23 40-15-203, 40-15-207, and 40-15-503(2) (a), and parts 3 and 4 of article  
24 15 of this title.  
25

26           **SECTION 2.** 40-3-104 (1) (c), Colorado Revised Statutes, is  
27 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:  
28

29           **40-3-104. Changes in rates - notice.** (1) (c) (V) IN THE CASE OF  
30 A PUBLIC UTILITY THAT PROVIDES REGULATED INTRASTATE  
31 TELECOMMUNICATIONS SERVICES:  
32

33           (A) NOTICE OF A DECREASE IN A RATE OR CHARGE FOR ANY  
34 REGULATED TELECOMMUNICATIONS SERVICE SHALL BE GIVEN BY FILING  
35 WITH THE COMMISSION AND KEEPING OPEN FOR PUBLIC INSPECTION FOR A  
36 PERIOD OF FOURTEEN DAYS THE NEW SCHEDULE STATING PLAINLY THE  
37 DECREASE TO BE MADE AND THE TIME THAT THE DECREASE WILL BECOME  
38 EFFECTIVE. SUCH DECREASES SHALL NOT BE SUBJECT TO ANY ADDITIONAL  
39 NOTICE REQUIREMENTS.  
40

41           (B) NOTICE OF CHANGES IN TERMS AND CONDITIONS FOR ANY  
42 REGULATED TELECOMMUNICATIONS SERVICE SHALL BE GIVEN BY FILING  
43 WITH THE COMMISSION AND KEEPING OPEN FOR PUBLIC INSPECTION FOR A  
44 PERIOD OF FOURTEEN DAYS THE NEW SCHEDULE STATING PLAINLY THE  
45 CHANGES TO BE MADE IN THE TERMS AND CONDITIONS AND THE TIME THAT  
46 THE CHANGES WILL BECOME EFFECTIVE. SUCH CHANGES IN THE TERMS  
47 AND CONDITIONS SHALL NOT BE SUBJECT TO ANY ADDITIONAL NOTICE  
48 REQUIREMENTS UNLESS THE COMMISSION DETERMINES THAT SUCH  
49 ADDITIONAL NOTICE IS IN THE PUBLIC INTEREST. ANY SUCH ADDITIONAL  
50 NOTICE SHALL BE GIVEN IN A MANNER SPECIFIED BY THE COMMISSION.  
51

52           **SECTION 3. Effective date - applicability.** (1) This act shall  
53 take effect at 12:01 a.m. on the day following the expiration of the  
54 ninety-day period after final adjournment of the general assembly that is  
55 allowed for submitting a referendum petition pursuant to article V,  
56 section 1 (3) of the state constitution; except that, if a referendum petition

1 is filed against this act or an item, section, or part of this act within such  
 2 period, then the act, item, section, or part, if approved by the people, shall  
 3 take effect on the date of the official declaration of the vote thereon by  
 4 proclamation of the governor.

5  
 6 (2) The provisions of this act shall apply to notices of changes  
 7 proposed on or after the applicable effective date of this act."  
 8  
 9

10  
 11 **HB02-1180** be referred favorably to the Committee on Appropriations.  
 12  
 13

14  
 15 **PRINTING REPORT**  
 16

17 The Chief Clerk reports the following bills have been correctly printed:  
 18 **HB02-1317, 1318, 1319.**  
 19  
 20

21  
 22 **MESSAGE FROM THE SENATE**  
 23

24 Mr. Speaker:

25 The Senate has passed on Third Reading and transmitted to the Revisor  
 26 of Statutes: SB02-037, 032;  
 27

28 SB02-004, amended as printed in Senate Journal, February 4,  
 29 pages 137-138;

30 SB02-040, amended as printed in Senate Journal, February 4, page 138;

31 SB02-006, amended as printed in Senate Journal, February 4, page 139.  
 32  
 33

34  
 35 **MESSAGE FROM THE REVISOR**  
 36

37 We herewith transmit without comment, SB02-037 and 032; and  
 38 without comment, as amended, SB02-004, 040, and 006.  
 39  
 40

41  
 42 **INTRODUCTION OF BILLS**  
 43 **First Reading**  
 44

45 The following bills were read by title and referred to the committees  
 46 indicated:  
 47

48 **HB02-1317** by Representative(s) Harvey, Mitchell, Cadman, Clapp,  
 49 Cloer, Crane, Dean, Fairbank, Johnson, King, Lee,  
 50 Paschall, Rhodes, Schultheis, Scott, Sinclair, Snook,  
 51 Stafford, Stengel, Witwer; also Senator(s) Lamborn,  
 52 Musgrave, Cairns, Dyer, Hillman--Concerning statutory  
 53 definitions related to human beings to include every infant  
 54 human being who is born alive at any stage of  
 55 development.

56 Committee on Health, Environment, Welfare, & Institutions

1 **HB02-1318** by Representative(s) Harvey, Hefley, Crane, Jahn, Kester,  
2 Plant, Rhodes, Saliman, Webster--Concerning the  
3 requirement that a proposed municipal annexation shall  
4 comply with certain land use regulations in order to be  
5 eligible for annexation.

6 Committee on Local Government

7  
8 **HB02-1319** by Representative(s) Webster; also Senator(s) Takis--  
9 Concerning the acquisition of rights to a noninterfering  
10 use of railroad rights-of-way.

11 Committee on Local Government

12 \_\_\_\_\_  
13  
14  
15 **LAY OVER OF CALENDAR ITEMS**

16  
17 On motion of Representative Spradley, the following items on the  
18 Calendar were laid over until February 7, retaining place on Calendar:

19  
20 Consideration of General Orders--**HB02-1208, 1127, 1153, 1011, 1098,**  
21 **1164, 1100, 1106, 1049, 1139, 1191, 1131, 1145.**

22 Consideration of Resolutions--**HJR02-1008, 1014.**

23 \_\_\_\_\_  
24  
25 On motion of Representative Spradley, the House adjourned until  
26 9:00 a.m., February 7, 2002.

27  
28 Approved:

29  
30  
31  
32 DOUG DEAN,  
33 Speaker

34 Attest:

35  
36 JUDITH RODRIGUE,  
37 Chief Clerk