

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

Seventeenth Legislative Day

Friday, January 25, 2002

1 Prayer by Father Ed Judy, Former Director Samaritan House, Denver.

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--60.

8 Excused for Legislative Business--Representatives Clapp,

9

10 Excused--Representatives Saliman, Stafford, Veiga--3.

11

12 Present after roll call--Representatives Saliman, Veiga.

13

14 The Speaker declared a quorum present.

15

16 On motion of Representative White, the reading of the journal of  
17 January 24, 2002, was declared dispensed with and approved as corrected  
18 by the Chief Clerk.

19

20

21

22 On motion of Representative T. Williams, the House resolved itself into  
23 Committee of the Whole for consideration of General Orders, and she  
24 was called to the Chair to act as Chairman.

25

26

27

28 **GENERAL ORDERS--SECOND READING OF BILLS**

29

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

34

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

37

38 **HB02-1016** by Representative(s) Lee--Concerning the congressional  
39 redistricting of Colorado.

40

41 Laid over until January 28, retaining place on Calendar.

42

- 1 **HB02-1043** by Representative(s) Crane, Cloer, Stafford; also  
2 Senator(s) Hagedorn--Concerning incentives to encourage  
3 Colorado works participants to pursue a living wage.  
4  
5 Rereferred to the Committee on Local Government.  
6  
7 **HB02-1042** by Representative(s) Stafford, Boyd, Clapp, Romanoff;  
8 also Senator(s) Linkhart, Hernandez--Concerning  
9 extensions under the Colorado works program for persons  
10 who have reached the sixty-month lifetime limit for receipt  
11 of TANF assistance.  
12  
13 Laid over until January 28, retaining place on Calendar.  
14  
15 **HB02-1005** by Representative(s) Larson; also Senator(s) Isgar--  
16 Concerning the prohibition against an insurer basing the  
17 issuance of a motor vehicle insurance policy on the  
18 suspension of a driver's license due to noncompliance with  
19 a child support order.  
20  
21 Ordered engrossed and placed on the Calendar for Third Reading and  
22 Final Passage.  
23  
24 **HB02-1048** by Representative(s) Crane; also Senator(s) Epps--  
25 Concerning occupational therapy deceptive trade practice  
26 title protection.  
27  
28 Amendment No. 1, Business Affairs & Labor Report, dated January 17,  
29 2002, and placed in member's bill file; Report also printed in House  
30 Journal, January 21, pages 121-122.  
31  
32 As amended, ordered engrossed and placed on the Calendar for Third  
33 Reading and Final Passage.  
34  
35 **HB02-1022** by Representative(s) Johnson, Alexander; also Senator(s)  
36 Linkhart--Concerning annual redeterminations of adoption  
37 assistance for children with special needs.  
38  
39 Laid over until January 28, retaining place on Calendar.  
40  
41 **HB02-1063** by Representative(s) Berry; also Senator(s) Epps--  
42 Concerning the "Colorado Children's Trust Fund Act".  
43  
44 Ordered engrossed and placed on the Calendar for Third Reading and  
45 Final Passage.  
46  
47 **HB02-1141** by Representative(s) Miller; also Senator(s) Chlouber--  
48 Concerning the public announcement by the court at  
49 sentencing of the minimum range of actual imprisonment  
50 that a defendant can be expected to serve.  
51  
52 Amendment No. 1, Criminal Justice Report, dated January 22, 2002, and  
53 placed in member's bill file; Report also printed in House Journal,  
54 January 23, page 151.  
55

1 Amendment No. 2, by Representative Miller.

2  
3 Amend the Criminal Justice Committee Report, dated January 22, 2002,  
4 strike lines 3 through 19 and substitute the following:

5  
6 ""**SECTION 1.** 16-11-302, Colorado Revised Statutes, is  
7 amended to read:

8  
9 **16-11-302. Duration of sentences for felonies.** (1) Unless  
10 otherwise provided by law and except as otherwise provided in the  
11 "Colorado Children's Code", title 19, C.R.S., courts sentencing any  
12 person for the commission of a felony to the custody of the executive  
13 director of the department of corrections shall fix a definite term as  
14 provided by section 18-1-105, C.R.S. The persons so sentenced shall be  
15 imprisoned and discharged as provided by other applicable statutes. No  
16 person sentenced to a correctional facility for the commission of a felony  
17 shall be subjected to imprisonment for a term exceeding the term  
18 provided by the statute fixing the length of the sentence for the crime of  
19 which ~~he~~ THE PERSON was convicted and for which ~~he~~ THE PERSON was  
20 sentenced.

21  
22 (2) IF A COURT SENTENCES A DEFENDANT TO THE CUSTODY OF THE  
23 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, THE COURT  
24 SHALL, AFTER FIXING A DEFINITE TERM OF IMPRISONMENT, PUBLICLY  
25 ANNOUNCE THAT:

26  
27 (a) A PERSON SENTENCED TO THE CUSTODY OF THE DEPARTMENT  
28 OF CORRECTIONS MAY BE ENTITLED, PURSUANT TO ARTICLE 22.5 OF TITLE  
29 17, C.R.S., TO CERTAIN TIME DEDUCTIONS FROM THE PERSON'S SENTENCE  
30 UPON THE PERSON'S DEMONSTRATION OF GOOD CONDUCT AND  
31 SUBSTANTIAL PROGRESS WHILE INCARCERATED;

32  
33 (b) ON A STATISTICAL BASIS, ANY PERSON SO SENTENCED CAN BE  
34 EXPECTED TO ACTUALLY SERVE IN THE CUSTODY OF THE DEPARTMENT OF  
35 CORRECTIONS A MINIMUM OF THIRTY-SEVEN AND ONE-HALF PERCENT OF  
36 THE DEFINITE TERM OF IMPRISONMENT IMPOSED BY THE COURT.

37  
38 (3) BASED ON THE STATISTICAL BASIS DESCRIBED IN PARAGRAPH  
39 (b) OF SUBSECTION (2) OF THIS SECTION, THE COURT SHALL ALSO  
40 ANNOUNCE THE RANGE OF MINIMUM ACTUAL TIME THAT THE DEFENDANT  
41 CAN BE EXPECTED TO SERVE IN THE CUSTODY OF THE DEPARTMENT OF  
42 CORRECTIONS AS A RESULT OF THE DEFINITE TERM IMPOSED BY THE COURT.

43  
44 (4) (a) NOTHING IN SUBSECTION (2) OR (3) OF THIS SECTION SHALL  
45 BE CONSTRUED TO AFFECT THE DUTIES OTHERWISE IMPOSED BY LAW ON  
46 THE COURT OR ON THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
47 CORRECTIONS.

48  
49 (b) NOTHING IN SUBSECTION (2) OR (3) OF THIS SECTION SHALL BE  
50 CONSTRUED TO LIMIT, EXPAND, OR OTHERWISE AFFECT ANY PROVISION OF  
51 LAW CONCERNING THE AVAILABILITY, ADMINISTRATION, ENTITLEMENT, OR  
52 AWARD OF GOOD TIME CREDITS AND EARNED TIME CREDITS.

53  
54 **SECTION 2. Effective date - applicability.** This act shall take  
55 effect July 1, 2002, and shall apply to sentences imposed on or after said  
56 date.

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 As amended, ordered engrossed and placed on the Calendar for Third  
6 Reading and Final Passage.  
7  
8 **HB02-1013** by Representative(s) Spradley, Williams T.; also Sen-  
9 ator(s) McElhany, Owen--Concerning the guaranteed issue  
10 of health insurance benefits for business groups of one.  
11  
12 Amendment No. 1, Business Affairs & Labor Report, dated January 17,  
13 2002, and placed in member's bill file; Report also printed in House  
14 Journal, January 21, pages 119-121.  
15  
16 Amendment No. 2, by Representative Spradley.  
17  
18 Amend the Business Affairs and Labor Committee Report, dated January  
19 17, 2002, page 3, line 15, strike "six TWELVE" and substitute "six";  
20  
21 line 17, strike "enrollment." and substitute "enrollment; EXCEPT THAT, FOR  
22 BUSINESS GROUPS OF ONE A HEALTH BENEFIT PLAN SHALL NOT DENY,  
23 EXCLUDE, OR LIMIT BENEFITS FOR A COVERED INDIVIDUAL BECAUSE OF A  
24 PREEXISTING CONDITION FOR LOSSES INCURRED MORE THAN TWELVE  
25 MONTHS FOLLOWING THE DATE OF ENROLLMENT OF THE INDIVIDUAL IN  
26 SUCH PLAN."  
27  
28 As amended, ordered engrossed and placed on the Calendar for Third  
29 Reading and Final Passage.  
30  
31 **HB02-1053** by Representative(s) Young; also Senator(s) Taylor--  
32 Concerning school grants.  
33  
34 Amendment No. 1, Education Report, dated January 21, 2002, and  
35 placed in member's bill file; Report also printed in House Journal,  
36 January 23, pages 151-152.  
37  
38 As amended, ordered engrossed and placed on the Calendar for Third  
39 Reading and Final Passage.  
40  
41 **HB02-1156** by Representative(s) Marshall, Kester, Sanchez, Sinclair;  
42 also Senator(s) Hillman--Concerning campaign finance  
43 disclosure reporting requirements relative to recall  
44 elections.  
45  
46 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
47 January 22, 2002, and placed in member's bill file; Report also printed in  
48 House Journal, January 23, page 152.  
49  
50 As amended, ordered engrossed and placed on the Calendar for Third  
51 Reading and Final Passage.  
52  
53  
54  
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1 **HJR02-1005** by Representative(s) Hoppe, Alexander, Johnson, Kester,  
 2 Lawrence, Rippy, Snook, Spradley, Stengel, Webster,  
 3 White, Young; also Senator(s) Hernandez--Concerning  
 4 additions and modifications to the water pollution control  
 5 revolving fund eligibility list.

6  
 7 (Printed and placed in member's file; also printed in House Journal,  
 8 January 15, 2002, pages 87-96.)

9  
 10 On motion of Representative Hoppe, the resolution was **adopted** by **viva**  
 11 **voce** vote.

12  
 13 Co-sponsors added: Representatives Coleman, Daniel, Hodge, Mace, Ragsdale,  
 14 Tochtrop, Williams T.

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15  
 16  
 17  
 18 **REPORTS OF COMMITTEES OF REFERENCE**

19  
 20 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

23  
 24 **HB02-1091** be amended as follows, and as so amended, be referred to  
 25 the Committee on Finance with favorable  
 26 recommendation:

27  
 28 Amend printed bill, page 6, line 7, strike "AND WELFARE OR AN UNDUE  
 29 THREAT" and substitute "OR WELFARE";

30  
 31 line 8, strike "TO OTHER WILDLIFE".

32  
 33 Page 9, strike line 9 and substitute "he";

34  
 35 strike line 10;

36  
 37 line 11, strike "OR MORE,";

38  
 39 line 12, after "activity", insert the following:

40 "OR OF ANY FEDERAL WILDLIFE VIOLATIONS WITHIN COLORADO, AND SUCH  
 41 CONVICTIONS INDIVIDUALLY OR WHEN COMBINED WITH CONVICTIONS  
 42 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), TOTAL TWENTY OR  
 43 MORE POINTS".

44  
 45 Page 36, line 6, strike "COMMISSION" and substitute "BOARD";

46  
 47 line 20, strike "THE GREATER OF".

48  
 49  
 50  
 51 **HB02-1118** be referred to the Committee of the Whole with favorable  
 52 recommendation.

53  
 54  
 55  
 56

1 **BUSINESS AFFAIRS & LABOR**

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

4  
5 **HB02-1050** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, page 3, line 18, strike "CONSPICUOUS TYPE" and  
10 substitute "TYPE, THAT IS EITHER ALL CAPITAL LETTERS OR UNDERLINED,".

11  
12  
13  
14 **HB02-1051** be amended as follows, and as so amended, be referred to  
15 the Committee on Civil Justice & Judiciary with favorable  
16 recommendation:

17  
18 Amend printed bill, page 3, strike lines 4 and 5 and substitute the  
19 following:

20  
21 **"protection.** (1) (a) EMPLOYERS SHALL PERMIT AN EMPLOYEE TO  
22 REQUEST OR TAKE UP TO FIFTEEN WORKING DAYS OF";

23  
24 line 15, strike "SEEKING" and substitute "USING THE LEAVE FROM WORK";

25  
26 line 16, strike "(a)" and substitute "(I)";

27  
28 line 18, strike "(b)" and substitute "(II)";

29  
30 line 20, strike "(c)" and substitute "(III)";

31  
32 line 21, strike "(d)" and substitute "(IV)";

33  
34 after line 22, insert the following:

35  
36 "(b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1)  
37 SHALL ONLY APPLY TO EMPLOYERS WHO EMPLOY FIFTY OR MORE  
38 EMPLOYEES AND TO EMPLOYEES WHO HAVE BEEN EMPLOYED WITH THE  
39 EMPLOYER FOR TWELVE MONTHS OR MORE.";

40  
41 line 23, strike "EXCEPT FOR EMERGENCY CIRCUMSTANCES," and substitute  
42 "EXCEPT IN CASES OF IMMINENT DANGER TO THE HEALTH OR SAFETY OF  
43 THE EMPLOYEE,";

44  
45 line 27, strike "AVAILABLE TO THE EMPLOYEE AND".

46  
47 Page 4, after line 3, insert:

48  
49 "(3) (a) IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO INTERFERE  
50 WITH, RESTRAIN, OR DENY THE EXERCISE OF OR ANY ATTEMPT TO EXERCISE  
51 ANY RIGHTS PROVIDED UNDER THIS SECTION.

52  
53 (b) IT SHALL BE UNLAWFUL FOR ANY EMPLOYER TO DISCHARGE OR  
54 IN ANY OTHER MANNER DISCRIMINATE AGAINST ANY INDIVIDUAL FOR  
55 EXERCISING HIS OR HER RIGHTS UNDER THIS SECTION.

56

1 (c) AN EMPLOYEE SHALL HAVE NO GREATER RIGHTS TO CONTINUED  
2 EMPLOYMENT OR TO OTHER BENEFITS AND CONDITIONS OF EMPLOYMENT  
3 THAN IF THE EMPLOYEE WAS NOT ENTITLED TO LEAVE UNDER THIS  
4 SECTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE  
5 EMPLOYER'S RIGHT TO DISCIPLINE OR TERMINATE ANY EMPLOYEE FOR ANY  
6 REASON, INCLUDING BUT NOT LIMITED TO REDUCTIONS IN WORK FORCE OR  
7 TERMINATION FOR CAUSE OR FOR NO REASON AT ALL, OTHER THAN  
8 EXERCISING HIS OR HER RIGHTS UNDER THIS SECTION."  
9

10 Renumber succeeding subsection accordingly.  
11  
12  
13

14 **HB02-1121** be referred to the Committee of the Whole with favorable  
15 recommendation.  
16  
17  
18  
19

#### 20 **CIVIL JUSTICE & JUDICIARY**

21 After consideration on the merits, the Committee recommends the  
22 following:  
23

24 **HB02-1088** be amended as follows, and as so amended, be referred to  
25 the Committee of the Whole with favorable  
26 recommendation:  
27

28 Amend printed bill, page 2, line 17, strike "ADVERTISES" and substitute  
29 "ADVERTISES, INCLUDING BY SIGNAGE,";  
30

31 Page 3, line 7, after the period, insert "SUCH LANGUAGE SHALL BE  
32 CLEARLY VISIBLE."  
33  
34  
35  
36

#### 37 **CRIMINAL JUSTICE**

38 After consideration on the merits, the Committee recommends the  
39 following:  
40

41 **HB02-1083** be amended as follows, and as so amended, be referred to  
42 the Committee of the Whole with favorable  
43 recommendation:  
44

45 Amend printed bill, page 2, line 6, strike "A MISSING" and substitute "AN  
46 ABDUCTED";  
47

48 line 8, strike "MISSING" and substitute "ABDUCTED";  
49

50 line 14, strike "'MISSING" and substitute "'ABDUCTED";  
51

52 line 19, after "THREAT", insert "AS DETERMINED BY LOCAL LAW  
53 ENFORCEMENT";  
54

55 strike line 22 and substitute "ENFORCEMENT AGENCY MAY FOLLOW TO  
56 VERIFY A CHILD HAS";

1 line 25, strike "SHALL" and substitute "MAY".

2

3 Page 3, line 12, strike "MISSING" and substitute "ABDUCTED".

4

5

6

7 **HB02-1102** be referred favorably to the Committee on Appropriations.

8

9

10 **HB02-1114** be referred favorably to the Committee on Appropriations.

11

12

13

14

15 **FINANCE**

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

18

19 **HB02-1058** be postponed indefinitely.

20

21

22 **HB02-1059** be referred favorably to the Committee on Appropriations.

23

24

25 **HB02-1076** 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 12, after "division,", insert "OR THERE IS  
30 ANY UNPAID LOAN DUE TO THE COLORADO STUDENT OBLIGATION BOND  
31 AUTHORITY DIVISION OF THE DEPARTMENT OF HIGHER EDUCATION AS SET  
32 FORTH IN SECTION 23-3.1-206, C.R.S., THE AMOUNT OF WHICH HAS BEEN  
33 DETERMINED TO BE OWING AS A RESULT OF A FINAL AGENCY  
34 DETERMINATION OR JUDICIAL DECISION OR WHICH HAS BEEN REDUCED TO  
35 JUDGMENT,".

36

37 Page 4, line 8, after "C.R.S.", insert "OR ANY UNPAID LOAN DUE TO THE  
38 COLORADO STUDENT OBLIGATION BOND AUTHORITY DIVISION OF THE  
39 DEPARTMENT OF HIGHER EDUCATION AS SET FORTH IN SECTION 23-3.1-206,  
40 C.R.S.,";

41

42 after line 10, insert the following:

43

44 **"SECTION 2.** 23-3.1-104 (1) (p) (I), Colorado Revised Statutes,  
45 is amended to read:

46

47 **23-3.1-104. Duties and powers of division.** (1) The division  
48 shall:

49

50 (p) (I) At times prescribed by the department of revenue, but not  
51 less frequently than annually, certify to the department of revenue  
52 information regarding persons who owe a loan repayment to the division,  
53 the amount of which has been DETERMINED TO BE OWING AS A RESULT OF  
54 A FINAL AGENCY DETERMINATION OR JUDICIAL DECISION PURSUANT TO  
55 SECTION 39-21-108 (3), C.R.S., OR WHICH HAS BEEN reduced to  
56 judgment.".

1 Renumber succeeding sections accordingly.

2

3 Page 5, after line 22, insert the following:

4

5 "SECTION 5. 23-3.1-206 (1), Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7

8 **23-3.1-206. General powers and duties of the authority.** (1) In  
9 addition to any other powers and duties specifically granted to the  
10 authority in this part 2, the authority has the following powers:

11

12 (u) (I) AT TIMES PRESCRIBED BY THE DEPARTMENT OF REVENUE,  
13 BUT NOT LESS FREQUENTLY THAN ANNUALLY, TO CERTIFY TO THE  
14 DEPARTMENT OF REVENUE INFORMATION REGARDING PERSONS WHO OWE  
15 A LOAN REPAYMENT TO THE DIVISION, THE AMOUNT OF WHICH HAS BEEN  
16 DETERMINED TO BE OWING AS A RESULT OF A FINAL AGENCY  
17 DETERMINATION OR JUDICIAL DECISION PURSUANT TO 39-21-108 (3),  
18 C.R.S., OR WHICH HAS BEEN REDUCED TO JUDGMENT.

19

20 (II) SUCH INFORMATION SHALL INCLUDE THE NAME AND SOCIAL  
21 SECURITY NUMBER OF THE PERSON OWING THE DEBT, THE AMOUNT OF THE  
22 DEBT, AND ANY OTHER IDENTIFYING INFORMATION REQUIRED BY THE  
23 DEPARTMENT OF REVENUE.

24

25 (III) UPON NOTIFICATION BY THE DEPARTMENT OF REVENUE OF  
26 AMOUNTS DEPOSITED WITH THE STATE TREASURER PURSUANT TO SECTION  
27 39-21-108 (3), C.R.S., THE STATE TREASURER SHALL DISBURSE SUCH  
28 AMOUNTS TO THE DIVISION."

29

30 Renumber succeeding section accordingly.

31

32

33

34 **HB02-1182** be amended as follows, and as so amended, be referred to  
35 the Committee on Appropriations with favorable  
36 recommendation:

37

38 Amend printed bill, page 2, strike lines 2 through 26.

39

40 Renumber succeeding sections accordingly.

41

42 Page 3, line 1, strike "July 1," and substitute "August 8,";

43

44 line 4, strike "acquisition";

45

46 strike lines 7 through 9 and substitute the following:

47

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

1 **INFORMATION & TECHNOLOGY**

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

4  
5 **HB02-1040** be amended as follows, and as so amended, be referred to  
6 the Committee of the Whole with favorable  
7 recommendation:

8  
9 Amend printed bill, strike everything below the enacting clause and  
10 substitute the following:

11  
12 "SECTION 1. 12-47-304 (1), Colorado Revised Statutes, is  
13 amended to read:

14  
15 **12-47-304. State licensing authority - application and issuance**  
16 **procedures.** (1) (a) Applications for licenses under the provisions of this  
17 article and articles 46 and 48 of this title shall be made to the state  
18 licensing authority on forms prepared and furnished by the state licensing  
19 authority and shall set forth such information as the state licensing  
20 authority may require to enable the authority to determine whether a  
21 license should be granted. Such information shall include the name and  
22 address of the applicant, and if a partnership, also the names and  
23 addresses of all the partners, and if a corporation, association, or other  
24 organization, also the names and addresses of the president,  
25 vice-president, secretary, and managing officer, together with all other  
26 information deemed necessary by the licensing authority. Each  
27 application shall be verified by the oath or affirmation of such person or  
28 persons as the state licensing authority may prescribe.

29  
30 (b) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (a) OF  
31 THIS SUBSECTION (1), AN APPLICANT SEEKING LICENSES FOR MULTIPLE  
32 LOCATIONS MAY REQUEST THE STATE LICENSING AUTHORITY TO ESTABLISH  
33 A MASTER FILE. ALL REQUESTS FOR A MASTER FILE SHALL BE MADE ON  
34 FORMS PROVIDED BY THE STATE LICENSING AUTHORITY AND SHALL  
35 CONTAIN SUCH INFORMATION AS THE STATE LICENSING AUTHORITY MAY  
36 REQUIRE TO ENABLE THE AUTHORITY TO DETERMINE THE SUITABILITY OF  
37 THE LICENSE APPLICANT AND ITS PRINCIPAL OWNERS AS REQUIRED  
38 PURSUANT TO SECTION 12-47-307. THE STATE LICENSING AUTHORITY  
39 SHALL EITHER APPROVE THE REQUEST FOR A MASTER FILE AND ISSUE AN  
40 APPROVAL LETTER, OR DENY THE REQUEST PURSUANT TO THE PROVISIONS  
41 OF SECTION 12-47-305. ANY CHANGE TO INFORMATION CONTAINED IN THE  
42 MASTER FILE SHALL BE REPORTED BY THE APPLICANT OR LICENSEE TO THE  
43 STATE LICENSING AUTHORITY WITHIN THIRTY DAYS AFTER THE CHANGE.  
44 FAILURE TO REPORT ALL CHANGES AS REQUIRED MAY BE GROUNDS FOR  
45 SUSPENSION OR REVOCATION OF A LICENSE OR LICENSES AS DETERMINED  
46 BY THE STATE LICENSING AUTHORITY. NO LOCAL LICENSING AUTHORITY  
47 SHALL REQUIRE APPLICANTS WITH AN APPROVED MASTER FILE TO FILE  
48 ADDITIONAL BACKGROUND INVESTIGATION FORMS OR FINGERPRINTS.  
49 NOTHING IN THIS SECTION SHALL PROHIBIT A LOCAL LICENSING AUTHORITY  
50 FROM CONDUCTING ITS OWN INVESTIGATION, OR FROM VERIFYING ANY OF  
51 THE INFORMATION PROVIDED BY THE APPLICANT, OR FROM DENYING THE  
52 APPLICATION OF THE APPLICANT PURSUANT TO THE PROVISIONS SET FORTH  
53 IN SECTION 12-47-307.

54  
55 (c) AS USED IN THIS PART 3, "MASTER FILE" MEANS A FILE THAT IS  
56 ESTABLISHED BY THE STATE LICENSING AUTHORITY AND THAT CONTAINS

1 LICENSING AND BACKGROUND INFORMATION FOR AN APPLICANT SEEKING  
2 LICENSES PURSUANT TO THIS ARTICLE IN MULTIPLE LOCATIONS. SUCH  
3 MASTER FILE SHALL BE AVAILABLE TO THE LOCAL LICENSING AUTHORITY.  
4

5 (d) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES  
6 GOVERNING THE MINIMUM NUMBER OF MULTIPLE LOCATIONS REQUIRED TO  
7 ESTABLISH AND MAINTAIN A MASTER FILE.  
8

9 **SECTION 2.** 12-47-307 (3), Colorado Revised Statutes, is  
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:  
11

12 **12-47-307. Persons prohibited as licensees.** (3) (c) AT THE TIME  
13 OF THE APPLICATION FOR A LICENSE, THE APPLICANT SHALL SUBMIT  
14 FINGERPRINTS AND FILE PERSONAL HISTORY INFORMATION CONCERNING  
15 THE APPLICANT'S QUALIFICATIONS FOR A LICENSE ON FORMS PREPARED BY  
16 THE STATE LICENSING AUTHORITY. THE STATE AND LOCAL LICENSING  
17 AUTHORITIES SHALL SUBMIT SUCH FINGERPRINTS TO THE COLORADO  
18 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
19 FINGERPRINTS-BASED CRIMINAL HISTORY RECORD CHECKS. THE  
20 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE  
21 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE  
22 PURPOSE OF CONDUCTING FINGERPRINTS-BASED CRIMINAL HISTORY  
23 RECORD CHECKS. AN APPLICANT WHO HAS PREVIOUSLY SUBMITTED  
24 FINGERPRINTS FOR ALCOHOL BEVERAGE LICENSING PURPOSES MAY  
25 REQUEST A WAIVER OF FINGERPRINTS SUBMISSION FROM EITHER THE STATE  
26 OR LOCAL LICENSING AUTHORITY. THE LICENSING AUTHORITIES SHALL USE  
27 THE INFORMATION RESULTING FROM THE FINGERPRINTS-BASED CRIMINAL  
28 HISTORY RECORD CHECK TO INVESTIGATE AND TO DETERMINE IF AN  
29 APPLICANT IS QUALIFIED FOR A LICENSE PURSUANT TO THIS ARTICLE AND  
30 ARTICLE 46 OF THIS TITLE. THE LICENSING AUTHORITY SHALL NOT BE  
31 PROHIBITED FROM VERIFYING ANY OF THE INFORMATION REQUIRED TO BE  
32 SUBMITTED BY AN APPLICANT PURSUANT TO THIS SECTION. AN APPLICANT  
33 SHALL NOT BE REQUIRED TO SUBMIT ADDITIONAL INFORMATION BEYOND  
34 THAT REQUIRED IN THIS SUBSECTION (3) UNLESS THE LICENSING  
35 AUTHORITY HAS DETERMINED ANY OF THE FOLLOWING:  
36

37 (I) THE APPLICANT HAS MISREPRESENTED A MATERIAL FACT;  
38

39 (II) THE APPLICANT HAS AN ESTABLISHED CRIMINAL HISTORY  
40 RECORD;  
41

42 (III) A PRIOR CRIMINAL OR ADMINISTRATIVE PROCEEDING  
43 DETERMINED THAT THE APPLICANT VIOLATED ALCOHOL BEVERAGE LAWS;  
44

45 (IV) THE INFORMATION SUBMITTED BY AN APPLICANT IS  
46 INCOMPLETE; OR  
47

48 (V) THE CHARACTER, RECORD, OR REPUTATION OF THE APPLICANT,  
49 HIS OR HER AGENT, OR HIS OR HER PRINCIPAL IS SUCH THAT A POTENTIAL  
50 VIOLATION OF THIS ARTICLE OR ARTICLE 46 OF THIS TITLE MAY OCCUR IF  
51 A LICENSE IS ISSUED TO THE APPLICANT.  
52

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

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

6  
7  
8  
9 **HB02-1071** 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, page 2, line 2, strike "(IV)" and substitute "(IV),";  
14  
15 line 3, strike "and 42-2-114 (1) (a) (IV) (A)," and strike "are amended"  
16 and substitute "is amended, and the said 42-2-114 (1) (a) is further  
17 amended BY THE ADDITION OF A NEW SUBPARAGRAPH,";  
18

19 strike lines 7 through 16 and substitute the following:  
20

21 "~~of images, and image comparison technology,~~ unless such images and  
22 ~~image comparison technology~~ is ARE used for the following:  
23

24 (V) THE DEPARTMENT SHALL PROMULGATE RULES THAT SHALL  
25 NOT ALLOW THE ACCESS AND USE OF IMAGE COMPARISON TECHNOLOGY,  
26 UNLESS SUCH TECHNOLOGY IS USED FOR THE FOLLOWING:  
27

28 (A) TO AID A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY  
29 IN CARRYING OUT SUCH AGENCY'S OFFICIAL FUNCTIONS PURSUANT TO  
30 SECTION 24-72-204 (7), C.R.S., SO LONG AS SUCH FEDERAL, STATE, OR  
31 LOCAL GOVERNMENT AGENCY HAS A REASONABLE SUSPICION THAT A  
32 CRIME HAS BEEN COMMITTED OR WILL BE COMMITTED AND THE IMAGE  
33 REQUESTED IS EITHER THE PERPETRATOR OF SUCH CRIME OR A VICTIM OF  
34 SUCH CRIME.  
35

36 (B) TO AID THE DEPARTMENT TO ASCERTAIN A PERSON'S CORRECT  
37 IDENTITY.  
38

39 (C) TO AID THE DEPARTMENT TO PREVENT THE ISSUANCE OF  
40 MULTIPLE DRIVER'S LICENSES OR IDENTIFICATION CARDS TO THE SAME  
41 PERSON."  
42  
43  
44

45 **HB02-1089** be referred favorably to the Committee on Finance.  
46  
47  
48  
49

50 **STATE, VETERANS, & MILITARY AFFAIRS**

51 After consideration on the merits, the Committee recommends the  
52 following:  
53

54 **HB02-1157** be postponed indefinitely.  
55  
56

1 **HB02-1179** be referred to the Committee of the Whole with favorable  
2 recommendation.  
3

4  
5 **HB02-1186** be referred favorably to the Committee on Appropriations.  
6  
7

8  
9  
10 **TRANSPORTATION & ENERGY**

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

14 **HB02-1044** be amended as follows, and as so amended, be referred to  
15 the Committee on Appropriations with favorable  
16 recommendation:  
17

18 Amend printed bill, page 3, line 18, strike "COLORADO COMMISSION OF  
19 INDIAN AFFAIRS" and substitute "ROCKY MOUNTAIN INDIAN CHAMBER OF  
20 COMMERCE";  
21

22 line 27, after the period, add "SUCH NONPROFIT ORGANIZATION SHALL  
23 ISSUE A REPORT TO THE COLORADO COMMISSION OF INDIAN AFFAIRS  
24 ACCOUNTING FOR REVENUES AND EXPENDITURES AT LEAST EVERY OTHER  
25 YEAR."  
26

27 Page 4, line 3, strike "(a)";  
28

29 strike lines 12 through 27.  
30

31 Page 5, line 13, after "PROVIDED", insert "TO THE DEPARTMENT OR AN  
32 AUTHORIZED AGENT";  
33

34 strike lines 15 through 19.  
35

36 Reletter succeeding paragraphs accordingly.  
37

38 Page 5, line 27, after "PROVIDED", insert "TO THE DEPARTMENT OR AN  
39 AUTHORIZED AGENT".  
40

41 Page 6, line 4, after "PROVIDED", insert "TO THE DEPARTMENT OR AN  
42 AUTHORIZED AGENT";  
43

44 line 7, strike "DURING" and substitute "IN", and strike "ENGAGEMENT."  
45 and substitute "ENGAGEMENT AND THAT THE APPLICANT HAS RECEIVED  
46 THE VIETNAM CAMPAIGN MEDAL.";  
47

48 line 10, after "PROVIDED", insert "TO THE DEPARTMENT OR AN  
49 AUTHORIZED AGENT";  
50

51 strike lines 19 through 27 and substitute the following:  
52

53 **"SECTION 1. Safety clause.** The general assembly hereby finds,  
54 determines, and declares that this act is necessary for the immediate  
55 preservation of the public peace, health, and safety."  
56

1 **HB02-1047** be amended as follows, and as so amended, be referred to  
 2 the Committee of the Whole with favorable  
 3 recommendation:  
 4

5 Amend printed bill, page 2, strike lines 2 and 3 and substitute the  
 6 following:  
 7

8 **"SECTION 1.** 10-4-706 (1) (d) (III), (1) (f) (I), (2) (a) (I), (2) (b),  
 9 (2) (c), and (2) (d) (I), the introductory portions to 10-4-706 (2) (f) and  
 10 (3) (e) (I), and 10-4-706 (4) (a) and (5), Colorado Revised Statutes, are  
 11 amended, and the said 10-4-706 (4) is further amended BY THE  
 12 ADDITION OF A NEW PARAGRAPH, to read:";

13  
 14 strike line 5 and substitute the following:  
 15

16 **examination program - repeal.** (1) Subject to the limitations and  
 17 exclusions authorized by this part 7, the basic personal injury protection  
 18 coverages required for compliance with this part 7 are as follows:  
 19

20 (d) (III) (A) Notwithstanding the requirements of this subsection  
 21 (1), ~~the loss of gross income coverage set forth in this paragraph (d) may~~  
 22 ~~be declined at the option of the insured~~ AN INSURER MAY OFFER BENEFITS  
 23 IN ADDITION TO THE BENEFITS REQUIRED PURSUANT TO PARAGRAPHS (b)  
 24 AND (c) OF THIS SUBSECTION (1) THAT DO NOT INCLUDE GROSS INCOME  
 25 LOSS PURSUANT TO THIS PARAGRAPH (d). THE NAMED INSURED MAY  
 26 ACCEPT OR REJECT THE GROSS INCOME LOSS BENEFITS IF OFFERED BY THE  
 27 INSURER. However, if such option to decline such coverage is exercised  
 28 by the named insured, it shall apply only to such named insured, the  
 29 insured's resident spouse, and any resident relative, as defined in section  
 30 10-4-703 (12). All other covered persons shall be entitled to the coverage  
 31 as set forth in subparagraph (I) of this paragraph (d).  
 32

33 (B) ~~On or after January 1, 1999, the insurer shall provide a notice~~  
 34 ~~by mail or by the same medium as that in which the insurance application~~  
 35 ~~was taken regarding the opportunity to waive the coverage under~~  
 36 ~~sub-subparagraph (A) of this subparagraph (III) to each named insured~~  
 37 ~~upon the first renewal of policies that are existing on January 1, 1999.~~  
 38 ~~Such notice shall include a description of the coverage that may be~~  
 39 ~~waived, the estimated cost of such coverage, and a statement indicating~~  
 40 ~~that such coverage may be waived at the option of the named insured.~~  
 41 ~~Such notice shall be deemed received by the named insured if mailed,~~  
 42 ~~postage prepaid, as part of the insurer's normal and customary business~~  
 43 ~~practice, to the last-known address of the named insured as shown on the~~  
 44 ~~insurer's records.~~  
 45

46 (C) ~~For an application for a new policy and upon the first renewal~~  
 47 ~~of a policy existing on January 1, 1999, in order to waive the coverage~~  
 48 ~~under sub-subparagraph (A) of this subparagraph (III), the named insured~~  
 49 ~~shall sign a written waiver that describes the coverage being waived,~~  
 50 ~~provides the estimated cost of the coverage being waived, and indicates~~  
 51 ~~that such coverage is being voluntarily waived by the insured. The~~  
 52 ~~named insured may obtain or waive loss of gross income coverage at any~~  
 53 ~~time upon request to the insurer.~~  
 54

55 (f) (I) With respect to the medical and rehabilitation expense  
 56 provisions in paragraphs (b) and (c) of this subsection (1), an insurer shall

1 MAY make available and provide at the option of the named insured,  
2 deductibles and coinsurance arrangements. Pursuant to such deductibles  
3 and coinsurance arrangements, the recipient of the care, treatment,  
4 services, products, expenses, or accommodations shall share in the  
5 payment obligations for such care, treatment, services, products,  
6 expenses, or accommodations.

7  
8 (2) (a) (I) An insurer may offer in writing or by the same medium  
9 as that in which the insurance application was taken, and provide at the  
10 option of the named insured, the basic benefits described in paragraphs  
11 (b) and (c) of subsection (1) of this section through managed care  
12 arrangements such as a health maintenance organization (HMO) or a  
13 preferred provider organization. Insurers ~~shall make deductibles and~~  
14 ~~coinsurance options available in such policy and~~ may make other  
15 conditions and limitations to coverage available.

16  
17 (b) ~~An insurer shall make available, and provide at the option of~~  
18 ~~the named insured, deductible and coinsurance arrangements whereby the~~  
19 ~~recipient of care, treatment, services, products, expenses, or~~  
20 ~~accommodations shares in the payment obligation for such care,~~  
21 ~~treatment, services, products, expenses, or accommodations.~~

22  
23 (c) No deductible or coinsurance under a policy covered under  
24 paragraph (a) ~~or (b)~~ of this subsection (2) shall be applied with respect to  
25 care, treatment, services, products, or accommodation provided or  
26 expenses incurred by an insured during the first twenty-four hours in  
27 which emergency treatment has been provided or until the insured  
28 patient's emergency medical condition is stabilized, whichever is longer,  
29 or until the insured patient is transferred to a managed care provider in  
30 accordance with applicable law.

31  
32 (d) (I) The optional coverage prescribed in paragraphs  
33 PARAGRAPH (a) ~~and (b)~~ of this subsection (2) shall apply only to the  
34 named insured, resident spouse, resident relative, and any person  
35 operating the described motor vehicle with the permission of the named  
36 insured or resident spouse.

37  
38 (f) An insurer offering the coverages authorized in paragraphs  
39 PARAGRAPH (a) ~~and (b)~~ of this subsection (2) shall demonstrate in rate  
40 filings submitted to the commissioner the savings to the insured to be  
41 realized under the plan and shall further certify pursuant to section  
42 10-4-725 to the commissioner any disclosure form to be used to record  
43 an insured's election for any coverage authorized in paragraphs  
44 PARAGRAPH (a) ~~and (b)~~ of this subsection (2). A disclosure form for a  
45 managed care arrangement shall include the following information in type  
46 of at least twelve-point size:

47  
48 (3) (e) (I) Any insurer providing policies pursuant to this  
49 subsection (3) ~~shall~~ MAY provide to any person qualified for such policies  
50 pursuant to paragraph (c) of this subsection (3) a loss of gross income  
51 benefit; except that the insured may waive loss of gross income benefits.  
52 The insurer shall provide a notice regarding the opportunity to waive such  
53 coverage. ~~as required in sub-subparagraph (B) of subparagraph (III) of~~  
54 ~~paragraph (d) of subsection (1) of this section. For an application for a~~  
55 ~~new policy and upon the first renewal of a policy existing on January 1,~~  
56 ~~1999, an insured may waive such coverage by signing a written waiver~~

1 ~~in the form required by sub-subparagraph (C) of subparagraph (H) of~~  
2 ~~paragraph (d) of subsection (1) of this section.~~ Such benefit shall be for  
3 a loss of gross income due to an injury arising out of the use or operation  
4 of a motor vehicle if such injury prevents the injured insured from  
5 earning income of up to and including five thousand dollars which shall  
6 be paid as follows:

7  
8 (4) (a) An insurer issuing policies";  
9  
10 line 21, strike "THE INSURED MAY OBJECT";  
11  
12 strike line 22;  
13  
14 strike line 25 and substitute the following:

15  
16 **"SECTION 2.";**

17  
18 line 26, strike "are" and substitute "is";

19  
20 line 27, strike "(2) (a) Every".

21  
22 Page 3, strike lines 1 through 3.

23  
24  
25  
26 **HB02-1065** be postponed indefinitely.

27  
28  
29 **HB02-1070** be amended as follows, and as so amended, be referred to  
30 the Committee on Finance with favorable  
31 recommendation:

32  
33 Amend printed bill, page 4, line 6, strike "INFANT CAR SEAT." and  
34 substitute "CHILD RESTRAINT SYSTEM.";

35  
36 line 10, strike "CAR SEAT." and substitute "RESTRAINT SYSTEM.";

37  
38 line 24, strike "FIFTY-SIX" and substitute "FIFTY-SEVEN";

39  
40 line 27, strike "FIFTY-SIX" and substitute "FIFTY-SEVEN".

41  
42 Page 5, strike lines 7 through 12;

43  
44 strike lines 13 through 15 and substitute the following:

45  
46 **"SECTION 3.** 42-4-236 (3), Colorado Revised Statutes, is  
47 amended BY THE ADDITION OF THE FOLLOWING NEW  
48 PARAGRAPHS to read:";

49  
50 strike lines 20 and 21;

51  
52 line 23, strike "OR";

53  
54 line 24, strike "TAXICAB." and substitute "TAXICAB; OR";

55  
56 after line 24, insert the following:



1 WHEREAS, Mr. Barba earned a Bachelor of Science degree in  
2 Business Administration from the University of Denver in 1975 and a  
3 Masters in Taxation from the University of Denver Law School in 1983;  
4 and

5  
6 WHEREAS, Mr. Barba began his career at the Office of the State  
7 Auditor as an entry-level auditor in 1978 and continued on to serve the  
8 organization in many capacities, culminating with his appointment to the  
9 position of State Auditor in January 1996; and

10  
11 WHEREAS, Mr. Barba earned numerous certifications throughout  
12 his professional career, including Certified Public Accountant, Certified  
13 Internal Auditor, and Certified Information Systems Auditor; and

14  
15 WHEREAS, Mr. Barba was a member of many professional  
16 organizations and associations, including the Colorado Society of CPAs,  
17 the American Institute of CPAs, and the National Association of State  
18 Auditors, Comptrollers, and Treasurers; and

19  
20 WHEREAS, Mr. Barba served as an ex officio member of the  
21 Board of the Public Employees' Retirement Association of Colorado and  
22 the Colorado Housing and Finance Authority and by doing so, provided  
23 both organizations with valuable counsel and insight; and

24  
25 WHEREAS, Mr. Barba worked tirelessly in his role as State  
26 Auditor to identify and implement cost savings and other efficiencies in  
27 state government programs; and

28  
29 WHEREAS, Mr. Barba will be deeply missed by the staff of the  
30 Office of the State Auditor, the members of the Legislative Audit  
31 Committee, and the other public servants with whom he worked  
32 throughout his long career in Colorado state government; now, therefore,

33  
34 *Be It Resolved by the House of Representatives of the Sixty-third*  
35 *General Assembly of the State of Colorado, the Senate concurring*  
36 *herein:*

37  
38 That, in the death of J. David "Dave" Barba, the people of the  
39 State of Colorado have lost an outstanding citizen and public servant and  
40 that we, the members of the Sixty-third General Assembly, hereby extend  
41 our deep and heartfelt sympathy to the members of his family and pay  
42 tribute to a man who served his state and its taxpayers well and faithfully.

43  
44 *Be It Further Resolved*, that copies of this Joint Resolution be sent  
45 to Mr. Barba's wife, Cheryl Burnside, and their daughters, Anna and Sara  
46 Barba.

47  
48  
49 On motion of Representative Spradley, the House adjourned until  
50 10:00 a.m., January 28, 2002.

51  
52  
53 Attest:  
54  
55 JUDITH RODRIGUE,  
56 Chief Clerk

Approved:

DOUG DEAN,  
Speaker