

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

Seventy-third Legislative Day

Friday, March 21, 2003

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Decker.

6

7 The roll was called with the following result:

8

9 Present--58.

10 Excused--Representatives Butcher, Harvey, Johnson, May, Plant,

11 Stafford, Wiens--7.

12 Present after roll call--Representative Harvey.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative Carroll, the reading of the journal of
18 March 20, 2003, was declared dispensed with and approved as corrected
19 by the Chief Clerk.

20

21

22

23 On motion of Representative Briggs, the House resolved itself into
24 Committee of the Whole for consideration of General Orders, and he was
25 called to the Chair to act as Chairman.

26

27

GENERAL ORDERS--SECOND READING OF BILLS

28

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

39 On motion of Representative King, Consideration of **SB03-155,**
40 **HB03-1311, 1252, 1132, SB03-016, 091, 023, HB03-1164, 1173** was
41 laid over until March 24, retaining place on Calendar.

42

43

1 **HB03-1086** by Representative(s) King; also Senator(s) McElhany--
2 Concerning beneficiary deeds.
3

4 Amendment No. 1, Judiciary Report, dated February 27, 2003, and placed
5 in member's bill file; Report also printed in House Journal, March 3,
6 pages 999-1008.
7

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

11
12 **HB03-1016** by Representative(s) Mitchell--Concerning the effective
13 duration of certification of emissions control for motor
14 vehicles.
15

16 (Amended as printed in House Journal, March 14, page 1146.)
17

18 Amendment No. 2, by Representative Stengel.
19

20 Amend printed bill, page 2, line 27, strike "amended" and substitute
21 "amended, and the said 42-4-309 is further amended BY THE
22 ADDITION OF A NEW SUBSECTION,".
23

24 Page 3, after line 16, insert the following:
25

26 "(7) A MOTOR VEHICLE DEALER SHALL HAVE A MOTOR VEHICLE
27 INSPECTED ANNUALLY PURSUANT TO SECTION 42-4-310, BUT SHALL NOT
28 BE REQUIRED TO HAVE SUCH VEHICLE INSPECTED MORE THAN ONCE A
29 YEAR."
30

31 As amended, ordered engrossed and placed on the Calendar for Third
32 Reading and Final Passage.
33

34
35 **SB03-112** by Senator(s) Anderson; also Representative(s) Coleman--
36 Concerning modifications to the program for the medically
37 indigent.
38

39 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
40 dated March 10, 2003, and placed in member's bill file; Report also
41 printed in House Journal, March 11, page 1108.
42

43 Amendment No. 2, by Representative Coleman.
44

45 Amend reengrossed bill, page 5, line 15, after the second "the", insert
46 "VARIOUS GENERAL";
47

48 line 16, strike the first "providers" and substitute "providers, AS DEFINED
49 IN SECTION 26-15-103 (2),".
50

51 Page 6, line 11, strike "hospital, including associated physicians," and
52 substitute "hospital ~~including associated physicians~~ AND THE PHYSICIANS
53 AND OTHER FACULTY MEMBERS OF THE HEALTH SCIENCES CENTER";
54

55 line 12, strike "its" and substitute "its THEIR";
56

1 line 15, strike "hospital, including associated physicians," and substitute
2 "hospital ~~including associated physicians~~ AND THE PHYSICIANS AND
3 OTHER FACULTY MEMBERS OF THE HEALTH SCIENCES CENTER";
4
5 line 17, strike "its" and substitute "its THEIR".
6
7 As amended, ordered revised and placed on the Calendar for Third
8 Reading and Final Passage.
9
10
11 **HB03-1326** by Representative(s) Fritz, Mitchell, Rhodes, Spradley,
12 Fairbank, Jahn, Lee, Spence; also Senator(s) Dyer--
13 Concerning limitations on liability for providers of
14 services for persons with developmental disabilities.
15
16 Amendment No. 1, Information & Technology Report, dated March 10,
17 2003, and placed in member's bill file; Report also printed in House
18 Journal, March 11, pages 1108-1109.
19
20 Amendment No. 2, by Representative Fritz.
21
22 Amend the Information & Technology Committee Report, dated March
23 10, 2003, page 2, after line 2, insert the following:
24
25 "Page 7, line 18, strike "POLICY OR A REGULATION" and substitute
26 "POLICY, PROCEDURE, GUIDELINE, OR PRACTICE";
27
28 line 21, strike "POLICY OR" and substitute "POLICY, PROCEDURE,
29 GUIDELINE, OR PRACTICE";
30
31 line 22, strike "REGULATION";
32
33 line 23, strike "POLICY OR REGULATION" and substitute "POLICY,
34 PROCEDURE, GUIDELINE, OR PRACTICE";
35
36 line 26, strike "UNDER OTHER STATUTORY" and substitute "BY STATUTE OR
37 DEPARTMENT RULE,";
38
39 line 27, strike "PROVISIONS,.";";
40
41 strike lines 3 and 4 of the committee report and substitute the following:
42
43 "Page 8, strike line 8 and substitute the following:
44
45 "APPLICABLE INTERVENTION, IF ANY, BY THE DEPARTMENT AND
46 COMMUNITY CENTERED BOARD PURSUANT TO";";
47
48 after line 6 of the committee report, insert the following:
49
50 "line 23, after the period, add "CERTIFICATION BY THE DEPARTMENT THAT
51 ALL APPLICABLE INTERVENTIONS AND DISPUTE RESOLUTION PROCEDURES
52 HAVE BEEN EXHAUSTED SHALL NOT RESULT IN THE DEPARTMENT
53 BECOMING A PARTY TO THE TORT CLAIM ACTION."";";
54
55 line 9 of the committee report, strike the period and substitute a
56 semicolon;

1 after line 9 of the committee report, add the following:

2

3 "line 20, after the period, insert "THE OWNER OF A PROPERTY LEASED BY
4 A PROVIDER FOR THE PURPOSE OF PROVIDING SERVICES PURSUANT TO
5 ARTICLE 10.5 OF TITLE 27, C.R.S., SHALL NOT BE RESPONSIBLE FOR THE
6 PROVISION OR MONITORING OF SUCH SERVICES.".

7

8 Page 10, strike lines 1 through 3 and substitute the following:

9

10 "(11) CLAIMS PREDICATED ON AN ALLEGED DECEPTIVE TRADE
11 PRACTICE PURSUANT TO ARTICLE 1 OF TITLE 6, C.R.S., SHALL NOT APPLY
12 TO PROVIDERS ENGAGED IN THE PROVISION OF SERVICES PURSUANT
13 ARTICLE 10.5 OF TITLE 27, C.R.S.";

14

15 line 10, after "NEGLECT,", insert "MISTREATMENT, EXPLOITATION,".

16

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

19

20

21 **SB03-067** by Senator(s) Johnson S.; also Representative(s) Stengel--
22 Concerning procedures to be followed by county
23 governments in connection with the merging of parcels of
24 land.

25

26 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
27 March 11, 2003, and placed in member's bill file; Report also printed in
28 House Journal, March 12, page 1116.

29

30 Amendment No. 2, by Representative Stengel.

31

32 Amend the State, Veterans, and Military Affairs Committee Report, dated
33 March 11, 2003, page 1, line 4, strike "EFFECTED" and substitute
34 "AFFECTED".

35

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

38

39

40 **SB03-086** by Senator(s) Hillman, Andrews, Arnold, Dyer, Evans,
41 Hagedorn, Kester, Lamborn, Owen, Teck; also
42 Representative(s) Williams T., Fairbank, Lee, Hefley,
43 Young--Concerning a limitation on the use of contingent
44 fee contracts by governmental entities to retain private
45 attorneys.

46

47 Ordered revised and placed on the Calendar for Third Reading and Final
48 Passage.

49

50 **SB03-115** by Senator(s) Hillman, Kester, Entz, Tapia; also
51 Representative(s) Young, McFadyen, Salazar--Concerning
52 the authority of the governing bodies of local governments
53 to protect the in-basin use of agricultural water rights.

54

55 Ordered revised and placed on the Calendar for Third Reading and Final
56 Passage.

- 1 **SB03-032** by Senator(s) Phillips; also Representative(s) Stengel--
2 Concerning the procedures for reviewing materials
3 submitted by an owner claiming a property tax exemption
4 for property used for religious purposes.
5
6 Ordered revised and placed on the Calendar for Third Reading and Final
7 Passage.
8
9
- 10 **SB03-234** by Senator(s) Kester; also Representative(s) Hall--
11 Concerning the date that refund interest begins to accrue
12 where property tax was erroneously levied as a result of an
13 error by the taxpayer in completing statements relating to
14 oil and gas property.
15
16 Ordered revised and placed on the Calendar for Third Reading and Final
17 Passage.
18
19
- 20 **SB03-013** by Senator(s) Johnson S.; also Representative(s) Berry--
21 Concerning modifications to the "Comprehensive Primary
22 and Preventive Care Grant Program Act".
23
24 Ordered revised and placed on the Calendar for Third Reading and Final
25 Passage.
26
27
- 28 **HB03-1040** by Representative(s) McCluskey; also Senator(s)
29 Johnson S.--Concerning repeal of the authority for a motor
30 vehicle owner to continue to use certain types of license
31 plates.
32
33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.
35
36
- 37 **HB03-1044** by Representative(s) Williams S., Coleman, Stafford; also
38 Senator(s) May R.--Concerning the enforcement of
39 penalties for toll evasion, and, in connection therewith,
40 requiring courts to report outstanding judgments and
41 warrants and default judgments for toll evasion to the
42 department of revenue, prohibiting a person who has an
43 outstanding judgment or warrant or a default judgment for
44 toll evasion from obtaining or renewing a driver's license,
45 and allowing civil penalty assessment notices for toll
46 evasion that is evidenced by means that do not involve a
47 peace officer to be sent to suspected violators by mail
48 delivery services other than the United States postal
49 service.
50
- 51 Amendment No. 1, Local Government Report, dated January 22, 2003,
52 and placed in member's bill file; Report also printed in House Journal,
53 January 23, page 175.
54
- 55 As amended, ordered engrossed and placed on the Calendar for Third
56 Reading and Final Passage.

1 **HB03-1106** by Representative(s) Harvey--Concerning the authority of
2 a financial institution to organize as a limited liability
3 company.
4

5 Ordered engrossed and placed on the Calendar for Third Reading and
6 Final Passage.
7

8 **HB03-1318** by Representative(s) Hoppe, Brophy, Hall, Harvey,
9 Hefley, Lee, Plant, Rhodes, Schultheis, Tochtrop, Veiga,
10 Weddig, Wiens, Williams T., Witwer, Young; also
11 Senator(s) Grossman--Concerning the creation of water
12 banks to operate in each water division, and, in connection
13 therewith, making an appropriation.
14

15 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
16 dated March 5, 2003, and placed in member's bill file; Report also printed
17 in House Journal, March 6, page 1051.
18

19 Amendment No. 2, Appropriations Report, dated March 14, 2003, and
20 placed in member's bill file; Report also printed in House Journal,
21 March 14, pages 1148-1149.
22

23 Amendment No. 3, by Representative Hoppe.
24

25 Amend the Agriculture, Livestock, and Natural Resources Committee
26 Report, dated March 5, 2003, page 1, strike lines 4 and 5.
27

28 Amendment No. 4, by Representative Hoppe.
29

30 Amend printed bill, page 6, line 3, after the period, add
31 "NOTWITHSTANDING ANY RESTRICTION ON THE POWER OF A WATER
32 CONSERVANCY DISTRICT OR A WATER CONSERVATION DISTRICT TO ACT
33 OUTSIDE THE GEOGRAPHIC BOUNDARIES OF SUCH DISTRICT, A DISTRICT
34 THAT HAS BEEN DELEGATED AUTHORITY PURSUANT TO THIS PARAGRAPH
35 (d) SHALL HAVE FULL AUTHORITY TO ADMINISTER THE BANK'S OPERATIONS
36 PURSUANT TO THIS SECTION, INCLUDING ANY POWER TO ACT OUTSIDE THE
37 GEOGRAPHIC BOUNDARIES OF SUCH DISTRICT WHEN NECESSARY TO
38 ADMINISTER THE BANK."
39

40 Page 7, strike lines 9 through 17 and substitute the following:
41

42 **"SECTION 8. Safety clause.** The general assembly hereby finds,
43 determines, and declares that this act is necessary for the immediate
44 preservation of the public peace, health, and safety."
45

46 Amendment No. 5, by Representative Spradley.
47

48 Amend printed bill, page 3, after line 12, insert the following:
49

50 **"SECTION 3.** 37-80.5-104, Colorado Revised Statutes, is
51 amended BY THE ADDITION OF A NEW SUBSECTION to read:
52

53 **37-80.5-104. Water bank - creation - duties of state engineer -**
54 **rules - repeal.** (4) THIS SECTION IS REPEALED, EFFECTIVE WHEN THE
55 PERIOD TO FILE AN APPEAL REGARDING PROMULGATION OF THE RULES
56 UNDER SECTION 37-80.5-104.5 HAS EXPIRED OR, IF SUCH AN APPEAL IS

1 FILED, WHEN THE LITIGATION CONCERNING SUCH APPEAL HAS BEEN FULLY
2 RESOLVED.".

3

4 Renumber succeeding sections accordingly.

5

6 Page 6, after line 11, insert the following:

7

8 "(4) (a) THE REPEAL OF SECTION 37-80.5-104 SHALL NOT AFFECT
9 THE VALIDITY OF ANY BANK OPERATING IN THE ARKANSAS RIVER BASIN OR
10 ANY SUCH BANK'S WATER DEPOSIT OR WITHDRAWAL. AFTER SUCH REPEAL,
11 SUCH BANK SHALL OPERATE PURSUANT TO THE RULES PROMULGATED
12 PURSUANT TO THIS SECTION.

13

14 (b) THE STATE ENGINEER SHALL PROVIDE THE REVISOR OF
15 STATUTES WITH WRITTEN NOTIFICATION WHEN THE PERIOD TO FILE AN
16 APPEAL REGARDING PROMULGATION OF THE RULES UNDER THIS SECTION
17 HAS EXPIRED OR, IF SUCH AN APPEAL IS FILED, WHEN THE LITIGATION
18 CONCERNING SUCH APPEAL HAS BEEN FULLY RESOLVED.".

19

20 Amendment No. 6, by Representative Garcia.

21

22 Amend printed bill, page 3, strike line 25 and substitute the following:
23 "LEASE, EXCHANGE, OR LOAN";

24

25 line 26, strike "SUPPLY AGREEMENTS,".

26

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

29

30

31 **SB03-116** by Senator(s) Chlouber; also Representative(s) Larson--
32 Concerning the distinction between a motor vehicle dealer
33 and a motor vehicle service contract provider for purposes
34 of motor vehicle service contract insurance.

35

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

38

39 **SB03-226** by Senator(s) Kester; also Representative(s) White--
40 Concerning continuation of the examining board of
41 plumbers.

42

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

45

46 **HB03-1208** by Representative(s) Spradley; also Senator(s) Owen--
47 Concerning the enterprise zone tax benefit extensions that
48 taxpayers may receive for certain tax benefits after
49 termination of the enterprise zone.

50

51 Amendment No. 1, Finance Report, dated March 13, 2003, and placed in
52 member's bill file; Report also printed in House Journal, March 14,
53 page 1151.

54

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

1 On motion of Representative King, consideration of **HB03-1085**,
 2 **SB03-120, 038, HB03-1330, 1258, SB03-088** was laid over until
 3 March 24, retaining place on Calendar.

4
 5
 6
 7 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

8
 9 Representative Harvey moved to amend the Report of the Committee of
 10 the Whole to show that Amendment No. 5, by Representative Spradley
 11 (printed in House Journal page 1204, lines 47-56, and page 1205, lines 1-
 12 18) to HB03-1318, did not pass, and that HB03-1318, as amended, did
 13 pass.

14
 15 The amendment was declared **lost** by the following roll call vote:

YES	19	NO	40	EXCUSED	06	ABSENT	00
Berry	N	Fritz	Y	May	E	Sinclair	N
Borodkin	N	Garcia	Y	McCluskey	N	Smith	N
Boyd	N	Hall	N	McFadyen	N	Spence	Y
Briggs	N	Harvey	Y	Merrifield	N	Stafford	E
Brophy	Y	Hefley	N	Miller	N	Stengel	Y
Butcher	E	Hodge	Y	Mitchell	Y	Tochtrop	N
Cadman	N	Hoppe	N	Paccione	N	Veiga	N
Carroll	N	Jahn	N	Plant	E	Vigil	Y
Cerbo	N	Johnson	E	Pommer	N	Weddig	Y
Clapp	Y	Judd	N	Ragsdale	Y	Weissmann	N
Cloer	N	King	N	Rhodes	Y	White	N
Coleman	N	Larson	N	Rippy	N	Wiens	E
Crane	N	Lee	Y	Romanoff	N	Williams S.	Y
Decker	N	Lundberg	Y	Rose	N	Williams T.	N
Fairbank	Y	Madden	N	Salazar	N	Witwer	N
Frangas	N	Marshall	Y	Schultheis	Y	Young	N
						Speaker	N

34
 35
 36
 37 Representatives Larson, Stengel, and Mitchell moved to amend the
 38 Report of the Committee of the Whole to show that the Business Affairs
 39 & Labor Committee Report to SB03-226, dated March 13, 2003, and
 40 printed in House Journal March 14, page 1150, did pass, and that SB03-
 41 226, as amended, did pass.

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

YES	28	NO	31	EXCUSED	06	ABSENT	00
Berry	Y	Fritz	Y	May	E	Sinclair	Y
Borodkin	N	Garcia	N	McCluskey	Y	Smith	N
Boyd	N	Hall	Y	McFadyen	N	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	N	Stafford	E
Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
Butcher	E	Hodge	N	Mitchell	Y	Tochtrop	N
Cadman	N	Hoppe	Y	Paccione	N	Veiga	N
Carroll	N	Jahn	N	Plant	E	Vigil	N
Cerbo	N	Johnson	E	Pommer	N	Weddig	N
Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
Cloer	N	King	Y	Rhodes	Y	White	N

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

7
8
9
10
11 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

12
13 Passed Second Reading: **HB03-1086 amended, 1016 amended, SB03-112 amended, HB03-1326 amended, SB03-067 amended, 086, 115, 032, 234, 013, HB03-1040, 1044 amended, 1106, 1318 amended, SB03-116, 226, HB03-1208 amended.**

17
18 Laid over until date indicated retaining place on Calendar: **SB03-155, HB03-1311, 1252, 1132, SB03-016, 091, 023, HB03-1085, 1164, 1173, SB03-120, 038, HB03-1330, 1258, SB03-088--March 24, 2003.**

21
22 The Chairman moved the adoption of the Committee of the Whole
23 Report. As shown by the following roll call vote, a majority of those
24 elected to the House voted in the affirmative, and the Report was
25 **adopted.**

26

27	YES	59	NO	00	EXCUSED	06	ABSENT	00
28	Berry	Y	Fritz	Y	May	E	Sinclair	Y
29	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
30	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
31	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	E
32	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
33	Butcher	E	Hodge	Y	Mitchell	Y	Tochtrop	Y
34	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
35	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
36	Cerbo	Y	Johnson	E	Pommer	Y	Weddig	Y
37	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
38	Cloer	Y	King	Y	Rhodes	Y	White	Y
39	Coleman	Y	Larson	Y	Rippy	Y	Wiens	E
40	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
41	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
42	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
43	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
44							Speaker	Y

45
46
47
48 **REPORTS OF COMMITTEES OF REFERENCE**

49
50 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

53
54 **SB03-085** be amended as follows, and as so amended, be referred to
55 the Committee on Appropriations with favorable
56 recommendation:

1

2 Amend reengrossed bill, page 3, line 3, strike "RIGHTS." and substitute
3 "RIGHTS, AND WILL NOT IMPACT COLORADO'S COMPACT ENTITLEMENTS.".

4

5 Page 4, line 26, strike "RIGHTS." and substitute "RIGHTS, AND FOR LOANS
6 MADE PURSUANT TO SUBSECTION (2) OF THIS SECTION, WILL NOT IMPACT
7 COLORADO'S COMPACT ENTITLEMENTS.".

8

9

10

11 **SB03-107** be amended as follows, and as so amended, be referred to
12 the Committee on Finance with favorable
13 recommendation:

14

15 Amend reengrossed bill, page 2, line 16, after "FIFTY", insert "OUT OF
16 STATE".

17

18 Page 3, line 3, strike "RACE MEET OF AT" and substitute "LIVE RACE
19 MEET";

20

21 line 4, strike "LEAST NINETY LIFE RACE DAYS";

22

23 strike line 9, and substitute "CONDUCTING A LIVE RACE MEET. IF MORE";

24

25 line 10 strike "OF AT";

26

27 line 11, strike "LEAST NINETY DAYS";

28

29 line 21, strike "IT" and substitute "THE IN-STATE SIMULCAST FACILITY".

30

31

32

33 **SB03-110** be referred favorably to the Committee on Appropriations.

34

35

36

37

38 **BUSINESS AFFAIRS & LABOR**

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

41

42 **HB03-1206** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend printed bill, page 5, line 23, strike "DETERMINABLE." and
47 substitute "DETERMINABLE, AT WHICH TIME SUCH AMOUNT SHALL BE
48 PAYABLE TO THE EMPLOYEE PURSUANT TO THIS ARTICLE.".

49

50 Page 15, strike lines 15 and 16 and substitute the following:

51

52 "(3) If an employer refuses to pay wages or compensation in
53 accordance with subsection (1) of this section, ~~upon request by the~~";

54

55 line 23, strike "The" and substitute "the".

56

1 Page 16, line 20, strike ",UPON";

2

3 strike lines 21 and 22 and substitute the following:

4

5 "PAY THE AMOUNT DUE THE DECEASED EMPLOYEE'S SURVIVING SPOUSE.
6 IF THERE IS NO SURVIVING";

7

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

9

10

11

12 **HB03-1261** be postponed indefinitely.

13

14

15 **HB03-1322** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18

19 Amend printed bill, strike everything below the enacting clause and
20 substitute the following:

21

22 **SECTION 1.** 8-43-203 (2) (b) (II), Colorado Revised Statutes,
23 is amended to read:

24

25 **8-43-203. Notice concerning liability - notice to claimant.**

26 (2) (b) (II) An admission of liability for final payment of compensation
27 shall include a statement that this is the final admission by the workers'
28 compensation insurance carrier in the case, that the claimant may contest
29 this admission if the claimant feels entitled to more compensation, to
30 whom the claimant should provide written objection, and notice to the
31 claimant that the case will be automatically closed as to the issues
32 admitted in the final admission if the claimant does not, within thirty days
33 after the date of the final admission, contest the final admission in writing
34 and request a hearing on any disputed issues that are ripe for hearing,
35 including the selection of an independent medical examiner pursuant to
36 section 8-42-107.2 if an independent medical examination has not already
37 been conducted. ~~However,~~ If an independent medical examination is
38 requested pursuant to section 8-42-107.2, the CLAIMANT IS NOT REQUIRED
39 TO FILE A request for hearing on disputed issues that are ripe for hearing
40 ~~need not be filed~~ until after completion of the division's independent
41 medical examination. The respondents shall have thirty days after the
42 date of mailing of the report from the division's independent medical
43 examiner to file a revised final admission or to file an application for
44 hearing. The claimant shall have thirty days after the date respondents
45 file the revised final admission or application for hearing to file an
46 application FOR HEARING, or A response for hearing TO THE RESPONDENTS'
47 APPLICATION FOR HEARING, AS APPLICABLE, on any issues that are ripe for
48 hearing. The revised final admission shall contain the statement required
49 by this subparagraph (II) and the provisions relating to contesting the
50 revised final admission shall apply. When the final admission is
51 predicated upon medical reports, such reports shall accompany the final
52 admission.

53

54 **SECTION 2.** 8-43-209, Colorado Revised Statutes, is amended
55 to read:

56

1 **8-43-209. Time schedule for hearings - establishment.** The
 2 director of the division of administrative hearings shall establish a time
 3 schedule for hearings by administrative law judges within the time limits
 4 for such hearings as established in this section. Hearings shall be heard
 5 within eighty to one hundred days ~~of~~ AFTER the occurrences listed in
 6 section 8-43-211 (2). One extension of time of no more than sixty days
 7 may be granted by an administrative law judge upon AGREEMENT OF THE
 8 PARTIES OR UPON written request by any party to the case and for good
 9 cause shown, in the following cases: When pulmonary lung disease,
 10 cancer, cardiovascular disease, or stroke is alleged as the cause of the
 11 disability; when the subsequent injury fund is a party; when permanent
 12 total disability is alleged; UPON AGREEMENT OF THE PARTIES; or when
 13 compensability of the injury is contested. In all other cases, extensions
 14 of time of no more than twenty days may be granted by an administrative
 15 law judge upon written request by any party to the case and for good
 16 cause shown. Such extensions may be granted only when the interests of
 17 all parties will be served.

18
 19 **SECTION 3.** 8-43-211 (2), Colorado Revised Statutes, is
 20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21
 22 **8-43-211. Notice - request for hearing.** (2) Hearings shall be set
 23 by the division of administrative hearings in the department of personnel
 24 within eighty to one hundred days after any of the following occur:

25
 26 (e) EXCEPT IN CLAIMS IN WHICH COMPENSABILITY IS CONTESTED,
 27 THE PARTY FILING AN APPLICATION FOR A HEARING SHALL CERTIFY ON THE
 28 APPLICATION THAT THE PARTY ATTEMPTED TO RESOLVE WITH THE OTHER
 29 PARTIES ALL ISSUES LISTED IN THE APPLICATION FOR A HEARING.

30
 31 **SECTION 4. Effective date - applicability.** (1) This act shall
 32 take effect at 12:01 a.m. on the day following the expiration of the ninety-
 33 day period after final adjournment of the general assembly that is allowed
 34 for submitting a referendum petition pursuant to article V, section 1 (3)
 35 of the state constitution; except that, if a referendum petition is filed
 36 against this act or an item, section, or part of this act within such period,
 37 then the act, item, section, or part, if approved by the people, shall take
 38 effect on the date of the official declaration of the vote thereon by
 39 proclamation of the governor.

40
 41 (2) The provisions of this act shall apply to workers'
 42 compensation claims filed or pending on or after the applicable effective
 43 date of this act."

44
 45
 46
 47 **SB03-041** be referred favorably to the Committee on Appropriations.

48
 49
 50 **SB03-106** be amended as follows, and as so amended, be referred to
 51 the Committee of the Whole with favorable
 52 recommendation:

53
 54 Amend reengrossed bill, page 3, strike lines 19 through 27.

55
 56 Page 4, strike lines 1 through 18 and substitute the following:

1 "(d) THE ASSIGNED AND SUBROGATED CAUSE OF ACTION PROVIDED
2 BY THIS SECTION, TOGETHER WITH THE RIGHT TO RECOVER FUTURE
3 BENEFITS:

4
5 (I) SHALL EXTEND TO ALL MONEYS COLLECTED FROM THE THIRD
6 PARTY CAUSING THE INJURY FOR ALL:

7
8 (A) ECONOMIC DAMAGES; AND

9
10 (B) PHYSICAL IMPAIRMENT AND DISFIGUREMENT DAMAGES; AND

11
12 (II) SHALL NOT EXTEND TO MONEYS COLLECTED FOR
13 NONECONOMIC DAMAGES AWARDED FOR PAIN AND SUFFERING,
14 INCONVENIENCE, EMOTIONAL STRESS, OR IMPAIRMENT OF QUALITY OF LIFE.

15
16 (e) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF
17 THIS PARAGRAPH (e), THE AMOUNT OF THE ASSIGNED AND SUBROGATED
18 CAUSE OF ACTION SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE
19 REASONABLE ATTORNEY FEES AND COSTS PAID BY THE INJURED EMPLOYEE
20 OR, IF THE EMPLOYEE IS DECEASED, THE EMPLOYEE'S DEPENDENTS, IN
21 PURSUING THE RECOVERY OF THE ASSIGNED AND SUBROGATED CAUSE OF
22 ACTION AND THE COLLECTION OF SUCH RECOVERY.

23
24 (II) TO THE EXTENT THE BENEFICIARY OF THE ASSIGNED AND
25 SUBROGATED CAUSE OF ACTION ELECTS TO INTERVENE OR TO
26 INDEPENDENTLY PURSUE SUCH ASSIGNED CAUSE OF ACTION, ANY
27 RECOVERY BY SUCH BENEFICIARY SHALL NOT BE REDUCED BY ANY
28 ATTORNEY FEES AND COSTS INCURRED BY THE EMPLOYEE.";

29
30 line 19, strike "(e)" and substitute "(f)".

31
32 Page 5, line 12, strike "(d)" and substitute "(e)".

33
34 Page 7, strike lines 6 through 22 and substitute the following:

35
36 "(d) IF THE EMPLOYEE OR DEPENDENTS FAIL TO PROVIDE THE
37 WRITTEN NOTICE REQUIRED PURSUANT TO PARAGRAPHS (a) AND (b) OF
38 THIS SUBSECTION (4):

39
40 (I) THE PARTY RESPONSIBLE FOR PAYING WORKERS'
41 COMPENSATION BENEFITS SHALL BE ENTITLED TO REIMBURSEMENT FROM
42 ALL MONEYS COLLECTED FROM THE THIRD PARTY FOR ALL ECONOMIC
43 DAMAGES AND FOR ALL PHYSICAL IMPAIRMENT AND DISFIGUREMENT
44 DAMAGES, WITHOUT ANY CREDIT FOR REASONABLE ATTORNEY FEES AS
45 PROVIDED IN PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. SUCH
46 RIGHTS SHALL NOT EXTEND TO MONEYS COLLECTED FOR NONECONOMIC
47 DAMAGES AWARDED FOR PAIN AND SUFFERING, INCONVENIENCE,
48 EMOTIONAL STRESS, OR IMPAIRMENT OF QUALITY OF LIFE."

49
50
51
52 **SB03-113** be referred to the Committee of the Whole with favorable
53 recommendation.
54
55
56

1 **EDUCATION**

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

4
5 **SB03-149** be referred to the Committee of the Whole with favorable
6 recommendation.

7

8

9

10 **REPORT FROM THE SENATE AND HOUSE**
11 **COMMITTEES ON DELAYED BILLS**

12 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
13 Delayed Bills, acting jointly, extend the following deadlines:

14

15 **Long Appropriation Bill:**

16 The Monday, March 24 deadline (the 76th legislative day) for
17 introduction of the long appropriation bill in the Senate is extended until
18 Monday, March 31, 2003 (the 83rd legislative day).

19

20 The Friday, March 28 deadline (the 80th legislative day) for passage of
21 the long appropriation bill in the Senate is extended until Monday, April
22 7, 2003 (the 90th legislative day).

23

24 The Friday, April 4 deadline (the 87th legislative day) for passage of the
25 long appropriation bill in the House is extended until Monday, April 14,
26 2003 (the 97th legislative day).

27

28 The Friday, April 11 deadline (the 94th legislative day) for adoption of
29 the conference committee report on the long appropriation bill is
30 extended until Friday, April 18, 2003 (the 101st legislative day).

31

32 **Committee of Reference Deadlines for Regular Bills:**

33 The Friday, March 21 deadline (the 73th legislative day) to report bills
34 originating in the opposite house by committees of reference is extended
35 until:

36

- 37 ● In the Senate, Tuesday, March 25, 2003 (the 77th legislative day).
- 38 ● In the House of Representatives, Thursday, March 27, 2003 (the
39 79th legislative day).

39

40 **Passage Deadlines for Regular Bills:**

41 The Monday, March 31 deadline (the 83th legislative day) for final
42 passage of Senate Bills in the House of Representatives is extended until
43 Tuesday, April 1, 2003 (the 84th legislative day).

44

45 The Monday, April 7 deadline (the 90th legislative day) for final passage
46 of House Bills in the Senate is extended until Wednesday, April 9, 2003
47 (the 92nd legislative day).

48

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

51

52 (signed)

53 Lola Spradley

54 Keith King

55 Jennifer Veiga

56

(signed)

John Andrews

Norma Anderson

Joan Fitz-Gerald

1 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

2
3 The Speaker has signed: **SB03-060, 097, 164.**

4
5
6
7 **MESSAGE FROM THE GOVERNOR**

8
9 I certify I received the following on the 21st day of March, 2003, at
10 9:00 a.m. The original is on file in the records of the House of
11 Representatives of the General Assembly.

12
13 Judith Rodrigue,
14 Chief Clerk of the House

15
16 March 20, 2003

17
18 To the Honorable
19 House of Representatives
20 Sixty-fourth General Assembly
21 First Regular Session
22 Denver, CO 80203

23
24 Ladies and Gentlemen:

25
26 I have the honor to inform you that I have approved and filed with the
27 Secretary of State the following acts:

28
29 HB03-1018 Concerning The Statutory Limitation On Bonded
30 Indebtedness That May Be Issued By County
31 Governments.

32
33 Approved March 20, 2003 at 2:20 p.m.

34
35 HB03-1036 Concerning The Application Of Lottery Winnings To
36 Offset Restitution Owed In Criminal Cases.

37
38 Approved March 20, 2003 at 2:21 p.m.

39
40 HB03-1037 Concerning The Reporting Of Child Abuse Or Neglect.

41
42 Approved March 20, 2003 at 2:22 p.m.

43
44 HB03-1066 Concerning Frivolous Requests For Hearings Before The
45 Executive Director Of The Department Of Revenue.

46
47 Approved March 20, 2003 at 2:23 p.m.

48
49 HB03-1071 Concerning A Requirement That Enforcement Officials
50 Who Perform Commercial Vehicle Safety Inspections Be
51 Certified By The Commercial Vehicle Safety Alliance To
52 Perform Level I Inspections.

53
54 Approved March 20, 2003 at 2:25 p.m.

55

- 1 HB03-1084 Concerning The Requirement That Registered Dietitians
2 Report Child Abuse Or Neglect.
3
4 Approved March 20, 2003 at 2:26 p.m.
5
- 6 HB03-1107 Concerning Modifications To The Consumer-Directed
7 Attendant Support Program.
8
9 Approved March 20, 2003 at 2:27 p.m.
10
- 11 HB03-1157 Concerning Credit Terms For The Sale Of Alcohol
12 Beverages To Retailers.
13
14 Approved March 20, 2003 at 2:28 p.m.
15
- 16 HB03-1185 Concerning The Maximum Gross Weight Of A Vehicle
17 Combination Operated By An Electric Utility.
18
19 Approved March 20, 2003 at 2:29 p.m.
20
- 21 HB03-1193 Concerning The Membership Of A Board Of Cooperative
22 Services That Consists Of A Single School District And A
23 Single Postsecondary Institution.
24
25 Approved March 20, 2003 at 2:30 p.m.
26
- 27 HB03-1204 Concerning Disclosure By An Investment Firm To
28 Fiduciaries Of Public Moneys Regarding Any Business
29 Agreement That May Create A Conflict Of Interest For
30 The Investment Firm.
31
32 Approved March 20, 2003 at 2:32 p.m.
33
- 34 Sincerely,
35 (signed)
36 Bill Owens
37 Governor

LAY OVER OF CALENDAR ITEMS

43 On motion of Representative King, the following items on the Calendar
44 were laid over until March 21, retaining place on Calendar:
45

46 Consideration of Third Reading--**SB03-224, 098, HB03-1056, 1137,**
47 **1147, 1238, 1249, SB03-133, 009, HB03-1314.**

48 Consideration of Resolutions--**HJR03-1025, 1020, SJR03-022, HJR03-**
49 **1029, HR03-1012, HJR03-1022, 1031, 1032, 1033, 1034.**

50 Consideration of Senate Amendments--**HJR03-1011, HB03-1081, 1003,**
51 **1005, 1008, 1100, 1175, 1224, 1288, 1239, 1226.**

52
53
54
55

1 On motion of Representative King, the House adjourned until 10:00 a.m.,
2 March 24, 2003.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,
13 Chief Clerk