

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

Forty-first Legislative Day

Monday, February 17, 2003

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Madam Speaker.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Vacancy--1.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Judd, the reading of the journal of
 16 February 14, 2003, was declared dispensed with and approved as
 17 corrected by the Chief Clerk.

18

19

20 House in recess. House reconvened.

21

22

23

24 **THIRD READING OF BILLS--FINAL PASSAGE**

25

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

29

30 **SB03-199** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 31 Young, Witwer, Plant--Concerning a supplemental
 32 appropriation to the department of agriculture.

33

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

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

38

Vacancy	YES	64	NO	00	EXCUSED	00	ABSENT	00
40	Berry	Y			McCluskey	Y	Sinclair	Y
41	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
42	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
43	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y

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

14
 15 **SB03-206** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 16 Young, Witwer, Plant--Concerning a supplemental
 17 appropriation to the judicial department.
 18

19 The question being "Shall the bill pass?".
 20 A roll call vote was taken. As shown by the following recorded vote, a
 21 majority of those elected to the House voted in the affirmative and the bill
 22 was declared **passed**.
 23

24	Vacancy	1	YES	57	NO	07	EXCUSED	00	ABSENT	00
25	Berry		Y				McCluskey	Y	Sinclair	Y
26	Borodkin	N		Hall	Y		McFadyen	Y	Smith	Y
27	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
28	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
29	Brophy	Y		Hodge	N		Mitchell	Y	Stengel	Y
30	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
31	Cadman	Y		Jahn	Y		Plant	Y	Veiga	N
32	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
33	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
34	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
35	Crane	Y		Larson	Y		Rippy	Y	White	Y
36	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
37	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
38	Frangas	N		Madden	N		Salazar	Y	Williams T.	Y
39	Fritz	Y		Marshall	N		Sanchez	N	Witwer	Y
40	Garcia	Y		May	Y		Schultheis	Y	Young	Y
41									Speaker	Y

42 Co-sponsor added: Representative Rippy.
 43

44 **SB03-207** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 45 Young, Witwer, Plant--Concerning a supplemental
 46 appropriation to the department of labor and employment.
 47

48 As shown by the following roll call vote, a majority of all members
 49 elected to the House voted in the affirmative, and Representative Young
 50 was given permission to offer a Third Reading amendment:
 51

52	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
53	Berry		Y				McCluskey	Y	Sinclair	Y
54	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
55	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
56	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y

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

14
15 **Third Reading amendment No. 1**, by Representative Young.

16
17 Amend revised bill, page 7, line 5, strike "FUNDS." and substitute "FUNDS
18 DISTRIBUTED TO COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION
19 903(D) OF THE SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR
20 UNEMPLOYMENT INSURANCE PROGRAM ADMINISTRATION."

21
22 Page 9, line 14, strike "FUNDS." and substitute "FUNDS DISTRIBUTED TO
23 COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION 903(D) OF THE
24 SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR EMPLOYMENT
25 AND TRAINING PROGRAM ADMINISTRATION.";

26
27 line 15, strike "FUNDS." and substitute "FUNDS DISTRIBUTED TO
28 COLORADO ON MARCH 13, 2002, PURSUANT TO SECTION 903(D) OF THE
29 SOCIAL SECURITY ACT. THESE FUNDS SHALL BE USED FOR THE
30 ADMINISTRATION OF PUBLIC EMPLOYMENT OFFICES."

31
32 The amendment was declared **passed** by the following roll call vote:

34	Vacancy 1	YES	64	NO	00	EXCUSED	00	ABSENT	00
35	Berry	Y				McCluskey	Y	Sinclair	Y
36	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
37	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
38	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
39	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y	
40	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y	
41	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y	
42	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y	
43	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
44	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y	
45	Crane	Y	Larson	Y	Rippy	Y	White	Y	
46	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y	
47	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
48	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y	
49	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y	
50	Garcia	Y	May	Y	Schultheis	Y	Young	Y	
51							Speaker	Y	

52
53 The question being, "Shall the bill, as amended, pass?"

54 A roll call vote was taken. As shown by the following recorded vote, a
55 majority of those elected to the House voted in the affirmative, and the
56 bill, as amended, was declared **passed**.

	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
1										
2	Berry		Y				McCluskey	Y	Sinclair	Y
3	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
4	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
5	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
6	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
7	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
8	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
9	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
10	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
11	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
12	Crane	Y		Larson	Y		Rippy	Y	White	Y
13	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
14	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
15	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
16	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
17	Garcia	Y		May	Y		Schultheis	Y	Young	Y
18									Speaker	Y

19
20 **SB03-208** by Senator(s) Owen, Teck, Reeves; also Representative(s)
21 Young, Witwer, Plant--Concerning a supplemental
22 appropriation to the department of law.
23

24 The question being "Shall the bill pass?".
25 A roll call vote was taken. As shown by the following recorded vote, a
26 majority of those elected to the House voted in the affirmative and the bill
27 was declared **passed**.
28

	Vacancy	1	YES	63	NO	01	EXCUSED	00	ABSENT	00
29										
30	Berry		Y				McCluskey	Y	Sinclair	Y
31	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
32	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
33	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
34	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
35	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
36	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
37	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
38	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
39	Coleman	Y		King	Y		Rhodes	Y	Weissmann	N
40	Crane	Y		Larson	Y		Rippy	Y	White	Y
41	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
42	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
43	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
44	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
45	Garcia	Y		May	Y		Schultheis	Y	Young	Y
46									Speaker	Y

47
48 **SB03-209** by Senator(s) Anderson, Owen, Teck, Reeves; also
49 Representative(s) King, Young, Witwer, Plant--
50 Concerning a supplemental appropriation to the
51 department of legislature.
52

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

	Vacancy 1	YES	59	NO	05	EXCUSED	00	ABSENT	00
1	Berry	Y				McCluskey	Y	Sinclair	Y
2	Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y	
3	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
4	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
5	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y	
6	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y	
7	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y	
8	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y	
9	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
10	Coleman	N	King	Y	Rhodes	Y	Weissmann	N	
11	Crane	Y	Larson	Y	Rippy	Y	White	Y	
12	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y	
13	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
14	Frangas	N	Madden	Y	Salazar	Y	Williams T.	Y	
15	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y	
16	Garcia	Y	May	Y	Schultheis	Y	Young	Y	
17							Speaker	Y	

18
19
20 **SB03-210** by Senator(s) Owen, Teck, Reeves; also Representative(s)
21 Young, Witwer, Plant--Concerning a supplemental
22 appropriation to the department of local affairs.
23

24 As shown by the following roll call vote, a majority of all members
25 elected to the House voted in the affirmative, and Representative Young
26 was given permission to offer a Third Reading amendment:
27

	Vacancy 1	YES	64	NO	00	EXCUSED	00	ABSENT	00
28	Berry	Y				McCluskey	Y	Sinclair	Y
29	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
30	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
31	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
32	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y	
33	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y	
34	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y	
35	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y	
36	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
37	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y	
38	Crane	Y	Larson	Y	Rippy	Y	White	Y	
39	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y	
40	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
41	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y	
42	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y	
43	Garcia	Y	May	Y	Schultheis	Y	Young	Y	
44							Speaker	Y	

45
46
47 **Third Reading amendment No. 1**, by Representative Young.
48

49 Amend revised bill, page 19, line 11, in the TOTAL column, strike "??"
50 and substitute "146,371,025";
51

52 line 15, in the TOTAL column, strike "error" and substitute
53 "\$180,258,752".
54

55 The amendment was declared **passed** by the following roll call vote:
56

	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
1	Berry		Y				McCluskey	Y	Sinclair	Y
2	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
3	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
4	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
5	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
6	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
7	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
8	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
9	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
10	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
11	Crane	Y		Larson	Y		Rippy	Y	White	Y
12	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
13	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
14	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
15	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
16	Garcia	Y		May	Y		Schultheis	Y	Young	Y
17									Speaker	Y

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

	Vacancy	1	YES	50	NO	14	EXCUSED	00	ABSENT	00
25	Berry		Y				McCluskey	Y	Sinclair	Y
26	Borodkin	N		Hall	Y		McFadyen	N	Smith	Y
27	Boyd	N		Harvey	Y		Merrifield	N	Spence	Y
28	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
29	Brophy	Y		Hodge	N		Mitchell	Y	Stengel	Y
30	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
31	Cadman	Y		Jahn	N		Plant	Y	Veiga	N
32	Clapp	Y		Johnson	Y		Pommer	N	Vigil	N
33	Cloer	Y		Judd	Y		Ragsdale	N	Weddig	Y
34	Coleman	N		King	Y		Rhodes	Y	Weissmann	N
35	Crane	Y		Larson	Y		Rippy	Y	White	Y
36	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
37	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
38	Frangas	N		Madden	N		Salazar	Y	Williams T.	Y
39	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
40	Garcia	Y		May	Y		Schultheis	Y	Young	Y
41									Speaker	Y

42
43
44 **SB03-211** by Senator(s) Owen, Teck, Reeves; also Representative(s)
45 Young, Witwer, Plant--Concerning a supplemental
46 appropriation to the department of military and veterans
47 affairs.

48
49 The question being "Shall the bill pass?".
50 A roll call vote was taken. As shown by the following recorded vote, a
51 majority of those elected to the House voted in the affirmative and the bill
52 was declared **passed**.

	Vacancy	1	YES	61	NO	03	EXCUSED	00	ABSENT	00
54	Berry		Y				McCluskey	Y	Sinclair	Y
55	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y

1	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
2	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
4	Butcher	N	Hoppe	Y	Paccione	Y	Tochtrop	Y
5	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
6	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	N
8	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
9	Crane	Y	Larson	Y	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	N	Madden	Y	Salazar	Y	Williams T.	Y
13	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16
 17 **SB03-212** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 18 Young, Witwer, Plant--Concerning a supplemental
 19 appropriation to the department of natural resources.
 20

21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.
 25

26	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
27	Berry		Y				McCluskey	Y	Sinclair	Y
28	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
29	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
30	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
31	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
32	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
33	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
34	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
35	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
36	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
37	Crane	Y		Larson	Y		Rippy	Y	White	Y
38	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
39	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
40	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
41	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
42	Garcia	Y		May	Y		Schultheis	Y	Young	Y
43									Speaker	Y

44
 45 **SB03-213** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 46 Young, Witwer, Plant--Concerning a supplemental
 47 appropriation to the department of personnel.
 48

49 The question being "Shall the bill pass?".
 50 A roll call vote was taken. As shown by the following recorded vote, a
 51 majority of those elected to the House voted in the affirmative and the bill
 52 was declared **passed**.
 53

54	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
55	Berry		Y				McCluskey	Y	Sinclair	Y
56	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y

1	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
2	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
4	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
5	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
6	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
8	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
9	Crane	Y	Larson	Y	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
13	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16
 17 **SB03-216** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 18 Young, Witwer, Plant--Concerning a supplemental
 19 appropriation to the department of regulatory agencies.
 20

21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.
 25

26	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
27	Berry		Y				McCluskey	Y	Sinclair	Y
28	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
29	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
30	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
31	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
32	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
33	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
34	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
35	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
36	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
37	Crane	Y		Larson	Y		Rippy	Y	White	Y
38	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
39	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
40	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
41	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
42	Garcia	Y		May	Y		Schultheis	Y	Young	Y
43									Speaker	Y

44
 45 **SB03-217** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 46 Young, Witwer, Plant--Concerning a supplemental
 47 appropriation to the department of revenue.
 48

49 As shown by the following roll call vote, a majority of all members
 50 elected to the House voted in the affirmative, and Representative Young
 51 was given permission to offer a Third Reading amendment:
 52

53	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
54	Berry		Y				McCluskey	Y	Sinclair	Y
55	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
56	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y

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

15
16 **Third Reading amendment No. 1**, by Representative Young.

17
18 Amend revised bill, page 20, line 5, in the CASH FUNDS column, insert
19 "172,710^e" and, in the CASH FUNDS EXEMPT column, strike
20 "172,710^e".

21
22 Adjust affected totals accordingly.

23
24 The amendment was declared **passed** by the following roll call vote:

26	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
27	Berry		Y				McCluskey	Y	Sinclair	Y
28	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
29	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
30	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
31	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
32	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
33	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
34	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
35	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
36	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
37	Crane	Y		Larson	Y		Rippy	Y	White	Y
38	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
39	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
40	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
41	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
42	Garcia	Y		May	Y		Schultheis	Y	Young	Y
43									Speaker	Y

44
45 The question being, "Shall the bill, as amended, pass?".
46 A roll call vote was taken. As shown by the following recorded vote, a
47 majority of those elected to the House voted in the affirmative, and the
48 bill, as amended, was declared **passed**.

50	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
51	Berry		Y				McCluskey	Y	Sinclair	Y
52	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
53	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
54	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
55	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
56	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y

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

12
 13 **SB03-218** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 14 Young, Witwer, Plant--Concerning a supplemental
 15 appropriation to the department of state.
 16

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

22	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
23	Berry		Y				McCluskey	Y	Sinclair	Y
24	Borodkin		Y		Hall	Y	McFadyen	Y	Smith	Y
25	Boyd		Y		Harvey	Y	Merrifield	Y	Spence	Y
26	Briggs		Y		Hefley	Y	Miller	Y	Stafford	Y
27	Brophy		Y		Hodge	Y	Mitchell	Y	Stengel	Y
28	Butcher		Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
29	Cadman		Y		Jahn	Y	Plant	Y	Veiga	Y
30	Clapp		Y		Johnson	Y	Pommer	Y	Vigil	Y
31	Cloer		Y		Judd	Y	Ragsdale	Y	Weddig	Y
32	Coleman		Y		King	Y	Rhodes	Y	Weissmann	Y
33	Crane		Y		Larson	Y	Rippy	Y	White	Y
34	Decker		Y		Lee	Y	Romanoff	Y	Wiens	Y
35	Fairbank		Y		Lundberg	Y	Rose	Y	Williams S.	Y
36	Frangas		Y		Madden	Y	Salazar	Y	Williams T.	Y
37	Fritz		Y		Marshall	Y	Sanchez	Y	Witwer	Y
38	Garcia		Y		May	Y	Schultheis	Y	Young	Y
39									Speaker	Y

40
 41 **SB03-219** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 42 Young, Witwer, Plant--Concerning a supplemental
 43 appropriation to the department of transportation.
 44

45 The question being "Shall the bill pass?".
 46 A roll call vote was taken. As shown by the following recorded vote, a
 47 majority of those elected to the House voted in the affirmative and the bill
 48 was declared **passed**.
 49

50	Vacancy	1	YES	57	NO	07	EXCUSED	00	ABSENT	00
51	Berry		Y				McCluskey	Y	Sinclair	Y
52	Borodkin		N		Hall	Y	McFadyen	N	Smith	Y
53	Boyd		Y		Harvey	Y	Merrifield	N	Spence	Y
54	Briggs		Y		Hefley	Y	Miller	Y	Stafford	Y
55	Brophy		Y		Hodge	Y	Mitchell	Y	Stengel	Y
56	Butcher		Y		Hoppe	Y	Paccione	Y	Tochtrop	Y

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

12
 13 **SB03-220** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 14 Young, Witwer, Plant--Concerning a supplemental
 15 appropriation to the department of the treasury.

16
 17 The question being "Shall the bill pass?".
 18 A roll call vote was taken. As shown by the following recorded vote, a
 19 majority of those elected to the House voted in the affirmative and the bill
 20 was declared **passed**.

21									
22	Vacancy 1	YES	64	NO	00	EXCUSED	00	ABSENT	00
23	Berry	Y				McCluskey	Y	Sinclair	Y
24	Borodkin	Y	Hall	Y		McFadyen	Y	Smith	Y
25	Boyd	Y	Harvey	Y		Merrifield	Y	Spence	Y
26	Briggs	Y	Hefley	Y		Miller	Y	Stafford	Y
27	Brophy	Y	Hodge	Y		Mitchell	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y		Paccione	Y	Tochtrop	Y
29	Cadman	Y	Jahn	Y		Plant	Y	Veiga	Y
30	Clapp	Y	Johnson	Y		Pommer	Y	Vigil	Y
31	Cloer	Y	Judd	Y		Ragsdale	Y	Weddig	Y
32	Coleman	Y	King	Y		Rhodes	Y	Weissmann	Y
33	Crane	Y	Larson	Y		Rippy	Y	White	Y
34	Decker	Y	Lee	Y		Romanoff	Y	Wiens	Y
35	Fairbank	Y	Lundberg	Y		Rose	Y	Williams S.	Y
36	Frangas	Y	Madden	Y		Salazar	Y	Williams T.	Y
37	Fritz	Y	Marshall	Y		Sanchez	Y	Witwer	Y
38	Garcia	Y	May	Y		Schultheis	Y	Young	Y
39								Speaker	Y

40
 41 **SB03-195** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 42 Young, Plant, Witwer--Concerning the amount of the
 43 general fund appropriation for the state's share of districts'
 44 total program funding required to be made to be in
 45 compliance with section 17 (5) of article IX of the
 46 Colorado constitution, and making appropriations in
 47 connection therewith.

48
 49 The question being "Shall the bill pass?".
 50 A roll call vote was taken. As shown by the following recorded vote, a
 51 majority of those elected to the House voted in the affirmative and the bill
 52 was declared **passed**.

53									
54	Vacancy 1	YES	39	NO	25	EXCUSED	00	ABSENT	00
55	Berry	Y				McCluskey	Y	Sinclair	Y
56	Borodkin	N	Hall	Y		McFadyen	N	Smith	Y

1	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
2	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
4	Butcher	N	Hoppe	Y	Paccione	N	Tochtrop	N
5	Cadman	Y	Jahn	N	Plant	Y	Veiga	N
6	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N
7	Cloer	Y	Judd	N	Ragsdale	N	Weddig	N
8	Coleman	N	King	N	Rhodes	Y	Weissmann	N
9	Crane	Y	Larson	N	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	N	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	N	Madden	N	Salazar	N	Williams T.	Y
13	Fritz	Y	Marshall	N	Sanchez	N	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16 Co-sponsor added: Representative Lee.

17
 18 **SB03-197** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 19 Young, Plant, Witwer--Concerning the payment of
 20 monthly salaries of state employees, and, in connection
 21 therewith, specifying that monthly salaries of state
 22 employees for the month of June shall be paid on the first
 23 working day of July and creating an exception to the
 24 requirement that the determination of the general fund
 25 surplus be based upon the accrual system of accounting
 26 for payment of monthly salaries of state employees for the
 27 month of June.
 28

29 As shown by the following roll call vote, a majority of all members
 30 elected to the House voted in the affirmative, and Representative Young
 31 was given permission to offer a Third Reading amendment:
 32

33	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
34	Berry		Y				McCluskey	Y	Sinclair	Y
35	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
36	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
37	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
38	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
39	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
40	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
41	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
42	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
43	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
44	Crane	Y		Larson	Y		Rippy	Y	White	Y
45	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
46	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
47	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
48	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
49	Garcia	Y		May	Y		Schultheis	Y	Young	Y
50									Speaker	Y

51
 52 **Third Reading amendment No. 1**, by Representative Young.

53
 54 Amend revised bill, page 2, strike lines 2 through 20.

55
 56 Page 3, strike lines 1 through 21 and substitute the following:

1 **"SECTION 1.** 24-50-104 (8) (a), Colorado Revised Statutes, is
2 amended, and the said 24-50-104 (8) is further amended BY THE
3 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

4
5 **24-50-104. Job evaluation and compensation - repeal.**
6 (8) **Payroll.** (a) Salaries for positions in the state personnel system
7 ~~except for hourly, overtime, and supplemental purposes, shall be~~ paid on
8 a monthly basis SHALL BE PAID as of the last working day of the month;
9 except that:

10
11 (I) SALARIES FOR THE MONTH OF JUNE SHALL BE PAID ON THE FIRST
12 WORKING DAY OF JULY; AND

13
14 (II) For state personnel employees in the department of
15 transportation hired before August 5, 1998, as amended, salaries for the
16 month of December shall be paid on the first working day in January,
17 unless any such employee informs the controller of the department of
18 transportation of the employee's desire to be paid in the same manner as
19 other employees in the state personnel system as provided in this
20 subsection (8), in which case, the employee shall be paid in such manner.

21
22 (a.5) FOR STATE EMPLOYMENT POSITIONS THAT ARE NOT IN THE
23 STATE PERSONNEL SYSTEM AND THAT ARE NOT OTHERWISE COVERED BY
24 PARAGRAPH (a) OF THIS SUBSECTION (8), SALARIES PAID ON A MONTHLY
25 BASIS FOR THE MONTH OF JUNE SHALL BE PAID ON THE FIRST WORKING DAY
26 OF JULY.

27
28 (a.6) FOR STATE EMPLOYMENT POSITIONS THAT ARE NOT
29 OTHERWISE COVERED BY PARAGRAPH (a) OR (a.5) OF THIS SUBSECTION (8),
30 WHETHER OR NOT SUCH POSITIONS ARE IN THE STATE PERSONNEL SYSTEM:

31
32 (I) SALARIES PAID ON A BI-WEEKLY BASIS FOR THE PAY PERIOD
33 COMMENCING ON MAY 31, 2003, AND ENDING ON JUNE 13, 2003, SHALL BE
34 PAID ON JULY 1, 2003; AND

35
36 (II) EFFECTIVE JULY 1, 2003, SALARIES PAID ON A BI-WEEKLY BASIS
37 FOR THE FOURTEEN-DAY PAY PERIOD PRECEDING THE FIRST FOURTEEN-DAY
38 PAY PERIOD FOR WHICH SALARIES PAID ON A BI-WEEKLY BASIS FOR ANY
39 WORK PERFORMED DURING THE MONTH OF JUNE ARE PAID ON OR AFTER
40 JULY 1 SHALL BE PAID ON THE FIRST WORKING DAY OF JULY.

41
42 **SECTION 2.** 24-75-201 (2) (a), Colorado Revised Statutes, is
43 amended to read:

44
45 **24-75-201. General fund - general fund surplus.** (2) (a) The
46 general fund surplus shall be determined based upon the accrual system
47 of accounting, as enunciated by the governmental accounting standards
48 board; except that:

49
50 (I) Any general fund revenues that are designated as state
51 revenues in excess of the constitutional limitation on state fiscal year
52 spending shall be included as unrestricted revenues in the general fund
53 surplus for the fiscal year in which such excess revenues were accrued.
54 Such excess revenues shall be restricted in the next fiscal year to preserve
55 their availability for refund unless voters have authorized the state to
56 retain such excess revenues.

1 (II) (A) GENERAL FUND REVENUES SHALL BE RESTRICTED ONLY
2 UPON ACTUAL PAYMENT ON THE FIRST WORKING DAY OF JULY OF
3 MONTHLY SALARIES OF STATE EMPLOYEES FOR THE MONTH OF JUNE FROM
4 GENERAL FUND REVENUES.

5
6 (B) GENERAL FUND REVENUES SHALL BE RESTRICTED ONLY UPON
7 ACTUAL PAYMENT IN JULY OF ANY BI-MONTHLY SALARIES OF STATE
8 EMPLOYEES FOR WHICH ALL OR A PORTION THEREOF IS FOR WORK
9 PERFORMED DURING THE MONTH OF JUNE FROM GENERAL FUND REVENUES.

10
11 (C) FOR PURPOSES OF THIS SUBPARAGRAPH (II), "STATE
12 EMPLOYEE" MEANS A PERSON EMPLOYED BY THE STATE WHETHER OR NOT
13 A CLASSIFIED EMPLOYEE IN THE STATE PERSONNEL SYSTEM. "

14
15 Page 72, line 1, in the ITEM & SUBTOTAL column, strike "220,846"
16 and substitute "350,185" and, in the GENERAL FUND column, strike
17 "206,057" and substitute "335,396";

18
19 line 5, in the ITEM & SUBTOTAL column, strike "889,932" and
20 substitute "889,932" and, in the GENERAL FUND column, strike
21 "874,932" and substitute "874,932";

22
23 after line 5, in the ITEM & SUBTOTAL column, insert "845,138" and,
24 in the GENERAL FUND column, insert "830,138";

25
26 line 8, in the ITEM & SUBTOTAL column, strike "67,219" and
27 substitute "67,219" and, in the GENERAL FUND column, strike
28 "67,219" and substitute "67,219";

29
30 after line 8, in the ITEM & SUBTOTAL column, insert "62,114" and, in
31 the GENERAL FUND column, insert "62,114";

32
33 line 10, in the ITEM & SUBTOTAL column, strike "183,383" and
34 substitute "183,383" and, in the GENERAL FUND column, strike
35 "178,433" and substitute "178,433";

36
37 after line 10, in the ITEM & SUBTOTAL column, insert "171,492" and,
38 in the GENERAL FUND column, insert "166,542";

39
40 line 12, in the ITEM & SUBTOTAL column, strike "344,222" and
41 substitute "344,222" and, in the GENERAL FUND column, strike
42 "284,740" and substitute "284,740";

43
44 after line 12, in the ITEM & SUBTOTAL column, insert "329,807" and,
45 in the GENERAL FUND column, insert "270,325".

46
47 Page 73, line 2, in the ITEM & SUBTOTAL column, strike "1,106,192"
48 and substitute "1,106,192" and, in the GENERAL FUND column, strike
49 "63,040" and substitute "63,040";

50
51 after line 2, in the ITEM & SUBTOTAL column, insert "1,102,225" and,
52 in the GENERAL FUND column, insert "59,073";

53
54 line 5, in the ITEM & SUBTOTAL column, strike "955,474" and
55 substitute "955,474" and, in the GENERAL FUND column, strike
56 "905,474" and substitute "905,474";

1 after line 5, in the ITEM & SUBTOTAL column, insert "918,606" and,
 2 in the GENERAL FUND column, insert "868,606";
 3
 4 line 14, in the ITEM & SUBTOTAL column, strike "499,424" and
 5 substitute "~~499,424~~" and, in the GENERAL FUND column, strike
 6 "404,011" and substitute "~~404,011~~";
 7
 8 after line 14, in the ITEM & SUBTOTAL column, insert "487,125" and,
 9 in the GENERAL FUND column, insert "391,712".

10
 11 Page 402, line 8, in the ITEM & SUBTOTAL column, strike "640,959"
 12 and substitute "624,548" and, in the GENERAL FUND column, strike
 13 "433,070" and substitute "416,659";
 14

15 Adjust affected totals accordingly.

16
 17 Page 403, line 6, in the ITEM & SUBTOTAL column, strike
 18 "12,383,676" and substitute "12,320,334" and, in the GENERAL FUND
 19 column, strike "11,623,041" and substitute "11,559,699";
 20

21 Adjust affected totals accordingly.

22
 23 Page 408, line 13, in the ITEM & SUBTOTAL column, strike "395,491"
 24 and substitute "371,942" and, in the GENERAL FUND column, strike
 25 "116,530" and substitute "92,981".
 26

27 Adjust affected totals accordingly.

28
 29 Page 415, line 12, in the ITEM & SUBTOTAL column, strike
 30 "1,553,570" and substitute "1,497,311" and, in the GENERAL FUND
 31 column, strike "804,424" and substitute "748,165".
 32

33 Adjust affected totals accordingly.

34
 35 The amendment was declared **passed** by the following roll call vote:
 36

Vacancy	1	YES	63	NO	01	EXCUSED	00	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		Y	Hall		Y	McFadyen	Y	Smith	Y
Boyd		Y	Harvey		Y	Merrifield	Y	Spence	Y
Briggs		Y	Hefley		Y	Miller	Y	Stafford	Y
Brophy		Y	Hodge		Y	Mitchell	Y	Stengel	Y
Butcher		Y	Hoppe		Y	Paccione	Y	Tochtrop	Y
Cadman		Y	Jahn		Y	Plant	Y	Veiga	Y
Clapp		Y	Johnson		Y	Pommer	Y	Vigil	Y
Cloer		Y	Judd		Y	Ragsdale	Y	Weddig	Y
Coleman		Y	King		Y	Rhodes	Y	Weissmann	Y
Crane		Y	Larson		Y	Rippy	Y	White	Y
Decker		Y	Lee		N	Romanoff	Y	Wiens	Y
Fairbank		Y	Lundberg		Y	Rose	Y	Williams S.	Y
Frangas		Y	Madden		Y	Salazar	Y	Williams T.	Y
Fritz		Y	Marshall		Y	Sanchez	Y	Witwer	Y
Garcia		Y	May		Y	Schultheis	Y	Young	Y
								Speaker	Y

54
 55
 56 The question being, "Shall the bill, as amended, pass?"

1 A roll call vote was taken. As shown by the following recorded vote, a
 2 majority of those elected to the House voted in the affirmative, and the
 3 bill, as amended, was declared **passed**.

	Vacancy	1	YES	38	NO	26	EXCUSED	00	ABSENT	00
6	Berry		Y				McCluskey	Y	Sinclair	Y
7	Borodkin		N	Hall	Y		McFadyen	Y	Smith	Y
8	Boyd		Y	Harvey	N		Merrifield	Y	Spence	Y
9	Briggs		Y	Hefley	N		Miller	Y	Stafford	Y
10	Brophy		N	Hodge	N		Mitchell	N	Stengel	Y
11	Butcher		Y	Hoppe	Y		Paccione	N	Tochtrop	Y
12	Cadman		N	Jahn	Y		Plant	Y	Veiga	Y
13	Clapp		N	Johnson	Y		Pommer	Y	Vigil	N
14	Cloer		N	Judd	Y		Ragsdale	N	Weddig	Y
15	Coleman		Y	King	N		Rhodes	N	Weissmann	N
16	Crane		N	Larson	N		Rippy	Y	White	Y
17	Decker		N	Lee	N		Romanoff	Y	Wiens	Y
18	Fairbank		Y	Lundberg	N		Rose	Y	Williams S.	Y
19	Frangas		N	Madden	Y		Salazar	N	Williams T.	Y
20	Fritz		Y	Marshall	N		Sanchez	N	Witwer	Y
21	Garcia		N	May	Y		Schultheis	N	Young	Y
22									Speaker	Y

23 Co-sponsor added: Representative Rippy.

24
 25 **SB03-173** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 26 Young, Plant, Witwer--Concerning the repeal of specified
 27 nursing facility provider payments, and making an
 28 appropriation in connection therewith.

29
 30 The question being "Shall the bill pass?".

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

	Vacancy	1	YES	63	NO	01	EXCUSED	00	ABSENT	00
36	Berry		Y				McCluskey	Y	Sinclair	Y
37	Borodkin		Y	Hall	Y		McFadyen	Y	Smith	Y
38	Boyd		Y	Harvey	Y		Merrifield	Y	Spence	Y
39	Briggs		Y	Hefley	Y		Miller	Y	Stafford	Y
40	Brophy		Y	Hodge	Y		Mitchell	Y	Stengel	Y
41	Butcher		Y	Hoppe	Y		Paccione	Y	Tochtrop	N
42	Cadman		Y	Jahn	Y		Plant	Y	Veiga	Y
43	Clapp		Y	Johnson	Y		Pommer	Y	Vigil	Y
44	Cloer		Y	Judd	Y		Ragsdale	Y	Weddig	Y
45	Coleman		Y	King	Y		Rhodes	Y	Weissmann	Y
46	Crane		Y	Larson	Y		Rippy	Y	White	Y
47	Decker		Y	Lee	Y		Romanoff	Y	Wiens	Y
48	Fairbank		Y	Lundberg	Y		Rose	Y	Williams S.	Y
49	Frangas		Y	Madden	Y		Salazar	Y	Williams T.	Y
50	Fritz		Y	Marshall	Y		Sanchez	Y	Witwer	Y
51	Garcia		Y	May	Y		Schultheis	Y	Young	Y
52									Speaker	Y

53 Co-sponsors added: Representatives Frangas, Jahn, McFadyen.

54
 55

1 **SB03-176** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 2 Witwer, Plant, Young--Concerning the repeal of eligibility
 3 under the "Colorado Medical Assistance Act" for specified
 4 legal immigrants, and making an appropriation in
 5 connection therewith.
 6

7 The question being "Shall the bill pass?".
 8 A roll call vote was taken. As shown by the following recorded vote, a
 9 majority of those elected to the House voted in the affirmative and the bill
 10 was declared **passed**.
 11

Vacancy 1	YES	38	NO	26	EXCUSED	00	ABSENT	00
Berry	Y				McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y		McFadyen	N	Smith	Y
Boyd	N	Harvey	Y		Merrifield	N	Spence	Y
Briggs	Y	Hefley	Y		Miller	Y	Stafford	Y
Brophy	Y	Hodge	N		Mitchell	Y	Stengel	Y
Butcher	N	Hoppe	Y		Paccione	N	Tochtrop	N
Cadman	Y	Jahn	N		Plant	Y	Veiga	N
Clapp	Y	Johnson	Y		Pommer	N	Vigil	N
Cloer	N	Judd	N		Ragsdale	N	Weddig	N
Coleman	N	King	Y		Rhodes	Y	Weissmann	N
Crane	Y	Larson	N		Rippy	Y	White	Y
Decker	Y	Lee	Y		Romanoff	N	Wiens	Y
Fairbank	Y	Lundberg	Y		Rose	Y	Williams S.	N
Frangas	N	Madden	N		Salazar	N	Williams T.	Y
Fritz	Y	Marshall	N		Sanchez	N	Witwer	Y
Garcia	Y	May	Y		Schultheis	Y	Young	Y
							Speaker	Y

31 **SB03-180** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 32 Plant, Witwer, Young--Concerning the authority of the
 33 department of agriculture to expend moneys from the
 34 mandatory fruit and vegetable inspection fund for
 35 purposes other than the direct costs of mandatory
 36 inspections, and, in connection therewith, making a
 37 supplementary appropriation from the mandatory fruit and
 38 vegetable inspection fund and the brand inspection fund.
 39

40 The question being "Shall the bill pass?".
 41 A roll call vote was taken. As shown by the following recorded vote, a
 42 majority of those elected to the House voted in the affirmative and the bill
 43 was declared **passed**.
 44

Vacancy 1	YES	40	NO	24	EXCUSED	00	ABSENT	00
Berry	Y				McCluskey	N	Sinclair	Y
Borodkin	N	Hall	Y		McFadyen	N	Smith	Y
Boyd	Y	Harvey	N		Merrifield	Y	Spence	Y
Briggs	Y	Hefley	Y		Miller	Y	Stafford	Y
Brophy	N	Hodge	Y		Mitchell	N	Stengel	Y
Butcher	Y	Hoppe	N		Paccione	Y	Tochtrop	Y
Cadman	N	Jahn	Y		Plant	Y	Veiga	N
Clapp	N	Johnson	Y		Pommer	Y	Vigil	Y
Cloer	N	Judd	Y		Ragsdale	N	Weddig	Y
Coleman	N	King	Y		Rhodes	N	Weissmann	N
Crane	Y	Larson	N		Rippy	Y	White	Y

1	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
2	Fairbank	N	Lundberg	N	Rose	N	Williams S.	Y
3	Frangas	N	Madden	N	Salazar	N	Williams T.	Y
4	Fritz	Y	Marshall	Y	Sanchez	N	Witwer	Y
5	Garcia	Y	May	Y	Schultheis	N	Young	Y
6							Speaker	Y

7
 8 **SB03-190** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 9 Witwer, Plant, Young--Concerning tobacco litigation
 10 settlement moneys received by the state, and, in
 11 connection therewith, reallocating the moneys for the
 12 2002-03 fiscal year for the purpose of augmenting the state
 13 general fund, providing authorization for the state
 14 treasurer to invest moneys transferred on July 5, 2002,
 15 from the tobacco litigation settlement trust fund to the
 16 general fund in any manner in which the trust fund
 17 moneys may be invested, and modifying appropriations for
 18 the 2002-03 fiscal year.
 19

20 The question being "Shall the bill pass?".
 21 A roll call vote was taken. As shown by the following recorded vote, a
 22 majority of those elected to the House voted in the affirmative and the bill
 23 was declared **passed**.
 24

25	Vacancy	1	YES	41	NO	23	EXCUSED	00	ABSENT	00
26	Berry		Y				McCluskey	N	Sinclair	Y
27	Borodkin		N		Hall	Y	McFadyen	N	Smith	Y
28	Boyd		N		Harvey	Y	Merrifield	N	Spence	Y
29	Briggs		Y		Hefley	Y	Miller	Y	Stafford	Y
30	Brophy		Y		Hodge	N	Mitchell	Y	Stengel	Y
31	Butcher		Y		Hoppe	Y	Paccione	N	Tochtrop	N
32	Cadman		Y		Jahn	N	Plant	Y	Veiga	N
33	Clapp		Y		Johnson	Y	Pommer	N	Vigil	N
34	Cloer		N		Judd	N	Ragsdale	N	Weddig	N
35	Coleman		Y		King	Y	Rhodes	Y	Weissmann	N
36	Crane		Y		Larson	N	Rippy	Y	White	Y
37	Decker		Y		Lee	Y	Romanoff	Y	Wiens	Y
38	Fairbank		Y		Lundberg	Y	Rose	Y	Williams S.	N
39	Frangas		N		Madden	N	Salazar	N	Williams T.	Y
40	Fritz		Y		Marshall	Y	Sanchez	N	Witwer	Y
41	Garcia		Y		May	Y	Schultheis	Y	Young	Y
42									Speaker	Y

43
 44 **SB03-228** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 45 Plant, Witwer, Young--Concerning the authority of the
 46 general assembly to appropriate moneys from the highway
 47 users tax fund to the department of revenue for license
 48 plate funding, and making an appropriation therefor.
 49

50 The question being "Shall the bill pass?".
 51 A roll call vote was taken. As shown by the following recorded vote, a
 52 majority of those elected to the House voted in the affirmative and the bill
 53 was declared **passed**.
 54
 55

	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
1	Berry		Y				McCluskey	Y	Sinclair	Y
2	Borodkin	Y		Hall	Y		McFadyen	Y	Smith	Y
3	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
4	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
5	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
6	Butcher	Y		Hoppe	Y		Paccione	Y	Tochtrop	Y
7	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
8	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
9	Cloer	Y		Judd	Y		Ragsdale	Y	Weddig	Y
10	Coleman	Y		King	Y		Rhodes	Y	Weissmann	Y
11	Crane	Y		Larson	Y		Rippy	Y	White	Y
12	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
13	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
14	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
15	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
16	Garcia	Y		May	Y		Schultheis	Y	Young	Y
17									Speaker	Y

18
19 Co-sponsor added: Representative Frangas.

20
21 **SB03-200** by Senator(s) Owen, Teck, Reeves; also Representative(s)
22 Young, Witwer, Plant--Concerning a supplemental
23 appropriation to the department of corrections.
24

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

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

	Vacancy	1	YES	60	NO	04	EXCUSED	00	ABSENT	00
30	Berry		Y				McCluskey	Y	Sinclair	Y
31	Borodkin	Y		Hall	Y		McFadyen	N	Smith	Y
32	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
33	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
34	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
35	Butcher	Y		Hoppe	N		Paccione	Y	Tochtrop	Y
36	Cadman	Y		Jahn	Y		Plant	Y	Veiga	Y
37	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	Y
38	Cloer	Y		Judd	Y		Ragsdale	N	Weddig	Y
39	Coleman	Y		King	Y		Rhodes	Y	Weissmann	N
40	Crane	Y		Larson	Y		Rippy	Y	White	Y
41	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
42	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
43	Frangas	Y		Madden	Y		Salazar	Y	Williams T.	Y
44	Fritz	Y		Marshall	Y		Sanchez	Y	Witwer	Y
45	Garcia	Y		May	Y		Schultheis	Y	Young	Y
46									Speaker	Y

47
48
49 **SB03-201** by Senator(s) Owen, Teck, Reeves; also Representative(s)
50 Young, Witwer, Plant--Concerning a supplemental
51 appropriation to the department of education.
52

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

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

	Vacancy	1	YES	42	NO	22	EXCUSED	00	ABSENT	00
1										
2	Berry		Y				McCluskey	Y	Sinclair	Y
3	Borodkin	N		Hall	Y		McFadyen	N	Smith	Y
4	Boyd	N		Harvey	Y		Merrifield	N	Spence	Y
5	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
6	Brophy	Y		Hodge	N		Mitchell	Y	Stengel	Y
7	Butcher	N		Hoppe	Y		Paccione	N	Tochtrop	N
8	Cadman	Y		Jahn	N		Plant	Y	Veiga	N
9	Clapp	Y		Johnson	Y		Pommer	N	Vigil	N
10	Cloer	N		Judd	Y		Ragsdale	N	Weddig	N
11	Coleman	N		King	Y		Rhodes	Y	Weissmann	N
12	Crane	Y		Larson	N		Rippy	Y	White	Y
13	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
14	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
15	Frangas	N		Madden	N		Salazar	Y	Williams T.	Y
16	Fritz	Y		Marshall	N		Sanchez	N	Witwer	Y
17	Garcia	Y		May	Y		Schultheis	Y	Young	Y
18									Speaker	Y

19
20 **SB03-203** by Senator(s) Owen, Teck, Reeves; also Representative(s)
21 Young, Witwer, Plant--Concerning a supplemental
22 appropriation to the department of health care policy and
23 financing.
24

25 The question being "Shall the bill pass?".
26 A roll call vote was taken. As shown by the following recorded vote, a
27 majority of those elected to the House voted in the affirmative and the bill
28 was declared **passed**.
29

	Vacancy	1	YES	51	NO	13	EXCUSED	00	ABSENT	00
30										
31	Berry		Y				McCluskey	Y	Sinclair	Y
32	Borodkin	N		Hall	Y		McFadyen	N	Smith	Y
33	Boyd	Y		Harvey	Y		Merrifield	Y	Spence	Y
34	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
35	Brophy	Y		Hodge	Y		Mitchell	Y	Stengel	Y
36	Butcher	N		Hoppe	Y		Paccione	N	Tochtrop	N
37	Cadman	Y		Jahn	N		Plant	Y	Veiga	N
38	Clapp	Y		Johnson	Y		Pommer	Y	Vigil	N
39	Cloer	Y		Judd	Y		Ragsdale	N	Weddig	N
40	Coleman	Y		King	Y		Rhodes	Y	Weissmann	N
41	Crane	Y		Larson	Y		Rippy	Y	White	Y
42	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
43	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
44	Frangas	Y		Madden	N		Salazar	Y	Williams T.	Y
45	Fritz	Y		Marshall	Y		Sanchez	N	Witwer	Y
46	Garcia	Y		May	Y		Schultheis	Y	Young	Y
47									Speaker	Y

48
49 **SB03-204** by Senator(s) Owen, Teck, Reeves; also Representative(s)
50 Young, Witwer, Plant--Concerning a supplemental
51 appropriation to the department of higher education.
52

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

	Vacancy	1	YES	42	NO	22	EXCUSED	00	ABSENT	00
1	Berry		Y				McCluskey	Y	Sinclair	Y
2	Borodkin	N		Hall	Y		McFadyen	N	Smith	Y
3	Boyd	N		Harvey	Y		Merrifield	N	Spence	Y
4	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
5	Brophy	Y		Hodge	N		Mitchell	Y	Stengel	Y
6	Butcher	N		Hoppe	Y		Paccione	N	Tochtrop	N
7	Cadman	Y		Jahn	N		Plant	Y	Veiga	N
8	Clapp	Y		Johnson	Y		Pommer	N	Vigil	N
9	Cloer	Y		Judd	N		Ragsdale	N	Weddig	N
10	Coleman	Y		King	Y		Rhodes	Y	Weissmann	N
11	Crane	Y		Larson	Y		Rippy	N	White	Y
12	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
13	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	N
14	Frangas	N		Madden	N		Salazar	Y	Williams T.	Y
15	Fritz	Y		Marshall	N		Sanchez	N	Witwer	Y
16	Garcia	Y		May	Y		Schultheis	Y	Young	Y
17									Speaker	Y
18										
19										
20										

21 **SB03-205** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 22 Young, Witwer, Plant--Concerning a supplemental
 23 appropriation to the department of human services.
 24

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

26 A roll call vote was taken. As shown by the following recorded vote, a
 27 majority of those elected to the House voted in the affirmative and the bill
 28 was declared **passed**.
 29

	Vacancy	1	YES	46	NO	18	EXCUSED	00	ABSENT	00
30	Berry		Y				McCluskey	Y	Sinclair	Y
31	Borodkin	N		Hall	Y		McFadyen	N	Smith	Y
32	Boyd	N		Harvey	Y		Merrifield	N	Spence	Y
33	Briggs	Y		Hefley	Y		Miller	Y	Stafford	Y
34	Brophy	Y		Hodge	N		Mitchell	Y	Stengel	Y
35	Butcher	N		Hoppe	Y		Paccione	N	Tochtrop	N
36	Cadman	Y		Jahn	N		Plant	Y	Veiga	N
37	Clapp	Y		Johnson	Y		Pommer	N	Vigil	N
38	Cloer	Y		Judd	Y		Ragsdale	N	Weddig	Y
39	Coleman	N		King	Y		Rhodes	Y	Weissmann	N
40	Crane	Y		Larson	Y		Rippy	Y	White	Y
41	Decker	Y		Lee	Y		Romanoff	Y	Wiens	Y
42	Fairbank	Y		Lundberg	Y		Rose	Y	Williams S.	Y
43	Frangas	N		Madden	N		Salazar	Y	Williams T.	Y
44	Fritz	Y		Marshall	Y		Sanchez	N	Witwer	Y
45	Garcia	Y		May	Y		Schultheis	Y	Young	Y
46									Speaker	Y
47										

48 Co-sponsor added: Representative Cloer.
 49

50 **SB03-202** by Senator(s) Owen, Teck, Reeves; also Representative(s)
 51 Young, Witwer, Plant--Concerning a supplemental
 52 appropriation to the offices of the governor, lieutenant
 53 governor, and state planning and budgeting.
 54

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

56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative and the bill
2 was declared **passed**.

Vacancy	1	YES	47	NO	17	EXCUSED	00	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		Y	Hall	Y		McFadyen	N	Smith	Y
Boyd		Y	Harvey	Y		Merrifield	Y	Spence	Y
Briggs		Y	Hefley	Y		Miller	Y	Stafford	Y
Brophy		Y	Hodge	N		Mitchell	Y	Stengel	Y
Butcher		Y	Hoppe	Y		Paccione	N	Tochtrop	Y
Cadman		Y	Jahn	Y		Plant	Y	Veiga	N
Clapp		Y	Johnson	Y		Pommer	N	Vigil	N
Cloer		Y	Judd	N		Ragsdale	N	Weddig	N
Coleman		Y	King	Y		Rhodes	N	Weissmann	N
Crane		Y	Larson	Y		Rippy	Y	White	Y
Decker		Y	Lee	N		Romanoff	Y	Wiens	Y
Fairbank		Y	Lundberg	N		Rose	Y	Williams S.	Y
Frangas		Y	Madden	N		Salazar	Y	Williams T.	N
Fritz		Y	Marshall	Y		Sanchez	N	Witwer	Y
Garcia		Y	May	Y		Schultheis	N	Young	Y
								Speaker	Y

22 Co-sponsor added: Representative Fairbank.

23
24 **SB03-214** by Senator(s) Owen, Teck, Reeves; also Representative(s)
25 Young, Witwer, Plant--Concerning a supplemental
26 appropriation to the department of public health and
27 environment.

28
29 The question being "Shall the bill pass?".

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

Vacancy	1	YES	45	NO	19	EXCUSED	00	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		N	Hall	Y		McFadyen	N	Smith	Y
Boyd		N	Harvey	Y		Merrifield	N	Spence	Y
Briggs		Y	Hefley	Y		Miller	Y	Stafford	Y
Brophy		Y	Hodge	Y		Mitchell	Y	Stengel	Y
Butcher		Y	Hoppe	Y		Paccione	N	Tochtrop	N
Cadman		Y	Jahn	N		Plant	Y	Veiga	N
Clapp		Y	Johnson	Y		Pommer	Y	Vigil	N
Cloer		N	Judd	Y		Ragsdale	N	Weddig	N
Coleman		N	King	Y		Rhodes	Y	Weissmann	N
Crane		Y	Larson	Y		Rippy	Y	White	Y
Decker		Y	Lee	Y		Romanoff	Y	Wiens	Y
Fairbank		Y	Lundberg	Y		Rose	Y	Williams S.	N
Frangas		N	Madden	N		Salazar	Y	Williams T.	Y
Fritz		Y	Marshall	N		Sanchez	N	Witwer	Y
Garcia		Y	May	Y		Schultheis	Y	Young	Y
								Speaker	Y

53 **SB03-215** by Senator(s) Owen, Teck, Reeves; also Representative(s)
54 Young, Witwer, Plant--Concerning a supplemental
55 appropriation to the department of public safety.

56

1 As shown by the following roll call vote, a majority of all members
2 elected to the House voted in the affirmative, and Representative Hefley
3 was given permission to offer a Third Reading amendment:
4

	Vacancy 1	YES	63	NO	01	EXCUSED	00	ABSENT	00
6	Berry		Y			McCluskey	Y	Sinclair	Y
7	Borodkin		Y	Hall	Y	McFadyen	Y	Smith	Y
8	Boyd		Y	Harvey	Y	Merrifield	Y	Spence	Y
9	Briggs		Y	Hefley	Y	Miller	Y	Stafford	Y
10	Brophy		Y	Hodge	Y	Mitchell	Y	Stengel	Y
11	Butcher		N	Hoppe	Y	Paccione	Y	Tochtrop	Y
12	Cadman		Y	Jahn	Y	Plant	Y	Veiga	Y
13	Clapp		Y	Johnson	Y	Pommer	Y	Vigil	Y
14	Cloer		Y	Judd	Y	Ragsdale	Y	Weddig	Y
15	Coleman		Y	King	Y	Rhodes	Y	Weissmann	Y
16	Crane		Y	Larson	Y	Rippy	Y	White	Y
17	Decker		Y	Lee	Y	Romanoff	Y	Wiens	Y
18	Fairbank		Y	Lundberg	Y	Rose	Y	Williams S.	Y
19	Frangas		Y	Madden	Y	Salazar	Y	Williams T.	Y
20	Fritz		Y	Marshall	Y	Sanchez	Y	Witwer	Y
21	Garcia		Y	May	Y	Schultheis	Y	Young	Y
22								Speaker	Y

23
24 **Third Reading amendment No. 1**, by Representative Hefley.

25
26 Amend revised bill, page 33, line 12, strike "\$2" and substitute "\$2 \$3".

27
28 The amendment was declared **passed** by the following roll call vote:
29

	Vacancy 1	YES	63	NO	01	EXCUSED	00	ABSENT	00
31	Berry		Y			McCluskey	Y	Sinclair	Y
32	Borodkin		Y	Hall	Y	McFadyen	Y	Smith	Y
33	Boyd		Y	Harvey	Y	Merrifield	Y	Spence	Y
34	Briggs		Y	Hefley	Y	Miller	Y	Stafford	Y
35	Brophy		Y	Hodge	Y	Mitchell	Y	Stengel	Y
36	Butcher		N	Hoppe	Y	Paccione	Y	Tochtrop	Y
37	Cadman		Y	Jahn	Y	Plant	Y	Veiga	Y
38	Clapp		Y	Johnson	Y	Pommer	Y	Vigil	Y
39	Cloer		Y	Judd	Y	Ragsdale	Y	Weddig	Y
40	Coleman		Y	King	Y	Rhodes	Y	Weissmann	Y
41	Crane		Y	Larson	Y	Rippy	Y	White	Y
42	Decker		Y	Lee	Y	Romanoff	Y	Wiens	Y
43	Fairbank		Y	Lundberg	Y	Rose	Y	Williams S.	Y
44	Frangas		Y	Madden	Y	Salazar	Y	Williams T.	Y
45	Fritz		Y	Marshall	Y	Sanchez	Y	Witwer	Y
46	Garcia		Y	May	Y	Schultheis	Y	Young	Y
47								Speaker	Y

48
49 The question being, "Shall the bill, as amended, pass?"

50 A roll call vote was taken. As shown by the following recorded vote, a
51 majority of those elected to the House voted in the affirmative, and the
52 bill, as amended, was declared **passed**.
53

	Vacancy 1	YES	59	NO	05	EXCUSED	00	ABSENT	00
54	Berry		Y			McCluskey	Y	Sinclair	Y
55	Borodkin		N	Hall	Y	McFadyen	N	Smith	Y

1	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
2	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
4	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
5	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
6	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
8	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
9	Crane	Y	Larson	Y	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	N	Madden	Y	Salazar	Y	Williams T.	Y
13	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16

17

18

19 On motion of Representative King, **HB03-1121, 1101, 1172, 1175, 1149,**
 20 **1111, 1302** were made Special Orders on Monday, February 17, 2003, at
 21 11:27 a.m.

22

23

24 The hour of 11:27 a.m., having arrived, on motion of Representative
 25 Stafford, the House resolved itself into Committee of the Whole for
 26 consideration of Special Orders and she was called to the Chair to act as
 27 Chairman.

28

29

30

SPECIAL ORDERS--SECOND READING OF BILLS

31

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

36

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

39

40 **HB03-1121** by Representative(s) Wiens, King, May M., McCluskey,
 41 White; also Senator(s) Evans, Chlouber--Concerning
 42 offers of settlement in civil actions.

43

44 Amendment No. 1, Business Affairs & Labor Report, dated January 30,
 45 2003, and placed in member's bill file; Report also printed in House
 46 Journal, February 3, page 262.

47

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

50

51 **HB03-1101** by Representative(s) Hall; also Senator(s) Jones--
 52 Concerning authorization for the department of public
 53 health and environment to recover the full amount of its
 54 costs in reviewing applications under the "Voluntary
 55 Clean-up and Redevelopment Act".

56

1 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
2 dated February 3, 2003, and placed in member's bill file; Report also
3 printed in House Journal, February 4, pages 281-282.

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

7
8 **HB03-1172** by Representative(s) Clapp, Crane, Hefley, Lee, Lundberg,
9 Rhodes, Spradley, White; also Senator(s) Dyer--
10 Concerning school board policies covering when
11 personnel may address health care treatment for student
12 behavior issues.

13
14 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
15 dated February 3, 2003, and placed in member's bill file; Report also
16 printed in House Journal, February 4, pages 282-283.

17
18 Amendment No. 2, by Representative Clapp.

19
20 Amend the Health, Environment, Welfare, and Institutions Committee
21 Report, dated February 3, 2003, page 1, strike lines 2 through 4 and
22 substitute the following:

23
24 "substitute "PRESCRIBED DRUG USED FOR BEHAVIOR CONTROL OR
25 MANAGEMENT".".

26
27 As amended, ordered engrossed and placed on the Calendar for Third
28 Reading and Final Passage.

29
30 **HB03-1175** by Representative(s) Spence, Briggs, Crane, Fairbank,
31 Frangas, Lee, Paccione, Rose, Schultheis, Williams S.;
32 also Senator(s) Andrews--Concerning numbers to identify
33 postsecondary education students.

34
35 Amendment No. 1, Education Report, dated February 3, 2003, and placed
36 in member's bill file; Report also printed in House Journal, February 5,
37 page 311.

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

41
42 **HB03-1149** by Representative(s) Cloer, Crane, Hall, Harvey,
43 Lundberg, Mitchell, Rhodes, Schultheis, White, Wiens;
44 also Senator(s) Cairns--Concerning the creation of a
45 penalty against a government employee for making a
46 materially false statement related to the dependency or
47 neglect of a child.

48
49 Amendment No. 1, Judiciary Report, dated February 4, 2003, and placed
50 in member's bill file; Report also printed in House Journal, February 5,
51 page 316.

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

55

1 **HB03-1111** by Representative(s) Harvey--Concerning the authority of
 2 county governments to prosecute violations of the county's
 3 building code.
 4

5 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
 6 February 4, 2003, and placed in member's bill file; Report also printed in
 7 House Journal, February 5, page 317.
 8

9 Amendment No. 2, by Representative Lundberg.
 10

11 Amend printed bill, page 3, line 5, strike "PART 2." and substitute "PART
 12 2, WHERE SUCH CONDUCT CREATES A SIGNIFICANT SAFETY RISK.";

13
 14 line 18, strike "PART 2." and substitute "PART 2, WHERE SUCH USE
 15 CREATES A SIGNIFICANT SAFETY RISK."
 16

17 Page 5, after line 13, insert the following:
 18

19 "(3) FOR PURPOSES OF THIS SECTION, "SIGNIFICANT SAFETY RISK"
 20 MEANS A USE OR ALTERATION OF ANY BUILDING OR STRUCTURE THAT
 21 CREATES A REASONABLE POSSIBILITY OF DEATH OR SEVERE PHYSICAL
 22 INJURY TO ANY PERSON IN OR AROUND THE BUILDING OR STRUCTURE."
 23

24 As amended, ordered engrossed and placed on the Calendar for Third
 25 Reading and Final Passage.
 26

27 **HB03-1302** by Representative(s) Rippey--Concerning clarification of
 28 the applicability of statutory provisions that enacted
 29 certain notification requirements affecting only those
 30 applications for development filed on or after July 1, 2001.
 31

32 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
 33 dated February 14, 2003, and placed in member's bill file; Report also
 34 printed in House Journal, February 14, page 662.
 35

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

39
 40
 41 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**
 42

43 Passed Second Reading: **HB03-1121 amended, 1101 amended,**
 44 **1172 amended, 1175 amended, 1149 amended, 1111 amended,**
 45 **1302 amended.**
 46

47 The Chairman moved the adoption of the Committee of the Whole
 48 Report. As shown by the following roll call vote, a majority of those
 49 elected to the House voted in the affirmative, and the Report was
 50 **adopted.**
 51

Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		Y		Hall	Y	McFadyen	Y	Smith	Y
Boyd		Y		Harvey	Y	Merrifield	Y	Spence	Y
Briggs		Y		Hefley	Y	Miller	Y	Stafford	Y

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

CHANGE IN SPONSORSHIP

Due to the resignation of Representative Groff, the Speaker announced the following changes in bill sponsorship:

Representative Merrifield to be the prime sponsor for **HB03-1269**

Representative Hefley to be the prime sponsor for **HB03-1270**

APPOINTMENTS

Due to the resignation of Representative Groff, Representative Veiga announced the following temporary changes in committee assignments:

Representative Garcia to the Committee on Education

Representative Madden to the Committee on Judiciary

House in recess. House reconvened.

REPORTS OF COMMITTEE OF REFERENCE

BUSINESS AFFAIRS & LABOR

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

HB03-1225 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. 10-4-702, Colorado Revised Statutes, is amended to read:

10-4-702. Legislative declaration. (1) The general assembly

1 declares that its purpose in enacting this part 7 is to ~~avoid inadequate~~
 2 ~~compensation to victims of automobile accidents; to require registrants~~
 3 ~~of motor vehicles in this state to procure insurance covering legal liability~~
 4 ~~arising out of ownership or use of such vehicles and also providing~~
 5 ~~benefits to persons occupying such vehicles and to persons injured in~~
 6 ~~accidents involving such vehicles~~ REQUIRE REASONABLE AND
 7 AFFORDABLE MOTOR VEHICLE INSURANCE IN THIS STATE, WHILE
 8 BALANCING PREMIUM COSTS AGAINST THE BENEFITS PROVIDED.
 9

10 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, AS A
 11 RESULT OF INCREASING COST AND RESULTING LACK OF AFFORDABILITY,
 12 SIGNIFICANT REFORMS OF COLORADO MOTOR VEHICLE INSURANCE ARE
 13 NECESSARY. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO RETAIN
 14 COMPULSORY MOTOR VEHICLE INSURANCE WHERE BENEFITS ARE
 15 OBTAINED WITHOUT REGARD TO THE FAULT OF THE DRIVER (NO FAULT) IN
 16 COLORADO, WHILE MAKING IT MORE AFFORDABLE. THE GENERAL
 17 ASSEMBLY FINDS THAT NO FAULT INSURANCE SHOULD BE MORE
 18 AFFORDABLE IF AVAILABLE SERVICES ARE BASED ON A STANDARD OF
 19 MEDICAL NECESSITY FOR CARE AND TREATMENT AND THE USE OF
 20 APPROVED MEDICAL TREATMENT GUIDELINES. THE RESULT OF MEDICAL
 21 NECESSITY AND THE USE OF MEDICAL TREATMENT GUIDELINES IS A
 22 REDUCTION IN INAPPROPRIATE AND EXCESSIVE UTILIZATION WHILE
 23 AFFORDING AUTO ACCIDENT VICTIMS ACCESS TO SERVICES NEEDED TO
 24 ACHIEVE APPROPRIATE MEDICAL IMPROVEMENT. TO SUCH ENDS, THESE
 25 REFORMS ALSO INCLUDE GIVING CONSUMERS A CHOICE OF SEVERAL NO
 26 FAULT POLICY CHOICES AND OPTIONAL BENEFIT COVERAGE PACKAGES.
 27 UNNECESSARY LITIGATION WILL ALSO BE REDUCED BY THE ENACTMENT OF
 28 THESE REFORMS, WHICH STRENGTHENS THE ORIGINAL INTENT OF NO FAULT
 29 INSURANCE LAW.
 30

31 **SECTION 2.** 10-4-703 (1), (2.5), and (6), Colorado Revised
 32 Statutes, are amended, and the said 10-4-703 is further amended BY THE
 33 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:
 34

35 **10-4-703. Definitions.** As used in this part 7, unless the context
 36 otherwise requires:
 37

38 (1) ~~"Commissioner" means the commissioner of insurance~~
 39 "ACCIDENT" MEANS, IN CONNECTION WITH THE USE OF A MOTOR VEHICLE,
 40 AN EVENT THAT RESULTS FROM THE OPERATION OR USE OF A MOTOR
 41 VEHICLE AS TRANSPORTATION, THAT CAUSES BODILY INJURY OR PROPERTY
 42 DAMAGE, AND THAT IS UNFORESEEN, UNPLANNED, OR UNINTENDED FROM
 43 THE POINT OF VIEW OF THE PERSON WHO SUSTAINS SUCH INJURY OR
 44 PROPERTY DAMAGE.
 45

46 (1.3) (a) "BODILY INJURY" MEANS BODILY AND PHYSICAL INJURY
 47 TO AN ELIGIBLE INJURED PERSON AND SICKNESS, DISEASE, OR DEATH THAT
 48 RESULTS FROM THE BODILY INJURY.
 49

50 (b) "BODILY INJURY" SHALL INCLUDE MENTAL OR EMOTIONAL
 51 CONDITIONS ONLY IF SUCH CONDITIONS RESULT FROM EITHER:
 52

53 (I) IMMEDIATELY LIFE- OR LIMB-THREATENING INJURIES TO THE
 54 INSURED OR OTHERS IN THE MOTOR VEHICLE ACCIDENT, OR DEATH OF
 55 ANOTHER PERSON IN OR AS A RESULT OF THE MOTOR VEHICLE ACCIDENT;
 56 OR

1 (II) MENTAL OR EMOTIONAL CONDITIONS AS A DIRECT RESULT OF
2 SERIOUS AND OBJECTIVELY MANIFESTED DISABLING PHYSICAL INJURY TO
3 THE INSURED BECAUSE OF THE MOTOR VEHICLE ACCIDENT.

4
5 (1.5) "COMMISSIONER" MEANS THE COMMISSIONER OF INSURANCE.

6
7 (2.5) "Converter" means a person other than a named insured,
8 RESIDENT SPOUSE, or resident relative who operates or uses a motor
9 vehicle ~~in a manner that a reasonable person would determine was~~
10 ~~unauthorized or beyond the scope of permission given by a named~~
11 ~~insured or resident relative. In determining whether a person is a~~
12 ~~converter, the following factors should be considered:~~ WITHOUT THE
13 EXPRESS PERMISSION OF THE NAMED INSURED OR RESIDENT SPOUSE OR, IF
14 EXPRESS PERMISSION WAS GRANTED AND IF SUCH PERMISSION INCLUDED
15 LIMITATIONS OF USE OR PERMISSION FOR ONLY ONE OR MORE SPECIFIC
16 PURPOSES, BEYOND THE SCOPE OF SUCH EXPRESS PERMISSION.

17
18 ~~(a) The duration of the person's control over the vehicle;~~

19
20 ~~(b) The circumstances surrounding the conduct of the person~~
21 ~~operating or using the motor vehicle;~~

22
23 ~~(c) The person's good faith.~~

24
25 (5.5) "ELIGIBLE INJURED PERSON" MEANS A PERSON WITHIN ANY
26 OF THE CATEGORIES OF PERSONS DESCRIBED IN SECTION 10-4-701 (1) AND
27 ANY ELIGIBLE PEDESTRIAN.

28
29 (6) "Insured" means the named insured, relatives of the named
30 insured who reside in the same household as the named insured, or any
31 person using the described motor vehicle with the permission of the
32 named insured. "INSURED" ALSO MEANS AN ENROLLEE IN A MANAGED
33 CARE POLICY ISSUED PURSUANT TO SECTION 10-4-706.4.

34
35 (6.5) "INSURER" SHALL HAVE THE SAME MEANING AS IN SECTION
36 10-1-102 (8), INCLUDING, BUT NOT LIMITED TO, A MANAGED CARE PLAN AS
37 DEFINED IN SECTION 10-16-102 (26.5).

38
39 (6.7) "MAXIMUM MEDICAL IMPROVEMENT" MEANS A POINT IN TIME
40 WHEN ANY MEDICALLY DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT
41 AS A RESULT OF INJURY HAS BECOME STABLE AND WHEN NO FURTHER
42 TREATMENT IS REASONABLY EXPECTED TO IMPROVE THE CONDITION. THE
43 REQUIREMENT FOR FUTURE MEDICAL MAINTENANCE THAT WILL NOT
44 SIGNIFICANTLY IMPROVE THE CONDITION OR THE POSSIBILITY OF
45 IMPROVEMENT OR DETERIORATION RESULTING FROM THE PASSAGE OF TIME
46 SHALL NOT AFFECT A FINDING OF MAXIMUM MEDICAL IMPROVEMENT. THE
47 POSSIBILITY OF IMPROVEMENT OR DETERIORATION RESULTING FROM THE
48 PASSAGE OF TIME ALONE SHALL NOT AFFECT A FINDING OF MAXIMUM
49 MEDICAL IMPROVEMENT.

50
51 (7.5) "MOTOR VEHICLE ACCIDENT" SHALL HAVE THE SAME
52 MEANING AS "ACCIDENT" IN SUBSECTION (1) OF THIS SECTION.

53
54 (11.5) "PHYSICIAN" MEANS:

55
56 (a) A PERSON LICENSED PURSUANT TO ARTICLE 36 OF TITLE 12

1 WITH A DOCTORATE IN MEDICINE OR DOCTORATE OF OSTEOPATHY; OR

2

3 (b) A PERSON LICENSED PURSUANT TO ARTICLE 35 OF TITLE 12,
4 C.R.S., WITH A DOCTORATE OF DENTISTRY OR A DOCTORATE OF DENTAL
5 MEDICINE.

6

7 (11.7) "PROGRAM MANAGER" MEANS THE PERSON OR ENTITY
8 CONTRACTED WITH PURSUANT TO SECTION 10-4-706.9.

9

10 (13) "TREATMENT GUIDELINES" MEANS THE GUIDELINES ADOPTED
11 BY THE COMMISSIONER PURSUANT TO SECTION 10-4-706.9 (2) (c).

12

13 **SECTION 3.** 10-4-705 (2), Colorado Revised Statutes, is
14 amended to read:

15

16 **10-4-705. Coverage compulsory.** (2) ON AND AFTER JANUARY
17 1, 2004, any owner of a motor vehicle who operates the motor vehicle on
18 the public highways of this state or who knowingly permits the operation
19 of the motor vehicle on the public highways of this state who fails to have
20 in full force and effect a complying policy covering said motor vehicle at
21 the time of any accident, on account of which benefits under section
22 10-4-706 (1)(b) to (1)(e) or alternatively, as applicable, section 10-4-706
23 (2) or (3) OR 10-4-706.1 would be payable, shall be personally liable for
24 the payment of such benefits to the person for whom such payment would
25 have been required, if such coverage had been in effect under the terms
26 of section 10-4-707. Such an owner shall have all of the rights and
27 obligations of any insurer under this part 7.

28

29 **SECTION 4.** 10-4-706, Colorado Revised Statutes, is
30 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

31

32 **10-4-706. Required coverages - complying policies.** (1) ON
33 AND AFTER JANUARY 1, 2004, SUBJECT TO THE LIMITATIONS AND
34 EXCLUSIONS AUTHORIZED BY THIS PART 7, THE COVERAGES REQUIRED FOR
35 COMPLIANCE WITH THIS PART 7 ARE AS FOLLOWS:

36

37 (a) **Legal liability.** LEGAL LIABILITY COVERAGE FOR BODILY
38 INJURY OR DEATH ARISING OUT OF THE USE OF THE MOTOR VEHICLE AS
39 TRANSPORTATION TO A LIMIT, EXCLUSIVE OF INTEREST AND COSTS, OF
40 TWENTY-FIVE THOUSAND DOLLARS TO ANY ONE PERSON IN ANY ONE
41 ACCIDENT AND FIFTY THOUSAND DOLLARS TO ALL PERSONS IN ANY ONE
42 ACCIDENT AND FOR PROPERTY DAMAGE ARISING OUT OF THE USE OF THE
43 MOTOR VEHICLE AS TRANSPORTATION TO A LIMIT, EXCLUSIVE OF INTEREST
44 AND COSTS, OF FIFTEEN THOUSAND DOLLARS IN ANY ONE ACCIDENT;

45

46 (b) **Medical care and treatment.** COMPENSATION WITHOUT
47 REGARD TO FAULT, UP TO A LIMIT OF FIFTY THOUSAND DOLLARS PER
48 PERSON FOR ANY ONE MOTOR VEHICLE ACCIDENT, FOR PAYMENT OF ALL
49 REASONABLE CHARGES FOR MEDICALLY NECESSARY CARE AND
50 TREATMENT PERFORMED WITHIN THREE YEARS AFTER THE ACCIDENT FOR
51 BODILY INJURY ARISING OUT OF THE MOTOR VEHICLE ACCIDENT;

52

53 (c) **Rehabilitation.** (I) COMPENSATION WITHOUT REGARD TO
54 FAULT, UP TO A LIMIT OF FIFTY THOUSAND DOLLARS PER PERSON FOR ANY
55 ONE MOTOR VEHICLE ACCIDENT FOR PAYMENT OF THE COST OF ALL
56 REASONABLE CHARGES FOR MEDICALLY NECESSARY REHABILITATION

1 PROCEDURES OR TREATMENT AND REHABILITATIVE OCCUPATIONAL
2 THERAPY NECESSARY WITHIN FIVE YEARS AFTER SUCH ACCIDENT.

3

4 (II) REHABILITATIVE PROCEDURES, TREATMENT, OR COURSE OF
5 REHABILITATION SHALL MEET THE FOLLOWING STANDARDS:

6

7 (A) ANY PROCEDURE OR TREATMENT SHALL BE REASONABLY
8 DESIGNED TO CONTRIBUTE SUBSTANTIALLY TO REHABILITATION, AND THE
9 COST OF ANY PROCEDURE OR TREATMENT SHALL BE REASONABLE IN
10 RELATION TO ITS PROBABLE REHABILITATIVE EFFECTS.

11

12 (B) REHABILITATION TREATMENT AND PROCEDURES SHALL BE
13 REASONABLY DESIGNED TO LEAD A PERSON TO THE ATTAINMENT OF AN
14 INJURED PERSON'S MAXIMUM MEDICAL IMPROVEMENT UNDER THE
15 CIRCUMSTANCES RESULTING FROM THE INJURIES SUSTAINED IN THE MOTOR
16 VEHICLE ACCIDENT. THE PURPOSE OF REHABILITATION SHALL BE THE
17 PHYSICAL RESTORATION OF AN INJURED PERSON TO ACTIVITIES OF DAILY
18 LIVING THROUGH THERAPY, COMPARED TO MEDICAL TREATMENT THAT IS
19 TREATMENT FOR THE PHYSICAL INJURY ITSELF.

20

21 (d) THE AMOUNT OF COVERAGE IN PARAGRAPH (c) OF THIS
22 SUBSECTION (1) SHALL BE AVAILABLE, UPON THE DIRECTION OF THE
23 INSURED, FOR TREATMENT PERFORMED WITHIN THREE YEARS AFTER THE
24 MOTOR VEHICLE ACCIDENT PURSUANT TO PARAGRAPH (b) OF THIS
25 SUBSECTION (1). THE COVERAGE IN PARAGRAPH (b) OF THIS SUBSECTION
26 (1) SHALL NOT BE AVAILABLE FOR TREATMENT PURSUANT TO PARAGRAPH
27 (c) OF THIS SUBSECTION (1).

28

29 (e) **Death benefits.** COMPENSATION ON ACCOUNT OF DEATH OF A
30 PERSON FOR WHOM DIRECT BENEFITS ARE PROVIDED UNDER THIS SECTION,
31 PAYABLE TO THE ESTATE OF THE DECEASED, IN THE TOTAL AMOUNT OF ONE
32 THOUSAND DOLLARS.

33

34 (2) **Maximum medical improvement.** WHEN A PERSON ENTITLED
35 TO BENEFITS PURSUANT TO THIS SECTION REACHES MAXIMUM MEDICAL
36 IMPROVEMENT AS DETERMINED BY THE PERSON'S PRIMARY PARTICIPATING
37 PHYSICIAN OR A PHYSICIAN DESIGNATED BY THE PRIMARY PARTICIPATING
38 PHYSICIAN, THE COVERAGE AVAILABLE PURSUANT TO SUBSECTION (1) OF
39 THIS SECTION SHALL ONLY COVER BENEFITS TO PROVIDE SUCH TREATMENT
40 AS IS MEDICALLY NECESSARY TO PREVENT THE DECLINE OF THE PERSON'S
41 CONDITION, SUBJECT TO THE LIMITS PRESCRIBED IN THIS SECTION. THE
42 TREATMENT NECESSARY TO OBTAIN MAXIMUM MEDICAL IMPROVEMENT
43 SHALL BE SET FORTH IN WRITING BY THE PRIMARY PARTICIPATING
44 PHYSICIAN AND SHALL BE SUBJECT TO INTERNAL AND EXTERNAL REVIEW
45 PROCEDURES PURSUANT TO SECTIONS 10-4-725.1 AND 10-4-725.2.

46

47 (3) **Deductibles and coinsurance.** (a) WITH RESPECT TO THE
48 COVERAGES SET FORTH IN THIS SECTION, AN INSURER SHALL MAKE
49 AVAILABLE AND SHALL PROVIDE, AT THE OPTION OF THE NAMED INSURED,
50 DEDUCTIBLES AND COINSURANCE ARRANGEMENTS IN SUCH AMOUNTS OR
51 PERCENTAGES AS EACH INSURER SHALL DEEM APPROPRIATE.

52

53 (b) ANY DEDUCTIBLES AND COINSURANCE ARRANGEMENTS
54 PROVIDED PURSUANT TO THIS SUBSECTION (3) SHALL ONLY APPLY TO THE
55 NAMED INSURED, RESIDENT SPOUSE, RESIDENT RELATIVE, AND PERSONS
56 OPERATING THE COVERED MOTOR VEHICLE WITH THE PERMISSION OF THE

1 NAMED INSURED OR RESIDENT SPOUSE.

2

3 (4) **Election of coverage.** AFTER A NAMED INSURED SELECTS A
4 POLICY WITH THE DESIRED PERSONAL INJURY PROTECTION COVERAGE,
5 INCLUDING OPTIONAL COVERAGE PURSUANT TO SECTIONS 10-4-706.2 TO
6 10-4-706.4, SECTION 10-4-706.6, OR SECTION 10-4-706.1, AN INSURER
7 SHALL NOTIFY SUCH NAMED INSURED IN ANY RENEWAL OR REPLACEMENT
8 POLICY OF THE PERSONAL INJURY PROTECTION COVERAGE SELECTED
9 PURSUANT TO THIS SECTION. AFTER RECEIPT OF SUCH NOTICE, THE NAMED
10 INSURED MAY REQUEST A DIFFERENT COVERAGE OPTION; EXCEPT THAT
11 SUCH CHANGE SHALL NOT AFFECT ANY CLAIM ARISING OUT OF AN
12 ACCIDENT THAT OCCURRED PRIOR TO THE DATE OF SUCH NOTICE.

13

14 **SECTION 5.** Part 7 of article 4 of title 10, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
16 SECTIONS to read:

17

18 **10-4-706.1. Reduced personal injury protection policy-**
19 **qualifications.** (1) ON AND AFTER JANUARY 1, 2004, NOTWITHSTANDING
20 ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN INSURER MAY
21 OFFER, AS AN ALTERNATIVE TO THE COVERAGES REQUIRED PURSUANT TO
22 SECTION 10-4-706, TO PERSONS QUALIFIED PURSUANT TO SUBSECTION (3)
23 OF THIS SECTION, A REDUCED PERSONAL INJURY PROTECTION POLICY FOR
24 COMPLIANCE WITH THIS PART 7, WHICH MAY BE A BASIC POLICY PURSUANT
25 TO SECTION 10-4-706.3 OR A MANAGED CARE POLICY PURSUANT TO
26 SECTION 10-4-706.4. ACCEPTANCE OF A POLICY OFFERED PURSUANT TO
27 THIS SECTION SHALL BE VOLUNTARY AND SHALL BE SUBJECT TO ALL
28 REQUIREMENTS OF THIS SECTION.

29

30 (2) A PERSON QUALIFIED PURSUANT TO SUBSECTION (3) OF THIS
31 SECTION MAY PURCHASE COVERAGE FOR COMPENSATION WITHOUT
32 REGARD TO FAULT, UP TO A LIMIT OF TWENTY-FIVE THOUSAND DOLLARS
33 PER PERSON FOR ANY ONE MOTOR VEHICLE ACCIDENT, FOR PAYMENT OF
34 ALL REASONABLE EXPENSES FOR MEDICALLY NECESSARY CARE AND
35 TREATMENT PERFORMED WITHIN THREE YEARS AFTER THE MOTOR VEHICLE
36 ACCIDENT FOR BODILY INJURY ARISING OUT OF A MOTOR VEHICLE
37 ACCIDENT.

38

39 (3) (a) TO QUALIFY FOR A REDUCED PERSONAL INJURY PROTECTION
40 POLICY, THE COMBINED ANNUAL GROSS INCOME OF A PERSON APPLYING
41 FOR SUCH A POLICY AND SUCH PERSON'S RESIDENT SPOUSE, IF ANY, SHALL
42 NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL
43 POVERTY LEVEL FOR A FAMILY OF FOUR, ADJUSTED UPWARD FOR FAMILY
44 SIZE.

45

46 (b) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSIONER
47 SHALL PRESCRIBE INCOME PROTOCOLS FOR DETERMINING ELIGIBILITY FOR
48 A REDUCED PERSONAL INJURY PROTECTION POLICY BASED UPON THE
49 APPLICABLE FAMILY SIZE INCOME LEVELS CONTAINED IN THE NONFARM
50 INCOME POVERTY PROTOCOLS PRESCRIBED BY THE FEDERAL DEPARTMENT
51 OF HEALTH AND HUMAN SERVICES.

52

53 (c) INCOME VERIFICATION FOR A REDUCED PERSONAL INJURY
54 PROTECTION POLICY SHALL BE THROUGH WRITTEN EVIDENCE FROM THE
55 PERSON SEEKING TO QUALIFY FOR A POLICY ISSUED PURSUANT TO THIS
56 SECTION OF THE ANNUAL GROSS INCOME OF SUCH PERSON AND SUCH

1 PERSON'S RESIDENT SPOUSE FOR THE MOST RECENT TAX YEAR AVAILABLE.
2 SUCH EVIDENCE SHALL BE CONTAINED IN A DOCUMENT ACCEPTABLE TO
3 THE INSURER. FOR PERSONS QUALIFIED PURSUANT TO THIS SUBSECTION
4 (3), EVERY THIRD YEAR FOLLOWING THE DATE UPON WHICH THE POLICY IS
5 ISSUED, THE INSURER SHALL INFORM THE INSURED OF THE INCOME
6 REQUIREMENT ASSOCIATED WITH SUCH POLICY AND MAY REQUEST THE
7 INSURED TO EITHER PROVIDE INCOME VERIFICATION TO THE INSURER OR
8 OPT OUT OF THE REDUCED PERSONAL INJURY PROTECTION COVERAGE IF
9 THE INSURED NO LONGER QUALIFIES.

10

11 (4) (a) THE REDUCED PERSONAL INJURY PROTECTION POLICY SHALL
12 APPLY ONLY TO THE NAMED INSURED, RESIDENT SPOUSE, AND RESIDENT
13 CHILDREN. FOR PURPOSES OF THIS SECTION, A CHILD IS A RESIDENT IF
14 SUCH CHILD QUALIFIES AS A DEPENDENT OF THE NAMED INSURED UNDER
15 THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 151
16 (c).

17

18 (b) ANY PERSON INJURED IN AN ACCIDENT, OTHER THAN THOSE
19 PERSONS WHOSE COVERAGE IS SPECIFICALLY LIMITED TO REDUCED
20 PERSONAL INJURY PROTECTION PURSUANT TO PARAGRAPH (a) OF THIS
21 SUBSECTION (4), SHALL, IF EXPENSES INCURRED BY SUCH INJURED PERSON
22 EXCEED THE LIMITS OF SUCH REDUCED PERSONAL INJURY PROTECTION
23 POLICY, RECEIVE COVERAGE FOR SUCH EXPENSES OF NOT LESS THAN THE
24 MINIMUM COVERAGE MANDATED BY SECTION 10-4-706.

25

26 (5) A PERSON WHO QUALIFIES FOR AND OPTS FOR A REDUCED
27 PERSONAL INJURY PROTECTION POLICY PURSUANT TO THIS SECTION SHALL
28 BE DEEMED IN VIOLATION OF THIS PART 7 IF SUCH PERSON DOES NOT
29 OBTAIN A POLICY PROVIDING LEGAL LIABILITY COVERAGE AS SPECIFIED IN
30 SECTION 10-4-706 (1) (a).

31

32 **10-4-706.2. Optional policy types.** (1) THE COVERAGES
33 REQUIRED IN SECTION 10-4-706 OR 10-4-706.1 SHALL BE PROVIDED, AT
34 THE OPTION OF THE NAMED INSURED, THROUGH A BASIC, MANAGED CARE,
35 OR DIRECT ACCESS POLICY OPTION. EACH INSURER SHALL OFFER, AT A
36 MINIMUM, A BASIC POLICY OPTION AND EITHER A MANAGED CARE OR
37 DIRECT ACCESS POLICY OPTION. SUCH POLICY OPTIONS SHALL BE OFFERED
38 TO AN APPLICANT AT THE TIME THE INSURANCE APPLICATION IS TAKEN.
39 THE OFFER SHALL BE IN WRITING OR IN THE SAME MEDIUM IN WHICH THE
40 APPLICATION IS TAKEN. THE INSURER SHALL DISCLOSE THE FOLLOWING
41 INFORMATION REGARDING THE POLICY OPTIONS AVAILABLE THROUGH THE
42 INSURER, EXPRESSED EITHER AS A DOLLAR SAVINGS OR INCREASE,
43 COMPARED TO THE PREMIUM FOR BASIC PERSONAL INJURY PROTECTION
44 COVERAGE, OR AS A PERCENTAGE OF THE PREMIUM OFFERED BY THE
45 INSURER:

46

47 (a) THAT THE APPLICANT IS ENTITLED TO CHOOSE ONE OF THE
48 POLICY OPTIONS AVAILABLE THROUGH THE INSURER, INCLUDING, IN
49 SUMMARY FORM, A DESCRIPTION OF SUCH POLICY OPTIONS;

50

51 (b) THE APPROXIMATE COST TO THE APPLICANT FOR EACH OF THE
52 POLICY OPTIONS AVAILABLE THROUGH THE INSURER;

53

54 (c) THAT THE APPLICANT SHALL BE DEEMED TO HAVE ELECTED
55 BASIC COVERAGE IF THE APPLICANT FAILS TO ELECT AN OPTION; AND

56

1 (d) THAT THE POLICY OPTION CHOSEN BY THE APPLICANT MAY BE
2 CHANGED BY THE NAMED INSURED AT ANY TIME UPON PRIOR NOTICE TO
3 THE INSURER; EXCEPT THAT SUCH CHANGE SHALL NOT AFFECT ANY CLAIM
4 ARISING OUT OF AN ACCIDENT THAT OCCURRED PRIOR TO THE DATE OF
5 SUCH NOTICE.
6

7 (2) THE POLICY OPTION ELECTED BY THE APPLICANT SHALL BIND
8 THE NAMED INSURED, RESIDENT SPOUSE, ANY RESIDENT RELATIVE, AND
9 PERSONS OPERATING THE COVERED MOTOR VEHICLE WITH THE PERMISSION
10 OF THE NAMED INSURED OR THE RESIDENT SPOUSE. BASIC COVERAGE
11 SHALL APPLY TO ANY OTHER PERSON ENTITLED TO PERSONAL INJURY
12 PROTECTION COVERAGE UNDER THE POLICY OF INSURANCE.
13

14 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN
15 APPLICANT'S CHOICE OF POLICY OPTION PURSUANT TO THIS SECTION BE
16 VOLUNTARY AND THAT NO INSURER SHALL REQUIRE AN INSURED TO AGREE
17 TO A PARTICULAR OPTION OF PROVIDING INSURANCE COVERAGE.
18

19 (4) AN INSURER OFFERING THE COVERAGES AUTHORIZED BY THIS
20 SECTION SHALL DEMONSTRATE, IN RATE FILINGS SUBMITTED TO THE
21 COMMISSIONER, THE PREMIUM DIFFERENTIALS FOR EACH OPTION,
22 EXPRESSED EITHER AS A DOLLAR SAVINGS OR INCREASE, COMPARED TO
23 THE PREMIUM FOR BASIC PERSONAL INJURY PROTECTION COVERAGE, OR AS
24 A PERCENTAGE OF THE PREMIUM, AND SHALL FURTHER CERTIFY TO THE
25 COMMISSIONER, PURSUANT TO SECTION 10-4-725, ANY DISCLOSURE
26 LANGUAGE TO BE USED PURSUANT TO SUBSECTION (1) OF THIS SECTION.
27

28 **10-4-706.3. Basic policy coverage - participating physicians -**
29 **referrals - direct access option.** (1) (a) ON AND AFTER JANUARY 1,
30 2004, EXCEPT FOR EMERGENCY CARE AS PROVIDED IN PARAGRAPH (b) OF
31 SUBSECTION (2) OF THIS SECTION, A PERSON COVERED THROUGH A BASIC
32 COVERAGE POLICY SHALL RECEIVE MEDICALLY NECESSARY CARE AND
33 TREATMENT FROM A PRIMARY PARTICIPATING PHYSICIAN PURSUANT TO
34 SECTION 10-4-706.9. SUCH PRIMARY PARTICIPATING PHYSICIAN MAY
35 REFER OR PRESCRIBE TREATMENT BY ANOTHER PHYSICIAN OR
36 PRACTITIONER AS PROVIDED IN THIS SECTION AND ACCORDING TO THE
37 TREATMENT GUIDELINES ADOPTED PURSUANT TO SECTION 10-4-706.9. ALL
38 MEDICALLY NECESSARY CARE AND TREATMENT BY PARTICIPATING
39 PHYSICIANS OR OTHER PRACTITIONERS BY REFERRAL SHALL ONLY BE
40 PURSUANT TO SUCH TREATMENT GUIDELINES.
41

42 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,
43 REFERRALS FOR MEDICALLY NECESSARY CARE AND TREATMENT FOR
44 BODILY INJURY ARISING FROM A MOTOR VEHICLE ACCIDENT SHALL ONLY
45 BE MADE TO A PHYSICIAN, NURSE PRACTITIONER, PHYSICAL THERAPIST,
46 OCCUPATIONAL THERAPIST, NEUROPSYCHOLOGIST, PSYCHOLOGIST, CHILD
47 HEALTH ASSOCIATION, PHYSICIAN'S ASSISTANT, SPEECH THERAPIST,
48 CERTIFIED BIOFEEDBACK THERAPIST, OR PRACTITIONER AS DETERMINED BY
49 THE INSURER PURSUANT TO THE TREATMENT GUIDELINES ADOPTED
50 PURSUANT TO SECTION 10-4-706.9.
51

52 (2) (a) A PERSON COVERED THROUGH A BASIC POLICY SHALL
53 OBTAIN ALL MEDICALLY NECESSARY CARE AND TREATMENT FROM A
54 PRIMARY PARTICIPATING PHYSICIAN SELECTED BY THE PERSON, OR
55 THROUGH A REFERRAL FROM THE PRIMARY PARTICIPATING PHYSICIAN,
56 EITHER EXPRESSLY OR BY RECEIVING CARE FROM THE PRIMARY

1 PARTICIPATING PHYSICIAN FOR BODILY INJURY ARISING OUT OF A MOTOR
2 VEHICLE ACCIDENT. FOLLOWING SUCH ACCIDENT, THE INJURED PERSON
3 SHALL BE ENTITLED TO ONE CHANGE OF PRIMARY PARTICIPATING
4 PHYSICIAN, TO A DIFFERENT PRIMARY PARTICIPATING PHYSICIAN, FOR THE
5 CARE AND TREATMENT OF INJURIES. IF THE PERSON REQUESTS A SECOND
6 CHANGE OF PRIMARY PARTICIPATING PHYSICIAN, SUCH CHANGE MAY ONLY
7 OCCUR UPON THE MUTUAL AGREEMENT OF THE INJURED PERSON AND THE
8 INSURER.

9
10 (b) NO DEDUCTIBLE OR COINSURANCE COVERED UNDER A BASIC
11 COVERAGE POLICY SHALL BE APPLIED WITH RESPECT TO CARE,
12 TREATMENT, SERVICES, PRODUCTS, OR ACCOMMODATION PROVIDED TO OR
13 EXPENSES INCURRED BY AN INSURED DURING THE FIRST TWENTY-FOUR
14 HOURS IN WHICH EMERGENCY TREATMENT HAS BEEN PROVIDED OR UNTIL
15 THE INSURED PERSON'S EMERGENCY MEDICAL CONDITION IS STABILIZED,
16 WHICHEVER IS LONGER, OR UNTIL THE INSURED PERSON IS TRANSFERRED
17 TO A PARTICIPATING PROVIDER IN ACCORDANCE WITH APPLICABLE LAW.

18
19 (3) EVERY INSURER OFFERING A BASIC POLICY PURSUANT TO THIS
20 SECTION SHALL MAKE AVAILABLE, FOR AN ADDITIONAL PREMIUM, AND
21 SHALL PROVIDE, AT THE OPTION OF THE NAMED INSURED, ADDITIONAL
22 COVERAGE FOR PAYMENT OF BENEFITS FOR DIRECT ACCESS TO A
23 PARTICIPATING CHIROPRACTOR AND SUCH OTHER PRACTITIONERS AS
24 DETERMINED BY THE INSURER. SUCH DIRECT ACCESS SHALL SPECIFY THAT
25 TREATMENT BY SUCH CHIROPRACTOR AND ANY OTHER PRACTITIONER
26 SHALL BE PURSUANT TO THE TREATMENT GUIDELINES AND SHALL SPECIFY
27 ANY OTHER LIMITATION OF COVERAGE TO THE NAMED INSURED.

28
29 **10-4-706.4. Managed care policy coverage.** (1) ON AND AFTER
30 JANUARY 1, 2004, A PERSON COVERED THROUGH A MANAGED CARE POLICY
31 SHALL RECEIVE MEDICALLY NECESSARY CARE AND TREATMENT FROM A
32 PRIMARY PARTICIPATING PHYSICIAN OR CHIROPRACTOR REGISTERED
33 PURSUANT TO SECTION 10-4-706.9, THROUGH A MANAGED CARE
34 ARRANGEMENT SUCH AS A HEALTH MAINTENANCE ORGANIZATION OR A
35 PREFERRED PROVIDER ORGANIZATION. THE PRIMARY PARTICIPATING
36 PHYSICIAN OR CHIROPRACTOR MAY REFER OR PRESCRIBE TREATMENT BY
37 ANOTHER PHYSICIAN OR PRACTITIONER, AS APPROPRIATE, ACCORDING TO
38 THE TREATMENT GUIDELINES ADOPTED PURSUANT TO SECTION 10-4-706.9.
39 ALL CARE AND TREATMENT BY PARTICIPATING PHYSICIANS OR
40 CHIROPRACTOR OR OTHER PRACTITIONERS BY REFERRAL SHALL BE
41 PURSUANT TO THE TREATMENT GUIDELINES AND REQUIREMENTS OF THE
42 MANAGED CARE ARRANGEMENT.

43
44 (2) (a) AN INSURER MAY MAKE DEDUCTIBLES AND COINSURANCE
45 OPTIONS AVAILABLE, INCLUDING, BUT NOT LIMITED TO, MAKING
46 AVAILABLE AND PROVIDING, AT THE OPTION OF THE NAMED INSURED AND
47 FOR AN INCREASED PREMIUM, ADDITIONAL COVERAGE FOR THE DIRECT
48 ACCESS TO ACCREDITED PROVIDERS, WHO SHALL RENDER TREATMENT
49 ONLY PURSUANT TO THE TREATMENT GUIDELINES AND IN ACCORDANCE OF
50 THE MANAGED CARE ARRANGEMENT, IN SUCH AMOUNT AND PERCENTAGES
51 AS SUCH INSURER MAY DETERMINE, AND AN INSURER MAY MAKE OTHER
52 SERVICES, CONDITIONS, AND LIMITATIONS TO COVERAGE AVAILABLE.

53
54 (b) NO DEDUCTIBLE OR COINSURANCE COVERED UNDER A POLICY
55 SHALL BE APPLIED WITH RESPECT TO CARE, TREATMENT, SERVICES,
56 PRODUCTS, OR ACCOMMODATION PROVIDED TO OR EXPENSES INCURRED BY

1 AN INSURED DURING THE FIRST TWENTY-FOUR HOURS IN WHICH
2 EMERGENCY TREATMENT HAS BEEN PROVIDED OR UNTIL THE INSURED
3 PERSON'S EMERGENCY MEDICAL CONDITION IS STABILIZED, WHICHEVER IS
4 LONGER, OR UNTIL THE INSURED PERSON IS TRANSFERRED TO A MANAGED
5 CARE PROVIDER IN ACCORDANCE WITH APPLICABLE LAW.

6
7 **10-4-706.6. Direct access policy coverage.** ON AND AFTER
8 JANUARY 1, 2004, A PERSON COVERED THROUGH A DIRECT ACCESS POLICY
9 MAY RECEIVE MEDICALLY NECESSARY CARE AND TREATMENT FROM ANY
10 HEALTH CARE PROVIDER WITHOUT REGARD TO PARTICIPATING PROVIDER
11 REQUIREMENTS AND WITHOUT REGARD TO REFERRAL OR PRESCRIPTION
12 FROM A PARTICIPATING PHYSICIAN. COVERAGE FOR CARE AND TREATMENT
13 PROVIDED TO A PERSON UNDER A DIRECT ACCESS POLICY SHALL ONLY
14 INCLUDE CARE AND TREATMENT THAT IS MEDICALLY NECESSARY. THE
15 MEDICAL NECESSITY OF SUCH CARE AND TREATMENT SHALL BE
16 PRESUMPTIVELY DETERMINED BASED UPON THE TREATMENT GUIDELINES
17 ADOPTED PURSUANT TO SECTION 10-4-706.9 AND SUBJECT TO
18 DETERMINATION BY INTERNAL AND EXTERNAL REVIEW PURSUANT TO
19 SECTIONS 10-4-725.1 OR 10-4-725.2. AN INSURER MAY LIMIT COVERAGE
20 TO ONLY LICENSED, REGISTERED, OR CERTIFIED HEALTH CARE PROVIDERS.

21
22 **10-4-706.7. Care and treatment for persons under thirteen**
23 **years of age.** (1) ON AND AFTER JANUARY 1, 2004, ANY PERSON WHO IS
24 ENTITLED TO COVERAGE UNDER SECTION 10-4-706 OR 10-4-706.1 AND IS
25 LESS THAN THIRTEEN YEARS OF AGE WHEN THE MOTOR VEHICLE ACCIDENT
26 NECESSITATING SUCH BENEFITS OCCURS SHALL BE SUBJECT TO THE
27 PROVISIONS OF THIS SECTION.

28
29 (2) WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT, A
30 PHYSICIAN MAY RENDER A WRITTEN OPINION, BASED ON A REASONABLE
31 DEGREE OF MEDICAL PROBABILITY AND SUPPORTED BY DETAILED AND
32 DESCRIPTIVE OBJECTIVE EVIDENCE AND REFERENCE TO APPLICABLE
33 TREATMENT GUIDELINES, THAT A MEDICALLY NECESSARY SURGERY OR
34 RECONSTRUCTIVE PROCEDURE CANNOT BE PROVIDED TO THE CLAIMANT
35 WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT BECAUSE OF SUCH
36 PERSON'S STATUS OF JUVENILE GROWTH AND LACK OF PHYSICAL
37 MATURITY. IF SUCH OPINION IS RENDERED, BENEFITS SHALL BE PAID IN THE
38 FUTURE WHEN EXPENSES ARE INCURRED FOR SUCH SURGERY OR
39 RECONSTRUCTIVE PROCEDURE, UNLESS A DETERMINATION IS MADE UNDER
40 THIS SECTION BEFORE SUCH SURGERY OR RECONSTRUCTIVE PROCEDURE
41 OCCURS THAT IT IS NO LONGER MEDICALLY NECESSARY OR THAT THE NEED
42 FOR SUCH SURGERY OR RECONSTRUCTIVE PROCEDURE WAS NOT CAUSED
43 BY THE MOTOR VEHICLE ACCIDENT. ANY BENEFITS PAYMENT FOR A
44 MEDICALLY NECESSARY SURGERY OR RECONSTRUCTIVE PROCEDURE THAT
45 AROSE OUT OF A MOTOR VEHICLE ACCIDENT SHALL BE SUBJECT TO THE
46 LIMITS OF COVERAGE IN FORCE AT THE TIME OF SUCH ACCIDENT. SUCH
47 TREATMENT AND EXPENSES SHALL BE COMPENSATED AS IF THEY WERE
48 PERFORMED WITHIN THREE YEARS AFTER THE ACCIDENT IF THEY ARE
49 ACTUALLY INCURRED BEFORE THE CLAIMANT ATTAINS EIGHTEEN YEARS OF
50 AGE. THIS SECTION APPLIES ONLY TO SURGERY OR RECONSTRUCTIVE
51 PROCEDURES OCCURRING THREE YEARS OR MORE AFTER A MOTOR VEHICLE
52 ACCIDENT, INCLUDING EXPENSES FOR MEDICAL, HOSPITAL, AND NURSING
53 SERVICES AND DIAGNOSTIC PROCEDURES SPECIFICALLY RELATED THERETO.

54
55 (3) NO LATER THAN NINETY DAYS BEFORE A FUTURE SURGERY OR
56 RECONSTRUCTIVE PROCEDURE IS SCHEDULED TO OCCUR, THE CLAIMANT OR

1 HIS OR HER REPRESENTATIVE OR THE PROVIDER WHO INTENDS TO PERFORM
2 THE SURGERY OR RECONSTRUCTIVE PROCEDURE SHALL NOTIFY THE
3 INSURER IN WRITING OF THE SURGERY OR RECONSTRUCTIVE PROCEDURE.
4 SUCH WRITTEN NOTICE SHALL INCLUDE THE DATE OF THE MOTOR VEHICLE
5 ACCIDENT, THE CLAIM NUMBER, IF ANY WAS ASSIGNED BY THE INSURER, A
6 DESCRIPTION OF THE PROPOSED TREATMENT, THE DIAGNOSIS OR
7 PROGNOSIS, THE DATE THE TREATMENT IS SCHEDULED TO BEGIN, AND THE
8 NAME, ADDRESS, TELEPHONE NUMBER, AND SPECIALTY OF THE PROVIDER.
9 THE INSURER MAY REQUEST AN EXTERNAL REVIEW BE CONDUCTED
10 PURSUANT TO SECTION 10-4-725.2 TO DETERMINE IF SUCH SURGERY OR
11 RECONSTRUCTIVE PROCEDURE IS MEDICALLY NECESSARY AND AROSE OUT
12 OF THE USE AND OPERATION OF A MOTOR VEHICLE.

13
14 (4) ANY FUTURE SURGERY OR RECONSTRUCTIVE PROCEDURE THAT
15 IS PAID ON BEHALF OF A CLAIMANT UNDER THIS SECTION SHALL BE IN
16 ADDITION TO ANY MEDICAL BENEFITS PAID FOR TREATMENT AND EXPENSES
17 INCURRED WITHIN THREE YEARS AFTER THE ACCIDENT, SUBJECT TO
18 APPLICABLE COVERAGE LIMITS IN FORCE AT THE TIME OF THE ACCIDENT.

19
20 (5) THE TREATING PROVIDER SHALL MAINTAIN THE ORIGINALS OF
21 ALL MEDICAL REPORTS, OFFICE NOTES, TESTS, X RAYS, DIAGNOSTIC
22 STUDIES, AND ALL OTHER RECORDS OF ANY KIND IN SUCH PROVIDER'S FILE
23 UNTIL THE CLAIMANT IS EIGHTEEN YEARS OF AGE. THE PROVIDER OR THE
24 PROVIDER'S SUCCESSOR IN INTEREST SHALL PRODUCE UPON WRITTEN
25 REQUEST ALL SUCH DOCUMENTS, OR COPIES THEREOF, AS APPROPRIATE, TO
26 ANY SUBSEQUENT PROVIDER TREATING THE CLAIMANT, AN ACCREDITED
27 PHYSICIAN PERFORMING AN EXTERNAL REVIEW PURSUANT TO SECTION
28 10-4-725.2, OR AN INSURER.

29
30 (6) ANY COVERAGE PROVIDED UNDER THIS SECTION SHALL BE
31 SUBJECT TO ALL PROVISIONS OF THE UNDERLYING INSURANCE POLICY,
32 INCLUDING ANY MANAGED CARE ARRANGEMENTS.

33
34 (7) AN INSURER SHALL NOT BE REQUIRED TO MAINTAIN A
35 PERSONAL INJURY PROTECTION CLAIM FILE LONGER THAN IS REQUIRED BY
36 APPLICABLE LAW UNLESS THE CLAIM FILE CONTAINS A WRITTEN OPINION
37 RECEIVED BY THE INSURER WITHIN THREE YEARS AFTER THE DATE OF THE
38 MOTOR VEHICLE ACCIDENT, PURSUANT TO SUBSECTION (2) OF THIS
39 SECTION. ANY INSURER THAT RECEIVES SUCH A WRITTEN OPINION SHALL
40 MAINTAIN SUCH CLAIM FILE UNTIL THE CLAIMANT RECEIVES THE
41 NECESSARY SURGERY OR RECONSTRUCTIVE PROCEDURE OR ATTAINS
42 EIGHTEEN YEARS OF AGE, WHICHEVER OCCURS FIRST.

43
44 **10-4-706.8. Optional coverages for wage loss and essential**
45 **services.** (1) ON AND AFTER JANUARY 1, 2004, EACH INSURER OFFERING
46 COVERAGE UNDER THIS PART 7 SHALL MAKE AVAILABLE, AND SHALL
47 PROVIDE AT THE OPTION OF THE NAMED INSURED, COVERAGE FOR
48 PAYMENT EQUIVALENT TO ONE HUNDRED PERCENT OF THE FIRST ONE
49 HUNDRED TWENTY-FIVE DOLLARS OF LOSS OF GROSS INCOME PER WEEK,
50 SEVENTY PERCENT OF THE NEXT ONE HUNDRED TWENTY-FIVE DOLLARS OF
51 LOSS OF GROSS INCOME PER WEEK, AND SIXTY PERCENT OF ANY LOSS OF
52 GROSS INCOME PER WEEK IN EXCESS THEREOF, WITH THE TOTAL COVERAGE
53 UNDER THIS SUBSECTION (1) NOT EXCEEDING FOUR HUNDRED DOLLARS PER
54 WEEK, FROM WORK THE INJURED PERSON WOULD HAVE PERFORMED HAD
55 HE OR SHE NOT BEEN INJURED DURING A PERIOD COMMENCING THE DAY
56 AFTER THE DATE OF THE ACCIDENT, AND NOT EXCEEDING FIFTY-TWO

1 ADDITIONAL WEEKS.

2
3 (2) (a) ON AND AFTER JANUARY 1, 2004, IN ADDITION, EACH
4 INSURER OFFERING COVERAGE PURSUANT TO THIS PART 7 SHALL MAKE
5 AVAILABLE, AND SHALL PROVIDE AT THE OPTION OF THE NAMED INSURED,
6 COVERAGE FOR PAYMENT OF EXPENSES NOT EXCEEDING TWENTY-FIVE
7 DOLLARS PER DAY THAT ARE REASONABLY INCURRED FOR ESSENTIAL
8 SERVICES IN LIEU OF THOSE ACTIVITIES THE INJURED PERSON WOULD HAVE
9 OTHERWISE PERFORMED WITHOUT ASSISTANCE DURING THE PERIOD
10 COMMENCING THE DAY AFTER THE DATE OF THE MOTOR VEHICLE
11 ACCIDENT AND NOT EXCEEDING FIFTY-TWO ADDITIONAL WEEKS.

12
13 (b) COVERAGE FOR ESSENTIAL SERVICES OFFERED PURSUANT TO
14 THIS SUBSECTION (2) SHALL NOT BE PAYABLE TO A RESIDENT RELATIVE OF
15 THE INJURED PERSON OR FOR GRATUITOUSLY PROVIDED ESSENTIAL
16 SERVICES.

17
18 (3) THE OPTIONAL COVERAGE SPECIFIED IN THIS SECTION SHALL
19 NOT ACCRUE FOLLOWING THE DEATH OF THE INJURED PERSON.

20
21 **10-4-725.1. Procedure for denial of benefits.** (1) ON AND AFTER
22 JANUARY 1, 2004, AN INSURER SHALL ESTABLISH PROCEDURES FOR
23 INTERNAL REVIEW OF DENIAL OF A CLAIM FOR COVERED BENEFITS UNDER
24 SECTION 10-4-706 OR 10-4-706.1, BASED ON THE MEDICAL NECESSITY OF
25 THE TREATMENT. SUCH PROCEDURES SHALL INCLUDE PROVISIONS FOR AN
26 EXPEDITED INTERNAL REVIEW. THE INTERNAL REVIEW PROCEDURES SHALL
27 BE FILED WITH THE COMMISSIONER AND SHALL SET FORTH THE
28 PROCEDURES TO DETERMINE WHETHER A CLAIM FOR BENEFITS UNDER THE
29 REQUIREMENTS OF SECTION 10-4-706 OR 10-4-706.1 IS MEDICALLY
30 NECESSARY. THE INJURED PERSON, THE PROVIDER, AND THE INSURER
31 SHALL COMPLY WITH THE REQUIREMENTS OF THE REVIEW PROCESS,
32 INCLUDING ANY REQUIREMENT THAT THE INJURED PERSON EXECUTE A
33 RELEASE OF MEDICAL INFORMATION TO PROVIDE ALL THE INSURED'S
34 MEDICAL RECORDS RELEVANT TO THE BODILY INJURY ARISING OUT OF THE
35 MOTOR VEHICLE ACCIDENT AND RECORDS FOR ANY RELEVANT PRIOR
36 PHYSICAL OR MENTAL CONDITION.

37
38 (2) THE INTERNAL REVIEW SHALL BE COMPLETED NO LATER THAN
39 FORTY-FIVE DAYS AFTER THE REQUEST FOR REVIEW. THE FINDINGS AND
40 CONCLUSIONS SHALL BE BINDING ON THE INJURED PERSON AND THE
41 INSURER, UNLESS EITHER THE INJURED PERSON OR INSURER REQUESTS AN
42 EXTERNAL REVIEW. THE PARTY REQUESTING EXTERNAL REVIEW SHALL
43 NOTIFY THE OTHER PARTY AND SUCH NOTICE MUST BE RECEIVED NO LATER
44 THAN FIFTEEN DAYS AFTER THE DATE OF THE INTERNAL REVIEW
45 DETERMINATION OR THE RIGHT TO AN EXTERNAL REVIEW SHALL BE
46 DEEMED WAIVED.

47
48 (3) AN INSURER'S DENIAL OF A CLAIM FOR BENEFITS SHALL:

49
50 (a) BE IN WRITING AND SET FORTH THE REASONS FOR THE DENIAL
51 BASED ON THE MEDICAL NECESSITY OF THE TREATMENT AND THE
52 TREATMENT GUIDELINES; AND

53
54 (b) ADVISE THE INJURED PERSON OF THE RIGHT TO APPEAL SUCH
55 DENIAL AND THE TIME FRAMES FOR SUCH APPEALS.

56

1 (4) NOTHING IN THIS SECTION SHALL BE DEEMED TO PREVENT AN
2 INSURER FROM DETERMINING THAT THE BODILY INJURY WAS NOT CAUSED,
3 IN WHOLE OR IN PART, BY THE SUBJECT MOTOR VEHICLE ACCIDENT OR
4 THAT THE EXPENSES FOR TREATMENT AND SERVICES WERE NOT
5 REASONABLE AS OTHERWISE PROVIDED IN THIS PART 7.

6

7 **10-4-725.2. External review of benefit denials - definitions.**

8 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10

11 (a) "EXPEDITED REVIEW" MEANS A REVIEW, FOLLOWING
12 COMPLETION OF PROCEDURES FOR INTERNAL REVIEW PURSUANT TO
13 SECTION 10-4-725.1, OF AN ADVERSE DETERMINATION INVOLVING A
14 SITUATION WHERE ADHERENCE TO THE TIME PERIODS SPECIFIED FOR THE
15 STANDARD INDEPENDENT EXTERNAL REVIEW PROCEDURES WOULD
16 SERIOUSLY JEOPARDIZE THE LIFE OR HEALTH OF THE INSURED OR WOULD
17 JEOPARDIZE THE INSURED'S ABILITY TO GAIN MAXIMUM MEDICAL
18 IMPROVEMENT.

19

20 (b) (I) "EXPERT REVIEWER" MEANS A PARTICIPATING PHYSICIAN
21 ASSIGNED BY THE PROGRAM MANAGER TO CONDUCT AN INDEPENDENT
22 EXTERNAL REVIEW. AN EXPERT REVIEWER SHALL NOT:

23

24 (A) HAVE BEEN INVOLVED IN THE INSURED'S CARE PREVIOUSLY;

25

26 (B) BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INSURER;

27

28 (C) HAVE BEEN PREVIOUSLY INVOLVED IN THE REVIEW PROCESS
29 FOR THE INSURED SEEKING EXTERNAL REVIEW;

30

31 (D) HAVE A DIRECT FINANCIAL INTEREST IN THE CASE OR IN THE
32 OUTCOME OF THE REVIEW; NOR

33

34 (E) BE AN EMPLOYEE OF THE INSURER.

35

36 (II) AN EXPERT REVIEWER SHALL:

37

38 (A) BE AN EXPERT IN THE TREATMENT OF THE MEDICAL CONDITION
39 OF THE INSURED WHOSE BODILY INJURY IS THE SUBJECT OF THE REVIEW
40 AND SHALL BE KNOWLEDGEABLE ABOUT THE TREATMENT GUIDELINES
41 ADOPTED UNDER SECTION 10-4-706.9 AND THE SERVICE THAT IS THE
42 SUBJECT OF THE REVIEW THROUGH THE EXPERT'S ACTUAL, CURRENT
43 CLINICAL EXPERIENCE;

44

45 (B) HOLD A LICENSE ISSUED BY A STATE AND A CURRENT
46 CERTIFICATION BY A RECOGNIZED AMERICAN MEDICAL OR CHIROPRACTIC
47 SPECIALTY BOARD IN THE AREA APPROPRIATE TO THE SUBJECT OF REVIEW;
48 AND

49

50 (C) HAVE NO HISTORY OF CONFIRMED DISCIPLINARY ACTION OR
51 SANCTION, INCLUDING LOSS OF STAFF PRIVILEGES OR PARTICIPATION
52 RESTRICTIONS, TAKEN BY ANY HOSPITAL, GOVERNMENT, OR REGULATORY
53 BODY; EXCEPT THAT A LETTER OF ADMONITION SHALL NOT BE CONSIDERED
54 A DISCIPLINARY ACTION OR SANCTION.

55

56 (2) THE PROGRAM MANAGER SHALL ESTABLISH AN EXTERNAL

1 REVIEW PROCESS THAT MEETS THE REQUIREMENTS OF THIS SECTION. THE
2 REASONABLE COST OF AN EXTERNAL REVIEW SHALL BE PAID BY THE PARTY
3 REQUESTING THE EXTERNAL REVIEW.
4

5 (3) THE INSURER SHALL ADVISE THE ELIGIBLE INJURED PERSON IN
6 WRITING OF THE AVAILABILITY OF THE INTERNAL REVIEW PROCESS UNDER
7 SECTION 10-4-725.1 AND OF THE EXTERNAL REVIEW PROCESS, THE
8 CIRCUMSTANCES UNDER WHICH AN ELIGIBLE INJURED PERSON REQUESTING
9 AN EXTERNAL REVIEW MAY USE THE EXTERNAL REVIEW PROCESS, THE
10 PROCEDURES FOR REQUESTING AN EXTERNAL REVIEW, AND THE DEADLINES
11 ASSOCIATED WITH AN EXTERNAL REVIEW.
12

13 (4) THE ELIGIBLE INJURED PERSON OR INSURER REQUESTING AN
14 EXTERNAL REVIEW SHALL MAKE SUCH REQUEST WITHIN SIXTY CALENDAR
15 DAYS AFTER RECEIVING NOTIFICATION OF DETERMINATION OF INTERNAL
16 REVIEW PURSUANT TO SECTION 10-4-725.1. SUCH NOTIFICATION OF THE
17 DETERMINATION SHALL INCLUDE A NOTIFICATION OF THE RIGHT TO AN
18 EXTERNAL REVIEW AND THE TIME FRAMES FOR REQUESTING SUCH REVIEW.
19 THE ELIGIBLE INJURED PERSON OR INSURER REQUESTING AN EXTERNAL
20 REVIEW SHALL SPECIFY WHETHER THE REQUEST IS FOR AN EXPEDITED
21 REVIEW.
22

23 (5) (a) THE INSURER SHALL PROVIDE TO THE EXTERNAL REVIEWER
24 COPIES OF THE FOLLOWING DOCUMENTS:
25

26 (I) ANY INFORMATION SUBMITTED TO THE INSURER BY AN ELIGIBLE
27 INJURED PERSON REQUESTING AN EXTERNAL REVIEW, OR BY THE PROVIDER
28 OF AN ELIGIBLE INJURED PERSON SEEKING AN EXTERNAL REVIEW, IN
29 SUPPORT OF THE REQUEST. THE EXTERNAL REVIEWER SHALL MAINTAIN
30 THE CONFIDENTIALITY OF ANY MEDICAL RECORDS SUBMITTED PURSUANT
31 TO THIS SUBSECTION (5).
32

33 (II) A COPY OF ANY RELEVANT DOCUMENTS USED BY THE INSURER
34 TO DETERMINE THE MEDICAL NECESSITY OR CONFORMITY WITH THE
35 TREATMENT GUIDELINES ADOPTED BY THE PROGRAM MANAGER PURSUANT
36 TO SECTION 10-4-706.9, A COPY OF ANY DENIAL LETTERS ISSUED BY THE
37 INSURER CONCERNING THE INDIVIDUAL CASE UNDER REVIEW, AND A COPY
38 OF THE DETERMINATION. THE INSURER SHALL PROVIDE TO AN ELIGIBLE
39 INJURED PERSON, UPON THE ELIGIBLE INJURED PERSON'S REQUEST FOR AN
40 EXTERNAL REVIEW, ALL RELEVANT INFORMATION SUPPLIED TO THE
41 EXTERNAL REVIEWER THAT IS NOT CONFIDENTIAL OR PRIVILEGED UNDER
42 STATE OR FEDERAL LAW CONCERNING THE INDIVIDUAL CASE UNDER
43 REVIEW.
44

45 (b) THE EXTERNAL REVIEWER SHALL NOTIFY THE ELIGIBLE INJURED
46 PERSON, THE ELIGIBLE INJURED PERSON'S PROVIDER, AND THE INSURER OF
47 ANY ADDITIONAL MEDICAL INFORMATION REQUIRED TO CONDUCT THE
48 REVIEW. THE ELIGIBLE INJURED PERSON OR THE ELIGIBLE INJURED
49 PERSON'S PROVIDER SHALL THEN SUBMIT THE ADDITIONAL INFORMATION
50 TO THE EXTERNAL REVIEWER AND THE INSURER. THE INSURER MAY, AT ITS
51 DISCRETION, DETERMINE THAT ADDITIONAL INFORMATION PROVIDED BY
52 THE ELIGIBLE INJURED PERSON OR THE ELIGIBLE INJURED PERSON'S
53 PROVIDER JUSTIFIES A RECONSIDERATION OF ITS DENIAL OF COVERAGE,
54 AND A SUBSEQUENT DECISION BY THE INSURER TO PROVIDE COVERAGE
55 SHALL TERMINATE THE EXTERNAL REVIEW UPON NOTIFICATION IN WRITING
56 TO THE EXTERNAL REVIEWER AND THE ELIGIBLE INJURED PERSON.

1 (6) (a) THE EXTERNAL REVIEWER SHALL SUBMIT THE EXPERT
2 DETERMINATION TO THE INSURER, THE ELIGIBLE INJURED PERSON, AND THE
3 ELIGIBLE INJURED PERSON'S PROVIDER WITHIN THIRTY WORKING DAYS
4 AFTER THE INSURER HAS RECEIVED A REQUEST FOR EXTERNAL REVIEW;
5 EXCEPT THAT, AT THE REQUEST OF THE EXPERT REVIEWER, SUCH DEADLINE
6 SHALL BE EXTENDED BY UP TO TEN WORKING DAYS FOR THE
7 CONSIDERATION OF ADDITIONAL INFORMATION REQUIRED PURSUANT TO
8 THIS SECTION. IN THE CASE OF AN EXPEDITED REVIEW, THE EXPERT
9 DETERMINATION SHALL BE SUBMITTED WITHIN SEVEN WORKING DAYS
10 AFTER THE INSURER HAS RECEIVED A REQUEST FOR EXTERNAL REVIEW;
11 EXCEPT THAT, AT THE REQUEST OF THE EXPERT REVIEWER, THE DEADLINE
12 SHALL BE EXTENDED FOR FIVE WORKING DAYS FOR THE CONSIDERATION
13 OF ADDITIONAL INFORMATION REQUIRED PURSUANT TO THIS SECTION.
14

15 (b) THE EXPERT REVIEWER'S DETERMINATION SHALL BE IN WRITING
16 AND SHALL STATE WHY THE SERVICE IS OR IS NOT COVERED. THE EXPERT
17 REVIEWER'S DETERMINATION SHALL SPECIFICALLY CITE THE RELEVANT
18 PROVISIONS IN THE TREATMENT GUIDELINES ADOPTED BY THE PROGRAM
19 MANAGER PURSUANT TO SECTION 10-4-706.9, THE SPECIFIC MEDICAL
20 CONDITION OF THE ELIGIBLE INJURED PERSON, AND THE RELEVANT
21 DOCUMENTS PROVIDED PURSUANT TO THIS SECTION TO SUPPORT THE
22 EXPERT REVIEWER'S DETERMINATION. THE EXPERT REVIEWER'S
23 DETERMINATION SHALL BE BASED ON AN OBJECTIVE REVIEW OF RELEVANT
24 TREATMENT GUIDELINES AND THE MEDICAL NECESSITY STANDARDS SET
25 FORTH IN SECTION 10-4-706 OR 10-4-706.1.
26

27 (c) A DETERMINATION SHALL ALSO INCLUDE:
28

29 (I) THE TITLES AND QUALIFYING CREDENTIALS OF THE PERSON
30 CONDUCTING THE REVIEW;
31

32 (II) A STATEMENT OF THE UNDERSTANDING OF THE PERSON
33 CONDUCTING THE REVIEW OF THE NATURE OF THE GRIEVANCE AND ALL
34 PERTINENT FACTS;
35

36 (III) THE RATIONALE FOR THE DECISION;
37

38 (IV) REFERENCE TO THE RELEVANT TREATMENT GUIDELINES,
39 MEDICAL AND SCIENTIFIC EVIDENCE, AND DOCUMENTATION CONSIDERED
40 IN MAKING THE DETERMINATION; AND
41

42 (V) IN CASES INVOLVING A DETERMINATION ADVERSE TO THE
43 ELIGIBLE INJURED PERSON, THE INSTRUCTIONS FOR REQUESTING A WRITTEN
44 STATEMENT OF THE CLINICAL RATIONALE, INCLUDING THE CLINICAL
45 REVIEW CRITERIA USED TO MAKE THE DETERMINATION.
46

47 (7) THE DETERMINATION OF THE EXPERT REVIEWER SHALL BE
48 BINDING ON THE INSURER AND ON THE ELIGIBLE INJURED PERSON, UNLESS
49 APPEALED TO A COURT OF APPROPRIATE JURISDICTION WITHIN NINETY
50 DAYS AFTER THE DETERMINATION IN ACCORDANCE WITH THIS SECTION.
51

52 (8) WHERE AN EXPERT DETERMINATION IS MADE IN FAVOR OF THE
53 ELIGIBLE INJURED PERSON, COVERAGE FOR THE TREATMENT AND SERVICES
54 REQUIRED UNDER THIS SECTION SHALL BE PROVIDED SUBJECT TO THIS PART
55 7.
56

1 (9) AN EXPERT REVIEWER SHALL BE IMMUNE FROM CIVIL LIABILITY
2 IN ANY ACTION BROUGHT BY ANY PERSON BASED UPON THE
3 DETERMINATIONS MADE PURSUANT TO THIS SECTION. THIS SUBSECTION (9)
4 SHALL NOT APPLY TO AN ACT OR OMISSION OF THE EXPERT REVIEWER THAT
5 IS MADE IN BAD FAITH OR INVOLVES GROSS NEGLIGENCE.
6

7 (10) NOTHING IN THIS SECTION SHALL MAKE THE INSURER LIABLE
8 FOR DAMAGES ARISING FROM ANY ACT OR OMISSION OF THE EXPERT
9 REVIEWER.
10

11 **SECTION 6.** Part 7 of article 4 of title 10, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:
14

15 **10-4-706.9. Commissioner to contract for program manager -**
16 **duties of program manager - participating practitioner program -**
17 **treatment guidelines.** (1) (a) NO LATER THAN AUGUST 30, 2003, THE
18 COMMISSIONER SHALL CONTRACT FOR A PROGRAM MANAGER FOR THE
19 DEVELOPMENT AND IMPLEMENTATION OF TREATMENT GUIDELINES, A
20 PARTICIPATION PROGRAM FOR PRACTITIONERS SEEKING TO PROVIDE CARE
21 AND TREATMENT PURSUANT TO THIS PART 7, AND AN EXTERNAL APPEALS
22 PROCESS REGARDING DISPUTES RELATED TO THE DENIAL OF CLAIMS FOR
23 BENEFITS UNDER THIS PART 7, AND FOR THE IMPLEMENTATION OF THE
24 PROVISIONS OF HOUSE BILL 03-1225. IN DEVELOPING TREATMENT
25 GUIDELINES, A PARTICIPATING PRACTITIONER PROGRAM, AND AN
26 EXTERNAL APPEALS PROCESS, THE PROGRAM MANAGER SHALL CONSULT
27 WITH THE EXECUTIVE DIRECTOR OF THE DIVISION OF WORKERS'
28 COMPENSATION WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT
29 AND THE HEALTH CARE PROVIDER COMMUNITY. NOTHING IN THIS SECTION
30 SHALL BE CONSTRUED TO AFFECT THE AUTHORITY OF THE COMMISSIONER
31 TO OVERSEE THE ACTIVITIES OF THE PROGRAM MANAGER OR THE
32 ENFORCEMENT OF THE PROVISIONS OF THIS PART 7.
33

34 (b) THE COMMISSIONER SHALL, THROUGH A NEGOTIATED
35 CONTRACT, SELECT A PROGRAM MANAGER TO SERVE AS THE MANAGING
36 ENTITY FOR THE PARTICIPATING PRACTITIONER PROGRAM AND THE
37 APPEALS PROCESS REGARDING DISPUTES RELATED TO THE DENIAL OF
38 CLAIMS FOR BENEFITS. THE PROGRAM MANAGER SHALL BE A DOMESTIC
39 NONPROFIT CORPORATION THAT IS EXPERIENCED IN DETERMINATIONS OF
40 MEDICAL NECESSITY AND CONDUCTING UTILIZATION REVIEW FOR THE
41 STATE'S MEDICAL ASSISTANCE PROGRAM DESCRIBED IN ARTICLE 4 OF TITLE
42 26, C.R.S.
43

44 (c) THE COMMISSIONER MAY CONTRACT WITH A PROGRAM
45 MANAGER FOR A PERIOD OF NOT MORE THAN THREE YEARS, SUBJECT TO
46 REMOVAL FOR CAUSE. AT LEAST ONE YEAR PRIOR TO THE EXPIRATION OF
47 EACH CONTRACT PERIOD, THE COMMISSIONER SHALL INVITE ALL
48 INTERESTED PARTIES, INCLUDING THE CURRENT PROGRAM MANAGER, TO
49 SUBMIT BIDS TO SERVE AS THE MANAGING ENTITY FOR THE SUCCEEDING
50 CONTRACT PERIOD. SELECTION OF THE PROGRAM MANAGER FOR THE
51 SUCCEEDING PERIOD SHALL BE MADE AT LEAST SIX MONTHS PRIOR TO THE
52 END OF THE CURRENT PERIOD.
53

54 (2) (a) THE TREATMENT GUIDELINES DEVELOPED BY THE PROGRAM
55 MANAGER SHALL INCORPORATE THE MEDICAL TREATMENT GUIDELINES
56 AND UTILIZATION STANDARDS USED BY THE DIVISION OF WORKERS'

1 COMPENSATION WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT;
2 EXCEPT THAT THE PROVISIONS RELATED TO IMPAIRMENT RATINGS SHALL
3 NOT BE INCORPORATED. SUCH TREATMENT GUIDELINES SHALL BE
4 SUPPLEMENTED OR AMENDED BY THE PROGRAM MANAGER TO ADDRESS
5 CONDITIONS SPECIFIC TO INJURIES OR PERSONS NOT OTHERWISE
6 CONSIDERED IN WORKERS' COMPENSATION GUIDELINES. THE PROGRAM
7 MANAGER SHALL DEVELOP AND RECOMMEND POLICIES TO THE
8 COMMISSIONER CONCERNING REPORTING REQUIREMENTS, PENALTIES FOR
9 FAILURE TO REPORT CORRECTLY OR IN A TIMELY MANNER, UTILIZATION
10 CONTROL REQUIREMENTS FOR SERVICES, AND THE PARTICIPATING
11 PRACTITIONER PROGRAM PROVIDED UNDER THIS SECTION.

12
13 (b) THE PROGRAM MANAGER SHALL ENTER INTO CONTRACTS WITH
14 PARTICIPATING PROVIDERS FOR THE PURPOSES OF THE PARTICIPATING
15 PRACTITIONER PROGRAM. SUCH CONTRACTS SHALL INCLUDE A PROVISION
16 FOR THE TERMINATION OF THE CONTRACT FOR FAILURE TO FOLLOW AND
17 APPLY THE MEDICAL GUIDELINES ADOPTED PURSUANT TO THIS SECTION.

18
19 (c) THE COMMISSIONER SHALL ADOPT BY RULE THE TREATMENT
20 GUIDELINES AND PARTICIPATING PRACTITIONER PROGRAM DEVELOPED BY
21 THE PROGRAM MANAGER AS THE COMMISSIONER DEEMS APPROPRIATE.
22 THE TREATMENT GUIDELINES AND PARTICIPATING PRACTITIONER PROGRAM
23 SHALL BE SUBMITTED TO THE COMMISSIONER NO LATER THAN NOVEMBER
24 1, 2003. ON AND AFTER JANUARY 1, 2004, SUCH TREATMENT GUIDELINES
25 SHALL BE USED BY HEALTH CARE PROVIDERS IN THE PARTICIPATING
26 PRACTITIONER PROGRAM FOR THE MEDICALLY NECESSARY CARE AND
27 TREATMENT OF INSURED PERSONS AS REQUIRED UNDER THIS PART 7.

28
29 (3) (a) THE PROGRAM MANAGER SHALL ADOPT A PARTICIPATING
30 PRACTITIONER PROGRAM, WHICH SHALL INCLUDE A PROGRAM
31 ESTABLISHING THE ACCREDITATION REQUIREMENTS FOR PHYSICIANS AND
32 OTHER PRACTITIONERS WHO PROVIDE PRIMARY CARE TO INJURED PERSONS
33 FOR BODILY INJURY ARISING OUT OF A MOTOR VEHICLE ACCIDENT.

34
35 (b) A PHYSICIAN WHO PROVIDES THERAPEUTIC TREATMENT TO AN
36 INJURED PERSON SHALL HAVE COMPLETED ALL REQUIREMENTS FOR, AND
37 ACTUALLY RECEIVED, ACCREDITATION; EXCEPT THAT PHYSICIANS WHO
38 PROVIDE EMERGENCY CARE FOLLOWING A MOTOR VEHICLE ACCIDENT AND
39 SPECIALISTS WHO DO NOT RENDER PRIMARY CARE TO INSURED PERSONS DO
40 NOT REQUIRE ACCREDITATION. THE FACILITY WHERE A PHYSICIAN
41 PROVIDES SUCH SERVICES CANNOT BE ACCREDITED.

42
43 (c) THE ACCREDITATION SYSTEM SHALL OPERATE IN SUCH A
44 MANNER THAT THE COSTS THEREOF SHALL BE PARTIALLY MET BY
45 ACCREDITATION FEES PAID BY THE PARTICIPATING PRACTITIONERS. THE
46 ACCREDITATION FEES SHALL COVER THE DIRECT AND INDIRECT COSTS OF
47 THE ACCREDITATION SYSTEM. THE COMMISSIONER SHALL DETERMINE BY
48 RULE THE ACCREDITATION FEE.

49
50 (d) THE ACCREDITATION SYSTEM SHALL BE ESTABLISHED SO AS TO
51 PROVIDE PRACTITIONERS WITH AN UNDERSTANDING OF THE
52 ADMINISTRATIVE, LEGAL, AND MEDICAL ASPECTS OF THE MEDICAL
53 TREATMENT GUIDELINES AND THE REQUIREMENT OF MEDICAL NECESSITY.
54 TO QUALIFY AS A PARTICIPATING PRACTITIONER, THE PRACTITIONER SHALL
55 APPLY TO AND OBTAIN ACCREDITATION FROM THE PROGRAM MANAGER
56 AND ATTEST TO HIS OR HER:

1 (I) UNDERSTANDING AND AGREEMENT TO PROVIDE MEDICALLY
2 NECESSARY TREATMENT OR REFERRALS FOR BODILY INJURY ARISING OUT
3 OF A MOTOR VEHICLE ACCIDENT IN ACCORDANCE WITH THE TREATMENT
4 GUIDELINES ADOPTED PURSUANT TO THIS SECTION; AND

5
6 (II) ABILITY TO MEET OTHER REQUIREMENTS AS ESTABLISHED BY
7 THE COMMISSIONER.

8
9 (e) THE APPLICATION FEES COLLECTED PURSUANT TO PARAGRAPH
10 (c) OF THIS SUBSECTION (3) SHALL BE USED BY THE PROGRAM MANAGER
11 FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE
12 PARTICIPATING PRACTITIONER PROGRAM.

13
14 **SECTION 7.** The introductory portion to 10-4-707 (1) and
15 10-4-707 (1) (a), (3), (4), (5), and (6), Colorado Revised Statutes, are
16 amended, and the said 10-4-707 is further amended BY THE ADDITION
17 OF THE FOLLOWING NEW SUBSECTIONS, to read:

18
19 **10-4-707. Benefits - how payable.** (1) ON AND AFTER JANUARY
20 1, 2004, the coverages described in section 10-4-706 ~~(1) (b) to (1) (e) or~~
21 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ OR 10-4-706.1
22 shall be applicable to:

23
24 (a) Accidental bodily injury sustained by the named insured when
25 injured in ~~an~~ A MOTOR VEHICLE accident, ~~involving any motor vehicle,~~
26 regardless of whether the accident occurs in this state or in any other
27 jurisdiction, except where the injury is the result of the use or operation
28 of the named insured's own motor vehicle not actually covered under the
29 terms of this part 7;

30
31 (3) ON AND AFTER JANUARY 1, 2004, except as provided in
32 subsection (4) of this section, when a person injured is also an insured
33 under a complying policy other than the complying policy insuring the
34 vehicle out of the use of which the accident arose, ~~primary~~ coverage shall
35 be afforded by the policy insuring said vehicle under section 10-4-706.
36 ~~but in the event two or more insurers have obligations under complying~~
37 ~~policies to pay benefits to the same person, the limits of coverage~~
38 ~~available as benefits to such person shall be the limits of a single~~
39 ~~complying policy except to the extent that optional coverages purchased~~
40 ~~for additional premiums on a voluntary basis are applicable. In the event~~
41 ~~two or more insurers are liable to pay benefits on the same basis, any~~
42 ~~insurer paying benefits shall be entitled to an equitable pro rata~~
43 ~~contribution from such other insurer.~~

44
45 (4) ON AND AFTER JANUARY 1, 2004, when an accident involves
46 the operation of a motor vehicle by a person who is neither the owner of
47 the motor vehicle involved in the accident nor an employee of the owner
48 acting within the course and scope of employment at the time of the
49 accident, and the operator of the motor vehicle is an insured under a
50 complying policy other than the complying policy insuring the motor
51 vehicle involved in the accident, ~~primary~~ PERSONAL INJURY PROTECTION
52 coverage ~~as to all coverages provided in the policy under which the~~
53 ~~operator is an insured~~ FOR THE OPERATOR OR THE OPERATOR'S RESIDENT
54 RELATIVE shall be afforded by the policy insuring the said operator.
55 ~~except as provided in subsection (6) of this section, and any policy under~~
56 ~~which the owner is an insured shall afford excess coverage.~~ When an

1 accident involves the operation of a motor vehicle regulated under the
2 provisions of article 10 or 11 of title 40, C.R.S., the provisions of
3 subsection (3) of this section shall apply.
4

5 (5) When a person injured is a person for whom benefits are
6 required to be paid under the "Workers' Compensation Act of Colorado",
7 the coverages described in section 10-4-706 ~~(1) (b) to (1) (e) or~~
8 ~~alternatively, as applicable, section 10-4-706 (2) or (3)~~ OR 10-4-706.1
9 shall be reduced to the extent that benefits are actually available and
10 covered under said act within the time period for payment of benefits
11 under this part 7 prescribed by section 10-4-708.
12

13 (6) ON AND AFTER JANUARY 1, 2004, when an accident involves
14 the operation of a motor vehicle designed to seat twelve or more
15 passengers ~~which~~ AND THAT is owned by, and being operated on behalf
16 of, a nonprofit religious, charitable, or educational organization entitled
17 to tax exemption under section 501 (c) (3) of the federal "Internal
18 Revenue Code of 1986", as amended, or an equivalent successor statutory
19 provision, with the exception of such vehicles owned or being operated
20 on behalf of a public school district, the policy covering said vehicle shall
21 be secondary ~~and excess~~ to any motor vehicle policy covering any person
22 occupying said vehicle to the extent of such other policy coverages;
23 except that the coverage of the operator or assistant operator of said
24 vehicle, whether or not he OR SHE is being paid to operate the vehicle,
25 shall be governed by the provisions of subsection (3) of this section.
26 Nothing in this subsection (6) shall supersede the provisions of subsection
27 (5) of this section.
28

29 (7) IF A PRACTITIONER WHOSE ACCREDITATION HAS BEEN
30 TERMINATED PURSUANT TO THE CONTRACTUAL ARRANGEMENT WITH THE
31 PROGRAM MANAGER PURSUANT TO SECTION 10-4-706.9 SUBMITS A CLAIM
32 FOR PAYMENT FOR SERVICES NOT RENDERED IN EMERGENCY
33 CIRCUMSTANCES AND RENDERED AFTER SUCH REVOCATION, THE
34 PRACTITIONER SHALL BE IN VIOLATION OF SECTION 10-1-127 AND NEITHER
35 THE INSURER NOR A SELF-INSURED PERSON SHALL BE UNDER ANY
36 OBLIGATION TO PAY SUCH CLAIM.
37

38 (8) ON AND AFTER JANUARY 1, 2004, WHEN AN ACCIDENT
39 INVOLVES A PEDESTRIAN AND THE PEDESTRIAN IS AN INSURED UNDER A
40 COMPLYING POLICY OTHER THAN THE COMPLYING POLICY INSURING THE
41 MOTOR VEHICLE INVOLVED IN THE ACCIDENT, THE COVERAGES DESCRIBED
42 IN SECTION 10-4-706 OR 10-4-706.1 SHALL BE AFFORDED BY THE POLICY
43 INSURING THE PEDESTRIAN.
44

45 (9) ON AND AFTER JANUARY 1, 2004, IN THE EVENT TWO OR MORE
46 INSURERS HAVE OBLIGATIONS UNDER COMPLYING POLICIES TO PAY
47 BENEFITS TO THE SAME PERSON, THE LIMITS OF COVERAGE AVAILABLE TO
48 SUCH PERSON SHALL BE THE LIMITS OF A SINGLE COMPLYING POLICY
49 EXCEPT TO THE EXTENT THAT OPTIONAL COVERAGES PURCHASED FOR
50 ADDITIONAL PREMIUMS ON A VOLUNTARY BASIS ARE APPLICABLE. IN THE
51 EVENT TWO OR MORE INSURERS ARE LIABLE TO PAY BENEFITS ON THE SAME
52 BASIS, ANY INSURER PAYING BENEFITS SHALL BE ENTITLED TO AN
53 EQUITABLE PRO RATA CONTRIBUTION FROM SUCH OTHER INSURER.
54

55 **SECTION 8.** 10-4-708 (1), (1.7), (1.8), and (2), Colorado
56 Revised Statutes, are amended, and the said 10-4-708 is further amended

1 BY THE ADDITION OF A NEW SUBSECTION, to read:

2
 3 **10-4-708. Prompt payment of direct benefits.** (1) (a) ON AND
 4 AFTER JANUARY 1, 2004, payment of benefits under the coverages
 5 enumerated in section 10-4-706 (1) (b) to (1) (e) or alternatively, as
 6 applicable, section 10-4-706 (2) or (3) OR 10-4-706.1 shall be made on a
 7 monthly basis. Benefits for any period are overdue if not paid within
 8 thirty days after the insurer receives reasonable proof of the fact and
 9 amount of expenses incurred during that period; except that an insurer
 10 may accumulate claims for periods not exceeding one month, and benefits
 11 are not overdue if paid within fifteen days after the period of
 12 accumulation. If reasonable proof is not supplied as to the entire claim,
 13 the amount supported by reasonable proof is overdue if not paid within
 14 thirty days after such proof is received by the insurer. Any part or all of
 15 the remainder of the claim that is later supported by reasonable proof is
 16 overdue if not paid within thirty days after such proof is received by the
 17 insurer. In the event that the insurer fails to pay such benefits when due,
 18 ~~the person entitled to such benefits may bring an action in contract to~~
 19 ~~recover the same~~ OF A DISPUTE CONCERNING A CLAIM FOR BENEFITS,
 20 EITHER THE INJURED PERSON OR THE INSURER MAY BRING AN ACTION IN
 21 CONTRACT TO RESOLVE THE DISPUTE.

22
 23 (b) FOR THE PURPOSES OF THIS SUBSECTION (1), "REASONABLE
 24 PROOF" MEANS EVIDENCE OF THE REASONABLE EXPENSES INCURRED FOR
 25 MEDICALLY NECESSARY CARE AND TREATMENT PURSUANT TO THE
 26 TREATMENT GUIDELINES FOR BODILY INJURY ARISING OUT OF A MOTOR
 27 VEHICLE ACCIDENT.

28
 29 (1.7) (a) ON AND AFTER JANUARY 1, 2004, at least twenty days
 30 prior to the commencement of the proceeding, the party claiming the
 31 benefits shall set forth the amount claimed and in controversy in a
 32 separate document entitled "Notice to insurer of amount claimed", which
 33 shall include no more than those amounts the insured claims are denied
 34 or not timely paid by the insurer. The notice shall also specify the
 35 amount, if any, claimed for attorney fees. The notice shall be served on
 36 all parties no later than twenty days prior to the commencement of ~~the~~
 37 ~~arbitration hearing or~~ A trial, and shall be served in the manner set forth
 38 in rules promulgated by the commissioner. ~~of insurance.~~ If such notice
 39 is not timely served, there shall be no award of attorney fees to the person
 40 claiming benefits unless the ~~arbitrator or~~ court determines that the failure
 41 was the result of excusable neglect, in which case the ~~arbitration or~~ trial
 42 shall be continued to a date at least twenty days after the notice is filed.

43
 44 (b) Any payment by the insurer prior to trial ~~or arbitration which~~
 45 THAT does not resolve all issues in dispute shall not be binding on the
 46 parties. Any payment by the insurer shall be agreed upon by all parties
 47 as resolving all issues in dispute or the ~~arbitration or~~ trial shall proceed
 48 on all unresolved issues.

49
 50 (c) In determining the amount of attorney fees, if any, to be
 51 awarded to the insured, the ~~arbitrator or~~ court shall consider the
 52 following:

53
 54 (I) The award of attorney fees to the insured shall be in direct
 55 proportion to the degree ~~by~~ TO which the insured was successful in the
 56 proceeding. The determination of the degree of the insured's success

1 shall be based upon a comparison of the amount of benefits set forth in
2 the notice of amount of benefits claimed and the amount of benefits
3 recovered in the proceeding. The percentage resulting from this
4 comparison shall be the degree ~~by~~ TO which the insured was successful.

5
6 (II) The ~~arbitrator or~~ court may modify the award of attorney fees
7 as set forth in subparagraph (I) after considering the amount of and the
8 timing of any written settlement offers made by any party as compared
9 with the amount as set forth in the notice of amount of benefits claimed.
10 A settlement offer shall not be shown to the ~~arbitrator or~~ court until after
11 the finder of fact has determined the amount of benefits payable, if any.

12
13 (III) In no event shall the ~~arbitrator or~~ court enter an award of
14 attorney fees ~~which~~ THAT is in excess of actual reasonable attorney fees.

15
16 (IV) The ~~arbitrator or~~ court may award reasonable attorney fees
17 to the insurer if the ~~arbitrator or~~ court finds the action was prosecuted
18 without substantial justification.

19
20 (1.8) The insurer shall pay interest to the insured on the benefits
21 recovered at a rate of eighteen percent per annum, with interest
22 commencing from the date the benefits recovered were due. In addition,
23 in the event of willful and wanton failure of the insurer to pay such
24 benefits when due, the insurer shall pay to the insured, in addition to any
25 other amounts due to the insured under this subsection (1.8), an amount
26 ~~which~~ THAT is three times the amount of unpaid benefits recovered in the
27 proceeding. ~~By July 1 of each year, the commissioner by rule shall~~
28 ~~establish fee guidelines for the payment of arbitrators.~~

29
30 (2) ON AND AFTER JANUARY 1, 2004, benefits provided under
31 section 10-4-706 (1) (b) to (1) (e) ~~or alternatively, as applicable, section~~
32 ~~10-4-706 (2) or (3) OR 10-4-706.1~~ may be paid by the insurer directly to
33 any person supplying MEDICALLY necessary care, treatment, products,
34 services, or accommodations to the person for whom benefits are required
35 under section 10-4-706 (1) (b) to (1) (e) ~~or alternatively, as applicable,~~
36 ~~section 10-4-706 (2) or (3) OR 10-4-706.1.~~

37
38 (3) ON AND AFTER JANUARY 1, 2004, THE PROVISIONS OF THIS
39 SECTION SHALL BE THE EXCLUSIVE REMEDY FOR A VIOLATION OF THIS
40 SECTION.

41
42 **SECTION 9. Repeal.** 10-4-708 (1.5), (1.6), and (1.9), Colorado
43 Revised Statutes, are repealed.

44
45 **SECTION 10.** 10-4-708.4 (3), Colorado Revised Statutes, is
46 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

47
48 **10-4-708.4. Assignment of payment - scope of benefits -**
49 **provider reimbursement.** (3) (c) (I) ON AND AFTER JANUARY 1, 2004,
50 AN INSURER MAY CONTRACT WITH A MEDICAL DATA PROCESSING FIRM OR
51 OTHER PRICING ENTITY TO REVIEW THE REASONABLENESS OF PROVIDER
52 CHARGES, OUTSIDE OF A MANAGED CARE CONTRACT PURSUANT TO SECTION
53 10-4-706.4, IN CONNECTION WITH THE PAYMENT OF PERSONAL INJURY
54 PROTECTION BENEFITS PURSUANT TO SECTION 10-4-706 OR 10-4-706.1.
55 AN INSURER USING A MEDICAL DATA PROCESSING FIRM OR OTHER PRICING
56 ENTITY SHALL CONSIDER ADDITIONAL INFORMATION GIVEN TO THE

1 INSURER BY A HEALTH CARE PROVIDER AND SHALL MAKE DECISIONS
 2 INDEPENDENT OF THE MEDICAL DATA PROCESSING FIRM OR OTHER PRICING
 3 ENTITY'S RECOMMENDATIONS WHEN APPROPRIATE.

4
 5 (II) IT SHALL BE AN UNFAIR METHOD OF COMPETITION AND AN
 6 UNFAIR OR DECEPTIVE TRADE PRACTICE IN THE BUSINESS OF INSURANCE,
 7 PURSUANT TO SECTION 10-3-1104 (1) (I), FOR AN INSURER TO REDUCE
 8 PAYMENT OF HEALTH CARE PROVIDER BILLS, OUTSIDE OF A MANAGED CARE
 9 CONTRACT PURSUANT TO SECTION 10-4-706.4, IN CONNECTION WITH THE
 10 PAYMENT OF PERSONAL INJURY PROTECTION BENEFITS BASED UPON THE
 11 RECOMMENDATIONS OF A MEDICAL DATA PROCESSING FIRM OR OTHER
 12 ENTITY, UNLESS THE INSURER REVIEWS AT LEAST ANNUALLY WHETHER THE
 13 DATA IN THE MEDICAL DATA PROCESSING FIRM OR OTHER PRICING ENTITY'S
 14 DATABASE IS CURRENT, ACCURATE, AND SUFFICIENT TO MAKE
 15 RECOMMENDATIONS REGARDING REASONABLE CHARGES FOR BILLS
 16 SUBMITTED AS PART OF PERSONAL INJURY PROTECTION CLAIMS.

17
 18 **SECTION 11.** The introductory portion to 10-4-708.6 (1) (a) and
 19 10-4-708.6 (1) (c), (2) (b), and (3), Colorado Revised Statutes, are
 20 amended to read:

21
 22 **10-4-708.6. Obligations of persons providing services -**
 23 **penalties - availability and maintenance of records.** (1) (a) In addition
 24 to the standards set forth in section 10-4-706, it shall be the obligation of
 25 any health care practitioner or health care practitioner organization
 26 providing services for which compensation is provided under section
 27 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as applicable, section 10-4-706~~
 28 ~~(2) or (3)~~ OR 10-4-706.1 to assure, to the extent of such person's
 29 authority, that services or items ordered or provided by such person to
 30 beneficiaries and recipients under this part 7:

31
 32 (c) Any person, provider, health care practitioner, health care
 33 practitioner organization, or other provider of benefits under section
 34 10-4-706 ~~(1) (b) to (1) (e), (2), and (3)~~, OR 10-4-706.1 that violates the
 35 ~~standards~~ REQUIREMENTS of care in paragraph (a) or (b) of this subsection
 36 (1) shall be subject to disciplinary action by the appropriate licensing
 37 authority.

38
 39 (2) (b) Any person providing services for which compensation is
 40 provided under section 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as~~
 41 ~~applicable, section 10-4-706 (2) or (3)~~ OR 10-4-706.1 shall maintain the
 42 originals or copies of patient records justifying and relating to services
 43 provided under said section for a period of five years after the last date
 44 of examination or treatment of the patient.

45
 46 (3) Any treatment or procedure recommended by a member of a
 47 managed care provider network pursuant to section 10-4-706 ~~(1) (b) or~~
 48 ~~(1) (c) or the equivalent coverage in section 10-4-706 (2) or (3)~~ OR
 49 10-4-706.1 shall be approved or denied within twenty business days after
 50 receipt of all information deemed necessary by the managed care
 51 organization to approve or deny the requested treatment or procedure.

52
 53 **SECTION 12.** 10-4-709 (1), Colorado Revised Statutes, is
 54 amended to read:

55
 56 **10-4-709. Coordination of benefits.** (1) To avoid duplication of

1 benefits available through other insurance or contract rights, providers of
2 other benefits under sections 10-16-104 (3) (b) (II) and (5), 10-16-108 (1)
3 and (3), 10-16-214, 10-16-311, and parts 1 and 4 of article 16 of this title
4 are hereby required to coordinate such benefits with coverages required
5 under section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable,
6 ~~section 10-4-706 (2) or (3)~~ OR 10-4-706.1 and all providers of other
7 benefits are expressly authorized to coordinate such benefits with
8 coverages required under this part 7. ~~The coordination of benefits~~
9 ~~provided in this subsection (1) shall apply to agreements entered into on~~
10 ~~or after April 1, 1974.~~

11
12 **SECTION 13.** 10-4-710 (1), (2), and (4) Colorado Revised
13 Statutes, are amended to read:

14
15 **10-4-710. Required coverages are minimum.** (1) Nothing in
16 this part 7 shall be construed to prohibit the issuance of policies providing
17 coverages more extensive than the ~~minimum~~ coverages required under
18 this part 7 nor to require the segregation of such ~~minimum~~ coverages
19 from other coverages in the same policy. However, loss statistics as to
20 bodily injury liability, property damage liability, and benefits under
21 section 10-4-706 (1) (b) to (1) (e) or alternatively, as applicable, section
22 ~~10-4-706 (2) or (3)~~ OR 10-4-706.1 shall be kept separately for rating
23 purposes and such statistics shall be filed with the commissioner each
24 year.

25
26 (2) (a) ~~Every insurer shall offer the following enhanced benefits~~
27 ~~for inclusion in a complying policy, in addition to the basic coverages~~
28 ~~described in section 10-4-706, at the option of the named insured:~~

29
30 (I) ~~Compensation of all expenses of the type described in section~~
31 ~~10-4-706 (1) (b) without dollar or time limitation; or~~

32
33 (II) ~~Compensation of all expenses of the type described in section~~
34 ~~10-4-706 (1) (b) without dollar or time limitations and payment of~~
35 ~~benefits equivalent to eighty-five percent of loss of gross income per~~
36 ~~week from work the injured person would have performed had such~~
37 ~~injured person not been injured during the period commencing on the day~~
38 ~~after the date of the accident without dollar or time limitations.~~

39
40 (III) ~~(Deleted by amendment, L. 92, p. 1779, § 2, effective April~~
41 ~~10, 1992.)~~

42
43 (b) ~~A complying policy may provide that all benefits set forth in~~
44 ~~section 10-4-706 (1) (b) to (1) (e) and in this section are subject to an~~
45 ~~aggregate limit of two hundred thousand dollars payable on account of~~
46 ~~injury to or death of any one person as a result of any one accident arising~~
47 ~~out of the use or operation of a motor vehicle.~~

48
49 (4) ~~The provisions of subsections (2) and (3) of this section as~~
50 ~~amended by House Bill 92-1175, enacted at the second regular session of~~
51 ~~the fifty-eighth general assembly, shall apply to policies issued on and~~
52 ~~after July 1, 1992.~~

53
54 **SECTION 14.** 10-4-712 (1) and (2) (b), Colorado Revised
55 Statutes, are amended to read:

56

1 **10-4-712. Conditions and exclusions.** (1) The coverages
 2 described in section 10-4-706 may be subject to conditions and
 3 exclusions ~~which~~ THAT are not inconsistent with the requirements of this
 4 part 7. IN DETERMINING WHETHER CONDITIONS OR EXCLUSIONS ARE
 5 INCONSISTENT WITH THE REQUIREMENTS OF THIS PART 7, A COURT SHALL
 6 CONSIDER ALL FACTORS SET FORTH IN SECTION 10-4-702.

7
 8 (2) The coverages described in section 10-4-706 may also be
 9 subject to exclusions where the injured person:

10
 11 (b) Is operating a motor vehicle as a converter ~~without a good~~
 12 ~~faith belief that he is legally entitled to operate or use such vehicle~~ AS
 13 DEFINED IN SECTION 10-4-703 (2.5).

14
 15 **SECTION 15. Repeal.** 10-4-712 (3), Colorado Revised Statutes,
 16 is repealed.

17
 18 **SECTION 16.** 10-4-713 (1), (2) (a), and (2) (b), Colorado
 19 Revised Statutes, are amended to read:

20
 21 **10-4-713. No tort recovery for direct benefits.** (1) Neither any
 22 person eligible for direct benefits described in section 10-4-706 ~~(1)(b) to~~
 23 ~~(1)(c) or alternatively, as applicable, section 10-4-706 (2) or (3) OR~~
 24 10-4-706.1 nor any insurer providing benefits described in section
 25 10-4-706 ~~(1)(b) to (1)(c) or alternatively, as applicable, section 10-4-706~~
 26 ~~(2) or (3) OR 10-4-706.1~~ shall have any right to recover against an owner,
 27 user, or operator of a motor vehicle or against any person or organization
 28 legally responsible for the acts or omissions of such person in any action
 29 for damages for benefits required to be paid under section 10-4-706 ~~(1)~~
 30 ~~(b) to (1)(c) or alternatively, as applicable, section 10-4-706 (2) or (3) OR~~
 31 10-4-706.1 regardless of any deductible option, waiting period, or
 32 percentage limitation; except that an insurer paying benefits under section
 33 10-4-706 ~~(1)(b) to (1)(c) or alternatively, as applicable, section 10-4-706~~
 34 ~~(2) or (3) OR 10-4-706.1~~ to or for any one person for whose injuries legal
 35 liability exists or may exist on the part of a third person who is not an
 36 insured under a policy of automobile liability insurance issued by an
 37 insurer licensed to write automobile liability insurance in this state shall
 38 have a direct cause of action against an alleged tort-feasor to only the
 39 extent of the alleged tort-feasor's insurance coverage in excess of
 40 reasonable compensation paid to the injured person for such person's
 41 injury or damage by the alleged tort-feasor's insurer when the injured
 42 person could recover in tort pursuant to section 10-4-714. Nothing in this
 43 section shall be construed to afford such provider of benefits under
 44 section 10-4-706 ~~(1)(b) to (1)(c) or alternatively, as applicable, section~~
 45 ~~10-4-706 (2) or (3) OR 10-4-706.1~~ a cause of action or claim against a
 46 person to whom or for whom such benefits were paid, except in those
 47 cases in which such benefits were paid by reason of fraud or material
 48 misrepresentation of fact.

49
 50 (2) (a) Notwithstanding the provisions of subsection (1) of this
 51 section, where a motor vehicle accident involves EITHER a private
 52 passenger motor vehicle OR a public school vehicle designed to transport
 53 seven or more passengers and a nonprivate passenger motor vehicle, the
 54 insurer of the private passenger motor vehicle or the insurer of the vehicle
 55 designed to transport seven or more passengers shall have a direct cause
 56 of action for all benefits actually paid by such insurer under section

1 10-4-706 (1)(b) to (1)(e) or alternatively, as applicable, section 10-4-706
 2 ~~(2) or (3)~~ OR 10-4-706.1 against the owner, user, or operator of the
 3 nonprivate passenger motor vehicle or against any person or organization
 4 legally responsible for the acts or omissions of such owner, user, or
 5 operator; except that, when the injured person could recover in tort
 6 pursuant to section 10-4-714, such direct cause of action shall be to only
 7 the extent of the alleged tort-feasor's insurance coverage in excess of
 8 reasonable compensation paid to the injured person for such person's
 9 injury or damage by the alleged tort-feasor's insurer.

10

11 (b) Notwithstanding the provisions of paragraph (a) of this
 12 subsection (2), where a motor vehicle accident involves EITHER a private
 13 passenger motor vehicle or a nonprivate passenger motor vehicle and a
 14 motor vehicle owned or operated by the regional transportation district,
 15 except maintenance or service vehicles owned or operated by the district,
 16 the insurer of the private passenger motor vehicle or the nonprivate
 17 passenger motor vehicle shall not have any cause of action or right of
 18 reimbursement for any benefits actually paid by such insurer under
 19 section 10-4-706 (1)(b) to (1)(e) or alternatively, as applicable, section
 20 ~~10-4-706 (2) or (3)~~ OR 10-4-706.1 against the regional transportation
 21 district or against the user or operator of the regional transportation
 22 district motor vehicle.

23

24 **SECTION 17.** 10-4-714, Colorado Revised Statutes, is amended
 25 to read:

26

27 **10-4-714. Limitation on tort actions.** (1) ON AND AFTER THE
 28 EFFECTIVE DATE OF HOUSE BILL 03-1225, no person for whom direct
 29 benefit coverage is required by operation of sections 10-4-705 to
 30 10-4-707, or for whom direct benefits would have been payable but for
 31 exercise of a deductible option or but for a waiting period or percentage
 32 limitation, shall be allowed to recover against an owner, user, or operator
 33 of a motor vehicle, or against any person or organization legally
 34 responsible for the acts or omissions of such person, for damages for
 35 bodily injury caused by a motor vehicle accident, except in those cases
 36 in which there has been caused by a motor vehicle accident ONE OR MORE
 37 OF THE FOLLOWING:

38

39 (a) Death;

40

41 (b) (I) ~~Dismemberment~~ SERIOUS PERMANENT IMPAIRMENT OF
 42 BODILY FUNCTION.

43

44 (II) FOR THE PURPOSES OF THIS SECTION, "SERIOUS PERMANENT
 45 IMPAIRMENT OF BODILY FUNCTION" MEANS AN ACCIDENTAL AND
 46 OBJECTIVELY MANIFESTED SERIOUS AND PERMANENT IMPAIRMENT OF AN
 47 IMPORTANT BODY FUNCTION THAT SIGNIFICANTLY AFFECTS THE PERSON'S
 48 GENERAL ABILITY TO LEAD A NORMAL LIFE AS MANIFESTED BY THE
 49 PERSON'S SIGNIFICANT INABILITY TO PERFORM THE PRINCIPAL ECONOMIC
 50 OR NONECONOMIC ACTIVITIES THAT THE PERSON ENGAGED IN PRIOR TO THE
 51 ACCIDENT. A "SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION"
 52 MUST BE CLINICALLY ESTABLISHED ON THE BASIS OF OBJECTIVE
 53 DIAGNOSTIC TESTS AND MEASUREMENTS THAT ARE MEDICALLY
 54 RECOGNIZED.

55

56 (c) ~~Permanent disability;~~

1 (d) Permanent SERIOUS disfigurement.

2
3 (e) ~~Reasonable need for services of the type described in section~~
4 ~~10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) having a reasonable value~~
5 ~~in excess of two thousand five hundred dollars. "Reasonable value" as~~
6 ~~used in this paragraph (e) means the average cost of specific types of~~
7 ~~services described in section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3)~~
8 ~~(b) in the state of Colorado as determined by the commissioner and~~
9 ~~published not less than once each year. Notwithstanding the provisions~~
10 ~~of this paragraph (e), no person shall be allowed to recover against an~~
11 ~~owner, user, or operator of a motor vehicle used in a ridesharing~~
12 ~~arrangement, as defined in section 10-4-707.5 (2), or against any person~~
13 ~~or organization legally responsible for the acts or omissions of such~~
14 ~~person for damages caused by a motor vehicle accident in which such~~
15 ~~vehicle was involved, if such vehicle was in use at the time of the~~
16 ~~accident in a ridesharing arrangement, as defined in section 10-4-707.5~~
17 ~~(2), based on a reasonable need for services of the type described in~~
18 ~~section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) unless such services~~
19 ~~have a reasonable value in excess of five thousand dollars.~~

20
21 (f) ~~Loss of earnings and loss of earning capacity extending beyond~~
22 ~~the fifty-two week period provided in section 10-4-706 (1) (d) or (3) (e)~~
23 ~~and not compensated by an applicable complying policy.~~

24
25 (2) ~~Nothing in this part 7 shall be construed to preclude recovery~~
26 ~~against an alleged tort-feasor of benefits provided or economic loss~~
27 ~~recoverable in excess of the minimum coverages required in section~~
28 ~~10-4-706 (1) (b) to (1) (d), or, if applicable, to a person qualified under~~
29 ~~section 10-4-706 (3), in excess of alternative coverages. THE ISSUES OF~~
30 ~~WHETHER AN INJURED PERSON HAS SUFFERED SERIOUS PERMANENT~~
31 ~~IMPAIRMENT OF BODILY FUNCTION OR PERMANENT SERIOUS~~
32 ~~DISFIGUREMENT ARE QUESTIONS OF LAW FOR THE COURT IF THE COURT~~
33 ~~FINDS EITHER:~~

34
35 (a) ~~THERE IS NO FACTUAL DISPUTE CONCERNING THE NATURE AND~~
36 ~~EXTENT OF THE PERSON'S INJURIES; OR~~

37
38 (b) ~~THERE IS A FACTUAL DISPUTE CONCERNING THE NATURE AND~~
39 ~~EXTENT OF THE PERSON'S INJURIES, BUT THE DISPUTE IS NOT MATERIAL TO~~
40 ~~THE DETERMINATION AS TO WHETHER THE PERSON HAS SUFFERED A~~
41 ~~SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION OR PERMANENT~~
42 ~~SERIOUS DISFIGUREMENT. HOWEVER, FOR A CLOSED-HEAD INJURY, A~~
43 ~~QUESTION OF FACT FOR THE JURY IS CREATED IF A LICENSED ALLOPATHIC~~
44 ~~OR OSTEOPATHIC PHYSICIAN WHO REGULARLY DIAGNOSES OR TREATS~~
45 ~~CLOSED-HEAD INJURIES TESTIFIES UNDER OATH THAT THERE IS A SERIOUS~~
46 ~~NEUROLOGICAL INJURY.~~

47
48 (3) ~~NOTHING IN THIS PART 7 SHALL BE CONSTRUED TO PRECLUDE~~
49 ~~RECOVERY AGAINST AN ALLEGED TORT-FEASOR OF BENEFITS PROVIDED OR~~
50 ~~ECONOMIC LOSS RECOVERABLE IN EXCESS OF THE MINIMUM COVERAGES~~
51 ~~REQUIRED IN SECTION 10-4-706 OR 10-4-706.1.~~

52
53 **SECTION 18.** Part 7 of article 4 of title 10, Colorado Revised
54 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
55 read:

56

1 **10-4-714.5. Applicability of other law.** ON AND AFTER THE
 2 EFFECTIVE DATE OF HOUSE BILL 03-1225, THE PROVISIONS OF TITLE 6,
 3 C.R.S., SHALL NOT APPLY TO ACTIONS FILED AGAINST AN INSURER OR ANY
 4 OF ITS PRODUCERS, AS LICENSED PURSUANT TO SECTION 10-2-401,
 5 CONDUCTING BUSINESS PURSUANT TO THIS PART 7.

6
 7 **SECTION 19.** The introductory portion to 10-4-715 (1),
 8 Colorado Revised Statutes, is amended, and the said 10-4-715 (1) is
 9 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
 10 read:

11
 12 **10-4-715. No limitation on tort action against noncomplying**
 13 **tort-feasors.** (1) ON AND AFTER THE EFFECTIVE DATE OF HOUSE BILL
 14 03-1225, nothing in this part 7 shall be construed to limit the right to
 15 maintain an action in tort by either a provider of direct benefits under
 16 section 10-4-706 ~~(1)(b) to (1)(e) or alternatively, as applicable, section~~
 17 ~~10-4-706 (2) or (3)~~ OR 10-4-706.1 or by a person who has been injured
 18 or damaged as a result of an automobile accident against an alleged
 19 tort-feasor where such alleged tort-feasor was: ~~either:~~

20
 21 (e) A PERSON WHOSE LIABILITY DOES NOT ARISE OUT OF THE USE
 22 OF A MOTOR VEHICLE BY THAT PERSON OR BY SOMEONE ELSE FOR WHOSE
 23 NEGLIGENCE THE PERSON IS VICARIOUSLY OR DERIVATIVELY LIABLE.

24
 25 **SECTION 20.** 10-4-716 (2), Colorado Revised Statutes, is
 26 amended to read:

27
 28 **10-4-716. Self-insurers.** (2) The commissioner may, in his or
 29 her discretion, upon the application of ~~such person~~ A PERSON IN WHOSE
 30 NAME MORE THAN TWENTY-FIVE MOTOR VEHICLES ARE REGISTERED, issue
 31 a certificate of self-insurance when the commissioner is satisfied that
 32 such person is able and will continue to be able to pay direct benefits as
 33 required under section 10-4-706 ~~(1)(b) to (1)(e)~~ OR 10-4-706.1 and to
 34 pay any and all judgments that may be obtained against such person.
 35 Upon not less than five days' notice and a hearing pursuant to such notice,
 36 the commissioner may, upon reasonable grounds, cancel a certificate of
 37 self-insurance. Failure to pay any benefits under section 10-4-706 ~~(1)(b)~~
 38 ~~to (1)(e)~~ OR 10-4-706.1 or failure to pay any judgment within thirty days
 39 after such judgment shall have become final shall constitute a reasonable
 40 ground for the cancellation of a certificate of self-insurance.

41
 42 **SECTION 21.** The introductory portion to 10-4-717 (1) and
 43 10-4-717 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

44
 45 **10-4-717. Intercompany arbitration.** (1) Every insurer licensed
 46 to write motor vehicle insurance in this state shall be deemed to have
 47 agreed: ~~as a condition to maintaining such license after January 1, 1974:~~

48
 49 (a) That, where its insured is or would be held legally liable under
 50 the provisions of section 10-4-713 (2) for the benefits paid by another
 51 insurer described in section 10-4-706 ~~(1)(b) to (1)(e) or alternatively, as~~
 52 ~~applicable, section 10-4-706 (2) or (3)~~ OR 10-4-706.1, it will reimburse
 53 such other insurer to the extent of such benefits but not in excess of the
 54 amount of damages so recoverable for the type of loss covered by such
 55 benefits and only to the extent of the alleged tort-feasor's insurance
 56 coverage in excess of reasonable compensation paid to the injured person

1 for such person's injury or damage by the alleged tort-feasor's insurer; and

2
 3 (3) Notwithstanding any statute of limitations to the contrary, any
 4 demand for initial arbitration proceedings shall be brought within one
 5 year ~~of~~ AFTER the first payment of any of the benefits described in section
 6 10-4-706 (1)(b) to (1)(e) or alternatively, as applicable, section 10-4-706
 7 (2) or (3) OR 10-4-706.1 by the insurer claiming for reimbursement.
 8 Arbitration proceedings need not await final payment of benefits, and the
 9 award, if any, shall include provisions for reimbursement of subsequent
 10 benefits. Proceedings may be reopened to challenge the propriety of
 11 payments subsequently made, but no question of fact decided by a prior
 12 award shall be reconsidered in any such subsequent hearing.

13
 14 **SECTION 22.** 10-4-720 (1), Colorado Revised Statutes, is
 15 amended to read:

16
 17 **10-4-720. Cancellation - renewal - reclassification.** (1) Except
 18 in accordance with the provisions of this part 7, no insurer shall:

19
 20 (a) Cancel or fail to renew a policy of insurance ~~which~~ THAT
 21 complies with this part 7, issued in this state, as to THE NAMED INSURED,
 22 RESIDENT SPOUSE, OR any resident of the household of the named insured,
 23 for any reason other than nonpayment of premium, ~~or~~ FRAUD,
 24 CONCEALMENT, OR MATERIAL MISREPRESENTATION BY THE NAMED
 25 INSURED, RESIDENT SPOUSE, OR A RESIDENT RELATIVE, IN CONNECTION
 26 WITH THE APPLICATION FOR INSURANCE OR ANY CLAIM FOR BENEFITS;

27
 28 (b) Increase a premium for any coverage on any such policy,
 29 unless the increase is part of a general increase in premiums filed with the
 30 commissioner and does not result from a reclassification of the insured;
 31 or

32
 33 (c) Reduce the coverage under any such policy, unless the
 34 reduction is part of a general reduction in coverage filed with the
 35 commissioner or to satisfy the requirements of other sections of this part
 36 7.

37
 38 **SECTION 23.** 10-4-721 (1), Colorado Revised Statutes, is
 39 amended to read:

40
 41 **10-4-721. Exclusion of named driver.** (1) ON AND AFTER THE
 42 EFFECTIVE DATE OF HOUSE BILL 03-1225, in any case where an insurer is
 43 authorized under this part 7 to cancel or refuse to renew or increase the
 44 premiums on an automobile liability insurance policy under which more
 45 than one person is insured because of the claim experience or driving
 46 record of ~~one or more but less than all of the persons insured under the~~
 47 ~~policy~~ A PERSON OTHER THAN THE NAMED INSURED, the insurer shall in
 48 lieu of cancellation, nonrenewal, or premium increase offer to continue
 49 or renew the insurance but to exclude from coverage, by name, the person
 50 whose claim experience or driving record would have justified the
 51 cancellation or nonrenewal. The premiums charged on any such policy
 52 excluding a named driver shall not reflect the claims, experience, or
 53 driving record of the excluded named driver.

54
 55 **SECTION 24.** 10-4-726, Colorado Revised Statutes, is amended
 56 to read:

1 **10-4-726. Repeal of part.** (1) This part 7 is repealed, effective
2 July 1, ~~2003~~ 2006.
3

4 (2) ON OR BEFORE FEBRUARY 1, 2006, THE DEPARTMENT OF
5 REGULATORY AGENCIES SHALL CONDUCT A REVIEW AND EVALUATION OF
6 THE IMPACT ON CONSUMERS AND THE INSURANCE INDUSTRY OF THE
7 REFORMS ENACTED IN HOUSE BILL 03-1225. THE DEPARTMENT OF
8 REGULATORY AGENCIES SHALL SUBMIT A REPORT OF SUCH EVALUATION TO
9 THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF
10 REPRESENTATIVE AND THE SENATE.
11

12 **SECTION 25.** 10-4-609, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:
14

15 **10-4-609. Insurance protection against uninsured motorists -**
16 **applicability.** (6) (a) ON AND AFTER THE EFFECTIVE DATE OF HOUSE
17 BILL 03-1225, AN INSURER SHALL BE DEEMED TO HAVE COMPLIED WITH
18 THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION AND THE
19 EXCLUSION OF THE INSURED FROM UNINSURED MOTORIST COVERAGE
20 SHALL BE DEEMED VALID IF THE NAMED INSURED HAS REJECTED THE
21 UNINSURED MOTORIST COVERAGE IN WRITING. SUCH EXCLUSION SHALL
22 CONTINUE UNTIL SUCH TIME AS THE INSURED REQUESTS THAT THE INSURER
23 PROVIDE UNINSURED MOTORIST COVERAGE. IF PURCHASED ON A SPECIFIC
24 MOTOR VEHICLE, UNINSURED AND UNDERINSURED MOTORIST COVERAGE
25 SHALL APPLY ONLY TO SUCH MOTOR VEHICLE.
26

27 (b) OWNED-BUT-UNINSURED EXCLUSIONS ARE PERMISSIBLE IN THIS
28 STATE. OWNED-BUT-UNINSURED EXCLUSIONS MAY BE INCLUDED IN
29 MOTOR VEHICLE INSURANCE POLICIES AND UNINSURED OR UNDERINSURED
30 COVERAGE MUST BE PURCHASED OR REJECTED ON A VEHICLE-BY-VEHICLE
31 BASIS. UNINSURED AND UNDERINSURED COVERAGE APPLIES ONLY TO
32 VEHICLES FOR WHICH THE COVERAGE WAS SELECTED AND FOR WHICH A
33 PREMIUM WAS PAID, AND DOES NOT FOLLOW THE PERSON.
34

35 **SECTION 26.** 10-3-207 (1) (d), Colorado Revised Statutes, is
36 amended to read:
37

38 **10-3-207. Fees paid by insurance companies.** (1) There shall
39 be paid to the division of insurance by every entity regulated by the
40 division of insurance in this state the following:
41

42 (d) (I) UNTIL JANUARY 1, _____, in addition to any fee collected
43 under paragraph (a) or (b) of this subsection (1), every insurance entity
44 authorized to write private passenger automobile insurance coverage shall
45 pay an annual fee not to exceed four hundred dollars to fund the costs of
46 establishing and administering the PIP examination program established
47 in section 10-4-706. Such fee shall be set by rule promulgated by the
48 commissioner. Fees collected under this ~~paragraph (d)~~ SUBPARAGRAPH
49 (I) shall be transmitted to the state treasurer, who shall credit the same to
50 the division of insurance cash fund created in section 10-1-103 (3).
51

52 (II) (A) ON AND AFTER JANUARY 1, 2004, IN ADDITION TO ANY FEE
53 COLLECTED UNDER PARAGRAPH (a) OR (b) OF THIS SUBSECTION (1) OR
54 SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), EVERY INSURANCE ENTITY
55 AUTHORIZED TO WRITE PRIVATE PASSENGER AUTOMOBILE INSURANCE
56 COVERAGE IN THIS STATE SHALL PAY AN ANNUAL FEE NOT TO EXCEED

1 _____ HUNDRED DOLLARS TO FUND THE FUNCTIONS AND ACTIVITIES OF
 2 THE PROGRAM MANAGER, INCLUDING, BUT NOT LIMITED TO ANY EXPENSES
 3 INCURRED BY THE DIVISION OF INSURANCE FOR RULE-MAKING OR
 4 IMPLEMENTATION OF THE PROVISIONS CONCERNING THE PROGRAM
 5 MANAGER. SUCH FEE SHALL BE COLLECTED AND PAID DIRECTLY TO THE
 6 PROGRAM MANAGER CONTRACTED WITH PURSUANT TO SECTION
 7 10-4-706.9.

8
 9 (B) ANY MONEYS REMAINING IN THE PIP EXAMINATION PROGRAM
 10 COLLECTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) ON
 11 JULY 1, 2009, SHALL BE TRANSMITTED TO THE PROGRAM MANAGER
 12 CONTRACTED WITH PURSUANT TO SECTION 10-4-706.9.

13
 14 **SECTION 27. No appropriation.** The general assembly has
 15 determined that the review to be performed by the department of
 16 regulatory agencies can be implemented within existing appropriations,
 17 and therefore no separate appropriation of state moneys is necessary to
 18 carry out the purposes of this act.

19
 20 **SECTION 28. Effective date - applicability.** (1) (a) Section 16
 21 shall take effect on passage an apply to tort actions filed on or after
 22 passage; and

23
 24 (b) Sections 6, 18, 19, 23, 24, 27, 28, and 29 shall take effect
 25 upon passage.

26
 27 (2) The remaining sections of this act shall take effect January 1,
 28 2004, and shall apply to insurance policies issued or renewed and motor
 29 vehicle accidents occurring on or after said date.

30
 31 **SECTION 29. Safety clause.** The general assembly hereby
 32 finds, determines, and declares that this act is necessary for the immediate
 33 preservation of the public peace, health, and safety."

34
 35
 36
 37 **HB03-1237** be amended as follows, and as so amended, be referred to
 38 the Committee of the Whole with favorable
 39 recommendation:

40
 41 Amend printed bill, page 3, strike lines 9 through 11 and substitute the
 42 following:

43
 44 "section, the creditor, in connection with a consumer credit transaction
 45 other than A DEFERRED DEPOSIT LOAN AS DEFINED IN SECTION 5-3.1-102
 46 (3) OR one pursuant to a revolving credit account, may contract for".

47
 48 Page 6, line 24, strike "WITHOUT" and substitute "THAT DOES";

49
 50 line 25, strike "COMPLYING" and substitute "NOT COMPLY".

51
 52 Page 1, strike lines 105 and 106 and substitute the following:

53 **"CONFLICTING PROVISIONS OF LAW."**

54
 55
 56

1 **HB03-1257** 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, line 18, strike "~~of 1956~~." and substitute "~~of~~
6 ~~1957~~".

7
8 Page 5, line 24, after "~~1 to 11~~", insert "10.5 AND".
9

10 Page 7, line 21, strike "23" and substitute "23 109".
11

12 Page 87, strike line 26 and substitute "LIQUIDATION, DISSOLUTION,
13 AND REORGANIZATION".
14

15 Page 127, strike line 16 and substitute "RESERVES, LOANS, AND
16 INVESTMENTS".
17

18 Page 134, strike line 1 and substitute "PROPERTY, SALES,
19 BORROWING, AND SIGNATURE GUARANTY".
20

21 Page 139, strike lines 13 and 14 and substitute the following:
22

23 "FINANCIAL INSTITUTIONS, OPERATION OF BRANCHES,
24 ORGANIZATIONAL AND OPERATIONAL EQUALITY".
25

26 Page 176, line 16, strike "~~BANKING~~".
27

28 Page 261, line 18, strike the first "his" and substitute "~~his~~", and after the
29 second "his", insert "OR HER".
30

31 Page 282, after line 6, insert the following:
32

33 "**SECTION 4.** 10-2-601 (2) (d), Colorado Revised Statutes, is
34 amended to read:
35

36 **10-2-601. Financial institutions may sell insurance - where -**
37 **regulation.** (2) No financial institution or employee thereof shall be
38 licensed or admitted, directly or indirectly, to sell insurance in this state;
39 except that:
40

41 (d) Any financial institution, or any subsidiary, affiliate, or
42 employee thereof, may be permitted to own an insurance company
43 authorized to sell, and that insurance company's employees may be
44 licensed to sell, insurance to guarantee the payment of any amounts due
45 in connection with any securities or obligations described in section
46 11-57-101, C.R.S.; except that no financial institution, or any subsidiary
47 or affiliate subject to the supervision of the banking board created in
48 section ~~11-2-102~~ 11-102-103, C.R.S., shall own such an insurance
49 company without the consent of the banking board, and no financial
50 institution subject to the supervision of the financial services board
51 created in section 11-44-101.6, C.R.S., shall own such an insurance
52 company without the consent of the financial services board, and no
53 financial institution shall invest more than ten percent of its capital and
54 surplus in such an insurance company.
55

1 **SECTION 5.** 11-10.5-103 (3), Colorado Revised Statutes, is
2 amended to read:

3
4 **11-10.5-103. Definitions.** As used in this article, unless the
5 context otherwise requires:

6
7 (3) "Banking board" means the banking board established by
8 section ~~11-2-102~~ 11-102-103.

9
10 **SECTION 6.** 11-10.5-110 (2), Colorado Revised Statutes, is
11 amended to read:

12
13 **11-10.5-110. Procedures when event of default occurs.** (2) In
14 the event that a federal deposit insurance agency is appointed and acts as
15 liquidator or receiver of any eligible public depository under state or
16 federal law, those duties under this article that are specified to be
17 performed by the banking board in the event of default may be delegated
18 to and performed by the said federal deposit insurance agency. Any
19 liquidation occurring under the provisions of this section shall conform
20 to the procedures established in section ~~11-5-104~~ 11-103-804.

21
22 **SECTION 7.** 11-30-104 (1) (m), Colorado Revised Statutes, is
23 amended to read:

24
25 **11-30-104. Powers.** (1) A credit union has the following powers
26 to:

27
28 (m) Make loans to, or permit the assumption of loans by, officers
29 or employees of the division who are members of the credit union,
30 notwithstanding the provisions of section ~~11-2-115~~ 11-102-501;

31
32 **SECTION 8.** 11-37.5-103 (2), (5), and (6), Colorado Revised
33 Statutes, are amended to read:

34
35 **11-37.5-103. Definitions.** As used in this article, unless the
36 context otherwise requires:

37
38 (2) "Board" means the banking board created in section ~~11-2-102~~
39 11-102-103.

40
41 (5) "Charter" means a certificate, issued substantially in
42 accordance with sections ~~11-3-109~~ and ~~11-3-110~~ 11-103-303 AND
43 11-103-304, authorizing an institution to conduct business in Colorado
44 as a foreign capital depository.

45
46 (6) "Commissioner" means the state bank commissioner appointed
47 and serving pursuant to section ~~11-2-101(2)~~ 11-102-101 (2).

48
49 **SECTION 9.** 11-37.5-109 (1) (b), Colorado Revised Statutes, is
50 amended to read:

51
52 **11-37.5-109. Charter eligibility and application requirements.**
53 (1) In order to lawfully conduct business in Colorado as a foreign capital
54 depository, a person intending to own or operate a depository shall:

55
56 (b) Make and file articles of incorporation containing information

1 of all types specified in section ~~11-3-109 (1) (a)~~ 11-103-303 (1) (a),
2 except for those types of information specifically excluded by the board
3 by rule;

4
5 **SECTION 10.** 11-37.5-122 (2) and (5), Colorado Revised
6 Statutes, are amended to read:

7
8 **11-37.5-122. Dissolution - closing.** (2) The department may
9 close a depository and take possession of the books, records, and assets
10 of the depository and hold them until the depository is authorized by the
11 board to resume business or until it is liquidated in accordance with
12 article 5 103 of this title.

13
14 (5) Voluntary dissolution of a depository shall comply with the
15 provisions of section ~~11-5-101~~ 11-103-801.

16
17 **SECTION 11.** The introductory portion to 11-37.5-124 (2) (b),
18 Colorado Revised Statutes, is amended to read:

19
20 **11-37.5-124. Depository services - restrictions and**
21 **prohibitions.** (2) A depository shall not:

22
23 (b) Engage in lending or any other services requiring advance
24 application to and approval by the board under section ~~11-6-101~~
25 11-105-101, except:

26
27 **SECTION 12.** 11-41-120, Colorado Revised Statutes, is amended
28 to read:

29
30 **11-41-120. Branches.** Subject to the provisions of article 25 105
31 of this title, no association shall open, maintain, or conduct a branch
32 without first applying for and obtaining from the commissioner a license
33 for such branch. The application for such license shall be in such form
34 as the commissioner requires and shall include an itemized statement of
35 the estimated receipts and expenditures of such association in connection
36 with such branch for the first year, or such longer period as the
37 commissioner in his OR HER discretion requires, and a showing that the
38 public convenience and advantage will be promoted by the operation of
39 a branch. Such application shall be accompanied by a fee in the amount
40 established by the commissioner. If satisfied that the operation of a
41 branch is in the interest of the association and that the public convenience
42 and advantage will be promoted by the operation, the commissioner shall
43 issue its license; otherwise such license shall be refused.

44
45 **SECTION 13.** 11-48-101, Colorado Revised Statutes, is amended
46 to read:

47
48 **11-48-101. Applicability.** This article shall be applicable to any
49 savings and loan association organized under the provisions of article 41
50 of this title or under federal law and having its principal office in this
51 state, any credit union organized under the provisions of article 30 of this
52 title or federal law and having its principal office in this state, and any
53 industrial bank incorporated under the provisions of article 22 108 of this
54 title and having its principal office in this state. As used in this article,
55 "financial institution" means any such savings and loan association, credit
56 union, or industrial bank.

1 **SECTION 14.** 12-52-103 (1) and (1.5), Colorado Revised
2 Statutes, are amended to read:

3
4 **12-52-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6
7 (1) "Banking board" means the banking board created in section
8 ~~11-2-102~~ 11-102-103, C.R.S.

9
10 (1.5) "Commissioner" means the state bank commissioner
11 appointed and serving pursuant to section ~~11-2-101(2)~~ 11-102-101 (2),
12 C.R.S.

13
14 **SECTION 15.** 12-52-103.5, Colorado Revised Statutes, is
15 amended to read:

16
17 **12-52-103.5. Applicability of powers of banking board and**
18 **bank commissioner to money orders.** The powers, duties, and functions
19 of the banking board and the commissioner contained in article 2 102 of
20 title 11, C.R.S., and the declaration of policy contained in section
21 ~~11-1-101.5~~ 11-101-102, C.R.S., shall apply to the provisions of this
22 article.

23
24 **SECTION 16.** 12-52-109 (1), Colorado Revised Statutes, is
25 amended to read:

26
27 **12-52-109. Issuance of license - renewal - fee.** (1) Before any
28 license is issued, and annually thereafter on or before January 1 of each
29 succeeding year, the applicant or licensee shall pay to the banking board
30 a license fee in an amount set by the banking board pursuant to section
31 ~~11-2-103(11)~~ 11-102-104 (11), C.R.S. For each license originally issued
32 between July 1 and December 31 of any year, the applicant shall pay
33 one-half the annual fee required in this section. Each license shall expire
34 on January 1 unless the annual fee for the year has been paid prior to such
35 date.

36
37 **SECTION 17.** 12-52-110 (1) (a) and (2) (c), Colorado Revised
38 Statutes, are amended to read:

39
40 **12-52-110. Examination - fee - financial statements and reports**
41 **to commissioner.** (1) (a) The commissioner shall examine the books and
42 records of every licensee as often as deemed advisable and to the extent
43 required by the banking board; shall make and file in the office of the
44 commissioner a correct report in detail disclosing the results of such
45 examination; and shall mail a copy of such report to the licensee
46 examined. If the licensee's records are located outside this state, the
47 licensee shall, at the option of such licensee, either make them available
48 to the commissioner at a convenient location within this state or pay the
49 reasonable and necessary expenses for the commissioner or the
50 commissioner's representative to examine them at the place where they
51 are maintained. The commissioner may designate representatives,
52 including comparable officials of the state in which the records are
53 located, to inspect them on behalf of the commissioner. For such
54 examination, the commissioner shall charge a fee in an amount set by the
55 banking board pursuant to section ~~11-2-103(11)~~ 11-102-104 (11), C.R.S.
56 If any licensee refuses to permit the commissioner to make an

1 examination, such licensee shall be subject to such penalty as the
2 commissioner may assess, not in excess of one hundred dollars for each
3 day any such refusal shall continue.

4
5 (2) (c) If any licensee fails to submit any statement or report to the
6 commissioner as required by this subsection (2), such licensee shall pay
7 to the commissioner a penalty assessment in an amount not to exceed
8 twenty-five dollars for each additional day of delinquency as set by the
9 banking board pursuant to section ~~11-2-103 (11)~~ 11-102-104(11), C.R.S.;
10 except that, if in the opinion of the banking board the delay is excusable
11 for good cause shown, no assessment shall be paid.

12
13 **SECTION 18.** 13-4-102 (2) (b), Colorado Revised Statutes, is
14 amended to read:

15
16 **13-4-102. Jurisdiction.** (2) The court of appeals shall have
17 initial jurisdiction to:

18
19 (b) Review orders of the banking board granting or denying
20 charters for new state banks, as provided in article 2 102 of title 11,
21 C.R.S.;

22
23 **SECTION 19.** 16-5-401 (4.5) (r), (4.5) (s), (4.5) (t), and (4.5) (u),
24 Colorado Revised Statutes, are amended to read:

25
26 **16-5-401. Limitation for commencing criminal proceedings and**
27 **juvenile delinquency proceedings.** (4.5) The period within which a
28 prosecution must be commenced shall begin to run upon discovery of the
29 criminal act or the delinquent act for:

30
31 (r) Unlawful concealment of transactions, pursuant to section
32 ~~11-11-105~~ 11-107-105, C.R.S.;

33
34 (s) Embezzlement or misapplication of funds, pursuant to section
35 ~~11-11-107~~ 11-107-107, C.R.S.;

36
37 (t) Unlawful acts or omissions relating to financial institutions,
38 pursuant to section ~~11-11-108~~ 11-107-108, C.R.S.;

39
40 (u) Criminal offenses relating to industrial banks, pursuant to
41 section ~~11-22-114 (3)~~ 11-108-801 (3), C.R.S.; and

42
43 **SECTION 20.** 24-1-122 (2) (d), Colorado Revised Statutes, is
44 amended to read:

45
46 **24-1-122. Department of regulatory agencies - creation.**
47 (2) The department of regulatory agencies shall consist of the following
48 divisions:

49
50 (d) Division of banking, the head of which shall be the state bank
51 commissioner. The banking board, created by article 2 102 of title 11,
52 C.R.S., and its powers, duties, and functions are transferred by a **type 1**
53 transfer to the department of regulatory agencies and allocated to the
54 division of banking. ~~The office of state bank commissioner, created by~~
55 ~~article 20 of title 11, C.R.S., is transferred by a **type 2** transfer to the~~
56 ~~department of regulatory agencies and allocated to the division of~~

1 ~~banking.~~

2

3 **SECTION 21.** 24-34-104 (34) (b), Colorado Revised Statutes, is
4 amended to read:

5

6 **24-34-104. General assembly review of regulatory agencies and**
7 **functions for termination, continuation, or reestablishment.** (34) The
8 following agencies, functions, or both, shall terminate on July 1, 2004:

9

10 (b) The division of banking, created by article 2 102 of title 11,
11 C.R.S.;

12

13 **SECTION 22.** 24-52-103 (1), Colorado Revised Statutes, is
14 amended to read:

15

16 **24-52-103. Deferred compensation - investment.**

17 (1) Notwithstanding any other provision of law, the administrator may
18 invest, or permit plan participants to invest, the moneys held pursuant to
19 a plan established or administered pursuant to this article in any
20 legitimate investment, including but not limited to investment programs
21 of any bank, as defined in section ~~11-1-102 (2)~~ 11-101-401 (5), C.R.S.,
22 or savings and loan association, as defined in section 11-40-103, C.R.S.,
23 life insurance contracts, deferred annuities, equity products, government
24 bonds, real estate investment trusts, or other investment products. The
25 administrator shall not invest, ~~or~~ NOR permit plan participants to invest,
26 such moneys in any investment plan unless the plan is offered by a person
27 authorized to do business in this state or by a person who irrevocably
28 agrees to be subject to the jurisdiction of the state and federal courts in
29 Colorado with respect to the investment plan and irrevocably appoints the
30 Colorado secretary of state as its agent for service of process, and unless
31 the plan is subject to applicable state and federal regulations.

32

33 **SECTION 23.** 24-72-204 (3.5) (c) (VII), Colorado Revised
34 Statutes, is amended to read:

35

36 **24-72-204. Allowance or denial of inspection - grounds -**

37 **procedure - appeal.** (3.5) (c) The custodian of any records described in
38 paragraph (a) of this subsection (3.5) which concern an individual who
39 has made a request of confidentiality pursuant to this subsection (3.5) and
40 paid any required processing fee shall deny the right of inspection of the
41 individual's address contained in such records on the ground that
42 disclosure would be contrary to the public interest; except that such
43 custodian shall allow the inspection of such records by such individual,
44 by any person authorized in writing by such individual, and by any
45 individual employed by one of the following entities who makes a request
46 to the custodian to inspect such records and who provides evidence
47 satisfactory to the custodian that the inspection is reasonably related to
48 the authorized purpose of the employing entity:

49

50 (VII) A bank as defined in section ~~11-1-102 (2)~~ 11-101-401 (5),
51 C.R.S., an industrial bank as defined in section ~~11-22-101 (1)~~ 11-108-101
52 (1), C.R.S., a trust company as defined in section ~~11-23-102 (11)~~
53 11-109-101 (11), C.R.S., a credit union as defined in section 11-30-101
54 (1), C.R.S., a domestic savings and loan association as defined in section
55 11-40-102 (5), C.R.S., a foreign savings and loan association as defined
56 in section 11-40-102 (8), C.R.S., or a broker-dealer as defined in section

1 11-51-201 (2), C.R.S.;

2

3 **SECTION 24.** 26-3.1-205 (4), Colorado Revised Statutes, is
4 amended to read:

5

6 **26-3.1-205. Investigations of financial exploitation.**

7 (4) Notwithstanding any provision of section 24-72-204, C.R.S., or
8 section ~~11-6-113~~ 11-105-110, C.R.S., or any other applicable law,
9 concerning the confidentiality of financial records, to the contrary,
10 agencies investigating the financial exploitation of an at-risk adult shall
11 be permitted to inspect all records of the at-risk adult on whose behalf the
12 investigation is being conducted, including the at-risk adult's financial
13 records, upon written consent of the at-risk adult.

14

15 **SECTION 25.** 38-38-101 (1.5) (a) and (1.5) (b), Colorado
16 Revised Statutes, are amended to read:

17

18 **38-38-101. Owner of evidence of debt may elect to foreclose -**

19 **notice - record of sale - withdrawal.** (1.5) The following entities may
20 elect to file with the public trustee a copy of the original evidence of debt
21 in lieu of the original and the certification required by paragraph (b) of
22 subsection (1) of this section:

23

24 (a) A bank, as defined in section ~~11-1-102(2)~~ 11-101-401 (5),
25 C.R.S.;

26

27 (b) An industrial bank, as defined in section ~~11-22-101(1)~~
28 11-108-101 (1), C.R.S.;

29

30 **SECTION 26.** 38-39-102 (3) (a), (3.5) (b) (I), and (3.5) (b) (II),
31 Colorado Revised Statutes, are amended to read:

32

33 **38-39-102. When liens of deeds of trust shall be released.**

34 (3) With respect to either subsection (1) or (2) of this section, if such
35 original evidence of debt cannot be produced, the public trustee may
36 accept one of the following in lieu thereof:

37

38 (a) An indemnification agreement accompanied by a certified
39 copy of an authorizing resolution passed by the board of directors of a
40 bank, as defined in section ~~11-1-102(2)~~ 11-101-401 (5), C.R.S., an
41 industrial bank, as provided for in article 22 108 of title 11, C.R.S., a
42 savings and loan association licensed to do business in Colorado, a
43 federal housing administration approved mortgagee, or a federally
44 chartered credit union operating in Colorado or a state-chartered credit
45 union, as defined in section 11-30-101, C.R.S., or an indemnification
46 agreement ~~which~~ THAT has been duly authorized by any agency of the
47 federal government or by any federally created corporation ~~which~~ THAT
48 originates, guarantees, or purchases loans indemnifying the public trustee
49 against claims for issuing a release under this subsection (3) made within
50 the time period described in subsection (7) of this section, which
51 indemnification agreement is satisfactory to the public trustee;

52

53 (3.5) (b) Only the following financial institutions shall be entitled
54 to submit a certification pursuant to paragraph (a) of this subsection (3.5):

55

1 (I) A bank, as defined in section ~~11-1-102(2)~~ 11-101-401 (5),
2 C.R.S.;

3
4 (II) An industrial bank, as defined in section ~~11-22-101(1)~~
5 11-108-101 (1), C.R.S.;"

6
7 Renumber succeeding sections accordingly.

8
9
10
11 **HB03-1260** be postponed indefinitely.

12
13
14
15 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
16 **on SB03-175**

17
18 This Report Amends the Rerevised Bill.

19
20 To the President of the Senate and the
21 Speaker of the House of Representatives:

22
23 Your first conference committee appointed on SB03-175,
24 concerning prescribing the use of the nursing home penalty cash fund,
25 and making an appropriation in connection therewith, has met and reports
26 that it has agreed upon the following:

27
28 1. That the Senate accede to the House amendments made to the
29 bill, as said amendments appear in the rerevised bill.

30
31 2. That, under the authority granted the committee to consider
32 matters not at issue between the two houses, the following amendments
33 be recommended:

34
35 Amend rerevised bill, page 2, strike lines 10 and 11 and substitute the
36 following:

37
38 "HOME PENALTY CASH FUND MAY BE USED FOR INSPECTING AND
39 INVESTIGATING COMPLAINTS OF NURSING";

40
41 line 13, strike "C.R.S.; AND" and substitute "C.R.S., OR PURSUANT TO
42 FEDERAL LAW.";

43
44 strike lines 14 and 15.

45
46 Page 3, strike lines 5 through 14.

47
48 Renumber succeeding sections accordingly.

49
50 Page 6, line 13, in the GENERAL FUND column, strike "624,860(M)"
51 and substitute "566,346(M)" and in the CASH FUNDS column, strike
52 "500,000(H)" and substitute "558,514(H)".

53
54 Page 9, line 12, in the CASH FUNDS column, strike "\$751,563" and
55 substitute "\$751,563" and in the CASH FUNDS EXEMPT column, strike
56 "\$186,737,806" and substitute "\$186,737,806^b";

1 line 13, in the GENERAL FUND column, strike "\$1,180,436,543^a" and
 2 substitute "\$1,180,378,029^a", in the CASH FUNDS column, insert
 3 "\$1,310,077", and, in the CASH FUNDS EXEMPT column, strike
 4 "\$187,237,806^b".

5
 6 Adjust affected (T) notation totals accordingly.

7
 8 Respectfully submitted,
 9 Senate Committee: House Committee:
 10 Dave Owen Brad Young
 11 Ron Teck Tom Plant
 12 Peggy Reeves John Witwer

13
 14
 15
 16 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 17 **on SB03-183**

18
 19 This Report Amends the Rerevised Bill.

20
 21 To the President of the Senate and the
 22 Speaker of the House of Representatives:

23
 24 Your first conference committee appointed on SB03-183,
 25 concerning the modification of certain preschool through twelfth grade
 26 public education programs, and making appropriations in connection
 27 therewith, has met and reports that it has agreed upon the following:

28
 29 1. That the Senate accede to the House amendments made to the
 30 bill, as the amendments appear in the rerevised bill, with the following
 31 changes:

32
 33 Amend rerevised bill, page 10, strike line 22 and substitute the following:

34
 35 "(II) A LIST OF ALL MONEYS EXPENDED, ENCUMBERED, OR
 36 OBLIGATED AS OF JANUARY 31, 2003,";

37
 38 line 23, strike "OF THIS SUBSECTION (4.5)";

39
 40 line 27, strike "EXPENDITURES" and substitute "EXPENDITURES,
 41 ENCUMBRANCES, OR OBLIGATIONS".

42
 43 Page 11, strike lines 2 through 11 and substitute the following:

44
 45 "(c) ONCE A CHARTER SCHOOL EXPENDS AMOUNTS THAT WERE
 46 ENCUMBERED OR OBLIGATED AS OF JANUARY 31, 2003, AS DESCRIBED IN
 47 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4.5), THE";

48
 49 line 14, strike "FROM THE";

50
 51 strike lines 15 through 19;

52
 53 after line 23, insert the following:

54
 55 "(e) OF THE AMOUNT OF STATE EDUCATION FUND MONEYS
 56 APPROPRIATED FOR THE 2002-03 BUDGET YEAR PURSUANT TO PARAGRAPH

1 (a) OF THIS SUBSECTION (4.5), ANY AMOUNT NOT DISTRIBUTED PURSUANT
2 TO PARAGRAPH (b) OR (c) OF THIS SUBSECTION (4.5) SHALL REMAIN IN THE
3 STATE EDUCATION FUND; EXCEPT THAT UP TO FIVE HUNDRED THOUSAND
4 DOLLARS OF SUCH AMOUNT SHALL BE ALLOCATED AND DISTRIBUTED BY
5 THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-123.5
6 AMONG DISTRICTS PARTICIPATING IN THE SCHOOL BREAKFAST PROGRAM."

7
8 2. That, under the authority granted the committee to consider
9 matters not at issue between the two houses, the following amendments
10 be recommended:

11
12 Amend rerevised bill, page 6, line 4, strike "amended" and substitute
13 "amended, and the said 22-54-117 (1.6) is further amended BY THE
14 ADDITION OF A NEW PARAGRAPH,";

15
16 line 18, strike "EIGHT MILLION FOUR HUNDRED" and substitute "FIVE
17 MILLION dollars.";

18
19 strike line 19 and substitute the following:

20
21 "(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
22 THIS SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH
23 OF THE 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, ONCE THE
24 TRANSFER REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1.6) IS
25 MADE, THE STATE TREASURER SHALL TRANSFER FROM THE CONTINGENCY
26 RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND PURSUANT TO
27 PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE SCHOOL CAPITAL
28 CONSTRUCTION EXPENDITURES RESERVE DESCRIBED IN SUBSECTION (1.5)
29 OF THIS SECTION AN AMOUNT EQUAL TO THE MONEYS TRANSFERRED TO
30 SAID CONTINGENCY RESERVE DURING SUCH CALENDAR MONTH NO LATER
31 THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE
32 TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER, THE TOTAL
33 AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY RESERVE
34 CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL CAPITAL
35 CONSTRUCTION EXPENDITURES RESERVE PURSUANT TO THIS PARAGRAPH
36 (c) SHALL NOT EXCEED THREE MILLION FOUR HUNDRED NINETY-NINE
37 THOUSAND NINE HUNDRED FORTY DOLLARS."

38
39 Page 11, line 25, strike "amended" and substitute "amended, and the said
40 22-54-123.5 is further amended BY THE ADDITION OF A NEW
41 SUBSECTION,".

42
43 Page 12, after line 13, insert the following:

44
45 "(3) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,
46 FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
47 APPROPRIATING STATE MONEYS TO SCHOOL DISTRICTS THAT ARE
48 PROVIDING A SCHOOL BREAKFAST PROGRAM TO ASSIST THE DISTRICTS IN
49 CREATING, EXPANDING, OR ENHANCING THE SCHOOL BREAKFAST PROGRAM
50 IN EACH LOW-PERFORMING SCHOOL IN THE DISTRICT WITH THE GOAL OF
51 IMPROVING THE ACADEMIC PERFORMANCE OF STUDENTS ATTENDING THOSE
52 SCHOOLS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION
53 REFORM AND CONSTITUTES AN ACCOUNTABLE PROGRAM TO MEET STATE
54 ACADEMIC STANDARDS. THEREFORE, SCHOOL DISTRICTS THAT PROVIDE A
55 SCHOOL BREAKFAST PROGRAM IN LOW-PERFORMING SCHOOLS MAY
56 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION

1 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."
2
3 Page 13, line 9, after "12.", insert "**Repeal.**";
4
5 strike line 10 and substitute the following:
6 "repealed as follows:"
7

8 Respectfully submitted,
9 Senate Committee: House Committee:
10 Dave Owen Brad Young
11 Ron Teck Tom Plant
12 Peggy Reeves John Witwer
13
14

15
16 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
17 **on SB03-185**

18
19 This Report Adopts the Reengrossed Bill.

20
21 To the President of the Senate and the
22 Speaker of the House of Representatives:
23

24 Your first conference committee appointed on SB03-185,
25 concerning the establishment of a tax amnesty program whereby
26 taxpayers may pay overdue tax liabilities without penalty for a limited
27 time, and making an appropriation in connection therewith, has met and
28 reports that it has agreed upon the following:
29

30 That the House recede from its amendments made to the bill and
31 that the reengrossed bill be adopted without change.
32

33 Respectfully submitted,
34 Senate Committee: House Committee:
35 Dave Owen Brad Young
36 Ron Teck Tom Plant
37 Peggy Reeves John Witwer
38
39

40 **PRINTING REPORT**

41
42 The Chief Clerk reports the following bills have been correctly printed:
43 **HB03-1306, 1307, 1308, 1309, 1310, 1311, 1312.**
44
45

46
47 **MESSAGES FROM THE SENATE**

48
49 Madam Speaker:

50
51 The Senate has adopted and transmits herewith: SJR03-020.
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54 The Senate has passed on Third Reading and transmitted to the Revisor
55 of Statutes: SB03-130, 052, 042, 116,
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- 1 SB03-133, amended as printed in Senate Journal, February 14, page
2 354-355,
3 SB03-126, amended as printed in Senate Journal, February 7, page
4 275-277,
5 SB03-098, amended as printed in Senate Journal, January 31, page 163
6 and in Senate Journal, February 14, pages 356-357,
7 SB03-118, amended as printed in Senate Journal, February 14,
8 page 357,
9 SB03-079, amended as printed in Senate Journal, February 7, page 288
10 and in Senate Journal, February 14, pages 358-360,
11 SB03-112, amended as printed in Senate Journal, February 7, page 289,
12 SB03-117, amended as printed in Senate Journal, February 14,
13 page 356,
14 SB03-096, amended as printed in Senate Journal, February 7, page 291,
15 SB03-050, amended as printed in Senate Journal, February 10, pages
16 297-298,
17 SB03-013, amended as printed in Senate Journal, January 16, page 69,
18 and in Senate Journal, February 14, page 361,
19 SB03-108, amended as printed in Senate Journal, February 11,
20 page 312,
21 SB03-053, amended as printed in Senate Journal, January 30, page 161,
22 and in Senate Journal, February 14, pages 361-362.
23

MESSAGE FROM THE REVISOR

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27 We herewith transmit:
28 Without comment, SB03-130, 052, 042, and 116.
29 Without comment, as amended, SB03-133, 126, 098, 118, 079, 112, 117,
30 096, 050, 013, 108, and 053.
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INTRODUCTION OF BILLS First Reading

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36 The following bills were read by title and referred to the committees
37 indicated:
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- 39 **HB03-1311** by Representative(s) Hefley--Concerning an exclusion of
40 arrangements for fixed lease payments from the definition
41 of a security.
42 Committee on State, Veterans, & Military Affairs
43
44 **HB03-1312** by Representative(s) Larson, Decker, Groff, Jahn, Judd,
45 Lee, Marshall, Romanoff, Rose, Smith, Stengel, White,
46 Witwer--Concerning the authority to direct the disposition
47 of a person's last remains.
48 Committee on Judiciary
49
50 **HB03-1313** by Representative(s) Wiens, May M., Harvey; also
51 Senator(s) Evans, Lamborn--Concerning the exclusion of
52 particular regions from the motor vehicle emissions
53 program area by rule promulgated by the air quality
54 control commission.
55 Committee on Transportation & Energy
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INTRODUCTION OF RESOLUTION

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

SJR03-020 by Senator(s) Anderson, Andrews, Fitz-Gerald, Owen, Teck, Reeves; also Representative(s) King, Spradley, Young, Witwer, Plant, Veiga--Concerning a Joint Session of the House of Representatives and Senate of the Sixty-fourth General Assembly for the purpose of presenting fiscal information to the members of the General Assembly on the potential state fiscal emergency for the 2003-04 fiscal year.

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until February 18, retaining place on Calendar:

Consideration of General Orders--**HB03-1013, 1081, 1158, SB03-071, HB03-1127, 1160, 1112, 1139, 1171, 1087, 1174, 1186, 1153, 1113, 1157, 1192, 1214, 1243, 1128, 1193, 1226, 1232, 1246, 1283, 1218, 1224, 1272, 1194, 1266, 1273, SB03-059, HB03-1212, 1240, 1271, 1140, 1146, 1205, 1230, 1242, 1256, 1286, 1221, 1228, 1281, 1216.**
Consideration of Resolution--**SJR03-016.**

On motion of Representative Berry, the House adjourned until 9:00 a.m., February 18, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk