

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

Fifty-eighth Legislative Day

Thursday, March 6, 2003

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

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

4

5 Pledge of Allegiance led by Representative Judd.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Vacancy--1.

11 Excused--Representative Mitchell--1.

12 Present after roll call--Representative Mitchell.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative May, the reading of the journal of March 5,  
18 2003, was declared dispensed with and approved as corrected by the  
19 Chief Clerk.

20

21

22

23

**CHANGE IN SPONSORSHIP**

24

25 The Speaker announced the following changes in bill sponsorship:

26

27 **HB03-1217**--Representative Carroll to replace Representative Sanchez

28 **SB03-036**--Representative Lee to replace Representative Groff

29

30

31

32

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

33

34 The following bills were considered on Third Reading. The titles were  
35 publicly read. Reading of the bill at length was dispensed with by  
36 unanimous consent.

37

38 **HB03-1146** by Representative(s) Spradley, Salazar; also Senator(s)  
39 Kester--Concerning an expansion of water judges'  
40 jurisdiction to address the effects of a change of a water  
41 right on water quality.

42

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

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

Vacancy 1	YES	31	NO	33	EXCUSED	00	ABSENT	00
6	Berry	Y	Garcia	N	McCluskey	N	Sinclair	N
7	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
8	Boyd	Y	Harvey	N	Merrifield	Y	Spence	N
9	Briggs	Y	Hefley	N	Miller	Y	Stafford	N
10	Brophy	N	Hodge	N	Mitchell	N	Stengel	N
11	Butcher	Y	Hoppe	N	Paccione	Y	Tochtrop	Y
12	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
13	Carroll	Y	Johnson	N	Pommer	Y	Vigil	N
14	Clapp	N	Judd	Y	Ragsdale	N	Weddig	N
15	Cloer	N	King	N	Rhodes	N	Weissmann	Y
16	Coleman	Y	Larson	Y	Rippy	Y	White	Y
17	Crane	N	Lee	N	Romanoff	Y	Wiens	Y
18	Decker	N	Lundberg	N	Rose	Y	Williams S.	N
19	Fairbank	N	Madden	Y	Salazar	Y	Williams T.	Y
20	Frangas	Y	Marshall	N			Witwer	N
21	Fritz	N	May	N	Schultheis	N	Young	Y
22							Speaker	Y

23  
 24  
 25  
 26 On motion of Representative King, **HB03-1267, 1225, 1219, SB03-117,**  
 27 **HB03-1312** were made Special Orders on Thursday, March 6, 2003, at  
 28 9:41 a.m.

29  
 30  
 31 The hour of 9:41 a.m., having arrived, on motion of Representative  
 32 White, the House resolved itself into Committee of the Whole for  
 33 consideration of Special Orders and he was called to the Chair to act as  
 34 Chairman.

### 35 36 37 **SPECIAL ORDERS--SECOND READING OF BILLS**

38  
 39 The Committee of the Whole having risen, the Chairman reported the  
 40 titles of the following bills had been read (reading at length had been  
 41 dispensed with by unanimous consent), the bills considered and action  
 42 taken thereon as follows:

43  
 44 (Amendments to the committee amendment are to the printed committee  
 45 report which was printed and placed in the members' bill file.)

46  
 47 **HB03-1267** by Representative(s) McCluskey; also Senator(s) Taylor--  
 48 Concerning the repeal of the statutory provision that limits  
 49 a governmental entity from imposing a surcharge upon any  
 50 person using an alternative form of payment for the  
 51 payment of moneys to the state.

52  
 53 Amendment No. 1, Finance Report, dated February 26, 2003, and placed  
 54 in member's bill file; Report also printed in House Journal, February 27,  
 55 pages 948-949.

56

1 Amendment No. 2, by Representative McCluskey.

2

3 Amend the Finance Committee Report, dated February 26, 2003, page 2,  
4 line 23, strike "A CREDIT, CHARGE, OR";

5

6 line 24, strike "DEBIT CARD" and substitute "AN ALTERNATIVE FORM OF  
7 PAYMENT";

8

9 strike line 25 and substitute the following:

10

11 "ALTERNATIVE PAYMENT PROVIDER."."

12

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

15

16

17 **HB03-1225** by Representative(s) Williams T., Spradley, King,  
18 Cadman, Williams S.; also Senator(s) McElhany,  
19 Andrews, Anderson, Owen--Concerning Colorado motor  
20 vehicle insurance.

21

22 Amendment No. 1, Business Affairs & Labor Report, dated February 13,  
23 2003, and placed in member's bill file; Report also printed in House  
24 Journal, February 17, pages 729-758.

25

26

27 Amendment No. 2, by Representative Williams T.

28

29 Amend the Business Affairs and Labor Committee Report, dated  
30 February 13, 2003, page 3, line 7, strike "INSURED" and substitute  
31 "ELIGIBLE INJURED PERSON";

32

33 line 27, after "insured,", insert "INCLUDING BUT NOT LIMITED TO A  
34 RESIDENT SPOUSE,".

35

36 Page 9, line 31, strike "OPTION." and substitute "OPTION AND PRIOR TO  
37 THE FIRST RENEWAL ON AND AFTER JANUARY 1, 2004, OF ANY POLICY OF  
38 MOTOR VEHICLE INSURANCE IN EFFECT ON DECEMBER 31, 2003.".

39

40 Page 10, line 8, after "APPLICANT", insert "OR POLICYHOLDER";

41

42 line 11, after "APPLICANT", insert "OR POLICYHOLDER";

43

44 strike lines 13 and 14 and substitute the following:

45

46 "(c) THAT IF THE APPLICANT OR POLICYHOLDER FAILS TO ELECT AN  
47 OPTION, THEN:

48

49 (I) FOR A POLICY OF MOTOR VEHICLE INSURANCE IN FORCE AND  
50 EFFECT PRIOR TO JANUARY 1, 2004, AND RENEWED THEREAFTER, THE  
51 POLICYHOLDER SHALL BE DEEMED TO HAVE ELECTED BASIC COVERAGE IF  
52 THE POLICY PROVIDED BASIC COVERAGE ON DECEMBER 31, 2003;

53

54 (II) FOR A POLICY OF MOTOR VEHICLE INSURANCE IN FORCE AND  
55 EFFECT PRIOR TO JANUARY 1, 2004, AND RENEWED THEREAFTER, THE  
56 POLICYHOLDER SHALL BE DEEMED TO HAVE ELECTED MANAGED CARE

1 COVERAGE IF THE POLICY PROVIDED MANAGED CARE COVERAGE ON  
2 DECEMBER 31, 2003; AND

3

4 (III) FOR A NEW POLICY ISSUED AFTER DECEMBER 31, 2003, THE  
5 APPLICANT SHALL BE DEEMED TO HAVE ELECTED BASIC COVERAGE.";

6

7 line 15, after "APPLICANT", insert "OR POLICYHOLDER";

8

9 line 29, after "OPTION", insert "AS A CONDITION".

10

11 Page 11, line 11, strike "COVERAGE".

12

13 Page 17, after line 31, insert the following:

14

15 "(5) THE COMMISSIONER SHALL HAVE THE AUTHORITY TO ENFORCE  
16 ANY PROVISION RELATED TO INTERNAL REVIEW PROCEDURES PURSUANT TO  
17 THIS SECTION."

18

19 Page 29, strike lines 5 and 6 and substitute the following:

20

21 ~~"arbitration hearing or a trial, and shall be served in the manner set forth~~  
22 ~~in rules promulgated by the commissioner of insurance.~~ If such notice".

23

24 Page 38, strike lines 11 through 18.

25

26 Renumber succeeding sections accordingly.

27

28 Page 42, line 29, strike "\_\_\_\_ HUNDRED" and substitute "SIX HUNDRED  
29 FIFTY".

30

31 Page 43, strike lines 8 and 9 and substitute the following:

32

33 "determined that this act can be implemented within existing  
34 appropriations,";

35

36 strike line 15 and substitute the following:

37

38 "(b) Sections 6, 18, 22, 23, 26, 27, and 28 shall take effect".

39

40

41 Amendment No. 3, by Representative Williams T.

42

43 Amend the Business Affairs and Labor Committee Report, dated  
44 February 13, 2003, page 11, after line 6, insert the following:

45

46 "(5) THE COMMISSIONER SHALL ADOPT A RULE THAT ADDRESSES  
47 AN UNDERWRITING ADJUSTMENT FOR APPLICANTS AND POLICYHOLDERS  
48 WHO LIVE IN AREAS OF THE STATE WHERE ACCESS TO HEALTH CARE  
49 PROVIDERS IS INADEQUATE SO AS TO PRECLUDE THE APPLICANT OR  
50 POLICYHOLDER'S ABILITY TO CHOOSE ANY OF THE THREE POLICY TYPES  
51 PURSUANT TO THIS SECTION. THE RULE SHALL CONTEMPLATE THAT  
52 INSURERS MAY APPLY OTHER REASONABLE FILED CRITERIA TO SET RATES  
53 FOR INDIVIDUAL INSURED.".

54

55

1 Amendment No. 4, by Representative Williams T.

2

3 Amend the Business Affairs and Labor Committee Report, dated  
4 February 13, 2003, page 13, line 3, strike "MAY" and substitute "SHALL".

5

6

7 Amendment No. 5, by Representative Larson.

8

9 Amend the Business Affairs and Labor Committee Report, dated  
10 February 13, 2003, page 9, line 31, strike "OFFER, AT A" and substitute  
11 "OFFER";

12

13 strike line 32 and substitute the following:

14 "A BASIC POLICY OPTION, MANAGED CARE POLICY OPTION, AND".

15

16

17 Amendment No. 6, by Representatives Larson, Paccione.

18

19 Amend the Business Affairs and Labor Committee Report, dated  
20 February 13, 2003, page 11, line 23, before "NURSE", insert  
21 "CHIROPRACTOR,".

22

23 Page 12, line 18, strike "A" and substitute "ANY OTHER";

24

25 line 19, strike "CHIROPRACTOR AND SUCH OTHER".

26

27

28 Amendment No. 7, by Representatives Paccione, Larson.

29

30 Amend the Business Affairs and Labor Committee Report, dated  
31 February 13, 2003, page 32, line 28, strike "(2), and (4)" and substitute  
32 "(2), (3), and (4),";

33

34 line 29, strike "are" and substitute "is".

35

36 Page 33, after line 25, insert the following:

37

38 "(3) All insurers shall offer collision coverage for damage to  
39 insured motor vehicles subject to deductibles of ~~one~~ FIVE hundred dollars  
40 and ~~two hundred fifty~~ NOT TO EXCEED TEN THOUSAND dollars. Insurers  
41 may offer such other reasonable deductibles as they deem appropriate.  
42 Collision coverage shall provide insurance without regard to fault against  
43 accidental property damage to the insured motor vehicle with another  
44 motor vehicle or motor vehicle caused by physical contact of the insured  
45 with another object or by upset of the insured motor vehicle, if the  
46 accident occurs within the United States, its territories or possessions,  
47 Canada, or Mexico."

48

49

50 Amendment No. 8, by Representatives Paccione, Larson.

51

52 Amend the Business Affairs and Labor Committee Report, dated  
53 February 13, 2003, page 42, before line 10, insert the following:

54

55 "SECTION 26. Part 6 of article 4 of title 10, Colorado Revised  
56 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

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**10-4-616. Comprehensive coverage.** AN INSURER SHALL OFFER COMPREHENSIVE PROPERTY DAMAGE COVERAGE FOR A MOTOR VEHICLE SUBJECT TO REASONABLE DEDUCTIBLES OF ONE THOUSAND DOLLARS AND NOT TO EXCEED TEN THOUSAND DOLLARS. AN INSURER MAY OFFER SUCH OTHER REASONABLE DEDUCTIBLES AS IT DEEMS APPROPRIATE."

Renumber succeeding sections accordingly.

Amendment No. 9, by Representatives Mitchell, Briggs, Cloer, Coleman, Paccione.

Amend the Business Affairs and Labor Committee Report, dated February 13, 2003, page 11, line 26, strike "OR PRACTITIONER AS DETERMINED BY" and substitute "MASSAGE THERAPIST, OR PRACTITIONER COVERED BY";

line 27, strike "THE INSURER PURSUANT TO".

Page 12, line 19, strike "AS";

line 20, strike "DETERMINED BY THE INSURER." and substitute "COVERED BY THE TREATMENT GUIDELINES ADOPTED PURSUANT TO SECTION 10-4-706.9."

Amendment No. 10, by Representative Williams S.

Amend the Business Affairs and Labor Committee Report, dated February 13, 2003, page 41, line 16, after "(2)", insert "(a)";

before line 23, insert the following:

"(b) THE DEPARTMENT OF REGULATORY AGENCIES SHALL INCLUDE AN ANALYSIS OF THE COST SAVINGS REALIZED BY THE IMPLEMENTATION OF THE PROVISIONS OF HB03-1225 WITHIN ITS REPORT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)."

Amendment No. 11, by Representatives Marshall, Williams T.

Amend the Business Affairs and Labor Committee Report, dated February 13, 2003, page 24, line 15, after the period, insert the following

"THE TREATMENT GUIDELINES SHALL BE AMENDED OR REVISED AS NECESSARY BY THE PROGRAM MANAGER. THE COMMISSIONER SHALL ANNUALLY ADOPT BY RULE ANY AMENDMENTS OR REVISIONS TO THE TREATMENT GUIDELINES AS DEEMED APPROPRIATE BY THE COMMISSIONER."

A motion by Representative King that the Committee rise, report progress and beg leave to sit again at 2:15 p.m., was adopted by unanimous consent.

1 House reconvened.

2  
3 The Committee of the Whole reported it had risen, reported progress and  
4 would sit again at 2:15 p.m.

5  
6  
7 House in recess. House reconvened.

8  
9  
10 On motion of Representative White, the House resolved itself into  
11 Committee of the Whole for continuation of consideration of Special  
12 Orders, and he returned to the Chair to act as Chairman.

13  
14  
15 **SPECIAL ORDERS--SECOND READING OF BILLS**

16  
17  
18 **HB03-1225** (continued from page 1046)

19  
20 Amendment No. 12, by Representative King.

21  
22 Amend the Business Affairs and Labor Committee Report, dated  
23 February 13, 2003, page 9, line 29, strike "OR 10-4-706.1";

24  
25 line 33, after the period insert "THE COVERAGES REQUIRED PURSUANT TO  
26 SECTION 10-4-706.1 SHALL BE PROVIDED THROUGH A BASIC OR MANAGED  
27 CARE POLICY AS DETERMINED BY EACH INSURER.".

28  
29  
30 Amendment No. 13, by Representative Harvey.

31  
32 Amend the Business Affairs and Labor Committee Report, dated  
33 February 13, 2003, page 39, after line 1, insert the following:

34  
35 "SECTION 20. 10-4-715, Colorado Revised Statutes, is amended  
36 BY THE ADDITION OF A NEW SUBSECTION to read:

37  
38 **10-4-715. No limitation on tort action against noncomplying**  
39 **tort-feasors - limitation on recovery of noneconomic damages. (2) AN**  
40 **OPERATOR OF A MOTOR VEHICLE WHO FAILS TO HAVE A COMPLYING**  
41 **POLICY PURSUANT TO THIS PART 7 MAY NOT SEEK RECOVERY FOR**  
42 **NONECONOMIC LOSSES FROM AN INSURED OPERATOR OF A MOTOR**  
43 **VEHICLE."**

44  
45 Renumber succeeding sections accordingly.

46  
47  
48 Amendment No. 14, by Representative Coleman.

49 Amend the Business Affairs and Labor Committee Report, dated  
50 February 13, 2003, page 8, line 2, strike "MAY" and substitute "SHALL".

51  
52  
53 Amendment No. 15, by Representative Coleman.

54  
55 Amend the Business Affairs and Labor Committee Report, dated  
56 February 13, 2003, page 38, line 2, strike "HOWEVER, FOR A

1 CLOSED-HEAD INJURY, A";

2

3 strike lines 3 through 6 and substitute the following:

4

5 "HOWEVER, FOR A TRAUMATIC BRAIN INJURY, A QUESTION OF FACT FOR  
6 THE JURY IS CREATED IF A LICENSED PSYCHOLOGIST, PSYCHIATRIST,  
7 ALLOPATHIC OR OSTEOPATHIC PHYSICIAN, NEUROLOGIST, OR PHYSICAL  
8 MEDICINE AND REHABILITATION PHYSICIAN WHO REGULARLY DIAGNOSES  
9 OR TREATS TRAUMATIC BRAIN INJURIES TESTIFIES UNDER OATH THAT  
10 THERE IS A SERIOUS NEUROLOGICAL INJURY."

11

12 As amended, declared **lost** on Second Reading.

13

14

15 **HB03-1219** by Representative(s) Hall, Fritz, Hoppe, Larson,  
16 McCluskey, White, Williams T.; also Senator(s)  
17 Johnson S.--Concerning the regulation of collection  
18 agencies, and, in connection therewith, continuing the  
19 collection agency board.

20

21 Amendment No. 1, Business Affairs & Labor Report, dated February 6,  
22 2003, and placed in member's bill file; Report also printed in House  
23 Journal, February 7, pages 599-600.

24

25 Amendment No. 2, by Representative Hall.

26

27 Amend printed bill, page 2, line 2, after "(II)", insert "and", and strike  
28 "(3), and";

29

30 line 3, strike "(6) (a),".

31

32 Page 3, strike lines 6 through 16.

33

34 Page 5, strike lines 8 through 12 and substitute the following:

35

36 "(c) In its initial written communication to a consumer, a  
37 collection agency shall include ~~notification of the consumer's rights under~~  
38 ~~this subsection (3). If such notification is placed on the back of the~~  
39 ~~written communication, there shall be a statement on the front notifying~~  
40 ~~the consumer of such fact~~ THE FOLLOWING STATEMENT: "FOR  
41 INFORMATION ABOUT THE COLORADO FAIR DEBT  
42 COLLECTION PRACTICES ACT, SEE  
43 WWW.AGO.STATE.CO.US/CAB.HTM." IF SUCH NOTIFICATION IS  
44 PLACED ON THE BACK OF THE WRITTEN COMMUNICATION, THERE SHALL BE  
45 A STATEMENT ON THE FRONT NOTIFYING THE CONSUMER OF SUCH FACT."

46

47 Amendment No. 3, by Representative Hall.

48

49 Amend printed bill, page 5, strike lines 17 through 27 and substitute the  
50 following:

51

52 "**SECTION 3.** 12-14-107 (1) (I), Colorado Revised Statutes, is  
53 amended to read:

54

55 **12-14-107. False or misleading representations.** (1) A debt  
56 collector or collection agency shall not use any false, deceptive, or



1 misleading representation or means in connection with the collection of  
2 any debt, including, but not limited to, the following conduct:

3  
4 (1) Except as otherwise provided for communications to acquire  
5 location information under section 12-14-104, the failure to disclose  
6 clearly, in the initial written communication made to collect a debt or  
7 obtain information about a consumer AND ALSO, IF THE INITIAL  
8 COMMUNICATION WITH THE CONSUMER IS ORAL, IN THE INITIAL ORAL  
9 COMMUNICATION, that the debt collector or collection agency is  
10 attempting to collect a debt and that any information obtained will be  
11 used for that purpose, AND, IN SUBSEQUENT COMMUNICATIONS, THAT THE  
12 COMMUNICATION IS FROM A DEBT COLLECTOR OR COLLECTION AGENCY;  
13 EXCEPT THAT THIS PARAGRAPH (1) SHALL NOT APPLY TO A FORMAL  
14 PLEADING MADE IN CONNECTION WITH A LEGAL ACTION;".

15  
16 As amended, ordered engrossed and placed on the Calendar for Third  
17 Reading and Final Passage.

18  
19  
20  
21 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

22  
23 Representatives Harvey, Garcia, Cadman, Weddig, and Williams S.  
24 moved to amend the Report of the Committee of the Whole to show that  
25 Amendment No. 13, by Representative Harvey (printed in House Journal,  
26 page 1047, lines 30-45) to HB03-1225, did not pass, and that  
27 HB03-1225, as amended, did pass.

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

30  
31

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

48  
49

50  
51 Representatives Williams T. and Cadman moved to amend the Report of  
52 the Committee of the Whole to show that HB 03-1225, as amended, did  
53 pass.

54  
55 The amendment was declared **lost** by the following roll call vote:

56

	Vacancy 1	YES	27	NO	37	EXCUSED	00	ABSENT	00
1	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y	
2	Borodkin	N	Hall	Y	McFadyen	N	Smith	N	
3	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y	
4	Briggs	Y	Hefley	Y	Miller	Y	Stafford	N	
5	Brophy	Y	Hodge	N	Mitchell	N	Stengel	N	
6	Butcher	N	Hoppe	Y	Paccione	N	Tochtrop	N	
7	Cadman	Y	Jahn	N	Plant	N	Veiga	N	
8	Carroll	N	Johnson	Y	Pommer	N	Vigil	N	
9	Clapp	N	Judd	N	Ragsdale	N	Weddig	N	
10	Cloer	N	King	Y	Rhodes	Y	Weissmann	N	
11	Coleman	N	Larson	Y	Rippy	Y	White	Y	
12	Crane	Y	Lee	N	Romanoff	N	Wiens	Y	
13	Decker	N	Lundberg	N	Rose	N	Williams S.	Y	
14	Fairbank	Y	Madden	N	Salazar	N	Williams T.	Y	
15	Frangas	N	Marshall	N			Witwer	Y	
16	Fritz	N	May	Y	Schultheis	N	Young	Y	
17							Speaker	Y	

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **HB03-1267 amended, 1219 amended.**

Lost on Second Reading: **HB03-1225 amended.**

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

	Vacancy 1	YES	58	NO	06	EXCUSED	00	ABSENT	00
33	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y	
34	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
35	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	N	
36	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
37	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y	
38	Butcher	Y	Hoppe	N	Paccione	Y	Tochtrop	Y	
39	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y	
40	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y	
41	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
42	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y	
43	Coleman	Y	Larson	N	Rippy	Y	White	Y	
44	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y	
45	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
46	Fairbank	N	Madden	Y	Salazar	Y	Williams T.	Y	
47	Frangas	Y	Marshall	Y			Witwer	Y	
48	Fritz	Y	May	N	Schultheis	Y	Young	Y	
49							Speaker	Y	

**REPORTS OF COMMITTEES OF REFERENCE****AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

**HB03-1318** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 26, strike "OR FROM A BASIN";

line 27, strike "LOCATED WITHIN COLORADO;" and substitute "A WATER DIVISION;"

Page 4, line 5, strike "USES" and substitute "USES.";

strike lines 6 through 8.

**HB03-1320** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 15, after "(2)", insert "(a)";

line 16, strike "EMERGENCY," and substitute "EMERGENCY OR DETERMINES THAT OTHER CONDITIONS WARRANT,";

line 20, strike "(a)" and substitute "(I)".

Page 3, line 2, strike "(b)" and substitute "(II)";

strike line 4, and substitute the following:

"WATER RIGHTS AND MAY ACCEPT PROPOSED LOANS IN ACCORDANCE WITH SECTION 37-92-102 (3).";

line 5, strike "(c)" and substitute "(III)";

after line 8, insert the following:

"(b) IN DETERMINING WHETHER OR NOT INJURY WILL OCCUR, THE DIVISION ENGINEER SHALL ENSURE THE FOLLOWING CONDITIONS ARE MET:

(I) THE PROPONENT HAS FILED A REQUEST FOR APPROVAL OF THE LOAN WITH THE DIVISION ENGINEER, TOGETHER WITH A FILING FEE IN THE AMOUNT OF ONE HUNDRED DOLLARS. THE REQUEST FOR APPROVAL SHALL INCLUDE:

(A) EVIDENCE OF THE PROPONENT'S LEGAL RIGHT TO USE THE LOANED WATER RIGHT;

(B) A STATEMENT OF THE DURATION OF THE PROPOSED LOAN;

1 (C) A DESCRIPTION OF THE ORIGINAL POINTS OF DIVERSION, THE  
2 RETURN FLOW PATTERN, THE STREAM REACH, AND THE TIME, PLACE, AND  
3 TYPES OF USE OF THE LOANED WATER RIGHT;  
4

5 (D) A DESCRIPTION OF THE NEW PROPOSED POINTS OF DIVERSION,  
6 THE RETURN FLOW PATTERN, THE STREAM REACH, AND THE TIME, PLACE,  
7 AND TYPES OF USE OF THE LOANED WATER RIGHT; AND  
8

9 (E) A REASONABLE ESTIMATE OF THE HISTORIC CONSUMPTIVE USE  
10 OF THE LOANED WATER RIGHT.  
11

12 (II) THE PROPONENT HAS PROVIDED WRITTEN NOTICE OF THE  
13 REQUEST FOR APPROVAL OF THE LOAN BY FIRST-CLASS MAIL OR  
14 ELECTRONIC MAIL TO ALL PARTIES ON THE SUBSTITUTE WATER SUPPLY  
15 PLAN NOTIFICATION LIST ESTABLISHED PURSUANT TO SECTION 37-92-308  
16 (6) FOR THE WATER DIVISION IN WHICH THE PROPOSED LOAN IS LOCATED  
17 AND PROOF OF SUCH NOTICE IS FILED WITH THE DIVISION ENGINEER;  
18

19 (III) THE PROPOSED USE OF THE LOANED WATER RIGHT IS FOR  
20 INSTREAM FLOW PURPOSES;  
21

22 (IV) NONE OF THE WATER RIGHTS INVOLVED IN THE LOAN IS  
23 ADJUDICATED TO OR DIVERTED AT A WELL LOCATED MORE THAN ONE  
24 HUNDRED FEET FROM THE BANK OF THE NEAREST FLOWING STREAM;  
25

26 (V) THE DIVISION ENGINEER HAS GIVEN THE OWNERS OF WATER  
27 RIGHTS AND DECREED CONDITIONAL WATER RIGHTS FIFTEEN DAYS AFTER  
28 THE DATE OF MAILING OF NOTICE UNDER SUBPARAGRAPH (II) OF THIS  
29 PARAGRAPH (b) TO FILE COMMENTS ON THE PROPOSED LOAN; EXCEPT  
30 THAT, THE DIVISION ENGINEER MAY ACT ON THE APPLICATION  
31 IMMEDIATELY AFTER THE APPLICANT PROVIDES EVIDENCE THAT ALL  
32 PERSONS ENTITLED TO NOTICE OF THE APPLICATION UNDER SUBPARAGRAPH  
33 (II) OF THIS PARAGRAPH (b) HAVE EITHER CONSENTED TO OR COMMENTED  
34 ON THE APPLICATION. SUCH COMMENTS SHALL INCLUDE ANY CLAIM OF  
35 INJURY OR ANY TERMS AND CONDITIONS THAT SHOULD BE IMPOSED UPON  
36 THE PROPOSED LOAN TO PREVENT INJURY TO A PARTY'S WATER RIGHT AND  
37 ANY OTHER INFORMATION THE COMMENTING PARTY WISHES THE DIVISION  
38 ENGINEER TO CONSIDER IN REVIEWING THE PROPOSED LOAN; AND  
39

40 (VI) THE DIVISION ENGINEER, AFTER CONSIDERATION OF ANY  
41 COMMENTS RECEIVED, HAS DETERMINED THAT THE OPERATION AND  
42 ADMINISTRATION OF THE PROPOSED LOAN WILL NOT CAUSE MATERIAL  
43 INJURY TO OTHER WATER RIGHTS OR IMPACT COLORADO'S COMPACT  
44 ENTITLEMENTS. THE DIVISION ENGINEER SHALL IMPOSE SUCH TERMS AND  
45 CONDITIONS AS ARE NECESSARY TO ENSURE THAT THESE STANDARDS ARE  
46 MET. IN MAKING THE DETERMINATIONS SPECIFIED IN THIS SUBPARAGRAPH  
47 (VI), THE DIVISION ENGINEER SHALL NOT BE REQUIRED TO HOLD ANY  
48 FORMAL HEARINGS OR CONDUCT ANY OTHER FORMAL PROCEEDINGS, BUT  
49 MAY CONDUCT A HEARING OR FORMAL PROCEEDING IF THE DIVISION  
50 ENGINEER FINDS IT NECESSARY TO ADDRESS THE ISSUES.  
51

52 (VII) THE DIVISION ENGINEER SHALL APPROVE OR DENY THE  
53 PROPOSED LOAN WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OF  
54 NOTICE UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), OR WITHIN  
55 FIVE DAYS AFTER THE APPLICANT PROVIDES EVIDENCE THAT ALL PERSONS  
56 ENTITLED TO NOTICE OF THE APPLICATION UNDER SUBPARAGRAPH (II) OF

1 THIS PARAGRAPH (b) HAVE EITHER CONSENTED TO OR COMMENTED ON THE  
2 APPLICATION.

3  
4 (VIII) WHEN THE DIVISION ENGINEER APPROVES OR DENIES A  
5 PROPOSED LOAN, THE DIVISION ENGINEER SHALL SERVE A COPY OF THE  
6 DECISION ON ALL PARTIES TO THE APPLICATION BY FIRST-CLASS MAIL OR,  
7 IF SUCH PARTIES HAVE SO ELECTED, BY ELECTRONIC MAIL. NEITHER THE  
8 APPROVAL NOR THE DENIAL BY THE DIVISION ENGINEER SHALL CREATE  
9 ANY PRESUMPTIONS, SHIFT THE BURDEN OF PROOF, OR SERVE AS A DEFENSE  
10 IN ANY LEGAL ACTION THAT MAY BE INITIATED CONCERNING THE LOAN.  
11 ANY APPEAL OF A DECISION BY THE DIVISION ENGINEER CONCERNING THE  
12 LOAN PURSUANT TO THIS SECTION SHALL BE MADE TO THE WATER JUDGE  
13 IN THE APPLICABLE WATER DIVISION WITHIN FIFTEEN DAYS AFTER THE  
14 DATE ON WHICH THE DECISION IS SERVED ON THE PARTIES TO THE  
15 APPLICATION. THE WATER JUDGE SHALL HEAR SUCH APPEAL ON AN  
16 EXPEDITED BASIS."

17  
18  
19

20 **SB03-065** be referred to the Committee of the Whole with favorable  
21 recommendation.

22  
23  
24  
25

26 **FINANCE**

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

29

30 **HB03-1309** be postponed indefinitely.

31  
32

33 **SB03-098** be amended as follows, and as so amended, be referred to  
34 the Committee of the Whole with favorable  
35 recommendation:

36

37 Amend reengrossed bill, page 4, strike lines 3 through 14 and substitute  
38 the following:

39

40 "SECTION 4. The introductory portion to 24-51-505 (1),  
41 Colorado Revised Statutes, is amended, and the said 24-51-505 is further  
42 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

43

44 **24-51-505. Purchase of service credit relating to noncovered**  
45 **employment.** (1) Service credit may be purchased for any period of  
46 previous employment with any public or private employer in the United  
47 States, ~~or~~ its territories, OR ANY FOREIGN COUNTRY subject to the  
48 following conditions:

49

50 (7) A PORTION OF THE AMOUNT PAID BY A MEMBER TO PURCHASE  
51 SERVICE CREDIT RELATED TO NONCOVERED EMPLOYMENT SHALL BE  
52 TRANSFERRED TO THE HEALTH CARE TRUST FUND ON THE EFFECTIVE DATE  
53 OF THE MEMBER'S RETIREMENT OR, IN CASE OF DEATH PRIOR TO  
54 RETIREMENT, ON THE EFFECTIVE DATE OF THE SURVIVOR BENEFIT. THE  
55 AMOUNT TRANSFERRED SHALL BE ONE AND ONE-TENTH PERCENT OF THE  
56 MEMBER'S HIGHEST AVERAGE SALARY AT THE TIME OF THE PURCHASE,

1 WITH INTEREST AT THE RATE SPECIFIED IN SECTION 24-51-101 (28) (a).".

2

3 Page 7, after line 11, insert the following:

4

5 "SECTION 9. 24-51-1101 (1), Colorado Revised Statutes, is  
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7

8 **24-51-1101. Employment after service retirement - repeal.**

9 (1) Except as otherwise provided in subsection (1.5) or (1.7) of this  
10 section, a service retiree from any division may be employed by an  
11 employer, whether or not in a position subject to membership, and  
12 receive a salary without reduction in benefits if the service retiree has not  
13 worked for any employer, as defined in section 24-51-101(20), during the  
14 month of the effective date of retirement, and if:

15

16 (e) THE SERVICE RETIREE IS WORKING IN A POSITION THAT HAS  
17 BEEN TEMPORARILY VACATED BY AN EMPLOYEE WHO HAS BEEN CALLED  
18 INTO ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.

19

20 **SECTION 10.** 24-52-205 (2) (a), (2) (b), and (4), Colorado  
21 Revised Statutes, are amended to read:

22

23 **24-52-205. Participation.** (2) (a) Any eligible employee who is  
24 neither a member nor an inactive member of the association and who is  
25 initially appointed to an eligible position on or after the effective date of  
26 the establishment of a defined contribution plan at such eligible  
27 employee's employing entity shall make a ~~one-time irrevocable~~ written  
28 election within thirty days of commencing employment in such position  
29 to participate in the association or in a defined contribution plan in which  
30 the employee is eligible to participate pursuant to the provisions of this  
31 part 2. In the absence of such written election, such person shall be a  
32 member of the association.

33

34 (b) Any eligible employee who is a member or inactive member  
35 of the association ~~at the time such employee is initially appointed to or~~  
36 ~~initially holds an eligible position~~ may, as long as such employee ~~remains~~  
37 ~~employed in such position~~ IS EMPLOYED IN AN ELIGIBLE POSITION, make  
38 a ~~one-time irrevocable~~ written election during the month of January of  
39 ~~each~~ ANY year to participate in a defined contribution plan in which the  
40 employee is eligible to participate pursuant to the provisions of this part  
41 2. In the absence of such written election, such person shall be a member  
42 of the association.

43

44 (4) Any election by an eligible employee to participate in a  
45 defined contribution plan of an employing entity ~~shall be irrevocable and~~  
46 shall be accompanied by an appropriate application, where required,  
47 designating the investment product or products selected by the eligible  
48 employee for investment under the defined contribution plan.

49

50 **SECTION 11.** 24-52-206 (2), Colorado Revised Statutes, is  
51 amended to read:

52

53 **24-52-206. Public employees' retirement association.**

54 (2) (a) Any eligible employee who participates in a defined contribution  
55 plan established pursuant to this part 2 ~~shall be ineligible for membership~~  
56 ~~in the association so long as such eligible employee is employed in any~~

1 ~~eligible position~~ MAY TERMINATE FUTURE CONTRIBUTIONS TO SUCH PLAN  
2 AND INSTEAD PARTICIPATE IN THE ASSOCIATION BY MAKING A WRITTEN  
3 ELECTION DURING THE MONTH OF JANUARY OF ANY YEAR. ANY SUCH  
4 ELECTION TO PARTICIPATE IN THE ASSOCIATION SHALL BE IN WRITING AND  
5 SHALL BE FILED WITH THE ASSOCIATION AND WITH SUCH ELIGIBLE  
6 EMPLOYEE'S EMPLOYER.

7  
8 (b) ANY ELIGIBLE EMPLOYEE WHO TERMINATES PARTICIPATION IN  
9 THE DEFINED CONTRIBUTION PLAN AND BECOMES A MEMBER OF THE  
10 ASSOCIATION MAY, UPON MEETING THE REQUIREMENTS OF SECTION  
11 24-51-505, PURCHASE SERVICE CREDIT FOR THE PERIOD OF EMPLOYMENT  
12 DURING WHICH THE EMPLOYEE WAS A PARTICIPANT IN A DEFINED  
13 CONTRIBUTION PLAN PURSUANT TO THIS PART 2. THE COST TO PURCHASE  
14 SUCH SERVICE SHALL BE THE FULL ACTUARIAL COST AS DETERMINED BY  
15 THE ACTUARY OF THE ASSOCIATION BUT NOT LESS THAN THE COST  
16 CHARGED FOR OTHER PURCHASES OF NONCOVERED EMPLOYMENT  
17 PURSUANT TO SECTION 24-51-505 (3). THE EMPLOYEE MAY ELECT TO  
18 HAVE ANY PORTION OF THE EMPLOYEE'S ACCOUNT PAID FROM THE DEFINED  
19 CONTRIBUTION PLAN TO THE ASSOCIATION TO FACILITATE THE PURCHASE  
20 OF SERVICE CREDIT THROUGH A DIRECT ROLLOVER IN ACCORDANCE WITH  
21 SECTION 401(a) (31) OF THE FEDERAL "INTERNAL REVENUE CODE OF  
22 1986", AS AMENDED. THE EMPLOYEE MAY NOT BE VESTED IN THE DEFINED  
23 CONTRIBUTION PLAN UPON PURCHASING SERVICE CREDIT FOR  
24 EMPLOYMENT THAT WAS COVERED BY THE DEFINED CONTRIBUTION PLAN."

25  
26 Renumber succeeding sections accordingly.

27  
28  
29  
30 **SB03-148** be referred to the Committee of the Whole with favorable  
31 recommendation.

32  
33  
34  
35  
36 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

39  
40 **HB03-1284** be postponed indefinitely.

41  
42  
43 **HB03-1305** be amended as follows, and as so amended, be referred to  
44 the Committee of the Whole with favorable  
45 recommendation:

46  
47 Amend printed bill, page 7, line 4, strike "PROVIDE." and substitute  
48 "PROVIDE AND SHALL PROVIDE WRITTEN NOTICE TO THE CONSUMER  
49 SPECIFYING ANY SUBCONTRACTORS, AGENTS, OR OTHER EQUIPMENT AND  
50 PERSONNEL PROVIDERS FOR THE FUNERAL ESTABLISHMENT. SUCH NOTICE  
51 SHALL BE GIVEN WHEN THE CONSUMER INQUIRES ABOUT THE GOODS OR  
52 SERVICES THE FUNERAL ESTABLISHMENT PROVIDES AND SHALL PROVIDE  
53 THE NAMES AND ADDRESSES OF SUCH SUBCONTRACTORS, AGENTS, OR  
54 OTHER PROVIDERS; EXCEPT THAT IF SUCH INQUIRY IS OVER THE  
55 TELEPHONE, SUCH WRITTEN NOTICE SHALL BE PROVIDED BEFORE THE  
56 CUSTOMER SELECTS GOODS OR SERVICES."

1 Page 9, line 13, after "A", insert "DEGREE OR DEGREE IN MORTUARY  
2 SCIENCE,";

3  
4 line 15, after "SUCH", insert "DEGREE,".

5  
6 Page 14, strike lines 20 through 27 and substitute the following:

7  
8 **"SECTION 3. Repeal.** 12-34-108 (5), Colorado Revised  
9 Statutes, is repealed as follows:

10  
11 **12-34-108. Rights and duties at death.** (5) ~~In the case of a gift  
12 of an eye as provided for in this part 1, a mortuary science practitioner as  
13 defined in part 1 of article 54 of this title who has successfully completed  
14 a course in eye enucleation and has received a certificate of competence  
15 from the department of ophthalmology of the university of Colorado  
16 school of medicine or who has successfully completed a similar course  
17 elsewhere may enucleate eyes for such gift, without charge to the estate  
18 or family of the donor, after the proper certification of death by a  
19 physician and compliance with any other requirements of this part 1 in  
20 relation to such gift."~~

21  
22 Page 15, strike lines 1 through 4;

23  
24 strike lines 14 through 27.

25  
26 Strike pages 16 through 20.

27  
28 Page 21, strike lines 1 through 26.

29  
30 Renumber succeeding sections accordingly.

31  
32 Page 22, strike line 4 and substitute the following:  
33 "in a funeral establishment as defined in section ~~12-54-103(2), C.R.S.,~~";

34  
35 line 5, strike "(12), C.R.S.,".

36

37

38

39

#### 40 **INFORMATION & TECHNOLOGY**

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

43

44 **HB03-1303** be amended as follows, and as so amended, be referred to  
45 the Committee of the Whole with favorable  
46 recommendation:

47

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

49

50 **"SECTION 1. Legislative declaration.** (1) The general  
51 assembly hereby finds, determines, and declares that:

52

53 (a) Since the original enactment, in 1971, of statutes criminalizing  
54 the theft of telecommunication services, communications technology has  
55 undergone continual and far-reaching changes;

56



1 (b) The last significant revision of these statutes occurred in 1997,  
2 with the advent of cellular telephones;

3  
4 (c) In the intervening six years, a host of new wireless devices as  
5 well as an entire new industry, the internet service provider industry, have  
6 developed, so that it may truly be said that a new world of technology has  
7 come on line;

8  
9 (d) Almost simultaneously with each such development, thieves  
10 have adapted the new technology to threaten the financial health of  
11 communication service providers, the privacy of consumers, and the  
12 security of on-line commerce; and

13  
14 (e) Therefore, it is necessary once again to revisit and refine  
15 Colorado's statutes dealing with criminal conduct that employs  
16 communications technology.

17  
18 (2) The purpose of this act is to update this state's approach to  
19 telecommunications crime by broadening technical definitions where  
20 necessary, increasing penalties where appropriate, and addressing the  
21 phenomenon of malicious "hacking". This act is not intended to punish  
22 innocent users."

23  
24 Renumber succeeding sections accordingly.

25  
26 Page 3, line 10, strike "SYSTEM" and substitute "DEVICE".

27  
28 Page 5, line 12, before "COMMUNICATION", insert "A";

29  
30 line 18, strike "COMMUNICATION providers." and substitute "providers A  
31 COMMUNICATION SERVICE PROVIDER."

32  
33 Page 6, line 4, after "COMMUNICATION", insert "SERVICE";

34  
35 line 5, after "COMMUNICATION", insert "SERVICE".

36  
37 Page 7, line 1, after "COMMUNICATION", insert "SERVICE";

38  
39 line 18, after "COMMUNICATION", insert "SERVICE".

40  
41 Page 8, line 3, strike "SERVICE OR TO" and substitute the following:

42  
43 "SERVICE;

44  
45 (II) To";

46  
47 line 7, strike "(II)" and substitute "(III)";

48  
49 line 11, strike "(III)" and substitute "(IV)".

50  
51 Page 9, line 5, strike "UNDER" and substitute "WITH";

52  
53 line 6, strike "CIRCUMSTANCES EVIDENCING";

54  
55 line 8, strike "SECTION," and substitute "SECTION; OR";

56

1 strike lines 9 through 13.

2

3 Page 11, line 12, before "COMMUNICATION", insert "ANY";

4

5 line 21, before "COMMUNICATION", insert "ANY";

6

7 line 22, before "COMMUNICATION", insert "ANY".

8

9 Page 12, strike lines 9 through 16 and substitute the following:

10

11 ~~"(e) (8) Each violation of this subsection (4), including each~~  
12 ~~instance of intercepting signals or of creating a cloned cellular phone,~~  
13 ~~shall be~~ SECTION, AND EACH DAY OF A CONTINUING VIOLATION, SHALL  
14 CONSTITUTE a separate offense."

15

16 Page 13, line 25, before "COMMUNICATION", insert "ANY".

17

18 Page 16, strike line 23 and substitute "CIVIL proceeding or action arising  
19 out of or under BASED ON AN ALLEGED VIOLATION OF section 18-9-309.  
20 (2) or (3).".

21

22 Page 18, line 13, strike "COURT, NOT THE JURY," and substitute "COURT";

23

24 strike lines 22 through 27.

25

26 Strike pages 19 through 21.

27

28 Page 22, strike lines 1 through 18;

29

30 strike lines 19 through 24 and substitute the following:

31

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

41

42 (2) The provisions of this act shall apply to offenses committed  
43 on or after the applicable effective date of this act."

44

45

46

47 **SB03-135** be amended as follows, and as so amended, be referred to  
48 the Committee of the Whole with favorable  
49 recommendation:

50

51 Amend reengrossed bill, page 12, strike lines 4 through 10.

52

53 Renumber succeeding sections accordingly.

54

55

56

1 **LOCAL GOVERNMENT**

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

4  
5 **SB03-035** be referred to the Committee of the Whole with favorable  
6 recommendation.

7  
8 **SB03-139** be referred to the Committee of the Whole with favorable  
9 recommendation.

10

11

12

13 **STATE, VETERANS, & MILITARY AFFAIRS**

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

16

17 **HB03-1195** be postponed indefinitely.

18

19

20 **HB03-1223** be amended as follows, and as so amended, be referred to  
21 the Committee on Appropriations with favorable  
22 recommendation:

23

24 Amend printed bill, page 2, strike lines 8 through 16 and substitute the  
25 following:

26

27 "THE DEPARTMENT EITHER:

28

29 (I) PROOF OF INSURANCE COVERAGE IN ACCORDANCE WITH  
30 SECTION 10-4-705, C.R.S., PROOF OF SELF-INSURANCE IN ACCORDANCE  
31 WITH SECTION 10-4-716, C.R.S., OR PROOF OF AN EXEMPTION FROM ANY  
32 SUCH FINANCIAL SECURITY REQUIREMENTS DURING THE THREE-MONTH  
33 PERIOD THAT THE COMPARISON UNDER SUBSECTION (1) OF THIS SECTION  
34 FAILED TO SHOW COMPLIANCE WITH SUCH SECTION; OR

35

36 (II) (A) PROOF OF INSURANCE COVERAGE IN ACCORDANCE WITH  
37 SECTION 10-4-705, C.R.S., PROOF OF SELF-INSURANCE IN ACCORDANCE  
38 WITH SECTION 10-4-716, C.R.S., OR PROOF OF AN EXEMPTION FROM ANY  
39 SUCH FINANCIAL SECURITY REQUIREMENTS THAT THE OWNER HAS  
40 ACQUIRED AFTER RECEIVING THE NOTICE SENT PURSUANT TO SUBSECTION  
41 (1) OF THIS SECTION; AND

42

43 (B) PAYMENT OF A REINSTATEMENT FEE IN THE AMOUNT OF EITHER  
44 ONE HUNDRED DOLLARS OR FIVE HUNDRED DOLLARS FOR A SECOND OR  
45 SUBSEQUENT SUSPENSION."

46

47 Page 3, after line 11, insert the following:

48

49 "SECTION 3. 42-4-1409 (4) (a) and (4) (b), Colorado Revised  
50 Statutes, are amended to read:

51

52 **42-4-1409. Compulsory insurance - penalty - repeal.**

53 (4) (a) Any person who violates the provisions of subsection (1), (2), or  
54 (3) of this section commits a class 1 misdemeanor traffic offense. The  
55 minimum fine imposed by section 42-4-1701 (3) (a) (II) (A) shall be  
56 mandatory, and the court shall not suspend such minimum fine. ~~in whole~~

1 ~~or in part, unless it is established that appropriate insurance as required~~  
 2 ~~under sections 10-4-705 and 10-4-716, C.R.S., has been obtained.~~  
 3 Nothing in this paragraph (a) shall be construed to prevent the court from  
 4 imposing a fine greater than the minimum mandatory fine.

5  
 6 (b) Upon a second or subsequent conviction under this section  
 7 within a period of two years following a prior conviction under this  
 8 section, in addition to any imprisonment imposed pursuant to section  
 9 42-4-1701 (3) (a) (II) (A), the defendant shall be punished by a minimum  
 10 mandatory fine of not less than two hundred dollars, and the court shall  
 11 not suspend such minimum fine. ~~in whole or in part, unless it is~~  
 12 ~~established that appropriate insurance as required under sections~~  
 13 ~~10-4-705 and 10-4-716, C.R.S., has been obtained.~~ Nothing in this  
 14 paragraph (b) shall be construed to prevent the court from imposing a fine  
 15 greater than the minimum mandatory fine."

16  
 17 Renumber succeeding sections accordingly.

18  
 19  
 20  
 21 **HB03-1252** be amended as follows, and as so amended, be referred to  
 22 the Committee of the Whole with favorable  
 23 recommendation:

24  
 25 Amend printed bill, strike everything below the enacting clause and  
 26 substitute the following:

27  
 28 **"SECTION 1.** Part 1 of article 3 of title 25, Colorado Revised  
 29 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
 30 read:

31  
 32 **25-3-110. Emergency Contraception.** (1) FOR PURPOSES OF  
 33 THIS SECTION UNLESS THE CONTEXT OTHERWISE REQUIRES, "EMERGENCY  
 34 CONTRACEPTION" MEANS ANY DRUG OR DEVICE APPROVED BY THE  
 35 FEDERAL FOOD AND DRUG ADMINISTRATION THAT PREVENTS PREGNANCY  
 36 AFTER SEXUAL INTERCOURSE, INCLUDING BUT NOT LIMITED TO ORAL  
 37 CONTRACEPTIVE PILLS.

38  
 39 (2) THE GENERAL ASSEMBLY ENCOURAGES ALL HEALTH CARE  
 40 FACILITIES LICENSED PURSUANT TO THIS PART 1 PROVIDING EMERGENCY  
 41 CARE TO SEXUAL ASSAULT SURVIVORS TO ADOPT AMENDMENTS TO THEIR  
 42 EVIDENCE COLLECTION PROTOCOLS FOR THE TREATMENT OF SEXUAL  
 43 ASSAULT SURVIVORS THAT INCLUDE INFORMING THE SURVIVOR IN A  
 44 TIMELY MANNER OF THE AVAILABILITY OF EMERGENCY CONTRACEPTION  
 45 AS A MEANS OF PREGNANCY PROPHYLAXIS AND EDUCATING THE SURVIVOR  
 46 ON THE PROPER USE OF EMERGENCY CONTRACEPTION AND THE  
 47 APPROPRIATE FOLLOW-UP CARE. THE GENERAL ASSEMBLY FURTHER  
 48 ENCOURAGES HEALTH CARE FACILITIES TO PROVIDE TRAINING TO  
 49 EMERGENCY ROOM STAFF ABOUT THE EFFICACY OF EMERGENCY  
 50 CONTRACEPTION AND THE TIME SENSITIVE NATURE OF PRESCRIBING AND  
 51 DISPENSING THE DRUG OR DEVICE.

52  
 53 **SECTION 2. Safety clause.** The general assembly hereby finds,  
 54 determines, and declares that this act is necessary for the immediate  
 55 preservation of the public peace, health, and safety."  
 56



1 On motion of Representative King, the House adjourned until 9:00 a.m.,  
2 March 7, 2003.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,  
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,  
13 Chief Clerk