

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

One Hundred-eighth Legislative Day

Friday, April 25, 2003

1 Prayer by Pastor Curtis Miller, Worship Center of Brighton.

2

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

4

5 Pledge of Allegiance led by Representative White.

6

7 The roll was called with the following result:

8

9 Present--52.

10 Excused--Representatives Berry, Briggs, Butcher, Fairbank, Garcia,
11 Hoppe, Plant, Smith, Stengel, Weissmann, Williams T., Witwer,
12 Young--13.

13 Present after roll call--Representatives Berry, Butcher, Fairbank,
14 Garcia, Hoppe, Stengel, Weissmann, Williams T., Witwer, Young.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Rose, the reading of the journal of April 24,
20 2003, was declared dispensed with and approved as corrected by the
21 Chief Clerk.

22

23

24

25

CONSIDERATION OF RESOLUTION

26

27 **SJR03-032** by Senator(s) Windels; also Representative(s) McFadyen--
28 Concerning recognition of May 24 as Colorado aviation
29 maintenance technician day, and, in connection therewith,
30 honoring the life of airplane mechanic Charles Edward
31 Taylor.

32

33 (Printed and placed in member's file.)

34

35 On motion of Representative McFadyen, the resolution was read at length
36 and **adopted** by **viva voce** vote.

37

38 Co-sponsors added: Roll call of the House.

39

40

41

42

43

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

2
3 The following bills were considered on Third Reading. The titles were
4 publicly read. Reading of the bill at length was dispensed with by
5 unanimous consent.

6
7 **HB03-1132** by Representative(s) Fairbank, Lee; also Senator(s)
8 Hillman--Concerning modifications to the "Fair Campaign
9 Practices Act" in furtherance of constitutional provisions
10 addressing campaign finance enacted as article XXVIII of
11 the state constitution by a vote of the people at the 2002
12 general election.

13
14 Laid over until April 28, retaining place on Calendar.

15
16 **SB03-253** by Senator(s) Chlouber; also Representative(s) White--
17 Concerning the validation of certain parental liability
18 waivers.

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

YES	55	NO	06	EXCUSED	04	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	N
Cadman	Y	Hoppe	Y	Paccione	E	Veiga	Y
Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
Cerbo	N	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	N	Ragsdale	Y	Weissmann	N
Cloer	Y	King	Y	Rhodes	Y	White	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
						Speaker	Y

43 Co-sponsors added: Representatives Brophy, Crane, Garcia, Hefley, Miller,
44 Rippy, Spence, Stengel, Weddig.

45 Representative Paccione excused from voting under House Rule 21(c).

46
47
48 **SB03-073** by Senator(s) Owen; also Representative(s) Hoppe--
49 Concerning an increase in the state engineer's authority to
50 approve the use of water.

51
52 The question being "Shall the bill pass?".

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

56

	YES	61	NO	01	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	N	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Brophy, Fritz, Garcia, Hall, Harvey,
20 McCluskey, Salazar, Stafford, Weddig, Williams T., Young.

21
22 **HB03-1347** by Representative(s) Young; also Senator(s) Owen--
23 Concerning uses of moneys in the employment support
24 fund for the department of labor and employment, and
25 making an appropriation in connection therewith.

26
27 The question being "Shall the bill pass?".

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

	YES	61	NO	01	EXCUSED	03	ABSENT	00
31								
32								
33	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
34	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	E
35	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
36	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
37	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
38	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
39	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
40	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
41	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
42	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
43	Cloer	Y	King	Y	Rhodes	Y	White	Y
44	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
45	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
46	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
48	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
49							Speaker	Y

50
51
52 **HB03-1351** by Representative(s) Hall; also Senator(s) Kester--
53 Concerning an increase in the annual license fee for retail
54 food establishments, and making an appropriation in
55 connection therewith.

56

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

	YES	46	NO	15	EXCUSED	04	ABSENT	00
7	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
8	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
9	Boyd	Y	Hall	Y	McFadyen	Y	Spence	N
10	Briggs	E	Harvey	N	Merrifield	Y	Stafford	Y
11	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
12	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	Y
13	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
14	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
15	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
16	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	E
17	Cloer	N	King	N	Rhodes	N	White	Y
18	Coleman	Y	Larson	Y	Rippy	Y	Wiens	N
19	Crane	Y	Lee	N	Romanoff	Y	Williams S.	Y
20	Decker	N	Lundberg	N	Rose	Y	Williams T.	Y
21	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
22	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Fritz, Tochtrop.

25 Representative Weissmann excused from voting under House Rule 21(c).

26
 27 **SB03-019** by Senator(s) Anderson; also Representative(s) Rhodes--
 28 Concerning program reviews of tobacco settlement
 29 programs, and making an appropriation therefor.

30
 31 The question being "Shall the bill pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.

	YES	62	NO	00	EXCUSED	03	ABSENT	00
37	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
38	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
39	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
40	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
41	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
42	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
43	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
44	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
45	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
46	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
47	Cloer	Y	King	Y	Rhodes	Y	White	Y
48	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
49	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
50	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
51	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
53							Speaker	Y

54
 55

1 **SB03-103** by Senator(s) Reeves, Teck; also Representative(s) Berry,
 2 Larson--Concerning training programs for Colorado peace
 3 officers overseen by the peace officer standards and
 4 training board, and, in connection therewith, providing
 5 funding for such peace officer training programs, and
 6 making an appropriation therefor.

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

	YES	46	NO	16	EXCUSED	03	ABSENT	00
14	Berry	Y	Fritz	Y	May	N	Sinclair	Y
15	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	E
16	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
17	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
18	Brophy	N	Hefley	Y	Miller	Y	Stengel	N
19	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
20	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
21	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
22	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	N
23	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	N
24	Cloer	Y	King	N	Rhodes	N	White	Y
25	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
26	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
27	Decker	N	Lundberg	N	Rose	Y	Williams T.	Y
28	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
29	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Borodkin, Butcher, Coleman, Jahn,
 32 Madden, McCluskey, McFadyen, Merrifield, Miller, Paccione, Ragsdale,
 33 Salazar, Spence, Stafford.

34
 35 **SB03-167** by Senator(s) Isgar; also Representative(s) Brophy--
 36 Concerning the valuation of possessory interests in land
 37 leased by the state board of land commissioners for
 38 purposes of property taxation.

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**.

	YES	62	NO	00	EXCUSED	03	ABSENT	00
46	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
47	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
48	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
49	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
50	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
51	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
52	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
53	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
54	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
55	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
56	Cloer	Y	King	Y	Rhodes	Y	White	Y

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

7 Co-sponsors added: Representatives Cadman, Frangas, Hoppe, McFadyen,
8 Salazar, Speaker.

9
10 **HB03-1362** by Representative(s) Stengel; also Senator(s) Taylor--
11 Concerning the collection of sales tax on telephone and
12 telegraph services when taxable services are aggregated
13 with nontaxable services.

14
15 The question being "Shall the bill pass?".
16 A roll call vote was taken. As shown by the following recorded vote, a
17 majority of those elected to the House voted in the affirmative and the bill
18 was declared **passed**.

20	YES	62	NO	00	EXCUSED	03	ABSENT	00
21	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
22	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
23	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
24	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
26	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
27	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
28	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
29	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
30	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
31	Cloer	Y	King	Y	Rhodes	Y	White	Y
32	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
35	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
36	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
37							Speaker	Y

38 Co-sponsors added: Representatives Brophy, Coleman, Crane, Hall, Jahn,
39 Mitchell, Schultheis, Stafford, Weddig, Speaker.

40
41 **HB03-1366** by Representative(s) White; also Senator(s) Anderson--
42 Concerning a limitation on supersedeas bonds.

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

49	YES	56	NO	06	EXCUSED	03	ABSENT	00
50	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
51	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	E
52	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
53	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
54	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
55	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
56	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y

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

11 Co-sponsors added: Representatives Brophy, Cadman, Crane, Fritz, Hall,
 12 Hoppe, Lee, Lundberg, Miller, Rippy, Stengel.

13
 14 **SB03-308** by Senator(s) May R., Anderson; also Representative(s)
 15 Witwer--Concerning the use of advanced technology fund
 16 moneys.

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

23	YES	56	NO	06	EXCUSED	03	ABSENT	00
24	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
25	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	E
26	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
27	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
28	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
29	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
30	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
31	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
32	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
33	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
34	Cloer	N	King	Y	Rhodes	N	White	Y
35	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
36	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
37	Decker	Y	Lundberg	Y	Rose	N	Williams T.	Y
38	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
39	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
40							Speaker	Y

41 Co-sponsors added: Representatives Coleman, Madden, Marshall.

42
 43 **HB03-1357** by Representative(s) Cloer, Larson; also Senator(s) Jones--
 44 Concerning an exemption of certain statutorily authorized
 45 sales of abandoned motor vehicles from the requirement to
 46 obtain a certification of emissions control.

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

53	YES	62	NO	00	EXCUSED	03	ABSENT	00
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
56	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

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

15 Co-sponsors added: Representatives Lundberg, McFadyen, Sinclair, Stafford,
16 Stengel, Williams S., Speaker.

17

18

19

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

20

21 **SB03-235** by Senator(s) Lamborn; also Representative(s) Mitchell--
22 Concerning the right to display the United States flag.

23

24 (Conference Committee Report printed in House Journal, April 24,
25 pages 1969-1970.)

26

27 On motion of Representative Mitchell, the Conference Committee Report
28 was **adopted** by the following roll call vote:

29

30	YES	62	NO	00	EXCUSED	03	ABSENT	00
31	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
32	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
33	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
34	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
35	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
36	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
37	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
38	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
39	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
40	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
41	Cloer	Y	King	Y	Rhodes	Y	White	Y
42	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
43	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
44	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
45	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
46	Frangas	Y	Marshall	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 **repassed**.

53

54	YES	61	NO	01	EXCUSED	03	ABSENT	00
55	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
56	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E

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

16 Co-sponsors added: Representatives Brophy, Crane, Larson, Lundberg, May,
17 Miller, Stengel, White, Young.

18

19

20

21 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

22

23 On motion of Representative King the rules were suspended for
24 immediate consideration of HB03-1089.

25

26 **HB03-1089** by Representative(s) Mitchell; also Senator(s) Taylor--
27 Concerning reimbursement to owners whose property is
28 acquired by a condemning authority in eminent domain
29 proceedings.

30

31 (Amended as printed in Senate Journal, April 22, page 1161, and
32 on Third reading, as printed in Senate Journal, April 24.)

33

34 Representative Mitchell moved that the House **concur** in Senate
35 amendments. A substitute motion by Representative Veiga that the
36 House **adhere** to its position was declared **lost** by the following roll call
37 vote:

38

39	YES	19	NO	43	EXCUSED	03	ABSENT	00
40	Berry	N	Fritz	N	May	N	Sinclair	N
41	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	E
42	Boyd	N	Hall	N	McFadyen	N	Spence	N
43	Briggs	E	Harvey	N	Merrifield	Y	Stafford	N
44	Brophy	N	Hefley	N	Miller	N	Stengel	N
45	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	Y
46	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
47	Carroll	N	Jahn	N	Plant	E	Vigil	Y
48	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
49	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
50	Cloer	N	King	N	Rhodes	N	White	N
51	Coleman	N	Larson	N	Rippy	N	Wiens	N
52	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
53	Decker	Y	Lundberg	N	Rose	N	Williams T.	N
54	Fairbank	N	Madden	Y	Salazar	N	Witwer	N
55	Frangas	N	Marshall	Y	Schultheis	N	Young	N
56							Speaker	N

1 Representative Mitchell's motion that the House **concur** in Senate
2 amendments was declared **passed** by the following roll call vote:

	YES	46	NO	16	EXCUSED	03	ABSENT	00
5	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
6	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	E
7	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hodge	N	Mitchell	Y	Tochtrop	N
11	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
12	Carroll	Y	Jahn	Y	Plant	E	Vigil	N
13	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
14	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
18	Decker	N	Lundberg	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
21							Speaker	Y

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

	YES	46	NO	16	EXCUSED	03	ABSENT	00
29	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
30	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	E
31	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
32	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
33	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hodge	N	Mitchell	Y	Tochtrop	N
35	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
36	Carroll	Y	Jahn	Y	Plant	E	Vigil	N
37	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
38	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
39	Cloer	Y	King	Y	Rhodes	Y	White	Y
40	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
41	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
42	Decker	N	Lundberg	Y	Rose	Y	Williams T.	Y
43	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
44	Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Jahn, Lee, May, Merrifield, Rhodes, Rose,
47 Stafford, Young.

48
49
50
51 On motion of Representative King, **SB03-078, HB03-1360, SB03-312,**
52 **HB03-1367** were made Special Orders on Friday, April 25, 2003, at
53 10:12 a.m.

54
55
56

1 The hour of 10:12 a.m., having arrived, on motion of Representative
2 White, the House resolved itself into Committee of the Whole for
3 consideration of Special Orders and he was called to the Chair to act as
4 Chairman.

6
7 **SPECIAL ORDERS--SECOND READING OF BILLS**

8
9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:

13
14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)

16
17 **SB03-078** by Senator(s) McElhany; also Representative(s)
18 Williams T.--Concerning regulation of insurance by the
19 insurance commissioner.

20
21 Amendment No. 1, Business Affairs & Labor Report, dated April 17,
22 2003, and placed in member's bill file; Report also printed in House
23 Journal, April 18, pages 1775-1805.

24
25 Amendment No. 2, Appropriations Report, dated April 23, 2003, and
26 placed in member's bill file; Report also printed in House Journal,
27 April 23, page 1947.

28
29 Amendment No. 3, by Representative Cloer.

30
31 Amend the Business Affairs and Labor Committee Report, dated April
32 17, 2003, page 23, after line 11, insert the following:

33
34 "(4) NOTWITHSTANDING ANY PROVISION OF SECTION 10-4-725.3
35 TO THE CONTRARY, IF THE DETERMINATION MADE IN INTERNAL REVIEW IS
36 MADE IN FAVOR OF THE ELIGIBLE INJURED PERSON, THE COST ASSOCIATED
37 WITH EXTERNAL REVIEW SHALL BE PAID BY THE INSURER."

38
39 Page 25, line 7, strike "TWENTY-FIVE" and substitute "EXCEPT AS
40 PROVIDED IN SECTION 10-4-725.2 (4), TWENTY-FIVE".

41
42 Amendment No. 4, by Representative Marshall.

43
44 Amend the Business Affairs and Labor Committee Report, dated April
45 17, 2003, page 3, line 28, strike "SERIOUSLY".

46
47 Amendment No. 5, by Representative Cloer.

48
49 Amend the Business Affairs and Labor Committee Report, dated April
50 17, 2003, page 23, strike lines 15 through 17 and substitute the following:

51
52 "(a) (I) "EXPERT REVIEWER" MEANS A HEALTH CARE PROVIDER OF
53 THE SAME SPECIALTY AS THE TREATING PROVIDER OF THE ELIGIBLE
54 INJURED PERSON. AN EXPERT REVIEWER SHALL NOT:".

55
56 Page 28, strike lines 9 through 11 and substitute the following:

1 "REVIEW BY A PANEL OF THREE EXPERT REVIEWERS; EXCEPT THAT NO
2 MORE THAN TWO OF THE EXPERT REVIEWERS MAY BE LICENSED HEALTH
3 CARE PROVIDERS OF A DIFFERENT SPECIALTY AS THE TREATING PROVIDER
4 OF THE ELIGIBLE INJURED".

5
6 Amendment No. 6, by Representative Coleman.

7
8 Amend the Business Affairs and Labor Committee Report, dated April
9 17, 2003, page 20, line 8, after the period, add ""FOR THE PURPOSES OF
10 THIS SUBPARAGRAPH (I.5), "ESSENTIAL SERVICES" SHALL INCLUDE
11 FUNCTIONS NECESSARY TO THE ELIGIBLE INJURED PERSON'S LIFESTYLE,
12 INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE BUSINESS ACTIVITIES.".

13
14 Amendment No. 7, by Representative Cadman.

15
16 Amend the Business Affairs and Labor Committee Report, dated April
17 17, 2003, page 8, after line 17, insert the following:

18
19 (5) FOR THE PURPOSES OF PARAGRAPHS (b) AND (c) OF
20 SUBSECTION (1) OF THIS SECTION, REASONABLE EXPENSES SHALL NOT
21 INCLUDE THE FOLLOWING:

22
23 (a) ANY PORTION OF ANY CHARGE FOR A ROOM IN ANY HOSPITAL,
24 CLINIC, CONVALESCENT OR NURSING HOME, OR EXTENDED CARE FACILITY,
25 OR IN ANY SIMILAR FACILITY, IN EXCESS OF THE USUAL AND CUSTOMARY
26 CHARGE FOR A SEMI-PRIVATE ACCOMMODATION.

27
28 (b) ANY PORTION OF ANY CHARGE OR FEE FOR ANY CARE,
29 TREATMENTS, SERVICES, PROCEDURES, THERAPY, OR DEVICES THAT ARE:

30
31 (I) EXPERIMENTAL IN NATURE;

32
33 (II) FOR RESEARCH PURPOSES;

34
35 (III) NOT PRIMARILY DESIGNED TO SERVE A MEDICAL PURPOSE; OR

36
37 (IV) NOT COMMONLY AND CUSTOMARILY RECOGNIZED
38 THROUGHOUT THE MEDICAL PROFESSION IN THE UNITED STATES.

39
40 (c) ANY PORTION OF ANY CHARGE OR FEE FOR CARE, TREATMENT,
41 SERVICES, PROCEDURES, THERAPY, OR DEVICES THAT EXCEEDS THE LESSER
42 OF:

43
44 (I) THE HEALTH CARE PROVIDER'S USUAL AND CUSTOMARY
45 CHARGE FOR LIKE CARE, TREATMENT, SERVICES, PROCEDURES, THERAPY,
46 OR DEVICES AS IF A MOTOR VEHICLE ACCIDENT WERE NOT INVOLVED;

47
48 (II) IF THE CARE, TREATMENT, SERVICES, PROCEDURES, THERAPY,
49 OR DEVICES ARE PROVIDED PURSUANT TO A MANAGED CARE
50 ARRANGEMENT, THE CHARGE OR FEE AGREED TO WITH THE MANAGED CARE
51 ARRANGEMENT; OR

52
53 (III) WHICHEVER OF THE FOLLOWING AMOUNTS THAT RELATES TO
54 SPECIALTY SERVICE INVOLVED, DETERMINED TO BE APPLICABLE IN THIS
55 STATE UNDER THE MEDICARE PROGRAM FOR COMPARABLE SERVICES AT
56 THE TIME THE SERVICES WERE RENDERED, OR THE PROVIDER'S USUAL AND

1 CUSTOMARY CHARGE, WHICHEVER IS LESS:

2

3 (A) ONE HUNDRED TEN PERCENT OF THE PREVAILING CHARGE AT
4 THE SEVENTY-FIFTH PERCENTILE;

5

6 (B) THE RECOMMENDED FEE OR THE INFLATION INDEX CHARGE; OR

7

8 (C) ONE HUNDRED TEN PERCENT OF THE DIAGNOSTIC-RELATED
9 GROUPS PAYMENT.

10

11 (6) (a) FOR THE PURPOSES OF SUBPARAGRAPH (III) OF PARAGRAPH
12 (c) OF SUBSECTION (5) OF THIS SECTION OR THIS SUBSECTION (6), FUTURE
13 CHANGES OR ADDITIONS TO MEDICARE ALLOWANCES ARE APPLICABLE;
14 EXCEPT THAT, IF THE COMMISSIONER DETERMINES THAT AN ALLOWANCE
15 UNDER THE MEDICARE PROGRAM IS NOT REASONABLE, THE COMMISSIONER
16 MAY ADOPT A DIFFERENT ALLOWANCE BY RULE, WHICH ALLOWANCE
17 SHALL BE APPLIED AGAINST THE PERCENTAGE LIMITATION IN THIS
18 SUBSECTION (6).

19

20 (b) IF ACUTE CARE IS PROVIDED IN AN ACUTE-CARE FACILITY TO A
21 PATIENT WITH AN IMMEDIATELY LIFE-THREATENING OR URGENT INJURY BY
22 A LEVEL I OR LEVEL II TRAUMA CENTER ACCREDITED BY THE STATE, OR TO
23 A MAJOR BURN INJURY PATIENT BY A BURN FACILITY THAT MEETS ALL OF
24 THE SERVICE STANDARDS OF THE AMERICAN BURN ASSOCIATION, THE
25 AMOUNT OF THE PAYMENT MAY NOT EXCEED THE USUAL AND CUSTOMARY
26 CHARGE.

27

28 (c) WHEN A HEALTH CARE PROVIDER HAS BEEN PAID THE AMOUNT
29 PROVIDED FOR IN SUBSECTION (5) OF THIS SECTION OR THIS SUBSECTION
30 (6), THE PROVIDER MAY NOT BALANCE BILL THE PATIENT FOR ANY
31 ADDITIONAL AMOUNTS FOR CARE, TREATMENT, SERVICES, PROCEDURES,
32 THERAPY, OR DEVICES."

33

34 Amendment No. 8, by Representative Cadman.

35

36 Amend the Business Affairs and Labor Committee Report, dated April
37 17, 2003, page 10, line 11, strike "10-4-706.6 (1) (a)." and substitute
38 "10-4-706.6 (2) (a)."

39

40 Page 17, strike line 1 and substitute the following:

41

42 **"10-4-706.6. Cost-containment options. (1) Alternative health**
43 **care providers.** AN INSURER SHALL MAKE AVAILABLE, OFFER, AND
44 PROVIDE, AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, MEDICAL
45 OR REHABILITATIVE BENEFITS THAT DO NOT INCLUDE ONE OR ALL OF THE
46 FOLLOWING HEALTH CARE PROVIDERS: PODIATRISTS; CHIROPRACTORS;
47 ACUPUNCTURISTS; PHYSICAL THERAPISTS; RESPIRATORY THERAPISTS;
48 OPTOMETRISTS; OR ANY HEALTH CARE PROVIDER WHO IS NOT LICENSED IN
49 THIS STATE.

50

51 (2) (a) **Other personal**".

52

53 Renumber succeeding subsections accordingly.

54

55 Page 34, line 19, strike "10-4-106.6 (1) (b)," and substitute "10-4-706.6
56 (2) (b).";

1 line 22, strike "10-4-706.6 (1) (b)" and substitute "10-4-706.6 (2) (b)".

2

3 Page 41, line 11, strike "10-4-706.6(1) (a)" and substitute "10-4-706.6(2)

4 (a)".

5

6 Amendment No. 9, by Representatives Hefley, Cadman.

7

8 Amend the Amendment No. 10, by Representative Cadman as printed in

9 House Journal, page 2007, line 47, strike "RESPIRATORY THERAPISTS;";

10

11 line 55, strike ""10-4-106.6 (1) (b),"" and substitute ""10-4-706.6 (1)

12 (b),"".

13

14 Amendment No. 10, by Representative Veiga.

15

16 Amend the Business Affairs and Labor Committee Report, dated April

17 17, 2003, page 38, strike lines 12 through 33.

18

19 Strike page 39.

20

21 Page 40, strike lines 1 through 19 and substitute the following:

22

23 **"SECTION 14.** 10-4-714 (1) (e) and (2), Colorado Revised

24 Statutes, are amended to read:

25

26 **10-4-714. Limitation on tort actions.** (1) No person for whom

27 direct benefit coverage is required by operation of sections 10-4-705 to

28 10-4-707, or for whom direct benefits would have been payable but for

29 exercise of a deductible option or but for a waiting period or percentage

30 limitation, shall be allowed to recover against an owner, user, or operator

31 of a motor vehicle, or against any person or organization legally

32 responsible for the acts or omissions of such person, for damages for

33 bodily injury caused by a motor vehicle accident, except in those cases

34 in which there has been caused by a motor vehicle accident:

35

36 (e) Reasonable need for services of the type described in section

37 10-4-706 (1) (b) and (1) (c), ~~(2) (a), or (3) (b)~~, 10-4-706.1, 10-4-706.2,

38 10-4-706.4, OR 10-4-706.6 having a reasonable value in excess of ~~two~~

39 FIVE thousand ~~five hundred~~ dollars. "Reasonable value" as used in this

40 paragraph (e) means the average cost of specific types of services

41 described in section 10-4-706 (1) (b) and (1) (c), ~~(2) (a), or (3) (b)~~

42 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 in the state of

43 Colorado as determined by the commissioner and published not less than

44 once each year. Notwithstanding the provisions of this paragraph (e), no

45 person shall be allowed to recover against an owner, user, or operator of

46 a motor vehicle used in a ridesharing arrangement, as defined in section

47 10-4-707.5 (2), or against any person or organization legally responsible

48 for the acts or omissions of such person for damages caused by a motor

49 vehicle accident in which such vehicle was involved, if such vehicle was

50 in use at the time of the accident in a ridesharing arrangement, as defined

51 in section 10-4-707.5 (2), based on a reasonable need for services of the

52 type described in section 10-4-706 (1) (b) and (1) (c), ~~(2) (a), or (3) (b)~~

53 10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6 unless such services

54 have a reasonable value in excess of ~~five~~ TEN thousand dollars.

55

56 (2) Nothing in this part 7 shall be construed to preclude recovery

1 against an alleged tort-feasor of benefits provided or economic loss
2 recoverable in excess of the minimum coverages required in section
3 10-4-706, (1) (b) to (1) (d), or, if applicable, to a person qualified under
4 section 10-4-706 (3), in excess of alternative coverages 10-4-706.1,
5 10-4-706.2, 10-4-706.4, OR 10-4-706.6."

6

7 Amendment No. 11, by Representative Madden.

8

9 Amend the Amendment No. 10, by Representative Veiga, as printed in
10 House Journal page 2008, line 39, strike "FIVE" and substitute "SEVEN"
11 and strike "five hundred" and substitute "five hundred";

12

13 line 54, strike "TEN" and substitute "FIFTEEN".

14

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

17

18

19 **HB03-1360** by Representative(s) White; also Senator(s) Dyer--
20 Concerning the collection of data from insurers regarding
21 small group health insurance for the purpose of analysis to
22 determine the changes in the small group health insurance
23 marketplace.

24

25 Amendment No. 1, Business Affairs & Labor Report, dated April 24,
26 2003, and placed in member's bill file; Report also printed in House
27 Journal, April 24, page 1987.

28

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

31

32

33 **SB03-312** by Senator(s) McElhany; also Representative(s) Fairbank--
34 Concerning clarification that offering a fee-for-service
35 dental plan for which premiums are not charged shall not
36 be considered transacting the business of insurance.

37

38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.

40

41

42 **HB03-1367** by Representative(s) Cloer, Larson, Stafford, Briggs,
43 Harvey, McFadyen, Merrifield, Ragsdale, Sinclair,
44 Spence, Wiens, Williams S.; also Senator(s) Nichol,
45 Lamborn, Johnson S.--Concerning the issuance of a
46 military valor special license plate to persons who have
47 received a military award for valor.

48

49 Referred to the Committee on Appropriations.

50

51

52

53

54

55

1 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

2
3 Representatives Stafford and Madden moved to amend the Report of the
4 Committee of the Whole to show that the following Amendment No. 1,
5 by Representative Stengel, to SB03-078, as amended by the following
6 Amendment No. 2. by Representative Stengel, the following Amendment
7 No. 3, by Representative Stengel amendment, the following Amendment
8 No. 4, by Representative Stengel, the following Amendment No. 5, by
9 Representative Coleman, the following Amendment No. 6, by
10 Representative Wiens, and the following Amendment No. 7, by
11 Representatives Cadman, Hefley, Stengel, did pass, and that SB03-078,
12 as amended, did pass.

13
14 **Amendment No. 1, by Representative Stengel**

15 Strike the Appropriations Committee Report, dated April __, 2003.

16
17 Strike the Business Affairs and Labor Committee Report, dated April
18 __, 2003, and substitute the following:

19
20 "Amend reengrossed bill, strike everything below the enacting clause and
21 substitute the following:

22
23 **"SECTION 1.** 10-4-702, Colorado Revised Statutes, is amended
24 to read:

25
26 **10-4-702. Legislative declaration.** The general assembly
27 declares that its purpose in enacting this part 7 is to avoid inadequate
28 compensation to victims of automobile accidents; TO MAKE MOTOR
29 VEHICLE INSURANCE MORE AFFORDABLE; to require registrants of motor
30 vehicles in this state to procure insurance covering legal liability arising
31 out of ownership or use of such vehicles and also providing benefits to
32 persons occupying such vehicles and to persons injured in accidents
33 involving such vehicles.

34
35 **SECTION 2.** 10-4-703 (1), Colorado Revised Statutes, is
36 amended, and the said 10-4-703 is further amended BY THE ADDITION
37 OF THE FOLLOWING NEW SUBSECTIONS, to read:

38
39 **10-4-703. Definitions.** As used in this part 7, unless the context
40 otherwise requires:

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

49
50 (1.5) "COMMISSIONER" MEANS THE COMMISSIONER OF INSURANCE.

51
52 (5.5) "ELIGIBLE INJURED PERSON" MEANS A PERSON WITHIN ANY
53 OF THE CATEGORIES OF PERSONS DESCRIBED IN SECTION 10-4-707 (1) AND
54 A PEDESTRIAN.

55
56 (6.5) "MEDICAL NECESSITY" OR "MEDICALLY NECESSARY", IN

1 REFERENCE TO THE PAYMENT OF EXPENSES OF MEDICAL CARE,
2 TREATMENT, OR SERVICES:

3

4 (a) MEANS AND INCLUDES THE PROVISION OF CARE AND
5 TREATMENT BY A LICENSED, CERTIFIED, OR REGISTERED HEALTH CARE
6 PROVIDER PURSUANT TO THE HEALTH CARE PROVIDER'S PROFESSIONAL
7 STANDARDS, GUIDELINES, OR PROTOCOLS AND SUBJECT TO INTERNAL AND
8 EXTERNAL REVIEW PROCEDURES PURSUANT TO SECTION 10-4-706(2) AND
9 (6); AND

10

11 (b) DOES NOT INCLUDE EXPENSES THAT ARE FOR:

12

13 (I) EXPERIMENTAL OR INVESTIGATIONAL TREATMENTS OR
14 SERVICES THAT ARE NOT COMMONLY AND CUSTOMARILY RECOGNIZED
15 THROUGH THE HEALTH PROFESSION AND WITHIN THE UNITED STATES AS
16 APPROPRIATE FOR THE TREATMENT OF BODILY INJURY;

17

18 (II) RESEARCH TREATMENT THAT IS PROVIDED AS PART OF A
19 CLINICAL RESEARCH PROTOCOL OR CLINICAL TRIAL THAT IS INTENDED TO
20 EVALUATE THE SAFETY, TOXICITY, OR EFFICACY OF A DRUG OR
21 TREATMENT;

22

23 (III) TREATMENTS OR SERVICES THAT ARE NOT PRIMARILY
24 DESIGNED TO SERVE A MEDICAL PURPOSE, THAT ARE NOT PRIMARILY
25 PALLIATIVE IN NATURE, AND NOT COMMONLY AND CUSTOMARILY
26 RECOGNIZED THROUGH THE HEALTH CARE PROFESSION AND WITHIN THE
27 UNITED STATES AS APPROPRIATE FOR THE TREATMENT OF BODILY INJURY;

28

29 (IV) THERMOGRAPHY OR OTHER RELATED PROCEDURES; OR

30

31 (V) THE PURCHASE OR RENTAL OF ITEMS THAT ARE NOT PRIMARILY
32 DESIGNED AS DURABLE MEDICAL EQUIPMENT TO SERVE A SPECIFIC
33 MEDICAL PURPOSE.

34

35 **SECTION 3.** 10-4-706 (1) (b) (I), (1) (b) (II) (A), (1) (b) (II) (D),
36 (1) (c) (I), (1) (c) (II) (A), (1) (d), (1) (e), (1) (f), (1.1), (1.3), (2) (a) (I),
37 (2) (a) (II) (C), (2) (b), (2) (c), and (2) (d) (I), the introductory portion to
38 10-4-706 (2) (f) (I), and 10-4-706 (2) (f) (I) (C), (2) (g), (2) (j) (I), and
39 (6), Colorado Revised Statutes, are amended, and the said 10-4-706 is
40 further amended BY THE ADDITION OF A NEW SUBSECTION, to
41 read:

42

43 **10-4-706. Required coverages - optional coverages - complying**
44 **policies - independent examination program.** (1) Subject to the
45 limitations and exclusions authorized by this part 7, the basic personal
46 injury protection coverages required for compliance with this part 7 are
47 as follows:

48

49 (b) (I) Compensation without regard to fault, up to a limit of fifty
50 thousand dollars per person for any one accident, for payment of all
51 ~~reasonable and~~ MEDICALLY necessary expenses for medical, chiropractic,
52 optometric, podiatric, hospital, nursing, X-ray, dental, surgical,
53 ambulance, and prosthetic services ~~and nonmedical remedial care and~~
54 ~~treatment rendered in accordance with a recognized religious method of~~
55 ~~healing~~, performed within ~~five~~ THREE years after the accident for bodily
56 injury arising out of the use or operation of a motor vehicle; except that,

1 to the extent that the benefits offered pursuant to paragraph (c) of this
2 subsection (1) have not been exhausted, the remaining value of such
3 benefits shall be available to the insured or injured person entitled to
4 benefits for treatment pursuant to this paragraph (b). For purposes of this
5 subparagraph (I), the treatment of neurologic injuries also known as
6 ~~closed-head~~ TRAUMATIC BRAIN injuries and their sequelae,
7 temporomandibular joint disorder, craniomandibular disorder, vestibular,
8 auditory, or visual disorders, psychological disorders, and cognitive
9 disorders, that are ~~reasonable~~, MEDICALLY necessary and arising out of
10 the use or operation of a motor vehicle, shall be considered covered
11 medical or dental procedures.

12
13 (II) Any person who is entitled to benefits under this paragraph
14 (b) and is less than thirteen years of age when the motor vehicle accident
15 necessitating such benefits occurs shall be subject to the following
16 provisions:

17
18 (A) Within ~~five~~ THREE years after the date of the accident, a
19 licensed physician or dentist may render a written opinion, based on a
20 reasonable degree of medical probability and supported by detailed and
21 descriptive objective evidence, that ~~reasonable~~ and A MEDICALLY
22 necessary surgery or reconstructive procedure cannot be provided to the
23 claimant within ~~five~~ THREE years after the date of the accident because of
24 such person's status of juvenile growth and lack of physical maturity. If
25 such opinion is rendered, benefits shall be paid in the future when
26 expenses are incurred for such surgery or reconstructive procedure, unless
27 a determination is made under subsection (6) of this section before such
28 surgery or reconstructive procedure occurs that it is no longer ~~reasonable~~
29 ~~and~~ MEDICALLY necessary or that the need for such surgery or
30 reconstructive procedure was not caused by the motor vehicle accident.
31 Any benefits payment for a ~~reasonable~~ and MEDICALLY necessary surgery
32 or reconstructive procedure that arose out of a motor vehicle accident
33 shall be subject to the limits of coverage in force at the time of such
34 accident. Such treatment and expenses shall be compensated as if they
35 were performed within ~~five~~ THREE years after the accident if they are
36 actually incurred before the claimant attains eighteen years of age. This
37 subparagraph (II) applies only to surgery or reconstructive procedures
38 occurring ~~five~~ THREE years or more after a motor vehicle accident,
39 including ~~reasonable~~ and MEDICALLY necessary expenses for medical
40 services, hospital, nursing, and diagnostic procedures specifically related
41 thereto.

42
43 (D) The treating provider shall maintain the originals of all
44 medical reports, office notes, tests, X rays, diagnostic studies, and all
45 other records of any kind in such provider's file until the claimant is
46 eighteen years of age. The provider or the provider's successor in interest
47 shall produce upon written request all such documents, or copies thereof,
48 as appropriate, to any subsequent provider treating the claimant, to any
49 provider performing a ~~PIP~~ AN INDEPENDENT examination under
50 subsection (6) of this section, and to the insurer.

51
52 (c) (I) Compensation without regard to fault up to a limit of fifty
53 thousand dollars per person for any one accident within ~~ten~~ FIVE years
54 after such accident for payment of the cost of MEDICALLY NECESSARY
55 rehabilitation procedures or treatment and rehabilitative occupational
56 training necessary because of bodily injury arising out of the use or

1 operation of a motor vehicle.

2

3 (II) The procedures, treatment, or course of rehabilitation shall
4 meet the following standards:

5

6 (A) A MEDICALLY NECESSARY healing art procedure or treatment
7 which, for the purposes of this part 7, shall include any system, treatment,
8 operation, diagnosis, prescription, or practice for the prevention,
9 ascertainment, cure, relief, palliation, adjustment, or correction of any
10 human disease, ailment, deformity, injury, or unhealthy or abnormal
11 physical or mental condition. ~~or any other nonmedical care or treatment
12 rendered in accordance with a recognized religious method of healing.~~

13

14 (d) (I) EVERY INSURER SHALL OFFER AND PROVIDE, AT THE OPTION
15 OF THE NAMED INSURED, COVERAGE FOR payment of benefits equivalent
16 to one hundred percent of the first one hundred twenty-five dollars of loss
17 of gross income per week, seventy percent of the next one hundred
18 twenty-five dollars of loss of gross income per week, and sixty percent
19 of any loss of gross income per week in excess thereof, with the total
20 benefit under this subparagraph (I) not exceeding four hundred dollars per
21 week, from work the injured person would have performed had he not
22 been injured during a period commencing the day after the date of the
23 accident, and not exceeding fifty-two additional weeks.

24

25 (I.5) ~~In addition~~ EVERY INSURER SHALL OFFER AND PROVIDE, AT
26 THE OPTION OF THE NAMED INSURED, COVERAGE FOR payment ~~shall be~~
27 ~~provided for~~ OF expenses not exceeding twenty-five dollars per day ~~which~~
28 THAT are reasonably incurred for essential services in lieu of those the
29 injured person would have performed without income during the period
30 commencing the day after the date of the accident and not exceeding
31 fifty-two additional weeks.

32

33 (II) Disability benefits specified in this paragraph (d) shall not
34 accrue following the death of the injured person.

35

36 (III) (A) ~~Notwithstanding the requirements of this subsection (1),
37 the loss of gross income coverage set forth in this paragraph (d) may be
38 declined at the option of the insured. However, if such option to decline
39 such coverage is exercised by the named insured, it shall apply only to
40 such named insured, the insured's resident spouse, and any resident
41 relative, as defined in section 10-4-703 (12). All other covered persons
42 shall be entitled to the coverage as set forth in subparagraph (I) of this
43 paragraph (d).~~

44

45 (B) ~~On or after January 1, 1999, the insurer shall provide a notice
46 by mail or by the same medium as that in which the insurance application
47 was taken regarding the opportunity to waive the coverage under
48 sub-subparagraph (A) of this subparagraph (III) to each named insured
49 upon the first renewal of policies that are existing on January 1, 1999.
50 Such notice shall include a description of the coverage that may be
51 waived, the estimated cost of such coverage, and a statement indicating
52 that such coverage may be waived at the option of the named insured.
53 Such notice shall be deemed received by the named insured if mailed,
54 postage prepaid, as part of the insurer's normal and customary business
55 practice, to the last-known address of the named insured as shown on the
56 insurer's records.~~

1 ~~(C) For an application for a new policy and upon the first renewal~~
2 ~~of a policy existing on January 1, 1999, in order to waive the coverage~~
3 ~~under sub-subparagraph (A) of this subparagraph (III), the named insured~~
4 ~~shall sign a written waiver that describes the coverage being waived,~~
5 ~~provides the estimated cost of the coverage being waived, and indicates~~
6 ~~that such coverage is being voluntarily waived by the insured. The~~
7 ~~named insured may obtain or waive loss of gross income coverage at any~~
8 ~~time upon request to the insurer.~~
9

10 (e) EVERY INSURER SHALL OFFER AND PROVIDE, AT THE OPTION OF
11 THE NAMED INSURED, compensation on account of the death of a person
12 for whom direct benefits are provided under this section, payable to the
13 estate of the deceased, in the total amount of ~~one~~ FIVE thousand dollars.
14

15 (f) (I) With respect to the medical and rehabilitation expense
16 provisions in paragraphs (b) and (c) of this subsection (1), an insurer shall
17 ~~make available~~ OFFER and provide, at the option of the named insured,
18 ~~deductibles and coinsurance arrangements. Pursuant to such deductibles~~
19 ~~and coinsurance arrangements, the recipient of the care, treatment,~~
20 ~~services, products, expenses, or accommodations shall share in the~~
21 ~~payment obligations for such care, treatment, services, products,~~
22 ~~expenses, or accommodations~~ COINSURANCE OF TEN PERCENT, WHICH
23 SHALL APPLY TO THE FIRST FIVE THOUSAND DOLLARS OF EXPENSES
24 BEYOND THOSE IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I),
25 AND COINSURANCE OF TWENTY PERCENT, WHICH SHALL APPLY TO THE
26 FIRST TEN THOUSAND DOLLARS OF EXPENSES BEYOND THOSE IN
27 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), INCURRED BY THE
28 ELIGIBLE INJURED PERSON FOR THE COST OF CARE, TREATMENT, SERVICES,
29 PRODUCTS, EXPENSES, OR ACCOMMODATIONS, SUBJECT TO THE
30 FOLLOWING:
31

32 (A) NO COINSURANCE SHALL BE REQUIRED WITH RESPECT TO
33 MEDICAL OR REHABILITATION EXPENSES INCURRED DURING THE FIRST
34 TWENTY-FOUR HOURS IN WHICH EMERGENCY TREATMENT HAS BEEN
35 PROVIDED OR UNTIL THE PATIENT'S EMERGENCY MEDICAL CONDITION IS
36 STABILIZED, WHICHEVER IS LONGER.
37

38 (B) THE DISCLOSURE OF THESE OPTIONS BY THE INSURER SHALL
39 INFORM THE NAMED INSURED OF THE COST SAVINGS OF SELECTING EITHER
40 OPTION. SUCH COST SAVINGS MAY BE EXPRESSED AS EITHER A
41 PERCENTAGE OF PREMIUMS OR THE DOLLAR VALUE OF THE DIFFERENCE
42 BETWEEN PREMIUMS.
43

44 (II) ~~Any deductibles and coinsurance arrangements provided~~
45 ~~pursuant to subparagraph (I) of this paragraph (f) shall apply only to the~~
46 ~~named insured, resident spouse, resident relative, and persons operating~~
47 ~~the covered motor vehicle with the permission of the named insured or~~
48 ~~resident spouse; except that any policy of such permissive operator shall~~
49 ~~be primary. THE INSURER SHALL DEMONSTRATE IN RATE FILINGS~~
50 ~~SUBMITTED TO THE COMMISSIONER THE SAVINGS TO THE INSURED TO BE~~
51 ~~REALIZED BY SELECTION OF EITHER COINSURANCE OPTION AND SHALL~~
52 ~~FURTHER CERTIFY TO THE COMMISSIONER, PURSUANT TO SECTION~~
53 ~~10-4-725, THE DISCLOSURE FORM USED TO RECORD AN INSURED'S~~
54 ~~SELECTIONS.~~
55

56 (III) (Deleted by amendment, L. 2001, p. 804, § 2, effective July

1 1, 2001.)

2
3 (IV) THE DISCLOSURE FORM SHALL INCLUDE AN
4 ACKNOWLEDGMENT, TO BE SIGNED BY THE NAMED INSURED, INDICATING
5 THAT THE NAMED INSURED ACCEPTS THE OPTION SELECTED AND
6 UNDERSTANDS THAT THE DISCOUNT FOR SELECTING SUCH OPTION ONLY
7 APPLIES TO THE PERSONAL INJURY PROTECTION PORTION OF THE INSURED'S
8 PREMIUM AND NOT AS A TOTAL OF THE INSURED'S PREMIUM. THIS
9 ACKNOWLEDGMENT SHALL APPEAR IN THE FORM IN TYPE THAT IS EITHER
10 ALL CAPITAL LETTERS OR UNDERLINED.

11
12 (V) ANY COINSURANCE OPTION PROVIDED PURSUANT TO
13 SUBPARAGRAPH (I) OF THIS PARAGRAPH (f) SHALL APPLY TO ALL PERSONS
14 WHO ARE ENTITLED TO BENEFITS UNDER THIS PART 7.

15
16 ~~(1.1) The provisions of subparagraph (III) of paragraph (d) of~~
17 ~~subsection (1) of this section as enacted by House Bill 92-1175, enacted~~
18 ~~at the second regular session of the fifty-eighth general assembly, which~~
19 ~~provide an insured the option of declining required coverages shall apply~~
20 ~~to policies issued on and after July 1, 1992.~~

21
22 (1.2) EVERY INSURER SHALL OFFER AND PROVIDE, AT THE OPTION
23 OF THE NAMED INSURED, THE MEDICALLY NECESSARY COVERAGES
24 ENUMERATED IN PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS
25 SECTION; EXCEPT THAT SUCH COVERAGES UNDER THIS SUBSECTION (1.2)
26 SHALL BE IN THE AMOUNTS OF FORTY THOUSAND DOLLARS IN MEDICAL
27 BENEFITS AND FORTY THOUSAND DOLLARS IN REHABILITATION BENEFITS.
28 PERSONAL INJURY PROTECTION COVERAGE ISSUED PURSUANT TO THIS
29 SUBSECTION (1.2) SHALL BE CONSIDERED A COMPLYING POLICY FOR THE
30 PURPOSES OF THIS PART 7. A NAMED INSURED WHO PURCHASES COVERAGE
31 PURSUANT TO THIS SUBSECTION (1.2) SHALL ALSO PURCHASE LEGAL
32 LIABILITY COVERAGE PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF
33 THIS SECTION.

34
35 (1.3) The benefits enumerated in paragraphs (a) to (e) of
36 subsection (1) of this section shall be designated as "basic" PIP. THE
37 BENEFITS ENUMERATED IN SUBSECTION (1.2) OF THIS SECTION SHALL BE
38 DESIGNATED AS "REDUCED BASIC" PIP.

39
40 (1.4) **Age-based personal injury protection coverage.** (a) THE
41 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT
42 PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER IN COLORADO WHO HAVE
43 ACCESS TO MEDICAL COVERAGE THROUGH FEDERAL PROGRAMS, SUCH AS
44 MEDICARE, ARE ABLE TO MEET THEIR NEEDS FOR PERSONAL INJURY
45 PROTECTION COVERAGE WITHOUT DUPLICATING COVERAGE THROUGH
46 MOTOR VEHICLE INSURANCE PURSUANT TO THIS PART 7. THEREFORE, THE
47 GENERAL ASSEMBLY DETERMINES THAT A MORE COST-EFFECTIVE FORM OF
48 MOTOR VEHICLE INSURANCE SHOULD BE OFFERED TO THESE ELIGIBLE
49 INDIVIDUALS.

50
51 (b) (I) AN INSURER OFFERING COVERAGE PURSUANT TO THIS PART
52 7 SHALL OFFER AND PROVIDE, AT THE OPTION OF ANY NAMED INSURED
53 WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE OR OLDER OR IS ABLE TO
54 PROVIDE PROOF OF RETIREMENT SUITABLE TO THE INSURER AND IS
55 ENROLLED IN MEDICARE, COMPENSATION WITHOUT REGARD TO FAULT, UP
56 TO A LIMIT OF FIVE THOUSAND DOLLARS PER PERSON FOR ANY ONE MOTOR

1 VEHICLE ACCIDENT, FOR PAYMENT OF ALL REASONABLE CHARGES FOR
2 MEDICALLY NECESSARY CARE AND TREATMENT, INCLUDING
3 REHABILITATION PERFORMED WITHIN THREE YEARS AFTER THE ACCIDENT,
4 FOR BODILY INJURY ARISING OUT OF THE ACCIDENT. THE COVERAGE
5 PURSUANT TO THIS PARAGRAPH (b) SHALL BE CONSIDERED A COMPLYING
6 POLICY AND SHALL MEET THE REQUIREMENTS OF THIS SECTION. A
7 POLICYHOLDER OF AN AGE-BASED PERSONAL INJURY PROTECTION
8 COVERAGE POLICY SHALL PURCHASE LEGAL LIABILITY COVERAGE
9 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

10

11 (II) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (b)
12 TO THE CONTRARY, A PERSON WHO MEETS THE REQUIREMENTS OF THIS
13 PARAGRAPH (b) AND WHO IS ENROLLED IN THE STATE'S MEDICAL
14 ASSISTANCE PROGRAM PURSUANT TO ARTICLE 4 OF TITLE 26, C.R.S., SHALL
15 NOT BE ELIGIBLE FOR AN AGE-BASED PERSONAL INJURY PROTECTION
16 COVERAGE POLICY.

17

18 (c) ANY PERSON INJURED IN AN ACCIDENT, OTHER THAN THOSE
19 PERSONS WHOSE COVERAGE IS SPECIFICALLY LIMITED TO AGE-BASED
20 PERSONAL INJURY PROTECTION PURSUANT TO PARAGRAPH (b) OF THIS
21 SUBSECTION (1.4), SHALL, IF EXPENSES INCURRED BY SUCH INJURED
22 PERSON EXCEED THE LIMITS OF SUCH AGE-BASED PERSONAL INJURY
23 PROTECTION COVERAGE POLICY, RECEIVE COVERAGE FOR SUCH EXPENSES
24 OF NOT LESS THAN THE FULL COVERAGE DIRECT ACCESS COVERAGE POLICY
25 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION.

26

27 (2) (a) (I) ~~An~~ EVERY insurer ~~may~~ SHALL offer, in writing or by the
28 same medium as that in which the insurance application was taken, and
29 provide, at the option of the named insured, the basic benefits described
30 in paragraphs (b) and (c) of subsection (1) AND SUBSECTION (1.2) of this
31 section through managed care arrangements such as a health maintenance
32 organization (HMO) or a preferred provider organization. Insurers shall
33 ~~make deductibles and coinsurance options IN THE SAME PERCENTAGES~~
34 ~~AND STOP-LOSS AMOUNTS DESCRIBED IN PARAGRAPH (f) OF SUBSECTION~~
35 ~~(1) OF THIS SECTION, AND SHALL MAKE THE SAME DISCLOSURE OF COST~~
36 ~~SAVINGS AS CONTAINED IN PARAGRAPH (f) OF SUBSECTION (1) OF THIS~~
37 ~~SECTION, available in such policy and may make other CONSISTENT~~
38 ~~conditions and limitations to coverage available.~~

39

40 (II) When a person makes an initial application for insurance
41 coverage under this part 7, in addition to any other requirements
42 established by law, the insurer shall disclose in the same medium as that
43 in which the application was taken, or in written form, the following
44 information regarding managed care options:

45

46 (C) ~~What the approximate cost savings will be if the managed~~
47 ~~care option is accepted, expressed either as a dollar savings of the~~
48 ~~personal injury protection policy term premium or as a percentage of such~~
49 ~~premium. THAT THE INSURER OFFERS SUCH A MANAGED CARE OPTION AND~~
50 ~~THE COST SAVINGS THAT WILL BE OBTAINED IF AN INSURED CHOOSES TO~~
51 ~~ACCEPT A MANAGED CARE OPTION. COST SAVINGS MAY BE EXPRESSED~~
52 ~~EITHER IN DOLLAR SAVINGS OF THE PERSONAL INJURY PROTECTION POLICY~~
53 ~~TERM PREMIUM OR AS A PERCENTAGE OF SUCH PREMIUM.~~

54

55 (b) ~~An~~ THE insurer shall ~~make available~~ OFFER, and provide at the
56 option of the named insured, ~~deductible and~~ coinsurance arrangements

1 whereby the recipient of care, treatment, services, products, expenses, or
2 accommodations shares in the payment obligation for such care,
3 treatment, services, products, expenses, or accommodations.
4

5 (c) No ~~deductible or~~ coinsurance under a policy covered under
6 paragraph (a) or (b) of this subsection (2) shall be applied with respect to
7 care, treatment, services, products, or accommodation provided or
8 expenses incurred by an insured during the first twenty-four hours in
9 which emergency treatment has been provided or until the insured
10 patient's emergency medical condition is stabilized, whichever is longer,
11 or until the insured patient is transferred to a managed care provider in
12 accordance with applicable law.
13

14 (d) (I) ~~IFELECTED~~, the optional coverage prescribed in paragraphs
15 (a) and (b) of this subsection (2) shall apply ~~only to the named insured,~~
16 ~~resident spouse, resident relative, and any person operating the described~~
17 ~~motor vehicle with the permission of the named insured or resident~~
18 ~~spouse~~ TO ALL PERSONS WHO ARE ENTITLED TO BENEFITS UNDER THIS PART
19 7.
20

21 (f) (I) ~~An insurer offering the coverages authorized in paragraphs~~
22 ~~(a) and (b) of this subsection (2)~~ INSURERS shall demonstrate in rate
23 filings submitted to the commissioner the savings to the insured to be
24 realized under the plan and shall further certify pursuant to section
25 10-4-725 to the commissioner any disclosure form to be used to record
26 an insured's election for any coverage authorized in paragraphs (a) and
27 (b) of this subsection (2). A disclosure form for a managed care
28 arrangement shall include the following information:
29

30 (C) What the ~~approximate~~ cost savings will be if the managed
31 care option is accepted.
32

33 (g) (I) The commissioner shall have the authority to promulgate
34 rules necessary to implement the requirements of this section.
35

36 (II) ~~On or before December 31, 2001, the commissioner shall hold~~
37 ~~a rule-making hearing regarding the disclosure requirements contained in~~
38 ~~this subsection (2).~~
39

40 (j) (I) An automobile insurer providing benefits pursuant to this
41 section shall file with the commissioner the internal grievance and review
42 procedures utilized by the insurer's managed care arrangement. The
43 commissioner shall make such filing available for public inspection.
44 Once all internal grievance and review procedures have been exhausted,
45 the insurer shall provide written notice to the insured of the insured's right
46 to seek an independent medical examination with the Colorado ~~PIP-IME~~
47 INDEPENDENT EXAMINATION REVIEW panel.
48

49 (6) (a) The general assembly directs the commissioner to
50 promulgate a rule, pursuant to the "State Administrative Procedure Act",
51 article 4 of title 24, C.R.S., establishing a ~~PIP~~ AN INDEPENDENT
52 examination program for the purpose of timely investigation and
53 resolution of disputed PIP claims submitted to an insurance company
54 under this part 7. The ~~PIP~~ INDEPENDENT examination program shall be
55 the exclusive method for obtaining an independent medical examination
56 from a health care practitioner other than a treating provider relating to

1 a disputed PIP claim, except as provided in paragraph (c) of this
2 subsection (6).

3
4 (b) The ~~PIP~~ INDEPENDENT examination program shall provide a
5 group of licensed health care practitioners that shall be known as the ~~PIP~~
6 INDEPENDENT examination review panel. The commissioner shall utilize
7 such public and private resources as are available and appropriate in
8 determining standards and qualifications for the ~~PIP~~ INDEPENDENT review
9 panel members. A health care practitioner participating in the ~~PIP~~
10 INDEPENDENT review panel shall be actively engaged in the practice of his
11 or her profession and a majority of such practice and income shall not
12 derive from witness fees and examinations of persons not under the
13 practitioner's care and treatment. It shall be the duty of the ~~PIP~~
14 INDEPENDENT examination review panel to perform the ~~PIP~~ INDEPENDENT
15 examinations at the request of the commissioner.

16
17 (c) (I) Any insurer ~~insured~~, or ELIGIBLE injured person entitled to
18 benefits has the right to obtain a ~~PIP~~ AN INDEPENDENT examination ~~with~~
19 ~~a health care practitioner from the PIP examination review panel~~
20 regarding each type of treatment involved in the disputed portion of the
21 PIP claim; except that this ~~paragraph (c)~~ SUBPARAGRAPH (I) shall not
22 apply to an insurer providing PIP coverage through managed care
23 arrangements pursuant to subsection (2) of this section. WHERE AN
24 INDEPENDENT EXAMINATION IS REQUESTED, THE INSURER AND ELIGIBLE
25 INJURED PERSON SHALL IN GOOD FAITH ENDEAVOR TO AGREE ON THE
26 INDEPENDENT EXAMINER. The requesting party, when submitting a
27 request for a ~~PIP~~ AN INDEPENDENT examination, shall specify the
28 professional specialty of the health care practitioner who will perform the
29 ~~PIP~~ INDEPENDENT examination. Where practical, such professional
30 specialty shall be the same as that of the treating health care practitioner
31 whose treatment and opinion are intended to be reviewed by the ~~member~~
32 ~~of the PIP review panel~~ INDEPENDENT EXAMINER; except that
33 psychiatrists, psychologists, and neuropsychologists may review one
34 another's treatment and opinions to the extent that the reviewing expert
35 is qualified to address the specific issues which arise in a particular case.
36 IF, WITHIN FIVE BUSINESS DAYS, THE INSURER AND ELIGIBLE INJURED
37 PERSON ARE UNABLE TO AGREE ON THE INDEPENDENT EXAMINER, UPON
38 APPLICATION BY EITHER OF THEM, THE SELECTION SHALL BE MADE BY THE
39 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE PURSUANT TO
40 PARAGRAPH (d) OF THIS SUBSECTION (6). THE PARTY REQUESTING THE
41 INDEPENDENT EXAMINATION SHALL PAY FOR THE EXAMINATION.

42
43 (II) Nothing in this section shall preclude a managed care
44 organization from using its usual and customary review procedures FOR
45 ITS FIRST-LEVEL REVIEW PROCESS. AFTER EXHAUSTING THE MANAGED
46 CARE ORGANIZATION'S FIRST-LEVEL REVIEW PROCESS, AN ELIGIBLE
47 INJURED PERSON MAY REQUEST AN INDEPENDENT EXAMINATION TO
48 REVIEW A MANAGED CARE ORGANIZATION'S FIRST-LEVEL REVIEW. SUCH
49 INDEPENDENT EXAMINATION SHALL BE IN ACCORDANCE WITH THE
50 OTHER-THAN-MANAGED CARE PROCEDURES SET FORTH IN THIS PARAGRAPH
51 (c).

52
53 (d) IF THE PARTIES FAIL TO MUTUALLY AGREE TO AN INDEPENDENT
54 EXAMINER, THE COMMISSIONER SHALL, through a revolving selection
55 process established by rule, ~~the commissioner shall~~ prepare a list of five
56 health care practitioners qualified to perform the ~~PIP~~ INDEPENDENT

1 examination and submit it to the requesting party. Within five days of
2 AFTER receipt, the requesting party shall strike two names from the list
3 and submit it to the opposing party. Within five days of AFTER receipt,
4 the opposing party shall strike two names from the list. The opposing
5 party shall immediately return the list to the commissioner. AT ANY TIME
6 PRIOR TO THE FINAL SELECTION OF AN INDEPENDENT EXAMINER, the
7 insurer and ~~insured~~ or the ELIGIBLE injured person entitled to benefits
8 may agree upon a health care practitioner to perform the PIP
9 INDEPENDENT examination without using the revolving selection process.
10 Upon the selection of the health care practitioner, the PIP INDEPENDENT
11 examination shall proceed and the requesting party shall pay the costs of
12 the examination.

13
14 (e) The ~~PIP health care practitioner~~ INDEPENDENT EXAMINER shall
15 determine whether the treatment that has been rendered to the insured or
16 injured person entitled to benefits is ~~reasonable~~, MEDICALLY necessary
17 and if such claimed injury or condition arises out of the use of a motor
18 vehicle.

19
20 (f) A health care practitioner who performs a ~~PIP~~ AN
21 INDEPENDENT examination pursuant to this subsection (6) shall be
22 immune from civil liability in any action brought by any person based
23 upon such practitioner's findings, opinions, and conclusions, absent the
24 showing of malice or bad faith on the part of the examining health care
25 practitioner.

26
27 (g) In the event the findings, opinions, and conclusion of the PIP
28 ~~review panel member~~ INDEPENDENT EXAMINER are contrary to the
29 statement of causation, diagnosis, prognosis, plan of treatment, opinions,
30 or recommendations of the treating practitioner whose actions have been
31 reviewed, any party dissatisfied with such findings, opinions, and
32 conclusions may seek and pay for a second PIP INDEPENDENT
33 examination under the procedures set forth in paragraphs (c) and (d) of
34 this subsection (6).

35
36 (h) In any arbitration or judicial proceeding commenced by the
37 insurer ~~insured~~, or the ELIGIBLE injured person, ~~entitled to benefits~~, the
38 findings, opinions, and conclusions of the PIP INDEPENDENT examination
39 shall be presumed to be correct, but such presumption may be rebutted by
40 a preponderance of the evidence. If there has been a second PIP
41 INDEPENDENT examination pursuant to paragraph (g) of this subsection
42 (6), the agreed upon findings, opinions, and conclusions of two of the
43 three health care practitioners shall be binding unless rebutted by clear
44 and convincing evidence in any arbitration or judicial proceeding
45 commenced by the insurer, the insured, or injured person entitled to
46 benefits. No civil proceeding, including but not limited to a proceeding
47 alleging any cause of action under section 10-4-708, or the tort of bad
48 faith breach of the insurance contract, arising out of any action taken by
49 the insurer that is consistent with the agreed upon findings, opinions, and
50 conclusions of two of the three health care practitioners shall be brought
51 or maintained against the insurer; except that the insured or injured
52 person entitled to benefits may bring a civil proceeding alleging that clear
53 and convincing evidence rebuts the findings, opinions, and conclusions
54 of two of the three health care practitioners. If the insured or injured
55 person entitled to benefits is successful, the no-fault insurer shall be
56 obligated to pay only the no-fault benefits that had been denied and that

1 were the subject of such proceeding.

2
3 (i) Prior to promulgation of the ~~PIP~~ INDEPENDENT examination
4 review ~~panel~~ rule, the commissioner shall appoint a ~~PIP~~ AN INDEPENDENT
5 examination review ~~panel~~ advisory committee to assist the commissioner.
6 Such committee shall consist of appropriate representation from Colorado
7 licensed physicians, Colorado licensed chiropractors, the Colorado
8 hospital association, insurers licensed to do business in Colorado, the
9 Colorado defense lawyers association, the Colorado trial lawyers
10 association, consumers of automobile insurance, and any others the
11 commissioner deems necessary.

12
13 (j) The commissioner shall have the authority to contract with any
14 person or entity to develop the rule and for the administration of the ~~PIP~~
15 INDEPENDENT examination program.

16
17 (k) IMMEDIATELY FOLLOWING THE REQUEST FOR AN INDEPENDENT
18 EXAMINATION BY EITHER PARTY, THE INSURER SHALL PROVIDE THE
19 ELIGIBLE INJURED PERSON A WRITTEN DESCRIPTION OF THE INDEPENDENT
20 EXAMINATION PROCESS, INCLUDING, BUT NOT LIMITED TO, THE MEANS OF
21 SELECTING THE INDEPENDENT EXAMINER.

22
23 **SECTION 4.** 10-4-706 (3), Colorado Revised Statutes, is
24 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

25
26 (3) (a) ON AND AFTER JANUARY 1, 2004, NOTWITHSTANDING ANY
27 PROVISION OF THIS SECTION TO THE CONTRARY, AN INSURER SHALL OFFER
28 TO PERSONS QUALIFIED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION
29 (3) AN INCOME-BASED PERSONAL INJURY PROTECTION POLICY FOR
30 COMPLIANCE WITH THIS PART 7. INCOME-BASED PERSONAL INJURY
31 PROTECTION COVERAGE MAY BE OFFERED THROUGH A MANAGED CARE
32 ARRANGEMENT PURSUANT SUBSECTION (2) OF THIS SECTION. ACCEPTANCE
33 OF A POLICY OFFERED PURSUANT TO THIS SECTION SHALL BE VOLUNTARY
34 AND SHALL BE SUBJECT TO ALL REQUIREMENTS OF THIS SECTION.

35
36 (b) A PERSON QUALIFIED PURSUANT TO PARAGRAPH (c) OF THIS
37 SUBSECTION (3) MAY PURCHASE COVERAGE FOR COMPENSATION WITHOUT
38 REGARD TO FAULT, UP TO A LIMIT OF TWENTY-FIVE THOUSAND DOLLARS
39 PER PERSON FOR ANY ONE MOTOR VEHICLE ACCIDENT, FOR PAYMENT OF
40 ALL REASONABLE AND NECESSARY EXPENSES FOR MEDICAL,
41 CHIROPRACTIC, OPTOMETRIC, PODIATRIC, HOSPITAL, NURSING, X-RAY,
42 DENTAL, SURGICAL, AMBULANCE, AND PROSTHETIC SERVICES PERFORMED
43 WITHIN THREE YEARS AFTER THE ACCIDENT FOR BODILY INJURY ARISING
44 OUT OF THE USE OR OPERATION OF A MOTOR VEHICLE. COMPENSATION
45 SHALL NOT BE PROVIDED FOR OCCUPATIONAL REHABILITATIVE
46 TREATMENT.

47
48 (c) TO QUALIFY FOR AN INCOME-BASED PERSONAL INJURY
49 PROTECTION POLICY, THE COMBINED ANNUAL GROSS INCOME OF A PERSON
50 APPLYING FOR SUCH A POLICY AND SUCH PERSON'S RESIDENT SPOUSE, IF
51 ANY, SHALL NOT EXCEED ONE HUNDRED EIGHTY-FIVE PERCENT OF THE
52 FEDERAL POVERTY LEVEL FOR A FAMILY OF FOUR, ADJUSTED UPWARD FOR
53 FAMILY SIZE.

54
55 (d) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE COMMISSIONER
56 SHALL PRESCRIBE INCOME PROTOCOLS FOR DETERMINING ELIGIBILITY FOR

1 AN INCOME-BASED PERSONAL INJURY PROTECTION POLICY BASED UPON
 2 THE APPLICABLE FAMILY SIZE INCOME LEVELS CONTAINED IN THE
 3 NONFARM INCOME POVERTY PROTOCOLS PRESCRIBED BY THE FEDERAL
 4 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

5
 6 (e) INCOME VERIFICATION FOR AN INCOME-BASED PERSONAL
 7 INJURY PROTECTION POLICY SHALL BE THROUGH WRITTEN EVIDENCE FROM
 8 THE PERSON SEEKING TO QUALIFY FOR A POLICY ISSUED PURSUANT TO THIS
 9 SECTION OF THE ANNUAL GROSS INCOME OF SUCH PERSON AND SUCH
 10 PERSON'S RESIDENT SPOUSE FOR THE MOST RECENT TAX YEAR AVAILABLE.
 11 SUCH EVIDENCE SHALL BE CONTAINED IN A DOCUMENT ACCEPTABLE TO
 12 THE INSURER. FOR PERSONS QUALIFIED PURSUANT TO THIS PARAGRAPH
 13 (e), EVERY THIRD YEAR FOLLOWING THE DATE UPON WHICH THE POLICY IS
 14 ISSUED, THE INSURER SHALL INFORM THE INSURED OF THE INCOME
 15 REQUIREMENT ASSOCIATED WITH SUCH POLICY AND MAY REQUEST THE
 16 INSURED TO EITHER PROVIDE INCOME VERIFICATION TO THE INSURER OR
 17 OPT OUT OF THE INCOME-BASED PERSONAL INJURY PROTECTION COVERAGE
 18 IF THE INSURED NO LONGER QUALIFIES.

19
 20 (f) THE INCOME-BASED PERSONAL INJURY PROTECTION POLICY
 21 SHALL APPLY ONLY TO THE NAMED INSURED, RESIDENT SPOUSE, AND
 22 RESIDENT CHILDREN. FOR PURPOSES OF THIS SECTION, A CHILD IS A
 23 RESIDENT IF SUCH CHILD QUALIFIES AS A DEPENDENT OF THE NAMED
 24 INSURED UNDER THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26
 25 U.S.C. SEC. 151 (c).

26
 27 (g) ANY PERSON INJURED IN AN ACCIDENT, OTHER THAN THOSE
 28 PERSONS WHOSE COVERAGE IS SPECIFICALLY LIMITED TO INCOME-BASED
 29 PERSONAL INJURY PROTECTION PURSUANT TO PARAGRAPH (f) OF THIS
 30 SUBSECTION (3), SHALL, IF EXPENSES INCURRED BY SUCH INJURED PERSON
 31 EXCEED THE LIMITS OF SUCH INCOME-BASED PERSONAL INJURY
 32 PROTECTION POLICY, RECEIVE COVERAGE FOR SUCH EXPENSES OF NOT LESS
 33 THAN THE FULL COVERAGE DIRECT ACCESS COVERAGE POLICY PURSUANT
 34 TO PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS SECTION.

35
 36 (h) A PERSON WHO QUALIFIES FOR AND OPTS FOR AN
 37 INCOME-BASED PERSONAL INJURY PROTECTION POLICY PURSUANT TO THIS
 38 SECTION SHALL BE DEEMED IN VIOLATION OF THIS PART 7 IF SUCH PERSON
 39 DOES NOT OBTAIN AND MAINTAIN A VALID POLICY PROVIDING LEGAL
 40 LIABILITY COVERAGE AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1)
 41 OF THIS SECTION.

42
 43 **SECTION 5.** The introductory portion to 10-4-707 (1) and
 44 10-4-707 (3), (4), (5), and (6), Colorado Revised Statutes, are amended
 45 to read:

46
 47 **10-4-707. Benefits - how payable.** (1) The PIP coverages
 48 described in section 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as~~
 49 ~~applicable, section 10-4-706 (2) or (3)~~ shall be applicable to:

50
 51 (3) Except as provided in subsection (4) of this section, when a
 52 person injured is also an insured under a complying policy other than the
 53 complying policy insuring the vehicle out of the use of which the accident
 54 arose, primary PIP coverage shall be afforded by the policy insuring said
 55 ~~vehicle~~ PERSON under section 10-4-706; but IF THE PERSON HAS NO PIP
 56 INSURANCE OF HIS OR HER OWN AS EITHER A NAMED INSURED OR RESIDENT

1 RELATIVE, PIP COVERAGE SHALL BE AFFORDED BY THE POLICY INSURING
2 THE VEHICLE. In the event two or more insurers have obligations under
3 complying policies to pay benefits to the same person, the limits of
4 coverage available as benefits to such person shall be the limits of a
5 single complying policy except to the extent that optional coverages
6 purchased for additional premiums on a voluntary basis are applicable.
7 In the event two or more insurers are liable to pay benefits on the same
8 basis, any insurer paying benefits shall be entitled to an equitable pro rata
9 contribution from such other insurer.

10

11 ~~(4) When an accident involves the operation of a motor vehicle by~~
12 ~~a person who is neither the owner of the motor vehicle involved in the~~
13 ~~accident nor an employee of the owner acting within the course and scope~~
14 ~~of employment at the time of the accident, and the operator of the motor~~
15 ~~vehicle is an insured under a complying policy other than the complying~~
16 ~~policy insuring the motor vehicle involved in the accident, primary~~
17 ~~coverage as to all coverages provided in the policy under which the~~
18 ~~operator is an insured shall be afforded by the policy insuring the said~~
19 ~~operator, except as provided in subsection (6) of this section, and any~~
20 ~~policy under which the owner is an insured shall afford excess coverage.~~
21 ~~When an accident involves the operation of a motor vehicle regulated~~
22 ~~under the provisions of article 10 or 11 of title 40, C.R.S., the provisions~~
23 ~~of subsection (3) of this section shall apply. WHEN AN ACCIDENT~~
24 ~~INVOLVES OPERATION OR USE OF A MOTOR VEHICLE BY AN EMPLOYEE OF~~
25 ~~THE OWNER OF THE MOTOR VEHICLE, ACTING WITHIN THE SCOPE AND~~
26 ~~COURSE OF EMPLOYMENT AT THE TIME OF THE ACCIDENT, OR THE~~
27 ~~OPERATION, LOADING, OR UNLOADING OF A MOTOR VEHICLE REGULATED~~
28 ~~UNDER THE PROVISIONS OF ARTICLE 10 OR 11 OF TITLE 40, C.R.S.,~~
29 ~~PRIMARY PIP COVERAGE SHALL BE AFFORDED UNDER THE POLICY~~
30 ~~INSURING SAID VEHICLE. IF TWO OR MORE INSURERS HAVE OBLIGATIONS~~
31 ~~UNDER COMPLYING POLICIES TO PAY BENEFITS TO THE SAME PERSON, THE~~
32 ~~LIMITS OF COVERAGE AVAILABLE AS BENEFITS TO SUCH PERSON SHALL BE~~
33 ~~THE LIMITS OF A SINGLE COMPLYING POLICY EXCEPT TO THE EXTENT THAT~~
34 ~~OPTIONAL COVERAGES PURCHASED FOR ADDITIONAL PREMIUMS ON A~~
35 ~~VOLUNTARY BASIS ARE APPLICABLE. IF TWO OR MORE INSURERS ARE~~
36 ~~LIABLE TO PAY BENEFITS ON THE SAME BASIS, ANY INSURER PAYING~~
37 ~~BENEFITS SHALL BE ENTITLED TO AN EQUITABLE PRO RATA CONTRIBUTION~~
38 ~~FROM SUCH OTHER INSURER.~~

39

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

47

48 ~~(6) When an accident involves the operation of a motor vehicle~~
49 ~~designed to seat twelve or more passengers which is owned by, and being~~
50 ~~operated on behalf of, a nonprofit religious, charitable, or educational~~
51 ~~organization entitled to tax exemption under section 501 (c) (3) of the~~
52 ~~federal "Internal Revenue Code of 1986", as amended, or an equivalent~~
53 ~~successor statutory provision, with the exception of such vehicles owned~~
54 ~~or being operated on behalf of a public school district, the policy covering~~
55 ~~said vehicle shall be secondary and excess to any motor vehicle policy~~
56 ~~covering any person occupying said vehicle to the extent of such other~~

1 ~~policy coverages, except that the coverage of the operator or assistant~~
2 ~~operator of said vehicle, whether or not he is being paid to operate the~~
3 ~~vehicle, shall be governed by the provisions of subsection (3) of this~~
4 ~~section. Nothing in this subsection (6) shall supersede the provisions of~~
5 ~~subsection (5) of this section.~~

6

7 **SECTION 6.** 10-4-708 (1), (1.5), and (1.7) (b), the introductory
8 portion to 10-4-708 (1.7) (c), and 10-4-708 (1.9) (a), (1.9) (c), (1.9) (g),
9 and (1.9) (h), Colorado Revised Statutes, are amended to read:

10

11 **10-4-708. Prompt payment of direct benefits.** (1) Payment of
12 benefits under the coverages enumerated in section 10-4-706 ~~(1)(b) to (1)~~
13 ~~(e) or alternatively, as applicable, section 10-4-706 (2) or (3)~~ shall be
14 made on a monthly basis. Benefits for any period are overdue if not paid
15 within thirty days after the insurer receives reasonable proof of the fact
16 and amount of expenses incurred during that period; except that an
17 insurer may accumulate claims for periods not exceeding one month, and
18 benefits are not overdue if paid within fifteen days after the period of
19 accumulation. If reasonable proof is not supplied as to the entire claim,
20 the amount supported by reasonable proof is overdue if not paid within
21 thirty days after such proof is received by the insurer. Any part or all of
22 the remainder of the claim that is later supported by reasonable proof is
23 overdue if not paid within thirty days after such proof is received by the
24 insurer. ~~In the event that the insurer fails to pay such benefits when due,~~
25 ~~the person entitled to such benefits may bring an action in contract to~~
26 ~~recover the same.~~

27

28 (1.5) If a dispute arises under subsection (1) of this section, the
29 ~~insured or the~~ ELIGIBLE injured person entitled to benefits and the insurer
30 ~~may agree to~~ SHALL resolve the dispute through binding arbitration. In
31 the absence of another agreement by the parties, such arbitration shall be
32 conducted pursuant to the rules promulgated by the commissioner in
33 accordance with subsection (1.9) of this section. ~~If there is no agreement~~
34 ~~concerning binding arbitration, the insured, the injured person entitled to~~
35 ~~benefits, or the insurer may bring an action in contract in the appropriate~~
36 ~~court to resolve the dispute. Any~~ THE ARBITRATION SHALL NOT BE
37 BINDING, BUT GOOD-FAITH PARTICIPATION AND PAYMENT OF ALL FEES
38 ASSESSED BY THE ARBITRATOR SHALL BE A CONDITION PRECEDENT TO THE
39 FILING OF A CIVIL ACTION BY EITHER PARTY. THE arbitration pursuant to
40 subsection (1) of this section shall proceed pursuant to the following
41 provisions:

42

43 (a) ~~Each party or, if there are more than two parties, each side~~
44 ~~shall select a competent arbitrator. The two arbitrators shall select a third~~
45 ~~arbitrator. If the two arbitrators are unable to agree on the third~~
46 ~~arbitrator, any party may request that the commissioner appoint the third~~
47 ~~arbitrator in the manner specified in paragraph (c) of this subsection (1.5).~~
48 THE PARTIES SHALL AGREE TO ARBITRATION BEFORE A SINGLE
49 ARBITRATOR. IF THE PARTIES ARE UNABLE TO AGREE ON THE PERSON TO
50 SERVE AS THE SINGLE ARBITRATOR, ANY PARTY MAY REQUEST THAT THE
51 COMMISSIONER APPOINT THE ARBITRATOR IN THE MANNER SPECIFIED IN
52 PARAGRAPH (d) OF THIS SUBSECTION (1.5).

53

54 (b) ~~The parties may agree to arbitration before a single arbitrator.~~
55 ~~If the parties are unable to agree on the person to serve as the single~~
56 ~~arbitrator, any party may request that the commissioner appoint the~~

1 ~~arbitrator in the manner specified in paragraph (c) of this subsection (1.5).~~

2

3 (c) In the absence of agreement by the ~~arbitrators or the parties,~~
4 the arbitrator ~~or the arbitrators~~ shall be appointed by the commissioner OR
5 THE COMMISSIONER'S DESIGNEE. The ~~arbitrators~~ ARBITRATOR need not be
6 ~~attorneys~~ AN ATTORNEY. No ~~arbitrator~~ PERSON shall be appointed by the
7 commissioner AS ARBITRATOR unless he OR SHE has filed with the
8 commissioner a consent to act as arbitrator AND A WRITTEN DESCRIPTION
9 OF HIS OR HER QUALIFICATIONS TO SERVE AS AN ARBITRATOR.

10

11 (d) THE COMMISSIONER SHALL ESTABLISH, BY RULE, A PROCESS BY
12 WHICH A LIST OF FIVE PERSONS QUALIFIED TO SERVE AS A SINGLE
13 ARBITRATOR IS SUBMITTED TO THE REQUESTING PARTY. WITHIN FIVE
14 BUSINESS DAYS AFTER RECEIPT, THE REQUESTING PARTY SHALL STRIKE
15 TWO NAMES FROM THE LIST AND SUBMIT IT TO THE OPPOSING PARTY.
16 WITHIN FIVE BUSINESS DAYS AFTER RECEIPT, THE OPPOSING PARTY SHALL
17 STRIKE TWO NAMES FROM THE LIST. THE OPPOSING PARTY SHALL
18 IMMEDIATELY RETURN THE LIST TO THE COMMISSIONER. AT ANY TIME
19 PRIOR TO THE FINAL SELECTION OF AN ARBITRATOR, THE PARTIES MAY
20 AGREE UPON AN ARBITRATOR WITHOUT USING THE REVOLVING SELECTION
21 PROCESS. UPON THE SELECTION OF THE ARBITRATOR, THE ARBITRATION
22 SHALL PROCEED AS AGREED BETWEEN THE PARTIES OR IN ACCORDANCE
23 WITH THE RULES SET FORTH IN SUBSECTION (1.9) OF THIS SECTION.

24

25 (1.7) (b) Any payment by the insurer prior to ~~trial or~~ arbitration
26 ~~which~~ THAT does not resolve all issues in dispute shall not be binding on
27 the parties. Any payment by the insurer shall be agreed upon by all
28 parties as resolving all issues in dispute or the arbitration ~~or trial~~ shall
29 proceed on all unresolved issues.

30

31 (c) In determining the amount of attorney fees, if any, to be
32 awarded to the insured, the arbitrator ~~or court~~ shall consider the
33 following:

34

35 (1.9) Unless the parties agree otherwise, arbitrations under this
36 section shall be conducted in accordance with the following rules:

37

38 (a) Hearings shall be at a time and place set by the arbitrator ~~or~~
39 ~~arbitrators~~ with the mutual consent of the parties. The arbitration hearing
40 shall be held within sixty days ~~of~~ AFTER the date of the certificate of
41 mailing to the commissioner and the other party or parties of a request for
42 hearing in such form as is prescribed by the commissioner.

43

44 (c) ~~Any~~ THE arbitrator may issue or cause to be issued subpoenas
45 for the attendance of witnesses and for the production of books, records,
46 documents, and other evidence and shall have the power to administer
47 oaths. Subpoenas so issued shall be served and, upon application to the
48 commissioner by a party or arbitrator, enforced in the manner provided
49 by law for the service and enforcement of subpoenas in civil actions.

50

51 (g) An arbitrator shall file his OR HER decision and order with the
52 commissioner within ten days ~~of~~ AFTER the hearing and a copy of such
53 decision and order shall be mailed or delivered to each party or each
54 party's attorney. Such decision shall be final but may be modified,
55 corrected, ~~or~~ vacated, OR CONFIRMED pursuant to the provisions of part
56 2 of article 22 of title 13, C.R.S.

1 (h) The commissioner shall promulgate rules for the
2 implementation of this subsection (1.9) no later than August 1, ~~1991~~
3 2003.
4

5 **SECTION 7.** The introductory portions to 10-4-708.6 (1) (a) and
6 (1) (b) and 10-4-708.6 (1) (c), Colorado Revised Statutes, are amended,
7 and the said 10-4-708.6 (1) is further amended BY THE ADDITION OF
8 THE FOLLOWING NEW PARAGRAPHS, to read:
9

10 **10-4-708.6. Obligations of persons providing services -**
11 **penalties - availability and maintenance of records.** (1) (a) In addition
12 to the standards set forth in section 10-4-706, it shall be the obligation of
13 any health care practitioner or health care practitioner organization
14 providing services for which ~~compensation is~~ PIP BENEFITS ARE provided
15 under section 10-4-706 ~~(1) (b) to (1) (e) or alternatively, as applicable,~~
16 ~~section 10-4-706 (2) or (3)~~ to assure, to the extent of such person's
17 authority, that services or items ordered or provided by such person to
18 beneficiaries and recipients under this part 7:
19

20 (b) It shall be ~~unlawful~~ A CLASS 1 PETTY OFFENSE for any health
21 care practitioner, provider of benefits, organization, or any other person
22 to do any of the following:
23

24 (c) Any person, provider, health care practitioner, health care
25 practitioner organization, or other provider of ~~benefits under~~ CARE,
26 TREATMENT, PRODUCTS, OR ACCOMMODATIONS CONTEMPLATED BY
27 section 10-4-706 ~~(1) (b) to (1) (e), (2), and (3),~~ that violates the standards
28 of care in paragraph (a) or (b) of this subsection (1) shall be subject to
29 disciplinary action by the appropriate licensing authority OR NATIONAL
30 STANDARDS ACCREDITING BODY.
31

32 (d) ALL HEALTH CARE PRACTITIONERS AND PROVIDERS SHALL
33 CERTIFY UNDER OATH THAT ALL BILLS AND REQUESTS FOR PAYMENT DO
34 NOT AND WILL NOT CONTAIN ANY CHARGE OR COST IN EXCESS OF THAT
35 WHICH IS REASONABLE AND NECESSARY. SUCH CERTIFICATION SHALL BE
36 INCLUDED IN THE INITIAL BILLING FROM THE HEALTH CARE PRACTITIONER
37 OR PROVIDER TO THE INSURER.
38

39 (e) HEALTH CARE PRACTITIONERS AND PROVIDERS SHALL, UPON
40 RECEIPT OF A REQUEST AND PROPER AUTHORIZATION, PROMPTLY PROVIDE
41 EITHER THE INSURER OR MANAGED CARE ORGANIZATION, OR BOTH, WITH
42 COPIES OF BILLINGS, NOTES, AND PATIENT RECORDS. A REASONABLE
43 PER-PAGE CHARGE MAY BE BILLED, BUT SHALL NOT DELAY THE PROVIDING
44 OF THE REQUESTED DOCUMENTS.
45

46 (f) IF THE INSURER OR MANAGED CARE ORGANIZATION, AFTER
47 RECEIVING COPIES OF BILLINGS, NOTES, AND PATIENT RECORDS, REQUESTS
48 A NARRATIVE REPORT, THE PRACTITIONER OR PROVIDER SHALL PROMPTLY
49 COMPLY WITH THE REQUEST. THE PRACTITIONER OR PROVIDER MAY
50 REQUIRE A REASONABLE CHARGE FOR PROVIDING SUCH A REPORT OR
51 REPORTS.
52

53 **SECTION 8.** 10-4-714 (1) (e), (1) (f), and (2), Colorado Revised
54 Statutes, are amended, and the said 10-4-714 is further amended BY THE
55 ADDITION OF A NEW SUBSECTION, to read:
56

1 **10-4-714. Limitation on tort actions.** (1) No person for whom
2 direct benefit coverage is required by operation of sections 10-4-705 to
3 10-4-707, or for whom direct benefits would have been payable but for
4 exercise of a deductible option or but for a waiting period or percentage
5 limitation, shall be allowed to recover against an owner, user, or operator
6 of a motor vehicle, or against any person or organization legally
7 responsible for the acts or omissions of such person, for damages for
8 bodily injury caused by a motor vehicle accident, except in those cases
9 in which there has been caused by a motor vehicle accident:

10
11 (e) Reasonable need for services of the type described in section
12 10-4-706 ~~(1) (b) and (1) (c), (2) (a), or (3) (b)~~ having a reasonable value
13 in excess of ~~two thousand five hundred~~ FIVE THOUSAND dollars.
14 "Reasonable value" as used in this paragraph (e) means the average cost
15 of specific types of services described in section 10-4-706 ~~(1) (b) and (1)~~
16 ~~(e), (2) (a), or (3) (b)~~ in the state of Colorado as determined by the
17 commissioner and published not less than once each year.
18 Notwithstanding the provisions of this paragraph (e), no person shall be
19 allowed to recover against an owner, user, or operator of a motor vehicle
20 used in a ridesharing arrangement, as defined in section 10-4-707.5 (2),
21 or against any person or organization legally responsible for the acts or
22 omissions of such person for damages caused by a motor vehicle accident
23 in which such vehicle was involved, if such vehicle was in use at the time
24 of the accident in a ridesharing arrangement, as defined in section
25 10-4-707.5 (2), based on a reasonable need for services of the type
26 described in section 10-4-706 ~~(1) (b) and (1) (c), (2) (a), or (3) (b)~~ unless
27 such services have a reasonable value in excess of ~~five~~ TEN thousand
28 dollars.

29
30 (f) Loss of earnings and loss of earning capacity extending beyond
31 the fifty-two-week period ~~provided in section 10-4-706 (1) (d) or (3) (e)~~
32 and not compensated by an applicable complying policy.

33
34 (2) Nothing in this part 7 shall be construed to preclude recovery
35 against an alleged tort-feasor of benefits provided or economic loss
36 ~~recoverable~~ in excess of the ~~minimum coverages required in section~~
37 ~~10-4-706 (1) (b) to (1) (d), or, if applicable, to a person qualified under~~
38 ~~section 10-4-706 (3), in excess of alternative coverages~~ PIP COVERAGES
39 CONTAINED IN THIS PART 7.

40
41 (3) (a) AT THE REQUEST OF THE INJURED PARTY, SUBJECT TO THE
42 THRESHOLDS SET FORTH IN THIS SECTION, DISPUTES CONCERNING A BODILY
43 INJURY LIABILITY CLAIM, WHERE NO MORE THAN FIFTY THOUSAND
44 DOLLARS EXCLUSIVE OF INTEREST AND COSTS IS CLAIMED, MAY BE
45 ARBITRATED AS FOLLOWS:

46
47 (I) THE BODILY INJURY CLAIMANT SHALL CERTIFY THAT THE
48 AMOUNT IN CONTROVERSY DOES NOT EXCEED FIFTY THOUSAND DOLLARS
49 EXCLUSIVE OF INTEREST AND COSTS OR THE LIMITS OF LIABILITY
50 INSURANCE AVAILABLE, WHICHEVER IS LESS;

51
52 (II) ARBITRATION SHALL BE CONDUCTED BEFORE A SINGLE
53 ARBITRATOR, WHO SHALL BE EITHER AN ATTORNEY LICENSED TO PRACTICE
54 LAW IN THE STATE OF COLORADO OR AN INDIVIDUAL WITH A MINIMUM OF
55 FIVE YEARS OF SPECIAL KNOWLEDGE, SKILL, TRAINING, OR EXPERIENCE
56 HELPFUL IN DETERMINING THE PARTICULAR CONTROVERSY;

1 (III) THE PARTIES SHALL SELECT A COMPETENT AND IMPARTIAL
2 ARBITRATOR. IF THE PARTIES ARE UNABLE TO AGREE ON THE PERSON TO
3 SERVE AS THE ARBITRATOR, ANY PARTY MAY REQUEST THAT THE
4 COMMISSIONER OR THE COMMISSIONER'S DESIGNEE APPOINT THE
5 ARBITRATOR THROUGH THE REVOLVING SELECTION PROCESS SET FORTH IN
6 SECTION 10-4-708 (1.5) (b) AND (1.5) (c).

7
8 (IV) COMPENSATION OF THE ARBITRATOR AND ALL OTHER COSTS
9 AND FEES OF THE ARBITRATION SHALL BE PAID BY THE PARTIES AS
10 DETERMINED BY THE ARBITRATOR;

11
12 (V) PROCEDURES AT ARBITRATION HEARINGS SHALL BE INFORMAL
13 AND RULES OF EVIDENCE SHALL NOT BE STRICTLY APPLIED EXCEPT AS
14 REQUIRED BY THE ARBITRATOR. ALL QUESTIONS OF LAW AND FACT SHALL
15 BE DETERMINED BY THE ARBITRATOR. NO RECORD OF THE ARBITRATION
16 PROCEEDING IS REQUIRED.

17
18 (VI) ARBITRATION, BEGINNING WITH AN INITIAL REQUEST IN GOOD
19 FAITH TO ARBITRATE, SHALL TOLL ANY APPLICABLE STATUTE OF
20 LIMITATIONS; AND

21
22 (VII) THE RULES OF THE ARBITRATION SHALL BE AS AGREED
23 BETWEEN THE PARTIES OR, IF THEY ARE UNABLE TO AGREE, IN
24 ACCORDANCE WITH THE RULES SET FORTH IN SECTION 10-4-708 (1.9),
25 C.R.S., AND SUCH ADDITIONAL RULES AS PROMULGATED BY THE
26 COMMISSIONER.

27
28 (b) IN CASES SUBJECT TO PARAGRAPH (a) OF THIS SUBSECTION (3),
29 A CLAIMING PARTY'S AWARD SHALL BE LIMITED TO A MAXIMUM OF FIFTY
30 THOUSAND DOLLARS, INCLUDING ANY ATTORNEY FEES, PENALTIES, OR
31 EXEMPLARY DAMAGES, BUT EXCLUSIVE OF INTEREST AND COSTS. THE
32 ARBITRATOR SHALL NOT BE INFORMED OF THE FIFTY-THOUSAND-DOLLAR
33 LIMITATION. IF THE ARBITRATOR RETURNS AN AWARD IN EXCESS OF FIFTY
34 THOUSAND DOLLARS, IN A PROCEEDING FOLLOWING THE AWARD, THE
35 ARBITRATOR SHALL REDUCE THE AWARD TO FIFTY THOUSAND DOLLARS,
36 PLUS INTEREST AND COSTS.

37
38 **SECTION 9.** The introductory portion to 10-4-715 (1), Colorado
39 Revised Statutes, is amended, and the said 10-4-715 (1) is further
40 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

41
42 **10-4-715. No limitation on tort action against noncomplying**
43 **tort-feasors.** (1) Nothing in this part 7 shall be construed to limit the
44 right to maintain an action in tort by either a provider of direct PIP
45 benefits under section 10-4-706 (1) (b) to (1) (e) or alternatively, as
46 applicable, section 10-4-706 (2) or (3) or by a person who has been
47 injured or damaged as a result of an automobile accident against an
48 alleged tort-feasor where such alleged tort-feasor was: ~~either:~~

49
50 (e) A PERSON WHOSE LIABILITY DOES NOT ARISE OUT OF THE
51 OPERATION OR USE OF A MOTOR VEHICLE BY THAT PERSON.

52
53 **SECTION 10.** 10-4-716 (2), Colorado Revised Statutes, is
54 amended to read:

55
56 **10-4-716. Self-insurers.** (2) The commissioner may, in his or

1 her discretion, upon the application of ~~such person~~ A PERSON IN WHOSE
 2 NAME MORE THAN TWENTY-FIVE MOTOR VEHICLES ARE REGISTERED, issue
 3 a certificate of self-insurance when the commissioner is satisfied that
 4 such person is able and will continue to be able to pay ~~direct~~ PIP benefits
 5 as required under section 10-4-706 ~~(1)(b) to (1)(e)~~ and to pay any and
 6 all judgments that may be obtained against such person. Upon not less
 7 than five days' notice and a hearing pursuant to such notice, the
 8 commissioner may, upon reasonable grounds, cancel a certificate of
 9 self-insurance. Failure to pay any benefits under section 10-4-706 ~~(1)(b)~~
 10 ~~to (1)(e)~~ or failure to pay any judgment within thirty days after such
 11 judgment shall have become final shall constitute a reasonable ground for
 12 the cancellation of a certificate of self-insurance.

13
 14 **SECTION 11.** The introductory portion to 10-4-717 (1) and
 15 10-4-717 (1) (a) and (3), Colorado Revised Statutes, are amended to read:

16
 17 **10-4-717. Intercompany arbitration.** (1) Every insurer licensed
 18 to write motor vehicle insurance in this state shall be deemed to have
 19 agreed: ~~as a condition to maintaining such license after January 1, 1974:~~

20
 21 (a) That, where its insured is or would be held legally liable under
 22 the provisions of section 10-4-713 ~~(2)~~ for the PIP benefits paid by another
 23 insurer, described in section 10-4-706, ~~(1)(b) to (1)(e) or alternatively,~~
 24 ~~as applicable, section 10-4-706 (2) or (3),~~ it will reimburse such other
 25 insurer to the extent of such benefits but not in excess of the amount of
 26 damages so recoverable for the type of loss covered by such benefits and
 27 only to the extent of the alleged tort-feasor's insurance coverage in excess
 28 of reasonable compensation paid to the injured person for such person's
 29 injury or damage by the alleged tort-feasor's insurer; and

30
 31 (3) Notwithstanding any statute of limitations to the contrary, any
 32 demand for initial arbitration proceedings shall be brought within one
 33 year ~~of~~ AFTER the first payment of any of the PIP benefits described in
 34 section 10-4-706 ~~(1)(b) to (1)(e) or alternatively, as applicable, section~~
 35 ~~10-4-706 (2) or (3)~~ by the insurer claiming for reimbursement.
 36 Arbitration proceedings need not await final payment of benefits, and the
 37 award, if any, shall include provisions for reimbursement of subsequent
 38 benefits. Proceedings may be reopened to challenge the propriety of
 39 payments subsequently made, but no question of fact decided by a prior
 40 award shall be reconsidered in any such subsequent hearing.

41
 42 **SECTION 12.** 10-4-720 (1), Colorado Revised Statutes, is
 43 amended to read:

44
 45 **10-4-720. Cancellation - renewal - reclassification.** (1) Except
 46 in accordance with the provisions of this part 7, no insurer shall:

47
 48 (a) Cancel or fail to renew a policy of insurance ~~which~~ THAT
 49 complies with this part 7, issued in this state, as to THE NAMED INSURED,
 50 RESIDENT SPOUSE, OR any resident of the household of the named insured,
 51 for any reason other than nonpayment of premium, ~~or~~ FRAUD,
 52 CONCEALMENT, OR MATERIAL MISREPRESENTATION IN CONNECTION WITH
 53 THE APPLICATION FOR INSURANCE OR ANY CLAIM FOR BENEFITS;

54
 55 (b) Increase a premium for any coverage on any such policy
 56 unless the increase is part of a general increase in premiums filed with the

1 commissioner and does not result from a reclassification of the insured,
2 or

3
4 (c) Reduce the coverage under any such policy unless the
5 reduction is part of a general reduction in coverage filed with the
6 commissioner or to satisfy the requirements of other sections of this part
7 7.

8
9 **SECTION 13. Repeal.** 10-4-726, Colorado Revised Statutes, is
10 repealed as follows:

11
12 **10-4-726. Repeal of part.** ~~This part 7 is repealed, effective July~~
13 ~~1, 2003.~~

14
15 **SECTION 14.** 10-4-418 (2), Colorado Revised Statutes, is
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17
18 **10-4-418. Enforcement procedures - penalties.** (2) (d) THE
19 COMMISSIONER SHALL NOT FIND THAT A POLICY FORM, CERTIFICATE, OR
20 CONTRACT OF INSURANCE OR RIDER DOES NOT COMPLY WITH APPLICABLE
21 REQUIREMENTS AND STANDARDS OF THIS TITLE BECAUSE IT EXCLUDES
22 COVERAGE OF CLAIMS BY THE OWNER OF A MOTOR VEHICLE, ARISING OUT
23 OF OPERATION OR USE OF THAT MOTOR VEHICLE, FOR WHICH MOTOR
24 VEHICLE COVERAGE HAS NOT BEEN PURCHASED. SUCH
25 "OWNED-BUT-NOT-INSURED" EXCLUSIONS IN PERSONAL INJURY
26 PROTECTION, LIABILITY, AND UNINSURED OR UNDERINSURED MOTORIST
27 COVERAGE POLICIES AND RIDERS ARE HEREBY DECLARED TO BE
28 CONSISTENT WITH THE PUBLIC POLICY OF THIS STATE.

29
30 **SECTION 15.** 10-3-207 (1) (d), Colorado Revised Statutes, is
31 amended to read:

32
33 **10-3-207. Fees paid by insurance companies.** (1) There shall
34 be paid to the division of insurance by every entity regulated by the
35 division of insurance in this state the following:

36
37 (d) In addition to any fee collected under paragraph (a) or (b) of
38 this subsection (1), every insurance entity authorized to write private
39 passenger automobile insurance coverage shall pay an annual fee not to
40 exceed four hundred dollars to fund the costs of establishing and
41 administering the ~~PIP~~ INDEPENDENT examination program established in
42 section 10-4-706. Such fee shall be set by rule promulgated by the
43 commissioner. Fees collected under this paragraph (d) shall be
44 transmitted to the state treasurer, who shall credit the same to the division
45 of insurance cash fund created in section 10-1-103 (3).

46
47 **SECTION 16. Safety clause.** The general assembly hereby
48 finds, determines, and declares that this act is necessary for the immediate
49 preservation of the public peace, health, and safety."."

50
51
52 **Amendment No. 2, by Representative Stengel.**

53 Amend the Amendment No. 1, by Representative Stengel, as printed in
54 the House Journal, page 2021, line 44, strike "(4)".

55
56 Page 2022, strike lines 11 through 38.

1 Page 2025, after line 51, insert the following:

2

3 **"SECTION 8.** 10-4-709, Colorado Revised Statutes, is amended
4 **BY THE ADDITION OF A NEW SUBSECTION** to read:

5

6 **10-4-709. Coordination of benefits.** (5) TO AVOID DUPLICATION
7 OF BENEFITS AVAILABLE THROUGH OTHER INSURANCE OR CONTRACT
8 RIGHTS, PROVIDERS OF OTHER BENEFITS UNDER MEDICARE FOR AN INSURED
9 WITH AN AGE-BASED PERSONAL INJURY PROTECTION COVERAGE POLICY
10 ARE REQUIRED TO COORDINATE SUCH BENEFITS WITH COVERAGES
11 REQUIRED UNDER SECTION 10-4-706 (1.4), AND ALL PROVIDERS OF OTHER
12 BENEFITS ARE EXPRESSLY AUTHORIZED TO COORDINATE SUCH BENEFITS
13 WITH COVERAGES REQUIRED UNDER THIS PART 7. THE BENEFITS PURSUANT
14 TO SECTION 10-4-706 (1.4) SHALL BE PRIMARY COVERAGE TO MEDICARE
15 BENEFITS."

16

17 Renumber succeeding sections accordingly.

18

19 Page 2029, after line 45 insert the following:

20

21 **SECTION 17. Effective date.** This act shall take effect July 1,
22 2003."

23

24 Renumber succeeding section accordingly.

25

26

27 **Amendment No. 3, by Representative Stengel.**

28 Amend the Amendment No. 1, by Representative Stengel, as printed in
29 the House Journal, page 2029, line 42, line 6, strike "10-4-706." and
30 substitute "10-4-706 AND ANY NECESSARY RULES PROMULGATED AND
31 OTHER EXPENSES INCURRED BY THE DIVISION IN RESPONSE TO THE
32 ENACTMENT OF SENATE BILL 03-078."

33

34

35 **Amendment No. 4, by Representative Stengel.**

36 Amend the Amendment No. 1, by Representative Stengel, as printed in
37 the House Journal, page 2010, line 15, strike "April __," and substitute
38 "April 23,";

39

40 line 18, strike " __, 2003," and substitute "17, 2003,".

41

42

43 **Amendment No. 5, by Representative Coleman.**

44 Amend the Amendment No. 1, by Representative Stengel, as printed in
45 the House Journal, page 2013, line 31, after the period, add ""FOR THE
46 PURPOSES OF THIS SUBPARAGRAPH (I.5), "ESSENTIAL SERVICES" SHALL
47 INCLUDE FUNCTIONS NECESSARY TO THE ELIGIBLE INJURED PERSON'S
48 LIFESTYLE, INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE BUSINESS
49 ACTIVITIES."

50

51

52 **Amendment No. 6, by Representative Wiens.**

53 Amend the Amendment No. 1, by Representative Stengel, as printed in
54 the House Journal, page 2026, line 13, strike "FIVE" and substitute "TEN";

55

56 line 27, strike "TEN" and substitute "TWENTY".

1 **Amendment No. 7, by Representatives Cadman, Hefley, Stengel.**
 2 Amend the Amendment No. 1, by Representative Stengel, as printed in
 3 the House Journal, page 2011, line 40, strike "A NEW SUBSECTION,"
 4 and substitute "THE FOLLOWING NEW SUBSECTIONS,";

5
 6 page 2016, after line 25, insert the following:

7
 8 "(1.5) AN INSURER SHALL MAKE AVAILABLE, OFFER, AND PROVIDE,
 9 AT THE OPTION OF THE APPLICANT OR POLICYHOLDER, MEDICAL OR
 10 REHABILITATIVE BENEFITS THAT DO NOT INCLUDE ONE OR ALL OF THE
 11 FOLLOWING HEALTH CARE PROVIDERS: PODIATRISTS; CHIROPRACTORS;
 12 ACUPUNCTURISTS; PHYSICAL THERAPISTS; RESPIRATORY THERAPISTS;
 13 OPTOMETRISTS; OR ANY HEALTH CARE PROVIDER WHO IS NOT LICENSED IN
 14 THIS STATE."

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

	YES	32	NO	30	EXCUSED	03	ABSENT	00
19	Berry	Y	Fritz	N	May	N	Sinclair	N
20	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	E
21	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
22	Briggs	E	Harvey	N	Merrifield	Y	Stafford	Y
23	Brophy	N	Hefley	N	Miller	N	Stengel	Y
24	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
25	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
26	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
27	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
28	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
29	Cloer	Y	King	N	Rhodes	N	White	N
30	Coleman	Y	Larson	N	Rippy	N	Wiens	N
31	Crane	N	Lee	N	Romanoff	Y	Williams S.	N
32	Decker	Y	Lundberg	N	Rose	N	Williams T.	N
33	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	N
34	Frangas	N	Marshall	Y	Schultheis	N	Young	N
35							Speaker	N

36
 37
 38 Representative Harvey moved to amend the Report of the Committee of
 39 the Whole to show that Amendment No. 10, by Representative Veiga
 40 (printed in House Journal page 2008 lines 14-56, and page 2009
 41 lines 1-5), to the Business Affairs & Labor Committee Report, dated
 42 April 17, 2003, to SB03-078, as amended by Amendment No. 11, by
 43 Representative Madden (printed in House Journal page 2009 lines 7-13),
 44 did not pass, and that SB03-078, as amended, did pass.

45
 46 The amendment was declared **lost** by the following roll call vote:

	YES	29	NO	33	EXCUSED	03	ABSENT	00
49	Berry	N	Fritz	Y	May	Y	Sinclair	Y
50	Borodkin	N	Garcia	N	McCluskey	Y	Smith	E
51	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
52	Briggs	E	Harvey	Y	Merrifield	N	Stafford	N
53	Brophy	Y	Hefley	Y	Miller	Y	Stengel	N
54	Butcher	N	Hodge	N	Mitchell	N	Tochtrop	N
55	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
56	Carroll	N	Jahn	N	Plant	E	Vigil	N

1	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
2	Clapp	N	Judd	N	Ragsdale	N	Weissmann	N
3	Cloer	N	King	Y	Rhodes	Y	White	Y
4	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
5	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
6	Decker	N	Lundberg	Y	Rose	Y	Williams T.	Y
7	Fairbank	N	Madden	N	Salazar	N	Witwer	Y
8	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
9							Speaker	Y

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: **SB03-078 amended, HB03-1360 amended, SB03-312.**

Referred to Committee indicated:
HB03-1367--Committee on Appropriations.

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.**

	YES	60	NO	02	EXCUSED	03	ABSENT	00
27	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
28	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	E
29	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
30	Briggs	E	Harvey	Y	Merrifield	Y	Stafford	Y
31	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
32	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
33	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
34	Carroll	Y	Jahn	Y	Plant	E	Vigil	Y
35	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
36	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
37	Cloer	Y	King	Y	Rhodes	Y	White	Y
38	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
39	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
40	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
41	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
42	Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
43							Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

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

HB03-1024 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend the Health, Environment, Welfare, & Institutions Committee
2 Report, dated February 3, 2003, page 2, strike lines 3 through 6.

3
4 Reletter succeeding paragraphs accordingly.

5
6 Page 2 of the Committee Report, line 7, strike "THE" and substitute
7 "CONTINGENT UPON THE IMPLEMENTATION OF THE COMPUTER "TRAILS"
8 ENHANCEMENTS, THE";
9
10 strike lines 17 through 29 of the Committee Report.

11
12 Page 3 of the Committee Report, strike lines 1 through 7;
13
14 strike lines 29 and 30 of the Committee Report and substitute the
15 following:

16
17 "strike lines 19 through 24.

18
19 Page 6, strike line 7 and substitute the following:

20
21 "Statutes, are amended, and the said 26-6-107 is further amended BY
22 THE ADDITION OF A NEW SUBSECTION, to read:". "

23
24 Page 4 of the Committee Report, line 5, strike "CHILDREN"." and
25 substitute "CHILDREN";";

26
27 after line 5 of the Committee Report, insert the following:

28
29 "after line 23, insert the following:

30
31 "(4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT
32 SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY
33 DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.".

34
35 Page 8, after line 5, insert the following:

36
37 "**SECTION 7. Appropriation.** In addition to any other
38 appropriation, there is hereby appropriated, to the department of public
39 safety, for allocation to the Colorado bureau of investigation, for the
40 fiscal year beginning July 1, 2003, the sum of twenty-four thousand three
41 hundred dollars (\$24,300), or so much thereof as may be necessary, for
42 fingerprint processing services related to the implementation of this act.
43 Of said sum, twenty-one thousand dollars (\$21,000) shall be from cash
44 funds and three thousand three hundred dollars (\$3,300) shall be from
45 cash funds exempt.".

46
47 Renumber succeeding section accordingly.

48
49 Page 1, line 103, strike "AGENCIES." and substitute "AGENCIES, AND
50 MAKING AN APPROPRIATION THEREFOR.".

51
52
53
54 **HB03-1099** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1
2 Amend the Agriculture, Livestock, and Natural Resources Report, dated
3 April 16, 2003, page 13, after line 16, insert the following:
4

5 **"SECTION 22. Appropriation.** (1) In addition to any other
6 appropriation, there is hereby appropriated, out of any moneys in the
7 liquefied petroleum gas inspection fund created pursuant to section 8-20-
8 206.5 (1) (e) (I), Colorado Revised Statutes, not otherwise appropriated,
9 to the department of revenue, for the fiscal year beginning July 1, 2003,
10 the sum of two thousand three hundred two dollars (\$2,302), or so much
11 thereof as may be necessary, for the implementation of this act.
12

13 (2) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the liquefied petroleum gas inspection
15 fund created pursuant to section 8-20-206.5 (1) (e) (I), Colorado Revised
16 Statutes, not otherwise appropriated, to the department of labor and
17 employment, for the fiscal year beginning July 1, 2003, the sum of one
18 hundred forty-three thousand eight hundred twenty-three dollars
19 (\$143,823), or so much thereof as may be necessary, for the
20 implementation of this act. The general assembly has determined that
21 this act can be implemented with contract services, and therefore no
22 separate appropriation of FTE authority is necessary to carry out the
23 purposes of this act."
24

25 Renumber succeeding section accordingly.
26

27 Page 13, line 19, strike "safety." "", and substitute the following:
28 "safety."
29

30 Page 1, line 103, strike "EMPLOYMENT." and substitute "EMPLOYMENT,
31 AND MAKING AN APPROPRIATION THEREFOR."."
32
33
34

35 **HB03-1352** be amended as follows, and as so amended, be referred to
36 the Committee of the Whole with favorable
37 recommendation:
38

39 Amend printed bill, page 4, after line 7 insert the following:
40

41 **"SECTION 2. Appropriation.** In addition to any other
42 appropriation, there is hereby appropriated, to the department of public
43 safety, Colorado bureau of investigation, from fees charged to training
44 academy applicants, for the fiscal year beginning July 1, 2003, the sum
45 of twenty-six thousand six hundred seventy-seven dollars (\$26,677), or
46 so much thereof as may be necessary, for the implementation of this act.
47 Of said sum, ten thousand one hundred seventy-seven dollars (\$10,177)
48 shall be designated as cash funds and sixteen thousand five hundred
49 dollars (\$16,500) shall be designated as cash funds exempt.
50

51 Renumber succeeding sections accordingly.
52

53 Page 1, line 104, strike "BOARD." and substitute "BOARD, AND MAKING
54 AN APPROPRIATION IN CONNECTION THEREWITH."
55
56

1 **HB03-1354** be amended as follows, and as so amended, be referred to
2 the Committee of the Whole with favorable
3 recommendation:
4

5 Amend the Information and Technology Committee Report, dated April
6 21, 2003, page 2, line 16, after "ARTICLE.", add "GENERAL FUND MONEYS
7 SHALL NOT BE APPROPRIATED TO OR OTHERWISE EXPENDED BY THE
8 COUNCIL FOR ANY PURPOSE.";

9
10 line 20, strike ""**24-48.6-106.**"" and substitute ""**24-48.6-106.**"";

11
12 after line 20, insert the following:

13
14 "after line 14, insert the following:

15
16 **"24-48.6-107. Certification of funds - repeal.** ON OR BEFORE
17 SEPTEMBER 30, 2004, THE COLORADO ALLIANCE FOR MICROENTERPRISE
18 INITIATIVES SHALL CERTIFY TO THE DIRECTOR AND THE REVISOR OF
19 STATUTES THAT IT HAS RECEIVED AN AMOUNT OF GIFTS, GRANTS, AND
20 DONATIONS THAT IS SUFFICIENT TO AID THE COUNCIL IN PRODUCING THE
21 REPORT REQUIRED PURSUANT TO SECTION 24-48.6-104 (3). IF NO SUCH
22 CERTIFICATION IS RECEIVED, THIS ARTICLE IS REPEALED, EFFECTIVE
23 OCTOBER 1, 2004."."

24
25
26
27 **HB03-1356** be amended as follows, and as so amended, be referred to
28 the Committee of the Whole with favorable
29 recommendation:
30

31 Amend the State, Veterans, & Military Affairs Committee Report, dated
32 April 22, 2003, page 5, strike lines 21 through 24, and substitute the
33 following:

34
35 "Page 35, strike lines 5 through 17, and insert the following:

36
37 **"SECTION 16. Appropriation.** (1) In addition to any other
38 appropriation, there is hereby appropriated, out of any moneys in the
39 department of state cash fund created in section 24-21-104 (3)(b),
40 Colorado Revised Statutes, not otherwise appropriated, to the federal
41 elections assistance fund created in section 1-1.5-106 (1), Colorado
42 Revised Statutes, for the fiscal year beginning July, 1, 2003, the sum of
43 one million three hundred seventy-one thousand two hundred seventy
44 dollars (\$1,371,270), or so much thereof as may be necessary, for the
45 implementation of this act. In addition to said appropriation, the general
46 assembly anticipates that, for the fiscal year beginning July 1, 2003, the
47 department of state will receive the sum of thirty-six million seven
48 hundred twenty-nine thousand two hundred fifty-two dollars
49 (\$36,729,252) in federal funds under the provisions of the federal Help
50 America Vote Act of 2002. Although the federal funds are not
51 appropriated in this act, they are noted for the purpose of indicating the
52 assumptions used relative to these funds in developing the state
53 appropriation amounts.
54

55 (2) In addition to any other appropriation, there is hereby
56 appropriated, out of any moneys in the federal elections assistance fund

1 created in section 1-1.5-106 (1), Colorado Revised Statutes, to the
2 department of state, for the fiscal year beginning July 1, 2003, the sum of
3 one million eight hundred thirty-six thousand four hundred sixty-three
4 dollars (\$1,836,463), or so much thereof as may be necessary, for
5 implementation of this act.
6

7 (3) In addition to any other appropriation, there is hereby
8 appropriated, to the department of law, for the fiscal year beginning July
9 1, 2003, the sum of twenty-six thousand nine hundred ten dollars
10 (\$26,910) and 0.3 FTE, or so much thereof as may be necessary, for the
11 provision of legal services to the department of state related to
12 implementation of this act. Such sum shall be from cash funds exempt
13 received from the department of state out of the appropriation made in
14 subsection (2) of this section.
15

16 (4) In addition to any other appropriation, there is hereby
17 appropriated, to the department of public safety, for the fiscal year
18 beginning July 1, 2003, the sum of fourteen thousand two hundred twenty
19 dollars (\$14,220), or so much thereof as may be necessary, for the
20 verification of voter registration information related to implementation of
21 this act. Such sum shall be from cash funds exempt received from the
22 department of state out of the appropriation made in subsection (2) of this
23 section.
24

25 (5) In addition to any other appropriation, there is hereby
26 appropriated, to the department of revenue, for the fiscal year beginning
27 July 1, 2003, the sum of sixty-five thousand dollars (\$65,000), or so
28 much thereof as may be necessary, for the extraction of signature
29 information from the drivers license database related to implementation
30 of this act. Such sum shall be from cash funds exempt received from the
31 department of state out of the appropriation made in subsection (2) of this
32 section."."
33

34
35

36 **HB03-1361** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:
39

40 Amend the Information and Technology Committee Report, dated April
41 21, 2003, page 1, strike lines 1 and 2 and substitute the following:
42

43 "Amend printed bill, page 2, strike lines 16 through 19 and substitute the
44 following:
45

46 "CREATED IN PART 5 OF ARTICLE 8 OF THIS TITLE."
47

48 Page 3, strike lines 1 through 5.
49

50 Renumber succeeding sections accordingly.
51

52 Page 4, line 5, strike "OR TO THE DESIGNATED NONPROFIT
53 ORGANIZATION".";
54

55 strike lines 11 and 12 of the committee report and substitute the
56 following:

1 "strike line 12 and substitute the following:
2
3 "FOR THE SAME TAX YEAR IN WHICH SUCH CONTRIBUTIONS ARE MADE, AS
4 FOLLOWS:"";
5
6 after line 14 of the committee report, insert the following:
7
8 "line 18, strike "AND THE DESIGNATED";
9
10 line 19, strike "NONPROFIT ORGANIZATION";".
11
12 Page 2 of the committee report, after line 4, insert the following:
13
14 "Page 7, line 1, strike "AND THE DESIGNATED NONPROFIT";
15
16 line 2, strike "ORGANIZATION";
17
18 strike lines 21 and 22 and substitute the following:
19
20 "(b) IF COVER COLORADO FILES PREMIUM TAX CREDIT ALLOCATION
21 CLAIMS".
22
23 Page 9, line 9, strike "OR THE DESIGNATED NONPROFIT";
24
25 line 10, strike "ORGANIZATION".
26
27 Page 10, line 20, strike "AND THE DESIGNATED NONPROFIT";
28
29 line 21, strike "ORGANIZATION".";
30
31 line 29 of the committee report, change the second period to a semicolon;
32
33 strike line 30 of the committee report.
34
35 Page 3 of the committee report, strike lines 1 and 2 and substitute the
36 following:
37
38 "strike lines 11 and 12 and substitute the following:
39
40 "**10-3.5-107.5. Contributions to Cover Colorado.** (1) FOR
41 TAX";
42
43 line 13, strike the second "AND" and substitute "SHALL BE THE
44 EXCLUSIVE";
45
46 strike line 14;
47
48 line 17, change the semicolon to a period and strike the remainder of the
49 line;
50
51 strike lines 18 through 24 and substitute the following:
52
53 "(2) COVER COLORADO DOES NOT NEED TO BE CERTIFIED AS A
54 "CERTIFIED CAPITAL".
55
56 Page 12, strike lines 4 through 7;

1 strike lines 18 through 27.

2

3 Strike pages 13 through 21.

4

5 Page 22, strike lines 1 through 22 and substitute the following:";

6

7 line 3 of the committee report, strike "**10.**" and substitute "**8.**";

8

9 line 6, strike "**Cover Colorado and**" and substitute "**Cover Colorado.**";

10

11 line 7, strike "**opportunity schools.**";

12

13 line 12, after the period, add "SUCH TAXPAYER SHALL CLAIM THE CREDIT
14 BY SUBMITTING, WITH THE TAXPAYER'S INCOME TAX RETURN, A TAX
15 CREDIT CERTIFICATE ISSUED BY THE OFFICE OF ECONOMIC DEVELOPMENT
16 PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (a).";

17

18 after line 26, insert the following:

19

20 "(IV) A QUALIFIED TAXPAYER MAY SUBMIT AN APPLICATION FOR
21 CERTIFICATION TO THE OFFICE OF ECONOMIC DEVELOPMENT ON OR BEFORE
22 JULY 1, 2004, AND ON OR BEFORE EACH JULY 1 THEREAFTER THROUGH
23 JULY 1, 2012. THE APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE
24 OFFICE AND SHALL INCLUDE SUCH INFORMATION AS THE OFFICE REQUIRES
25 TO DETERMINE WHETHER THE TAXPAYER IS QUALIFIED TO RECEIVE THE
26 CREDIT. THE OFFICE MAY ISSUE TAX CREDIT CERTIFICATES HAVING A
27 MAXIMUM AGGREGATE TOTAL VALUE OF TEN MILLION DOLLARS IN EACH
28 CALENDAR YEAR FROM 2004 TO 2012. ON OR BEFORE THE JANUARY 1
29 IMMEDIATELY FOLLOWING THE APPLICATION DEADLINE, THE OFFICE SHALL
30 CERTIFY TO THE DEPARTMENT OF REVENUE THE TAXPAYERS WHO ARE
31 QUALIFIED TO RECEIVE THE CREDIT AND THE AMOUNT OF CREDIT EACH
32 TAXPAYER IS ELIGIBLE TO CLAIM."

33

34 Page 4 of the committee report, strike line 2 and substitute
35 "DEVELOPMENT, THE";

36

37 strike line 6 and substitute the following:

38 "Renumber succeeding sections accordingly.

39

40 Page 1, strike lines 104 through 107 and substitute the following:

41 "**AVAILABLE TO COVERCOLORADO, AND, IN**".

42

43

44

45 **SB03-011** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48

49 Amend reengrossed bill, page 6 after line 17 insert:

50

51 "**SECTION 6. Appropriation - adjustments to 2003 long bill.**

52 (1) For the implementation of this act, appropriations made in the annual
53 general appropriation act to the department of health care policy and
54 financing for the fiscal year beginning July 1, 2003, shall be adjusted as
55 follows:

56

1 (a) The appropriation for the executive director's office, personal
2 services, is increased by fifty-six thousand five hundred thirty-one dollars
3 (\$56,531) and 0.8 FTE. Of said sum, fourteen thousand one hundred
4 thirty-four dollars (\$14,134) shall be from the general fund and forty-two
5 thousand three hundred ninety-seven dollars (\$42,397) shall be from
6 federal funds.

7
8 (b) The appropriation for the executive director's office, operating
9 expenses, is increased by four thousand fifty-four dollars (\$4,054). Of
10 said sum, one thousand thirteen dollars (\$1,013) shall be from the general
11 fund and three thousand forty-one dollars (\$3,041) shall be from federal
12 funds.

13
14 (c) The appropriation for the executive director's office, medicaid
15 management information system, is increased by five hundred seventeen
16 thousand five hundred sixteen dollars (\$517,516). Of said sum, one
17 hundred twenty-nine thousand three hundred seventy-eight dollars
18 (\$129,378) shall be from the general fund and three hundred eighty-eight
19 thousand one hundred thirty-eight dollars (\$388,138) shall be from
20 federal funds.

21
22 (d) The appropriation to the executive director's office, drug
23 utilization review, is increased by three hundred thousand dollars
24 (\$300,000). Of said sum, seventy-five thousand dollars (\$75,000) shall
25 be from the general fund and two hundred twenty-five thousand dollars
26 (\$225,000) shall be from federal funds.

27
28 (e) The appropriation for medical services premiums is decreased
29 by one million five hundred twelve thousand six hundred twenty-seven
30 dollars (\$1,512,627). Of said sum, eight hundred one thousand seven
31 hundred fifty-seven dollars (\$801,757) shall be from the general fund and
32 seven hundred ten thousand eight hundred seventy dollars (\$710,870)
33 shall be from federal funds."

34
35 **SECTION 7. Effective date.** (1) This act shall take effect upon
36 passage, except that:

37
38 (a) Section 5 of this act shall not take effect if Senate Bill 03-294,
39 as enacted at the First Regular Session of the Sixty-fourth General
40 Assembly, becomes law.

41
42 (b) Section 6 of this act shall not take effect if Senate Bill 03-294,
43 as enacted at the First Regular Session of the Sixty-fourth General
44 Assembly, does not become law."

45
46 Renumber succeeding section accordingly.

47
48
49
50 **SB03-022** be referred to the Committee of the Whole with favorable
51 recommendation.

52
53
54 **SB03-027** be amended as follows, and as so amended, be referred to
55 the Committee of the Whole with favorable
56 recommendation:

1 Strike the Finance Committee Report, dated April 17, 2003, and
2 substitute the following:

3
4 "Strike the Agriculture, Livestock, and Natural Resources Committee
5 Report, dated April 3, 2003, and substitute the following:

6
7 "Amend reengrossed bill, strike everything below the enacting clause and
8 substitute the following:

9
10 **"SECTION 1.** 12-55.5-117, Colorado Revised Statutes, is
11 amended to read:

12
13 **12-55.5-117. Repeal of article - review of functions.** Unless
14 continued by the general assembly, this article is repealed, effective July
15 1, 2003 2004, and those powers, duties, and functions of the division
16 specified in this article are abolished. The provisions of section
17 24-34-104 (5) to (12), C.R.S., concerning a wind-up period, an analysis
18 and evaluation, public hearings, and claims by or against an agency shall
19 apply to the powers, duties, and functions of the division specified in this
20 article.

21
22 **SECTION 2. Repeal.** 24-34-104 (32) (b), Colorado Revised
23 Statutes, is repealed as follows:

24
25 **24-34-104. General assembly review of regulatory agencies and**
26 **functions for termination, continuation, or reestablishment.** (32) The
27 following function of the specified agency shall terminate on July 1,
28 2003:

29
30 (b) ~~The regulation of outfitters by the director of the division of~~
31 ~~registrations pursuant to article 55.5 of title 12, C.R.S.;~~

32
33 **SECTION 3.** 24-34-104 (37), Colorado Revised Statutes, is
34 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35
36 **24-34-104. General assembly review of regulatory agencies and**
37 **functions for termination, continuation, or reestablishment.** (34) The
38 following agencies, functions, or both, shall terminate on July 1, 2004:

39
40 (h) THE REGULATION OF OUTFITTERS BY THE DIRECTOR OF THE
41 DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE 55.5 OF TITLE 12,
42 C.R.S.

43
44 **SECTION 4. Effective date.** This act shall take effect July 1,
45 2003.

46
47 **SECTION 5. Safety clause.** The general assembly hereby finds,
48 determines, and declares that this act is necessary for the immediate
49 preservation of the public peace, health, and safety."."."

50

51

52

53 **SB03-030**

54

55

56

be referred to the Committee of the Whole with favorable
recommendation.

- 1 **SB03-033** be referred to the Committee of the Whole with favorable
2 recommendation.
3
4
- 5 **SB03-049** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
- 9 **SB03-076** be referred to the Committee of the Whole with favorable
10 recommendation.
11
12
- 13 **SB03-083** be referred to the Committee of the Whole with favorable
14 recommendation.
15
16
- 17 **SB03-101** be amended as follows, and as so amended, be referred to
18 the Committee of the Whole with favorable
19 recommendation:
20
- 21 Amend reengrossed bill, page 5, line 4, after the period, add "IN NO
22 EVENT SHALL THE INCREASE IN ANY DIVISION'S EMPLOYER CONTRIBUTION
23 RATE FROM ONE YEAR TO THE FOLLOWING YEAR EXCEED SIX HUNDRED
24 TWENTY-FIVE ONE THOUSANDTHS OF ONE PERCENT OF SALARY."
25
- 26 Page 9, line 3, after "**bill.**" insert "(1)";
27
28 strike line 6 and substitute the following:
29
30 "one million five hundred sixty-nine thousand four hundred seventy-eight
31 dollars (\$1,569,478).";
32
33 line 7, strike "dollars (\$1,494,599).".
34
35 Strike page 10 and substitute the following:
36

	Department	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	Total
1	Agriculture	(6,303)	(9,752)	(489)	(186)	(16,730)
2	Corrections	(304,454)	(805)	(11,621)	0	(316,880)
3	Education	(11,954)	(902)	(1,392)	(9,425)	(23,673)
4	Governor	(5,708)	(64)	(2,566)	0	(8,338)
5	Health Care Policy and	(27,933)	0	(145)	(29,371)	(57,449)
6	Financing					
7	Higher Education	(2,522)	(820)	(3,647)	0	(6,989)
8	Human Services	(141,381)	(1,226)	(50,397)	(24,644)	(217,648)
9	Judicial	(402,745)	(10,912)	0	0	(413,657)
10	Labor and Employment	0	(18,622)	(3,778)	(40,538)	(62,938)
11	Law	(5,482)	(3,465)	(16,224)	(822)	(25,993)
12	Legislature	(1,585)	0	0	0	(1,585)
13	Local Affairs	(7,618)	(268)	(656)	(1,431)	(9,973)
14	Military and Veterans	(2,422)	(3)	(88)	(2,836)	(5,349)
15	Affairs					

	Department	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	Total
1	Natural Resources	(1,364)	(12,710)	(5,914)	(11,488)	(31,476)
2	Personnel and Administration	(3,812)	(2,347)	(25,687)	0	(31,846)
3						
4	Public Health and Environment	(20,557)	(38,294)	(47,871)	(26,833)	(133,555)
5						
6	Public Safety	(13,824)	(2,595)	(54,169)	(511)	(71,099)
7	Regulatory Agencies	(1,469)	(27,419)	(5,142)	0	(34,030)
8	Revenue	(46,113)	(9,021)	(24,171)	0	(79,305)
9	State	0	(5,931)	0	0	(5,931)
10	Transportation	0	(319)	(13,030)	(147)	(13,496)
11	Treasury	(358)	(1,180)	0	0	(1,538)
12	Total	(1,007,604)	(146,655)	(266,987)	(148,232)	(1,569,478)
13						

1 (2) In addition to any other appropriation made for the fiscal year
2 beginning July 1, 2003, there is hereby appropriated, out of any moneys
3 in the general fund not otherwise appropriated, to the controlled
4 maintenance trust fund created in section 24-75-302.5, Colorado Revised
5 Statutes, the sum of one million seven thousand six hundred four dollars
6 (\$1,007,604).".

7
8 Page 11, strike lines 1 through 9.

9
10 Page1, line 102, strike "ASSOCIATION." and substitute "ASSOCIATION,
11 AND MAKING AN APPROPRIATION THEREFOR.".

12
13
14
15 **SB03-230** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18
19 Amend reengrossed bill, page 4, line 19, strike "July" and substitute
20 "January".

21
22
23
24 **SB03-239** be referred to the Committee of the Whole with favorable
25 recommendation.

26
27
28 **SB03-309** be referred to the Committee of the Whole with favorable
29 recommendation.

30
31
32 **HJR03-1068** be referred out for final action.

33
34
35
36
37 **TRANSPORTATION & ENERGY**

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

40
41 **SB03-131** be referred to the Committee of the Whole with favorable
42 recommendation.

43
44
45
46 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
47 **on HB03-1218**

48
49 This Report Amends the Rerevised Bill.

50
51 To the President of the Senate and the
52 Speaker of the House of Representatives:

53
54 Your first conference committee appointed on HB03-1218,
55 concerning a prohibition on a public corporation from making loans to
56 directors, has met and reports that it has agreed upon the following:

1 That the House accede to Senate amendments made to the bill, as
2 said amendments appear in the rerevised bill, with the following change:

3
4 Amend rerevised bill, page 4, line 6, strike "SUBPARAGRAPH (I) OF".

5
6 Respectfully submitted,

7 House Committee:

8 Raymond Rose

9 Matt Smith

10 Carl Miller

Senate Committee:

Ed Jones

Doug Lamborn

Deanna Hanna

11
12
13
14 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
15 **on HB03-1228**

16
17 This Report Amends the Rerevised Bill.

18
19 To the President of the Senate and the
20 Speaker of the House of Representatives:

21
22 Your first conference committee appointed on HB03-1228,
23 concerning a limitation on liability for the treatment costs of specified
24 health care conditions of a person in a county jail, has met and reports
25 that it has agreed upon the following:

26
27 That the House accede to the Senate amendments made to the bill,
28 as the amendments appear in the rerevised bill, with the following
29 changes:

30
31 Amend rerevised bill, page 2, line 21, strike "may" and substitute "~~may~~
32 SHALL".

33
34 Page 3, line 12, strike "OR" and strike "ENTITY." and substitute "ENTITY,
35 OR MEDICAL CARE PROVIDED BY THE COLORADO MENTAL HEALTH
36 INSTITUTE AT PUEBLO.";

37
38 strike lines 15 through 19 and substitute the following:
39 "RECEIVING SUCH SERVICES, EXCEPT AS OTHERWISE PROVIDED IN
40 SUBSECTION (1) OF THIS SECTION."

41
42 Respectfully submitted,

43 House Committee:

44 Bill Cadman

45 Carl Miller

46 Dale Hall

Senate Committee:

Jim Dyer

Mark Hillman

Ken Gordon

47
48
49
50 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
51 **on HB03-1240**

52
53 This Report Amends the Rerevised Bill.

54
55 To the President of the Senate and the
56 Speaker of the House of Representatives:

1 Your first conference committee appointed on HB03-1240,
 2 concerning changes to the juvenile justice system, has met and reports
 3 that it has agreed upon the following:

4
 5 That the House accede to the Senate amendments made to the bill,
 6 as said amendments appear in the rerevised bill, with the following
 7 change:

8
 9 Amend rerevised bill, page 3, line 16, after "PRESUMPTION", insert
 10 "UNDER SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF THIS
 11 PARAGRAPH (a)".

12
 13 Respectfully submitted,

14 House Committee:

15 Lauri Clapp
 16 Cheri Jahn
 17 Lynn Hefley

Senate Committee:

Jim Dyer
 Bob Hagedorn
 Mark Hillman

18
 19
 20
 21 **REPORT FROM THE SENATE AND HOUSE**
 22 **COMMITTEES ON DELAYED BILLS**

23
 24 Pursuant to Joint Rule 23 (c), the House and Senate Committees on
 25 Delayed Bills, acting jointly, extend the following deadline for Senate
 26 Bill No. 03-248, Concerning the Financing of Public Schools and Making
 27 an Appropriation Therefor:

28
 29 The Friday, March 14 deadline (the 66th legislative day) for final
 30 passage, including any conference committee report, for any bill
 31 prescribing all or a substantial portion of the total funding for public
 32 schools pursuant to the "Public School Finance Act of 1994", article 54
 33 of title 22, Colorado Revised Statutes, as extended until Friday, March
 34 28, 2003 (the 80th legislative day), Friday, April 4, 2003 (the 87th
 35 legislative day), Friday, April 18, 2003 (the 101st legislative day),
 36 Monday, April 21, 2003 (the 104th legislative day), and Friday, April 25,
 37 2003 (the 108th legislative day), is further extended until Wednesday,
 38 April 30, 2003 (the 113th legislative day).

39
 40 This memorandum shall be printed in the journal of each house as is
 41 required by said Joint Rule 23 (c).

42
 43 (signed) (signed)
 44 Lola Spradley John Andrews
 45 Keith King Norma Anderson
 46 Jennifer Veiga Joan Fitz-Gerald

47
 48
 49
 50 **PRINTING REPORT**

51
 52 The Chief Clerk reports the following bills have been correctly printed:
 53 **HB03-1378, 1379.**

54
 55
 56

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB03-1001, 1266, 1335.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB03-1001, 1266, 1335** at 1:15 p.m., April 25, 2003.

MESSAGES FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJM03-007, 008, 005.

The Senate voted to concur in House amendments to SB03-068, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on HB03-1218, as printed in Senate Journal, April 24, page 1188, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB03-1240, as printed in Senate Journal, April 24, page 1191, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on SB03-007, as printed in Senate Journal, April 22, pages 1165-1166, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on HB03-1228, as printed in Senate Journal, April 25, and repassed the bill as amended. The bill is returned herewith.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB03-327,

HB03-1274, amended as printed in Senate Journal, April 24, 2003, pages 1193-1195, and on Third Reading, as printed in Senate Journal, April 25.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB03-327 and HB03-1274.

INTRODUCTION OF RESOLUTION

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

HJR03-1069 by Representative(s) Spence; also Senator(s) Kester--
Concerning the importance of personal financial literacy.

WHEREAS, Personal financial management, including the principles of saving, spending, credit, investment, taxes, and insurance, is an essential life skill necessary to the well-being of all Coloradans; and

WHEREAS, On October 2002, a white paper by the United States Department of the Treasury's Office of Financial Education was released, stating that the average American was able to answer only 42% of the questions on a personal financial quiz correctly, that 4 out of 10 Americans admitted that they live beyond their means because of their misuse and misunderstanding of credit, and that personal bankruptcy filings more than doubled between 1990 and 2000; and

WHEREAS, The 2002 third biennial survey of financial literacy by the JumpStart Coalition for Personal Financial Literacy found 68.1% of high school seniors failed the financial literacy survey, which represents an increase of the students who failed the survey from 59.1% in 2000 and 44.2% in 1998; and

WHEREAS, According to information from the Department of the Treasury, it is estimated that America's youth spend approximately \$150 billion annually, and the JumpStart survey of financial literacy found that almost one-third of high school seniors use a credit card and a higher percentage carry an automatic teller machine (ATM) card; and

WHEREAS, Colorado's credit unions and banks have developed and funded a variety of financial education materials for use by educators throughout Colorado; and

WHEREAS, The Colorado educators who are using financial education materials are seeing significant, measurable, and positive results; and

WHEREAS, Experience has shown that students will respond to well-executed life skills programs that have a direct, practical application to their daily lives; and

WHEREAS, The personal financial responsibility and foundation of the emerging generation is essential to the overall health and well-being of Colorado's future economic and social condition; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the General Assembly, encourage educators throughout Colorado to integrate the principles of basic personal finance into their teaching curricula.

1 *Be It Further Resolved*, That copies of this Joint Resolution be
2 sent to the Colorado State Board of Education, the Colorado Association
3 of School Boards, the Colorado Association of School Executives, the
4 Colorado Education Association, and the Colorado Federation of
5 Teachers.

6
7
8
9
10 **INTRODUCTION OF MEMORIALS**

11
12 The following memorials were read by title and laid over one day under
13 the rules:

14
15 **HM03-1003** by Representative(s) Decker, Merrifield, Sinclair--
16 Memorializing former Representative Joe Cantrell.

17
18 WHEREAS, By the Will of Divine Providence, our beloved
19 former member, Joe Cantrell, recently departed this life; and

20
21 WHEREAS, Representative Cantrell was born August 29, 1929,
22 in Brownsboro, Texas; and

23
24 WHEREAS, Representative Cantrell graduated from Brownsboro
25 High School in 1946, as the valedictorian of his class; and

26
27 WHEREAS, Representative Cantrell served as a Corporal in the
28 United States Army from 1953 to 1955, during the Korean Conflict; and

29
30 WHEREAS, Representative Cantrell went on to receive a Bachelor
31 of Science degree from Southwestern State College and graduated magna
32 cum laude from the University of Oklahoma with a Master of Science
33 degree in Public Health, Bio-Education, and Sanitary Science in 1958;
34 and

35
36 WHEREAS, Representative Cantrell pursued post-graduate work
37 at the University of New Mexico, the University of Eastern New Mexico,
38 New Mexico Highlands University, Brigham Young University, and the
39 University of Colorado, among others; and

40
41 WHEREAS, For thirty years, Representative Cantrell taught
42 science at Widefield High School in Colorado Springs; and

43
44 WHEREAS, During his teaching career, Representative Cantrell
45 was elected and served two terms as President of the Widefield Education
46 Association, and was a member of the Educational and Planning
47 Accountability Committee for the school district; and

48
49 WHEREAS, Representative Cantrell continued to display his
50 dedication to education issues through his five years of service on the
51 Colorado State Career Education Advisory Council, spending two of
52 those years as President; and

53
54 WHEREAS, Representative Cantrell served District 19 in the
55 House of Representatives from 1975 to 1978 where he served on the
56 Game, Fish, & Parks Committee, the Business Affairs & Labor

1 Committee, the Judiciary Committee, and the Health, Environment,
2 Welfare & Institutions Committee, of which he was the vice-chair; and
3

4 WHEREAS, Representative Cantrell continued his service to his
5 community through his twenty-nine years of service as President of the
6 Security Water and Sanitation District, forty-two years of service to the
7 School District #3 Federal Credit Union, of which he was an original
8 organizer and charter member, and six years as a member of the Board of
9 Directors of Memorial Hospital in Colorado Springs; and
10

11 WHEREAS, El Paso County honored Representative Cantrell's
12 commitment to his community in the naming of Cantrell Drive; and
13

14 WHEREAS, Representative Cantrell will be remembered as a
15 dedicated public servant, a devoted husband of 52 years, and a loving
16 father and grandfather; and
17

18 WHEREAS, It is fitting that we, the members of the House of
19 Representatives of the Sixty-fourth General Assembly, pay tribute to the
20 dedicated service of Representative Cantrell and express our deep regret
21 and sorrow occasioned by his death; now, therefore,
22

23 *Be It Resolved by the House of Representatives of the Sixty-fourth*
24 *General Assembly of the State of Colorado:*
25

26 That, in the death of Joe Cantrell, the people of the state of
27 Colorado have lost a dedicated public servant and outstanding citizen,
28 and that we, the members of the House of Representatives of the
29 Sixty-fourth General Assembly, do hereby extend our deep and heartfelt
30 sympathy to the members of his family and pay tribute to a man who
31 served his state well and faithfully.
32

33 *Be It Further Resolved,* That copies of this House Memorial be
34 sent to Representative Cantrell's wife Lela Cantrell, his daughters Sharon
35 Kercher and Valerie Steward, his stepmother Bonnie Cantrell, his sister
36 Joyce Haley, and his brother Jim Cantrell.
37

38
39
40 **HM03-1004** by Representative(s) Decker--Memorializing former
41 Representative Harold J. Evetts.
42

43 WHEREAS, By the Will of Divine Providence, our beloved
44 former member, the Honorable Harold J. Evetts, departed this life on
45 November 11, 1999; and
46

47 WHEREAS, Representative Evetts was born April 18, 1912, in
48 Canute, Oklahoma; and
49

50 WHEREAS, Representative Evetts received his Bachelor of
51 Science degree from Oklahoma A&M in Goodwill, Oklahoma; and
52

53 WHEREAS, Representative Evetts married Lois Graham May 22,
54 1939, having 4 children, Toni, Harold, Kathy, and Karen; and
55

56 WHEREAS, Representative Evetts was involved in the educational

1 field for 37 years as a coach, a grade school and high school principal,
2 and a superintendent serving in the Ramah and Miami/Yoder schools; and

3
4 WHEREAS, Representative Evetts served in the Colorado House
5 of Representatives from 1970-1972; and

6
7 WHEREAS, Representative Evetts represented El Paso County in
8 District 19; and

9
10 WHEREAS, Representative Evetts was a member of several civic
11 organizations; and

12
13 WHEREAS, It is fitting that we, the members of the House of
14 Representatives of the Sixty-fourth General Assembly, pay tribute to the
15 dedicated service of Representative Evetts and express our deep regret
16 and sorrow occasioned by his death; now, therefore,

17
18 *Be It Resolved by the House of Representatives of the Sixty-fourth*
19 *General Assembly of the State of Colorado:*

20
21 That, in the death of Harold J. Evetts, the people of the state of
22 Colorado have lost a dedicated public servant and outstanding citizen,
23 and that we, the members of the House of Representatives of the
24 Sixty-fourth General Assembly, do hereby extend our deep and heartfelt
25 sympathy to the members of his family and pay tribute to a man who
26 served this state and our nation well and faithfully.

27
28 *Be It Further Resolved,* That copies of this Memorial be sent to
29 Representative Evetts' son, Harold J. "Jay" Evetts, Jr., of Gallup, New
30 Mexico, and his two daughters, Karen Orcutt of Rush and Kathy Hartman
31 of Pueblo.

32
33
34
35 **SJM03-005** by Senator(s) Windels; also Representative(s) Williams S.-
36 -Concerning memorializing Congress to provide adequate
37 funding for mandates required under the federal "No Child
38 Left Behind Act of 2001".

39
40 **SJM03-007** by Senator(s) Tupa, Andrews, Arnold, Dyer, Entz, Fitz-
41 Gerald, Grossman, Hanna, Hillman, Isgar, Lamborn,
42 Tapia, Windels; also Representative(s) Fairbank--
43 Memorializing Congress and the President to address the
44 issue of unfunded and underfunded federal mandates.

45
46 **SJM03-008** by Senator(s) Tupa, Lamborn, Windels, Grossman, Hanna,
47 Nichol, Hillman, Entz, Andrews, Cairns, Arnold, Evans;
48 also Representative(s) Cadman--Memorializing Congress
49 to propose an amendment to the United States Constitution
50 requiring that the total amount of all federal appropriations
51 made by Congress for any fiscal year shall not exceed the
52 total of all estimated federal revenues for that fiscal year.

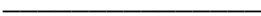
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LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 28, retaining place on Calendar:

- Consideration of General Orders--**HB03-1311, 1247, SB03-155.**
- Consideration of Resolutions--**HJR03-1042, SJR03-030, 034, HJR03-1052, 1055, 1057, 1058, 1046, 1048, 1062, 1065, 1066, SJR03-041, HJR03-1067, 1059, HJR03-1061, SJR03-042, 046, HJR03-1054.**
- Consideration of Memorials--**SJM03-001, 002, 004, HM03-1001, 1002.**
- Consideration of Senate Amendments--**HB03-1263.**



On motion of Representative King, the House adjourned until 10:00 a.m., April 28, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk