

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
First Regular Session

Twenty-second Legislative Day

Wednesday, January 31, 2001

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Call to Order By the President at 9:00 a.m.

Roll Call Present--Total, 33.
Absent/Excused--Chlouber, Musgrave--Total 2.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Tuesday, January 30, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly reengrossed: SB 01-049, 002, 058, 071, 110, 011, 084, 054, 047, 077.

Correctly engrossed: SJR 01-008.

Correctly revised: HJR 01-1006.

THIRD READING OF BILLS--FINAL PASSAGE

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB01-015 by Senator Teck; also Representative Hefley--Concerning community supervision placement review for persons in phase III of the youthful offender system.

The question being "Shall the bill pass?", the roll call was called with the following result:

YES	26	NO	7	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	Y	Teck	Y
Chlouber	E	Hanna	N	Owen	Y	Thiebaut	N
Dennis	Y	Hernandez	N	Pascoe	Y	Tupa	N
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co- sponsors added: Andrews, Arnold, Cairns, Dyer (Arapahoe), Epps, Evans, Hillman, Lamborn, May, McElhany, Taylor.

SB01-020 by Senators Lamborn, Anderson, Linkhart, Reeves, Taylor and Windels; also Representatives Coleman and Young--Concerning identification of public depository accounts.

The question being "Shall the bill pass?", the roll call was called with the following result:

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YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	E	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: May.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading Calendar (**SB01-080, SB01-001, SB01-044, SB01-003, SB01-090, SB01-022, SB01-118, SB01-025, SB01-051**) of Wednesday, January 31, was laid over until Thursday, February 1, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions calendar of Wednesday, January 31, was laid over until Thursday, February 1, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

January 31, 2001

Mr. President:

The House has adopted and returns herewith SJR01-007.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **SB01-075** be amended as follows, and as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 22 through 27 and substitute the following:

"SECTION 4 Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-1-133. Appropriation to comply with section 2-2-703 - S.B. 01-075. (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 01-075, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$69,467).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

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SB01-075

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR THOUSAND FIFTY-TWO DOLLARS (\$4,052).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SEVEN THOUSAND SEVEN HUNDRED SIXTY-NINE DOLLARS (\$27,769).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS (\$26,238).

SECTION 5. 24-75-302 (2) (p) is amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2005, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(n.5) IN ADDITION TO THE AMOUNT WHICH SHALL ACCRUE PURSUANT TO PARAGRAPH (n) OF THIS SUBSECTION (2), ON THE EFFECTIVE DATE OF S.B. 01-075, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY, SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS PURSUANT TO S.B. 01-075;

(p) On July 1, 2003, one hundred million dollars; PLUS FOUR THOUSAND FIFTY-TWO DOLLARS PURSUANT TO S.B. 01-075, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;".

Strike pages 5 through 7.

Page 8, strike lines 1 through 10.

Agriculture and Natural Resources

The Committee has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE OIL AND GAS CONSERVATION COMMISSION OF THE STATE OF COLORADO

for a term expiring July 1, 2004:

Tom Ann L. Casey of Durango, Colorado, to serve as a member with a college degree in petroleum geology and experience in the oil and gas industry and as a Democrat, appointed.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-111** be referred favorably to the Committee of the Whole.

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Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-106** be referred favorably to the Committee on Public Policy and Planning.

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Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-103** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

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"SECTION 1. 34-60-104 (2) (a), Colorado Revised Statutes, is amended, and the said 34-60-104 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:";

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strike line 5 and substitute the following:

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"- report - publication - repeal. (2) (a) Effective July 1, 1994, the commission shall consist of seven members appointed by the governor, with the consent of the senate. Two members shall be appointed from west of the continental divide, and, to the extent possible, consistent with this paragraph (a), the other members shall be appointed taking into account the need for geographical representation of other areas of the state with high levels of oil and gas activity or employment. ~~Two~~ **THREE** members shall not be employed by the oil and gas industry and shall be individuals with formal training or substantial experience in agriculture, land reclamation, environmental protection, or soil conservation. ~~Five~~ **FOUR** members shall be individuals with substantial experience in the oil and gas industry, and at least two of said ~~five~~ **FOUR** members shall have a college degree in petroleum geology or petroleum engineering. No more than four members of the commission shall be members of the same political party.

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(c) (I) COMMENCING JULY 1, 2001,";

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line 11, strike "NO" and substitute "EXCEPT FOR THE FOUR MEMBERS WHO ARE INDIVIDUALS WITH SUBSTANTIAL EXPERIENCE IN THE OIL AND GAS INDUSTRY, NO".

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Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-116** be referred favorably to the Committee of the Whole.

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Health, Environment, Children and Families

After consideration on the merits, the committee recommends that **SB01-065** be amended as follows, and as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

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"SECTION 1. Title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

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ARTICLE 8.7

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Colorado Commission for the Blind and Visually Impaired

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26-8.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED ACT".

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26-8.7-102. Legislative declaration. THE GENERAL ASSEMBLY RECOGNIZES SERVICES FOR THE BLIND AND VISUALLY IMPAIRED ARE FRAGMENTED, AND MAY NOT BE ADMINISTERED IN THE MOST EFFICIENT MANNER. THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE NEED FOR THE BLIND AND VISUALLY IMPAIRED TO HAVE EASY AND SINGULAR ACCESS TO SERVICES BENEFITTING THE BLIND AND VISUALLY IMPAIRED. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT A

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SB01-065

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED WOULD FACILITATE THE PROVISION OF GENERAL GOVERNMENT SERVICES, MAKING GOVERNMENT MORE EFFICIENT.

26-8.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED CREATED IN SECTION 26-8.7-104.

(2) "DIRECTOR" MEANS THE DIRECTOR OF THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED.

26-8.7-104. Commission created - appointments - repeal.

(1) EFFECTIVE JULY 1, 2001, THERE IS HEREBY CREATED THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED IN THE STATE DEPARTMENT. THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED SHALL TRANSFERRED BY A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968".

(2) (a) THE COMMISSION SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, AND QUALIFIED TO SERVE BASED ON KNOWLEDGE AND EXPERIENCE IN REHABILITATION AND RELATED SERVICES FOR THE BLIND AND VISUALLY IMPAIRED. A MAJORITY OF THE MEMBERS SHALL BE BLIND OR VISUALLY IMPAIRED. NO MEMBER OF THE COMMISSION SHALL BE EMPLOYED BY THE COMMISSION DURING THE TERM OF SUCH MEMBERSHIP. THE GOVERNOR SHALL CONSULT WITH RECOGNIZED CONSUMER GROUPS OF BLIND AND VISUALLY IMPAIRED PEOPLE IN THE STATE TO OBTAIN THEIR RECOMMENDATIONS OF INDIVIDUALS TO BE APPOINTED.

(b) BEGINNING JULY 1, 2001, THREE OF THESE COMMISSION MEMBERS DESIGNATED BY THE GOVERNOR SHALL SERVE INITIAL TERMS OF TWO YEARS, AND TWO SHALL SERVE INITIAL TERMS OF THREE YEARS. AFTER THE INITIAL APPOINTMENTS OF THE COMMISSION MEMBERS, ALL SUBSEQUENT APPOINTEES SHALL SERVE TERMS OF THREE YEARS.

(c) THE GOVERNOR SHALL APPOINT A QUALIFIED PERSON TO FILL ANY VACANCY ON THE COMMISSION FOR THE REMAINDER OF ANY UNEXPIRED TERM.

(3) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2006.

26-8.7-105. Procedures of the commission - director - meetings.

(1) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL APPOINT A DIRECTOR TO PROVIDE STAFF SERVICES TO THE COMMISSION. THE DIRECTOR SHALL HAVE KNOWLEDGE AND EXPERIENCE IN REHABILITATION AND RELATED SERVICES FOR THE BLIND AND VISUALLY IMPAIRED. THE COMMISSION MAY INTERVIEW CANDIDATES FOR THE DIRECTOR POSITION AND PROVIDE COMMENT AND INPUT ON THE HIRING OF THE DIRECTOR. PREFERENCE SHALL BE GIVEN TO EMPLOYING AN INDIVIDUAL WHO IS BLIND OR VISUALLY IMPAIRED AND MEETS THE QUALIFICATIONS SPECIFIED BY THE COMMISSION.

(2) (a) THE COMMISSION SHALL CONVENE ITS FIRST MEETING NO LATER THAN SEPTEMBER 1, 2001. AT THE FIRST MEETING AND ANNUALLY THEREAFTER, THE COMMISSION SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(b) THE COMMISSION MAY ADOPT SUCH RULES OF PROCEDURE AS ARE NECESSARY TO FACILITATE ORDERLY CONDUCT OF ITS BUSINESS.

(c) THE COMMISSION SHALL MEET AT LEAST QUARTERLY. MEETINGS SHALL BE HELD ON THE CALL OF THE CHAIR OR AT THE REQUEST OF AT LEAST TWO MEMBERS OF THE COMMISSION.

(d) THE COMMISSION SHALL ADOPT NO OFFICIAL POSITION, RECOMMENDATION, OR ACTION EXCEPT BY THE CONCURRENCE OF A MAJORITY OF THE MEMBERS.

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SB01-065

26-8.7-106. Powers, functions, and duties of the commission.

(1) THE POWERS, FUNCTIONS, AND DUTIES OF THE COMMISSION SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FOLLOWING:

(a) DEVELOPING AND CARRYING OUT A STATE PLAN FOR VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED PURSUANT TO SECTION 101 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED;

(b) PROVIDING INDEPENDENT LIVING SERVICES FOR BLIND AND VISUALLY IMPAIRED INDIVIDUALS, INCLUDING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND PURSUANT TO TITLE VII OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED;

(c) ESTABLISHING, EQUIPPING, AND MAINTAINING AN ORIENTATION AND ADJUSTMENT CENTER OR CENTERS TO PROVIDE PREVOCATIONAL AND OTHER TRAINING SUCH AS, BUT NOT LIMITED TO, INSTRUCTION IN BRAILLE, USE OF THE LONG WHITE CANE FOR INDEPENDENT TRAVEL, HOMEMAKING AND HOME-MANAGEMENT SKILLS, AND COMMUNICATION SKILLS, INCLUDING THE USE OF COMPUTER TECHNOLOGY, TO PREPARE BLIND AND VISUALLY IMPAIRED PERSONS FOR VOCATIONAL TRAINING, JOB PLACEMENT, AND INDEPENDENCE;

(d) ESTABLISHING AND CARRYING OUT A BUSINESS ENTERPRISE PROGRAM AND SERVING AS THE STATE LICENSING AGENCY FOR BLIND AND VISUALLY IMPAIRED INDIVIDUALS PURSUANT TO THE FEDERAL "RANDOLPH-SHEPPARD ACT";

(e) ESTABLISHING AND ADMINISTERING A STATEWIDE PROGRAM TO CERTIFY INDIVIDUALS WHO ARE QUALIFIED TO TEACH BRAILLE TO BLIND OR VISUALLY IMPAIRED INDIVIDUALS, INCLUDING STUDENTS IN SCHOOL, USING PERFORMANCE CRITERIA BASED ON THE NATIONAL LITERARY BRAILLE COMPETENCY EXAMINATION ADMINISTERED BY THE LIBRARY OF CONGRESS;

(f) PURCHASING AND DISTRIBUTING SPECIALIZED EQUIPMENT, DEVICES, AND TECHNOLOGY, INCLUDING LOW-VISION AIDES, OBTAINED DIRECTLY FROM SPECIALITY VENDORS WITHOUT STATE CENTRALIZED PURCHASING PROCEDURES;

(g) PROVIDING LIBRARY SERVICES TO PERSONS WHO ARE BLIND OR VISUALLY IMPAIRED AND PERSONS WITH PHYSICAL DISABILITIES IN COOPERATION WITH THE LIBRARY OF CONGRESS;

(h) CREATING AND MAINTAINING AN INSTRUCTIONAL MEDIA CENTER FOR THE PRODUCTION, PURCHASE, DISTRIBUTION AND REALLOCATION, AND WAREHOUSING OF ACCESSIBLE MATERIALS FOR BLIND OR VISUALLY IMPAIRED CHILDREN AND ADULTS;

(i) PROVIDING TECHNICAL ASSISTANCE IN COOPERATION WITH OTHER APPROPRIATE AGENCIES IN THE PROVISION OF AUXILIARY AIDS AND SERVICES TO BLIND AND VISUALLY IMPAIRED STUDENTS AND THEIR PARENTS TO COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990" AND THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", AS AMENDED;

(j) PARTICIPATING, THROUGH THE DESIGNATION OF THE DIRECTOR, ON BOARDS, COMMISSIONS, OR BODIES WHICH MAY EXIST OR BE ESTABLISHED WITHIN THE STATE FOR THE PURPOSE OF COORDINATION AND PLANNING OF SERVICES;

(k) CONDUCTING A REVIEW OF CONSUMER SATISFACTION PROGRAMS OF THE COMMISSION AND PERFORMING OTHER FUNCTIONS OF THE STATEWIDE REHABILITATION COUNCIL SPECIFIED IN SECTION 105 (c) OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED;

(l) PROMULGATING RULES, IN ACCORDANCE WITH SECTION 24-4-103, C.R.S., TO CARRY OUT PROGRAMS OF THE COMMISSION;

(m) Applying for, receiving, and expending moneys from any

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SB01-065

state or federal agency to support the programs of the commission and receiving on behalf of the state any gifts, grants, donations, or bequests from any source, to be used in carrying out the commission's duties as described in this

SUBSECTION (1); EXCEPT THAT NO GIFT, GRANT, DONATION, OR BEQUEST MAY BE ACCEPTED BY THE COMMISSION IF IT IS SUBJECT TO CONDITIONS INCONSISTENT WITH THIS ARTICLE, THE UNITED STATES OR COLORADO

CONSTITUTION, OR ANY OTHER LAWS OF THIS STATE; ALL MONEYS RECEIVED SHALL BE DEPOSITED IN THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED CASH FUND CREATED IN SECTION 26-8.7-108; AND

(n) DEVELOPING AND ADMINISTERING ANY OTHER PROGRAM WHICH WILL FURTHER THE PROVISION OF SERVICES TO THE BLIND AND VISUALLY IMPAIRED AND WHICH IS DETERMINED BY THE COMMISSION TO FALL WITHIN ITS SCOPE OF RESPONSIBILITY.

(2) THE COMMISSION MAY CARRY OUT ANY OF THE POWERS, FUNCTIONS, OR DUTIES ENUMERATED IN THIS SECTION BY CONTRACT OR COOPERATIVE AGREEMENT OR BY THE DIRECT ADMINISTRATION OF ANY PROGRAM.

(3) THE COMMISSION SHALL ANNUALLY REPORT AND PUBLISH A REPORT INCLUDING ITS ACCOMPLISHMENTS, FINDINGS, AND RECOMMENDATIONS FOR IMPROVEMENT BASED ON THE AGENCY'S PERFORMANCE DURING THE YEAR. THE REPORT SHALL CONTAIN INFORMATION NEEDED TO EVALUATE THE PROGRESS OF THE COMMISSION IN MEETING THE NEEDS OF BLIND OR VISUALLY IMPAIRED INDIVIDUALS IN THE STATE.

26-8.7-107. Dispute resolution. (1) ANY APPLICANT FOR OR RECIPIENT OF SERVICES FROM THE COMMISSION WHO IS DISSATISFIED WITH ANY ACTION TAKEN OR DECISION MADE REGARDING SUCH SERVICES MAY FILE A COMPLAINT WITH THE DIRECTOR SETTING FORTH THE BASIS FOR THE DISSATISFACTION AND THE REMEDY SOUGHT. UPON RECEIPT OF THE COMPLAINT, THE DIRECTOR SHALL INFORM THE INDIVIDUAL OF THE VOLUNTARY PROCESS AVAILABLE FOR MEDIATION OF THE DISPUTE. THE MEDIATION, IF CHOSEN BY THE INDIVIDUAL, SHALL BE CONDUCTED BY A QUALIFIED AND IMPARTIAL MEDIATOR, AND THE COSTS SHALL BE PAID BY THE COMMISSION.

(2) IF THE DISPUTE CANNOT BE RESOLVED BY MEDIATION OR OTHER INFORMAL MEANS, OR THE COMPLAINANT ELECTS NOT TO PURSUE MEDIATION, THE DIRECTOR SHALL, UPON THE REQUEST OF THE INDIVIDUAL, CONVENE AN ARBITRATION PANEL, WHICH PANEL SHALL GIVE NOTICE TO THE COMPLAINANT AND DIRECTOR, CONDUCT A HEARING, AND RENDER A DECISION. THE ARBITRATION PANEL SHALL BE COMPOSED OF THREE MEMBERS APPOINTED AS FOLLOWS:

(a) ONE INDIVIDUAL DESIGNATED BY THE INDIVIDUAL FILING THE COMPLAINT;

(b) ONE INDIVIDUAL DESIGNATED BY THE DIRECTOR; AND

(c) ONE INDIVIDUAL CHOSEN BY THE OTHER TWO ARBITRATION PANEL DESIGNEES WHO IS AN IMPARTIAL HEARING OFFICER AS DEFINED IN SECTION 102 OF THE FEDERAL "REHABILITATION ACT OF 1973", AS AMENDED, AND WHO SHALL SERVE AS CHAIR OF THE ARBITRATION PANEL AND ISSUE THE DECISION.

(3) THE COMMISSION SHALL PROMULGATE RULES, IN ACCORDANCE WITH SECTION 24-4-103, C.R.S., REGULATING THE PROCEDURES OF THIS SECTION.

26-8.7-108. Colorado commission for the blind and visually impaired cash fund - creation - reimbursement. (1) ALL MONEYS APPROPRIATED TO ADMINISTER THIS ARTICLE SHALL BE DEPOSITED IN THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED CASH FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY, AND ALL

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SB01-065

MONEYS CREDITED TO THE FUND SHALL BE USED EXCLUSIVELY FOR THE ADMINISTRATION AND DISCHARGE OF THIS ARTICLE. INTEREST EARNED ON THE FUND SHALL REMAIN IN THE FUND. ANY MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(2) COMMISSION MEMBERS SHALL BE REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR

OFFICIAL DUTIES, INCLUDING AN ALLOWANCE FOR MILEAGE AS PROVIDED IN SECTION 24-9-104 (2), C.R.S. THE COMMISSION MAY ESTABLISH A STANDARDIZED PER DIEM DESIGNED TO COVER THE ACTUAL EXPENSES OF THE MEMBERS PURSUANT TO THIS SUBSECTION (2).

26-8.7-109. Transfer provisions. (1) ALL APPROPRIATIONS, REAL AND PERSONAL PROPERTY, EQUIPMENT, SUPPLIES, PERSONNEL, POSITIONS, AND MONEY, WHICH, PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, WERE OWNED OR CONTROLLED BY ANY OTHER STATE AGENCY PROVIDING SERVICES TO THE BLIND OR VISUALLY IMPAIRED ARE HEREBY TRANSFERRED TO THE COMMISSION.

(2) ALL EXISTING CONTRACTS AND AGREEMENTS IN EFFECT CONCERNING SERVICES FOR THE BLIND OR VISUALLY IMPAIRED SHALL BE BINDING UPON THE COMMISSION TO THE SAME EXTENT THAT SUCH CONTRACTS OR AGREEMENTS WERE BINDING UPON THE AGENCY FROM WHICH THEY WERE TRANSFERRED.

(3) ALL PROCEEDS FROM CLAIMS FILED WITH ANY AGENCY, INCLUDING THE SOCIAL SECURITY ADMINISTRATION, WHICH RELATE TO THE PROVISION OF SERVICES FOR THE BLIND OR VISUALLY IMPAIRED SHALL BE TRANSFERRED TO THE COMMISSION FROM ANY AGENCY RECEIVING SUCH PROCEEDS.

SECTION 2. 24-1-120 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-120. Department of human services - creation. (5) The department of human services shall include the following:

(i) THE COLORADO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED, CREATED IN ARTICLE 8.7 OF TITLE 26, C.R.S. THE COMMISSION SHALL EXERCISE ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS IF TRANSFERRED BY A **TYPE 2** TRANSFER.

SECTION 3. Effective date - applicability. This act shall take effect on the first day of the fiscal year following the enactment of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-124** be referred favorably to the Committee on Appropriations.

Appropriations

After consideration on the merits, the committee recommends that **SB01-082** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee amendment, as printed in Senate Journal, January 26, page 91, line 63, strike "SECTION 39-22-104, C.R.S.," and substitute "SECTIONS 39-22-104, 39-22-304, 39-22-509, AND 39-22-518, C.R.S., AND AS APPORTIONED UNDER SECTION 39-22-303 OR 39-22-303.1, C.R.S.,".

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SB01-082

Page 92, strike line 5 and substitute the following:

"22-55-108." .";

line 42, strike "22-55-108.;" and substitute "22-55-107.;"

after line 54, insert the following:

"line 24, after "OF", insert "AN AMOUNT EQUAL TO ONE AND NINE ONE-HUNDREDTHS PERCENT OF THE REVENUES COLLECTED BY THE STATE FOR THE 2000 INCOME TAX YEAR AND DEPOSITED IN THE FUND PURSUANT TO SECTION 17 (4) (a) OF ARTICLE IX OF THE STATE CONSTITUTION,;"

line 60, strike "CONSTITUTION" and substitute "CONSTITUTION," .

Page 93, strike lines 15 and 16 and substitute the following:

""(II) PROVIDE FUNDING FOR PROGRAMS AS REQUIRED BY ANY DULY ENACTED LAW THAT SPECIFIES THAT MONEYS IN THE FUND ARE TO BE USED TO FUND SAID PROGRAMS, AS LONG AS THE PROGRAM HAS AS ITS PURPOSE ONE OF THE PURPOSES SPECIFIED IN SECTION 17 (4) (b) OF ARTICLE IX OF THE STATE CONSTITUTION; AND" .";

line 26, strike "22-55-109.;" and substitute "22-55-108.;"

strike lines 38 through 50 and substitute the following:

"strike lines 5 though 9 and substitute the following:

"(3) FOR THE 2001-02 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, AFTER THE GENERAL ASSEMBLY HAS APPROPRIATED SUFFICIENT AMOUNTS FROM THE FUND FOR THE PURPOSES SPECIFIED IN SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE GENERAL ASSEMBLY MAY APPROPRIATE A PRUDENT AMOUNT OF MONEYS REMAINING IN THE FUND TO THE DEPARTMENT FOR";

line 53, strike "22-55-109." and substitute "22-55-108."

Page 94, line 19, strike "LEAST." and substitute "LEAST" and after "INFLATION", insert "FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR" .";

after line 21, insert the following:

"line 4, strike "INFLATION." and substitute "INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR."";

line 23, strike "LEAST";" and substitute "LEAST" and after "INFLATION", insert "FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR";

line 25, strike "LEAST." and substitute "LEAST" and strike "INFLATION." and substitute "INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR."";

strike lines 27 through 36 and substitute the following:

"strike lines 26 and 27 and substitute the following:"

line 38, strike ""22-55-107." and substitute ""22-55-106.";

line 53, strike "ACHIEVEMENT.;" and substitute "ACHIEVEMENT." .";

after line 53, insert the following:

"Page 13, strike lines 1 through 26.

Renumber succeeding sections accordingly.";

line 55, before "line", insert "Page 13,".

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SB01-082

Page 95, line 69, strike "22-55-109" and substitute "22-55-108";

line 72, strike "22-55-109" and substitute "22-55-108".

Page 96, line 4, strike "22-55-109" and substitute "22-55-108";

line 8, strike "22-55-109" and substitute "22-55-108";

after line 13, insert the following:

"line 16, strike "22-55-109;" and substitute "22-55-108.";"

line 26, strike ""**22-55-109.**" and substitute ""**22-55-108.**".

Page 97, line 69, strike "22-55-107" and substitute "22-55-106".

Page 98, line 12, strike "AND 22-55-105."." and substitute the following:

"AND 22-55-105.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for reimbursement of expenses incurred by members of the accountable education reform council, for the fiscal year beginning July 1, 2001, the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for allocation to the state auditor's office, for the fiscal year beginning July 1, 2001, the sum of seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, for the implementation of this act."."

Page 98, after line 14, insert the following:

"Page 1, line 102, strike "CONSTITUTION." and substitute "CONSTITUTION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01-053** be postponed indefinitely.

MESSAGE FROM THE GOVERNOR

Appointments Letters of designation and appointments from Governor Owens were read and assigned to Committee as follows:

July 7, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO COMMISSION ON
HIGHER EDUCATION

for a term expiring July 1, 2003:

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James M. Stewart of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Will B. Vollbracht and to serve as a representative of the Fifth Congressional District and as a Republican, appointed;

for a term expiring July 1, 2004:

William B. Vollbracht of Denver, Colorado, to serve as a representative of the First Congressional District and as a Republican, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 7/31/00
G. Aberle, Asst. Secretary

Committee on Education.

June 1, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2004:

Jacquelyn J. Willis of Denver, Colorado, to serve as a member of the public and as a Democrat, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 6/8/00
P. Dicks, Secretary

Committee on Agriculture and Natural Resources.

June 16, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
MEDICAL SERVICES BOARD

for terms expiring July 1, 2004:

Doralyn B. Genova of Grand Junction, Colorado, to serve as a member of the Third Congressional District and as a Democrat, reappointed;

Joseph F. Rall of Florence, Colorado, to serve as a member of the Third Congressional District and as a Republican, appointed;

Julie Reiskin of Denver, Colorado, to serve as a member of the First Congressional District and as a Democrat, reappointed.

Sincerely,

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(Signed)
Bill Owens
Governor

Rec'd 6/29/00
G. Aberle, Asst. Secretary

Committee on Health, Environment, Children and Families.

July 25, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
MOTION PICTURE AND TELEVISION
ADVISORY COMMISSION

for terms expiring June 30, 2004:

Daniel J. O'Brien of Englewood, Colorado, to serve as a Republican from the Fifth Congressional District, reappointed.

David F. Emrich of Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 8/11/00
P. Dicks, Secretary

Committee on Business, Labor and Finance.

June 8, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2002:

Wade A Haerle of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Douglas S. Cole and to serve as an At Large member and as a Democrat, appointed;

for terms expiring June 30, 2004:

Tom W. Ready of Pueblo, Colorado, to serve as a representative of the Southern Region and as a Republican, appointed;

Douglas S. Cole of Superior, Colorado, to serve as a representative of the Metro Region and as a Republican, appointed;

The Honorable Thomas R.H. Glass of Frisco, Colorado, to serve as a representative of the Northern Region and as a Democrat, appointed.

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Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 6/21/00
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

October 3, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
STATE PERSONNEL BOARD

for a term expiring June 30, 2003:

John Stuart Zakhem of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Eliseo C. Duran, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 1/13/00
P. Dicks, Secretary

Committee on Government, Veterans and Military Relations and Transportation.

September 20, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
PRIVATE OCCUPATIONAL SCHOOL BOARD

for terms expiring July 1, 2004:

Gayla Garrity Henry of Aurora, Colorado, to serve as an owner or operator of a private occupational school that receives funding under Title IV and as a Republican, reappointed;

Thomas J. Twardowski of Colorado Springs, Colorado, to serve as an owner or operator of a private occupational school that receives funding under Title IV and as a Republican, reappointed;

Joseph R. Chalupa of Elizabeth, Colorado, to serve as an owner or operator of a private occupational school that receives funding under Title IV and as a Republican, reappointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 9/27/00
P. Dicks, Secretary

Committee on Education.

May 5, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for terms expiring March 23, 2004:

F. Steven Mooney of Englewood, Colorado, to serve as a representative of graduates and as a Republican, reappointed;

Karen Ostrander-Krug of Golden, Colorado, to serve as a representative of graduates and as a Republican, reappointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 5/22/00
P.Dicks, Secretary

Committee on Education.

June 16, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
SECURITIES BOARD

for terms expiring July 1, 2003:

Paul E. Washington of Denver, Colorado, to serve as a licensed attorney conversant in securities law and as a Democrat, appointed;

Steven W. Palamar of Telluride, Colorado, to serve as a public member and as a Republican, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 6/29/00
G. Aberle, Asst. Secretary

Committee on Business, Labor and Finance.

January 9, 2001

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:
Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE
SECURITIES BOARD

effective January 9, 2001:

Paul E. Washington of Denver, Colorado.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 1/12/01
H. Horvath, Asst. to the Secretary

Committee on Business, Labor and Finance.

TRIBUTE--A POINT OF INTEREST

Honoring Darin Johnson by Senator Matsunaka

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February 1, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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