

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

Thirtieth Legislative Day Thursday, February 8, 2001

Prayer By the chaplain, Reverend Paul Kottke, University Park United Methodist Church.

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

Roll Call Present--Total, 32.
Absent/Excused--Evans, Hernandez, Lamborn--Total 3.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Gordon, reading of the Journal of Wednesday, February 7, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and assigned to the committee indicated:

SJR01-009 by Senator Matsunaka--Concerning creation of an interim committee to study governance in higher education, and, in connection therewith, addressing the role and mission of institutions of higher education.
Education.

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 of Bills calendar (**SB01-001, SB01-003, SB01-118, SB01-022, SB01-034, SB01-079, SB01-121, SB01-101, SB01-048, SB01-102, HB01-1037, HB01-1267, SB01-159, SB01-136, SB01-092**) of Thursday, February 8, 2001, was laid over until Friday, February 9, 2001, 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 (**SJR01-004, SJR01-005**) of Thursday, February 8, 2001, was laid over until Friday, February 9, 2001, 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 Governor's Appointment calendar of Thursday, February 8, 2001, was laid over until Friday, February 9, 2001, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Education After consideration on the merits, the committee recommends that **SB01-165** be referred favorably to the Committee of the Whole.

Education After consideration on the merits, the committee recommends that **SB01-098** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 13, strike "(8), Colorado Revised Statutes, is" and substitute " (1), (7), and (8), Colorado Revised Statutes,

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are";

after line 16, insert the following:

"(1) "Baseline assessment year" means the 2000-01 school year for all CSAP assessments ~~and the curriculum-based, achievement college entrance examinations~~ required to be administered during that school year and means the 2001-02 school year for all assessments required to be administered for the first time during the 2001-02 school year.

(7) "Public school" means a school that ~~received~~ RECEIVES a majority of its funding from moneys raised by a general state, county, or district tax and whose property is ~~owned and~~ operated by a political subdivision of the state OR A CHARTER SCHOOL ESTABLISHED PURSUANT TO ARTICLE 30.5 OF THIS TITLE. "

Page 4, line 4, after "(2),", insert "(4),";

line 8, strike "2000-01" and substitute "2000-01 2001-02";

line 10, strike ""MODERATE"," and substitute ""SATISFACTORY",";

line 16, strike ""MODERATE":" and substitute ""SATISFACTORY":"; strike lines 21 and 22 and substitute the following:

"improvement on all CSAP assessments ~~and curriculum-based, achievement college entrance exams~~ administered by the public school in";

after line 26, insert the following:

~~"(4) Curriculum-based, achievement college entrance exams. (a) The department shall annually calculate for each public high school, the mean score in the academic areas of reading, writing, and mathematics on the curriculum-based, achievement college entrance exam. No public high school shall be removed from the calculation required by this paragraph (a) for any reason, including but not limited to having a small number of assessed students.~~

~~(b) In the baseline performance year, for the academic areas of reading, writing, and mathematics on the curriculum-based, achievement college entrance exam, the department shall calculate a standard normal distribution with a mean of 0.00 and a standard deviation of 1.00 using the appropriate mean scores. Each year, in order to adjust for differences in difficulty between academic areas, the department shall convert the public school's mean score for each academic area to a standard mean score using the conversion table created by the standard normal distribution calculated in the baseline performance year."~~

Page 5, strike lines 10 and 11 and substitute the following:

"be multiplied by the CSAP-area ~~or curriculum-based, achievement college entrance exam~~ standard mean score for that academic area. This product".

Page 6, line 5, strike ""MODERATE"" and substitute ""SATISFACTORY"".

Page 7, strike lines 21 through 23 and substitute the following:

"grade level, ~~or exclude from any curriculum-based, achievement college entrance exam more than ten percent of the students required to take such exam,~~ any representation of that public school's overall academic".

Page 10, line 13, after "(5) (e),", insert "(6) (a) (III), (6) (b),";

line 25, strike "The" and substitute "BEGINNING WITH THE 2001-02 SCHOOL YEAR, the".

Page 13, line 18, strike "Directly" and substitute "BEGINNING WITH THE 2001-02 SCHOOL YEAR, directly";

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line 24, strike ""MODERATE";" and substitute ""SATISFACTORY";";

after line 27, insert the following:

"(6) **Staff information.** The report card shall contain a page clearly marked as the "About Our Staff" page in large font which shall contain the following information:

(a) This page shall contain the subtitle, "School Employment" and the following explanation: "Each year, your school reports to the Colorado Department of Education on the number of adults who work in your school, as well as the type of work they do. Last year, your school employed:". Immediately underneath this subtitle shall be a table with three columns:

(III) Directly below this table shall appear: "*Full-time and part-time teachers permanently assigned to this school WHO ARE PRIMARILY ENGAGED IN TEACHING DURING THE FULL REGULAR SCHOOL DAY.". Immediately underneath this explanation shall appear the following sentence: "**School counselors are included in the Other Professionals category. Your school employed [number] counselor(s) last year.".

(b) ~~Students-per-teacher ratio~~ **AVERAGE CLASS SIZE.** The "About Our Staff" page shall contain the subtitle, ~~"Students-per-Teacher Ratio"~~ "AVERAGE CLASS SIZE". Immediately underneath this subtitle shall be a table with three columns:

(I) The first column shall contain lines listing each grade level in the school; except that, for elementary schools, the column shall begin at "Grade 1" and shall not list pre-kindergarten or kindergarten.

(II) The second column shall be entitled "Student Enrollment" and the third column shall be entitled ~~"Students-per-Teacher"~~ "AVERAGE CLASS SIZE".

Page 14, line 4, strike "Immediately" and substitute "BEGINNING WITH THE 2001-02 SCHOOL YEAR, immediately";

line 7, strike ""MODERATE";" and substitute ""SATISFACTORY";".

Page 16, line 2, strike "Directly" and substitute "BEGINNING WITH THE 2001-02 SCHOOL YEAR, directly".

Page 18, line 5, strike "2001" and substitute "2001 2002".

Page 19, strike lines 16 and 17 and substitute the following:

"(6) (a) PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (c) OF THIS SUBSECTION (6), THE";

line 20, strike "OR";

strike line 21 and substitute the following:

"OF THE FOLLOWING PURPOSES, AS CHOSEN BY THE SCHOOL DISTRICT:";

strike lines 22 through 27 and substitute the following:

(I) IMPROVING TEACHER QUALITY, WHICH MAY INCLUDE THE FUNDING OF ONE OR MORE POSITIONS OF PROFESSIONAL TEACHER EDUCATOR, AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6), IN EACH SCHOOL RECEIVING A LOW OR UNSATISFACTORY RATING;

(II) REDUCING CLASS SIZES IN SCHOOLS;

(III) PROVIDING A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM; OR

(IV) EXPANDING PRESCHOOL SERVICES.".

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Page 20, strike lines 1 and 2;

line 23, after "(c)", insert "(I)";

line 24, strike "DISTRICTS" and substitute "DISTRICTS, BASED UPON THE FORMULA SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c),".

Page 21, after line 4, insert the following:

"(II) THE MONEYS ALLOCATED TO APPLICABLE SCHOOL DISTRICTS PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE DISTRIBUTED ON A PER PUPIL BASIS AS A PRO RATA SHARE OF THE TOTAL APPROPRIATED ANNUALLY BY THE GENERAL ASSEMBLY PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), AS FOLLOWS:

(A) FOR THE 2001-02 BUDGET YEAR, THE MONEYS SHALL BE ALLOCATED TO THOSE SCHOOL DISTRICTS HAVING ANY PUBLIC SCHOOLS WHOSE OVERALL STANDARDIZED, WEIGHTED TOTAL SCORES FOR THE PREVIOUS SCHOOL YEAR ARE BELOW THE HIGHEST SEVENTY-THREE PERCENT OF SCORES RECEIVED BY PUBLIC SCHOOLS AT THE SAME SCHOOL LEVEL IN THE STATE, AS CALCULATED PURSUANT TO SECTION 22-7-604 (5); OR

(B) FOR THE 2002-03 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE MONEYS SHALL BE ALLOCATED TO THOSE SCHOOL DISTRICTS HAVING ANY PUBLIC SCHOOLS WHOSE ACADEMIC PERFORMANCE RATING IS EITHER "LOW" OR "UNSATISFACTORY", AS CALCULATED PURSUANT TO SECTION 22-7-604 (5)."

Page 24, line 4, strike ""MODERATE"" and substitute ""SATISFACTORY"".

Page 25, strike lines 2 through 4 and substitute the following:

"SECTION 11. The introductory portion to 22-7-409 (1), 22-7-409 (1.2) (a) (I), (1.2) (b), (1.2) (d), (1.5), and (1.9), Colorado Revised Statutes, are amended, and the said 22-7-409 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-7-409. Assessments - repeal. (1) Beginning in the spring semester 1997, the department shall implement the Colorado student assessment program under which the department shall administer statewide assessments adopted by the board pursuant to section 22-7-406 in the first priority areas of reading, writing, mathematics, and science. The department shall administer the English versions of the state assessments and may administer any assessments adopted by the board in languages other than English, as may be appropriate for students whose dominant language is not English. ~~except that any student who has participated in the English language proficiency program, created pursuant to section 22-24-104, for more than a total of three school years shall be ineligible to take the assessments in a language other than English.~~ The statewide assessments shall be administered according to the following implementation schedule:

(1.2) (a) (I) The assessments";

line 7, strike the last "the" and substitute "the";

strike line 8 and substitute the following:

"~~second Monday in march~~ APRIL 1 and ending on the third Monday in";

after line 14, insert the following:

"(b) Starting with the assessments to be given in the spring of 2002, the assessments shall be designed so that each assessment test shall take no more than four hours to complete. ~~except that this limitation shall not apply to the curriculum-based, achievement college entrance examination.~~";

line 17, strike "section;" and substitute "section AT THE GRADE LEVEL IN WHICH THE STUDENT IS ENROLLED, AS DETERMINED BY THE POLICY OF THE

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DISTRICT;"

Page 26, strike lines 8 through 18 and substitute the following:

"(C) Any student who at the time that he or she enrolls in any public school of the state THE ASSESSMENT IS ADMINISTERED is defined as a student whose dominant language is not English pursuant to section 22-24-103 (4) (a) or (4) (b). However, if such student is enrolled in third grade HAS TAKEN ANY ASSESSMENT ADOPTED BY THE BOARD IN A LANGUAGE OTHER THAN ENGLISH, that student's scores shall be used for calculating academic performance and improvement grades RATINGS and for accreditation purposes. after the student has been enrolled in any public school in the state for two years. In addition, if such student is enrolled in one of grades four through ten, that student's scores shall be used for calculating academic performance and improvement grades and for accreditation purposes after the student has been enrolled in any public school in the state for three years.";

strike lines 19 through 27 and substitute the following:

"(II) Any student with a disability who is not eligible for the state's alternative assessment but who has an individual educational program pursuant to section 22-20-108 shall be assessed in each CSAP area at the appropriate grade level, as determined by the student's individual educational program. To the extent applicable for the public school's school level, as defined in section 22-7-602, the scores of assessments administered pursuant to this subparagraph (II) shall be used at the grade level specified in the student's individual education plan for purposes of calculating academic performance and improvement grades pursuant to section 22-7-604 and for accreditation pursuant to article 11 of this title:"

Page 27, strike lines 1 and 2;

after line 2, insert the following:

"(III) Nothing in this section shall be construed as requiring a child ENROLLED IN A NONPUBLIC SCHOOL OR participating in a nonpublic home-based educational program pursuant to section 22-33-104.5 to take an assessment or exam administered pursuant to this section, EVEN THOUGH THE CHILD MAY ALSO BE ATTENDING A PUBLIC SCHOOL FOR A PORTION OF THE SCHOOL DAY AND THEREFORE INCLUDED IN THE PUPIL ENROLLMENT OF A DISTRICT.

(1.5) Beginning in the spring semester 2001, and each spring semester thereafter, all students enrolled in the eleventh grade in public schools throughout the state shall be required to take a standardized, curriculum-based, achievement, college entrance examination selected by the department, administered throughout the United States, and relied upon by institutions of higher education that, at a minimum, tests in the areas of reading, writing, mathematics, and science, referred to in this section as the "curriculum-based, achievement college entrance exam". The department shall pay all costs associated with administering the curriculum-based, achievement college entrance exam and shall schedule a day during which the curriculum-based, achievement college entrance exam shall be administered to all eleventh grade students enrolled in public schools throughout the state. The state board shall adopt rules to ensure that any requirements of the administrator of the curriculum-based, achievement college entrance exam, such as a secure environment, are met.

(1.9) The results of the assessments required by subsection (1) of this section shall be included on each student's final report card for that school year and shall be part of the student's permanent academic record. The results of the curriculum-based, achievement college entrance exam conducted pursuant to subsection (1.5) of this section shall be included on each student's transcript; except that, if the student retakes the curriculum-based, achievement college entrance exam at a later time at the student's expense, the student may request that the later results be placed on the student's transcript instead of the results of the curriculum-based, achievement college entrance exam administered

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~~pursuant to subsection (1.5) of this section.~~

(4) THE STAFF OF THE LEGISLATIVE COUNCIL SHALL CONDUCT A STUDY OF TESTING OF SPECIAL EDUCATION STUDENTS AS PART OF THE ADMINISTRATION OF STATEWIDE ASSESSMENTS. SUCH STUDY SHALL REVIEW THE APPROACHES TAKEN BY OTHER STATES AND SHALL INCLUDE, BUT NOT BE LIMITED TO, USES OF THE SCORES ON SUCH ASSESSMENTS, WHETHER THOSE SCORES ARE INCLUDED IN A SCHOOL'S REPORT, AND WHETHER SUCH ASSESSMENTS MEASURE THE PROGRESS OF STUDENTS IN FOLLOWING INDIVIDUAL EDUCATIONAL PROGRAMS. THE RESULTS OF THE STUDY REQUIRED BY THIS SUBSECTION (4) SHALL BE REPORTED TO THE GENERAL ASSEMBLY NO LATER THAN NOVEMBER 1, 2001.";

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

after line 7, insert the following:

"(a) (I) Results on statewide assessment instruments administered pursuant to section 22-7-409, including but not limited to the reading assessments implemented pursuant to part 5 of article 7 of this title. ~~and the assessment administered pursuant to section 22-7-409 (1.5).~~ All assessment results shall be aggregated by grade level and subject area.";

line 8, strike "(a)".

Page 28, line 19, strike "(3) (f), Colorado Revised Statutes, is" and substitute "(3) (b), (3) (e), (3) (f), (4), and (6) (b) (I), Colorado Revised Statutes, are";

after line 23, insert the following:

"(b) A child who is participating in a nonpublic home-based educational program shall not be subject to compulsory school attendance as provided in this article; except that any child who is habitually truant, as defined in section 22-33-107 (3), at any time during the last six months that the child attended school before proposed enrollment in a nonpublic home-based educational program may not be enrolled in the program unless the child's parents first submit a written description of the curricula to be used in the program along with the written notification of establishment of the program required in paragraph (e) of ~~subsection (2) of this section to the superintendent of a school district within the state.~~ THIS SUBSECTION (3).

(e) Any parent establishing a nonpublic home-based educational program shall provide written notification of the establishment of said program to a THE school district within ~~the state~~ WHICH THE PARENT AND STUDENT RESIDE OR TO A SCHOOL DISTRICT WHOSE BOUNDARIES ARE CONTIGUOUS TO SAID SCHOOL DISTRICT fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of a nonpublic home-based educational program shall certify, in writing, only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program."

Page 29, after line 13, insert the following:

"(4) Any child who has participated in a nonpublic home-based educational program and who subsequently enrolls in the public school system may be tested by the school district IN WHICH THE CHILD HAS ENROLLED for the purpose of placing the child in the proper grade and shall then be placed at the grade level deemed most appropriate by the SAID school district. ~~with the consent of the child's parent or legal guardian. The school district shall accept the transcripts from the non-public home-based educational program for any such child.~~

(6) (b) (I) For purposes of this subsection (6), a child who is participating in a nonpublic home-based educational program ~~shall have the same rights as a student enrolled in a public or private school to~~ MAY participate on an equal basis in any extracurricular or interscholastic activity offered by a public school or offered by a private school, at the private school's discretion, as provided in section 22-32-116.5 and is

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subject to the same rules of any interscholastic organization or association of which the student's school of participation is a member.

SECTION 17. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund, created in section 17 of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of ____ dollars (\$) and _____ FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike "IMPROVEMENT." and substitute "IMPROVEMENT, AND MAKING AN APPROPRIATION THEREFOR."

Education

After consideration on the merits, the committee recommends that **SB01-105** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. Part 1 of article 60.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-60.5-112.5. Reimbursement for obtaining a national credential. (1) THE DEPARTMENT OF EDUCATION SHALL REIMBURSE ANY PERSON WHO, WHILE EMPLOYED AS AN EDUCATOR AT A PUBLIC SCHOOL IN THIS STATE, OBTAINS A NATIONAL CREDENTIAL FROM AN APPROVED PROFESSIONAL ORGANIZATION ON OR AFTER JULY 1, 2001, AS A REQUIREMENT FOR OR IN THE COURSE OF OBTAINING A MASTER EDUCATOR CERTIFICATION PURSUANT TO THIS ARTICLE. THE AMOUNT OF REIMBURSEMENT SHALL REFLECT THE ACTUAL COST OF FEES PAID BY THE PERSON TO OBTAIN THE NATIONAL CREDENTIAL; EXCEPT THAT THE TOTAL AMOUNT OF REIMBURSEMENT TO ANY PERSON SHALL NOT EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS.

(2) (a) TO OBTAIN REIMBURSEMENT PURSUANT TO THIS SECTION, A PERSON SHALL PRESENT TO THE DEPARTMENT OF EDUCATION THE FOLLOWING ITEMS:

(I) PROOF THAT THE PERSON HAS OBTAINED THE NATIONAL CREDENTIAL;

(II) PROOF OF THE ACTUAL COST OF FEES PAID BY THE PERSON SEEKING REIMBURSEMENT TO OBTAIN THE NATIONAL CREDENTIAL;

(III) PROOF THAT THE PERSON IS EMPLOYED AS AN EDUCATOR AT A PUBLIC SCHOOL IN THE STATE AT THE TIME OF APPLYING FOR REIMBURSEMENT PURSUANT TO THIS SECTION;

(IV) PROOF THAT THE PERSON HAS BEEN EMPLOYED FOR AT LEAST ONE YEAR AS AN EDUCATOR AT A PUBLIC SCHOOL IN THE STATE SINCE OBTAINING SUCH NATIONAL CREDENTIAL;

(V) PROOF THAT THE PERSON HAS NOT RECEIVED ANY PREVIOUS REIMBURSEMENTS TO THE PERSON MADE BY ANY NATIONAL, STATE, OR LOCAL PUBLIC OR PRIVATE ENTITY; AND

(VI) PROOF OF ENDORSEMENT BY THE LOCAL SCHOOL DISTRICT IN WHICH THE PERSON IS EMPLOYED.

(b) FOLLOWING THE RECEIPT OF THE ITEMS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE DEPARTMENT OF EDUCATION SHALL REIMBURSE THE PERSON APPLYING FOR REIMBURSEMENT IN THE AMOUNT SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

(3) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE

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DEPARTMENT OF EDUCATION FROM THE EDUCATOR LICENSURE CASH FUND
CREATED IN SECTION 22-60.5-112 SUCH MONEYS AS ARE NECESSARY FOR
THE ADMINISTRATION OF THIS SECTION.

(4) AS USED IN THIS SECTION:

(a) "APPROVED PROFESSIONAL ORGANIZATION" MEANS A
NATIONALLY RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION
THAT IS APPROVED BY RULE OF THE STATE BOARD OF EDUCATION.

(b) "NATIONAL CREDENTIAL" MEANS A CERTIFICATION OR OTHER
FORM OF REGISTRATION OR CREDENTIAL ISSUED BY A NATIONALLY
RECOGNIZED PROFESSIONAL CREDENTIALING ORGANIZATION. SUCH
NATIONAL CREDENTIAL SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
CERTIFICATION BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING
STANDARDS.

SECTION 2. 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."

Education

After consideration on the merits, the committee recommends that **SB01-123** be amended
as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation.

Amend printed bill, page 3, line 3, strike "AND";

strike line 4 and substitute "CONTRACTED SERVICES,";

line 5, strike "USED TO FUND";

line 11, after "SUCH", insert "OVERHEAD".

Education

After consideration on the merits, the committee recommends that **SB01-064** be postponed
indefinitely.

Education

After consideration on the merits, the committee recommends that **SB01-045** be amended
as follows and, as so amended be referred to the Committee on Appropriations with
favorable recommendation.

Amend printed bill, page 4, line 8, strike "TROUBLED";

line 9, after "CHILDREN", insert "WITH SIGNIFICANT MENTAL HEALTH
CONCERNS" and strike "CANNOT" and substitute "MAY NOT";

line 10, strike "CAN" and substitute "MAY";

line 12, strike "COULD" and substitute "MAY".

Page 5, line 5, strike "PRESCHOOL,";

line 6, before the period, insert "AND CHILDREN ENROLLED IN A DISTRICT
PRESCHOOL PROGRAM";

line 12, strike "ESTABLISHED, TO" and substitute "ESTABLISHED.";

line 13, strike "COMMENCE BY DECEMBER 1, 2001.";

line 22, strike "ON OR BEFORE JULY 1, 2001, COMMUNITY" and substitute
"COMMUNITY".

Page 6, line 7, strike "BY" and substitute "ANY TIME AFTER OCTOBER 1,
2001, BUT BEFORE MARCH 1, 2002,";

line 8, strike "DECEMBER 1, 2001,";

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line 26, after "GUARDIAN", insert "OR UPON THE CONSENT OF A MINOR CHILD, WHEN AUTHORIZED PURSUANT TO LAW,".

Page 7, line 19, before the semi-colon, insert "OR THROUGH A PRIVATE PROVIDER";

line 26, strike "AND".

Page 8, line 3, strike "ILLNESS." and substitute "ILLNESS;"

before line 4, insert the following:

"(i) A PROCESS FOR MAINTAINING THE CONFIDENTIALITY OF THE NAME OF THE TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE WHO MAKES A REFERRAL PURSUANT TO SUBSECTION (9) OF THIS SECTION THAT IS CONSISTENT WITH STATE LAW; AND

(j) A PROCESS FOR COORDINATING THE COLLECTION OF DATA REQUIRED FOR THE REPORT TO THE STATE DEPARTMENT PURSUANT TO SECTION 27-10.3-205.";

line 10, strike "FEBRUARY" and substitute "MAY";

line 17, strike "MARCH" and substitute "AUGUST".

Page 9, line 6, after "WITH", insert "A COMMUNITY MENTAL HEALTH CENTER'S LIAISON'S";

line 13, strike "JULY" and substitute "NOVEMBER";

line 19, strike "THE NAME OF" and substitute "EACH PLAN SHALL ADDRESS THE CONFIDENTIALITY OF THE NAME OF THE PERSON REFERRING A CHILD TO THE MENTAL HEALTH LIAISON.";

strike lines 20 through 22;

line 23, strike "REFERRAL REQUESTS ANONYMITY.".

Page 10, line 23, strike "CENTERS AND THE SCHOOL" and substitute "CENTERS, AFTER CONSULTATION WITH THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS IN WHICH THE CENTERS ARE LOCATED, UNLESS OTHERWISE SPECIFIED IN THE PLAN DEVELOPED PURSUANT TO SECTION 27-10.3-204 (2), SHALL REPORT TO THE STATE DEPARTMENT THE";

strike lines 24 and 25.

Page 11, line 26, strike "TREATMENT" and substitute "TREATMENT, OR THE MINOR CHILD WHO CONSENTS TO TREATMENT PURSUANT TO LAW,".

Page 12, strike lines 13 through 27.

Page 13, strike lines 1 and 2.

Renumber succeeding sections accordingly.

Page 13, line 6, strike "2003," and substitute "2002,".

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-150** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-040** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-125** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, after line 7, insert the following:

"SECTION 2. 11-37.5-115, Colorado Revised Statutes, is amended to read:

11-37.5-115. Annual fee. A depository shall pay to the department an annual fee established by rule that is commensurate with the total projected costs of the department of regulatory agencies in conducting examinations of a depository. ~~and of the department of revenue in carrying out audits pursuant to section 11-37.5-404.~~ The proceeds of the fee shall be deposited in the foreign capital depository account established in section 11-37.5-118."

Renumber succeeding sections accordingly.

Page 3, after line 4, insert the following:

"SECTION 5. 11-37.5-404, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

11-37.5-404. Revenue audits - charges. (4) MONEYS PAID TO THE DEPARTMENT OF REVENUE PURSUANT TO THIS SECTION SHALL BE PAID TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FOREIGN CAPITAL DEPOSITORY ACCOUNT CREATED BY SECTION 11-37.5-118. THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE SUCH MONEYS TO THE DEPARTMENT OF REVENUE SOLELY FOR THE PURPOSE OF MEETING ITS AUDIT OBLIGATIONS UNDER THIS SECTION.

SECTION 6. 11-37.5-406, Colorado Revised Statutes, is amended to read:

11-37.5-406. Right of appeal. The department of revenue shall provide a means for appeal by a foreign capital depository that receives a notice of deficiency concerning a fee, penalty, or interest charged pursuant to section 11-37.5-405. The department's determinations shall be made in accordance with the ~~"State Administrative Procedure Act", article 4 of title 24, C.R.S.~~ PROVISIONS OF ARTICLE 21 OF TITLE 39, C.R.S.

SECTION 7. 39-21-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-21-102. Scope. (3) THE PROVISIONS OF THIS ARTICLE APPLY TO THE FEES IMPOSED BY SECTION 11-37.5-403, C.R.S., AND ASSESSED BY SECTION 11-37.5-405, C.R.S., BUT ONLY TO THE EXTENT THAT THE PROVISIONS OF THIS ARTICLE ARE NOT INCONSISTENT WITH THE PROVISIONS OF PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S. WITH THE EXCEPTION OF SECTION 39-21-115, ANY REFERENCE IN THIS ARTICLE TO "TAX" OR "TAXES" SHALL INCLUDE ANY TAX OR FEE IMPOSED UNDER SECTIONS 11-37.5-403 AND 11-37.5-405.

SECTION 8. 39-21-103 (1), Colorado Revised Statutes, is amended to read:

39-21-103. Hearings. (1) As soon as practicable after any tax return or the return showing the value of oil and gas is filed pursuant to articles 22 to 29 of this title, article 60 of title 34, or article 3 of title 42, C.R.S., OR THE RETURN SHOWING THE TAX OR FEE IMPOSED PURSUANT TO SECTIONS 11-37.5-403 AND 11-37.5-405, C.R.S., IS FILED, the executive director of the department of revenue shall examine it and shall determine the correct amount of tax. If the tax found due is greater than the amount theretofore assessed or paid, a notice of deficiency shall be mailed to the taxpayer by first-class mail as set forth in section 39-21-105.5.

SECTION 9. 39-21-106 (1), Colorado Revised Statutes, is amended to read:

39-21-106. Compromise. (1) The executive director of the department of revenue or his OR HER delegate may compromise any civil

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SB01-125

or criminal case arising under any tax or the charge on oil and gas production imposed by articles 22 to 29 of this title or article 60 of title 34 or article 3 of title 42, OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., prior to reference to the department of law for prosecution or defense; and the attorney general or his OR HER delegate shall, upon the written direction of the executive director, compromise any such case after reference to the department of law for prosecution or defense.

SECTION 10. 39-21-107 (1), Colorado Revised Statutes, is amended to read:

39-21-107. Limitations. (1) Except as provided in this section and unless such time is extended by waiver, the amount of any tax or of any charge on oil and gas production imposed pursuant to articles 23 and 24 to 29 of this title or article 3 of title 42, OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., and the penalty and interest applicable thereto shall be assessed within three years after the return was filed, whether or not such return was filed on or after the date prescribed, and no assessment shall be made or credit taken and no notice of lien shall be filed, nor distraint warrant issued, nor suit for collection instituted, nor any other action to collect the same commenced after the expiration of such period; except that a written proposed adjustment of the tax liability by the department issued prior to the expiration of such period shall extend the limitation of this subsection (1) for one year after a final determination or assessment is made. No lien shall continue after the three-year period provided for in this subsection (1), except for taxes assessed before the expiration of such period, notice of lien with respect to which has been filed prior to the expiration of such period, and except for taxes on which written notice of any proposed adjustment of the tax liability has been sent to the taxpayer during such three-year period, in which case the lien shall continue for one year only after the expiration of such period or after the issuance of a final determination or assessment based on the proposed adjustment issued prior to the expiration of the three-year period. This subsection (1) shall not apply to income tax or to any tax imposed under article 23.5 of this title.

SECTION 11. 39-21-108 (1) (a) and (3) (a) (I), Colorado Revised Statutes, are amended to read:

39-21-108. Refunds. (1) (a) In the case of income tax imposed by article 22 of this title, the taxpayer must file any claim for refund or credit for any year not later than one year after the expiration of the time provided for filing a claim for refund of federal income tax, including any extensions of the period by agreement between the taxpayer and the federal taxing authorities; but nothing in this subsection (1) shall be construed to shorten the period for filing claims provided by section 39-22-601 (6) (f). In the case of the charge on oil and gas production imposed by article 60 of title 34, C.R.S., and the passenger-mile tax imposed by article 3 of title 42, C.R.S., or the severance tax imposed by article 29 of this title, OR ANY TAX OR FEE IMPOSED BY PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., the taxpayer must file any claim for refund or credit for any period not later than three years after the date of payment. Claims for refund of other taxes covered by this article shall be made within the time limits expressly provided for the specific taxes involved. No suit for refund may be commenced before the expiration of six months after the date of filing the claim for refund required under this section unless the executive director of the department of revenue renders a decision thereon within that time, nor after the expiration of two years after the date of mailing, by first-class mail as set forth in section 39-21-105.5, by the executive director to the taxpayer of a notice of disallowance of the part of the claim to which the suit relates. The said two-year period shall be extended for the period as may be agreed upon in writing between the taxpayer and the executive director. This subsection (1) shall not apply to sales and use taxes.

(3) (a) (I) Whenever it is established that any taxpayer has, for any period open under the statutes, overpaid a tax covered by articles 22 and 26 to 29 of this title, article 60 of title 34, C.R.S., and article 3 of title 42, OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., and that there is an unpaid balance of tax and interest accrued, according to the records of the executive director, owing by such taxpayer for any other period or that

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SB01-125

there is an amount required to be repaid to the unemployment compensation fund pursuant to section 8-81-101 (4), C.R.S., the amount of which has been determined to be owing as a result of a final agency determination or judicial decision or which has been reduced to judgment by the division of employment and training in the department of labor and employment, or that there is any unpaid child support debt as set forth in section 14-14-104, C.R.S., or child support arrearages ~~which~~ THAT are the subject of enforcement services provided pursuant to section 26-13-106, C.R.S., as certified by the department of human services, or that there are any unpaid obligations owing to the state as set forth in section 26-2-133, C.R.S., for overpayment of public assistance or medical assistance benefits, the amount of which has been determined to be owing as a result of final agency determination or judicial decision or which has been reduced to judgment, as certified by the department of human services, or that there is any unpaid loan or other obligation due to a state-supported institution of higher education as set forth in section 23-5-115, C.R.S., the amount of which has been reduced to judgment, owing to such institution by such taxpayer, as certified by the appropriate institution, or that there is any unpaid loan due to the student loan division of the department of higher education as set forth in section 23-3.1-104 (1) (p), C.R.S., the amount of which has been reduced to judgment, owing to such division by such taxpayer, as certified by the division, or that there is any unpaid debt owing to the state or any agency thereof by such taxpayer, and which is found to be owing as a result of a final agency determination or the amount of which has been reduced to judgment and as certified by the controller, or that the taxpayer is a qualified individual identified pursuant to section 39-22-120 (10) or 39-22-2003 (9), so much of the overpayment of tax plus interest allowable thereon as does not exceed the amount of such unpaid balance or unpaid debt shall be credited first to the unpaid balance of tax and interest accrued and then to the unpaid debt, and any excess of the overpayment shall be refunded. If the taxpayer elects to designate his or her refund as a credit against a subsequent year's tax liability, the amount allowed to be so credited shall be reduced first by the unpaid balance of tax and interest accrued and then by the unpaid debt. If the taxpayer filed a joint return, the executive director shall notify the taxpayer's spouse that the portion of the overpayment ~~which~~ THAT is generated by the spouse's income shall be refunded upon receipt of a request detailing said amount.

SECTION 12. 39-21-112 (1), Colorado Revised Statutes, is amended to read:

39-21-112. Duties and powers of executive director. (1) It is the duty of the executive director of the department of revenue to administer the provisions of this article, and he OR SHE has the power to adopt, amend, or rescind such rules and regulations not inconsistent with the provisions of this article and articles 22 to 29 of this title and article 3 of title 42 OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., and, subject to other provisions of law relating to the promulgation of regulations, to appoint, pursuant to section 13 of article XII of the state constitution, such persons, to make such expenditures, to require such reports, to make such investigations, and to take such other action as he OR SHE deems necessary or suitable to that end. The executive director shall determine his OR HER own organization and methods of procedure in accordance with the provisions of this article. For the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the tax due from any taxpayer, the executive director has the power to examine or cause to be examined by any employee, agent, or representative designated by him OR HER for that purpose any books, papers, records, or memoranda bearing upon the matters required to be included in the return. In the exercise of rule-making authority as to article 29 of this title, as granted by the general assembly pursuant to this subsection (1), the executive director, in interpreting section 39-29-107.5 (1) (c), shall not have authority to reduce the amount of any approved contributions not previously credited by applying the amount of any additional percentage previously allowed pursuant to said section. In the exercise of rule-making authority as to article 29 of this title, as granted by the general assembly pursuant to this subsection (1), the executive director may not readopt any rule, or portion thereof, disapproved on or after July 1, 1982, by the general assembly pursuant to section 24-4-103 (8) (d), C.R.S., without the approval of the general assembly.

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SB01-125

SECTION 13. 39-21-113 (1) (a), Colorado Revised Statutes, is amended to read:

39-21-113. Reports and returns. (1) (a) It is the duty of every person, firm, or corporation liable to the state of Colorado for any tax or any charge on oil and gas production imposed pursuant to articles 23 to 29 of this title or article 3 of title 42 OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., to keep and preserve for a period of three years such books, accounts, and records as may be necessary to determine the amount of liability.

SECTION 14. 39-21-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-21-115. Reciprocity with other states for collection of taxes provided. (4) FOR THE PURPOSES OF THIS SECTION, TAXES DO NOT INCLUDE ANY TAX OR FEE IMPOSED UNDER PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S.

SECTION 15. 39-21-119 (1) (a), Colorado Revised Statutes, is amended to read:

39-21-119. Filing with executive director - when deemed to have been made. (1) (a) Any report, claim, tax return, statement, or other document required or authorized under articles 22, 26, 28, and 29 of this title and article 3 of title 42 OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., to be filed with or any payment made to the executive director of the department of revenue ~~which~~ THAT is transmitted through the United States mails shall be deemed filed with and received by the executive director on the date shown by the cancellation mark stamped on the envelope or other wrapper containing the document required to be filed.

SECTION 16. 39-21-120 (1), Colorado Revised Statutes, is amended to read:

39-21-120. Signature and filing alternatives for tax returns. (1) For the purposes of any returns or other documents made, filed, signed, subscribed, verified, transmitted, received, or stored pursuant to any provision of articles 22 to 31 of this title and articles 46 and 47 of title 12, article 60 of title 34, and article 3 of title 42 OR PART 4 OF ARTICLE 37.5 OF TITLE 11, C.R.S., the executive director may prescribe voluntary alternative methods for the making, filing, signing, subscribing, verifying, transmitting, receiving, or storing of returns or other documents pursuant to the statutory provisions of this article and other articles referenced in this article. The executive director shall adopt rules and regulations as may be appropriate to define and implement acceptable alternatives for each article within the scope of this section."

Renumber succeeding section accordingly.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-078** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 8, after "FACILITIES.", insert the following:

"THE DEPARTMENT SHALL APPOINT AN ADVISORY COMMITTEE TO DEVELOP THE CONSUMER SATISFACTION SURVEY. THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE STATE OMBUDSMAN, REPRESENTATIVES OF SENIOR GROUPS, REPRESENTATIVES OF THE DISABLED COMMUNITY, REPRESENTATIVES OF PROVIDERS OF LONG TERM CARE SERVICES, AND LONG TERM CARE CONSUMERS OR THEIR FAMILY MEMBERS. THE ADVISORY COMMITTEE SHALL DEVELOP RECOMMENDATIONS FOR THE DEVELOPMENT OF AN ASSESSMENT TOOL FOR THE CONSUMER SATISFACTION SURVEY AND FOR THE IMPLEMENTATION OF THE SURVEY. THE ADVISORY COMMITTEE SHALL ENSURE THAT A REPRESENTATIVE SAMPLE OF PARTICIPANTS ARE CHOSEN AND SURVEYED IN A STATISTICALLY

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SB01-078

VALID MANNER."

Page 3, line 1, strike "THE DEPARTMENT";

strike lines 2 through 9;

strike lines 12 and 13 and substitute the following:

"INCLUDED IN ALL INFORMATIONAL MATERIALS PROVIDED TO PERSONS WHO INQUIRE ABOUT THE FACILITY.";

line 17, strike "UNASSISTED." and substitute "UNASSISTED; EXCEPT THAT A STATE OR LOCAL NURSING HOME OMBUDSMAN MAY ASSIST A RESIDENT OR RESIDENT'S FAMILY WITH FILLING OUT THE SURVEY IF REQUESTED.";

strike lines 22 and 23 and substitute the following:

"(c) THE DEPARTMENT SHALL REPORT THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE TO THE GENERAL ASSEMBLY BY JANUARY 15, 2002. THE DEPARTMENT SHALL IMPLEMENT THE SURVEY BASED ON THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON OR BEFORE JULY 1, 2002.";

line 27, strike "RESIDENT" and substitute "COMPLAINANT".

Page 4, line 4, strike "OMBUDSMAN" and substitute "OMBUDSMAN, ESTABLISHED PURSUANT TO ARTICLE 11.5 OF TITLE 26, C.R.S.";

line 7, after "FINALIZED.", insert "IF THE RESIDENT OR RESIDENT'S FAMILY MEMBER OR REPRESENTATIVE SO REQUESTS, THE STATE OR LOCAL OMBUDSMAN SHALL NOT BE REQUIRED TO MAINTAIN SUCH REGULAR, DOCUMENTED CONTACT. AT THE REQUEST OF THE RESIDENT OR RESIDENT'S FAMILY MEMBER OR REPRESENTATIVE, THE OMBUDSMAN AND THE DEPARTMENT OF HUMAN SERVICES SHALL MAINTAIN THE CONFIDENTIALITY OF THE PERSONS INVOLVED IN THE COMPLAINT.";

line 19, after "THE", insert "STATE".

Page 5, line 6, after "THE", insert "STATE";

line 8, after "THE", insert "STATE";

line 16, after "THE", insert "STATE", and strike "SUCH APPLICATION SHALL";

strike lines 17 and 18 and substitute the following:

"SUCH APPLICATIONS SHALL INCLUDE A REQUEST FOR A SPECIFIC PAYMENT AMOUNT. PROPOSALS AND REQUESTS FOR A SPECIFIC PAYMENT AMOUNT MAY INCLUDE DIRECT AND INDIRECT COSTS INCLUDING ENHANCED EDUCATION AND TRAINING FOR STAFF, HUMAN RESOURCE EXPENDITURES, AND OTHER ACTIVITIES THAT MAY ENCOURAGE IMPROVEMENT IN THE QUALITY OF LIFE OF RESIDENTS IN NURSING FACILITIES.

(IV) RULES ISSUED BY THE DEPARTMENT REGARDING THE INCENTIVE PAYMENTS PROGRAM SHALL INCLUDE REQUIREMENTS FOR PARTICIPATION BY RESIDENTS OR FAMILY MEMBERS IN APPLICATIONS BY PROVIDERS AND CRITERIA FOR PAYMENT AWARDS BASED ON THE LEVEL OF SUCH PARTICIPATION."

Re-number succeeding subparagraphs accordingly.

Page 5, line 24, before "DEPARTMENT", insert "STATE".

Page 6, line 3, after "THE", insert "STATE";

line 4, before "DEPARTMENT.", insert "STATE";

after line 4, insert the following:

"(VII) BEGINNING JULY 1, 2002, AND EACH JULY 1ST THEREAFTER,

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SB01-078

THE DEPARTMENT SHALL REPORT ANNUALLY TO THE MEMBERS OF THE SENATE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE AND THE HOUSE HEALTH, ENVIRONMENT, WELFARE AND INSTITUTIONS COMMITTEE ON CONSUMER SATISFACTION SURVEYS AND OTHER FACILITY RECORDS. FOR EACH NURSING FACILITY, THIS REPORT SHALL CONTAIN INFORMATION ON THE SURVEY RESULTS, NUMBER OF COMPLAINTS AND NUMBER OF INCIDENCES."

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-088** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 20 and substitute the following:

"OR OLDER RECEIVING CARE."

Page 6, strike lines 1 through 8;

strike lines 18 through 27.

Page 7, strike lines 1 through 6 and substitute the following:

"SECTION 2. 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 **SB01-128** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 11, line 22, after "medicine", insert "OR PRACTICE AS A PHYSICIAN ASSISTANT".

Page 12, line 1, after "practice", insert "MEDICINE OR PRACTICE AS A PHYSICIAN ASSISTANT".

Page 18, line 16, after "medicine", insert "OR PRACTICE AS A PHYSICIAN ASSISTANT".

Legal
Services

After consideration on the merits, the committee recommends that **SB01-108** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 9 through 22 and substitute the following:

"SECTION 2. 24-4-103 (8) (d), Colorado Revised Statutes, is amended to read:

24-4-103. Rule-making - procedure. (8) (d) All rules adopted or amended on or after July 1, 1976, including temporary or emergency rules, shall be submitted by the adopting agency to the office of legislative legal services in the form and manner prescribed by the committee on legal services. Said rules and amendments to existing rules shall be filed by and in such office and shall be first reviewed by the staff of said committee to determine whether said rules and amendments are within the agency's rule-making authority and for later review by the committee on legal services for its opinion as to whether the rules conform with paragraph (a) of this subsection (8). THE COMMITTEE ON LEGAL SERVICES SHALL DIRECT THE STAFF OF THE COMMITTEE TO REVIEW THE RULES SUBMITTED BY ADOPTING AGENCIES USING GRADUATED LEVELS OF REVIEW BASED ON CRITERIA ESTABLISHED BY THE COMMITTEE. THE CRITERIA DEVELOPED BY THE COMMITTEE SHALL PROVIDE THAT EVERY RULE SHALL BE REVIEWED AS TO FORM AND COMPLIANCE WITH FILING PROCEDURES AND THAT, UPON REQUEST OF ANY MEMBER OF THE COMMITTEE OR ANY OTHER MEMBER OF THE GENERAL ASSEMBLY, THE

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SB01-108

STAFF SHALL PROVIDE FULL LEGAL REVIEW OF ANY RULE DURING THE TIME PERIOD THAT SUCH RULE IS SUBJECT TO REVIEW BY THE COMMITTEE. The official certificate of the director of the office of legislative legal services as to the fact of submission or the date of submission of a rule as shown by the records of his office, as well as to the fact of nonsubmission as shown by the nonexistence of such records, shall be received and held in all civil cases as competent evidence of the facts contained therein. Records regarding the review of rules pursuant to this section shall be retained by the office of legislative legal services in accordance with policies established pursuant to section 2-3-303 (2), C.R.S. Any such rule or amendment to an existing rule issued by any agency without being so submitted within twenty days after the date of the attorney general's opinion rendered thereon to the office of legislative legal services for review by the committee on legal services shall be void. The staff's findings shall be presented to said committee at a public meeting held after timely notice to the public and affected agencies. The committee on legal services shall, on affirmative vote, submit such rules, comments, and proposed legislation at the next regular session of the general assembly. The committee on legal services shall be the committee of reference for any bill introduced pursuant to this paragraph (d). Any member of the general assembly may introduce a bill which rescinds or deletes portions of the rule. Rejection of such a bill does not constitute legislative approval of the rule. Only that portion of any rule specifically disapproved by bill shall no longer be effective, and that portion of the rule which remains after deletion of a portion thereof shall retain its character as an administrative rule. Each agency shall revise its rules to conform with the action taken by the general assembly. A rule which has been allowed to expire by action of the general assembly pursuant to the provisions of paragraph (c) of this subsection (8) because such rule, in the opinion of the general assembly, is not authorized by the state constitution or statute shall not be repromulgated by an agency unless the authority to promulgate such rule has been granted to such agency by a statutory amendment or by the state constitution or by a judicial determination that statutory or constitutional authority exists. Any rule so repromulgated shall be void. Such revision shall be transmitted to the secretary of state for publication pursuant to subsection (11) of this section. Passage of a bill repealing a rule does not result in revival of a predecessor rule. This paragraph (d) and subsection (4.5) of this section do not apply to rules of agency organization or general statements of policy which are not meant to be binding as rules. For the purpose of performing the functions assigned it by this paragraph (d), the committee on legal services, with the approval of the speaker of the house of representatives and the president of the senate, may appoint subcommittees from the membership of the general assembly."

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-171** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 1, strike "AUGUST 10, 2001" and substitute "SEPTEMBER 15, 2001";

line 2, strike "AUGUST 10" and substitute "SEPTEMBER 15".

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB01-157** be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

February 8, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1068, amended as printed in House Journal, February 6, page 299.

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INTRODUCTION OF BILLS--FIRST READING

The following bill was read by title and referred to the committee indicated:

SB01-201 by Senator Dennis; also Representative Fairbank--Concerning continuation of the regulation of passenger tramways by the passenger tramway safety board in the division of registrations.
Business, Labor, and Finance

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and assigned to the committee indicated:

SJR01-010 by Senators Hagedorn, Andrews, Gordon, Cairns, Hernandez, Lamborn, May, Musgrave, Perlmutter and Takis; also Representative Grossman--Concerning violence in the Middle East.
Government, Veterans and Military Relations, and Transportation

TRIBUTE--A POINT OF INTEREST

Memorializing Hazel M. Pirraglia-Starika by Senator Thiebaut

Memorializing Janece Chantel Passalaqua by Senator Thiebaut

Memorializing John S. Morrone by Senator Thiebaut

Memorializing Gary Joseph Moreschini by Senator Thiebaut

Memorializing Stacy Ann White Capps Montera by Senator Thiebaut

Memorializing Flora Beatrice Martucci by Senator Thiebaut

Memorializing Morris Levinson, D.C. by Senator Thiebaut

Memorializing Wilbur Ladd by Senator Thiebaut

Memorializing Peter A. DiPietro by Senator Thiebaut

Memorializing Filiberto Flores by Senator Thiebaut

Memorializing Dennis Poor by Senator Thiebaut

Memorializing Dr. Robert H. Redwine by Senator Thiebaut

Memorializing Robert Lee Spinuzzi by Senator Thiebaut

Memorializing George Murdock Truitt by Senator Thiebaut

Honoring Mickey Pearce by Senator Matsunaka

Honoring Lee Bahrych by Senator Matsunaka

Honoring Alisa Werth by Senator Matsunaka

Honoring Stephanie Stephens by Senator Matsunaka and Senator Phillips

Honoring Samantha Stirling by Senator Matsunaka and Senator Phillips

Honoring Ryan W. Greenawalt by Senator Matsunaka

Honoring Joshua Huston by Senator Matsunaka and Senator Phillips

Honoring Jesse Cohen by Senator Matsunaka and Senator Phillips

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

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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