

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

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One-hundred-sixth Legislative Day

Wednesday, April 24, 2002

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Prayer By the chaplains, Reverend James Peters, New Hope Baptist Church and Captain Judy Yost, Civil Air Patrol.

Call to Order By the President at 9:30 a.m.

Roll Call Present--Total, 31.  
Absent/Excused--Entz, Hernandez, Linkhart, Thiebaut--Total, 4.  
Present later--Entz, Hernandez, Linkhart, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Taylor, reading of the Journal of Tuesday, April 23, was dispensed with and the Journal was approved as corrected by the Secretary.

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**COMMITTEE OF REFERENCE REPORTS**

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1288** be amended as follows and, as so amended be referred to the Committee on Public Policy and Planning with favorable recommendation.

Amend reengrossed bill, page 3, line 25, strike "OTHER THAN RESIDENTIAL," and substitute "VACANT LAND,".

Page 5, after line 9, insert the following:

**"SECTION 6.** 39-10-110 (1) (b), Colorado Revised Statutes, is amended to read:

**39-10-114. Abatement, cancellation of taxes.** (1) (b) Any taxes illegally or erroneously levied and collected, and delinquent interest thereon, shall be refunded pursuant to this section, together with refund interest at the same rate as that provided for delinquent interest set forth in section 39-10-104.5; EXCEPT THAT REFUND INTEREST SHALL NOT BE PAID IF THE TAXES WERE ERRONEOUSLY LEVIED AND COLLECTED AS A RESULT OF AN ERROR MADE BY THE TAXPAYER IN COMPLETING PERSONAL PROPERTY SCHEDULES PURSUANT TO THE PROVISIONS OF ARTICLE 5 OF THIS TITLE. Said refund interest shall accrue only from the date payment of taxes and delinquent interest thereon was received by the treasurer from the taxpayer. Refund interest on abatements or refunds made pursuant to sub-subparagraph (F) of subparagraph (I) of paragraph (a) of this subsection (1) shall only accrue on taxes paid for the two latest years of illegal or erroneous assessment."

Re-number succeeding section accordingly.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1136** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, after line 22, insert the following:

**"SECTION 3.** 10-1-203, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**10-1-203. Authority, scope, and scheduling of examinations.**  
(4) (a) TO ASSIST THE COMMISSIONER IN DETERMINING WHEN TO CONDUCT AN EXAMINATION PURSUANT TO THIS PART 2, EVERY INSURER WHOSE MARKET SHARE IN A LINE OF INSURANCE EXCEEDS ONE-HALF OF

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ONE PERCENT SHALL REPORT TO THE COMMISSIONER ANNUALLY THE FOLLOWING INFORMATION:

(I) THE NUMBER OF BAD FAITH CLAIMS OR BREACH OF INSURANCE CONTRACT CLAIMS THAT HAVE BEEN MADE AGAINST THE INSURER IN ANY ACTION FILED IN A COLORADO COURT;

(II) THE MANNER OF RESOLUTION OF SUCH CLAIMS, INCLUDING WHETHER THE CLAIMS WERE RESOLVED WITH THE COMPLAINANT RECEIVING COMPENSATION FROM THE INSURER OR RESOLVED WITHOUT ANY PAYMENT OR WHETHER THE CLAIMS REMAIN UNRESOLVED;

(III) IF A CLAIM WAS UNRESOLVED IN A PREVIOUS YEAR, THE INSURER SHALL PROVIDE REVISED INFORMATION IN SUBSEQUENT YEARS;

(b) THE COMMISSIONER MAY SPECIFY THE FORM AND MANNER IN WHICH INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION (4) IS SUBMITTED.

(c) THE COMMISSIONER MAY REQUIRE OTHER INSURERS WITH SMALLER MARKET SHARES ALSO TO PROVIDE SIMILAR REPORTS.

(d) INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION (4) SHALL BE AVAILABLE TO THE PUBLIC AND ORGANIZED BY INSURER AND LINE OF INSURANCE."

Renumber succeeding sections accordingly.

Page 4, after line 4, insert the following:

"SECTION 5. 10-3-201, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-3-201. Cash capital - guaranty fund - deposit. (4) IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, ANY BAIL INSURANCE COMPANY AS DEFINED IN SECTION 12-7-101 (1.3), C.R.S., THAT IS NOT DOMICILED IN THIS STATE, SHALL POST WITH THE DIVISION AN AMOUNT EQUAL TO FIFTY THOUSAND DOLLARS FOR EACH BONDING AGENT AFFILIATED WITH THE COMPANY WRITING BAIL IN COLORADO. EVIDENCE OF THE CASH DEPOSIT AND THE NAME OF EACH BAIL BONDING AGENT SHALL BE SUBMITTED AND ACCEPTED BY THE DIVISION BEFORE ANY BAIL BONDING AGENT MAY BE ALLOWED TO WRITE BAIL WITH THE POWER OF ATTORNEY OF THE BAIL INSURANCE COMPANY."

Renumber succeeding sections accordingly.

Page 7, after line 17, insert the following:

"SECTION 8. 10-4-401 (3) (a) (III), Colorado Revised Statutes, is amended, and the said 10-4-401 (3) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

10-4-401. Purpose - applicability. (3) The kinds of insurance subject to this part 4 shall be divided into two classes, as follows:

(a) Type I kinds of insurance, regulated by prior filing and approval of rating information, which shall be subject to all provisions of this part 4 unless specifically excluded by the terms of a section. The following kinds of insurance shall be classified as type I:

(III) ~~Assigned-risk~~ Motor vehicle insurance;

(VII) HEALTH INSURANCE ISSUED PURSUANT TO ARTICLE 16 OF THIS TITLE EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION.

SECTION 9. 10-4-706 (2) (a) (I), the introductory portion to 10-4-706 (2) (f), and 10-4-706 (3) (h), Colorado Revised Statutes, are amended to read:

10-4-706. Required coverages - complying policies - PIP examination program - repeal. (2) (a) (I) An insurer may offer in

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writing or by the same medium as that in which the insurance application was taken, and provide at the option of the named insured, the basic benefits described in paragraphs (b) and (c) of subsection (1) of this section through managed care arrangements such as a health maintenance organization (HMO) or a preferred provider organization. Insurers shall make deductibles and coinsurance options available in such policy and may make other conditions and limitations to coverage available. THE COMMISSIONER SHALL APPROVE SUCH DEDUCTIBLES, COINSURANCE OPTIONS, CONDITIONS, AND LIMITATIONS UNLESS THE COMMISSIONER FINDS THAT SUCH DEDUCTIBLES, COINSURANCE OPTIONS, CONDITIONS, AND LIMITATIONS ARE UNREASONABLE WHEN COMPARED WITH BENEFITS PROVIDED.

(f) An insurer offering the coverages authorized in paragraphs (a) and (b) of this subsection (2) shall demonstrate in rate filings submitted to the commissioner the savings to the insured to be realized under the plan and shall further certify pursuant to section 10-4-725 SUBMIT to the commissioner FOR PREAPPROVAL any disclosure form to be used to record an insured's election for any coverage authorized in paragraphs (a) and (b) of this subsection (2). A disclosure form for a managed care arrangement shall include the following information in type of at least twelve-point size:

(3) (h) For the first year an insurer offers the coverages authorized in this subsection (3), such insurer shall demonstrate in rate filings submitted to the commissioner that a savings of a minimum of fifteen percent of the basic personal injury protection coverage premium shall be realized under the plan. An insurer shall certify, pursuant to section 10-4-725, to the commissioner any disclosure form used to record an insured's election for any coverage authorized in this subsection (3) ANY DISCLOSURE FORM TO BE USED TO RECORD AN INSURED'S ELECTION OF ANY COVERAGE AUTHORIZED IN THIS SUBSECTION (3) SHALL BE SUBMITTED TO THE COMMISSIONER FOR PREAPPROVAL.

**SECTION 10.** 10-3-1104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices.** (6) A SINGLE ACT OR OMISSION MAY BE INVESTIGATED BY THE COMMISSIONER AS AN UNFAIR METHOD OF COMPETITION OR UNFAIR OR DECEPTIVE ACT OR PRACTICE. "

Renumber succeeding sections accordingly.

Page 8, after line 8, insert the following:

**"SECTION 12.** 10-4-726, Colorado Revised Statutes, is amended to read:

**10-4-726. Repeal of part.** This part 7 is repealed, effective July 1, 2002 2004."

Renumber succeeding sections accordingly.

Page 8, after line 15, insert the following:

**"SECTION 14.** 10-16-107 (1), the introductory portion to 10-16-107 (1.5), and 10-16-107 (1.5) (c) and (1.7) (a), Colorado Revised Statutes, are amended to read:

**10-16-107. Rate regulation - approval of policy forms - benefit certificates - evidences of coverage - loss ratio guarantees - disclosures on treatment of intractable pain.** (1) Rates for any sickness, accident, or health insurance policy, contract, certificate, or other evidence of coverage issued or delivered to any policyholder, enrollee, subscriber, or member in Colorado, by an insurer subject to the provisions of part 2 of this article or an entity subject to the provisions of part 3 or 4 of this article shall not be excessive, inadequate, or unfairly discriminatory. To assure compliance with the requirements of this section that rates are not excessive in relation to benefits, the commissioner shall PREAPPROVE RATE FILINGS AND promulgate rules and regulations to require rate filings

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and, as part thereof, may require the submission of adequate documentation and supporting information including actuarial opinions or certifications and set loss ratios for loss ratio guarantees.

(1.5) Rates for an individual sickness, accident, or health insurance policy, contract, certificate, or other evidence of coverage issued or delivered to any policyholder, enrollee, subscriber, or member in Colorado by an insurer subject to the provisions of part 2 of this article or an entity subject to the provisions of part 3 or 4 of this article shall not be excessive, inadequate, or unfairly discriminatory to assure compliance with the requirements of this section that rates are not excessive in relation to benefits. Rates on a particular individual policy form, contract, or other evidence of coverage issued or delivered to any policyholder, subscriber, or member in Colorado subject to the provisions of parts 1 to 4 of this article will not be considered excessive in relation to benefits upon filing with the commissioner if the health care coverage entity has filed with the commissioner a loss ratio guarantee which THAT meets the requirements of this subsection (1.5) and loss ratio standards conforming with generally accepted actuarial principles and standards and regulations RULES adopted by the commissioner of insurance. In promulgating such regulations RULES, the commissioner shall consider the standards on health rate filings adopted by the national association of insurance commissioners. Rates will not be considered excessive so long as such entity complies with the terms of the loss ratio guarantee as provided for in this subsection (1.5). This loss ratio guarantee shall be in writing, signed by an officer of the entity, and shall contain at least the following:

(c) A guarantee that the actual loss ratios for this state for the experience period in which the new rates take effect (and for each experience period thereafter until new rates are filed APPROVED) will meet or exceed the loss ratio standards referred to in paragraph (a) of this subsection (1.5). If the annual earned premium volume in this state under the particular policy form is less than one million dollars and therefore not actuarially credible, the loss ratio guarantee will be based on the actual nationwide loss ratio for the policy form or similar policy forms. If the aggregate earned premium for all states is less than one million dollars, the experience period will be extended until the end of the calendar year in which one million dollars of earned premium is attained, but in no event shall this period extend beyond three years.

(1.7) (a) Nothing in subsection (1.5) of this section shall be construed to prevent an insurer from submitting rate filings for the commissioner's information APPROVAL in lieu of filing a loss ratio guarantee."

Renumber succeeding sections accordingly.

Page 16, line 22, strike "A NEW SECTION" and substitute "THE FOLLOWING NEW SECTIONS".

Page 21, after line 17, insert the following:

**"10-16-124. Annual report to the general assembly.** (1) THE COMMISSIONER SHALL REPORT TO THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE BUSINESS, LABOR AND FINANCE COMMITTEE OF THE SENATE, NO LATER THAN OCTOBER 1, 2003, AND EVERY OCTOBER 1 THEREAFTER. THE REPORT SHALL BE AN EVALUATION OF COMPLAINTS RELATED TO HEALTH BENEFIT PLANS.

**10-16-125. Duties of the commissioner.** THE COMMISSIONER SHALL ENFORCE ALL OF THE PROVISIONS OF THIS ARTICLE.

**SECTION 18.** 10-16-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**10-16-113. Procedure for denial of benefits.** (8) THE DIVISION MAY INVESTIGATE CLAIMS FILED BY A PROVIDER RELATED TO THE IMPROPER HANDLING OR DENIAL OF BENEFITS PURSUANT TO THIS SECTION."

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Renumber succeeding sections accordingly.

Page 27, after line 13, insert the following:

"(4) "LICENSED PROVIDER NETWORK" SHALL HAVE THE SAME MEANING AS IN SECTION 6-18-301.5, C.R.S."

Renumber succeeding subsections accordingly.

Page 28, line 5, strike "(2)" and substitute "(3)".

Page 34, line 3, strike "(2)" and substitute "(3)".

Page 38, strike lines 26 and 27.

Page 39, strike lines 1 through 10.

Reletter succeeding paragraphs accordingly.

Page 40, line 21, strike "(e)" and substitute "(d)";

line 22, strike "(2)" and substitute "(3)".

Page 41, strike lines 11 through 13 and substitute the following:

"(2) MEMBERS THAT ARE NOT SELF-INSURED MAY ONLY BE OFFERED PLANS OR SERVICES OFFERED BY LICENSED PROVIDER NETWORKS, LICENSED INDIVIDUAL PROVIDERS, AND OTHER CARRIERS. FOR PURPOSES OF THIS PART 9, "SELF-INSURED" MEANS A MEMBER OF A COOPERATIVE THAT IS NOT INSURED UNDER A PLAN UNDERWRITTEN BY A CARRIER OR LICENSED PROVIDER NETWORK. A SELF-INSURED EMPLOYER OR INDIVIDUAL MAY JOIN A COOPERATIVE IN ORDER TO HAVE ACCESS TO THE DISCOUNTED PROVIDER RATES (EXCLUDING CAPITATED AGREEMENTS) THAT THE COOPERATIVE MAY NEGOTIATE FOR ON BEHALF OF ITS SELF-INSURED MEMBERS."

Renumber succeeding subsections accordingly.

Page 41, line 26, after the period, insert "THE COOPERATIVE MAY ESTABLISH MINIMUM PERCENTAGES THAT DIFFER BY EACH BENEFIT PLAN OR CARRIER OFFERED."

Page 43, after line 18, insert the following:

"(m) ESTABLISH EMPLOYER CONTRIBUTION REQUIREMENTS THAT MAY DIFFER BY BENEFIT PLAN, BENEFIT PACKAGE, OR CARRIER.";

line 25, before the semicolon, insert "AND SATISFIES THE REQUIREMENT OF THE BENEFIT PLAN SELECTED".

Page 45, strike lines 20 through 23, and substitute the following:

"(3) A COOPERATIVE".

Page 47, line 2, strike "(3)" and substitute "(4)";

line 3, strike "ESTABLISH A LIMITED";

line 4, strike "SET OF STANDARDIZED BENEFIT PACKAGES, INCLUDING" and substitute "OFFER";

line 7, strike "THESE PACKAGES MAY" and substitute "OTHER BENEFIT PLANS AND BENEFIT PACKAGES MAY BE ESTABLISHED AND OFFERED BY SOME OR ALL CARRIERS THAT CONTRACT WITH THE COOPERATIVE AND SUCH PLANS OR PACKAGES MAY";

strike lines 12 through 14.

Page 51, line 12, strike "REGULATION" and substitute "RULE".

Page 54, after line 12, insert the following:

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**"SECTION 25.** 10-20-103 (8) (i), Colorado Revised Statutes, is amended, and the said 10-20-103 (8) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**10-20-103. Definitions.** As used in this article, unless the context otherwise requires:

(8) "Member insurer" means any insurer licensed or who holds a certificate of authority in this state to write any kind of insurance for which coverage is provided pursuant to section 10-20-104 and includes any insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed, or voluntarily withdrawn; but "member insurer" does not include:

(i) An interinsurance exchange; ~~and~~

(i.5) A HEALTH CARE COVERAGE COOPERATIVE; AND".

Renumber succeeding sections accordingly.

Page 55, line 20 strike "~~article 18 of this~~" and substitute "PART 3 OF article 18 of this";

line 21, strike "~~title~~" and substitute "title OR".

Page 56, line 4, strike "7-90-102 (31.1) and (53)," and substitute "7-90-102 (31.1),";

line 5, strike "are" and substitute "is";

strike lines 13 through 16;

line 24, strike "~~part 2 or 3 of article 18 of title 6 PART~~" and substitute "part 2 or 3 of article 18 of title 6 OR PART";

strike lines 26 and 27.

Page 57, strike lines 1 through 5.

Renumber succeeding sections accordingly.

Page 57, line 19, strike "~~part 3 of article 18 of~~" and substitute "part 3 of article 18 of";

line 20, strike "~~title 6 PART 9 OF ARTICLE 16 OF TITLE 10,~~" and substitute "title 6,".

Page 59, line 12, strike "THIS";

strike line 13 and substitute the following:

"TITLE 10, C.R.S.".

Page 62, line 8, strike "13" and substitute "23".

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB02-1415** be amended as follows and, as so amended be referred to the Committee on Public Policy and Planning with favorable recommendation.

Amend reengrossed bill, page 2, line 22, after the period, add "THE TERM "ELECTRIC UTILITY" SHALL NOT INCLUDE A MUNICIPAL UTILITY AS DEFINED IN SECTION 40-3.5-101 (4), C.R.S.".

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

- Without comment, HB02-1411.
- Without comment, as amended, HB02-1395.
- With comment, as amended, HB02-1410.

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**INTRODUCTION OF BILLS--FIRST READING**

The following bills were read by title and referred to the committees indicated:

- HB02-1015** by Representative(s) Scott; also Senator(s) Perlmutter--Concerning a requirement that a portion of the general fund surplus for any fiscal year be reserved until such time as the state resumes the use of the accrual system of accounting, as enunciated by the governmental accounting standards board, to determine the general fund surplus.  
Business, Labor, and Finance  
Appropriations
- HB02-1044** by Representative(s) Williams S., Stafford; also Senator(s) Tupa, Entz, Isgar--Concerning the issuance of certain special license plates, and making an appropriation in connection therewith.  
Government, Veterans and Military Relations, and Transportation
- HB02-1266** by Representative(s) Fritz; also Senator(s) Teck--Concerning the protection of children in public schools from access to harmful materials on the internet, and making an appropriation therefor.  
Education  
Appropriations
- HB02-1396** by Representative(s) Fritz, Lee, Alexander, Cadman, Clapp, Coleman, Fairbank, Grossman, Hefley, Jahn, Johnson, Lawrence, Rhodes, Rippey, Romanoff, Scott, Snook, Tochtrop, Veiga; also Senator(s) Gordon--Concerning the statute of limitations for commencing criminal proceedings involving sex crimes committed against children.  
Judiciary
- HB02-1401** by Representative(s) Williams T.; also Senator(s) Owen--Concerning the continuation of a credit against unemployment insurance.  
Business, Labor, and Finance

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

- HJR02-1038** by Representative(s) Hoppe; also Senator(s) Isgar, Entz, Taylor--Concerning the species conservation eligibility list.  
Laid over one day under Senate rule 30(e).

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**SENATE SERVICES REPORT**

- Senate Services Correctly engrossed: SB02-089; SR02-011.
- Correctly reengrossed: SB02-191.
- Correctly revised: HJR02-1052.
- Correctly rerevised: HB02-1098, 1160, 1165, 1186, 1232, 1300, 1321, 1353.
- Correctly enrolled: SR02-011.

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SB02-020, SB02-085, SB02-128, SB02-158.

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

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

**SB02-176** by Senator(s) Matsunaka, Perlmutter, Reeves--Concerning limitations on the authority of the Colorado commission on higher education.

Laid over until Monday, April 29, retaining its place on the calendar.

**SB02-208** by Senator(s) Hernandez--Concerning the regulation of home inspectors, and making an appropriation therefor.

Laid over until Thursday, April 25, retaining its place on the calendar.

**SB02-089** by Senator(s) Phillips, Takis; also Representative(s) Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	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-sponsors added: Dyer, Epps, Evans, Fitz-Gerald, Hernandez, Tupa, Windels.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

After consideration on the merits, the committee recommends that **HB02-1114** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, after line 10, insert the following:

**"SECTION 3.** 16-22-108 (3), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

**16-22-108. Registration - procedure - frequency - place - change of address.** (3) Any person who is required to register pursuant to section 16-22-103 shall be required to register each time such person:

(a) Changes such person's address, regardless of whether such person has moved to a new address within the jurisdiction of the law enforcement agency with which such person previously registered;

(b) Legally changes such person's name; ~~or~~

(c) Establishes an additional residence in another jurisdiction or an additional residence in the same jurisdiction;

(d) BECOMES EMPLOYED OR CHANGES EMPLOYMENT OR EMPLOYMENT LOCATION, IF EMPLOYED BY AN INSTITUTION OF POSTSECONDARY EDUCATION;

(e) BECOMES ENROLLED OR CHANGES ENROLLMENT IN AN INSTITUTION OF POSTSECONDARY EDUCATION, OR CHANGES THE LOCATION OF ENROLLMENT; OR

(f) BECOMES A VOLUNTEER OR CHANGES THE VOLUNTEER WORK LOCATION, IF VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY

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HB02-1114

EDUCATION.

**SECTION 4.** 16-22-109 (1), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

**16-22-109. Registration forms - local law enforcement agencies - duties - repeal.** (1) The director of the CBI shall prescribe standardized forms to be used to comply with this article, and the CBI shall provide copies of such standardized forms to the courts, probation departments, community corrections programs, the department of corrections, the department of human services, and local law enforcement agencies. Such standardized forms may be provided in electronic form. Such standardized forms shall be used to register persons pursuant to this article and to enable persons to cancel registration, as necessary. The standardized forms shall provide that the persons required to register pursuant to section 16-22-103 disclose such information as is required on the standardized forms. The information required on the standardized forms shall include, but need not be limited to:

(a) The name, date of birth, address, and place of employment of the person required to register, AND, IF THE PLACE OF EMPLOYMENT IS AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE EMPLOYING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.5) IF THE PERSON IS VOLUNTEERING AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE VOLUNTEERING INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON MAY BE PHYSICALLY LOCATED;

(a.7) IF THE PERSON ENROLLS OR IS ENROLLED IN AN INSTITUTION OF A POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE PERSON ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES;

(b) All names used at any time by the person required to register, including both aliases and legal names;

(c) For any person who is a temporary resident of the state, the person's address in his or her state of permanent residence and the person's place of employment in this state or the educational institution in which he or she is enrolled in this state, AND, IF THE TEMPORARY RESIDENT OF THE STATE IS ENROLLED IN, EMPLOYED BY, OR VOLUNTEERS AT AN INSTITUTION OF POSTSECONDARY EDUCATION, ALL ADDRESSES AND LOCATIONS OF THE INSTITUTION OF POSTSECONDARY EDUCATION AT WHICH THE TEMPORARY RESIDENT ATTENDS CLASSES OR OTHERWISE PARTICIPATES IN REQUIRED ACTIVITIES OR WORKS OR PERFORMS VOLUNTEER ACTIVITIES;

(d) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER IS ENROLLED;

(e) THE NAME, ADDRESS, AND LOCATION OF ANY INSTITUTION OF POSTSECONDARY EDUCATION WHERE THE PERSON REQUIRED TO REGISTER VOLUNTEERS.

**SECTION 5.** 16-22-110, Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**16-22-110. Colorado sex offender registry - creation - maintenance - release of information.** (3.5) THE COLORADO BUREAU OF INVESTIGATION SHALL DEVELOP AN INTERACTIVE DATABASE WITHIN THE SEX OFFENDER REGISTRY TO PROVIDE, AT A MINIMUM, THE FOLLOWING INFORMATION TO ALL CRIMINAL JUSTICE AGENCIES IN WHOSE JURISDICTIONS AN INSTITUTION OF POSTSECONDARY EDUCATION IS LOCATED:

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**HB02-1114**

(a) IDENTIFICATION OF ALL PERSONS REQUIRED TO REGISTER PURSUANT TO SECTION 16-22-103 WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED;

(b) IDENTIFICATION OF ALL PERSONS WHO ARE SEXUALLY VIOLENT PREDATORS WHO VOLUNTEER OR ARE EMPLOYED OR ENROLLED AT AN INSTITUTION OF POSTSECONDARY EDUCATION AND THE INSTITUTION AT WHICH EACH SUCH PERSON VOLUNTEERS, IS EMPLOYED, OR IS ENROLLED."

Renumber succeeding sections accordingly.

Page 5, strike lines 17 and 18 and substitute the following:

**"SECTION 7. Effective date.** This act shall take effect July 1, 2002; except that section 1 of this act shall take effect only if Senate Bill 02-010 does not pass and does not become law and sections 3, 4, and 5 of this act shall take effect only if Senate Bill 02-010 passes and becomes law."

Judiciary

After consideration on the merits, the committee recommends that **HB02-1247** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 22, strike "OF" and substitute "OF, ADJUDICATED FOR,";

line 27 strike "OF" and substitute "OF, ADJUDICATED FOR,".

Judiciary

After consideration on the merits, the committee recommends that **SB02-205** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 1, strike line 2 and substitute the following:

**"SECTION 1.** 18-6-401 (7) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

**18-6-401. Child abuse.** (7) (b) Where no death or injury results, the following shall apply:

(III) WHERE A PERSON RECKLESSLY PERMITS A CHILD TO BE UNREASONABLY PLACED IN A SITUATION WHICH POSES A SUBSTANTIAL THREAT OF SERIOUS BODILY INJURY TO THE CHILD, CHILD ABUSE IS A CLASS 1 MISDEMEANOR.

(IV) WHERE A PERSON WITH CRIMINAL NEGLIGENCE PERMITS A CHILD TO BE UNREASONABLY PLACED IN A SITUATION WHICH POSES A SUBSTANTIAL THREAT OF SERIOUS BODILY INJURY TO THE CHILD, CHILD ABUSE IS A CLASS 2 MISDEMEANOR."

Page 2, strike lines 1 through 14.

Judiciary

After consideration on the merits, the committee recommends that **SB02-200** be referred favorably to the Committee of the Whole.

Committee of the Whole

On motion of Senator Fitz-Gerald, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Fitz-Gerald was called to the Chair to act as Chairman.

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**GENERAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB02-1101** by Representative(s) Williams T.; also Senator(s) Gordon--Concerning family-friendly courts, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 18, page 909-910 and placed in members' bill file.)

Amendment No. 2(L.012), by Senator Gordon.

Amend reengrossed bill, page 9, strike line 24 and substitute the following:

"THE ONE-DOLLAR SURCHARGE SET FORTH IN SECTION 42-4-1701 (4) (a) (VI), C.R.S.,";

line 25, strike "13-32-101 (1) (c) (I),".

Page 11, strike lines 3 through 23 and substitute the following:

**"SECTION 3.** 42-4-1701 (4) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**42-4-1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule.** (4) (a) (VI) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION, EVERY PERSON WHO IS CONVICTED OF, WHO ADMITS LIABILITY FOR, OR AGAINST WHOM A JUDGMENT IS ENTERED FOR A VIOLATION OF ANY PROVISION OF THIS TITLE TO WHICH THE PROVISIONS OF PARAGRAPH (a) OR (b) OF SUBSECTION (5) OF THIS SECTION APPLY, SHALL, IN ADDITION TO ANY OTHER FINE OR PENALTY OR SURCHARGE, BE ASSESSED A SURCHARGE OF ONE DOLLAR, WHICH AMOUNT SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE FAMILY-FRIENDLY COURT PROGRAM CASH FUND CREATED IN SECTION 13-3-113(6), C.R.S. THIS SURCHARGE SHALL APPLY WHETHER THE DEFENDANT ACKNOWLEDGES THE DEFENDANT'S GUILT OR LIABILITY IN ACCORDANCE WITH THE PROCEDURE SET FORTH BY PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION OR IS FOUND GUILTY BY A COURT OF COMPETENT JURISDICTION OR HAS JUDGMENT ENTERED AGAINST THE DEFENDANT BY A COUNTY COURT MAGISTRATE."

Page 12, line 6, strike "cases filed in county court on or" and substitute "offenses committed on or".

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB02-1310** by Representative(s) King; also Senator(s) May--Concerning modifications to state funding available to address critical needs of the state's citizens, and, in connection therewith, increasing the allocation of sales and use tax revenue to the highway users tax fund, establishing a minimum annual allocation of funds for transportation purposes, creating a state rainy day fund for purposes of meeting a revenue shortfall, and creating a statewide toll authority for the purpose of financing and constructing additional highway capacity.

Laid over until Thursday, April 25, retaining its place on the calendar.

**HB02-1338** by Representative(s) Webster; also Senator(s) Reeves--Concerning fees for performing emissions testing on motor vehicles.

Laid over until Thursday, April 25, retaining its place on the calendar.

**HB02-1180** by Representative(s) Larson, Alexander, Boyd, Coleman, Groff, Madden, Paschall, Stengel; also Senator(s) Hernandez, Gordon, Taylor--Concerning the transfer of moneys from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund for the purpose of implementing a program for the deaf and hard of hearing, and making an appropriation therefor.

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- HB02-1180**

Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 11, page 737-738 and placed in members' bill file.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB02-1129**

by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB02-1313**

by Representative(s) Tochtrop, Tapia; also Senator(s) Thiebaut--Concerning peace officers certified by the peace officers standards and training board.

(Amended in General Orders as printed in Senate Journal, April 23, pages 949-950.)

Amendment No. 3(L.016), by Senator Perlmutter.

Amend reengrossed bill, page 4, strike lines 3 and 4 and substitute the following:

"PEACE OFFICERS, LEVEL I, AS DEFINED IN SECTION 18-1-901 (3) (I) (1), C.R.S." .

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

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- SB02-193**

by Senator(s) Tate, Entz; also Representative(s) Plant, Weddig--Concerning requirements for processing prescriptions.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, April 12, page 777-778 and placed in members' bill file.)

Amendment No. 2(L.002), by Senator Tate.

Amend printed bill, page 2, line 13, after the first comma insert "IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S REQUEST,".

Page 3, line 6, strike "PATIENT," and substitute "PATIENT OR";

line 7, strike "REPRESENTATIVE, OR THE PRACTITIONER." and substitute "REPRESENTATIVE.";

line 10, after the comma insert "PATIENT, OR THE PATIENT'S REPRESENTATIVE,".

Page 4, line 9, after the second comma, insert "IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S REQUEST,";

after line 14, insert the following:

**"SECTION 5.** Article 32 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-32-107.5. Prescriptions - requirement to advise patients.**

(1) A PODIATRIST LICENSED UNDER THIS ARTICLE SHALL ADVISE THE PODIATRIST'S PATIENTS OF THEIR RIGHT TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PODIATRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PODIATRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

**SECTION 6.** 12-35-122, Colorado Revised Statutes, is amended to read:

**12-35-122. Dentists may prescribe drugs, etc.** (1) A dentist has the right to prescribe such drugs or medicine, perform such surgical operations, administer such general or local anesthetics, and use such

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SB02-193

appliances as may be necessary to the proper practice of dentistry. A dentist shall not prescribe, distribute, or give to a family member or himself or herself any habit-forming drug, as defined in section 12-22-102 (13), or any controlled substance, as defined in part 2 of article 18 of title 18, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the rules promulgated by the board regarding controlled substance record-keeping.

(2) A DENTIST LICENSED UNDER THIS ARTICLE SHALL ADVISE THE DENTIST'S PATIENTS OF THEIR RIGHT TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(3) A DENTIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE DENTIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

**SECTION 7.** Article 36 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-36-117.5. Prescriptions - requirement to advise patients.**

(1) A PHYSICIAN LICENSED UNDER THIS ARTICLE, OR A PHYSICIAN ASSISTANT LICENSED BY THE BOARD WHO HAS BEEN DELEGATED THE AUTHORITY TO PRESCRIBE MEDICATION, SHALL ADVISE THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PATIENTS OF THEIR RIGHT TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PHYSICIAN'S OR A PHYSICIAN ASSISTANT'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

**SECTION 8.** 12-38-111.6 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-38-111.6. Prescriptive authority - advance practice nurses.**

(3) (d) (I) AN ADVANCED PRACTICE NURSE WHO HAS BEEN GRANTED AUTHORITY TO PRESCRIBE PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES UNDER THIS ARTICLE SHALL ADVISE THE NURSE'S PATIENTS OF THEIR RIGHT TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(II) A NURSE'S FAILURE TO ADVISE A PATIENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE NURSE'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

**SECTION 9.** Article 40 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-40-109.7. Prescriptions - requirement to advise patients.**

(1) AN OPTOMETRIST LICENSED UNDER THIS ARTICLE SHALL ADVISE THE OPTOMETRIST'S PATIENTS OF THEIR RIGHT TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) AN OPTOMETRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE OPTOMETRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE."

Renumber succeeding section accordingly.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**SB02-195, SB02-171, SB02-204, SB02-184, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173**) of Wednesday, April 24, was laid over until Thursday, April 25, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Fitz-Gerald, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB02-1101** as amended, **HB02-1180** as amended, **HB02-1129, HB02-1313** as amended, **SB02-193** as amended.  
Laid over until Thursday, April 25: **HB02-1310, HB02-1338, SB02-195, SB02-171, SB02-204, SB02-184, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173.**

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SR02-011.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Thiebaut, Chairman, Pascoe, and Anderson as Senate Conferees on the First Conference Committee on **HB02-1349**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, April 24, was laid over until Thursday, April 25, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-035, SR02-014, SJR02-036, SJR02-037, SJR02-038, SJR02-040, SJR02-041.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

State Board of Parole

Transportation Commission

Examining Board of Plumbers

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061.**

Senate in Recess--Senate Reconvened

**COMMITTEE OF REFERENCE REPORTS**

Education After consideration on the merits, the committee recommends that **SCR02-005** be postponed indefinitely.

Education After consideration on the merits, the committee recommends that **HB02-1407** be referred favorably to the Committee of the Whole.

Education After consideration on the merits, the committee recommends that **HB02-1304** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 13, strike "HAS SCORED AT THE UNSATISFACTORY LEVEL ON THE" and substitute "HAS NOT SCORED AT A SATISFACTORY LEVEL OR HAS DEMONSTRATED LANGUAGE DEFICIENCY.";

strike lines 14 and 15;

**HB02-1304**

line 25, after "students", insert "DURING THE SUMMER PRIOR TO BEGINNING FIRST GRADE,";

line 27, strike "IN ADDITION, ON OR AFTER JANUARY 1, 2003, SUBJECT TO THE".

Page 4, strike lines 1 through 6;

strike lines 13 through 17.

Renumber succeeding subsection accordingly.

Page 5, strike lines 13 through 17 and substitute the following:

**"SECTION 5.** 22-7-607.5 (2) (b), Colorado Revised Statutes, is amended to read:

**22-7-607.5. Teacher pay incentive program - repeal.**  
(2) (b) The per pupil grant amount shall be an amount equal to twelve million ~~six hundred thirty~~ FIVE HUNDRED NINETY thousand FOUR HUNDRED dollars divided by the total number of students enrolled in all eligible schools.

**SECTION 6. Appropriation - adjustments to the 2002 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the summer school grant program fund created in section 22-7-804 (1), Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of thirty nine thousand six hundred dollars (\$39,600), and such sum, or so much thereof as may be necessary, is further appropriated to the department of education, for the implementation of this act.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by thirty nine thousand six hundred dollars (\$39,600). Said sum shall be from moneys in the state education fund created in section 17 (4) of article IX of the state constitution."

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

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-180** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"(1) "BIOGAS" MEANS METHANE OR OTHER GASES PRODUCED AS A BY-PRODUCT OF THE TREATMENT OF WASTEWATER RESIDUALS."

Renumber succeeding subsections accordingly.

Page 3, line 18, after "MEANS", insert "BIOGAS".

Page 4, line 1, after "THERMAL,", insert "WIND,".

Page 5, line 19, after "KILOWATT", insert "HOUR";

line 21, strike "KILOWATTS" and substitute "KILOWATT HOURS";

line 22, after "KILOWATT", insert "HOUR";

line 23, strike "KILOWATTS" and substitute "KILOWATT HOURS".

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**SB02-180**

Page 9, strike line 7 and substitute the following:

"CENTS PER KILOWATT HOUR FOR EACH KILOWATT HOUR OF SHORTFALL.";

line 16, strike "**Removable**" and substitute "**Renewable**".

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-197** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **HJR02-1039** be referred favorably to the Committee on Judiciary.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-217** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 14, strike "AND";

line 17, strike "PLAN." and substitute "PLAN; AND";

after line 17, insert the following:

"(j) THE ISSUE OF PALLIATIVE CARE AND WHETHER SUCH CARE IS SUFFICIENTLY AVAILABLE TO COLORADANS WHO NEED AND DESIRE SUCH CARE AND THE PRESENCE OF ANY BARRIERS TO PALLIATIVE CARE THAT CAN BE ADDRESSED BY THE GENERAL ASSEMBLY.";

line 20, after "(a)", insert "(I)";

after line 25, insert the following:

"(II) IF THE COMMITTEE IS FUNDED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES."

Page 6, after line 18, insert the following:

"(5) THE LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE COMPENSATED AS PROVIDED IN SECTION 2-2-307 FOR ATTENDANCE AT MEETINGS OF THE COMMITTEE."

Renumber succeeding subsections accordingly.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-199** be postponed indefinitely.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-203** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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**MESSAGE FROM THE HOUSE**

April 24, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1362, amended as printed in House Journal, April 22, page 1494.

The House has postponed indefinitely SB02-172. The bill is returned herewith.

The House has postponed indefinitely SJR02-014. The resolution is returned herewith.

April 24, 2002

Mr. President:

The House has voted not to concur in the Senate amendments to HB02-1135 and requests that a conference committee be appointed. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has adopted and returns herewith SJR02-024.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB02-1362.

**INTRODUCTION OF BILLS--FIRST READING**

The following bills were read by title and referred to the committees indicated:

- SB02-222** by Senator(s) Hernandez; --Concerning a nonsubstantive recodification of statutes relating to the powers and duties of the department of public health and environment.  
Public Policy and Planning  
Appropriations
- SB02-223** by Senator(s) Perlmutter; --Concerning the empowerment of public entities to address the impacts caused by high growth rates, and, in connection therewith, providing for legally enforceable local government master plans, authorizing impact fees to fund capital facilities of a school district, authorizing local governments to provide incentives to encourage smart growth, and requiring collaboration on a regional basis among public entities with respect to transportation planning.  
Public Policy and Planning
- HB02-1309** by Representative(s) Spence, Coleman, Crane, Dean, Hefley, Kester, King, Lee, Swenson, White, Williams T.; also Senator(s) Hernandez, Anderson, Andrews--Concerning a credit against state income tax for contributions that are directed to organizations that provide educational assistance.  
Education
- HB02-1362** by Representative(s) Paschall, Crane, Lee, Schultheis, Williams T., Clapp, Harvey, Johnson, Rhodes, Rippy, Spradley, Stafford, Swenson; also Senator(s) Cairns--Concerning a statewide pilot program for group benefit plans for state employees for purposes of providing better medical benefit options to state employees.  
Health, Environment, Children & Families
- HB02-1395** by Representative(s) Sinclair, Cadman, Crane, Decker, Hodge, Miller, Ragsdale; also Senator(s) Taylor--Concerning the denial of the right of inspection of certain military records filed with the county clerk and recorder's office regarding a member of the military's separation from service.  
Agriculture and Natural Resources

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**HB02-1411** by Representative(s) Johnson; also Senator(s) Reeves--Concerning the air quality control commission's authority to submit a redesignation request to the federal environmental protection agency regarding Fort Collins' compliance with the carbon monoxide national ambient air quality standard without first undergoing legislative review.  
Agriculture and Natural Resources

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**SB02-224** by Senator(s) Takis; also Representative(s) Coleman--Concerning the contracts for the provision of state family planning services.  
Health, Environment, Children & Families

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**SR02-015** by Senator(s) Windels; --Concerning honoring Ted Polito for his many accomplishments.  
Laid over one day under Senate rule 30(c).

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**SENATE SERVICES REPORT**

Senate Services To the Governor for signature on Wednesday, April 24, 2002, at 11:15 A.M.  
SB02-020, SB02-085, SB02-128, SB02-158.

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SB02-114, SB02-151, SB02-182.

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**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Windels, Chairman, Tupa, and Anderson as Senate Conferees on the First Conference Committee on **HB02-1246**.

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**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the committee recommends that **HB02-1295** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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Amend reengrossed bill, page 4, line 1, strike "TRAINING ON ELIGIBILITY" and substitute "EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES TO EACH CORRECTIONAL FACILITY.";

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strike lines 2 through 8;

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strike lines 26 and 27.

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Page 5, strike lines 1 through 3.

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Reletter succeeding paragraph accordingly.

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Page 6, strike lines 8 through 15 and substitute the following:

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"(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE FOR RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S."

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Page 7, line 24, strike "TRAINING ON ELIGIBILITY" and substitute "EDUCATION REGARDING THE SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES TO EACH COMMUNITY CORRECTIONS PROGRAM.";

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strike lines 25 through 27.

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**HB02-1295**

Page 8, strike lines 1 through 4;

strike lines 23 through 27.

Reletter succeeding paragraph accordingly.

Page 10, strike lines 5 through 12 and substitute the following:

"(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005. PRIOR TO SUCH REPEAL, THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE FOR RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.";

strike lines 18 through 24 and substitute the following:

"(e) THE FUNCTIONS OF THE COMMUNITY CORRECTIONS BOARD, THE DEPARTMENT OF CORRECTIONS, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN ASSISTING IN AND EXPEDITING THE APPLICATION PROCESS OF AN INMATE OR AN OFFENDER FOR THE RECEIPT OF MEDICAL ASSISTANCE OR SUPPLEMENTAL SECURITY INCOME PRIOR TO RELEASE AND THE FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES IN PROVIDING EDUCATION CONCERNING SUPPLEMENTAL SECURITY INCOME SYSTEMS AND PROCESSES IN ACCORDANCE WITH SECTIONS 17-1-113.5 AND 17-27-105.7, C.R.S.".

Judiciary After consideration on the merits, the committee recommends that **HB02-1229** be referred favorably to the Committee on Appropriations.

Judiciary After consideration on the merits, the committee recommends that **HB02-1113** be amended as follows and, as so amended be referred to Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 15, strike "is";

line 16, strike "MADE IN CONNECTION WITH INCITEMENT AND".

Judiciary After consideration on the merits, the committee recommends that **HB02-1038** be referred favorably to the Committee on Appropriations.

Journal Correction:

Page 936, Line 44 Insert:

Senator Anderson moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

Page 596, Line 25 Insert: 1282

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, April 25, 2002.

Attest:

Approved:

Karen Goldman  
Secretary of the Senate

Stan Matsunaka  
President of the Senate

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