

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

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Thirty-eighth Legislative Day

Friday, February 15, 2002

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Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 34.  
Absent/Excused--Evans, Total--Total, 1.

Quorum The President announced a quorum present.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions, **SJR02-005**.

**CONSIDERATION OF RESOLUTIONS**

**SJR02-005** by Senator Pascoe; also Representative Witwer--Concerning Dr. Clay S. Jenkinson and the Colorado Endowment for the Humanities.

On motion of Senator Pascoe, the Resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

Co-sponsors added: The morning roll call.

Senate in Recess--Senate Reconvened.

Reading of Journal Senator McElhany moved that the reading of the Journal of Thursday, February 14, be dispensed with and the Journal be amended to show that the Committee on Judiciary referred **SB02-123** to the Committee of the Whole.

Senate McElhany moved to withdraw his motion to amend the journal under Senate Rule 14(b).

On motion of Senator McElhany, the reading of the Journal of Thursday, February 14, was dispensed with and the Journal was approved as corrected by the Secretary.

**COMMITTEE OF REFERENCE REPORTS**

Education After consideration on the merits, the committee recommends that **SB02-163** be postponed indefinitely.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-090** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

SB02-090

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

"SECTION 1. 10-4-706 (1) (d) (I), (3) (e) (II), and (6) (b), Colorado Revised Statutes, are amended to read:

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

(d) (I) Payment of benefits equivalent to one hundred percent of the first one hundred twenty-five dollars of loss of gross income per week, seventy percent of the next one hundred twenty-five dollars of loss of gross income per week, and sixty percent of any loss of gross income per week in excess thereof, with the total benefit under this subparagraph (I) not exceeding four hundred dollars per week, from work the injured person would have performed had he OR SHE not been injured during a period commencing the day after the date of the accident, and not exceeding ~~fifty-two additional weeks~~ FIVE YEARS AFTER THE DATE OF THE ACCIDENT. In addition, payment shall be provided for expenses not exceeding twenty-five dollars per day ~~which~~ THAT are reasonably incurred for essential services in lieu of those the injured person would have performed without income during the period commencing the day after the date of the accident and not exceeding fifty-two additional weeks.

(3) (e) (II) A loss of gross income benefit shall not be payable for more than ~~fifty-two weeks~~ FIVE YEARS.

(6) (b) The PIP examination program shall provide a group of licensed health care practitioners that shall be known as the PIP examination review panel. The commissioner shall utilize such public and private resources as are available and appropriate in determining standards and qualifications for the PIP review panel members. A health care practitioner participating in the PIP review panel shall be actively engaged in the practice of his or her profession and ~~a majority~~ NOT MORE THAN TEN PERCENT of such practice and income shall ~~not~~ derive from witness fees and examinations of persons not under the practitioner's care and treatment. It shall be the duty of the PIP examination review panel to perform the PIP examinations at the request of the commissioner.

**SECTION 2.** 10-4-706 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**10-4-706. Required coverages - complying policies - PIP examination program - repeal.** (2) (k) AN INSURER WITH THE MANAGED CARE OPTION OR A MANAGED CARE ARRANGEMENT SHALL NOT MAKE A DETERMINATION THAT THE INSURER WILL DENY A REQUEST FOR REIMBURSEMENT OR COVERAGE OF MEDICAL TREATMENT OR OTHER BENEFITS FOR A PERSON ENTITLED TO BENEFITS ON THE GROUNDS THAT SUCH TREATMENT OR COVERED BENEFIT IS NOT REASONABLE AND NECESSARY CARE AND TREATMENT FOR BODILY INJURY ARISING OUT OF THE USE OR OPERATION OF A MOTOR VEHICLE UNLESS SUCH DENIAL IS MADE PURSUANT TO PARAGRAPHS (l) TO (v) OF THIS SUBSECTION (2).

(l) FOLLOWING A DENIAL BY THE INSURER OR A MANAGED CARE ARRANGEMENT, SUCH INSURER OR A MANAGED CARE ARRANGEMENT SHALL NOTIFY THE PERSON ENTITLED TO BENEFITS IN WRITING OF THE DENIAL. THE CONTENT OF SUCH NOTIFICATION AND THE DEADLINES FOR MAKING SUCH NOTIFICATION SHALL BE ESTABLISHED BY THE COMMISSIONER BY RULE.

(m) (I) ALL DENIALS OF REQUESTS FOR REIMBURSEMENT FOR MEDICAL TREATMENT OR OTHER BENEFIT ON THE GROUNDS THAT SUCH TREATMENT OR COVERED BENEFIT IS NOT REASONABLE AND NECESSARY CARE AND TREATMENT SHALL INCLUDE AN EXPLANATION OF THE SPECIFIC BASIS FOR THE DENIAL AND SHALL ADVISE THE PERSON ENTITLED TO BENEFITS OF THE RIGHT TO APPEAL SUCH DECISION.

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(II) (A) THE COMMISSIONER SHALL PROMULGATE RULES SPECIFYING THE ELEMENTS OF AND TIME LIMITS APPLICABLE TO APPEAL PROCEDURES, INCLUDING, BUT NOT LIMITED TO, THE REVIEW OF APPEALS REQUIRING EXPEDITED REVIEWS AND AUTHORIZATIONS FOR THE PERSON ENTITLED TO BENEFITS REQUESTING AN INTERNAL EXPEDITED REVIEW, AN INDEPENDENT EXPERT REVIEW, OR A PIP IME PANEL EXAM, AND FOR ACCESS TO MEDICAL RECORDS NECESSARY FOR THE CONDUCT OF THE REVIEW. THE COMMISSIONER SHALL CONSULT WITH AND UTILIZE PUBLIC AND PRIVATE RESOURCES, INCLUDING, BUT NOT LIMITED TO, HEALTH CARE PROVIDERS, IN THE DEVELOPMENT OF SUCH RULES.

(B) THE FIRST-LEVEL INTERNAL APPEAL SHALL BE A REVIEW BY A LICENSED HEALTH CARE PROVIDER WHO SHALL CONSULT WITH AN APPROPRIATE CLINICAL PEER IN THE SAME SPECIALTY AS WOULD TYPICALLY TREAT THE CASE BEING REVIEWED. THE LICENSED HEALTH CARE PROVIDER AND CLINICAL PEER SHALL NOT HAVE BEEN INVOLVED IN THE INITIAL DENIAL. A HEALTH CARE PROVIDER WHO IS THE SUBJECT OF THE DENIAL OF TREATMENT FOR THE PERSON MAY ANSWER QUESTIONS. AN INSURER OR MANAGED CARE ARRANGEMENT MAY ESTABLISH AN INTERNAL REVIEW PROCESS TO ELIMINATE THE FIRST-LEVEL REVIEW WHEREBY ALL APPEALS ARE SENT DIRECTLY TO A REVIEW PANEL AS PROVIDED FOR IN SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (II).

(C) THE SECOND-LEVEL APPEAL SHALL BE TO A REVIEW PANEL ESTABLISHED BY THE MANAGED CARE ARRANGEMENT. THE PANEL SHALL INCLUDE A MINIMUM OF THREE HEALTH CARE PROVIDERS. THE PANEL MAY BE COMPOSED OF EMPLOYEES OF THE MANAGED CARE ARRANGEMENT WHO HAVE APPROPRIATE PROFESSIONAL EXPERTISE IN THE SAME SPECIALTY AS WOULD TYPICALLY TREAT THE CASE BEING REVIEWED. A MAJORITY OF THE PANEL SHALL CONSIST OF HEALTH CARE PROVIDERS WHO WERE NOT PREVIOUSLY INVOLVED IN THE DENIAL; EXCEPT THAT THE HEALTH CARE PROVIDER WHO WAS PREVIOUSLY INVOLVED WITH THE DENIAL MAY BE A MEMBER OF THE PANEL OR APPEAR BEFORE THE PANEL TO PRESENT INFORMATION OR ANSWER QUESTIONS. A MANAGED CARE ARRANGEMENT SHALL ENSURE THAT A MAJORITY OF THE PERSONS REVIEWING A DENIAL DO NOT HAVE A DIRECT FINANCIAL INTEREST IN THE CASE OR IN THE OUTCOME OF THE REVIEW; EXCEPT THAT SUCH PERSONS MAY BE PART OF THE MANAGED CARE ARRANGEMENT'S PROVIDER NETWORK OR EMPLOYEES OF THE MANAGED CARE ARRANGEMENT. A PERSON ENTITLED TO BENEFITS OR SUCH PERSON'S HEALTH CARE PROVIDER SHALL HAVE THE RIGHT TO ATTEND THE MEETING OF THE SECOND-LEVEL APPEAL REVIEW PANEL.

(n) ALL WRITTEN DENIALS SHALL BE SIGNED BY A LICENSED HEALTH CARE PROVIDER IN THE SAME SPECIALTY AS WOULD TYPICALLY TREAT THE CASE BEING REVIEWED WHO RESIDES IN AND IS FAMILIAR WITH STANDARDS OF CARE IN COLORADO.

(o) (I) THE TREATING HEALTH CARE PROVIDER FOR A PERSON ENTITLED TO BENEFITS SHALL HAVE THE ABILITY TO COMMUNICATE WITH THE LICENSED HEALTH CARE PROVIDER INVOLVED IN THE INITIAL DECISION TO DENY REIMBURSEMENT OR COVERAGE OF MEDICAL TREATMENT OR OTHER BENEFITS.

(II) THE TREATING HEALTH CARE PROVIDER FOR A PERSON ENTITLED TO BENEFITS SHALL BE PROVIDED THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE INTERNAL REVIEWER BY THE MANAGED CARE ARRANGEMENT.

(p) AN INSURER OR A MANAGED CARE ARRANGEMENT SHALL DISCLOSE, UPON REQUEST BY A PERSON ENTITLED TO BENEFITS OR A PERSON'S HEALTH CARE PROVIDER, ITS STANDARDS FOR DENIAL OF TREATMENT OR OTHER BENEFITS ON THE GROUNDS THAT SUCH TREATMENT OR COVERED BENEFIT IS NOT REASONABLE AND NECESSARY CARE FOR BODILY INJURY ARISING OUT OF THE USE OR OPERATION OF A MOTOR VEHICLE.

(q) (I) AFTER THE MANAGED CARE ARRANGEMENT'S INTERNAL APPEAL PROCESS HAS BEEN EXHAUSTED, OR AT ANY TIME THAT THE PERSON ENTITLED TO BENEFITS OR SUCH PERSON'S TREATING PROVIDER DETERMINES TO BYPASS THE INTERNAL REVIEW PROCESS, AN INDEPENDENT EXPERT REVIEW MAY BE INITIATED BY THE PERSON ENTITLED TO BENEFITS

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OR THE PERSON'S TREATING PROVIDER.

(II) BY ASKING FOR AN INDEPENDENT EXPERT REVIEW, AND UPON DETERMINATION OF A REVIEWER BY BOTH THE MANAGED CARE ARRANGEMENT AND THE PERSON ENTITLED TO BENEFITS, THE PERSON ENTITLED TO BENEFITS WAIVES THE RIGHT TO SEEK AN INDEPENDENT MEDICAL EXAMINATION WITH THE COLORADO PIP IME PANEL.

(III) WITHIN IN FIVE DAYS AFTER A REQUEST FOR AN INDEPENDENT EXPERT REVIEW, THE MANAGED CARE ARRANGEMENT SHALL PROVIDE A RANDOMLY GENERATED LIST OF ALL LICENSED HEALTH CARE PROVIDERS WITHIN THE MANAGED CARE ARRANGEMENT. THE REQUESTING PARTY MAY PICK ONE OF THOSE LICENSED HEALTH CARE PROVIDERS TO BE THE INDEPENDENT EXPERT REVIEWER.

(IV) BOTH THE MANAGED CARE ARRANGEMENT AND THE REQUESTING PARTY MAY MUTUALLY AGREE UPON ANOTHER SAME SPECIALTY IN-NETWORK PROVIDER TO ACT AS AN INDEPENDENT EXPERT REVIEWER. THE INDEPENDENT EXPERT REVIEWER SHALL BE PAID BY THE INSURER AN AMOUNT EQUAL TO THE AVERAGE AMOUNT AS THE SAME SPECIALTY IS PAID FOR AN INDEPENDENT MEDICAL EXAMINATION WITH THE COLORADO PIP IME PANEL, BASED UPON THE MOST RECENT PUBLISHED STATISTICS.

(V) IF THE MANAGED CARE ARRANGEMENT DOES NOT AGREE TO THE INDEPENDENT EXPERT REVIEWER CHOSEN BY THE REQUESTING PARTY, OR IF THERE IS NO CONSENSUS ON CHOICE OF AN INDEPENDENT EXPERT REVIEWER REACHED WITHIN TEN BUSINESS DAYS OF THE REQUEST, THEN THE INSURER SHALL PAY FOR AN INDEPENDENT MEDICAL EXAMINATION WITH THE COLORADO PIP IME PANEL.

(VI) IF THE MANAGED CARE ARRANGEMENT DOES NOT HAVE AN INDEPENDENT EXPERT REVIEWER IN ITS NETWORK, AND IF THE PARTIES CANNOT AGREE UPON ANOTHER INDEPENDENT EXPERT REVIEWER, THEN A COLORADO PIP IME PANEL SHALL BE THE ONLY OPTION AVAILABLE FOR DISPUTE RESOLUTION WITH THE INSURER. THE INSURER SHALL PAY FOR AN INDEPENDENT MEDICAL EXAMINATION WITH THE COLORADO PIP IME PANEL.

(VII) IN ALL CASES IN WHICH THERE IS AN INDEPENDENT EXPERT REVIEW, THE MANAGED CARE ARRANGEMENT IS RESPONSIBLE FOR COORDINATING MEDICAL RECORDS SUBMISSION TO THE INDEPENDENT EXPERT REVIEWER AND SUBMITTING A COVER LETTER REGARDING THE PROCEDURE UNDER REVIEW. THE PERSON'S TREATING HEALTH CARE PROVIDER MAY ALSO SUBMIT HIS OR HER OWN DOCUMENTATION TO THE INDEPENDENT EXPERT REVIEWER.

(VIII) PHYSICIANS OR OTHER APPROPRIATE HEALTH CARE PROVIDERS WHO ARE INDEPENDENT EXPERT REVIEWERS MAY CONDUCT A REVIEW OF:

(A) ONLY WRITTEN MATERIALS;

(B) WRITTEN MATERIALS AND A TELEPHONE INTERVIEW WITH EITHER THE TREATING HEALTH CARE PROVIDER FOR THE PERSON ENTITLED TO BENEFITS OR THE PERSON; OR

(C) WRITTEN MATERIALS AND AN IN-PERSON EVALUATION OF THE PERSON ENTITLED TO BENEFITS.

(IX) FOR THE PURPOSES OF AN IN-PERSON EVALUATION OR INDEPENDENT EXPERT REVIEW OF WRITTEN MATERIALS WITH OR WITHOUT A TELEPHONE INTERVIEW, PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (VIII) OF THIS PARAGRAPH (q), THE INDEPENDENT EXPERT REVIEWER SHALL:

(A) BE AN EXPERT IN THE TREATMENT OF THE MEDICAL CONDITION OF THE PERSON ENTITLED TO BENEFITS AND KNOWLEDGEABLE THROUGH, WHERE PRACTICAL, THE EXPERT'S ACTUAL, CURRENT CLINICAL EXPERIENCE, ABOUT THE RECOMMENDED TREATMENT OR SERVICE THAT IS THE SUBJECT OF THE REVIEW;

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(B) HOLD A LICENSE ISSUED BY AND RESIDE IN COLORADO AND, FOR PHYSICIANS, CURRENT CERTIFICATION BY A RECOGNIZED AMERICAN MEDICAL SPECIALTY BOARD IN THE AREA APPROPRIATE TO THE SUBJECT OF REVIEW; AND

(C) BE AN ACTIVE PARTICIPANT IN THE MANAGED CARE ARRANGEMENT NETWORK OF THE PERSON ENTITLED TO BENEFITS WHOSE CARE IS UNDER DISPUTE, UNLESS THE PARTIES AGREE OTHERWISE.

(r) ALL MANAGED CARE ARRANGEMENT MATERIALS DEALING WITH THE APPEAL PROCEDURES SHALL ADVISE A PERSON ENTITLED TO BENEFITS IN WRITING OF:

(I) THE AVAILABILITY OF AN INTERNAL REVIEW AND THE INDEPENDENT EXPERT REVIEW PROCESSES,

(II) THE CIRCUMSTANCES UNDER WHICH A PERSON ENTITLED TO BENEFITS REQUESTING A REVIEW MAY USE THE REVIEW PROCESS, INCLUDING AN EXPEDITED REVIEW,

(III) THE PROCEDURES FOR REQUESTING A REVIEW; AND

(IV) THE DEADLINES ASSOCIATED WITH A REVIEW.

(s) (I) IN ANY ARBITRATION OR JUDICIAL PROCEEDING COMMENCED BY THE INSURER OR THE PERSON ENTITLED TO BENEFITS, THE FINDINGS, OPINIONS, AND CONCLUSIONS OF THE AGREED UPON INDEPENDENT EXPERT REVIEWER SHALL BE PRESUMED TO BE CORRECT, BUT SUCH PRESUMPTION MAY BE REBUTTED BY A PREPONDERANCE OF THE EVIDENCE. NO CIVIL PROCEEDING, INCLUDING, BUT NOT LIMITED TO, A PROCEEDING ALLEGING ANY CAUSE OF ACTION UNDER SECTION 10-4-708 OR THE TORT OF BAD FAITH BREACH OF THE INSURANCE CONTRACT, ARISING OUT OF ANY ACTION TAKEN BY THE INSURER THAT IS CONSISTENT WITH THE AGREED UPON FINDINGS, OPINIONS, AND CONCLUSIONS OF THE AGREED UPON INDEPENDENT EXPERT REVIEWER SHALL BE BROUGHT OR MAINTAINED AGAINST THE INSURER; EXCEPT THAT THE PERSON ENTITLED TO BENEFITS MAY BRING A CIVIL PROCEEDING ALLEGING THAT CLEAR AND CONVINCING EVIDENCE REBUTS THE FINDINGS, OPINIONS, AND CONCLUSIONS OF THE AGREED UPON INDEPENDENT EXPERT REVIEWER. IF THE PERSON ENTITLED TO BENEFITS IS SUCCESSFUL, THE INSURER SHALL PAY ONLY THE BENEFITS REQUIRED PURSUANT TO PARAGRAPH (b) TO (e) OF SUBSECTION (1) OF THIS SECTION THAT HAD BEEN DENIED AND THAT WERE THE SUBJECT OF SUCH PROCEEDING.

(II) AN INDEPENDENT EXPERT REVIEWER AGREED TO BY THE PARTIES TO CONDUCT A REVIEW PURSUANT TO THIS SUBSECTION (2) SHALL BE IMMUNE FROM CIVIL LIABILITY IN ANY ACTION BROUGHT BY ANY PERSON BASED UPON THE DETERMINATIONS MADE PURSUANT TO THIS SUBSECTION (2). THIS PARAGRAPH (s) SHALL NOT APPLY TO AN ACT OR OMISSION OF THE INDEPENDENT EXPERT REVIEWER THAT IS MADE IN BAD FAITH OR INVOLVES GROSS NEGLIGENCE.

(t) ALL REQUESTS BY THE INSURER OR THE MANAGED CARE ARRANGEMENT FOR AN IN-PERSON EXAMINATION BY A LICENSED HEALTH CARE PROVIDER SHALL:

(I) BE FOR A PROVIDER WHO IS OF THE SAME SPECIALTY AS THE TREATING LICENSED HEALTH CARE PROVIDER; AND

(II) FOLLOW THE SAME RULES AND PROCEDURES SET FORTH IN THIS SUBSECTION (2) FOR AN INDEPENDENT EXPERT REVIEW.

(u) NO INSURER NOR MANAGED CARE ARRANGEMENT SHALL ATTEMPT TO DICTATE TO ANY LICENSED HEALTH CARE PROVIDER PERFORMING AN INDEPENDENT EXPERT REVIEW THE TYPE OR DURATION OF TREATMENT OR THE RESULTS OF ANY REVIEW, AND PART 6 OF ARTICLE 16 OF TITLE 10 SHALL APPLY TO ALL EXPERT REVIEWERS. NO INSURER NOR MANAGED CARE ARRANGEMENT SHALL RETALIATE, PUNISH, OR REMOVE ANY LICENSED HEALTH CARE PROVIDER FOR PERFORMING AN INDEPENDENT EXPERT REVIEW.

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(v) NOTHING IN THIS SUBSECTION (2) SHALL PRECLUDE OR DENY THE RIGHT OF THE INSURED OR INJURED PERSON ENTITLED TO BENEFITS TO SEEK ANY OTHER REMEDY OR RELIEF, AND NOTHING IN THIS SUBSECTION (2) SHALL BE A CONDITION PRECEDENT TO ANY LEGAL PROCEEDING.

**SECTION 3.** 10-4-706, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**10-4-706. Required coverages - complying policies - PIP examination program - repeal.** (7) ALL INSURERS AND ALL MANAGED CARE ARRANGEMENTS UNDER SUBSECTION (2) OF THIS SECTION SHALL ADOPT EXPEDITED INTERNAL REVIEW PROCEDURES FOR THOSE SITUATIONS WHERE COMPLIANCE WITH THE STANDARD OF TIME LIMITS WOULD SERIOUSLY JEOPARDIZE THE LIFE OR HEALTH OF THE PERSON ENTITLED TO BENEFITS ABILITY TO REGAIN MAXIMUM FUNCTION. WITHIN THE FRAMEWORK OF THE PIP IME PANEL, THE COMMISSIONER SHALL ADOPT EXPEDITED PROCEDURES FOR A PIP IME PANEL REVIEW FOR SITUATIONS PRESENTING THESE SAME HAZARDS TO THE PERSON ENTITLED TO BENEFITS.

(8) ON OR BEFORE OCTOBER 1, 2002, ALL INSURERS AND MANAGED CARE ARRANGEMENTS UNDER SUBSECTION (2) OF THIS SECTION SHALL ACCEPT IN ELECTRONIC FORM FILINGS, REQUESTS, AND CLAIMS FROM INSURED OR INJURED PERSONS ENTITLED TO BENEFITS OR FROM HEALTH CARE PROVIDERS ACTING ON SUCH PERSONS' BEHALF, AND SHALL NOT REQUIRE THE SUBMISSION IN HARD COPY FORM.

(9) (I) A PERSON ENTITLED TO BENEFITS PURSUANT TO THIS SECTION, OR SUCH PERSON'S HEALTH CARE PROVIDER, MAY SUBMIT A FILING, REQUEST, OR CLAIM:

(A) BY UNITED STATES MAIL, FIRST CLASS, OR BY OVERNIGHT DELIVERY SERVICE;

(B) ELECTRONICALLY;

(C) BY FACSIMILE; OR

(D) BY HAND DELIVERY.

(II) (A) IF A DOCUMENT IS SUBMITTED BY MAIL, THE DOCUMENT IS PRESUMED TO HAVE BEEN RECEIVED BY THE INSURER OR MANAGED CARE ARRANGEMENT ON THE FIFTH DAY AFTER THE DOCUMENT IS MAILED WHEN USING FIRST CLASS, OR ON THE DATE THE DELIVERY RECEIPT IS SIGNED WHEN USING OVERNIGHT SERVICE OR RETURN RECEIPT REQUESTED.

(B) IF A DOCUMENT IS SUBMITTED ELECTRONICALLY, THE DOCUMENT IS PRESUMED TO HAVE BEEN RECEIVED ON THE DATE OF ELECTRONIC VERIFICATION OF RECEIPT BY THE INSURER OR MANAGED CARE ARRANGEMENT.

(C) IF THE DOCUMENT IS FAXED, THE DOCUMENT IS PRESUMED TO HAVE BEEN RECEIVED ON THE DATE OF THE TRANSMISSION ACKNOWLEDGMENT.

(10) THE FAILURE OF AN INSURER OR MANAGED CARE ARRANGEMENT UNDER SUBSECTION (2) OF THIS SECTION, OR OF ANY AGENT THEREOF, TO ADOPT AND IMPLEMENT PROCEDURES TO FACILITATE THE SUBMITTING, ACCEPTING AND RECORDING THE ACCEPTANCE OF DOCUMENTS FROM AN INSURED OR INJURED PERSON ENTITLED TO BENEFITS OR SUCH PERSON'S HEALTH CARE PROVIDER SHALL CONSTITUTE AN UNFAIR OR DECEPTIVE INSURANCE PRACTICE AND SHALL INCUR ALL APPLICABLE PROVISIONS, REMEDIES, AND PENALTIES PURSUANT TO SECTION 10-3-1104 (1) (k).

(11) (a) THE COMMISSIONER SHALL PROMULGATE A RULE THAT IMPLEMENTS A PROCESS FOR THE AUTHORIZATION OF TREATMENT OR OTHER BENEFITS, REQUIRED PURSUANT TO PARAGRAPHS (b) TO (e) OF SUBSECTION (1), OR, ALTERNATIVELY, AS APPLICABLE, UNDER SUBSECTION (2) OR (3) OF THIS SECTION AND THAT PROVIDES FOR EMERGENCY SERVICES, URGENTLY NEEDED SERVICES, AND BASIC SERVICES

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DISTINCTIONS WITHIN THE APPLICABLE TIME PERIODS FOR THE AUTHORIZATION OF TREATMENT.

(b) FOR THE PURPOSES OF THIS SUBSECTION (11):

(I) "BASIC HEALTH CARE SERVICES" MEANS HEALTH CARE SERVICES REQUIRED UNDER PARAGRAPHS (b) TO (e) OF SUBSECTION (1) OF THIS SECTION, INCLUDING, AT A MINIMUM, EMERGENCY CARE, INPATIENT AND OUTPATIENT HOSPITAL SERVICES, PHYSICIAN SERVICES, OUTPATIENT MEDICAL SERVICES, AND LABORATORY AND X-RAY SERVICES.

(II) "EMERGENCY SERVICES" MEANS HEALTH CARE SERVICES REQUIRED UNDER PARAGRAPHS (b) TO (e) OF SUBSECTION (1) OF THIS SECTION WHEN THE INSURED OR THE INSURED'S PROVIDER REASONABLY BELIEVES HIS OR HER LIFE OR LIMB IS THREATENED IN SUCH A MANNER THAT A NEED FOR IMMEDIATE MEDICAL ATTENTION IS CREATED TO PREVENT DEATH OR SERIOUS IMPAIRMENT OF HEALTH.

(III) "URGENTLY NEEDED SERVICES" MEANS HEALTH CARE SERVICES, PURSUANT TO PARAGRAPHS (b) TO (e) OF SUBSECTION (1) OR, ALTERNATIVELY, AS APPLICABLE, UNDER SUBSECTION (2) OR (3) OF THIS SECTION, THAT AN INSURED REQUIRES IN ORDER TO PREVENT A SERIOUS DETERIORATION IN HIS OR HER LIFE.

SECTION 4. 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.

SECTION 5. Effective date - applicability. This act shall take effect upon passage and shall apply to injuries resulting from accidents that occur on or after said date.

SECTION 6. 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."

Business, Labor, and Finance

After consideration on the merits, the committee recommends that SB02-118 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 13, after "DEFECT", insert "ALSO".

Page 4, line 14, strike "THIRTY DAYS" and substitute "FIFTEEN CALENDAR DAYS".

Business, Labor, and Finance

After consideration on the merits, the committee recommends that SB02-157 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 23, insert the following:

"SECTION 3. 39-1-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-1-107. Tax liens. (4) THE PROPERTY TAX ON A POSSESSORY INTEREST IN REAL OR PERSONAL PROPERTY THAT IS EXEMPT FROM TAXATION UNDER THIS ARTICLE SHALL BE ASSESSED TO THE HOLDER OF THE POSSESSORY INTEREST AND COLLECTED IN THE SAME MANNER AS PROPERTY TAXES ASSESSED TO OWNERS OF REAL OR PERSONAL PROPERTY; EXCEPT THAT SUCH PROPERTY TAX SHALL NOT BECOME A LIEN AGAINST THE PROPERTY. WHEN DUE, THE PROPERTY TAX SHALL BE A DEBT DUE FROM THE HOLDER OF THE POSSESSORY INTEREST TO THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY IN WHICH SUCH PROPERTY IS LOCATED OR TO SUCH OTHER BODY AS IS AUTHORIZED BY LAW TO LEVY PROPERTY TAXES, AND SHALL BE RECOVERABLE BY SUCH BOARD OR BODY

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**SB02-157**

BY DIRECT ACTION IN DEBT ON BEHALF OF EACH GOVERNMENTAL ENTITY FOR WHICH A PROPERTY TAX LEVY HAS BEEN MADE.

**SECTION 4.** 39-10-101 (2) (a) (II), Colorado Revised Statutes, is amended to read:

**39-10-101. Collection of taxes.** (2) (a) (II) Notwithstanding subparagraph (I) of this paragraph (a) or section 39-5-125, NEITHER THE ASSESSOR NOR the treasurer shall ~~not~~ treat any possessory interest in exempt property ~~as described in section 39-3-136 (1) (a), as taxable property omitted from the tax list and warrant for any PROPERTY TAX year if the exclusion of the possessory interest from the assessment roll was based upon any provision of law created or repealed by Senate Bill 96-218, as enacted by the second regular session of the sixtieth general assembly, to clarify that possessory interests in exempt properties are subject to property taxation only if specific statutory provisions have been enacted directing the taxation of such possessory interests PRIOR TO 2001."~~

Renumber succeeding sections accordingly.

Page 4, line 9, strike "39-3-136 and 39-10-101 (2) (a) (II)," and substitute "39-3-136,";

line 10, strike "are" and substitute "is";

line 21, strike "the applicable effective date of this act." and substitute "January 1, 2001."

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB02-089** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 13, strike "UNDERLYING" and substitute "ADVERSELY AFFECTING";

line 21, strike "SHALL" and substitute "SHALL, UPON REQUEST OF THE CONSUMER,".

Page 3, line 2, after "THE", insert "CONSUMER'S CURRENT CREDIT SCORE OR THE";

line 15, strike "NOT, IN THE ORDINARY" and substitute "NOT:";

strike line 16.

Page 4, line 2, before the period, insert "OR DEVELOPED THE METHODOLOGY FOR THE SCORE";

after line 21, insert the following:

"(4) FOR PURPOSES OF THIS SECTION, "CREDIT SCORE" MEANS A NUMERICAL VALUE OR A CATEGORIZATION DERIVED FROM A STATISTICAL TOOL OR MODELING SYSTEM USED BY A PERSON WHO MAKES OR ARRANGES A LOAN TO PREDICT THE LIKELIHOOD OF CERTAIN CREDIT BEHAVIORS, INCLUDING DEFAULT. THE NUMERICAL VALUE OR THE CATEGORIZATION DERIVED FROM THIS ANALYSIS MAY ALSO BE REFERRED TO AS A "RISK PREDICTOR" OR "RISK SCORE". "CREDIT SCORE" DOES NOT INCLUDE ANY MORTGAGE SCORE OR RATING OF AN AUTOMATED UNDERWRITING SYSTEM THAT CONSIDERS ONE OR MORE FACTORS IN ADDITION TO CREDIT INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE LOAN VALUE RATIO, THE AMOUNT OF DOWN PAYMENT, OR A CONSUMER'S FINANCIAL ASSETS. "CREDIT SCORE" DOES NOT INCLUDE OTHER ELEMENTS OF THE UNDERWRITING PROCESS OR UNDERWRITING DECISION.

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A CONSUMER REPORTING AGENCY MAY CHARGE A REASONABLE FEE FOR DISCLOSING A CREDIT SCORE."

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**SB02-089**

Page 5, strike lines 12 through 27.

Page 6, strike lines 1 through 8 and substitute the following:

"(2) A CREDITOR THAT MAKES OR ARRANGES FOR EXTENSIONS OF CONSUMER LOANS SECURED BY A DWELLING AND THAT USES CREDIT SCORES FOR THAT PURPOSE SHALL PROVIDE TO THE CONSUMER TO WHOM THE CREDIT REPORT RELATES, WITHIN THREE BUSINESS DAYS AFTER THE CREDITOR HAS TAKEN ACTION WITH RESPECT TO A CREDIT APPLICATION BASED ON THE CREDIT SCORE, A COPY OF ANY INFORMATION DESCRIBED IN SECTION 12-14.3-104.3, C.R.S., OBTAINED FROM A CONSUMER REPORTING AGENCY AS DEFINED IN SECTION 12-14.3-102 (4), C.R.S."

Page 7, strike lines 7 through 11 and substitute the following:

**"5-3-111. Use of credit scores.** ANY PROVISION IN A CONTRACT THAT PROHIBITS THE DISCLOSURE OF A CREDIT SCORE BY A CONSUMER REPORTING AGENCY OR A PERSON WHO MAKES OR ARRANGES LOANS SECURED BY A DWELLING IS VOID. FOR THE"

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1001** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1072** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-012** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Health, Environment, Children and Families Committee Report, dated January 30, 2002, page 2, line 7, after "C.R.S.", insert "OR AS DEFINED IN FEDERAL LAW THAT IS COMPARABLE TO A MEDICAL SAVINGS ACCOUNT,";

strike lines 26 through 32, and substitute the following:

**"SECTION 2.** 10-16-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:"

Strike pages 3 through 6.

Page 7, strike lines 1 through 32.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-029** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-079** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 20 and substitute the following:

**"SECTION 1.** 1-45-117, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**1-45-117. State and political subdivisions - limitations on contributions.** (4) ANY VIOLATION OF THIS SECTION SHALL BE SUBJECT TO THE SANCTIONS AUTHORIZED IN SECTION 1-45-113 OR ANY APPROPRIATE ORDER OR RELIEF, INCLUDING INJUNCTIVE RELIEF OR A RESTRAINING ORDER TO ENJOIN THE CONTINUANCE OF THE VIOLATION."

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-134** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 4, strike "**declaration.**" and substitute "**declaration - discrimination prohibited.**".

Page 3, after line 4, insert the following:

"(a) "EMERGENCY" MEANS AN UNPREDICTABLE DISASTER, AND SHALL NOT INCLUDE A STAFFING DEFICIENCY RESULTING FROM MANAGEMENT PRACTICES.";

Reletter succeeding paragraphs accordingly.

Page 3, line 9, strike "NURSE," and substitute "NURSE OR";

line 10, strike "NURSE, OR ADVANCED PRACTICE NURSE." and substitute "NURSE WHOSE DUTIES ARE RELATED TO DIRECT PATIENT CARE.";

strike line 15 and substitute the following:

"(a) THE AGREED TO, PREDETERMINED, AND REGULARLY SCHEDULED WORK SHIFT;"

strike lines 26 and 27.

Page 4, strike lines 1 through 23 and substitute the following:

"(5) THIS SECTION SHALL NOT APPLY DURING EMERGENCIES."

Page 5, after line 1, insert the following:

"(8) AN EMPLOYER SHALL NOT PENALIZE, DISCRIMINATE, OR RETALIATE IN ANY MANNER AGAINST A NURSE WITH RESPECT TO COMPENSATION, TERM, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT, WHEN, IN GOOD FAITH, THE NURSE INDIVIDUALLY OR IN CONJUNCTION WITH ANOTHER PERSON:

(a) REPORTS, IN GOOD FAITH, A VIOLATION OR SUSPECTED VIOLATION OF THIS SECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF LABOR AND EMPLOYMENT, A PRIVATE ACCREDITATION BODY, OR MANAGEMENT PERSONNEL;

(b) INITIATES, COOPERATES, OR OTHERWISE PARTICIPATES IN AN INVESTIGATION OR PROCEEDING BROUGHT BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF LABOR AND EMPLOYMENT, A PRIVATE ACCREDITATION BODY, OR MANAGEMENT PERSONNEL CONCERNING HOURS OF DUTY;

(c) INFORMS OR DISCUSSES WITH OTHER NURSES, REPRESENTATIVES OF NURSES, PATIENTS, PATIENT REPRESENTATIVES, OR THE PUBLIC, VIOLATIONS OF THIS SECTION; OR

(d) OTHERWISE AVAILS HIMSELF OR HERSELF OF THE PROVISIONS OF THIS SECTION."

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-150** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, after "**declaration.**", insert "(1)";

after line 16, insert the following:

"(2) IN CARRYING OUT THE COLLABORATION REQUIRED BY THIS ARTICLE, NOTHING HEREIN IS INTENDED TO REQUIRE THE PROMULGATION OF ANY RULES ON THE PART OF ANY PUBLIC BODY OR AGENCY OF STATE GOVERNMENT.";

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**SB02-150**

strike line 19.

Page 3, strike lines 1 through 5.

Renumber succeeding subsections accordingly.

Page 3, strike lines 8 and 9.

Renumber succeeding subsections accordingly.

Page, 3 strike line 25 and substitute the following:

"IN THE AREAS WITHIN THE STATE ENCOMPASSED WITHIN THE BOUNDARIES OF METROPOLITAN PLANNING ORGANIZATIONS, EACH METROPOLITAN PLANNING ORGANIZATION,".

Page 4, strike lines 5 and 6 and substitute the following:

"(b) (I) THE LONG-RANGE PLAN FOR EACH REGION, WHICH SHALL BE INTEGRATED AND CONSOLIDATED INTO THE LONG-RANGE STATE PLAN. THE LONG RANGE PLAN FOR A PARTICULAR REGION REQUIRED BY THIS PARAGRAPH (b) SHALL:

(A) IDENTIFY PROJECTS FOR WHICH A FINANCIAL PLAN HAS BEEN PREPARED; AND

(B) DEMONSTRATE HOW PROJECTS IDENTIFIED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) ARE TO BE ACCOMPLISHED;

(II) THE LONG RANGE PLAN FOR A PARTICULAR REGION REQUIRED BY THIS PARAGRAPH (b) MAY IDENTIFY ADDITIONAL PROJECTS THAT WOULD BE DESCRIBED IN THE REGIONAL LONG-RANGE PLAN IF ADDITIONAL RESOURCES WERE MADE AVAILABLE.";

line 9, strike "COMMISSION," and substitute "METROPOLITAN PLANNING ORGANIZATION,".

**Public Policy and Planning**

The committee returns herewith SB02-024 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a)(1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-166**

by Senator(s) Teck; also Representative(s) Sinclair--Concerning compensation of county coroners. Government, Veterans and Military Relations, and Transportation

**HB02-1164**

by Representative(s) Hefley, King, Schultheis, Alexander, Crane, Stafford, White, Williams T.; also Senator(s) Hernandez--Concerning the expansion of health insurance products for employers with fewer than fifty-one employees. Business, Labor, and Finance

**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:

**SB02-002**

by Senator Matsunaka--Concerning stimulation of Colorado's rural economy, and, in connection therewith, creating a state procurement preference for Colorado producers of agricultural products, requiring new enterprise zones to be located in rural areas, and creating an interim committee to study potential new markets for agricultural products.

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**SB02-002** Laid over until Friday, February 22, retaining its place on the calendar. 1

Committee of the Whole On motion of Senator Pascoe, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Pascoe was called to the Chair to act as Chairman. 2  
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**GENERAL ORDERS--SECOND READING OF BILLS** 8  
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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: 10  
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**SB02-141** by Senator Perlmutter; also Representative Williams T.--Concerning the determination of royalty payments from oil and gas leases. 13  
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(Amended in General Orders as printed in Senate Journal, February 14, pages 240-241.) 17

Amendment No. 4(L.006), by Senator Perlmutter. 18  
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Amend the Perlmutter amendment, No. 2, as printed in Senate Journal, February 14, page 241, line 2, after "DEFINITION", insert "IN SECTION 34-60-103 (1.5)". 20  
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Amendment No. 5(L.007), by Senator Perlmutter. 25

Amend the Perlmutter amendment, No. 2, as printed in Senate Journal, February 14, page 240, line 48, after the first "TO", insert "PRIVATE"; 26  
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line 49, after "OVERRIDING", insert "PRIVATE"; 29  
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line 50, after "SITUATED", insert "PRIVATE". 31  
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Laid over until the end of the calendar, retaining its place on the calendar. 34  
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**SB02-064** by Senator Teck; also Representative Lee--Concerning employees in public schools, and, in connection therewith, allowing revocation of teacher licenses for failure to meet licensure standards and requiring school districts to adopt a communications policy for resolving issues between parents and teachers. 36  
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(Amended in General Orders as printed in Senate Journal, February 11, page 210.) 41

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 42  
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**SB02-042** by Senator Musgrave; also Representative Tapia--Concerning the enforcement of validated consensual liens. 46  
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Laid over until Wednesday, February 20, retaining its place on the calendar. 49  
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**SB02-127** by Senator Tupa; also Representative Vigil--Concerning criminal history record checks for educators. 52  
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Amendment No. 1(L.002), by Senator Tupa. 55

Amend printed bill, page 2, after line 1, insert the following: 56  
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"SECTION 1. 22-32-110.3 (4) (a), Colorado Revised Statutes, is amended to read: 58  
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**22-32-110.3. Board of education - specific powers - teacher in residence program.** (4) (a) A school district may hire a person to teach as a resident teacher even though the person is not licensed pursuant to article 60.5 of this title, ~~and does not hold any type of~~ IF THE PERSON HOLDS A TYPE VII authorization pursuant to section 22-60.5-111. The resident teacher may teach under the supervision of an administrator with an assigned, licensed teacher serving as a mentor and shall enroll in such teacher preparation courses as the school district deems necessary for the resident teacher and for which the school district has contracted with an institution of higher education. Supervision for a resident teacher shall include an annual minimum of one hundred hours of observation and 62  
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**SB02-127**

supervision in the classroom."

Renumber succeeding sections accordingly.

Page 4, line 27, strike "TWENTY" and substitute "THIRTY".

Page 7, line 14, strike "TWENTY" and substitute "THIRTY".

Page 8, after line 9, insert the following:

**"SECTION 5.** 22-60.5-111 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-60.5-111. Authorization - types - applicants' qualifications.**

(1) Pursuant to the rules of the state board of education, the department of education is authorized to issue the following authorizations to persons of good moral character meeting the qualifications prescribed by this section and by the rules of the state board of education:

(g) A TYPE VII AUTHORIZATION, TEACHER IN RESIDENCE, AUTHORIZES A SCHOOL DISTRICT TO EMPLOY A PERSON WHO IS ELIGIBLE, PURSUANT TO SECTION 22-32-110.3, AS A TEACHER IN RESIDENCE."

Renumber succeeding sections accordingly.

Page 8, line 10, strike "(1)".

Page 9, strike lines 5 through 8 and substitute the following:

"(IV) THE LICENSURE OR AUTHORIZATION OF EDUCATORS PROHIBITED PURSUANT TO SECTION 22-60.5-107 (2.5), C.R.S.

(2) Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is a person of good moral character at the time of the application. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society."

Amendment No. 2(L.004), by Senator Tupa.

Amend printed bill, page 9, strike lines 9 through 20 and substitute the following:

**"SECTION 5. Effective date - applicability.** This act shall take effect upon passage and shall apply to the licensure, renewal, or authorization of educators on or after said date.

**SECTION 6. 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."

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

**SB02-015**

by Senator Arnold; also Representative Larson--Concerning the enforcement of the offense of failure to wear a motor vehicle safety belt.

Laid over until Wednesday, February 20, retaining its place on the calendar.

**SB02-085**

by Senator Takis; also Representative Sinclair--Concerning increasing the public's participation in decisions made by transportation authorities by providing for the public's ability to have input into such decisions.

Laid over until Wednesday, February 20, retaining its place on the calendar.

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**SB02-086** by Senator Nichol; also Representative Grossman--Concerning neighborhood notification of transportation construction projects.

Laid over until Wednesday, February 20, retaining its place on the calendar.

**SB02-099** by Senator Nichol; also Representative Spradley--Concerning the updating of statutory provisions regarding the state military forces.

Laid over until Wednesday, February 20, retaining its place on the calendar.

**SB02-104** by Senator Taylor; also Representative White--Concerning authorization for the department of natural resources to acquire rights to specified state lands currently supervised by the state board of land commissioners, and, in connection therewith, authorizing the department to transfer any rights acquired to the county of Eagle.

Laid over until Wednesday, February 20, retaining its place on the calendar.

**SB02-120** by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, February 8, pages 190-191 and placed in members' bill file.)

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

(For further action, see Amendments to the Committee of the Whole Report.)

**SB02-102** by Senator Perlmutter; also Representative Vigil--Concerning impact fees.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, January 28, page 99-100 and placed in members' bill file.)  
(Committee Report was severed. Part 1: page 1, lines 1-16; page 2, lines 1-12 and lines 23-25 was declared adopted. Part 2: page 2, lines 13-22 was declared lost)

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

(For further action, see Amendments to the Committee of the Whole Report.)

**SB02-161** by Senator Perlmutter; also Representative Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

Laid over until Wednesday, February 20, retaining its place on the calendar.

**SB02-110** by Senator Matsunaka--Concerning the authority of local governments to provide incentives to encourage smart growth.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, February 8, page 191 and placed in members' bill file.)

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

**SB02-105** by Senator Entz; also Representative Borodkin--Concerning aviation in the state of Colorado, and, in connection therewith, creating an exception to noise abatement requirements for certain general aviation airports, expanding and modifying the duties of the aeronautics division and the Colorado aeronautical board, and enlarging the membership on the Colorado aeronautical board.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.  
(Printed in Senate Journal, February 8, page 198 and placed in members' bill file.)

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

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**SB02-143**

by Senator Owen; also Representative Webster--Concerning the duties of a county treasurer, and, in connection therewith, requiring a county treasurer to address or resolve any issue raised in an audit of the treasurer's office and to report to the board of county commissioners regarding the disposition of the issue, subjecting a county treasurer to contempt for failure to comply with these requirements, and specifying the penalty for failure to perform the duties of a county treasurer.

Amendment No. 1(L.001), by Senator Owen.

Amend printed bill, page 2, line 5, strike "**discrepancies -**" and substitute "**findings -**";

line 6, strike "DISCREPANCY OR ISSUE IS RAISED" and substitute "RECOMMENDATION OR FINDING IS CONTAINED";

line 9, strike "OR RESOLVE THE DISCREPANCY OR ISSUE" and substitute "THE RECOMMENDATION OR FINDING";

line 11, strike "DISCREPANCY OR ISSUE" and substitute "RECOMMENDATION OR FINDING";

line 13, strike "OR RESOLVE A DISCREPANCY OR ISSUE" and substitute "A RECOMMENDATION OR FINDING".

Page 1, line 103, strike "**OR RESOLVE ANY ISSUE RAISED**" and substitute "**ANY RECOMMENDATION OR FINDING CONTAINED**";

line 106, strike "ISSUE," and substitute "**RECOMMENDATION OR FINDING,**".

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

**SB02-054**

by Senator Phillips; also Representative Spence--Concerning sources of information for the master juror list.

Amendment No. 1(L.001), by Senator Philips.

Amend printed bill, page 2, line 7, after "~~with~~", insert "**and**";

strike lines 9 and 10 and substitute the following:

"THE DEPARTMENT OF REVENUE, AND, WHERE AVAILABLE, THE DEPARTMENT OF REVENUE SHALL MATCH SAID DRIVERS LICENSE RECORDS WITH THE MOST RECENT ADDRESS OF THE INDIVIDUAL USED FOR INCOME TAX PURPOSES AND SUPPLY ANY ADDITIONAL INCOME TAX ADDRESS TO THE COURT ADMINISTRATOR. THE STATE COURT ADMINISTRATOR MAY OBTAIN other lists of ~~persons~~";

line 22, strike "DATES OF BIRTH," and substitute "YEAR OF BIRTH, IF AVAILABLE,";

line 25, after the period add "THOSE PERSONS WHO RECEIVE TAXPAYER INFORMATION UNDER THIS SUBSECTION (13) SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION, INCLUDING LIMITATIONS IN SUBSECTION (4) OF THIS SECTION AND PENALTIES IN SUBSECTION (6) OF THIS SECTION REGARDING DISCLOSURE OF TAXPAYER INFORMATION.".

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 (**SB02-141** as amended, **HB02-1007**, **HB02-1033**, **HB02-1008**, **HB02-1110**, **SB02-142**, **SB02-133**) of Friday, February 15, was laid over until Tuesday, February 19, retaining its place on the calendar.

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

**SB02-120**

by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.007) to SB 02-120, did pass.

Amend the Public Policy and Planning Committee Report, dated February 7, 2002, page 1, strike lines 1 through 3 and substitute the following:

"Amend printed bill, page 3, strike lines 10 and 11 and substitute the following:

**"SECTION 2.** 30-28-106 (1), (2), and (3) (f), Colorado".

Page 2 of the committee report, strike lines 2 through 29 and substitute the following:

"Page 6, strike lines 6 through 27.

Strike pages 7 through 9.

Page 10, strike lines 1 through 9;

line 10, before "(f)", insert "(3)";

strike line 11 and substitute the following:

**"SECTION 3.** The introductory portion to 31-23-206 (1) and 31-23-206 (2) and (3), Colorado Revised"; line 15, strike "(a)".

Page 11, strike lines 12 through 27 and substitute the following:

"municipality and outlying areas, including, but not limited to".

Strike pages 12 through 17.

Page 18, strike lines 1 through 8".

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	E	Linkhart	N	Reeves	N		

**SB02-120**

by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.008) to SB 02-120, did pass.

Amend the Public Policy and Planning Committee Report, dated February 7, 2002, page 2, strike line 13 and substitute the following:

"Page 9, strike lines 1 through 8;

after line 17, insert the following:

"(g) A PROPERTY RIGHTS ELEMENT PURSUANT TO WHICH THE COUNTY SHALL SHOW HOW IT INTENDS TO PROTECT THE RIGHTS OF OWNERS OF PRIVATE PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES. IN CONNECTION WITH THE DESIGNATION OF SUCH ELEMENT, THE COUNTY SHALL, WITHOUT LIMITATION, COMPENSATE ANY OWNER OF



**SB02-120**

PROPERTY THE VALUE OF WHICH HAS SUFFERED ANY DIMINUTION FOLLOWING ANY REZONING OR RECLASSIFICATION OF PROPERTY ARISING FROM THE ADOPTION OR AMENDMENT OF THE COUNTY'S MASTER PLAN. IN DETERMINING THE AMOUNT OF COMPENSATION REQUIRED, THE INCLUSION OF ANY REAL PROPERTY THAT WAS ZONED OR CLASSIFIED AS AGRICULTURAL PRIOR TO THE ADOPTION OR AMENDMENT OF THE MASTER PLAN AND THAT IS COVERED UNDER SUCH PLAN SHALL CREATE A REBUTTABLE PRESUMPTION THAT SAID PROPERTY HAS SUFFERED A FIFTY PERCENT DIMINUTION IN VALUE AS A RESULT OF THE ADOPTION OR AMENDMENT OF SUCH PLAN.".";

strike line 25 and substitute the following:

"Page 14, strike lines 1 through 16;

after line 25, insert the following:

"(VII) A PROPERTY RIGHTS ELEMENT PURSUANT TO WHICH THE MUNICIPALITY SHALL SHOW HOW IT INTENDS TO PROTECT THE RIGHTS OF OWNERS OF PRIVATE PROPERTY LOCATED WITHIN ITS TERRITORIAL BOUNDARIES. IN CONNECTION WITH THE DESIGNATION OF SUCH ELEMENT, THE MUNICIPALITY SHALL, WITHOUT LIMITATION, COMPENSATE ANY OWNER OF PROPERTY THE VALUE OF WHICH HAS SUFFERED ANY DIMINUTION FOLLOWING ANY REZONING OR RECLASSIFICATION OF PROPERTY ARISING FROM THE ADOPTION OR AMENDMENT OF THE MUNICIPALITY'S MASTER PLAN. IN DETERMINING THE AMOUNT OF COMPENSATION REQUIRED, THE INCLUSION OF ANY REAL PROPERTY THAT WAS ZONED OR CLASSIFIED AS AGRICULTURAL PRIOR TO THE ADOPTION OR AMENDMENT OF THE MASTER PLAN AND THAT IS COVERED UNDER SUCH PLAN SHALL CREATE A REBUTTABLE PRESUMPTION THAT SAID PROPERTY HAS SUFFERED A FIFTY PERCENT DIMINUTION IN VALUE AS A RESULT OF THE ADOPTION OR AMENDMENT OF SUCH PLAN."."

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	E	Linkhart	N	Reeves	N		

**SB02-102**

by Senator Perlmutter; also Representative Vigil--Concerning impact fees.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.005) to SB 02-102, did pass.

Amend the Public Policy and Planning Committee Report, dated January 24, 2002, page 2, strike lines 13 and 14 and substitute the following:

"(4.3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

(a) A LOCAL GOVERNMENT SHALL ONLY IMPOSE AN IMPACT FEE OR OTHER";

line 17, strike "(a)" and substitute "(I)";

line 19, strike "(b)" and substitute "(II)";

line 22, strike "SECTION." and substitute the following:

"SECTION.

(b) ANY IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO FUND CAPITAL FACILITIES OF A SCHOOL DISTRICT IMPOSED IN ACCORDANCE

**SB02-102**

WITH THE REQUIREMENTS OF THIS SECTION SHALL ONLY BE COLLECTED ON THE INITIAL SALE OF A HOUSING UNIT FOR WHICH THE FEE OR CHARGE IS BEING IMPOSED PURSUANT TO THIS SECTION. FOR PURPOSES OF THIS PARAGRAPH (b), "INITIAL SALE" MEANS THE FIRST TIME SUCH UNIT IS SOLD TO A PURCHASER FOR INITIAL OCCUPANCY UPON THE COMPLETION OF CONSTRUCTION OF SAID UNIT.

(c) NO IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE TO FUND CAPITAL FACILITIES OF A SCHOOL DISTRICT AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION SHALL BE COLLECTED UPON THE SALE OF A HOUSING UNIT WHERE THE PURCHASER OF SAID UNIT HAS BEEN A RESIDENT OF THIS STATE FOR FIVE OR MORE YEARS AS OF THE DATE OF THE SALE OF SAID UNIT TO SUCH PERSON. IN THE CASE OF A MARRIED COUPLE JOINTLY PURCHASING SAID HOUSING UNIT, THE PROVISIONS OF THIS PARAGRAPH (c) SHALL APPLY WHERE EITHER NATURAL PERSON FORMING SAID COUPLE HAS BEEN A RESIDENT OF THIS STATE AS OF THE DATE OF THE SALE. FOR PURPOSES OF THIS PARAGRAPH (c), RESIDENCY STATUS MAY BE ESTABLISHED BY, WITHOUT LIMITATION, BIRTH RECORDS, EDUCATIONAL RECORDS, OR TAX RETURNS."

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	E	Linkhart	N	Reeves	N		

**SB02-120**

by Senator Tate--Concerning the adoption of legally enforceable local government master plans.

Senator Tate moved to amend the Report of the Committee of the Whole to show that SB 02-120, as amended, was laid over to Wednesday February 20, 2002.

The amendment was declared **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

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

Passed on Second Reading: **SB02-064** as amended, **SB02-127** as amended, **SB02-102** as amended, **SB02-110** as amended, **SB02-105** as amended, **SB02-143** as amended, **SB02-054** as amended.

Laid over until Wednesday, February 20: **SB02-042**, **SB02-015**, **SB02-085**, **SB02-086**, **SB02-099**, **SB02-104**, **SB02-161**, **SB02-142**, **SB02-133**, **SB02-141** as amended, **HB02-1007**, **HB02-1033**, **HB02-1008**, **HB02-1110**, **SB02-120** as amended.

**CONSIDERATION OF RESOLUTIONS--CONSENT CALENDAR**

**HJR02-1004** by Representative Hoppe, Alexander, Johnson, Kester, Lawrence, Rippey, Snook, Spradley, Stengel, Webster, White, Young; also Senator Hernandez--Concerning additions and modifications to the drinking water revolving fund eligibility list.

On motion of Senator Thiebaut, the Resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

Co-sponsors added: Taylor, Teck.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions, **HJR02-1009, HJR02-1014.**

**CONSIDERATION OF RESOLUTIONS**

**HJR02-1009** by Representative Coleman; also Senator Taylor--Concerning the appointment of Joanne Hill to the position of state auditor.

On motion of Senator Taylor, the Resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

Co-sponsors added: The morning roll call of the Senate

**HJR02-1014** by Representative Hoppe; also Senator Isgar--Concerning passage of the "Farm Security Act of 2001" and the Farm Bill currently under consideration in the United States Senate, and, in connection therewith, removal of the Reid Amendment from said bill.

On motion of Senator Taylor, the Resolution was **adopted** by the following roll call vote:

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

**COMMITTEE OF REFERENCE REPORTS**

Agriculture and Natural Resources

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

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STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2005:

Theodore Patrick Teegarden of Denver, Colorado, to serve as a member with substantial experience in natural resource conservation and as a Democrat, appointed;

John R. Stulp, D.V.M. of Lamar, Colorado, to serve as a member with substantial experience in production agriculture and as a Democrat, reappointed;

Shirley W. Watson of Fort Collins, Colorado, to serve as a citizen at large member and as a Republican, appointed.

Government  
Veterans and  
Military  
Relations and  
Transportation

After consideration on the merits, the committee recommends that **SB02-067** be postponed indefinitely.

Government  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **SB02-112** be referred favorably to the Committee of the Whole.

Government  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **SB02-035** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 14, strike "MAY" and substitute "SHALL".

Government,  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **SB02-147** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 22.

Page 3, strike lines 1 through 15 and substitute the following:

**"SECTION 1.** 38-29-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**38-29-108. Where application for certificates of title made - procedure - bill of sale recording requirement.** (3) AT THE TIME A PURCHASER OF A MANUFACTURED HOME FILES AN APPLICATION FOR A CERTIFICATE OF TITLE WITH AN AUTHORIZED AGENT IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION, THE PURCHASER SHALL ALSO FILE A BILL OF SALE FOR THE MANUFACTURED HOME WITH THE AUTHORIZED AGENT. THE BILL OF SALE SHALL INCLUDE A DESCRIPTION OF THE MANUFACTURED HOME, INCLUDING THE MANUFACTURER AND MODEL THEREOF, THE IDENTIFICATION NUMBER PLACED UPON THE MANUFACTURED HOME FOR IDENTIFICATION PURPOSES, THE NAME OF THE SELLER, THE NAME OF THE PURCHASER, THE DATE OF SALE, AND THE PURCHASE PRICE. THE AUTHORIZED AGENT SHALL RECORD EACH BILL OF SALE FILED IN ITS REAL PROPERTY RECORDS AND SHALL MAKE EACH BILL OF SALE AVAILABLE FOR INSPECTION BY THE PUBLIC, BUT THE FILING OF A BILL OF SALE SHALL NOT GIVE A MANUFACTURED HOME THE STATUS OF REAL PROPERTY. "

Page 1, line 102, strike "SPECIFYING THAT AN";

strike lines 103 through 106 and substitute the following:

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SB02-147

"REQUIRING THE PURCHASER OF A MANUFACTURED HOME TO FILE A BILL OF SALE FOR THE MANUFACTURED HOME AT THE TIME THE PURCHASER FILES AN APPLICATION FOR A CERTIFICATE OF TITLE AND REQUIRING THE RECORDING OF THE BILL OF SALE AS A PUBLIC REAL PROPERTY RECORD."

Government Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that SB02-132 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 13, strike "recyclers." and substitute "recyclers";

line 15, strike "recycler." and substitute "recycler THAT TOW VEHICLES FOR REMUNERATION."

Page 10, after line 2, insert the following:

"(6) (a) AN OPERATOR OR ITS AGENT SHALL, WITHIN FIVE WORKING DAYS AFTER A MOTOR VEHICLE HAS BEEN TOWED, DETERMINE IF THERE IS AN OWNER AND A LIENHOLDER REPRESENTED IN DEPARTMENT RECORDS AND SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE ADDRESS OF THE OWNER AND THE LIENHOLDER. THE COST OF COMPLYING WITH THIS PARAGRAPH (a) SHALL BE CONSIDERED A COST OF TOWING; EXCEPT THAT THE TOTAL OF SUCH COSTS SHALL NOT EXCEED THE LESSER OF ONE HUNDRED DOLLARS OR TEN TIMES THE COST OF NOTIFYING THE OWNER AND LIENHOLDER BY CERTIFIED MAIL. SUCH NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

(I) THE FACT OF POSSESSION, INCLUDING THE DATE POSSESSION WAS TAKEN, THE LOCATION OF STORAGE OF THE MOTOR VEHICLE, AND THE LOCATION FROM WHICH IT WAS TOWED;

(II) THE IDENTITY OF THE OPERATOR POSSESSING THE ABANDONED MOTOR VEHICLE, TOGETHER WITH THE OPERATOR'S BUSINESS ADDRESS AND TELEPHONE NUMBER AND THE CARRIER NUMBER ASSIGNED BY THE PUBLIC UTILITIES COMMISSION; AND

(III) A DESCRIPTION OF THE MOTOR VEHICLE, INCLUDING THE MAKE, MODEL, COLOR, AND YEAR AND THE NUMBER, ISSUING STATE, AND EXPIRATION DATE OF THE LICENSE PLATE, OR ANY OTHER INDICIA OF THE MOTOR VEHICLE'S STATE OF ORIGIN.

(b) THE OPERATOR SHALL NOT BE ENTITLED TO RECOVER ANY DAILY STORAGE FEES FROM THE DAY THE VEHICLE IS TOWED UNTIL THE DAY THE OWNER AND LIENHOLDER ARE NOTIFIED, UNLESS THE OPERATOR REASONABLY ATTEMPTS TO NOTIFY THE OWNER AND LIENHOLDER BY THE DATE SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6). SENDING A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER AND THE LIENHOLDER AS REPRESENTED IN DEPARTMENT RECORDS SHALL BE DEEMED A REASONABLE ATTEMPT TO NOTIFY THE OWNER AND THE LIENHOLDER. FAILURE TO NOTIFY THE OWNER AND THE LIENHOLDER DUE TO THE RECEIPT OF ERRONEOUS INFORMATION FROM THE DEPARTMENT SHALL NOT CAUSE THE LOSS OF SUCH STORAGE FEES ACCRUED FROM THE DATE THE VEHICLE IS TOWED UNTIL THE OWNER AND THE LIENHOLDER RECEIVE SUCH NOTICE."

Page 11, line 26, strike "lien" and substitute "lien, SUBJECT TO THE PROVISIONS OF SECTION 42-4-1804 (6),".

Page 18, line 22, "RECYCLERS." and substitute "RECYCLERS THAT TOW VEHICLES FOR REMUNERATION."

Page 19, strike line 14 and substitute the following:

"PROPERTY shall immediately notify, WITHIN TWO HOURS IF THE JURISDICTION HAS PERSONNEL ON DUTY WHO CAN ASSIGN A CASE NUMBER, OR WITHIN TWENTY-FOUR HOURS IF THE JURISDICTION HAS NO PERSONNEL

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SB02-132

ON DUTY, the".

Page 20, strike lines 25 through 27.

Page 21, strike lines 1 though 6 and substitute the following:

"after a motor vehicle has been towed, determine if there is an owner and a lienholder represented in department records and ~~notify~~ SEND A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE ADDRESS OF the owner and the lienholder ~~by certified mail or by personal delivery of~~ IN DEPARTMENT RECORDS. SUCH NOTICE SHALL INCLUDE the information required by the report set forth in paragraph (b) of this subsection (3). The cost of complying with the provisions of this paragraph (c) shall be considered a cost of towing; except that the total of such costs shall not exceed the lesser of ~~fifty~~ ONE HUNDRED dollars or ten times the cost of notifying the owner and lienholder by certified mail.";

line 9, strike "notifies" and substitute "~~notifies~~ REASONABLY ATTEMPTS TO NOTIFY";

line 11, after the period, add "SENDING A NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER AND THE LIENHOLDER AS REPRESENTED IN DEPARTMENT RECORDS SHALL BE DEEMED A REASONABLE ATTEMPT TO NOTIFY THE OWNER AND THE LIENHOLDER. FAILURE TO NOTIFY THE OWNER AND THE LIENHOLDER DUE TO THE RECEIPT OF ERRONEOUS INFORMATION FROM THE DEPARTMENT SHALL NOT CAUSE THE LOSS OF SUCH STORAGE FEES ACCRUED FROM THE DATE THE VEHICLE IS TOWED UNTIL THE OWNER AND THE LIENHOLDER RECEIVE SUCH NOTICE.".

Page 25, line 17, strike "LIEN" and substitute "LIEN, SUBJECT TO THE PROVISIONS OF SECTION 42-4-1804 (6),".

Page 27, line 19, strike "AND DOCUMENTED COSTS" and substitute "COSTS AND FEES".

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-114** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 13, strike "AND";

line 15, after "FACILITY", insert "AND APPLICANTS FOR SUPERVISORY EMPLOYEE POSITIONS AT THE GUEST CHILD CARE FACILITY";

line 17, after "AND", insert "REQUESTS THE STATE DEPARTMENT";

line 19, after "IN", insert "SECTION";

line 20, strike "TO BE INSANE OR MENTALLY INCOMPETENT";

line 21, strike "OR";

line 22, strike "(8) (a) OR";

strike lines 24 through 27 and substitute the following:

"EMPLOYEE OR TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON AS A SUPERVISORY EMPLOYEE UPON CONFIRMATION OF SUCH A CRIMINAL HISTORY;

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), THE GUEST CHILD CARE FACILITY REQUIRES ALL SUPERVISORY EMPLOYEES AND APPLICANTS FOR SUPERVISORY EMPLOYEE POSITIONS WHO HAVE RESIDED IN THE STATE OF COLORADO FOR FEWER THAN TWO YEARS TO HAVE A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUESTS THE STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN

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SECTION 26-6-104 (7) (a) (I) OR WHETHER THE PERSON HAS BEEN DETERMINED TO HAVE A PATTERN OF MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-104 (8) (b), AND THE GUEST CHILD CARE FACILITY PROHIBITS THE HIRING OF ANY SUCH PERSON AS A SUPERVISORY EMPLOYEE OR TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON AS A SUPERVISORY EMPLOYEE UPON CONFIRMATION OF SUCH A CRIMINAL HISTORY;

(III) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO ACCESS THE STATE CENTRAL REGISTRY OF CHILD PROTECTION TO DETERMINE WHETHER THE SUPERVISORY EMPLOYEE OR APPLICANT FOR A SUPERVISORY EMPLOYEE POSITION IS THE SUBJECT OF A REPORT OF KNOWN OR "

Page 5, line 2, strike "EMPLOYEE." and substitute "EMPLOYEE OR TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON AS A SUPERVISORY EMPLOYEE UPON CONFIRMATION OF SUCH A CRIMINAL HISTORY.;

after line 6, insert the following:

"(IV) (A) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO OBTAIN A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE, WHETHER OR NOT THE CRIMINAL HISTORY BACKGROUND CHECK CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR CRIMES, IF ANY, FOR WHICH THE SUPERVISORY EMPLOYEE OR APPLICANT FOR A SUPERVISORY EMPLOYEE POSITION WAS ARRESTED OR CONVICTED AND THE DISPOSITION THEREOF; AND

(B) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO OBTAIN SUCH INFORMATION CONCERNING THE SUPERVISORY EMPLOYEE OR APPLICANT FOR A SUPERVISORY EMPLOYEE POSITION FROM ANY OTHER RECOGNIZED DATABASE, IF ANY, THAT IS ACCESSIBLE ON A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE BOARD;

(g) (I) THE GUEST CHILD CARE FACILITY REQUIRES ALL OTHER EMPLOYEES OF THE GUEST CHILD CARE FACILITY TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUESTS THE STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-104 (7) (a) (I) OR WHETHER THE PERSON HAS BEEN DETERMINED TO HAVE A PATTERN OF MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-104 (8) (b), AND THE GUEST CHILD CARE FACILITY TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON AS AN EMPLOYEE UPON CONFIRMATION OF SUCH A CRIMINAL HISTORY;

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE GUEST CHILD CARE FACILITY REQUIRES ALL EMPLOYEES, OTHER THAN SUPERVISORY EMPLOYEES, WHO HAVE RESIDED IN THE STATE OF COLORADO FOR FEWER THAN TWO YEARS TO HAVE A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUESTS THE STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-104 (7) (a) (I) OR WHETHER THE PERSON HAS BEEN DETERMINED TO HAVE A PATTERN OF MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-104 (8) (b), AND THE GUEST CHILD CARE FACILITY TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON AS AN EMPLOYEE UPON CONFIRMATION OF SUCH A CRIMINAL HISTORY;

(III) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO ACCESS THE STATE CENTRAL REGISTRY OF CHILD PROTECTION TO DETERMINE WHETHER THE EMPLOYEE IS THE SUBJECT OF A REPORT OF KNOWN OR SUSPECTED CHILD ABUSE, AND THE GUEST CHILD CARE FACILITY TERMINATES THE EMPLOYMENT OF ANY SUCH PERSON. PURSUANT TO SECTION 19-1-307 (2) (k), C.R.S., CENTRAL REGISTRY

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SB02-114

INFORMATION SHALL BE MADE AVAILABLE IF A PERSON'S NAME IS ON THE CENTRAL REGISTRY OF CHILD PROTECTION OR HAS BEEN DESIGNATED AS "STATUS PENDING" PURSUANT TO SECTION 19-3-313 (5.5) (b), C.R.S.;

(IV) (A) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO OBTAIN A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE, WHETHER OR NOT THE CRIMINAL HISTORY BACKGROUND CHECK CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR CRIMES, IF ANY, FOR WHICH THE EMPLOYEE WAS ARRESTED OR CONVICTED AND THE DISPOSITION THEREOF; AND

(B) THE GUEST CHILD CARE FACILITY REQUESTS THE STATE DEPARTMENT TO OBTAIN SUCH INFORMATION CONCERNING THE EMPLOYEE FROM ANY OTHER RECOGNIZED DATABASE, IF ANY, THAT IS ACCESSIBLE ON A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE BOARD; AND

(h) THE GUEST CHILD CARE FACILITY MAINTAINS THE FOLLOWING EMPLOYEE-TO-CHILD RATIOS AT ALL TIMES WHEN THE FACILITY IS OPERATING:

(I) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY FIVE CHILDREN AGES SIX WEEKS TO EIGHTEEN MONTHS;

(II) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY FIVE CHILDREN AGES TWELVE MONTHS TO THIRTY-SIX MONTHS;

(III) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY SEVEN CHILDREN AGES TWENTY-FOUR MONTHS TO THIRTY-SIX MONTHS;

(IV) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY EIGHT CHILDREN AGES TWO AND ONE-HALF YEARS TO THREE YEARS;

(V) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY TEN CHILDREN AGES THREE YEARS TO FOUR YEARS;

(VI) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY TWELVE CHILDREN AGES FOUR YEARS TO FIVE YEARS;

(VII) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY FIFTEEN CHILDREN AGES FIVE YEARS OF AGE AND OLDER; AND

(VIII) ONE GUEST CHILD CARE FACILITY EMPLOYEE FOR EVERY TEN CHILDREN IN A MIXED AGE GROUP, AGES TWO AND ONE-HALF YEARS TO SIX YEARS.";

line 7, after "(3)", insert "(a)";

line 8, after "EMPLOYEE", insert "OR TERMINATES THE EMPLOYMENT OF A SUPERVISORY EMPLOYEE";

line 9, after "EMPLOYEE", insert "OR APPLICANT THEREFOR";

strike lines 12 through 27 and substitute the following:

"(b) IF THE GUEST CHILD CARE FACILITY TERMINATES THE EMPLOYMENT OF AN EMPLOYEE AS A RESULT OF THE INFORMATION DISCLOSED IN AN INVESTIGATION OF THE EMPLOYEE PURSUANT TO PARAGRAPH (g) OF SUBSECTION (2) OF THIS SECTION, THE GUEST CHILD CARE FACILITY SHALL NOT BE SUBJECT TO CIVIL LIABILITY FOR SUCH TERMINATION OF EMPLOYMENT.

(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (f) OR (g) OF SUBSECTION (2) OF THIS SECTION, NO PROSPECTIVE INTERNATIONAL EMPLOYEE OF A GUEST CHILD CARE FACILITY SHALL BE REQUIRED TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY CHECK. EVERY SUCH INTERNATIONAL EMPLOYEE SHALL SIGN A STATEMENT THAT AFFIRMATIVELY STATES THAT HE OR SHE HAS NOT BEEN CONVICTED OF

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SB02-114

ANY OF THE CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-104 (7) (a) (I) AND DOES NOT HAVE A PATTERN OF MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-104 (8) (b).

(5) NO GUEST CHILD CARE FACILITY EMPLOYEE OR SUPERVISORY EMPLOYEE APPLICANT WHO HAS OBTAINED A FINGERPRINT-BASED CRIMINAL HISTORY CHECK PURSUANT TO PARAGRAPH (f) OR (g) OF SUBSECTION (2) OF THIS SECTION, OR PURSUANT TO SUBSECTION (6) OF THIS SECTION, SHALL BE REQUIRED TO OBTAIN A NEW FINGERPRINT-BASED CRIMINAL HISTORY CHECK IF HE OR SHE RETURNS TO A GUEST CHILD CARE FACILITY TO WORK IN SUBSEQUENT SEASONS. THE STATE DEPARTMENT SHALL MAINTAIN THE RESULTS OF THE INITIAL BACKGROUND CHECK AND RECEIVE SUBSEQUENT NOTIFICATION OF ACTIVITY ON THE RECORD FOR THE PURPOSE OF REDETERMINING, IF NECESSARY, WHETHER THE EMPLOYEE OR SUPERVISORY EMPLOYEE APPLICANT HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-104 (7) (a) (I), OR WHETHER THE EMPLOYEE OR SUPERVISORY EMPLOYEE APPLICANT HAS A PATTERN OF MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-108 (8) (b), AND THE GUEST CHILD CARE FACILITY SHALL CONTACT THE STATE DEPARTMENT FOR INFORMATION CONCERNING SUBSEQUENT CONVICTIONS, IF ANY, PRIOR TO REHIRING SUCH EMPLOYEE.

(6) THE REQUIREMENTS OF PARAGRAPHS (f) AND (g) OF SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY TO THOSE EMPLOYEES OF GUEST CHILD CARE FACILITIES CONCERNING WHOM CRIMINAL HISTORY BACKGROUND CHECKS WERE CONDUCTED ON OR AFTER JULY 1, 2001, AND BEFORE JULY 1, 2002, FOR PURPOSES OF STATE CHILD CARE LICENSURE REQUIREMENTS.

(7) FOR PURPOSES OF THIS SECTION, A "GUEST CHILD CARE FACILITY" DOES NOT INCLUDE A SKI SCHOOL. FOR PURPOSES OF THIS SECTION, "SKI SCHOOL" MEANS A SCHOOL LOCATED AT THE SKI AREA IN WHICH THE GUEST CHILD CARE FACILITY IS LOCATED FOR PURPOSES OF TEACHING CHILDREN HOW TO SKI OR SNOWBOARD.

**SECTION 3.** 19-1-307 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**19-1-307. Dependency and neglect records and information.**  
(2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(r) THE DEPARTMENT OF HUMAN SERVICES INVESTIGATING AN APPLICANT FOR A SUPERVISORY EMPLOYEE POSITION OR AN EMPLOYEE OF A GUEST CHILD CARE FACILITY PURSUANT TO SECTION 26-6-103.5, C.R.S., WHEN THE APPLICANT OR EMPLOYEE, AS A REQUIREMENT OF APPLICATION FOR EMPLOYMENT, HAS GIVEN WRITTEN AUTHORIZATION TO THE DEPARTMENT OF HUMAN SERVICES TO OBTAIN REPORTS OF CHILD ABUSE OR NEGLECT OR TO REVIEW THE STATE CENTRAL REGISTRY OF CHILD PROTECTION."

Page 6, strike lines 1 through 8.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-131** 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 16, strike "10-16-104 (3) (b) (II) and (5) (5.5)," and substitute "10-16-104 (3) (b) (II), and (5)";

strike lines 25 and 26, and substitute the following:

**"SECTION 4. Repeal.** 10-16-105 (1), Colorado Revised Statutes, is repealed as follows:"

Page 4, strike lines 2 through 12 and substitute the following:

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SB02-131

~~"benefit plans. (1) Notwithstanding any other provision of this article, the mandatory coverage provision for mental health coverage as specified in section 10-16-104 (5) shall not apply to any small employer who has not provided group sickness and accident insurance to employees after July 1, 1989, or to any small employer who has provided group sickness and accident insurance from a person or entity licensed pursuant to section 10-3-903.5 that did not include mental health coverage after July 1, 1989; except that any small employer who is not required to provide the mental health coverage specified in section 10-16-104 (5) shall be offered the opportunity to purchase such coverage."~~

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-129** be postponed indefinitely.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-146** be referred favorably to the Committee of the Whole 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 **SB02-128** 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 5, strike "APPLICATION." and substitute "APPLICATION AND EXCEPT THAT THE GUARDIAN AD LITEM OR DESIGNATED OFFICIAL SHALL NOT SIGN THE APPLICATION FOR AN INSTRUCTION PERMIT OR A MINOR DRIVER'S LICENSE FOR A CHILD WHO IS PLACED IN A FOSTER CARE HOME WITHOUT FIRST OBTAINING THE CONSENT OF THE FOSTER PARENT."

Page 5, line 3, after the period, add "HOWEVER, NOTHING IN THIS SECTION REQUIRES A FOSTER PARENT TO SIGN AN AFFIDAVIT OF LIABILITY FOR A FOSTER CHILD AND NOTHING IN THIS SECTION PRECLUDES A FOSTER PARENT FROM OBTAINING A NAMED DRIVER'S EXCLUSION ON THE FOSTER PARENT'S INSURANCE POLICY."

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-016** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, strike lines 2 through 18 and substitute the following:

**"SECTION 1.** 30-10-511, Colorado Revised Statutes, is amended to read:

**30-10-511. Sheriff custodian of jail** (1) Except as provided in section 16-11-308.5, C.R.S., the sheriff shall have charge and custody of the jails of his OR HER county, and of the prisoners in the same, and shall supervise them himself OR HERSELF or through his A deputy or jailer, for whose acts he THE SHERIFF and his OR HER sureties shall be liable.

(2) A SHERIFF MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN THE PERSONS HELD IN CUSTODY IN THE JAILS OF HIS OR HER COUNTY. IF A SHERIFF CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE SHERIFF IS ENCOURAGED TO USE THE STANDARDIZED SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

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SB02-016

**SECTION 2.** 17-27-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-27-104. Community corrections programs operated by units of local government, state agencies, or nongovernmental agencies.**

(12) THE ADMINISTRATORS OF A COMMUNITY CORRECTIONS PROGRAM ESTABLISHED PURSUANT TO THIS SECTION MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN THE PERSONS ACCEPTED AND PLACED IN THE COMMUNITY CORRECTIONS PROGRAM. IF THE ADMINISTRATORS CHOOSE TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE ADMINISTRATORS SHALL USE THE STANDARDIZED SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

**SECTION 3.** 17-40-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**17-40-106. Responsibilities of the superintendent.**

(4) THE SUPERINTENDENT MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN OFFENDERS ENTERING THE DIAGNOSTIC CENTER. IF THE SUPERINTENDENT CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE SUPERINTENDENT SHALL USE THE STANDARDIZED SCREENING INSTRUMENT DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION."

Strike pages 4 through 8.

Page 9, strike lines 1 through 20.

Renumber succeeding sections accordingly.

Page 10, strike lines 1 and 2 and substitute the following:

"ILLNESS SCREENING TO A PERSON BEING HELD IN CUSTODY IN A JAIL PRIOR TO TRIAL SHALL NOT BE EXAMINED WITHOUT THE CONSENT OF THE";

line 4, strike "INSTRUMENT OR" and substitute "INSTRUMENT.";

strike lines 5 and 6.

Page 12, strike lines 8 through 27.

Page 13, strike lines 1 through 11 and substitute the following:

**"SECTION 7.** 19-2-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-2-303. Juvenile diversion program - authorized.**

(8) THE DIRECTOR MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN JUVENILES WHO PARTICIPATE IN THE JUVENILE DIVERSION PROGRAM. IF THE DIRECTOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE DIRECTOR SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

**SECTION 8.** Part 4 of article 2 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**19-2-417. Juvenile detention facilities - mental illness screening.**

THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN JUVENILES HELD IN JUVENILE DETENTION FACILITIES. IF THE EXECUTIVE DIRECTOR CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE EXECUTIVE DIRECTOR SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN

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**SB02-016**

ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION.

**SECTION 9.** 19-2-508 (3) (b), Colorado Revised Statutes, is amended to read:

**19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions.** (3) (b) (I) If it appears that any juvenile being held in detention or".

Renumber succeeding sections accordingly.

Page 16, strike lines 17 through 27.

Page 17, strike lines 1 through 18.

Renumber succeeding sections accordingly.

Page 18, strike lines 4 through 15 and substitute the following:

**"19-2-907. Sentencing schedule - options.** (7) THE JUVENILE COURT IN EACH JUDICIAL DISTRICT MAY IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM TO SCREEN JUVENILES SENTENCED PURSUANT TO THIS PART 9. IF THE JUVENILE COURT CHOOSES TO IMPLEMENT A MENTAL ILLNESS SCREENING PROGRAM, THE JUVENILE COURT SHALL USE THE STANDARDIZED MENTAL ILLNESS SCREENING DEVELOPED PURSUANT TO SECTION 16-11.9-102, C.R.S., AND CONDUCT THE SCREENING IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT TO SAID SECTION."

Page 20, strike lines 11 through 27.

Page 21, strike lines 1 through 17.

Renumber succeeding sections accordingly.

Page 24, strike lines 12 through 14.

Renumber succeeding section accordingly.

Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-162** 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 "DESIGNEE." and substitute "DESIGNEE WHO IS ALSO AN EMPLOYEE OF THE DEPARTMENT."

Page 9, strike lines 14 and 15 and substitute the following:

"RULES CONCERNING UTILIZATION DATA AND THE AMOUNT OF SAVINGS";

strike lines 18 through 22 and substitute the following:

"(b) THE DEPARTMENT".

Page 10, strike lines 5 through 11.

Page 12, line 18, strike "INFORMATION." and substitute "INFORMATION INCLUDING THE AMOUNT OF COPAYMENT TO BE PAID BY THE ELIGIBLE PERSON, IF ANY."

Page 13, strike lines 12 through 27.

Page 14, strike lines 1 through 11.

Renumber succeeding section accordingly.

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Health,  
Environment,  
Children &  
Families

After consideration on the merits, the committee recommends that **SB02-047** be postponed indefinitely.

Judiciary

After consideration on the merits, the committee recommends that **SB02-008** be referred favorably to the Committee of the Whole.

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**MESSAGE FROM THE HOUSE**

February 15, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1034, 1059,1087,1104, & SB02-108.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1036, amended as printed in House Journal, February 14, page 393.  
HB02-1123, amended as printed in House Journal, February 14, page 394.  
HB02-1210, amended as printed in House Journal, February 14, page 394.  
HB02-1002, amended as printed in House Journal, February 14, page 395,  
and amended on Third Reading as printed in House Journal, February 15.  
HB02-1168, amended as printed in House Journal, February 14, page 396.  
HB02-1171, amended as printed in House Journal, February 14, pages 396-397.  
HB02-1308, amended as printed in House Journal, February 14, page 397.  
SB02-031, amended as printed in House Journal, February 14, page 394.

The House has adopted and returns herewith SJR02-005.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1034, 1059, 1087, 1104, and SB02-108.  
Without comment, as amended, HB02-1036, 1123, 1210, 1002, 1168, 1171, 1308, and SB02-031.

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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 calendar of Friday, February 15, was laid over until Tuesday, February 19, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, SJR02-005, HJR02-1005.**

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On motion of Senator Thiebaut, the Senate adjourned until 11:00 a.m., Tuesday, February 19, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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