

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

One-hundred-eighteenth Legislative Day

Monday, May 6, 2002

Call to Order By the President at 10:30 a.m.

Roll Call Present--Total, 33.
Absent/Excused--Arnold, Linkhart--Total, 2.
Present later--Arnold, Linkhart.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Friday, May 3, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1450** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **SB02-235** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-231** 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 4, strike "AND" and substitute "OR".

Page 6, line 7, strike "article" and substitute "article";

strike lines 8 and 9 and substitute the following:

~~"relating to the establishment and administration of a deferred compensation plan~~ RELATING TO THE ESTABLISHMENT OR ADMINISTRATION OF ANY PLAN, INCLUDING THE CONSOLIDATION OF ANY ADMINISTRATIVE OR OPERATIONAL FUNCTIONS WITH A SINGLE VENDOR."

Page 7, line 22, strike "LIEU OF" and substitute "ADDITION TO".

Page 8, line 12, strike "invest" and substitute "invest, OR PERMIT PLAN PARTICIPANTS TO INVEST,";

line 19, strike "invest" and substitute "invest, OR PERMIT PLAN PARTICIPANTS TO INVEST,".

Page 9, line 22, strike "ANNUITY CONTRACT OR CERTIFICATE PURCHASED" and substitute "MONEYS, ASSETS, BENEFITS, OR PAYMENTS";

line 26, after the period, add "NOTHING IN THIS SECTION SHALL BE DEEMED TO ALTER ANY GREATER RESTRICTIONS ON LEGAL PROCESS AGAINST THE DEFERRED COMPENSATION PLAN UNDER FEDERAL OR STATE LAW.".

Page 11, strike lines 26 and 27 and substitute the following:

"COMMITTEE PURSUANT TO THIS PART 2.".

Page 12, strike lines 1 through 4 and substitute the following:

SB02-231

"ANY SUCH DEFINED CONTRIBUTION PLAN MAY PROVIDE";

line 7, strike "BY THE COMMITTEE:" and substitute "OR ADMINISTERED BY THE COMMITTEE PURSUANT TO THIS PART 2:";

line 11, strike "CONTRACTS FOR SUCH DEFINED CONTRIBUTION PLANS" and substitute "INVESTMENT PRODUCTS";

strike lines 14 through 19.

Renumber succeeding subparagraphs accordingly.

Page 12, strike lines 26 and 27 and substitute the following:

"INVESTMENT PRODUCTS; AND".

Page 13, strike lines 20 through 23 and substitute the following:

"FUND OR ANY OTHER FUND. ANY FEES OR OTHER MONEYS IN EXCESS";

line 25, strike "LIEU OF" and substitute "ADDITION TO".

Page 14, after line 25, insert the following:

"(6) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO IMPAIR ANY EXISTING CONTRACT WITH A VENDOR."

Page 17, strike lines 7 and 8 and substitute the following:

"APPLICATION, WHERE REQUIRED, DESIGNATING THE INVESTMENT PRODUCT OR PRODUCTS SELECTED BY THE ELIGIBLE EMPLOYEE FOR INVESTMENT UNDER THE DEFINED CONTRIBUTION PLAN."

Government,
Veterans and
Military
Relations and
Transportation

After consideration on the merits, the committee recommends that **HB02-1455** be referred favorably to the Committee on Appropriations.

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1003** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 1. 10-16-102 (10) (b) (II) and (40), Colorado Revised Statutes, are amended to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(10) (b) "Case characteristics" are limited to the following demographic characteristics:

(II) Geographic location of the policyholder ~~including the following location categories only, unless the commissioner determines that, based on differences in medical costs for certain counties described in sub-subparagraphs (B) or (C), or both, of this subparagraph (II), certain counties should be included in one or more separate geographic location categories that the commissioner may establish:~~

~~(A) Counties in Colorado that are part of a primary metropolitan statistical area or a metropolitan statistical area; except that different primary metropolitan statistical areas and metropolitan statistical areas may have different rates;~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

~~(B) Counties in Colorado with a population of twenty thousand or fewer residents; and~~

~~(C) All other counties in Colorado;~~ AS DETERMINED BY RULE OF THE COMMISSIONER PURSUANT TO SECTION 10-16-104.7;

(40) (a) "Small employer" means any person, firm, corporation, partnership, or association that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, the majority of whom were employed within this state and that was not formed primarily for the purpose of purchasing insurance. ~~On and after January 1, 1996,~~ "Small employer" includes a business group of one. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer.

(b) IN ORDER TO BE CLASSIFIED AS A SMALL EMPLOYER WITH MORE THAN ONE EMPLOYEE WHEN ONLY ONE EMPLOYEE ENROLLS IN THE SMALL EMPLOYER'S HEALTH BENEFIT PLAN, THE SMALL EMPLOYER SHALL SUBMIT TO THE SMALL EMPLOYER CARRIER THE TWO MOST RECENT QUARTERLY EMPLOYMENT AND TAX STATEMENTS SUBSTANTIATING THAT THE EMPLOYER HAD TWO OR MORE ELIGIBLE EMPLOYEES. SUCH SMALL EMPLOYER GROUP SHALL ALSO MEET THE PARTICIPATION REQUIREMENTS OF THE SMALL EMPLOYER CARRIER.

SECTION 2. 10-16-105 (7.2), the introductory portion to 10-16-105 (7.3) (c) (II), 10-16-105, (7.6) (a) (I), and (8) (f) (II), Colorado Revised Statutes, are amended to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans. (7.2) The commissioner shall promulgate rules to implement a basic health benefit plan and a standard health benefit plan to be offered by each small employer carrier as a condition of transacting business in this state. Such rules shall be ~~effective January 1, 1995,~~ and in conformity with the provisions of article 4 of title 24, C.R.S., AND SHALL INCORPORATE THE FOLLOWING:

(a) THE STANDARD HEALTH BENEFIT PLAN SHALL REFLECT THE BENEFIT DESIGN OF COMMON PLAN OFFERINGS IN THE SMALL GROUP MARKET; AND

(b) THE BASIC HEALTH BENEFIT PLAN SHALL REFLECT ONE OF THE FOLLOWING BENEFIT DESIGNS:

(I) COVERAGE THAT MEETS THE REQUIREMENTS FOR A HIGH DEDUCTIBLE HEALTH PLAN FOR THE PURPOSES OF QUALIFYING FOR A FEDERAL MEDICAL SAVINGS ACCOUNT; EXCEPT THAT HEALTH MAINTENANCE ORGANIZATION BASIC HEALTH BENEFIT PLANS SHALL REFLECT A SHARING OF HIGHER CONSUMER COSTS THROUGH HIGHER COPAYMENTS INSTEAD OF DEDUCTIBLE AMOUNTS. SUCH HEALTH INSURANCE SHALL BE OFFERED IN CONJUNCTION WITH A MEDICAL SAVINGS ACCOUNT, AS DEFINED IN SECTION 39-22-504.7, C.R.S., OR AN ACCOUNT OR OTHER MECHANISM AS DEFINED IN FEDERAL LAW THAT IS COMPARABLE TO A MEDICAL SAVINGS ACCOUNT, WHICH ACCOUNT OR MECHANISM SHALL REFLECT AN EMPLOYER CONTRIBUTION OF NOT LESS THAN ONE HUNDRED PERCENT OF THE AMOUNT PAID BY THE EMPLOYER FOR EACH INDIVIDUAL EMPLOYEE UP TO SEVENTY-FIVE PERCENT OF THE AMOUNT OF THE DEDUCTIBLE; EXCEPT THAT A BUSINESS GROUP OF ONE MAY NOT CONTRIBUTE MORE THAN THE BUSINESS GROUP OF ONE'S NET INCOME TO A MEDICAL SAVINGS ACCOUNT OR MORE THAN SIXTY-FIVE PERCENT OF THE DEDUCTIBLE AMOUNT OF THE PLAN. A MEDICAL SAVINGS ACCOUNT MAY BE ACCESSED THROUGH A DEBIT CARD SYSTEM.

(II) A HEALTH BENEFIT PLAN THAT HAS A DEDUCTIBLE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS IN WHICH THE COVERED PERSON IS RESPONSIBLE AFTER THE FIRST ONE THOUSAND DOLLARS OF COVERAGE HAS BEEN PROVIDED BY AN EMPLOYER IN A MANNER SIMILAR TO A PERSONAL CARE ACCOUNT; OR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

(III) A BASIC HEALTH BENEFIT PLAN AS DETERMINED BY RULE BY THE COMMISSIONER.

(7.3) (c) (II) In the case of a small employer carrier that establishes more than one class of business, as defined in sections 10-8-602 (3.5) and 10-16-102 (11), the small employer carrier shall offer to eligible small employers at least one basic health benefit plan and at least one standard health benefit plan for each type of plan it offers in the general market, including traditional indemnity, preferred provider, HIGH DEDUCTIBLE HEALTH PLAN, and health maintenance organization in each class of business so established. A small employer carrier may apply reasonable criteria in determining whether to accept a small employer into a class of business if:

(7.6) (a) No small employer carrier is required to accept applications from or offer coverage pursuant to paragraph (a) of subsection (7.3) of this section:

(I) To a small employer, where the employer is not physically located in the small employer carrier's established geographic service area, EXCEPT AS PROVIDED IN SECTION 10-16-704 (a);

(8) (f) The commissioner may establish ~~regulations~~ RULES to implement the provisions of this subsection (8) and to assure that rating practices used by small employer carriers are consistent with the purposes of this subsection (8), including ~~regulations~~ RULES that:

(II) Prescribe the manner in which case characteristics THAT ARE CONSISTENT WITH SECTION 10-16-104.7 may be used by small employer carriers.

SECTION 3. 10-16-116, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-116. Catastrophic health insurance - coverage.

(3) INSURERS SHALL PROVIDE A WRITTEN DISCLOSURE TO A COVERED PERSON THAT INDICATES THE MANDATED BENEFITS OF SECTION 10-16-104 (1), (1.7), (4), (5), (5.5), (8), (9), (10), (11), (12), (13), AND (14) ARE COVERED BENEFITS OF THE HIGH DEDUCTIBLE HEALTH PLAN OFFERED PURSUANT TO SECTION 10-16-105 (7.2) (b) (I).

SECTION 4. 10-16-118 (1) (a) (I), Colorado Revised Statutes, is amended to read:

10-16-118. Limitations on preexisting condition limitations.

(1) A health coverage plan that covers residents of this state:

(a) (I) If it is a group health benefit plan, shall not deny, exclude, or limit benefits for a covered individual because of a preexisting condition for losses incurred more than six months following the date of enrollment of the individual in such plan or, if earlier, the first day of the waiting period for such enrollment; EXCEPT THAT, FOR BUSINESS GROUPS OF ONE, A HEALTH BENEFIT PLAN SHALL NOT DENY, EXCLUDE, OR LIMIT BENEFITS FOR A COVERED INDIVIDUAL BECAUSE OF A PREEXISTING CONDITION FOR LOSSES INCURRED MORE THAN TWELVE MONTHS FOLLOWING THE DATE OF ENROLLMENT OF THE INDIVIDUAL IN SUCH PLAN. A group health benefit plan may impose a preexisting condition exclusion or limitation only if such exclusion relates to a condition (whether physical or mental), regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within six months immediately preceding the date of enrollment of the individual in such plan or, if earlier, the first day of the waiting period for such enrollment; except that a group health benefit plan shall not impose any preexisting condition exclusion in the case of a child that is adopted or placed for adoption before attaining eighteen years of age, or relating to pregnancy.

SECTION 5. 10-16-119 (2) (c), Colorado Revised Statutes, is amended to read:

10-16-119. Requirements for excess loss insurance used in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

conjunction with self-insured employer benefit plans under the federal "Employee Retirement Income Security Act". (2) All excess loss insurance shall be issued to cover the employer's liability under the employer's self-insured obligation. Excess loss insurance shall meet the following requirements:

(c) ~~(f)~~ Effective COMMENCING WITH POLICIES ISSUED OR RENEWED ON AND AFTER January 1, 1995 2003, the minimum retention to the employer shall be no less than ten FIFTEEN thousand dollars per person per plan year with a minimum one hundred twenty percent of expected claims aggregate. ~~except as provided in subparagraph (H) of this paragraph (c).~~

~~(H) For excess loss policies issued and in force prior to January 1, 1995, the minimum retention to the employer shall be no less than five thousand dollars per person per plan year through December 31, 1995, with a minimum one hundred twenty percent of expected claims aggregate. Effective on policy anniversary dates occurring on and after January 1, 1996, such policies shall comply with the provisions of subparagraph (f) of this paragraph (c).~~

SECTION 6. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-104.7. Geographic areas for small employers. (1) THE COMMISSIONER SHALL PROMULGATE A RULE CONCERNING GEOGRAPHIC CASE CHARACTERISTICS, WHICH MAY INCLUDE METROPOLITAN STATISTICAL AREAS FOR SMALL EMPLOYERS. IN PROMULGATING SUCH RULE, THE COMMISSIONER SHALL TAKE TESTIMONY FROM ALL INTERESTED PARTIES, INCLUDING, BUT NOT LIMITED TO, CONSUMER ADVOCATES AND CONSUMERS, INSURERS, HEALTH CARE PROVIDERS, THE STATE DEMOGRAPHER, AND PRODUCERS. THE RULE SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING FEATURES:

(a) IF THE RULE ESTABLISHES SEPARATE GEOGRAPHIC AREAS, IN RATE FILINGS TO THE COMMISSIONER A CARRIER SHALL BE REQUIRED TO SHOW THAT RATES REFLECT A RELATIVITY TO RATES FOR OTHER AREAS IN THE STATE AND THAT RATES AND RELATIVITIES ARE NOT EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY IN SUCH GEOGRAPHIC AREAS;

(b) THE RULE SHALL CONTAIN A DETERMINATION OF THE APPROPRIATE POPULATION BASE FOR STATISTICAL RELIABILITY IN DETERMINING GEOGRAPHIC AREAS OR METROPOLITAN STATISTICAL AREAS;

(c) (I) THE RULE SHALL PROVIDE JUSTIFICATIONS OF WHY ANY SEPARATE GEOGRAPHIC AREAS, WHICH MAY INCLUDE METROPOLITAN STATISTICAL AREAS, SERVE THE PUBLIC INTEREST IN REGARD TO ENSURING THAT PREMIUM RATES FOR DIFFERENT GEOGRAPHIC AREAS OF THE STATE ARE NOT EXCESSIVE, MANDATORY, OR UNFAIRLY DISCRIMINATORY;

(II) IF THE COMMISSIONER DETERMINES THAT METROPOLITAN STATISTICAL AREAS ARE NO LONGER THE BEST METHOD FOR ADDRESSING GEOGRAPHIC CASE CHARACTERISTICS, THE COMMISSIONER SHALL PROVIDE DETAILED JUSTIFICATIONS CONCERNING THE SEPARATE GEOGRAPHIC AREAS, IN CONNECTION WITH WHICH THE COMMISSIONER SHALL MAKE PUBLIC THE IMPACT THE GEOGRAPHIC CASE CHARACTERISTICS MAY HAVE ON INSURANCE PREMIUMS FOR THE SEPARATE GEOGRAPHIC AREAS; AND

(d) IN ADOPTING SUCH RULE, THE COMMISSIONER MAY CONSIDER THE COST OF HEALTH CARE IN A GEOGRAPHIC AREA, EXPERIENCE OF HEALTH CARE OF ANY SEPARATE GEOGRAPHIC AREA, AND INFORMATION INCLUDING ACTUARIAL OPINIONS OR CERTIFICATIONS AND SET LOSS RATIOS FOR LOSS RATIO GUARANTEES SUBMITTED BY SMALL EMPLOYER CARRIERS PURSUANT TO SECTION 10-16-107 (1). THE COST OF HEALTH CARE AND EXPERIENCE AND THE POPULATION THAT MAY BE SERVED MAY BE A CONSIDERATION WHEN DETERMINING WHETHER SEPARATE GEOGRAPHIC CASE CHARACTERISTICS ARE NECESSARY, BUT SHALL NOT BE THE SOLE FACTORS OF SEPARATE GEOGRAPHIC CASE CHARACTERISTICS, NOR SHALL IT COMPROMISE THE PUBLIC INTEREST OF INSURED AND POTENTIAL INSURED OF THIS STATE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

SECTION 7. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-124. Reimbursement to nurses. IN COUNTIES OF THE STATE THAT ARE NEITHER PART OF A METROPOLITAN STATISTICAL AREA NOR A PRIMARY STATISTICAL AREA, A CARRIER OFFERING A HEALTH BENEFIT PLAN SHALL NOT DISCRIMINATE BETWEEN A PHYSICIAN AND AN ADVANCE PRACTICE NURSE NOT PRACTICING UNDER THE DIRECTION OF A PHYSICIAN WHEN ESTABLISHING REIMBURSEMENT RATES FOR COVERED SERVICES THAT COULD BE PROVIDED BY AN ADVANCE PRACTICE NURSE OR A PHYSICIAN.

SECTION 8. 10-16-201.5 (1) (d), Colorado Revised Statutes, is amended to read:

10-16-201.5. Renewability of health benefit plans - modification of health benefit plans. (1) A carrier providing coverage under a health benefit plan shall not discontinue coverage or refuse to renew such plan except for the following reasons:

(d) (I) The carrier elects to discontinue offering and nonrenew all of its individual, small group, or large group health benefit plans delivered or issued for delivery in this state. In such case the carrier shall provide notice of the decision to discontinue or not to renew coverage to all policyholders and covered persons and to the insurance commissioner in each state in which an affected individual is known to reside at least one hundred eighty days prior to the discontinuance or nonrenewal of the health benefit plan by the carrier. The carrier shall also discontinue and nonrenew all of its individual or small or large group health benefit plans in Colorado. Notice to the insurance commissioner under this paragraph (d) shall be provided at least three working days prior to the notice to the affected individuals.

(II) IF A CARRIER DISCONTINUES COVERAGE COMPLETELY FROM A MARKET SEGMENT AND OTHERWISE REMAINS IN THE MARKET, THE CARRIER SHALL CONTINUE TO PROVIDE COVERAGE THROUGH THE FIRST RENEWAL PERIOD NOT TO EXCEED TWELVE MONTHS AFTER THE NOTICE PROVIDED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (d).

SECTION 9. 10-16-407 (2), Colorado Revised Statutes, is amended to read:

10-16-407. Information to enrollees. (2) Every health maintenance organization shall clearly state in its brochures, contracts, policy manuals, and printed materials distributed to enrollees that such enrollees shall have the option of calling the local prehospital emergency medical service system by dialing the emergency telephone access number 9-1-1 or its local equivalent whenever an enrollee is confronted with a life or limb threatening emergency. For the purposes of this section, a "life or limb threatening emergency" means any event ~~which the enrollee believes~~ THAT A PRUDENT LAY PERSON WOULD BELIEVE threatens his or her life or limb in such a manner that a need for immediate medical care is created to prevent death or serious impairment of health. No enrollee shall in any way be discouraged from using the local prehospital emergency medical service system, the 9-1-1 telephone number, or the local equivalent, or be denied coverage for medical and transportation expenses incurred as a result of such use in a life or limb threatening emergency.

SECTION 10. 10-16-402 (2) (c), Colorado Revised Statutes, is amended to read:

10-16-402. Issuance of certificate of authority - denial. (2) The commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to section 10-16-401 within thirty days of receipt of the certification from the executive director. Issuance of a certificate of authority shall be granted upon payment of the application fee prescribed in section 10-16-110 (2) if the commissioner is satisfied that the following conditions are met:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

(c) The health maintenance organization will effectively provide or arrange for the provision of basic health care services on a prepaid basis, through insurance or otherwise, except to the extent of reasonable requirements for copayments, DEDUCTIBLES, AND PAYMENTS FOR OUT-OF-NETWORK SERVICES RECEIVED PURSUANT TO SECTION 10-16-704 (2);

SECTION 11. 10-16-704 (1) (c), (9) (a.7), and (9) (b) (II), Colorado Revised Statutes, are amended to read:

10-16-704. Network adequacy. (1) A carrier providing a managed care plan shall maintain a network that is sufficient in numbers and types of providers to assure that all covered benefits to covered persons will be accessible without unreasonable delay. In the case of emergency services, covered persons shall have access to health care services twenty-four hours per day, seven days per week. Sufficiency shall be determined in accordance with the requirements of this section and may be established by reference to any reasonable criteria used by the carrier, including but not limited to:

(c) Geographic accessibility, WHICH IN SOME CIRCUMSTANCES MAY REQUIRE THE CROSSING OF COUNTY OR STATE LINES;

(9) Beginning January 1, 1998, a carrier shall maintain and make available upon request of the commissioner, the executive director of the department of public health and environment, or the executive director of the department of health care policy and financing, in a manner and form that reflects the requirements specified in paragraphs (a) to (k) of this subsection (9), an access plan for each managed care network that the carrier offers in this state. The carrier shall make the access plans, absent confidential information as specified in section 24-72-204 (3), C.R.S., available on its business premises and shall provide them to any interested party upon request. In addition, all health benefit plans and marketing materials shall clearly disclose the existence and availability of the access plan. All rights and responsibilities of the covered person under the health benefit plan, however, shall be included in the contract provisions, regardless of whether or not such provisions are also specified in the access plan. The carrier shall prepare an access plan prior to offering a new managed care network and shall update an existing access plan whenever the carrier makes any material change to an existing managed care network, but not less than annually. The access plan of a carrier offering a managed care plan shall demonstrate the following:

(a.7) Geographic accessibility, which in some circumstances may require the crossing of county OR STATE lines; and

(b) A carrier offering a managed care plan shall maintain procedures for making referrals within and outside its network that, at a minimum, must include the following:

(II) (A) A provision that referral options cannot be restricted to less than all providers in the network that are qualified to provide covered specialty services; EXCEPT THAT A HEALTH MAINTENANCE ORGANIZATION MAY OFFER VARIABLE DEDUCTIBLES AND COPAYMENTS TO ENCOURAGE THE SELECTION OF CERTAIN PROVIDERS.

(B) A HEALTH MAINTENANCE ORGANIZATION THAT OFFERS VARIABLE DEDUCTIBLES AND COPAYMENTS SHALL PROVIDE ADEQUATE AND CLEAR DISCLOSURE, AS REQUIRED BY LAW, OF VARIABLE DEDUCTIBLES AND COPAYMENTS TO ENROLLEES, AND THE AMOUNT OF ANY DEDUCTIBLE OR COPAYMENT SHALL BE REFLECTED ON THE BENEFIT CARD PROVIDED TO THE ENROLLEES.

SECTION 12. 10-16-704 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

10-16-704. Network adequacy. (2) (g) A HEALTH MAINTENANCE ORGANIZATION OFFERING HEALTH BENEFITS IN THIS STATE MAY:

(I) OFFER HEALTH BENEFIT COVERAGE IN ACCORDANCE WITH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

PARAGRAPH (i) OF THIS SUBSECTION (2) TO A SMALL EMPLOYER THAT DOES NOT RESIDE, OR WHOSE EMPLOYEES DO NOT RESIDE, WITHIN THE HEALTH MAINTENANCE ORGANIZATION'S GEOGRAPHIC SERVICE AREA.

(II) OFFER HEALTH BENEFIT COVERAGE IN ACCORDANCE WITH PARAGRAPH (i) OF THIS SUBSECTION (2) IN A GEOGRAPHIC AREA WITHIN THE CARRIER'S SERVICE AREA IN WHICH A HEALTH MAINTENANCE ORGANIZATION IS UNABLE TO MAINTAIN AN ADEQUATE NETWORK AND IS ABLE TO DEMONSTRATE TO THE COMMISSIONER UPON REQUEST THAT THE CARRIER HAS MADE UNSUCCESSFUL GOOD FAITH EFFORTS TO CONTRACT WITH LOCAL PROVIDERS ON REASONABLE TERMS; OR

(III) A HEALTH MAINTENANCE ORGANIZATION THAT ELECTS TO OFFER COVERAGE PURSUANT TO PARAGRAPH (g) OF THIS SECTION (2) SHALL OFFER SUCH COVERAGE WITHIN A GEOGRAPHIC AREA CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (7.3) OF SECTION 10-16-105.

(h) THE HEALTH MAINTENANCE ORGANIZATION SHALL PROVIDE A DISCLOSURE TO A SMALL EMPLOYER AND ITS EMPLOYEES WHO PURCHASE HEALTH INSURANCE COVERAGE UNDER THE CIRCUMSTANCE DESCRIBED IN THIS PARAGRAPH (h). SUCH DISCLOSURE SHALL ALSO BE GIVEN IN WRITING TO ALL INTERESTED POLICYHOLDERS AND CERTIFICATE HOLDERS AS PART OF THE SALES AND MARKETING MATERIALS BEFORE THE INSURER OR ENTITY APPROVES AN APPLICATION FOR INSURANCE FROM AN INSURED. THE DISCLOSURE SHALL CONTAIN THE FOLLOWING STATEMENT: "INTERESTED POLICYHOLDERS, CERTIFICATE HOLDERS, AND ENROLLEES ARE HEREBY GIVEN NOTICE THAT THIS SMALL GROUP POLICY REQUIRES THAT AN INSURED TRAVEL OUTSIDE OF THE GEOGRAPHIC AREA TO RECEIVE COVERED HEALTH BENEFITS."

(i) (I) A HEALTH MAINTENANCE ORGANIZATION THAT OFFERS COVERAGE PURSUANT TO THIS SECTION MAY REQUIRE THAT A COVERED PERSON TRAVEL A REASONABLE DISTANCE BEYOND THE AREA SPECIFIED UNDER SECTION 10-16-704 (6) IN ORDER TO RECEIVE SERVICES FROM A PARTICIPATING PROVIDER. EXCEPT FOR EMERGENCY SERVICES AND BENEFITS AVAILABLE FOR OUT-OF-NETWORK SERVICES, IN SUCH CASES WHERE THE COVERED PERSON IS REQUIRED TO TRAVEL A REASONABLE DISTANCE TO RECEIVE SERVICES FROM A PARTICIPATING PROVIDER AND KNOWINGLY SEEKS SERVICES FROM A NONPARTICIPATING PROVIDER, THE HEALTH MAINTENANCE ORGANIZATION SHALL BE RESPONSIBLE TO PAY FOR THE LESSER OF:

(A) THE PROVIDER'S BILLED CHARGES;

(B) A NEGOTIATED RATE; OR

(C) IN THE ABSENCE OF A NEGOTIATED RATE, THE GREATER OF THE HEALTH MAINTENANCE ORGANIZATION'S AVERAGE IN-NETWORK RATE FOR THE RELEVANT GEOGRAPHIC AREA OR THE USUAL, CUSTOMARY, AND REASONABLE RATE FOR SUCH GEOGRAPHIC AREA.

(II) UPON REQUEST, THE HEALTH MAINTENANCE ORGANIZATION SHALL DISCLOSE TO THE COVERED PERSON OR THE NONPARTICIPATING PROVIDER WHETHER THE AMOUNT REIMBURSED TO THE NONPARTICIPATING PROVIDER WAS THE NONPARTICIPATING PROVIDER'S BILLED CHARGES, A NEGOTIATED RATE, OR THE GREATER OF THE CARRIER'S AVERAGE IN-NETWORK RATE FOR THE RELEVANT GEOGRAPHIC AREA OR THE USUAL, CUSTOMARY, AND REASONABLE RATE FOR SUCH GEOGRAPHIC AREA.

(j) NOTHING IN PARAGRAPH (i) OF THIS SUBSECTION (2) SHALL REQUIRE EITHER A CARRIER OR A NONPARTICIPATING PROVIDER TO ATTEMPT TO NEGOTIATE A REIMBURSEMENT RATE.

(k) A NONPARTICIPATING PROVIDER MAY BALANCE BILL THE COVERED PERSON IN THE EVENT THAT THE REIMBURSEMENT RATE DESCRIBED IN PARAGRAPH (i) OF THIS SUBSECTION (2) IS NOT EQUAL TO THE PROVIDER'S BILLED CHARGES.

SECTION 13. 10-16-705, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

10-16-705. Requirements for carriers and participating providers. (16) A PROVIDER WHO IS NOT LICENSED TO FURNISH HEALTH CARE SERVICES IN THIS STATE AND WHO PARTICIPATES IN A NETWORK SHALL BE LICENSED IN THE STATE IN WHICH THE PROVIDER PRACTICES AND SHALL MEET MINIMUM STATUTORY AND REGULATORY STANDARDS FOR THAT PROFESSIONAL PRACTICE APPLICABLE IN THIS STATE.

SECTION 14. 10-16-707, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-707. Enforcement. (3) FAILURE OF A PROVIDER TO COMPLY WITH THE REQUIREMENTS OF SECTION 10-16-705 (16) SHALL PRECLUDE A CARRIER FROM CONTRACTING WITH A PROVIDER.

SECTION 15. Part 4 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-408.5. Legislative declaration - state department - disease management programs authorization - report. (1) THE GENERAL ASSEMBLY FINDS THAT, BECAUSE COLORADO IS FACED WITH RISING HEALTH CARE COSTS AND LIMITED RESOURCES, IT IS NECESSARY TO SEEK NEW WAYS TO ENSURE THE AVAILABILITY OF HIGH-QUALITY, COST-EFFICIENT CARE FOR MEDICAID RECIPIENTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT DISEASE MANAGEMENT IS A PATIENT-FOCUSED, INTEGRATED APPROACH TO PROVIDING ALL COMPONENTS OF CARE WITH ATTENTION TO BOTH QUALITY OF CARE AND TOTAL COST. IN ADDITION, THE GENERAL ASSEMBLY FINDS THAT THIS APPROACH MAY INCLUDE COORDINATION OF PHYSICIAN CARE WITH PHARMACEUTICAL AND INSTITUTIONAL CARE. THE GENERAL ASSEMBLY FURTHER FINDS THAT DISEASE MANAGEMENT ALSO ADDRESSES THE VARIOUS ASPECTS OF A DISEASE STATE, INCLUDING MEETING THE NEEDS OF PERSONS WHO HAVE MULTIPLE CHRONIC ILLNESSES. THE GENERAL ASSEMBLY DECLARES THAT THE IMPROVED COORDINATION IN DISEASE MANAGEMENT HELPS TO PROVIDE CHRONICALLY ILL PATIENTS WITH ACCESS TO THE LATEST ADVANCES IN TREATMENT AND TEACHES THEM HOW TO BE ACTIVE PARTICIPANTS IN THEIR HEALTH CARE THROUGH HEALTH EDUCATION, THUS REDUCING TOTAL HEALTH CARE COSTS.

(2) THE STATE DEPARTMENT IS AUTHORIZED TO DEVELOP AND IMPLEMENT DISEASE MANAGEMENT PROGRAMS, FOR FEE-FOR-SERVICE AND PRIMARY CARE PHYSICIAN PROGRAM RECIPIENTS, THAT ARE DESIGNED TO ADDRESS OVER- OR UNDER-UTILIZATION OR THE INAPPROPRIATE USE OF SERVICES OR PRESCRIPTION DRUGS AND THAT MAY AFFECT THE TOTAL COST OF HEALTH CARE UTILIZATION BY A PARTICULAR MEDICAID RECIPIENT WITH A PARTICULAR DISEASE OR COMBINATION OF DISEASES. THE DISEASE MANAGEMENT PROGRAMS SHALL TARGET MEDICAID RECIPIENTS WHO ARE RECEIVING PRESCRIPTION DRUGS OR SERVICES IN AN AMOUNT THAT EXCEEDS GUIDELINES OUTLINED BY THE STATE DEPARTMENT. THE STATE DEPARTMENT SHALL NOT RESTRICT A MEDICAID RECIPIENT'S ACCESS TO THE MOST COST-EFFECTIVE AND MEDICALLY APPROPRIATE PRESCRIPTION DRUGS OR SERVICES. THE STATE DEPARTMENT MAY CONTRACT ON A CONTINGENCY BASIS FOR THE DEVELOPMENT OR IMPLEMENTATION OF THE DISEASE MANAGEMENT PROGRAMS AUTHORIZED IN THIS SUBSECTION (2).

(3) IF THE STATE DEPARTMENT IMPLEMENTS ANY DISEASE MANAGEMENT PROGRAMS AUTHORIZED IN SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AN ESTIMATE OF THE FISCAL IMPLICATIONS GENERATED BY THE IMPLEMENTATION OF THE DISEASE MANAGEMENT PROGRAMS. SUCH REPORT SHALL BE MADE ON OR BEFORE FEBRUARY 1 OF THE YEAR FOLLOWING THE IMPLEMENTATION OF A DISEASE MANAGEMENT PROGRAM AND ON OR BEFORE EACH FEBRUARY 1 THEREAFTER IN WHICH SUCH PROGRAM IS IN PLACE.

SECTION 16. Article 13 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-13-107.5. Nursing - hours of duty - legislative declaration - discrimination prohibited. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE STATE HAS A SUBSTANTIAL INTEREST IN ASSURING THAT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

DELIVERY OF HEALTH CARE SERVICES TO PATIENTS IN HEALTH CARE FACILITIES LOCATED WITHIN THE STATE IS ADEQUATE AND SAFE. RECENT CHANGES IN OUR HEALTH CARE DELIVERY SYSTEM ARE RESULTING IN A HIGHER ACUITY LEVEL AMONG PATIENTS IN HEALTH CARE FACILITIES. POLLING INDICATES THAT HOSPITAL NURSES WORK SUBSTANTIAL OVERTIME HOURS AND THAT NURSES WORKING TWELVE-HOUR SHIFTS WORK THE MOST ADDITIONAL OVERTIME HOURS PER WEEK. MANDATORY OVERTIME AND LENGTHY WORK HOURS FOR DIRECT-CARE NURSES CONSTITUTE A THREAT TO THE HEALTH AND SAFETY OF PATIENTS, ADVERSELY IMPACT THE GENERAL WELL-BEING OF NURSES AND THEIR FAMILIES, AND RESULT IN GREATER ATTRITION OF NURSES, WHICH INCREASES THE LONG-TERM SHORTAGE OF NURSES. THEREFORE, THE GENERAL ASSEMBLY DETERMINES AND DECLARES THAT LIMITS SHOULD BE PUT ON THE NUMBER OF HOURS A NURSE MAY BE REQUIRED TO WORK.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(b) "EMPLOYER" MEANS A COUNTY, CITY AND COUNTY, MUNICIPALITY, THE STATE, OR ANY PRIVATE ENTITY, WHETHER OR NOT ORGANIZED FOR PROFIT, AND ANY OFFICER OR EMPLOYEE THEREOF, THAT EMPLOYS A NURSE.

(c) "NURSE" MEANS A REGISTERED PROFESSIONAL NURSE OR LICENSED PRACTICAL NURSE WHOSE DUTIES ARE RELATED TO DIRECT PATIENT CARE.

(3) IT IS UNLAWFUL FOR ANY EMPLOYER TO REQUIRE ANY PERSON HOLDING ANY POSITION OF EMPLOYMENT AS A NURSE TO BE OR REMAIN ON DUTY IN SUCH EMPLOYMENT DURING ANY CALENDAR MONTH FOR PERIODS OF TIME THAT ARE IN EXCESS OF THE FOLLOWING:

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

(b) TWELVE HOURS DURING A TWENTY-FOUR-HOUR PERIOD; OR

(c) EIGHTY HOURS IN A FOURTEEN-DAY PERIOD.

(4) NOTHING IN THIS SECTION SHALL PROHIBIT A NURSE FROM VOLUNTARILY WORKING OVERTIME HOURS SO LONG AS SUCH NURSE:

(a) DOES NOT WORK MORE THAN SIXTEEN HOURS IN A TWENTY-FOUR-HOUR PERIOD AND HAS AT LEAST EIGHT HOURS OFF BEFORE BEING REQUIRED TO RETURN TO DUTY; OR

(b) DOES NOT WORK MORE THAN SEVEN CONSECUTIVE DAYS WITHOUT AT LEAST ONE CONSECUTIVE TWENTY-FOUR-HOUR PERIOD OFF DUTY.

(5) THIS SECTION SHALL NOT APPLY DURING EMERGENCIES.

(6) A NURSE MAY PURSUE A PRIVATE ACTION IN COURT FOR RELIEF IF HIS OR HER EMPLOYER FAILS TO COMPLY WITH THIS SECTION.

(7) EVERY EMPLOYER SHALL POST IN A CONSPICUOUS AREA THAT IS READILY ACCESSIBLE TO THE MAJORITY OF NURSES NOTICE OF THE LIMITATION OF THE HOURS OF SERVICE REQUIRED BY THIS SECTION.

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

(a) REPORTS A VIOLATION OR SUSPECTED VIOLATION OF THIS SECTION TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

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.

SECTION 17. Part 2 of article 71 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-71-218.7. Encouragement of nursing education programs - legislative declaration. (1) THE CONSORTIUM WORK FORCE INVESTMENT BOARD SHALL ENCOURAGE WORK FORCE INVESTMENT PROGRAMS AND WORK FORCE INVESTMENT AREAS TO ENROLL INDIVIDUALS IN EDUCATIONAL PROGRAMS RELATED TO PRACTICAL NURSING.

(2) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT EDUCATING INDIVIDUALS ELIGIBLE TO RECEIVE MONEYS FROM WELFARE-TO-WORK OR TEMPORARY ASSISTANCE TO NEEDY FAMILIES WILL BENEFIT SUCH INDIVIDUALS. IN ADDITION, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT COLORADO IS FACING A SHORTAGE OF LICENSED PRACTICAL NURSES AND THAT ENCOURAGING INDIVIDUALS TO FOLLOW SUCH A CAREER PATH FURTHER BENEFITS COLORADO AND ITS RESIDENTS.

SECTION 18. 8-71-223, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

8-71-223. Colorado department of labor and employment - functions. (3) THE DEPARTMENT SHALL ENCOURAGE WORK FORCE INVESTMENT AREAS TO INFORM INDIVIDUALS OF THE CAREER POSSIBILITIES IN THE FIELD OF NURSING AND THE AVAILABILITY OF PRACTICAL NURSING EDUCATION PROGRAMS.

SECTION 19. Article 38 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 2
THE NURSING SHORTAGE ALLEVIATION ACT OF 2002

12-38-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT COLORADO IS FACING A SHORTAGE OF NURSES. SUCH SHORTAGE CHALLENGES COLORADO COMMUNITIES TO OBTAIN ADEQUATE NURSING PERSONNEL TO PROVIDE CARE IN MULTIPLE SETTINGS INCLUDING EMERGENCY, ACUTE, LONG-TERM, HOME, AND HOSPICE CARE. THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES IN THE INTERESTS OF THE RESIDENTS OF COLORADO THAT:

(a) COLLABORATION BY THE STATE, PRIVATE ENTITIES, AND THE PUBLIC AND PRIVATE SECTORS WITHIN REGIONS OF THE STATE IS NECESSARY TO IMPROVE RETENTION AND RECRUITMENT OF NURSES;

(b) PUBLIC AND PRIVATE PARTNERSHIPS SHOULD BE CREATED TO SUBSIDIZE AND IMPROVE SALARIES FOR NURSES; AND

(c) A CLEARINGHOUSE OF DATA CONCERNING EMPLOYMENT OPPORTUNITIES FOR REGISTERED NURSES, NURSE PRACTITIONERS, ADVANCED PRACTICE NURSES, CERTIFIED NURSE AIDES, AND OTHER NURSING PROFESSIONALS SHOULD BE CREATED TO PROVIDE INTERESTED PERSONS WITH A CONSOLIDATED OPPORTUNITY TO INVESTIGATE NURSING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

EMPLOYMENT POSITIONS.

12-38-202. Public and private partnership for education and information concerning the nursing shortage - fund. (1) THE BOARD, IN COOPERATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, MAY COLLABORATE WITH PUBLIC AND PRIVATE PERSONS TO IDENTIFY AND ENCOURAGE REMEDIES TO THE SHORTAGE OF NURSES IN COLORADO. SUCH COLLABORATION MAY INCLUDE, BUT NOT BE LIMITED TO, COLLABORATION WITH REPRESENTATIVES FROM HOSPITALS, LONG-TERM CARE FACILITIES, OTHER EMPLOYERS OF NURSES, CONSUMERS, NURSES, ALL INSTITUTIONS OF HIGHER EDUCATION THAT OFFER NURSING EDUCATION PROGRAMS, AND OTHER NONPROFIT ENTITIES THAT HAVE AS A MAJOR PURPOSE THE PROMOTION OF AN ADEQUATE HEALTH CARE WORKFORCE. IT IS THE GENERAL ASSEMBLY'S INTENT THAT SUCH COLLABORATION ENCOURAGE AND SUPPORT PROGRAMS AND INITIATIVES TO ENCOURAGE INDIVIDUALS TO ENTER THE NURSING PROFESSION AND CREATE SHORT-TERM INTERVENTIONS AS WELL AS LONG-TERM STRUCTURES TO MEET THE ESCALATING DEMAND FOR HEALTH CARE ACTIVITIES AND DEAL WITH THE INCREASING COMPLEXITY OF NURSING CARE.

(2) (a) THE BOARD, IN CONSULTATION WITH THE REPRESENTATIVES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, MAY RECOMMEND LEGISLATIVE CHANGES NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN SAID SUBSECTION (1).

(b) THE BOARD IS ENCOURAGED TO IMPLEMENT A PUBLIC EDUCATION-AWARENESS PROGRAM BASED ON RECOMMENDATIONS FROM THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF HIGHER EDUCATION, THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, ALL INSTITUTIONS OF HIGHER EDUCATION THAT OFFER NURSING EDUCATION PROGRAMS, AND REPRESENTATIVES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE BOARD IS AUTHORIZED TO SEEK AND ACCEPT FUNDS, GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE ENTITY FOR IMPLEMENTING THE PUBLIC EDUCATION-AWARENESS PROGRAM OR TO SUPPORT OR IMPLEMENT THE COLLABORATIVE EFFORTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. ANY SUCH FUNDS COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE NURSING SHORTAGE FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE SOLE PURPOSE OF PUBLIC EDUCATION-AWARENESS TRAINING PROGRAMS AND SEMINARS. THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY AVAILABLE FOR THE PURPOSES OF THIS SECTION AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR.

(4) THE PURPOSES AND GOALS OF THE COLLABORATIVE EFFORTS PURSUANT TO SUBSECTION (1) OF THIS SECTION ARE TO PROMOTE AND ENCOURAGE:

(a) COLLABORATION TO ENHANCE THE PUBLIC HEALTH AND SAFETY BY:

(I) ENHANCING CLINICAL COMPETENCY OF NURSES THROUGH SHARED EDUCATION AND TRAINING;

(II) OFFERING A COMMON ASSESSMENT AND INTERVENTION PROGRAM; AND

(III) CREATING A CLEARINGHOUSE OF INFORMATION AND RESOURCES;

(b) ENHANCED TRAINING AND ASSESSMENT EFFORTS BY:

(I) SHARING DEVELOPMENT COURSES;

(II) DEVELOPING A REENTRY PROGRAM FOR NURSES CURRENTLY NOT PRACTICING;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

(III) EXPANDING THE ENROLLMENT OF SPECIALTY DEVELOPMENT COURSES;

(IV) EXPANDING THE ENROLLMENT OF ANNUALLY REQUIRED COMPETENCY AND SKILL DEVELOPMENT TRAINING COURSES; AND

(V) UTILIZING A VARIETY OF METHODOLOGIES INCLUDING, BUT NOT LIMITED TO, DISTANCE LEARNING TECHNOLOGY, MENTORING, PRECEPTORS, INTERNSHIPS, RESIDENCIES, HOSPITAL-BASED TRAINING, AND HIGHER EDUCATION;

(c) IDENTIFICATION OF THE NEEDS OF NURSES RELATED TO LICENSE RENEWAL, SKILL BUILDING, AND COMPETENCY DEVELOPMENT BY:

(I) DEVELOPING EDUCATIONAL OBJECTIVES BASED ON ASSESSMENT FINDINGS;

(II) DESIGNING FOCUSED AND PERSONALIZED EDUCATION PROGRAMS FOR NURSES;

(III) UPGRADING SKILLS AND KNOWLEDGE; AND

(IV) EVALUATING AND DOCUMENTING FULFILLMENT OF EDUCATIONAL AND PERSONAL OBJECTIVES;

(d) DEVELOPMENT OF A NURSING CAREER MODEL FOR COLORADO THAT INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(I) A COLORADO PUBLIC IMAGE AND MESSAGE THAT POSITIVELY IMPACTS THE NURSING PROFESSION;

(II) DEVELOPMENT AND RETENTION STRATEGIES IN ORDER TO ASSEMBLE A COLLECTION OF BEST PRACTICES OF HIRING AND RETAINING NURSES;

(III) REGIONAL COLLABORATIVE PLANS FOR RECRUITMENT TO THE NURSING PROFESSION OF INDIVIDUALS IN SECONDARY SCHOOLS AND INDIVIDUALS WHO ARE NONTRADITIONAL STUDENTS.

(IV) CAREER APTITUDE AND SELF-EVALUATION TOOLS FOR POTENTIAL NURSING STUDENTS;

(V) NURSE ASSESSMENT, CAREER DIRECTION, AND SELF-EVALUATION TOOLS;

(VI) NURSE PROFESSIONAL PORTFOLIO DEVELOPMENT TOOLS, WORKSHOPS, AND COACHING;

(VII) A METHOD TO DEVELOP AND COORDINATE VOLUNTEER NURSES TO SUPPORT MENTORING AND PRECEPTORSHIP; AND

(VIII) CORE, TRANSITIONAL, OR RETOOLING COMPETENCY DEVELOPMENT COURSES FOR NURSES;

(e) NURSING WORK FORCE RESEARCH, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) BEST PRACTICES;

(II) TYPES OF NURSES NEEDED FOR SAFE AND QUALITY CARE;

(III) WORKPLACE FACTORS THAT IMPACT THE QUALITY OF CARE AND JOB SATISFACTION OF NURSES;

(IV) LEARNING MODELS; AND

(V) INDIVIDUAL AND PROGRAM EVALUATIONS AND OUTCOMES;

(f) A CLEARINGHOUSE FOR A SINGLE POINT OF CONTACT TO ACCESS THE SHARED RESOURCES AND INFORMATION ABOUT ACADEMIC, COMMUNITY, PROFESSIONAL, AND STUDENT RESOURCES AND SUPPORT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) DATA COLLECTED ON NURSES AND OTHER NURSING PERSONNEL, INCLUDING DEMOGRAPHICS, AREAS OF PRACTICE, SUPPLY, DEMAND, AND MIGRATION. TO THE EXTENT POSSIBLE, DATA SHALL BE COLLECTED:

(A) FROM EXISTING SOURCES, BUT STEPS MAY BE TAKEN TO COLLECT ADDITIONAL DATA, INCLUDING CONDUCTING SURVEYS; AND

(B) ON A COUNTY OR OTHER APPROPRIATE REGIONAL BASIS;

(II) DATA ON NURSING PERSONNEL ANALYZED TO IDENTIFY TRENDS RELATING TO NUMBERS AND GEOGRAPHICAL DISTRIBUTION, PRACTICE SETTING, AND AREA OF PRACTICE, AND, TO THE EXTENT POSSIBLE, A COMPARISON OF THOSE TRENDS WITH CORRESPONDING NATIONAL TRENDS;

(III) PREDICTIONS OF SUPPLY AND DEMAND FOR NURSING PERSONNEL IN COLORADO, INCLUDING THE DEVELOPMENT OF A SUPPLY AND DEMAND MODEL APPROPRIATE FOR COLORADO.

(5) **Confidentiality.** REPORTS, RECORDS, AND INFORMATION OBTAINED UNDER PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION ARE CONFIDENTIAL, ARE NOT PUBLIC RECORDS, AND SHALL NOT BE SUBJECT TO DISCLOSURE UNDER PARTS 2 AND 3 OF ARTICLE 72 OF TITLE 24, C.R.S.

(6) **Reports.** (a) THE BOARD, THROUGH ITS COLLABORATIVE RELATIONSHIPS, SHALL ENCOURAGE THE COLLECTION AND ANALYSIS OF DATA PURSUANT TO PARAGRAPH (f) OF SUBSECTION (4) OF THIS SECTION AND THE PUBLICATION OF REPORTS REGARDING:

(I) THE EDUCATIONAL AND EMPLOYMENT TRENDS FOR NURSING PERSONNEL;

(II) THE SUPPLY AND DEMAND FOR NURSING PERSONNEL; AND

(III) ANY OTHER ISSUE AS NECESSARY CONCERNING NURSING IN THE STATE.

(b) REPORTS, RECORDS, AND INFORMATION SHALL BE RELEASED IN AN AGGREGATE FORM AND SHALL NOT CONTAIN EMPLOYER-SPECIFIC INFORMATION.

(7) **No advisory committee.** THE BOARD SHALL NOT CREATE AN ADVISORY COMMITTEE TO IMPLEMENT ANY PROVISION OF THIS SECTION.

(8) **Grants.** THE BOARD MAY AUTHORIZE A NONPROFIT ENTITY TO ACT ON ITS BEHALF TO ACCEPT AND ADMINISTER ANY PRIVATE OR FEDERAL GRANTS, GIFTS, OR DONATIONS.

(9) **Rules.** THE BOARD MAY PROMULGATE RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(10) **Fees.** THE BOARD MAY ESTABLISH AND CHARGE A REASONABLE FEE FOR NURSING WORKFORCE DATA, REPORTS PRODUCED, AND STATISTICAL INFORMATION. SUCH FEES SHALL BE CREDITED TO THE NURSING SHORTAGE FUND CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

SECTION 20. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-126. Commission directive - nursing programs. (1) THE GENERAL ASSEMBLY FINDS THAT COLORADO IS FACING A SHORTAGE OF NURSES. IT IS DETERMINED BY THE GENERAL ASSEMBLY THAT BECAUSE NURSES ARE CRUCIAL AND INTEGRAL TO THE HEALTH AND WELFARE OF THE PEOPLE OF COLORADO, IT IS THEREFORE IN THE PUBLIC INTEREST TO ENHANCE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS PURSUING A CAREER IN NURSING.

(2) THE COMMISSION SHALL EVALUATE AND IMPLEMENT TWO-YEAR EDUCATIONAL PROGRAMS FOR PROFESSIONAL REGISTERED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

NURSING. THE COMMISSION SHALL ADOPT ANY NECESSARY POLICIES AND RULES FOR THE IMPLEMENTATION OF A TWO-YEAR PROGRAM FOR PROFESSIONAL REGISTERED NURSING.

SECTION 21. Article 2 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 10
LEGISLATIVE INTERIM COMMITTEE ON
HEALTH CARE SYSTEMS

2-2-1001. Health care systems interim committee - creation - duties - repeal. (1) THERE IS HEREBY CREATED THE HEALTH CARE SYSTEMS INTERIM COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF ANALYZING THE FEASIBILITY OF CREATING A STATE HEALTH PLAN THAT WOULD PROVIDE HEALTH CARE SERVICES, INCLUDING MENTAL HEALTH CARE SERVICES THAT ARE CURRENTLY COVERED, TO A DIVERSE CROSS-SECTION OF THE STATE'S POPULATION. THE COMMITTEE SHALL MEET IN THE INTERIM AFTER THE CONCLUSION OF THE 2002 REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY. THE COMMITTEE SHALL CONSIST OF TEN MEMBERS OF THE GENERAL ASSEMBLY. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE SENATE, THREE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. FIVE MEMBERS OF THE COMMITTEE SHALL BE FROM THE HOUSE OF REPRESENTATIVES AND SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. NO MORE THAN THREE OF THE FIVE MEMBERS FROM THE HOUSE OF REPRESENTATIVES SHALL BE FROM THE SAME POLITICAL PARTY. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT CO-CHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

(2) THE COMMITTEE SHALL STUDY, BUT SHALL NOT LIMIT ITS CONSIDERATION TO, THE FOLLOWING:

(a) WHETHER IT IS FEASIBLE TO IMPLEMENT A STATE HEALTH PLAN THAT PROVIDES COLORADO'S LOW-INCOME FAMILIES AND INDIVIDUALS, SMALL EMPLOYERS, AND STATE EMPLOYEES AND THEIR DEPENDENTS WITH OPTIONS FOR THE PROVISION OF HEALTH CARE SERVICES;

(b) WHICH, IF ANY, CURRENT STATE HEALTH PLANS OR PROGRAMS SHOULD BE COMBINED TO CREATE MORE EFFICIENT ADMINISTRATION, EXPANDED COVERAGE, AND COST SAVINGS TO THE STATE. THE COMMITTEE SHALL CONSIDER, BUT SHALL NOT LIMIT ITS CONSIDERATION TO, THE COLORADO MEDICAL ASSISTANCE ACT, THE CHILDREN'S BASIC HEALTH PLAN, AND COVER COLORADO.

(c) WHETHER A FAMILY HEALTH INSURANCE ASSISTANCE PROGRAM SHOULD BE CREATED TO ASSIST COLORADO FAMILIES IN OBTAINING HEALTH INSURANCE WHEN THEY DO NOT QUALIFY FOR MEDICAL ASSISTANCE PROGRAMS BUT ARE UNABLE TO AFFORD EITHER EMPLOYER-SPONSORED HEALTH INSURANCE OR INDIVIDUAL HEALTH COVERAGE. SUCH PROGRAM MAY INCLUDE SUCH OPTIONS AS ALLOWING PERSONS TO BUY IN TO A CURRENT STATE HEALTH PLAN ON A SLIDING FEE SCALE OR ALLOWING FOR THE PURCHASE OF WRAP-AROUND SERVICES FROM A CURRENT STATE HEALTH PLAN.

(d) HOW PREVIOUS ATTEMPTS TO INCREASE PARTICIPATION IN THE CHILDREN'S BASIC HEALTH PLAN HAVE FALLEN SHORT AND WHAT ADDITIONAL MEASURES CAN BE IMPLEMENTED TO IMPROVE ENROLLMENT IN THE CHILDREN'S BASIC HEALTH PLAN;

(e) WHAT HEALTH CARE SERVICES ARE NECESSARY FOR EVERY COLORADAN, INCLUDING MENTAL HEALTH CARE SERVICES THAT ARE CURRENTLY COVERED, AND WHETHER THE IDENTIFICATION OF STANDARD TREATMENT PROCEDURES FOR THESE HEALTH CARE SERVICES AND SETTING A REIMBURSABLE COST FOR THOSE TREATMENT PROCEDURES WOULD BE FEASIBLE AND COULD RESULT IN AN AFFORDABLE HEALTH CARE BENEFIT PLAN;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

(f) IF STANDARD TREATMENT PROCEDURES AND THE COST OF THOSE PROCEDURES WERE IDENTIFIED TO FACILITATE THE DELIVERY OF HEALTH CARE SERVICES UNDER A STATE HEALTH PLAN, CONSIDERING THE FOLLOWING OPTIONS IN THE IMPLEMENTATION OF SUCH A PLAN:

(I) A PILOT PROGRAM FOR THE STANDARD TREATMENT PROCEDURES AND CORRESPONDING REIMBURSEMENT RATES AND A CORRESPONDING HEALTH BENEFIT PLAN;

(II) A SLIDING FEE SCALE AND OTHER COST-SHARING ARRANGEMENTS INCLUDED IN THE PILOT PROGRAM IN ORDER TO DESIGN A COMPETITIVELY PRICED HEALTH BENEFIT PLAN THAT USES THE STANDARD TREATMENT PROCEDURES AND CORRESPONDING REIMBURSEMENT RATES; AND

(III) ANY NECESSARY ADMINISTRATION TO IMPLEMENT THE PILOT PROGRAM;

(g) WHETHER A STATE HEALTH PLAN COMMISSION SHOULD BE ESTABLISHED TO EVALUATE TRENDS IN HEALTH CARE, MAINTAIN A LIST OF COVERED SERVICES AND STANDARDIZED TREATMENTS AND CORRESPONDING REIMBURSEMENT RATES, EVALUATE PRESCRIPTION DRUG PLANS, AND ADVISE THE GENERAL ASSEMBLY ON THE FUNCTIONING AND SUCCESS OF A STATE HEALTH PLAN;

(h) THE TIME PERIOD NECESSARY FOR THE IMPLEMENTATION OF A STATE HEALTH PLAN;

(i) AN ANALYSIS OF CURRENT HEALTH CARE STATUTES, HEALTH INSURANCE STATUTES, AND ANY OTHER POSSIBLE BARRIERS TO THE IMPLEMENTATION OF A STATE HEALTH PLAN; AND

(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.

(3) THE COMMITTEE SHALL MEET SIX TIMES DURING THE 2002 INTERIM.

(4) (a) (I) EXPENDITURES INCURRED IN THE CONDUCT OF THE STUDY ENUMERATED IN THIS SECTION SHALL BE APPROVED BY THE CHAIRPERSON OF THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

(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.

(b) (I) IF MONEYS ARE NOT ALLOCATED TO THE LEGISLATIVE COUNCIL FROM APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR THE COMMITTEE AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THEN THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DESIGNATE A NONPROFIT OR PRIVATE ORGANIZATION AS THE CUSTODIAN OF THE FUNDS FOR THE COMMITTEE ON HEALTH CARE SYSTEMS. SUCH ORGANIZATION IS AUTHORIZED TO RECEIVE AND EXPEND ANY FUNDS NECESSARY FOR THE OPERATION OF THE COMMITTEE ON HEALTH CARE SYSTEMS. IN ADDITION, SUCH ORGANIZATION SHALL PREPARE A BUDGET FOR THE OPERATION OF THE COMMITTEE. PRIOR TO THE EXPENDITURE OF ANY MONEYS RECEIVED, THE ORGANIZATION SHALL TRANSMIT A COPY OF THE OPERATING BUDGET TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL CERTIFY THAT THERE IS ADEQUATE FUNDING AVAILABLE TO COVER THE EXPENSES IDENTIFIED IN THE OPERATING BUDGET.

(II) IF THE COMMITTEE IS PRIVATELY FUNDED AS SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE STAFF NECESSARY TO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1003

ASSIST THE COMMITTEE IN CONDUCTING ITS DUTIES SHALL BE PROVIDED BY THE NONPROFIT OR PRIVATE ORGANIZATION.

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

(6) THE COMMITTEE SHALL MAKE A REPORT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. SUCH REPORT MAY INCLUDE RECOMMENDATIONS FOR LEGISLATION, INCLUDING BUT NOT LIMITED TO LEGISLATION CONTINUING THE COMMITTEE. LEGISLATION RECOMMENDED BY THE COMMITTEE SHALL BE TREATED AS LEGISLATION RECOMMENDED BY ANY OTHER INTERIM COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

(7) THIS PART 10 IS REPEALED, EFFECTIVE JANUARY 1, 2003.

SECTION 22. Part 1 of article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25.5-1-110. Waiver applications - authorization. THE STATE DEPARTMENT IS AUTHORIZED TO APPLY FOR HEALTH INSURANCE FLEXIBILITY AND ACCOUNTABILITY WAIVERS THAT WILL ENABLE THE STATE TO ADD MORE FLEXIBILITY TO COLORADO'S MEDICAID PROGRAM AND THAT WILL RESULT IN A COST-EFFECTIVE METHOD OF PROVIDING HEALTH CARE SERVICES TO COLORADANS.

SECTION 23. Effective date - applicability. (1) Sections 6 to 8 and 15 to 24 of this act shall take effect upon passage and shall apply to health benefit plans issued by small employer carriers on or after said date.

(2) The remaining sections of this act shall take effect January 1, 2003, and shall apply to health benefit plans issued or renewed on or after said date.

SECTION 24. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1317** be postponed indefinitely.

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HJR02-1058** be amended as follows and referred favorably to the Senate for final action.

Amend engrossed resolution, page 2, line 2, strike "with the child's grandparent, aunt, uncle, brother, or sister", and substitute "in another home";

line 4, strike "such";

strike lines 9 through 13;

line 17, after "to", insert "determining";

strike lines 34 and 35 and substitute "and to the Colorado Department of Human Services."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Public Policy and Planning	After consideration on the merits, the committee recommends that HB02-1415 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	1 2 3
	Amend reengrossed bill, page 2, strike lines 19 and 20 and substitute the following:	4 5 6
	" (2) "ELECTRIC UTILITY" MEANS EVERY COOPERATIVE ELECTRIC ASSOCIATION,".	7 8 9
	Page 5, line 5, after "YEAR", insert "AS PUBLISHED IN THE UTILITY'S ANNUAL REPORT.".	10 11 12
Government, Veterans and Military Relations, and Transportation	After consideration on the merits, the committee recommends that HB02-1319 be referred favorably to the Committee of the Whole.	13 14 15 16 17
Appropriations	After consideration on the merits, the committee recommends that SB02-233 be referred favorably to the Committee of the Whole.	18 19 20 21 22 23 24 25
Appropriations	After consideration on the merits, the committee recommends that SB02-222 be referred favorably to the Committee of the Whole.	26 27 28 29 30
Appropriations	After consideration on the merits, the committee recommends that HB02-1038 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	31 32 33 34 35 36
	Amend reengrossed bill, page 2, line 23, strike "2003," and substitute "2002,".	37 38 39
	Page 3, line 2, strike "2004," and substitute "2003,";	40 41
	line 8, strike "2004," and substitute "2003,";	42 43
	line 13, strike "2005," and substitute "2004,";	44 45
	line 19, strike "2005," and substitute "2004,";	46 47
	line 24, strike "2006," and substitute "2005,".	48 49
	Page 4, line 2, strike "2007," and substitute "2006,";	50 51
	line 7, strike "(2) (p), (2) (q), and (2) (r)," and substitute "(2) (o), (2) (p), and (2) (q),";	52 53 54
	after line 18, insert the following:	55 56
	" (o) On July 1, 2002, one hundred million dollars, plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty	57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

HB02-1038

thousand five hundred twenty-two dollars pursuant to H.B. 00-1247,
 enacted at the second regular session of the sixty-second general
 assembly; plus one million seven hundred sixty-eight thousand two
 hundred twenty-five dollars pursuant to H.B. 01-1205, enacted at the first
 regular session of the sixty-third general assembly; plus one hundred
 thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B.
 01-1242, enacted at the first regular session of the sixty-third general
 assembly; PLUS FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED
 SIXTY-NINE DOLLARS PURSUANT TO H.B. 02-1038, ENACTED AT THE
 SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;"

line 25, strike "FOUR HUNDRED EIGHTY-SIX THOUSAND" and substitute
 "FIVE HUNDRED SIX THOUSAND FIVE HUNDRED THIRTY";

line 26, strike "TWO HUNDRED SIXTY-NINE".

Page 5, line 7, strike "FIVE HUNDRED SIX THOUSAND FIVE" and substitute
 "NINE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED THIRTY-EIGHT";

line 8, strike "HUNDRED THIRTY";

strike lines 10 through 13 and substitute the following:

"SECTION 4. Appropriation. In addition to any other
 appropriation, there is hereby appropriated, out of any moneys in the
 general fund not otherwise appropriated, to the judicial department, for
 allocation to the public defender, for the fiscal year beginning July 1,
 2002, the sum of twelve thousand nine hundred forty-seven dollars
 (\$12,947) and 0.3 FTE, or so much thereof as may be necessary, for the
 implementation of this act.

SECTION 5. Appropriation - adjustments in long bill. 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 by decreasing the general fund appropriation for performance-
 based pay by four hundred ninety-nine thousand two hundred sixteen
 dollars (\$499,216). Said sum shall be derived from such sources and
 allocated as detailed in the following table:

DEPARTMENT	GENERAL FUND
Agriculture	(4,714)
CCHE, Arts Council, Historical Society	(7,855)
Corrections	(255,811)
Education	(8,947)
Governor	(9,992)
Health Care Policy and Financing	(4,895)
Human Services	(112,832)
Law - Classified Employees	(2,768)
Law - Exempt Employees	(4,984)
Local Affairs	(5,740)
Military Affairs	(2,101)
Natural Resources	(15,416)
Personnel	(10,268)
Public Health and Environment	(7,099)
Public Safety	(9,917)
Regulatory Agencies	(1,348)
Revenue	(33,634)

DEPARTMENT	GENERAL FUND
Treasury	(895)
Grand Total	(499,216) "

Renumber succeeding sections accordingly.

Page 5, line 16, strike "2003," and substitute "2002,".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1457** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the reengrossed bill, page 7, line 18, after the second comma, insert "THE STATE OMBUDSMAN AND INTERESTED LONG-TERM CARE OMBUDSMEN,".

Page 11, strike lines 4 through 8, and substitute the following:

"SECTION 6. Repeal. Section 3 of Senate Bill 02-071, enacted at the Second Regular Session of the Sixty-third General Assembly, is repealed.

SECTION 7. Appropriation - adjustments to the 2002 long bill. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of moneys in the general fund not otherwise appropriated, to the department of public health and environment, division of health facilities, for the fiscal year beginning July 1, 2002, the sum of fifty-eight thousand five hundred fourteen dollars (\$58,514) and 1.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, out of moneys in the general fund not otherwise appropriated, to the department of human services, office of adult and veterans services, aging services programs, for the fiscal year beginning July 1, 2002, the sum of fifty thousand two hundred thirty-one dollars (\$50,231), or so much thereof as may be necessary, for the implementation of this act. This amount is to be for the contract for the state ombudsman program.

(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 health care policy and financing, medical programs administration, for the fiscal year beginning July 1, 2002, is decreased by eighty-nine thousand five hundred six dollars (\$89,506). Of this sum, twenty-two thousand three hundred seventy-six dollars (\$22,376) shall be from the general fund and sixty-seven thousand one hundred thirty dollars (\$67,130) shall be from federal funds.

(b) The appropriation to the department of health care policy and financing, department of human services-medicaid funded programs, for fiscal year beginning July 1, 2002, is decreased by one hundred twenty-six thousand one hundred thirty dollars (\$126,130). Of said sum, sixty-three thousand sixty-five dollars (\$63,065) shall be from the general fund and sixty-three thousand sixty-five dollars (\$63,065) shall be from federal funds. Although federal funds are not appropriated, they are noted for the purpose of indicating the assumptions used relative to these funds.

(c) The appropriation to the department of public health and environment, division of health facilities, is decreased by eighty-nine thousand five hundred six dollars (\$89,506) cash funds exempt and 1.8 FTE.

(d) The appropriation to the department of human services, office

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

HB02-1457

of adult veterans services, aging services programs, is decreased by one hundred twenty-six thousand one hundred thirty dollars (\$126,130) cash funds exempt.

(3) 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: The appropriation to the department of health care policy and financing, medical services premiums, is decreased by one hundred seventy-seven thousand six hundred ninety-one dollars (\$177,691). Of said sum, eighty-eight thousand eight hundred forty-six dollars (\$88,846) shall be from the general fund, and eighty-eight thousand eight hundred forty-five dollars (\$88,845) shall be from federal funds."

Renumber succeeding sections accordingly.

Page 11, after line 18, insert the following:

"SECTION 9. Effective date. (1) Except as otherwise provided for in subsections (2) and (3) of this section, this act shall take effect July 1, 2002.

(2) Sections 4, 5, 6, and 7 of this act shall take effect only if Senate Bill 02-071 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.

(3) Section 8 of this act shall not take effect if Senate Bill 02-071 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1044** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Public Policy and Planning Committee Report, dated May 1, 2002, page 2, line 8, before "FEES", insert "ONE-TIME";

strike lines 18 though 23 of the committee report;

line 24 of the committee report, strike "(3)" and substitute "(2)".

Page 4, strike line 19 of the committee report, and substitute the following:

"of thirteen thousand eight hundred twenty-five dollars (\$13,825), or so much thereof".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1297** be referred favorably to the Committee of the Whole.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1155**

THIS REPORT AMENDS THE REREVISED BILL

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB02-1155, concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor, has met and reports that it has agreed upon the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1155

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

Amend rerevised bill, page 12, strike lines 17 through 19.

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:

Senate Committee:

(Signed)
Representative Clapp, Chairman

(Signed)
Senator Takis, Chairman

(Signed)
Representative Mace

(Signed)
Senator Owen

(Signed)
Representative Stafford

(Signed)
Senator Reeves

MESSAGE FROM THE HOUSE

May 3, 2002

Mr. President:

The House has adopted and returns herewith SJR02-036.

The House has adopted and transmits herewith HJR02-1079, as printed in House Journal, May 3.

The House has adopted and transmits herewith HJR02-1080, as printed in House Journal, May 3.

May 3, 2002

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives King, chairman, Spence, and Mace as House conferees on the First Conference Committee on SB02-065.

In response to the request of the Senate, the Speaker has appointed Representatives Mitchell, chairman, Snook, and Bacon as House conferees on the First Conference Committee on SB02-049.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-049 to consider matters not at issue between the two houses.

In response to the request of the Senate, the Speaker has appointed Representatives Clapp, chairman, Stafford, and Mace as House conferees on the First Conference Committee on SB02-062.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-062 to consider matters not at issue between the two houses.

In response to the request of the Senate, the Speaker has appointed Representatives Smith, chairman, Sinclair, and Jahn as House conferees on the First Conference Committee on SB02-161.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-161 to consider matters not at issue between the two houses.

In response to the request of the Senate, the Speaker has appointed Representatives Grossman, chairman, Hefley, and Lawrence as House conferees on the First Conference Committee on SB02-019.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-019 to consider matters not at issue between the two houses.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1461.

Without comment, as amended, HB02-1454, 1459, 1418, 1447, 1451, 1456, 1358, and 1458, HCR02-1005, and SB02-094, 133, and 090.

INTRODUCTION OF BILLS--FIRST READING

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

- HB02-1024** by Representative(s) White, Hodge, Hoppe, Rippy, Tapia; also Senator(s) Taylor, Entz, Isgar--Concerning the creation of a permanent water resources review committee of the Colorado general assembly.
Agriculture and Natural Resources
- HB02-1358** by Representative(s) Alexander; also Senator(s) Fitz-Gerald--Concerning the assessment of a bed and breakfast for property tax purposes.
Public Policy and Planning
- HB02-1418** by Representative(s) Lee, Dean, Clapp, Cloer, Crane, Fairbank, Fritz, Harvey, Johnson, King, Mitchell, Paschall, Rhodes, Schultheis, Scott, Stafford; also Senator(s) Gordon--Concerning the creation of a committee to investigate specific questions and related background information in order to learn from the attack that occurred at Columbine high school on April 20, 1999.
Judiciary
Appropriations
- HB02-1439** by Representative(s) Hefley, King, Cadman, Cloer, Crane, Fairbank, Fritz, Harvey, Hoppe, Miller, Paschall, Rhodes, Schultheis, Sinclair, Swenson; also Senator(s) Andrews--Concerning the limitation of state spending.
Business, Labor, and Finance
Appropriations
- HB02-1440** by Representative(s) Young, Alexander, Berry, Clapp, Cloer, Crane, Kester, Larson, Miller, Rhodes, Rippy, Romanoff, Sanchez, Smith, Snook, Spradley, Stafford, Tochtrop, Webster, White; also Senator(s) Entz--Concerning state emergency services, and making an appropriation in connection therewith.
Health, Environment, Children & Families
Appropriations
- HB02-1447** by Representative(s) Alexander; also Senator(s) Isgar--Concerning the direct care provider career path pilot program, and making an appropriation in connection therewith.
Health, Environment, Children & Families
- HB02-1451** by Representative(s) Stafford; also Senator(s) Hagedorn--Concerning handling the remains of a dead human.
Judiciary
- HB02-1454** by Representative(s) Mace, Marshall; also Senator(s) Hernandez, Hagedorn--Concerning the requirement that Colorado state individual income tax return forms contain a line whereby individual taxpayers may make a voluntary contribution to ocean journey, and making an appropriation in connection therewith.
Public Policy and Planning
- HB02-1456** by Representative(s) Williams T.; also Senator(s) Tate--Concerning statutory provisions governing business entities contained in title 7 of the Colorado Revised Statutes, and making an appropriation therefor.
Business, Labor, and Finance
Appropriations
- HB02-1458** by Representative(s) Scott, Mitchell, Grossman, Spradley, Young, Alexander, Miller, Berry, Cadman, Clapp, Cloer, Crane, Dean, Fairbank, Fritz, Harvey, Hefley, Hoppe, Johnson, Kester, King, Larson, Lawrence, Lee, Paschall, Rhodes, Rippy, Schultheis, Smith, Spence, Stafford, Stengel, Webster, White, Williams T.; also Senator(s) Hillman--Concerning the confidentiality of electors' electronic signatures held by governmental entities.
Government, Veterans and Military Relations, and Transportation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1459 by Representative(s) Grossman; also Senator(s) Owen--Concerning federal requirements for the performance of non-firearm-related criminal history record checks, and making an appropriation in connection therewith.
 Judiciary

HB02-1461 by Representative(s) King; also Senator(s) Gordon--Concerning the types of policies that must be offered by a motor vehicle insurer in Colorado.
 Business, Labor, and Finance

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

HCR02-1005 by Representative(s) Dean; also Senator(s) Matsunaka--Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning a requirement that the text of any new citizen ballot question provide for a new revenue source adequate to fund the expenses associated with the adoption of said question if its administration is likely to necessitate an expenditure of public moneys above a specified amount.
 Business, Labor, and Finance

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR02-1079 by Representative(s) Dean; also Senator(s) Entz--Concerning employer support of the National Guard and Reserve.

Laid over one day under Senate rule 30(e).

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

HJR02-1080 by Representative(s) Larson, Alexander, Berry, Cadman, Clapp, Crane, Dean, Decker, Fairbank, Fritz, Harvey, Hoppe, Johnson, Kester, King, Lee, Mitchell, Paschall, Rhodes, Rippey, Schultheis, Sinclair, Smith, Snook, Spradley, Stafford, Swenson, Webster, White, Williams T., Young; also Senator(s) Entz, Isgar--Concerning the designation of the lynx population in Colorado as experimental and nonessential for the purpose of reintroduction and recovery.
 Agriculture and Natural Resources

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: **SJR02-046, SJR02-025, HJR02-1061, HJR02-1062, HJR02-1063.**

CONSIDERATION OF RESOLUTIONS

SJR02-046 by Senator(s) Hernandez; also Representative(s) Mace, Tapia--Concerning the celebration of Cinco de Mayo.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

SJR02-025 by Senator(s) Thiebaut; also Representative(s) Tapia--Concerning Police Week and Peace Officers' Memorial Day.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1061 by Representative(s) Cloer, Bacon, Decker, Groff, Grossman, Johnson, King, Miller, Romanoff, Smith, Snook, Stafford, White, Williams S.; also Senator(s) Pascoe--Concerning honoring Colorado's educational support personnel.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1062 by Representative(s) Cloer, Bacon, Decker, Groff, Grossman, Johnson, King, Miller, Romanoff, Smith, Snook, White, Williams S.; also Senator(s) Pascoe--Concerning honoring Colorado's schools.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

HJR02-1063 by Representative(s) Cloer, Bacon, Decker, Groff, Grossman, Johnson, King, Larson, Miller, Romanoff, Smith, Snook, White, Williams S.; also Senator(s) Pascoe--Concerning honoring Colorado's teachers.

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

HJR02-1063

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that **SCR02-006** be referred favorably to the Committee of the Whole.

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

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

HB02-1412

by Representative(s) Swenson; also Senator(s) May--Concerning the extension of a certificate of title application fee related to the Colorado state titling and registration system account.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hernandez.

HB02-1357

by Representative(s) Rippy; also Senator(s) Isgar--Concerning modification of the requirements relating to notification of surface development to owners of severed mineral estates.

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

YES	35	NO	0	EXCUSED	0	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	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: Entz, Hernandez, Taylor, Teck.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

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.

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

YES	35	NO	0	EXCUSED	0	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	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: Hernandez, Phillips.

HB02-1401

by Representative(s) Williams T.; also Senator(s) Owen--Concerning the continuation of a credit against unemployment insurance.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

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

HB02-1189

by Representative(s) Spradley; also Senator(s) Fitz-Gerald--Concerning the assignment to every salvage vehicle of a substitute vehicle identification document that clearly denotes the fact that the vehicle is a salvage vehicle.

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

YES	35	NO	0	EXCUSED	0	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	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: Hernandez, Taylor, Tupa.

HB02-1397

by Representative(s) Smith; also Senator(s) Thiebaut--Concerning the adoption of changes to article 9 of the "Uniform Commercial Code".

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

HB02-1397

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

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

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:

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.

A majority of those elected to the Senate having voted in the affirmative, Senator Reeves was given permission to offer a Third Reading amendment.

Third Reading Amendment, by Senator Reeves.

Amend revised bill, page 2, after line 1, insert the following:

"SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Section 39-26-123 (2), Colorado Revised Statutes, was enacted in 1997 to authorize the diversion of a portion of state sales and use tax revenues from the general fund to the highway users tax fund to provide additional revenues to fund state transportation projects;

(b) A trigger was established in section 39-26-123 (2) (a), Colorado Revised Statutes, to reduce or halt the amount of state sales and use tax revenues diverted to the highway users tax fund under certain conditions to ensure that there would be sufficient general fund moneys available in any given fiscal year to fund state expenditures up to the level allowed by the statutory limitation on general fund appropriations; and

(c) Since 1997, in making quarterly determinations as to whether the trigger required a reduction or halt to this diversion of tax revenues, the general assembly and the governor both interpreted section 39-26-123 (2) (a), Colorado Revised Statutes, to not include the amount of general fund moneys that are required to be transferred to the capital construction fund as general fund moneys available to fund expenditures up to the statutory limitation on general fund appropriations for that fiscal year since such moneys are required by permanent statute to be transferred and are unavailable to fund general fund appropriations during the fiscal year.

(2) The general assembly further finds and declares that the enactment of section 39-26-123 (2) (b) (I), Colorado Revised Statutes, as amended by House Bill 02-1310, is intended to comport the statute establishing the trigger for the diversion of state sales and use tax revenues to the highway users tax fund with the general assembly's intended purpose for enacting said statute and the contemporaneous interpretation of said statute since 1997."

Renumber succeeding sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1310

Page 18, after line 5, insert the following:

"**SECTION 9.** 39-26-123 (2) (b) (I), Colorado Revised Statutes, is amended to read:

39-26-123. Receipts - disposition. (2) (b) As used in paragraph (a) of this subsection (2):

(I) "Required expenditures" means the total of:

(A) All GENERAL FUND moneys continuously appropriated by a permanent statute or constitutional provision; AND

(B) THE GENERAL FUND TRANSFER TO THE CAPITAL CONSTRUCTION FUND PROVIDED IN SECTION 24-75-302 (2), C.R.S., INCLUDING ANY ADDITIONAL GENERAL FUND TRANSFERS NECESSARY TO FUND CAPITAL CONSTRUCTION PRIORITIES FOR THE APPLICABLE FISCAL YEAR; AND

(C) ANY GENERAL FUND TRANSFER TO THE CONTROLLED MAINTENANCE TRUST FUND PURSUANT TO THE PROVISIONS OF SECTION 24-75-302.5, C.R.S.; AND

(D) ANY REFUNDS REQUIRED TO BE MADE BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION."

Renumber succeeding accordingly.

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

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	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: Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Phillips, Takis, Tupa.

HB02-1416

by Representative(s) Johnson; also Senator(s) Matsunaka--Concerning procedures to be followed by county governments in connection with the merging of parcels of land.

Laid over until Tuesday, May 7, retaining its place on the calendar.

SB02-209

by Senator(s) Phillips, Matsunaka, Gordon, Perlmutter, Tupa; also Representative(s) Scott--Concerning the establishment by local governments of programs for the transfer of development rights.

Laid over until later in the day, May 6.

MESSAGE FROM THE HOUSE

May 6, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1081, as printed in House Journal, May 3, pages 1829-1830.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1081 by Representative(s) Lawrence, Larson; also Senator(s) Phillips, McElhany, Windels-- Concerning the naming of the newly constructed forty-bed treatment facility for young women at Mount View Youth Services Center in honor of Betty K. Marler.

Senator Phillips 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.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

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: **HJR02-1076**.

CONSIDERATION OF RESOLUTIONS

HJR02-1076 by Representative(s) Swenson; also Senator(s) Nichol--Concerning a study toward improving the safety, cost effectiveness, and efficiency of the regulation of commercial vehicles in Colorado.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

MESSAGE FROM THE HOUSE

May 6, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1055, as printed in House Journal, April 15, pages 1332-1333.

The House has adopted and transmits herewith HJR02-1041, as printed in House Journal, April 4, pages 1152-1154 and as amended on Third Reading as printed in House Journal, May 6.)

The House has adopted and returns herewith SJR02-018 & 032.

The House has voted to concur in the Senate amendments to HB02-1419,1404,1400 and has repressed the bills as so amended.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1468.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB02-010, amended as printed in House Journal, April 29, page 1638, and amended on Third Reading, May 6.

HB02-1464, amended as printed in House Journal, May 2, pages 1798-1799.

HB02-1460, amended as printed in House Journal, May 3, page 1831.

HB02-1465, amended as printed in House Journal, May 3, page 1831.

HB02-1463, amended as printed in House Journal, May 3, page 1831.

SB02-179, amended as printed in House Journal, May 3, page 1831-1832.

SB02-012, amended as printed in House Journal, May 3, page 1832-1834.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1055 by Representative(s) Tochtrop, Lawrence; also Senator(s) Hanna--Concerning honoring the registered nurses who care for all Coloradans, and, in connection therewith, celebrating National Nurses Week.

Senator Hanna 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.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1457, SB02-225, SB02-229, SB02-227, SB02-212, SB02-230, SB02-231, SB02-206, SB02-050, SB02-233, SB02-222, SCR02-004, SCR02-006** were made Special Orders at 1:45 p.m.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Anderson, Chairman, Fitz-Gerald, and Thiebaut as Senate Conferees on the First Conference Committee on **HB02-1179**.

The President appointed Senators Hagedorn, Chairman, McElhany, and Hernandez as Senate Conferees on the First Conference Committee on **HB02-1013**.

The President appointed Senators Isgar, Chairman, Hillman, and Reeves as Senate Conferees on the First Conference Committee on **HB02-1186**.

The President appointed Senators Hagedorn, Chairman, Phillips, and Anderson as Senate Conferees on the First Conference Committee on **HB02-1263**.

The President appointed Senators Isgar, Chairman, Taylor, and Nichol as Senate Conferees on the First Conference Committee on **HB02-1284**.

Senate in Recess--Senate Reconvened

Committee of the Whole

The hour of 1:45 p.m. having arrived, Senator Nichol moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Nichol was called to the Chair to act as Chairman.

SPECIAL 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:

- HB02-1457** by Representative(s) Young, Jahn, Hefley, Cloer, Alexander, Boyd, Clapp, Coleman, Crane, Daniel, Dean, Fritz, Garcia, Groff, Grossman, Harvey, Hodge, Johnson, Kester, Lawrence, Lee, Mace, Miller, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Sanchez, Scott, Snook, Spence, Spradley, Stafford, Stengel, Tapia, Tochtrop, Veiga, Vigil, White, Williams S., Williams T., Witwer; also Senator(s) Windels, Reeves, Anderson, Arnold, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, McElhany, Owen, Pascoe, Phillips, Takis, Taylor, Thiebaut, Tupa--Concerning the suspension of the eight percent limitation on increases in health care costs for nursing facilities by using funding related to the quality of care incentive payment program, and, in connection therewith, repealing the quality of care incentive payment program and modifying the resident-centered quality improvement program, and making an appropriation in connection therewith.
- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 6, pages 1164-1165 and placed in members' bill file.)
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- SB02-225** by Senator(s) Thiebaut; also Representative(s) Romanoff--Concerning a prohibition on the acceptance of certain items by public officials serving in elective office in connection with their public service.
- (Amended in General Orders as printed in Senate Journal, May 1, page 1107.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-227** by Senator(s) Matsunaka; also Representative(s) Stengel--Concerning the extension for two years of the scheduled repeal date of the "Colorado Auto Accident Reparations Act".
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-212** by Senator(s) Matsunaka; --Concerning a program to provide assistance funded through the state education fund to certain poorly performing public school students through school districts.
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-230** by Senator(s) Windels; also Representative(s) Mitchell--Concerning the designation of the county in which specified actions related to the activities of a public trustee may occur.
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-231** by Senator(s) Owen; also Representative(s) Stengel, King--Concerning the administration of retirement plans by the state deferred compensation committee.
- Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 6, pages 1145-1146 and placed in members' bill file.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB02-229** by Senator(s) Matsunaka; also Representative(s) Rippy--Concerning publication procedures related to rule-making by state agencies, and making an appropriation in connection therewith.
- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 30, page 1063 and placed in members' bill file.)
- As amended, laid over to follow SCR02-006.
- SB02-211** by Senator(s) Taylor, Anderson, Tupa; also Representative(s) Vigil, Coleman, Scott, Williams T.--Concerning the annual compensation of members of the public utilities commission.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-211

Laid over until Thursday, May 9.

SB02-206

by Senator(s) Hernandez; also Representative(s) Stafford--Concerning statutes relating to the powers of the department of public health and environment with respect to childhood immunities, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, May 1, page 1097 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 3, pages 1130-1131 and placed in members' bill file.)

Amendment No. 3(L.008), by Senator Hernandez.

Strike the Health, Environment, Children and Families Committee Report, dated May 1, 2002.

Strike the Appropriations Committee Report, dated May 2, 2002.

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

"SECTION 1. 25-4-903 (2), Colorado Revised Statutes, is amended to read:

25-4-903. Exemptions from immunization. (2) It is the responsibility of the parent or legal guardian to have his or her child immunized unless the child is exempted pursuant to this section. A student shall be exempted from receiving the required immunizations in the following manner:

(a) By submitting to the student's school certification from a licensed physician that the physical condition of the student is such that one or more specified immunizations would endanger his or her life or health or is medically contraindicated due to other medical conditions; or

(b) By submitting to the student's school a statement of exemption signed by one parent or guardian or the emancipated student or student eighteen years of age or older that the parent, guardian, or student is an adherent to a religious belief whose teachings are opposed to immunizations or that the parent or guardian or the emancipated student or student eighteen years of age or older has a personal belief that is opposed to immunizations OR THAT IS OPPOSED TO ONE OR MORE PARTICULAR TYPES OF IMMUNIZATIONS.

SECTION 2. 25-4-904 (1), Colorado Revised Statutes, is amended, and the said 25-4-904 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-4-904. Rules and regulations - immunization rules - rule-making authority of state board of health. (1) The state board of health shall establish rules ~~and regulations~~ for administering this part 9. Such rules ~~and regulations~~ shall establish which immunizations shall be required and the manner and frequency of their administration and shall conform to recognized standard medical practices. Such rules ~~and regulations~~ may also require the reporting of statistical information and names of noncompliers by the schools. The department of public health and environment shall administer and enforce the immunization requirements.

(1.5) (a) IN PROMULGATING THE RULES ESTABLISHING IMMUNIZATIONS REQUIRED FOR SCHOOL ENTRY PURSUANT TO THIS PART 9, THE STATE BOARD OF HEALTH SHALL REQUIRE THE HEPATITIS A VACCINATION TO BE ADMINISTERED FOR ANY CHILD ENTERING KINDERGARTEN ON OR AFTER SEPTEMBER 1, 2003.

(b) THIS SUBSECTION (1.5) SHALL BE CONTINGENT UPON THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVING SUFFICIENT FEDERAL FUNDS AND GRANTS AND DONATIONS TO SUPPORT THE IMPLEMENTATION OF A HEPATITIS A VACCINATION PROGRAM.

(c) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO GENERAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-206

FUND DOLLARS BE APPROPRIATED FOR THE PURPOSE OF IMPLEMENTING THE REQUIREMENTS OF THIS SUBSECTION (1.5).

SECTION 3. 25-4-905, Colorado Revised Statutes, is amended to read:

25-4-905. Immunization of indigent children. The local health department, a public health or school nurse (under the supervision of a licensed physician), or the department of public health and environment in the absence of a local health department or public health nurse shall provide, at public expense to the extent that funds are available, immunizations required by this part 9 to each child whose parents or guardians cannot afford to have the child immunized or, if emancipated, who cannot himself OR HERSELF afford immunization and who has not been exempted. The department of public health and environment shall provide all vaccines necessary to comply with this section as far as funds will permit. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT FEDERALLY FUNDED VACCINE PROGRAMS, PRIVATE INSURANCE PROGRAMS, AND GRANTS AND DONATIONS ARE TO BE USED TO PROVIDE FUNDING FOR THE COSTS OF INCLUDING HEPATITIS A AS A REQUIRED VACCINATION PURSUANT TO THE PROVISIONS OF SECTION 25-4-904 AND THAT NO STATE GENERAL FUND REVENUES SHALL BE USED TO MEET THIS REQUIREMENT. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL NOT IMPLEMENT THE HEPATITIS A VACCINATION REQUIREMENTS UNTIL AND UNLESS FEDERAL FUNDS AND GRANTS AND DONATIONS BECOME AVAILABLE TO FULLY SUPPORT THE HEPATITIS A VACCINATION PROGRAM. Nothing in this section shall preclude the department of public health and environment from distributing vaccines to physicians or others as required by law or the regulations of the department. No indigent child shall be excluded, suspended, or expelled from school unless the immunizations have been available and readily accessible to the child at public expense.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, for allocation to the disease control and environmental epidemiology division, from gifts, grants, and donations received pursuant to section 25-4-905, Colorado Revised Statutes, for the fiscal year beginning July 1, 2002, the sum of five hundred ninety-one thousand eight hundred forty-two dollars (\$591,842), or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. 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."

Page 1, line 102, strike "ENVIRONMENT." and substitute "ENVIRONMENT WITH RESPECT TO CHILDHOOD IMMUNITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Amendment No. 4(L.009), by Senator Reeves.

Amend the proposed second reading amendment (SB 206_L.008), page 3, after line 28, insert the following:

"SECTION 4. Part 1 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-107.3. Powers and duties of the department - breast-feeding. (1) THE GENERAL ASSEMBLY FINDS THAT BREAST-FEEDING IS AN IMPORTANT AND BASIC ACT OF NURTURING THAT MUST BE ENCOURAGED IN THE INTERESTS OF MATERNAL AND CHILD HEALTH AND THAT BREAST-FEEDING OFFERS SPECIAL IMMUNITIES AND NUTRITIONAL BENEFITS TO INFANTS AND CHILDREN. THE GENERAL ASSEMBLY RECOGNIZES THE PUBLIC HEALTH BENEFITS OF ENCOURAGING AND SUPPORTING MOTHERS IN BREAST-FEEDING THEIR CHILDREN.

(2) THE DEPARTMENT, IN ADDITION TO ALL OTHER POWERS AND DUTIES IMPOSED UPON IT BY LAW, HAS THE POWER AND DUTY TO PROMOTE AND SUPPORT BREAST-FEEDING OF INFANTS AND YOUNG CHILDREN.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-206

(3) A MOTHER CAN BREAST-FEED ANYPLACE SHE HAS A RIGHT TO BE." .

Renumber succeeding sections accordingly.

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders--Second Reading of Bills Calendar (**SB02-050, SB02-233, SB02-222, SCR02-004, SCR02-006, SB02-229** as amended) of Monday, May 6, was laid over until the next Special Orders Calendar later in the day, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nichol, 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: **HB02-1457** as amended, **SB02-225** as amended, **SB02-227, SB02-212, SB02-230, SB02-231** as amended, **SB02-206** as amended.
Laid over until the next Special Orders Calendar: **SB02-050, SB02-233, SB02-222, SCR02-004, SCR02-006, SB02-229** as amended.
Laid over until Thursday, May 9: **SB02-211**.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, **HB02-1468**.
Without comment, as amended, **HB02-1465** and **1463** and **SB02-010**.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-236 by Senator(s) Tate; --Concerning an appropriation to the department of labor and employment from the employment support fund of moneys transferred to Colorado pursuant to the federal "Social Security Act" for employment services mandated by federal law.
Business, Labor, and Finance

HB02-1463 by Representative(s) Lawrence, Spradley; also Senator(s) Dyer--Concerning authorization for the use of lease-purchase agreements for the purpose of funding forensics medium and maximum security replacement at the Colorado mental health institute at Pueblo.
Appropriations

HB02-1465 by Representative(s) Scott; also Senator(s) Phillips--Concerning the division of special districts into subdistricts.
Government, Veterans and Military Relations, and Transportation

HB02-1468 by Representative(s) Berry, Young, Saliman; also Senator(s) Tate, Reeves, Owen--Concerning the state contribution for employees enrolled in group benefit plans that include enrollment in medical benefits, and making an appropriation in connection therewith.
Appropriations

Senate in Recess--Senate Reconvened

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB02-050, SB02-233, SB02-222, SCR02-004, SCR02-006, SB02-229, SB02-235** were made Special Orders at 5:35 p.m.

Committee of the Whole

The hour of 5:35 p.m. having arrived, Senator Nichol moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Nichol was called to the Chair to act as Chairman.

SPECIAL 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:

SB02-050

by Senator(s) Gordon; also Representative(s) Decker--Concerning a prohibition on the possession of certain substances used to manufacture controlled substances, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 12, page 224 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 3, page 1131-1132 and placed in members' bill file.)

Amendment No. 3(L.004), by Senator Gordon.

Amend the Appropriations Committee Report, dated May 2, 2002, page 2, line 15, strike "21" and substitute "20".

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

SB02-233

by Senator(s) Reeves, Tate, Owen; also Representative(s) Berry, Young, Saliman--Concerning a clarification that for the purposes of determining and maintaining compensation for state troopers employed by the Colorado state patrol the nonsalary elements of such troopers' total compensation shall be the same as for all other state employees.

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

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.

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

Amend printed bill, page 58, line 17, strike "25-1.5-101 (1) (b)" and substitute "25-1.5-102 (1) (c)".

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

SCR02-004

by Senator(s) Matsunaka; --Submitting to the registered electors of the state of Colorado an amendment to article XI of the constitution of the state of Colorado, concerning authorization for the state to contract debt for the purpose of funding state infrastructure needs, and, in connection therewith, authorizing the creation of a state infrastructure bonding authority.

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

SCR02-006

by Senator(s) Owen; also Representative(s) Williams T.--Submitting to the registered electors of the state of Colorado amendments to articles VI and XVIII of the constitution of the state of Colorado, concerning the repeal of certain obsolete provisions in the constitution of the state of Colorado.

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

SB02-229

by Senator(s) Matsunaka; also Representative(s) Rippy--Concerning publication procedures related to rule-making by state agencies, and making an appropriation in connection therewith.

(Amended in Special Orders, as printed in Senate Journal, May 6, page 1176.)

Amendment No. 2(L.001), by Senator Matsunaka.

Amend printed bill, page 8, after line 16, insert the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-229

"SECTION 3. Rules and regulations scheduled for expiration May 15, 2002 - extension - exceptions. (1) Except as indicated, the expiration of all rules and regulations of agencies in the following principal departments, which rules and regulations were adopted or amended on or after November 1, 2000, and before November 1, 2001, and that are therefore scheduled for expiration May 15, 2002, is postponed, and the provisions of section 24-4-108 or 24-34-104, Colorado Revised Statutes, shall apply:

- (a) Department of agriculture;
- (b) Department of corrections;
- (c) Department of education; except that the following rules are not extended:

(I) The following rule of the state board of education concerning the teacher development grant program: Rule 2207-R-2.02 (3), concerning evaluation of individual school programs (1 CCR 301-48);

(II) The following rule of the state board of education concerning administration of education reform: Rule 22-7-R-4.04, concerning exemption from academic performance ratings (1 CCR 301-46);

(d) Department of health care policy and financing; except that the following rule of the medical services board rules on medical assistance is not extended: Rule 8.110.52 B. 5. b. 1) 1), concerning distributions from the trust may be made only to or for the benefit of the individual beneficiary (10 CCR 2505-10);

- (e) Department of higher education;
- (f) Department of human services;
- (g) Department of labor and employment;
- (h) Department of law;
- (i) Department of local affairs; except that the following rules are not extended:

(I) The following rule of the division of local government concerning local government mandate turnback relating to partial reimbursements of waste tire processing and usage: Rule B. 3. of Part II, concerning the end user and/or processor not being located in Colorado (8 CCR 1306-2);

(II) The following rules of the state housing board concerning manufactured housing installations (8 CCR 1302-7):

- (A) Section 10, concerning revocations, suspension and appeal process;
- (B) Section 12, concerning installation warranty period;
- (C) Subsection 2., of Schedule "A", concerning plan checking fees;
- (D) Subsection 5., of Schedule "A", concerning change of installer, ownership or change of address;

- (j) Department of natural resources;
- (k) Department of personnel;
- (l) Department of public health and environment; except that the following rule of the air quality control commission is not extended: Subpart X. of the permit fee credits regulation of Regulation No. 5, Part B, concerning effective date and repeal (5 CCR 1001-7);
- (m) Department of public safety; except that the following rule of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-229

the executive director concerning claims for reimbursement for the costs of handling hazardous substance incidents, is not extended: Rule HSCR 1 D., concerning direct costs (8 CCR 1507-22);

(n) Department of regulatory agencies; except that the following rules are not extended:

(I) The following rule of the commissioner of insurance, division of insurance, concerning insurer assessments for CoverColorado (3 CCR 702-4): Section 7 of Regulation 4-2-22, concerning emergency assessments;

(II) The following rule of the state board of nursing, division of registrations, concerning the impaired professional diversion program (3 CCR 716-1): Rule A. 7. of Chapter XII, concerning any licensee may apply to the program without reprisal, unless the committee in its discretion believes there are safety to practice concerns;

(o) Department of revenue; except that the following rules are not extended:

(I) The following rule of the Colorado lottery commission, lottery division, concerning multi-state lottery association on-line lottery games, is not extended: Rule 14.10 b) 2), concerning an exception from ineligibility to purchase tickets for any employee of the division when authorized by the director for investigation purposes (1 CCR 206-1);

(II) The following rules of the motor carrier services division of rules concerning gasoline and special fuel tax (1 CCR 201-8):

(A) Regulation (39-) 27-103.5 (1), concerning definitions;

(B) Regulation (39-) 27-103.5 (2), concerning identification and establishment of industry segments;

(C) Regulation (39-) 27-103.5 (3), concerning establishing an industry segment percentage;

(D) Regulation (39-) 27-103.5 (4), concerning procedures and documentation for an industry standard proposal;

(E) Regulation (39-) 27-103.5 (5), concerning establishment of the account percentage and utilization of the industry segment percentage;

(F) Regulation (39-) 27-103.5 (6), concerning protests of the industry, industry-segment, or account percentage;

(G) Regulation (39-) 27-103.5 (7), concerning qualifying fuel;

(III) The following rule of the motor carrier services division of rules concerning Colorado gasoline and special fuel regulations (1 CCR 201-8): Regulation 27-103 (3) (d), concerning claims for refund shall be postmarked no later than six months after purchase of the fuel;

(IV) The following rules of the motor vehicle business group, concerning periodic motor vehicle registration (1 CCR 204-9):

(A) Rule II. A., concerning vehicles not previously registered;

(B) Rule II. B. 1. a., concerning registration of a vehicle not previously registered;

(C) Rule II. B. 1. b., concerning registration renewal;

(D) Rule II. C., concerning reissues and transfers;

(E) Rule III. A., concerning all vehicles subject to Class A taxes;

(F) Rule III. B., concerning all vehicles issued disabled veteran plates;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-229

(G) Rule III. C., concerning all special mobile equipment (SME);

(H) Rule III. H., concerning vehicles issued special call letter license plates;

(p) Department of state;

(q) Department of transportation.

(2) The expiration of all rules and regulations of the public employees' retirement association, which rules and regulations were adopted or amended on or after November 1, 2000, and before November 1, 2001, and which are therefore scheduled for expiration May 15, 2002, is postponed.

(3) The expiration of all rules and regulations of the office of economic development, in the office of the governor, which rules and regulations were adopted or amended on or after November 1, 2000, and before November 1, 2001, and which are therefore scheduled for expiration May 15, 2002, is postponed; except that the following rules concerning certified capital companies' program (8 CCR 1501-2), are not extended:

(a) The definition of "distributions review";

(b) Subsection 14., concerning an audited balance sheet, in the legal name of the applicant, of the portion of the rule entitled "Requirements of an Application";

(c) The paragraph concerning "Continued Accuracy of Information Submitted in the Application", of the portion of the rule entitled "Continuing Certification Requirements".

(4) The following rules of the Colorado lottery commission, lottery division, of the department of revenue, (1 CCR 206-1), are repealed:

(a) Rule 5.9 b) 2), which rule was adopted on or after December 20, 1982, and before January 30, 1983, concerning an exception from ineligibility to purchase tickets for any employee of the division when authorized by the director for investigating purposes (1 CCR 206-1);

(b) Rule 10.9 b) 2), which rule was adopted on or after November 8, 1988, and before December 30, 1988, concerning an exception from ineligibility to purchase tickets for any employee of the division when authorized by the director for investigating purposes (1 CCR 206-1);

(5) Rule 8.2, concerning a person certified as an EMT-Basic, EMT-Intermediate or an EMT-Paramedic by another state may, with the authorization of a physician advisor, function as an EMT-Basic, EMT-Intermediate or EMT-Paramedic, of the rule of the board of medical examiners, division of registrations, of the department of regulatory agencies, concerning emergency medical services physician advisors and emergency medical technicians (3 CCR 713-6), which rule was adopted on or after November 1, 2001, is repealed.

(6) The recommendations of the committee on legal services as reflected in this act shall apply to the specified rules in the form in which said rules were considered and acted upon by the committee. Any amendments or other changes in the specified rules that became effective before November 1, 2001, that comply with the recommendations of the committee on legal services are not affected by this act. Any subsequent amendments or other changes in the specified rules that became effective on or after November 1, 2001, are not affected by this act."

Renumber succeeding section accordingly.

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.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-235 by Senator(s) Isgar; also Representative(s) Larson--Concerning the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORTS

SB02-229 by Senator(s) Matsunaka; also Representative(s) Rippy--Concerning publication procedures related to rule-making by state agencies, and making an appropriation in connection therewith.

Senator Perlmutter moved to amend the Report of the Committee of the Whole to show that the following Hillman floor amendment, (L.002) to SB02-229, did pass.

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

YES	0	NO	35	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	N	Takis	N
Andrews	N	Gordon	N	McElhany	N	Tate	N
Arnold	N	Hagedorn	N	Musgrave	N	Taylor	N
Cairns	N	Hanna	N	Nichol	N	Teck	N
Chlouber	N	Hernandez	N	Owen	N	Thiebaut	N
Dyer	N	Hillman	N	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	N	Lamborn	N	Phillips	N	Mr. President	N
Evans	N	Linkhart	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nichol, 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: **SB02-050** as amended, **SB02-233**, **SB02-222** as amended, **SCR02-004**, **SCR02-006**, **SB02-229** as amended, **SB02-235**.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that **SB02-234** be referred favorably to the Committee on Appropriations.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-236** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 10 and substitute the following:

"necessary, to operate the one-stop career centers in local areas,";

line 11, strike "investment areas".

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1461** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, after line 22, insert the following:

"SECTION 3. Title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 92

Service of Process upon the Secretary of State

HB02-1461

13-92-101. Service of process - secretary of state - motor vehicle operator.

(1) THE USE OR OPERATION OF A MOTOR VEHICLE IN THIS STATE BY ANY PERSON OR SUCH PERSON'S AGENT THAT RESULTS IN DAMAGES OR LOSS TO PERSON OR PROPERTY SHALL BE DEEMED AN IRREVOCABLE APPOINTMENT OF THE SECRETARY OF STATE TO BE SUCH PERSON'S AGENT UPON WHOM MAY BE SERVED A SUMMONS AND COMPLAINT OR OTHER PROCESS NECESSARY TO COMMENCE ANY ACTION OR PROCEEDING AGAINST SUCH PERSON OR SUCH PERSON'S PERSONAL REPRESENTATIVE INITIATED AS A RESULT OF DAMAGE OR LOSS TO PERSON OR PROPERTY RESULTING FROM THE USE OR OPERATION OF THE MOTOR VEHICLE, WHETHER SUCH DAMAGE OR LOSS OCCURRED ON A HIGHWAY OR ABUTTING PUBLIC OR PRIVATE PROPERTY IF, AFTER THE EXERCISE OF REASONABLE DILIGENCE, AS EVIDENCED BY REASONABLE INVESTIGATIVE EFFORTS TO LOCATE AND SERVE SUCH PERSON, AND AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS, SUCH PERSON OR SUCH PERSON'S PERSONAL REPRESENTATIVE CANNOT BE LOCATED FOR THE PURPOSE OF OBTAINING LEGAL PROCESS.

(2) THE USE OR OPERATION OF A MOTOR VEHICLE BY A RESIDENT OR NONRESIDENT SHALL SIGNIFY SUCH OPERATOR'S AGREEMENT THAT ANY PROCESS THAT IS SERVED IN ANY ACTION AGAINST SUCH OPERATOR OR SUCH OPERATOR'S PERSONAL REPRESENTATIVE PURSUANT TO THIS SECTION SHALL BE OF THE SAME LEGAL FORCE AND VALIDITY AS IF THE PROCESS WERE SERVED PERSONALLY UPON SUCH OPERATOR OR UPON SUCH OPERATOR'S PERSONAL REPRESENTATIVE.

13-92-102. Service of process upon office of secretary of state - fee - electronic filing.

SERVICE OF PROCESS AUTHORIZED BY THIS ARTICLE SHALL BE MADE BY SERVING THE PROCESS UPON THE OFFICE OF THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL SET APPROPRIATE FEES FOR THE HANDLING OF SUCH PROCESS PURSUANT TO SECTION 24-21-104, C.R.S. SUCH SERVICE SHALL BE SUFFICIENT IF NOTICE OF SUCH SERVICE AND A COPY OF THE PROCESS ARE SENT BY MAIL BY THE PARTY EFFECTING SERVICE PURSUANT TO THIS SECTION TO THE DEFENDANT AT SUCH DEFENDANT'S LAST-KNOWN ADDRESS WITHIN TEN DAYS AFTER SERVICE UPON THE SECRETARY OF STATE. SUCH MAILING SHALL INCLUDE AN AFFIDAVIT OF COMPLIANCE OF THE PARTY OR HIS OR HER ATTORNEY WITH THIS SECTION ATTACHED TO THE PROCESS. THE SECRETARY OF STATE IS AUTHORIZED TO PERMIT THE ELECTRONIC FILING OF SUCH PROCESS. THE SECRETARY OF STATE SHALL KEEP A RECORD OF ALL SUCH SERVICE, INCLUDING THE DATE AND HOUR SERVICE WAS MADE. SUCH PROCESS SERVED UPON THE OFFICE OF THE SECRETARY OF STATE, TOGETHER WITH THE AFFIDAVIT OF COMPLIANCE, SHALL BE SERVED UPON THE DEFENDANT'S INSURANCE COMPANY, IF ANY, THAT WAS PROVIDING COVERAGE AT THE TIME THE CLAIMED DAMAGES OR LOSSES OCCURRED. THE FEE PAID BY THE PLAINTIFF TO THE SECRETARY OF STATE SHALL BE INCLUDED IN THE COSTS OF THE PLAINTIFF IF SUCH PLAINTIFF PREVAILS IN THE SUIT.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of fifty thousand three hundred sixty-one dollars (\$50,361) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 6, line 23, strike "This" and substitute "(a) Except as provided in paragraph (b), sections 1, 2, and 5 of this".

Page 7, after line 4, insert the following:

"(b) Sections 3 and 4 of this act shall take effect February 1, 2003.";

line 5, after "provisions of" insert "sections 1 and 2 of".

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

		1
		2
		3
		4
		5
Agriculture and Natural Resources	After consideration on the merits, the committee recommends that HB02-1024 be referred favorably to the Committee on Appropriations.	6
		7
		8
		9
		10
Agriculture and Natural Resources	After consideration on the merits, the committee recommends that HJR02-1080 be referred favorably to the Senate for final action.	11
		12
		13
		14
		15
		16
Public Policy and Planning	After consideration on the merits, the committee recommends that HJR02-1057 be amended as follows and referred favorably to the Senate for final action.	17
		18
		19
	Amend reengrossed joint resolution, page 2, line 22, strike "Disease" and substitute "Disease, including appropriate research into the cause and spread of the disease,".	20
		21
		22
		23
		24
		25
		26
Public Policy and Planning	After consideration on the merits, the committee recommends that HB02-1288 be referred favorably to the Committee on Appropriations.	27
		28
		29
		30
		31
Judiciary	After consideration on the merits, the committee recommends that HB02-1418 be postponed indefinitely.	32
		33
		34
		35
		36
Judiciary	After consideration on the merits, the committee recommends that HB02-1451 be postponed indefinitely.	37
		38
		39
		40
		41
Judiciary	After consideration on the merits, the committee recommends that HB02-1459 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.	42
		43
		44
		45
	Amend reengrossed bill, page 6, line 12, strike "SHALL" and substitute "IS AUTHORIZED TO".	46
		47
		48
		49
		50
Judiciary	After consideration on the merits, the committee recommends that HB02-1448 be postponed indefinitely.	51
		52
		53
		54
		55
Business, Labor, and Finance	After consideration on the merits, the committee recommends that HCR02-1005 be postponed indefinitely.	56
		57
		58
		59
		60
		61
Business, Labor, and Finance	After consideration on the merits, the committee recommends that HB02-1456 be referred favorably to the Committee on Appropriations.	62
		63
		64
		65
		66
		67
Business, Labor, and Finance	After consideration on the merits, the committee recommends that HB02-1439 be postponed indefinitely.	68
		69
		70
		71
		72

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1015** be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

May 6, 2002

Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on HB02-1359 to consider matters not at issue between the two houses.

May 6, 2002

Mr. President:

The House has postponed indefinitely SB02-176. The bill is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1464.

Without comment, as amended, SB02-179.

We herewith transmit:

Without comment, as amended, HB02-1460 and SB02-012.

MESSAGE FROM THE GOVERNOR

May 6, 2002

To the Honorable Senate
Sixty-third General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

S.B. 02-020 - Concerning A Prohibition Against The Examination Of Confidential Communications Made By A Minor Child To A Parent And, In Connection Therewith, Creating Exceptions To The Prohibition.

Approved May 6, 2002 12:40 p.m.

S.B. 02-085 - Concerning Increasing The Public's Participation In Decisions Made By Transporting Authorities By Providing For The Public's Ability To Have Input Into Such Decisions.

Approved May 6, 2002 12:43 p.m.

S.B. 02-114 - Concerning The Regulation Of Ski Area Guest Child Care Facilities.

Approved May 6, 2002 12:45 p.m.

S.B. 02-151 - Concerning Affordable Housing Projects Financed Through The Division Of Housing.

Approved May 6, 2002 12:49 p.m.

S.B. 02-158 - Concerning Limitations On The Size Of Certain Vehicles.

Approved May 6, 2002 12:44 p.m.

S.B. 02-182 - Concerning Changes To Borders Between Legislative Districts Due To A Division Of A Residential Parcel, And Making An Appropriation In Connection Therewith.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Approved May 6, 2002 12:51 p.m.

Sincerely,
Signed
Bill Owens
Governor

Rec'd: 05/06/02
H. Horvath, Asst. Secretary

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the committee recommends that **SB02-236** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1461** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-226** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mortgage originator's license cash fund created in section 12-61-914, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2002, the sum of two hundred sixty-five thousand thirty-two dollars (\$265,032) and 3.0 FTE, or so much thereof as may be necessary, to be allocated as follows:

(a) Three thousand five hundred six dollars (\$3,506) to the executive director's office for the provision of legal services to the division of real estate related to the implementation of this act;

(b) Two hundred sixty-one thousand five hundred twenty-six dollars (\$261,526) and 3.0 FTE for allocation to the division of real estate, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of three thousand five hundred six dollars (\$3,506), or so much thereof as may be necessary, for the provision of legal services to the division of real estate related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of public safety, Colorado bureau of investigation, the sum of twenty-five thousand two hundred dollars (\$25,200), or so much thereof as may be necessary, for the implementation of this act. Of said sum, nine thousand eight hundred dollars (\$9,800) shall be from cash funds from fingerprint and name check processing fees, and fifteen thousand four hundred dollars (\$15,400) shall be from cash funds exempt."

Renumber succeeding section accordingly.

Page 1, line 101, strike "**ORIGINATORS.**" and substitute: "**ORIGINATORS, AND MAKING AN APPROPRIATION THEREFOR.**"

Appropriations

After consideration on the merits, the committee recommends that **SB02-234** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-234

Amend printed bill, page 2, strike lines 13 through 16 and insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for distribution to the division of insurance, for the fiscal year beginning July 1, 2002, the sum of one hundred thirteen thousand four hundred fifty dollars (\$113,450) and 2.0 FTE, or so much thereof as may be necessary for the implementation of this act."

Page 1, line 105, strike "COLORADO." and substitute "COLORADO, AND MAKING AN APPROPRIATION THEREFOR."

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB02-236, SB02-234, SB02-226, HB02-1461 were made Special Orders at 8:45 p.m.

Committee of the Whole

The hour of 8:45 p.m. having arrived, Senator Phillips moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Phillips was called to the Chair to act as Chairman.

SPECIAL 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:

SB02-236

by Senator(s) Tate--Concerning an appropriation to the department of labor and employment from the employment support fund of moneys transferred to Colorado pursuant to the federal "Social Security Act" for employment services mandated by federal law.

Amendment No. 1, Business, Labor, and Finance Committee Amendment. (Printed in Senate Journal, May 6, page 1184 and placed in members' bill file.)

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

SB02-234

by Senator(s) Hernandez; also Representative(s) Stengel--Concerning the requirement that bail insurance companies post with the division of insurance an amount equal to fifty thousand dollars for each bonding agent affiliated with the company who writes bond in Colorado, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment. (Printed in Senate Journal, May 6, page 1184 and placed in members' bill file.)

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

SB02-226

by Senator(s) Hernandez, Phillips, Takis; also Representative(s) Fairbank--Concerning the regulation of mortgage originators.

Amendment No. 1, Business, Labor, and Finance Committee Amendment. (Printed in Senate Journal, May 6, pages 1188-1189 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, May 6, pages 1067-1068 and placed in members' bill file.)

Amendment No. 3(L.002), by Senators Epps and Linkhart.

Amend printed bill, page 18, after line 17, insert the following:

"(9) Delayed closings. A MORTGAGE ORIGINATOR SHALL NOT, EXCEPT IN GOOD FAITH, DELAY OR CAUSE DELAY IN THE CLOSING OF A HIGH-COST HOME LOAN THAT RESULTS IN INCREASED COSTS TO A BORROWER. A MORTGAGE ORIGINATOR WHO VIOLATES THIS SUBSECTION (9) SHALL REIMBURSE THE BORROWER FOR THE ACTUAL INCREASED COSTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-226

CAUSED BY THE DELAY AND MAY BE SUBJECT TO DISCIPLINARY ACTIONS OF THE BOARD."

Amendment No. 4(L.003), by Senator Linkhart.

Amend printed bill, page 18, before line 18, insert the following:

"(9) **Steering.** NO MORTGAGE ORIGINATOR ARRANGING A HIGH-COST HOME LOAN MAY STEER A BORROWER INTO A LOAN WITH HIGHER COSTS THAN THE LOWEST-COST ARRAY OF LOANS AVAILABLE TO THAT BORROWER FROM THE LENDERS WITH WHOM THE ORIGINATOR REGULARLY DOES BUSINESS. VIOLATIONS OF THIS SUBSECTION (9) SHALL BE GROUNDS FOR DISCIPLINE AGAINST THE MORTGAGE ORIGINATOR'S LICENSE BY THE BOARD."

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

(For further action, see Roll Call on **SB02-226**.)

HB02-1461

by Representative(s) King; also Senator(s) Gordon--Concerning the types of policies that must be offered by a motor vehicle insurer in Colorado.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.

(Printed in Senate Journal, May 6, pages 1184-1185 and placed in members' bill file.)

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

ROLL CALL ON SB02-226

SB02-226

by Senator(s) Hernandez, Phillips, Takis; also Representative(s) Fairbank--Concerning the regulation of mortgage originators.

Upon request of Senator Dyer, a roll call vote was taken with the following result:

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Phillips, 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: **SB02-236** as amended, **SB02-234** as amended, **SB02-226** as amended, **HB02-1461** as amended.

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 Monday, May 6, was laid over until Tuesday, May 7, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **SB02-209**.

General Orders--Second Reading of Bills: **HB02-1259, HB02-1147, HB02-1344, SB02-228, SB02-042, HB02-1407, HB02-1290, HB02-1237, HB02-1046, HB02-1266.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-026, HJR02-1039, SJR02-035, SR02-014, SJR02-040, HJR02-1038, HJR02-1039, HJR02-1037, HJR02-1053, HJR02-1065, SJR02-044, HJR02-1070, HJR02-1071, HJR02-1076.**

Consideration of Memorials: **SJM02-002.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-018, SB02-087, SB02-086, SB02-071, SB02-057, SB02-078, SB02-196, SB02-097, SB02-059, SB02-016, SB02-119, SB02-027, SB02-094, SB02-133, SB02-090.** 1
Consideration of House Amendments to Senate Resolutions: **SJR02-008.** 2
Consideration of Governor's Veto: **SB02-108.** 3
Consideration of Governor's Appointments: 4
 Examining Board of Plumbers 5
 State Housing Board 6
Consideration of Conference Committee Reports: **HB02-1131, HB02-1061, SB02-113.** 7

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, May 7, 2002. 8

Approved: 9

Stan Matsunaka 10
President of the Senate 11

Attest: 12

Karen Goldman 13
Secretary of the Senate 14

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30