

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

One-hundred-nineteenth Legislative Day Tuesday, May 7, 2002

- Prayer 10
By the chaplain, Reverend James Peters, New Hope Baptist Church. 11
- Call to 12
Order 13
By the President at 9:00 a.m. 14
- Roll Call 15
Present--Total, 31. 16
Absent/Excused--Hernandez, Linkhart, Perlmutter, Tupa--Total, 4. 17
Present later--Hernandez, Linkhart, Perlmutter, Tupa. 18
- Quorum 19
The President announced a quorum present. 20
- Reading of 21
Journal 22
On motion of Senator Takis, reading of the Journal of Monday, May 6, was dispensed with and the Journal was approved as corrected by the Secretary. 23

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1263**

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 HB02-1263,
concerning substance abuse treatment, and making an appropriation in
connection therewith, has met and reports that it has agreed upon the
following:

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 4, strike lines 23 through 27.

Page 5, strike lines 1 through 8.

Respectfully submitted,

House Committee:	Senate Committee:
(Signed)	(Signed)
Representative Alexander, Chairman	Senator Hagedorn, Chairman
(Signed)	(Signed)
Representative Romanoff	Senator Anderson
(Signed)	
Representative Hefley	

INTRODUCTION OF BILLS--FIRST READING

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

- HB02-1464** by Representative(s) Lawrence, Larson, Spradley, Tapia; also Senator(s) Dyer--
Concerning the master lease program. 66
Appropriations 67
68
69
- HB02-1460** by Representative(s) Williams T.; also Senator(s) Entz--Concerning the extension of the
"Colorado Auto Accident Reparations Act" for nine months. 70
Public Policy and Planning 71
72

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR02-017

by Senator(s) Thiebaut; --Concerning the designation of the Transportation Technology Center, Inc., Emergency Response Training Center, located in Pueblo County, Colorado, as the Colorado state training center for domestic preparedness.

Laid over one day under Senate Rule 30(c).

COMMITTEE OF REFERENCE REPORTS

Legal Services

After consideration on the merits, the committee recommends that HB02-1203 be referred favorably to the Committee of the Whole.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-236, SR02-016.

Correctly engrossed: SB02-050, 206, 212, 222, 225, 226, 227, 229, 230, 231, 233, 234, 235, 236; SJR02-025, 046; SCR02-004, 006.

Correctly revised: HB02-1457, 1461; HJR02-1055, 1061, 1062, 1063, 1076, 1081.

Correctly rerevised: HB02-1189, 1310, 1357, 1397, 1401, 1411, 1412.

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: SJR02-006, SJR02-026, SJR02-035, SJR02-014.

CONSIDERATION OF RESOLUTIONS

SJR02-006

by Senator(s) Taylor; also Representative(s) White, Rippey--Concerning the honoring of Colorado's 2002 Olympic Winter Games athletes.

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

Table with 4 columns: YES, NO, EXCUSED, ABSENT. Rows list names of senators and their votes (Y, N, E).

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

SJR02-026

by Senator(s) Entz, Phillips, Teck; also Representative(s) Borodkin, Bacon, Daniel, Garcia, Hodge, Hoppe, Jahn, Madden, Marshall, Rippey, Stengel, Tapia, Veiga, Weddig-- Concerning honoring general aviation in Colorado and Aircraft Owners and Pilots Association President Phil Boyer for their contributions to Colorado's economy and their success in restoring the "freedom to fly" in America.

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

SJR02-026

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.

SJR02-035

by Senator(s) Owen, Arnold, Phillips; also Representative Webster--Concerning commemoration of the 100th anniversary of Johnstown.

On motion of Senator Owen, 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.

SR02-014

by Senator Gordon--Concerning the recommendation of conservation to reduce global warming.

On motion of Senator Gordon, the resolution was read at length and laid over until later in the day, Tuesday, May 7.

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:

HB02-1416

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 later in the day, Tuesday, May 7.

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 to follow **HB02-1461**.

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, Rippey, 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.

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

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HB02-1457

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	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: Gordon, Teck.

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.

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

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

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

Co-sponsors added: Fitz-Gerald, Hagedorn, Nichol, Pascoe, Tupa, Windels.

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".

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	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**.

SB02-212

by Senator(s) Matsunaka; also Representative Bacon--Concerning a program to provide assistance funded through the state education fund to certain poorly performing public school students through school districts.

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

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SB02-212

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Windels.

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.

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**.

SB02-231

by Senator(s) Owen; also Representative(s) Stengel, King--Concerning the administration of retirement plans by the state deferred compensation committee.

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**.

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.

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

Third Reading Amendment, by Senator Evans

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

"SECTION 1. 25-4-903 (2) and (4), Colorado Revised Statutes, are".

Page 3, after line 1, insert the following:

"(4) All information distributed to parents by school districts

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SB02-206

regarding immunization shall inform them of their rights under subsection (2) of this section. SUCH INFORMATION SHALL ALSO INFORM PARENTS OF THEIR RIGHT TO BE INFORMED ABOUT ANY IMMUNIZATIONS TO BE PROVIDED TO HIS OR HER CHILD AND THE RIGHT TO HAVE THE IMMUNIZATIONS ADMINISTERED ONLY WITH THE INFORMED CONSENT OF THE PARENT."

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	27	NO	8	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Epps, Hagedorn, Hanna, Reeves.

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.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	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: Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Hagedorn, Hernandez, Lamborn, Linkhart, Nichol, Owen, Phillips, Teck, Windels.

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.

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		

SB02-233 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Chlouber, Dyer, Entz, Epps, Hagedorn, Hernandez, Isgar, Matsunaka, McElhany, Musgrave, Phillips, Taylor, Teck.

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.

Laid over until later in the day, Tuesday, May 7.

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.

Laid over until later in the day, Tuesday, May 7.

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.

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 constitutional two-thirds majority of all members elected to the Senate having voted in the affirmative, the concurrent resolution was declared **adopted**.

Co-sponsors added: Entz, Evans, Hernandez, Musgrave, Nichol.

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.

The question being "Shall the bill 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	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	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: Hanna, Hernandez, Pascoe, Tate.

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.

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

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SB02-235

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Hanna, Hernandez, Pascoe, Tate.

SB02-236

by Senator(s) Tate; also Representative Marshall--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.

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.

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.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	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: Epps.

SB02-226

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

Laid over until later in the day, Tuesday, May 7.

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.

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HB02-1461 The question being "Shall the bill pass?", the roll call was taken with the following result: 1

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.

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 Thursday, May 9.

COMMITTEE OF REFERENCE REPORTS

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1440** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 13, strike lines 22 through 27 and substitute the following:

"~~After that time,~~".

Page 14, strike lines 1 through 7;

line 8, strike "TO THIS SECTION."

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1447** be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1074, as printed in House Journal, April 19, page 1473.

May 7, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1064, as printed in House Journal, April 17 pages 1410-1411.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1074 by Representative(s) Spradley; also Senator(s) Chlouber--Concerning declaration of the week of May 5, 2002, as Correctional Employees Appreciation Week.

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

HJR02-1074 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 Chlouber, 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.

HJR02-1064 by Representative(s) Spence; also Senator(s) Anderson--Concerning honoring University of Colorado Regent Norwood Robb.

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

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

On motion of Senator Anderson, the resolution was **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, **HB02-1046, HB02-1259, HB02-1344, HB02-1450, HB02-1415, HB02-1003, HB02-1319, HB02-1038, HB02-1044, HB02-1297, HB02-1409** were made Special Orders at 10:20 a.m.

Committee of the Whole The hour of 10:20 a.m. having arrived, Senator Perlmutter moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Perlmutter 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:

HB02-1046 by Representative(s) Lee, Decker, Groff, Hefley, Madden, Mitchell; also Senator(s) Windels, Dyer, Arnold, Gordon, Linkhart--Concerning the relocation of certain existing criminal sentencing statutes to a new article in title 18, Colorado Revised Statutes.

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

HB02-1259 by Representative(s) Marshall; also Senator(s) Tate--Concerning protection of consumers' home ownership equity.

(Amended in Special Orders as printed in Senate Journal, May 2, pages 1112-1113.)

HB02-1259 Amendment No. 13(L.054), by Senator Tate.

Amend reengrossed bill, page 15, line 11, after "LOANS", insert "ONLY".

Amendment No. 14(L.055), by Senator Tate.

Strike the Hagedorn floor amendment no. 8 (L.049), as printed in Senate Journal, May 2, 2002, page 1112, lines 68 through 72.

Page 1113, lines 1 through 11.

Amendment No. 15(L.056), by Senator Tate.

Amend reengrossed bill, page 13, line 22, strike "LENDER" and substitute "OBLIGOR".

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

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

HB02-1344 by Representative(s) Scott; also Senator(s) Linkhart--Concerning the water quality control discharge permit program, and, in connection therewith, increasing permit fees, requiring a study to determine whether such program should be modified to reasonably accommodate the unique attributes of Colorado's water bodies, and making an appropriation.

Ordered revised 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 (**HB02-1450, HB02-1415, HB02-1003, HB02-1319, HB02-1038, HB02-1044, HB02-1297, HB02-1409**) of Tuesday, May 7, was laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1259 by Representative(s) Marshall; also Senator(s) Tate--Concerning protection of consumers' home ownership equity.

Senators Hagedorn, McElhany, and Epps moved to amend the Report of the Committee of the Whole to show that the following Tate floor amendment, (L.055) to HB02-1259, did not pass.

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	N	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	N	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	N
Evans	N	Linkhart	Y	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Perlmutter, 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: **HB02-1046, HB02-1259** as amended, **HB02-1344**.
Laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7: **HB02-1450, HB02-1415, HB02-1003, HB02-1319, HB02-1038, HB02-1044, HB02-1297, HB02-1409**.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR02-018

by Senator(s) Isgar, Entz, Hillman, Musgrave; --Concerning emergency drought disaster designation.

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

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR02-018, SJR02-027, SJR02-028, SJR02-029, SJR02-032, SJR02-036, SJR02-037, SJR02-041.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB02-1013

by Representative(s) Spradley, Williams T.; also Senator(s) McElhany, Owen--Concerning the guaranteed issue of health insurance benefits for business groups of one.

Senator McElhany moved that the Senate Conferees on the First Conference Committee on **HB02-1013** be given the powers to go beyond the scope of the differences between the two Houses.

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

HB02-1359

by Representative(s) Stafford, Coleman, Harvey, Mace, Paschall, Sanchez; also Senator(s) Linkhart--Concerning child placement in dependency or neglect actions.

Senator Linkhart moved that the Senate Conferees on the First Conference Committee on **HB02-1359** be given the powers to go beyond the scope of the differences between the two Houses.

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

HB02-1161

by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones.

Senator Hillman moved that the Senate Conferees on the First Conference Committee on **HB02-1161** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the committee recommends that **HB02-1303** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated April 30, 2002, page 1, strike lines 9 through 12 and substitute the following:

"22-7-607.5. Teacher pay incentive program - repeal.

(2) (b) (I) The per pupil grant amount FOR ELIGIBLE SCHOOLS THAT RECEIVE AN ACADEMIC PERFORMANCE RATING OF "LOW" shall be an amount equal to ~~twelve~~ TEN million ~~six~~ THREE hundred ~~thirty~~ THREE thousand dollars divided by the total number of students enrolled in all eligible schools.

(II) THE PER PUPIL GRANT AMOUNT FOR ELIGIBLE SCHOOLS THAT RECEIVE AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY"

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HB02-1303

SHALL BE AN AMOUNT EQUAL TO ONE MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND DOLLARS DIVIDED BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN ALL ELIGIBLE SCHOOLS."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1459** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 17, strike lines 10 through 17 and substitute the following:

"SECTION 16. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of revenue, state lottery division, the sum of seven thousand eight hundred dollars (\$7,800) cash funds exempt, or so much thereof as may be necessary for implementation of this act. Such sum shall be from fingerprint and name check processing fees.

(2) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of regulatory agencies, real estate division, the sum of one hundred thirty-five thousand dollars (\$135,000) cash funds, or so much thereof as may be necessary for implementation of this act. Such sum shall be from fingerprint and name check processing fees.

(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 one hundred forty-two thousand dollars (\$142,000) and 0.6 FTE, or so much thereof as may be necessary for implementation of this act. Of said sum, one thousand two hundred dollars (\$1,200) shall be from cash funds and one hundred forty-one thousand six hundred dollars (\$141,600) shall be cash funds exempt. Such sums shall be from cash funds and cash funds exempt received from the department of revenue and the department of regulatory agencies out of appropriations made in subsections (1) and (2) of this section."

Appropriations

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

Amend the Business, Labor, and Finance Committee Report, dated April 22, 2002, page 2, strike lines 27 and 28.

Strike page 3.

Page 4, strike lines 1 through 15 and substitute the following:

"SECTION 8. 10-4-403 (2) (a) (III), Colorado Revised Statutes, is amended to read:

10-4-403. Standards for rates - competition - procedure - requirement for independent actuarial opinions regarding 1991 legislation. (2) (a) In determining whether rates comply with the excessiveness standard, the inadequacy standard, and the unfair discrimination standard, the following criteria shall apply:

(III) (A) Concerning profits, the rate shall contain provisions for contingencies and an allowance permitting a reasonable profit. In determining the reasonableness of profit, consideration should be given to all investment income attributable to premiums and the reserves associated with those premiums.

(B) CONCERNING RATE FILINGS, THE COMMISSIONER MAY REVIEW RATE FILINGS FOR SUBSTANTIVE CONTENT AND ANY DEFICIENCY IDENTIFIED SHALL BE COMMUNICATED TO THE INSURER. CORRECTION OF

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HB02-1136

ANY NONWILLFUL DEFICIENCY IDENTIFIED BY THE COMMISSIONER AFTER THE THIRTIETH BUSINESS DAY FOLLOWING THE FILING SHALL BE PROSPECTIVE AND SHALL NOT SUBJECT THE INSURER TO MONETARY PENALTIES OR OTHER ENFORCEMENT ACTION BY THE COMMISSIONER.";

line 16, strike "10." and substitute "9.";

line 24, strike "12." and substitute "11."

Page 5, line 1, strike "14." and substitute "13.", and strike "the introductory portion to";

line 2, strike "10-16-107 (1.5), and 10-16-107 (1.5) (c) and (1.7) (a),";

line 3, strike "are" and substitute "is";

line 11, strike "shall not" and substitute "shall BE DEMONSTRATED BY THE CARRIER IN FILINGS TO THE COMMISSIONER not TO";

strike lines 18 through 36.

Page 6, strike lines 1 through 20 and substitute the following:

"SECTION 14. 10-16-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-107. Rate regulation - approval of policy forms - benefit certificates - evidences of coverage - loss ratio guarantees - disclosures on treatment of intractable pain. (1.6) FILINGS MAY BE REVIEWED BY THE COMMISSIONER FOR SUBSTANTIVE CONTENT AND ANY DEFICIENCY IDENTIFIED SHALL BE COMMUNICATED TO THE INSURER. CORRECTION OF ANY NONWILLFUL DEFICIENCY IDENTIFIED BY THE COMMISSIONER AFTER THE THIRTIETH BUSINESS DAY FOLLOWING THE FILING SHALL BE PROSPECTIVE AND SHALL NOT BE SUBJECT THE INSURER TO MONETARY PENALTIES OR OTHER ENFORCEMENT ACTION BY THE COMMISSIONER."."

Page 7, line 2, strike "ARTICLE." and substitute "ARTICLE."";

strike lines 3 through 9.

Page 10, after line 12, insert the following:

"Page 62, after line 5, insert the following:

"SECTION 45. Appropriation. (1) 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 allocation to the division of insurance, for the fiscal year beginning July 1, 2002, the sum of one hundred twenty-four thousand three hundred forty-one dollars (\$124,341) and 2.2 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly."

Page 10, after line 13, insert the following:

"Page 1, line 103, strike "INSURANCE." and substitute: "INSURANCE, AND MAKING AN APPROPRIATION THEREFOR."."

Appropriations

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

Appropriations

After consideration on the merits, the committee recommends that **HB02-1024** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1288** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1447** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1456** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1440** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1468** be referred favorably to the Committee of the Whole.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1284**

THIS REPORT AMENDS THE REREVISED BILL

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

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Your first conference committee appointed on HB02-1284, concerning the authorization of need-based grants for veterans to defray the costs of attendance at the dedication of the world war II memorial in Washington, D.C., has met and reports that it has agreed upon the following:

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

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Amend rerevised bill, page 6, after line 21, insert the following:

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"(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004."

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Respectfully submitted,

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House Committee:	Senate Committee:
(Signed) Representative Sinclair, Chairman	(Signed) Senator Isgar, Chairman
(Signed) Representative Paschall	(Signed) Senator Taylor
(Signed) Representative Grossman	(Signed) Senator Nichol

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB02-032**

THIS REPORT AMENDS THE REENGROSSED BILL

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

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SB02-032

Your first conference committee appointed on SB02-032, concerning the extension of the period that a portion of municipal taxes may be allocated to a special fund to pay indebtedness related to a downtown development authority, has met and reports that it has agreed upon the following:

1. That the House recede from its amendment made to the bill, as said amendment appears in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend reengrossed bill, page 2, line 13, strike "THIRTY-FIVE" and substitute "THIRTY".

Respectfully submitted,

Senate Committee: House Committee:
(Signed) (Signed)
Senator Teck, Chairman Representative Berry, Chairman
(Signed) (Signed)
Senator Takis Representative Larson
(Signed) (Signed)
Senator Nichol Representative Groff

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB02-161

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 SB02-161, concerning the modification of procedures for the foreclosure of deeds of trust, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 18, line 27, strike "HOLDER OF THE CERTIFICATE OF PURCHASE;" and substitute "OWNER OF THE EVIDENCE OF DEBT;".

Page 20, line 7, strike "PREMIUM INSURANCE" and substitute "INSURANCE PREMIUMS".

Page 25, strike lines 19 through 27 and substitute the following:

~~"(e) The reasonable costs and expenses of defending, protecting, and maintaining such property and the holder's interest in such property, including repair and maintenance costs and expenses, costs and expenses of protecting and securing the property, receiver's fees and expenses, inspection fees, court costs, attorney fees, and fees and costs of an attorney in the employment of the holder of the certificate of purchase; and~~

~~(f) Such other costs and expenses which may be authorized by a court of competent jurisdiction.~~

(g) THE REASONABLE COSTS AND EXPENSES OF DEFENDING, PROTECTING, SECURING, MAINTAINING, AND REPAIRING SUCH PROPERTY AND THE HOLDER'S INTEREST IN SUCH PROPERTY, OR THE IMPROVEMENTS

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SB02-161

ON SUCH PROPERTY, RECEIVER'S FEES AND EXPENSES, INSPECTION FEES, COURT COSTS, ATTORNEY FEES, AND FEES AND COSTS OF THE ATTORNEY IN THE EMPLOYMENT OF THE HOLDER OF THE CERTIFICATE OF PURCHASE;"

Page 26, strike lines 1 through 3;

strike lines 10 through 12 and substitute the following:

"(i) SUCH OTHER COSTS AND EXPENSES THAT MAY BE PERMITTED BY THE DEED OF TRUST, MORTGAGE, OR OTHER LIEN SECURING THE DEBT OR THAT MAY BE AUTHORIZED BY A COURT OF COMPETENT JURISDICTION."

Page 30, line 12, strike "LONGER." and substitute "THE LAST TO EXPIRE."

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend rerevised bill, page 5, after line 1, insert the following:

"SECTION 1. 13-80-103.5 (1) (a), Colorado Revised Statutes, is amended to read:

13-80-103.5. General limitation of actions - six years.

(1) The following actions shall be commenced within six years after the cause of action accrues, and not thereafter:

(a) All actions to recover a liquidated debt or an unliquidated, determinable amount of money due to the person bringing the action, all actions for the enforcement of rights set forth in any instrument securing the payment of or evidencing any debt, and all actions of replevin to recover the possession of personal property encumbered under any instrument securing any debt; EXCEPT THAT ACTIONS TO RECOVER PURSUANT TO SECTION 38-35-124.5 (3), C.R.S., SHALL BE COMMENCED WITHIN ONE YEAR."

Renumber succeeding sections accordingly.

Page 6, after line 10, insert the following:

"SECTION 3. Part 1 of article 35 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-35-124.5. Effect of written payoff statement. (1) ANY PERSON OR ENTITY PROVIDING CLOSING AND SETTLEMENT SERVICES FOR A REAL ESTATE TRANSACTION AND TO WHOM A PAYOFF STATEMENT IS ADDRESSED SHALL BE ENTITLED TO REASONABLY RELY ON THE AMOUNTS THAT ARE SET FORTH IN SUCH PAYOFF STATEMENT FOR THE TIME FRAME SET FORTH THEREIN AND SHALL NOT BE LIABLE TO THE CREDITOR OR HOLDER OF THE INDEBTEDNESS OR ITS AGENT FOR ANY OMITTED AMOUNTS, UNLESS A WRITTEN AMENDMENT IS RECEIVED BY SUCH PERSON OR ENTITY PRIOR TO THE CLOSING OF THE TRANSACTION. UPON PAYMENT TO THE CREDITOR OR HOLDER OF THE AMOUNTS STATED IN THE WRITTEN PAYOFF STATEMENT, AS MAY BE AMENDED, SUCH CREDITOR OR HOLDER SHALL BE REQUIRED TO COMPLY WITH THE RELEASE PROVISIONS OF SECTION 38-35-124.

(2) ANY CREDITOR OR HOLDER OF THE INDEBTEDNESS WHO FAILS TO COMPLY WITH THE RELEASE PROVISIONS OF SECTION 38-35-124 AS REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL BE LIABLE TO THOSE PERSONS OR ENTITIES TO WHOM THE WRITTEN PAYOFF STATEMENT WAS ADDRESSED FOR ANY ACTUAL ECONOMIC LOSS SUFFERED BY SUCH PERSONS OR ENTITIES, INCLUDING REASONABLE ATTORNEY FEES AND COSTS IN ENFORCING THE PROVISIONS OF THIS SECTION.

(3) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IN THE EVENT OF AN ERROR IN THE WRITTEN PAYOFF STATEMENT PROVIDED BY A CREDITOR OR HOLDER OF THE INDEBTEDNESS OR ITS AGENT, THE CREDITOR SHALL RETAIN ANY REMEDIES, LEGAL OR EQUITABLE, TO

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SB02-161

COLLECT DIRECTLY AGAINST THE OBLIGOR ANY UNSECURED ADDITIONAL AMOUNTS DETERMINED TO BE OUTSTANDING."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:

House Committee:

(Signed)
Senator Perlmutter, Chairman

(Signed)
Representative Smith, Chairman

(Signed)
Senator Dyer

(Signed)
Representative Sinclair

(Signed)
Senator Tate

(Signed)
Representative Jahn

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB02-019**

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 SB02-019,
concerning DNA testing of all felons, has met and reports that it has
agreed upon the following:

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

Amend rerevised bill, page 17, line 19, strike "(g.5)" and substitute
"(i.8)";

line 20, strike "THEREOF," and substitute "THEREOF;";

strike line 21.

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendment be
recommended:

Amend rerevised bill, page 12, strike lines 20 and 21 and substitute the
following:

~~"genetic markers thereof. and to chemical testing of the
offender's saliva to determine secretor status thereof. Such testing shall
occur prior to the".~~

page 17, line 14, strike "A NEW PARAGRAPH" and substitute "THE
FOLLOWING NEW PARAGRAPHS";

after line 18, insert the following:

"(i.2) PAYMENT OF PROBATION SUPERVISION FEES;

(i.4) PAYMENT OF A DRUG OFFENDER SURCHARGE PURSUANT TO
ARTICLE 19 OF TITLE 18, C.R.S.;

(i.6) PAYMENT OF A SEX OFFENDER SURCHARGE PURSUANT TO
ARTICLE 21 OF TITLE 18, C.R.S.;".

Respectfully submitted,

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SB02-019

Senate Committee:	House Committee:	1
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(Signed)	(Signed)	3
Senator Windels, Chairman	Representative Grossman, Chairman	4
		5
(Signed)	(Signed)	6
Senator Lamborn	Representative Hefley	7
		8
(Signed)	(Signed)	9
Senator Nichol	Representative Lawrence	10
		11

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

The House has adopted and returns herewith SJR02-035.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1472,1473,1474,1475,1477.

The House has passed on Third Reading and returns herewith SB02-207,197,157,053,.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1272, amended as printed in House Journal, May 6, page 1872.

HB02-1470, amended as printed in House Journal, May 6, page 1884.

HB02-1471, amended as printed in House Journal, May 6, pages 1884-1885.

HB02-1476, amended as printed in House Journal, May 6, page 1887.

HB02-1478, amended as printed in House Journal, May 6, page 1887.

HB02-1469, amended as printed in House Journal, May 6, pages 1888-1889.

SB02-202, amended as printed in House Journal, May 6, page 1858.

SB02-064, amended as printed in House Journal, May 6, pages 1858-1860 and 1867-1868.

SB02-159, amended as printed in House Journal, May 6, pages 1868-1871.

SB02-089, amended as printed in House Journal, May 6, pages 1871-1872.

May 7, 2002

Mr. President:

The House has voted to concur in the Senate amendments to HB02-1281,1283,1396,1209,1312,1338,1357,1189 and has repassed the bills as so amended.

The House voted to adhere to its position on HB02-1029. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB02-1310 and requests that a conference committee be appointed. The Speaker has appointed Representatives King, chairman, Fairbank, and Veiga as House conferees on the First Conference Committee on HB02-1310. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted to recede from its position, dissolve the First Conference Committee on HB02-1300, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

May 7, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1051, as printed in House Journal, April 12, pages 1291-1292, and amended as printed in House Journal, May 7.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1472, 1473, 1474, 1475, and 1477.
 Without comment, as amended, HB02-1272, 1470, 1471, 1476, 1478, and 1469 and
 SB02-202, 064, 159, 089.

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 House
 Amendments to Senate Bills: **SB02-179, SB02-090.**

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-179 by Senator(s) Matsunaka; also Representative(s) Veiga--Concerning transportation
 funding, and making an appropriation in connection therewith.

Senator Thiebaut moved that the Senate not concur in House amendments to **SB02-179**, as
 printed in House Journal, May 3, page 1831-1832, and that a Conference Committee be
 appointed.

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

Senator Thiebaut moved that the Senate Conferes on the First Conference Committee on
SB02-179 be given the powers to go beyond the scope of the differences between the two
 Houses.

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

(For further action, see Appointments to Conference Committees.)

SB02-090 by Senator(s) Hernandez; also Representative(s) Spradley--Concerning personal injury
 protection insurance coverage for persons injured as the result of an accident involving a
 motor vehicle, and making an appropriation therefor.

Senator Hernandez moved that the Senate concur in House amendments to **SB02-090**, as
 printed in House Journal, May 2, page 1768. The motion was **passed** 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		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	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, as
 amended, was declared **repassed**.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1450, HB02-1415, HB02-1003, HB02-1319, HB02-1038, HB02-1044, HB02-1297, HB02-1409** were made Special Orders at 2:00 p.m.

Committee
of the
Whole

The hour of 2:00 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:

HB02-1450 by Representative(s) Fairbank; also Senator(s) Tate--Concerning expenditures for political messages by candidate committees of nominees for the offices of governor and lieutenant governor.

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

HB02-1415 by Representative(s) Hoppe, Swenson, Cloer, Garcia, Harvey, Johnson, Kester, Miller, Smith, Snook, Spradley; also Senator(s) Isgar, Chlouber, Entz, Owen, Phillips, Taylor--Concerning net metering by electric utilities.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, May 6, and placed in members' bill file.)

Amendment No. 2, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 6, page 1146-1161 and placed in members' bill file.)

Amendment No. 3(L.011), by Senator Isgar.

Amend reengrossed bill, page 2, strike lines 9 through 14 and substitute the following:

"SECTION 2. Article 9.5 of title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 3 NET METERING FOR CUSTOMER-GENERATORS OF COOPERATIVE ELECTRIC ASSOCIATIONS

40-9.5-301. Definitions. AS USED IN THIS PART 3, UNLESS THE".

Page 3, line 22, strike "**40-8.2-102.**" and substitute "**40-9.5-302.**".

Page 4, line 3, strike "40-8.2-104." and substitute "40-9.5-304.";

line 19, strike "**40-8.2-103.**" and substitute "**40-9.5-303.**".

Page 5, line 21, strike "**40-8.2-104.**" and substitute "**40-9.5-304.**".

Page 6, line 16, strike "**40-8.2-105.**" and substitute "**40-9.5-305.**";

line 17, strike "ARTICLE" and substitute "PART 3";

line 19, strike "ARTICLE," and substitute "PART 3,";

line 21, strike "ARTICLE." and substitute "PART 3.";

line 22, strike "**40-8.2-106.**" and substitute "**40-9.5-306.**";

line 23, strike "ARTICLE" and substitute "PART 3".

Amend the Agriculture and Natural Resources Committee Report, dated April 23, 2002, page 1, line 3, strike "(4), C.R.S." and substitute "(4).".

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

HB02-1003 by Representative(s) Spradley, Clapp, Williams T.; also Senator(s) Hagedorn, Owen--
Concerning expanded access to health insurance.

Laid over to follow **HB02-1044**.

HB02-1319 by Representative(s) Webster; also Senator(s) Takis--Concerning the acquisition of rights
to a noninterfering use of railroad rights-of-way.

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

HB02-1038 by Representative(s) Tapia; also Senator(s) Arnold--Concerning the unlawful possession
of certain items with intent to manufacture a controlled substance, and making an
appropriation in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, May 6, page 1162-1164 and placed in members' bill file.)

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

HB02-1044 by Representative(s) Williams S., Stafford; also Senator(s) Tupa, Entz, Isgar--Concerning
the issuance of certain special license plates, and making an appropriation in connection
therewith.

Amendment No. 1, Public Policy and Planning Committee Amendment.

(Printed in Senate Journal, May 1, pages 1095-1097 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 6, page 1165 and placed in members' bill file.)

Amendment No. 3(L.033), by Senator Tupa.

Amend the Public Policy and Planning Committee Report, dated May 1,
2002, page 1, after line 9, insert the following:

"line 25, strike "SPECIFIED BY" and substitute "SO SPECIFIED:"

strike line 26.";

after line 10 of the committee report insert the following:

"line 8, after "PROVIDED" insert "TO THE DEPARTMENT OR AN AUTHORIZED
AGENT"";

line 12 of the committee report, after "MEMBER" insert "IN GOOD
STANDING";

strike line 15 of the committee report.

Page 2 of the committee report, strike line 1;

line 2, of the committee report, before "line 6" insert "Page 6".

Amendment No. 4(L.035), by Senators Anderson and Fitz-Gerald.

Amend the Public Policy and Planning Committee Report, dated May 1,
2002, page strike lines 7 through 28.

Page 4, strike lines 7 through 12.

Renumber succeeding sections accordingly.

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

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

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 (**HB02-1003**, **HB02-1297**, **HB02-1409**) of Tuesday, May 7, was laid over until
the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7, retaining
its place on the calendar.

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AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1044

by Representative(s) Williams S., Stafford; also Senator(s) Tupa, Entz, Isgar--Concerning the issuance of certain special license plates, and making an appropriation in connection therewith.

Senators Entz and Owen moved to amend the Report of the Committee of the Whole to show that the following Entz/Owen floor amendment, (L.031) to HB02-1044, did pass.

Amend reengrossed bill, page 4, after line 20, insert the following:

"SECTION 2. 42-3-115.5 (1) (a), Colorado Revised Statutes, is amended, and the said 42-3-115.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-3-115.5. Special plates - military veterans - rules.

(1) (a) The department is directed to issue one or more sets of special license plates to the following persons who own a truck that does not exceed twelve thousand pounds empty weight, a passenger car, a motorcycle, or a noncommercial or recreational vehicle:

- (I) A recipient of the purple heart;
- (II) A former prisoner of war;
- (III) An honorably discharged or retired veteran of the armed forces of the United States;
- (IV) A disabled veteran of the armed forces of the United States;
- (V) A survivor of the attack on Pearl Harbor;
- (VI) A recipient of the medal of honor; or
- (VII) An honorably discharged, retired, reserve, or active member of the United States Marine Corps; OR
- (VIII) A VETERAN OF THE KOREAN WAR.

(9) **Veteran of the Korean war.** (a) THE VETERAN OF THE KOREAN WAR SPECIAL LICENSE PLATE SHALL BE DESIGNED TO INDICATE THAT THE OWNER OF THE MOTOR VEHICLE TO WHICH SUCH LICENSE PLATE IS ATTACHED IS A VETERAN OF THE KOREAN WAR.

(b) ANY NATURAL PERSON MAY USE A VETERAN OF THE KOREAN WAR SPECIAL LICENSE PLATE IF SUCH PERSON WAS A MEMBER OF THE UNITED STATES ARMED FORCES BETWEEN JUNE 25, 1950, AND JULY 27, 1953."

Renumber succeeding sections accordingly.

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

YES	21	NO	13	EXCUSED	0	ABSENT	1
Anderson	N	Fitz-Gerald	N	May	N	Takis	N
Andrews	Y	Gordon	Y	McElhany	N	Tate	N
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	N
Chlouber	Y	Hernandez	A	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

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: **HB02-1450, HB02-1415** as amended, **HB02-1319, HB02-1038** as amended, **HB02-1044** as amended
Laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7: **HB02-1003, HB02-1297, HB02-1409.**

COMMITTEE OF REFERENCE REPORTS

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB02-1403** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, strike lines 11 and 12 and substitute the following:

"SECTION 5. 22-2-105 (1), (2), and (5), Colorado Revised Statutes, are amended, and the said 22-2-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:".

Page 8, strike lines 20 through 22 and substitute the following:

"MEMBER ELECTED AT LARGE, SUCH MEMBER SHALL BE PERMITTED TO CONTINUE SERVING ON THE STATE BOARD UNTIL THE EXPIRATION OF HIS OR HER TERM.

(3.5) ANY MEMBER OF THE STATE BOARD WHO WAS ELECTED TO OFFICE AS A RESIDENT OF A DESIGNATED CONGRESSIONAL DISTRICT, AND WHO NO LONGER RESIDES IN SUCH CONGRESSIONAL DISTRICT SOLELY BECAUSE OF A CHANGE MADE TO THE BOUNDARIES OF SUCH DISTRICT SUBSEQUENT TO THE 2000 FEDERAL DECENNIAL CENSUS, IS ELIGIBLE TO HOLD OFFICE FOR THE REMAINDER OF THE TERM FOR WHICH THE MEMBER WAS ELECTED, NOTWITHSTANDING SUCH NONRESIDENCY.

(5) Any vacancies that may occur by reason of death, removal, or resignation from office, or removal from the district from which elected, or when a board member is elected, qualified, and takes office for another state office, shall be filled by the state board, and the person so appointed shall serve until the next regular election providing such appointee is subject to the qualifications set forth by law. Any person appointed to fill a vacancy shall be a member of the same political party as the vacating board member. If a vacancy occurs at any time within the period that begins with the general election in November and ends the second Tuesday of January following said general election, the vacancy shall be filled by the members of the state board who are elected, qualified, and sworn in or continuing in office as of said second Tuesday of January. IF THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS CHANGES TO AN ODD NUMBER DURING THE TERM OF THE MEMBER ELECTED AT LARGE, A VACANCY OF SUCH MEMBER'S SEAT SHALL NOT BE FILLED BY THE STATE BOARD."

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB02-1465** be referred favorably to the Committee of the Whole.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB02-1458** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1358** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "(5.5) and";

line 3, strike "are" and substitute "is".

Page 3, line 4, strike "TWENTY" and substitute "THIRTEEN";

strike lines 15 through 19 and substitute the following:

"(5.6) "HOTELS AND MOTELS" AS DEFINED IN SUBSECTION (5.5) OF THIS SECTION SHALL NOT INCLUDE BED AND BREAKFASTS."

Page 5, after line 16, insert the following:

"SECTION 3. Repeal. 39-1-102 (5.5) (a) (IV), Colorado Revised Statutes, as enacted by House Bill 02-1265, enacted at the Second Regular Session of the Sixty-third General Assembly, is repealed as follows:

39-1-102. Definitions. As used in articles 1 to 13 of this title, unless the context otherwise requires:

(5) (a) (IV) ~~A residential improvement if a portion of the residential improvement is occupied by its owner or by one or more lessees of the owner as a primary residence and a portion of the residential improvement is offered to the general public for accommodations as a bed and breakfast or a similar operation. The actual value and valuation for assessment of such a residential improvement shall be determined as provided in section 39-1-103 (9) (a).";~~

Renumber succeeding section accordingly.

Page 5, line 25, after "governor.", insert "Section 3 of this act shall take effect only if House Bill 02-1265 is enacted and becomes law."

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1399** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 8-18-101 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8-18-101. Bid preference - state contracts. (1) (d) ALL DEPARTMENTS, AGENCIES, AND INSTITUTIONS OF STATE GOVERNMENT THAT USE STATE FUNDS TO PURCHASE AGRICULTURAL FOOD PRODUCTS SHALL GIVE PREFERENCE TO PRODUCERS AND PROCESSORS LOCATED WITHIN THE BOUNDARIES OF COLORADO WHEN AWARDING CONTRACTS OR AGREEMENTS FOR THE PURCHASE OF SUCH PRODUCTS IF THE TERMS, CONDITIONS, AND QUALITY ASSOCIATED WITH THE IN-STATE PRODUCER'S PROPOSAL ARE SUBSTANTIALLY EQUAL TO THOSE OBTAINABLE FROM PRODUCERS LOCATED ELSEWHERE."

Renumber succeeding sections accordingly.

Page 9, strike lines 11 through 13 and substitute the following:

"SECTION 7. The introductory portion to 39-30-103 (1) and 39-30-103 (6), Colorado Revised Statutes, are amended, and the said 39-30-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-30-103. Zones established - termination. (1) Any municipality, county, or group of contiguous municipalities or counties may propose an area of such municipality, county, or group of

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HB02-1399

municipalities or counties to be designated as an enterprise zone if the area has a population of no more than eighty thousand persons, OR, IN THE CASE OF AN ENTERPRISE ZONE LOCATED IN A RURAL AREA, ONE HUNDRED THOUSAND PERSONS, and meets at least one of the following additional criteria:

(6) (a) When the".

Page 10, after line 17, insert the following:

"(7) (a) ANY AREA NEWLY DESIGNATED AS AN ENTERPRISE ZONE ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7) SHALL BE LOCATED ENTIRELY WITHIN A RURAL AREA.

(b) AS USED IN THIS SUBSECTION (7), "RURAL AREA" MEANS:

(I) A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS;

(II) A MUNICIPALITY WITH A POPULATION OF LESS THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS, THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE; OR

(III) THE UNINCORPORATED PART OF A COUNTY LOCATED TWENTY MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS.

(c) NOTHING IN THIS SUBSECTION (7) SHALL PROHIBIT ANY EXISTING ENTERPRISE ZONE FROM SUBMITTING TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS FOR APPROVAL PURSUANT TO THIS SECTION A PROPOSED BOUNDARY CHANGE.

SECTION 8. 39-30-103.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-30-103.5. Credit against tax - contributions to enterprise zone administrators to implement economic development plans. (3.5) FOR INCOME TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2003, MONETARY OR IN-KIND CONTRIBUTIONS TO PROMOTE NONPROFIT OR GOVERNMENT-FUNDED COMMUNITY DEVELOPMENT PROJECTS IN ENTERPRISE ZONES SHALL BE DEEMED TO BE FOR THE PURPOSE OF IMPLEMENTING THE ECONOMIC DEVELOPMENT PLAN FOR THE ENTERPRISE ZONE."

Renumber succeeding section accordingly.

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB02-1315** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 6, line 26, strike "SEC. 178 (1)." and substitute "SECS. 178 (1) AND 175 (b).".

Page 7, line 6, strike "SEC." and substitute "SECS.";

line 7, strike "(2)." and substitute "(2) AND 175 (b).".

Page 8, strike line 12.

Renumber succeeding subparagraphs accordingly.

Page 8, line 24, strike "SUCH PROTOCOLS AND PROCEDURES SHALL INCLUDE THE";

strike lines 25 and 26.

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Page 9, after line 3, insert the following:

"(III) COORDINATION WITH APPROPRIATE GOVERNMENTAL AGENCIES, EDUCATIONAL INSTITUTIONS, AND PRIVATE SECTOR ENTITIES TO DEVELOP PROTOCOLS CONCERNING ACCESS AND SECURITY MEASURES AT BIOTECHNOLOGY LABORATORIES AND FACILITIES."

Renumber succeeding subparagraphs accordingly.

Page 9, line 12, strike "TERRORISM;" and substitute "TERRORISM.";

strike lines 14 through 20;

line 26, strike "SHALL BE";

strike line 27.

Page 10, line 1, strike "FIRE SAFETY AND".

line 9, strike "TECHNICAL";

line 11, strike "TECHNICAL";

line 18, strike "ARE ENCOURAGED TO" and substitute "SHALL";

strike line 27 and substitute the following:

"24-33.5-1605. Director - duties and powers. (1) THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY,"

Page 11, strike lines 1 through 4.

Renumber succeeding subsections accordingly.

Page 11, after line 9, insert the following:

"(2) THE DIRECTOR OF THE OFFICE OF PREPAREDNESS, SECURITY, AND FIRE SAFETY MAY PROMULGATE SUCH RULES AS ARE NECESSARY TO IMPLEMENT SECTIONS 24-33.5-1604 (2) (a), 24-33.5-1608, AND 24-33.5-1609. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE.";

Renumber succeeding subsections accordingly.

Page 11, line 11, after "IN", insert "PART 12 OF THIS ARTICLE AND";

line 12, after "OF", insert "FIRE CHIEFS,";

line 13, after "ENFORCEMENT", insert "OR FIRE PROTECTION".

Page 18, line 4, strike "INVESTIGATIONS; EXCEPT THAT NOTHING" and substitute "INVESTIGATIONS. NOTHING";

line 9, strike "AGENCY." and substitute "AGENCY; EXCEPT THAT THE CUSTODIAN SHALL NOT TRANSFER ANY RECORD RECEIVED FROM A NONGOVERNMENTAL ENTITY WITHOUT THE PRIOR WRITTEN CONSENT OF SUCH ENTITY UNLESS SUCH INFORMATION IS ALREADY PUBLICLY AVAILABLE.".

Public Policy and Planning

After consideration on the merits, the committee recommends that HB02-1326 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 18, line 17, after the period, insert "EACH DEPARTMENT, BOARD, COMMISSION, AUTHORITY, INSTITUTION, OR INSTRUMENTALITY OF THE STATE, IN ACCORDANCE WITH THE POLICIES, STANDARDS, AND GUIDELINES SET FORTH BY THE OFFICE OF INNOVATION AND TECHNOLOGY OF THIS STATE, MAY DETERMINE WHETHER, AND THE EXTENT TO WHICH, SUCH DEPARTMENT, BOARD, COMMISSION, AUTHORITY,

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HB02-1326

INSTITUTION, OR INSTRUMENTALITY SHALL CREATE AND RETAIN ELECTRONIC RECORDS AND CONVERT WRITTEN RECORDS TO ELECTRONIC RECORDS.";

line 25, after "agencies -", insert "rules -";

line 26, strike "THE SECRETARY OF STATE," and substitute "EACH DEPARTMENT, BOARD, COMMISSION, AUTHORITY, INSTITUTION, OR INSTRUMENTALITY OF THE STATE,".

Page 19, line 3, strike "SHALL" and substitute "MAY", and strike "A" and substitute "SUCH";

line 5, strike "OF THIS STATE";

line 27, after "SHALL", insert "BY RULE".

Page 20, line 21, strike "THIS SECTION IS" and substitute "THIS SUBSECTION (4) AND SUBSECTION (2) OF THIS SECTION ARE";

Page 21, line 19, strike "OR 71.1";

line 22, strike "(1)," and substitute "(1) and (2),", and strike "is" and substitute "are".

Page 22, after line 6, insert the following:

~~"(2) In any written communication in which a signature is required or used, other than governmental transactions as specified in section 24-71.1-106, any party to the communication may affix a signature by use of an electronic signature that complies with rules prescribed by the executive director of the department of personnel. In promulgating rules on the validity of electronic signatures as an alternative to manual signatures for nongovernmental transactions, the executive director of the department of personnel shall consider, among other appropriate factors, whether or not the electronic signature must be:~~

~~(a) Unique to the person using it;~~

~~(b) Capable of verification;~~

~~(c) Under the sole control of the person using it;~~

~~(d) Linked to data in such a manner that the electronic signature is invalidated if any data is changed.~~

~~(e) (Deleted by amendment, L. 99, p. 1346, § 2, effective July 1, 1999.) IN ANY WRITTEN COMMUNICATION IN WHICH A SIGNATURE IS REQUIRED OR USED, ANY PARTY TO THE COMMUNICATION MAY AFFIX A SIGNATURE BY USE OF AN ELECTRONIC SIGNATURE THAT COMPLIES WITH THE REQUIREMENTS OF ARTICLE 71.3 OF THIS TITLE FOR ELECTRONIC SIGNATURES.";~~

strike lines 10 through 20 and substitute the following:

"SECTION 3. Repeal. Article 71.1 of title 24, Colorado Revised Statutes, is repealed.

SECTION 4. The introductory portion to 24-30-1604 (1) and 24-30-1604 (1) (b), Colorado Revised Statutes, are amended to read:

24-30-1604. Powers of the executive director - penalty for breach of confidentiality. (1) In order to perform the functions and duties of the GGCC as set forth in this part 16, ~~and in articles 71 and 71.1 of this title~~, the executive director of the department of personnel shall exercise the following powers:

(b) In accordance with the policies, standards, specifications, and guidelines formulated and promulgated pursuant to section 24-37.5-106 (1) (c) by the chief technology officer of the office of innovation and technology created in the office of the governor, to adopt such rules ~~and~~

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regulations as may be necessary to carry out the purposes and provisions of this part 16; ~~article 71 of this title regarding digital or electronic signatures, and article 71.1 of this title regarding government electronic transactions;~~

SECTION 5. 13-25-134, Colorado Revised Statutes, is amended to read:

13-25-134. Electronic records and signatures - admissibility in evidence - originals. Pursuant to the provisions of article ~~71.1~~ 71.3 of title 24, C.R.S., in any legal proceeding, nothing in the application of the rules of evidence shall apply so as to deny the admissibility of an electronic record or electronic signature into evidence on the sole ground that it is an electronic record or electronic signature or on the grounds that it is not in its original form or is not an original.

SECTION 6. 22-32-110 (1) (kk), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers - repeal. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(kk) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article ~~71.1~~ 71.3 of title 24, C.R.S.;

SECTION 7. 30-11-107 (1) (gg), Colorado Revised Statutes, is amended to read:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(gg) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article ~~71.1~~ 71.3 of title 24, C.R.S.;

SECTION 8. 31-15-201 (1) (h), Colorado Revised Statutes, is amended to read:

31-15-201. Administrative powers. (1) The governing bodies in municipalities shall have the following general powers in relation to the administration of the municipality's affairs:

(h) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article ~~71.1~~ 71.3 of title 24, C.R.S.;

SECTION 9. 32-1-1001 (1) (o), Colorado Revised Statutes, is amended to read:

32-1-1001. Common powers. (1) For and on behalf of the special district the board has the following powers:

(o) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article ~~71.1~~ 71.3 of title 24, C.R.S.

SECTION 10. 42-6-124 (1) (a), Colorado Revised Statutes, is amended to read:

42-6-124. Disposition of certificates of title. (1) All certificates of title issued by the director or the director's authorized agent shall be disposed of by the director in the following manner:

(a) If the certificate of title that is filed by the director's authorized agent is maintained in an electronic format within the director's and the director's authorized agent's motor vehicle databases as required by the standards established pursuant to article ~~71.1~~ 71.3 of title 24, C.R.S., the certificate of title shall be disposed of in accordance with paragraphs (b)

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and (c) of this subsection (1).".

Renumber succeeding sections accordingly.

Public Policy
and Planning

The Committee returns herewith House Bill 02-1192 because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely.

Public Policy
and Planning

The Committee returns herewith Senate Bill 02-192 because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1013**

THIS REPORT AMENDS THE REENGROSSED BILL

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

Your first conference committee appointed on HB02-1013, concerning the guaranteed issue of health insurance benefits for business groups of one, has met and reports that it has agreed upon the following:

1. That the Senate recede from its amendments made to the bill, as said amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend reengrossed bill, page 2, line 2, strike "(6) (a) (6) (b), and";

line 3, strike "are" and substitute "is";

strike lines 6 through 27.

Page 3, strike lines 1 through 9.

Page 4, before line 1, insert the following:

"**SECTION 2.** 10-16-102 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(6) (d) FOR PURPOSES OF DETERMINING WHETHER AN APPLICANT MEETS THE REQUIREMENTS OF TWENTY-FOUR HOURS OR MORE PER WEEK ON A PERMANENT BASIS AS SET FORTH IN THIS SUBSECTION (6), THE COMMISSIONER SHALL PROMULGATE A RULE, WITHIN EXISTING RESOURCES, TO DEFINE WHAT TYPES OF DOCUMENTATION MAY BE REQUESTED BY A CARRIER TO SUBSTANTIATE THIS REQUIREMENT.".

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:

Senate Committee:

(Signed)
Representative Spradley, Chairman

(Signed)
Senator McElhany, Chairman

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(Signed)	(Signed)
Representative T. Williams	Senator Hagedorn

(Signed)	(Signed)
Representative Miller	Senator Hernandez

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1469

by Representative(s) Williams T.; also Senator(s) Entz--Concerning a requirement for legal liability motor vehicle insurance for personal liability and property damage, and making an appropriation therefor.

Judiciary
Appropriations

HB02-1470

by Representative(s) Rippy; also Senator(s) Taylor--Concerning recommendations of the water availability task force relating to measures to address drought conditions.

Agriculture and Natural Resources

HB02-1471

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.

Appropriations

HB02-1472

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of corrections.

Appropriations

HB02-1473

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of health care policy and financing.

Appropriations

HB02-1474

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of human services.

Appropriations

HB02-1475

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning authorization for the controller to allow the department of corrections to make a one-time overexpenditure of line item appropriations to fund portions of the medical services subprogram for department institutions for the 2001-02 fiscal year.

Appropriations

HB02-1476

by Representative(s) Kester; also Senator(s) Entz--Concerning the provision of state revenues to assist school districts with capital construction funding for the 2002-03 fiscal year, and making appropriations in connection therewith.

Education
Appropriations

HB02-1477

by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate--Concerning clarification of the cost-neutral requirement in the performance plan for periodic salary increases for certain employees of the department of higher education who are included in the state personnel system.

Appropriations

HB02-1478

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning the fiscal policy of the state for the 2001-02 and 2002-03 state fiscal years in relation to the statutorily required general fund reserve in the event of a revenue shortfall.

Appropriations

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR02-1051

by Representative(s) Alexander; also Senator(s) Isgar--Concerning opposition to the federal Recreational Fee Demonstration Program.

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

SR02-019

by Senator(s) Thiebaut--Concerning encouraging school districts to adopt policies concerning the use of hazardous substances that would include public notice of such use.

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

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB02-1025, 1089, 1098, 1160, 1247, and 1405.

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that **HB02-1469** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1471** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 8, line 14, in the ITEM & SUBTOTAL column, strike "~~3,630,787~~" and substitute "3,630,787" and, in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "~~3,630,787~~" and substitute "3,630,787";

strike line 15.

Page 9, line 4, in the ITEM & SUBTOTAL column, strike "~~825,300~~" and substitute "~~825,300~~" and, in the CAPITAL CONSTRUCTION FUND EXEMPT column, strike "~~825,300~~" and substitute "~~825,300~~";

after line 4, in the ITEM & SUBTOTAL column, insert "769,324" and, in the CAPITAL CONSTRUCTION FUND EXEMPT column, insert "769,324".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1472** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1473** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1474** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1475** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1477** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1478** be referred favorably to the Committee of the Whole.

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

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1460** be postponed indefinitely.

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1454** be postponed indefinitely.

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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1470** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 3, line 27, strike "study" and substitute "monitor drought conditions".

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Page 4, line 1, strike "make specific" and substitute "to further develop";
line 12, after "PERSON", insert "RECKLESSLY".

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB02-1359**

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THIS REPORT AMENDS THE REREVISED BILL

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

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Your first conference committee appointed on HB02-1359, concerning child placement in dependency or neglect actions, has met and reports that it has agreed upon the following:

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

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Amend rerevised bill, page 4, line 22, strike "~~shall~~ MAY" and substitute "shall".

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2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

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Amend rerevised bill, page 3, line 1, strike "SUCH OTHER PERSON IDENTIFIED AS KIN TO" and substitute "ANY OTHER RELATIVE OF";

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line 6, strike "PERSON" and substitute "RELATIVE OF";

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line 7, strike "IDENTIFIED AS KIN TO";

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line 9, strike "PERSONS" and substitute "RELATIVES";

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line 12, strike "KIN." and substitute "RELATIVE.";

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line 15, strike "KIN" and substitute "RELATIVES";

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line 24, strike "KIN." and substitute "RELATIVES.";

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line 27, strike "relative KIN" and substitute "relative".

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Page 4, line 14, strike "**kin.**" and substitute "**relatives.**";

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line 19, strike "PERSON IDENTIFIED AS KIN" and substitute "RELATIVE OF";

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HB02-1359

line 20, strike "TO";

line 24, strike "PERSON IDENTIFIED AS KIN TO" and substitute "RELATIVE OF";

strike line 25 and substitute the following:

"such relative has made a request therefor, SUCH RELATIVE HAS MAINTAINED CONTACT WITH THE CHILD DURING PLACEMENT, THE CHILD HAS A SIGNIFICANT BOND WITH SUCH PERSON, and the court".

Page 5, line 9, strike "~~said relatives~~ ANY PERSON" and substitute "said relatives".

Page 6, strike lines 23 through 27.

Page 7, strike lines 1 through 4.

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:

Senate Committee:

(Signed)
Representative Stafford, Chairman

(Signed)
Senator Linkhart, Chairman

(Signed)
Representative Mitchell

(Signed)
Senator Gordon

(Signed)
Representative Mace

(Signed)
Senator Dyer

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

The Speaker has announced a change of sponsor on SB02-206. Representative Boyd will replace Representative Stafford as prime sponsor.

The House has postponed indefinitely SB02-227. The bill is returned herewith.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1471, HB02-1472, HB02-1473, HB02-1474, HB02-1475, HB02-1477, HB02-1478** were made Special Orders at 5:40 p.m.

Committee
of the
Whole

The hour of 5:40 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:

HB02-1472 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of corrections.

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

HB02-1473 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of health care policy and financing.

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

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- HB02-1471** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith. 1
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Amendment No. 1, Appropriations Committee Amendment. 5
(Printed in Senate Journal, May 7, page *** and placed in members' bill file.) 6
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As amended, ordered revised and placed on the calendar for Third Reading and Final 8
Passage. 9
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- HB02-1474** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of human services. 11
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 13
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- HB02-1475** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning authorization for the controller to allow the department of corrections to make
a one-time overexpenditure of line item appropriations to fund portions of the medical
services subprogram for department institutions for the 2001-02 fiscal year. 16
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 21
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- HB02-1477** by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate--
Concerning clarification of the cost-neutral requirement in the performance plan for
periodic salary increases for certain employees of the department of higher education who
are included in the state personnel system. 23
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 28
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- HB02-1478** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning the fiscal policy of the state for the 2001-02 and 2002-03 state fiscal years in
relation to the statutorily required general fund reserve in the event of a revenue shortfall. 30
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 34
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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: 37
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Passed on Second Reading: **HB02-1472, HB02-1473, HB02-1471** as amended, **HB02-
1474, HB02-1475, HB02-1477, HB02-1478.** 42
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Senator Matsunaka appointed Senators Pascoe, Perlmutter and Epps to the committee to
notify the Governor *sine die*. 46
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Senate in Recess--Senate Reconvened 50
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COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that **HB02-1326** be referred
favorably to the Committee of the Whole. 53
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Appropriations After consideration on the merits, the committee recommends that **HB02-1358** be referred
favorably to the Committee of the Whole. 58
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Appropriations After consideration on the merits, the committee recommends that **HB02-1315** be
amended as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation. 63
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Amend the State, Veterans, and Military Affairs Committee Report dated
March 19, 2002, page 1, after line 8, insert the following: 70
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HB02-1315

"strike lines 15 and 16;"

Page 4 of the committee report, strike line 20 and substitute the following:

"strike lines 22 and 23;"

Page 7 of the committee report, strike lines 10 through 13 and substitute the following:

"strike lines 25 through 27."

Education

After consideration on the merits, the committee recommends that **HB02-1467** be referred favorably to the Committee on Appropriations.

Education

After consideration on the merits, the committee recommends that **HB02-1122** be postponed indefinitely.

Education

After consideration on the merits, the committee recommends that **HB02-1273** be postponed indefinitely.

Education

After consideration on the merits, the committee recommends that **HB02-1363** be postponed indefinitely.

MESSAGE FROM THE HOUSE

May 7, 2002

Mr. President:

The House has postponed indefinitely SB02-171, 206, 234, 213. The bills are returned herewith.

The House has voted to authorize the House conferees on the First Conference Committee on HB02-1161 to consider matters not at issue between the two houses.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-179 to consider matters not at issue between the two houses.

The House has voted to concur in the Senate amendments to HB02-1457 and has repassed the bill as so amended.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1403, HB02-1297, HB02-1447, HB02-1455, HB02-1465, HB02-1315, HB02-1358, HB02-1399, HB02-1024, HB02-1456, HB02-1468, HB02-1015, HB02-1237, HB02-1409, HB02-1303, HB02-1003, HB02-1326** were made Special Orders at 7:35 p.m.

Committee of the Whole

The hour of 7:35 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:

- HB02-1403** by Representative(s) Schultheis; also Senator(s) Nichol--Concerning the modification of governmental appointments to accommodate the effect of redistricting Colorado congressional districts. 1
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Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment. 5
(Printed in Senate Journal, May 7, page 1216 and placed in members' bill file.) 6
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 9
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- HB02-1297** by Representative(s) Hefley, Spence, Alexander, Bacon, Clapp, Daniel, Groff, Lawrence, Romanoff; also Senator(s) Linkhart--Concerning school readiness through community consolidated child care pilots, and making an appropriation in connection therewith. 12
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 16
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- 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. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 21
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- HB02-1455** by Representative(s) Paschall, Lee, Crane, Daniel, Dean, Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence, Stafford, Stengel, Veiga, Webster, Weddig, Young; also Senator(s) Linkhart, Andrews, Cairns, Chlouber, Evans, Hanna, Hillman, Lamborn, May-- Concerning a restriction in the class of motor vehicles for which emissions test fees are collected upon registration to only those that have been clean screened. 23
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 29
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- HB02-1465** by Representative(s) Scott; also Senator(s) Phillips--Concerning the division of special districts into subdistricts. 31
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Amendment No. 1(L.003), by Senator Philips. 34
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Amend reengrossed bill, page 4, line 22, strike "02-____," and substitute "02-1465,". 36
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 39
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- HB02-1358** by Representative(s) Alexander; also Senator(s) Fitz-Gerald--Concerning the assessment of a bed and breakfast for property tax purposes. 42
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Amendment No. 1, Public Policy and Planning Committee Amendment. 45
(Printed in Senate Journal, May 7, page 1217 and placed in members' bill file.) 46
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Amendment No. 2(L.020), by Senator Teck. 48
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Amend the Public Policy and Planning Committee Report, dated May 7, 2002, page 2, strike lines 9 and 10 and substitute the following: 50
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"Page 5, strike lines 17 through 25 and substitute the following: 53
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"SECTION 3. Effective date. This act shall take effect January 55
1, 2003, unless a referendum petition is filed during the ninety-day period 56
after final adjournment of the general assembly that is allowed for 57
submitting a referendum petition pursuant to article V, section 1 (3) of the 58
state constitution. If such a referendum petition is filed against this act 59
or an item, section, or part of this act within such period, then the act, 60
item, section, or part shall take effect on the specified date only if 61
approved by the people. Section 3 of this act shall take effect only if 62
House Bill 02-1265 is enacted and becomes law."." 63
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 65
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- HB02-1315** by Representative(s) Mitchell; also Senator(s) Hagedorn--Concerning Colorado's response to terrorism, and, in connection therewith, creating the office of preparedness, security, and fire safety. 68
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HB02-1315 Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 7, pages 1218-1219 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, pages 1227-1228 and placed in members' bill file.)

Amendment No. 3(L.034), by Senator Chlouber.

Amend reengrossed bill, page 12, line 17, strike "GROUNDS." and substitute "GROUNDS, UNLESS UNDER A STATE OF EMERGENCY OR ALERT AS DEFINED BY THE RULES SUCH FACILITIES, BUILDINGS, AND GROUNDS SHALL REMAIN OPEN TO THE PUBLIC."

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

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

HB02-1399 by Representative(s) Spradley, Dean, Boyd, Cadman, Cloer, Fritz, King, Schultheis, Sinclair, Smith, Vigil, Williams T.; also Senator(s) Matsunaka, Hernandez, Musgrave-- Concerning the Economic Recovery Act, and, in connection therewith, increasing the maximum term for which a school district board of education, a county, or a municipality may negotiate a business incentive agreement, requiring a school district board of education to submit a business incentive agreement for the review of the Colorado economic development commission before entering into the business incentive agreement, and repealing a statutory provision that requires the creation and review of a plan establishing criteria, procedures, and a schedule for the termination of enterprise zones or portions thereof that no longer meet specified criteria.

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

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.

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

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.

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

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.

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

Amend reengrossed bill, page 4, after line 25, insert the following:

"SECTION 2. Part 6 of article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-50-617. Group benefit plans pilot program - repeal.

(1) FOR PURPOSES OF ACCELERATING THE STATEWIDE HEALTH CARE STUDY FOR STATE EMPLOYEES, THE DIRECTOR MAY CONDUCT GROUP BENEFIT PLANS PILOT PROGRAMS FOR STATE EMPLOYEES RESIDING IN AN AREA OR AREAS OF THE STATE SELECTED BY THE DIRECTOR. THE PILOT PROGRAMS MAY BEGIN ON OR AFTER JANUARY 1, 2003.

(2) (a) AS PART OF THE PILOT PROGRAMS, THE DIRECTOR MAY DEVELOP A DEMONSTRATION PROJECT TO PROVIDE ALTERNATIVE LOW COST MEDICAL BENEFITS TO LOW- AND MODERATE-INCOME STATE EMPLOYEES AND THEIR DEPENDENTS OR TO THE DEPENDENT CHILDREN OF LOW- AND MODERATE-INCOME STATE EMPLOYEES ONLY. FOR PURPOSES OF A DEMONSTRATION PROJECT DEVELOPED PURSUANT TO THIS SECTION, "LOW- AND MODERATE-INCOME STATE EMPLOYEE" MEANS A STATE EMPLOYEE WHOSE GROSS ANNUAL INCOME DOES NOT EXCEED THREE HUNDRED PERCENT OF THE FEDERAL POVERTY LEVEL.

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HB02-1468

(b) IF THE DIRECTOR DEVELOPS A DEMONSTRATION PROJECT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) THAT ALLOWS ENROLLMENT IN THE PROJECT FOR A STATE EMPLOYEE'S DEPENDENT CHILDREN ONLY WITHOUT REQUIRING ENROLLMENT BY THE STATE EMPLOYEE, THE DIRECTOR, IN CONSULTATION WITH THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, SHALL ESTABLISH A STATE CONTRIBUTION AMOUNT NECESSARY TO PURCHASE MEDICAL BENEFITS FOR DEPENDENT CHILDREN ONLY.

(3) THE DIRECTOR SHALL HAVE ALL OF THE POWERS AND DUTIES SPECIFIED IN SECTION 24-50-604 FOR PURPOSES OF DEVELOPING AND IMPLEMENTING PILOT PROGRAMS AND SHALL HAVE THE FOLLOWING ADDITIONAL POWERS AND DUTIES WITH REGARD TO THE PROGRAMS:

(a) THE AUTHORITY TO DEVELOP A REQUEST FOR PROPOSALS AND PREPARE CONTRACT SPECIFICATIONS IN ORDER TO CONTRACT FOR A GROUP BENEFIT PLAN IN THE DESIGNATED AREA OR AREAS;

(b) THE AUTHORITY TO ALLOCATE THE STATE CONTRIBUTION FOR SPECIFIC INSURANCE OPTIONS AS PART OF THE GROUP BENEFIT PLANS, INCLUDING MEDICAL, LIFE, AND DENTAL BENEFITS, THAT ARE COMPONENTS OF A PILOT PROGRAM IN A MANNER DIFFERENT FROM THE MANNER IN WHICH THE STATE CONTRIBUTION IS ALLOCATED FOR GROUP BENEFIT PLANS, INCLUDING MEDICAL, LIFE, AND DENTAL BENEFITS, THAT ARE NOT OFFERED TO EMPLOYEES PURSUANT TO THE STATEWIDE PILOT PROGRAM AS LONG AS:

(I) THE THREE-TIERED CONTRIBUTION STRUCTURE AND THE TOTAL STATE CONTRIBUTION SPECIFIED IN SECTION 24-50-609 ARE NOT ALTERED; AND

(II) THE TOTAL APPROPRIATION FOR THE GROUP BENEFIT PLANS OFFERED TO STATE EMPLOYEES PURSUANT TO THE PILOT PROGRAMS DOES NOT EXCEED THE TOTAL APPROPRIATIONS THAT WOULD OTHERWISE BE PROVIDED FOR GROUP BENEFIT PLANS OFFERED PURSUANT TO THIS PART 6.

(c) THE AUTHORITY TO ALLOW AN EXCEPTION TO SECTION 24-50-104 IN ORDER TO OFFER ALTERNATIVE MEDICAL BENEFIT PLANS THAT ARE NOT DIRECTLY COMPARABLE TO PREVAILING PRACTICES IN APPROPRIATE MARKETS OF PUBLIC AND PRIVATE EMPLOYMENT; AND

(d) THE AUTHORITY TO ALLOW AN EXCEPTION TO SECTION 24-50-606 (1) AND (2) AND SECTION 24-50-605 (1) (f) UPON A DETERMINATION BY THE DIRECTOR THAT THE REQUIREMENTS OF THOSE SECTIONS WOULD INHIBIT THE STATE'S ABILITY TO EFFECTIVELY SECURE THE BEST POSSIBLE PRICING FOR THE MEDICAL BENEFITS OFFERED PURSUANT TO THIS SECTION.

(4) THE PROVISIONS OF ARTICLES 101 THROUGH 112 OF THIS TITLE SHALL NOT APPLY TO A CONTRACT AWARDED PURSUANT TO A PILOT PROGRAM DEVELOPED PURSUANT TO THIS SECTION, BUT THE STATE CONTROLLER SHALL HAVE THE AUTHORITY TO PERFORM AN EXPEDITED REVIEW OF ANY SUCH CONTRACT TO DETERMINE WHETHER THE CONTRACT IS BEING MADE FOR A FAIR AND REASONABLE PRICE.

(5) THE GROUP BENEFIT PLANS STATEWIDE PILOT PROGRAM AUTHORIZED PURSUANT TO THIS SECTION SHALL TERMINATE ON DECEMBER 31, 2005.

(6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2006."

Renumber succeeding sections accordingly.

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

HB02-1015

by Representative(s) Scott; also Senator(s) Perlmutter--Concerning a requirement that a portion of the general fund surplus for any fiscal year be reserved until such time as the state resumes the use of the accrual system of accounting, as enunciated by the governmental accounting standards board, to determine the general fund surplus.

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HB02-1015 Ordered revised and placed on the calendar for Third Reading and Final Passage. 1
HB02-1237 by Representative(s) Hefley; also Senator(s) Gordon--Concerning substantive changes for 2
the strengthening of criminal laws. 3
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Amendment No. 1, Judiciary Committee Amendment. 6
(Printed in Senate Journal, April 25, pages 990-991 and placed in members' bill file.) 7
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Amendment No. 2, Appropriations Committee Amendment. 9
(Printed in Senate Journal, April 29, pages 1028-1031 and placed in members' bill file.) 10
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Amendment No. 3(L.023), by Senator Gordon. 12

Amend Appropriations Committee Report, dated April 26, 2002, page 7, 14
strike lines 1 and 2 and substitute the following: 15
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"date with the following exceptions: (1) If House Bill 02-1292 is enacted 17
at the Second Regular Session of the Sixty-third General Assembly and 18
becomes law, sections 25 and 26 shall take effect July 1, 2002, and shall 19
apply to offenses committed on or after said date; (2) If House Bill 20
02-1292 is not enacted at the Second Regular Session of the Sixty-third 21
General Assembly or does not become law, sections 25 and 26 shall take 22
effect July 1, 2003, and shall apply to offenses committed on or after 23
said"; 24
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line 3, strike "(2)" and substitute "(3)"; 26

line 5, strike "(3)" and substitute "(4)". 27
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Amendment No. 4(L.024), by Senator Gordon. 29
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Amend the Appropriations Committee Report, dated April 26, 2002, page 32
2, strike lines 20 and 21, and substitute the following: 33
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"TORTURES, OR KILLS AN ANIMAL." 35
36

Amendment No. 5(L.021), by Senator Gordon. 37

Amend Appropriations Committee Report, dated April 26, 2002, page 7, 39
line 1, strike "22 and 23" and substitute "25 and 26"; 40
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line 3, strike "24 and 25" and substitute "27 and 28". 42
43

Amendment No. 6(L.025), by Senator Hernandez. 44
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Amend the reengrossed bill, page 19, before line 1, insert the following: 46
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SECTION 22. 19-1-103 (1) (a) (II), Colorado Revised Statutes, 48
is amended to read: 49
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19-1-103. Definitions. As used in this title or in the specified 51
portion of this title, unless the context otherwise requires: 52
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(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of 54
article 3 of this title, means an act or omission in one of the following 55
categories that threatens the health or welfare of a child: 56
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(II) Any case in which a child is subjected to ~~sexual assault or 58
molestation, sexual exploitation, or prostitution~~ UNLAWFUL SEXUAL 59
BEHAVIOR AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S.; 60
61

SECTION 23. 19-3-304 (1), Colorado Revised Statutes, is 62
amended to read: 63
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19-3-304. Persons required to report child abuse or neglect. 65
(1) Except as otherwise provided by section 19-3-307 and sections 66
25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., any person specified in 67
subsection (2) of this section who has reasonable cause to know or 68
suspect that a child has been subjected to abuse or neglect or who has 69
observed the child being subjected to circumstances or conditions which 70
would reasonably result in abuse or neglect shall immediately UPON 71
RECEIVING SUCH INFORMATION report or cause a report to be made of 72

HB02-1237

such fact to the county department or local law enforcement agency."

Renumber succeeding sections accordingly.

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

HB02-1409

by Representative(s) Rhodes; also Senator(s) Taylor--Concerning the repeal date of a provision that authorizes the use of moneys in the petroleum storage tank fund to verify that petroleum storage systems comply with applicable standards.

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

HB02-1003

by Representative(s) Spradley, Clapp, Williams T.; also Senator(s) Hagedorn, Owen-- Concerning expanded access to health insurance.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, May 6, pages 1146-1161 and placed in members' bill file.)

Amendment No. 2(L.025), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May, 3, 2002, page 2, line 25, strike "the introductory portion to";

line 26, strike 10-16-105 (7.3) (c) (II),".

Page 3, line 20, after "AMOUNT" insert "OF THE PREMIUM".

Page 4, strike lines 1 through 10.

Page 8, line 23, strike "(d)." and substitute "(d) HAS EXPIRED.".

Page 11, line 13, strike "DOES" and substitute "IS NOT LOCATED,";

line 14, strike "NOT RESIDE,", and after "DO NOT" insert "WORK OR".

Amendment No. 3(L.027), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 14, strike line 35.

Strike pages 15 and 16.

Page 17, strike lines 1 through 12.

Renumber succeeding sections accordingly.

Page 29, line 1, strike "24" and substitute "23".

Amendment No. 4(L.029), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 12, line 6, after the period, insert "THE CARRIER SHALL, IN A CONSPICUOUS LOCATION ON THE POLICY CONTRACT MATERIALS, CERTIFICATES OF COVERAGE FOR A POLICYHOLDER, AND MARKETING MATERIALS, PROVIDE THE DISCLOSURE REQUIRED BY THIS PARAGRAPH IN BOLD-FACED, TWELVE-POINT TYPE AND ALL CAPITAL LETTERS.".

Page 13, after line 5, insert the following:

"(1) THE PROVISIONS OF PARAGRAPH (i) OF THIS SUBSECTION (2) SHALL NOT APPLY TO CASES IN WHICH THE COVERED PERSON IS SO SEVERELY ILL OR IMPAIRED THAT SUCH PERSON IS UNABLE TO MOVE FROM PLACE TO PLACE WITHOUT THE AID OF A MECHANICAL DEVICE; HAS A PHYSICAL OR MENTAL CONDITION, VERIFIED BY A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THIS STATE OR PRACTICING MEDICINE PURSUANT TO SECTION 12-36-106 (3) (i), C.R.S., THAT SUBSTANTIALLY LIMITS THE PERSON'S ABILITY TO MOVE FROM PLACE TO PLACE; OR SUFFERS FROM A PHYSICAL HARDSHIP SUCH THAT TRAVEL WOULD THREATEN THE SAFETY OR

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HB02-1003

WELFARE OF THE COVERED PERSON AS VERIFIED BY THE COVERED PERSON'S IN-NETWORK TREATING PHYSICIAN. DECISIONS IN WHICH A CARRIER CONTESTS THE COVERED PERSON'S ABILITY TO TRAVEL MAY BE APPEALED PURSUANT TO SECTION 10-16-113 OR 10-16-113.5."

Amendment No. 5(L.030), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 3, after line 26, insert the following:

"(II) COVERAGE THAT MEETS THE REQUIREMENTS FOR A HIGH DEDUCTIBLE HEALTH PLAN FOR THE PURPOSES OF QUALIFYING FOR A FEDERAL MEDICAL SAVINGS ACCOUNT; EXCEPT THAT A HEALTH MAINTENANCE ORGANIZATION MAY REFLECT A SHARING OF HIGHER CONSUMER COSTS THROUGH HIGHER COPAYMENTS INSTEAD OF DEDUCTIBLE AMOUNTS. SUCH HIGH DEDUCTIBLE HEALTH PLAN SHALL INCLUDE ALL OF THE MANDATED BENEFITS REQUIRED PURSUANT TO SECTION 10-16-104 AND MAY BE OFFERED IN CONJUNCTION WITH A MEDICAL SAVINGS ACCOUNT OR OTHER MECHANISM AS DEFINED IN FEDERAL LAW THAT IS COMPARABLE TO A MEDICAL SAVINGS ACCOUNT."

Renumber succeeding subparagraphs accordingly.

Page 4, strike line 31, and substitute the following:

"PURSUANT TO SECTION 10-16-105 (7.2) (b) (I) OR (7.2) (b) (II)."

Amendment No. 6(L.031), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 13, before line 19, insert the following:

"SECTION 15. 10-8-601.5 (1) (c), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

10-8-601.5. Applicability and scope. (1) (c) (III) FOR THE PURPOSES OF THIS PARAGRAPH (c), AN INDIVIDUAL HEALTH BENEFIT POLICY SHALL NOT INCLUDE ONE OR MORE SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES ISSUED WITHIN SIX MONTHS BEFORE THE DATE OF APPLICATION FOR GROUP COVERAGE.

SECTION 16. 10-8-601.5 (3), Colorado Revised Statutes, is amended to read:

10-8-601.5. Applicability and scope. (3) Effective ~~October 1, 1997~~ JANUARY 1, 2003, pursuant to rules adopted by the commissioner, a small employer carrier may reject for coverage under a small group plan a business group of one self-employed person if, at the time of application for group coverage, the self-employed person has in place or, within the immediately preceding thirty days, has had in place an individual health benefit plan that meets the requirements of subparagraph (I) of paragraph (c) of subsection (1) of this section and has been in place for less than three years. AN INDIVIDUAL HEALTH BENEFIT POLICY SHALL NOT INCLUDE ONE OR MORE SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES ISSUED WITHIN SIX MONTHS BEFORE THE DATE OF APPLICATION FOR GROUP COVERAGE.

SECTION 17. 10-16-105.2 (1) (c), Colorado Revised Statutes, as enacted by House Bill 02-1136, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

10-16-105.2. Applicability and scope. (1) (c) (III) FOR THE PURPOSES OF THIS PARAGRAPH (c), AN INDIVIDUAL HEALTH BENEFIT POLICY SHALL NOT INCLUDE ONE OR MORE SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES ISSUED WITHIN SIX MONTHS BEFORE THE DATE OF APPLICATION FOR GROUP COVERAGE.

SECTION 18. 10-16-105.2 (3), Colorado Revised Statutes, as enacted by House Bill 02-1136, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

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10-16-105.2. Applicability and scope. (3) Pursuant to rules adopted by the commissioner, a small employer carrier may reject for coverage under a small group plan a business group of one self-employed person if, at the time of application for group coverage, the self-employed person has in place or, within the immediately preceding thirty days, has had in place an individual health benefit plan that meets the requirements of subparagraph (I) of paragraph (c) of subsection (1) of this section and that has been in place for less than three years. AN INDIVIDUAL HEALTH BENEFIT POLICY SHALL NOT INCLUDE ONE OR MORE SHORT-TERM LIMITED DURATION HEALTH INSURANCE POLICIES ISSUED WITHIN SIX MONTHS BEFORE THE DATE OF APPLICATION FOR GROUP COVERAGE."

Renumber succeeding sections accordingly.

Page 29, line 1, strike "15 to 24" and substitute "19 to 28";

after line 3, insert the following:

"(2) Sections 15 and 16 of this act shall not take effect if House Bill 02-1136 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law; and sections 17 and 18 of this act shall take effect only if House Bill 02-1136 is enacted at the Second Regular Session of the Sixty-third General Assembly and becomes law.";

line 4, strike "(2)" and substitute "(3)".

Amendment No. 7(L.032), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 24, strike lines 23 through 32.

Strike pages 25 and 26.

Page 27, strike lines 1 through 8 and substitute the following:

"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". 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 COCHAIRPERSONS OF THE COMMITTEE, WHO SHALL SHARE THE RESPONSIBILITIES OF CHAIRING THE COMMITTEE.

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

(a) 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 NEED NOT LIMIT ITS CONSIDERATION TO, THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLE 4 OF TITLE 26, C.R.S., THE "CHILDREN'S BASIC HEALTH PLAN ACT", ARTICLE 19 OF TITLE 26, C.R.S., AND COVERCOLORADO, CREATED PURSUANT TO PART 5 OF ARTICLE 8 OF TITLE 10, C.R.S.

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

(c) AN ANALYSIS OF CURRENT HEALTH CARE STATUTES, HEALTH

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INSURANCE STATUTES, ANY OTHER POSSIBLE BARRIERS TO THE IMPLEMENTATION OF A STATE HEALTH PLAN, AND IDENTIFICATION OF WHAT SERVICES ARE NECESSARY, INCLUDING MENTAL HEALTH SERVICES THAT ARE CURRENTLY COVERED;

(d) 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;

(e) THE EXTENT TO WHICH PROVIDER NETWORKS CAN BE COORDINATED THROUGH HIGH DEDUCTIBLE HEALTH BENEFITS PLANS, SUPPLEMENTAL POLICIES, OR HOSPITAL CONFINEMENT INDEMNITY PLANS; AND

(f) THE EXTENT TO WHICH PROVIDERS ARE ABLE TO OFFER DISCOUNTS RELATED TO FEE-FOR-SERVICE PAYMENT ARRANGEMENTS.";

strike lines 11 through 32.

Page 28, strike lines 1 through 8 and substitute the following:

"(4) (a) EXPENDITURES INCURRED IN CONDUCTING THE STUDY DESCRIBED 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.

(b) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL BE AVAILABLE TO ASSIST THE COMMITTEE IN CARRYING OUT ITS DUTIES."

Amendment No. 8(L.035), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 2, after line 24, insert the following:

"**SECTION 2.** 10-16-102 (6), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(6) (d) FOR PURPOSES OF DETERMINING WHETHER AN APPLICANT MEETS THE REQUIREMENTS OF TWENTY-FOUR HOURS OR MORE PER WEEK ON A PERMANENT BASIS AS SET FORTH IN THIS SUBSECTION (6), THE COMMISSIONER SHALL PROMULGATE A RULE, WITHIN EXISTING RESOURCES, TO DEFINE WHAT TYPES OF DOCUMENTATION MAY BE REQUESTED BY A CARRIER TO SUBSTANTIATE THIS REQUIREMENT."

Renumber succeeding sections accordingly.

Page 28, line 31, strike "6" and substitute "7".

Page 29, strike line 1 and substitute the following:

"9 and 16 through 25 of this act shall take effect upon passage and shall apply".

Amendment No. 9(L.037), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 13, after line 18, insert the following:

"**SECTION 15.** Part 1 of article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-4-127. Direct contracting with providers - legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,

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AND DECLARES THAT COSTS ASSOCIATED WITH PROVIDING MEDICAL ASSISTANCE TO RECIPIENTS HAVE INCREASED SUBSTANTIALLY DUE IN PART TO INCREASED COSTS OF HEALTH CARE SERVICES AND HIGHER UTILIZATION RATES. THESE COST PRESSURES HAVE BEEN MOST DRAMATICALLY DEMONSTRATED IN THE SOUTHERN AREA OF THE STATE. THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT A PILOT PROGRAM SHOULD BE CREATED TO EVALUATE WHETHER A PROVIDER MAY CONTRACT DIRECTLY WITH THE STATE DEPARTMENT FOR THE PROVISION OF SERVICES TO RECIPIENTS.

(2) (a) THE STATE DEPARTMENT IS AUTHORIZED TO CONTRACT DIRECTLY WITH ANY PROVIDER WHO IS ABLE TO DEMONSTRATE COMPLIANCE WITH STATE LAWS AND REGULATIONS PERTAINING TO RISK-BEARING ENTITIES TO PROVIDE A CAPITATED-RISK PROGRAM ON A PER MEMBER PER MONTH BASIS. THE PROVIDER SHALL NOT SERVE MORE THAN TWO THOUSAND FIVE HUNDRED RECIPIENTS. THE PROVIDER SHALL ACCEPT FULL RISK FOR EACH PARTICIPANT, EXCEPT FOR TRANSPLANTS OR OUT-OF-AREA SERVICES.

(b) IF THE STATE DEPARTMENT IMPLEMENTS DIRECT CONTRACTING WITH A PROVIDER PURSUANT TO THIS SECTION, THE PROVIDER AND THE STATE DEPARTMENT SHALL REPORT TO THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE NO LATER THAN JULY 1, 2003, ON THE STATUS OF DIRECT CONTRACTING. THE REPORT SHALL INCLUDE AN ANALYSIS OF THE EFFECTIVENESS OF DIRECT CONTRACTING AND WHETHER THE DIRECT CONTRACTING SHOULD BE CONTINUED TO THE SAME OR LARGER NUMBERS OF RECIPIENTS.

(3) **Selection of the provider.** THE STATE DEPARTMENT SHALL SELECT ANY PROVIDER WHO:

(a) IS ABLE TO PROVIDE EVIDENCE OF A SUCCESSFUL HISTORY OF RISK MANAGEMENT FOR RECIPIENTS;

(b) INITIATES DIRECT CONTRACTING WITH THE STATE DEPARTMENT; AND

(c) IS ABLE TO DEMONSTRATE COMPLIANCE WITH STATE LAWS AND REGULATIONS PERTAINING TO RISK-BEARING ENTITIES."

Renumber succeeding sections accordingly.

Page 29, line 1, strike "24" and substitute "25".

Amendment No. 10(L.039), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 28, after line 30, insert the following:

"SECTION 23. Part 6 of article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-50-617. Group benefit plans statewide pilot program - director's duties - audit - repeal. (1) FOR PURPOSES OF FACILITATING A REDESIGN OF MEDICAL BENEFITS OFFERED TO EMPLOYEES AS PART OF THE STATE EMPLOYEES GROUP BENEFIT PLANS ADMINISTERED PURSUANT TO THIS PART 6, THE DIRECTOR MAY CONDUCT A GROUP BENEFIT PLANS STATEWIDE PILOT PROGRAM FOR ALL EMPLOYEES. THE PURPOSE OF THE STATEWIDE PILOT PROGRAM SHALL BE TO OFFER AT LEAST ONE LOW-COST CATASTROPHIC MEDICAL BENEFIT PLAN TO ALL EMPLOYEES AND OTHER MEDICAL BENEFIT PLANS WITH DIFFERING COSTS THAT ALLOW EMPLOYEES TO MAKE CHOICES TO MEET THEIR INDIVIDUAL NEEDS.

(2) THE DIRECTOR SHALL HAVE ALL OF THE POWERS AND DUTIES SPECIFIED IN SECTION 24-50-604 FOR PURPOSES OF DEVELOPING AND IMPLEMENTING THE STATEWIDE PILOT PROGRAM AND SHALL HAVE THE FOLLOWING ADDITIONAL POWERS AND DUTIES WITH REGARD TO THE PROGRAM:

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(a) THE AUTHORITY TO DEVELOP A REQUEST FOR PROPOSALS AND PREPARE CONTRACT SPECIFICATIONS IN ORDER TO CONTRACT WITH ANY APPROPRIATE ENTITY TO PROVIDE OR ADMINISTER MEDICAL BENEFITS TO ALL EMPLOYEES PURSUANT TO THIS SECTION;

(b) THE AUTHORITY TO ALLOW AN EXCEPTION TO SECTION 24-50-606 (1) AND (2) AND SECTION 24-50-605 (1) (f) UPON A DETERMINATION BY THE DIRECTOR THAT THE REQUIREMENTS OF THOSE SECTIONS WOULD INHIBIT THE STATE'S ABILITY TO EFFECTIVELY SECURE THE BEST POSSIBLE COMBINATION OF APPROPRIATE BENEFITS AND REASONABLE PRICING FOR THE MEDICAL BENEFITS OFFERED PURSUANT TO THIS SECTION;

(c) THE AUTHORITY TO ALLOCATE THE STATE CONTRIBUTION FOR GROUP BENEFITS, INCLUDING MEDICAL, LIFE, AND DENTAL BENEFITS, THAT ARE COMPONENTS OF THE STATEWIDE PILOT PROGRAM IN A MANNER DIFFERENT FROM THE MANNER IN WHICH THE STATE CONTRIBUTION IS ALLOCATED FOR GROUP BENEFITS, INCLUDING MEDICAL, LIFE, AND DENTAL BENEFITS, THAT ARE NOT OFFERED TO EMPLOYEES PURSUANT TO THE STATEWIDE PILOT PROGRAM AS LONG AS:

(I) THE THREE-TIERED CONTRIBUTION STRUCTURE AND THE TOTAL STATE CONTRIBUTION SPECIFIED IN SECTION 24-50-609 ARE NOT ALTERED; AND

(II) THE TOTAL APPROPRIATION FOR THE GROUP BENEFIT PLANS OFFERED TO EMPLOYEES PURSUANT TO THE PROGRAM DOES NOT EXCEED THE TOTAL APPROPRIATIONS THAT WOULD OTHERWISE BE PROVIDED FOR GROUP BENEFIT PLANS OFFERED PURSUANT TO THIS PART 6;

(d) THE AUTHORITY TO ALLOW AN EXCEPTION TO SECTION 24-50-104 IN ORDER TO OFFER ALTERNATIVE MEDICAL BENEFIT PLANS THAT ARE NOT DIRECTLY COMPARABLE TO PREVAILING PRACTICES IN APPROPRIATE MARKETS OF PUBLIC AND PRIVATE EMPLOYMENT; AND

(e) THE AUTHORITY TO TERMINATE THE GROUP BENEFIT PLANS STATEWIDE PILOT PROGRAM AT ANY TIME PRIOR TO THE DATE SPECIFIED IN SUBSECTION (4) OF THIS SECTION.

(3) THE STATE AUDITOR SHALL CONDUCT A PERFORMANCE REVIEW OF THE PILOT PROGRAM DEVELOPED PURSUANT TO THIS SECTION ON OR AFTER JULY 1, 2006, BUT BEFORE JANUARY 1, 2007, AND PRESENT SUCH REVIEW TO THE LEGISLATIVE AUDIT COMMITTEE ON OR BEFORE FEBRUARY 1, 2007.

(4) THE GROUP BENEFIT PLANS STATEWIDE PILOT PROGRAM AUTHORIZED PURSUANT TO THIS SECTION SHALL TERMINATE ON DECEMBER 31, 2007, UNLESS TERMINATED ON AN EARLIER DATE BY THE DIRECTOR.

(5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2008.

SECTION 24. No appropriation. The general assembly has determined that section 23 of this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of section 23 of this act."

Renumber succeeding sections accordingly.

Page 29, line 1, strike "24" and substitute "26".

Amendment No. 11(L.040), by Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee Report, dated May 3, 2002, page 2, line 26, strike "10-16-105, (7.6) (a) (I)" and substitute "10-16-105 (7.4) (c), (7.6) (a) (I)".

Page 4, before line 11, insert the following:

"(7.4) (c) In applying minimum participation requirements with respect to an employer, a small employer carrier shall not consider employees or dependents who have creditable group coverage OR

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INDIVIDUAL COVERAGE THAT HAS BEEN CONSISTENTLY MAINTAINED AND THAT WAS IN FORCE PRIOR TO THE INDIVIDUAL'S ELIGIBILITY FOR GROUP COVERAGE UNDER AN EXISTING GROUP PLAN when determining whether the applicable percentage of participation is met. However, a small employer carrier may consider employees or dependents of such employer who have coverage under another health benefit plan that is sponsored by such small employer."

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

HB02-1326

by Representative(s) Scott, Fritz, Chavez, Coleman, Crane, Dean, Fairbank, Garcia, Groff, Grossman, Hefley, Hoppe, Jahn, Johnson, Kester, Mace, Madden, Marshall, Miller, Mitchell, Plant, Rhodes, Rippey, Romanoff, Sanchez, Sinclair, Snook, Spradley, Tapia, Tochtrop, Veiga, Vigil, Weddig, White, Williams S., Williams T., Witwer; also Senator(s) Fitz-Gerald--Concerning adoption of the "Uniform Electronic Transactions Act", and, in connection therewith, making an appropriation.

Amendment No. 1, Public Policy and Planning Committee Amendment.

(Printed in Senate Journal, May 7, pages 1219-1222 and placed in members' bill file.)

Amendment No. 2(L.013), by Senator Thiebaut.

Amend reengrossed bill, page 7, line 4, after "(6)", insert "(a)";

line 5, strike "101 (c),";

line 7, strike "7001 (c),";

after line 8, insert the following:

"(b) THE CONSUMER DISCLOSURES CONTAINED IN SECTION 101 (c) OF THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 (c), ARE INCORPORATED BY REFERENCE AND SHALL ALSO APPLY TO INTRASTATE TRANSACTIONS."

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

HB02-1303

by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, May 7, and placed in members' bill file.)

Amendment No. 2(L.019), by Senator Evans.

Amend the Education Committee Report, dated April 30, 2002, strike lines 1 and 2;

line 3, strike "Page" and substitute "Amend reengrossed bill, page";

strike lines 6 through 16 and substitute the following:

"Page 10, line 4, strike "(8)" and substitute "(8), ANY MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (9) OF THIS SECTION, AND";

strike lines 14 through 24 and substitute the following:

"(9) (I) ON JUNE 30, 2002, AND ON JUNE 30 OF EACH YEAR THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS APPROPRIATED FROM THE STATE PUBLIC SCHOOL FUND THAT WOULD OTHERWISE REMAIN IN THE STATE PUBLIC SCHOOL FUND AND BECOME AVAILABLE FOR DISTRIBUTION FROM SAID FUND DURING THE FOLLOWING FISCAL YEAR PURSUANT TO SECTION 22-54-114 (3) (a) SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE FAMILY LITERACY EDUCATION FUND CREATED IN SUBSECTION (8) OF THIS SECTION.

(II) ON JUNE 30, 2002, AND ON JUNE 30 OF EACH YEAR

HB02-1303

THEREAFTER, ANY UNEXPENDED AND UNENCUMBERED MONEYS APPROPRIATED FOR THE PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, THAT WOULD OTHERWISE REVERT TO THE GENERAL FUND PURSUANT TO LAW SHALL BE TRANSFERRED BY THE STATE TREASURER TO THE FAMILY LITERACY EDUCATION FUND CREATED IN SUBSECTION (8) OF THIS SECTION.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (9), THE AGGREGATE AMOUNT TRANSFERRED EACH YEAR PURSUANT TO THIS SUBSECTION (9) SHALL NOT EXCEED ONE MILLION DOLLARS.

(IV) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2007.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the family literacy education fund created in section 22-2-122 (8), Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of one million dollars (\$1,000,000) or so much thereof as may be necessary, for the implementation of section 22-2-122, Colorado Revised Statutes."."

Page 2 of the committee report, strike lines 1 through 12.

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1315

by Representative(s) Mitchell; also Senator(s) Hagedorn--Concerning Colorado's response to terrorism, and, in connection therewith, creating the office of preparedness, security, and fire safety.

Senator Reeves moved to amend the Report of the Committee of the Whole to show that the Appropriations Committee amendment (J.002) to HB02-1315, did not pass, and that the following Appropriations Committee Report did pass (J.001).

Amend reengrossed bill, page 18, strike lines 23 through 27 and substitute the following:

"(2) The annual general appropriation act for the fiscal year beginning July 1, 2002, will be adjusted as follows:

(a) The appropriation to the department of public health and environment, will be decreased by sixty-three thousand five hundred twelve dollars (\$63,512) and 1.0 FTE from federal funds.

(b) The appropriation to the department of public safety, for allocation to the office of preparedness, security, and fire safety will be increased by sixty-three thousand five hundred twelve dollars (\$63,512) and 1.0 FTE from federal funds."

Page 19, strike line 1;

line 2, strike "(b)" and substitute "(3)";

line 4, strike "(I)" and substitute "(a)";

line 8, strike "(II)" and substitute "(b)";

line 12, strike "(3)" and substitute "(4)";

line 13, strike "(1) and (2)" and substitute "(1), (2) and (3)".

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

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: **HB02-1403** as amended, **HB02-1297**, **HB02-1447**, **HB02-1455**, **HB02-1465** as amended, **HB02-1358** as amended, **HB02-1315** as amended, **HB02-1399**, **HB02-1024**, **HB02-1456**, **HB02-1468** as amended, **HB02-1015**, **HB02-1237** as amended, **HB02-1409**, **HB02-1003** as amended, **HB02-1326** as amended, **HB02-1303** as amended.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB02-1298** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 5, insert the following:

"SECTION 2. 24-50-104 (8) (d), Colorado Revised Statutes, is amended to read:

24-50-104. Job evaluation and compensation - repeal.
(8) **Payroll.** (d) No payroll deduction shall be made on behalf of a state employee without prior written authorization from the state personnel director or the director's designee. The state personnel director or the director's designee may authorize a payroll deduction only after receiving a written request for such payroll deduction from the employee, a department or agency representative, or an organization. UPON RECEIPT OF A WRITTEN REQUEST FOR A PAYROLL DEDUCTION FOR PAYMENT TO AN EMPLOYEE ORGANIZATION FROM A STATE EMPLOYEE OR AN EMPLOYEE ORGANIZATION WHOSE PRIMARY PURPOSE IS REPRESENTING STATE EMPLOYEES, THE STATE OFFICIAL AUTHORIZED TO DISBURSE FUNDS IN PAYMENT OF THE SALARIES OR WAGES OF SUCH STATE EMPLOYEES SHALL AUTHORIZE THE PAYROLL DEDUCTION FROM THE STATE EMPLOYEE'S SALARY OR WAGES FOR PAYMENT TO THE EMPLOYEE ORGANIZATION IN THE AMOUNT INDICATED IN THE REQUEST. IF THE REQUEST FOR A PAYROLL DEDUCTION IS INITIATED BY AN EMPLOYEE ORGANIZATION, THE ORGANIZATION SHALL MAINTAIN ACCURATE DOCUMENTATION OF THE AUTHORIZATION TO MAKE SUCH REQUEST ON BEHALF OF THE STATE EMPLOYEE."

Renumber succeeding sections accordingly.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB02-1420

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 HB02-1420, concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2002, except as otherwise noted, has met and reports that it has agreed upon the following:

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

Page 198, line 10, strike "Program¹¹⁰" and substitute "Program^{110, 110a}".

Page 228, after line 12, insert the following:

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"110a Department of Human Services, Office of Adult and Veterans Services, Aging Services Programs, State Ombudsman Program -- It is the intent of the General Assembly that the funds appropriated in this line item are to be expended to serve the residents of long-term care facilities, as defined in the Older Americans Act (42 USCA, §§ 3001, et seq.) and the Colorado Revised Statutes."

Page 230, strike lines 6 through 10 and substitute the following:

"116 Department of Human Services, Division of Child Welfare, Child Welfare Services -- Pursuant to Section 26-5-104 (6), C.R.S., counties are authorized to negotiate rates, services, and outcomes with child welfare service providers and are thus not required to provide a specific rate increase for any provider. The funding appropriated for this line item includes an increase of \$2,809,204 based on a 1.0 percent increase in base funding. If a county intends to use its share of the 1.0 percent increase for a purpose other than increasing provider rates by 1.0 percent, it shall provide information to the Department of Human Services concerning how it plans to spend such funds. The Department is requested to provide a summary of such information to the Joint Budget Committee, the House Health, Environment, Welfare, and Institutions Committee, and the Senate Health, Environment, Children and Families Committee, on or before January 1, 2003."

Page 240, line 2, strike "Furnishings¹³²" and substitute "Furnishings^{132, 132a}".

Page 259, strike lines 9 through 12 and substitute the following:

"132a Judicial Department, Courts Administration, Administration, County Courthouse Furnishings -- The Judicial Department shall comply with the provisions of Section 17-24-111, C.R.S., and make every effort to purchase its county courthouse furnishings from Correctional Industries. As part of its budget request for FY 2003-04, the Department shall submit a report to the Joint Budget Committee indicating what portion of its furnishings was purchased from Correctional Industries, what portion was purchased elsewhere, and why those furnishings were purchased elsewhere."

Page 246, line 1, in the ITEM & SUBTOTAL column, strike "80,696,506" and substitute "82,309,746" and, in the GENERAL FUND column, strike "80,696,506" and substitute "82,309,746";

line 2, in the GENERAL FUND column, strike "(1,523.1 FTE)" and substitute "(1,553.1 FTE)";

line 3, in the ITEM & SUBTOTAL column, strike "5,811,457" and substitute "5,854,957" and, in the GENERAL FUND column, strike "3,746,619" and substitute "3,790,119";

strike line 4 and substitute the following:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Capital Outlay	588,882	588,882".

Adjust affected totals accordingly.

Page 251, line 8, in the ITEM & SUBTOTAL column, strike "23,921,717" and substitute "23,991,028" and, in the GENERAL FUND column, strike "23,921,717" and substitute "23,991,028";

line 9, in the GENERAL FUND column, strike "(339.2 FTE)" and substitute "(340.7 FTE)";

line 14, in the ITEM & SUBTOTAL column, strike "1,155,848" and substitute "1,157,474" and, in the GENERAL FUND column, strike "1,143,098" and substitute "1,144,724".

Page 252, line 6, in the ITEM & SUBTOTAL column, strike "10,338" and substitute "13,784" and, in the GENERAL FUND column, strike

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"10,338" and substitute "13,784".

Adjust affected totals accordingly.

Page 310, after line 1, insert the following:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"Colorado Heritage Communities Fund	251,051	251,051";

line 4, in the ITEM & SUBTOTAL column, strike "55,000" and substitute "555,000" and, in the CASH FUNDS EXEMPT column, strike "55,000"^h and substitute "555,000"^h.

Adjust affected totals accordingly.

Page 311, strike line 5 and substitute the following:

^h Of this amount, \$303,949 shall be from the existing fund balance in the Colorado Heritage Communities Fund and \$251,051(T) shall be from General Fund moneys appropriated to the Colorado Heritage Communities Fund pursuant to Section 24-32-3207, C.R.S."

Adjust affected (T) notation totals accordingly.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Page 10, line 2, strike "24-27-201.1 (1) (d) (III)," and substitute "24-75-201.1 (1) (d) (III),".

Page 20, line 7, in the ITEM & SUBTOTAL column, strike "640,756" and substitute "610,615" and, in the CASH FUNDS EXEMPT column, strike "640,756(T)^a" and substitute "610,615(T)^a".

Adjust affected totals and affected (T) notation totals accordingly.

Page 21, line 4, strike "\$698,732" and substitute "\$668,591".

Page 28, line 5, strike "**Subprogram^{7,8}**" and substitute "**Subprogram⁷**".

Page 35, line 1, in the GENERAL FUND column, strike "(469.6 FTE)" and substitute "(470.3 FTE)".

Page 61, line 7, in the CASH FUNDS column, insert "(1.0 FTE)" and, in the CASH FUNDS EXEMPT column, strike "(15.5 FTE)" and substitute "(14.5 FTE)".

Page 112, line 16, strike "Trust⁵⁷" and substitute "Trust".

Page 130, strike lines 15 through 17.

Page 116, strike line 15 and substitute the following:

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Page 309, line 11, in the ITEM & SUBTOTAL column, strike
"62,544,000^b" and substitute "62,544,000".

Page 310, strike line 11.

Page 366, line 6, strike "\$750,169" and substitute "\$744,029" and,
strike "\$55,260" and substitute "\$61,400".

Page 373, strike line 5;

line 10, in the ITEM & SUBTOTAL column, strike "9,778,410" and
substitute "9,767,647", and in the CASH FUNDS EXEMPT column,
strike "9,590,702(T)^b" and substitute "9,579,939(T)^b".

Page 374, after line 4, insert the following:

ITEM &
SUBTOTAL
\$

"Utilities 10,763";

line 6, in the ITEM & SUBTOTAL column, strike "1,928,376" and
substitute "1,939,139", and in the CASH FUNDS EXEMPT column,
strike "1,928,376(T)^a" and substitute "1,939,139(T)^a".

Page 380, line 6, strike "Central Services, Facilities Maintenance and
Planning, State Buildings and Real Estate Services Program" and
substitute "Finance and Procurement, Real Estate Services Program".

Page 401, line 4, in the CASH FUNDS EXEMPT column, strike
"44,344(T)^d" and substitute "44,344^d";

line 11, strike "\$8,155" and substitute "\$8,155(T)".

Adjust affected (T) notation totals accordingly.

Page 487, line 15, in the ITEM & SUBTOTAL column, strike
"794,930" and substitute "798,203", in the CASH FUNDS column,
strike "127,132^c" and substitute "127,655^c", and, in the CASH FUNDS
EXEMPT column, strike "667,798^d" and substitute "670,548^d".

Adjust affected totals accordingly.

Page 488, line 10, strike "\$454,851" and substitute "\$455,374";

line 13, strike "\$1,699,351" and substitute "\$1,702,101".

Page 564, line 4, in the CASH FUNDS column, strike "334,387^b", and
in the CASH FUNDS EXEMPT column, strike "463,816(T)^b" and
substitute "798,203(T)^b";

Adjust affected totals and affected (T) notation totals accordingly.

Page 564, line 10, strike "These amounts" and substitute "This
amount".

Page 523, line 12, in the ITEM & SUBTOTAL column, strike
"65,455" and substitute "66,631" and, in the FEDERAL FUNDS
column, strike "65,455" and substitute "66,631".

Adjust affected totals accordingly.

Page 524, line 6, strike "\$20,289,021" and substitute "\$20,295,854",
and strike "\$1,416,703(T)" and substitute "\$1,409,870(T)";

line 8, strike "201.7" and substitute "204.7" and strike "18.0" and
substitute "15.0".

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Adjust affected totals and affected (T) notation totals accordingly.

Page 537, line 13, strike "\$78,969,975" and substitute "\$78,953,815".

Page 568, line 4, strike "**PART XVII**" and substitute "**PART XI**".

Page 86, line 8, strike "**BUDGETING**^{25, 26, 28, 29, 30}" and substitute "**BUDGETING**^{25, 26, 28, 29, 30, 30a}".

Page 96, after line 9, insert the following:

"30a Governor-Lieutenant Governor-State Planning and Budgeting, Office of State Planning and Budgeting -- It is the intent of the General Assembly that efforts to maximize the State's collection of federal revenues should be pursued by the Executive Branch. To this end, the Office of State Planning and Budgeting is encouraged to pursue contracts to maximize federal revenues on a contingency basis. It is anticipated that no additional State funds would be required to enter into these contracts and that the Office of State Planning and Budgeting shall report to the Joint Budget Committee on a monthly basis on the status of such efforts."

Page 136, line 12, in the ITEM & SUBTOTAL column, strike "4,441,483" and substitute "3,126,546", in the GENERAL FUND column, strike "875,467", and, in the CASH FUNDS EXEMPT column, strike "3,440,195(T)^b" and substitute "3,000,725(T)^b";

line 13, in the ITEM & SUBTOTAL column, strike "1,345,000" and substitute "886,907" and, in the GENERAL FUND column, strike "458,093".

Page 137, line 2, in the GENERAL FUND column, strike "789,850" and substitute "350,380" and, in the CASH FUNDS EXEMPT column, insert "439,470(T)^b".

Adjust affected totals accordingly.

Page 137, line 10, strike "^b This amount" and substitute "^b These amounts".

Page 541, strike lines 13 and 14 and substitute "eighteen million eighty thousand six hundred sixty dollars (\$18,080,660)".

Page 563, strike lines 12 through 15 and substitute the following:

	ITEM & SUBTOTAL	CAPITAL CONSTRUCTION FUND EXEMPT
	\$	\$
"2002 Issue (Refunding of 1992 Issue)	265,988	265,988".

Adjust affected totals accordingly.

After page 576, insert the following:

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HB02-1420

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:

Senate Committee:

(Signed)
Representative Young, Chairman

(Signed)
Senator Reeves, Chairman

(Signed)
Representative Berry

(Signed)
Senator Tate

(Signed)
Representative Saliman

(Signed)
Senator Owen

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB02-049**

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 SB02-049,
concerning limits on access to court records in domestic relations actions
filed pursuant to title 14, Colorado Revised Statutes, has met and reports
that it has agreed upon the following:

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

Amend rerevised bill, page 2, strike lines 23 through 26 and substitute the
following:

"(f) ANY ATTACHMENT TO A STIPULATION OR OTHER
TEMPORARY ORDERS AGREEMENT OF THE PARTIES SETTING FORTH AN
ITEMIZATION OF PROPERTY, LIABILITIES, DETAILS OF OBLIGATIONS
UNDERTAKEN BY THE PARTIES, OR PARENTAL RESPONSIBILITIES OF THE
PARTIES, INCLUDING DECISION-MAKING RESPONSIBILITIES AND PARENTING
TIME;"

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

"(g) ANY ATTACHMENT TO A STIPULATION OR OTHER
AGREEMENT OF THE PARTIES REGARDING A DECLARATION OF INVALIDITY
SETTING FORTH AN ITEMIZATION OF PROPERTY, LIABILITIES, DETAILS OF
OBLIGATIONS UNDERTAKEN BY THE PARTIES, OR PARENTAL
RESPONSIBILITIES OF THE PARTIES, INCLUDING DECISION-MAKING
RESPONSIBILITIES AND PARENTING TIME; AND

(h) ANY ATTACHMENT TO A SEPARATION AGREEMENT OF THE
PARTIES SETTING FORTH AN ITEMIZATION OF PROPERTY, LIABILITIES,
DETAILS OF OBLIGATIONS UNDERTAKEN BY THE PARTIES, OR PARENTAL
RESPONSIBILITIES OF THE PARTIES, INCLUDING DECISION-MAKING
RESPONSIBILITIES AND PARENTING TIME."

Page 4, line 21, strike "AGENCIES" and substitute "AGENCIES, OR
DESIGNEES OF SUCH PERSONS OR AGENCIES,"

Page 6, line 6, strike "OR AGENCY", and substitute "AGENCY, OR
INSTITUTION OF HIGHER EDUCATION";

line 7, after "DATA;", add "AND";

strike lines 8 through 11.

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SB02-049

Reletter succeeding paragraph accordingly.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend rerevised bill, page 2, line 5, strike "THE" and substitute "UPON WRITTEN AGREEMENT OF BOTH PARTIES, THE";

Page 6, after line 16, insert the following:

"(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT OR OTHERWISE AFFECT THE ABILITY OF ANY PARTY TO FILE A MOTION TO LIMIT ACCESS TO THE COURT FILE OR TO RESTRICT OR OTHERWISE AFFECT THE COURT'S AUTHORITY TO GRANT A MOTION FOR LIMITATION OF ACCESS TO A COURT FILE PURSUANT TO THE COLORADO RULES OF CIVIL PROCEDURE."

Respectfully submitted,

Senate Committee: House Committee:
(Signed) (Signed)
Senator Gordon, Chairman Representative Mitchell, Chairman
(Signed) (Signed)
Senator Windels Representative Bacon
(Signed) (Signed)
Senator Dyer Representative Snook

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB02-1161

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 HB02-1161, concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones, has met and reports that it has agreed upon the following:

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 4, line 22, strike "EACHZONE ADMINISTRATOR SHALL ALSO PROVIDE" and substitute "NOTHING IN THIS PARAGRAPH (c.5) SHALL BE CONSTRUED TO REQUIRE THE DISCLOSURE TO THE PUBLIC OF ANY INFORMATION THAT REVEALS THE AMOUNT OF COMPENSATION PAID TO ANY INDIVIDUAL EMPLOYEE OF A COMPANY, ANY COLORADO INCOME TAX RETURN, OR ANY INFORMATION REGARDING EXPENDITURES ON RESEARCH AND DEVELOPMENT.";

strike lines 23 through 25.

Respectfully submitted,

House Committee: Senate Committee:
(Signed) (Signed)
Representative Young, Chairman Senator Tupa, Chairman

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HB02-1161

(Signed)
Representative Snook

(Signed)
Senator Linkhart

(Signed)
Representative Jahn

(Signed)
Senator Hillman

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 Conference Committee Reports: **HB02-1420**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB02-1420

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2002, except as otherwise noted.

Senator Reeves moved that the moved for the adoption of the First Report of the First Conference Committee on **HB02-1420**, as printed in Senate Journal, May 7, page ***. The motion was **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		

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

YES	27	NO	8	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	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Perlmutter.

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 House Amendments to Senate Bills: **SB02-064**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-064

by Senator(s) Teck; also Representative(s) Lee--Concerning employees in public schools.

Senator Teck moved that the Senate not concur in House amendments to **SB02-064**, as printed in House Journal, May 7, and that a Conference Committee be appointed.

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

(For further action, see Appointments to Conference Committees.)

THIRD READING--FINAL PASSAGE OF BILLS

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

SB02-222

by Senator(s) Hernandez; also Representative(s) Spence--Concerning a nonsubstantive recodification of statutes relating to the powers and duties of the department of public health and environment.

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**.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1440, HB02-1136, HB02-1395, HB02-1288, HB02-1458, HB02-1470, HB02-1147, HB02-1459, HB02-1298** were made Special Orders at 9:50 p.m.

Committee of the Whole

The hour of 9:50 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:

HB02-1440

by Representative(s) Young, Alexander, Berry, Clapp, Cloer, Crane, Kester, Larson, Miller, Rhodes, Rippey, Romanoff, Sanchez, Smith, Snook, Spradley, Stafford, Tochtrop, Webster, White; also Senator(s) Entz--Concerning state emergency services, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment. (Printed in Senate Journal, May 7, page 1201 and placed in members' bill file.)

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

HB02-1395

by Representative(s) Sinclair, Cadman, Crane, Decker, Hodge, Miller, Ragsdale; also Senator(s) Taylor--Concerning the denial of the right of inspection of certain military records filed with the county clerk and recorder's office regarding a member of the military's separation from service.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment. (Printed in Senate Journal, May 3, page 1133 and placed in members' bill file.)

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

HB02-1136

by Representative(s) Williams T., Borodkin, Jameson, Kester, Marshall, Paschall, White; also Senator(s) Fitz-Gerald--Concerning regulatory functions of the division of insurance, and, in connection therewith, extending the functions of the division of insurance.

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Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, April 24, pages 955-960 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 7, and placed in members' bill file.)

Amendment No. 3(L.031), by Senators Hernandez and Dyer.

Amend the Business, Labor, and Finance Committee Report, dated April 22, 2002, page 2, line 17, strike "THAT IS NOT";

line 18, strike "DOMICILED IN THIS STATE,".

Amend reengrossed bill, page 55, strike lines 10 through 15.

Renumber succeeding sections accordingly.

Page 60, strike lines 14 through 21.

Renumber succeeding sections accordingly.

Page 61, strike lines 11 through 17.

Renumber succeeding sections accordingly.

Amendment No. 4(L.025), by Senator FitzGerald.

Amend reengrossed bill, page 8, line 16, strike "(11) and";

line 17, strike "are" and substitute "is";

strike lines 20 through 27.

Page 9, strike lines 1 through 9;

after line 20, insert the following:

"SECTION 9. Repeal. 10-16-102 (11), Colorado Revised Statutes, as amended in House Bill 02-1164, enacted at the Second Regular Session of the Sixty-third General Assembly, is repealed."

Renumber succeeding sections accordingly.

Page 9, line 22, strike "(7.3) (c)," and substitute "(7.3) (c) (I), (7.3) (c) (III)," and strike "(8) (e),".

Page 11, line 24, strike "(H)" and substitute "(I)".

Page 12, strike lines 11 through 27.

Page 13, strike line 1;

line 2, strike "(HH)" and substitute "(III)";

line 7, after "coverage" insert a semi-colon;

strike lines 8 through 16 and substitute the following:

"except that the index rate may be multiplied by a rate adjustment factor for each small employer group pursuant to subparagraphs (III) to (VII) of this paragraph (a) to calculate a different premium. The rate adjustment factor shall only be based on actual claims experience on the small employer carrier's plan, industry, and class of business; except that, for health benefit plans issued prior to July 1, 1994, the rate adjustment factor may also be based on duration of coverage since the original issue date and gender mix. Small employer carriers shall apply the rate adjustment factors uniformly with respect to all small employers."

Page 15, strike line 27.

Page 16, strike lines 1 through 5;

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after line 20, insert the following:

"SECTION 11. The introductory portion to 10-16-105 (7.3) (c) (II), Colorado Revised Statutes, as amended by House Bill 02-1164, as enacted during the Second Regular Session of the Sixty-third General Assembly, is amended to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans. (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, and health maintenance organization in each class of business so established. In addition to basic and standard plans, a small employer carrier may offer a high deductible plan that may be a traditional indemnity plan, a preferred provider plan, a health maintenance organization plan, or a point of service plan. ~~in each class of business established.~~ High deductible plans offered by a small employer carrier may be offered in conjunction with a medical savings account. A small employer carrier may apply reasonable criteria in determining whether to accept a small employer into a class of business if:".

Renumber succeeding sections accordingly.

Page 42, line 4, strike "(3)" and substitute "(4)".

Page 62, strike lines 6 through 9 and substitute the following:

"SECTION 40. **Effective date - applicability.** (1) This act shall take effect July 1, 2002.

(2) Section 14 of this act shall apply to health care cooperatives conducting business on or after July 1, 2002.

(3) Sections 9 and 11 of this act shall take effect only if House Bill 02-1164 is enacted at the second regular session of the sixty-third general assembly and becomes law."

Amendment No. 5(L.029), by Senator FitzGerald.

Amend the Business, Labor, and Finance Committee Report, dated April 22, 2002, page 5, line 13, strike "PREAPPROVE";

line 14, strike "RATE FILINGS AND".

Amendment No. 6(L.021), by Senator Lamborn.

Amend reengrossed bill, page 7, before line 18, insert the following:

"SECTION 8. 10-3-1104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-3-1104. Unfair methods of competition and unfair or deceptive acts or practices. (6) IT SHALL BE AN UNFAIR PRACTICE IN THE BUSINESS OF INSURANCE FOR AN INSURER TO INTENTIONALLY MISREPRESENT THE TERMS AND CONDITIONS OF THE CONTRACTUAL ARRANGEMENT BETWEEN AN INSURER AND A PRODUCER."

Renumber succeeding sections accordingly.

Page 62, line 8, strike "Section 13" and substitute "Section 17".

Amendment No. 7(L.032), by Senator FitzGerald.

Amend the Business, Labor, and Finance Committee Report, dated April 22, 2002, page 1, line 1, strike "page 3, after line 22, insert the following:";

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HB02-1136

strike lines 2 through 16.

Page 2, strike lines 1 through 11.

As amended, laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7.

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 (**HB02-1288, HB02-1458, HB02-1470, HB02-1147, HB02-1459, HB02-1298**) of Tuesday, May 7, was laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday, May 7, retaining its place on the calendar.

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: **HB02-1440** as amended, **HB02-1395** as amended.
Laid over until the next Special Orders--Second Reading of Bills Calendar of Tuesday May 7: **HB02-1136** as amended, **HB02-1288, HB02-1458, HB02-1470, HB02-1147, HB02-1459, HB02-1298**.

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1272

by Representative(s) Daniel, Groff, Hefley, Romanoff, Spence, Williams S.; also Senator(s) Teck--Concerning the participation of children in on-line programs, and, in connection therewith, eliminating certain restrictions related to a school district's pupil enrollment count, establishing eligibility for funding from the state education fund, and making an appropriation therefor.
Education
Appropriations

Senate in Recess--Senate Reconvened

**MEMORANDUM
FOURTH REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

The Friday, April 12 deadline (the 94th legislative day) for adoption of the conference committee report on the Long Appropriation Bill as extended to Friday, April 26, 2002 (the 108th legislative day) is further extended to Wednesday, May 8, 2002 (the 120th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)
Representative Dean
Speaker of the House of Representatives

(Signed)
Senator Matsunaka
President of the Senate

(Signed)
Representative Spradley
House Majority Leader

(Signed)
Senator Thiebaut
Senate Majority Leader

(Signed)
Representative Grossman
House Minority Leader

(Signed)
Senator Andrews
Senate Minority Leader

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On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1136, HB02-1288, HB02-1147, HB02-1203, HB02-1459, HB02-1470, HB02-1458, HB02-1298** were made Special Orders at 10:55 p.m.

Committee of the Whole The hour of 10:55 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:

HB02-1136 by Representative(s) Williams T., Borodkin, Jameson, Kester, Marshall, Paschall, White; also Senator(s) Fitz-Gerald--Concerning regulatory functions of the division of insurance, and, in connection therewith, extending the functions of the division of insurance, and making an appropriation therefor.

(Amended as printed in Special Orders, as printed in Senate Journal, May 7, pages 1259-1262.)

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

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

HB02-1288 by Representative(s) Stengel; also Senator(s) Taylor--Concerning the assessment of property for property tax purposes.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, April 24, page 995 and placed in members' bill file.)

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

HB02-1147 by Representative(s) Cloer; also Senator(s) Hagedorn--Concerning public information requirements, and making an appropriation in connection therewith.

(Amended in Special Orders as printed in Senate Journal, May 1, pages 1101-1107.)

Amendment No. 6(L.023), by Senator Hagedorn.

Amend the Hagedorn/Gordon floor amendment No. 3, (L.016), as printed in Senate Journal, May 1, page 1102, strike lines 39 through 72.

Strike pages 1103 through 1105.

Page 1106, strike lines 1 through 50.

Amendment No. 7(L.024), by Senator Hagedorn.

Strike the Hagedorn floor amendment, No. 4 (L.014), as printed in Senate Journal, May 1, lines 54 through 62.

Amend the Judiciary Committee Report, dated April 24, 2002, page 1, strike lines 5 through 14.

Page 2, strike lines 1 through 12.

Amendment No. 8(L.025), by Senator Hagedorn.

Amend reengrossed bill, page 97, line 7, strike "Section 4" and substitute "Section 1".

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

HB02-1203

by Representative(s) Lee, Hefley, Mitchell; also Senator(s) Linkhart, Epps, Evans, Gordon, Perlmutter--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Amendment No. 1(L.006), by Senator Linkhart.

Amend the reengrossed bill, page 2, strike lines 21 and 22 and substitute the following:

"the following rule is not extended: The following rule of the medical services board on medical".

Page 3, strike lines 1 through 9.

Page 4, strike lines 6 and 7 and substitute the following:

"following rule is not extended: The following rule of the air quality control commission:";

strike lines 10 through 14.

Page 8, strike lines 9 through 26.

Renumber succeeding subsection accordingly.

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

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.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, May 6, page 1186 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, May 7, page 1205 and placed in members' bill file.)

Amendment No. 3(L.012), by Senator Owen.

Strike the Judiciary Committee Report, dated May 6, 2002, and substitute the following:

"Amend reengrossed bill, page 6, strike lines 7 through 22.

Renumber succeeding sections accordingly."

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

HB02-1470

by Representative(s) Rippy; also Senator(s) Taylor--Concerning recommendations of the water availability task force relating to measures to address drought conditions.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.

(Printed in Senate Journal, May 7, page 1225 and placed in members' bill file.)

Amendment No. 2(L.008), by Senators Isgar, Hillman, and Gordon.

Amend the Agriculture and Natural Resources Committee Report, dated May 7, 2002, page 1, line 4, strike ""RECKLESSLY"." and substitute "KNOWINGLY".

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

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.

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

HB02-1298

by Representative(s) Romanoff, Coleman, Fairbank, Grossman, Lee, Miller, Plant, Rippy, Saliman, Scott, Snook, Swenson; also Senator(s) Teck, Reeves--Concerning improved efficiency in state government.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 7, page 1241 and placed in members' bill file.)

As amended, laid over until Thursday, May 9.

AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1136

by Representative(s) Williams T., Borodkin, Jameson, Kester, Marshall, Paschall, White; also Senator(s) Fitz-Gerald--Concerning regulatory functions of the division of insurance, and, in connection therewith, extending the functions of the division of insurance, and making an appropriation therefor.

Senator Fitz-Gerald moved to amend the Report of the Committee of the Whole to show that the following Fitz-Gerald floor amendment, (L.033) to **HB02-1136**, did pass.

Strike the Fitz-Gerald floor amendment, L.032, as adopted on special orders May 7, 2002.

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

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: **HB02-1136** as amended, **HB02-1288** as amended, **HB02-1147** as amended, **HB02-1203** as amended, **HB02-1459** as amended, **HB02-1470** as amended, **HB02-1458**.

Laid over until Thursday, May 9: **HB02-1298** as amended.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that **HB02-1272** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** 22-33-104.6 (1) and the introductory portion to 22-33-104.6 (4) (a), Colorado Revised Statutes, are amended, and the said 22-33-104.6 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-33-104.6. On-line program - legislative declaration - authorized - definitions. (1) **Legislative declaration.** The general assembly hereby finds and declares that:

(a) Technological advances, particularly in the development and dissemination of resources through the world wide web, can provide alternatives for the provision of educational services that can be customized to serve the diverse needs of today's student population;

(b) ~~The general assembly further finds and declares that~~ The state should avail itself of the enhanced services available as a result of such technological advances to serve the citizens of the state more appropriately; AND

(c) FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MAKING PARTICIPATION IN ON-LINE PROGRAMS AVAILABLE TO CHILDREN WHO HAD, IN THE PRECEDING ACADEMIC YEAR, BEEN ENROLLED IN PRIVATE SCHOOLS, PARTICIPATED IN NONPUBLIC

HB02-1272

HOME-BASED EDUCATION PROGRAMS, OR PARTICIPATED IN HOME INSTRUCTION IS LIKELY TO RESULT IN EXPANDING THE ON-LINE PROGRAMS OFFERED BY SCHOOL DISTRICTS, THEREBY EXPANDING TECHNOLOGY EDUCATION, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(4) **Pupil enrollment.** (a) If a child is participating in an on-line program created by a school district, the school district PROVIDING THE ON-LINE PROGRAM shall be entitled to count such child in accordance with the provisions of section 22-54-103 (10) for purposes of determining pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title if, in the preceding academic year, such child either:

(d) FOR THE 2002-03 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, FOR PURPOSES OF DETERMINING SCHOOL DISTRICTS' PUPIL ENROLLMENT UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, IN ADDITION TO THE CHILDREN COUNTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), SCHOOL DISTRICTS MAY COUNT UP TO A STATEWIDE TOTAL OF ONE HUNDRED THIRTY-FIVE CHILDREN WHO ARE ENROLLED IN ON-LINE PROGRAMS CREATED PURSUANT TO THIS SECTION AND WHO, FOR THE PRECEDING SCHOOL YEAR, WERE ENROLLED AFTER OCTOBER 1 IN PUBLIC SCHOOLS IN THIS STATE OR WERE ENROLLED IN PRIVATE SCHOOLS OR PARTICIPATING IN NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS OR PARTICIPATING IN HOME INSTRUCTION BY LICENSED TEACHERS.

SECTION 2. 22-54-104.2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-104.2. Legislative declaration. (3) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MAKING PARTICIPATION IN ON-LINE PROGRAMS CREATED AND MAINTAINED PURSUANT TO SECTION 22-33-104.6 AVAILABLE TO CHILDREN WHO HAD, IN THE PRECEDING ACADEMIC YEAR, BEEN ENROLLED IN PRIVATE SCHOOLS, PARTICIPATED IN NONPUBLIC HOME-BASED EDUCATION PROGRAMS, OR PARTICIPATED IN HOME INSTRUCTION IS LIKELY TO RESULT IN EXPANDING THE ON-LINE PROGRAMS OFFERED BY SCHOOL DISTRICTS, THEREBY EXPANDING TECHNOLOGY EDUCATION, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

SECTION 3. 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."

Senate in Recess--Senate Reconvened

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Matsunaka, Chairman, Nichol, and May as Senate Conferees on the First Conference Committee on **SB02-179**.

The President appointed Senators Tupa, Chairman, Hernandez, and Teck as Senate Conferees on the First Conference Committee on **SB02-064**.

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 Tuesday, May 7, was laid over until Wednesday, May 8, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **HB02-1416, SCR02-004, SB02-226.**

General Orders--Second Reading of Bills: **SB02-228, SB02-042**

Consideration of Resolutions: **HJR02-1003, SJR02-004, HJR02-1015, HJR02-1021, SJR02-013, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-040, HJR02-1038, HJR02-1039, HJR02-1037, HJR02-1053, HJR02-1065, SJR02-044, HJR02-1070, HJR02-1071, HJR02-1079, HJR02-1041, SR02-017.**

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

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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, SB02-010, SB02-012.** 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, HB02-1155.** 7
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On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Wednesday, May 8, 2002. 13

Approved: 14
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Stan Matsunaka 17
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Attest: 23
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Karen Goldman 26
Secretary of the Senate 27
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