

HOUSE JOURNAL
SIXTY-THIRD GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

Fourteenth Legislative Day

Tuesday, January 22, 2002

1 Prayer by Representative Mitchell.

2

3 The Speaker Pro Tempore called the House to order at 9:00 a.m.

4

5 The roll was called with the following result:

6

7 Present--62.

8

9 Excused--Representatives Daniel, Stafford, Mr. Speaker--3.

10

11 The Speaker Pro Tempore declared a quorum present.

12

13 On motion of Representative White, the reading of the journal of
14 January 21, 2002, was declared dispensed with and approved as corrected
15 by the Chief Clerk.

16

17

18

19

REPORTS OF COMMITTEES OF REFERENCE

20

EDUCATION

22 After consideration on the merits, the Committee recommends the
23 following:

24

25 **HB02-1108** be postponed indefinitely.

26

27

28 **HB02-1137** be postponed indefinitely.

29

30

31

32

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

34 After consideration on the merits, the Committee recommends the
35 following:

36

37 **HB02-1022** be referred to the Committee of the Whole with favorable
38 recommendation.

39

40

41 **HB02-1063** be referred to the Committee of the Whole with favorable
42 recommendation.

43

- 1 **HB02-1020** by Representative(s) White; also Senator(s) Arnold--
2 Concerning the application of enhanced penalties for
3 violation of driving restrictions imposed by the state when
4 dangerous driving conditions exist.
5
6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
9 **HB02-1066** by Representative(s) Swenson; also Senator May--
10 Concerning measures that will stabilize the cash flow
11 associated with the issuance of license plates.
12
13 Amendment No. 1, by Representative Swenson.
14 Amend printed bill, page 3, line 25, after "ELIGIBLE", insert "AS
15 DETERMINED BY THE DEPARTMENT".
16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.
19
20 **HB02-1033** by Representative(s) Webster; also Senator(s) Musgrave--
21 Concerning the reform of state statutes, and, in connection
22 therewith, deleting the fat content requirement for
23 whipped butter and eliminating the license application fee
24 for dealers in farm products who conduct transactions with
25 cash.
26
27 Declared **lost** on Second Reading.
28 (For change in action, see Amendments to Report.)
29
30 **HB02-1041** by Representative(s) Rippy; also Senator(s) Taylor--
31 Concerning the maintenance of a sufficient balance in the
32 operational account of the severance tax trust fund to fund
33 the recommended programs for two state fiscal years.
34
35 Ordered engrossed and placed on the Calendar for Third Reading and
36 Final Passage.
37
38 **HB02-1032** by Representative(s) Miller, Mace, Webster; also Sen-
39 ator(s) Hanna--Concerning the authorization for members
40 of the statewide defined benefit plan to acquire service
41 credit for prior employment not covered by the plan.
42
43 Ordered engrossed and placed on the Calendar for Third Reading and
44 Final Passage.
45
46 **HB02-1057** by Representative(s) Swenson; also Senator(s) Musgrave--
47 Concerning the modification of the existing state excess
48 revenue refund mechanism that reduces the sales tax rate
49 on specified vehicles with a gross vehicle weight rating in
50 excess of twenty-six thousand pounds to allow the
51 determination of whether the mechanism will be utilized
52 in a given state fiscal year to be made prior to the end of
53 the preceding state fiscal year.
54
55 Ordered engrossed and placed on the Calendar for Third Reading and
56 Final Passage.

- 1 **HB02-1085** by Representative(s) Cloer; also Senator(s) Phillips--
2 Concerning changes in the deadlines for taxpayers to give
3 notice of objection to valuation of real property by
4 assessors.
5
- 6 Ordered engrossed and placed on the Calendar for Third Reading and
7 Final Passage.
8
- 9 **HB02-1110** by Representative(s) Scott, Ragsdale, Swenson, Webster,
10 Weddig; also Senator(s) Tate, Phillips--Concerning
11 bonded indebtedness of metropolitan sewage disposal
12 districts.
13
- 14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.
16
- 17 **HB02-1042** by Representative(s) Stafford, Boyd, Clapp, Romanoff;
18 also Senator(s) Linkhart, Hernandez--Concerning exten-
19 sions under the Colorado works program for persons who
20 have reached the sixty-month lifetime limit for receipt of
21 TANF assistance.
22
- 23 Laid over until January 23, retaining place on Calendar.
24
- 25 **HB02-1061** by Representative(s) Garcia; also Senator(s) Entz--
26 Concerning applications for absentee ballots.
27
- 28 Amendment No. 1, by Representative Garcia.
29
- 30 Amend printed bill, page 3, line 1, strike "SECTION." and substitute
31 "SECTION AND CONTAINS THE FOLLOWING STATEMENT: "UNDER
32 COLORADO LAW, YOUR ABSENTEE BALLOT APPLICATION MUST CONTAIN
33 YOUR PRINTED NAME, SIGNATURE, RESIDENCE ADDRESS, MAILING ADDRESS
34 IF YOU WISH TO RECEIVE THE BALLOT BY MAIL, AND DATE OF BIRTH. IF
35 YOU DO NOT PROVIDE ALL OF THIS INFORMATION, YOU WILL NOT RECEIVE
36 AN ABSENTEE BALLOT.""
37
- 38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.
40
- 41 **HB02-1021** by Representative(s) Hefley, Rhodes; also Senator(s)
42 Hernandez--Concerning the waiver of parole consideration
43 by inmates.
44
- 45 Amendment No. 1, Criminal Justice Report, dated January 17, 2002, and
46 placed in member's bill file; Report also printed in House Journal,
47 January 18, page 117.
48
- 49 As amended, ordered engrossed and placed on the Calendar for Third
50 Reading and Final Passage.
51
- 52 **HB02-1077** by Representative(s) Coleman, Scott, Vigil, Williams T.;
53 also Senator(s) Anderson, Taylor, Tupa--Concerning
54 audits performed by the division of criminal justice to
55 determine levels of compliance by community corrections
56 programs with established standards.

1 Amendment No. 1, Criminal Justice Report, dated January 17, 2002, and
 2 placed in member's bill file; Report also printed in House Journal,
 3 January 18, page 117.

4
 5 As amended, ordered engrossed and placed on the Calendar for Third
 6 Reading and Final Passage.

7
 8 **HB02-1095** by Representative(s) Clapp; also Senator(s) Andrews--
 9 Concerning Governor Ralph Carr Day.

10
 11 Ordered engrossed and placed on the Calendar for Third Reading and
 12 Final Passage.

13
 14 **HB02-1105** by Representative(s) Hodge--Concerning a requirement
 15 that electors voting by mail be given information as to the
 16 amount of postage required on the returned ballot.

17
 18 Amendment No. 1, by Representative Saliman.

19
 20 Amend printed bill, page 3, line 5, strike "2002," and substitute "2003,".

21
 22 As amended, ordered engrossed and placed on the Calendar for Third
 23 Reading and Final Passage.

24

25

26

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

28

29 Representative Webster moved to amend the Report of the Committee of
 30 the Whole to show that **HB02-1033** did pass.

31

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

33

| | YES | 60 | NO | 0 | EXCUSED | 3 | ABSENT | 2 | |
|--------------|-----|----|----------|---|------------|---|-------------|---|--|
| 36 Alexander | Y | | Groff | Y | Marshall | Y | Spence | Y | |
| 37 Bacon | Y | | Grossman | Y | Miller | Y | Spradley | Y | |
| 38 Berry | Y | | Harvey | Y | Mitchell | Y | Stafford | E | |
| 39 Borodkin | Y | | Hefley | Y | Paschall | Y | Stengel | - | |
| 40 Boyd | Y | | Hodge | Y | Plant | Y | Swenson | Y | |
| 41 Cadman | Y | | Hoppe | Y | Ragsdale | Y | Tapia | Y | |
| 42 Chavez | Y | | Jahn | Y | Rhodes | Y | Tochtrop | Y | |
| 43 Clapp | Y | | Jameson | Y | Rippy | Y | Veiga | Y | |
| 44 Cloer | Y | | Johnson | Y | Romanoff | Y | Vigil | Y | |
| 45 Coleman | Y | | Kester | Y | Saliman | Y | Webster | Y | |
| 46 Crane | Y | | King | Y | Sanchez | Y | Weddig | Y | |
| 47 Daniel | E | | Larson | Y | Schultheis | Y | White | Y | |
| 48 Decker | Y | | Lawrence | Y | Scott | Y | Williams S. | - | |
| 49 Fairbank | Y | | Lee | Y | Sinclair | Y | Williams T. | Y | |
| 50 Fritz | Y | | Mace | Y | Smith | Y | Witwer | Y | |
| 51 Garcia | Y | | Madden | Y | Snook | Y | Young | Y | |
| 52 | | | | | | | Mr. Speaker | E | |

53

54

55

1 Representative Crane moved to amend the Report of the Committee of
2 the Whole to show that **HB02-1105**, as amended, did not pass.

3
4
5 Pursuant to House Rule 16, Representative Sinclair moved "Shall the
6 main question be now put?" The motion was declared **passed** by the
7 following roll call vote:

8
9 YES 33 NO 27 EXCUSED 3 ABSENT 2

| | | | | | | | | |
|----|-----------|---|----------|---|------------|---|-------------|---|
| 10 | | | | | | | | |
| 11 | Alexander | Y | Groff | N | Marshall | N | Spence | Y |
| 12 | Bacon | N | Grossman | N | Miller | N | Spradley | Y |
| 13 | Berry | Y | Harvey | Y | Mitchell | Y | Stafford | E |
| 14 | Borodkin | N | Hefley | Y | Paschall | Y | Stengel | - |
| 15 | Boyd | N | Hodge | N | Plant | N | Swenson | Y |
| 16 | Cadman | Y | Hoppe | Y | Ragsdale | N | Tapia | - |
| 17 | Chavez | N | Jahn | N | Rhodes | Y | Tochtrop | N |
| 18 | Clapp | Y | Jameson | N | Rippy | Y | Veiga | N |
| 19 | Cloer | Y | Johnson | Y | Romanoff | N | Vigil | N |
| 20 | Coleman | N | Kester | Y | Saliman | N | Webster | Y |
| 21 | Crane | Y | King | Y | Sanchez | N | Weddig | N |
| 22 | Daniel | E | Larson | Y | Schultheis | Y | White | Y |
| 23 | Decker | Y | Lawrence | Y | Scott | Y | Williams S. | N |
| 24 | Fairbank | Y | Lee | Y | Sinclair | Y | Williams T. | Y |
| 25 | Fritz | Y | Mace | N | Smith | Y | Witwer | N |
| 26 | Garcia | N | Madden | N | Snook | Y | Young | N |
| 27 | | | | | | | Mr. Speaker | E |

28
29
30
31 The Crane amendment was declared **lost** by the following roll call vote:

32
33 YES 30 NO 32 EXCUSED 3 ABSENT 0

| | | | | | | | | |
|----|-----------|---|----------|---|------------|---|-------------|---|
| 34 | | | | | | | | |
| 35 | Alexander | N | Groff | N | Marshall | N | Spence | Y |
| 36 | Bacon | N | Grossman | N | Miller | N | Spradley | Y |
| 37 | Berry | N | Harvey | Y | Mitchell | Y | Stafford | E |
| 38 | Borodkin | N | Hefley | Y | Paschall | Y | Stengel | Y |
| 39 | Boyd | N | Hodge | N | Plant | N | Swenson | Y |
| 40 | Cadman | Y | Hoppe | Y | Ragsdale | N | Tapia | N |
| 41 | Chavez | N | Jahn | N | Rhodes | Y | Tochtrop | N |
| 42 | Clapp | Y | Jameson | N | Rippy | Y | Veiga | N |
| 43 | Cloer | Y | Johnson | Y | Romanoff | N | Vigil | N |
| 44 | Coleman | N | Kester | Y | Saliman | N | Webster | Y |
| 45 | Crane | Y | King | Y | Sanchez | N | Weddig | N |
| 46 | Daniel | E | Larson | N | Schultheis | Y | White | Y |
| 47 | Decker | Y | Lawrence | Y | Scott | Y | Williams S. | N |
| 48 | Fairbank | Y | Lee | Y | Sinclair | N | Williams T. | Y |
| 49 | Fritz | Y | Mace | N | Smith | N | Witwer | Y |
| 50 | Garcia | N | Madden | N | Snook | Y | Young | N |
| 51 | | | | | | | Mr. Speaker | E |

52
53
54
55

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

2
3 Passed Second Reading: **HB02-1092 amended, 1020, 1066 amended,**
4 **1033, 1041, 1032, 1057, 1085, 1110, 1061 amended, 1021 amended,**
5 **1077 amended, 1095, 1105 amended.**

6
7 Laid over until date indicated retaining place on Calendar: **HB02-1016,**
8 **1072, 1043, 1042--January 23, 2002.**

9
10 The Chairman moved the adoption of the Committee of the Whole
11 Report. As shown by the following roll call vote, a majority of those
12 elected to the House voted in the affirmative, and the Report was
13 **adopted.**

14
15 YES 61 NO 0 EXCUSED 3 ABSENT 1

| | | | | | | | | |
|----|-----------|---|----------|---|------------|---|-------------|---|
| 16 | | | | | | | | |
| 17 | Alexander | Y | Groff | Y | Marshall | Y | Spence | Y |
| 18 | Bacon | Y | Grossman | Y | Miller | Y | Spradley | Y |
| 19 | Berry | Y | Harvey | Y | Mitchell | Y | Stafford | E |
| 20 | Borodkin | Y | Hefley | Y | Paschall | Y | Stengel | Y |
| 21 | Boyd | Y | Hodge | Y | Plant | Y | Swenson | Y |
| 22 | Cadman | Y | Hoppe | Y | Ragsdale | Y | Tapia | Y |
| 23 | Chavez | Y | Jahn | Y | Rhodes | Y | Tochtrop | Y |
| 24 | Clapp | Y | Jameson | Y | Rippy | Y | Veiga | Y |
| 25 | Cloer | Y | Johnson | - | Romanoff | Y | Vigil | Y |
| 26 | Coleman | Y | Kester | Y | Saliman | Y | Webster | Y |
| 27 | Crane | Y | King | Y | Sanchez | Y | Weddig | Y |
| 28 | Daniel | E | Larson | Y | Schultheis | Y | White | Y |
| 29 | Decker | Y | Lawrence | Y | Scott | Y | Williams S. | Y |
| 30 | Fairbank | Y | Lee | Y | Sinclair | Y | Williams T. | Y |
| 31 | Fritz | Y | Mace | Y | Smith | Y | Witwer | Y |
| 32 | Garcia | Y | Madden | Y | Snook | Y | Young | Y |
| 33 | | | | | | | Mr. Speaker | E |

34
35
36
37 **REPORTS OF COMMITTEE OF REFERENCE**

38
39 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

40 After consideration on the merits, the Committee recommends the
41 following:

42
43 **HB02-1027** be amended as follows, and as so amended, be referred to
44 the Committee on Appropriations with favorable
45 recommendation:

46
47 Amend printed bill, strike everything below the enacting clause and
48 substitute the following:

49
50 **"SECTION 1.** Part 4 of article 4 of title 26, Colorado Revised
51 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
52 read:

53
54 **26-4-422. Providers - home health care - homemaker services**
55 **- personal care services - alternative care facilities - case-mix**
56 **methodology feasibility study - repeal. (1) Home health services.**

1 (a) THE STATE DEPARTMENT SHALL CONDUCT A FEASIBILITY STUDY WITH
2 SIMULATION OF A CASE-MIX REIMBURSEMENT SYSTEM, AS DEFINED IN
3 SUBSECTION (3) OF THIS SECTION, FOR AGENCIES THAT PROVIDE HOME
4 HEALTH SERVICES. THE FEASIBILITY STUDY SHALL BE VOLUNTARY AND
5 THE STATE DEPARTMENT SHALL SPECIFY HOW MANY PROVIDERS MAY
6 PARTICIPATE IN THE STUDY, ANY CONDITIONS OF PARTICIPATION, AND HOW
7 PROVIDERS MAY APPLY TO PARTICIPATE IN THE STUDY.

8
9 (b) THE STATE DEPARTMENT SHALL ESTABLISH AND SEEK INPUT
10 FROM AN ADVISORY COMMITTEE OF HOME CARE PROVIDERS AND
11 CONSUMERS FOR THE PURPOSES OF THIS SUBSECTION (1).

12
13 (c) THE STATE DEPARTMENT MAY CONTRACT WITH AN
14 INDEPENDENT CONSULTANT TO CONDUCT THE CASE-MIX FEASIBILITY
15 STUDY AND SIMULATION SPECIFIED IN THIS SUBSECTION (1).

16
17 (2) **Homemaker services - personal care services - alternative**
18 **care facilities.** (a) THE STATE DEPARTMENT SHALL CONDUCT A
19 FEASIBILITY STUDY OF A CASE-MIX REIMBURSEMENT SYSTEM, AS DEFINED
20 IN SUBSECTION (3) OF THIS SECTION, FOR REIMBURSING HOME- AND
21 COMMUNITY-BASED SERVICE PROVIDERS FOR HOMEMAKER AND PERSONAL
22 CARE SERVICES WITH THE PURPOSE OF DEVELOPING A PROPOSED
23 METHODOLOGY FOR A CASE-MIX REIMBURSEMENT SYSTEM FOR SUCH
24 SERVICES. THE STATE DEPARTMENT SHALL SEEK INPUT FROM THE
25 ADVISORY COMMITTEE ESTABLISHED BY THE STATE DEPARTMENT UNDER
26 SUBSECTION (1) OF THIS SECTION FOR THE PURPOSES OF THIS PARAGRAPH
27 (a).

28
29 (b) THE STATE DEPARTMENT SHALL CONDUCT A FEASIBILITY STUDY
30 OF A CASE-MIX REIMBURSEMENT SYSTEM, AS DEFINED IN SUBSECTION (3)
31 OF THIS SECTION, FOR REIMBURSING HOME- AND COMMUNITY-BASED
32 SERVICE PROVIDERS FOR ALTERNATIVE CARE SERVICES WITH THE PURPOSE
33 OF DEVELOPING A PROPOSED METHODOLOGY FOR A CASE-MIX
34 REIMBURSEMENT SYSTEM FOR SUCH SERVICES. THE STATE DEPARTMENT
35 SHALL ESTABLISH AN ADVISORY COMMITTEE OF AND SEEK INPUT FROM
36 MEDICAID-CERTIFIED ALTERNATIVE CARE SERVICE PROVIDERS,
37 ALTERNATIVE CARE FACILITY OPERATORS, AND ALTERNATIVE CARE
38 FACILITY CONSUMERS FOR THE PURPOSES OF THIS PARAGRAPH (b).

39
40 (c) THE FEASIBILITY STUDIES CONDUCTED UNDER THIS SUBSECTION
41 (2) SHALL BE VOLUNTARY AND THE STATE DEPARTMENT SHALL SPECIFY
42 HOW MANY PROVIDERS MAY PARTICIPATE IN EACH STUDY, ANY
43 CONDITIONS OF PARTICIPATION, AND HOW MANY PROVIDERS MAY APPLY
44 TO PARTICIPATE IN EACH STUDY.

45
46 (d) THE STATE DEPARTMENT MAY CONTRACT WITH AN
47 INDEPENDENT CONSULTANT TO CONDUCT THE CASE-MIX FEASIBILITY
48 STUDIES SPECIFIED IN THIS SUBSECTION (2).

49
50 (3) **Definitions.** FOR THE PURPOSES OF THIS SECTION, A "CASE-MIX
51 REIMBURSEMENT SYSTEM" MEANS A SYSTEM THAT REIMBURSES EACH
52 PROVIDER AGENCY ACCORDING TO THE RESOURCE CONSUMPTION IN
53 TREATING THE PROVIDER'S CASE-MIX OF MEDICAID CLIENTS, WHICH MAY
54 BE BASED UPON SUCH FACTORS AS AGE, HEALTH STATUS, RESOURCE
55 UTILIZATION, AND DIAGNOSES OF THE MEDICAID CLIENTS. SUCH SYSTEM
56 FOR HOME HEALTH AGENCIES MAY BE BASED UPON THE FEDERAL CASE-MIX

1 ADJUSTED PROSPECTIVE PAYMENT SYSTEM TO INCLUDE OTHER ELEMENTS
2 APPROPRIATE FOR COLORADO MEDICAID CLIENTS.
3

4 (4) **Reporting.** (a) THE STATE DEPARTMENT SHALL REPORT THE
5 RESULTS OF EACH OF THE FEASIBILITY STUDIES UNDER THIS SECTION TO
6 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE HEALTH,
7 ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE
8 OF REPRESENTATIVES, AND THE HEALTH, ENVIRONMENT, CHILDREN AND
9 FAMILIES COMMITTEE OF THE SENATE WITHIN THREE MONTHS AFTER THE
10 COMPLETION OF EACH STUDY. THE REPORT SHALL INCLUDE THE STATE
11 DEPARTMENT'S RECOMMENDATION ON WHETHER THE CASE-MIX
12 REIMBURSEMENT METHODOLOGY SHOULD BE IMPLEMENTED FOR HOME
13 HEALTH CARE AND FOR HOME- AND COMMUNITY-BASED SERVICES AND
14 WHAT CHANGES, IF ANY, WOULD NEED TO BE MADE IN THE AUTHORIZING
15 LEGISLATION.
16

17 (b) A CASE-MIX REIMBURSEMENT SYSTEM SHALL ONLY BE
18 INSTITUTED IF THE STATE DEPARTMENT AND THE JOINT BUDGET
19 COMMITTEE OF THE GENERAL ASSEMBLY DETERMINE, PRIOR TO
20 IMPLEMENTATION, THAT SUCH A REIMBURSEMENT SYSTEM WILL NOT
21 INCREASE ANNUAL STATE EXPENDITURES FOR HOME HEALTH CARE AND
22 HOME- AND COMMUNITY-BASED SERVICES, TAKING INTO ACCOUNT
23 APPROPRIATE ADJUSTMENTS FOR COST OF LIVING.
24

25 (5) THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT AND
26 EXPEND GRANTS AND DONATIONS FROM PRIVATE AND PUBLIC SOURCES FOR
27 THE PURPOSES OF IMPLEMENTING THIS SECTION. THE CASE-MIX
28 REIMBURSEMENT SYSTEM FEASIBILITY STUDIES SPECIFIED UNDER
29 SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT BE CONDUCTED
30 UNTIL SUFFICIENT GIFTS, GRANTS, AND DONATIONS ARE OBTAINED TO
31 SUPPORT THE STUDIES. ANY GIFTS, GRANTS, AND DONATIONS SHALL BE
32 CREDITED TO THE CASE-MIX CASH FUND, WHICH FUND IS HEREBY CREATED
33 IN THE STATE TREASURY, AND REFERRED TO IN THIS SECTION AS THE
34 "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
35 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PURPOSE OF
36 CONDUCTING THE FEASIBILITY STUDIES AS DESCRIBED IN THIS SECTION.
37 ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS
38 IN THE CASE-MIX CASH FUND SHALL BE CREDITED TO THE FUND. ANY
39 MONEYS REMAINING IN THE FUND AT THE END OF EACH FISCAL YEAR SHALL
40 REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE
41 GENERAL FUND; EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED
42 MONEYS REMAINING IN THE FUND AS OF JULY 1, 2007, SHALL BE
43 TRANSFERRED TO THE GENERAL FUND, UNLESS OTHERWISE PROVIDED BY
44 THE GENERAL ASSEMBLY ACTING BY BILL.
45

46 (6) THE STATE DEPARTMENT SHALL PROMULGATE RULES AS MAY
47 BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.
48

49 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2007.
50

51 **SECTION 2. Effective date.** This act shall take effect at 12:01
52 a.m. on the day following the expiration of the ninety-day period after
53 final adjournment of the general assembly that is allowed for submitting
54 a referendum petition pursuant to article V, section 1 (3) of the state
55 constitution; except that, if a referendum petition is filed against this act
56 or an item, section, or part of this act within such period, then the act,

1 item, section, or part, if approved by the people, shall take effect on the
2 date of the official declaration of the vote thereon by proclamation of the
3 governor.".

4
5
6
7 **HB02-1090** be amended as follows, and as so amended, be referred to
8 the Committee on Appropriations with favorable
9 recommendation:

10
11 Amend printed bill, strike everything below the enacting clause and
12 substitute the following:

13
14 **"SECTION 1.** 12-38-109, Colorado Revised Statutes, is amended
15 to read:

16
17 **12-38-109. Advisory committee.** (1) The board may appoint
18 advisory committees including professional review committees to assist
19 in the performance of its duties. Each advisory committee shall consist of
20 at least three licensees who have expertise in the area under review.
21 Members of the advisory committees shall receive no compensation for
22 their services but shall be reimbursed for the actual and necessary
23 expenses incurred in the performance of their duties.

24
25 (2) THIS SECTION SHALL NOT APPLY TO THE ADVISORY COMMITTEE
26 APPOINTED TO STUDY THE ADMINISTRATION OF MEDICATIONS PURSUANT
27 TO SECTION 12-38.1-108.5, C.R.S.

28
29 **SECTION 2.** 12-38.1-102, Colorado Revised Statutes, is
30 amended BY THE ADDITION OF THE FOLLOWING NEW
31 SUBSECTIONS to read:

32
33 **12-38.1-102. Definitions.** As used in this article, unless the
34 context otherwise requires:

35
36 (3.3) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
37 DEPARTMENT OF REGULATORY AGENCIES.

38
39 (3.5) "HOME HEALTH AGENCY" MEANS A PROVIDER OF HOME
40 HEALTH SERVICES AS DEFINED IN SECTION 26-4-103, C.R.S., THAT IS
41 CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

42
43 (3.7) "NURSING FACILITY" SHALL HAVE THE SAME MEANING AS SET
44 FORTH IN SECTION 26-4-103 (11), C.R.S.

45
46 **SECTION 3.** Article 38.1 of title 12, Colorado Revised Statutes,
47 is amended BY THE ADDITION OF A NEW SECTION to read:

48
49 **12-38.1-108.5. Medication administration advisory committee**
50 **- created - repeal.** (1) ON OR BEFORE JULY 1, 2002, THE BOARD, IN
51 CONJUNCTION WITH THE DIVISION, SHALL APPOINT AN ADVISORY
52 COMMITTEE TO STUDY THE ADMINISTRATION OF MEDICATIONS BY
53 CERTIFIED NURSE AIDES IN NURSING FACILITIES AND THROUGH HOME
54 HEALTH CARE AGENCIES.

55
56 (2) THE ADVISORY COMMITTEE SHALL CONSIST OF ELEVEN

- 1 MEMBERS AS FOLLOWS:
2
3 (a) ONE REPRESENTATIVE FROM THE DIVISION;
4
5 (b) ONE GERIATRIC PHYSICIAN LICENSED PURSUANT TO ARTICLE 36
6 OF THIS TITLE;
7
8 (c) ONE PHARMACIST EXPERIENCED IN THE DELIVERY OF
9 PHARMACEUTICAL PRODUCTS IN A HEALTH CARE-BASED SETTING WHO IS
10 LICENSED PURSUANT TO ARTICLE 22 OF THIS TITLE;
11
12 (d) ONE ADVOCATE WHO REPRESENTS THE RESIDENTS OR PATIENTS
13 IN NURSING FACILITIES;
14
15 (e) ONE HOME HEALTH CARE NURSE;
16
17 (f) ONE DIRECTOR OF A HOME HEALTH AGENCY;
18
19 (g) ONE DIRECTOR OF A NURSING HOME LOCATED IN AN URBAN
20 AREA;
21
22 (h) ONE DIRECTOR OF A NURSING HOME LOCATED IN A RURAL
23 AREA;
24
25 (i) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING
26 MEDICATION ADMINISTRATION;
27
28 (j) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING THE
29 CERTIFIED NURSE AIDE PROGRAM; AND
30
31 (k) ONE CLINICAL RESEARCHER WHO HAS STUDIED CARE DELIVERY
32 IN LONG-TERM CARE SETTINGS AND IN HOME HEALTH CARE.
33
34 (3) THE ADVISORY COMMITTEE SHALL STUDY THE ISSUE OF
35 ALLOWING CERTIFIED NURSE AIDES TO ADMINISTER MEDICATIONS IN
36 NURSING FACILITIES AND THROUGH HOME HEALTH AGENCIES. THE STUDY
37 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
38
39 (a) THE BENEFITS AND RISKS ASSOCIATED WITH TRAINING
40 CERTIFIED NURSE AIDES TO BECOME MEDICATION AIDES;
41
42 (b) THE EFFECT OF THE USE OF MEDICATION AIDES ON THE LEVEL
43 OF PATIENT CARE;
44
45 (c) THE LEVEL OF EXPERIENCE A CERTIFIED NURSE AIDE MUST HAVE
46 IN ORDER TO BE CONSIDERED FOR TRAINING AS A MEDICATION AIDE;
47
48 (d) THE EXTENT AND CONTENT OF CLASSROOM TRAINING AND
49 EDUCATION REQUIRED TO BE A MEDICATION AIDE; AND
50
51 (e) THE EXTENT AND LIMIT TO THE SCOPE OF PRACTICE OF A
52 CERTIFIED NURSE AIDE WHO HAS COMPLETED TRAINING AS A MEDICATION
53 AIDE.
54
55 (4) THE ADVISORY COMMITTEE SHALL DEVELOP
56 RECOMMENDATIONS RESULTING FROM ITS STUDY ON THE TRAINING OF

1 CERTIFIED NURSE AIDES TO BE MEDICATION AIDES AND THE USE OF
 2 MEDICATION AIDES TO ADMINISTER MEDICATIONS IN NURSING FACILITIES
 3 AND THROUGH HOME HEALTH CARE AGENCIES.

4
 5 (5) THE ADVISORY COMMITTEE SHALL REPORT ITS FINDINGS AND
 6 RECOMMENDATIONS TO THE SENATE HEALTH, ENVIRONMENT, CHILDREN
 7 AND FAMILIES COMMITTEE, THE HOUSE HEALTH, ENVIRONMENT, WELFARE,
 8 AND INSTITUTIONS COMMITTEE, AND THE JOINT COMMITTEE OF
 9 LEGISLATIVE COUNCIL ON OR BEFORE NOVEMBER 1, 2002.

10
 11 (6) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2003.

12
 13 (b) PRIOR TO SAID REPEAL, THE ADVISORY COMMITTEE TO STUDY
 14 THE ADMINISTRATION OF MEDICATIONS BY CERTIFIED NURSE AIDES SHALL
 15 BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

16
 17 **SECTION 4.** 2-3-1203 (3) (p), Colorado Revised Statutes, is
 18 amended to read:

19
 20 **2-3-1203. Sunset review of advisory committees.** (3) The
 21 following dates are the dates for which the statutory authorization for the
 22 designated advisory committees is scheduled for repeal:

23
 24 (p) July 1, 2003:

25
 26 (I) The advisory committee in the department of health care policy
 27 and financing created in section 26-4-529 (3), C.R.S.;

28
 29 (II) THE ADVISORY COMMITTEE TO STUDY THE ADMINISTRATION OF
 30 MEDICATIONS BY CERTIFIED NURSE AIDES IN SECTION 12-38.1-108.5,
 31 C.R.S.

32
 33 **SECTION 5. Safety clause.** The general assembly hereby finds,
 34 determines, and declares that this act is necessary for the immediate
 35 preservation of the public peace, health, and safety."
 36

37
 38
 39 **INTRODUCTION OF RESOLUTION**

40
 41 The following resolution was read by title and referred to the committee
 42 indicated:

43
 44 **HJR02-1007** by Representative(s) Stengel, Young, Berry, Saliman; also
 45 Senator(s) Fitz-Gerald, Reeves, Tate, Owen--Concerning
 46 the certification by the general assembly of its estimate of
 47 state general fund revenues and allowable state general
 48 fund appropriations for the 2002-03 budget year.
 49 Committee on Finance

50
 51 WHEREAS, The general assembly is required by section
 52 24-75-201.3, Colorado Revised Statutes, to make an annual certification
 53 of its estimate of general fund revenues for the next fiscal year to the
 54 controller; and

55
 56 WHEREAS, Gross general fund revenues for the 2002-03 fiscal

1 year, as estimated in this joint resolution, have already been obligated by
2 law as follows:

3

4 (1) \$111,089,168 for transfer to the capital construction fund
5 pursuant to section 24-75-302 (2) (n), Colorado Revised Statutes;

6

7 (2) Amounts required by statute to be used for: Payments to local
8 governments based on state cigarette tax collections; property tax and
9 heat or fuel expense grants; and payments to the fire and police members'
10 benefit fund; and

11

12 WHEREAS, Under current law, general fund revenues must be
13 used first to fund the obligations set forth above, second to fund
14 appropriations for the executive, legislative, and judicial departments, and
15 third to fund the reserve mandated by section 24-75-201.1 (1) (d),
16 Colorado Revised Statutes; and

17

18 WHEREAS, The general assembly recognizes that new programs
19 can be funded from the general fund only after these three priorities are
20 satisfied; and

21

22 WHEREAS, If appropriate statutes are amended, additional
23 general fund revenues could be realized; and

24

25 WHEREAS, The estimate of general fund revenues certified in this
26 joint resolution does not include the balance carried forward from the
27 2001-02 fiscal year; and

28

29 WHEREAS, The general assembly intends to make an annual
30 certification of its estimate of the total allowable state general fund
31 appropriations under section 24-75-201.1, Colorado Revised Statutes; and

32

33 WHEREAS, In accordance with the provisions of section
34 24-75-201.1, Colorado Revised Statutes, the estimate of the allowable
35 state general fund appropriations for the 2002-03 fiscal year will be based
36 upon the following conclusions:

37

38 (1) State general fund appropriations for the 2001-02 fiscal year,
39 prior to the enactment of any supplemental appropriations during the
40 2002 regular session, are \$5,659.9 million;

41

42 (2) The allowable increase in state general fund appropriations for
43 the 2002-03 fiscal year is the cost of reappraisal of taxable property for
44 property tax purposes as required by section 39-1-105.5, Colorado
45 Revised Statutes, plus six percent of the 2001-02 state general fund
46 appropriations; and

47

48 WHEREAS, The revenue estimate and the estimate of allowable
49 state general fund appropriations made pursuant to this joint resolution
50 are made for the purpose of providing direction and guidance to the joint
51 budget committee in the preparation of the 2002-03 general appropriation
52 act and does not affect the ability of the general assembly to make
53 spending decisions in the general appropriation act; and

54

55 WHEREAS, The revenue estimate and the estimate of allowable
56 state general fund appropriations made pursuant to this joint resolution

1 may be adjusted if additional relevant information is received by the
2 general assembly after the adoption thereof; and
3

4 WHEREAS, For purposes of section 39 of article V of the state
5 constitution, this joint resolution relates solely to the transaction of
6 business of the two houses of the general assembly; now, therefore,
7

8 *Be It Resolved by the House of Representatives of the Sixty-third*
9 *General Assembly of the State of Colorado, the Senate concurring*
10 *herein:*
11

12 That, in accordance with section 24-75-201.3, Colorado Revised
13 Statutes, the general assembly hereby certifies to the controller of the
14 state of Colorado that the estimate of gross general fund revenues for the
15 fiscal year beginning July 1, 2002, is \$6,659.0 million. The general
16 assembly further certifies that the estimate of the allowable state general
17 fund appropriations for the fiscal year beginning July 1, 2002, under
18 section 24-75-201.1, Colorado Revised Statutes, is \$5,999.5 million.
19

20 *Be It Further Resolved,* That a copy of this joint resolution be
21 transmitted to the controller of the state of Colorado, Arthur L. Barnhart.
22

23
24
25 On motion of Representative Spradley, the House adjourned until
26 9:00 a.m., January 23, 2002.
27

28 Approved:
29

30
31
32 DOUG DEAN,
33 Speaker

34 Attest:

35
36 JUDITH RODRIGUE,
37 Chief Clerk