

SENATE JOURNAL
Sixty-fourth General Assembly
STATE OF COLORADO
First Regular Session

Thirty-eighth Legislative Day Friday, February 14, 2003

Prayer By the chaplain, Mohamad Jodeh.

Pledge By Senator Tupa.

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

Roll Call Present-- 35

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Sandoval, reading of the Journal of February 13, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of **SR03-011**.

CONSIDERATION OF RESOLUTION

SR03-011 by Senator(s) Anderson; --Concerning clarification of the definition of "undue influence" in the Senate ethics rule.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB03-175 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning prescribing the use of the nursing home penalty cash fund, and making an appropriation in connection therewith.

Senator Owen moved that the Senate Conferees on the First Conference Committee on **SB03-175** 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 declared adopted.

SB03-183 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- Concerning the modification of certain preschool through twelfth grade public education programs, and making appropriations in connection therewith.

SB03-183

Senator Reeves moved that the Senate Conferees on the First Conference Committee on SB03-183 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 declared adopted.

Committee of the Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB03-133

by Senator(s) Dyer; also Representative(s) Stengel, Mitchell--Concerning civil forfeiture in title 16, Colorado revised statutes.

Amendment No. 1(L.003), by Senator Dyer.

- Amend printed bill, page 3, line 16, after the period, add "UPON THE CONCLUSION OF A TRIAL RESULTING IN A JUDGMENT OF FORFEITURE IN AN ACTION BROUGHT PURSUANT TO THIS PART 3, IF THE EVIDENCE PRESENTED RAISES AN ISSUE OF PROPORTIONALITY UNDER THIS PARAGRAPH (a.5), THE DEFENDANT MAY PETITION THE COURT TO SET A HEARING, OR THE COURT MAY ON ITS OWN MOTION SET A HEARING, TO DETERMINE WHETHER A FORFEITURE WAS CONSTITUTIONALLY EXCESSIVE. THIS DETERMINATION SHALL BE MADE PRIOR TO ANY SALE OR DISTRIBUTION OF FORFEITED PROPERTY.".
- Page 4, line 4, strike "CONSTITUTION." and substitute "CONSTITUTION OR ARTICLE II, SECTION 20 OF THE COLORADO CONSTITUTION.".
- Page 5, line 3, after the period, add "UPON THE CONCLUSION OF A TRIAL RESULTING IN A JUDGMENT OF FORFEITURE IN AN ACTION BROUGHT PURSUANT TO THIS PART 5, IF THE EVIDENCE PRESENTED RAISES AN ISSUE OF PROPORTIONALITY UNDER THIS PARAGRAPH (a.5), THE DEFENDANT MAY PETITION THE COURT TO SET A HEARING, OR THE COURT MAY ON ITS OWN MOTION SET A HEARING TO DETERMINE WHETHER A FORFEITURE WAS CONSTITUTIONALLY EXCESSIVE. THIS DETERMINATION SHALL BE MADE PRIOR TO ANY SALE OR DISTRIBUTION OF FORFEITED PROPERTY.".
- line 18, strike "CONSTITUTION." and substitute "CONSTITUTION OR ARTICLE II, SECTION 20 OF THE COLORADO CONSTITUTION.".
- Page 6, line 22, after the period, insert "SUCH A MODIFYING ORDER MAY INCLUDE, WITHOUT LIMITATION, REASONABLE PROVISIONS FOR THE CONTINUED OCCUPANCY OF A RESIDENCE, OR THE OPERATION OF A BUSINESS AND THE SALE OR DISPOSITION OF BUSINESS INVENTORY. HOWEVER, NO SUCH MODIFYING ORDER SHALL INCLUDE THE RELEASE OF CURRENCY.".
- Page 7, line 10, after "A", insert "NEGOTIATED".
- Page 8, line 8, after "UNLESS", insert "AT THE TIME OF DISMISSAL THE PLAINTIFF SHOWS THAT".
- Page 9, line 7, strike "OR FAILS" and substitute "BY FAILING".
- Page 11, line 8, after "A", insert "NEGOTIATED".
- Page 12, line 6, after "UNLESS", insert "AT THE TIME OF DISMISSAL THE PLAINTIFF SHOWS THAT".
- Page 13, line 5, strike "OR FAILS" and substitute "BY FAILING".

SB03-133

Page 15, line 13, strike "SUBSTANTIAL," and substitute "A PREPONDERANCE OF".

Page 16, line 4, strike "SUBSTANTIAL," and substitute "A PREPONDERANCE OF".

Page 18, line 25, strike "PROPERTY" and substitute "PROPERTY, OR A BONA FIDE MARITAL INTEREST IN THE PROPERTY,".

Page 20, line 9, strike "OR THE PERPETRATOR WHO";

line 10, strike "COMMITTED THE ALLEGED PUBLIC NUISANCE ACTS OR ACTS";

line 16, strike "OR PERPETRATOR";

line 17, strike "OF THE ALLEGED PUBLIC NUISANCE ACT OR ACTS";

line 25, strike "JUSTICE;" and substitute "JUSTICE AND THE CONVEYANCE OCCURRED AFTER THE FLIGHT, OR BEFORE THE FLIGHT, IN ANY OF THE CIRCUMSTANCES SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c);";

strike lines 26 and 27.

Renumber succeeding subparagraphs accordingly.

Page 22, line 18, strike "IN THE PROPERTY," and substitute "IN THE PROPERTY, OR A BONA FIDE MARITAL INTEREST IN THE PROPERTY,".

Page 24, line 3, strike "OR THE PERPETRATOR WHO";

line 4, strike "COMMITTED THE ALLEGED PUBLIC NUISANCE ACTS OR ACTS";

line 10, strike "OR PERPETRATOR";

line 11, strike "OF THE ALLEGED SUBJECT ACT OR ACTS";

line 19, strike "JUSTICE;" and substitute "JUSTICE AND THE CONVEYANCE OCCURRED AFTER THE FLIGHT, OR BEFORE THE FLIGHT, IN ANY OF THE CIRCUMSTANCES SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (c);";

strike lines 20 and 21.

Renumber succeeding subparagraphs accordingly.

Page 26, line 8, strike "SIMILAR CONDUCT OF A KIND" and substitute "PRIOR SIMILAR CONDUCT;";

strike line 9.

Page 27, line 20, after "OR", insert "PRIOR", and strike "OF A KIND THAT";

line 21, strike "WOULD GIVE RISE TO A CLAIM FOR FORFEITURE,".

Page 33, strike lines 24 through 27 and substitute the following:

"(d) A description and the value of any property seized by ~~local or state law enforcement agencies~~ THE DISTRICT ATTORNEY'S OFFICE that was transferred to the United States for forfeiture under federal law, including the federal forfeiture case number and the criminal case number, whether the criminal action was filed in state or federal court, and the grounds for the transfer; and".

Page 34, strike line 1.

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

- SB03-117

by Senator(s) Cairns; also Representative(s) Spence--Concerning the schedule by which the department of education releases school accountability reports.

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- Amendment No. 1(L.002), by Senator Windels.

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- Amend printed bill, page 2, strike line 5 and substitute the following:

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- "**repeal.** (1) (a) (I) THE DEPARTMENT SHALL DELIVER A DRAFT OF EACH PUBLIC SCHOOL'S ACCOUNTABILITY REPORT TO THE PUBLIC SCHOOL BY NOVEMBER 1, 2003, AND BY NOVEMBER 1 EACH YEAR THEREAFTER.

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- (II) The department shall deliver each public school's annual".

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

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- SB03-158

by Senator(s) Tupa, Phillips; also Representative(s) Pommer, Madden, Plant, Weissmann--Concerning the sale of property of a school district.

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- Laid over until Monday, February 17, retaining its place on the calendar.

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- SB03-126

by Senator(s) Entz; --Concerning procedures for the development of water projects by the Colorado water resources and power development authority.

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- Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, February 7, pages 275-277 and placed in members' bill files.)

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

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- SB03-098

by Senator(s) Arnold, Anderson, Entz; also Representative(s) Fritz, Marshall--Concerning benefit provisions of the public employees' retirement association.

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- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, January 30, page 163 and placed in members' bill files.)

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- Amendment No. 2(L.004), by Senator Evans.

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

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- "**SECTION 1.** 24-51-101 (20), Colorado Revised Statutes, is amended to read:

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- 24-51-101. Definitions.** As used in this article, unless the context otherwise requires:

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- (20) "Employer" means the state of Colorado, the general assembly, any state department, board, commission, bureau, agency, or institution, the Colorado association of school boards, the Colorado high school activities association, THE COLORADO ASSOCIATION OF SCHOOL EXECUTIVES, the fire and police pension association, the special districts association, the Colorado water resources and power development authority, the public employees' retirement association, all school districts in Colorado including a charter school district except in the city and county of Denver, and any political subdivision, city, municipality, county, housing authority, special district, library district, regional planning commission, public hospital, county or district health department, state university, state college, state junior college, or other public entity that is affiliated with the plan."

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- Renumber succeeding sections accordingly.

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- Page 7, line 8, strike "Sections 2, 3, and 4" and substitute "Sections 3, 4, and 5";

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- line 9, strike "5 and 7" and substitute "6 and 8".

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- Amendment No. 3(L.008), by Senator Kester.

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- Amend the Finance Committee Report, dated January 28, 2003, page 2, strike line 1 and substitute the following:

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SB03-098

"SECTION 8. 24-54-106, Colorado Revised Statutes, is amended to read:

24-54-106. Association shall be formed - withdrawal. (1) Any county, or group of counties, any municipality or group of municipalities, any district or group of districts, or any other participating entity or group of participating entities adopting a retirement plan or system pursuant to the provisions of this article shall form and maintain an association for the purchase, establishment, or procurement of a group annuity retirement plan or a noninsured trust retirement plan. Any such association so formed shall be an instrumentality of the members thereof. The cost and expenses incident to the formation and maintenance of such an association and the consideration paid by any county, any municipality, any district, or any other participating entity as an employer pursuant to any such plan are proper charges against the county, the municipality, the district, or any other participating entity comprising the association.

(2) (a) ANY EMPLOYER MAY WITHDRAW FROM ITS PARTICIPATION IN AND CONTRIBUTIONS TO THE ASSOCIATION FORMED PURSUANT TO THIS ARTICLE 54. THE EMPLOYER MAY INITIATE WITHDRAWAL FROM THE ASSOCIATION BY FILING WITH THE BOARD OF THE ASSOCIATION A RESOLUTION ADOPTED BY THE EMPLOYER PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) NO LESS THAN NINETY DAYS PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL UNLESS A SHORTER WAITING PERIOD IS APPROVED BY THE BOARD. THE EFFECTIVE DATE OF WITHDRAWAL SHALL BE THE FIRST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE MONTH IN WHICH THE WAITING PERIOD EXPIRES.

(b) THE EMPLOYER'S WITHDRAWAL RESOLUTION SHALL BE ADOPTED BY THE GOVERNING BODY OF THE EMPLOYER AND SHALL STATE THE EMPLOYER'S INTENT TO WITHDRAW FROM PARTICIPATION IN THE ASSOCIATION.

(c) ANY WITHDRAWAL SHALL BE APPROVED BY AT LEAST SIXTY-FIVE PERCENT OF ALL ACTIVE MEMBERS EMPLOYED BY THE EMPLOYER WHO ARE PARTICIPATING IN THE ASSOCIATION AT THE TIME OF THE ELECTION.

(d) THE BOARD SHALL DISCLOSE ALL RAMIFICATIONS AND PROCEDURES FOR OBTAINING THE MEMBER APPROVAL PROVIDED FOR IN PARAGRAPH (c) OF THIS SUBSECTION (2).

(e) ALL WITHDRAWALS FROM THE ASSOCIATION SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS SECTION, AND, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL WITHDRAWALS MEETING SUCH REQUIREMENTS SHALL BE APPROVED BY THE BOARD OF THE ASSOCIATION. WITHDRAWAL REQUESTS THAT DO NOT MEET THE REQUIREMENTS OF THIS SECTION SHALL NOT BE APPROVED BY THE BOARD.

SECTION 9. Article 54 of title 24, Colorado Revised Statutes, "

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

SB03-118

by Senator(s) Chlouber, Entz, Hillman, Kester; also Representative(s) Rippy, Jahn, Miller-- Concerning the exclusion of a person who performs duties for more than one employer in the business of horse racing from the definition of "employee" for the purposes of the "Workers' Compensation Act of Colorado".

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

Amend printed bill, page 2, strike lines 9 and 10.

Renumber succeeding section accordingly.

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

SB03-079

by Senator(s) Reeves; also Representative(s) Smith--Concerning support obligations.

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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 7, page 228 and placed in members' bill files.)

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Amendment No. 2(L.006), by Senator Reeves.

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Amend the Health, Environment, Welfare & Institutions Committee
Report, dated February 6, 2003, page 1, after line 2, insert the following:

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"Page 58, strike lines 26 and 27.

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Page 59, strike lines 1 through 13.

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Renumber succeeding sections accordingly.

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Page 60, line 7, after the period, add "EXCEPT FOR THE LIMITED PURPOSES
OF THE DUTIES DESCRIBED IN THIS SECTION, THE STATE CHILD SUPPORT
ENFORCEMENT AGENCY OR A DELEGATE CHILD SUPPORT ENFORCEMENT
UNIT SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION
RECEIVED PURSUANT TO THIS PART 3 AND SUCH INFORMATION SHALL NOT
BE SUBJECT TO DISCOVERY."";

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line 3 of the committee report, strike "Page 60,";

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line 8 of the committee report, strike ""74 and 76"" and substitute ""73
and 75"";

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after line 8 of the committee report, insert the following:

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"line 7, strike "62, section 64, section 69," and substitute "61, section 63,
section 68,"";

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strike line 9 of the committee report and substitute the following:

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"line 8, strike "70, and section 72" and substitute "69, and section 70,"";

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after line 9 of the committee report, insert the following:

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"line 11, strike "63, 65, 66, and 67" and substitute "62, 64, 65, and 66,"";

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strike line 10 of the committee report and substitute the following:

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"line 13, strike "68, 73, and 74" and substitute "67, 71, and 72".

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

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Amend printed bill, page 73, after line 4, insert the following:

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"SECTION 76. 26-13-118 (2), Colorado Revised Statutes, is
amended to read:

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26-13-118. Lottery winnings offset. (2) Prior to the payment of
lottery winnings required by rule and regulation of the commission to be
paid only at the lottery offices, the department of revenue shall check the
social security number of each winner with those certified by the state
department. If the social security number of a lottery winner appears
among those certified by the state department, the department of revenue
shall obtain the current address of the winner, shall suspend the payment
of the winnings, and shall notify the state department. UPON RECEIVING
NOTIFICATION FROM THE DEPARTMENT OF REVENUE THAT A LOTTERY
WINNER APPEARS AMONG THOSE CERTIFIED BY THE STATE DEPARTMENT
PURSUANT TO SECTION 24-35-212, C.R.S., the state department shall
notify the obligated parent, in writing, that the state intends to offset in
the following order of priority, the parent's current monthly child support
obligation, child support debt, or child support arrearages, AND CHILD
SUPPORT COSTS against the parent's winnings from the state lottery. Such
notification shall include information on the parent's right to object to the
offset and to request an administrative review pursuant to the rules and
regulations of the state board of human services.

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SB03-079

SECTION 77. 24-35-201 (1), Colorado Revised Statutes, is amended, and the said 24-35-201 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-35-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1) ~~"Commission" means the Colorado lottery commission.~~
"CASH PRIZE" MEANS ANY PRIZE PAID IN CASH IN ITS ENTIRETY.

(1.5) "COMMISSION" MEANS THE COLORADO LOTTERY COMMISSION.

(7) "NON-CASH PRIZE" MEANS ANY PRIZE PAID IN MERCHANDISE OR A COMBINATION OF CASH AND MERCHANDISE.

SECTION 78. 24-35-212 (5), Colorado Revised Statutes, is amended to read:

24-35-212. Prizes. (5) (a) Prior to the payment of any lottery ~~winnings~~ CASH PRIZE OR NON-CASH PRIZE required by rule and regulation of the commission to be paid only at the lottery offices AND SUBJECT TO STATE AND FEDERAL TAX REPORTING, the department of revenue shall require the winner to submit the winner's social security number and federal employer identification number, if applicable, and shall check the social security number of the winner with those certified by the department of human services for the purpose of the state lottery winnings offset as provided in section 26-13-118, C.R.S. The social security number and the federal employer identification number shall not become part of the public record of the department of revenue. If the social security number of a lottery winner appears among those certified by the department of human services, the department of revenue shall OBTAIN THE CURRENT ADDRESS OF THE WINNER, NOTIFY THE DEPARTMENT OF HUMAN SERVICES, AND suspend the payment of ~~such winnings~~ THE CASH PRIZE OR NON-CASH PRIZE until the requirements of section 26-13-118, C.R.S., are met. If, after consulting with the department of human services, the department of revenue determines that the lottery winner owes a child support debt OR CHILD SUPPORT COSTS pursuant to section 14-14-104, C.R.S., or owes child support arrearages as part of an enforcement action pursuant to article 5 of title 14, C.R.S., or owes child support arrearages OR CHILD SUPPORT COSTS which are the subject of enforcement services provided pursuant to section 26-13-106, C.R.S., then the department of revenue shall withhold from the amount of ~~winnings~~ THE CASH PRIZE paid to the lottery winner an amount equal to the amount of child support debt, ~~or~~ child support arrearages, AND CHILD SUPPORT COSTS which are due or, if the amount of ~~winnings~~ THE CASH PRIZE is less than or equal to the amount of child support debt, ~~or~~ arrearages, AND COSTS due, shall withhold the entire amount of the lottery ~~winnings~~ CASH PRIZE. Any ~~moneys~~ CASH PRIZE so withheld shall be transmitted to the state treasurer for disbursement by the department of human services as directed in section 26-13-118, C.R.S.

(b) A LOTTERY WINNER OF A NON-CASH PRIZE WHO OWES CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT COSTS SHALL FORFEIT THE PRIZE, UNLESS:

(I) (A) ALL OF THE CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, AND CHILD SUPPORT COSTS ARE PAID BY THE LOTTERY WINNER WITHIN TEN WORKING DAYS AFTER CLAIMING THE SUSPENDED NON-CASH PRIZE; AND

(B) THE DEPARTMENT OF HUMAN SERVICES HAS NOTIFIED THE DEPARTMENT OF REVENUE THAT PAYMENT HAS BEEN RECEIVED; OR

(II) AN ADMINISTRATIVE REVIEW IS REQUESTED PURSUANT TO SECTION 26-13-118 (2), C.R.S., AND THE REQUIREMENTS SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (5) ARE MET.

(c) IF AN ADMINISTRATIVE REVIEW IS REQUESTED PURSUANT TO SECTION 26-13-118 (2), C.R.S., THE NON-CASH PRIZE SHALL REMAIN SUSPENDED UNTIL THE DEPARTMENT OF HUMAN SERVICES NOTIFIES THE

SB03-079

DEPARTMENT OF REVENUE THAT THE ADMINISTRATIVE REVIEW PROCESS HAS BEEN COMPLETED PURSUANT TO RULES OF THE STATE BOARD OF HUMAN SERVICES. IF AT THE ADMINISTRATIVE REVIEW IT IS DETERMINED THAT THE WINNER OWES CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT COSTS, THE WINNER SHALL FORFEIT THE NON-CASH PRIZE UNLESS:

(I) THE WINNER PAYS THE CHILD SUPPORT DEBT, CHILD SUPPORT ARREARAGES, AND CHILD SUPPORT COSTS IN FULL WITHIN TEN DAYS AFTER THE DATE OF THE LETTER INFORMING THE LOTTERY WINNER OF THE RESULTS OF THE ADMINISTRATIVE REVIEW; AND

(II) THE DEPARTMENT OF HUMAN SERVICES NOTIFIES THE DEPARTMENT OF REVENUE THAT PAYMENT HAS BEEN RECEIVED.

(d) IF FORFEITED BY THE LOTTERY WINNER, THE NON-CASH PRIZE SHALL BE DISBURSED AS DETERMINED BY THE DIRECTOR."

Renumber succeeding sections accordingly.

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

Amend printed bill, page 61, line 18, after "conceived.", insert "IF, UNDER THE SUPERVISION OF A LICENSED PHYSICIAN AND WITH THE CONSENT OF HER HUSBAND, A WIFE CONSENTS TO ASSISTED REPRODUCTION WITH AN EGG DONATED BY ANOTHER WOMAN, TO CONCEIVE A CHILD FOR HERSELF, NOT AS A SURROGATE, THE WIFE IS TREATED IN LAW AS IF SHE WERE THE NATURAL MOTHER OF A CHILD THEREBY CONCEIVED.";

line 24, strike "relationship." and substitute "relationship OR THE MOTHER AND CHILD RELATIONSHIP."

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

SB03-112

by Senator(s) Anderson; also Representative(s) Coleman--Concerning modifications to the program for the medically indigent.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 7, page 289, and placed in members' bill files.)

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

SB03-130

by Senator(s) Sandoval; also Representative(s) Jahn--Concerning the repeal of the home health services pilot program advisory committee.

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

SB03-096

by Senator(s) Phillips; also Representative(s) White--Concerning modifications to the "County and Municipality Development Revenue Bond Act".

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 7, page 291 and placed in members' bill files.)

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

SB03-050

by Senator(s) Takis, Anderson, Taylor, Tupa; also Representative(s) Williams T., Coleman, Vigil, White--Concerning the implementation of a questionnaire by the state board of nursing for the purposes of renewing nursing licenses.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 10, pages 297-298 and placed in members' bill files.)

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

- SB03-045** by Senator(s) Entz, Isgar, Phillips, Taylor; also Representative(s) Miller, Hodge, Hoppe, Rippy, White--Concerning the increased regulation of water wells, and, in connection therewith, requiring continuing education of water well construction contractors and pump installers as a condition of licensure, increasing well permit fees, creating a cash fund, specifying additional well construction and pump installation enforcement authority, and creating a well inspection program. 1
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Laid over until Monday, February 17, retaining its place on the calendar. 8
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- SB03-052** by Senator(s) Anderson, Takis, Taylor, Tupa; also Representative(s) Vigil, Coleman, White, Williams T.--Concerning the elimination of the report to the state auditor related to the public safety communications trust fund. 10
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 14
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- SB03-042** by Senator(s) Takis; also Representative(s) McCluskey--Concerning the one dollar surcharge on filings received by a county clerk and recorder as an authorized agent for the executive director of the department of revenue. 16
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 20
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- SB03-013** by Senator(s) Johnson S.; also Representative(s) Berry--Concerning modifications to the "Comprehensive Primary and Preventive Care Grant Program Act". 22
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 25
(Printed in Senate Journal, January 16, page 69 and placed in members' bill files.) 26
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Amendment No. 2(L.002), by Senator Johnson. 28
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Amend the Health, Environment, Welfare & Institutions Committee 30
Report, dated January 15, 2003, page 1, line 5, strike "THIS SUBSECTION 31
(1)," and substitute "SUBSECTIONS (1) AND (5) OF THIS SECTION,". 32
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 34
Passage. 35
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- SB03-108** by Senator(s) Kester; also Representative(s) Harvey--Concerning exemptions from the definition of used motor vehicle dealer. 37
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 40
(Printed in Senate Journal, February 11, page 312 and placed in members' bill files.) 41
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 43
Passage. 44
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- SB03-116** by Senator(s) Chlouber; also Representative(s) Larson--Concerning the distinction between a motor vehicle dealer and a motor vehicle service contract provider for purposes of motor vehicle service contract insurance. 46
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 50
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- SB03-053** by Senator(s) McElhany; also Representative(s) King--Concerning operations of the Colorado school for the deaf and the blind, and, in connection therewith, creating an independent governing board for the school. 52
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Amendment No. 1, Education Committee Amendment. 56
(Printed in Senate Journal, January 30, page 161 and placed in members' bill files.) 57
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Amendment No. 2(L.006), by Senator McElhany. 59
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Amend printed bill, page 8, strike lines 21 through 24 and substitute the 61
following: 62
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"ALL INCOME". 64
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Amendment No. 3(L.002), by Senator Windels. 66
67
Amend printed bill, page 4, strike line 19 and substitute the following: 68
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"TO PROVIDE EDUCATIONAL SERVICES SOLELY TO STUDENTS WHO". 70
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SB03-053

Amendment No. 4(L.004), by Senator Windels.

Amend printed bill, page 9, after line 11, insert the following:

- "(7) THE BOARD OF DIRECTORS SHALL TRANSMIT, ON OR BEFORE JANUARY 1, 2004, AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES THAT CONTAINS THE FOLLOWING:
- (a) ALL SCHOOL ACCOUNTABILITY REPORT DATA, AS DESCRIBED IN SECTION 22-7-605, FOR THE SCHOOL;
- (b) ALL TRAINING, MENTORING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES ARRANGED FOR THE SCHOOL'S TEACHERS; AND
- (c) ANY PARENTAL EDUCATION AND PARENTAL INVOLVEMENT COMPONENTS IN THE SCHOOL'S PROGRAM." .

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

Senator Anderson moved to lay over the remaining bills until Monday, February 17: HB03-1161, SB03-152, HB03-1048, SB03-107, SB03-164, SB03-088, SB03-154, SB03-055, SB03-025, SB03-074, HB03-1018, SB03-153, SB03-099.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB03-053

by Senator(s) McElhany; also Representative(s) King--Concerning operations of the Colorado school for the deaf and the blind, and, in connection therewith, creating an independent governing board for the school.

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following Tupa floor amendment (L.007), to SB03-053, did pass:

Amend printed bill, page 3, after line 2, insert the following:

- "(3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION." .
- Page 4, line 26, after "IMPAIRMENT.", add "A CHARTER AUTHORIZED BY THE BOARD OF DIRECTORS PURSUANT TO THIS SUBSECTION (4) SHALL ONLY TAKE EFFECT IF THE CHARTER APPLICATION IS ALSO APPROVED BY THE STATE BOARD." .

The motion was declared **LOST** by the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Grossman	Y	Lamborn	N	Takis	Y
Arnold	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Cairns	N	Hanna	Y	May	N	Tate	Y
Chlouber	N	Hillman	N	McElhany	N	Taylor	N
Dyer	N	Isgar	Y	Nichol	Y	Teck	N
Entz	N	Johnson	N	Owen	N	Tupa	Y
Evans	N	Jones	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	N
Gordon	Y	Kester	N	Sandoval	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator May, 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: SB03-133 as amended, SB03-117 as amended, SB03-126 as amended, SB03-098 as amended, SB03-118 as amended, SB03-079 as amended, SB03-112 as amended, SB03-130, SB03-096 as amended, SB03-050 as amended, SB03-052, SB03-042, SB03-013 as amended, SB03-108 as amended, SB03-116, SB03-053 as amended.

Laid over until Monday, February 17: SB03-158, SB03-045, HB03-1161, SB03-152, HB03-1048, SB03-107, SB03-164, SB03-088, SB03-154, SB03-055, SB03-025, SB03-074, HB03-1018, SB03-153, SB03-099.

COMMITTEE OF REFERENCE REPORTS

State, Veterans and Military Affairs The Committee returns herewith Senate Bill 03-090 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.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-094** be postponed indefinitely.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-017** be postponed indefinitely.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-194** be postponed indefinitely.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-058** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-024** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 14, line 23, strike "THE APPLICANT SHALL PAY THE";

strike lines 24 and 25 and substitute the following:

"NEITHER THE".

Page 17, strike lines 19 through 24 and substitute the following:

"(3) THE ISSUING SHERIFF MAY MAINTAIN A DATABASE OF PERMITTEES WHO RECEIVE PERMITS FROM THE SHERIFF FOR THE PURPOSE OF DETERMINING THE VALIDITY OF A PERMIT, BUT MAY NOT SHARE THE INFORMATION FOR THE PURPOSE OF CREATING OR MAINTAINING A STATEWIDE OR REGIONAL DATABASE OF PERMITTEES."

Page 19, line 2, strike "SHALL" and substitute "MAY";

line 26, strike "SHALL" and substitute "MAY".

Page 20, line 15, strike "SHALL" and substitute "MAY".

Page 24, strike line 23 and substitute the following:

"IN A COMPARTMENT WITHIN THE VEHICLE AND THE VEHICLE IS LOCKED."

Page 26, line 11, strike "2005," and substitute "2007,".

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-085** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** 37-83-105, Colorado Revised Statutes, is amended to read:

37-83-105. Loan of water right. (1) ~~It is lawful for the owners of ditches and water rights taking water from the same stream to exchange with, and loan to, each other, for a limited time, the water to which each may be entitled, for the purpose of saving crops or using the water in a more economical manner; except that the owners making such loan or exchange shall give notice in writing, signed by all the owners participating in said loan or exchange, stating that such loan or exchange has been made and for what length of time the same shall continue; whereupon said division engineer shall recognize the same in his distribution of water.~~ SUBJECT TO THE LIMITATIONS AND PURSUANT TO THE PROCEDURES OF THIS SECTION, THE OWNER OF A WATER RIGHT DECREED AND USED SOLELY FOR AGRICULTURAL IRRIGATION PURPOSES MAY LOAN ALL OR A PORTION OF THE WATER RIGHT TO ANOTHER OWNER OF A WATER RIGHT ON THE SAME STREAM SYSTEM DECREED AND USED SOLELY FOR AGRICULTURAL IRRIGATION PURPOSES IF THE DIVISION ENGINEER APPROVES SUCH LOAN IN ADVANCE AND THE LOAN DOES NOT CAUSE INJURY TO OTHER WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS.

(2) SUBJECT TO THE LIMITATIONS AND PURSUANT TO THE PROCEDURES OF THIS SECTION, AND UPON THE APPLICATION OF THE COLORADO WATER CONSERVATION BOARD, THE OWNER OF A WATER RIGHT MAY LOAN ALL OR A PORTION OF THE WATER RIGHT TO THE COLORADO WATER CONSERVATION BOARD FOR INSTREAM FLOW PURPOSES IF THE DIVISION ENGINEER APPROVES SUCH LOAN IN ADVANCE AND THE LOAN DOES NOT CAUSE INJURY TO OTHER WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS.

(3) THE DIVISION ENGINEER SHALL APPROVE A LOAN PURSUANT TO SUBSECTION (1) OR (2) OF THIS SECTION IF THE FOLLOWING CONDITIONS ARE MET:

(a) THE PROPONENT HAS FILED A REQUEST FOR APPROVAL OF THE LOAN WITH THE DIVISION ENGINEER, TOGETHER WITH A FILING FEE IN THE AMOUNT OF ONE HUNDRED DOLLARS. MONEYS FROM THE FEE SHALL BE TRANSMITTED TO THE STATE TREASURER AND DEPOSITED IN THE GROUND WATER MANAGEMENT CASH FUND. THE REQUEST FOR APPROVAL SHALL INCLUDE:

(I) EVIDENCE OF THE PROPONENT'S LEGAL RIGHT TO USE THE LOANED WATER RIGHT;

(II) A STATEMENT OF THE DURATION OF THE PROPOSED LOAN;

(III) A DESCRIPTION OF THE ORIGINAL POINTS OF DIVERSION, THE RETURN FLOW PATTERN, AND THE TIME, PLACE, AND TYPES OF USE OF THE LOANED WATER RIGHT;

(IV) A DESCRIPTION OF THE NEW PROPOSED POINTS OF DIVERSION, THE RETURN FLOW PATTERN, AND THE TIME, PLACE, AND TYPES OF USE OF THE LOANED WATER RIGHT; AND

(V) A REASONABLE ESTIMATE OF THE HISTORICAL CONSUMPTIVE USE OF THE LOANED WATER RIGHT.

(b) THE PROPONENT HAS PROVIDED WRITTEN NOTICE OF THE REQUEST FOR APPROVAL OF THE LOAN BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO ALL PARTIES ON THE SUBSTITUTE WATER SUPPLY

SB03-085

PLAN NOTIFICATION LIST ESTABLISHED PURSUANT TO SECTION 37-92-308
(6) FOR THE WATER DIVISION IN WHICH THE PROPOSED LOAN IS LOCATED
AND PROOF OF SUCH NOTICE IS FILED WITH THE DIVISION ENGINEER;

(c) THE PROPOSED USE OF THE LOANED WATER RIGHT IS FOR
AGRICULTURAL IRRIGATION PURPOSES OR INSTREAM FLOW USE BY THE
COLORADO WATER CONSERVATION BOARD;

(d) NONE OF THE WATER RIGHTS INVOLVED IN THE LOAN ARE
ADJUDICATED TO OR DIVERTED AT A WELL LOCATED MORE THAN ONE
HUNDRED FEET FROM THE BANK OF THE NEAREST FLOWING STREAM;

(e) THE DIVISION ENGINEER HAS GIVEN THE OWNERS OF WATER
RIGHTS AND DECREED CONDITIONAL WATER RIGHTS FIFTEEN DAYS AFTER
THE DATE OF MAILING OF NOTICE UNDER PARAGRAPH (b) OF THIS
SUBSECTION (3) TO FILE COMMENTS ON THE PROPOSED LOAN; EXCEPT THAT
THE DIVISION ENGINEER MAY ACT ON THE APPLICATION IMMEDIATELY
AFTER THE APPLICANT PROVIDES EVIDENCE THAT ALL PERSONS ENTITLED
TO NOTICE OF THE APPLICATION UNDER PARAGRAPH (b) OF THIS
SUBSECTION (3) HAVE EITHER CONSENTED TO OR COMMENTED ON THE
APPLICATION. SUCH COMMENTS SHALL INCLUDE ANY CLAIM OF INJURY OR
ANY TERMS AND CONDITIONS THAT SHOULD BE IMPOSED UPON THE
PROPOSED LOAN TO PREVENT INJURY TO A PARTY'S WATER RIGHT OR
DECREED CONDITIONAL WATER RIGHT AND ANY OTHER INFORMATION THE
OPPOSER WISHES THE DIVISION ENGINEER TO CONSIDER IN REVIEWING THE
PROPOSED LOAN.

(f) THE DIVISION ENGINEER, AFTER CONSIDERATION OF THE
COMMENTS FROM ANY OPPOSER, HAS DETERMINED THAT THE OPERATION
AND ADMINISTRATION OF THE PROPOSED LOAN WILL NOT CAUSE INJURY TO
OTHER WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS. THE
DIVISION ENGINEER SHALL IMPOSE SUCH TERMS AND CONDITIONS AS ARE
NECESSARY TO ENSURE THAT THESE STANDARDS ARE MET. IN MAKING THE
DETERMINATIONS SPECIFIED IN THIS PARAGRAPH (f), THE DIVISION
ENGINEER SHALL NOT BE REQUIRED TO HOLD ANY FORMAL HEARINGS OR
CONDUCT ANY OTHER FORMAL PROCEEDINGS, BUT MAY CONDUCT A
HEARING OR FORMAL PROCEEDING IF THE DIVISION ENGINEER FINDS IT
NECESSARY TO ADDRESS THE ISSUES.

(4) THE DIVISION ENGINEER SHALL APPROVE OR DENY THE
PROPOSED LOAN WITHIN TWENTY DAYS AFTER THE DATE OF MAILING OF
NOTICE UNDER PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, OR
WITHIN FIVE DAYS AFTER THE APPLICANT PROVIDES EVIDENCE THAT ALL
PERSONS ENTITLED TO SUCH NOTICE HAVE EITHER CONSENTED TO OR
COMMENTED ON THE APPLICATION, WHICHEVER IS EARLIER.

(5) WHEN THE DIVISION ENGINEER APPROVES OR DENIES A
PROPOSED LOAN, THE DIVISION ENGINEER SHALL SERVE A COPY OF THE
DECISION ON ALL PARTIES TO THE APPLICATION BY FIRST-CLASS MAIL OR,
IF SUCH PARTIES HAVE SO ELECTED, BY ELECTRONIC MAIL. NEITHER THE
APPROVAL NOR THE DENIAL BY THE DIVISION ENGINEER SHALL CREATE
ANY PRESUMPTIONS, SHIFT THE BURDEN OF PROOF, OR SERVE AS A DEFENSE
IN ANY LEGAL ACTION THAT MAY BE INITIATED CONCERNING THE LOAN.
ANY APPEAL OF A DECISION BY THE DIVISION ENGINEER CONCERNING THE
LOAN PURSUANT TO THIS SECTION SHALL BE MADE TO THE WATER JUDGE
IN THE APPLICABLE WATER DIVISION WITHIN FIFTEEN DAYS AFTER THE
DATE ON WHICH THE DECISION IS SERVED ON THE PARTIES TO THE
APPLICATION. THE WATER JUDGE SHALL HEAR SUCH APPEAL ON AN
EXPEDITED BASIS.

(6) LOANS OF WATER RIGHTS UNDER THIS SECTION SHALL BE
LIMITED TO NO MORE THAN ONE HUNDRED EIGHTY DAYS DURING ANY ONE
CALENDAR YEAR, AND SHALL NOT OPERATE FOR MORE THAN THREE
CALENDAR YEARS DURING ANY PERIOD OF TEN CALENDAR YEARS.

SB03-085

SECTION 2. 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."

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-161** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 27, after "AGENCY," insert "EXECUTIVE OR LEGISLATIVE DIRECTIVE,".

Page 4, line 3, strike "REDUCE" and substitute "PERMANENTLY REDUCE".

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-102** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 5, strike "(1.5)" and substitute "(4)";
strike lines 16 through 27.

Page 4, strike lines 1 through 3;
line 4, strike "OR SIGNS OR";
strike line 5;

after line 13, insert the following:

"(4) AN ELIGIBLE ELECTOR WHO IS UNABLE TO PRODUCE IDENTIFICATION MAY CAST A PROVISIONAL BALLOT IN ACCORDANCE WITH PART 3 OF ARTICLE 9 OF THIS TITLE.";

line 19, strike "(19.5), OR SIGN A" and substitute "(19.5)";
line 20, strike "STATEMENT PURSUANT TO SECTION 1-7-110 (1.5)".

Page 5, line 25, strike "A NEW PARAGRAPH," and substitute "THE FOLLOWING NEW PARAGRAPHS,".

Page 6, line 18, strike "IN ACCORDANCE WITH" and substitute "IF REQUIRED BY".

Page 7, line 12, strike "(19.5)." and substitute "(19.5) IF:

(I) THE ELECTOR REGISTERED TO VOTE BY MAIL PURSUANT TO PART 5 OF ARTICLE 2 OF THIS TITLE; AND

(II) THE ELECTOR HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN THE COUNTY.

(d) THE REQUIREMENT TO SUBMIT IDENTIFICATION PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (4) SHALL NOT APPLY TO AN ELIGIBLE ELECTOR WHO:

(I) SUBMITTED AS PART OF THE REGISTRATION BY MAIL A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5);

(II) REGISTERED TO VOTE PURSUANT TO SECTION 1-2-208 OR 1-2-209;

(III) VOTES PURSUANT TO SECTION 1-7-111 (2); OR

(IV) IS ENTITLED TO VOTE OTHERWISE THAN IN PERSON UNDER ANY FEDERAL LAW.";

SB03-102

line 23, after "ELECTOR", insert "DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (4) OF THIS SECTION";

after line 25, insert the following:

"(c) FOR NOVEMBER COORDINATED ELECTIONS ONLY, THE SIGNATURE OF THE ELIGIBLE ELECTOR ON THE RETURN ENVELOPE SHALL BE COMPARED WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH SECTION 1-7.5-107.3."

Page 8, after line 11, insert the following:

"SECTION 7. Article 7.5 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-7.5-107.3. Verification of signatures - November coordinated elections. (1) (a) IN EVERY MAIL BALLOT ELECTION THAT IS A NOVEMBER COORDINATED ELECTION HELD IN 2005 OR ANY SUBSEQUENT YEAR, AN ELECTION JUDGE SHALL COMPARE THE SIGNATURE ON THE SELF-AFFIRMATION ON EACH RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(b) FOR THE MAIL BALLOT ELECTION THAT IS A NOVEMBER COORDINATED ELECTION HELD IN 2003, THE ELECTION JUDGE SHALL COMPARE IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (1) ONLY THOSE SIGNATURES THAT ARE IN THE COUNTY CLERK AND RECORDER'S DATABASE NO LATER THAN 7 P.M. ON ELECTION DAY.

(2) (a) IF, UPON COMPARING THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE WITH THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE DETERMINES THAT THE SIGNATURES DO NOT MATCH, TWO OTHER ELECTION JUDGES OF DIFFERENT POLITICAL PARTY AFFILIATIONS SHALL SIMULTANEOUSLY COMPARE THE SIGNATURES. IF BOTH OTHER ELECTION JUDGES AGREE THAT THE SIGNATURES DO NOT MATCH, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN TEN DAYS AFTER ELECTION DAY, CONFIRMING THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN TEN DAYS AFTER ELECTION DAY, THE SELF-AFFIRMATION ON THE RETURN ENVELOPE SHALL BE CATEGORIZED AS INCORRECT, THE BALLOT SHALL NOT BE COUNTED, AND THE COUNTY CLERK AND RECORDER SHALL SEND COPIES OF THE ELIGIBLE ELECTOR'S SIGNATURE ON THE RETURN ENVELOPE AND THE SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER TO THE DISTRICT ATTORNEY FOR INVESTIGATION.

(b) AN ORIGINAL RETURN ENVELOPE WITH AN ENCLOSED SECRECY ENVELOPE CONTAINING A VOTED BALLOT THAT IS NOT COUNTED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE STORED UNDER SEAL IN THE OFFICE OF THE COUNTY CLERK AND RECORDER APART FROM VALID RETURN ENVELOPES AND MAY BE REMOVED ONLY UNDER THE AUTHORITY OF THE DISTRICT ATTORNEY OR BY ORDER OF A COURT HAVING JURISDICTION.

SB03-102

(3) IF THE ELECTION JUDGE DETERMINES THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION MATCHES THE ELECTOR'S SIGNATURE ON FILE WITH THE COUNTY CLERK AND RECORDER, THE ELECTION JUDGE SHALL FOLLOW THE PROCEDURES SET FORTH IN SECTION 1-7.5-107 (5) (a) AND (6).

(4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

(b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS SECTION."

Renumber succeeding sections accordingly.

Page 8, line 19, strike "IN";

line 20, strike "ACCORDANCE WITH" and substitute "IF REQUIRED BY".

Page 9, line 10, strike "(19.5)." and substitute "(19.5) IF:

(I) THE ELECTOR REGISTERED TO VOTE BY MAIL PURSUANT TO PART 5 OF ARTICLE 2 OF THIS TITLE; AND

(II) THE ELECTOR HAS NOT PREVIOUSLY VOTED IN AN ELECTION IN THE COUNTY.

(c) THE REQUIREMENT TO SUBMIT IDENTIFICATION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL NOT APPLY TO AN ELIGIBLE ELECTOR WHO:

(I) SUBMITTED AS PART OF THE REGISTRATION BY MAIL A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5);

(II) REGISTERED TO VOTE PURSUANT TO SECTION 1-2-208 OR 1-2-209;

(III) VOTES PURSUANT TO SECTION 1-7-111 (2); OR

(IV) IS ENTITLED TO VOTE OTHERWISE THAN IN PERSON UNDER ANY FEDERAL LAW.";

strike lines 11 through 27.

Page 10, strike lines 1 and 2.

Renumber succeeding section accordingly.

Page 10, line 3, strike "(2.5)" and substitute "(d)";

line 4, strike "SUBSECTION (1) OF THIS SECTION" and substitute "PARAGRAPH (b) OF THIS SUBSECTION (1)".

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-139** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"**SECTION 1.** Part 9 of article 7 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

SB03-139

1-7-908. Additional notice - election to create financial obligation. (1) (a) A DISTRICT SUBMITTING A BALLOT ISSUE CONCERNING THE CREATION OF ANY DEBT OR OTHER FINANCIAL OBLIGATION AT AN ELECTION IN THE DISTRICT SHALL POST NOTICE OF THE FOLLOWING INFORMATION ON THE DISTRICT'S WEBSITE OR, IF THE DISTRICT DOES NOT MAINTAIN A WEBSITE, AT THE DISTRICT'S CHIEF ADMINISTRATIVE OFFICE NO LATER THAN TWENTY DAYS BEFORE THE ELECTION:

(I) THE DISTRICT'S ENDING GENERAL FUND BALANCE FOR THE LAST FOUR FISCAL YEARS AND THE PROJECTED ENDING GENERAL FUND BALANCE FOR THE CURRENT FISCAL YEAR;

(II) A STATEMENT OF THE TOTAL REVENUES IN AND EXPENDITURES FROM THE DISTRICT'S GENERAL FUND FOR THE LAST FOUR FISCAL YEARS AND THE PROJECTED TOTAL REVENUES IN AND EXPENDITURES FROM THE GENERAL FUND FOR THE CURRENT FISCAL YEAR;

(III) THE AMOUNT OF ANY DEBT OR OTHER FINANCIAL OBLIGATION INCURRED BY THE DISTRICT FOR EACH OF THE LAST FOUR FISCAL YEARS FOR CASH FLOW PURPOSES THAT HAS A TERM OF NOT MORE THAN ONE YEAR AND THE AMOUNT OF ANY SUCH FINANCIAL OBLIGATION PROJECTED FOR THE CURRENT FISCAL YEAR;

(IV) A STATEMENT AS TO WHETHER THE DISTRICT'S EMERGENCY RESERVE REQUIRED BY SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION HAS BEEN FULLY FUNDED BY CASH OR INVESTMENTS FOR THE CURRENT FISCAL YEAR AND EACH OF THE LAST FOUR FISCAL YEARS AND AN IDENTIFICATION OF THE FUNDS OR ACCOUNTS IN WHICH THE RESERVE IS CURRENTLY HELD. IF THE RESERVE HAS NOT BEEN FULLY FUNDED, THE NOTICE SHALL INCLUDE A STATEMENT OF THE REASONS THE RESERVE HAS NOT BEEN FULLY FUNDED.

(V) THE LOCATION OR LOCATIONS AT WHICH ANY PERSON MAY REVIEW THE DISTRICT'S AUDITED FINANCIAL STATEMENTS FOR THE LAST FOUR FISCAL YEARS, ANY MANAGEMENT LETTERS THAT HAVE BEEN PROVIDED TO THE DISTRICT BY ITS AUDITORS IN CONNECTION WITH THE PREPARATION OF ITS AUDITS FOR THE LAST FOUR FISCAL YEARS, AND THE DISTRICT'S BUDGET FOR THE CURRENT FISCAL YEAR.

(b) IF THE DEBT OR OTHER FINANCIAL OBLIGATION FOR WHICH THE DISTRICT IS SEEKING VOTER APPROVAL IS TO BE PAID FROM A REVENUE SOURCE THAT IS ACCOUNTED FOR IN A FUND OTHER THAN THE DISTRICT'S GENERAL FUND, THE INFORMATION REQUIRED BY SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL ALSO BE MADE AVAILABLE FOR SUCH OTHER FUND.

(c) THE INFORMATION REQUIRED BY SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE BASED UPON AUDITED FIGURES. IF NO AUDITED FIGURES ARE AVAILABLE, THE INFORMATION SHALL BE BASED UPON ESTIMATED FIGURES.

(2) THE NOTICE REQUIRED BY THIS SECTION SHALL BE IN ADDITION TO AND SHALL NOT SUBSTITUTE, REPLACE, OR BE COMBINED WITH ANY OTHER NOTICE REQUIRED BY LAW.

(3) FOR PURPOSES OF THIS SECTION, "DISTRICT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 20 (2) (b) OF ARTICLE X OF THE STATE CONSTITUTION."

Renumber succeeding sections accordingly.

Page 2, strike lines 8 and 9 and substitute the following:

"CONTESTED IF THE NOTICE REQUIRED BY SECTION 1-7-908 IS NOT PROVIDED IN ACCORDANCE WITH THAT SECTION OR CONTAINS ANY MATERIAL MISSTATEMENT OF THE INFORMATION REQUIRED TO BE SET FORTH IN THE NOTICE."

Page 3, strike lines 1 through 13;

SB03-139

line 20, strike "ANY OF";

line 22, strike "BALLOT ISSUE".

Page 4, after line 26, insert the following:

"SECTION 6. 31-10-501.5, Colorado Revised Statutes, is amended to read:

31-10-501.5. Ballot issue notice. (1) Any ballot issue notice, as defined in section 1-1-104 (2.5), C.R.S., relating to a municipal ballot issue, as defined in section 1-1-104 (2.3), C.R.S., shall be prepared and distributed in a manner consistent with part 9 of article 7 of title 1, C.R.S.

(2) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION, A MUNICIPALITY SUBMITTING A BALLOT ISSUE CONCERNING THE CREATION OF ANY DEBT OR OTHER FINANCIAL OBLIGATION AT AN ELECTION IN THE MUNICIPALITY SHALL POST NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 1-7-908, C.R.S."

Renumber succeeding sections accordingly.

Trans-After consideration on the merits, the Committee recommends that SB03-103 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 4 through 27 and substitute "BE USED AND DISTRIBUTED AS DETERMINED BY THE P.O.S.T. BOARD AND TO COVER THE COSTS INCURRED BY THE P.O.S.T. BOARD IN ADMINISTERING PEACE OFFICER TRAINING PROGRAMS."

Page 5, strike lines 1 and 2.

Trans-After consideration on the merits, the Committee recommends that SB03-159 be postponed indefinitely.

LocalAfter consideration on the merits, the Committee recommends that SB03-163 be postponed indefinitely.

EducationAfter consideration on the merits, the Committee recommends that SB03-001 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 15, strike "FEDERAL POVERTY LEVEL AS DEFINED" and substitute "POVERTY GUIDELINES UPDATED PERIODICALLY IN THE FEDERAL REGISTER";

line 16, strike "SERVICES." and substitute "SERVICES UNDER THE AUTHORITY OF 42 U.S.C. SEC. 9902 (2)."

Page 6, line 17, after the period, add "THE PERSON MAKING THE CONTRIBUTION SHALL INDICATE TO THE SCHOOL TUITION ORGANIZATION THE NAME OF THE COUNTY THAT COLLECTS THE PROPERTY TAXES AGAINST WHICH THE TAX CREDIT WILL BE CLAIMED. THE FORM OF THE RECEIPT SHALL CONFORM TO THE REASONABLE REQUIREMENTS SPECIFIED BY THE TREASURER OF THAT COUNTY."

Page 7, line 11, after the period, add "THE PERSON PAYING THE FEE SHALL INDICATE TO THE PUBLIC OR CHARTER SCHOOL THE NAME OF THE COUNTY THAT COLLECTS THE PROPERTY TAXES AGAINST WHICH THE TAX CREDIT WILL BE CLAIMED. THE FORM OF THE RECEIPT SHALL CONFORM TO THE REASONABLE REQUIREMENTS SPECIFIED BY THE TREASURER OF THAT COUNTY."

SB03-001

Page 8, line 7, after the period, add "THE TAXPAYER SHALL SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH AFFIDAVIT SUBMITTED.";

line 17, after "GRANTED.", insert "THE ESCROW AGENT SHALL COLLECT FROM THE TAXPAYER AND SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH AFFIDAVIT SUBMITTED.".

Page 9, line 10, after the period, add "THE TAXPAYER PURCHASING THE CERTIFICATE SHALL INDICATE TO THE SCHOOL TUITION ORGANIZATION THE NAME OF THE COUNTY THAT COLLECTS THE PROPERTY TAXES AGAINST WHICH THE TAX CREDIT WILL BE CLAIMED. THE FORM OF THE CERTIFICATE SHALL CONFORM TO THE REASONABLE REQUIREMENTS SPECIFIED BY THE TREASURER OF THAT COUNTY.";

line 17, after the period, add "THE TAXPAYER SHALL SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH CERTIFICATE SUBMITTED.";

line 22, strike "AFFIDAVIT AND RECEIPT" and substitute "CERTIFICATE";

line 25, after "GRANTED.", insert "THE ESCROW AGENT SHALL COLLECT FROM THE TAXPAYER AND SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH CERTIFICATE SUBMITTED.".

Page 10, line 17, after "FEE.", insert "THE PERSON PAYING THE FEE SHALL INDICATE TO THE PUBLIC OR CHARTER SCHOOL THE NAME OF THE COUNTY IN WHICH THE PERSON RESIDES. THE FORM OF THE CERTIFICATE SHALL CONFORM TO THE REASONABLE REQUIREMENTS SPECIFIED BY THE TREASURER OF THAT COUNTY.".

Page 11, line 3, after the period, add "THE TAXPAYER SHALL SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH CERTIFICATE SUBMITTED.";

line 11, after "GRANTED.", insert "THE ESCROW AGENT SHALL COLLECT FROM THE TAXPAYER AND SEND TO THE COUNTY TREASURER WHO COLLECTS PROPERTY TAXES FOR THE SCHOOL DISTRICT A PROCESSING FEE OF FIFTEEN DOLLARS FOR EACH CERTIFICATE SUBMITTED.";

after line 20, insert the following:

"SECTION 2. 30-1-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-1-102. Fees of county treasurer. (1) The county treasurer shall charge and receive the following fees:

(u) FOR PROCESSING AN AFFIDAVIT OR CERTIFICATE SUBMITTED PURSUANT TO ARTICLE 3.8 OF TITLE 39, C.R.S., FIFTEEN DOLLARS.".

Renumber succeeding section accordingly.

Education After consideration on the merits, the Committee recommends that **SB03-137** be referred to the Committee of the Whole with favorable recommendation.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **SB03-068** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 12, strike "NINE" and substitute "ELEVEN";

SB03-068

line 22, strike "TWO MEMBERS WHO ARE REPRESENTATIVES" and substitute "ONE MEMBER WHO IS A REPRESENTATIVE";

after line 23, insert the following:

"(V) ONE MEMBER WHO REPRESENTS A HEALTH MAINTENANCE ORGANIZATION;";

line 24, strike "(V)" and substitute "(VI)";

strike line 25;

line 26, strike "(VI)" and substitute "(VII)";

line 27, strike "BENEFITS." and substitute "BENEFITS; AND

(VIII) TWO MEMBERS WHO ARE BUSINESS OWNERS WITH LESS THAN FIFTY EMPLOYEES EACH, ONE WHOSE BUSINESS IS LOCATED IN THE DENVER METROPOLITAN AREA AND ONE WHOSE BUSINESS IS LOCATED IN A RURAL AREA.".

Page 6, line 20, strike "SUBSECTION (3)" and substitute "SUBSECTIONS (3) AND (4)".

Health, Environment, Welfare & InstitutionsAfter consideration on the merits, the Committee recommends that SB03-166 be postponed indefinitely.

Health, Environment, Welfare & InstitutionsAfter consideration on the merits, the Committee recommends that SB03-015 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 12 through 18 and substitute the following:

"SECTION 2. Part 1 of article 16 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-16-126. Provider disclosure of average charge.
(1) (a) EACH HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1-107 (1) (I), C.R.S., SHALL DISCLOSE TO A PERSON SEEKING CARE OR TREATMENT HIS OR HER RIGHT TO RECEIVE NOTICE OF THE AVERAGE FACILITY CHARGE FOR SUCH TREATMENT THAT IS A FREQUENTLY PERFORMED INPATIENT PROCEDURE PRIOR TO ADMISSION FOR SUCH PROCEDURE; EXCEPT THAT CARE OR TREATMENT FOR AN EMERGENCY NEED NOT BE DISCLOSED PRIOR TO SUCH EMERGENCY CARE OR TREATMENT. WHEN REQUESTED, THE AVERAGE CHARGE INFORMATION SHALL BE MADE AVAILABLE TO THE PERSON PRIOR TO ADMISSION FOR SUCH PROCEDURE.

(b) OTHER HEALTH FACILITIES LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1-107 (1) (I), C.R.S., SHALL DISCLOSE TO A PERSON SEEKING CARE OR TREATMENT HIS OR HER RIGHT TO RECEIVE NOTICE OF THE AVERAGE FACILITY CHARGE FOR SUCH TREATMENT THAT IS A FREQUENTLY PERFORMED PROCEDURE PRIOR TO ORDERING OR SCHEDULING SUCH PROCEDURE; EXCEPT THAT CARE OR TREATMENT FOR AN EMERGENCY NEED NOT BE DISCLOSED PRIOR TO SUCH EMERGENCY CARE OR TREATMENT. WHEN REQUESTED, SUCH AVERAGE CHARGE INFORMATION SHALL BE MADE AVAILABLE TO THE PERSON PRIOR TO THE SCHEDULING OF THE PROCEDURE.

Health, Environment, Welfare & InstitutionsAfter consideration on the merits, the Committee recommends that SB03-134 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

SB03-134

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

"SECTION 1. 12-38.1-120, Colorado Revised Statutes, is amended to read:

12-38.1-120. Repeal of article. This article is repealed, effective July 1, 2003 2010. Prior to such repeal, the certification functions of the state board of nursing shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 2. Repeal. 24-34-104 (32) (a), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (32) The following function of the specified agency shall terminate on July 1, 2003:

(a) ~~The certification of nurse aides by the state board of nursing in accordance with article 38.1 of title 12, C.R.S.;~~

SECTION 3. 24-34-104 (41), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (41) The following agencies, functions, or both, shall terminate on July 1, 2010:

(n) THE CERTIFICATION OF NURSE AIDES BY THE STATE BOARD OF NURSING IN ACCORDANCE WITH ARTICLE 38.1 OF TITLE 12, C.R.S.

SECTION 4. 12-38-108 (1) (I) (C), Colorado Revised Statutes, is amended to read:

12-38-108. Powers and duties of the board. (1) The board has the following powers and duties:

(I) (I) (C) ~~To approve private~~ STUDY NEW TECHNOLOGY REGARDING criminal background ~~check companies~~ CHECKS for purposes THE PURPOSE of conducting criminal background STATEWIDE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD checks on NURSE AIDE CERTIFICATION applicants. ~~for employment in nursing care facilities.~~ ON OR BEFORE SEPTEMBER 1, 2003, THE BOARD SHALL REPORT AND MAKE RECOMMENDATIONS TO THE HEALTH CARE TASK FORCE CREATED IN SECTION 26-15-107, C.R.S., REGARDING THE FEASIBILITY OF REQUIRING NURSE AIDES TO SUBMIT TO STATEWIDE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN ORDER TO OBTAIN CERTIFICATION PURSUANT TO ARTICLE 38.1 OF THIS TITLE.

SECTION 5. 12-38.1-109, Colorado Revised Statutes, is amended to read:

12-38.1-109. Renewal of certification. Each certificate to practice as a nurse aide shall be renewed biennially upon payment of a specified renewal fee established pursuant to section 24-34-105, C.R.S. The board may reduce such fee if federal funds are available. Such fee shall not be subject to the provisions of section 24-34-104.4, C.R.S. At the time of such renewal, the nurse aide shall submit proof to the board, as required by federal law or regulation, of either having performed nurse aide services, or the equivalent, as defined in rules and regulations BY RULE, for pay during the preceding twenty-four-month period or having completed a new training program PASSED A COMPETENCY EVALUATION, AS approved under the provisions of this article, during the preceding twenty-four months.

SECTION 6. 12-38.1-110 (1), Colorado Revised Statutes, is amended to read:

SB03-134

12-38.1-110. Advisory committee. (1) To assist in the performance of its duties under this article, the board may designate an advisory committee. Such committee shall be composed of ~~five~~ SEVEN members. ~~One member~~ TWO MEMBERS shall be a certified nurse aide AIDES; one member shall be a member of the state board of nursing WHO IS A LICENSED PROFESSIONAL NURSE; one member shall ~~represent professional associations composed of home health agencies;~~ BE A CONSUMER WHO RECEIVES HOME HEALTH CARE OR NURSING HOME SERVICES; one member shall be ~~from a group representing the concerns of senior citizens~~ A PARENT OF A CONSUMER WHO RECEIVES HOME HEALTH CARE OR NURSING HOME SERVICES; ~~and one member shall represent professional associations composed of nursing homes.~~ ONE MEMBER SHALL BE A REGISTERED NURSE WHO ACTIVELY SUPERVISES CERTIFIED NURSE AIDES; AND ONE MEMBER SHALL BE a department of public health and environment employee. ~~shall serve as an ex officio member.~~ Committee members shall be compensated for their services in accordance with the provisions of section 24-34-102 (13), C.R.S.

SECTION 7. 12-38.1-111 (1) (h), (1) (i), (1) (j), and (3), Colorado Revised Statutes, are amended, and the said 12-38.1-111 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-38.1-111. Grounds for discipline. (1) The board may suspend, revoke, or deny any certification to practice as a nurse aide or issue a letter of admonition to a certified nurse aide upon proof that such person:

(h) Has VERBALLY OR PHYSICALLY abused ~~neglected, or otherwise harmed~~ a person under ~~his~~ the care OF THE CERTIFIED NURSE AIDE;

(i) Has habitually abused or excessively used any habit-forming drug, as defined in section 12-22-102 (13), or any controlled substance, as defined in ~~section 12-22-303 (7)~~ SECTION 18-18-102 (5), C.R.S.;

(j) Has misused any drug or controlled substance, as defined in ~~section 12-22-303 (7)~~ SECTION 18-18-102 (5), C.R.S.;

(o) HAS NEGLECTED A PERSON UNDER THE CARE OF THE CERTIFIED NURSE AIDE.

(3) Whenever a complaint or investigation discloses an instance of misconduct ~~which~~ THAT, in the opinion of the board, does not warrant formal action by the board but ~~which~~ THAT should not be dismissed as being without merit, a letter of admonition may be sent by certified mail to the nurse aide against whom a complaint was made and a copy thereof to the person making the complaint. When the letter of admonition is sent by certified mail by the board to a nurse aide complained against, such nurse aide shall be advised that ~~such person~~ HE OR SHE has the right to request in writing, within ~~twenty~~ THIRTY days after ~~proven receipt of~~ the DATE ON WHICH THE letter WAS MAILED, that formal disciplinary proceedings be initiated to adjudicate the propriety of the complaint on which the letter of admonition is based. If such request is timely made, the letter of admonition shall be deemed vacated and the matter shall be heard as a formal disciplinary proceeding.

SECTION 8. 12-38.1-117 (1) (d), Colorado Revised Statutes, is amended to read:

12-38.1-117. Exclusions. (1) This article shall not be construed to affect or apply to:

(d) A person who is directly employed by a medical facility while acting within the scope and course of such employment for the first four months of such person's employment at such medical facility if such person is pursuing INITIAL certification as a nurse aide. A person may utilize this exclusion only once in any twelve-month period. This exclusion shall not apply to any person who has ALLOWED HIS OR HER

SB03-134

CERTIFICATION TO LAPSE, had his OR HER certification as a nurse aide suspended or revoked, or HAD his OR HER application for such certification denied.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **SB03-084** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 27, strike "(1.5) IF" and substitute "(1.5) (a) ON AND AFTER JULY 1, 2004, IF".

Page 4, after line 4, insert the following:

"(b) PRIOR TO THE IMPLEMENTATION OF PARAGRAPH (a) OF THIS SUBSECTION (1.5), THE STATE DEPARTMENT SHALL CONSULT WITH THE COUNTIES DURING THE DEVELOPMENT OF THE DISTRIBUTION METHODOLOGY FOR MONEYS PAID TO THE COUNTIES FOR PERFORMING ELIGIBILITY FUNCTIONS PURSUANT TO THIS SECTION.";

after line 19, insert the following:

"(c) A COUNTY DEPARTMENT THAT CHOOSES NOT TO CONTRACT WITH THE STATE DEPARTMENT TO DETERMINE MEDICAL ASSISTANCE ELIGIBILITY SHALL NOT BE REQUIRED TO PAY ANY PORTION OF THE COST OF DETERMINING MEDICAL ASSISTANCE ELIGIBILITY WITHIN THE COUNTY."

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **SB03-145** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 16, after "ENVIRONMENT", insert ",HOLD PUBLIC HEARINGS AND TAKE INPUT FROM INTERESTED PERSONS, WITH EFFORTS TO GET STATEWIDE INPUT,";

strike lines 22 through 27 and substitute the following:

"(c) BEFORE SUBMITTING THE WAIVER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1, 2004, CONCERNING THE DETAILS OF THE WAIVER AND PRIORITIZED LIST OF BENEFITS. THE REPORT SHALL ALSO INCLUDE A SUMMARY OF THE APPLICATION AND A PROPOSAL FOR IMPLEMENTING THE WAIVER. THE GENERAL ASSEMBLY, DURING THE 2004 LEGISLATIVE SESSION, WILL CONSIDER WHETHER OR NOT THE DEPARTMENT MAY SUBMIT THE WAIVER REQUEST TO THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES."

Page 4, strike lines 1 and 2;

strike lines 13 through 21 and substitute the following:

"SECTION 2. 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."

State,
Veterans and
Military
Affairs

The Committee returns herewith Senate Bill 03-080 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

State, The Committee returns herewith Senate Bill 03-093 and reports that said bill has been
Veterans and considered on its merits and voted upon by the committee in accordance with Senate
Military Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed,
Affairs that final action has not been taken by this committee within said deadline, and that the
Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a)
(3) (A), said bill is deemed to be postponed indefinitely.

MESSAGE FROM THE HOUSE

February 14, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
HB03-1033, amended as printed in House Journal, February 13, pages 645-647, and
amended on Third Reading as printed in House Journal, February 14.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB03-1143, amended as printed in House Journal, February 13, page 645.
HB03-1097, amended as printed in House Journal, February 13, pages 644-645.

SENATE SERVICES REPORT

Senate Correctly printed: SB03-235, 236;
Services SJR03-017;
SR03-011.

Correctly engrossed: SJR03-016.

LETTER OF RESIGNATION

February 13, 2003

The Honorable Donetta Davidson
Colorado Secretary of State
1560 Broadway, Suite 200
Denver CO 80202

The Honorable John Andrews
President of the Senate
State Capitol, Room 259
Denver CO 80203

Dear Secretary Davidson and Senator Andrews:

Please be advised that effective February 14th, 2003, I will be resigning as the senator
for State Senate District 33. I have enjoyed my service to the people of Colorado and
residents of my senate district.

I have advised representatives of the appropriate political party and the vacancy
committee of this decision for their required action. Thank you for your consideration
and please feel to contact me if you have any questions at (303)894-8600.

It's been a pleasure to have served with each of you for the past six years.

Very truly yours,
(signed)
Penfield Tate III
State Senator

On motion of Senator Anderson, and with a majority of those elected to the Senate
having voted in the affirmative, the balance of the calendar of February 14, 2003, was
laid over until February 17, 2003, retaining its place on the calendar.

Consideration of Resolutions: SJR03-017, HJR03-1015.	1
Consideration of Governor's Appointments:	2
Members of the State Electrical Board;	3
Members of the Colorado Lottery Commission;	4
Members of the State Board of Parole.	5
Conference Committee to Report: SB03-175, SB03-183, SB03-185.	6
	7
	8
On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., February 17, 2003.	9
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	11
Approved:	12
	13
	14
John Andrews	15
President of the Senate	16
Attest:	17
	18
	19
Mona Heustis	20
Secretary of the Senate	21
	22