

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

Twenty-fourth Legislative Day Friday, January 31, 2003

- Prayer By the chaplain, Father Christopher Misiura, Immaculate Conception Cathedral.
- Pledge By Senator Sandoval.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present-- 33.
Absent/Excused--2; Nichol, Phillips.
Present later--Phillips.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Keller, reading of the Journal of January 30, 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 Resolution.

CONSIDERATION OF RESOLUTION

HJR03-1013 by Representative(s) Stengel, Young, Witwer, Plant; also Senator(s) Taylor, Owen, Teck, Reeves--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2003-04 budget year.

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

YES	33	NO	0	EXCUSED	2	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	E	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Anderson, Andrews, Evans.

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

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, **SB03-172, SB03-173, SB03-175, SB03-176, SB03-187, SB03-190, SB03-180** were advanced on the Second Reading calendar.

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:

SB03-172 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-- Concerning docket fees transferred to the family stabilization services fund.

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

SB03-173 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the repeal of specified nursing facility provider payments, and making an appropriation in connection therewith.

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

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.

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

SB03-176 by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young-- Concerning the repeal of eligibility under the "Colorado Medical Assistance Act" for specified legal immigrants, and making an appropriation in connection therewith.

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

SB03-187 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- Concerning the elimination of specified responsibilities of the department of health care policy and financing during the medicaid enrollment process, and making an appropriation in connection therewith.

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

SB03-190 by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young-- Concerning tobacco litigation settlement moneys received by the state, and, in connection therewith, reallocating the moneys for the 2002-03 fiscal year for the purpose of augmenting the state general fund, providing authorization for the state treasurer to invest moneys transferred on July 5, 2002, from the tobacco litigation settlement trust fund to the general fund in any manner in which the trust fund moneys may be invested, and modifying appropriations for the 2002-03 fiscal year.

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

SB03-180 by Senator(s) Owen, Reeves, Teck; also Representative(s) Plant, Witwer, Young-- Concerning the authority of the department of agriculture to expend moneys from the mandatory fruit and vegetable inspection fund for purposes other than the direct costs of mandatory inspections, and, in connection therewith, making a supplementary appropriation.

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

Amend printed bill, page 5, strike line 8 and substitute the following:

" ° OF THIS AMOUNT, \$47,031.50 SHALL BE FROM RESERVES IN THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND CREATED PURSUANT TO SECTION 35-23-114 (3), C.R.S., AND \$47,031.50 SHALL BE FROM RESERVES IN THE BRAND INSPECTION FUND CREATED PURSUANT TO SECTION 35-41-102, C.R.S."

Page 1, line 106, strike the period and add "FROM THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND AND THE BRAND INSPECTION FUND."

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SB03-180

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

On motion of Senator Anderson, the remaining bills on the Calendar were laid over to Monday, February 3, 2003, retaining their place on the Calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Evans, 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: SB03-172, SB03-173, SB03-175, SB03-176, SB03-187, SB03-190, SB03-180 as amended.

Laid over until February 3, 2003: SB03-036, SB03-100, SB03-025, SB03-051, SB03-070, SB03-074, SB03-086, HB03-1018, SB03-115.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB03-182, SB03-189, SB03-198, SB03-195, SB03-183, SB03-170, SB03-177, SB03-186, SB03-178, SB03-197, SB03-188, SB03-181, SB03-169, SB03-196, SB03-184, SB03-185, SB03-191, SB03-193, SB03-192** were made Special Orders at 9:55 a.m.

Committee
of the
Whole

The hour of 9:55 a.m. having arrived, Senator Evans moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Evans was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB03-182

by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young-- Concerning the consolidation of programs implemented by the department of local affairs that pertain to the regulation of construction, and, in connection therewith, changing the division of housing from a type 1 to a type 2 agency and consolidating programs for the regulation of factory-built structures, multi-family structures where no standards exist, manufactured home installations, and sellers of manufactured homes.

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

(Printed in Senate Journal, January 30, 2003, page 161 and placed in members' bill files.)

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

SB03-189

by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-- Concerning the annual allowable cash funds for state-supported institutions of higher education, and, in connection therewith, adding funds received from student financial aid, tuition assistance, and scholarships to the maximum amount of cash funds that may be raised, spent, or transferred to reserves by such institutions, and making an appropriation in connection therewith.

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

Amend printed bill, page 3, line 13, strike "03-____," and substitute "03-170,".

Page 22, line 3, strike "03- ____" and substitute "03-170";

line 5, strike "03- ____" and substitute "03-170".

SB03-189

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

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SB03-198

by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young--
Concerning the elimination of the technology learning grant and revolving loan program.

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

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SB03-195

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--
Concerning the amount of the general fund appropriation for the state's share of districts' total program funding required to be made to be in compliance with section 17 (5) of article IX of the Colorado constitution, and making appropriations in connection therewith.

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Amendment No. 1(J.002), by Senator Owen.

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Amend printed bill, page 3, after line 26, insert the following:

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"**SECTION 2.** Part III (2) (A) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

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Section 2. **Appropriation.**

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SB03-195	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	1 2 3 4 5
SB03-170	by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning the appropriation of moneys for the support of Metropolitan state college of Denver and Fort Lewis college in the 2002-03 general appropriation bill as a direct appropriation to the board of trustees for each such institution. Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	6 7 8 9 10 11 12
SB03-177	by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-- Concerning a reduction in the percentage amount of the community corrections appropriation that the entities administering community corrections may spend on administrative costs, and modifying an appropriation in connection therewith. <u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, January 30, page 162 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	13 14 15 16 17 18 19 20 21 22 23 24
SB03-186	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning an increase in fees collected by the judicial department, and making an appropriation in connection therewith. <u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, January 30, page 162 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	25 26 27 28 29 30 31 32 33 34
SB03-178	by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- Concerning the deposit of revenues from charges for communications services in the telecommunications revolving fund. <u>Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.</u> (Printed in Senate Journal, January 30, page 164 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	35 36 37 38 39 40 41 42 43 44 45
SB03-197	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the payment of monthly salaries of state employees, and, in connection therewith, specifying that monthly salaries of state employees for the month of June shall be paid on the first working day of July and creating an exception to the requirement that the determination of the general fund surplus be based upon the accrual system of accounting for payment of monthly salaries of state employees for the month of June. Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	46 47 48 49 50 51 52 53 54 55
SB03-188	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young-- Concerning the elimination of the presidential primary election. Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	56 57 58 59 60
SB03-181	by Senator(s) Reeves, Owen, Teck; also Representative(s) Witwer, Plant, Young-- Concerning increased fees to be credited to the ground water management cash fund, and, in connection therewith, making a supplemental appropriation. <u>Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.</u> (Printed in Senate Journal, January 30, page 165 and placed in members' bill files.) As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	61 62 63 64 65 66 67 68 69 70 71 72

SB03-169 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--
 Concerning the elimination of limits on revenues related to the indirect costs incurred by
 certain entities within the department of agriculture, and, in connection therewith, making a
 supplemental appropriation.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
 (Printed in Senate Journal, January 30, page 168 and placed in members' bill files.)

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

SB03-196 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--
 Concerning the utilization of the cash system of accounting for the financial administration
 of specified medical services provided under the "Colorado Medical Assistance Act", and,
 in connection therewith, creating an exception to the requirement that the determination of
 the general fund surplus be based upon the accrual system of accounting for certain
 reimbursements made in accordance with said act.

Amendment No. 1, Finance Committee Amendment.
 (Printed in Senate Journal, January 30, page 169 and placed in members' bill files.)

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

SB03-184 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--
 Concerning the authority of the state treasurer to assess a fee for performing a cash
 management transaction affecting a cash balance on behalf of a state department, and
 making an appropriation in connection therewith.

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

SB03-185 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--
 Concerning the establishment of a tax amnesty program whereby taxpayers may pay
 overdue tax liabilities without penalty for a limited time, and making an appropriation in
 connection therewith.

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

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.

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

Amend printed bill, page 6, line 24, strike "JULY 1, 2003," and substitute
 "JANUARY 31, 2003,";

line 26, strike "CONSTITUTION." and substitute "CONSTITUTION; EXCEPT
 THAT UP TO FIVE HUNDRED THOUSAND DOLLARS OF SUCH AMOUNT SHALL
 BE ALLOCATED AND DISBURSED BY THE DEPARTMENT OF EDUCATION
 PURSUANT TO SECTION 22-54-123.5 AMONG DISTRICTS PARTICIPATING IN
 THE SCHOOL BREAKFAST PROGRAM."

Page 9, line 11, strike "THE EFFECTIVE DATE OF" and substitute "JANUARY
 31, 2003,";

line 12, strike "THIS SUBSECTION (4.5)";

line 14, strike "THE EFFECTIVE DATE" and substitute "JANUARY 31, 2003,";

line 15, strike "OF THIS SUBSECTION (4.5)";

strike lines 20 through 27.

Page 10, strike lines 1 through 11.

Re-number succeeding paragraph accordingly.

Page 10, after line 14, insert the following:

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SB03-183

"SECTION 9. 22-54-123.5 (1), Colorado Revised Statutes, is amended to read:

22-54-123.5. School breakfast program - appropriation - low-performing schools. (1) For the 2002-03 budget year and each budget year thereafter, the general assembly shall MAY appropriate by separate line item a minimum of five hundred thousand dollars AN AMOUNT to assist school districts that are providing a school breakfast program through participation in programs authorized under the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq., or the "Child Nutrition Act", "CHILD NUTRITION ACT OF 1966", 42 U.S.C. sec. 1771 et seq. The department shall develop procedures to appropriately allocate and disburse the funds among participating school districts. Each school district that receives moneys pursuant to this section shall use such moneys to create, expand, or enhance the school breakfast program in each low-performing school of the receiving district with the goal of improving the academic performance of the students attending such schools."

Renumber succeeding sections accordingly.

Page 12, line 12, strike "22-54-123.5,".

Amendment No. 2(L.005), by Senator Tapia.

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

"SECTION 10. 22-86-101 (3), Colorado Revised Statutes, is amended to read:

22-86-101. Legislative declaration. (3) It is the intent of the general assembly that the facility summer school grant program created in this article receive funding for the 2002-03 fiscal year from the state education fund created in section 17 (4) of article IX of the state constitution and that any additional funding in subsequent fiscal years from the state education fund be subject to review and determination by the general assembly on an annual basis."

Renumber succeeding sections accordingly.

Page 12, strike lines 7 through 10.

Renumber succeeding sections accordingly.

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

SB03-191

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the augmentation of the general fund through transfers of certain moneys in the 2002-03 fiscal year.

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

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

Amend printed bill, page 8, line 9, strike "THE EFFECTIVE DATE OF THIS"; line 10, strike "SUBSECTION (1.4)," and substitute "JUNE 30, 2003,".

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

SB03-193

by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the state historical fund, and making an appropriation in connection therewith.

Amendment No. 1, Transportation Committee Amendment. (Printed in Senate Journal, January 30, page 193 and placed in members' bill files.)

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SB03-193

Amendment No. 2(J.001), by Senator Reeves.

Amend printed bill, page 7, line 6, in the GENERAL FUND column, strike "88,859" and substitute "102,439" and, in the CASH FUNDS EXEMPT column, strike "185,741(T)^b" and substitute "172,161(T)^b";

line 8, in the GENERAL FUND column, strike "3,477" and substitute "3,881" and, in the CASH FUNDS EXEMPT column, strike "3,655(T)^b" and substitute "3,251(T)^b".

Page 8, line 1, in the GENERAL FUND column, strike "2,656" and substitute "6,030" and, in the CASH FUNDS EXEMPT column, strike "12,789(T)^d" and substitute "9,415(T)^d";

line 5, in the GENERAL FUND column, strike "5,678" and substitute "1,295";

after line 5, in the CASH FUNDS EXEMPT column, insert "4,383(T)^d";

line 7, in the GENERAL FUND column, strike "8,478" and substitute "376";

after line 7, in the CASH FUNDS EXEMPT column, insert "8,102(T)^d".

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

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

SB03-192

by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning restoration fees for persons who have lost the privilege to operate a motor vehicle, and making an appropriation therefor.

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

Amend printed bill, page 2, line 8, strike "FIFTY-SEVEN" and substitute "SIXTY".

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB03-195

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the amount of the general fund appropriation for the state's share of districts' total program funding required to be made to be in compliance with section 17 (5) of article IX of the Colorado constitution, and making appropriations in connection therewith.

Senator Gordon moved to amend the Report of the Committee of the Whole to show that the following Gordon floor amendment (L.002), made to SB03-195, did pass:

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 22-54-104.1 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 3, after line 26, insert the following:

"(6) THE ADDITIONAL AMOUNT OF STATE EDUCATION FUND MONEYS APPROPRIATED FOR THE STATE'S SHARE OF DISTRICTS' TOTAL PROGRAM FUNDING FOR THE 2003-03 STATE FISCAL YEAR, PURSUANT TO SENATE BILL 03-0195, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY, SHALL BE REPAYED TO THE STATE EDUCATION FUND WITHIN FIVE YEARS FROM THE EFFECTIVE DATE OF THIS SUBSECTION (6). SUCH REPAYMENT SHALL INCLUDE FIVE PERCENT INTEREST PER ANNUM. IF THE AMOUNT IS NOT REPAYED WITHIN FIVE YEARS FROM THE EFFECTIVE DATE OF THIS SUBSECTION (6), THE OWNERSHIP OF ONE OR MORE BUILDINGS FROM THE INVENTORY OF STATE BUILDINGS

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SB03-195

MAINTAINED PURSUANT TO PART 13 OF ARTICLE 30 OF TITLE 24, C.R.S., THE VALUE OF WHICH EQUALS THE AMOUNT SPECIFIED IN THIS SUBSECTION (6), INCLUDING FIVE PERCENT INTEREST PER ANNUM, SHALL BE TRANSFERRED TO THE STATE EDUCATION FUND."

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

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Grossman	Y	Lamborn	N	Takis	Y
Arnold	N	Hagedorn	Y	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	E	Teck	N
Entz	N	Johnson	N	Owen	N	Tupa	Y
Evans	N	Jones	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	N	Mr. President	N
Gordon	Y	Kester	N	Sandoval	Y		

SB03-191

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the augmentation of the general fund through transfers of certain moneys in the 2002-03 fiscal year.

Senator Hagedorn moved to amend the Report of the Committee of the Whole to show that the following Hagedorn floor amendment (L.005), to SB03-191, did pass:

Amend printed bill, page 11, strike lines 12 through 27.

Page 12, strike lines 1 through 15.

Re-number succeeding section accordingly.

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

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Grossman	Y	Lamborn	N	Takis	Y
Arnold	N	Hagedorn	Y	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	E	Teck	N
Entz	N	Johnson	N	Owen	N	Tupa	Y
Evans	N	Jones	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	N	Mr. President	N
Gordon	Y	Kester	N	Sandoval	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Evans, 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: SB03-182 as amended, SB03-189 as amended, SB03-198, SB03-195 as amended, SB03-170, SB03-177 as amended, SB03-186 as amended, SB03-178 as amended, SB03-197, SB03-188, SB03-181 as amended, SB03-169 as amended, SB03-196 as amended, SB03-184, SB03-185, SB03-183 as amended, SB03-191 as amended, SB03-193 as amended, SB03-192 as amended.



COMMITTEE OF REFERENCE REPORTS

Local Government

After consideration on the merits, the Committee recommends that SB03-105 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

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

"SECTION 1. Part 2 of article 1 of title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

29-1-207. Agreements to finance telecommunications infrastructure - legislative declaration - definitions - powers of governments. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) WIDESPREAD ACCESS TO BROAD BANDWIDTH TELECOMMUNICATIONS SERVICES IN ALL AREAS OF THE STATE WILL HELP THE ECONOMY OF THE STATE.

(b) DUE TO THE EXPENSE OF PROVIDING THE INFRASTRUCTURE NEEDED TO ENSURE ACCESS TO BROAD BANDWIDTH TELECOMMUNICATIONS SERVICES, PRIVATE TELECOMMUNICATIONS PROVIDERS MAY NOT BE WILLING TO INVEST IN SUCH INFRASTRUCTURE IN LESS POPULATED AREAS OF THE STATE.

(c) IT IS IN THE BEST INTERESTS OF THE STATE TO ALLOW GOVERNMENTS TO JOIN TOGETHER TO HELP PRIVATE TELECOMMUNICATIONS PROVIDERS FINANCE THE INFRASTRUCTURE NEEDED TO ENSURE ACCESS TO BROAD BANDWIDTH TELECOMMUNICATIONS SERVICES IN THOSE AREAS OF THE STATE WHERE SUCH INFRASTRUCTURE WOULD NOT OTHERWISE BE CREATED.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "TELECOMMUNICATIONS SYSTEM" MEANS ANY PROPERTY, IMPROVEMENT, OR SYSTEM USED TO SUPPLY BROAD BANDWIDTH TELECOMMUNICATIONS SERVICES, INCLUDING ANY PROPERTY, RIGHTS-OF-WAY, OR EQUIPMENT, OR INTEREST THEREIN, THAT IS APPURTENANT OR RELATED TO ANY SUCH PROPERTY, IMPROVEMENT, OR SYSTEM.

(3) A GOVERNMENT MAY:

(a) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANY OTHER GOVERNMENT OR COMBINATION OF GOVERNMENTS TO HELP ONE OR MORE TELECOMMUNICATIONS PROVIDERS FINANCE THE CONSTRUCTION, EXPANSION, OPERATION, OR MAINTENANCE OF TELECOMMUNICATIONS SYSTEMS WITHIN THE BOUNDARIES OF THE GOVERNMENTS;

(b) ISSUE BONDS AS AUTHORIZED BY LAW IN CONNECTION WITH AN INTERGOVERNMENTAL AGREEMENT ENTERED INTO UNDER THIS SECTION;

(c) ENTER INTO AGREEMENTS WITH ANY PERSON FOR THE FINANCING OF TELECOMMUNICATIONS SYSTEMS; AND

(d) GUARANTEE LOANS MADE IN CONNECTION WITH THE FINANCING OF TELECOMMUNICATIONS SYSTEMS.

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."

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Local Government	After consideration on the merits, the Committee recommends that SB03-089 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3
	Amend printed bill, page 3, line 1, strike " and " and substitute "and";	4 5
	line 2, strike "SUBDIVISION; and" and substitute "SUBDIVISION. and ";	6 7
	strike lines 5 and 6;	8 9
	line 13, strike "real" and substitute " real ";	10 11
	line 15, strike "real" and substitute " real ";	12 13
	line 21, strike "real" and substitute " real ".	14 15
	Page 4, line 7, strike "SECTION:" and substitute "SECTION, "SPECIAL";	16 17
	strike lines 8 through 11;	18 19
	line 12, strike "(b) "SPECIAL".	20 21
Business Affairs and Labor	After consideration on the merits, the Committee recommends that SB03-174 be postponed indefinitely.	22 23 24 25
Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that HJR03-1008 be referred to the Senate for final action.	26 27 28 29 30
Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that HJR03-1007 be referred to the Senate for final action.	31 32 33 34 35
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that SB03-119 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	36 37 38 39 40 41 42
	Amend printed bill, page 3, line 2, strike "(16.5),";	43 44 45
	strike lines 4 and 5, and substitute the following:	46 47
	"said 12-22-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:".	48 49 50
	Page 4, strike lines 10 through 13.	51 52
	Page 5, strike lines 18 and 19.	53 54
	Page 9, strike lines 2 through 8.	55 56
	Renumber succeeding sections accordingly.	57 58
	Page 13, after line 24, insert the following:	59 60
	"(c) THE DEPARTMENT OF CORRECTIONS MAY, PURSUANT TO SECTION 17-1-113.1, C.R.S., TRANSFER, DELIVER, OR DISTRIBUTE TO A CORPORATION, INDIVIDUAL, OR OTHER ENTITY, OTHER THAN A CONSUMER, ENTITLED TO POSSESS PRESCRIPTION DRUGS IN AN AMOUNT THAT IS LESS THAN, EQUAL TO, OR IN EXCESS OF FIVE PERCENT OF A CASUAL SALE.".	61 62 63 64 65 66
	Page 21, line 26, after "(7)" insert "(a)".	67
	Page 22, after line 6, insert the following:	68 69

SB03-119

"(b) NOTICE THAT A LETTER OF CONCERN HAS BEEN ISSUED BY THE BOARD SHALL BE SENT TO THE COMPLAINANT.

(c) A LETTER OF CONCERN SHALL NOT BE CONSTRUED AS DISCIPLINE."

Page 24, after line 23, insert the following:

"SECTION 17. 17-1-113.1, Colorado Revised Statutes, is amended to read:

17-1-113.1. Administration or monitoring of medications to persons in correctional facilities. (1) The executive director has the power to direct the administration or monitoring of medications to persons in correctional facilities, as described in section 25-1-107 (1) (ee) (II.5) (A), C.R.S., under the executive director's control, in a manner consistent with section 25-1-107 (1) (ee), C.R.S.

(2) THE EXECUTIVE DIRECTOR MAY AUTHORIZE THE TRANSFER, DELIVERY, OR DISTRIBUTION TO A CORPORATION, INDIVIDUAL, OR OTHER ENTITY, OTHER THAN A CONSUMER, ENTITLED TO POSSESS PRESCRIPTION DRUGS IN AN AMOUNT THAT IS LESS THAN, EQUAL TO, OR IN EXCESS OF FIVE PERCENT OF THE TOTAL NUMBER OF DOSAGE UNITS OR DRUGS DISPENSED AND DISTRIBUTED ON AN ANNUAL BASIS."

Renumber succeeding sections accordingly.

Health, Environment, Welfare & Institutions

After consideration on the merits, the Committee recommends that SB03-120 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 17, insert the following:

"(3) "DENTAL HYGIENE" MEANS THE DELIVERY OF PREVENTIVE, EDUCATIONAL, AND CLINICAL SERVICES SUPPORTING TOTAL HEALTH FOR THE CONTROL OF ORAL DISEASE AND THE PROMOTION OF ORAL HEALTH PROVIDED BY A DENTAL HYGIENIST WITHIN THE SCOPE OF HIS OR HER EDUCATION, TRAINING, AND EXPERIENCE AND IN ACCORDANCE WITH APPLICABLE LAW."

Renumber succeeding subsections accordingly.

Page 5, line 4, strike "(4)" and substitute "(5)";

line 25, strike "(8)" and substitute "(9)".

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

"board shall consist of five SEVEN dentist members, two THREE dental hygienist members, and three".

Page 9, line 24, strike "(a)";

line 26, strike "(a) (I)" and substitute "(a)";

line 27, strike "(a) (II)" and substitute "(b)".

Page 10, line 2, strike "(a) (III)" and substitute "(c)";

strike lines 6 through 9.

Page 13, after line 17, insert the following:

"(j) APPROVE THE LIMITED PRACTICE OF DENTISTRY OR DENTAL HYGIENE BY A DENTIST OR A DENTAL HYGIENIST OF ANOTHER STATE OR COUNTRY FOR THE PURPOSE OF PROVIDING EDUCATIONAL SERVICES OR DENTAL SERVICES ON A LIMITED BASIS IN AN EDUCATIONAL PROGRAM TO

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PATIENTS IN THE PRESENCE OF A DENTIST OR A DENTAL HYGIENIST LICENSED IN THIS STATE WHEN SUCH DENTIST OR DENTAL HYGIENIST HAS BEEN INVITED BY A GROUP OF DENTISTS OR DENTAL HYGIENISTS LICENSED IN THIS STATE WHO ARE IN GOOD STANDING;

(k) RECOGNIZE THOSE DENTAL SPECIALTIES DEFINED BY THE AMERICAN DENTAL ASSOCIATION OR ANY OTHER NATIONAL ORGANIZATION AS RECOGNIZED BY THE BOARD."

Page 20, strike lines 26 and 27 and substitute the following:

"programs of dental education or research OR SUCH PROGRAMS APPROVED BY THE BOARD at the invitation of any group of licensed dentists or dental hygienists in this state who are in good".

Page 21, strike line 1 and substitute the following:

"standing;"

line 17, after "ARE" insert "LICENSED IN ANOTHER COUNTRY AND".

Page 24, line 3, strike "may" and substitute "may SHALL";

line 5, strike "STATES." and substitute "STATES OR A BOARD APPROVED EXAMINATION OF ANOTHER STATE, TERRITORY, PROVINCE, OR COUNTRY THAT IS NOT A MEMBER OF A REGIONAL TESTING AGENCY.";

line 20, strike "STATES." and substitute "STATES OR A BOARD APPROVED EXAMINATION OF ANOTHER STATE, TERRITORY, PROVINCE, OR COUNTRY THAT IS NOT A MEMBER OF A REGIONAL TESTING AGENCY.".

Page 26, line 8, after "DENTISTRY" insert "WHICH INVOLVES PROVIDING CARE TO PATIENTS".

Page 27, after line 17, insert the following:

"(5) (a) IN ORDER TO OBTAIN LICENSE RENEWAL, EACH LICENSEE, EXCEPT AS OTHERWISE PROVIDED, SHALL BE REQUIRED TO COMPLETE A BOARD-APPROVED DENTAL OR DENTAL HYGIENE CONTINUING EDUCATIONAL PROGRAM. THE BOARD SHALL DETERMINE THE AMOUNT OF CONTINUING EDUCATION HOURS AND PERIOD FOR COMPLIANCE FOR THIS EDUCATION. THE BOARD MAY, FOR GOOD CAUSE SHOWN, PRESCRIBE THE TYPE AND CHARACTER OF CONTINUING EDUCATION COURSES TO BE TAKEN BY ANY DENTIST OR DENTAL HYGIENIST IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

(b) THE BOARD SHALL HAVE THE AUTHORITY TO EXCUSE LICENSEES, AS GROUPS OR INDIVIDUALS, FROM BIENNIALY CONTINUING EDUCATIONAL REQUIREMENTS FOR A GOOD AND SUFFICIENT REASON.

(c) (I) AS A CONDITION OF LICENSURE IN THIS STATE, EVERY APPLICANT SHALL PAY A FEE, IN AN AMOUNT DETERMINED BY THE BOARD, TO AN ADMINISTERING ENTITY THAT HAS BEEN SELECTED BY THE BOARD. THIS FEE PAID BY APPLICANTS SHALL REIMBURSE THE ADMINISTERING ENTITY FOR MONITORING COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS PURSUANT TO THIS SECTION.

(II) THE BOARD SHALL SELECT AN ADMINISTERING ENTITY TO MONITOR COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS IN A MANNER ACCEPTABLE TO THE BOARD. THE ADMINISTERING ENTITY SHALL PROVIDE AN ANNUAL ACCOUNTING TO THE BOARD OF ALL AMOUNTS COLLECTED, EXPENSES INCURRED, AND AMOUNTS DISBURSED.

(III) THE ADMINISTERING ENTITY MAY BE A PROFESSIONAL ASSOCIATION OF:

(A) DENTISTS FOR CONTINUING EDUCATION FOR DENTISTS; AND

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(B) DENTAL HYGIENISTS FOR CONTINUING EDUCATION FOR DENTAL HYGIENISTS.

(IV) THE ADMINISTERING ENTITY SHALL NOT CHARGE A DIFFERENT RATE FOR NONMEMBERS THAN FOR MEMBERS OF THE DENTAL OR DENTAL HYGIENIST ASSOCIATION FOR CONTINUING EDUCATION COURSES."

Page 30, line 26, strike "(12)" and substitute "(13)".

Page 32, after line 5, insert the following:

"(3) A PERSON PRACTICING DENTAL HYGIENE UNDER THE INDIRECT SUPERVISION OF A DENTIST NOT IN THE REGULARLY ANNOUNCED OFFICE LOCATION OF THE SUPERVISING DENTIST SHALL IDENTIFY TO THE PATIENT OR GUARDIAN OF THE PATIENT, IN WRITING, THE NAME AND BUSINESS LOCATION OF THE HYGIENIST'S SUPERVISING DENTIST.";

strike lines 9 through 19 and substitute the following:

~~secretary~~ of the board:

(a) A written application for a license, on which application such applicant shall list:

(I) Any act, the commission of which would be grounds for disciplinary action under section ~~12-35-118~~ 12-35-129 against a licensed dental hygienist; ~~along with~~ AND

(II) An explanation of the circumstances of such act; and ~~shall furnish~~

(b) (I) Satisfactory proof of graduation from a AN ACCREDITED school of dental hygiene which at the time of the applicant's graduation was accredited; ~~by a nationally recognized accrediting agency~~ AND

(II) THE PROGRAM OFFERED BY THE ACCREDITED SCHOOL OF DENTAL HYGIENE WAS AT LEAST TWO ACADEMIC YEARS.

(c) Such application must be on the form prescribed and furnished by the board, verified by the oath of the applicant, and accompanied by a fee established pursuant to section 24-34-105, C.R.S."

Page 33, line 8, strike "may" and substitute "~~may~~ SHALL";

line 10, strike "STATES;" and substitute "STATES OR A BOARD APPROVED EXAMINATION OF ANOTHER STATE, TERRITORY, PROVINCE, OR COUNTRY THAT IS NOT A MEMBER OF A REGIONAL TESTING AGENCY;"

Page 34, after line 18, insert the following:

"(4) A PERSON LICENSED AS A DENTAL HYGIENIST WHO PRACTICES UNSUPERVISED DENTAL HYGIENE SHALL:

(a) HAVE GRADUATED FROM AN ACCREDITED ACADEMIC PROGRAM OF DENTAL HYGIENE OF NOT LESS THAN TWO YEARS IN LENGTH; AND

(b) MEET THE FINANCIAL RESPONSIBILITY REQUIREMENTS PURSUANT TO SECTION 13-64-301 (1), C.R.S."

Page 36, line 15, after "COMPLETE", insert "OR PARTIAL".

Page 43, after line 17, insert the following:

"(hh) ADVERTISING OR OTHERWISE HOLDING ONESELF OUT TO THE PUBLIC AS PRACTICING A DENTAL SPECIALTY:

(I) THAT HAS NOT BEEN RECOGNIZED BY THE BOARD; OR

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(II) IN WHICH THE DENTIST HAS NOT SUCCESSFULLY COMPLETED THE EDUCATION SPECIFIED BY THE APPROPRIATE NATIONAL BOARD OF THAT SPECIALTY.

(ii) FAILURE TO COMPLETE A REQUIRED CONTINUING EDUCATION COURSE PURSUANT TO SECTION 12-35-121 (5).";

line 26, strike "liability,", and substitute "CIVIL liability";

line 27, strike "civil or criminal," and substitute "~~civil or criminal~~,".

Page 47, strike lines 25 through 27.

Page 48, strike line 1 and substitute the following:

"(c) A PROFESSIONAL REVIEW COMMITTEE OF A SOCIETY OR AN ASSOCIATION OF PERSONS LICENSED PURSUANT TO THIS ARTICLE SHALL ONLY NOTIFY THE BOARD OF ANY ACTION TAKEN BY THE REVIEW COMMITTEE WHEN IT FINDS THAT A DENTIST HAS PROVIDED CARE THAT DOES NOT MEET ACCEPTED PROFESSIONAL STANDARDS OR HAS OTHERWISE VIOLATED THIS ARTICLE AND SUCH DENTIST MAY BE SUBJECT TO DISCIPLINARY ACTION BY THE BOARD."

Page 49, line 4, strike "SHALL" and substitute "MAY";

line 5, strike "FIVE" and substitute "SIX".

Page 54, line 19, strike "1994," and substitute "1994 2003,";

line 22, strike "twenty-eight" and substitute "~~twenty-eight~~ FIFTY-NINE";

strike line 23 and substitute the following:

"year, which MAXIMUM amount MAY BE ADJUSTED ON JANUARY 1, 2004, AND ANNUALLY THEREAFTER BY THE BOARD TO REFLECT CHANGES IN THE UNITED STATES BUREAU OF STATISTICS CONSUMER PRICE INDEX FOR THE DENVER-BOULDER CONSOLIDATED METROPOLITAN STATISTICAL AREA FOR ALL URBAN CONSUMERS, ALL GOODS, OR ITS SUCCESSOR INDEX. SUCH FEE shall be used to support designated providers that".

Page 59, after line 1, insert the following:

"SECTION 5. 13-64-301 (1) (a), (2), and (4), Colorado Revised Statutes, are amended to read:

13-64-301. Financial responsibility. (1) Every physician, or dentist, OR DENTAL HYGIENIST and every health care institution as defined in section 13-64-202, except as provided in section 13-64-303.5, which provide health care services shall establish financial responsibility, as follows:

(a) If a physician, or dentist, OR DENTAL HYGIENIST by maintaining, no later than January 1, 1990, as a condition of active licensure or authority to practice in this state, commercial professional liability insurance coverage with an insurance company authorized to do business in this state in a minimum indemnity amount of five hundred thousand dollars per incident and one million five hundred thousand dollars annual aggregate per year; except that this requirement is not applicable to a health care professional who is a public employee under the "Colorado Governmental Immunity Act". The board of medical examiners and the board of dental examiners may by rule exempt from or establish lesser financial responsibility standards than those prescribed in this section for classes of license holders who perform medical or dental services as employees of the United States government; who render limited or occasional medical or dental services; who perform less than full-time active medical or dental services because of administrative or other nonclinical duties or partial or complete retirement; or who provide uncompensated health care to patients but do not otherwise

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provide any compensated health care to patients; or for other reasons that render the limits provided in this paragraph (a) unreasonable or unattainable, but nothing in this paragraph (a) shall preclude or otherwise prohibit a licensed physician, or dentist, OR DENTAL HYGIENIST from rendering appropriate patient care on an occasional basis when the circumstances surrounding the need for care so warrant.

(2) Each such physician, or dentist, OR DENTAL HYGIENIST as a condition of receiving and maintaining an active or inactive license or other authority to provide health care services and each health care institution, as a condition of receiving and maintaining an active license, certification, or other authority to provide health care services in this state, shall furnish the appropriate authority which issues and administers such license, certification, or other authority with evidence of compliance with subsection (1) of this section. No such license, certification, or other authority shall be issued or renewed unless such evidence of compliance has been furnished.

(4) Each physician, dentist, DENTAL HYGIENIST, or health care institution, subject to the provisions of this section, shall pay, in addition to any license fee, certification fee, or fee for such other authority, an additional fee in an amount to be determined by the appropriate authority which issues or administers such license, certification, or other authority, not to exceed fifteen dollars. Such fee shall be transmitted to the state treasurer, who shall credit the same to the division of registrations cash fund, which moneys shall be used exclusively for the purposes of this article as annually appropriated by the general assembly."

Renumber succeeding sections accordingly.

Education

After consideration on the merits, the Committee recommends that SB03-077 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 6, strike "AND";

line 9, strike "(5)." and substitute "(5); AND";

after line 9, insert the following:

"(III) FOR THE MOST RECENT SCHOOL YEAR, RECEIVED A SCORE OF "UNSATISFACTORY" ON THE READING OR MATHEMATICS ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-409."

Page 4, strike line 25, and substitute the following:

"BASIS OF DISABILITY, RACE, COLOR, OR NEED FOR SPECIAL EDUCATION SERVICES;";

after line 25, insert the following:

"(c) THE NONPUBLIC SCHOOL MEETS ALL REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101, ET SEQ., AS AMENDED;";

Reletter succeeding paragraphs.

Page 5, line 9, strike "(e)" and substitute "(f)";

line 11, strike "SERVICES." and substitute "SERVICES; AND";

after line 11, insert the following:

"(h) THE NONPUBLIC SCHOOL ADMINISTERS ALL ASSESSMENTS REQUIRED BY SECTION 22-7-409 FOR ALL GRADES AT THE SCHOOL."

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Page 10, line 15, strike "QUARTERLY" and substitute "MONTHLY";
line 20, strike "QUARTERLY" and substitute "MONTHLY".

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MESSAGE FROM THE HOUSE

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January 31, 2003
Mr. President:

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The House has adopted and transmits herewith HJR03-1014, as printed in House Journal,
January 28, pages 216-218.

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SENATE SERVICES REPORT

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Senate
Services

Correctly printed: SB03-222; SJR03-010, 011.

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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 January 31, 2003, was
laid over until February 3, 2003, retaining its place on the calendar.

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Consideration of Resolutions: SJR03-009, SJR03-010, SJR03-011.

Consideration of Governor's Appointments:

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- Members of the Board of Assessment Appeals;
- Members of the Board of Parks and Outdoor Recreation;
- Member of the Board of Trustees of the State Colleges in Colorado;
- Members of the Securities Board;
- Member of the Examining Board of Plumbers;
- Member of the Special Funds Board for Workers' Compensation Self Insurers.

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., February 3,
2003.

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Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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