

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

41<sup>st</sup> Legislative Day Monday, February 14, 2000

Call to Order By the President at 10:00 a.m.

Prayer By the chaplain, Dr. Gilbert Caldwell, Park Hill Methodist Church, Denver.

Roll Call Present--Total, 32.  
Absent/Excused--Hernandez, Linkhart--Total, 2.  
Absent--Lacy--Total, 1.  
Present later--Hernandez, Lacy, Linkhart.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Musgrave, reading of the Journal of Friday, February 11<sup>th</sup> was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SB 00-018, 057, 072, 074, 077, 101, 129, 132, 144, 156, 179.  
  
Correctly revised: HB 00-1155.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that SB00-009 be amended as follows and, as so amended, be referred favorably to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, strike lines 9 through 26.

Strike pages 4 and 5.

Page 6, strike lines 1 through 16.

Renumber succeeding section accordingly.

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-065

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-094

Health, Environment, Welfare and Institutions After consideration on the merits, the committee recommends that SB00-088 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. 26-4-113 (1) (a), Colorado Revised Statutes, is amended to read:

**26-4-113. Statewide managed care system - implementation required.** (1) **Rules.** (a) Except as provided in subsection (5) of this section, the state department shall adopt rules to implement a managed care system for seventy-five percent of the Colorado medical assistance population on a statewide basis pursuant to the provisions of this article. The managed care system implemented pursuant to this article shall not include the services delivered under the residential child health care program described in section 26-4-527; EXCEPT IN THOSE COUNTIES IN WHICH THERE IS A WRITTEN AGREEMENT BETWEEN THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE DESIGNATED AND CONTRACTED MENTAL HEALTH ASSESSMENT AND SERVICES AGENCY SELECTED PURSUANT TO SECTION 26-4-123, AND THE STATE DEPARTMENT. The rules shall include a plan to implement the statewide managed care system over a three-year period pursuant to the provisions of subsection (2) of this section.

**SECTION 2.** 26-4-529 (3), (4), (6), and (7), Colorado Revised Statutes, are amended to read:

**26-4-529. Home health services - pilot program - advisory committee - repeal.** (3) (a) In order for the department to develop and implement the pilot program with sufficient input from persons impacted by the program, there is hereby created an advisory committee to be appointed by the executive director. The committee consists of nine members who represent the following populations:

(I) Advocacy groups representing persons with disabilities and the frail elderly;

(II) Medical assistance recipients described in subsection (1) of this section who receive nursing services;

(III) The home health agency providers association;

(IV) The professional nurses' association;

(V) The state board of nursing;

(VI) Assisted living facilities;

(VII) The department of public health and environment;

(VIII) The medical assistance long-term care advisory committee.

(b) The executive director of the department, in the development and implementation of the pilot program, shall, on a regular basis, consult fully with the members of the advisory committee created in paragraph (a) of this subsection (3).

(c) (I) This subsection (3) is repealed, effective July 1, 2000 2003.

(II) Prior to said repeal, the advisory committee shall be reviewed, as provided in section 2-3-1203 (3), C.R.S.

(4) The department shall contract with a public or private entity to conduct an independent evaluation of the pilot program. On or before October 1, 1996, AND ON OR BEFORE OCTOBER 1, 2003, the department shall provide a written ~~report~~ REPORTS to the general assembly, based on the independent evaluation. The department shall include in the report the independent evaluator's assessment of the cost-efficiency, which includes identifying any cost-savings to the medical assistance program and any other public benefits programs, benefit, impact on the quality of care and client outcomes, and impact upon recipients' ability to live independently as a result of the provision of nursing services to medical assistance recipients by home health aides. In addition, the department shall include in the ~~report~~ REPORTS recommendations for implementation of any model or proposed program modification.

(6) The pilot program shall terminate on July 1, 2000 2003, unless extended by the general assembly.

(7) This section is repealed, effective July 1, 2000 2003.

**SECTION 3.** 26-4-804, Colorado Revised Statutes, is amended to read:

**26-4-804. Reports.** The department shall provide a ~~report~~ REPORTS to the general assembly no later than July 1, 1997, AND NO LATER THAN SEPTEMBER 1, 2002, demonstrating the effectiveness of the pilot program AND EVALUATING WHETHER THE PILOT PROGRAM SHOULD BE CONTINUED.

**SECTION 4.** 26-4-805, Colorado Revised Statutes, is amended to read:

**26-4-805. Repeal of part.** This part 8 is repealed, effective July 1, 2000: 2003.

**SECTION 5.** 26-4-903 (1), (6), and (8), Colorado Revised Statutes, are amended to read:

**26-4-903. Pilot program - consumer-directed attendant support.** (1) The general assembly authorizes the state department, in cooperation with the department of human services, to implement a pilot program that would allow as many as one hundred fifty persons with disabilities to self-direct their attendant support. The pilot program shall begin no later than July 1, 1997, and shall end July 1, 2000 2003, unless extended by the general assembly acting by bill. The departments shall design and implement a program with input from an advisory committee that shall include consumers of attendant support. The departments are authorized to seek any federal waivers that may be necessary to implement this part 9.

(6) The state department and the department of human services shall conduct an independent evaluation of the pilot program to be completed by the end of the third year AND BY THE END OF THE SIXTH YEAR of the program, and a report of such evaluation shall be provided to the general assembly by September 1, 2000, AND BY SEPTEMBER 1, 2002. The departments shall report to the general assembly by September 1, 1998 2000, and by September 1 of each year thereafter concerning the following:

(a) The number of persons with disabilities participating in the pilot program;

(b) The cost-effectiveness of the pilot program;

(c) Feedback from consumers, the state department, and the department of human services concerning the progress and success of the program;

(d) Any changes to the health status or health outcomes of the participating recipients;

(e) Other information relevant to the successes and problems of the pilot program; and

(f) Recommendations concerning the feasibility of continuing the program beyond the pilot stage and changes, if any, that are needed.

(8) Section 12-38.1-117 (1) (b), C.R.S., and section 12-38.1-102 (5), C.R.S., SECTION 12-38-123 (1) (a), C.R.S., SECTION 12-38-103 (8), C.R.S., AND SECTION 12-38-103 (11), C.R.S., shall not apply to a person who is directly employed by an individual participating in the pilot program pursuant to this section and who is acting within the scope and course of such employment. However, such person may not represent himself or herself to the public as a licensed nurse, or a certified nurse aide, A LICENSED PRACTICAL OR PROFESSIONAL NURSE, A REGISTERED NURSE, OR A REGISTERED PROFESSIONAL NURSE. This exclusion shall not apply to any person who has had his or her license as a nurse or certification as a nurse aide suspended or revoked or his or her application for such license or certification denied.

**SECTION 6.** 26-4-904, Colorado Revised Statutes, is amended to read:

**26-4-904. Repeal of part.** This part 9 is repealed, effective July 1, 2000 2003.

**SECTION 7.** 26-4-124 (6), Colorado Revised Statutes, is amended to read:

**26-4-124. Program of all-inclusive care for the elderly - services - eligibility.** (6) For purposes of this section, "eligible person" means a frail elderly individual who voluntarily enrolls in the PACE program and whose gross income does not exceed three hundred percent of the current federal supplemental security income benefit level, whose resources do not exceed the limit established by the state department of human services for individuals receiving a mandatory minimum state supplementation of SSI benefits pursuant to section 26-2-204, or in the case of a person who is married, do not exceed the amount authorized in section 26-4-506, and for whom a physician licensed pursuant to article 36 of title 12, C.R.S., certifies that such a program provides an appropriate alternative to institutionalized care. The term "frail elderly" means an individual who meets functional eligibility requirements, as established by the state department, for nursing home care and who is ~~sixty-five~~ FIFTY-FIVE years of age or older.

**SECTION 8.** 26-4-403.3, Colorado Revised Statutes, is amended to read:

**26-4-403.3. Recovery of assets.** (1) The general assembly hereby finds, determines, and declares that the cost of providing medical assistance to qualified recipients throughout the state has increased significantly in recent years; that such increasing costs have created an increased burden on state revenues while reducing the amount of such revenues available for other state programs; that recovering some of the medical assistance from the estates of medical assistance recipients would be a viable mechanism for such recipients to share in the cost of such assistance; and that such an estate recovery program would be a cost-efficient method of offsetting medical assistance costs in an equitable manner. THE GENERAL ASSEMBLY ALSO DECLARES THAT REASONABLE RESTRICTIONS IN ACCORDANCE WITH FEDERAL LAW SHOULD BE PLACED UPON TRANSFERS OF PROPERTY THAT ARE MADE WITHOUT FAIR AND VALUABLE CONSIDERATION FOR THE PURPOSE OF BECOMING MEDICAID-ELIGIBLE IN ORDER TO ENSURE THAT MEDICAID IS AVAILABLE FOR LOW-INCOME INDIVIDUALS.

(2) (a) Medical assistance paid on behalf of any individual who was fifty-five years of age or older when the individual received such assistance may be recovered by the state department from the estate of such individual in accordance with paragraph (c) of this subsection (2).

(b) Medical assistance paid on behalf of any individual who is institutionalized may be recovered by the state department from the estate of such individual in accordance with paragraph (c) of this subsection (2).

(c) The state department shall establish an estate recovery program only insofar as such program is in accordance with Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended, and shall not take any action to recover medical assistance when the amount of assistance to be recovered is economically inappropriate in relation to expenses of recovery.

(3) The state department is authorized to file liens against any property of an individual who is institutionalized and from whom the state department may recover medical assistance pursuant to paragraph (b) of subsection (2) of this section.

(4) The state department may compromise, settle, or waive any recovery of medical assistance authorized pursuant to subsection (2) of this section upon good cause shown.

(5) Subject to any limitation concerning estate recovery in Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended, the amount of any medical assistance paid pursuant to the provisions of this article is a claim against the estate pursuant to the provisions of section 15-12-805 (1), C.R.S.

(6) The state department shall promulgate rules ~~and regulations~~ to implement the provisions of this section, INCLUDING RULES LIMITING THE ELIGIBILITY FOR MEDICAL ASSISTANCE IF THE PERSON MADE A VOLUNTARY ASSIGNMENT OR TRANSFER OF PROPERTY WITHOUT FAIR AND VALUABLE CONSIDERATION PRIOR TO APPLYING FOR MEDICAL ASSISTANCE. A CONTRACT FOR AN EXEMPT BURIAL FUND FOR AN INDIVIDUAL SHALL INCLUDE A PROVISION RESTRICTING THE FULL AMOUNT TO THE COST OF THE BURIAL AND STATING THAT ANY PORTION NOT EXPENDED FOR THE BURIAL COSTS SHALL BE REFUNDED TO THE COLORADO DEPARTMENT OF HEALTH CARE POLICY AND FINANCING BY THE MORTUARY AS REIMBURSEMENT FOR THE COST OF MEDICAL ASSISTANCE PROVIDED TO THE INDIVIDUAL. Said rules ~~and regulations~~ shall be in accordance with Title XIX of the federal "Social Security Act", 42 U.S.C. sec. 1396p, as amended.

(7) (Deleted by amendment, L. 94, p. 1601, § 8, effective July 1, 1994.)

(8) Effective upon the implementation of a private-public partnership program for financing long-term care pursuant to section 26-4-506.7, this section shall apply to participants of such program only after excluding from the amount that may otherwise be recovered from such person's estate an amount allowed by rules adopted by the medical services board in accordance with section 26-4-506.7.

**SECTION 9.** 25.5-1-304, Colorado Revised Statutes, is amended to read:

**25.5-1-304. Repeal of part.** This part 3 is repealed, effective July 1, 2000 2007.

**SECTION 10.** 2-3-1203 (3) (m) (III) and (3) (p), Colorado Revised Statutes, are amended to read:

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

(m) July 1, 2000:

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

(p) JULY 1, 2003: THE ADVISORY COMMITTEE IN THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING CREATED IN SECTION 26-4-529 (3), C.R.S.;

**SECTION 11. 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 and  
Institutions

After consideration on the merits, the committee recommends that SB00-145 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 12, strike "and";

line 13, after "(10) (c),", insert "and (18),".

Page 5, line 12, strike "AND";

line 13, strike "month. ~~and~~," and substitute "month, and THE AMOUNT TO BE WITHHELD FOR PROCESSING FEES, IF ANY.".

Page 7, line 24, strike "A CHILD SUPPORT" and substitute "A NOTICE TO WITHHOLD INCOME FOR SUPPORT";

strike line 25.

Page 9, line 13, after the second "SUPPORT,", insert "CURRENT MONTHLY

CHILD SUPPORT," and strike "AND";

line 14, strike "MAINTENANCE" and substitute "MAINTENANCE, AND PROCESSING FEES, IF ANY,".

Page 10, after line 4, insert the following:

~~"(18) For those cases in which services are being rendered pursuant to article 13 of title 26, C.R.S., the state department of human services shall promulgate rules requiring that a notice be sent to all obligors, once the assignment has been executed, stating that the income assignment has commenced.~~

**SECTION 3.** 14-14-111.5 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**14-14-111.5. Income assignments for child support or maintenance.** (4) **Notice of income assignment.** Ten days after the date the advance notice of activation is mailed to the obligor for income assignments on orders entered during the time periods described in paragraphs (a), (b), and (d) of subsection (2) of this section or immediately for income assignments on orders entered during the time periods described in paragraphs (c), (e), and (f) of subsection (2) of this section, an income assignment may be activated by the obligee by causing a notice of income assignment to be served upon the employer, trustee, or other payor of funds, by first class mail, or, in a case where the department of human services is the trustee for purposes of an unemployment benefit intercept pursuant to section 8-73-102 (5), C.R.S., by electronic service. Receipt of notice by the employer, trustee, or other payor of funds confers jurisdiction of the court over the employer, trustee, or other payor of funds. In circumstances in which the source of income to the obligor is unemployment compensation benefits and the custodian of the child is receiving support enforcement services pursuant to section 26-13-106, C.R.S., no notice of income assignment shall be required. In such cases, the state child support enforcement agency shall electronically intercept the unemployment compensation benefits through an automated interface with the department of labor and employment. In all other cases, the notice of income assignment shall contain:

(m) A STATEMENT THAT IF THE DESIGNATED FIELD ON THE NOTICE TO WITHHOLD INCOME FOR SUPPORT IS CHECKED, THE EMPLOYER, TRUSTEE, OR OTHER PAYOR OF FUNDS IS REQUIRED TO PROVIDE A COPY OF THE NOTICE TO WITHHOLD INCOME FOR SUPPORT TO THE OBLIGOR.

**SECTION 4.** 26-2-108 (1) (b), Colorado Revised Statutes, is amended to read:

**26-2-108. Granting of assistance payments and social services.** (1) (b) In determining the amount of assistance payments to be granted, due account shall be taken of any income or property available to the applicant and any support, either in cash or in kind, which the applicant may receive from other sources, pursuant to rules of the state department. EFFECTIVE JULY 1, 2000, A COUNTY MAY PAY TANF-ELIGIBLE FAMILIES AN AMOUNT THAT IS EQUAL TO THE STATE AND COUNTY SHARE OF CHILD SUPPORT COLLECTIONS AS DESCRIBED IN SECTION 26-13-108 (1). SUCH PAYMENTS SHALL NOT BE CONSIDERED INCOME FOR THE PURPOSE OF GRANT CALCULATION. HOWEVER, SUCH INCOME SHALL BE CONSIDERED INCOME FOR PURPOSES OF DETERMINING ELIGIBILITY. IF A COUNTY CHOOSES TO PAY CHILD SUPPORT COLLECTIONS DIRECTLY TO A TANF-ELIGIBLE FAMILY, THE COUNTY SHALL REPORT SUCH PAYMENTS TO THE STATE DEPARTMENT FOR THE MONTH IN WHICH THEY OCCUR AND INDICATE THE CHOICE OF THIS OPTION IN ITS PERFORMANCE CONTRACT FOR COLORADO WORKS. For the purposes of determining eligibility for public assistance or the amount of assistance payments, compensation received by the applicant pursuant to the "Colorado Crime Victim Compensation Act", part 1 of article 4.1 of title 24, C.R.S., shall not be considered as income, property, or support available to such applicant.

**SECTION 5.** 26-13-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**26-13-108. Recovery of public assistance paid for child support**

**and maintenance.** (3) EFFECTIVE JULY 1, 2000, A COUNTY MAY PAY FAMILIES THAT ARE ELIGIBLE FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES, PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE, AN AMOUNT THAT IS EQUAL TO THE STATE AND COUNTY SHARE OF CHILD SUPPORT COLLECTIONS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION. SUCH PAYMENTS SHALL NOT BE CONSIDERED INCOME FOR THE PURPOSE OF GRANT CALCULATION. HOWEVER, SUCH INCOME SHALL BE CONSIDERED INCOME FOR PURPOSES OF DETERMINING ELIGIBILITY. IF A COUNTY CHOOSES TO PAY CHILD SUPPORT COLLECTIONS DIRECTLY TO A FAMILY THAT IS ELIGIBLE FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES, PURSUANT TO PART 7 OF ARTICLE 2 OF THIS TITLE, THE COUNTY SHALL REPORT SUCH PAYMENTS TO THE STATE DEPARTMENT FOR THE MONTH IN WHICH THE PAYMENTS ARE MADE AND SHALL INDICATE THE CHOICE OF THIS OPTION IN ITS PERFORMANCE CONTRACT FOR COLORADO WORKS.

**SECTION 6.** Article 13 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**26-13-122.5. Administrative lien and attachment of inmate bank accounts.** (1) THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT MAY ISSUE A NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT TO THE DEPARTMENT OF CORRECTIONS OR ITS AGENT HAVING CUSTODY OR CONTROL OF INMATE BANK ACCOUNTS IN ORDER TO WITHHOLD FUNDS FROM THE BANK ACCOUNT OF A STATE PRISONER, AS DEFINED IN SECTION 17-1-102 (8), C.R.S., WHO IS AN OBLIGOR RESPONSIBLE FOR THE SUPPORT OF A CHILD OR CHILDREN ON WHOSE BEHALF THE OBLIGEE IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO THIS ARTICLE OR WHO IS AN OBLIGOR RESPONSIBLE FOR THE PAYMENT OF MAINTENANCE OR MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT AND THE OBLIGEE IS RECEIVING SUPPORT ENFORCEMENT SERVICES FROM THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT PURSUANT TO THIS ARTICLE.

(2) A COPY OF THE ADMINISTRATIVE LIEN AND ATTACHMENT SHALL BE PROVIDED TO THE OBLIGOR BY THE DEPARTMENT OF CORRECTIONS OR ITS AGENT AND SHALL INCLUDE INFORMATION ON THE OBLIGOR’S RIGHT TO OBJECT TO THE ADMINISTRATIVE LIEN AND ATTACHMENT AND TO REQUEST AN ADMINISTRATIVE REVIEW PURSUANT TO THE RULES OF THE STATE BOARD.

(3) THE NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT SHALL CONTAIN:

(a) THE NAME AND ADDRESS OF THE CORRECTIONAL FACILITY OR ENTITY THAT WITHHOLDS FUNDS FROM INMATE BANK ACCOUNTS;

(b) THE NAME AND SOCIAL SECURITY NUMBER OF THE INMATE AND THE NAME OF THE CORRECTIONAL FACILITY IN WHICH THE INMATE IS INCARCERATED;

(c) THE TOTAL AMOUNT OWED FOR CURRENT MONTHLY CHILD SUPPORT, CURRENT MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, CURRENT MAINTENANCE, PAST DUE CHILD SUPPORT, PAST DUE MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, PAST DUE MAINTENANCE, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, OR MEDICAL SUPPORT;

(d) THE AMOUNT OR PERCENTAGE OF FUNDS TO BE WITHHELD MONTHLY FROM INMATE BANK ACCOUNTS NOT TO EXCEED TWENTY PERCENT OF THE INMATE ACCOUNT EACH MONTH;

(e) A STATEMENT THAT THE NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT IS TO TAKE EFFECT NO LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE BY THE DEPARTMENT OF CORRECTIONS;

(f) A STATEMENT THAT IF MORE THAN ONE NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT IS RECEIVED FOR THE SAME OBLIGOR, THE PRIORITIES SET FORTH IN SUBSECTION (4) OF THIS SECTION SHALL APPLY;

(g) INSTRUCTION ON THE DISBURSEMENT OF THE WITHHELD AMOUNTS, INCLUDING THE REQUIREMENTS THAT EACH DISBURSEMENT:

(I) SHALL BE FORWARDED TO THE FAMILY SUPPORT REGISTRY;

(II) SHALL BE FORWARDED WITHIN TEN CALENDAR DAYS AFTER THE DATE OF EACH DEDUCTION AND WITHHOLDING;

(III) SHALL BE IDENTIFIED BY THE CASE NUMBER, THE FAMILY SUPPORT REGISTRY ACCOUNT NUMBER, AND THE NAME AND SOCIAL SECURITY NUMBER OF THE OBLIGOR AND SHALL IDENTIFY THE DATE THE DEDUCTION WAS MADE AND THE AMOUNT OF THE PAYMENT;

(h) A STATEMENT THAT COMPLIANCE WITH THE NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT SHALL NOT SUBJECT THE DEPARTMENT OF CORRECTIONS OR ITS AGENT TO LIABILITY TO THE OBLIGOR FOR WRONGFUL WITHHOLDING OF FUNDS;

(i) A STATEMENT THAT, AS LONG AS THE OBLIGOR IS INCARCERATED AND HAS AN OBLIGATION PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (3), THE NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT SHALL NOT BE TERMINATED OR MODIFIED, EXCEPT UPON WRITTEN NOTICE BY THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT, UNLESS THE INMATE IS INDIGENT ACCORDING TO DEPARTMENT OF CORRECTIONS GUIDELINES.

(4) AN ADMINISTRATIVE LIEN AND ATTACHMENT FOR THE COLLECTION FROM INMATE BANK ACCOUNTS OF CURRENT MONTHLY CHILD SUPPORT, CURRENT MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, CURRENT MAINTENANCE, PAST DUE CHILD SUPPORT, PAST DUE MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, PAST DUE MAINTENANCE, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, OR MEDICAL SUPPORT SHALL BE CONTINUING AND SHALL HAVE PRIORITY OVER ANY GARNISHMENT, LIEN, OR WAGE ASSIGNMENT OTHER THAN A NOTICE PREVIOUSLY SERVED PURSUANT TO SUBSECTION (1) OF THIS SECTION OR A WAGE ASSIGNMENT ACTIVATED PURSUANT TO SECTION 14-14-107 OR 14-14-111, C.R.S., AS THOSE SECTIONS EXISTED PRIOR TO JULY 1, 1996, OR SECTION 14-14-111.5, C.R.S. IN ORDER TO ATTACH INMATE BANK ACCOUNTS FOR CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, MEDICAL SUPPORT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE, THE STATE CHILD SUPPORT ENFORCEMENT AGENCY OR THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT IS AUTHORIZED TO SERVE, BY FIRST-CLASS MAIL, A NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT ON THE DEPARTMENT OF CORRECTIONS OR ITS AGENT TO WITHHOLD FUNDS OF AN OBLIGOR.

(5) SUBSECTIONS (1), (2), AND (3) OF THIS SECTION SHALL APPLY TO ALL CHILD SUPPORT OBLIGATIONS, MAINTENANCE WHEN COMBINED WITH CHILD SUPPORT, MAINTENANCE OBLIGATIONS, RETROACTIVE CHILD SUPPORT OBLIGATIONS, AND MEDICAL SUPPORT OBLIGATIONS ORDERED AS A PART OF ANY PROCEEDING, REGARDLESS OF WHEN THE ORDER WAS ENTERED, AND ALL SUCH OBLIGORS SHALL BE SUBJECT TO NOTICE OF ADMINISTRATIVE LIEN AND ATTACHMENT AS DESCRIBED IN SUBSECTIONS (1), (2), AND (3) OF THIS SECTION."

Renumber succeeding sections accordingly.

Page 10, line 5, strike "and (4)," and substitute "(4), and (6),".

Page 11, line 3, after "PERFORMED", insert "BY THE FINANCIAL INSTITUTION";

line 25, strike "apply" and substitute "apply, AT THE SOLE DISCRETION OF THE FINANCIAL INSTITUTION,".

Page 12, line 7, strike "ASSURE, EITHER" and substitute "ASSURE";

strike line 8 and substitute the following:

"BOARD, THAT";



after line 19, insert the following:

"(6) A financial institution shall be entitled to reimbursement A REASONABLE FEE in the amount of five cents per name per quarter, for the costs associated with designing and implementing a system for compliance with the requirements of this article, not to exceed the actual ITS costs, associated with designing and implementing such a system. FOR FULFILLING THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION."

MESSAGE FROM THE HOUSE

February 11, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1224, amended as printed in House Journal, February 10, pages 425-426.

MESSAGE FROM THE REVISOR

February 11, 2000

We herewith transmit:

Without comment, as amended, HB00-1224

INTRODUCTION OF BILL--FIRST READING

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

HB 00-1224 by Representatives Taylor, Miller, Dean, Allen, Berry, George, Hoppe, Johnson, Kaufman, Kester, May, McElhany, McPherson, Smith, Spence, Spradley, Tool and Young; also Senators Lacy, Dennis, Tebedo, Arnold, Chlouber, Hillman and Matsunaka-- Concerning the promotion of tourism in the state of Colorado, and, in connection therewith, creating the Colorado tourism office and eliminating the Colorado tourism board and the Colorado travel and tourism authority, and making an appropriation therefor.  
Business Affairs & Labor  
Appropriations

THIRD READING OF BILLS--FINAL PASSAGE

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

HB 00-1155 by Rep. McKay; Senator Teck--Delete Debt Management Regulation

The question being "Shall the bill pass?" the roll was called with the following result:

YES	33	NO	1	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

SB 00-144 by Sen. Owen; Rep. Spradley--Deferred Deposit Loan Act

The question being "Shall the bill pass?" the roll was called with the following result:

YES	32	NO	2	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

SB     00-018   by Sen. Dyer; Rep. Gotlieb--Continue Ignition Interlock Program

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

Third Reading Amendment No. 1, by Senator Dyer

Amend engrossed bill, page 5, line 18, strike "(3) and (4)," and substitute "(3),";  
strike line 19 and substitute the following:  
"is amended BY THE ADDITION OF A NEW PARAGRAPH to read:".

Page 6, strike line 11 and substitute the following:

**"SECTION 6. Repeal.** 42-2-132.5 (4), Colorado Revised Statutes, is repealed as follows:

**42-2-132.5. Restricted licenses following alcohol conviction.** (4) ~~(a) The leasing agency for any approved ignition interlock".~~

Renumber succeeding sections accordingly.

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

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

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsor added: Weddig.

SB     00-156   by Sen. Dennis; Rep. Smith--Aviation Fund Distribution

The question being "Shall the bill pass?" the roll was called with the following result:

YES	22	NO	12	EXCUSED	0	ABSENT	1
Anderson	N	Evans	Y	Musgrave	Y	Tanner	N
Andrews	Y	Feeley	N	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	N	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	N	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	N	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	N	Weddig	N
Dennis	Y	Linkhart	N	Reeves	Y	Wham	N
Dyer	Y	Martinez	N	Rupert	N	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsors added: Chlouber, Congrove, Dyer, Hillman, Musgrave, Nichol, Owen, Powers, Sullivan, Tebedo, Thiebaut, Wattenberg.

SB 00-072 by Sen. Reeves; Rep. Taylor--Sales Tax Data & Collections

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsor added: Tebedo.

SB 00-132 by Sen. Weddig; Rep. Miller--Consumer Reporting Agency Information

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsor added: Lamborn.

SB 00-057 by Sen. Hillman--Unclaimed Property Trust Fund

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsors added: Chlouber, Tebedo.

SB 00-074 by Sen. Lacy; Rep. Tool--Tobacco Settlement Defense Account

Laid over until Tuesday, February 15, retaining its place on the calendar.

SB 00-129 by Sen. Dyer--Deregulation Of Railroad Fares

The question being "Shall the bill pass?" the roll was called with the following result:

YES	33	NO	1	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	N
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsor added: Chlouber.

SB 00-077 by Sen. Reeves; Rep. Larson--POST Board Matters

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

Co-sponsor added: Tebedo.

SB 00-101 by Sen. Reeves; Rep. Morrison--Mental Health Disciplinary Proceedings

The question being "Shall the bill pass?" the roll was called with the following result:

YES	34	NO	0	EXCUSED	0	ABSENT	1
Anderson	Y	Evans	Y	Musgrave	Y	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	Y	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	A	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	Y
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivan	Y		

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

SB 00-179 by Sen. Hernandez; Rep. Tochtrop--Specialists In School Psychology

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

Third Reading Amendment No. 1 by Senator Hernandez

Amend engrossed bill, page 4, line 4, strike "SECTION" and substitute "SUBSECTION (16)".

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

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	Musgrave	Y	Tanner	Y
Andrews	N	Feeley	Y	Nichol	Y	Tebedo	N
Arnold	Y	Hernandez	Y	Owen	N	Teck	Y
Blickensderfer	Y	Hillman	N	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	Y	Perlmutter	Y	Wattenberg	Y
Congrove	N	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	N
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

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

Co-sponsors added: Phillips, Rupert, Sullivant.

On motion of Senator Blickensderfer, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB00-114 was made Special Orders at 10:45 a.m.

Committee of the Whole

The hour of 10:45 a.m. having arrived, Senator Wattenberg moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Wattenberg was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILL--10:45 A.M.

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

SB 00-114 by Sen. Andrews; Rep. Hefley--Period Of Silence And Ten Commandments

SB00-114 was laid on the table.

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB 00-114 by Sen. Andrews; Rep. Hefley--Period Of Silence And Ten Commandments

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that SB00-114 did not lay on the table, but did pass.

Call of Senate

Call of Senate.

Call Raised.

1

2

3

4

5

6

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

YES	0	NO	35	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	Musgrave	N	Tanner	N
Andrews	N	Feeley	N	Nichol	N	Tebedo	N
Arnold	N	Hernandez	N	Owen	N	Teck	N
Blickensderfer	N	Hillman	N	Pascoe	N	Thiebaut	N
Chlouber	N	Lacy	N	Perlmutter	N	Wattenberg	N
Congrove	N	Lamborn	N	Phillips	N	Weddig	N
Dennis	N	Linkhart	N	Reeves	N	Wham	N
Dyer	N	Martinez	N	Rupert	N	Mr. President	N
Epps	N	Matsunaka	N	Sullivan	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Wattenberg, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

SB00-114 was laid on the table.

On motion of Senator Blickensderfer, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, February 14, was laid over until Tuesday, February 15, retaining its place on the calendar.

INTRODUCTION OF BILL--FIRST READING

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

HB 00-1084

by Representatives May, Dean, Hoppe, Johnson, Kester, Larson, McElhany, McKay, McPherson, Paschall, Pfiffner, Sinclair, Taylor and T. Williams; also Senators Andrews, Blickensderfer, Chlouber, Congrove, Epps, Hillman, Lamborn, Musgrave, Powers and Teck--Concerning a requirement that employers not deduct money from employees' paychecks unless the deduction is for a lawful charge or indebtedness.

Business Affairs & Labor

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Education

The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBERS  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2003:

Lena A. Elliott of Grand Junction, Colorado, to serve as a representative of the Third Congressional District and as a Republican, appointed.

Education	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>SB00-160</u>	1 2 3 4
Education	After consideration on the merits, the committee recommends that <u>SB00-178</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:  Amend printed bill, page 1, strike lines 2 through 10.  Strike pages 2 through 9.  Page 10, strike lines 1 through 11, and substitute the following:  "SECTION 1. 18-6-301 (2), Colorado Revised Statutes, is amended to read:  18-6-301. Incest. (2) When a person is convicted, pleads nolo contendere, or receives a deferred sentence for a violation of the provisions of this section and the victim is a child who is <del>ten years of age or older and</del> under eighteen years of age and the court knows the person is a current or former employee of a school district in this state or holds a <del>certificate or letter of</del> LICENSE OR authorization pursuant to the provisions of <del>article 60</del> ARTICLE 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.  SECTION 2. 22-60.5-107 (2) (b), Colorado Revised Statutes, is amended to read:  22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (2) Any license, certificate, endorsement, or authorization may be denied, annulled, suspended, or revoked in the manner prescribed in section 22-60.5-108, notwithstanding the provisions of subsection (1) of this section:  (b) When the holder is convicted, pleads nolo contendere, or receives a deferred sentence or a deferred prosecution for a violation of any law of this state or any counterpart municipal law of this state involving unlawful behavior pursuant to any of the following statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S., section 18-6-301, C.R.S., when the victim is a child who is <del>ten years of age or older and</del> under eighteen years of age, part 4 of article 3, part 4 of article 6, and part 4 of article 7 of title 18, C.R.S.;  SECTION 3. The introductory portion to 22-2-109 (3), Colorado Revised Statutes, is amended to read:  22-2-109. State board of education - additional duties. (1) The state board of education shall:  (3) On or before July 1, 2000, the state board of education by rule shall adopt performance-based teacher licensure standards, which at a minimum shall include a requirement that each candidate for a provisional teacher license AND EACH TEACHER WHO HOLDS A PROVISIONAL OR PROFESSIONAL TEACHER LICENSE shall have and be able to demonstrate the following skills:  SECTION 4. 22-9-106 (1) (d) (III), (1) (e), (3.5), and (4.5), Colorado Revised Statutes, are amended to read:  22-9-106. Local boards of education - duties. (1) All school districts and boards of cooperative services that employ certificated personnel, as defined in section 22-9-103 (1.5), shall adopt a written system to evaluate the employment performance of school district and board of cooperative services certificated personnel, including all teachers, principals, and administrators, with the exception of certificated personnel employed by a board of cooperative services for a period of six weeks or less. In developing the certificated personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services shall consult with administrators, principals, and teachers employed within the district or participating districts in a board	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

of cooperative services, parents, and the school district certificated personnel performance evaluation council or the board of cooperative services personnel performance evaluation council created pursuant to section 22-9-107. The performance evaluation system shall contain, but shall not be limited to, the following information:

(d) The purposes of the evaluation, which shall include but need not be limited to:

(III) Providing the measurement of satisfactory performance for individual certificated personnel and serving as documentation for an unsatisfactory performance dismissal proceeding under article 63 of this title AND, WHERE APPROPRIATE, FOR LICENSE REVOCATION PURSUANT TO SECTION 22-60.5-107;

(e) The standards set by the local board for satisfactory performance for certificated personnel and the criteria to be used to determine whether the performance of each certificated person meets such standards and other criteria for evaluation for each certificated personnel position evaluated. FOR LICENSED TEACHERS, SAID STANDARDS AT A MINIMUM SHALL INCLUDE THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-2-109 (3). One of the standards for measuring teacher performance shall be directly related to classroom instruction and shall include multiple measures of student performance. The performance evaluation system shall also ensure that the standards and criteria are available in writing to all certificated personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

(3.5) A teacher whose performance is deemed to be unsatisfactory pursuant to paragraph (e) of subsection (1) of this section shall be given notice of deficiencies. A remediation plan to correct said deficiencies shall be developed by the district or the board of cooperative services and the teacher. The teacher shall be given a reasonable period of time for remediation of the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the performance or the deficiencies. THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL NOTIFY THE DEPARTMENT OF EDUCATION WHEN IT REQUIRES A TEACHER TO REMEDIATE DEFICIENCIES. AT A MINIMUM, SUCH NOTICE SHALL INCLUDE THE TEACHER'S NAME, THE TERM OF THE REMEDIATION PLAN, AND THE PERFORMANCE DEFICIENCIES TO BE CORRECTED UNDER THE PLAN.

(4.5) (a) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the person is now performing satisfactorily, no further action shall be taken concerning the original performance evaluation, AND THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL SO NOTIFY THE DEPARTMENT OF EDUCATION. If such evaluation shows the person is still not performing satisfactorily, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of such person in accordance with the provisions of article 63 of this title.

(b) IN THE CASE OF A TEACHER WHOSE PERFORMANCE EVALUATION INCLUDES A REMEDIATION PLAN, IF THE PERFORMANCE EVALUATION SHOWS THAT THE TEACHER STILL IS NOT PERFORMING SATISFACTORILY, THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES MAY NOTIFY THE DEPARTMENT OF EDUCATION OF THE FAILURE TO SUCCESSFULLY REMEDIATE. ON RECEIPT OF SUCH NOTIFICATION, THE DEPARTMENT SHALL INITIATE AN INVESTIGATION AS PROVIDED IN SECTION 22-60.5-107 (6) TO DETERMINE WHETHER REVOCATION OF THE TEACHER'S LICENSE IS APPROPRIATE BASED ON A SUBSTANTIAL AND CONTINUED INABILITY TO COMPLY WITH THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3). THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL COOPERATE WITH THE DEPARTMENT IN THE INVESTIGATION, INCLUDING BUT NOT LIMITED TO PROVIDING, UPON REQUEST OF THE DEPARTMENT, COPIES OF ANY WRITTEN DOCUMENTATION CONCERNING THE TEACHER'S PERFORMANCE.



**SECTION 5.** 22-60.5-107 (4), Colorado Revised Statutes, is amended, and the said 22-60.5-107 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization.** (4) The department of education may suspend or revoke any license, ~~certificate~~, endorsement, or authorization if the state board finds and determines that the holder thereof has become professionally incompetent, ~~or is guilty of unethical behavior, OR, IN THE CASE OF SUSPENSION OR REVOCATION OF A TEACHER LICENSE, HAS DEMONSTRATED A SUBSTANTIAL AND CONTINUED INABILITY TO COMPLY WITH THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3).~~

(6) (a) IN THE EVENT A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE SERVICES REQUIRES A LICENSED TEACHER TO FULFILL THE REQUIREMENTS OF A REMEDIATION PLAN PURSUANT TO SECTION 22-9-106 (3.5), THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL NOTIFY THE DEPARTMENT OF EDUCATION OF SAID REQUIREMENT AND AT A MINIMUM SHALL SPECIFY THE NAME OF THE TEACHER, THE TERM OF THE REMEDIATION PLAN, AND THE PERFORMANCE DEFICIENCIES TO BE CORRECTED UNDER THE PLAN. UPON SUCCESSFUL COMPLETION OF THE REMEDIATION PLAN, THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL SO NOTIFY THE DEPARTMENT.

(b) IF A TEACHER DOES NOT SUCCESSFULLY COMPLETE A REMEDIATION PLAN DEVELOPED PURSUANT TO SECTION 22-9-106 (3.5), THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES MAY SO NOTIFY THE DEPARTMENT OF EDUCATION. ON RECEIPT OF SUCH NOTIFICATION, THE DEPARTMENT SHALL INITIATE AN INVESTIGATION TO DETERMINE WHETHER REVOCATION OF THE TEACHER'S LICENSE IS APPROPRIATE BASED ON A SUBSTANTIAL AND CONTINUED INABILITY TO COMPLY WITH THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3). ANY SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES THAT NOTIFIES THE DEPARTMENT OF EDUCATION OF A TEACHER'S FAILURE TO SUCCESSFULLY COMPLETE A REMEDIATION PLAN SHALL COOPERATE WITH THE DEPARTMENT IN THE INVESTIGATION CONDUCTED PURSUANT TO THIS PARAGRAPH (b), INCLUDING BUT NOT LIMITED TO PROVIDING, UPON REQUEST OF THE DEPARTMENT, COPIES OF ANY WRITTEN DOCUMENTATION CONCERNING THE TEACHER'S PERFORMANCE.

(c) THE DEPARTMENT MAY REQUEST FROM A SCHOOL DISTRICT AND THE SCHOOL DISTRICT SHALL PROVIDE INFORMATION REGARDING A TEACHER'S PERFORMANCE IN COMPLETING A REMEDIATION PLAN IF THE DEPARTMENT DOES NOT RECEIVE NOTIFICATION FROM THE DEPARTMENT OF SUCCESSFUL REMEDIATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6).

(7) IN THE EVENT THE DEPARTMENT OF EDUCATION RECEIVES COMPLAINTS OVER A TWELVE-MONTH PERIOD CONCERNING THE PERFORMANCE OF A SINGLE TEACHER FROM PARENTS WHOSE CHILDREN RECEIVE EDUCATIONAL SERVICES FROM THAT TEACHER, THE DEPARTMENT SHALL INITIATE AN INVESTIGATION TO DETERMINE WHETHER REVOCATION OF THE TEACHER'S LICENSE IS APPROPRIATE BASED ON A SUBSTANTIAL AND CONTINUED INABILITY TO COMPLY WITH THE PERFORMANCE-BASED STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3). THE EMPLOYING SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL COOPERATE WITH THE DEPARTMENT IN ANY INVESTIGATION CONDUCTED PURSUANT TO THIS SUBSECTION (7), INCLUDING BUT NOT LIMITED TO PROVIDING, UPON REQUEST OF THE DEPARTMENT, COPIES OF ANY WRITTEN DOCUMENTATION CONCERNING THE TEACHER'S PERFORMANCE.

**SECTION 6.** The introductory portion to 22-60.5-110 (3) (c), Colorado Revised Statutes, is amended, and the said 22-60.5-110 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**22-60.5-110. Renewal of licenses.** (3) (a.5) ANY PROFESSIONAL TEACHER LICENSEE WHO IS EMPLOYED AS A PROFESSIONAL TEACHER

DURING ALL OR ANY PORTION OF THE TERM FOR WHICH HIS OR HER PROFESSIONAL TEACHER LICENSE IS VALID, IN APPLYING FOR LICENSE RENEWAL, SHALL SUBMIT WRITTEN EVIDENCE FROM THE PRINCIPAL OF THE SCHOOL OR SCHOOLS IN WHICH THE LICENSEE IS EMPLOYED CERTIFYING THAT THE PROFESSIONAL TEACHER LICENSEE MEETS THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3). THE PRINCIPAL SHALL BASE HIS OR HER CERTIFICATION ON THE PROFESSIONAL TEACHER LICENSEE'S PERFORMANCE EVALUATIONS CONDUCTED PURSUANT TO THE SCHOOL DISTRICT'S WRITTEN SYSTEM FOR EVALUATION OF LICENSED PERSONNEL ADOPTED PURSUANT TO SECTION 22-9-106.

(c) IN SELECTING PROFESSIONAL DEVELOPMENT ACTIVITIES FOR THE RENEWAL OF A PROFESSIONAL TEACHER LICENSE PURSUANT TO THIS SECTION, A PROFESSIONAL TEACHER LICENSEE SHALL SELECT THOSE ACTIVITIES THAT WILL AID THE LICENSEE IN MEETING THE PERFORMANCE-BASED TEACHER LICENSURE STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109 (3). In selecting professional development activities for the renewal of a professional license, OTHER THAN A PROFESSIONAL TEACHER LICENSE, pursuant to this section, each licensee shall choose those activities that will aid the licensee in meeting the standards for a professional educator, including but not limited to the following goals:".

Renumber succeeding section accordingly.

Education

After consideration on the merits, the committee recommends that SB00-112 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 6, before line 16, insert the following:

"(3) EACH PLAN DEVELOPED PURSUANT TO THIS PART 2 SHALL ENSURE THAT CURRENT SERVICES PROVIDED TO STUDENTS IN SCHOOLS ARE NOT SUPPLANTED.".

Renumber succeeding subsections accordingly.

Education

After consideration on the merits, the committee recommends that SB00-124 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, strike line 11 and substitute the following:

"AND THIRD-GRADE PUPILS AND PUPILS BETWEEN THE THIRD AND FOURTH GRADES WHOSE LITERACY AND READING";

line 13, after "BOARD", insert "OF EDUCATION" and strike "THEIR" and substitute "EACH";

line 14, strike "BOARD," and substitute "BOARD";

line 15, strike "REFERRED TO IN THIS SECTION AS THE "BOARD",";

line 17, strike "AND";

after line 17, insert the following:

"(II) ONE MEMBER OF THE STATE BOARD OF EDUCATION SELECTED BY THE STATE BOARD OF EDUCATION;

(III) ONE MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF THE SENATE;

(IV) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES";

line 18, strike "(II) TEN" and substitute "(V) SEVEN";

strike lines 20 through 23.

Reletter succeeding sub-subparagraphs accordingly.

Page 3, line 11, after the second "THE", insert "READ-TO-ACHIEVE";

line 13, strike "FIVE" and substitute "THREE";

line 14, after "MEMBER", insert "APPOINTED BY THE GOVERNOR";

strike line 16, and substitute the following:

"(II) THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY REMOVE ANY READ-TO-ACHIEVE BOARD MEMBER APPOINTED BY HIM OR HER";

line 18, after the third "THE", insert "READ-TO-ACHIEVE";

line 19, strike "GOVERNOR" and substitute "GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF REPRESENTATIVES";

line 21, after the second "THE", insert "READ-TO-ACHIEVE";

line 26, after "THE", insert "READ-TO-ACHIEVE".

Page 4, line 3, after "SCHOOL" insert "OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY";

line 4, strike "SECOND-, THIRD-," and substitute "SECOND- AND THIRD-GRADE";

line 5, strike "AND FOURTH-GRADE" and after "SCHOOL.", insert "ANY SUCH GRANT SHALL BE USED TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED ON SUCH PROGRAMS.";

line 9, after "SCHOOL" insert "LITERACY";

line 14, strike "DURING THE";

line 15, strike "SUMMER";

line 20, strike "(c) THE" and substitute "(c) THE READ-TO-ACHIEVE" and after the second "BOARD", insert "OF EDUCATION";

line 23, after the second "THE", insert "READ-TO-ACHIEVE";

line 25, strike "SECOND-, THIRD-, AND FOURTH-GRADE" and substitute "SECOND- AND THIRD-GRADE";

line 26, after "SCHOOL" insert "OR COLLABORATIVE GROUP OF SCHOOLS APPLYING JOINTLY".

Page 5, line 2, after "A" insert "RESEARCH";

line 3, strike "SCHOOLS." and substitute "PUBLIC OR CHARTER SCHOOLS IN THE NATION.";

line 4, after the first "THE", insert "READ-TO-ACHIEVE" and after the second "BOARD", insert "OF EDUCATION";

line 7, strike "BOARD." and substitute "BOARD OF EDUCATION.";

line 8, after the first "THE", insert "READ-TO-ACHIEVE";

line 10, after "BOARD", insert "OF EDUCATION";

line 11, after the second "THE", insert "READ-TO-ACHIEVE";

line 12, strike "TWENTY" and substitute "FORTY", after the first "BOARD", insert "OF EDUCATION", and after the second "THE", insert "READ-TO-ACHIEVE";

line 13, strike "TWENTY" and substitute "FORTY";

line 14, after the first "BOARD", insert "OF EDUCATION" and before the second "BOARD", insert "READ-TO-ACHIEVE";

line 15, strike "THIRTY" and substitute "SIXTY".

Page 6, line 6, after "THE", insert "READ-TO-ACHIEVE";

line 9, after "BOARD", insert "OF EDUCATION";

line 14, strike "EITHER", and strike "LEVEL," and substitute "LEVEL";

strike lines 15 and 16 and substitute the following:

"AND THIRD-GRADE PUPILS. ";

line 17, after "BOARD", insert "OF EDUCATION".

Page 7, line 15, before the first "BOARD", insert "READ-TO-ACHIEVE" and before the second "BOARD", insert "READ-TO-ACHIEVE";

line 16, after "THE", insert "READ-TO-ACHIEVE".

Page 8, line 4, strike "~~For compliance with this section,~~" and substitute "For compliance with this section,";

line 6, strike "~~The plan~~ AN INDIVIDUAL LITERACY PLAN" and substitute "The plan";

line 18, strike "DURING THE SUMMER";

line 20, strike "SUMMER" and substitute "PROGRAM".

Education

After consideration on the merits, the committee recommends that the following be postponed indefinitely:SB00-162

MESSAGE FROM THE HOUSE:

February 14, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1208,1235,1240,1396,1397,1398,1399,1400,1401,1402,1403,1404,1405,1406, 1407,1408,1409,1410,1411,1412,1413,1414,1415,1416.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1114, amended as printed in House Journal, February 11, page 445.  
HB00-1201, amended as printed in House Journal, February 11, page 447.  
HB00-1214, amended as printed in House Journal, February 11, pages 448-449.  
HB00-1241, amended as printed in House Journal, February 11, pages 447-448.  
HB00-1243, amended as printed in House Journal, February 11, pages 445-446.  
HB00-1247, amended as printed in House Journal, February 11, page 446.  
SB00-125, amended as printed in House Journal, February 11, page 450.

MESSAGE FROM THE REVISOR

February 14, 2000

We herewith transmit:

without comment, HB00-1208, 1235, 1240, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, and 1416; and  
without comment, as amended, HB00-1114, 1201, 1214, 1241, 1243, 1247, and SB00-125.

**TRIBUTES--A POINT OF INTEREST**

- Honoring Paul Kashmann by Senator Linkhart
- Honoring Shannon Campbell by Senator Chlouber
- Honoring Kathryn P. Medina by Senator Chlouber
- Honoring Rebeca Steinmetz by Senator Chlouber
- Honoring Lacie E. Kaiser by Senator Chlouber
- Honoring Monte Vista Cooperative by Senator Dennis

**JOURNAL CORRECTION**

Amend Senate Journal, February 11, page 276, line 63, strike "3." and substitute "(C)".

On motion of Senator Blickensderfer, the Senate adjourned until 9:00 a.m., Tuesday, February 15, 2000.

Approved:  
  
Ray Powers  
President of the Senate

Attest:  
  
Patricia K. Dicks  
Secretary of the Senate