

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

37th Legislative Day Thursday, February 10, 2000

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

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Roll Call Present--Total, 33.
Absent/Excused--Andrews, Blickensderfer--Total, 2.
Present later--Andrews.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hillman, reading of the Journal of Wednesday, February 9 was dispensed with and the Journal stands approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the committee recommends that HB00-1134 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, line 7, after "YEAR", insert "AND IS STATIONED OUTSIDE OF THE UNITED STATES OF AMERICA".

Finance After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: HB00-1055

Health, Environment, Welfare and Institutions 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 Education with favorable recommendation:

Amend printed bill, page 3, line 13, strike "FUTURE VIOLENCE" and substitute "BEHAVIORS THAT COULD LEAD TO INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM";

line 23, strike "STAFF MEMBER OF A" and substitute "PERSON DESIGNATED FOR A PUBLIC SCHOOL PURSUANT TO A PROCESS PROVIDED IN";

strike lines 24 through 26.

Page 4, line 1, strike "TO";

line 18, strike "CENTERS TO PROVIDE" and substitute "CENTERS, AS DEFINED IN SECTION 27-10.3-103(2) AND LICENSED PURSUANT TO SECTION 25-1-107 (1) (I), C.R.S., TO PROVIDE OR ARRANGE FOR THE PROVISION OF".

Page 5, line 2, after "AGENCIES,", insert "PARENTS OF STUDENTS IN THE SCHOOL DISTRICT, INCLUDING PARENTS OF STUDENTS WITH EMOTIONAL AND BEHAVIORAL CHALLENGES, AS SELECTED BY ASSOCIATIONS OR ORGANIZATIONS OF SUCH PARENTS," and after "PARTIES", insert "AS SPECIFIED IN GUIDELINES ESTABLISHED BY THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL SERVICES IN THE STATE DEPARTMENT";

line 5, strike "OCTOBER 1, 2000," and substitute "DECEMBER 1, 2000,";

line 8, after the period, insert "THE PLAN SHALL BE DEVELOPED TO MEET

LOCAL NEEDS AND TO RECOGNIZE AND TO MAXIMIZE THE USE OF LOCAL RESOURCES, INCLUDING EXISTING PROGRAMS IN SCHOOLS FOR MENTAL HEALTH REFERRAL, ASSESSMENT, AND TREATMENT SERVICES.";

strike lines 9 through 26 and substitute the following:

"SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(a) A PROCESS COORDINATED BY THE COMMUNITY MENTAL HEALTH CENTER TO IDENTIFY A PERSON WHO CAN MEET THE RESPONSIBILITIES OF A MENTAL HEALTH LIAISON BETWEEN THE SCHOOL AND THE MENTAL HEALTH CENTER AS SPECIFIED IN THE PLAN;

(b) A PROCESS FOR PROVIDING MENTAL HEALTH REFERRAL, ASSESSMENT, AND TREATMENT SERVICES TO ANY CHILD REFERRED TO THE COMMUNITY MENTAL HEALTH CENTER BY THE MENTAL HEALTH LIAISON, UPON INFORMED CONSENT OF A CHILD’S PARENT OR LEGAL GUARDIAN AND SUBJECT TO AVAILABLE APPROPRIATIONS;

(c) SPECIFIC RESPONSIBILITIES FOR THE MENTAL HEALTH LIAISON;

(d) A PROCEDURE FOR CONTACTING THE PARENT OR LEGAL GUARDIAN OF ANY CHILD WHO IS SELF-REFERRED, EXCEPT WHERE CONFIDENTIALITY IS OTHERWISE REQUIRED BY LAW, REFERRED BY THE CHILD’S PARENT OR LEGAL GUARDIAN, OR REFERRED BY A TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE TO PROVIDE AN OPPORTUNITY TO MEET AND TO DISCUSS WHETHER THE CHILD MIGHT REASONABLY BENEFIT FROM AN ASSESSMENT TO DETERMINE WHETHER THE CHILD MIGHT BE DANGEROUS TO HIMSELF OR HERSELF OR OTHERS OR MIGHT OTHERWISE REASONABLY BENEFIT FROM MENTAL HEALTH SERVICES;

(e) FOR A CHILD WHO MIGHT REASONABLY BENEFIT FROM MENTAL HEALTH SERVICES, A PROCESS FOR THE MENTAL HEALTH LIAISON, UPON RECEIPT OF PERMISSION OF THE PARENT OR LEGAL GUARDIAN, TO ASSESS THE CHILD AND TO RECOMMEND AND FACILITATE ADDITIONAL ASSESSMENT AND TREATMENT BY OR THROUGH THE COMMUNITY MENTAL HEALTH CENTERS SERVING THE SCHOOL DISTRICT, IF FURTHER ASSESSMENT OR TREATMENT IS NEEDED;

(f) A PROCESS FOR MONITORING ANY CHILD RECEIVING SERVICES FROM OR THROUGH A COMMUNITY MENTAL HEALTH CENTER TO ENSURE AVAILABILITY OF SERVICES FOR THAT CHILD OR FOR THAT CHILD’S PARENT OR LEGAL GUARDIAN, IN CONJUNCTION WITH THE SERVICES PROVIDED TO SUCH CHILD;

(g) A PROCESS FOR COORDINATING THE PLAN DEVELOPED WITH ANY EXISTING PLAN PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S.; AND

(h) A PROCESS BY WHICH SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES MAY ENSURE MAXIMUM PARTICIPATION IN THE TRAINING OF TEACHERS AND OTHER LICENSED PERSONNEL EMPLOYED BY THE SCHOOL DISTRICT IN RECOGNIZING SIGNS OF MENTAL ILLNESS.

(3) NOTHING IN THIS PART 2 SHALL PROHIBIT THE DEVELOPMENT OF A PLAN PURSUANT TO THIS SECTION THAT INVOLVES MORE THAN ONE SCHOOL DISTRICT IN THE COMMUNITY MENTAL HEALTH CENTER’S REGION."

Renumber succeeding subsections accordingly.

Page 6, strike line 1 through 15;

line 16, strike "NOVEMBER 1, 2000," and substitute "FEBRUARY 1, 2001,";

line 20, strike "SCHOOL" and substitute "DEVELOPERS OF THE PLAN TO DESIGN";

strike line 21;

line 22, strike "SCHOOL DISTRICT TO DEVELOP";

line 24, strike "DECEMBER 1, 2000," and substitute "MARCH 1, 2001,".

Page 7, line 2, after "PROVIDE", insert "TIMELY";

line 4, strike "2;" and substitute "2, SUBJECT TO AVAILABLE APPROPRIATIONS;"

line 8, after the period, add "A COMMUNITY MENTAL HEALTH CENTER OR MENTAL HEALTH AGENCY SHALL NOT BE REQUIRED TO EXPEND MONEYS FOR THE IMPLEMENTATION OF THIS PART 2, INCLUDING COSTS OF REPORTING, REFERRAL, AND ASSESSMENT AND TREATMENT SERVICES AND COSTS ASSOCIATED WITH COORDINATING AND MONITORING PURSUANT TO THE PLAN, IN EXCESS OF THE MONEYS APPROPRIATED FOR THIS PART 2.";

line 12, strike "IDENTIFYING" and substitute "RECOGNIZING SIGNS OF";

line 14, strike "DECEMBER 1, 2000," and substitute "JULY 1, 2001,";

line 17, strike "MAY EXHIBIT SYMPTOMS OF" and substitute "SHOWS SIGNS OF A MENTAL ILLNESS, SUCH AS";

line 20, after the period, insert "THE NAME OF ANY TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE WHO MAKES A REFERRAL PURSUANT TO THIS SUBSECTION (8) SHALL BE HELD IN CONFIDENCE BY THE MENTAL HEALTH LIAISON IF THE PERSON MAKING THE REFERRAL REQUESTS ANONYMITY.";

line 21, strike "COMMON SYMPTOMS" and substitute "SIGNS";

after line 24, insert the following:

"(9) (a) ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 2 IN CARRYING OUT ANY POWERS OR DUTIES AUTHORIZED BY THIS PART 2 SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY DAMAGES ARISING FROM ACTIONS TAKEN IN CARRYING OUT THIS PART 2; EXCEPT THAT A PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF THIS PART 2 SHALL NOT BE IMMUNE FROM LIABILITY.

(b) THE COURT SHALL DISMISS ANY CIVIL ACTION RESULTING FROM ACTIONS TAKEN BY A TEACHER OR ANY OTHER PERSON PURSUANT TO THIS SECTION UPON A FINDING BY THE COURT THAT THE PERSON ACTED IN GOOD FAITH AND IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND IS THEREFORE IMMUNE FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9). THE COURT SHALL AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY IN ANY CIVIL ACTION, DISMISSED PURSUANT TO THIS PARAGRAPH (b).

(c) A TEACHER OR ANY OTHER PERSON WHO ACTS IN GOOD FAITH AND IN COMPLIANCE WITH THIS PART 2 SHALL NOT HAVE HIS OR HER CONTRACT NONRENEWED OR BE SUBJECT TO ANY DISCIPLINARY PROCEEDINGS, INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL ACTIONS, NOR SHALL THE ACTIONS OF SUCH PERSON BE REFLECTED IN ANY WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING SUCH PERSON.";

line 26, strike "IN EACH SCHOOL" and substitute "AND THE SCHOOL DISTRICT OR DISTRICTS THAT ARE PARTNERS IN A MENTAL HEALTH SERVICES PLAN".

Page 8, line 1, strike "DISTRICT";

strike lines 3 and 4 and substitute the following:

"(a) A REVIEW OF THE PLAN DEVELOPED AND IMPLEMENTED PURSUANT TO SECTION 27-10.3-204;"

line 11, change the period to a semicolon;

after line 11, insert the following:

"(c) THE NUMBER OF TEACHERS AND OTHER SCHOOL DISTRICT EMPLOYEES WHO RECEIVED TRAINING IN RECOGNIZING AND

	UNDERSTANDING SCHOOL-AGED MENTAL ILLNESS AND THE PROCESS FOR REFERRING A STUDENT FOR MENTAL HEALTH SERVICES PURSUANT TO THIS PART 2.";	1
		2
		3
		4
	line 15, strike "ASSEMBLY." and substitute "ASSEMBLY, AND SHALL EVALUATE THE EFFECTIVENESS OF THIS PART 2.";	5
		6
		7
	line 19, strike "AT" and substitute "THROUGH";	8
		9
	line 21, after "GUARDIAN", insert "OF A CHILD NOT COVERED BY MEDICAID";	10
		11
		12
	line 22, strike "OR MEDICAID FUNDING";	13
		14
	line 24, strike "ANY" and substitute "FOR A CHILD NOT COVERED BY MEDICAID, ANY";	15
		16
		17
	line 25, strike "MEDICAID FUNDING,".	18
		19
	Page 10, line 13, after "RECOGNIZING", insert "SIGNS OF", strike "SCHOOL-AGED", and after "MENTAL ILLNESS", insert "OF SCHOOL-AGED CHILDREN".	20
		21
		22
		23
		24
		25
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-139</u>	26
		27
		28
		29
		30
		31
Health, Environment, Welfare and Institutions	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-142</u>	32
		33
		34
		35
		36
		37
Judiciary	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>SB00-075</u>	38
		39
		40
		41
		42
Judiciary	After consideration on the merits, the committee recommends that <u>SB00-014</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation:	43
		44
		45
		46
	Amend printed bill, strike everything below the enacting clause, and substitute the following:	47
		48
		49
	"SECTION 1. Article 6.5 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	50
		51
		52
	18-6.5-103.5. Video tape depositions - at-risk adult victims and witnesses. (1) IN ANY CASE IN WHICH A DEFENDANT IS CHARGED WITH A CRIME AGAINST AN AT-RISK ADULT, AS DESCRIBED IN SECTION 18-6.5-103, OR IN ANY CASE INVOLVING A VICTIM OR WITNESS WHO IS AN AT-RISK ADULT, AS DEFINED IN SECTION 18-6.5-102 (1), THE PROSECUTION MAY FILE A MOTION WITH THE COURT AT ANY TIME PRIOR TO COMMENCEMENT OF THE TRIAL, FOR AN ORDER THAT A DEPOSITION BE TAKEN OF THE TESTIMONY OF THE VICTIM OR WITNESS AND THAT THE DEPOSITION BE RECORDED AND PRESERVED ON VIDEO TAPE.	53
		54
		55
		56
		57
		58
		59
		60
		61
		62
	(2) THE PROSECUTION SHALL FILE A MOTION REQUESTING A VIDEOTAPED DEPOSITION AT LEAST THREE DAYS PRIOR TO THE TAKING OF THE DEPOSITION. THE DEFENDANT SHALL RECEIVE REASONABLE NOTICE OF THE TAKING OF THE DEPOSITION. THE DEFENDANT SHALL HAVE THE RIGHT TO BE PRESENT AND TO BE REPRESENTED BY COUNSEL AT THE DEPOSITION.	63
		64
		65
		66
		67
		68
		69
	(3) UPON TIMELY RECEIPT OF THE MOTION, THE COURT SHALL MAKE A PRELIMINARY FINDING REGARDING WHETHER, AT THE TIME OF TRIAL, THE VICTIM OR WITNESS IS LIKELY TO BE MEDICALLY UNAVAILABLE	70
		71
		72

OR OTHERWISE UNAVAILABLE WITHIN THE MEANING OF RULE 804 (a) OF THE COLORADO RULES OF EVIDENCE. SUCH FINDING, AT A MINIMUM, SHALL BE BASED ON RECOMMENDATIONS FROM THE VICTIM'S OR WITNESS' PHYSICIAN OR ANY OTHER PERSON HAVING DIRECT CONTACT WITH THE VICTIM OR WITNESS, WHOSE RECOMMENDATIONS ARE BASED ON SPECIFIC BEHAVIORAL INDICATORS EXHIBITED BY THE VICTIM OR WITNESS. IF THE COURT SO FINDS, IT SHALL ORDER THAT THE DEPOSITION BE TAKEN, PURSUANT TO RULE 15 (d) OF THE COLORADO RULES OF CRIMINAL PROCEDURE, AND PRESERVED ON VIDEO TAPE. AFTER THE DEPOSITION IS TAKEN, THE PROSECUTION SHALL TRANSMIT THE VIDEO TAPE TO THE CLERK OF THE COURT IN WHICH THE ACTION IS PENDING.

(4) IF AT THE TIME OF TRIAL THE COURT FINDS THAT PROVIDING TESTIMONY IN COURT WOULD CAUSE THE VICTIM OR WITNESS EMOTIONAL TRAUMA OR OTHER HARM SO THAT THE VICTIM OR WITNESS IS MEDICALLY UNAVAILABLE OR OTHERWISE UNAVAILABLE WITHIN THE MEANING OF RULE 804 (a) OF THE COLORADO RULES OF EVIDENCE, THE COURT MAY ADMIT THE VIDEO TAPE OF THE VICTIM'S OR WITNESS' DEPOSITION AS FORMER TESTIMONY UNDER RULE 804 (b) (1) OF THE COLORADO RULES OF EVIDENCE.

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."

Judiciary After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: SB00-163

Judiciary After consideration on the merits, the committee recommends that SB00-121 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, line 1, strike everything after "OF," and substitute "OR PLEADS GUILTY TO";

line 2, strike "PROSECUTION OR JUDGMENT FOR";

strike line 22 and substitute "OF, OR PLED GUILTY TO";

line 23, strike "PROSECUTION FOR".

Page 3, line 19, strike "THE JUDICIAL DEPARTMENT, THE DEPARTMENT OF";

strike line 20;

line 21, strike "OBTAIN BLOOD SAMPLES IN ACCORDANCE WITH THIS SECTION." and substitute "UPON ORDER OF THE COURT, THE AGENCY HAVING JURISDICTION OVER THE CONVICTED OFFENDER MAY OBTAIN THE BLOOD SAMPLE USING MEDICALLY RECOGNIZED PROCEDURES."

Judiciary After consideration on the merits, the committee recommends that SB00-140 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 16, strike "amended" and substitute "amended, and the said 16-11-311 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 4, line 4, strike "~~two~~ THREE" and substitute "two";

line 15, strike "~~two~~ THREE" and substitute "two".

Page 7, after line 1, insert the following:

"(4.3) THE YOUTHFUL OFFENDER SYSTEM SHALL PROVIDE SEX OFFENDER TREATMENT SERVICES FOR ANY OFFENDER WHO IS SENTENCED

TO THE YOUTHFUL OFFENDER SYSTEM AND WHO HAS A HISTORY OF COMMITTING ANY SEX OFFENSE AS DEFINED IN SECTION 16-11.7-102(3) OR WHO HAS A HISTORY OF COMMITTING ANY OTHER OFFENSE, THE UNDERLYING FACTUAL BASIS OF WHICH INCLUDES A SEX OFFENSE. PRIOR TO JULY 1, 2002, THE SEX OFFENDER TREATMENT SERVICES PROVIDED PURSUANT TO THIS SUBSECTION (4.3) SHALL COMPLY WITH ANY EXISTING NATIONAL STANDARDS FOR JUVENILE SEX OFFENDER TREATMENT. ON AND AFTER JULY 1, 2002, THE SEX OFFENDER TREATMENT SERVICES PROVIDED PURSUANT TO THIS SUBSECTION (4.3) SHALL COMPLY WITH THE JUVENILE SEX OFFENDER TREATMENT STANDARDS ADOPTED BY THE SEX OFFENDER MANAGEMENT BOARD PURSUANT TO SECTION 16-11.7-103."

Page 8, line 9, strike "REVOKE" and substitute "REVIEW";

line 21, strike "REVOKING" and substitute "REVIEWING".

Page 9, line 26, after "revocation", insert "OR REVIEW".

Page 10, strike lines 17 through 26.

Strike page 11.

Page 12, strike line 1.

Renumber succeeding section accordingly.

JudiciaryAfter consideration on the merits, the committee recommends that SB00-175 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 3, line 1, strike "THE TECHNIQUES SHALL ALSO INCLUDE A LEVEL OF";

strike lines 2 through 4.

Page 4, line 22, strike "THE STATE COMMISSION SHALL";

strike lines 23 through 25.

Page 7, line 8, strike "A";

strike lines 9 through 12.

JudiciaryAfter consideration on the merits, the committee recommends that SB00-092 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 1, strike line 2.

Renumber succeeding sections accordingly.

Page 2, strike lines 1 through 13.

Page 3, line 19, after "ANY", insert "COST OF CARE PAYMENTS OR";

line 20, strike "19-2-925 (2)" and substitute "19-2-114 (1), C.R.S.,";

line 21, strike "(1), C.R.S.,".

Page 4, line 1, after "ANY", insert "COST OF CARE PAYMENTS OR" and, strike "OR";

line 2, strike "JUVENILE".

Judiciary After consideration on the merits, the committee recommends that the following be
postponed indefinitely: SB00-153

MESSAGE FROM THE HOUSE

February 9, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB00-1137, amended as printed in House Journal, February 7, page 391.
HB00-1084, amended as printed in House Journal, February 7, pages 393-395.

MESSAGE FROM THE REVISOR

February 9, 2000

We herewith transmit:

without comment, as amended, HB00-1084 and 1137.

INTRODUCTION OF BILLS--FIRST READING

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

- SB 00-192 by Senator Lacy--Concerning pretrial services program requirements.
 Judiciary
- HB 00-1037 by Representative Hoppe; also Senator Musgrave--Concerning catastrophic health
 insurance coverage.
 Health, Environment, Welfare & Institutions
- HB 00-1105 by Representative Kester; also Senator Arnold--Concerning the fastening of temporary
 motor vehicle registration identification to the vehicle.
 Transportation
- HB 00-1137 by Representative McElhany; also Senator Teck--Concerning the licensure of real estate
 appraisers.
 Business Affairs & Labor
- HB 00-1145 by Representative Spradley; also Senator Owen--Concerning business personal property
 tax, and, in connection therewith, modifying the credit against state taxes for a portion of
 business personal property tax paid and the administration of the credit and exempting
 from taxation as an item held for consumption any item of personal property that is held
 by a business and that was acquired by the business at a cost of no more than five hundred
 dollars.
 Finance
 Appropriations
- HB 00-1148 by Representatives Paschall, Lawrence, Spence, Gordon, Hagedorn, Lee, Nunez, Pfiffner,
 Scott, Sinclair, Stengel, Swenson, Tochtrop and Windels; also Senators Congrove,
 Andrews, Hillman and Musgrave--Concerning the creation of a system for numbering
 county election precincts.
 State, Veterans, & Military Affairs
- HB 00-1149 by Representative Veiga; also Senator Arnold--Concerning an increase in the maximum
 income limit for eligibility for the basic personal injury protection no fault auto insurance
 program.
 Business Affairs & Labor
- HB 00-1154 by Representative Smith; also Senator Teck--Concerning the authority of public entities to
 enter into securities lending agreements.
 Local Government

- HB 00-1161 by Representative McElhany; also Senator Tebedo--Concerning general fund appropriations for veterans service officers.
Finance
Appropriations
- HB 00-1190 by Representative Webster; also Senator Dennis--Concerning an increase in the limitation on the outstanding bond amount issued by the Colorado student obligation bond authority.
Education

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

- SCR 00-005 By Senators Owen and Dyer; also Representative Pfiffner--Concerning the submission to the registered electors of the state of Colorado of an amendment to the constitution of the state of Colorado, concerning the repeal of outdated provisions of the state constitution resulting from obsolescence and applicability to particular events or circumstances that have already occurred.
State, Veterans, & Military Affairs

MESSAGE FROM THE GOVERNOR

February 9, 2000

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

EXECUTIVE DIRECTOR
OF MILITARY AFFAIRS

effective February 7, 2000 for a term expiring at the pleasure of the Governor:

General Mason C. Whitney of Aurora, Colorado.

This letter supercedes and replaces a previous letter stating the effective date as January 21, 2000.

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 2/9/00
P. Dicks, Secretary

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB00-1035.

The President has signed: HJR00-1004.

On motion of Senator Chlouber, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, February 10, was laid over until Friday, February 11, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB 00-192; SCR 00-005.

COMMITTEE OF REFERENCE REPORTS

Business
Affairs
and Labor

After consideration on the merits, the committee recommends that SB00-138 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. 10-4-706 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-4-706. Required coverages - complying policies - PIP examination program - repeal. (2) (j) (I) AN AUTOMOBILE INSURER PROVIDING BENEFITS PURSUANT TO THIS SECTION, SHALL FILE WITH THE COMMISSIONER THE INTERNAL GRIEVANCE AND REVIEW PROCEDURES UTILIZED BY THE INSURER'S MANAGED CARE ARRANGEMENT. THE COMMISSIONER SHALL MAKE SUCH FILING AVAILABLE FOR PUBLIC INSPECTION. ONCE ALL INTERNAL GRIEVANCE AND REVIEW PROCEDURES HAVE BEEN EXHAUSTED, THE INSURER SHALL PROVIDE WRITTEN NOTICE TO THE INSURED OF THE INSURED'S RIGHT TO SEEK AN INDEPENDENT MEDICAL EXAMINATION WITH THE COLORADO PIP IME PANEL.

(II) A MANAGED CARE ARRANGEMENT'S INTERNAL GRIEVANCE AND REVIEW PROCEDURES DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (j) MAY USE AS A GUIDELINE THE STANDARD ESTABLISHED BY ONE OF THE FOLLOWING NATIONALLY RECOGNIZED ACCREDITATION STANDARDS ORGANIZATIONS: THE AMERICAN ACCREDITATION HEALTHCARE COMMISSION, THE NATIONAL COMMITTEE FOR QUALITY ASSURANCE, OR THE JOINT COMMISSION ON ACCREDITATION HEALTHCARE ORGANIZATION.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to denials of coverage made on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Business
Affairs
and Labor

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: SB00-084

Business
Affairs
and Labor

After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: SB00-007

Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-126</u>	1 2 3 4 5 6
Business Affairs and Labor	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-150</u>	7 8 9 10 11 12
Education	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>SB00-020</u>	13 14 15 16 17
Education	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee on Appropriations: <u>SB00-169</u>	18 19 20 21 22
Education	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-046</u>	23 24 25 26 27
Agriculture, Natural Resources and Energy	After consideration on the merits, the committee recommends that the following be postponed indefinitely: <u>SB00-110</u>	28 29 30 31 32 33 34
Judiciary	The Committee on Judiciary has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed: <div>JUVENILE PAROLE BOARD</div> for terms expiring at the pleasure of the Governor: Paul W. Nelson of Grand Junction, Colorado, to serve as a public member, and to fill a vacancy occasioned by the resignation of Stephanie Quintana, appointed.	35 36 37 38 39 40 41 42 43 44 45 46 47
Judiciary	After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: <u>SB00-028</u>	48 49 50 51
Judiciary	After consideration on the merits, the committee recommends that <u>SB00-024</u> be amended as follows and, as so amended, be referred to the Committee of the Whole with favorable recommendation: Amend printed bill, page 2, strike lines 6 through 8 and substitute the following: "requirements of juveniles, thirteen years of age or younger, who commit sexual offenses that are originally charged as misdemeanors."; strike lines 16 through 23 and substitute the following: "THIS SECTION WOULD BE UNFAIRLY PUNITIVE, THE COURT, UPON CONSIDERATION OF THE TOTALITY OF THE CIRCUMSTANCES, MAY EXEMPT A PERSON FROM THE REGISTRATION REQUIREMENTS IMPOSED PURSUANT TO THIS SECTION IF: (a) THE PERSON WAS THIRTEEN YEARS OF AGE OR YOUNGER AT THE TIME OF THE COMMISSION OF THE OFFENSE; (b) THE OFFENSE, AS CHARGED IN THE FIRST PETITION AND	52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

SUMMONS FILED WITH THE COURT, IS A MISDEMEANOR SPECIFIED IN SECTION 18-3-404;

(c) THE PERSON HAS RECEIVED A SEX OFFENDER EVALUATION THAT CONFORMS WITH THE STANDARDS DEVELOPED PURSUANT TO SECTION 16-11.7-103 (4) (b), C.R.S., FROM AN EVALUATOR WHO HAS EXPERIENCE IN JUVENILE ISSUES, AND THE EVALUATOR RECOMMENDS EXEMPTING THE PERSON FROM THE REGISTRATION REQUIREMENTS BASED UPON THE BEST INTERESTS OF THAT PERSON AND THE COMMUNITY; AND

(d) THE COURT MAKES WRITTEN FINDINGS OF FACT SPECIFYING THE GROUNDS FOR GRANTING SUCH EXEMPTION."

Judiciary

After consideration on the merits, the committee recommends that the following be postponed indefinitely: SB00-070

-

On motion of Senator Chlouber, the Senate adjourned until 9:00 a.m., Friday, February 11, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

1
2
3
4
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

