

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

Thirty-first Legislative Day Friday, February 9, 2001

Prayer By the chaplain, Father Michael Sheeran, President, Regis University.

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

Roll Call Present--Total, 30.
Absent/Excused--Cairns, Linkhart, Nichol, Owen, Perlmutter--Total 5.
Present later--Cairns, Linkhart, Owen, Perlmutter.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Gordon, reading of the Journal of Thursday, February 8, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-201, SJR01-009, SJR01-010.
Correctly engrossed: SB01-044, 080, 116, 082, 025.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Government, Veterans and Military Relations, and Transportation The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be favorably referred to the Committee on Agriculture and Natural Resources:

MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2002:

Wade A Haerle of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Douglas S. Cole and to serve as an At Large member and as a Democrat, appointed;

for terms expiring June 30, 2004:

Tom W. Ready of Pueblo, Colorado, to serve as a representative of the Southern Region and as a Republican, appointed;

Douglas S. Cole of Superior, Colorado, to serve as a representative of the Metro Region and as a Republican, appointed;

The Honorable Thomas R.H. Glass of Frisco, Colorado, to serve as a representative of the Northern Region and as a Democrat, appointed.

Education After consideration on the merits, the committee recommends that **SB01-068** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 11.

Strike pages 3 through 10.

Page 11, strike lines 1 through 6;

SB01-068

line 7, strike "SECTION 14." and substitute "SECTION 1.";

line 11, strike "2001," and substitute "2002,";

line 19, strike "BOARD OF TRUSTEES" and substitute "STATE BOARD OF AGRICULTURE";

line 22, strike "BOARD OF TRUSTEES" and substitute "STATE BOARD OF AGRICULTURE";

line 25, strike "2001," and substitute "2002,";

line 27, strike "2001." and substitute "2002.".

Page 12, line 2, strike "2001," and substitute "2002,";

line 7, strike "BOARD OF TRUSTEES." and substitute "STATE BOARD OF AGRICULTURE.";

line 15, strike "2001," and substitute "2002,";

line 18, strike "2001," and substitute "2002,";

line 19, strike "2001," and substitute "2002,";

line 20, strike "BOARD OF TRUSTEES" and substitute "STATE BOARD OF AGRICULTURE".

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MESSAGE FROM THE REVISOR

We herewith transmit:
without comment, as amended, HB01-1068.

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INTRODUCTION OF BILLS--FIRST READING

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

SB01-202 by Senators Thiebaut, Matsunaka and Andrews; also Representatives Spradley, Dean and Grossman--Concerning appropriations related to the legislative department, and making appropriations in connection therewith.

HB01-1068 by Representative Mitchell; also Senator Dyer (Durango)--Concerning enactment of the "Colorado Dormant Oil and Gas Interests Act".
Agriculture and Natural Resources

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

GENERAL ORDERS--SECOND READING OF BILLS

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-079** was advanced on the General Orders calendar.

SB01-079 by Senators Windels and Phillips--Concerning grandparent visitation time with grandchildren.

Laid over until Friday, February 16, 2001, retaining its place on the calendar.

SB01-001 by Senator Hernandez--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.

Laid over until Monday, February 12, 2001, retaining its place on the calendar.

SB01-003 by Senator Hillman; also Representative Kester--Concerning the exemption of school buses from constraints generally applicable to commercial vehicles.

Amendment No. 1, Senator Hillman.

Amend printed bill, page 2, line 11, strike "42-4-1904;" and substitute "42-4-1904 OR ANY VEHICLE OWNED OR OPERATED BY A SCHOOL OR SCHOOL DISTRICT SO LONG AS SUCH SCHOOL OR SCHOOL DISTRICT DOES NOT RECEIVE REMUNERATION FOR THE USE OF SUCH VEHICLE, NOT INCLUDING REIMBURSEMENT FOR THE USE OF SUCH VEHICLE, UNLESS SUCH VEHICLE IS A LADEN OR UNLADEN TRACTOR-TRAILER;".

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

SB01-118 by Senators Hernandez, Epps, Hagedorn--Concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies.

Amendment No. 1, Health, Environment, Children and Families Committee.
(Printed in Senate Journal, January 29, page 112.)

Amendment No. 2, Senator Hernandez.

Amend printed bill, page 3, strike lines 16 through 27 and substitute the following:

"**SECTION 4.** 12-37-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-37-103. Requirement for registration with the division of registrations - annual fee - grounds for revocation. (6) EFFECTIVE JULY 1, 2003, IN ORDER TO BE DEEMED QUALIFIED TO REGISTER, A DIRECT-ENTRY MIDWIFE SHALL HAVE GRADUATED FROM AN ACCREDITED EDUCATIONAL PROGRAM OR OBTAINED A SUBSTANTIALLY EQUIVALENT EDUCATION APPROVED BY THE DIRECTOR. SUCH EDUCATIONAL

REQUIREMENT SHALL NOT APPLY TO DIRECT-ENTRY MIDWIVES WHO HAVE REGISTERED WITH THE DIVISION OF REGISTRATIONS BEFORE JULY 1, 2003.".

Page 4, strike lines 1 through 14.

Amendment No. 3, Senator Hernandez.

Amend the committee amendment, as printed in Senate Journal, January 29, page 112, strike line 61 and substitute the following:

"PRACTICAL NURSE AS PROVIDED IN ARTICLE 38 OF THIS TITLE OR PHYSICIAN AS PROVIDED IN ARTICLE 36 OF THIS TITLE who holds a".

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **HB01-1267, SB01-048, SB01-102, HB01-1037, SB01-101, SB01-121** were advanced on the General Orders calendar.

HB01-1267 by Representatives Young, Berry, Saliman; also Senators Reeves, Owen, Tate-- Concerning a one-time transfer of moneys from the controlled maintenance trust fund in the 2001-02 state fiscal year to be restored to said trust fund in the following state fiscal year.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, February 6, 2001, page 193.)

Amendment No. 2, Senator Thiebaut.

Amend reengrossed bill, page 3, strike lines 11 through 27.

Page 4, strike lines 1 through 14.

Renumber succeeding section accordingly.

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

SB01-048 by Senator Arnold; also Representative Mitchell--Concerning officials for the city and county of Broomfield, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 15, 2001, page 175.)

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

SB01-102 by Senator Arnold; also Representative Mitchell--Concerning the modification of certain statutory provisions in preparation for the operation of the city and county of Broomfield.

Amendment No. 1, Government, Veterans and Military Affairs, and Transportation Committee Amendment.
(Printed in Senate Journal, February 5, 2001, page 176-177.)

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

HB01-1037 by Representative Fairbank; also Senator Phillips--Concerning the creation of specific requirements for health care provider networks that conduct insurance business in the state of Colorado.

Laid over until Monday, February 12, 2001, retaining its place on the calendar.

SB01-101 by Senator Owen; also Representative Lawrence--Concerning the vaccination of persons pursuant to certain state programs.

Amendment No. 1, Health Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, February 2, page 173.)

Amendment No. 2, Senator Hagedorn.

Amend the Health, Environment, Children and Families Committee amendment, as printed in Senate Journal, February 2, page 173, strike

lines 57 through 63 and substitute the following:

"(10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS, SCHOOLS, LICENSED CHILD CARE CENTERS, AND PUBLIC HEALTH OFFICIALS MAY RELEASE ANY IMMUNIZATION RECORDS IN THEIR POSSESSION, WHETHER OR NOT SUCH RECORDS ARE IN THE IMMUNIZATION TRACKING SYSTEM, TO THE PERSONS OR ENTITIES SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION TO PROVIDE AN ACCURATE AND COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY COMPLIANCE WITH STATE IMMUNIZATION LAW."

Amendment No. 3, Senator Owen.

Amend printed bill, page 5, line 23, strike "SUCH PURPOSE" and substitute "THE PURPOSE OF NOTIFYING THE PARENT OR LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR REQUIRED BY THE BOARD OF HEALTH,".

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

SB01-121 by Senator Taylor--Concerning continuation of the asbestos control program.
(Amended in Senate Journal on February 5, 2001, page 181.)

Amendment No. 2, Senator Hernandez.

Amend the committee amendment, as printed in Senate Journal, February 1, page 158, strike lines 53 through 64 and substitute the following:

"(1) (a) (I) "Area of public access" means, UNTIL THE COMMISSION ACTS PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), any building, facility, or property, or only that portion thereof, ~~which~~ THAT any member of the general public can enter without limitation or restriction by the owner or lessee under normal business conditions; except that "area of public access" includes A SINGLE-FAMILY RESIDENTIAL DWELLING AND any facility ~~which~~ THAT charges the general public a fee for admission, such as any theater or arena. For purposes of this subsection (1), "general public" does not include employees of the entity ~~which~~ THAT owns, leases, or operates such building, facility, or property, or such portion thereof, or any service personnel or vendors connected therewith.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE WHEN THE COMMISSION ACTS PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) "AREA OF PUBLIC ACCESS" SHALL HAVE THE MEANING, IN COMPLIANCE WITH SECTION 25-7-501 (1) AND THE INCLUSION OF CERTAIN SINGLE-FAMILY RESIDENTIAL DWELLINGS, AS DETERMINED BY THE COMMISSION ACTING BY RULE AFTER RECEIVING INPUT FROM STAKEHOLDERS."

Page 159, strike lines 1 and 2 and substitute the following:

"**SECTION 5.** 25-7-503 (1) (a) (IV), (1) (b) (I), and (1) (b) (III), Colorado Revised Statutes, are amended to read:";

after line 7, insert the following:

"(a) To promulgate rules and regulations pursuant to section 24-4-103, C.R.S., regarding the following, as are necessary to implement the provisions of this part 5 only for areas of public access:

(IV) Requirements for air pollution permits. ~~which~~ PERMITS shall be required for asbestos abatement projects in any building, facility, or structure, or any portion thereof, having public access; EXCEPT THAT THE REQUIREMENTS OF THIS SUBPARAGRAPH (IV) SHALL NOT APPLY TO ASBESTOS ABATEMENT PROJECTS PERFORMED BY AN INDIVIDUAL ON A SINGLE-FAMILY RESIDENTIAL DWELLING THAT IS THE INDIVIDUAL'S PRIMARY RESIDENCE.";

after line 12, insert the following:

"(I) Determination of the minimum scope of asbestos abatement

to which the provisions of this part 5 shall apply, but not less than:

(A) WITH REGARD TO ASBESTOS ABATEMENT PROJECTS ON A SINGLE-FAMILY RESIDENTIAL DWELLING, FIFTY LINEAR FEET ON PIPES OR THIRTY-TWO SQUARE FEET ON OTHER MATERIALS OR THE EQUIVALENT OF A FIFTY-FIVE-GALLON DRUM;

(B) WITH REGARD TO ASBESTOS ABATEMENT PROJECTS NOT SUBJECT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), two hundred sixty linear feet on pipes or one hundred sixty square feet on other materials or the equivalent of a fifty-five-gallon drum;"

after line 30, insert the following:

"SECTION 6. 25-7-504 (3), Colorado Revised Statutes, is amended to read:

25-7-504. Asbestos abatement project requirements - certification required for schools - certificate to perform asbestos abatement - certified trained persons. (3) THE REQUIREMENTS OF THIS SECTION SHALL APPLY TO ASBESTOS ABATEMENT ON A SINGLE-FAMILY RESIDENTIAL DWELLING; EXCEPT THAT the requirements of this section shall not apply to any individual who performs asbestos abatement on a single-family RESIDENTIAL dwelling which THAT is his THE INDIVIDUAL'S primary residence."

Renumber succeeding sections accordingly.

As amended, referred to the Committee on Appropriations.

SB01-022 by Senator Hagedorn; also Representative Snook--Concerning the licensure of addiction counselors.

Amendment No. 1, Health, Environment Children and Families Committee Amendment.
(Printed in Senate Journal, January 29, 2001, page 103.)

Amendment No. 2, Senator Hagedorn.

Amend printed bill, page 5, line 10, after "12-43-212," insert "12-43-222,".

Amendment No. 3, Senator Hagedorn.

Amend printed bill, page 6, after line 21, insert the following:

"(f) NOTHING IN THIS SUBSECTION (14) SHALL PRECLUDE OR ELIMINATE PROFESSIONAL PRACTICE BY A PERSON WHO IS CERTIFIED AS AN ALCOHOL COUNSELOR LEVEL I, II, OR III THAT IS WITHIN THE PERSON'S SCOPE OF PRACTICE."

Reletter succeeding paragraph accordingly.

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Second Reading--General Orders calendar (**SB01-034, SB01-159, SB01-136, SB01-092, SB01-051**) of Friday February 9, 2001 was laid over until Monday, February 12, 2001, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Reeves, 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:

Passed on Second Reading: **SB01-003** as amended, **SB01-118** as amended, **HB01-1267** as amended,**SB01-048** as amended, **SB01-102** as amended, **SB01-101** as amended, **SB01-022** as amended.

Referred to Committee on Appropriations: **SB01-121** as amended.

Laid Over till Monday, February 12, 2001: **SB01-001, HB01-1037, SB01-034, SB01-159, SB01-136, SB01-092, SB01-051.**

Laid over till Friday, February 16, 2001: **SB01-079**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions calendar (**SJR01-004, SJR01-005**) of Friday, February 9, 2001, was laid over until Monday, February 12, 2001, retaining its place on the calendar.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed:
SJR01-001, 002, 003, 006, 007, 008.
SR01-001, 002, 003, 004, 005, 006, 007, 008.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Appropriations After consideration on the merits, the committee recommends that **SB01-179** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations After consideration on the merits, the committee recommends that **SB01-180** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the consent calendar.

Amend printed bill, page 37, line 13, in the ITEM & SUBTOTAL column, strike "5,088,289" and substitute "5,138,289";

line 15, in the ITEM & SUBTOTAL column, strike "17,105,565" and substitute "18,339,519".

Page 38, line 6, in the TOTAL column, strike "35,454,572" and substitute "36,738,526", and in the CASH FUNDS EXEMPT column, strike "35,454,572" and substitute "36,738,526";

line 9, strike "\$6,500,914(T)" and substitute "\$7,784,868(T)".

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

Page 1, line 101, after "SUPPLEMENTAL" insert "APPROPRIATION".

Appropriations After consideration on the merits, the committee recommends that **SB01-181** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations After consideration on the merits, the committee recommends that **SB01-182** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations After consideration on the merits, the committee recommends that **SB01-183** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations After consideration on the merits, the committee recommends that **SB01-184** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations After consideration on the merits, the committee recommends that **SB01-185** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Appropriations	After consideration on the merits, the committee recommends that SB01-186 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the consent calendar.		1
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	Amend printed bill, page 15, line 1, in the ITEM & SUBTOTAL column, strike " 348,262 " and substitute "348,262" and, in the GENERAL FUND column, strike " 348,262 " and substitute "348,262";		5
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	strike line 2;		9
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	line 4, in the ITEM & SUBTOTAL column, strike "1,531,169" and substitute " 1,531,169 " and, in the GENERAL FUND column, strike "1,531,169" and substitute " 1,531,169 ";		11
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	after line 4, insert the following:		15
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	SUBTOTAL	FUND	17
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	"1,731,169	1,731,169".	20
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	After consideration on the merits, the committee recommends that SB01-187 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		25
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Appropriations	After consideration on the merits, the committee recommends that SB01-188 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		30
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Appropriations	After consideration on the merits, the committee recommends that SB01-189 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		34
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Appropriations	After consideration on the merits, the committee recommends that SB01-190 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		38
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Appropriations	After consideration on the merits, the committee recommends that SB01-191 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		42
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Appropriations	After consideration on the merits, the committee recommends that SB01-192 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the consent calendar.		46
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	After consideration on the merits, the committee recommends that SB01-192 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the consent calendar.		50
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	Amend printed bill, page 4, line 8, in the ITEM & SUBTOTAL column, strike "825,013" and substitute "817,592", and in the GENERAL FUND column, strike "284,036" and substitute "276,615";		54
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	line 10, in the ITEM & SUBTOTAL column, strike "1,010,058" and substitute "1,017,479", and in the GENERAL FUND column, strike "441,568" and substitute "448,989".		58
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Appropriations	After consideration on the merits, the committee recommends that SB01-193 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		61
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Appropriations	After consideration on the merits, the committee recommends that SB01-194 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		65
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	After consideration on the merits, the committee recommends that SB01-194 be referred favorably to the Committee of the Whole and be placed on the consent calendar.		69
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Appropriations	After consideration on the merits, the committee recommends that SB01-195 be referred favorably to the Committee of the Whole and be placed on the consent calendar.	1 2 3 4 5
Appropriations	After consideration on the merits, the committee recommends that SB01-196 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the consent calendar. Amend printed bill, page 11, line 5, in the ITEM & SUBTOTAL column, strike "6,500,914" and substitute "7,784,868", and in the GENERAL FUND column, strike "6,500,914" and substitute "7,784,868". Adjust affected totals accordingly.	6 7 8 9 10 11 12 13 14 15 16 17
Appropriations	After consideration on the merits, the committee recommends that SB01-197 be referred favorably to the Committee of the Whole and be placed on the consent calendar.	18 19 20 21 22
Appropriations	After consideration on the merits, the committee recommends that SB01-198 be referred favorably to the Committee of the Whole and be placed on the consent calendar.	23 24 25 26 27
Appropriations	After consideration on the merits, the committee recommends that SB01-199 be referred favorably to the Committee of the Whole and be placed on the consent calendar.	28 29 30 31 32
Judiciary	After consideration on the merits, the committee recommends that SB01-099 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation. Amend printed bill, page 4, line 4, strike "(a)"; line 5, strike "WILLFULLY" and substitute "INTENTIONALLY"; line 6, strike "USES,"; line 7, strike "GOODS" and substitute "MARKS, GOODS,"; strike lines 8 through 11 and substitute the following: "SERVICES THAT THE PERSON KNOWS ARE, BEAR, OR ARE IDENTIFIED BY ONE OR MORE COUNTERFEIT MARKS AND HAS POSSESSION, CUSTODY, OR CONTROL OF MORE THAN TWENTY-FIVE ITEMS BEARING A COUNTERFEIT MARK."; line 13, strike "CLASS 1 MISDEMEANOR" and substitute "CLASS 2 MISDEMEANOR"; line 14, strike "THE VIOLATION DOES NOT INVOLVE"; strike line 15 and substitute "AND THE"; strike lines 16 through 19 and substitute the following: "QUANTITY IS FEWER THAN ONE HUNDRED ITEMS BEARING A COUNTERFEIT MARK OR THE RETAIL VALUE OF THE GOODS OR SERVICES INVOLVED IS LESS THAN ONE THOUSAND DOLLARS; (II) A CLASS 1 MISDEMEANOR IF:"; line 27, strike "CLASS 5 FELONY" and substitute "CLASS 6 FELONY". Page 5, strike line 2 and substitute "THIS SECTION; OR"; strike lines 3 and 4;	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

SB01-099

line 5, strike "(C)" and substitute "(B)";

strike line 19 and substitute the following:

"(a) "COUNTERFEIT MARK" MEANS A MARK IDENTICAL TO OR SUBSTANTIALLY INDISTINGUISHABLE FROM";

line 22, after "AFFIXED", insert "OR DESIGNED TO BE AFFIXED".

Page 6, strike lines 7 through 27 and substitute the following:

"AGGREGATE QUANTITY OR RETAIL VALUE OF ALL MARKS, GOODS, AND SERVICES THAT ARE, BEAR, OR ARE IDENTIFIED BY COUNTERFEIT MARKS.

(c) "TRADEMARK" MEANS ANY TRADEMARK REGISTERED UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES."

Page 7, strike line 1;

line 2, strike "(5)" and substitute "(4)";

strike lines 5 through 16.

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the committee recommends that **SB01-104** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, strike lines 2 through 6 and substitute the following:

"(b) THE DISTRICT COURT SHALL ISSUE A STAY OF EXECUTION UPON A SHOWING OF REASONABLE GROUNDS FOR GRANTING THE STAY. A STAY OF EXECUTION MAY BE REQUESTED ONLY BY THE CONVICTED PERSON'S ATTORNEY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR AN ATTORNEY FOR THE STATE.";

after line 15, insert the following:

"(b) THE COLORADO MENTAL HEALTH INSTITUTE SHALL CREATE AND MAINTAIN A LIST OF LICENSED, QUALIFIED PSYCHIATRISTS AND PSYCHOLOGISTS WHO SHALL BE AVAILABLE TO PERFORM THE EXAMINATIONS REQUIRED PURSUANT TO THIS PART 3.";

line 16, strike "(b)" and substitute "(c)";

strike lines 17 and 18 and substitute the following:

"COURT SHALL APPOINT ONE OR MORE";

line 20, after "PERSON.", insert "THE COURT MAY SELECT ONE OR MORE LICENSED PSYCHIATRISTS FROM THE LIST PREPARED BY THE COLORADO MENTAL HEALTH INSTITUTE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) OR APPOINT ANOTHER QUALIFIED, LICENSED PHYSICIAN OR PSYCHIATRIST.";

line 23, strike "CHIEF MEDICAL OFFICER OF THE COLORADO" and substitute "APPOINTED PSYCHIATRIST,";

line 24, strike "MENTAL HEALTH INSTITUTE,";

line 27, strike "TEN" and substitute "THIRTY".

Page 7, strike lines 3 through 9 and substitute the following:

"SHALL BE CONDUCTED AT A DEPARTMENT OF CORRECTIONS FACILITY.";

line 25, strike "MAY" and substitute "SHALL".

SB01-104

Page 8, strike lines 3 through 6 and substitute the following:

"ARE FILED, THE COURT SHALL CONDUCT A HEARING WITHIN FIVE DAYS FOLLOWING THE COURT'S RECEIPT OF ANY REPORTS FROM APPOINTED EXPERTS. THE HEARING SHALL BE LIMITED TO THE SOLE ISSUE OF WHETHER";

line 12, strike "ANY" and substitute "EACH";

line 16, strike "ANY" and substitute "THE";

strike lines 21 through 24 and substitute the following:

"EXECUTED. IF THE RULING IS IN WRITTEN FORM, IT SHALL BE TRANSMITTED".

Page 9, after line 11, insert the following:

"(7) THE TIMEFRAMES SPECIFIED IN THIS SECTION SHALL APPLY ONLY IF THE MOTION FILED PURSUANT TO SECTION 16-8-303 IS FILED WITHIN ONE HUNDRED TWENTY DAYS PRIOR TO THE CONVICTED PERSON'S EXECUTION DATE. IN ALL OTHER CASES, THE COURT SHALL HEAR AND RULE ON THE MOTION AS EXPEDITIOUSLY AS POSSIBLE."

Page 10, strike lines 14 through 27 and substitute the following:

"16-8-306. Persons mentally incompetent to be executed - restoration to competency. (1) THE COURT MAY ORDER A RESTORATION HEARING AT ANY TIME ON ITS OWN MOTION, ON MOTION OF AN ATTORNEY FOR THE STATE, OR ON MOTION OF THE CONVICTED PERSON'S ATTORNEY. THE COURT SHALL ORDER A HEARING IF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS FILES A REPORT THAT THE CONVICTED PERSON IS NO LONGER MENTALLY INCOMPETENT TO BE EXECUTED.

(2) AT THE HEARING, IF THE QUESTION IS CONTESTED, THE BURDEN OF SUBMITTING EVIDENCE AND THE BURDEN OF PROOF BY CLEAR AND CONVINCING EVIDENCE SHALL BE UPON THE PARTY ASSERTING THAT THE CONVICTED PERSON IS MENTALLY COMPETENT TO BE EXECUTED.

(3) AT THE HEARING, THE COURT SHALL DETERMINE WHETHER THE CONVICTED PERSON IS MENTALLY COMPETENT TO BE EXECUTED AND, IF SO, SHALL ORDER THAT THE EXECUTION BE CONDUCTED ACCORDING TO THE ORIGINAL WARRANT ISSUED PURSUANT TO SECTION 16-11-403, IF UNEXPIRED, OR SHALL ISSUE A NEW WARRANT APPOINTING A TIME FOR EXECUTION OF THE JUDGMENT."

Strike page 11.

Page 12, strike lines 1 through 20;

line 22, strike "THREE" and substitute "FIVE WORKING".

Page 13, line 4, strike "THREE" and substitute "FIVE WORKING".

Judiciary

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

MEMBER OF THE
STATE BOARD OF PAROLE

for a term expiring July 1, 2003:

Larry J. Schwarz of Wetmore, Colorado, to serve as a representative of the public and as a Republican, reappointed.

Judiciary

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

MEMBERS OF THE
JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Arti W. Jackson of Golden, Colorado, to fill the vacancy occasioned by the resignation of David C. Pimentel and to serve as a representative of the Department of Education, appointed;

Michael Thomas Jones of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael J. McArdle and to serve as a representative of the Department of Labor and Employment, appointed.

Sheriff George E. Epp of Boulder, Colorado, to serve as a local elected official and as a Democrat, appointed.

Patricia Carol Grisanti of Denver, Colorado, to serve as a representative of the Department of Public Safety and as a Democrat, appointed.

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

EXECUTIVE DIRECTOR
OF THE
DEPARTMENT OF PUBLIC SAFETY

effective August 15, 2000, for a term expiring at the pleasure of the Governor:

C. Suzanne Mencer of Littleton, Colorado, to replace Aristedes W. Zavaras who resigned, appointed.

Health, After consideration on the merits, the committee recommends that **SB01-114** be referred
Environment, favorably to the Committee of the Whole.
Children
and Families

Health, After consideration on the merits, the committee recommends that **SB01-010** be postponed
Environment, indefinitely.
Children
and Families

Health, After consideration on the merits, the committee recommends that **SB01-012** be amended
Environment, as follows and, as so amended be referred to the Committee on Appropriations with
Children favorable recommendation.
and Families

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

"SECTION 1. Part 1 of article 1 of title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

19-1-125. Family stabilization services. (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ASSIST IN THE PROVISION OF APPROPRIATE AND NECESSARY SHORT-TERM SERVICES TO HELP STABILIZE FAMILIES THAT ARE AT RISK OF HAVING THEIR CHILDREN PLACED IN OUT-OF-HOME PLACEMENT WHEN THOSE FAMILIES VOLUNTARILY REQUEST SUCH SERVICES.

(2) THE MONEYS IDENTIFIED IN SECTION 13-32-101 (1) (a), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FAMILY STABILIZATION SERVICES FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT

SB01-012

FOR ALLOCATION TO COUNTY DEPARTMENTS FOR THE PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(3) COUNTY DEPARTMENTS SHALL USE ANY MONEYS ALLOCATED PURSUANT TO THIS SECTION TO PROVIDE FOR FAMILY STABILIZATION SERVICES, DEFINED BY RULE OF THE STATE BOARD, THAT MAY INCLUDE BUT NOT BE LIMITED TO:

(a) LESS THAN TWENTY-FOUR-HOUR RESPITE CARE FOR PARENTS AND CHILDREN;

(b) IN-HOME SERVICES THAT MAY INCLUDE KINSHIP CARE AND COUNSELING; OR

(c) SERVICES THAT ASSIST THE FAMILY TO REINTEGRATE FOLLOWING A SEPARATION OR OUT-OF-HOME PLACEMENT.

SECTION 2. 26-5-104 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-5-104. Funding of child welfare services. (3) Allocation formula. (e) A COUNTY'S COST SAVINGS SHALL NOT BE THE BASIS OF AN ADJUSTMENT TO THE FORMULA FOR DEVELOPING SUCH COUNTY'S CAPPED OR TARGETED ALLOCATION UNDER THE PROVISIONS OF THIS ARTICLE.

SECTION 3. 26-6-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-102. Definitions. As used in this article, unless the context otherwise requires:

(11) "THERAPEUTIC SERVICES" MEANS A PROGRAM OF FOSTER CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH SPECIALLY TRAINED FOSTER PARENTS.

SECTION 4. 26-6-106 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-6-106. Standards for facilities and agencies. (2) Standards prescribed by such rules shall be restricted to:

(q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS, WHICH SHALL INCLUDE, AT A MINIMUM:

(A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE MONTHS AFTER SUCH PLACEMENT;

(B) TWELVE HOURS PER YEAR OF CONTINUING TRAINING FOR FOSTER CARE PARENTS;

(C) IN ADDITION TO THE HOURS DESCRIBED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), TWELVE HOURS PER YEAR FOR FOSTER CARE PARENTS PROVIDING THERAPEUTIC SERVICES.

(II) THE TRAINING DESCRIBED IN SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (q) MAY INCLUDE IN-HOME TRAINING.

(III) THE DEPARTMENT SHALL CONSULT WITH COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING SUCH STANDARDS IN ORDER TO INSURE A MORE UNIFORM APPLICATION THROUGHOUT THE STATE.

SB01-012

SECTION 5. 26-6-108, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (5) (a) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 1 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE MAY CHOOSE, AS A MATTER OF POLICY, TO PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (5) AS A PREFERENCE OVER PLACEMENT IN A FOSTER CARE HOME.

(b) A CHILD PLACEMENT AGENCY MAY PLACE OR CAUSE TO BE PLACED A CHILD IN THE HOME OF A RELATIVE OF THE CHILD PURSUANT TO THIS SUBSECTION (5) ONLY WHEN:

(I) THE OWNER OR LESSEE OF THE RESIDENCE OR THAT PERSON’S SPOUSE IS RELATED TO SUCH CHILD; AND

(II) THE HOME IS CERTIFIED AS A FOSTER CARE HOME PURSUANT TO THIS PART 1.

SECTION 6. 13-32-101 (1) (a), Colorado Revised Statutes, is amended to read:

13-32-101. Docket fees in civil actions - support registry fund created - repeal. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a) By the petitioner in a proceeding for dissolution of marriage, legal separation, or declaration of invalidity of marriage and by the petitioner in an action for a declaratory judgment concerning the status of marriage, a fee of ninety dollars; fifteen dollars of such fee shall be transmitted to the state treasurer for deposit in the Colorado children's trust fund, created in section 19-3.5-106, C.R.S., AND THE REMAINDER SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE FAMILY STABILIZATION SERVICES FUND, CREATED IN SECTION 19-1-125, C.R.S.;

SECTION 7. 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,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-013** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 1, after "AGENCY", insert "OR A RESIDENTIAL CHILD CARE FACILITY AS DEFINED IN SECTION 26-6-102 (8), C.R.S."

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-096** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 4, strike "**Health and medical**" and substitute "**Mental health**";

line 5, strike "(1)";

line 8, strike the first "HEALTH AND MEDICAL" and substitute "MENTAL HEALTH" and strike the second "HEALTH AND MEDICAL" and substitute

SB01-096

"COMPREHENSIVE MENTAL HEALTH CARE SERVICES";
line 9, strike "CARE";
line 10, strike "HEALTH AND" and substitute "MENTAL HEALTH";
line 11, strike "MEDICAL";
line 16, strike "HEALTH AND MEDICAL" and substitute "MENTAL HEALTH";
line 17, strike "A BASIC, PREDEFINED SET OF SERVICES" and substitute
"COMPREHENSIVE MENTAL HEALTH CARE SERVICES AS DEFINED BY THE
DEPARTMENT OF HEALTH CARE POLICY AND FINANCING";
line 18, strike "ESSENTIAL" and substitute "PROVIDERS";
strike line 19.
Page 3, line 2, strike "HEALTH AND MEDICAL" and substitute "MENTAL
HEALTH";
line 3, strike "BASIC PREDEFINED" and substitute "MENTAL HEALTH CARE";
line 4, strike "HEALTH AND MEDICAL" and substitute "MENTAL HEALTH";
line 5, strike "MANAGED CARE ORGANIZATIONS OR ESSENTIAL" and
substitute "THE";
line 6, strike "COMMUNITY";
line 7, strike "MANAGED CARE" and substitute "PROVIDERS";
strike line 8 and substitute "TO PROVIDE SERVICES UNDER THE MENTAL
HEALTH";
line 9, strike "HEALTH AND MEDICAL" and substitute "MENTAL HEALTH";
line 11, strike "HEALTH AND MEDICAL" and substitute "MENTAL HEALTH";
strike lines 13 through 18.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-014** 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 "PARAGRAPH" and substitute
"PARAGRAPHS";

strike lines 19 through 24 and substitute the following:

"(h) ESTABLISH AND ENFORCE STANDARDS FOR CERTIFICATION OF
FOSTER CARE HOMES BY COUNTY DEPARTMENTS OF SOCIAL SERVICES AND
BY CHILD PLACEMENT AGENCIES AS SET FORTH IN SECTION 26-6-117 BASED
UPON NATIONAL STANDARDS FOR FOSTER CARE SERVICES.

(i) ESTABLISH AND ENFORCE STANDARDS FOR THE ACCREDITATION
OF COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES FOR
PURPOSES OF FOSTER CARE SERVICES, AS DEFINED IN SECTION 26-6-102
(4.7), BASED UPON ACCREDITATION STANDARDS OF A NATIONALLY
RECOGNIZED ACCREDITING BODY OF CHILD WELFARE AND SOCIAL SERVICE
ORGANIZATIONS.";

line 25, strike "(1), (1.3), (4.5), and (5.5)," and substitute "(1) and (1.3),".

Page 4, strike lines 4 through 14 and substitute the following:

"(1) "ACCREDITATION" MEANS RECOGNITION BY THE DEPARTMENT
THAT A COUNTY DEPARTMENT OF SOCIAL SERVICES PROVIDING FOSTER
CARE SERVICES OR A CHILD PLACEMENT AGENCY THAT CONTRACTS WITH

SB01-014

A COUNTY DEPARTMENT OF SOCIAL SERVICES TO PROVIDE FOSTER CARE SERVICES MEETS THE REQUIREMENTS ESTABLISHED BY THIS PART 1 FOR ACCREDITATION FOR THE PROVISION OF FOSTER CARE SERVICES.

(1.1) "ACCREDITATION CONTRACT" MEANS THE AGREEMENT BETWEEN THE STATE BOARD AND A COUNTY DEPARTMENT TO COMPLY WITH THE ACCREDITATION STANDARDS AND TO MANAGE THE CERTIFICATION OF FOSTER CARE HOMES WITHIN SUCH COUNTY, CONSISTENT WITH THE RULES OF THE STATE BOARD ON CERTIFICATION OF FOSTER CARE HOMES.";

line 21, strike "(a) PRIOR TO JANUARY 1, 2002, "certification"" and substitute "Certification";

line 23, after the period add ""CERTIFICATION" BY A CHILD PLACEMENT AGENCY, FOR PURPOSES OF THIS PART 1, SHALL BE CONSIDERED LICENSURE.";

strike lines 24 and 25.

Page 5, strike lines 3 through 27 and substitute the following:

"(4.7) "FOSTER CARE SERVICES" MEANS THE PLACEMENT OF CHILDREN IN COUNTY FOSTER CARE HOMES AND THE PLACEMENT OF CHILDREN IN FOSTER CARE HOMES CERTIFIED BY CHILD PLACEMENT AGENCIES.".

Page 6, strike lines 1 through 20.

Renumber succeeding sections accordingly.

Page 6, line 21, strike "26-6-104 (1)," and substitute "26-6-104,";

line 22, strike "amended, and the said 26-6-104 is further amended" and substitute "amended";

line 23, strike the comma after "SUBSECTION";

line 24, strike "**consent - repeal.**" and substitute "**consent.**";

strike lines 25 through 27.

Strike page 7.

Page 8, strike lines 1 through 11.

Page 9, strike lines 12 through 27.

Strike pages 10 and 11.

Page 12, strike lines 1 through 17.

Renumber succeeding sections accordingly.

Page 12, strike lines 25 through 27.

Page 13, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Page 13, strike lines 17 through 27 and substitute the following:

"26-6-117. Accreditation standards for county departments and child placement agencies - accreditation contracts - corrective action cycles - rules. (1) (a) NO LATER THAN JANUARY 1, 2003, THE STATE BOARD SHALL ESTABLISH BY RULE ACCREDITATION STANDARDS FOR ASSESSING THE QUALITY AND PERFORMANCE OF FOSTER CARE IN FOSTER CARE HOMES CERTIFIED BY COUNTY DEPARTMENTS OR BY CHILD PLACEMENT AGENCIES. THE STATE BOARD SHALL EITHER BASE SUCH STANDARDS UPON OR SHALL ADOPT THE ACCREDITATION STANDARDS OF A NATIONALLY RECOGNIZED ACCREDITING BODY OF CHILD WELFARE AND

SB01-014

SOCIAL SERVICES ORGANIZATIONS. THE STATE BOARD IS AUTHORIZED TO CONTRACT WITH SUCH ACCREDITING BODY TO ACCREDIT COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES BASED UPON THE ACCREDITATION STANDARDS. AN ACCREDITATION THAT IS ISSUED PURSUANT TO THIS SECTION SHALL BE VALID FOR NO LONGER THAN FOUR YEARS."

Page 14, strike lines 1 through 3.

Page 15, line 1, strike "ADOPTION OF" and substitute "THE";

line 2, strike "ACCREDITED" and substitute "CERTIFIED";

line 4, strike "ADOPTION OF" and substitute "THE";

line 5, strike "ACCREDITED" and substitute "CERTIFIED";

strike lines 8 through 11 and substitute the following:

"(IV) IF THE COUNTY DEPARTMENT CONTRACTS WITH A CHILD PLACEMENT AGENCY TO PROVIDE FOSTER CARE SERVICES IN THAT COUNTY, THE CHILD PLACEMENT AGENCY MUST BE ACCREDITED AND THE FOSTER CARE HOMES, CERTIFIED BY THE CHILD PLACEMENT AGENCY, MUST MEET THE CERTIFICATION STANDARDS FOR THE DELIVERY OF FOSTER CARE SERVICES;".

Page 16, strike lines 3 through 16 and substitute the following:

"(b) **Level two: Fines.** PURSUANT TO RULES ESTABLISHED BY THE STATE BOARD, THE STATE BOARD SHALL ASSESS FINES, BASED UPON THE SEVERITY OF THE VIOLATIONS INVOLVED, IF THE COUNTY DEPARTMENT FAILS TO IMPLEMENT THE PLAN SUBMITTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3). FINES SHALL CONSTITUTE LEVEL TWO IN THE CORRECTIVE ACTION CYCLE. THE RULES OF THE STATE BOARD SHALL INCLUDE A PROCESS FOR A COUNTY DEPARTMENT'S RIGHT TO A HEARING BEFORE THE STATE BOARD IN ORDER TO DETERMINE WHETHER THE COUNTY DEPARTMENT HAD IMPLEMENTED THE PLAN PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3).";

line 18, strike "DIVISION" and substitute "DEPARTMENT";

strike line 27.

Strike page 17.

Page 18, strike lines 1 through 27 and substitute the following:

"26-6-118. Certification standards for foster care homes - rules. (1) ON OR BEFORE JANUARY 1, 2003, THE STATE BOARD SHALL PROMULGATE RULES SETTING STANDARDS FOR THE CERTIFICATION OF FOSTER CARE HOMES BY COUNTY DEPARTMENTS OF SOCIAL SERVICES AND FOR THE CERTIFICATION OF FOSTER CARE HOMES BY CHILD PLACEMENT AGENCIES BASED UPON NATIONAL STANDARDS FOR FOSTER CARE SERVICES. SUCH RULES SHALL APPLY TO ANY NEW FOSTER CARE HOMES THAT ARE CERTIFIED OR LICENSED ON OR AFTER JANUARY 1, 2003. BETWEEN JANUARY 1, 2003, AND JANUARY 1, 2005, THE DEPARTMENT SHALL PHASE-IN THE APPLICATION OF SUCH RULES TO ANY FOSTER CARE HOMES THAT HAVE BEEN CERTIFIED OR LICENSED PRIOR TO JANUARY 1, 2003.

(2) THE CERTIFICATION BOARD SHALL PERIODICALLY REVIEW THE RULES AND THE STANDARDS FOR CERTIFICATION OF FOSTER CARE HOMES AND MAY REVIEW SUCH RULES AND STANDARDS AS NECESSARY."

Strike pages 19 through 21.

Page 22, strike lines 1 through 9.

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Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-109** 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.** 42-7-608, Colorado Revised Statutes, is amended to read:

42-7-608. Review by department of regulatory agencies - repeal. (1) The department of regulatory agencies shall review the operation and performance of the motorist insurance identification database program pursuant to section 24-34-104, C.R.S., to determine whether the number of uninsured motorist claims reported by insurers had declined between July 1, ~~1997~~ 2000, and the date of the review and shall submit a report of its findings to the general assembly no later than October 15, ~~1999~~ 2002. The department of regulatory agencies shall make copies of its report available to each member of the general assembly.

(2) This section is repealed, effective July 1, ~~2001~~ 2003.

SECTION 2. 42-7-609, Colorado Revised Statutes, is amended to read:

42-7-609. Repeal of sections. Sections 42-7-603 to 42-7-609 are repealed, effective July 1, ~~2001~~ 2003, unless the review conducted by the department of regulatory agencies pursuant to section 42-7-608 and reported to the general assembly indicates that the number of uninsured motorist claims reported by insurers declined between July 1, ~~1997~~ 2000, and the date of the department's review.

SECTION 3. 10-4-615 (4) (a) and (6), Colorado Revised Statutes, are amended to read:

10-4-615. Motorist insurance identification database program - reporting required - fine. (4) (a) The department of revenue shall assess a fine of not more than two hundred fifty dollars against an insurer for each day such insurer fails to comply with this section ~~OR WITH RULES PROMULGATED PURSUANT TO SECTION 42-7-604 (8), C.R.S.~~

(6) This section is repealed, effective July 1, ~~2001~~ 2003, unless the review conducted by the department of regulatory agencies pursuant to section 42-7-608, C.R.S., and reported to the general assembly indicates that the number of uninsured motorist claims reported by insurers declined between July 1, ~~1997~~ 2000, and the date of the department's review.

SECTION 4. Repeal. 24-34-104 (30) (a) (VI), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (30) (a) The following functions of the specified agency shall terminate on July 1, 2001:

(VI) ~~The motorist insurance identification database program created in section 10-4-615, C.R.S., as conducted by the department of revenue.~~

SECTION 5. 24-34-104 (32.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (32.5) The following agencies, functions, or both, shall terminate on July 1, 2003:

(g) THE MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM CREATED IN SECTION 42-7-604, C.R.S.

SB01-109

SECTION 6. 10-4-726, Colorado Revised Statutes, is amended to read:

10-4-726. Repeal of part. This part 7 is repealed, effective July 1, 2001 2002.

SECTION 7. The introductory portion to 42-7-605 (1), Colorado Revised Statutes, is amended to read:

42-7-605. Notice of lack of financial responsibility. (1) If the comparison made pursuant to section 42-7-604 (6) (b) shows that a motor vehicle has not been insured for three consecutive months, the department of revenue shall direct the designated agent to notify the owner of the motor vehicle that said owner has forty-five days to provide the designated agent with one of the following, or said owner's license plates REGISTRATION will be subject to immediate seizure ADMINISTRATIVE SUSPENSION after the expiration of said forty-five day period:

SECTION 8. 42-3-134 (1) (c) and (26) (d), Colorado Revised Statutes, are amended to read:

42-3-134. Registration fees - passenger and passenger-mile taxes. (1) (c) This subsection (1) is repealed, effective July 1, 2001 2003, unless the review conducted by the department of regulatory agencies pursuant to section 42-7-608 and reported to the general assembly indicates that the number of uninsured motorist claims reported by insurers declined between July 1, 1997 2000, and the date of the department's review.

(26) (d) (I) Effective September 1, 1997, in addition to any other fee imposed by this section, there shall be collected, at the time of registration of any motor vehicle in the state, a motorist insurance identification fee. Such fee shall be adjusted annually by the department of revenue, based upon moneys appropriated by the general assembly for the operation of the motorist insurance identification database program. In no event shall such fee exceed one dollar. Such fee shall be transmitted to the state treasurer, who shall credit the same to a special account within the highway users tax fund, to be known as the motorist insurance identification account, which is hereby created. Moneys in the motorist insurance identification account shall be used, subject to appropriation by the general assembly, to cover the costs of administration and enforcement of the motorist insurance identification database program, created in section 42-7-604; EXCEPT THAT ANY MONEYS IN THE FUND NOT NEEDED FOR SUCH PURPOSE SHALL ANNUALLY BE TRANSFERRED TO THE MOTOR VEHICLE INSURANCE ASSISTANCE FUND CREATED IN SECTION 26-2-724, C.R.S. TRANSFERS MADE PURSUANT TO THIS SUBPARAGRAPH (I) SHALL NOT BE DEEMED TO BE AN ENTITLEMENT TO ANY POTENTIAL RECIPIENT OF MONEYS FROM THE MOTOR VEHICLE INSURANCE ASSISTANCE FUND.

(II) This paragraph (d) is repealed, effective July 1, 2001 2003, unless the review conducted by the department of regulatory agencies pursuant to section 42-7-608 and reported to the general assembly indicates that the number of uninsured motorist claims reported by insurers declined between July 1, 1997 2000, and the date of the department's review.

SECTION 9. Part 7 of article 2 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-2-724. Motor vehicle insurance assistance fund - rules. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE MOTOR VEHICLE INSURANCE ASSISTANCE FUND, TO CONSIST OF MONEYS TRANSFERRED PURSUANT TO SECTION 42-3-134 (26) (d) (I), C.R.S. MONEYS IN AND INTEREST EARNED ON DEPOSITS OF THE FUND SHALL NOT REVERT TO THE GENERAL FUND.

(2) THE STATE BOARD SHALL PROMULGATE RULES GOVERNING THE ALLOCATION TO THE COUNTIES FOR GRANTS TO BE MADE BY COUNTIES FROM THE FUND. SUCH RULES SHALL SPECIFY THAT:

SB01-109

- (a) RECIPIENTS OF GRANTS MADE PURSUANT TO THIS SECTION SHALL BE A FAMILY OR AN INDIVIDUAL TRANSITIONING OFF THE WORKS PROGRAM;
- (b) THE GRANTS SHALL BE USED SOLELY FOR THE PURPOSE OF PURCHASING MOTOR VEHICLE INSURANCE; AND
- (c) GRANTS PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE AN ENTITLEMENT TO ANY RECIPIENT OF MONEYS FROM THE FUND.

SECTION 10. 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.".

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-039** be postponed indefinitely.

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-149** 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 "~~and~~" substitute "and";
- line 2, strike "AND ANY NEW STATE EMPLOYEE";
- strike line 3;
- line 4, strike "24-54.7-109,".
- Page 4, line 1, strike "(a)," and substitute "(a) and (2) (b)," and strike "is" and substitute "are";
- after line 12, insert the following:
- "(b) Any eligible employee who is a member or inactive member of the association at the time such employee is initially appointed to or initially holds an eligible position may, as long as such employee remains employed in such position, make a one-time irrevocable written election during the ~~months~~ MONTH of January ~~and February~~ of each year to participate in a defined contribution plan in which the employee is eligible to participate pursuant to the provisions of this article. In the absence of such written election, such person shall be a member of the association.";
- strike lines 13 through 27.
- Page 5, strike lines 1 through 20 and substitute the following:
- "**SECTION 5.** Part 6 of article 51 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-51-614. Actuarial study. (1) THE STATE AUDITOR SHALL CONDUCT A COMPREHENSIVE STUDY OF DEFINED BENEFIT AND DEFINED CONTRIBUTION RETIREMENT PLAN DESIGNS FOR STATE EMPLOYEES AND FOR OTHER EMPLOYEES WHO ARE MEMBERS OF THE ASSOCIATION OR ELIGIBLE TO BE MEMBERS. THE STUDY SHALL INCLUDE A COMPARISON OF THE BENEFITS, COST, AND PORTABILITY OF ASSOCIATION BENEFITS WITH THE BENEFITS, COST, AND PORTABILITY OF BENEFITS PROVIDED BY OTHER DEFINED BENEFIT AND DEFINED CONTRIBUTION RETIREMENT PLANS FOR PUBLIC AND PRIVATE SECTOR EMPLOYEES IN COLORADO AND OTHER STATES, INCLUDING SOCIAL SECURITY, AND A REVIEW OF THE EFFECTIVENESS OF RETIREMENT PLAN DESIGNS FOR ATTRACTING AND RETAINING QUALIFIED STATE AND SCHOOL EMPLOYEES. THE STUDY SHALL ALSO INCLUDE ANY TOPICS RECOMMENDED BY THE BOARD FOR THE STUDY.

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(2) THE STATE AUDITOR SHALL CONTRACT WITH A PROFESSIONAL ACTUARIAL OR PENSION CONSULTING FIRM OF NATIONAL STANDING TO PERFORM DUTIES IN CONNECTION WITH THE STUDY. THE EXPENSES OF THE FIRM, AS APPROVED BY THE STATE AUDITOR, SHALL BE PAID BY THE ASSOCIATION.

(3) THE STATE AUDITOR SHALL COMPLETE THE STUDY NO LATER THAN DECEMBER 1, 2001, AND FILE COPIES OF THE REPORT WITH THE LEGISLATIVE AUDIT COMMITTEE AND THE BOARD."

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After consideration on the merits, the committee recommends that **SB01-072** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend page 3, line 19, after "(1)", insert "(a)";
after line 20, insert the following:

"(b) "EMPLOYEE" DOES NOT MEAN:

- (I) AN EMPLOYEE OF THE OFFICE OF STATE PLANNING AND BUDGETING, THE OFFICE OF THE STATE AUDITOR, AND THE DEPARTMENT OF PERSONNEL;
- (II) AN ELECTED OFFICIAL OR MEMBER OF THE GENERAL ASSEMBLY; AND
- (III) THE EXECUTIVE DIRECTORS AND BUDGET OFFICERS OF PRINCIPAL DEPARTMENTS AND THEIR DEPUTIES AND THE PRESIDENTS OF ANY COLLEGE OR UNIVERSITY AND THEIR DEPUTIES."

Page 4, line 8, after "8.", add "THE STATE PERSONNEL DIRECTOR SHALL DEVELOP A SCHEDULE FOR STATE AGENCIES TO FOLLOW IN ESTABLISHING EMPLOYEE INCENTIVE PROGRAMS AND SAID SCHEDULE SHALL REQUIRE THE ESTABLISHMENT OF THE EMPLOYEE INCENTIVE PROGRAMS WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS ACT.";

line 12, strike "LABOR-MANAGEMENT COOPERATION COUNCIL" and substitute "EMPLOYEE INCENTIVE COMMITTEE".
Page 5, line 8, strike "ANY" and substitute "EACH";
strike line 9;
line 10, strike "SECTION";
after line 13, insert the following:

"(4) NO EMPLOYEE SHALL BE DISCIPLINED FOR INITIATING OR PARTICIPATING IN AN INNOVATIVE PROGRAM OR PROJECT PURSUANT TO AN EMPLOYEE INCENTIVE PROGRAM.

(5) THE STATE PERSONNEL BOARD SHALL PROVIDE BY RULE THAT ANY EMPLOYEE WHO INITIATES OR PARTICIPATES IN AN INNOVATIVE PROGRAM OR PROJECT PURSUANT TO AN EMPLOYEE INCENTIVE PROGRAM THAT RESULTS IN THE ABOLISHMENT OF THAT EMPLOYEE'S JOB SHALL BE OFFERED A VACANT POSITION IN THE STATE PERSONNEL SYSTEM THAT IS AT THE SAME GRADE OR A HIGHER GRADE AS THE JOB ABOLISHED AND FOR WHICH THE EMPLOYEE MEETS THE EDUCATION AND EXPERIENCE REQUIREMENTS WHEN SUCH POSITION IS AVAILABLE.";

line 14, strike "Labor-management cooperation councils" and substitute "Employee incentive committees";

line 16, strike "A LABOR-MANAGEMENT COOPERATION COUNCIL" and substitute "AN EMPLOYEE INCENTIVE COMMITTEE";

line 19, strike "COUNCIL" and substitute "COMMITTEE" and strike "PRIMARILY";

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line 21, strike "COUNCIL" and substitute "COMMITTEE";

line 24, strike "COUNCIL" and substitute "COMMITTEE";

line 26, strike "COUNCIL" and substitute "COMMITTEE";

line 27, strike "MONTHLY." and substitute "QUARTERLY.".

Page 6, line 2, strike "ANY" and substitute "SUBJECT TO THE LIMITATION SET FORTH IN SUBSECTION (6) OF THIS SECTION, ANY";

line 5, before "COST", insert "FULL";

strike line 20 and substitute the following:

"PERSONNEL DIRECTOR; EXCEPT THAT:

(I) THE TOTAL AMOUNT OF ANY BONUS";

line 23, strike "SALARY." and substitute "SALARY; AND";

after line 23, insert the following:

"(II) NO BONUS SHALL BE AWARDED TO ANY EMPLOYEE WHO IS A SUPERVISOR OR DIVISION HEAD OR WHO CONTROLS AND IS WHOLLY RESPONSIBLE FOR THE OPERATIONS OF AN OFFICE OR DIVISION FOR WHICH THE COST SAVINGS ARE ACHIEVED.".

Page 7, after line 18, insert the following:

"(6) NO STATE AGENCY SHALL RETAIN COST SAVINGS THAT EXCEED FIVE MILLION DOLLARS.".

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After consideration on the merits, the committee recommends that **SB01-008** be postponed indefinitely.

MESSAGE FROM THE HOUSE

February 9, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1006.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1061, amended as printed in House Journal, February 8, page 323.
HB01-1136, amended as printed in House Journal, February 8, page 324.
HB01-1171, amended as printed in House Journal, February 8, page 324.
HB01-1185, amended as printed in House Journal, February 8, page 324.
HB01-1084, amended as printed in House Journal, February 8, page 324.
HB01-1133, amended as printed in House Journal, February 8, pages 324-325.
HB01-1154, amended as printed in House Journal, February 8, page 325.
HB01-1091, amended as printed in House Journal, February 8, pages 325-326.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1006.

without comment, as amended, HB01-1061, 1084, 1091, 1133, 1136, 1154, 1171, and 1185.

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, February 12, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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