

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

Sixty-third Legislative Day Tuesday, March 13, 2001

Prayer By the chaplain, Pastor Shirley Riggs, United Methodist Church.

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

Roll Call Present--Total, 32.  
Absent/Excused--Perlmutter, Phillips, Thiebaut--Total 3.  
Present later--Perlmutter, Phillips, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Monday, March 12, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

**SENATE SERVICES REPORT**

Senate Services Correctly printed: SB01-208, SJR01-019.

Correctly reengrossed: SB01-035, 073.

Correctly rerevised: HB01-1265, 1023, 1095, 1056, 1128, 1073.

Correctly revised: HJR01-1010, HB01-1251, 1304, 1335, 1228, 1215, 1222 1030, 1034, 1076, 1152, 1211.

**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Appropriations After consideration on the merits, the committee recommends that **SB01-148** be amended as follows.

Amend printed bill, page 65, line 12, strike "MUNICIPALITY" and substitute "MUNICIPALITY, NEIGHBORING COMMUNITY,";

line 15, strike "MUNICIPALITY" and substitute "MUNICIPALITY, NEIGHBORING COMMUNITY,";

line 17, after "MUNICIPALITY," insert "NEIGHBORING COMMUNITY,".

**THIRD READING--FINAL PASSAGE OF BILLS--  
CONSENT CALENDAR**

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

**HB01-1251** by Representative Hodge; also Senator McElhany--Concerning replacement of the standard industrial classification coding system with the North American industry classification coding system.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

**HB01-1251** A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

**HB01-1304** by Representative Cadman; also Senator Takis--Concerning the statute of limitations relating to claims for refund or credit of income tax.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

**HB01-1335** by Representatives Snook and Williams T.; also Senator Dennis--Concerning the liabilities of insurers in the context of insolvency proceedings.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

**HB01-1228** by Representative Kester; also Senator Fitz-Gerald--Concerning the expulsion of credit union members for cause.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Nichol, Tupa.

**HB01-1215** by Representative White; also Senator Anderson--Concerning a limitation on information in school reports concerning the percentage of teachers teaching in a subject in which the teacher received a degree.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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**HB01-1215**

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Tupa.

**HB01-1222**

by Representatives Hefley, King and Spence; also Senator Anderson--Concerning the replacement of information on student drop out rates with information on school attendance rates in reports for elementary schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Tupa, Windels.

**THIRD READING--FINAL PASSAGE OF BILLS**

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

**HB01-1030**

by Representatives Young and Miller; also Senators Reeves, Anderson, Linkhart, Taylor, and Windels--Concerning periodic adjustment of the annual salaries of the commissioners of the public utilities commission based on an objective standard.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	E	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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

**HB01-1034**

by Representative White; also Senator Hagedorn--Concerning amendments to the "Colorado Auto Accident Reparations Act", and, in connection therewith, consolidating the definition of a resident relative and clarifying the types of insurance policies.

The question being "Shall the bill pass?", the roll call was taken with the following result:

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**HB01-1034**

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	N	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	E	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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

**HB01-1076**

by Representative Marshall; also Senator Hernandez--Concerning the requirement that applicants for a license to practice podiatry complete an approved residency.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hanna.

**HB01-1152**

by Representative Vigil; also Senator Hagedorn--Concerning alternatives to nursing facility care, and, in connection therewith, encouraging relative personal care.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer (Arapahoe), Epps, Fitz-Gerald, Hanna, Hernandez, Linkhart, Musgrave, Nichol, Pascoe, Tate, Taylor, Tupa, Windels.

**HB01-1211**

by Representative Johnson; also Senator Matsunaka--Concerning the modification of land use requirements for cluster developments.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

**HB01-1211** A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 1  
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Co-sponsors added: Hernandez, Hillman, McElhany, Musgrave. 3  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments. The Governor's Appointments Calendar of Tuesday, March 13, 2001 was laid over until Friday, March 16, 2001, retaining its place on the calendar. 5  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 13, 2001, was laid over until Wednesday, March 14, 2001, retaining its place on the calendar. 11  
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General Orders--Second Reading of Bills--**HB01-1124, HB01-1187, HB01-1323, HB01-1113, SB01-205, HB01-1078, HB01-1281, HB01-1238, HB01-1236.** 16  
17  
Consideration of Resolutions--**SJR01-012, HJR01-1014, SJR01-013, SJR01-019.** 18  
Consideration of House Amendments to Senate Bills: **SB01-015, SB01-090, SB01-025, SB01-043, SB01-022.** 19  
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**TRIBUTES--A POINT OF INTEREST** 21  
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Honoring Herman Frederick Enninga by Senator Musgrave 23  
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Honoring Peter Sawtell by Senator Linkhart 25  
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Honoring Matthew Bates by Senator Arnold 27  
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Honoring Benjamin Miceli by Senator Arnold 29  
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Honoring Anthony Shepherd by Senator Arnold 31  
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Honoring Erie High School Lady Tigers Softball team by Senator Phillips 33  
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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, March 14, 2001. 37  
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Approved: 40  
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Stan Matsunaka 44  
President of the Senate 45  
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Attest: 47  
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Karen Goldman 49  
Secretary of the Senate 50  
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