

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

Sixty-fourth Legislative Day

Wednesday, March 14, 2001

Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Church.

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

Roll Call Present--Total, 31.
Absent/Excused--Lamborn, Perlmutter, Tate, Tupa--Total 4.
Present later--Lamborn, Perlmutter, Tate, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Tuesday, March 13, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly rerevised: HB01-1251, 1304, 1335, 1228, 1215, 1222, 1030, 1034, 1076, 1152, 1211.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary After consideration on the merits, the committee recommends that **HB01-1226** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 5 and 6 and substitute the following:

"bring a civil action based upon prison conditions under any statute or constitutional provision until all available administrative remedies have";

line 12, strike "FILE WITH" and substitute "ALLEGE IN";

line 13, strike "PROOF THAT THE" and substitute "THAT ALL AVAILABLE";

line 19, strike "~~based upon prison~~" and substitute "based upon prison";

line 20, strike "~~conditions~~" and substitute "conditions".

Page 3, strike lines 1 and 2 and substitute the following:

"immune from such relief, shall ~~bring~~ BE PERMITTED TO PROCEED AS A POOR PERSON IN a civil action based upon prison conditions under any statute or constitutional provision.";

strike lines 4 and 5 and substitute the following:

"section, an inmate may ~~file a suit~~ PROCEED AS A POOR PERSON IN A CIVIL ACTION ~~with the written permission of a judge of the court in which the action is to be filed or if~~".

Judiciary After consideration on the merits, the committee recommends that **HB01-1288** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 1, strike "FORTY-ONE" and substitute "THIRTY-SIX".

Business,
Labor, and
Finance

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
COLORADO RACING COMMISSION

for a term expiring July 1, 2004:

Arnold L. Mackley of Rifle, Colorado, to serve as a Republican from the Third Congressional District and as a registered elector, reappointed.

Business,
Labor, and
Finance

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
STATE ELECTRICAL BOARD

for a term expiring July 1, 2002:

Richard D. Brinkley of Glenwood Springs, Colorado, to serve as a representative of electric utility, and as a Republican, to fill a vacancy occasioned by the resignation of David N. Atwood, appointed.

for a term expiring July 1, 2003:

Leigh Ann McKenna of Boulder, Colorado, to serve as an electrical contractor who has a masters license and as a Democrat, appointed.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1297** be referred favorably to the Committee of the Whole and be placed on the Consent Calendar.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SJR01-017** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed joint resolution, page 2, line 40, strike "markets;" and substitute "markets as affected by small group health insurance laws and a lack of competition within the small group health insurance market;"

line 41, strike "How health insurance coverage may be offered to" and substitute "Creating greater choice of health care plans for".

Page 3, line 1, after "to", insert "and greater choice of";

line 2, strike "improved;" and substitute "improved through competition;"

strike lines 3 through 6 and substitute the following:

(f) Requirements for network adequacy and how this affected health care distribution throughout Colorado;

(g) The extent to which the "Small Employer Health Insurance Availability Program Act", as amended by House Bill 94-1210, enacted at the second regular session of the fifty-ninth general assembly, and other state legislation impacted the small group market;

(h) The extent to which the "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 201, et seq., as amended, impacted the small group market;

(i) How can Colorado attract health care professionals to rural and urban Colorado;"

Reletter succeeding paragraph accordingly.

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SJR01-017

Page 3, line 12, before "small", insert "insurance producers who sell health insurance products,".

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1224** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 16, line 1, strike "THE TOTAL AMOUNT OF PROPERTY";

strike line 2;

line 3, strike the first "AND".

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1275** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 16.

Renumber succeeding sections accordingly.

Page 2, line 20, strike "thirteen" and substitute "~~thirteen~~ FOURTEEN".

Page 3, strike line 8 and substitute the following:

"(I), AT LEAST ONE MEMBER SHALL BE FROM A NONPUBLIC INSTITUTION";

line 10, strike "Six" and substitute "~~Six~~ SEVEN".

MESSAGE FROM THE HOUSE

March 13, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB01-1018, amended as printed in House Journal, March 12, and amended on Third Reading as printed in House Journal, March 13.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1166, amended as printed in House Journal, March 12, page 751.

The House has passed on Third Reading and returns herewith SB01-044,111,112,172, 201.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-120, amended as printed in House Journal, March 12, pages 750-751.

SB01-156, amended as printed in House Journal, March 12, page 752.

SB01-123, amended as printed in House Journal, March 12, page 752.

SB01-011, amended as printed in House Journal, March 12, page 752.

SB01-038, amended as printed in House Journal, March 12, pages 752-753.

The House has adopted and returns herewith SJR01-015, amended as printed in House Journal, March 13.

The House has adopted and transmits herewith HJR01-1016, as printed in House Journal, March 12, page 755.

The House has postponed indefinitely SB01-013. The bill is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1018 and 1166 and SB01-120, 156, 123, 011, and 038.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar of Wednesday, March 14, 2001, was laid over until Monday, March 19, 2001, retaining its place on the Calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Calendar of Wednesday, March 14, 2001, was laid over until Thursday, March 15, 2001, retaining its place on the Calendar.

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 Calendar of Consideration of Governor's Appointments of Wednesday, March 14, 2001, was laid over until Friday, March 16, 2001, retaining its place on the Calendar.

MESSAGE FROM THE GOVERNOR

March 11, 2001

To the Honorable
Senate
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B. 01-048 – Concerning Officials For The City And County Of Broomfield, And Making An Appropriation Therefor.

Approved March 11, 2001 at 3:21 p.m.

Sincerely,
(signed)
Bill Owens
Governor

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 Wednesday, March 14, 2001, was laid over until Thursday, March 15, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-012, HJR01-1014, SJR01-013, SJR01-019, SJR01-010.**

Consideration of House Amendments to Senate Bills: **SB01-015, SB01-090, SB01-025, SB01-043, SB01-022.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **HB01-1325** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

HB01-1325

Amend reengrossed bill, page 2, line 27, strike "dead body or STILLBORN FETUS or ~~dead fetus~~" and substitute "dead body, STILLBORN FETUS, or dead fetus".

Agriculture and Natural Resources

The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed and be placed on the Consent Calendar.

MEMBERS OF THE STATE HOUSING BOARD

for terms expiring January 31, 2005:

Karen C. Gerard of Loveland, Colorado, to serve as a member from the Fourth Congressional District and as an Unaffiliated, appointed;

Peter H. Neukirch of Littleton, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed;

Laurie L. Bower of Edwards, Colorado, to serve as a member from the Third Congressional District and as an Unaffiliated, appointed;

Rose A. Durham of Colorado Springs, to serve as a member from the Fifth Congressional District and as a Republican, reappointed.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB01-1160** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 6, after "GIVEN TO" insert "INSTALLATION COSTS,".

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB01-1283** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB01-1249** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB01-1012** be referred favorably to the Committee of the Whole.

Education

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 FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2002:

Mary G. Buckley of Denver, Colorado, to fill the vacancy occasioned by the resignation of Ed Lyell and to serve as a Democrat from the First Congressional District, appointed.

for terms expiring July 1, 2004:

William T. Martin of Colorado Springs, Colorado, to serve as a Republican from the Fifth Congressional District, reappointed;

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Education

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
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for terms expiring March 23, 2004:

F. Steven Mooney of Englewood, Colorado, to serve as a representative of graduates and as a Republican, reappointed;

Karen Ostrander-Krug of Golden, Colorado, to serve as a representative of graduates and as a Republican, reappointed.

Education

After consideration on the merits, the committee recommends that **HB01-1163** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 9, strike "A PUBLIC SCHOOL." and substitute "ELIGIBLE UNDER THIS ACT.";

line 15, strike "FACILITY OR" and substitute "FACILITY,";

line 16, strike "FACILITY" and substitute "CENTER, OR ANOTHER FACILITY INCLUDED ON THE FACILITY LIST MAINTAINED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107 (1) (p) AND";

line 19, strike "CHILDREN AND ARE RESIDING AT THE FACILITY." and substitute "CHILDREN.".

Education

After consideration on the merits, the committee recommends that **HB01-1348** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "2000-01" and substitute "~~2000-01~~ 2001-02";

line 9, strike "letter grade" and substitute "~~letter grade~~";

line 10, strike "of "A", "B", "C", "D", or "F"" and substitute "~~of "A", "B", "C", "D", or "F"~~ RATING OF "EXCELLENT", "HIGH", "SATISFACTORY", "LOW", OR "UNSATISFACTORY"";

line 11, strike "grades" and substitute "~~grades~~ RATINGS";

line 14, strike "GRADE" and substitute "RATING".

Page 3, line 2, strike "GRADE" and substitute "RATING";

line 13, strike "grades" and substitute "~~grades~~ RATINGS";

line 17, after ""CSAP-A",", insert "OR OTHER ASSESSMENT APPROVED BY RULE BY THE BOARD";

line 19, strike "ALTERNATE" and substitute "CSAP-A OR OTHER APPROVED";

strike line 21 and substitute the following:

"SEPARATELY FOR EACH SCHOOL.";

line 22, strike "state's" and substitute "~~state's~~";

line 23, strike "ALTERNATE" and substitute "CSAP-A OR OTHER APPROVED";

line 25, strike "STUDENT'S grade level." and substitute "grade level IN

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HB01-1348

WHICH THE STUDENT IS ENROLLED." .
 Page 4, line 9, strike "Immediately" and substitute "BEGINNING WITH THE 2001-02 SCHOOL YEAR, immediately";
 line 12, strike "letter grade, A, B, C, D, or F," and substitute "~~letter grade, A, B, C, D, or F,~~ RATING OF EXCELLENT, HIGH, SATISFACTORY, LOW, OR UNSATISFACTORY";
 line 15, strike "letter grade," and substitute "~~letter grade~~ RATING,";
 line 18, strike "who enrolled in the";
 strike line 19 and substitute the following:
 "who, ~~enrolled in the Colorado public school system after October 1 of this school year~~ AT THE TIME OF THE ADMINISTRATION OF THE ASSESSMENTS, HAD NOT BEEN IN ATTENDANCE AT THE SCHOOL FOR AT LEAST TWO-THIRDS OF THE SCHOOL DAYS OF THE SCHOOL YEAR FOR WHICH THE ASSESSMENT WAS ADMINISTERED. THE";
 line 22, strike "grade" and substitute "~~grade~~ RATING".
 Page 5, line 1, strike "letter grades" and substitute "~~letter grades~~ RATINGS".

Education

After consideration on the merits, the committee recommends that **HB01-1232** be referred favorably to the Committee of the Whole

MESSAGE FROM THE HOUSE

March 14, 2001

Mr. President:

The House voted to adhere to its position on HJR01-1010. The bill is transmitted herewith.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1287

by Representative Spradley; also Senator Perlmutter--Concerning business personal property tax, and, in connection therewith, increasing the amount of the credit against state taxes for a portion of business personal property tax paid and modifying the administration of the credit.
 Business, Labor, and Finance

HB01-1331

by Representatives Saliman and Young; also Senators Owen, Reeves and Tate-- Concerning administration of the children's basic health care plan, and, in connection therewith, placing the rule-making authority with the medical services board and placing the administrative oversight with the department of health care policy and financing and authorizing and studying several administrative changes.
 Health, Environment, Children & Families
 Appropriations

HB01-1166

by Representative Stengel; also Senator Fitz-Gerald--Concerning actions asserting construction defect claims for property loss and damage, and, in connection therewith, creating a disclosure requirement in certain actions, restricting construction defect negligence claims, modifying the statute of limitations for certain claims, and requiring the disclosure of construction defect litigation by the executive board of a unit owners' association to the unit owners.
 Business, Labor, and Finance

SB01-209

by Senators Windels, Phillips and McElhany; also Representatives Miller, Larson and Lawrence--Concerning the funding of capital construction projects at state-supported institutions of higher education.
 Appropriations

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SB01-210 by Senator Arnold; also Representative Mitchell--Concerning penalties for the offense of failure to register as a sex offender.
 Judiciary

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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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HJR01-1016 Representatives Spradley, Dean, Hefley, Young, Cadman, Crane, Fairbank, King, Lee, Paschall, Snook, Spence, Stafford, Stengel, Swenson, Webster, Williams T., and Witwer; also Senator Andrews--Concerning the encouragement of the Colorado congressional delegation to support President George W. Bush's tax relief proposal.
 Business, Labor and Finance

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1035, 1084, 1136, 1138.**

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TRIBUTES--A POINT OF INTEREST

Memorializing Charles Traylor by Senator Thiebaut

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Memorializing Esther E. Nesslage by Senator Thiebaut

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Memorializing Albert F. Becco by Senator Thiebaut

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Memorializing Frederick R. (Nick) Nickerson by Senator Dennis

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Honoring Tuskegee Airmen, Inc., by Senator Tate and Senator Linkhart

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On motion of Senator Hernandez, the Senate adjourned until 9:00 a.m., Thursday, March 15, 2001.

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Approved:

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Stan Matsunaka
President of the Senate

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Attest:

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Karen Goldman
Secretary of the Senate

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