

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

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Sixty-sixth Legislative Day

Friday, March 16, 2001

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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--Evans, Hanna, Linkhart, Tate--Total 4.  
Present later--Linkhart.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Thursday, March 15, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services Correctly engrossed: SJR01-012.

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**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

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.

**MEMBERS OF THE  
WATER QUALITY CONTROL COMMISSION**

for terms expiring February 15, 2004:

Dr. Chris J. Wiant of Aurora, Colorado, reappointed;

Martha Elizabeth Rudolph of Denver, Colorado, appointed;

Paul L. Grundemann of Castle Rock, Colorado, appointed.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB01-1254** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB01-1321** be referred favorably to the Committee of the Whole.

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB01-1239** 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 6, strike "THE PROVISIONS OF PARAGRAPH (a)" and substitute "ANY OTHER PROVISION OF LAW TO THE CONTRARY,";

line 7, strike "OF THIS SUBSECTION (1)".

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Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB01-1217** be referred favorably to the Committee of the Whole.

Education

After consideration on the merits, the committee recommends that **HB01-1290** be postponed indefinitely.

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 Friday, March 16, 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 Senate proceeded out of order for Consideration of Resolutions Calendar and proceeded to consider **HJR01-1017**.

**CONSIDERATION OF RESOLUTIONS**

**HJR01-1017** by Representative Fritz; also Senator Matsunaka--Concerning the "House the Senate Built" project.

On motion the Senator Matsunaka, the resolution was **adopted** with the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	E	Reeves	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dennis, Dyer (Arapahoe), Dyer (Durango), Epps, Gordon, Hernandez, Hillman, Lamborn, May, McElhany, Musgrave, Owen, Pascoe, Phillips, Reeves, Taylor, Teck.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Consideration of Resolutions Calendar (**HJR01-1014, SJR01-013, SJR01-019, SJR01-010**) of Friday, March 16, 2001, was laid over until Monday, March 19, 2001, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

Committee of the Whole

On motion of Senator Hernandez, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Hernandez 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:

**HB01-1124** by Representatives Swenson and Lee; also Senator Nichol--Concerning limitations on the authority to issue special license plates.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.  
(Printed in Senate Journal, March 5, 2001, page 476.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1187** by Representative Hefley; also Senator Linkhart--Concerning procedural changes for the strengthening of criminal laws.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 22, 2001, pages 393-394.)

Amendment No. 2(L.007), by Senator Linkhart.

Amend the Judiciary Committee amendment, as printed in Senate Journal, February 22, page 393, strike lines 62 through 72 and substitute the following:

**"30-10-606. Coroner - inquiry, grounds - postmortem - jury - certificate of death.** (6) (a) Notwithstanding the provisions of sections 12-43-218 and 13-90-107 (1) (d) or (1) (g), C.R.S., the coroner holding an inquest or investigation pursuant to this section has the authority to request and receive a copy of:

(I) Any autopsy report or medical information from any pathologist, physician, dentist, hospital, or health care provider or institution IF SUCH REPORT OR INFORMATION IS RELEVANT TO THE INQUEST OR INVESTIGATION; ~~or~~ AND

(II) Any information, record, or report related to treatment, consultation, counseling, or therapy services from any licensed psychologist, professional counselor, marriage and family therapist, social worker, alcohol and drug abuse counselor, or unlicensed psychotherapist if such report, record, or information is relevant to the inquest or investigation.

(b) THE CORONER SHALL, AT THE REQUEST OF THE DISTRICT ATTORNEY OR ATTORNEY GENERAL, RELEASE TO THE DISTRICT ATTORNEY OR ATTORNEY GENERAL ANY AUTOPSY REPORT OR MEDICAL INFORMATION DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6) THAT THE CORONER OBTAINS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6).

(c) The coroner shall not release TO ANY PARTY any INFORMATION, record, or report DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (6) THAT THE CORONER ~~obtained~~ OBTAINS pursuant to PARAGRAPH (a) OF this subsection (6). ~~to any third party.~~

(d) Any person who complies with a request from a coroner pursuant to PARAGRAPH (a) OF this subsection (6) shall be immune from any civil or criminal liability that might otherwise be incurred or imposed with respect to the disclosure of confidential patient or client information."

Page 394, strike lines 2 through 8.

As amended, laid over until Monday, March 19, 2001, retaining its place on the calendar.

**HB01-1323** by Representatives Hefley and Mitchell; also Senator Linkhart--Concerning the assessment of costs in criminal cases.

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

**HB01-1113** by Representative Coleman; also Senator Linkhart--Concerning the duty of the department of corrections, division of adult parole, to inform the public before acquiring a site to operate as a branch parole office.

Amendment No. 1(L.004), by Senator Arnold.

Amend reengrossed bill, page 3, line 1, strike everything after "(a)";

strike line 2 and substitute the following:

"THE DIRECTOR OF";

strike lines 12 through 26.

Page 4, line 2, strike "(d)" and substitute "(c)";

strike line 22;

**HB01-1113**

line 23, strike "SUBSECTION (3), NOTHING" and substitute the following:

"(3) NOTHING".

Page 5, strike lines 3 through 7.

As amended, declared **lost** on Second Reading

(For further action, see Amendments to the Report of the Committee of the Whole.)

**SB01-205**

by Senator Takis--Concerning the continuation beyond their scheduled termination date in the current calendar year of certain health benefit plans for small employers.

Laid over until Monday, March 19, 2001, retaining its place on the calendar.

**HB01-1238**

by Representatives Stafford, Clapp, Cloer, Johnson and Lee; also Senator Hillman--Concerning a prohibition on the therapeutic technique known as rebirthing, and, in connection therewith, creating an additional prohibited activity for mental health professionals who use the rebirthing technique.

Laid over until Monday, March 19, 2001, retaining its place on the calendar.

**HB01-1236**

by Representative Witwer; also Senator Hanna--Concerning a requirement for the use of the same preauthorization mechanism in the determination to provide coverage for the treatment of a biologically based mental illness as is used in the determination to provide coverage for any other physical illness.

Laid over until Monday, March 19, 2001, retaining its place on the calendar.

**SB01-148**

by Senator Perlmutter; also Representative Stengel--Concerning growth management in Colorado, and making an appropriation therefor.

Laid over until Wednesday, March 21, 2001, retaining its place on the calendar.

**HB01-1064**

by Representative Scott; also Senator Phillips--Concerning uniform accounting principles for insurers authorized to conduct business within Colorado.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, March 9, 2001, pages 512-513.)

Amendment No. 2(L.011), by Senator Phillips.

Amend the committee amendment, as printed in Senate Journal, March 9, page 513, strike lines 18 through 26, and substitute the following:

"Page 18, strike lines 10 through 27.

Strike page 19.

Page 20, strike lines 1 through 6.

Renumber succeeding sections accordingly."."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**SB01-081**

by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects.

Laid over until Friday, March 23, 2001, retaining its place on the calendar.

**SB01-204**

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--Concerning state policies relating to the implementation of section 17 of article IX of the state constitution.

Laid over until Friday, March 23, 2001, retaining its place on the calendar.

**SCR01-002**

by Senator Gordon; also Representative Hefley--Concerning the submission to the registered electors of the state of Colorado of an amendment to the constitution of the state of Colorado, exempting district attorneys from constitutional term limits.

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**SCR01-002** Laid over until Friday, March 23, 2001, retaining its place on the calendar.

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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 General Orders--Second Reading of Bills Calendar (**HB01-1210, HB01-1226, HB01-1224, HB01-1275, HB01-1325, HB01-1283, HB01-1249, HB01-1012, HB01-1163, HB01-1348, HB01-1232**) of Friday, March 16, 2001, was laid over until Monday, March 19, 2001, retaining its place on the calendar.

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#### **AMENDMENT TO THE COMMITTEE OF THE WHOLE REPORT**

**HB01-1113** by Representative Coleman; also Senator Linkhart--Concerning the duty of the department of corrections, division of adult parole, to inform the public before acquiring a site to operate as a branch parole office.

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that **HB01-1113**, as amended, was not lost and was laid over to Monday, March 19, 2001.

The amendment was declared **adopted** by viva voce vote.

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#### **ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Hernandez, 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: **HB01-1124** as amended, **HB01-1323, HB01-1064** as amended.

Laid over until Monday, March 19, 2001: **HB01-1113** as amended, **SB01-205, HB01-1238, HB01-1236, HB01-1210, HB01-1226, HB01-1224, HB01-1187** as amended, **HB01-1275, HB01-1325, HB01-1283, HB01-1249, HB01-1012, HB01-1163, HB01-1348, HB01-1232**.

Laid over until Wednesday, March 21, 2001: **SB01-148**.

Laid over until Friday, March 23, 2001: **SB01-081, SB01-204, SCR01-002**.

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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 Consent Calendar. The Governor's Appointments Consent Calendar of Friday, March 16, 2001, was laid over until Monday, March 19, 2001, retaining its place on the Calendar.

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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 Friday, March 16, 2001, was laid over until Monday, March 19, 2001, retaining its place on the Calendar.

Consideration of House Amendments to Senate Resolution: **SJR01-015**.

Consideration of House Adherence: **HJR01-1010**.

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#### **COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB01-203** be referred favorably to the Committee of the Whole.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **HB01-1008** be referred favorably to the Committee of the Whole.

Government,  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **HB01-1132** 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 5 and substitute the following:

**"SECTION 1.** Article 9 of Title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**32-9-106.8. Additional district areas - annexation of unincorporated territory that is entirely surrounded by the district.**  
(1) (a) WHEN ANY UNINCORPORATED".

Government,  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **HB01-1340** be referred favorably to the Committee of the Whole.

Government,  
Veterans and  
Military  
Relations, and  
Transportation

After consideration on the merits, the committee recommends that **HB01-1351** be referred favorably to the Committee of the Whole and be placed on the Consent Calendar.

Health,  
Environment,  
Children  
and Families

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 BOARD OF HUMAN SERVICES

for a term expiring March 1, 2003:

The Honorable Duncan S. Bremer of Monument, Colorado, to serve as a county commissioner and to replace Barbara J. Kirkmeyer who no longer holds the office of county commissioner, appointed.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1153** be referred favorably to the Committee on Business, Labor, and Finance.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1286** be referred favorably to the Committee of the Whole.

Government,  
Veterans and  
Military  
Relations, and  
Transportation

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

MEMBERS OF THE  
HAZARDOUS WASTE COMMISSION

for a term expiring August 1, 2003:

Dr. John W. Daily of Boulder, Colorado, to serve as a representative of the academic community and as an Unaffiliated, reappointed;

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Government,  
Veterans and  
Military  
Relations, a  
Transportation

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

MEMBERS OF THE  
COLORADO STATE FAIR AUTHORITY  
BOARD OF COMMISSIONERS

for a term expiring November 1, 2003:

Russell N. Johnson of Sterling, Colorado, to serve as a representative of the Fourth Congressional District and as a Republican, reappointed;

for terms expiring November 1, 2004:

Dominic A. Lloyd of Denver, Colorado, to fill the vacancy occasioned by the resignation of Frances Koncilja and as a representative of the First Congressional District and as an Unaffiliated, appointed;

Selman Thomas Harned of Gypsum, Colorado, to serve as a representative of the Third Congressional District and as a resident of the Western Slope and as a Republican, reappointed;

Alex " Sandy" Clark of Pueblo West, Colorado, to serve as a resident of the county in which the Colorado State Fair is held and as a representative of the Third Congressional District and as Democrat, reappointed.

Government,  
Veterans and  
Military  
Relations, and  
Transportation

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

MEMBERS OF THE  
COLORADO TOURISM OFFICE

for terms expiring June 1, 2001:

Eugene Dilbeck of Denver, Colorado to serve as a representative of Cultural Event and Facility Groups and as a Democrat, appointed;

Robert B. Weisenbach of Boulder, Colorado to serve as an at large representative of the Tourism Industry and as a Republican, appointed;

for terms expiring June 1, 2002:

Sarah Louise MacQuiddy of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Terry Hunt, to serve as a representative of the Destination Marketing Industry and as a Republican, appointed;

William A. Jensen of Vail, Colorado to serve as a representative of the Ski Industry and as an Unaffiliated, appointed;

Kathy Palmeri of Estes Park, Colorado to serve as a representative of Other Outdoor Recreation Industries, and as a Republican, appointed;

for terms expiring June 1, 2003:

Kristi Nelson Cohen of Durango, Colorado to serve as a representative of Tourism-Related Transportation Industries, appointed;

Robert B. Hahn of Denver, Colorado to serve as a representative of the Food, Beverage and Restaurant Industry and as a Republican, appointed;

Robert W. Keesler of Colorado Springs, Colorado to serve as a representative of the Hotel, Motel, and Lodging Industry and as a Republican, appointed;

for terms expiring June 1, 2004:

Douglas L. Jones of Denver, Colorado to serve as an at large representative of the Tourism Industry and as a Republican, appointed;

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Nancy E. Lewis of Colorado Springs, Colorado to serve as a representative of the Tourism-Related Retail Industry and as a Republican, appointed;

Stephen J. Szapor, Jr. of Highlands Ranch, Colorado to serve as a representative of the Private Travel Attractions and Casinos and as a Republican, appointed.

Judiciary

After consideration on the merits, the committee recommends that **HB01-1336** be postponed indefinitely.

**TRIBUTES--A POINT OF INTEREST**

Honoring Michael Grummert by Senator Linkhart

Honoring Judith Chavez by Senator Linkhart

Honoring Margarita Taylor "Tia Margarita" by Senator Linkhart

Honoring Thomas Padilla by Senator Linkhart

Honoring Sara Coffman by Senator Phillips

Honoring Heidi Wiebeck by Senator Phillips

Honoring Sarah Cleland by Senator Phillips

Honoring Ashley Madrid by Senator Phillips

Honoring Joanna Brozovich by Senator Phillips

Honoring Bridget Hart by Senator Phillips

Honoring Dacee Tuck by Senator Phillips

Honoring Jessica Carlson by Senator Phillips

Honoring Alexis Maxwell by Senator Phillips

Honoring Melanie Mahoney by Senator Phillips

Honoring Molly Langerak by Senator Phillips

Honoring Brittni Carlson by Senator Phillips

Honoring Bob Bledsoe by Senator Phillips

Honoring Dan Mestas by Senator Phillips

Honoring Mike Mahoney by Senator Phillips

Honoring Bill Davis by Senator Phillips

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 19, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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