

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

Fifty-fifth Legislative Day Monday, March 5, 2001

- Prayer 10
 By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church,
 Loveland. 11
- Call to Order 12
 By the President at 10:00 a.m. 13
- Roll Call 14
 Present--Total, 33. 15
 Absent/Excused--Gordon, Musgrave--Total 2. 16
 Present later--Gordon. 17
- Quorum 18
 The President announced a quorum present. 19
- Reading of Journal 20
 On motion of Senator McElhany, reading of the Journal of Friday, March 2, 2001, was
 dispensed with and the Journal was approved as corrected by the Secretary. 21

SENATE SERVICES REPORT

- Senate Services 22
 Correctly enrolled: SB01-179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191,
 192, 193, 194,195,196, 197, 198, 199. 23
- Correctly printed: SJR01-014, SJR01-015. 24
- Correctly revised: HB01-1013, 1069, 1196, 1250, 1136, 1063, 1138, 1154,
 1085, 1186, 1004, 1040, 1035, 1146, 1041, 1168, 1117. 25

COMMITTEE OF REFERENCE REPORTS

- The committee recommends the following: 26
- Appropriations 27
 After consideration on the merits, the committee recommends that **SB01-035** be amended
 as follows and, as so amended be referred to the Committee of the Whole with favorable
 recommendation. 28
- Amend the Business, Labor, and Finance Committee amendment, as
 printed in Senate Journal, February 2, page 170, strike line 72, and
 substitute the following: 29
- "**SECTION 2. Appropriation.** In addition to any other
 appropriation, there is hereby appropriated, out of any moneys in the
 distributive data processing fund not otherwise appropriated, to the
 department of revenue, for the fiscal year beginning July 1, 2001, the sum
 of one hundred seven thousand two hundred four dollars (\$107,204) and
 2.9 FTE, or so much thereof as may be necessary, for the implementation
 of this act. 30
- SECTION 3. Effective date - applicability.** This act shall take
 effect upon passage. This act shall apply to specific ownership taxes due
 on or after August 1, 2000, and any titles required to be reissued, or
 taxable values reestablished under this act." 31
- Renumber succeeding section accordingly."." 32
- Page 171, strike lines 1 through 4. 33
- Amend printed bill, page 1, line 107, strike "PRICE." and substitute
 "PRICE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH." 34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Appropriations

After consideration on the merits, the committee recommends that **SB01-073** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike line 17, and substitute the following:

"SECTION 5. 25-3.5-807 (1), Colorado Revised Statutes, is amended to read:

25-3.5-807. Tobacco program fund - created. (1) There is hereby created in the state treasury the tobacco program fund that shall consist of the moneys appropriated thereto pursuant to subsection (2) of this section. In addition, the state treasurer may credit to the fund any public or private gifts, grants, or donations received by the division for implementation of the program. The fund shall be subject to annual appropriation by the general assembly to the department for issuance of grants pursuant to this part 8; EXCEPT THAT, THE GENERAL ASSEMBLY MAY ALSO APPROPRIATE MONEYS FROM THE FUND TO THE DEPARTMENT OF REVENUE TO PAY FOR THE RANDOM INSPECTION OF BUSINESSES THAT SELL CIGARETTES AND TOBACCO PRODUCTS PURSUANT TO SECTION 24-35-504 (3), C.R.S. In addition, the department may retain up to five percent of the amount annually appropriated from the fund for the actual costs incurred by the division and the state board in implementing the provisions of this part 8. Notwithstanding the provisions of section 24-36-114, C.R.S., all interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any unencumbered moneys appropriated from moneys received by the state pursuant to the master settlement agreement remaining in the fund at the end of any fiscal year shall be transferred to the tobacco litigation settlement trust fund created in section 24-22-115.5, C.R.S.

SECTION 6. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the tobacco program fund, created pursuant to section 25-3.5-807, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, liquor enforcement division, for the fiscal year beginning July 1, 2001, the sum of three hundred twenty-one thousand six hundred thirty dollars (\$321,630) and 5.0 FTE, or so much thereof as may be necessary, for the implementation of section 1 of this act.

(2) In addition to any other";

strike lines 21 through 24, and substitute the following:

"sum of one hundred fifty thousand nine hundred seventy-one dollars (\$150,971) and 2.5 FTE, or so much thereof as may be necessary for the implementation of the remaining portions of this act.

(3) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of five thousand eight hundred sixty dollars (\$5,860), or so much thereof as may be necessary for the provision of legal services to the department of revenue related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of revenue out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR01-016 by Senator Gordon--Concerning the recognition of Liberty Day and Liberty Month in Colorado.

Laid over one day under Senate Rule 30(b).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

THIRD READING OF BILLS--FINAL PASSAGE

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

HB01-1013 by Representatives Stengel and Larson; also Senators Chlouber and Dyer (Durango)-- Concerning the wildlife commission's authority to decrease license fees.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

HB01-1196 by Representatives Cloer, Borodkin, Daniel, Fritz, Grossman, Hefley, Hodge, Jahn, King, Larson, Mitchell, Nunez, Rhodes, Romanoff and Stafford; also Senator Hanna-- Concerning the writing portion of the Colorado student assessment program statewide assessments.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Hernandez.

HB01-1136 by Representative Witwer; also Senator Evans--Concerning the creation of a statewide fire fighting resource database.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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), Fitz-Gerald, Hernandez, Nichol, Phillips, Reeves, Tupa.

HB01-1063

by Representative Webster; also Senator Owen--Concerning the authorization of governmental entities to establish drainage authorities by intergovernmental agreement for the purpose of developing drainage facilities.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

HB01-1138

by Representative Cadman; also Senator Phillips--Concerning state information technology governance.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Evans, Hernandez, Matsunaka, May, Taylor, Teck.

HB01-1154

by Representatives Spence, Crane, Sinclair, Weddig, Cadman, Daniel and Jahn; also Senators Phillips and Epps--Concerning the use of electronic bingo devices.

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

YES	30	NO	2	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	E	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	*	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	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**.

Abstaining (*) from voting under Senate Rule 17(c)--Senator Pascoe.

Co-sponsor added: Hernandez.

HB01-1085

by Representative Sinclair; also Senators Takis and Nichol--Concerning the selection process for employment in the state personnel system.

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

HB01-1085

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

HB01-1186

by Representative Tapia; also Senator Evans--Concerning the maintenance of public employee retirement benefits for retirees who are hired by a school district during a critical shortage of employees.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

HB01-1004

by Representatives Hefley, Lawrence and Tochtrop; also Senators Epps, Evans, Hagedorn, and Linkhart--Concerning earned income disregards for the Colorado works program.

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

YES	23	NO	10	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	E	Musgrave	E	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	N	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	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, Hernandez, Pascoe, Tupa, Windels.

HB01-1040

by Representatives Young and Miller; also Senator Reeves, Anderson, Lamborn, Linkhart, Taylor and Windels--Concerning penalties for false medicaid claims.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

HB01-1040

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

Co-sponsor added: Epps, Hanna, Hernandez, Matsunaka, May, Nichol.

HB01-1035

by Representatives Spence and Larson; also Senator Tupa--Concerning appointments to higher education boards and commissions.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Hernandez.

HB01-1146

by Representatives Larson, Dean, King and Spence; also Senator Pascoe--Concerning the performance evaluation of the superintendent of a school district by a school district board of education.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Dyer (Durango), Fitz-Gerald, Hanna, Tupa, Windels.

HB01-1041

by Representatives Young and Miller; also Senators Anderson, Lamborn, Linkhart, Reeves, Taylor and Windels--Concerning the duties of the Colorado department of education in providing oversight of the Colorado preschool program.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Dyer (Durango), Evans, Matsunaka, Tupa.

HB01-1168

by Representative Lawrence; also Senator Anderson--Concerning substantive changes for the strengthening of the juvenile laws.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB01-1168 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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: Arnold, Dyer (Arapahoe), Dyer (Durango), Epps, Evans, May.

HB01-1117 by Representative Witwer; also Senator Evans--Concerning the prerequisite that public entities obtain the advice of the sex offender management board prior to taking certain actions related to the provisions of treatment for juvenile sex offenders.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

HB01-1069 by Representative Lawrence; also Senator Gordon--Concerning cruelty to animals.

Laid over until Tuesday, March 6, 2001, retaining its place on the calendar.

HB01-1250 by Representatives Williams T., Hoppe, Johnson, Webster and Young; also Senator Hagedorn--Concerning interference with the flow of water in a ditch.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	E	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	Y	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**.

**CHANGES TO THE GENERAL ORDERS--SECOND READING OF BILLS
CONSENT CALENDAR**

HB01-1056 by Representative Tapia; also Senator Dennis--Concerning construction contracts for public projects.

Upon request of Senator Perlmutter, **HB01-1056** was removed from the March 5, 2001, Consent Calendar and was placed at the end of the General Orders--Second Reading Calendar of Tuesday, March 6, 2001.

HB01-1095 by Representative Stengel; also Senator Hillman--Concerning selection of depositories for state moneys by the state treasurer.

Upon request of Senator Perlmutter, **HB01-1095** was removed from the March 5, 2001, Consent Calendar and was placed at the end of the General Orders--Second Reading Calendar of Tuesday, March 6, 2001.

HB01-1128 by Representative Fairbank; also Senator Tate--Concerning the use of means of payment other than petty cash to pay liabilities incurred on behalf of the state without previously filed commitment vouchers.

Upon request of Senator Anderson, **HB01-1128** was removed from the March 5, 2001, Consent Calendar and was placed at the end of the General Orders--Second Reading Calendar of Tuesday, March 6, 2001.

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

**GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

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:

HB01-1021 by Representative Tochtrop; also Senator Tate--Concerning increased disclosure requirements relating to the provision of automobile personal injury protection insurance.

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

HB01-1230 by Representatives Rhodes, Fairbank and White; also Senator Tate--Concerning deletion of the requirement that industrial banks use only names that contain the phrase "industrial bank".

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

HB01-1179 by Representative Smith; also Senator Tate--Concerning the requirement to file a Colorado amended return to report a change in federal taxable income.

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

HB01-1115 by Representatives White and Stengel; also Senator Phillips--Concerning requirements that licensed automobile dealers disclose the amount of compensation prior to completion of a transaction.

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

HB01-1048 by Representative Vigil; also Senator Hagedorn--Concerning the treatment of half siblings as part of an assistance unit for purposes of the Colorado works program.

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

HB01-1053 by Representative Fritz; also Senator Hanna--Concerning technical changes to make residential facility terminology uniform.

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

HB01-1080 by Representatives Borodkin, Daniel and Hodge; also Senator Hagedorn--Concerning a study by the Colorado health care task force of innovative housing options for older people who can no longer live independently in their communities.

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

HB01-1061 by Representative Young; also Senator Phillips--Concerning the prohibition of unauthorized charges from a telecommunications provider.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, March 1, 2001, page 444.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

- HB01-1061** As amended, ordered revised and placed on the Consent calendar for Third Reading and Final Passage. 1
2
- HB01-1084** by Representative Boyd; also Senator Fitz-Gerald--Concerning disclosure requirements for multi-line telephone system operators relating to 9-1-1 emergency service calls. 3
4
5
6
Amendment No. 1, Public Policy and Planning Committee Amendment. 7
(Printed in Senate Journal, March 1, 2001, page 444.) 8
9
As amended, ordered revised and placed on the Consent calendar for Third Reading and Final Passage. 10
11
12
- HB01-1001** by Representative King; also Senator McElhany--Concerning the state sales tax refund payable to qualified individuals when state revenues are in excess of the constitutional limitation on state fiscal year spending. 13
14
15
16
Ordered revised and placed on the Consent calendar for Third Reading and Final Passage. 17
18
- HB01-1009** by Representatives Young and Ragsdale; also Senators Evans and Teck--Concerning the state auditor's duty to conduct records management audits of state government agencies. 19
20
21
Ordered revised and placed on the Consent calendar for Third Reading and Final Passage. 22
23
- HB01-1010** by Representative Young; also Senator Evans, Hernandez and Teck--Concerning the assessment of available space for public records storage in state archives and public records. 24
25
26
27
Ordered revised and placed on the Consent calendar for Third Reading and Final Passage. 28
29

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Pascoe, 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: 31
32
33
34
35

Passed on Second Reading: **HB01-1021, HB01-1230, HB01-1179, HB01-1115, HB01-1048, HB01-1053, HB01-1080, HB01-1061** as amended, **HB01-1084** as amended, **HB01-1001, HB01-1009, HB01-1010.** 36
37
38
39
40

-
- Committee of the Whole On motion of Senator Pascoe, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills. Senator Pascoe was called to the Chair to act as Chairman. 41
42
43
44
45

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: 46
47
48
49
50

- HB01-1171** by Representatives Romanoff, Berry, Johnson, Stafford, Tochtrop, Witwer and Young; also Senators Owen and Hernandez--Concerning recoveries by the medical assistance program from third parties. 51
52
53
54
55

Amendment No. 1, Judiciary Committee Amendment. 56
(Printed in Senate Journal, February 22, 2001, page 394.) 57
58

Amendment No. 2, Senator Hillman. 59
60

Amend reengrossed bill, page 2, after line 23, insert the following: 61
62

"(c) (I) AN INDEPENDENT CONTRACTOR RETAINED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) SHALL MAINTAIN A CONTEMPORANEOUS RECORD OF THE HOURS OF SERVICES PROVIDED AND ANY COSTS INCURRED. WHEN THE MATTER IS RESOLVED, THE INDEPENDENT CONTRACTOR SHALL PROVIDE TO THE STATE DEPARTMENT A STATEMENT OF THE HOURS OF SERVICES PROVIDED, THE AMOUNT OF COSTS INCURRED, THE TOTAL AMOUNT OF THE CONTINGENT FEE, AND THE HOURLY RATE FOR THE SERVICES PROVIDED. THE HOURLY RATE FOR THE SERVICES PROVIDED SHALL BE DETERMINED BY DIVIDING THE AMOUNT OF THE CONTINGENT FEE, LESS THE AMOUNT OF COSTS INCURRED, BY THE 63
64
65
66
67
68
69
70
71
72

HB01-1171

NUMBER OF HOURS OF SERVICES PROVIDED BY THE INDEPENDENT CONTRACTOR. THE STATEMENT REQUIRED BY THIS SUBPARAGRAPH (I) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AT REASONABLE TIMES AT THE STATE DEPARTMENT.

(II) COMPLIANCE WITH THIS PARAGRAPH (c) DOES NOT RELIEVE A CONTRACTING ATTORNEY OF ANY OBLIGATION OR LEGAL RESPONSIBILITY IMPOSED BY THE COLORADO RULES OF PROFESSIONAL CONDUCT OR ANY PROVISION OF LAW."

Reletter succeeding paragraph accordingly.

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

HB01-1164

by Representatives Stengel, Berry, Daniel, Dean, Mitchell, Nunez, Paschall, White, and Williams S.; also Senator Perlmutter--Concerning the extension of the time within which the Colorado commission on taxation shall accomplish its duties.

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.

Laid over until Friday, March 9, 2001, retaining its place on the calendar.

HB01-1011

by Representatives Mace, Alexander, Miller, Plant, Ragsdale, Scott and Smith; also Senator Andrews--Concerning revisions to the laws governing new hire fire and police pension plans.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.

(Printed in Senate Journal, February 27, 2001, page 413.)

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

HB01-1027

by Representatives Plant, Alexander, Mace, Miller, Ragsdale, Scott and Smith; also Senator Andrews--Concerning survivor benefits for certain survivors of members of the statewide death and disability pension plan for police officers and firefighters upon the death of a member in active service who is not eligible for a normal retirement pension.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.

(Printed in Senate Journal, February 27, 2001, pages 413-414.)

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

HB01-1209

by Representatives Fairbank, Cadman, Hoppe, Kester, Lee, Paschall, Scott, Spence and Stengel; also Senator Phillips--Concerning the authorization of alcohol tastings on licensed premises.

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

HB01-1246

by Representative Hoppe; also Senator Dennis--Concerning an authorization for counties to receive wastewater construction grants on behalf of small communities in unincorporated areas.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Pascoe, 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: **HB01-1171** as amended, **HB01-1164**, **HB01-1011** as amended, **HB01-1027** as amended, **HB01-1209**, **HB01-1246**.

Laid over until Friday, March 9, 2001: **HB01-1187**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

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 (**SJR01-012, HJR01-1014, SJR01-014, SJR01-015**) of Monday, March 5, 2001, was laid over until Tuesday, March 6, 2001, retaining its place on the Calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--
CONSENT CALENDAR**

On motion of Senator Thiebaut, the following appointments were confirmed by a roll call vote:

STATE BOARD OF COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

For a term expiring July 1, 2004:

Jeannie G. Reeser of Thornton, Colorado, to serve as a Democrat from the Fourth Congressional District appointed.

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	E	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

COLORADO LOTTERY COMMISSION

For a term expiring July 1, 2004:

Jacquelyn J. Willis of Denver, Colorado, to serve as a member of the public and as a Democrat, appointed.

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	E	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

STATE BOARD OF NURSING

for a term expiring July 1, 2002:

Marilyn Rose Hadley of Greeley, Colorado, to fill the vacancy occasioned by the resignation of Ronald L. Summers and to serve as a licensed practical nurse, appointed;

for a term expiring July 1, 2003:

Cheryl Ann Werner of Atwood, Colorado, to serve as a licensed practical nurse employed by a licensed hospital in a rural area, appointed.

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	E	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY

For terms expiring June 30, 2004:

Ann C. Kiley of Denver, Colorado, to serve as a Democrat, reappointed;

Kent C. Veio of Denver, Colorado, to serve as a Republican, appointed.

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	E	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Senate in Recess--Senate Reconvened.

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 **HB01-1073** 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 **HB01-1030** 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 17, strike "2006," and substitute "2003,".

Page 3, line 8, strike "AUDIT COMMITTEE. THE" and substitute "EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES AND EVALUATED BY THE STATE AUDITOR.";

strike lines 9 and 10.

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **HB01-1124** 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 line 20 and substitute the following:

"JANUARY 1, 2001, SHALL CONTINUE TO BE ISSUED AND RENEWED PURSUANT TO EXISTING AGREEMENTS. THE".

Page 4, before line 1, insert the following:

"SECTION 3. 42-3-114 (1), Colorado Revised Statutes, is amended to read:

42-3-114. Issuance of personalized plates authorized. (1) The department is authorized to issue personalized license plates for motor vehicles in accordance with the provisions of this section. ~~for the year 1977 and thereafter.~~"

Renumber succeeding section accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Appropriations

After consideration on the merits, the committee recommends that **HB01-1075** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 5, strike "one hundred" and substitute "two hundred thirty-five thousand two hundred fifty-two dollars (\$2,235,252) and";

strike line 6;

line 12, strike "2001," and substitute "2002,".

MESSAGE FROM THE HOUSE

March 5, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1013, as printed in House Journal, February 20, pages 486-487.

The House has adopted and returns herewith SJR01-004, 005.

The House has passed on Third Reading and returns herewith SB01-047,058,036,117.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1351, amended as printed in House Journal, March 2, page 663. SB01-015, amended as printed in House Journal, March 2, pages 662-663.

The House has voted to concur in the Senate amendments to HB01-1015, 1118 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, SB01-015 and HB01-1351.

MESSAGE FROM THE GOVERNOR

Appointments

A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

February 8, 2001

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

Ladies and Gentlemen:

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

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.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/23/01
K. Goldman, Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Committee on Education.

February 8, 2001

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

Ladies and Gentlemen:

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

MEMBER OF THE
SECURITIES BOARD

for a term expiring July 1, 2003:

Mashenka Lundberg of Denver, Colorado, to fill the vacancy occasioned by resignation of Paul E. Washington and to serve as a licensed attorney conversant in securities law and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens Rec'd: 2/23/01
Governor K. Goldman, Secretary

Committee on Business, Labor and Finance.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1005, 1016, 1024, 1055, 1057, 1067, 1099, 1185, 1200, 1241.**

TRIBUTES--A POINT OF INTEREST

- Honoring Sherrill Sandstrom by Senator Musgrave
- Honoring Kyle Kaiser by Senator Musgrave and Senator Hillman
- Honoring Nathan Pilcher by Senator Musgrave and Senator Hillman
- Honoring Chad Romero by Senator Musgrave and Senator Hillman

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, March, 6, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67