

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

Eighty-sixth Legislative Day

Thursday, April 5, 2001

Prayer By the chaplain, Reverend Gilbert Caldwell, Park Hill United Methodist Church.

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

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Wednesday, April 4, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SR01-012.

Correctly engrossed: SB01-212, SR01-012.

Correctly revised: HB01-1074.

MESSAGE FROM THE HOUSE

April 4, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1369.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1225, amended as printed in House Journal, April 3, pages 1071-1081.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1369; and
without comment, as amended, HB01-1225.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1225 by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.
Public Policy and Planning

HB01-1369 by Representatives Stafford, Cadman, Cloer, Coleman, Crane, Dean, Fairbank, Fritz, Hoppe, Johnson, Kester, King, Larson, Lee, Mace, Nunez, Rhodes, Rippey, Schultheis, Scott, Snook, Spence, Spradley, Swenson, Webster and Williams S.; also Senator Tupa--
Concerning unsolicited proposals for public-private initiatives.
Government, Veterans and Military Relations, and Transportation

THIRD READING--FINAL PASSAGE OF BILLS

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

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

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

YES	25	NO	10	EXCUSED	0	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	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz.	Y	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**.

Co-sponsors added: Dyer (Durango), Hanna.

HB01-1074

by Representative Kester; also Senator Hillman--Concerning acceptance by the state of the Fort Lyon property conveyed by the federal government.

Laid over until Monday, April 9, 2001, retaining its place on the calendar.

Committee of the Whole

On motion of Senator Pascoe, the Senate resolved itself into 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

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:

HB01-1132

by Representatives Scott, Witwer, Mitchell, Boyd, Groff, Mace, Madden, Paschall, Plant, Swenson and Veiga; also Senator Tupa--Concerning the annexation by a special statutory --district of unincorporated territory that is entirely surrounded by the district.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.
(Printed in Senate Journal, March 16, 2001, page 560.)

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

(For further action, see Roll Call Vote on **HB01-1132**.)

HB01-1174

by Representative Sanchez; also Senator Hagedorn--Concerning the promotion of affordable housing by local governments, and, in connection therewith, authorizing the establishment of affordable housing dwelling unit advisory boards by local governments.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.
(Printed in Senate Journal, March 27, 2001, page 679.)

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

HB01-1274

by Representative Fairbank; also Senator Thiebaut--Concerning clarifications to the "Uniform Election Code of 1992".

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.
(Printed in Senate Journal, March 27, 2001, pages 679-681, except for those portions printed in Senate Journal, March 27, 2001, page 679, line 55; page 780, line 12, which were declared **lost** on Second Reading.)

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HB01-1274	As amended, laid over until Friday, April 6, 2001, retaining its place on the calendar.	1 2
HB01-1131	by Representatives Spence, Alexander, Cadman, Clapp, Coleman, Dean, Decker, Fritz, Hefley, Johnson, Kester, King, Larson, Marshall, Mitchell, Nunez, Rippy, Tochtrop, Weddig, White, Williams S., Williams T. and Witwer; also Senator Anderson--Concerning changes to the terminology describing information on school performance, and, in connection therewith, changing the name of school report cards to school accountability reports, replacing letter grades with descriptive measurements, and applying the same descriptive measurements for school improvement to all schools.	3 4 5 6 7 8 9 10
	Laid over until Friday, April 6, 2001, retaining its place on the calendar.	11 12
HB01-1189	by Representatives Daniel, Boyd, Crane, Hefley, Jahn, Veiga, Williams S.; also Senator Windels--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.	13 14 15 16
	Laid over until Friday, April 6, 2001, retaining its place on the calendar.	17 18
	On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, HB01-1252 was advanced on the General Orders calendar.	19 20 21
HB01-1252	by Representative White; also Senator Taylor--Concerning demand drafts under the "Uniform Commercial Code".	22 23 24
	<u>Amendment No. 1, Business, Labor and Finance Committee Amendment.</u> (Printed in Senate Journal, March 30, 2001, page 727.)	25 26 27
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	28 29 30
	On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, HB01-1088 was advanced on the General Orders calendar.	31 32 33
HB01-1088	by Representative Rippy; also Senator Dyer (Durango)--Concerning notifications regarding severed mineral rights.	34 35 36
	Laid over until Friday, April 6, 2001, retaining its place on the calendar.	37 38
SB01-081	by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects.	39 40 41
	Laid over until Monday, April 9, 2001, retaining its place on the calendar.	42 43
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.	44 45 46 47
	Laid over until Monday, April 9, 2001, retaining its place on the calendar.	48 49
SB01-208	by Senator Nichol; also Representative Alexander--Concerning recommendations of the senate committee on government, veterans and military relations, and transportation relating to requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.	50 51 52 53 54 55
	<u>Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.</u> (Printed in Senate Journal, March 29, 2001, page 695.)	56 57 58 59
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	60 61 62
SB01-067	by Senator Dyer (Arapahoe), Dyer (Durango); also Representative Stafford--Concerning state-funded scholarships based upon merit for members of the Colorado national guard.	63 64 65
	Laid over until Friday, April 6, 2001, retaining its place on the calendar.	66 67
SB01-041	by Senators Windels, Linkhart and Hanna; also Representative Williams S.--Concerning a prohibition against wage discrimination among persons employed in equivalent employment.	68 69 70 71
	Laid over until Friday, April 6, 2001, retaining its place on the calendar.	72

SB01-037 by Senator Hillman; also Representative Stengel--Concerning the conversion of certain amounts of money owed by the department of revenue to a taxpayer that is represented by a warrant that has been cancelled into unclaimed property for which a claim may be filed under the "Unclaimed Property Act".

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, January 24, 2001, page 76.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, 2001, page 740.)

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

SB01-200 by Senators Perlmutter, Dennis, Hanna, Hernandez, Phillips, Epps, Dyer (Arapahoe) and Dyer (Durango); also Representative Sinclair--Concerning funding for veterans programs.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.
(Printed in Senate Journal, February 19, 2001, page 352.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 3, 2001, page 741.)

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

SB01-046 by Senator Fitz-Gerald; also Representative Scott--Concerning unlawful acts at licensed gaming establishments, and making an appropriation in connection therewith.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, January 30, 2001, pages 124-125.)

As amended, laid over until Friday, April 6, 2001, retaining its place on the calendar.

SB01-142 by Senator McElhany--Concerning the standard of evidence necessary for certain applicants to establish their social security numbers with the department of revenue.

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**SCR01-002**) of Thursday, April 5, 2001, was laid over until Friday, April 6, 2001, retaining its place on the calendar.

ROLL CALL ON HB01-1132

HB01-1132 by Representatives Scott, Witwer, Mitchell, Boyd, Groff, Mace, Madden, Paschall, Plant, Swenson and Veiga; also Senator Tupa--Concerning the annexation by a special statutory district of unincorporated territory that is entirely surrounded by the district.

Senator Evans requested a roll call vote on **HB01-1132**. The roll call was taken with the following result:

YES	20	NO	15	EXCUSED	0	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	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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: **HB01-1132** as amended, **HB01-1174** as amended, **HB01-1252** as amended, **SB01-208** as amended, **SB01-037** as amended, **SB01-200** as amended, **SB01-142**.

Laid over until Friday, April 6, 2001: **HB01-1274** as amended, **HB01-1131**, **HB01-1189**, **HB01-1088**, **SB01-067**, **SB01-041**, **SB01-046** as amended, **SCR01-002**.

Laid over until Monday, April 9, 2001: **SB01-081**, **SB01-204**.

INTRODUCTION OF BILLS--FIRST READING

The following bill was read by title and referred to the committee indicated:

SB01-216

by Senators Entz, Dyer (Durango) and Hanna; also Representatives Spradley, Plant, Sinclair and Young--Concerning the establishment of a procedure for the adjudication of a recreational in-channel diversion by a local government, and making an appropriation therefor.

Public Policy and Planning

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SR 01-011, SJR 01-015, 016, 020**.

The President has signed: **HB01-1040, 1167, 1232, 1286, 1351**.

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 Thursday, April 5, 2001, was laid over until Friday, April 6, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-013, SJR01-010, HJR01-1024**.

Consideration of Memorials: **SM01-001**.

Consideration of House Amendments to Senate Bills: **SB01-022, SB01-169, SB01-165, SB01-107, SB01-034, SB01-066, SB01-135, SB01-145, SB01-144, SB01-116, SB01-027, SB01-158, SB01-150, SB01-080, SB01-118, SB01-104, SB01-178, SB01-131, SB01-140, SB01-054**.

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

Consideration of Governor's Veto: **SB01-043**.

Consideration of Governor's Appointments:

- Colorado Tourism Office
- Colorado School of Mines, Board of Trustees
- State Housing Board
- Board of Directors of the Colorado Compensation Insurance Authority
- Securities Board
- Special Funds Board for Workers' Compensation Self Insurers
- Colorado Limited Gaming Control Commission
- Wildlife Commission
- Colorado Children's Trust Fund Board
- Board of Assessment Appeals
- Hazardous Waste Commission

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

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate