

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

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Ninetieth Legislative Day

Monday, April 9, 2001

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Prayer By the chaplain, Reverend Paul Kottke, University Park Methodist Church.

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 33  
Absent/Excused--Gordon, Taylor--Total 2.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Windels, reading of the Journal of Friday, April 6, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services Correctly printed: SJR01-023, SJR01-024.

Correctly rerevised: HB01-1132, 1174, 1252.

Correctly reengrossed: SB01-208, 037, 200, 142.

Correctly revised: HB0-1274, 1088, HJR01-1023, HJR01-1024.

Correctly engrossed: SB01-046, SJR01-013.

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**COMMITTEE OF REFERENCE REPORTS**

The committee recommends the following:

Appropriations After consideration on the merits, the committee recommends that **SB01-075** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee amendment, as printed in Senate Journal, January 31, page 134, strike lines 50 through 72, and page 135, strike lines 1 through 52, and substitute the following:

"Amend printed bill, page 4, strike lines 22 through 27 and substitute the following:

**"SECTION 4. Exception to the requirements of section 2-2-703, Colorado Revised Statutes.** The general assembly hereby finds that the amendments to section 18-9-121, Colorado Revised Statutes, enacted in this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes.

**SECTION 5. No appropriation.** The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Strike pages 5 through 7.  
Page 8, strike lines 1 through 10.

Page 1, line 103, strike "CRIME AND MAKING AN APPROPRIATION" and substitute "CRIME.";

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**SB01-075**

strike line 104."

Appropriations

After consideration on the merits, the committee recommends that **SB01-098** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee amendment, as printed in Senate Journal, February 8, page 211, strike lines 46 through 72, and page 212, strike lines 1 through 29, and substitute the following:

"Page 18, strike line 3 and substitute the following:

"ADDITION OF A NEW SUBSECTION, to read:";

line 5, strike "2001," and substitute "~~2001~~ 2002,".

Page 19, strike lines 16 through 27.

Strike page 20.

Page 21, strike lines 1 through 4;

line 5, strike "(7)" and substitute "(6)";

strike lines 9 and 10 and substitute the following:

"SCHOOL DISTRICT'S ACCREDITATION IN ACCORDANCE WITH A PLAN ADOPTED BY RULE OF THE STATE BOARD. SUCH PLAN SHALL PROVIDE THAT THE STATE BOARD SHALL CONSIDER THE AMOUNT OF TIME NECESSARY TO SIGNIFICANTLY IMPROVE SUCH SCORES BEFORE REMOVAL OF THE SCHOOL DISTRICT'S ACCREDITATION.";

after line 10, insert the following:

**"SECTION 8.** Part 6 of article 7 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-7-609.5. School improvement grant program - repeal.**

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADEQUATE PROGRESS" MEANS IMPROVEMENT OF 0.5 OF A POINT OR GREATER FROM THE STANDARD DEVIATION OVER THE IMMEDIATELY PRECEDING YEAR'S OVERALL STANDARDIZED, WEIGHTED TOTAL SCORE CALCULATED PURSUANT TO SECTION 22-7-604 (5).

(b) "ELIGIBLE SCHOOL" MEANS A PUBLIC SCHOOL THAT HAS RECEIVED AN ACADEMIC PERFORMANCE GRADE OF "F" ON THE SCHOOL REPORT CARD PREPARED PURSUANT TO THIS PART 6 FOR THE SCHOOL YEAR 2000-01.

(c) "GRANT PROGRAM" MEANS THE SCHOOL IMPROVEMENT GRANT PROGRAM CREATED IN THIS SECTION.

(d) "LOCAL BOARD OF EDUCATION" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-7-609 (1).

(2) THERE IS HEREBY CREATED IN THE DEPARTMENT OF EDUCATION THE SCHOOL IMPROVEMENT GRANT PROGRAM TO PROVIDE MONEYS TO ANY ELIGIBLE SCHOOL IN THE STATE TO IMPLEMENT A SCHOOL IMPROVEMENT PLAN SUBMITTED PURSUANT TO SECTION 22-7-609 (3).

(3) (a) FOR THE 2001-02 AND 2002-03 SCHOOL YEARS, THE STATE BOARD SHALL AWARD TWO-YEAR SCHOOL IMPROVEMENT GRANTS IN THE AMOUNT OF AT LEAST THREE HUNDRED THOUSAND DOLLARS BUT NOT MORE THAN FIVE HUNDRED FIFTY THOUSAND DOLLARS FOR EACH ELIGIBLE SCHOOL IN THE STATE; EXCEPT THAT NO SCHOOL THAT RECEIVES A SCHOOL IMPROVEMENT GRANT PURSUANT TO THIS SECTION SHALL BE ELIGIBLE TO

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SB01-098

RECEIVE MONEYS FROM MORE THAN ONE SCHOOL IMPROVEMENT GRANT AND IN NO EVENT SHALL ANY SCHOOL IMPROVEMENT GRANT BE AWARDED FOR ANY SCHOOL YEAR COMMENCING AFTER THE 2002-03 SCHOOL YEAR.

(b) UPON RECEIPT OF A SCHOOL IMPROVEMENT PLAN FOR AN ELIGIBLE SCHOOL SUBMITTED PURSUANT TO SECTION 22-7-609 (3), THE STATE BOARD SHALL AWARD THE ELIGIBLE SCHOOL A SCHOOL IMPROVEMENT GRANT IN THE FOLLOWING AMOUNT:

(I) FOR AN ELIGIBLE ELEMENTARY SCHOOL, ONE HUNDRED FIFTY THOUSAND DOLLARS PER YEAR;

(II) FOR AN ELIGIBLE MIDDLE OR JUNIOR HIGH SCHOOL, TWO HUNDRED THOUSAND DOLLARS PER YEAR; AND

(III) FOR AN ELIGIBLE HIGH SCHOOL, TWO HUNDRED FIFTY THOUSAND DOLLARS PER YEAR.

(c) (I) THE DEPARTMENT SHALL CREDIT TO THE SCHOOL DISTRICT IN WHICH THE ELIGIBLE SCHOOL IS LOCATED THE MONEYS FOR THE FIRST YEAR OF THE GRANT UPON RECEIPT OF THE SCHOOL IMPROVEMENT PLAN. THE DEPARTMENT SHALL CREDIT TO SAID SCHOOL DISTRICT THE MONEYS FOR THE SECOND YEAR OF THE GRANT NO LATER THAN JULY 1 FOLLOWING COMPLETION OF THE FIRST YEAR OF OPERATION UNDER THE SCHOOL IMPROVEMENT PLAN.

(II) IN ADDITION TO THE AMOUNTS SPECIFIED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3), THE DEPARTMENT SHALL CREDIT AN ADDITIONAL FIFTY THOUSAND DOLLARS TO THE SCHOOL DISTRICT OF ANY ELIGIBLE SCHOOL THAT HAS MADE ADEQUATE PROGRESS.

(4) (a) MONEYS RECEIVED BY AN ELIGIBLE SCHOOL PURSUANT TO THE GRANT PROGRAM SHALL BE IN ADDITION TO THE MONEYS BUDGETED TO THE SCHOOL BY THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED AND SHALL NOT REDUCE THE AMOUNT OF SAID BUDGETED MONEYS THAT THE SCHOOL WOULD HAVE RECEIVED IF IT HAD NOT RECEIVED A GRANT PURSUANT TO THIS SECTION.

(b) GRANTS AWARDED PURSUANT TO THIS SECTION SHALL BE FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION THAT ARE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS SECTION. IN ACCORDANCE WITH SECTION 17 (3) OF ARTICLE IX OF THE STATE CONSTITUTION, EXPENDITURES OF SUCH MONEYS BY A SCHOOL DISTRICT OR SCHOOL SHALL BE EXEMPT FROM THE LIMITATION ON FISCAL YEAR SPENDING SET FORTH IN SECTION 20 (7) (b) OF ARTICLE X OF THE STATE CONSTITUTION.

(5) ON OR BEFORE JANUARY 1, 2002, AND ON OR BEFORE JANUARY 1, 2003, THE DEPARTMENT SHALL SUBMIT A REPORT ON THE SCHOOL IMPROVEMENT GRANT PROGRAM TO THE GOVERNOR, THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND THE LOCAL BOARD OF EDUCATION FOR EACH SCHOOL DISTRICT THAT HAS RECEIVED A SCHOOL IMPROVEMENT GRANT PURSUANT TO THIS SECTION. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) A LIST OF THE SCHOOL DISTRICTS THAT HAVE RECEIVED GRANTS PURSUANT TO THE GRANT PROGRAM AND THE ELIGIBLE SCHOOLS IN EACH SCHOOL DISTRICT FOR WHICH THE GRANTS WERE RECEIVED;

(b) THE ACADEMIC PERFORMANCE GRADE RECEIVED FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR BY EACH ELIGIBLE SCHOOL FOR WHICH GRANT MONEYS HAVE BEEN PROVIDED; AND

(c) SUCH ADDITIONAL INFORMATION CONCERNING THE IMPLEMENTATION AND EFFECTIVENESS OF THE GRANT PROGRAM AS MAY BE DEEMED BENEFICIAL BY THE STATE BOARD.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2003."

Renumber succeeding sections accordingly.";

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**SB01-098**

strike lines 37 and 38 of the committee amendment and substitute the following:

"Statutes, are amended to read:".

Page 214, strike lines 4 through 13.

Page 215, strike lines 5 through 11 and substitute the following:

**"SECTION 17. Appropriation - adjustments to the 2001 long bill.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of education, for the fiscal year beginning July 1, 2001, the sum of two million nine hundred thousand dollars (\$2,900,000), or so much thereof as may be necessary, for the implementation of section 22-7-609.5, Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution.

(2) For the implementation of this act, appropriations made in the annual general appropriation act to the department of education for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation for the school report card and state data reporting system, is increased by fifty thousand dollars (\$50,000).

(b) The general fund appropriation for the Colorado student assessment program, is decreased by one million three hundred thirty-seven thousand dollars (\$1,337,000).".

Appropriations

After consideration on the merits, the committee recommends that **SB01-176** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB01-137** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB01-091** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 25, insert the following:

**"SECTION 7. Appropriation - adjustments to the 2001 long bill.** For the implementation of this act, the cash funds exempt appropriation made in the annual general appropriations act for the fiscal year beginning July 1, 2001, to the department of education, for the state share of districts' total program funding, is increased by two million eight hundred thirty-nine thousand four hundred sixty-four dollars (\$2,839,464), or so much thereof as may be necessary, for the implementation of any full-day kindergarten educational programs authorized by the state board of education and established pursuant to section 22-32-119 (2), Colorado Revised Statutes. Said sum shall be from the state education fund created in section 17 (4) of article IX of the state constitution."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**PROGRAMS.**" and substitute "**PROGRAMS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the committee recommends that **SB01-089** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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**SB01-089**

Amend the Education Committee amendment, as printed in Senate Journal, February 1, page 150, after line 65, insert the following:

"(c) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, STUDYING CLASS SIZE AND THE FEASIBILITY OF CLASS SIZE REDUCTION IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND IS RELATED TO CLASS SIZE REDUCTION EFFORTS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 151, line 62, strike "general fund" and substitute "state education fund created in section 17 (4) of article IX of the state constitution";

line 63, strike "of \_\_\_\_\_ dollars (\$ )" and substitute "of fifty thousand dollars (\$50,000),";

line 64, strike "and \_\_\_\_\_ FTE,".

Page 152, after line 4, insert the following:

"Page 1, line 102, strike "SCHOOLS." and substitute "SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR."."

Appropriations

After consideration on the merits, the committee recommends that **SB01-163** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee amendment, as printed in the Senate Journal, February 19, page 363, after line 27, insert the following:

"(c) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE USE OF STUDENT TEACHERS TO INCREASE THE INDIVIDUALIZED ATTENTION STUDENTS RECEIVE IN THE CLASSROOM AND ENHANCE THE QUALITY OF THEIR EDUCATION IS AN IMPORTANT ELEMENT IN REDUCING CLASS SIZE AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.";

line 64, strike "TWO" and substitute "ONE".

Appropriations

After consideration on the merits, the committee recommends that **SB01-069** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Strike the Government, Veterans and Military Relations, and Transportation Committee amendment, as printed in Senate Journal, February 5, page 175, lines 51 through 72, and page 176, lines 1 through 47, and substitute the following:

"Amend printed bill, page 3, line 12, strike "students" and substitute "~~students~~ DEPENDENTS";

line 13, after the period, add "THE COMMISSION SHALL PROVIDE TUITION ASSISTANCE TO SUCH QUALIFIED SPOUSES FROM APPROPRIATED STUDENT FINANCIAL ASSISTANCE FUNDS, SUBJECT TO AVAILABLE APPROPRIATIONS AND CONSISTENT WITH THE REQUIREMENTS OF SECTION 23-3.3-202.

**SECTION 2.** 23-3.3-202, Colorado Revised Statutes, is amended, and the said 23-3.3-202 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**23-3.3-202. Program funding - dependents - spouses.** (1) Out of any moneys provided for the financial assistance program authorized by section 23-3.3-102, the commission shall first provide tuition assistance to ~~individuals~~ DEPENDENTS who qualify under the provisions

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**SB01-069**

of this part 2.

(2) OUT OF ANY MONEYS PROVIDED PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE TUITION ASSISTANCE PROGRAM AUTHORIZED BY SECTION 23-3.3-205 AND REMAINING AFTER PROVIDING ASSISTANCE TO DEPENDENTS WHO QUALIFY UNDER THE PROVISIONS OF THIS PART 2, THE COMMISSION SHALL PROVIDE TUITION ASSISTANCE TO SPOUSES WHO QUALIFY UNDER THE PROVISIONS OF THIS PART 2."

Renumber succeeding section accordingly."

Appropriations

After consideration on the merits, the committee recommends that **SB01-174** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee amendment as printed in Senate Journal, February 14, page 295, after line 3, insert the following:

**"SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2001, the sum of seventy-three thousand six hundred and three dollars (\$73,603) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, twenty-nine thousand six hundred and three dollars (\$29,603) shall be from cash funds, from fees collected for services and forty-four thousand dollars (\$44,000) shall be from cash funds exempt, from fees collected on behalf of the federal bureau of investigation.";

line 5, strike "2." and substitute "3.";

strike lines 9 through 11.

Appropriations

After consideration on the merits, the committee recommends that **SB01-099** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the committee amendment, as printed in Senate Journal, February 9, 2001, page 237, strike lines 55 through 72.

Page 238 of the committee report, strike line 1 and substitute the following:

"strike lines 14 through 27.

Page 5, strike lines 1 through 8 and substitute the following:

"BEEN CONVICTED UNDER THIS SECTION AND THE VIOLATION INVOLVES FEWER THAN ONE HUNDRED ITEMS THAT ARE, BEAR, OR ARE IDENTIFIED BY A COUNTERFEIT MARK OR THE TOTAL RETAIL VALUE OF ALL GOODS OR SERVICES THAT ARE, BEAR, OR ARE IDENTIFIED BY A COUNTERFEIT MARK IS LESS THAN ONE THOUSAND DOLLARS;

(II) A CLASS 1 MISDEMEANOR IF:

(A) A PERSON HAS ONE OR MORE PREVIOUS CONVICTIONS UNDER THIS SECTION; OR

(B) THE VIOLATION INVOLVES ONE HUNDRED OR MORE ITEMS THAT ARE, BEAR, OR ARE IDENTIFIED BY A COUNTERFEIT MARK OR THE TOTAL RETAIL VALUE OF ALL GOODS OR SERVICES THAT ARE, BEAR, OR ARE IDENTIFIED BY A COUNTERFEIT MARK IS ONE THOUSAND DOLLARS OR MORE.";

Appropriations

After consideration on the merits, the committee recommends that **SB01-124** be postponed indefinitely.

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Appropriations

After consideration on the merits, the committee recommends that **HB01-1349** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 21, insert the following:

**"SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the bingo-raffle cash fund created in section 12-9-103.5, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2001, the sum of four thousand sixty-five dollars (\$4,065), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 103, strike "LAW"." and substitute "LAW", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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### MESSAGE FROM THE HOUSE

April 6, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1378.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1097, amended as printed in House Journal, April 5, pages 1107-1111.  
 HB01-1294, amended as printed in House Journal, April 5, pages 1111-1112.  
 HB01-1343, amended as printed in House Journal, April 5, page 1112.  
 HB01-1359, amended as printed in House Journal, April 5, pages 1112-1115.  
 HB01-1125, amended as printed in House Journal, April 5, pages 1115-1116.  
 HB01-1337, amended as printed in House Journal, April 5, page 1115.

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### MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1378; and,

without comment, as amended, HB01-1097, 1125, 1294, 1337, 1343, and 1359.

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### INTRODUCTION OF BILLS--FIRST READING

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

- HB01-1003** by Representative Lawrence; also Senator Evans--Concerning the creation of a state income tax credit for employer contributions to medical savings accounts.  
 Business, Labor, and Finance
- HB01-1079** by Representative Mace; also Senator Epps--Concerning the older Coloradans program, and making an appropriation therefor.  
 Health, Environment, Children & Families  
 Appropriations
- HB01-1090** by Representative Spradley; also Senator Owen--Concerning an increase in the income tax credit for the donation of a perpetual conservation easement.  
 Business, Labor, and Finance  
 Appropriations
- HB01-1097** by Representative Dean; also Senator Matsunaka--Concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation.  
 Business, Labor, and Finance

- HB01-1125** by Representative Miller; also Senator Teck--Concerning measures that will prevent the misuse of certain forms of identification, and making an appropriation in connection therewith.  
Government, Veterans and Military Relations, and Transportation

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- HB01-1284** by Representatives Sinclair, Hefley, Johnson, Miller, Nunez, Tapia, Tochtrop and Witwer; also Senator Dyer (Durango)--Concerning compliance with federal selective service requirements prior to the issuance of drivers' licenses.  
Government, Veterans and Military Relations, and Transportation

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- HB01-1294** by Representative King; also Senator May--Concerning the uninterrupted existence of statutes setting forth motor vehicle registration fees for application in years in which surplus state revenues under section 20 of article X of the state constitution are not sufficient to permit reduction of such fees as a refund mechanism, and making an appropriation in connection therewith.  
Business, Labor, and Finance  
Appropriations

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- HB01-1337** by Representative Kester; also Senator Hanna--Concerning the welfare of pets, and, in connection therewith, creating a pet animal welfare authority funded in part by voluntary contributions through the income tax form.  
Agriculture and Natural Resources  
Appropriations

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- HB01-1343** by Representatives Clapp and Stafford; also Senator Hernandez--Concerning the enrollment of medicaid recipients in managed care, and making an appropriation in connection therewith.  
Health, Environment, Children & Families

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- HB01-1359** by Representatives Mitchell and Grossman; also Senators Matsunaka and Andrews--Concerning public access to information, and, in connection therewith, providing for public access to information discussed in certain meetings of public bodies and providing remedies and penalties for violations of the open meetings law and the open records act.  
Government, Veterans and Military Relations, and Transportation

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- HB01-1378** by Representatives Webster, Hoppe, Alexander, Coleman, Hefley, Hodge, Jameson, King, Miller, Plant, Rippy, Schultheis, Snook, Spradley, Tochtrop and White; also Senator Dyer (Durango)--Concerning the authority of the state agricultural commission to prevent the spread of livestock disease in Colorado.  
Agriculture and Natural Resources

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**INTRODUCTION OF RESOLUTIONS**

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

- SR01-014** by Senator Musgrave--Concerning the prevention of Foot-and-Mouth Disease and Mad Cow Disease in Colorado.

WHEREAS, Foot-and-Mouth Disease (FMD) is a highly contagious and economically devastating disease, infecting cattle and swine, as well as other cloven-hoofed ruminants; and

WHEREAS, There are at least seven known types and several subtypes of the FMD virus, which can survive in a contaminated environment for up to one month; and

WHEREAS, FMD is the disease that farmers dread most because there is no cure and, while an animal may recover after 2 or 3 weeks, the animal is permanently debilitated; and

WHEREAS, The economic impact is felt through severe losses in production as milk flow drops, conception rates lower, and abortions often occur in infected cows; and

WHEREAS, The U.S. is considered free of FMD since eradicating the last outbreak in 1929; and

WHEREAS, The agricultural industry around the world is also facing the threat of Bovine Spongiform Encephalopathy (BSE), also known as Mad Cow Disease, a chronic progressive degenerative disease

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SR01-014

affecting the central nervous system of cattle; and

WHEREAS, BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs) and first appeared in 1986 in Great Britain; and

WHEREAS, BSE is a fatal disease for which there is no known treatment, and currently there is no test to detect and diagnose BSE in a live animal; and

WHEREAS, A human form of TSEs believed to be related to BSE, Creutzfeldt-Jakob Disease (vCJD) has been appearing since 1996 in people thought to have been exposed to contaminated products containing brain or spinal cord; and

WHEREAS, FMD is an airborne virus that can travel up to 30 miles and can be carried on clothing and shoes as well as the body; and

WHEREAS, BSE is a protein that can be contracted only through the ingestion of contaminated ruminant meat and byproducts; and

WHEREAS, The Colorado Department of Agriculture has taken a proactive measure by adopting the Colorado Foot-and-Mouth Prevention and Response Protocol that bans the importation of cloven-hoofed animals from known FMD countries and setting up quarantine options and epidemiology investigations in cooperation with the United States Department of Agriculture Animal and Plant Health Inspection Service, Veterinary Services should FMD appear in Colorado; and

WHEREAS, The United States Department of Agriculture has implemented check points in U.S. airports, requiring passengers unloading from international flights to walk across disinfectant mats in an effort to remove the FMD virus from shoes and has prohibited the importation of swine and ruminants, as well as their meat products; and

WHEREAS, The United States Department of Agriculture took proactive measures in 1989 to prevent the introduction of BSE by banning the importation of animals and ruminant meat and byproducts from countries known to have BSE; and

WHEREAS, In 1997, the United States Department of Agriculture took further action and banned the feeding of ruminant-derived animal protein to ruminants; and

WHEREAS, There are over 17,000 farms in Colorado that depend on livestock for their livelihood, and over 15,000 of those farms raise cattle; and

WHEREAS, The cattle industry brings in over \$3 billion to the State of Colorado in cash receipts as well as provides countless jobs on farms and in communities that depend on the farms for their local economy; and

WHEREAS, The economic impact would be devastating to both the individual farmers in Colorado and to the state as a whole if either FMD or BSE were to be introduced in the livestock population of Colorado; now, therefore,

*Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado:*

(1) That we, the members of the Senate of the Sixty-third Colorado General Assembly, applaud the efforts of the Colorado Department of Agriculture to prevent the introduction of Foot-and-Mouth Disease and Mad Cow Disease in the state of Colorado and the efforts of the Colorado Livestock Association to inform the public. We encourage the Colorado Department of Agriculture to expand its efforts to prevent the introduction of FMD and BSE in Colorado.

(2) We further applaud the efforts made and proactive measures

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taken by the United States Department of Agriculture to prevent the introduction of Foot-and-Mouth Disease and Mad Cow Disease in the U.S. and for its efforts to inform and educate the public about these diseases. We encourage the U.S.D.A. to expand its efforts to prevent the introduction of and research options for responding to FMD and BSE.

*Be It Further Resolved*, That copies of this Senate Resolution be sent to the Colorado Department of Agriculture, the Colorado Livestock Association, and the United States Department of Agriculture.

Agriculture and Natural Resources

**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:

**HB01-1274**

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

A majority of those elected to the Senate having voted in the affirmative, Senator Thiebaut was given permission to offer a Third Reading Amendment.

Third Reading Amendment(L.010), by Senator Thiebaut.

Amend revised bill, page 3, line 20, strike "AND, WHERE POSSIBLE, ACCESSIBLE" and substitute "AND ACCESSIBLE";

line 24, after "day"., add "IF THERE IS NO PUBLIC PLACE OR PRIVATE HOME AVAILABLE IN OR PROXIMATE TO THE PRECINCT THAT IS ACCESSIBLE TO PERSONS WITH DISABILITIES, THE PRECINCT CAUCUS MAY BE HELD IN A PRIVATE HOME IN OR PROXIMATE TO THE PRECINCT THAT IS NOT ACCESSIBLE TO PERSONS WITH DISABILITIES.".

More than a majority of all members elected tot he Senate having voted in the affirmative, the amendment was declared **adopted**.

The question being "Shall the bill, as amended, 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	Y	Taylor	E
Cairns	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Nichol, Windels.

**HB01-1088**

by Representative Rippy; also Senator Dyer (Durango)--Concerning notifications regarding severed mineral rights.

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

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**HB01-1088**

YES	32	NO	1	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	Y	Taylor	E
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	N	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hanna.

**SB01-046**

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

The question being "Shall the bill, as amended, 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	Y
Arnold	Y	Gordon	E	Musgrave	Y	Taylor	E
Cairns	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	Y		

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

Co-sponsor added: McElhany.

**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 16, 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 Consent Calendar.

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

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

COLORADO LIMITED GAMING CONTROL COMMISSION

for terms expiring July 1, 2004:

Shirley O. Harris of Littleton, Colorado, to serve as a registered elector from the Sixth Congressional District and as a Democrat, reappointed.

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	Y	Taylor	E
Cairns	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2003:

Mary A. Schaefer of Grand Junction, Colorado, to serve as a representative of business, appointed;

Adoree L. Blair of Littleton, Colorado, to serve as a representative of the mental health field, appointed.

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	Y	Taylor	E
Cairns	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2003:

Brenda Kaye Marriott of Arvada, Colorado, to serve as a representative of the regulated community and as a Republican, reappointed;

Ann C. Umphres of Golden, Colorado, to serve as a representative of the public at large and as a Democrat, reappointed;

Lauren Elizabeth Evans of Lakewood, Colorado, to serve as a representative of the public at large and as a Republican, reappointed;

Len Kay Wilson of Denver, Colorado, to serve as a representative of government and as a Republican, reappointed;

Toby Dwayne Cummings of Grand Junction, Colorado, to serve as a representative of the regulated community and as a Republican, appointed.

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	Y	Taylor	E
Cairns	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01-174, SB01-099, HB01-1349** were made Special Orders at 10:46 a.m.

Committee of the Whole

The hour of 10:46 a.m. having arrived, Senator Anderson moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Anderson was called to the Chair to act as Chairman.

**SPECIAL 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:

**SB01-174**

by Senator Epps--Concerning criminal background checks for emergency medical technicians, and making an appropriation therefor.

**SB01-174** Amendment No. 1, Judiciary Committee Amendment. 1  
 (Printed in Senate Journal, February 14, 2001, pages 293-295.) 2  
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Amendment No. 2, Appropriations Committee Amendment. 4  
 (Printed in Senate Journal, April 9, 2001, page 788.) 5  
 6  
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 7  
 Passage. 8  
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**SB01-099** by Senator Dyer (Littleton)--Concerning prohibitions on trademark counterfeiting. 10  
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Amendment No. 1, Judiciary Committee Amendment. 12  
 (Printed in Senate Journal, February 9, 2001, pages 237-238.) 13  
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Amendment No. 2, Appropriations Committee Amendment. 15  
 (Printed in Senate Journal, April 9, 2001, page 788.) 16  
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 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 18  
 Passage. 19  
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**HB01-1349** by Representatives Johnson and Swenson; also Senator Phillips--Concerning clarification 21  
 that the term "raffle" includes the game commonly referred to as a "duck race" for 22  
 purposes of the "Bingo and Raffles Law". 23  
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 Laid over until Tuesday, April 10, 2001, retaining its place on the calendar. 25  
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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 27  
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On motion of Senator Anderson, the Report of the Committee of the Whole was adopted 30  
 and, a majority of all members elected having voted in the affirmative, the following 31  
 action was taken: 32  
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Passed on Second Reading: **SB01-174** as amended, **SB01-099** as amended. 34  
 Laid Over until Tuesday, April 10, 2001: **HB01-1349**. 35  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having 38  
 voted in the affirmative, the balance of the calendar of Monday, April 9, 2001, was laid 39  
 over until Tuesday, April 10, 2001, retaining its place on the calendar. 40

General Orders--Second Reading of Bills: **HB01-1131, HB01-1189, SB01-067, SB01-041, SCR01-002, SB01-081, SB01-204.** 41  
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Consideration of Resolutions: **SJR01-010, SJR01-023, SJR01-024.** 43

Consideration of Memorials: **SM01-001.** 44

Consideration of House Amendments to Senate Bills: **SB01-066, SB01-080.** 45

Consideration of House Adherence: **HJR01-1010.** 46

Consideration of Governor's Vetoes: **SB01-043.** 47

Consideration of Governor's Appointments: 48

- Colorado Tourism Office 49
- Colorado School of Mines, Board of Trustees 50
- State Housing Board 51
- Board of Directors of the Colorado Compensation Insurance Authority 52
- Securities Board 53
- Special Funds Board for Workers Compensation Self Insurers 54
- Wildlife Commission 55
- Board of Assessment Appeals 56

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 57  
**ON HB01-1250** 58  
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 THIS REPORT ADOPTS THE 64  
 REENGROSSED BILL 65  
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To the President of the Senate and the 68  
 Speaker of the House of Representatives: 69  
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Your first conference committee appointed on HB01-1250, concerning 71  
 interference with the flow of water in a ditch, has met and reports that 72

**HB01-1250**

it has agreed upon the following:

That the Senate recede from its amendment made to the bill and that the reengrossed bill be adopted without change.

Respectfully submitted,

House Committee:

Senate Committee:

(signed)  
Representative Williams (Chairman)

(signed)  
Senator Hagedorn (Chairman)

(signed)  
Representative Rippy

(signed)  
Senator Dyer (Durango)

(signed)  
Representative Madden

(signed)  
Senator Hillman

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**TRIBUTES--A POINT OF INTEREST**

Honoring Dorothy Boretz by Senator Matsunaka

Honoring Maurice Stephens by Senator Matsunaka

Honoring Ken and Elaine Howe by Senator Matsunaka

Honoring John Gebauer by Senator Musgrave

Honoring Harold and Jeanne McCormick by Senator Chlouber

Honoring Jack A. Weil by Senator Chlouber

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, April 10, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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