

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

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Seventy-first Legislative Day

Wednesday, March 21, 2001

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|                    |  |   |
|--------------------|--|---|
| Prayer             | By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.   | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9 |
| Call to Order      | By the President at 8:30 a.m.  | 10<br>11<br>12<br>13                      |
| Roll Call          | Present--Total, 31.<br>Absent/Excused--Cairns, Dyer (Durango), Pascoe, Tate--Total 4.<br>Present later--Cairns, Dyer (Durango), Pascoe, Tate.              | 14<br>15<br>16<br>17                      |
| Quorum             | The President announced a quorum present.  | 18<br>19                                  |
| Reading of Journal | On motion of Senator May, reading of the Journal of Tuesday, March 20, 2001 was dispensed with and the Journal was approved as corrected by the Secretary. | 20<br>21<br>22                            |

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**SENATE SERVICES REPORT**

|                 |  |                      |
|-----------------|--|----------------------|
| Senate Services | Correctly printed: SCR01-004.  | 23<br>24<br>25<br>26 |
|                 | Correctly rerevised: HB01-1007, 1078, 1281, 1288, 1226, 1325, 1224, 1249, 1012, 1232, 1346.  | 27<br>28<br>29       |
|                 | Correctly revised: HJR01-1020.   | 30<br>31             |
|                 | Correctly reengrossed: SB01-205.   | 32<br>33             |
|                 | Correctly enrolled: SB01-020, 036, 044, 047, 049, 055, 058, 071, 076, 110, 111, 112, 117, 128, 141, 172, 201.  | 34<br>35<br>36<br>37 |
|                 | To the Governor for signature on Tuesday, March 20, 2001, at 11:30 am:<br>SB 01-020, 036, 044, 047, 049, 055, 058, 071, 076, 110, 111, 112, 117, 128, 141, 172, 201. | 38<br>39<br>40       |

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**COMMITTEE OF REFERENCE REPORTS**

|                              |  |                            |
|------------------------------|--|----------------------------|
|                              | The committees recommend the following:  | 41<br>42<br>43<br>44<br>45 |
| Judiciary                    | After consideration on the merits, the committee recommends that <b>SB01-207</b> be postponed indefinitely.                                      | 46<br>47<br>48<br>49       |
| Judiciary                    | After consideration on the merits, the committee recommends that <b>HB01-1350</b> be postponed indefinitely.                                     | 50<br>51<br>52<br>53       |
| Business, Labor, and Finance | The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: | 54<br>55<br>56<br>57<br>58 |

**MEMBERS OF THE  
SPECIAL FUNDS BOARD FOR  
WORKERS' COMPENSATION SELF INSURERS**

for a term expiring July 1, 2003:

Terry Michael Lee of Castle Rock, Colorado, to fill the vacancy occasioned by the resignation of Marc T. Gallegos and to serve as a member with knowledge of risk management and as a Republican, appointed.

for a term expiring July 1, 2004:

Elda M. de la Pena of Longmont, Colorado, to serve as an employee of a self-insured employer and as a Democrat, appointed.

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Business,  
Labor, and  
Finance

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

MEMBER OF THE  
COLORADO LIMITED GAMING  
CONTROL COMMISSION

for a term 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.

Business,  
Labor, and  
Finance

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

Amend reengrossed bill, page 2, line 10, strike "TO" and substitute "SHALL".

**MESSAGE FROM THE HOUSE**

March 20, 2001

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, T. Williams, and Miller as House conferees on the First Conference Committee on SB01-123.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB01-211** by Senator Musgrave; also Representative Clapp--Concerning alternatives to foster care placement.  
Health, Environment, Children & Families

**HB01-1018** by Representative Swenson; also Senator Phillips--Concerning moneys available to the division of local government in the department of local affairs from the waste tire recycling development cash fund.  
Government, Veterans and Military Relations, and Transportation

**HB01-1320** by Representative Spradley; also Senators Phillips and Takis--Concerning a consumer right to equitable access to prescription drugs.  
Business, Labor, and Finance

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR01-1018** by Representatives Borodkin, Alexander, Berry, Boyd, Coleman, Hefley, Hodge, Hoppe, Jahn, Lawrence, Mace, Madden, Marshall, Ragsdale, Rhodes, Sanchez, Spence, Spradley, Stafford, Tochtrop, Veiga, Williams S. and Williams T.; also Senators Dennis, Anderson, Epps, Fitz-Gerald, Hanna, Musgrave, Nichol, Pascoe, Takis and Windels--Concerning the designation of Women in Politics month.

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

**SJR01-020** by Senators Dennis, Chlouber and Dyer (Durango); also Representative Saliman--Concerning Colorado nonprofit day.

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

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**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR01-1019** by Representative Cloer; also Senator Hillman--Concerning "Parents' Day".

Senator Hillman moved to suspend Senate Rule 30(e) for immediate consideration of **HJR01-1019**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

The resolution was read at length and on motion of Senator Hillman, the resolution was **adopted** by the following roll call vote:

| 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      | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | E  | Hagedorn    | Y | Nichol     | Y | Teck          | Y |
| Chlouber | Y  | Hanna       | Y | Owen       | Y | Thiebaut      | Y |
| Dennis   | Y  | Hernandez   | Y | Pascoe     | E | 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 |               |   |

Co-sponsors added: The morning roll call of the Senate.

**THIRD READING--FINAL PASSAGE OF BILLS**

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

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

(For action on **HB01-1113**, see page 595.)

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

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

| YES      | 31 | 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      | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | E  | Hagedorn    | Y | Nichol     | Y | Teck          | Y |
| Chlouber | Y  | Hanna       | Y | Owen       | Y | Thiebaut      | N |
| Dennis   | Y  | Hernandez   | Y | Pascoe     | E | 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: Chlouber.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments. The Consideration of Governor's Appointments Calendar of Wednesday, March 21, 2001 was laid over until Monday, March 26, 2001.

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

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**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:

**SB01-148**

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

Senator Perlmutter moved to suspend Senate Rule 5(h) for the order of offering floor amendments.

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 5(h) was suspended.

Amendment No. 1, Public Policy and Planning Committee Amendment.  
(Printed in Senate Journal, February 15, 2001, pages 302-314.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, March 12, 2001, pages 525-530 and March 13, 2001, page 533.)

As amended, laid over until Thursday, March 22, 2001.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**HB01-1238, HB1236, HB01-1210, HB01-1275, HB01-1283, HB01-1348, HB01-1096, HB01-1025, HB01-1321, HB01-1132, HB01-1286, HB01-1160, HB01-1297, SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-061, SB01-134, SB01-149, SB01-121**) of Wednesday, March 21, 2001, was laid over until Thursday, March 22, 2001, retaining its place on the calendar.

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

On motion of Senator Tate, 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:

Laid over until Thursday, March 22, 2001: **SB01-148** as amended, **HB01-1238, HB1236, HB01-1210, HB01-1275, HB01-1283, HB01-1348, HB01-1096, HB01-1025, HB01-1321, HB01-1132, HB01-1286, HB01-1160, HB01-1297, SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-061, SB01-134, SB01-149, SB01-121.**

**CONSIDERATION OF RESOLUTIONS**

**SJR01-019**

by Senator Andrews; also Representative Spradley--Concerning commendation of the Boy Scouts of America.

By request of Senator Andrews, the resolution was read at length.

Amendment No. 1(L.001), by Senator Andrews.

Amend printed joint resolution, page 2, line 9, strike "12," and substitute "19,".

As amended, the resolution was laid over until Thursday, March 22, 2001 retaining its place on the calendar.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **HB01-1215, 1222, 1251, 1304, 1335.**

The President has signed: **SB 01-020, 036, 044, 047, 049, 055, 058, 071, 076, 110, 111, 112, 117, 128, 141, 172, 201.**

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**THIRD READING--FINAL PASSAGE OF BILLS**  
(Continuation)

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

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

Laid over until Thursday, March 22, 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 balance of the calendar of Wednesday, March 21, 2001, was laid over until Thursday, March 22, 2001, retaining its place on the calendar.

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

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

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

Senate in Recess--Senate Reconvened.

**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Agriculture and Natural Resources The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
WILDLIFE COMMISSION

effective March 1, 2001 for terms expiring March 1, 2005:

Bernard L. Black, Jr. of Denver, Colorado, to serve as a sportsman from Wildlife District 5 and as an Unaffiliated, reappointed;

Brad W. Phelps of Parlin, Colorado, to serve as a livestock producer from Wildlife District 2 and as an Unaffiliated, appointed.

Agriculture and Natural Resources The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
STATE HOUSING BOARD

for terms expiring January 31, 2005:

Janet S. Oldham of Louisville, Colorado, to serve as a member from the Second Congressional District and as a Democrat, reappointed.

Education After consideration on the merits, the committee recommends that **HB01-1292** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 14, strike "REFLECT THE CORE" and substitute "TRANSCEND CULTURAL, RELIGIOUS, AND SOCIOECONOMIC DIFFERENCES. BY";

strike line 15.

Education After consideration on the merits, the committee recommends that **HB01-1131** be referred favorably to the Committee of the Whole.

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Education

After consideration on the merits, the committee recommends that **SJR01-009** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed resolution, page 2, line 33, strike "eleven" and substitute "twelve";

line 35, strike "Five" and substitute "Six";

line 37, strike "three" and substitute "four".

Appropriations

After consideration on the merits, the committee recommends that **SB01-119** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, February 2, page 171, strike lines 34 through 45, and substitute the following:

"Strike page 25, and substitute the following:

**"SECTION 1.** 43-4-201 (3) (a) (I.1) and (3) (a) (II) (K), Colorado Revised Statutes, are amended to read:

**43-4-201. Funds created - repeal.** (3) (a) (I.1) Commencing with the fiscal year 1995-96, the general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund pursuant to this paragraph (a), except to the department of public safety for the Colorado state patrol or to the department of revenue for the ports of entry section, that exceeds the annual appropriation or statutory distribution for all purposes, ~~except the Colorado state patrol and the ports of entry division for the fiscal year 1994-95~~ AND EXCEPT TO THE DEPARTMENT OF REVENUE TO ENABLE THE DEPARTMENT OF REVENUE TO ISSUE LICENSE PLATES.

(II) The general assembly shall not make any annual appropriation or statutory distribution from the highway users tax fund except as follows:

(K) To the department of revenue ~~for completion of the license plate replacement pursuant to section 42-3-113 (5) (b), C.R.S. This sub-subparagraph (K) is repealed, effective July 1, 2004.~~ TO ENABLE THE DEPARTMENT OF REVENUE TO ISSUE LICENSE PLATES.";

Page 26, strike lines 1 through 16, and substitute the following:

**"SECTION 2. Adjustment in 2001 long bill.** For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2001, shall be adjusted as follows:

(a) The general fund appropriation to the department of revenue, for allocation to the motor vehicle division, is reduced by seven million two hundred fifty-one thousand nine hundred forty-two dollars (\$7,251,942).

(b) The appropriation to the department of revenue, for allocation to the motor vehicle division, is increased by seven million two hundred fifty-one thousand nine hundred forty-two dollars (\$7,251,942). Said sum shall be from the highway users tax fund."

line 17, strike "**SECTION 28.**" and substitute "**SECTION 3.**".

Appropriations

After consideration on the merits, the committee recommends that **SB01-202** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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**SB01-202**

Amend printed bill, page 2, strike lines 4 through 7 and substitute the following:

"of the state of Colorado, the sum of twenty-eight million four hundred ninety thousand one hundred eighty-four dollars (\$28,490,184), or so much thereof as may be necessary, of which amount twenty-six million nine hundred thousand one hundred eighty-four dollars (\$26,900,184) shall";

line 13, strike "\$ 11,188,496<sup>1/</sup>" and substitute "\$ 11,144,428<sup>1/</sup>";

line 15, strike "7,844,494<sup>2/</sup>" and substitute "7,783,163<sup>2/</sup>";

line 17, strike "1,229,060" and substitute "1,207,175";

line 19, strike "4,118,340<sup>3/</sup>" and substitute "4,079,840<sup>3/</sup>";

line 21, strike "4,320,866<sup>4/</sup>" and substitute "4,275,578<sup>4/</sup>";

line 23, strike "\$28,701,256" and substitute "\$28,490,184";

line 25, strike "\$11,098,496" and substitute "\$11,054,428".

Page 3, line 2, strike "\$6,344,494" and substitute "\$6,283,163".

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**MESSAGE FROM THE HOUSE**

March 21, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1364.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR01-1001, amended as printed in House Journal, March 19, page 830.

The House has passed on Third Reading and returns herewith SB01-151.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-169, amended as printed in House Journal, March 19, pages 828-829. SB01-165, amended as printed in House Journal, March 19, page 829. SB01-107, amended as printed in House Journal, March 19, page 829.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-129, amended as printed in House Journal, March 19, pages 871-876, and amended on Third Reading as printed in House Journal, March 21.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

without comment, HB01-1364; and  
without comment, as amended, SB01-169, 165, 107, and 129 and HCR01-1001.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**HB01-1252** by Representative White; also Senator Taylor--Concerning demand drafts under the "Uniform Commercial Code".  
Business, Labor, and Finance

On motion of Senator Thiebaut, the Senate adjourned until 8:30 a.m., Thursday, March 22, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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