

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

Sixty-fifth Legislative Day Thursday, March 15, 2001

Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Church.

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

Roll Call Present--Total, 28.
Absent/Excused--Gordon, Hanna, McElhany, Phillips, Tate, Thiebaut, Windels--Total 7.
Present later---Gordon, McElhany, Phillips, Tate, Thiebaut, Windels.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Wednesday, 14, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-209, 210.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Public Policy and Planning After consideration on the merits, the committee recommends that **HB01-1151** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 9, after "DUTY", insert "OR A MEMBER OF THE COLORADO NATIONAL GUARD";

line 11, after "STATES", insert "OR AN AMOUNT EQUAL TO ANY WAGES FOR INACTIVE DUTY FOR TRAINING, ANNUAL TRAINING, OR STATE ACTIVE DUTY RECEIVED BY SUCH MEMBER OF THE COLORADO NATIONAL GUARD";

strike lines 13 through 25 and substitute the following:

"SECTION 2. The introductory portion to 39-22-2003 (1.5) (b), Colorado Revised Statutes, as enacted by House Bill 01-1001, enacted at the First Regular Session of the Sixty-third General Assembly, is amended, and the said 39-22-2003 (1.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

39-22-2003. State sales tax refund - offset against state income tax - qualified individuals. (1.5) For purposes of this section, "adjusted gross income" means:

(b) For the taxable year commencing on January 1, 2001, and ending December 31, 2001, and for ~~each subsequent taxable year thereafter~~, THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2002, AND ENDING DECEMBER 31, 2002, the combined total of:

(c) FOR THE TAXABLE YEAR COMMENCING ON JANUARY 1, 2003, AND ENDING DECEMBER 31, 2003, AND FOR EACH SUBSEQUENT TAXABLE YEAR THEREAFTER, AN AMOUNT EQUAL TO:

(I) THE SUM OF:

(A) FEDERAL ADJUSTED GROSS INCOME; PLUS

(B) SOCIAL SECURITY BENEFITS EXCLUDED FROM FEDERAL ADJUSTED

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HB01-1151

GROSS INCOME FOR THE TAX YEAR; PLUS

(C) LUMP-SUM DISTRIBUTIONS FROM PENSION AND PROFIT SHARING PLANS EXCLUDED FROM FEDERAL ADJUSTED GROSS INCOME THAT ARE ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO SECTION 39-22-104 (3) (c); PLUS

(D) THE AMOUNT OF INTEREST INCOME FROM STATE AND LOCAL BONDS ADDED TO FEDERAL TAXABLE INCOME PURSUANT TO SECTION 39-22-104 (3) (b);

(II) MINUS THE AMOUNT SUBTRACTED FROM FEDERAL TAXABLE INCOME PURSUANT TO SECTION 39-22-104 (4) (n).".

Strike pages 3 through 5.

Page 6, strike lines 1 and 2.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1096** 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 3, after "COUNTY", insert "THAT PAYS THE MARKET RATE, AS DETERMINED BY THE STATE DEPARTMENT, IN ALL CATEGORIES, AS IDENTIFIED BY THE STATE DEPARTMENT,";

line 9, strike "26-2-805." and substitute "26-2-805, BUT THE TOTAL OF SUCH SUPPLEMENT AND THE RECIPIENT'S PARENTAL SHARE OF SUCH CHILD CARE SHALL NOT EXCEED TEN PERCENT OF THE RECIPIENT'S INCOME.";

strike line 27 and substitute the following:

"SECTION 3. 26-2-805 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:".

Page 4, strike lines 1 through 21.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1346** be referred favorably to the Committee of the Whole.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1289** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, after line 18, insert the following:

"(4) THE DEPARTMENT SHALL EXAMINE THE SAFETY OF CHILD CARE IN THE FACILITIES OPERATED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SHALL REPORT FINDINGS TO THE GENERAL ASSEMBLY NO LATER THAN OCTOBER 1, 2002. THE GENERAL ASSEMBLY SHALL MAKE AN APPROPRIATION FROM THE CHILD CARE DEVELOPMENT FUND FOR EXPENDITURES OF THE DEPARTMENT INCURRED IN PERFORMING THE EXAMINATION AND PREPARING THE REPORT REQUIRED PURSUANT TO THIS SUBSECTION.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of human services, for the fiscal year beginning July 1, 2001, the sum of ___ dollars (\$___), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal child care development funds.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "APPLY." and substitute "APPLY, AND MAKING AN APPROPRIATION THEREFORE.".

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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.

MEMBERS OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for terms expiring September 1, 2002:

Edward Guy Bosier of Englewood, Colorado, to serve as an assessor from a county with seventy-five thousand or more in population and as a Republican, appointed;

Donald R. Bain of Hugo, Colorado, to serve as a non-assessor from a county with less than seventy-five thousand in population and as a Republican and as Chairman, appointed;

for terms expiring September 1, 2004:

Maclovio C. Martinez of San Acacio, Colorado, to serve as an assessor from a county with less than seventy-five thousand in population and as a Democrat, reappointed;

Stephen Michael Snyder of Grand Junction, Colorado, to serve as a non-assessor from the western slope and as a Republican, appointed;

Patricia A. Richards of Denver, Colorado, to serve as a non-assessor from a county with seventy-five thousand or more in population and as a Democrat, reappointed.

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.

MEMBERS OF THE
MOTION PICTURE AND TELEVISION
ADVISORY COMMISSION

for terms expiring June 30, 2004:

Daniel J. O'Brien of Englewood, Colorado, to serve as a Republican from the Fifth Congressional District, reappointed;

David F. Emrich of Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed.

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.

MEMBERS OF THE
BOARD OF DIRECTORS OF THE COLORADO COMPENSATION
INSURANCE AUTHORITY

for a term expiring January 1, 2002:

Diedra A. Garcia of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Roberto E. Zendejas, and to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, appointed;

for a term expiring January 1, 2005:

John F. Kent of Englewood, Colorado to serve as a representative of employers, appointed;

for terms expiring January 1, 2006:

Glenn L. Schelhaas of Longmont, Colorado, to serve as an employee of an employer whose liability is insured by the Colorado Compensation Insurance Authority, reappointed; and

James E. Scholl of Holyoke, Colorado, to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, appointed.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1025** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause, and substitute the following:

"SECTION 1. 24-72-204 (7) (a) and (7) (c), Colorado Revised Statutes, are amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (7) (a) Except as permitted in paragraph (b) of this subsection (7), the department of revenue or a ~~designated~~ AN AUTHORIZED agent of the department shall not allow inspection of information contained in a driver's license application under section 42-2-107, C.R.S., a driver's license renewal application under section 42-2-118, C.R.S., a duplicate driver's license application under section 42-2-117, C.R.S., a commercial driver's license application under section ~~42-2-404~~ 42-2-403, C.R.S., an identification card application under section 42-2-302, C.R.S., a motor vehicle title application under section ~~42-6-103~~ 42-6-116, C.R.S., a motor vehicle registration application under section 42-3-112, C.R.S., or other official record or document maintained by the department under section 42-2-121, C.R.S., to a requestor, other than the person in interest.

(c) (I) FOR PURPOSES OF THIS PARAGRAPH (c), "LAW" SHALL MEAN THE FEDERAL "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721, ET SEQ., THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681, ET SEQ., SECTION 42-1-206, C.R.S., AND THIS PART (2).

(II) If the requestor release form indicates that the requestor will, IN ANY MANNER, use, OBTAIN, RESELL, OR TRANSFER THE information contained in records, requested individually or in bulk, for any purpose ~~other than a purpose authorized~~ PROHIBITED by law, ~~including an authorized use under the federal "Driver's Privacy Protection Act of 1994", 18 U.S.C. sec. 2721, et seq.,~~ the department or agent shall deny inspection of any motor vehicle or driver record.

(III) IN ADDITION TO COMPLETING THE REQUESTOR RELEASE FORM UNDER SECTION 42-1-206 (1) (b), C.R.S., AND SUBJECT TO THE PROVISIONS OF SECTION 42-1-206 (3.7), C.R.S., THE REQUESTOR SHALL SIGN AN AFFIDAVIT OF INTENDED USE UNDER PENALTY OF PERJURY THAT STATES THAT THE REQUESTOR SHALL NOT OBTAIN, RESELL, TRANSFER, OR USE THE INFORMATION IN ANY MANNER PROHIBITED BY LAW. THE DEPARTMENT OR THE DEPARTMENT 'S AUTHORIZED AGENT SHALL DENY INSPECTION OF ANY MOTOR VEHICLE OR DRIVER RECORD TO ANY PERSON, OTHER THAN A PERSON IN INTEREST AS DEFINED IN SECTION 24-72-202 (4), OR A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY CARRYING OUT ITS OFFICIAL FUNCTIONS, WHO HAS NOT SIGNED AND RETURNED THE AFFIDAVIT OF INTENDED USE.

SECTION 2. 42-1-206 (1) (b), (3.7) (a), the introductory portion to 42-1-206 (3.7) (b), 42-1-206 (3.7) (b) (I), and (3.7) (b) (IV), Colorado Revised Statutes, are amended, and the said 42-1-206 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-1-206. Records open to inspection - furnishing of copies.

(1) (b) (I) FOR PURPOSES OF SUBSECTIONS (1) TO (3) AND (5) OF THIS SECTION, "LAW" SHALL MEAN THE FEDERAL "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721, ET SEQ., THE FEDERAL "FAIR CREDIT REPORTING ACT", 15 U.S.C. SEC. 1681, ET SEQ., PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., AND THIS SECTION. The department shall prepare a requestor release form and make such form available to the department's ~~designated~~ AUTHORIZED agents. The form shall include the following:

(A) A statement indicating whether the requestor will use the motor vehicle or driver records or transfer OR RESELL such records to another person for any purpose ~~other than a purpose authorized~~ PROHIBITED by law; ~~including any authorized use under the federal "Driver's Privacy Protection Act of 1994", 18 U.S.C. sec. 2721, et seq.,~~ and

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HB01-1025

(B) A warning that any person using motor vehicle or driver records, OR OBTAINING, RESELLING, OR TRANSFERRING THE SAME, for improper purposes PROHIBITED BY LAW may be subject to civil penalties under federal AND STATE law; AND

(C) AN AFFIDAVIT OF INTENDED USE THAT STATES THAT SUCH REQUESTOR SHALL NOT OBTAIN, USE, RESELL, OR TRANSFER THE INFORMATION FOR ANY PURPOSE PROHIBITED BY LAW.

(II) The department or a designated AN AUTHORIZED agent shall require any person, other than a person in interest as defined in section 24-72-202 (4), C.R.S., or a federal, state, or local government agency carrying out its official functions, requesting inspection of a motor vehicle or driver record from the department or agent individually or in bulk, to sign a requestor release form AND, UNDER PENALTY OF PERJURY, AN AFFIDAVIT OF INTENDED USE prior to providing the record to such person. The department or designated AUTHORIZED agent may allow inspection of motor vehicle and driver records only as authorized under section 24-72-204 (7), C.R.S.

(3.7) (a) The department shall establish a system to allow bulk electronic transfer of information to primary users and vendors who are authorized PERMITTED to receive such information pursuant to section 24-72-204 (7), C.R.S. BULK TRANSFERS TO VENDORS SHALL BE LIMITED STRICTLY TO VENDORS WHO TRANSFER OR RESELL SUCH INFORMATION FOR PURPOSES PERMITTED BY LAW. Such information shall consist of the information contained in a driver's license application under section 42-2-107, a driver's license renewal application under section 42-2-118, a duplicate driver's license application under section 42-2-117, a commercial driver's license application under section 42-2-404 42-2-403, an identification card application under section 42-2-302, a motor vehicle title application under section 42-6-116, a motor vehicle registration application under section 42-3-112, or other official record or document maintained by the department under section 42-2-121.

(b) The department shall promulgate rules governing ANNUAL contracts with primary users and vendors for the purpose of establishing bulk electronic transfer of information to primary users and vendors PURSUANT TO AN ANNUAL AFFIDAVIT AND RELEASE FORM, and shall require that the contracts include, at a minimum:

(I) A provision for a REASONABLE fee that encompasses all DIRECT costs OF THE DEPARTMENT related to the bulk electronic transfer of information to that primary user or vendor;

(IV) A provision that prohibits any resale or transfer of the information other than as specified in the contract OR IN A MANNER THAT IS PROHIBITED BY LAW.

(5) ANY PERSON WHO WILLFULLY AND KNOWINGLY OBTAINS, RESELLS, TRANSFERS, OR USES INFORMATION IN VIOLATION OF LAW SHALL BE LIABLE TO ANY INJURED PARTY FOR TREBLE DAMAGES, REASONABLE ATTORNEY FEES, AND COSTS.

SECTION 3. 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.

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

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HB01-1025

(2) The provisions of this act shall apply to any request for motor vehicle or driver records made to the department of revenue on or after the applicable effective date of this act."

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Calendar (**HB01-1124, HB01-1187, HB01-1323, HB01-1113, SB01-205, HB01-1078, HB01-1281, HB01-1238, HB01-1236, SB01-148, HB01-1064**) of Thursday, March 15, 2001, was laid over until Friday, March 16, 2001, retaining its place on the Calendar.

CONSIDERATION OF RESOLUTIONS

SJR01-012

by Senators Reeves and Hagedorn; also Representatives Lawrence and Bacon--Concerning the Bone and Joint Decade.

On motion of Senator Reeves, the resolution was **adopted** by the following roll call vote:

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	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	E	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

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 (**HJR01-1014, SJR01-013, SJR01-019, SJR01-010**) of Thursday, March 15, 2001, was laid over until Friday, March 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 Consideration of House Amendments to Senate Bills Calendar (**SB01-015, SB01-090, SB01-025, SB01-043, SB01-022, SB01-120, SB01-156, SB01-123, SB01-011, SB01-038**) of Thursday, March 15, 2001, was laid over until Tuesday, March 20, 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 Thursday, March 15, 2001, was laid over until Friday, March 16, 2001, retaining its place on the Calendar.

Consideration of House Amendments to Senate Resolutions: **SJR01-015**.
Consideration of House Adherence: **HJR0-1010**.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

March 15, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1017, as printed in House Journal, March 15.

The House has postponed indefinitely SB01-079. The bill is returned herewith.

March 15, 2001

Mr. President:

The House has voted not to concur in Senate amendments to HB01-1034, and requests that a conference committee be appointed. The Speaker has appointed Representatives White, chairman, and Stengel, and Miller as House conferees on the First Conference Committee on HB01-1034. The bill is transmitted herewith.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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

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

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1061, 1075, 1168, 1171.**

TRIBUTES--A POINT OF INTEREST

Honoring Michael Grummert by Senator Linkhart

Honoring Judith Chavez by Senator Linkhart

Honoring Margarita Taylor "Tia Margarita" by Senator Linkhart

Honoring Thomas Padilla by Senator Linkhart

Honoring Sara Coffman by Senator Phillips

Honoring Heidi Wiebeck by Senator Phillips

Honoring Sarah Cleland by Senator Phillips

Honoring Ashley Madrid by Senator Phillips

Honoring Joanna Brozovich by Senator Phillips

Honoring Bridget Hart by Senator Phillips

Honoring Dacee Tuck by Senator Phillips

Honoring Jessica Carlson by Senator Phillips

Honoring Alexis Maxwell by Senator Phillips

Honoring Melanie Mahoney by Senator Phillips

Honoring Molly Langerak by Senator Phillips

Honoring Brittni Carlson by Senator Phillips

Honoring Bob Bledsoe by Senator Phillips

Honoring Dan Mestas by Senator Phillips

Honoring Mike Mahoney by Senator Phillips

Honoring Bill Davis by Senator Phillips

On motion of Senator Hillman the Senate adjourned until 9:00 a.m., Friday, March 16, 2001.

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate

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