

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

One hundred-thirteenth Legislative Day Wednesday, May 2, 2001

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

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

Roll Call Present--Total, 33.
 Absent/Excused--Lamborn, Musgrave--Total, 2.
 Present later--Lamborn, Musgrave.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Tuesday, May 1, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed SB01-241, 242.

Correctly rerevised: HB01-1070, 1081, 1100, 1193, 1223, 1313, 1102, 1282, 1125, 1227, 1106, 1017, 1334, 1204, 1337, 1264, 1326.

Correctly revised: HJR01-1036, HB01-1229, 1090, 1205, 1344, 1294, 1272, 1086, 1298, 1130, 1191, 1263, 1269, 1155, 1184.

Correctly engrossed: SB01-214, 236, SM01-001.

Correctly enrolled: SB01-005.

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.

HB01-1271 by Representative Ragsdale; also Senator Owen--Concerning employment incentives for people with disabilities through a medicaid buy-in program.

(Amended as printed in Senate Journal, May 1, 2001, page 1090.)

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

YES	35	NO	0	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: Entz, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Linkhart, Nichol, Pascoe, Reeves, Tate, Windels.

HB01-1345 by Representatives Hoppe, Miller, Snook, Rippy and Webster; also Senator Dyer (Durango)--Concerning the creation of the mineral and energy reclamation trust fund for the purpose of repairing damage to land following the extraction of certain elements.

HB01-1345 Laid over until Thursday, May 3, 2001, retaining its place on the calendar.

HB01-1229 by Representative Veiga; also Senator Anderson--Concerning sex offender supervision.

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

YES	33	NO	2	EXCUSED	0	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	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Dyer (Arapahoe), Epps, Hillman, Nichol.

HB01-1090 by Representative Spradley; also Senator Owen--Concerning an increase in the income tax credit for the donation of a perpetual conservation easement.

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

YES	34	NO	1	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Dyer (Durango), Evans, Hillman, Musgrave, Reeves, Taylor, Teck.

HB01-1205 by Representatives Kester, Alexander, Fairbank, Hefley, Hoppe, Johnson, Lee, Rippey, Smith, Snook, Spence, Stengel, Webster, White and Young; also Senator Entz--Concerning continuation of provisions requiring community corrections escapees to forfeit earned reductions in sentence time, and making an appropriation therefor.

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

YES	33	NO	2	EXCUSED	0	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	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	N		

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

Co-sponsors added: Anderson, Arnold, Chlouber, Epps, Hillman, May, McElhany, Teck.

HB01-1344 by Representative Rhodes; also Senator Arnold--Concerning the limitation for commencing criminal proceedings, and making an appropriation therefor.

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

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HB01-1344

YES	32	NO	3	EXCUSED	0	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	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Epps.

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.

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

YES	35	NO	0	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB01-1272

by Representative Williams T.; also Senator Takis--Concerning school funding to purchase textbooks, and making an appropriation in connection therewith.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Hagedorn, Hernandez, Pascoe, Taylor, Tupa, Windels.

HB01-1086

by Representatives Alexander, Coleman, Hodge, Johnson, Snook and Webster; also Senator Dyer (Durango)--Concerning the creation of the agriculture value-added development fund program, and making an appropriation in connection therewith.

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

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HB01-1086

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	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	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Gordon, Hagedorn, Hanna, Hernandez, Phillips, Reeves, Taylor, Teck.

HB01-1298

by Representative Berry; also Senator Tate--Concerning creation of a statewide common course numbering system for the transfer of course credits among state-supported institutions of higher education.

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

Third Reading Amendment, by Senator Tate.

Amend revised bill, page 5, line 15, strike "2003," and substitute "2004,".

Page 7, strike lines 5 through 7 and substitute the following:

"(x) JULY 1, 2011: THE COUNCIL OF HIGHER EDUCATION REPRESENTATIVES CONVENED PURSUANT TO SECTION 23-1-108.5 (3), C.R.S.".

A majority of members elected to the 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	35	NO	0	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: Fitz-Gerald, Matsunaka, May, Nichol, Pascoe, Teck, Tupa, Windels.

HB01-1130

by Representative Grossman; also Senator Lamborn--Concerning DNA testing of felons sentenced to the department of corrections, and making an appropriation therefor.

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

Third Reading Amendment, by Senator Lamborn.

Amend revised bill, page 9, line 3, before "SUBJECT", insert "NOT".

A majority of members elected to the Senate having voted in the affirmative, the amendment was declared **adopted**.

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HB01-1130

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

YES	33	NO	2	EXCUSED	0	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	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
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 members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **passed**.

Co-sponsors added: Arnold, Cairns, Dyer (Arapahoe), Epps, May, McElhany, Teck.

HB01-1191

by Representatives Lee, Johnson and Williams T.; also Senator Linkhart--Concerning matching grants to community mediation programs, and, in connection therewith, authorizing an adjunct committee of the office of dispute resolution advisory committee to provide grants to community mediation programs.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	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	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hanna.

SB01-214

by Senator Dyer (Durango); also Representative Hoppe--Concerning the application of state air quality standards to the use of prescribed fire for management activities within the state, and making an appropriation therefor.

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

YES	35	NO	0	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Dyer (Arapahoe), Hillman, May, Reeves, Taylor.

HB01-1263

by Representatives King, Crane, Lee; also Senator Teck--Concerning state institutions of higher education degree requirements.

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

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HB01-1263

YES	34	NO	1	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Chlouber, Hagedorn, May, Nichol, Tupa.

HB01-1269

by Representative Chavez; also Senator Epps--Concerning punishment of criminal gang activities, and making an appropriation in connection therewith.

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

YES	31	NO	4	EXCUSED	0	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	Y	Owen	Y	Thiebaut	N
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	N		

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

Co-sponsors added: Arnold, Cairns, Evans, Hagedorn, Hillman, May, McElhany, Nichol, Teck.

HB01-1155

by Representatives Stengel, Fairbank, Lawrence, Lee, Mitchell, Stafford, White, Williams S., and Young; also Senator Hagedorn--Concerning the availability of information concerning sexual offenders, and making an appropriation in connection therewith.

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

YES	32	NO	3	EXCUSED	0	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	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Dyer (Arapahoe), Epps, May, McElhany, Nichol, Teck.

HB01-1184

by Representative Veiga; also Senator Perlmutter--Concerning domestic violence, and making an appropriation therefor.

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

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HB01-1184

YES	35	NO	0	EXCUSED	0	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	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Dyer (Durango), Hagedorn, Pascoe, Takis.

SB01-236

by Senators Windels and Anderson; also Representative Hefley--Concerning the regulation of tobacco sales based on quantity.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	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		

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

Co-sponsor added: Hagedorn.

Committee of the Whole

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

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

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB01-1372

by Representative Spradley; also Senator Chlouber--Concerning real property in Fremont county used by the special operations response team of the department of corrections, and making an appropriation in connection therewith.

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

SB01-232

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--Concerning an increase in the transfer of moneys from the general fund to the capital construction fund.

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

SB01-220

by Senators Entz and Dyer (Durango); also Representatives Snook and Miller--Concerning special license plates for members of the United States Marine Corps.

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

(Printed in Senate Journal, April 27, 2001, page 1060.)

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tupa, 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: **HB01-1372, SB01-232, SB01-220** as amended.

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 Resolutions **HJR01-1039** and **HJR01-1040**.

CONSIDERATION OF RESOLUTIONS

HJR01-1039 by Representative Romanoff; also Senator Pascoe--Concerning recognition of the 2001 University of Denver women's gymnastics team.

On motion of Senator Pascoe, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	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		

HJR01-1040 by Representatives Stafford, Borodkin, Clapp, Crane, Hodge, Mace and Veiga; also Senators Epps, Linkhart and Hernandez--Concerning the encouragement of employment training and job placement in nursing homes, assisted living centers, and home- and community-based services programs for Colorado Works Program participants.

On motion of Senator Epps, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	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		

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

MESSAGE FROM THE HOUSE

May 2, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1033, as printed in House Journal, April 19, pages 1292-1293.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR01-1033 by Representatives Tochtrop, Cadman, Dean, Fritz, Hodge, Jameson, Larson, Miller, Mitchell, Snook and White; also Senator Nichol--Concerning the recognition of Motorcycle Safety Month in Colorado.

HJR01-1033 Senator Nichol moved to suspend Senate Rule 30(e), for immediate consideration of **HJR01-1033**.

A majority of those elected to the Senate having voted in the affirmative, immediate consideration was granted.

On motion of Senator Nichol, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	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		

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

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1212, 1221.**

The President has signed: **HB01-1156, 1307, 1363.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1402** be amended as follows and, as so amended be referred to the Committee on Public Policy and Planning with favorable recommendation:

Amend reengrossed bill, page 2, line 8, strike "~~May 26, 1998~~ DECEMBER 31, 2001," and substitute "May 26, 1998,";

line 25, strike "ENTER INTO A" and substitute "RENEW THE".

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1022** be referred favorably to the Committee of the Whole.

Health,
Environment,
Children
and Families

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 HEALTH FACILITIES
AUTHORITY

for terms expiring June 30, 2004:

Tucker H. Adams of Colorado Springs, Colorado, to serve as a Republican, reappointed.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **HB01-1234** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation:

HB01-1234

Amend reengrossed bill, page 2, strike line 21 and substitute the following:

"AVAILABLE AND SHALL INCLUDE ITS FINDINGS IN A REPORT TO THE LEGISLATIVE OVERSIGHT COMMITTEE.

SECTION 2. 26-2-722 (4), Colorado Revised Statutes, is amended to read:

26-2-722. Legislative oversight committee - created - repeal.
(4) This section is repealed, effective July 1, ~~2001~~ 2004."

Renumber succeeding section accordingly.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB01-1381** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 25, strike "OPTIMIZING RATE SCHEDULES; AND" and substitute "OPTIMIZING EXISTING RATE SCHEDULES UNDER WHICH SERVICE IS PROVIDED; AND".

Page 11, after line 21, insert the following:

"SECTION 3. 29-4-729, Colorado Revised Statutes, is amended to read:

29-4-729. Reporting. (1) The authority shall submit to the governor and the general assembly within six months after the end of the fiscal year a report which shall set forth a complete and detailed operating and financial statement of the authority during such year. Also included in the report shall be any recommendations with reference to additional legislation or other action that may be necessary to carry out the purposes of the authority.

(2) ON OR BEFORE DECEMBER 31, 2001, THE AUTHORITY, ACTING THROUGH THE PROGRAM, CREATED AND ADMINISTERED BY THE AUTHORITY, COMMONLY KNOWN AS E-STAR COLORADO, OR THE SUCCESSOR TO SUCH PROGRAM, SHALL SUBMIT TO THE GOVERNOR AND GENERAL ASSEMBLY AN ASSESSMENT OF EXISTING ENERGY CONSERVATION AND EFFICIENCY PROGRAMS AND STANDARDS FOR BUILDINGS AND STRUCTURES OWNED OR RENTED BY THE STATE, LOCAL GOVERNMENTAL ENTITIES, OR PRIVATE ENTITIES. THE ASSESSMENT SHALL INCLUDE A COMPARISON OF SUCH PROGRAMS AND STANDARDS TO SIMILAR PROGRAMS AND STANDARDS ADOPTED IN OTHER STATES, AS WELL AS AN EVALUATION OF THE EFFECTIVENESS OF VOLUNTARY PERFORMANCE PROGRAMS AND OTHER FINANCIAL INCENTIVES. THE AUTHORITY, ON BEHALF OF E-STAR COLORADO, MAY ACCEPT AND EXPEND MONEYS FROM GIFTS, GRANTS, AND DONATIONS TO HELP DEFRAY THE EXPENSES OF PROVIDING THE ASSESSMENT REQUIRED UNDER THIS SUBSECTION (2)."

Renumber succeeding sections accordingly.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB01-1385** be referred favorably to the Committee on Appropriations.

Appropriations

After consideration on the merits, the committee recommends that **SB01-235** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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SB01-235

Amend printed bill, page 7, after line 19, insert the following:

"SECTION 4. 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."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1357** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB01-211** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HJR01-1022** be referred to the Senate for final action.

Appropriations

After consideration on the merits, the committee recommends that **SB01-224** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor, and Finance Committee amendment, as printed in Senate Journal, April 24, page 972, strike lines 36 through 45 and substitute the following:

"Page 28, strike lines 12 through 15 and substitute the following:

"(2) (a) Section 9 shall not take effect if House Bill 01-1240, House Joint Resolution 01-1011, House Joint Resolution 01-1027, and House Joint Resolution 01-1050 are adopted at the First Regular Session of the Sixty-third General Assembly. If said house bill or any of the House joint resolutions are not adopted, said section 9 shall take effect upon passage.

(b) Sections 15, 16, 17, 19, 20, and 21 shall take effect upon passage and shall apply to community contracted health care providers providing services for a city, city and county, town, municipality, or special health assurance district formed after said date." "

MESSAGE FROM THE HOUSE

May 2, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1027, as printed in House Journal, April 11, pages 1155-1157, and amended as printed in House Journal, May 2.

The House has adopted and transmits herewith HJR01-1038, as printed in House Journal, April 19, pages 1297-1298, and amended as printed in House Journal, March 8, page 716.

The House has adopted and transmits herewith HJR01-1011, as printed in House Journal, February 8, pages 343-346, and amended as printed in House Journal, May 2.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1386.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB01-1377, amended as printed in House Journal, April 30, page 1463, and amended on Third Reading as printed in House Journal, May 2.
HB01-1390, amended as printed in House Journal, May 1, page 1477.

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HB01-1242, amended as printed in House Journal, May 1, page 1477.
HCR01-1004, amended as printed in House Journal, May 1, page 1494.

The House has passed on Third Reading and returns herewith SB01-134, 200, 052.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;

SB01-121, amended as printed in House Journal, May 1, pages 1477-1478.

SB01-035, amended as printed in House Journal, May 1, page 1478.

SB01-037, amended as printed in House Journal, May 1, page 1478.

SB01-073, amended as printed in House Journal, May 1, pages 1478-1479.

SB01-149, amended as printed in House Journal, May 1, page 1479.

SB01-032, amended as printed in House Journal, May 1, page 1479.

SB01-089, amended as printed in House Journal, May 1, page 1480.

SB01-091, amended as printed in House Journal, May 1, page 1479.

SB01-164, amended as printed in House Journal, May 1, page 1480.

SB01-168, amended as printed in House Journal, May 1, page 1480, and amended on
Third Reading as printed in House Journal, May 2, pages 1513-1514.

SB01-209, amended as printed in House Journal, May 1, page 1487.

SB01-088, amended as printed in House Journal, May 1, page 1494.

SB01-095, amended as printed in House Journal, May 1, pages 1487-1488.

SB01-100, amended as printed in House Journal, May 1, page 1488.

SB01-109, amended as printed in House Journal, May 1, pages 1488-1490.

SB01-206, amended as printed in House Journal, May 1, page 1490.

SB01-012, amended as printed in House Journal, May 1, page 1491.

SB01-014, amended as printed in House Journal, May 1, page 1491.

SB01-029, amended as printed in House Journal, May 1, page 1433, and amended on
Third Reading as printed in House Journal, May 2.

SB01-046, amended as printed in House Journal, May 1, page 1491.

SB01-057, amended as printed in House Journal, May 1, page 1492.

SB01-099, amended as printed in House Journal, May 1, page 1492.

SB01-142, amended as printed in House Journal, May 1, pages 1492-1493.

SB01-174, amended as printed in House Journal, May 1, page 1493.

SB01-208, amended as printed in House Journal, May 1, pages 1493-1494.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the
Senate having voted in the affirmative, **SB01-237, SB01-229, SB01-231, SB01-227,
SB01-234, SB01-211, SB01-235, SB01-224, SB01-081, SCR01-005, HB01-1365, HB01-
1373, HB01-1381, HB01-1022, HB01-1234, HB01-1195, HB01-1225** were made Special
Orders at 3:20 p.m.

Committee
of the
Whole

The hour of 3:20 p.m. having arrived, Senator Tupa moved that the Senate resolve itself
into Committee of the Whole for consideration of Special Orders--Second Reading of
Bills. Senator Tupa 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:

SB01-237

by Senator Thiebaut; also Representative King--Concerning the financing of capital
construction needs of charter schools.

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

SB01-229

by Senators Anderson and Perlmutter; also Representatives Witwer and Daniel--
Concerning the use of performance contracts for state-supported institutions of higher
education.

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

SB01-231

by Senator Entz; also Representative Snook--Concerning the concurrent jurisdiction of the
state of Colorado and the United States over newly designated lands dedicated to national
park purposes.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, April 26, 2001, page 1016.)

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

SB01-227

by Senator Thiebaut; also Representative Lawrence--Concerning local regulation of hazardous waste sites, and, in connection therewith, expanding the "State Hazardous Waste Incinerator Siting Act" to include all hazardous waste processors.

Amendment No. 1(L.007), by Senator Thiebaut.

Amend printed bill, page 3, strike lines 16 and 17 and substitute the following:

"(II) THE TREATMENT, STORAGE, OR DISPOSAL OF HAZARDOUS WASTE OR ACUTE HAZARDOUS WASTE PURSUANT TO A CERTIFICATE OF DESIGNATION ISSUED PURSUANT TO, OR OTHERWISE REGULATED BY, PART 2 OF THIS ARTICLE;"

line 23, strike "OF CONSENT".

Page 4, line 4, strike "LAWS; OR" and substitute "LAWS;"

line 6, strike "MANUFACTURING." and substitute the following:

"MANUFACTURING;

(VII) THE TREATMENT, STORAGE, MANAGEMENT, OR PROCESSING OF SOLID WASTE PURSUANT TO A CERTIFICATE OF DESIGNATION ISSUED PURSUANT TO, OR OTHERWISE REGULATED BY, ARTICLE 20 OF TITLE 30, C.R.S.;

(VIII) THE CONDUCT OF ANY ACTIVITIES PURSUANT TO AN APPROVED RECLAMATION PLAN CONTAINED IN A PERMIT ISSUED PURSUANT TO, OR OTHERWISE REGULATED BY, ARTICLE 32 OR 33 OF TITLE 34, C.R.S.; OR

(IX) THE CONDUCT OF ANY ACTIVITIES REGULATED PURSUANT TO ARTICLE 60 OF TITLE 34, C.R.S."

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

SB01-235

by Senators Tate, Reeves and Owen; also Representatives Young, Berry and Saliman-- Concerning the repeal of obsolete provisions of state law in order to clarify the status of the Colorado geological survey as a separate division in the department of natural resources.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 2, 2001, page 1114-1115.)

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

SB01-224

by Senator Hagedorn; also Representative Spradley--Concerning the enhancement of health care services for rural areas of Colorado, and, in connection therewith, enhancing flexibility for network adequacy, enhancing provider service networks, creating community contracted health care providers, expanding the use of telemedicine, and creating an interim committee to study health care issues.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, April 24, 2001, pages 967-972.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 2, 2001, page 1115.)

Amendment No. 3(L.008), by Senator Hagedorn.

Amend the Business, Labor, and Finance Committee amendment, as printed in Senate Journal, April 24, page 968, line 4, strike "21" and substitute "25";

strike lines 9 through 12 of the committee amendment and substitute the following:

"ONE OF THE FOLLOWING:

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SB01-224

(a) A CONTRACT WITH A SELF-FUNDED EMPLOYER IN WHICH THE EMPLOYER RETAINS THE OBLIGATION TO PROVIDE HEALTH".

Page 6, strike lines 2 through 6.

Reletter succeeding paragraphs accordingly.

line 7, after the semicolon, add "OR";

strike lines 8 through 11.

Reletter succeeding paragraph accordingly.";

after line 53 of the committee amendment, insert the following:

"line 12, strike "OF" and substitute "OF:";

strike lines 13 and 14 and substitute the following:

"(a) THE CONTINUITY OF CARE CONTRACTUAL PROTECTIONS CONTAINED IN THIS SECTION;

(b) THE MEASURES THE PROVIDER-SPONSORED NETWORK HAS UNDERTAKEN WITH REGARD TO INSOLVENCY;

(c) EXEMPTION FROM REGULATION BY THE DIVISION OF INSURANCE; AND

(d) THE EXTENT OR LIMITS OF SERVICES THAT MAY BE PROVIDED BY THE PROVIDER-SPONSORED NETWORK.";

Page 969 of the committee amendment, line 4, strike "REASONABLE ACCESSIBLE TO";

line 5, strike "BROADBAND CAPABILITIES." and substitute "THE TECHNOLOGY NECESSARY FOR THE PROVISIONS OF TELEMEDICINE.";

line 28, strike "PREFERRED PROVIDER OPTION";

line 29, strike "PLAN," and substitute "MANAGED CARE PLAN WITH OUT-OF-NETWORK BENEFITS,";

line 41, strike "IN THE CARRIER'S ACCESS PLAN";

line 42, strike "PURSUANT TO SUBSECTION (9) OF THIS SECTION AND";

line 46, before "PARAGRAPH", insert "THIS".

Page 971 of the committee amendment, line 13, strike "SIXTY" and substitute "FORTY-FIVE";

after line 49, insert the following:

"Page 18, line 25, strike "LAWS" and substitute "LAWS;";

strike lines 26 and 27.

Page 19, line 2, strike "RATES;" and substitute "RATES, INCLUDING, BUT NOT LIMITED TO, TRENDS IN COPAYMENTS, DEDUCTIBLES, AND OUT-OF-POCKET MAXIMUMS;";

line 4, strike "IMPROVED" and substitute "IMPROVED;";

strike line 5 and substitute the following:

"(f) HOW MORE AFFORDABLE ACCESS TO AND GREATER CHOICE OF HEALTH CARE SERVICES MAY BE IMPROVED THROUGH COMPETITION;".

Reletter succeeding paragraphs accordingly.

Page 19, line 14, strike "ATTRACT" and substitute "RECRUIT AND RETAIN".

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SB01-224

Page 972 of the committee amendment, line 17, strike "WITH BROADBAND ACCESS AND WHERE SUCH";

strike line 18 and substitute the following:

"WHERE THE TECHNOLOGY NECESSARY FOR THE PROVISION OF TELEMEDICINE EXISTS.";

strike line 20, and substitute the following:

"line 18, after "DEFINITION", insert "OF THE MOST RECENT EDITION";

line 19, strike "FOURTH EDITION CODES" .".

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

(For further action, see Amendments to the Committee of the Whole Report.)

SB01-081

by Senator Phillips; also Representative Kester--Concerning local financing of school capital construction projects.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 15, 2001, pages 315-316.)

Amendment No. 2(L.004), by Senator Phillips.

Amend the Education Committee amendment, as printed in Senate Journal, February 15, page 316, after line 10, insert the following:

"SECTION 2. 30-20-514, Colorado Revised Statutes, is amended to read:

30-20-514. Power to levy taxes. (1) In addition to the other means of providing revenue for such districts, the board has the power to levy and collect ad valorem taxes on and against all taxable property within the district. Such power shall not prevent the issuance of obligations payable solely from the income of revenue-producing facilities.

(2) (a) AN IMPROVEMENT DISTRICT MAY LEVY AND COLLECT SUCH AD VALOREM TAXES FOR THE PURPOSE OF ASSISTING A SCHOOL DISTRICT WITH THE CONSTRUCTION, INSTALLATION, ACQUISITION, OR FINANCING OF ANY PROJECT OF A SCHOOL DISTRICT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S.

(b) THE BOARD OF THE IMPROVEMENT DISTRICT SHALL TRANSFER MONEYS COLLECTED BY THE IMPROVEMENT DISTRICT THAT ARE ATTRIBUTABLE TO AD VALOREM TAXES LEVIED FOR THE PURPOSE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE SCHOOL DISTRICT THAT INCLUDES PROPERTY IN THE IMPROVEMENT DISTRICT. THE BOARD OF EDUCATION OF SUCH SCHOOL DISTRICT IS AUTHORIZED TO ESTABLISH A FUND FOR THE DEPOSIT OF SUCH MONEYS TRANSFERRED BY THE IMPROVEMENT DISTRICT TO THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL USE THE TRANSFERRED MONEYS IN SUCH FUND FOR THE PURPOSE OF ASSISTING WITH THE CONSTRUCTION, INSTALLATION, ACQUISITION, OR FINANCING OF ANY PROJECT OF THE SCHOOL DISTRICT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S., INCLUDING BUT NOT LIMITED TO, ASSISTING WITH THE PAYMENT OR REDEMPTION OF BONDS ISSUED BY THE SCHOOL DISTRICT FOR ANY SUCH PROJECT.";

line 12, strike "2." and substitute "3.";

after line 35, insert the following:

"SECTION 4. 31-25-612, Colorado Revised Statutes, is amended to read:

31-25-612. Power to levy taxes. (1) In addition to the other means of providing revenue for such districts, the board has the power to levy and collect ad valorem taxes on and against all taxable property

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SB01-081

within the district. Such power shall not prevent the issuance of obligations payable solely from the income of revenue-producing facilities.

(2) (a) AN IMPROVEMENT DISTRICT MAY LEVY AND COLLECT SUCH AD VALOREM TAXES FOR THE PURPOSE OF ASSISTING A SCHOOL DISTRICT WITH THE CONSTRUCTION, INSTALLATION, ACQUISITION, OR FINANCING OF ANY PROJECT OF A SCHOOL DISTRICT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S.

(b) THE BOARD OF THE IMPROVEMENT DISTRICT SHALL TRANSFER MONEYS COLLECTED BY THE IMPROVEMENT DISTRICT THAT ARE ATTRIBUTABLE TO AD VALOREM TAXES LEVIED FOR THE PURPOSE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE SCHOOL DISTRICT THAT INCLUDES PROPERTY IN THE IMPROVEMENT DISTRICT. THE BOARD OF EDUCATION OF SUCH SCHOOL DISTRICT IS AUTHORIZED TO ESTABLISH A FUND FOR THE DEPOSIT OF SUCH MONEYS TRANSFERRED BY THE IMPROVEMENT DISTRICT TO THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL USE THE TRANSFERRED MONEYS IN SUCH FUND FOR THE PURPOSE OF ASSISTING WITH THE CONSTRUCTION, INSTALLATION, ACQUISITION, OR FINANCING OF ANY PROJECT OF THE SCHOOL DISTRICT DESCRIBED IN SECTION 22-42-102 (2) (a), C.R.S., INCLUDING BUT NOT LIMITED TO, ASSISTING WITH THE PAYMENT OR REDEMPTION OF BONDS ISSUED BY THE SCHOOL DISTRICT FOR ANY SUCH PROJECT.";

line 37, strike "3." and substitute "5."

As amended, declared **lost** on Second Reading.

SB01-211

by Senator Musgrave; also Representative Clapp--Concerning alternatives to foster care placement.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, April 25, 2001, page 993.)

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

SCR01-005

by Senators Pascoe, Teck, Epps, Arnold, Chlouber, Dyer (Durango), Fitz-Gerald, Hanna, Hernandez and Windels; also Representative Alexander--Concerning the submission to the registered electors of the state of Colorado of an amendment to article XIV of the constitution of the state of Colorado, authorizing the general assembly to establish qualifications for the office of county coroner.

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

(For further action, see Amendments to the Committee of the Whole Report.)

SB01-234

by Senators Reeves, Tate and Owen; also Representatives Saliman, Young and Berry-- Concerning the date by which the state personnel director shall submit the annual total compensation survey to the governor and the joint budget committee.

Amendment No. 1(L.004), By Senator Reeves.

Amend printed bill, page 2, line 8, strike the first "AUGUST" and substitute "NOVEMBER";

line 9, after "report.", insert "IF THE AMOUNT OF THE FINAL TOTAL COMPENSATION RECOMMENDATIONS AND ESTIMATED COSTS SUBMITTED ON NOVEMBER 1, 2001, RESULTS IN AN AMOUNT THAT EXCEEDS THE AMOUNT OF GENERAL FUND MONEYS REQUESTED FOR SALARIES AS CONTAINED IN THE ORIGINAL BUDGET REQUEST OF A DEPARTMENT FOR THE 2002-03 FISCAL YEAR, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE BY JANUARY 21, 2002, BUDGET AMENDMENTS THAT REDUCE THE AMOUNT OF GENERAL FUND MONEYS REQUESTED FOR PURPOSES OTHER THAN SALARIES IN SUCH DEPARTMENT'S BUDGET REQUEST SO THAT THE TOTAL AMOUNT OF GENERAL FUND MONEYS REQUESTED DOES NOT EXCEED THE TOTAL AMOUNT OF GENERAL FUND MONEYS REQUESTED BY THE DEPARTMENT AS CONTAINED IN SUCH DEPARTMENT'S ORIGINAL BUDGET REQUEST.".

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- SB01-234** As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 1
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- HB01-1365** by Representatives Dean, Hefley, Borodkin, Coleman, Mace, Spence, Tapia and Williams S.; also Senators Matsunaka and Anderson--Concerning the creation of the science and technology education center grant program, and making an appropriation therefor. 4
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Amendment No. 1, Education Committee Amendment. 8
(Printed in Senate Journal, April 25, 2001, page 992.) 9
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 11
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- HB01-1373** by Representatives Larson, Paschall, Borodkin, Fairbank, Jameson, Kester, Marshall, Miller, Rhodes, Webster, White and Williams T.; also Senators Taylor and Dyer (Durango)--Concerning the creation of the division of oil and public safety in the department of labor and employment, and, in connection therewith, eliminating the office of state inspector of oils. 14
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- HB01-1381** by Representatives Grossman, Miller, Scott, Smith and Veiga; also Senator Hagedorn--Concerning utility cost-savings measures that may be financed by governmental agencies. 22
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Laid over until Thursday, May 3, 2001, on the General Orders Calendar. 25
26
- HB01-1022** by Representative Tochtrop; also Senator Linkhart--Concerning transitional medicaid. 27
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Amendment No. 1(L.007), by Senator Linkhart. 29
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Amend reengrossed bill, page 2, after line 9, insert the following: 31
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"SECTION 2. Article 4 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read: 33
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26-4-106.5. County duties - transitional medicaid. COUNTY DEPARTMENTS SHALL ASSIST FAMILIES IN COMPLETING THE REPORTING REQUIREMENTS FOR TRANSITIONAL MEDICAID. THIS SHALL INCLUDE INFORMING 1931 MEDICAID RECIPIENTS, AS DEFINED IN SECTION 26-4-103 (1), OF THE TRANSITIONAL MEDICAID ELIGIBILITY REQUIREMENTS AND THE REQUIRED REPORTING CALENDAR." 36
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Renumber succeeding sections accordingly. 43
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 45
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- HB01-1234** by Representative Boyd; also Senator Linkhart--Concerning interviews with participants of the Colorado works program. 48
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Amendment No. 1, Health, Environment, Children and Families Committee Amendment. 51
(Printed in Senate Journal, May 2, 2001, page 1113-1114.) 52
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 54
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56
- HB01-1195** by Representative Smith; also Senator Hagedorn--Concerning procedures to resolve conflicts arising from local government decisions relating to public utilities that provide energy for consumption, and making an appropriation therefor. 57
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Laid over until Thursday, May 3, 2001, on the General Orders Calendar. 61
62
- HB01-1225** by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor. 63
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65
Amendment No. 1, Public Policy and Planning Committee Amendment. 66
(Printed in Senate Journal, April 26, 2001, pages 1017-1048.) 67
68
Amendment No. 2, Appropriations Committee Amendment. 69
(Printed in Senate Journal, April 30, 2001, page 1068.) 70
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HB01-1225 Amendment No. 3(L.178), by Senator Teck.

Amend the Public Policy and Planning Committee amendment, as printed in Senate Journal, April 26, page 1023, line 9, strike "ADOPT" and substitute "ADOPT, BY ORDINANCE OR RESOLUTION,".

Page 1025, line 61, after "PRESENT.", add "ALL AMENDMENTS TO THE MASTER PLAN SHALL BE BY ORDINANCE OR RESOLUTION.".

As amended, laid over until Thursday, May 3, 2001 on the General Orders Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE

SB01-224

by Senator Hagedorn; also Representative Spradley--Concerning the enhancement of health care services for rural areas of Colorado, and, in connection therewith, enhancing flexibility for network adequacy, enhancing provider service networks, creating community contracted health care providers, expanding the use of telemedicine, and creating an interim committee to study health care issues.

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment, (L.009) to SB 01-224, did pass.

The amendment was declared **lost** by the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

SCR01-005

by Senators Pascoe, Teck, Epps, Arnold, Chlouber, Dyer (Durango), Fitz-Gerald, Hanna, Hernandez and Windels; also Representative Alexander--Concerning the submission to the registered electors of the state of Colorado of an amendment to article XIV of the constitution of the state of Colorado, authorizing the general assembly to establish qualifications for the office of county coroner.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews amendment to SCR 01-005, did pass.

Amend concurrent resolution, page 2, line 12, strike "REQUIREMENTS." and substitute "REQUIREMENTS AND PROVISIONS FOR ONE PERSON TO SERVE AS CORONER IN TWO OR MORE COUNTIES SIMULTANEOUSLY.".

The amendment was declared **lost** by the following roll call vote:

YES	10	NO	25	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	N	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	N
Cairns	Y	Hagedorn	N	Nichol	N	Teck	N
Chlouber	Y	Hanna	N	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	N	Windels	N
Entz.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tupa, 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: **SB01-237, SB01-229, SB01-231** as amended, **SB01-227** as amended, **SB01-235** as amended, **SB01-224** as amended, **SB01-211** as amended, **SCR01-005, SB01-234** as amended, **HB01-1365** as amended, **HB01-1373, HB01-1022** as

amended, **HB01-1234** as amended.

Declared lost on Second Reading: **SB01-081** as amended.

Laid over until Thursday, May 3, 2001, on the General Orders Calendar: **HB01-1381**,
HB01-1195, **HB01-1225** as amended.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-240** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 168, line 7, strike "EQUIPMENT USED AS";

line 10, strike "EQUIPMENT" and substitute "COLLATERAL".

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-223** be postponed indefinitely.

Judiciary

After consideration on the merits, the committee recommends that **HJR01-1041** be referred to the Senate for final action.

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
EXAMINING BOARD OF PLUMBERS:**

for a term expiring July 1, 2004:

Juan I. Muniz of Pueblo, Colorado to serve as a plumbing contractor and as a Democrat, appointed.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HJR01-1012** be referred to the Senate for final action.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-239** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 13, after "(4)" insert "(a)";

line 14, after "SHALL", insert "TRANSFER OR";

strike line 15 and substitute the following:

"REQUEST THAT A PHARMACY PROVIDER TRANSFER THE PRESCRIPTION OR PRESCRIPTIONS OF A COVERED PERSON OR SUBSCRIBER, WHOLLY OR IN PART,";

line 16, after "DIFFERENT", insert "PARTICIPATING PHARMACY";

line 17, strike "CUSTOMER" and substitute "COVERED PERSON OR SUBSCRIBER";

strike lines 19 and 20 and substitute the following:

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SB01-239

"(I) THE PARTICIPATING PHARMACY PROVIDER TO WHOM THE COVERED PERSON OR SUBSCRIBER'S PRESCRIPTION IS TO BE TRANSFERRED OR THE CARRIER OR PHARMACY BENEFIT MANAGER HAS OBTAINED A DOCUMENT, SIGNED BY THE COVERED PERSON OR SUBSCRIBER,";
 strike line 22 and 23 and substitute the following:

"THE COVERED PERSON OR SUBSCRIBER FOR A CHANGE OF PROVIDER;

(II) THE PARTICIPATING PHARMACY PROVIDER CARRIER OR PHARMACY BENEFIT MANAGER TO WHOM THE COVERED PERSON OR SUBSCRIBER'S PRESCRIPTION IS TO BE";

line 24, strike "CUSTOMER'S" and substitute "COVERED PERSON OR SUBSCRIBER'S";

line 27, strike "RECORD." and substitute "RECORD; OR";

after line 27, insert the following:

"(III) THE PHARMACY PROVIDER'S PARTICIPATION IN THE PHARMACY NETWORK OF THE CARRIER OR PHARMACY BENEFIT MANAGER HAS CHANGED AND THE PHARMACY PROVIDER SELECTED BY THE COVERED PERSON OR SUBSCRIBER IS NO LONGER A PARTICIPATING PROVIDER IN THE NETWORK, PROVIDED THAT THE COVERED PERSON OR SUBSCRIBER HAS BEEN NOTIFIED OF THE PROPOSED TRANSFER OF PHARMACEUTICAL CARE SERVICES AND IS GIVEN AN OPPORTUNITY TO AFFIRMATIVELY SELECT A PARTICIPATING PHARMACY PROVIDER OTHER THAN THE PROPOSED TRANSFEREE.

(b) NOTHING IN THIS SUBSECTION (4) SHALL REQUIRE A CARRIER OFFERING A MANAGED CARE PLAN OR A PHARMACY BENEFIT MANAGER TO PAY FOR PHARMACEUTICAL BENEFITS RECEIVED FROM A NONPARTICIPATING PROVIDER."

Page 3, line 8, strike "PRESCRIPTION DRUG" and substitute "COVERED PERSON OR SUBSCRIBER'S PRESCRIPTION.";

strike line 9.

Business,
 Labor, and
 Finance

After consideration on the merits, the committee recommends that **HB01-1400** 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 7, strike "SIXTY-SIX THOUSAND THREE HUNDRED TWENTY" and substitute "TWO HUNDRED THIRTY-EIGHT THOUSAND SEVEN HUNDRED TWENTY-FOUR";

line 11, strike "EIGHTY-ONE THOUSAND TWENTY-ONE" and substitute "TWO HUNDRED EIGHTY-NINE THOUSAND THREE HUNDRED TWENTY-TWO";

line 15, strike "THREE";

line 16, strike "HUNDRED TWENTY-EIGHT THOUSAND TWENTY-FIVE" and substitute "THREE HUNDRED NINETY-SIX THOUSAND SEVEN HUNDRED FIFTY".

Business,
 Labor, and
 Finance

After consideration on the merits, the committee recommends that **HB01-1375** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 11, after "BONDS.", insert "THE OWNERS OR HOLDERS OF THE BONDS MAY NOT LOOK TO ANY OTHER REVENUES OF THE STATE OTHER THAN THE TRUST FUND FOR THE PAYMENT OF THE BONDS."

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Appropriations

After consideration on the merits, the committee recommends that **SB01-233** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 4 through 25 and substitute the following:

"SECTION 2. Part IX (3) of section 2 of Senate Bill 01-212, as enacted in the First Regular Session of the Sixty-third General Assembly, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

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SB01-233

SECTION 3. Appropriation - adjustments in 2001 long bill.

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

(b) The general fund appropriation for the grand totals for Part IX is decreased by one hundred eighty-two thousand one hundred ninety-nine dollars (\$182,199).

(c) The cash funds appropriation for the grand totals for Part IX is increased by one hundred eighty-two thousand one hundred ninety-nine dollars (\$182,199)."

Renumber succeeding section accordingly.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1386; and
without comment, as amended, HB 01-1390, 1242, and 1377, HCR01-1004, and SB 01-035, 037, 073, 149, 032, 091, 164, 168, 209, 095, 014, 046, 057, 099, 174, 121, 089, 100, 109, 206, 012, 142, 208, 088, and 029.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1242 by Representative Mitchell; also Senator Gordon--Concerning substantive changes for strengthening of the criminal laws.
Judiciary

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

HCR01-1004 by Representatives Rippey, Berry, Smith, White and Williams T.; also Senator Dyer (Durango)--Concerning ballot measures, and, in connection therewith, requiring voter approval of proposed amendments to add or modify a substantive provision of the constitution by sixty percent of the votes cast thereon, and requiring voter approval to repeal an existing provision of the constitution with a majority of the votes cast thereon.
Government, Veterans and Military Relations, and Transportation

INTRODUCTION OF RESOLUTIONS

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

HJR01-1011 by Representative Berry; also Senator Anderson--Concerning creation of an interim committee to study higher education governance issues.
Education

HJR01-1027 by Representatives Hefley, Mitchell, Alexander, Chavez, Clapp, Decker, Fritz, Groff, Jahn, Lee, Madden, Nunez, Romanoff, Smith, Snook, Spence and Veiga; also Senators Gordon, Dyer (Arapahoe), Hernandez, Hillman, Linkhart and Windels--Concerning creation of an interim committee to study the criminal sentencing statutes.
Judiciary

HJR01-1038 by Representative Cloer; also Senator Epps--Concerning health care for the working uninsured.
Health, Environment, Children & Families

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB01-1260**

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB01-1260,
concerning the "School Attendance Law of 1963", has met and reports
that it has agreed upon the following:

That the House accede to the Senate amendments made to the
bill, as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 3, line 6, strike "(1), (1.5), and (7)," and
substitute "(1) and (1.5),";

strike lines 26 and 27.

Page 4, strike lines 1 through 11.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Spence, Chairman	Senator Windels, Chairman
(signed)	(signed)
Representative Hefley	Senator Gordon
(signed)	(signed)
Representative Bacon	Senator Dyer (Arapahoe)

MESSAGE FROM THE GOVERNOR

Appointments Letter of designation and appointment from Governor Owens was read and assigned to the
Committee as follows:

May 1, 2001

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

Ladies and Gentlemen:

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

**MEMBERS OF THE
COLORADO HOUSING AND FINANCE AUTHORITY
BOARD OF DIRECTORS**

for terms effective July 1, 2001 and expiring July 1, 2005:

Jesse L. Thomas of Denver, Colorado, to serve as a member of the public, appointed;

Joseph B. Blake of Denver, Colorado, to serve as a member experienced in real estate
transactions, reappointed;

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Jo Ellen Davidson of Littleton, Colorado, to serve as a member of the public, reappointed;

Michele Dressel of Glenwood Springs, Colorado, to serve as a member experienced in mortgage banking, reappointed;

Joseph A. Garcia of Colorado Springs, Colorado, to serve as a member of the public, appointed.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 5/2/01
H. Horvath, Asst. to the Secretary

Committee on Business, Labor and Finance.

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, May 2, 2001, was laid over until Thursday, May 3, 2001, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB01-1097, SB01-216, HB01-1131, SB01-067, HB01-1359, HB01-1189, SB01-225, SB01-210, HB01-1368, HB01-1354.**

Consideration of Resolutions: **SJR01-023, SJR01-024, SJR01-018, SJR01-029, SJR01-030, SR01-017, SJR01-031, SJR01-032, SR01-020, HJR01-1030, HJR01-1045, SR01-016.**

Consideration of Memorials: **HJM01-1001, SJM01-002, SJM01-003.**

Consideration of House Amendments to Senate Bills: **SB01-205, SB01-006, SB01-084, SB01-078, SB01-113.**

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

Consideration of Governors Appointments

- Colorado Tourism Office
- State Housing Board
- Board of Directors of the Colorado Compensation Insurance Authority
- Securities Board
- Special Funds Board for Workers' Compensation Self Insurers
- Wildlife Commission
- Board of Assessment Appeals
- State Agricultural Commission
- Colorado Water Conservation Board
- Air Quality Control Commission
- Colorado Racing Commission
- Colorado Commission of Higher Education
- Read to Achieve Board
- Public Utilities Commission of the State of Colorado

Consideration of Conference Committee Reports: **HB01-1250, HB01-1124, HB01-1187, HB01-1034, HB01-1292, HB01-1030, SB01-123, SB01-034, SB01-131.**

On motion of Senator Thiebaut, the Senate adjourned until 8:00 a.m., Thursday, May 3, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate