

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

Eight-seventh Legislative Day

Friday, April 6, 2001

Prayer By the chaplain, Reverend David Clark, Pastor Emeritus, Gateway Presbyterian Church, Colorado Springs.

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

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Thursday, April 5, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-216.

Correctly reengrossed: SB01-212.

Correctly revised: HB01-1132, 1174, 1252.

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

MESSAGE FROM THE HOUSE

April 5, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1079, amended as printed in House Journal, April 4, pages 1095-1096.
HB01-1003, amended as printed in House Journal, April 4, page 1096.
HB01-1090, amended as printed in House Journal, April 4, page 1096.
HB01-1284, amended as printed in House Journal, April 4, page 1096

The House has adopted and returns herewith SJR01-021.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1079, 1003, and 1284; and
with comment, as amended, HB01-1090.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR01-023 by Senator Musgrave; also Representatives Spradley and Hoppe--Concerning honoring the class 1A girls basketball champions.

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

SJR01-024 by Senator Matsunaka; also Representative Fritz--Concerning a day of remembrance on July 31, 2001, for the persons whose lives were changed because of the Big Thompson Flood that occurred on July 31, 1976.

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

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THIRD READING--FINAL PASSAGE OF BILLS

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

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

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Perlmutter.

HB01-1174 by Representative Sanchez; also Senator Hagedorn--Concerning the promotion of affordable housing by local governments, and, in connection therewith, authorizing the establishment of affordable housing dwelling unit advisory boards by local governments.

The question being "Shall the bill, as amended, 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	N	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	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Gordon, Hernandez, Linkhart, Matsunaka, Pascoe, Phillips, Reeves, Tate, Tupa, Windels.

HB01-1252 by Representative White; also Senator Taylor--Concerning demand drafts under the "Uniform Commercial Code".

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		

HB01-1252

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

Co-sponsors added: Cairns, Evans, May.

SB01-208

by Senator Nichol; also Representative Alexander--Concerning recommendations of the senate committee on government, veterans and military relations, and transportation relating to requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

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

Co-sponsors added: Hillman, Lamborn, May, Musgrave.

SB01-037

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

The question being "Shall the bill, as amended, 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	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	N	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Cairns, Entz, Evans, Musgrave, Teck.

SB01-200

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

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		

SB01-200

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

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

SB01-142

by Senator McElhany; also Representative Romanoff--Concerning the standard of evidence necessary for certain applicants to establish their social security numbers with the department of revenue.

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

Co-sponsors added: Cairns, Entz, Epps, Evans, Fitz-Gerald, Lamborn, May, Musgrave, Phillips, Reeves, Takis, Tate, Taylor, Teck.

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 House Amendments to Senate Bills, **SB01-178** and **SB01-165**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-178

by Senator Nichol; also Representative Sinclair--Concerning preparation for elections.

Senator Nichol moved that the Senate adhere to its position on **SB01-178**.

The motion was declared **adopted** by the following roll call vote:

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	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.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-165

by Senator Windels; also Representative King--Concerning timing issues for charter schools.

Senator Windels moved that the Senate adhere to its position on **SB01-165**.

The motion was declared **adopted** by the following roll call vote:

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

Committee
of the
Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

HB01-1274 by Representative Fairbank; also Senator Thiebaut--Concerning clarifications to the "Uniform Election Code of 1992".

(Amended in General Orders as printed in Senate Journal, April 5, 2001, page 761.)

Amendment No. 2(L.009), by Senator Musgrave.

Amend reengrossed bill, page 3, line 5, strike "AND ACCESSIBLE" and substitute "AND, WHERE POSSIBLE, ACCESSIBLE".

Page 5, line 6, strike "AND ACCESSIBLE" and substitute "AND, WHERE POSSIBLE, ACCESSIBLE".

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

HB01-1131 by Representatives Spence, Alexander, Cadman, Clapp, Coleman, Dean, Decker, Fritz, Hefley, Johnson, Kester, King, Larson, Marshall, Mitchell, Nunez, Rippy, Tochtrop, Weddig, White, Williams S. and Williams T., Witwer; also Senator Anderson--Concerning changes to the terminology describing information on school performance, and, in connection therewith, changing the name of school report cards to school accountability reports, replacing letter grades with descriptive measurements, and applying the same descriptive measurements for school improvement to all schools.

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

HB01-1189 by Representatives Daniel, Boyd, Crane, Hefley, Jahn, Veiga and Williams S.; also Senator Windels--Concerning forfeiture provisions in agreements affecting persons in facilities providing residential care.

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

HB01-1088 by Representative Rippy; also Senator Dyer (Durango)--Concerning notifications regarding severed mineral rights.

Amendment No. 1(L.009) by Senator Dyer (Durango).

Amend reengrossed bill, page 4, line 8, strike "MAY" and substitute "SHALL".

Page 6, line 2, after "(2)", insert "(a)";

line 4, strike "If" and substitute "NOTICE SHALL BE SENT TO THE MINERAL ESTATE OWNER IF THE RECORDS IN THE OFFICE OF THE COUNTY CLERK AND RECORDER ESTABLISH:

(I) THE IDENTITY OF THE OWNER OF THE MINERAL ESTATE; OR

(II) THAT AN APPLICABLE REQUEST FOR NOTIFICATION FORM PURSUANT TO SUBSECTION (3) OF THIS SECTION IS OF RECORD; OR

(III) THAT THE MINERAL ESTATE OWNER HAS RECORDED AN INSTRUMENT SATISFYING ANY APPLICABLE DORMANT MINERAL INTEREST ACT.

(b) If";

line 7, strike "THE";

strike lines 8 through 12;

line 13, strike "OWNER.";

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strike lines 15 and 16 and substitute the following:

"(3) A MINERAL ESTATE OWNER OR MINERAL ESTATE OWNER'S AGENT MAY FILE IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED A REQUEST FOR NOTIFICATION FORM THAT IDENTIFIES THE MINERAL ESTATE OWNER'S MINERAL ESTATE AND THE CORRESPONDING SURFACE ESTATE BY PARCEL NUMBER AND BY SECTION, TOWNSHIP, AND RANGE NUMBERS. THE CLERK AND RECORDER SHALL FILE REQUEST FOR NOTIFICATION FORMS IN THE REAL ESTATE RECORDS FOR THE COUNTY AND SHALL ALSO KEEP AN INDEX OF REQUEST FOR NOTIFICATION FORMS.";

line 20, strike "SECTION OR THAT THE MINERAL" and substitute "SECTION.";

strike lines 21 and 22 and substitute the following:

"(5) A MINERAL ESTATE OWNER MAY WAIVE THE RIGHT TO NOTICE UNDER THIS SECTION IN WRITING TO THE APPLICANT.";

line 23, after "**Enforcement.**", insert "(1)", and strike "AND";

line 24, strike "SURFACE OWNERS WHO ARE";

strike line 25 and substitute the following:

"24-65.5-103 OR 31-23-215, C.R.S., SHALL HAVE";

line 26, strike "PROVISIONS" and substitute "NOTICE REQUIREMENTS" and strike "AND" and substitute "AND, SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION,";

after line 27, insert the following:

"(2) IF NO MINERAL ESTATE OWNER OR AGENT HAS FILED A REQUEST FOR NOTIFICATION FORM PURSUANT TO SECTION 24-65.5-103 (3), IN DETERMINING THOSE MINERAL ESTATE OWNERS ENTITLED TO NOTICE PURSUANT TO SECTION 24-65.5-103 OR 31-23-215, C.R.S., ANY SURFACE OWNER REQUIRED TO PROVIDE SUCH NOTICE SHALL BE ENTITLED TO RELY ON A LISTING OF SUCH PARTIES PREPARED BY AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, A TITLE INSURANCE COMPANY LICENSED TO DO BUSINESS IN THE STATE OF COLORADO, OR A TITLE INSURANCE AGENT LICENSED IN SUCH CAPACITY BY THE STATE OF COLORADO. THE PROVISIONS OF ANY LAW TO THE CONTRARY NOTWITHSTANDING, IF A SURFACE OWNER PROVIDES THE REQUIRED NOTICE IN A TIMELY MANNER TO A PARTY NAMED IN SUCH LISTING OR WHOSE IDENTITY IS DISCLOSED IN A REQUEST FILED PURSUANT TO SECTION 24-65.5-103 (3) AT THE ADDRESS OF SUCH PARTY AS THAT ADDRESS APPEARS IN SUCH LISTING, SUCH PARTY SHALL BE DEEMED TO HAVE CONSTRUCTIVELY RECEIVED THE REQUIRED NOTICE, AND THE SURFACE OWNER SHALL BE DEEMED TO HAVE OTHERWISE COMPLIED WITH THE NOTICE REQUIREMENTS OF SECTIONS 24-65.5-103 AND 31-23-215, C.R.S. IN SUCH EVENT, THE SURFACE OWNER SHALL NOT HAVE ANY LIABILITY TO ANY MINERAL ESTATE OWNER OR OTHER PARTY DEEMED TO HAVE CONSTRUCTIVELY RECEIVED SUCH NOTICE FOR ANY LEGAL OR EQUITABLE REMEDY OR RELIEF ARISING FROM, IN CONNECTION WITH, OR OTHERWISE RELATING TO THE APPLICATION FOR DEVELOPMENT, ANY DEVELOPMENT ACTIVITIES COMMENCED ON THE SURFACE OF THE REAL PROPERTY, ANY INABILITY OR IMPEDIMENT OR OTHER HINDRANCE TO DRILLING OPERATIONS OR OTHER DEVELOPMENT OF THE MINERAL ESTATE OR ANY PORTION THEREOF, OR ANY ACTUAL FAILURE TO RECEIVE ANY NOTICE REQUIRED BY SECTION 24-65.5-103 OR 31-23-215, C.R.S., UNLESS:

(a) PRIOR TO FINAL APPROVAL OF THE APPLICATION FOR DEVELOPMENT BY THE LOCAL GOVERNMENT, A MINERAL ESTATE OWNER PROVIDES WRITTEN NOTICE TO THE SURFACE OWNER AND TO SUCH LOCAL GOVERNMENT SETTING FORTH THE NATURE OF ANY OBJECTION SUCH MINERAL ESTATE OWNER MAY HAVE TO THE APPROVAL OF SUCH DEVELOPMENT APPLICATION, IN WHICH EVENT SUCH MINERAL ESTATE OWNER AND ALL OTHER PARTIES MAY SEEK ANY LEGAL OR EQUITABLE REMEDY OR RELIEF THAT MAY BE AVAILABLE TO SUCH PARTIES; OR

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(b) (I) A MINERAL ESTATE OWNER COMMENCES AN ACTION IN A COURT OF COMPETENT JURISDICTION SEEKING COMPENSATORY MONETARY DAMAGES PRIOR TO THE LATER OF THE FOLLOWING TO OCCUR:

(A) ONE YEAR AFTER THE FINAL APPROVAL OF THE APPLICATION FOR DEVELOPMENT BY THE LOCAL GOVERNMENT; OR

(B) SIXTY DAYS AFTER THE EARLIEST TO OCCUR OF THE COMMENCEMENT OF DEVELOPMENT ACTIVITIES WITH HEAVY EQUIPMENT OR THE POSTING OF THE SURFACE OF THE REAL PROPERTY WITH NOTICE THAT THE LOCAL GOVERNMENT HAS GIVEN FINAL APPROVAL OF THE APPLICATION FOR DEVELOPMENT, WHICH POSTING SHALL BE MADE IN THE MANNER THAT WOULD BE REQUIRED BY THE LOCAL GOVERNMENT TO PROVIDE NOTICE OF AN APPLICATION FOR A CHANGE IN ZONING CLASSIFICATION, BUT, IN ALL EVENTS, WHICH POSTING SHALL BE MADE FACING, AND REASONABLY VISIBLE FROM, ALL PUBLIC ROADS ABUTTING THE SURFACE OF THE REAL PROPERTY.

(II) SUCH ACTION SHALL ALLEGE, AT A MINIMUM, THAT:

(A) THE PROVISIONS OF SECTION 24-65.5-103 OR 31-23-215, C.R.S., REQUIRE NOTICE TO HAVE BEEN SENT TO SUCH MINERAL ESTATE OWNER; AND

(B) THE REQUIRED NOTICE WAS NOT SENT TO SUCH MINERAL ESTATE OWNER IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 24-65.5-103 OR 31-23-215, C.R.S.

(III) IF THE MINERAL ESTATE OWNER COMMENCES SUCH AN ACTION IN A COURT OF COMPETENT JURISDICTION ON OR BEFORE THE LAST DAY DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), SUCH MINERAL ESTATE OWNER MAY SEEK TO RECOVER COMPENSATORY MONETARY DAMAGES IN CONNECTION WITH THE FAILURE OF THE SURFACE OWNER TO PROVIDE THE NOTICE REQUIRED BY SECTION 24-65.5-103 OR 31-23-215, C.R.S., BUT SUCH MINERAL ESTATE OWNER SHALL NOT BE ENTITLED TO RECOVER SPECIAL, PUNITIVE, OR OTHER EXTRAORDINARY DAMAGES, NOR SHALL SUCH MINERAL ESTATE OWNER BE ENTITLED TO ANY EQUITABLE REMEDY OR RELIEF. A FINDING BY SUCH COURT THAT THE ALLEGATIONS OF SUCH MINERAL ESTATE OWNER DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) ARE ACCURATE AND MATERIALLY COMPLETE SHALL BE A CONDITION PRECEDENT TO THE RECOVERY OF ANY SUCH COMPENSATORY MONETARY DAMAGES BY SUCH MINERAL ESTATE OWNER.

(3) IF A SURFACE OWNER CERTIFIES TO THE LOCAL GOVERNMENT THAT SUCH SURFACE OWNER HAS COMPLIED WITH THE NOTICE REQUIREMENTS OF SECTION 24-65.5-103 OR 31-23-215, C.R.S., AND NO MINERAL ESTATE OWNER HAS PROVIDED THE WRITTEN NOTICE REQUIRED BY PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION TO THE SURFACE OWNER AND TO THE LOCAL GOVERNMENT, NO DEVELOPMENT OR RELATED ACTIVITIES CONTEMPLATED BY THE APPLICATION FOR DEVELOPMENT, NO PERMIT OR OTHER APPROVAL BY SUCH LOCAL GOVERNMENT, AND NO PERMIT OR OTHER APPROVAL BY ANY OTHER LOCAL GOVERNMENT OR AGENCY THAT APPROVES OR PERMITS SUCH DEVELOPMENT OR RELATED ACTIVITIES OR ANY ASPECT THEREOF SHALL, SUBSEQUENT TO THE FINAL APPROVAL OF SUCH APPLICATION, BE RESCINDED, CURTAILED, ABROGATED, OR OTHERWISE RESTRICTED IN CONNECTION WITH ANY PURPORTED NONCOMPLIANCE WITH THE NOTICE REQUIREMENTS OF SECTION 24-65.5-103 OR 31-23-215, C.R.S., THAT MAY BE ALLEGED BY ANY PARTY."

Page 8, strike lines 17 through 19 and substitute the following:

"SECTION 6. 34-60-106 (14), Colorado Revised Statutes, is amended to read:

34-60-106. Additional powers of the commission. (14) ~~The commission shall provide a means for giving reasonable advance notice of the commencement of oil and gas operations to the appropriate local government and surface owners whose lands will be affected thereby.~~ BEFORE AN OPERATOR COMMENCES OPERATIONS FOR THE DRILLING OF ANY OIL OR GAS WELL, SUCH OPERATOR SHALL EVIDENCE ITS INTENTION

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TO CONDUCT SUCH OPERATIONS BY GIVING THE SURFACE OWNER WRITTEN NOTICE DESCRIBING THE EXPECTED DATE OF COMMENCEMENT, THE LOCATION OF THE WELL, AND ANY ASSOCIATED ROADS AND PRODUCTION FACILITIES. UNLESS EXCEPTED BY THE COMMISSION DUE TO EXIGENT CIRCUMSTANCES OR WAIVED BY THE SURFACE OWNER, SUCH NOTICE OF DRILLING SHALL BE MAILED OR DELIVERED TO THE SURFACE OWNER NOT LESS THAN THIRTY DAYS PRIOR TO THE DATE OF ESTIMATED COMMENCEMENT OF OPERATIONS WITH HEAVY EQUIPMENT. THE NOTICE OF DRILLING SHALL ALSO BE PROVIDED TO THE LOCAL GOVERNMENT IN WHOSE JURISDICTION THE WELL IS LOCATED IF SUCH LOCAL GOVERNMENT HAS REGISTERED WITH THE COMMISSION FOR RECEIPT THEREOF.

SECTION 7. Effective date. This act shall take effect July 1, 2001."

Renumber succeeding section accordingly.

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

SB01-067

by Senator Dyer (Arapahoe), Dyer (Durango)--Concerning state-funded scholarships based upon merit for members of the Colorado national guard.

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

(Printed in Senate Journal, January 29, 2001, pages 113-115.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 3, 2001, page 739.)

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

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

SB01-041

by Senators Windels, Linkhart and Hanna; also Representative Williams S.--Concerning a prohibition against wage discrimination among persons employed in equivalent employment.

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

SB01-046

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

(Amended in General Orders as printed in Senate Journal, April 5, page 762.)

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

SCR01-002

by Senator Gordon; also Representative Hefley--Concerning the submission to the registered electors of the state of Colorado of an amendment to the constitution of the state of Colorado, exempting district attorneys from constitutional term limits.

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

SB01-014

by Senators Evans, Epps and Linkhart; also Representatives Alexander, Johnson and Tochtrop--Concerning regulatory oversight of foster care.

Laid over until Tuesday, April 10, 2001, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB01-067

by Senator Dyer (Arapahoe), Dyer (Durango)--Concerning state-funded scholarships based upon merit for members of the Colorado national guard.

Senator Dyer (Arapahoe) moved to amend the Report of the Committee of the Whole to show that SB 01-067, as amended, did pass and was laid over to Monday April 9, 2001.

The amendment was declared **adopted** by viva voce vote.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Reeves, 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: **HB01-1274** as amended, **HB01-1088** as amended, **SB01-046** as amended.

Laid over until Monday, April 9, 2001: **HB01-1131**, **HB01-1189**, **SB01-067** as amended, **SB01-041**, **SCR01-002**.

Laid over until Tuesday, April 10, 2001: **SB01-014**.

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-022

by Senator Hagedorn; also Representative Snook--Concerning the licensure of addiction counselors.

Senator Hagedorn moved that the Senate concur in House amendments to **SB01-022**, as printed in House Journal, March 9, 2001, page 730. The motion was **passed** 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	E	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		

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	Y	Taylor	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	N	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, as amended, was declared **repassed**.

SB01-169

by Senator Linkhart; also Representative Stafford--Concerning work force training programs.

Senator Linkhart moved that the Senate concur in House amendments to **SB01-169**, as printed in House Journal, March 19, 2001, pages 828-829. The motion was **passed** 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	E	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		

SB01-169

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-107

by Senator May; also Representative Cadman--Concerning regulatory authority over certain roadside advertising, and, in connection therewith, clarifying the authority of local governments to control advertising devices on bus benches and bus shelters.

Senator May moved that the Senate concur in House amendments to **SB01-107**, as printed in House Journal, March 19, 2001, page 829. The motion was **passed** 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	E	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		

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-034

by Senator Owen; also Representative Williams T.--Concerning the regulation of insurance producers by the division of insurance.

Senator Owen moved that the Senate not concur in House amendments to **SB01-034**, as printed in House Journal, March 23, 2001, page 921, and that a Conference Committee be appointed.

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

Senator Owen moved that the Senate Conferees on the First Conference Committee on **SB01-034** be given the powers to go beyond the scope of the differences between the two Houses.

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

(For further action, See Appointments to Conference Committees.)

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SB01-066

by Senator Gordon; also Representative Clapp--Concerning increased protections for water quality in Cherry Creek reservoir, and, in connection therewith, adjusting the Cherry Creek basin water quality authority's duties and membership.

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

SB01-135

by Senator Teck; also Representative Sinclair--Concerning compensation of county officers.

Senator Teck moved that the Senate concur in House amendments to **SB01-135**, as printed in House Journal, March 26, 2001, page 940. The motion was **passed** 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	E	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		

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	N
Arnold	Y	Gordon	E	Musgrave	Y	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	N	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	N	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, as amended, was declared **repassed**.

Co-sponsors added: Arnold, Chlouber, Entz, Hillman, Phillips.

SB01-145

by Senator Phillips; also Representative Witwer--Concerning the enforceability of environmental real covenants.

Senator Phillips moved that the Senate concur in House amendments to **SB01-145**, as printed in House Journal, March 26, 2001, pages 940-941. The motion was **passed** 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	E	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		

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

SB01-145

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-144

by Senator Reeves; also Representative Spradley--Concerning the promotion of energy efficiency.

Senator Reeves moved that the Senate not concur in House amendments to **SB01-144**, as printed in House Journal, March 26, 2001, page 941-942, and that a Conference Committee be appointed.

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

SB01-116

by Senators Hillman, Chlouber, Dyer (Durango), Hagedorn, Hanna, Musgrave and Phillips; also Representative Johnson--Concerning regulation of veterinary medicine, and, in connection therewith, continuing the state board of veterinary medicine.

Senator Hillman moved that the Senate concur in House amendments to **SB01-116**, as printed in House Journal, March 26, 2001, page 941. The motion was **passed** 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	E	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		

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-027

by Senator Nichol; also Representative Larson--Concerning the requirement that an owner of a consumer credit transaction secured by residential real property give notice to each person liable on the loan that the owner intends to foreclose on the deed of trust prior to the commencement of foreclosure proceedings.

Senator Nichol moved that the Senate concur in House amendments to **SB01-027**, as printed in House Journal, March 29, 2001, pages 980-981. The motion was **passed** by the following roll call vote:

SB01-027

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	E	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		

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-158

by Senators Pascoe, Gordon, Takis and Windels; also Representative Smith--Concerning spousal maintenance.

Senator Pascoe moved that the Senate concur in House amendments to **SB01-158**, as printed in House Journal, March 29, 2001, page 981. The motion was **passed** 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	E	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		

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

YES	32	NO	2	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	E	Musgrave	Y	Taylor	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	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, as amended, was declared **repassed**.

Co-sponsor added: Linkhart.

SB01-150

by Senator Tate; also Representative Mitchell--Concerning individual development accounts.

Senator Tate moved that the Senate concur in House amendments to **SB01-150**, as printed in House Journal, March 29, 2001, page 981. The motion was **passed** by the following roll call vote:

SB01-150

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	E	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		

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

SB01-080

by Senator Tate; also Representative Lee--Concerning the prevention of bullying.

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

SB01-118

by Senators Hernandez, Epps and Hagedorn; also Representative Mace--Concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies.

Senator Hernandez moved that the Senate not concur in House amendments to **SB01-118**, as printed in House Journal, March 29, 2001, page 983, and that a Conference Committee be appointed.

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

(For further action, see Appointments to Conference Committees)

SB01-104

by Senator Fitz-Gerald; also Representative Mitchell--Concerning the determination of whether a convicted person is mentally incompetent to be executed.

Senator Fitz-Gerald moved that the Senate concur in House amendments to **SB01-104**, as printed in House Journal, March 29, 2001, page 984. The motion was **passed** 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	E	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		

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

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SB01-104

YES	29	NO	5	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	E	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	N	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	Y		

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

Co-sponsors added: Arnold, Chlouber, Epps, May, McElhany, Nichol.

SB01-131

by Senator Hanna; also Representative Mitchell--Concerning the regulation of pet animal facilities, and, in connection therewith, clarifying the definition of feline hobby breeder, reducing the time an animal may be held in an animal shelter, and allowing animal shelter supervisors to make determinations with respect to the immediate disposition of animals experiencing extreme pain or suffering.

Senator Hanna moved that the Senate not concur in House amendments to **SB01-131**, as printed in House Journal, March 29, 2001, page 982 and March 30, 2001, page 1027, and that a Conference Committee be appointed.

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

Senator Hanna moved that the Senate Conferes on the First Conference Committee on **SB01-131** be given the powers to go beyond the scope of the differences between the two Houses.

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

(For further action, see Appointments to Conference Committees.)

SB01-140

by Senator Matsunaka; also Representative Johnson--Concerning small claims court.

Senator Matsunaka moved that the Senate not concur in House amendments to **SB01-140**, as printed in House Journal, March 30, 2001, pages 1031-1032, and that a Conference Committee be appointed.

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

Senator Matsunaka moved that the Senate Conferes on the First Conference Committee on **SB01-140** be given the powers to go beyond the scope of the differences between the two Houses.

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

(For further action, see Appointments to Conference Committees.)

SB01-054

by Senator McElhany; also Representative Rippy--Concerning a limitation on the state's liability for damage to livestock.

Senator McElhany moved that the Senate concur in House amendments to **SB01-054**, as printed in House Journal, March 30, 2001, page 1032. The motion was **passed** 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	E	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		

SB01-054

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

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	E	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 all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

CONSIDERATION OF RESOLUTIONS

SJR01-013

by Senator Thiebaut; also Representative Spradley--Concerning setting the convening date for the next regular session of the General Assembly.

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

YES	33	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	E	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	*	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		

Abstaining (*) from voting under Senate Rule 17(c)--Dyer (Durango).

SJR01-010

by Senators Hagedorn, Andrews, Cairns, Gordon, Hernandez, Lamborn, May, Musgrave, Perlmutter and Takis; also Representatives Grossman, Borodkin, Cadman, Cloer, Coleman, Crane, King, Lee, Paschall, Romanoff, Saliman, Scott, Stengel, Tapia and Tochtrop--Concerning violence in the Middle East.

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

HJR01-1024

by Representatives Alexander, Clapp, Coleman, Groff, Hefley, Jahn, Johnson, Larson, Mace, Schultheis, Stafford, Tochtrop, Williams S. and Witwer; also Senator Dyer (Durango)--Concerning recognition of April as Child Abuse Prevention Month.

On motion of Senator Dyer (Durango), the resolution was read a length and **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	E	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.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Owen, Chairman, Thiebaut and Nichol as Senate Conferees on the First Conference Committee on **SB01-034**.

The President appointed Senators Hernandez, Chairman, Hagedorn and Epps as Senate Conferees on the First Conference Committee on **SB01-118**.

The President appointed Senators Matsunaka, Chairman, Gordon, and Dyer (Arapahoe) as Senate Conferees on the First Conference Committee on **SB01-140**.

The President appointed Senators Hanna, Chairman, Takis and Chlouber as Senate Conferees on the First Conference Committee on **SB01-131**.

MESSAGE FROM THE HOUSE

April 6, 2001

Mr. President:

The House has postponed indefinitely SB01-074, 092. The bill is returned herewith.

The House has adopted and transmits herewith HJR01-1023, as printed in House Journal, March 29, page 1020.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR01-1023 by Representatives Scott, Boyd, King, Lee, Madden, Rhodes, Rippey, and Sinclair; also Senator Andrews--Concerning Scottish Tartan Day.

Senator Andrews moved to suspend Senate Rule 30(e), for immediate consideration of **HJR01-1023**.

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

On motion of Senator Andrews, the resolution was read at length and **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	E	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: **SB 01-156**.

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 Friday, April 6, 2001, was laid over until Monday, April 9, 2001, retaining its place on the calendar.

Consideration of Memorials: **SB01-001**.

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

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

Consideration of Governor's Appointments:

- Colorado Tourism Office
- Colorado School of Mines, Board of Trustees
- State Housing Board
- Board of Directors of the Colorado Compensation Insurance Authority
- Securities Board
- Special Funds Board for Workers' Compensation Self Insurers
- Wildlife Commission
- Board of Assessment Appeals

TRIBUTES--A POINT OF INTEREST

Memorializing William Norton Baird by Senator Teck
and Representatives Gayle Berry and Matt Smith.

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

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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