

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

Forty-second Legislative Day

Tuesday, February 20, 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, 34.
Absent/Excused--Thiebaut--Total 1.
Present later--Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of Monday, February 19, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly reengrossed: SB01-125, 088, 128.
Correctly rerevised: HB01-1129.
Correctly engrossed: SB01-013, 114, 043, 059, 115, 132.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1057** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1039** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1200** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1016** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1055** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1007	by Representative Swenson; also Senator Nichol--Concerning certain transportation-related agencies involved with the development of mass transit systems in the state. Government, Veterans and Military Relations, and Transportation	1 2 3 4
HB01-1169	by Representatives Stafford, Cloer, Smith and Snook; also Senator Linkhart--Concerning the use of county block grant moneys for the Colorado works program for the purpose of investing in community resources. Health, Environment, Children & Families	5 6 7 8 9
HB01-1190	by Representatives Lee, Fritz, Fairbank, Hoppe, Johnson, Miller, Nunez, and Spence; also Senators Chlouber and Teck--Concerning the release of information that identifies persons who hold permits to carry concealed weapons. Judiciary	10 11 12 13 14
HB01-1210	by Representative Sinclair; also Senator Arnold--Concerning the authorization of electronic hearings in situations where citations for certain driving offenses may cause individuals to lose their driver's licenses. Judiciary	15 16 17 18 19
HB01-1211	by Representative Johnson; also Senator Matsunaka--Concerning the modification of land use requirements for cluster developments. Public Policy and Planning	20 21 22 23
HB01-1217	by Representative Larson; also Senator Dyer (Durango)--Concerning the authority of a local board of health to promulgate regulations authorizing cease and desist orders when sewage treatment does not comply with certain laws. Agriculture and Natural Resources	24 25 26 27 28
HB01-1227	by Representative Williams T.; also Senators Tate and Hillman--Concerning procedures related to a report of child abuse or neglect, and, in connection therewith, clarifying practices of investigating a report of child abuse, clarifying the burden of proof that must be met to further report the subject of a report of child abuse to the central registry, and setting forth procedures related to expungement of a record of a report from the central registry. Judiciary	29 30 31 32 33 34 35 36
HB01-1228	by Representative Kester; also Senator Fitz-Gerald--Concerning the expulsion of credit union members for cause. Business, Labor, and Finance	37 38 39 40
HB01-1229	by Representative Veiga; also Senator Anderson--Concerning sex offender supervision. Judiciary	41 42 43
HB01-1230	by Representatives Rhodes, Fairbank and White; also Senator Tate--Concerning deletion of the requirement that industrial banks use only names that contain the phrase "industrial bank". Business, Labor, and Finance	44 45 46 47 48
HB01-1238	by Representatives Stafford, Clapp, Cloer, Johnson and Lee; also Senator Hillman--Concerning a prohibition on the therapeutic technique known as rebirthing, and, in connection therewith, creating an additional prohibited activity for mental health professionals who use the rebirthing technique. Health, Environment, Children & Families	49 50 51 52 53 54
HB01-1254	by Representative Smith; also Senator Teck--Concerning a requirement for notice to owners of land directly affected by water rights adjudication applications. Agriculture and Natural Resources	55 56 57 58
HB01-1265	by Representatives Bacon, Alexander, Larson, Stafford, Williams S. and Witwer; also Senators Linkhart and Hagedorn--Concerning family resource center programs in local communities. Health, Environment, Children & Families	59 60 61 62 63
HB01-1275	by Representative Paschall; also Senators Hagedorn and May--Concerning the Colorado institute of technology. Business, Labor, and Finance	64 65 66 67

THIRD READING OF BILLS--FINAL PASSAGE

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

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SB01-136 by Senator Gordon--Concerning campaign finance.

Laid over until Wednesday, February 21, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-059** was advanced on the Third Reading calendar.

SB01-059 by Senator Chlouber; also Representative Witwer--Concerning traffic regulations relating to bicycles.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	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	N	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	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-sponsors added: Dyer (Durango), Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Linkhart, Pascoe, Perlmutter, Phillips, Tate, Tupa.

SB01-051 by Senator Tupa; also Representative Grossman--Concerning presidential electors, and, in connection therewith, specifying the selection and voting requirements of presidential electors in the state.

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

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

SB01-013 by Senators Evans and Epps; also Representatives Johnson, Alexander and Tochtrop--Concerning procedures related to foster care.

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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Dyer (Arapahoe).

SB01-114

by Senators Hernandez and Hagedorn; also Representative Berry--Concerning income eligibility requirements of the AIDS drug assistance program.

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	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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Fitz-Gerald, Gordon, Hanna, Linkhart, Pascoe, Phillips, Reeves, Tate, Tupa, Windels.

SB01-043

by Senators Dyer (Durango) and Fitz-Gerald; also Representatives Scott and Dean--Concerning the continuation of the sunset date for the passenger tramway safety board in the division of registrations.

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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-115

by Senator Cairns--Concerning the release of information identifying individuals who defer the payment of property taxes pursuant to the state elderly property tax deferral program.

Laid over until Wednesday, February 21, 2001, retaining its place on the calendar.

SB01-132

by Senators Arnold, Andrews, Cairns, McElhany and Teck; also Representative Kester--Concerning election ballots.

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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Committee of the Whole

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-001**, **SB01-140**, **SB01-172** and **SB01-031** were advanced on the General Orders calendar.

SB01-001 by Senator Hernandez--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, January 24, 2001, page 75.)

Amendment No. 2, Senator Hernandez.

Amend printed bill, page 6, line 19, strike "OFFICIALS." and substitute "OR REGULATORY OFFICIALS."

Amendment No. 3, Senator McElhany.

Amend printed bill, page 5, line 15, after "CONDITION;", insert "PREVIOUS RELEVANT INJURY;"

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

SB01-140 by Senator Matsunaka; also Representative Johnson--Concerning small claims court.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 15, 2001, page 317-318.)

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

SB01-172 by Senator Chlouber--Concerning the regulation of electricians by the state electrical board.

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

SB01-031 by Senators Tate and Dyer (Durango); also Representatives Alexander and Grossman--Concerning privately owned rent-controlled housing.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, February 13, 2001, page 282.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills calendar (**SB01-074**, **SB01-086**, **SB01-135**, **SB01-160**, **SB01-169**, **SB01-097**, **SB01-081**, **SB01-158**, **SB01-100**, **SB01-079** as amended, **01-034**, **SB01-159**, **SB01-092**, **SB01-165**, **SB01-123**, **SB01-104**, **HB01-1032**, **HB01-1013**, **SB01-038**) of Tuesday, February 20, 2001, was laid over until Wednesday, February 21, 2001, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Gordon, 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: **SB01-001** as amended, **SB01-140** as amended, **SB01-172**, **SB01-031** as amended.

Laid Over till Wednesday, February 21, 2001: **SB01-074**, **SB01-086**, **SB01-135**, **SB01-160**, **SB01-169**, **SB01-097**, **SB01-081**, **SB01-158**, **SB01-100**, **SB01-079** as amended, **SB01-159**, **SB01-092**, **SB01-165**, **SB01-123**, **SB01-104**, **HB01-1032**, **HB01-1013**, **SB01-038**.

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Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Judiciary

After consideration on the merits, the committee recommends that **HB01-1069** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE HOUSE

February 20, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1209, amended as printed in House Journal, February 19, page 448.

The House has passed on Third Reading and returns herewith SB01-179,180,182, 186,188,189,190,191,192,193,195,196,197,198,199.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-183, amended as printed in House Journal, February 19, pages 448-449. SB01-185, amended as printed in House Journal, February 19, page 449. SB01-194, amended as printed in House Journal, February 19, pages 450-451.

The House has voted to concur in the Senate amendments to HB01-1129 and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1209 and SB01-183, 185, and 194.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1037, 1082.**

The President has signed: **HB01-1129.**

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

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
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2003:

Jeffrey Mason Reynolds of Golden, Colorado, to serve as a representative of a special services district, reappointed.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1099** be referred favorably to the Committee of the Whole and be placed on the consent calendar.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR01-009

Senator Phillips--Concerning the commendation of the Miss America 2001, Angela Perez Baraquio, for her efforts in benefitting America's youth.

WHEREAS, The citizens of Colorado applaud the initiative of Miss America 2001, Angela Perez Baraquio, to support character development in our nation's educational institutions by melding character development programs into the students' daily curriculum; and

WHEREAS, Angela Perez Baraquio, as a national spokesperson and advocate through her Miss America 2001 title, travels approximately 20,000 miles a month, into a different city every other day, addressing diverse audiences, increasing awareness, and promoting greater emphasis on the need for character programs in schools; and

WHEREAS, The Miss America Organization is the largest provider of scholarship assistance to women around the world, with nearly \$40 million made available in the year 2000 alone; and

WHEREAS, Through Miss Baraquio's efforts, she encourages educational institutions to provide character development to fit the needs of diverse student bodies through the various character education options that exist; now, therefore,

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

That we, the members of the Colorado Senate, hereby express our admiration and respect for Miss America 2001, Angela Perez Baraquio, and praise her for her continued efforts in creating better educational environments for both students and teachers through character development programs.

Be It Further Resolved, That copies of this Resolution be sent to Miss America 2001, Angela Perez Baraquio.

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

TRIBUTES--A POINT OF INTEREST

Honoring George Evans on his 100th Birthday by Senators Musgrave, Lamborn, Andrews, Cairns and Evans.

Honoring Business of Art Center, Manitou Springs by Senator McElhany.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, February 21, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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