

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

Fifty-sixth Legislative Day

Tuesday, March 6, 2001

Prayer By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland. 10
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Call to Order By the President at 9:00 a.m. 13
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Roll Call Present--Total, 35. 16
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Quorum The President announced a quorum present. 18
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Reading of Journal On motion of Senator McElhany, reading of the Journal of Monday, March 5, 2001, was dispensed with and the Journal was approved as corrected by the Secretary. 20
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SENATE SERVICES REPORT

Senate Services Correctly printed: SJR01-016. 23
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Correctly rerevised: HB01-1013, 1196, 1136, 1063, 1138, 1154, 1085, 1186, 1004, 1040, 1035, 1146, 1041, 1168, 1117, 1250. 26
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Correctly revised: HB01-1021, 1230, 1179, 1115, 1048, 1053, 1080, 1061, 1084, 1001, 1009, 1010, 1171, 1164, 1011, 1027, 1209, 1246. 30
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COMMITTEE OF REFERENCE REPORTS

The committee recommends the following: 34
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Business, Labor, and Finance The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 38
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MEMBERS OF THE
WORKERS' COMPENSATION COST
CONTAINMENT BOARD

for terms expiring December 13, 2003: 42
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Linda L. Reno of Eastlake, Colorado, to serve as an employer who has demonstrated good risk management experience with respect to their workers' compensation insurance, appointed. 47
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Jerry L. Mosley of Golden, Colorado, to serve as an employer who has demonstrated good risk management experience with respect to their workers' compensation insurance, reappointed. 52
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Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1251** be referred favorably to the Committee of the Whole and be placed on the Consent Calendar. 58
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Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1304** be referred favorably to the Committee of the Whole and be placed on the Consent Calendar. 64
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Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1335** be referred favorably to the Committee of the Whole and be placed on the Consent Calendar. 70
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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB01-1228** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the Consent Calendar.

Amend reengrossed bill, page 3, strike lines 17 through 25 and substitute the following:

"SECTION 2. Effective date. This act shall take effect September 1, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1351 by Representative Larson; also Senator Dyer (Durango)--Concerning the revocation of Colorado driving privileges after the revocation of tribal driving privileges under tribal law.
Government, Veterans and Military Relations, and Transportation

INTRODUCTION OF RESOLUTIONS

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

SJR01-017 by Senator Fitz-Gerald--Concerning the creation of an interim committee to study health care, and, in connection therewith, providing that the committee will examine the rural health care market to address network adequacy, including the shortage of primary care physicians; cost factors driving health insurance premium rates for all types of consumers; and the fragility of small business in obtaining health insurance coverage.
Business, Labor, and Finance

HJR01-1013 by Representatives Rippey, Berry, Kester, Sinclair, Smith and White; also Senator Taylor-- Concerning the designation of the bridge on state highway 133 crossing the Roaring Fork River in Carbondale, Colorado, as the "Veterans' Memorial Bridge".
Government, Veterans and Military Relations, and Transportation

SJR01-018 by Senator Lamborn--Concerning naming a portion of Interstate I-25.
Government, Veterans and Military Relations, and Transportation

**CHANGES TO THE THIRD READING OF BILL--FINAL PASSAGE
CONSENT CALENDAR**

HB01-1001 by Representative King; also Senator McElhany--Concerning the state sales tax refund payable to qualified individuals when state revenues are in excess of the constitutional limitation on state fiscal year spending.

Upon request of Senator Tate, **HB01-1001** was removed from the March 6, 2001, Consent Calendar and was placed at the end of the Third Reading of Bills--Final Passage Calendar of Wednesday, March 7, 2001.

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

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

HB01-1021 by Representative Tochtrop; also Senator Tate--Concerning increased disclosure requirements relating to the provision of automobile personal injury protection insurance.

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

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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**.

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".

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**.

HB01-1179

by Representative Smith; also Senator Tate--Concerning the requirement to file a Colorado amended return to report a change in federal taxable income.

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**.

HB01-1115

by Representatives White and Stengel; also Senator Phillips--Concerning requirements that licensed automobile dealers disclose the amount of compensation prior to completion of a transaction.

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**.

HB01-1115 Co-sponsor added: Fitz-Gerald.

HB01-1048 by Representative Vigil; also Senator Hagedorn--Concerning the treatment of half siblings as part of an assistance unit for purposes of the Colorado works program.

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: Hanna.

HB01-1053 by Representative Fritz; also Senator Hanna--Concerning technical changes to make residential facility terminology uniform.

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**.

HB01-1080 by Representatives Borodkin, Daniel and Hodge; also Senator Hagedorn--Concerning a study by the Colorado health care task force of innovative housing options for older people who can no longer live independently in their communities.

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-sponsors added: Hanna, Linkhart.

HB01-1061 by Representative Young; also Senator Phillips--Concerning the prohibition of unauthorized charges from a telecommunications provider.

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

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HB01-1061

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-sponsors added: Fitz-Gerald, Lamborn, Perlmutter.

HB01-1084

by Representative Boyd; also Senator Fitz-Gerald--Concerning disclosure requirements for multi-line telephone system operators relating to 9-1-1 emergency service calls.

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**.

HB01-1009

by Representatives Young and Ragsdale; also Senators Evans and Teck--Concerning the state auditor's duty to conduct records management audits of state government agencies.

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**.

HB01-1010

by Representative Young; also Senator Evans, Hernandez and Teck--Concerning the assessment of available space for public records storage in state archives and public records.

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**.

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:

HB01-1069 By Representative Lawrence; also Senator Gordon--Concerning cruelty to animals.

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-sponsors added: Hanna, Hernandez.

HB01-1171 by Representatives Romanoff, Berry, Johnson, Stafford, Tochtrop, Witwer and Young; also Senators Owen and Hernandez--Concerning recoveries by the medical assistance program from third parties.

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-sponsors added: Epps, Hagedorn, Hanna, Hillman, Lamborn, Linkhart, May, Windels.

HB01-1164 by Representatives Stengel, Berry, Daniel, Dean, Mitchell, Nunez, Paschall, White, and Williams S.; also Senator Perlmutter--Concerning the extension of the time within which the Colorado commission on taxation shall accomplish its duties.

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

YES	27	NO	8	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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	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: Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Phillips, Reeves, Takis, Tate, Taylor, Teck, Windels.

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HB01-1011

by Representatives Mace, Alexander, Miller, Plant, Ragsdale, Scott and Smith; also Senator Andrews--Concerning revisions to the laws governing new hire fire and police pension plans.

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-sponsors added: Epps, Hanna, Hernandez, Musgrave, Taylor.

HB01-1027

by Representatives Plant, Alexander, Mace, Miller, Ragsdale, Scott and Smith; also Senator Andrews--Concerning survivor benefits for certain survivors of members of the statewide death and disability pension plan for police officers and firefighters upon the death of a member in active service who is not eligible for a normal retirement pension.

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-sponsors added: Arnold, Cairns, Dyer (Arapahoe), Epps, Evans, Hanna, Hernandez, Matsunaka, May, Musgrave, Nichol, Phillips, Taylor, Windels.

HB01-1209

by Representatives Fairbank, Cadman, Hoppe, Kester, Lee, Paschall, Scott, Spence and Stengel; also Senator Phillips--Concerning the authorization of alcohol tastings on licensed premises.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	N	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	N	Gordon	N	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	N	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	N	Pascoe	N	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	N	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 was declared **passed**.

HB01-1246

by Representative Hoppe; also Senator Dennis--Concerning an authorization for counties to receive wastewater construction grants on behalf of small communities in unincorporated areas.

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-sponsors added: Chlouber, Dyer (Durango), Epps, Evans, Hillman, Matsunaka, Musgrave, Owen, Perlmutter, 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 Resolutions.

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.

CONSIDERATION OF RESOLUTIONS

SJR01-014 by Senator Gordon; also Representative Coleman--Concerning Lymphedema D-Day.

On motion of Senator Gordon, the resolution was 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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Chlouber, Dyer (Durango), Epps, Evans, Hanna Hernandez, Musgrave, Nichol, Pascoe, Phillips, Tate, Taylor, Teck, Thiebaut, Tupa.

SJR01-015 By Senator Matsunaka; also Representative Fritz--Concerning Colorado Children's Day.

The resolution was read at length and Senator Matsunaka moved to suspend Senate rule 30(b) for immediate consideration of **SJR01-015**.

A majority of those elected to the Senate having voted in the affirmative, Senate rule 30(b) was suspended and immediate consideration granted.

On motion of Senator Matsunaka, the resolution was 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
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1075** was made Special Orders at 9:50 a.m.

Committee of the Whole

The hour of 9:50 a.m. having arrived, Senator Gordon moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Gordon 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 bill, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB01-1075

by Representatives Mitchell, Hefley, Dean and Grossman; also Senators Perlmutter, Andrews, and Matsunaka--Concerning an increase in the number of district court judges in ten judicial districts, and making an appropriation therefor.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 5, pages 476-477.)

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

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: **HB01-1075** as amended.

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 Tuesday, March 6, 2001, was laid over until Wednesday, March 7, 2001, retaining its place on the calendar.

Second Reading of Bills: **HB01-1210, HB01-1265, HB01-1152, HB01-1023, HB01-1095, HB01-1056, HB01-1128.**

Consideration of Resolutions: **SJR01-012, HJR01-1014, SJR01-016.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **HB01-1034** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, after line 1, insert the following:

"**SECTION 4.** 10-4-708.5, Colorado Revised Statutes, is amended to read:

10-4-708.5. Timely notification of insurer. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, when an insured entitled to benefits under a complying policy is injured or believes he OR SHE has been injured in an accident INVOLVING A MOTOR VEHICLE and is examined or treated by a physician or health care practitioner, such physician or health care practitioner shall notify the insurer within thirty calendar days after the insured's initial visit. The notice shall include, either through a billing statement for the procedure or treatment provided up to the date of the notice or by a separate statement, the name and address of the treating health professional, the evaluation or diagnosis, and the medical procedure performed or the medical treatment provided. The insurer shall notify the treating health professional if the insurer is not the reparation obligor. If the treating health professional does not submit the required notice within the specified time, neither the insurer nor the injured person

HB01-1034

shall be responsible for the expense incurred for the medical procedure or treatment rendered prior to the late notification, unless the late notification is the result of excusable neglect.

(2) WHEN AN INSURED ENTITLED TO BENEFITS UNDER A COMPLYING POLICY IS INJURED OR BELIEVES HE OR SHE HAS BEEN INJURED IN AN ACCIDENT INVOLVING A MOTOR VEHICLE AND IS EXAMINED OR TREATED IN A HOSPITAL, SUCH HOSPITAL, TO THE EXTENT THAT THE HOSPITAL BILLS FOR THE USE OF ITS PHYSICIAN OR HEALTH CARE PRACTITIONER SERVICES OR FACILITIES, SHALL NOTIFY THE INSURER WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE INSURED'S INITIAL VISIT. THE NOTICE SHALL INCLUDE, EITHER THROUGH A BILLING STATEMENT FOR THE PROCEDURE OR TREATMENT PROVIDED UP TO THE DATE OF THE NOTICE OR BY A SEPARATE STATEMENT, THE NAME AND ADDRESS OF THE TREATING HEALTH PROFESSIONAL, THE EVALUATION OR DIAGNOSIS, AND THE MEDICAL PROCEDURE PERFORMED OR THE MEDICAL TREATMENT PROVIDED. THE INSURER SHALL NOTIFY THE TREATING HOSPITAL IF THE INSURER IS NOT THE REPARATION OBLIGOR. IF THE TREATING HOSPITAL DOES NOT SUBMIT THE REQUIRED NOTICE WITHIN THE SPECIFIED TIME, A PENALTY IN AN AMOUNT EQUAL TO A REDUCTION OF TEN PERCENT OF THE TOTAL AMOUNT ULTIMATELY ALLOWED ON THE CLAIM PER FULL THIRTY-DAY PERIOD THE NOTICE IS DELAYED MAY BE ASSESSED AGAINST THE TREATING HOSPITAL AND ANY APPLICABLE PENALTIES MAY NOT BE BILLED TO THE INSURED ENTITLED TO BENEFITS UNDER A COMPLYING POLICY .".

Renumber succeeding sections accordingly.

Page 7, line 8, after "2," insert "4,";

line 9, strike "4" and substitute "5" and strike "July 1, 2001," and substitute "January 1, 2002,";

line 11, strike "section 3" and substitute "sections 3, 6, and 7".

Education

After consideration on the merits, the committee recommends that **SB01-204** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 6, strike lines 25 and 26 and substitute the following:

"(e) SPECIAL EDUCATION PROGRAMS FOR GIFTED CHILDREN AS DESCRIBED IN ARTICLE 20 OF THIS TITLE;" .

Page 11, line 20, strike "ONE-HALF" and substitute "SIX-TENTHS" .

Page 13, strike line 13 and substitute the following:

"THE REVIEW OF THE MODEL CONDUCTED BY THE STATE AUDITOR" .

Page 14, strike lines 17 through 20 and substitute the following:

"(2) BY FEBRUARY 1, 2002, AND BY EACH FEBRUARY 1 THEREAFTER, THE STATE AUDITOR, IN CONSULTATION WITH THE STAFF OF THE LEGISLATIVE COUNCIL, THE OFFICE OF STATE PLANNING AND BUDGETING, THE STATE TREASURER, THE DEPARTMENT, AND THE JOINT BUDGET COMMITTEE, SHALL CAUSE TO BE CONDUCTED A REVIEW OF THE MODEL USED TO FORECAST REVENUES IN AND EXPENDITURES FROM THE FUND AND THE SPENDING REQUIREMENTS OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE.";

line 21, strike "EDUCATION FUND.", and strike "ANALYSIS" and substitute "REVIEW";

line 24, strike "ANALYSIS" and substitute "REVIEW", and strike "FOLLOWING" and substitute "FOLLOWING:";

strike line 25 and substitute the following:

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SB01-204

- "(a) A DETERMINATION OF THE REASONABLENESS OF THE ASSUMPTIONS USED TO FORECAST THE REVENUES AND EXPENDITURES;
- (b) A REVISION OF THE ASSUMPTIONS AS NECESSARY;
- (c) INFORMATION ON THE FINANCIAL STABILITY OF THE FUND;"

Reletter succeeding paragraphs accordingly.

MESSAGE FROM THE HOUSE

March 6, 2001

Mr. President:

The House has passed on Third Reading and returns herewith SB01-020,110,071,076.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-090, amended as printed in House Journal, March 5, page 681.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, SB01-090.

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

SCR01-003

by Senator McElhany; also Representative Spradley--Concerning the submission to the registered electors of the state of Colorado of an amendment to sections 8 and 15 of article XIV of the constitution of the state of Colorado, requiring the compensation of a county coroner to be set by the board of county commissioners of the county that employs the coroner rather than by the general assembly.

Government, Veterans and Military Relations, and Transportation

MESSAGE FROM THE GOVERNOR

March 5, 2001

To the Honorable
Senate
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

S.B. 01-179 – Concerning A Supplemental Appropriation To The Department Of Agriculture.

Approved March 5, 2001 at 3:10 p.m.

S.B. 01-180 - Concerning A Supplemental Appropriation To The Department Of Corrections.

Approved March 5, 2001 at 3:10 p.m.

S.B.01-181 – Concerning A Supplemental Appropriation To The Department Of Education.

Approved March 5, 2001 at 3:11 p.m.

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S.B. 01-182 – Concerning A Supplemental Appropriation To The Offices Of The Governor, Lieutenant Governor, And State Planning And Budgeting. 1
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Approved March 5, 2001 at 3:11 p.m. 3
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S.B. 01-183 – Concerning A Supplemental Appropriation To The Department Of Health Care Policy And Financing. 5
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Approved March 5, 2001 at 3:12 p.m. 8
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S.B. 01-184 – Concerning A Supplemental Appropriation To The Department Of Higher Education. 10
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Approved March 5, 2001 at 3:13 p.m. 13
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S.B. 01-185 – Concerning A Supplemental Appropriation To The Department Of Human Services. 15
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Approved March 5, 2001 at 3:13 p.m. 18
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S.B. 01-186 – Concerning A Supplemental Appropriation To The Judicial Department. 20
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Approved March 5, 2001 at 3:14 p.m. 22
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S.B. 01-187 – Concerning A Supplemental Appropriation To The Department Of Labor And Employment. 24
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Approved March 5, 2001 at 3:14 p.m. 27
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S.B. 01-188 – Concerning A Supplemental Appropriation To The Department Of Law. 29
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Approved March 5, 2001 at 3:15 p.m. 31
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S.B. 01-189 – Concerning A Supplemental Appropriation To The Department Of Local Affairs. 33
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Approved March 5, 2001 at 3:16 p.m. 36
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S.B. 01-190 – Concerning A Supplemental Appropriation To The Department Of Military Affairs. 38
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Approved March 5, 2001 at 3:16 p.m. 41
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S.B. 01-191 – Concerning A Supplemental Appropriation To The Department Of Natural Resources. 43
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Approved March 5, 2001 at 3:16 p.m. 46
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S.B. 01-192 – Concerning A Supplemental Appropriation To The Department Of Personnel. 48
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Approved March 5, 2001 at 3:17 p.m. 51
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S.B. 01-193 – Concerning A Supplemental Appropriation To The Department Of Public Health And Environment. 53
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Approved March 5, 2001 at 3:17 p.m. 56
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S.B. 01-194 – Concerning A Supplemental Appropriation To The Department Of Public Safety. 58
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Approved March 5, 2001 at 3:18 p.m. 61
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S.B. 01-195 – Concerning A Supplemental Appropriation To The Department Of Regulatory Agencies. 63
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Approved March 5, 2001 at 3:17 p.m. 66
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S.B. 01-196 – Concerning A Supplemental Appropriation To The Department Of Revenue. 68
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Approved March 5, 2001 at 3:18 p.m. 71
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S.B. 01-197 – Concerning A Supplemental Appropriation To The Department Of State.

Approved March 5, 2001 at 3:18 p.m.

S.B. 01-198 – Concerning A Supplemental Appropriation To The Department Of Transportation.

Approved March 5, 2001 at 3:18 p.m.

S.B. 01-199 – Concerning A Supplemental Appropriation To The Department Of The Treasury.

Approved March 5, 2001 at 3:18 p.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/6/01
H. Horvath, Asst. to the Secretary

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1006, 1032, 1039, 1043, 1116; HJR01-1015.**

TRIBUTES--A POINT OF INTEREST

Honoring Carl Jarrett by Senator Matsunaka

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, March 7, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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