

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

One hundred-fifteenth Legislative Day Friday, May 4, 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, 23.
Absent/Excused--Chlouber, Hernandez, Lamborn, Linkhart, Nichol, Owen, Pascoe, Phillips, Reeves, Tate, Teck, Thiebaut--Total, 12.
Present later--Chlouber, Hernandez, Lamborn, Linkhart, Nichol, Owen, Pascoe, Phillips, Reeves, Tate, Teck, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Thursday, May 3, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly rerevised: HB01-1372, 1365, 1373, 1022, 1234.
Correctly reengrossed: SB01-232, 220, 237, 229, 231, 227, 235, 224, 211, 234.
Correctly revised: HJR01-1052, HB01-1383, 1381, 1375, 1400, 1225.
Correctly engrossed: SB01-216, 233, 239, 210.

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 **SJR01-024, SJR01-023, HJR01-1041, HJR01-1022, HJR01-1030, SR01-016, HJR01-1012.**

CONSIDERATION OF RESOLUTIONS

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.

On motion of Senator Matsunaka, the resolution was adopted with the following roll call vote:

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	E
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	E	Teck	E
Chlouber	E	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	E	Pascoe	E	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	E	Phillips	E	Mr. President	Y
Epps	Y	Linkhart	E	Reeves	E		

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

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

On motion of Senator Musgrave, the resolution was adopted with the following roll call vote:

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SJR01-023

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

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

HJR01-1041 by Representative Stafford; also Senator Dyer (Durango)--Concerning firearms safety training.

On motion of Senator Dyer (Durango), the resolution was adopted with the following roll call vote:

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

Co-sponsors added: Anderson, Andrews, Cairns, Dyer (Arapahoe), Entz, Evans, Hillman, Matsunaka, May, McElhany, Musgrave, Taylor.

HJR01-1022 by Representatives Hoppe, Cloer, Johnson, Kester, King, Larson, Lawrence, Plant, Snook, Spence, Spradley, White, Witwer and Young; also Senator Dyer (Durango)--Concerning the species conservation eligibility list.

On motion of Senator Dyer(Durango), the resolution was adopted with the following roll call vote:

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

Co-sponsors added: Anderson, Dyer (Arapahoe), Entz, Epps, Evans, Gordon, Hagedorn, Hillman, Matsunaka, May, Musgrave, Pascoe, Perlmutter, Taylor, Thiebaut, Tupa, Windels.

HJR01-1030 by Representatives Clapp, Cadman, Fritz, King, Rhodes, Sinclair and Williams T.; also Senator Andrews--Concerning "Hungarian Freedom Fighters Day".

On motion of Senator Andrews, the resolution was adopted with the following roll call vote:

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

HJR01-1030 Co-sponsors added: The present roll call of the Senate.

SR01-016 by Senator Cairns--Concerning the optimization of transportation funding.

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

(Printed in Senate Journal, April 27, 2001, pages 1060-1061.)

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

On motion of Senator Cairns, the resolution, as amended, was **adopted** with the following roll call vote:

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

Co-sponsors added: Arnold, Entz, Epps, Evans, Hillman, May, Musgrave, Taylor, Tupa.

HJR01-1012 by Representative Grossman; also Senator Thiebaut-- Concerning the encouragement of the United States Congress to support the railroad retirement and survivors improvement act.

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

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

Co-sponsors added: Perlmutter, Taylor, Tupa.

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 Governor's Appointments to the Examining Board of Plumbers.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Thiebaut, the following Governor's appointments were confirmed by the following roll call vote:

MEMBER OF THE EXAMINING BOARD OF PLUMBERS:

for a term expiring July 1, 2004:

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

YES	28	NO	0	EXCUSED	7	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	E
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	E	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	E	Phillips	E	Mr. President	Y
Epps	Y	Linkhart	E	Reeves	E		

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

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent.

HB01-1383 by Representatives Tapia and Larson; also Senator McElhany--Concerning the simplification of regulatory treatment by the public utilities commission for small privately owned water companies.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

THIRD READING--FINAL PASSAGE OF BILLS

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

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

Laid over until Monday, May 7, 2001, retaining its place on the calendar.

SCR01-005 by Senators Pascoe, Teck, Epps, Arnold, Chlouber, Dyer (Durango), Fitz-Gerald, Hanna, Hernandez and Windels; also Representative Alexander--Concerning the submission to the registered electors of the state of Colorado of an amendment to article XIV of the constitution of the state of Colorado, authorizing the general assembly to establish qualifications for the office of county coroner.

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

YES	27	NO	8	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

More than the constitutionally required two-thirds majority of members elected to the Senate having voted in the affirmative, the concurrent resolution was declared **passed**.

Co-sponsors added: Gordon, Hernandez, Perlmutter, Phillips.

SB01-233 by Senator Hernandez; also Representative Dean--Concerning the use of moneys allocated from the employment support fund for existing programs in the department of labor and employment, and, in connection therewith, making an appropriation.

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

SB01-233

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-216

by Senators Entz, Dyer (Durango) and Hanna; also Representatives Spradley, Plant, Sinclair and Young--Concerning the establishment of a procedure for the adjudication of a recreational in-channel diversion by a local government, and making an appropriation therefor.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	Y	Tupa	N
Dyer, F.	N	Hillman	Y	Perlmutter	Y	Windels	N
Entz	Y	Lamborn	Y	Phillips	N	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	N		

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

Co-sponsor added: Musgrave.

SB01-239

by Senators Phillips and Matsunaka; also Representatives Spradley--Concerning the prohibition of unauthorized transfers of accounts of prescription drug customers.

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	N	Evans	Y	May	Y	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	N	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	N	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 members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsor added: Tupa.

SB01-210

by Senator Arnold; also Representative Mitchell--Concerning penalties for the offense of failure to register as a sex offender.

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

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SB01-210

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	N	Reeves	Y		

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

Co-sponsors added: Anderson, Andrews, Cairns, Chlouber, Epps, Hillman, May, McElhany, Musgrave.

HB01-1381

by Representatives Grossman, Miller, Scott, Smith and Veiga; also Senator Hagedorn-- Concerning utility cost-savings measures that may be financed by governmental agencies.

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	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Tupa.

HB01-1375

by Representatives Scott, Johnson, Madden, Mitchell, Plant and Witwer; also Senator Teck--Concerning the issuance of bonds by the trust fund board of the great outdoors Colorado trust fund for the purpose of financing expenditures that may be made from the trust fund.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	N	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	N	Perlmutter	N	Windels	Y
Entz	N	Lamborn	N	Phillips	Y	Mr. President	N
Epps	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Evans, Fitz-Gerald, Hernandez, Phillips, Tupa.

HB01-1400

by Representatives Berry, Young and Saliman; also Senators Owen, Reeves and Tate-- Concerning a one year waiver of the target reserve requirement for five specific cash funds for the 2000-01 fiscal year only, and, in connection therewith, authorizing a one time waiver of the target reserve requirement for the educator licensure cash fund, the supplier database cash fund, the emergency services medical services account of the highway users tax fund, the wildlife cash fund, and the historical society enterprise services fund.

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

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HB01-1400

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

HB01-1225

by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.

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	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	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	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Gordon, Hagedorn, Hanna, Linkhart, Matsunaka, Pascoe, Phillips, Takis, Tate, Tupa, Windels.

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 Bill **SB01-035**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-035

by Senator Anderson; also Representative Swenson--Concerning the taxable value of certain types of personal property, and, in connection therewith, changing the taxable value of Class A and B personal property that has a empty vehicle weight of less than or equal to sixteen thousand pounds from actual purchase price to seventy-five percent of the manufacturer's suggested retail price, and making an appropriation in connection therewith.

Senator Anderson moved that the Senate concur in House amendments to **SB01-035**, as printed in House Journal, May 1, 2001, page 1478. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-035

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, as amended, was declared **repassed**.

Co-sponsor added: Entz.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01-240**, **SB01-067** as amended, **HB01-1195**, **HB01-1357**, **HB01-1359** as amended, **HB01-1097**, **HB01-1354** were made Special Orders at 10:37 a.m.

Committee of the Whole

The hour of 10:37 a.m. having arrived, Senator Hernandez moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. and Senator Hernandez was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB01-067

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

(Amended in General Orders as printed in Senate Journal, April 6, 2001, page 772.)

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

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

HB01-1195

by Representative Smith; also Senator Hagedorn--Concerning procedures to resolve conflicts arising from local government decisions relating to public utilities that provide energy for consumption, and making an appropriation therefor.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, April 25, 2001, page 996.)

Amendment No. 2(L.017), by Senator Matsunaka.

Amend the Business, Labor, and Finance committee amendment, as printed in Senate Journal, April 25, page 996, line 34, strike "JURISDICTION INCLUDING," and substitute "JURISDICTION, INCLUDING ASSESSING THE BENEFITS TO THE RESIDENTS OF THE LOCAL JURISDICTION WEIGHTED AGAINST THE COST TO THE PUBLIC UTILITY OR POWER AUTHORITY OF REQUIRING SUBSURFACE TRANSMISSION FACILITIES, AND.".

Amendment No. 3(L.016), by Senator Reeves.

Amend reengrossed bill, page 8, after line 20, insert the following:

"(i) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AUTHORITY OF A MUNICIPAL GOVERNMENT TO REQUIRE OR GRANT A PUBLIC UTILITY FRANCHISE.".

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

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

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HB01-1357

by Representatives Lawrence, Berry, Saliman and Young; also Senator Epps--Concerning creation of the community accountability program for adjudicated juveniles, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 30, 2001, pages 1081-1082.)

Amendment No. 2(L.007), by Senator Epps.

Amend reengrossed bill, page 8, line 18, strike "A SENTENCE PURSUANT TO THIS SECTION";

strike lines 19 through 23.

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

Amend reengrossed bill, page 5, after line 19, insert the following:

"(c) THE DIVISION SHALL INCLUDE A COMMUNITY INVOLVEMENT COMPONENT IN THE DEVELOPMENT OF REINTEGRATION PLANS, WHICH MAY INCLUDE THE CREATION OF COMMUNITY ADVISORY BOARDS."

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

HB01-1359

by Representatives Mitchell and Grossman; also Senators Matsunaka and Andrews-- Concerning public access to information, and, in connection therewith, providing for public access to information discussed in certain meetings of public bodies and providing remedies and penalties for violations of the open meetings law and the open records act.

(Amended in General Orders as printed in Senate Journal, April 24, 2001, pages 979-980.)

Amendment No. 2(L.016), by Senator Matsunaka.

Amend the Government, Veterans and Military Relations, and Transportation Committee amendment, as printed in Senate Journal, April 19, page 900, after line 23, insert the following:

"Page 11, line 13, strike "(A) and (5)," and substitute "(A), (5), and (6) (a),".";

strike line 34 and substitute the following:

""PUBLIC INSPECTION.

(6) (a) If, in the opinion of the official custodian of any public record, disclosure of the contents of said record would do substantial injury to the public interest, notwithstanding the fact that said record might otherwise be available to public inspection OR IF THE OFFICIAL CUSTODIAN IS UNABLE, IN GOOD FAITH, AFTER EXERCISING REASONABLE DILIGENCE, AND AFTER REASONABLE INQUIRY, TO DETERMINE IF DISCLOSURE OF THE PUBLIC RECORD IS PROHIBITED PURSUANT TO THIS PART 2, the official custodian may apply to the district court of the district in which such record is located for an order permitting him or her to restrict such disclosure OF FOR THE COURT TO DETERMINE IF DISCLOSURE IS PROHIBITED. Hearing on such application shall be held at the earliest practical time. IN THE CASE OF A RECORD THAT IS OTHERWISE AVAILABLE TO PUBLIC INSPECTION PURSUANT TO THIS PART 2, after A hearing, the court may, ~~issue such an order~~ upon a finding that disclosure would cause substantial injury to the public interest, ISSUE AN ORDER AUTHORIZING THE OFFICIAL CUSTODIAN TO RESTRICT DISCLOSURE. IN THE CASE OF A RECORD THAT MAY BE PROHIBITED FROM DISCLOSURE PURSUANT TO THIS PART 2, AFTER A HEARING, THE COURT MAY, UPON A FINDING THAT DISCLOSURE OF THE RECORD IS PROHIBITED, ISSUE AN ORDER DIRECTING THE OFFICIAL CUSTODIAN NOT TO DISCLOSE THE RECORD TO THE PUBLIC. In such AN action BROUGHT PURSUANT TO THIS PARAGRAPH (a), the burden of proof shall be upon the custodian. The person seeking permission to examine the record shall have notice of said hearing served upon him or her in the manner provided for service of process by the Colorado rules of civil procedure and shall have the right to appear and be heard. THE

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HB01-1359

ATTORNEY FEES PROVISION OF SUBSECTION (5) OF THIS SECTION SHALL NOT APPLY IN CASES BROUGHT PURSUANT TO THIS PARAGRAPH (a) BY AN OFFICIAL CUSTODIAN WHO IS UNABLE TO DETERMINE IF DISCLOSURE OF A PUBLIC RECORD IS PROHIBITED UNDER THIS PART 2 IF THE OFFICIAL CUSTODIAN PROVES AND THE COURT FINDS THAT THE CUSTODIAN, IN GOOD FAITH, AFTER EXERCISING REASONABLE DILIGENCE, AND AFTER MAKING REASONABLE INQUIRY, WAS UNABLE TO DETERMINE IF DISCLOSURE OF THE PUBLIC RECORD WAS PROHIBITED WITHOUT A RULING BY THE COURT." .".

Amendment No. 3(L.019), by Senator Matsunaka.

Amend reengrossed bill, page 11, strike lines 3 through 12.

Renumber succeeding sections accordingly.

Page 11, line 27, after "position", insert "AS THE CHIEF EXECUTIVE OFFICER OF A STATE AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION OR AGENCY THEREOF".

Page 12, line 7, strike "EXECUTIVE" and substitute "CHIEF EXECUTIVE OFFICER".

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

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

SB01-240

by Senator Thiebaut; also Representative Smith--Concerning article 9 of the uniform commercial code, and, in connection therewith, amending the duties of the secretary of state and the central information board.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, May 2, 2001, page 1123.)

Amendment No. 2(L.004), by Senator Dyer (Durango).

Amend printed bill, page 34, strike lines 15 through 25 and substitute the following:

"(65) RESERVED.

(66) RESERVED.

(67) RESERVED.".

Page 42, strike lines 13 through 27.

Page 43, strike lines 1 through 17.

Strike page 98.

Page 99, strike lines 1 through 14.

As amended, laid over until the next Special Orders calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders Calendar (**HB01-1097, HB01-1354**) of Friday, May 4, 2001, was laid over until the Next Special Orders Calendar on Friday, May 4, 2001.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB01-1359

by Representatives Mitchell and Grossman; also Senators Matsunaka and Andrews-- Concerning public access to information, and, in connection therewith, providing for public access to information discussed in certain meetings of public bodies and providing remedies and penalties for violations of the open meetings law and the open records act.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.018) to HB 01-1359, did pass.

HB01-1359

Amend reengrossed bill, page 8, line 9, strike "(b)" and substitute "(a) (V), (3) (b), (4) (e)".

Page 9, after line 1, insert the following:

"(V) Determining positions relative to matters that may be subject to negotiations with employees or employee organizations; developing strategy for and receiving reports on the progress of such negotiations; and instructing negotiators; EXCEPT THAT, NOTHING IN THIS SUBPARAGRAPH (V) SHALL BE CONSTRUED TO ALLOW ANY NEGOTIATING TEAM CONDUCTING COLLECTIVE BARGAINING OR NEGOTIATIONS ON BEHALF OF A STATE PUBLIC BODY WITH A LOCAL UNION OR OTHER EMPLOYEE ORGANIZATION REPRESENTING EMPLOYEES OF THE STATE PUBLIC BODY TO CONDUCT SAID COLLECTIVE BARGAINING OR NEGOTIATIONS DURING AN EXECUTIVE SESSION;"

Page 10, after line 15, insert the following:

"(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; EXCEPT THAT, NOTHING IN THIS PARAGRAPH (e) SHALL BE CONSTRUED TO ALLOW ANY NEGOTIATING TEAM CONDUCTING COLLECTIVE BARGAINING OR NEGOTIATIONS ON BEHALF OF A LOCAL PUBLIC BODY WITH A LOCAL UNION OR OTHER EMPLOYEE ORGANIZATION REPRESENTING EMPLOYEES OF THE LOCAL PUBLIC BODY TO CONDUCT SAID COLLECTIVE BARGAINING OR NEGOTIATIONS DURING AN EXECUTIVE SESSION;"

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

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

HB01-1195

by Representative Smith; also Senator Hagedorn--Concerning procedures to resolve conflicts arising from local government decisions relating to public utilities that provide energy for consumption, and making an appropriation therefor.

Senator Hagedorn moved to amend the Report of the Committee of the Whole to show that the Matsunaka floor amendment, (L.017) to HB 01-1195, did not pass.

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

YES	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dyer, E.	N	Hernandez	Y	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

ROLL CALL ON SB01-067

SB01-067

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

Upon request of Senator Tate, a roll call vote was taken with the following result:

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SB01-067

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	N	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	N
Dyer, E.	Y	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hernandez, 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: **SB01-067** as amended, **HB01-1195** as amended, **HB01-1357** as amended, **HB01-1359** as amended.
 Laid over until the Next Special Orders Calendar: **HB01-1097**, **HB01-1354**, **SB01-240** as amended.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Appropriations

After consideration on the merits, the committee recommends that **HB01-1134** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend Senate Journal, dated May 3, 2001, page 1162, strike lines 60 through 72.

Page 1163, strike line 2.

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the committee recommends that **SB01-241** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 12, insert the following:

"SECTION 3. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."

Renumber succeeding section accordingly.

Appropriations

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

Appropriations

After consideration on the merits, the committee recommends that **SB01-238** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 14, after line 22, insert the following:

"SECTION 5. Appropriation. (1) In addition to any other appropriation, for the fiscal year beginning July 1, 2001, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the

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SB01-238

division of children's health and rehabilitation, the sum of one hundred fifty-two thousand two hundred seventy-eight dollars (\$152,278) and 0.5 FTE, or so much thereof as may be necessary, for implementation of this act. The general assembly further anticipates that, for the fiscal year beginning July 1, 2001, the department of human services will receive the sum of two hundred thousand dollars (\$200,000) in federal funds for the implementation of this act. Although these federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) It is the intent of the general assembly that the general fund appropriation for the implementation of this act shall be derived from savings generated from the implementation of the provisions of Senate Bill 01-077, as enacted during the first regular session of the sixty-third general assembly.

SECTION 6. Effective date. (1) This act shall take effect on July 1, 2001.

(2) Notwithstanding the provisions of subsection (1) of this section, this act shall only take effect if:

(a) The final fiscal estimate for Senate Bill 01-077, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 5 of this act; and

(b) Senate Bill 01-077 is enacted at the first regular session of the sixty-third general assembly and becomes law."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**CHILDREN.**" and substitute "**CHILDREN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the committee recommends that **HB01-1402** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Public Policy and Planning Committee Report, dated May 3, 2001, page 4, line 8, strike "FOUR-YEAR TERM" and substitute "TERM OF UP TO FOUR YEARS";

strike line 16 and substitute the following:

"CURRENTLY IN THE SIP."

Page 11, line 14, strike "CONTINUOUSLY" and strike "CONTRACT," and substitute the following:

"CONTRACT, SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY,".

Page 14, line 32, strike "NOVEMBER 1, 2001," and substitute "JANUARY 1, 2002,".

Page 15, line 19, strike "NOVEMBER 1, 2001," and substitute "JANUARY 1, 2002,";

line 30, strike "RULE-MAKING";

line 34, strike "RULE-MAKING".

Page 17, line 7, strike "AUGUST 1, 2001," and substitute "OCTOBER 1, 2001,";

line 16, strike "NOVEMBER 1, 2001," and substitute "JANUARY 1, 2002,".

Page 18, strike lines 15 through 22 and substitute the following:

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HB01-1402

"AUTHORITY FROM THE DEPARTMENT OF REVENUE OF A NOTIFICATION OF THE NUMBER OF FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND THE NUMBER OF INSPECTIONS FOR A TRANSFER OF TITLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA COMPLETED BY THE CONTRACTOR, INSPECTION AND READJUSTMENT STATIONS, AND FLEET INSPECTION STATIONS IN THE PREVIOUS MONTH.";

strike lines 28 through 30 and substitute the following:

"CENTS."

line 13, strike "AREA" and substitute "AREA;"

strike lines 14 and 15.

Page 22, after line 2, insert the following:

"SECTION 12. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of revenue, for allocation to the information technology division, for computer programming, for the fiscal year beginning July 1, 2001, the sum of forty-six thousand four hundred ninety dollars (\$46,490) and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from moneys received from the clean screen authority pursuant to section 42-4-307.5 (11), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 22, after line 5, insert the following:

"Page 1, line 102, strike "VEHICLES." and substitute "VEHICLES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

MESSAGE FROM THE HOUSE

May 4, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1047, as printed in House Journal, April 19, pages 1307-1308.

The House has adopted and transmits herewith HJR01-1050, as printed in House Journal, April 19, pages 1316-1318.

May 4, 2001

Mr. President:

The House has adopted and returns herewith SJR01-024.

May 4, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1403.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1398, amended as printed in House Journal, May 1, page 1486.
HB01-1396, amended as printed in House Journal, May 3, page 1552.
HB01-1397, amended as printed in House Journal, May 3, page 1552.
HB01-1404, amended as printed in House Journal, May 3, pages 1552-1553.
HB01-1240, amended as printed in House Journal, May 3, page 1538.
HB01-1406, amended as printed in House Journal, May 3, page 1538.
SB01-219, amended as printed in House Journal, May 3, page 1553.

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The House has passed on Third Reading and returns herewith SB01-221,213.

The House has voted to concur in the Senate amendments to HB01-1113,1163,1236, 1160,1348,1025, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB01-1269 and requests that a conference committee be appointed. The Speaker has appointed Representatives Clapp, chairman, Hefley, and Chavez as House conferees on the First Conference Committee on HB01-1269. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB01-1272 and requests that a conference committee be appointed. The Speaker has appointed Representatives T. Williams, chairman, Spence, and Groff as House conferees on the First Conference Committee on HB01-1272. The bill is transmitted herewith.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR01-1047 by Representative Alexander; also Senator Dyer (Durango)--Concerning encouragement of the use of Work Keys assessments in Colorado's schools.

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

HJR01-1050 by Representative Paschall; also Senator Chlouber--Concerning an interim committee to recommend a plan for congressional redistricting.
Public Policy and Planning

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF HB01-1195

HB01-1195 by Representative Smith; also Senator Hagedorn--Concerning procedures to resolve conflicts arising from local government decisions relating to public utilities that provide energy for consumption, and making an appropriation therefor.

No action was taken on this intent to reconsider **HB01-1195**.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

May 4, 2001

Mr. President:

The House has voted not to concur in the Senate amendments to HB01-1225 and requests that a conference committee be appointed. The Speaker has appointed Representatives Stengel, chairman, Dean, and Miller as House conferees on the First Conference Committee on HB01-1225. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1403; and
without comment, as amended, HB01-1398, 1396, 1397, 1404, 1240, and 1406 and SB01-219.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1369**.

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APPOINTMENTS TO CONFERENCE COMMITTEES

The President appointed Senators Hagedorn, Chairman, Hernandez and Entz as Senate Conferees on the First Conference Committee on **HB01-1096**.

The President appointed Senators Hanna, Chairman, Linkhart and Epps as Senate Conferees on the First Conference Committee on **HB01-1289**.

The President appointed Senators Linkhart, Chairman, Hernandez and Epps as Senate Conferees on the First Conference Committee on **HB01-1169**.

The President appointed Senators Hagedorn, Chairman, Gordon and Arnold as Senate Conferees on the First Conference Committee on **HB01-1155**.

The President appointed Senators Hagedorn, Chairman, Hernandez and Epps as Senate Conferees on the First Conference Committee on **HB01-1264**.

The President appointed Senators Dyer (Durango), Chairman, Gordon and Hillman as Senate Conferees on the First Conference Committee on **HB01-1086**.

The President appointed Senators Tate, Chairman, Windels and Owen as Senate Conferees on the First Conference Committee on **HB01-1298**.

The President appointed Senators Perlmutter, Chairman, Matsunaka and Entz as Senate Conferees on the First Conference Committee on **HB01-1225**.

The President appointed Senators Perlmutter, Chairman, Gordon and Lamborn as Senate Conferees on the First Conference Committee on **HB01-1184**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB01-1225 by Representative Stengel; also Senator Perlmutter--Concerning growth management in Colorado, and making an appropriation therefor.

Senator Perlmutter moved that the Senate Conferees on the First Conference Committee on **HB01-1225** 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**.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1097, HB01-1354, SB01-240, SB01-238, SB01-241, HB01-1402, HB01-1385, HB01-1134** were made Special Orders at 1:30 p.m.

Committee of the Whole The hour of 1:30 p.m. having arrived, Senator Hernandez moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Hernandez was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

HB01-1097 by Representative Dean; also Senator Matsunaka--Concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, April 19, 2001, page 898.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 26, 2001, page 1006.)

Amendment No. 3(L.029), by Senator Owen.

Strike the Business, Labor, and Finance committee amendment, as printed in Senate Journal, April 19, page 898, lines 5 through 30, and substitute the following:

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"Amend reengrossed bill, page 4, line 8, strike "OR";
line 12, strike "AGENT." and substitute "AGENT; OR";
after line 12, insert the following:
(f) NOTWITHSTANDING THIS SUBSECTION (1), AN INVESTMENT BY
A CERTIFIED INVESTOR IN A CERTIFIED CAPITAL COMPANY PURSUANT TO AN
ALLOCATION OF PREMIUM TAX CREDITS IN ACCORDANCE WITH SECTION
10-3.5-106 SHALL NOT CAUSE SUCH CERTIFIED CAPITAL COMPANY TO
BECOME AN AFFILIATE OF SUCH CERTIFIED INVESTOR.";
line 13, strike "OFFICE" and substitute "DIVISION".
Page 5, line 1, strike "OFFICE" and substitute "DIVISION";
strike lines 5 and 6 and substitute the following:
(6) "DIVISION" MEANS THE DIVISION OF SECURITIES IN THE
DEPARTMENT OF REGULATORY AGENCIES.";
line 12, strike "OFFICE" and substitute "DIVISION";
line 13, strike "OFFICE." and substitute "DIVISION.";
Page 7, line 26, strike "OFFICE" and substitute "DIVISION".
Page 8, line 3, strike "OFFICE;" and substitute "DIVISION;"
line 18, strike "OFFICE" and substitute "DIVISION".
Page 9, line 3, strike "COLORADO OFFICE OF ECONOMIC" and substitute
"COLORADO DIVISION OF SECURITIES.";
line 4, strike "DEVELOPMENT.";
line 8, strike "OFFICE" and substitute "DIVISION";
line 10, strike "OFFICE" and substitute "DIVISION";
line 13, strike "OFFICE" and substitute "DIVISION";
line 17, strike "OFFICE" and substitute "DIVISION";
line 20, strike "OFFICE'S" and substitute "DIVISION'S";
line 21, strike "OFFICE" and substitute "DIVISION";
strike lines 25 through 27.
Re-number succeeding subparagraphs accordingly.
Page 12, line 15, strike "OFFICE" and substitute "DIVISION";
line 18, strike "OFFICE" and substitute "DIVISION".
Page 13, line 4, strike "OFFICE" and substitute "DIVISION";
line 7, strike "OFFICE" and substitute "DIVISION";
line 16, strike "OFFICE" and substitute "DIVISION";
line 19, strike "OFFICE" and substitute "DIVISION";
line 22, strike "OFFICE" and substitute "DIVISION".
Page 14, line 27, strike "ONE AND ONE-HALF" and substitute "TWO".
Page 15, line 18, strike "OFFICE" and substitute "DIVISION";
line 20, strike "OFFICE" and substitute "DIVISION";

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line 24, strike "OFFICE" and substitute "DIVISION";

line 27, strike "OFFICE" and substitute "DIVISION".

Page 16, line 3, strike "OFFICE" and substitute "DIVISION";

line 5, strike "OFFICE" and substitute "DIVISION".

Page 17, line 4, strike "OFFICE." and substitute "DIVISION.";

line 7, strike "OFFICE:" and substitute "DIVISION:";

line 15, strike "OFFICE:" and substitute "DIVISION:";

line 25, strike "OFFICE" and substitute "DIVISION".

Page 18, line 3, strike "OFFICE" and substitute "DIVISION";

line 7, strike "OFFICE" and substitute "DIVISION";

after line 10, insert the following:

"(e) DURING EACH CALENDAR YEAR FROM 2003 TO 2010, THE DIVISION SHALL HOLD A MEETING IN EACH OF FIVE COUNTIES THAT HAVE POPULATIONS OF NO MORE THAN ONE HUNDRED FIFTY THOUSAND PERSONS AT WHICH A REPRESENTATIVE FROM EACH CERTIFIED CAPITAL COMPANY SHALL BE PRESENT TO REVIEW BUSINESS PLANS FROM QUALIFIED BUSINESSES HEADQUARTERED IN THOSE COUNTIES.".

Page 19, line 9, strike "OFFICE" and substitute "DIVISION".

Page 21, line 11, strike "OFFICE" and substitute "DIVISION";

line 19, strike "OFFICE." and substitute "DIVISION.";

line 22, strike "OFFICE" and substitute "DIVISION".

Page 22, line 6, strike "OFFICE" and substitute "DIVISION".

Page 24, line 8, strike "OFFICE." and substitute "DIVISION.";

line 9, strike "OFFICE" and substitute "DIVISION";

line 13, strike "OFFICE" and substitute "DIVISION";

line 19, strike "OFFICE" and substitute "SECURITIES COMMISSIONER";

strike lines 25 through 27 and substitute the following:

SECTION 2. Part 7 of article 51 of title 11, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

11-51-704.5. Certified capital companies - rules. (1) THE DIVISION SHALL CARRY OUT THE RESPONSIBILITIES DELEGATED TO IT PURSUANT TO ARTICLE 3.5 OF TITLE 10, C.R.S., RELATED TO CERTIFIED CAPITAL COMPANIES.

(2) THE SECURITIES COMMISSIONER SHALL PROMULGATE RULES NECESSARY TO CARRY OUT THE PROVISIONS OF ARTICLE 3.5 OF TITLE 10, C.R.S., BY SEPTEMBER 30, 2001. SUCH RULES SHALL PROVIDE THAT THE DIVISION SHALL BEGIN ACCEPTING APPLICATIONS FOR CERTIFICATION AS A CERTIFIED CAPITAL COMPANY NO LATER THAN OCTOBER 31, 2001. SUCH RULES SHALL FURTHER PROVIDE THAT ANY CERTIFIED CAPITAL COMPANY MAY FILE PREMIUM TAX CREDIT ALLOCATION CLAIMS ON BEHALF OF ITS CERTIFIED INVESTORS AT ANY TIME ON OR AFTER IT BECOMES CERTIFIED BY THE DIVISION, BUT IN NO CASE EARLIER THAN JANUARY 31, 2002, FOR PREMIUM TAX CREDITS THAT MAY BE TAKEN BEGINNING IN TAX YEAR 2003, AND NO EARLIER THAN JANUARY 31, 2004, FOR PREMIUM TAX CREDITS THAT MAY BE TAKEN BEGINNING IN TAX YEAR 2005, AND THAT PREMIUM TAX CREDITS SHALL BE EARNED BY AND VESTED IN CERTIFIED INVESTORS

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AT THE TIME OF SUCH INVESTMENT OF CERTIFIED CAPITAL, ALTHOUGH SUCH PREMIUM TAX CREDITS MAY NOT BE CLAIMED OR UTILIZED UNTIL THE TAX YEAR BEGINNING ON OR AFTER JANUARY 1, 2003, WITH RESPECT TO INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT TO JANUARY 31, 2002, BUT PRIOR TO JANUARY 31, 2004, OR UNTIL THE TAX YEAR BEGINNING ON OR AFTER JANUARY 1, 2005, WITH RESPECT TO INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT TO JANUARY 31, 2004.

(3) ALL DIRECT AND INDIRECT EXPENDITURES INCURRED BY THE DIVISION IN CARRYING OUT THE RESPONSIBILITIES ASSIGNED TO THE DIVISION IN THIS SECTION SHALL BE PAID FROM THE DIVISION OF INSURANCE CASH FUND, CREATED IN SECTION 10-1-103 (3), C.R.S."

Strike page 25.

Page 26, strike lines 1 through 4;

line 19, strike "24-48.5-106," and substitute "11-51-704.5,".

Page 27, line 2, strike "governor - lieutenant" and substitute "department of regulatory agencies,";

strike line 3 and substitute the following:

"for allocation to the division of securities,";

line 4, strike "economic development,";

line 11, strike "office of economic development" and substitute "division of securities";

line 13, strike "office of economic development" and substitute "division of securities".".

Amendment No. 4(L.028), by Senator Linkhart.

Amend the Business, Labor, & Finance Committee amendment, as printed in Senate Journal, April 19, page 898, after line 15, insert the following:

"Page 5, after line 4, insert the following:

"(6) "DISTRESSED URBAN COMMUNITY" MEANS ANY COUNTY OR PORTION OF A COUNTY IN THIS STATE AS DEFINED BY THE OFFICE.".

Re-number succeeding subsections accordingly.";

Strike line 21 of the committee amendment and substitute the following:

"Page 14, strike lines 23 through 27 and substitute the following:

"SECTION ONLY, EACH DOLLAR OF QUALIFIED INVESTMENTS, EXCLUDING THOSE QUALIFIED INVESTMENTS NEEDED TO SATISFY PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, MADE BY A CERTIFIED CAPITAL COMPANY IN QUALIFIED RURAL BUSINESSES OR QUALIFIED BUSINESSES THAT HAVE THEIR PRINCIPAL BUSINESS OPERATIONS LOCATED IN A DISTRESSED URBAN COMMUNITY SHALL BE CREDITED AS ONE AND ONE-HALF DOLLARS.";

Page 15, line 1, strike "INVESTED.".

Page 16, line 3, strike "(9)," and substitute "(10),".".

Amendment No. 5(L.026), by Senator Owen.

Amend reengrossed bill, page 8, line 17, after "OF", insert "MONEY MANAGEMENT".

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HB01-1097 Amendment No. 6(L.025), by Senator Owen.

Amend reengrossed bill, page 11, line 6, strike "2004," and substitute "2005,";

line 8, strike "2005" and substitute "2006".

Page 12, line 4, strike "2005," and substitute "2006,";

line 6, strike "2004." and substitute "2005.".

Page 24, after line 24, insert the following:

"10-3.5-111. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2004. WITH RESPECT TO INVESTMENTS OF CERTIFIED CAPITAL MADE SUBSEQUENT TO JANUARY 31, 2002, BUT PRIOR TO JANUARY 31, 2004, SUCH REPEAL SHALL NOT AFFECT THE ABILITY OF CERTIFIED INVESTORS TO TAKE UP TO TEN PERCENT OF THE VESTED PREMIUM TAX CREDIT EACH YEAR BEGINNING IN TAX YEAR 2003 AND CONTINUING THEREAFTER FOR TEN YEARS OR, IF THE CREDIT IS CARRIED FORWARD PURSUANT TO SECTION 10-3.5-106 (2), UNTIL THE CREDIT IS FULLY UTILIZED.";

line 27, strike "rules." and substitute "rules - repeal.".

Page 25, line 16, strike "2004," and substitute "2005,";

line 17, strike "2005," and substitute "2006,";

line 24, strike "2005," and substitute "2006,";

line 26, strike "2004." and substitute "2005.".

Page 26, after line 4, insert the following:

"(4) BY JANUARY 1, 2004, THE OFFICE SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY REGARDING THE EFFECTS OF THE IMPLEMENTATION OF ARTICLE 3.5 OF TITLE 10, C.R.S., INCLUDING SPECIFICALLY A RECOMMENDATION AS TO WHETHER SAID ARTICLE SHOULD BE REPEALED OR WHETHER THE GENERAL ASSEMBLY SHOULD ALLOW THE ONE HUNDRED MILLION DOLLARS IN AGGREGATE PREMIUM TAX CREDITS FOR TEN YEARS BEGINNING IN TAX YEAR 2006 TO BE CLAIMED.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2004.".

Amendment No. 7(L.015), by Senator Teck.

Amend the Business, Labor, and Finance Committee amendment, as printed in Senate Journal, April 19, page 898, line 15, strike "INVESTOR." and substitute "INVESTOR.";

after line 15, insert the following:

"line 27, strike "BUSINESSES," and substitute "BUSINESSES OR QUALIFIED RURAL BUSINESSES,".

Page 5, after line 4, insert the following:

"(6) "DESIGNATED RURAL COUNTY" MEANS ANY COUNTY IN THIS STATE THAT, AS OF THE EFFECTIVE DATE OF THIS ARTICLE, HAS A POPULATION OF NOT MORE THAN ONE HUNDRED FIFTY THOUSAND PEOPLE.

Renumber succeeding subsections accordingly.

Page 5, line 13, after "SHALL", insert "INDICATE WHETHER THE PREMIUM TAX CREDIT ALLOCATION CLAIM IS FOR AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO SECTION 10-3.5-106 (2) (a) (I), (2) (a) (II), (2) (b) (I), OR (2) (b) (II), AND".

Page 7, line 14, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS";

line 19, strike "WARRANTS." and substitute "WARRANTS; EXCEPT THAT WITH RESPECT TO ALL CERTIFIED CAPITAL INVESTED PURSUANT TO AN

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ALLOCATION OF TAX CREDITS PURSUANT TO SECTION 10-3.5-106(2)(a) (I) OR (2) (b) (I), THE INVESTMENT SHALL BE MADE IN A QUALIFIED RURAL BUSINESS.";

after line 19, insert the following:

"(14) "QUALIFIED RURAL BUSINESS" MEANS A QUALIFIED BUSINESS THAT HAS ITS PRINCIPAL BUSINESS OPERATIONS IN A DESIGNATED RURAL COUNTY.".

Renumber succeeding subsection accordingly.

Page 8, line 17, strike "INDUSTRY." and substitute "INDUSTRY; EXCEPT THAT AN APPLICANT THAT SEEKS TO BE CERTIFIED WITH RESPECT TO PREMIUM TAX CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) NEED ONLY HAVE AT LEAST TWO PRINCIPALS OR AT LEAST TWO PERSONS EMPLOYED TO MANAGE THE FUNDS WHO EACH HAVE AT LEAST TWO YEARS OF EXPERIENCE IN EITHER THE VENTURE CAPITAL OR INVESTMENT BANKING INDUSTRY.".

Page 9, line 22, after the period, add "THE CERTIFICATION ISSUED BY THE OFFICE SHALL INDICATE WHETHER THE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I).";";

line 17 of the committee report, strike "Page 9,";

after line 19, insert the following:

"Page 12, line 11, strike "(1)." and substitute "(1); EXCEPT THAT A CERTIFIED CAPITAL COMPANY WHOSE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) SHALL NOT FILE PREMIUM TAX CREDIT ALLOCATION CLAIMS IN EXCESS OF THE MAXIMUM AMOUNT OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS MAY BE ALLOWED PURSUANT TO SUCH SECTION 10-3.5-106 (2) (a) (I) OR (2) (b) (I) AT THE TIME OF FILING.";

strike lines 12 through 16 and substitute the following:

"(2) (a) WITH REGARD TO INVESTMENTS TO BE MADE IN CERTIFIED CAPITAL COMPANIES NO EARLIER THAN JANUARY 31, 2002, BUT PRIOR TO JANUARY 31, 2004:

(I) TWENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (I) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS; AND

(II) SEVENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (II) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS.

(b) WITH REGARD TO INVESTMENTS TO BE MADE IN CERTIFIED CAPITAL COMPANIES AFTER JANUARY 31, 2004:

(I) TWENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (I) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS; AND

(II) SEVENTY-FIVE MILLION DOLLARS OF CERTIFIED CAPITAL FOR

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WHICH PREMIUM TAX CREDITS ARE ALLOWED SHALL BE ALLOCATED TO CERTIFIED INVESTORS IN CERTIFIED CAPITAL COMPANIES IN THE ORDER IN WHICH PREMIUM TAX CREDIT ALLOCATION CLAIMS THAT REQUEST AN ALLOCATION OF PREMIUM TAX CREDITS UNDER THIS SUBPARAGRAPH (II) ARE FILED WITH THE OFFICE BY CERTIFIED CAPITAL COMPANIES ON BEHALF OF THEIR CERTIFIED INVESTORS.";

line 18, after "CLAIMS", insert "SEEKING AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO THE SAME SUBPARAGRAPH OF THE SAME PARAGRAPH OF SUBSECTION (2) OF THIS SECTION";

line 22, strike "SUBSECTION (1) OF THIS SECTION" and substitute "SUCH PARTICULAR SUBPARAGRAPH";

line 23, after "ALLOWED", insert "UNDER SUCH PARTICULAR SUBPARAGRAPH";

line 27, strike "SUBSECTION (1) OF THIS SECTION" and substitute "SUCH PARTICULAR SUBPARAGRAPH".

Page 13, line 1, after "CLAIM", insert "UNDER SUCH PARTICULAR SUBPARAGRAPH";

line 2, after "CLAIMS", insert "SEEKING AN ALLOCATION OF PREMIUM TAX CREDITS PURSUANT TO THE SAME SUBPARAGRAPH OF THE SAME PARAGRAPH OF SUBSECTION (2) OF THIS SECTION";

line 18, after "COMPANIES", insert "THAT FILED PREMIUM TAX CREDIT ALLOCATION CLAIMS UNDER THE SAME SUBPARAGRAPH UNDER WHICH THE FORFEITED CREDITS WERE ALLOCATED".

Page 14, line 3, strike "FILING." and substitute the following:

"FILING; EXCEPT THAT A CERTIFIED INVESTOR THAT FILES A PREMIUM TAX CREDIT ALLOCATION CLAIM FOR AN INVESTMENT IN A CERTIFIED CAPITAL COMPANY WHOSE CERTIFICATION IS APPLICABLE ONLY TO CREDITS TO BE ALLOCATED PURSUANT TO SECTION 10-3.5-106 (2) (a) (I) or (2) (b) (I) SHALL NOT FILE, ON AN AGGREGATE BASIS WITH ITS AFFILIATES, PREMIUM TAX CREDIT ALLOCATION CLAIMS IN EXCESS OF THE MAXIMUM AMOUNT OF CERTIFIED CAPITAL FOR WHICH PREMIUM TAX CREDITS MAY BE ALLOWED PURSUANT TO SUCH SECTIONS AT THE TIME OF FILING.

(7) UNLESS ITS CERTIFICATION INDICATES OTHERWISE, A CERTIFIED CAPITAL COMPANY MAY FILE PREMIUM TAX CREDIT ALLOCATION CLAIMS ON BEHALF OF ITS CERTIFIED INVESTORS PURSUANT TO EITHER OR BOTH OF THE SUBPARAGRAPHS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (2) OF THIS SECTION. IF THE CERTIFIED INVESTORS OF A CERTIFIED CAPITAL COMPANY ARE ALLOCATED PREMIUM TAX CREDITS PURSUANT TO BOTH SUBPARAGRAPHS OF PARAGRAPHS (a) AND (b) OF SUBSECTION (2) OF THIS SECTION, THE REQUIREMENTS OF THIS ACT SHALL APPLY TO THE CERTIFIED CAPITAL INVESTED PURSUANT TO EACH SUCH ALLOCATION ON A SEPARATE AND INDEPENDENT BASIS.";

line 23, strike "INVESTS IN A" and substitute "HAS RAISED CERTIFIED CAPITAL PURSUANT TO AN ALLOCATION UNDER SECTION 10-3.5-106 (2) (a) (I) or (2) (b) (I) SHALL BE DEEMED TO HAVE INVESTED TWO DOLLARS FOR EVERY DOLLAR ACTUALLY INVESTED IN A QUALIFIED RURAL BUSINESS FROM CERTIFIED CAPITAL RAISED UNDER SUCH SECTIONS.";

strike lines 24 through 27.

Page 15, line 1, strike "INVESTED.";

line 5, after "QUALIFIED BUSINESS", insert "OR QUALIFIED RURAL BUSINESS";

line 7, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";

line 11, after "QUALIFIED BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";

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line 15, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS.";

line 19, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS, AS APPLICABLE.";

line 22, after "BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,";

line 27, strike "BUSINESS." and substitute "BUSINESS OR QUALIFIED RURAL BUSINESS, AS APPLICABLE.".

Page 16, line 3, strike "(9)," and substitute "(10) OR (14), AS APPLICABLE,";

line 4, after "QUALIFIED BUSINESS", insert "OR QUALIFIED RURAL BUSINESS, AS APPLICABLE,".

strike line 21 of the committee amendment.

Amendment No. 8(L.032), by Senator Teck.

Amend the proposed floor amendment (HB1097_L.015), page 3, line 13, strike "SEVENTY-FIVE" and substitute "AFTER ALL TWENTY-FIVE MILLION DOLLARS HAVE BEEN ALLOCATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), SEVENTY-FIVE";

line 29, strike "SEVENTY-FIVE" and substitute "AFTER ALL TWENTY-FIVE MILLION DOLLARS HAVE BEEN ALLOCATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), SEVENTY-FIVE".

Amendment No. 9(L.037), by Senator Owen.

Amend reengrossed bill, page 17, line 6, after "SHALL", insert "PROVIDE THE OFFICE WITH A COPY OF ALL DOCUMENTS RELATING TO EACH CERTIFIED INVESTOR'S INVESTMENT OF CERTIFIED CAPITAL, WHICH DOCUMENTS SHALL BE SUBJECT TO ARTICLE 72 OF TITLE 24, C.R.S., AND SHALL".

Amendment No. 10(L.034), by Senator Reeves.

Amend reengrossed bill, page 19, line 25, strike "TWENTY-FIVE" and substitute "FORTY".

Page 20, line 7, after "TO", insert "TWENTY-FIVE FORTIETHS OF".

Page 21, after line 10, insert the following:

"(d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL DIRECT EACH CERTIFIED CAPITAL COMPANY THAT REPORTS TO THE DIVISION PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) TO TRANSFER TO ONE OR MORE APPROVED COMMUNITY MENTAL HEALTH CLINICS OR APPROVED COMMUNITY MENTAL HEALTH CENTERS, AS DEFINED IN SECTION 27-1-201, C.R.S., AN AMOUNT OF MONEY EQUAL TO FIFTEEN FORTIETHS OF THE AMOUNT IDENTIFIED IN SUCH REPORT TO BE USED SOLELY FOR THE PURPOSES IDENTIFIED IN SECTIONS 27-1-203 AND 27-1-204 (5), C.R.S., TAKING INTO ACCOUNT THE STANDARDS CONTAINED IN SECTION 27-1-205, C.R.S.".

Amendment No. 11(L.041), by Senator McElhany.

Amend reengrossed bill, page 10, line 20, strike "ANY" and substitute "SUBJECT TO THE PROVISIONS OF SUBSECTIONS (4) AND (5) OF THIS SECTION, FOR ANY INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, ANY";

line 26, strike "CAPITAL." and substitute "CAPITAL IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR THE STATE FISCAL YEAR IMMEDIATELY PRECEDING THE STATE FISCAL YEAR IN WHICH THE INVESTMENT IS MADE

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EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION AND THE VOTERS STATEWIDE EITHER HAVE NOT AUTHORIZED THE STATE TO RETAIN AND SPEND ALL OF THE EXCESS STATE REVENUES OR HAVE AUTHORIZED THE STATE TO RETAIN AND SPEND ONLY A PORTION OF THE EXCESS STATE REVENUES FOR THAT FISCAL YEAR."

Page 11, after line 20, insert the following:

"(4) (a) IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR THE STATE FISCAL YEAR COMMENCING ON JULY 1, 2000, EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THAT FISCAL YEAR BY LESS THAN FOUR HUNDRED SEVENTY MILLION DOLLARS, THEN THE CREDIT AUTHORIZED BY SUBSECTION (1) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE IMMEDIATELY SUCCEEDING STATE FISCAL YEAR.

(b) IF, BASED ON THE FINANCIAL REPORT PREPARED BY THE CONTROLLER IN ACCORDANCE WITH SECTION 24-77-106.5, C.R.S., THE CONTROLLER CERTIFIES THAT THE AMOUNT OF STATE REVENUES FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2001, EXCEEDS THE LIMITATION ON STATE FISCAL YEAR SPENDING IMPOSED BY SECTION 20 (7) (a) OF ARTICLE X OF THE STATE CONSTITUTION FOR THAT FISCAL YEAR BY LESS THAN FOUR HUNDRED SEVENTY MILLION DOLLARS, AS ADJUSTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (4), THEN THE CREDIT AUTHORIZED BY SUBSECTION (1) OF THIS SECTION SHALL NOT BE ALLOWED FOR THE IMMEDIATELY SUCCEEDING STATE FISCAL YEAR.

(c) NO LATER THAN OCTOBER 1 OF ANY GIVEN CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2002, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST THE DOLLAR AMOUNT SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (4) TO REFLECT THE RATE OF GROWTH OF COLORADO PERSONAL INCOME FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH SUCH ADJUSTMENT IS MADE. FOR PURPOSES OF THIS PARAGRAPH (c), "THE RATE OF GROWTH OF COLORADO PERSONAL INCOME" MEANS THE PERCENTAGE CHANGE BETWEEN THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE AND THE MOST RECENT PUBLISHED ANNUAL ESTIMATE OF TOTAL PERSONAL INCOME FOR COLORADO, AS DEFINED AND OFFICIALLY REPORTED BY THE BUREAU OF ECONOMIC ANALYSIS IN THE UNITED STATES DEPARTMENT OF COMMERCE FOR THE CALENDAR YEAR PRIOR TO THE CALENDAR YEAR IMMEDIATELY PRECEDING THE CALENDAR YEAR IN WHICH THE ADJUSTMENT IS MADE.

(d) UPON CALCULATING THE ADJUSTMENT OF SAID DOLLAR AMOUNT IN ACCORDANCE WITH PARAGRAPH (c) OF THIS SUBSECTION (4), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL NOTIFY IN WRITING THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED PURSUANT TO SECTION 2-3-301 (1), C.R.S., OF THE ADJUSTED DOLLAR AMOUNT AND THE BASIS FOR THE ADJUSTMENT. SUCH WRITTEN NOTIFICATION SHALL BE GIVEN WITHIN FIVE WORKING DAYS AFTER SUCH CALCULATION IS COMPLETED, BUT SUCH WRITTEN NOTIFICATION SHALL BE GIVEN NO LATER THAN OCTOBER 1 OF THE CALENDAR YEAR.

(e) THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL SHALL REVIEW AND APPROVE OR DISAPPROVE SUCH ADJUSTMENT OF SAID DOLLAR AMOUNT WITHIN TWENTY DAYS AFTER RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR. ANY ADJUSTMENT THAT IS NOT APPROVED OR DISAPPROVED BY THE EXECUTIVE COMMITTEE WITHIN SAID TWENTY DAYS SHALL BE AUTOMATICALLY APPROVED; EXCEPT THAT, IF WITHIN SAID TWENTY DAYS THE EXECUTIVE COMMITTEE SCHEDULES A HEARING ON SUCH ADJUSTMENT, SUCH AUTOMATIC APPROVAL SHALL NOT OCCUR UNLESS THE EXECUTIVE COMMITTEE DOES NOT APPROVE OR DISAPPROVE SUCH ADJUSTMENT AFTER THE CONCLUSION OF SUCH HEARING. ANY HEARING CONDUCTED BY THE EXECUTIVE COMMITTEE

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PURSUANT TO THIS PARAGRAPH (e) SHALL BE CONCLUDED NO LATER THAN TWENTY-FIVE DAYS AFTER RECEIPT OF SUCH WRITTEN NOTIFICATION FROM THE EXECUTIVE DIRECTOR.

(f) IF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL DISAPPROVES ANY ADJUSTMENT OF SAID DOLLAR AMOUNT CALCULATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBSECTION (4), THE EXECUTIVE COMMITTEE SHALL SPECIFY SUCH ADJUSTED DOLLAR AMOUNT TO BE UTILIZED BY THE EXECUTIVE DIRECTOR. ANY ADJUSTED DOLLAR AMOUNT SPECIFIED BY THE EXECUTIVE COMMITTEE PURSUANT TO THIS PARAGRAPH (f) SHALL BE CALCULATED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (c) OF THIS SUBSECTION (4).

(g) FOR THE PURPOSE OF DETERMINING WHETHER THE STATE INCOME TAX CREDIT AUTHORIZED BY THIS SECTION IS TO BE ALLOWED WITH RESPECT TO INVESTMENTS MADE DURING ANY GIVEN STATE FISCAL YEAR, THE EXECUTIVE DIRECTOR SHALL NOT UTILIZE ANY ADJUSTED DOLLAR AMOUNT THAT HAS NOT BEEN APPROVED PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (4) OR OTHERWISE SPECIFIED PURSUANT TO PARAGRAPH (f) OF THIS SUBSECTION (4).

(5) IF ONE OR MORE BALLOT QUESTIONS ARE SUBMITTED TO THE VOTERS AT A STATEWIDE ELECTION TO BE HELD IN NOVEMBER OF ANY CALENDAR YEAR COMMENCING ON OR AFTER JANUARY 1, 2001, THAT SEEK AUTHORIZATION FOR THE STATE TO RETAIN AND SPEND ALL OR ANY PORTION OF THE AMOUNT OF EXCESS STATE REVENUES FOR THE STATE FISCAL YEAR ENDING DURING SAID CALENDAR YEAR, THE EXECUTIVE DIRECTOR SHALL NOT DETERMINE WHETHER THE CREDIT AUTHORIZED BY SUBSECTION (1) OF THIS SECTION SHALL BE ALLOWED AND SHALL NOT PROMULGATE RULES CONCERNING THE ALLOWANCE OF SAID CREDIT UNTIL THE IMPACT OF THE RESULTS OF SAID ELECTION ON THE AMOUNT OF THE EXCESS STATE REVENUES TO BE REFUNDED IS ASCERTAINED."

Amendment No. 12(L.054), by Senator Lamborn.

Amend reengrossed bill, page 19, line 15, strike "FIFTEEN" and substitute "TEN";

line 22, strike "FIFTEEN" and substitute "TEN";

line 27, strike "FIFTEEN" and substitute "TEN".

Amendment No. 13(L.036), by Senator Lamborn.

Amend reengrossed bill, page 6, line 25, after "OF", insert "QUALIFIED INVESTMENTS OF".

Amendment No. 14(L.035), by Senator Lamborn.

Amend reengrossed bill, page 8, strike lines 6 through 8 and substitute the following:

"(c) MEET THE FINANCIAL RESPONSIBILITY REQUIREMENTS ESTABLISHED PURSUANT TO SECTION 11-51-407 (1) (a) (I), C.R.S.;"

line 9, strike "LIQUID ASSETS.";

line 13, strike "EQUITY" and substitute "FINANCIAL RESPONSIBILITY";

line 14, strike "CAPITALIZATION".

Amendment No. 15(L.024), by Senator Lamborn.

Amend reengrossed bill, page 6, line 24, strike "TWO" and substitute "ONE";

line 25, strike "ONE-HALF" and substitute "ONE-QUARTER".

Page 7, line 1, strike "FIVE" and substitute "TWO AND ONE-HALF".

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HB01-1097 Amendment No. 16(L.023), by Senator Lamborn.

Amend reengrossed bill, page 3, line 12, strike "INSURANCE COMPANIES" and substitute "INVESTORS";

line 16, strike "INSURANCE COMPANY" and substitute "CERTIFIED INVESTOR";

line 21, strike "INSURANCE COMPANY," and substitute "CERTIFIED INVESTOR,".

Page 4, line 2, strike "INSURANCE" and substitute "CERTIFIED INVESTOR,";

line 3, strike "COMPANY,";

line 6, strike "INSURANCE COMPANY," and substitute "CERTIFIED INVESTOR,";

line 8, strike "INSURANCE COMPANY," and substitute "CERTIFIED INVESTOR,";

line 10, strike "INSURANCE COMPANY," and substitute "CERTIFIED INVESTOR,".

Page 5, line 2, strike "INSURANCE COMPANY" and substitute "PERSON";

line 3, strike "CAPITAL" and substitute "CAPITAL TO A CERTIFIED CAPITAL COMPANY. IF THE CERTIFIED INVESTOR IS AN INSURANCE COMPANY, THE CONTRIBUTION SHALL BE".

Page 9, line 23, strike "INSURANCE COMPANY" and substitute "CERTIFIED INVESTOR" and, strike "INSURANCE" and substitute "CERTIFIED INVESTOR,";

line 24, strike "COMPANY".

Page 17, line 10, strike "NUMBER;" and substitute "NUMBER, IF APPLICABLE;".

Amendment No. 17(L.021), by Senator Lamborn.

Amend reengrossed bill, page 19, line 25, strike "TWENTY-FIVE" and substitute "FIFTY".

Amendment No. 18(L.022), by Senator Lamborn.

Amend reengrossed bill, page 11, line 17, strike "A" and substitute "SUBJECT TO SECTION 10-3.5-108 (3) (b), A".

Page 19, line 23, strike "HOUSING" and substitute "INSURANCE";

line 24, strike "LOCAL AFFAIRS" and substitute "REGULATORY AGENCIES";

line 27, strike "RETURN." and substitute "RETURN, AND SHALL PAY TO THE DIVISION A RECAPTURE TAX ON SUCH FURTHER DISTRIBUTIONS EQUAL TO THE AMOUNT OF MONEY SO REPORTED UP TO THE AMOUNT OF THE PREMIUM TAX CREDITS ALLOCATED TO SUCH CERTIFIED CAPITAL COMPANY, AFTER WHICH NO FURTHER TAX SHALL BE COLLECTED FROM SUCH CERTIFIED CAPITAL COMPANY PURSUANT TO THIS PARAGRAPH (b) UNLESS ADDITIONAL PREMIUM TAX CREDITS ARE ALLOCATED TO SUCH CERTIFIED CAPITAL COMPANY. THE DIVISION OF INSURANCE SHALL TRANSMIT THE MONEYS SO RECEIVED TO THE DEPARTMENT OF THE TREASURY, WHICH SHALL CREDIT SUCH MONEYS TO THE GENERAL FUND; EXCEPT THAT SUCH AMOUNTS APPROPRIATED BY THE GENERAL ASSEMBLY TO THE DIVISION OF INSURANCE CASH FUND, CREATED IN SECTION 10-1-103 (3), NOT TO EXCEED A MAXIMUM OF FIVE PERCENT OF ALL RECAPTURE TAXES COLLECTED UNDER THIS PARAGRAPH (b), SHALL BE TRANSMITTED TO THE STATE TREASURER AND DEPOSITED IN THE DIVISION OF INSURANCE CASH FUND.".

Page 20, line 1, strike "UPON" and substitute "AFTER THE RECAPTURE TAX CEASES TO BE COLLECTED FROM A CERTIFIED CAPITAL COMPANY

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PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) AND UPON";	1
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line 3, after "DIVISION", insert "OF HOUSING";	3
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line 4, after "COMPANY", insert "FROM WHICH NO FURTHER RECAPTURE TAXES ARE COLLECTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3)", and, after "DIVISION", insert "OF INSURANCE";	5
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line 8, after "REPORT", insert "OR ANY AMOUNT NOT SUBJECT TO THE RECAPTURE TAX, WHICHEVER IS LESS,".	10
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<u>Amendment No. 19(L.038), by Senator Tate.</u>	13
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Amend reengrossed bill, page 6, line 1, change the semicolon to a period and strike "AND";	15
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strike lines 2 through 4.	17
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<u>Amendment No. 20(L.040), by Senator Tate.</u>	20
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Amend reengrossed bill, page 7, strike lines 22 through 25 and substitute the following:	22
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"SECTIONS 10-3-209 AND 10-6-128."	24
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<u>Amendment No. 21(L.043), by Senator Tate.</u>	27
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Amend reengrossed bill, page 10, line 5, strike "INSURANCE POLICY,";	29
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line 9, strike "INSURANCE";	31
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line 10, strike "POLICY,";	33
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line 15, strike "INCLUDING, WITHOUT LIMITATION," and substitute "EXCEPT".	35
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<u>Amendment No. 22(L.044), by Senator Tate.</u>	38
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Amend reengrossed bill, page 10, line 24, strike "ONE HUNDRED" and substitute "FIFTY".	40
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Page 11, strike line 16 and substitute the following:	43
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"FORWARD FOR TEN YEARS."	45
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<u>Amendment No. 23(L.045), by Senator Tate.</u>	47
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Amend reengrossed bill, page 11, line 26, strike "TEN" and substitute "FIVE".	49
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Page 12, line 3, strike "TEN" and substitute "FIVE".	52
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<u>Amendment No. 24(L.047), by Senator Tate.</u>	54
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Amend reengrossed bill, page 14, line 10, strike "THIRTY" and substitute "FIFTY";	56
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line 15, strike "FIFTY" and substitute "SEVENTY-FIVE".	59
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<u>Amendment No. 25(L.049), by Senator Tate.</u>	61
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Amend reengrossed bill, page 15, strike lines 5 through 12;	63
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line 13, strike "(4)" and substitute "(3)";	65
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strike lines 16 through 27.	67
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Page 16, strike lines 1 through 6;	69
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line 7, strike "(6)" and substitute "(4)".	71
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Page 17, line 2, strike "(6)" and substitute "(4)";
line 5, strike "(7)" and substitute "(5)".

Amendment No. 26(L.052), by Senator Tate.

Amend reengrossed bill, page 22, line 6, strike "MAY" and substitute "SHALL".

Amendment No. 27(L.053), by Senator Tate.

Amend reengrossed bill, page 23, line 16, strike "FIVE" and substitute "TWO";

line 20, strike "FIFTH" and substitute "SECOND";

line 22, strike "FIVE" and substitute "TWO".

Amendment No. 28(L.031), by Senator Matsunaka.

Amend the Business, Labor, & Finance Committee amendment, as printed in Senate Journal, April 19, page 898, strike line 5 and substitute the following:

"Amend reengrossed bill, page 3, line 19, strike "TEN" and substitute "FIFTEEN";

line 20, after "OTHER", insert "VOTING";

line 23, strike "TEN" and substitute "FIFTEEN";

line 24, after "OTHER", insert "VOTING".

Page 4, line 8, strike "OR";";

line 17 of the committee amendment, strike "27." and substitute "27 and substitute the following:

"(I) BENEFICIALLY OWN, WHETHER THROUGH RIGHTS, OPTIONS, CONVERTIBLE INTERESTS, OR OTHERWISE, FIFTEEN PERCENT OR MORE OF THE VOTING SECURITIES OR OTHER VOTING OWNERSHIP INTERESTS OF A CERTIFIED CAPITAL COMPANY;";";

strike line 19 of the committee amendment.

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

SB01-240

by Senator Thiebaut; also Representative Smith--Concerning article 9 of the uniform commercial code, and, in connection therewith, amending the duties of the secretary of state and the central information board.

(Amended as printed in Senate Journal, May 2, 2001, page 1123.)

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

SB01-238

by Senator Pascoe; also Representative Alexander--Concerning services for seriously emotionally disturbed school children.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, May 4, 2001, pages 1214-1215.)

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

HB01-1354

by Representatives Hoppe, Young, Kester, Dean, Fairbank, Hefley, Lawrence, Snook, Spradley, Tapia, Webster and White; also Senators Entz and Hagedorn--Concerning the establishment of a water banking system, and, in connection therewith, making an appropriation.

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HB01-1354	<u>Amendment No. 1, Agriculture and Natural Resources Committee Amendment</u> (Printed in Senate Journal, April 25, 2001, page 987.)	1 2 3
	<u>Amendment No. 2(L.008), by Senators Gordon, Taylor, Teck and Entz.</u>	4 5
	Amend reengrossed bill, page 4, line 14, after the period insert, "THE RULES SHALL SPECIFY THAT THE BANK SHALL NOT BE OPERATED SO AS TO INCREASE WATER DIVERTED FROM ANOTHER WATER DIVISION AS SET FORTH IN SECTION 37-92-201."	6 7 8 9
	<u>Amendment No. 3(L.009), by Senator Hillman.</u>	10 11
	Amend reengrossed bill, page 3, line 24, strike "ENGINEER" and substitute "ENGINEER, AFTER PUBLIC MEETINGS IN THE ARKANSAS RIVER BASIN AND IN CONSULTATION WITH THE COLORADO WATER CONSERVATION BOARD,".	12 13 14 15
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	16 17 18
SB01-241	by Senator Thiebaut; also Representative Grossman--Concerning the formulation of a statewide multi-modal transportation policy.	19 20 21
	<u>Amendment No. 1, Public Policy and Planning Committee Amendment.</u> (Printed in Senate Journal, May 3, 2001, page 1169.)	22 23 24
	<u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, 2001, page 1214.)	25 26 27
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	28 29 30
HB01-1402	by Representatives Paschall and Dean; also Senator Dyer (Arapahoe)--Concerning extension of the contract for enhanced emissions inspections for motor vehicles.	31 32 33
	<u>Amendment No. 1, Health, Environment, Children and Families Committee Amendment.</u> (Printed in Senate Journal, May 2, 2001, page 1113.)	34 35 36
	<u>Amendment No. 2, Public Policy and Planning Committee Amendment.</u> (Printed in Senate Journal, May 3, 2001, pages 1170-1181.)	37 38 39
	<u>Amendment No. 3, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, 2001, pages 1215-1216.)	40 41 42
	<u>Amendment No 4(L.008), by Senator Hernandez.</u>	43 44
	Amend the Public Policy and Planning committee amendment, as printed in Senate Journal, May 3, page 1181, line 12, insert the following:	45 46 47
	"SECTION 15. 42-12-102 (1) (b), Colorado Revised Statutes, is amended to read:	48 49 50
	42-12-102. Registration of collectors' items. (1) (b) (I) No collector's item of model year 1960 or later for which a certification of emissions control is required under the provisions of sections 42-4-301 to 42-4-316 shall be registered under the provisions of this section unless a certification of emissions control is obtained for such collector's item. Reregistration of such collector's item by the same owner shall not require the obtainment of a new certification of emissions control, but such collector's item shall not be registered under the provisions of this section after the sale or transfer of such vehicle to a new owner until a new certification of emissions control has been obtained for such collector's item.	51 52 53 54 55 56 57 58 59 60 61 62
	(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), COLLECTOR'S ITEMS OF MODEL YEAR 1970 OR EARLIER MAY BE REGISTERED UNDER THE PROVISIONS OF THIS SECTION WITHOUT A CERTIFICATION OF EMISSIONS CONTROL FOR SUCH COLLECTOR'S ITEMS IF THE DIVISION OF ADMINISTRATION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECOMMENDS AND THE AIR QUALITY CONTROL COMMISSION DETERMINES THAT EXEMPTING SUCH COLLECTOR'S ITEMS WILL NOT NEGATIVELY AFFECT THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S APPROVAL OF THE SIP AND TO THE EXTENT THAT	63 64 65 66 67 68 69 70 71 72

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DOING SO IS ALLOWED UNDER FEDERAL LAW."

Renumber succeeding section accordingly.

Amendment No 5(L.006), by Senator Linkhart.

Amend the Public Policy and Planning committee amendment, as printed in Senate Journal, May 3, page 1170, strike line 5 and substitute the following:

"Amend the Health, Environment, Children, and Families committee amendment, as printed in Senate Journal, May 2, page 1113, strike lines 42 through 45 and substitute the following:

"Amend reengrossed bill, page 1, strike everything below the enacting".

Page 1171, line 37, strike "THE" and substitute "ANY" and, strike "IN EFFECT ON AND";

line 38, strike "BEFORE DECEMBER 31, 2001,".

Page 1172, line 59, strike "THE" and substitute "ANY";

line 60, strike "IN EFFECT ON AND BEFORE";

line 61, strike "DECEMBER 31, 2001,";

line 65, strike "FOUR-YEAR TERM" and substitute "TERM OF UP TO FOUR YEARS".

Page 1177, line 29, after "REGISTRATIONS", insert "IN THE PROGRAM AREA";

line 30, after "OF", insert "1982 AND NEWER";

line 40, strike "AND ON 1981 AND OLDER";

line 41, strike "VEHICLES REGISTERED IN THE ENHANCED AREA";

line 47 strike "AND INSPECTION AND";

line 48, strike "READJUSTMENT STATIONS";

line 53, after "REGISTRATIONS", insert "IN THE PROGRAM AREA";

line 54, after "OF", insert "1982 AND NEWER".

Page 1179, line 9, strike "THE" and substitute "ON AND AFTER FEBRUARY 1, 2002, THE";

line 50 strike "VEHICLES," and substitute "VEHICLES AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A),".

Page 1181, line 16, strike "safety." and substitute "safety.".."

Amendment No. 6(L.007), by Senator Linkhart.

Amend the Appropriations Committee report, dated May 4, 2001, page 2, line 11, after "AREA", insert "AND FOR INITIAL REGISTRATIONS IN THE PROGRAM AREA OF 1982 AND NEWER MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A)";

line 22, strike "2001," and substitute "2000,";

line 26, strike "Statutes." and substitute "Statutes. Any unexpended appropriation made pursuant to this section shall be available through June 30, 2002.".."

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HB01-1402	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	1 2 3
HB01-1385	by Representatives Lawrence, Larson and Miller; also Senators Phillips and Windels-- Concerning the development of a master plan for state facilities located in the state capitol buildings group, and making an appropriation in connection therewith.	4 5 6 7
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	8 9
HB01-1134	by Representative Decker; also Senator Hernandez--Concerning infectious and communicable diseases.	10 11 12
	<u>Amendment No. 1, Health, Environment, Children and Families Committee Amendment.</u> (Printed in Senate Journal, May 3, 2001, pages 1162-1169.)	13 14 15
	<u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, May 4, 2001, page 1214.)	16 17 18
	<u>Amendment No. 3(L.009), by Senator Teck.</u>	19 20
	Amend reengrossed bill, page 3, after line 8, insert the following:	21 22
	"(VI) FOR PURPOSES OF THIS PARAGRAPH (a.5), "PUBLIC SAFETY WORKER" INCLUDES, BUT IS NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PEACE OFFICERS, AND FIREFIGHTERS.";	23 24 25 26
	strike line 10 and substitute the following:	27 28
	"Colorado Revised Statutes, is amended, and the said 25-4-1405 (7.5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:";	29 30 31 32
	after line 17, insert the following:	33 34
	"(c) FOR PURPOSES OF THIS SUBSECTION (7.5), "PUBLIC SAFETY WORKER" INCLUDES, BUT IS NOT LIMITED TO, LAW ENFORCEMENT OFFICERS, PEACE OFFICERS, AND FIREFIGHTERS.".	35 36 37 38
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	39 40 41
	_____	42
	AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT	43 44
HB01-1097	by Representative Dean; also Senator Matsunaka--Concerning creation of the "Certified Capital Company Act", and, in connection therewith, making an appropriation.	45 46 47
	Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment, (L.021) to HB 01-1097, did not pass.	48 49 50
	More than a majority of those elected to the Senate having voted in the affirmative, the amendment was declared adopted .	51 52 53
	_____	54
	ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE	55 56
	On motion of Senator Hernandez, 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:	57 58 59 60
	Passed on Second Reading: HB01-1097 as amended, SB01-240 as amended, SB01-238 as amended, HB01-1354 as amended, SB01-241 as amended, HB01-1402 as amended, HB01-1385 , HB01-1134 as amended.	61 62 63 64
	_____	65
	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.	66 67 68 69
	_____	70 71 72

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-006

by Senators Entz, Chlouber and Dyer (Durango); also Representatives Larson and Stengel--Concerning the creation of the habitat partnership program, and, in connection therewith, changing the duties of the habitat partnership council, habitat partnership committee, and director of the division of wildlife, and funding the habitat partnership cash fund.

Laid over until Monday, May 7, 2001, retaining its place on the calendar.

SB01-084

by Senator Perlmutter; also Representatives Witwer--Concerning the inmate disaster relief program.

Senator Perlmutter moved that the Senate concur in House amendments to **SB01-084**, as printed in House Journal, April 23, 2001, page 1341. 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	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	E	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	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	N	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	E	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**.

SB01-078

by Senators Windels, Linkhart and Gordon; also Representative Jahn--Concerning improving quality of care in nursing facilities, and, in connection therewith, creating deadlines for responses to complaints, developing a consumer satisfaction survey, creating a program to recognize the highest-quality nursing facilities, Improving grants received by nursing facilities from the department of health care policy and financing, and making an appropriation therefor.

Senator Windels moved that the Senate concur in House amendments to **SB01-078**, as printed in House Journal, April 30, 2001, pages 1363-1464 and amended on Third Reading as printed in House Journal, May 1, 2001, page 1474-1475. 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	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	E	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:

SB01-078

YES	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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: Pascoe, Reeves.

SB01-113

by Senators Hernandez, Evans, Hagedorn and Hanna; also Representative Clapp-- Concerning regulation of physical therapists, and, in connection therewith, continuing the regulation of physical therapists by the director of the division of registrations in the department of regulatory agencies.

Senator Hernandez moved that the Senate not concur in House amendments to **SB01-113**, as printed in House Journal, May 1, 2001, pages 1477-1478, 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 the Conference Committees.)

SB01-121

by Senator Taylor; also Representative Hoppe--Concerning continuation of the asbestos control program, and making an appropriation in connection therewith.

Senator Taylor moved that the Senate concur in House amendments to **SB01-121**, as printed in House Journal, May 1, 2001, pages 1477-1478. 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	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	E	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	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	E	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**.

SB01-073

by Senator Anderson; also Representative Mitchell--Concerning the sale of tobacco to minors, and making an appropriation in connection therewith.

Senator Anderson moved that the Senate concur in House amendments to **SB01-073**, as printed in House Journal, May 1, 2001, pages 1478-1479. The motion was **passed** by the following roll call vote:

SB01-073

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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, as amended, was declared **repassed**.

SB01-149

by Senator Owen; also Representative Scott--Concerning the state defined contribution plan.

Senator Owen moved that the Senate concur in House amendments to **SB01-149**, as printed in House Journal, May 1, page 1479. 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	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	E	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	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	E	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**.

SB01-032

by Senator Linkhart; also Representative Alexander--Concerning criminal background checks.

Senator Linkhart moved that the Senate concur in House amendments to **SB01-032**, as printed in House Journal, May 1, 2001, page 1479. The motion was **passed** by the following roll call vote:

SB01-032

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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	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	E	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-sponsors added: Epps, Evans.

SB01-089

by Senators Tupa, Fitz-Gerald, Hernandez, Windels; also Representatives Williams S., Bacon--Concerning class sizes in kindergarten through twelfth grade public schools.

Laid over until Monday, May 7, 2001, retaining its place on the calendar.

SB01-091

by Senator Hernandez; also Representative Spence--Concerning the authorization for school districts to offer full-day kindergarten educational programs, and making an appropriation in connection therewith.

Senator Hernandez moved that the Senate concur in House amendments to **SB01-091**, as printed in House Journal, May 1, 2001, page 1479. 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	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	E	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	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Entz	E	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**.

SB01-091 Co-sponsors added: Dyer (Durango), Fitz-Gerald, Pascoe, Reeves, Tupa, Windels.

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".

Senator Hillman moved that the Senate concur in House amendments to **SB01-037**, as printed in House Journal, May 1, 2001, page 1478. 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	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	E	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	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	E	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**.

SB01-164 by Senator Hanna; also Representative Lawrence--Concerning the creation of a loan repayment program as an incentive to dental professionals to provide dental services to underserved populations, and making an appropriation therefor.

Senator Hanna moved that the Senate concur in House amendments to **SB01-164**, as printed in House Journal, May 1, 2001, page 1480. 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	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	E	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	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	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	E	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-164 A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

Co-sponsor added: Chlouber.

SB01-168 by Senator Hagedorn; also Representative Alexander--Concerning the requirement of the completion of level II alcohol treatment for persistent drunk drivers, and making an appropriation therefor.

Senator Hagedorn moved that the Senate concur in House amendments to **SB01-168**, as printed in House Journal, May 1, 2001, page 1480. 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	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	E	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	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	E	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**.

SB01-209 by Senators Windels, Phillips, McElhany; also Representatives Miller, Larson, Lawrence--Concerning the funding of capital construction projects at state-supported institutions of higher education.

Senator Windels moved that the Senate concur in House amendments to **SB01-209**, as printed in House Journal, May 1, 2001, page 1487. 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	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	E	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	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	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-209 A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

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

SB01-088 by Senators Tupa, Linkhart, Arnold, Hernandez, Nichol; also Representatives Mitchell, Alexander, Hefley, Lee--Concerning criminal history record checks on behalf of entities engaged in care for vulnerable persons.

Senator Tupa moved that the Senate not concur in House amendments to **SB01-088**, as printed in House Journal, May 1, 2001, page 1494, 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.)

SB01-095 by Senators Linkhart, Owen; also Representative Lee--Concerning appropriations from the offender services fund for adult and juvenile probation services, and making an appropriation therefor.

Senator Linkhart moved that the Senate concur in House amendments to **SB01-095**, as printed in House Journal, May 1, 2001, pages 1487-1488. 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	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	E	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	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	E	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**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-012** and **SB01-029** were advanced on the Consideration of House Amendments to Senate Bills calendar.

SB01-012 by Senators Linkhart, Epps; also Representatives Chavez, Alexander, Johnson, Tochtrop-- Concerning the provision of publicly funded services for children in out-of-home placements.

Senator Linkhart moved that the Senate concur in House amendments to **SB01-012**, as printed in House Journal, May 1, 2001, page 1491. The motion was **passed** by the following roll call vote:

SB01-012

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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	29	NO	5	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	E	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**.

SB01-029

by Senator Gordon; also Representative Cadman--Concerning the residence of a child of the parties to a domestic relations proceeding.

Senator Gordon moved that the Senate concur in House amendments to **SB01-029**, as printed in House Journal, May 1, 2001, page 1433 and amended on Third Reading as printed in House Journal, May 2, 2001, page 1522-1523. 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	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	E	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	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	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	E	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**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB01-1184

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

HB01-1184 Senator Perlmutter moved that the conferees on the First Conference Committee on **HB01-1184** be given the powers to go beyond the scope of the difference between the two Houses.

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

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Hernandez, Chairman, Hagedorn and Epps as Senate Conferees on the First Conference Committee on **SB01-113**.

The President appointed Senators Tupa, Chairman, Linkhart and Epps as Senate Conferees on the First Conference Committee on **SB01-088**.

The President appointed Senators Epps, Chairman, Tate and Gordon as Senate Conferees on the First Conference Committee on **HB01-1269**.

The President appointed Senators Takis, Chairman, Nichol and Arnold as Senate Conferees on the First Conference Committee on **HB01-1272**.

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, May 4, 2001, was laid over until Monday, May 7, 2001, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB01-1131, HB01-1368, HB01-1262.**

Consideration of Resolutions: **SJR01-018, SJR01-029, SJR01-030, SR01-017, SJR01-031, SJR01-032, SR01-020, HJR01-1045, HJR01-1012, HJR01-1037.**

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

Consideration of House Amendments to Senate Bills: **SB01-205, SB01-109, SB01-206, SB01-014, SB01-046, SB01-057, SB01-099, SB01-174, SB01-208.**

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

Consideration of Governors Appointments

Colorado Tourism Office

State Housing Board

Board of Directors of the Colorado Compensation Insurance Authority

Securities Board

Special Funds Board for Workers' Compensation Self Insurers

Wildlife Commission

Board of Assessment Appeals

State Agricultural Commission

Colorado Water Conservation Board

Air Quality Control Commission

Colorado Racing Commission

Colorado Commission of Higher Education

Read to Achieve Board

Public Utilities Commission of the State of Colorado

Colorado Student Obligation Bond Authority Board of Directors

Colorado Health Facilities Authority

Consideration of Conference Committee Reports: **HB01-1250, HB01-1124, HB01-1187, HB01-1034, HB01-1292, HB01-1030, SB01-123, SB01-034, SB01-131, HB01-1260.**

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB01-1349

THIS REPORT AMENDS THE REREVISED BILL

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

Your first conference committee appointed on HB01-1349, concerning clarification that the term "raffle" includes the game commonly referred to as a "duck race" for purposes of the "Bingo and Raffles law", and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

HB01-1349

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend rerevised bill, page 2, after line 22, insert the following:

"**SECTION 2.** 12-9-107 (1) (b), Colorado Revised Statutes, is amended to read:

12-9-107. Persons permitted to conduct games of chance - premises - equipment - expenses. (1) (b) No games of chance shall be conducted with any equipment unless it is owned by a bingo-raffle licensee, owned or leased by a landlord licensee, or owned or leased by a bingo-raffle licensee operating such equipment on premises that are owned, leased, or rented by the bingo-raffle licensee, used as its principal place of business, and controlled so that admittance to the premises is limited to the bingo-raffle licensee's members and bona fide guests; EXCEPT THAT THE IDENTICAL OBJECTS USED IN A DUCK RACE MAY BE RENTED."

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:

(signed)
Representative Johnson, Chairman

(signed)
Representative Swenson

(signed)
Representative S. Williams

Senate Committee:

(signed)
Senator Phillips, Chairman

(signed)
Senator Hagedorn

(signed)
Senator Chlouber

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1240 by Representative Hoppe; also Senator Entz--Concerning the creation of the water resources legislation review committee.
Agriculture and Natural Resources

HB01-1396 by Representative Spradley; also Senator Hagedorn--Concerning measures to improve the availability of employer-sponsored health insurance for employers with fewer than fifty employees.
Business, Labor, and Finance

HB01-1397 by Representatives Snook, Fairbank, Fritz, Hoppe, Kester, Larson, Miller, Rhodes, Rippy, Schultheis, Sinclair, Tochtrop and White; also Senator Chlouber--Concerning the requirement that explosives be marked with identifying codes.
Business, Labor, and Finance

HB01-1398 by Representative Clapp; also Senator Phillips--Concerning legislative approval of air quality improvement strategies necessary for the redesignation of the Denver region to attainment status for compliance with federal air quality standards, and, in connection therewith, approving the Denver element of the PM-10 state implementation plan.
Government, Veterans and Military Relations, and Transportation

HB01-1403 by Representative Dean; also Senator Teck--Concerning the continued payment of expenses related to the disbursement of all forms of moneys received by the treasury.
Government, Veterans and Military Relations, and Transportation

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- HB01-1404** by Representative Alexander; also Senator Dyer (Durango)--Concerning amendments to Colorado law to conform to federal law regarding the treatment of Indian tribes for unemployment insurance purposes. 1
Business, Labor, and Finance 2
3
- HB01-1406** by Representative Lawrence; also Senator Thiebaut--Concerning the university of southern Colorado goal planning process. 4
Public Policy and Planning 5
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- SB01-243** by Senator Tate; also Representative Grossman--Concerning the formation of an independent commission for the oversight of the Fitzsimons project. 10
Public Policy and Planning 11
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COMMITTEE OF REFERENCE REPORTS

The committee recommends the following

Government, Veterans and Military Relations, and Transportation
 After consideration on the merits, the committee recommends that **HB01-1387** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "(1) and (2)," and substitute "(1), (2), and (3),".

Page 3, after line 14, insert the following:

"(3) Each operator imposing a local government solid waste disposal fee which is used to fund hazardous substance response activities at sites designated on the national priority list pursuant to the federal act shall be allowed a credit against the total amount of fees to be transmitted to the state treasurer pursuant to this section in an amount equal to the total amount of money derived from such locally imposed solid waste disposal fee. Any local government expending money under the national contingency plan for hazardous substance response activities at sites designated on the national priority list pursuant to the federal act shall be allowed ~~a credit~~ THE FOLLOWING CREDITS for such expenditures against the ~~total amount of~~ FOLLOWING fees THAT ARE HEREBY imposed on such local government: ~~pursuant to subsection (1) of this section.~~

(a) SEVEN CENTS PER LOAD TRANSPORTED BY A MOTOR VEHICLE THAT IS COMMONLY USED FOR THE NONCOMMERCIAL TRANSPORT OF PERSONS OVER THE PUBLIC HIGHWAYS;

(b) THIRTEEN CENTS PER LOAD TRANSPORTED BY A TRUCK, AS SUCH TERM IS DEFINED IN SECTION 42-1-102 (108), C.R.S., THAT IS COMMONLY USED FOR THE NONCOMMERCIAL TRANSPORT OF PERSONS AND PROPERTY OVER THE PUBLIC HIGHWAYS;

(c) TWENTY CENTS PER CUBIC YARD PER LOAD TRANSPORTED BY ANY COMMERCIAL VEHICLE OR OTHER VEHICLE NOT INCLUDED IN PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION."

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SJR 01-024.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, May 7, 2001

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate

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