

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
Second Extraordinary Session

Thirteenth Legislative Day

Tuesday, October 2, 2001

Prayer By Senator Mark Hillman.

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

Roll Call Present--Total, 28.
Absent/Excused--Epps, Gordon, Pascoe, Phillips, Tate, Thiebaut, Tupa--Total 7.
Present later--Gordon, Pascoe, Phillips, Tate, Thiebaut, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Monday, October 1, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 01S2-022.

Correctly engrossed: SB 01S2-020, 005.

Correctly reengrossed: SB 01S2-009, 010, 004, 001, 003.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **SB01S2-022** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 12, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";

line 13, strike "Effective" and substitute "(a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), effective".

Page 4, strike lines 1 through 3 and substitute the following:

~~"(4). For purposes of this section, the term "employee" does not include elected state officials who do not receive compensation other than expense reimbursements from state funds.~~

(II) EFFECTIVE DECEMBER 1, 2000, FOR EMPLOYEES WHO ARE ELECTED STATE OFFICIALS WHO RECEIVE COMPENSATION OTHER THAN EXPENSE REIMBURSEMENTS FROM STATE FUNDS, THE STATE OF COLORADO SHALL CONTRIBUTE AN AMOUNT NECESSARY TO PAY ONE HUNDRED SIXTY DOLLARS PER MONTH PER SINGLE EMPLOYEE, TWO HUNDRED THIRTY DOLLARS PER MONTH PER EMPLOYEE WITH ONE COVERED DEPENDENT, AND THREE HUNDRED SIXTEEN DOLLARS PER MONTH PER EMPLOYEE WITH TWO OR MORE COVERED DEPENDENTS FOR EACH EMPLOYEE ENROLLED IN GROUP BENEFIT PLANS THAT INCLUDE ENROLLMENT IN MEDICAL BENEFITS.";

strike line 4 and substitute the following:

"(b) EFFECTIVE DECEMBER 1, 2001, FOR EMPLOYEES OTHER THAN ELECTED STATE OFFICIALS WHO RECEIVE COMPENSATION OTHER THAN EXPENSE REIMBURSEMENTS FROM STATE FUNDS, THE STATE OF

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COLORADO";

line 24, strike "FOR PURPOSES OF THIS SECTION, THE";

strike lines 25 through 27.

Page 5, line 1, strike "(b)" and substitute "(3)";

line 5, strike "IN ACCORDANCE", and substitute "TO AN AMOUNT THAT WOULD MAINTAIN THE STATE'S PROPORTIONATE SHARE OF THE COST OF MEDICAL BENEFITS FOR EMPLOYEES FROM YEAR TO YEAR,";

strike lines 6 and 7;

line 8, strike "PRECEDING CALENDAR YEAR,"

after line 11, insert the following:

"(4) FOR PURPOSES OF THIS SECTION, "EMPLOYEE" DOES NOT INCLUDE ELECTED STATE OFFICIALS WHO DO NOT RECEIVE COMPENSATION OTHER THAN EXPENSE REIMBURSEMENTS FROM STATE FUNDS."

MESSAGE FROM THE HOUSE

October 2, 2001

Mr. President:

The House has postponed indefinitely SB01S2-001, SB01S2-003. The bills are returned herewith.

October 2, 2001

Mr. President:

The House has postponed indefinitely SB01S2-004, and SB01S2-010. The bills are returned herewith.

Senate in Recess--Senate Reconvened.

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:

SB01S2-006

by Senator Perlmutter; also Representative Grossman--Concerning the conservation of land to allow for the extraction of natural resource deposits, and making an appropriation therefor.

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

YES	18	NO	15	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	N	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

President Matunaka announced that the prime sponsor in the House on **SB01S2-012** had changed from Representative Berry to Representative Spradley, followed by Representative Berry.

SB01S2-012

by Senators Reeves, Hagedorn, Hanna, Linkhart, Pascoe, Phillips, Windels, Hernandez, and Tate; also Representatives Spradley, Berry, Larson, Romanoff and Smith--Concerning the creation of the breast and cervical cancer prevention and treatment program, and making an appropriation therefor.

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

Third Reading Amendment No. 8 (L.020), by Senator Anderson.

Amend engrossed bill, page 2, strike lines 2 through 5.

Strike pages 3 and 4.

Page 5, strike lines 1 and 2 and substitute the following:

"SECTION 1. 24-22-115 (1), Colorado Revised Statutes, is amended to read:

24-22-115. Tobacco litigation settlement cash fund - creation.

(1) There is hereby created in the state treasury the tobacco litigation settlement cash fund. The cash fund shall consist of all moneys transmitted to the state treasurer in accordance with the terms of the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Phillip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the city and county of Denver other than moneys credited to the tobacco litigation settlement trust fund pursuant to section 24-22-115.5. Except as provided in subsection (2) of this section, all interest derived from the deposit and investment of moneys in the cash fund shall be credited to the cash fund; EXCEPT THAT BEGINNING WITH THE FISCAL YEAR 2001-02, AND EACH FISCAL YEAR THEREAFTER, ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED PURSUANT TO SECTION 26-4-532, C.R.S. Except as provided in subsection (2) of this section, all moneys in the cash fund shall be subject to appropriation by the general assembly for such purposes as may be authorized by law in accordance with the terms of the settlement agreements and the consent decree. Except as provided in subsection (2) of this section, at the end of any fiscal year, all unexpended and unencumbered moneys and all moneys not appropriated for the following fiscal year in the cash fund shall be transferred to the tobacco litigation settlement trust fund.

SECTION 2. 24-75-1104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-1104. Use of settlement moneys - programs. (2.5) THE GENERAL ASSEMBLY RECOGNIZES THAT, PURSUANT TO SECTION 24-22-115 (1), ALL INTEREST DERIVED FROM THE TOBACCO LITIGATION SETTLEMENT CASH FUND CREATED PURSUANT TO SAID SECTION IS USED TO FUND THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND CREATED PURSUANT TO SECTION 26-4-532, C.R.S. TO ENSURE THE GREATEST POSSIBLE ACCUMULATION OF INTEREST MONEYS IN THE TOBACCO LITIGATION SETTLEMENT CASH FUND, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO LIMIT THE PROGRAM FUNDS FROM WHICH MONEYS ARE NOT TRANSFERRED AT THE END OF A FISCAL YEAR TO THOSE PROGRAM FUNDS LISTED IN SUBSECTION (2) OF THIS SECTION AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (2.5)."

Renumber succeeding sections accordingly.

Page 8, line 23, strike "(a)";

line 26, after "OF", insert "ANY MONEYS CREDITED THERETO PURSUANT TO SECTION 24-22-115 (1), C.R.S., AND".

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Page 9, strike lines 5 through 11.

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

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

Third Reading Amendment No. 9 (L.021), by Senator Reeves.

Amend engrossed bill, page 9, after line 11, insert the following:

"(7.5) (a) FOR THE FISCAL YEARS 2004-05 AND 2005-06, THE GENERAL ASSEMBLY SHALL APPROPRIATE FIFTY PERCENT OF THE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND.

(b) FOR THE FISCAL YEARS 2006-07 AND 2007-08, THE GENERAL ASSEMBLY SHALL APPROPRIATE SEVENTY-FIVE PERCENT OF THE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND.

(c) FOR THE FISCAL YEAR 2008-09 THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE HUNDRED PERCENT OF THE COSTS OF THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT PROGRAM TO THE BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND."

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

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer, F.	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Anderson, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Hanna, Isgar, Matsunaka Perlmutter, Phillips, Takis, Taylor, Thiebaut, Tupa, Windels.

SB01S2-020

by Senators Thiebaut; also Representative Fairbank--Concerning the congressional redistricting of Colorado.

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

YES	20	NO	13	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

Co-sponsors added: Hernandez, Matsunaka, Nichol, Perlmutter, Phillips, Windels.

SB01S2-005

by Senator Phillips; also Representative Tapia--Concerning intergovernmental cooperation in connection with municipal annexations.

SB01S2-005 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	24	NO	9	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer, F.	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Tupa.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, October 2, 2001, was laid over until Wednesday, October 3, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01S2-002.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, October 3, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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