

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

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Forty-ninth Legislative Day

Tuesday, February 26, 2002

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Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 28.  
 Absent/Excused--Evans, Lamborn, Matsuanka, May, McElhany, Musgrave, Phillips--  
 Total 7.  
 Present later--Evans, Lamborn, May, McElhany, Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Monday, February 25, was dispensed with and the Journal was approved as corrected by the Secretary.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1261, 1325, 1221 and 1286.  
 Without comment, as amended, HB02-1340, 1250, 1091, 1079, 1084, 1225, 1218, 1305,  
 and 1258.

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**COMMITTEE OF REFERENCE REPORTS**

Appropriations After consideration on the merits, the committee recommends that **SB02-001** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike line 26 and substitute the following:

"DISTRICT SHALL BE REQUIRED TO TRANSMIT TO THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND, CREATED PURSUANT TO SECTION 39-26-127, C.R.S., AN AMOUNT NECESSARY TO PAY FOR THE COSTS THAT THE DEPARTMENT OF REVENUE WILL INCUR";

line 27, strike "INCURRED".

Page 4, after line 2, insert the following:

**"SECTION 3.** Part 1 of article 26 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-26-127. Regional transportation district expense fund - repeal.** (1) IF A MAJORITY OF THE ELIGIBLE ELECTORS OF THE REGIONAL TRANSPORTATION DISTRICT APPROVE AN INCREASE IN THE RATE OF SALES TAX LEVIED BY THE DISTRICT PURSUANT TO SECTION 32-9-119.4 (3), C.R.S., THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND SHALL BE CREATED IN THE STATE TREASURY. WITHIN TWO DAYS OF THE CERTIFICATION OF THE VOTERS' APPROVAL OF SUCH TAX INCREASE, THE DISTRICT SHALL TRANSMIT TO THE STATE TREASURER AN AMOUNT EQUAL TO THE AMOUNT NECESSARY TO PAY FOR THE COSTS THAT THE DEPARTMENT OF REVENUE WILL INCUR IN MAILING NOTICES OF THE RATE INCREASE TO VENDORS IN THE DISTRICT THAT COLLECT AND REMIT THE SALES TAX LEVIED BY THE DISTRICT. THE STATE TREASURE SHALL CREDIT SUCH AMOUNT TO THE REGIONAL TRANSPORTATION DISTRICT EXPENSE FUND. THE GENERAL ASSEMBLY SHALL APPROPRIATE FROM THE FUND TO THE DEPARTMENT AN AMOUNT NECESSARY TO COVER THE DEPARTMENT'S COSTS OF MAILING NOTICES OF THE RATE INCREASE TO VENDORS IN THE DISTRICT THAT COLLECT AND REMIT THE SALES TAX LEVIED BY THE

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SB02-001

DISTRICT. ALL INTEREST DERIVED FROM THE DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY MONEYS REMAINING IN THE FUND AFTER THE DEPARTMENT CERTIFIES TO THE STATE TREASURER THAT THE DEPARTMENT HAS PAID ITS COSTS PURSUANT TO SECTION 32-9-119.4 (4), C.R.S., SHALL BE PROMPTLY REFUNDED TO THE DISTRICT.

(2) THIS SECTION IS REPEALED, EFFECTIVE ONE YEAR AFTER THE DAY OF THE ELECTION IN WHICH THE VOTERS APPROVE AN INCREASE IN THE RATE OF SALES TAX LEVIED BY THE BOARD OF DIRECTORS OF THE REGIONAL TRANSPORTATION DISTRICT.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the regional transportation district expense fund created in section 39-26-127, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2002, the sum of thirty-six thousand seventy-eight dollars (\$36,078), or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective Date. Sections 1 and 2 of this act shall take effect on July 1, 2002. Sections 3 and 4 of this act shall take effect only if the voters, as part of the 2002 general election, approve an increase in the sales tax levied by the Regional Transportation District to fund the FasTracks project."

Renumber succeeding section accordingly.

Page 1, line 105, strike "PERCENT." and substitute "PERCENT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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:

SB02-146

by Senator(s) Phillips, Hernandez; also Representative(s) Spradley--Concerning refunding prepaid premiums for medicare supplement insurance policies.

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

Table with 4 columns: YES, NO, EXCUSED, ABSENT and 10 rows of member names and their votes.

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

Co-sponsor added: Nichol.

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:

HB02-1007

by Representative(s) Witwer; also Senator(s) Pascoe--Concerning the repeal of the authority of coroners to permit the removal of corneal tissue from decedents.

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

## HB02-1007

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Perlmutter.

## HB02-1008

by Representative(s) Smith; also Senator(s) Teck--Concerning an extension of the uranium mill tailings remedial action program fund oversight committee.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Dyer, Entz, Hernandez, Isgar, Taylor.

## HB02-1040

by Representative(s) Sinclair; also Senator(s) Hagedorn--Concerning background investigations for alcohol beverage licenses.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

## HB02-1055

by Representative(s) Jahn; also Senator(s) Reeves--Concerning support obligations.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

**HB02-1055**

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

Co-sponsors added: Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Phillips, Tate, Tupa, Windels.

**HB02-1327**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning modifications to the sources of funding of state capital construction projects for the 2001-02 state fiscal year in order to increase the amount of general fund appropriations made during said fiscal year used to calculate the statutory limitation on general fund appropriations for the 2002-03 state fiscal year, and making appropriations in connection therewith.

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

YES	23	NO	8	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Phillips.

**HB02-1328**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning modifications to the source of funding for the older Coloradans program for the 2001-02 state fiscal year in order to increase the amount of general fund appropriations made during said fiscal year used to calculate the statutory limitation on general fund appropriations for the 2002-03 state fiscal year, and making an appropriation in connection therewith.

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

YES	24	NO	8	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Phillips.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills--Consent Calendar (**HB02-1018**) of Tuesday, February 26, was laid over until Monday, March 4, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB02-136**, **SB02-112** were made Special Orders at 9:30 a.m.

Committee of the Whole

The hour of 9:30 a.m. having arrived, Senator Hernandez moved that the Senate resolve itself into the 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 BILL**

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:

**SB02-136**

by Senator(s) Andrews; also Representative(s) Lee--Concerning the teaching of a unit on patriotism in each public school in the state.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 14, page 237 and placed in members' bill file.)

Amendment No. 2(L.004), by Senator Andrews.

Amend the Education Committee Report dated February 12, 2002, page 1, line 7, strike "MAY" and substitute "SHALL";

line 8, after "A", insert "DAILY".

Amendment No. 3(L.005), by Senator Dyer.

Strike the Education Committee Report, dated February 12, 2002.

Amend printed bill, page 2, strike lines 5 through 10 and substitute the following:

"(3) IN ADDITION, AN AGE-APPROPRIATE UNIT ON PATRIOTISM SHALL BE TAUGHT IN ALL THE PUBLIC SCHOOLS OF THE STATE, AT EACH GRADE LEVEL OFFERED THEREIN, THAT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) A DISCUSSION OF THE RIGHTS, PRIVILEGES, AND RESPONSIBILITIES INVOLVED WITH UNITED STATES CITIZENSHIP; AND

(b) A HISTORICAL REVIEW OF THE MEANING OF OUR FOUNDING DOCUMENTS, THAT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE DECLARATION OF INDEPENDENCE, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, WASHINGTON'S FAREWELL ADDRESS, THE FEDERALIST PAPERS, AND OTHER DOCUMENTS GERMANE TO THE CREATION OF THE UNITED STATES.

Amendment No. 4(L.032), by Senator Perlmutter.

Amend the Dyer floor amendment (L.005), page 4, strike "SHALL BE";

line 5, strike "TAUGHT" and substitute "IS ENCOURAGED TO BE TAUGHT".

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).

**SB02-112**

by Senator(s) Teck; also Representative(s) Harvey--Concerning the requirement that certain persons provide proof of lawful presence in the United States in order to obtain documents from the division of motor vehicles.

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

**AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

**SB02-136**

by Senator(s) Andrews; also Representative(s) Lee--Concerning the teaching of a unit on patriotism in each public school in the state.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Perlmutter floor amendment (L.032), to SB 02-136, did not pass.

The roll call was taken with the following result:

**SB02-136**

YES	12	NO	21	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	E	Taylor	N
Cairns	Y	Hanna	N	Nichol	N	Teck	N
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	N	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	N		

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

**SB02-136**

by Senator(s) Andrews; also Representative(s) Lee--Concerning the teaching of a unit on patriotism in each public school in the state.

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment, to SB 02-136, did pass.

Amend the Dyer floor amendment (L.005), page 1, line 8, strike "AND";

line 14, change the period to a semicolon and add "AND";

after line 14, insert the following:

"(c) A DAILY RECITATION BY TEACHERS AND STUDENTS OF THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA; EXCEPT THAT NOTHING IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO REQUIRE THE RECITATION OF THE PLEDGE OF ALLEGIANCE WHEN THE TEACHER OR STUDENT OBJECTS TO THE RECITATION OF THE PLEDGE ON RELIGIOUS GROUNDS."

The roll call was taken with the following result:

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

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

**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 to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-136** as amended, **SB02-112**.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

After consideration on the merits, the committee recommends that **SB02-154** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 2, after "ANY", insert "IN-KIND CONTRIBUTION OR";

LINE 7, STRIKE "MEANS OF A";

strike line 8 and substitute "TELEPHONE, ELECTRONIC COMMUNICATIONS,

SB02-154

HAND DELIVERY, OR MAIL.";

line 20, strike "FOR" and substitute "REGULARLY SERVED BY";

line 23, strike "MEANS";

strike line 24 and substitute "TELEPHONE, ELECTRONIC COMMUNICATIONS, HAND DELIVERY, OR MAIL, A MAJORITY OF THE PERSONS SO";

line 25, strike "ARE MEMBERS OF THE ELECTORATE" and substitute "RESIDE IN THE ELECTORAL JURISDICTION".

Page 4, line 5, strike "CIRCULATION;" and substitute "CIRCULATION THAT IS NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;"

line 10, after "COMMUNICATION", insert "PAID FOR A DISBURSEMENT".

Page 5, strike lines 13 through 27 and substitute the following:

"(2) ANY PERSON WHO MAKES A DISBURSEMENT IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE IN A CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS SHALL, WITHIN FORTY-EIGHT HOURS OF EACH DISCLOSURE DATE, FILE WITH THE APPROPRIATE OFFICER A STATEMENT CONTAINING THE FOLLOWING INFORMATION:

(a) THE FULL NAME OF THE PERSON MAKING THE DISBURSEMENT AND OF ANY OTHER PERSON WHO IS AN OWNER OF OR SIGNATORY ON THE ACCOUNT FROM WHICH THE DISBURSEMENT WAS MADE;

(b) THE NAME, STREET ADDRESS, AND TELEPHONE NUMBER OF A NATURAL PERSON AUTHORIZED TO ACT AS A REGISTERED AGENT FOR SUCH PERSON;

(c) A STREET ADDRESS AND TELEPHONE NUMBER FOR THE PRINCIPLE PLACE OF OPERATIONS OF THE PERSON MAKING THE DISBURSEMENT, IF NOT AN INDIVIDUAL;

(d) THE NAME AND ADDRESS OF ANY PERSON THAT CONTRIBUTES MORE THAN ONE HUNDRED DOLLARS EACH YEAR TO A SEGREGATED ACCOUNT ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION FOR ELECTIONEERING COMMUNICATIONS PURPOSES; AND

(e) A COPY OR TRANSCRIPT OF THE ELECTIONEERING COMMUNICATION THAT GIVES RISE TO THE REPORTING REQUIREMENTS OF THIS SECTION, OR, IF SUCH A COPY OR TRANSCRIPT IS NOT AVAILABLE AS OF THE DISCLOSURE DATE, AN IDENTIFICATION OF THE ELECTION OR ELECTIONS TO WHICH THE ELECTIONEERING COMMUNICATION PERTAINS AND THE NAMES OF EACH CANDIDATE IDENTIFIED OR TO BE IDENTIFIED IN SUCH ELECTIONEERING COMMUNICATION. THE COPY OR TRANSCRIPT OF THE ACTUAL ELECTIONEERING COMMUNICATION SHALL BE FILED AS SOON AS PRACTICABLE AFTER THE COPY OR TRANSCRIPT IS AVAILABLE.

(3) FOR PURPOSES OF THIS SECTION, "DISCLOSURE DATE" SHALL MEAN THE FIRST DATE DURING ANY CALENDAR YEAR BY WHICH A PERSON HAS MADE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS AGGREGATING IN EXCESS OF ONE THOUSAND DOLLARS AND ANY OTHER DATE DURING SUCH CALENDAR YEAR FOLLOWING SUCH DATE BY WHICH A PERSON HAS MADE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS AGGREGATING IN EXCESS OF ONE THOUSAND DOLLARS SINCE THE MOST RECENT DISCLOSURE DATE FOR SUCH CALENDAR YEAR.

(4) ANY PERSON WHO INTENDS TO DISBURSE OR DOES DISBURSE MORE THAN ONE THOUSAND DOLLARS EACH CALENDAR YEAR FOR ELECTIONEERING COMMUNICATION PURPOSES SHALL ESTABLISH A SEGREGATED BANK ACCOUNT FOR THE PURPOSE OF ACCEPTING MONEYS THAT ARE TO BE USED FOR ELECTIONEERING COMMUNICATION PURPOSES AND SHALL MAKE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATION PURPOSES SOLELY FROM THAT ACCOUNT. NOTHING IN THIS SUBSECTION (4) SHALL PROHIBIT THE USE OF FUNDS IN SUCH A SEGREGATED ACCOUNT FOR A PURPOSE OTHER THAN ELECTIONEERING COMMUNICATIONS.

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SB02-154

(5) FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION IF THE PERSON HAS ACTUALLY MADE THE DISBURSEMENT OR HAS EXECUTED A CONTRACT TO MAKE THE DISBURSEMENT, WHICHEVER OCCURS FIRST.

(6) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ELECTIONEERING COMMUNICATION COST FUND. THE MONEYS IN THE ELECTIONEERING COMMUNICATION COST FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS, INCLUDING COSTS OF LITIGATION, ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THE SECRETARY OF STATE IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE ELECTIONEERING COMMUNICATION COST FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR."

Page 6, strike lines 1 and 2.

Renumber succeeding subsection accordingly.

Page 6, after line 5, insert the following:

"SECTION 3. 1-45-111 (2) (a) and (2) (d), Colorado Revised Statutes, are amended to read:

**1-45-111. Duties of the secretary of state - enforcement.**

(2) (a) Any person who believes that a violation of section 1-45-105.3, 1-45-105.5, 1-45-106, ~~1-45-108, 1-45-114~~, 1-45-108, 1-45-110.5, 1-45-114, 1-45-115, or 1-45-117 has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge. The person filing the complaint shall bear the burden of proof. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S. The decision may be enforced by the secretary of state or by the person filing the complaint.

(d) (I) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee that is described in section 1-45-103 (8) (a) (II) but not in section 1-45-103 (8) (a) (I) shall be limited to documents pertaining to contributions to, or expenditures from, the committee's separate account established pursuant to section 1-45-105.3 (8) to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

(II) A SUBPOENA ISSUED BY AN ADMINISTRATIVE LAW JUDGE REQUIRING THE PRODUCTION OF DOCUMENTS BY A PERSON MAKING DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS SHALL BE LIMITED TO DOCUMENTS PERTAINING TO CONTRIBUTIONS TO, OR EXPENDITURES FROM, THE SEGREGATED ACCOUNT ESTABLISHED PURSUANT TO SECTION 1-45-110.5 (4). A SUBPOENA SHALL NOT BE LIMITED IN THIS MANNER WHERE SUCH PERSON FAILS TO ESTABLISH SUCH A SEGREGATED ACCOUNT."

Renumber succeeding sections accordingly.

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MESSAGE FROM THE HOUSE

February 26, 2002  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1167,1311.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1291, amended as printed in House Journal, February 25, page 524, and amended on Third Reading as printed in House Journal, February 26. HB02-1220, amended as printed in House Journal, February 25, page 523.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1167, and 1311.  
Without comment, as amended, HB02-1291, and 1220.

MESSAGE FROM THE GOVERNOR

Appointment A letter of withdrawal from Governor Owens was read:

February 11, 2002

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentleman:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE  
JUVENILE PAROLE BOARD

effective January 29, 2002:

David C. Pimentel of Denver, Colorado, to serve as a member from the public at large, withdrawn.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 2/25/02  
H. Horvath, Asst. Secretary

SENATE SERVICES REPORT

Senate Services To the Governor for signature on Monday, February 25, 2002 at 11:30 a.m.: SB02-014, SB02-025, SB02-072.

Correctly engrossed: SB02-146.

Correctly reengrossed: SB02-118.

Correctly revised: HB02-1007, 1008, 1040, 1055, 1327, 1328.

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, February 26, was laid over until Wednesday, February 27, retaining its place on the calendar.

General Orders--Second Reading of Bills: SB02-073, SB02-089, SB02-132, SB02-042,

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**SB02-142, SB02-133, SB02-157, HB02-1033, HB02-1110, HB02-1005, HB02-1063, HB02-1031, HB02-1022.**

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006, HJR02-1015.**

Consideration of House Amendments to Senate Bills: **SB02-028.**

Consideration of Governor's Appointments:  
Colorado Commission on Higher Education

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, February 27, 2002.

Approved:

Ed Perlmutter  
President pro-tem of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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