

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

Ninety-eighth Legislative Day

Tuesday, April 16, 2002

Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish

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

Roll Call Present--Total, 28.
Absent/Excused--Dyer, Evans, Linkhart, Musgrave, Nichol, Reeves, Windels--Total, 7.
Present later--Dyer, Evans, Linkhart, Musgrave, Nichol, Reeves, Windels.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Monday, April 15, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-213 by Senator(s) Takis, Fitz-Gerald, Hernandez, Nichol, Windels; also Representative(s) Hodge--Concerning the definition of an established business relationship with a provider of telecommunications service under the "Colorado No-Call List Act".
Business, Labor, and Finance

HB02-1415 by Representative(s) Hoppe, Swenson, Cloer, Garcia, Harvey, Johnson, Kester, Miller, Smith, Snook, Spradley; also Senator(s) Isgar, Chlouber, Entz, Owen, Phillips, Taylor--Concerning net metering by electric utilities.
Agriculture and Natural Resources
Public Policy and Planning

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR02-035 by Senator(s) Owen, Arnold, Phillips; also Representative(s) Webster--Concerning commemoration of the 100th anniversary of Johnstown.
Laid over one day under Senate Rule 30(b).

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

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

HB02-1364 by Representative(s) Swenson; also Senator(s) May--Concerning tax reimbursement for fuel that is exempt from taxation.

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

YES	32	NO	0	EXCUSED	3	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	E
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

HB02-1364 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB02-1355 by Representative(s) Cloer, Boyd, Dean, Grossman, Harvey, Rhodes; also Senator(s) Tate, Andrews--Concerning whether certain business practices violate the prohibition upon charging a higher price based on the customer's use of a credit card rather than other forms of payment.

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

YES	32	NO	0	EXCUSED	3	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	E
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
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: Fitz-Gerald, Tupa.

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:

HB02-1220 by Representative(s) Larson; also Senator(s) Hanna--Concerning the insurance coverage of hearing aids for minors, and making an appropriation in connection therewith.

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

YES	20	NO	12	EXCUSED	3	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	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	E
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
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: Gordon, Hernandez, Isgar, Pascoe, Tate.

SB02-173 by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.

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

YES	22	NO	11	EXCUSED	2	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	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
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**.

SB02-173

Co-sponsors added: Chlouber, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Matsunaka, Nichol, Pascoe, Tate, Thiebaut, Tupa.

SB02-196

by Senator(s) Perlmutter, Anderson, Hagedorn, Hernandez, McElhany, Phillips, Taylor, Teck; also Representative(s) Spradley, Chavez, Groff, Grossman, Kester, Stafford, White-- Concerning real estate brokers who are engaged by members of the public.

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

YES	31	NO	2	EXCUSED	2	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	N	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
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, Epps, May, Owen.

HB02-1329

by Representative(s) Hoppe, Alexander, Clapp, Hodge, Miller, Rippey, Snook, Webster; also Senator(s) Isgar, Entz--Concerning the authority of the commissioner of agriculture to monitor agricultural chemicals in Groundwater, and making an appropriation therefor.

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

YES	33	NO	0	EXCUSED	2	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	Y	Phillips	Y	Mr. President	Y
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: Arnold, Chlouber, Hanna, Hernandez, Hillman, Matsunaka, Owen, Phillips, Taylor, Teck.

HB02-1034

by Representative(s) Veiga; also Senator(s) Anderson--Concerning fees in connection with restraining orders.

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

YES	33	NO	0	EXCUSED	2	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	Y	Phillips	Y	Mr. President	Y
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: Dyer, Epps, Fitz-Gerald, Hagedorn, Hernandez, Takis, Tupa, Windels.

HB02-1014

by Representative(s) Smith; also Senator(s) Fitz-Gerald--Concerning the removal by the secretary of state of identification numbers from financing statements filed before July 1, 2001, pursuant to repealed provisions of article 9 of the "Uniform Commercial Code", and making an appropriation therefor.

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

YES	33	NO	0	EXCUSED	2	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	Y	Phillips	Y	Mr. President	Y
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: Hernandez, Lamborn, Nichol, Phillips.

HB02-1244

by Representative(s) Smith; also Senator(s) Teck--Concerning moneys in the identification security fund.

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

YES	33	NO	0	EXCUSED	2	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	Y	Phillips	Y	Mr. President	Y
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**.

HB02-1278

by Representative(s) Stafford; also Senator(s) Hanna--Concerning physician training licenses, and making an appropriation therefor.

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

YES	27	NO	7	EXCUSED	1	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	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	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hagedorn, Hernandez.

HB02-1341

by Representative(s) Swenson; also Senator(s) Nichol--Concerning recommendations of the house committee on transportation and energy relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

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

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HB02-1341

YES	34	NO	0	EXCUSED	1	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	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, May.

HB02-1025

by Representative(s) Romanoff, Boyd, Stafford, Tochtrop; also Senator(s) Hagedorn, Hanna, Hernandez, Linkhart--Concerning methods to address barriers to self-sufficiency in Colorado works participants.

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

YES	28	NO	6	EXCUSED	1	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	Y
Cairns	N	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	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hernandez, Nichol, Pascoe, Phillips, Takis, Tupa.

SB02-062

by Senator(s) Owen; also Representative(s) Clapp--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	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	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Dyer, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Phillips, Reeves, Tupa.

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 Bill Consent Calendar (**HB02-1330**) of Tuesday, April 16, was laid over until Wednesday, April 17, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions; **SR02-012**.

CONSIDERATION OF RESOLUTIONS

SR02-012

by Senator(s) Windels, Thiebaut, Chlouber, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tupa; -- Concerning designation of equal pay day.

Amendment No. 1, by Senator Windels.

Amend printed resolution, page 2, line 17, strike "House of Representatives" and substitute "Senate".

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

On motion of Senator Windels, the resolution, as amended, was adopted by the following roll call vote:

Table with 4 columns: YES (26), NO (8), EXCUSED (1), ABSENT (0). Rows list names and their corresponding votes (Y/N).

Co-sponsors added: Fitz-Gerald, Gordon, Hanna, Hernandez, Isgar, Matsunaka, Nichol, Pascoe, Phillips, Tate, Thiebaut, Tupa.

COMMITTEE OF REFERENCE REPORTS

Business, Labor, and Finance

After consideration on the merits, the committee recommends that SB02-180 be referred favorably to the Committee on Public Policy and Planning.

MESSAGE FROM THE HOUSE

April 16, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1317, amended as printed in House Journal, April 15, page 1320. HB02-1404, amended as printed in House Journal, April 15, pages 1320-1321 and page 1327, and amended on Third Reading, April 16.. HB02-1402, amended as printed in House Journal, April 15, pages 1327-1328.

MESSAGE FROM THE GOVERNOR

April 15, 2002

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

Ladies and Gentlemen:

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

S.B. 02-023 – Concerning Decorations Awarded By The National Guard Of Colorado.

Approved April 15, 2002 at 3:40 p.m.

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S.B. 02-079 – Concerning The Enforcement Of The “Fair Campaign Practices Act,”
Article 45 Of Title 1, Colorado Revised Statutes.

Approved April 15, 2002 3:50 p.m.

S.B. 02-103 – Concerning Improvement Districts Of Local General Purpose Governments.

Approved April 15, 2002 at 3:43 p.m.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 04/15/02
K. Goldman, Secretary

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SCR02-003; SR02-012; SJR02-032, 034.

Correctly engrossed: SB02-062, 196; SJR02-031.

Correctly reengrossed: SB02-154.

Correctly revised: HB02-1014, 1034, 1025, 1244, 1278, 1329, 1341, 1355, 1364;
HJR02-1050.

Correctly enrolled: SJR02-022.

Senate in Recess--Senate Reconvened

COMMITTEE OF REFERENCE REPORTS

Approp-
riations

After consideration on the merits, the committee recommends that **HB02-1349** be
amended as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation.

Amend the Senate Education Committee Report, dated April 11, 2002,
page 2, strike line 25.

Page 3, strike lines 1 and 2.

Page 13, strike line 28 and substitute the following:

~~"million six hundred thirty thousand~~ FOUR MILLION FOUR HUNDRED
SEVENTY-SIX THOUSAND SEVEN HUNDRED";

line 29, strike "thousand";

line 32, strike "ONE HUNDRED FIVE" and substitute "ONE HUNDRED FORTY-
NINE".

Page 14, line 2, strike "FIFTY-TWO thousand FIVE HUNDRED" and
substitute "SEVENTY-FOUR thousand THREE HUNDRED".

Page 90, line 23, strike "general fund" and substitute "state public school
fund, created in section 22-54-114, Colorado Revised Statutes,".

Page 91, line 1, strike "nine million two hundred forty" and substitute
"nine million seven hundred forty thousand eight hundred sixty-two
dollars (\$9,740,862), or so much";

strike line 2;

after line 6, insert the following:

"(b) The cash funds exempt appropriation to the department of
education, assistance to public schools, public school finance, for the
state share of districts' total program funding, is decreased by five
hundred thousand dollars (\$500,000), or so much thereof as may be

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necessary, for the implementation of section 22-54-104 (5) (a) (IX), Colorado Revised Statutes. Said sum shall be from the state public school fund, created in section 22-54-114, Colorado Revised Statutes.";

line 7, strike "(b)" and substitute "(c)";

line 14, strike "(c)" and substitute "(d)";

line 20, strike "(d)" and substitute "(e)";

strike lines 23 through 26 and substitute the following:

"expenditures reserve, is decreased by fifteen million six hundred twenty-seven thousand eight hundred eighty-six dollars (\$15,627,886). Of said sum, seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution, and seven million eight hundred thirteen thousand nine hundred forty-three dollars (\$7,813,943) shall be from the state public school fund, school capital construction expenditures reserve established in section 22-54-117 (1.5), Colorado Revised Statutes.";

line 27, strike "(e)" and substitute "(f)";

line 29, strike "nine";

strike line 30 and substitute the following:

"eight million five hundred sixty thousand dollars (\$8,560,000).";

line 31, strike "(\$9,532,500).".

Appropriations

After consideration on the merits, the committee recommends that SB02-191 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 13, after line 4, insert the following:

"SECTION 9. 8-77-107 (1), Colorado Revised Statutes, is amended to read:

8-77-107. Appropriation of administrative costs. (1) Moneys credited to the account of the state of Colorado in the federal unemployment trust fund pursuant to section 903 of the social security act may be requisitioned only for payment of the costs incurred by the division for administration of the provisions of articles 70 to 82 of this title, and for benefits; EXCEPT THAT THE AMOUNT OF ONE HUNDRED FORTY-TWO MILLION SIX HUNDRED SIXTY-SIX THOUSAND FIVE HUNDRED SEVENTY-FOUR DOLLARS CREDITED TO THE ACCOUNT PURSUANT TO SECTION 209 OF THE FEDERAL "JOB CREATION AND WORKER ASSISTANCE ACT OF 2002" (P.L. No. 107-147) MAY BE USED ONLY FOR BENEFITS. Such administrative costs shall be expended only pursuant to specific appropriations made by the general assembly and only if such costs are incurred and requisitions made therefor after enactment of an appropriation act."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the committee recommends that HB02-1036 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, after line 20, insert the following:

"SECTION 4. Appropriation - adjustment to 2002 long bill. (1) For implementation of this act, the appropriation made in the annual general appropriation act for the fiscal year beginning July 1, 2002, to the

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HB02-1036

department of treasury, fire and police pension association, volunteer firefighter retirement plans, is hereby increased by three thousand dollars (\$3,000), or so much thereof as may be necessary, for the implementation of this act.

(2) It is the intent of the general assembly that the general fund appropriation in subsection (1) of this section for the implementation of this act shall be derived from savings generated from the implementation of the provisions of HB 02-1241, as enacted during the second regular session of the sixty-third general assembly.

SECTION 5. Effective date. This act shall take effect July 1, 2002; except that the provision of Section 1 of this act that amends Section 31-30-1112 (2) (e), Colorado Revised Statutes, and Section 4 of this act shall only take effect if:

(a) The final fiscal estimate for HB 02-1241, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the general fund costs shown in section 4 of this act; and

(b) House Bill 02-1241 is enacted during the second regular session of the sixty-third general assembly and becomes law."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the committee recommends that **HB02-1090** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1119** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated April 4, 2002, page 3, line 15, strike "NOTARY'S";

line 19, strike "NOTARY'S".

Page 4, line 19, strike "ACT"." and substitute "ACT";";

after line 19, insert the following:

"strike line 27 and substitute the following:

"the fiscal year beginning July 1, 2002, the sum of five hundred twenty-two thousand seven hundred fourteen dollars (\$522,714) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act. Of this amount, five hundred twenty thousand eight hundred thirty-four dollars (\$520,834) shall be from the clerk and".

Page 17, strike lines 1 through 3."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1159** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1160** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1321** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1421** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1422** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1423** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1424** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1425** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 16, line 14, in the ITEM & SUBTOTAL column, strike "5,114,360" and substitute "5,115,592", in the GENERAL FUND column, strike "2,186,588(M)" and substitute "2,187,204(M)", and, in the FEDERAL FUNDS column, strike "2,455,948" and substitute "2,456,564".

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Page 22, line 2, in the TOTAL column, strike "531,008,393" and substitute "531,009,625";

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line 10, in the TOTAL column, strike "2,520,245,957" and substitute "\$2,520,247,189", in the GENERAL FUND column, strike "\$1,080,889,409^a" and substitute "\$1,080,890,025^a", and, in the FEDERAL FUNDS column, strike "\$1,247,570,267" and substitute "\$1,247,570,883".

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Appropriations After consideration on the merits, the committee recommends that **HB02-1426** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1427** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 8, line 6, in the CASH FUNDS EXEMPT column, strike "114,254(T)^g" and substitute "~~114,254(T)^g~~";

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line 7, in the CASH FUNDS EXEMPT column, insert "114,254(T)^j".

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Page 11, after line 2, insert the following:

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"^j THIS AMOUNT SHALL BE FROM THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING."

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Page 17, line 13, in the ITEM & SUBTOTAL column, strike "685,000" and substitute "685,000" and, in the CASH FUNDS column, strike "575,000^e" and substitute "575,000^e";

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after line 13, in the ITEM & SUBTOTAL column, insert "833,500" and, in the CASH FUNDS column, insert "723,500^e".

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HB02-1427

Page 19, line 1, in the ITEM & SUBTOTAL column, strike "33,645,392" and substitute "33,793,892".

Page 21, line 11, in the TOTAL column, strike "531,727,636" and substitute "531,876,136".

Page 39, line 8, in the TOTAL column, strike "\$1,788,091,644" and substitute "\$1,788,240,144" and, in the CASH FUNDS column, strike "\$68,703,004" and substitute "\$68,851,504".

Appropriations After consideration on the merits, the committee recommends that **HB02-1428** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1429** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1430** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1431** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1432** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1433** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1434** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1435** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1436** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1437** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 5, in the ITEM & SUBTOTAL column, strike "9,990,026" and substitute "11,599,954", in the CASH FUNDS column, strike "9,990,026" and substitute "8,757,278", and, in the CASH FUNDS EXEMPT column, insert "2,842,676";

line 8, in the TOTAL column, strike "14,057,050" and substitute "15,666,978";

after line 10, insert the following:

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HB02-1437

"^b THIS AMOUNT SHALL BE FROM RESERVES IN THE AVIATION FUND. ";

line 13, strike "\$797,781,546^a" and substitute "\$797,781,546^a";

line 14, in the TOTAL column, strike "\$1,147,449,447" and substitute "\$1,149,059,375", in the CASH FUNDS column, strike "\$59,717,348^a" and substitute "\$58,484,600^a", and, in the CASH FUNDS EXEMPT column, insert "\$800,624,222^a".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1438** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1441** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1442** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 24, after the first "IN", insert "THE SUBSEQUENT INJURY FUND, CREATED IN SECTION 8-46-101 (1) (b) (I), COLORADO REVISED STATUTES, THE MAJOR MEDICAL INSURANCE FUND, CREATED IN SECTION 8-46-202 (1) (a), COLORADO REVISED STATUTES,".

Page 1, line 108, after "IN", insert "**THE SUBSEQUENT INJURY FUND, THE MAJOR MEDICAL INSURANCE FUND,**" and strike "FUND" and substitute "FUND,".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1443** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 2, after "Statutes,", insert "as amended by House Bill 02-1391, enacted at the Second Regular Session of the Sixty-third General Assembly,";

strike lines 15 through 24.

Page 3, strike lines 1 through 14 and substitute the following:

~~"(o) On July 1, 2002, one hundred million dollars, plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty thousand five hundred twenty-two dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; plus one million seven hundred sixty-eight thousand two hundred twenty-five dollars pursuant to H.B. 01-1205, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; plus thirty million nine hundred thousand dollars pursuant to~~

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HB02-1443

~~H.B. 02-1391, enacted at the second regular session of the sixty-third general assembly~~ NINE MILLION FOUR HUNDRED EIGHTY-NINE THOUSAND DOLLARS;".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1444** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 4, insert the following:

"SECTION 5. 12-6-123 (2), Colorado Revised Statutes, as enacted by House Bill 02-1391, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

12-6-123. Disposition of fees - auto dealers license fund. (2) (a) Notwithstanding any provision of subsection (1) of this section to the contrary, on the effective date of this subsection (2), the state treasurer shall deduct one million one hundred thousand dollars from the auto dealers license fund and transfer such sum to the general fund; except that, if the balance of moneys in the auto dealers license fund on the effective date of this subsection (2) is less than one million one hundred thousand dollars, the state treasurer shall transfer the balance of moneys in the fund to the general fund.

(b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY AND IN ADDITION TO ANY AMOUNT TRANSFERRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2):

(I) ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, OR APRIL 30, 2002, WHICHEVER OCCURS LATER, THE STATE TREASURER SHALL TRANSFER AN AMOUNT EQUAL TO THE BALANCE OF THE AUTO DEALERS LICENSE FUND AS OF APRIL 30, 2002, TO THE GENERAL FUND.

(II) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH (II), FOR EACH SUCCEEDING CALENDAR MONTH OF THE 2001-02 FISCAL YEAR, THROUGH JUNE 30, 2002, THE STATE TREASURER SHALL TRANSFER THE AMOUNT OF MONEYS CREDITED TO THE AUTO DEALERS LICENSE FUND DURING SUCH CALENDAR MONTH TO THE GENERAL FUND NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE CREDITED TO THE AUTO DEALERS LICENSE FUND. HOWEVER, THE AGGREGATE AMOUNT OF MONEYS TRANSFERRED FROM THE AUTO DEALERS LICENSE FUND TO THE GENERAL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), AND THIS SUBPARAGRAPH (II) SHALL NOT EXCEED ONE MILLION ONE HUNDRED THOUSAND DOLLARS."

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1445** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1446** be referred favorably to the Committee of the Whole.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1349, HB02-1421, HB02-1422, HB02-1423, HB02-1424, HB02-1425, HB02-1426, HB02-1427, HB02-1428, HB02-1429, HB02-1430, HB02-1431, HB02-1432, HB02-1433, HB02-1434, HB02-1435, HB02-1436, HB02-1437, HB02-1438, HB02-1441, HB02-1442, HB02-1443, HB02-1444, HB02-1445, HB02-1446** were made Special Orders at 2:15 p.m.

Committee of the Whole

The hour of 2:15 p.m. having arrived, Senator Phillips moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Phillips was called to the Chair to act as Chairman.

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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:

HB02-1349

by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public schools, and making an appropriation therefor.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 15, page 787-835 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, pages 865-866 and placed in members' bill file.)

Amendment No. 3(L.138), by Senator Anderson.

Amend the Education Committee Report, dated April 11, 2002, page 3, strike lines 9 through 11 and substitute the following:

"Page 18, strike lines 18 through 20 and substitute the following:

"Revised Statutes, are amended to read:";

strike lines 18 through 21 of the committee report and substitute the following:

"strike lines 14 through 27.

Page 20, strike lines 1 through 13 and substitute the following:";

line 22 of the committee report, strike "SECTION" and substitute ""SECTION".

Amendment No. 4(L.137), by Senator Pascoe.

Amend the Senate Education Committee Report, dated April 11, 2002, page 75, line 10, after "AND", insert "BY".

Page 82, line 13, strike "COMMITTEE, INCLUDING" and substitute "COMMITTEE";

line 14, strike "LEGISLATIVE MEMBERS,".

Amendment No. 5(L.136), by Senator Thiebaut.

Amend the Education Committee Report, dated April 11, 2002, page 2, strike lines 22 through 24 and substitute the following:

"PERCENT PER YEAR.";".

Amendment No. 6(L.143), by Senator Linkhart.

Amend the Education Committee Report, dated April 11, 2002, page 15, line 16, after the period, add "IN ADDITION, AN "ELEMENTARY-LEVEL SCHOOL" MAY PROVIDE KINDERGARTEN AND PRESCHOOL PROGRAMS.";

after line 25, insert the following:

"(I) IS ENROLLED IN A SCHOOL DISTRICT PRESCHOOL OR KINDERGARTEN PROGRAM;";

line 26, strike "(I)" and substitute "(II)".

Page 16, line 2, strike "(II)" and substitute "(III)";

after line 27, insert the following:

"(b) PRESCHOOL SERVICES AND BEFORE-SCHOOL OR AFTER-SCHOOL SERVICES THAT ARE EDUCATIONAL IN NATURE;".

Reletter succeeding paragraphs accordingly.

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HB02-1349

Page 17, line 15, strike "FOUR" and substitute "FIVE".

Amendment No. 7(L.146), by Senator Pascoe.

Amend the Education Committee Report, dated April 11, 2002, page 34, line 22, strike "60" and substitute "57".

Page 36, line 29, strike "22-7-605 OR SECTION" and substitute "22-7-605.";

strike lines 30 and 31.

Page 37, strike lines 1 through 33.

Re-number succeeding sections accordingly.

Page 40, strike line 19 and substitute the following:

"SECTION 22-7-605."

Page 54, line 15, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION";

strike lines 22 through 33.

Strike pages 55 through 74.

Re-number succeeding sections accordingly.

Page 75, line 1, strike "(a), (3), and (4)," and substitute "(a) and (3),".

Page 76, strike lines 10 through 19.

Page 88, strike lines 23 through 30.

Re-number succeeding sections accordingly.

Page 90, line 8, strike "four hundred" and substitute "two hundred twenty-eight thousand two hundred forty dollars (\$9,228,240), and such sum,";

strike line 9;

after line 12, insert the following:

"(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of two hundred forty-four thousand two hundred sixty dollars (\$244,260) or so much thereof as may be necessary, for the implementation of section 22-7-605, Colorado Revised Statutes."

Re-number succeeding subsections accordingly.

Amendment No. 8(L.148), by Senator Teck.

Amend the Appropriations Committee Report, dated April 16, 2002, page 1, strike lines 4 through 11 and substitute the following:

"Page 13, line 27, strike "twelve" and substitute "twelve";

strike line 28 and substitute the following:

"million ~~six~~ FIVE hundred ~~thirty~~ SEVENTY";

line 32, strike "~~four hundred twenty~~ ONE HUNDRED FIVE" and substitute "four hundred twenty".

Page 14, line 2, strike "~~two hundred ten~~ FIFTY-TWO thousand FIVE HUNDRED" and substitute "two hundred ten thousand";

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HB02-1349

strike lines 5 through 29.

Strike pages 15 through 19.

Renumber succeeding sections accordingly.

Page 34, line 22, strike "33 through 60" and substitute "32 through 59".

Page 90, strike lines 3 through 12.

Renumber succeeding subsections accordingly.";

line 12 of the committee report, strike "Page 90,".

Page 2 of the committee report, strike line 27 and substitute the following:

"line 29, strike "nine" and substitute "sixty thousand dollars (\$60,000).";

strike line 30;

line 31, strike "(\$9,532,500).".

Amendment No. 9(L.139), by Senator Thiebaut.

Amend reengrossed bill, page 19, strike lines 3 and 4 and substitute the following:

"(III) (A) For the 2001-02 budget year, the department shall allow school districts";

after line 13, insert the following:

"(B) FOR THE 2002-03 BUDGET YEAR, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN ONE THOUSAND ONE HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND ONE HUNDRED CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN ONE THOUSAND ONE HUNDRED FULL-DAY KINDERGARTEN CHILDREN.

(C) FOR THE 2003-04 BUDGET YEAR, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN ONE THOUSAND TWO HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND TWO HUNDRED CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN ONE THOUSAND TWO HUNDRED FULL-DAY KINDERGARTEN CHILDREN.

(D) FOR THE 2004-05 BUDGET YEAR, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN ONE THOUSAND THREE HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND THREE HUNDRED

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HB02-1349

CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN ONE THOUSAND THREE HUNDRED FULL-DAY KINDERGARTEN CHILDREN.

(E) FOR THE 2005-06 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DEPARTMENT SHALL ALLOW SCHOOL DISTRICTS TO APPLY TO THE DEPARTMENT FOR AUTHORIZATION TO SERVE NO MORE THAN ONE THOUSAND FOUR HUNDRED ELIGIBLE CHILDREN THROUGH A FULL-DAY KINDERGARTEN COMPONENT OF THE DISTRICT'S PRESCHOOL PROGRAM. THE DEPARTMENT, USING ESTABLISHED CRITERIA, SHALL SELECT SCHOOL DISTRICTS TO PARTICIPATE IN SUCH FULL-DAY KINDERGARTEN PROGRAMS UNTIL THE TOTAL NUMBER OF FULL-DAY KINDERGARTEN POSITIONS APPLIED FOR HAS BEEN FILLED OR THE LIMITATION OF ONE THOUSAND FOUR HUNDRED CHILDREN HAS BEEN REACHED, WHICHEVER EVENT OCCURS FIRST. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO WAIVERS SHALL BE GRANTED BY THE DEPARTMENT THAT WOULD ALLOW MORE THAN ONE THOUSAND FOUR HUNDRED FULL-DAY KINDERGARTEN CHILDREN."

Amendment No. 10(L.151), by Senator Pascoe.

Amend the Pascoe floor amendment, (L.146), page 2, strike lines 6 through 9.

Amend the Teck floor amendment, (L.148), page 1, strike line 5 and substitute the following:

""million ~~six~~ THREE hundred ~~thirty~~ TWENTY-FIVE THOUSAND SEVEN HUNDRED FORTY";

line 29, strike "thousand" and substitute "~~thousand~~";".

Page 2 of the Teck floor amendment, line 6, strike ""sixty thousand dollars (\$60,000)."" and substitute ""three hundred four thousand two hundred sixty dollars (\$304,260)."".

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

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

HB02-1441

by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning the requirement that the state controller release the portion of moneys that has been restricted by the controller based on an estimate of the amount a department may need for an overexpenditure that exceeds the actual amount of the overexpenditure.

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

HB02-1442

by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate-- Concerning the designation of state moneys to constitute the state emergency reserve for the 2001-02 state fiscal year, and, in connection therewith, specifying that the principal credited to the unclaimed property trust fund constitutes state fiscal year spending so that moneys in said trust fund may be designated as part of the state emergency reserve, and designating moneys in the wildlife cash fund and the unclaimed property trust fund as part of the state emergency reserve.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, page 870 and placed in members' bill file.)

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

HB02-1443

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning reductions in the revenues available to fund capital projects for purposes of addressing the anticipated revenue shortfall for the 2001-02 and 2002-03 fiscal years.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, page 870-871 and placed in members' bill file.)

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HB02-1443 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 1
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HB02-1444 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning the augmentation of the general fund through transfers of certain moneys in
the 2001-02 state fiscal year. 4
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Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 16, page 871 and placed in members' bill file.) 8
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As amended, ordered revised and placed on the calendar for Third Reading and Final
Passage. 10
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HB02-1445 by Representative(s) Berry, Young, Saliman; also Senator(s) Tate, Reeves, Owen--
Concerning the fiscal policy of the state for the 2001-02 and 2002-03 state fiscal years in
relation to the statutorily required general fund reserve in the event of a revenue shortfall. 13
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 18

HB02-1446 by Representative(s) Saliman, Young, Berry; also Senator(s) Owen, Reeves, Tate--
Concerning a modification to the restoration of moneys transferred from the controlled
maintenance trust fund in the 2001-02 state fiscal year by restoring a portion of the
moneys in the 2003-04 state fiscal year and restoring the remainder of the moneys in the
2004-05 state fiscal year. 19
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 26

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--Second Reading of Bills
Calendar (**HB02-1421, HB02-1422, HB02-1423, HB02-1424, HB02-1425, HB02-1426,**
HB02-1427, HB02-1428, HB02-1429, HB02-1430, HB02-1431, HB02-1432, HB02-
1433, HB02-1434, HB02-1435, HB02-1436, HB02-1437, HB02-1438) of Tuesday, April
16, were laid over until later in the day retaining its place on the Special Orders--Second
Reading of Bills Consent Calendar. 27
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AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT 37
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HB02-1349 by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public
schools, and making an appropriation therefor. 39
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Senator Matsunaka moved to amend the Report of the Committee of the Whole to show
that the following Teck floor amendment, (L.148) to HB 02-1349, did not pass. 43
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The amendment was declared **lost** by the following roll call vote: 46
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YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	N	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	N	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	E	Reeves	Y		

HB02-1349 by Representative(s) King; also Senator(s) Thiebaut--Concerning the financing of public
schools, and making an appropriation therefor. 58
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Senator Evans moved to amend the Report of the Committee of the Whole to show that the
following Evans floor amendment, (L.118) to HB 02-1349, did pass. 62
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Amend the Education Committee Report, dated April 11, 2002, page 5,
strike lines 20 through 25 and substitute the following: 65
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"strike lines 19 through 27." 67
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Page 6 of the education committee report, strike lines 7 through 27 and
substitute the following: 69
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HB02-1349

"Page 41, strike lines 9 through 18."
 Page 7 of the education committee report, strike lines 1 through 3;
 strike lines 6 through 29 of the education committee report and substitute the following:
 "Page 44, strike lines 1 through 6.
 Renumber succeeding sections accordingly.
 Page 72, strike lines 3 through 27.
 Strike pages 73 through 87.
 Page 88, strike line 1.
 Renumber succeeding sections accordingly."
 Strike pages 8 and 9 of the education committee report.
 Page 10 of the education committee report, strike lines 1 and 2;
 line 3 of the education committee report, before "strike", insert "Page 89,".
 Renumber succeeding sections in the education committee report accordingly.
 Page 34 of the education committee report, line 22, strike "33 through 60" and substitute "39 through 66".
 Page 89 of the education committee report, strike lines 26 through 33.
 Page 90 of the education committee report, strike lines 1 and 2.
 Renumber succeeding subsections accordingly.
 Page 91 of the education committee report, strike lines 14 through 26 and substitute the following:
 "(c) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for charter school capital construction, is increased by one million seventy-seven thousand nine hundred thirty dollars (\$1,077,930). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution.
 (d) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the state public school fund, school capital construction expenditures reserve, is decreased by three million twenty-six thousand twelve dollars (\$3,026,012). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution."

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

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	E	Reeves	N		

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Phillips, 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: **HB02-1349** as amended, **HB02-1441**, **HB02-1442** as amended, **HB02-1443** as amended, **HB02-1444** as amended, **HB02-1445**, **HB02-1446**. Laid over until later in the day, Tuesday, April 16: **HB02-1421**, **HB02-1422**, **HB02-1423**, **HB02-1424**, **HB02-1425**, **HB02-1426**, **HB02-1427**, **HB02-1428**, **HB02-1429**, **HB02-1430**, **HB02-1431**, **HB02-1432**, **HB02-1433**, **HB02-1434**, **HB02-1435**, **HB02-1436**, **HB02-1437**, **HB02-1438**.

Senator Thiebaut moved to suspend Senate rule 25A, for preparation of a Special Orders--Second Reading of Bill Consent Calendar.

A majority of those elected to the Senate having voted in the affirmative, Senate rule 25A was suspended.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1421**, **HB02-1422**, **HB02-1423**, **HB02-1424**, **HB02-1425**, **HB02-1426**, **HB02-1427**, **HB02-1428**, **HB02-1429**, **HB02-1430**, **HB02-1431**, **HB02-1432**, **HB02-1433**, **HB02-1434**, **HB02-1435**, **HB02-1436**, **HB02-1437**, **HB02-1438** were made Special Orders at 4:55 p.m.

Committee of the Whole

The hour of 4:55 p.m. having arrived, Senator Phillips moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills Consent Calendar and Senator Phillips was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS
CONSENT CALENDAR**

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:

HB02-1421 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of agriculture.

Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.

HB02-1422 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of corrections.

Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.

HB02-1423 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of education.

Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.

HB02-1424 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.

HB02-1425 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of health care policy and financing.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 16, page 868 and placed in members' bill file.)

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

HB02-1426 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of higher education.

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HB02-1426	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	1
HB02-1427	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of human services.	2 3 4 5
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 16, pages 868-869 and placed in members' bill file.)	6 7 8
	As amended, ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	9 10 11
HB02-1428	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of law.	12 13 14
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	15 16
HB02-1429	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of local affairs.	17 18 19
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	20 21
HB02-1430	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of military affairs.	22 23 24
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	25 26
HB02-1431	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of natural resources.	27 28 29
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	30 31
HB02-1432	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of personnel.	32 33 34
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	35 36
HB02-1433	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of public health and environment.	37 38 39 40
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	41 42
HB02-1434	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of public safety.	43 44 45
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	46 47
HB02-1435	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of regulatory agencies.	48 49 50
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	51 52
HB02-1436	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of revenue.	53 54 55
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	56 57
HB02-1437	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of transportation.	58 59 60
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 16, pages 869-870 and placed in members' bill file.)	61 62 63
	As amended, ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	64 65 66
HB02-1438	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning funding for capital construction, and making supplemental appropriations in connection therewith.	67 68 69 70
	Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage.	71 72

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Phillips, 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: **HB02-1421, HB02-1422, HB02-1423, HB02-1424, HB02-1425** as amended, **HB02-1426, HB02-1427** as amended, **HB02-1428, HB02-1429, HB02-1430, HB02-1431, HB02-1432, HB02-1433, HB02-1434, HB02-1435, HB02-1436, HB02-1437** as amended, **HB02-1438**.

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-214** by Senator(s) Fitz-Gerald; --Concerning the relocation of existing provisions of the Colorado Revised Statutes governing the Moffat tunnel.
Business, Labor, and Finance
- SB02-215** by Senator(s) Linkhart; also Representative(s) Veiga--Concerning specification of the authority of certain special districts to levy a use tax on purchases of machinery otherwise exempt from sales and use taxes.
Business, Labor, and Finance
- HB02-1067** by Representative(s) Mace; also Senator(s) Hernandez--Concerning implementation of the family caregiver support program.
Health, Environment, Children & Families
- HB02-1113** by Representative(s) Stengel; also Senator(s) Hagedorn--Concerning the crime of posting the personal information of a peace officer on the internet.
Judiciary
Appropriations
- HB02-1247** by Representative(s) Decker, Jameson, Mace, Schultheis, Swenson, Webster; also Senator(s) Epps, Hernandez--Concerning the penalty for theft of motor fuel, and making an appropriation in connection therewith.
Judiciary
Appropriations
- HB02-1293** by Representative(s) Sanchez, Boyd, Romanoff, Tochtrop; also Senator(s) Owen--Concerning a study of the access of children to health care, and making an appropriation in connection therewith.
Health, Environment, Children & Families
Appropriations

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SR02-012**.

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, April 16, was laid over until Wednesday, April 17, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB02-1300, HB02-1313, HB02-1324, SB02-042, SB02-089, SB02-157, SB02-184, SB02-080, SB02-081, SB02-177, HB02-1339, SB02-009, HB02-1180, SB02-094, SB02-119, HB02-1232, HB02-1173, HB02-1098, HB02-1129, HB02-1338, SB02-193, SB02-171, SB02-195, SB02-183, SB02-201**.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-027, SR02-011**.

Consideration of House Amendments to Senate Bills: **SB02-032, SB02-141, SB02-136, SB02-161**.

Consideration of Governor's Veto: **SB02-108**.

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission
- Examining Board of Plumbers
- Colorado Aeronautical Board

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061**.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, April 17, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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