

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

Sixty-second Legislative Day

Monday, March 11, 2002

Prayer By the chaplain, Mohammed Jodeh, Past-President and Public Relations Director, CO Muslim Society.

Call to Order By the President Pro-tem at 10:00 a.m.

Roll Call Present--Total, 31.
Absent/Excused--Epps, Fitz-Gerald, Hagedorn, Matsunaka--Total, 4.
Present later--Fitz-Gerald.

Quorum The President Pro-tem announced a quorum present.

Reading of Journal On motion of Senator Gordon, reading of the Journal of Friday, March 8, 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:

HB02-1334 by Representative(s) Kester; also Senator(s) Nichol--Concerning notice of dishonor of negotiable instruments by mail.
Business, Labor, and Finance

HB02-1335 by Representative(s) Williams T.; also Senator(s) Fitz-Gerald--Concerning recommendations of the house committee on business affairs and labor 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.
Business, Labor, and Finance

HB02-1346 by Representative(s) Miller, White, Coleman, Rippy, Tapia; also Senator(s) Chlouber, Taylor--Concerning the designation of rhodochrosite as the state mineral.
Agriculture and Natural Resources

HB02-1352 by Representative(s) Hoppe; also Senator(s) Isgar--Concerning recommendations of the house committee on agriculture, livestock, and natural resources 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.
Agriculture and Natural Resources

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:

SB02-048 by Senator(s) Hanna; also Representative(s) Rippy--Concerning cruelty to animals, and making an appropriation in connection therewith.
Laid over until Monday, March 18, retaining its place on the calendar.

HB02-1132 by Representative(s) Marshall, Borodkin, Fritz, Garcia, Groff, Hefley, Lee, Madden, Saliman, Veiga; also Senator(s) Epps--Concerning limitations on the housing used by persons convicted of sex offenses.
Laid over until Tuesday, March 12, retaining its place on the calendar.

HB02-1168 by Representative(s) Williams S., Coleman, Jahn, Mace, Stafford; also Senator(s) Epps--Concerning the availability of a notation indicating adoption when a new birth certificate is issued.
Laid over until Tuesday, March 12, retaining its place on the calendar.

HB02-1083 by Representative(s) Lawrence; also Senator(s) Gordon--Concerning the creation of the Amber alert program.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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: The morning roll call of the Senate.

HB02-1061 by Representative(s) Garcia; also Senator(s) Entz--Concerning applications for absentee ballots.

Laid over until Tuesday, March 12, retaining its place on the calendar.

HB02-1153 by Representative(s) Vigil, Chavez, Marshall; also Senator(s) Tate--Concerning information contained in a consumer's credit report, and, in connection therewith, requiring consumer reporting agencies and persons who provide credit information to use the consumer's social security number to verify information prior to including the information in the consumer's credit report and prohibiting a consumer reporting agency from furnishing to any person records of requests for credit or insurance that are not initiated by the consumer.

Laid over until Tuesday, March 12, retaining its place on the calendar.

HB02-1026 by Representative(s) Boyd, Tochtrop; also Senator(s) Hernandez, Linkhart--Concerning segregated funding under the Colorado works program.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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: Hanna, Pascoe, Tupa.

HB02-1230 by Representative(s) Stafford, Cloer, Tochtrop; also Senator(s) Phillips--Concerning continuation of the state board of optometric examiners.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

HB02-1230 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Entz, Hanna, Hernandez, Takis, Taylor, Teck.

HB02-1118 by Representative(s) Scott; also Senator(s) Reeves--Concerning the discretion of the Colorado water resources and power development authority in financing projects.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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, Tate.

HB02-1041 by Representative(s) Rippy; also Senator(s) Taylor--Concerning the maintenance of a sufficient balance in the operational account of the severance tax trust fund to fund the recommended programs for two state fiscal years.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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, Hernandez, Isgar, Pascoe.

HB02-1053 by Representative(s) Young; also Senator(s) Taylor--Concerning school grants.

Laid over until Tuesday, March 12, retaining its place on the calendar.

HB02-1019 by Representative(s) Tapia; also Senator(s) Gordon--Concerning registration with local law enforcement agencies as a condition of release for certain persons found not guilty by reason of insanity.

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

YES	29	NO	2	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	E
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, McElhany

HB02-1020

by Representative(s) White; also Senator(s) Arnold--Concerning the application of enhanced penalties for violation of driving restrictions imposed by the state when dangerous driving conditions exist.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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: Cairns, Entz, Hernandez, Isgar, May, Taylor, Teck.

HB02-1056

by Representative(s) Hoppe, Miller, Tochtrop, Alexander; also Senator(s) Thiebaut--Concerning an exemption from the real property acquisition policies of the Colorado relocation assistance and land acquisition policies act.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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**.

HB02-1032

by Representative(s) Miller, Mace, Webster; also Senator(s) Hanna--Concerning the authorization for members of the statewide defined benefit plan to acquire service credit for prior employment not covered by the plan.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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, Taylor.

HB02-1092

by Representative(s) Williams T.; also Senator(s) Tate--Concerning activities of trust companies.

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

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HB02-1092

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	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	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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, Lamborn.

HB02-1177

by Representative(s) Hefley, Clapp, Crane, Lee, Mitchell, Schultheis, Williams S.; also Senator(s) Hanna--Concerning the administration of certain medications in family child care homes.

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	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
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**.

HB02-1185

by Representative(s) Romanoff, Alexander, Bacon, Crane, Daniel, Groff, Rippey, Stafford, Williams S.; also Senator(s) Anderson, Entz, Evans, Pascoe--Concerning the Colorado preschool program.

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

**CHANGES TO THE GENERAL ORDERS--SECOND READING OF BILLS
CONSENT CALENDAR**

HB02-1208

by Representative(s) Stengel; also Senator(s) Phillips--Concerning compliance with federal law in the imposition of a sales tax in the state on mobile telecommunications service.

Upon request of Senator May, **HB02-1208** was removed from the March 11, General Orders--Second Reading of Bills--Consent Calendar and was placed at the end of the General Orders--Second Reading of Bills Calendar of Tuesday, March 12.

Committee
of the
Whole

On motion of Senator McElhany, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills Consent Calendar and Senator McElhany was called to the Chair to act as Chairman.

**GENERAL 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:

HB02-1093

by Representative(s) Alexander; also Senator(s) Hernandez--Concerning the recovery of overpayments of public assistance.

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

HB02-1050

by Representative(s) Coleman; also Senator(s) Hernandez--Concerning disclosures specifically related to the cost savings associated with managed care options in personal injury protection under the no-fault motor vehicle insurance law.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, March 1, page 374 and placed in members' bill file.)

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

HB02-1154

by Representative(s) Scott; also Senator(s) Fitz-Gerald--Concerning a prohibition on any retail gaming licensee who holds a license issued by the limited gaming commission to knowingly permit the removal of an alcohol beverage from licensed premises where the liquor license is for on-premises consumption of alcohol beverages only.

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

HB02-1121

by Representative(s) Kester, Williams S.; also Senator(s) McElhany, Hagedorn--Concerning the requirement that explanations be given prior to the issuance of an auto insurance policy.

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

HB02-1231

by Representative(s) Snook, Bacon, Boyd, Jahn, Madden, Mitchell; also Senator(s) Isgar--Concerning the continuation of the subpoena powers granted to the director of the Colorado civil rights division in cases relating to allegations of unfair employment practices.

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

HB02-1077

by Representative(s) Coleman, Scott, Vigil, Williams T.; also Senator(s) Anderson, Taylor, Tupa--Concerning audits performed by the division of criminal justice to determine levels of compliance by community corrections programs with established standards.

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

HB02-1167

by Representative(s) Jahn, Bacon, Boyd, Daniel, Groff, Grossman, Hefley, Johnson, Lee, Madden, Marshall, Mitchell, Plant, Rippey, Saliman, Snook, Stengel, Tapia, Vigil; also Senator(s) Anderson--Concerning the repeal of the prohibition of the use of state general fund moneys associated with the notification of victims of crime.

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

HB02-1223

by Representative(s) Veiga; also Senator(s) Anderson--Concerning sentencing of persons convicted of offenses committed on or after July 1, 2002, involving unlawful sexual behavior.

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

HB02-1171

by Representative(s) Spradley, Jahn; also Senator(s) Phillips--Concerning the designation of enterprise status for the canteen fund for the inmates of state correctional facilities.

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

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SB02-168 by Senator(s) Thiebaut--Concerning the revision of antiquated statutes concerning the death of a human being.

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

HB02-1311 by Representative(s) Berry, Hefley, Borodkin, Marshall, Mitchell, Saliman, Sanchez, Stafford, Veiga, Young; also Senator(s) Tate, Hagedorn, Matsunaka, Perlmutter, Phillips, Reeves, Thiebaut--Concerning documents relating to abandoned children.

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

HB02-1158 by Representative(s) Crane, King, Lee, Schultheis, Snook, Williams S.; also Senator(s) McElhany--Concerning the right of the life and health insurance protection association to elect to succeed to the reinsurance contracts of an insolvent member insurer.

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

HB02-1076 by Representative(s) Madden; also Senator(s) Teck--Concerning certain prerequisites for a tax refund offset.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator McElhany, 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: **HB02-1093, HB02-1050** as amended, **HB02-1154, HB02-1121, HB02-1231, HB02-1077, HB02-1167, HB02-1223, HB02-1171, SB02-168, HB02-1311, HB02-1158, HB02-1076.**

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-028 by Senator Windels; also Representative Fairbank--Concerning the appointment of county surveyors when a vacancy occurs.

Senator Windels moved that the Senate concur in House amendments to **SB02-028**, as printed in House Journal, February 15, page 417. The motion was **passed** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

SB02-028

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

Co-sponsor added: Entz.

SB02-005

by Senator(s) Evans; also Representative(s) Larson--Concerning the regulation of motor vehicle dealers, and, in connection therewith, enhancing the penalties for unauthorized performance of acts for which a license is required and increasing the authority of investigators working for the motor vehicle dealer board.

Senator Evans moved that the Senate concur in House amendments to **SB02-005**, as printed in House Journal, March 1, page 644. The motion was **passed** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-143

by Senator(s) Owen; also Representative(s) Webster--Concerning the duties of a county treasurer, and, in connection therewith, requiring a county treasurer to address any recommendation or finding contained in an audit of the treasurer's office and to report to the board of county commissioners regarding the disposition of the recommendation or finding, subjecting a county treasurer to contempt for failure to comply with these requirements, and specifying the penalty for failure to perform the duties of a county treasurer.

Senator Owen moved that the Senate concur in House amendments to **SB02-143**, as printed in House Journal, March 7, page 752. The motion was **passed** by the following roll call vote:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-143

YES	28	NO	3	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	E	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	Musgrave	Y	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	N
Entz	Y	Isgar	N	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the committee recommends that **SB02-182** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, Page 4, before line 5, insert the following:

"SECTION 3. Appropriation. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2001, the sum of two thousand four hundred fifty dollars (\$2,450), or so much thereof may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of two thousand four hundred fifty dollars (\$2,450), or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (1) (a) of this section.

(2) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of one thousand two hundred twenty-five dollars (\$1,125), or so much thereof may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of one thousand two hundred twenty-five dollars (\$1,125), or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (2) (a) of this section."

Renumber succeeding section accordingly.

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

Appropriations

After consideration on the merits, the committee recommends that **SB02-147** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB02-083** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

SB02-083

Amend the Business, Labor, and Finance Committee Report, dated January 23, 2002, page 1, strike lines 1 to 4 and substitute the following:

"Amend printed bill, page 2, strike lines 5 through 8 and substitute the following:

"examination as authorized in section 12-23-104 (2) (i), is required as a prerequisite for renewal of a license or registration. DURING THE LICENSURE CYCLE BEGINNING IN 2003 AND THEREAFTER, TEN HOURS OF ELECTRICAL CODE CLASSES AND TWO HOURS OF TRADE-SPECIFIC SAFETY TRAINING DURING EACH LICENSURE CYCLE SHALL BE A PREREQUISITE FOR RENEWAL OF A LICENCE OR REGISTRATION. SUCH CLASSES ARE SUBJECT TO".

Appropriations

After consideration on the merits, the committee recommends that **SB02-016** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-097** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor, and Finance Committee Report, dated February 11, 2002, page 1, strike line 5 and substitute the following:

"31, 2000.

SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of eleven thousand one hundred fifty-five dollars (\$11,155), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike "STATE" and substitute "STATE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

MESSAGE FROM THE HOUSE

March 11, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-076,084, 144.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1342, amended as printed in House Journal, March 8, page 765-766. SB02-051, amended as printed in House Journal, March 8, page 765. SB02-113, amended as printed in House Journal, March 8, page 765.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB02-048.

Correctly reengrossed: SB02-001, 002.

Correctly revised: HB02-1019, 1020, 1026, 1032, 1041, 1053, 1056, 1061, 1083, 1092, 1118, 1132, 1153, 1168, 1177, 1185, 1230; HJR02-1005, 1019, 1022.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, (**SB02-182, SB02-097, SB02-016, SB02-083, SB02-103, SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101.**) were made Special Orders at 11:00 a.m

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Committee
of the
Whole

The hour of 11:00 a.m. having arrived, Senator McElhany moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders Second Reading of Bills and Senator McElhany was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB02-182 by Senator(s) Thiebaut, Hillman; also Representative(s) Paschall, Grossman--Concerning changes to borders between legislative districts due to a division of a residential parcel.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, March 8, page 426 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 11, pages 445-446 and placed in members' bill file.)

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

SB02-097 by Senator(s) Tate, Fitz-Gerald, Takis; --Concerning the provision of affordable housing in the state.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, February 14, page 235 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 11, page 446 and placed in members' bill file.)

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

SB02-016 by Senator(s) Takis, Anderson, Windels; also Representative(s) Hoppe, Snook, Veiga--Concerning screening of certain persons for mental illness.

Laid over until Monday, March 18, retaining its place on the calendar.

SB02-083 by Senator(s) Takis, Phillips; also Representative(s) Hodge, Coleman--Concerning required continuing education for electricians as a prerequisite for the renewal of a license.

Laid over until Monday, March 18, retaining its place on the calendar.

SB02-103 by Senator(s) Evans, Hillman; --Concerning improvement districts of local general purpose governments.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.
(Printed in Senate Journal, 8, pages 433-434 and placed in members' bill file.)

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

On of 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 (**SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101**) of Monday, March 11, was laid over until Monday, March 18, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator McElhany, 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: **SB02-182** as amended, **SB02-097** as amended, **SB02-103** as amended.

Laid over until Monday, March 18: **SB02-016, SB02-083, SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101.**

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MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1342 and SB02-051, and 113.

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 Monday, March 11, was laid over until Tuesday, March 12, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB02-1022, HB02-1087, HB02-1164, HB02-1111, HB02-1071, HB02-1163, HB02-1282, HB02-1305, HB02-1059.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-012, SJR02-013.**

Consideration of Memorials: **SJM02-001.**

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

Consideration of Governor's Appointments:

Statewide Poison Control Oversight Board

State Board of Agriculture

Examining Board of Plumbers

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, March 12, 2002.

Approved:

Ed Perlmutter
President Pro-tem of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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