STĂTE OF COLORADO

Second Regular Session

Twenty-first Legislative Day

Tuesday, January 29, 2002

Prayer

By Senator Epps.

Call to Order

By the President at 9:00 a.m.

Roll Call

Present--Total, 32.

Absent/Excused--Hillman, Linkhart, Perlmutter--Total, 3.

Present later--Hillman, Linkhart.

Quorum

The President announced a quorum present.

Reading of Journal

On motion of Senator Tate, reading of the Journal of Monday, January 28, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1005 and 1063.

Without comment, as amended, HB02-1048, 1013, 1053, and 1156.

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:

SB02-025

by Senator Perlmutter; also Representative Groff--Concerning the enactment of Colorado Revised Statutes 2001 as the positive and statutory law of the state of Colorado.

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

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		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		E	Windels		Y
Epps		Y	Lamborn		Y	Phillips		Y	Mr. President		Y
Evans		$\overline{\mathbf{Y}}$	Linkhart		Y	Reeves		Y			

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

SB02-045

by Senator Entz; also Representative Rippy--Concerning the reconciliation of inconsistent statutory provisions regarding the qualifications of electors for irrigation districts.

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

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		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		Е	Windels		Y
Epps		Y	Lamborn		Y	Phillips		Y	Mr. President		Y
Evans		Y	Linkhart		Y	Reeves		Y	_		

Y 64 Y 65 Y 66 Y 67 Y 68 Y 69 Y 70 Y 71 **SB02-045**

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

Co-sponsor added: Chlouber

SB02-014

by Senator Entz; also Representative Swenson--Concerning the authority of the executive director of the department of revenue to issue certificates of registration for certain commercial vehicles, and, in connection therewith, authorizing the issuance of such certificates for vehicles that are registered as part of a fleet based in Colorado, owned by a nonresident, and for which the owner obtains apportioned registration.

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

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		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		Е	Windels		Y
Epps		Y	Lamborn	·	Y	Phillips	•	Y	Mr. President		Y
Evans		Y	Linkhart		Y	Reeves	•	Y		·	

SB02-031

Anderson	Y	NO Fitz-Gerald	0	Y	EXCUSED May		Y	ABSENT Takis	0 Y
Andrews	Y	Gordon			McElhany			Tate	Y
Arnold		Hagedorn		Y			Ŷ	Taylor	Y
Cairns	Y	Hanna		Ÿ	Nichol		Ŷ	Teck	Y
Chlouber	Y	Hernandez		Y	Owen		V	Thiebaut	Y
	Y	Hillman		Y	Pascoe		Y		Y
Oyer Enta	Y			Y			E	Tupa Windels	$\frac{1}{Y}$
Entz	Y	Isgar		Y	Perlmutter		Y		Y
Epps Evans	V	Lamborn Linkhart		Y	Phillips Reeves		V	Mr. President	1
			the S	Sena		ed in t	he	affirmative, the	bill
unty for purp	oses of	establishing sa	alarie	es of	f county office	ers.		zation of Custe	
YES :	34	NO	0		EXCUSED	1		ABSENT	0
Anderson	· Y	Fitz-Gerald		Y	May		Y	Takis	Y
Andrews	Y	Gordon		Y	McElhany		Ÿ	Tate	Y
rnold	Y	Hagedorn		Y	Musgrave		Y	Taylor	Y
Cairns	Y	Hanna		Y	Nichol		Y	Teck	Y
	Y			Y	Owen		Y	Thiebaut	Y
Chlouber		Hernandez							
yer	Y	Hillman		Y	Pascoe		Y	Tupa	Y
<u>Entz</u>	Y	Isgar		Y	Perlmutter		E	Windels	Y
Epps Evans	Y	Lamborn		Y	Phillips		Y	Mr. President	Y
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SB02-023

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		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		E	Windels		Y
Epps		Y	Lamborn		Y	Phillips		Y	Mr. President		Y
Evans		Y	Linkhart		Y	Reeves		Y			

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that **SB02-049** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "SUBSECTION (2)" and substitute "SUBSECTIONS (2) OR (3)".

Page 3, after line 24, insert the following:

- "(3) NOTHING IN THIS SECTION SHALL PROHIBIT INTERNET ACCESS TO COURT RECORDS AND INFORMATION CONTAINING THE FOLLOWING:
 - (a) THE NAMES OF THE PARTIES;
 - (b) THE NAME OF ANY COUNSEL OF RECORD;
 - (c) THE TYPE OF CASE;
 - (d) THE COUNTY IN WHICH THE CASE IS FILED;
 - (e) THE CASE NUMBER OF THE CASE;
 - (f) THE JUDGE OR MAGISTRATE PRESIDING OVER THE CASE;
 - (g) THE STATUS OF THE CASE; AND
 - (h) THE SCHEDULED EVENTS FOR THE CASE.".

Judiciary

After consideration on the merits, the committee recommends that **SB02-078** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 13 and 14 and substitute the following:

- "(10) NOTWITHSTANDING ANY PROVISION OF this section does not TO THE CONTRARY, THE ONLY REQUIREMENTS THAT SHALL apply to the provision of AN INSURER IN CONNECTION WITH life insurance or individual disability insurance ARE AS FOLLOWS:
- (a) EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED OR REQUIRED BY ANOTHER SECTION OF STATE OR FEDERAL LAW, AN INSURER SHALL NOT REQUIRE THE PERFORMANCE OF OR PERFORM A GENETIC TEST WITHOUT FIRST RECEIVING THE SPECIFIC, WRITTEN, INFORMED CONSENT OF THE SUBJECT OF THE TEST WHO HAS THE CAPACITY TO CONSENT OR, IF THE PERSON SUBJECT TO THE TEST LACKS THE CAPACITY TO CONSENT, OF A PERSON AUTHORIZED BY LAW TO CONSENT ON BEHALF OF THE SUBJECT OF THE TEST. WRITTEN CONSENT SHALL BE IN A FORM PRESCRIBED BY THE COMMISSIONER.
- (b) The results of a genetic test performed pursuant to this subsection (10) are privileged and confidential and shall not be released to any person except as specifically authorized under applicable state or federal law.".

Judiciary

After consideration on the merits, the committee recommends that SB02-054 be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-007** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Karen Goldman

Secretary of the Senate

SB02-007 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Amend printed bill, page 3, line 27, strike "years." and substitute "years; EXCEPT THAT, NOTWITHSTANDING SECTION 30-10-306 (3), THE BOARD MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103 (1) BASED ON THE DIVISION OF THE STATE INTO CONGRESSIONAL DISTRICTS OR AN APPROVED PLAN FOR REAPPORTIONMENT OF THE MEMBERS OF THE GENERAL ASSEMBLY WHEN NECESSARY TO ENSURE THAT NO PRECINCT IS LOCATED IN MORE THAN ONE DISTRICT.". SENATE SERVICES REPORT Correctly printed: SB02-118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, Senate Services 164. Correctly engrossed: SB02-025, 045, 014, 031, 023. Correctly reengrossed: SB02-058, 052. 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, January 29, was laid over 26 27 until Wednesday, January 30, retaining its place on the calendar. General Orders--Second Reading of Bills: SB02-032, SB02-002, SB02-030, SB02-028, SB02-044, SB02-004, SB02-040, SB02-069, SB02-006, SB02-041, SCR02-002, SB02-28 29 30 31 32 33 34 35 074, SB02-095, SB02-072, SCR02-001. Consideration of Resolutions: HJR02-1003, SR02-005. Consideration of Governor's Appointments: Colorado Water Resources and Power Development Authority On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, January 36 37 38 39 30, 2002. Approved: 40 41 42 43 44 45 46 Stan Matsunaka President of the Senate Attest: 47