

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

Sixty-sixth Legislative Day

Friday, March 15, 2002

Prayer By the chaplain, Reverend Joseph Wheat, Village 7 Presbyterian Church,
Colorado Springs.

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

Roll Call Present--Total, 28.
Absent/Excused--Arnold, Epps, Evans, Owen, Pascoe, Perlmutter, Phillips--Total, 7.
Present later--Arnold, Evans, Owen, Pascoe.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Thursday, March 14, was
dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that **HB02-1103** be
postponed indefinitely.

Judiciary After consideration on the merits, the committee recommends that **SB02-181** be amended
as follows and, as so amended be referred to the Committee of the Whole with favorable
recommendation and with a recommendation that it be placed on the Consent Calendar.

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

"SECTION 1. 24-10-103 (4) (b), Colorado Revised Statutes, is
amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-10-103. Definitions. As used in this article, unless the context
otherwise requires:

(4) (b) "Public employee" includes any of the following:

(VI) ANY RELEASE HEARING OFFICER UTILIZED BY THE
DEPARTMENT OF CORRECTIONS AND THE STATE BOARD OF PAROLE
PURSUANT TO SECTION 17-2-217 (1), C.R.S. A RELEASE HEARING OFFICER
SHALL MAINTAIN THE STATUS OF A PUBLIC EMPLOYEE ONLY WHEN THE
RELEASE HEARING OFFICER ENGAGES IN ACTIVITIES THAT ARE WITHIN THE
COURSE AND SCOPE OF HIS OR HER RESPONSIBILITIES AS A RELEASE
HEARING OFFICER.

SECTION 2. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety."

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1144** be
amended as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 3, strike lines 2 and 3.

Re-number succeeding subsection accordingly.

Page 3, strike lines 23 through 27 and substitute the following:

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HB02-1144

"SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Strike page 4.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that HB02-1191 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 14, strike "OR CONTRACTORS"; line 18, strike "COUNSEL; AND" and substitute "COUNSEL."; strike lines 19 and 20.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that HB02-1135 be amended as follows and, as so amended be referred to Public Policy and Planning with favorable recommendation.

Amend reengrossed bill, page 5, line 16, strike "DOLLARS," and substitute "DOLLARS ANNUALLY,".

Page 6, line 8, before "PINNACOL", insert "NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO PERMIT PINNACOL ASSURANCE TO PROVIDE ANY OTHER TYPE OF INSURANCE OR TO PROVIDE INSURANCE TO EMPLOYERS THAT ARE NOT COLORADO EMPLOYERS.".

Page 9, line 16, strike "8-45-107 (1) (b)," and substitute "8-45-111,".

Page 23, after line 14, insert the following:

"(10) PINNACOL ASSURANCE SHALL NOT ACQUIRE OR CONTROL ANY OTHER INSURER."

Page 34, strike lines 8 through 27.

Page 35, strike lines 1 through 20 and substitute the following:

"8-41-203. Negligence of stranger - election of remedies - subrogation - actions - compromise. (1) If any employee entitled to compensation under articles 40 to 47 of this title is injured or killed by the negligence or wrong of another not in the same employ, such injured employee or, in case of death, such employee's dependents, before filing any claim under this article, shall elect in writing whether to take compensation under said articles or to pursue a remedy against the other person. Such election shall be evidenced in such manner as the director may by rule or regulation prescribe. If such injured employee or, in case of death, such employee's dependents elect to take compensation under said articles, the payment of compensation shall operate as and be an assignment of the cause of action against such other person to the Colorado compensation insurance authority PINNACOL ASSURANCE, THE medical disaster insurance fund, THE major medical insurance fund, or THE subsequent injury fund, if compensation is payable from said funds, and otherwise to the person, association, corporation, or insurance carrier liable for the payment of such compensation. Said insurance carrier shall not be entitled to recover any sum in excess of the amount of compensation for which said carrier is liable under said articles to the injured employee, but to that extent said carrier shall be subrogated to the rights of the injured employee against said third party causing the injury. If the injured employee elects to proceed against such other person, the Colorado compensation insurance authority fund THEN PINNACOL ASSURANCE, THE medical disaster insurance fund, THE major medical insurance fund, THE subsequent injury fund, OR SUCH OTHER person, association, corporation, or insurance carrier, as the case may be, shall contribute only the deficiency, if any, between the amount of the recovery against such other person actually collected and the compensation

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HB02-1135

provided by said articles in such case. The right of subrogation provided by this section shall apply to and include all compensation and all medical, hospital, dental, funeral, and other benefits and expenses to which the employee or the employee's dependents are entitled under the provisions of said articles, including parts 2 and 3 of article 46 of this title, or for which the employee's employer or insurance carrier is liable or has assumed liability. Nothing in this section shall be construed as limiting in any way the right of the injured employee to elect to take compensation under articles 40 to 47 of this title and also proceed against the third party causing the injury to recover any damages in excess of the subrogation rights described in this section."

Page 37, strike lines 5 and 6 and substitute the following:

"pay benefits. (1) Upon the request of".

Business, Labor, and Finance

After consideration on the merits, the committee recommends that HB02-1162 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 2, strike lines 7 and 8 and substitute the following:

"EXCEPT THAT THE SPONSOR IS IN NO WAY RESPONSIBLE FOR APPLICABLE STATE AND FEDERAL TAXES ON THE".

Health, Environment, Children & Families

After consideration on the merits, the committee recommends that HB02-1214 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Health, Environment, Children & Families

After consideration on the merits, the committee recommends that HB02-1042 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 26-2-716 (5), Colorado Revised Statutes, is amended to read:

26-2-716. County duties - appropriations - penalties - hardship extensions - domestic violence extensions - incentives. (5) ~~A county may apply for~~ COUNTY DEPARTMENTS ARE AUTHORIZED TO ADMINISTER hardship AND DOMESTIC VIOLENCE ~~exemptions~~ EXTENSIONS for needy families that have exceeded the sixty-month lifetime limit for receipt of assistance set forth in the federal law. Approval OR DENIAL of ~~such~~ hardship ~~exemptions~~ EXTENSIONS OR DOMESTIC VIOLENCE EXTENSIONS shall be ~~granted~~ DETERMINED by the ~~state department~~ COUNTY DEPARTMENTS pursuant to fair and objective criteria as established by the state board. HARDSHIP CRITERIA SHALL BE ESTABLISHED BY STATE BOARD RULES AND APPLIED TO ALL PARTICIPANTS SEEKING EXTENSIONS. ADDITIONAL REASONS FOR GRANTING HARDSHIP EXTENSIONS MAY BE DEFINED BY THE COUNTY DEPARTMENTS AND INCLUDED IN THEIR WRITTEN COUNTY PLAN. HARDSHIP OR DOMESTIC VIOLENCE EXTENSIONS MAY NOT GRANTED FOR A DURATION LONGER THAN SIX MONTHS.

(b) ALL PARTICIPANTS SHALL HAVE THE OPPORTUNITY TO REQUEST EXTENSIONS IN THEIR COUNTIES OF RESIDENCE. A PARTICIPANT WHO HAS BEEN GRANTED AN INITIAL EXTENSION MAY REQUEST ADDITIONAL EXTENSIONS PRIOR TO THE END OF THE CURRENT EXTENSION PERIOD. IF A PARTICIPANT FAILS TO REQUEST AN EXTENSION ON A TIMELY BASIS, AN EXTENSION MAY BE GRANTED IF THE PARTICIPANT DEMONSTRATES GOOD CAUSE. WHETHER GOOD CAUSE HAS BEEN ESTABLISHED SHALL BE

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HB02-1042

DETERMINED AT THE SOLE DISCRETION OF THE COUNTY DEPARTMENT AND SHALL NOT BE APPEALABLE.

(c) THE STATE DEPARTMENT SHALL SEND NOTICE TO PARTICIPANTS APPROACHING THE SIXTY-MONTH LIMIT ON LIFETIME RECEIPT OF ASSISTANCE PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE COUNTY DEPARTMENTS SHALL MAKE ALL REASONABLE EFFORTS TO CONTACT A PARTICIPANT BY PHONE OR IN PERSON TO EXPLAIN THE EXTENSION PROCESS AND TO ACCEPT A REQUEST FOR AN EXTENSION. PARTICIPANTS MAY ALSO MAKE SUCH REQUESTS IN WRITING.

(d) A PERSON WHO IS GRANTED A HARDSHIP EXTENSION OR A DOMESTIC VIOLENCE EXTENSION SHALL BE REQUIRED TO COMPLETE AN INDIVIDUAL RESPONSIBILITY CONTRACT AND SHALL BE REQUIRED TO FOLLOW ALL THE TERMS AND CONDITIONS OF THE IRC, INCLUDING THE PARTICIPATION ACTIVITIES REQUIRED OF THE PARTICIPANT AS A CONDITION OF THE EXTENSION, AS OUTLINED IN THE IRC.

(e) SANCTIONS AND TERMINATIONS PURSUANT TO SECTION 26-2-711 SHALL APPLY DURING THE PERIOD OF AN EXTENSION GRANTED PURSUANT TO THIS SECTION. PARTICIPANTS MAY APPEAL ADVERSE ACTIONS CONSISTENT WITH SECTIONS 26-2-127 AND 26-2-710.

(f) THE COUNTY DEPARTMENT SHALL HAVE THIRTY DAYS AFTER THE RECEIPT OF A REQUEST FOR AN EXTENSION TO MAKE A DECISION WHETHER TO GRANT OR DENY THE EXTENSION. WHEN GRANTING THE EXTENSION THE COUNTY DEPARTMENT SHALL SEND NOTICE OF SUCH EXTENSION TO PARTICIPANTS. THE COUNTY DEPARTMENT SHALL SEND A DENIAL NOTICE TO A PARTICIPANT WHO APPLIES FOR BUT IS DENIED A HARDSHIP EXTENSION DUE TO LACK OF AVAILABLE EXTENSIONS OR FOR ANY OTHER REASON, WHICH REASON SHALL BE INCLUDED. THE COUNTY DEPARTMENT SHALL SEND A DENIAL NOTICE TO A PARTICIPANT WHO APPLIES FOR BUT IS DENIED A DOMESTIC VIOLENCE EXTENSION, WHICH SHALL INCLUDE THE REASON FOR THE DENIAL. THE NUMBER OF DOMESTIC VIOLENCE EXTENSIONS THAT CAN BE GRANTED SHALL NOT BE RESTRICTED BY THE TWENTY-PERCENT NUMERICAL LIMIT ON HARDSHIP EXTENSIONS, PURSUANT TO FEDERAL LAW.

(g) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING THE CRITERIA FOR HARDSHIP EXTENSIONS AND FOR ESTABLISHING A SYSTEM FOR ALLOCATING THE NUMBER OF EXTENSIONS AVAILABLE FOR EACH COUNTY.

(h) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A FORMER PARTICIPANT FROM REQUESTING A HARDSHIP OR DOMESTIC VIOLENCE EXTENSION, AFTER THE LAPSE OF THE SIXTY-MONTH LIFETIME LIMIT, WHEN NEW HARDSHIP OR DOMESTIC VIOLENCE FACTORS OCCUR, TO THE EXTENT PERMISSIBLE UNDER STATE AND FEDERAL LAW.

(i) THIS SUBSECTION (5) SHALL ONLY APPLY TO PARTICIPATION IN THE COLORADO WORKS PROGRAM, AS CONTAINED IN THIS PART 7.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1291** be postponed indefinitely.

Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1206** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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MESSAGE FROM THE HOUSE

March 14, 2002

Mr. President:

The House has postponed indefinitely SB02-127. The bill is returned herewith.

 INTRODUCTION OF BILLS--FIRST READING

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

- HB02-1003** by Representative(s) Spradley, Clapp, Williams T.; also Senator(s) Hagedorn, Owen--
Concerning expanded access to health insurance.
Health, Environment, Children & Families
- HB02-1192** by Representative(s) Sinclair, Hefley, Dean, Decker, Lee, Marshall, Plant; also Senator(s)
Linkhart--Concerning the enactment of the "Citizen Participation in Government Act of
2002".
Public Policy and Planning
- HB02-1320** by Representative(s) Harvey, Paschall, Alexander, Cadman, Clapp, Crane, Fairbank, Fritz,
Lee, Mitchell, Rhodes, Schultheis; also Senator(s) May, Lamborn, Musgrave, Andrews,
Hillman--Concerning the prohibition of discrimination against employees based upon
labor union participation.
Business, Labor, and Finance
- HB02-1350** by Representative(s) Young, Kester, Miller; also Senator(s) Taylor--Concerning the terms
of the lease agreement for the Towner railroad line.
Agriculture and Natural Resources
- HB02-1354** by Representative(s) Cloer, Jahn, Dean, Fairbank, Stengel; also Senator(s) Takis,
Thiebaut--Concerning distributions to purse funds from pari-mutuel wagering receipts on
simulcast races.
Business, Labor, and Finance

 COMMITTEE OF REFERENCE REPORTS

- Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1179** be
amended as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 3, strike lines 6 through 14.

Renumber succeeding sections accordingly.
- Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1089** be referred
favorably to the Committee of the Whole.
- Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1217** be referred
to the Committee of the Whole with favorable recommendation 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 **HB02-1100** be
postponed indefinitely.
- Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1258** be
amended as follows and, as so amended be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, strike lines 13 through 17 and substitute
the following:

HB02-1258

"(I) A POLICE REPORT THAT ALLEGES THAT A PERSON OTHER THAN THE CONSUMER OBTAINED OR RECORDED, BY MEANS OF FRAUD, THEFT, OR OTHER VIOLATION OF THE "COLORADO CRIMINAL CODE", PERSONAL IDENTIFYING INFORMATION OF THE CONSUMER".

Page 3, line 18, strike "WRITING." and substitute "WRITING AND PRESENTS PROOF OF THE CONSUMER'S IDENTITY.";

line 19, strike "IN" and substitute "A CONSUMER REPORTING AGENCY SHALL DECLINE TO BLOCK OR SHALL RESCIND ANY BLOCK OF CONSUMER INFORMATION IF, IN";

line 22, after the period, add "AND THE CONSUMER PROVIDES SUCH DOCUMENTATION FROM THE COURT AND PROOF OF THE CONSUMER'S IDENTITY.".

Page 4, after line 4, insert the following:

"(4) THIS SECTION DOES NOT APPLY TO A CONSUMER REPORTING AGENCY THAT ACTS AS A RESELLER OF INFORMATION BY ASSEMBLING AND MERGING INFORMATION CONTAINED IN THE DATA BASE OF ONE OR MORE OTHER CONSUMER REPORTING AGENCIES AND THAT DOES NOT MAINTAIN A DATA BASE OF THE ASSEMBLED OR MERGED INFORMATION FROM WHICH NEW CONSUMER REPORTS ARE PRODUCED.".

Page 7, after line 14, insert the following:

"SECTION 5. Effective date. This act shall take effect July 1, 2002.".

Renumber succeeding section accordingly.

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:

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

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

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

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

YES	24	NO	6	EXCUSED	5	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	E	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	E	Lamborn	Y	Phillips	E	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, Hagedorn, Hanna, Isgar, Linkhart, Matsunaka, Nichol, Pascoe, Reeves, Thiebaut, Tupa, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar (**HB02-1057, HB02-1169, SB02-169**) of Friday, March 15, was laid over until Monday, March 18, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB02-179** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 5, line 9, strike "24-77-103 (2) (b) (II.5) (C);" and substitute "24-77-103 (2) (b) (II.5);";

line 26, strike "24-77-103 (2) (b) (II.5) (C);" and substitute "24-77-103 (2) (b) (II.5);".

Page 7, line 10, after "**spending**", insert " - **transfers of general fund revenues to growth dividend funds and highway users tax fund**".

Page 10, line 24, strike "USED IN CALCULATING THE PERCENTAGE OF";

line 25, strike "ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING";

line 27, strike "BASED UPON" and substitute "CALCULATED WITH A PERCENTAGE OF ALLOWABLE INCREASE IN STATE FISCAL YEAR SPENDING THAT INCLUDES".

Page 11, line 8, strike "UNUSED";

strike lines 12 and 13 and substitute the following:

"THE IMMEDIATELY SUBSEQUENT FISCAL YEAR EXCEEDS THE";

line 15, strike "FIRST, TO THE GREATEST EXTENT";

line 16, strike "POSSIBLE," and substitute "FIRST";

line 20, after the second "YEAR", insert "TO THE GREATEST EXTENT POSSIBLE".

Page 12, line 5, strike "REMAINING" and substitute "THAT REMAINS UNUSED";

line 11, after "FOR", insert "THE NEXT FISCAL YEAR FOLLOWING";

after line 24, insert the following:

"(D) FOR THE FIRST FISCAL YEAR FOR WHICH THE AMOUNT OF THE LIMITATION ON STATE FISCAL YEAR SPENDING EXCEEDS THE AMOUNT THAT WOULD HAVE BEEN THE AMOUNT OF THE LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE FISCAL YEAR ABSENT ADJUSTMENTS MADE TO THE LIMITATION PURSUANT TO SUB-SUBPARAGRAPHS (A) AND (b) OF THIS SUBPARAGRAPH (II.5) BY ONE HUNDRED MILLION DOLLARS OR MORE, AND FOR EACH SUCCEEDING FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER GENERAL FUND REVENUES TO THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND CREATED IN SECTION 24-75-1201, THE GROWTH DIVIDEND TRANSPORTATION FUND CREATED IN SECTION 24-75-1202, AND THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201, C.R.S., IN AMOUNTS SUFFICIENT TO ENSURE THAT THE TOTAL AMOUNT OF GENERAL FUND REVENUES TRANSFERRED TO SUCH FUNDS PURSUANT TO THIS SUB-SUBPARAGRAPH (D) AND SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (II.5) FOR EACH FISCAL YEAR IS NO LESS THAN ONE HUNDRED MILLION DOLLARS. FIFTY PERCENT OF THE GENERAL FUND REVENUES TRANSFERRED PURSUANT TO THIS SUB-SUBPARAGRAPH (D) SHALL BE TRANSFERRED TO THE GROWTH DIVIDEND CAPITAL CONSTRUCTION AND RAINY DAY FUND, TWENTY-FIVE PERCENT OF THE GENERAL FUND REVENUES SHALL BE TRANSFERRED TO THE GROWTH DIVIDEND TRANSPORTATION FUND, AND TWENTY-FIVE PERCENT OF THE GENERAL FUND REVENUES SHALL BE TRANSFERRED TO THE HIGHWAY USERS TAX FUND."

Page 13, line 19, strike "refunded." and substitute "refunded, IN EACH SUCCEEDING FISCAL YEAR FOR WHICH EXCESS STATE REVENUES ARE REQUIRED TO BE REFUNDED TO THE EXTENT NECESSARY TO ENSURE THAT THE FULL AMOUNT OF THE OVER-REFUND IS RECOUPED BY THE STATE IN

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SB02-179

THE EARLIEST FISCAL YEARS POSSIBLE."

Page 15, after line 22, insert the following:

"(5) THE QUESTION SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL NOT OBLIGATE ANY FUNDS OF THE DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT."

Page 16, line 13, strike "law," and substitute "law.";

strike lines 14 through 16 and substitute the following:

"percent."

Page 17, strike lines 2 through 5 and substitute the following:

"by law. ~~multiplied by one hundred five percent.~~";

line 20, strike "law," and substitute "law.";

strike lines 21 through 23 and substitute the following:

"~~multiplied by one hundred five percent.~~"

Page 24, line 15, strike "AMONG THE FIFTEEN REGIONAL TRANSPORTATION PLANNING";

strike lines 16 through 19 and substitute the following:

"AMONG:

(I) REGIONAL PLANNING COMMISSIONS, AS DEFINED IN SECTION 43-1-1102 (5), RESPONSIBLE FOR TRANSPORTATION PLANNING REGIONS, AS DEFINED IN SECTION 43-1-1102 (8), THAT SERVE RURAL AND SMALL URBAN AREAS WITH POPULATIONS OF TWO HUNDRED THOUSAND OR LESS, AS DETERMINED BY THE UNITED STATES DEPARTMENT OF COMMERCE AND THE UNITED STATES BUREAU OF THE CENSUS; AND

(II) METROPOLITAN PLANNING ORGANIZATIONS, AS DEFINED IN SECTION 43-1-1102 (4), RESPONSIBLE FOR TRANSPORTATION PLANNING REGIONS, AS DEFINED IN SECTION 43-1-1102 (8), THAT INCLUDE BOTH THE METROPOLITAN AREA OF A METROPOLITAN PLANNING ORGANIZATION AND ADDITIONAL RURAL OR SMALL URBAN AREAS WITH POPULATIONS OF TWO HUNDRED THOUSAND OR LESS. SUCH MONEYS SHALL BE USED ONLY FOR TRANSPORTATION PROJECTS IN SUCH ADDITIONAL RURAL OR SMALL URBAN AREAS.";

line 24, strike "TO THE REGIONAL";

line 25, strike "TRANSPORTATION PLANNING COMMISSIONS".

Page 25, line 4, strike "TO THE REGIONAL TRANSPORTATION PLANNING";

strike lines 5 through 7 and substitute the following:

"BASED ON THE POPULATION OF EACH TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND THE POPULATION OF RURAL OR SMALL URBAN AREAS OUTSIDE THE METROPOLITAN AREA OF EACH METROPOLITAN PLANNING ORGANIZATION RESPONSIBLE FOR A TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3), BOTH AS DETERMINED BY THE UNITED STATES DEPARTMENT OF COMMERCE AND THE UNITED STATES BUREAU OF THE CENSUS.";

line 12, after "REGION", insert "TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3) AND IN THE RURAL OR SMALL URBAN AREAS OUTSIDE THE METROPOLITAN AREA OF EACH METROPOLITAN PLANNING ORGANIZATION

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SB02-179

RESPONSIBLE FOR A TRANSPORTATION PLANNING REGION TO WHICH MONEYS ARE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (3)";

line 14, after "COMMISSION", insert "OR METROPOLITAN PLANNING ORGANIZATION".

Page 26, line 4, strike "24-77-103 (2) (b) (II.5) (C)," and substitute "24-77-103 (2) (b) (II.5),";

line 23, strike "(b) (II.5) (C)," and substitute "(b) (II.5),".

Page 30, line 9, strike "43-4-810," and substitute "43-4-811,";

line 20, after the second "THE", insert "ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT,";

strike line 27.

Page 31, strike lines 1 and 2 and substitute the following:

"THE TRANSPORTATION COMMISSION SHALL DESIGNATE A STATE TOLL HIGHWAY AND MONEYS IN THE SPECIAL FUND THAT ARE DERIVED FROM TOLLS SHALL ONLY BE EXPENDED TO FUND THE ADMINISTRATION, PLANNING, DESIGN, DEVELOPMENT, FINANCING,".

Page 33, line 13, strike "To" and substitute "SUBJECT TO THE REQUIREMENTS OF SECTION 43-4-806, TO".

Page 37, after line 2, insert the following:

"43-4-806. Requirement of voter approval for tolls. (1) THE BOARD SHALL NOT HAVE THE AUTHORITY TO IMPOSE TOLLS FOR THE PRIVILEGE OF USING ANY PARTICULAR TOLL HIGHWAY UNLESS THE BOARD HAS SUBMITTED, TO A VOTE OF THE REGISTERED ELECTORS OF ALL MUNICIPALITIES AND COUNTIES THAT THE TOLL HIGHWAY PASSES THROUGH OR WILL PASS THROUGH, A BALLOT QUESTION SEEKING AUTHORIZATION FOR THE BOARD TO IMPOSE THE TOLLS AND A MAJORITY OF THE REGISTERED ELECTORS VOTING THEREON HAVE VOTED AFFIRMATIVELY ON THE BALLOT QUESTION.

(2) (a) A BALLOT QUESTION IMPOSED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL SPECIFY:

(I) THE MAXIMUM RATE OF ANY TOLL TO BE IMPOSED;

(II) THE MAXIMUM PERIOD FOR WHICH ANY TOLL IS TO BE IMPOSED;

(III) THE ESTIMATED TOTAL AMOUNT OF REVENUES TO BE GENERATED BY ALL TOLLS TO BE IMPOSED;

(IV) A DESCRIPTION OF THE TOLL HIGHWAY TO BE CONSTRUCTED, OPERATED, OR MAINTAINED WITH REVENUES FROM ANY TOLL THAT IS TO BE IMPOSED; AND

(V) THE MANNER IN WHICH TOLL REVENUES WILL BE EXPENDED, INCLUDING ANY PLAN TO USE TOLL REVENUES TO PAY OFF BONDS.

(b) THE BOARD MAY ADJUST TOLL RATES AND IMPOSITION PERIODS AT ITS DISCRETION SUBJECT TO THE MAXIMUM RATE AND MAXIMUM IMPOSITION PERIODS APPROVED BY THE VOTERS.

(3) THE BOARD MAY SUBMIT A BALLOT QUESTION PURSUANT TO SUBSECTION (1) OF THIS SECTION AT ANY GENERAL ELECTION. THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE QUESTION IS TO BE SUBMITTED SHALL BE THE DESIGNATED ELECTION OFFICIAL AND THE ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992", ARTICLES 1 THROUGH 13 OF TITLE 1, C.R.S.

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SB02-179

(4) FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, A TOLL IMPOSED BY THE AUTHORITY IS A FEE AND NOT A TAX. THE VOTER APPROVAL REQUIREMENTS OF THIS SECTION ARE INDEPENDENT OF, AND NOT REQUIRED BY, THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND SHALL NOT AFFECT THE STATUS OF THE AUTHORITY AS AN ENTERPRISE."

Renumber succeeding C.R.S. sections accordingly.

Page 47, strike lines 8 through 18 and substitute the following:

"SECTION 16. Effective date. (1) This act shall take effect upon passage; except that:

(a) Sections 1, 2, 12, and 13 of this act shall take effect July 1, 2002;

(b) Section 7 of this act shall take effect July 1, 2002, and shall take effect on said date only if House Bill 02-1209 is enacted at the second regular session of the sixty-third general assembly;

(c) Sections 8 and 15 of this act shall take effect July 1, 2002, and shall take effect on said date only if the voters approve an increase in the sales tax levied by the regional transportation district to fund the FasTracks project at the 2002 general election.

SECTION 17. Applicability. Sections 3 of this act shall apply to amounts refunded in fiscal years commencing on or after July 1, 2002."

Renumber succeeding section accordingly.

Education

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

BOARD OF TRUSTEES FOR THE UNIVERSITY OF NORTHERN COLORADO

for a term expiring June 30, 2003:

Marjorie Alice Kadlub of Windsor, Colorado, to fill the vacancy occasioned by the resignation of Christine Kadlub, appointed;

for terms expiring June 30, 2005:

Richard Lee Monfort of Greeley, Colorado, reappointed.

Gilbert Carbajal, Ph. D. of Fort Collins, Colorado, appointed.

Education

After consideration on the merits, the committee recommends that **HB02-1165** be referred favorably to the Committee on Appropriations.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1290** be amended as follows and, as so amended be referred to the Committee on Judiciary with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 3 and 4 and substitute the following:

"Statutes, are amended to read:"

Page 5, line 7, after "APPROPRIATED", insert "TO THE DEPARTMENT OF CORRECTIONS";

strike lines 10 through 26.

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HB02-1290

Page 6, line 3, after "sentence", insert "WITHOUT THE POSSIBILITY OF PAROLE";

strike line 10;

line 12, strike "instruction. or" and substitute "instruction; or";

strike lines 13 and 14 and substitute the following:

"(VII) Fails to make "positive progress". ~~after a minimum of twenty hours.~~".

Committee
of the
Whole

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

GENERAL 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:

HB02-1022

by Representative(s) Johnson, Alexander; also Senator(s) Linkhart--Concerning annual redeterminations of adoption assistance for children with special needs.

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

HB02-1087

by Representative(s) Johnson; also Senator(s) Taylor--Concerning the provision of temporary veterinary services at racing operations.

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

HB02-1111

by Representative(s) White; also Senator(s) Nichol--Concerning the terms of future advances secured by mortgages.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, March 6, page 407 and placed in members' bill file.)

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

HB02-1071

by Representative(s) Miller; also Senator(s) Teck--Concerning the standard a government agency must meet in order to use driver's license image technology.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 6, page 410 and placed in members' bill file.)

Amendment No. 2(L.008), by Senator Gordon.

Amend the Judiciary Committee Report, dated March 5, 2002, page 1, line 9, strike "IDENTITY.;" and substitute "IDENTITY. NOTHING IN THIS SUB-SUBPARAGRAPH (B) SHALL BE CONSTRUED TO PROHIBIT THE DEPARTMENT FROM ASCERTAINING AN APPLICANT'S CORRECT IDENTITY UPON APPLICATION FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD.;"

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

HB02-1282

by Representative(s) Berry, Smith; also Senator(s) Teck--Concerning modifications to the home- and community-based services program for persons with brain injury.

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

HB02-1059

by Representative(s) Marshall; also Senator(s) Teck--Concerning modifications to the state income tax credit available to Colorado taxpayers who make monetary contributions to a specified higher education institute, and, in connection therewith, clarifying the amount of the credit that may be claimed, requiring submission of certain documentation when claiming the credit, delaying the applicability of the credit for one year, and correcting the name of the institute to which contributions are to be made in order to qualify for the credit.

- 1 **HB02-1059** Ordered revised and placed on the calendar for Third Reading and Final Passage.
- 2
- 3 **HB02-1280** by Representative(s) Rhodes; also Senator(s) Taylor, Fitz-Gerald--Concerning the
- 4 prohibition of the regulation of banking by a political subdivision.
- 5
- 6 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- 7
- 8 **HB02-1181** by Representative(s) Romanoff, Stafford; also Senator(s) Thiebaut--Concerning statutory
- 9 modifications related to the education of homeless children to comply with federal law.
- 10
- 11 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- 12
- 13 **HB02-1305** by Representative(s) Williams S., Veiga, White, Hefley; also Senator(s) Gordon,
- 14 Anderson, Owen--Concerning expansion of the definition of the crime of abuse of health
- 15 care insurance, and, in connection therewith, adding the elimination of the need for
- 16 payment by a patient of any required financial penalty applicable in the patient's health
- 17 benefit plan to the list of ways that a person who provides health care may commit abuse
- 18 of health insurance.
- 19
- 20 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- 21
- 22 (For further action, see Amendments to the Committee of the Whole Report.)
- 23
- 24 On motion of Senator Thiebaut, and with a majority of those elected to the Senate having
- 25 voted in the affirmative, the balance of the General Orders--Second Reading of Bills
- 26 Calendar (**HB02-1078, HB02-1208, HB02-1211, HB02-1250, HB02-1164, HB02-1163**)
- 27 of Friday, March 15, was laid over until Monday, March 18, to follow **HB02-1131**,
- 28 retaining its place on the calendar.
- 29

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

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- 33 **HB02-1305** by Representative(s) Williams S., Veiga, White, Hefley; also Senator(s) Gordon,
- 34 Anderson, Owen--Concerning expansion of the definition of the crime of abuse of health
- 35 care insurance, and, in connection therewith, adding the elimination of the need for
- 36 payment by a patient of any required financial penalty applicable in the patient's health
- 37 benefit plan to the list of ways that a person who provides health care may commit abuse
- 38 of health insurance.
- 39
- 40 Senator Gordon moved to amend the Report of the Committee of the Whole to show that
- 41 the following Gordon floor amendment, (L.006) to HB 02-1305, did pass.
- 42
- 43 Amend reengrossed bill, page 2, after line 6, insert the following:
- 44
- 45 **"SECTION 2. Effective date - applicability.** This act shall take
- 46 effect upon passage, and shall apply to abuses of health insurance
- 47 committed on or after said date."
- 48
- 49 Renumber succeeding section accordingly.
- 50
- 51 A majority of all members elected to the Senate having voted in the affirmative, the
- 52 amendment was declared **adopted**.
- 53

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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57 On motion of Senator Pascoe, the Report of the Committee of the Whole was adopted and,

58 a majority of all members elected to the Senate having voted in the affirmative, the

59 following action was taken:

60

61 Passed on Second Reading: **HB02-1022, HB02-1087, HB02-1111** as amended, **HB02-**

62 **1071** as amended, **HB02-1282, HB02-1059, HB02-1280, HB02-1181, HB02-1305** as

63 amended.

64 Laid over until Monday, March 18: **HB02-1078, HB02-1208, HB02-1211, HB02-1250,**

65 **HB02-1164, HB02-1163.**

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March 15, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1028, as printed in House Journal, March 12, page 801-802.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1028 by Representative(s) Romanoff, Alexander, Coleman, Lawrence, Mace, Sanchez, Stafford, Stengel, Veiga, Williams S.; also Senator(s) Pascoe--Concerning recognition of the seventieth anniversary of the University of Denver Graduate School of Social Work.

Senator Pascoe moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and Immediate Consideration granted.

On motion of Senator Pascoe, the Resolution was read at length and **adopted** by the following roll call vote:

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

Co-sponsors added: The present roll call of the Senate.

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, and
Finance

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

STATE ELECTRICAL BOARD

for a term expiring July 1, 2002:

Douglas J. Tamminga of Bailey, Colorado, to fill the vacancy occasioned by the resignation of Peter C. Kautza and to serve as a general contractor actively engaged in the building industry, appointed;

for terms expiring July 1, 2004:

David B. Wynkoop of Littleton, Colorado, to serve as a representative of an electrical utility that renders electric service to the ultimate public, appointed;

Gregory D. Hall of Longmont, Colorado, to serve as an electrical contractor, reappointed.

Business,
Labor, and
Finance

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO LOTTERY COMMISSION

for a term effective July 1, 2001 and expiring July 1, 2005:

Stephen A. Hess of Colorado Springs, Colorado, to serve as an attorney and as a Republican, appointed.

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Agriculture and Natural Resources

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for a term expiring November 1, 2002:

Margaret M. Christiansen of Westminster, Colorado, to serve as a Republican from the Second Congressional District, appointed.

for terms expiring November 1, 2005:

Loren R. Whittemore of Rush, Colorado, to serve as a representative from the Fifth Congressional District and as a Republican, appointed;

Vince L. Vigil of Pueblo, Colorado, to serve as a representative from the Third Congressional District with expertise in finance through management-level experience in banking and as a Democrat, reappointed;

Raeana J. Wadhams of Pueblo, Colorado, to serve as a resident of the county in which the Colorado state fair and industrial exposition is held and as a Democrat, appointed.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB02-1091** be amended as follows and, as so amended be referred to the Committee on Judiciary with favorable recommendation.

Amend reengrossed bill, page 16, after line 1, insert the following:

"SECTION 11. 33-6-115.5 (3), Colorado Revised Statutes, is amended to read:

33-6-115.5. Hunting, trapping, and fishing - intentional interference with lawful activities. (3) Any person who violates this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not less than ~~one~~ FIVE hundred dollars nor more than ~~five hundred~~ ONE THOUSAND dollars and an assessment of twenty license suspension points."

Renumber succeeding sections accordingly.

Page 25, line 7, strike "(3) and" and substitute "(1) (a) (IV), (3), and";

strike lines 8 and 9 and substitute the following:

"are amended, and the said section 33-13-108 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

33-13-108. Prohibited vessel operations. (1) (a) No person shall operate or give permission for the operation of a vessel:

(IV) In a manner that violates any rule promulgated by the board for safe use and operation of vessels; OR

(V) UPON OR OVER PRIVATE PROPERTY FOR THE PURPOSES OF HUNTING OR FISHING WITHOUT AUTHORIZATION FROM THE PROPERTY OWNER.

(3) It is unlawful for".

Page 36, after line 17, insert the following:

SECTION 52. 33-32-109 (1) (f) and (1) (g), Colorado Revised Statutes, are amended, and the said 33-32-109 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

33-32-109. Denial, suspension, or revocation of license - disciplinary actions. (1) The board may deny, suspend, or revoke a river outfitter license, place a licensed river outfitter on probation, or

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HB02-1091

issue a letter of admonition to a licensed river outfitter if the applicant or holder:

(f) Violates section 33-32-105.5 (1) by employing any person as a guide who fails to meet the requirements of such section; ~~or~~

(g) Violates any order of the division or board or any other provision of this article or any regulations established under this article; OR

(h) VIOLATES SECTIONS 33-6-116 (1) OR 33-13-108 (1) (a) THREE OR MORE TIMES WITHIN FIVE YEARS WHILE ACTING AS A RIVER OUTFITTER OR GUIDE; EXCEPT THAT SUCH ACTION BY THE BOARD SHALL COMPLY WITH SECTION 24-5-101, C.R.S."

Renumber succeeding sections accordingly.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB02-1084** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 2, strike "(b) and (5)," and substitute "(b),";

line 6, strike "~~ten~~ ELEVEN" and substitute "~~ten~~ NINE";

line 8, strike "~~two~~ THREE" and substitute "two";

line 9, strike "public at large" and substitute "~~public at large~~ STATE AT LARGE";

strike line 16 and substitute "five districts.";

strike line 17;

line 18, strike "VOTING MEMBERS.".

Page 3, strike lines 5 through 8 and substitute the following:

"commission shall be four years; EXCEPT THAT, COMMENCING MARCH 1, .2004, AND EVERY";

line 9, strike "THREE" and substitute "ONE";

line 10, strike "MEMBERS" and substitute "MEMBER";

line 24, strike "~~two~~ THREE" and substitute "two".

Page 4, strike lines 3 and 4;

after line 13, insert the following:

"SECTION 3. Effective date. This act shall take effect March 1, 2004."

Renumber succeeding section accordingly.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB02-1186** be referred favorably to the Committee on Appropriations.

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MESSAGE FROM THE HOUSE

March 15, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1366,1367,1368,1369,1370,1371,1372,1373,1374,1375,1376,1377,1378,1379, 1381, 1382,1383,1384,1385,1386,1387,1388,1389,1390,1392,1393,1394.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1380, amended as printed in House Journal, March 14, page 847.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1391, amended as printed in House Journal, March 14, page 847, and amended on Third Reading as printed in House Journal, March 15.)

The House has postponed indefinitely SB02-091, and 095. The bills are returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1392, 1393, and 1394.

Without comment, as amended, HB02-1380, and 1391.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SJR02-012, 014.

Correctly reengrossed: SB02-011, 168.

Correctly rerevised: HB02-1132, 1168.

Correctly enrolled: SB02-028, 037, 076, 084, 105, 107, 140, 143, 144.

To the Governor for signature on Thursday, March 14, 2002, at 3:30 p.m.: SB02-028, SB02-037, SB02-076, SB02-084, SB02-105, SB02-107, SB02-140, SB02-143, SB02-144.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB02-005; HB02-1032, 1056, 1118, 1230, 1171.**

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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Fitz-Gerald, the following Governor's appointments were confirmed by a roll call vote:

COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for terms expiring June 1, 2002:

Sarah Louise MacQuiddy of Greeley, Colorado, to serve as a representative of the destination marketing industry, appointed;

William A. Jensen of Vail, Colorado, to serve as a representative of the ski industry, appointed;

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Kathy Palmeri of Estes Park, Colorado, to serve as a representative of the other outdoor recreation industries, appointed;

for terms expiring June 1, 2003:

Robert B. Hahn of Denver, Colorado, to serve as a representative of the food, beverage and restaurant industry, appointed;

John Everett Thomas of Westminster, Colorado, to fill the vacancy occasioned by the resignation of Kristi Nelson Cohen and to serve as a representative of tourism-related transportation industries, appointed.

for terms expiring June 1, 2004:

Douglas L. Jones of Denver, Colorado, to serve as an at large representative of the tourism industry, appointed;

Nancy E. Lewis of Colorado Springs, Colorado, to serve as a representative of the tourism-related retail industry, appointed;

Stephen J. Szapor, Jr. of Highlands Ranch, Colorado, to serve as a representative of private travel attractions and casinos, appointed;

for terms expiring June 1, 2005:

Andre A. Gutierrez of Colorado Springs, Colorado, to serve as an at large member from a tourism-based industry, appointed.

Eugene L. Dilbeck of Denver, Colorado, to serve as a representative of cultural event and facility groups, reappointed.

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

On motion of Senator Pascoe, the following Governor's appointments were confirmed by a roll call vote:

TEACHER DEVELOPMENT ADVISORY COUNCIL

for a term expiring July 1, 2002:

Crystal G. Madrid of Weldona, Colorado, to fill the vacancy occasioned by the resignation of Judy P. Weaver of Pueblo, Colorado, to serve as a member of a school district board of education who is a leader in education reform, appointed;

for a term expiring July 1, 2004:

Barbara L. Camerlo of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of Francis E. Salazar of Pueblo, Colorado, to serve as a principal who is a leader in education reform from a school in a rural area, appointed.

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

READ-TO-ACHIEVE BOARD

for a term expiring July 1, 2002:

Karen L. LeFever of Littleton, Colorado, to fill the vacancy occasioned by the resignation of John R. Youngquist, to serve as an elementary school principal and as a Republican, appointed;

for a term expiring July 1, 2003:

Lynn Johnson of Lakewood, Colorado, to serve as a parent of a child in second grade and as a Republican, appointed.

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

STATE BOARD FOR COMMUNITY COLLEGES
AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2002:

Leonel B. Silva of Centennial, Colorado, to fill the vacancy occasioned by the resignation of Lee Elwood Gillis and to serve as a Democrat from the Fourth Congressional District, appointed.

for a term expiring July 1, 2004:

Andrew B. Wyatt of Lamar, Colorado, to fill the vacancy occasioned by the resignation of William T. Martin and to serve as a Republican from the Fourth Congressional District, appointed.

for terms expiring July 1, 2005:

Patricia A. Erjavec of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, appointed;

Barbara F. McKellar of Castle Rock, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.

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

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1366 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of agriculture.
Appropriations

HB02-1367 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental to the department of corrections.
Appropriations

HB02-1368	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of education. Appropriations	1 2 3 4
HB02-1369	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. Appropriations	5 6 7 8 9
HB02-1370	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. Appropriations	10 11 12 13
HB02-1371	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of higher education. Appropriations	14 15 16 17
HB02-1372	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of human services. Appropriations	18 19 20 21
HB02-1373	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the judicial department. Appropriations	22 23 24 25
HB02-1374	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of labor and employment. Appropriations	26 27 28 29
HB02-1375	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of law. Appropriations	30 31 32 33
HB02-1376	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the legislative department. Appropriations	34 35 36 37
HB02-1377	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of local affairs. Appropriations	38 39 40 41
HB02-1378	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of military affairs. Appropriations	42 43 44 45
HB02-1379	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of natural resources. Appropriations	46 47 48 49
HB02-1380	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of personnel. Appropriations	50 51 52 53
HB02-1381	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of public health and environment. Appropriations	54 55 56 57
HB02-1382	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of public safety. Appropriations	58 59 60 61
HB02-1383	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of regulatory agencies. Appropriations	62 63 64 65
HB02-1384	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of revenue. Appropriations	66 67 68 69
HB02-1385	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of state. Appropriations	70 71 72

- HB02-1386**

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

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- HB02-1387**

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

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- HB02-1388**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning funding for capital construction, and making supplemental appropriations in connection therewith.
 Appropriations

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- HB02-1389**

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

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- HB02-1390**

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

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- HB02-1391**

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, and, in connection therewith, providing for the subsequent restoration of certain moneys transferred for such augmentation of the general fund.
 Appropriations

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- HB02-1392**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning the use of moneys in the unclaimed property trust fund, and making an appropriation in connection therewith.
 Appropriations

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- HB02-1393**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a reduction in the amount of the general fund appropriation for the 2001-02 state fiscal year required to be made to be in compliance with the maintenance of effort requirement in section 17 of article IX of the Colorado constitution, and, in connection therewith, specifying the amount of the general fund appropriation for the 2002-03 state fiscal year required to be made to be in compliance with the maintenance of effort requirement in section 17 of article IX of the Colorado constitution and to offset the impact of said reduced general fund appropriation on the long-term solvency of the state education fund.
 Appropriations

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- HB02-1394**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning modifications to the designation of state moneys to constitute the state emergency reserve for the 2001-02 state fiscal year.
 Appropriations

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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 Friday, March 15, was laid over until Monday, March 18, retaining its place on the calendar.

- Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-007.**
- Consideration of Memorials: **SJM02-001.**
- Consideration of House Amendments to Senate Bills: **SB02-051, SB02-113.**
- Consideration of Governor's Veto: **SB02-108.**

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On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 18, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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