

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

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Thirty-fourth Legislative Day

Monday, February 11, 2002

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

Call to Order By the President at 8:30 a.m.

Roll Call Present--Total, 29  
Absent/Excused--Cairns, Entz, Evans, Lamborn, Musgrave, Perlmutter--Total 6.  
Present later--Cairns, Entz, Lamborn, Musgrave, Perlmutter.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator McElhany, reading of the Journal of Friday, February 8, was dispensed with and the Journal was approved as corrected by the Secretary.

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**INTRODUCTION OF RESOLUTIONS**

The following resolution was read by title:

**HJR02-1014** by Representative(s) Hoppe, Alexander, Fritz, Hodge, Kester, Miller, Rippy, Snook, Spradley, Webster, White; also Senator(s) Isgar, Hillman, Taylor--Concerning passage of the "Farm Security Act of 2001" and the Farm Bill currently under consideration in the United States Senate, and, in connection therewith, removal of the Reid Amendment from said bill.

Laid over one day under Senate Rule 30(e).

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**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:

**SB02-036** by Senator Fitz-Gerald; also Representative Lee--Concerning the assessment of public service fees.

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

YES	25	NO	6	EXCUSED	2	ABSENT	2
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	A	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	N	Lamborn	A	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

**SB02-091** by Senator Isgar; also Representative Larson--Concerning the requirement that personal injury protection motor vehicle insurance coverage include a living expense benefit for persons participating in rehabilitative occupational training programs.

Laid over until later in the day.

**SB02-092** by Senator Isgar; also Representative Larson--Concerning the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.

Laid over until later in the day.

**SB02-051**

by Senator Windels; also Representative Spence--Concerning changing the charter school application deadline.

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

YES	31	NO	0	EXCUSED	2	ABSENT	2
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	A	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	A	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

**SB02-076**

by Senator Taylor; also Representative Cloer--Concerning the authority to increase the assessment capacity of the Colorado guaranty fund from one percent to two percent to cover claims of insolvent member insurers.

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

YES	31	NO	0	EXCUSED	2	ABSENT	2
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	A	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	A	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

**SB02-026**

by Senator Nichol; also Representative Cadman--Concerning death and disability benefits for members of the statewide death and disability plan for police officers and firefighters.

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

YES	31	NO	0	EXCUSED	2	ABSENT	2
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	A	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	A	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Chlouber, Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, Phillips, Tate, Taylor, Teck, Tupa, Windels.

**SB02-084**

by Senator Takis; also Representative Hodge--Concerning real property subject to judicial process.

Laid over until later in the day.

**SB02-020**

by Senator Gordon; also Representative Mitchell--Concerning a prohibition against the examination of confidential communications made by a minor child to a parent and, in connection therewith, creating exceptions to the prohibition.

Laid over until later in the day.

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<b>SB02-055</b>	by Senator Perlmutter; also Representative Madden--Concerning limitations on the total amount of disability benefits payable under the "Workers' Compensation Act of Colorado".	1 2 3 4
	Laid over until later in the day.	5 6 7
	On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Third Reading--Final Passage of Bills Calendar ( <b>SB02-091, SB02-092, SB02-084, SB02-020, SB02-055</b> ) of Monday, February 11, was laid over until later in the day, retaining its place on the calendar.	8 9 10 11 12
<b>CHANGE TO THE GENERAL ORDERS--SECOND READING OF BILLS-- CONSENT CALENDAR</b>		
<b>SB02-054</b>	by Senator Phillips; also Representative Spence--Concerning sources of information for the master juror list.	13 14 15 16
	Upon request of Senator Phillips, <b>SB02-054</b> was removed from the February 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, February 12.	17 18 19 20 21 22 23
Committee of the Whole	On motion of Senator Hernandez, the Senate resolved itself into the Committee of the Whole for consideration of General Orders and Senator Hernandez was called to the Chair to act as Chairman.	24 25 26 27 28
<b>GENERAL ORDERS--SECOND READING OF BILLS-- CONSENT CALENDAR</b>		
	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:	29 30 31 32 33 34
<b>SB02-005</b>	by Senator Evans; also Representative 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.	35 36 37 38 39 40
	<u>Amendment No. 1, Business, Labor, and Finance Committee Amendment.</u> (Printed in Senate Journal, February 6, page 177-178 and placed in members' bill file.)	41 42 43
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	44 45 46
<b>SB02-106</b>	by Senator Anderson; also Representative Stafford--Concerning conformance of public employee retirement plans with the federal internal revenue code.	47 48 49
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	50 51
<b>SB02-107</b>	by Senator Fitz-Gerald; also Representative Miller--Concerning deceptive practices in the business of insurance relating to the denial of coverage based solely on an individual's nonprofessional participation in specified sports.	52 53 54 55
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	56 57
<b>SB02-144</b>	by Senator Tupa; also Representative King--Concerning an exemption from public access requirements for proposals to honor individuals submitted to institutions of higher education.	58 59 60 61
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	62 63
<b>SB02-122</b>	by Senator Chlouber; also Representative Larson--Concerning the motorcycle operator safety training fund.	64 65 66
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	67 68
<b>SB02-057</b>	by Senator Hagedorn; also Representative Smith--Concerning a nonsubstantive recodification of statutes relating to the operation of motor vehicles by persons who have consumed chemical substances including alcohol.	69 70 71 72

**SB02-057** Amendment No. 1, Judiciary Committee Amendment.  
 (Printed in Senate Journal, February 5, pages 151-173 and placed in members' bill file.)

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

**SB02-159** by Senator Evans; also Representative Plant--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

Laid over until the next Consent Calendar, Tuesday February 12, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Hernandez, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-005** as amended, **SB02-106**, **SB02-107**, **SB02-144**, **SB02-122**, **SB02-057** as amended.  
 Laid over until Tuesday, February 12: **SB02-159**.

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--Consent Calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--  
 CONSENT CALENDAR**

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

MOTION PICTURE AND TELEVISION  
 ADVISORY COMMISSION

for terms expiring June 30, 2005:

Donna D. Dewey of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Maury C. Dobbie of Fort Collins, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

Daniel V. Hugo of Glenwood Springs, Colorado, to serve as a Republican from the Third Congressional District, appointed;

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

SECURITIES BOARD

for a term expiring July 1, 2004:

Joseph M. Wojteczko of Littleton, Colorado to serve as a representative of certified public accountants, appointed.

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

COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2005:

Thomas R. Sharp of Steamboat Springs, Colorado, to serve as a member from the Yampa-White drainage basins and as a member experienced in the engineering aspects of water projects and as a Republican, reappointed;

Ann E. Nichols of Manitou Springs, Colorado, to serve as a member from the Arkansas drainage basin and as a Republican, reappointed.

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

FINANCIAL SERVICES BOARD

for terms effective July 1, 2001 and expiring July 1, 2005:

Douglas A. Ferraro of Englewood, Colorado, to serve as an executive officer of a state credit union and as a Republican, appointed;

Stephen R. Williams of Gunnison, Colorado, to serve as an executive officer of a state savings and loan association and as a Democrat, reappointed;

Martelle Chapital of Westminster, Colorado, to serve as a public member with expertise in finance and as an Unaffiliated, reappointed.

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

STATE BOARD OF EQUALIZATION

for terms serving at the pleasure of the Governor:

JoAnn Groff of Westminster, Colorado, reappointed;

Lyle C. Kyle of Denver, Colorado, reappointed

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

JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Walter R. Schmidt of Lakewood, Colorado, to serve as a member from the public at large, appointed.

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

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

for a term expiring July 1, 2005:

Lynn J. Shook of Akron, Colorado, to serve as a member with substantial experience in agriculture and not employed by the oil and gas industry and as a Republican, appointed;

for a term expiring July 1, 2002:

Peter M. Mueller of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Daniel Skrabacz and to serve as a member with substantial experience in the oil and gas industry and as an Unaffiliated, appointed.

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

MINED LAND RECLAMATION BOARD

for a term expiring March 1, 2005:

Catherine Kraeger-Rovey, Ph.D. of Denver, Colorado to serve as a representative with substantial experience in conservation, reappointed.

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

BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES

for terms expiring March 23, 2005:

Terrance G. Tschatschula of Denver, Colorado, appointed;

Hugh W. Evans of Boulder, Colorado, reappointed.

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

WORKERS' COMPENSATION COST  
CONTAINMENT BOARD

for terms expiring December 13, 2004:

Matthew J. Krell of Littleton, Colorado, to serve as an executive with risk management experience in the insurance industry, reappointed;

Darrell F. Dinkel of Highlands Ranch, Colorado, to serve as an employer who has demonstrated good risk management experience with respect to their workers compensation insurance, reappointed.

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

Committee of the Whole

On motion of Senator Hernandez, the Senate resolved itself into the Committee of the Whole consideration of General Orders and Senator Hernandez 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:

**SB02-044** by Senator Entz; also Representative Snook--Concerning the limits on the time when a black bear may be taken.

On motion of Senator Entz, **SB02-044** was laid on the table.

**SB02-069** by Senator Hillman; also Representative Hoppe--Concerning the protection of products of agriculture.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.  
(Printed in Senate Journal, January 23, pages 47-48 and placed in members' bill file.)

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

Amend the Agriculture and Natural Resources Committee Report, dated January 22, 2002, page 1, line 6, strike ""EXPERIMENTAL";" and substitute ""EXPERIMENTAL" and strike "PRODUCT" and substitute "PRODUCT, OR WHO ENCOURAGES OR CONSPIRES WITH ANOTHER TO DO SO,";

Page 2, line 3, strike "REPLACEMENT." and substitute "REPLACEMENT.

**SB02-069**

THE COURT MAY AWARD TREBLE DAMAGES." .";

strike line 5 and substitute the following:

"Page 2, line 27, strike "ATTORNEY" and substitute "REASONABLE ATTORNEY"."

Amendment No. 3(L.010), by Senator Hillman.

Amend the Agriculture and Natural Resources Committee Report, dated January 22, 2002, page 3, line 21, strike "LAW;" and substitute "LAW;

**SECTION 8.** 24-72-204 (3) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.** (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(XV) SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS." .".

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

**SB02-041**

by Senator Thiebaut--Concerning local regulation of hazardous waste sites, and, in connection therewith, expanding the "State Hazardous Waste Incinerator Siting Act" to include all hazardous waste processors.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.

(Printed in Senate Journal, January 34, pages 71-72 and placed in members' bill file.)

Amendment No. 2(L.002), by Senator Thiebaut.

Amend printed bill, page 2, line 15, strike "JULY 1, 2001." and substitute "THE EFFECTIVE DATE OF SENATE BILL 02-041, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY."

Page 4, line 3, strike "July 1, 2001;." and substitute "THE EFFECTIVE DATE OF SENATE BILL 02-041, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;".

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

**SCR02-002**

by Senator Pascoe--Submitting to the registered electors of the state of Colorado an amendment to article XIV of the constitution of the state of Colorado, concerning the authority of the general assembly to establish qualifications for the office of county coroner.

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

Committee of the Whole in Recess--Committee of the Whole Reconvened.

**SB02-095**

by Senator Hillman; also Representative Madden--Concerning the election offense of making false statements designed to affect the vote as proscribed by section 1-13-109, Colorado Revised Statutes.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.

(Printed in Senate Journal, January 25, page 86 and placed in members' bill file.)

Amendment No. 2(L.001), by Senator Isgar.

**SB02-095**

Amend printed bill, page 2, line 7, after "writing", insert "OR IN ANY TELEPHONIC MESSAGE";

line 18, after "WRITING", insert "OR IN ANY TELEPHONIC MESSAGE".

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

**SCR02-001**

by Senator Owen; also Representative Williams T.--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XI of the constitution of the state of Colorado, concerning the authorization for local governments that are lawfully authorized to provide health care to participate with a public or private entity in affecting the provision of such health care, and, in connection therewith, authorizing a county, city, town, township, or special district to become a subscriber, member, or shareholder in or a joint owner with any person or company, public or private, in order to provide such health care without incurring debt and without pledging its credit or faith; requiring any such county, city, town, township, or special district entering such an arrangement to own its just proportion to the whole amount invested; and providing that any such entity or relationship established for such purpose shall not be deemed a political subdivision, local government, or local public body for any purpose.

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

**SB02-049**

by Senator Gordon; also Representative Mitchell--Concerning limits on access to court records in domestic relations actions filed pursuant to title 14, Colorado Revised Statutes.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 29, page 105 and placed in members' bill file.)

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

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

**SB02-007**

by Senator Hillman; also Representative Kester--Concerning county commissioner redistricting.

Amendment No. 1, Public Policy and Planning Committee Amendment.

(Printed in Senate Journal, January 29, page 106 and placed in members' bill file.)

Amendment No. 2(L.003), by Senator Hillman.

Amend the Public Policy and Planning Committee Report, dated January 24, 2002, page 1, line 4, strike "(1)" and substitute "(1), C.R.S.",

Amendment No. 3(L.004), by Senator Hillman.

Amend printed bill, page 2, line 2, strike "(1)" and substitute "(1), (2),";

after line 19, insert the following:

"(2) Each county having a population of seventy thousand or more which has chosen to increase the members of the board of county commissioners from three to five shall be divided into three or five districts by the board of county commissioners according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. The districts shall be as nearly equal in population as possible BASED ON THE MOST RECENT FEDERAL CENSUS OF THE UNITED STATES MINUS THE NUMBER OF PERSONS SERVING A SENTENCE OF DETENTION OR CONFINEMENT IN ANY CORRECTIONAL FACILITY IN THE COUNTY AS INDICATED IN THE STATISTICAL REPORT OF THE DEPARTMENT OF CORRECTIONS FOR THE MOST RECENT FISCAL YEAR. EACH DISTRICT shall be numbered consecutively, and shall not be subject to alteration more often than once every two years; EXCEPT THAT, NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, THE BOARD MAY ALTER THE DISTRICTS TO CONFORM TO PRECINCT BOUNDARIES THAT ARE CHANGED IN ACCORDANCE WITH SECTION 1-5-103 (1), C.R.S., 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. Commissioners shall be elected at large or from districts

**SB02-007**

according to the method of election described in section 30-10-306.5 (5) or (6) or section 30-10-306.7. If any commissioner required to be resident in a district moves during his term of office from the district in which he resided when elected, his office shall thereupon become vacant. All proceedings by the board of county commissioners in formation of such districts not inconsistent with this section are confirmed and validated."

Amendment No. 4(L.005), by Senator Hillman.

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 30-10-306 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 3, after line 11, insert the following:

"(5) NO LESS THAN THIRTY DAYS BEFORE ADOPTING ANY RESOLUTION TO CHANGE THE BOUNDARIES OF COMMISSIONER DISTRICTS OR CREATE NEW COMMISSIONER DISTRICTS, THE BOARD OF COUNTY COMMISSIONERS SHALL HOLD A PUBLIC HEARING ON THE PROPOSED DISTRICT BOUNDARIES." .

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

**SB02-064**

by Senator Teck; also Representative Lee--Concerning employees in public schools, and, in connection therewith, allowing revocation of teacher licenses for failure to meet licensure standards and requiring school districts to adopt a communications policy for resolving issues between parents and teachers.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 31, page 115 and placed in members' bill file.)

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

**SB02-038**

by Senator Nichol; also Representative Miller--Concerning the display of United States flags by public institutions.

Amendment No. 1(L.002), by Senators Teck and Nichol.

Amend printed bill, page 3, strike lines 12 through 15 and substitute the following:

"(4) (a) THE CHIEF ADMINISTRATIVE OFFICER OF ANY STATE INSTITUTION, SCHOOL, OR COURT FACILITY DESCRIBED IN THIS SECTION SHALL NOT PERMIT THE DISPLAY OF ANY DEPICTION OR REPRESENTATION OF A FLAG OF THE UNITED STATES THAT IS INTENDED FOR PUBLIC VIEW AND PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF THE BUILDING OR GROUNDS OF SAID STATE INSTITUTION, SCHOOL, OR COURT FACILITY, AND WHICH DISPLAY DOES NOT CONFORM WITH 4 U.S.C. SEC. 7.

(b) NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO PRECLUDE THE TEMPORARY DISPLAY OF ANY INSTRUCTIONAL OR HISTORICAL MATERIALS NOT PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF SAID BUILDING OR GROUNDS.";

strike lines 18 through 27 and substitute the following:

"SECTION 2. 18-11-205 (4), Colorado Revised Statutes, is amended to read:

**18-11-205. Unlawful to display flag - exceptions.** (4) (a) This section does not apply to:

(I) The display of the flag of the United Nations or the flag of a foreign nation displayed to identify persons officially representing such foreign nation or the property or premises of the person or nation;

(II) ~~Neither does it apply to~~ The display of an appropriate flag upon ceremonial or commemorative occasions proclaimed by the president of the United States, the governor of the state of Colorado, the board of county commissioners of any county, or the mayor or other chief

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**SB02-038**

executive officer of a city or town within this state;

(III) ~~Neither does it apply to~~ The display of the flag of any adjacent state with the flag of the state of Colorado at the ports of entry weigh stations, in recognition of the joint state port operation; OR

(IV) THE DISPLAY OF ANY FLAG OR REPRESENTATION THEREOF DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT IS PART OF A TEMPORARY DISPLAY OF ANY INSTRUCTIONAL OR HISTORICAL MATERIALS NOT PERMANENTLY AFFIXED OR ATTACHED TO ANY PART OF THE BUILDINGS OR GROUNDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) This subsection (4) shall be an affirmative defense."

Page 4, strike lines 1 through 14.

Amendment No. 2(L.003), by Senator Tupa.

Amend the Teck/Nichol floor amendment (SB038.\_L.002), page 1, line 12, after "MATERIALS", insert "OR STUDENT WORK PRODUCT INCLUDED AS PART OF A LESSON".

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

**SB02-042**

by Senator Musgrave; also Representative (None)--Concerning the enforcement of validated consensual liens.

Laid over until Tuesday, February12, retaining its place on the calendar.

**SB02-127**

by Senator Tupa; also Representative Vigil--Concerning criminal history record checks for educators.

Laid over until Tuesday, February12, retaining its place on the calendar.

**SB02-021**

by Senator Reeves; also Representative Stafford--Concerning child support guidelines.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 7, page 178-179 and placed in members' bill file.)

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

**SB02-113**

by Senator Epps; also Representative King--Concerning cooperation by institutions of higher education with federal anti-terrorism measures.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 7, page 182 and placed in members' bill file.)

Amendment No. 2(L.002), by Senators Tupa and Epps.

Amend printed bill, page 2, line 4, strike "IMPLEMENT" and substitute "PROVIDE", and strike "ANTI-TERRORISM";

line 5, strike "MEASURES REQUESTED OR PROMULGATED" and substitute "INFORMATION REQUESTED";

line 8, strike the period and substitute "IN CONNECTION WITH AN ANTI-TERRORISM INVESTIGATION";

line 10, strike "IMPLEMENT" and substitute "PROVIDE";

line 11, strike "ANTI-TERRORISM MEASURES REQUESTED OR" and substitute "INFORMATION REQUESTED";

line 12, strike "PROMULGATED";

line 14, strike the period and substitute "IN CONNECTION WITH AN ANTI-TERRORISM INVESTIGATION".

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**SB02-113** Amendment No. 3(L.003), by Senator Epps.

Amend printed bill, page 2, line 11, strike "MATTER," and substitute "MANNER,".

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

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

**SB02-140** by Senator Arnold; also Representative Swenson--Concerning the collection by the department of corrections of certain moneys owed by incarcerated offenders.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, February 7, page 184 and placed in members' bill file.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**SB02-015, SB02-102, SB02-141, HB02-1007, HB02-1033, HB02-1008, HB02-1110**) of Monday, February 11, was laid over until Tuesday, February 12, retaining its place on the calendar.

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

**SB02-113** by Senator Epps; also Representative King--Concerning cooperation by institutions of higher education with federal anti-terrorism measures.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Dyer floor amendment, (L.001) to SB 02-113, did pass.

Amend printed bill, page 2, after line 14, insert the following:

"(3) THE REGISTRAR AT EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL VERIFY WITH THE IMMIGRATION AND NATURALIZATION SERVICE THE VISA STATUS OF ALL ENROLLED FOREIGN STUDENTS FROM IRAN, IRAQ, LEBANON, PAKISTAN, SAUDI ARABIA, SYRIA, SUDAN, SOMALIA, YEMAN, EGYPT, LIBYA, UNITED ARAB EMIRATES, MALAYSIA, INDONESIA, AND THE PHILLIPPINES AND REPORT THE VISA STATUS OF EACH SUCH STUDENT TO THE COLORADO COMMISSION ON HIGHER EDUCATION WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND ANNUALLY THEREAFTER."

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

YES	11	NO	23	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	N	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	N	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	N	Lamborn	Y	Phillips	N	Mr. President	N
Evans	E	Linkhart	N	Reeves	N		

**SB02-049** by Senator Gordon; also Representative Mitchell--Concerning limits on access to court records in domestic relations actions filed pursuant to title 14, Colorado Revised Statutes.

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following McElhany floor amendment, (L.002) to SB 02-049, did pass.

Amend the Judiciary Committee Report, dated January 28, 2002, page 1, after line 13, insert the following:

"(4) NOTHING IN THIS SECTION SHALL PROHIBIT ACCESS TO COURT RECORDS AND INFORMATION RELATED TO A PROCEEDING FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, DECLARATION OF INVALIDITY OF MARRIAGE, CHILD CUSTODY, THE ALLOCATION OF PARENTAL

**SB02-049**

RESPONSIBILITIES, OR A PROCEEDING ON A POST-DECREE MATTER OF A CANDIDATE FOR PUBLIC OFFICE DURING THE TERM OF CANDIDACY FOR SUCH OFFICE OR OF AN ELECTED OFFICIAL."

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

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Hernandez, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-069** as amended, **SB02-041** as amended, **SCR02-002**, **SB02-095** as amended, **SCR02-001**, **SB02-049** as amended, **SB02-007** as amended, **SB02-038** as amended, **SB02-021** as amended, **SB02-113** as amended, **SB02-140** as amended  
Laid on the Table: **SB02-044**.

Laid over until Tuesday, February 12: **SB02-064** as amended, **SB02-042**, **SB02-127**, **SB02-015**, **SB02-102**, **SB02-141**, **HB02-1007**, **HB02-1033**, **HB02-1008**, **HB02-1110**

**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:

**SB02-055**

by Senator Perlmutter; also Representative Madden--Concerning limitations on the total amount of disability benefits payable under the "Workers' Compensation Act of Colorado".

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

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

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

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

**SB02-091**

by Senator Isgar; also Representative Larson--Concerning the requirement that personal injury protection motor vehicle insurance coverage include a living expense benefit for persons participating in rehabilitative occupational training programs.

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

**SB02-092**

by Senator Isgar; also Representative Larson--Concerning the intergovernmental agreement between the Southern Ute Indian tribe and the state of Colorado on air quality control on the Southern Ute Indian reservation.

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

**SB02-092**

YES	20	NO	14	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hagedorn, Hanna, Hernandez, Pascoe, Phillips, Tate, Thiebaut.

**SB02-084**

by Senator Takis; also Representative Hodge--Concerning real property subject to judicial process.

The question being "Shall the bill pass?", the roll call was taken 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	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

**SB02-020**

by Senator Gordon; also Representative Mitchell--Concerning a prohibition against the examination of confidential communications made by a minor child to a parent and, in connection therewith, creating exceptions to the prohibition.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

**MESSAGE FROM THE HOUSE**

February 11, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1139.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1100, amended as printed in House Journal, February 8, page 352.  
 HB02-1191, amended as printed in House Journal, February 8, pages 352-353.  
 HB02-1131, amended as printed in House Journal, February 8, page 352.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1139.

Without comment, as amended, HB02-1100, 1191, and 1131.

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**SENATE SERVICES REPORT**

Senate  
Services

Correctly engrossed: SB02-020, 026, 036, 051, 055, 076, 084, 091, 092.

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

Consideration of Resolutions: **HJR02-1003, SR02-005, HJR02-1009, HJR02-1008.**

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

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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