

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

Seventy-third Legislative Day

Friday, March 22, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church. 10
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Call to Order By the President at 9:00 a.m. 13
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Roll Call Present--Total, 33. 16
Absent/Excused--Linkhart, Reeves--Total, 2. 17
Present later--Linkhart, Reeves. 18
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Quorum The President announced a quorum present. 20
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Reading of Journal On motion of Senator Hagedorn, reading of the Journal of March 21 was dispensed with 22
and the Journal was approved as corrected by the Secretary. 23
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COMMITTEE OF REFERENCE REPORTS

Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1215** be referred 28
to the Committee of the Whole with favorable recommendation and with a 29
recommendation that it be placed on the Consent Calendar. 30
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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1346** be referred 34
to the Committee of the Whole with favorable recommendation. 35
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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1352** be referred 40
favorably to the Committee on Public Policy and Planning. 41
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Agriculture and Natural Resources After consideration on the merits, the committee recommends that **HB02-1350** be referred 46
to the Committee of the Whole with favorable recommendation. 47
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MESSAGE FROM THE GOVERNOR

To the Honorable 50
Senate 51
Sixty-third General Assembly 52
Second Regular Session 53
Denver, CO 80203 54
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Ladies and Gentlemen: 59
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I have the honor to inform you that I have approved and filed with the Secretary of State 61
the following acts: 62
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S.B. 02-037 - Concerning Repeal Of The State Crime Victim Compensation Fund, And, In 64
Connection Therewith, Repealing All Requirements Related To The State Crime Victim 65
Compensation Fund. 66
67
Approved March 21, 2002 at 12:24 p.m. 68
69
S.B. 02-084 - Concerning Real Property Subject To Judicial Process. 70
71
Approved March 21, 2002 at 12:27 p.m. 72

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 03/21/02
K. Goldman, Secretary

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB02-071, 087, 167; SJR02-016.

Correctly reengrossed: SB02-016, 083.

Correctly revised: HB02-1078, 1208, 1211; HJR02-1031.

Correctly rerevised: HB02-1131, 1144, 1258.

Correctly enrolled: SR02-008.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SJR02-012; HB02-1008, 1020, 1026, 1048, 1076, 1120, 1132, 1311.**

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 Gordon, the following Governor's appointments were laid over until Wednesday, March 27, retaining their place on the calendar.

STATE BOARD OF PAROLE

for a term expiring July 1, 2003:

Allan F. Stanley of Littleton, Colorado, to fill the vacancy occasioned by the removal of Larry J. Schwarz and to serve as a citizen representative, appointed.

effective July 1, 2001, for terms expiring July 1, 2004:

Curtis W. Devin of Colorado Springs, Colorado, to serve as a citizen representative, reappointed;

Donald E. Van Pelt of Pueblo West, Colorado, to serve as a citizen representative, reappointed;

Daniel I. Miraflor of Denver, Colorado, to serve as a representative from law enforcement, appointed.

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

WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2005:

Brice F. Lee, Jr., of Hesperus, Colorado, reappointed;

Brian M. Nazareus of Boulder, Colorado, reappointed;

Sybill R. Navas of Vail, Colorado, appointed.

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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	Y	Linkhart	Y	Reeves	E		

COLORADO AGRICULTURAL DEVELOPMENT
AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2005:

Don R. Schulz of Alamosa, Colorado, to serve as a member knowledgeable of agricultural activity in the state and as a Democrat, 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	Y	Linkhart	Y	Reeves	E		

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

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.

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	Y	Linkhart	Y	Reeves	E		

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.

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	Y	Linkhart	Y	Reeves	E		

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

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.

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	Y	Linkhart	Y	Reeves	E		

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

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.

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	Y	Linkhart	Y	Reeves	E		

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

COLORADO AERONAUTICAL BOARD

for terms expiring December 19, 2004:

Robert Anderson of Granby, Colorado, to serve as a representative of local government from the western slope, appointed;

John J. Hansen of Boulder, Colorado, to serve as a representative familiar with and supportive of the state's aviation issues, interests, and concerns, 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	Y	Linkhart	Y	Reeves	E		

COLORADO BOARD OF VETERANS AFFAIRS

for terms expiring June 30, 2005:

A.L. Rick Padilla of Grand Junction, Colorado, to serve as a veteran and as an Unaffiliated, appointed;

Marvin L. Meyers of Englewood, Colorado, to serve as a veteran and as a Democrat, 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	Y	Linkhart	Y	Reeves	E		

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1099** 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 **HB02-1141** be referred to the Committee of the Whole with favorable recommendation.

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1313** be referred to the Committee of the Whole with favorable recommendation.

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1143** be postponed indefinitely

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1261** be postponed indefinitely

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1123** be postponed indefinitely

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

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Amend reengrossed bill, page 3, line 3, strike "seven" and substitute "~~seven~~ EIGHT";

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line 4, strike "seven" and substitute "~~seven~~ EIGHT";

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line 8, strike "Two of the seven" and substitute "~~Two~~ THREE of the ~~seven~~ EIGHT";

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line 11, strike "seven" and substitute "~~seven~~ EIGHT".

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Page 22, line 15, after "8-45-121,", insert "AND APPROVAL OF THE GENERAL ASSEMBLY AT THAT TIME,".

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1218** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 2, line 7, strike "TAX." and substitute "TAX, PROVIDED THAT THE ELIGIBLE ELECTORS OF THE STATE, COUNTY, CITY, TOWN, OR LOCALITY, AS APPLICABLE, HAVE APPROVED THE EXTENSION OF SUCH TAX PRIOR TO THE EXPIRATION OF SUCH TAX.".

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Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1333** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 10, strike lines 4 through 13.

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Renumber succeeding sections accordingly.

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Page 10, line 24, after "~~and~~", insert "THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE OF THE SENATE, AND".

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Page 14, strike lines 10 through 27.

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Page 15, strike lines 1 through 5.

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Renumber succeeding section accordingly.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1180** be referred favorably to the Committee on Appropriations.

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **SB02-185** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Education After consideration on the merits, the committee recommends that **HB02-1245** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, strike lines 16 through 19 and substitute the following:

"EXECUTIVE COMMITTEE SELECTED PURSUANT TO SECTION 1-3-105 (2), C.R.S.".

Page 6, line 6, strike the last "VACANCY" and substitute "EXECUTIVE";

line 18, strike "VACANCY" and substitute "EXECUTIVE".

Page 7, line 1, strike "VACANCY" and substitute "EXECUTIVE".

Page 8, line 2, strike "OR (5)" and strike "SECTION," and substitute "SECTION OR THE EXECUTIVE COMMITTEE IDENTIFIED IN SUBSECTION (5) OF THIS SECTION,";

line 6, strike "COMMITTEE" and substitute "OR EXECUTIVE COMMITTEE, WHICHEVER IS APPLICABLE,";

line 10, strike "COMMITTEE" and substitute "OR EXECUTIVE COMMITTEE, WHICHEVER IS APPLICABLE,";

line 15, strike "OR (5)" and strike "SECTION," and substitute "SECTION OR THE EXECUTIVE COMMITTEE IDENTIFIED IN SUBSECTION (5) OF THIS SECTION,";

line 18, strike "COMMITTEE" and substitute "OR EXECUTIVE COMMITTEE, WHICHEVER IS APPLICABLE,".

Education After consideration on the merits, the committee recommends that **HB02-1260** be referred to the Committee of the Whole with favorable recommendation.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB02-007, 026, 041, 106.**

SENATE SERVICES REPORT

Senate Services To the Governor for signature on Friday, March 22, 2002, at 9:20 a.m: SB02-041.

MESSAGE FROM THE HOUSE

March 22, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-139,112,069.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB02-1119, amended as printed in House Journal, March 21, page 947.
 HB02-1341, amended as printed in House Journal, March 21, page 950.
 SB02-038, amended as printed in House Journal, March 21, page 946.
 SB02-158, amended as printed in House Journal, March 21, pages 946-947.SB02-124,
 amended as printed in House Journal, March 21, pages 947-948.
 SB02-036, amended as printed in House Journal, March 21, page 949.SB02-165, amended
 as printed in House Journal, March 21, page 949.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1119 and 1341 and SB02-038, 158, 124, 036, and 165.

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:

HB02-1078 by Representative(s) Vigil; also Senator(s) Tupa--Concerning the regulation of boxing in Colorado.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Chlouber.

HB02-1208 by Representative(s) Stengel; also Senator(s) Phillips--Concerning compliance with federal law in the imposition of a sales tax in the state on mobile telecommunications service.

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

YES	35	NO	0	EXCUSED	0	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	Y	Linkhart	Y	Reeves	Y		

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

HB02-1211 by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the timely issuance of a final determination by the executive director of the department of revenue following a hearing on a dispute between a taxpayer and the state involving a state tax deficiency.

HB02-1211 The question being "Shall the bill pass?", the roll call was taken with the following result: 1

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 14

SB02-071 by Senator(s) Windels; also Representative(s) Jahn--Concerning the implementation of consumer satisfaction surveys to determine the level of satisfaction among nursing facility residents. 17

The question being "Shall the bill pass?", the roll call was taken with the following result: 21

YES	34	NO	1	EXCUSED	0	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	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	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 34

Co-sponsors added: Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Isgar, Linkhart, Pascoe, Phillips, Tate, Tupa. 37

SB02-167 by Senator(s) Windels, Pascoe; also Representative(s) Swenson--Concerning the authority of the board of directors of the regional transportation district upon approval of the eligible electors of the district to increase the rate of sales tax levied by the district to a rate not to exceed one percent in order to raise revenue for a mass transportation system that is designed to be compatible with established transportation plans. 40

A majority of those elected to the Senate having voted in the affirmative, Senator Windels was given permission to offer a Third Reading amendment. 46

Third Reading Amendment, by Senator Windels. 49

Amend engrossed bill, page 4, strike lines 11 through 14 and substitute the following: 51

"DISTRICT SHALL, AT ITS OWN EXPENSE AND UNDER THE SUPERVISION AND IN THE NAME OF THE DEPARTMENT OF REVENUE, MAIL A NOTICE OF THE RATE INCREASE TO EACH VENDOR IN THE DISTRICT THAT COLLECTS AND REMITS THE SALES TAX LEVIED BY THE DISTRICT. SUCH NOTICES SHALL BE APPROVED AS TO FORM AND CONTENT BY THE DEPARTMENT."; 54

strike line 27. 60

Page 5, strike lines 1 through 10. 62

Re-number succeeding section accordingly. 64

Page 1, line 107, strike "PLANS, AND"; 66

strike line 108 and substitute the following: 68

"PLANS." 70

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SB02-167

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

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
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	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Gordon, Hanna, Linkhart, Matsunaka, Nichol, Perlmutter, Phillips, Tate, Thiebaut, Tupa.

SB02-087

by Senator(s) Evans, Entz, Pascoe, Taylor; also Representative(s) Miller--Concerning the requirement that Colorado state individual income tax return forms contain a line whereby individual taxpayers may make a voluntary contribution to the Colorado watershed protection fund, and making an appropriation in connection therewith.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Fitz-Gerald, Isgar, Matsunaka, Phillips, Tupa.

Committee of the Whole

On motion of Senator Takis, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Takis 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:

HB02-1179

by Representative(s) Garcia, Groff, Weddig; also Senator(s) Anderson--Concerning requirements applicable to a candidate for elective office under the "Fair Campaign Practices Act".

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, March 15, page 475 and placed in members' bill file.)

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

HB02-1042

by Representative(s) Stafford, Boyd, Clapp, Romanoff; also Senator(s) Linkhart, Hernandez--Concerning extensions under the Colorado works program for persons who have reached the sixty-month lifetime limit for receipt of TANF assistance.

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- HB02-1042** Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, March 15, page 473-474 and placed in members' bill file.) 1
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As amended, ordered revised and placed on the calendar for Third Reading and Final 4
Passage. 5
6
- HB02-1089** by Representative(s) Kester; also Senator(s) Entz--Concerning the standards for approval 7
of simulcast facilities by the Colorado racing commission. 8
9
Laid over until Monday, March 25, retaining its place on the calendar. 10
11
- HB02-1079** by Representative(s) Bacon; also Senator(s) Windels--Concerning imposition of 12
incarceration for violating a valid court order under the "School Attendance Law of 1963". 13
14
Laid over until Monday, March 25, retaining its place on the calendar. 15
16
- HB02-1250** by Representative(s) Dean; also Senator(s) Tupa--Concerning the continuation of the 17
lottery division in the department of revenue. 18
19
Amendment No. 1(L.005), by Senator Tupa. 20
21
Amend reengrossed bill, page 2, line 17, strike "2007." and substitute 22
"2004.". 23
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Page 3, after line 1, insert the following: 25
26
"(IV) WHETHER THERE HAS BEEN AN INCREASE IN ORGANIZED 27
CRIME RELATED TO GAMBLING WITHIN THE STATE; 28
29
(V) THE COMPETITIVE EFFECT OF THE LOTTERY ON OTHER FORMS 30
OF LEGAL GAMBLING IN THE STATE, BOTH PROFIT AND NONPROFIT IN 31
NATURE; 32
33
(VI) A SOCIOECONOMIC PROFILE OF PERSONS WHO PLAY THE 34
LOTTERY;". 35
36
Renumber succeeding subparagraphs accordingly. 37
38
Amendment No. 2(L.004), by Senator Tupa. 39
40
Amend reengrossed bill, page 1, after line 1, insert the following: 41
42
"**SECTION 1.** 24-35-209 (1) (c), Colorado Revised Statutes, is 43
amended to read: 44
45
24-35-209. Conflict of interest. (1) Members of the commission 46
and employees of the division are declared to be positions of public trust 47
and, therefore, in order to insure the confidence of the people of the state 48
in the integrity of the division, its employees, and the commission, the 49
following restrictions shall apply: 50
51
(c) No member of the commission or employee of the division, 52
including the director, and no member of their immediate families, shall 53
purchase any ticket for any lottery conducted under this part 2; ~~nor shall~~ 54
~~any such person~~ EXCEPT THAT LOTTERY INVESTIGATORS MAY PURCHASE 55
LOTTERY TICKETS WHEN AUTHORIZED TO DO SO BY THE DIRECTOR FOR 56
INVESTIGATIVE PURPOSES. NO PERSON DESCRIBED IN THIS PARAGRAPH (c) 57
SHALL be eligible to receive any prize awarded in such a lottery.". 58
59
Renumber succeeding sections accordingly. 60
61
As amended, ordered revised and placed on the calendar for Third Reading and Final 62
Passage. 63
64
- HB02-1164** by Representative(s) Hefley, King, Schultheis, Alexander, Crane, Stafford, White, 65
Williams T.; also Senator(s) Hernandez--Concerning the expansion of health insurance 66
products for employers with fewer than fifty-one employees. 67
68
Laid over until Monday, March 25, retaining its place on the calendar. 69
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72

HB02-1163 by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until Monday, March 25, to precede **HB02-1164** on the Calendar.

HB02-1191 by Representative(s) Decker, Tapia, Webster; also Senator(s) Windels--Concerning the "Colorado Common Interest Ownership Act".

Laid over until Monday, March 25, retaining its place on the calendar.

HB02-1130 by Representative(s) Fairbank, Borodkin, Jameson, Kester, Marshall, Rhodes, White, Williams T.; also Senator(s) Reeves--Concerning the board of real estate appraisers, and, in connection therewith, continuing the board of real estate appraisers.

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

HB02-1091 by Representative(s) Fritz; also Senator(s) Hanna--Concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado natural resources.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, March 15, page 484-485 and placed in members' bill file.)

Amendment No. 2, Judiciary Committee Amendment.
(Printed in Senate Journal, March 19, page 507 and placed in members' bill file.)

Amendment No. 3(L.014), by Senator Gordon.

Amend the Senate Judiciary Committee report, dated March 18, 2002, page 1, line 3, strike "8" and substitute "27".

As amended, laid over until Monday, March 25, retaining its place on the calendar.

SB02-156 by Senator(s) Gordon; also Representative(s) Smith--Concerning the authorization of changes of absolute water rights for purposes of instream use.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, pages 493-494 and placed in members' bill file.)

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

SB02-068 by Senator(s) Entz; also Representative(s) Hoppe--Concerning per diem compensation for the appointed members of the Colorado water conservation board.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 18, page 491 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 (**SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101, SB02-175, SB02-090, SB02-098**) of Friday, March 22, was laid over until Monday, March 25, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: **HB02-1179** as amended, **HB02-1042** as amended, **HB02-1250** as amended, **HB02-1130, SB02-156** as amended, **SB02-068** as amended.
Laid over until Monday, March 25: **HB02-1089, HB02-1079, HB02-1163, HB02-1164, HB02-1191, HB02-1091** as amended, **SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101, SB02-175, SB02-090, SB02-098.**

COMMITTEE OF REFERENCE REPORTS

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Government, Veterans and Military Relations and Transportation	After consideration on the merits, the committee recommends that HB02-1066 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.	3 4 5 6 7
	Amend reengrossed bill, page 2, line 20, strike "2005" and substitute "2007".	8 9 10
	Page 3, line 21, after "(2)" insert "(a)".	11 12
	Page 4, after line 2, insert the following:	13 14
	"(b) THIS SUBSECTION (2) SHALL NOT APPLY TO CLASS A PROPERTY THAT IS REGISTERED THROUGH THE INTERNATIONAL REGISTRATION PLAN. SUCH VEHICLES SHALL CONTINUE TO BE REGISTERED EVERY TWELVE MONTHS."	15 16 17 18 19 20 21
Government, Veterans and Military Relations, and Transportation	After consideration on the merits, the committee recommends that HB02-1011 be referred to the Committee of the Whole with favorable recommendation.	22 23 24 25 26 27 28 29
Government, Veterans and Military Relations, and Transportation	After consideration on the merits, the committee recommends that HB02-1331 be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	30 31 32 33 34 35 36 37
Government, Veterans and Military Relations and Transportation	After consideration on the merits, the committee recommends that HB02-1284 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.	38 39 40 41 42
	Amend reengrossed bill, page 2, line 13, strike "SUBJECT TO ANNUAL" and substitute "CONTINUOUSLY APPROPRIATED TO THE BOARD";	43 44 45
	line 14, strike "APPROPRIATION".	46 47 48 49
Government, Veterans and Military Relations and Transportation	The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	50 51 52 53 54
	<u>FIRE AND POLICE PENSION ASSOCIATION BOARD OF DIRECTORS</u>	55 56 57
	for a term expiring September 1, 2005:	58 59
	Lyle Hesalroad of Golden, Colorado, to fill a vacancy occasioned by the resignation of Joseph G. Ortiz of Sedalia, Colorado, and to serve as a retired police officer, appointed.	60 61 62 63 64
Government, Veterans and Military Relations and Transportation	The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	65 66 67 68 69
	<u>TRANSPORTATION COMMISSION</u>	70 71 72
	for terms expiring July 1, 2005:	

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the Seventh Transportation District, reappointed; 1
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 3
 Gregory B. McKnight of Englewood, Colorado, to serve as a commissioner from the Third Transportation District, appointed; 4
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 6
 George H. Tempel of Wiley, Colorado, to serve as a commissioner from the Tenth Transportation District, appointed; 7
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 9
 B. Stephens Parker of Durango, Colorado, to serve as a commissioner from the Eighth Transportation District, appointed; 10
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 12
 Joseph B. Blake of Denver, Colorado, to serve as a commissioner from the First Transportation District, reappointed. 13
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Government,
 Veterans and
 Military
 Relations and
 Transportation

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: 17
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ADVISORY COMMITTEE ON
 GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2005: 23
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Terry L. Funderburk of Westminster, Colorado, to serve as a representative of local county government, appointed. 28
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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title: 32
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SJR02-019

by Senator(s) Entz, Phillips, Thiebaut, Chlouber, Anderson, Andrews, Arnold, Cairns, Dyer, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Reeves, Tate, Taylor, Teck, Tupa, Windels; also Representative(s) Miller, Snook, Alexander, Bacon, Borodkin, Boyd, Cadman, Chavez, Clapp, Cloer, Coleman, Crane, Daniel, Dean, Decker, Fairbank, Fritz, Garcia, Groff, Grossman, Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Mitchell, Paschall, Plant, Ragsdale, Rhodes, Rippy, Romanoff, Saliman, Sanchez, Schultheis, Scott, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, Williams S., Williams T., Witwer, Young--Concerning the naming of a portion of US Highway 285 and State Highway 17 as the "Korean War Veterans Memorial Highway". 36
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Laid over one day under Senate rule 30(b). 49
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MESSAGE FROM THE HOUSE

March 22, 2002 52
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Mr. President: 56
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The House has voted to concur in the Senate amendments to HB02-1374, 1380,1386,1391 and has repassed the bills as so amended. 58
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The House has postponed indefinitely SB02-002. The bill is returned herewith. 61
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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 Wednesday, March 22, was laid over until Monday, March 25, retaining its place on the calendar. 64
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Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, SJR02-017, SJR02-018.** 67
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Consideration of Memorials: **SJM02-001.** 69

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032, SB02-141.** 70
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Consideration of Governor's Veto: **SB02-108.** 72

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 25, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:.

Karen Goldman
Secretary of the Senate

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