

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

Twenty-ninth Legislative Day

Wednesday, February 6, 2002

Prayer By the chaplain, Father Costas Pavlakos, Greek Orthodox Cathedral of the Assumption, Denver.

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

Roll Call Present--Total, 31.
Absent/Excused--Anderson, Evans, Fitz-Gerald, Tate--Total, 4.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Takis, reading of the Journal of Tuesday, February 5, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1177 and 1132.

Without comment, as amended, HB02-1154, 1179, 1093, and 1135.

INTRODUCTION OF BILLS--FIRST READING

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

- HB02-1019** by Representative(s) Tapia; also Senator(s) Gordon--Concerning registration with local law enforcement agencies as a condition of release for certain persons found not guilty by reason of insanity.
Judiciary
- HB02-1022** by Representative(s) Johnson, Alexander; also Senator(s) Linkhart--Concerning annual redeterminations of adoption assistance for children with special needs.
Health, Environment, Children & Families
- HB02-1040** by Representative(s) Sinclair; also Senator(s) Hagedorn--Concerning background investigations for alcohol beverage licenses.
Judiciary
- HB02-1047** by Representative(s) King; also Senator(s) Hernandez--Concerning compulsory insurance coverage for motor vehicles.
Public Policy and Planning
- HB02-1050** by Representative(s) Coleman; also Senator(s) Hernandez--Concerning disclosures specifically related to the cost savings associated with managed care options in personal injury protection under the no-fault motor vehicle insurance law.
Public Policy and Planning
- HB02-1064** by Representative(s) Williams S., Alexander, Cloer; also Senator(s) Isgar, Entz--Concerning statutory changes to enhance consistent compliance with the federal "Indian Child Welfare Act" statewide.
Judiciary
- 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.
Judiciary
- HB02-1076** by Representative(s) Madden; also Senator(s) Teck--Concerning certain prerequisites for a tax refund offset.
Business, Labor, and Finance

- HB02-1078** by Representative(s) Vigil; also Senator(s) Tupa--Concerning the regulation of boxing in Colorado.
Government, Veterans and Military Relations, and Transportation
- HB02-1083** by Representative(s) Lawrence; also Senator(s) Gordon--Concerning the creation of the Amber alert program.
Judiciary
- HB02-1086** by Representative(s) Plant; also Senator(s) Fitz-Gerald--Concerning the use of moneys collected as a result of emergency 9-1-1 charges to fund the provision of emergency notification service.
Business, Labor, and Finance
- HB02-1088** by Representative(s) Mace; also Senator(s) Hernandez--Concerning the limitations on the duties of notaries public who are not licensed to practice law.
Judiciary
- HB02-1118** by Representative(s) Scott; also Senator(s) Reeves--Concerning the discretion of the Colorado water resources and power development authority in financing projects.
Public Policy and Planning
- HB02-1121** by Representative(s) Kester, Williams S.; also Senator(s) McElhany, Hagedorn--Concerning the requirement that explanations be given prior to the issuance of an auto insurance policy.
Public Policy and Planning
- HB02-1136** by Representative(s) Williams T., Borodkin, Jameson, Kester, Marshall, Paschall, White; also Senator(s) Fitz-Gerald--Concerning regulatory functions of the division of insurance, and, in connection therewith, extending the functions of the division of insurance.
Business, Labor, and Finance
- HB02-1144** by Representative(s) Daniel, Boyd, Garcia, Jahn, Romanoff; also Senator(s) Arnold--Concerning restrictions on credit card receipts.
Business, Labor, and Finance

SENATE SERVICES REPORT

Senate Services Correctly reengrossed: SB02-004, 006, 032, 037, 040.

RECONSIDERATION OF SB02-030

SB02-030 by Senator Teck; also Representative Sinclair--Concerning compensation of county officers.

Having voted on the prevailing side, Senator Hillman moved for reconsideration of the last Senate action (Third Reading--Final Passage of Bills) on **SB02-030**. The roll call was taken with the following result:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	E	Fitz-Gerald	E	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	E
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, reconsideration was granted.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

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SB02-030

by Senator Teck; also Representative Sinclair--Concerning compensation of county officers.

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

YES	17	NO	14	EXCUSED	4	ABSENT	0
Anderson	E	Fitz-Gerald	E	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	E
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	N	Owen	N	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	N	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **lost**.

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 (**SB02-122**) of Wednesday, February 6, was laid over until Monday, February 11, retaining its place on the calendar.

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:

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;

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:

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.

Business
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB02-005** 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, page 3, line 11, strike "AND";

after line 11, insert the following:

"(III) IT SHALL BE AN AFFIRMATIVE DEFENSE THAT THE DEFENDANT BOUGHT OR SOLD A MOTOR VEHICLE THAT WAS, AT ALL RELEVANT TIMES, INTENDED FOR THE DEFENDANT'S OWN USE AND NOT BOUGHT OR SOLD FOR THE PURPOSE OF PROFIT OR GAIN; AND";

SB02-005

line 12, strike "(III)" and substitute "(IV)".

Page 5, line 12, strike "TO CONDUCT";

strike line 13 and substitute the following:

"FOR THE LIMITED PURPOSE OF ISSUING CRIMINAL SUMMONSES FOR VIOLATIONS OF SECTIONS 12-6-119.5 (1) (a), 12-6-120 (2), AND 42-6-142, C.R.S., AND FOR NO OTHER PURPOSE; any".

Business Labor, and Finance

After consideration on the merits, the committee recommends that **SB02-042** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 20, strike "on the day" and substitute "September 1, 2002".

Business Labor, and Finance

After consideration on the merits, the committee recommends that **SB02-141** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 3, strike "CONTRACT TERMS" and substitute "CONTRACT TERMS, UNLESS OTHERWISE AGREED TO IN WRITING,".

Page 5, line 8, after "UNLESS", insert "RELATED TO ERRORS AND OMISSIONS IN REPORTING PRODUCTION AMOUNTS, OR".

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **HB02-1110** be referred favorably to the Committee of the Whole.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB02-106** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the committee recommends that **SB02-159** be referred favorably to the Committee of the Whole.

Judiciary

After consideration on the merits, the committee recommends that **SB02-149** be postponed indefinitely.

Judiciary

After consideration on the merits, the committee recommends that **SB02-127** be referred favorably to the Committee of the Whole.

Judiciary

After consideration on the merits, the committee recommends that **SB02-021** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 22, strike "IN" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (II), IN".

Page 3, line 1, after "HUNDRED", insert "FIFTY";

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SB02-021

line 3, strike "IN" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (D) OF THIS SUBPARAGRAPH (II), IN";

line 4, after "HUNDRED", insert "FIFTY".

Page 4, after line 18, insert the following:

"(D) IN ANY CIRCUMSTANCE IN WHICH THE OBLIGOR'S MONTHLY ADJUSTED GROSS INCOME IS LESS THAN EIGHT HUNDRED FIFTY DOLLARS, REGARDLESS OF THE MONTHLY ADJUSTED GROSS INCOME OF THE OBLIGEE, THE OBLIGOR SHALL BE ORDERED TO PAY FIFTY DOLLARS PER MONTH IN CHILD SUPPORT."

Reletter succeeding sub-subparagraph accordingly.

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, February 6, was laid over until Thursday, February 7, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-044, SB02-069, SB02-041, SCR02-002, SB02-095, SCR02-001, SB02-055, SB02-102, SB02-049, SB02-007, SB02-036, SB02-064, HB02-1007, SB02-038, SB02-015, SB02-091, SB02-043, SB02-092, HB02-1033, HB02-1008, SB02-051, SB02-076, SB02-026.**

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

Consideration of Governor's Appointment:

Fire Police Pension Association Board of Directors

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February 7, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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