

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

Forty-fifth Legislative Day Friday, February 22, 2002

Musical Presentation University Choir from CU, Boulder, Lawrence Kaptein, Choir Director

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

Roll Call Present--Total, 33.
Absent/Excused--Anderson, Musgrave--Total, 2.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator May, reading of the Journal of Thursday, February 21, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-170 by Senator(s) Thiebaut; also Representative(s) Grossman--Concerning limitations on payments made by the state for the employment of certain outside counsel.
Public Policy and Planning

SB02-171 by Senator(s) Thiebaut; also Representative(s) Grossman--Concerning the requirement that the state personnel director authorize payroll deductions to employee organizations representing state employees when a written request for the deduction is received.
Public Policy and Planning

SB02-172 by Senator(s) Reeves; also Representative(s) Berry--Concerning training programs for Colorado peace officers overseen by the peace officer standards and training board, and, in connection therewith, providing funding for such peace officer training programs.
Government, Veterans and Military Relations, and Transportation

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:

SB02-002 by Senator(s) Matsunaka--Concerning stimulation of Colorado's rural economy, and, in connection therewith, creating a state procurement preference for Colorado producers of agricultural products, requiring new enterprise zones to be located in rural areas, and creating an interim committee to study potential new markets for agricultural products.
Laid over until Wednesday, February 27, retaining its place on the calendar.

SB02-064 by Senator Teck; also Representative Lee--Concerning employees n public schools, and, in connection, therewith, allowing revocation of teacher licenses for failure to meet licensure standards and requiring schools districts to adopt a communications policy for resolving issues between parents and teachers.

SB02-064 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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		

SB02-064

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

Co-sponsors added: Perlmutter.

ADHERE ON SB02-064

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 schools districts to adopt a communications policy for resolving issues between parents and teachers.

Senator Perlmutter moved that the Senate adhere to its position on **SB02-064**. The roll call was taken with the following result:

YES	28	NO	5	EXCUSED	2	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	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		

**THIRD READING--FINAL PASSAGE OF BILLS
(Continuation)**

SB02-086

by Senator Nichol; also Representative Grossman--Concerning neighborhood notification of transportation construction projects.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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-sponsors added: Andrews, Cairns, Chlouber, Gordon, Hagedorn, Hernandez, Linkhart, Pascoe, Phillips, Tate, Teck, Windels.

SB02-141

by Senator Perlmutter; also Representative Williams T.--Concerning the determination of royalty payments from oil and gas leases.

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

Third Reading Amendment No. L.013, by Senator Isgar

Amend engrossed bill, page 4, strike line 26 and substitute the following:

"13-80-101, C.R.S.; EXCEPT THAT, IN THE EVENT A PAYOR FAILS TO PROVIDE INFORMATION REQUIRED BY SECTION 34-60-118.5 (2.3) OR (2.5), THE RUNNING OF ANY STATUTES OF LIMITATION AGAINST ROYALTY UNDERPAYMENT CLAIMS SHALL BE TOLLED DURING ANY PERIOD IN WHICH THE ROYALTY PAYOR HAS NOT FULLY COMPLIED WITH THE PROVISIONS OF SAID SECTION 34-60-118.5."

A majority of all members of the Senate voting in the affirmative, the amendment was declared **adopted**.

SB02-141

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

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	N	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**.

Co-sponsors added: Arnold, Hagedorn, Hernandez.

SB02-012

by Senator Hagedorn; also Representative Spradley--Concerning the definition of basic health benefit coverage.

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

YES	27	NO	5	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
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	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: Andrews, Chlouber, Hernandez.

SB02-079

by Senator Lamborn; also Representative Paschall--Concerning the enforcement of the "Fair Campaign Practices Act", article 45 of title 1, Colorado Revised Statutes.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

SB02-131

by Senator Linkhart; also Representative Stafford--Concerning insurance coverage for additional mental disorders.

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

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SB02-131

YES	18	NO	14	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	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: Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Phillips, Takis, Tate, Thiebaut, Tupa, Windels.

SB02-085

by Senator Takis; also Representative Sinclair--Concerning increasing the public's participation in decisions made by transportation authorities by providing for the public's ability to have input into such decisions.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

Co-sponsors added: Fitz-Gerald, Linkhart, Matsunaka, Phillips, Tupa, Windels.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION

SB02-085

by Senator Takis; also Representative Sinclair--Concerning increasing the public's participation in decisions made by transportation authorities by providing for the public's ability to have input into such decisions.

Having voted on the prevailing side, Senator Andrews gave notice of intent to move for reconsideration of **SB02-085**.

**THIRD READING--FINAL PASSAGE OF BILLS
(Continuation)**

SB02-013

by Senator Isgar; also Representative Tochtrop--Concerning prompt payment of health insurance claims.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

SB02-013

Co-sponsors added: Arnold, Cairns, Chlouber, Entz, Epps, Gordon, Hanna, Hernandez, Hillman, Matsunaka, Nichol, Perlmutter, Phillips, Reeves, Tate, Thiebaut, Tupa, Windels.

SB02-161

by Senator Perlmutter; also Representative Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

Co-sponsor added: Lamborn.

SB02-120

by Senator Tate; also Representative Jameson--Concerning the adoption of legally enforceable local government master plans.

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

YES	18	NO	14	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	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: Fitz-Gerald, Hernandez, Linkhart, Pascoe, Perlmutter, Phillips, Takis.

SB02-150

by Senator Pascoe--Concerning required collaboration on a regional basis among public entities in connection with transportation planning.

Laid over until Wednesday, February 27, retaining its place on the calendar.

SB02-114

by Senator Hanna; also Representative Crane--Concerning the regulation of ski area guest child care facilities.

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

YES	27	NO	5	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	N	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, Entz, Hernandez, Isgar, Phillips, Taylor, Teck.

SB02-145

by Senator Owen; also Representative Kester--Concerning retirement incentives to retain qualified teachers in the state, and, in connection therewith, establishing a post-retirement teaching incentive plan for public school teachers.

Laid over until the end of the Third Reading--Final Passage of Bills Calendar.

SB02-139

by Senator Taylor; also Representative Miller--Concerning procedures for voting by absentee ballot by members of the United States armed forces stationed outside of the United States.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

Co-sponsors added: Arnold, Cairns, Dyer, Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Isgar, Lamborn, May, McElhany, Nichol, Owen, Phillips, Takis, Tate, Teck, Tupa, Windels.

SB02-128

by Senator Epps; also Representative Hefley--Concerning the ability of youth in out-of-home placement to obtain authority from the department of revenue to drive.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

SB02-104

by Senator Taylor; also Representative White--Concerning authorization for the department of natural resources to acquire rights to specified state lands currently supervised by the state board of land commissioners, and, in connection therewith, authorizing the department to transfer any rights acquired to the county of Eagle.

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

YES	22	NO	10	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	N	Teck	Y
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-sponsor added: Chlouber.

SB02-099

by Senator Nichol; also Representative Spradley--Concerning the updating of statutory provisions regarding the state military forces.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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**.

Co-sponsors added: Andrews, Dyer, Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hillman, Matsunaka, McElhany, Phillips, Tate, Taylor, Thiebaut, Tupa.

SB02-124

by Senator Windels; also Representative Hefley--Concerning the resolution of disputes arising from a charter school contract, and, in connection therewith, specifying procedures for the use of forms of alternative dispute resolution and modifying the process of appeals to the state board of education.

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

YES	22	NO	10	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	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: Fitz-Gerald, Hernandez, Nichol, Pascoe, Takis, Tate, Tupa.

SB02-158

by Senator Isgar; also Representative Larson--Concerning limitations on the size of certain vehicles.

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

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	N	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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	N	Reeves	N		

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

SB02-145

by Senator Owen; also Representative Kester--Concerning retirement incentives to retain qualified teachers in the state, and, in connection therewith, establishing a post-retirement teaching incentive plan for public school teachers.

A majority of those elected to the Senate having voted in the affirmative, Senator Owen was given permission to offer two Third Reading amendments.

SB02-145

Third Reading Amendment No. 3(L.008), by Senator Owen.

Amend engrossed bill, page 3, line 19, strike "EDUCATIONAL SERVICES" and substitute "SERVICES ESTABLISHED PURSUANT TO SECTION 22-5-104, C.R.S., TO WORK".

Page 4, strike lines 9 and 10 and substitute the following:

"RESOLUTION.

(c) EMPLOYER CONTRIBUTIONS SHALL BE MADE ON ALL SALARY PAID TO SERVICE RETIREES FROM EMPLOYMENT AS TEACHERS PURSUANT TO THIS SUBSECTION (1.7)."

Reletter succeeding paragraphs accordingly.

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

Third Reading Amendment No. 4(L.009), by Senator Owen.

Amend engrossed bill, page 3, strike line 23 and substitute the following:

"C.R.S., OR WHO IS HIRED TO WORK AS A TEACHER FOR THE COLORADO SCHOOL FOR THE DEAF AND BLIND MAINTAINED IN ACCORDANCE WITH ARTICLE 80 OF TITLE 22, C.R.S., MAY RECEIVE A SALARY WITHOUT".

A majority of all member 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	27	NO	5	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	N
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**.

Co-sponsors added: Chlouber, Entz, Fitz-Gerald, Hanna, Hernandez, Isgar, Matsunaka, Nichol, Taylor, Teck.

RECONSIDERATION OF SB02-012

SB02-012

by Senator Hagedorn; also Representative Spradley--Concerning the definition of basic health benefit coverage.

Having voted on the prevailing side, Senator Thiebaut moved for reconsideration of the last Senate action, Third Reading--Final Passage of Bills, on **SB02-012**. The roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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		

SB02-012 A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING--FINAL PASSAGE OF BILLS

SB02-012 by Senator Hagedorn; also Representative Spradley--Concerning the definition of basic health benefit coverage.

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

YES	31	NO	1	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	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**.

Co-sponsors added: Andrews, Hernandez.

RECONSIDERATION OF SB02-141

SB02-141 by Senator(s) Perlmutter, Andrews, Dyer, Fitz-Gerald, Lamborn, May, Nichol, Takis, Teck; also Representative(s) Williams T., Daniel, Dean, Hoppe, Jahn, Kester, Rippy, Spence, Spradley, Veiga, Vigil, White--Concerning the determination of royalty payments from oil and gas leases.

Having voted on the prevailing side, Senator Thiebaut moved for reconsideration of the last Senate action, Third Reading--Final Passage of Bills, on **SB02-141**. The roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	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

SB02-141 by Senator(s) Perlmutter, Andrews, Dyer, Fitz-Gerald, Lamborn, May, Nichol, Takis, Teck; also Representative(s) Williams T., Daniel, Dean, Hoppe, Jahn, Kester, Rippy, Spence, Spradley, Veiga, Vigil, White--Concerning the determination of royalty payments from oil and gas leases.

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

YES	26	NO	6	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	N	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

SB02-141 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Arnold, Cairns, Dyer, Hernandez.

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

SB02-073 by Senator Linkhart; also Representative Coleman--Concerning protection of Colorado homeowners against abusive home loan practices.

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

SB02-089 by Senator Phillips; also Representative Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling.

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

SB02-151 by Senator Takis--Concerning affordable housing projects financed through the division of housing.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, February 14, pages 234-235 and placed in members' bill file.)

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

SB02-118 by Senator Epps; also Representative Jameson--Concerning landlord and tenant relations.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, February 15, page 263 and placed in members' bill file.)

Amendment No. 2(L.006), by Senator Epps.

Amend printed bill, page 3, after line 27, insert the following:

"(4) THE REMEDIES SPECIFIED IN THIS SECTION SHALL BE IN ADDITION TO AND NOT IN LIMITATION OF ANY OTHER REMEDIES PROVIDED FOR BY COMMON LAW OR THE LAWS OF THIS STATE."

Page 4, after line 21, insert the following:

"(3) THE REMEDIES SPECIFIED IN THIS SECTION SHALL BE IN ADDITION TO AND NOT IN LIMITATION OF ANY OTHER REMEDIES PROVIDED FOR BY COMMON LAW OR THE LAWS OF THIS STATE."

Amendment No. 3(L.002), by Senator Epps.

Amend printed bill, page 2, line 12, strike "OR A" and after "LEAK," insert "RODENT OR INSECT INFESTATION, OR ANY OTHER CONDITION THAT SUBSTANTIALLY INTERFERES WITH A TENANT'S ABILITY TO INHABIT A RESIDENTIAL PREMISES,".

Page 4, line 2, strike "RESIDENTIAL PREMISES THAT";

strike line 3.

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

Amend printed bill, page 2, line 12, strike "OR A" and after "LEAK," insert "RODENT OR INSECT INFESTATION, OR ANY OTHER CONDITION THAT SUBSTANTIALLY INTERFERES WITH A TENANT'S ABILITY TO INHABIT A RESIDENTIAL PREMISES,".

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SB02-118

Page 4, line 2, strike "RESIDENTIAL PREMISES THAT";
strike line 3.

Amendment No. 5(L.004), by Senator Epps.

Amend printed bill, page 3, line 12, strike "**rental.**" and substitute "**rental - return of security deposit.**";

after line 27, insert the following:

"(4) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SECTION 38-12-103 (1), THE LANDLORD SHALL HAVE FIFTEEN DAYS FOLLOWING THE TERMINATION OF THE LEASE TO DELIVER TO THE TENANT ALL OF, OR THE APPROPRIATE PORTION OF, THE SECURITY DEPOSIT PLUS ANY RENT REBATE OWED TO THE TENANT FOR RENT PAID BY THE TENANT. ALL OTHER PROVISIONS OF SECTION 38-12-103 SHALL APPLY TO THE RETURN OF THE SECURITY DEPOSIT."

Page 4, line 1, strike "**defects.**" and substitute "**defects - return of security deposit.**";

after line 21, insert the following:

"(3) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SECTION 38-12-103 (1), THE LANDLORD SHALL HAVE FIFTEEN DAYS FOLLOWING THE TERMINATION OF THE LEASE TO DELIVER TO THE TENANT ALL OF, OR THE APPROPRIATE PORTION OF, THE SECURITY DEPOSIT PLUS ANY RENT REBATE OWED TO THE TENANT FOR RENT PAID BY THE TENANT. ALL OTHER PROVISIONS OF SECTION 38-12-103 SHALL APPLY TO THE RETURN OF THE SECURITY DEPOSIT."

Amendment No. 6(L.007), by Senator Lamborn.

Amend printed bill, page 3, line 14, after "REQUESTS", insert "IN WRITING".

Amendment No. 7(L.008), by Senator Tate.

Amend printed bill, page 3, line 14, after the period add "THE LANDLORD SHALL PROVIDE A WRITTEN FORM TO THE TENANT FOR THIS PURPOSE."

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 (SB02-132, SB02-042, SB02-142, SB02-133, SB02-136, SB02-157, SB02-112, HB02-1007, HB02-1033, HB02-1008, HB02-1110) of Friday, February 22, was laid over until Monday, February 25, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Gordon, 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: **SB02-151** as amended, **SB02-118** as amended.
Laid over until Monday, February 25: **SB02-073, SB02-089, SB02-132, SB02-042, SB02-142, SB02-133, SB02-136, SB02-157, SB02-112, HB02-1007, HB02-1033, HB02-1008, HB02-1110.**

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1005** be referred favorably to the Committee of the Whole.

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Health,
Environment
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1063** be referred favorably to the Committee of the Whole.

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Health,
Environment
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1031** be referred favorably to the Committee of the Whole.

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Health,
Environment
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1022** be referred favorably to the Committee of the Whole.

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Health,
Environment
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1018** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **SB02-088** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 25-1-203 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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25-1-203. Grants for public programs. (2) A public program may provide, but need not be limited to, any of the following:

(h) TREATMENT AND EDUCATION FOR PROBLEM AND PATHOLOGICAL GAMBLERS;

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(i) TRAINING FOR COUNSELORS AND OTHER HEALTH PROFESSIONALS IN THE FIELD OF COUNSELING FOR PROBLEM AND PATHOLOGICAL GAMBLERS.

SECTION 2. 25-1-206, Colorado Revised Statutes, is amended to read:

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25-1-206. Purchase of services - gamblers' assistance fund - creation. (1) Using funds appropriated for purposes of this section or available from any other governmental or private source, the division may purchase services on a contract basis from any public or private agency, organization, or institution approved by the division. The services purchased may be any of those which may be provided through a public program, as set forth in section 25-1-203 (2). In contracting for services, the division shall attempt to obtain services that are in addition to, and not a duplication of, existing available services or services that are of a pilot or demonstration nature. Any agency operating a public program may also purchase such services on a contract basis.

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(2) (a) THERE IS HEREBY CREATED IN THE STATE TREASURY THE GAMBLERS' ASSISTANCE FUND. MONEYS COLLECTED PURSUANT TO SECTION 25-1-216(1) SHALL BE DEPOSITED IN THE FUND. THE FUND SHALL ALSO CONSIST OF ANY GIFTS, GRANTS, AND DONATIONS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF HUMAN SERVICES FOR ALLOCATION TO THE DIVISION FOR THE ADMINISTRATION OF A PROGRAM FOR GAMBLERS' ASSISTANCE PURSUANT TO SECTION 25-1-203 (2) (h), AND A PROGRAM FOR COUNSELOR

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SB02-088

TRAINING PURSUANT TO SECTION 25-1-203 (2) (i). MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(b) IN ADDITION TO THE AUTHORITY TO MAKE GRANTS FOR THE PUBLIC PROGRAMS PURSUANT TO SECTION 25-1-203 (2)(h) AND (2) (i), THE DIVISION MAY USE MONEYS FROM THE GAMBLERS' ASSISTANCE FUND TO PURCHASE SERVICES ON A CONTRACT BASIS FROM ANY PUBLIC OR PRIVATE AGENCY, ORGANIZATION, OR INSTITUTION APPROVED BY THE DIVISION FOR THE PURPOSE OF ADMINISTERING SUCH PROGRAMS.

SECTION 3. Part 2 of article 1 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25-1-216. Treatment program for gamblers - training for counselors - rules. (1) PURSUANT TO SECTION 25-1-203 AND SUBJECT TO THE AVAILABILITY OF MONEYS IN THE GAMBLERS' ASSISTANCE FUND CREATED IN SECTION 25-1-206 (2):

(a) THE DIVISION SHALL ESTABLISH A TREATMENT PROGRAM FOR PROBLEM AND PATHOLOGICAL GAMBLERS IN THIS STATE. SUCH PROGRAM SHALL PROVIDE INDIVIDUAL AND GROUP COUNSELING TO GAMBLERS, THEIR FAMILIES, AND OTHERS WHO ARE AFFECTED BY PROBLEM GAMBLING. SUCH PROGRAM SHALL PROVIDE TRAINING TO QUALIFIED COUNSELORS AND OTHER HEALTHCARE PROVIDERS TO TREAT PERSONS AFFECTED BY PROBLEM AND PATHOLOGICAL GAMBLING.

(b) TO ENSURE THE AVAILABILITY OF QUALIFIED COUNSELORS TO PROVIDE THE SERVICES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE DIVISION SHALL ESTABLISH A PROGRAM OF COUNSELOR TRAINING, AND THE EXECUTIVE DIRECTOR MAY ESTABLISH BY RULE FEES TO BE CHARGED FOR COUNSELOR TRAINING. IF SUCH FEES ARE ESTABLISHED, SUCH FEES SHALL BE SUFFICIENT TO COVER A PORTION OF THE COSTS OF ADMINISTERING SUCH TRAINING, AND THE MONEYS COLLECTED SHALL BE DEPOSITED IN THE GAMBLERS' ASSISTANCE FUND CREATED IN SECTION 25-1-206 (2). ADDITIONAL FUNDING MAY BE OBTAINED FROM GIFTS, GRANTS, AND DONATIONS, WHICH SHALL BE DEPOSITED IN SUCH FUND AND MAY BE APPROPRIATED TO THE DIVISION FOR THE PURPOSES OF THIS SECTION.

(2) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES TO ESTABLISH THE QUALIFICATIONS FOR ENTITIES TO RECEIVE GRANTS FOR THE PURPOSE OF EDUCATING AND COUNSELING PROBLEM GAMBLERS. THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH RULES FOR THE TRAINING OF COUNSELORS AND OTHER QUALIFIED HEALTH PROFESSIONALS TO COUNSEL PROBLEM AND PATHOLOGICAL GAMBLERS.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the gamblers assistance fund created in section 25-1-206 (2), Colorado Revised Statutes, not otherwise appropriated, to the department of _____, for the fiscal year beginning July 1, 2002, the sum of ___ dollars (\$) and ___ FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

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Education

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

COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring July 1, 2002:

Judith Altenberg of Englewood, Colorado, to fill the vacancy occasioned by the passage of Marion S. Gottesfeld and as a representative from the Fifth Congressional District and as a Democrat, appointed;

for a term expiring July 1, 2003:

Judy P. Weaver of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of Keli Scott McGregor of Golden, Colorado, and to serve as a representative from the Third Congressional District and as a Republican, appointed.

for terms expiring July 1, 2004:

James M. Stewart of Colorado Springs, Colorado, to serve as a representative of the Fifth Congressional District and as a Republican, appointed;

William B. Volbracht of Denver, Colorado, to serve as a representative of the First Congressional District and as a Republican, appointed.

for a term expiring July 1, 2005:

Preslano Montoya of Greeley, Colorado, to serve as a representative from the Fourth Congressional District and as a Democrat, appointed.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-169.

Correctly engrossed: SB02-099, 104, 114, 120, 124, 128, 139, 145, 150, 158.

Correctly reengrossed: SB02-102, 110.

Correctly revised: HJR02-1016.

Correctly enrolled: SB02-108.

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, February 22, was laid over until Monday, February 25, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006, HJR02-1015.**

Consideration of House Amendments to Senate Bills: **SB02-028.**

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

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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