

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

Sixty-ninth Legislative Day

Monday, March 18, 2002

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 29.
Absent/Excused--Cairns, May, Musgrave, Nichol, Phillips, Thiebaut--Total, 6.
Present later--Nichol, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Friday, March 15, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that **SB02-068** 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 12, after "DUTIES.", insert the following:

"PER DIEM AND OTHER EXPENSES PAID UNDER THIS SECTION SHALL BE FROM MONEYS APPROPRIATED FROM THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund created in section 37-60-121, Colorado Revised Statutes, not otherwise appropriated, to the department of natural resources, water conservation board, for operating expenses, for the fiscal year beginning July 1, 2002, the sum of ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**BOARD.**" and substitute "**BOARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"

Appropriations After consideration on the merits, the committee recommends that **SB02-071** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, after line 4, insert the following:

"SECTION 3. Appropriation - adjustments to the 2002 long bill. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of moneys in the general fund not otherwise appropriated, to the department of public health and environment, division of health facilities, for the fiscal year beginning July 1, 2002, the sum of fifty-eight thousand five hundred fourteen dollars (\$58,514) and 1.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, out of moneys in the general fund not otherwise appropriated, to the department of human services, office of adult and veterans services, aging services programs, for the fiscal year beginning July 1, 2002, the sum of one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary, for the implementation of this act.

SB02-071

(c) The general fund appropriation to the department of health care policy and financing, medical services premiums, is decreased by sixty thousand three hundred fourteen dollars (\$60,314). In addition, the department is not anticipated to receive sixty thousand three hundred fourteen dollars (\$60,314) federal funds. Although such funds are not appropriated, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The appropriation to the department of health care policy and financing, medical programs administration, for fiscal year beginning July 1, 2002, is decreased by two hundred five thousand nine hundred sixty-four dollars (\$205,964) and 1.0 FTE. Of said sum, eighty thousand six hundred five dollars (\$80,605) shall be from the general fund, and one hundred twenty-five thousand three hundred fifty-nine (\$125,359) shall be from federal funds. Although federal funds are not appropriated, they are noted for the purpose of indicating the assumptions used relative to these funds.

(b) The appropriation to the department of health care policy and financing, department of human services-medicare funded programs, for fiscal year beginning July 1, 2002, is decreased by one hundred twenty-seven thousand nine hundred thirty dollars (\$127,930). Of said sum, sixty-three thousand nine hundred sixty-five dollars (\$63,965) shall be from the general fund and sixty-three thousand nine hundred sixty-five dollars (\$63,965) shall be from federal funds. Although federal funds are not appropriated, they are noted for the purpose of indicating the assumptions used relative to these funds.

(c) The appropriation to the department of public health and environment, division of health facilities, is decreased by eighty-nine thousand five hundred six dollars (\$89,506) cash funds exempt and 1.8 FTE.

(d) The appropriation to the department of human services, office of adult veterans services, aging services programs, is decreased by one hundred twenty-seven thousand nine hundred thirty dollars (\$127,930) cash funds exempt.

(e) The appropriation to the department of health care policy and financing, medical services premiums, is increased by one hundred forty-four thousand five hundred seventy dollars (\$144,570) out of moneys in the general fund. In addition, the general assembly anticipates that the department of health care policy and financing will receive the sum of one hundred forty-four thousand five hundred seventy dollars (\$144,570) in federal funds. Although such funds are not appropriated, they are noted for the purpose of indicating the assumptions used relative to these funds. "

Renumber succeeding section accordingly.

Page 1, line 103, strike "**RESIDENTS.**" and substitute "**RESIDENTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**" .

Appropriations

After consideration on the merits, the committee recommends that **SB02-090** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Business, Labor, and Finance Committee Report, dated February 13, 2002, page 11, after line 18, insert the following:

"SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of insurance cash fund created in section 10-1-103, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2002, the sum

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SB02-090

of one hundred six thousand two hundred eighty-one dollars (\$106,281) and 1.7 FTE, or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 11, after line 24, insert the following:

"Page 1, line 103, strike "VEHICLE." and substitute the following: "VEHICLE, AND MAKING AN APPROPRIATION THEREFOR."."

Appropriations

After consideration on the merits, the committee recommends that SB02-167 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 26, insert the following:

"SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2002, the sum of thirty-six thousand seventy-eight dollars (\$36,078), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Effective Date. Sections 1, 2, 3, and 4 of this act shall take effect on July 1, 2002. Section 5 of this act shall take effect upon approval by voters, as part of the 2002 general election, of an increase in the sales tax levied by the regional transportation district pursuant to section 32-9-119.4, Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 107, strike "PLANS." and substitute "PLANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."."

Appropriations

After consideration on the merits, the committee recommends that SB02-156 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. The introductory portion to 37-92-102 (3), Colorado Revised Statutes, is amended to read:

37-92-102. Legislative declaration - basic tenets of Colorado water law. (3) Further recognizing the need to correlate the activities of mankind with some reasonable preservation of the natural environment, the Colorado water conservation board is hereby vested with the exclusive authority, on behalf of the people of the state of Colorado, to appropriate in a manner consistent with sections 5 and 6 of article XVI of the state constitution, such waters of natural streams and lakes as the board determines may be required for minimum stream flows or for natural surface water levels or volumes for natural lakes to preserve the natural environment to a reasonable degree. In the adjudication of water rights pursuant to this article and other applicable law, no other person or entity shall be granted a decree adjudicating a right to water or interests in water for instream flows in a stream channel between specific points, or for natural surface water levels or volumes for natural lakes, for any purpose whatsoever. The board also may acquire, by grant, purchase, DONATION, bequest, devise, lease, exchange, or other contractual agreement, from or with any person, including any governmental entity, such water, water rights, or interests in water IN SUCH AMOUNT as the board determines may be required IS APPROPRIATE for minimum stream flows or for natural surface water levels or volumes for natural lakes to preserve OR IMPROVE the natural environment to a reasonable degree. At the request of any person, including any governmental entity, the board

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SB02-156

shall determine in a timely manner, not to exceed one hundred twenty days unless further time is granted by the requesting person or entity, what terms and conditions it will accept in a contract or agreement for the SUCH acquisition. ~~by it from such person or governmental entity of water, water rights, or interests in water to be held by the board for minimum stream flows to preserve the natural environment to a reasonable degree.~~ Any contract or agreement executed between the board and any person or governmental entity ~~which~~ THAT provides water, water rights, or interests in water to the board shall be enforceable by either party thereto as a water matter under this article, according to the terms of the contract or agreement. THE BOARD MAY NOT ACCEPT A DONATION OF WATER RIGHTS THAT EITHER WOULD REQUIRE THE REMOVAL OF EXISTING INFRASTRUCTURE WITHOUT APPROVAL OF THE CURRENT OWNER OF SUCH INFRASTRUCTURE OR THAT WERE ACQUIRED BY CONDEMNATION. THE BOARD MAY USE ANY FUNDS AVAILABLE TO IT, OTHER THAN THE CONSTRUCTION FUND CREATED IN SECTION 37-60-121, FOR ACQUISITION OF WATER RIGHTS AND THEIR CONVERSION TO INSTREAM FLOW RIGHTS. The board may initiate such applications as it determines are necessary or desirable for utilizing water, water rights, or interests in water appropriated, acquired, or held by the board, including applications for changes of water rights, exchanges, or augmentation plans. Prior to the initiation of any such appropriation or acquisition, the board shall request recommendations from the division of wildlife and the division of parks and outdoor recreation. The board also shall request recommendations from the United States Department of Agriculture and the United States Department of the Interior. Nothing in this article shall be construed as authorizing any state agency to acquire water by eminent domain or to deprive the people of the state of Colorado of the beneficial use of those waters available by law and interstate compact. Any appropriation made pursuant to this subsection (3) shall be subject to the following principles and limitations:

SECTION 2. 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."

Appropriations

After consideration on the merits, the committee recommends that **SB02-098** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB02-093** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB02-087** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike lines 9 through 21 and substitute the following:

"WATER CONSERVATION BOARD IN THE DEPARTMENT OF NATURAL RESOURCES. TWO DESIGNEES OF THE BOARD, IN COOPERATION WITH TWO DESIGNEES OF THE WATER QUALITY CONTROL COMMISSION IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND UPON CONSULTATION WITH THE COLORADO WATERSHED ASSEMBLY, SHALL ADMINISTER THE MONEYS IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION. MONEYS IN THE FUND MAY BE USED TO COVER ALL REASONABLE COSTS INCURRED IN ADMINISTERING THE MONEYS IN THE FUND.

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SB02-087

(3) THE WATER QUALITY CONTROL COMMISSION AND THE COLORADO WATER CONSERVATION BOARD SHALL USE THE MONEYS TRANSFERRED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO AWARD GRANTS, ON A COMPETITIVE BASIS AND IN A MANNER TO BE DETERMINED JOINTLY BY SUCH COMMISSION AND BOARD, TO ANY QUALIFIED RESIDENT OF COLORADO TO WORK TOWARD THE RESTORATION AND PROTECTION OF LAND AND NATURAL RESOURCES WITHIN WATERSHEDS IN COLORADO. QUALIFICATIONS FOR SUCH GRANTS SHALL BE DETERMINED JOINTLY BY THE COMMISSION AND THE BOARD IN COOPERATION WITH THE COLORADO WATERSHED ASSEMBLY.

(4) MONEYS GRANTED PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL NOT BE USED FOR LOBBYING OR FOR ANY OTHER POLITICAL PURPOSE, THE COSTS OF LITIGATION, OR TO REMOVE ANY DIVERSION OR IMPROVEMENT STRUCTURE.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado watershed protection fund created in section 39-22-2303 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, cash and document processing division, for data entry costs, for the fiscal year beginning July 1, 2002, the sum of eight hundred twelve dollars (\$812), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 105, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

MESSAGE FROM THE HOUSE

March 15, 2002

Mr. President:

The House failed to pass SB02-118 as amended on Second Reading. The bill is returned herewith.

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-187** by Senator(s) Hernandez, Matsunaka; also Representative(s) Mitchell, Mace, Groff-- Concerning the requirement that school employees report allegations of sex crimes to law enforcement agencies.
Judiciary
- HB02-1013** by Representative(s) Spradley, Williams T.; also Senator(s) McElhany, Owen--Concerning the guaranteed issue of health insurance benefits for business groups of one.
Business, Labor, and Finance

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title and referred to the committee indicated:

- SJR02-015** by Senator(s) Musgrave--Concerning the commendation of President Bush and Secretary Norton on their initiative in opening a portion of the Alaska National Wildlife Refuge for oil exploration.
Public Policy and Planning
- The following resolution was read by title:
- SJR02-016** by Senator(s) Taylor, Entz, Anderson, Andrews, Cairns, Chlouber, Dyer, Evans, Hernandez, Isgar, May, Owen, Perlmutter, Thiebaut; also Representative(s) Weddig, Cadman, Decker, Miller, Paschall, Sinclair, Swenson, Witwer--Concerning the recognition of Military Appreciation Day.

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

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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:

SB02-048 by Senator(s) Hanna; also Representative(s) Rippy--Concerning cruelty to animals.

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

YES	20	NO	11	EXCUSED	4	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	E	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	E	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: Chlouber, Gordon, Hagedorn, Hernandez, Takis, Tupa.

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

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

Third Reading Amendment No. 1, by Senator Hillman.

Amend revised bill, page 2, line 8, after "PROGRAM," insert "EXCEPT AS OTHERWISE REQUIRED BY STATUTE,";

strike lines 9 through 11 and substitute the following:

"SHALL NOT REQUIRE INFORMATION FROM PUBLIC SCHOOLS OR SCHOOL DISTRICTS WHICH HAS BEEN PREVIOUSLY SUBMITTED TO THE DEPARTMENT; EXCEPT THAT THIS PROHIBITION SHALL NOT APPLY TO ANNUAL UPDATES OF INFORMATION SOUGHT BY THE DEPARTMENT."

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	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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, Dyer, Entz, Evans, Foltz-Gerald, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Matsunaka, Nichol, Pascoe, Tate, Teck, Tupa.

HB02-1022 by Representative(s) Johnson, Alexander; also Senator(s) Linkhart--Concerning annual redeterminations of adoption assistance for children with special needs.

HB02-1022 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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: Hanna, Hernandez, Tate, Windels.

HB02-1087 by Representative(s) Johnson; also Senator(s) Taylor--Concerning the provision of temporary veterinary services at racing operations.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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: Hernandez, Isgar.

HB02-1111 by Representative(s) White; also Senator(s) Nichol--Concerning the terms of future advances secured by mortgages.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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: Hernandez, Lamborn, Takis, Tate.

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.

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

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HB02-1071

YES	27	NO	4	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	E	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

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

HB02-1282

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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: Hanna, Hernandez, Linkhart, Nichol.

HB02-1059

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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**.

HB02-1280

by Representative(s) Rhodes; also Senator(s) Taylor, Fitz-Gerald--Concerning the prohibition of the regulation of banking by a political subdivision.

Laid over until Tuesday, March 19, retaining its place on the calendar.

HB02-1181

by Representative(s) Romanoff, Stafford; also Senator(s) Thiebaut--Concerning statutory modifications related to the education of homeless children to comply with federal law.

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

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HB02-1181

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Tate, Tupa, Windels.

HB02-1305

by Representative(s) Williams S., Veiga, White, Hefley; also Senator(s) Gordon, Anderson, Owen--Concerning expansion of the definition of the crime of abuse of health care insurance, and, in connection therewith, adding the elimination of the need for payment by a patient of any required financial penalty applicable in the patient's health benefit plan to the list of ways that a person who provides health care may commit abuse of health insurance.

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	E	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	E	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	E	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: Fitz-Gerald, Hernandez, Pascoe, Tate, Tupa, Windels.

**CHANGES TO THE GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

HB02-1079

by Representative(s) Bacon; also Senator(s) Windels--Concerning imposition of incarceration for violating a valid court order under the "School Attendance Law of 1963".

Upon request of Senator Dyer, **HB02-1079** was removed from the March 18, General Orders--Second Reading of Bills Consent Calendar and placed at the end of the General Orders--Second Reading of Bills Calendar of Tuesday, March 19.

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--
CONSENT CALENDAR**

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:

HB02-1156

by Representative(s) Marshall, Kester, Sanchez, Sinclair; also Senator(s) Hillman--Concerning campaign finance disclosure reporting requirements relative to recall elections.

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

HB02-1340 by Representative(s) Dean; also Senator(s) Matsunaka--Concerning changes to the dates of certain events in the political party nomination process for the calendar year 2002 necessitated by the redrawing of the general election precinct boundaries in accordance with the court-approved reapportionment plan for senatorial and representative districts of members of the general assembly.

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

HB02-1235 by Representative(s) Young; also Senator(s) Hernandez--Concerning changes in the repeal dates for funding from the employment support fund for certain programs administered by the department of labor and employment.

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

HB02-1145 by Representative(s) Rippy, Groff; also Senator(s) Linkhart--Concerning a prohibition against installing as a component of an air bag system any object that is not designed in accordance with federal safety regulations for a particular vehicle.

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

HB02-1127 by Representative(s) Vigil, Coleman, Scott, Williams T.; also Senator(s) Anderson, Taylor, Tupa--Concerning the cost of home- and community-based services.

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

HB02-1279 by Representative(s) Stafford, Plant, Saliman, Spradley; also Senator(s) Hernandez, Anderson, Hagedorn, Matsunaka--Concerning the designation of managed service organizations for the purchase of treatment services related to alcohol and drug abuse.

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

HB02-1308 by Representative(s) Hefley, Berry, Alexander, Williams S.; also Senator(s) Hernandez--Concerning administration of the provision of youth services.

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

HB02-1057 by Representative(s) Swenson; also Senator(s) Musgrave--Concerning the modification of the existing state excess revenue refund mechanism that reduces the sales tax rate on specified vehicles with a gross vehicle weight rating in excess of twenty-six thousand pounds to allow the determination of whether the mechanism will be utilized in a given state fiscal year to be made prior to the end of the preceding state fiscal year.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, March 13, page 457 and placed in members' bill file.)

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

HB02-1169 by Representative(s) Groff; also Senator(s) Perlmutter--Concerning the notice given by an intrastate telecommunications provider prior to making changes affecting customer costs.

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

SB02-169 by Senator(s) Linkhart; also Representative(s) Chavez--Concerning the exemption of Roth individual retirement accounts from levy and sale.

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

HB02-1286 by Representative(s) Jahn; also Senator(s) Anderson--Concerning surplus state property.

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

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: **HB02-1156, HB02-1340, HB02-1235, HB02-1145, HB02-1127, HB02-1279, HB02-1308, HB02-1057**as amended, **HB02-1169, SB02-169, HB02-1286.**

COMMITTEE OF REFERENCE REPORTS

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:

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.

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:

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.

SENATE SERVICES REPORT

Senate
Services

Correctly reengrossed: SB02-097.

Correctly revised: HB02-1022, 1059, 1071, 1087, 1111, 1181, 1280, 1282, 1305; HJR02-1028.

To the Governor for signature on Friday, March 15, 2002, at 3:45 p.m.: SB02-005.

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, March 18, was laid over until Tuesday, March 19, retaining its place on the calendar.
General Orders--Second Reading of Bills: **SB02-016, SB02-083, SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101, HB02-1131, HB02-1078, HB02-1208, HB02-1211, HB02-1250, HB02-1164, HB02-1163, SB02-175.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-007.**

Consideration of Memorials: **SJM02-001.**

Consideration of House Amendments to Senate Bills: **SB02-051, SB02-113.**

Consideration of Governor's Veto: **SB02-108.**

Consideration of Governor's Appointments:

State Board of Parole

Water Quality Control Commission

Colorado Agriculture Development Authority Board of Directors

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, March 19, 2002.

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate

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