

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

Fifty-ninth Legislative Day

Friday, March 8, 2002

Pledge of Allegiance.

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

Roll Call Present--Total, 34.
Absent/Excused--Andrews--Total, 1.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of Thursday, March 7, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **SB02-172** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 16, after "24-31-310.", add "AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE P.O.S.T. BOARD CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.".

Page 4, line 13, strike "PROGRAMS TO BE" and substitute "PROGRAMS, INCLUDING BUT NOT LIMITED TO, PROGRAMS REGARDING OFFICER SAFETY, ARREST CONTROL, USE OF DEADLY FORCE AND FIRE ARMS, AND DRIVING AND HIGH SPEED PURSUITS. SUCH TRAINING PROGRAMS SHALL BE".

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1156** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1340** 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 **HB02-1325** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1280** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1235** 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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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB02-182** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, strike lines 6 through 10 and substitute the following:

"OF THE BORDER WOULD NOT RESULT IN A VIOLATION OF SECTION 46 OR 47 OF THE ARTICLE V OF THE STATE CONSTITUTION BASED UPON THE LATEST NATIONAL CENSUS, THE SECRETARY OF STATE SHALL PROPOSE";

line 11, after "BORDER", insert "AS SHORT A DISTANCE AS POSSIBLE", and strike "THE CLOSEST" and substitute "A";

line 22, strike "THE POPULATION";

strike lines 23 through 25 and substitute the following:

"SECTION 46 OR 47 OF ARTICLE V OF THE STATE CONSTITUTION, THE SUPREME";

line 27, strike "ASSIGNMENTS" and substitute "ASSIGNMENT IS MORE THAN NECESSARY OR".

Page 4, strike lines 1 through 4 and substitute the following:

"SECTION 46 OR 47 OF ARTICLE V OF THE STATE CONSTITUTION, THE SUPREME COURT SHALL DENY THE PROPOSED ASSIGNMENT.".

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1346 and 1334.

Without comment, as amended, HB02-1352 and 1335.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR02-012

by Senator(s) Thiebaut; also Representative(s) Spradley--Concerning authorization for adjournment for more than three days during the 2002 regular session of the general assembly and setting the convening date for the 2003 regular session of the general assembly.

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

SJR02-013

by Senator(s) Epps; --Concerning honoring the Colorado Mounted Rangers.

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

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; also Representative(s) Jameson--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.

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

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SB02-002

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	E	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	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	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: Chlouber, Entz, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Nichol, Phillips, Takis, Tate, Tupa.

SB02-011

by Senator(s) Teck; also Representative(s) Larson--Concerning the regulation of motor carrier safety.

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

SB02-001

by Senator(s) Tupa; also Representative(s) Borodkin--Concerning the one-time 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, and making an appropriation in connection therewith.

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

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

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 (**HB02-1223, HB02-1171**) of Friday, March 8, was laid over until Monday, March 11, retaining its place on the calendar.

Committee of the Whole

On motion of Senator Hernandez, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of the Bills and Senator Hernandez was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

SB02-073

by Senator(s) Linkhart, Hagedorn; also Representative(s) Coleman--Concerning protection of Colorado homeowners against abusive home loan practices.

Laid over until Monday, March 11, retaining its place on the calendar.

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- SB02-089** by Senator(s) Phillips, Takis; also Representative(s) Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling. 1
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Laid over until Monday, March 11, retaining its place on the calendar. 4
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- SB02-048** by Senator(s) Hanna; also Representative(s) Rippy--Concerning cruelty to animals, and making an appropriation in connection therewith. 6
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 9
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- HB02-1022** by Representative(s) Johnson, Alexander; also Senator(s) Linkhart--Concerning annual redeterminations of adoption assistance for children with special needs. 12
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Laid over until Monday, March 11, retaining its place on the calendar. 15
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- HB02-1132** by Representative(s) Marshall, Borodkin, Fritz, Garcia, Groff, Hefley, Lee, Madden, Saliman, Veiga; also Senator(s) Epps--Concerning limitations on the housing used by persons convicted of sex offenses. 17
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Amendment No. 1, Judiciary Committee Amendment. 21
(Printed in Senate Journal, February 28, page 371 and placed in members' bill file.) 22
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 24
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(For further action, see Amendments to the Committee of the Whole Reports). 27
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- HB02-1168** by Representative(s) Williams S., Coleman, Jahn, Mace, Stafford; also Senator(s) Epps--Concerning the availability of a notation indicating adoption when a new birth certificate is issued. 29
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Amendment No. 1(L.002), by Senator Hillman. 33
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Amend reengrossed bill, page 2, line 13, strike everything after the 35
period; 36
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strike lines 14 through 16. 38
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 40
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- HB02-1083** by Representative(s) Lawrence; also Senator(s) Gordon--Concerning the creation of the Amber alert program. 43
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 46
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- HB02-1061** by Representative(s) Garcia; also Senator(s) Entz--Concerning applications for absentee ballots. 48
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Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment. 51
(Printed in Senate Journal, February 28, page 372 and placed in members' bill file.) 52
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 55
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- HB02-1153** by Representative(s) Vigil, Chavez, Marshall; also Senator(s) Tate--Concerning information contained in a consumer's credit report, and, in connection therewith, requiring consumer reporting agencies and persons who provide credit information to use the consumer's social security number to verify information prior to including the information in the consumer's credit report and prohibiting a consumer reporting agency from furnishing to any person records of requests for credit or insurance that are not initiated by the consumer. 58
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Amendment No. 1, Business, Labor, and Finance Committee Amendment. 66
(Printed in Senate Journal, March 1, page 373 and placed in members' bill file.) 67
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 70
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- HB02-1026** by Representative(s) Boyd, Tochtrop; also Senator(s) Hernandez, Linkhart--Concerning segregated funding under the Colorado works program. 1
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Amendment No. 1, Health, Environment, Children & Families Committee Amendment. 4
(Printed in Senate Journal, March 1, page 374 and placed in members' bill file.) 5
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As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
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- HB02-1087** by Representative(s) Johnson; also Senator(s) Taylor--Concerning the provision of 10
temporary veterinary services at racing operations. 11
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Laid over until Monday, March 11, retaining its place on the calendar. 13
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- HB02-1230** by Representative(s) Stafford, Cloer, Tochtrop; also Senator(s) Phillips--Concerning 15
continuation of the state board of optometric examiners. 16
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 18
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- HB02-1118** by Representative(s) Scott; also Senator(s) Reeves--Concerning the discretion of the 20
Colorado water resources and power development authority in financing projects. 21
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 23
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- HB02-1041** by Representative(s) Rippy; also Senator(s) Taylor--Concerning the maintenance of a 25
sufficient balance in the operational account of the severance tax trust fund to fund the 26
recommended programs for two state fiscal years. 27
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Amendment No. 1(L.001), by Senator Taylor. 29
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Amend reengrossed bill, page 2, line 12, strike "(c)." and substitute "(c); 31
EXCEPT THAT IF THE GENERAL ASSEMBLY DETERMINES THAT TRANSFERS 32
OF MONEYS FROM THE RESERVE ARE NEEDED DURING A STATE REVENUE 33
CRISIS, SUCH TRANSFERS SHALL BE A LOAN FROM THE RESERVE TO BE 34
REPAID AS SOON AS MONEYS ARE AVAILABLE." 35
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As amended, ordered revised and placed on the calendar for Third Reading and Final 37
Passage. 38
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- HB02-1053** by Representative(s) Young; also Senator(s) Taylor--Concerning school grants. 40
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Amendment No. 1, Education Committee Amendment. 42
(Printed in Senate Journal, March 1, page 375 and placed in members' bill file.) 43
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As amended, ordered revised and placed on the calendar for Third Reading and Final 45
Passage. 46
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- HB02-1019** by Representative(s) Tapia; also Senator(s) Gordon--Concerning registration with local 48
law enforcement agencies as a condition of release for certain persons found not guilty by 49
reason of insanity. 50
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Amendment No. 1(L.007), by Senator Gordon. 52
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Amend reengrossed bill, page 2, line 12, strike "PERSON" and substitute 54
"DEFENDANT"; 55
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line 14, strike "PERSON" and substitute "DEFENDANT". 57
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Page 4, line 12, strike "PERSON" and substitute "DEFENDANT". 59
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Page 7, after line 4, insert the following: 61
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"(i) WHEN THE COMMITTING COURT ENTERS A FINAL ORDER OF 63
UNCONDITIONAL RELEASE FOR A DEFENDANT REQUIRED TO REGISTER 64
PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (4), THE DEPARTMENT 65
OF HUMAN SERVICES SHALL NOTIFY THE LOCAL LAW ENFORCEMENT 66
AGENCY OF THE JURISDICTION IN WHICH THE DEFENDANT RESIDES AND THE 67
COLORADO BUREAU OF INVESTIGATION THAT THE DEFENDANT HAS BEEN 68
UNCONDITIONALLY RELEASED AND IS NO LONGER REQUIRED TO REGISTER 69
AS PROVIDED IN THIS SUBSECTION (4). UPON RECEIVING SUCH NOTICE, THE 70
COLORADO BUREAU OF INVESTIGATION SHALL REMOVE THE DEFENDANT'S 71
NAME FROM THE CENTRAL REGISTRY." 72

HB02-1019

line 14, strike "PERSON" and substitute "DEFENDANT";

line 16, strike "PERSON" and substitute "DEFENDANT".

Page 8, after line 22, insert the following:

"(d) IF THE COURT VACATES THE ORDER REQUIRING A DEFENDANT TO REGISTER PURSUANT TO THIS SUBSECTION (2), THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY OF THE JURISDICTION IN WHICH THE DEFENDANT RESIDES AND THE COLORADO BUREAU OF INVESTIGATION THAT THE ORDER REQUIRING REGISTRATION HAS BEEN VACATED AND THE DEFENDANT IS NO LONGER REQUIRED TO REGISTER AS PROVIDED IN THIS SUBSECTION (2). UPON RECEIVING SUCH NOTICE, THE COLORADO BUREAU OF INVESTIGATION SHALL REMOVE THE DEFENDANT'S NAME FROM THE CENTRAL REGISTRY."

Amendment No. 2(L.008), by Senator Gordon.

Amend reengrossed bill, page 9, after line 16, insert the following:

"SECTION 5. 16-22-110 (1), Colorado Revised Statutes, as enacted by Senate Bill 02-010, enacted at the Second Regular Session of the Sixty-third General Assembly, is amended to read:

16-22-110. Colorado sex offender registry - creation - maintenance - release of information. (1) The director of the Colorado bureau of investigation shall establish a statewide central registry of persons required to register PURSUANT TO SECTION 16-8-115 OR 16-8-118 OR as a condition of parole or pursuant to this article, to be known as the Colorado sex offender registry. The CBI shall create and maintain the sex offender registry as provided in this section. In addition, the CBI shall be the official custodian of all registration forms completed pursuant to this article and other documents associated with sex offender registration created pursuant to this article."

Renumber succeeding sections accordingly.

Page 9, line 18, strike "2002, and" and substitute "2002; except that section 4 of this act shall take effect only if Senate Bill 02-010 does not pass and does not become law and section 5 of this act shall take effect only if Senate Bill 02-010 passes and becomes law. The provisions of this act".

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

HB02-1020

by Representative(s) White; also Senator(s) Arnold--Concerning the application of enhanced penalties for violation of driving restrictions imposed by the state when dangerous driving conditions exist.

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

(Printed in Senate Journal, March 4, page 386 and placed in members' bill file.)

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

HB02-1056

by Representative(s) Hoppe, Miller, Tochtrop, Alexander; also Senator(s) Thiebaut--Concerning an exemption from the real property acquisition policies of the Colorado relocation assistance and land acquisition policies act.

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

HB02-1032

by Representative(s) Miller, Mace, Webster; also Senator(s) Hanna--Concerning the authorization for members of the statewide defined benefit plan to acquire service credit for prior employment not covered by the plan.

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

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- HB02-1092** by Representative(s) Williams T.; also Senator(s) Tate--Concerning activities of trust companies. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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- HB02-1177** by Representative(s) Hefley, Clapp, Crane, Lee, Mitchell, Schultheis, Williams S.; also Senator(s) Hanna--Concerning the administration of certain medications in family child care homes. 6
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 10
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- HB02-1185** by Representative(s) Romanoff, Alexander, Bacon, Crane, Daniel, Groff, Rippey, Stafford, Williams S.; also Senator(s) Anderson, Entz, Evans, Pascoe--Concerning the Colorado preschool program. 12
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Amendment No. 1, Education Committee Amendment. 16
(Printed in Senate Journal, March 6, pages 411-412 and placed in members' bill file.) 17
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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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 General Orders--Second Reading of Bills Calendar (**HB02-1164, HB02-1111, HB02-1071, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101**) of Friday, March 8, was laid over until Monday, March 11, retaining its place on the calendar. 22
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AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

- HB02-1132** by Representative(s) Marshall, Borodkin, Fritz, Garcia, Groff, Hefley, Lee, Madden, Saliman, Veiga; also Senator(s) Epps--Concerning limitations on the housing used by persons convicted of sex offenses. 28
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Senator Linkhart moved to amend the Report of the Committee of the Whole to show that the Judiciary Committee amendment to HB 02-1132, did not pass. 35
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The amendment was declared **adopted** by a viva voce vote. 38
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

- On motion of Senator Hernandez, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken: 41
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Passed on Second Reading: **SB02-048** as amended, **HB02-1132, HB02-1168** as amended, **HB02-1083, HB02-1061** as amended, **HB02-1153** as amended, **HB02-1026** as amended, **HB02-1230, HB02-1118, HB02-1041** as amended, **HB02-1053** as amended, **HB02-1019** as amended, **HB02-1020** as amended, **HB02-1056, HB02-1032, HB02-1092, HB02-1177, HB02-1185** as amended. 47
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Laid over until Monday, March 11: **SB02-073, SB02-089, HB02-1022, HB02-1087, HB02-1164, HB02-1111, HB02-1071, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101.** 52
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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 Senate proceeded out of order for Consideration of Resolutions. 56
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CONSIDERATION OF RESOLUTIONS

- HJR02-1005** by Representative Hoppe; also Senator Hernandez--Concerning additions and modifications to the water pollution control revolving fund eligibility list. 61
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On motion of Senator Hernandez, the Resolution was **adopted** by the following roll call vote: 67
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HJR02-1005

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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		

Co-sponsors added: Entz, Evans, Fitz-Gerald, Hanna, Isgar, Taylor.

HJR02-1022

by Representative(s) Spence; also Senator(s) Pascoe--Concerning encouragement to school districts to recycle surplus educational materials.

On motion of Senator Pascoe, the Resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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		

Co-sponsors added: Anderson, Cairn, Chlouber, Fitz-Gerald, Gordon, Hanna, Hernandez, Isgar, Linkhart, May, Nichol, Perlmutter, Phillips, Tate, Taylor, Teck, Tupa, Windels.

HJR02-1019

by Representative(s) Snook, Alexander, Hodge, Jameson, Johnson, Kester, Miller, Plant, Tochtrop; also Senator(s) Isgar--Concerning the encouragement of federal legislation that promotes domestic agriculture.

On motion of Senator Isgar, the Resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	E	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		

Co-sponsors added: Chlouber, Entz, Fitz-Gerald, Hanna, Matsunaka, Nichol, Takis.

COMMITTEE OF REFERENCE REPORTS

Education

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

COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

effective March 24, 2002 for a term expiring March 23, 2006:

Michael S. Nyikos of Grand Junction, Colorado, to serve as a non-graduate, appointed.

Education

After consideration on the merits, the committee recommends that **HB02-1246** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

HB02-1246

Amend reengrossed bill, page 3, strike line 27.

Page 4, strike lines 1 through 6.

Reletter succeeding paragraphs accordingly.

Page 4, strike line 10 and substitute "COMMISSIONER OF EDUCATION:";

line 11, strike "REPRESENTATIVES FROM" and substitute "ONE REPRESENTATIVE FROM EACH OF";

strike lines 13 through 15 and substitute the following:

"(II) ONE REPRESENTATIVE EACH OF AN URBAN AND A RURAL SCHOOL DISTRICT WITH EXPERTISE IN SCHOOL FINANCE OR SPECIAL EDUCATION;

(III) ONE REPRESENTATIVE OF BOARDS OF COOPERATIVE SERVICES;"

line 16, strike "(III) REPRESENTATIVES" and substitute "(IV) TWO REPRESENTATIVES";

line 19, after the second "THE", insert "EXECUTIVE DIRECTOR OF THE";

line 21, strike "REPRESENTATIVES" and substitute "ONE REPRESENTATIVE FROM EACH";

line 24, strike "REPRESENTATIVES" and substitute "TWO REPRESENTATIVES";

strike line 26 and substitute the following:

"(III) ONE REPRESENTATIVE OF A COMMUNITY MENTAL HEALTH CENTER;"

Page 6, line 8, strike everything after the period;

strike lines 9 through 12.

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Education After consideration on the merits, the committee recommends that **HB02-1181** be referred favorably to the Committee of the Whole.

Education After consideration on the merits, the committee recommends that **HB02-1079** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Government, Veterans and Military Relations and Transportation The Committee on has had under consideration and has had a hearing on the following appointment and recommends that the appointment be favorably referred to the Senate Agriculture and Natural Resources Committee.

COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2005:

Margaret M. Christiansen of Westminster, Colorado, to serve as a Republican from the Second Congressional District, appointed.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **SB02-103** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

SB02-103

Amend printed bill, page 14, line 10, strike "CHARTER," and substitute "CHARTER OR ORDINANCE PASSED PURSUANT TO SUCH CHARTER,".

Government, Veterans and Military Relations and Transportation

After consideration on the merits, the committee recommends that HB02-1078 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 13, after "(a),", insert "(4), and (5)," and, strike "is" and substitute "are";

after line 22, insert the following:

"(4) The commission shall MAY maintain membership in the association of boxing commissions and shall MAY send the director or the director's designee to the association's annual convention.

(5) The commission shall MAY maintain a service subscription to the record-keeping database provider approved by the association of boxing commissions.

SECTION 3. Repeal. 12-10-107 (3) (c), (3) (e), (3) (g), (3) (i), (3) (j), and (3) (k), Colorado Revised Statutes, are repealed as follows:

12-10-107. Director - appointment - qualification - powers and duties. (3) In addition to the duties imposed upon the director elsewhere in this article, the director shall:

~~(c) (f) Employ and direct such personnel as may be necessary to carry out the purposes of this article, but no person shall be employed who has been convicted of a felony or match-related offense, notwithstanding section 24-5-101, C.R.S.~~

~~(H) The director, with the approval of the commission, may enter into agreements with any person, department, agency, or unit of state government to secure services that the director deems necessary and to provide for the payment for such services and may employ and compensate such consultants and technical assistants as may be required and as otherwise permitted by law.~~

~~(e) Make available for inspection by the commission or any member of the commission, upon request, all books, records, files, and other information and documents in the director's office;~~

~~(g) With the concurrence of the commission or pursuant to commission requirements and procedures, enter into contracts for materials, equipment, and supplies to be used in the operation of the commission;~~

~~(i) Annually prepare and submit to the commission, for its approval, a proposed budget for the succeeding fiscal year, which budget shall set forth a complete financial plan for all proposed expenditures and anticipated revenues of the commission;~~

~~(j) Take such action necessary, as may be determined by the commission, to protect the security and integrity of boxing; and~~

~~(k) Perform any other lawful acts that the commission may consider necessary or desirable in order to carry out the purposes and provisions of this article.~~

SECTION 4. Article 10 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-10-107.1. Grounds for discipline. (1) THE DIRECTOR MAY DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION THE LICENSE OF AN APPLICANT OR LICENSEE IF THE APPLICANT OR LICENSEE:

(a) VIOLATES ANY ORDER OF THE COMMISSION OR THE DIRECTOR

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HB02-1078

OR ANY PROVISION OF THIS ARTICLE OR THE RULES ESTABLISHED UNDER THIS ARTICLE;

(b) FAILS TO MEET THE REQUIREMENTS OF THIS ARTICLE OR THE RULES OF THE COMMISSION OR USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR ATTEMPTING TO APPLY FOR LICENSURE;

(c) IS CONVICTED OF OR HAS ENTERED A PLEA OF NOLO CONTENDERE OR GUILTY TO A FELONY; EXCEPT THAT THE DIRECTOR SHALL BE GOVERNED BY THE PROVISIONS OF SECTION 24-5-101, C.R.S., IN CONSIDERING SUCH CONVICTION OR PLEA;

(d) IS ADDICTED TO OR DEPENDENT UPON ALCOHOL OR ANY CONTROLLED SUBSTANCE, WITHIN THE MEANING OF PART 3 OF ARTICLE 22 OF THIS TITLE, OR IS A HABITUAL USER OF SAID CONTROLLED SUBSTANCE, IF THE USE, ADDICTION, OR DEPENDENCY IS A DANGER TO CLIENTS OR PROSPECTIVE CLIENTS;

(e) HAS INCURRED DISCIPLINARY ACTION RELATED TO PROFESSIONAL BOXING IN ANOTHER JURISDICTION. EVIDENCE OF SUCH DISCIPLINARY ACTION SHALL BE PRIMA FACIE EVIDENCE FOR DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE VIOLATION WOULD BE GROUNDS FOR SUCH DISCIPLINARY ACTION IN THIS STATE.

(2) ANY PROCEEDING TO DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION A LICENSE SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S. ANY PERSON WHOSE LICENSE IS DENIED, SUSPENDED, PLACED ON PROBATION, OR REVOKED SHALL PAY FOR THE COSTS INCURRED IN BRINGING AND CONDUCTING SUCH PROCEEDING."

Renumber succeeding sections accordingly.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1145** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **SB02-167** be referred favorably to the Committee on Appropriations.

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1127** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1279** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1308** 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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MESSAGE FROM THE HOUSE

March 8, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-105.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1129, amended as printed in House Journal, March 7, page 752. HB02-1152, amended as printed in House Journal, March 7, page 752. HB02-1278, amended as printed in House Journal, March 7, page 753. SB02-143, amended as printed in House Journal, March 7, page 752.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1129, 1152, and 1278 and SB02-143.

SENATE SERVICES REPORT

Senate Services

Correctly revised: HJR02-1008, HJR02-1023.

Correctly enrolled: SJR02-011.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SJR02-011; HB02-1005, 1018, 1031, 1033, 1106, 1117.**

Senate in Recess--Senate Reconvened.

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, March 8, was laid over until Monday, March 11, retaining its place on the calendar.

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

Consideration of Memorials: **SJR02-001.**

Consideration of House Amendments to Senate Bills: **SB02-028, SB02-005.**

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

Consideration of Governor's Appointments:

Statewide Poison Control Oversight Board

State Board of Agriculture

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 11, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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