

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

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Thirty-sixth Legislative Day

Wednesday, February 13, 2002

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Prayer By the chaplain, Father Costas Pavlakos, Greek Orthodox Cathedral of the Assumption, Denver. 11

Call to Order By the President at 9:00 a.m. 14

Roll Call Present--Total, 30. 17  
Absent/Excused--Cairns, Evans, Linkhart, Pascoe, Tupa--Total 5. 18  
Present later--Cairns, Linkhart, Pascoe, Tupa. 19

Quorum The President announced a quorum present. 21

Reading of Journal On motion of Senator McElhany, reading of the Journal of Tuesday, February 12, was dispensed with and the Journal was approved as corrected by the Secretary. 23

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, HB02-1089 and 1106. 31  
Without comment, as amended, HB02-1145, 1111, 1169, and 1181. 32  
With comment, as amended, HB02-1163. 33

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**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-165** by Senator(s) Andrews--Concerning an exception to the requirement that the state treasurer sell all unclaimed property for certain military awards that have not been claimed by the owner. 40  
Government, Veterans and Military Relations, and Transportation 41

**HB02-1011** by Representative(s) Sinclair; also Senator(s) Nichol--Concerning the reduction of the number of available types of special license plates. 45  
Government, Veterans and Military Relations, and Transportation 46

**HB02-1093** by Representative(s) Alexander; also Senator(s) Hernandez--Concerning the recovery of overpayments of public assistance. 49  
Health, Environment, Children & Families 50

**HB02-1098** by Representative(s) Spradley; also Senator(s) Owen--Concerning a requirement that any donation of a perpetual conservation easement for which a credit against state income tax is claimed be eligible to qualify as a qualified conservation contribution pursuant to requirements specified in the federal internal revenue code. 53  
Business, Labor, and Finance 54  
Appropriations 55

**HB02-1100** by Representative(s) Snook, Mitchell; also Senator(s) Tate--Concerning appellate review in class action lawsuits. 60  
Public Policy and Planning 61

**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. 64  
Health, Environment, Children & Families 65

**HB02-1131** by Representative(s) Hodge; also Senator(s) Takis--Concerning the qualifications required of an applicant before a special license plate may be issued. 68  
Government, Veterans and Military Relations, and Transportation 69

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<b>HB02-1132</b>	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. Judiciary	1 2 3 4 5
<b>HB02-1135</b>	by Representative(s) Williams T., Cloer, Coleman, Daniel, Decker, Garcia, Hodge, Kester, King, Larson, Ragsdale, Snook, Spence, Spradley, Tochtrop; also Senator(s) Windels, Anderson, Entz, Hanna, May--Concerning the Colorado compensation insurance authority. Business, Labor, and Finance Public Policy and Planning	6 7 8 9 10 11
<b>HB02-1139</b>	by Representative(s) Crane; also Senator(s) Cairns--Concerning protections for persons on state military duty. Government, Veterans and Military Relations, and Transportation Judiciary	12 13 14 15 16
<b>HB02-1153</b>	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. Business, Labor, and Finance	17 18 19 20 21 22 23 24 25
<b>HB02-1154</b>	by Representative(s) Scott; also Senator(s) Fitz-Gerald--Concerning a prohibition on any retail gaming licensee who holds a license issued by the limited gaming commission to knowingly permit the removal of an alcohol beverage from licensed premises where the liquor license is for on-premises consumption of alcohol beverages only. Public Policy and Planning	26 27 28 29 30 31
<b>HB02-1177</b>	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. Health, Environment, Children & Families	32 33 34 35 36
<b>HB02-1179</b>	by Representative(s) Garcia, Groff, Weddig; also Senator(s) Anderson--Concerning requirements applicable to a candidate for elective office under the "Fair Campaign Practices Act". Public Policy and Planning	37 38 39 40 41
<b>HB02-1191</b>	by Representative(s) Decker, Tapia, Webster; also Senator(s) Windels--Concerning the "Colorado Common Interest Ownership Act". Business, Labor, and Finance	42 43 44 45
<b>HB02-1208</b>	by Representative(s) Stengel; also Senator(s) Phillips--Concerning compliance with federal law in the imposition of a sales tax in the state on mobile telecommunications service. Business, Labor, and Finance	46 47 48 49 50

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## INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

<b>SJR02-004</b>	by Senator(s) Matsunaka, Thiebaut, Perlmutter--Concerning auditing reform. Laid over one day under Senate Rule 30(b).	54 55 56 57 58 59
<b>SJR02-005</b>	by Senator(s) Pascoe; also Representative(s) Witwer--Concerning Dr. Clay S. Jenkinson and the Colorado Endowment for the Humanities. Laid over one day under Senate Rule 30(b).	60 61 62 63 64

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## COMMITTEE OF REFERENCE REPORTS

Judiciary	After consideration on the merits, the committee recommends that <b>SB02-142</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	65 66 67 68 69 70 71 72
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SB02-142

Amend printed bill, page 3, line 26, strike "and 39-29-108.5," and substitute "39-29-108.5, and 40-17-104 (2) and (3),";

after line 27, insert the following:

"SECTION 3. 40-22-101, Colorado Revised Statutes, is amended to read:

**40-22-101. Consolidation of roads - restrictions.** It is lawful for any railroad company or corporation, organized or existing under the laws of this state, and whose line or road is made or is in the process of construction to the boundary line of the state or to any point either in or out of the state, under authority of its laws, to merge and consolidate its capital stock, franchises, and property into and with the capital stock, franchises, and property of any other railroad company or corporation organized and existing under the laws of any adjoining state or territory whenever the two or more railroads of the companies or corporations so to be consolidated form a continuous line of railroad with each other or by means of any intervening railroad; and roads running to the bank of a river which is not bridged shall be held to be continuous. Nothing in this article shall be taken to authorize the consolidation of any company or corporation of this state with that of any other state, or a territory; unless the laws of such other state or territory authorize such consolidation; but parallel or competing lines of railroad shall not be consolidated.

SECTION 4. 40-27-108 (2), Colorado Revised Statutes, is amended to read:

**40-27-108. Notification of owner and claim agent.** (2) Should the secretary be unable to determine from the description furnished by the stock inspector the owner or probable owner of such animal so killed or injured, he shall cause an advertisement to be placed in a newspaper published in the county where said killing or wounding occurred, describing the animal so killed or injured, giving the marks or brands appearing on said animal, if any, and notifying the owner to appear within six months of the date of such killing or injuring and make claim for said animal. Said advertisement shall appear for two consecutive weeks. ~~and the cost of same shall not exceed two dollars for any one animal.~~ The cost of such advertisement shall be paid out of the brand inspection fund of the state board of stock inspection commissioners and shall be deducted from the amount of damages that may be awarded against the railway company or corporation. Should no claim be made for any animal so advertised, the cost of such advertising shall be paid by the railroad company responsible for such killing or injuring and shall be deposited in the brand inspection fund of said board."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the committee recommends that SB02-133 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 26 and 27.

Page 4, strike lines 1 through 25

Renumber succeeding sections accordingly.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SR02-005.

Correctly reengrossed: SB02-005, 007, 021, 038, 041, 049, 057, 069, 091, 095,106, 107, 113, 122, 140, 144; SCR02-001, 002.

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SR02-005.

Journal Correction:

Page 219 after Pascoe insert the following ; also Representative Witwer.

Page 219 Strike: Lines 69-70. Insert: More than the Constitutionally required two-thirds majority of the members elected to the Senate having voted in the affirmative, the Concurrent Resolution was declared **adopted**.

Page 220 Strike: Lines 50-51. Insert: More than the Constitutionally required two-thirds majority of the members elected to the Senate having voted in the affirmative, the Concurrent Resolution was declared **adopted**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 13, was laid over until Thursday, February 14, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-064, SB02-042, SB01-127, SB02-015, SB02-102, SB02-141, HB02-1007, HB02-1033, HB02-1008, HB02-1110, SB02-085, SB02-086, SB02-099, SB02-104, SB02-120, SB02-161, SB02-110, SB02-105, SB02-143, SB02-054.**

Consideration of Resolutions: **HJR02-1003, HJR02-1009, HJR02-1008, HJR02-1014.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February 14, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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