

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

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One-hundred-fourth Legislative Day

Monday, April 22, 2002

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Prayer By the chaplain, Father Larry Bradford, Church of the Holy Redeemer.

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

Roll Call Present--Total, 31.  
Absent/Excused--Evans, Hernandez, McElhany, Tupa--Total, 4.  
Present later--Evans, McElhany.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Taylor, reading of the Journal of Friday, April 19, was dispensed with and the Journal was approved as corrected by the Secretary.

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**MESSAGE FROM THE HOUSE**

April 19, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1283, amended as printed in House Journal, April 17, page 1396.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB02-1309, amended as printed in House Journal, April 18, page 1432, and amended on Third Reading as printed in House Journal, April 19.

The House has voted not to concur in the Senate amendments to HB02-1420 and requests that a conference committee be appointed. The Speaker has appointed Representatives Young, chairman, Berry, and Saliman as House conferees on the First Conference Committee on HB02-1420. The bill is transmitted herewith.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB02-1283 and 1309.

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**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-216** by Senator(s) Nichol--Concerning changes to the formula for determining permanent partial disability benefits under the "Workers' Compensation Act of Colorado".  
Business, Labor, and Finance

**HB02-1027** by Representative(s) Romanoff, Mace; also Senator(s) Hernandez, Hanna--Concerning case-mix reimbursement methodology for the reimbursement of services under the "Colorado Medical Assistance Act", and making an appropriation in connection therewith.  
Health, Environment, Children & Families  
Appropriations

**HB02-1038** by Representative(s) Tapia; also Senator(s) Arnold--Concerning the unlawful possession of certain items with intent to manufacture a controlled substance, and making an appropriation in connection therewith.  
Judiciary  
Appropriations

<b>HB02-1112</b>	by Representative(s) White, Johnson; also Senator(s) Taylor--Concerning the creation of the colors of the flag of the United States of America special license plate, and making an appropriation in connection therewith.	1
	Government, Veterans and Military Relations, and Transportation	2
	Appropriations	3
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<b>HB02-1237</b>	by Representative(s) Hefley; also Senator(s) Gordon--Concerning substantive changes for the strengthening of criminal laws.	7
	Judiciary	8
	Appropriations	9
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<b>HB02-1263</b>	by Representative(s) Alexander; also Senator(s) Hagedorn--Concerning substance abuse treatment, and making an appropriation in connection therewith.	12
	Health, Environment, Children & Families	13
	Appropriations	14
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<b>HB02-1276</b>	by Representative(s) Mace; also Senator(s) Epps--Concerning the provision of additional funding for the health care needs of old age pension recipients, and making an appropriation therefor.	17
	Health, Environment, Children & Families	18
	Appropriations	19
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<b>HB02-1292</b>	by Representative(s) Clapp; also Senator(s) Reeves--Concerning the statewide managed care system under the "Colorado Medical Assistance Act", and making an appropriation in connection therewith.	23
	Health, Environment, Children & Families	24
	Appropriations	25
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<b>HB02-1295</b>	by Representative(s) Romanoff, Alexander, Decker, Hefley, Kester, Snook; also Senator(s) Owen, Andrews, Linkhart--Concerning procedures to facilitate the provision of benefits to offenders transitioning from the criminal justice system, and making an appropriation in connection therewith.	29
	Judiciary	30
	Appropriations	31
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<b>HB02-1297</b>	by Representative(s) Hefley, Spence, Alexander, Bacon, Clapp, Daniel, Groff, Lawrence, Romanoff; also Senator(s) Linkhart--Concerning school readiness through community consolidated child care pilots, and making an appropriation in connection therewith.	36
	Education	37
	Appropriations	38
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<b>HB02-1298</b>	by Representative(s) Romanoff, Coleman, Fairbank, Grossman, Lee, Miller, Plant, Rippy, Saliman, Scott, Snook, Swenson; also Senator(s) Teck, Reeves--Concerning improved efficiency in state government.	42
	Public Policy and Planning	43
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<b>HB02-1301</b>	by Representative(s) Decker, Hefley, Mitchell, Ragsdale, Romanoff; also Senator(s) Hillman--Concerning clarification of the crimes of introducing contraband, and making an appropriation therefor.	47
	Judiciary	48
	Appropriations	49
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<b>HB02-1303</b>	by Representative(s) Coleman, Dean, Hefley, Kester, Mace, Sanchez; also Senator(s) Evans, Takis--Concerning the establishment of a family literacy education grant program.	53
	Education	54
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<b>HB02-1312</b>	by Representative(s) Paschall, Fairbank, Alexander, Borodkin, Boyd, Clapp, Coleman, Crane, Daniel, Decker, Fritz, Garcia, Groff, Harvey, Hefley, Hoppe, King, Larson, Mace, Mitchell, Rhodes, Sanchez, Schultheis, Tochtrop, Vigil, Weddig, Williams S., Witwer; also Senator(s) Linkhart--Concerning the priority of adoption hearings on court dockets.	57
	Judiciary	58
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<b>HB02-1405</b>	by Representative(s) Stengel; also Senator(s) Gordon--Concerning the filing of financial information with the secretary of state by charitable organizations.	63
	Judiciary	64
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<b>HB02-1417</b>	by Representative(s) Mitchell; also Senator(s) Thiebaut--Concerning clarification of circumstances for awarding an owner recoverable litigation expenses in a highway condemnation action.	67
	Judiciary	68
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**HB02-1419** by Representative(s) Larson, Alexander; also Senator(s) Isgar--Concerning Fort Lewis college.  
Education

**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:

**SB02-191** by Senator(s) Thiebaut; also Representative(s) Garcia--Concerning unemployment insurance benefits.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**SB02-208** by Senator(s) Hernandez; --Concerning the regulation of home inspectors, and making an appropriation therefor.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**HB02-1152** by Representative(s) Hoppe, Alexander, Johnson, Kester, Lawrence, Rippy, Snook, Spradley, Stengel, Webster, White; also Senator(s) Isgar, Entz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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, Hanna, Matsunaka, Perlmutter, Taylor, Teck.

**HB02-1306** by Representative(s) Spence; also Senator(s) Windels--Concerning programs related to the federal "No Child Left Behind Act of 2001".

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	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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: Phillips.

**HB02-1036** by Representative(s) Plant, Mace; also Senator(s) Phillips--Concerning state contributions to volunteer firefighter pension plans, and making an appropriation in connection therewith.

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

**HB02-1036**

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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, Epps, Fitz-Gerald, Hanna, Isgar, Matsunaka, Nichol, Pascoe, Tate, Taylor, Thiebaut, Windels.

**HB02-1090**

by Representative(s) Tochtrop, Miller, Spradley, Williams T.; also Senator(s) Fitz-Gerald, Hagedorn, Isgar, Owen--Concerning the creation of an advisory committee to study the administration of medications by certified nurse aides.

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

YES	25	NO	7	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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: Pascoe.

**HB02-1119**

by Representative(s) Berry; also Senator(s) Takis--Concerning electronic documents, and making an appropriation in connection therewith.

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	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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: Taylor.

**HB02-1159**

by Representative(s) Berry, Stafford; also Senator(s) Reeves--Concerning the creation of the office of homeless youth services, and making an appropriation in connection therewith.

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

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## HB02-1159

YES	20	NO	12	EXCUSED	3	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	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	E	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	E
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	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, Gordon, Hanna, Linkhart, Pascoe, Tate, Windels.

Committee  
of the  
Whole

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

**HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--Concerning the reestablishment of the requirement that Colorado state individual income tax return forms contain a line whereby individual taxpayers may make a voluntary contribution to the United States olympic committee, and making an appropriation in connection therewith.

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

**HB02-1313** by Representative(s) Tochtrop, Tapia; also Senator(s) Thiebaut--Concerning peace officers certified by the peace officers standards and training board.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**HB02-1101** by Representative(s) Williams T.; also Senator(s) Gordon--Concerning family-friendly courts, and making an appropriation therefor.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**HB02-1300** by Representative(s) Spence; also Senator(s) Evans--Concerning the preparation of teachers for licensure.

(Amended in Special Orders as printed in Senate Journal, April 19, pages 925-926.)

Amendment No. 2(L.007), by Senator Evans.

Amend the Education Committee Report, dated April 4, 2002, page 2, line 5, strike "SECTION OR" and substitute "SECTION,";

strike line 6 and substitute the following:

"PURSUANT TO SECTION 22-60.5-201 (1) (b), OR AFTER RECEIVING A ONE-TIME RENEWAL VALID FOR A PERIOD OF ONE YEAR PURSUANT TO SECTION 22-60.5-111 (1) (c) (II) (B)."

Page 3, line 13, after "(c)", insert "(I)";

line 22, strike "A" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), a";

line 23, strike "renewed; EXCEPT THAT, BEGINNING" and substitute "renewed.";

strike lines 24 through 28 and substitute the following:

"Notwithstanding the";

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**HB02-1300**

after line 33, insert the following:

"(II) (A) BEGINNING WITH THE 2003-04 SCHOOL YEAR, A TYPE III AUTHORIZATION, EMERGENCY, SHALL NOT BE RENEWED FOR ANY TEACHER ENTERING HIS OR HER SECOND OR SUBSEQUENT YEAR OF EMPLOYMENT AS A TEACHER, REGARDLESS OF WHETHER THE TEACHER IS EMPLOYED WITHIN THE SAME SCHOOL DISTRICT OR A DIFFERENT SCHOOL DISTRICT.

(B) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), ANY TEACHER WHO HAS RECEIVED A TYPE III AUTHORIZATION, EMERGENCY, MAY RECEIVE A ONE-TIME RENEWAL VALID FOR A PERIOD OF ONE SCHOOL YEAR BECAUSE EXTREME HARDSHIP PREVENTS THE TEACHER FROM ENTERING A TEACHER IN RESIDENCE PROGRAM OR AN ALTERNATIVE TEACHER PROGRAM."

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

**HB02-1310**

by Representative(s) King; also Senator(s) May--Concerning modifications to state funding available to address critical needs of the state's citizens, and, in connection therewith, increasing the allocation of sales and use tax revenue to the highway users tax fund, establishing a minimum annual allocation of funds for transportation purposes, creating a state rainy day fund for purposes of meeting a revenue shortfall, and creating a statewide toll authority for the purpose of financing and constructing additional highway capacity.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**HB02-1353**

by Representative(s) Mitchell, Boyd, Chavez, Cloer, Jahn, Johnson, Lawrence, Miller, Ragsdale, Snook, Tochtrop; also Senator(s) Hanna, Dyer, Isgar, Pascoe, Tate--Concerning requirements for the retroactive adjustment of health care claims.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment. (Printed in Senate Journal, April 15, page 835-838 and placed in members' bill file.)

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

Amend the Health, Environment, Children and Families Committee Report, dated April 10, 2002, page 2, line 25, after "(g) (I)", insert "(A)";

after line 32, insert the following:

"(B) IF A CARRIER FAILS TO REPORT TO THE PROVIDER THAT ELIGIBILITY IS CONTINGENT ON PAYMENT OF PREMIUM DUE PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), THE CARRIER SHALL COMPLY WITH PARAGRAPH (f) OF THIS SECTION."

Page 3, strike lines 29 through 31.

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

"(3)."

Page 6, line 14, after "POLICYHOLDER", insert "NOTIFIES THE CARRIER THAT THE POLICYHOLDER".

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

**HB02-1338**

by Representative(s) Webster; also Senator(s) Reeves--Concerning fees for performing emissions testing on motor vehicles.

Laid over until Tuesday, April 23, retaining its place on the calendar.

**HB02-1321**

by Representative(s) Crane, Daniel, Sanchez; also Senator(s) Phillips--Concerning the regulation of games of chance by the secretary of state, and making an appropriation in connection therewith.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment. (Printed in Senate Journal, March 8, page 693 and placed in members' bill file.)

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<b>HB02-1321</b>	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	1 2 3
<b>HB02-1180</b>	by Representative(s) Larson, Alexander, Boyd, Coleman, Groff, Madden, Paschall, Stengel; also Senator(s) Hernandez, Gordon, Taylor--Concerning the transfer of moneys from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund for the purpose of implementing a program for the deaf and hard of hearing, and making an appropriation therefor.	4 5 6 7 8 9
	Laid over until Tuesday April 23, retaining its place on the calendar.	10 11
<b>HB02-1232</b>	by Representative(s) Witwer; also Senator(s) Hanna--Concerning an increase in the amounts of fees relating to inspection of machines that are sources of ionizing radiation.	12 13 14
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	15 16
<b>HB02-1098</b>	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.	17 18 19 20 21
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	22 23
<b>HB02-1129</b>	by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.	24 25 26 27
	Declared <b>lost</b> on Second Reading.	28 29
	(For further action, see Amendments to the Committee of the Whole Report.)	30 31
<b>HB02-1186</b>	by Representative(s) Plant, Hodge, Johnson, Snook, Alexander, Jameson, Tochtrop; also Senator(s) Isgar--Concerning the state certification of organic producers pursuant to the federal "Organic Foods Production Act of 1990", and making an appropriation therefor.	32 33 34 35
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, April 15, page 781-782 and placed in members' bill file.)	36 37 38
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	39 40 41
<b>HB02-1165</b>	by Representative(s) Chavez; also Senator(s) Tate--Concerning the establishment of an independent governing board for Metropolitan state college of Denver.	42 43 44
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	45 46
	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 ( <b>SB02-193, SB02-195, SB02-171, SB02-204, SB02-184, SB02-089, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173</b> ) of Monday, April 22, was laid over until Tuesday, April 23, retaining its place on the calendar.	47 48 49 50 51 52
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	<b>AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT</b>	54 55
<b>HB02-1129</b>	by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.	56 57 58 59
	Senator Hanna moved to amend the Report of the Committee of the Whole to show that HB02-1129, was laid over to the general orders calendar of Tuesday, April 23, 2002, retaining its place on the calendar.	60 61 62 63
	A majority of all members elected to the Senate having voted in the affirmative, the amendment was declared <b>adopted</b> .	64 65 66
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	<b>ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE</b>	68 69
	On motion of Senator Phillips, 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:	70 71 72

Passed on Second Reading: **HB02-1160, HB02-1300** as amended, **HB02-1353** as amended, **HB02-1321** as amended, **HB02-1232, HB02-1098, HB02-1186** as amended, **HB02-1165**.

Laid over until Tuesday, April 23: **HB02-1313, HB02-1101, HB02-1310, HB02-1338, HB02-1180, HB02-1129, SB02-193, SB02-195, SB02-171, SB02-204, SB02-184, SB02-089, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173**.

**MESSAGE FROM THE HOUSE**

April 22, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1056, as printed in House Journal, April 16, pages 1372-1373.

The House has passed on Third Reading and returns herewith SB02-068.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1401

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1125, amended as printed in House Journal, April 19, page 1457.

HB02-1363, amended as printed in House Journal, April 19, pages 1457-1458.

HB02-1396, amended as printed in House Journal, April 19, page 1458.

HB02-1046, amended as printed in House Journal, April 19, pages 1459-1460.

HB02-1266, amended as printed in House Journal, April 19, page 1461.

HB02-1015, amended as printed in House Journal, April 19, page 1464, and amended on Third Reading, April 22.

HB02-1155, amended as printed in House Journal, April 19, pages 1464-1466.

HB02-1319, amended as printed in House Journal, April 19, page 1464.

HB02-1416, amended as printed in House Journal, April 19, page 1466.

SB02-168, amended as printed in House Journal, April 19, page 1458.

SB02-185, amended as printed in House Journal, April 19, page 1458.

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR02-1056** by Representative(s) Jahn, Alexander, Larson, Romanoff, Williams S.; also Senator(s) Anderson--Concerning Colorado Crime Victims' Rights Week.

On motion of Senator Anderson, the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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: The present roll call of the Senate.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Reeves, Chairman, Tate, and Owen as Senate Conferees on the First Conference Committee on **HB02-1420**.

**MESSAGE FROM THE GOVERNOR**

Appointment A letter of withdrawal from Governor Owens was read:



April 17, 2002

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following appointment:

MEMBER OF THE  
COLORADO COMMISSION FOR THE  
DEAF AND HARD OF HEARING

for a term expiring July 1, 2004:

Harriet H. Tupler of Canon City, Colorado, withdrawn.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 4/19/02  
H. Horvath, Asst. Secretary

A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

April 10, 2002

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
MEDICAL SERVICES BOARD

for a term expiring July 1, 2002:

Laurett Barrentine of Englewood, Colorado, to fill the vacancy occasioned by the passage of Barbara L. Crawford of Greenwood Village, Colorado, as a Republican from the Sixth Congressional District, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 04/19/02  
H. Horvath, Asst. Secretary

Committee on Health, Environment, Children and Families.

April 19, 2002

To the Honorable  
Senate  
Sixty-third General Assembly  
Second Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

**S.B. 02-013** – Concerning Prompt Payment Of Health Insurance Claims.

Approved April 19, 2002 at 2:02 p.m.

**S.B. 02-038** – Concerning The Display Of United States Flags By Public Institutions.

Approved April 19, 2002 at 2:04 p.m.

**S.B. 02-165** – 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.

Approved April 19, 2002 at 2:05 p.m.

Sincerely,

(Signed)  
Bill Owens  
Governor

Rec'd 04/22/02  
K. Goldman, Secretary

**SENATE SERVICES REPORT**

Senate  
Services

Correctly engrossed: SB02-191, 208; SJR02-027.

Correctly reengrossed: SB02-009, 074, 162, 177, 183, 201.

Correctly revised: HB02-1036, 1090, 1119, 1152, 1159, 1306.

Correctly rerevised: HB02-1413, 1420.

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

The President has signed: **HB02-1413**.

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 Conference Committees to Report; **HB02-1019**.

**CONSIDERATION OF CONFERENCE COMMITTEES**

**HB02-1019** by Representative(s) Tapia; also Senator(s) Gordon--Concerning registration with local law enforcement agencies as a condition of release for certain persons found not guilty by reason of insanity.

Senator Gordon moved for the adoption of the First Report of the First Conference Committee on **HB02-1019**, as printed in Senate Journal, April 17, page 899-900. The motion was **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1019

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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, as amended, was declared **repassed**.

Co-sponsors added: Epps, Lamborn.

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; **SR02-013**.

**CONSIDERATION OF RESOLUTIONS**

**SR02-013** by Senator(s) May, Entz--Concerning honoring the Veterans of Underage Military Service.

On motion of Senator May, the resolution was read at length and **adopted** by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	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	E	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	E
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: The present roll call of the Senate.

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-217** by Senators Hagedorn, Owen; also Representative(s) Spradley, Owen--Concerning modifications to health care systems in Colorado to improve the delivery of health care services to Coloradans.

Health, Environment, Children and Families

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, April 22, was laid over until Tuesday, April 23, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SR02-011, SJR02-035, SR02-014, SJR02-036, SJR02-037, SJR02-038, SJR02-040, SJR02-041.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161.**

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

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission
- Examining Board of Plumbers

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061.**

Senate in Recess--Senate Reconvened

MESSAGE FROM THE HOUSE

April 22, 2002

Mr. President:

The House has postponed indefinitely SB02-083 & 098. The bills are returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1401.

Without comment, as amended, HB02-1125, 1363, 1396, 1046, 1266, 1015, 1155, 1319, and 1416 and SB02-168 and 185.

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-218** by Senator(s) Reeves; also Representative(s) Stengel--Concerning the repeal of the requirement that the state sales tax refund mechanism used to refund excess state revenues as required by section 20 of article X of the state constitution be calculated to refund the amount of excess state revenues not refunded by other mechanisms by one hundred five percent.  
Appropriations
- SB02-219** by Senator(s) Perlmutter; also Representative(s) Smith--Concerning property exempt from levy and sale under writ.  
Business, Labor, and Finance
- SB02-220** by Senator(s) Teck; also Representative(s) Swenson--Concerning administration of the distribution of license plates, and, in connection therewith, making an appropriation.  
Public Policy and Planning
- HB02-1283** by Representative(s) Fritz; also Senator(s) Gordon--Concerning prohibitions against weapons that may cause mass destruction, and making an appropriation in connection therewith.  
Judiciary  
Appropriations
- HB02-1046** by Representative(s) Lee, Decker, Groff, Hefley, Madden, Mitchell; also Senator(s) Windels, Dyer, Arnold, Gordon, Linkhart--Concerning the relocation of certain existing criminal sentencing statutes to a new article in title 18, Colorado Revised Statutes.  
Judiciary
- HB02-1125** by Representative(s) Saliman; also Senator(s) Gordon--Concerning the creation of a Colorado stroke advisory board, and making an appropriation therefor.  
Health, Environment, Children & Families  
Appropriations
- HB02-1155** by Representative(s) Clapp, Fairbank, Fritz, Hefley, Hoppe, Kester, Lawrence, Mace, Mitchell, Scott, Snook, Spence, Stafford, Swenson, Webster, White, Witwer; also Senator(s) Owen--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.  
Health, Environment, Children & Families  
Appropriations
- HB02-1319** by Representative(s) Webster; also Senator(s) Takis--Concerning the acquisition of rights to a noninterfering use of railroad rights-of-way.  
Government, Veterans and Military Relations, and Transportation
- HB02-1363** by Representative(s) Lawrence, King; also Senator(s) Thiebaut--Concerning creation of the facility summer school grant program, and making an appropriation therefor.  
Education  
Appropriations
- HB02-1416** by Representative(s) Johnson; also Senator(s) Matsunaka--Concerning procedures to be followed by county governments in connection with the merging of parcels of land.  
Government, Veterans and Military Relations, and Transportation

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**SB02-221**

by Senator(s) Isgar, Chlouber, Taylor, Entz, Hagedorn, Hanna, Hillman, Matsunaka, Owen; also Representative(s) Hefley, Alexander, Kester, Miller, Paschall, Tapia, Tochtrop, Vigil, White, Young--Concerning the extension of the effective dates of certain horse racing statutes for five years.

Agriculture and Natural Resources

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**MESSAGE FROM THE GOVERNOR**

April 22, 2002

The Honorable Colorado Senate  
Sixty-third General Assembly  
Second Regular Session  
Denver, Colorado 80203

Dear Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 02-004, "Concerning the ability to allow the liquor industry to provide financial assistance to an institution of higher education that holds a liquor license." Therefore, this bill becomes state law at 12:01 am on April 23. This letter sets forth my reasoning for letting the bill become law without my signature.

As Governor, I am concerned about allowing the sale of alcoholic beverages on campuses. However, vetoing this bill may put those institutions that hold liquor licenses at a disadvantage with those that operate through a vendor.

The consumption of alcohol on Colorado college and university campuses, particularly binge drinking, continues to be a major problem. Just last month both the Rocky Mountain News and the Denver Post reported that the rate of binge drinking at the University of Colorado exceeded the national average.

Across the country, and in Colorado, college drinking has led to alcohol poisoning, drunk driving accidents and too many tragic deaths. A study concerning college drinking released at the beginning of April by the National Institute on Alcohol Abuse and Alcoholism blames 1.5 million injuries and 70,000 sexual assaults on binge drinking on college campuses.

As a parent I know that college binge drinking is a great concern. A recent survey of parents of college students showed that 95 percent felt that excessive drinking is a serious threat to their children's safety and that 85 percent felt that access to alcohol in college contributes to the problem.

Colorado colleges and universities continue to work to reduce drinking. It is my hope that these institutions will work with the liquor industry to help teach students to legally and responsibly use alcohol.

For these reasons, I am allowing SB 02-004 to become law without my signature.

Sincerely,

(Signed)  
Bill Owens  
Governor

Rec'd: 04/22/02  
H. Horvath, Asst. Secretary

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April 22, 2002

To the Honorable  
Senate  
Sixty-third General Assembly  
Second Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

**S.B. 02-166** – Concerning Compensation Of County Coroners.

Approved April 22, 2002 at 11:40 a.m.

Sincerely,

(Signed)  
Bill Owens  
Governor

Rec'd: 04/22/02  
H. Horvath, Secretary

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, April 23, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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