

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

Seventieth Legislative Day

Tuesday, March 19, 2002

Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish.

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

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

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Monday, March 18, 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 **HB02-1366** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1367** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1368** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1369** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1370** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the committee recommends that **HB02-1371** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1372** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1373** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

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Appropriations

After consideration on the merits, the committee recommends that **HB02-1374** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be place on the Consent Calendar.

Amend reengrossed bill, page 12, line 6, strike "21,160" and substitute "~~21,160~~ 21,960" and, in the ITEM & SUBTOTAL column, strike "2,065,979" and substitute "~~2,065,979~~";

after line 6, in the ITEM & SUBTOTAL column, insert "2,329,301";

line 12, in the ITEM & SUBTOTAL column, strike "8,718,544" and substitute "~~8,718,544~~" and, in the CASH FUNDS column, strike "8,435,714" and substitute "~~8,435,714~~";

after line 12, in the ITEM & SUBTOTAL column, insert "8,981,866" and, in the CASH FUNDS column, insert "8,699,036".

Adjust affected totals accordingly.

Page 13, line 1, strike "\$7,896,103" and substitute "~~\$7,896,103~~ \$8,159,425".

Appropriations

After consideration on the merits, the committee recommends that **HB02-1375** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1376** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1377** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1378** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1379** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations

After consideration on the merits, the committee recommends that **HB02-1380** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 28, line 4, in the ITEM & SUBTOTAL column, strike "2,498,877" and substitute "2,702,572";

line 6, in the ITEM & SUBTOTAL column, strike "(37.3 FTE)" and substitute "(40.3 FTE)";

line 8, in the ITEM & SUBTOTAL column, strike "129,648" and substitute "140,265";

line 11, in the TOTAL column, strike "2,773,220" and substitute "2,987,532" and, in the CASH FUNDS EXEMPT column, strike

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HB02-1380

"2,773,220(T)^{an}" and substitute "2,987,532(T)^{an}".

Adjust affected totals and (T) notation totals accordingly.

Appropriations After consideration on the merits, the committee recommends that **HB02-1381** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1382** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1383** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1384** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1385** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1386** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1387** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1388** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1389** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1390** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1391** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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HB02-1391

Amend reengrossed bill, page 10, strike lines 6 and 7 and substitute the following:

"(a) THE BRAND INSPECTION FUND CREATED IN SECTION 35-41-102 (1), C.R.S.;"

Page 16, strike lines 15 through 27.

Page 17, strike lines 1 through 13 and substitute the following:

"SECTION 18. 35-41-102, Colorado Revised Statutes, is amended to read:

35-41-102. Brand inspection fund - estray fund. (1) All moneys coming into the hands of the ~~state board of stock inspection commissioners~~ from the sale of estray animals shall constitute and be known as the estray fund, which fund is hereby continuously appropriated to the board, and shall be kept in an account separate and distinct from other accounts, in conformity with regulations to be prescribed by said board. All other funds of said board, including fees collected for the inspection of cattle, shall constitute and be known as the brand inspection fund of said board, which shall be kept in conformity with the regulations to be prescribed by said board. The board is authorized, in the administration of the brand inspection fund, to maintain an accounts receivable system for the collection of all moneys to be credited to said fund. The board is authorized to expend a maximum of three and six-tenths percent, or actual costs, whichever is less, of the base appropriation allocated to the brand inspection division to offset the indirect costs of the board.

(2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), THE STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE BRAND INSPECTION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(b) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE BRAND INSPECTION FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE BRAND INSPECTION FUND PURSUANT TO SECTION 24-75-217, C.R.S."

Appropriations After consideration on the merits, the committee recommends that **HB02-1392** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1393** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Appropriations After consideration on the merits, the committee recommends that **HB02-1394** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1335** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1130** be referred to the Committee of the Whole with favorable recommendation.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1224** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1064** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 7, line 11, after "(4)", insert "(a)";

line 15, strike "(a)" and substitute "(I)" and, strike "DOES NOT EXIST TO" and substitute "EXISTS TO DENY A TRANSFER OF";

line 16, strike "TRANSFER";

line 18, strike "(b)" and substitute "(II)" and, strike "DOES NOT EXIST TO" and substitute "EXISTS TO DENY A TRANSFER OF";

line 19, strike "TRANSFER";

line 20, strike "(I)" and substitute "(A)";

line 22, strike "(II)" and substitute "(B)";

after line 26, insert the following:

"(b) THE BURDEN OF PROOF UNDER THIS SUBSECTION (4) SHALL BE ON THE PARTY OPPOSING A TRANSFER OF THE CASE."

Judiciary

After consideration on the merits, the committee recommends that **HB02-1091** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Senate Agricultural and Natural Resources Committee amendment, dated March 14, 2002, page 1, strike lines 11 through 14.

Page 2, strike lines 1 through 8.

Amend reengrossed bill, page 8, after line 5, insert the following:

"SECTION 4. 33-4-102 (3), Colorado Revised Statutes, is amended to read:

33-4-102. Types of licenses and fees - repeal. (3) (a) Any license issued by the division for which a fee is not provided in subsection (1) or (2) of this section shall not exceed twenty dollars UNLESS OTHERWISE SPECIFIED BY THIS SUBSECTION (3).

(b) THE DIVISION SHALL NOT ISSUE A LICENSE TO TAKE NOR PERMIT THE TAKING OF A PEREGRINE FALCON UNLESS THE GENERAL ASSEMBLY ACTS BY BILL TO SET THE FEE FOR TAKING SUCH FALCON.

(c) (I) A PERSON SHALL NOT TAKE AND THE DIVISION SHALL NOT ISSUE A LICENSE NOR AUTHORIZED A PERSON TO TAKE A PEREGRINE FALCON UNTIL JULY 1, 2003.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2003."

Renumber succeeding sections accordingly.

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MESSAGE FROM THE HOUSE

March 18, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB02-114, amended as printed in House Journal, March 15, page 877.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02-114.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SR02-008 by Senator(s) Epps--Concerning honoring the Colorado Mounted Rangers.

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

THIRD READING--FINAL PASSAGE OF BILLS-- CONSENT CALENDAR

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1156 by Representative(s) Marshall, Kester, Sanchez, Sinclair; also Senator(s) Hillman-- Concerning campaign finance disclosure reporting requirements relative to recall elections.

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

Table with 4 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, Windels, Mr. President.

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

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.

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

Table with 4 columns: YES (34), NO (0), EXCUSED (1), ABSENT (0). Rows list members: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, May, McElhany, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Taylor, Teck, Thiebaut, Tupa, Windels, Mr. President.

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

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HB02-1340 Co-sponsors added: Hernandez, Lamborn, May, Taylor.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Fitz-Gerald.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hernandez, Nichol, Tupa.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hernandez, Nichol, Tate.

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.

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

HB02-1279

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1308

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hagedorn.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hernandez.

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.

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

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HB02-1169

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hernandez, Phillips.

SB02-169

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hernandez.

HB02-1286

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hernandez.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB02-1280

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

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

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HB02-1280

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hernandez, Teck.

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 (**SB02-181, HB02-1162, HB02-1214, HB02-1206, HB02-1217**) of Tuesday, March 19, was laid over until Monday, March 25, retaining its place on the calendar.

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, **SR02-007**.

CONSIDERATION OF RESOLUTIONS

SR02-007

by Senator(s) Lamborn--Concerning recognizing the academic achievements of Colorado's schools, and, in connection therewith, honoring Academy School District 20.

On motion of Senator Lamborn, the Resolution was read at length and **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	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The present roll call of the Senate.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1366, HB02-1367, HB02-1368, HB02-1369, HB02-1370, HB02-1371, HB02-1372, HB02-1373, HB02-1374, HB02-1375, HB02-1376, HB02-1377, HB02-1378, HB02-1379, HB02-1380, HB02-1381, HB02-1382, HB02-1383, HB02-1384, HB02-1385, HB02-1386, HB02-1387, HB02-1388, HB02-1389, HB02-1390, HB02-1391, HB02-1392, HB02-1393, HB02-1394** were made Special Orders at 9:38 a.m.

Committee of the Whole

The hour of 9:38 a.m. having arrived, Senator Perlmutter moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Perlmutter was called to the Chair to act as Chairman.

SPECIAL 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:

HB02-1366

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--Concerning a supplemental appropriation to the department of agriculture.

HB02-1366	Ordered revised and placed on the calendar for Third Reading and Final Passage.	1
HB02-1367	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental to the department of corrections.	2 3 4 5
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	6 7
HB02-1368	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of education.	8 9 10
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	11 12
HB02-1369	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.	13 14 15 16
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	17 18
HB02-1370	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of health care policy and financing.	19 20 21 22
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	23 24
HB02-1371	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of higher education.	25 26 27
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	28 29
HB02-1372	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of human services.	30 31 32
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	33 34
HB02-1373	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the judicial department.	35 36 37
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	38 39
HB02-1374	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of labor and employment.	40 41 42
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, March 19, page 504 and placed in members' bill file.)	43 44 45
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	46 47 48
HB02-1375	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of law.	49 50 51
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	52 53
HB02-1376	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the legislative department.	54 55 56
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	57 58
HB02-1377	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of local affairs.	59 60 61
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	62 63
HB02-1378	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of military affairs.	64 65 66
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	67 68
HB02-1379	by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning a supplemental appropriation to the department of natural resources.	69 70 71
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	72

- HB02-1380** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a supplemental appropriation to the department of personnel. 1
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Amendment No. 1, Appropriations Committee Amendment. 4
(Printed in Senate Journal, March 19, page 504-505 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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- HB02-1381** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 10
Concerning a supplemental appropriation to the department of public health and 11
environment. 12
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 14
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- HB02-1382** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 16
Concerning a supplemental appropriation to the department of public safety. 17
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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- HB02-1383** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 21
Concerning a supplemental appropriation to the department of regulatory agencies. 22
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 24
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- HB02-1384** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 26
Concerning a supplemental appropriation to the department of revenue. 27
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 29
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- HB02-1385** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 31
Concerning a supplemental appropriation to the department of state. 32
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 34
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- HB02-1386** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 36
Concerning a supplemental appropriation to the department of transportation. 37
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Amendment No. 1(L.003), by Senator FitzGerald. 39
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Amend reengrossed bill, page 9, line 15, after "appropriated.", insert "IT 41
IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE REDUCTION FOR 42
GAMING IMPACTS OF \$4,130,682 BE RESTORED IN THE FY 2002-03 LONG 43
BILL." 44
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As amended, ordered revised and placed on the calendar for Third Reading and Final 46
Passage. 47
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- HB02-1387** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 49
Concerning a supplemental appropriation to the department of the treasury. 50
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 52
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- HB02-1388** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 54
Concerning funding for capital construction, and making supplemental appropriations in 55
connection therewith. 56
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 58
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- HB02-1389** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 60
Concerning modifications to the sources of funding of state capital construction projects 61
for the 2001-02 state fiscal year in order to increase the amount of general fund 62
appropriations made during said fiscal year used to calculate the statutory limitation on 63
general fund appropriations for the 2002-03 state fiscal year, and making appropriations in 64
connection therewith. 65
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 67
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- HB02-1390** by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- 69
Concerning modifications to the source of funding for the older Coloradans program for 70
the 2001-02 state fiscal year in order to increase the amount of general fund appropriations 71
made during said fiscal year used to calculate the statutory limitation on general fund 72

HB02-1390 appropriations for the 2002-03 state fiscal year, and making an appropriation in connection therewith. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 3
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HB02-1391 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning the augmentation of the general fund through transfers of certain moneys in
the 2001-02 state fiscal year, and, in connection therewith, providing for the subsequent
restoration of certain moneys transferred for such augmentation of the general fund. 5
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Amendment No. 1, Appropriations Committee Amendment. 10
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(Printed in Senate Journal, March 19, page 505-506 and placed in members' bill file.) 12
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As amended, ordered revised and placed on the calendar for Third Reading and Final
Passage. 14
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(For further action, see Amendments to the Committee of the Whole report.) 16
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HB02-1392 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning the use of moneys in the unclaimed property trust fund, and making an
appropriation in connection therewith. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 22
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HB02-1393 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning a reduction in the amount of the general fund appropriation for the 2001-02
state fiscal year required to be made to be in compliance with the maintenance of effort
requirement in section 17 of article IX of the Colorado constitution, and, in connection
therewith, specifying the amount of the general fund appropriation for the 2002-03 state
fiscal year required to be made to be in compliance with the maintenance of effort
requirement in section 17 of article IX of the Colorado constitution and to offset the
impact of said reduced general fund appropriation on the long-term solvency of the state
education fund. 24
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 34
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HB02-1394 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning modifications to the designation of state moneys to constitute the state
emergency reserve for the 2001-02 state fiscal year. 36
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 40
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AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT 42 43 44

HB02-1391 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--
Concerning the augmentation of the general fund through transfers of certain moneys in
the 2001-02 state fiscal year, and, in connection therewith, providing for the subsequent
restoration of certain moneys transferred for such augmentation of the general fund. 45
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Senator Isgar moved to amend the Report of the Committee of the Whole to show that the
following Chlouber/Isgar floor amendment, (L.010) to HB 02-1391, did pass. 50
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Strike the Appropriations Committee Report, dated March 18, 2002, and
substitute the following: 53
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"Amend reengrossed bill, page 10, strike lines 6 and 7 and substitute the
following: 56
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"(a) THE CAPITAL ACCOUNT OF THE SPECIES CONSERVATION TRUST
FUND CREATED IN SECTION 24-33-111 (2) (a), C.R.S.;" 59
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Page 16, strike lines 15 through 27. 62
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Page 17, strike lines 1 through 13 and substitute the following: 64
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"SECTION 18. 24-33-111 (2), Colorado Revised Statutes, is
amended to read: 66
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24-33-111. Conservation of native species - fund created.
(2) Species conservation trust fund - creation. (a) There is hereby
created in the state treasury the species conservation trust fund, which 69
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HB02-1391

shall be subject to annual authorization by the general assembly to carry out the purposes of this section. There is hereby created within the species conservation trust fund the operation and maintenance account and the capital account. The moneys in the operation and maintenance account shall be for administrative and noncapital expenditures necessary for the implementation of this section. The moneys in the capital account shall be used exclusively for capital expenditures including but not limited to property acquisition and project construction. All income derived from the deposit and investment of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. To the maximum extent practical, only interest from the fund shall be expended for activities pursuant to this section.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), AS AMENDED, THE STATE TREASURER SHALL DEDUCT TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE CAPITOL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

(c) IN ORDER TO RESTORE THE AMOUNT TRANSFERRED FROM THE CAPITOL ACCOUNT LOCATED WITHIN THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2):

(I) ON JUNE 30, 2002, THE STATE TREASURER SHALL TRANSFER AN AMOUNT OF REVERSIONS TO THE GENERAL FUND FOR THE 2001-02 FISCAL YEAR TO THE CAPITOL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND EQUAL TO THE AMOUNT OF SUCH REVERSIONS OR THE AMOUNT TRANSFERRED FROM THE CAPITOL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), WHICHEVER IS LESS.

(II) TO THE EXTENT THE AMOUNT TRANSFERRED FROM THE CAPITOL ACCOUNT LOCATED WITHIN THE SPECIES CONSERVATION TRUST FUND PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) IS NOT FULLY RESTORED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), MONEYS FROM THE GENERAL FUND SHALL BE TRANSFERRED TO THE CAPITOL ACCOUNT OF THE SPECIES CONSERVATION TRUST FUND PURSUANT TO SECTION 24-75-217, C.R.S., TO RESTORE SUCH REMAINING AMOUNT."."

A roll call vote was taken with the following result:

YES	21	NO	12	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	N
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	N		

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Perlmutter, 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: **HB02-1366, HB02-1367, HB02-1368, HB02-1369, HB02-1370, HB02-1371, HB02-1372, HB02-1373, HB02-1374** as amended, **HB02-1375, HB02-1376, HB02-1377, HB02-1378, HB02-1379, HB02-1380** as amended, **HB02-1381, HB02-1382, HB02-1383, HB02-1384, HB02-1385, HB02-1386** as amended, **HB02-1387, HB02-1388, HB02-1389, HB02-1390, HB02-1391** as amended, **HB02-1392, HB02-1393, HB02-1394**.

MESSAGE FROM THE HOUSE

March 19, 2000

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1180, 1330.

The House has passed on Third Reading and returns herewith SB02-007, 026, 106.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1254, amended as printed in House Journal, March 18, page 902. HB02-1332, amended as printed in House Journal, March 18, pages 902-903. SB02-032, amended as printed in House Journal, March 18, page 902. SCR02-001, amended as printed in House Journal, March 18, pages 900-901.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1180 and 1330.

Without comment, as amended, HB02-1254 and 1332, SB02-032, and SCR02-001.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed:SB02-169.

Correctly reengrossed: SB02-048.

Correctly revised: HB02-1057, 1127, 1145, 1156, 1169, 1235, 1279, 1286, 1308, 1340.

Correctly rerevised: HB02-1022, 1053, 1059, 1071, 1087, 1111, 1181, 1282, 1305.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB02-1077,092, 1093, 1121, 1154, 1158, 1167, 1177, 1223, 1231.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

SJR02-017

by Senator(s) Phillips; also Representative(s) Swenson--Concerning honoring the 4-H Youth Horse Judging and Hippology teams of Boulder County.

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

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 Tuesday, March 19, was laid over until Wednesday, March 20, 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, HB02-1144, HB02-1191, HB02-1042, HB02-1179, HB02-1089, HB02-1258, HB02-1079. Consideration of Resolutions: HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SJR02-016.

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

State Electrical Board

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Colorado Lottery Commission
Colorado State Fair Authority Board of Commissioners

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On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, March 20, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:.

Karen Goldman
Secretary of the Senate