

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

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Ninety-third Legislative Day

Thursday, April 11, 2002

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| Prayer             | By the chaplain, Father Larry Bradford, Church of the Holy Redeemer.   | 11 |
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| Call to Order      | By the President at 9:00 a.m.  | 13 |
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| Roll Call          | Present--Total, 28.  | 16 |
|                    | Absent/Excused--Andrews, Entz, Evans, Hillman, Owen Perlmutter, Teck--Total, 7.  | 17 |
|                    | Present later--Evans, Perlmutter.  | 18 |
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| Quorum             | The President announced a quorum present.  | 20 |
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| Reading of Journal | On motion of Senator Windels, reading of the Journal of Wednesday, April 10, was dispensed with and the Journal was approved as corrected by the Secretary.  | 22 |
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| Appropriations     | After consideration on the merits, the committee recommends that <b>HB02-1322</b> be referred favorably to the Committee of the Whole.   | 33 |
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| Appropriations     | After consideration on the merits, the committee recommends that <b>SB02-009</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.   | 37 |
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|                    | Amend printed bill, page 6, line 15, strike "CURRICULUM" and substitute "CURRICULUM OR MAY CERTIFY CURRICULA APPROVED BY SIMILAR BOARDS IN OTHER JURISDICTIONS";   | 41 |
|                    |  | 42 |
|                    | strike line 27 and substitute the following:   | 43 |
|                    |  | 44 |
|                    | <b>"SECTION 5. Exception to the requirements of section 2-2-703, Colorado Revised Statutes.</b> The general assembly hereby finds that the amendments to section 18-9-121, Colorado Revised Statutes, enacted in this act will result in the minor fiscal impact of one additional offender being convicted and sentenced to the department of corrections during the five years following passage of this act. Because of the relative insignificance of this degree of fiscal impact, these amendments are an exception to the five-year appropriation requirements specified in section 2-2-703, Colorado Revised Statutes. | 45 |
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|                    | <b>SECTION 6. No appropriation.</b> The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act."  | 53 |
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|                    | Strike pages 7 through 10.   | 58 |
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|                    | Page 11, strike line 1.  | 60 |
|                    |  | 61 |
|                    | Page 1, strike line 104 and substitute the following:  | 62 |
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|                    | <b>"BIAS-MOTIVATED CRIME."</b>   | 64 |
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| Appropriations     | After consideration on the merits, the committee recommends that <b>HB02-1180</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.  | 68 |
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|                    | Amend reengrossed bill, page 3, line 6, strike "SEVEN HUNDRED  | 72 |

HB02-1180

THOUSAND DOLLARS" and substitute "SIX HUNDRED FIFTY THOUSAND DOLLARS";

line 17, strike "seven hundred thousand dollars" and substitute "two hundred forty-four thousand four hundred seventeen dollars (\$244,417) cash funds exempt,";

line 18, strike "(\$700,000),".

Appropriations

After consideration on the merits, the committee recommends that **SB02-094** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Strike the Education Committee Report, dated February 5, 2002, and substitute the following:

"Amend printed bill, page 2, strike line 2 through 13, and substitute the following:

**"SECTION 1.** 22-7-602 (1), Colorado Revised Statutes, is amended, and the said 22-7-602 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-7-602. Definitions.** As used in this part 6, unless the context otherwise requires:

(1) ~~"Baseline assessment year" means the 2000-01 school year for all CSAP assessments required to be administered during that school year and means the 2001-02 school year for all assessments required to be administered for the first time during the 2001-02 school year and for the curriculum-based, achievement college entrance examinations required by section 22-7-409 (1.5).~~ "ALTERNATIVE EDUCATION CAMPUS" MEANS A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL, THAT:";

line 14, strike "(I) HAVE" and substitute "(a) HAS", and strike the second "SPECIALIZED" and substitute "SPECIAL NEEDS OR AT RISK";

line 16, strike "(II) BE" and substitute "(b) Is";

line 17, strike "(III) ENROLL" and substitute "(c) ENROLLS";

line 19, strike "(IV) HAVE" and substitute "(d) HAS";

line 21, strike "(V) HAVE" and substitute "(e) HAS";

line 22, strike "(VI) HAVE" and substitute "(f) HAS".

Page 3, line 2, strike "(VII) HAVE" and substitute "(g) HAS";

line 3, strike "BILINGUAL EDUCATION," and substitute "LIMITED ENGLISH PROFICIENCY,";

line 5, strike "(VIII) HAVE" and substitute "(h) HAS";

strike lines 8 through 27, and substitute the following:

"(i) IS IN SESSION AT LEAST ONE HUNDRED SIXTY DAYS PER SCHOOL YEAR AND OFFER AT LEAST ONE THOUSAND FIFTY-SIX HOURS OF INSTRUCTION EACH SCHOOL YEAR TO A SECONDARY SCHOOL PUPIL OR AT LEAST NINE HUNDRED SIXTY-EIGHT HOURS OF INSTRUCTION EACH SCHOOL YEAR TO AN ELEMENTARY SCHOOL PUPIL; AND

(j) MEETS SUCH OTHER REQUIREMENTS AS ARE ESTABLISHED BY THE STATE BOARD BY RULE.

(1.5) "BASELINE ASSESSMENT YEAR" MEANS THE 2000-01 SCHOOL YEAR FOR ALL CSAP ASSESSMENTS REQUIRED TO BE ADMINISTERED DURING THAT SCHOOL YEAR AND MEANS THE 2001-02 SCHOOL YEAR FOR ALL ASSESSMENTS REQUIRED TO BE ADMINISTERED FOR THE FIRST TIME

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**SB02-094**

DURING THE 2001-02 SCHOOL YEAR AND FOR THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMINATIONS REQUIRED BY SECTION 22-7-409 (1.5).".

Strike pages 4 through 9.

Page 10, strike lines 1 through 23.

Page 11, line 7, strike "PUBLIC SCHOOL DESIGNATED AS AN";

line 8, strike "PURSUANT TO SECTION 22-7-604.5";

strike lines 10 and 11, and substitute the following:

"PURSUANT TO THIS SECTION."

Appropriations

After consideration on the merits, the committee recommends that **HB02-1278** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, after line 3, insert the following:

**"SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2002, the sum of three thousand two hundred twenty-eight dollars (\$3,228), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 101, strike, "LICENSES." and substitute: "LICENSES, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the committee recommends that **SB02-119** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated February 13, 2002, page 3, strike lines 20 through 24 and substitute the following:

"Page 45, strike lines 19 through 27 and substitute the following:

**"SECTION 21.** 24-90-204, Colorado Revised Statutes, is amended to read:

**24-90-204. Deposits of state publications.** (1) Every state agency shall, upon publication, deposit at least four copies of each of its state publications (with the exception of audiovisual materials) with the center. ~~One copy of each such audiovisual material shall be deposited with the center.~~ The center may require additional copies of certain state publications to be deposited when designated by the state librarian as being required to fulfill the purposes of this part 2. PUBLICATIONS SHALL BE PROVIDED WITHIN TEN WORKING DAYS OF SUCH PUBLICATION IN THE FOLLOWING MANNER:

(a) IN THE CASE OF ANY PUBLICATIONS PRODUCED IN PRINT, FOUR COPIES OF SAID PUBLICATION SHALL BE DEPOSITED WITH THE CENTER.

(b) IN THE CASE OF ANY PUBLICATION PRODUCED IN ELECTRONIC FORM, INCLUDING THOSE MADE AVAILABLE THROUGH A PUBLIC TELECOMMUNICATIONS NETWORK, AN ELECTRONIC COPY OR NOTIFICATION OF THE PUBLICATION OF SUCH ELECTRONIC COPY, SHALL BE DEPOSITED WITH THE CENTER, IN A FORM SPECIFIED BY THE CENTER."

Page 46, strike lines 1 through 18."

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Appropriations After consideration on the merits, the committee recommends that **HB02-1220** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 10, insert the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, indigent care program, children's basic health plan premiums, for the fiscal year beginning July 1, 2002, the sum of one thousand seven hundred twenty-eight dollars (\$1,728), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be cash funds exempt from the children's basic health plan trust created in section 24-75-1104 (1) (b), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2002, the department of health care policy and financing, indigent care program, children's basic health plan premiums will receive the sum of three thousand two hundred nine dollars (\$3,209) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds."

Renumber succeeding section accordingly.

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

Appropriations After consideration on the merits, the committee recommends that **HB02-1034** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1232** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1014** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1173** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1098** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1244** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1129** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **SB02-017** be postponed indefinitely.

Appropriations After consideration on the merits, the committee recommends that **SB02-088** be postponed indefinitely.

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### MESSAGE FROM THE HOUSE

April 10, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1147, amended as printed in House Journal, April 8, pages 1200-1201, and amended on Third Reading, April 10.

HB02-1265, amended as printed in House Journal, April 8, pages 1201-1202.

### MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1147 and 1265.

### INTRODUCTION OF BILLS--FIRST READING

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

**SB02-211** by Senator(s) Taylor, Anderson, Tupa; also Representative(s) Vigil, Coleman, Scott, Williams T.--Concerning the annual compensation of members of the public utilities commission.  
Government, Veterans and Military Relations, and Transportation  
Appropriations

### INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

**SJR02-030** by Senator(s) Isgar; also Representative(s) Alexander, Smith--Concerning the national forest county partnership program.

**HJR02-1044** by Representative(s) Romanoff, Borodkin, Grossman, Plant, Saliman, Alexander, Bacon, Berry, Boyd, Chavez, Clapp, Cloer, Coleman, Crane, Daniel, Dean, Decker, Fairbank, Fritz, Garcia, Groff, Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller, Mitchell, Paschall, Ragsdale, Rhodes, Rippey, Sanchez, Schultheis, Sinclair, Smith, Snook, Spence, Spradley, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, Williams S., Williams T., Witwer; also Senator(s) Gordon--Concerning the proclamation of "Holocaust Days of Remembrance".

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; **SJR02-022, HJR02-1044, SJR02-030.**

### CONSIDERATION OF RESOLUTIONS

**SJR02-022** by Senator(s) Takis, Phillips, Chlouber, Andrews, Dyer, Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Hillman, Matsunaka, Musgrave, Nichol, Pascoe, Perlmutter, Tupa, Windels; also Representative(s) Tochtrop, Borodkin, Coleman, Groff, Grossman, Hodge, Johnson, Marshall, Plant, Romanoff, Saliman, Sanchez, Stafford, Tapia, Vigil--Concerning the designation of April 24 as "Colorado Day of Remembrance of the Armenian Genocide" in commemoration of the Armenian Genocide from 1915 to 1923 and honoring Armenian Americans.

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

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**SJR02-022**

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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.

**HJR02-1044**

by Representative(s) Romanoff, Borodkin, Grossman, Plant, Saliman, Alexander, Bacon, Berry, Boyd, Chavez, Clapp, Cloer, Coleman, Crane, Daniel, Dean, Decker, Fairbank, Fritz, Garcia, Groff, Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller, Mitchell, Paschall, Ragsdale, Rhodes, Rippy, Sanchez, Schultheis, Sinclair, Smith, Snook, Spence, Spradley, Stafford, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, White, Williams S., Williams T., Witwer; also Senator(s) Gordon--Concerning the proclamation of "Holocaust Days of Remembrance".

Senator Gordon moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

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

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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.

**SJR02-030**

by Senator(s) Isgar; also Representative(s) Alexander, Smith--Concerning the national forest county partnership program.

Senator Isgar moved to suspend Senate Rule 30(b).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(b) was suspended and immediate consideration granted.

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

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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.

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**THIRD READING--FINAL PASSAGE OF BILLS**

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

**SB02-154** by Senator(s) Gordon, Anderson; also Representative(s) Rippey--Concerning certain communications by persons in an election campaign that relate to a public office that is to be voted on in such election.

Laid over until Monday, April 15, retaining its place on the calendar.

**SB02-027** by Senator(s) Hernandez; also Representative(s) Stafford, Mace, Romanoff--Concerning the creation of in-home support services.

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

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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: Epps, Linkhart, Nichol, Pascoe, Taylor.

**SB02-063** by Senator(s) Hanna; also Representative(s) Groff--Concerning assistance to licensed educators in obtaining national credentials, and making an appropriation in connection therewith.

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

| YES      | 19 | NO          | 11 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|----|------------|---|---------------|---|
| Anderson | N  | Fitz-Gerald | Y  | May        | N | Takis         | Y |
| Andrews  | E  | Gordon      | Y  | McElhany   | N | Tate          | Y |
| Arnold   | N  | Hagedorn    | Y  | Musgrave   | N | Taylor        | N |
| Cairns   | N  | Hanna       | Y  | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y  | Owen       | E | Thiebaut      | Y |
| Dyer     | N  | Hillman     | E  | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | Isgar       | Y  | Perlmutter | Y | Windels       | Y |
| Epps     | N  | Lamborn     | N  | Phillips   | Y | Mr. President | Y |
| Evans    | N  | Linkhart    | Y  | Reeves     | Y |               |   |

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

Co-sponsors added: Hernandez, Nichol, Pascoe, Phillips, Tate, Tupa, Windels.

**SB02-019** by Senator(s) Lamborn; also Representative(s) Grossman--Concerning DNA testing of all felons.

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

| YES      | 28 | NO          | 2 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | N |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | N |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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**.

**SB02-019** Co-sponsors added: Arnold, Cairns, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, May, McElhany, Musgrave, Nichol, Pascoe, Phillips, Taylor, Tupa, Windels.

**SB02-053** by Senator(s) Hernandez; also Representative Mace--Concerning the designation of the thirty-first day of March as a legal holiday for the observation of the birthday of Cesar Estrada Chavez as "Cesar Chavez day".

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

| YES      | 23 | NO          | 7 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | N  | Fitz-Gerald | Y | May        | N | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | N | Tate          | Y |
| Arnold   | N  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | N  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | N  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | Isgar       | Y | Perlmutter | Y | Windels       | Y |
| Epps     | Y  | Lamborn     | N | Phillips   | Y | Mr. President | Y |
| Evans    | Y  | Linkhart    | Y | Reeves     | Y |               |   |

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

Co-sponsors added: Chlouber, Epps, Evans, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Tate, Thiebaut, Tupa.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1322, SB02-173, HB02-1220** were made Special Orders at 9:47 a.m.

Committee of the Whole The hour of 9:47 a.m. having arrived, Senator Hernandez moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Hernandez 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:

**HB02-1322** by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Andrews, Matsunaka--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

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

**SB02-173** by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.  
(Printed in Senate Journal, April 2, page 627-628 and placed in members' bill file.)

Amendment No. 2(L.004), by Senator Linkhart.

Amend the Business, Labor, and Finance Committee Report, dated April 1, 2002, page 2, strike lines 7 through 10, and substitute the following:

"OF THIS SECTION SHALL NOT APPLY TO PERIODIC BENEFITS PAYABLE TO A FIREFIGHTER OR A PEACE OFFICER PAID PURSUANT TO ARTICLE 30.5 OR 31 OF TITLE 31, C.R.S., WHEN BENEFITS ARE AWARDED UNDER SECTION 8-42-107 OR 8-42-111."

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

**HB02-1220** by Representative(s) Larson; also Senator(s) Hanna--Concerning the insurance coverage of hearing aids for minors. 1  
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Amendment No. 1, Appropriations Committee Amendment. 3  
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(Printed in Senate Journal, April 11, page 740 and placed in members' bill file.) 5

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 6  
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### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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On motion of Senator Hernandez, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken: 12  
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Passed on Second Reading: **HB02-1322**, **SB02-173** as amended, **HB02-1220** as amended 16  
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### MESSAGE FROM THE HOUSE

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April 11, 2002 21  
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Mr. President: 23  
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The House has adopted and transmits herewith HJR02-1042, as printed in House Journal, April 5, page 1190. 25  
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The House has adopted and transmits herewith HJR02-1043, as printed in House Journal, April 5, pages 1190-1191. 29  
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April 11, 2002 32  
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Mr. President: 34  
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1412. 36  
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1259, amended as printed in House Journal, April 10, pages 1241-1242, and amended on Third Reading as printed in House Journal, April 11. 40  
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HB02-1029, amended as printed in House Journal, April 10, page 1242. 43

HB02-1114, amended as printed in House Journal, April 10, page 1242. 44

HB02-1241, amended as printed in House Journal, April 10, pages 1242-1243. 45

HB02-1281, amended as printed in House Journal, April 10, page 1243. 46

HB02-1307, amended as printed in House Journal, April 10, page 1244. 47  
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April 11, 2002 49  
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Mr. President: 51  
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The House has adopted and returns herewith SJR02-022 & SJR02-030. 53  
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### INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

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**HJR02-1042** by Representative(s) Larson, Alexander; also Senator(s) Isgar--Concerning congratulating the 2001-02 Montezuma-Cortez High School boys basketball team on winning the State 4A Championship. 60  
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Senator Isgar moved to suspend Senate Rule 30(e). 64  
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A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted. 66  
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On motion of Senator Isgar, the resolution was read at length and **adopted** by the following roll call vote: 69  
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**HJR02-1042**

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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.

**HJR02-1043**

by Representative(s) Daniel, Chavez, Paschall, Spence; also Senator(s) Tate, Gordon, Hagedorn, Hernandez, Windels--Concerning congratulating the Metropolitan State College of Denver men's basketball team on winning the NCAA Division II National Championship.

Senator Tate moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

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

| YES      | 30 | NO          | 0 | EXCUSED    | 5 | ABSENT        | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y  | Fitz-Gerald | Y | May        | Y | Takis         | Y |
| Andrews  | E  | Gordon      | Y | McElhany   | Y | Tate          | Y |
| Arnold   | Y  | Hagedorn    | Y | Musgrave   | Y | Taylor        | Y |
| Cairns   | Y  | Hanna       | Y | Nichol     | Y | Teck          | E |
| Chlouber | Y  | Hernandez   | Y | Owen       | E | Thiebaut      | Y |
| Dyer     | Y  | Hillman     | E | Pascoe     | Y | Tupa          | Y |
| Entz     | E  | 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 RESOLUTIONS**

The following resolution was read by title:

**SR02-011**

by Senator(s) Matsunaka, Thiebaut, Perlmutter, Tupa--Concerning the restoration of funding for state family planning services.

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

**COMMITTEE OF REFERENCE REPORTS**

Business, Labor, and Finance

The Committee has had under consideration and has had a hearing on the following appointment and recommends that the appointment not be confirmed:

EXAMINING BOARD OF PLUMBERS:

for a term expiring July 1, 2005:

Ronald L. Kinning of Arvada, Colorado, to serve as a master plumber and as a Republican, appointed;

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **HB02-1355** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1364** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-191** be referred favorably to the Committee on Appropriations.

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Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-201** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1025** be referred favorably to the Committee of the Whole.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1090** be referred favorably to the Committee on Appropriations.

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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **SB02-208** be referred favorably to the Committee on Appropriations.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1356** be postponed indefinitely.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1101** be referred favorably to the Committee on Appropriations.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB02-1131**

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THIS REPORT AMENDS THE REREVISED BILL  
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To the President of the Senate and the Speaker of the House of Representatives:

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Your first conference committee appointed on HB02-1131, concerning the qualifications required of an applicant before a special license plate may be issued, has met and reports that it has agreed upon the following:

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1. That the House accede to the Senate amendment made to the bill, as said amendment appears in the rerevised bill, with the following changes:

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Amend rerevised bill, page 2, line 16, strike "EDUCATIONAL" and substitute "EDUCATION".

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2. That, under the authority granted to the committee to

**HB02-1131**

consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 13, strike "EDUCATIONAL" and substitute "EDUCATION".

Page 3, line 16, strike "ELKS CLUB." and substitute "BENEVOLENT AND PROTECTIVE ORDER OF ELKS."

Respectfully submitted,

|  |                                     |
|--|-------------------------------------|
| House Committee:                         | Senate Committee:                   |
| (Signed)<br>Representative Lee, Chairman | (Signed)<br>Senator Takis, Chairman |
| (Signed)<br>Representative Swenson       | (Signed)<br>Senator Nichol          |
| (Signed)<br>Representative Hodge         | (Signed)<br>Senator May             |

**SENATE SERVICES REPORT**

Senate Services

Correctly engrossed: SB02-019, 027, 053, 063, 154; SJR02-018, 028, 029; SJM02-001.

Correctly reengrossed: SB02-188, 189.

Correctly revised: HJR02-1045, 1046, 1047.

Correctly rerevised: HB02-1210, 1254, 1336, 1342, 1348.

Correctly enrolled: SB02-018.

To the Governor for signature on Wednesday, April 10, 2002, at 2:40 p.m. SB02-004, SB02-011, SB02-013, SB02-021, SB02-036, SB02-038, SB02-146, SB02-165, SB02-166.

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 Thursday, April 11, was laid over until Friday, April 12, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-196, HB02-1300, HB02-1313, HB02-1324, SB02-042, SB02-089, SB02-157, SB02-184, HB02-1341, SB02-062, SB02-080, SB02-081, SB02-177.**

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, SJR02-027.**

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032, SB02-141, SB02-020, SB02-136, SB02-099, SB02-128, SB02-151, SB02-132, SB02-161, SB02-182.**

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

Consideration of Governor's Appointments:  
State Board of Parole  
Transportation Commission  
High Technology Scholarship Program Advisory Committee  
Advisory Committee on Governmental Accounting

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, April 12, 2002.

Attest:

Approved:

Karen Goldman  
Secretary of the Senate

Stan Matsunaka  
President of the Senate

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