

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

Eighty-fourth Legislative Day

Tuesday, April 2, 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, 29.
Absent/Excused--Anderson, Entz, Evans, Perlmutter, Phillips, Thiebaut--Total, 6.
Present later--Anderson, Entz, Evans, Perlmutter, Phillips, Thiebaut.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Cairns, reading of the Journal of Monday, April 1, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the committee recommends that **SB02-187** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 19-1-103 (1) (a) (II), Colorado Revised Statutes, is amended to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(1) (a) "Abuse" or "child abuse or neglect", as used in part 3 of article 3 of this title, means an act or omission in one of the following categories that threatens the health or welfare of a child:

(II) Any case in which a child is subjected to ~~sexual assault or molestation, sexual exploitation, or prostitution~~ UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S.;

SECTION 2. 19-3-304 (1), Colorado Revised Statutes, is amended to read:

19-3-304. Persons required to report child abuse or neglect.

(1) Except as otherwise provided by section 19-3-307 and sections 25-1-122 (4) (d) and 25-4-1404 (1) (d), C.R.S., any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately UPON RECEIVING SUCH INFORMATION report or cause a report to be made of such fact to the county department or local law enforcement agency.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2005:

Delio D. Tamayo, D.V.M. of Aurora, Colorado, to serve as a member from the community at large, appointed;

Dana S. Hiatt of Fort Collins, Colorado, to serve as a member from the community at large, reappointed;

Edgar A. Jones of Colorado Springs, Colorado, to serve as a representative of a local government entity, appointed;

for a term expiring March 13, 2003:

Edward L. Griego of Trinidad, Colorado, to fill the vacancy occasioned by the resignation of George G. Houston and to serve as a representative of the business community, appointed.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1332** be postponed indefinitely.

MESSAGE FROM THE HOUSE

April 1, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-079.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1010, amended as printed in House Journal, March 27, page 1036.

HB02-1315, amended as printed in House Journal, March 27, pages 1038-1039 and amended on Third Reading as printed in House Journal, April 1.

SB02-136, amended as printed in House Journal, March 26, page 1022 and amended on Third Reading as printed in House Journal, April 1.

SB02-099, amended as printed in House Journal, March 27, page 1037.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1010 and 1315 and SB02-136 and 099.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-194

by Senator(s) Thiebaut; also Representative(s) Grossman--Concerning limitations on payments made by the state for the employment of certain legal counsel paid on an hourly basis.

Public Policy and Planning

SB02-195

by Senator(s) Fitz-Gerald; --Concerning an exemption from the statutory limitation on the total sales and use tax that may be imposed for a county tax to fund the acquisition of land for open space.

Public Policy and Planning

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.

Health, Environment, Children & Families

HB02-1338

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

Government, Veterans and Military Relations, and Transportation

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- 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.
Health, Environment, Children & Families
- HB02-1355** by Representative(s) Cloer, Boyd, Dean, Grossman, Harvey, Rhodes; also Senator(s) Tate, Andrews--Concerning whether certain business practices violate the prohibition upon charging a higher price based on the customer's use of a credit card rather than other forms of payment.
Business, Labor, and Finance
- HB02-1356** by Representative(s) Rhodes, Cadman, Clapp, Cloer, Crane, Fairbank, Fritz, Harvey, Hefley, Kester, King, Lee, Mitchell, Paschall, Schultheis, Sinclair, Spradley, Stafford; also Senator(s) Musgrave--Concerning prohibitions on the establishment of parent-child relationships in which there are multiple parents of the same sex.
Judiciary
- HB02-1364** by Representative(s) Swenson; also Senator(s) May--Concerning tax reimbursement for fuel that is exempt from taxation.
Business, Labor, and Finance

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:

- HB02-1163** by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.
- Laid over until later in the day, April 2.

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

- HB02-1260** by Representative(s) Johnson, Fritz, Bacon, Jameson; also Senator(s) Reeves, Matsunaka--Concerning changing the name of the state board of agriculture to the board of governors of the Colorado state university system.

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

- SB02-179** by Senator(s) Matsunaka; also Representative(s) Veiga--Concerning transportation funding, and making an appropriation in connection therewith.

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

(Printed in Senate Journal, March 15, pages 477-480 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 25, pages 564-566 and placed in members' bill file.)

Amendment No. 3(L.014), by Senator Anderson.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated March 14, 2002, page 5, after line 10, insert the following:

"Page 28 of the printed bill, line 2, strike "TOLL AUTHORITY" and substitute "TOLLING ENTERPRISE";

line 15 strike "CREATE THE STATEWIDE TOLL AUTHORITY AS A";

strike line 16 and substitute the following:

SB02-179

"AUTHORIZE THE TRANSPORTATION COMMISSION TO CREATE, UNDER THE SUPERVISION OF THE TRANSPORTATION COMMISSION, A STATEWIDE TOLLING ENTERPRISE THAT HAS THE POWER TO IMPOSE TOLLS, ISSUE REVENUE BONDS AND EXERCISE OTHER POWERS";

strike lines 20 through 23.

Renumber succeeding subsections accordingly.

Page 28, line 25, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 29, after line 1, insert the following:

"(2) "COMMISSION" MEANS THE TRANSPORTATION COMMISSION CREATED BY SECTION 43-1-106."

Renumber succeeding subsections accordingly.

Page 29, line 7, strike "AUTHORITY" and substitute "ENTERPRISE";

after line 7, insert the following:

"(6) "ENTERPRISE" MEANS ANY STATEWIDE TOLLING ENTERPRISE CREATED BY THE COMMISSION PURSUANT TO SECTION 43-4-803."

Renumber succeeding subsections accordingly.

Page 29, line 10, strike "TOLL AUTHORITY" and substitute "TOLLING ENTERPRISE";

line 11, strike "43-4-803." and substitute "43-4-804.";

line 13, strike "AUTHORITY" and substitute "ENTERPRISE";

after line 23, insert the following:

"43-4-803. Statewide tolling enterprise - creation by commission - enterprise status - transfer. (1) THE COMMISSION MAY CREATE AND OPERATE A STATEWIDE TOLLING ENTERPRISE, WHICH SHALL OPERATE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT AND SHALL BE A DIVISION OF THE DEPARTMENT. THE COMMISSION SHALL SERVE AS THE BOARD OF THE ENTERPRISE, BUT SHALL, WITH THE CONSENT OF THE EXECUTIVE DIRECTOR, APPOINT A DIRECTOR OF THE ENTERPRISE WHO SHALL POSSESS QUALIFICATIONS AS MAY BE ESTABLISHED BY THE COMMISSION AND THE STATE PERSONNEL BOARD. THE DIRECTOR SHALL OVERSEE THE DISCHARGE OF ALL RESPONSIBILITIES OF THE ENTERPRISE AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(2) (a) THE ENTERPRISE, AND THE COMMISSION WHEN ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, SHALL CONSTITUTE AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE ENTERPRISE, AND THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, SHALL NOT BE SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) FOR PURPOSES OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., THE RECORDS OF THE ENTERPRISE SHALL BE PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED.

(3) THE ENTERPRISE, THE COMMISSION WHEN ACTING AS THE BOARD OF THE ENTERPRISE, AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THE DUTIES SPECIFIED IN THIS PART 8 UNDER THE DEPARTMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY

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A **TYPE 1** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(4) THE ENTERPRISE SHALL CONSTITUTE A PUBLIC ENTITY FOR PURPOSES OF PART 2 OF ARTICLE 57 OF TITLE 11, C.R.S."

Renumber succeeding C.R.S. sections accordingly.

Page 29, line 24, strike "toll authority" and substitute "tolling enterprise";

line 26, strike "TOLL AUTHORITY" and substitute "TOLLING ENTERPRISE".

Page 30, line 1, strike "AUTHORITY" and substitute "ENTERPRISE";

line 2, strike "AUTHORITY" and substitute "ENTERPRISE";

line 5, after "FUND.", insert the following:

"THE COMMISSION MAY TRANSFER MONEYS FROM THE STATE HIGHWAY FUND CREATED BY SECTION 43-1-219 TO THE SPECIAL FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE PRIOR TO THE RECEIPT OF BOND PROCEEDS OR TOLL REVENUES BY THE ENTERPRISE. WHEN THE ENTERPRISE RECEIVES SUFFICIENT BOND PROCEEDS OR TOLL REVENUES, THE ENTERPRISE SHALL REIMBURSE THE STATE HIGHWAY FUND FOR THE FULL AMOUNT OF ANY TRANSFER MADE BY THE COMMISSION PLUS INTEREST AT A RATE SET BY THE COMMISSION."

line 6, strike "BOARD," and substitute "COMMISSION IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE,"";

strike line 11 of the committee report and substitute the following:

"line 9 of the printed bill, strike "43-4-810," and substitute "43-4-808,";

line 15, strike "AUTHORITY" and substitute "ENTERPRISE";

line 19, strike "AUTHORITY" and substitute "ENTERPRISE,"";

strike line 12 of the committee report and substitute the following:

"line 20 of the printed bill, strike "AUTHORITY, TO FUND THE" and substitute "ENTERPRISE, TO FUND THE ADMINISTRATION, PLANNING,";

line 22, strike "AUTHORITY" and substitute "ENTERPRISE";

line 23 strike "AUTHORITY. THE BOARD" and substitute "ENTERPRISE. THE COMMISSION,"";

line 19 of the committee report, strike "FINANCING,." and substitute "FINANCING,"";

after line 19, insert the following:

"line 4 of the printed bill, strike "AUTHORITY" and substitute "ENTERPRISE";

strike lines 5 through 27 and substitute the following:

"FINANCE THE TOLL HIGHWAY. ONCE THE ENTERPRISE HAS PAID THE COSTS OF CONSTRUCTING THE TOLL HIGHWAY, INCLUDING SUFFICIENT CONTINGENCIES, PAID ALL DEBT SERVICE ON ALL BONDS ISSUED TO FINANCE THE TOLL HIGHWAY, AND REIMBURSED THE STATE HIGHWAY FUND FOR THE AMOUNT OF ANY STATE HIGHWAY FUND MONEYS TRANSFERRED TO THE SPECIAL FUND PLUS INTEREST IN ACCORDANCE WITH SECTION 43-4-804, THE COMMISSION SHALL ADJUST TOLL RATES SO THAT THE AMOUNT OF TOLL REVENUES TO BE GENERATED IS AS CLOSE AS POSSIBLE TO THE AMOUNT REQUIRED FOR THE ONGOING OPERATION, MAINTENANCE, RENEWAL, AND REPLACEMENT OF THE TOLL HIGHWAY."

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Strike page 32.

Page 33, strike lines 1 through 5 and substitute the following:

"43-4-805. Powers and duties of the commission when acting as the board of the enterprise - annual report. (1) THE COMMISSION, IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE, HAS THE FOLLOWING POWERS AND DUTIES:".

Renumber succeeding C.R.S. sections accordingly.;"

line 21 of the committee report, strike "TO"." and substitute "TO";";

after line 21, insert the following:

"line 21 of the printed bill, strike "AUTHORITY;" and substitute "ENTERPRISE;".

Page 34, line 9, strike "AUTHORITY" and substitute "ENTERPRISE";

line 12, strike "AUTHORITY" and substitute "ENTERPRISE";

line 13, strike "AUTHORITY" and substitute "ENTERPRISE";

line 18, strike "AUTHORITY;" and substitute "ENTERPRISE;";

line 19, strike "AUTHORITY" and substitute "ENTERPRISE";

line 20, "AUTHORITY" and substitute "ENTERPRISE".

Page 35, line 6, strike "BOARD" and substitute "COMMISSION";

line 14, strike "AUTHORITY;" and substitute "ENTERPRISE;".

Page 36, line 6, strike "AUTHORITY" and substitute "ENTERPRISE";

line 10, strike "AUTHORITY" and substitute "ENTERPRISE";

line 16, strike "BOARD" and substitute "COMMISSION";

line 20, strike "AUTHORITY'S" and substitute "ENTERPRISE'S";

line 23, strike "AUTHORITY'S" and substitute "ENTERPRISE'S";

line 24, strike "AUTHORITY," and substitute "ENTERPRISE,";

line 25, strike "BOARD" and substitute "COMMISSION".

Page 7 of the committee report, after line 4, insert the following:

"Page 37 of the printed bill, strike lines 3 through 27.

Page 38, strike lines 1 through 6.

Renumber succeeding C.R.S. sections accordingly.

Page 38, line 7, strike "AUTHORITY" and substitute "ENTERPRISE";

line 9, strike "BOARD" and substitute "COMMISSION ACTING IN ITS CAPACITY AS THE BOARD OF THE ENTERPRISE";

line 12, strike "AUTHORITY" and substitute "ENTERPRISE";

line 23, strike "AUTHORITY" and substitute "ENTERPRISE";

line 26, strike "AUTHORITY," and substitute "ENTERPRISE,";

line 27, strike "AUTHORITY," and substitute "ENTERPRISE,".

Page 39, line 3, strike "AUTHORITY" and substitute "ENTERPRISE";

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line 6, "AUTHORITY," and substitute "ENTERPRISE,";

line 8, strike "AUTHORITY" and substitute "ENTERPRISE";

line 10, strike "AUTHORITY" and substitute "ENTERPRISE";

line 12, strike "AUTHORITY" and substitute "ENTERPRISE";

line 14, strike "BOARD, AND THE BOARD" and substitute "COMMISSION,
AND THE COMMISSION";

line 20, strike "AUTHORITY." and substitute "ENTERPRISE.";

line 21, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 40, line 2, strike "AUTHORITY" and substitute "ENTERPRISE";

line 4, strike "AUTHORITY" and substitute "ENTERPRISE";

line 10, strike "AUTHORITY" and substitute "ENTERPRISE";

line 11, strike "AUTHORITY" and substitute "ENTERPRISE";

line 20, strike "BOARD," and substitute "COMMISSION,";

line 21, strike "AUTHORITY," and substitute "ENTERPRISE,";

line 24, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 41, line 1, strike "AUTHORITY" and substitute "ENTERPRISE";

line 4, strike "AUTHORITY" and substitute "ENTERPRISE";

line 7, strike "BOARD" and substitute "COMMISSION";

line 12, strike "AUTHORITY" and substitute "ENTERPRISE";

line 23, strike "AUTHORITY," and substitute "ENTERPRISE,";

line 24, strike "AUTHORITY, AND BONDS ISSUED BY THE AUTHORITY," and
substitute "ENTERPRISE, AND BONDS ISSUED BY THE ENTERPRISE,";

line 26, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 42, line 1, strike "AUTHORITY" and substitute "ENTERPRISE";

line 3, "AUTHORITY" and substitute "ENTERPRISE";

line 7, strike "AUTHORITY'S" and substitute "ENTERPRISE'S";

line 11, strike "AUTHORITY." and substitute "ENTERPRISE.";

line 17, strike "AUTHORITY MAY ADOPT, BY RESOLUTION OF ITS BOARD,"
and substitute, "ENTERPRISE MAY ADOPT, BY RESOLUTION OF THE
COMMISSION,";

line 20, strike "AUTHORITY" and substitute "ENTERPRISE";

line 22, strike "AUTHORITY" and substitute "ENTERPRISE";

line 27, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 43, line 1, strike "AUTHORITY" and substitute "ENTERPRISE";

line 27, strike "AUTHORITY" and substitute "ENTERPRISE".

Page 44, line 1, strike "AUTHORITY" and substitute "ENTERPRISE";

line 22, strike "AUTHORITY." and substitute "ENTERPRISE.";

line 25, strike "AUTHORITY" and substitute "ENTERPRISE".

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Page 45, line 2, strike "AUTHORITY," and substitute "ENTERPRISE,";
 line 3, strike "AUTHORITY" and substitute "ENTERPRISE";
 line 4, strike "AUTHORITY." and substitute "ENTERPRISE.";
 line 13, strike "AUTHORITY" and substitute "ENTERPRISE";
 line 24, strike "AUTHORITY" and substitute "ENTERPRISE".
 Page 46, line 6, strike "AUTHORITY" and substitute "ENTERPRISE";
 line 8, strike "AUTHORITY" and substitute "ENTERPRISE";
 line 11, strike "AUTHORITY" and substitute "ENTERPRISE";
 line 21, strike "AUTHORITY" and substitute "ENTERPRISE".

Amendment No. 4(L.016), by Senator Tupa.

Amend the Appropriations Committee Report, dated March 22, 2002, page 4, after line 1, insert the following:

"Page 5 of the government, veterans and military relations, and transportation committee report, after line 10, insert the following:

"Page 27 of the printed bill, line 26, strike "A NEW PART" and substitute "THE FOLLOWING NEW PARTS".

Page 7 of the government, veterans and military relations, and transportation committee report, after line 4, insert the following:

"Page 46 of the printed bill, after line 27, insert the following:

"PART 9

USE OF EXCESS STATE REVENUES TO FUND
TRANSPORTATION PROJECTS

43-4-901. Submission of ballot question regarding retention of excess state revenues for the purpose of funding transportation projects. (1) THE SECRETARY OF STATE SHALL SUBMIT A BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE STATE OF COLORADO AT THE STATEWIDE ELECTION TO BE HELD IN NOVEMBER 2002 FOR THEIR APPROVAL OR REJECTION. EACH ELECTOR VOTING AT SAID NOVEMBER ELECTION SHALL CAST A VOTE AS PROVIDED BY LAW EITHER "YES" OR "NO" ON THE PROPOSITION: "SHALL THE STATE OF COLORADO BE PERMITTED TO ANNUALLY RETAIN A MAXIMUM OF TWO HUNDRED MILLION DOLLARS OF STATE REVENUES IN EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING THAT ARE NOT REQUIRED TO BE REFUNDED THROUGH SPECIFIED STATUTORY REFUND MECHANISMS THAT WERE IN EFFECT AS OF JULY 1, 2002, FOR THE 2002-03 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR FOR THE PURPOSE OF FUNDING TRANSPORTATION PROJECTS IN THE STATE, NOTWITHSTANDING ANY RESTRICTION ON SPENDING, REVENUES, OR APPROPRIATIONS, INCLUDING WITHOUT LIMITATION THE RESTRICTIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND THE STATUTORY LIMITATION ON STATE GENERAL FUND APPROPRIATIONS, AND SHALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SUCH REVENUES CONSTITUTE A VOTER-APPROVED REVENUE CHANGE?"

(2) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF THE QUESTION SUBMITTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE CANVASSED AND THE RESULT DETERMINED IN THE MANNER PROVIDED BY LAW FOR THE CANVASSING OF VOTES FOR REPRESENTATIVES IN CONGRESS.

43-4-902. Transportation surplus fund - creation - continuous appropriation to department of transportation. (1) IF THE REGISTERED ELECTORS OF THE STATE APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 43-4-901, THE LESSER OF ALL STATE REVENUES IN

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EXCESS OF THE CONSTITUTIONAL LIMITATION ON STATE FISCAL YEAR SPENDING FOR THE 2002-03 FISCAL YEAR AND EACH SUCCEEDING FISCAL YEAR OR TWO HUNDRED MILLION DOLLARS OF SUCH REVENUES, EXCEPT FOR EXCESS STATE REVENUES REQUIRED TO BE REFUNDED THROUGH ANY STATUTORY REFUND MECHANISM OTHER THAN THE REFUND MECHANISM SET FORTH IN PART 20 OF ARTICLE 22 OF TITLE 39, C.R.S., THAT WAS IN EFFECT AS OF JULY 1, 2002, SHALL BE CREDITED TO THE TRANSPORTATION SURPLUS FUND, WHICH IS HEREBY CREATED IN THE OFFICE OF THE STATE TREASURER. ALL INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND AND, AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) ALL MONEYS IN THE TRANSPORTATION SURPLUS FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION FOR EXPENDITURE UNDER THE SUPERVISION AND DIRECTION OF THE TRANSPORTATION COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 43-1-113.

43-4-903. Repeal of article. THIS PART 9 IS REPEALED, EFFECTIVE JULY 1, 2003, IF THE REGISTERED ELECTORS OF THE STATE DO NOT APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO SECTION 43-4-901."."";

line 2 of the appropriations committee report, strike "Page 7 of the committee report,".

Amendment No. 5(L.012), by Senator May.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated March 14, 2002, page 5, strike line 11;

line 12, strike "line" and substitute "Page 30, line";

strike lines 20 through 27.

Strike page 6.

Page 7, strike lines 1 through 4.

Amendment No. 6(L.009), by Senator Matsunaka.

Amend printed bill, page 26, line 10, strike "43-4-208 (2)." and substitute "43-4-207.";

line 15, strike "43-4-207." and substitute "43-4-208 (2) AND (6) (a).".

Amendment No. 7(L.008), by Senator Matsunaka.

Amend the Appropriations Committee Report, dated March 22, 2002, page 2, strike lines 12 through 17 and substitute the following:

""in which said state revenues were refunded. HOWEVER, IF THE AMOUNT EQUAL TO THE";

strike lines 26 through 30 and substitute the following:

"OF THE DIFFERENCE."."";

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

(For further action, see Amendments to the Committee of the Whole Report.)

SB02-098

by Senator(s) Tate, Gordon, Windels; also Representative(s) Marshall--Concerning a reduction in the margin by which issues must pass in an all-union election under the "Labor Peace Act".

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SB02-098	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	1
SB02-039	by Senator(s) Gordon, Linkhart, Windels; also Representative(s) Hefley, Groff, Madden-- Concerning penalties for persons convicted of criminal violations.	2 3 4 5
	<u>Amendment No. 1, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 14, page 241-242 and placed in members' bill file.)	6 7 8
	<u>Amendment No. 2(L.010), by Senator Gordon.</u>	9
	Amend printed bill, page 3, line 20, strike "02-___" and substitute "02-039".	10 11 12
	Page 6, line 5, strike "02-___" and substitute "02-039".	13 14
	Page 8, line 7, strike "02-___" and substitute "02-039";	15 16
	line 27, strike "02-___" and substitute "02-039".	17 18
	Page 17, line 26, strike "02-___" and substitute "02-039".	19 20
	Page 18, line 24, strike "02-___" and substitute "02-039".	21 22
	Page 19, line 20, strike "02-___" and substitute "02-039".	23 24 25
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	26 27 28
SB02-043	by Senator(s) Takis; also Representative(s) Coleman, Hodge--Concerning a requirement that temporary construction workers receive trade-specific safety training before entering a jobsite.	29 30 31 32
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, March 25, page 561 and placed in members' bill file.)	33 34 35
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	36 37 38
SB02-065	by Senator(s) Pascoe; also Representative(s) Spence--Concerning the establishment of a grant program designed to improve the academic achievement of disadvantaged children.	39 40 41
	<u>Amendment No. 1, Education Committee Amendment.</u> (Printed in Senate Journal, March 6, page 414-416 and placed in members' bill file.)	42 43 44
	<u>Amendment No. 2, Appropriations Committee Amendment.</u> (Printed in Senate Journal, March 25, page 561-562 and placed in members' bill file.)	45 46 47
	<u>Amendment No. 3(L.006), by Senator Pascoe.</u>	48 49
	Amend Education Committee Report, dated March 5, 2002, page 2, strike lines 6 through 15 and substitute the following:	50 51 52
	"THE STATE BOARD, FOR THE PURPOSE OF MAKING ALLOCATIONS TO EACH SCHOOL DISTRICT PURSUANT TO THIS PART 9, SHALL ANNUALLY DETERMINE A STATEWIDE ALLOCATION FACTOR WHICH SHALL BE CALCULATED AS THE TOTAL AMOUNT OF DOLLARS CREDITED TO THE IMPROVING ACADEMIC ACHIEVEMENT FUND, CREATED IN SECTION 22-7-907, DIVIDED BY THE TOTAL NUMBER OF DISADVANTAGED CHILDREN ENROLLED IN THE PUBLIC SCHOOLS OF THE STATE. THE STATE BOARD SHALL CALCULATE THE ALLOCATION FOR EACH SCHOOL DISTRICT BY MULTIPLYING THE NUMBER OF DISADVANTAGED CHILDREN ENROLLED IN THE SCHOOL DISTRICT BY THE STATEWIDE ALLOCATION FACTOR.";	53 54 55 56 57 58 59 60 61 62 63
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	64 65 66 67 68 69 70 71 72

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 (**SB02-160, SB02-181, SB02-078, SB02-109, SB02-130, SB02-148, SB02-154, SB02-172, HB02-1313, SB02-042, SB02-142, SB02-089, SB02-133, SB02-157, SB02-175, SB02-090**) of Tuesday, April 2, was laid over until Wednesday, April 3, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB02-179

by Senator(s) Matsunaka; also Representative(s) Veiga--Concerning transportation funding, and making an appropriation in connection therewith.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.020) to SB 02-179, did pass.

Amend printed bill, page 4, strike lines 2 and 3.

Strike pages 5 through 12.

Page 13, strike lines 1 through 23.

Renumber succeeding sections accordingly.

Amend the Government, Veterans, and Military Relations and Transportation Committee Report, dated March 14, 2002, page 1, strike lines 1 through 13 and substitute "Amend printed bill,".

Strike page 2.

Page 3, strike lines 1 through 7.

Amend the Appropriations Committee Report, dated March 22, 2002, page 1, line 2, strike "page 2, after";

strike lines 3 through 16.

Strike page 2.

The amendment was declared **lost** by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Takis, 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: **HB02-1260, SB02-179** as amended, **SB02-098, SB02-039** as amended, **SB02-043** as amended, **SB02-065** as amended.

Laid over until Wednesday, April 3: **SB02-160, SB02-181, SB02-078, SB02-109, SB02-130, SB02-148, SB02-154, SB02-172, HB02-1313, SB02-042, SB02-142, SB02-089, SB02-133, SB02-157, SB02-175, SB02-090.**

COMMITTEE OF REFERENCE REPORTS

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB02-173** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

SB02-173

Amend printed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 8-42-103 (1) (d) (III), Colorado Revised Statutes, is amended to read:

8-42-103. Disability indemnity payable as wages - period of disability. (1) If the injury or occupational disease causes disability, a disability indemnity shall be payable as wages pursuant to the provisions of section 8-42-105 (2) (a) subject to the following limitations:

~~(d) (III) The provisions of this paragraph (d) shall apply to a disability pension paid pursuant to article 30.5 or 31 of title 31, C.R.S.; except that said reduction shall not reduce the combined weekly disability benefits below a sum equal to one hundred percent of the state average weekly wage as defined in section 8-47-106 and applicable to the year in which the weekly disability benefits are being paid.~~ (A) THE PROVISIONS OF THIS PARAGRAPH (d) SHALL APPLY TO A PENSION PAID AS A RESULT OF A TEMPORARY TOTAL OR TEMPORARY PARTIAL DISABILITY PURSUANT TO ARTICLE 30.5 OR 31 OF TITLE 31, C.R.S.; EXCEPT THAT SAID REDUCTION SHALL NOT REDUCE THE COMBINED WEEKLY DISABILITY BENEFITS BELOW A SUM EQUAL TO ONE HUNDRED PERCENT OF THE STATE AVERAGE WEEKLY WAGE AS DEFINED IN SECTION 8-47-106 AND APPLICABLE TO THE YEAR IN WHICH THE WEEKLY DISABILITY BENEFITS ARE BEING PAID.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, EXCEPT FOR PERIODIC BENEFITS GRANTED BY THE FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT, THE OFFSET REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO PERIODIC BENEFITS PAYABLE AS A RESULT OF A WORK-RELATED PERMANENT IMPAIRMENT OR PERMANENT TOTAL DISABILITY TO A FIREFIGHTER OR A PEACE OFFICER PAID PURSUANT TO ARTICLE 30.5 OR 31 OF TITLE 31, C.R.S.

SECTION 2. Effective date - applicability. This act shall take effect upon passage and shall apply to any firefighter or peace officer, who, as a result of a work-related injury, applies for periodic benefits under a pension or disability plan under article 30.5 or 31 of title 31, Colorado Revised Statutes, on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

MESSAGE FROM THE HOUSE

April 2, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-011.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1408, amended as printed in House Journal, April 1, pages 1066-1068. SB02-128, amended as printed in House Journal, March 27, page 1036, and amended on Third Reading as printed in House Journal, April 2. SB02-151, amended as printed in House Journal, April 1, page 1068. SB02-132, amended as printed in House Journal, April 1, page 1069.

The House has adopted and returns herewith SJR02-021.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1408 and SB02-128, 151, and 132.

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INTRODUCTION OF BILLS--FIRST READING

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

HB02-1408

by Representative(s) Spradley, Dean, Kester; also Senator(s) Thiebaut--Concerning additional requirements for shipments of certain types of radioactive waste for disposal inside Colorado.
Business, Labor, and Finance

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SJR02-021.

Correctly rerevised: HB02-1031, 1135, 1218, 1221, 1269, 1287.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB02-052, SB02-069, SB02-100, SB02-112, SB02-139; SCR02-001.

SENATE SERVICES REPORT

Senate Services

To the Governor for signature on Tuesday, April 2, 2002, at 11:02 a.m.: SB02-052, SB02-069, SB02-100, SB02-112, SB02-139.

Journal Correction:

Page 596, Line 30 Insert the following:

MESSAGE FROM THE GOVERNOR

Appointment

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

March 15, 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:

MEMBER OF THE COLORADO AERONAUTICAL BOARD

effective March 15, 2002:

Jeffrey C. Price of Westminster, Colorado, serving as a representative of local government which operate airports from the eastern slope, withdrawn.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 3/22/02
K. Goldman, Secretary of the Senate

March 15, 2002

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

Ladies and Gentlemen:

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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 COLORADO AERONAUTICAL BOARD

for a term expiring December 19, 2003:

Harold W. Patton, Jr. of Greenwood Village, Colorado, to fill the vacancy occasioned by the resignation of Jeffrey C. Price of Westminster, Colorado, to serve as a representative of local government which operate airports from the eastern slope, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 3/22/02
K. Goldman, Secretary of the Senate

Committee on Government, Veterans and Military Relations and Transportation.

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, April 2, was laid over until Wednesday, April 3, retaining its place on the calendar.

- Third Reading--Final Passage of Bills: **HB02-1163.**
- Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, SJR02-018, HJR02-1027, SR02-009, HJR02-1035, SJR02-022.**
- Consideration of Memorials: **SJM02-001.**
- Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032, SB02-141, SB02-038, SB02-158, SB02-124, SB02-036, SB02-165, SB02-166, SB02-020, SB02-004, SB02-013, SB02-146, SB02-006, SB02-085.**
- Consideration of Governor's Veto: **SB02-108.**
- Consideration of Governor's Appointments:
 - State Board of Parole
 - Transportation Commission
 - Colorado Tourism Office Board of Directors
 - Board of Assessment Appeals

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, April 3, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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