

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

One-hundred-thirteenth Legislative Day Wednesday, May 1, 2002

- Prayer 10
By President Matsunaka. 11
- Call to 12
Order 13
By the President at 9:00 a.m. 14
- Roll Call 15
Present--Total, 32. 16
Absent/Excused--Evans, Hernandez, Tupa--Total, 3. 17
Present later--Evans, Hernandez, Tupa. 18
- Quorum 19
The President announced a quorum present. 20
- Reading of 21
Journal 22
On motion of Senator Tate, reading of the Journal of Tuesday, April 30 was dispensed 23
with and the Journal was approved as corrected by the Secretary. 24

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having 25
 voted in the affirmative, the Senate proceeded out of order for Consideration of 26
 Resolutions: **SJR02-037, HJR02-1049, HJR02-1054.** 27
28
29

CONSIDERATION OF RESOLUTIONS

SJR02-037 by Senator(s) Linkhart; also Representative(s) Stafford--Concerning designation of the 30
 month of May as Mental Health Month in Colorado. 31
32

On motion of Senator Linkhart, the resolution was read at length and **adopted** by the 33
 following roll call vote: 34
35

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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. 36
37
38

HJR02-1049 by Representative(s) Spence, Alexander, Berry, Chavez, Clapp, Crane, Hefley, Hoppe, 39
 Johnson, Kester, King, Lawrence, Lee, Rippy, Stafford, White, Williams S.; also 40
 Senator(s) Fitz-Gerald--Concerning the recognition of Early Childhood Intervention 41
 Awareness Day. 42
43
44

On motion of Senator Fitz-Gerald, the resolution was read at length and **adopted** by the 45
 following roll call vote: 46
47
48

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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. 49
50
51
52
53
54
55
56
57
58
59

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HJR02-1054 by Representative(s) Tochtrop; also Senator(s) Nichol--Concerning the recognition of Motorcycle Safety Month in Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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.

MESSAGE FROM THE HOUSE

May 1, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1072, as printed in House Journal, April 18, pages 1448-1449.

The House has adopted and transmits herewith HJR02-1066, as printed in House Journal, April 18, pages 1439-1440.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1066 by Representative(s) Madden; also Senator(s) Tupa--Concerning the designation of Shape Up Across Colorado Week.

Senator Tupa 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 Tupa, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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.

HJR02-1072 by Representative(s) Alexander; also Senator(s) Epps--Concerning the designation of the month of May as Foster Care Month in Colorado.

Senator Epps 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 Epps, the resolution was read at length and **adopted** by the following roll call vote:

HJR02-1072

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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 majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **SR02-010**.

CONSIDERATION OF RESOLUTIONS

SR02-010

by Senator(s) Chlouber, Anderson, Teck, Andrews, Arnold, Cairns, Epps, Evans, Gordon, Hillman, Matsunaka, May, Musgrave, Owen, Perlmutter, Phillips, Thiebaut, Windels; -- Concerning changes in the security at the state capitol.

On motion of Senator Chlouber, the resolution was and **adopted** by the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	N	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: Fitz-Gerald, Hanna, Lamborn, Linkhart, Nichol, Tupa.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committee Reports: **SB02-099**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB02-099

by Senator(s) Nichol, Entz, Isgar, Takis, Teck, Cairns; also Representative(s) Spradley-- Concerning the updating of statutory provisions regarding the state military forces.

Senator Nichol moved for the adoption of the First Report of the First Conference Committee on **SB02-099**, as printed in Senate Journal, April 26, pages 1021-1023. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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		

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

SB02-099

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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, as amended, was declared **repassed**.

Co-sponsors added: Epps, Lamborn, May, McElhany, Phillips, Taylor, Thiebaut.

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:

SB02-176 by Senator(s) Matsunaka, Perlmutter, Reeves; also Representative(s) Madden--Concerning limitations on the authority of the Colorado commission on higher education.

Laid over to follow **HB02-1405**.

HB02-1310 by Representative(s) King; also Senator(s) May--Concerning modifications to state funding available to address critical needs of the state's citizens, and, in connection therewith, increasing the allocation of sales and use tax revenue to the highway users tax fund, establishing a minimum annual allocation of funds for transportation purposes, creating a state rainy day fund for purposes of meeting a revenue shortfall, and creating a statewide toll authority for the purpose of financing and constructing additional highway capacity.

Laid over to follow **HB02-1416**.

HB02-1263 by Representative(s) Alexander; also Senator(s) Hagedorn--Concerning substance abuse treatment, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Tupa, Windels.

HB02-1293 by Representative(s) Sanchez, Boyd, Romanoff, Tochtrop; also Senator(s) Owen--Concerning a study of the access of children to health care, and making an appropriation in connection therewith.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1293

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	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: Hanna. Hernandez. Isgar. Tate, Tupa, Windels.

HB02-1039

by Representative(s) Clapp, Mace, Romanoff, Stafford; also Senator(s) Chlouber, Hernandez, Musgrave--Concerning the creation of a consumer-directed care pilot program for the elderly, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Entz, Epps, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Phillips, Reeves, Taylor, Teck, Tupa, Windels.

HB02-1067

by Representative(s) Mace; also Senator(s) Hernandez--Concerning implementation of the family caregiver support program.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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, Hanna, Isgar, Linkhart, Nichol, Pascoe, Phillips, Tate, Windels.

HB02-1125

by Representative(s) Saliman; also Senator(s) Gordon--Concerning the creation of a Colorado stroke advisory board, and making an appropriation therefor.

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

HB02-1125

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	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: Hanna, Hernandez, Pascoe, Phillips.

HB02-1138

by Representative(s) Saliman; also Senator(s) Linkhart--Concerning the provision of child welfare services.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	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	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: Hagedorn, Hanna, Hernandez, Nichol, Phillips, Tate, Tupa, Windels.

HB02-1155

by Representative(s) Clapp, Fairbank, Fritz, Hefley, Hoppe, Kester, Lawrence, Mace, Mitchell, Scott, Snook, Spence, Stafford, Swenson, Webster, White, Witwer; also Senator(s) Owen--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Perlmutter, Phillips, Tupa.

HB02-1281

by Representative(s) Saliman; also Senator(s) Owen--Concerning the creation of the Colorado traumatic brain injury board, and, in connection therewith, increasing certain motor vehicle fines to provide moneys for the Colorado traumatic brain injury trust fund, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Owen was given permission to offer a Third Reading amendment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1281 Third Reading Amendment No. , by Senator Owen

Amend revised bill, page 13, line 26, strike "7, and 8" and substitute "8, and 9".

Page 14, line 7, strike "6" and substitute "7".

Page 1, line 104, strike "FUND, AND" and substitute "FUND."; strike line 105.

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

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

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

HB02-1405 by Representative(s) Stengel; also Senator(s) Gordon--Concerning the filing of financial information with the secretary of state by charitable organizations.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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**.

SB02-176 by Senator(s) Matsunaka, Perlmutter, Reeves; also Representative(s) Madden--Concerning limitations on the authority of the Colorado commission on higher education.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	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**.

SB02-176

Co-sponsors added: Fitz-Gerald, Hanna, Pascoe, Tate, Tupa, Windels.

HB02-1161

by Representative(s) Young; also Senator(s) Hillman--Concerning the creation of enhanced rural enterprise zones, and, in connection therewith, establishing state income tax credits for taxpayers who establish new business facilities in enhanced rural enterprise zones.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

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

Co-sponsors added: Chlouber, Entz, Epps, Evans, Hanna, Hernandez, Isgar, Lamborn, Linkhart, Matsunaka, Nichol, Owen, Phillips, Taylor, Teck, Thiebaut, Tupa.

SB02-205

by Senator(s) Dyer, Matsunaka, Anderson, Andrews, Arnold, Chlouber, Entz, Epps, Evans, Gordon, Hanna, Hernandez, Isgar, Lamborn, May, Musgrave, Nichol, Owen, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tate, Teck, Tupa, Windels; also Representative(s) Groff, Williams S.--Concerning changes to the crime of child abuse.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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, Hagedorn.

HB02-1027

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

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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**.

HB02-1010

by Representative(s) Stafford, Clapp, Mace; also Senator(s) Hernandez, Hanna, Musgrave--Concerning the efficient delivery of quality care to seniors.

HB02-1010 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Entz, Epps, Fitz-Gerald, Hagedorn, Nichol, Taylor.

SB02-209 by Senator(s) Phillips, Matsunaka, Gordon, Perlmutter, Tupa; also Representative(s) Scott--Concerning the establishment by local governments of programs for the transfer of development rights.

Laid over until later in the day, Wednesday, May 1.

SB02-184 by Senator(s) Tupa, Pascoe, Perlmutter; also Representative(s) Swenson, Plant, Stafford, Williams S.--Concerning the authority of counties located within the boundaries of the regional transportation district to provide transit services in cooperation with the district.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	N	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: Fitz-Gerald, Hanna, Hernandez, Pascoe, Windels.

SB02-157 by Senator(s) Isgar; also Representative(s) Alexander--Concerning the taxation of possessory interests in exempt real property.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Taylor.

SB02-152 by Senator(s) Evans; also Representative(s) Spence--Concerning programs to prepare persons for licensure as school principals.

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

SB02-152

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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, Pascoe.

SB02-202

by Senator(s) Takis; also Representative(s) Fritz--Concerning the regulation of motor vehicle carriers exempt from regulation as public utilities.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	N	Windels	Y
Epps	N	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-sponsor added: Hernandez.

SB02-217

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

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	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: Hanna, Hernandez, Linkhart, Phillips, Tupa, WIndels.

HB02-1414

by Representative(s) Hoppe, Alexander, Kester, Borodkin, Coleman, Daniel, Fritz, Harvey, Hodge, Johnson, Mitchell, Rippy, Smith, Snook, Webster, Weddig, White, Williams T., Young; also Senator(s) Entz, Isgar, Andrews, Chlouber, Dyer, Hanna, Hernandez, Hillman, Matsunaka, Musgrave--Concerning the continued authority of the state engineer to approve limited substitute water supply plans, and making an appropriation in connection therewith.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1414

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	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: Pascoe, Perlmutter, Taylor, Teck.

HB02-1400

by Representative(s) Dean, Scott, Cadman, Clapp, Cloer, Coleman, Crane, Daniel, Fairbank, Fritz, Groff, Harvey, Hefley, Hoppe, Jahn, Kester, King, Larson, Lee, Mace, Marshall, Miller, Mitchell, Paschall, Rhodes, Rippy, Schultheis, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, Swenson, Tapia, Tochtrop, Webster, Weddig, White, Williams T., Young; also Senator(s) Perlmutter, Lamborn--Concerning violations detected using automated vehicle identification devices.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	N
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	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 bill was declared **passed**.

Co-sponsors added: Chlouber.

HB02-1416

by Representative(s) Johnson; also Senator(s) Matsunaka--Concerning procedures to be followed by county governments in connection with the merging of parcels of land.

Laid over until Thursday, May 2, retaining its place on the calendar.

HB02-1310

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

Laid over until Monday, May 6, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that **SB02-212** be referred favorably to the Committee of the Whole.

Education

After consideration on the merits, the committee recommends that **HB02-1266** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 20, strike "MINORS; OR" and substitute "MINORS.";

HB02-1266

strike line 21;

line 22, strike "SEVENTEEN." and substitute "EIGHTEEN."

Page 5, strike lines 26 and 27 and substitute the following:

"(a) "AN ADULT; OR".

Page 6, line 14, strike "ARTICLE." and substitute "ARTICLE; EXCEPT THAT, ACCESS TO SCIENTIFICALLY VALUABLE AND MEDICALLY ACCURATE INFORMATION REGARDING SEXUAL ABUSE, SEXUAL EDUCATION, REPRODUCTIVE HEALTH CARE, SEXUALLY TRANSMITTED DISEASES, AND BREAST, OVARIAN, UTERINE, CERVICAL, OR TESTICULAR CANCER SHALL NOT BE BLOCKED.";

strike lines 26 and 27.

Page 7, strike lines 1 through 9.

Page 8, strike lines 16 through 22.

Renumber succeeding sections accordingly.

Education

After consideration on the merits, the committee recommends that **HB02-1297** be referred favorably to the Committee on Appropriations.

Education

After consideration on the merits, the committee recommends that **HB02-1303** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 9, strike "**rulemaking - repeal.**" and substitute "**rulemaking.**".

Page 4, line 6, strike "STATE." and substitute "STATE OR IS PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM DESCRIBED IN SECTION 22-33-104.5."

Page 10, strike lines 14 through 24 and substitute the following:

SECTION 3. 22-7-607.5 (2) (b), Colorado Revised Statutes, is amended to read:

22-7-607.5. Teacher pay incentive program - repeal.
(2) (b) The per pupil grant amount shall be an amount equal to ~~twelve~~ ELEVEN million six hundred thirty thousand dollars divided by the total number of students enrolled in all eligible schools.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2002, the sum of one million dollars (\$1,000,000) or so much thereof as may be necessary, for the implementation of section 22-2-122, Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2002, shall be adjusted as follows:

(a) The cash funds exempt appropriation to the department of education, assistance to public schools, grant programs and other distributions, for the teacher pay incentive program, is decreased by one million dollars (\$1,000,000). Said sum shall be from the state education fund, created pursuant to section 17 (4) of article IX of the state constitution."

Renumber succeeding section accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1303

Page 1, line 102, strike "**PROGRAM.**" and substitute "**PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.**".

Education

After consideration on the merits, the committee recommends that **HB02-1419** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 3, before "TWO", insert "NO MORE OR LESS THAN".

Page 23, strike lines 8 and 9 and substitute the following:

"SECTION 22. Effective date - priority of act. (1) This act shall take effect July 1, 2002.

(2) House Bill No. 02-1260 amends various sections of Colorado Revised Statutes to change the name of the state board of agriculture. Some of those sections are also contained in this act. So as to assure that the substantive provisions of this act are given priority, in the event that House Bill No. 02-1260 is enacted at the second regular session of the sixty-third general assembly and becomes law, where the provisions of the two acts are not in conflict they shall be harmonized, but where the sections are in conflict the provisions of this act shall be deemed to supercede the provisions of House Bill No. 02-1260 on the date that House Bill No. 02-1260 becomes effective."

Education

After consideration on the merits, the committee recommends that **HB02-1309** be postponed indefinitely.

MESSAGE FROM THE HOUSE

May 1, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1065, as printed in House Journal, April 18, page 1439.

The House has voted not to concur in the Senate amendments to HB02-1324 and requests that a conference committee be appointed. The Speaker has appointed Representatives Lawrence, chairman, Johnson, and Saliman as House conferees on the First Conference Committee on HB02-1324. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB02-1300 and requests that a conference committee be appointed. The Speaker has appointed Representatives Spence, chairman, White, and Groff as House conferees on the First Conference Committee on HB02-1300. The bill is transmitted herewith.

The House has voted to authorize the House conferees on the First Conference Committee on HB02-1349 to consider matters not at issue between the two houses.

In response to the request of the Senate, the Speaker has appointed Representatives Berry, chairman, Larson, and Groff as House conferees on the First Conference Committee on SB02-032.

May 1, 2002

Mr. President:

The House has passed on Third Reading and returns herewith SB02-160.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1448, amended as printed in House Journal, April 30, page 1657.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1455, amended as printed in House Journal, April 30, page 1656.
SB02-065, amended as printed in House Journal, April 30, page 1665.

The House has postponed indefinitely SB02-173, 191. The bills are returned herewith.

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

SCR02-006 by Senator(s) Owen; also Representative(s) Williams T.--Submitting to the registered electors of the state of Colorado amendments to articles VI and XVIII of the constitution of the state of Colorado, concerning the repeal of certain obsolete provisions in the constitution of the state of Colorado.
Judiciary

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR02-046 by Senator(s) Hernandez; also Representative(s) Mace, Tapia--Concerning the celebration of Cinco de Mayo.

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

HJR02-1065 by Representative(s) Boyd, Tochtrop, Alexander, Borodkin, Daniel, Jahn, Sanchez, Veiga; also Senator(s) Windels--Concerning the designation of National Nursing Home Week in Colorado.

Laid over one day under Senate rule 30(e).

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-231, 232.

Correctly engrossed: SB02-152, 157,184, 202, 205, 209, 217, 228.

Correctly reengrossed: SB02-080, 171, 180, 190, 194, 195, 207, 210, 218, 221, 223.

Correctly revised: HB02-1010, 1027, 1039, 1067, 1125, 1138, 1155, 1161, 1263, 1281, 1293, 1400, 1405, 1414, 1416.

Correctly rerevised: HB02-1009, 1054, 1070, 1084, 1113, 1114, 1173, 1226, 1229, 1241, 1247, 1262, 1265, 1292, 1295, 1301, 1304, 1307, 1323, 1324, 1359, 1417.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The President has signed: HB02-1159, 1269, and 1278.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB02-1135 by Representative(s) Williams T., Cloer, Coleman, Daniel, Decker, Garcia, Hodge, Kester, King, Larson, Ragsdale, Snook, Spence, Spradley, Tochtrop; also Senator(s) Windels, Anderson, Entz, Hanna, May--Concerning the Colorado compensation insurance authority.

Senator Windels moved that the Senate Conferees on the First Conference Committee on **HB02-1135** be given the powers to go beyond the scope of the differences between the two Houses.

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

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 House Amendments to Senate Bills: **SB02-161**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-161

by Senator(s) Perlmutter; also Representative(s) Smith--Concerning the modification of procedures for the foreclosure of deeds of trust.

Senator Perlmutter moved that the Senate not concur in House amendments to **SB02-161**, as printed in House Journal, April 5, page 1165, and that a Conference Committee be appointed.

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

Senator Perlmutter moved that the Senate Conferees on the First Conference Committee on **SB02-161** be given the powers to go beyond the scope of the differences between the two Houses.

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

(For further action, see Appointments to Conference Committees.)

Senate in Recess--Senate Reconvened

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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Nichol, the following Governor's appointment was confirmed by a roll call vote:

ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2005:

John D. Musso of Pueblo, Colorado, to serve as a representative of local school districts and junior college districts, reappointed.

YES	32	NO	0	EXCUSED	3	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	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Hernandez, the following Governor's appointments were confirmed by a roll call vote:

MEDICAL SERVICES BOARD

for terms expiring July 1, 2002:

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

STATE BOARD OF NURSING

for a term expiring July 1, 2002:

Helen M. Vandiver of Englewood, Colorado, to fill the vacancy occasioned by the resignation of Marilyn R. Hadley and to serve as licensed practical nurse, appointed;

for terms expiring July 1, 2004:

Gynia L. Crane of Aurora, Colorado, to serve as a licensed professional nurse engaged in home health care, reappointed;

Sharon Barclay of Delta, Colorado, to serve as a licensed professional nurse engaged in practical nursing education, appointed;

Carole A. Harrison of Denver, Colorado, to serve as a public member, appointed;

Laurett Barrentine of Englewood, Colorado, to serve as a public member, reappointed.

YES	32	NO	0	EXCUSED	3	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	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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: **SJR02-036, SJR02-032.**

CONSIDERATION OF RESOLUTIONS

SJR02-036 by Senator Gordon; also Representative Grossman--Concerning the city of Glendale's 50th anniversary.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	E	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

SJR02-032 by Senator(s) Gordon; also Representative(s) Hefley--Concerning continuation of the criminal sentencing interim committee.

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

SJR02-032

YES	32	NO	0	EXCUSED	3	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	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Thiebaut, Windels.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB02-1044** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 25, strike "SECTION." and substitute "SECTION AND SHALL SET APPROPRIATE QUALIFICATIONS IN ORDER FOR AN APPLICANT TO RECEIVE A SCHOLARSHIP."

Page 4, line 1, after the period, insert "SUCH SCHOLARSHIP SHALL NOT BE AWARDED TO AN APPLICANT UNLESS THE APPLICANT CAN DEMONSTRATE THAT HE OR SHE IS A COLORADO RESIDENT AND SUCH SCHOLARSHIP WILL BE USED TO ATTEND AN INSTITUTION OF HIGHER EDUCATION WITHIN COLORADO.";

line 10, strike "TEN" and substitute "TWENTY-FIVE".

Page 5, line 7, strike "EDUCATIONAL" and substitute "EDUCATION";

strike lines 9 and 10 and substitute the following:

"TO DEMONSTRATE THAT THE APPLICANT IS A MEMBER OF THE RAPTOR EDUCATION FOUNDATION AND QUALIFIED BY SUCH FOUNDATION TO RECEIVE A SPECIAL LICENSE PLATE."

Page 6, line 4, strike the first "AN" and substitute "A BENEVOLENT AND PROTECTIVE ORDER OF";

line 6, strike "ELKS CLUB." and substitute "BENEVOLENT AND PROTECTIVE ORDER OF ELKS.";

strike lines 16 through 27 and substitute the following:

"SECTION 4. Article 3 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

42-3-122.5. Special plates - fees - special license plate account - creation. (1) THE FEES COLLECTED PURSUANT TO SECTION 42-3-116.7 SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE SPECIAL LICENSE PLATE ACCOUNT IN THE HIGHWAY USERS TAX FUND, WHICH ACCOUNT IS HEREBY CREATED. MONEYS IN THE ACCOUNT SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT OF REVENUE IN THE ADMINISTRATION OF SECTION 42-3-116.7. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE ACCOUNT SHALL REVERT BACK TO THE HIGHWAY USERS TAX FUND.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CHANGE OR REDUCE THE PERCENTAGE OF FEES CREDITED TO THE SPECIAL ACCOUNT CREATED IN SUBSECTION (1) OF THIS SECTION IN ORDER TO MINIMIZE THE AMOUNT OF MONEYS THAT REVERT TO THE HIGHWAY USERS TAX FUND AT THE END OF THE FISCAL YEAR PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL MAKE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1044

AN ANNUAL REPORT BY MARCH 1 OF EACH YEAR TO THE GENERAL ASSEMBLY. SUCH REPORT SHALL BE OPEN FOR PUBLIC INSPECTION AND SHALL INCLUDE:

- (a) A SUMMARY OF THE DEPARTMENT'S ACTIVITIES FOR THE PREVIOUS YEAR;
- (b) A STATEMENT OF PLATE REVENUES;
- (c) INFORMATION REGARDING SPECIAL PLATE PURCHASES;
- (d) EXPENSES OF THE DEPARTMENT;
- (e) ALLOCATION OF REMAINING REVENUES; AND
- (f) ANY RECOMMENDATIONS FOR CHANGES IN STATUTES THAT THE EXECUTIVE DIRECTOR DEEMS NECESSARY OR DESIRABLE."

Strike pages 7 through 11 and substitute the following:

"SECTION 5. 43-2-145, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-2-145. Transportation legislation review - committee. (2.7)

(a) WHEN THE COMMITTEE MEETS DURING THE 2002 INTERIM, PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMITTEE SHALL CONSULT WITH REPRESENTATIVES OF THE COUNTY CLERKS, THE DEPARTMENT OF REVENUE, THE DEPARTMENT OF CORRECTIONS, AND APPROPRIATE LAW ENFORCEMENT AGENCIES TO STUDY THE FEASIBILITY OF THE STATE CONTRACTING WITH THE PRIVATE SECTOR FOR CERTAIN ASPECTS OF THE MARKETING AND DISTRIBUTION OF SPECIAL LICENSE PLATES.

(b) THE COMMITTEE'S CONSIDERATION OF MATTERS UNDER THIS SUBSECTION (2.7) SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) DISTRIBUTION FUNCTIONS RELATING TO SPECIAL LICENSE PLATES THAT COULD BE CARRIED OUT UNDER CONTRACT WITH THE PRIVATE SECTOR;

(II) MARKETING FUNCTIONS RELATING TO SPECIAL LICENSE PLATES THAT COULD BE CARRIED OUT UNDER CONTRACT WITH THE PRIVATE SECTOR;

(III) BONDING OR OTHER FINANCIAL SECURITY REQUIREMENTS NECESSARY TO ENSURE SATISFACTORY PERFORMANCE OF SERVICES AND THAT THE HIGHWAYS USERS TAX FUND IS AT ALL TIMES HELD HARMLESS UNDER PRIVATE CONTRACT RELATING TO SPECIAL LICENSE PLATES;

(IV) CASH FUNDING OF SPECIAL LICENSE PLATES AND THE POTENTIAL FOR INCREASED REVENUE TO THE HIGHWAY USERS TAX FUND BASED ON EXPERIENCE FROM COMPARABLE PROGRAMS ELSEWHERE; AND

(V) THE SECURITY OF MOTOR VEHICLE REGISTRATION INFORMATION AND TAX AND FEE COLLECTIONS UNDER CONTRACT ARRANGEMENT WITH THE PRIVATE SECTOR.

(c) THE COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS UNDER THIS SUBSECTION (2.7), INCLUDING RECOMMENDED LEGISLATION, SO THAT ANY APPROPRIATE LEGISLATION MAY BE CONSIDERED DURING THE 2003 REGULAR SESSION OF THE GENERAL ASSEMBLY.

(d) THIS SUBSECTION (2.7) IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the special license plate account created in section 42-3-122.5, Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for allocation to the motor vehicle division, for American Indian special license plates, for the fiscal year beginning July 1, 2002, the sum of thirteen thousand four hundred dollars (\$13,400), or so much thereof

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1044

as may be necessary, for the implementation of this act.

SECTION 7. Effective date. This act shall take effect July 1, 2002.

SECTION 8. 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."

- Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-232** be referred favorably to the Committee of the Whole.
- Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-222** be referred favorably to the Committee on Appropriations.
- Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-225** be referred favorably to the Committee of the Whole.
- Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-170** be postponed indefinitely.
- Public Policy and Planning After consideration on the merits, the committee recommends that **SJR02-044** be amended favorably to the Senate for final action.
- Amend printed Senate Joint Resolution, page 2, strike lines 7 through 47 and substitute the following:
- "Of RTD."
- Page 3, strike lines 1 through 10;
- line 33, strike "law." and substitute "the United States and Colorado Constitutions."
- Health, Environment, Children & Families After consideration on the merits, the committee recommends that **SB02-206** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.
- Amend printed bill, page 44, line 4, after "(1.5)" insert "(a)";
- after line 8, insert the following:
- "(b) THIS SUBSECTION (1.5) SHALL BE CONTINGENT UPON THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT RECEIVING SUFFICIENT FEDERAL FUNDS AND GRANTS AND DONATIONS TO SUPPORT THE IMPLEMENTATION OF A HEPATITIS A VACCINATION PROGRAM.";
- line 26, after "REQUIREMENT.", insert "THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL NOT IMPLEMENT THE HEPATITIS A VACCINATION REQUIREMENTS UNTIL AND UNLESS FEDERAL FUNDS AND GRANTS AND DONATIONS BECOME AVAILABLE TO FULLY SUPPORT THE HEPATITIS A VACCINATION PROGRAM."
- Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-220** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB02-220

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

"SECTION 1. Article 2 of title 43, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-2-145.3. License plate distribution task force. (1) THERE IS HEREBY CREATED A LICENSE PLATE DISTRIBUTION TASK FORCE, WHICH SHALL BE COMPOSED OF THE FOLLOWING PERSONS:

(a) TWO MEMBERS WHO REPRESENT THE DEPARTMENT OF REVENUE;

(b) TWO MEMBERS WHO REPRESENT THE DEPARTMENT OF CORRECTIONS; AND

(c) THREE MEMBERS WHO REPRESENT THE COUNTY CLERKS AS AUTHORIZED AGENTS OF THE DEPARTMENT OF REVENUE.

(2) (a) THE MEMBERS OF THE LICENSE PLATE DISTRIBUTION TASK FORCE SHALL BE APPOINTED BY THE GOVERNOR AND SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

(b) MEMBERS OF THE LICENSE PLATE DISTRIBUTION TASK FORCE SHALL NOT BE PAID ANY ADDITIONAL SALARY FOR THEIR SERVICES AS MEMBERS OF THE TASK FORCE.

(3) (a) THE LICENSE PLATE DISTRIBUTION TASK FORCE SHALL NOT ISSUE ANY RECOMMENDATIONS EXCEPT UPON THE VOTE OF A MAJORITY OF THE MEMBERS OF SUCH TASK FORCE.

(b) THE LICENSE PLATE DISTRIBUTION TASK FORCE IS AUTHORIZED TO CONSULT WITH ANY PERSONS WHO ARE DEEMED TO HAVE RELEVANT KNOWLEDGE OR EXPERTISE RELEVANT TO THE DISTRIBUTION OF LICENSE PLATES PURSUANT TO ARTICLE 3 OF TITLE 42, C.R.S. SUCH PERSON MAY BE INCLUDED IN ANY DELIBERATIONS AND FACT-FINDING PERFORMED BY THE TASK FORCE.

(4) THE LICENSE PLATE DISTRIBUTION TASK FORCE SHALL ISSUE A REPORT BY SEPTEMBER 1, 2002, TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE, CREATED IN SECTION 43-2-145, CONTAINING RECOMMENDATIONS FROM THE TASK FORCE FOR IMPLEMENTING A MORE STREAMLINED, EFFICIENT, AND IMPROVED SYSTEM OF DISTRIBUTING LICENSE PLATES PURSUANT TO ARTICLE 3 OF TITLE 42, C.R.S. SUCH RECOMMENDATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(a) THE FEASIBILITY AND ADVISABILITY OF IMPLEMENTING CENTRALIZED DISTRIBUTION OF STANDARD AND SPECIAL LICENSE PLATES;

(b) THE FEASIBILITY AND ADVISABILITY OF CASH FUNDING OF STANDARD AND SPECIAL LICENSE PLATES;

(c) THE FEASIBILITY AND ADVISABILITY OF THE COUNTY CLERKS DIRECTLY ORDERING STANDARD AND SPECIAL LICENSE PLATES FROM THE DEPARTMENT OF CORRECTIONS; AND

(d) THE FEASIBILITY AND ADVISABILITY OF SHIPPING OF STANDARD AND SPECIAL LICENSE PLATES TO THE END-USER.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2003.

SECTION 2. 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."

Page 1, strike line 102, and substitute "PLATES."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Health
Environment
Children &
Families

After consideration on the merits, the committee recommends that **SJR02-043** be postponed indefinitely.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1401** 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 **HB02-1189** 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 2, line 5, strike "REBUILT salvage vehicle ~~which has~~" and substitute "salvage vehicle which has";

line 6, strike "~~been made roadworthy~~" and substitute "been made roadworthy";

line 12, strike "SUCH a vehicle. ~~that is a salvage~~" and substitute "a vehicle that is a salvage";

line 13, strike "~~vehicle that has been made roadworthy.~~" and substitute "vehicle that has been made roadworthy.";

line 18, strike "July" and substitute "January".

Page 1, line 102, strike "NUMBER" and substitute "DOCUMENT".

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1397** 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 **HB02-1452** be referred favorably to the Committee of the Whole.

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 (**HB02-1412, HB02-1046**) of Wednesday, May 1, was laid over until Thursday, May 2, retaining its place on the calendar.

CHANGES TO THE GENERAL ORDERS--SECOND READING OF BILLS CONSENT CALENDAR

HB02-1046

by Representative(s) Lee, Decker, Groff, Hefley, Madden, Mitchell; also Senator(s) Windels, Dyer, Arnold, Gordon, Linkhart--Concerning the relocation of certain existing criminal sentencing statutes to a new article in title 18, Colorado Revised Statutes.

Upon request of Senator Thiebaut, **HB02-1046** was removed from the General Orders--Second Reading of Bills Consent Calendar of Wednesday, May 1 and placed at the end of the General Orders--Second Reading of Bills Calendar of Thursday, May 2.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1147, HB02-1338, HB02-1312, HB02-1029, HB02-1283, HB02-1396, HB02-1209, HB02-1276, HB02-1339, SB02-213, SB02-200, SB02-225, SB02-220, HB02-1259** were made Special Orders at 4:15 p.m.

Committee of the Whole

The hour of 4:15 p.m. having arrived, Senator Tupa moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading Bills and Senator Tupa 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:

HB02-1338

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

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

(Printed in Senate Journal, April 12, page 756 and placed in members' bill file.)

Amendment No. 2(L.009), by Senator Reeves.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated April 11, 2002, page 1, strike lines 1 through 5 and substitute the following:

"Amend reengrossed bill, page 2, strike lines 9 through 14 and substitute the following:

"exceed fifteen dollars for the inspection of vehicles, ~~in the basic emissions program or for the inspection of~~ model year 1981 and older, ~~vehicles at said facilities licensed or authorized within EITHER the BASIC OR enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars.~~";

strike lines 19 through 26 and substitute the following:

"inspected under section 42-4-310. ~~whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to section 42-4-305 for the issuance of a replacement verification of emissions test.~~".

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

HB02-1029

by Representative(s) Romanoff, Clapp, Mace, Stafford; also Senator(s) Hanna, Hernandez--Concerning expansion of the program of all-inclusive care for the elderly.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 30, page 1063-1064 and placed in members' bill file.)

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

HB02-1312

by Representative(s) Paschall, Fairbank, Alexander, Borodkin, Boyd, Clapp, Coleman, Crane, Daniel, Decker, Fritz, Garcia, Groff, Harvey, Hefley, Hoppe, King, Larson, Mace, Mitchell, Rhodes, Sanchez, Schultheis, Tochtrop, Vigil, Weddig, Williams S., Witwer; also Senator(s) Linkhart--Concerning the priority of adoption hearings on court dockets.

Amendment No. 1(L.006), by Senator Linkhart.

Amend reengrossed bill, page 2, line 3, after "**hearings -**", insert "**termination appeals -**";

line 6, after the last "COURT", insert "AND ANY HEARING CONCERNING A PETITION FILED IN THE COLORADO COURT OF APPEALS OR THE COLORADO SUPREME COURT RELATED TO A CHILD WHO IS AVAILABLE FOR ADOPTION DUE TO AN ORDER OF THE COURT TERMINATING THE PARENT-CHILD LEGAL RELATIONSHIP";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1312

line 9, after "ADOPTION", insert "OR A CASE CONCERNING A CHILD WHO IS AVAILABLE FOR ADOPTION DUE TO AN ORDER OF THE COURT TERMINATING THE PARENT-CHILD LEGAL RELATIONSHIP".

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

HB02-1283

by Representative(s) Fritz; also Senator(s) Gordon--Concerning prohibitions against weapons that may cause mass destruction, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 25, page 1003 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 30, page 1064-1065 and placed in members' bill file.)

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

HB02-1396

by Representative(s) Fritz, Lee, Alexander, Cadman, Clapp, Coleman, Fairbank, Grossman, Hefley, Jahn, Johnson, Lawrence, Rhodes, Rippey, Romanoff, Scott, Snook, Tochtrop, Veiga; also Senator(s) Gordon--Concerning the statute of limitations for commencing criminal proceedings involving sex crimes committed against children.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 30, page 1095-1067 and placed in members' bill file.)

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

HB02-1209

by Representative(s) Spradley, Cloer; also Senator(s) Epps--Concerning the older Coloradans program, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.

(Printed in Senate Journal, April 26, page 1003 and placed in members' bill file.)

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

HB02-1276

by Representative(s) Mace; also Senator(s) Epps--Concerning the provision of additional funding for the health care needs of old age pension recipients, and making an appropriation therefor.

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

HB02-1339

by Representative(s) Cadman; also Senator(s) McElhany--Concerning measures that will address whether all accounts for alcohol beverages sold to the applicant are paid when applying for a temporary permit pending transfer of certain alcohol licenses.

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

HB02-1147

by Representative(s) Cloer; also Senator(s) Hagedorn--Concerning public information requirements, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 25, page 988-989 and placed in members' bill file.)

Amendment No. 2(L.015), by Senators Hagedorn and Entz.

Amend reengrossed bill, page 96, after line 18, insert the following:

"SECTION 164. 35-2-101, Colorado Revised Statutes, is amended to read:

35-2-101. Information furnished, by whom. The commissioner of agriculture, acting under the direction of the state agricultural commission in the collection of information necessary to the performance of his OR HER duties as such commissioner and subject to the provisions of section 24-1-136, C.R.S., in regard to publication of such information, is authorized to call upon the several state, county, city, town, and school

HB02-1147

district officers and officers of the several state institutions of education and penal and other state institutions, and it is the duty of all such officers to furnish, upon written or printed request of the commissioner, such information as may be required for properly setting forth the resources of the state and their development, upon blanks furnished by the commissioner. Each owner, operator, or manager of any manufacturing, mining, or other business establishment operating in this state, or other person having information necessary for carrying out the purposes of this article, upon the request of the commissioner, shall furnish the same upon blanks supplied by the ~~state agricultural~~ commission. EXCEPT AS OTHERWISE PROVIDED BY LAW, ANY AGRICULTURAL STATISTICS COLLECTED BY ANY OF THE SEVERAL STATE, COUNTY, CITY, TOWN, SCHOOL DISTRICT, OR INSTITUTIONAL OFFICERS SPECIFIED IN THIS SECTION SHALL BE COLLECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

SECTION 165. 35-2-106, Colorado Revised Statutes, is amended to read:

35-2-106. Reports confidential. The reports made to the commissioner of agriculture by individuals, firms, or corporations, OR TO ANY OF THE SEVERAL STATE, COUNTY, CITY, TOWN, SCHOOL DISTRICT, OR INSTITUTIONAL OFFICERS SPECIFIED IN SECTION 35-2-101, shall be regarded as confidential and not for the purpose of disclosing personal or corporate affairs. In the reports of the commissioner, ~~of agriculture~~ no use shall be made of the names of individuals, firms, or corporations supplying the information called for in this article. Any officer or employee of the state agricultural commission disclosing such information is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars and costs of prosecution or by imprisonment in the county jail for a period of not more than one year."

Renumber succeeding sections accordingly.

Amendment No. 3(L.016), by Senator Hagedorns and Gordon.

Amend reengrossed bill, page 96, after line 18, insert the following:

"SECTION 164. 1-45-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

1-45-103. Definitions. As used in this article:

(5.5) (a) "ELECTIONEERING COMMUNICATION" MEANS ANY TARGETED, CANDIDATE-SPECIFIC ADVERTISEMENT DISTRIBUTED TO THE PUBLIC WITHIN FORTY-FIVE DAYS BEFORE AN ELECTION.

(b) FOR PURPOSES OF THIS SUBSECTION (5.5), "ADVERTISEMENT" MEANS ANY PAID:

(I) ADVERTISEMENT OR PURCHASED PROGRAM TIME BROADCAST FROM A TELEVISION OR RADIO STATION OR A CABLE STATION OR FACILITY;

(II) ADVERTISEMENT PUBLISHED IN A NEWSPAPER OR MAGAZINE OF GENERAL CIRCULATION; OR

(III) VERBAL OR WRITTEN MESSAGE DISTRIBUTED BY TELEPHONE, ELECTRONIC COMMUNICATIONS, HAND DELIVERY, OR MAIL.

(c) FOR PURPOSES OF THIS SUBSECTION (5.5), "CANDIDATE-SPECIFIC" MEANS AN UNAMBIGUOUS REFERENCE MADE IN AN ADVERTISEMENT TO A CANDIDATE FOR STATE OR LOCAL PUBLIC OFFICE IN COLORADO BY THE USE OF THE CANDIDATE'S NAME, LIKENESS, OR OTHER UNAMBIGUOUS MEANS OF IDENTIFICATION.

(d) FOR PURPOSES OF THIS SUBSECTION (5.5), "TARGETED" MEANS:

(I) IN THE CASE OF AN ADVERTISEMENT BROADCAST BY MEANS OF TELEVISION, RADIO, OR CABLE, THE ADVERTISEMENT IS BROADCAST TO A MEDIA MARKET THAT NORMALLY INCLUDES MEMBERS OF THE ELECTORATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1147

FOR THE ELECTION FOR WHICH THE ADVERTISEMENT IS BROADCAST;

(II) IN THE CASE OF AN ADVERTISEMENT PUBLISHED IN A NEWSPAPER OR MAGAZINE, THE IDENTIFIED READERSHIP REGULARLY SERVED BY THE NEWSPAPER OR MAGAZINE INCLUDES MEMBERS OF THE ELECTORATE FOR THE ELECTION FOR WHICH THE ADVERTISEMENT IS PUBLISHED; AND

(III) IN THE CASE OF AN ADVERTISEMENT DISTRIBUTED BY TELEPHONE, ELECTRONIC COMMUNICATIONS, HAND DELIVERY, OR MAIL, A MAJORITY OF THE PERSONS SO CONTACTED RESIDE IN THE ELECTORAL JURISDICTION FOR THE ELECTION FOR WHICH THE MESSAGE IS BEING DISTRIBUTED. IN THE CASE OF AN ADVERTISEMENT DISTRIBUTED BY HAND DELIVERY, THE ADVERTISEMENT IS DISTRIBUTED BY HAND WITHIN SAID JURISDICTION.

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (5.5), "ELECTIONEERING COMMUNICATION" DOES NOT INCLUDE:

(I) A COMMUNICATION APPEARING IN A NEWS STORY, COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING STATION OR NEWSPAPER OF GENERAL CIRCULATION THAT IS NOT OWNED OR CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

(II) ANY COMMUNICATION MADE BY A CORPORATION, ORGANIZATION, OR ASSOCIATION SOLELY TO ITS MEMBERS, OWNERS, STOCKHOLDERS, EXECUTIVE OR ADMINISTRATIVE PERSONNEL, OR THE FAMILIES OF SUCH PERSONNEL;

(III) ANY COMMUNICATION PAID FOR BY A DISBURSEMENT CONSTITUTING AN EXPENDITURE OR INDEPENDENT EXPENDITURE UNDER THIS ARTICLE;

(IV) IN THE CASE OF AN ELECTION FOR A STATEWIDE OFFICE, ANY COMMUNICATION APPEARING NATIONWIDE OR OTHERWISE MADE AS PART OF A UNIFORM NATIONWIDE CAMPAIGN;

(V) IN THE CASE OF AN ELECTION FOR AN OFFICE THAT IS NOT VOTED ON STATEWIDE, ANY COMMUNICATION APPEARING STATEWIDE OR OTHERWISE MADE AS PART OF A UNIFORM STATEWIDE CAMPAIGN;

(VI) ANY COMMUNICATION THAT REFERS TO ANY CANDIDATE ONLY AS PART OF THE POPULAR NAME OF A BILL OR STATUTE;

(VII) ANY COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM OR THAT SOLELY PROMOTES SUCH DEBATE OR FORUM.

SECTION 165. Article 45 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

1-45-110.5. Electioneering communication - reporting.

(1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE DISTRIBUTION OF ELECTIONEERING COMMUNICATIONS BY SO-CALLED EDUCATIONAL COMMITTEES IS A MEANS OF CIRCUMVENTING CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS, INsofar AS SUCH COMMITTEES SHIELD FROM THE PUBLIC THE IDENTITY OF CONTRIBUTORS TO SUCH COMMITTEES AND THE MAGNITUDE OF THE FUNDS SUCH CONTRIBUTORS DONATE TO SUCH COMMITTEES. THIS FORM OF POLITICAL ACTIVITY IS DESIGNED TO AFFECT THE OUTCOME OF ELECTIONS FOR PUBLIC OFFICE AND, IN DOING SO, IT UNDERMINES PUBLIC TRUST IN THE ELECTORAL PROCESS BY CREATING THE APPEARANCE OF CORRUPTION, DENYING ELECTORS INFORMATION NEEDED TO MAKE INFORMED DECISIONS, AND DISSUADING ELECTORS AND POTENTIAL CANDIDATES FROM PARTICIPATING IN ELECTIONS.

(b) ACCORDINGLY, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT DISCLOSURE BE REQUIRED AS TO BOTH THE SOURCE OF CONTRIBUTIONS MADE FOR ELECTIONEERING COMMUNICATIONS AND THE TOTAL DOLLAR AMOUNTS SPENT ON SUCH COMMUNICATIONS.

(2) ANY PERSON WHO MAKES A DISBURSEMENT IN AN AGGREGATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1147

AMOUNT OF ONE THOUSAND DOLLARS OR MORE IN A CALENDAR YEAR ON ELECTIONEERING COMMUNICATIONS, OR WHO ACCEPTS ANY COMBINATION OF MONEY AND CONTRIBUTIONS IN KIND WITH AN AGGREGATE VALUE OF ONE THOUSAND DOLLARS OR MORE IN ANY ONE CALENDAR YEAR AND USES SUCH COMBINATION OF MONEY AND CONTRIBUTIONS IN KIND FOR ELECTIONEERING COMMUNICATIONS, SHALL, WITHIN FORTY-EIGHT HOURS OF EACH DISCLOSURE DATE, FILE WITH THE APPROPRIATE OFFICER A STATEMENT CONTAINING THE FOLLOWING INFORMATION:

(a) THE FULL NAME OF THE PERSON MAKING THE DISBURSEMENT AND OF ANY OTHER PERSON WHO IS AN OWNER OF OR SIGNATORY ON THE ACCOUNT FROM WHICH THE DISBURSEMENT WAS MADE;

(b) THE NAME, STREET ADDRESS, AND TELEPHONE NUMBER OF A NATURAL PERSON AUTHORIZED TO ACT AS A REGISTERED AGENT FOR SUCH PERSON;

(c) A STREET ADDRESS AND TELEPHONE NUMBER FOR THE PRINCIPLE PLACE OF OPERATIONS OF THE PERSON MAKING THE DISBURSEMENT, IF NOT AN INDIVIDUAL;

(d) THE NAME AND ADDRESS OF EACH MAJOR DONOR FUNDING THE ELECTIONEERING COMMUNICATION. FOR PURPOSES OF THIS PARAGRAPH (d), "MAJOR DONOR" SHALL MEAN ANY PERSON THAT, IN ANY GIVEN YEAR:

(I) CONTRIBUTES MORE THAN ONE HUNDRED DOLLARS TO A SEGREGATED ACCOUNT ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION FOR ELECTIONEERING COMMUNICATION PURPOSES;

(II) KNOWINGLY MAKES A CONTRIBUTION IN KIND OF GOODS OR SERVICES FOR ELECTIONEERING COMMUNICATION PURPOSES VALUED AT MORE THAN ONE HUNDRED DOLLARS; OR

(III) CONTRIBUTES A COMBINATION OF MONEY AND CONTRIBUTIONS IN KIND SATISFYING THE REQUIREMENTS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH (d), THE TOTAL VALUE OF WHICH IS MORE THAN ONE HUNDRED DOLLARS; AND

(e) A COPY OR TRANSCRIPT OF THE ELECTIONEERING COMMUNICATION THAT GIVES RISE TO THE REPORTING REQUIREMENTS OF THIS SECTION, OR, IF SUCH A COPY OR TRANSCRIPT IS NOT AVAILABLE AS OF THE DISCLOSURE DATE, AN IDENTIFICATION OF THE ELECTION OR ELECTIONS TO WHICH THE ELECTIONEERING COMMUNICATION PERTAINS AND THE NAMES OF EACH CANDIDATE IDENTIFIED OR TO BE IDENTIFIED IN SUCH ELECTIONEERING COMMUNICATION. THE COPY OR TRANSCRIPT OF THE ACTUAL ELECTIONEERING COMMUNICATION SHALL BE FILED AS SOON AS PRACTICABLE AFTER THE COPY OR TRANSCRIPT IS AVAILABLE.

(3) FOR PURPOSES OF THIS SECTION, "DISCLOSURE DATE" SHALL MEAN THE FIRST DATE DURING ANY CALENDAR YEAR BY WHICH A PERSON HAS MADE DISBURSEMENTS OR ACCEPTED CONTRIBUTIONS IN-KIND OR A COMBINATION THEREOF FOR ELECTIONEERING COMMUNICATIONS AGGREGATING IN EXCESS OF ONE THOUSAND DOLLARS AND ANY OTHER DATE DURING SUCH CALENDAR YEAR FOLLOWING SUCH DATE BY WHICH A PERSON HAS MADE DISBURSEMENTS OR ACCEPTED CONTRIBUTIONS IN-KIND OR A COMBINATION THEREOF FOR ELECTIONEERING COMMUNICATIONS AGGREGATING IN EXCESS OF ONE THOUSAND DOLLARS SINCE THE MOST RECENT DISCLOSURE DATE FOR SUCH CALENDAR YEAR. FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION IF THE PERSON HAS ACTUALLY MADE THE DISBURSEMENT OR HAS EXECUTED A CONTRACT TO MAKE THE DISBURSEMENT, WHICHEVER EVENT OCCURS FIRST.

(4) ANY PERSON WHO INTENDS TO DISBURSE OR DOES DISBURSE MORE THAN ONE THOUSAND DOLLARS EACH CALENDAR YEAR FOR ELECTIONEERING COMMUNICATION PURPOSES SHALL ESTABLISH A SEGREGATED BANK ACCOUNT FOR THE PURPOSE OF ACCEPTING MONEYS THAT ARE TO BE USED FOR ELECTIONEERING COMMUNICATION PURPOSES AND SHALL MAKE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATION PURPOSES SOLELY FROM THAT ACCOUNT. NOTHING IN THIS SUBSECTION (4) SHALL PROHIBIT THE USE OF FUNDS IN SUCH A SEGREGATED ACCOUNT FOR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1147

A PURPOSE OTHER THAN ELECTIONEERING COMMUNICATIONS.

(5) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ELECTIONEERING COMMUNICATION COST FUND. THE MONEYS IN THE ELECTIONEERING COMMUNICATION COST FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS, INCLUDING COSTS OF LITIGATION, ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION. THE SECRETARY OF STATE IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY GRANTS, GIFTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GRANTS, GIFTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE ELECTIONEERING COMMUNICATION COST FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A VIOLATION OF THIS SECTION SHALL NOT SUBJECT THE VIOLATOR TO THE CRIMINAL PENALTIES SET FORTH IN SECTION 1-45-113 (1).

SECTION 166. 1-45-111 (2) (a) and (2) (d), Colorado Revised Statutes, are amended to read:

1-45-111. Duties of the secretary of state - enforcement.

(2) (a) Any person who believes that a violation of section 1-45-105.3, 1-45-105.5, 1-45-106, ~~1-45-108~~, ~~1-45-114~~, 1-45-108, 1-45-110.5, 1-45-114, 1-45-115, or 1-45-117 has occurred may file a written complaint with the secretary of state no later than one hundred eighty days after the date of the alleged violation. The secretary of state shall refer the complaint to an administrative law judge. The person filing the complaint shall bear the burden of proof. If the administrative law judge determines that such violation has occurred, such decision shall include any appropriate order, sanction, or relief authorized by this article. The decision of the administrative law judge shall be final and subject to review by the court of appeals, pursuant to section 24-4-106 (11), C.R.S. The decision may be enforced by the secretary of state or by the person filing the complaint.

(d) (I) A subpoena issued by an administrative law judge requiring the production of documents by an issue committee that is described in section 1-45-103 (8) (a) (II) but not in section 1-45-103 (8) (a) (I) shall be limited to documents pertaining to contributions to, or expenditures from, the committee's separate account established pursuant to section 1-45-105.3 (8) to support or oppose a ballot issue or ballot question. A subpoena shall not be limited in this manner where such issue committee fails to form a separate account through which a ballot issue or ballot question is supported or opposed.

(II) A SUBPOENA ISSUED BY AN ADMINISTRATIVE LAW JUDGE REQUIRING THE PRODUCTION OF DOCUMENTS BY A PERSON MAKING DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS SHALL BE LIMITED TO DOCUMENTS PERTAINING TO CONTRIBUTIONS TO, OR EXPENDITURES FROM, THE SEGREGATED ACCOUNT ESTABLISHED PURSUANT TO SECTION 1-45-110.5 (4). A SUBPOENA SHALL NOT BE LIMITED IN THIS MANNER WHERE SUCH PERSON FAILS TO ESTABLISH SUCH A SEGREGATED ACCOUNT.

SECTION 167. 1-45-113 (4) (a), Colorado Revised Statutes, is amended to read:

1-45-113. Sanctions. (4) (a) The appropriate officer shall impose a penalty of fifty dollars per day for each day that a statement or other information required to be filed pursuant to section 1-45-107, 1-45-108, 1-45-109, or 1-45-110 is not filed by the close of business on the day due, the total amount of which shall not exceed one thousand dollars (\$1,000) per reporting period. THE APPROPRIATE OFFICER SHALL IMPOSE A PENALTY OF FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY THAT A STATEMENT OR OTHER INFORMATION REQUIRED TO BE FILED PURSUANT TO SECTION 1-45-110.5 IS NOT FILED BY THE CLOSE OF BUSINESS ON THE DAY DUE, THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB02-1147

TOTAL AMOUNT OF WHICH SHALL NOT EXCEED TEN THOUSAND (\$10,000) PER REPORTING PERIOD. Upon imposition of a penalty pursuant to this subsection (4), the appropriate officer shall send the person against whom the penalty is being imposed proper notification by mail of the imposition of the penalty. If an electronic mail address is on file with the secretary of state, the secretary of state shall also provide such notification by electronic mail. Revenues collected from fees and penalties assessed by the secretary of state or revenues collected in the form of payment of the secretary of state's attorney fees and costs pursuant to this article shall be deposited in the department of state cash fund created in section 24-21-104 (3), C.R.S."

Renumber succeeding sections accordingly.

Page 96, line 26, after "**Appropriation.**", insert "(1)".

Page 97, line 5, strike "of this", and insert " of those sections of the act concerning title 7, Colorado Revised Statutes.";

after line 5, insert the following:

"(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the electioneering communication cost fund created in section 1-45-110.5, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of forty-five thousand five hundred eighty-three dollars (\$45,583), or so much thereof as may be necessary, for the implementation of those sections of this act concerning article 45 of title 1, Colorado Revised Statutes. If sufficient moneys are not available for said appropriation from the electioneering communication cost fund, this appropriation shall be from all moneys available in the electioneering communication cost fund, and the balance shall be from the department of state cash fund created in section 24-21-104, Colorado Revised Statutes."

strike lines 6 through 8 and substitute the following:

"SECTION 169. Effective date - applicability. This act shall take effect July 1, 2002, and those sections of this act concerning article 45 of title 1, Colorado Revised Statutes, shall apply to any person who is subject to the reporting requirements for electioneering communications contained in this act for any portion of any election cycle remaining and for any election cycle commencing on or after said date. The reporting requirements contained in this act shall not apply to electioneering communication made prior to said date. Any section of this act providing for a criminal offense shall apply to offenses committed on or after said date."

Renumber succeeding section accordingly.

Amendment No. 4(L.014), by Senator Hagedorn.

Amend the Judiciary Committee Report, dated April 24, 2002, page 1, strike line 14 and substitute the following:

"(XV) MILITARY RECORDS FILED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XV) WITH A COUNTY CLERK AND RECORDER'S OFFICE".

Page 2, strike line 1.

Amendment No. 5(L.021), by Senator Gordon.

Amend the Hagedorn/Gordon floor amendment (L. 016), page 8, strike lines 27 and 28, and substitute the following:

"take effect July 1, 2002; except that those sections of this act concerning article 45 of title 1, Colorado Revised Statutes, shall take effect January 1, 2003, and shall apply to any person who is".

As amended, declared **lost** on Second Reading.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

- HB02-1147** (For further action, see Amendments to the Committee of the Whole Report.) 1
- SB02-213** by Senator(s) Takis, Fitz-Gerald, Hernandez, Nichol, Windels; also Representative(s) 2
Hodge--Concerning the definition of an established business relationship with a provider 3
of telecommunications service under the "Colorado No-Call List Act". 4
5
6
Amendment No. 1, Business, Labor, and Finance Committee Amendment. 7
(Printed in Senate Journal, April 25, page 983-984 and placed in members' bill file.) 8
9
Senator Chlouber requested a revised fiscal note under Senate rule 25(e). 10
11
As amended, laid over to follow HB02-1259. 12
13
- SB02-200** by Senator(s) Evans; also Representative(s) Williams T.--Concerning probate matters. 14
15
Ordered revised and placed on the calendar for Third Reading and Final Passage. 16
17
18
- SB02-225** by Senator(s) Thiebaut; --Concerning a prohibition on the acceptance of certain items by 19
public officials serving in elective office in connection with their public service. 20
21
Amendment No. 1(L.002), by Senator Thiebaut. 22
23
Amend printed bill, page 4, strike lines 1 through 9 and substitute the 24
following: 25
26
"(f) Payment of or reimbursement for ~~actual and necessary~~ 27
~~expenditures~~ for travel and lodging EXPENSES for attendance at a 28
convention, ~~or other~~ meeting, OR OTHER EVENT at which the incumbent or 29
elected candidate is scheduled to participate, unless the payment of or 30
reimbursement for such expenditures is made from public funds, from the 31
funds of an organization declared to be a joint governmental agency by 32
section 2-3-311, C.R.S., ~~or~~ from the funds of any association of public 33
officials or public entities whose membership includes the incumbent's or 34
elected candidate's office or the governmental entity in which such office 35
is held, OR FROM A NONPROFIT CORPORATION. FOR PURPOSES OF THIS 36
PARAGRAPH (f), "NONPROFIT CORPORATION" SHALL HAVE THE SAME 37
MEANING AS SET FORTH IN SECTION 7-90-102 (39), C.R.S.;" 38
39
strike lines 22 through 27 and substitute the following: 40
41
"(d) Payment of or reimbursement for ~~actual and necessary~~ 42
~~expenditures~~ for travel and lodging EXPENSES for attendance at a 43
convention ~~or other~~ meeting, OR OTHER EVENT at which the incumbent or 44
elected candidate is scheduled to participate, if the payment of or 45
reimbursement for such expenditures is made from public funds, from the 46
funds of an organization declared to be a joint governmental agency by 47
section 2-3-311, C.R.S., ~~or~~ from the funds of any association of public 48
officials or public entities whose membership includes the incumbent's or 49
elected candidate's office or the governmental entity in which such office 50
is held, OR FROM A NONPROFIT CORPORATION. FOR PURPOSES OF THIS 51
PARAGRAPH (d), "NONPROFIT CORPORATION" SHALL HAVE THE SAME 52
MEANING AS SET FORTH IN SECTION 7-90-102 (39), C.R.S.;" 53
54
Page 5, strike lines 1 through 3. 55
56
As amended, declared **lost** on Second Reading. 57
58
(For further action, see Amendments to the Committee of the Whole Report.) 59
60
- SB02-220** by Senator(s) Teck; also Representative(s) Swenson--Concerning administration of the 61
distribution of license plates, and, in connection therewith, making an appropriation. 62
63
Amendment No. 1, Public Policy and Planning Committee Amendment. 64
(Printed in Senate Journal, May 1, pages 1097-1098 and placed in members' bill file.) 65
66
Amendment No. 2(L.004), by Senator Nichol. 67
68
Amend the Public Policy and Planning Committee Report, page 1, line 69
13, strike the period and add: 70
71
"WHO SHALL BE APPOINTED BASED UPON RECOMMENDATIONS FROM THE 72

SB02-220

COLORADO STATE ASSOCIATION OF COUNTY CLERK AND RECORDER."

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

HB02-1259

by Representative(s) Marshall; also Senator(s) Tate--Concerning protection of consumers' home ownership equity.

Laid over to follow **SB02-213**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the Special Orders--Second Reading of Bills Calendar (**SB02-213, HB02-1259**) of Wednesday, May 1, was laid over until the General Orders--Second Reading of Bills Calendar of Thursday, May 2, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1147

by Representative(s) Cloer; also Senator(s) Hagedorn--Concerning public information requirements, and making an appropriation in connection therewith.

Senator Hagedorn moved to amend the Report of the Committee of the Whole to show that **HB02-1147**, as amended, was laid over the Thursday, May 2, 2002, retaining its place on the general orders calendar.

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

SB02-225

by Senator(s) Thiebaut; --Concerning a prohibition on the acceptance of certain items by public officials serving in elective office in connection with their public service.

Senator Thiebaut moved to amend the Report of the Committee of the Whole to show that **SB02-225**, as amended, was laid over to Thursday, May 2, 2002, retaining its place on the general orders calendar.

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 Tupa, 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: **HB02-1338** as amended, **HB02-1029** as amended, **HB02-1312** as amended, **HB02-1283** as amended, **HB02-1396** as amended, **HB02-1209** as amended, **HB02-1276, HB02-1339, SB02-200, SB02-220** as amended.

Laid over until Thursday, May 2: **SB02-213** as amended, **HB02-1259, HB02-1147** as amended, **SB02-225** as amended.

MESSAGE FROM THE HOUSE

May 1, 2002

Mr. President:

The House has postponed indefinitely **SB02-048, 074, 154**. The bills are returned herewith.

The House has adopted and returns herewith **SJR02-037**.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, **HB02-1448** and **1455** and **SB02-065**.

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1448 by Representative(s) Lee, Harvey, Alexander, Cadman, Clapp, Crane, Dean, Decker, Fairbank, Fritz, Hefley, Hoppe, Johnson, Kester, King, Mitchell, Paschall, Rhodes, Schultheis, Scott, Smith, Spence, Stafford, Swenson, Webster, White, Williams T.; also Senator(s) Arnold--Concerning provisions to enforce laws regulating aliens.
Judiciary

HB02-1455 by Representative(s) Paschall, Lee, Crane, Daniel, Dean, Hefley, Johnson, Rhodes, Rippy, Saliman, Scott, Spence, Stafford, Stengel, Veiga, Webster, Weddig, Young; also Senator(s) Linkhart, Andrews, Cairns, Chlouber, Evans, Hanna, Hillman, Lamborn, May-- Concerning a restriction in the class of motor vehicles for which emissions test fees are collected upon registration to only those that have been clean screened.
Government, Veterans and Military Relations, and Transportation

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Theibaut, Chairman, Pascoe, and McElhany as Senate Conferees on the First Conference Committee on **HB02-1324**.

The President appointed Senators Perlmutter, Chairman, Tate, and Dyer as Senate Conferees on the First Conference Committee on **SB02-161**.

SENATE SERVICES REPORT

Senate Services To the Governor for signature on Wednesday, May 1, 2002, at 5:45 P.M.
SB02-006.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB02-006.

MESSAGE FROM THE GOVERNOR

Appointment A letter of withdrawal from Governor Owens was read.

May 1, 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 nominees due to the significant uncertainty with regards to their eligibility after redistricting:

**MEMBERS OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND**

effective May 1, 2002:

Leonard W. Gregory of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, withdrawn;

Ruben A. Valdez of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, withdrawn;

Jonathon Fred Niehaus of Highlands Ranch, Colorado, to serve as a Republican from the Fifth Congressional District, resigned;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Howard Kenison of Denver, Colorado, to serve as a Democrat from the First Congressional District, withdrawn;

Suzanne W. Buchner of Fowler, Colorado, to serve as a Democrat from the Fourth Congressional District, withdrawn;

Shannon A. Robinson of Boulder, Colorado, to serve as a Republican from the Second Congressional District, withdrawn;

A. Gordon Rippey of Denver, Colorado, to fill the vacancy occasioned by the resignation of John Hereford and to serve as a Republican from the First Congressional District, withdrawn.

Sincerely,

(Signed)
Bill Owens
Governor

Rec'd: 05/01/02
H. Horvath, Asst. Secretary

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, May 1, was laid over until Thursday, May 2, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **SB02-209**.

General Orders--Second Reading of Bills: **HB02-1344, SB02-042, HB02-1407, HB02-1404, HB02-1290, HB02-1237**.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, HJR02-1027, SR02-009, HJR02-1035, SJR02-023, SJR02-025, SJR02-026, SR02-010, SJR02-035, SR02-014, SJR02-040, HJR02-1038, HJR02-1037, HJR02-1053**.

Consideration of Memorials: **SJM02-002**.

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-018, SB02-087, SB02-086, SB02-071, SB02-057, SB02-078, SB02-109, SB02-196, SB02-097, SB02-019**.

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

Consideration of Governor's Appointments:

Examining Board of Plumbers

State Housing Board

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061, SB02-124**.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, May 2, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate