

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

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Eighty-seventh Legislative Day

Friday, April 5, 2002

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Prayer	By the chaplain, Reverend David R. Clark, Pastor Emeritus, Gateway Presbyterian Church, Colorado Springs.	10
Call to Order	By the President at 9:00 a.m.	13
Roll Call	Present--Total, 33. Absent/Excused--Hillman, McElhany--Total, 2. Present later--Hillman, McElhany	16
Quorum	The President announced a quorum present.	20
Reading of Journal	On motion of Senator Cairns, reading of the Journal of Thursday, April 4, was dispensed with and the Journal was approved as corrected by the Secretary.	22

**COMMITTEE OF REFERENCE REPORTS**

Health, Environment Children & Families	The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	28
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COLORADO COMMISSION  
ON THE AGING

for a term expiring July 1, 2004:

Stephen M. Bender of Colorado Springs, Colorado to fill the vacancy occasioned by the resignation of Janice L. Friddle of Manitou Springs, Colorado and to serve as a Democrat from the Fifth Congressional District, appointed.

Health, Environment, Children & Families	After consideration on the merits, the committee recommends that <b>HB02-1348</b> be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.	43
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Health, Environment, Children & Families	After consideration on the merits, the committee recommends that <b>SB02-189</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	50
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Amend printed bill, page 5, line 17, strike "OR" and substitute "AND ANY AREAS";

line 18, strike "32-15-104.5." and substitute "32-15-104.5 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION. IF THE METROPOLITAN FOOTBALL STADIUM DISTRICT TERMINATES PURSUANT TO SECTION 32-15-133, THE AREA COMPRISING THE METROPOLITAN AFFORDABLE HOUSING DISTRICT SHALL CONSIST OF THE AREA COMPRISING THE METROPOLITAN FOOTBALL STADIUM DISTRICT AS IT EXISTED AT THE TIME OF ITS TERMINATION PLUS ANY AREA THAT THEREAFTER BECOMES A PART OF THE REGIONAL TRANSPORTATION DISTRICT PURSUANT TO SECTIONS 32-9-106.3, 32-9-106.4, 32-9-106.5, AND 32-9-106.6.".

Page 15, line 1, after "TAX", insert "UPON THE ADOPTION OF A RESOLUTION".

Page 16, after line 25, insert the following:

"(3) IF THE BOARD LEVIES SUCH UNIFORM SALES TAX AS

**SB02-189**

AUTHORIZED IN SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL TRANSMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE NOT LATER THAN FIVE DAYS AFTER THE ADOPTION OF THE RESOLUTION IMPOSING SUCH SALES TAX A CERTIFIED COPY OF SAID RESOLUTION, WHEREUPON SAID EXECUTIVE DIRECTOR SHALL PROCEED TO COLLECT, ADMINISTER, AND ENFORCE SUCH SALES TAX PURSUANT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION UNTIL JANUARY 1, 2022, UNLESS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE RECEIVES FROM THE BOARD NOTIFICATION OF DISCONTINUANCE OF THE LEVY OF SUCH SALES TAX PURSUANT TO THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION.

(4) AT SUCH TIME, PRIOR TO JANUARY 1, 2022, THAT THE BOARD DETERMINES THAT THE DISTRICT WILL COLLECT FIVE HUNDRED MILLION DOLLARS IN SALES TAX REVENUES AND THAT THE LEVY OF THE SALES TAX IS NO LONGER NECESSARY OR LAWFUL PURSUANT TO THIS ARTICLE, THE BOARD SHALL DETERMINE THE EXPECTED DATE OF SUCH OCCURRENCE AND SHALL ADOPT A RESOLUTION DISCONTINUING THE COLLECTION OF THE SALES TAX ON THE JANUARY 1, APRIL 1, JULY 1, OR OCTOBER 1 THAT FALLS AT LEAST SIXTY DAYS AFTER THE ADOPTION OF THE RESOLUTION. THE BOARD SHALL TRANSMIT TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE NOT LATER THAN FIVE DAYS AFTER THE ADOPTION OF THE RESOLUTION DISCONTINUING THE LEVY OF SUCH SALES TAX A CERTIFIED COPY OF THE RESOLUTION, WHEREUPON THE EXECUTIVE DIRECTOR SHALL DISCONTINUE THE COLLECTION OF THE SALES TAX ON THE JANUARY 1, APRIL 1, JULY 1, OR OCTOBER 1 SPECIFIED IN THE RESOLUTION. UPON THE ADOPTION OF THE RESOLUTION DISCONTINUING THE SALES TAX LEVY, THE BOARD SHALL HAVE NO FURTHER AUTHORITY TO LEVY THE SALES TAX ON AND AFTER THE JANUARY 1, APRIL 1, JULY 1, OR OCTOBER 1 SPECIFIED IN THE RESOLUTION. AFTER THE DISCONTINUANCE OF THE SALES TAX, THE EXECUTIVE DIRECTOR SHALL CONTINUE TO ADMINISTER AND ENFORCE THE SALES TAX FOR THE PERIOD THE TAX WAS IN EFFECT TO ASSURE THAT ALL AMOUNTS DUE AND COLLECTED ARE PROPERLY TRANSMITTED TO THE DISTRICT. THE BOARD SHALL BE RESPONSIBLE FOR REFUNDING ANY SALES TAX REVENUES COLLECTED IN EXCESS OF FIVE HUNDRED MILLION DOLLARS."

Page 18, line 14, strike "REVENUES" and substitute "AMOUNT OF SALES TAX REVENUES COLLECTED ANNUALLY";

line 15, strike "GENERATED BY A SALES TAX IMPOSED".

Page 20, line 1, after "BENEFIT", insert "LOW- OR MODERATE-INCOME".

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**INTRODUCTION OF BILLS--FIRST READING**

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

**SB02-201**

by Senator(s) Teck; also Representative(s) Stengel--Concerning the Colorado commission on taxation.  
Business, Labor, and Finance

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**INTRODUCTION OF RESOLUTIONS**

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

**SJR02-024**

by Senator(s) Pascoe, Anderson, Cairns, Evans, Fitz-Gerald, Matsunaka, Owen, Reeves, Tupa, Windels; also Representative(s) Spence, Bacon, Berry, Daniel, Decker, Groff, Hefley, King, Lawrence, Lee, Saliman, Stengel, White, Williams S., Williams T., Witwer, Young--Concerning approval of the performance contract between the Colorado School of Mines and the Colorado Commission on Higher Education.  
Education

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

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

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**HB02-1163** by Representative(s) Stafford, Mitchell; also Senator(s) Hernandez--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until later in the day, Friday, April 5.

**SB02-078** by Senator(s) Hagedorn; also Representative(s) Fritz--Concerning genetic privacy.

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: Evans, Fitz-Gerald, Gordon, Hanna, Igar, Nichol, Pascoe, Phillips, Tate, Teck, Tupa, Windels.

**SB02-109** by Senator(s) Pascoe, Arnold, Cairns, Hernandez; also Representative(s) King, Romanoff, Sanchez, Snook, Vigil--Concerning the assessment of students whose dominant language is not English.

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: Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Isgar, Linkhart, Phillips, Reeves, Tate, Tupa, Windels.

**SB02-130** by Senator(s) Linkhart, Dyer; also Representative(s) Hefley--Concerning a prohibition on the use of state resources for union organizing.

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	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	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	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: Chlouber, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Takis, Tate, Tupa.

**SB02-148**

by Senator(s) Hillman, Thiebaut, Entz; also Representative(s) Kester, Lawrence, Tapia, Young--Concerning the authority of the governing bodies of local governments to protect the use of agricultural water rights.

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	Y	Fitz-Gerald	N	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	N	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	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

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

Co-sponsor added: Tupa.

**SB02-175**

by Senator(s) Reeves; also Representative(s) Jameson--Concerning clarification of the crime of sexual conduct in penal institutions.

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: Hanna, Tupa.

**HB02-1408**

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

Laid over until later in the day, Friday, April 5.

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 Fitz-Gerald, the following Governor's appointments were confirmed by a roll call vote:

COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2003:

Robert B. Weisenbach of Boulder, Colorado, to serve as a representative of the hotel, motel and lodging industry, appointed.

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		

BOARD OF ASSESSMENT APPEALS

for terms expiring July 1, 2002:

Steffen A. Brown of Highlands Ranch, Colorado, to fill the vacancy occasioned by the resignation of Janet W. Doll, appointed;

Claudia D. Klein of Colorado Springs, Colorado, appointed;

Judith A. Nuechter of Salida, Colorado, appointed;

Joseph R. Shaw of Highlands Ranch, Colorado, reappointed.

for terms expiring July 1, 2003:

Karen E. Hart of Kiowa, Colorado, to fill the vacancy occasioned by the resignation of Cherice Kjosness, reappointed;

Mark R. Linne of Bailey, Colorado, to fill the vacancy occasioned by the resignation of Harry J. Fuller, reappointed.

for a term expiring July 1, 2005:

Debra A. Baumbach of Littleton, Colorado, reappointed.

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		

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

COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2005:

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

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

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

for a term expiring March 13, 2003:

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

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		

Committee of the Whole

On motion of Senator Gordon, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Gordon was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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

Laid over until Monday, April 5, retaining its place on the calendar.

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

Laid over until Monday, April 5, retaining its place on the calendar.

**SB02-187** by Senator(s) Hernandez, Matsunaka; also Representative(s) Mitchell, Mace, Groff--Concerning the requirement that school employees report allegations of sex crimes to law enforcement agencies.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, April 2, page 617 and placed in members' bill file.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**SB02-173, SB02-042, SB02-089, SB02-157, SB02-090**) of Friday, April 5, was laid over until Monday, April 8, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Gordon, 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: **SB02-187** as amended.

Laid over until Monday, April 8: **HB02-1313, SB02-154, SB02-173, SB02-042, SB02-089, SB02-157, SB02-090.**

**MESSAGE FROM THE HOUSE**

April 5, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1040, as printed in House Journal, April 4, pages 1150-1151.

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**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR02-1040** by Representative(s) Stafford, Fairbank, Dean, Alexander, Bacon, Berry, Boyd, Cadman, Chavez, Clapp, Cloer, Daniel, Decker, Fritz, Garcia, Groff, Grossman, Harvey, Hefley, Hodge, Hoppe, Jahn, Jameson, Johnson, Kester, King, Larson, Lawrence, Lee, Mace, Madden, Marshall, Miller, Mitchell, Plant, Rhodes, Rippy, Romanoff, Saliman, Sanchez, Schultheis, Scott, Sinclair, Smith, Snook, Spence, Spradley, Stengel, Swenson, Tapia, Tochtrop, Veiga, Vigil, Webster, Weddig, Williams T., Witwer, Young; also Senator(s) Entz--Concerning the naming of the new flyover structure connecting northwest-bound Parker Road to southbound Interstate 225 as the "Gary McPherson Flyover".

Senator Entz 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 Entz, 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: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Isgar, Lamborn, Linkhart, Matsunaka, May, McElhany, Musgrave, Owen, Pascoe, Perlmutter, Phillips, Reeves, Tate, Taylor, Teck, Thiebaut, Tupa, Windels.

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 Third Reading--Final Passage of Bills, **HB02-1408**.

**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:

**HB02-1408** by Representative(s) Spradley, Dean, Kester; also Senator(s) Thiebaut--Concerning additional requirements for shipments of certain types of radioactive waste for disposal inside Colorado.

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: Chlouber, Dyer, Hagedorn, Hernandez, Nichol, Tupa.

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1002** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-174** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1047** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1336** 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, strike everything below the enacting clause and substitute the following:

**"SECTION 1. Repeal.** 32-9-107.7 (2), Colorado Revised Statutes, is repealed as follows:

**32-9-107.7. Regional fixed guideway mass transit systems - construction - authorization.** (2) ~~The board shall report to the senate transportation committee and to the house transportation and energy committee regarding the operations of the district no later than February 1 of each year. Such report shall include a description of the activities of the district which relate to the planning, financing, or construction of a mass transit system.~~

**SECTION 2.** 32-9-115 (3), Colorado Revised Statutes, is amended to read:

**32-9-115. Records of board - audits.** (3) In addition to the audit authorized in subsection (1) of this section and the audit required pursuant to section 29-1-603, C.R.S., upon the affirmative vote of a majority of the members of the legislative audit committee created pursuant to section 2-3-101, C.R.S., it shall be the duty of the state auditor to conduct or cause to be conducted audits of the district. ~~The state auditor shall prepare for the committee a report pursuant to section 2-3-103, C.R.S.~~

**SECTION 3.** 32-9-119.7 (6) and (7), Colorado Revised Statutes, are amended to read:

**32-9-119.7. Farebox recovery ratios - plans.** (6) ~~The highway legislation review committee shall submit recommendations to the general assembly concerning the appropriate allocation of resources to mass transportation and to the district, including any proposed legislation to implement such allocation, no later than February 1, 1990.~~

(7) The district shall submit to the transportation legislation review committee any information, data, reports, testimony, audits, or other information the committee may request.

**SECTION 4. Repeal.** 32-13-113, Colorado Revised Statutes, is repealed as follows:

**32-13-113. Report.** ~~Each board shall provide the general assembly with a brief report indicating the amount of revenue raised by any sales tax levied pursuant to this article and the distribution of those revenues. The reports shall be filed on or before March 31, 1990, and annually on said date thereafter.~~

**SECTION 5. Repeal.** 32-14-127, Colorado Revised Statutes, is repealed as follows:

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HB02-1336

~~32-14-127. Report. On or before March 1, 1990, and on and after March 1 of each year thereafter, the board shall file a report with the general assembly indicating the amount of any revenues raised by any sales tax levied and collected pursuant to the provisions of this article, the amount of any revenues generated from the operation of the stadium pursuant to the provisions of this article, the amount of any revenues received from all other sources and specifying such sources, and the distribution and use of such revenues.~~

SECTION 6. 32-15-109 (2) (a), Colorado Revised Statutes, is amended to read:

**32-15-109. Records of board - audits - legislative oversight - powers and duties of state auditor.** (2) (a) In addition to the audit authorized in subsection (1) of this section, upon the affirmative vote of a majority of the members of the legislative audit committee created pursuant to section 2-3-101, C.R.S., it shall be the duty of the state auditor to conduct or cause to be conducted audits of the district. ~~The state auditor shall prepare for the committee a report and shall make recommendations on such audit and shall include a copy of or the substance of such report in the annual report made pursuant to the provisions of section 2-3-103 (2), C.R.S.~~

**SECTION 7. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-188** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 15, strike "CONDITIONAL OR".

Page 3, after line 2, insert the following:

"(4) NO HEALTH MAINTENANCE ORGANIZATION THAT SUPPLIES BENEFITS TO ITS PLAN SUBSCRIBERS THROUGH AN IN-HOUSE DRUG OR PHARMACY OUTLET AND HAS RECEIVED A CERTIFICATE OF AUTHORITY PURSUANT TO PART 4 OF THIS ARTICLE SHALL BE SUBJECT TO THIS SECTION.

(5) THE PROVISIONS OF THE SECTION SHALL NOT APPLY TO THE CHILDREN'S BASIC HEALTH PLAN AS DESCRIBED IN ARTICLE 19 OF TITLE 26, C.R.S."

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1342** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02-184** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **HB02-1324** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 7, before "COMPREHENSIVE", insert "REGIONAL,";

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**HB02-1324**

line 11, strike "LIMITED";  
 line 12, strike "IN ADDITION, OTHER";  
 strike lines 13 through 15.  
 Page 8, line 1, strike "2003." and substitute "2002."

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**MESSAGE FROM THE HOUSE**

April 5, 2002  
 Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1262.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1222, amended as printed in House Journal, February 26, page 564.  
 HB02-1344, amended as printed in House Journal, April 4, page 1132.  
 HB02-1054, amended as printed in House Journal, April 4, page 1132.  
 HB02-1229, amended as printed in House Journal, April 4, page 1132.  
 HB02-1288, amended as printed in House Journal, April 4, pages 1133-1134.  
 HB02-1304, amended as printed in House Journal, April 4, page 1133.  
 HB02-1322, amended as printed in House Journal, April 4, page 1134.

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**SENATE SERVICES REPORT**

Senate  
 Services

Correctly printed: SB02-199, 200.  
 Correctly engrossed: SB02-078, 109, 130, 148, 175.  
 Correctly reengrossed: SB02-133, 142, 160, 172, 181.  
 Correctly revised: HB02-1036, 1408.  
 Correctly enrolled: SB02-079.

Senate  
 Services

To the Governor for signature on Friday, April 5, 2002 at 9:48 a.m.  
 SB02-079, SB02-103.

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

The President has signed: **SB02-079, SB02-103; SJR02-019, SJR02-021; HB02-1011, HB02-1130, HB02-1079, HB02-1206, HB02-1208, HB02-1211, HB02-1214, HB02-1217, HB02-1335, HB02-1350.**

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**DEMANDS**

**SB02-121**

by Senator(s) Musgrave--Concerning an exclusion from Colorado taxable income of active duty military wages earned by certain members of the armed forces.

Under Senate Rule 39, Senator Andrews moved to return **SB02-121** from the Committee on Appropriations and placed on the General Orders--Second Reading of Bills Calendar for consideration by the Committee of the Whole. The roll call was taken with the following result:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	N
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	N	Reeves	N		

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**SB02-121**

Less that a two-thirds majority of those elected to the Senate having voted in the affirmative, the motion was declared **lost**.

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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 Friday April 5, was laid over until Monday, April 8, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **HB02-1163**.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, SJR02-018, HJR02-1027, SR02-009, HJR02-1035, SJR02-022, SJR02-023**.

Consideration of Memorials: **SJM02-001**.

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

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

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission

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On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, April 8, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate