

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

Seventy-eighth Legislative Day

Wednesday, March 27, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 31.
Absent/Excused--Evans, Linkhart, Matsunaka, Reeves--Total, 4.
Present later--Evans, Linkhart, Matsunaka.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Tuesday, March 26 was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF RESOLUTIONS

The following resolution were read by title:

SR02-009 by Senator(s) Windels, Chlouber; --Concerning the control of smoking in the Colorado state Senate.

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

SJR02-021 by Senator(s) Hernandez; also Representative(s) Mace--Concerning recognition of Cesar Chavez Day.

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

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

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

HB02-1215 by Representative(s) Coleman, Scott, Vigil, Williams T.; also Senator(s) Taylor, Anderson, Takis, Tupa--Concerning risk-based inspections of nursery stock areas by the department of agriculture.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsor added: Isgar.

HB02-1099 by Representative(s) Webster; also Senator(s) Owen--Concerning the nomenclature applicable to agencies within the department of agriculture, and, in connection therewith, changing the names of the soil conservation board and soil conservation districts to the conservation board and conservation districts, respectively.

HB02-1099 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Chlouber, Entz, Taylor.

SB02-185 by Senator(s) Reeves; also Representative(s) Stafford, Tochtrop--Concerning measures to oppose certain forms of tuberculosis.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Dyer, Entz, Epps, Hanna, Perlmutter, Taylor.

HB02-1331 by Representative(s) Fritz, Fairbank; also Senator(s) Tupa--Concerning the use of electronic technology when administering the "Colorado Employment Security Act".

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

HB02-1224 by Representative(s) Madden; also Senator(s) Phillips--Concerning the use of sales tax revenue by a local improvement district to promote business development within the district.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

HB02-1224 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Entz, Tupa.

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:

HB02-1164 by Representative(s) Hefley, King, Schultheis, Alexander, Crane, Stafford, White, Williams T.; also Senator(s) Hernandez--Concerning the expansion of health insurance products for employers with fewer than fifty-one employees.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Andrews, Dyer, Epps, Fitz-Gerald, Hillman, Isgar, Lamborn, McElhany, Musgrave, Nichol, Taylor, Teck.

SB02-073 by Senator(s) Linkhart, Hagedorn; also Representative(s) Coleman--Concerning protection of Colorado homeowners against abusive home loan practices.

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

YES	24	NO	8	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	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	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	Y	Lamborn	N	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Chlouber, Epps, Fitz-Gerald, Hanna, Hernandez, Isgar, Nichol, Pascoe, Phillips, Takis, Tate, Thiebaut, Tupa, Windels.

HB02-1191 by Representative(s) Decker, Tapia, Webster; also Senator(s) Windels--Concerning the "Colorado Common Interest Ownership Act".

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

HB02-1191 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Lamborn, Perlmutter, Taylor.

HB02-1091 by Representative(s) Fritz; also Senator(s) Hanna--Concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado natural resources.

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

YES	14	NO	18	EXCUSED	3	ABSENT	0
Anderson	N	Fitz-Gerald	N	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	N	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	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	E
Evans	E	Linkhart	Y	Reeves	E		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **lost**.

HB02-1051 by Representative(s) Romanoff, Veiga; also Senator(s) Entz--Concerning measures pertaining to employers for the protection of employees who are victims.

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

YES	20	NO	12	EXCUSED	3	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	Y
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	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Gordon, Hernandez, Pascoe, Tupa, Windels.

HB02-1225 by Representative(s) Lawrence; also Senator(s) Fitz-Gerald--Concerning procedural changes for the strengthening of criminal laws.

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

YES	30	NO	2	EXCUSED	3	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	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	E		

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

HB02-1146 by Representative(s) Smith; also Senator(s) Gordon--Concerning a uniform state privacy policy for the purpose of standardizing the treatment of personally identifiable information collected by state governmental entities.

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

HB02-1146

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Chlouber, Tupa.

HB02-1013

by Representative(s) Spradley, Williams T.; also Senator(s) McElhany, Owen--Concerning the guaranteed issue of health insurance benefits for business groups of one.

Laid over until Monday, April 1, retaining its place on the calendar.

HB02-1334

by Representative(s) Kester; also Senator(s) Nichol--Concerning notice of dishonor of negotiable instruments by mail.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsors added: Anderson, Entz.

SB02-101

by Senator(s) Tupa; also Representative(s) Jameson--Concerning economic development incentives, and, in connection therewith, requiring increased review and public disclosure of financial incentives, including, but not limited to, grants, loans, and enterprise zone credits.

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

YES	32	NO	0	EXCUSED	3	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	E
Evans	E	Linkhart	Y	Reeves	E		

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

Co-sponsor added: Andrews, Fitz-Gerald, Musgrave, Nichol, Pascoe, Perlmutter, Phillips, Taylor, Teck, Tupa.

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:

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

(Amended in General Orders as printed in Senate Journal March 26, page 587-591.)

Amendment No. 10(L.041), by Senator Hernandez.

Amend the Hernandez floor amendment (HB1163_L.035), as printed in Senate Journal, March 26, page 589, line 41, strike "MARKET AN";

strike line 42;

line 43, strike "C.R.S., OR" and substitute "MARKET OR";

line 69, strike "CARRIER." and substitute "CARRIER.".";

strike lines 71 and 72.

Amendment No. 11(L.042), by Senator FitzGerald.

Amend the Fitz-Gerald floor amendment (HB1163_L.034), as printed in Senate Journal, March 26, page 588, strike lines 14 through 21;

line 23, strike "Page" and substitute "Amend reengrossed bill, page".

Amendment No. 12(L.043), by Senator Philips.

Amend the Phillips floor amendment (HB1163_L.039), as printed in Senate Journal, March 26, page 590, line 59, strike "RENEWAL,;" and substitute "RENEWAL,.";

strike line 61;

line 64, strike "RENEWAL,;" and substitute "RENEWAL.";

strike line 66.

Amendment No. 13(L.044), by Senator Philips.

Amend the Phillips floor amendment (HB1163_L.038), as printed in Senate Journal, March 26, page 590, strike lines 38 and 39.

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **lost**.

(For further action, see Roll Call on **SB02-1163** and Amendments to the Committee of the Whole Report.)

HB02-1269 by Representative(s) Borodkin, Swenson; also Senator(s) May--Concerning the regulation of roadside advertising.

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

(Printed in Senate Journal, March 21, page 536 and placed in members' bill file.)

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

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 Tuesday, April 2, retaining its place on the calendar.

HB02-1287 by Representative(s) Veiga; also Senator(s) Phillips--Concerning access to records for purposes of background checks conducted in connection with firearm transfers.

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Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 21, page 534 and placed in members' bill file.)

Amendment No. 2(L.015), by Senator Hillman.

Amend the Judiciary Committee Report, dated March 20, 2002, page 1,
strike lines 1 and 2 and substitute the following:

"Amend reengrossed bill, page 3, line 2, strike "ISSUED" and substitute
"ENTERED";

strike line 18 and substitute "(b) NO LESS";

line 19, strike "FIVE YEARS" and substitute "THREE YEARS" and strike
"REQUEST." and substitute "REQUEST:";

after line 19, insert the following:

"(I) THE COURT ENTERED AN ORDER PURSUANT TO SECTION
15-14-318, C.R.S., TERMINATING A GUARDIANSHIP ON A FINDING THAT THE
PERSON IS NO LONGER AN INCAPACITATED PERSON, IF THE RECORD IN THE
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS BASED ON
A FINDING OF INCAPACITY;

(II) THE PERIOD OF COMMITMENT OF THE MOST RECENT ORDER OF
COMMITMENT OR RECOMMITMENT EXPIRED, OR THE COURT ENTERED AN
ORDER TERMINATING THE PERSON'S INCAPACITY OR DISCHARGING THE
PERSON FROM COMMITMENT IN THE NATURE OF HABEAS CORPUS, IF THE
RECORD IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
SYSTEM IS BASED ON AN ORDER OF COMMITMENT TO THE CUSTODY OF THE
DIVISION OF ALCOHOL AND DRUG ABUSE, EXCEPT THAT THE CLERK SHALL
NOT CANCEL ANY RECORD PERTAINING TO A PERSON WITH RESPECT TO
WHOM TWO RECOMMITMENT ORDERS HAVE BEEN ENTERED UNDER SECTION
25-1-311 (5) AND (6), C.R.S., OR WHO WAS DISCHARGED FROM
TREATMENT UNDER SECTION 25-1-311 (9), C.R.S., ON THE GROUNDS THAT
FURTHER TREATMENT WILL NOT BE LIKELY TO BRING ABOUT SIGNIFICANT
IMPROVEMENT IN THE PERSON'S CONDITION; OR

(III) THE RECORD IN THE CASE WAS SEALED PURSUANT TO SECTION
27-10-107 (7), C.R.S., OR THE COURT ENTERED AN ORDER DISCHARGING
THE PERSON FROM COMMITMENT IN THE NATURE OF HABEAS CORPUS
PURSUANT TO SECTION 27-10-113, C.R.S., IF THE RECORD IN THE
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS BASED ON
A COURT ORDER FOR INVOLUNTARY CERTIFICATION FOR SHORT-TERM
TREATMENT OF MENTAL ILLNESS."

Page 4 of the reengrossed bill, line 10, strike "ISSUED" and substitute
"ENTERED";

strike line 25 and substitute "(b) NO LESS";

line 26, strike "FIVE YEARS" and substitute "ONE YEAR" and strike
"REQUEST." and substitute "REQUEST:";

after line 26, insert the following:

"(I) THE COURT ENTERED AN ORDER PURSUANT TO SECTION
15-14-318, C.R.S., TERMINATING A GUARDIANSHIP ON A FINDING THAT THE
PERSON IS NO LONGER AN INCAPACITATED PERSON, IF THE RECORD IN THE
NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS BASED ON
A FINDING OF INCAPACITY;

(II) THE PERIOD OF COMMITMENT OF THE MOST RECENT ORDER OF
COMMITMENT OR RECOMMITMENT EXPIRED, OR THE COURT ENTERED AN
ORDER TERMINATING THE PERSON'S INCAPACITY OR DISCHARGING THE
PERSON FROM COMMITMENT IN THE NATURE OF HABEAS CORPUS, IF THE
RECORD IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
SYSTEM IS BASED ON AN ORDER OF COMMITMENT TO THE CUSTODY OF THE
DIVISION OF ALCOHOL AND DRUG ABUSE, EXCEPT THAT THE CLERK SHALL
NOT CANCEL ANY RECORD PERTAINING TO A PERSON WITH RESPECT TO
WHOM TWO RECOMMITMENT ORDERS HAVE BEEN ENTERED UNDER SECTION
25-1-311 (5) AND (6), C.R.S., OR WHO WAS DISCHARGED FROM

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TREATMENT UNDER SECTION 25-1-311 (9), C.R.S., ON THE GROUNDS THAT FURTHER TREATMENT WILL NOT BE LIKELY TO BRING ABOUT SIGNIFICANT IMPROVEMENT IN THE PERSON'S CONDITION; OR

(III) THE RECORD IN THE CASE WAS SEALED PURSUANT TO SECTION 27-10-107 (7), C.R.S., OR THE COURT ENTERED AN ORDER DISCHARGING THE PERSON FROM COMMITMENT IN THE NATURE OF HABEAS CORPUS PURSUANT TO SECTION 27-10-113, C.R.S., IF THE RECORD IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IS BASED ON A COURT ORDER FOR INVOLUNTARY CERTIFICATION FOR SHORT-TERM TREATMENT OF MENTAL ILLNESS. ". "

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

HB02-1218

by Representative(s) Rippy; also Senator(s) Taylor--Concerning the requirement that any extension of an expiring tax be deemed in effect from the date of the first imposition of the tax when calculating the total sales and use tax imposed by all levels of government.

Amendment No. 1(L.004), by Senator Taylor.

Strike the Public Policy and Planning Committee Report, dated March 21, 2002, and substitute the following:

"Amend reengrossed bill, page 2, after line 1, insert the following:

"SECTION 1. 29-2-104 (1), Colorado Revised Statutes, is amended to read:

29-2-104. Adoption procedures. (1) A proposal for a countywide sales tax, use tax, or both shall be referred to the registered electors of the county either by resolution of the board of county commissioners or by petition initiated and signed by five percent of the registered electors of the county. THE RIGHT OF PETITION ALLOWED PURSUANT TO THIS SUBSECTION (1) SHALL EXTEND ONLY TO THE INITIAL PROPOSAL OF A TAX AND SHALL NOT EXTEND TO THE EXTENSION OF AN EXPIRING TAX, USE OF TAX REVENUES, OR CHANGES IN DISTRIBUTION OF TAX REVENUES AMONG LOCAL GOVERNMENTS. ". "

Renumber succeeding sections accordingly.

Page 2, line 3, strike "A NEW SUBSECTION" and substitute "THE FOLLOWING NEW SUBSECTIONS";

line 7, strike "TAX." and substitute "TAX, IF THE ELIGIBLE ELECTORS OF THE STATE, COUNTY, CITY, TOWN, OR LOCALITY, AS APPLICABLE, HAVE APPROVED THE EXTENSION OF SUCH TAX PRIOR TO THE EXPIRATION OF SUCH TAX.";

after line 10, insert the following:

"(7) ANY PETITION MEASURE, TO THE EXTENT AUTHORIZED BY LAW, INCLUDING A MEASURE TO EXTEND AN EXPIRING TAX, THAT CHANGES THE DISTRIBUTION OF TAX REVENUE AMONG LOCAL GOVERNMENTS AS PROVIDED IN A PREEXISTING REVENUE-SHARING BALLOT MEASURE SHALL BE DEEMED TO BE A NEW TAX IN EFFECT FROM THE DATE OF THE CHANGE IN THE DISTRIBUTION OF THE TAX REVENUES AND SHALL BE SUBJECT TO ANY OTHER VALIDLY ADOPTED SALES OR USE TAX PROPOSAL. ". "

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

HB02-1260

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

Laid over until Tuesday, April 2, retaining its place on the calendar.

HB02-1221

by Representative(s) Snook, Alexander, Hoppe, Miller, White; also Senator(s) Entz-- Concerning the management of black bear hunting.

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HB02-1221 Amendment No. 1, Agriculture and Natural Resources Committee Amendment.
(Printed in Senate Journal, March 14, page 464-465 and placed in members' bill file.)

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

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.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, March 15, page 472-473 and placed in members' bill file.)

Amendment No. 2, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, March 22, page 550 and placed in members' bill file.)
(Committee Report was severed: Part 1: lines 1 - 6 was declared adopted. Part 2: lines 7-8 was declared lost.)

Amendment No. 3(L.019), by Senator Teck.

Amend reengrossed bill, page 10, line 5, after the period add: "THE STATE SHALL HAVE NO LIABILITY FOR THE SOLVENCY OR FINANCIAL CONDITION OF THE FUND."

As amended, ordered revised 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 (**SB02-042, SB02-142, SB02-089, SB02-133, SB02-157, SB02-175, SB02-090, SB02-098, SB02-160, SB02-181, SB02-039, SB02-043, SB02-065, SB02-078, SB02-109, SB02-130, SB02-148, SB02-154, SB02-172, SB02-179**) of Wednesday, March 27, was laid over until Tuesday, April 2, retaining its place on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1287 by Representative(s) Veiga; also Senator(s) Phillips--Concerning access to records for purposes of background checks conducted in connection with firearm transfers.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the Hillman floor amendment, (L.015) to HB 02-1287, was amended as follows:

Amend the Hillman floor amendment, (L.015), page 2, line 20, strike ""ONE YEAR"" and substitute ""THREE YEARS"".

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

ROLL CALL ON HB02-1163

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

Senator Hernandez requested a roll call vote on **HB02-1163**:

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	Y	Phillips	N	Mr. President	Y
Evans	N	Linkhart	N	Reeves	E		

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB02-1163

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

Senator McElhany moved to amend the Report of the Committee of the Whole to show that the following Hernandez floor amendment, (L.036) to HB 02-1163, did not pass.

A roll call vote was taken with the following result:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	N	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	N	Teck	N
Chlouber	N	Hernandez	N	Owen	N	Thiebaut	N
Dyer	Y	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	N	Reeves	E		

HB02-1163

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

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following Hillman floor amendment, (L.030, as further amended here) to HB 02-1163, did pass.

A roll call vote was taken with the following result:

YES	17	NO	17	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	N	Isgar	N	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	N
Evans	Y	Linkhart	N	Reeves	E		

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: **HB02-1269** as amended, **HB02-1287** as amended, **HB02-1218** as amended, **HB02-1221** as amended, **HB02-1135** as amended, **HB02-1163** as amended.

Laid over until Tuesday, April 2: **HB02-1313**, **HB02-1260**, **SB02-042**, **SB02-142**, **SB02-089**, **SB02-133**, **SB02-157**, **SB02-175**, **SB02-090**, **SB02-098**, **SB02-160**, **SB02-181**, **SB02-039**, **SB02-043**, **SB02-065**, **SB02-078**, **SB02-109**, **SB02-130**, **SB02-148**, **SB02-154**, **SB02-172**, **SB02-179**.

COMMITTEE OF REFERENCE REPORTS

Education

After consideration on the merits, the committee recommends that **SB02-152** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 10 through 13 and substitute the following:

"ESTABLISHED BY THE COMMISSION PURSUANT TO THIS SECTION.";

line 25, strike "2002," and substitute "2003,".

Strike page 5.

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SB02-152

Page 6, strike lines 1 through 3 and substitute the following:

"COMMISSION SHALL WORK CLOSELY WITH THE STATE BOARD OF EDUCATION IN ENSURING THAT THE PERFORMANCE-BASED STANDARDS FOR LICENSURE BECOME THE BASE FOR PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION AND IN ENSURING THAT DEMONSTRATED COMPETENCY IN THE ADOPTED LICENSURE STANDARDS GUIDES THE PROGRAM DEVELOPMENT OF THE INSTITUTIONS OF HIGHER EDUCATION. THE COMMISSION SHALL REQUIRE, AT A MINIMUM, THAT PRINCIPAL PREPARATION PROGRAMS MEET THE FOLLOWING STANDARDS:

(a) A COMPREHENSIVE ADMISSION SYSTEM THAT INCLUDES SCREENING OF AND COUNSELING FOR STUDENTS WHO ARE CONSIDERING BECOMING PRINCIPAL CANDIDATES;

(b) ONGOING SCREENING AND COUNSELING OF PRINCIPAL CANDIDATES;

(c) COURSE WORK AND FIELD-BASED TRAINING THAT STRESSES METHODOLOGIES, PRACTICES, AND PROCEDURES OF LEADING, SUPERVISING, AND MANAGING A SCHOOL THAT IS ORGANIZED TO ENSURE HIGH PERFORMANCE AND ACHIEVEMENT BY ALL STUDENTS;

(d) A MINIMUM OF THREE HUNDRED SIXTY HOURS OF SUPERVISED FIELD-BASED EXPERIENCE THAT INTEGRATES THEORY AND PRACTICE;

(e) A REQUIREMENT THAT EACH PRINCIPAL CANDIDATE MUST DEMONSTRATE, PRIOR TO GRADUATION AND IN A MANNER CONSISTENT WITH THE POLICIES OF THE COMMISSION, THE SKILLS AND KNOWLEDGE REQUIRED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-109, C.R.S.;

(f) FOLLOWING GUIDELINES ADOPTED BY THE COMMISSION, EACH PROGRAM SHALL HAVE AN EVALUATION PROCESS FOR COLLECTING AND REPORTING ON THE QUALITY OF THE GRADUATES AND FOR MODIFICATION OF THE PROGRAM AS NECESSARY TO ENSURE HIGH QUALITY GRADUATES.";

line 4, strike "JULY 1, 2002," and substitute "JANUARY 1, 2003,";

line 18, strike "PROFESSIONAL COMPETENCY" and substitute "LICENSING";

strike lines 23 through 26 and substitute the following:

"(5) (a) (I) BEGINNING JULY 1, 2003, AND PRIOR TO JULY 1, 2004,".

Page 7, line 4, strike "2003," and substitute "2004,";

strike lines 11 through 18 and substitute the following:

"(III) THE COMMISSION SHALL ADOPT POLICIES AND PROCEDURES FOR";

line 24, strike "IN";

strike lines 25 through 27.

Page 8, line 1, strike "THIS TITLE.";

line 4, strike "(8)";

strike line 15 and substitute the following:

"SHALL COLLABORATE WITH DESIGNATED REPRESENTATIVES FROM";

line 16, strike "BOARDS OF".

Page 9, strike lines 9 through 16 and substitute the following:

"(6) BEGINNING JANUARY 1, 2005, THE COMMISSION SHALL";

strike lines 20 through 27 and substitute the following:

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SB02-152

"CONDUCTED PURSUANT TO THIS SECTION. THE EDUCATION COMMITTEES OF THE".

Page 10, strike line 12 and substitute the following:

"(6) ON OR BEFORE JANUARY 1, 2003, THE STATE BOARD OF";

strike lines 14 through 22 and substitute the following:

"LICENSURE STANDARDS TO GUIDE THE DEVELOPMENT OF PRINCIPAL PREPARATION PROGRAMS OFFERED BY INSTITUTIONS OF HIGHER EDUCATION."

Page 13, line 4, strike "THE INSTITUTION" and substitute "THE PUBLIC INSTITUTION";

strike lines 8 through 27.

Strike pages 14 through 27.

Page 28, strike lines 1 through 13.

Renumber succeeding section accordingly.

MESSAGE FROM THE HOUSE

March 27, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1035, as printed in the House Journal, March 25, pages 1029-1030.

March 27, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1356.

The House has passed on Third Reading and returns herewith SB02-103.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1353, amended as printed in House Journal, March 26, page 1022.

The House has postponed indefinitely SB02-150. The bill is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1356.

Without comment, as amended, HB02-1353.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

HJR02-1035

by Representative(s) Stafford, Boyd, Clapp, Crane, Groff, Johnson, Mace, Spence, Tochtrop, Williams S., Witwer; also Senator(s) Dyer, Entz--Concerning persons with disabilities, and, in connection therewith, recognizing their struggles and triumphs and encouraging enhanced training for governmental entities that serve the disabled.

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

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SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB02-191, 192, 193.

Correctly engrossed: HB02-073, 101, 185; SJR02-017, SJR02-020.

Correctly revised: HB02-1013, 1051, 1091, 1099, 1146, 1164, 1191, 1215, 1224, 1225,
1331, 1334.

Correctly rerevised: HB02-1011, 1064, 1079, 1089, 1141, 1162, 1206, 1214, 1217, 1245,
1333, 1335, 1346, 1350.

Correctly enrolled: SB02-051, 122, 145.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR02-016, 017, 020.

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. The Governor's Appointment's calendar of Monday, April 1 was laid over
until Tuesday, April 2, retaining its place on the Calendar.

Colorado Tourism Office Board of Directors
Board of Assessment Appeals

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, March 27, was laid
over until Tuesday, April 2, retaining its place on the calendar.

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

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

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032,
SB02-141, SB02-038, SB02-158, SB02-124, SB02-036, SB02-165, SB02-166, SB02-
020, SB02-004, SB02-013, SB02-146, SB02-006, SB02-085.**

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

Consideration of Governor's Appointments:

State Board of Parole
Transportation Commission

On motion of Senator Thiebaut, the Senate adjourned until 11:00 a.m., Monday, April 1,
2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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