

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

Fifty-fifth Legislative Day

Monday, March 4, 2002

Prayer By Senator Lamborn.

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 33.
Absent/Excused--Entz, Hillman--Total, 2.
Present later--Entz.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hanna, reading of the Journal of Friday, March 1, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Government, Veterans and Military Relations and Transportation The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

STATEWIDE POISON CONTROL OVERSIGHT BOARD

for a term expiring July 1, 2002:

James A. Ruth, Ph.D. of Boulder, Colorado, to fill the vacancy occasioned by the resignation of John H. Grubbs and to serve as representative of the University of Colorado Health Sciences Center and as a Democrat, appointed.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1036** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 2, after "(2) (d)", add "(2) (e)";

Page 4, after line 21, insert the following:

"(e) In no event shall a municipality or district receive less than ~~five hundred~~ ONE THOUSAND dollars if the municipality or district contributes to its fund a sum equal to the proceeds of a levy of one-half mill on the current valuation for assessment of the municipality or district."

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1123** be amended as follows and, as so amended be referred to the Committee on Public Policy and Planning with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 15 through 17 and substitute the following:

"(c) IN THE ABSENCE OF A REFERENDUM AS PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (2), A PETITION".

Page 5, line 1, after "ELECTION.", add "NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NOTHING IN THIS SECTION SHALL PRECLUDE ANY PERSON FROM GATHERING SIGNATURES FOR A PETITION AUTHORIZED BY THIS SUBSECTION (2) PRIOR TO THE ONE HUNDRED FIFTIETH DAY BEFORE THE NEXT GENERAL ELECTION."

Government,
Veterans and
Military
Relations and
Transportation

After consideration on the merits, the committee recommends that **HB02-1020** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 11 through 21 and substitute the following:

"SECTION 2. Effective date. This act shall take effect upon passage.

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

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-173** by Senator(s) Linkhart; also Representative(s) Mace--Concerning the deletion of provisions requiring the offset from workers' compensation benefits of amounts received by injured firefighters and peace officers under employee benefit plans.
Business, Labor, and Finance
- SB02-174** by Senator(s) Tate; --Concerning a prohibition on the imprisonment of certain inmates in Colorado.
Public Policy and Planning
- SB02-175** by Senator(s) Reeves; also Representative(s) Jameson--Concerning clarification of the crime of sexual conduct in penal institutions.
Judiciary
- HB02-1014** by Representative(s) Smith; also Senator(s) Fitz-Gerald--Concerning the removal by the secretary of state of identification numbers from financing statements filed before July 1, 2001, pursuant to repealed provisions of article 9 of the "Uniform Commercial Code", and making an appropriation therefor.
Business, Labor, and Finance
Appropriations
- HB02-1103** by Representative(s) Mitchell; also Senator(s) Teck--Concerning the assertion of claims for exemplary damages.
Judiciary
- HB02-1143** by Representative(s) Lawrence; also Senator(s) Hernandez--Concerning the treatment of forensic patients.
Public Policy and Planning
- 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.
Government, Veterans and Military Relations, and Transportation
- HB02-1160** by Representative(s) Dean; also Senator(s) Taylor--Concerning the reestablishment of the requirement that Colorado state individual income tax return forms contain a line whereby individual taxpayers may make a voluntary contribution to the United States olympic committee, and making an appropriation in connection therewith.
Business, Labor, and Finance
- HB02-1165** by Representative(s) Chavez; also Senator(s) Tate--Concerning the establishment of an independent governing board for Metropolitan state college of Denver.
Education
- HB02-1176** by Representative(s) Alexander, Larson; also Senator(s) Tate--Concerning the requirement that Colorado state individual income tax return forms contain a line whereby individual taxpayers may make a voluntary contribution to the Colorado court-appointed special advocates fund, and making an appropriation in connection therewith.
Business, Labor, and Finance

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HB02-1186	by Representative(s) Plant, Hodge, Johnson, Snook, Alexander, Jameson, Tochtrop; also Senator(s) Isgar--Concerning the state certification of organic producers pursuant to the federal "Organic Foods Production Act of 1990", and making an appropriation therefor. Agriculture and Natural Resources Appropriations	1 2 3 4 5 6
HB02-1203	by Representative(s) Lee, Hefley, Mitchell; also Senator(s) Linkhart, Epps, Evans, Gordon, Perlmutter--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies. Legal Services Judiciary	7 8 9 10 11 12 13
HB02-1214	by Representative(s) Chavez; also Senator(s) Thiebaut--Concerning county reserve account moneys under the Colorado works program. Health, Environment, Children & Families	14 15 16 17
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. Agriculture and Natural Resources	18 19 20 21 22
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. Business, Labor, and Finance	23 24 25 26 27
HB02-1244	by Representative(s) Smith; also Senator(s) Teck--Concerning moneys in the identification security fund. Government, Veterans and Military Relations, and Transportation Appropriations	28 29 30 31 32
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. Education	33 34 35 36 37
HB02-1269	by Representative(s) Borodkin, Swenson; also Senator(s) May--Concerning the regulation of roadside advertising. Government, Veterans and Military Relations, and Transportation	38 39 40 41
HB02-1270	by Representative(s) Williams T., Spradley, White, Mitchell, Spence; also Senator(s) Andrews--Concerning limitations on the double recovery of damages for noneconomic loss or injury in civil actions involving claims under both state and federal employment discrimination laws. Judiciary Public Policy and Planning	42 43 44 45 46 47 48
HB02-1284	by Representative(s) Grossman, Sinclair; also Senator(s) Isgar--Concerning the authorization of need-based grants for veterans to defray the costs of attendance at the dedication of the world war II memorial in Washington, D.C. Government, Veterans and Military Relations, and Transportation	49 50 51 52 53
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. Judiciary	54 55 56 57
HB02-1290	by Representative(s) Hoppe, Kester, Miller, Snook, Spradley, Tapia; also Senator(s) Musgrave--Concerning modifications to the correctional education program. Education Judiciary	58 59 60 61 62
HB02-1306	by Representative(s) Spence; also Senator(s) Windels--Concerning programs related to the federal "No Child Left Behind Act of 2001". Education Appropriations	63 64 65 66 67 68 69 70 71 72

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.

Government, Veterans and Military Relations, and Transportation

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

Public Policy and Planning

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

Government, Veterans and Military Relations, and Transportation

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:

HB02-1033 by Representative(s) Webster; also Senator(s) Musgrave--Concerning the reform of state statutes, and, in connection therewith, deleting the fat content requirement for whipped butter and eliminating the license application fee for dealers in farm products who conduct transactions with cash.

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

YES	33	NO	0	EXCUSED	2	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	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Phillips.

HB02-1005 by Representative(s) Larson; also Senator(s) Isgar--Concerning the prohibition against an insurer basing the issuance of a motor vehicle insurance policy on the suspension of a driver's license due to noncompliance with a child support order.

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

YES	33	NO	0	EXCUSED	2	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	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Dyer.

SB02-018 by Senator(s) Linkhart; also Representative Hefley--Concerning the continued funding of the demonstration drug courts through the increase of probation supervision fees.

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

SB02-018

YES	31	NO	1	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	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Chlouber, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Pascoe, Reeves, Tate, Tupa, Windels.

SB02-059

by Senator(s) Matsunaka; also Representative Veiga--Concerning the design of assessments administered through the Colorado student assessment program.

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	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Fitz-Gerald, Gordon, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Phillips, Reeves, Takis, Tate, Tupa, Windels.

SB02-011

by Senator(s) Teck; also Representative(s) Larson--Concerning the regulation of motor carrier safety.

Laid over until Friday, March 8, retaining its place on the calendar.

HB02-1117

by Representative(s) Rhodes, Boyd, Cloer, Stafford, Tochtrop; also Senator(s) Hernandez--Concerning the regulation of acupuncturists by the division of registrations in the department of regulatory agencies.

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	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Epps, Hanna, Phillips, Tupa.

HB02-1106

by Representative(s) Chavez; also Senator(s) Tate--Concerning the admissibility of testimony concerning prior statements made by persons incapable of testifying.

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

HB02-1106

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	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	E	Pascoe	Y	Tupa	Y
Entz	E	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

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

HB02-1019 by Representative(s) Tapia; also Senator(s) Gordon--Concerning registration with local law enforcement agencies as a condition of release for certain persons found not guilty by reason of insanity.

Upon request of Senator Thiebaut, **HB02-1019** was removed from the March 4, General Orders--Second Reading of Bills--Consent Calendar and was placed at the end of the General Orders--Second Reading of Bills Calendar of Tuesday, March 5.

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

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

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:

HB02-1018 by Representative(s) Ragsdale; also Senator(s) Takis--Concerning the establishment of an exception for twenty-four-hour child care facilities to information-posting requirements.

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

HB02-1085 by Representative(s) Cloer; also Senator(s) Phillips--Concerning changes in the deadlines for taxpayers to give notice of objection to valuation of real property by assessors.

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

HB02-1086 by Representative(s) Plant; also Senator(s) Fitz-Gerald--Concerning the use of moneys collected as a result of emergency 9-1-1 charges to fund the provision of emergency notification service.

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

HB02-1048 by Representative(s) Crane; also Senator(s) Epps--Concerning occupational therapy deceptive trade practice title protection.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, February 27, page 364 and placed in members' bill file.)

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

HB02-1120 by Representative(s) White; also Senator(s) Hanna--Concerning the continuation of the licensing of massage parlors.

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

Amend reengrossed bill page 3, line 5, before "record", insert "HAS A".

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

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- HB02-1110** by Representative(s) Scott, Ragsdale, Swenson, Webster, Weddig; also Senator(s) Tate, Phillips--Concerning bonded indebtedness of metropolitan sewage disposal districts. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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- HB02-1063** by Representative(s) Berry; also Senator(s) Epps--Concerning the "Colorado Children's Trust Fund Act". 6
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 9
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- HB02-1031** by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the elimination of the requirement that a nurse be retired within the past four years to receive a retired volunteer nursing license. 11
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 14
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- HB02-1021** by Representative(s) Hefley, Rhodes; also Senator(s) Hernandez--Concerning the waiver of parole consideration by inmates. 17
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- HB02-1088** by Representative(s) Mace; also Senator(s) Hernandez--Concerning the limitations on the duties of notaries public who are not licensed to practice law. 22
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 25
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- SB02-165** by Senator(s) Andrews; --Concerning an exception to the requirement that the state treasurer sell all unclaimed property for certain military awards that have not been claimed by the owner. 27
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 31
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- SB02-166** by Senator(s) Teck; also Representative(s) Sinclair--Concerning compensation of county coroners. 33
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 36
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Pascoe, 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: 41
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Passed on Second Reading: **HB02-1018, HB02-1085, HB02-1086, HB02-1048** as amended, **HB02-1120** as amended, **HB02-1110, HB02-1063, HB02-1031, HB02-1021, HB02-1088, SB02-165, SB02-166.** 45
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Committee of the Whole On motion of Senator Pascoe, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Pascoe was called to the Chair to act as Chairman. 50
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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: 54
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- SB02-001** by Senator(s) Tupa--Concerning the one-time authority of the board of directors of the regional transportation district upon approval of the eligible electors of the district to increase the rate of sales tax levied by the district to a rate not to exceed one percent. 60
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Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 26, pages 345-346 and placed in members' bill file.) 64
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Amendment No. 2(L.002), by Senator Tupa. 67
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Amend the Appropriations Committee report, dated February 22, 2002, 69
page 2, line 5, strike "TREASURE" and substitute "TREASURER". 70
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SB02-001

Amendment No. 3(L.003), by Senator Tupa.

Amend printed bill, page 4, after line 2, insert the following:

"(5) THE QUESTION SUBMITTED TO THE ELIGIBLE ELECTORS OF THE DISTRICT PURSUANT TO THIS SECTION SHALL NOT OBLIGATE ANY FUNDS OF THE DEPARTMENT OF TRANSPORTATION, NOR SHALL THE APPROVAL OF A QUESTION BY THE ELIGIBLE ELECTORS BE CONSTRUED AS CREATING ANY COMMITMENT OR OBLIGATION OF FUNDS OF THE DEPARTMENT."

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

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

SB02-073

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

Laid over until Friday, March 8, retaining its place on the calendar.

SB02-089

by Senator(s) Phillips, Takis; also Representative(s) Jahn--Concerning disclosure of credit scoring information to consumers for consumer loans secured by a dwelling.

Laid over until Friday, March 8, retaining its place on the calendar.

SB02-132

by Senator Nichol; also Representative Larson--Concerning the reformation of the regulation of persons who tow abandoned motor vehicles, and, in connection therewith, recodifying the laws regulating towing abandoned vehicles.

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

(Printed in Senate Journal, February 15, pages 277-278 and placed in members' bill file.)

Amendment No. 2(L.007), by Senator Nichol.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated February 14, 2002, page 3, line 25, strike "42-4-1804 (6)," and substitute "42-4-2103 (3),".

Amendment No. 3(L.008), by Senator Nichol.

Amend the Government, Veterans and Military Relations, and Transportation Committee Report, dated February 14, 2002, page 1, line 6, strike "FIVE" and substitute "TEN".

Page 2, line 23 of the committee report, strike "NOTICE." and substitute "NOTICE.";

after line 23 of the committee report, insert the following:

"line 14, strike "operator" and substitute "operator";

line 15, strike "or" and substitute "or";

line 21, strike "operator or" and substitute "operator or".

Page 11, line 5, strike "operator or" and substitute "operator or";

line 11, strike "operator or" and substitute "operator or";

line 24 of the committee report, strike "Page 11,";

after line 25 of the committee report, insert the following:

"Page 13, line 10, after "operator", insert "OR RESPONSIBLE LAW ENFORCEMENT AGENCY";

line 18 strike "of record" and substitute "of record";

line 20, after the period, insert "FAILURE TO REGISTER SUCH VEHICLE IN ACCORDANCE WITH THIS TITLE SHALL CONSTITUTE A WAIVER OF SUCH OWNER'S RIGHT TO BE NOTIFIED PURSUANT TO THIS PART 18 FOR THE

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SB02-132

PURPOSES OF FORECLOSURE OF THE LIEN PURSUANT TO SECTION 42-4-1808." .";

before line 26 of the committee report, insert the following:

"Page 18, strike lines 3 through 6.

Renumber succeeding subsections accordingly.";

line 29 of the committee report, strike "TWO HOURS" and substitute "THIRTY MINUTES".

Page 3 of the committee report, line 1, strike "the." and substitute "the";";

after line 1 of the committee report, insert the following:

"line 22, after "agency", insert "THAT RECEIVES SUCH NOTICE";

line 23, strike "case number and" and substitute "case TOW REPORT number IMMEDIATELY, SHALL ENTER THE VEHICLE AND THE FACT THAT IT HAS BEEN TOWED IN THE COLORADO CRIME INFORMATION CENTER COMPUTER SYSTEM, and";

line 26, after the period, insert "UPON THE RELEASE OF THE VEHICLE TO THE OWNER OR LIENHOLDER, THE OPERATOR SHALL NOTIFY THE RESPONSIBLE LAW ENFORCEMENT AGENT WHO SHALL ADJUST OR DELETE THE ENTRY IN THE COLORADO CRIME INFORMATION CENTER COMPUTER SYSTEM." .";

strike line 2 of the committee report and substitute the following:

"Page 20, line 13, after "towed,", insert "THE CASE NUMBER,";

strike lines 25 through 27.";

after line 23 of the committee report, insert the following:

"Page 22, strike lines 22 and 23 and insert the following:

"the POSTMARKED date the notice required by section 42-4-1805 (5) was mailed PURSUANT TO SECTION 42-4-2103";

line 24, strike "(4)." and substitute "(4) OR THE DATE THE OPERATOR RECEIVES NOTICE THAT NO RECORD EXISTS FOR SUCH VEHICLE." .

Page 24, line 6, strike "OR RESPONSIBLE LAW";

line 7, strike "ENFORCEMENT AGENCY";

line 12, strike "OR RESPONSIBLE LAW ENFORCEMENT AGENCY";

line 25, strike "OR RESPONSIBLE LAW ENFORCEMENT AGENCY".

Page 25, line 3, strike "OR RESPONSIBLE LAW ENFORCEMENT AGENCY";";

line 24 of the committee report, strike "Page 25,";

line 25 of the committee report, strike "42-4-1804 (6)," . and substitute "42-4-2103 (3)," .";

strike lines 26 and 27 of the committee report and substitute the following:

"Page 27, line 9, strike "OF RECORD";

line 11, after the period, insert "FAILURE TO REGISTER SUCH VEHICLE IN ACCORDANCE WITH THIS TITLE SHALL CONSTITUTE A WAIVER OF SUCH OWNER'S RIGHT TO BE NOTIFIED PURSUANT TO THIS PART 21 FOR THE PURPOSES OF FORECLOSURE OF THE LIEN PURSUANT TO SECTION 42-4-2107.";

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SB02-132

line 19, strike "AND DOCUMENTED COSTS" and substitute "COSTS AND FEES";";

after line 27 of the committee report, insert the following:

"strike lines 25 through 27.

Page 28, strike lines 1 and 2.

Reletter succeeding paragraphs accordingly.

Page 28, line 4, strike "(b)" and substitute "(a)";

line 9, strike "(c)" and substitute "(b)".

Page 30, after line 10, insert the following:

"SECTION 4. 40-13-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-13-103. Towing carrier permits required - exemptions. (3) THE COMMISSION MAY REVOKE OR DENY A TOWING CARRIER PERMIT IF SUCH CARRIER HAS, WITHIN FIVE YEARS, BEEN CONVICTED OF, OR PLEADED GUILTY OR NOLO CONTENDERE TO, A FELONY AS DEFINED BY TITLE 18, C.R.S."

Renumber succeeding sections accordingly."

Amendment No. 4(L.009), by Senator Hernandez.

Amend the printed bill, page 10, line 9, strike "mailed." and substitute "mailed; EXCEPT THAT, IF SUCH MOTOR VEHICLE MEETS THE DEFINITION OF A COLLECTOR'S ITEM AS DEFINED IN SECTION 42-12-101 (2), THE LAW ENFORCEMENT AGENCY SHALL NOT SELL SUCH MOTOR VEHICLE FOR AT LEAST NINETY DAYS AFTER SUCH DATE."

Page 22, line 24, strike "(4)." and substitute "(4); EXCEPT THAT, IF SUCH MOTOR VEHICLE MEETS THE DEFINITION OF A COLLECTOR'S ITEM AS DEFINED IN SECTION 42-12-101 (2), AN OPERATOR OR ITS AGENT SHALL NOT SELL SUCH MOTOR VEHICLE FOR AT LEAST NINETY DAYS AFTER SUCH DATE."

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

SB02-048

by Senator(s) Hanna--Concerning cruelty to animals, and making an appropriation in connection therewith.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 14, pages 242-251 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, February 25, page 337 and placed in members' bill file.)

Amendment No. 3(L.010), by Senator Teck.

Amend the Judiciary Committee Report, dated February 13, 2002, page 9, strike lines 9 through 11 and substitute the following:

"PERFORM USEFUL PUBLIC SERVICE AT:

(A) AN ANIMAL SHELTER, ANIMAL IMPOUNDMENT FACILITY, OR ANY OTHER FACILITY WHERE ANIMALS ARE KEPT;

(B) A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY WHERE CHILDREN ARE CARED FOR OR TREATED;

(C) A NURSING HOME FACILITY, NURSING CARE FACILITY, OR ANY OTHER FACILITY WHERE PERSONS AGED SIXTY YEARS OR OVER ARE CARED FOR OR TREATED; OR

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SB02-048

(D) ANY FACILITY WHERE PERSONS WITH DEVELOPMENTAL DISABILITIES ARE CARED FOR OR TREATED."

Page 13, strike lines 27 and 28 and substitute the following:

"PROGRAM AT:

(I) AN ANIMAL SHELTER, ANIMAL IMPOUNDMENT FACILITY, OR ANY OTHER FACILITY WHERE ANIMALS ARE KEPT;

(II) A CHILD CARE CENTER, FAMILY CHILD CARE HOME, OR ANY OTHER FACILITY WHERE CHILDREN ARE CARED FOR OR TREATED;

(III) A NURSING HOME FACILITY, NURSING CARE FACILITY, OR ANY OTHER FACILITY WHERE PERSONS AGED SIXTY YEARS OR OVER ARE CARED FOR OR TREATED; OR

(IV) ANY FACILITY WHERE PERSONS WITH DEVELOPMENTAL DISABILITIES ARE CARED FOR OR TREATED."

Amendment No. 4(L.009), by Senator Hanna.

Amend the Judiciary Committee Report, dated February 13, 2002, page 7, strike line 30 and substitute the following:

"(E) Animals involved in rodeos; ~~the treatment of~~".

Page 8, strike lines 1 through 5 and substitute the following:

"(F) Dogs used for legal hunting activities; OR".

Page 12, strike lines 18 through 23 and substitute the following:

"(e) Animals involved in rodeos; ~~the treatment of~~

(f) Dogs used for legal hunting activities; or".

As amended, laid over until Friday, March 8, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate Bills on the General Orders--Second Reading of Bills Calendar of Monday, March 4, (**SB02-042, SB02-142, SB02-133, SB02-157, SB02-101**) were laid over until Friday, March 8, retaining their places on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the House Bills on the General Orders--Second Reading of Bills Calendar of Monday, March 4, (**HB02-1022, HB02-1168, HB02-1132, HB02-1083, HB02-1061**) were laid over until Tuesday, March 5, retaining their places on the calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB02-001

by Senator(s) Tupa--Concerning the one-time authority of the board of directors of the regional transportation district upon approval of the eligible electors of the district to increase the rate of sales tax levied by the district to a rate not to exceed one percent.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the following Andrews floor amendment, (L.004) to SB 02-001, did pass.

Amend printed bill, page 3, line 12, after "DISTRICT TO", insert "EXPEND ANY PUBLIC FUNDS FOR DIRECT OR INDIRECT PROMOTION OF THIS QUESTION OR".

The roll call was taken with the following result:

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SB02-001

YES	12	NO	21	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	N	Nichol	N	Teck	N
Chlouber	N	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	E	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Pascoe, 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: **SB02-001** as amended, **SB02-132** as amended.
 Laid over until Tuesday, March 5: **HB02-1022, HB02-1168, HB02-1132, HB02-1083, HB02-1061.**
 Laid over until Friday, March 8: **SB02-073, SB02-089, SB02-048** as amended, **SB02-042, SB02-142, SB02-133, SB02-157, SB02-101.**

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-176** by Senator(s) Matsunaka, Perlmutter, Reeves; --Concerning limitations on the authority of the Colorado commission on higher education.
Education
- SB02-177** by Senator(s) Gordon; also Representative(s) Mitchell--Concerning substitute service of process upon the secretary of state due to defendant's absence from the state.
Judiciary
- SB02-178** by Senator(s) Thiebaut; also Representative(s) Sanchez--Concerning health coverage benefits for persons employed on public projects.
Health, Environment, Children & Families
- SB02-179** by Senator(s) Matsunaka; also Representative(s) Veiga--Concerning transportation funding, and making an appropriation in connection therewith.
Government, Veterans and Military Relations, and Transportation

MESSAGE FROM THE HOUSE

March 4, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1051, amended as printed in House Journal, February 28, page 637.
 HB02-1333, amended as printed in House Journal, March 1, page 644.
 HB02-1336, amended as printed in House Journal, March 1, page 645.
 HB02-1324, amended as printed in House Journal, March 1, page 645.
 SB02-005, amended as printed in House Journal, March 1, page 644.

The House has adopted and transmits herewith HJR02-1022, as printed in House Journal, February 22, pages 626-627.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB02-1051, 1333, 1336, and 1324 and SB02-005.

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MESSAGE FROM THE GOVERNOR

To the Honorable
Senate
Sixty-third General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.02-072 - Concerning The Authority Of The Department Of Revenue To Identify Fleet Motor Vehicles By Means Of Special License Plates.

Approved March 1, 2002 at 2:40 p.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 03/01/02
Danielle Radovich Piper, Majority Chief
of Staff

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB02-011, 018, 059; SJR02-009.

Correctly revised: HB02-1005, 1033, 1106, 1117; HJR02-1020.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB02-1007.

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 Monday, March 4, was laid over until Tuesday, March 5, retaining its place on the calendar.

Consideration of Resolutions: HJR02-1003, HJR02-1008, SJR02-004, HJR02-1005, SJR02-006, HJR02-1015.

Consideration of House Amendments to Senate Bills: SB02-028.

Consideration of Governor's Veto: SB02-108.

Consideration of Governor's Appointments Consent Calendar:

- Board of Directors of the Colorado Compensation Insurance Authority
Colorado Racing Commission
Colorado Educational and Cultural Facilities Authority Board of Directors
Ground Water Commission

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, March 5, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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