

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

Seventy-seventh Legislative Day

Wednesday, March 27, 2002

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

Roll Call Present--Total, 34.
Absent/Excused--Reeves--Total, 1.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Monday, March 25 was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions, **SJR02-017**.

CONSIDERATION OF RESOLUTIONS

SJR02-017 by Senator(s) Phillips; also Representative(s) Swenson--Concerning honoring the 4-H Youth Horse Judging and Hippology teams of Boulder County.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

COMMITTEE OF REFERENCE REPORTS

Business, Labor, and Finance The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO TOURISM OFFICE

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.

Business, Labor, and Finance The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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.

**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:

HB02-1162 by Representative(s) Cloer, Jahn, Kester, King, Lee, Mace, Schultheis, Stafford, White; also Senator(s) Epps--Concerning the prohibition against imposing additional charges on winners of sweepstakes who must respond to the sponsor of the sweepstake to claim the prize.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

Co-sponsors added: Perlmutter, Takis.

HB02-1214 by Representative(s) Chavez; also Senator(s) Thiebaut--Concerning county reserve account moneys under the Colorado works program.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

Co-sponsors added: Hernandez, Nichol, Tupa.

HB02-1206 by Representative(s) Plant, Jahn, Saliman, Young; also Senator(s) Owen, Reeves, Tate--Concerning eligibility periods for the children's basic health plan.

HB02-1206 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	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	E		

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

Co-sponsors added: Hernandez, Tupa.

HB02-1217 by Representative(s) Kester; also Senator(s) Takis, Hagedorn, Hillman--Concerning investment of public funds in securities issued by Colorado public entities.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

Co-sponsor added: Tate.

HB02-1335 by Representative(s) Williams T.; also Senator(s) Fitz-Gerald--Concerning recommendations of the house committee on business affairs and labor relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

HB02-1064 by Representative(s) Williams S., Alexander, Cloer; also Senator(s) Isgar, Entz--Concerning statutory changes to enhance consistent compliance with the federal "Indian Child Welfare Act" statewide.

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

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HB02-1064

YES	34	NO	0	EXCUSED	1	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	E		

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

Co-sponsors added: Tate, 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:

HB02-1089

by Representative(s) Kester; also Senator(s) Entz--Concerning the standards for approval of simulcast facilities by the Colorado racing commission.

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	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, Hillman.

HB02-1079

by Representative(s) Bacon; also Senator(s) Windels--Concerning imposition of incarceration for violating a valid court order under the "School Attendance Law of 1963".

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	E		

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

HB02-1346

by Representative(s) Miller, White, Coleman, Rippey, Tapia; also Senator(s) Chlouber, Taylor--Concerning the designation of rhodochrosite as the state mineral.

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

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HB02-1346

YES	32	NO	2	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	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: Entz, Gordon, Hanna, Hernandez, Isgar, Nichol, Takis, Teck, Thiebaut.

HB02-1350

by Representative(s) Young, Kester, Miller; also Senator(s) Taylor--Concerning the terms of the lease agreement for the Towner railroad line.

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

YES	33	NO	1	EXCUSED	1	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	N	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	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, Chlouber, Entz, Hillman, Isgar, Mutsunaka, Musgrave, Teck.

HB02-1141

by Representative(s) Miller; also Senator(s) Chlouber--Concerning the public announcement by the court at sentencing of the minimum range of actual imprisonment that a defendant can be expected to serve.

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

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	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	E		

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

Co-sponsor added: Teck.

HB02-1333

by Representative(s) Stengel; also Senator(s) Fitz-Gerald--Concerning recommendations of the house committee on finance relating to the continuation of requirements for certain reports to the general assembly from executive agencies, and, in connection therewith, repealing reporting requirements to the general assembly that are obsolete.

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

HB02-1333

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
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	E		

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

HB02-1245

by Representative(s) Lee; also Senator(s) Evans--Concerning utilization of party committees to fill vacancies occurring on the state board of education.

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

Third Reading Amendment, by Senator Evans.

Amend revised bill, page 6, line 4, after the last "THE", insert "VACANCY OR";

line 16, after the last "THE", insert "VACANCY OR" and strike "COMMITTEE," and substitute "COMMITTEE IDENTIFIED IN SUBSECTION (5) OF THIS SECTION";

line 26, after the last "THE", insert "VACANCY OR";

line 27, strike "COMMITTEE." and substitute "COMMITTEE IDENTIFIED IN SUBSECTION (5) OF THIS SECTION.".

Page 8, line 1, before "EXECUTIVE", insert "VACANCY OR";

line 15, after "THE", insert "VACANCY OR".

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

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

YES	34	NO	0	EXCUSED	1	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	E		

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

HB02-1011

by Representative(s) Sinclair; also Senator(s) Nichol--Concerning the reduction of the number of available types of special license plates.

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

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HB02-1011

YES	31	NO	3	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	N
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	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: May, Teck.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

SJR02-020

by Senator(s) Linkhart, Chlouber; also Representative(s) Groff, Borodkin--Concerning the resolution of the general assembly to honor the Federal Emergency Management Agency Urban Search and Rescue Team - Colorado Task Force 1.

Senator Linkhart moved to suspend Senate Rule 30(b).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(b) was suspended and immediate consideration granted.

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

YES	34	NO	0	EXCUSED	1	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	E		

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

Committee of the Whole

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

HB02-1215

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.

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

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.

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

SB02-185

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

- SB02-185** Ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage. 1
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- HB02-1331** by Representative(s) Fritz, Fairbank; also Senator(s) Tupa--Concerning the use of 3
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- by Representative(s) Fritz, Fairbank; also Senator(s) Tupa--Concerning the use of 3
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- Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage. 7
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- HB02-1224** by Representative(s) Madden; also Senator(s) Phillips--Concerning the use of sales tax 9
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- by Representative(s) Madden; also Senator(s) Phillips--Concerning the use of sales tax 9
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- Ordered revised and placed on the Consent Calendar for Third Reading and Final Passage. 13
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tate, 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: **HB02-1215, HB02-1099, SB02-185, HB02-1331, HB02-1224.**

MESSAGE FROM THE HOUSE

March 26, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1355.

The House has passed on Third Reading and returns herewith SB02-052, 100.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1338, amended as printed in House Journal, March 25, pages 1003-1004.
HB02-1090, amended as printed in House Journal, March 25, page 1004.
HB02-1364, amended as printed in House Journal, March 25, page 1005.
SB02-006, amended as printed in House Journal, March 25, page 1004.
SB02-085, amended as printed in House Journal, March 25, pages 1004-1005.

The House has adopted and returns herewith SJR02-017.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-188, 189, 190.

Correctly engrossed: SJR02-019.

Correctly reengrossed: SB02-068, 156.

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

Correctly rerevised: HB02-1130, 1042, 1179, 1250.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB02-051; SB02-122; SB02-145.

Committee of the Whole

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

Amendment No. 1, Business, Labor, and Finance Committee Amendment.
(Printed in Senate Journal, March 7, page 419 and placed in members' bill file.)

Amendment No. 2(L.018), by Senator Hillman.

Amend reengrossed bill, page 6, after line 15, insert the following:

"SECTION 5. 10-16-102 (10) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(10) (b) "Case characteristics" are limited to the following demographic characteristics:

(IV) SMOKING STATUS OF INDIVIDUAL MEMBERS OF A SMALL GROUP."

Renumber succeeding sections accordingly.

Page 9, after line 19, insert the following:

"(16) FOR A SMALL EMPLOYER WITH AT LEAST TWO ELIGIBLE EMPLOYEES, A SMALL EMPLOYER CARRIER MAY OFFER A WELLNESS DISCOUNT OF UP TO TWENTY PERCENT OF THE AMOUNT OF THE PREMIUM TO THE SMALL EMPLOYER FOR INDIVIDUALS WITHIN THE SMALL GROUP WHO DO NOT SMOKE. THE COMMISSIONER SHALL PROMULGATE A RULE TO IMPLEMENT THIS SUBSECTION (16).

SECTION 7. 10-16-105 (8), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans - wellness discount. (8) (g) THE SMALL EMPLOYER CARRIER SHALL NOT USE CASE CHARACTERISTICS EXCEPT AS PROVIDED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (8) AND IN SUBSECTION (16) OF THIS SECTION."

Renumber succeeding sections accordingly.

Amendment No. 3(L.028), by Senator Owen.

Amend reengrossed bill, page 2, line 3, strike "A NEW SUB-SUBPARAGRAPH" and substitute "THE FOLLOWING NEW SUB-SUBPARAGRAPHS".

Page 3, after line 15, insert the following:

"(I) AS PART OF ITS APPLICATION FORM, AN INDIVIDUAL CARRIER OFFERING HEALTH BENEFIT COVERAGE TO A BUSINESS GROUP OF ONE SELF-EMPLOYED PERSON OR ANY OTHER SMALL EMPLOYER PURCHASING AN INDIVIDUAL HEALTH BENEFIT PLAN PURSUANT TO THIS SUBPARAGRAPH (I) SHALL PROVIDE TO THE BUSINESS GROUP OF ONE OR ANY OTHER SMALL EMPLOYER INFORMATION ABOUT THE BENEFITS OF PURCHASING INDIVIDUAL COVERAGE, INCLUDING, BUT NOT LIMITED TO, INFORMATION THAT THE INDIVIDUAL POLICY MAY BE BEST SUITED FOR THE BUSINESS GROUP OF ONE'S OR THE SMALL EMPLOYER'S NEEDS."

Page 4, line 11, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS".

Page 5, after line 1, insert the following:

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HB02-1163

"(f) A CARRIER OFFERING A HEALTH BENEFIT PLAN TO AN INDIVIDUAL, EMPLOYEE-LEASING, AS DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., OR FOR STOP-LOSS COVERAGE FOR A BUSINESS GROUP OF ONE SELF-EMPLOYED PERSON OR ANY OTHER SMALL EMPLOYER SHALL PROVIDE TO THE BUSINESS GROUP OF ONE OR ANY OTHER SMALL EMPLOYER INFORMATION ABOUT THE BENEFITS OF PURCHASING INDIVIDUAL COVERAGE, INCLUDING, BUT NOT LIMITED TO, INFORMATION THAT THE INDIVIDUAL POLICY MAY BE BEST SUITED FOR THE BUSINESS GROUP OF ONE'S OR THE SMALL EMPLOYER'S NEEDS."

Amendment No. 4(L.034), by Senator FitzGerald.

Amend reengrossed bill, page 8, line 15, after "(b)", insert "(I)";
 after line 20, insert the following:

"(II) A SELF-EMPLOYED PERSON WHO HAS NOT PREVIOUSLY QUALIFIED AS A BUSINESS GROUP OF ONE MAY OBTAIN HEALTH BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER WITHOUT BEING SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS."

Page 9, line 16, strike "2003," and substitute "2004,";
 line 17, strike "OF TWO EMPLOYEES TO FIFTY EMPLOYEES".

Amendment No. 5(L.035), by Senator Hernandez.

Strike the Business, Labor, and Finance Committee Report, dated March 4, 2002, and substitute the following:

"Amended reengrossed bill, page 3, strike lines 21 through 27 and substitute the following:

"PLANS SHALL NOT APPLY TO A GROUP THAT SELF-FUNDS AND OBTAINS COVERAGE FROM AN EXCESS LOSS COVERAGE CARRIER OR PURCHASES HEALTH BENEFIT COVERAGE FROM AN EMPLOYEE LEASING COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S. IF A SMALL EMPLOYER PURCHASES EXCESS LOSS COVERAGE, THE AGENT SELLING THE EXCESS LOSS COVERAGE".

Page 4, strike line 1;

line 3, strike "AN INDIVIDUAL HEALTH BENEFIT PLAN" and substitute "EXCESS LOSS COVERAGE";

line 7, strike "CARRIER." and substitute "CARRIER WHEN A NEW EMPLOYEE IS ADDED TO THE EXCESS LOSS COVERAGE. IF A SMALL EMPLOYER PURCHASED HEALTH BENEFIT COVERAGE THROUGH AN EMPLOYEE LEASING COMPANY, THE CARRIER OFFERING THE GROUP COVERAGE SHALL INDICATE IN A WRITTEN DISCLOSURE THAT A SMALL EMPLOYER PURCHASING COVERAGE THROUGH THE EMPLOYEE LEASING COMPANY INSTEAD OF A SMALL GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER.";

line 11, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS";

strike lines 13 through 27 and substitute the following:

"**program.** (1) (e) EFFECTIVE JANUARY 1, 2003, IF A SMALL EMPLOYER SELF-FUNDS AND PURCHASES COVERAGE FROM AN EXCESS LOSS CARRIER, THE AGENT SELLING THE EXCESS LOSS COVERAGE SHALL INDICATE IN A WRITTEN DISCLOSURE THAT THE SMALL EMPLOYER PURCHASING EXCESS LOSS COVERAGE INSTEAD OF A SMALL GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH".

Page 5, line 1 strike "CARRIER." and substitute "CARRIER WHEN A NEW

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HB02-1163

EMPLOYEE IS ADDED TO THE EXCESS LOSS COVERAGE.";

after line 1, insert the following:

"(f) EFFECTIVE JANUARY 1, 2003, IF A SMALL EMPLOYER PURCHASES GROUP COVERAGE FROM AN EMPLOYEE LEASING COMPANY AS DEFINED IN SECTION 8-70-117 (2) (a) (I), C.R.S., INSTEAD OF A SMALL GROUP POLICY, THE CARRIER OFFERING COVERAGE TO THE EMPLOYEE LEASING COMPANY SHALL INDICATE IN A WRITTEN DISCLOSURE THAT THE SMALL EMPLOYER PURCHASING COVERAGE THROUGH THE EMPLOYEE LEASING COMPANY INSTEAD OF A SMALL GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER.

(g) EFFECTIVE JANUARY 1, 2003, IF A SMALL EMPLOYER PURCHASES INDIVIDUAL COVERAGE FROM A CARRIER INSTEAD OF A SMALL GROUP POLICY, THE CARRIER SHALL INDICATE IN A WRITTEN DISCLOSURE THAT THE SMALL EMPLOYER PURCHASING INDIVIDUAL COVERAGE INSTEAD OF A SMALL GROUP POLICY MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE IF THE SMALL EMPLOYER SUBSEQUENTLY PURCHASES HEALTH BENEFIT COVERAGE FROM A SMALL EMPLOYER CARRIER."

Page 6, line 16, strike "(8) (a) (VII),";

strike lines 22 through 26 and substitute the following:

"**benefit plans.** (8) (a) (VIII) ~~(A) The commissioner, in consultation with the executive~~".

Page 8, strike lines 6 through 14 and substitute the following:

"(13) (a) (I) ON AND AFTER JANUARY 1, 2003, A SMALL EMPLOYER MAY BE SUBJECT TO PREMIUM ADJUSTMENTS FOR HEALTH STATUS UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE FOR A PERIOD NO GREATER THAN TWELVE MONTHS IF THE SMALL EMPLOYER HAS AT ANY TIME PRIOR TO SEEKING HEALTH BENEFIT COVERAGE AS A SMALL EMPLOYER BEEN INSURED THROUGH THE INDIVIDUAL MARKET AN EMPLOYEE LEASING COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a)(I), C.R.S., OR BEEN SELF-FUNDED. THE PROVISIONS OF THIS SUBPARAGRAPH (I) SHALL NOT APPLY:

(A) TO A SMALL EMPLOYER THAT HAS NOT PREVIOUSLY SPONSORED A HEALTH BENEFIT PLAN FOR ITS EMPLOYEES;

(B) TO A SELF-EMPLOYED PERSON WHO HAS NOT PREVIOUSLY QUALIFIED AS A BUSINESS GROUP OF ONE; OR

(C) TO A SMALL EMPLOYER THAT MEETS THE CRITERIA OF PARAGRAPH (b) OF THIS SUBSECTION (13).

(II) FOR THE PURPOSES OF DETERMINING WHETHER THE SMALL EMPLOYER IS ELIGIBLE FOR THE PREMIUM ADJUSTMENT, THE CARRIER MAY REQUIRE THAT THE SMALL EMPLOYER SUBMIT EITHER OF THE FOLLOWING:

(A) EVIDENCE OF THE MOST RECENT HEALTH BENEFIT COVERAGE; OR

(B) IN THE CIRCUMSTANCES IN WHICH THE SMALL EMPLOYER DOES NOT CURRENTLY SPONSOR A SMALL GROUP PLAN, A SIGNED AFFIDAVIT CONFIRMING THAT THE SMALL EMPLOYER HAS NEVER SPONSORED A GROUP POLICY AT ANY TIME PRIOR TO APPLYING FOR SMALL COVERAGE, AND ACKNOWLEDGING THAT FAILURE TO REPORT SUCH PREVIOUS GROUP COVERAGE MAY RESULT IN THE APPLICATION OF A PREMIUM ADJUSTMENT FOR HEALTH STATUS OF UP TO THIRTY-FIVE PERCENT ABOVE THE MODIFIED COMMUNITY RATE FOR A SMALL EMPLOYER CARRIER."

Page 9, line 4, after "LAPSED", insert "BECAUSE OF NONPAYMENT OF PREMIUMS OR FRAUD".

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HB02-1163 Amendment No. 6(L.036), by Senator Hernandez.

Amend the Hernandez proposed floor amendment (HB1163_L.035), page 1, line 6, strike "CARRIER OR PURCHASES HEALTH" and substitute "CARRIER.";

strike line 7;

line 8, strike "IN SECTION 8-70-117 (2) (a) (I), C.R.S.";

strike lines 15 through 18 and substitute the following:

"IS ADDED TO THE EXCESS LOSS COVERAGE."

Page 2, strike lines 1 through 5;

strike lines 20 through 30.

Reletter succeeding paragraph accordingly.

Page 3, line 19, strike "MARKET, AN EMPLOYEE LEASING COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a)(I), C.R.S., OR" and substitute "MARKET OR".

Amendment No. 7(L.038), by Senator Philips.

Strike the Business, Labor, and Finance Committee Report, dated March 4, 2002, and substitute the following:

"Amend reengrossed bill, page 6, line 16, strike "(8) (a) (VII),";

strike lines 22 through 25 and substitute the following:

"**benefit plans.** (8) (a)".

Page 8, line 7, strike "2003," and substitute "2004,";

line 14, strike "PLAN." and substitute "PLAN, UNLESS THE IMMEDIATE CARRIER WILL WITHDRAW COVERAGE FROM THE MARKET.".

line 20, strike "JULY 1, 2003." and substitute "JANUARY 1, 2004.".

Page 9, line 4, strike "LAPSED" and substitute "BEEN DISCONTINUED BECAUSE OF NONPAYMENT OF PREMIUMS OR FRAUD";

line 17, strike "OF TWO EMPLOYEES TO FIFTY EMPLOYEES";

line 19, strike "MEDICAL" and substitute "HEALTH";

after line 19, insert the following:

"(16) EVERY JULY 1, THE COMMISSIONER SHALL EXAMINE THE RATES CHARGED TO SMALL BUSINESS GROUPS PURSUANT TO SUBSECTIONS (13) TO (15) OF THIS SECTION TO DETERMINE COMPLIANCE.".

Amendment No. 8(L.039), by Senator Philips.

Amend the Hernandez floor amendment (L.035), page 1, line 9, strike "SELLING" and substitute "SELLING, UPON APPLICATION AND RENEWAL,";

line 18, after "DISCLOSURE", insert "UPON APPLICATION AND RENEWAL".

Page 2, line 12, after "DISCLOSURE", insert "UPON APPLICATION AND RENEWAL";

line 24, after "DISCLOSURE", insert "UPON APPLICATION AND RENEWAL".

Amendment No. 9(L.040), by Senator Owen.

Strike the Owen floor amendment, (L.028) and substitute the following:

"Amend reengrossed bill, page 9, after line 19, insert the following:

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HB02-1163

"SECTION 6. 10-16-105 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans. (5) Each small group sickness and accident insurer or other entity shall make reasonable disclosure in solicitation and sales materials provided to small employers the following information in a form and manner prescribed by the commissioner and upon request of any such small employer shall provide such information in detail:

(g) THAT THE PURCHASE OF INDIVIDUAL, SELF-FUNDING, OR COVERAGE THROUGH AN EMPLOYEE LEASING COMPANY AS DEFINED IN SECTION 8-70-114 (2) (a) (I), C.R.S., MAY BE BEST SUITED FOR A BUSINESS GROUP OF ONE OR SMALL EMPLOYER'S NEEDS AND ANY OTHER BENEFITS OF INDIVIDUAL, SELF-FUNDING, OR COVERAGE THROUGH AN EMPLOYEE LEASING COMPANY."

Renumber succeeding sections accordingly.

Senator Linkhart requested a new fiscal note under Senate Rule 25(e).

As amended, laid over until Wednesday, March 27, retaining its place on the Calendar.

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.

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

SB02-073

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

(Amended in General Orders as printed in Senate Journal, March 25, page 571.)

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

HB02-1191

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

(Amended in General Orders as printed in Senate Journal, March 21, page 541.)

Amendment No. 2(L.006), by Senator Perlmutter.

Amend reengrossed bill, page 3, line 12, strike "(4)," and substitute "(4) and (5) (a) (I),", and strike "is" and substitute "are".

Page 4, after line 8, insert the following:

"(5) (a) (I) The declaration, except a declaration for a large planned community, may provide for a period of declarant control of the association, during which period a declarant, or persons designated by such declarant, may appoint and remove the officers and members of the executive board. Regardless of the period of declarant control provided in the declaration, a period of declarant control terminates no later than ~~either~~ THE EARLIER OF sixty days after conveyance of seventy-five percent of the units that may be created to unit owners other than a declarant, two years after the last conveyance of a unit by the declarant in the ordinary course of business, or two years after any right to add new units was last exercised."

Amendment No. 3(L.005), by Senator Windels.

Amend reengrossed bill, page 4, line 15, after "association", insert "OR THE MANAGING AGENT'S CONTRACT".

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

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- 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.

(Amended in General Orders as printed in Senate Journal, March 21, page 556.)

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

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- HB02-1051**

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

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

Committee of the Whole in Recess--Committee of the Whole Reconvened.

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- 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.

Laid over until Wednesday, March 27, retaining its place on the calendar.

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- HB02-1225**

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

Amendment No. 1, Committee Amendment.
(Printed in Senate Journal, March 21, page 535 and placed in members' bill file.)

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

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- HB02-1269**

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

Laid over until Wednesday, March 27, retaining its place on the calendar.

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- 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.

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.

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- 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.

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

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- HB02-1334**

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

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

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- 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.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, February 1, page 126 and placed in members' bill file.)

Amendment No. 2(L.003), by Senator Tupa.

Amend printed bill, page 6, strike line 24 and substitute the following:

"C.R.S., SHALL BE PRESERVED FOR AT LEAST FIVE YEARS BY THE ZONE ADMINISTRATOR WHO COLLECTED THE INFORMATION, WHO SHALL BE THE

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SB02-101

CUSTODIAN OF SUCH INFORMATION, AND SHALL BE MADE AVAILABLE BY THE ZONE ADMINISTRATOR FOR INSPECTION BY ANY PERSON";

line 25, after "TIMES.", add "EACH ZONE ADMINISTRATOR SHALL ALSO PROVIDE OR ALLOW DUPLICATION OF ANY PUBLIC RECORD IN THE CUSTODY OF THE ZONE ADMINISTRATOR TO ANY PERSON ENTITLED TO INSPECT THE RECORD IN ACCORDANCE WITH SECTION 24-72-205, C.R.S."

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

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 to follow **SB02-142**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **HB02-1313, HB02-1135, HB02-1218, HB02-1260** were advanced on the General Orders calendar.

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 (**HB02-1313, HB02-1135, HB02-1218, HB02-1260, SB02-042, SB02-142, SB02-089, SB02-133, SB02-157, SB02-175, SB02-090, SB02-098, SB02-160, SB02-181**) of Tuesday, March 26, was laid over until Wednesday, March 27, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tate, 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: **HB02-1164, SB02-073** as amended, **HB02-1191** as amended, **HB02-1091** as amended, **HB02-1051, HB02-1225** as amended, **HB02-1146** as amended, **HB02-1013, HB02-1334, SB02-101**.

Laid over until Wednesday, March 27: **HB02-1163** as amended, **HB02-1287, HB02-1269, HB02-1313, HB02-1135, HB02-1218, HB02-1260, SB02-042, SB02-142, SB02-089, SB02-133, SB02-157, SB02-175, SB02-090, SB02-098, SB02-160, SB02-181**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2005:

Lyle Hesalroad of Golden, Colorado, to fill a vacancy occasioned by the resignation of Joseph G. Ortiz of Sedalia, Colorado, and to serve as a retired police officer, appointed.

YES	34	NO	0	EXCUSED	1	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	E		

TRANSPORTATION COMMISSION

for terms expiring July 1, 2005:

Douglas E. Aden of Grand Junction, Colorado, to serve as a commissioner from the Seventh Transportation District, reappointed;

Gregory B. McKnight of Englewood, Colorado, to serve as a commissioner from the Third Transportation District, appointed;

George H. Tempel of Wiley, Colorado, to serve as a commissioner from the Tenth Transportation District, appointed;

B. Stephens Parker of Durango, Colorado, to serve as a commissioner from the Eighth Transportation District, appointed;

Joseph B. Blake of Denver, Colorado, to serve as a commissioner from the First Transportation District, reappointed.

Laid over until Wednesday, March 27, retaining its place on the Calendar.

ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2005:

Terry L. Funderburk of Westminster, Colorado, to serve as a representative of local county government, appointed.

YES	34	NO	0	EXCUSED	1	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	E		

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

COLORADO LIMITED GAMING
CONTROL COMMISSION

for a term expiring July 1, 2005:

Phil K. Walter of Glenwood Springs, Colorado to serve as a member from the Third Congressional with experience in law enforcement and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	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	E		

MESSAGE FROM THE HOUSE

March 26, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1027, as printed in House Journal, March 12, pages 800-801.

The House has adopted and returns herewith SJR02-020.

The House has postponed indefinitely SB02-102. The bill is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1355.

Without comment, as amended, HB02-1338, 1090, and 1364 and SB02-006 and 085.

INTRODUCTION OF BILLS--FIRST READING

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

- SB02-191** by Senator(s) Thiebaut; also Representative(s) Garcia--Concerning unemployment insurance benefits.
Business, Labor, and Finance
- SB02-192** by Senator(s) Thiebaut; --Concerning the landlord and tenant relationship, and, in connection therewith, enacting the "Uniform Residential Landlord and Tenant Act".
Public Policy and Planning
- SB02-193** by Senator(s) Tate, Entz; also Representative(s) Plant, Weddig--Concerning requirements for processing prescriptions.
Public Policy and Planning
- HB02-1025** by Representative(s) Romanoff, Boyd, Stafford, Tochtrop; also Senator(s) Hagedorn, Hanna, Hernandez, Linkhart--Concerning methods to address barriers to self-sufficiency in Colorado works participants.
Health, Environment, Children & Families
- HB02-1101** by Representative(s) Williams T.; also Senator(s) Gordon--Concerning family-friendly courts, and making an appropriation therefor.
Judiciary
Appropriations
- HB02-1159** by Representative(s) Berry, Stafford; also Senator(s) Reeves--Concerning the creation of the office of homeless youth services, and making an appropriation in connection therewith.
Health, Environment, Children & Families
Appropriations
- HB02-1296** by Representative(s) Stafford, Alexander, Berry, Groff, Harvey, Johnson, King, Mace, Mitchell, Rhodes, Schultheis, Spradley; also Senator(s) Perlmutter--Concerning the creation of an office of community and faith-based initiatives within the department of human services.
Judiciary
- HB02-1300** by Representative(s) Spence; also Senator(s) Evans--Concerning the preparation of teachers for licensure.
Education
- HB02-1339** by Representative(s) Cadman; also Senator(s) McElhany--Concerning measures that will address whether all accounts for alcohol beverages sold to the applicant are paid when applying for a temporary permit pending transfer of certain alcohol licenses.
Agriculture and Natural Resources
- HB02-1348** by Representative(s) Harvey; also Senator(s) Dyer--Concerning the transfer of the poison control program from the department of health care policy and financing to the department of public health and environment, and, in connection therewith, making a transfer of appropriation.
Health, Environment, Children & Families
Appropriations

HB02-1359 by Representative(s) Stafford, Coleman, Harvey, Mace, Paschall, Sanchez; also Senator(s) Linkhart--Concerning child placement in dependency or neglect actions.
 Judiciary

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INTRODUCTION OF RESOLUTIONS

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The following resolution was read by title:

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HJR02-1027 by Representative(s) Sinclair; also Senator(s) Hernandez--Concerning declaring September to be prostate cancer awareness month.

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

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SENATE SERVICES REPORT

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Senate Services To the Governor for signature on Tuesday, March 26, 2002, at 11:05 a.m.
 SB02-051; SB02-122; SB02-145.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

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The President has signed: **1022, 1059, 1087, 1127, 1145, 1169, 1181, 1235, 1279, 1280, 1286, 1283, 1156, 1308, 1366, 1367, 1368, 1369, 1370, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394.**

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MESSAGE FROM THE GOVERNOR

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

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March 15, 2002

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

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Ladies and Gentlemen:

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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

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**MEMBER OF THE
COLORADO AERONAUTICAL BOARD**

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effective March 15, 2002:

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

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Sincerely,
 (signed)
 Bill Owens
 Governor

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

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March 15, 2002

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

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Ladies and Gentlemen:

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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO AERONAUTICAL BOARD

for a term expiring December 19, 2003:

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

Sincerely,
(signed)
Bill Owens
Governor

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

Committee on Government, Veterans and Military Relations and Transportation.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Tuesday, March 26, was laid over until Wednesday, March 27, 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.**

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

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032, SB02-041, SB02-038, SB02-158, SB02-124, SBO2-036, SB02-165, SB02-166, SB02-020, SB02-004, SB02-013, SB02-146.**

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

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday, March 27, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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