

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

Seventy-second Legislative Day

Thursday, March 21, 2002

Prayer By the chaplain, Father Larry Bradford, Church of the Holy Redeemer.

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

Roll Call Present--Total, 27.
Absent/Excused--Chlouber, Evans, Lamborn, Linkhart, Musgrave, Tate, Thiebaut, Windels--Total, 8.
Present later--Chlouber, Evans, Linkhart, Tate, Thiebaut, Windels.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Wednesday, March 20, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1129** be referred favorably to the Committee on Appropriations.

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1278** be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

March 20, 2002

Mr. President:

The House has postponed indefinitely SB02-001. The bill is returned herewith.

INTRODUCTION OF BILLS--FIRST READING

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

HB02-1180 by Representative(s) Larson, Alexander, Boyd, Coleman, Groff, Madden, Paschall, Stengel; also Senator(s) Hernandez, Gordon, Taylor--Concerning the transfer of moneys from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund for the purpose of implementing a program for the deaf and hard of hearing, and making an appropriation therefor.
Health, Environment, Children & Families
Appropriations

HB02-1254 by Representative(s) Webster; also Senator(s) Reeves--Concerning the "Public Securities Information Reporting Act".
Business, Labor, and Finance

HB02-1321 by Representative(s) Crane, Daniel, Sanchez; also Senator(s) Phillips--Concerning the regulation of games of chance by the secretary of state, and making an appropriation in connection therewith.
Government, Veterans and Military Relations, and Transportation
Appropriations

HB02-1330 by Representative(s) Stengel; also Senator(s) Dyer--Concerning changes to the amount of the cash value of life insurance that is exempt from attachment by creditors.
Public Policy and Planning

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HB02-1332 by Representative(s) Harvey, Hefley, Alexander, Cadman, Clapp, Cloer, Coleman, Crane, Dean, Decker, Fairbank, Fritz, Hoppe, Jahn, Johnson, Kester, King, Lee, Mace, Miller, Mitchell, Paschall, Rhodes, Rippy, Schultheis, Scott, Sinclair, Smith, Snook, Spradley, Stafford, Stengel, Swenson, Webster, White, Williams T., Witwer, Young; also Senator(s) Musgrave--Concerning the requirement of a daily recitation of the pledge of allegiance in each public school in the state.
Judiciary

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HB02-1347 by Representative(s) Snook; also Senator(s) Hernandez--Concerning the exclusion of certain workers' compensation cash funds from the limitation on the amount of uncommitted moneys that may be retained in a cash fund.
Business, Labor, and Finance

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HB02-1357 by Representative(s) Rippy; also Senator(s) Isgar--Concerning modification of the requirements relating to notification of surface development to owners of severed mineral estates.
Agriculture and Natural Resources
Business, Labor, and Finance

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INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

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SJR02-018 by Senator(s) Isgar; also Representative(s) Stafford--Concerning the twentieth anniversary of business lending by the Colorado housing and finance authority.

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

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SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB02-016, 083.

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Correctly revised: HB02-1131, 1144, 1258.

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Correctly rerevised: HB02-1366, 1367, 1368, 1369, 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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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SR02-007**.

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

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CONSIDERATION OF RESOLUTIONS

SJR02-016 by Senator(s) Taylor, Entz, Anderson, Andrews, Cairns, Chlouber, Dyer, Evans, Hernandez, Isgar, May, Owen, Perlmutter, Thiebaut; also Representative(s) Weddig, Cadman, Decker, Miller, Paschall, Sinclair, Swenson, Witwer--Concerning the recognition of Military Appreciation Day.

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

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SJR02-016

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	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

MESSAGE FROM THE HOUSE

March 21, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1029, as printed in House Journal, March 15, page 897.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1029 by Representative(s) Larson, Alexander, Bacon, Berry, Cloer, Daniel, Dean, Fritz, Garcia, Hefley, Hoppe, Johnson, Kester, King, Lawrence, Mace, Miller, Mitchell, Paschall, Rhodes, Rippy, Sanchez, Sinclair, Smith, Snook, Spence, Spradley, Stafford, Swenson, Vigil, Webster, Weddig, Williams S., Witwer; also Senator(s) Isgar, Entz--Concerning the 25th anniversary of the Colorado Commission of Indian Affairs.

Senator Isgar moved to suspend Senate Rule 30(e).

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

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

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	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	Y	Reeves	Y		

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

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that **HB02-1141** be amended as follows and, as so amended be referred to Public Policy and Planning with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 19 through 26 and substitute the following:

""THE DEFENDANT MAY SPEND LESS TIME INCARCERATED THAN THE TERM ANNOUNCED HERE TODAY. THE ACTUAL TIME SERVED WILL BE INFLUENCED BY A NUMBER OF FACTORS INCLUDING, BUT NOT LIMITED TO, PREVIOUS CRIMINAL ACTIVITIES, ELIGIBILITY FOR EARNED TIME FOR GOOD BEHAVIOR, CORRECTIONAL EDUCATION PROGRAM EARNED TIME, CREDIT FOR TIME SERVED, OR COMMUNITY CORRECTIONS ELIGIBILITY.""

HB02-1141

Page 3, strike lines 1 through 6;

strike lines 14 through 19 and substitute the following:

"(3) (a) NOTHING IN SUBSECTION (2) OF THIS SECTION SHALL";

line 23, strike "OR (3)".

Judiciary

After consideration on the merits, the committee recommends that **HB02-1051** be referred favorably to the Committee of the Whole.

Judiciary

After consideration on the merits, the committee recommends that **HB02-1287** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 12 through 19.

Page 4, strike lines 20 through 26.

Page 5, after line 11, insert the following:

"SECTION 4. Effective date - applicability. (1) This act shall take effect January 1, 2003.

(2) This act shall apply to court orders entered on and after July 1, 2002."

Renumber succeeding section accordingly.

Judiciary

After consideration on the merits, the committee recommends that **SB02-160** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. The introductory portions to 14-10-113 (1) and (2) and 14-10-113 (3) and (4), Colorado Revised Statutes, are amended, and the said 14-10-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

14-10-113. Disposition of property. (1) In a proceeding for dissolution of marriage or in a proceeding for legal separation or in a proceeding for disposition of property following the previous dissolution of marriage by a court which at the time of the prior dissolution of the marriage lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court, SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION, shall set apart to each spouse his OR HER property and shall divide the marital property, without regard to marital misconduct, in such proportions as the court deems just after considering all relevant factors including:

(2) For purposes of this article only, AND SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION, "marital property" means all property acquired by either spouse subsequent to the marriage except:

(3) SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION, all property acquired by either spouse subsequent to the marriage and prior to a decree of legal separation is presumed to be marital property, regardless of whether title is held individually or by the spouses in some form of coownership such as joint tenancy, tenancy in common, tenancy by the entirety, and community property. The presumption of marital property DESCRIBED IN THIS SUBSECTION (3) is overcome by a showing that the property was acquired by a method listed in subsection (2) of this section.

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SB02-160

(4) SUBJECT TO THE PROVISIONS OF SUBSECTION (7) OF THIS SECTION, an asset of a spouse acquired prior to the marriage or in accordance with subsection (2) (a) or (2) (b) of this section shall be considered as marital property, for purposes of this article only, to the extent that its present value exceeds its value at the time of the marriage or at the time of acquisition if acquired after the marriage.

(7) (a) FOR PURPOSES OF SUBSECTIONS (1) TO (4) OF THIS SECTION ONLY, EXCEPT WITH RESPECT TO GIFTS OF NONBUSINESS TANGIBLE PERSONAL PROPERTY, GIFTS FROM ONE SPOUSE TO ANOTHER, WHETHER IN TRUST OR NOT, SHALL BE PRESUMED TO BE MARITAL PROPERTY AND NOT SEPARATE PROPERTY. THIS PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE.

(b) FOR PURPOSES OF SUBSECTIONS (1) TO (4) OF THIS SECTION ONLY, "PROPERTY" AND "AN ASSET OF A SPOUSE" SHALL NOT INCLUDE ANY INTEREST A PARTY MAY HAVE AS AN HEIR AT LAW OF A LIVING PERSON OR ANY INTEREST UNDER ANY DONATIVE THIRD PARTY INSTRUMENT WHICH IS AMENDABLE OR REVOCABLE, INCLUDING BUT NOT LIMITED TO THIRD-PARTY WILLS, REVOCABLE TRUSTS, LIFE INSURANCE, AND RETIREMENT BENEFIT INSTRUMENTS, NOR SHALL ANY SUCH INTERESTS BE CONSIDERED AS AN ECONOMIC CIRCUMSTANCE OR OTHER FACTOR.

(c) (I) THE PROVISIONS OF THIS SUBSECTION (7) SHALL APPLY TO ALL CAUSES OF ACTION FILED ON OR AFTER JULY 1, 2002. THE PROVISIONS OF THIS SUBSECTION (7) SHALL ALSO APPLY TO ALL CAUSES OF ACTION FILED BEFORE SAID DATE IN WHICH A FINAL PROPERTY DISPOSITION ORDER CONCERNING MATTERS AFFECTED BY THIS SUBSECTION (7) WAS NOT ENTERED PRIOR TO JULY 1, 2002.

(II) FOR PURPOSES OF THIS PARAGRAPH (C), "FINAL PROPERTY DISPOSITION ORDER" MEANS A PROPERTY DISPOSITION ORDER FOR WHICH THE TIME TO APPEAL HAS EXPIRED OR FOR WHICH ALL PENDING APPEALS HAVE BEEN FINALLY CONCLUDED.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Judiciary

After consideration on the merits, the committee recommends that **HB02-1225** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 10, after line 14, insert the following:

"SECTION 13. 20-1-111 (1) and (3), Colorado Revised Statutes, are amended to read:

20-1-111. District attorneys may cooperate or contract - contents. (1) District attorneys may cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting district attorneys, including the sharing of costs AND THE ADMINISTRATION AND DISTRIBUTION OF MONEYS RECEIVED FOR MANDATED COSTS.

(3) Any such contract may provide for the joint exercise of the function or service, including the establishment of a separate legal entity to do so. THE DISTRICT ATTORNEYS MAY ALLOCATE UP TO FIVE PERCENT OF THE MONEYS RECEIVED FOR MANDATED COSTS AUTHORIZED BY THE GENERAL ASSEMBLY FOR ADMINISTRATIVE EXPENSES."

Renumber succeeding sections accordingly.

Government, Veterans and Military Relation, and Transportation

After consideration on the merits, the committee recommends that **HB02-1245** be referred favorably to the Committee on Education.

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Government,
Veterans and
Military
Relations and
Transportation

After consideration on the merits, the committee recommends that **HB02-1269** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 20, after "(5)", insert "(a)";
after line 27, insert the following:

"(b) PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL NOT APPLY IF THE DEPARTMENT RECEIVES WRITTEN NOTIFICATION FROM THE APPLICABLE FEDERAL AUTHORITY THAT THE PROPOSED ADVERTISING DEVICE TO BE REMODELED AND RELOCATED WILL DIRECTLY CAUSE THE REPAYMENT OR DENIAL OF FEDERAL MONEYS THAT WOULD OTHERWISE BE AVAILABLE OR WOULD OTHERWISE BE INCONSISTENT WITH FEDERAL LAW, BUT ONLY TO THE EXTENT NECESSARY TO PREVENT THE REPAYMENT OR DENIAL OF THE MONEYS OR TO ELIMINATE THE INCONSISTENCY WITH FEDERAL LAW."

Government,
Veterans and
Military
Relations and
Transportation

After consideration on the merits, the committee recommends that **HB02-1146** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 18, strike "DATA," and substitute "PERSONALLY IDENTIFIABLE INFORMATION,".

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB02-1139** be amended as follows and, as so amended be referred to the Committee on Judiciary with favorable recommendation.

Amend reengrossed bill, page 8, strike lines 8 through 19 and substitute the following:

"28-3-506. Discrimination against employment - penalty.
(1) (a) No person shall discriminate against any officer or enlisted ~~man~~ PERSON of the military forces of the state because of ~~his~~ THE OFFICER OR ENLISTED PERSON'S membership therein.

(b) No employer or officer or agent of any corporation, company, or firm or other person shall:

(I) Refuse to hire any person for or discharge any person from employment because of ~~his being~~ THE PERSON'S STATUS AS an officer or enlisted ~~man~~ PERSON of the military forces of the state; or

(II) Hinder or prevent ~~him~~ THE PERSON from performing any military service he OR SHE may be called upon to perform by proper authority; or

(III) Dissuade any person from enlistment in the said national guard by threat or injury to ~~him~~ SUCH PERSON, if he OR SHE so enlists, in respect to ~~his~~ THE PERSON'S employment, trade, or business.

(2) Any person violating any of the provisions of SUBSECTION (1) OF this section is guilty of a".

Page 9, line 5, after "damages", insert "AND REASONABLE ATTORNEY FEES";

line 6, strike "relief as is" and substitute "relief AND REASONABLE ATTORNEY FEES as ~~is~~ ARE".

Business,
Labor and
Finance

After consideration on the merits, the committee recommends that **HB02-1176** be referred favorably to the Committee on Appropriations.

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Business, Labor and Finance After consideration on the merits, the committee recommends that **HB02-1160** be referred favorably to the Committee on Appropriations.

Business, Labor and Finance After consideration on the merits, the committee recommends that **HB02-1013** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor and Finance After consideration on the merits, the committee recommends that **HB02-1354** be postponed indefinitely.

Business, Labor and Finance After consideration on the merits, the committee recommends that **HB02-1334** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor and Finance After consideration on the merits, the committee recommends that **HB02-1014** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 8, strike "THE SOCIAL SECURITY NUMBER" and substitute "SOCIAL SECURITY NUMBERS";

line 9, strike "COPY" and substitute "RECORDS";

line 10, after "OFFICE", insert "ON OR AFTER APRIL 6, 1989, AND";

line 12, strike "THE INCLUSION OF A SOCIAL SECURITY NUMBER";

strike line 13 and substitute the following:

"THAT ANY SUCH FINANCING STATEMENT CONTAIN A SOCIAL SECURITY NUMBER.";

line 16, after "RENDERED", insert "INSUFFICIENT OR";

line 18, strike "NOT RETAIN ANY ORIGINAL" and substitute "RETAIN AN";

line 19, strike "COPY" and substitute "RECORD";

line 20, strike "SHALL OVERWRITE ANY SUCH COPY WITH AN".

Page 3, strike lines 1 and 2 and substitute the following:

"SUCH A RECORD SHALL BE OPEN FOR INSPECTION, AND COPIES OR PRINTOUTS OF THE RECORD OR INFORMATION FROM THE RECORD SHALL BE FURNISHED ONLY UPON APPLICATION TO THE SECRETARY OF STATE AND ONLY FOR GOOD CAUSE SHOWN NOTWITHSTANDING ANY PROVISION OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S., OR ANY OTHER PROVISION OF LAW.".

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

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.

Business,
Labor and
Finance

After consideration on the merits, the committee recommends that **HB02-1320** be postponed indefinitely.

MESSAGE FROM THE HOUSE

March 21, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB02-141, amended as printed in House Journal, March 20, page 933. SB02-041, amended as printed in House Journal, March 20, pages 933-934.

March 21, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1031, as printed in House Journal, March 20, page 941.

The House has adopted and returns herewith SJR02-012.

THIRD READING--FINAL PASSAGE OF BILLS

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

SB02-016

by Senator(s) Takis, Anderson, Windels; also Representative(s) Hoppe, Snook, Veiga-- Concerning screening of certain persons for mental illness.

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	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	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hanna, Linkhart, Nichol, Tate, Tupa.

SB02-083

by Senator(s) Takis, Phillips; also Representative(s) Hodge, Coleman--Concerning required continuing education for electricians as a prerequisite for the renewal of a license.

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Anderson	N	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	N
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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Fitz-Gerald, Hanna, Nichol, Tate, Thiebaut, Tupa, Windels.

HB02-1131 by Representative(s) Hodge; also Senator(s) Takis--Concerning the qualifications required of an applicant before a special license plate may be issued.

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

HB02-1144 by Representative(s) Daniel, Boyd, Garcia, Jahn, Romanoff; also Senator(s) Arnold--Concerning restrictions on credit card receipts.

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Fitz-Gerald, Hanna, Isgar, Nichol, Tate, Taylor, Teck, Tupa.

HB02-1258 by Representative(s) Marshall; also Senator(s) Anderson--Concerning increased protections for victims of identity theft, and, in connection therewith, prohibiting the processing of credit report entries that are based on identity theft and expediting judicial determinations concerning identity theft.

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	E	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	E	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, Arnold, Dyer, Entz, Epps, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Matsunaka, Nichol, Pascoe, Phillips, Takis, Tate, Teck, Thiebaut, Tupa, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills Consent Calendar (**HB02-1335, HB02-1224, HB02-1064**) of Thursday, March 21, was laid over until Monday, March 25, retaining its place on the calendar.

Committee of the Whole

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

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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:

HB02-1078

by Representative(s) Vigil; also Senator(s) Tupa--Concerning the regulation of boxing in Colorado.

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

(Printed in Senate Journal, March 8, pages 434-435 and placed in members' bill file.)

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

HB02-1208

by Representative(s) Stengel; also Senator(s) Phillips--Concerning compliance with federal law in the imposition of a sales tax in the state on mobile telecommunications service.

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

HB02-1211

by Representative(s) Williams T., Coleman, Scott, Vigil; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the timely issuance of a final determination by the executive director of the department of revenue following a hearing on a dispute between a taxpayer and the state involving a state tax deficiency.

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".

Amendment No. 1, Business, Labor, and Finance Committee Amendment.

(Printed in Senate Journal, March 15, page 472 and placed in members' bill file.)

As amended, laid over to follow HB02-1163 on the Calendar.

SB02-071

by Senator(s) Windels; also Representative(s) Jahn--Concerning the implementation of consumer satisfaction surveys to determine the level of satisfaction among nursing facility residents.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, February 1, page 129 and placed in members' bill file.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 18, page 492-493 and placed in members' bill file.)

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

SB02-167

by Senator(s) Windels, Pascoe; also Representative(s) Swenson--Concerning the 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 in order to raise revenue for a mass transportation system that is designed to be compatible with established transportation plans.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, March 18, page 493 and placed in members' bill file.)

Amendment No. 2(L.004), by Senator Windels.

Amend printed bill, page 2, line 7, strike "DESIGNED TO BE COMPATIBLE" and substitute "COORDINATED".

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

SB02-087

by Senator(s) Evans, Entz, Pascoe, Taylor; also Representative(s) Miller--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 watershed protection fund.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, March 18, page 494-495 and placed in members' bill file.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders Second Reading of Bills Calendar (**HB02-1042, HB02-1179, HB02-1089, HB02-1079, HB02-1250, HB02-1164, HB02-1163, HB02-1191** as amended, **HB02-1130, HB02-1091, SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101, SB02-175, SB02-068, SB02-090, SB02-156, SB02-098**)of Thursday, March 21, was laid over until Friday, March 22, retaining its place on the calendar.

ROLL CALL ON SB02-167

SB02-167

by Senator(s) Windels, Pascoe; also Representative(s) Swenson--Concerning the 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 in order to raise revenue for a mass transportation system that is designed to be compatible with established transportation plans.

Upon request of Senator May, a roll call vote was taken with the following result:

YES	22	NO	11	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
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	E	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Nichol, 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: **HB02-1078** as amended, **HB02-1208, HB02-1211, SB02-071** as amended, **SB02-167** as amended, **SB02-087** as amended.

Laid over until Friday, March 22: **HB02-1042, HB02-1179, HB02-1089, HB02-1079, HB02-1250, HB02-1164, HB02-1163, HB02-1191** as amended, **HB02-1130, HB02-1091, SB02-073, SB02-089, SB02-042, SB02-142, SB02-133, SB02-157, SB02-101, SB02-175, SB02-068, SB02-090, SB02-156, SB02-098.**

MESSAGE FROM THE HOUSE

March 21, 2002

Mr. President:

The House has postponed indefinitely SB02-131. The bill is returned herewith.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02-141 and 041.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02-051

by Senator(s) Windels; also Representative(s) Spence--Concerning changing the charter school application deadline.

Senator Windels moved that the Senate concur in House amendments to **SB02-051**, as printed in House Journal, March 8, page 765. The motion was **passed** by the following roll call vote:

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	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	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SCR02-001

by Senator(s) Owen, Fitz-Gerald, Hagedorn, Isgar; also Representative(s) Williams T., Miller, Spradley--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XI of the constitution of the state of Colorado, concerning the authorization for local governments to become a partner with a public or private entity in the provision of health care services, and, in connection therewith, authorizing a local government to become a subscriber, member, or shareholder in or a joint owner with any person or company, public or private, in order to provide such health care without incurring debt.

Senator Owen moved that the Senate concur in House amendments to **SCR02-001**, as printed in House Journal, March 18, pages 900-901. The motion was **passed** by the following roll call vote:

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SCR02-001

YES	30	NO	3	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	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	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-145

by Senator(s) Owen; also Representative(s) Kester--Concerning retirement incentives to retain qualified teachers in the state, and, in connection therewith, establishing a post-retirement teaching incentive plan for public school teachers.

Senator Owen moved that the Senate concur in House amendments to **SB02-145**, as printed in House Journal, March 19, page 918. The motion was **passed** by the following roll call vote:

YES	31	NO	2	EXCUSED	2	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	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Anderson	N	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	N	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-041

by Senator(s) Thiebaut; also Representative(s) Lawrence--Concerning local regulation of hazardous waste sites, and, in connection therewith, expanding the "State Hazardous Waste Incinerator Siting Act" to include all hazardous waste processors.

Senator Thiebaut moved that the Senate concur in House amendments to **SB02-041**, as printed in House Journal, March 20, page 933-934. The motion was **passed** by the following roll call vote:

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02-041

YES	29	NO	4	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	N
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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Entz, Hernandez, Nichol.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1031 by Representative(s) Spradley; also Senator(s) Thiebaut--Concerning Single Parents' Day.

Senator Thiebaut moved to suspend Senate Rule 30(e).

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

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

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	E	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	E	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Thursday, March 21, was laid over until Friday, March 22, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-008, SJR02-017.**

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

Consideration of House Amendments to Senate Bills: **SB02-113, SB02-114, SB02-032.**

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

Consideration of Governor's Appointments:

State Board of Parole

Water Quality Control Commission

Colorado Agriculture Development Authority Board of Directors

State Electrical Board

Colorado Lottery Commission

Board of Trustees for the University of Northern Colorado

Colorado State Fair Authority Board of Commissioners

Colorado Aeronautical Board

Colorado Board of Veterans Affairs

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, March 22, 2002.

Attest:.

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate