

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

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One-hundred-fifth Legislative Day

Tuesday, April 23, 2002

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Prayer By the chaplain, Father Dennis Woerter, St. Dominic Catholic Parish.

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

Roll Call Present--Total, 30.  
Absent/Excused--Arnold, Dyer, Evans, Perlmutter, Phillips--Total, 5.  
Present later--Arnold, Dyer, Evans, Perlmutter, Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Taylor, reading of the Journal of Monday, April 22, was dispensed with and the Journal was approved as corrected by the Secretary.

**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:

**SB02-191** by Senator(s) Thiebaut; also Representative(s) Garcia--Concerning unemployment insurance benefits.

Laid over until later in the day, April 23.

**SB02-208** by Senator(s) Hernandez; --Concerning the regulation of home inspectors, and making an appropriation therefor.

Laid over until Wednesday, April 24, retaining its place on the calendar.

**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.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	N
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	N	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	E	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	N		

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

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Entz, Epps, Fitz-Gerald, Gordon, Isgar, Lamborn, McElhany, Musgrave, Pascoe, Phillips, Teck.

**HB02-1300** by Representative(s) Spence; also Senator(s) Evans--Concerning the preparation of teachers for licensure.

Laid over until later in the day, April 23.

**HB02-1353** by Representative(s) Mitchell, Boyd, Chavez, Cloer, Jahn, Johnson, Lawrence, Miller, Ragsdale, Snook, Tochtrop; also Senator(s) Hanna, Dyer, Isgar, Pascoe, Tate--Concerning requirements for the retroactive adjustment of health care claims.

**HB02-1353** 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	E	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: Epps, Fitz-Gerald, Hagedorn, Hernandez, Phillips.

**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.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hillman, Nichol.

**HB02-1232** by Representative(s) Witwer; also Senator(s) Hanna--Concerning an increase in the amounts of fees relating to inspection of machines that are sources of ionizing radiation.

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

YES	33	NO	2	EXCUSED	0	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	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	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**.

**HB02-1098** by Representative(s) Spradley; also Senator(s) Owen--Concerning a requirement that any donation of a perpetual conservation easement for which a credit against state income tax is claimed be eligible to qualify as a qualified conservation contribution pursuant to requirements specified in the federal internal revenue code.

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

**HB02-1098**

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Taylor.

**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.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Entz, Evans, Fitz-Gerald, Hanna, Hernandez, Matsunaka, Owen, Pascoe, Taylor, Teck, Tupa.

**HB02-1165**

by Representative(s) Chavez; also Senator(s) Tate--Concerning the establishment of an independent governing board for Metropolitan state college of Denver.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	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, Hagedorn, Hanna, Hernandez, Nichol, Pascoe, Tupa, Windels.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Third Reading--Final Passage of Bills: **SB02-191** and **HB02-1300**.

**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:

**SB02-191** by Senator(s) Thiebaut; also Representative(s) Garcia--Concerning unemployment insurance benefits.

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

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Chlouber, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Matsunaka, Nichol, Pascoe, Phillips, Tate, Tupa.

**HB02-1300** by Representative(s) Spence; also Senator(s) Evans--Concerning the preparation of teachers for licensure.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

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: **SB02-168** and **SB02-185**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB02-168** by Senator(s) Thiebaut; also Representative(s) Smith--Concerning the revision of antiquated statutes concerning the death of a human being.

Senator Theibaut moved that the Senate concur in House amendments to **SB02-168**, as printed in House Journal, April 19, page 1458. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

**SB02-168**

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

**SB02-185**

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

Senator Reeves moved that the Senate concur in House amendments to **SB02-185**, as printed in House Journal, April 19, page 1458. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer, Epps, Evans, Hanna, Hernandez, Pascoe, Tupa.

**MESSAGE FROM THE HOUSE**

April 23, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1052, as printed in House Journal, April 12, pages 1292-1294.

The House has postponed indefinitely SB02-189. The bill is returned herewith.

**INTRODUCTION AND CONSIDERATION OF RESOLUTIONS**

**HJR02-1052**

by Representative(s) Johnson, Bacon, Fritz, Harvey, Jameson, Plant, Rippey, Snook, Spence, Tapia, Webster, Young; also Senator(s) Reeves--Concerning honoring the intercollegiate athletics program at Colorado State University.

**HJR02-1052** Senator Reeves 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 Reeves, the resolution was read at length and **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

**COMMITTEE OF REFERENCE REPORTS**

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB02-190** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 11, strike "UNCONTROLLED" and substitute "ACTUAL EMISSIONS OR ACTUAL".

Page 6, after line 3, insert the following:

**"SECTION 4.** 25-7-114.7 (2) (a) (VI), Colorado Revised Statutes, is amended to read:

**25-7-114.7. Emission fees - fund.** (2) (a) (VI) Notwithstanding subparagraph (III) of this paragraph (a), the division shall not assess a fee for work performed to negotiate a voluntary agreement under part 12 of this article above a maximum of ~~one~~ TWO hundred FIFTY hours at a rate of fifty-nine dollars and ninety-eight cents per hour unless the owner or operator proposing the voluntary agreement consents to a greater fee in writing."

Renumber succeeding sections accordingly.

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **SB02-207** be referred favorably to the Committee on Appropriations.

Agriculture  
and Natural  
Resources

After consideration on the merits, the committee recommends that **HB02-1414** be referred favorably to the Committee on Appropriations.

Judiciary

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

**JUVENILE PAROLE BOARD**

for terms expiring at the pleasure of the Governor:

Jacklyne A. Herbst of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of David C. Pimentel and to serve as a public member, appointed;

Edward L. Arcuri, III of Monument, Colorado, to fill the vacancy occasioned by the resignation of Michael T. Jones and to serve as a representative of the Department of Labor and Employment, appointed.

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Judiciary After consideration on the merits, the committee recommends that **HB02-1359** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 22, strike "shall" and substitute "~~shall~~ MAY".

Page 5, line 3, after "relationship.", insert "IN DETERMINING THE BEST INTERESTS OF THE CHILD, THE COURT SHALL CONSIDER ALL RELEVANT FACTORS, INCLUDING BUT NOT LIMITED TO THE IMPACT ON THE CHILD'S EMOTIONAL WELL-BEING IF THE CHILD WERE TO BE REMOVED FROM A CAREGIVER WITH WHOM THE CHILD HAS DEVELOPED A STRONG ATTACHMENT.";

line 15, strike "HOME," and substitute "HOME IF RETURNING THE CHILD TO THE CHILD'S HOME IS NO LONGER THE PERMANENT PLAN,";

line 24, strike "THE PERIODIC REVIEW," and substitute "A PERIODIC REVIEW FOLLOWING THE INITIAL PERMANENCY HEARING,".

Page 6, line 22, strike "PARENTS," and substitute "CHILD'S RELATIVES,";

line 24, strike "SIGNIFICANCE TO THE FAMILY OF CONTINUING" and substitute "IMPORTANCE FOR THE CHILD TO MAINTAIN CONTINUITY OF".

Judiciary After consideration on the merits, the committee recommends that **HB02-1296** be postponed indefinitely.

Judiciary After consideration on the merits, the committee recommends that **HB02-1054** be referred favorably to the Committee on Appropriations.

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

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

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

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

Amendment No. 1(L.014), by Senator Taylor.

Amend reengrossed bill, page 2, after line 18, insert the following:

"(A) ANY PERSON EMPLOYED BY ANY ORGANIZATION THAT IS ADDED TO THE DEFINITION OF "PEACE OFFICER, LEVEL I," ON OR AFTER JANUARY 1, 2002, SHALL NOT BE A "PEACE OFFICER, LEVEL I," UNTIL SUCH TIME THAT THE PEACE OFFICERS STANDARDS AND TRAINING BOARD VERIFIES THAT SUCH PERSON IS CERTIFIED PURSUANT TO SECTION 24-31-305, C.R.S. THE ORGANIZATION THAT EMPLOYS SUCH PERSON SHALL SUBMIT HIS OR HER NAME TO THE BOARD IN ORDER TO ALLOW THE BOARD TO CONDUCT SUCH VERIFICATION. NOTHING IN THIS SUB-SUBPARAGRAPH (A) SHALL APPLY TO ANY PERSON EMPLOYED BY AN ORGANIZATION THAT WAS LISTED IN THE DEFINITION OF "PEACE OFFICER, LEVEL I," PRIOR TO JANUARY 1, 2002.

(B) ANY PERSON EMPLOYED BY ANY ORGANIZATION THAT IS ADDED TO THE DEFINITION OF "PEACE OFFICER, LEVEL I," ON OR AFTER JANUARY 1, 2002, SHALL BE REQUIRED TO COMPLETE A MINIMUM OF FORTY HOURS OF CONTINUING LAW ENFORCEMENT EDUCATION PER YEAR, OR SUCH NUMBER OF HOURS OTHERWISE REQUIRED BY LAW, IN ORDER TO CONTINUE TO BE CLASSIFIED AS "PEACE OFFICER, LEVEL I". NOTHING IN THIS SUB-SUBPARAGRAPH (B) SHALL APPLY TO ANY PERSON EMPLOYED BY

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**HB02-1313**

AN ORGANIZATION THAT WAS LISTED IN THE DEFINITION OF "PEACE OFFICER, LEVEL I," PRIOR TO JANUARY 1, 2002."

Page 4, after line 4, insert the following:

**"SECTION 3.** 24-31-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-31-303. Duties - powers of the P.O.S.T. board - repeal.**

(6) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE CURRENT LEVELS OF PEACE OFFICER ESTABLISHED PURSUANT TO SECTION 18-1-901, C.R.S. NEED TO BE REEVALUATED TO ENSURE THAT PERSONS IN EACH CATEGORY ARE PROPERLY CATEGORIZED. ACCORDINGLY, THE P.O.S.T. BOARD SHALL REEVALUATE SUCH CURRENT LEVELS OF PEACE OFFICER, TO THE EXTENT THAT SUCH REEVALUATION IS POSSIBLE WITHIN ITS CURRENT BUDGET, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ABOUT ANY PROPOSED CHANGES TO CHANGE SUCH LEVELS. SUCH RECOMMENDATIONS SHALL BE MADE ON OR BEFORE FEBRUARY 1, 2003.

(b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2003."

Renumber succeeding sections accordingly.

Amendment No. 2(L.011), by Senator Thiebaut.

Amend reengrossed bill, page 2, line 8, strike "OR".

Senator Hillman requested a revised fiscal note under Senate rule 25(e).

As amended, laid over until Wednesday, April 24, retaining its place on the calendar.

**HB02-1101**

by Representative(s) Williams T.; also Senator(s) Gordon--Concerning family-friendly courts, and making an appropriation therefor.

Laid over until Wednesday, April 24, 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.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.  
(Printed in Senate Journal, February 15, page 264-265 and placed in members' bill file.)

Amendment No. 2(L.009), by Senator Philips.

Amend the Business, Labor, and Finance Committee Report, dated February 13, 2002, page 1, after line 10, insert the following:

"line 18, after "INFORMATION", insert "SPECIFICALLY REQUIRED TO BE DISCLOSED PURSUANT TO SUBSECTION (1) OF THIS SECTION";".

Page 2 of the committee report, line 11, strike "SECTION" and substitute "ARTICLE";

line 18, strike "SHALL" and substitute "SHALL, UPON REQUEST OF THE CONSUMER,";

line 19, strike "WITHIN THREE BUSINESS DAYS" and substitute "AS SOON AS PRACTICABLE AND REASONABLE, BUT IN A PERIOD NOT TO EXCEED THIRTY DAYS";

line 21, strike "ANY INFORMATION DESCRIBED IN" and substitute "THE INFORMATION SPECIFICALLY REQUIRED TO BE DISCLOSED PURSUANT TO";

line 22, strike "12-14.3-104.3, C.R.S.," and substitute "12-14.3-104.3(1), C.R.S., IN SUCH FORM AS";

line 23, strike "C.R.S." and substitute "C.R.S. THE CREDITOR MAY CHARGE A REASONABLE FEE FOR MAKING SUCH INFORMATION AVAILABLE TO THE CONSUMER AND SUCH CHARGE SHALL BE AN ADDITIONAL CHARGE WITHIN THE MEANING OF SECTION 5-2-202 AND NOT PART OF THE FINANCE

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**SB02-089**

CHARGE.";

line 11, strike "PROVIDED" and substitute "SPECIFICALLY REQUIRED TO BE DISCLOSED PURSUANT TO SECTION 12-14.3-104.3 (1), C.R.S.:";

strike lines 12 through 16 and substitute the following:

"(II) DISCLOSE ANY INFORMATION OTHER THAN THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (2) OF THIS SECTION;"

line 24, strike "C.R.S., OR" and substitute "C.R.S.";

line 25, strike "OTHER PERSON.";

line 28 of the committee report, strike "THE." and substitute "THE";

after line 28 of the committee report, insert the following:

"line 18, strike "2002," and substitute "2003," and strike "in transactions";

strike line 19 and substitute the following:

"for applications for consumer loans secured by a dwelling on or after said date.".

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 of Tuesday, April 23, (**HB02-1310, HB02-1338, HB02-1180, HB02-1129, SB02-193, SB02-195, SB02-171, SB02-204, SB02-184, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173**) was laid over until Wednesday, April 24, retaining its place on the calendar.

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

On motion of Senator Takis, 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: **SB02-089** as amended.

Laid over until Wednesday, April 24: **HB02-1313** as amended, **HB02-1101, HB02-1310, HB02-1338, HB02-1180, HB02-1129, SB02-193, SB02-195, SB02-171, SB02-204, SB02-184, SB02-157, SB02-080, SB02-042, HB02-1084, HB02-1324, HB02-1339, HB02-1173**.

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### **MESSAGE FROM THE HOUSE**

April 23, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB02-1411**.

The House has passed on Third Reading and transmitted to the Revisor of Statutes **HB02-1410**, amended as printed in House Journal, April 22, pages 1491-1493, and amended on Third Reading, April 23. **HB02-1395**, amended as printed in House Journal, April 22, page 1494.

The House has voted not to concur in the Senate amendments to **HB02-1349** and requests that a conference committee be appointed. The Speaker has appointed Representatives King, chairman, Spence, and Mace as House conferees on the First Conference Committee on **HB02-1349**. The bill is transmitted herewith.

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The House has voted not to concur in the Senate amendments to HB02-1246 and requests that a conference committee be appointed. The Speaker has appointed Representatives King, chairman, Spence, and S. Williams as House conferees on the First Conference Committee on HB02-1246. The bill is transmitted herewith.

The House has voted to authorize the House conferees on the First Conference Committee on SB02-113 to consider matters not at issue between the two houses.

The House has voted to authorize the House conferees on the First Conference Committee on HB02-1420 to consider matters not at issue between the two houses.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB02-216, 217, 218, 219, 220, 221.

Correctly engrossed: SR02-013.

Correctly revised: HB02-1098, 1160, 1165, 1186, 1232, 1300, 1321, 1353; HJR02-1056.

Correctly rerevised: HB02-1036, 1090, 1119, 1152, 1159, 1306.

Correctly enrolled: SB02-013.

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: SR02-011.

CONSIDERATION OF RESOLUTIONS

SR02-011

by Senator(s) Matsunaka, Thiebaut, Perlmutter, Tupa--Concerning the restoration of funding for state family planning services.

On motion of Senator Matsunaka, the resolution was adopted by the following roll call vote:

Table with 4 columns: YES, NO, EXCUSED, ABSENT and 8 rows of names and their corresponding votes.

Co-sponsors added: Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Pascoe, Phillips, Takis, Tate, Windels.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the committee recommends that HB02-1290 be referred favorably to the Committee on Appropriations.

MESSAGE FROM THE HOUSE

April 23, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1038, as printed in House Journal, April 5, page 1175.

**CONFERENCE COMMITTEE GRANTED FURTHER POWERS**

**HB02-1420**

by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen--  
Concerning the provision for payment of the expenses of the executive, legislative, and  
judicial departments of the state of Colorado, and of its agencies and institutions, for and  
during the fiscal year beginning July 1, 2002, except as otherwise noted.

Senator Reeves moved that the Senate Conferees on the First Conference Committee on  
**HB02-1420** be given the powers to go beyond the scope of the differences between the  
two Houses.

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

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, April 23, was laid over  
until Wednesday, April 24, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015,  
HJR02-1021, SJR02-013, SR02-008, HJR02-1027, SR02-009, HJR02-1035, SJR02-  
023, SJR02-025, SJR02-026, SR02-010, SJR02-035, SR02-014, SJR02-036, SJR02-  
037, SJR02-038, SJR02-040, SJR02-041.**

Consideration of House Amendments to Senate Bills: **SB02-141, SB02-136, SB02-161.**

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

Consideration of Governor's Appointments:

- State Board of Parole
- Transportation Commission
- Examining Board of Plumbers

Consideration of Conference Committee Reports: **HB02-1131, HB02-1061.**

On motion of Senator Theibaut, the Senate adjourned until 9:30 a.m., Wednesday, April  
24, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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