

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

Twenty-fourth Legislative Day Friday, February 2, 2001

- Prayer By the chaplain, Father Michael Sheeran, President, Regis University.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--Total, 28.
Absent/Excused--Evans, Linkhart, McElhany, Musgrave, Perlmutter, Phillips, Windels--
Total 7.
Present later--Evans, Linkhart, McElhany, Phillips, Windels.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Fitz-Gerald, reading of the Journal of Thursday, February 1, 2001, was dispensed with and the Journal stands approved as corrected by the Secretary.

MESSAGE FROM THE GOVERNOR

- Appointments Letter of designation and appointment from Governor Owens was read and assigned to the Committee as follows:

January 11, 2001

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

Ladies and Gentlemen:
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:

MEMBERS OF THE
JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Arti W. Jackson of Golden, Colorado, to fill the vacancy occasioned by the resignation of David C. Pimentel and to serve as a representative of the Department of Education, appointed;

Michael Thomas Jones of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael J. McArdle and to serve as a representative of the Department of Labor and Employment, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd: 1/24/01
H. Horvath, Assist. to the Secretary

Committee on Judiciary.

COMMITTEE OF REFERENCE REPORT

The committee recommends the following:

Government, Veterans and Military Relations, and Transportation	The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointment be confirmed.	1 2 3 4 5 6 7 8 9 10
	<div>MEMBER OF THE FIRE AND POLICE PENSION ASSOCIATION</div>	11 12 13 14 15 16 17 18 19 20
	for a term expiring September 1, 2003:	21
	Leo J. Johnson of Littleton, Colorado, to serve as a representative of a special district and as a Republican, appointed;	22 23 24
	John M. Bramble of Brighton, Colorado, to serve as a municipal employer representative and as an Unaffiliated, appointed;	25 26 27
	for terms expiring September 1, 2004:	28
	L. Kristine Gardner of Glenwood Springs, Colorado, to serve as a representative of the state's financial community with experience in investments and as a Republican, reappointed;	29 30 31 32 33
	Edward Lujan, Jr. of Littleton, Colorado, to serve as a full-time paid police officer representative and as an Unaffiliated, reappointed.	34 35 36 37 38 39
Committee of the Whole	On motion of Senator Hernandez, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Hernandez was called to the Chair to act as Chairman.	40 41 42 43 44 45 46 47 48 49 50 51 52 53 54
	<div>GENERAL ORDERS--SECOND READING OF BILLS</div>	55
	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:	56 57 58 59 60 61 62 63 64 65 66
SB01-001	by Senator Hernandez--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.	67 68 69
	Laid over until Monday, February 5, 2001, retaining its place on the calendar.	70 71 72
SB01-044	by Senator Dennis; also Representative Snook--Concerning the continuation of an augmentation requirement for new withdrawals of groundwater affecting the San Luis valley confined aquifer system.	73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100
	<div>Amendment No. 1, Agriculture and Natural Resources Committee Amendment (Printed in Senate Journal, January 18, 2001, page 50.)</div>	101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200
	As amended, ordered engrossed and placed on the Calendar for Third Reading and Final Passage.	201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300
SB01-003	by Senator Hillman; also Representative Kester--Concerning the exemption of school buses from constraints generally applicable to commercial vehicles.	301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400
	Laid over until Monday, February 5, 2001, retaining its place on the calendar.	401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500
SB01-080	by Senator Tate--Concerning the prevention of bullying.	501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600
	<div>Amendment No. 1, Education Committee Amendment. (Printed in Senate Journal, January 26, 2001, page 98.)</div>	601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700
	<div>Amendment No. 2, Senator Tate.</div>	701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800
	Amend printed bill, page 3, strike line 18 and substitute "ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO CAUSE DISTRESS";	801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900
	line 19, strike "REASONABLE FEAR OF INJURY OR VIOLENCE";	901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000
	line 22, after the period, add "THE SCHOOL DISTRICT'S POLICY SHALL	1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100

SB01-080

INCLUDE A REASONABLE BALANCE BETWEEN THE PATTERN AND THE SEVERITY OF SUCH BULLYING BEHAVIOR."

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

SB01-118

by Senators Hernandez, Epps and Hagedorn—Concerning the regulation of direct-entry midwives, and, in connection therewith, continuing the regulation of direct-entry midwives by the division of registrations in the department of regulatory agencies.

Laid over until Monday, February 5, 2001, retaining its place on the calendar.

SB01-051

by Senator Tupa—Concerning presidential electors, and, in connection therewith, specifying the selection and voting requirements of presidential electors in the state.

Laid over until Friday, February 9, 2001, retaining its place on the calendar.

SB01-103

by Senator Dyer (Durango)—Concerning conflict of interest requirements for members of the oil and gas conservation commission.

Laid over until Monday, February 5, 2001, retaining its place on the calendar.

SB01-116

by Senators Hillman, Chlouber, Dyer (Durango), Hagedorn, Hanna, Musgrave and Phillips; also Representative Johnson—Concerning regulation of veterinary medicine, and, in connection therewith, continuing the state board of veterinary medicine.

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

SB01-082

by Senators Matsunaka, Fitz-Gerald, Tupa and Windels; also Representative Spence-- Concerning the implementation of section 17 of article IX of the state constitution.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 26, 2001, page 91-98.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, January 31, 2001, page 140-142.)

Amendment No. 3, Senator Matsunaka.

Amend the Education Committee amendment, as printed in Senate Journal, January 26, page 93, strike line 1 and substitute the following:

"line 15, strike "22-55-108 (4) (e);" and substitute "22-55-107 (4) (c);";".

Page 94, after line 21, insert the following:

"line 6, strike "OR BOTH," and substitute "ANY OTHER STATE FUND, OR SOME COMBINATION THEREOF,";".

Page 96, line 13, strike the second "SCHOOLS";" and substitute "SCHOOLS MADE PURSUANT TO";";

line 26, strike "**incentives - funding from accountable**" and substitute "**incentives.**";

line 27, strike "**education reform fund - creation of fund.**".

Amend the Appropriations Committee amendment, as printed in Senate Journal, January 31, page 142, strike line 35 and substitute the following:

"implementation of this act.".

Renumber succeeding sections accordingly.".

Amendment No. 4, Senator Arnold.

Amend the Education Committee amendment, as printed in Senate Journal, January 26, page 96, line 49, strike "OR";

line 51, strike "REPORTING." and substitute "REPORTING; OR";

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after line 51, insert the following:

"(i) GIFTED AND TALENTED PROGRAMS."

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

(For further action, see amendments to the report).

SB01-025

by Senator Dyer (Arapahoe)–Concerning fiscal impact statements included in the ballot information booklet for initiated or referred measures.

Amendment No. 1, Senator F. Jim Dyer.

Amend printed bill, page 2, strike line 11 and substitute the following:

"(b) The ~~booklet shall include an estimate of~~";

line 12, after "~~the~~", insert "DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY SHALL PREPARE";

line 15, after "person.", insert "THE FISCAL IMPACT STATEMENT FOR EVERY MEASURE SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY IN A MANNER TO BE DETERMINED BY THE DIRECTOR. THE BALLOT INFORMATION BOOKLET SHALL INDICATE WHETHER THERE IS A FISCAL IMPACT FOR EACH REFERRED MEASURE AND SHALL SPECIFY THAT A FISCAL IMPACT STATEMENT FOR SUCH MEASURE IS AVAILABLE THROUGH THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY.";

line 16, strike "PROVIDED FOR SUCH MEASURES" and substitute "PREPARED FOR EVERY MEASURE";

line 19, strike "C.R.S. THE FISCAL IMPACT STATEMENT" and substitute "C.R.S.,";

strike lines 20 and 21;

line 22, strike "INFORMATION BOOKLET,".

Declared **lost** on Second Reading.

(For further action, see amendments to the report).

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB01-082

by Senators Matsunaka, Fitz-Gerald, Tupa and Windels; also Representative Spence-- Concerning the implementation of section 17 of article IX of the state constitution.

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the Andrews amendment (L.018) to **SB01-082**, did pass.

Amend the printed bill, page 12, line 11, after "TITLE.", add "FOR SCHOOL DISTRICT BUDGET YEARS 2001-02 THROUGH 2010-11, SCHOOL DISTRICTS REQUIRED TO COMPLY WITH THE PROVISIONS OF SECTION 22-55-109 SHALL USE ONE-HALF OF THE ADDITIONAL ONE PERCENTAGE POINT INCREASE IN STATEWIDE BASE PER PUPIL FUNDING REQUIRED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION TO REDUCE CLASS SIZE IN ACCORDANCE WITH SECTION 22-55-109.".

Amend the Education Committee amendment, as printed in Senate Journal, January 26, page 97, after line 60, insert the following:

"22-55-109. Class size reduction plans. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLASS" MEANS A NON-ELECTIVE CLASS IN KINDERGARTEN OR THE FIRST, SECOND, OR THIRD GRADE OR ANY COMBINATION OF KINDERGARTEN, OR THE FIRST, SECOND, OR THIRD GRADE OFFERED IN A

SB01-082

PUBLIC SCHOOL PROVIDING INSTRUCTION IN ONE OR MORE OF THE FIRST PRIORITY STATE MODEL CONTENT STANDARDS AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, HISTORY, OR GEOGRAPHY, AS DESCRIBED IN SECTION 22-7-406 (1) (a).

(b) "DISTRICT SCHOOL BOARD" MEANS THE BOARD OF EDUCATION OF A SCHOOL DISTRICT EXISTING PURSUANT TO LAW.

(c) "ONE PERCENT INCREASE" MEANS THE ADDITIONAL ONE PERCENTAGE POINT INCREASE IN THE STATEWIDE BASE PER PUPIL FUNDING FOR SCHOOL DISTRICT BUDGET YEARS 2001-02 THROUGH 2010-11 REQUIRED BY SECTION 22-55-104 (1) (a).

(d) "TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111, TO TEACH AND IS PRIMARILY ENGAGED IN TEACHING KINDERGARTEN OR THE FIRST, SECOND, OR THIRD GRADE.

(2) (a) UNLESS A WAIVER IS OBTAINED PURSUANT TO SUBSECTION (3) OF THIS SECTION, ON OR BEFORE JANUARY 1, 2002, ANY SCHOOL DISTRICT THAT HAS AT LEAST TWENTY THOUSAND STUDENTS AND IN WHICH ANY CLASS CONTAINS MORE THAN SEVENTEEN PUPILS SHALL FILE WITH THE DEPARTMENT A CLASS SIZE REDUCTION PLAN PURSUANT TO THIS SUBSECTION (2), REFERRED TO IN THIS SECTION AS THE "DISTRICT PLAN". A DISTRICT PLAN SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

(I) AS OF OCTOBER 1, 2000, THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE IN THE SCHOOL DISTRICT, AND THE NUMBER OF CLASSROOMS BEING USED TO TEACH STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE IN THE SCHOOL DISTRICT;

(II) AS OF JANUARY 1, 2001, ANY PROPOSALS TO INCREASE THE NUMBER OF CLASSROOMS AVAILABLE TO TEACH STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE IN THE SCHOOL DISTRICT;

(III) ANY PROJECTIONS AND THE BASIS THEREFORE FOR AN INCREASE OR DECREASE IN THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE IN THE SCHOOL DISTRICT BETWEEN 2002 AND 2005;

(IV) A PROPOSAL STATING HOW THE SCHOOL DISTRICT INTENDS TO USE ONE-HALF OF THE ONE PERCENT INCREASE TO DECREASE CLASS SIZE IN KINDERGARTEN AND THE FIRST, SECOND, AND THIRD GRADES IN ELEMENTARY SCHOOLS IN THE SCHOOL DISTRICT, INCLUDING BUT NOT LIMITED TO:

(A) INCREASING THE NUMBER OF TEACHERS; OR

(B) USING TEACHER'S AIDES; AND

(V) THE METHOD THE SCHOOL DISTRICT INTENDS TO USE TO MEASURE THE EFFECT OF REDUCING CLASS SIZE FOR KINDERGARTEN AND THE FIRST, SECOND, AND THIRD GRADES.

(b) (I) THE DISTRICT SCHOOL BOARD SHALL DEVELOP THE DISTRICT PLAN AFTER TAKING INTO CONSIDERATION THE WRITTEN OR ORAL COMMENTS AND INPUT OF PARENTS, TEACHERS, AND OTHER MEMBERS OF THE PUBLIC AND SHALL APPROVE THE DISTRICT PLAN AT A PUBLIC MEETING. COPIES OF THE PROPOSED DISTRICT PLAN SHALL BE DISTRIBUTED AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC MEETING TO ALL MEMBERS OF THE SCHOOL ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 22-7-106 AT ANY SCHOOL IN THE SCHOOL DISTRICT THAT CONTAINS A CLASS WITH MORE THAN SEVENTEEN PUPILS. AFTER APPROVAL, THE DISTRICT SCHOOL BOARD SHALL FORWARD A COPY OF THE DISTRICT PLAN TO THE DEPARTMENT.

(II) ONCE A DISTRICT PLAN IS APPROVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), IT SHALL BE BINDING UPON

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THE SCHOOL DISTRICT AND SHALL NOT BE MODIFIED OR CHANGED EXCEPT AS PERMITTED BY THIS SUBPARAGRAPH (II). THE DISTRICT SCHOOL BOARD MAY APPROVE ANY MODIFICATION OR CHANGE TO THE DISTRICT PLAN ONLY AT A PUBLIC MEETING. COPIES OF THE PROPOSED MODIFICATION OR CHANGE SHALL BE DISTRIBUTED AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC MEETING TO ALL MEMBERS OF THE SCHOOL ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 22-7-106 AT ANY SCHOOL IN THE SCHOOL DISTRICT THAT CONTAINS A CLASS WITH MORE THAN SEVENTEEN PUPILS. ONCE APPROVED, COPIES OF ANY MODIFICATION OR CHANGE TO THE DISTRICT PLAN SHALL BE FORWARDED TO THE DEPARTMENT.

(III) ON OR BEFORE AUGUST 1, 2006, AND AGAIN ON OR BEFORE AUGUST 1, 2011, EACH SCHOOL DISTRICT OPERATING UNDER A DISTRICT PLAN SHALL PREPARE A REPORT STATING THE PROGRESS AND EFFECT OF DECREASING CLASS SIZE PURSUANT TO THE DISTRICT PLAN AND DISCUSS THE REPORT AT A PUBLIC MEETING OF THE DISTRICT SCHOOL BOARD. FOLLOWING THE PUBLIC MEETING, THE DISTRICT SCHOOL BOARD SHALL FORWARD COPIES OF THE REPORT TO THE DEPARTMENT.

(c) (I) ON OR BEFORE MARCH 1, 2002, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE STATE BOARD, AND THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES A SUMMARY AND COMPILATION OF THE DISTRICT PLANS.

(II) ON OR BEFORE OCTOBER 1, 2006, AND AGAIN ON OR BEFORE OCTOBER 1, 2011, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE STATE BOARD, AND THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES A SUMMARY AND COMPILATION OF THE REPORTS FILED BY SCHOOL DISTRICTS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (2).

(3) ANY SCHOOL DISTRICT THAT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION MAY OBTAIN A WAIVER OF THE REQUIREMENTS UPON APPROVAL OF THE ELECTORS IN THE SCHOOL DISTRICT PURSUANT TO THE PROCEDURES FOR A SCHOOL DISTRICT ELECTION DESCRIBED IN SECTION 22-30-104."

The amendment was declared **lost** by the following roll call vote:

YES	13	NO	20	EXCUSED	2	ABSENT	0
Anderson	N	Evans	N	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	E	Taylor	N
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	Y	Hanna	N	Owen	Y	Thiebaut	N
Dennis	Y	Hernandez	N	Pascoe	N	Tupa	N
Dyer, E.	N	Hillman	Y	Perlmutter	E	Windels	N
Dyer, F.	Y	Lamborn	Y	Phillips	N	Mr. President	N
Epps	Y	Linkhart	N	Reeves	N		

SB01-082

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the Hillman amendment (L.022) to **SB01-082**, did pass.

Amend the Appropriations Committee amendment, as printed in Senate Journal, January 31, page 141, strike line 4 and substitute the following:

""22-55-107."."";

strike line 6;

line 25, strike ""22-55-108.".";" and substitute ""22-55-107."."";

line 38, strike ""22-55-108."." and substitute ""22-55-107."."";

strike line 72.

Page 142, strike lines 2 through 14.

Amend the Education Committee amendment, as printed in Senate Journal, January 26, page 92, strike lines 39 through 42 and substitute the

SB01-082

following:
"Page 8, strike lines 3 and 4.
Renumber succeeding subsections accordingly."
Page 94, strike lines 55 through 72 and substitute the following:
"strike line 27.
Strike pages 14 through 16.
Page 17, strike lines 1 through 5."
Strike page 95.
Page 96, strike lines 1 through 22;
line 26, strike ""22-55-109." and substitute ""22-55-107.";
line 56, strike "AND THE REFORM COUNCIL";
strike lines 61 through 68 and substitute the following:
"PRIORITY NEEDS SCHOOL.";
line 69, strike "BOARD, AND THE" and substitute "THE".
Page 97, line 2, strike "REFORM COUNCIL" and substitute "STATE BOARD";
line 3, strike "MAKING RECOMMENDATIONS FOR" and substitute
"DETERMINING WHETHER";
line 4, strike the first "TO" and substitute "SHOULD";
line 25, strike "BOARD AND THE REFORM COUNCIL";" and substitute
"BOARD";";
line 31, strike "THE REFORM COUNCIL MAY";
line 32, strike "RECOMMEND THAT" and after "BOARD", insert "MAY";
line 35, strike "MAKING ITS RECOMMENDATION" and substitute
"DETERMINING THE DISTRIBUTION OF GRANTS AND INCENTIVES";
line 36, strike "REFORM COUNCIL" and substitute "STATE BOARD";
line 37, strike "STATE, AND THE STATE BOARD SHALL" and substitute
"STATE.";
strike lines 38 through 40.

The amendment was declared **lost** by viva voce.

SB01-082

Senator Andrews moved to amend the Report of the Committee of the Whole to show that the second Andrews amendment to **SB01-082** did pass.
Amend the education committee amendment, as printed in Senate Journal, January 26, page 94, line 47, after "SIZES" insert "AND INCREASED FUNDING FOR TEXTBOOKS";
line 49, strike "ISSUE" and substitute "AND TEXTBOOK FUNDING ISSUES".
The amendment was **adopted** by viva voce.

ROLL CALL VOTE ON SB01-025

SB01-025

by Senator Dyer (Arapahoe)–Concerning fiscal impact statements included in the ballot information booklet for initiated or referred measures.

SB01-025

Senator Dyer (Arapahoe) requested a roll call vote to show that **SB01-025** as amended, did pass.

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The bill as amended, was declared **passed** by the following roll call vote:

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YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	E	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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On motion of Senator Hernandez, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

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Passed on Second Reading: **SB01-044** as amended, **SB01-080** as amended, **SB01-116**, **SB01-082** as amended, **SB01-025** as amended.
Laid Over till Monday, February 5, 2001: **SB01-001**, **SB01-003**, **SB01-118**, **SB01-103**.
Laid Over till Friday, February 9, 2001: **SB01-051**.

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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 Consideration of Resolution calendar of Friday, February 2, was laid over until Monday, February 5, retaining its place on the calendar.

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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 Consideration of Governor's Appointments Calendar of Friday February 2, was laid over until Monday, February 5, retaining its place on the calendar.

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COMMITTEES OF REFERENCE REPORTS

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The committees recommend the following:

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Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB01-035** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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Strike the Government, Veterans and Military Relations, and Transportation Committee amendment, as printed in Senate journal, January 22, page 67, lines 35 through 52, and substitute the following:

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"Amend printed bill, page 2, line 8, strike "GROSS" and substitute "EMPTY";

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line 9, strike "THE TAXABLE VALUE OF EVERY ITEM OF CLASS A";

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strike lines 10 through 12;

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line 13, strike "PRICE.";

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after line 14, insert the following:

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"THE TAXABLE VALUE OF EVERY ITEM OF CLASS A OR CLASS B PERSONAL PROPERTY LESS THAN OR EQUAL TO SIXTEEN THOUSAND POUNDS DECLARED EMPTY VEHICLE WEIGHT SHALL BE SEVENTY-FIVE PERCENT OF THE MANUFACTURER'S SUGGESTED RETAIL PRICE.";

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strike lines 15 through 17 and substitute the following:

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"SECTION 2. Effective date - applicability. This act shall take

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SB01-035

effect upon passage. This act shall apply to specific ownership taxes due on or after August 1, 2000, and any titles required to be reissued, or taxable values reestablished under this act."."

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-043** be referred favorably to the Committee of the Whole.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-056** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 8, strike "number plates issued for vehicles" and substitute "number plates TO BE issued for AND DISPLAYED ON THE REAR OF vehicles".

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-119** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 23.

Strike pages 3 through 24.

Page 25, strike lines 1 through 21;

line 22, strike "**SECTION 26.**" and substitute "**SECTION 1.**".

Page 26, strike lines 3 and 4 and substitute the following:

"appropriated, out of any moneys in the general fund not otherwise appropriated";

strike lines 15 and 16;

line 17, strike "**SECTION 28.**" and substitute "**SECTION 2.**".

Page 1, strike line 104;

line 105, strike "**AND**".

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-023** be postponed indefinitely.

Public
Policy and
Planning

After consideration on the merits, the committee recommends that **SB01-122** be referred favorably to the Committee on Appropriations.

Health,
Environment,
Children
and Families

After consideration on the merits, the committee recommends that **SB01-073** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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

"**SECTION 1.** 24-35-504 (3), Colorado Revised Statutes, is amended to read:

SB01-073

24-35-504. Enforcement authority - designation of agency - coordination - sharing of information. (3) The division shall work with the department of human services and the department of public health and environment to ensure compliance with federal regulations for continued receipt of all federal funds contingent upon compliance with laws related to the prohibition of the sale of cigarettes and tobacco products to minors. THE DIVISION SHALL PERFORM AT LEAST THE MINIMUM NUMBER OF RANDOM INSPECTIONS OF BUSINESSES THAT SELL CIGARETTES AND TOBACCO PRODUCTS AT RETAIL AS REQUIRED BY FEDERAL REGULATIONS.

SECTION 2. 24-35-506 (1) and (4), Colorado Revised Statutes, are amended to read:

24-35-506. Limitation on fines. (1) For a violation of section 24-35-503 (1), the penalty shall be as follows:

- (a) A written warning for a first violation committed within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;
- (b) A fine of two hundred fifty dollars for a second violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;
- (c) A fine of five hundred dollars for a third violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;
- (d) A fine of one thousand dollars for a fourth violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period; and
- (e) A fine of between one thousand dollars and fifteen thousand dollars for a fifth or subsequent violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period.

(4) For a violation of section 24-35-503 (2) or (3), the penalty shall be as follows:

- "(a) (I) FOR A VIOLATION OF SECTION 24-35-503 (2), A FINE OF TWENTY-FIVE DOLLARS FOR A FIRST VIOLATION COMMITTED WITHIN A TWENTY-FOUR-MONTH PERIOD;
- (II) FOR A VIOLATION OF SECTION 24-35-503 (3), a written warning for a first violation committed within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;"
- (b) A fine of fifty dollars for a second violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;
- (c) A fine of one hundred dollars for a third violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period;
- (d) A fine of two hundred fifty dollars for a fourth violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period; and
- (e) A fine of between two hundred fifty dollars and one thousand dollars for a fifth or subsequent violation within a ~~twelve-month~~ TWENTY-FOUR-MONTH period."

Renumber succeeding sections accordingly.

Page 2, line 8, after "**wholesalers.**", insert "(1)";

line 18, strike "NAMES AND ADDRESSES" and substitute "NAMES, ADDRESSES, AND COLORADO SALES TAX LICENSE NUMBERS ISSUED PURSUANT TO SECTION 39-26-103, C.R.S.,".

Page 3, after line 6, insert the following:

"(2) (a) THE STATE AUDITOR SHALL CONDUCT AN AUDIT OF THE PROCEDURE WHEREBY THE WHOLESALERS' RENEWAL APPLICATIONS PURSUANT TO THIS SECTION AND THE DISTRIBUTORS OF TOBACCO PRODUCTS PURSUANT TO SECTION 39-28.5-104 INCLUDE INFORMATION ON

SB01-073

PERSONS WHO PURCHASE CIGARETTES OR TOBACCO PRODUCTS FOR RESALE TO DETERMINE THE ACCURACY AND COMPLETENESS OF SUCH INFORMATION. THE AUDIT SHALL BE COMPLETED BY JULY 1, 2004.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2005.";

LINE 20, STRIKE "NAMES AND ADDRESSES" AND SUBSTITUTE "NAMES, ADDRESSES, AND COLORADO SALES TAX LICENSE NUMBERS ISSUED PURSUANT TO SECTION 39-26-103, C.R.S.,".

Page 4, line 13, strike "dollars." and substitute "dollars; EXCEPT THAT FOLLOWING A CONVICTION OR ADJUDICATION FOR A FIRST OFFENSE UNDER THIS SUBSECTION (2), THE COURT IN LIEU OF THE FINE MAY SENTENCE THE PERSON TO PARTICIPATE IN A TOBACCO EDUCATION PROGRAM.", and strike "such person" and substitute "~~such person~~ A PERSON CONVICTED UNDER THIS SUBSECTION (2)".

Health, After consideration on the merits, the committee recommends that **SB01-101** be amended
Environment, as follows and, as so amended be referred to the Committee of the Whole with favorable
Children recommendation.
and Families

Amend printed bill, page 2, line 5, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 4, strike lines 25 through 27 and substitute the following:

"(E) THE DEPARTMENT MAY RELEASE RECORDS OF MEDICAID-ELIGIBLE INFANTS, CHILDREN, AND STUDENTS TO THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR THE PURPOSES OF THE MEDICAID PROGRAM.".

Page 5, strike lines 1 through 3;

line 13, after the period, add "THE UNAUTHORIZED RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE PURSUANT TO THIS SUBPARAGRAPH (III).";

strike lines 14 through 21 and substitute the following:

"(IV) THE".

Page 6, line 21, strike "AND";

line 23, strike "ENROLLED." and substitute "ENROLLED; AND";

after line 23, insert the following:

"(VII) THE SUBJECT OF SUCH RECORDS.";

strike lines 24 through 27.

Page 7, strike lines 1 and 2 and substitute the following:

"(10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS, SCHOOLS, LICENSED CHILD CARE CENTERS, AND PUBLIC HEALTH OFFICIALS MAY RELEASE IMMUNIZATION RECORDS IN THEIR POSSESSION TO THE PERSONS OR ENTITIES SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION TO PROVIDE AN ACCURATE AND COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY COMPLIANCE WITH STATE IMMUNIZATION LAW.".

Health, After consideration on the merits, the committee recommends that **SJR01-004** be referred
Environment, to the Senate for final action.
Children
and Families

Health, After consideration on the merits, the committee recommends that **SJR01-005** be referred
Environment, to the Senate for final action.
Children
and Families

Amend printed joint resolution, page 2, line 6, strike "Colorado Water Quality Control Division," and substitute "Division of Administration,".

Page 4, strike line 10, and substitute "to, non point source projects (BMPs for runoff)".

TRIBUTES--A POINT OF INTEREST

Memorializing Vera Apodaca by Senator Thiebaut

Honoring Carolann Bronko by Senator Thiebaut

Honoring Susan M. Cozzetta by Senator Thiebaut

Honoring Lew Quigley by Senator Thiebaut

Honoring Rosalia Santiago by Senator Thiebaut

Honoring Frank Sobolik by Senator Thiebaut

Honoring Eagle Scout Mathew S. Menough by Senator Fitz-Gerald and Senator Perlmutter.

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, February 5, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate