

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

One hundred-eighth Legislative Day Friday, April 27, 2001

Prayer By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland.

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

Roll Call Present--Total, 33.
Absent/Excused--Hagedorn, Owen--Total, 2.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Dyer (Arapahoe), reading of the Journal of Thursday, April 26, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution **SJR01-026**.

CONSIDERATION OF RESOLUTIONS

SJR01-026 by Senators Cairns, Andrews, Dyer (Arapahoe) and Hagedorn; also Representatives Williams S., Garcia, Hodge, Spence, Stafford, Stengel and Weddig--Concerning honoring The Anschutz Foundation.

On motion of Senator Cairns, the resolution was read at length and **adopted** with the following roll call vote:

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

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

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.

SB01-222 by Senator Thiebaut; also Representative King--Concerning the suspension for the fiscal year 2001-02 of the prohibition against the appropriation of general fund revenues for public school capital construction projects if general fund revenues do not exceed general fund obligations and required allocations to the highway users tax fund by a specified amount.

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

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SB01-222

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

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

Co-sponsor added: Fitz-Gerald.

SB01-226

by Senator Thiebaut; also Representative Spradley--Concerning the creation of a temporary executive committee of the legislative council to serve during each period commencing after a general election and ending following the convening of the next general assembly when a new executive committee is formed.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Andrews.

HB01-1366

by Representatives Fritz and Stengel; also Senator Phillips--Concerning the adjustment of the ratio of valuation for assessment for residential real property.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Dyer (Arapahoe), Taylor.

HB01-1133

by Representatives Tapia, Borodkin, Coleman, Grossman, Sanchez and Veiga; also Senator Thiebaut--Concerning the eligibility criteria for resident bidders given bid preference on construction contracts for public projects.

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

HB01-1133

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

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

Co-sponsors added: Nichol, Taylor.

HB01-1284

by Representatives Sinclair, Hefley, Johnson, Miller, Nunez, Tapia, Tochtrop and Witwer; also Senator Dyer (Durango)--Concerning compliance with federal selective service requirements prior to the issuance of drivers' licenses.

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

YES	31	NO	2	EXCUSED	2	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Cairns, Dyer (Arapahoe), Entz, Epps, Evans, May, McElhany, Musgrave.

HB01-1031

by Representatives Miller and Young; also Senator Lamborn, Anderson, Linkhart, Reeves, Taylor and Windels--Concerning a grant of cease-and-desist authority to the commissioner of securities, and making an appropriation therefor.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Tate.

HB01-1060

by Representative Garcia; also Senator Lamborn--Concerning the fee collected by a state agency for issuing a certificate of taxes due.

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

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HB01-1060

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

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

HB01-1079

by Representative Mace; also Senator Epps--Concerning the older Coloradans program, and making an appropriation therefor.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Arnold, Entz, Evans, Fitz-Gerald, Gordon, Hanna, Hernandez, Linkhart, Matsunaka, May, Nichol, Pascoe, Phillips, Tate, Taylor, Thiebaut, Tupa Windels.

HB01-1293

by Representatives Williams S., Alexander, Bacon, Coleman, Crane, Daniel, Groff, Grossman, Hefley, Hoppe, Jahn, Johnson, Mace, Madden, Romanoff, Sanchez, Stafford, Swenson, Tapia, Vigil and Witwer; also Senators Dyer (Arapahoe) and Windels-- Concerning the early childhood professional loan repayment program, and making an appropriation therefor.

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

YES	31	NO	2	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	N	Taylor	Y
Cairns	N	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Hanna, Hernandez, Pascoe, Tupa.

HB01-1341

by Representative Larson, Lawrence and Miller; also Senators Windels, Phillips and McElhany--Concerning an extension of the annual general fund transfer to the capital construction fund.

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

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HB01-1341

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

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

HB01-1343

by Representatives Clapp and Stafford; also Senator Hernandez--Concerning the enrollment of medicaid recipients in managed care, and making an appropriation in connection therewith.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Hanna, Tupa.

HB01-1220

by Representative Swenson; also Senator Entz--Concerning amendments to the multistate highway transportation agreement.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Tupa.

SB01-228

by Senators Windels and Perlmutter; also Representative Scott--Concerning the exclusive authority of the oil and gas conservation commission to regulate the closure of underground natural gas storage caverns.

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	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-228 A majority of members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

HB01-1018 by Representative Swenson; also Senator Phillips--Concerning moneys available to the division of local government in the department of local affairs from the waste tire recycling development cash fund.

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

YES	32	NO	1	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	Y	Taylor	Y
Cairns	Y	Hagedorn	E	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	E	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	N		

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

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

SPECIAL ORDERS--SECOND READING OF BILLS
(Continuation)

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:

HB01-1369 by Representatives Stafford, Cadman, Cloer, Coleman, Crane, Dean, Fairbank, Fritz, Hoppe, Johnson, Kester, King, Larson, Lee, Mace, Nunez, Rhodes, Rippy, Schultheis, Scott, Snook, Spence, Spradley, Swenson, Webster and Williams S.; also Senator Tupa--Concerning unsolicited proposals for public-private initiatives.

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

HB01-1153 by Representatives Williams T., Kester, Spradley, White, Clapp, Coleman, Fairbank, Fritz, Jahn, Lee, Miller, Paschall, Rhodes, Stengel, and Tochtrop; also Senators Phillips, Fitz-Gerald, Takis McElhany and Taylor--Concerning the authority of interior designers that meet certain qualifications to prepare interior design documents for filing for purposes of obtaining building permits.

Amendment No. 3(L.012), by Senator Tate.

Amend the Business, Labor, and Finance committee amendment, as printed in Senate Journal, April 10, page 801, strike line 37 and substitute the following:

"EMERGENCY SPRINKLER SYSTEMS, EMERGENCY ALARM SYSTEMS, OR ANY OTHER ALTERATION AFFECTING THE LIFE SAFETY OF THE OCCUPANTS OF A BUILDING. ANY".

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

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

HB01-1367 by Representative Stengel; also Senator Reeves--Concerning the refunding of excess state revenues in addition to the amount of excess state revenues required to be refunded for any given fiscal year by section 20 of article X of the Colorado constitution.

Amendment No.1(L.010), by Senator Reeves.

Amend reengrossed bill, page 2, line 2, strike "Colorado Revised Statutes, is" and substitute "(4), (5) (b), and (5) (c), Colorado Revised Statutes,

HB01-1367

are";

line 19, strike "~~law, multiplied by one hundred five percent.~~", and substitute "law, ~~multiplied by one hundred five percent~~ AS ADJUSTED BY THE EXECUTIVE DIRECTOR FOR THE ESTIMATED AMOUNT OF ANY OVER OR UNDER REFUND OF ANY EXCESS STATE REVENUES FOR ANY PRIOR STATE FISCAL YEAR."

after line 19, insert the following:

"(4) No later than October 1 of any given calendar year commencing on or after January 1, 1999, during which the controller certifies, in accordance with the provisions of section 24-77-106.5, C.R.S., that state revenues exceed the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution for the fiscal year ending in that calendar year, the executive director shall, if the amount of the identical individual refund calculated pursuant to subsection (2) of this section exceeds fifteen dollars, calculate the income classifications and the amount of the refund allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues that is not refunded by another method established by law, ~~multiplied by one hundred five percent~~ AS ADJUSTED BY THE EXECUTIVE DIRECTOR FOR THE ESTIMATED AMOUNT OF ANY OVER OR UNDER REFUND OF ANY EXCESS STATE REVENUES FOR ANY PRIOR STATE FISCAL YEAR.

(5) If one or more ballot questions are submitted to the voters at a statewide election to be held in November of any given calendar year commencing on or after January 1, 1999, that seek authorization for the state to retain and spend all or any portion of the amount of excess revenues for the fiscal year ending during said calendar year, no later than October 1 of said calendar year, the executive director shall, in addition to the calculations required by subsection (4) of this section:

(b) If the amount of any identical refund calculated pursuant to subparagraph (I) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if one or more of such ballot questions are approved by voters statewide and that is not refunded by another method established by law, ~~multiplied by one hundred five percent~~ AS ADJUSTED BY THE EXECUTIVE DIRECTOR FOR THE ESTIMATED AMOUNT OF ANY OVER OR UNDER REFUND OF ANY EXCESS STATE REVENUES FOR ANY PRIOR STATE FISCAL YEAR;

(c) If the amount of the identical refund calculated pursuant to subparagraph (II) of paragraph (a) of this subsection (5) exceeds fifteen dollars, calculate income classifications and the amount of the refund to be allowed for each income classification pursuant to section 39-22-2003 (3) for the taxable year commencing during said fiscal year that would refund the amount of excess state revenues, if any, required to be refunded if all of such ballot questions are not approved by voters statewide and that is not refunded by another method established by law, ~~multiplied by one hundred five percent~~ AS ADJUSTED BY THE EXECUTIVE DIRECTOR FOR THE ESTIMATED AMOUNT OF ANY OVER OR UNDER REFUND OF ANY EXCESS STATE REVENUES FOR ANY PRIOR STATE FISCAL YEAR."

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

HB01-1172

by Representatives White, Rippey, Snook and Stengel; also Senator Fitz-Gerald-- Concerning multijurisdictional housing authorities.

Amendment No. 1, Government, Veterans and Military Relations and Transportation Committee Amendment.
(Printed in Senate Journal, April 23, 2001, page 937.)

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

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AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

HB01-1153

by Representatives Williams T., Kester, Spradley, White, Clapp, Coleman, Fairbank, Fritz, Jahn, Lee, Miller, Paschall, Rhodes, Stengel, and Tochtrop; also Senators Phillips, Fitz-Gerald, Takis McElhany and Taylor--Concerning the authority of interior designers that meet certain qualifications to prepare interior design documents for filing for purposes of obtaining building permits.

Senator Phillips moved to amend the Report of the Committee of the Whole to show that the following Tate floor amendment, (L.012) to HB01-1153, did not pass.

Less than a majority of those elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

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 having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1369, HB01-1153** as amended, **HB01-1367** as amended, **HB01-1172** as amended.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB01-1257, HB01-1097, HB01-1337, HB01-1100, HB01-1070, HB01-1081, HB01-1193, HB01-1125**, were made Special Orders at 10:55 a.m.

Committee of the Whole

The hour of 10:55 a.m. having arrived, Senator Nichol moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Nichol was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

HB01-1257

by Representative Young; also Senator Hillman--Concerning modifications to the existing state income tax credit for health care professionals practicing in health care professional shortage areas.

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

Amend reengrossed bill, page 3, line 5, after "2001," insert "BUT PRIOR TO JANUARY 1, 2002,".

As amended, ordered revised 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 Special Orders calendar (**HB01-1097, HB01-1337, HB01-1100, HB01-1070, HB01-1081, HB01-1193, HB01-1125**) of Friday, April 27, 2001, was laid over until Monday, April 30, 2001, retaining its place on the calendar.

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 having voted in the affirmative, the following action was taken:

Passed on Second Reading: **HB01-1257** as amended.

Laid over until Monday, April 30, 2001: **HB01-1097, HB01-1337, HB01-1100, HB01-1070, HB01-1081, HB01-1193, HB01-1125**.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01-1219** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 5, line 27, after "FOR", insert "AND A RECEIPT FOR".

Page 6, line 1, strike "(4)" and substitute "(6)".

Page 12, strike lines 3 through 6 and substitute the following:

"THE DESIGNATED NONPROFIT ORGANIZATION WILL NOT ISSUE A RECEIPT TO THE CONTRIBUTOR THAT WOULD ALLOW THE CONTRIBUTOR TO CLAIM AN INCOME TAX CREDIT FOR THE YEAR IN WHICH THE CONTRIBUTION IS TO BE MADE BECAUSE THE CREDIT WILL NOT BE ALLOWED FOR SAID INCOME TAX YEAR PURSUANT TO SUBSECTION (9) OF THIS SECTION BUT WILL INSTEAD ISSUE A RECEIPT TO THE CONTRIBUTOR IN THE FIRST SUBSEQUENT INCOME TAX YEAR FOR WHICH THE CREDIT IS ALLOWED SO THAT THE CONTRIBUTOR MAY CLAIM A CREDIT ONLY FOR THAT SUBSEQUENT INCOME TAX YEAR; OR";

strike lines 8 through 11 and substitute the following:

"APPROVED, THE DESIGNATED NONPROFIT ORGANIZATION MIGHT NOT ISSUE A RECEIPT TO THE CONTRIBUTOR THAT WOULD ALLOW THE CONTRIBUTOR TO CLAIM AN INCOME TAX CREDIT FOR THE YEAR IN WHICH THE CONTRIBUTION IS TO BE MADE BECAUSE THE CREDIT MIGHT NOT BE ALLOWED FOR SAID INCOME TAX YEAR PURSUANT TO SUBSECTION (9) OF THIS SECTION BUT WILL ISSUE A RECEIPT TO THE CONTRIBUTOR IN THE FIRST INCOME TAX YEAR IN WHICH THE CREDIT IS ALLOWED SO THAT THE CONTRIBUTOR MAY CLAIM A CREDIT ONLY FOR THAT INCOME TAX YEAR.";

line 14, strike "PROVIDE THE CONTRIBUTOR WITH A RECEIPT" and substitute "ISSUE A RECEIPT TO THE CONTRIBUTOR THAT VERIFIES THE CONTRIBUTOR'S RIGHT TO CLAIM THE CREDIT ALLOWED BY THIS SECTION";

line 16, strike "DEPARTMENT." and substitute "DEPARTMENT; EXCEPT THAT, IF THE CREDIT WILL NOT OR MIGHT NOT BE ALLOWED FOR THE INCOME TAX YEAR IN WHICH THE CONTRIBUTION IS MADE PURSUANT TO SUBSECTION (9) OF THIS SECTION, THE DESIGNATED NONPROFIT ORGANIZATION SHALL NOT ISSUE A RECEIPT TO THE CONTRIBUTOR BUT SHALL INSTEAD ISSUE A WRITTEN STATEMENT TO THE CONTRIBUTOR THAT INDICATES THAT THE CONTRIBUTION HAS BEEN RECEIVED AND THAT THE DESIGNATED NONPROFIT ORGANIZATION WILL ISSUE A RECEIPT TO THE CONTRIBUTOR IN THE FIRST INCOME TAX YEAR IN WHICH THE CREDIT IS ALLOWED.";

line 22, strike "FORM." and substitute "RETURN ONLY FOR THE INCOME TAX YEAR IN WHICH THE RECEIPT WAS ISSUED.".

Page 15, line 19, after "APPLICATION", insert "AND A WRITTEN STATEMENT THAT INDICATES THAT THE CONTRIBUTION HAS BEEN RECEIVED AND THAT THE DESIGNATED NONPROFIT ORGANIZATION WILL ISSUE A RECEIPT TO THE CONTRIBUTOR IN THE FIRST INCOME TAX YEAR IN WHICH THE CREDIT IS ALLOWED";

line 21, strike "DURING THE FIRST";

strike lines 22 and 23 and substitute the following:

"ONLY AFTER RECEIVING A RECEIPT ISSUED BY THE DESIGNATED NONPROFIT ORGANIZATION AND ONLY FOR THE INCOME TAX YEAR IN WHICH THE RECEIPT WAS ISSUED.".

Public Policy and Planning

After consideration on the merits, the committee recommends that **HB01-1353** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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HB01-1353

Amend reengrossed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 33-33-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS,";

after line 12, insert the following:

"(6.5) "IMPORTANT WATERSHED AREA" MEANS ANY WETLAND OR RIPARIAN AREA CONTAINING VEGETATION IN ITS NATURAL STATE OR ANY SUCH AREA WHERE RECLAMATION OF SUCH VEGETATION MAY BE ACCOMPLISHED BY PROTECTING IT UNDER THIS ARTICLE AND SECTION 39-22-127, C.R.S.

(10.5) "SOIL CLASSIFIED AS PRIME OR UNIQUE" MEANS SOIL CONSIDERED POTENTIAL HABITAT FOR PLANTS THAT ARE OR MAY BE ENDANGERED, OR SOILS THAT ARE OTHERWISE UNIQUE OR OF A SPECIAL INTEREST TO THE PEOPLE OF COLORADO."

Page 3, line 10, after "DIVISIONS.", add "THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR HIS DESIGNEE WILL OVERSEE THE NATURAL AREAS PROGRAM."

Page 9, line 11, strike "2009," and substitute "2008,";

line 14, after "AREA", insert "PURSUANT TO SECTION 33-33-108, C.R.S.";

line 16, strike "2009," and substitute "2005, AND AGAIN, ON OR BEFORE JANUARY 1, 2008,";

line 21, strike "2009," and substitute "2008,";

line 27, strike "OR".

Page 12, line 21, after "CLAIMED", insert "IN THE SAME TAX YEAR".

Government, After consideration on the merits, the committee recommends that **SB01-234** be referred favorably to the Committee of the Whole.
Veterans and
Military
Relations, and
Transportation

Government, After consideration on the merits, the committee recommends that **HCR01-1001** be postponed indefinitely.
Veterans and
Military
Relations, and
Transportation

Government, After consideration on the merits, the committee recommends that **HB01-1368** be referred favorably to the Committee of the Whole.
Veterans and
Military
Relations, and
Transportation

Government, After consideration on the merits, the committee recommends that **SB01-227** be referred favorably to the Committee of the Whole.
Veterans and
Military
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Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SB01-220** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

- Amend printed bill, page 2, line 18, after "RETIRED," insert "RESERVE,";
- line 23, strike "VETERAN" and substitute "VETERAN, RESERVE MEMBER,";
- line 26, after "ACTIVE", insert "OR RESERVE".
- Page 3, line 4, after "ACTIVE", insert "OR RESERVE".

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **SR01-016** be referred to the Senate for final action.

Amend printed resolution, page 2, after line 17, insert the following:

"(5) That the Senate of the state of Colorado hereby encourages Colorado's Congressional delegation, when Congress revisits and revises TEA 21, to work to eliminate federal mandates, sanctions, and restrictions that limit the powers of the states and local governments to accomplish their individual transportation needs and reduce federal oversight and reporting requirements."

SENATE SERVICES REPORT

Senate
Services

- Correctly printed: SB01-235, 236, 237.
- Correctly rerevised: HB01-1331.
- Correctly revised: HB01-1366, 1133, 1018, 1284, 1031, 1060, 1079, 1293, 1341, 1343, 1220.
- Correctly engrossed: SB01-228, 222, 226.

MESSAGE FROM THE HOUSE

April 27, 2001

Mr. President:

The House has adopted and transmits herewith HJR01-1039, as printed in House Journal, April 19, pages 1298-1299, and amended as printed in House Journal, April 27.

The House has adopted and transmits herewith HJR01-1041, as printed in House Journal, April 19, pages 1300-1301, and amended as printed in House Journal, April 27.

The House has adopted and returns herewith SJR01-026.

The House has postponed indefinitely SB01-122, 154. The bills are returned herewith.

April 27, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1402.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1376, amended as printed in House Journal, April 26, page 1420. HB01-1375, amended as printed in House Journal, April 26, page 1418.

The House has passed on Third Reading and returns herewith SB01-125.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1268.**

The President has signed: **HB01-1371.**

The President has signed: **HB01-1074.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Appropriations

After consideration on the merits, the committee recommends that **HB01-1354** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1205** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1344** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1294** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1195** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1151** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1106** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **HB01-1269** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 8 and 9 and substitute "17-1-116, THE SUM OF FIFTY-SIX THOUSAND SEVEN HUNDRED THIRTY-ONE DOLLARS (\$56,731).";

line 13, strike "EIGHT THOUSAND SEVEN" and substitute "SEVENTEEN THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS (\$17,793).";

strike lines 14 through 20;

line 21, strike "(II)" and substitute "(c)";

line 24, strike "ONE HUNDRED FIFTEEN" and substitute "FORTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$48,485).";

strike lines 25 through 27.

Page 5, strike lines 1 through 4;

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HB01-1269

line 5, strike "(II)" and substitute "(d)";

line 8, strike "ONE HUNDRED" and substitute "FORTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$48,485).";

strike line 9;

line 14, strike "ONE HUNDRED" and substitute "FORTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$48,485).";

strike line 15;

line 16, strike "(2) (n), (2) (o), (2) (p), and (2) (q)," and substitute "(2) (n) and (2) (o).";

Page 7, line 16, strike "TWO HUNDRED" and substitute "FIFTY-SIX THOUSAND SEVEN HUNDRED THIRTY-ONE";

line 17, strike "THIRTY-FIVE THOUSAND SIX HUNDRED NINE";

strike lines 20 through 27.

Page 8, strike lines 1 and 2.

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Appropriations

After consideration on the merits, the committee recommends that **HB01-1345** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1402; and
without comment, as amended, HB01-1375 and 1376.

MESSAGE FROM THE GOVERNOR

Appointment

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

April 19, 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
COLORADO UNINSURABLE HEALTH INSURANCE PLAN
BOARD OF DIRECTORS

for terms expiring July 1, 2004:

Val Clark Dean, M.D. of Franktown, Colorado, to serve as a carrier representative, appointed;

Herbert J. Rothenberg, M.D. of Denver, Colorado, to serve as a medical professional who specializes in chronic diseases, reappointed.

Sincerely,
(signed)

Bill Owens
Governor

Rec'd: 4/19/01
K. Goldman, Secretary

Committee on Health, Environment Children and Families.

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 Friday, April 27, 2001, was laid over until Monday, April 30, 2001, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB01-216, HB01-1131, SB01-081, SB01-067, HB01-1223, HB01-1359, HB01-1313, HB01-1229, HB01-1189.**

Consideration of Resolutions: **SJR01-010, SJR01-023, SJR01-024, SJR01-018, SJR01-022, SJR01-029, SJR01-030, SR01-017, SJR01-031, SJR01-032, SR01-020, HJR01-1030, HJR01-1040, HJR01-1043, HJR01-1044, HJR01-1045.**

Consideration of Memorials: **SM01-001, HJM01-1001, SJM01-002, SJM01-003.**

Consideration of House Amendments to Senate Bills: **SB01-205, SB01-006, SB01-084.**

Consideration of House Adherence: **HJR01-1010.**

Consideration of Governors Appointments

Colorado Tourism Office

State Housing Board

Board of Directors of the Colorado Compensation Insurance Authority

Securities Board

Special Funds Board for Workers' Compensation Self Insurers

Wildlife Commission

Board of Assessment Appeals

State Agricultural Commission

Colorado Water Conservation Board

Air Quality Control Commission

Colorado Racing Commission

Colorado Commission of Higher Education

Read to Achieve Board

Consideration of Conference Committee Reports: **HB01-1250, HB01-1124, HB01-1187, HB01-1034, HB01-1292, HB01-1030, SB01-123, SB01-034, SB01-131.**

TRIBUTES--A POINT OF INTEREST

Honoring Geri Davis by Senator Thiebaut

Honoring Mary Hund-Snyder by Senator Thiebaut

Honoring Robert C. K White by Senator Evans

Honoring Ed Beegles by Senator Musgrave

Honoring Norman Markel by Senator Musgrave

Honoring Patty Dicks by Senator Musgrave and Republican Senators

Honoring Georgette Aberle by Senator Musgrave and Republican Senators

Honoring Bonnie Streeter by Senator Musgrave and Republican Senators

Honoring Kevin Wright by Senator Musgrave and Republican Senators

Honoring Aaron Houston by Senator Musgrave and Republican Senators

Honoring Ingrid Willis by Senator Musgrave and Republican Senators

Honoring Donna Cooley by Senator Musgrave and Republican Senators

Honoring Kevin Smith by Senator Musgrave and Republican Senators

Honoring David Votava by Senator Musgrave and Republican Senators

Honoring Elizabeth Bliss by Senator Musgrave and Republican Senators

Honoring Troy McNulty by Senator Musgrave and Republican Senators

Honoring Ben Caywood by Senator Musgrave and Republican Senators

Honoring Garry Vasquez by Senator Musgrave and Republican Senators

Honoring Harold B. Jackson by Senator Musgrave and Republican Senators	1
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Honoring John Helper by Senator Musgrave and Republican Senators	3
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Honoring Paul Noe by Senator Musgrave and Republican Senators	5
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Honoring Royda Kimball by Senator Musgrave and Republican Senators	7
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Honoring Sharon Suman by Senator Musgrave and Republican Senators	9
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Honoring Peg Farrer by Senator Musgrave and Republican Senators	11
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Honoring Sharon Dilley by Senator Musgrave and Republican Senators	13
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Honoring Denny Dilley by Senator Musgrave and Republican Senators	15
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Honoring David Feldman by Senator Musgrave and Republican Senators	17
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Honoring Dorothy Cardinale by Senator Musgrave and Republican Senators	19
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Honoring Mickey Pearce by Senator Musgrave and Republican Senators	21
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Honoring Cliff Dodge by Senator Musgrave and Republican Senators	23
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Honoring Melissa Padilla by Senator Musgrave and Republican Senators	25
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Honoring Darin Goens by Senator Musgrave and Republican Senators	27
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Honoring Kimberly McNulty by Senator Musgrave and Republican Senators	29
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Honoring Miriam Frey by Senator Musgrave and Republican Senators	31
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Honoring Clorinda Lovato by Senator Musgrave and Republican Senators	33
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Honoring Charlotte Jackson by Senator Musgrave and Republican Senators	35
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On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, April 30, 2001.	39
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Attest:	49
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Karen Goldman	52
Secretary of the Senate	53
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Approved:

Stan Matsunaka
President of the Senate