

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

Thirty-fourth Legislative Day

Monday, February 12, 2001

Prayer By the chaplain, Susan Crow, Denver Urban Ministries.

Call to Order By the President at 10:00 a.m.

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Friday, February 9, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-202.

Correctly engrossed: SB01-003, 118, 048, 102, 101, 022.

Correctly revised: HB01-1267.

THIRD READING OF BILLS--FINAL PASSAGE

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

SB01-003 by Senator Hillman; also Representative Kester--Concerning the exemption of school buses from constraints generally applicable to commercial vehicles.

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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-118 by Senators Hernandez, Epps and Hagedorn; also Representative Mace--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.

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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-118

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

Co sponsors added: Epps, Hanna, Owen, Reeves, Tate.

HB 01-1267

by Representatives Young, Berry and Saliman; also Senators Reeves, Owen and Tate--Concerning a one-time transfer of moneys from the controlled maintenance trust fund in the 2001-02 state fiscal year to be restored to said trust fund in the following state fiscal year.

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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co sponsors added: Fitz-Gerald, Hanna, Hernandez, Matsunaka, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Thiebaut, Tupa.

SB01-048

by Senator Arnold; also Representative Mitchell--Concerning officials for the city and county of Broomfield, 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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-102

by Senator Arnold; also Representative Mitchell--Concerning the modification of certain statutory provisions in preparation for the operation of the city and county of Broomfield.

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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	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: Fitz-Gerald.

SB01-101

by Senator Owen; also Representative Lawrence--Concerning the vaccination of persons pursuant to certain state programs.

SB01-101

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	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	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: Dyer (Durango), Fitz-Gerald, Hagedorn, Hanna, Hernandez, Reeves, Windels.

SB01-022

by Senator Hagedorn; also Representative Snook--Concerning the licensure of addiction counselors.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	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: Hanna, Hernandez.

APPOINTMENTS TO CONFERENCE COMMITTEE

HB 01-1267

by Representatives Young, Berry and Saliman; also Senators Reeves, Owen and Tate--Concerning a one-time transfer of moneys from the controlled maintenance trust fund in the 2001-02 state fiscal year to be restored to said trust fund in the following state fiscal year.

The President appointed Senators Reeves, Chairman, Tate and Owen as Senate Conferees on the First Conference Committee on **HB01-1267**.

**CHANGE TO THE GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

SB01-043

by Senators Dyer (Durango) and Fitz-Gerald; also Representatives Scott and Dean--Concerning the continuation of the sunset date for the passenger tramway safety board in the division of registrations.

Upon request of Senator Dennis, **SB01-043** was removed from the January 29, 2001 General Orders--Second Reading of Bills Consent calendar and was placed at the end of the General Orders--Second Reading Calendar of Tuesday, February 13, 2001.

(For further action, see Senate Journal, February 12, 2001, page 264.)

Committee of the Whole

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

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

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

SB01-107 by Senator May--Concerning regulatory authority over certain roadside advertising, and, in connection therewith, clarifying the authority of local governments to control advertising devices on bus benches and bus shelters.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment
(Printed in Senate Journal, February 5, 2001, page 176.)

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

SB01-138 by Senators Perlmutter, Arnold and Matsunaka; also Representatives Smith, Coleman and Grossman--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.

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

SB01-131 by Senator Hanna; also Representative Mitchell--Concerning the regulation of pet animal facilities, and, in connection therewith, clarifying the definition of feline hobby breeder, reducing the time an animal may be held in an animal shelter, and allowing animal shelter supervisors to make determinations with respect to the immediate disposition of animals experiencing extreme pain or suffering.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment
(Printed in Senate Journal, February 7, 2001, pages 200-201.)

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

HB01-1082 by Representatives Romanoff, Grossman, Hodge, Jameson, Johnson, Lee, Marshall, Plant, Rippy and Spradley; also Senator Dyer (Durango)--Concerning a clarification that the easements that are not affected by the execution of a tax deed to the purchaser of a tax lien include conservation easements.

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

SB01-150 by Senator Tate; also Representative Mitchell--Concerning individual development accounts.

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

SB01-040 by Senator Matsunaka--Concerning notice requirements for persons holding title to property in a representative capacity.

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

SB01-108 by Senators Arnold, Matsunaka and Perlmutter; also Representatives Smith, Coleman and Grossman--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

Amendment No. 1, Legal Services Committee Amendment
(Printed in Senate Journal, February 8, 2001, pages 223-224.)

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

SB01-171 by Senator Taylor; also Representative Miller--Concerning records required to be maintained by certain state agencies for construction projects under the supervision of those state agencies.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment
(Printed in Senate Journal, February 8, 2001, page 224.)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Dyer (Durango), 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: **SB01-107** as amended, **SB01-138**, **SB01-131** as amended, **HB01-1082**, **SB01-150**, **SB01-040**, **SB01-108** as amended, **SB01-171** as amended.

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.

CONSIDERATION OF RESOLUTIONS

SJR01-004 by Senator Dyer (Durango); also Representative Hoppe--Concerning additions and modifications to the drinking water revolving fund eligibility list.

On motion of Senator Dyer (Durango), the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Chlouber, Dennis, Taylor.

SJR01-005 by Senator Dyer(Durango); also Representative Hoppe--Concerning additions and modifications to the water pollution control revolving fund eligibility list.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment
(Printed in Senate Journal, February 2, 2001, pages 173-174.)

On motion of Senator Dyer (Durango), the resolution, as amended, was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Chlouber, Dennis, Phillips, Taylor.

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

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--
CONSENT CALENDAR**

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

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

For a term expiring July 1, 2004:

Tom Ann L. Casey of Durango, Colorado, to serve as a member with a college degree in petroleum geology and experience in the oil and gas industry and as a Democrat, appointed.

YES	35	NO	0	EXCUSED	0	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

ADVISORY COMMITTEE ON GOVERNMENTAL ACCOUNTING

For terms expiring May 18, 2003:

Michael Steven Clark of Denver, Colorado, to serve as a representative of city and county government, appointed;

Kevin F. Collins of Franktown, Colorado, to serve as a member of the Colorado Society of Certified Public Accountants, appointed.

YES	35	NO	0	EXCUSED	0	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

BOARD OF REAL ESTATE APPRAISERS

for terms expiring July 1, 2003:

Louis Joseph Garone of Westminster, Colorado, to serve as a real estate appraiser, appointed;

James Allan Holmes of Denver, Colorado, to serve as a member of the public, reappointed;

Arthur Victor Gallegos of Colorado Springs, Colorado, to serve as a member of the public, reappointed.

YES	35	NO	0	EXCUSED	0	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	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	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Committee of the Whole

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

1
2
3

GENERAL ORDERS--SECOND READING OF BILLS

4
5

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:

6
7
8
9

SB01-001

by Senator Hernandez--Concerning privacy protection for the medical records of persons claiming workers' compensation benefits.

10
11
12

Laid over until February 13, 2001, retaining its place on the calendar.

13
14

HB01-1037

by Representative Fairbank; also Senator Phillips--Concerning the creation of specific requirements for health care provider networks that conduct insurance business in the state of Colorado.

15
16
17
18

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

19
20

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 (**SB01-034, SB01-159, SB01-136, SB01-092, SB01-051, SB01-165, SB01-123, SB01-125, SB01-088, SB01-128**) of Monday, February 12, 2001, was laid over until Tuesday, February 13, 2001, retaining its place on the calendar.

21
22
23
24
25
26

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

27
28
29

On motion of Senator Dyer (Durango), 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:

30
31
32
33

Passed on Second Reading: **HB01-1037**.

34
35

Laid over till Tuesday, February 13, 2001: **SB01-001, SB01-034, SB01-159, SB01-136, SB01-092, SB01-051, SB01-165, SB01-123, SB01-125, SB01-088, SB01-128**.

36
37

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

38
39
40

The President has signed: HB01-1020, 1203.

41
42

Senate in Recess--Senate Reconvened.

43
44
45

COMMITTEE OF REFERENCE REPORTS

46
47
48

The committees recommend the following:

49
50

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB01-059** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

51
52
53
54

Amend printed bill, page 2, strike lines 11 through 14 and substitute the following:

55
56
57
58

"and 42-4-609. A VEHICLE THAT HAS OVERTAKEN A BICYCLE TRAVELING LAWFULLY WITHIN A BICYCLE LANE, ON A SHOULDER, OR ON THE ROADWAY SHALL NOT MAKE AN IMMEDIATE TURN ACROSS THE PATH OF THE BICYCLE UNLESS SUCH MOVEMENT CAN BE MADE SAFELY AND WITHOUT INTERFERING WITH, IMPEDING, OR ENDANGERING THE BICYCLIST."

59
60
61
62
63
64
65

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB01-074** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

66
67
68
69
70

71
72

SB01-074

Amend printed bill, page 2, strike lines 2 through 15.
 Renumber succeeding sections accordingly.
 Page 3, line 6, strike "1-7.5-104 (1) and" and substitute
 "**Repeal.** 1-7-5-104";
 strike line 7 and substitute the following:
 "is repealed as follows:";
 line 8, strike "(1) (a) If the";
 strike lines 9 through 20.
 Page 7, line 15, strike "NOT AFFILIATED WITH A";
 line 16, strike "MAJOR POLITICAL PARTY" and substitute "AN
 UNAFFILIATED ELECTOR".
 Page 10, strike lines 24 through 27.
 Page 11, strike lines 1 through 11.
 Renumber succeeding sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

Government,
 Veterans and
 Military
 Relations, and
 Transportation

After consideration on the merits, the committee recommends that **SB01-086** 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 12, strike "A COUNTY" and substitute
 "ANY COUNTY HAVING A POPULATION OF MORE THAN TWO HUNDRED
 THOUSAND ACCORDING TO THE MOST RECENT DECENNIAL CENSUS";
 line 15, strike "MEANS." and substitute "MEANS; EXCEPT THAT NO COUNTY
 IS AUTHORIZED BY THIS PARAGRAPH (b) TO TAKE BY EMINENT DOMAIN ANY
 EXISTING UTILITY FACILITY OR UTILITY EASEMENT.";
 line 18, strike "6" and substitute "1".

Government,
 Veterans and
 Military
 Relations, and
 Transportation

After consideration on the merits, the committee recommends that **SB01-115** 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 7, strike "COUNTY ASSESSORS,";
 line 8, strike "MAY" and substitute "SHALL".

Government,
 Veterans and
 Military
 Relations, and
 Transportation

After consideration on the merits, the committee recommends that **SB01-132** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 18.
 Strike pages 3 and 4.
 Page 5, strike lines 1 through 15.
 Renumber succeeding sections accordingly.

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB01-135** be referred favorably to the Committee of the Whole.

1
2
3
4
5
6
7
8

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB01-085** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

9
10
11
12
13

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

14

"SECTION 1. 1-40-104, Colorado Revised Statutes, is amended to read:

15
16
17

1-40-104. Designated representatives - filing fee. (1) At the time of any filing of a draft WITH THE DIRECTORS OF THE LEGISLATIVE COUNCIL AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES FOR REVIEW AND COMMENT as provided in this article, the proponents shall:

18
19
20
21
22

(a) Designate the names and mailing addresses of two persons who shall represent the proponents in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed; AND

23
24
25
26
27

(b) SUBMIT A FEE OF TWO HUNDRED DOLLARS THAT SHALL BE DEPOSITED IN THE STATE GENERAL FUND."

28
29
30

Renumber succeeding sections accordingly.

31
32

Page 3, after line 7, insert the following:

33
34

"SECTION 3. 1-40-106 (1) and (3), Colorado Revised Statutes, are amended to read:

35
36
37

1-40-106. Title board - meetings - titles and submission clause. (1) For ballot issues, beginning with the first submission of a draft after an election, the secretary of state shall convene a title board consisting of the secretary of state, the attorney general, and the director of the office of legislative legal services or the director's designee. The title board, by majority vote, shall proceed to designate and fix a proper fair title for each proposed law or constitutional amendment, together with a submission clause, at public meetings to be held at 2 p.m. on the first and third Wednesdays of each month in which a draft or a motion for reconsideration has been submitted to the secretary of state, AT A TIME DETERMINED BY THE SECRETARY OF STATE. To be considered at such meeting, a draft shall be submitted to the secretary of state no later than 3 p.m. on the twelfth day before the meeting at which the draft is to be considered by the title board. The first meeting of the title board shall be held no sooner than the first Wednesday in December after an election, and the last meeting shall be held no later than the third Wednesday in May in the year in which the measure is to be voted on.

38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

(3) (a) (Deleted by amendment, L. 2000, p. 1620, § 1, effective August 2, 2000.)

56
57
58

(a.5) FOR PURPOSES OF SETTING THE TITLE OF ANY MEASURE CONSTITUTING A "STATE MATTER ARISING UNDER SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION" AS DESCRIBED IN SECTION 1-41-102 (4), THE TITLE BOARD MAY REQUEST ASSISTANCE FROM THE LEGISLATIVE COUNCIL, THE OFFICE OF STATE PLANNING AND BUDGETING, OR THE DEPARTMENT OF LOCAL AFFAIRS AS MAY BE NECESSARY TO ENABLE THE TITLE BOARD IDENTIFY IN THE TITLE THE DOLLAR AMOUNT OF A TAX INCREASE OR THE PRINCIPAL AMOUNT AND REPAYMENT COST OF AN INCREASE IN DEBT AS REQUIRED BY SECTION 20 (3) (c) OF ARTICLE X OF THE STATE CONSTITUTION. WHEN THE TITLE BOARD REQUESTS SUCH FISCAL IMPACT INFORMATION FROM THE LEGISLATIVE COUNCIL, THE OFFICE OF STATE PLANNING AND BUDGETING, OR THE DEPARTMENT OF LOCAL AFFAIRS, THE FISCAL IMPACT INFORMATION SHALL BE FILED WITH

59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-085

THE SECRETARY OF STATE BY 12 NOON ON THE FRIDAY BEFORE THE MEETING OF THE TITLE BOARD AT WHICH THE DRAFT IS TO BE CONSIDERED.

(b) In setting a title, the title board shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote will be unclear. The title for the proposed law or constitutional amendment, ~~which shall correctly and fairly express the true intent and meaning thereof,~~ together with the ballot title and submission clause, shall be completed within two weeks after the first meeting of the title board. Immediately upon completion, the secretary of state shall deliver the same with the original to the parties presenting it, keeping the copy with a record of the action taken thereon.

(c) Ballot titles shall be brief, NOT TO EXCEED ONE HUNDRED TWENTY-FIVE WORDS, shall not conflict with those selected for any petition previously filed for the same election, ~~and~~ shall be in the form of a question ~~which~~ THAT may be answered "yes" (to vote in favor of the proposed law or constitutional amendment) or "no" (to vote against the proposed law or constitutional amendment), SHALL CLEARLY EXPRESS THE SINGLE SUBJECT OF THE MEASURE, and ~~which~~ shall ~~unambiguously~~ state IN PLAIN AND SIMPLE LANGUAGE the principle of the provision sought to be added, amended, or repealed.

SECTION 4. 1-40-107 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

1-40-107. Rehearing - appeal - fees - signing. (1) Any person presenting an initiative petition or any registered elector who is not satisfied with a decision of the title board with respect to whether a petition contains more than a single subject pursuant to section 1-40-106.5, or who is not satisfied with the titles and submission clause provided by the title board and who claims that they ~~are unfair or that they do not fairly express the true meaning and intent of the proposed state law or constitutional amendment~~ DO NOT COMPLY WITH THE REQUIREMENTS OF SECTION 1-40-106 (3) (c) may file a motion for a rehearing with the secretary of state within seven days after the decision is made or the titles and submission clause are set. The motion for rehearing shall be heard at the next regularly scheduled meeting of the title board; except that, if the title board is unable to complete action on all matters scheduled for that day, consideration of any motion for rehearing may be continued to the next available day, and except that, if the titles and submission clause protested were set at the last meeting in May, the motion shall be heard within forty-eight hours after the motion is filed.

(2) If any person presenting an initiative petition for which a motion for a rehearing is filed, any registered elector who filed a motion for a rehearing pursuant to subsection (1) of this section, or any other registered elector who appeared before the title board in support of or in opposition to a motion for rehearing is not satisfied with the ruling of the title board upon the motion, then the secretary of state shall furnish such person, upon request, a certified copy of the petition with the titles and submission clause of the proposed law or constitutional amendment, together with a certified copy of the motion for rehearing and of the ruling thereon. If filed with the clerk of the supreme court within five BUSINESS days thereafter, the matter shall be disposed of promptly, consistent with the rights of the parties, either affirming the action of the title board or reversing it, in which latter case the court shall remand it with instructions, pointing out where the title board is in error.

(3) THE PARTY REQUESTING REVIEW OF THE TITLE BOARD'S ACTION SHALL PREPARE AND FILE WITH THE SUPREME COURT THE RECORD OF ANY PROCEEDINGS BEFORE THE TITLE BOARD AND ANY TRANSCRIPT THEREOF, AND SHALL BEAR THE COST OF PREPARING SUCH RECORD AND TRANSCRIPT. The secretary of state shall be allowed a fee which shall be determined and collected pursuant to section 24-21-104 (3), C.R.S., for certifying a record of any proceedings before the title board. The clerk of the supreme court shall receive one-half the ordinary docket fee for docketing any such cause, all of which shall be paid by the parties desiring a review of such proceedings. COSTS SHALL NOT BE TAXED AGAINST THE TITLE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-085

BOARD.

SECTION 5. 1-40-108 (1), Colorado Revised Statutes, is amended, and the said 1-40-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

1-40-108. Petition - time of filing. (1) No petition for any ballot issue shall be of any effect unless filed with the secretary of state within six months from the date that the titles and submission clause have been fixed and determined pursuant to the provisions of sections 1-40-106 and 1-40-107 and unless filed with the secretary of state within ~~the time required by the state constitution~~ ONE HUNDRED TWENTY DAYS before the election at which it is to be voted upon. A petition for a ballot issue for the election to be held in November of odd-numbered years shall be filed with the secretary of state within ~~the same time~~ ONE HUNDRED TWENTY DAYS before such odd-year election ~~as is required by the state constitution~~ for issues to be voted on at the general election. All filings under this section must be made by 3 p.m. on the day of filing.

(3) PROPONENTS MAY BEGIN CIRCULATING A PETITION FOR SIGNATURES AT ANY TIME AFTER THE FINAL DECISION OF THE TITLE BOARD, INCLUDING DISPOSITION OF ANY MOTION FOR REHEARING OR THE EXPIRATION OF THE TIME FOR FILING A MOTION FOR REHEARING, AND AFTER THE SECRETARY OF STATE HAS APPROVED THE FORMAT OF THE PETITION IN SECTION 1-40-113 (1), WHETHER OR NOT AN APPEAL IS FILED WITH THE SUPREME COURT PURSUANT TO 1-40-107 (2). THE SIX-MONTH PERIOD SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BEGIN ON THE DATE THAT THE FIRST SIGNATURE IS AFFIXED TO THE PETITION OR, IN THE CASE OF AN APPEAL TO THE SUPREME COURT, ON THE DATE THAT THE DECISION OF THE SUPREME COURT BECOMES FINAL, WHICHEVER DATE OCCURS FIRST.

SECTION 6. 1-40-109 (1), Colorado Revised Statutes, is amended to read:

1-40-109. Signatures required. (1) (a) No petition for any initiated law or amendment to the state constitution shall be of any force or effect, nor shall the proposed law or amendment to the state constitution be submitted to the people of the state of Colorado for adoption or rejection at the polls, as is by law provided for, unless the petition for the submission of the initiated law or amendment to the state constitution is signed by the number of electors required by the state constitution AND SUCH SIGNATURES ARE DISTRIBUTED THROUGHOUT THE STATE AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) SIGNATURES BY REGISTERED ELECTORS RESIDING IN EACH JUDICIAL DISTRICT IN AN AMOUNT EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTES CAST FOR ALL CANDIDATES FOR THE OFFICE OF SECRETARY OF STATE IN SUCH DISTRICT AT THE PREVIOUS GENERAL ELECTION SHALL BE REQUIRED TO PROPOSE ANY MEASURE BY PETITION.

SECTION 7. 1-40-111, Colorado Revised Statutes, is amended to read:

1-40-111. Signatures - affidavits. (1) Any initiative or referendum petition shall be signed only by registered electors who are eligible to vote on the measure. Each registered elector shall sign his or her own signature and shall print his or her name, the address at which he or she resides, including the street number and name, the city ~~and~~ OR town, the county, and the date of signing. Each registered elector signing a petition shall be encouraged by the circulator of the petition to sign the petition in ink. In the event a registered elector is physically disabled or is illiterate and wishes to sign the petition, the elector shall sign or make his or her mark in the space so provided. Any person, but not a circulator, may assist the disabled or illiterate elector in completing the remaining information required by this subsection (1). The person providing assistance shall sign his or her name and address and shall state that such assistance was given to the disabled or illiterate elector.

(2) To each petition section shall be attached a signed, notarized, and dated affidavit executed by the ~~registered~~ elector who circulated the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB01-085

petition section, which shall include his or her printed name, the address at which he or she resides, including the street name and number, the city or town, the county, and the date he or she signed the affidavit; that he or she has read and understands the laws governing the circulation of petitions; that he or she was, ~~a registered elector~~ at the time the section of the petition was circulated and signed by the listed electors, AT LEAST EIGHTEEN YEARS OF AGE, A CITIZEN OF THE UNITED STATES, AND A RESIDENT OF THE STATE OF COLORADO; that he or she circulated the section of the petition; that each signature thereon was affixed in the circulator's presence; that each signature thereon is the signature of the person whose name it purports to be; that to the best of the circulator's knowledge and belief each of the persons signing the petition section was, at the time of signing, a registered elector; and that he or she has not paid or will not in the future pay and that he or she believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition. The secretary of state shall not accept for filing any section of a petition that does not have attached thereto the notarized affidavit required by this section. Any signature added to a section of a petition after the affidavit has been executed shall be invalid.

SECTION 8. 1-40-112 (1), Colorado Revised Statutes, is amended to read:

1-40-112. Circulators - requirements. (1) No section of a petition for any initiative or referendum measure shall be circulated by any person who is not, ~~a registered elector and at least eighteen years of age~~ at the time the section is circulated, AT LEAST EIGHTEEN YEARS OF AGE, A CITIZEN OF THE UNITED STATES, AND A RESIDENT OF THE STATE OF COLORADO.

SECTION 9. 1-40-113 (1), Colorado Revised Statutes, is amended to read:

1-40-113. Form - representatives of signers. (1) Each section of a petition shall be printed on a form as prescribed by the secretary of state. No petition shall be printed, published, or otherwise circulated unless the form ~~and the first printer's proof of the petition have~~ HAS been approved by the secretary of state. Each petition section shall designate by name and mailing address two persons who shall represent the signers thereof in all matters affecting the same. The secretary of state shall assure that the petition contains only the matters required by this article and contains no extraneous material. All sections of any petition shall be prenumbered serially, and the circulation of any petition section described by this article other than personally by a circulator is prohibited. Any petition section that fails to conform to the requirements of this article or is circulated in a manner other than that permitted in this article shall be invalid."

Renumber succeeding sections accordingly.

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-201** be referred favorably to the Committee on Government, Veterans and Military Relations, and Transportation.

The House returned the message requesting a conference committee on **HB01-1267**.

MESSAGE FROM THE HOUSE

February 12, 2001

Mr. President:

The House has voted to concur in Senate amendments to HB01-1267, and has repassed the bill as so amended.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1153, 1186, 1134, 1024, 1138, and 1241.

INTRODUCTION OF BILLS--FIRST READING

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

- HB01-1006** by Representatives Ragsdale and Young; also Senators Teck and Evans--Concerning state records filed with the secretary of state.
Government, Veterans and Military Relations, and Transportation
- HB01-1061** by Representative Young; also Senator Phillips--Concerning the prohibition of unauthorized charges from a telecommunications provider.
Public Policy and Planning
- HB01-1084** by Representative Boyd; also Senator Fitz-Gerald--Concerning disclosure requirements for multi-line telephone system operators relating to 9-1-1 emergency service calls.
Public Policy and Planning
- HB01-1091** by Representative Paschall; also Senator Hagedorn--Concerning a method for payment of the costs associated with expanding the clean screen program, and, in connection therewith, providing for the payment of clean screen inspection fees through a clean screen enterprise.
Government, Veterans and Military Relations, and Transportation
- HB01-1133** by Representatives Tapia, Borodkin, Coleman, Grossman, Sanchez and Veiga; also Senator Dennis--Concerning the eligibility criteria for resident bidders given bid preference on construction contracts for public projects.
Government, Veterans and Military Relations, and Transportation
- HB01-1136** by Representative Witwer; also Senator Evans--Concerning the creation of a statewide fire fighting resource database.
Agriculture and Natural Resources
- HB01-1154** by Representatives Spence, Crane, Sinclair, Weddig, Cadman, Daniel and Jahn; also Senators Phillips and Epps--Concerning the use of electronic bingo devices.
Business, Labor, and Finance
- HB01-1171** by Representatives Romanoff, Berry, Johnson, Stafford, Tochtrop, Witwer and Young; also Senators Owen and Hernandez--Concerning recoveries by the medical assistance program from third parties.
Judiciary
- HB01-1185** by Representatives Clapp, Fairbank, Fritz, Hefley, Miller, Mitchell, Nunez, Schultheis, Snook, Spence, Stafford, Webster and Williams T.; also Senator Arnold--Concerning victims in probation matters.
Judiciary

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, February 13, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate