

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

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Seventy-sixth Legislative Day

Monday, March 26, 2001

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Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

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

Roll Call Present--Total, 32.  
Absent/Excused--Dyer (Durango), May, Taylor--Total 3.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tate, reading of the Journal of Friday, March 23, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services Correctly printed: SJR01-021, SR01-011.

Correctly reengrossed: SB01-148.

Correctly engrossed: SB01-119.

Correctly revised: HJR01-1014, HB01-1163, 1238, 1236, 1210, 1283, 1321, 1160, 1297.

To the Governor for signature on Friday, March 23, 2001, at 9:30 am:  
SB 01-151.

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**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that **HB01-1279** be referred favorably to the Committee on Appropriations.

Health, Environment, Children and Families After consideration on the merits, the committee recommends that **HB01-1189** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 23, after the period, insert "THIS SUBSECTION (1.5) DOES NOT APPLY TO FACILITIES THAT ARE LICENSED VOLUNTARILY.".

Page 5, line 9, after the period, insert "THIS SECTION DOES NOT APPLY TO PERSONAL CARE BOARDING HOMES THAT ARE LICENSED VOLUNTARILY.".

Health, Environment, Children and Families After consideration on the merits, the committee recommends that **HB01-1338** be postponed indefinitely.

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1308** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 18, strike "THE HEALTH CARE PROVIDER TREATING A";

line 19, strike "PREGNANT WOMAN SHALL GIVE TO" and after "PREGNANT WOMAN", insert "SHALL HAVE";

line 25, strike "DISPOSITION." and substitute "DISPOSITION IN ACCORDANCE WITH APPLICABLE LAW. SUCH REQUEST SHALL BE MADE BY THE PREGNANT WOMAN OR HER AUTHORIZED REPRESENTATIVE PRIOR TO OR IMMEDIATELY FOLLOWING THE EXPULSION OR EXTRACTION OF THE FETAL REMAINS. UNLESS A TIMELY REQUEST WAS MADE, NOTHING IN THIS SECTION SHALL REQUIRE THE HEALTH CARE PROVIDER TO MAINTAIN OR PRESERVE THE FETAL REMAINS."

Page 3, after line 10, insert the following:

"(5) A HEALTH CARE PROVIDER SHALL BE IMMUNE FROM ALL CIVIL OR CRIMINAL LIABILITY, SUIT, OR SANCTION WITH REGARD TO ANY ACTION TAKEN IN GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS SECTION."

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1169** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 9, strike "FAMILIES ELIGIBLE FOR ASSISTANCE" and substitute "ELIGIBLE APPLICANTS OR PARTICIPANTS";

line 10, strike "FAMILY" and substitute "APPLICANT OR PARTICIPANT";

line 15, after the period, add "HOWEVER, NOTHING IN THIS SUBSECTION (1) PRECLUDES A COUNTY DEPARTMENT FROM REQUIRING SUCH APPLICATIONS, WRITTEN AGREEMENTS, AND INDIVIDUAL RESPONSIBILITY CONTRACTS IN A COUNTY'S INDIVIDUAL CONTRACTING PROCEDURES ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION.";

strike line 19 and substitute the following:

"CONTRACTING PROCEDURES COUNTIES MUST FOLLOW TO ENSURE THAT FUNDS ARE BEING SPENT TO SUPPORT TANF-ELIGIBLE APPLICANTS OR PARTICIPANTS. COUNTIES SHALL ALSO BE REQUIRED TO ADOPT OFFICIAL WRITTEN POLICIES AS REFERENCED IN SECTION 26-2-716(2.5) REGARDING THE TYPES OF COMMUNITY RESOURCES IN WHICH COUNTIES ARE INVESTING, THE PURPOSES OF SUCH COMMUNITY RESOURCE INVESTMENTS, THE INCOME ELIGIBILITY STANDARDS, AS APPLICABLE, AND THE COUNTY'S DISPUTE RESOLUTION PROCESSES.";

after line 22, insert the following:

"(4) A COUNTY SHALL NOT BE AUTHORIZED TO USE FUNDS PURSUANT TO THIS SECTION FOR THE PURPOSE OF SUPPLANTING FUNDS.

(5) NOTHING IN THIS SECTION SHALL PRECLUDE A HOUSEHOLD FROM APPLYING FOR AND RECEIVING BASIC CASH ASSISTANCE."

Appropriations

After consideration on the merits, the committee recommends that **SB01-105** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee amendment, as printed in Senate Journal, February 8, page 216, after line 17, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the

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**SB01-105**

educator licensure cash fund created in section 22-60.5-112, Colorado Revised Statutes, to the department of education, for the fiscal year beginning July 1, 2001, the sum of thirty-four thousand two hundred fifty dollars (\$34,250), or so much thereof as may be necessary, for the implementation of this act.";

line 19, strike "**SECTION 2.**" and substitute "**SECTION 3.**";

after line 21, insert the following:

"Page 1, line 102, strike "**CREDENTIALING.**" and substitute "**CREDENTIALING, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**".

Appropriations

After consideration on the merits, the committee recommends that **SB01-157** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB01-209** be referred favorably to the Committee of the Whole.

Appropriations

After consideration on the merits, the committee recommends that **SB01-175** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB01-168** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary Committee amendment, as printed in the Senate Journal, dated February 6, page 195, strike lines 62 through 69.

Page 196, strike lines 1 and 2.

Appropriations

After consideration on the merits, the committee recommends that **SB01-127** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 25, after "UNION", insert "THAT IS COMMUNITY CHARTERED PURSUANT TO SECTION 11-30-101.7 OR IS A CREDIT UNION THAT HAS BEEN DESIGNATED AS A "LOW-INCOME CREDIT UNION", PURSUANT TO SECTION 107 (6) OF THE "FEDERAL CREDIT UNION ACT", 12 U.S.C. SEC. 1757 (6), THAT HAS ASSETS THAT DO NOT EXCEED THIRTY MILLION DOLLARS,".

Page 20, after line 17, insert the following:

**"SECTION 13. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of financial services cash fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of financial services, for the fiscal year beginning July 1, 2001, the sum of one thousand seven hundred seventy-three dollars (\$1,773), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of one hundred twelve dollars (\$112), or so much thereof as may be necessary, for the provision of legal services to the division of financial services related to the implementation of this act. Such sum shall be from cash funds exempt received from the division of financial services out of the appropriation made in subsection (1) of this section."

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**SB01-127**

Renumber succeeding section accordingly.

Page 1, line 102 strike "UNIONS." and substitute "UNIONS, AND MAKING AN APPROPRIATION THEREFOR."

Appropriations

After consideration on the merits, the committee recommends that **SB01-100** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Judiciary committee amendment, as printed in the Senate Journal, dated February 15, 2001, page 319, line 29, strike "(a)";

strike lines 43 through 46.

Page 320, strike lines 15 through 23, and substitute the following:

"(h) A FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR, UPON A FORM PRESCRIBED BY THE SECRETARY OF STATE, OR, IN THE DISCRETION OF THE SECRETARY OF STATE, A COPY OF THE CHARITABLE ORGANIZATION'S FEDERAL FORM 990, WITH ALL SCHEDULES EXCEPT SCHEDULES OF DONORS, FOR THE MOST RECENT FISCAL YEAR.

(3) THE SECRETARY OF STATE MAY PROMULGATE RULES CONCERNING THE ACCEPTANCE OF A UNIFORM MULTISTATE REGISTRATION STATEMENT, SUCH AS A UNIFIED REGISTRATION STATEMENT, IN LIEU OF THE REGISTRATION STATEMENT DESCRIBED IN SUBSECTION (2) OF THIS SECTION.";

strike lines 34 through 42, and substitute the following:

"STATE A FINANCIAL REPORT FOR THE MOST RECENT FISCAL YEAR ON A FORM PRESCRIBED BY THE SECRETARY OF STATE, OR, IN THE DISCRETION OF THE SECRETARY OF STATE, A COPY OF THE CHARITABLE ORGANIZATION'S FEDERAL FORM 990, WITH ALL SCHEDULES EXCEPT SCHEDULES OF DONORS, FOR THE MOST RECENT FISCAL YEAR. SUCH FINANCIAL REPORT SHALL BE FILED ON OR BEFORE THE FIFTEENTH DAY OF THE FIFTH CALENDAR MONTH AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE CHARITABLE ORGANIZATION SOLICITED IN THIS STATE."

Page 321, line 36, strike "WRITING," and substitute "WRITING AND";

strike lines 37 through 42, and substitute the following:

"CHARITABLE ORGANIZATION. THE PROFESSIONAL FUNDRAISING CONSULTANT SHALL PROVIDE A COPY OF THE CONTRACT TO THE CHARITABLE ORGANIZATION PRIOR TO THE PERFORMANCE OF ANY MATERIAL SERVICES UNDER THE CONTRACT AND SHALL MAKE A COPY OF THE CONTRACT AVAILABLE TO THE SECRETARY OF STATE UPON REQUEST. THE CONTRACT SHALL CONTAIN ALL OF THE FOLLOWING PROVISIONS:".

Page 323, strike lines 6 through 15, and substitute the following:

"PROFESSIONAL FUNDRAISING CONSULTANT SHALL PROVIDE TO THE CHARITABLE ORGANIZATION A FINANCIAL REPORT OF THE CAMPAIGN, INCLUDING GROSS PROCEEDS AND AN ITEMIZATION OF ALL EXPENSES OR DISBURSEMENTS FOR ANY PURPOSE. THE REPORT SHALL BE SIGNED BY THE PROFESSIONAL FUNDRAISING CONSULTANT OR, IF THE PROFESSIONAL FUNDRAISING CONSULTANT IS NOT AN INDIVIDUAL, BY AN AUTHORIZED OFFICER OR AGENT OF THE PROFESSIONAL FUNDRAISING CONSULTANT, WHO SHALL CERTIFY THAT THE FINANCIAL REPORT IS TRUE AND COMPLETE TO THE BEST OF THE PERSON'S KNOWLEDGE. THE PROFESSIONAL FUNDRAISING CONSULTANT SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE UPON REQUEST.";

line 62, strike "THE CONTRACT" and substitute the following:

"THE PAID SOLICITOR SHALL PROVIDE A COPY OF THE CONTRACT TO THE CHARITABLE ORGANIZATION PRIOR TO THE PERFORMANCE OF ANY MATERIAL SERVICES UNDER THE CONTRACT AND SHALL MAKE A COPY OF

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**SB01-100**

THE CONTRACT AVAILABLE TO THE SECRETARY OF STATE UPON REQUEST.  
THE CONTRACT SHALL CONTAIN ALL OF THE FOLLOWING PROVISIONS:";

strike line 63.

Page 325, strike lines 39 and 40 and substitute the following:

"(a) A SUMMARY OF THE GOVERNING CONTRACT, AS SPECIFIED IN  
SUBSECTION (2) OF THIS SECTION."

Page 327, strike lines 6 through 10, and substitute the following:

"(3) THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO  
PROMULGATE RULES PROVIDING FOR THE ONLINE AVAILABILITY OF FORMS  
REQUIRED TO BE FILED PURSUANT TO SECTIONS 6-16-104 TO 6-16-104.6  
AND FOR THE ELECTRONIC FILING OF REQUIRED FORMS, INCLUDING THE  
ACCEPTANCE OF ELECTRONIC SIGNATURES. THE SECRETARY OF STATE  
SHALL HAVE THE AUTHORITY TO MANDATE ELECTRONIC FILING AND TO  
PROVIDE, IN THE SECRETARY OF STATE'S DISCRETION, FOR EXCEPTIONS TO  
MANDATORY ELECTRONIC FILING.";

line 53, strike the second "A" and substitute "COPIES";

line 54, strike "SUMMARY";

line 56, strike "INFORMATION" and substitute "DOCUMENTS".

Page 329, strike lines 69 through 72.

Page 330, strike lines 2 through 6, and substitute the following:

**"SECTION 10. Appropriation.** (1) In addition to any other  
appropriation, there is hereby appropriated, out of any moneys in the  
department of state cash fund not otherwise appropriated, to the  
department of state, for the fiscal year beginning July 1, 2001, the sum of  
two hundred ninety-nine thousand four hundred twenty-three dollars  
(\$299,423) and 0.9 FTE, or so much thereof as may be necessary, for the  
implementation of this act.

(2) In addition to any other appropriation, there is hereby  
appropriated to the department of law, for the fiscal year beginning July  
1, 2001, the sum of two thousand seven hundred ninety-one dollars  
(\$2,791), or so much thereof as may be necessary, for the provision of  
legal services to the department of state related to the implementation of  
this act. Said sum shall be from cash funds exempt received from the  
department of state out of the appropriation made in subsection (1) of this  
section.

**SECTION 11. Effective date - applicability.** (1) This act shall  
take effect May 9, 2002, unless a referendum petition is filed during the  
ninety-day period after final adjournment of the general assembly that is  
allowed for submitting a referendum petition pursuant to article V,  
section 1 (3) of the state constitution. If such a referendum petition is  
filed against this act or an item, section, or part of this act within such  
period, then the act, item, section, or part, if approved by the people, shall  
take effect on the date of the official declaration of the vote thereon by  
proclamation of the governor."

Page 1, line 103, strike "PRACTICES." and substitute "PRACTICES AND  
MAKING AN APPROPRIATION THEREFOR.".

Appropriations

After consideration on the merits, the committee recommends that **SB01-085** be postponed indefinitely.

Appropriations

After consideration on the merits, the committee recommends that **SB01-016** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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**SB01-016**

Amend the Judiciary Committee amendment, as printed in Senate Journal, February 1, page 161, after line 21, insert the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund not otherwise appropriated, to the department of public safety, for allocation to the colorado state patrol, for the fiscal year beginning July 1, 2001, the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

After line 26, insert the following:

"Page 1, line 102, strike "**BOARD.**" and substitute "**BOARD, AND MAKING AN APPROPRIATION THEREFOR.**"."

Appropriations

After consideration on the merits, the committee recommends that **SB01-006** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 2, strike "**accounting.**", and substitute "**accounting - repeal.**"

Page 6, after line 4, insert the following:

"(IV) THIS PARAGRAPH IS REPEALED, EFFECTIVE JULY 1, 2007."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1114** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 6, insert the following:

**"SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the highway users tax fund not otherwise appropriated, to the department of public safety, for allocation to the Colorado state patrol division, for the fiscal year beginning July 1, 2001, the sum of twenty-one thousand four hundred and forty-eight dollars (\$21,448), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "**STOPS.**" and substitute "**STOPS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**"."

Appropriations

After consideration on the merits, the committee recommends that **HB01-1074** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 16, insert the following:

**"SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-133. Preparole release and revocation facility.** (1) (a) ON OR BEFORE SEPTEMBER 1, 2001, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSAL FOR THE CONSTRUCTION AND OPERATION OF A PRIVATE CONTRACT PRISON THAT SHALL BE A LEVEL III FACILITY, AS DESCRIBED IN SECTION 17-1-104.3 (1) (a) (III).

(b) THE PRISON DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL CONTAIN AT LEAST THREE HUNDRED BEDS AND INCARCERATE

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**HB01-1074**

ANY OF THE FOLLOWING:

(I) INMATES WHO HAVE NOT BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309, C.R.S., AND WHO HAVE NO MORE THAN NINETEEN MONTHS REMAINING UNTIL SUCH INMATE'S PAROLE ELIGIBILITY DATE;

(II) INMATES WHO HAVE BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN SECTION 16-11-309, C.R.S., AND WHO HAVE NO MORE THAN NINE MONTHS REMAINING UNTIL SUCH INMATE'S PAROLE ELIGIBILITY DATE; OR

(III) OFFENDERS WHOSE PAROLE HAS BEEN REVOKED; EXCEPT THAT SUCH INCARCERATION SHALL BE FOR NO MORE THAN ONE HUNDRED EIGHTY DAYS."

Renumber succeeding sections accordingly.

**MESSAGE FROM THE HOUSE**

March 23, 2001

Mr. President:

The House has postponed indefinitely SB01-031, 059, 103, 136. The bills are returned herewith.

**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:

**HB01-1163**

by Representatives Marshall, Dean, Groff, King, Saliman and Spence; also Senators Matsunaka, Tate and Tupa--Concerning the integration of information technology education into the public school curriculum.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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: Hernandez.

**HB01-1238**

by Representatives Stafford, Clapp, Cloer, Johnson and Lee; also Senator Hillman--Concerning a prohibition on the therapeutic technique known as rebirthing, and, in connection therewith, creating an additional prohibited activity for mental health professionals who use the rebirthing technique.

Laid over until Tuesday, March 27, 2001, retaining its place on the calendar.

**HB01-1236**

by Representative Witwer; also Senator Hanna--Concerning a requirement for the use of the same preauthorization mechanism in the determination to provide coverage for the treatment of a biologically based mental illness as is used in the determination to provide coverage for any other physical illness.

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

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**HB01-1236**

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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: Hagedorn, Hernandez, Reeves, Tate, Tupa, Windels.

**HB01-1210**

by Representative Sinclair; also Senator Arnold--Concerning the authorization of electronic hearings in situations where citations for certain driving offenses may cause individuals to lose their driver's licenses.

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

YES	30	NO	2	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	N
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	Hillman	Y	Perlmutter	N	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: Hernandez.

**HB01-1283**

by Representatives Rhodes, Fairbank, Paschall and White; also Senator Hagedorn--Concerning the bonding authority of the Colorado housing and finance authority, and, in connection therewith, eliminating the dollar limitation on the amount of bonds that the authority may issue and prohibiting the authority from establishing new capital reserve funds used for the payment of bonds.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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: Hernandez, Musgrave, Pascoe, Tate.

**HB01-1321**

by Representatives Decker, Cadman, Garcia and White; also Senator Linkhart--Concerning the effect of the execution of a tax deed on a preexisting equitable servitude that runs with land.

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

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**HB01-1321**

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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**.

**HB01-1160**

by Representatives Romanoff, Plant, Borodkin, Boyd, Coleman, Larson, Mace, Madden, Ragsdale, Scott, Sinclair, Smith, Stafford, Williams S. and Witwer; also Senator Gordon--Concerning energy-efficient standards for certain new outdoor lighting fixtures funded by the state.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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, Hagedorn, Hanna, Hernandez, Linkhart, Pascoe, Phillips, Reeves, Tate, Tupa.

**HB01-1297**

by Representative Spradley; also Senator McElhany--Concerning a prohibition on removing an alcohol beverage from certain licensed premises.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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**.

**SB01-119**

by Senator Teck; also Representative Young--Concerning measures that will ensure that the department of revenue has sufficient funds to continue issuing license plates, and, in connection therewith, eliminating the requirement for front license plates and making an appropriation.

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

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YES	24	NO	8	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	N	May	E	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	E
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	E	Hillman	N	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: Chlouber, Fitz-Gerald, Hernandez, Pascoe, Perlmutter, Reeves, Tupa.

**CHANGE IN PRIME SPONSORSHIP ON SB01-119**

On motion of Senator Teck, and with a majority of those elected to the Senate having voted in the affirmative, Senator Teck was removed as the prime sponsor on **SB01-119**. Senator Chlouber replaced Senator Teck as prime sponsor.

Committee of the Whole

On motion of Senator Hernandez, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills Consent Calendar. Senator Hernandez 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:

**HB01-1351** by Representative Larson; also Senator Dyer (Durango)--Concerning the revocation of Colorado driving privileges after the revocation of tribal driving privileges under tribal law.  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1254** by Representative Smith; also Senator Teck--Concerning a requirement for notice to owners of land directly affected by water rights adjudication applications.  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1239** by Representatives Stafford, Johnson, Larson and White; also Senator Taylor--Concerning the location in a county in which county officials may conduct business.  
Amendment No. 1, Agriculture and Natural Resources Committee Amendment.  
(Printed in Senate Journal, March 16, 2001, page 555.)

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

**HB01-1217** by Representative Larson; also Senator Dyer (Durango)--Concerning the authority of a local board of health to promulgate regulations authorizing cease and desist orders when sewage treatment does not comply with certain laws.  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1340** by Representatives Miller, Larson and Lawrence; also Senators McElhany, Phillips and Windels--Concerning amendments that conform current law to prior statutory changes regarding the review of certain facility program plans by a joint committee of the general assembly.  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1008** by Representatives Scott, Alexander, Mace, Miller, Plant, Ragsdale and Smith; also Senator Taylor--Concerning calculations of the contributions necessary to eliminate the unfunded liability of state-assisted old hire police officers' and firefighters' pension plans.  
Ordered revised and placed on the calendar for Third Reading and Final Passage.

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**SB01-203**

by Senators Phillips, Windels and McElhany; also Representatives Larson, Lawrence and Miller--Concerning deadlines for the submittal of budget information by certain state agencies to the capital development committee.

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

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

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

Passed on Second Reading: **HB01-1351, HB01-1254, HB01-1239** as amended, **HB01-1217, HB01-1340, HB01-1008, SB01-203.**

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 Appointments Consent Calendar.

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

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

WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2004:

Dr. Chris J. Wiant of Aurora, Colorado, reappointed;

Martha Elizabeth Rudolph of Denver, Colorado, appointed;

Paul L. Grundemann of Castle Rock, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2003:

The Honorable Duncan S. Bremer of Monument, Colorado, to serve as a county commissioner and to replace Barbara J. Kirkmeyer who no longer holds the office of county commissioner, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2003:

Dr. John W. Daily of Boulder, Colorado, to serve as a representative of the academic community and as an Unaffiliated, reappointed;

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

COLORADO STATE FAIR AUTHORITY  
BOARD OF COMMISSIONERS

for a term expiring November 1, 2003:

Russell N. Johnson of Sterling, Colorado, to serve as a representative of the Fourth Congressional District and as a Republican, respointed.

for terms expiring November 1, 2004:

Dominic A. Lloyd of Denver, Colorado, to serve as a representative of the First Congressional District and as an Unaffiliated, reappointed;

Selman Thomas Harned of Gypsum, Colorado, to serve as a representative of the Third Congressional District and as a resident of the Western Slope and as a Republican, reappointed;

Alex "Sandy" Clark of Pueblo West, Colorado, to serve as a resident of the county in which the Colorado State Fair is held and as a representative of the Third Congressional District and as Democrat, reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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 Appointments Calendar. The Government Appointments Calendar of Monday, March 26, 2001 was laid over until Monday, April 2, 2001.

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 **HJR01-1018** and **SJR01-020**.

**CONSIDERATION OF RESOLUTIONS**

**HJR01-1018** by Representatives Borodkin, Alexander, Berry, Boyd, Coleman, Hefley, Hodge, Hoppe, Jahn, Lawrence, Mace, Madden, Marshall, Ragsdale, Rhodes, Sanchez, Spence, Spradley, Stafford, Tochtrop, Veiga, Williams S. and Williams T.; also Senators Dennis, Anderson, Epps, Fitz-Gerald, Hanna, Musgrave, Nichol, Pascoe, Takis and Windels--Concerning the designation of Women in Politics month.

**HJR01-1018** The resolution was read at length and on motion of Senator Dennis, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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: The morning roll call of the Senate.

**SJR01-020** by Senators Dennis, Chlouber and Dyer (Durango); also Representative Saliman-- Concerning Colorado nonprofit day.

The resolution was read at length and on motion of Senator Dennis, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	Y	May	E	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	E
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.	E	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: The morning roll call of the Senate.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bill **SB01-156**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB01-156** by Senator Dennis; also Representative Snook--Concerning authorization for manufacturers of spirituous liquors to engage in certain business practices, and, in connection therewith, authorizing tastings and the serving and selling of spirituous liquors that are manufactured on the premises and authorizing the serving and selling of food, general merchandise, alcohol beverages, and nonalcohol beverages.

Senator Dennis moved that the Senate not concur in House amendments to **SB01-156**, as printed in House Journal, March 12, 2001, page 752, and that a Conference Committee be appointed and that the conference committee be permitted to go beyond the scope of the differences.

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

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The President appointed Senators Dennis, Chairman, Nichol and Tupa as Senate Conferees on the First Conference Committee on **SB01-156**.

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

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

The Committee of the Whole having risen, the Chairman reported that the following bills,

reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**HB01-1275** by Representative Paschall; also Senators Hagedorn and May--Concerning the Colorado institute of technology.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, March 14, 2001, page 541.)

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

**HB01-1348** by Representative Williams S.; also Senator Pascoe--Concerning the use of scores of students with individual educational programs.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 14, 2001, page 544-545, except for those portions printed on page 544, lines 40-56 and page 545, lines 3-26, which were declared **lost** on Second Reading.)

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

**HB01-1096** by Representative Vigil; also Senator Hagedorn--Concerning the authority to allow recipients to supplement the amount received through the child care assistance program.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.  
(Printed in Senate Journal, March 15, 2001, page 540.)

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

Amend the Health, Environment, Children and Families Committee amendment, as printed in the Senate Journal, March 15, page 548, line 25, after "PAYS", insert "A PROVIDER LICENSED PURSUANT TO ARTICLE 6 OF THIS TITLE";

after line 26, insert the following:

"line 5, after "PROVIDER", insert "LICENSED PURSUANT TO ARTICLE 6 OF THIS TITLE";";

strike lines 28 through 30 and substitute the following:

"line 9, after "26-2-805.", insert "IF A RECIPIENT ELECTS TO SUPPLEMENT THE AMOUNT PAID BY THE COLORADO CHILD CARE ASSISTANCE PROGRAM, SUCH SUPPLEMENT SHALL NOT EXCEED TEN PERCENT OF THE RECIPIENT'S GROSS INCOME."";

line 35, strike "read:." and substitute "read:";

after line 35, insert the following:

**"26-2-805. Services - assistance provided. (1)".**

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

**HB01-1025** by Representative Bacon; also Senator Tupa--Concerning the privacy of motor vehicle records maintained by the department of revenue.

Amendment No. 1, Business, Labor and Finance Committee Amendment.  
(Printed in Senate Journal, March 15, 2001, page 542-544.)

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

**HB01-1132** by Representatives Scott, Witwer, Mitchell, Boyd, Groff, Mace, Madden, Paschall, Plant, Swenson and Veiga; also Senator Tupa--Concerning the annexation by a special statutory district of unincorporated territory that is entirely surrounded by the district.

Laid over until Tuesday, March 27, 2001, retaining its place on the calendar.

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- HB01-1286** by Representative Alexander; also Senator Hagedorn--Concerning faith healing in the crime of child abuse. 1  
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Laid over until Tuesday, March 27, 2001, retaining its place on the calendar. 4  
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- HB01-1292** by Representatives Williams S., Bacon, Cloer, Tapia, Mace, Johnson, Groff, Grossman, Hefley and Weddig; also Senators Matsunaka, Evans and Windels--Concerning character education programs in school districts. 6  
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Amendment No. 1, Education Committee Amendment. 10  
(Printed in Senate Journal, March 21, 2001, page 595.) 11  
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Amendment No. 2 (L.013), by Senator Tupa. 13  
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Amend reengrossed bill, page 4, line 9, strike "OBEDIENCE TO" and substitute "RESPECT FOR". 15  
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Amendment No. 3(L.014), by Senator Tupa. 18  
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Amend reengrossed bill, page 4, line 11, strike "HONEST LABOR," and substitute "A STRONG WORK ETHIC,". 20  
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Amendment No. 4(L.012), by Senator Windels. 23  
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Amend reengrossed bill, page 4, line 16, strike "HISTORY" and substitute "HISTORY."; 25  
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line 17, strike "AND IN CONTEMPORARY SOCIETY." 28  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 30  
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- SB01-061** by Senators Hagedorn and Hernandez; also Representative Witwer--Concerning the confidentiality of medical record information, and, in connection therewith, consolidating statutory provisions concerning medical record confidentiality. 33  
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Amendment No. 1, Health, Environment, Children and Families Committee Amendment. 37  
(Printed in Senate Journal, February 19, 2001, pages 341-345.) 38  
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Amendment No. 2(L.007), by Senators Owen and Hagedorn. 40  
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Amend the committee amendment, as printed in Senate Journal, February 19, page 345, after line 21, insert the following: 42  
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"SECTION 2. 25-4-906 (1), Colorado Revised Statutes, is amended to read: 45  
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**25-4-906. Certificate of immunization - forms.** (1) The department of public health and environment shall provide official certificates of immunization to the schools, private physicians, and local health departments. UPON THE COMMENCEMENT OF THE GATHERING OF EPIDEMIOLOGICAL INFORMATION PURSUANT TO SECTION 25-4-1705 (5) TO IMPLEMENT THE IMMUNIZATION TRACKING SYSTEM, SUCH FORM SHALL INCLUDE A NOTICE THAT INFORMS A PARENT OR LEGAL GUARDIAN THAT HE OR SHE HAS THE OPTION TO EXCLUDE HIS OR HER INFANT'S, CHILD'S, OR STUDENT'S IMMUNIZATION INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM CREATED IN SECTION 25-4-1705 (5). Any immunization record provided by a licensed physician, registered nurse, or public health official may be accepted by the school official as certification of immunization if the information is transferred to the official certificate of immunization and verified by the school official. 48  
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**SECTION 3.** The introductory portion to 25-4-1705 (5) and 25-4-1705 (5) (e), Colorado Revised Statutes, are amended, and the said 25-4-1705 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read: 63  
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**25-4-1705. Department of public health and environment - powers and duties.** (5) The board of health, in consultation with the medical services board in the state department of health care policy and financing, and such other persons, agencies, or organizations that the board of health deems advisable, shall formulate, adopt, and promulgate 68  
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SB01-061

rules ~~and regulations~~ governing the implementation and operation of the infant immunization program. Such rules shall address the following:

(e) (I) The gathering of epidemiological information, including the establishment of a comprehensive immunization tracking system. ~~Infant~~ Immunization information may be gathered for such tracking system by state and local health departments from the following sources:

(A) Physicians and licensed health care practitioners;

(B) Clinics;

(C) Schools;

(D) A parent of ~~the~~ AN infant, as defined in section 25-4-1703 (3);

(E) A child or student, as defined in ~~sections~~ SECTION 25-4-901 (1.5) and (3);

(F) Managed care organizations or health insurers in which a child or student, as defined in ~~sections~~ SECTION 25-4-901 (1.5) and (3), or an infant is enrolled as a member or insured, if such managed care organization or health insurer reimburses or otherwise financially provides coverage for immunizations;

(G) Hospitals; or

(H) Persons and entities that have contracted with the state pursuant to section 25-4-1705 (7).

(II) Records in the immunization tracking system established pursuant to subparagraph (I) of this paragraph (e) shall be strictly confidential and shall not be released, shared with any agency or institution, or made public UPON SUBPOENA, SEARCH WARRANT, DISCOVERY PROCEEDINGS, OR OTHERWISE, except under the following circumstances:

(A) Release may be made of medical and epidemiological information in a manner such that no individual person can be identified.

(B) Release may be made of immunization records and epidemiological information to the extent necessary for the treatment, control, investigation, and prevention of vaccine preventable diseases; except that every effort shall be made to limit disclosure of personal identifying information to the minimal amount necessary to accomplish the public health purpose.

(C) Release may be made of immunization records and epidemiological information to the parent of ~~the~~ AN infant, the physician treating the person who is the subject of an immunization record, a school in which such person is enrolled, or any entity or person described in sub-subparagraph (E), (F), (G), or (H) of subparagraph (I) of this paragraph (e).

(D) No officer or employee or agent of the state department of public health and environment or local department of health shall be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of any infant's report obtained by such department without consent of the infant's parent OR GUARDIAN. However, this provision shall not apply to infants who are under isolation, quarantine, or other restrictive action taken pursuant to section 25-1-107 (1) (b).

(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.

(III) (A) ANY OFFICER, EMPLOYEE, AGENT OF THE DEPARTMENT, OR ANY OTHER PERSON WHO VIOLATES THIS SECTION BY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR

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SB01-061

EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S. THE UNAUTHORIZED RELEASE OF EACH RECORD SHALL CONSTITUTE A SEPARATE OFFENSE PURSUANT TO THIS SUBPARAGRAPH (III).

(B) ANY NATURAL PERSON WHO IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106 (1), C.R.S.

(C) ANY BUSINESS ENTITY WHO, IN EXCHANGE FOR MONEY OR ANY OTHER THING OF VALUE, VIOLATES THIS SECTION BY WRONGFULLY RELEASING OR MAKING PUBLIC CONFIDENTIAL IMMUNIZATION RECORDS OR EPIDEMIOLOGICAL INFORMATION IN THE IMMUNIZATION TRACKING SYSTEM OR BY OTHERWISE BREACHING THE CONFIDENTIALITY REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) OR RELEASING SUCH INFORMATION WITHOUT AUTHORIZATION SHALL BE ASSESSED A CIVIL PENALTY OF TEN THOUSAND DOLLARS PER SALE OF INFORMATION PER SUBJECT OF SUCH INFORMATION.

(IV) THE DEPARTMENT SHALL NOT DIRECTLY CONTACT THE PARENT OR LEGAL GUARDIAN FOR THE PURPOSE OF NOTIFYING THE PARENT OR LEGAL GUARDIAN OF IMMUNIZATIONS THAT ARE RECOMMENDED OR REQUIRED BY THE BOARD OF HEALTH, UNLESS SUCH CONTACT IS NECESSARY TO CONTROL AN OUTBREAK OF OR PREVENT THE SPREAD OF A VACCINE-PREVENTABLE DISEASE PURSUANT TO SECTION 25-1-107 (1) (a) OR 25-4-908.

(V) A PARENT OR LEGAL GUARDIAN WHO CONSENTS TO THE IMMUNIZATION OF AN INFANT, CHILD, OR STUDENT PURSUANT TO THIS PART 17 OR PART 9 OF THIS ARTICLE SHALL HAVE THE OPTION TO EXCLUDE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM. THE PARENT OR LEGAL GUARDIAN SHALL HAVE THE OPTION TO REMOVE SUCH INFORMATION FROM THE IMMUNIZATION TRACKING SYSTEM AT ANY TIME. THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM THE PARENT OR LEGAL GUARDIAN OF THE OPTION TO EXCLUDE SUCH PERSONAL INFORMATION FROM SUCH SYSTEM AND THE POTENTIAL BENEFITS OF INCLUSION IN SUCH SYSTEM. IN ADDITION, THE PHYSICIAN, LICENSED HEALTH CARE PRACTITIONER, CLINIC, OR LOCAL HEALTH DEPARTMENT SHALL INFORM SUCH PARENT OR LEGAL GUARDIAN OF THE OPTION TO REFUSE AN IMMUNIZATION ON THE GROUNDS OF MEDICAL, RELIGIOUS, OR PERSONAL BELIEF CONSIDERATIONS PURSUANT TO SECTION 25-4-903.

(9) (a) AS NECESSARY TO VOLUNTARILY IMMUNIZE INFANTS, CHILDREN, STUDENTS, AND ADULTS OF COLORADO, THE DEPARTMENT MAY CONTRACT IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., WITH A PRIVATE OR NONPROFIT ENTITY TO ARRANGE FOR THE COST-EFFECTIVE ORDERING, DISTRIBUTING, AND ACCOUNTING OF VACCINES. PRIOR TO THE EXECUTION OF ANY CONTRACT WITH SUCH AN ENTITY, THE DEPARTMENT SHALL PROVIDE TO THE BOARD OF HEALTH FOR PUBLIC REVIEW A REPORT DESCRIBING THE PROPOSED BUSINESS MODEL OF THE PROSPECTIVE CONTRACTOR. ONCE UNDER CONTRACT, THE ENTITY SHALL ALSO PROVIDE COMPLETE RECORDS OF IMMUNIZATIONS TO THE SUBJECT OF SUCH RECORDS AND THE PERSONS OR ENTITIES LISTED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION.

(b) THE DEPARTMENT OR ANY PERSON WHO CONTRACTS WITH THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9) OR SUBSECTION (7) OF THIS SECTION SHALL NOT ESTABLISH A UNIVERSAL PURCHASE SYSTEM FOR THE PROCUREMENT OF VACCINES FOR PRIVATELY

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**SB01-061**

INSURED PERSONS UNDER FEDERAL GOVERNMENT CONTRACTS.

(10) PHYSICIANS, LICENSED HEALTH CARE PRACTITIONERS, CLINICS, SCHOOLS, LICENSED CHILD CARE PROVIDERS, HOSPITALS, MANAGED CARE ORGANIZATIONS OR HEALTH INSURERS IN WHICH A STUDENT AS DEFINED IN SECTION 25-4-901 (3) OR AN INFANT IS ENROLLED AS A MEMBER OR INSURED, PERSONS THAT HAVE CONTRACTED WITH THE DEPARTMENT PURSUANT TO SUBSECTION (7) OF THIS SECTION, AND PUBLIC HEALTH OFFICIALS MAY RELEASE ANY IMMUNIZATION RECORDS IN THEIR POSSESSION, WHETHER OR NOT SUCH RECORDS ARE IN THE IMMUNIZATION TRACKING SYSTEM, TO THE PERSONS OR ENTITIES SPECIFIED IN SUB-SUBPARAGRAPHS (A) TO (H) OF SUBPARAGRAPH (I) OF PARAGRAPH (e) OF SUBSECTION (5) OF THIS SECTION TO PROVIDE AN ACCURATE AND COMPLETE IMMUNIZATION RECORD FOR THE CHILD IN ORDER TO VERIFY COMPLIANCE WITH STATE IMMUNIZATION LAW."

Renumber succeeding sections accordingly.

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

**HB01-1131**

by Representatives Spence, Alexander, Cadman, Clapp, Coleman, Dean, Decker, Fritz, Hefley, Johnson, Kester, King, Larson, Marshall, Mitchell, Nunez, Rippy, Tochtrop, Weddig, White, Williams S., Williams T. and Witwer; also Senator Anderson--Concerning changes to the terminology describing information on school performance, and, in connection therewith, changing the name of school report cards to school accountability reports, replacing letter grades with descriptive measurements, and applying the same descriptive measurements for school improvement to all schools.

Laid over until Friday, March 30, 2001, retaining its place on the calendar.

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 (**SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-134, SB01-149, SB01-121, SB01-202, SB01-081, SB01-204, SCR01-002**) of Monday, March 26, 2001, was laid over until Tuesday, March 27, 2001, retaining its place on the calendar.

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

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:

Passed on Second Reading: **HB01-1275** as amended, **HB01-1348** as amended, **HB01-1096** as amended, **HB01-1025** as amended, **HB01-1292** as amended, **SB01-061** as amended.

Laid over until Tuesday, March 27, 2001: **HB01-1132, HB01-1286, SB01-005, SB01-042, SB01-093, SB01-095, SB01-113, SB01-134, SB01-149, SB01-121, SB01-202, SB01-081, SB01-204, SCR01-002.**

Laid over until Friday, March 30, 2001: **HB01-1131.**

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **HJR01-1017, 1019, 1020.**

The President has signed: **SB01-015, 025, 038, 090, 115, 120, 155, 171.**

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 Monday, March 26, 2001, was laid over until Tuesday, March 27, 2001, retaining its place on the calendar.

Consideration of Resolutions: **SJR01-013, SJR01-010, SJR01-021, SR01-011.**

Consideration of House Amendments to Senate Bills: **SB01-022, SB01-169, SB01-165, SB01-107.**

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

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Appropriations

After consideration on the merits, the committee recommends that SB01-052 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the Health, Environment, Children and Families Committee amendment, as printed in Senate Journal, February 15, page 298, strike lines 41 and 42 and substitute the following:

"Amend printed bill, page 3, line 2, strike "CARE AND IN" and substitute "CARE;"

strike line 3 and lines 6 through 12.

Renumber succeeding sections accordingly.

Page 3, line 21, strike "THE ENROLLEE SHALL BE GIVEN AN OPTION";

strike lines 48 through 72.

Page 299, strike lines 1 through 6 and substitute the following:

"Page 5, strike lines 20 through 25.

Renumber succeeding sections accordingly."

Appropriations

After consideration on the merits, the committee recommends that SB01-109 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend the committee amendment, as printed in Senate Journal, February 9, page 247, line 20, strike "(d)," and substitute "(d) (II),"

strike lines 31 through 50;

line 52, before "(II)", insert "(26) (d)";

strike lines 59 through 72.

Page 248, strike lines 2 through 10 and substitute the following:

"SECTION 9. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the motorist insurance identification account in the highway users tax fund not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2001, the sum of one million nine hundred seventy-six thousand four hundred forty-five dollars (\$1,976,445) and 8.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of regulatory agencies, for the fiscal year beginning July 1, 2001, the sum of four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash fund exempt received from the department of revenue out of the appropriation made in subsection (1) of this section."

Amend printed bill, page 1, line 104, strike "ACT"." and substitute "ACT", AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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**MESSAGE FROM THE HOUSE**

March 26, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1220, 1341.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1264, amended as printed in House Journal, March 23, page 918. HB01-1293, amended as printed in House Journal, March 23, page 918. HB01-1307, amended as printed in House Journal, March 23, pages 918-919. HB01-1312, amended as printed in House Journal, March 23, page 919.

The House has passed on Third Reading and returns herewith SB01-114,108,130.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-034, amended as printed in House Journal, March 23, page 921. SB01-021, amended as printed in House Journal, March 23, page 921.

March 26, 2001

Mr. President:

The House has voted not to concur in Senate amendments to HB01-1030, and requests that a conference committee be appointed. The Speaker has appointed Representatives Young, chairman, and Mitchell, and Miller as House conferees on the First Conference Committee on HB01-1030.

The House has voted not to concur in Senate amendments to HB01-1124, and requests that a conference committee be appointed. The Speaker has appointed Representatives Swenson, chairman, and Lee, and Mace as House conferees on the First Conference Committee on HB01-1124.

The House has voted to concur in the Senate amendments to HB01-1064,1281,1226, and has repassed the bills as so amended.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

without comment, HB01-1220 and 1341; and without comment, as amended, HB01-1264, 1293, 1307, and 1312, and SB01-034 and 021.

**MESSAGE FROM THE GOVERNOR**

March 23, 2001

To the Honorable  
Senate  
Sixty-third General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

**S.B. 01-201** – Concerning Continuation Of The Regulation Of Passenger Tramways By The Passenger Tramway Safety Board In The Division of Registrations.

Approved March 23, 2001 at 11:40 a.m.

Sincerely,

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(signed)  
Bill Owens  
Governor

Rec'd: 3/26/01  
K. Goldman, Secretary

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **HB01-1007, 1012, 1078, 1249, 1346.**

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**MEMORANDUM  
REPORT FROM THE HOUSE AND SENATE  
COMMITTEES ON DELAYED BILLS**

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Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill 01-129, Concerning the Financing of Public Schools and Making an Appropriation Therewith:

The Friday, March 16 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, is extended until Thursday, March 29, 2001 (the 79th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)  
Representative Dean  
Speaker of the House of Representatives

(signed)  
Senator Matsunaka  
President of the Senate

(signed)  
Representative Spradley  
House Majority Leader

(signed)  
Senator Thiebaut  
Senate Majority Leader

(signed)  
Representative Grossman  
House Minority Leader

(signed)  
Senator Andrews  
Senate Minority Leader

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**TRIBUTES--A POINT OF INTEREST**

Honoring Nina Eason by Senator Linkhart

Honoring Ronald Brandhorst by Senator Linkhart

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On motion of Senator Hanna, the Senate adjourned until 9:00 a.m., Tuesday, March 27, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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