

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

Eighty-fifth Legislative Day

Wednesday, April 4, 2001

- Prayer By the chaplain, Reverend Gilbert Caldwell, Park Hill United Methodist Church.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--Total, 30
 Absent/Excused--Evans, Hernandez, Nichol, Taylor--Total 4.
 Vacant--Total 1.
 Present later--Evans, Hernandez, Nichol. Taylor.
- Quorum The President announced a quorum present.

COMMUNICATIONS FROM THE SECRETARY OF STATE

STATE OF COLORADO

Department of State

UNITED STATE OF AMERICA) **SS. CERTIFICATE**
STATE OF COLORADO)

I, Donetta Davidson, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Certificate of Appointment to Fill a Vacancy as filed in this office on the 2nd day of April, 2001, by the Republican 5th Senatorial District Committee, naming Lewis H. Entz, to fill the vacancy in the office of the Colorado State Senate, District 5, for the Sixty-Third General Assembly of the State of Colorado, caused by the resignation of the Honorable Ginette "Gigi" Dennis.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 4th day of April, 2001.

(Signed)
 Donetta Davidson
 Secretary of State.

STATE OF COLORADO

Department of State

UNITED STATE OF AMERICA) **SS. CERTIFICATE**
STATE OF COLORADO)

I, Donetta Davidson, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Declaration of Acceptance to Fill a Vacancy as filed in this office on the 2nd day of April, 2001, by Lewis Entz, accepting the appointment of the Republican 5th Senatorial District Committee, to fill the vacancy in the office of the Colorado State Senate, District 5, for the Sixty-Third General Assembly of the State of Colorado, caused by the resignation of the Honorable Ginette "Gigi" Dennis.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City of Denver this 4th day of April, 2001.

(Signed)
 Donetta Davidson
 Secretary of State.

The President appointed a committee composed of Senators Dyer (Durango), Teck and Hanna to escort Chief Justice Mullarky to the rostrum.

Oath of Office

The Chief Justice administered the Oath of Office to Senator-elect Lewis H. Entz.

The President added Senator Lewis H. Entz to the permanent roll call of the Senate.

Reading of Journal

On motion of Senator Tupa, reading of the Journal of Tuesday, April 3, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SJM01-001.

Correctly reengrossed:SB01-093.

Correctly enrolled: SR01-011, SJR01-015, 016, 020.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Appropriations

After consideration on the merits, the committee recommends that **SB01-014** 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 9, page 243, line 56, strike "26-6-117" and substitute "26-6-118";

line 62, strike "A";

line 63, strike "BODY" and substitute "BODIES".

Page 244, strike lines 62 through 72 and substitute the following:

"Page 13, strike lines 14 through 27 and substitute the following:

"SECTION 6. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-117. Accreditation standards for county departments and child placement agencies - study - rules - foster care accreditation fund. (1) NO LATER THAN JULY 1, 2002, THE STATE DEPARTMENT SHALL STUDY:

(a) STANDARDS FOR ASSESSING THE QUALITY AND PERFORMANCE OF FOSTER CARE IN FOSTER CARE HOMES CERTIFIED BY COUNTY DEPARTMENTS OR BY CHILD PLACEMENT AGENCIES BASED UPON NATIONAL STANDARDS FOR FOSTER CARE SERVICES.

(b) STANDARDS FOR THE ACCREDITATION OF COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES FOR PURPOSES OF FOSTER CARE SERVICES BASED UPON ACCREDITATION STANDARDS OF A NATIONALLY RECOGNIZED ACCREDITING BODY OF CHILD WELFARE AND SOCIAL SERVICES ORGANIZATIONS.

(2) IN CONDUCTING SUCH STUDY ON ACCREDITATION STANDARDS, THE STATE DEPARTMENT SHALL COMPARE THE MERITS OF WRITING ITS OWN STANDARDS WITH THE MERITS OF CONTRACTING WITH A NATIONAL ACCREDITING BODY. THE STUDY SHALL INCLUDE, BUT IS NOT LIMITED TO, ANALYZING THE FOLLOWING:

(a) THE FISCAL IMPACT ON THE STATE, COUNTIES, AND PROVIDERS, INCLUDING THE COST OF:

(I) WRITING STANDARDS;

(II) CONTRACTING WITH A NATIONAL ACCREDITING BODY, INCLUDING ALL FEES AND TRAVEL EXPENSES;

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SB01-014

- (III) TRAINING;
- (IV) IMPLEMENTATION;
- (V) POTENTIAL CORRECTIVE ACTION;
- (VI) STAFF TIME OF COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES TO MEET THE ACCREDITATION STANDARDS;
- (VII) COLLECTING AND EVALUATING DATA RELATING TO ACCREDITATION STANDARDS.
- (b) THE TIME FRAME FOR IMPLEMENTATION OF ACCREDITATION STANDARDS;
- (c) SANCTIONS FOR FAILING TO MEET THE ACCREDITATION STANDARDS.
- (3) THE STATE DEPARTMENT SHALL SUBMIT ITS REPORT AND ITS FINDINGS AND RECOMMENDATIONS TO THE HOUSE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEE AND TO THE SENATE HEALTH, ENVIRONMENT, CHILDREN AND FAMILIES COMMITTEE ON OR BEFORE JULY 1, 2002.

(4) (a) NO LATER THAN JANUARY 1, 2003, THE STATE BOARD SHALL ESTABLISH BY RULE ACCREDITATION STANDARDS FOR ASSESSING THE QUALITY AND PERFORMANCE OF FOSTER CARE IN FOSTER CARE HOMES CERTIFIED BY COUNTY DEPARTMENTS OR BY CHILD PLACEMENT AGENCIES. THE STATE BOARD SHALL BASE SUCH STANDARDS UPON NATIONALLY RECOGNIZED ACCREDITING BODIES OF CHILD WELFARE AND SOCIAL SERVICES ORGANIZATIONS. AN ACCREDITATION THAT IS ISSUED PURSUANT TO THIS SECTION SHALL BE VALID FOR NO LONGER THAN FOUR YEARS."."

Page 245, strike lines 1 through 7;

Page 245, after line 9, insert the following:

"Page 14 of the printed bill, line 14, strike "(2)" and substitute "(5)";

line 16, strike "COUNTY." and substitute "COUNTY NO LATER THAN JANUARY 1, 2004.";

line 18, strike "CONTRACT," and substitute "CONTRACT.";

strike lines 19 and 20;

line 21, strike "DEPARTMENT TO PROVIDE FOSTER CARE SERVICES.";

line 24, strike "(3)" and substitute "(6).";

Page 245, after line 26, insert the following:

"Page 15 of the printed bill, line 13, strike "(3)" and substitute "(6).";";

line 34, strike "(3)" and substitute "(6)";

line 39, strike "(3)" and substitute "(6)";

strike line 49 and substitute the following:

""(7) THE STATE DEPARTMENT IS AUTHORIZED TO ACCEPT ANY GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING ACCREDITATION STANDARDS AS SET FORTH IN THIS SECTION. SUCH GIFTS, GRANTS, AND DONATIONS, TOGETHER WITH ANY OTHER MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY, SHALL BE CREDITED TO THE FOSTER CARE ACCREDITATION FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE MONEYS IN SAID FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING THE ACCREDITATION STANDARDS AS ESTABLISHED BY RULE OF THE STATE BOARD. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF

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SB01-014

MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ANY UNEXPENDED MONEYS SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND.

26-6-118. Certification standards for foster care homes -".

Appropriations

After consideration on the merits, the committee recommends that **SB01-212** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE HOUSE

April 3, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1358, amended as printed in House Journal, April 2, pages 1059-1060. HB01-1268, amended as printed in House Journal, April 2, page 1059. HB01-1363, amended as printed in House Journal, April 2, page 1059. HB01-1371, amended as printed in House Journal, April 2, page 1060. HB01-1367, amended as printed in House Journal, April 2, page 1060.

The House has adopted and transmits herewith HJR01-1024, as printed in House Journal, March 30, pages 1052-1053, and amended as printed in House Journal, April 3.

The House has adopted and returns herewith SJR01-012.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1358, 1268, 1363, 1371, and 1367.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1268 by Representative Chavez; also Senator Linkhart--Concerning termination of the parent-child legal relationship.
Judiciary

HB01-1358 by Representative Sinclair; also Senator Thiebaut--Concerning the financing of the offices of public trustees.
Government, Veterans and Military Relations, and Transportation

HB01-1363 by Representatives Cloer, Boyd, Clapp, Crane, Mace, Rhodes, Sanchez, Schultheis, Stafford and Tochtrop; also Senators Hernandez, Epps and Hanna--Concerning licensed health care professionals that may verify a person has a physical impairment for the purpose of obtaining disabled parking privileges.
Health, Environment, Children & Families

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

HB01-1371 by Representative Cloer; also Senator Anderson--Concerning the implementation of restrictions on the medical use of marijuana.
Judiciary

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR01-1024 by Representatives Alexander, Clapp, Coleman, Groff, Hefley, Jahn, Johnson, Larson, Mace, Schultheis, Stafford, Tochtrop, Williams S. and Witwer; also Senator Dyer (Durango)--Concerning recognition of April as Child Abuse Prevention Month.

Laid over one day under Senate Rule 30(e).

SR01-012 by Senators Thiebaut, Matsunaka and Andrews--Concerning changes to memberships of Senate committees of reference.

Be It Resolved by the Senate of the Sixty-third General Assembly of the State of Colorado:

That the following changes be made in the membership of the following Senate Committees:

Remove Senator Dennis as a member of the Agriculture and Natural Resources committee and the Government, Veterans and Military Relations, and Transportation committee;

Add Senator Taylor as a member of the Agriculture and Natural Resources committee;

Add Senate Entz as a member of the Government, Veterans and Military Relations, and Transportation committee.

Senator Thiebaut moved to suspend Senate Rule 30(c) for immediate consideration of **SR01-012**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(c) was suspended and immediate consideration granted.

On motion of Senator Thiebaut, 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
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Entz	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsor added: Dyer (Durango).

MESSAGE FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Owens were read and assigned to the Committee as follows:

March 21, 2000

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2004:

David Hilary Smith of Meeker, Colorado, to serve as a member from the Yampa-White

drainage basin and as a Republican, reappointed;

Gregory K. Hoskin of Grand Junction, Colorado, to serve as a member from the main Colorado drainage basin and as a Democrat, appointed;

Carolyn L. McIntosh of Denver, Colorado, to serve as a member from the City and County of Denver familiar with its water problems and as a Democrat, appointed.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/28/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

March 21, 2001

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
COLORADO RACING COMMISSION

for a term expiring July 1, 2004:

Larry Dean Huls of Arvada, Colorado, to serve as a member previously engaged in the racing industry and as an Unaffiliated from the Second Congressional District, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd: 3/28/01
K. Goldman, Secretary

Committee on Business, Labor and Finance.

March 21, 2001

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

for a term expiring the Monday preceding the second Tuesday in January, 2005:

The Honorable Edward James Dyer of Durango, Colorado to serve as a Democrat, appointed.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd: 3/28/01
K. Goldman, Secretary

Committee on Business, labor and Finance.

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March 22, 2001

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, and submit to your consideration, the following:

MEMBERS OF THE
STATE AGRICULTURAL COMMISSION

for terms expiring March 1, 2005:

Max L. Harper of Yuma, Colorado, to serve as a Democrat from the Second Agricultural District, reappointed;

Kelly Ann Spitzer of Wiley, Colorado, to serve as a Republican from the Third Agricultural District, reappointed;

Glen P. Murray of Henderson, Colorado, to serve as a Democrat from the First Agricultural District, reappointed;

Bradley Allen Rock of Wray, Colorado, to serve as a Republican from the Second Agricultural District, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 3/28/01
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Linkhart, Chairman, Gordon and Dyer (Arapahoe) as Senate Conferees on the First Conference Committee on **HB01-1187**.

The President appointed Senators Matsunaka, Chairman, Windels and Evans as Senate Conferees on the First Conference Committee on **HB01-1292**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB 01-108, 114, 130, 132**.

Senate in Recess--Senate Reconvened.

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01-212** and **HB01-1074** were made Special Orders at 1:41 p.m.

Committee
of the
Whole

The hour of 1:41 p.m. having arrived, Senator Hagedorn moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders--Second Reading of Bills. Senator Hagedorn was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning the provision for payment of the expenses of the executive, legislative, and
judicial departments of the state of Colorado, and of its agencies and institutions, for and
during the fiscal year beginning July 1, 2001, except as otherwise noted.

Amendment No. 1 (J.001), by Senators Chlouber and Musgrave.

Amend printed bill, page 23, line 11, in the ITEM & SUBTOTAL
column, strike "133,847" and substitute "163,847" and, in the GENERAL
FUND column, strike "54,823" and substitute "84,823";

after line 14, insert the following:

	ITEM & SUBTOTAL	GENERAL FUND
	\$	\$
"North Fork of the Gunnison River Improvement Project	120,000	120,000".

Adjust affected totals accordingly.

Page 288, line 3, in the ITEM & SUBTOTAL column, strike "4,600,000"
and substitute "4,450,000" and, in the GENERAL FUND column, strike
"4,600,000" and substitute "4,450,000".

Adjust affected totals accordingly.

Page 297, line 14 strike "\$2.0 million" and substitute "\$1,850,000";
line 15, strike "\$2.0 million" and substitute "\$1,850,000";

line 16, strike "\$4.6" and substitute "\$4,450,000";

line 17, strike "million".

Amendment No. 2 (J.038), by Senator Musgrave.

Amend printed bill, page 103, line 10, strike "\$3,109.60" and substitute
"\$3,112.33" and, in the ITEM & SUBTOTAL column, strike
"92,694,210" and substitute "92,775,580".

Page 104, line 6, strike "\$6,047.06" and substitute "\$6,053.88" and, in the
ITEM & SUBTOTAL column, strike "35,532,522" and substitute
"35,572,600".

Page 105, line 1, in the TOTAL column, strike "1,555,448,857" and
substitute "1,555,570,305", in the GENERAL FUND column, strike
"775,014,371(M)" and substitute "775,075,095(M)", and, in the
FEDERAL FUNDS column, strike "770,581,353" and substitute
"770,642,077".

Adjust affected totals accordingly.

Page 226, line 5, in the ITEM & SUBTOTAL column, strike "85,676"
and substitute "24,952" and, in the GENERAL FUND column, strike
"85,676" and substitute "24,952".

Adjust affected totals accordingly.

Amendment No. 3(J.017), by Senator Windels.

Amend printed bill, page 102, line 1, strike "**PREMIUMS**<sup>46, 47, 48, 49, 50, 51,
52, 53</sup>" and substitute "**PREMIUMS**^{46, 47, 48, 50, 51, 52, 53}".

Page 119, strike lines 9 through 17.

Page 120, strike line 1.

Amendment No. 4(J.033), by Senators Dyer (Durango), Gordon and Nichol.

Amend printed bill, page 249, line 7, in the ITEM & SUBTOTAL

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column, strike "1,471,713" and substitute "1,982,818".

Page 251, line 3, in the TOTAL column, strike "23,671,866" and substitute "24,182,971", in the CASH FUNDS column, strike "8,071,636^a" and substitute "8,204,419^a", in the CASH FUNDS EXEMPT column, strike "1,198,417^b" and substitute "1,234,341^b", and, in the FEDERAL FUNDS column, strike "14,401,813" and substitute "14,744,211";

line 5, strike "\$3,854,417" and substitute "\$3,910,427", and strike "\$2,735,628" and substitute "\$2,795,128";

line 7, strike "\$292,470" and substitute "\$299,760", and strike "\$561,897" and substitute "\$571,880";

line 9, strike "\$566,080" and substitute "\$587,079";

line 10, strike "\$208,313" and substitute "\$220,735";

line 11, strike "\$153,158" and substitute "\$155,661".

Adjust affected totals accordingly.

Amendment No. 5(J.002), by Senators Anderson, Perlmutter, Fitz-Gerald, Gordon, Hanna, Pascoe and Windels.

Amend printed bill, page 162, after line 15, insert the following:

	ITEM & SUBTOTAL \$	GENERAL FUND \$
"Columbine Mental Health Services	<u>182,199</u>	<u>182,199</u> ".

Adjust affected totals accordingly.

Page 256, line 6, in the ITEM & SUBTOTAL column, strike "3,253,218" and substitute "3,088,390";

line 8, in the ITEM & SUBTOTAL column, strike "342,845" and substitute "325,474";

line 11, in the ITEM & SUBTOTAL column, strike "3,630,272" and substitute "3,448,073" and, in the GENERAL FUND column, strike "182,199".

Adjust affected totals accordingly.

Amendment No. 6(J.012), by Senators Fitz-Gerald, Dyer (Durango), McElhany and Phillips.

Amend printed bill, page 505, line 15, in the TOTAL column, strike "2,500,000" and substitute "8,893,000" and, in the CASH FUNDS column, strike "2,500,000^a" and substitute "8,893,000^a".

Adjust affected totals accordingly.

Amendment No. 7(J.035), by Senators Entz and Dyer (Durango).

Amend printed bill, page 575, line 9, strike "- Available";

line 10, strike "March 1, 2002".

Amendment No. 8(J.013), by Senators Taylor and Perlmutter.

Amend printed bill, page 88, line 3, strike "**TECHNOLOGY**^{34, 35, 36, 37, 38, 39}" and substitute "**TECHNOLOGY**^{34, 35, 36, 37, 38, 39, 39a}".

line 4, in the ITEM & SUBTOTAL column, strike "1,078,715" and substitute "1,035,350" and, in the GENERAL FUND column, strike

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"1,078,715" and substitute "1,035,350".

Adjust affected totals accordingly.

Page 94, after line 11, insert the following:

"39a Governor - Lieutenant Governor - State Planning and Budgeting, Office of Innovation and Technology, Personal Services -- It is the intent of the General Assembly that if there are General Fund savings associated with the elimination of the juvenile boot camp in the Department of Human Services, such savings will be used to restore the reduction of \$43,365 to this line item."

Page 298, line 5, in the ITEM & SUBTOTAL column, strike "1,470,318" and substitute "1,507,525" and, in the GENERAL FUND column, strike "1,396,469" and substitute "1,433,676".

Page 300, line 6, in the ITEM & SUBTOTAL column, strike "233,435" and substitute "251,029", in the GENERAL FUND column, strike "138,724" and substitute "144,882", and, in the FEDERAL FUNDS column, strike "94,711" and substitute "106,147".

Adjust affected totals accordingly.

Amendment No. 9(J.011), by Senator Hernandez, Dyer (Durango), Gordon, Hanna, Linkhart and Pascoe.

Amend printed bill, page 157, line 8, in the ITEM & SUBTOTAL column, strike "15,297,128" and substitute "15,258,530" and, in the GENERAL FUND column, strike "2,400,884" and substitute "2,362,286".

Adjust affected totals accordingly.

Page 385, line 10, in the ITEM & SUBTOTAL column, strike "2,097,691" and substitute "2,136,289" and, in the GENERAL FUND column, strike "346,772" and substitute "385,370".

Adjust affected totals accordingly.

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

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

HB01-1074

by Representative Kester; also Senator Hillman--Concerning acceptance by the state of the Fort Lyon property conveyed by the federal government.

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

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

Senator Tate moved to amend the Report of the Committee of the Whole to show that the Chlouber floor amendment, (J.001) to SB 01-212, did not pass.

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

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

Senator Linkhart moved to amend the Report of the Committee of the Whole to show that the Windels floor amendment, (J.017) to SB 01-212, did not pass and that the following

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Windels floor amendment (J.042) did pass.

Amend printed bill, page 119, strike lines 9 through 17, and substitute the following:

"49 Department of Health Care Policy and Financing, Medical Services Premiums -- Included within this appropriation is a base forecast of \$380,737,155 for Class I nursing facilities, not including offsetting adjustments, representing approximately one-quarter of the Medical Services Premiums budget for FY 2001-02. It is the intent of the General Assembly to ensure that Colorado's citizens be protected while in the care of a nursing facility. As such, it is furthermore the intent of the General Assembly that the Department of Health Care Policy and Financing shall provide to the Joint Budget Committee and the Legislative Audit Committee by November 1, 2001, a proposal for the expenditure of funds for the Quality of Care Incentive Payment program, pursuant to Section 26-4-410 (2) (c.5) (I), Colorado Revised Statutes which (1) fully remedies the program deficiencies identified in the September 2000, State Auditor's Office report on "Nursing Facility Quality of Care" and (2) strengthens the criteria by which a nursing facility may receive a payment under the Medicaid Resident-Centered Quality Improvement Program, known as ResQUIP. Such criteria shall include diminished quality of care violations and factor in consumer satisfaction surveys. Finally, payments under the ResQUIP program shall be made for programs that enrich the quality of life for consumers living in a Class I nursing facility."

Page 120, strike line 1.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Evans	N	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	N
Arnold	N	Gordon	Y	Musgrave	N	Taylor	N
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	N	Hanna	Y	Owen	N	Thiebaut	Y
Dyer, E.	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, F.	N	Hillman	N	Perlmutter	Y	Windels	Y
Entz	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	N		

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

Senator Arnold moved to amend the Report of the Committee of the Whole to show that the following Arnold floor amendment, (J.032) to SB 01-212, did pass.

Amend printed bill, page 134, line 2, strike "Allocation" and substitute "Allocation^{74a}".

Page 150, after line 11, insert the following:

"74a Department of Higher Education, Governing Boards and Local District Junior Colleges, Regents of the University of Colorado -- It is the intent of the General Assembly that no moneys appropriated for the Regents of the University of Colorado shall knowingly be used to provide benefits to any domestic relationship partner of a state employee or an employee of a state-supported institution of higher education when the claim for benefits is based on the individual's status as a domestic relationship partner. For purposes of this footnote, "domestic relationship" means a status, other than a validly contracted marriage between one male and one female, that is extended by the laws of another state that recognizes a special, intimate homosexual relationship between two persons, no matter how

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such status or relationship is described or named by the law of the other state."

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

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

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Lamborn floor amendment, (J.003) to SB 01-212, did pass.

Amend printed bill, page 399, line 4, in the ITEM & SUBTOTAL column, strike "3,470,112" and substitute "3,106,307", in the GENERAL FUND column, strike "1,258,436" and substitute "894,631".

Adjust affected totals accordingly.

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

YES	11	NO	24	EXCUSED	0		
Anderson	N	Evans	Y	May	Y	Takis	N
Andrews	Y	Fitz-Gerald	N	McElhany	Y	Tate	N
Arnold	Y	Gordon	N	Musgrave	Y	Taylor	N
Cairns	Y	Hagedorn	N	Nichol	N	Teck	Y
Chlouber	N	Hanna	N	Owen	N	Thiebaut	N
Dyer, E.	N	Hernandez	N	Pascoe	N	Tupa	N
Dyer, F.	Y	Hillman	Y	Perlmutter	N	Windels	N
Entz.	N	Lamborn	Y	Phillips	N	Mr. President	N
Epps	N	Linkhart	N	Reeves	N		

SB01-212

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2001, except as otherwise noted.

Senator Teck moved to amend the Report of the Committee of the Whole to show that the following Teck floor amendment, (J.044) to SB 01-212, did pass.

Amend printed bill, page 279, after line 7, insert the following:

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"Colorado Commission on Taxation 100,000";

line 9, in the TOTAL column, strike "1,813,000" and substitute "1,913,000" and, in the GENERAL FUND column, strike "1,813,000" and substitute "1,913,000".

Adjust affected totals accordingly.

Page 288, line 3, in the ITEM & SUBTOTAL column, strike "4,600,000" and substitute "4,500,000" and, in the GENERAL FUND column, strike "4,600,000" and substitute "4,500,000".

Adjust affected totals accordingly.

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Page 297, line 14 strike "\$2.0 million" and substitute "\$1.9 million";
 line 15, strike "\$2.0 million" and substitute "\$1.9 million";
 line 16, strike "\$4.6" and substitute "\$4.5".

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

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hagedorn, 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: **SB01-212** as amended, **HB01-1074**.

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 Wednesday, April 4, 2001, was laid over until Thursday, April 5, 2001, retaining its place on the calendar.

- General Orders--Second Reading of Bills--Consent Calendar: **HB01-1252**.
- General Orders--Second Reading of Bills: **HB01-1132, HB01-1174, HB01-1274, HB01-1131, HB01-1189, SB01-081, SB01-204, SCR01-002, HB01-1088, SB01-208**.
- Consideration of Resolutions: **SJR01-013, SJR01-010**.
- Consideration of Memorials: **SM01-001**.
- Consideration of House Amendments to Senate Bills: **SB01-022, SB01-169, SB01-165, SB01-107, SB01-034, SB01-066, SB01-135, SB01-145, SB01-144, SB01-116, SB01-027, SB01-158, SB01-150, SB01-080, SB01-118, SB01-104, SB01-178, SB01-131, SB01-140, SB01-054**.
- Consideration of House Adherence: **HJR01-1010**.
- Consideration of Governor's Veto: **SB01-043**.
- Consideration of Governor's Appointments:
 - Colorado Tourism Office
 - Colorado School of Mines, Board of Trustees
 - State Housing Board
 - Board of Directors of the Colorado Compensation Insurance Authority
 - Securities Board
 - Special Funds Board for Workers' Compensation Self Insurers
 - Colorado Limited Gaming Control Commission
 - Wildlife Commission
 - Colorado Children's Trust Fund Board
 - Board of Assessment Appeals
 - Hazardous Waste Commission
- Conference Committees to Report: **SB01-123**.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, April 5, 2001.

Approved:

Stan Matsunaka
 President of the Senate

Attest:

Karen Goldman
 Secretary of the Senate

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