

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

Thirty-fifth Legislative Day

Tuesday, February 13, 2001

Prayer By the chaplain, Reverend Phil Campbell, Park Hill Congregational Church.

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

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Monday, February 12, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly Reengrossed: SB01- 003, 118, 048, 102, 101, 022.

Correctly Rerevised: HB01-1267.

Correctly engrossed: SB01-107, 138, 131, 150, 040, 108, 171; SJR01-004, 005.

Correctly revised: HB01-1082.

MESSAGE FROM THE HOUSE

February 12, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1153, amended as printed in House Journal, February 9, page 353.
HB01-1186, amended as printed in House Journal, February 9, pages 353-354.
HB01-1134, amended as printed in House Journal, February 9, page 355.
HB01-1024, amended as printed in House Journal, February 9, page 354.
HB01-1138, amended as printed in House Journal, February 9, page 354.
HB01-1241, amended as printed in House Journal, February 9, page 354.

MESSAGE FROM THE GOVERNOR

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

November 29, 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 reappoint, and submit to your consideration, the following:

**MEMBER OF THE
STATE BOARD OF HUMAN SERVICES**

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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.

Sincerely,
(Signed)
Bill Owens
Governor

Rec'd 1/8/01
K. Goldman, Secretary

Committee on Health, Environment, Children and Families.

January 11, 2001

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

Ladies and Gentlemen:

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

MEMBER OF THE
STATE BOARD OF NURSING

for a term expiring July 1, 2003:

Cheryl Ann Werner of Atwood, Colorado, to serve as a licensed practical nurse employed by a licensed hospital in a rural area, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 1/24/01
K. Goldman, Secretary

Committee on Health, Environment, Children and Families.

**THIRD READING OF BILLS--FINAL PASSAGE--
CONSENT CALENDAR**

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

SB01-107

by Senator May, also Representative Cadman--Concerning regulatory authority over certain roadside advertising, and, inconnection therewith, clarifying the authority of local governments to control advertising devices on bus benches and bus shelters.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-138

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-131

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Chlouber.

HB01-1082

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsor added: Hillman.

SB01-150

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

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

SB01-150

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-040

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

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

SB01-108

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

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

SB01-171

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-171

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

Co-sponsor added: Tate.

THIRD READING OF BILLS--FINAL PASSAGE

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

HB01-1037

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

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	N	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	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-sponsor added: Nichol.

Committee of the Whole

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

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

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

SB01-179

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman -- Concerning a supplemental appropriation to the department of agriculture.

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

SB01-180

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning a supplemental to the department of corrections.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, 2001, page 235.)

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

SB01-181

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning a supplemental appropriation to the department of education.

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

SB01-182

by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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- SB01-182** Amendment No. 1, Senator Reeves.
 Amend printed bill, page 12, line 9, strike "24-32-1306," and substitute
 "~~24-32-1306~~, 24-49.7-106,";
 line 10, strike "24-32-1306," and substitute "~~24-32-1306~~, 24-49.7-106,".
 As amended, ordered engrossed and placed on the Consent Calendar for Third Reading
 and Final Passage.
- SB01-183** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of health care policy and
 financing.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-184** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of higher education.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-185** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of human services.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-186** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the judicial department.
 Amendment No. 1, Appropriations Committee Amendment.
 (Printed in Senate Journal, February 9, 2001, page 236.)
 As amended, ordered engrossed and placed on the Consent Calendar for Third Reading
 and Final Passage.
- SB01-187** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of labor and employment.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-188** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of law.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-189** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of local affairs.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-190** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of military affairs.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-191** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of natural resources.
 Ordered engrossed and placed on the Consent Calendar for Third Reading and Final
 Passage.
- SB01-192** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
 Concerning a supplemental appropriation to the department of personnel.

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- SB01-192** Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, 2001, page 236.)
- As amended, ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-193** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of public health and environment.
- Amendment No. 1, Senator Reeves.
- Amend printed bill, page 6, line 9, strike "\$578,036" and substitute "\$595,036".
- As amended, ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-194** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of public safety.
- Amendment No. 1, Senator Reeves.
- Amend printed bill, page 4, line 10, in the ITEM & SUBTOTAL column, strike "908,919" and substitute "922,485" and, in the CASH FUNDS EXEMPT column, strike "761,174" and substitute "774,740".
- Page 5, line 11, in the ITEM & SUBTOTAL column, strike "1,432,974" and substitute "1,432,974" and, in the CASH FUNDS EXEMPT column, strike "176,520(T)^a" and substitute "176,520(T)^a";
- after line 11, in the ITEM & SUBTOTAL column, insert "1,419,408" and, in the CASH FUNDS EXEMPT column, insert "162,954(T)^a".
- Page 7, line 1, strike "\$273,637(T)" and substitute "\$273,637(T)
\$260,071(T)".
- As amended, ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-195** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of regulatory agencies.
- Ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-196** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of revenue.
- Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, February 9, 2001, page 237.)
- As amended, ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-197** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of state.
- Ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-198** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of transportation.
- Ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.
- SB01-199** by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman--
Concerning a supplemental appropriation to the department of the treasury.
- Ordered engrossed and placed on the Consent Calendar for Third Reading and Final Passage.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Phillips, 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: **SB01-179, SB01-180** as amended, **SB01-181, SB01-182** as amended, **SB01-183, SB01-184, SB01-185, SB01-186** as amended, **SB01-187, SB01-188, SB01-189, SB01-190, SB01-191, SB01-192** as amended, **SB01-193** as amended, **SB01-194** as amended, **SB01-195, SB01-196** as amended, **SB01-197, SB01-198, SB01-199.**

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills calendar (**SB01-001, SB01-034, SB01-159, SB01-136, SB01-092, SB01-051, SB01-165, SB01-123, SB01-125, SB01-088, SB01-128, SB01-104, SB01-114, SB01-013, SB01-109, SB01-043**) of Tuesday, February 13, 2001, was laid over until Wednesday, February 14, 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 Consideration of Governor's Appointments calendar of Tuesday, February 13, 2001, was laid over until Wednesday, February 14, 2001, retaining its place on the calendar.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HJR01-1005, 1006, 1008, 1009.**

Senator Reeves withdrew her request for a conference committee on **HB01-1267.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **SB01-175** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 23, strike "AND ISSUE";

line 24, strike "TO" and substitute "FOR".

Page 3, line 12, after "COUPLE.", insert "THE STATE REGISTRAR SHALL COLLECT A REASONABLE FEE BASED UPON THE DIRECT AND INDIRECT COSTS OF PREPARING AND ISSUING THE CERTIFICATES OF COMMENDATION.";

line 13, strike "DOCUMENTATION," and substitute "DOCUMENTATION AND PAYMENT OF THE FEE,";

line 14, strike "WITH NO";

line 15, strike "CHARGE";

strike lines 19 through 23 and substitute the following:

"created. (2) (b) (III) THE STATE REGISTRAR IS AUTHORIZED TO ASSESS A REASONABLE FEE FOR CERTIFICATES OF COMMENDATION ISSUED PURSUANT TO SECTION 25-2-107.5 BASED UPON THE DIRECT AND INDIRECT COSTS OF ISSUING THE CERTIFICATES OF COMMENDATION. THE STATE REGISTRAR MAY ALSO ACCEPT GIFTS, GRANTS, AND DONATIONS FOR THE EXPENSES OF ISSUING CERTIFICATES OF COMMENDATION. SUCH FEES AND GIFTS, GRANTS, AND DONATIONS SHALL BE".

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Judiciary

After consideration on the merits, the committee recommends that **SB01-029** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause, and substitute the following:

"SECTION 1. 14-10-129 (1), (1.5), and (2), Colorado Revised Statutes, are amended to read:

14-10-129. Modification of parenting time. (1) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (1), the court may make or modify an order granting or denying parenting time rights whenever such order or modification would serve the best interests of the child.

(II) IN THOSE CASES IN WHICH A PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS SEEKING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHICAL TIES BETWEEN THE CHILD AND THE OTHER PARTY, THE COURT, IN DETERMINING WHETHER THE MODIFICATION IS IN THE BEST INTERESTS OF THE CHILD, SHALL TAKE INTO ACCOUNT ALL RELEVANT FACTORS, INCLUDING THOSE ENUMERATED IN SECTION 14-10-124 (1.5) (a) AND WHETHER THE HARM LIKELY TO BE CAUSED BY A CHANGE OF ENVIRONMENT IS OUTWEIGHED BY THE ADVANTAGES OF A CHANGE TO THE CHILD. THE PARTY WHO IS INTENDING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHICAL TIES BETWEEN THE CHILD AND THE OTHER PARTY SHALL PROVIDE THE OTHER PARTY WITH WRITTEN NOTICE AS SOON AS PRACTICABLE OF HIS OR HER INTENT TO RELOCATE, THE LOCATION WHERE THE PARTY INTENDS TO RESIDE, THE REASON FOR THE RELOCATION, AND A PROPOSED REVISED PARENTING TIME PLAN. A COURT HEARING ON ANY MODIFICATION OF PARENTING TIME DUE TO AN INTENT TO RELOCATE SHALL BE GIVEN A PRIORITY ON THE COURT'S DOCKET.

(b) (I) ~~but~~ The court shall not restrict a parent's parenting time rights unless it finds that the parenting time would endanger the child's physical health or significantly impair the child's emotional development. Nothing in this section shall be construed to affect grandparent visitation granted pursuant to section 19-1-117, C.R.S.

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL NOT APPLY IN THOSE CASES IN WHICH A PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS INTENDING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHICAL TIES BETWEEN THE CHILD AND THE OTHER PARTY.

(1.5) If a motion for a substantial modification of parenting time which also changes the party with whom the child resides a majority of the time has been filed, whether or not it has been granted, no subsequent motion may be filed within two years after disposition of the prior motion unless the court decides, on the basis of affidavits, that the child's present environment may endanger the child's physical health or significantly impair the child's emotional development OR THAT THE PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS INTENDING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHIC TIES BETWEEN THE CHILD AND THE OTHER PARTY.

(2) The court shall not modify a prior order concerning parenting time that substantially changes the parenting time as well as changes the party with whom the child resides a majority of the time unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or the party with whom the child resides the majority of the time and that the modification is necessary to serve the best interests of the child. In applying these standards, the court shall retain the parenting time schedule established in the prior decree unless:

(a) The parties agree to the modification; OR

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(b) The child has been integrated into the family of the moving party with the consent of the other party; or

(c) THE PARTY WITH WHOM THE CHILD RESIDES A MAJORITY OF THE TIME IS INTENDING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHICAL TIES BETWEEN THE CHILD AND THE OTHER PARTY. IN DETERMINING WHETHER THE MODIFICATION IS IN THE BEST INTERESTS OF THE CHILD, THE COURT SHALL TAKE INTO ACCOUNT ALL RELEVANT FACTORS, INCLUDING THOSE ENUMERATED IN SECTION 14-10-124 (1.5) (a) AND WHETHER THE HARM LIKELY TO BE CAUSED BY A CHANGE OF ENVIRONMENT IS OUTWEIGHED BY THE ADVANTAGES OF A CHANGE TO THE CHILD. THE PARTY WHO IS INTENDING TO RELOCATE WITH THE CHILD TO A RESIDENCE THAT SUBSTANTIALLY CHANGES THE GEOGRAPHICAL TIES BETWEEN THE CHILD AND THE OTHER PARTY SHALL PROVIDE THE OTHER PARTY WITH WRITTEN NOTICE AS SOON AS PRACTICABLE OF HIS OR HER INTENT TO RELOCATE, THE LOCATION WHERE THE PARTY INTENDS TO RESIDE, THE REASON FOR THE RELOCATION, AND A PROPOSED REVISED PARENTING TIME PLAN. A COURT HEARING ON ANY MODIFICATION OF PARENTING TIME DUE TO AN INTENT TO RELOCATE SHALL BE GIVEN A PRIORITY ON THE COURT'S DOCKET; OR

(e) (d) The child's present environment endangers the child's physical health or significantly impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

SECTION 2. Effective date - applicability. (1) This act shall take effect September 1, 2001, 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.

(2) The provisions of this act shall apply to all motions concerning relocation of a child's primary residence filed on or after the applicable effective date of this act."

Judiciary After consideration on the merits, the committee recommends that **SB01-139** be postponed indefinitely.

Judiciary After consideration on the merits, the committee recommends that **SB01-083** be postponed indefinitely.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB01-093** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause, and substitute the following:

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

PART 9

COLORADO NO-CALL LIST ACT

6-1-901. Short title. THIS PART 9 SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO NO-CALL LIST ACT".

6-1-902. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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(a) THE USE OF THE TELEPHONE TO MARKET GOODS AND SERVICES TO THE HOME IS WIDESPREAD;

(b) MANY CITIZENS OF THIS STATE VIEW TELEMARKETING AS AN INVASION OF PRIVACY;

(c) INDIVIDUALS' PRIVACY RIGHTS AND COMMERCIAL FREEDOM OF SPEECH SHOULD BE BALANCED IN A WAY THAT ACCOMMODATES BOTH THE PRIVACY OF INDIVIDUALS AND LEGITIMATE TELEMARKETING PRACTICES; AND

(d) IT IS IN THE PUBLIC INTEREST TO ESTABLISH A MECHANISM UNDER WHICH THE INDIVIDUAL CITIZENS OF THIS STATE CAN DECIDE WHETHER OR NOT TO RECEIVE TELEMARKETING CALLS IN THEIR HOMES.

6-1-903. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CALLER IDENTIFICATION SERVICE" MEANS A TYPE OF TELEPHONE SERVICE THAT PERMITS TELEPHONE SUBSCRIBERS TO SEE THE TELEPHONE NUMBER OF INCOMING TELEPHONE CALLS.

(2) "COLORADO NO-CALL LIST" MEANS THE DATABASE OF COLORADO RESIDENTIAL SUBSCRIBERS THAT HAVE GIVEN NOTICE, IN ACCORDANCE WITH RULES PROMULGATED UNDER SECTION 6-1-905, OF SUCH RESIDENTIAL SUBSCRIBERS' OBJECTION TO RECEIVING TELEPHONE SOLICITATIONS.

(3) "CONFORMING CONSOLIDATED NO-CALL LIST" MEANS ANY DATABASE THAT INCLUDES TELEPHONE NUMBERS OF TELEPHONE SUBSCRIBERS THAT DO NOT WISH TO RECEIVE TELEPHONE SOLICITATIONS, IF SUCH DATABASE HAS BEEN UPDATED WITHIN THE PRIOR THIRTY DAYS TO INCLUDE ALL OF THE TELEPHONE NUMBERS ON THE COLORADO NO-CALL LIST.

(4) "CONFORMING LIST BROKER" MEANS ANY PERSON OR ENTITY THAT PROVIDES LISTS FOR THE PURPOSE OF TELEPHONE SOLICITATION, IF SUCH LISTS SHALL HAVE REMOVED, AT A MINIMUM OF EVERY THIRTY DAYS, ANY PHONE NUMBERS THAT ARE INCLUDED ON THE COLORADO NO-CALL LIST.

(5) "DESIGNATED AGENT" MEANS THE PARTY WITH WHICH THE PUBLIC UTILITIES COMMISSION CONTRACTS UNDER SECTION 6-1-905 (2).

(6) "ELECTRONIC MAIL" MEANS AN ELECTRONIC MESSAGE THAT IS TRANSMITTED BETWEEN TWO OR MORE COMPUTERS OR ELECTRONIC TERMINALS. "ELECTRONIC MAIL" INCLUDES ELECTRONIC MESSAGES THAT ARE TRANSMITTED WITHIN OR BETWEEN COMPUTER NETWORKS.

(7) "INTERNET" MEANS THE INTERNATIONAL COMPUTER NETWORK CONSISTING OF FEDERAL AND NONFEDERAL, INTEROPERABLE, PACKET-CONTROLLED SWITCHED DATA NETWORKS.

(8) (a) "PRIOR OR CURRENT BUSINESS RELATIONSHIP" MEANS THE SITUATION IN WHICH A RESIDENTIAL SUBSCRIBER HAS PURCHASED GOODS OR SERVICES FROM THE CALLER WITHIN FIFTEEN MONTHS BEFORE THE SOLICITATION CALL OR HAS AN ONGOING CONSUMER SERVICE CONTRACT WITH THE CALLER, AND THE SOLICITATION CALL IS DIRECTLY CONNECTED WITH THE GOODS OR SERVICES PURCHASED BY THE RESIDENTIAL SUBSCRIBER OR THE ONGOING CONSUMER SERVICE CONTRACT BETWEEN THE CALLER AND THE RESIDENTIAL SUBSCRIBER.

(b) "PRIOR OR CURRENT BUSINESS RELATIONSHIP", WITH RESPECT TO A FINANCIAL INSTITUTION, AS THAT TERM IS DEFINED IN SECTION 527 OF THE FEDERAL "GRAMM-LEACH-BLILEY ACT OF 1999", INCLUDES ANY SITUATION IN WHICH A FINANCIAL INSTITUTION MAKES SOLICITATION CALLS RELATED TO OTHER FINANCIAL SERVICES OFFERED, IF THE FINANCIAL INSTITUTION IS IN COMPLIANCE WITH THE REQUIREMENTS REGARDING PRIVACY OF TITLE V OF THE FEDERAL "GRAMM-LEACH-BLILEY ACT OF 1999", AND THE FINANCIAL INSTITUTION OR AFFILIATE MAINTAINS AN OFFICE IN COLORADO.

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(9) "RESIDENTIAL SUBSCRIBER" MEANS A PERSON WHO HAS SUBSCRIBED TO RESIDENTIAL TELEPHONE SERVICE WITH A LOCAL EXCHANGE PROVIDER, AS DEFINED IN SECTION 40-15-102 (18), C.R.S. "PERSON" ALSO INCLUDES ANY OTHER PERSONS LIVING OR RESIDING WITH SUCH PERSON.

(10) (a) "TELEPHONE SOLICITATION" MEANS ANY VOICE COMMUNICATION OVER A TELEPHONE LINE FOR THE PURPOSE OF ENCOURAGING THE PURCHASE OR RENTAL OF, OR INVESTMENT IN, PROPERTY, GOODS, OR SERVICES, BUT DOES NOT INCLUDE COMMUNICATIONS:

(I) TO ANY RESIDENTIAL SUBSCRIBER WITH THAT SUBSCRIBER'S PRIOR EXPRESS INVITATION OR PERMISSION;

(II) BY OR ON BEHALF OF ANY PERSON OR ENTITY WITH WHOM A RESIDENTIAL SUBSCRIBER HAS A PRIOR OR CURRENT BUSINESS RELATIONSHIP;

(III) FOR THIRTY DAYS AFTER A RESIDENTIAL SUBSCRIBER HAS CONTACTED A BUSINESS TO INQUIRE ABOUT THE POTENTIAL PURCHASE OF GOODS OR SERVICES OR UNTIL THAT RESIDENTIAL SUBSCRIBER REQUESTS THAT NO FURTHER CALLS BE MADE, WHICHEVER OCCURS FIRST; OR

(IV) BY OR ON BEHALF OF A CHARITABLE ORGANIZATION THAT IS REQUIRED TO AND THAT HAS COMPLIED WITH THE NOTICE AND REPORTING REQUIREMENTS OF SECTION 6-16-104 OR IS EXCLUDED FROM SUCH NOTICE AND REPORTING REQUIREMENTS BY SECTION 6-16-103 (7).

(b) "TELEPHONE SOLICITATION" INCLUDES ANY COMMUNICATION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (10), WHETHER SUCH COMMUNICATION ORIGINATES FROM A LIVE OPERATOR, THROUGH THE USE OF AUTOMATIC DIALING AND RECORDED MESSAGE EQUIPMENT, OR BY OTHER MEANS.

(c) "TELEPHONE SOLICITATION" DOES NOT INCLUDE POLLS OR POLLING CALLS MADE FOR THE SOLE PURPOSE OF SOLICITING THE EXPRESSION OF IDEAS, OPINIONS, OR VOTES.

6-1-904. Unlawful to make telephone solicitations to residential subscribers on the Colorado no-call list - requirements for telephone solicitations generally. (1) (a) NO PERSON OR ENTITY SHALL MAKE OR CAUSE TO BE MADE ANY TELEPHONE SOLICITATION TO THE TELEPHONE LINE OF ANY RESIDENTIAL SUBSCRIBER IN THIS STATE WHO HAS ADDED HIS OR HER TELEPHONE NUMBER AND ZIP CODE TO THE COLORADO NO-CALL LIST IN ACCORDANCE WITH RULES PROMULGATED UNDER SECTION 6-1-905.

(b) ANY PERSON OR ENTITY THAT MAKES A TELEPHONE SOLICITATION TO THE TELEPHONE LINE OF ANY RESIDENTIAL SUBSCRIBER IN THIS STATE SHALL REGISTER IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6-1-905 (3) (b) (II).

(2) ANY PERSON OR ENTITY THAT MAKES A TELEPHONE SOLICITATION TO THE TELEPHONE LINE OF ANY RESIDENTIAL SUBSCRIBER IN THIS STATE SHALL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 6-1-702.

(3) NO PERSON OR ENTITY WHO MAKES A TELEPHONE SOLICITATION TO THE TELEPHONE LINE OF A RESIDENTIAL SUBSCRIBER IN THIS STATE SHALL KNOWINGLY UTILIZE ANY METHOD TO BLOCK OR OTHERWISE CIRCUMVENT SUCH SUBSCRIBER'S USE OF A CALLER IDENTIFICATION SERVICE.

(4) PERSONS OR ENTITIES DESIRING TO MAKE TELEPHONE SOLICITATIONS SHALL UPDATE THEIR COPIES OF THE COLORADO NO-CALL LIST, CONFORMING CONSOLIDATED NO-CALL LIST, OR A LIST OBTAINED FROM A CONFORMING LIST BROKER WITHIN THIRTY DAYS AFTER THE BEGINNING OF EVERY CALENDAR QUARTER, ON OR AFTER JULY 1, 2002, OR UPON THE INITIAL AVAILABILITY AND ACCESSABILITY OF THE COLORADO NO-CALL LIST, WHICHEVER IS EARLIER.

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6-1-905. Establishment and operation of a Colorado no-call list. (1) THE COLORADO NO-CALL LIST PROGRAM IS HEREBY CREATED FOR THE PURPOSE OF ESTABLISHING A DATABASE TO USE WHEN VERIFYING RESIDENTIAL SUBSCRIBERS IN THIS STATE WHO HAVE GIVEN NOTICE, IN ACCORDANCE WITH RULES PROMULGATED UNDER PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, OF SUCH SUBSCRIBERS' OBJECTION TO RECEIVING TELEPHONE SOLICITATIONS. THE PROGRAM SHALL BE ADMINISTERED BY THE PUBLIC UTILITIES COMMISSION.

(2) NOT LATER THAN JANUARY 1, 2002, THE PUBLIC UTILITIES COMMISSION SHALL CONTRACT WITH A DESIGNATED AGENT, WHICH SHALL MAINTAIN THE WEBSITE AND DATABASE CONTAINING THE COLORADO NO-CALL LIST. THE PUBLIC UTILITIES COMMISSION SHALL NOT ENTER INTO ANY CONTRACT UNDER THIS SUBSECTION (2) UNLESS AT LEAST TWO ENTITIES BID ON THE CONTRACT.

(3) (a) NOT LATER THAN JULY 1, 2002, THE DESIGNATED AGENT, USING THE DESIGNATED STATE INTERNET WEBSITE, SHALL DEVELOP AND MAINTAIN THE COLORADO NO-CALL LIST DATABASE WITH INFORMATION PROVIDED BY RESIDENTIAL SUBSCRIBERS.

(b) THE PUBLIC UTILITIES COMMISSION SHALL ESTABLISH, BY RULE, GUIDELINES FOR THE DESIGNATED AGENT FOR THE DEVELOPMENT AND MAINTENANCE OF THE COLORADO NO-CALL LIST SO THAT THE NO-CALL LIST CAN EASILY BE ACCESSED BY PERSONS OR ENTITIES DESIRING TO MAKE TELEPHONE SOLICITATIONS, AND BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES. NO LATER THAN JULY 1, 2002, THE PUBLIC UTILITIES COMMISSION SHALL PROMULGATE RULES THAT:

(I) SPECIFY THAT THERE SHALL BE NO COST FOR A RESIDENTIAL SUBSCRIBER TO PROVIDE NOTIFICATION TO THE DESIGNATED AGENT THAT SUCH SUBSCRIBER OBJECTS TO RECEIVING TELEPHONE SOLICITATIONS;

(II) SPECIFY THAT THERE SHALL BE AN ANNUAL REGISTRATION FEE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR PERSONS OR ENTITIES THAT WISH TO MAKE TELEPHONE SOLICITATIONS OR OTHERWISE ACCESS THE DATABASE OF TELEPHONE NUMBERS AND ZIP CODES CONTAINED IN THE COLORADO NO-CALL LIST DATABASE. THE PUBLIC UTILITIES COMMISSION SHALL DETERMINE SUCH FEE ON A SLIDING SCALE SO THAT PERSONS OR ENTITIES WITH FEWER THAN FIVE EMPLOYEES SHALL PAY NO FEE. IN ADDITION, THERE SHALL BE NO FEE CHARGED TO CONFORMING LIST BROKERS OR NONPROFIT CORPORATIONS, AS DEFINED IN SECTION 7-121-401 (26), C.R.S. THE MAXIMUM FEE SHALL BE CHARGED ONLY TO PERSONS OR ENTITIES WITH MORE THAN ONE THOUSAND EMPLOYEES. MONEYS COLLECTED FROM SUCH FEES SHALL COVER THE DIRECT AND INDIRECT COSTS RELATED TO THE CREATION AND OPERATION OF THE COLORADO NO-CALL LIST. MONEYS FROM SUCH FEES SHALL BE COLLECTED BY AND PAID DIRECTLY TO THE DESIGNATED AGENT. THE PUBLIC UTILITIES COMMISSION SHALL HAVE THE AUTHORITY TO ANNUALLY ADJUST THE FEES BELOW THE STATED MAXIMUM BASED ON REVENUE HISTORY OF THE FEES RECEIVED BY THE DESIGNATED AGENT. THE DESIGNATED AGENT SHALL PROVIDE MEANS FOR ON-LINE REGISTRATION AND CREDIT CARD PAYMENT OF FEES CHARGED PURSUANT TO THIS SUBPARAGRAPH (II). EACH SUCH PERSON OR ENTITY SHALL PROVIDE A CURRENT BUSINESS NAME, BUSINESS ADDRESS, EMAIL ADDRESS IF AVAILABLE, AND TELEPHONE NUMBER WHEN INITIALLY REGISTERING FOR THE NO-CALL LIST. THIS INFORMATION MUST BE UPDATED WHEN CHANGES OCCUR. FOR PURPOSES OF THIS SUBPARAGRAPH (II), SO LONG AS A PERSON OR ENTITY UTILIZES A CONSOLIDATED CONFORMING NO-CALL LIST OR ACQUIRES A TELEPHONE LIST FROM A CONFORMING LIST BROKER, SUCH PERSON OR ENTITY SHALL ONLY BE SUBJECT TO FEES REQUIRED BY THIS SUBPARAGRAPH (II) FOR THE FIRST YEAR SUCH PERSON OR ENTITY MAKES TELEPHONE SOLICITATIONS IN COLORADO.

(III) SPECIFY THAT THE METHOD BY WHICH EACH RESIDENTIAL SUBSCRIBER MAY GIVE NOTICE TO THE DESIGNATED AGENT OF HIS OR HER OBJECTION TO RECEIVING SUCH SOLICITATIONS OR REVOCATION OF SUCH NOTICE SHALL BE EXCLUSIVELY BY ENTERING THE AREA CODE, PHONE NUMBER, AND ZIP CODE OF THE RESIDENTIAL SUBSCRIBER DIRECTLY INTO THE DATABASE VIA THE DESIGNATED STATE INTERNET WEBSITE OR BY USING A TOUCH-TONE PHONE TO ENTER THE AREA CODE, PHONE NUMBER,

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AND ZIP CODE OF THE RESIDENTIAL SUBSCRIBER VIA A DESIGNATED STATEWIDE, TOLL-FREE TELEPHONE NUMBER MAINTAINED BY THE DESIGNATED AGENT AS A PART OF THE COLORADO NO-CALL LIST;

(IV) REQUIRE THE DESIGNATED AGENT TO PROVIDE UPDATED INFORMATION ABOUT THE COLORADO NO-CALL LIST PROGRAM ON THE DESIGNATED STATE WEBSITE SUBJECT TO THE OVERSIGHT OF THE PUBLIC UTILITIES COMMISSION;

(V) SPECIFY THE METHODS BY WHICH ADDITIONS, DELETIONS, CHANGES, AND MODIFICATIONS SHALL BE MADE TO THE COLORADO NO-CALL LIST DATABASE AND HOW UPDATES OF THE DATABASE WILL BE MADE AVAILABLE TO PERSONS OR ENTITIES DESIRING SUCH UPDATES;

(VI) REQUIRE THE DESIGNATED AGENT TO MAINTAIN AN AUTOMATED, ON-LINE COMPLAINT SYSTEM FOR RESIDENTIAL SUBSCRIBERS TO REPORT SUSPECTED VIOLATIONS OVER THE INTERNET WEBSITE. THE AUTOMATED, ON-LINE COMPLAINT SYSTEM SHALL HAVE THE CAPABILITY TO COLLECT, SORT, AND REPORT SUSPECTED VIOLATIONS TO THE APPROPRIATE STATE ENFORCEMENT AGENCY ELECTRONICALLY FOR ENFORCEMENT PURPOSES.

(VII) SPECIFY THAT THE NO-CALL LIST SHALL BE AVAILABLE ON-LINE TO PERSONS OR ENTITIES DESIRING TO MAKE TELEPHONE SOLICITATIONS ON-LINE AT THE COLORADO NO-CALL LIST WEBSITE IF THE PERSON OR ENTITY HAS REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). THE LIST WILL BE AVAILABLE ONLY IN A TEXT FORMAT BUT SHALL ALLOW TELEPHONE SOLICITORS TO SELECT AND SORT BY SPECIFIC ZIP CODES AND TELEPHONE AREA CODES. TELEPHONE SOLICITORS AND CONFORMING LIST BROKERS SHALL NOT RECEIVE ADDITIONAL COMPENSATION FOR DISTRIBUTING THE COLORADO NO-CALL LIST, BUT ARE ENCOURAGED TO FREELY DISTRIBUTE THE COLORADO NO-CALL LIST AT NO COST.

(VIII) SPECIFY SUCH OTHER MATTERS RELATING TO THE DATABASE AS THE PUBLIC UTILITIES COMMISSION DEEMS NECESSARY OR DESIRABLE.

(c) IF THE APPROPRIATE FEDERAL AGENCY ESTABLISHES A SINGLE NATIONAL DATABASE OF TELEPHONE NUMBERS OF RESIDENTIAL SUBSCRIBERS WHO OBJECT TO RECEIVING TELEPHONE SOLICITATIONS, THE DESIGNATED AGENT SHALL INCLUDE THAT PORTION OF SUCH SINGLE NATIONAL DATABASE THAT RELATES TO COLORADO IN THE COLORADO NO-CALL LIST ESTABLISHED UNDER THIS PART 9.

(4) THE STATE SHALL NOT BE LIABLE TO ANY PERSON FOR GATHERING, MANAGING, OR USING INFORMATION IN THE COLORADO NO-CALL LIST DATABASE PURSUANT TO THIS PART 9 AND FOR ENFORCING THE PROVISIONS OF THIS PART 9.

(5) THE DESIGNATED AGENT SHALL NOT BE LIABLE TO ANY PERSON FOR PERFORMING ITS DUTIES UNDER THIS PART 9 UNLESS, AND ONLY TO THE EXTENT THAT, THE DESIGNATED AGENT COMMITS A WILLFUL AND WANTON ACT OR OMISSION.

(6) BEGINNING NOT LATER THAN JULY 1, 2002, THE DESIGNATED AGENT SHALL UPDATE THE DATABASE WITH INFORMATION PROVIDED BY RESIDENTIAL SUBSCRIBERS ON AN ONGOING BASIS.

6-1-906. Enforcement - penalty. (1) ON AND AFTER JULY 1, 2002, VIOLATION OF ANY PROVISION OF THIS PART 9 CONSTITUTES A DECEPTIVE TRADE PRACTICE UNDER THE PROVISIONS OF SECTION 6-1-105 (1) AND MAY BE ENFORCED UNDER SECTIONS 6-1-110, 6-1-112, AND 6-1-113. NO STATE ENFORCEMENT ACTION UNDER THIS PART 9 MAY BE BROUGHT AGAINST A PERSON OR ENTITY FOR FEWER THAN THREE VIOLATIONS PER MONTH.

(2) IT SHALL BE AN AFFIRMATIVE DEFENSE IN ANY ACTION OR PROCEEDING BROUGHT UNDER THIS PART 9 THAT THE DEFENDANT HAS OTHERWISE FULLY COMPLIED WITH THE PROVISIONS OF THIS PART 9 AND HAS ESTABLISHED AND IMPLEMENTED, PRIOR TO THE VIOLATION, WRITTEN PRACTICES AND PROCEDURES TO EFFECTIVELY PREVENT TELEPHONE

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SOLICITATIONS IN VIOLATION OF THIS PART 9.

(3) THE REMEDIES, DUTIES, PROHIBITIONS, AND PENALTIES OF THIS SECTION ARE NOT EXCLUSIVE AND ARE IN ADDITION TO ALL OTHER CAUSES OF ACTION, REMEDIES, AND PENALTIES PROVIDED BY LAW.

(4) NO PROVIDER OF TELEPHONE CALLER IDENTIFICATION SERVICE SHALL BE HELD LIABLE FOR VIOLATIONS OF THIS PART 9 COMMITTED BY OTHER PERSONS OR ENTITIES.

6-1-907. Acceptance of gifts, grants, and donations. THE PUBLIC UTILITIES COMMISSION MAY ACCEPT AND EXPEND MONEYS FROM GIFTS, GRANTS, AND DONATIONS FOR PURPOSES OF ADMINISTERING THE PROVISIONS OF THIS PART 9.

SECTION 2. 6-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(tt) VIOLATES ANY PROVISION OF PART 9 OF THIS ARTICLE.

SECTION 3. 6-1-113 (1) (a), Colorado Revised Statutes, is amended to read:

6-1-113. Damages. (1) The provisions of this article shall be available in a civil action for any claim against any person who has engaged in or caused another to engage in any deceptive trade practice listed in this article. An action under this section shall be available to any person who:

(a) Is an actual or potential consumer of the defendant's goods, services, or property ~~and is injured as a result of such deceptive trade practice~~ AND IS INJURED AS A RESULT OF SUCH DECEPTIVE TRADE PRACTICE, OR IS A RESIDENTIAL SUBSCRIBER, AS DEFINED IN SECTION 6-1-903 (7), WHO RECEIVES UNLAWFUL TELEPHONE SOLICITATION, AS DEFINED IN SECTION 6-1-903 (8); or

SECTION 4. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of 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; except that, if 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.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act."

Page 1, line 101, strike "TELEMARKETING".

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB01-172** be referred favorably to the Committee of the Whole.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB01-146** be postponed indefinitely.

Business, Labor, and Finance

After consideration on the merits, the committee recommends that **SB01-031** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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SB01-031

Amend printed bill, page 2, line 12, strike "AS A CONDITION OF APPROVAL OF ANY PROPOSED";

line 13, strike "LAND DEVELOPMENT,".

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-152** be postponed indefinitely.

MESSAGE FROM THE HOUSE

February 13, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1250, amended as printed in House Journal, February 12, page 376. HB01-1198, amended as printed in House Journal, February 12, pages 376-378.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, as amended, HB01-1250 and 1198.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1024 by Representative Plant; also Senator Dyer (Durango)--Concerning financial incentives for commercial fish hatcheries that test positive for whirling disease.
Agriculture and Natural Resources

HB01-1134 by Representative Decker; also Senator Dennis--Concerning infectious and communicable diseases.
Health, Environment, Children & Families

HB01-1138 by Representative Cadman; also Senator Phillips--Concerning state information technology governance.
Business, Labor, and Finance

HB01-1186 by Representative Tapia; also Senator Evans--Concerning the maintenance of public employee retirement benefits for retirees who are hired by a school district during a critical shortage of employees.
Education

HB01-1241 by Representative Stengel; also Senator Reeves--Concerning the elimination of the ninety-day period for which garnishments are permitted to be a continuing levy.
Judiciary

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1267**.

TRIBUTES--A POINT OF INTEREST

Honoring Judy Rocciano by Senator Linkhart

Honoring Colleen Micalizze by Senator McElhany

Honoring Erica Reinsch by Senator McElhany

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Wednesday,
February 14, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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