

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

Seventy-seventh Legislative Day

Tuesday, March 27, 2001

Prayer By the chaplain, Rabbi Sandra Cohen, Temple Micah.

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

Roll Call Present--Total, 33.
Absent/Excused--Evans, Nichol--Total 2.
Present later--Nichol.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Taylor, reading of the Journal of Monday, March 26, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly rerevised: HB01-1163, 1236, 1210, 1283, 1321, 1160, 1297.

Correctly revised: HB01-1351, 1254, 1239, 1217, 1340, 1008, 1275, 1348, 1096, 1025, 1292, HJR01-1018.

Correctly reengrossed: SB01-119.

Correctly engrossed: SB01-203, 061, SJR01-020.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1319** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 15, line 11, strike "PILOT" and substitute "MODEL";

line 12, strike "PILOT" and substitute "MODEL";

after line 20, insert the following:

"(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN INDIVIDUAL IS ELIGIBLE FOR COVERAGE BY THE PROGRAM IF A MEMBER OF THE INDIVIDUAL'S FAMILY PAYS, IN WHOLE OR IN PART, THE PREMIUMS FOR THE PROGRAM."

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB01-1364** be referred favorably to the Committee of the Whole and placed on the Consent Calendar.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1220 by Representative Swenson; also Senator Dennis--Concerning amendments to the multistate highway transportation agreement.
Government, Veterans and Military Relations, and Transportation

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- HB01-1264** by Representative Stafford; also Senator Hagedorn--Concerning child support obligations, and making an appropriation in connection therewith. 1
 Judiciary 2
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- HB01-1293** by Representatives Williams S., Alexander, Bacon, Coleman, Crane, Daniel, Groff, Grossman, Hefley, Hoppe, Jahn, Johnson, Mace, Madden, Romanoff, Sanchez, Stafford, Swenson, Tapia, Vigil and Witwer; also Senators Dyer (Arapahoe) and Windels--Concerning the early childhood professional loan repayment program, and making an appropriation therefor. 5
 Education 6
 Appropriations 7
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- HB01-1307** by Representative Berry; also Senator Reeves--Concerning the computerized election system maintained by the state, and making an appropriation therefor. 13
 Government, Veterans and Military Relations, and Transportation 14
 Appropriations 15
16
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- HB01-1312** by Representatives Grossman and Scott; also Senator Andrews--Concerning the conformance of the state penalty for failure to pay estimated income taxes owed to the federal penalty for failure to pay such taxes. 18
 Business, Labor, and Finance 19
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- HB01-1341** by Representatives Larson, Lawrence and Miller; also Senators Windels, Phillips and McElhany--Concerning an extension of the annual general fund transfer to the capital construction fund. 23
 Public Policy and Planning 24
 Appropriations 25
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- SB01-213** by Senator Pascoe; also Representative Veiga--Concerning the authorization of the executive director of the department of human services to sell certain real property situated in the city and county of Denver to the Arapahoe library district for library purposes. 29
 Government, Veterans and Military Relations, and Transportation 30
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**THIRD READING--FINAL PASSAGE OF BILLS--
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: 35
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- 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. 41
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The question being "Shall the bill pass?", the roll call was taken with the following result: 45
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YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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**. 58
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- HB01-1254** by Representative Smith; also Senator Teck--Concerning a requirement for notice to owners of land directly affected by water rights adjudication applications. 61
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The question being "Shall the bill pass?", the roll call was taken with the following result: 64
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YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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: Taylor.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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**.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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**.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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		

HB01-1340 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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: Hagedorn, Hanna, Hernandez.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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**.

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:

HB01-1238 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 Wednesday, March 28, 2001, retaining its place on the calendar.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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		

HB01-1275 A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Hernandez, Owen.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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), Fitz-Gerald, Hanna, Hernandez, Tate, Tupa, Windels.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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: Tupa.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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: Hagedorn.

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.

HB01-1292 The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	32	NO	2	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	N	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.	N	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: Chlouber, Gordon, Hagedorn, Hanna, Hernandez, Hillman, Linkhart, Tate.

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.

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

YES	28	NO	6	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	N	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: Chlouber, Fitz-Gerald, Gordon, Hanna, Hernandez, Matsunaka, Owen, Pascoe, Phillips, Reeves, Tate, Tupa, Windels.

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 **SB01-021**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB01-021 by Senators Anderson, Andrews, Hagedorn, Hernandez, Owen, Pascoe, Tate and Thiebaut; also Representatives Dean, Coleman, King, Smith and Williams T.--Concerning disclosure of information relating to the regulation of lobbyists, and making an appropriation in connection therewith.

Senator Anderson moved that the Senate concur in House amendments to **SB01-021**, as printed in House Journal, March 23, 2001, page 921. The motion was **passed** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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		

SB01-021

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	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, as amended, was declared **repassed**.

Co-sponsor added: Gordon.

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. The Consideration of Governor's Appointments Calendar of Tuesday, March 27, 2001 was laid over until Monday, April 2, 2001.

Committee of the Whole

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

HB01-1167

by Representatives Paschall, King, Rhodes and Saliman; also Senators Gordon, Hagedorn, Lamborn and Perlmutter--Concerning damages in wrongful death cases.

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

HB01-1166

by Representative Stengel; also Senator Fitz-Gerald--Concerning actions asserting construction defect claims for property loss and damage, and, in connection therewith, creating a disclosure requirement in certain actions, restricting construction defect negligence claims, modifying the statute of limitations for certain claims, and requiring the disclosure of construction defect litigation by the executive board of a unit owners' association to the unit owners.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, March 23, 2001, page 633.)

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

HB01-1287

by Representative Spradley; also Senator Perlmutter--Concerning business personal property tax, and, in connection therewith, increasing the amount of the credit against state taxes for a portion of business personal property tax paid and modifying the administration of the credit.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, March 23, 2001, page 633.)

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **HB01-1286** advanced on the General Orders calendar.

HB01-1286

by Representative Alexander; also Senator Hagedorn--Concerning faith healing in the crime of child abuse.

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

- HB01-1256**

by Representative Webster; also Senator Phillips--Concerning an expansion of the definition of "farm equipment" under the state sales and use tax to include dairy equipment.

Amendment No 1(L.003), by Senator Phillips.

Amend reengrossed bill, page 2, line 18, strike "INCLUDES" and substitute "INCLUDES, REGARDLESS OF PURCHASE PRICE,".

Page 7, line 25, strike "01-____" and substitute "01-1256".

Page 9, strike lines 9 through 22.

Renumber succeeding sections accordingly.

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

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- 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 Wednesday, March 28, 2001, retaining its place on the calendar.

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- SB01-005**

by Senator Musgrave; also Representative Sinclair--Concerning a requirement that an applicant for registration of a commercial vehicle declare the status of the commercial vehicle when a vehicle is registered, and, in connection therewith, creating a definition for commercial vehicle.

(Amended in General Orders in Senate Journal, January 26, 2001, page 100.)

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

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- SB01-042**

by Senator Takis; also Representative Coleman--Concerning the inclusion of construction worker safety training as a standard for approval of cost containment and risk management programs for the construction industry by the workers' compensation cost containment board.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, February 1, pages 157-158.)

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

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- SB01-093**

by Senator Chlouber; also Representative Larson--Concerning the creation of the Colorado telemarketing no-call list for residential telephone subscribers who wish to avoid all unwanted commercial telephone solicitation.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, February, 13, 2001, pages 476-281.)

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

Amend the Business, Labor, and Finance committee amendment, as printed in Senate Journal, February 13, page 277, strike line 65, and substitute the following:

"TO A FINANCIAL INSTITUTION OR AFFILIATE, AS THOSE TERMS ARE DEFINED IN SECTION 527 OF";

line 67, after "FINANCIAL INSTITUTION" insert "OR AFFILIATE";

strike line 69, and substitute the following:

"FINANCIAL INSTITUTION OR AFFILIATE IS SUBJECT TO THE REQUIREMENTS".

Page 278, strike line 63, and substitute the following:

"SERVICE WHEN THAT PERSON OR ENTITY'S SERVICE OR EQUIPMENT IS CAPABLE OF ALLOWING THE DISPLAY OF THE NUMBER.".

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SB01-093

Page 279, strike lines 14 through 16, and substitute the following:

"NO-CALL LIST. IF NO MORE THAN ONE ENTITY BIDS ON THE CONTRACT, THE PUBLIC UTILITIES COMMISSION MAY AWARD, AT ITS DISCRETION, SUCH CONTRACT.";

line 28, strike "JULY 1, 2002," and substitute "APRIL 1, 2002,".

Page 280, line 14, strike "UPDATES;" and substitute "UPDATES. SUCH METHODS SHALL INCLUDE PROVISIONS TO REMOVE FROM THE COLORADO NO-CALL LIST, ON AT LEAST AN ANNUAL BASIS, ANY TELEPHONE NUMBER THAT HAS BEEN DISCONNECTED OR REASSIGNED.";

after line 58, insert the following:

"(7) NO PERSON SHALL PLACE THE TELEPHONE NUMBER OF ANOTHER PERSON ON THE COLORADO NO-CALL LIST WITHOUT THE AUTHORIZATION OF THE PERSON TO WHOM THE NUMBER IS ASSIGNED."

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

SB01-095

by Senators Linkhart and Owen; also Representative Lee--Concerning appropriations from the offender services fund for adult and juvenile probation services.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, March 19, 2001, page 563.)

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

SB01-113

by Senators Hernandez, Evans, Hagedorn and Hanna--Concerning regulation of physical therapists, and, in connection therewith, continuing the regulation of physical therapists by the director of the division of registrations in the department of regulatory agencies.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.
(Printed in Senate Journal, January 29, 2001, pages 111-112.)

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

SB01-134

by Senator Fitz-Gerald; also Representative Scott--Concerning an increase in the sales and use tax that a county may levy for the purpose of funding mass transit.

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

SB01-149

by Senator Owen; also Representative Scott--Concerning the state defined contribution plan.

Amendment No. 1, Public Policy and Planning Committee Amendment.
(Printed in Senate Journal, February 9, 2001, pages 248-249.)

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

SB01-121

by Senator Taylor; also Representative Hoppe--Concerning continuation of the asbestos control program.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, February 1, pages 158-159.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, March 19, 2001, page 564.)

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

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SB01-202

by Senators Thiebaut, Matsunaka and Andrews; also Representatives Spradley, Dean and Grossman--Concerning appropriations related to the legislative department, and making appropriations in connection therewith.

Amendment No. 1, Business, Labor and Finance Committee Amendment.
(Printed in Senate Journal, March 21, 2001, pages 596-597.)

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

Amend printed bill, page 3, after line 1, insert the following:

"In addition, of this amount, \$105,780 represents the amount necessary for an increase in the number of hours for legislative aides from 330 hours to 425 hours per session. It is the intent of the general assembly that funding for this increase would be from any unexpended and unencumbered funds in the general assembly's budget as of December 1, 2001, as determined by the executive committee of the general assembly."

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

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills Calendar (**SB01-081, SB01-204, SCR01-002**) of Tuesday, March 27, 2001, was laid over until Wednesday, March 28, 2001, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tate, 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: **HB01-1167, HB01-1166** as amended, **HB01-1287** as amended, **HB01-1286, HB01-1256** as amended, **SB01-005** as amended, **SB01-042** as amended, **SB01-093** as amended, **SB01-095** as amended, **SB01-113** as amended, **SB01-134, SB01-149** as amended, **SB01-121** as amended, **SB01-202** as amended.

Laid over until Wednesday, March 28, 2001: **HB01-1132, SB01-081, SB01-204, SCR01-002.**

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 Tuesday, March 27, 2001, was laid over until Wednesday, March 28, 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, SB01-034.**
Consideration of House Adherence: **HJR01-1010.**

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Government, Veterans and Military Relations, and Transportation The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed.

MEMBER OF THE COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2004:

Ralph P. Bozella of Longmont, Colorado, to serve as a veteran and as an Unaffiliated, appointed.

Government, Veterans and Military Relations, and Transportation The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed.

MEMBER OF THE COLORADO STATE FAIR AUTHORITY BOARD OF COMMISSIONERS

for terms expiring November 1, 2003:

Gary L. Yourtz of Englewood, Colorado, to serve as a representative of the Sixth Congressional District and as a Democrat, appointed;

Government, Veterans and Military Relations, and Transportation The Committee returns herewith HB01-1198 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a)(1) has passed, that final action has not been taken by this committee within the said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to be postponed indefinitely.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that HB01-1133 be referred favorably to the Committee on Appropriations.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that HB01-1135 be postponed indefinitely.

Government, Veterans and Military Relations, and Transportation After consideration on the merits, the committee recommends that HB01-1091 be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 6, after "earliest", insert "practicable".

Page 6, line 9, strike "LEVEL OF COVERAGE AND" and substitute "NUMBER OF ENHANCED INSPECTION CENTERS";

line 10, strike "CONVENIENCE";

line 11, strike "2000." and substitute "2000, AND THE HOURS OF OPERATION SHALL BE DETERMINED BY THE CONTRACT.".

Page 9, line 11, strike "(26) (a) (III)" and substitute "(26.5)".

Page 13, line 11, strike "(26) (a) (III)." and substitute "(26.5).";

line 14, strike "(26) (a) (III) (A)." and substitute "(26.5).";

line 22, after "(1) (a) (I)," insert "(1) (b) (II) (A), (1) (d) (VI),";

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HB01-1091

line 25, strike "Effective October 1, 1989, no" and substitute "Effective October 1, 1989, No";

line 27, strike "time," and substitute "time WITHOUT A CERTIFICATION OF EMISSIONS COMPLIANCE,".

Page 14, line 1, strike "compliance, emissions waiver," and substitute "compliance, emissions waiver,";

strike lines 2 and 3 and substitute "or emissions exemption, or, beginning January 1, 1995, if such vehicle has an emissions exemption or certificate of emissions control and verification";

line 4, strike "of emissions test, certification" and substitute "of emissions test, certification";

after line 16, insert the following:

"(b) (II) (A) MOTOR VEHICLE DEALERS SHALL PURCHASE VERIFICATION OF EMISSIONS TEST FORMS FOR THE SUM OF TWENTY-FIVE CENTS PER FORM FROM THE DEPARTMENT OR PERSONS AUTHORIZED BY THE DEPARTMENT TO MAKE SUCH SALES TO BE USED ONLY ON NEW MOTOR VEHICLES. NO REFUND OR CREDIT SHALL BE ALLOWED FOR ANY UNUSED VERIFICATION OF EMISSIONS TEST FORMS. New motor vehicles required under this section to have a certification of emissions control VERIFICATION OF EMISSIONS TEST FORM shall be issued a certification of emissions compliance without inspection, which shall expire on the anniversary of the day of the issuance of such certification when such vehicle has reached its fourth model year or on the date of the transfer of ownership at any time prior to the fourth model year. Prior to the expiration of such certification such vehicle shall be inspected and a certification of emissions control shall be obtained therefor.

(d) (VI) For the enhanced emissions program, effective January 1, 1995, for businesses that operate nineteen or fewer vehicles and for private motor vehicles only of a model year 1968 and later required to be registered in the enhanced emissions program area, after any adjustments or repairs required pursuant to section 42-4-306, if total expenditures of at least four hundred fifty dollars have been made to bring the vehicle into compliance with applicable emissions standards and the vehicle does not meet such standards, a certification of emissions waiver shall be issued for such vehicle except as prescribed in subparagraph (XII) of this paragraph (d) pertaining to vehicle warranty. The four-hundred-fifty-dollar minimum expenditure shall MAY be adjusted annually by AN AMOUNT NOT TO EXCEED the percentage, if any, by which the consumer price index for all urban consumers (CPIU) for the Denver-Boulder metropolitan statistical area for the preceding year differs from such index for 1989. Vehicles that are owned by the state of Colorado or any agency or political subdivision thereof are not eligible for emissions-related repair waivers under this subparagraph (VI)."

Page 15, line 11, strike "(III)" and substitute "(III), (4) (a),".

Page 16, strike lines 10 through 16 and substitute the following:

"(4) (a) A licensed inspection and readjustment station shall charge a fee not to exceed nine dollars through December 31, 1994. On and after January 1, 1995, a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility shall charge a fee not to exceed fifteen dollars for the inspection of vehicles in the basic emissions program or for the inspection of model year 1981 and older vehicles at said facilities licensed or authorized within the enhanced emissions program; except that for 1982 model and newer vehicles a motor vehicle dealer test facility may charge a fee not to exceed twenty-five dollars. In no case shall any such fee exceed the maximum fee established by and posted by the station or facility pursuant to section 42-4-305 (5) for the inspection of any motor vehicle required to be inspected under section 42-4-310, whether or not the certification of emissions control is issued; except that a licensed inspection and readjustment station, inspection-only facility, or motor vehicle dealer test facility or authorized enhanced inspection center shall charge a fee not to

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HB01-1091

exceed two dollars and fifty cents and not to exceed the maximum fee established and posted by the station or facility, or center pursuant to section 42-4-305 for the issuance of a replacement verification of emissions test. ON AND AFTER AUGUST 1, 2001, INSPECTION-ONLY FACILITIES AND INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).".

Page 17, line 3, after the period, add "ON AND AFTER AUGUST 1, 2001, THE CONTRACTOR, INSPECTION-ONLY FACILITIES, AND INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN THIS SECTION FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).".

Page 18, line 9, strike "42-3-134 (26) (a) (I)," and substitute "42-3-134,";

line 10, strike "and the said 42-3-134 (26) (a) is further";

line 11, strike "SUBPARAGRAPH," and substitute "SUBSECTION,";

line 13, strike "(26) (a) (I) Effective July";

strike lines 14 through 27.

Page 19, strike lines 1 through 5.

line 6, strike "(III) (A)" and substitute "(26.5) (a)";

line 7, before "COUNTY," insert "ON AND AFTER MAY 1, 2001,";

line 9, strike "THE CONTRACT" and substitute "PARAGRAPH (b) OF THIS SUBSECTION (26.5) ON EVERY 1982 AND NEWER MOTOR VEHICLE REQUIRED TO BE REGISTERED IN THE PROGRAM AREA; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR MOTOR VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO HAVE AN EMISSIONS INSPECTION UNDER PART 3 OF ARTICLE 4 OF THIS TITLE. ON AND AFTER AUGUST 1, 2001, THE CONTRACTOR, INSPECTION-ONLY FACILITIES, AND INSPECTION AND READJUSTMENT STATIONS SHALL NO LONGER COLLECT INSPECTION FEES FOR FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES, AND SUCH ENTITIES SHALL COLLECT ONLY ONE-HALF OF THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 FOR INSPECTIONS FOR A TRANSFER OF TITLE OF A 1982 AND NEWER MOTOR VEHICLE AND FOR INITIAL REGISTRATIONS OF MOTOR VEHICLES THAT ARE NOT COVERED BY THE FOUR-YEAR NEW MOTOR VEHICLE EXEMPTION OF SECTION 42-4-310 (1) (b) (II) (A).";

strike lines 10 through 27 and substitute the following:

"COUNTY CLERKS AND RECORDERS SHALL BE ENTITLED TO RETAIN THREE AND ONE-THIRD PERCENT OF THE FEE SO COLLECTED TO COVER THE CLERKS' EXPENSES IN THE COLLECTION AND REMITTANCE OF SUCH FEE. COUNTY TREASURERS SHALL, NO LATER THAN TEN DAYS AFTER THE LAST BUSINESS DAY OF EACH MONTH, REMIT THE REMAINDER OF SUCH FEE TO".

Page 20, line 6, strike "SUB-SUBPARAGRAPH" and substitute "SUBSECTION";

strike line 7 and substitute the following:

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HB01-1091

"(26.5). MONEYS IN THE CLEAN SCREEN FUND";

line 12, strike "MAY" and substitute "JULY";

line 13, strike "CONTRACTOR OF THE" and substitute "CONTRACTOR, TO INSPECTION-ONLY FACILITIES, TO INSPECTION AND READJUSTMENT STATIONS, AND TO FLEET INSPECTION STATIONS IN";

strike line 14;

line 15, strike "FEE TO BE CHARGED PER CLEAN SCREEN" and substitute "FEES DETERMINED BY PARAGRAPH (c) OF THIS SUBSECTION (26.5)";

line 16, strike "INSPECTION ESTABLISHED IN SECTION 42-4-311";

strike lines 18 through 20 and substitute the following:

"CONTRACTOR, FROM INSPECTION-ONLY FACILITIES, FROM INSPECTION AND READJUSTMENT STATIONS, AND FROM FLEET INSPECTION STATIONS OF THE NUMBER OF FIRST-TIME INSPECTIONS WITHIN AN INSPECTION CYCLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA AND THE NUMBER OF INSPECTIONS FOR A TRANSFER OF TITLE OF 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE PROGRAM AREA COMPLETED BY SUCH ENTITY IN THE PREVIOUS MONTH. INTEREST EARNED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE CLEAN SCREEN FUND SHALL BE CREDITED TO THE CLEAN SCREEN FUND, AND THE CLEAN SCREEN AUTHORITY";

line 21, after "DEPOSIT", insert "AND INVESTMENT";

after line 24, insert the following:

"(b) (I) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE ONE-HALF OF THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6), NOT TO EXCEED TWELVE DOLLARS AND FIFTY CENTS.

(II) FOR 1982 AND NEWER MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA, FEES COLLECTED PURSUANT TO THIS SUBSECTION (26.5) ARE SEVEN DOLLARS AND FIFTY CENTS.

(c) MONEYS SHALL BE TRANSMITTED FROM THE CLEAN SCREEN FUND PURSUANT TO THIS SUBSECTION (26.5) AS FOLLOWS:

(I) TO THE CONTRACTOR, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER ENHANCED EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (6);

(II) TO INSPECTION-ONLY FACILITIES AND INSPECTION AND READJUSTMENT STATIONS, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER BASIC EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311 (4);

(III) TO THE CONTRACTOR, INSPECTION-ONLY FACILITIES, AND INSPECTION AND READJUSTMENT STATIONS, FOR TRANSFERS OF OWNERSHIP OF 1982 AND NEWER MOTOR VEHICLES, IN ACCORDANCE WITH THE FEE TO BE CHARGED PER EMISSIONS INSPECTION ESTABLISHED IN SECTION 42-4-311, NOT TO EXCEED:

(A) TWELVE DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE ENHANCED EMISSIONS PROGRAM AREA; AND

(B) SEVEN DOLLARS AND FIFTY CENTS FOR MOTOR VEHICLES REQUIRED TO BE REGISTERED IN THE BASIC EMISSIONS PROGRAM AREA; AND

(IV) TO FLEET INSPECTION STATIONS, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY PAID INTO THE FUND BY SUCH FLEET INSPECTION

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HB01-1091

STATION.";

line 25, strike "(B) THIS SUBPARAGRAPH (III)" and substitute "(d) THIS SUBSECTION (26.5)".

Page 21, line 9, strike "(26) (a) (III)," and substitute "(26.5),".

Page 23, line 11, after "INCIDENTS", insert "PER PERSON, STATION, FACILITY, OR CENTER,".

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB01-1174** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, strike lines 24 through 27 and substitute the following:

"GOVERNMENT THROUGH ORDINANCE. TO THE GREATEST EXTENT PRACTICABLE, MEMBERSHIP ON SUCH BOARDS SHALL REFLECT THE INTENT OF THIS ARTICLE AS EXPRESSED IN SECTION 29-26-101 (1).".

Page 7, strike lines 1 and 2.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB01-1274** 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 1, insert the following:

"SECTION 1. 1-1-202, Colorado Revised Statutes, is amended to read:

1-1-202. Commencement of terms - nonpartisan officers. The regular terms of office of all nonpartisan officers elected at regular elections shall commence at the next meeting of the governing body FOLLOWING THE DATE OF THE ELECTION, but no later than thirty days following the survey of returns and upon the signing of an oath and posting of a bond, where required, unless otherwise provided by law. IF THE ELECTION IS CANCELLED IN WHOLE OR IN PART PURSUANT TO SECTION 1-5-208 (1.5), THEN THE REGULAR TERM OF OFFICE OF A NONPARTISAN OFFICER SHALL COMMENCE AT THE NEXT MEETING OF THE GOVERNING BODY FOLLOWING THE DATE OF THE REGULAR ELECTION, BUT NO LATER THAN THIRTY DAYS FOLLOWING THE DATE OF THE REGULAR ELECTION AND UPON THE SIGNING OF AN OATH AND POSTING OF A BOND, WHERE REQUIRED, UNLESS OTHERWISE PROVIDED BY LAW.".

Renumber succeeding sections accordingly.

Page 3, after line 9, insert the following:

"SECTION 3. 1-4-301, Colorado Revised Statutes, is amended to read:

1-4-301. Time of holding presidential elections - selection of presidential electors. (1) At the general election in ~~1984~~ 2004 and every fourth year thereafter, the number of presidential electors to which the state is entitled shall be elected in ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION.

(2) ONE PRESIDENTIAL ELECTOR SHALL BE ELECTED FROM EACH CONGRESSIONAL DISTRICT IN THE STATE AND TWO PRESIDENTIAL ELECTORS SHALL BE ELECTED AT LARGE.".

Renumber succeeding sections accordingly.

Page 3, strike lines 12 through 15 and substitute the following:

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HB01-1274

"1-4-304. Presidential electors. (5) Each AT-LARGE presidential elector shall vote for the ~~pair of~~ presidential CANDIDATE and, BY SEPARATE BALLOT, vice-presidential ~~candidates~~ CANDIDATE who received the highest number of votes IN THE STATE at the preceding general election in this state. EACH CONGRESSIONAL DISTRICT PRESIDENTIAL ELECTOR SHALL VOTE FOR THE PRESIDENTIAL CANDIDATE AND, BY SEPARATE BALLOT, VICE-PRESIDENTIAL CANDIDATE WHO RECEIVED THE HIGHEST NUMBER OF VOTES IN THAT PRESIDENTIAL ELECTOR'S CONGRESSIONAL DISTRICT AT THE PRECEDING GENERAL ELECTION IN THIS STATE."

Page 4, strike lines 2 and 3 and substitute the following:

~~"being circulated and, for partisan candidates, is affiliated with the political party mentioned in the petition at the time the petition is circulated, as";~~

strike lines 21 through 27.

Page 5, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Page 6, after line 14, insert the following:

"SECTION 11. 1-7.5-106 (1) (a), Colorado Revised Statutes, is amended to read:

1-7.5-106. Secretary of state - duties and powers. (1) In addition to any other duties prescribed by law, the secretary of state, with advice from election officials of the several political subdivisions, shall:

(a) Prescribe the form of materials to be used in the conduct of mail ballot elections; except that all mail ballot packets shall include a ballot, instructions for completing the ballot, a secrecy envelope, and a ~~verification return~~ RETURN-VERIFICATION envelope;

SECTION 12. 1-7.5-107 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

1-7.5-107. Procedures for conducting mail ballot election. (3) (b.5) (I) THE RETURN-VERIFICATION ENVELOPE SHALL HAVE PRINTED ON IT A SELF-AFFIRMATION SUBSTANTIALLY IN THE FOLLOWING FORM:

"I STATE UNDER PENALTY OF PERJURY THAT I AM AN ELIGIBLE ELECTOR; THAT MY NAME, ADDRESS, AND BIRTH DATE ARE AS SHOWN ON THIS ENVELOPE; THAT I HAVE NOT AND WILL NOT CAST ANY VOTE IN THIS ELECTION EXCEPT BY THE ENCLOSED BALLOT; AND THAT MY BALLOT IS ENCLOSED IN ACCORD WITH THE PROVISIONS OF THE "UNIFORM ELECTION CODE OF 1992".

.....
DATE SIGNATURE OF VOTER"

(II) THE SIGNING OF THE SELF-AFFIRMATION ON THE RETURN-VERIFICATION ENVELOPE SHALL CONSTITUTE AN AFFIRMATION BY THE VOTER, UNDER PENALTY OF PERJURY, THAT THE FACTS STATED IN THE SELF-AFFIRMATION ARE TRUE.

SECTION 13. 1-7.5-107 (6), Colorado Revised Statutes, is amended to read:

1-7.5-107. Procedures for conducting mail ballot election. (6) All deposited ballots shall be counted as provided in this article and by rules promulgated by the secretary of state. A mail ballot shall be valid and counted only if it is returned in the return-verification envelope, the ~~affidavit~~ SELF-AFFIRMATION on the envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the envelope is verified in accordance with subsection (5) of this section. Mail ballots shall be counted in the same manner provided by

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HB01-1274

section 1-7-307 for counting paper ballots or section 1-7-507 for counting electronic ballots. If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the official shall not count any ballot cast by the elector. Rejected ballots shall be handled in the same manner as provided in section 1-8-310.

SECTION 14. 1-8-301 (3), Colorado Revised Statutes, is amended to read:

1-8-301. Appointment of election judges for counting absentee and early ballots. (3) In political subdivisions to which this section applies, the designated election official shall make the appointments so that one major political party is represented by a majority of election judges on the absentee receiving board and the other major political party is represented by a majority of election judges on the absentee counting board of the county. THE DESIGNATED ELECTION OFFICIAL SHALL APPOINT THOSE ELECTORS CERTIFIED BY THE COUNTY PARTY CHAIRPERSONS OF THE MAJOR POLITICAL PARTIES TO THE DESIGNATED ELECTION OFFICIAL AS ABSENTEE RECEIVING JUDGES AND ABSENTEE COUNTING JUDGES. IF AN ELECTOR CERTIFIED BY A MAJOR POLITICAL PARTY IS NOT WILLING OR ABLE TO SERVE, THEN THE MAJOR POLITICAL PARTY THAT CERTIFIED THE ELECTOR MAY CERTIFY A REPLACEMENT JUDGE TO THE DESIGNATED ELECTION OFFICIAL. IF THE MAJOR POLITICAL PARTIES DO NOT CERTIFY A SUFFICIENT NUMBER OF ABSENTEE RECEIVING AND COUNTING JUDGES TO THE DESIGNATED ELECTION OFFICIAL, THE DESIGNATED ELECTION OFFICIAL MAY APPOINT A SUFFICIENT NUMBER OF QUALIFIED ELECTORS TO SERVE AS ABSENTEE RECEIVING AND COUNTING JUDGES."

Renumber succeeding sections accordingly.

Page 6, after line 22, insert the following:

"SECTION 16. 32-1-901 (1), Colorado Revised Statutes, is amended to read:

32-1-901. Oath and bond of directors. (1) Each director, within thirty days after his OR HER election OR APPOINTMENT TO FILL A VACANCY, except for good cause shown, shall appear before an officer authorized to administer oaths and take an oath that he OR SHE will faithfully perform the duties of his OR HER office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. WHEN AN ELECTION IS CANCELLED IN WHOLE OR IN PART PURSUANT TO SECTION 1-5-208 (1.5), C.R.S., EACH DIRECTOR WHO WAS DECLARED ELECTED SHALL TAKE THE OATH REQUIRED BY THIS SUBSECTION (1) WITHIN THIRTY DAYS AFTER THE DATE OF THE REGULAR ELECTION, EXCEPT FOR GOOD CAUSE SHOWN. The oath may be administered by the county clerk and recorder, by the clerk of the court, by any person authorized to administer oaths in this state, or by the chairman of the board and shall be filed with the clerk of the court and with the division."

Renumber succeeding sections accordingly.

Appropriations

Corrected Report: After consideration on the merits, the committee recommends that **HB01-1074** be referred favorably to the Committee of the Whole.

MESSAGE FROM THE HOUSE

March 27, 2001

Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Snook, chairman, White, and Miller as House conferees on the First Conference Committee on SB01-156.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1223.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1360, amended as printed in House Journal, March 26, page 941.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-066, amended as printed in House Journal, March 23, pages 919-920. SB01-135, amended as printed in House Journal, March 26, page 940. SB01-145, amended as printed in House Journal, March 26, pages 940-941. SB01-144, amended as printed in House Journal, March 26, page 941-942. SB01-116, amended as printed in House Journal, March 26, page 941.

MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1223;
without comment, as amended, HB01-1360 and SB01-066, 135, 145, 144, and 116.

INTRODUCTION OF MEMORIALS

The following memorial was read by title:

SM01-001 by Senator Thiebaut--Memorializing former Senator John Beno.

WHEREAS, By the Will of Divine Providence, our beloved former member, the Honorable John Beno, departed this life on December 5, 2000, at the age of 69; and

WHEREAS, Father Beno was born November 13, 1931, in Council Bluffs, Iowa to George S. and Fern Beno; and

WHEREAS, Father Beno graduated from Abraham Lincoln High School in 1950, where he was involved in journalism, then attended the State University of Iowa, Loras College, Creighton University, Loyola of Chicago, Iliff School of Theology, the University of Denver, and St. Thomas Seminary, earning B.A. and M.R.E. degrees, majoring in philosophy and theology and minoring in religious education; and

WHEREAS, Father Beno was an ordained priest in the Roman Catholic Church and served as the president of the Southwest Liturgical Conference, as the secretary-treasurer of the National Federation of Diocesan Liturgical Committees, as the Diocesan Priest Senate president, and on the Board of Directors of the Colorado Migrant Council; and

WHEREAS, Father Beno served as president and vice-president of the Tri-County War on Poverty and director of the Women's Career Development Center; and

WHEREAS, Father Beno was a member of many civic organizations, including the Chicano Democratic Caucus, the League of Women Voters, Common Cause, the American Civil Liberties Union, and the Pueblo Chamber of Commerce; and

WHEREAS, Father Beno served as a senator in the Colorado General Assembly from 1981 to 1986 and was a member of numerous Senate Committees, including State Affairs, Education, and Local Government, as well as the Joint Budget Committee and Appropriations Committee; and

WHEREAS, Father Beno, after leaving the General Assembly, continued in his service as a Priest to the Roman Catholic Church and continued to serve this state as a member of the Pueblo Community College advisory council; and

WHEREAS, Father John Beno was a man who was known for his quick and humorous wit, and he was respected and loved by those who knew him; and

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SM01-001

WHEREAS, It is fitting that we, the members of the Sixty-third General Assembly, pay tribute to the dedicated service of Father Beno and express our deep regret and sorrow occasioned by his death; now, therefore,

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

That in the death of Senator Father John Beno, the people of Colorado have lost a dedicated public servant and outstanding citizen, and that we, the members of the Sixty-third General Assembly, do hereby extend our deep and heartfelt sympathy to the members of his family and pay tribute to a man who served this state well and faithfully.

Be It Further Resolved, That copies of this Memorial be sent to Father Beno's brother, George S. Beno, Jr., and his sister, Ann Beno Skrei.

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

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HJR01-1014.**

The President has signed: **SB01-021.**

On motion of Senator Hernandez, the Senate adjourned until 9:00 a.m., Wednesday, March, 28, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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