

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

Thirty-sixth Legislative Day

Wednesday, February 14, 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, 26.
Absent/Excused--Anderson, Andrews, Dyer (Arapahoe), Evans, Gordon, Owen, Phillips, Tate, Tupa--Total 9.
Present later--Anderson, Andrews, Gordon, Phillips, Tate, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Tuesday, February 13, 2001 was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly Reengrossed: SB01-107, 138, 131, 150, 040, 108, 171.
Correctly Rerevised: HB01-1082, 1037.
Correctly Engrossed: SB01-179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199.

INTRODUCTION OF BILLS--FIRST READING

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

HB01-1198 by Representative Dean; also Senator Dyer (Durango)--Concerning the circulation of a petition in connection with an election, and, in connection therewith, making it unlawful for a person to employ another person to circulate a petition on either a paid or volunteer basis without knowing or reasonably believing that the circulator is legally qualified to vote in a political subdivision in which the petition is being circulated, eliminating the requirements that certain petition circulators be registered electors and that the identifying badge worn by a circulator of a statewide initiative and referendum petition list the name of the circulator, and modifying the information that must be provided in reports on the payment of statewide initiative and referendum petition circulators.
Government, Veterans and Military Relations, and Transportation

HB01-1250 by Representatives Williams T., Hoppe, Johnson, Webster and Young; also Senator Hagedorn--Concerning interference with the flow of water in a ditch.
Agriculture and Natural Resources

**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:

SB01-179 by Senators Reeves, Tate and Owen; also Representatives Young, Berry and Saliman -- Concerning a supplemental appropriation to the department of agriculture.

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

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SB01-179

YES		28		NO		0		EXCUSED		7		ABSENT		0	
Anderson	E	Evans	E	May	Y	Takis	Y								
Andrews	E	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	E	Thiebaut	Y								
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E								
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y								
Dyer, F.	E	Lamborn	Y	Phillips	E	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**.

SB01-180

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

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

YES		28		NO		0		EXCUSED		7		ABSENT		0	
Anderson	E	Evans	E	May	Y	Takis	Y								
Andrews	E	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	E	Thiebaut	Y								
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E								
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y								
Dyer, F.	E	Lamborn	Y	Phillips	E	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**.

SB01-181

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

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

YES		28		NO		0		EXCUSED		7		ABSENT		0	
Anderson	E	Evans	E	May	Y	Takis	Y								
Andrews	E	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	E	Thiebaut	Y								
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E								
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y								
Dyer, F.	E	Lamborn	Y	Phillips	E	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**.

SB01-182

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.

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

YES		29		NO		0		EXCUSED		6		ABSENT		0	
Anderson	Y	Evans	E	May	Y	Takis	Y								
Andrews	E	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	E	Thiebaut	Y								
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E								
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y								
Dyer, F.	E	Lamborn	Y	Phillips	E	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**.

SB01-183

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.

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

YES	29	NO	0	EXCUSED	6	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	Lamborn	Y	Phillips	E	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**.

SB01-184

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

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-185

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

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-186

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

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-186

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

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.

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-188

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

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

YES	30	NO	0	EXCUSED	5	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	E
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-189

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-190

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

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

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SB01-190

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-191

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-192

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-193

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-194

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-195

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	E	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-196

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

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-197

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

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

SB01-197

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

SB01-198

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

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

SB01-199

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

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Evans	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	E	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	E	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**.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Wednesday, February 14, 2001, was laid over until Thursday, February 15, 2001, retaining its place on the calendar.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

Judiciary

After consideration on the merits, the committee recommends that **SB01-160** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 4, after "OWNER", insert "OR CUSTODIAN";

line 5, strike "NEGLIGENTLY" and substitute "THROUGH AN ACT OF CRIMINAL NEGLIGENCE, AS DEFINED BY SECTION 18-1-501(3),";

line 6, strike "JUVENILE" and substitute "PERSON UNDER THE AGE OF EIGHTEEN YEARS";

line 7, after "THEN", insert "UNLAWFULLY";

strike lines 12 through 15.

SB01-160

Renumber succeeding subsections accordingly.

Page 2, line 17, strike "JUVENILE" and substitute "PERSON UNDER THE AGE OF EIGHTEEN YEARS";

line 19, strike "JUVENILE'S" and substitute "PERSON'S UNDER THE AGE OF EIGHTEEN YEARS";

line 21, strike "SELF-DEFENSE;" and substitute "SELF-DEFENSE OR DEFENSE OF ANOTHER;"

line 22, strike "HOME" and substitute "RESIDENCE".

Page 3, strike lines 3 through 7 and substitute the following:

(e) WHILE PRACTICING THE USE OF A FIREARM OR TARGET SHOOTING AT AN ESTABLISHED RANGE AUTHORIZED BY THE GOVERNING BODY OF THE JURISDICTION IN WHICH SUCH RANGE IS LOCATED OR ANY OTHER AREA WHERE THE DISCHARGE OF A FIREARM IS NOT PROHIBITED;

(f) WHILE HUNTING OR TRAPPING PURSUANT TO A VALID LICENSE ISSUED TO SUCH PERSON PURSUANT TO ARTICLE 4 OF TITLE 33, C.R.S.;

(g) WHILE ENGAGING IN AN ORGANIZED COMPETITION INVOLVING THE USE OF A FIREARM OR PARTICIPATING IN OR PRACTICING FOR A PERFORMANCE BY AN ORGANIZED GROUP UNDER 501 (c) (3) AS DETERMINED BY THE FEDERAL INTERNAL REVENUE SERVICE WHICH USES FIREARMS AS PART OF SUCH PERFORMANCE;

(h) WHILE TRAVELING WITH ANY FIREARM IN SUCH PERSON'S POSSESSION BEING UNLOADED TO OR FROM ANY ACTIVITY DESCRIBED IN PARAGRAPH (a), (d), (e), (f), OR (g) OF THIS SUBSECTION (2); OR

(i) THROUGH THE COMMISSION OF ROBBERY, AS DEFINED BY SECTION 18-4-301 OR SECTION 18-4-302; OR BURGLARY, AS DEFINED BY SECTIONS 18-4-202, 18-4-203, AND 18-4-204."

Judiciary

After consideration on the merits, the committee recommends that **SB01-147** be amended as follows and, as so amended be referred to the Committee on Public Policy and Planning with favorable recommendation.

Amend printed bill, page 5, strike lines 18 through 27.

Page 6, strike lines 1 through 12 and substitute the following:

(1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONTINGENT FEE CONTRACT BETWEEN A GOVERNMENTAL ENTITY AND A PRIVATE ATTORNEY SHALL:

(I) REQUIRE THE PRIVATE ATTORNEY TO MAINTAIN A CONTEMPORANEOUS RECORD OF THE HOURS OF LEGAL SERVICES PROVIDED BY ATTORNEYS, THE NATURE OF SUCH SERVICES, AND ANY COURT COSTS INCURRED;

(II) REQUIRE THE PRIVATE ATTORNEY, UPON THE SUCCESSFUL RESOLUTION OF THE MATTER FOR WHICH THE PRIVATE ATTORNEY WAS RETAINED, TO PROVIDE TO THE GOVERNMENTAL ENTITY A STATEMENT OF THE HOURS OF LEGAL SERVICES PROVIDED BY ATTORNEYS, THE NATURE OF SUCH SERVICES, THE AMOUNT OF COURT COSTS INCURRED, THE TOTAL AMOUNT OF THE CONTINGENT FEE, AND THE HOURLY RATE FOR LEGAL SERVICES PROVIDED BY ATTORNEYS; AND

(III) SPECIFY AN ALTERNATIVE HOURLY RATE, NOT TO EXCEED ONE THOUSAND DOLLARS PER HOUR, AT WHICH THE ATTORNEY SHALL BE COMPENSATED IN THE EVENT THAT THE STATEMENT PROVIDED BY THE ATTORNEY INDICATES AN HOURLY RATE FOR LEGAL SERVICES PROVIDED BY ATTORNEYS OF MORE THAN ONE THOUSAND DOLLARS PER HOUR.

(b) THE HOURLY RATE FOR LEGAL SERVICES PROVIDED BY

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SB01-147

ATTORNEYS SHALL BE DETERMINED BY DIVIDING THE AMOUNT OF THE CONTINGENT FEE, LESS THE AMOUNT OF COURT COSTS INCURRED IF SAID AMOUNT IS PART OF THE CONTINGENT FEE, BY THE NUMBER OF HOURS OF LEGAL SERVICES PROVIDED BY ATTORNEYS. CLERICAL WORK, INCLUDING BUT NOT LIMITED TO TRANSCRIPTION, PHOTOCOPYING, AND DOCUMENT FILING AND ORGANIZATION, SHALL NOT BE CONSIDERED "LEGAL SERVICES PROVIDED BY ATTORNEYS" EVEN IF AN ATTORNEY PERFORMS SUCH WORK.";

line 13, strike "(b) IN ADDITION TO THE LIMITATIONS" and substitute "(c) IN ADDITION TO THE REQUIREMENTS";

line 16, strike "(b)" and substitute "(c)";

after line 20, insert the following:

"(d) IN ADDITION TO THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), A LOCAL GOVERNMENTAL ENTITY MAY ONLY ENTER INTO A CONTINGENT FEE CONTRACT IF THE GOVERNING BODY OF THE LOCAL GOVERNMENTAL ENTITY HAS APPROVED THE CONTRACT BY ADOPTING A RESOLUTION APPROVING THE CONTRACT.";

strike lines 21 through 27.

Page 7, strike lines 1 through 12.

Renumber succeeding subsections accordingly.

Page 7, line 13, strike "SUBSECTIONS (1) AND";

line 14, strike "(2)" and substitute "SUBSECTION (1)".

Judiciary

After consideration on the merits, the committee recommends that SB01-174 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. 25-3.5-203 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

25-3.5-203. Emergency medical technicians - certification - renewal of certificate - duties of department - rules adopted by the board - criminal background checks. (1) (a) The duties and functions of emergency medical technicians, including the acts that they are authorized to perform subject to the medical direction of a licensed physician, shall be regulated by rules adopted by the Colorado state board of medical examiners. The council shall advise and make recommendations to said board concerning such rules before final adoption. ~~An emergency medical technician certificate shall be issued by the department and shall be valid for a period of three years after the date of issuance. Such certificate shall be renewable at its expiration upon the certificate holder's satisfactory completion of a refresher course established pursuant to subsection (2) of this section.~~

(b) THE DEPARTMENT SHALL CERTIFY EMERGENCY MEDICAL TECHNICIANS. THE BOARD SHALL ADOPT RULES FOR THE CERTIFICATION OF EMERGENCY MEDICAL TECHNICIANS. SUCH RULES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(I) A STATEMENT THAT A CERTIFICATE IS VALID FOR A PERIOD OF THREE YEARS AFTER THE DATE OF ISSUANCE;

(II) A STATEMENT THAT THE CERTIFICATE SHALL BE RENEWABLE AT ITS EXPIRATION UPON THE CERTIFICATE HOLDER'S SATISFACTORY COMPLETION OF THE TRAINING REQUIREMENTS ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION;

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SB01-174

(III) PROVISIONS GOVERNING THE USE OF A CRIMINAL BACKGROUND CHECK BY THE DEPARTMENT TO DETERMINE THE ACTION TO TAKE ON A CERTIFICATION APPLICATION PURSUANT TO SUBSECTION (4) OF THIS SECTION;

(IV) DISCIPLINARY SANCTIONS, WHICH SHALL INCLUDE PROVISIONS FOR THE DENIAL, REVOCATION, AND SUSPENSION OF CERTIFICATES AND THE SUSPENSION AND PROBATION OF CERTIFICATE HOLDERS; AND

(V) AN APPEALS PROCESS PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S., THAT IS APPLICABLE TO DEPARTMENT DECISIONS IN CONNECTION WITH CERTIFICATIONS AND SANCTIONS.

(2) The council shall ~~establish a refresher course program~~ ADVISE THE DEPARTMENT AND THE BOARD IN ESTABLISHING THE TRAINING REQUIREMENTS FOR CERTIFICATE RENEWAL. Such ~~refresher course program~~ TRAINING REQUIREMENTS shall consist of not more than fifty classroom hours and not less than thirty-six classroom hours. ~~and shall include instruction in new techniques and developments in the emergency medical technician profession and shall provide for examinations over the course material and over the practical application of emergency medical techniques.~~

(4) (a) The department may, with reasonable cause, acquire a NAME OR FINGERPRINT-BASED criminal history record from the Colorado bureau of investigation for the purpose of investigating the holder of or applicant for an emergency medical technician certificate.

(b) ANY PUBLIC OR PRIVATE NONPROFIT, NOT-FOR-PROFIT, FOR-PROFIT, OR VOLUNTEER ORGANIZATION THAT FUNCTIONS AS A RESCUE UNIT, SERVICE AGENCY, OR AMBULANCE SERVICE AND EMPLOYS A PERSON AS OR ALLOWS A PERSON TO VOLUNTEER AS AN EMERGENCY MEDICAL TECHNICIAN IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT WITH ANY PATIENT SHALL REQUIRE THAT ALL VOLUNTEER AND EMPLOYED EMERGENCY MEDICAL TECHNICIANS, WHO HAVE LIVED IN THE STATE FOR THREE YEARS OR LESS AT THE TIME OF THE INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED BACKGROUND CHECK. EACH EMERGENCY MEDICAL TECHNICIAN REQUIRED TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED BACKGROUND CHECK SHALL OBTAIN A COMPLETE SET OF FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER ENTITY DESIGNATED BY THE DEPARTMENT. THE LOCAL LAW ENFORCEMENT AGENCY OR OTHER SUCH DESIGNATED ENTITY THAT TOOK THE FINGERPRINTS SHALL TRANSMIT THEM TO THE COLORADO BUREAU OF INVESTIGATION, WHICH SHALL IN TURN FORWARD THEM TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE DEPARTMENT SHALL BE THE AUTHORIZED AGENCY TO RECEIVE AND DISSEMINATE INFORMATION REGARDING THE RESULT OF ANY NATIONAL CRIMINAL HISTORY RECORD CHECK. ANY SUCH NATIONAL CHECK SHALL BE HANDLED IN ACCORDANCE WITH P.L. 92-544, AS AMENDED.

(c) ANY ORGANIZATION THAT EMPLOYS A PERSON OR ALLOWS A PERSON TO VOLUNTEER AS AN EMERGENCY MEDICAL TECHNICIAN, AND IF SUCH PERSON HAS LIVED IN THE STATE FOR MORE THAN THREE YEARS AT THE TIME OF INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, THE EMPLOYER SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME OR FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECK BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR EMPLOYMENT. THE ORGANIZATION SHALL FORWARD THE RESULT OF ANY SUCH BACKGROUND CHECK TO THE DEPARTMENT FOR THE PURPOSE OF DETERMINING CERTIFICATION ELIGIBILITY.

(d) IF AN APPLICANT FOR INITIAL CERTIFICATION OR CERTIFICATION RENEWAL IS NOT EMPLOYED AT THE TIME OF APPLICATION, THE DEPARTMENT SHALL REQUIRE SUCH APPLICANT TO SUBMIT TO A NAME OR FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IF THE APPLICANT HAS LIVED IN THE STATE FOR MORE THAN THREE YEARS. IF THE APPLICANT IS NOT AN EMPLOYEE AT THE TIME OF APPLICATION AND HAS LIVED IN THE STATE FOR THREE YEARS OR LESS, THE DEPARTMENT SHALL REQUIRE THE

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SB01-174

APPLICANT TO SUBMIT TO A FEDERAL BUREAU OF INVESTIGATION
FINGERPRINT-BASED BACKGROUND CHECK.

SECTION 2. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety."

Page 1, strike lines 102 and 103 and substitute the following:

"MEDICAL TECHNICIANS."

Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SB01-127** be referred
favorably to the Committee on Public Policy and Planning.

TRIBUTES--A POINT OF INTEREST

Memorializing Irene Blackman Brady by Senator Thiebaut

Memorializing David A. Bunn by Senator Thiebaut

Memorializing Jack Ralph Davis Carter by Senator Thiebaut

Memorializing Manuel M. Diaz by Senator Thiebaut

Memorializing Charles "Charlie" DiFatta by Senator Thiebaut

Memorializing Carl J. Giannetta by Senator Thiebaut

Memorializing Vernon H. Hall by Senator Thiebaut

Memorializing Samuel Hilvitz by Senator Thiebaut

Memorializing Fred Huebner by Senator Thiebaut

Memorializing Jean Mayo-Castello by Senator Thiebaut

Memorializing Robert J. Myscofski by Senator Thiebaut

Memorializing Ann Sutton by Senator Thiebaut

Honoring Josephine Gagliano by Senator Thiebaut

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February
15, 2001.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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