

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

Seventh Legislative Day

Wednesday, May 16, 2001

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

Roll Call Present--Total, 34.
Absent/Excused--Linkhart, Total 1.
Present later--Linkhart.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hagedorn, reading of the Journal of Monday, May 14, 2001, was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01S-001, 002, 003, 004, 005, 006, 007, 008, 009, 011, 012, 013, 014.

COMMITTEES OF REFERENCE REPORTS

The committee recommends the following:

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-004** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-014** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-008** be referred favorably to the Committee of the Whole.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-001** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-003** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-006** be postponed indefinitely.

Public Policy and Planning After consideration on the merits, the committee recommends that **SB01S-007** be postponed indefinitely.

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-009** be postponed indefinitely.

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-013** be postponed indefinitely.

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-005** be postponed indefinitely.

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-011** be postponed indefinitely.

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Senate in Recess--Senate Reconvened.

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COMMITTEES OF REFERENCE REPORTS

The committee recommends the following:

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-012** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

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Amend printed bill, page 48, line 12, strike "SYSTEM;" and substitute "SYSTEM; AND";

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line 15, strike "(2); AND" and substitute "(2).";

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strike lines 16 through 18.

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Page 49, line 3, strike "EMPLOYEES OR TEN UNITS, WHICHEVER IS LESS;" and substitute "EMPLOYEES;"

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Public Policy and Planning

After consideration on the merits, the committee recommends that **SB01S-002** be postponed indefinitely.

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Senate in Recess--Senate Reconvened.

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COMMITTEES OF REFERENCE REPORTS

The committee recommends the following:

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Appropriations

After consideration on the merits, the committee recommends that **SB01S-012** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

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Amend printed bill, page 91, line 15, strike "In" and substitute "(1) In";

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line 21, strike "five million dollars (\$5,000,000)," and substitute "three million five hundred thousand dollars (\$3,500,000).";

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after line 22, insert the following:

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"(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mineral and energy resources

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conservation fund created in Section 34-60-205, C.R.S., not otherwise appropriated, to the department of natural resources, for grants awarded pursuant to Section 24-33-102, C.R.S., for the fiscal year beginning July 1, 2001, the sum of four million nine hundred seventy-three thousand three hundred sixty-three dollars (\$4,973,363), or so much thereof as may be necessary, for the implementation of this act.

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(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the mineral and energy resources conservation fund created in Section 34-60-205, C.R.S., not otherwise appropriated, to the department of natural resources, for administrative costs to implement grants awarded pursuant to Section 24-33-102, C.R.S., for the fiscal year beginning July 1, 2001, the sum of twenty-six thousand six hundred thirty-seven dollars (\$26,637) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

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(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the mineral and energy resources conservation fund created in section 34-60-205, Colorado Revised Statutes, for the fiscal year beginning July 1, 2000, the sum of one million five hundred thousand dollars (\$1,500,000), or so much thereof as may be necessary, for the implementation of this act.

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SECTION 12. Part II (1)(B)(2) of section 2 of chapter 413, Session Laws of Colorado 2000, as amended by Senate Bill 01-180, enacted at the First Regular Session of the Sixty-third General Assembly, is amended to read:

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Section 2. **Appropriation.**

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On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB01S-008, SB01-004, SB01S-014, SB01S-012** were made Special Orders at 2:40 p.m

Committee of the Whole The hour of 2:40 p.m. having arrived, Senator Tupa moved that the Senate resolve itself into Committee of the Whole for consideration of Special Orders and Senator Tupa was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB01S-008 by Senator Hernandez--Concerning specified requirements relating to public improvements that may be imposed by local governments in connection with land development applications.

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

SB01S-004 by Senator Evans; also Representative Nunez--Concerning county review of the municipal annexation of an area located in such county.

Declared lost on Second Reading.

SB01S-014 by Senator Hagedorn; also Representative Grossman--Concerning the creation of a procedure to expedite the disposition of land use cases in Colorado district courts, and, in connection therewith, creating land use divisions and appointing a land use judge for each division.

Referred to the Committee on Appropriations.

SB01S-012 by Senator Perlmutter; also Representative Grossman--Concerning growth management in Colorado, and making an appropriation therefor.

Laid over until May 17, 2001, retaining its place on the Special Orders calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Tupa, 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: **SB01S-008.**

Declared lost on Second Reading: **SB01S-004.**

Referred to the Committee on Appropriations: **SB01S-014.**

Laid over until May 17, 2001, on the Special Orders Calendar: **SB01S-012.**

Remarks of Senator Andrews:

Here we are to do our duty in a session no one planned on. This was the week when all of us were going to be relaxing -- rooting for the Avs, or playing some golf, or taking in a Rockies game.

Instead we're stuck here in legislative extra innings.

Baseball people say that once when Leo Durocher was a player-manager in the big leagues, he couldn't find a good centerfielder. Three days in a row, he started someone different, and each one blew it.

Finally Durocher put himself in centerfield. The first batter hit a routine flyball, and he dropped it. The next guy hit an easy grounder between Leo's legs. When he got back to the dugout, everyone was snickering.

Durocher threw his glove down and growled at them, "You guys have got centerfield so screwed up, nobody can play it."

Now I am no hall-of-famer, Mr. President. I have flubbed my share of popups. The growth issue is so tangled at this point, I can't guarantee that our Republican team can play it any better than your Democratic team can.

But I do submit that our minority caucus at least deserves our turn at bat. The majority caucus political manifesto of last Monday, delivered by surprise from President Matsunaka in a surprisingly sharp tone, did not represent senatorial courtesy at its best. Fair play was lacking. Perspective and balance were lacking.

Senator Chlouber said so at the time, in his typically shy fashion. Today, with the consent of the President and the Majority Leader, I want to give just a brief formal response. Then we can move on and accomplish the people's business as they expect us to do.

Hear this, please. Senate minority Republicans -- along with House majority Republicans -- and the Republican administration of Gov. Bill Owens -- are committed this week and next week -- to constructive engagement with Democrats -- in finding an effective, responsible, realistic solution -- for Colorado's growth management issue.

But we'll never get it worked out unless we approach this thing like grownups.

Let's not question each other's motives. Let's not demonize the other side.

Let's not claim that our allies are stakeholders -- but all the opposing groups are special interests.

Let's not allow the perfect to become the enemy of the possible. Let's not draw lines in the sand -- not when a circle of inclusion works so much better.

Let's not gamble for all or nothing -- when it's the freedom of our people and the beauty of our land that are at stake.

Let's not start the 2002 political campaign quite yet -- when the 2001 legislative job on growth and redistricting is still to be done.

Let's not play chicken with the initiative process -- when all of us know that representative deliberation is so far superior.

President Matsunaka, I choose to believe that you misspoke in your speech the other day when you said that a ballot issue might be the way to, quote, "make progress where it counts." I hope you didn't mean that.

This General Assembly is where it counts, for lawmaking at its best. These coming days challenge all of us to prove that -- both parties, both houses, plus the first floor. 18 & 33 & 1. Let's not fail!

The Matsunaka quote I prefer to remember isn't the fighting words of May 14th, but the wise words of January 10th -- the opening day speech when you reminded us that any jackass can kick down a barn -- but it takes a carpenter to build one.

You kind of hit us with a mule shoe the other day, Mr. President. But my caucus is still ready to open up the toolbox and work with your caucus to get that barn built -- one nail at a time.

If I had a hammer, I'd work on a growth bill, or better yet, 3 or 4 of them. Let's take the sensible advice of both Denver papers this morning, pass the components we can agree on, and leave the areas of disagreement for next time. No more lines in the sand.

Let's get busy -- let's get it done -- then let's get out of here! Thank you.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., May 17, 2001.

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate