

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

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Sixty-fifth Legislative Day Thursday, March 14, 2002

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Prayer 1  
 By the chaplain, Rabbi Eliot Baskin, Congregation Beth Evergreen. 2

Call to Order 3  
 By the President at 9:00 a.m. 4

Roll Call 5  
 Present--Total, 28. 6  
 Absent/Excused--Epps, Evans, Hillman, Linkhart, Tate, Taylor, Thiebaut--Total, 7. 7  
 Present later--Evans, Hillman, Tate, Taylor, Thiebaut. 8

Quorum 9  
 The President announced a quorum present. 10

Reading of Journal 11  
 On motion of Senator Andrews, reading of the Journal of Wednesday, March 13, was dispensed with and the Journal was approved as corrected by the Secretary. 12

**COMMITTEE OF REFERENCE REPORTS**

Judiciary 13  
 After consideration on the merits, the committee recommends that **HB02-1034** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation. 14

Amend reengrossed bill, page 2, line 15, strike "SECTION." and substitute "SECTION; EXCEPT THAT THE COURT MAY ASSESS A FILING FEE AGAINST A PETITIONER, IF THE COURT DETERMINES THE PETITIONER IS NOT SEEKING THE RESTRAINING ORDER AS A VICTIM OF DOMESTIC ABUSE AS DEFINED BY SECTION 13-14-101 (2); DOMESTIC VIOLENCE AS DEFINED BY SECTION 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED BY SECTION 18-9-111, C.R.S.; OR SEXUAL ASSAULT AS DEFINED BY SECTION 18-3-402, C.R.S."

Page 3, line 2, strike "ACTION, INCLUDING REASONABLE ATTORNEY FEES." and substitute "ACTION."

Judiciary 15  
 After consideration on the merits, the committee recommends that **HB02-1173** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation. 16

Amend reengrossed bill, page 2, strike lines 4 through 22 and substitute the following:

**"23-5-124. Student enrollment - prohibition - public peace and order convictions.** (1) NO PERSON WHO IS CONVICTED OF A RIOT OFFENSE SHALL BE ENROLLED IN A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FOR A PERIOD OF TWELVE MONTHS FOLLOWING THE DATE OF CONVICTION.

(2) A STUDENT WHO IS ENROLLED IN A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AND WHO IS CONVICTED OF A RIOT OFFENSE SHALL BE IMMEDIATELY SUSPENDED FROM THE INSTITUTION UPON THE INSTITUTION'S NOTIFICATION OF SUCH CONVICTION FOR A PERIOD OF TWELVE MONTHS FOLLOWING THE DATE OF CONVICTION; EXCEPT THAT IF A STUDENT HAS BEEN SUSPENDED PRIOR TO THE DATE OF CONVICTION BY THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FOR THE SAME RIOT ACTIVITY, THE TWELVE MONTH SUSPENSION SHALL RUN FROM THE START OF THE SUSPENSION IMPOSED BY THE INSTITUTION.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION FROM IMPLEMENTING ITS OWN POLICIES AND PROCEDURES OR DISCIPLINARY ACTIONS, IN ADDITION TO THE SUSPENSION IN SUBSECTION (2) OF THIS SECTION, REGARDING STUDENTS INVOLVED IN RIOTS."

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**HB02-1173**

Page 3, strike lines 1 through 3.

Renumber succeeding subsections accordingly.

Page 3, line 11, strike "(5)" and substitute "(4)".

Judiciary

After consideration on the merits, the committee recommends that **HB02-1270** be postponed indefinitely.

Judiciary

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

STATE BOARD OF PAROLE

for a term expiring July 1, 2003:

Allan F. Stanley of Littleton, Colorado, to fill the vacancy occasioned by the removal of Larry J. Schwarz and to serve as a citizen representative, appointed.

effective July 1, 2001, for terms expiring July 1, 2004:

Curtis W. Devin of Colorado Springs, Colorado, to serve as a citizen representative, reappointed;

Donald E. Van Pelt of Pueblo West, Colorado, to serve as a citizen representative, reappointed;

Daniel I. Miraflor of Denver, Colorado, to serve as a representative from law enforcement, appointed.

Agriculture and Natural Resources

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2005:

Brice F. Lee, Jr., of Hesperus, Colorado, reappointed;

Brian M. Nazareus of Boulder, Colorado, reappointed;

Sybill R. Navas of Vail, Colorado, appointed.

Agriculture and Natural Resources

The Committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

COLORADO AGRICULTURAL DEVELOPMENT  
AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2005:

Don R. Schulz of Alamosa, Colorado, to serve as a member knowledgeable of agricultural activity in the state and as a Democrat, reappointed.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **HB02-1221** be amended as follows and, as so amended be referred to the Committee on Judiciary with favorable recommendation.

Amend reengrossed bill, page 1, line 2, strike "(2)," and substitute "(4),".

Page 2, strike lines 1 though 9 and substitute the following:

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HB02-1221

"amended, and the said 33-4-101.3 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**33-4-101.3. Black bears - declaration of intent - spring season hunting prohibited - prohibited means of taking - penalty.** (4) The provisions of this section shall not apply to employees OR AGENTS of the division of wildlife or to field agents of the United States department of agriculture, when such employees or agents are acting in their official capacity, nor shall this section apply to any person who lawfully takes a black bear in defense of life or property, or to any person who traps, kills, or otherwise disposes of a black bear in accordance with section 33-3-106 (3).

(7) FOR THE PURPOSES OF THIS SECTION, "AGENT" MEANS ANY QUALIFIED INDIVIDUAL TRAINED IN WILDLIFE PROCEDURES AND OPERATING UNDER THE DIRECTION OF THE DIVISION OF WILDLIFE."

**MESSAGE FROM THE HOUSE**

March 13, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1192, amended as printed in House Journal, March 12, pages 789-791.

The House has voted to concur in the Senate amendments to HJR02-1023 and has readopted the resolution as so amended.

The House has voted to concur in the Senate amendments to HB02-1008, 1048,1120,1026,1020, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB02-1019 and requests that a conference committee be appointed. The Speaker has appointed Representatives Spence, chairman, Hefley, and Tapia as House conferees on the First Conference Committee on HB02-1019. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB02-1185 and requests that a conference committee be appointed. The Speaker has appointed Representatives Stengel, chairman, Berry, and Romanoff as House conferees on the First Conference Committee on HB02-1185. The bill is transmitted herewith.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

Without comment, as amended, HB02-1192.

**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:

SB02-011

by Senator(s) Teck; also Representative(s) Larson--Concerning the regulation of motor carrier safety.

A majority of those elected to the Senate having voted in the affirmative, Senator Teck was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1, by Senator Teck

Amend engrossed bill, page 3, strike lines 12 through 22 and substitute the following:

"(c) THE COLORADO STATE PATROL SHALL HAVE EXCLUSIVE ENFORCEMENT AUTHORITY TO CONDUCT SAFETY COMPLIANCE REVIEWS, AS DEFINED IN 49 CFR 385.3, AS SUCH SECTION EXISTED ON OCTOBER 1, 2001, AND TO IMPOSE CIVIL PENALTIES PURSUANT TO SUCH REVIEWS.

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**SB02-011**

NOTHING IN THIS PARAGRAPH (c) SHALL EXPAND OR LIMIT THE ABILITY OF LOCAL GOVERNMENTS TO CONDUCT ROADSIDE SAFETY INSPECTIONS. "

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

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

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	E	Reeves	Y		

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

**HB02-1132**

by Representative(s) Marshall, Borodkin, Fritz, Garcia, Groff, Hefley, Lee, Madden, Saliman, Veiga; also Senator(s) Epps--Concerning limitations on the housing used by persons convicted of sex offenses.

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	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	E	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.

**HB02-1168**

by Representative(s) Williams S., Coleman, Jahn, Mace, Stafford; also Senator(s) Epps--Concerning the availability of a notation indicating adoption when a new birth certificate is issued.

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

YES	23	NO	8	EXCUSED	4	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	E	Reeves	Y		

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

**HB02-1053**

by Representative(s) Young; also Senator(s) Taylor--Concerning school grants.

Laid over until Friday, March 15, retaining its place on the calendar.

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**SB02-097** by Senator(s) Tate, Fitz-Gerald, Takis; also Representative Romanoff--Concerning the provision of affordable housing in the state.

Laid over until Friday, March 15, retaining its place on the calendar.

**SB02-168** by Senator(s) Thiebaut; also Representative Smith--Concerning the revision of antiquated statutes concerning the death of a human being.

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	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	E	Linkhart	E	Reeves	Y		

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

Co-sponsor added: Nichol.

**COMMITTEE OF REFERENCE REPORTS**

Government Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1095** be postponed indefinitely.

Government Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1286** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Government Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1244** be referred favorably to the Committee on Appropriations.

Government, Veterans and Military Relations and Transportation After consideration on the merits, the committee recommends that **HB02-1131** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 16 through 18 and substitute the following:

"APPLICANT IS A MEMBER IN GOOD STANDING OF THE RAPTOR EDUCATIONAL FOUNDATION AND QUALIFIED BY SUCH FOUNDATION TO RECEIVE A SPECIAL LICENSE PLATE."

**MEMORANDUM  
REPORT FROM THE HOUSE AND SENATE  
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines for the Long Appropriation Bill:

The Monday, March 25 deadline (the 76<sup>th</sup> legislative day) for introduction of the Long Appropriation Bill in the House is extended until Monday, April 1, 2002 (the 83<sup>rd</sup> legislative day).

The Friday, March 29 deadline (the 80<sup>th</sup> legislative day) for final passage of the Long Appropriation Bill in the House is extended until Friday, April 5, 2002 (the 87<sup>th</sup> legislative day).

The Friday, April 5 deadline (the 87<sup>th</sup> legislative day) for final passage of the Long Appropriation Bill in the Senate is extended until Friday, April 12, 2002 (the 94<sup>th</sup> legislative day).

The Friday, April 12 deadline (the 94<sup>th</sup> legislative day) for adoption of the conference committee report on the Long Appropriation Bill is extended until Friday, April 19, 2002 (the 101<sup>st</sup> legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(Signed)  
Representative Dean  
Speaker of the House of Representatives

(Signed)  
Senator Matsunaka  
President of the Senate

(Signed)  
Representative Spradley  
House Majority Leader

(Signed)  
Senator Thiebaut  
Senate Majority Leader

(Signed)  
Representative Grossman  
House Minority Leader

(Signed)  
Senator Andrews  
Senate Minority Leader

**SENATE SERVICES REPORT**

Senate  
Services

Correctly printed: SB02-183, 184, 185, 186.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **SB02-037, 105, 107, 140, 028, 076, 084, 143, 144; HB02-1021, 1063, 1085, 1086, 1088, 1110; HJR02-1005, 1008, 1019, 1022, 1024, 1026.**

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 Resolutions.

**CONSIDERATION OF RESOLUTIONS**

**SJR02-012**

by Senator(s) Thiebaut; also Representative(s) Spradley--Concerning authorization for adjournment for more than three days during the 2002 regular session of the general assembly and setting the convening date for the 2003 regular session of the general assembly.

On motion of Senator Thiebaut, the Resolution was **adopted** by the following roll call vote:

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**SJR02-012**

YES	22	NO	10	EXCUSED	3	ABSENT	0
Anderson	N	Fitz-Gerald	N	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	N	Tate	E
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	N	Owen	N	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	N	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	E	Reeves	Y		

**SJR02-014**

by Senator(s) Tupa, Gordon, Fitz-Gerald, Hanna, Pascoe, Reeves, Tate, Windels; also Representative(s) Daniel--Concerning the "Bipartisan Campaign Reform Act of 2002" that has been passed by the United States House of Representatives and is currently under consideration in the United States Senate.

On motion of Senator Tupa, the Resolution was **adopted** by the following roll call vote:

YES	18	NO	15	EXCUSED	2	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	E	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	E	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hanna, Phillips.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

After consideration on the merits, the committee recommends that **SB02-175** 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 18, strike "CORRECTIONS, A JAIL, OR A" and substitute "CORRECTIONS OR A JAIL.";

strike line 19.

Judiciary

After consideration on the merits, the committee recommends that **SB02-175** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike line 11;

line 12, strike "PROCESS IN" and substitute the following:

"PERSON'S AGENT UPON WHOM MAY BE SERVED A SUMMONS AND COMPLAINT OR OTHER PROCESS NECESSARY TO COMMENCE";

line 17, strike "DILIGENCE" and substitute "DILIGENCE, AS EVIDENCED BY REASONABLE INVESTIGATIVE EFFORTS TO LOCATE AND SERVE SUCH PERSON,";

line 18, strike "SIXTY" and substitute "ONE HUNDRED TWENTY".

Page 3, line 3, strike "process." and substitute "process upon office of secretary of state - fee - electronic filing.";

line 4, strike "A COPY THEREOF UPON THE";

strike lines 5 and 6;

line 7, strike "DOLLARS." and substitute "THE PROCESS UPON THE OFFICE OF THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL SET

**SB02-175**

APPROPRIATE FEES FOR THE HANDLING OF SUCH PROCESS PURSUANT TO SECTION 24-21-104, C.R.S.";

line 8, after "MAIL", insert "BY THE PARTY EFFECTING SERVICE PURSUANT TO THIS SECTION";

line 11, after "COMPLIANCE", insert "OF THE PARTY OR HIS OR HER ATTORNEY";

line 12, strike "SUMMONS." and substitute "PROCESS. THE SECRETARY OF STATE IS AUTHORIZED TO PERMIT THE ELECTRONIC FILING OF SUCH PROCESS.";

strike line 14;

line 15, strike "STATE SHALL ALSO" and substitute "WAS MADE. SUCH PROCESS SERVED UPON THE OFFICE OF THE SECRETARY OF STATE, TOGETHER WITH THE AFFIDAVIT OF COMPLIANCE, SHALL";

strike lines 20 through 25 and substitute the following:

**"SECTION 2 Effective date.** This act shall take effect February 1, 2003 unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."

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 Thursday, March 14, was laid over until Friday, March 15, retaining its place on the calendar.

General Orders--Second Reading of Bills: **HB02-1022, HB02-1087, HB02-1164, HB02-1111, HB02-1071, HB02-1163, HB02-1282, HB02-1305, HB02-1059, HB02-1280, HB02-1181, HB02-1078, HB02-1208.**

Consideration of Resolutions: **HJR02-1003, SJR02-004, SJR02-006, HJR02-1015, HJR02-1021, SJR02-013, SR02-007.**

Consideration of Memorials: **SJM02-001.**

Consideration of House Amendments to Senate Bills: **SB02-051, SB02-113.**

Consideration of Governor's Veto: **SB02-108.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, March 15, 2002.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

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