

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

---

Seventeenth Legislative Day

Friday, January 25, 2002

---

Prayer By Senator Cairns.

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

Roll Call Present--Total, 27.  
Absent/Excused--Evans, Hanna, Matsunaka, Nichol, Phillips, Tate, Teck, Windels--  
Total, 8.  
Present later--Evans, Nichol, Tate.

Quorum The President announced a quorum present.

---

Senate in Recess--Senate Reconvened

---

Reading of Journal On motion of Senator Taylor, reading of the Journal of Thursday, January 24, was dispensed with and the Journal was approved as corrected by the Secretary.

**COMMITTEE OF REFERENCE REPORTS**

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-083** be amended as follows and, as so amended be referred to Appropriations with favorable recommendation.

Amend printed bill page 2, line 6, strike "TEN" and substitute "TWO";

strike line 7 and substitute the following:

"TRAINING DURING THE LICENSURE CYCLE BEGINNING IN 2003 AND THEREAFTER, ARE required as a prerequisite".

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-074** be referred favorably to the Committee of the Whole.

---

Committee of the Whole On motion of Senator Tupa, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Tupa 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:

**SB02-058** by Senator Entz; also Representative Snook--Concerning the exclusion of interstate agencies from the definition of state departments or agencies for purposes of joint budget committee approval of financial assistance by the Colorado economic development commission.

Amendment No. 1, Business, Labor, and Finance Committee Amendment.  
(Printed in Senate Journal, January 15, page 27 and placed in members' bill file.)

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

**SB02-052**

by Senator Owen; also Representative Daniel--Concerning the repeal of provisions allocating certain moneys appropriated to the department of local affairs from the waste tire recycling development cash fund for the Colorado commission on higher education.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, January 16, page 30-31 and placed in members' bill file.)

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 ( **SB02-032, SB02-002, SB02-030, SB02-028, SB02-044, SB02-004, SB02-040, SB02-069**) of Friday, January 25, was laid over until Monday, January 28, retaining its place on the 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: **SB02-058** as amended, **SB02-052** as amended.  
Laid over until Monday, January 28: **SB02-032, SB02-002, SB02-030, SB02-028, SB02-044, SB02-004, SB02-040, SB02-069.**

**COMMITTEE OF REFERENCE REPORTS**

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB02-095** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 2, after "CIRCULATED.", insert "FOR PURPOSES OF THIS SUBSECTION (2), "PERSON" HAS THE SAME MEANING AS SET FORTH IN SECTION 1-45-103 (9).".

Government, Veterans and Military Relations, and Transportation

After consideration on the merits, the committee recommends that **SB02-072** 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 2, before "(36),", insert "(35) and", and strike "is" and substitute "are";

strike lines 6 and 7 and substitute the following:

"(35) "Fleet ~~owner~~ OPERATOR" means any resident who owns OR LEASES ten or more motor vehicles, TRAILERS, OR POLE TRAILERS and who receives from the department a registration period certificate in accordance with article 3 of this title.

(36) "Fleet vehicle" means any motor vehicle, TRAILER, OR POLE TRAILER owned OR LEASED by a fleet ~~owner~~ OPERATOR AND REGISTERED PURSUANT TO SECTION 42-3-143.";

line 10, strike "**owners**" and substitute "**operators**";

strike line 12 and substitute the following:

"~~owner~~ OPERATOR, upon application of the fleet ~~owner~~ OPERATOR, a registration period";

strike line 20 and substitute the following:

"~~motor~~ FLEET vehicles owned OR LEASED by the fleet ~~owner~~ OPERATOR.";

strike line 23 and substitute the following:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

"A FLEET OPERATOR TO REGISTER THE OPERATOR'S FLEET VEHICLES".

Page 3, line 3, change the period to a semicolon and add "AND PLATES ISSUED UNDER SUCH AGREEMENT PRIOR TO ITS EXTENSION ARE HEREBY VALIDATED UNTIL JANUARY 1, 2003.";

line 4, strike "owner" and substitute "owner OPERATOR".

Health, After consideration on the merits, the committee recommends that **SB02-062** be referred  
Environment, favorably to the Committee on Appropriations.  
Children &  
Families

Health, After consideration on the merits, the committee recommends that **SCR02-001** be referred  
Environment, favorably to the Committee of the Whole.  
Children &  
Families

Agriculture The committee has had under consideration and has had a hearing on the following  
and Natural appointments and recommends that the appointments be confirmed.  
Resources

MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2005:

Thomas R. Sharp of Steamboat Springs, Colorado, to serve as a member from the Yampa-  
White drainage basins and as a member experienced in the engineering aspects of water  
projects and as a Republican, reappointed;

Ann E. Nichols of Manitou Springs, Colorado, to serve as a member from the Arkansas  
drainage basin and as a Republican, reappointed.

**SENATE SERVICES REPORT**

Senate Correctly printed: SB02-114, 115, 116, 117.  
Services

**MESSAGE FROM THE GOVERNOR**

Appointment Letters of designation and appointment from Governor Owens were read and assigned to  
Committees as follows:

May 16, 2001

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
STATE BOARD OF THE  
GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2005:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

Leonard W. Gregory of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, appointed; 1  
 2  
 3  
 Ruben A. Valdez of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed; 4  
 5  
 6  
 Jonathon Fred Niehaus of Highlands Ranch, Colorado, to serve as a Republican from the Fifth Congressional District, reappointed; 7  
 8  
 9  
 Howard Kenison of Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed; 10  
 11  
 12  
 Suzanne W. Buchner of Fowler, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed; 13  
 14  
 15  
 Shannon A. Robinson of Boulder, Colorado, to serve as a Republican from the Second Congressional District, appointed; 16  
 17  
 18  
 for a term expiring April 15, 2003: 19  
 20

A. Gordon Rippey of Denver, Colorado, to fill the vacancy occasioned by the resignation of John Hereford and to serve as a Republican from the First Congressional District, appointed. 21  
 22  
 23  
 24

Sincerely,  
 (signed)  
 Bill Owens  
 Governor

Rec'd: 06/06/01  
 H. Horvath, Asst. Secretary

Committee on Public Policy and Planning. 25  
 26  
 27  
 28  
 29  
 30

July 30, 2001 31  
 32  
 33  
 34

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203 35  
 36  
 37  
 38  
 39  
 40

Ladies and Gentlemen: 41  
 42

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following: 43  
 44  
 45

MEMBERS OF THE  
COVERCOLORADO BOARD OF DIRECTORS 46  
 47  
 48  
 49

for terms ending July 1, 2004: 50  
 51

Val Clark Dean, M.D. of Franktown, Colorado, to serve as a carrier representative, appointed; 52  
 53  
 54

Herbert J. Rothenberg, M.D. of Denver, Colorado, to serve as a medical professional who specializes in chronic diseases, reappointed; 55  
 56  
 57

for a term ending July 1, 2005: 58  
 59

Alan Jay Kastrinsky of Greenwood Village, Colorado, to serve as a representative of a stop-loss or excess loss insurance carrier, appointed. 60  
 61  
 62

Sincerely,  
 (signed)  
 Bill Owens  
 Governor

Rec'd: 8/29/01  
 H. Horvath, Asst. Secretary

Committee on Health, Environment, Children and Families. 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72

September 21, 2001

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

MEMBER OF THE  
COVERCOLORADO BOARD OF DIRECTORS

for a term ending September 21, 2001:

Val Clark Dean, M.D. of Franktown, Colorado, who no longer represents a carrier.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 09/28/01  
D. Votava, Senate Finance Clerk

September 21, 2001

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

Ladies and Gentlemen:

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

MEMBER OF THE  
COVERCOLORADO BOARD OF DIRECTORS

for a term ending July 1, 2004:

Daryl Wayne Edmonds of Highlands Ranch, Colorado, to fill the vacancy occasioned by Val C. Dean who no longer meets the statute requirements and to serve as a carrier representative, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 09/28/01  
D. Votava, Senate Finance Clerk

Committee on Health, Environment, Children and Families.

December 12, 2001

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
BOARD OF DIRECTORS OF THE COLORADO COMPENSATION  
INSURANCE AUTHORITY

for terms expiring January 1, 2007:

Diedra A. Garcia of Lakewood, Colorado, to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, reappointed;

Joel J. Berrian of Littleton, Colorado, to serve as a representative with experience in the management and operation of insurance companies, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 12/28/01  
H. Horvath, Asst. Secretary

Committee on Business, Labor and Finance.

July 5, 2001

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2005:

Delio D. Tamayo, D.V.M. of Aurora, Colorado, to serve as a member from the community at large, appointed;

Dana S. Hiatt of Fort Collins, Colorado, to serve as a member from the community at large, reappointed;

Edgar A. Jones of Colorado Springs, Colorado, to serve as a representative of a local government entity, appointed;

for a term expiring March 13, 2003:

Edward L. Griego of Trinidad, Colorado, to fill the vacancy occasioned by the resignation of George G. Houston and to serve as a representative of the business community, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 07/30/01  
H. Horvath, Asst. Secretary

Committee on Judiciary.

July 5, 2001

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

Ladies and Gentlemen:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

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

MEMBERS OF THE STATE BOARD OF HEALTH

for terms expiring March 1, 2005:

Glenn H. Schlabs of Colorado Springs, Colorado, to serve as a Democrat from the Fifth Congressional District, appointed;

Kindra K. Mulch of Burlington, Colorado, to serve as a Democrat from the Fourth Congressional District, reappointed;

David A. Spreccace of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed;

Franklyn N. Judson, M.D. of Denver, Colorado, to serve as a Republican from the First Congressional District, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 7/30/01  
H. Horvath, Asst. Secretary

Committee on Health, Environment, Children and Families.

November 7, 2001

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

Ladies and Gentlemen:

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

MEMBER OF THE STATE BOARD OF HEALTH

for a term expiring March 1, 2005:

Commissioner Charlotte Bobicki of Alamosa, Colorado, to serve as a county commissioner and as a Democrat from the Third Congressional District, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 11/13/01  
K. Goldman, Secretary of the Senate

Committee on Health, Environment, Children and Families.

January 10, 2002

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

Ladies and Gentlemen:

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

MEMBER OF THE  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2004:

Andrew B. Wyatt of Lamar, Colorado, to fill the vacancy occasioned by the resignation of William T. Martin and to serve as a Republican from the Fourth Congressional District, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 01/18/02  
H. Horvath, Asst. Secretary

Committee on Education.

January 10, 2002

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
READ-TO-ACHIEVE BOARD

for a term expiring July 1, 2002:

Karen L. LeFever of Littleton, Colorado, to fill the vacancy occasioned by the resignation of John R. Youngquist, to serve as an elementary school principal and as a Republican, appointed;

for a term expiring July 1, 2003:

Lynn Johnson of Lakewood, Colorado, to serve as a parent of a child in second grade and as a Republican, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 01/18/02  
H. Horvath, Asst. Secretary

Committee on Education.

January 10, 2002

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

Ladies and Gentlemen:

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

MEMBERS OF THE  
COLORADO WATER CONSERVATION BOARD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72



for terms expiring February 12, 2005:

Raymond B. Wright of Monte Vista, Colorado, to serve as a representative from the Rio Grande drainage basin and as a Republican, reappointed;

Harold E. Miskel of Colorado Springs, Colorado, to serve as a representative from the Arkansas drainage basin and as a Republican, reappointed;

Donald W. Schwindt of Cortez, Colorado, to serve as a representative from the San Miguel-Dolores-San Juan drainage basin and as a Democrat, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd: 01/18/02  
H. Horvath, Asst. Secretary

Committee on Agriculture and Natural Resources.

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 Friday, January 25, was laid over until Monday, January 28, retaining its place on the calendar.

Consideration of Resolutions: **HJR02-1003.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, January 28, 2002.

Approved:

Ed Perlmutter  
President Pro-tem of the Senate

Attest:

Karen Goldman  
Secretary of the Senate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45