

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

Second Legislative Day Thursday, January 10, 2002

Prayer By the chaplain, Arlyn Tolzmann.

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

Roll Call Present--Total, 34.
Absent/Excused--Evans, Gordon, Hernandez, Isgar, Musgrave, Tate, Tupa--Total, 7.
Present later--Evans, Hernandez, Isgar, Musgrave, Tate, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Windels, reading of the Journal of Wednesday, January 9, was dispensed with and the Journal was approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB 02-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058.

SJR 02-001, 002.

SR 02-001, 002.

Correctly engrossed: SJR 02-001, 002.

MESSAGE FROM THE HOUSE

January 9, 2002

Mr. President:

The House has adopted and returns herewith SJR02-001, SJR02-002.

INTRODUCTION OF BILLS--FIRST READING

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

SB02-059 by Senator(s) Matsunaka--Concerning the design of assessments administered through the Colorado student assessment program.
Education

SB02-060 by Senator(s) Chlouber; also Representative(s) White, Alexander--Concerning permits to carry concealed handguns, and, in connection therewith, identifying the carrying of concealed handguns as an issue of statewide concern, creating statewide standards for issuance of permits to carry concealed handguns, and making an appropriation.
Judiciary
Appropriations

SB02-061 by Senator(s) Cairns; also Representative(s) Schultheis--Concerning measures to increase the efficiency of the movement of motor vehicle traffic on Colorado's highways, and, in connection therewith, including measures for private carpooling and limiting lane closures.
Public Policy and Planning

SB02-062 by Senator(s) Owen; also Representative(s) Clapp--Concerning the coverage of pregnant women under the children's basic health plan, and making an appropriation therefor.
Health, Environment, Children & Families
Appropriations

- SB02-063** by Senator(s) Hanna--Concerning assistance to licensed educators in obtaining national credentials, and making an appropriation in connection therewith.
 - Education
 - Appropriations
- SB02-064** by Senator(s) Teck--Concerning employees in public schools, and, in connection therewith, allowing revocation of teacher licenses for failure to meet licensure standards and requiring school districts to adopt a communications policy for resolving issues between parents and teachers.
 - Education
- SB02-065** by Senator(s) Pascoe; also Representative(s) Spence--Concerning the establishment of a grant program designed to improve the academic achievement of disadvantaged children.
 - Education
- SB02-066** by Senator(s) Cairns--Concerning an income tax credit for individual taxpayers who make charitable contributions to organizations that provide assistance to low-income families.
 - Business, Labor, and Finance
 - Appropriations

CONSIDERATION OF RESOLUTIONS

- SR02-003** by Senator(s) Thiebaut--Concerning modifications to the membership of certain Senate committees.

The Resolution was adopted by the following roll call vote:

| YES | 33 | NO | 0 | EXCUSED | 2 | ABSENT | 0 |
|----------|----|-------------|---|------------|---|---------------|---|
| Anderson | Y | Fitz-Gerald | Y | May | Y | Takis | Y |
| Andrews | Y | Gordon | E | McElhany | Y | Tate | Y |
| Arnold | Y | Hagedorn | Y | Musgrave | E | 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 | Y | Lamborn | Y | Phillips | Y | Mr. President | Y |
| Evans | Y | Linkhart | Y | Reeves | Y | | |

Senate in Recess--Senate Reconvened.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SR 02-001, 002, 003.

INTRODUCTION OF RESOLUTIONS

The following resolution was read by title:

- SR02-004** by Senator(s) Thiebaut--Concerning changes to senate rules.

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

That Rule No. 1 (a) and 1 (c) of the Rules of the Senate are amended to read:

1. HOUR OF MEETING - PRESIDING OFFICER

- (a) Unless otherwise ordered, the regular hour of meeting of the Senate shall be 10 o'clock a.m. ~~daily~~ ON MONDAYS, AND 9 O'CLOCK A.M. ON OTHER DAYS. The hour of adjournment shall be as ordered.
- (c) If at the hour for the convening of the Senate, the President and the President pro tempore shall be absent, AND IF THE PRESIDENT SHALL NOT HAVE DESIGNATED A MEMBER TO PERFORM THE DUTIES OF THE PRESIDENT OR IF THE PERSON SO DESIGNATED IS UNWILLING

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TO PRESIDE, the senior Senator present WHO IS A MEMBER OF THE SAME POLITICAL PARTY AS THE PRESIDENT shall call the Senate to order and shall continue to preside, with all the powers, privileges, and duties of the President, until the President or President pro tempore shall appear. IN THE EVENT THAT SUCH SENIOR SENATOR PRESENT IS UNWILLING TO PRESIDE, THE NEXT SENIOR SENATOR PRESENT WHO IS A MEMBER OF THE SAME POLITICAL PARTY AS THE PRESIDENT AND WHO IS WILLING TO PRESIDE SHALL PRESIDE.

That Rule No. 12 (c) of the Rules of the Senate is amended to read:

12. PRESIDENT AND PRESIDING OFFICERS

- (c) Neither the President, President pro tempore, ~~nor~~ any acting or temporary presiding officer, NOR THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE shall be excused from OR PROHIBITED FROM voting on any question because of so presiding, but ~~he~~ shall not vote on appeals from ~~his~~ SUCH PERSON'S decision.

That the introductory portion to Rule No. 13 (a) and Rule No. 13 (a) (7) of the Rules of the Senate are amended to read:

13. SECRETARY

- (a) A secretary of the Senate shall be elected at the commencement of each session, and at such other times as may be necessary, to hold ~~his~~ office at the pleasure of the Senate. In addition to other duties imposed by these rules, ~~he~~ THE SECRETARY shall:

- (7) Enter in the journal on a daily basis an enumeration of the bills or other measures ordered printed each day. ~~an enumeration of the bills or other measures returned from the printer each day, and attest to the fact that the bills or other measures have been correctly printed.~~

That Rule No. 14 (b) and 14 (c) of the Rules of the Senate are amended to read:

14. JOURNAL

- (b) Before proceeding to any other order of business each day, the journal of the preceding day shall be corrected and approved. ~~and on the last day of the session, immediately preceding the hour fixed for final adjournment, the journal of that day shall be read, corrected, and approved.~~ On any day, the journal for the preceding day shall be read at the request of any Senator. No corrections of the original journal after it is approved shall be made without consent of the Senate.
- (c) After the journal for any particular day has been approved, the President shall sign, and the secretary shall attest, ~~six~~ FOUR copies as corrected and approved, one of which shall be filed in the office of the Governor and one in the office of the Secretary of State, the remaining ~~four~~ TWO copies to be retained for the use of the Senate, or for such disposition as the Senate shall direct.

That Rule No. 21 (f), 21 (g), and 21 (i) of the Rules of the Senate are amended to read:

21. COMMITTEES

- (f) THE SENATE SERVICES COMMITTEE SHALL SEE TO THE PROPER REVISION, ENGROSSMENT, AND ENROLLMENT OF BILLS. The committee ~~on Senate services shall~~ MAY examine ~~and engross~~ all bills, joint resolutions, joint memorials, and amendments, or other papers which are required to be engrossed before they go out of the possession of the Senate; ~~and make report when they find them correctly engrossed before they are read a third time;~~ they shall MAY also compare such amendments as shall be made in the House to Senate bills, that are concurred in by the Senate, for the

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purpose of seeing if they are correct for enrollment in the bill. No bill shall have its third reading unless it shall have been printed, nor until it has been engrossed and report made thereon by the committee that it has been correctly engrossed. The said committee shall MAY examine all bills before third reading and final passage, for the purpose of avoiding repetitions, unconstitutional provisions, securing proper title and of insuring ENSURING accuracy in the text and references and consistency with the language of existing statutes, and as to whether any amendments adopted by the Senate, if not already printed, are of that material character required by the constitution to be printed. If the committee shall EXAMINES ANY BILLS, IT MAY report the nature of errors, with a concise suggestion as to the change necessary to correct the same. THE COMMITTEE MAY EXAMINE ALL BILLS ORIGINATING IN THE SENATE TO SEE THAT THEY ARE CORRECTLY ENROLLED, SIGNED BY THE PRESIDENT AND THE SPEAKER OF THE HOUSE, AND PRESENTED TO THE GOVERNOR FOR SIGNATURE. THE COMMITTEE MAY ALSO AUTHORIZE, REVIEW, AND AUDIT ALL EXPENDITURES FOR EQUIPMENT, SUPPLIES, AND SERVICES NECESSARY FOR THE EFFICIENT CONDUCT OF THE BUSINESS OF THE SENATE AND MAY EMPLOY SUCH OFFICERS AND EMPLOYEES OF THE SENATE AS AUTHORIZED AND ASSIGN THEM TO THEIR DUTIES. THE COMMITTEE SHALL HAVE LEAVE TO REPORT AT ANY TIME ON ITS ACTIVITIES AND MAY DELEGATE ANY OF ITS RESPONSIBILITIES TO THE SECRETARY, AS APPROPRIATE.

(g) ~~The committee on Senate services shall examine all bills originating in the Senate and which have passed both houses; see that they are correctly enrolled, signed by the President of the Senate and Speaker of the House, and shall make a report to the Senate that the bill has been presented to the Governor for signature.~~

(i) ~~The committee on Senate services shall examine and audit all requisitions and bills for supplies and expenditures of the Senate, of its members and committees, for stationery and other purposes, and shall certify to the correctness of the same; and no such requisition shall be made, nor bill be audited or paid, by any officer of the Senate or of the state, unless so certified by the chairman or other member of the committee. The committee on Senate services shall have leave to report at any time.~~

That Rule No. 22 (e) of the Rules of the Senate is amended to read:

22. COMMITTEE RULES

- (e) (1) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting. However, at least seven days after a measure has been delivered to the chairman, upon the request of a majority of all members of the committee of reference that a specific measure be considered, such request to be made at a regularly scheduled committee meeting, the chairman of the committee shall announce such fact, have it listed on the subsequent daily calendar of the Senate, and schedule such measure for consideration at the next regularly scheduled meeting of the committee.
- (2) THE CHAIRMAN OF EACH COMMITTEE OF REFERENCE MAY LIMIT TESTIMONY AND DISCUSSION ON A MEASURE TO THAT WHICH IS ADEQUATE, IN THE CHAIRMAN’S DISCRETION, TO ENABLE THE COMMITTEE TO CONSIDER THE MEASURE ON ITS MERITS. IN PARTICULAR, THE CHAIRMAN MAY LIMIT THE LENGTH OF TESTIMONY AND DISCUSSION AND MAY EXCLUDE TESTIMONY OR DISCUSSION THAT THE CHAIRMAN DETERMINES TO BE REPETITIOUS OR IRRELEVANT.

That Rule No. 24 (a) and 24 (b) of the Rules of the Senate are amended to read:

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24. REPORTS

(a) REPORTS OF CONFERENCE COMMITTEES SHALL BE PLACED ON THE CALENDAR FOR THE DAY NEXT SUCCEEDING THAT ON WHICH SUCH REPORT IS PRESENTED TO THE SENATE. Reports of committees of reference ~~except such as do not propose final action, and reports of committees of conference,~~ THAT REFER A BILL, CONCURRENT RESOLUTION, JOINT RESOLUTION, SENATE RESOLUTION, OR CONFIRMATION TO THE COMMITTEE OF THE WHOLE OR TO THE SENATE shall, unless otherwise ordered or as otherwise provided in Rules 25A, 30 (g), and 36 (d), be placed upon the calendar for the day next succeeding that on which they are presented to the Senate; ~~but a report of a committee referring a bill or concurrent resolution to the committee of the whole shall be placed on the calendar for the second actual day of session following that on which such report is presented~~ DELIVERED to the Senate, AS REQUIRED BY RULE 15 (c). ALL REPORTS OF COMMITTEES OF REFERENCE SHALL BE INCLUDED IN THE JOURNAL.

(b) ~~In reports and other communications addressed to the President of the Senate, the words "State of Colorado, Senate Chamber," shall not be included as a part of the address; and in the journal the date shall be printed upon the same line as the words "Mr. President," and the word "Chairman" shall be printed on the same line as the name of the chairman.~~

That Rule No. 25A (a) (2) of the Rules of the Senate is amended to read:

25A. CONSENT CALENDAR

(a) (2) Bills included on the consent calendar shall be printed and posted in the Senate calendar at least forty-eight hours prior to the time of consideration. If any member files a written objection to the inclusion of a bill on the consent calendar with the secretary after its placement thereon OR, WHEN RECOGNIZED FOR SUCH PURPOSE, OBJECTS ORALLY AT THE MICROPHONE TO INCLUSION OF A BILL ON THE CONSENT CALENDAR, the bill shall be removed from the consent calendar and placed at the end of the general orders calendar for the next day of actual session following the day on which it was removed from the consent calendar; however, any bill objected to and removed from the consent calendar on the final day for passage of such bill in the Senate in accordance with applicable deadlines shall be placed at the end of the general orders calendar for that day. The consent calendar shall appear on the daily calendar under the title of "general orders", and it shall be clearly designated by the words "consent calendar".

That Rule No. 26 of the Rules of the Senate is amended to read:

26. CONFERENCE COMMITTEES AND VOTES ON CONCURRING

(a) ~~Every report of a committee of conference shall be reproduced for use of the members, before action shall be had on such report.~~ THE VOTE ON CONCURRING IN BILLS AMENDED IN THE HOUSE SHALL NOT BE TAKEN UNTIL SAID BILLS HAVE BEEN PLACED IN THE FILES OF SENATORS AND PARTICULARLY REFERRED TO IN THEIR CALENDARS; BUT THIS RULE SHALL BE SUSPENDED DURING THE LAST THREE DAYS OF THE SESSION.

(b) ~~The vote on concurring in bills amended in the House or on adopting reports of committees of conference, shall not be taken until said bills and reports have been placed in the files of~~ EITHER REPRODUCED FOR USE OF THE Senators OR PRINTED IN THE JOURNAL, and particularly referred to in their calendars; but this rule shall be suspended during the last three days of the session.

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- (c) When a conference committee has reached a decision, at least three of its members shall go to the Office of Legislative Legal Services and explain the findings and agreements of the committee. No report of a conference committee shall be returned unless drafted by the Office of Legislative Legal Services.

That Rule No. 30 (c) and 30 (g) (1) (B) of the Rules of the Senate are amended to read:

30. RESOLUTIONS AND MEMORIALS

Resolutions and memorials shall be of the following classes:

- (c) Senate resolutions, which shall not require the concurrence of the House, and shall cover any purpose similar to a joint resolution, but relate solely to the Senate. Such resolutions shall be treated in all respects as joint resolutions. ~~except that Senate resolutions shall be printed in the journal and shall not be printed as bills.~~
- (g) (1) (B) Resolutions or memorials included on the consent calendar shall be printed and posted in the Senate calendar at least forty-eight hours prior to the time of consideration. If any member files a written objection to the inclusion of a resolution or memorial on the consent calendar with the secretary after its placement thereon OR, WHEN RECOGNIZED FOR SUCH PURPOSE, OBJECTS ORALLY AT THE MICROPHONE TO INCLUSION OF A RESOLUTION ON THE CONSENT CALENDAR, the resolution or memorial shall be removed from the consent calendar and placed on the calendar for the next day of actual session following the day on which it was removed from the consent calendar; however, any resolution or memorial objected to and removed from the consent calendar on the final day of any regular or special session shall be placed at the end of the calendar for that day. The consent calendar shall appear on the calendar under the title of "consideration of resolutions" or "consideration of memorials", as applicable, and it shall be clearly designated by the words "consent calendar".

That Rule No. 30A (d) and 30A (e) of the Rules of the Senate are amended to read:

30A. TRIBUTES

- (d) ~~A LIST OF all tributes requested in the Senate shall be printed in the calendar by title on each of the three days before issuance~~ MADE AVAILABLE FOR INSPECTION IN THE OFFICE OF THE SECRETARY OF THE SENATE.
- (e) ~~All tributes issued by the Senate shall be printed in the journal by title on the day following the issuance.~~

That Rule No. 36 (d) (1) (B) of the Rules of the Senate is amended to read:

36. CONFIRMATIONS

- (d) (1) (B) Confirmations included on the consent calendar shall be printed and posted in the Senate calendar at least forty-eight hours prior to the time of consideration. If any member files a written objection to the inclusion of a confirmation on the consent calendar with the secretary after its placement thereon OR, WHEN RECOGNIZED FOR SUCH PURPOSE, OBJECTS ORALLY AT THE MICROPHONE TO INCLUSION OF A CONFIRMATION ON THE CONSENT CALENDAR, the confirmation shall be removed from the consent calendar and placed on the calendar for the next day of actual session following the day on which it was removed from the consent calendar; however, any confirmation objected to and removed from the consent

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calendar on the final day of any regular or special session shall be placed at the end of the calendar for that day. The consent calendar shall appear on the calendar under the title of "consideration of Governor's appointments", and it shall be clearly designated by the words "consent calendar".

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

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, January 10, was laid over until Friday, January 11, retaining its place on the calendar.

Journal Correction:

SJ Page 12, line 8 insert:

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

That the following modifications be made in the membership of the following Senate Committees:

Substitute Senator Pascoe for Senator Matsunaka as Chairman of Education;

Substitute Senator Windels for Senator Pascoe as Vice-chairman of Education;

Substitute Senator Perlmutter for Senator Pascoe as Chairman of Public Policy and Planning;

Substitute Senator Pascoe for Senator Perlmutter for Vice-chairman of Public Policy and Planning.

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Friday, January 11, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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