

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

Forty-eighth Legislative Day

Monday, February 25, 2002

Prayer By the chaplain, Dr. Jerry Nelson, Southern Gables Church, Lakewood.

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

Roll Call Present--Total, 31.
Absent/Excused--Matsunaka, McElhany, Musgrave, Tate--Total, 4.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Friday, February 22, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that **SB02-048** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend senate judiciary committee report dated February 13, 2002, page 8, line 27, strike "FIRST-TIME FELONY OFFENDERS." and substitute "OFFENDERS WHO HAVE BEEN CONVICTED FOR THE FIRST TIME OF A FELONY FOR CRUELTY TO ANIMALS UNDER SUBSECTION (1) OF THIS SECTION OR CONVICTED FOR THE FIRST TIME OF A FELONY FOR AGGRAVATED CRUELTY TO ANIMALS UNDER SUBSECTION (2) OF THIS SECTION.";

line 30, strike "OF ANY KIND" and substitute "FOR CRUELTY TO ANIMALS UNDER SUBSECTION (1) OF THIS SECTION OR FOR AGGRAVATED CRUELTY TO ANIMALS UNDER SUBSECTION (2) OF THIS SECTION".

Page 14, strike lines 3 through 31.

Strike pages 15 through 16.

Page 17, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Page 17, after line 19, insert the following:

"Page 1, line 101, strike "ANIMALS, AND MAKING AN APPROPRIATION" and substitute "ANIMALS.";

strike line 102."."

Appropriations After consideration on the merits, the committee recommends that **SB02-101** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **SB02-018** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **HB02-1327** be referred favorably to the Committee of the Whole.

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Appropriations After consideration on the merits, the committee recommends that **HB02-1328** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **SB02-059** be referred favorably to the Committee of the Whole.

Appropriations After consideration on the merits, the committee recommends that **SB02-011** be referred favorably to the Committee of the Whole.

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:

SB02-151 by Senator Takis--Concerning affordable housing projects financed through the division of housing.

Laid over until Wednesday, February 27, retaining its place on the calendar.

SB02-118 by Senator Epps; also Representative Jameson--Concerning landlord and tenant relations.

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

YES	30	NO	1	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	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	E
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Isgar, Linkhart, Nichol, Pascoe, Perlmutter, Phillips, Taylor, Teck, Thiebaut, Tupa, Windels.

NOTICE OF INTENT TO RECONSIDER ON SB02-085

SB02-085 by Senator(s) Takis, Entz, Hagedorn, Hernandez, Isgar, May, Nichol, Phillips, Tate, Teck, Tupa; also Representative(s) Sinclair--Concerning increasing the public's participation in decisions made by transportation authorities by providing for the public's ability to have input into such decisions.

Senator Andrews moved to withdraw his notice of intent to reconsider on **SB02-085**.

Committee of the Whole On motion of Senator Hagedorn, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills--Consent Calendar and Senator Hagedorn was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS--
CONSENT CALENDAR**

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

SB02-146 by Senator(s) Phillips, Hernandez; also Representative(s) Spradley--Concerning refunding prepaid premiums for medicare supplement insurance policies.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hagedorn, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB02-146.**

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 Governor's Appointments Consent Calendar.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS--
CONSENT CALENDAR**

On motion of Senator Thiebaut, the following Governor's appointments were confirmed by a roll call vote:

COLORADO WATER CONSERVATION BOARD

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.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2005:

Theodore Patrick Teegarden of Denver, Colorado, to serve as a member with substantial experience in natural resource conservation and as a Democrat, appointed;

John R. Stulp, D.V.M. of Lamar, Colorado, to serve as a member with substantial experience in production agriculture and as a Democrat, reappointed;

Shirley W. Watson of Fort Collins, Colorado, to serve as a citizen at large member and as a Republican, appointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

BOARD OF TRUSTEES OF THE STATE COLLEGES IN COLORADO

for terms expiring July 1, 2005:

Dale M. Mingilton of Aurora, Colorado, reappointed;

John Kivimaki of Erie, Colorado, appointed;

William Hanzlik of Englewood, Colorado, reappointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

BANKING BOARD

for terms expiring July 1, 2005:

Mary S. Reisher of Denver, Colorado, to serve as an executive officer of a state bank and as an Unaffiliated from the First Congressional District, reappointed;

D. Terry Reitan of Golden, Colorado, to serve as the representative of an executive officer of a trust company from the Sixth Congressional District as an Unaffiliated, appointed.

Karen J. Rodriguez of Colorado Springs, Colorado, to serve as an executive officer of an industrial bank and as a Democrat from the Fifth Congressional District, reappointed;

William A. Mitchell, Jr. of Superior, Colorado, to serve as an executive officer of a state bank and as a Republican from the Second Congressional District, reappointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

MOTION PICTURE AND TELEVISION ADVISORY COMMISSION

for terms expiring June 30, 2003:

Michael S. Booz of Englewood, Colorado, to fill the vacancy occasioned by the resignation of Terry M. Wickre and to serve as a Republican from the Fifth Congressional District, appointed;

Joel C. Ehrlich of Nederland, Colorado, to fill the vacancy occasioned by the resignation of Bert A. Kempers and to serve as a Democrat from the Second Congressional District, appointed.

for terms expiring June 30, 2005:

Tom E. Hoch of Aurora, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed;

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Fitz-Gerald, the following Governor's appointments were confirmed by a roll call vote:

EXECUTIVE DIRECTOR
OF THE
DEPARTMENT OF PERSONNEL/
GENERAL SUPPORT SERVICES

for a term expiring at the pleasure of the Governor:

Troy A. Eid of Golden, Colorado, to fill the vacancy occasioned by the resignation of Larry E. Trujillo, Sr., appointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	E	Tate	E
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	E
Evans	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB02-1007, HB02-1008, HB02-1040, HB02-1055, HB02-1327, HB02-1328** were made Special Orders at 10:55 a.m.

Committee of the Whole

The hour of 10:55 a.m. having arrived, Senator Hagedorn moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Hagedorn 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:

HB02-1007 by Representative Witwer; also Senator Pascoe--Concerning the repeal of the authority of coroners to permit the removal of corneal tissue from decedents.

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

HB02-1008 by Representative Smith; also Senator Teck--Concerning an extension of the uranium mill tailings remedial action program.

Amendment No. 1, Health, Environment, Children & Families Committee Amendment.
(Printed in Senate Journal, February 1, page 129 and placed in members' bill file.)

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

HB02-1040 by Representative(s) Sinclair; also Senator(s) Hagedorn--Concerning background investigations for alcohol beverage licenses. 1
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 Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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HB02-1055 by Representative(s) Jahn; also Senator(s) Reeves--Concerning support obligations. 6
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 Ordered revised and placed on the calendar for Third Reading and Final Passage. 8
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HB02-1327 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning modifications to the sources of funding of state capital construction projects for the 2001-02 state fiscal year in order to increase the amount of general fund appropriations made during said fiscal year used to calculate the statutory limitation on general fund appropriations for the 2002-03 state fiscal year, and making appropriations in connection therewith. 10
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 Ordered revised and placed on the calendar for Third Reading and Final Passage. 16
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HB02-1328 by Representative(s) Young, Berry, Saliman; also Senator(s) Reeves, Tate, Owen-- Concerning modifications to the source of funding for the older Coloradans program for the 2001-02 state fiscal year in order to increase the amount of general fund appropriations made during said fiscal year used to calculate the statutory limitation on general fund appropriations for the 2002-03 state fiscal year, and making an appropriation in connection therewith. 19
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 Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 29
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On motion of Senator Hagedorn, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken: 31
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Passed on Second Reading: **HB02-1007, HB02-1008** as amended, **HB02-1040, HB02-1055, HB02-1327, HB02-1328.** 35
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MESSAGE FROM THE HOUSE 37
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 39

February 25, 2002 40
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Mr. President: 42
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1261,1325,1221,1286. 44
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The House has passed on Third Reading and returns herewith SB02-045. 46
 47

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1340, amended as printed in House Journal, February 22, pages 488-489. 48
 49
 HB02-1250, amended as printed in House Journal, February 22, pages 491-492. 50
 51
 HB02-1091, amended as printed in House Journal, February 22, page 490. 52
 53
 HB02-1079, amended as printed in House Journal, February 22, page 492. 54
 55
 HB02-1084, amended as printed in House Journal, February 22, page 492. 56
 57
 HB02-1225, amended as printed in House Journal, February 22, page 493. 58
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 HB02-1218, amended as printed in House Journal, February 22, page 493. 60
 61
 HB02-1305, amended as printed in House Journal, February 22, page 493. 62
 63
 HB02-1258, amended as printed in House Journal, February 22, page 496. 64
 65

SENATE SERVICES REPORT 66
 67

Senate Correctly printed: SB02-170, 171, 172. 68
 Services 69

Correctly engrossed: SB02-118, 151. 70
 71

Correctly reengrossed: SB02-012, 013, 064, 079, 085, 086, 099, 104, 114, 124, 128, 131, 139, 141, 145, 158, 161, 120. 72
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Correctly enrolled: SB02-014, 025, 072. 74

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB02-014, SB02-025, SB02-072.**

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 Monday, February 25, was laid over until Tuesday, February 26, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-073, SB02-089, SB02-132, SB02-042, SB02-142, SB02-133, SB02-136, SB02-157, SB02-112, HB02-1033, HB02-1110.**

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SR02-004, HJR02-1004, HJR02-1005, SJR02-006, HJR02-1015.**

Consideration of House Amendments to Senate Bills: **SB02-028.**

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Tuesday, February 26, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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