

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

Sixty-fourth Legislative Day

Wednesday, March 13, 2002

Prayer By the chaplain, Reverend James Peters, New Hope Baptist Church.

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

Roll Call Present--Total, 29.
Absent/Excused--Evans, Hagedorn, Linkhart, Matsunaka, Nichol, Phillips--Total, 6.
Present later--Linkhart, Nichol, Phillips.

Quorum The President Pro-tem announced a quorum present.

Reading of Journal On motion of Senator Gordon, reading of the Journal of Tuesday, March 12, 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 **HB02-1057** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Amend reengrossed bill, page 3, strike lines 13 through 21 and substitute the following:

"SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1169** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **SB02-169** be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the Consent Calendar.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1211** be referred to the Committee of the Whole with favorable recommendation.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1218** be referred favorably to the Committee on Public Policy and Planning.

Business, Labor, and Finance After consideration on the merits, the committee recommends that **HB02-1250** be referred to the Committee of the Whole with favorable recommendation.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **SJR02-007** be postponed indefinitely.

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Business,
Labor, and
Finance

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

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COLORADO TOURISM OFFICE BOARD OF DIRECTORS

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for terms expiring June 1, 2002:

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Sarah Louise MacQuiddy of Greeley, Colorado, to serve as a representative of the destination marketing industry, appointed;

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William A. Jensen of Vail, Colorado, to serve as a representative of the ski industry, appointed;

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Kathy Palmeri of Estes Park, Colorado, to serve as a representative of the other outdoor recreation industries, appointed;

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for terms expiring June 1, 2003:

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Robert B. Hahn of Denver, Colorado, to serve as a representative of the food, beverage and restaurant industry, appointed;

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John Everett Thomas of Westminster, Colorado, to fill the vacancy occasioned by the resignation of Kristi Nelson Cohen and to serve as a representative of tourism-related transportation industries, appointed.

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for terms expiring June 1, 2004:

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Douglas L. Jones of Denver, Colorado, to serve as an at large representative of the tourism industry, appointed;

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Nancy E. Lewis of Colorado Springs, Colorado, to serve as a representative of the tourism-related retail industry, appointed;

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Stephen J. Szapor, Jr. of Highlands Ranch, Colorado, to serve as a representative of private travel attractions and casinos, appointed;

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for terms expiring June 1, 2005:

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Andre A. Gutierrez of Colorado Springs, Colorado, to serve as an at large member from a tourism-based industry, appointed.

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Eugene L. Dilbeck of Denver, Colorado, to serve as a representative of cultural event and facility groups, reappointed.

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MESSAGE FROM THE HOUSE

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March 12, 2002

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Mr. President:

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The House has postponed indefinitely SB02-092. The bill is returned herewith.

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MESSAGE FROM THE REVISOR

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We herewith transmit:

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Without comment, HB02-1320.

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With comment, as amended, HB02-1003.

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Without comment, as amended, HB02-1350 and 1354.

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INTRODUCTION OF BILLS--FIRST READING

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

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| SB02-183 | by Senator(s) Thiebaut; also Representative(s) Tochtrop--Concerning the requirement of a pretermination meeting prior to the termination of certain deputy sheriffs.
Public Policy and Planning | 5
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| SB02-184 | by Senator(s) Tupa, Pascoe, Perlmutter; also Representative(s) Swenson, Plant, Stafford, Williams S.--Concerning the authority of counties located within the boundaries of the regional transportation district to provide transit services in cooperation with the district.
Public Policy and Planning | 9
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| SB02-185 | by Senator(s) Reeves; also Representative(s) Stafford, Tochtrop--Concerning measures to oppose certain forms of tuberculosis.
Health, Environment, Children & Families | 14
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| SB02-186 | by Senator(s) Reeves; --Concerning measures to increase electric efficiency within Colorado.
Business, Labor, and Finance | 18
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| HB02-1129 | by Representative(s) Tochtrop; also Senator(s) Hanna--Concerning the distribution of food coupons redeemable at farmers' markets to women, infants, and children program participants.
Health, Environment, Children & Families | 22
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| HB02-1152 | by Representative(s) Hoppe, Alexander, Johnson, Kester, Lawrence, Rippey, Snook, Spradley, Stengel, Webster, White; also Senator(s) Isgar, Entz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.
Agriculture and Natural Resources
Appropriations | 27
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| HB02-1278 | by Representative(s) Stafford; also Senator(s) Hanna--Concerning physician training licenses, and making an appropriations therefor.
Health, Environment, Children & Families
Appropriations | 34
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| HB02-1342 | by Representative(s) Mitchell, Groff, Grossman, Harvey, Weddig, White; also Senator(s) Fitz-Gerald, Andrews, Perlmutter--Concerning public access to information relating to public bodies, and, in connection therewith, clarifying that public officials and employees are persons for purposes of the public records act, article 72 of title 24, Colorado Revised Statutes, and specifying the manner in which public bodies are to record their meetings.
Public Policy and Planning | 39
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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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| SR02-007 | by Senator(s) Lamborn; --Concerning recognizing the academic achievements of Colorado's schools, and, in connection therewith, honoring Academy School District 20.
Laid over one day under Senate Rule 30(c). | 51
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| 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.
Laid over one day under Senate Rule 30(b). | 56
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SENATE SERVICES REPORT

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| Senate Services | Correctly reengrossed: SB02-103, 182. | 65
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| | Correctly rerevised: HB02-1050, 1061, 1076, 1077, 1093, 1121, 1153, 1154, 1158, 1167, 1171, 1223, 1231, 1311. | 68
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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 Pascoe, the following Governor's appointments were confirmed by a roll call vote:

STATE BOARD OF AGRICULTURE

for terms expiring January 21, 2006:

A. Fred Kerst, Ph.D. of Fort Collins, Colorado, appointed;

Charles W. Smith of Pueblo, Colorado, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

effective March 24, 2002 for a term expiring March 23, 2006:

Michael S. Nyikos of Grand Junction, Colorado, to serve as a non-graduate, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

EXAMINING BOARD OF PLUMBERS:

for terms expiring July 1, 2005:

Michael E. Wieseler of Westminster, Colorado, to serve as a journeyman plumber and as a Democrat, appointed;

Timothy D. Ryan of Loma, Colorado, to serve as a member of the public and as an Unaffiliated, reappointed;

Giles J. Schurman of Louisville, Colorado, to serve as an employee of a local government agency conducting plumbing inspections and as a Democrat, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

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

STATEWIDE POISON CONTROL OVERSIGHT BOARD

for a term expiring July 1, 2002:

James A. Ruth, Ph.D. of Boulder, Colorado, to fill the vacancy occasioned by the resignation of John H. Grubbs and to serve as representative of the University of Colorado Health Sciences Center and as a Democrat, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	E	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	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Evans	E	Linkhart	Y	Reeves	Y		

COMMITTEE OF REFERENCE REPORTS

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

TEACHER DEVELOPMENT ADVISORY COUNCIL

for a term expiring July 1, 2002:

Crystal G. Madrid of Weldona, Colorado, to fill the vacancy occasioned by the resignation of Judy P. Weaver of Pueblo, Colorado, to serve as a member of a school district board of education who is a leader in education reform, appointed;

for a term expiring July 1, 2004:

Barbara L. Camerlo of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of Francis E. Salazar of Pueblo, Colorado, to serve as a principal who is a leader in education reform from a school in a rural area, appointed.

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

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.

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

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

for a term expiring July 1, 2002:

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Leonel B. Silva of Centennial, Colorado, to fill the vacancy occasioned by the resignation of Lee Elwood Gillis and to serve as a Democrat from the Fourth Congressional District, appointed.

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.

for terms expiring July 1, 2005:

Patricia A. Erjavec of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, appointed;

Barbara F. McKellar of Castle Rock, Colorado, to serve as a Republican from the Fifth Congressional District, appointed.

Education

After consideration on the merits, the committee recommends that **HB02-1306** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, strike page 2.

Page 3, strike lines 1 through 5.

Renumber succeeding sections accordingly.

Page 4, strike lines 10 through 27.

Page 5, strike lines 1 through 21.

Renumber succeeding section accordingly.

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 Wednesday, March 13, was laid over until Thursday, March 14, retaining its place on the calendar.

Third Reading--Final Passage of Bills: **SB02-011, HB02-1132, HB02-1168, HB02-1053, SB02-097, SB02-168.**

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, SJR02-012, SJR02-013.**

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., Thursday, March 14, 2002.

Approved:

Ed Perlmutter
President Pro-tem of the Senate

Attest:

Karen Goldman
Secretary of the Senate