

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

Fiftieth Legislative Day

Wednesday, February 27, 2002

Prayer By the chaplain, Father Costas Pavlakos, Greek Orthodox Cathedral of the Assumption, Denver.

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

Roll Call Present--Total, 29.
Absent/Excused--Evans, Matsunaka, Musgrave, Nichol, Tupa, Windels--Total 6
Present later--Evans, Matsunaka, Nichol, Tupa, Windels.

Quorum The President Pro-tem announced a quorum present.

Reading of Journal On motion of Senator Isgar, reading of the Journal of Tuesday, February 26, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

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:

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.

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:

COLORADO RACING COMMISSION

for a term expiring July 1, 2005:

David Lynn Hoffman of Westminster, Colorado, to serve as a Democrat from the Second Congressional District, appointed.

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:

COLORADO EDUCATIONAL AND CULTURAL FACILITIES AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2003:

Forrest M. Cason of Lafayette, Colorado, to fill the vacancy occasioned by the resignation of Jerry F. Wartgow and to serve as a Republican, appointed;

for terms effective June 30, 2001 and expiring June 30, 2005:

Marvin W. Buckels of Denver, Colorado, to serve as a Democrat, reappointed;

Loretta P. Martinez of Denver, Colorado, to serve as a Democrat, appointed.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1085** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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Business,
Labor, and
Finance

After consideration on the merits, the committee recommends that **HB02-1086** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar.

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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SJR02-008

by Senator(s) Thiebaut; also Representative(s) Tapia--Concerning support for the federal Steel Revitalization Act of 2001, and, in connection therewith, endorsing the emergency measures needed to save the American steel industry.

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

SJR02-009

by Senator(s) Isgar, Matsunaka; also Representative(s) Spence, Bacon, Williams S.-- Concerning "Read Across America Day".

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

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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.

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CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

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COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring July 1, 2002:

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Judith Altenberg of Englewood, Colorado, to fill the vacancy occasioned by the passage of Marion S. Gottesfeld and as a representative from the Fifth Congressional District and as a Democrat, appointed;

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for a term expiring July 1, 2003:

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Judy P. Weaver of Pueblo, Colorado, to fill the vacancy occasioned by the resignation of Keli Scott McGregor of Golden, Colorado, and to serve as a representative from the Third Congressional District and as a Republican, appointed.

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for terms expiring July 1, 2004:

James M. Stewart of Colorado Springs, Colorado, to serve as a representative of the Fifth Congressional District and as a Republican, appointed;

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William B. Volbracht of Denver, Colorado, to serve as a representative of the First Congressional District and as a Republican, appointed.

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for a term expiring July 1, 2005:

Preslano Montoya of Greeley, Colorado, to serve as a representative from the Fourth Congressional District and as a Democrat, appointed.

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YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	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	E
Evans	Y	Linkhart	Y	Reeves	Y		

MESSAGE FROM THE HOUSE

February 27, 2002

Mr. President:

The House has adopted and transmits herewith HJR02-1018, as printed in House Journal, February 22, page 510.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HJR02-1018 by Representative(s) Weddig; also Senator(s) Hagedorn--Concerning the expression of the General Assembly's gratitude for the distinguished military service of Marine Corporal Christopher Chandler of Aurora, Colorado, the first Marine to receive the Purple Heart in Operation Enduring Freedom.

Senator Hagedorn moved to suspend Senate Rule 30(e).

A two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 30(e) was suspended and immediate consideration granted.

On motion of Senator Hagedorn, the Resolution was read at length and **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	Y	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	E
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The morning roll call of the Senate.

COMMITTEE OF REFERENCE REPORTS

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 favorably referred to the Committee on Senate Education:

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.

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:

GROUND WATER COMMISSION

for terms expiring May 1, 2005:

Ernest L. Mikita of Calhan, Colorado, to serve as a resident agriculturist of the Upper Big Sandy ground water basin, reappointed;

Eugene A. Bauerle of Julesburg, Colorado, to serve as a resident agriculturist of the Northern High Plains ground water basin, reappointed;

Richard F. Huwa of Keenesburg, Colorado, to serve as a resident agriculturist of the Lost Creek ground water basin reappointed.

Agriculture and Natural Resources

After consideration on the merits, the committee recommends that **SB02-148** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 20.

Strike pages 3 through 5.

Page 6, strike lines 1 through 8 and substitute the following:

"SECTION 1. 37-92-103 (10.4) and (10.5), Colorado Revised Statutes, are amended, and the said 37-92-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

37-92-103. Definitions. As used in this article, unless the context otherwise requires:

(6.7) "COUNTY" MEANS ANY COUNTY AND ANY CITY AND COUNTY ESTABLISHED UNDER COLORADO LAW.

(10.4) ~~"Revegetation" means the establishment of a ground cover of plant life demonstrated to be, without irrigation, reasonably capable of sustaining itself under the climatic conditions, soils, precipitation and terrain prevailing for the lands from which irrigation water is removed. Grasses or other plants used for the purpose of revegetation shall not be noxious as such plants are defined under the provisions of the "Colorado Weed Management Act", article 5.5 of title 35, C.R.S.~~ "REMOVAL OF WATER" MEANS A CHANGE IN THE TYPE AND PLACE OF USE OF AN ABSOLUTE DECREED AGRICULTURAL WATER RIGHT FROM IRRIGATED AGRICULTURAL USE IN ONE COUNTY TO A USE NOT EXCLUSIVELY RELATED TO AGRICULTURE IN ANOTHER COUNTY.

(10.5) ~~"Storage" or "store" means the impoundment, possession, and control of water by means of a dam. Waters in underground aquifers are not in storage or stored except to the extent waters in such aquifers are placed there by other than natural means with water to which the person placing such water in the underground aquifer has a conditional or decreed right.~~ "REVEGETATION" MEANS THE ESTABLISHMENT OF A GROUND COVER OF PLANT LIFE DEMONSTRATED TO BE, WITHOUT IRRIGATION, REASONABLY CAPABLE OF SUSTAINING ITSELF UNDER THE CLIMATIC CONDITIONS, SOILS, PRECIPITATION AND TERRAIN PREVAILING FOR THE LANDS FROM WHICH IRRIGATION WATER IS REMOVED. GRASSES OR OTHER PLANTS USED FOR THE PURPOSE OF REVEGETATION SHALL NOT BE NOXIOUS AS SUCH PLANTS ARE DEFINED UNDER THE PROVISIONS OF THE "COLORADO WEED MANAGEMENT ACT", ARTICLE 5.5 OF TITLE 35, C.R.S.

(10.6) "SIGNIFICANT WATER DEVELOPMENT ACTIVITY" MEANS ANY REMOVAL OF WATER THAT RESULTS IN THE TRANSFER OF MORE THAN ONE THOUSAND ACRE FEET OF CONSUMPTIVE USE OF WATER PER YEAR BY A SINGLE APPLICANT OR AN APPLICANT'S AGENTS.

(10.7) "STORAGE" OR "STORE" MEANS THE IMPOUNDMENT, POSSESSION, AND CONTROL OF WATER BY MEANS OF A DAM. WATERS IN UNDERGROUND AQUIFERS ARE NOT IN STORAGE OR STORED EXCEPT TO THE EXTENT WATERS IN SUCH AQUIFERS ARE PLACED THERE BY OTHER THAN NATURAL MEANS WITH WATER TO WHICH THE PERSON PLACING SUCH WATER IN THE UNDERGROUND AQUIFER HAS A CONDITIONAL OR DECREED RIGHT.

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SB02-148

SECTION 2. 37-92-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-302. Applications for water rights or changes of such rights - plans for augmentation. (3.5) IN ADDITION TO THE RESUME NOTICE REQUIRED TO BE GIVEN BY SUBSECTION (3) OF THIS SECTION, ANY NOTICE OF AN APPLICATION FOR A CHANGE OF IRRIGATION WATER RIGHTS THAT CONSTITUTES A SIGNIFICANT WATER DEVELOPMENT ACTIVITY SHALL INCLUDE EVIDENCE THAT THE APPLICANT HAS GIVEN NOTICE OF THE CONTENTS OF SUCH APPLICATION BY MAIL WITHIN TEN DAYS AFTER FILING TO THE:

(a) BOARD OF COUNTY COMMISSIONERS OF THE COUNTY FROM WHICH THE WATER IS BEING REMOVED;

(b) BOARD OF THE SCHOOL DISTRICT THAT ENCOMPASSES THE LAND FROM WHICH THE WATER IS BEING REMOVED;

(c) OFFICES OF EVERY WATER CONSERVANCY AND WATER CONSERVATION DISTRICT FROM WHICH THE WATER IS TO BE REMOVED;

(d) SECRETARY OF EVERY DITCH COMPANY WHOSE WATER IS INVOLVED IN THE SIGNIFICANT WATER DEVELOPMENT ACTIVITY; AND

(e) GOVERNING BODY OF EVERY CITY, CITY AND COUNTY, AND TOWN THAT ENCOMPASSES LAND FROM WHICH THE WATER IS BEING REMOVED.

SECTION 3. 37-92-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-304. Proceedings by the water judge. (6.5) ANY DECISION OF A WATER JUDGE CONCERNING A SIGNIFICANT WATER DEVELOPMENT ACTIVITY SHALL INCLUDE, AS A CONDITION OF THE DECREE APPROVING THE CHANGE APPLICATION, A PROVISION IN THE DECREE FOR RETAINED JURISDICTION TO ENSURE PAYMENT OF ANY FEES IMPOSED PURSUANT TO SECTION 37-92-305 (4.5).

SECTION 4. 37-92-305 (4.5), Colorado Revised Statutes, is amended, and the said 37-92-305 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-92-305. Standards with respect to rulings of the referee and decisions of the water judge. (4.5) (a) THE terms and conditions applicable to changes of use of water rights from agricultural irrigation purposes to other beneficial uses SHALL include reasonable provisions designed to accomplish the revegetation AND NOXIOUS WEED MANAGEMENT of lands from which irrigation water is removed. The applicant may, at any time, request a final determination under the court's retained jurisdiction that no further application of water will be necessary in order to satisfy the revegetation provisions. Dry land agriculture may not be subject to revegetation order of the court.

(b) (I) IF PART 1 OF ARTICLE 65.1 OF TITLE 24, C.R.S., IS NOT APPLICABLE TO A SIGNIFICANT WATER DEVELOPMENT ACTIVITY, THE COURT MAY UTILIZE THE METHODS SPECIFIED IN THIS SECTION TO MITIGATE CERTAIN POTENTIAL EFFECTS OF SUCH ACTIVITY. SUBJECT TO THE PROVISIONS OF THIS ARTICLE, A COURT MAY IMPOSE THE FOLLOWING MITIGATION PAYMENTS UPON ANY PERSON WHO FILES AN APPLICATION FOR REMOVAL OF WATER AS PART OF A SIGNIFICANT WATER DEVELOPMENT ACTIVITY:

(A) **Transition mitigation payment.** A TRANSITION MITIGATION PAYMENT SHALL EQUAL THE AMOUNT OF THE REDUCTION IN PROPERTY TAX REVENUES THAT IS ATTRIBUTABLE TO A SIGNIFICANT WATER DEVELOPMENT ACTIVITY. SUCH PAYMENT SHALL BE MADE ON AN ANNUAL BASIS IN ACCORDANCE WITH THE REPAYMENT SCHEDULE ESTABLISHED BY THE COURT UNLESS THE APPLICANT AND THE TAXING ENTITIES MUTUALLY AGREE ON AN ALTERNATE PAYMENT SCHEDULE. THE COUNTY SHALL CERTIFY, AS APPROPRIATE, TO THE CHANGE APPLICANT EACH YEAR THE AMOUNT OF MITIGATION PAYMENT DUE UNDER THIS SUBPARAGRAPH (I).

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(B) **Bonded indebtedness payment.** A BONDED INDEBTEDNESS PAYMENT SHALL BE MADE ON AN ANNUAL BASIS IN THE SAME MANNER AS MITIGATION PAYMENTS AND SHALL BE BASED ON THE BONDED INDEBTEDNESS ON THE PROPERTY THAT IS TO BE REMOVED FROM IRRIGATION AT THE TIME THE DECREE IS ENTERED. THE BONDED INDEBTEDNESS PAYMENT SHALL BE EQUAL TO THE REDUCTION IN BOND REPAYMENT REVENUES THAT IS ATTRIBUTABLE TO THE REMOVAL OF WATER AS PART OF A SIGNIFICANT WATER DEVELOPMENT ACTIVITY. THE COURT MAY IDENTIFY SUCH MITIGATION PAYMENT AS PART OF THE DECREE.

(II) UNLESS THE COURT DETERMINES THAT A GREATER OR LESSER PERIOD OF TIME WOULD BE APPROPRIATE BASED UPON THE EVIDENCE OF RECORD, THE AMOUNT OF THE TRANSITION MITIGATION AND BONDED INDEBTEDNESS PAYMENTS SHALL BE EQUAL TO THE TOTAL REDUCTION IN REVENUES FOR A PERIOD OF THIRTY YEARS COMMENCING UPON THE DATE OF INITIAL REDUCTIONS IN SUCH REVENUES AS A CONSEQUENCE OF THE REMOVAL OF WATER ASSOCIATED WITH THE SIGNIFICANT WATER DEVELOPMENT ACTIVITY.

(III) TO THE EXTENT THAT THERE IS AN INCREASE IN THE PROPERTY TAX OR BONDED INDEBTEDNESS REVENUES AFTER THE DATE OF THE COMMENCEMENT OF THE PAYMENT OBLIGATIONS IDENTIFIED UNDER SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) AS A CONSEQUENCE OF A CHANGE IN LAND USE AND ACCOMPANYING MODIFICATION OF THE ASSESSED VALUATION OF THE LAND, SUCH PAYMENT OBLIGATIONS SHALL BE CORRESPONDINGLY REDUCED.

(IV) WHEN DETERMINING THE AMOUNT TO BE PAID PURSUANT TO THIS PARAGRAPH (b), IF ANY, THE COURT SHALL TAKE INTO CONSIDERATION ANY EVIDENCE OF A BENEFICIAL IMPACT TO THE COUNTY FROM WHICH THE WATER IS TO BE DIVERTED, AND SHALL ADJUST THE AMOUNT OF THE PAYMENT ACCORDINGLY.

(c) PARAGRAPH (b) OF THIS SUBSECTION (4.5) SHALL NOT APPLY TO:

(I) ANY REMOVAL OF WATER THAT WAS ACCOMPLISHED PRIOR TO THE EFFECTIVE DATE OF THIS ACT, THE APPLICATION FOR CHANGE OF WATER RIGHT WAS PENDING ON SUCH DATE, OR SUCH CHANGE CONTINUES TO BE SUBJECT TO THE WATER COURT'S JURISDICTION;

(II) ANY REMOVAL OF WATER WHEN:

(A) SUCH CHANGE IS UNDERTAKEN BY A WATER CONSERVANCY DISTRICT, WATER CONSERVATION DISTRICT, SPECIAL DISTRICT, DITCH COMPANY, OTHER DITCH ORGANIZATION, OR MUNICIPALITY;

(B) THE WATER WAS BENEFICIALLY USED WITHIN THE BOUNDARIES OR SERVICE AREA OF SUCH ENTITY BEFORE THE REMOVAL; AND

(C) THE WATER WILL CONTINUE TO BE BENEFICIALLY USED WITHIN SUCH ENTITY'S BOUNDARIES OR SERVICE AREA AFTER THE REMOVAL; OR

(III) ANY REMOVAL OF WATER WHERE THE NEW PLACE OF USE IS WITHIN A TWENTY-MILE RADIUS OF THE HISTORIC PLACE OF USE, EVEN THOUGH SUCH NEW PLACE IS LOCATED WITHIN A DIFFERENT COUNTY. FOR PURPOSES OF THIS SUBPARAGRAPH (III), THE DISTANCE BETWEEN THE HISTORIC PLACE OF USE AND THE PROPOSED NEW PLACE OF USE SHALL BE MEASURED BETWEEN THE MOST PROXIMATE POINTS IN THE RESPECTIVE AREAS.

(17) WHENEVER AN APPLICATION FOR DETERMINATION WITH RESPECT TO A CHANGE OF WATER RIGHT REQUIRES A PAYMENT PURSUANT TO SUBSECTION (4.5)(b)(I)(B) OF THIS SECTION, ANY MONEYS COLLECTED SHALL BE DISTRIBUTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY FROM WHICH WATER IS REMOVED AMONG THE ENTITIES IN THE COUNTY HAVING BONDED INDEBTEDNESS IN PROPORTION TO THE PERCENTAGE OF THEIR SHARE OF THE TOTAL OF SUCH INDEBTEDNESS."

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SB02-148

Renumber succeeding sections accordingly.

Page 6, line 16, after "USING," insert "BANKING,".

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB02-112, 136.

Correctly reengrossed: SB02-146.

Correctly rerevised: HB02-1007, 1008, 1040, 1055, 1327, 1328.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Third Reading--Final Passage of Bills Calendar (**SB02-002**, **SB02-150**, **SB02-151**, **SB02-136**, **SB02-112**) of Wednesday, February 27, was laid over until later in the day.

Senate in Recess--Senate Reconvened.

MESSAGE FROM THE HOUSE

February 27, 2002

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1103,1214,1331,1260,1224,.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB02-1310, amended as printed in House Journal, February 26, pages 553-555.

HB02-1203, amended as printed in House Journal, February 26, pages 561-563.

HB02-1290, amended as printed in House Journal, February 26, page 563.

HB02-1306, amended as printed in House Journal, February 26, pages 565-566 , and amended on Third Reading as printed in House Journal, February 27.

HB02-1215, amended as printed in House Journal, February 26, page 563.

HB02-1313, amended as printed in House Journal, February 26, page 564.

HB02-1143, amended as printed in House Journal, February 26, page 564.

HB02-1244, amended as printed in House Journal, February 26, page 565.

HB02-1269, amended as printed in House Journal, February 26, page 565.

HB02-1014, amended as printed in House Journal, February 26, pages 567-568.

HB02-1160, amended as printed in House Journal, February 26, page 568.

HB02-1165, amended as printed in House Journal, February 26, page 568.

HB02-1176, amended as printed in House Journal, February 26, page 568.

HB02-1186, amended as printed in House Journal, February 26, page 568, and amended on Third Reading as printed in House Journal, February 27.

HB02-1146, amended as printed in House Journal, February 26, page 569.

HB02-1284, amended as printed in House Journal, February 26, page 569.

HB02-1287, amended as printed in House Journal, February 26, page 570.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, HB02-1103, 1214, 1331, 1260, and 1224.

Without comment, as amended, HB02-1310, 1203, 1290, 1306, 1215, 1313, 1143, 1244, 1269, 1014, 1160, 1165, 1176, 1186, 1146, 1284, and 1287.

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:

SB02-002

by Senator(s) Matsunaka--Concerning stimulation of Colorado's rural economy, and, in connection therewith, creating a state procurement preference for Colorado producers of agricultural products, requiring new enterprise zones to be located in rural areas, and creating an interim committee to study potential new markets for agricultural products.

SB02-002 Laid over until Friday, March 1, retaining its place on the calendar.

SB02-150 by Senator(s) Pascoe; also Representative(s) Plant--Concerning required collaboration on a regional basis among public entities in connection with transportation planning.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	N	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	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: Gordon, Linkhart, Matsunaka, Perlmutter, Phillips, Reeves, Tate, Tupa, Windels.

SB02-151 by Senator(s) Takis; also Representative(s) Romanoff--Concerning affordable housing projects financed through the division of housing.

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	N	Hillman	N	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	N	Phillips	Y	Mr. President	Y
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: Entz, Fitz-Gerald, Gordon, Hagedorn, Hanna, Isgar, Linkhart, Nichol, Pascoe, Phillips, Reeves, Tate, Tupa, Windels.

SB02-136 by Senator(s) Andrews; also Representative(s) Lee--Concerning the teaching of a unit on patriotism in each public school in the state.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	N	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	N	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	Y		

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

Co-sponsors added: Arnold, Cairns, Chlouber, Dyer, Entz, Epps, Hillman, Lamborn, May, McElhany, Nichol, Owen, Teck.

SB02-112 by Senator(s) Teck; also Representative(s) Harvey--Concerning the requirement that certain persons provide proof of lawful presence in the United States in order to obtain documents from the division of motor vehicles.

SB02-112 The question being "Shall the bill pass?", the roll call was taken with the following result: 1

YES	21	NO	13	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	N	May	Y	Takis	N
Andrews	Y	Gordon	N	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	Musgrave	E	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	N	Owen	Y	Thiebaut	N
Dyer	Y	Hillman	Y	Pascoe	Y	Tupa	N
Entz	Y	Isgar	Y	Perlmutter	N	Windels	N
Epps	Y	Lamborn	Y	Phillips	N	Mr. President	Y
Evans	Y	Linkhart	N	Reeves	N		

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

Co-sponsors added: Andrews, Arnold, Cairns, Dyer, Entz, Epps, Hillman, Lamborn, May, McElhany, Taylor.

INTRODUCTION OF BILLS--FIRST READING

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

- HB02-1079** by Representative(s) Bacon; also Senator(s) Windels--Concerning imposition of incarceration for violating a valid court order under the "School Attendance Law of 1963".
Education
- HB02-1084** by Representative(s) Stengel; also Senator(s) Hanna--Concerning composition of the wildlife commission membership.
Agriculture and Natural Resources
- HB02-1091** by Representative(s) Fritz; also Senator(s) Hanna--Concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado natural resources.
Agriculture and Natural Resources
Judiciary
- HB02-1167** by Representative(s) Jahn, Bacon, Boyd, Daniel, Groff, Grossman, Hefley, Johnson, Lee, Madden, Marshall, Mitchell, Plant, Rippy, Saliman, Snook, Stengel, Tapia, Vigil; also Senator(s) Anderson--Concerning the repeal of the prohibition of the use of state general fund moneys associated with the notification of victims of crime.
Judiciary
- HB02-1218** by Representative(s) Rippy; also Senator(s) Taylor--Concerning the requirement that any extension of an expiring tax be deemed in effect from the date of the first imposition of the tax when calculating the total sales and use tax imposed by all levels of government.
Business, Labor, and Finance
Public Policy and Planning
- HB02-1220** by Representative(s) Larson; also Senator(s) Hanna--Concerning the insurance coverage of hearing aids for minors.
Health, Environment, Children & Families
- HB02-1221** by Representative(s) Snook, Alexander, Hoppe, Miller, White; also Senator(s) Entz--Concerning the management of black bear hunting.
Agriculture and Natural Resources
Judiciary
- HB02-1225** by Representative(s) Lawrence; also Senator(s) Fitz-Gerald--Concerning procedural changes for the strengthening of criminal laws.
Judiciary
- HB02-1250** by Representative(s) Dean; also Senator(s) Tupa--Concerning the continuation of the lottery division in the department of revenue.
Business, Labor, and Finance
- HB02-1258** by Representative(s) Marshall; also Senator(s) Anderson--Concerning increased protections for victims of identity theft, and, in connection therewith, prohibiting the processing of credit report entries that are based on identity theft and expediting judicial determinations concerning identity theft.
Public Policy and Planning

HB02-1261 by Representative(s) Groff, Crane, Garcia, Jahn; also Senator(s) Dyer--Concerning the applicability of insurance coverages under the "Colorado Auto Accident Reparations Act". Public Policy and Planning 1
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HB02-1286 by Representative(s) Jahn; also Senator(s) Anderson--Concerning surplus state property. Government, Veterans and Military Relations, and Transportation 5
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HB02-1291 by Representative(s) Clapp, Mace; also Senator(s) Musgrave--Concerning limitations on recommendations regarding student behavior. Health, Environment, Children & Families Education 8
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HB02-1305 by Representative(s) Williams S., Veiga, White, Hefley; also Senator(s) Gordon, Anderson, Owen--Concerning expansion of the definition of the crime of abuse of health care insurance, and, in connection therewith, adding the elimination of the need for payment by a patient of any required financial penalty applicable in the patient's health benefit plan to the list of ways that a person who provides health care may commit abuse of health insurance. Judiciary 13
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HB02-1311 by Representative(s) Berry, Hefley, Borodkin, Marshall, Mitchell, Saliman, Sanchez, Stafford, Veiga, Young; also Senator(s) Tate, Hagedorn, Matsunaka, Perlmutter, Phillips, Reeves, Thiebaut--Concerning documents relating to abandoned children. Judiciary 21
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HB02-1325 by Representative(s) Cloer; also Senator(s) Hernandez--Concerning the inclusion of licensed podiatrists as medical providers who may authorize that a person with a temporary physical impairment may obtain temporary disabled parking privileges. Public Policy and Planning 26
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HB02-1340 by Representative(s) Dean; also Senator(s) Matsunaka--Concerning changes to the dates of certain events in the political party nomination process for the calendar year 2002 necessitated by the redrawing of the general election precinct boundaries in accordance with the court-approved reapportionment plan for senatorial and representative districts of members of the general assembly. Government, Veterans and Military Relations, and Transportation 31
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COMMITTEE OF REFERENCE REPORTS

Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1048** 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. 41
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Amend reengrossed bill, page 2, strike line 10 and substitute the following: 45
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"abbreviation "O.T.", "O.T.R.", or "O.T.R./L." to indicate that such person is an". 48
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Page 3, line 3, after "~~current~~", insert "ENTRY-LEVEL"; 51
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strike line 5 and substitute the following: 53
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"NATIONAL"; 55
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strike lines 7 and 8 and substitute the following: 57
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"(C) Holds a AN INITIAL certificate through the American occupational therapy certification board or THE NATIONAL BOARD FOR". 59
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Health, Environment, Children & Families After consideration on the merits, the committee recommends that **HB02-1120** be referred favorably to the Committee of the Whole and with a recommendation that it be placed on the Consent Calendar. 62
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Health,
Environment,
Children &
Families

After consideration on the merits, the committee recommends that **HB02-1117** be referred favorably to the Committee of the Whole.

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RECALL OF SB02-064

SB02-064

by Senator(s) Teck; also Representative(s) Lee--Concerning notice of convictions pertaining to employees in public schools.

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Senator Teck moved for recall of **SB02-064** for purpose of reconsideration. The motion was passed by unanimous consent. The bill was ordered recalled.

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MESSAGE FROM THE GOVERNOR

Appointment

A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

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February 15, 2002

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

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Ladies and Gentlemen:

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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:

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MEMBER OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

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

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

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Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/25/02
H. Horvath, Asst. Secretary

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Committee on Education.

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February 11, 2002

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

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Ladies and Gentlemen:

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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:

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MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

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for terms expiring February 15, 2005:

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

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Brian M. Nazareus of Boulder, Colorado, reappointed;

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Sybill R. Navas of Vail, Colorado, appointed.

Sincerely,
(signed)
Bill Owens
Governor

K. Goldman, Secretary of the Senate
Rec'd: 2/22/02

Committee on Agriculture and Natural Resources.

February 11, 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
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for a term expiring September 1, 2005:

Lyle Hesalroad of Golden, Colorado, to fill the vacancy occasioned by the resignation of Joseph G. Ortiz of Sedalia, Colorado, and to serve as a retired police officer, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 2/22/02
K. Goldman, Secretary of the Senate

Committee on Government, Veterans and Military Relations and Transportation.

February 11, 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
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for a term expiring November 1, 2002:

Margaret M. Christiansen of Westminster, Colorado, to serve as a Republican from the Second Congressional District, appointed.

Sincerely,
(signed)
Bill Owens
Governor

K. Goldman, Secretary of the Senate
Rec'd: 2/22/02

Committee on Government, Veterans and Military Relations, and Transportation.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB02-031, 045; HB02-1327, 1328; HJR02-1004, 1009.**

Journal Correction:
Page 350, Line 10, Strike: Y, Insert: E next to Mr. President.

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, February 27, was laid over until Thursday, February 28, retaining its place on the calendar.

General Orders--Second Reading of Bills: **SB02-073, SB02-089, SB02-132, SB02-042, SB02-142, SB02-133, SB02-157, HB02-1033, HB02-1110, HB02-1005, HB02-1063, HB02-1031, HB02-1022, SB02-048, SB02-101, SB02-018, SB02-059, SB02-011.**

Consideration of Resolutions: **HJR02-1003, HJR02-1008, SJR02-004, 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., Thursday, February 28, 2002.

Approved:

Stan Matsunaka
President of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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