

SENATE JOURNAL
Sixty-third General Assembly
STATE OF COLORADO
Third Extraordinary Session

Fourth Legislative Day

Thursday, July 11, 2002

Call to Order By the President at 9:30 a.m.

Roll Call Present--Total, 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Phillips, reading of the Journal of Wednesday, July 10 was dispensed with and the Journal was approved as corrected by the Secretary.

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 Resolutions: **SR02S-002**.

CONSIDERATION OF RESOLUTIONS

SR02S-002 by Senator(s) Tate, Thiebaut, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Linkhart, Matsunaka, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Takis, Tupa, Windels; --Concerning a request to the supreme court of the state of Colorado to render its opinion upon questions relating to recent gubernatorial action affecting state budgetary matters.

Amendment No. 1(L.001), by Senator Tate.

Amend printed resolution, page 2, line 18, strike "headnotes" and substitute "headnote definitions".

Amendment No. 2(L.002), by Senator Tate.

Amend printed resolution, page 6, after line 44, insert the following:

"WHEREAS, Section 24-75-201.5, Colorado Revised Statutes, represents a limited delegation by the General Assembly to the Governor of its plenary power over the amount and purpose of general fund appropriations to address the extraordinary event of a general fund revenue shortfall and, consistent with the nature of such delegation, must be narrowly construed as a limited exception to the General Assembly's powers in this area; and

WHEREAS, Any action taken by the Governor pursuant to this statute must be consistent with this limited delegation and thereby in accordance with the basic constitutional framework of this state that recognizes three distinct branches of government and prohibits any one branch from infringing on the powers granted to any other branch; and".

Page 7, line 22, after "procedures", insert "and constitutional principles".

Page 8, strike lines 4 through 6 and substitute the following:

"4. Whether action taken by the Governor in purported compliance with section 25-75-201.5, Colorado Revised Statutes, is violative of constitutional provisions governing the General Assembly's plenary powers of appropriation, as specified in article III and sections 1, 17, 32, and 33 of article V of the state constitution, and what steps must the Governor take to be in compliance with the requirements of section 24-75-201.5, Colorado Revised Statutes, and the state constitution when taking action to address a general fund revenue shortfall?".

The resolution was declared **adopted** by the following roll call vote:

SR02S-002

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	N	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		

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has adopted and transmits herewith HJR02S-1004, as printed in House Journal, July 10, page 60.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB02S-001, amended as printed in House Journal, July 10, page 84.

The House has passed on Third Reading and returns herewith SB02S-007.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02S-001.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SR02S-003 by Senator(s) Tupa, Phillips, Fitz-Gerald, Gordon, Hernandez, Pascoe, Perlmutter, Reeves, Thiebaut, Windels; --Concerning water conservation.

Laid over until later in the day, Thursday, July 11.

SJR02S-002 by Senator(s) Matsunaka; also Representative(s) Dean--Concerning adjournment sine die of the Third Extraordinary Session of the Sixty-third General Assembly.

Laid over until later in the day, Thursday, July 11.

SJR02S-003 by Senator(s) Matsunaka; also Representative(s) Dean--Concerning the appointment of a joint committee to notify the Governor that the Third Extraordinary Session of the Sixty-third General Assembly is about to adjourn sine die.

Laid over until later in the day, Thursday, July 11.

HJR02S-1004 by Representative(s) Larson, Alexander, Rippy; also Senator(s) Hagedorn, Isgar--Concerning the honoring of the firefighters who have fought the Colorado wildfires.

Laid over until later in the day, Thursday, July 11.

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:

HB02S-1025 by Representative(s) Plant; also Senator(s) Owen--Concerning the creation of a wildfire emergency response fund, and making an appropriation in connection therewith.

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

HB02S-1025

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	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: Anderson, Chlouber, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, May, Nichol, Perlmutter, Phillips, Taylor, Teck, Tupa, Windels.

HB02S-1010

by Representative(s) Young, Miller, Snook; also Senator(s) Taylor--Concerning the deferral of the payment of taxes on the sale of livestock resulting from weather-related conditions.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	N	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	N
Epps	Y	Lamborn	Y	Phillips	Y	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: Chlouber, Dyer, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hernandez, Hillman, Isgar, Matsunaka, McElhany, Musgrave, Owen, Phillips, Tupa.

HB02S-1001

by Representative(s) Rippy; also Senator(s) Taylor--Concerning recommendations of the water availability task force relating to measures to address drought conditions.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	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, Epps, Evans, Fitz-Gerald, Hagedorn, Hanna, Hernandez, Isgar, May, Phillips, Thiebaut, Windels.

HB02S-1018

by Representative(s) Daniel, Coleman, Jahn, Vigil, Ragsdale, Weddig; also Senator(s) Arnold--Concerning an expansion of the powers of local governments to mitigate the effects of wildfires by controlling the sale of fireworks in counties.

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

HB02S-1018

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	N
Chlouber	N	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	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: Epps, Fitz-Gerald, Hanna, Hernandez, Isgar, Linkhart, Nichol, Pascoe, Phillips, Tupa.

HB02S-1006

by Representative(s) Alexander; also Senator(s) Anderson--Concerning wildfires, and, in connection therewith, increasing the penalties for starting fires, and providing local authorities with the power to control and limit fires, and making an appropriation in connection therewith.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	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: Andrews, Chlouber, Entz, Epps, Evans, Gordon, Hernandez, Isgar, Musgrave, Nichol, Perlmutter, Taylor, Teck, Tupa.

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 Resolutions: **SR02S-003, SJR02S-002, SJR02S-003, HJR02S-1002, SJR02S-001, HJR02S-1005.**

CONSIDERATION OF RESOLUTIONS

SR02S-003

by Senator(s) Tupa, Phillips, Fitz-Gerald, Gordon, Hernandez, Pascoe, Perlmutter, Reeves, Thiebaut, Windels; --Concerning water conservation.

Senator Tupa moved to suspend Senate Rule 30(c).

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

Amendment No. 1(L.001), by Senator Hillman.

Amend printed resolution, page 1, line 7, after "inefficient", insert "residential"

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

Laid over until later in the day, Thursday, July 11.

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SJR02S-002 by Senator(s) Matsunaka; also Representative(s) Dean--Concerning adjournment sine die of the Third Extraordinary Session of the Sixty-third General Assembly.

Senator Thiebaut moved to suspend Senate Rule 30(b).

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

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Hanna, Perlmutter.

SJR02S-003 by Senator(s) Matsunaka; also Representative(s) Dean--Concerning the appointment of a joint committee to notify the Governor that the Third Extraordinary Session of the Sixty-third General Assembly is about to adjourn sine die.

Senator Thiebaut moved to suspend Senate Rule 30(b).

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

On motion of Senator Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

HJR02S-1002 by Representative(s) Rippy, Smith; also Senator(s) Taylor--Concerning the recognition of volunteer water donations to benefit western slope water users.

On motion of Senator Taylor, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Evans, Isgar, Pascoe.

SJR02S-001 by Senator(s) Reeves; also Representative(s) Hoppe--Concerning the mitigation of wildfire risks to communities in the wildland-urban interface.

On motion of Senator Reeves, the resolution was **adopted** by the following roll call vote:

SJR02S-001

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Fitz-Gerald, Hanna, Hernandez, Linkhart, Pascoe, Windels.

HJR02S-1005 by Representative(s) Coleman, Miller; also Senator(s) Entz, Hillman, Isgar--Concerning federal assistance for crop and livestock producers due to drought devastation.

On motion of Senator Entz, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Matsunaka, Taylor.

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has voted to recall SB02S-007 for purposes of reconsideration, and requests the return of the bill.

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 Resolutions: **HJR02S-1006, HJR02-1007, HJR02S-1004.**

CONSIDERATION OF RESOLUTIONS

HJR02S-1006 by Representative(s) Spradley; also Senator(s) Hillman--Concerning the recognition of the ability of the state inmate population to provide disaster relief.

Laid over until later in the day, Thursday, July 11.

HJR02S-1007 by Representative(s) Hefley, Alexander, Johnson, Madden, Snook, Witwer; also Senator(s) Fitz-Gerald, Isgar, Tupa--Concerning implementation of the National Fire Plan on federal lands.

Amendment No. 1(L.001), by Senator Taylor.

Amend engrossed joint resolution, page 2, strike lines 25 through 27.

On motion of Senator Fitz-Gerald, the resolution, as amended, was **adopted** by the following roll call vote:

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HJR02S-1007

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: Hernandez, Phillips, Windels.

HJR02S-1004 by Representative(s) Larson, Alexander, Rippey; also Senator(s) Hagedorn, Isgar--
Concerning the honoring of the firefighters who have fought the Colorado wildfires.

Senator Thiebaut 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	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Senate in Recess--Senate Reconvened

On motion of Senator Theibaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions: **SR02S-003, HJR02S-1006**.

SR02S-003 by Senator(s) Tupa, Phillips, Fitz-Gerald, Gordon, Hernandez, Pascoe, Perlmutter, Reeves, Thiebaut, Windels--Concerning water conservation.

Amendment No. 2(L.002), by Senator Isgar.

Amend printed resolution, page 2, line 1, strike "education," and substitute "education, but excluding state agricultural experimental stations,".

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

On motion of Senator Tupa, the resolution, as amended, was **adopted** by the following roll call vote:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	N	Tate	Y
Arnold	Y	Hagedorn	Y	Musgrave	N	Taylor	N
Cairns	N	Hanna	Y	Nichol	Y	Teck	N
Chlouber	Y	Hernandez	Y	Owen	N	Thiebaut	Y
Dyer	N	Hillman	Y	Pascoe	Y	Tupa	Y
Entz	Y	Isgar	Y	Perlmutter	Y	Windels	Y
Epps	N	Lamborn	N	Phillips	Y	Mr. President	Y
Evans	N	Linkhart	Y	Reeves	Y		

SR02S-003 Co-sponsors added: Hagedorn, Hernandez, Linkhart, Pascoe.

HJR02S-1006 by Representative(s) Spradley; also Senator(s) Hillman--Concerning the recognition of the ability of the state inmate population to provide disaster relief.

Amendment No. 1(L.001), by Senator Perlmutter.

Amend engrossed joint resolution, page 1, after line 4, insert the following:

"WHEREAS, The Legislature passed laws that already allow for the assistance and support by minimum security inmates in connection with wildfires; and";

after line 11, insert the following:

"WHEREAS, The Governor and the Colorado Department of Corrections have failed to train sufficient numbers of inmates to properly assist firefighters in dealing with wildfires despite the clear authority and need to do so; and".

Page 2, line 1, after "The" insert "Governor and the" and strike "can easily" and substitute "should immediately";

line 2, strike "and quickly";

line 3, strike "Forest" and substitute "Firefighting; forest";

line 15, after "in" insert "fighting fires and";

strike lines 16 through 20;

Renumber succeeding subsections accordingly.

Page 2, strike lines 23 through 25 and substitute "government and the Governor to take advantage of legislation previously passed by the General Assembly to train Colorado minimum security inmates to fight wildfires and mitigate the damage caused by wildfires; and"

line 26, strike "can" and substitute "must".

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

On motion of Senator Hillman, **HJR02S-1006** was laid on the table.

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 House Amendments to Senate Bills: **SB02S-001**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02S-001 by Senator(s) Owen; also Representative(s) Hoppe--Concerning drought response, and, in connection therewith, creating agricultural emergency drought response authority in the state engineer and the director of the Colorado water conservation board.

Senator Owen moved that the Senate concur in House amendments to **SB02-001**, as printed in House Journal, July 10, page 84. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

SB02S-001 The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

Co-sponsors added: Evans, May, Taylor, Teck.

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 Third Reading--Final Passage of Bills: **HB02S-1005**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB02S-1005 by Representative(s) Hefley; also Senator(s) Gordon--Concerning determination of the death penalty by a jury.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
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		

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

Co-sponsors added: Hagedorn, Hernandez.

IMMEDIATE RECONSIDERATION OF HB02S-1005

HB02S-1005 by Representative(s) Hefley; also Senator(s) Gordon--Concerning determination of the death penalty by a jury.

Having voted on the prevailing side, Senator Gordon moved for the reconsideration of the Third Reading--Final Passage of Bills of **HB02S-1005** as printed in Senate Journal, July 11, page 63.

A majority of all members elected to the Senate having voted in the affirmative, the reconsideration was **granted**.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB02S-1005 by Representative(s) Hefley; also Senator(s) Gordon--Concerning determination of the death penalty by a jury.

HB02S-1005 A majority of those elected to the Senate having voted in the affirmative, Senator Gordon was given permission to offer a Third Reading amendment.

Amendment No. 1(L.026), by Senator Gordon.

Amend revised bill, page 9, line 3, after "hearing;", insert "AND".

Page 11, line 24, strike "CONCERNING SUCH" and substitute "FOR";

line 27, strike "CONCERNING SUCH" and substitute "FOR".

Page 13, line 2, strike "TRIBUNAL" and substitute "BODY";

line 5, strike "TRIBUNAL'S" and substitute "BODY'S";

line 9, strike "TRIBUNAL" and substitute "BODY".

Page 20, line 15, after "hearing;", insert "AND".

Page 23, line 9, strike "CONCERNING SUCH" and substitute "FOR";

line 12, strike "CONCERNING SUCH" and substitute "FOR".

Page 24, line 14, strike "TRIBUNAL" and substitute "BODY";

line 17, strike "TRIBUNAL'S" and substitute "BODY'S";

line 21, strike "TRIBUNAL" and substitute "BODY".

Page 51, line 5, strike "TRIBUNAL" and substitute "BODY";

line 8, strike "TRIBUNAL'S" and substitute "BODY'S";

line 12, strike "TRIBUNAL" and substitute "BODY".

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

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	N
Arnold	Y	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	N
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		

COMMITTEE OF REFERENCE REPORTS

Public Policy and Planning After consideration on the merits, the committee recommends that **SB02S-014** be postponed indefinitely.

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has adopted and returns herewith SJR02S-002.

The House has adopted and returns herewith SJR02S-003.

Pursuant to the resolution, the Speaker has appointed Representatives Stengel, chairman, Rippy, and Vigil.

The House upon reconsideration, has repassed and transmitted to the Revisor of Statutes, SB02S-007, amended as printed in House Journal, July 11.

The House has passed on Third Reading and returns herewith SB02S-012.

Senate in Recess--Senate Reconvened

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 Memorials: **SJM02S-001**.

CONSIDERATION OF MEMORIALS

SJM02S-001 by Senator(s) Teck; also Representative(s) Berry--Memorializing congress to support long-range program development in the western states to increase water storage and capacity.

Upon request of Senator Teck, **SJM02S-001** was laid on the table.

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has voted to concur in the Senate amendments to HB02S-1010, 1001, 1006 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, SB02S-007.

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 House Amendments to Senate Bills: **SB02S-007**.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB02S-007 by Senator(s) Isgar, Entz, Fitz-Gerald; also Representative(s) Larson--Concerning the availability of insurance for properties that are within federally designated disaster areas.

Senator Isgar moved that the Senate concur in House amendments to **SB02S-007**, as printed in House Journal, July 11. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	Y	McElhany	Y	Tate	Y
Arnold	Y	Hagedorn	Y	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	Y
Evans	Y	Linkhart	Y	Reeves	Y		

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

SB02S-007

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	N	Takis	Y
Andrews	N	Gordon	Y	McElhany	Y	Tate	Y
Arnold	N	Hagedorn	Y	Musgrave	Y	Taylor	Y
Cairns	N	Hanna	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hernandez	Y	Owen	Y	Thiebaut	Y
Dyer	Y	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, as amended, was declared **repassed**.

Co-sponsors added: Hernandez, Pascoe, Phillips, Tupa.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SR02S-002; SJR02S-001.

Correctly reengrossed: SB02S-001, 007, 010, 012, 013, 015, 016, 017, 018.

Correctly revised: HB02S-1001, 1005, 1006, 1010, 1018, 1025.

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has adopted and transmits herewith SJR02S-001, as printed in House Journal, July 11.

The House has voted to concur in the Senate amendments to HB02S-1005 and has repassed the bill as so amended.

REPORT OF SINE DIE COMMITTEE

The Committee appointed pursuant to **SJR02S-003** reported that they had notified Governor Owens that the Third Extraordinary Session of the Sixty-third General Assembly was ready to adjourn *sine die*.

MESSAGE FROM THE HOUSE

July 11, 2002

Mr. President:

The House has voted to concur in the Senate amendments to HJR02S-1007 and has readopted the resolution as so amended.

The following bills did not receive final action in the Senate: **SB02S-011, SM02S-001**.

At the hour of 2:24 p.m. with both the Senate and the House of Representatives being in agreement, on motion of Senator Thiebaut, the Third Extraordinary Session of the Sixty-third General Assembly was declared adjourned *sine die*.

Attest:

Approved:

Karen Goldman
Secretary of the Senate

Stan Matsunaka
President of the Senate

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