



Since July 1, 1995, three convicted defendants have been sentenced to death by a three-judge panel. Colorado's three-judge panel has been a fair and effective system for determining whether the death penalty is appropriate in each case and the death sentence applied in the three cases was the correct decision.

The United States Supreme Court recently issued an opinion in the case of Ring v. Arizona that overrules the 1990 case of Walton v. Arizona. The Court has ruled that a jury and not a judge must consider and find the presence of aggravating factors that qualify the defendant for the death penalty. This holding places Colorado's current death penalty sentencing system in question for future homicides where the death penalty is sought.

Immediate measures must be taken to ensure that Colorado has a legally defensible sentencing structure in place for future death sentencing determinations. Due to the import of the Ring v. Arizona decision, an extraordinary occasion has arisen that necessitates that I convene a special session to address the issue of ensuring that Colorado has a Constitutional death penalty statute.

B. Wildfire and Drought

Colorado is experiencing the most active and destructive wildfire season in state history. Over 350,000 acres have burned throughout the state, with the vast majority of the fire season still ahead of us. Severe drought conditions continue, making the fire danger ever more serious. Wildfires will continue to be a serious long-term threat to our state. State laws must be drafted and adapted to help Colorado meet the risk of wildfires.

Human activities have been the most significant cause of wildfires in 2002. In response, on June 10, 2002, I ordered a statewide ban on open burning as well as the sale and use of fireworks. Current state laws deterring and punishing human activities responsible for disasters are insufficient. The wildfire situation indicates the possible need to update and clarify Colorado's emergency response laws and related criminal statutes. In particular, wildfires constantly pose a significant threat to our citizens' lives and property and effective laws must be enacted to meet this danger.

Colorado's drought has also reached historic proportions. Many river basins are currently below 10 percent of their normal water capacity and snow pack levels are currently at less than 2 percent of normal level. Drought has forced many Colorado communities to adopt and enforce mandatory water restrictions. It has severely impacted Colorado farmers and ranchers and threatens economic growth in our state. Colorado's drought situation requires legislation to address the impacts and possible methods to mitigate the drought's impact on Colorado communities, both urban and rural.

2. Proclamation

I, Bill Owens, Governor of the State of Colorado, with this proclamation convene the Sixty-Third General Assembly of this state and summon the members of the Sixty-Third General Assembly to meet in Special Session at the State Capitol, in the City and County of Denver, on July 8, 2002, at 10:00 a.m. and designate the following subjects for your consideration and appropriate legislative action:

A. Concerning the implementation of a capital punishment sentencing structure that comports with the recent decisions of the United States Supreme Court.

B. Concerning measures to respond to wildfires and drought.

GIVEN under my hand and the Executive Seal of the State of Colorado this 1<sup>st</sup> day of July, 2002.

(Signed)  
Bill Owens  
Governor

Temporary Rules

On motion of Senator Thiebaut, and with the unanimous consent of the Senate the Rules of the Senate of the Second Regular Session of the Sixty-third General Assembly were made the Temporary Rules of the Third Extraordinary Session of the Sixty-third General Assembly.

The President appointed Senators Fitz-Gerald, Tate, and Dyer as members of the committee to notify the House that the Senate was organized and ready for business.

A committee composed of Representatives Cadman, Decker, and Williams, S., reported to the Senate that the House was organized and ready for business.

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### INTRODUCTION OF BILLS--FIRST READING

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

- SB02S-001** by Senator(s) Owen; also Representative(s) Hoppe--Concerning drought response, and, in connection therewith, creating the agricultural emergency drought response fund.  
Agriculture and Natural Resources
- SB02S-002** by Senator(s) Gordon; also Representative(s) Hefley, Borodkin, Coleman--Concerning procedures for the imposition of the death penalty by a unanimous jury.  
Judiciary  
Appropriations
- SB02S-003** by Senator(s) Hagedorn; also Representative(s) Mitchell--Concerning the determination of sentence in capital offense cases.  
Judiciary  
Appropriations
- SB02S-004** by Senator(s) Thiebaut; --Concerning incentives to conserve water, and, in connection therewith, authorizing the state engineer to issue conserved water certificates for use in water matters and establishing requirements for the transport of water from natural river basins to locations outside such basins.  
Agriculture and Natural Resources
- SB02S-005** by Senator(s) Evans; also Representative(s) Johnson--Concerning the determination of sentence in capital offense cases.  
Judiciary  
Appropriations
- SB02S-006** by Senator(s) Chlouber; --Concerning the determination of a sentence for a class 1 felony.  
Judiciary  
Appropriations

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### INTRODUCTION OF MEMORIALS

The following memorial was read by title and referred to the committee indicated:

- 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.  
Agriculture and Natural Resources

Senators Fitz-Gerald, Tate, and Dyer announced that the House had been informed that the Senate was organized and ready for business.

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### MESSAGE FROM THE HOUSE

July 8, 2002

Mr. President:

The House has adopted and transmits herewith HJR02S3-1001, as printed in House Journal.

Pursuant to the resolution, the Speaker has appointed Representatives Scott, chairman, Webster, and Bacon.

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### INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

- HJR02S-1001** by Representative(s) Spradley, Dean, Grossman; also Senator(s) Thiebaut, Matsunaka, Andrews--Concerning appointing a joint committee to notify the Governor that the Third Extraordinary Session of the Sixty-third General Assembly is now organized and ready for business.

**HJR02S-1001** 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 Thiebaut, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Fitz-Gerald	Y	May	Y	Takis	Y
Andrews	Y	Gordon	E	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 President appointed Senators Tupa and Cairns to serve on the committee to notify the Governor.

**INTRODUCTION OF BILLS--FIRST READING**

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

**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. Business, Labor, and Finance

**SB02S-008** by Senator(s) Pascoe, Thiebaut, Tate; also Representative(s) Marshall--Concerning a life sentence as the highest penalty for class 1 felony crimes. Judiciary Appropriations

Senate in Recess--Senate Reconvened

**INTRODUCTION OF BILLS--FIRST READING**

The following bill was read by title and referred to the committees indicated:

**SB02S-009** by Senator(s) McElhany; --Concerning the mitigation by the Colorado tourism office of the negative effect on tourism caused by the current environmental emergency, and making an appropriation therefor. Business, Labor, and Finance Appropriations

**INTRODUCTION OF MEMORIALS**

The following memorial was read by title:

**SM02S-001** by Senator(s) Matsunaka--Memorializing Congress to support measures that provide disaster assistance for Colorado's agricultural producers.

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

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, July 8, was laid over until Tuesday, July 9, retaining its place on the calendar.

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

Attest:

Karen Goldman  
Secretary of the Senate

Approved:

Stan Matsunaka  
President of the Senate

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