

SENATE JOURNAL
Sixty-fourth General Assembly
STATE OF COLORADO
First Regular Session

Eighth Legislative DayWednesday, January 15, 2003

Prayer	By Senator Teck.
Pledge	By Senator Teck.
Call to Order	By the President at 9:00 a.m.
Roll Call	Present-- 35.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Johnson, reading of the Journal of January 14, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor	The committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:
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**EXECUTIVE DIRECTOR
DEPARTMENT OF LABOR AND EMPLOYMENT**

for a term expiring at the pleasure of the Governor:

Jeffrey M. Wells of Colorado Springs, Colorado, appointed.

Business Affairs and Labor	After consideration on the merits, the committee recommends that SB03-059 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.
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Amend printed bill, page 9, strike line 23, and substitute the following:

"(b) (I) (A) THE FUNCTIONS OF THE DIVISION OF INSURANCE
RELATED TO THE LICENSING OF BAIL AGENTS, EFFECTIVE JULY 1, 2004.

(B) THE FUNCTIONS OF THE DIVISION OF INSURANCE".

Reletter succeeding sub-subparagraphs accordingly.

Page 69, after line 2, insert the following:

"SECTION 42. 12-7-112, Colorado Revised Statutes, is amended to read:

12-7-112. Repeal - review of functions. This article is repealed, effective July 1, 2006 2004. Prior to such repeal, the licensing functions of the commissioner and the division shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 43. 24-34-104 (34), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the committee recommends that **SB03-029** be referred favorably to the Committee of the Whole.

Judiciary After consideration on the merits, the committee recommends that **SB03-025** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend page 2, after line 10, insert the following:

"(II) SECTION 13 OF ARTICLE II OF THE STATE CONSTITUTION PROTECTS THE FUNDAMENTAL RIGHT OF A PERSON TO KEEP AND BEAR ARMS AND IMPLEMENTS SECTION 3 OF ARTICLE II OF THE STATE CONSTITUTION;

(III) THE GENERAL ASSEMBLY RECOGNIZES A DUTY TO PROTECT AND DEFEND THE FUNDAMENTAL CIVIL RIGHTS SET FORTH IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND THIS SUBPARAGRAPH (III);".

Renumber succeeding subparagraphs accordingly.

Page 2, strike lines 14 through 18 and substitute the following:

"(V) THIS INCONSISTENCY AMONG LOCAL GOVERNMENT LAWS REGULATING LAWFUL FIREARM OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION, USE, AND TRANSFER HAS EXTRATERRITORIAL IMPACT ON STATE CITIZENS AND THE GENERAL PUBLIC BY SUBJECTING THEM TO CRIMINAL AND CIVIL PENALTIES IN SOME JURISDICTIONS FOR CONDUCT WHOLLY LAWFUL IN OTHER JURISDICTIONS;

(VI) INCONSISTENCY AMONG LOCAL GOVERNMENTS OF LAWS REGULATING THE OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION, USE, AND TRANSFER OF FIREARMS RESULTS IN PERSONS BEING TREATED DIFFERENTLY UNDER THE LAW SOLELY ON THE BASIS OF WHERE THEY RESIDE, AND A PERSON'S RESIDENCE IN A PARTICULAR COUNTY OR CITY OR CITY AND COUNTY IS NOT A RATIONAL CLASSIFICATION WHEN IT IS THE BASIS FOR DENIAL OF EQUAL TREATMENT UNDER THE LAW;";

line 19, strike "(IV)" and substitute "(VII)";

line 21, strike "COMMITTING A CRIME." and substitute "VIOLATING THE LAW AND BECOMING SUBJECT TO CRIMINAL AND OTHER PENALTIES.".

Page 3, line 5, after "CARRYING,", insert "TRANSPORTATION," and, strike "TRANSFERRING" and substitute "TRANSFER";

line 12, after "CARRY,", insert "TRANSPORT,";

strike line 14 and substitute "CARRY, TRANSPORT, USE, OR TRANSFER A FIREARM IS RESTRICTED BY STATE STATUTE; EXCEPT THAT A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE, RESOLUTION, OR OTHER LAW, TO PROHIBIT:

(I) A PERSON FROM OPENLY CARRYING IN PUBLIC A FIREARM

	THAT IS NOT UNLOADED AND COMPLETELY ENCLOSED WITHIN A CASE SPECIFICALLY DESIGNED FOR THE CARRYING OF FIREARMS. FOR PURPOSES OF THIS SUBPARAGRAPH (I), A HOLSTER SHALL NOT BE CONSIDERED A CASE.	1 2 3 4 5
	(II) A PERSON FROM DISCHARGING A FIREARM WITHIN THE LOCAL GOVERNMENT'S JURISDICTION.";	6 7 8
	line 18, strike "COMPARABLE STATE STATUTE" and substitute "STATE STATUTE PERTAINING TO THE SAME OR SIMILAR SUBJECT MATTER";	9 10 11
	line 23, strike "DEEMED UNAUTHORIZED" and substitute "VOID".	12 13
	Page 4, line 3, after "CARRY,", insert "TRANSPORT,".	14 15
Judiciary	After consideration on the merits, the committee recommends that SB03-038 be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19
	Amend printed bill, page 3, line 15, strike "THE SURVIVING";	20 21
	line 16, strike "SPOUSE OF THE DECEDENT IF THE SURVIVING SPOUSE" and substitute "A PERSON WHO".	22 23 24 25
Trans- portation	After consideration on the merits, the committee recommends that SB03-060 be referred favorably to the Committee of the Whole.	26 27 28
Trans- portation	After consideration on the merits, the committee recommends that SB03-049 be amended as follows and, as so amended, be referred to the Committee on Appropriations, with favorable recommendation.	29 30 31 32
	Amend printed bill, page 2, line 9, strike "PROSCRIBED" and substitute "AUTHORIZED";	33 34 35
	strike lines 15 and 16 and substitute the following:	36 37
	"the provisions of this article. including maintenance and operation of remote weather systems. Any monetary penalties collected pursuant to".	38 39 40 41 42
Trans- portation	After consideration on the merits, the committee recommends that SB03-061 be referred favorably to the Committee of the Whole.	43 44 45
Agriculture, Natural Resources and Energy	After consideration on the merits, the committee recommends that SB03-040 be postponed indefinitely.	46 47 48 49 50
Agriculture, Natural Resources and Energy	After consideration on the merits, the committee recommends that SB03-047 be referred favorably to the Committee of the Whole.	51 52 53 54 55
<hr/> MESSAGES FROM THE GOVERNOR		56 57
Appointment	Letters of designation and appointment from Governor Owens were read and assigned to Committees as follows:	58 59 60 61 62
	October 2, 2002	63 64
	To the Honorable Colorado Senate Colorado General Assembly	65 66 67

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, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2006:

Richard S. Pryor of Grand Junction, Colorado, to serve as a member from the main Colorado drainage basin and as a Republican, reappointed;

Steven C. Harris of Durango, Colorado, to serve as a member from the San Miguel-Dolores-San Juan drainage basin and as a Democrat, reappointed;

Randall K. Palmgren of Center, Colorado, to serve as a member from the Rio Grande drainage basin and as a Democrat, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 11/18/02
K. Goldman, Secretary

Committee on Agriculture, Natural Resources & Energy

August 5, 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
JUVENILE PAROLE BOARD

for a term expiring at the pleasure of the Governor:

Michael R. Ramirez of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Arti W. Winston, to serve as a representative of the Department of Education, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 11/18/02
K. Goldman, Secretary of the Senate

Committee on Judiciary

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On motion of Senator Grossman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 15, 2003, was laid over until January 16, 2003, retaining its place on the calendar.

Consideration of General Orders--Second Reading: SB03-046, SB03-007, SB03-004.

Consideration of Resolution: SJR03-006.

On motion of Senator Grossman, the Senate adjourned until 9:00 a.m., January 16, 2003.

Approved:

John Andrews

President of the Senate

Attest:

Mona Heustis

Secretary of the Senate

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