

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

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Tenth Legislative Day Friday, January 17, 2003

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- Prayer By the chaplain, Pastor Mike Bergman, Montclair United Methodist Church.
- Pledge By Senator Nichol.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present-- 32.  
Absent/Excused--3; Entz, Gordon, Tate.  
Present later--Tate.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Johnson, reading of the Journal of January 16, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.

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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

- SR03-008** by Senator(s) Anderson; --Concerning the consent calendar.  
Laid over one day under Senate Rule 30(c).
- SR03-009** by Senator(s) Arnold, Andrews, Hillman; --Concerning a change in the rules of the Senate to require a recitation of the pledge of allegiance.  
Laid over one day under Senate Rule 30(c).

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On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of HJR03-1009.

**CONSIDERATION OF RESOLUTION**

- HJR03-1009** by Representative(s) Spradley; also Senator(s) Andrews--Concerning the appointment of members of the Colorado Commission on Uniform State Laws.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	E
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	E	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	E	Kester	Y	Sandoval	Y		

Committee of the Whole On motion of Senator Teck, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Teck was called to the Chair to act as Chairman.

### GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB03-046** by Senator(s) Entz, May, Takis, Teck; also Representative(s) Borodkin, Coleman, Ragsdale, Williams S.--Concerning the speed limit for single axle vehicles that are in the business of transporting trash.

Laid over until Monday, January 20, 2003, retaining its place on the calendar.

**SB03-007** by Senator(s) Chlouber; also Representative(s) Harvey--Concerning toll evasion violations committed in vehicles not owned by the operator.

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

Amend printed bill, page 2, line 18, strike "ATTACH TO" and substitute "INCLUDE A NOTICE IN";

line 19, strike "A NOTICE".

Page 3, line 17, strike "ATTACH TO" and substitute "INCLUDE A NOTICE IN", and strike "A NOTICE".

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-004** by Senator(s) Anderson, Takis, Taylor, Tupa; also Representative(s) Vigil, Coleman, White, Williams T.--Concerning risk-based reviews for designated trauma facilities.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-014** by Senator(s) Hillman, Isgar; also Representative(s) Madden, Decker, Romanoff--Concerning the election offense of making false statements designed to affect the vote as proscribed by section 1-13-109, Colorado Revised Statutes.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-059** by Senator(s) Taylor; also Representative(s) White, Williams T.--Concerning the recreation of the division of insurance within the department of regulatory agencies, and, in connection therewith, reinstating the regulatory functions of the division of insurance as they existed as of July 1, 2002, staggering the time frame under which the division of insurance undergoes sunset review, and making conforming amendments.

Laid over until Monday, January 20, 2003, retaining its place on the calendar.

**SB03-029** by Senator(s) Jones; --Concerning a flexible pay schedule that allows certain county employees to be paid more often than one time each month.

Declared **lost** on Second Reading.

(For further action, see Amendments to the Committee of the Whole Report.)

**SB03-025** by Senator(s) Dyer; also Representative(s) Hefley--Concerning limitation of the ability of a local government to regulate firearms, and, in connection therewith, identifying firearms regulation as a matter of statewide concern.

Laid over until Monday, January 20, 2003, retaining its place on the calendar.

**SB03-038** by Senator(s) Windels; also Representative(s) Jahn--Concerning a clarification of certain terms contained in the unlawful acts section of the "Mortuary Science Code".

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 15, page 66, and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-062**

by Senator(s) Hillman; --Concerning the requirement that a warrant drawn on a fund that contains moneys that do not revert to the state general fund be treated as unclaimed property if the warrant is not presented to the state treasurer for payment.

Amendment No. 1 (L.003), by Senator Hillman.

Amend printed bill, page 2, after line 1, insert the following:

"SECTION 1. 8-45-118 (3), Colorado Revised Statutes, is amended to read:

**8-45-118. Treasurer custodian of fund - disbursements.**

(3) (a) The state treasurer shall, upon the request of the chief executive officer, transfer any such funds held to the credit of or for the payment of such warrant back to the credit of the Pinnacol Assurance fund. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), if at any time thereafter application shall be made for the reissuance of such warrant, the same may be reissued, if the claim that it represents appears to be valid and still outstanding. Such reissued warrant shall be made payable from the moneys on deposit in the Pinnacol Assurance fund and shall be made payable to the person entitled to the proceeds thereof.

(b) FOR WARRANTS ISSUED ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (b), THE FUNDS TRANSFERRED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (b) SHALL BE SUBJECT TO THE PROVISIONS OF THE "UNCLAIMED PROPERTY ACT", ARTICLE 13 OF TITLE 38, C.R.S., AND FOR PURPOSES OF THIS PARAGRAPH (b), PINNACOL ASSURANCE SHALL BE CONSIDERED AN INSURANCE COMPANY AS DEFINED IN SECTION 38-13-102 (6.5), C.R.S."

Renumber succeeding sections accordingly.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-060**

by Senator(s) May R., Entz, Teck; also Representative(s) Stafford--Concerning the authority of a fleet owner to process the registration renewal for a fleet vehicle in the county in which the fleet owner's principal office is located instead of in the county in which the fleet vehicle is located at the time of registration.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB03-061**

by Senator(s) Sandoval; also Representative(s) Frangas--Concerning responsibilities for local administration of motor vehicle registration laws for the city and county of Denver.

Declared **lost** on Second Reading.  
(For further action, see Amendments to the Committee of the Whole Report.)

**SB03-047**

by Senator(s) Taylor, Entz, Isgar, Phillips; also Representative(s) White, Hodge, Hoppe, Miller, Rippy--Concerning the water resources review committee.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

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**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**SB03-061**

by Senator(s) Sandoval; also Representative(s) Frangas--Concerning responsibilities for local administration of motor vehicle registration laws for the city and county of Denver.

Senator Sandoval requested a roll call vote to show that **SB03-061** did pass.

The bill was declared passed by the following roll call vote:

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	E	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	E	Kester	Y	Sandoval	Y		

**SB03-029**

by Senator(s) Jones; --Concerning a flexible pay schedule that allows certain county employees to be paid more often than one time each month.

Senator Jones requested a roll call vote to show that **SB03-029** did pass.

The bill was declared lost by the following roll call vote:

YES	10	NO	23	EXCUSED	2	ABSENT	0
Anderson	N	Grossman	Y	Lamborn	N	Takis	Y
Arnold	N	Hagedorn	N	Linkhart	N	Tapia	Y
Cairns	N	Hanna	N	May	N	Tate	Y
Chlouber	N	Hillman	N	McElhany	N	Taylor	N
Dyer	N	Isgar	Y	Nichol	N	Teck	N
Entz	E	Johnson	N	Owen	Y	Tupa	N
Evans	N	Jones	N	Phillips	N	Windels	Y
Fitz-Gerald	N	Keller	Y	Reeves	N	Mr. President	Y
Gordon	E	Kester	N	Sandoval	Y		

Senator Jones having voted on the prevailing side, moved for immediate reconsideration and requested a roll call vote.

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	N	Teck	Y
Entz	E	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	E	Kester	Y	Sandoval	Y		

The motion for immediate reconsideration having passed, Senator Jones requested a roll call vote to show that **SB03-029** did pass.

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	N	Teck	Y
Entz	E	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	E	Kester	Y	Sandoval	Y		

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Teck, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB03-007**, as amended, **SB03-004**, **SB03-014**, **SB03-038** as amended, **SB03-062** as amended, **SB03-060**, **SB03-047**, **SB03-061**, **SB03-029**.  
Laid over until Monday, January 20, 2003: **SB03-046**, **SB03-059**, **SB03-025**.

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### SENATE SERVICES REPORT

Senate  
Services

Correctly printed: SB03-105.

Correctly engrossed: SJR03-006; SR03-006.

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### COMMITTEE OF REFERENCE REPORTS

Local  
Government

After consideration on the merits, the committee recommends that **SB03-035** be referred to the Committee of the Whole with favorable recommendation.

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that **SB03-045** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 24, strike "OR LEASED";

line 26, strike "OR LEASED".

Page 4, line 4, strike the second "OR";

line 5, strike "LEASED";

line 6, strike "OR LEASED";

line 22, strike "~~for the purpose of this article~~" and substitute "for the purpose of this article".

Page 6, line 3, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS";

line 6, after "THE", insert "NONDESTRUCTIVE INVESTIGATION,";

after line 11, insert the following:

"(m) EXISTING WELLS THAT WERE CONSTRUCTED IN COMPLIANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF THEIR CONSTRUCTION SHALL NOT BE REQUIRED TO BE REPAIRED, REDRILLED, OR OTHERWISE MODIFIED TO MEET THE CURRENT STANDARDS FOR WELL CONSTRUCTION CONTAINED IN THIS ARTICLE OR THE RULES ADOPTED BY THE BOARD. ANY SUCH WELLS THAT PRESENT AN IMMINENT THREAT TO PUBLIC HEALTH OR GROUNDWATER CONTAMINATION MAY BE ORDERED TO BE REPAIRED OR ABANDONED. THE REMEDIAL ACTION REQUIRED BY THE BOARD FOR SUCH WELLS SHALL BE THE MINIMUM REPAIR NECESSARY TO REMOVE THE THREAT TO PUBLIC HEALTH OR OF GROUNDWATER POLLUTION. AN ORDER TO ABANDON A WELL THAT IS ISSUED UNDER THIS ARTICLE IS NOT A DETERMINATION OF INTENT TO ABANDON ANY WATER RIGHT ASSOCIATED WITH THE WELL.";

line 13, strike "(2) (a),";

line 15, strike "THE FOLLOWING NEW SUBSECTIONS," and substitute "A NEW SUBSECTION,";

strike line 21.

Page 7, line 9, after "PROGRAM", insert "APPROVED BY THE BOARD";

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line 16, strike "THAT IS NOT A BUSINESS LICENSEE";

line 17, after "TRAINING", insert "AS APPROVED BY THE BOARD";

strike lines 19 through 25.

Page 8, line 26, strike "THE FOLLOWING NEW SUBSECTIONS," and substitute "A NEW SUBSECTION,".

Page 9, strike lines 8 through 10.

Page 11, line 7, after "ORDER THE", insert "NONDESTRUCTIVE INVESTIGATION,".

Page 14, line 7, strike "(I)," and substitute "(i),";

line 12, strike "(I)," and substitute "(i),".

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the committee recommends that **SB03-065** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 23, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 3, line 7, strike "INJURY," and substitute "SERIOUS PHYSICAL HARM,";

line 10, strike "~~proper food~~," and substitute "proper food,";

strike lines 11 through 13 and substitute "drink, or protection from the weather";

line 14, strike "HEALTH AND WELL-BEING";

after line 15, insert the following:

"(1.6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "SERIOUS PHYSICAL HARM" MEANS ANY OF THE FOLLOWING:

(I) ANY PHYSICAL HARM THAT CARRIES A SUBSTANTIAL RISK OF DEATH;

(II) ANY PHYSICAL HARM THAT CAUSES PERMANENT MAIMING OR THAT INVOLVES SOME TEMPORARY, SUBSTANTIAL MAIMING; OR

(III) ANY PHYSICAL HARM THAT CAUSES ACUTE PAIN OF A DURATION THAT RESULTS IN SUBSTANTIAL SUFFERING.";

line 16, strike "(1.7)" and substitute "(1.8)".

Page 5, line 17, after "law", insert "OR RULE";

after line 27, insert the following:

**SECTION 8.** 30-15-102 (1), Colorado Revised Statutes, is amended to read:

**30-15-102. Violations - penalties.** (1) Any violation of any provision of a county resolution adopted pursuant to this part 1 not involving bodily injury to any person shall be a class 2 petty offense, and, notwithstanding the provisions of section 18-1.3-503, C.R.S., punishable, upon conviction, by a fine of not more than ~~three hundred~~ ONE THOUSAND dollars PURSUANT TO SECTION 30-15-402 (1), or by imprisonment in the county jail for not more than ninety days, or by both such fine and

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imprisonment for each separate offense. If authorized by the county resolution, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by an animal control officer or any arresting law enforcement officer for any such violation. As part of said county resolution authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for violations of said resolution not involving bodily injury to any person. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual."

Renumber succeeding sections accordingly.

Health,  
Environment,  
Welfare &  
Institutions

After consideration on the merits, the committee recommends that **SB03-066** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 20, strike "25-7-135," and substitute "25-7-135 (2),";

strike lines 22 through 27 and substitute the following:

**"25-7-135. Fund created."**

Page 3, strike lines 1 through 7;

line 8, strike "~~(2)~~" and substitute "(2)".

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 17, 2003, was laid over until January 20, 2003, retaining its place on the calendar.

Consideration of Resolution: SJR03-004.

Consideration of Governor Appointments:

Executive Director, Department of Labor and Employment.

On motion of Senator Anderson, the Senate adjourned until 1:30 p.m., January 20, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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