

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

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Fifty-first Legislative Day Thursday, February 27, 2003

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Prayer	By the chaplain, Father Dennis Woerter.	11
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Pledge	By Senator Takis.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present-- 32.	18
	Absent/Excused--3; Anderson, Nichol, Reeves.	19
	Present later--Nichol.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Grossman, reading of the Journal of February 26, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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**COMMITTEE OF REFERENCE REPORTS**

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Finance	After consideration on the merits, the Committee recommends that <b>HB03-1066</b> be referred to the Committee of the Whole with favorable recommendation.	31
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Finance	After consideration on the merits, the Committee recommends that <b>HB03-1009</b> be referred to the Committee of the Whole with favorable recommendation.	35
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Finance	After consideration on the merits, the Committee recommends that <b>HB03-1124</b> be referred to the Committee of the Whole with favorable recommendation.	39
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Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	43
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**MEMBERS OF THE  
COLORADO AERONAUTICAL BOARD**

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	for terms expiring December 19, 2005:	50
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	Corinne C. Nystrom of Mesa, Colorado, to serve as a representative of a statewide association of airport managers, reappointed;	52
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	E. Patrick Wiesner of Castle Rock, Colorado, to serve as a representative of a statewide association of pilots, reappointed.	55
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	for a term expiring December 19, 2003:	58
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	Harold Jay Felderman of Greeley, Colorado, to serve as a representative of local government from the western slope, appointed;	60
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	for a term expiring December 19, 2004:	63
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	Larry Romrell of Franktown, Colorado, to serve as a representative familiar with and supportive of the state's aviation issues, interests, and concerns, appointed.	65
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Trans- portation	After consideration on the merits, the Committee recommends that <b>HB03-1185</b> be referred to the Committee of the Whole with favorable recommendation.	3 4 5 6
Trans- portation	After consideration on the merits, the Committee recommends that <b>HB03-1071</b> be referred to the Committee of the Whole with favorable recommendation.	7 8 9 10
Agriculture, Natural Resources and Energy	The Committee on <u>Agriculture, Natural Resources, and Energy</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	11 12 13 14 15 16
	<u>MEMBERS OF THE GROUND WATER COMMISSION</u>	17 18
	for terms expiring May 1, 2006:	19 20
	Ralph G. Curtis of Alamosa, Colorado, to serve as a representative from Division 3, appointed;	21 22 23 24
	Frank P. Jaeger of Elizabeth, Colorado, to serve as a representative of municipal and industrial users, appointed.	25 26 27 28
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1037</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	29 30 31 32 33
	Amend reengrossed bill, page 2, strike line 3 and substitute the following:	34 35
	"amended, and the said 19-3-304 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:";	36 37 38
	after line 10, insert the following:	39 40
	"(bb) WORKER IN THE STATE DEPARTMENT OF HUMAN SERVICES."	41 42
	Page 1, line 101, strike "NEGLECT BY" and substitute "NEGLECT.";	43 44
	strike line 102.	45 46
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1026</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	47 48 49 50 51
	Amend reengrossed bill, page 3, line 1, after "ORIGIN", insert "OR CHEMICAL OR RADIOLOGICAL AGENTS WITH POTENTIAL TERRORIST INTENT".	52 53 54 55 56
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1084</b> be referred to the Committee of the Whole with favorable recommendation.	57 58 59 60 61 62 63

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**MESSAGE FROM THE HOUSE**

February 26, 2003  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1216, 1301, 1306, 1304.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1297, amended as printed in House Journal, February 25, pages 922-923.  
HB03-1220, amended as printed in House Journal, February 25, page 923.  
HB03-1253, amended as printed in House Journal, February 25, pages 923-924.

The House has passed on Third Reading and returns herewith SB03-054 & 061.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-046, amended as printed in House Journal, February 25, page 924.

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**MESSAGE FROM THE REVISOR OF STATUTES**

February 26, 2003

We herewith transmit:

Without comment, HB03-1216, 1301, 1306, and 1304.

Without comment, as amended, HB03-1297, 1220, and 1253 and SB03-046.

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**INTRODUCTION OF BILLS--FIRST READING**

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

- SB03-238** by Senator(s) Chlouber; --Concerning the recovery of actual costs of utility facility relocation at the request of a government entity.  
Finance
- SB03-239** by Senator(s) Chlouber; also Representative(s) Berry--Concerning the enforcement of compulsory motor vehicle insurance, and, in connection therewith, continuing the motorist insurance identification database program.  
Transportation
- HB03-1216** by Representative(s) Stafford; also Senator(s) Cairns--Concerning the equipment required for driving school vehicles.  
Transportation
- HB03-1220** by Representative(s) Rhodes; also Senator(s) Johnson S.--Concerning the safety of persons who act in proximity to high voltage lines.  
Business Affairs & Labor
- HB03-1297** by Representative(s) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T.; also Senator(s) Dyer, Anderson--Concerning death penalty aggravating factors.  
Judiciary
- HB03-1301** by Representative(s) Hall; also Senator(s) Teck--Concerning the penalties for persons who issue checks to the department of revenue that are returned as unpaid for any reason caused by the maker.  
Finance

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- HB03-1304** by Representative(s) McCluskey, Hall, Berry, Briggs, Fairbank, Frangas, Fritz, Hoppe, Larson, Lee, May M., Merrifield, Paccione, Rippy, Rose, Sinclair, Spence, Spradley, Stafford, White, Wiens; also Senator(s) Johnson S.--Concerning the penalties associated with impersonating a peace officer.  
Judiciary
- HB03-1306** by Representative(s) Hall; also Senator(s) Jones--Concerning the appointment of independent referees by a board of county commissioners to conduct a hearing related to a petition for an abatement or refund of property taxes.  
Local Government
- HB03-1139** by Representative(s) Hefley, Berry, Decker, Groff, Jahn, Judd, Lee, Veiga; also Senator(s) Arnold--Concerning the sentence imposed on a juvenile who is convicted as an adult of a class 1 felony.  
State Veterans & Military Affairs

On motion of Senator Hillman, 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: **HJR03-1018, SJR03-024.**

**CONSIDERATION OF RESOLUTIONS**

- HJR03-1018** by Representative(s) Berry; also Senator(s) Chlouber--Concerning American heart month.

On motion of Senator Chlouber, the resolution was read at length and **adopted** by the following roll call vote:

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

Co-sponsors added: Andrews, Arnold, Cairns, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

- SJR03-024** by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--Concerning the certification by the general assembly of the amount of state education fund revenues that should be considered available for appropriation for the 2003-04 state fiscal year.

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

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

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**COMMITTEE OF REFERENCE REPORTS**

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Business	After consideration on the merits, the Committee recommends that <b>HB03-1192</b> be	5
Affairs and	amended as follows, and as so amended, be referred to the Committee of the Whole with	6
Labor	favorable recommendation.	7
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	Amend reengrossed bill, page 4, line 13, strike "ASCERTAINED." and	10
	substitute "ASCERTAINED OR AS SOON AS THE CASE IS CONCLUDED IF THE	11
	ORIGINAL IS NEEDED AS EVIDENCE OF FALSIFICATION."	12
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Business	After consideration on the merits, the Committee recommends that <b>SB03-234</b> be referred	15
Affairs and	to the Committee of the Whole with favorable recommendation.	16
Labor		17
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Business	After consideration on the merits, the Committee recommends that <b>HB03-1157</b> be referred	20
Affairs and	to the Committee of the Whole with favorable recommendation.	21
Labor		22
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Business	After consideration on the merits, the Committee recommends that <b>HB03-1204</b> be referred	24
Affairs and	to the Committee of the Whole with favorable recommendation.	25
Labor		26
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Education	After consideration on the merits, the Committee recommends that <b>HB03-1193</b> be referred	28
	to the Committee of the Whole with favorable recommendation.	29
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Education	After consideration on the merits, the Committee recommends that <b>HB03-1093</b> be	32
	amended as follows, and as so amended, be referred to the Committee of the Whole with	33
	favorable recommendation.	34
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	Amend reengrossed bill, page 4, line 14, strike "EFFECTIVE JULY 1, 2003,	36
	THERE" and substitute "THERE".	37
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	Page 5, line 9, strike "A SECRETARY, AND A TREASURER,";	39
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	line 11, after the period, insert "THE BOARD OF TRUSTEES SHALL ALSO	41
	ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE	42
	BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED	43
	IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES.";	44
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	line 13, strike "ON OR BEFORE" and substitute "EFFECTIVE";	46
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	line 18, strike "OR BEFORE";	48
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	line 19, strike "OR";	50
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	line 20, strike "BEFORE".	52
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	Page 7, line 25, strike "EFFECTIVE JULY 1, 2003, THERE" and substitute	54
	"THERE".	55
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	Page 11, line 12, strike "OFFER" and substitute "MAINTAIN A COMMUNITY	57
	COLLEGE ROLE AND MISSION INCLUDING";	58
		59
	line 18, strike "EFFECTIVE JULY 1, 2003, THERE" and substitute "THERE".	60
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	Page 12, line 13, strike "A SECRETARY, AND A TREASURER,";	62
		63
	line 15, after the period, insert "THE BOARD OF TRUSTEES SHALL ALSO	64
	ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE	65
	BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED	66
	IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES.";	67

**HB03-1093**

line 17, strike "ON OR BEFORE" and substitute "EFFECTIVE";

line 22, strike "OR BEFORE";

line 23, strike "OR BEFORE".

Page 14, line 27, strike "EFFECTIVE JULY 1, 2003, THERE" and substitute "THERE".

Page 19, strike line 5;

line 6, strike "TWO-YEAR OR GRADUATE DEGREE PROGRAMS.";

line 10, strike "EFFECTIVE JULY 1, 2003, THERE" and substitute "THERE".

Page 20, line 5, strike "A SECRETARY, AND A TREASURER,";

line 7, after the period, insert "THE BOARD OF TRUSTEES SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES.";

line 10, strike "ON OR BEFORE" and substitute "EFFECTIVE";

line 15, strike "OR BEFORE";

line 16, strike "OR BEFORE".

Page 22, line 23, strike "EFFECTIVE JULY 1, 2003,";

line 24, strike "THERE" and substitute "THERE".

Page 29, strike lines 8 through 19 and substitute the following:

**"SECTION 11.** 23-54-102 (1) (b) and (6), Colorado Revised Statutes, are amended to read:

**23-54-102. Board of trustees - creation - members - powers - duties.** (1) (b) The trustees and their successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and government of Metropolitan state college of Denver, and may conduct the business of said college in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, ~~a secretary, and a treasurer,~~ whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. **THE BOARD SHALL ALSO ELECT A SECRETARY AND A TREASURER, WHO ARE NOT MEMBERS OF THE BOARD AND WHOSE DUTIES AND RESPONSIBILITIES SHALL BE PRESCRIBED IN THE DULY ADOPTED BYLAWS OF THE BOARD OF TRUSTEES.** The staff of Metropolitan state college of Denver shall provide staff support for the board of trustees.

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado, AS SAID GOVERNING BOARD EXISTED PRIOR TO JULY 1, 2003, with respect to Metropolitan state college of Denver are hereby transferred to the board of trustees. Policies, procedures, and agreements previously approved by the trustees of the state colleges, AS SAID GOVERNING BOARD EXISTED PRIOR TO JULY 1, 2003, and applicable to Metropolitan state college of Denver shall remain in force and effect unless and until changed by the board of trustees."

Page 35, after line 3, insert the following:

**"SECTION 20.** 23-5-117, Colorado Revised Statutes, is amended to read:

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**HB03-1093**

**23-5-117. Governing boards - delegation of personnel power.**

The governing board of any state-supported institution of higher education may delegate all or part of its power over personnel matters, including the power to hire or to fire employees exempt from the personnel system, to the chief executive officer of the institution governed by such board. The governing board may expressly authorize the chief executive officer to delegate to other officers of the institution specified by the board any power so delegated pursuant to this section. The governing board of each state supported institution of higher education, except the university of Colorado, Colorado state university, the university of northern Colorado, ~~or~~ the Colorado school of mines, ADAMS STATE COLLEGE, MESA STATE COLLEGE, WESTERN STATE COLLEGE, OR METROPOLITAN STATE COLLEGE OF DENVER, after consultation with faculty representatives chosen by the faculty, shall prepare, enact, promulgate, administer, and maintain in place policies and practices which afford due process procedures for those faculty members exempt from the state personnel system who are terminated, including terminations resulting from reductions in force."

Renumber succeeding sections accordingly.

Page 35, strike lines 4 through 6 and substitute the following:

**"SECTION 21. Effective date.** This section and sections 2, 3, and 21 of this act shall take effect upon passage, and the remainder of this act shall take effect July 1, 2003."

State,  
Veterans and  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SB03-222** be referred to the Committee of the Whole with favorable recommendation.

State,  
Veterans and  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SB03-230** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, strike lines 10 through 12 and substitute the following:

**"SECTION 4. Effective date.** (1) This act shall take effect July 1, 2004.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

Page 1, line 103, strike "**SIGNATURES**" and substitute "**TRANSACTIONS**".

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**SENATE SERVICES REPORT**

Senate  
Services

Correctly printed: SB03-237.  
SJR03-023, 024.

Correctly reengrossed: SB03-106.

Correctly rerevised: HB03-1067, 1107, 1144, 1151.

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**CONFERENCE COMMITTEE GRANTED FURTHER POWERS**

**SB03-183**

by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--  
Concerning the modification of certain preschool through twelfth grade public education  
programs, and making appropriations in connection therewith.

Senator Owen moved that the Senate Conferees on the Second Conference Committee  
on **SB03-183** be given powers to go beyond the scope of the differences between the  
two Houses.

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

On motion of Senator Hillman, and with a majority of those elected to the Senate  
having voted in the affirmative, the balance of the calendar of February 27, was laid  
over until Friday, February 28, retaining its place on the calendar.

Second Reading--General Orders: SB03-074, SB03-021, SB03-141, SB03-041,  
SB03-032, SB03-073, SB03-110, HB03-1169, HB03-1036.

Consideration of Resolutions: SJR03-022, HJR03-1019.

Consideration of Governor's Appointments:

Member of the Coal Mine Board of Examiners;

Member of the Board of Governors of the Colorado State University System;

Members of the Read-To-Achieve Board.

Conference Committee to Report: SB03-183.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday,  
February 28, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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