

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

Fifty-eighth Legislative Day

Thursday, March 6, 2003

Prayer By the chaplain, Reverend Paul Kottke.

Pledge By Senator Entz.

Call to Order By the President at 9:00 a.m.

Roll Call Present-- 33.
Absent/Excused--2; Dyer, Tapia.
Present later--Tapia.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Johnson, reading of the Journal of March 5, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE
WILDLIFE COMMISSION**

for a term expiring March 1, 2006:

Jeffrey Alan Crawford of Englewood, Colorado, to serve as a public at large member from the Wildlife District 5 and as a Republican, appointed.

The Honorable Robert N. Shoemaker of Canon City, Colorado, to serve as a representative of agricultural or produce growers from the Wildlife District 4 and as a Democrat, reappointed;

Philip J. James of Fort Collins, Colorado, to serve as a public at large member from the Wildlife District 3 and as a Republican, reappointed.

for terms expiring March 1, 2007:

The Honorable Ken M. Torres of Weston, Colorado, to serve as a county commissioner from Wildlife District 4 and as a Republican, appointed;

Rick M. Enstrom of Lakewood, Colorado, to serve as a representative of sportsmen from Wildlife District 5 and as an Unaffiliated, reappointed.

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **HB03-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 3, strike "2009, until July 1, 2006 2012," and substitute "2006, until July 1, ~~2006~~ 2009,".

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HB03-1005

Page 4, line 2, strike "2009" and substitute "2006";

line 3, strike "2012" and substitute "2009".

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1008** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, after line 17, insert the following:

"SECTION 2. 38-30.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-30.5-103. Nature of conservation easements in gross. (5) A CONSERVATION EASEMENT IN GROSS THAT ENCUMBERS WATER OR A WATER RIGHT AS PERMITTED BY SECTION 38-30.5-104 (1) MAY BE CREATED ONLY BY THE VOLUNTARY ACT OF THE OWNER OF THE WATER OR WATER RIGHT AND MAY BE MADE REVOCABLE BY THE INSTRUMENT CREATING IT."

Renumber succeeding sections accordingly.

Page 3, line 2, strike "THE WATER RIGHT MAY BE ENCUMBERED";

line 3, strike "BY A CONSERVATION EASEMENT IN GROSS" and substitute "A CONSERVATION EASEMENT IN GROSS THAT ENCUMBERS THE WATER RIGHT MAY BE CREATED OR REVOKED";

line 13, after "lands", insert "OR WATER".

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HJR03-1011** be amended as follows, and as so amended, be referred to the Senate for final action.

Amend engrossed joint resolution, page 1, strike lines 9 through 11 and substitute the following:

"WHEREAS, 7.5 million acre-feet of water are available annually to the Upper Basin states, as defined in such compact, and Colorado is entitled to 3,855,375 acre-feet annually, of which a significant amount has not yet been developed; and"

Page 2, line 7, strike "over-appropriation" and substitute "over-use";

line 8, strike "forego use" and substitute "forego recent over-use";

line 18, strike "identify, claim, and put";

line 19, strike "to beneficial use" and substitute "quantify, protect, and support the State of Colorado's rights to Colorado River water resources under the Colorado River Compacts of 1922 and 1948, which allow water users in Colorado to place to beneficial consumptive use".

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1100** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 20, insert the following:

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HB03-1100

"SECTION 7. 25-1-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1-107. Powers and duties of the department - repeal.

(1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(II) TO COORDINATE WITH THE UNITED STATES SECRETARY OF THE INTERIOR AND THE UNITED STATES SECRETARY OF AGRICULTURE TO DEVELOP AIR QUALITY MANAGEMENT PLANS CONSISTENT WITH THIS ARTICLE FOR FEDERAL LANDS PURSUANT TO 16 U.S.C. SEC. 530, 16 U.S.C. SEC. 1604, AND 43 U.S.C. SEC. 1712."

Renumber succeeding sections accordingly.

Education

After consideration on the merits, the Committee recommends that **HB03-1175** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 11 through 26 and substitute the following:

"(3) (a) ON AND AFTER JULY 1, 2004, A POSTSECONDARY INSTITUTION IN COLORADO SHALL NOT USE A STUDENT'S SOCIAL SECURITY NUMBER OR PART OF A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S PRIMARY IDENTIFIER.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE COLORADO COMMISSION ON HIGHER EDUCATION MAY ALLOW A POSTSECONDARY INSTITUTION IN COLORADO TO USE A STUDENT'S SOCIAL SECURITY NUMBER OR PART OF A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S PRIMARY IDENTIFIER IF:

(I) THE INSTITUTION DEMONSTRATES TO THE SATISFACTION OF THE COMMISSION THAT THE INSTITUTION IS UNABLE TO COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3) BECAUSE OF THE FINANCIAL COST OF COMPLIANCE; AND

(II) THE INSTITUTION SUBMITS TO THE COMMISSION AND THE COMMISSION APPROVES A PLAN AND TIMETABLE FOR PHASING OUT THE USE OF A STUDENT'S SOCIAL SECURITY NUMBER OR PART OF A STUDENT'S SOCIAL SECURITY NUMBER AS THE STUDENT'S PRIMARY IDENTIFIER."

Business Affairs and Labor

After consideration on the merits, the Committee recommends that **HB03-1045** be referred to the Committee of the Whole with favorable recommendation.

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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Phillips, the appointments to the Board of Governors of the Colorado State University System were severed.

On motion of Senators Entz and Arnold, the following Governor's appointments were confirmed by a roll call vote:

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MEMBER OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for a term expiring January 17, 2004:

Pat D. Broe of Denver, Colorado, to fill the vacancy occasioned by the resignation of Ronald Pettigrew, appointed.

for a term expiring January 20, 2005:

Connie L. Calaway of Carbondale, Colorado, to fill the vacancy occasioned by the resignation of Paula E. Sandoval, appointed.

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	E	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	Y	Tupa	N
Evans	Y	Johnson	N	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

On motion of Senators Entz and Arnold, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for a term expiring January 15, 2007:

Donald A. Hamstra of Brighton, Colorado, reappointed;

Jeff Shoemaker of Denver, Colorado, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	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	E	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	Y		

COMMISSIONER OF INSURANCE

effective January 7, 2003, for a term expiring at the pleasure of the Governor:

Douglas Dean of Denver, Colorado, appointed.

On motion of Senator McElhany, the appointment of Commissioner of Insurance was laid over until Friday, March 7, retaining its place on the calendar.

SENATE SERVICES REPORT

Senate Services

Correctly enrolled: SB03-054, 059, 072, 100, 109, 169, 170, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218 219, 220, 228; SJR03-016, 018, 019, 020, 021, 024.

To the Governor for signature on Wednesday, March 5, 2003, at 3:15 p.m. SB03-169, 170, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218 219, 220, 228.

COMMITTEE OF REFERENCE REPORTS

Judiciary

The Committee on Judiciary has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE JUVENILE PAROLE BOARD

for terms expiring at the pleasure of the Governor:

Jacklynne A. Herbst of Lakewood, Colorado, to serve as the local elected official, reappointed

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.

Judiciary

After consideration on the merits, the Committee recommends that **HB03-1212** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **HB03-1288** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 23, strike "BEING, REPAIR," and substitute "REPAIR";

line 24, strike "CONSTRUCTED." and substitute "CONSTRUCTED OR IN PRESERVING A FACILITY FROM DECLINE OR FAILURE.".

Page 4, strike lines 15 and 16 and substitute the following:

"IRRIGATION DITCH EVEN IF THE DITCH CONTAINS STORMWATER RUNOFF OR DISCHARGE FROM STORM SEWERS; A CURB AND GUTTER SYSTEM; OR OTHER DRAINAGE, FLOOD CONTROL, AND STORMWATER FACILITIES.".

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MESSAGE FROM THE HOUSE

CORRECTION:

March 6, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-060, amended as printed in House Journal, March 3, pages 995-996 .

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-169, 170, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 228; SJR03-016, 018, 019, 020, 021, 024.

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 March 6, was laid over until Friday, March 7, retaining its place on the calendar.

Second Reading--General Orders: SB03-222, SB03-073, HB03-1026, HB03-1117, HB03-1079, HB03-1109, HB03-1156, HB03-1104, HB03-1014, HB03-1101, HB03-1063, HB03-1038, HB03-1281, HB03-1077, HB03-1032, SB03-149, HB03-1003, SB03-101, SB03-134, SB03-114, SB03-068, SB03-027, SB03-132, SB03-001, SB03-225, HB03-1070, HB03-1103, SB03-235, HB03-1006, SB03-232, HB03-1287, HB03-1298, HB03-1222, HB03-1272, HB03-1237, HB03-1257, HB03-1148, HB03-1034, HB03-1165, HB03-1027, HB03-1273.

Consideration of House Amendments to Senate Bills: SB03-057.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Friday, March 7, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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