

SENATE JOURNAL
Sixty-second General Assembly
STATE OF COLORADO
Second Regular Session

13th Legislative Day Monday, January 17, 2000

Call to Order By the President at 10:00 a.m.

Prayer By the chaplain, Reverend Arlyn Tolzmann, Holy Cross Lutheran Church, Wheat Ridge.

Roll Call Present--Total, 30.
Absent/Excused--Blickensderfer, Hernandez, Lacy, Musgrave, Wham--Total 5.
Present later--Hernandez, Lacy, Wham.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Dyer, reading of the Journal of Friday, January 14th was dispensed with and the Journal stands approved as corrected by the Secretary.

SENATE SERVICES REPORT

Senate Services Correctly engrossed: SB 00-17; SR 00-5.

COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the committee recommends that the following be referred favorably to the Committee of the Whole: SB00-073

Education After consideration on the merits, the committee recommends that SB00-085 be amended as follows and, as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 4, line 6, strike "LIBRARY;" and substitute "LIBRARY; AND";

strike line 7;

line 8, strike "(c)" and substitute "(b)".

Page 5, strike lines 22 through 25 and substitute the following:

"(III) DEVELOP AND IMPLEMENT A POLICY, PUBLICLY ADOPTED BY THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT THAT MAINTAINS SUCH LIBRARY, THAT ESTABLISHES AND ENFORCES MEASURES TO RESTRICT MINORS FROM OBTAINING COMPUTER INFORMATION THAT IS OBSCENE, INSTRUCTS OR ENCOURAGES ILLEGAL BEHAVIOR.";

line 26, strike "A PUBLIC" and substitute "ANY PUBLICLY-SUPPORTED LIBRARY OTHER THAN A SCHOOL".

Page 6, strike lines 8 through 11 and substitute the following:

"(III) DEVELOP AND IMPLEMENT A POLICY, PUBLICLY ADOPTED BY THE GOVERNING BODY OF SUCH LIBRARY, THAT ESTABLISHES AND ENFORCES MEASURES TO RESTRICT MINORS FROM OBTAINING COMPUTER INFORMATION THAT IS OBSCENE, INSTRUCTS OR ENCOURAGES ILLEGAL BEHAVIOR.".

Page 9, strike line 6;

line 7, strike "THIS PART 4,";

line 8, after "REQUIRE.", add "ANY ELIGIBLE PARTICIPANT MAY SUBMIT THE

INFORMATION REQUIRED TO BE SUBMITTED TO THE STATE LIBRARIAN PURSUANT TO THIS SECTION AS PART OF THE REPORTING OF ANY OTHER INFORMATION REQUIRED TO BE SUBMITTED TO THE STATE LIBRARIAN UNDER ANY OTHER APPLICABLE LAW BY THE DATE SPECIFIED IN THIS SECTION."

INTRODUCTION OF BILLS--FIRST READING

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

- SB

00-123

by Senator Rupert; also Representative Gordon--Concerning a feasibility study to be conducted for the implementation of the "Colorado Universal Care Health Insurance Program".
Health, Environment, Welfare & Institutions
Appropriations
- SB

00-124

by Senator Andrews; also Representative Tapia--Concerning literacy in early elementary grades, and, in connection therewith, establishing a read-to-achieve program, and making an appropriation in connection therewith.
Education
Appropriations

On motion of Senator Chlouber, and with the unanimous consent of those elected to the Senate, the Senate stood in recess to hear the Martin Luther King, Jr. Day remarks of Senator Gloria Travis Tanner which are reprinted below:

Good Morning Colleagues:

Today, although we are working just as we do on all holidays, once the 120 days session starts, is a state holiday in honor of the Prince of Peace, my native Atlantan, and neighbor, Dr. Martin Luther King, Jr.

So I stand before you, as the only African American woman to serve in this chamber in the past century and the first, but hopefully, not the only one to serve during this century. As I stand before you for the last time, taking a few moments from our busy schedule to reflect and share a few thoughts with you on Dr. King's dream and why it is so important, now more than ever to pursue his dream, the American dream, that is set forth in the founding documents of the United States: the drafters of The Declaration of Independence, who proclaimed, "We hold these truths to be self-evident that all men are created equal. That they are endowed by their creator with unalienable rights that among these are life, liberty and the pursuit of happiness.

My brothers and sisters, as we stand on the edge of a new millennium, a new century, the year of 2000, let us pause and take a hard look at the measure of our world, our nation, our state and ourselves. Then, we have to admit with painful honesty, that his work is not yet finished; his agenda is far from being completed.

Yes, we have made some gains and we are proud of the gains we have made. You can see some of those gains as you look around you in this chamber. You see senators that are White, Black, Hispanic, Asian, Catholics, Protestants, Jews, men, women, young and old. We are proud of these gains and cannot deny them. But just like we cannot deny what has been done, we must commit to what still needs to be done. We must admit that the American goals of freedom, justice and equality for all of our people are not yet a reality, we must admit that our society is not yet color blind. Not yet free of hate, violence and the evils of racism, sexism and economic injustices.

There is no better time than at the beginning of a new century to reflect on our past, challenge the present and envision the future, a future that will embrace Dr. King's dream and make it a reality.

We all know there can be no greater imperatives for us than to rid our society of hate and violence because we have felt it many times right here in our own state. Colorado has been in the national and international spotlight because we have had our souls sickened by violence through misuse of guns, and by crimes committed by younger and younger felons. We have had precious lives snuffed out by misguided young people who think death is preferred to life. That hatred is preferred to love, that committing crimes on their peers is preferred to learning the lesson of compassion, of courage, and of right and wrong. The lessons that Dr. King taught us, of nonviolence, tolerance, understanding and

accepting and appreciating the differences in people.

You see, the spirit evoked by this Prince of Peace is timeless and we must embrace this spirit and teach our children to be in the spirit - because that same spirit today, if we just accept it, it would commit us to practice his philosophy of peace. To confront and condemn hate crimes, racism and any form of bigotry, whenever and wherever we find it, not tomorrow, not next year but today, right now.

As Dr. King stated, "The ultimate measure of a person is not where he or she stands in moments of comfort and convenience, but where one stands at times of challenge and controversy."

So colleagues, as we take a few moments to pay tribute to this unique American hero, as we honor his short life, his work and dream, let us start by rededicating ourselves to the principle of peace, equality, love and justice for all.

Let us start the twenty first century by rededicating ourselves to love and respect for each other with a new sense of understanding of our differences. Whether we are called liberals, moderates, conservatives or any other so-called labels, we all know, as the old Native American proverb taught us "that a tear is colorless, raceless, and sexless. When we hurt, we all cry in the same color."

I believe that our children and grandchildren are depending on us to help create a society of freedom, equality and justice for all people, the O'Haras, the Chinns, the Goldbergs, the Martinezes, the Red Clouds and the Joneses. You see our children are depending on us to honor Dr. King's dream, his dream of a new beginning for humankind, the birth of a world free from prejudice, a world truly working for peace and justice.

As I bring my remarks to a close, I beg of us. In the words of Dr. King. I quote:

"Now let us begin. Now let us rededicate ourselves to the long and bitter - but beautiful - struggle for a new world. This is the calling of the children of God, and our children are waiting our response. Let us not tell them that the struggle is too hard and the odds are too great. The choice is ours, and though we might prefer it otherwise, we must choose in this crucial time of human history."

Colleagues, let's help make this dream a reality by using this day, his birthday, to recommit ourselves to truly working for peace, understanding and justice of all.

Let us live the dream and always carry the spirit in our hearts. After all the future depends on it.

Thank you and God bless.

On motion of Senator Chlouber, 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 Anderson, the following Governor's appointment was confirmed by a roll call vote:

FINANCIAL SERVICES BOARD

effective July 1, 1999, for a term expiring July 1, 2003:

David E. Maus of Englewood, Colorado, to serve as an executive officer of a state credit union, and as a Republican, reappointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	E	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	E	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	E
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

On motion of Senator Epps, the following Governor’s appointment was confirmed by a roll call vote:

CHIEF MEDICAL OFFICER

effective July 1, 1999, for a term expiring at the pleasure of the Governor:

Richard E. Hoffman, M.D. of Denver, Colorado, appointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	E	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	E	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	E
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

On motion of Senator Epps, the following Governor’s appointment was confirmed by a roll call vote:

STATEWIDE POISON CONTROL
OVERSIGHT BOARD

for terms expiring July 1, 2002:

Billie J. Klaus of Lafayette, Colorado, to serve as a public member representing the Second Congressional District, and as a Democrat, reappointed;

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Evans	Y	Musgrave	E	Tanner	Y
Andrews	Y	Feeley	Y	Nichol	Y	Tebedo	Y
Arnold	Y	Hernandez	Y	Owen	Y	Teck	Y
Blickensderfer	E	Hillman	Y	Pascoe	Y	Thiebaut	Y
Chlouber	Y	Lacy	E	Perlmutter	Y	Wattenberg	Y
Congrove	Y	Lamborn	Y	Phillips	Y	Weddig	Y
Dennis	Y	Linkhart	Y	Reeves	Y	Wham	E
Dyer	Y	Martinez	Y	Rupert	Y	Mr. President	Y
Epps	Y	Matsunaka	Y	Sullivant	Y		

THIRD READING OF BILL--FINAL PASSAGE

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB 00-017 by Sen. Blickensderfer; Rep. May--Auto Dealers Off-site Books & Records

Laid over until Tuesday, January 18, retaining its place on the calendar.

Committee of the Whole On motion of Senator Andrews, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Andrews 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:

SB 00-023 by Sen. Anderson; Rep. Hoppe--Hazard Substance Incident Reimbursement

Amendment No. 1, Transportation Committee Amendment
(Printed in Senate Journal, January 12, page 89.)

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

SB 00-029 by Sen. Hillman; Rep. Young--Nuisance Suits Against Ag Operations

Laid over until Tuesday, January 18, retaining its place on the calendar.

SB 00-033 by Sen. Dennis--Safe Drinking Water Act Exemptions

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

SB 00-055 by Sen. Wattenberg; Rep. Smith--Local Mineral Impact Fund

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

SB 00-064 by Sen. Arnold; Rep. Spence--Extending The Student Loan Enterprise

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

SB 00-003 by Sen. Perlmutter; Rep. Smith--Property Exempt In Debt Collect Actions

Amendment No. 1, Finance Committee Amendment
(Printed in Senate Journal, January 13, page 95.)

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

SB 00-066 by Sen. Teck; Rep. Larson--Employee Leasing Company Liens

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

SB 00-035 by Sen. Owen; Rep. T. Williams--Insurance Company Investment Plans

Amendment No. 1, Business Affairs and Labor Committee Amendment
(Printed in Senate Journal, January 13, page 95.)

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

SB 00-069 by Sen. Chlouber; Rep. Tool--Payment To Families Upon Employee Death

Amendment No. 1, Business Affairs and Labor Committee Amendment
(Printed in Senate Journal, January 13, page 95.)

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

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

SB00-33; SB00-55; SB00-64 and SB00-66 declared passed on Second Reading.
SB00-23, as amended; SB00-03, as amended; SB00-35, as amended; SB00-69, as amended, declared passed on Second Reading.
SB00-29 laid over until Tuesday, January 18, retaining its place on the calendar.

On motion of Senator Chlouber, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of Monday, January 17, was laid over until Tuesday, January 18, retaining its place on the calendar.

Senate in recess.

Senate reconvened.

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB 00-3, 23, 33, 35, 55, 64, 66, 69.
Correctly enrolled: SR 00-5.

MESSAGE FROM THE HOUSE

January 17, 2000
Mr. President:
The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1005, 1006, 1017, 1022, and 1073.
The House has passed on Third Reading and transmitted to the Revisor of Statutes HB00-1045, amended as printed in House Journal, January 13, page 76.
HB00-1122, amended as printed in House Journal, January 11, page 57.

MESSAGE FROM THE REVISOR

January 17, 2000
To: Senate
Message From Revisor of Statutes
We herewith transmit:
without comment, HB00-1005, 1006, 1017, 1018, 1022, 1073
without comment, as amended, HB00-1045, 1122

INTRODUCTION OF BILL--FIRST READING

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

SB00-125

by Senators Owen, Lacy and Tanner; also Representatives Tool, Saliman and Berry--
Concerning implementation of the national instant criminal background check system with the Colorado bureau of investigation serving as the state point of contact, and making an appropriation therefor.
Judiciary
Appropriations

MESSAGES FROM THE GOVERNOR

Appoint-
ments

Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

December 21, 1999

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:

COLORADO STUDENT OBLIGATION BOND
AUTHORITY BOARD OF DIRECTORS

for a term expiring June 30, 2000:

F. Robert Lee of Littleton, Colorado, to serve as a Republican and to replace Debra DeMuth of Denver who resigned, appointed.

Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 1/10/00
P. Dicks, Secretary

Committee on Education

January 7, 2000

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:

COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for a term expiring October 1, 2002:

Steven C. Harris of Durango, Colorado, to serve as a representative from the San Miguel Dolores-San Juan Drainage Basin and to represent engineering aspects of water, and as a Democrat, after resignation of his current position due to a change of representation, appointed.

Sincerely,
(Signed)
Bill Owens

Governor
Rec'd 1/11/00
P. Dicks, Secretary

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Committee on Agriculture, Natural Resources, and Energy

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January 7, 2000

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To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:

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I, Bill Owens, Governor of the State of Colorado, under the authority vested in me under
the Constitution and laws of the State of Colorado, do hereby withdraw the nomination of
the following named effective January 7, 2000:

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COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

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Robert Carlstrom of Walden, Colorado, to serve as a representative from the North Platte
Drainage Basin and to represent planning and development, and as a Republican,
withdrawn.

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Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 1/11/00
P. Dicks, Secretary

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January 7, 2000

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To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:

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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:

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COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

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for term expiring October 1, 2003:

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Robert Carlstrom of Walden, Colorado, to serve as a representative from the North Platte
Drainage Basin, and as a Republican.

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Sincerely,
(Signed)
Bill Owens
Governor
Rec'd 1/11/00
P. Dicks, Secretary

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Committee on Agriculture, Natural Resources, and Energy

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On motion of Senator Chlouber, the Senate adjourned until 9:00 a.m., Tuesday,
January 18, 2000.

Approved:

Ray Powers
President of the Senate

Attest:

Patricia K. Dicks
Secretary of the Senate

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