

Twenty-ninth Legislative Day Wednesday, February 7, 2001

Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church.
Call to Order	By the President at 9:00 a.m.
Roll Call	Present--Total, 31. Absent/Excused--Evans, Gordon, Phillips, Tupa--Total 4. Present later--Evans, Gordon, Phillips, Tupa.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Gordon, reading of the Journal of Tuesday, February 6, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

Senate Services	Correctly printed: SB01-200.
	Correctly revised HJR01-1008.
	Correctly reengrossed: SB01-112, 036, 027, 090, 055, 111, 025, 103, 076, 117.
	Correctly rerevised: HB01-1203, 1020.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders—Second Reading of Bills calendar (**SB01-001, SB01-003, SB01-118, SB01-022, SB01-034, SB01-079, SB01-121, SB01-043, SB01-101, SB01-101, SB01-048, SB01-107, SB01-102**) of Wednesday, February 7, 2001, was laid over until Thursday, February 8, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions calendar (**SJR01-004, SJR01-005**) of Wednesday, February 7, 2001, was laid over until Thursday, February 8, 2001, retaining its place on the calendar.

On motion of Senator Thiebaut, 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 Appointments.

On motion of Senator Nichol, the following Governor's appointments were confirmed by roll call vote:

For a term expiring September 1, 2003:

Leo J. Johnson of Littleton, Colorado, to serve as a representative of a special district and a Republican, appointed;

John M. Bramble of Brighton, Colorado, to serve as a municipal employer representative and as an Unaffiliated, appointed;

For terms expiring September 1, 2004:

L. Kristine Gardner of Glenwood Springs, Colorado, to serve as a representative of the state

financial community with experience in investments and as a Republican, appointed,  
Edward Lujan, Jr. of Littleton, Colorado, to serve as a full-time paid police officer  
representative and as an Unaffiliated, reappointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Evans	E	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having  
voted in the affirmative, the balance of the Governor's Appointments calendar of Wednesday,  
February 7, 2001, was laid over until Thursday, February 8, 2001, retaining its place on the  
calendar.

Senate in Recess--Senate Reconvened.

COMMITTEE OF REFERENCE REPORTS

The committees recommend the following:

- Judiciary
- After consideration on the merits, the committee recommends that **SB01-138** be referred favorably to the Committee of the Whole.
- Agriculture and Natural Resources
- After consideration on the merits, the committee recommends that **SB01-131** 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 9, strike "35-80-106.3 (1)," and substitute "35-80-106.3".  
  
Page 3, after line 9, insert the following:  
  
"(2) An animal shelter and any employee thereof that complies with the ~~five-day~~ THREE-DAY minimum holding period as set forth in subsection (1) of this section or that disposes of a pet animal in accordance with the provisions of subsection (1) of this section for owner-surrendered animals, abandoned animals, or suffering animals shall be immune from liability in a civil action brought by the owner of a pet animal for the shelter's disposition of a pet animal.  
  
(3) Nothing in this section shall preclude a town, city, city and county, or county from adopting, maintaining, or enforcing an ordinance that exceeds the ~~five-day~~ THREE-DAY minimum holding period as set forth in subsection (1) of this section. Nothing in this section shall preclude a licensed animal shelter, whether public or private, from adopting, maintaining, or following a policy that exceeds the ~~five-day~~ THREE -DAY minimum holding period as set forth in subsection (1) of this section.  
  
**SECTION 3.** 35-80-109 (2) (a), Colorado Revised Statutes, is amended to read:  
  
**35-80-109. Powers and duties of the commissioner.** (2) The commissioner is authorized to adopt all reasonable rules and regulations for the administration and enforcement of this article, including, but not limited to:  
  
(a) Minimum standards of physical facility, sanitation, ventilation, heating, cooling, humidity, spatial and enclosure

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requirements, nutrition, humane care, medical treatment, and method of operation, including the minimum holding period for and disposition of stray or abandoned pet animals that are, in the opinion of the commissioner, necessary to carry out the provisions of this article; EXCEPT THAT EACH HOLDING PERIOD MAY BE AT LEAST THREE DAYS PURSUANT TO SECTION 35-80-106.3 (1);".

Renumber succeeding section accordingly.

Agriculture  
and Natural  
Resources

After consideration on the merits, the committee recommends that **HB01-1082** be referred favorably to the Committee of the Whole.

Agriculture  
and Natural  
Resources

After consideration on the merits, the committee recommends that **SB01-057** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

" **SECTION 1.** 33-1-112.5 (1), (2) (a), (6), (7), and (8), Colorado Revised Statutes, are amended, and the said 33-1-112.5 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**33-1-112.5. Search and rescue fund - transfer of duties.**  
(1) There is hereby created in the state treasury a search and rescue fund. Such fund is established to assist any agency or political subdivision of the state of Colorado for costs incurred in search and rescue activities involving persons holding hunting or fishing licenses, vessel, snowmobile, or off-highway vehicle registrations, or a ~~hiking certificate issued pursuant to section 33-4-118~~ COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD. Reimbursable costs are limited to actual operational expenses. ~~Such expenses shall include related training and equipment such as private and nonprivate helicopter service, but shall not include self-propelled motor vehicles which are designed primarily for travel on the public highways.~~ Reimbursable costs shall not include salaries paid to persons permanently employed by the agency or political subdivision.

(2) (a) A surcharge of twenty-five cents shall be assessed on each hunting and each fishing license listed in section 33-4-102 (1), (1.4), and (1.5) ~~which~~ THAT is sold by the division or one of its license agents pursuant to section 33-4-101. ~~and on each hiking certificate which is sold by the division pursuant to section 33-4-118 (1).~~ Receipts and interest from the surcharge shall be deposited in the search and rescue fund created in subsection (1) of this section.

(c) (I) THE DEPARTMENT OF LOCAL AFFAIRS SHALL MAKE A COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD AVAILABLE TO THE PUBLIC IN ACCORDANCE WITH THIS PARAGRAPH (c) TO BACKPACKERS, HIKERS, MOUNTAIN AND TRAIL BIKERS, CROSS COUNTRY SKIERS, AND OTHER PERSONS WHO USE THE COLORADO BACK COUNTRY FOR RECREATION. THE DEPARTMENT OF LOCAL AFFAIRS SHALL ESTABLISH PROCEDURES FOR THE LICENSING OF VENDORS WHO SELL THE OUTDOOR RECREATION SEARCH AND RESCUE CARD, THE PRINTING OF SUCH CARDS, AND THE DISTRIBUTION OF SUCH CARDS TO VENDORS FOR SALE TO THE PUBLIC.

(II) THE COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD SHALL COST THREE DOLLARS AND SHALL BE VALID FOR ONE YEAR FROM THE DATE OF PURCHASE. THE DEPARTMENT SHALL CHARGE VENDORS TWO DOLLARS FOR EACH COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD, WHICH SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE AMOUNT TO THE SEARCH AND RESCUE FUND CREATED IN SUBSECTION (1) OF THIS SECTION. THE REMAINING DOLLAR SHALL BE RETAINED BY THE VENDOR AS THE VENDOR'S FEE.

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(III) THE DEPARTMENT MAY ISSUE A MULTI-YEAR COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD THAT SHALL BE VALID FOR A PERIOD NOT TO EXCEED FIVE YEARS. SUCH MULTI-YEAR CARD MAY BE OFFERED AT A REDUCED RATE TO VENDORS WITH A REDUCED VENDOR FEE TO REFLECT ADMINISTRATIVE COST SAVINGS AND OTHER CONSIDERATIONS.

(6) At the close of any fiscal year, all of the moneys remaining in the search and rescue fund and appropriated for search and rescue expenses, after all approved claims and administrative costs have been paid, shall be divided among those counties ~~which~~ THAT have applied to the department of local affairs for year-end grants OR REIMBURSEMENTS from the search and rescue fund. The department of local affairs shall divide such moneys among the counties, first making payment for uncompensated searches and rescues of parents, siblings, spouses, children, or grandchildren of persons holding hunting or fishing licenses, vessel, snowmobile, or off-highway vehicle registrations, or ~~a hiking certificate issued pursuant to section 33-4-118;~~ THE OWNER OF A COLORADO OUTDOOR RECREATION SEARCH AND RESCUE CARD AND second making payment for search and rescue-related training and equipment, ~~which shall include private and nonprivate helicopter service, but not self-propelled motor vehicles which are designed primarily for travel on the public highways, and third making payment for ANY other~~ uncompensated searches. The department of local affairs shall establish rules OPERATING PROCEDURES for applying for year-end grants OR REIMBURSEMENTS from the moneys remaining in the search and rescue fund.

(7) ~~All rules and orders of the wildlife commission adopted before July 1, 1995, in connection with the powers, duties, and functions transferred to the department of local affairs pursuant to this section shall continue to be effective until revised, amended, repealed, or nullified pursuant to law and shall be enforced by the department of local affairs. On and after July 1, 1995, the department of local affairs shall adopt rules as required by this section. Until rules are so adopted:~~

(a) ~~References to the division of wildlife or the wildlife commission in any existing rules and orders shall be deemed to apply to the department of local affairs; and~~

(b) ~~The membership on the search and rescue advisory board shall remain unchanged; except that the director of the department of local affairs shall appoint the following to the advisory board:~~

- (I) ~~A representative of the department of local affairs; and~~
- (II) ~~A representative of an organization that promotes the interests of backpackers, hikers, mountain bike riders, or cross-country skiers.~~

(8) ~~On July 1, 1995, all items of property, including office furniture and fixtures, books, documents, and records of the division of wildlife and the wildlife commission relating to the duties and functions transferred to the department of local affairs pursuant to this section are transferred to and shall become the property of the department of local affairs.~~

**SECTION 2. Repeal.** 33-4-118, Colorado Revised Statutes, is repealed as follows:

**33-4-118. Hiking certificates.** (1) ~~The division shall make a hiking certificate available to backpackers, hikers, mountain and trail bikers, and cross country skiers, in accordance with the provisions of this section. Persons who engage in the stated activities are not required to purchase the certificate but may do so, at their option.~~

(2) ~~The hiking certificate shall cost seventy-five cents plus the twenty-five-cent surcharge authorized in section 33-1-112.5, for a total cost of one dollar, and shall be valid for one year from the date of purchase. The division is also authorized to issue a multi-year hiking certificate which shall be valid for a period not to exceed five years. Such multi-year certificate may be offered at a reduced rate to reflect~~

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~~administrative cost savings. The amount the division collects from the sale of hiking certificates shall be transmitted to the state treasurer who shall credit such amount as follows:~~

~~(a) The twenty-five-cent surcharge on each certificate the division collects shall be credited to the search and rescue fund, created in section 33-1-112.5;~~

~~(b) An amount to be determined by the division shall be credited to the wildlife cash fund, created in section 33-1-112, to help defray the administrative costs associated with the establishment of the certificate process; and~~

~~(c) The balance shall be credited to the nongame and endangered wildlife cash fund, created in section 39-22-703, C.R.S., for the purposes specified in section 39-22-703 (2), C.R.S.~~

**SECTION 3. Effective date.** This act shall take effect July 1, 2001.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

**MESSAGE FROM THE HOUSE**

February 7, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1073.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1062, amended as printed in House Journal, February 6, page 299. HB01-1088, amended as printed in House Journal, February 6, page 299.

**MESSAGE FROM THE REVISOR**

We herewith transmit:

without comment, HB01-1073;  
without comment, as amended, HB01-1062 and 1088.

**MESSAGE FROM THE GOVERNOR**

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

January 11, 2001

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:

**MEMBERS OF THE  
COLORADO AERONAUTICAL BOARD**

for terms expiring December 19, 2003:

Jeffrey Charles Price of Westminster, Colorado, to serve as a representative of a local

government that operates an airport from the eastern slope, appointed;

Joe Michael Keck of Cortez, Colorado, to serve as a representative of a local government that operates an airport from the western slope, appointed;

Dale K. Hall of Greeley, Colorado, to serve as a representative of a local government that operates an airport from the eastern slope, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/24/01  
K. Goldman, Secretary

Committee on Government, Veterans and Military Relations, and Transportation.

January 24, 2001

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:

MEMBERS OF THE  
STATE BOARD OF AGRICULTURE

for terms expiring January 20, 2005:

Patrick A. Grant of Englewood, Colorado, appointed;

Paula E. Sandoval of Denver, Colorado, appointed;

Reginald Louis Washington, M.D. of Castle Rock, Colorado, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/26/01  
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.  
Committee on Education.

January 11, 2001

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:

MEMBERS OF THE  
HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2003:

Brenda Kaye Marriott of Arvada, Colorado, to serve as a representative of the regulated community and as a Republican, reappointed;

Ann C. Umphres of Golden, Colorado, to serve as a representative of the public at large and as a Democrat, reappointed;

Lauren Elizabeth Evans of Lakewood, Colorado, to serve as a representative of the public at large and as a Republican, reappointed;

Dr. John W. Daily of Boulder, Colorado, to serve as a representative of the academic community and as an Unaffiliated, reappointed;

Len Kay Wilson of Denver, Colorado, to serve as a representative of government and as a Republican, reappointed;

Toby Dwayne Cummings of Grand Junction, Colorado, to serve as a representative of the regulated community and as a Republican, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/26/01  
K. Goldman, Secretary

Committee on Government, Veterans and Military Relations, and Transportation.

December 21, 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:

MEMBERS OF THE  
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2003:

Mary A. Schaefer of Grand Junction, Colorado, to serve as a representative of business, appointed;

Dr. Donald E. Cook of Greeley, Colorado, to serve as a representative of medicine, appointed;

Adoree L. Blair of Littleton, Colorado, to serve as a representative of the mental health field, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/12/01  
H. Horvath, Asst. to the Secretary

Committee on Health, Environment, Children and Families.

January 11, 2001

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:

MEMBERS OF THE  
BOARD OF DIRECTORS OF THE COLORADO COMPENSATION  
INSURANCE AUTHORITY

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for a term expiring January 1, 2002:

Diedra A. Garcia of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Roberto E. Zendejas, and to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, appointed;

for terms expiring January 1, 2006:

Glen L. Schelhaas of Longmont, Colorado, to serve as an employee of an employer whose liability is insured by the Colorado Compensation Insurance Authority, reappointed;

James E. Scholl of Holyoke, Colorado, to serve as an employer whose liability is insured by the Colorado Compensation Insurance Authority, appointed.

Sincerely,  
(Signed)  
Bill Owens  
Governor

Rec'd 1/24/01  
K. Goldman, Secretary

Committee on Business, Labor and Finance.

December 21, 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:

MEMBERS OF THE  
WORKERS' COMPENSATION COST  
CONTAINMENT BOARD

for terms expiring December 13, 2003:

Linda L. Reno of Eastlake, Colorado, to serve as an employer who has demonstrated good risk management experience with respect to their workers compensation insurance, appointed;

Jerry L. Mosley of Golden, Colorado, to serve as an employer who has demonstrated good risk management experience with respect to their workers' compensation insurance, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/8/01  
K. Goldman, Secretary

Committee on Business, Labor and Finance.

January 11, 2001

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:



MEMBERS OF THE  
COLORADO WATER RESOURCES  
AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2004:

Sara Duncan of Denver, Colorado, to serve as a member from the City and County of Denver familiar with its water problems and as a member experienced in water law and as a Democrat, reappointed;

Louis Rinaldo of Sterling, Colorado, to serve as a member from the South Platte Drainage Basin outside the City and County of Denver and as a member experienced in water project financing and as a Democrat, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 1/24/01  
K. Goldman, Secretary

Committee on Agriculture and Natural Resources.

INTRODUCTION OF BILLS--FIRST READING

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

**HB01-1062** by Representative Larson; also Senator Dyer (Durango)--Concerning the payment of compensation by an oil and gas operator to a surface owner for surface damages arising from drilling operations.  
Agriculture and Natural Resources

**HB01-1073** by Representative Veiga; also Senator Tupa--Concerning an increase in compensation for members of the board of directors of the regional transportation district to twelve thousand dollars per annum.  
Government, Veterans and Military Relations, and Transportation

**HB01-1088** by Representative Rippy; also Senator Dyer (Durango)--Concerning notifications regarding severed mineral rights.  
Agriculture and Natural Resources

TRIBUTE-- POINT OF INTEREST

Honoring Carroll D. Beach by Senator Perlmutter

On motion of Senator Thiebaut, the Senate adjourned until 9:00 a.m., Thursday, February 8, 2001.

Approved:

Stan Matsunaka  
President of the Senate

Attest:

Karen Goldman  
Secretary of the Senate