

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

Eighty-third Legislative Day Monday, April 2, 2001

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

Roll Call Present--Total, 27.
Absent/Excused-- Fitz-Gerald, McElhany, Musgrave, Pascoe, Takis, Teck, Thiebaut, Matsunaka--Total 8.
Vacant--Total 1.
Present later--Fitz-Gerald, McElhany, Pascoe, Takis

Quorum The President Pro-tem announced a quorum present.

Reading of Journal On motion of Senator Tupa, reading of the Journal of Friday, March 30, 2001, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Phillips, 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.

CONSIDERATION OF RESOLUTIONS

HJR01-1013 by Representatives Rippy, Berry, Kester, Sinclair, Smith and White; also Senator Taylor-- Concerning the designation of the bridge on state highway 133 crossing the Roaring Fork River in Carbondale, Colorado, as the "Veterans' Memorial Bridge".

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

YES	30	NO	0	EXCUSED	4	ABSENT	1
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	E	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	E
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	E
Vacant	A	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	E
Epps	Y	Linkhart	Y	Reeves	Y		

Co-sponsors added: The morning roll call of the Senate.

Senate in Recess--Senate Reconvened.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB01-212.

Correctly rerevised: HB01-1114, 1319, 1364.

Correctly reengrossed: SB01-109, 127.

COMMITTEE OF REFERENCE REPORTS

The committee recommends the following:

Government, Veterans and Military Relations, and Transportation The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed.

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;

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.

Government,
Veterans and
Military
Relations, and
Transportation

After consideration on the merits, the committee recommends that **HB01-1237** be postponed indefinitely.

MESSAGE FROM THE HOUSE

March 30, 2001

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1370.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB01-1170, amended as printed in House Journal, March 29, pages 978-980.

The House has passed on Third Reading and returns herewith SB01-040.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-027, amended as printed in House Journal, March 29, pages 980-981.
SB01-158, amended as printed in House Journal, March 29, page 981.
SB01-150, amended as printed in House Journal, March 29, page 982.
SB01-080, amended as printed in House Journal, March 29, page 983 and 990.
SB01-118, amended as printed in House Journal, March 29, page 983.
SB01-104, amended as printed in House Journal, March 29, page 984.
SB01-178, amended as printed in House Journal, March 29, pages 984-989.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB01-131, amended as printed in House Journal, March 29, page 982, and amended on Third Reading as printed in House Journal, March 30.

March 30, 2001

Mr. President:

The House has voted to concur in the Senate amendments to HB01-1011,1288,1325, 1224, 1275, 1166, 1287, 1256, 1308 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB01-1187, and requests that a conference committee be appointed. The Speaker has appointed Representatives Hefley, chairman Snook, and Miller as House conferees on the First Conference Committee on HB01-1187. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB01-1292, and requests that a conference committee be appointed. The Speaker has appointed Representatives Hefley, chairman, S. Williams, and Lee as House conferees on the First Conference Committee on HB01-1292. The bill is transmitted herewith.

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MESSAGE FROM THE REVISOR

We herewith transmit:

without comment, HB01-1370; and without comment, as amended, HB01-1170 and SB01-027, 158, 150, 131, 080, 118, 104, and 178.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

SB01-093

by Senator Chlouber; also Representative Larson--Concerning the creation of the Colorado telemarketing no-call list for residential telephone subscribers who wish to avoid all unwanted commercial telephone solicitation.

Laid over until Tuesday, April 3, 2001, retaining its place on the calendar.

On motion of Senator Phillips, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Governor's Appointments Calendar of Monday, April 2, 2001, was laid over until Tuesday, April 3, 2001, retaining its place on the Calendar.

- Colorado Tourism Office
Colorado School of Mines, Board of Trustees
State Housing Board
Board of Directors of the Colorado Compensation Insurance Authority
Securities Board
Special Funds Board for Workers' Compensation Self Insurers
Colorado Limited Gaming Control Commission
Wildlife Commission
Colorado Children's Trust Fund Board

MESSAGE FROM THE GOVERNOR

March 29, 2001

To the Honorable Senate Sixty-third General Assembly First Regular Session Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

S.B. 01-036 - Concerning The Addition Of The Authority Of Certain Local Governments To Form Local Improvement Districts To Provide For The Conversion Of Existing Overhead Electric Transmission Facilities To Underground Locations.

Approved March 29, 2001 at 2:20 p.m.

S.B. 01-038 - Concerning The Authority Of Counties To Adopt Subdivision Regulations That Entitle Subdividers To Fair-share Reimbursement Of The Cost Of Improvements From Owners Of Property That Benefits From The Improvements.

Approved March 29, 2001 at 2:21 p.m.

S.B.01-155 - Concerning The Use Of The Sales And Use Tax Revenues Of A Local Government Pledged To A Capital Improvement Fund.

Approved March 29, 2001 at 2:23 p.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/30/01
H. Horvath, Assist. to the Secretary

March 30, 2001

To the Honorable
Senate
Sixty-third General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B. 01-172 - Concerning The Regulation Of Electricians By The State Electrical Board.

Approved March 30, 2001 at 3:17 p.m.

Sincerely,

(signed)
Bill Owens
Governor

Rec'd: 3/30/01
K. Goldman, Secretary

March 30, 2001

The Honorable Colorado State Senate
Sixty-third General Assembly
First Regular Session
Denver, Colorado 80203

Ladies and Gentlemen:

I am returning to you Senate Bill 01-043, "Concerning the Continuation of the Sunset Date for the Passenger Tramway Safety Board in the Division of Registrations," which I vetoed today at 3:22 p.m. This letter sets forth my reasons for vetoing this bill.

Senate Bill 01-043 re-authorizes the Passenger Tramway Safety board until 2008. The bill, however, is unnecessary. On March 23, 2001, I signed Senate Bill 01-201 which also re-authorizes the Passenger Tramway Safety board until 2008 while making, some, but not all, of the changes recommended by the Department of Regulatory Agencies' (DORA) sunset review report.

The present system – where DORA undertakes expensive and extensive review of regulations only to have them ignored by the General Assembly – is a waste of time and resources. Therefore, I would respectfully suggest that the General Assembly recognize this fact by altering the sunset review process and transfer the authority to conduct these reviews back to the legislature. While the General Assembly might then choose to ignore its own recommendations as well, the citizens of Colorado will not be forced to waste executive branch resources on such reports.

The safety of Colorado's citizens is of utmost importance to my administration. DORA's recommendations in the sunset review served to enhance public safety and protect both Colorado residents and tourists visiting Colorado's ski and snowboard facilities, unfortunately SB 01-043 did not take into account those recommendations.

Accordingly, I have vetoed this bill.

Sincerely,

(signed)
Bill Owens

Rec'd: 3/30/01
K. Goldman, Secretary

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB01-1008, 1217, 1254, 1283, 1297, 1321, 1340.**

TRIBUTES--A POINT OF INTEREST

Honoring Kris Ducey by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Scott Law by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Zach Bockman by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Danny Medina by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Chad Borgstedt by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Brad Baker by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Ryan Daberkow by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Danny Zufall by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Jason Fearheileg by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Ryan Goddard by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Brody Lockett by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Daric Wilhite by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Tony Medina by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Tim Zufall by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Kameron Wilhite by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Brent West by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Leanne Carabelos by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Greg Goddard by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Chuck Blagg by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring D. J. Johnson by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Gary Pryor by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

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Honoring Dave Lockett by Senators Thiebaut and Dennis,
and Representatives Tapia, Lawrence and Spradley

Honoring Johnnie Fant by Senator Lamborn

On motion of Senator Phillips, the Senate adjourned until 9:00 a.m., Tuesday, April 3,
2001.

Approved:

Ed Perlmutter
President Pro-tem of the Senate

Attest:

Karen Goldman
Secretary of the Senate

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