

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Fifty-second Legislative Day

Friday, February 28, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Speaker Spradley.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Sanchez, Stafford--2.

11 Present after roll call--Representative Stafford.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Lundberg, the reading of the journal of
17 February 27, 2003, was declared dispensed with and approved as
18 corrected by the Chief Clerk.

19

20

REPORTS OF COMMITTEES OF REFERENCE

21

BUSINESS AFFAIRS & LABOR

22
23 After consideration on the merits, the Committee recommends the
24 following:

25

26
27 **SB03-143** be referred favorably to the Committee on Appropriations.

28

29

30

31

TRANSPORTATION & ENERGY

32
33 After consideration on the merits, the Committee recommends the
34 following:

35

36 **HB03-1313** be amended as follows, and as so amended, be referred to
37 the Committee of the Whole with favorable
38 recommendation:

39

40 Amend printed bill, page 3, line 10, strike "(a)," and substitute "(d),".

41

42

43 **SB03-052** be referred to the Committee of the Whole with favorable
44 recommendation.

1 **SB03-066** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend reengrossed bill, page 2, strike lines 20 through 22 and substitute
 6 the following:
 7

8 "SECTION 2. 25-7-135, Colorado Revised Statutes, is amended
 9 to read:
 10

11 **25-7-135. Ozone protection fund created.** (1) There is hereby
 12 created in the state treasury an ozone protection fund, which shall consist
 13 of all fees collected pursuant to subsection (2) of this section. Any
 14 moneys in such fund shall be appropriated annually by the general
 15 assembly to the department of public health and environment to cover the
 16 direct and indirect costs of adopting, implementing, and enforcing
 17 regulations promulgated in accordance with section 25-7-105 (11). In
 18 accordance with section 24-36-114, C.R.S., all interest derived from the
 19 deposit and investment of moneys in the fund shall be credited to the
 20 general fund. Any moneys not appropriated by the general assembly
 21 shall remain in the ozone protection fund and shall not be transferred or
 22 revert to the general fund of the state at the end of any fiscal year."
 23
 24
 25

26 **SJR03-012** be referred out for final action.
 27

PRINTING REPORT

31 The Chief Clerk reports the following bills have been correctly printed:
 32 **HB03-1323, 1324, 1325.**
 33

35 House in recess. House reconvened.
 36
 37

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

42 After consideration on the merits, the Committee recommends the
 43 following:
 44

45 **SB03-143** be amended as follows, and as so amended, be referred to
 46 the Committee of the Whole with favorable
 47 recommendation:
 48

49 Amend reengrossed bill, page 3, after line 20, insert the following:
 50

51 "SECTION 2. Part IV (4) of section 2 of chapter 399, Session
 52 Laws of Colorado 2002, as amended by Senate Bill 03-202 enacted at the
 53 First Regular Session of the Sixty-fourth General Assembly, is amended
 54 to read:
 55

56 Section 2. **Appropriation.**

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2							
3							
4							
5	Administration	374,519	359,730			14,789(T) ^a	
6			(6.0 FTE)				
7	Vehicle Lease Payments	7,384	7,384				
8	Leased Space	231,540	231,540				
9	Business Development	786,183	771,183		15,000 ^b		
10			(9.5 FTE)				
11	Grand Junction Satellite Office	60,497	60,497				
12			(1.0 FTE)				
13	Minority Business Office	156,599	151,649		4,950 ^c		
14			(3.0 FTE)				
15	Small Business Assistance	309,484	250,002		24,470 ^b		35,012
16			(4.0 FTE)				
17	Leading Edge Program Grants	126,407	50,976			75,431 ^d	
18	Small Business Development						
19	Centers	1,103,040	59,888				1,043,152
20			(1.0 FTE)				(2.0 FTE)
21	International Trade Office ³¹	844,760	794,760		50,000 ^b		
22			(7.7 FTE)				

PART IV

GOVERNOR - LIEUTENANT GOVERNOR - STATE PLANNING AND BUDGETING

4 (4) ECONOMIC DEVELOPMENT PROGRAMS^{25, 30b}

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Agriculture Marketing	2,601,731		2,601,731 ^e				
2 Motion Picture and Television							
3 Commission Program Costs	197,467		197,467				
4			(4.5 FTE)				
5			(1.5 FTE)				
6 Colorado Promotion -							
7 Colorado Welcome Centers	479,223		383,810			95,413 ^f	
8			(3.3 FTE)				
9 Colorado Promotion - Other							
10 Program Costs	5,310,129		5,260,129			50,000 ^g	
11			(3.0 FTE)				
12 Production and Distribution of State							
13 Highway Maps	90,000		\$90,000				
14 (Governor lined through this provision. See L. 2002, p. 3041. The affected subtotals, totals, and grand totals have been adjusted to reflect the Governor's							
15 action.)							
16 Colorado Travel and Tourism							
17 Additional Source Fund ^{31a}	10,000,000		10,000,000				
18 Economic Development							
19 Commission - General Economic							
20 Incentives and Marketing ³²	5,170,604		5,170,604				
21			(2.0 FTE)				
22 Colorado First Customized Job							
23 Training	2,725,022		2,725,022				

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1 Existing Industry Training	1,069,409		1,069,409				
2 CAPCO Administration	74,498					74,498	
3	<u> </u>					(1.0 FTE)	
4		31,628,496					

6 ^a This amount shall be from indirect cost recoveries.

7 ^b These amounts shall be from various fees collected.

8 ^c This amount shall be from the Minority Business Fund pursuant to Section 24-49.5-104, C.R.S.

9 ^d This amount shall be from grants and donations.

10 ^e This amount shall be transferred to the Department of Agriculture and is shown here for informational purposes only.

11 ^f This amount shall be from reserves in the Colorado Tourism Promotion Fund pursuant to Section 24-49.7-106, C.R.S.

12 ^g This amount shall be from grants, donations and reserves in the Colorado Tourism Promotion Fund pursuant to Section 24-49.7-106, C.R.S.

13 ^h This amount shall be from the Division of Insurance Cash Fund pursuant to Section 24-48.5-406 (3), C.R.S."

14 Renumber succeeding section accordingly.

15

1 **EDUCATION**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **SJR03-024** be referred out for final action.
6
7
8
9

10 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

11
12 **HB03-1018** by Representative(s) Miller; also Senator(s) Chlouber--
13 Concerning the statutory limitation on bonded
14 indebtedness that may be issued by county governments.
15

16 (Amended as printed in Senate Journal, February 21, page 451.)
17

18 Representative Miller moved that the House **concur** in Senate amend-
19 ments. The motion was declared **passed** by the following roll call vote:
20

21	YES	61	NO	03	EXCUSED	01	ABSENT	00
22	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
23	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
24	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
25	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
26	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
27	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
28	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
29	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
30	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
31	Cloer	N	King	Y	Rhodes	Y	Weissmann	Y
32	Coleman	Y	Larson	Y	Rippy	Y	White	Y
33	Crane	Y	Lee	N	Romanoff	Y	Wiens	Y
34	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
35	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
36	Frangas	Y	Marshall	Y	Sanchez	E	Witwer	Y
37	Fritz	Y	May	Y	Schultheis	Y	Young	Y
38							Speaker	Y

39
40 The question being, "Shall the bill, as amended, pass?"

41 A roll call vote was taken. As shown by the following recorded vote, a
42 majority of those elected to the House voted in the affirmative, and the
43 bill, as amended, was declared **repassed**.
44

45	YES	57	NO	07	EXCUSED	01	ABSENT	00
46	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
47	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
48	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
49	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
50	Brophy	Y	Hodge	Y	Mitchell	N	Stengel	Y
51	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
52	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
53	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
54	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
55	Cloer	N	King	Y	Rhodes	N	Weissmann	Y
56	Coleman	Y	Larson	Y	Rippy	Y	White	Y

1	Crane	Y	Lee	N	Romanoff	Y	Wiens	Y
2	Decker	Y	Lundberg	N	Rose	Y	Williams S.	Y
3	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
4	Frangas	Y	Marshall	Y	Sanchez	E	Witwer	Y
5	Fritz	Y	May	Y	Schultheis	N	Young	Y
6							Speaker	Y

7 Co-sponsor added: Representative Weddig.

8
9

10 11 CONSIDERATION OF RESOLUTIONS

12
13 **SJR03-024** by Senator(s) Owen, Teck, Reeves; also Representative(s)
14 Young, Witwer, Plant--Concerning the certification by the
15 general assembly of the amount of state education fund
16 revenues that should be considered available for
17 appropriation for the 2003-04 state fiscal year.

18
19 (Printed and placed in member's file.)

20
21 On motion of Representative King, the rules were suspended and the
22 resolution given immediate consideration.

23
24 On motion of Representative Young, the resolution was **adopted** by **viva**
25 **voce** vote.

26
27 Co-sponsor added: Representative Carroll.

28
29
30 **SJR03-018** by Senator(s) Lamborn, Andrews, Cairns, Evans, Hillman,
31 May, Owen; also Representative(s) Fritz, Lee, Smith--
32 Concerning the deployment of a missile defense system by
33 the United States congressional delegation.

34
35 (Printed and placed in member's file.)

36
37 On motion of Representative Fritz, the resolution was read at length.

38
39 Amendment No. 1, moved by Representatives Judd, Fritz.

40
41 Amend engrossed joint resolution, page 2, line 9, after "all", insert
42 "effective".

43
44 The amendment was declared **passed** by **viva voce** vote.

45
46 On motion of Representative Fritz, the resolution as amended was
47 **adopted** by the following roll call vote:

49	YES	58	NO	06	EXCUSED	01	ABSENT	00
50	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
51	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
52	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
53	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
54	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
55	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
56	Cadman	Y	Jahn	Y	Plant	N	Veiga	Y

1	Carroll	N	Johnson	Y	Pommer	N	Vigil	Y
2	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
3	Cloer	Y	King	Y	Rhodes	Y	Weissmann	N
4	Coleman	Y	Larson	Y	Rippy	Y	White	Y
5	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
6	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
7	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
8	Frangas	Y	Marshall	Y	Sanchez	E	Witwer	Y
9	Fritz	Y	May	Y	Schultheis	Y	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Briggs, Brophy, Cadman, Cloer, Crane,
12 Decker, Fairbank, Harvey, Hefley, Hoppe, King, Lundberg, Miller, Rhodes,
13 Rose, Salazar, Schultheis, Sinclair, Spence, Stafford, Stengel, White,
14 Williams T., Young.

15

16

17 **SJR03-019** by Senator(s) Hillman; also Representative(s) Williams T.
18 --Concerning a request that the Colorado congressional
19 delegation support President Bush's call for legal reform.

20

21 (Printed and placed in member's file.)

22

23 Amendment No. 1, moved by Representative Veiga.

24

25 Amend engrossed joint resolution, page 2, strike lines 20 and 21 and
26 substitute the following:

27

28 "malpractice liability reform legislation."

29

30 The amendment was declared **passed** by **viva voce** vote.

31

32 On motion of Representative Williams T., the resolution as amended was
33 **adopted** by the following roll call vote:

34

35	YES	44	NO	20	EXCUSED	01	ABSENT	00
36	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
38	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
39	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
40	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Paccione	N	Tochtrop	N
42	Cadman	Y	Jahn	N	Plant	N	Veiga	N
43	Carroll	N	Johnson	Y	Pommer	N	Vigil	N
44	Clapp	Y	Judd	N	Ragsdale	N	Weddig	N
45	Cloer	Y	King	Y	Rhodes	Y	Weissmann	N
46	Coleman	Y	Larson	Y	Rippy	Y	White	Y
47	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
48	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
49	Fairbank	Y	Madden	N	Salazar	Y	Williams T.	Y
50	Frangas	N	Marshall	N	Sanchez	E	Witwer	Y
51	Fritz	Y	May	Y	Schultheis	Y	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Brophy, Cadman, Crane, Fairbank, Fritz,
54 Hall, Harvey, Hefley, Hoppe, King, Lee, May, Miller, Rhodes, Schultheis,
55 Spence, Stafford, White, Wiens, Williams S., Speaker.

56

1 **HJR03-1023** by Representative(s) Cloer, Cadman, Decker, Hefley,
 2 King, Schultheis, Sinclair, Spradley, Stafford; also
 3 Senator(s) Lamborn--Concerning the expression of
 4 gratitude and support for the United States Armed Forces
 5 stationed abroad.
 6

7 (Printed and placed in member's file, also printed in House Journal
 8 February 26, pages 939-940.)
 9

10 On motion of Representative Cloer, the resolution was **adopted** by the
 11 following roll call vote:
 12

	YES	64	NO	00	EXCUSED	01	ABSENT	00
14	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
15	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
16	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
17	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
18	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
19	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
20	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
21	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
22	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
23	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
24	Coleman	Y	Larson	Y	Rippy	Y	White	Y
25	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
26	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
27	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
28	Frangas	Y	Marshall	Y	Sanchez	E	Witwer	Y
29	Fritz	Y	May	Y	Schultheis	Y	Young	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Borodkin, Boyd, Briggs, Brophy, Butcher,
 32 Carroll, Crane, Fairbank, Frangas, Fritz, Garcia, Hall, Harvey, Hoppe, Jahn,
 33 Johnson, Lee, Lundberg, Madden, Marshall, May, McCluskey, Merrifield,
 34 Miller, Mitchell, Paccione, Plant, Pommer, Ragsdale, Rhodes, Romanoff, Rose,
 35 Salazar, Spence, Stengel, Tochtrop, Veiga, Vigil, Weddig, Weissmann, White,
 36 Wiens, Williams S., Witwer, Young.
 37

38 On motion of Representative King, Consideration of **SJR03-017**,
 39 **HJR03-1021, 1024, 1025** was laid over until March 3, retaining place on
 40 Calendar.
 41
 42
 43
 44

45 On motion of Representative King, **SB03-072, HB03-1020, SB03-100**,
 46 **057, 062, 096, 109, 223, 143** were added to the Special Orders on Friday,
 47 February 28, 2003.
 48
 49

50 On motion of Representative Crane, the House resolved itself into
 51 Committee of the Whole for consideration of Special Orders and he was
 52 called to the Chair to act as Chairman.
 53
 54
 55

SPECIAL ORDERS--SECOND READING OF BILLS

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The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

On motion of Representative King, Consideration of **HB03-1242** was laid over until March 3, retaining place on Calendar.

SB03-072 by Senator(s) Arnold, Anderson, Jones, Kester, Owen, Taylor; also Representative(s) Marshall--Concerning information for schools regarding sex offenders.

Ordered revised and placed on the Calendar for Third Reading and Final Passage.

HB03-1020 by Representative(s) Boyd--Concerning economic crime.

Amendment No. 1, Information & Technology Report, dated February 24, 2003, and placed in member's bill file; Report also printed in House Journal, February 25, page 92.

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

SB03-100 by Senator(s) Entz, Arnold, Isgar, Owen, Taylor; also Representative(s) Salazar--Concerning high school diplomas awarded to certain veterans.

Ordered revised and placed on the Calendar for Third Reading and Final Passage.

SB03-062 by Senator(s) Hillman; also Representative(s) Brophy--Concerning the requirement that a warrant drawn on a fund that contains moneys that do not revert to the state general fund be treated as unclaimed property if the warrant is not presented to the state treasurer for payment.

Ordered revised and placed on the Calendar for Third Reading and Final Passage.

SB03-096 by Senator(s) Phillips; also Representative(s) White--Concerning modifications to the "County and Municipality Development Revenue Bond Act".

Ordered revised and placed on the Calendar for Third Reading and Final Passage.

1 **SB03-109** by Senator(s) Windels; also Representative(s) Rose--
2 Concerning the judicial procedures relating to criminal
3 records.
4

5 Ordered revised and placed on the Calendar for Third Reading and Final
6 Passage.
7

8
9 **SB03-223** by Senator(s) McElhany; also Representative(s) Berry--
10 Concerning extension of the public utilities commission to
11 a date no earlier than July 1, 2008.
12

13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.
15

16
17 **SB03-143** by Senator(s) Taylor; also Representative(s) White--
18 Concerning the transfer of certain existing employees from
19 the Colorado office of economic development to the
20 Colorado tourism office.
21

22 Amendment No. 1, Appropriations Report, dated February 28, 2003, and
23 placed in member's file; Report also printed in House Journal
24 February 28, pages 970-973.
25

26 As amended, ordered engrossed and placed on the Calendar for Third
27 Reading and Final Passage.
28

29
30 **SB03-057** by Senator(s) Anderson, Hanna, Phillips; also
31 Representative(s) Cadman--Concerning benefit plan
32 alternatives within the fire and police pension association
33 for members of money purchase plans.
34

35 Amendment No. 1, by Representative Cadman.
36

37 Amend printed bill, page 4, line 8, after "EMPLOYER.", add "SUCH RULES
38 SHALL CONTAIN A PROVISION SPECIFYING THAT AN EMPLOYER THAT OPTS
39 TO PARTICIPATE IN THE STATEWIDE HYBRID PLAN SHALL NOT BE
40 PERMITTED TO OPT OUT OF SUCH PLAN AT ANY LATER DATE."
41

42 As amended, laid over until March 3, retaining place on Calendar.
43

44 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

45
46
47 Passed Second Reading: **SB03-072, HB03-1020 amended, SB03-100,**
48 **062, 096, 109, 223, 143 amended.**
49

50 Laid over until date indicated retaining place on Calendar: **HB03-1242,**
51 **SB03-057 amended--March 3, 2003.**
52

53 The Chairman moved the adoption of the Committee of the Whole
54 Report. As shown by the following roll call vote, a majority of those
55 elected to the House voted in the affirmative, and the Report was
56 **adopted.**

	YES	62	NO	00	EXCUSED	03	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	Y	Hefley	E	Miller	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
9	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
10	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
11	Cloer	Y	King	Y	Rhodes	E	Weissmann	Y
12	Coleman	Y	Larson	Y	Rippy	Y	White	Y
13	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
14	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
15	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
16	Frangas	Y	Marshall	Y	Sanchez	E	Witwer	Y
17	Fritz	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

After consideration on the merits, the Committee recommends the following:

HB03-1001 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

"SECTION 1. 37-95-109 (1), Colorado Revised Statutes, is amended to read:

37-95-109. Bonds or notes - issuance - terms. (1) The authority has the power and is hereby authorized from time to time to issue its bonds or notes in such principal amounts as in the opinion of the board are necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding, or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it, whether the bonds or notes or interest to be funded or refunded have or have not become due, and including the establishment or increase of such reserves to secure or to pay such bonds or notes or interest thereon and all other costs or expenses of the authority incident to and necessary to carry out its corporate purposes and powers. THE AUTHORITY SHALL SUBSIDIZE SOME OR ALL OF THE COST OF ISSUANCE OF BONDS AND NOTES PURSUANT TO THIS ARTICLE FOR PROJECTS, INCLUDING SMALL WATER RESOURCES PROJECTS, TO BUILD WATER MANAGEMENT FACILITIES THAT ARE RAW WATER DIVERSION OR STORAGE PROJECTS THAT ARE JOINTLY SPONSORED BY TWO OR MORE GOVERNMENTAL AGENCIES THAT DO NOT SHARE THE SAME GOVERNING BODY.

SECTION 2. 37-86-104, Colorado Revised Statutes, is amended to read:

1 **37-86-104. Condemnation of right-of-way.** (1) Upon the refusal
2 of owners of tracts of land through which said right-of-way is proposed
3 to run, to allow passage through their property, the person desiring such
4 right-of-way may proceed to condemn and take same under the provisions
5 of articles 1 to 7 of title 38, C.R.S., concerning eminent domain.

6
7 (2) STATE AGENCIES SHALL, TO THE MAXIMUM EXTENT
8 PRACTICABLE, COOPERATE WITH PERSONS DESIRING A RIGHT-OF-WAY FOR
9 WATER CONVEYANCE STRUCTURES.

10
11 **SECTION 3.** 37-87-101 (1), Colorado Revised Statutes, is
12 amended to read:

13
14 **37-87-101. Storage of water.** (1) (a) The right to store water of
15 a natural stream for later application to beneficial use is recognized as a
16 right of appropriation in order of priority under the Colorado constitution.
17 No water storage facility may be operated in such a manner as to cause
18 material injury to the senior appropriative rights of others. Acquisition
19 of those interests in real property reasonably necessary for the
20 construction, maintenance, or operation of any water storage reservoir,
21 together with inlet, outlet, or spillway structures or other facilities
22 necessary to make such reservoir effective to accomplish the beneficial
23 use or uses of water stored or to be stored therein, may be secured under
24 the laws of eminent domain.

25
26 (b) STATE AGENCIES SHALL, TO THE MAXIMUM EXTENT
27 PRACTICABLE, COOPERATE WITH PERSONS DESIRING TO ACQUIRE REAL
28 PROPERTY FOR WATER STORAGE STRUCTURES.

29
30 **SECTION 4.** 37-60-126 (4) (g), Colorado Revised Statutes, is
31 amended, and the said 37-60-126 is further amended BY THE
32 ADDITION OF A NEW SUBSECTION, to read:

33
34 **37-60-126. Water use efficiency - urban water use efficiency**
35 **programs - relationship to state assistance for water facilities.** (4) In
36 developing a plan pursuant to subsection (2) of this section, each covered
37 entity shall consider at least the following water-saving measures:

38
39 (g) (I) Water rate structures AND BILLING SYSTEMS designed to
40 encourage water use efficiency in a fiscally responsible manner;

41
42 (II) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL
43 ASSISTANCE TO COVERED ENTITIES THAT ARE LOCAL GOVERNMENTS TO
44 IMPLEMENT WATER BILLING SYSTEMS THAT SHOW CUSTOMER WATER
45 USAGE AND THAT IMPLEMENT TIERED BILLING SYSTEMS;

46
47 (11) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
48 (11), ANY NEW RESTRICTIVE COVENANT THAT PROHIBITS OR LIMITS THE
49 INSTALLATION OR USE OF DROUGHT-TOLERANT VEGETATIVE LANDSCAPES
50 IS PROHIBITED.

51
52 (b) AS USED IN THIS SUBSECTION (11), "RESTRICTIVE COVENANT"
53 MEANS ANY COVENANT, RESTRICTION, OR CONDITION APPLICABLE TO REAL
54 PROPERTY FOR THE PURPOSE OF CONTROLLING LAND USE, BUT DOES NOT
55 INCLUDE ANY COVENANT, RESTRICTION, OR CONDITION IMPOSED ON SUCH
56 REAL PROPERTY BY ANY GOVERNMENTAL ENTITY.

1 **SECTION 5.** The introductory portion to 37-92-308 (4) (a),
2 37-92-308 (4) (a) (II), (4) (a) (III), (4) (a) (IV), the introductory portion
3 to 37-92-308 (5) (a), and 37-92-308 (5) (a) (IV) and (5) (b), are amended,
4 and the said 37-92-308 is further amended BY THE ADDITION OF A
5 NEW SUBSECTION, to read:

6
7 **37-92-308. Substitute water supply plans - special procedures**
8 **for review.** (4) (a) Beginning January 1, 2002, if an application for
9 approval of a plan for augmentation OR CHANGE OF WATER RIGHT has
10 been filed with a water court and the court has not issued a decree, the
11 state engineer may approve the temporary operation of such plan OR
12 CHANGE OF WATER RIGHT as a substitute water supply plan if the
13 following conditions are met:

14
15 (II) The applicant has provided written notice of the request for
16 approval of the substitute water supply plan by first-class mail or
17 electronic mail to all parties who have filed a statement of opposition to
18 the plan in water court and proof of such notice is filed with the state
19 engineer, OR, IF THE DEADLINE FOR FILING A STATEMENT OF OPPOSITION
20 HAS NOT PASSED, THE APPLICANT HAS PROVIDED WRITTEN NOTICE OF THE
21 REQUEST FOR APPROVAL OF THE SUBSTITUTE WATER SUPPLY PLAN BY
22 FIRST-CLASS MAIL OR ELECTRONIC MAIL TO ALL PARTIES WHO HAVE
23 SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST
24 FOR THE WATER DIVISION IN WHICH THE PROPOSED PLAN IS LOCATED AND
25 PROOF OF SUCH NOTICE IS FILED WITH THE STATE ENGINEER;

26
27 (III) The state engineer has given ~~the opposers in the water court~~
28 ~~case~~ THOSE TO WHOM NOTICE WAS PROVIDED thirty days after the date of
29 mailing of such notice to file comments on the substitute water supply
30 plan. Such comments shall include any claim of injury, ~~or~~ any terms and
31 conditions that should be imposed upon the plan to prevent injury to an
32 opposer's water rights or decreed conditional water rights, and any other
33 information an opposer wishes the state engineer to consider in reviewing
34 the substitute water supply plan request.

35
36 (IV) The state engineer, after consideration of the comments ~~from~~
37 ~~any water court opposer~~ RECEIVED, has determined that the operation and
38 administration of such plan will replace all out-of-priority depletions in
39 time, location, and amount ~~in a manner that will~~ AND WILL OTHERWISE
40 prevent injury to other water rights and decreed conditional water rights,
41 including water quality and continuity to meet the requirements of use to
42 which the senior appropriation has normally been put, pursuant to section
43 37-80-120 (3), and will not impair compliance with any interstate
44 compacts. The state engineer shall impose such terms and conditions as
45 are necessary to ensure that these standards are met. In making such
46 determinations, the state engineer shall not be required to hold any formal
47 hearings or conduct any other formal proceedings, but may conduct a
48 hearing or formal proceeding if the state engineer finds it necessary to
49 address the issues. A SUBSTITUTE WATER SUPPLY PLAN APPROVED
50 PURSUANT TO THIS SUBSECTION (4) MAY NOT APPROVE THE MOVEMENT OF
51 WATER OR WATER RIGHTS FROM ONE WATER DIVISION TO ANOTHER WATER
52 DIVISION THAT ARE NOT DECREED FOR USE IN SUCH OTHER DIVISION.

53
54 (5) (a) Beginning January 1, 2002, for new water use plans
55 involving out-of-priority diversions OR A CHANGE OF WATER RIGHT, if no
56 application for approval of a plan for augmentation OR A CHANGE OF

1 WATER RIGHT has been filed with a water court and the water use PLAN OR
2 CHANGE proposed and the depletions associated with such water use PLAN
3 OR CHANGE will be for a limited duration not to exceed five years, the
4 state engineer may approve such plan OR CHANGE as a substitute water
5 supply plan if the following conditions are met:
6

7 (IV) The state engineer, after consideration of the comments ~~from~~
8 ~~any opposer~~ RECEIVED, has determined that the operation and
9 administration of such plan will replace all out-of-priority depletions in
10 time, location, and amount ~~in a manner that will~~ AND WILL OTHERWISE
11 prevent injury to other water rights and decreed conditional water rights,
12 including water quality and continuity to meet the requirements of use to
13 which the senior appropriation has normally been put, pursuant to section
14 37-80-120 (3) and will not impair compliance with any interstate
15 compacts. The state engineer shall impose such terms and conditions as
16 are necessary to ensure that these standards are met. In making the
17 determinations specified in this subparagraph (IV), the state engineer
18 shall not be required to hold any formal hearings or conduct any other
19 formal proceedings, but may conduct a hearing or formal proceeding if
20 the state engineer finds it necessary to address the issues. A SUBSTITUTE
21 WATER SUPPLY PLAN APPROVED PURSUANT TO THIS SUBSECTION (5) MAY
22 NOT APPROVE THE MOVEMENT OF WATER OR WATER RIGHTS FROM ONE
23 WATER DIVISION TO ANOTHER WATER DIVISION THAT ARE NOT DECREED
24 FOR USE IN SUCH OTHER DIVISION.
25

26 (b) A substitute water supply plan approved pursuant to this
27 subsection (5) shall not be approved for a period of more than one year;
28 except that an applicant may request the renewal of a plan by repeating
29 the application process described in this subsection (5). However, in no
30 event shall any plan approved pursuant to this subsection (5) be
31 APPROVED OR renewed ~~beyond~~ FOR MORE THAN five years. ~~after the initial~~
32 ~~date of approval.~~
33

34 (9) IF AN ENTITY PAYS FOR REPAIRS, MAINTENANCE, DREDGING, OR
35 OTHER IMPROVEMENTS, INCLUDING CAPITAL IMPROVEMENTS, THAT ARE
36 NECESSARY AND EFFECTIVE IN REMOVING A STORAGE RESTRICTION
37 IMPOSED BY THE STATE ENGINEER PURSUANT TO SECTION 37-87-107 ON A
38 DAM OR RESERVOIR OWNED BY A THIRD PARTY, SUCH ENTITY MAY APPLY
39 TO THE STATE ENGINEER PURSUANT TO SUBSECTION (5) OF THIS SECTION
40 FOR APPROVAL OF THE USE OF SOME OR ALL OF SUCH NEWLY
41 UNRESTRICTED STORAGE AS A SUBSTITUTE WATER SUPPLY PLAN, IF THE
42 ENTITY HAS A WRITTEN AGREEMENT CONCERNING SUCH USE WITH ALL THE
43 OWNERS OF THE DAM OR RESERVOIR AND THE ASSOCIATED WATER RIGHTS.
44

45 **SECTION 6. Safety clause.** The general assembly hereby finds,
46 determines, and declares that this act is necessary for the immediate
47 preservation of the public peace, health, and safety."
48
49
50

51 HJR03-1012 be amended as follows, and as amended, be referred out
52 for final action:
53

54 Amend printed joint resolution, page 2, line 37, strike "Prairie Dog
55 Monitoring" and substitute "Monitoring of Bird Species in Short-grass
56 Prairie Habitat".

1 **HJR03-1016** be referred out for final action.

2

3 **HJR03-1017** be referred out for final action.

4

5 **HJR03-1020** be referred out for final action.

6

7

8 **SB03-047** be referred to the Committee of the Whole with favorable
9 recommendation.

10

11

12

13

14 **APPROPRIATIONS**

15 After consideration on the merits, the Committee recommends the
16 following:

17

18 **HB03-1010** be referred to the Committee of the Whole with favorable
19 recommendation.

20

21

22 **HB03-1050** be referred to the Committee of the Whole with favorable
23 recommendation.

24

25

26 **HB03-1053** be referred to the Committee of the Whole with favorable
27 recommendation.

28

29

30 **HB03-1089** be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:

33

34 Amend the Information & Technology Committee Report, dated
35 February 3, 2003, page 1, strike lines 1 and 2 and substitute the
36 following:

37

38 "Amend printed bill, page 1, after line 1, insert the following:

39

40 **"SECTION 1. Legislative declaration.** (1) The general
41 assembly determines and declares that the purpose and intent of this act
42 is to encourage condemning entities to make fair and reasonable offers to
43 owners of property subject to condemnation. Determining the amount of
44 an offer to purchase is within the discretion and authority of the
45 condemning entity, and such entities will be liable for owners' costs and
46 fees only where a court or jury has determined that the fair value is at
47 least thirty percent higher than the condemning entity's last offer.

48

49 (2) The general assembly therefore determines that the purposes
50 of this act will be most fully served by directing all affected state
51 agencies, divisions, and subdivisions to implement this act within their
52 existing resources."

53

54 Renumber succeeding sections accordingly.

55

56 Page 2, line 12, strike "TWENTY" and substitute "THIRTY";

1 line 14, after the period, add "AN OWNER MAY NOT BE REIMBURSED
2 UNDER THE PROVISIONS OF THIS SUBSECTION (1.5) UNLESS THE OWNER
3 PREVIOUSLY OBTAINED AN APPRAISAL IN ACCORDANCE WITH THE
4 PROVISIONS OF SECTION 38-1-121 (1).";";

5
6 line 4 of the proposed committee amendment, strike ""SECTION 2." and
7 substitute ""SECTION 3.";

8
9 line 16, strike "may SHALL" and substitute "may".

10
11 Page 2, line 3, strike "may SHALL" and substitute "may".

12
13
14

15 **HB03-1130** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18

19 Amend printed bill, page 6, after line 7, insert the following:

20

21 **"SECTION 2. Appropriation.** There is hereby appropriated,
22 from the family resource centers fund created in section 39-22-2503,
23 Colorado revised statutes, to the department of revenue, for the fiscal year
24 beginning July 1, 2003, the sum of nine hundred twenty-one dollars
25 (\$921), for the implementation of this act."

26

27 Renumber succeeding section accordingly.

28

29 Page 1, line 104, strike "FUND." and substitute "FUND, AND MAKING AN
30 APPROPRIATION IN CONNECTION THEREWITH."

31

32

33

34 **HB03-1159** be referred to the Committee of the Whole with favorable
35 recommendation.

36

37

38 **HB03-1219** be referred to the Committee of the Whole with favorable
39 recommendation.

40

41

42 **HB03-1241** be referred to the Committee of the Whole with favorable
43 recommendation.

44

45

46 **HB03-1263** be amended as follows, and as so amended, be referred to
47 the Committee of the Whole with favorable
48 recommendation:

49

50 Amend printed bill, page 2, before line 24, insert the following:

51

52 **"SECTION 2.** 17-22.5-403.5, Colorado Revised Statutes, is
53 amended BY THE ADDITION OF A NEW SUBSECTION to read:

54

55 **17-22.5-403.5. Special needs parole.** (3) THE DEPARTMENT MAY
56 RECOMMEND TO THE PAROLE BOARD THAT AN OFFENDER BE CONSIDERED

1 FOR EARLY PAROLE AS A SPECIAL NEEDS OFFENDER. PRIOR TO MAKING
 2 ANY RECOMMENDATION PURSUANT TO THIS SUBSECTION (3), THE
 3 DEPARTMENT SHALL ESTABLISH OBJECTIVE CRITERIA ON WHICH TO BASE
 4 A RECOMMENDATION FOR EARLY PAROLE UNDER THIS SECTION."

5

6 Renumber succeeding section accordingly.

7

8

9

10

11 **BUSINESS AFFAIRS & LABOR**

12 After consideration on the merits, the Committee recommends the
 13 following:

14

15 **HB03-1276** be amended as follows, and as so amended, be referred to
 16 the Committee on Appropriations with favorable
 17 recommendation:

18

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

21

22 "SECTION 1. 10-3-209 (1) (a), Colorado Revised Statutes, is
 23 amended to read:

24

25 **10-3-209. Tax on premiums collected - exemptions - penalties.**

26 (1) (a) EXCEPT AS PROVIDED IN THIS PARAGRAPH (a), all insurance
 27 companies writing business in this state, including, without limitation,
 28 those defined in section 10-1-102 (4), shall pay to the division of
 29 insurance a tax on the gross amount of all premiums collected or
 30 contracted for on policies or contracts of insurance covering property or
 31 risks in this state during the previous calendar year, after deducting from
 32 such gross amount:

33

34 (I) The amount received as reinsurance premiums on business in
 35 this state; ~~and~~

36

37 (II) The amount refunded under credit life and credit accident and
 38 health insurance policies on account of termination of insurance prior to
 39 the maturity date of the indebtedness; ~~and~~;

40

41 (III) In the case of companies other than life, the amounts paid to
 42 policyholders as return premiums, which shall include dividends or
 43 unabsorbed premiums or premium deposits returned or credited to
 44 policyholders; AND

45

46 (IV) ON OR AFTER JANUARY 1, 2005, TO ENCOURAGE THE POOLING
 47 OF SMALL EMPLOYERS AND ENHANCE THE AVAILABILITY OF SMALL GROUP
 48 COVERAGE IN UNDERSERVED AREAS OF THE STATE, THE AMOUNT PAID BY
 49 POLICYHOLDERS FOR SMALL GROUP HEALTH INSURANCE IN A RURAL AREA
 50 OR AN ENTERPRISE ZONE, AS ESTABLISHED IN ARTICLE 30 OF TITLE 39,
 51 C.R.S., IN WHICH A SMALL EMPLOYER CARRIER, AS DEFINED IN SECTION
 52 10-16-102 (41), HAS NEWLY ISSUED INSURANCE COVERAGE FOR AT LEAST
 53 FIFTY COVERED LIVES FROM ANY COMBINATION OF SMALL EMPLOYERS IN
 54 POLICIES ISSUED ON AND AFTER JANUARY 1, 2004. THE SMALL EMPLOYER
 55 INSURER SELLING HEALTH BENEFIT PLANS THAT MEET THE REQUIREMENTS
 56 OF THIS SUBPARAGRAPH (IV) SHALL SUBMIT TO THE COMMISSIONER AN

1 AFFIDAVIT FROM EACH SMALL EMPLOYER FOR WHICH THE DEDUCTION IS
2 SOUGHT THAT CERTIFIES THE SMALL EMPLOYER HAS NOT MAINTAINED
3 SMALL GROUP HEALTH INSURANCE FOR AT LEAST TWELVE MONTHS PRIOR
4 TO JANUARY 1, 2004. FOR THE PURPOSES OF THIS SUBPARAGRAPH (IV),
5 "RURAL AREA" MEANS:

6
7 (A) ANY AREA WITHIN A COUNTY, WHICH COUNTY IS NOT
8 INCLUDED WITHIN COLORADO'S METROPOLITAN STATISTICAL AREA
9 COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER,
10 DOUGLAS, EL PASO, JEFFERSON, LARIMER, MESA, PUEBLO, AND WELD; OR
11

12 (B) ANY AREA WITHIN A COUNTY THAT IS INCLUDED WITHIN
13 COLORADO'S METROPOLITAN STATISTICAL AREA COUNTIES AS
14 ENUMERATED IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV)
15 THAT IS LOCATED THIRTY OR MORE MILES FROM THE NEAREST HOSPITAL
16 CONTAINING THIRTY OR MORE BEDS.
17

18 **SECTION 2. Appropriation.** (1) In addition to any other
19 appropriation, there is hereby appropriated, out of any moneys in the
20 general fund not otherwise appropriated, to the department of regulatory
21 agencies, for allocation to the division of insurance, for the fiscal year
22 beginning July 1, 2003, the sum of thirty-one thousand six hundred
23 dollars (\$31,600), or so much thereof as may be necessary, for the
24 implementation of this act.
25

26 (2) It is the intent of the general assembly that the general fund
27 appropriation in subsection (1) of this section for the implementation of
28 this act shall be derived from the increase generated from the
29 implementation of the provisions of H.B. 03-1156, as enacted during the
30 first regular session of the sixty-fourth general assembly.
31

32 **SECTION 3. Effective date.** (1) Except as otherwise provided
33 in subsection (2) of this section, this act shall take effect upon passage.
34

35 (2) This act shall only take effect if:
36

37 (a) The final fiscal estimate for H.B. 03-1156, as reflected in the
38 appropriations clause for said act, shows a net general fund increase that
39 is equal to or greater than the final general fund fiscal estimate for this
40 act; and
41

42 (b) H.B. 03-1156 is enacted at the first regular session of the
43 sixty-fourth general assembly and becomes law.
44

45 **SECTION 4. Safety clause.** The general assembly hereby finds,
46 determines, and declares that this act is necessary for the immediate
47 preservation of the public peace, health, and safety."
48
49
50

51 **SB03-050** be referred favorably to the Committee on Appropriations.
52

53
54 **SB03-118** be referred to the Committee of the Whole with favorable
55 recommendation.
56

1 **STATE, VETERANS, & MILITARY AFFAIRS**
2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB03-1254** be postponed indefinitely.

6
7
8 **HB03-1311** be referred to the Committee of the Whole with favorable
9 recommendation.

10
11
12 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

13
14 The Speaker has signed: **HB03-1048, 1069.**

15
16
17 **MESSAGE FROM THE SENATE**

18
19 Madam Speaker:

20
21 The Senate has adopted and returns herewith: HJR03-1019.

22
23
24 **INTRODUCTION OF BILL**
25 **First Reading**

26
27 The following bill was read by title and referred to the committee
28 indicated:

29
30 **HB03-1326** by Representative(s) Fritz, Mitchell, Rhodes, Spradley,
31 Fairbank, Jahn, Lee, Spence; also Senator(s) Dyer--
32 Concerning limitations on liability for providers of
33 services for persons with developmental disabilities.
34 Committee on Information & Technology

35
36
37 **LAY OVER OF CALENDAR ITEMS**

38
39 On motion of Representative King, the following items on the Calendar
40 were laid over until March 3, retaining place on Calendar:

41
42 Consideration of General Orders--**HB03-1146, 1225, 1250.**
43 Consideration of Senate Amendments--**HB03-1161, 1107.**

44
45
46 On motion of Representative King, the House adjourned until 10:00 a.m.,
47 March 3, 2003.

48
49 Approved:

50
51
52 LOLA SPRADLEY,
53 Speaker

54 Attest:

55 JUDITH RODRIGUE,
56 Chief Clerk