

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

One hundredth Legislative Day

Thursday, April 17, 2003

1 Prayer by Pastor Rick Long, Grace Church, Arvada.

2

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

4

5 Pledge of Allegiance led by Representative Berry.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Hefley, Spence--2.

11 Present after roll call--Representative Spence.

12

13 The Speaker declared a quorum present.

14

15

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

19

20

21

22 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS**

23

24 **HB03-1001** by Representative(s) Hoppe; also Senator(s) Johnson S.--
25 Concerning increased flexibility in the use of water
26 resources, without regard to water division boundaries.

27

28 (Amended as printed in Senate Journal, March 21, page 699, & March 31,
29 pages 823 & 824-825, & April 4.)

30

31 Representative Hoppe moved that the House **concur** in Senate
32 amendments.

33

34 A substitute motion by Representative Smith, that the House **not concur**
35 in Senate amendments and that a Conference Committee be appointed
36 was declared **lost** by the following roll call vote:

37

38	YES	22	NO	42	EXCUSED	01	ABSENT	00
39	Berry	Y	Fritz	N	May	N	Sinclair	N
40	Borodkin	N	Garcia	N	McCluskey	N	Smith	Y
41	Boyd	N	Hall	N	McFadyen	Y	Spence	N
42	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
43	Brophy	N	Hefley	E	Miller	Y	Stengel	N

1	Butcher	Y	Hodge	N	Mitchell	N	Tochtrop	N
2	Cadman	N	Hoppe	N	Paccione	N	Veiga	Y
3	Carroll	N	Jahn	N	Plant	Y	Vigil	Y
4	Cerbo	N	Johnson	N	Pommer	Y	Weddig	N
5	Clapp	N	Judd	N	Ragsdale	N	Weissmann	Y
6	Cloer	N	King	N	Rhodes	N	White	Y
7	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
8	Crane	N	Lee	N	Romanoff	Y	Williams S.	N
9	Decker	N	Lundberg	N	Rose	Y	Williams T.	N
10	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
11	Frangas	Y	Marshall	N	Schultheis	N	Young	N
12							Speaker	Y

13
14 Representative Hoppe's motion that the House **concur** in Senate
15 amendments was declared **passed** by the following roll call vote:

17	YES	47	NO	16	EXCUSED	02	ABSENT	00
18	Berry	N	Fritz	Y	May	Y	Sinclair	Y
19	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	N
20	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
21	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
22	Brophy	Y	Hefley	E	Miller	N	Stengel	Y
23	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
24	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
25	Carroll	Y	Jahn	Y	Plant	N	Vigil	Y
26	Cerbo	Y	Johnson	Y	Pommer	N	Weddig	Y
27	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
28	Cloer	Y	King	Y	Rhodes	Y	White	N
29	Coleman	N	Larson	N	Rippy	N	Wiens	Y
30	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
31	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
32	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
33	Frangas	N	Marshall	Y	Schultheis	Y	Young	Y
34							Speaker	N

35
36 The question being, "Shall the bill, as amended, pass?".
37 A roll call vote was taken. As shown by the following recorded vote, a
38 majority of those elected to the House voted in the affirmative, and the
39 bill, as amended, was declared **repassed**.

41	YES	49	NO	14	EXCUSED	02	ABSENT	00
42	Berry	N	Fritz	Y	May	Y	Sinclair	Y
43	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	N
44	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
45	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
46	Brophy	Y	Hefley	E	Miller	N	Stengel	Y
47	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
48	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
49	Carroll	Y	Jahn	Y	Plant	N	Vigil	Y
50	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
51	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
52	Cloer	Y	King	Y	Rhodes	Y	White	N
53	Coleman	N	Larson	N	Rippy	Y	Wiens	Y
54	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
55	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
56	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y

1 Frangas N Marshall Y Schultheis Y Young Y
 2 Speaker N

3 Co-sponsors added: Representatives Borodkin, Clapp, Cloer, Garcia, Jahn,
 4 Marshall, McCluskey, Williams S.

5 Representative Plant requested his name be removed as co-sponsor.

6

7

8

9

IMMEDIATE RECONSIDERATION OF HB03-1001

10 Having voted on the prevailing side, Representative Hoppe moved for
 11 immediate reconsideration of **HB03-1001**. As shown by the following
 12 recorded vote less than a two-thirds majority of those elected to the
 13 House voted in the affirmative and the motion was declared **lost**:

14

YES	18	NO	45	EXCUSED	02	ABSENT	00
Berry	Y	Fritz	N	May	N	Sinclair	N
Borodkin	N	Garcia	N	McCluskey	N	Smith	Y
Boyd	N	Hall	N	McFadyen	Y	Spence	N
Briggs	N	Harvey	N	Merrifield	N	Stafford	N
Brophy	N	Hefley	E	Miller	Y	Stengel	N
Butcher	Y	Hodge	N	Mitchell	N	Tochtrop	N
Cadman	N	Hoppe	N	Paccione	N	Veiga	E
Carroll	N	Jahn	N	Plant	Y	Vigil	N
Cerbo	N	Johnson	N	Pommer	Y	Weddig	N
Clapp	N	Judd	N	Ragsdale	N	Weissmann	N
Cloer	N	King	N	Rhodes	N	White	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	N	Lee	N	Romanoff	Y	Williams S.	N
Decker	N	Lundberg	N	Rose	N	Williams T.	N
Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
Frangas	Y	Marshall	N	Schultheis	Y	Young	N
						Speaker	Y

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35

36 **HB03-1121** by Representative(s) Wiens, King, May M., McCluskey,
 37 White; also Senator(s) Evans, Chlouber--Concerning
 38 offers of settlement in civil actions.

39

40 (Amended as printed in Senate Journal, April 7, pages 937-938.)

41

42 Representative Wiens moved that the House **concur** in Senate amend-
 43 ments. The motion was declared **passed** by the following roll call vote:

44

YES	57	NO	06	EXCUSED	02	ABSENT	00
Berry	N	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	N	Ragsdale	N	Weissmann	Y
Cloer	Y	King	Y	Rhodes	Y	White	Y

56

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

7
8 The question being, "Shall the bill, as amended, pass?".
9 A roll call vote was taken. As shown by the following recorded vote, a
10 majority of those elected to the House voted in the affirmative, and the
11 bill, as amended, was declared **repassed**.

13	YES	52	NO	11	EXCUSED	02	ABSENT	00
14	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
15	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
16	Boyd	N	Hall	Y	McFadyen	Y	Spence	Y
17	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
18	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
19	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
20	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	E
21	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
22	Cerbo	N	Johnson	Y	Pommer	Y	Weddig	Y
23	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	Y
24	Cloer	Y	King	Y	Rhodes	Y	White	Y
25	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
26	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
27	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
28	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
29	Frangas	N	Marshall	Y	Schultheis	Y	Young	Y
30							Speaker	Y

31
32
33 **HB03-1147** by Representative(s) Frangas, Butcher, Spence, Vigil; also
34 Senator(s) Teck--Concerning existing income tax
35 checkoffs.

36 (Amended as printed in Senate Journal, April 11, page 1009.)

37
38 Representative Frangas moved that the House **concur** in Senate
39 amendments.

40
41 A substitute motion by Representative Stengel that the House **not concur**
42 in Senate amendments and that a Conference Committee be appointed
43 was declared **passed** by the following roll call vote:

45	YES	63	NO	00	EXCUSED	02	ABSENT	00
46	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
47	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
48	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
49	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
50	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
51	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
52	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
53	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
54	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
55	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
56	Cloer	Y	King	Y	Rhodes	Y	White	Y

1	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
2	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
3	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
4	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
5	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
6							Speaker	Y

**REQUEST FOR CONFERENCE COMMITTEE
TO GO BEYOND SCOPE OF DIFFERENCES**

13 Representative Fritz moved that the First Conference Committee on
14 **SB03-098** be granted permission to go beyond the scope of the difference
15 between the House and the Senate. The motion was declared **lost** by the
16 following roll call vote:

17	YES	24	NO	39	EXCUSED	02	ABSENT	00
19	Berry	N	Fritz	Y	May	N	Sinclair	Y
20	Borodkin	N	Garcia	N	McCluskey	N	Smith	N
21	Boyd	Y	Hall	N	McFadyen	N	Spence	N
22	Briggs	N	Harvey	Y	Merrifield	N	Stafford	N
23	Brophy	N	Hefley	E	Miller	N	Stengel	Y
24	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	N
25	Cadman	Y	Hoppe	N	Paccione	N	Veiga	E
26	Carroll	N	Jahn	Y	Plant	N	Vigil	N
27	Cerbo	Y	Johnson	N	Pommer	N	Weddig	N
28	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
29	Cloer	N	King	Y	Rhodes	Y	White	N
30	Coleman	N	Larson	N	Rippy	Y	Wiens	N
31	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
32	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	N
33	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
34	Frangas	Y	Marshall	N	Schultheis	Y	Young	N
35							Speaker	N

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

41 **SB03-305** by Senator(s) Anderson, Andrews, Fitz-Gerald; also
42 Representative(s) King, Spradley, Veiga--Concerning
43 payment of expenses of the legislative department, and
44 making an appropriation in connection therewith.

46 (Conference Committee Report printed in House Journal, April 16,
47 pages 1703-1704.)

49 On motion of Representative King, the Conference Committee Report
50 was **adopted** by the following roll call vote:

51	YES	60	NO	03	EXCUSED	02	ABSENT	00
53	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
54	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
55	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
56	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y

1	Brophy	N	Hefley	E	Miller	Y	Stengel	Y
2	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
3	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	E
4	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
5	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
6	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
7	Cloer	Y	King	Y	Rhodes	N	White	Y
8	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
9	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
10	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
11	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
12	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
13							Speaker	Y

14

15 The question being "Shall the bill, as amended, pass?".

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

19

20	YES	57	NO	06	EXCUSED	02	ABSENT	00
21	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
22	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
23	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
24	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
25	Brophy	N	Hefley	E	Miller	Y	Stengel	Y
26	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
27	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	E
28	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
29	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
30	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
31	Cloer	Y	King	Y	Rhodes	N	White	Y
32	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Lundberg	N	Rose	Y	Williams T.	Y
35	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
36	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
37							Speaker	Y

38

39

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41

42 MESSAGE FROM THE SENATE

43

44 Madam Speaker:

45

46 The Senate has voted not to concur in House Amendments to SB03-275 and
 47 requests that a Conference Committee be appointed. The President appointed
 48 Senators Teck, Chm., Owen and Reeves as members of the First Conference
 49 Committee on the part of the Senate. The bill is transmitted herewith.

50

51 The Senate has adopted and returns herewith: HJR03-1056.

52

53

54

55

1 **APPOINTMENTS TO CONFERENCE COMMITTEES**

2
3 Pursuant to a request from the Senate, the Speaker appointed House
4 conferees to the First Conference Committees as follows:

5
6 **SB03-235**--Representatives Mitchell, Chairman, Crane, Vigil

7 **SB03-275**--Representatives Witwer, Chairman, Young, Plant

8 **SB03-290**--Representatives Young, Chairman, Witwer, Plant

9
10
11
12 **CONSENT GRANTED TO CONFERENCE COMMITTEES**

13
14 Representative Mitchell moved that the First Conference Committee on
15 **SB03-235** be granted permission to go beyond the scope of the difference
16 between the House and the Senate. The motion was passed by the
17 following roll call vote:

18
19

YES	56	NO	07	EXCUSED	02	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Hoppe	Y	Paccione	N	Veiga	E
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	N
Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	Y
Cloer	Y	King	Y	Rhodes	Y	White	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
Crane	Y	Lee	Y	Romanoff	Y	Williams S.	N
Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
						Speaker	Y

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39 Representative Young moved that the First Conference Committee on
40 **SB03-258** be granted permission to go beyond the scope of the difference
41 between the House and the Senate. The motion was passed by the
42 following roll call vote:

43
44

YES	61	NO	02	EXCUSED	02	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Hoppe	Y	Paccione	Y	Veiga	E
Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
Cloer	Y	King	Y	Rhodes	Y	White	Y
Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y

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

6
7
8 Representative Plant moved that the First Conference Committee on
9 **SB03-300** be granted permission to go beyond the scope of the difference
10 between the House and the Senate. The motion was passed by the
11 following roll call vote:

13	YES	60	NO	03	EXCUSED	02	ABSENT	00
14	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
15	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
16	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
17	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
18	Brophy	Y	Hefley	E	Miller	N	Stengel	Y
19	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
20	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	E
21	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
22	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
23	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
24	Cloer	Y	King	Y	Rhodes	Y	White	Y
25	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
26	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
27	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
28	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
29	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
30							Speaker	Y

35 MESSAGE FROM THE SENATE

36 Madam Speaker:

37
38
39 The Senate failed to pass HB03-1214 on Second Reading. The bill is returned
40 herewith.

41
42 The Senate has adopted the First Report of the First Conference Committee on
43 HB03-1103, as printed in Senate Journal, April 1, page 827, and repassed the
44 bill as amended. The bill is returned herewith.

45
46 The Senate has adopted the First Report of the First Conference Committee on
47 HB03-1301, as printed in Senate Journal, April 7, page 933, and repassed the
48 bill as amended. The bill is returned herewith.

49
50 The Senate has adopted the First Report of the First Conference Committee on
51 HB03-1005, as printed in Senate Journal, April 9, page 962, and repassed the
52 bill as amended. The bill is returned herewith.

53
54 The Senate has adopted the First Report of the First Conference Committee on
55 HB03-1161, as printed in Senate Journal, April 9, pages 963-968, and repassed
56 the bill as amended. The bill is returned herewith.

1 The Senate has adopted the First Report of the First Conference Committee on
2 HB03-1224, as printed in Senate Journal, April 15, pages 1025-1026, and
3 repassed the bill as amended. The bill is returned herewith.

4
5 The Senate has adopted the First Report of the First Conference Committee on
6 SB03-226, as printed in Senate Journal April 9, page 1515, and repassed the bill
7 as amended.

10
11
12 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
13 **on HB03-1005**

14
15 This Report Adopts the Reengrossed Bill.

16
17 To the President of the Senate and the
18 Speaker of the House of Representatives:

19
20 Your first conference committee appointed on HB03-1005,
21 concerning the extension of the implementation dates for certain water
22 augmentation requirements, has met and reports that it has agreed upon
23 the following:

24
25 That the Senate recede from its amendments made to the bill and
26 that the reengrossed bill be adopted without change.

27
28 Respectfully submitted,
29 House Committee: Senate Committee:
30 Diane Hoppe Lewis Entz
31 Gregg Rippe Ken Chlouber
32 John Salazar Dan Grossman

34
35
36 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
37 **on HB03-1103**

38
39 This Report Amends the Rerevised Bill.

40
41 To the President of the Senate and the
42 Speaker of the House of Representatives:

43
44 Your first conference committee appointed on HB03-1103,
45 concerning an increase of the service required to be provided by qualified
46 private businesses pursuant to competitively negotiated contracts to fifty
47 percent of the regional transportation district service that involves
48 transporting the general public by means of any self-propelled vehicle
49 that is designed primarily for travel on the public highways, has met and
50 reports that it has agreed upon the following:

51
52 That the House accede to the Senate amendments made to the bill,
53 as said amendments appear in the rerevised bill, with the following
54 change:

55

1 Amend rerevised bill, page 5, line 8, strike "THIRTY" and substitute
2 "THIRTY-FIVE".

3

4 Respectfully submitted,

5 House Committee:

6 Bob Briggs

7 Carl Miller

8 Gayle Berry

9

Senate Committee:

Ken Chlouber

Jim Isgar

Ronny May

10

11

12 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
13 **on HB03-1161**

14

15 This Report Amends the Rerevised Bill.

16

17 To the President of the Senate and the
18 Speaker of the House of Representatives:

19

20 Your first conference committee appointed on HB03-1161,
21 concerning limitations on claims for damages filed against construction
22 professionals, has met and reports that it has agreed upon the following:

23

24 That the House accede to the Senate amendments made to the bill,
25 as said amendments appear in the rerevised bill, with the following
26 changes:

27

28 Amend rerevised bill, strike everything below the enacting clause and
29 substitute the following:

30

31 **"SECTION 1.** 13-20-802, Colorado Revised Statutes, is amended
32 to read:

33

34 **13-20-802. Legislative declaration.** The general assembly
35 hereby finds, declares, and determines that ~~limited~~ changes in the law are
36 necessary and appropriate concerning actions claiming damages,
37 indemnity, or contribution in connection with alleged construction
38 defects. ~~resulting in property loss or damage.~~ It is the intent of the
39 general assembly that this part 8 apply to these types of civil actions
40 while preserving adequate rights and remedies for property owners who
41 bring and maintain such actions.

42

43 **SECTION 2.** Part 8 of article 20 of title 13, Colorado Revised
44 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
45 read:

46

47 **13-20-802.5. Definitions.** AS USED IN THIS PART 8, UNLESS THE
48 CONTEXT OTHERWISE REQUIRES:

49

50 (1) "ACTION" MEANS A CIVIL ACTION OR AN ARBITRATION
51 PROCEEDING FOR DAMAGES, INDEMNITY, OR CONTRIBUTION BROUGHT
52 AGAINST A CONSTRUCTION PROFESSIONAL TO ASSERT A CLAIM,
53 COUNTERCLAIM, CROSS-CLAIM, OR THIRD PARTY CLAIM FOR DAMAGES OR
54 LOSS TO, OR THE LOSS OF USE OF, REAL OR PERSONAL PROPERTY OR
55 PERSONAL INJURY CAUSED BY A DEFECT IN THE DESIGN OR CONSTRUCTION
56 OF AN IMPROVEMENT TO REAL PROPERTY.

1 (2) "ACTUAL DAMAGES" MEANS THE FAIR MARKET VALUE OF THE
2 REAL PROPERTY WITHOUT THE ALLEGED CONSTRUCTION DEFECT, THE
3 REPLACEMENT COST OF THE REAL PROPERTY, OR THE REASONABLE COST
4 TO REPAIR THE ALLEGED CONSTRUCTION DEFECT, WHICHEVER IS LESS,
5 TOGETHER WITH RELOCATION COSTS, AND, WITH RESPECT TO RESIDENTIAL
6 PROPERTY, OTHER DIRECT ECONOMIC COSTS RELATED TO LOSS OF USE, IF
7 ANY, INTEREST AS PROVIDED BY LAW, AND SUCH COSTS OF SUIT AND
8 REASONABLE ATTORNEY FEES AS MAY BE AWARDBLE PURSUANT TO
9 CONTRACT OR APPLICABLE LAW. "ACTUAL DAMAGES" AS TO PERSONAL
10 INJURY MEANS THOSE DAMAGES RECOVERABLE BY LAW, EXCEPT AS
11 LIMITED BY THE PROVISIONS OF SECTION 13-20-806 (4).
12

13 (3) "CLAIMANT" MEANS A PERSON OTHER THAN THE ATTORNEY
14 GENERAL OR THE DISTRICT ATTORNEYS OF THE SEVERAL JUDICIAL
15 DISTRICTS OF THE STATE WHO ASSERTS A CLAIM AGAINST A CONSTRUCTION
16 PROFESSIONAL THAT ALLEGES A DEFECT IN THE CONSTRUCTION OF AN
17 IMPROVEMENT TO REAL PROPERTY.
18

19 (4) "CONSTRUCTION PROFESSIONAL" MEANS AN ARCHITECT,
20 CONTRACTOR, SUBCONTRACTOR, DEVELOPER, BUILDER, BUILDER VENDOR,
21 ENGINEER, OR INSPECTOR PERFORMING OR FURNISHING THE DESIGN,
22 SUPERVISION, INSPECTION, CONSTRUCTION, OR OBSERVATION OF THE
23 CONSTRUCTION OF ANY IMPROVEMENT TO REAL PROPERTY. IF THE
24 IMPROVEMENT TO REAL PROPERTY IS TO A COMMERCIAL PROPERTY, THE
25 TERM "CONSTRUCTION PROFESSIONAL" SHALL ALSO INCLUDE ANY PRIOR
26 OWNER OF THE COMMERCIAL PROPERTY, OTHER THAN THE CLAIMANT, AT
27 THE TIME THE WORK WAS PERFORMED. AS USED IN THIS SUBSECTION (4),
28 "COMMERCIAL PROPERTY" MEANS PROPERTY THAT IS ZONED TO PERMIT
29 COMMERCIAL, INDUSTRIAL, OR OFFICE TYPES OF USE.
30

31 (5) "NOTICE OF CLAIM" MEANS A WRITTEN NOTICE SENT BY A
32 CLAIMANT TO THE LAST KNOWN ADDRESS OF A CONSTRUCTION
33 PROFESSIONAL AGAINST WHOM THE CLAIMANT ASSERTS A CONSTRUCTION
34 DEFECT CLAIM THAT DESCRIBES THE CLAIM IN REASONABLE DETAIL
35 SUFFICIENT TO DETERMINE THE GENERAL NATURE OF THE DEFECT,
36 INCLUDING A GENERAL DESCRIPTION OF THE TYPE AND LOCATION OF THE
37 CONSTRUCTION THAT THE CLAIMANT ALLEGES TO BE DEFECTIVE AND ANY
38 DAMAGES CLAIMED TO HAVE BEEN CAUSED BY THE DEFECT.
39

40 **SECTION 3.** 13-20-803 (1), Colorado Revised Statutes, is
41 amended to read:
42

43 **13-20-803. List of defects required.** (1) IN ADDITION TO THE
44 NOTICE OF CLAIM REQUIRED BY SECTION 13-20-803.5, in every action
45 brought against ~~any architect, contractor, builder, builder vendor,~~
46 ~~engineer, or inspector performing or furnishing the design, supervision,~~
47 ~~inspection, construction, or observation of the construction of any~~
48 ~~improvement to real property,~~ A CONSTRUCTION PROFESSIONAL, the
49 claimant shall file with the court OR ARBITRATOR and serve on the
50 ~~defendant~~ CONSTRUCTION PROFESSIONAL an initial list of construction
51 defects in accordance with this section. ~~As used in this part 8, "action"~~
52 ~~means any civil action or arbitration proceeding for damages, indemnity,~~
53 ~~or contribution asserting a claim, counterclaim, cross-claim, or third-party~~
54 ~~claim for injury or loss to, or the loss of use of, any real property caused~~
55 ~~by an alleged defect in the construction of an improvement to the real~~
56 ~~property.~~

1 **SECTION 4.** The introductory portion to 13-20-804 (1)
2 and 13-20-804 (1)(a) and (1)(b), Colorado Revised Statutes, are amended
3 to read:

4
5 **13-20-804. Restriction on construction defect negligence**
6 **claims.** (1) No negligence claim seeking damages for a ~~residential~~
7 construction defect may be asserted in an action if such claim arises from
8 the failure to construct a ~~residential~~ AN improvement to real property in
9 substantial compliance with an applicable building code or industry
10 standard; except that such claim may be asserted if such failure results in
11 one or more of the following:

12
13 (a) Actual ~~or probable~~ damage to real or personal property;

14
15 (b) Actual ~~or probable~~ loss of the use of real or personal property;

16
17 **SECTION 5.** Part 8 of article 20 of title 13, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW
19 SECTIONS to read:

20
21 **13-20-803.5. Notice of claim process.** (1) NO LATER THAN
22 SEVENTY-FIVE DAYS BEFORE FILING AN ACTION AGAINST A CONSTRUCTION
23 PROFESSIONAL, OR NO LATER THAN NINETY DAYS BEFORE FILING THE
24 ACTION IN THE CASE OF A COMMERCIAL PROPERTY, A CLAIMANT SHALL
25 SEND OR DELIVER A WRITTEN NOTICE OF CLAIM TO THE CONSTRUCTION
26 PROFESSIONAL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY
27 PERSONAL SERVICE.

28
29 (2) FOLLOWING THE MAILING OR DELIVERY OF THE NOTICE OF
30 CLAIM, AT THE WRITTEN REQUEST OF THE CONSTRUCTION PROFESSIONAL,
31 THE CLAIMANT SHALL PROVIDE THE CONSTRUCTION PROFESSIONAL AND ITS
32 CONTRACTORS OR OTHER AGENTS REASONABLE ACCESS TO THE
33 CLAIMANT'S PROPERTY DURING NORMAL WORKING HOURS TO INSPECT THE
34 PROPERTY AND THE CLAIMED DEFECT. THE INSPECTION SHALL BE
35 COMPLETED WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF CLAIM.

36
37 (3) WITHIN THIRTY DAYS FOLLOWING THE COMPLETION OF THE
38 INSPECTION PROCESS CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS
39 SECTION, OR WITHIN FORTY-FIVE DAYS FOLLOWING THE COMPLETION OF
40 THE INSPECTION PROCESS IN THE CASE OF A COMMERCIAL PROPERTY, A
41 CONSTRUCTION PROFESSIONAL MAY SEND OR DELIVER TO THE CLAIMANT,
42 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR PERSONAL SERVICE,
43 AN OFFER TO SETTLE THE CLAIM BY PAYMENT OF A SUM CERTAIN OR BY
44 AGREEING TO REMEDY THE CLAIMED DEFECT DESCRIBED IN THE NOTICE OF
45 CLAIM. A WRITTEN OFFER TO REMEDY THE CONSTRUCTION DEFECT SHALL
46 INCLUDE A REPORT OF THE SCOPE OF THE INSPECTION, THE FINDINGS AND
47 RESULTS OF THE INSPECTION, A DESCRIPTION OF THE ADDITIONAL
48 CONSTRUCTION WORK NECESSARY TO REMEDY THE DEFECT DESCRIBED IN
49 THE NOTICE OF CLAIM AND ALL DAMAGE TO THE IMPROVEMENT TO REAL
50 PROPERTY CAUSED BY THE DEFECT, AND A TIMETABLE FOR THE
51 COMPLETION OF THE REMEDIAL CONSTRUCTION WORK.

52
53 (4) UNLESS A CLAIMANT ACCEPTS AN OFFER MADE PURSUANT TO
54 SUBSECTION (3) OF THIS SECTION IN WRITING WITHIN FIFTEEN DAYS OF THE
55 DELIVERY OF THE OFFER, THE OFFER SHALL BE DEEMED TO HAVE BEEN
56 REJECTED.

1 (5) A CLAIMANT WHO ACCEPTS A CONSTRUCTION PROFESSIONAL'S
2 OFFER TO REMEDY OR SETTLE BY PAYMENT OF A SUM CERTAIN A
3 CONSTRUCTION DEFECT CLAIM SHALL DO SO BY SENDING THE
4 CONSTRUCTION PROFESSIONAL A WRITTEN NOTICE OF ACCEPTANCE NO
5 LATER THAN FIFTEEN DAYS AFTER RECEIPT OF THE OFFER. IF AN OFFER TO
6 SETTLE IS ACCEPTED, THEN THE MONETARY SETTLEMENT SHALL BE PAID IN
7 ACCORDANCE WITH THE OFFER. IF AN OFFER TO REMEDY IS ACCEPTED BY
8 THE CLAIMANT, THE REMEDIAL CONSTRUCTION WORK SHALL BE
9 COMPLETED IN ACCORDANCE WITH THE TIMETABLE SET FORTH IN THE
10 OFFER UNLESS THE DELAY IS CAUSED BY EVENTS BEYOND THE
11 REASONABLE CONTROL OF THE CONSTRUCTION PROFESSIONAL.

12
13 (6) IF NO OFFER IS MADE BY THE CONSTRUCTION PROFESSIONAL OR
14 IF THE CLAIMANT REJECTS AN OFFER, THE CLAIMANT MAY BRING AN
15 ACTION AGAINST THE CONSTRUCTION PROFESSIONAL FOR THE
16 CONSTRUCTION DEFECT CLAIM DESCRIBED IN THE NOTICE OF CLAIM,
17 UNLESS THE PARTIES HAVE CONTRACTUALLY AGREED TO A MEDIATION
18 PROCEDURE, IN WHICH CASE THE MEDIATION PROCEDURE SHALL BE
19 SATISFIED PRIOR TO BRINGING AN ACTION.

20
21 (7) IF AN OFFER BY A CONSTRUCTION PROFESSIONAL IS MADE AND
22 ACCEPTED, AND IF THEREAFTER THE CONSTRUCTION PROFESSIONAL DOES
23 NOT COMPLY WITH ITS OFFER TO REMEDY OR SETTLE A CLAIM FOR A
24 CONSTRUCTION DEFECT, THE CLAIMANT MAY FILE AN ACTION AGAINST THE
25 CONSTRUCTION PROFESSIONAL FOR CLAIMS ARISING OUT OF THE DEFECT
26 OR DAMAGE DESCRIBED IN THE NOTICE OF CLAIM WITHOUT FURTHER
27 NOTICE.

28
29 (8) AFTER THE SENDING OF A NOTICE OF CLAIM, A CLAIMANT AND
30 A CONSTRUCTION PROFESSIONAL MAY, BY WRITTEN MUTUAL AGREEMENT,
31 ALTER THE PROCEDURE FOR THE NOTICE OF CLAIM PROCESS DESCRIBED IN
32 THIS SECTION.

33
34 (9) ANY ACTION COMMENCED BY A CLAIMANT WHO FAILS TO
35 COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL BE STAYED,
36 WHICH STAY SHALL REMAIN IN EFFECT UNTIL THE CLAIMANT HAS
37 COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

38
39 (10) A CLAIMANT MAY AMEND A NOTICE OF CLAIM TO INCLUDE
40 CONSTRUCTION DEFECTS DISCOVERED AFTER THE SERVICE OF THE
41 ORIGINAL NOTICE OF CLAIM. HOWEVER, THE CLAIMANT MUST OTHERWISE
42 COMPLY WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADDITIONAL
43 CLAIMS.

44
45 (11) FOR PURPOSES OF THIS SECTION, ACTUAL RECEIPT BY ANY
46 MEANS OF A WRITTEN NOTICE, OFFER, OR RESPONSE PREPARED PURSUANT
47 TO THIS SECTION WITHIN THE TIME PRESCRIBED FOR DELIVERY OR SERVICE
48 OF THE NOTICE, OFFER, OR RESPONSE SHALL BE DEEMED TO BE SUFFICIENT
49 DELIVERY OR SERVICE.

50
51 (12) EXCEPT AS PROVIDED IN SECTION 13-20-806, A CLAIMANT
52 SHALL NOT RECOVER MORE THAN ACTUAL DAMAGES IN AN ACTION.

53
54 **13-20-805. Tolling of statutes of limitation.** IF A NOTICE OF
55 CLAIM IS SENT TO A CONSTRUCTION PROFESSIONAL IN ACCORDANCE WITH
56 SECTION 13-20-803.5 WITHIN THE TIME PRESCRIBED FOR THE FILING OF AN

1 ACTION UNDER ANY APPLICABLE STATUTE OF LIMITATIONS OR REPOSE,
2 THEN THE STATUTE OF LIMITATIONS OR REPOSE IS TOLLED UNTIL SIXTY
3 DAYS AFTER THE COMPLETION OF THE NOTICE OF CLAIM PROCESS
4 DESCRIBED IN SECTION 13-20-803.5.

5
6 **13-20-806. Limitation of damages.** (1) A CONSTRUCTION
7 PROFESSIONAL OTHERWISE LIABLE SHALL NOT BE LIABLE FOR MORE THAN
8 ACTUAL DAMAGES, UNLESS AND ONLY IF THE CLAIMANT OTHERWISE
9 PREVAILS ON THE CLAIM THAT A VIOLATION OF THE "COLORADO
10 CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S., HAS
11 OCCURRED; AND IF:

12
13 (a) THE CONSTRUCTION PROFESSIONAL'S MONETARY OFFER, MADE
14 PURSUANT TO SECTION 13-20-803.5 (3), TO SETTLE FOR A SUM CERTAIN A
15 CONSTRUCTION DEFECT CLAIM DESCRIBED IN A NOTICE OF CLAIM IS LESS
16 THAN EIGHTY-FIVE PERCENT OF THE AMOUNT AWARDED TO THE CLAIMANT
17 AS ACTUAL DAMAGES SUSTAINED EXCLUSIVE OF COSTS, INTEREST, AND
18 ATTORNEY FEES; OR

19
20 (b) THE REASONABLE COST, AS DETERMINED BY THE TRIER OF
21 FACT, TO COMPLETE THE CONSTRUCTION PROFESSIONAL'S OFFER, MADE
22 PURSUANT TO SECTION 13-20-803.5, TO REMEDY THE CONSTRUCTION
23 DEFECT DESCRIBED IN THE NOTICE OF CLAIM IS LESS THAN EIGHTY-FIVE
24 PERCENT OF THE AMOUNT AWARDED TO THE CLAIMANT AS ACTUAL
25 DAMAGES SUSTAINED EXCLUSIVE OF COSTS, INTEREST, AND ATTORNEY
26 FEES.

27
28 (2) IF A CONSTRUCTION PROFESSIONAL DOES NOT SUBSTANTIALLY
29 COMPLY WITH THE TERMS OF AN ACCEPTED OFFER TO REMEDY OR AN
30 ACCEPTED OFFER TO SETTLE A CLAIM FOR A CONSTRUCTION DEFECT MADE
31 PURSUANT TO SECTION 13-20-803.5 OR IF A CONSTRUCTION PROFESSIONAL
32 FAILS TO RESPOND TO A NOTICE OF CLAIM, THE CONSTRUCTION
33 PROFESSIONAL SHALL BE SUBJECT TO THE TREBLE DAMAGES PROVISION OF
34 SECTION 6-1-113 (2) (a) (III), C.R.S.; EXCEPT THAT A CONSTRUCTION
35 PROFESSIONAL SHALL BE SUBJECT TO THE TREBLE DAMAGES PROVISION
36 ONLY IF THE CLAIMANT OTHERWISE PREVAILS ON THE CLAIM THAT A
37 VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE
38 1 OF TITLE 6, C.R.S., HAS OCCURRED.

39
40 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
41 AGGREGATE AMOUNT OF TREBLE DAMAGES AWARDED IN AN ACTION UNDER
42 SECTION 6-1-113 (2) (a) (III), C.R.S., AND ATTORNEY FEES AWARDED TO
43 A CLAIMANT UNDER SECTION 6-1-113 (2) (b), C.R.S., SHALL NOT EXCEED
44 TWO HUNDRED FIFTY THOUSAND DOLLARS IN ANY ACTION AGAINST A
45 CONSTRUCTION PROFESSIONAL.

46
47 (4) (a) IN AN ACTION ASSERTING PERSONAL INJURY OR BODILY
48 INJURY AS A RESULT OF A CONSTRUCTION DEFECT IN WHICH DAMAGES FOR
49 NONECONOMIC LOSS OR INJURY OR DERIVATIVE NONECONOMIC LOSS OR
50 INJURY MAY BE AWARDED, SUCH DAMAGES SHALL NOT EXCEED THE SUM
51 OF TWO HUNDRED FIFTY THOUSAND DOLLARS. AS USED IN THIS
52 SUBSECTION (4), "NONECONOMIC LOSS OR INJURY" HAS THE SAME
53 MEANING AS SET FORTH IN SECTION 13-21-102.5 (2) (b), AND "DERIVATIVE
54 NONECONOMIC LOSS OR INJURY" HAS THE SAME MEANING AS SET FORTH IN
55 SECTION 13-21-102.5 (2) (a).

56

1 (b) THE LIMITATIONS ON NONECONOMIC DAMAGES SET FORTH IN
2 THIS SUBSECTION (4) SHALL BE ADJUSTED FOR INFLATION AS OF JULY 1,
3 2003, AND AS OF JULY 1 OF EACH YEAR THEREAFTER UNTIL AND
4 INCLUDING JULY 1, 2008. THE ADJUSTMENT MADE PURSUANT TO THIS
5 PARAGRAPH (b) SHALL BE ROUNDED UPWARD OR DOWNWARD TO THE
6 NEAREST TEN DOLLAR INCREMENT.

7
8 (c) AS USED IN PARAGRAPH (b) OF THIS SUBSECTION (4),
9 "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED
10 STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
11 CONSUMER PRICE INDEX FOR DENVER-BOULDER, ALL ITEMS, ALL URBAN
12 CONSUMERS, OR ITS SUCCESSOR INDEX.

13
14 (d) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED
15 LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE
16 APPROPRIATE INFORMATION IS AVAILABLE, AND SUCH ADJUSTED
17 LIMITATION ON DAMAGES SHALL BE THE LIMITATION APPLICABLE TO ALL
18 CLAIMS FOR RELIEF THAT ACCRUE ON OR AFTER JULY 1, 2003.

19
20 (5) CLAIMS FOR PERSONAL INJURY OR BODILY INJURY AS A RESULT
21 OF A CONSTRUCTION DEFECT SHALL NOT BE SUBJECT TO THE TREBLE
22 DAMAGES PROVISIONS OF THE "COLORADO CONSUMER PROTECTION ACT".
23 ARTICLE 1 OF TITLE 6, C.R.S.

24
25 (6) IN ANY CASE IN WHICH THE COURT DETERMINES THAT THE ISSUE
26 OF A VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT",
27 ARTICLE 1 OF TITLE 6, C.R.S., WILL BE SUBMITTED TO A JURY, THE COURT
28 SHALL NOT DISCLOSE NOR ALLOW DISCLOSURE TO THE JURY OF AN OFFER
29 OF SETTLEMENT OR OFFER TO REMEDY MADE UNDER SECTION 13-20-803.5
30 THAT WAS NOT ACCEPTED BY THE CLAIMANT.

31
32 **13-20-807. Express warranty - not affected.** THE PROVISIONS
33 OF THIS PART 8 ARE NOT INTENDED TO ABROGATE OR LIMIT THE
34 PROVISIONS OF ANY EXPRESS WARRANTY. THE PROVISIONS OF THIS PART
35 8 SHALL APPLY TO THOSE CIRCUMSTANCES WHERE AN ACTION IS FILED
36 ASSERTING ONE OR MORE CLAIMS FOR RELIEF INCLUDING A CLAIM FOR
37 BREACH OF WARRANTY. THE PROVISIONS OF THIS PART 8 SHALL NOT BE
38 DEEMED TO REQUIRE A CLAIMANT WHO IS THE BENEFICIARY OF AN EXPRESS
39 WARRANTY TO COMPLY WITH THE NOTICE PROVISIONS OF SECTION
40 13-20-803.5 TO REQUEST ORDINARY WARRANTY SERVICE IN ACCORDANCE
41 WITH THE TERMS OF SUCH WARRANTY. A CLAIMANT WHO REQUIRES
42 WARRANTY SERVICE SHALL COMPLY WITH THE PROVISIONS OF SUCH
43 WARRANTY.

44
45 **SECTION 6. Applicability.** This act shall apply to actions filed
46 on or after the effective date of this act.

47
48 **SECTION 7. Safety clause.** The general assembly hereby finds,
49 determines, and declares that this act is necessary for the immediate
50 preservation of the public peace, health, and safety."

51
52 Respectfully submitted,
53 House Committee:
54 Gregg Rippey
55 Carl Miller
56 Tambor Williams

Senate Committee:
Andy McElhany
Mark Hillman

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on HB03-1224**

This Report Amends the Rerevised Bill.

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB03-1224, concerning a prohibition against the acceptance by public entities of identity documents that are not secure, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, strike lines 11 and 12.

Renumber succeeding subsections accordingly.

Page 2, strike lines 17 and 18.

Renumber succeeding subsections accordingly.

Page 3, after line 13, insert the following:

"24-72.1-104. Reporting. A PERSON WHO PRESENTS AN IDENTIFICATION CARD THAT IS NOT SECURE AND VERIFIABLE SHALL HAVE HIS OR HER PRESENCE AND ALL RELEVANT INFORMATION CONCERNING SUCH PERSON REPORTED TO THE BORDER AND TRANSPORTATION SECURITY DIRECTORATE OF THE FEDERAL DEPARTMENT OF HOMELAND SECURITY. SUCH INFORMATION SHALL BE TRANSMITTED EACH SIXTY DAYS BY A SIMPLE AND PUBLICIZED PROCESS."

Renumber succeeding C.R.S. sections accordingly.

Page 3, line 14, before "ACTIONS", insert "(1)";

after line 17, insert the following:

"(2) A PEACE OFFICER WHO, IN THE PERFORMANCE OF THE OFFICER'S DUTIES, UTILIZES IDENTIFICATION THAT IS NOT SECURE AND VERIFIABLE SHALL NOT FORFEIT GOVERNMENTAL IMMUNITY PURSUANT TO THIS SECTION IF SUCH OFFICER:

(a) REPORTS ALL INFORMATION GATHERED FROM SUCH IDENTIFICATION AND FROM THE RELATED INVESTIGATION PURSUANT TO SECTION 24-72.1-104; AND

(b) IF FEASIBLE, ACCORDING TO ANY APPLICABLE LAW ENFORCEMENT AGENCY GUIDELINES, GATHERS FINGERPRINT INFORMATION FROM SUCH PERSON AND STORES SUCH FINGERPRINTS FOR AT LEAST ONE YEAR AS A CRIMINAL JUSTICE RECORD.";

line 20, strike "ISSUING A";

1 line 21, strike "TRAFFIC CITATION,";
 2
 3 line 22, strike "PREGNANT WOMEN, WOMEN"
 4
 5 strike line 23;
 6
 7 line 27, strike "RECORDS THE USE" and substitute "COMPLIES WITH
 8 SECTION 24-72.1-105 (2);".
 9
 10 Page 4, strike line 1;
 11
 12 line 2, strike "CRIMINAL JUSTICE RECORD;".

13
 14 Respectfully submitted,
 15 House Committee: Senate Committee:
 16 Don Lee John Andrews
 17 Greg Brophy Jim Dyer
 18 Alice Nichol
 19
 20

21
 22 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 23 **on HB03-1301**
 24

25 This Report Adopts the Rerevised Bill.

26
 27 To the President of the Senate and the
 28 Speaker of the House of Representatives:
 29

30 Your first conference committee appointed on HB03-1301,
 31 concerning the penalties for persons who issue checks to the department
 32 of revenue that are returned as unpaid for any reason caused by the
 33 maker, has met and reports that it has agreed upon the following:
 34

35 That the House accede to the Senate amendments made to the bill
 36 and that the rerevised bill be adopted without change.
 37

38 Respectfully submitted,
 39 House Committee: Senate Committee:
 40 Dale Hall Ron Teck
 41 Joe Stengel Norma Anderson
 42 Cheri Jahn Paula Sandoval
 43
 44

45
 46 **REPORTS OF COMMITTEES OF REFERENCE**
 47

48 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

49 After consideration on the merits, the Committee recommends the
 50 following:
 51

52 **HB03-1099** be amended as follows, and as so amended, be rereferred
 53 to the Committee on Appropriations with favorable
 54 recommendation:
 55

56 Strike the Agriculture, Livestock, & Natural Resources committee report

1 dated February 20, 2003 and substitute the following:

2

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

5

6 **"SECTION 1. Legislative declaration.** The general assembly
7 determines that the significant duties of the director of the division of oil
8 and public safety would be more appropriately funded by imposing a
9 environmental response surcharge on liquefied petroleum gas (propane)
10 instead of relying upon the statewide cost allocation agreement with the
11 federal government. The general assembly further finds that this
12 surcharge will ensure that the division continues to perform its duty of
13 protecting the public health, safety, and welfare without imposing
14 additional duties or functions upon the director of such division.

15

16 **SECTION 2.** 8-20-102 (1), Colorado Revised Statutes, is
17 amended to read:

18

19 **8-20-102. Duties of the director of the division of oil and public**
20 **safety.** (1) The director of the division of oil and public safety shall
21 make, promulgate, and enforce rules setting forth minimum and general
22 standards covering the design, construction, location, installation, and
23 operation of equipment for storing, handling, ~~transporting by tank truck~~
24 ~~or tank trailer~~, and utilizing liquid fuel products. Said rules shall be such
25 as are reasonably necessary for the protection of the health, welfare, and
26 safety of the public and persons using such materials, and shall be in
27 substantial conformity with the generally accepted standards of safety
28 concerning the same subject matter. Such rules shall be adopted by the
29 director of the division of oil and public safety in compliance with section
30 24-4-103, C.R.S.

31

32 **SECTION 3.** 8-20-104, Colorado Revised Statutes, is amended
33 to read:

34

35 **8-20-104. Enforcement of law - penalties - definitions.** (1) ~~It~~
36 ~~is the duty of the district attorneys, in their districts, and the attorney~~
37 ~~general, in cases where the district attorney refuses to act, to~~ THE
38 DIRECTOR SHALL enforce the provisions of this ~~part~~ ARTICLE by
39 appropriate actions in courts of competent jurisdiction.

40

41 (2) (a) THE DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO A
42 PERSON WHO IS BELIEVED TO HAVE VIOLATED THIS ARTICLE OR RULES
43 PROMULGATED PURSUANT TO THIS ARTICLE. THE NOTICE SHALL BE
44 DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY CERTIFIED MAIL,
45 RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT VERIFIES RECEIPT
46 AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

47

48 (b) THE NOTICE OF VIOLATION SHALL ALLEGE THE FACTS THAT
49 CONSTITUTE A VIOLATION AND THE RULE OR STATUTE VIOLATED.

50

51 (c) THE NOTICE OF VIOLATION MAY REQUIRE THE ALLEGED
52 VIOLATOR TO ACT TO CORRECT THE ALLEGED VIOLATION.

53

54 (d) WITHIN TEN WORKING DAYS AFTER DELIVERY OF THE NOTICE
55 OF VIOLATION, THE ALLEGED VIOLATOR MAY REQUEST IN WRITING AN
56 INFORMAL CONFERENCE WITH THE DIRECTOR CONCERNING THE NOTICE OF

1 VIOLATION. IF THE ALLEGED VIOLATOR FAILS TO REQUEST SUCH
2 CONFERENCE WITHIN TEN DAYS, THE NOTICE IS THEN FINAL, THE NOTICE IS
3 NOT SUBJECT TO FURTHER REVIEW, AND ANY STATEMENT OF FACTS
4 REQUIRED TO CORRECT THE ALLEGED VIOLATION PURSUANT TO
5 PARAGRAPH (c) OF THIS SUBSECTION (2) BECOME A BINDING
6 ENFORCEMENT ORDER.

7
8 (e) UPON RECEIPT OF A REQUEST FOR AN INFORMAL CONFERENCE,
9 THE DIRECTOR SHALL SET A REASONABLE TIME AND PLACE FOR SUCH
10 CONFERENCE AND SHALL NOTIFY THE ALLEGED VIOLATOR OF SUCH TIME
11 AND PLACE. AT THE CONFERENCE, THE ALLEGED VIOLATOR MAY PRESENT
12 EVIDENCE AND ARGUMENTS CONCERNING THE ALLEGATIONS IN THE NOTICE
13 OF VIOLATION.

14
15 (f) WITHIN TWENTY WORKING DAYS AFTER THE INFORMAL
16 CONFERENCE, THE DIRECTOR SHALL UPHOLD, MODIFY, OR STRIKE THE
17 ALLEGATIONS WITHIN THE NOTICE OF VIOLATION AND MAY ISSUE AN
18 ENFORCEMENT ORDER. THE DECISION AND, IF APPLICABLE, ENFORCEMENT
19 ORDER SHALL BE DELIVERED TO THE ALLEGED VIOLATOR PERSONALLY, BY
20 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY ANY MEANS THAT
21 VERIFIES RECEIPT AS RELIABLY AS CERTIFIED MAIL, RETURN RECEIPT
22 REQUESTED.

23
24 (3) (a) A PERSON WHO IS THE SUBJECT OF AND IS ADVERSELY
25 AFFECTED BY A NOTICE OF VIOLATION OR AN ENFORCEMENT ORDER ISSUED
26 PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY APPEAL SUCH ACTION
27 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
28 EMPLOYMENT. THE EXECUTIVE DIRECTOR SHALL HOLD A HEARING TO
29 REVIEW SUCH NOTICE OR ORDER AND TAKE FINAL ACTION IN ACCORDANCE
30 WITH ARTICLE 4 OF TITLE 24, C.R.S., AND MAY EITHER CONDUCT THE
31 HEARING PERSONALLY OR APPOINT AN ADMINISTRATIVE LAW JUDGE FROM
32 THE DEPARTMENT OF PERSONNEL.

33
34 (b) FINAL AGENCY ACTION SHALL BE SUBJECT TO JUDICIAL REVIEW
35 PURSUANT TO ARTICLE 4 OF TITLE 24, C.R.S.

36
37 (c) AN ALLEGED VIOLATOR WHO IS REQUIRED TO CORRECT AN
38 ACTION PURSUANT TO PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION
39 SHALL BE AFFORDED THE PROCEDURES SET FORTH IN SECTION 24-4-104
40 (3), C.R.S., TO THE EXTENT APPLICABLE.

41
42 (4) AN ENFORCEMENT ORDER ISSUED PURSUANT TO THIS SECTION
43 MAY IMPOSE A CIVIL PENALTY, DEPENDING ON THE SEVERITY OF THE
44 ALLEGED VIOLATION, NOT TO EXCEED FIVE HUNDRED DOLLARS PER
45 VIOLATION FOR EACH DAY OF VIOLATION; EXCEPT THAT THE DIRECTOR
46 MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS
47 PER VIOLATION FOR EACH DAY OF VIOLATION THAT RESULTS IN, OR MAY
48 REASONABLY BE EXPECTED TO RESULT IN, SERIOUS BODILY INJURY.

49
50 (5) THE DIRECTOR MAY FILE SUIT IN THE DISTRICT COURT IN THE
51 JUDICIAL DISTRICT IN WHICH A VIOLATION IS ALLEGED TO HAVE OCCURRED
52 TO JUDICIALLY ENFORCE AN ENFORCEMENT ORDER ISSUED PURSUANT TO
53 THIS SECTION.

54
55 (6) FOR THE PURPOSES OF THIS SECTION:
56

1 (a) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND
2 PUBLIC SAFETY;

3
4 (b) "DIVISION" MEANS THE DIVISION OF OIL AND PUBIC SAFETY.

5
6 **SECTION 4. Repeal.** 8-20-105, Colorado Revised Statutes, is
7 repealed as follows:

8
9 **8-20-105. Expenses of administration.** ~~For the purpose of~~
10 ~~administering this article, there shall be appropriated from the highway~~
11 ~~users tax fund to the department of labor and employment each fiscal year~~
12 ~~such moneys as the general assembly may determine, upon presentation~~
13 ~~of a budget for that purpose in form and content in accordance with the~~
14 ~~provisions for submission of budget requests by state agencies.~~

15
16 **SECTION 5.** Part 1 of article 20 of title 8, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19
20 **8-20-106. Confidentiality.** (1) INFORMATION CONCERNING
21 LIQUEFIED PETROLEUM GAS STORAGE TANKS OBTAINED UNDER THIS
22 ARTICLE SHALL BE AVAILABLE TO THE PUBLIC; EXCEPT THAT, UPON
23 DETERMINATION OF THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC
24 SAFETY, OR BY COLORADO OR FEDERAL STATUTES OR RULES,
25 INFORMATION ON RECORDS SHALL REMAIN CONFIDENTIAL.

26
27 (2) CONFIDENTIAL RECORDS MAY BE DISCLOSED TO OFFICERS,
28 EMPLOYEES, OR AUTHORIZED REPRESENTATIVES OF THIS STATE OR OF THE
29 UNITED STATES WHO HAVE BEEN CHARGED WITH ADMINISTERING THIS
30 ARTICLE OR SUBCHAPTER I OF THE FEDERAL "RESOURCE CONSERVATION
31 AND RECOVERY ACT OF 1976", AS AMENDED. SUCH DISCLOSURE SHALL
32 NOT CONSTITUTE A WAIVER OF CONFIDENTIALITY.

33
34 **SECTION 6.** 8-20-206.5 (1) (a), Colorado Revised Statutes, is
35 amended, and the said 8-20-206.5 (1) is further amended BY THE
36 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

37
38 **8-20-206.5. Environmental response surcharge - liquefied**
39 **petroleum gas inspection fund.** (1) (a) Every FIRST PURCHASER OF
40 LIQUEFIED PETROLEUM GAS, EVERY manufacturer of fuel products who
41 manufactures such products for sale within Colorado or who ships such
42 ~~fuel~~ products from any point outside of Colorado to a distributor within
43 Colorado and every distributor who ships ~~fuel~~ SUCH products from any
44 point outside of Colorado to a point within Colorado shall pay to the
45 executive director of the department of revenue, on or before the
46 twenty-fifth day of each calendar month, EITHER twenty-five dollars per
47 tank truckload of fuel PRODUCTS delivered during the previous calendar
48 month for sale or use in Colorado OR THE FEE FOR LIQUEFIED PETROLEUM
49 GAS AS SPECIFIED IN PARAGRAPH (d) OF THIS SUBSECTION (1), WHICHEVER
50 IS APPLICABLE. Such payment shall be made on forms ~~which are~~
51 prescribed and furnished by the executive director. The provisions of this
52 section shall not apply to fuel ~~which~~ THAT is especially prepared and sold
53 for use in aircraft or railroad ~~cars~~ LOCOMOTIVES. ~~The surcharge imposed~~
54 ~~by this subsection (1) is effective July 1, 1989.~~

55
56 (d) NOTWITHSTANDING PARAGRAPH (b) OF THIS SUBSECTION (1),

1 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL HAVE
2 THE AUTHORITY TO DETERMINE AND ADJUST A FEE FOR LIQUEFIED
3 PETROLEUM GAS, NOT TO EXCEED TWENTY-FIVE DOLLARS PER TANK
4 TRUCKLOAD.
5

6 (e) (I) THERE IS HEREBY CREATED THE LIQUEFIED PETROLEUM GAS
7 INSPECTION FUND, WHICH FUND SHALL BE A SPECIAL PURPOSE ACCOUNT
8 WITHIN THE PETROLEUM STORAGE TANK FUND CREATED PURSUANT TO
9 SECTION 8-20.5-103. SUCH FUND SHALL CONSIST OF:
10

11 (A) LIQUEFIED PETROLEUM GAS INSPECTION MONEYS COLLECTED
12 PURSUANT TO THIS ARTICLE;
13

14 (B) CIVIL PENALTIES COLLECTED AS A RESULT OF COURT ACTIONS
15 PURSUANT TO SECTION 8-20-104;
16

17 (C) ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL
18 ASSEMBLY; AND
19

20 (D) ANY MONEYS GRANTED TO THE DEPARTMENT FROM A FEDERAL
21 AGENCY OR TRADE ASSOCIATION FOR ADMINISTRATION OF THE
22 DEPARTMENT'S LIQUEFIED PETROLEUM GAS INSPECTION PROGRAM.
23

24 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
25 SHALL ADJUST THE FEES COLLECTED PURSUANT TO THIS ARTICLE SO THAT
26 THE BALANCE OF UNEXPENDED AND UNENCUMBERED MONEYS IN THE
27 LIQUEFIED PETROLEUM GAS INSPECTION FUND DOES NOT EXCEED A
28 REASONABLY PROJECTED, TWO-MONTH NEED.
29

30 (III) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
31 APPROPRIATION BY THE GENERAL ASSEMBLY. MONEYS IN THE FUND SHALL
32 ONLY BE USED FOR COSTS RELATED TO:
33

34 (A) INITIAL AND SUBSEQUENT INSPECTIONS OF LIQUEFIED
35 PETROLEUM GAS INSTALLATIONS;
36

37 (B) PROVING, INCLUDING CALIBRATING AND ADJUSTING, LIQUEFIED
38 PETROLEUM GAS METERS AND DISPENSERS;
39

40 (C) ABATEMENT OF FIRE AND SAFETY HAZARDS AT LIQUEFIED
41 PETROLEUM GAS INSTALLATIONS;
42

43 (D) INVESTIGATION OF REPORTED LIQUEFIED PETROLEUM GAS THAT
44 REQUIRES STATE MATCHING DOLLARS;
45

46 (E) ANY FEDERAL PROGRAM PERTAINING TO LIQUEFIED
47 PETROLEUM GAS THAT REQUIRES STATE MATCHING DOLLARS;
48

49 (F) LIQUEFIED PETROLEUM GAS PRODUCT QUALITY TESTING;
50

51 (G) ADMINISTRATIVE COSTS, INCLUDING COSTS FOR CONTRACT
52 SERVICES; AND
53

54 (H) DEFRAYING THE SALARIES AND OPERATING EXPENSES
55 INCURRED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT IN THE
56 ADMINISTRATION OF THIS ARTICLE AS IT PERTAINS TO LIQUEFIED

1 PETROLEUM GAS INSTALLATIONS, METERS, AND DISPENSERS. SUCH
 2 MONEYS SHALL BE APPROPRIATED FOR SUCH PURPOSES BY THE GENERAL
 3 ASSEMBLY.

4
 5 (IV) THE MONEYS IN THE LIQUEFIED PETROLEUM GAS INSPECTION
 6 FUND AND ALL INTEREST EARNED ON THE MONEYS IN THE FUND SHALL
 7 REMAIN IN SUCH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO
 8 THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR.

9
 10 **SECTION 7.** 8-20-213 (3) (d), Colorado Revised Statutes, is
 11 amended to read:

12
 13 **8-20-213. Recycled or used motor oil - legislative declaration**
 14 **- definitions - sale.** (3) (d) Notwithstanding ~~section 8-20-229~~ SECTION
 15 8-20-104, a person found guilty of violating this subsection (3) shall be
 16 subject to a fine of not less than one hundred dollars and not more than
 17 five hundred dollars for the first offense. A person found guilty of a
 18 second or subsequent offense shall be enjoined from selling or
 19 distributing used oil for not less than one year and not more than five
 20 years.

21
 22 **SECTION 8.** 8-20-225 (1), Colorado Revised Statutes, is
 23 amended to read:

24
 25 **8-20-225. Measuring device - sealing - approval of prover and**
 26 **procedure.** (1) No person, or agent or employee of any person, shall use
 27 any meter or mechanical device for the measurement of oil, gasoline, or
 28 liquid fuels unless the same has been proved in a manner acceptable to
 29 the director of the division of oil and public safety and sealed as correct
 30 by the director or one of the director's deputies. The director and the
 31 director's deputies are further authorized, if any such meter or mechanical
 32 device fails to comply with any of the provisions of this part 2, to seal the
 33 meter or mechanical device in a manner that prohibits its use until such
 34 meter or mechanical device complies with all of the provisions of this
 35 part 2, at which time the seal shall be removed by the director or the
 36 director's deputies. ~~Any person, or agent or employee of any person, who~~
 37 ~~changes or in any way tampers with the seal shall be subject to the~~
 38 ~~penalties provided in section 8-20-229, except as provided for in section~~
 39 ~~8-20-408(2).~~

40
 41 **SECTION 9.** 8-20-226, Colorado Revised Statutes, is amended
 42 to read:

43
 44 **8-20-226. False labels unlawful.** No label upon, or invoice for,
 45 any lubricating oil or grease shall contain any untrue or misleading
 46 statement, and any person, agent, or employee of any person, who
 47 substitutes any oil or grease for any other brand, without notice, shall be
 48 subject to the penalties prescribed in ~~section 8-20-229~~ SECTION 8-20-104.

49
 50 **SECTION 10. Repeal.** 8-20-229, Colorado Revised Statutes, is
 51 repealed as follows:

52
 53 **8-20-229. Penalty.** ~~Any person, firm, or corporation, or any~~
 54 ~~officer, agent, servant, or employee thereof, who violates any provision~~
 55 ~~of this part 2 is guilty of a misdemeanor and, upon conviction thereof,~~
 56 ~~shall be punished by a fine of not less than fifty dollars nor more than~~

1 ~~three hundred dollars, or by imprisonment for not more than ninety days,~~
2 ~~or by both such fine and imprisonment. Each separate sale or attempt to~~
3 ~~sell in violation of the provisions of this part 2 is a separate offense.~~
4

5 **SECTION 11.** 8-20-305, Colorado Revised Statutes, is amended
6 to read:

7
8 **8-20-305. Penalty for violation.** (1) ~~Any person who fails to~~
9 ~~comply with any of the provisions of this part 3 is guilty of a~~
10 ~~misdemeanor and, upon conviction thereof, shall be punished by a fine~~
11 ~~of not more than three hundred dollars, or by imprisonment in the county~~
12 ~~jail for not more than ninety days, or by both such fine and imprisonment.~~
13 ANY FUEL DISTRIBUTOR WHO FILLS A FUEL TANK WITH LIQUIFIED
14 PETROLEUM GAS WITHOUT THE APPROVAL OF THE OWNER OF THE TANK
15 SHALL BE LIABLE IN A CIVIL ACTION FOR TREBLE DAMAGES IN ADDITION TO
16 COSTS AND REASONABLE ATTORNEY FEES.

17
18 **SECTION 12.** 8-20-402, Colorado Revised Statutes, is amended
19 to read:

20
21 **8-20-402. Rules of the director of the division of oil and public**
22 **safety.** The director of the division of oil and public safety shall make,
23 promulgate, and enforce rules setting forth minimum general standards
24 ~~not inconsistent~~ CONSISTENT with the provisions of section 8-20-405
25 covering the design, construction, location, installation, and operation of
26 equipment for storing, handling, transporting, ~~by tank truck or tank trailer~~
27 DISPENSING, and utilizing liquefied petroleum gases, and specifying the
28 odorization of said gases and the degree thereof and the odorizing agent
29 to be used therein. These rules shall be such as are reasonably necessary
30 for the protection of the health, welfare, and safety of the public and
31 persons using these materials, and shall be in substantial conformity with
32 the generally accepted standards of safety concerning the same subject
33 matter. Such rules shall be adopted by the director of the division of oil
34 and public safety only after a public hearing thereon.

35
36 **SECTION 13. Repeal.** 8-20-403, Colorado Revised Statutes, is
37 repealed as follows:

38
39 **8-20-403. Penalty for violation.** ~~It is unlawful for any person,~~
40 ~~firm, association, or corporation to violate any of the provisions of~~
41 ~~sections 8-20-401 to 8-20-404 or of the rules of the director of the~~
42 ~~division of oil and public safety made pursuant thereto. Any person,~~
43 ~~firm, association, or corporation violating any of the provisions of~~
44 ~~sections 8-20-401 to 8-20-404, or rules made under sections 8-20-402 and~~
45 ~~8-20-404, is guilty of a misdemeanor and, upon conviction thereof, shall~~
46 ~~be punished by a fine of not more than five hundred dollars.~~

47
48 **SECTION 14.** 8-20-405, Colorado Revised Statutes, is amended
49 to read:

50
51 **8-20-405. Minimum standards.** (1) The design, construction,
52 location, installation, and operation of liquefied petroleum gas systems
53 and equipment, and the transportation and handling of liquefied
54 petroleum gas, and the odorization of liquefied petroleum gas, the degree
55 thereof, and the odorizing agent to be used therein, shall conform to the
56 minimum standards therefor as prescribed by the applicable sections of

1 the ~~current~~ 2001 edition of the national fire code published by the
2 national fire protection association, ~~1 Battery March Park, Quincy,~~
3 ~~Massachusetts~~ as revised by the association from time to time. The
4 minimum standards as prescribed in this section shall also apply to
5 marine and pipeline terminals, natural gasoline plants, refineries, tank
6 farms, underground storage facilities such as salt and coal mines,
7 aboveground storage facilities, and to chemical plants utilizing liquefied
8 petroleum gas in the manufacture of their products. Copies of the
9 pamphlets shall be kept and maintained in the office of the director of the
10 division of oil and public safety at all times for examination by any
11 interested person.

12
13 (2) ANY CHANGES TO ANY STANDARDS PROMULGATED BY THE
14 NATIONAL FIRE PROTECTION ASSOCIATION AFTER JANUARY 1, 2003, SHALL
15 BE REVIEWED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC
16 SAFETY. AFTER SUCH REVIEW, THE DIRECTOR MAY ADOPT SUCH CHANGES
17 BY RULE.

18
19 **SECTION 15.** 8-20-408 (1), Colorado Revised Statutes, is
20 amended to read:

21
22 **8-20-408. Meter inspection.** (1) No person, firm, partnership,
23 or corporation shall use a liquefied petroleum gas liquid metering system
24 for the sale of liquefied petroleum gas unless the system has been
25 inspected, approved, and sealed by the director of the division of oil and
26 public safety. Operation or use of a liquefied petroleum gas liquid
27 metering system that has not been properly inspected and sealed
28 constitutes a violation of sections 8-20-405 to ~~8-20-412~~ 8-20-411, except
29 under the circumstances outlined in subsection (2) of this section.

30
31 **SECTION 16.** 8-20-409, Colorado Revised Statutes, is amended
32 to read:

33
34 **8-20-409. Requirements for appliances.** (1) ~~All domestic water~~
35 ~~heaters and room heating equipment shall be properly vented.~~

36
37 (2) ~~Approval by the director of the division of oil and public~~
38 ~~safety of industrial gas consuming Appliances shall NOT be obtained prior~~
39 ~~to their use in this state. Such appliances include gas consuming~~
40 ~~equipment such as heat treating ovens or furnaces; process equipment;~~
41 ~~internal combustion engines; salamanders; tar pots; lead melting~~
42 ~~equipment; galvanizing, pickling, or process tanks; linotype machines;~~
43 ~~industrial torches; traveling ovens and furnaces; paint burning torches;~~
44 ~~cutting torches; industrial boilers; laboratory burner equipment; jewelry~~
45 ~~and dental torches; industrial and agricultural dryer equipment; and~~
46 ~~similar gas consuming appliances. The owner or operator of any such~~
47 ~~appliance shall notify the director of the division of oil and public safety~~
48 ~~who shall inspect such appliance within a reasonable time thereafter USED~~
49 ~~OR INSTALLED UNLESS CERTIFIED BY A NATIONALLY RECOGNIZED TESTING~~
50 ~~ORGANIZATION, INCLUDING BUT NOT LIMITED TO THE UNDERWRITERS~~
51 ~~LABORATORIES, INCORPORATED.~~

52
53 **SECTION 17.** 8-20-411 (1), Colorado Revised Statutes, is
54 amended to read:

55
56 **8-20-411. Location and charging of containers.**

1 (1) Permanently installed American petroleum institute-American society
2 of mechanical engineers OR UNITED STATES DEPARTMENT OF
3 TRANSPORTATION containers or surface transportation board containers
4 provided with excess flow or back-flow check valves shall be located and
5 filled in accordance with the applicable requirements of basic rules of the
6 national fire code described in section 8-20-405. Private streets, roads,
7 or rights-of-way shall not be classed as public streets or highways for the
8 purpose of sections 8-20-405 to ~~8-20-412~~ 8-20-411.
9

10 **SECTION 18. Repeal.** 8-20-412, Colorado Revised Statutes, is
11 repealed as follows:
12

13 **8-20-412. Violations of sections 8-20-405 to 8-20-414.** Any
14 person, firm, partnership, or corporation or any officer, agent, servant, or
15 employee thereof who violates any provision of sections 8-20-405 to
16 8-20-414 is guilty of a misdemeanor and, upon conviction thereof, shall
17 be punished by a fine of not less than fifty dollars nor more than three
18 hundred dollars, or by imprisonment in the county jail for not more than
19 ninety days, or by both such fine and imprisonment. Each separate
20 violation of the provisions of sections 8-20-405 to 8-20-414 constitutes
21 a separate offense.
22

23 **SECTION 19.** 8-20-413, Colorado Revised Statutes, is amended
24 to read:
25

26 **8-20-413. Specifications of liquefied petroleum gas as defined**
27 **in the GPA 2140.** (1) ~~Commercial grade propane (LPG)~~ LIQUEFIED
28 PETROLEUM GAS shall ~~comply~~ BE USED, STORED, AND TRANSPORTED IN
29 COMPLIANCE with the following specifications of GPA 2140, "LIQUEFIED
30 PETROLEUM GAS SPECIFICATION", AS REVISED AS OF JANUARY 1, 2003,
31 INCLUDING REVISIONS THAT REFER TO ASTM INTERNATIONAL TEST OF
32 SPECIFICATIONS.
33

34 (a) ~~"Corrosive compounds" shall pass GPA copper strip corrosion~~
35 ~~tests as further described in ASTM method D-1838-84;~~
36

37 (b) ~~"Dryness" shall pass GPA cobalt bromide test or ASTM~~
38 ~~D-2713 valve freeze method;~~
39

40 (c) ~~"Vapor pressure", at one hundred degrees Fahrenheit, shall not~~
41 ~~be more than 208 PSIG;~~
42

43 (d) ~~"Ninety-five percent boiling point" is the temperature at which~~
44 ~~the amount of volume of the gas evaporated shall be minus thirty-seven~~
45 ~~degrees Fahrenheit or lower when corrected to a barometric pressure of~~
46 ~~760mm HG;~~
47

48 (e) ~~"Residue" shall pass nonvolatile residue and oil ring tests~~
49 ~~according to the GPA method;~~
50

51 (f) ~~"Sulfur content" shall pass ASTM D-2784-80 tests.~~
52

53 (2) ~~Motor fuels grade propane (HD-5) specifications shall be~~
54 ~~identical to commercial grade propane (LPG); except that composition~~
55 ~~shall be at least ninety percent liquid volume of propane and shall not be~~
56 ~~more than five percent liquid volume propylene.~~

1 **SECTION 20.** 13-4-102 (2), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3
4 **13-4-102. Jurisdiction.** (2) The court of appeals shall have
5 initial jurisdiction to:

6
7 (jj) REVIEW ALL FINAL ACTIONS AND ORDERS APPROPRIATE FOR
8 JUDICIAL REVIEW OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 LABOR AND EMPLOYMENT, AS PROVIDED IN SECTION 8-20-104, C.R.S.

10
11 **SECTION 21. Applicability.** This act shall apply to acts
12 committed on or after the effective date of this act.

13
14 **SECTION 22. Safety clause.** The general assembly hereby
15 finds, determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety."."

17
18
19
20 **HJR03-1046** be referred out for final action.

21
22
23 **HJR03-1048** be referred out for final action.

24
25
26
27
28 **FINANCE**

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

31
32 **HB03-1336** be amended as follows, and as so amended, be referred to
33 the Committee on Appropriations with favorable
34 recommendation:

35
36 Amend the Education Committee Report, dated April 2, 2003, page 27,
37 after line 16, insert the following:

38
39 "**SECTION 3.** 23-5-101.5 (1), the introductory portion to
40 23-5-101.5 (1.5), 23-5-101.5 (2) (b) (II) (A), (2) (b) (II) (B), and (3) (a),
41 Colorado Revised Statutes, are amended, and the said 23-5-101.5 (2) is
42 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
43 read:

44
45 **23-5-101.5. Enterprise status of institutions and auxiliary**
46 **facilities.** (1) Any INSTITUTION, GROUP OF INSTITUTIONS, auxiliary
47 facility, or group of auxiliary facilities with similar functions which is
48 managed by the governing body of an institution of higher education or
49 by the board of directors of the Auraria higher education center may be
50 designated as an enterprise for the purposes of section 20 of article X of
51 the state constitution so long as the governing body of the institution of
52 higher education or the board of directors of the Auraria higher education
53 center, whichever manages such INSTITUTION, GROUP OF INSTITUTIONS,
54 auxiliary facility, or group of auxiliary facilities, retains the authority to
55 issue revenue bonds on behalf of such INSTITUTION, GROUP OF
56 INSTITUTIONS, auxiliary facility, or group of auxiliary facilities and such

1 INSTITUTION, GROUP OF INSTITUTIONS, auxiliary facility, or group of
2 auxiliary facilities receives less than ten percent of its total annual
3 revenues in grants from all Colorado state and local governments
4 combined. The general assembly hereby finds and declares that, for the
5 purposes of determining whether an INSTITUTION, GROUP OF
6 INSTITUTIONS, auxiliary facility, or group of auxiliary facilities may be
7 designated as an enterprise, it is sufficient that the governing body of an
8 institution of higher education or the board of directors of the Auraria
9 higher education center, whichever manages such INSTITUTION, GROUP OF
10 INSTITUTIONS, auxiliary facility, or group of auxiliary facilities, has
11 authority to issue revenue bonds on behalf of such INSTITUTION, GROUP
12 OF INSTITUTIONS, auxiliary facility, or group of auxiliary facilities. So
13 long as it is designated as an enterprise pursuant to the provisions of this
14 section, an INSTITUTION, GROUP OF INSTITUTIONS, auxiliary facility, or
15 group of auxiliary facilities shall not be subject to any of the provisions
16 of section 20 of article X of the state constitution.

17

18 (1.5) In pledging revenues for the repayment of revenue bonds
19 issued on behalf of any INSTITUTION, GROUP OF INSTITUTIONS, auxiliary
20 facility, or group of auxiliary facilities that is designated as an enterprise,
21 THE INSTITUTION, GROUP OF INSTITUTIONS, OR the institution of higher
22 education and the auxiliary facility, or group of auxiliary facilities may
23 pledge internal revenues only if the INSTITUTION, GROUP OF INSTITUTIONS,
24 auxiliary facility, or group of auxiliary facilities:

25

26 (2) As used in this article:

27

28 (b) (II) "Grant" does not include:

29

30 (A) Any indirect benefit conferred upon an auxiliary facility,
31 INSTITUTION, OR GROUP OF INSTITUTIONS from the state or any local
32 government in Colorado;

33

34 (B) Any revenues resulting from EXCHANGE OR EXCHANGE-LIKE
35 TRANSACTIONS SUCH AS rates, fees, assessments, TUITIONS, AGREEMENTS,
36 or other charges imposed by an INSTITUTION, GROUP OF INSTITUTIONS, OR
37 auxiliary facility for the provision of goods or services by such AN
38 INSTITUTION, GROUP OF INSTITUTIONS, OR auxiliary facility, including
39 SERVICES TO THE STATE OR ANY LOCAL GOVERNMENT IN COLORADO AND
40 fees paid to the auxiliary facility for internal services provided to the
41 institution of higher education with which the auxiliary facility is
42 associated;

43

44 (b.5) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
45 MEANS THE COLORADO STATE UNIVERSITY - PUEBLO, ADAMS STATE
46 COLLEGE, MESA STATE COLLEGE, METROPOLITAN STATE COLLEGE OF
47 DENVER, FORT LEWIS COLLEGE, WESTERN STATE COLLEGE OF COLORADO,
48 THE UNIVERSITY OF NORTHERN COLORADO, COLORADO SCHOOL OF MINES,
49 THE UNIVERSITY OF COLORADO AT DENVER, THE UNIVERSITY OF
50 COLORADO AT COLORADO SPRINGS, THE UNIVERSITY OF COLORADO AT
51 BOULDER, THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER,
52 COLORADO STATE UNIVERSITY, AND ALL COMMUNITY COLLEGES
53 GOVERNED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND
54 OCCUPATIONAL EDUCATION.

55

56 (3) (a) The governing body of an institution of higher education

1 or the board of directors of the Auraria higher education center may, by
2 resolution, designate any INSTITUTION, GROUP OF INSTITUTIONS, auxiliary
3 facility, or group of auxiliary facilities with similar functions managed by
4 such governing body or board of directors, as applicable, as an enterprise
5 so long as such INSTITUTION, GROUP OF INSTITUTIONS, auxiliary facility,
6 or group of auxiliary facilities meets the requirements for an enterprise
7 as stated in subsection (1) of this section. The designation of a group of
8 auxiliary facilities with similar functions may include auxiliary facilities
9 that are located at one or more campuses or institutions under the
10 jurisdiction of the governing body or board of directors. All designations
11 shall expire at 11:59 p.m. on June 30 of the year following their adoption
12 unless the general assembly, by bill, acts to postpone the expiration of a
13 specific designation. The postponement of the expiration of a designation
14 shall not constitute legislative approval of the designation nor be
15 admissible in any court as evidence of legislative intent. The
16 postponement of the expiration date of a specific designation shall not
17 prohibit any action by the general assembly pursuant to the provisions of
18 paragraph (b) of this subsection (3) with respect to such designation.

19

20 **SECTION 4.** 23-5-102 (2), Colorado Revised Statutes, is
21 amended to read:

22

23 **23-5-102. Funding for auxiliary facilities and institutions of**
24 **higher education - loans - bonds.** (2) The governing body of any
25 institution of higher education by resolution may issue revenue bonds on
26 behalf of any INSTITUTION, GROUP OF INSTITUTIONS, auxiliary facility, or
27 group of auxiliary facilities managed by such governing body for the
28 purpose of obtaining funds for constructing, otherwise acquiring,
29 equipping, or operating FACILITIES FOR SUCH INSTITUTION OR GROUP OF
30 INSTITUTIONS OR such auxiliary facility or group of auxiliary facilities.
31 Any bonds issued on behalf of any INSTITUTION, GROUP OF INSTITUTIONS,
32 auxiliary facility, or group of auxiliary facilities, other than housing
33 facilities, dining facilities, recreational facilities, health facilities, parking
34 facilities, research facilities ~~which~~ THAT are funded from a revolving
35 fund, or designated enterprise auxiliary facilities listed in section
36 23-5-101.5 (4), may be issued only after approval by both houses of the
37 general assembly either by bill or by joint resolution and after approval
38 by the governor in accordance with section 39 of article V of the state
39 constitution. Bonds issued pursuant to this subsection (2) shall be
40 payable only from revenues generated by the INSTITUTION, GROUP OF
41 INSTITUTIONS, auxiliary facility, or group of auxiliary facilities on behalf
42 of which such bonds are issued; except that, subject to section 23-1-123
43 (5) (a) (III) and (5) (b) (II), revenues generated by a designated enterprise
44 auxiliary facility that is associated with the university of Colorado may
45 be pledged for the repayment of bonds issued by another designated
46 enterprise auxiliary facility ~~which~~ THAT is not part of the same enterprise.
47 Such bonds shall be issued in accordance with the provisions of section
48 23-5-103 (2). The termination, rescission, or expiration of the enterprise
49 designation of any INSTITUTION, GROUP OF INSTITUTIONS, auxiliary
50 facility, or group of auxiliary facilities pursuant to section 23-5-101.5 (3)
51 shall not adversely affect the validity of or security for any revenue bonds
52 issued on behalf of such INSTITUTION, GROUP OF INSTITUTIONS, auxiliary
53 facility, or group of auxiliary facilities.

54

55 **SECTION 5.** 23-5-103 (1), Colorado Revised Statutes, is
56 amended to read:

1 **23-5-103. Pledge of income.** (1) The governing board of any one
 2 or more state educational institutions, including, but not limited to, the
 3 colleges under the control and operation of the trustees of the state
 4 colleges in Colorado, which enters into such a contract for the
 5 advancement of moneys is authorized, in connection with or as a part of
 6 such contract, to pledge the net income derived or to be derived from
 7 such land or facilities so constructed, acquired, and equipped as security
 8 for the repayment of the moneys advanced therefor, together with interest
 9 thereon, and for the establishment and maintenance of reserves in
 10 connection therewith; and, for the same purpose, any such governing
 11 board is also authorized, subject to the limitations specified in section
 12 23-1-123 (5), to pledge the net income derived or to be derived from
 13 other auxiliary facilities ~~which~~ THAT are DESIGNATED AS ENTERPRISES
 14 PURSUANT TO SECTION 23-5-101.5, OR IF not SO individually designated
 15 as enterprises, ~~and which~~ OTHER AUXILIARY FACILITIES THAT are not
 16 acquired and not to be acquired with moneys appropriated to the
 17 institution by the state of Colorado, and to pledge the net income, fees,
 18 and revenues derived from such sources, if unpledged, or, if pledged, the
 19 net income, fees, and revenues currently in excess of the amount required
 20 to meet principal, interest, and reserve requirements in connection with
 21 outstanding obligations to which such net income, fees, and revenues
 22 have theretofore been pledged. If the contract for the advancement of
 23 moneys is entered into by the university of Colorado on behalf of a
 24 designated enterprise auxiliary facility that is associated with the
 25 university of Colorado, the board of regents is authorized to pledge only
 26 the net income, including fees and revenues derived or to be derived from
 27 the designated enterprise auxiliary facility and any other designated
 28 enterprise auxiliary facilities."

29

30 Renumber succeeding sections accordingly.

31

32 Page 27, after line 18, insert the following:

33

34 **"SECTION 7. No appropriation.** The general assembly has
 35 determined that this act can be implemented for the fiscal year
 36 commencing July 1, 2003, within existing appropriations, and therefore
 37 no separate appropriation of state moneys for the fiscal year commencing
 38 July 1, 2003, is necessary to carry out the purposes of this act."

39

40 Renumber succeeding sections accordingly.

41

42 Page 27, line 20, strike "3" and substitute "6".

43

44

45

46 **HB03-1351** be referred favorably to the Committee on Appropriations.

47

48

49 **HB03-1353** be amended as follows, and as so amended, be referred to
 50 the Committee on Appropriations with favorable
 51 recommendation:

52

53 Amend printed bill, page 3, line 14, strike "SECTION;" and substitute
 54 "SECTION AND, PURSUANT TO SECTION 22-32-110(1)(ff)(I)(B) OR (1)(gg)
 55 (I)(B), C.R.S., HAS WAIVED THE RIGHT TO AN INCENTIVE PAYMENT OR
 56 CREDIT FROM THE SCHOOL DISTRICT FOR THE TWELVE MONTH PERIOD

1 BEGINNING ON THE FIRST DAY OF THE INCOME TAX YEAR FOR WHICH THE
2 CREDIT ALLOWED BY THIS SECTION IS CLAIMED;"

3

4 Page 5, strike line 27 and substitute the following:

5

6 "THE INCOME TAXES IMPOSED BY THIS ARTICLE AND HAS NOT
7 TRANSFERRED TO ANY OTHER TAXPAYER.

8

9 (b) THE TRANSFER SHALL BE MADE PURSUANT TO AN AGREEMENT
10 BETWEEN THE QUALIFIED TAXPAYER AND THE TRANSFEREE FOR THE
11 CREDIT EARNED FROM THE PERSONAL PROPERTY TAXES PAID IN ONE
12 PROPERTY TAX YEAR, AND THE AGREEMENT SHALL CONTAIN AN
13 ATTESTATION BY THE QUALIFIED TAXPAYER VERIFYING THAT THE
14 PERSONAL PROPERTY TAXES WERE PAID AND THE DATE OF SUCH
15 PAYMENT."

16

17 Reletter succeeding paragraphs accordingly.

18

19 Page 6, line 2, strike "TRANSFEREE." and substitute "TRANSFEREE, BUT IN
20 NO CASE MAY THE QUALIFIED TAXPAYER TRANSFER MORE THAN THE TOTAL
21 CREDIT ALLOWABLE IN A SINGLE INCOME TAX YEAR. THE QUALIFIED
22 TAXPAYER SHALL REPORT ALL CREDIT TRANSFERS TO MULTIPLE
23 TRANSFEREES TO THE DEPARTMENT OF REVENUE ON A FORM AS SPECIFIED
24 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT.";

25

26 line 3, after "TRANSFERRED", insert "OR CLAIMED";

27

28 after line 18, insert the following:

29

30 "(f) TO THE EXTENT ALL OR A PORTION OF A TRANSFERRED CREDIT
31 IS DETERMINED TO BE INVALID DUE TO REFUNDS OF PERSONAL PROPERTY
32 TAX, FAILURE TO PAY PERSONAL PROPERTY TAX, TRANSFER OF A CREDIT IN
33 EXCESS OF THE AMOUNT OF CREDIT EARNED BY THE QUALIFIED TAXPAYER,
34 OR FOR ANY OTHER REASON, THE TAXPAYER CLAIMING THE TRANSFERRED
35 CREDIT SHALL BE LIABLE FOR THE PAYMENT OF THE AMOUNT OF INCOME
36 TAX OFFSET BY THE TRANSFERRED CREDIT."

37

38 Reletter succeeding paragraph accordingly.

39

40

41

42 **SB03-249** be amended as follows, and as so amended, be referred to
43 the Committee of the Whole with favorable
44 recommendation:

45

46 Amend reengrossed bill, page 3, strike lines 20 and 21 and substitute the
47 following:

48

49 "A QUALIFIED STATE ASSET AND CONSTITUTES REVENUES FROM A
50 PROPERTY SALE, AND"

51

52

53

54

55

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

4

5

6 **HB03-1346** be amended as follows, and as so amended, be referred to
7 the Committee of the Whole with favorable
8 recommendation:

9

10 Amend printed bill, page 3, line 23, after the period, add "IF THE
11 DEPARTMENT DECIDES NOT TO ACCEPT THE RECOMMENDATIONS OF THE
12 ADVISORY COMMITTEE, THE DEPARTMENT SHALL STATE, IN WRITING, THE
13 REASONS FOR NOT ACCEPTING THE RECOMMENDATIONS.".

14

15 Page 4, line 5, strike "AWARDED;" and substitute "AWARDED. SUCH RULES
16 SHALL INCLUDE:

17

18 (I) OUTREACH REQUIREMENTS;

19

20 (II) COORDINATION WITH AREA AGENCIES ON AGING.";

21

22 line 6, strike "ISSUE REQUESTS FOR PROPOSALS TO QUALIFIED" and
23 substitute "ACCEPT GRANT APPLICATIONS FROM";

24

25 line 16, strike "AN AUDIT" and substitute "A MONITORING";

26

27 line 20, change the period to a semicolon;

28

29

30 after line 20, insert the following:

31

32 "(e) IN AWARDING GRANTS, GIVE PRIORITY TO GRANTEEES WHO CAN
33 DEMONSTRATE THE ABILITY TO LEVERAGE ADDITIONAL RESOURCES.".

34

35

36 Page 6, line 19, strike "QUARTERLY" and substitute "SEMI-ANNUALLY";

37

38

39 strike lines 20 through 21 and substitute the following:

40

41 "NUMBER OF ELIGIBLE SENIORS SERVED, THE TYPES OF DENTAL AND ORAL
42 HEALTH SERVICES PROVIDED, CO-PAYMENTS CHARGED, AND ANY OTHER
43 INFORMATION DEEMED RELEVANT BY THE DEPARTMENT.".

44

45 Page 7, line 25, strike "LOW-INCOME".

46

47 Page 8, line 21, after the period, add "A GRANTEE'S ADMINISTRATIVE
48 COSTS SHALL NOT EXCEED TEN PERCENT OF THE GRANT AMOUNT
49 AWARDED.".

50

51

52

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55

1 **LOCAL GOVERNMENT**

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

4
5 **HB03-1340** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, line 22, after "BUDGETS", insert "DESCRIBED
10 IN THIS PARAGRAPH (b)".

11
12
13
14 **HCR03-1002** The Committee returns herewith HCR03-1002 because
15 consideration of the measure was postponed for more than
16 30 days or until a date beyond the date for adjournment
17 sine die of the legislative session. Therefore, under House
18 Rule 25 (j) (3), said bill is deemed to be postponed
19 indefinitely.

20
21
22
23
24 **TRANSPORTATION & ENERGY**

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

27
28 **SB03-103** be referred favorably to the Committee on Appropriations.

29
30
31 **SB03-238** be amended as follows, and as so amended, be referred to
32 the Committee on Finance with favorable
33 recommendation:

34
35 Amend reengrossed bill, page 3, after line 5, insert the following:

36
37 "(c) IN DETERMINING THE ALLOCATION OF THE COSTS TO BE
38 RECOVERED, THE COMMISSION SHALL CONSIDER THE JURISDICTION
39 REQUIRING THE RELOCATION AND THE GEOGRAPHIC AREA THAT MOST
40 DIRECTLY BENEFITS FROM THE REQUIRED RELOCATION TO DETERMINE THE
41 CUSTOMERS OR SERVICES THAT WILL BEAR THE COSTS."

42
43
44
45 **PRINTING REPORT**

46
47 The Chief Clerk reports the following bills have been correctly printed:
48 **HB03-1362; HCR03-1008.**

49
50
51
52 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

53
54 The Speaker has signed: **HB03-1061, 1142, 1207, 1251, 1299, 1306,**
55 **1312, 1313; SB03-016, 023, 036, 091, 149, 158, 231, 237.**

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MESSAGES FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: SJR03-035.

The Senate granted permission to members of the First Conference Committee on HB03-1025 to consider matters not at issue between the two houses.

The Senate granted permission to members of the First Conference Committee on SB03-300 to consider matters not at issue between the two houses.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:

- SB03-131, amended as printed in Senate Journal, April 16, 2003, page 1054.
 - SB03-150, amended as printed in Senate Journal, April 16, 2003, pages 1054-1055.
 - SB03-083, amended as printed in Senate Journal, April 16, 2003, page 1055.
 - SB03-128, amended as printed in Senate Journal, April 16, 2003, page 1055.
 - SB03-011, amended as printed in Senate Journal, April 16, 2003, pages 1055-1056.
 - SB03-010, amended as printed in Senate Journal, April 16, 2003, page 1056.
 - SB03-030, amended as printed in Senate Journal, April 16, 2003, pages 1056-1057.
-

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, SB03-131, 150, 083, 128, 011, 010 and 030.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 16th day of April, 2003, at 4:05 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

April 16, 2003

Judith Rodrigue,
Chief Clerk of the House

To the Honorable
House of Representatives
Sixty-fourth 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:

1 **HB03-1160** Concerning The Provision Of Financial Assistance For
 2 Kindergarten Through Twelfth Grade Education To
 3 Disadvantaged Children.

4
 5 Approved April 16, 2003 at 11:22 A.M.

6
 7 Sincerely,
 8 (signed)
 9 Bill Owens
 10 Governor

11
 12
 13 **INTRODUCTION OF BILLS**
 14 **First Reading**

15
 16 The following bills were read by title and referred to the committees
 17 indicated:

18
 19 **HB03-1362** by Representative(s) Stengel; also Senator(s) Taylor--
 20 Concerning the collection of sales tax on telephone and
 21 telegraph services when taxable services are aggregated
 22 with nontaxable services.
 23 Committee on Finance

24
 25 **SB03-294** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 26 Witwer, Plant, Young--Concerning pharmaceutical
 27 benefits administered through the state's medical
 28 assistance program, and, in connection therewith,
 29 requiring the state to implement drug utilization
 30 mechanisms for the medical assistance program, and
 31 making an appropriation in connection therewith .
 32 Committee on Health, Environment, Welfare, & Institutions

33
 34 **SB03-303** by Senator(s) Dyer; also Representative(s) Stengel--
 35 Concerning an exclusion of the provision of
 36 telecommunications services for inmates in penal
 37 institutions from the jurisdiction of the public utilities
 38 commission.
 39 Committee on Business Affairs & Labor

40
 41 **SB03-317** by Senator(s) Chlouber; also Representative(s) Young--
 42 Concerning the reduction of the amount that vendors are
 43 allowed to retain as payment for the collection of taxes
 44 imposed by the state, and making an appropriation in
 45 connection therewith.
 46 Committee on Finance

47
 48
 49 **INTRODUCTION OF CONCURRENT RESOLUTION**

50
 51 The following resolution was read by title and referred to the committees
 52 indicated:

53
 54 **HCR03-1008** by Representative(s) Garcia, Schultheis, Boyd, Brophy,
 55 Carroll, Crane, Marshall, Miller, Weissmann--Submitting
 56 to the registered electors of the state of Colorado an

1 amendment to article X of the constitution of the state of
2 Colorado, concerning a prohibition on the use for general
3 governmental purposes of cash fund moneys derived from
4 charges that are imposed by the state for specific purposes.

5 Committee on Finance
6 Committee on Appropriations

7

8

9

INTRODUCTION OF RESOLUTION

10

11 The following resolution was read by title and referred to the committee
12 indicated:

13

14 **HJR03-1059** by Representative(s) Larson, Cloer, Rose, Berry, Williams
15 S., May M., Boyd, Butcher, Carroll, Cerbo, Frangas,
16 Hodge, Johnson R., McCluskey, Merrifield, Miller,
17 Paccione, Plant, Ragsdale, Rippy, Salazar, Smith, Stengel,
18 Tochtrop, Vigil, Weddig, Weissmann, Wiens, Williams
19 T.; also Senator(s) Isgar--Concerning the recognition of
20 the San Juan Forum as a model for regional development.

21 Committee on Local Government

22

23 WHEREAS, A nonprofit corporation named the San Juan Forum
24 was created in 1991 through grassroots citizen involvement across the
25 Four Corners region; and

26

27 WHEREAS, The efforts of former Colorado state senator Sam
28 Cassidy, former Colorado representative Jim Dyer, and former New
29 Mexico state representative Jerry Sandel were instrumental in the
30 formation of the San Juan Forum; and

31

32 WHEREAS, The San Juan Forum is a regional organization that
33 works to achieve economies of scale in Southwest Colorado and the Four
34 Corners region and improves coordination across jurisdictions and all
35 levels of government in the four corners of Colorado, New Mexico, Utah,
36 Arizona, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the
37 Jicarilla Apache Nation, and the Navajo Nation; and

38

39 WHEREAS, The San Juan Forum works on resolving issues that
40 cross state and tribal boundaries in the Four Corners region; and

41

42 WHEREAS, The San Juan Forum is housed at Fort Lewis College
43 in Durango, Colorado, and works in cooperation with San Juan College
44 in Farmington, New Mexico; and

45

46 WHEREAS, It is critical that the state of Colorado recognize the
47 importance of higher education and its importance to economic
48 development; and

49

50 WHEREAS, The San Juan Forum believes that grassroots leaders
51 have the ability to cooperate to improve the overall quality of life while
52 minimizing social and economic costs; and

53

54 WHEREAS, It is now recognized that the development of regions
55 is a vital way for rural America to seize new economic opportunities; and

56

1 WHEREAS, The San Juan Forum was recently recognized as a
 2 national model for regional development by the Center for the Study of
 3 Rural America, Federal Reserve Bank of Kansas City; now, therefore,
 4

5 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 6 *General Assembly of the State of Colorado, the Senate concurring*
 7 *herein:*
 8

9 That the General Assembly hereby recognizes the San Juan Forum
 10 for its efforts in creating economic development and a higher quality of
 11 life for citizens of Southwest Colorado, the Four Corners region, and the
 12 rest of the state of Colorado, and recognizes Fort Lewis College for its
 13 outstanding achievements in supporting this effort.
 14

15 *Be It Further Resolved,* That copies of this Joint Resolution be
 16 transmitted to Governor Bill Owens, Lieutenant Governor Jane Norton,
 17 the Colorado Commission on Higher Education, the Board of Trustees for
 18 Fort Lewis College, the Chair of the Southern Ute Indian Tribe, the Chair
 19 of the Ute Mountain Ute Tribe, the President of the Navajo Nation, the
 20 President of the Jicarilla Apache Nation, Governor Bill Richardson of the
 21 state of New Mexico, Governor Mike Leavitt of the state of Utah,
 22 Governor Janet Napolitano of the state of Arizona, and to each member
 23 of Colorado's Congressional delegation, Arizona's Congressional
 24 delegation, New Mexico's Congressional delegation, and Utah's
 25 Congressional delegation.
 26

27 _____
 28 House in recess. House reconvened.
 29 _____
 30

31 32 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

33
34 On motion of Representative King, the rules were suspended for
 35 immediate consideration of the Conference Committee Report on
 36 **HB03-1161**.
 37

38 **HB03-1161** by Representative(s) Rippy, Fritz, Cadman, White; also
 39 Senator(s) McElhany--Concerning limitations on claims
 40 for damages filed against construction professionals.
 41

42 (Conference Committee Report printed in House Journal, April 17,
 43 pages 1720-1725.)
 44

45 Representative Rippy moved that the Conference Committee Report be
 46 **adopted**.
 47

48 A substitute motion by Representative Larson, that the House reject the
 49 Conference Committee Report, discharge the First Conference Committee
 50 for **HB03-1161** and that a Second Conference Committee be appointed
 51 was declared **lost** by the following roll call vote:
 52

53	YES	29	NO	34	EXCUSED	02	ABSENT	00
54	Berry	N	Fritz	N	May	N	Sinclair	N
55	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	Y
56	Boyd	Y	Hall	N	McFadyen	Y	Spence	N

1	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	N
2	Brophy	N	Hefley	E	Miller	N	Stengel	N
3	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
4	Cadman	N	Hoppe	N	Paccione	Y	Veiga	E
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	N	King	N	Rhodes	N	White	N
9	Coleman	N	Larson	Y	Rippy	N	Wiens	N
10	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
11	Decker	N	Lundberg	N	Rose	N	Williams T.	N
12	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
13	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
14							Speaker	N

15
16 Representative Rippy's motion that the Conference Committee Report be
17 **adopted** was declared **passed** by the following roll call vote:

18	YES	37	NO	26	EXCUSED	02	ABSENT	00
19								
20	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
21	Borodkin	N	Garcia	N	McCluskey	Y	Smith	N
22	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
23	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
24	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
25	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
26	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	E
27	Carroll	N	Jahn	N	Plant	N	Vigil	N
28	Cerbo	N	Johnson	N	Pommer	N	Weddig	Y
29	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
30	Cloer	Y	King	Y	Rhodes	Y	White	Y
31	Coleman	Y	Larson	N	Rippy	Y	Wiens	Y
32	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
33	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
34	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
35	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
36							Speaker	Y

37
38 The question being "Shall the bill, as amended, pass?".
39 A roll call vote was taken. As shown by the following recorded vote, a
40 majority of those elected to the House voted in the affirmative and the
41 bill, as amended, was declared **repassed**.

42	YES	41	NO	22	EXCUSED	02	ABSENT	00
43								
44	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
45	Borodkin	N	Garcia	N	McCluskey	Y	Smith	N
46	Boyd	N	Hall	Y	McFadyen	Y	Spence	Y
47	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
48	Brophy	Y	Hefley	E	Miller	Y	Stengel	Y
49	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
50	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	E
51	Carroll	N	Jahn	Y	Plant	N	Vigil	N
52	Cerbo	N	Johnson	Y	Pommer	N	Weddig	Y
53	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
54	Cloer	Y	King	Y	Rhodes	Y	White	Y
55	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
56	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y

1	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
2	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
3	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
4							Speaker	Y

5 Co-sponsors added: Representatives Coleman, Miller, Stafford.

8 IMMEDIATE RECONSIDERATION OF HB03-1161

9
10 Having voted on the prevailing side, Representative Rippy moved for
11 immediate reconsideration of **HB03-1161**. As shown by the following
12 recorded vote less than a two-thirds majority of those elected to the
13 House voted in the affirmative and the motion was declared **lost**:
14

15	YES	30	NO	33	EXCUSED	02	ABSENT	00
16	Berry	N	Fritz	N	May	N	Sinclair	N
17	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	Y
18	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
19	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
20	Brophy	N	Hefley	E	Miller	N	Stengel	N
21	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
22	Cadman	N	Hoppe	N	Paccione	Y	Veiga	E
23	Carroll	Y	Jahn	N	Plant	Y	Vigil	Y
24	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
25	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
26	Cloer	Y	King	N	Rhodes	N	White	N
27	Coleman	N	Larson	Y	Rippy	N	Wiens	N
28	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
29	Decker	N	Lundberg	N	Rose	N	Williams T.	Y
30	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
31	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
32							Speaker	N

36 NOTICE OF INTENT TO RECONSIDER SB03-098

37
38 Having voted on the prevailing side, Representative Marshall served
39 notice of intent to reconsider the last House action (denying permission
40 to go beyond the scope of the difference between the House and Senate,
41 page 1715) on **SB03-098**.
42

45 REPORTS OF COMMITTEES OF REFERENCE

47 APPROPRIATIONS

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

50
51 **HB03-1334** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55 Amend printed bill, page 6, line 4, before "COSTS" insert "DIRECT" and,
56 after the period add "MONEYS FROM SUCH FEE SHALL BE TRANSMITTED TO

1 THE STATE TREASURER AND DEPOSITED IN THE EXPEDITED WATER
2 ADJUDICATION CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE
3 TREASURY. THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE
4 FUND FOR THE JUDICIAL DEPARTMENT'S EXPEDITED ADJUDICATIONS
5 PURSUANT TO THIS SECTION.";

6

7 after line 16, insert the following:

8

9 **"SECTION 2. Appropriation.** (1) In addition to any other
10 appropriation, there is hereby appropriated, to the department of natural
11 resources, division of water resources, out of any moneys in the ground
12 water management cash fund created in section 37-80-111.5 (1) (d),
13 Colorado Revised Statutes, not otherwise appropriated, for the fiscal year
14 beginning July 1, 2003, the sum of sixty-five thousand two hundred
15 eighty dollars (\$65,280) and 1.0 FTE, or so much thereof as may be
16 necessary, for the implementation of this act.

17

18 (2) In addition to any other appropriation, there is hereby
19 appropriated, to the judicial department, out of any moneys in the
20 expedited water adjudication cash fund created in section 37-92-309 (4),
21 Colorado Revised Statutes, not otherwise appropriated, for the fiscal year
22 beginning July 1, 2003, the sum of one hundred thousand dollars
23 (\$100,000), or so much thereof as may be necessary, for the
24 implementation of this act."

25

26 Renumber succeeding section accordingly.

27

28 Page 1, line 103, strike "AGREEMENTS." and substitute "AGREEMENTS,
29 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

30

31

32

33 **SB03-006** be referred to the Committee of the Whole with favorable
34 recommendation.

35

36

37 **SB03-037** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:

40

41 Strike the Health, Environment, Welfare, and Institutions Committee
42 Report, dated March 24, 2003.

43

44

45

46 **SB03-041** be referred to the Committee of the Whole with favorable
47 recommendation.

48

49

50 **SB03-045** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:

53

54 Amend the Finance Committee Report, dated March 12, 2003, page 1,
55 line 5, strike "02-181," and substitute "03-181,".

56

1 Page 2, line 36, strike "02-181," and substitute "03-181,".

2

3 Page 3, line 34, strike "02-181," and substitute "03-181,".

4

5 Page 4, line 19, strike "02-181," and substitute "03-181,".

6

7 Page 5, line 12, strike "02-181," and substitute "03-181,".

8

9 Page 6, line 2, strike "02-181," and substitute "03-181,".

10

11 Page 7, strike "use." and substitute the following:

12 "use.";

13

14 strike lines 11 through 17, and substitute the following:

15

16 "appropriation, there is hereby appropriated, out of any moneys in the
17 well inspection cash fund created pursuant to section 37-80-111.5,
18 Colorado Revised Statutes, not otherwise appropriated, to the department
19 of natural resources, for the fiscal year beginning July 1, 2003, the sum
20 of four hundred one thousand four hundred sixty dollars (\$401,460) and
21 8.0 FTE, or so much as may be necessary, for the implementation of this
22 act. Of said sum, thirty-six thousand one hundred twelve dollars
23 (\$36,112) shall be for the executive director's office and three hundred
24 sixty-five thousand three hundred forty-eight dollars (\$365,348) and 8.0
25 FTE shall be for the division of water resources.";

26

27 after line 25, insert the following:

28

29 "(3) In addition to any other appropriation, there is hereby
30 appropriated to the department of personnel, central services, fleet
31 management program and motor pool services, for the fiscal year
32 beginning July 1, 2003, the sum of twenty-six thousand one hundred
33 twelve dollars (\$26,112), or so much thereof as may be necessary for the
34 implementation of this act. Said sum shall be from cash funds exempt
35 received from the department of natural resources out of the appropriation
36 made in subsection (1) of this section.".

37

38

39

40 **SB03-050** be referred to the Committee of the Whole with favorable
41 recommendation.

42

43

44 **SB03-068** be amended as follows, and as so amended, be referred to
45 the Committee of the Whole with favorable
46 recommendation:

47

48 Amend the Business Affairs and Labor Committee Report, dated April 1,
49 2003, page 2, line 3, strike ""(F)";" and substitute ""(F)".";

50

51 strike lines 4 and 5, and substitute the following:

52

53 "Page 6, line 25, strike "COMMISSIONER." and substitute "COMMISSIONER;
54 EXCEPT THAT THE TOTAL AMOUNT OF FEES ASSESSED IN ANY
55 TWELVE-MONTH PERIOD SHALL NOT EXCEED TWENTY THOUSAND
56 DOLLARS.".

1 **SB03-070** 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 5, after line 9, insert the following:
6

7 **"SECTION 2. No appropriation.** The general assembly has
8 determined that this act can be implemented within existing
9 appropriations, and therefore no separate appropriation of state moneys
10 is necessary to carry out the purposes of this act."
11

12 Renumber succeeding section accordingly.
13
14
15

16 **SB03-085** be amended as follows, and as so amended, be referred to
17 the Committee of the Whole with favorable
18 recommendation:
19

20 Amend reengrossed bill, page 6, after line 2, insert the following:
21

22 **"SECTION 2. Appropriation.** In addition to any other
23 appropriation, there is hereby appropriated, to the department of natural
24 resources, division of water resources, out of any moneys in the ground
25 water management cash fund created in section 37-80-111.5 (1) (d),
26 Colorado Revised Statutes, not otherwise appropriated, for the fiscal year
27 beginning July 1, 2003, the sum of one thousand dollars (\$1,000), or so
28 much thereof as may be necessary, for the implementation of this act."
29

30 Renumber succeeding section accordingly.
31

32 Page 1, line 102, strike "**RIGHTS.**" and substitute "**RIGHTS, AND MAKING**
33 **AN APPROPRIATION IN CONNECTION THEREWITH.**"
34
35
36

37 **SB03-110** be referred to the Committee of the Whole with favorable
38 recommendation.
39

40 **SB03-114** be referred to the Committee of the Whole with favorable
41 recommendation.
42

43 **SB03-134** be referred to the Committee of the Whole with favorable
44 recommendation.
45

46 **SB03-141** be referred to the Committee of the Whole with favorable
47 recommendation.
48
49

50 **SB03-155** be amended as follows, and as so amended, be referred to
51 the Committee of the Whole with favorable
52 recommendation:
53

54 Strike the Information and Technology Committee Report, dated
55 February 26, 2003.
56

1 **SB03-222** be referred to the Committee of the Whole with favorable
2 recommendation.
3

4 **SB03-225** be referred to the Committee of the Whole with favorable
5 recommendation.
6

7 **SB03-250** be referred to the Committee of the Whole with favorable
8 recommendation.
9

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13 **FINANCE**

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

16

17 **SB03-027** be amended as follows, and as so amended, be referred to
18 the Committee on Appropriations with favorable
19 recommendation:
20

21 Amend the Agriculture, Livestock, and Natural Resources Committee
22 Report, dated April 3, 2003, page 14, line 15, strike "12-55.5-112," and
23 substitute "12-55.5-113,".
24

25

26

27

SB03-167 be referred favorably to the Committee on Appropriations.
28

29

30

SB03-238 be amended as follows, and as so amended, be referred to
31 the Committee of the Whole with favorable
32 recommendation:
33

34 Amend reengrossed bill, page 3, strike lines 6 through 8 and substitute the
35 following:
36

37

"SECTION 2 Effective date. This act shall take effect at 12:01
38 a.m. on the day following the expiration of the ninety-day period after
39 final adjournment of the general assembly that is allowed for submitting
40 a referendum petition pursuant to article V, section 1 (3) of the state
41 constitution; except that, if a referendum petition is filed against this act
42 or an item, section, or part of this act within such period, then the act,
43 item, section, or part, if approved by the people, shall take effect on the
44 date of the official declaration of the vote thereon by proclamation of the
45 governor."
46

47

48

49

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB03-290**

50

51

52

This Report Amends the Rerevised Bill.

53

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To the President of the Senate and the
Speaker of the House of Representatives:

1 Your first conference committee appointed on SB03-290,
 2 concerning the authority of the board of parks and outdoor recreation
 3 regarding its budget, and, in connection therewith, allowing the board to
 4 establish fees by rule, creating a stores revolving fund, and making an
 5 appropriation, has met and reports that it has agreed upon the following:
 6

7 That the Senate accede to the House amendments made to the bill,
 8 as said amendments appear in the rerevised bill, with the following
 9 changes:
 10

11 Amend rerevised bill, page 3, line 2, strike "2004." and substitute
 12 "2007.";

13
 14 line 25, strike "2004." and substitute "2007.".

15
 16 Respectfully submitted,

17 Senate Committee:

18 Dave Owen

19 Ron Teck

20 Peggy Reeves

House Committee:

Brad Young

John Witwer

Tom Plant

21 22 23 24 MESSAGES FROM THE SENATE

25
 26 Madam Speaker:

27
 28 The President appointed Senators McElhany, Chm., Andrews, and Fitz-Gerald
 29 as members of the First Conference Committee on SB03-113.

30
 31
 32 The President appointed Senators Dyer, Chm., Arnold and Windels as members
 33 of the First Conference Committee on SB03-038.

34
 35 The President appointed Senators Lamborn, Chm., Jones, and Nichol as
 36 members of the First Conference Committee on HB03-1237.

37
 38 The President appointed Senators Hillman, Chm., Johnson, and Sandoval as
 39 members of the First Conference Committee on HB03-1007.

40
 41 The President appointed Senators Anderson, Chm., Chlouber, and Tapia as
 42 members of the First Conference Committee on HB03-1092.

43
 44
 45 In response to a request from the House, HB03-1003 is returned herewith.
 46
 47

48 49 INTRODUCTION OF BILL

50 First Reading

51
 52 The following bill was read by title and referred to the committee
 53 indicated:

54
 55 **HB03-1363** by Representative(s) King, Lundberg, Stafford, Briggs,
 56 Brophy, Cadman, Carroll, Clapp, Cloer, Crane, Fairbank,

1 Fritz, Hall, Harvey, Hoppe, Lee, May M., Mitchell,
 2 Paccione, Rhodes, Rose, Schultheis, Sinclair, Smith,
 3 Spence, Spradley, Wiens, Witwer; also Senator(s)
 4 Andrews, Hagedorn, Lamborn, Owen, Teck, May R.--
 5 Concerning repeal of provisions that discriminate against
 6 religious entities in the receipt of services from the
 7 Colorado educational and cultural facilities authority.

8 Committee on Education

9

10

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12

INTRODUCTION OF RESOLUTION

13

14

The following resolution was read by title and laid over one day under the rules:

15

16

17

SJR03-035 by Senator(s) Grossman, Groff, Andrews, Gordon,
 18 Johnson S., McElhany, Sandoval; also Representative(s)
 19 Merrifield--Concerning the recognition of Patriots Day.

20

21

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23

House in recess. House reconvened.

24

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27

DELIVERY OF BILLS TO GOVERNOR

28

29

The Chief Clerk of the House of Representatives reports the following
 30 bills have been delivered to the Office of the Governor: **HB03-1061,**
 31 **1142, 1207, 1251, 1299, 1306, 1312, 1313** at 3:24 p.m., April 17, 2003.

32

33

34

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB03-284

35

36

37

This Report Adopts the Rerevised Bill.

38

39

40

To the President of the Senate and the
 41 Speaker of the House of Representatives:

42

43

Your first conference committee appointed on SB03-284,
 44 concerning the reduction of the period of mandatory juvenile parole, and
 45 making an appropriation in connection therewith, has met and reports that
 46 it has agreed upon the following:

47

48

That the Senate accede to the House amendments made to the bill
 49 and that the rerevised bill be adopted without change.

50

51

Respectfully submitted,

52

Senate Committee:

House Committee:

53

Ron Teck

Brad Young

54

Dave Owen

John Witwer

55

Peggy Reeves

Tom Plant

56

LAY OVER OF CALENDAR ITEMS

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On motion of Representative King, the following items on the Calendar were laid over until April 18, retaining place on Calendar:

- Consideration of Special Orders--**HB03-1178.**
- Consideration of General Orders--**HB03-1311, 1132, 1247, 1344, 1123, 1317, 1210, 1213, 1280, HCR03-1003, HB03-1105, 1339, 1323, SB03-051, HB03-1316, 1329, 1342, 1350, 1345.**
- Consideration of Resolutions--**HJR03-1029, 1038, 1040, 1042, SJR03-030, HJR03-1049, SJR03-034, HJR03-1052, 1055, 1057, 1058.**
- Consideration of Memorials--**SJM03-001, 002, 004, HM03-1001, 1002.**



On motion of Representative Marshall, the House adjourned until 9:00 a.m., April 18, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk