

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

Fifty-fifth Legislative Day

Monday, March 3, 2003

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

3 The Speaker called the House to order at 10:00 a.m.

4

5 Pledge of Allegiance led by Representative Marshall.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representatives Fritz, Lundberg--2.

11 Absent--Representative Sanchez--1.

12 Present after roll call--Representatives Fritz, Lundberg.

13

14 The Speaker declared a quorum present.

15

16

17 On motion of Representative May, the reading of the journal of
18 February 28, 2003, was declared dispensed with and approved as
19 corrected by the Chief Clerk.

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23

LETTER OF RESIGNATION

24

25 I certify I received the following on the 3rd day of March, 2003, at
26 10:10 a.m.

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Judith Rodrigue,
Chief Clerk of the House

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March 3, 2003

Madam Speaker:

Please accept this letter as my resignation as District 2, Colorado State Representative. Due to health problems I am no longer able to perform the duties of State Representative.

Sincerely,

(signed)

Desiree M. Sanchez

APPOINTMENTS

Due to the resignation of Representative Sanchez, Representative Veiga announced the following temporary changes in committee assignments:

Committee on Health, Environment, Welfare, & Institutions
Representative Weissmann

Committee on State, Veterans, & Military Affairs
Representative Ragsdale

CONSIDERATION OF RESOLUTIONS

HJR03-1021 by Representative(s) Spence, Williams S.; also Senator(s) Cairns, Windels--Concerning "Read Across America Day".

(Printed and placed in member's file, also printed in House Journal February 25, pages 913-914.)

On motion of Representative Spence, the resolution was read at length and **adopted** by **viva voce** vote.

Co-sponsors added: Roll call of the House.

HJR03-1012 by Representative(s) Hoppe; also Senator(s) Entz-- Concerning the species conservation eligibility list.

(Printed and placed in member's file, also printed in House Journal February 28, page 983.)

Representative Hoppe moved the following amendment:

Amendment No. 1, Agriculture, Livestock, & Natural Resources Report, dated February 26, 2003, and placed in member's bill file; Report also printed in House Journal, February 28, page 983.

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

On motion of Representative Hoppe, the resolution as amended was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Brophy, Hall, Larson, Madden, McCluskey, Plant, Rhodes, Romanoff, Rose, Salazar, Stafford, Tochtrop, Veiga, Speaker.

THIRD READING OF BILLS--FINAL PASSAGE

The following bills were considered on Third Reading. The titles were publicly read. Reading of the bill at length was dispensed with by unanimous consent.

1 **SB03-072** by Senator(s) Arnold, Anderson, Jones, Kester, Owen,
2 Taylor; also Representative(s) Marshall--Concerning
3 information for schools regarding sex offenders.
4

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

Vacancy 1	YES	62	NO	01	EXCUSED	01	ABSENT	00
11	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
12	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
14	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
15	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
16	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
17	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
18	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
19	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
20	Cloer	Y	King	Y	Rhodes	Y	Weissmann	N
21	Coleman	Y	Larson	Y	Rippy	Y	White	Y
22	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
23	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
24	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
25	Frangas	Y	Marshall	Y			Witwer	Y
26	Fritz	E	May	Y	Schultheis	Y	Young	Y
27							Speaker	Y

28 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Clapp, Coleman,
29 Fairbank, Frangas, Garcia, Hoppe, Jahn, Lee, Madden, Merrifield, Miller,
30 Paccione, Pommer, Rhodes, Romanoff, Schultheis, Spence, Stafford, Stengel,
31 Tochtrop, Veiga, White, Williams S., Speaker.
32
33

34 **HB03-1020** by Representative(s) Boyd; also Senator(s) Groff--
35 Concerning forgery.
36

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

Vacancy 1	YES	63	NO	00	EXCUSED	01	ABSENT	00
43	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
44	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
45	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
46	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
47	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
48	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
49	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
50	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
51	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
52	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
53	Coleman	Y	Larson	Y	Rippy	Y	White	Y
54	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
55	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
56	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y

1	Frangas	Y	Marshall	Y		Witwer	Y
2	Fritz	E	May	Y	Schultheis	Y	Young
3							Speaker
							Y

4 Co-sponsors added: Representatives Frangas, Jahn, Madden, Paccione, Pommer,
5 Romanoff, Tochtrop, Veiga, Williams S.

6
7
8 **SB03-100** by Senator(s) Entz, Arnold, Isgar, Owen, Taylor; also
9 Representative(s) Salazar--Concerning high school
10 diplomas awarded to certain veterans.

11
12 The question being "Shall the bill pass?".
13 A roll call vote was taken. As shown by the following recorded vote, a
14 majority of those elected to the House voted in the affirmative and the bill
15 was declared **passed**.

17	Vacancy 1	YES	63	NO	00	EXCUSED	01	ABSENT	00
18	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y	
19	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
20	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
21	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
22	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y	
23	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y	
24	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y	
25	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y	
26	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
27	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y	
28	Coleman	Y	Larson	Y	Rippy	Y	White	Y	
29	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y	
30	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
31	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y	
32	Frangas	Y	Marshall	Y			Witwer	Y	
33	Fritz	E	May	Y	Schultheis	Y	Young	Y	
34							Speaker	Y	

35 Co-sponsors added: Representatives Borodkin, Butcher, Cadman, Carroll,
36 Clapp, Cloer, Coleman, Frangas, Garcia, Hefley, Hodge, Jahn, Johnson, Larson,
37 Lundberg, Madden, Marshall, McFadyen, Merrifield, Miller, Paccione, Plant,
38 Pommer, Ragsdale, Rhodes, Romanoff, Spence, Stafford, Tochtrop, Veiga,
39 Vigil, Weddig, Weissmann, Wiens, Williams S., Williams T.

40
41
42 **SB03-062** by Senator(s) Hillman; also Representative(s) Brophy--
43 Concerning the requirement that a warrant drawn on a
44 fund that contains moneys that do not revert to the state
45 general fund be treated as unclaimed property if the
46 warrant is not presented to the state treasurer for payment.

47
48 The question being "Shall the bill pass?".
49 A roll call vote was taken. As shown by the following recorded vote, a
50 majority of those elected to the House voted in the affirmative and the bill
51 was declared **passed**.

53	Vacancy 1	YES	63	NO	00	EXCUSED	01	ABSENT	00
54	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y	
55	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y	
56	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	

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

15 Co-sponsors added: Representatives Boyd, Garcia.

16
 17 **SB03-096** by Senator(s) Phillips; also Representative(s) White--
 18 Concerning modifications to the "County and Municipality
 19 Development Revenue Bond Act".
 20

21 The question being "Shall the bill pass?".
 22 A roll call vote was taken. As shown by the following recorded vote, a
 23 majority of those elected to the House voted in the affirmative and the bill
 24 was declared **passed**.

26	Vacancy	1	YES	63	NO	00	EXCUSED	01	ABSENT	00
27	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y		Y
28	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y		Y
29	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y		Y
30	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y		Y
31	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y		Y
32	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y		Y
33	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y		Y
34	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y		Y
35	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y		Y
36	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y		Y
37	Coleman	Y	Larson	Y	Rippy	Y	White	Y		Y
38	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y		Y
39	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y		Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y		Y
41	Frangas	Y	Marshall	Y			Witwer	Y		Y
42	Fritz	E	May	Y	Schultheis	Y	Young	Y		Y
43							Speaker	Y		Y

44
 45 **SB03-109** by Senator(s) Windels; also Representative(s) Rose--
 46 Concerning the judicial procedures relating to criminal
 47 records.
 48

49 The question being "Shall the bill pass?".
 50 A roll call vote was taken. As shown by the following recorded vote, a
 51 majority of those elected to the House voted in the affirmative and the bill
 52 was declared **passed**.

54	Vacancy	1	YES	63	NO	00	EXCUSED	01	ABSENT	00
55	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y		Y
56	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y		Y

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

16 Co-sponsor added: Representative Weddig.

17
 18 **SB03-223** by Senator(s) McElhany; also Representative(s) Berry--
 19 Concerning extension of the public utilities commission to a
 20 date no earlier than July 1, 2008.

21
 22 The question being "Shall the bill pass?".
 23 A roll call vote was taken. As shown by the following recorded vote, a majority
 24 of those elected to the House voted in the affirmative and the bill was declared
 25 **passed**.

27	Vacancy 1	YES	63	NO	00	EXCUSED	01	ABSENT	00
28	Berry	Y		Garcia	Y	McCluskey	Y	Sinclair	Y
29	Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
30	Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y
31	Briggs	Y		Hefley	Y	Miller	Y	Stafford	Y
32	Brophy	Y		Hodge	Y	Mitchell	Y	Stengel	Y
33	Butcher	Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
34	Cadman	Y		Jahn	Y	Plant	Y	Veiga	Y
35	Carroll	Y		Johnson	Y	Pommer	Y	Vigil	Y
36	Clapp	Y		Judd	Y	Ragsdale	Y	Weddig	Y
37	Cloer	Y		King	Y	Rhodes	Y	Weissmann	Y
38	Coleman	Y		Larson	Y	Rippy	Y	White	Y
39	Crane	Y		Lee	Y	Romanoff	Y	Wiens	Y
40	Decker	Y		Lundberg	Y	Rose	Y	Williams S.	Y
41	Fairbank	Y		Madden	Y	Salazar	Y	Williams T.	Y
42	Frangas	Y		Marshall	Y			Witwer	Y
43	Fritz	E		May	Y	Schultheis	Y	Young	Y
44								Speaker	Y

45 Co-sponsors added: Representatives Frangas, McFadyen, Salazar, Stafford,
 46 Weddig, Speaker.

47
 48 **SB03-143** by Senator(s) Taylor; also Representative(s) White--
 49 Concerning the transfer of certain existing employees from
 50 the Colorado office of economic development to the
 51 Colorado tourism office.

52
 53 The question being "Shall the bill pass?".
 54 A roll call vote was taken. As shown by the following recorded vote, a
 55 majority of those elected to the House voted in the affirmative and the bill
 56 was declared **passed**.

1	Vacancy 1	YES	61	NO	02	EXCUSED	01	ABSENT	00
2	Berry	Y		Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y		Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y		Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	Y		Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	Y		Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y		Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y		Jahn	Y	Plant	Y	Veiga	Y
9	Carroll	Y		Johnson	Y	Pommer	Y	Vigil	Y
10	Clapp	Y		Judd	Y	Ragsdale	Y	Weddig	Y
11	Cloer	Y		King	Y	Rhodes	Y	Weissmann	Y
12	Coleman	Y		Larson	Y	Rippy	Y	White	Y
13	Crane	Y		Lee	N	Romanoff	Y	Wiens	Y
14	Decker	Y		Lundberg	Y	Rose	Y	Williams S.	Y
15	Fairbank	N		Madden	Y	Salazar	Y	Williams T.	Y
16	Frangas	Y		Marshall	Y			Witwer	Y
17	Fritz	E		May	Y	Schultheis	Y	Young	Y
18								Speaker	Y

19 Co-sponsors added: Representatives Borodkin, Coleman, Hall, Larson,
20 Marshall, Miller, Rippy, Romanoff, Veiga, Williams S., Williams T.

21
22
23
24 On motion of Representative King, **SB03-060, HB03-1001, SB03-047,**
25 **HB03-1050, 1053, 1089, 1130, 1159, 1241, 1263, SB03-118, 052, 066**
26 were added to the Special Orders calendar on Monday, March 3, 2003.

27
28
29 On motion of Representative Cloer, the House resolved itself into
30 Committee of the Whole for consideration of Special Orders and he was
31 called to the Chair to act as Chairman.

32 33 34 35 **SPECIAL ORDERS--SECOND READING OF BILLS**

36
37 The Committee of the Whole having risen, the Chairman reported the
38 titles of the following bills had been read (reading at length had been
39 dispensed with by unanimous consent), the bills considered and action
40 taken thereon as follows:

41
42 (Amendments to the committee amendment are to the printed committee
43 report which was printed and placed in the members' bill file.)
44

45 On motion of Representative King, Consideration of **SB03-057,**
46 **HB03-1089** was laid over until March 4, retaining place on Calendar.

47
48
49 **SB03-060** by Senator(s) May R., Entz, Teck; also Representative(s)
50 Stafford--Concerning the authority of a fleet owner to
51 process the registration renewal for a fleet vehicle in the
52 county in which the fleet owner's principal office is
53 located instead of in the county in which the fleet vehicle
54 is located at the time of registration.
55

- 1 Amendment No. 1, Transportation & Energy Report, dated February 26,
2 2003, and placed in member's bill file; Report also printed in House
3 Journal, February 27, page 950.
4
5 As amended, ordered revised and placed on the Calendar for Third
6 Reading and Final Passage.
7
8
9 **HB03-1001** by Representative(s) Hoppe; also Senator(s) Johnson S.--
10 Concerning increased flexibility in the use of water
11 resources.
12
13 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
14 dated February 26, 2003, and placed in member's bill file; Report also
15 printed in House Journal, February 28, pages 980-983.
16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.
19
20 **HB03-1242** by Representative(s) May M.--Concerning the ability of
21 the state treasurer to contract with third-party auditors to
22 conduct examinations of records for purposes of collecting
23 unclaimed property on behalf of Colorado residents.
24
25 Rereferred to the Committee on Finance.
26
27
28 **SB03-047** by Senator(s) Taylor, Entz, Isgar, Phillips; also
29 Representative(s) White, Hodge, Hoppe, Miller, Rippy--
30 Concerning the water resources review committee.
31
32 Ordered revised and placed on the Calendar for Third Reading and Final
33 Passage.
34
35 **HB03-1050** by Representative(s) Coleman; also Senator(s) Kester--
36 Concerning the creation of the business enterprise program
37 cash fund for the state's vending facility program.
38
39 Amendment No. 1, Finance Report, dated January 15, 2003, and placed
40 in member's bill file; Report also printed in House Journal, January 16,
41 page 127.
42
43 As amended, ordered engrossed and placed on the Calendar for Third
44 Reading and Final Passage.
45
46 **HB03-1053** by Representative(s) Ragsdale, Borodkin, Coleman; also
47 Senator(s) Teck, Entz, May, Takis--Concerning emissions
48 testing for diesel vehicles.
49
50 Amendment No. 1, Transportation & Energy Report, dated January 15,
51 2003, and placed in member's bill file; Report also printed in House
52 Journal, January 16, pages 128-129.
53
54 As amended, ordered engrossed and placed on the Calendar for Third
55 Reading and Final Passage.
56

- 1 **HB03-1130** by Representative(s) Witwer, Cloer, Brophy, Hefley,
2 Paccione, Romanoff, Rose, Salazar, Williams S.; also
3 Senator(s) Kester, Entz, Keller, Windels--Concerning the
4 addition of a line to Colorado state individual income tax
5 return forms whereby individual taxpayers may make a
6 voluntary contribution to the family resource centers fund.
7
- 8 Amendment No. 1, Finance Report, dated February 5, 2003, and placed
9 in member's bill file; Report also printed in House Journal, February 6,
10 page 345.
11
- 12 Amendment No. 2, Appropriations Report, dated February 28, 2003, and
13 placed in member's bill file; Report also printed in House Journal,
14 February 28, page 985.
15
- 16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.
18
19
- 20 **HB03-1159** by Representative(s) Paccione, Groff, Merrifield, Pommer,
21 Spence, Williams S.; also Senator(s) Johnson--Concerning
22 certification of education paraprofessionals.
23
- 24 Amendment No. 1, Education Report, dated February 5, 2003, and placed
25 in member's bill file; Report also printed in House Journal, February 6,
26 pages 331-332.
27
- 28 As amended, ordered engrossed and placed on the Calendar for Third
29 Reading and Final Passage.
30
31
- 32 **HB03-1241** by Representative(s) Fairbank; also Senator(s) McElhany
33 --Concerning signature verification on election ballots.
34
- 35 Ordered engrossed and placed on the Calendar for Third Reading and
36 Final Passage.
37
38
- 39 **HB03-1263** by Representative(s) Plant; also Senator(s) Owen, Teck--
40 Concerning the granting of parole to special needs
41 offenders.
42
- 43 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
44 dated February 10, 2003, and placed in member's bill file; Report also
45 printed in House Journal, February 11, pages 625-626.
46
- 47 Amendment No. 2, Appropriations Report, dated February 28, 2003, and
48 placed in member's bill file; Report also printed in House Journal,
49 February 28, pages 985-986.
50
- 51 As amended, ordered engrossed and placed on the Calendar for Third
52 Reading and Final Passage.
53
- 54 **SB03-118** by Senator(s) Chlouber, Entz, Hillman, Kester; also
55 Representative(s) Rippy, Jahn, Miller--Concerning the
56 exclusion of a person who performs duties for more than

1 one employer in the business of horse racing from the
2 definition of "employee" for the purposes of the "Workers'
3 Compensation Act of Colorado".
4

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

8 **SB03-052** by Senator(s) Anderson, Takis, Taylor, Tupa; also
9 Representative(s) Vigil, Coleman, White, Williams T.--
10 Concerning the elimination of the report to the state
11 auditor related to the public safety communications trust
12 fund.
13

14 Ordered revised and placed on the Calendar for Third Reading and Final
15 Passage.
16

17 **SB03-066** by Senator(s) Takis; also Representative(s) McCluskey--
18 Concerning the repeal of the motor vehicle air
19 conditioning fee, and, in connection therewith, repealing
20 the ozone protection fund.
21

22 Amendment No. 1, Transportation & Energy Report, dated February 27,
23 2003, and placed in member's bill file; Report also printed in House
24 Journal, February 28, page 970.
25

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

31 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

32
33 Passed Second Reading: **SB03-060 amended, HB03-1001 amended,**
34 **SB03-047, HB03-1050 amended, 1053 amended, 1130 amended,**
35 **1159 amended, 1241, 1263 amended, SB03-118, 052, 066 amended.**
36

37 Laid over until date indicated retaining place on Calendar: **SB03-057,**
38 **HB03-1089--**March 4, 2003.
39

40 Rereferred to Committee indicated: **HB03-1242--**Committee on Finance.
41

42 The Chairman moved the adoption of the Committee of the Whole
43 Report. As shown by the following roll call vote, a majority of those
44 elected to the House voted in the affirmative, and the Report was
45 **adopted.**
46

47	Vacancy	1	YES	63	NO	00	EXCUSED	00	ABSENT	01
48	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y		Y
49	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y		Y
50	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y		-
51	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y		Y
52	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y		Y
53	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y		Y
54	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y		Y
55	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y		Y
56	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y		Y

1	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
2	Coleman	Y	Larson	Y	Rippy	Y	White	Y
3	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
4	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
5	Fairbank	Y	Madden	Y	Salazar	Y	Williams T.	Y
6	Frangas	Y	Marshall	Y			Witwer	Y
7	Fritz	Y	May	Y	Schultheis	Y	Young	Y
8							Speaker	Y

10
11
12 **REPORTS OF COMMITTEES OF REFERENCE**

13
14 **APPROPRIATIONS**

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

17
18 **HB03-1251** be amended as follows, and as so amended, be referred to
19 the Committee of the Whole with favorable
20 recommendation:
21

22
23 Amend the Business Affairs & Labor Committee Report dated February
24 19, 2003, page 2, line 26, strike "AUTHORITY." and substitute
25 "AUTHORITY."
26

27 (e) THE FTE AUTHORIZATION FOR ANY STAFF NECESSARY TO
28 SUPPORT THE AUTHORITY SHALL BE ELIMINATED SHOULD SUFFICIENT
29 MONEYS FROM GIFTS, GRANTS, OR DONATIONS NO LONGER BE AVAILABLE
30 FOR THE AUTHORITY."."
31

32
33
34
35 **JUDICIARY**

36 After consideration on the merits, the Committee recommends the
37 following:
38

39 **HB03-1086** be amended as follows, and as so amended, be referred to
40 the Committee of the Whole with favorable
41 recommendation:
42

43 Amend printed bill, strike everything below the enacting clause and
44 substitute the following:
45

46 "SECTION 1. Article 15 of title 15, Colorado Revised Statutes,
47 is amended BY THE ADDITION OF A NEW PART to read:
48

49 **PART 4**

50
51 **TRANSFER OF REAL PROPERTY EFFECTIVE ON DEATH**

52
53 **15-15-401. Definitions.** FOR PURPOSES OF THIS PART 4, UNLESS
54 THE CONTEXT OTHERWISE REQUIRES:
55

56 (1) "BENEFICIARY DEED" MEANS A DEED, SUBJECT TO REVOCATION

1 BY THE OWNER, WHICH CONVEYS AN INTEREST IN REAL PROPERTY
 2 CONTAINING LANGUAGE THAT THE CONVEYANCE IS TO BE EFFECTIVE UPON
 3 THE DEATH OF THE OWNER AND WHICH MAY BE IN SUBSTANTIALLY THE
 4 FORM DESCRIBED IN SECTION 15-15-403.

5
 6 (2) "DEED" MEANS ANY INSTRUMENT OF CONVEYANCE OF REAL
 7 PROPERTY.

8
 9 (3) "GRANTEE-BENEFICIARY" MEANS THE PERSON OR ENTITY
 10 CAPABLE OF HOLDING TITLE TO REAL PROPERTY DESIGNATED IN A
 11 BENEFICIARY DEED TO RECEIVE AN INTEREST IN REAL PROPERTY UPON THE
 12 DEATH OF THE OWNER. "GRANTEE-BENEFICIARY" INCLUDES, BUT IS NOT
 13 LIMITED TO, A SUCCESSOR GRANTEE-BENEFICIARY.

14
 15 (4) "OWNER" MEANS THE GRANTOR OF A BENEFICIARY DEED.

16
 17 (5) "SUCCESSOR GRANTEE-BENEFICIARY" MEANS THE PERSON OR
 18 ENTITY DESIGNATED IN A BENEFICIARY DEED TO RECEIVE AN INTEREST IN
 19 THE PROPERTY IF THE PRIMARY GRANTEE-BENEFICIARY DOES NOT SURVIVE
 20 THE OWNER.

21
 22 (6) (a) "TRANSFER", WHEN USED AS A VERB, MEANS TO CONVEY.

23
 24 (b) "TRANSFER", WHEN USED AS A NOUN, MEANS A CONVEYANCE.

25
 26 **15-15-402. Real property - beneficiary deed.** (1) IN ADDITION
 27 TO ANY METHOD ALLOWED BY LAW TO EFFECT A TRANSFER AT DEATH,
 28 TITLE TO AN INTEREST IN REAL PROPERTY MAY BE TRANSFERRED ON DEATH
 29 OF THE OWNER BY RECORDING, PRIOR TO THE OWNER'S DEATH, A
 30 BENEFICIARY DEED SIGNED BY THE OWNER OF SUCH INTEREST, AS
 31 GRANTOR, DESIGNATING A GRANTEE-BENEFICIARY OF THE INTEREST. THE
 32 TRANSFER BY A BENEFICIARY DEED SHALL BE EFFECTIVE ONLY UPON THE
 33 DEATH OF THE OWNER. A BENEFICIARY DEED NEED NOT BE SUPPORTED BY
 34 CONSIDERATION.

35
 36 (2) THE JOINDER, SIGNATURE, CONSENT, OR AGREEMENT OF, OR
 37 NOTICE TO, A GRANTEE-BENEFICIARY OF A BENEFICIARY DEED SHALL NOT
 38 BE REQUIRED FOR THE CONVEYANCE TO BE EFFECTIVE UPON THE DEATH OF
 39 THE OWNER.

40
 41 (3) DURING THE LIFETIME OF THE OWNER, THE
 42 GRANTEE-BENEFICIARY SHALL HAVE NO RIGHT, TITLE, OR INTEREST IN OR
 43 TO THE PROPERTY, AND THE OWNER SHALL RETAIN THE FULL POWER AND
 44 AUTHORITY WITH RESPECT TO THE PROPERTY WITHOUT THE JOINDER,
 45 SIGNATURE, CONSENT, OR AGREEMENT OF, OR NOTICE TO, THE
 46 GRANTEE-BENEFICIARY FOR ANY PURPOSE.

47
 48 **15-15-403. Form of beneficiary deed - recording.** (1) AN
 49 OWNER MAY TRANSFER AN INTEREST IN REAL PROPERTY EFFECTIVE ON THE
 50 DEATH OF THE OWNER BY EXECUTING A DEED THAT CONTAINS THE WORDS
 51 "CONVEYS ON DEATH" OR "TRANSFERS ON DEATH" OR OTHERWISE
 52 INDICATES THE TRANSFER IS TO BE EFFECTIVE ON THE DEATH OF THE
 53 OWNER, AND WHICH IS RECORDED PRIOR TO THE DEATH OF THE OWNER IN
 54 THE OFFICE OF THE CLERK AND RECORDER IN THE COUNTY WHERE THE
 55 REAL PROPERTY IS LOCATED. A BENEFICIARY DEED MAY BE IN
 56 SUBSTANTIALLY THE FOLLOWING FORM:

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BENEFICIARY DEED
(§§ 15-15-401, et seq., C.R.S.)

CAUTION: THIS DEED MUST BE RECORDED PRIOR TO THE DEATH OF THE GRANTOR IN ORDER TO BE EFFECTIVE.

_____, as grantor,
(Name of grantor)
hereby designates _____ as
(Name of grantee-beneficiary)
grantee-beneficiary whose address is _____ (Note
to Assessor and Treasurer: This address is for identification
purposes only, all notices and tax statements should continue to be
sent to grantor.)
(Optional)[or if grantee-beneficiary fails to survive grantor,
grantor designates _____, as successor grantee-beneficiary
whose
(Name of successor grantee-beneficiary)
address is _____]

and grantor transfers, sells and conveys on grantor's death to the
grantee-beneficiary, the following described real property located
in the County of _____, State of Colorado, to wit:

(insert description here)

Known and numbered as _____

THIS BENEFICIARY DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE GRANTOR. IT REVOKES ALL PRIOR BENEFICIARY DEEDS BY THIS GRANTOR FOR THIS REAL PROPERTY.

Executed this (Date)_____.

(Grantor)

(2) UNLESS THE OWNER DESIGNATES OTHERWISE IN A BENEFICIARY DEED, A BENEFICIARY DEED SHALL NOT BE DEEMED TO CONTAIN ANY WARRANTIES OF TITLE AND SHALL HAVE THE SAME FORCE AND EFFECT AS A CONVEYANCE MADE USING A BARGAIN AND SALE DEED.

15-15-404. Revocation - change - revocation by will prohibited.

(1) AN OWNER MAY REVOKE A BENEFICIARY DEED BY EXECUTING AN INSTRUMENT THAT DESCRIBES THE REAL PROPERTY AFFECTED, THAT REVOKES THE DEED, AND THAT IS RECORDED PRIOR TO THE DEATH OF THE OWNER IN THE OFFICE OF THE CLERK AND RECORDER IN THE COUNTY WHERE THE REAL PROPERTY IS LOCATED. THE JOINDER, SIGNATURE, CONSENT, OR AGREEMENT OF, OR NOTICE TO, THE GRANTEE-BENEFICIARY IS NOT REQUIRED FOR THE REVOCATION TO BE EFFECTIVE. A REVOCATION MAY BE IN SUBSTANTIALLY THE FOLLOWING FORM:

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REVOCAION OF BENEFICIARY DEED
(§§ 15-15-401, et seq., C.R.S.)

CAUTION: THIS REVOCATION MUST BE RECORDED
PRIOR TO THE DEATH OF THE GRANTOR IN ORDER TO
BE EFFECTIVE

_____, as grantor, hereby REVOKES
all prior beneficiary deeds concerning the following described real
property located in the County of _____, State of
Colorado, to wit:

(insert description here)

Known and numbered as _____

Executed this (Date) _____.

(Grantor)

(2) AN OWNER MAY CHANGE A DESIGNATION OF THE
GRANTEE-BENEFICIARY BY EXECUTING A SUBSEQUENT BENEFICIARY DEED
IN ACCORDANCE WITH THIS PART 4 THAT IS RECORDED PRIOR TO THE
DEATH OF THE OWNER IN THE OFFICE OF THE CLERK AND RECORDER IN THE
COUNTY WHERE THE REAL PROPERTY IS LOCATED. THE JOINDER,
SIGNATURE, CONSENT, OR AGREEMENT OF, OR NOTICE TO, EITHER THE
ORIGINAL OR NEW GRANTEE-BENEFICIARY IS NOT REQUIRED FOR THE
CHANGE TO BE EFFECTIVE. A SUBSEQUENT BENEFICIARY DEED REVOKES
ALL PRIOR GRANTEE-BENEFICIARY DESIGNATIONS BY THE OWNER FOR THE
DESCRIBED REAL PROPERTY.

(3) THE MOST RECENTLY EXECUTED BENEFICIARY DEED OR
REVOCATION SHALL CONTROL REGARDLESS OF THE ORDER OF RECORDING
SO LONG AS THE MOST RECENTLY EXECUTED BENEFICIARY DEED IS
RECORDED PRIOR TO THE DEATH OF THE OWNER.

(4) A BENEFICIARY DEED THAT COMPLIES WITH THE REQUIREMENTS
OF THIS PART 4 MAY NOT BE REVOKED, ALTERED, OR AMENDED BY THE
PROVISIONS OF THE WILL OF THE OWNER.

15-15-405. Acknowledgment. A BENEFICIARY DEED OR
REVOCATION OF A BENEFICIARY DEED MAY BE ACKNOWLEDGED IN
ACCORDANCE WITH SECTION 38-35-101, C.R.S. THE BENEFICIARY DEED
SHALL CONTAIN A NOTATION OF THE LEGAL ADDRESS OF THE
GRANTEE-BENEFICIARY. THE FAILURE TO STATE THE ADDRESS OR THE
COUNTY OR STATE OF RESIDENCE OF THE OWNER OR
GRANTEE-BENEFICIARY SHALL NOT, PURSUANT TO SECTION 38-35-109 (2),
C.R.S., AFFECT THE VALIDITY OF A BENEFICIARY DEED OR REVOCATION.

15-15-406. Vesting of ownership in grantee-beneficiary.
(1) TITLE TO THE INTEREST IN REAL PROPERTY TRANSFERRED BY A
BENEFICIARY DEED SHALL VEST IN THE DESIGNATED
GRANTEE-BENEFICIARY ONLY ON THE DEATH OF THE OWNER.

(2) A GRANTEE-BENEFICIARY OF A BENEFICIARY DEED TAKES TITLE

1 TO THE OWNER'S INTEREST IN THE REAL PROPERTY CONVEYED BY THE
2 BENEFICIARY DEED AT THE DEATH OF THE OWNER SUBJECT TO ALL
3 CONVEYANCES, ENCUMBRANCES, ASSIGNMENTS, CONTRACTS, MORTGAGES,
4 LIENS, AND OTHER INTERESTS, AFFECTING TITLE TO THE PROPERTY,
5 WHETHER CREATED BEFORE OR AFTER THE RECORDING OF THE
6 BENEFICIARY DEED, OR TO WHICH THE OWNER WAS SUBJECT DURING THE
7 OWNER'S LIFETIME, OF WHICH THE GRANTEE-BENEFICIARY HAS NOTICE,
8 EITHER ACTUAL OR CONSTRUCTIVE, INCLUDING, BUT NOT LIMITED TO, ANY
9 EXECUTORY CONTRACT OF SALE, OPTION TO PURCHASE, LEASE, LICENSE,
10 EASEMENT, MORTGAGE, DEED OF TRUST OR OTHER LIEN, INCLUDING BUT
11 NOT LIMITED TO LIENS RECORDED BY THE DEPARTMENT OF HEALTH CARE
12 POLICY AND FINANCING PURSUANT TO SECTION 26-4-403.3 (3), C.R.S.,
13 AND TO ANY INTEREST CONVEYED BY THE OWNER THAT IS LESS THAN ALL
14 OF THE OWNER'S INTEREST IN THE PROPERTY.

15
16 (3) (a) A PERSON CLAIMING AN INTEREST DESCRIBED IN
17 SUBSECTION (2) OF THIS SECTION WHOSE INTEREST IS NOT RECORDED IN
18 THE RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF THE
19 COUNTY IN WHICH THE PROPERTY IS LOCATED AT THE TIME OF THE DEATH
20 OF THE OWNER, SHALL RECORD EVIDENCE OR NOTICE OF THE CLAIM NOT
21 LATER THAN FOUR MONTHS AFTER THE DEATH OF THE OWNER. THE NOTICE
22 SHALL NAME THE CLAIMANT, DESCRIBE THE REAL PROPERTY, AND
23 DESCRIBE THE NATURE OF THE INTEREST CLAIMED.

24
25 (b) FAILURE TO RECORD EVIDENCE OR NOTICE OF A CLAIM
26 DESCRIBED IN SUBSECTION (2) OF THIS SUBSECTION WITHIN FOUR MONTHS
27 AFTER THE DEATH OF THE OWNER SHALL FOREVER BAR THE CLAIMANT
28 FROM CLAIMING AN INTEREST IN THE PROPERTY AS AGAINST ALL PERSONS
29 WHO DO NOT HAVE NOTICE OF THE CLAIM. A PERSON WHO, WITHOUT
30 NOTICE, OBTAINS AN INTEREST IN THE PROPERTY ACQUIRED BY THE
31 GRANTEE-BENEFICIARY SHALL TAKE THE INTEREST FREE FROM ALL
32 PERSONS WHO HAVE NOT RECORDED THEIR CLAIM OR EVIDENCE OF THEIR
33 CLAIM PRIOR TO THE EXPIRATION OF THE FOUR-MONTH PERIOD.

34
35 (4) IF NO GRANTEE-BENEFICIARY SURVIVES THE OWNER, THE
36 TRANSFER SHALL LAPSE.

37
38 (5) IN ADDITION TO TAKING TITLE TO THE OWNER'S INTEREST IN
39 THE REAL PROPERTY AT THE DEATH OF THE OWNER AS SET FORTH IN THIS
40 SECTION, THE GRANTEE-BENEFICIARY HAS A RIGHT TO:

41
42 (a) ANY BALANCE OF THE PURCHASE PRICE, TOGETHER WITH ANY
43 SECURITY AGREEMENT, OWING FROM A PURCHASER TO THE OWNER AT
44 DEATH BY REASON OF SALE OF THE PROPERTY;

45
46 (b) ANY AMOUNT OF A CONDEMNATION AWARD FOR THE TAKING
47 OF THE PROPERTY UNPAID AT THE DEATH OF THE OWNER; AND

48
49 (c) ANY PROCEEDS UNPAID AT THE DEATH OF THE OWNER ON FIRE
50 OR CASUALTY INSURANCE ON, OR OTHER RECOVERY FOR, INJURY TO THE
51 PROPERTY.

52
53 **15-15-407. Joint tenancy.** (1) A JOINT TENANT OF AN INTEREST
54 IN REAL PROPERTY MAY USE THE PROCEDURES DESCRIBED IN THIS PART 4
55 TO TRANSFER HIS OR HER INTEREST EFFECTIVE UPON THE DEATH OF SUCH
56 JOINT TENANT. HOWEVER, TITLE TO THE INTEREST SHALL VEST IN THE

1 DESIGNATED GRANTEE-BENEFICIARY ONLY IF THE JOINT TENANT-GRANTOR
2 IS THE LAST TO DIE OF ALL OF THE JOINT TENANTS OF SUCH INTEREST. IF A
3 JOINT TENANT-GRANTOR IS NOT THE LAST JOINT TENANT TO DIE, THE
4 BENEFICIARY DEED SHALL NOT BE EFFECTIVE, AND THE BENEFICIARY DEED
5 SHALL NOT MAKE THE GRANTEE-BENEFICIARY AN OWNER IN JOINT
6 TENANCY WITH THE SURVIVING JOINT TENANT OR TENANTS. A
7 BENEFICIARY DEED MAY NOT SEVER A JOINT TENANCY UNLESS AN EXPRESS
8 DECLARATION OF SEVERANCE IS SET FORTH IN THE BENEFICIARY DEED. IF
9 A DECLARATION OF SEVERANCE IS SET FORTH IN THE BENEFICIARY DEED,
10 THE SEVERANCE SHALL BECOME EFFECTIVE UPON THE RECORDING OF THE
11 BENEFICIARY DEED.

12

13 (2) AS USED IN THIS SECTION, "JOINT TENANT" MEANS A PERSON
14 WHO OWNS AN INTEREST IN REAL PROPERTY AS A JOINT TENANT WITH
15 RIGHT OF SURVIVORSHIP.

16

17 **15-15-408. Rights of creditors and others.** (1) IF OTHER ASSETS
18 OF THE ESTATE OF THE DECEASED OWNER ARE INSUFFICIENT TO PAY ALL
19 CLAIMS AGAINST THE DECEASED OWNER'S ESTATE AND STATUTORY
20 ALLOWANCES TO THE DECEASED OWNER'S SURVIVING SPOUSE AND
21 CHILDREN, A TRANSFER RESULTING FROM A BENEFICIARY DESIGNATION
22 UNDER THIS PART 4 IS NOT EFFECTIVE AGAINST THE ESTATE OF A DECEASED
23 OWNER TO THE EXTENT NEEDED TO PAY ALL CLAIMS AGAINST THE
24 DECEASED OWNER'S ESTATE AND STATUTORY ALLOWANCES TO THE
25 DECEASED OWNER'S SURVIVING SPOUSE AND CHILDREN.

26

27 (2) (a) A GRANTEE-BENEFICIARY WHO RECEIVES PROPERTY
28 THROUGH A BENEFICIARY DEED UPON DEATH OF THE OWNER IS LIABLE TO
29 ACCOUNT TO THE PERSONAL REPRESENTATIVE OF THE DECEASED OWNER'S
30 ESTATE FOR A PROPORTIONATE SHARE OF THE FAIR MARKET VALUE OF THE
31 INTEREST RECEIVED TO THE EXTENT NECESSARY TO DISCHARGE THE
32 CLAIMS AND ALLOWANCES DESCRIBED IN SUBSECTION (1) OF THIS SECTION
33 REMAINING UNPAID AFTER APPLICATION OF THE DECEASED OWNER'S
34 ESTATE.

35

36 (b) A PROCEEDING TO ASSERT THE LIABILITY MAY NOT BE
37 COMMENCED UNLESS THE SURVIVING SPOUSE, A CREDITOR, OR A CHILD OR
38 A PERSONS ACTING FOR A CHILD OF THE DECEASED OWNER HAS SENT A
39 WRITTEN DEMAND TO THE PERSONAL REPRESENTATIVE AT THE LAST
40 KNOWN ADDRESS OF THE PERSONAL REPRESENTATIVE. A CREDITOR OR
41 CLAIMANT AGAINST THE DECEASED OWNER'S ESTATE MAY FILE A PETITION
42 TO OPEN AN ESTATE FOR THE DECEASED OWNER AND MAY BE APPOINTED
43 AS PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEASED OWNER
44 PURSUANT TO SECTION 15-12-203 FOR THE PURPOSE OF PROVIDING THE
45 WRITTEN DEMAND REQUIRED BY THIS SUBSECTION 2. THE PROCEEDING
46 SHALL BE COMMENCED WITHIN ONE YEAR AFTER THE DEATH OF THE
47 DECEASED OWNER.

48

49 (3) A GRANTEE-BENEFICIARY AGAINST WHOM A PROCEEDING TO
50 ACCOUNT IS BROUGHT MAY JOIN AS A PARTY TO THE PROCEEDING A
51 SURVIVING PARTY OR BENEFICIARY OF ANY OTHER BENEFICIARY
52 DESIGNATION OR OTHER ACCOUNT OF THE OWNER PURSUANT TO THE
53 PROVISIONS OF PARTS 2 AND 3 OF THIS ARTICLE.

54

55 (4) ASSETS RECOVERED BY THE PERSONAL REPRESENTATIVE SHALL
56 BE ADMINISTERED AS PART OF THE DECEDENT'S ESTATE. THIS SECTION

1 DOES NOT AFFECT THE PROTECTION PROVIDED BY SECTION 15-15-409 TO
2 A PURCHASER FROM, OR LENDER TO, A GRANTEE-BENEFICIARY AGAINST
3 CLAIMS OF THE PERSONAL REPRESENTATIVE OR ESTATE OF A DECEASED
4 OWNER.

5

6 (5) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO LIMIT THE
7 RIGHTS OF CREDITORS UNDER OTHER LAWS OF THIS STATE.

8

9 (6) (a) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS PART
10 4, IF ANY INTEREST IN REAL PROPERTY THAT IS THE SUBJECT OF A
11 BENEFICIARY DEED, WHICH, BUT FOR THE CONVEYANCE OF THE INTEREST
12 PURSUANT TO A BENEFICIARY DEED, WOULD CONSTITUTE PART OF THE
13 ESTATE OF AN OWNER WHOSE ESTATE IS SUBJECT TO ESTATE RECOVERY
14 FOR MEDICAL ASSISTANCE PAYMENTS PURSUANT TO SECTION 26-4-403.3,
15 C.R.S., THEN, UPON THE DEATH OF THE OWNER AND SUBJECT TO THE
16 PROVISIONS OF SUBSECTION (7) OF THIS SECTION, THE DEPARTMENT OF
17 HEALTH CARE POLICY AND FINANCING MAY COMMENCE SUCH
18 PROCEEDINGS AS ARE NECESSARY TO DETERMINE THAT THE DECEASED
19 OWNER'S INTEREST IN THE REAL PROPERTY THAT IS THE SUBJECT OF A
20 BENEFICIARY DEED, INCLUDING THE RECORDING OF A NOTICE OF LIS
21 PENDENS UPON SUCH REAL PROPERTY, IS AN ASSET OF THE ESTATE OF THE
22 DECEASED OWNER TO THE EXTENT NECESSARY TO PAY THE CLAIM OF THE
23 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING FOR ESTATE
24 RECOVERY OF MEDICAL ASSISTANCE PAYMENTS PURSUANT TO SECTION
25 26-4-403.3, C.R.S.

26

27 (b) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN
28 SUCH CASE SHALL HAVE A CLAIM AGAINST THE ESTATE'S INTEREST IN THE
29 PROPERTY FOR THE PURPOSE OF ESTATE RECOVERY NOTWITHSTANDING
30 THE CONVEYANCE OF SUCH REAL PROPERTY PURSUANT TO A BENEFICIARY
31 DEED. THE TIME FOR FILING CLAIMS AGAINST THE ESTATE OF AN
32 INDIVIDUAL PURSUANT TO THIS SUBSECTION (6) SHALL BE DETERMINED IN
33 ACCORDANCE WITH THE PROVISIONS OF SECTION 15-12-803.

34

35 (7) (a) AFTER THE EXPIRATION OF THIRTY DAYS FOLLOWING THE
36 DEATH OF THE OWNER, THE GRANTEE-BENEFICIARY OF A BENEFICIARY
37 DEED MAY APPLY TO THE DEPARTMENT OF HEALTH CARE POLICY AND
38 FINANCING FOR A CERTIFICATE OF MEDICAID STATUS THAT CERTIFIES
39 WHETHER OR NOT THE DECEASED OWNER WAS A RECIPIENT OF MEDICAL
40 ASSISTANCE WHO MAY BE SUBJECT TO MEDICAID ESTATE RECOVERY. A
41 GRANTEE-BENEFICIARY SHALL RECORD A COPY OF AN APPLICATION MADE
42 UNDER THIS SUBSECTION (7) IN THE COUNTY WHERE THE REAL PROPERTY
43 THAT IS THE SUBJECT OF THE BENEFICIARY DEED IS LOCATED.

44

45 (b) THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
46 SHALL ISSUE AND RECORD THE CERTIFICATE OF MEDICAID STATUS WITHIN
47 THIRTY DAYS AFTER THE RECEIPT BY THE DEPARTMENT OF THE
48 APPLICATION FOR THE CERTIFICATE. THE MEDICAL SERVICES BOARD
49 SHALL ADOPT RULES ESTABLISHING THE PROCEDURE AND FEES FOR
50 APPLYING FOR AND RECORDING A CERTIFICATE OF MEDICAID STATUS. THE
51 FEES FOR THE ISSUANCE AND RECORDATION OF A CERTIFICATE OF
52 MEDICAID STATUS SHALL BE THE OBLIGATION OF THE APPLICANT.

53

54 (c) IF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
55 ISSUES AND RECORDS A CERTIFICATE OF MEDICAID STATUS WITHIN THIRTY
56 DAYS AFTER RECEIPT OF THE APPLICATION CERTIFYING THAT THE

1 DECEASED OWNER IS NOT SUBJECT TO MEDICAID ESTATE RECOVERY AND
 2 RELEASING THE PROPERTY FROM MEDICAID ESTATE RECOVERY CLAIMS, OR
 3 IF THE DEPARTMENT FAILS TO ISSUE AND RECORD A CERTIFICATE OF
 4 MEDICAID STATUS WITHIN THE THIRTY-DAY PERIOD, THE PROPERTY WHICH
 5 IS THE SUBJECT OF THE BENEFICIARY DEED SHALL BE DEEMED FREE AND
 6 CLEAR FROM ANY CLAIM OF THE DEPARTMENT OF HEALTH CARE POLICY
 7 AND FINANCING FOR MEDICAID ESTATE RECOVERY.

8
 9 (d) IF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING
 10 ISSUES AND RECORDS A CERTIFICATE OF MEDICAID STATUS WITHIN THIRTY
 11 DAYS AFTER RECEIPT OF THE APPLICATION CERTIFYING THAT THE
 12 DECEASED OWNER WAS A RECIPIENT OF MEDICAL ASSISTANCE WHO MAY BE
 13 SUBJECT TO MEDICAID ESTATE RECOVERY, THE PROPERTY WHICH IS THE
 14 SUBJECT OF THE BENEFICIARY DEED SHALL CONTINUE TO BE SUBJECT TO
 15 THE DETERMINATION THAT THE PROPERTY IS AN ASSET OF THE DECEASED
 16 OWNER'S ESTATE AND SHALL CONTINUE TO BE SUBJECT TO THE
 17 DEPARTMENT'S CLAIMS FOR MEDICAID ESTATE RECOVERY AS SET FORTH IN
 18 SUBSECTION (6) OF THIS SECTION.

19
 20 **15-15-409. Purchaser from grantee-beneficiary protected.** (1)
 21 SUBJECT TO THE RIGHTS OF CLAIMANTS UNDER SECTION 15-15-406, IF THE
 22 PROPERTY ACQUIRED BY A GRANTEE-BENEFICIARY OR A SECURITY
 23 INTEREST THEREIN IS ACQUIRED FOR VALUE BY A PURCHASER FROM, OR
 24 LENDER TO, A GRANTEE-BENEFICIARY, THE PURCHASER OR LENDER SHALL
 25 TAKE TITLE FREE OF RIGHTS OF AN INTERESTED PERSON IN THE DECEASED
 26 OWNER'S ESTATE AND SHALL NOT INCUR PERSONAL LIABILITY TO THE
 27 ESTATE OR TO ANY INTERESTED PERSON.

28
 29 (2) FOR PURPOSES OF THIS SECTION, ANY RECORDED INSTRUMENT
 30 EVIDENCING A TRANSFER TO A PURCHASER FROM, OR LENDER TO, A
 31 GRANTEE-BENEFICIARY ON WHICH A STATE DOCUMENTARY FEE IS NOTED
 32 PURSUANT TO SECTION 39-13-103, C.R.S., SHALL BE PRIMA FACIE
 33 EVIDENCE THAT THE TRANSFER WAS MADE FOR VALUE. ANY SUCH SALE OR
 34 LOAN BY THE GRANTEE-BENEFICIARY SHALL NOT RELIEVE THE
 35 GRANTEE-BENEFICIARY OF THE OBLIGATION TO THE PERSONAL
 36 REPRESENTATIVE OF THE DECEASED OWNER'S ESTATE UNDER SECTION
 37 15-15-408.

38
 39 **15-15-410. Limitations on actions and proceedings against**
 40 **grantee-beneficiaries.** (1) UNLESS PREVIOUSLY ADJUDICATED OR
 41 OTHERWISE BARRED, THE CLAIM OF A CLAIMANT TO RECOVER FROM A
 42 GRANTEE-BENEFICIARY WHO IS LIABLE TO PAY THE CLAIM, AND THE RIGHT
 43 OF AN HEIR OR DEVISEE OR OF A PERSONAL REPRESENTATIVE ACTING ON
 44 BEHALF OF AN HEIR OR DEVISEE, TO RECOVER PROPERTY FROM A
 45 GRANTEE-BENEFICIARY OR THE VALUE THEREOF FROM A
 46 GRANTEE-BENEFICIARY IS FOREVER BARRED AS FOLLOWS:

47
 48 (a) A CLAIM BY A CREDITOR OF THE OWNER IS FOREVER BARRED AT
 49 ONE YEAR AFTER THE OWNER'S DEATH.

50
 51 (b) ANY OTHER CLAIMANT OR AN HEIR OR DEVISEE IS FOREVER
 52 BARRED AT THE EARLIER OF THE FOLLOWING:

53
 54 (I) THREE YEARS AFTER THE OWNER'S DEATH; OR

55
 56 (II) ONE YEAR AFTER THE TIME OF RECORDING THE PROOF OF

1 DEATH OF OWNER IN THE REAL PROPERTY RECORDS OF THE COUNTY IN
2 WHICH THE PROPERTY IS LOCATED.

3

4 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO BAR AN
5 ACTION TO RECOVER PROPERTY OR VALUE RECEIVED AS THE RESULT OF
6 FRAUD.

7

8 **15-15-411. Nontestamentary disposition.** A BENEFICIARY DEED
9 SHALL NOT BE CONSTRUED TO BE A TESTAMENTARY DISPOSITION AND
10 SHALL NOT BE INVALIDATED DUE TO NONCONFORMITY WITH THE
11 PROVISIONS OF THE "COLORADO PROBATE CODE" GOVERNING WILLS.

12

13 **15-15-412. Proof of death.** PROOF OF THE DEATH OF THE OWNER
14 OR A GRANTEE-BENEFICIARY SHALL BE ESTABLISHED IN THE SAME MANNER
15 AS FOR PROVING THE DEATH OF A JOINT TENANT.

16

17 **15-15-413. Disclaimer.** A GRANTEE-BENEFICIARY MAY DISCLAIM
18 ALL OR ANY PART OF THE REAL PROPERTY INTEREST DESCRIBED IN A
19 BENEFICIARY DEED BY REFUSING TO ACCEPT THE REAL PROPERTY INTEREST
20 OR BY ANY OTHER METHOD PROVIDED BY LAW.

21

22 **15-15-414. Applicability.** THE PROVISIONS OF THIS PART 4 SHALL
23 APPLY TO BENEFICIARY DEEDS EXECUTED BY OWNERS WHO DIE ON OR
24 AFTER THE EFFECTIVE DATE OF HB03-1086.

25

26 **SECTION 2.** 15-11-706 (1), Colorado Revised Statutes, is
27 amended to read:

28

29 **15-11-706. Nonprobate transfers; deceased beneficiary.**
30 (1) **Definitions.** This section shall not apply to wills; BENEFICIARY
31 DEEDS; insurance or annuity policies; or pension, profit sharing,
32 retirement, or similar benefit plans. As used in this section, unless the
33 context otherwise requires:

34

35 **SECTION 3.** 15-15-101, Colorado Revised Statutes, is amended
36 BY THE ADDITION OF A SUBSECTION to read:

37

38 **15-15-101. Nonprobate transfers on death.** (1.5) A
39 CONVEYANCE OR DEED OF GIFT DESCRIBED IN SUBSECTION (1) OF THIS
40 SECTION THAT RELATES TO AN INTEREST IN REAL PROPERTY MAY BE
41 CREATED PURSUANT TO PART 4 OF THIS ARTICLE AND, IF SO CREATED,
42 SHALL BE SUBJECT TO THE RIGHTS OF THIRD PARTIES DESCRIBED IN PART
43 4 OF THIS ARTICLE.

44

45 **SECTION 4.** Part 1 of article 30 of title 38, Colorado Revised
46 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
47 read:

48

49 **38-30-113.5. Beneficiary deeds.** DEEDS INTENDED TO TAKE
50 EFFECT AT THE DEATH OF THE GRANTOR MAY BE EXECUTED AND
51 RECORDED PURSUANT TO THE PROVISIONS OF PART 4 OF ARTICLE 15 OF
52 TITLE 15, C.R.S.

53

54 **SECTION 5. Effective date.** This act shall take effect at 12:01
55 a.m. on the day following the expiration of the ninety-day period after
56 final adjournment of the general assembly that is allowed for submitting

1 a referendum petition pursuant to article V, section 1 (3) of the state
2 constitution; except that, if a referendum petition is filed against this act
3 or an item, section, or part of this act within such period, then the act,
4 item, section, or part, if approved by the people, shall take effect on the
5 date of the official declaration of the vote thereon by proclamation of the
6 governor."

7
8
9
10 **HB03-1236** be amended as follows, and as so amended, be referred to
11 the Committee of the Whole with favorable
12 recommendation:

13
14 Amend printed bill, page 26, line 3, strike "HAS BEEN";
15
16 line 4, strike "COMMITTED OR".

17
18
19
20 **HB03-1312** be amended as follows, and as so amended, be referred to
21 the Committee of the Whole with favorable
22 recommendation:

23
24 Amend printed bill, page 3, line 25, strike "DEED, BILL OF SALE,";
25
26 strike line 26 and substitute "POWER OF APPOINTMENT OR POWER OF
27 ATTORNEY;"

28
29 Page 5, line 5, after "BODY", insert "OR CREMAINS";
30
31 after line 25, insert the following:

32
33 "(8) "UNREASONABLE" MEANS AN ACT THAT IS CLEARLY
34 UNREASONABLE PURSUANT TO THE DEFINITION OF "REASONABLE UNDER
35 THE CIRCUMSTANCES" UNDER SUBSECTION (6) OF THIS SECTION."

36
37 Page 6, line 12, strike "PERSON FULFILLING" and substitute "THIRD PARTY
38 SEEKING TO FULFILL";

39
40 line 14, strike "NOT REASONABLE" and substitute "UNREASONABLE";

41
42 after line 20, insert the following:

43
44 "(c) IF ARTICLE 54 OF TITLE 12, C.R.S., CONFLICTS WITH THIS
45 ARTICLE, THIS ARTICLE SHALL GOVERN."

46
47 Page 8, line 18, strike "KNOWN TO THE THIRD PARTY WHO" and substitute
48 "REASONABLY ASCERTAINABLE;"

49
50 strike line 19;

51
52 line 21, strike "KNOWN TO THE THIRD PARTY WHO" and substitute
53 "REASONABLY ASCERTAINABLE;"

54
55 strike line 22;

56

- 1 line 24, strike "KNOWN TO THE THIRD PARTY WHO" and substitute
- 2 "REASONABLY ASCERTAINABLE;"
- 3
- 4 strike lines 25 through 27.
- 5
- 6 Page 9 strike line 1.
- 7
- 8 Renumber succeeding paragraph accordingly.
- 9
- 10 Page 9, line 11, after the period, add "SUCH FINAL JUDGEMENT SHALL BE
- 11 CONSISTENT WITH THE DECEDENT'S LAST WISHES TO THE EXTENT THEY ARE
- 12 REASONABLE UNDER THE CIRCUMSTANCES.";
- 13
- 14 line 17, strike "DECLARATIONS AND" and substitute "DECLARATIONS,";
- 15
- 16 line 18 strike "OTHER WRITTEN DOCUMENTS" and substitute "WILLS,
- 17 CODICILS, TRUSTS, POWERS OF APPOINTMENT, AND POWERS OF
- 18 ATTORNEY".
- 19
- 20 Page 10, line 12, after the period, add "IF _____
- 21 IS UNWILLING OR UNABLE TO ACT, I NOMINATE
- 22 _____ AS MY ALTERNATE DESIGNEE.";
- 23
- 24 strike lines 13 through 21;
- 25
- 26 line 22, strike "3." and substitute "2.";
- 27
- 28 line 26, after the period, add "IF _____ IS
- 29 UNWILLING OR UNABLE TO ACT, I NOMINATE _____
- 30 AS MY ALTERNATE DESIGNEE.".
- 31
- 32 Page 11, strike lines 6 and 7;
- 33
- 34 line 8, strike "4." and substitute "3.";
- 35
- 36 line 10, strike "DISPOSITION OF YOUR BODY):" and substitute "LACK OF
- 37 CEREMONIES):";
- 38
- 39 line 25, strike "WHILE AS DECLARANT";
- 40
- 41 line 26, strike "TIME," and substitute "TIME.".
- 42
- 43 Page 12, after line 9, insert the following:
- 44
- 45 "THE FOLLOWING SECTION REGARDING ORGAN AND
- 46 TISSUE DONATION IS OPTIONAL. TO MAKE A DONATION, INITIAL THE
- 47 OPTION YOU SELECT AND SIGN BELOW.
- 48 IN THE HOPE THAT I MIGHT HELP OTHERS, I HEREBY MAKE AN
- 49 ANATOMICAL GIFT, TO BE EFFECTIVE UPON MY DEATH, OF:
- 50 A. _____ ANY NEEDED ORGANS/TISSUES
- 51 B. _____ THE FOLLOWING ORGANS/TISSUES:
- 52 _____
- 53 _____
- 54 Donor signature: _____".
- 55
- 56 Page 13, line 16, after the period, insert "IF AN ALTERNATE DESIGNEE IS

1 NOT NOMINATED BY THE DECLARANT, SECTION 15-19-106 SHALL
2 GOVERN.";

3
4 line 23, before "EXTENT", insert "FULLEST".

5
6 Page 14, line 19, strike "WHO" and substitute "DESIGNATED TO".

7
8 Page 15, line 7, strike "acts committed" and substitute "declaration
9 instruments, wills, codicils, trusts, powers of appointment, powers of
10 attorney created; acts of an agent, a guardian, or a conservator committed;
11 or claims, rights, or remedies accrued".

12
13
14

15 **SB03-147** be amended as follows, and as so amended, be referred to
16 the Committee of the Whole with favorable
17 recommendation:

18
19 Amend reengrossed bill, page 4, line 6, strike "DEFENDANT" and
20 substitute "RESPONDENT".

21
22 Page 9, line 19, strike "CONVICTED." and substitute "CONVICTED BUT
23 SHALL NOT EXCEED FIVE YEARS FOR ANY MISDEMEANOR OR PETTY
24 OFFENSE".

25
26 Page 16, line 13, strike "STATEMENT." and substitute "STATEMENT TO THE
27 BEST OF THE PERSON'S KNOWLEDGE, INFORMATION, AND BELIEF".

28
29 Page 19, after line 6, insert the following:

30
31

"(d) "PEACE OFFICER" MEANS A PEACE OFFICER AS DEFINED IN
32 SECTION 18-1-901 (3) (1), C.R.S."

33
34 Reletter succeeding paragraph accordingly.
35
36
37
38

39 **LOCAL GOVERNMENT**

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

42
43

SB03-024 be referred favorably to the Committee on Appropriations.

44
45
46

47 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE** 48 **on SB03-183**

49
50

This Report Amends the Rerevised Bill.

51
52 To the President of the Senate and the
53 Speaker of the House of Representatives:

54
55
56

Your second conference committee appointed on SB03-183,
concerning the modification of certain preschool through twelfth grade

1 public education programs, and making appropriations in connection
2 therewith, has met and reports that it has agreed upon the following:

3

4 1. That the Senate accede to the House amendments made to the
5 bill, as the amendments appear in the rerevised bill, with the following
6 changes:

7

8 Amend rerevised bill, page 10, strike line 22 and substitute the following:

9

10 "(II) A LIST OF ALL MONEYS EXPENDED, ENCUMBERED, OR
11 OBLIGATED AS OF JANUARY 31, 2003,";

12

13 line 23, strike "OF THIS SUBSECTION (4.5)";

14

15 line 27, strike "EXPENDITURES" and substitute "EXPENDITURES,
16 ENCUMBRANCES, OR OBLIGATIONS".

17

18 Page 11, strike lines 2 through 11 and substitute the following:

19

20 "(c) ONCE A CHARTER SCHOOL EXPENDS AMOUNTS THAT WERE
21 ENCUMBERED OR OBLIGATED AS OF JANUARY 31, 2003, AS DESCRIBED IN
22 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4.5), THE";

23

24 line 14, strike "FROM THE";

25

26 strike lines 15 through 19;

27

28 after line 23, insert the following:

29

30 "(e) OF THE AMOUNT OF STATE EDUCATION FUND MONEYS
31 APPROPRIATED FOR THE 2002-03 BUDGET YEAR PURSUANT TO PARAGRAPH
32 (a) OF THIS SUBSECTION (4.5), ANY AMOUNT NOT DISTRIBUTED PURSUANT
33 TO PARAGRAPH (b) OF THIS SUBSECTION (4.5) SHALL REMAIN IN THE STATE
34 EDUCATION FUND.

35

36 **SECTION 10.** 22-54-104.1 (1), (4), and (5), Colorado Revised
37 Statutes, are amended to read:

38

39 **22-54-104.1. General fund appropriations requirements -**
40 **maintenance of effort base - general fund appropriation for 2001-02**
41 **and 2002-03 fiscal years.** (1) In accordance with section 17 (5) of
42 article IX of the state constitution, for state fiscal years 2001-02 through
43 2010-11, the general assembly shall annually appropriate from the
44 general fund for total program under the provisions of this article an
45 amount equal to the maintenance of effort base plus an amount as
46 determined annually by the general assembly that is equal to at least five
47 percent of the maintenance of effort base, UNLESS COLORADO PERSONAL
48 INCOME GROWS LESS THAN FOUR AND ONE-HALF PERCENT BETWEEN THE
49 TWO CALENDAR YEARS PRECEDING THE STATE FISCAL YEAR IN WHICH AN
50 APPROPRIATION IS MADE.

51

52 ~~(4) (a) The general assembly hereby finds and declares that:~~

53

54 ~~(f) The current economic slowdown being experienced in~~
55 ~~Colorado has significantly reduced the amount of revenues the general~~
56 ~~assembly has available to fund state services and programs during the~~

1 ~~2001-02 state fiscal year and has caused the general assembly to modify~~
2 ~~its decisions regarding the objects and level of support for which state~~
3 ~~revenues are to be expended during said state fiscal year;~~
4

5 ~~(II) As a result of this revenue shortfall, it is necessary to reduce~~
6 ~~the amount of general fund revenues appropriated for total program for~~
7 ~~the 2001-02 state fiscal year to the minimum amount necessary to comply~~
8 ~~with the maintenance of effort requirement set forth in subsection (1) of~~
9 ~~this section;~~
10

11 ~~(III) It is financially prudent to make a one-time increase in the~~
12 ~~amount of general fund revenues appropriated for total program for the~~
13 ~~2002-03 state fiscal year sufficient to offset any impact that the reduction~~
14 ~~in the amount of general fund revenues appropriated for total program for~~
15 ~~the 2001-02 state fiscal year might have on the long-term solvency of the~~
16 ~~state education fund; and~~
17

18 ~~(IV) This one-time increase in the amount of general fund~~
19 ~~revenues appropriated for total program for the 2002-03 state fiscal year~~
20 ~~shall not be construed to bind any future general assembly to maintain the~~
21 ~~same or similar rate of increase in the amount of general fund revenues~~
22 ~~appropriated for total program in any future state fiscal year.~~
23

24 ~~(b) For the 2002-03 state fiscal year, the general assembly shall~~
25 ~~appropriate from the general fund for total program pursuant to the~~
26 ~~provisions of this article an amount equal to the maintenance of effort~~
27 ~~base plus an amount equal to seven and thirty-nine one-hundredths~~
28 ~~percent of the maintenance of effort base.~~
29

30 ~~(5) For the 2002-03 state fiscal year, the general assembly shall~~
31 ~~appropriate from the general fund for total program pursuant to the~~
32 ~~provisions of this article an amount equal to the maintenance of effort~~
33 ~~base plus an amount equal to at least seven and thirty-nine~~
34 ~~one-hundredths percent of the maintenance of effort base."~~
35

36 Renumber succeeding sections accordingly.
37

38 Page 25, before line 1, insert the following:
39

40 **"SECTION 20.** Part III (2) (A) and the affected totals of section
41 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:
42

43 Section 2. **Appropriation.**

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
PART III							
DEPARTMENT OF EDUCATION							
1							
2							
3	(2) ASSISTANCE TO PUBLIC SCHOOLS						
4	(A) Public School Finance						
5	State Share of Districts' Total Program						
6	Funding ^{18, 19}	2,448,085,100	2,224,798,325		10,251,689 ^a	213,035,086^b	
7			2,224,548,325			213,285,086 ^b	
8	Additional State Aid Related to Locally						
9	Negotiated Business Incentive Agreements	<u>1,833,315</u>		1,833,315			
10		2,449,918,415					
11	^a This amount shall be from rental income earned on public school lands.						
12	^b Of this amount, \$170,364,847 \$170,614,847 shall be from the State Education Fund created in Section 17 (4) of Article IX of the State Constitution and \$42,670,239 shall be from the State Public School Fund created in Section 22-54-114, C.R.S. Of the amount from the State Public School Fund, \$24,700,000 is estimated to be from federal mineral leasing revenues transferred to the State Public School Fund pursuant to Section 22-54-114 (1), \$14,970,239 is estimated to be from interest earned on moneys in the Public School Fund and transferred to the State Public School Fund pursuant to Section 22-41-106, C.R.S., and \$3,000,000 is estimated to be from audit recoveries deposited in the State Public School Fund pursuant to Section 22-54-114 (4), C.R.S.						
17		3,091,663,018					
18	TOTALS PART III						
19	(EDUCATION)^{5, 6}	\$3,141,367,483	\$2,406,928,430		\$13,098,032 ^a	\$349,511,631^b	\$371,829,390
20			<u>\$2,406,678,430</u>			<u>\$349,761,631^b</u>	
21	^a Of this amount, \$84,352 contains a (T) notation.						
22	^b Of this amount, \$15,112,473 contains a (T) notation, and \$155,250 contains an (L) notation.						
23							

1 **SECTION 21. Appropriation - adjustments to the 2002 long**
 2 **bill.** In addition to any other appropriation, there is hereby appropriated,
 3 out of any moneys in the general fund not otherwise appropriated, to the
 4 department of education, for the fiscal year beginning July 1, 2002, the
 5 sum of two hundred fifty thousand dollars (\$250,000), or so much thereof
 6 as may be necessary, for the implementation of section 22-54-123.5,
 7 Colorado Revised Statutes."

8
 9 Renumber succeeding section accordingly.

10
 11 2. That, under the authority granted the committee to consider
 12 matters not at issue between the two houses, the following amendments
 13 be recommended:

14
 15 Amend rerevised bill, page 6, line 4, strike "amended" and substitute
 16 "amended, and the said 22-54-117 (1.6) is further amended BY THE
 17 ADDITION OF A NEW PARAGRAPH,";

18
 19 line 18, strike "EIGHT MILLION FOUR HUNDRED" and substitute "FIVE
 20 MILLION dollars.";

21
 22 strike line 19 and substitute the following:

23
 24 "(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
 25 THIS SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH
 26 OF THE 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, ONCE THE
 27 TRANSFER REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1.6) IS
 28 MADE, THE STATE TREASURER SHALL TRANSFER FROM THE CONTINGENCY
 29 RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND PURSUANT TO
 30 PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE SCHOOL CAPITAL
 31 CONSTRUCTION EXPENDITURES RESERVE DESCRIBED IN SUBSECTION (1.5)
 32 OF THIS SECTION AN AMOUNT EQUAL TO THE MONEYS TRANSFERRED TO
 33 SAID CONTINGENCY RESERVE DURING SUCH CALENDAR MONTH NO LATER
 34 THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE
 35 TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER, THE TOTAL
 36 AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY RESERVE
 37 CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL CAPITAL
 38 CONSTRUCTION EXPENDITURES RESERVE PURSUANT TO THIS PARAGRAPH
 39 (c) SHALL NOT EXCEED THREE MILLION FOUR HUNDRED NINETY-NINE
 40 THOUSAND NINE HUNDRED FORTY DOLLARS."

41
 42 Page 13, line 9, strike "**12.**", and substitute "**12. Repeal.**";

43
 44 strike line 10 and substitute the following:
 45 "repealed as follows:".

46
 47 Respectfully submitted,
 48 Senate Committee:
 49 Dave Owen
 50 Ron Teck
 51 Peggy Reeves

 House Committee:
 Brad Young
 John Witwer
 Tom Plant

52
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PRINTING REPORT

The Chief Clerk reports the following bill has been correctly printed:
HB03-1326.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB03-1067, 1144, 1151.**

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB03-1048, 1067, 1069, 1144, 1151** at 2:20 p.m. on February 28, 2003.

MESSAGES FROM THE SENATE

Madam Speaker:

The Senate has adopted and transmits herewith: **SJR03-025.**

The Senate has passed on Third Reading and returns herewith **HB03-1169, 1036,**

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: **SB03-032,**

SB03-021, amended as printed in Senate Journal, February 28, 2003, page 506,

SB03-141, amended as printed in Senate Journal, February 28, 2003, page 507,

HB03-1098, amended as printed in Senate Journal, February 28, 2003, page 507,

HB03-1093, amended as printed in Senate Journal, February 28, 2003, page 508.

INTRODUCTION OF RESOLUTION

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

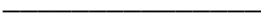
SJR03-025 by Senator(s) Dyer; also Representative(s) Rippy--
Concerning Masonic Day at the Capitol.

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LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until March 4, retaining place on Calendar:

- Consideration of General Orders--**HB03-1146, 1225, 1250, 1267, SB03-155.**
- Consideration of Resolutions--**SJR03-017, HJR03-1024, 1025, 1016, 1017, 1020, SJR03-012.**
- Consideration of Senate Amendments--**HB03-1161, 1107.**



On motion of Representative King, the House adjourned until 9:00 a.m., March 4, 2003.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk