

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

Forty-second Legislative Day

Tuesday, February 18, 2003

1 Prayer by the Reverend Greg Cummins, Montview Presbyterian Church,
 2 Denver.

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

5
 6 Pledge of Allegiance led by Representative Miller.

7
 8 The roll was called with the following result:

9
 10 Present--63.
 11 Vacancy--1.
 12 Absent--Representative Mitchell--1.
 13 Present after roll call--Representative Mitchell.

14
 15 The Speaker declared a quorum present.

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

THIRD READING OF BILLS--FINAL PASSAGE

21
 22
 23
 24
 25
 26 The following bills were considered on Third Reading. The titles were
 27 publicly read. Reading of the bill at length was dispensed with by
 28 unanimous consent.

29
 30 **HB03-1121** by Representative(s) Wiens, King, May M., McCluskey,
 31 White; also Senator(s) Evans, Chlouber--Concerning
 32 offers of settlement in civil actions.

33
 34 The question being "Shall the bill pass?".
 35 A roll call vote was taken. As shown by the following recorded vote, a
 36 majority of those elected to the House voted in the affirmative and the bill
 37 was declared **passed**.

38
 39

Vacancy	1	YES	42	NO	22	EXCUSED	00	ABSENT	00
Berry		Y				McCluskey	Y	Sinclair	Y
Borodkin		N	Hall		Y	McFadyen	N	Smith	Y
Boyd		N	Harvey		Y	Merrifield	N	Spence	Y
Briggs		Y	Hefley		Y	Miller	Y	Stafford	Y

40
 41
 42
 43

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

14 Co-sponsors added: Representatives Crane, Fairbank, Harvey, Hoppe, Lee,
 15 Miller, Schultheis, Spence, Williams T., Speaker.

16
 17
 18 **HB03-1101** by Representative(s) Hall; also Senator(s) Jones--
 19 Concerning authorization for the department of public
 20 health and environment to recover the full amount of its
 21 costs in reviewing applications under the "Voluntary
 22 Clean-up and Redevelopment Act".
 23

24 The question being "Shall the bill pass?".
 25 A roll call vote was taken. As shown by the following recorded vote, a
 26 majority of those elected to the House voted in the affirmative and the bill
 27 was declared **passed**.
 28

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

47 Co-sponsors added: Representatives Boyd.

48
 49
 50 **HB03-1172** by Representative(s) Clapp, Crane, Hefley, Lee, Lundberg,
 51 Rhodes, Spradley, White; also Senator(s) Dyer--
 52 Concerning school board policies covering when
 53 personnel may address health care treatment for student
 54 behavior issues.
 55

56 The question being "Shall the bill pass?".

1 A roll call vote was taken. As shown by the following recorded vote, a
2 majority of those elected to the House voted in the affirmative and the bill
3 was declared **passed**.

Vacancy	1	YES	44	NO	20	EXCUSED	00	ABSENT	00
6	Berry	Y				McCluskey	N	Sinclair	Y
7	Borodkin	N	Hall	Y		McFadyen	Y	Smith	Y
8	Boyd	N	Harvey	Y		Merrifield	N	Spence	Y
9	Briggs	Y	Hefley	Y		Miller	Y	Stafford	Y
10	Brophy	Y	Hodge	N		Mitchell	Y	Stengel	Y
11	Butcher	N	Hoppe	Y		Paccione	Y	Tochtrop	Y
12	Cadman	Y	Jahn	Y		Plant	Y	Veiga	N
13	Clapp	Y	Johnson	N		Pommer	N	Vigil	N
14	Cloer	Y	Judd	N		Ragsdale	N	Weddig	N
15	Coleman	N	King	Y		Rhodes	Y	Weissmann	N
16	Crane	Y	Larson	Y		Rippy	Y	White	Y
17	Decker	Y	Lee	Y		Romanoff	N	Wiens	Y
18	Fairbank	Y	Lundberg	Y		Rose	Y	Williams S.	N
19	Frangas	Y	Madden	Y		Salazar	Y	Williams T.	Y
20	Fritz	Y	Marshall	N		Sanchez	N	Witwer	Y
21	Garcia	N	May	Y		Schultheis	Y	Young	Y
22								Speaker	Y

23 Co-sponsors added: Representatives Brophy, Fairbank, Frangas, Hall, Harvey,
24 Jahn, Schultheis, Stafford, Williams T.

25
26
27 **HB03-1175** by Representative(s) Spence, Briggs, Crane, Fairbank,
28 Frangas, Lee, Paccione, Rose, Schultheis, Williams S.;
29 also Senator(s) Andrews--Concerning numbers to identify
30 postsecondary education students.

31
32 The question being "Shall the bill pass?".

33 A roll call vote was taken. As shown by the following recorded vote, a
34 majority of those elected to the House voted in the affirmative and the bill
35 was declared **passed**.

Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
38	Berry	Y				McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y		McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y		Merrifield	Y	Spence	Y
41	Briggs	Y	Hefley	Y		Miller	Y	Stafford	Y
42	Brophy	Y	Hodge	Y		Mitchell	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y		Paccione	Y	Tochtrop	Y
44	Cadman	Y	Jahn	Y		Plant	Y	Veiga	Y
45	Clapp	Y	Johnson	Y		Pommer	Y	Vigil	Y
46	Cloer	Y	Judd	Y		Ragsdale	Y	Weddig	Y
47	Coleman	Y	King	Y		Rhodes	Y	Weissmann	Y
48	Crane	Y	Larson	Y		Rippy	Y	White	Y
49	Decker	Y	Lee	Y		Romanoff	Y	Wiens	Y
50	Fairbank	Y	Lundberg	Y		Rose	Y	Williams S.	Y
51	Frangas	Y	Madden	Y		Salazar	Y	Williams T.	Y
52	Fritz	Y	Marshall	Y		Sanchez	Y	Witwer	Y
53	Garcia	Y	May	Y		Schultheis	Y	Young	Y
54								Speaker	Y

55 Co-sponsors added: Representatives Cloer, Coleman, Rhodes.

56

1 **HB03-1149** by Representative(s) Cloer, Crane, Hall, Harvey,
 2 Lundberg, Mitchell, Rhodes, Schultheis, White, Wiens;
 3 also Senator(s) Cairns--Concerning the creation of a
 4 penalty against a government employee for making a
 5 materially false statement related to the dependency or
 6 neglect of a child.

7
 8 The question being "Shall the bill 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 bill
 11 was declared **passed**.

Vacancy 1	YES	50	NO	14	EXCUSED	00	ABSENT	00
Berry	Y				McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y	
Boyd	N	Harvey	Y	Merrifield	Y	Spence	Y	
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y	
Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	N	
Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y	
Clapp	Y	Johnson	Y	Pommer	N	Vigil	N	
Cloer	Y	Judd	N	Ragsdale	N	Weddig	N	
Coleman	Y	King	Y	Rhodes	Y	Weissmann	N	
Crane	Y	Larson	Y	Rippy	Y	White	Y	
Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y	
Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y	
Frangas	N	Madden	N	Salazar	Y	Williams T.	Y	
Fritz	Y	Marshall	N	Sanchez	N	Witwer	Y	
Garcia	Y	May	Y	Schultheis	Y	Young	Y	
						Speaker	Y	

31 Co-sponsors added: Representatives Brophy, Cadman, May, Paccione, Sinclair,
 32 Smith.

33
 34
 35 **HB03-1111** by Representative(s) Harvey; also Senator Evans--
 36 Concerning the authority of county governments to
 37 prosecute violations of the county's building code.

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

Vacancy 1	YES	56	NO	08	EXCUSED	00	ABSENT	00
Berry	Y				McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y	
Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y	
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y	
Brophy	Y	Hodge	N	Mitchell	N	Stengel	N	
Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	N	
Cadman	N	Jahn	Y	Plant	Y	Veiga	Y	
Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y	
Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y	
Coleman	Y	King	Y	Rhodes	Y	Weissmann	N	
Crane	Y	Larson	Y	Rippy	Y	White	Y	
Decker	N	Lee	Y	Romanoff	Y	Wiens	Y	

1	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
2	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
3	Fritz	Y	Marshall	Y	Sanchez	Y	Witwer	Y
4	Garcia	Y	May	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6 Co-sponsors added: Representatives Frangas, May.

7
8
9 **HB03-1302** by Representative(s) Rippy; also Senator(s) Kester--
10 Concerning clarification of the applicability of statutory
11 provisions that enacted certain notification requirements
12 affecting only those applications for development filed on
13 or after July 1, 2001.

14
15 The question being "Shall the bill 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 bill
18 was declared **passed**.

20	Vacancy	1	YES	64	NO	00	EXCUSED	00	ABSENT	00
21	Berry	Y					McCluskey	Y	Sinclair	Y
22	Borodkin	Y	Hall		Y		McFadyen	Y	Smith	Y
23	Boyd	Y	Harvey		Y		Merrifield	Y	Spence	Y
24	Briggs	Y	Hefley		Y		Miller	Y	Stafford	Y
25	Brophy	Y	Hodge		Y		Mitchell	Y	Stengel	Y
26	Butcher	Y	Hoppe		Y		Paccione	Y	Tochtrop	Y
27	Cadman	Y	Jahn		Y		Plant	Y	Veiga	Y
28	Clapp	Y	Johnson		Y		Pommer	Y	Vigil	Y
29	Cloer	Y	Judd		Y		Ragsdale	Y	Weddig	Y
30	Coleman	Y	King		Y		Rhodes	Y	Weissmann	Y
31	Crane	Y	Larson		Y		Rippy	Y	White	Y
32	Decker	Y	Lee		Y		Romanoff	Y	Wiens	Y
33	Fairbank	Y	Lundberg		Y		Rose	Y	Williams S.	Y
34	Frangas	Y	Madden		Y		Salazar	Y	Williams T.	Y
35	Fritz	Y	Marshall		Y		Sanchez	Y	Witwer	Y
36	Garcia	Y	May		Y		Schultheis	Y	Young	Y
37									Speaker	Y

38 Co-sponsors added: Representatives Brophy, Frangas, Hoppe, Miller.

41 42 **REPORTS OF COMMITTEES OF REFERENCE**

43 **EDUCATION**

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

46
47
48 **HB03-1279** be postponed indefinitely.

49
50
51 **SB03-072** be referred to the Committee of the Whole with favorable
52 recommendation.

53
54
55
56

1 **INFORMATION & TECHNOLOGY**

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

4
5 **HB03-1245** be postponed indefinitely.

6
7
8 **HB03-1247** be amended as follows, and as so amended, be referred to
9 the Committee on Appropriations with favorable
10 recommendation:

11
12 Amend printed bill, page 3, line 27, strike "EDUCATION" and substitute
13 "EDUCATION'S DESIGNEE".

14
15 Page 4, strike lines 2 through 7 and substitute "24-33.5-102 (3), C.R.S.".

16
17 Page 5, strike lines 21 through 27.

18
19 Page 6, strike lines 1 through 20.

20
21 Renumber succeeding sections accordingly.

22
23
24
25 **HB03-1299** be amended as follows, and as so amended, be referred to
26 the Committee of the Whole with favorable
27 recommendation:

28
29 Amend printed bill, page 2, line 19, strike "**date.**" and substitute "**date -**
30 **applicability.** (1)";

31
32 after line 27, insert the following:

33
34 "(2) The provisions of this act shall apply to contracts entered into
35 on or after the applicable effective date of this act.".

36
37
38
39 **PRINTING REPORT**

40
41 The Chief Clerk reports the following bill has been correctly printed:
42 **HB03-1313.**

43
44
45
46 **INTRODUCTION OF BILLS**
47 **First Reading**

48
49 The following bills were read by title and referred to the committees
50 indicated:

51
52 **SB03-013** by Senator(s) Johnson S.; also Representative(s) Berry--
53 Concerning modifications to the "Comprehensive Primary
54 and Preventive Care Grant Program Act".
55 Committee on Health, Environment, Welfare, & Institutions

56

- 1 **SB03-042** by Senator(s) Takis; also Representative(s) McCluskey--
2 Concerning the one dollar surcharge on filings received by
3 a county clerk and recorder as an authorized agent for the
4 executive director of the department of revenue.
5 Committee on Finance
6
- 7 **SB03-050** by Senator(s) Takis, Anderson, Taylor, Tupa; also
8 Representative(s) Williams T., Coleman, Vigil, White--
9 Concerning the implementation of a questionnaire by the
10 state board of nursing for the purposes of renewing
11 nursing Licenses, and making an appropriation therefor.
12 Committee on Business Affairs & Labor
13 Committee on Appropriations
14
- 15 **SB03-052** by Senator(s) Anderson, Takis, Taylor, Tupa; also
16 Representative(s) Vigil, Coleman, White, Williams T.--
17 Concerning the elimination of the report to the state
18 auditor related to the public safety communications trust
19 fund.
20 Committee on Transportation & Energy
21
- 22 **SB03-053** by Senator(s) McElhany; also Representative(s) King--
23 Concerning operations of the Colorado school for the deaf
24 and the blind, and, in connection therewith, creating an
25 independent governing board for the school.
26 Committee on Education
27
- 28 **SB03-079** by Senator(s) Reeves; also Representative(s) Smith--
29 Concerning support obligations.
30 Committee on Information & Technology
31
- 32 **SB03-096** by Senator(s) Phillips; also Representative(s) White--
33 Concerning modifications to the "County and Municipality
34 Development Revenue Bond Act".
35 Committee on Finance
36
- 37 **SB03-098** by Senator(s) Arnold, Anderson, Entz; also
38 Representative(s) Fritz, Marshall--Concerning benefit
39 provisions of the public employees' retirement association.
40 Committee on Finance
41
- 42 **SB03-112** by Senator(s) Anderson; also Representative(s) Coleman--
43 Concerning modifications to the program for the medically
44 indigent.
45 Committee on Health, Environment, Welfare, & Institutions
46
- 47 **SB03-116** by Senator(s) Chlouber; also Representative(s) Larson--
48 Concerning the distinction between a motor vehicle dealer
49 and a motor vehicle service contract provider for purposes
50 of motor vehicle service contract insurance.
51 Committee on Business Affairs & Labor
52
- 53 **SB03-117** by Senator(s) Cairns; also Representative(s) Spence--
54 Concerning the schedule by which the department of
55 education releases school accountability reports.
56 Committee on Education

- 1 **SB03-118** by Senator(s) Chlouber, Entz, Hillman, Kester; also
- 2 Representative(s) Rippy, Jahn, Miller--Concerning the
- 3 exclusion of a person who performs duties for more than
- 4 one employer in the business of horse racing from the
- 5 definition of "employee" for the purposes of the "Workers'
- 6 Compensation Act of Colorado".
- 7 Committee on Business Affairs & Labor
- 8
- 9 **SB03-126** by Senator(s) Entz; also Representative(s) McCluskey--
- 10 Concerning procedures for the development of water
- 11 projects by the Colorado water resources and power
- 12 development authority.
- 13 Committee on Agriculture, Livestock, & Natural Resources
- 14
- 15 **SB03-130** by Senator(s) Sandoval; also Representative(s) Jahn--
- 16 Concerning the repeal of the home health services pilot
- 17 program advisory committee.
- 18 Committee on Health, Environment, Welfare, & Institutions
- 19
- 20 **SB03-133** by Senator(s) Dyer; also Representative(s) Stengel,
- 21 Mitchell--Concerning civil forfeiture in title 16, Colorado
- 22 revised statutes.
- 23 Committee on Judiciary
- 24

INTRODUCTION OF RESOLUTION

25
26
27
28
29 The following resolution was read by title and referred to the committee
30 indicated:

- 31
- 32 **HJR03-1017** by Representative(s) Harvey; also Senator(s) Dyer--
- 33 Concerning support for a partial reallocation of existing
- 34 Chatfield Reservoir storage capacity for municipal use.
- 35 Committee on Agriculture, Livestock, & Natural Resources
- 36

37 WHEREAS, Drought is a naturally occurring part of Colorado's
38 climatic cycle; and

39

40 WHEREAS, The current drought has had a monumental impact on
41 water use statewide; and

42

43 WHEREAS, All water users in the State of Colorado are
44 dependent on the effective utilization of limited supplies of water that
45 predominantly result from runoff derived from snowmelt, which
46 frequently moves at a high rate of flow and occurs during a relatively
47 short time period in the spring of each year; and

48

49 WHEREAS, Providing water for the beneficial use of the citizens
50 of Colorado requires surface water storage capacity to capture runoff for
51 later delivery to users; and

52

53 WHEREAS, The Governor has declared a statewide drought to
54 secure federal assistance and has consistently emphasized the need for
55 additional water storage capacity in Colorado; and

1 WHEREAS, Colorado law recognizes the right to capture, store,
2 and move water from where it flows to where it is needed; and
3

4 WHEREAS, The Constitution of the State of Colorado, Article
5 XVI, Section 6, states: "The right to divert the unappropriated waters of
6 any natural stream to beneficial uses shall never be denied"; and
7

8 WHEREAS, Additional water storage should be pursued through
9 the improvement and rehabilitation of existing structures; and
10

11 WHEREAS, The Colorado Water Conservation Board (CWCB)
12 and the U.S. Army Corps of Engineers (USACE) have jointly sponsored
13 and are presently engaged in the "Chatfield Reservoir Reallocation
14 Study" to investigate the feasibility of reallocating existing flood
15 protection storage to water supply storage; now, therefore,
16

17 *Be It Resolved by the House of Representatives of the Sixty-fourth*
18 *General Assembly of the State of Colorado, the Senate concurring*
19 *herein:*
20

21 (1) That the General Assembly hereby urges the greatest
22 cooperation between the CWCB, the USACE, and water users in order
23 to fully utilize storage capacity in Chatfield Reservoir for municipal and
24 other purposes;
25

26 (2) That the many offices of the State of Colorado involved in and
27 affected by such storage reallocation are requested to cooperate to the
28 fullest extent reasonable;
29

30 (3) That the CWCB and the USACE are requested to conduct the
31 investigation efficiently and expediently to resolve technical matters and
32 approvals related to the flood operation of Chatfield Reservoir in support
33 of the need for water supply development; and
34

35 (4) That appropriate measures should be established to at least
36 replace and, where reasonable, to improve the recreational and
37 environmental resources impacted by a revised Chatfield Reservoir
38 operation.
39

40 *Be It Further Resolved*, That copies of this Joint Resolution be
41 sent to the CWCB, the USACE, each member of Colorado's
42 congressional delegation, and the Colorado Water Congress.
43

44 _____
45
46 House in recess. House reconvened.
47 _____
48
49

50 On motion of Representative King, **HB03-1013, 1081, 1158, 1256, 1127,**
51 **1160, 1112, 1171, 1087, 1174, 1186, 1153, 1113, 1157, 1192, 1214,**
52 **1243, 1128, 1193, 1226, 1232, 1283, 1218, 1224, 1272, 1273, 1212** were
53 made Special Orders on Tuesday, February 18, 2003, at 1:36 p.m.
54
55
56 _____

1 The hour of 1:36 p.m., having arrived, on motion of Representative
2 Mitchell, the House resolved itself into Committee of the Whole for
3 consideration of Special Orders and he was called to the Chair to act as
4 Chairman.

5
6
7 **SPECIAL ORDERS--SECOND READING OF BILLS**
8

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

13
14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)

16
17 **HB03-1013** by Representative(s) Hefley, Brophy; also Senator(s)
18 Owen--Concerning health insurance for employers with
19 fewer than fifty-one employees.
20

21 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
22 dated January 20, 2003, and placed in member's bill file; Report also
23 printed in House Journal, January 22, pages 167-168.
24

25 Amendment No. 2, by Representative Hefley.
26

27 Amend the Health, Environment, Welfare, and Institutions Committee
28 Report, dated January 20, 2003, page 2, strike lines 1 and 2 and substitute
29 the following:

30
31 "line 24, strike "OR DURATION OF COVERAGE" and substitute "STANDARD
32 INDUSTRIAL CLASSIFICATION, OR TOBACCO USE".
33

34 Amendment No. 3, by Representative Hefley.
35

36 Amend printed bill, page 2, line 21, strike "FOR" and substitute "EXCEPT
37 FOR BASIC AND STANDARD HEALTH BENEFIT PLANS ISSUED PURSUANT TO
38 SUBSECTION (7.2) OF THIS SECTION, FOR".
39

40 Page 3, line 1, strike "OR FOR";
41

42 line 2, strike "DURATION OF COVERAGE";
43

44 strike lines 16 and 17 and substitute the following:
45

46 "THAT DEVIATES FROM THE CARRIER'S FILED RATE ACCORDING TO THE
47 FOLLOWING SCHEDULE:
48

49 (A) ON JANUARY 1, 2004, TO DECEMBER 31, 2004, DEVIATES LESS
50 THAN NINE PERCENT BELOW OR LESS THAN FIVE PERCENT ABOVE OF THE
51 CARRIER'S FILED RATE;
52

53 (B) ON JANUARY 1, 2005, TO DECEMBER 31, 2005, DEVIATES LESS
54 THAN SEVENTEEN PERCENT BELOW OR LESS THAN TEN PERCENT ABOVE OF
55 THE CARRIER'S FILED RATE; AND
56

1 (C) ON AND AFTER JANUARY 1, 2006, DEVIATES LESS THAN
2 TWENTY-FIVE PERCENT BELOW OR LESS THAN FIFTEEN PERCENT ABOVE
3 THE CARRIER'S FILED RATE;"

4
5 Amendment No. 4, by Representative Hefley.

6
7 Amend printed bill, page 3, line 20, strike "AND";
8
9 line 25, strike "POLICY." and substitute "POLICY; AND";
10
11 after line 25, insert the following:

12
13 "(V) A SMALL EMPLOYER CARRIER SHALL NOT VARY RATES BASED
14 ON THE SIZE OF A SMALL EMPLOYER GROUP.";

15
16 line 26, strike "GROUP" and substitute "EMPLOYER".

17
18 Page 4, line 7, after "RATES.", insert "THE REPORT SHALL INCLUDE A
19 STUDY OF THE VARIANCE OF RATES BY THE SIZE OF SMALL EMPLOYER
20 GROUPS OFFERED COVERAGE PURSUANT TO PARAGRAPH (a) OF THIS
21 SUBSECTION (8.5).".

22
23 As amended, declared **lost** on Second Reading.

24
25
26 **HB03-1158** by Representative(s) Romanoff; also Senator(s) Entz,
27 Teck--Concerning landlord and tenant relations.

28
29 Amendment No. 1, Business Affairs & Labor Report, dated February 4,
30 2003, and placed in member's bill file; Report also printed in House
31 Journal, February 5, pages 312-313.

32
33 Amendment No. 2, by Representative Sinclair.

34
35 Amend printed bill, page 5, line 4, strike "PREMISES." and substitute
36 "PREMISES IN QUESTION.".

37
38 Amendment No. 3, by Representative Sinclair.

39
40 Amend printed bill, page 3, line 19, after "MAJOR", insert "WATER".

41
42 As amended, ordered engrossed and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **HB03-1081** by Representative(s) Coleman, Vigil, White, Williams T.;
46 also Senator(s) Takis, Anderson, Taylor, Tupa--
47 Concerning foster care services.

48
49 Amendment No. 1, Local Government Report, dated January 27, 2003,
50 and placed in member's bill file; Report also printed in House Journal,
51 January 28, page 214.

52
53 Amendment No. 2, by Representative Coleman.

54
55 Amend the Local Government Committee Report, dated January 27,
56 2003, page 1, strike lines 1 and 2 and substitute the following:

1 "Amend printed bill, page 3, strike line 2 and substitute the following:

2
3 "OF THE CHILD WELFARE DIVISION OR UNIT OF THE COUNTY DEPARTMENT
4 CERTIFYING THE FOSTER CARE HOME. IF SUCH PERSON FILES AN
5 APPLICATION WITH A COUNTY DEPARTMENT THAT WOULD VIOLATE THE
6 PROVISIONS OF THIS SUBPARAGRAPH (I) BY CERTIFYING THE FOSTER CARE
7 HOME, THE COUNTY DEPARTMENT SHALL REFER THE APPLICATION TO
8 ANOTHER COUNTY DEPARTMENT. THE COUNTY DEPARTMENT TO WHICH
9 THE APPLICATION WAS REFERRED MAY CERTIFY AND SUPERVISE A FOSTER
10 CARE HOME OPERATED BY SUCH PERSON. THE COUNTY DEPARTMENT THAT
11 REFERRED THE APPLICATION MAY PLACE CHILDREN IN THE FOSTER CARE
12 HOME UPON WRITTEN AGREEMENT OF THE TWO COUNTY DEPARTMENTS.";

13
14 Amendment No. 3, by Representative Coleman.

15
16 Amend the Local Government Committee Report, dated January 27,
17 2003, page 1, strike lines 4 through 16 and substitute the following:

18
19 ""IF SUCH PERSON FILES AN APPLICATION WITH A CHILD PLACEMENT
20 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBPARAGRAPH
21 (II) BY CERTIFYING THE FOSTER CARE HOME, THE CHILD PLACEMENT
22 AGENCY SHALL REFER THE APPLICATION TO A COUNTY DEPARTMENT OR TO
23 ANOTHER CHILD PLACEMENT AGENCY THAT WOULD NOT VIOLATE THE
24 PROVISIONS OF THIS SUBPARAGRAPH (II) BY CERTIFYING THE FOSTER CARE
25 HOME.";

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

29
30 **HB03-1256** by Representative(s) Spradley, Fairbank, Fritz, Hefley,
31 McFadyen, Miller, Rippy, Rose, Veiga, Boyd, Briggs,
32 Garcia, Hall, Hoppe, Jahn, Mitchell, Stengel, Weddig,
33 White, Wiens; also Senator(s) Anderson, Kester,
34 Chlouber, Entz, Dyer--Concerning the authority of the
35 state to enter into lease-purchase agreements, and, in
36 connection therewith, authorizing lease-purchase
37 agreements for a high-custody correctional facility and for
38 the university of Colorado health sciences center at
39 Fitzsimons.

40
41 Amendment No. 1, Finance Report, dated February 12, 2003, and placed
42 in member's bill file; Report also printed in House Journal, February 13,
43 pages 652-654.

44
45 As amended, ordered engrossed and placed on the Calendar for Third
46 Reading and Final Passage.

47
48
49 **HB03-1127** by Representative(s) Smith; also Senator Arnold--
50 Concerning allegations against education providers.

51
52 Amendment No. 1, Education Report, dated February 3, 2003, and placed
53 in member's bill file; Report also printed in House Journal, February 5,
54 page 297.

55

1 Amendment No. 2, by Representative Smith.

2

3 Amend the Education Committee Report, dated February 3, 2003, page
4 1, line 16, strike "ENTITY AND REGARDLESS OF" and substitute "ENTITY,";

5

6 strike line 17;

7

8 line 18, strike "HARM,".

9

10 Page 2, line 11, after "IMMUNE", insert "FROM SUIT OR".

11

12 Amendment No. 3, by Representative Smith.

13

14 Amend printed bill, page 4, line 1, strike "NOT LIABLE" and substitute
15 "IMMUNE FROM SUIT";

16

17 line 5, after "ACTION", insert "IS COMMITTED WILLFULLY AND WANTONLY
18 AND";

19

20 line 10, after the period, add "IF AT THE SUMMARY PROCEEDING THE
21 COURT FINDS A VIOLATION EXISTS, THE EDUCATIONAL ENTITY AND ITS
22 EMPLOYEE MAY RAISE IMMUNITY AT TRIAL UNDER THE PROVISIONS OF THIS
23 ARTICLE AND THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE
24 10 OF TITLE 24, C.R.S.";

25

26 line 11, strike "NOT LIABLE" and substitute "IMMUNE FROM SUIT";

27

28 strike lines 23 through 27.

29

30 Page 5, strike lines 1 through 3.

31

32 Renumber succeeding statutory sections accordingly.

33

34 Amendment No. 4, by Representatives Paccione, Smith.

35

36 Amend printed bill, page 4, line 22, strike "SUBSTANCE NOT LAWFULLY
37 PRESCRIBED TO THE STUDENT." and substitute "SUBSTANCE.".

38

39 Page 5, strike lines 20 through 22.

40

41 Reletter succeeding paragraphs accordingly.

42

43 Page 5, after line 26, insert the following:

44

45 "(3) A SCHOOL DISTRICT MAY EXPEL OR SUSPEND A STUDENT WHO
46 INTENTIONALLY MAKES A FALSE ACCUSATION OF CRIMINAL ACTIVITY
47 AGAINST AN EMPLOYEE OF AN EDUCATIONAL ENTITY TO LAW
48 ENFORCEMENT AUTHORITIES, SCHOOL DISTRICT OFFICIALS OR PERSONNEL,
49 OR BOTH."

50

51 Renumber succeeding subparagraphs accordingly.

52

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

55

- 1 **HB03-1160** by Representative(s) Spence, Briggs, Cadman, Clapp,
2 Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg,
3 Rhodes, Rose, Schultheis, Spradley, Stafford, White,
4 Williams T., Witwer--Concerning the provision of
5 financial assistance for kindergarten through twelfth grade
6 education to disadvantaged children.
7
- 8 Amendment No. 1, Education Report, dated February 3, 2003, and placed
9 in member's bill file; Report also printed in House Journal, February 5,
10 pages 299-310.
11
- 12 Amendment No. 2, by Representative Spence.
13
- 14 Amend Education Committee Report, dated February 3, 2003, page 11,
15 after line 3, insert the following:
16 "(c) THE NONPUBLIC SCHOOL DOES NOT ADVOCATE OR FOSTER
17 UNLAWFUL BEHAVIOR OR TEACH HATRED OF A PERSON OR A GROUP;"
18
- 19 Reletter succeeding paragraphs accordingly.
20
- 21 Page 14, line 10, strike "(d)" and substitute "(e)".
22
- 23 Amendment No. 3, by Representative Spence.
24
- 25 Amend the Education Committee Report, dated February 3, 2003, page
26 9, strike lines 8 through 11.
27
- 28 Renumber succeeding subparagraphs accordingly.
29
- 30 Page 10, line 8, strike "THE" and substitute "IN ADDITION TO ANY OTHER
31 ADMISSION CRITERIA USED BY A PARTICIPATING NONPUBLIC SCHOOL THAT
32 IS CONSISTENT WITH THIS ARTICLE, THE".
33
- 34 Page 11, line 2, strike "STUDENTS," and substitute "ELIGIBLE CHILDREN,".
35
- 36 Amendment No. 4, by Representative Stengel.
37
- 38 Amend the Education Committee Report, dated February 3, 2003, page
39 11, strike lines 6 through 10 and substitute the following:
40 "(d) THE NONPUBLIC SCHOOL PERMITS THE SCHOOL DISTRICT, AT
41 THE NONPUBLIC SCHOOL'S COST, TO ADMINISTER STATEWIDE ASSESSMENTS
42 TO THE ELIGIBLE CHILDREN ATTENDING THE NONPUBLIC SCHOOL
43 PURSUANT TO THIS ARTICLE;"
44
- 45 Amendment No. 5, by Representative Larson.
46
- 47 Amend the Education Committee Report, dated February 3, 2003, page
48 4, line 27, strike "OR "PARTIALLY PROFICIENT"".
49
- 50 Page 5, line 1, strike "OR "PARTIALLY PROFICIENT"".
51
- 52 Amendment No. 6, by Representatives Madden, Spence.
53
- 54 Amend the Education Committee Report, dated February 3, 2003, page
55 3, line 24, strike "(5); OR" and substitute "(5), AND SUCH SCHOOLS
56 CONTINUE TO OPERATE IN THE 2003-04 SCHOOL YEAR; OR".

1 Amendment No. 7, by Representatives Merrifield, Paccione, Pommer,
2 Williams S.

3
4 Amend the Education Committee Report, dated February 3, 2003, page
5 17, strike lines 19 through 21 and substitute the following:

6
7 **"SECTION 3. Effective date.** This act shall take effect at 12:01
8 a.m. on the day following the expiration of the ninety-day period after
9 final adjournment of the general assembly that is allowed for submitting
10 a referendum petition pursuant to article V, section 1 (3) of the state
11 constitution; except that, if a referendum petition is filed against this act
12 or an item, section, or part of this act within such period, then the act,
13 item, section, or part, if approved by the people, shall take effect on the
14 date of the official declaration of the vote thereon by proclamation of the
15 governor."."

16
17 As amended, ordered engrossed and placed on the Calendar for Third
18 Reading and Final Passage.

19
20
21 HB03-1171 by Representative(s) May M., Cloer, Lee, Harvey,
22 Schultheis, Briggs, Brophy, Crane, Hefley, Hoppe, King,
23 Lundberg, Rhodes, Sinclair; also Senator(s) Cairns--
24 Concerning local government elections, and, in connection
25 therewith, requiring that school district, municipal, and
26 special district elections be held in November in odd-
27 numbered years, allowing a municipality to opt out of such
28 requirement with voter approval, requiring such
29 governmental units to hold elections, and permitting
30 candidates in nonpartisan local governmental elections to
31 have their partisan affiliation shown on the ballot.

32
33 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
34 February 4, 2003, and placed in member's bill file; Report also printed in
35 House Journal, February 5, pages 317-318.

36
37 Amendment No. 2, by Representative May.

38
39 Amend the State, Veterans, & Military Affairs Committee Report, dated
40 February 4, 2003, page 1, strike line 1 and substitute the following:

41
42 "Amend printed bill, page 3, strike line 8 and substitute the following:
43 "THE FIRST MONDAY IN NOVEMBER IN EACH ODD-NUMBERED YEAR AS
44 PART OF A COORDINATED ELECTION."";

45
46 strike line 17 and substitute the following:

47 "THE FIRST MONDAY IN NOVEMBER IN EACH ODD-NUMBERED YEAR AS
48 PART OF A COORDINATED ELECTION FOR THE PURPOSE OF".

49
50 Page 4, line 9, strike "BALLOT" and substitute".

51
52 Page 2, after line 2, insert the following:

53
54 "Page 6, strike lines 25 through 27.

55
56 Strike pages 7 through 9.

1 Page 10, strike lines 1 through 19 and substitute the following:

2
3 "(b) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (10),
4 AS AMENDED, THE ELECTION HELD IN TOWNS ON THE FIRST TUESDAY OF
5 APRIL IN EACH EVEN-NUMBERED YEAR; THE ELECTION HELD IN CITIES ON
6 THE TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH
7 ODD-NUMBERED YEAR; AND THE ELECTION HELD IN ANY OTHER
8 MUNICIPALITY AT WHICH THE REGULAR ELECTION OF OFFICERS TAKES
9 PLACE UNLESS A MAJORITY OF THE REGISTERED ELECTORS OF THE TOWN
10 VOTING ON THE QUESTION HAVE VOTED PURSUANT TO SECTION 31-10-109
11 TO HOLD THE REGULAR ELECTION ON THE TUESDAY SUCCEEDING THE FIRST
12 MONDAY OF NOVEMBER IN EACH ODD-NUMBERED YEAR, IN WHICH CASE,
13 "REGULAR ELECTION" MEANS, FOR ANY SUCH TOWN, THE TUESDAY
14 SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH ODD-NUMBERED
15 YEAR.

16
17 **SECTION 7.** 31-1-204 (7), Colorado Revised Statutes, is
18 amended to read:

19
20 **31-1-204. Change of classification - towns - notice - effect on**
21 **officeholders - options prior to reorganization - terms of office -**
22 **election dates.** (7) Notwithstanding the provisions of section 31-1-101
23 (10), the regular election date for towns reorganizing into cities shall
24 remain, after reorganization, the first Tuesday of April in each
25 even-numbered year UNLESS A MAJORITY OF THE REGISTERED ELECTORS
26 OF THE TOWN VOTING ON THE QUESTION PURSUANT TO SECTION 31-1-109
27 HAVE VOTED TO HOLD THE REGULAR ELECTION OF THE TOWN ON THE
28 TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH
29 ODD-NUMBERED YEAR. However, after reorganization, the governing
30 body of the city may by ordinance establish its regular election date on
31 the Tuesday succeeding the first Monday of November in each
32 odd-numbered year and may include in such ordinance any alteration in
33 the term of office of officials subsequently elected which may be
34 necessary to accomplish the change in election dates in an orderly
35 manner. In no event shall such ordinance shorten the term of any elected
36 official in office at the time of its adoption.

37
38 **SECTION 8.** 31-1-206 (4), Colorado Revised Statutes, is
39 amended to read:

40
41 **31-1-206. Change in classification - cities - notice - effect on**
42 **officeholders - terms of office - election dates.** (4) Notwithstanding the
43 provisions of section 31-1-101 (10), the regular election date for cities
44 reorganizing into towns shall remain, after reorganization as a town, the
45 Tuesday succeeding the first Monday of November in each
46 odd-numbered year. ~~However, the governing body of the town may by~~
47 ~~ordinance establish its regular election date on the first Tuesday of April~~
48 ~~in each even-numbered year and may include in such ordinance any~~
49 ~~alteration in the terms of office of officials subsequently elected which~~
50 ~~may be necessary to accomplish the change in election dates in an orderly~~
51 ~~manner. In no event shall such ordinance shorten the term of any elected~~
52 ~~official in office at the time of its adoption.~~

53
54 **SECTION 9.** Part 1 of article 10 of title 31, Colorado Revised
55 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
56 read:

- 1 **31-10-109. Submission of question to electors of town on**
2 **regular election date.** (1) (a) IN ACCORDANCE WITH THE PROCEDURES
3 SPECIFIED IN SECTION 31-11-111 (2), THE GOVERNING BODY OF EACH
4 TOWN MAY SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE
5 TOWN FOR PLACEMENT ON THE BALLOT DURING A STATEWIDE GENERAL
6 ELECTION THE QUESTION OF WHETHER THE REGULAR ELECTION DATE OF
7 SUCH TOWN SHALL BE CHANGED TO THE TUESDAY SUCCEEDING THE FIRST
8 MONDAY OF NOVEMBER IN EACH ODD-NUMBERED YEAR.
9
- 10 (b) WHERE A MAJORITY OF THE REGISTERED ELECTORS VOTING ON
11 THE QUESTION SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF
12 PARAGRAPH (a) OF THIS SUBSECTION (1) APPROVE A CHANGE IN THE
13 REGULAR ELECTION DATE OF THE TOWN, THE GOVERNING BODY OF THE
14 TOWN SHALL BY ORDINANCE ESTABLISH ITS NEW REGULAR ELECTION DATE
15 IN ACCORDANCE WITH THE VOTE OF THE REGISTERED ELECTORS AND MAY
16 INCLUDE IN THE ORDINANCE ANY ALTERATION IN THE TERMS OF OFFICE OF
17 OFFICIALS THAT MAY BE NECESSARY TO ACCOMPLISH THE CHANGE IN
18 ELECTION DATES IN AN ORDERLY MANNER. IN NO EVENT SHALL THE
19 ORDINANCE SHORTEN THE TERM OF ANY ELECTED OFFICIAL IN OFFICE AT
20 THE TIME OF ITS ADOPTION.
21
- 22 (2) PROCEDURES FOR SUBMITTING THE QUESTION DESCRIBED IN
23 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION TO THE REGISTERED
24 ELECTORS OF THE TOWN SHALL FOLLOW THE PROCEDURES SET FORTH IN
25 ARTICLE 11 OF THIS TITLE PERTAINING TO MUNICIPAL INITIATIVES.
26
- 27 (3) ANY ELECTION CONDUCTED UNDER SUBSECTION (1) OF THIS
28 SECTION SHALL BE CONDUCTED AND SUPERVISED BY THE DESIGNATED
29 ELECTION OFFICIAL IN CONFORMITY WITH THE REQUIREMENTS OF SECTION
30 1-7-116, C.R.S., AS APPLICABLE, AND SHALL BE GOVERNED BY THE
31 PROVISIONS OF ARTICLES 1 TO 13 OF TITLE 1, C.R.S."
32
- 33 strike lines 26 and 27 and substitute the following:
34
- 35 "(2) A MAJORITY OF THE GOVERNING BODY OF A MUNICIPALITY
36 MAY DECIDE TO ALLOW A CANDIDATE FOR AN OFFICER POSITION OF THE
37 MUNICIPALITY TO HAVE THE NAME OF THE POLITICAL PARTY WITH WHICH
38 THE".";
39
- 40 after line 12, insert the following:
41
- 42 "strike line 14 and substitute the following:
43 "MAJORITY OF THE GOVERNING BODY OF A MUNICIPALITY MAY DECIDE TO
44 ALLOW A CANDIDATE FOR AN OFFICER POSITION OF A MUNICIPALITY TO
45 HAVE THE";";
46
- 47 after line 22, insert the following:
48
- 49 "Page 12, line 16, strike "year," and substitute "year AS PART OF A
50 COORDINATED ELECTION,";
51
- 52 line 24, strike "year." and substitute "year AS PART OF A COORDINATED
53 ELECTION."
54
- 55 Page 13, line 5, strike "YEAR," and substitute "YEAR AS PART OF A
56 COORDINATED ELECTION,".

1 Page 14, line 23, after "YEAR", insert "AS PART OF A COORDINATED
2 ELECTION".";

3
4 line 32, strike "C.R.S." and substitute "C.R.S.";

5
6 line 23, strike "year," and substitute "year AS PART OF A COORDINATED
7 ELECTION,".

8
9 Page 16, line 3, strike "year," and substitute "year AS PART OF A
10 COORDINATED ELECTION,";

11
12 line 13, strike "~~1927~~," and substitute "~~1927~~ AS PART OF A COORDINATED
13 ELECTION,";

14
15 line 22, strike "year," and substitute "year AS PART OF A COORDINATED
16 ELECTION,".

17
18 Page 3, strike line 1 and substitute the following:

19
20 "Page 17, line 10, strike "year," and substitute "year AS PART OF A
21 COORDINATED ELECTION,";

22
23 after line 21, insert the following:".

24
25 Amendment No. 3, by Representative May.

26
27 Amend the State, Veterans, & Military Affairs Committee Report, dated
28 February 4, 2003, page 1, strike line 1 and substitute the following:

29
30 "Amend printed bill, page 3, strike lines 20 through 27.

31
32 Page 4, strike lines 1 through 5 and substitute the following:

33
34 **"SECTION 2.** 22-31-104, Colorado Revised Statutes, is amended
35 BY THE ADDITION OF A NEW SUBSECTION to read:

36
37 **22-31-104. Regular biennial school election - partisan**
38 **affiliation shown on the ballot.** (4) A CANDIDATE FOR AN OFFICER OF A
39 SCHOOL DISTRICT THAT";

40
41 line 9, strike "BALLOT." and substitute";

42
43 line 10, strike "C.R.S." and substitute "C.R.S.";

44
45 strike lines 13 through 27.";

46
47 strike line 11 and substitute the following:

48
49 "Page 5, strike lines 1 through 3 and substitute the following:

50
51 **"SECTION 3.** 22-31-131, Colorado Revised Statutes, is amended
52 BY THE ADDITION OF A NEW SUBSECTION to read:

53
54 **22-31-131. Election procedures in districts composed of a city**
55 **and county - repeal.** (13) A CANDIDATE FOR AN OFFICER OF A SCHOOL
56 DISTRICT THAT";

1 line 7, strike "BALLOT." and substitute "BALLOT; EXCEPT THAT A".

2

3 Page 2, after line 2, insert the following:

4

5 "Page 10, strike lines 13 through 19.";

6

7 after line 22, insert the following:

8

9 "Page 15, strike lines 3 through 9.

10

11 Renumber succeeding subsection accordingly."

12

13 As amended, declared **lost** on Second Reading.

14

15

16 **HB03-1087** by Representative(s) Veiga; also Senator(s) Gordon--
17 Concerning requirements related to student transfers.

18

19 Amendment No. 1, Education Report, dated February 5, 2003, and placed
20 in member's bill file; Report also printed in House Journal, February 6,
21 pages 330-331.

22

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

25

26 **HB03-1112** by Representative(s) McFadyen; also Senator(s) Tapia--
27 Concerning the inadmissability of certain confidential
28 communications by juveniles.

29

30 Amendment No. 1, Judiciary Report, dated January 30, 2003, and placed
31 in member's bill file; Report also printed in House Journal, February 5,
32 page 314.

33

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

36

37 **HB03-1174** by Representative(s) Williams S., Frangas, Briggs,
38 Butcher, Coleman, Groff, Hefley, Jahn, McFadyen,
39 Merrifield, Paccione, Plant, Romanoff, Salazar, Spence,
40 White; also Senator(s) Kester, Entz, Hanna, Johnson S.,
41 Keller, Tapia, Windels--Concerning full-day kindergarten
42 for low-performing schools.

43

44 Amendment No. 1, Education Report, dated February 5, 2003, and placed
45 in member's bill file; Report also printed in House Journal, February 6,
46 pages 332-333.

47

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

50

51 **HB03-1186** by Representative(s) Mitchell--Concerning the assertion of
52 claims for exemplary damages.

53

54 Ordered engrossed and placed on the Calendar for Third Reading and
55 Final Passage.

56

1 **HB03-1153** by Representative(s) Weddig--Concerning the conduct of
2 mail ballot elections.
3

4 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
5 February 4, 2003, and placed in member's bill file; Report also printed in
6 House Journal, February 6, page 343.
7

8 Amendment No. 2, by Representative Weddig.
9

10 Amend the State, Veterans, and Military Affairs Committee Report, dated
11 February 4, 2003, page 2, after line 19, insert the following:
12

13 "Page 1, line 101, after "OF", insert "ABSENTEE".".
14

15 As amended, ordered engrossed and placed on the Calendar for Third
16 Reading and Final Passage.
17

18 **HB03-1113** by Representative(s) Salazar; also Senator(s) Entz--
19 Concerning the inclusion in a decree for a water right that
20 diverts water from a water division of conditions to
21 mitigate the effects of the diversion on the basin of origin.
22

23 Declared **lost** on Second Reading.
24
25

26 **HB03-1157** by Representative(s) Sinclair, Decker, May M., Rhodes,
27 Smith; also Senator(s) Kester--Concerning credit terms for
28 the sale of alcohol beverages to retailers.
29

30 Ordered engrossed and placed on the Calendar for Third Reading and
31 Final Passage.
32

33 **HB03-1192** by Representative(s) Rhodes--Concerning actions taken
34 by the Colorado state board of chiropractic examiners that
35 affect a chiropractor's licensing status.
36

37 Amendment No. 1, Business Affairs & Labor Report, dated February 6,
38 2003, and placed in member's bill file; Report also printed in House
39 Journal, February 7, pages 598-599.
40

41 As amended, ordered engrossed and placed on the Calendar for Third
42 Reading and Final Passage.
43

44 **HB03-1214** by Representative(s) Harvey; also Senator(s) Cairns--
45 Concerning not requiring notification to a parent that the
46 parent's minor child is seeking an abortion in a case of a
47 medical emergency.
48

49 Amendment No. 1, Judiciary Report, dated February 6, 2003, and placed
50 in member's bill file; Report also printed in House Journal, February 7,
51 pages 602.
52

53 As amended, ordered engrossed and placed on the Calendar for Third
54 Reading and Final Passage.
55

1 **HB03-1243** by Representative(s) Marshall; also Senator(s) Chlouber--
2 Concerning the application of the statute of limitations for
3 prosecuting offenses based on a series of acts performed
4 at different times to criminal violations under the
5 "Colorado Securities Act".
6

7 Ordered engrossed and placed on the Calendar for Third Reading and
8 Final Passage.
9

10
11 **HB03-1193** by Representative(s) Berry; also Senator(s) Teck--
12 Concerning the membership of a board of cooperative
13 services that consists of a single school district and a
14 single postsecondary institution.
15

16 Ordered engrossed and placed on the Calendar for Third Reading and
17 Final Passage.
18

19
20 **HB03-1226** by Representative(s) Frangas, Williams S.; also Senator(s)
21 Sandoval--Concerning a juvenile's right to counsel at
22 proceedings under the "School Attendance Law of 1963".
23

24 Ordered engrossed and placed on the Calendar for Third Reading and
25 Final Passage.
26

27
28 **HB03-1128** by Representative(s) Stafford, Crane, Harvey, Rhodes,
29 Schultheis, Sinclair; also Senator(s) Cairns, Andrews,
30 Arnold, Hillman, Johnson S., Kester, Lamborn, May R.--
31 Concerning the required display of the national motto in
32 public buildings in the state.
33

34 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
35 February 6, 2003, and placed in member's bill file; Report also printed
36 in House Journal, February 7, pages 603-605.
37

38 Amendment No. 2, by Representative Hall.
39

40 Amend the State, Veterans, and Military Affairs Committee Report, dated
41 February 6, 2003, page 2, line 19, strike "IN A PUBLIC AREA OF THE
42 BUILDING" and substitute "IN A ROOM IN WHICH A GOVERNING BODY
43 MEETS".
44

45 Amendment No. 3, by Representative Vigil.
46

47 Amend printed bill, page 3, line 21, strike "NO SMALLER THAN".
48

49 Page 6, line 4, strike "NO SMALLER THAN".
50

51 As amended, ordered engrossed and placed on the Calendar for Third
52 Reading and Final Passage.
53

54
55

1 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

2

3 Representative Hefley moved to amend the Report of the Committee of
4 the Whole to show that HB03-1013, as amended, did pass.

5

6 The amendment was declared **lost** by the following roll call vote:

7

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

26

27

28 Representative Pommer moved to amend the Report of the Committee of
29 the Whole to show that the following Pommer amendment, to
30 HB03-1160, did pass, and that HB03-1160, as amended, did pass.

31

32 Amend the Education Committee Report, dated February 3, 2003, page
33 11, line 1, strike "ELIGIBLE".

34

35 The amendment was declared **lost** by the following roll call vote:

36

37	Vacancy 1	YES	29	NO	34	EXCUSED	01	ABSENT	00
38	Berry		N			McCluskey	N	Sinclair	N
39	Borodkin		Y	Hall	N	McFadyen	Y	Smith	N
40	Boyd		Y	Harvey	N	Merrifield	Y	Spence	N
41	Briggs		N	Hefley	N	Miller	Y	Stafford	N
42	Brophy		N	Hodge	Y	Mitchell	N	Stengel	N
43	Butcher		Y	Hoppe	N	Paccione	Y	Tochtrop	Y
44	Cadman		N	Jahn	Y	Plant	Y	Veiga	Y
45	Clapp		Y	Johnson	Y	Pommer	Y	Vigil	Y
46	Cloer		N	Judd	Y	Ragsdale	Y	Weddig	Y
47	Coleman		Y	King	N	Rhodes	N	Weissmann	Y
48	Crane		N	Larson	Y	Rippy	N	White	N
49	Decker		N	Lee	N	Romanoff	Y	Wiens	N
50	Fairbank		N	Lundberg	N	Rose	N	Williams S.	Y
51	Frangas		Y	Madden	Y	Salazar	Y	Williams T.	N
52	Fritz		N	Marshall	Y	Sanchez	E	Witwer	N
53	Garcia		Y	May	N	Schultheis	N	Young	N
54								Speaker	N

55

1 Representative Larson moved to amend the Report of the Committee of
2 the Whole to show that the following Larson amendment, to HB03-1160,
3 did pass, and that HB03-1160, as amended, did pass.

4
5 Amend the Education Committee Report, dated February 3, 2003, page
6 17, after line 8, insert the following:

7
8 **"22-56-111. Repeal of article. THIS ARTICLE IS REPEALED,**
9 **EFFECTIVE JULY 1, 2008."**

10

11 The amendment was declared **lost** by the following roll call vote:

12

Vacancy	1	YES	30	NO	33	EXCUSED	01	ABSENT	00
Berry		Y				McCluskey	N	Sinclair	N
Borodkin		Y	Hall		N	McFadyen	Y	Smith	N
Boyd		Y	Harvey		N	Merrifield	Y	Spence	N
Briggs		N	Hefley		N	Miller	Y	Stafford	N
Brophy		N	Hodge		Y	Mitchell	N	Stengel	N
Butcher		Y	Hoppe		N	Paccione	Y	Tochtrop	Y
Cadman		N	Jahn		Y	Plant	Y	Veiga	Y
Clapp		N	Johnson		Y	Pommer	Y	Vigil	Y
Cloer		Y	Judd		Y	Ragsdale	Y	Weddig	Y
Coleman		Y	King		N	Rhodes	N	Weissmann	Y
Crane		N	Larson		Y	Rippy	N	White	N
Decker		N	Lee		N	Romanoff	Y	Wiens	N
Fairbank		N	Lundberg		N	Rose	N	Williams S.	Y
Frangas		Y	Madden		Y	Salazar	Y	Williams T.	N
Fritz		N	Marshall		Y	Sanchez	E	Witwer	N
Garcia		Y	May		N	Schultheis	N	Young	N
								Speaker	N

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Representatives Berry, Smith, and Salazar moved to amend the Report of the Committee of the Whole to show that the following Smith and Salazar amendment, to HB03-1113, did pass, and that HB03-1113, as amended, did pass.

Amend printed bill, page 2, line 6, strike "DECREE FOR AGRICULTURE";

line 9, strike "ADDRESS THE DIRECT";

strike lines 10 through 18 and substitute the following:

"ENSURE THAT THE PRESENT APPROPRIATION OF WATER AND PROSPECTIVE BENEFICIAL USES OF WATER WITHIN THE BASIN IN COLORADO FROM WHICH THE WATER IS EXPORTED WILL NOT BE IMPAIRED OR INCREASED IN COST AT THE EXPENSE OF THE WATER USERS IN THAT BASIN. THE FACILITIES AND OTHER MEANS FOR ACCOMPLISHMENT OF SUCH PURPOSE SHALL BE INCORPORATED IN AND MADE A PART OF ANY DECREE FOR THE EXPORTATION OF WATER FROM THE BASIN. SUCH EXPORTATION SHALL BE SHOWN TO BE NEEDED AFTER THE PREPARATION OF AN INTEGRATED WATER SUPPLY AND DEMAND PLAN AND AFTER AN ANALYSIS OF REASONABLE ALTERNATIVES TO SUCH EXPORT. THIS PARAGRAPH (d) SHALL NOT APPLY IF THE APPLICANT DEMONSTRATES THAT IT HAS ENTERED INTO AN ENFORCEABLE MITIGATION AGREEMENT WITH EITHER THE WATER CONSERVATION DISTRICT FROM WITHIN WHOSE BOUNDARIES THE WATERS

1 ARE PROPOSED FOR DIVERSION OR, IN THE ABSENCE OF SUCH AN
2 AGREEMENT, A WATER CONSERVANCY DISTRICT FROM WITHIN WHOSE
3 BOUNDARIES THE WATERS ARE PROPOSED FOR DIVERSION.".

4
5 The amendment was declared **lost** by the following roll call vote:

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

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28 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

29
30 Passed Second Reading: **HB03-1158 amended, 1081 amended,**
31 **1256 amended, 1127 amended, 1160 amended, 1087 amended,**
32 **1112 amended, 1174 amended, 1186, 1153 amended, 1157,**
33 **1192 amended, 1214 amended, 1243, 1193, 1226, 1128 amended.**

34
35 Lost on Second Reading: **HB03-1013 amended, 1171 amended, 1113.**

36
37 The Chairman moved the adoption of the Committee of the Whole
38 Report. As shown by the following roll call vote, a majority of those
39 elected to the House voted in the affirmative, and the Report was
40 **adopted.**

	Vacancy 1	YES	63	NO	00	EXCUSED	01	ABSENT	00
43	Berry		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	Clapp	Y		Johnson	Y	Pommer	Y	Vigil	Y
51	Cloer	Y		Judd	Y	Ragsdale	Y	Weddig	Y
52	Coleman	Y		King	Y	Rhodes	Y	Weissmann	Y
53	Crane	Y		Larson	Y	Rippy	Y	White	Y
54	Decker	Y		Lee	Y	Romanoff	Y	Wiens	Y
55	Fairbank	Y		Lundberg	Y	Rose	Y	Williams S.	Y
56	Frangas	Y		Madden	Y	Salazar	Y	Williams T.	Y

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

REPORTS OF COMMITTEES OF REFERENCE

LOCAL GOVERNMENT

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

HB03-1196 be postponed indefinitely.

HB03-1207 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, line 2, strike "MUNICIPALITY BY ANNEXATION," and substitute "MUNICIPALITY OR MUNICIPALITIES BY ANNEXATION OR BOUNDARY ADJUSTMENT,";

line 3, strike the third "THE";

line 4, strike "ANNEXING" and substitute "ANY SUCH";

line 5, after "MUNICIPALITY", insert "OR MUNICIPALITIES";

line 7, strike "MUNICIPALITY." and substitute "MUNICIPALITY OR MUNICIPALITIES.";

line 9, strike "A" and substitute "ANY";

line 12, strike "MUNICIPALITY," and substitute "MUNICIPALITY OR MUNICIPALITIES,".

HB03-1239 be referred to the Committee of the Whole with favorable recommendation.

HB03-1278 be postponed indefinitely.

STATE, VETERANS, & MILITARY AFFAIRS

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

HB03-1235 be postponed indefinitely.

MESSAGES FROM THE SENATE1
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Madam Speaker:

The Senate voted to concur in House amendments to SB03-217, 197, 215, 219, 173, 176, 228, 214, 207, 210 and repassed the bills amended,

The Senate has voted not to concur in House Amendments to SB03-190 and requests that a Conference committee be appointed. The President appointed Senators Owen, Chm., Reeves and Teck as members of the First Conference Committee on the part of the Senate. The bill is transmitted herewith.

The Senate has voted not to concur in House Amendments to SB03-200 and requests that a Conference committee be appointed. The President appointed Senators Owen, Chm., Reeves and Teck as members of the First Conference Committee on the part of the Senate. The bill is transmitted herewith.

The Senate has voted not to concur in House Amendments to SB03-203 and requests that a Conference committee be appointed. The President appointed Senators Owen, Chm., Reeves and Teck as members of the First Conference Committee on the part of the Senate. The bill is transmitted herewith.

The Senate has voted not to concur in House Amendments to SB03-205 and requests that a Conference committee be appointed. The President appointed Senators Owen, Chm., Reeves and Teck as members of the First Conference Committee on the part of the Senate. The bill is transmitted herewith.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB03-226, 231,

SB03-158, amended as printed in Senate Journal, February 7, pages 273-374, and in Senate Journal, February 17, page 389,

SB03-045, amended as printed in Senate Journal, January 17, pages 77-78, in Senate Journal, February 10, page 298 and in Senate Journal, February 17, page 389,

SB03-164, amended as printed in Senate Journal, February 12, pages 333-334,

SB03-003, amended as printed in Senate Journal, February 6, page 263, and in Senate Journal, February 17, pages 390-391,

SB03-091, amended as printed in Senate Journal, February 5, pages 258-259, and in Senate Journal, February 13, pages 350-351,

SB03-107, amended as printed in Senate Journal, February 6, pages 267-268, and in Senate Journal, February 17, page 391.

The Senate has adopted and transmits herewith: SJR03-017,

The Senate has adopted and returns herewith: HJR03-1015,

The Senate has adopted and transmits herewith: SJR03-018.

MESSAGES FROM THE REVISOR

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We herewith transmit:
Without comment, SB03-226 and 231.
Without comment, as amended, SB03-164, 003, 091, and 107.
With comment, as amended, SB03-045.

We herewith transmit:
Without comment, as amended, SB03-158.

INTRODUCTION OF RESOLUTION

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

HR03-1010 by Representative(s) Williams S., Mitchell--Concerning George Washington's birthday.

WHEREAS, George Washington was born in Westmoreland County, Virginia, on February 22, 1732; and

WHEREAS, George Washington was elected to both the First and Second Continental Congresses; and

WHEREAS, In 1775, George Washington was the unanimous choice of the Continental Congress to be commander in chief of the Continental Army, which would eventually win American independence from Great Britain; and

WHEREAS, George Washington grew in stature during the American Revolution, and he was regarded as a man of unquestioned integrity; and

WHEREAS, George Washington was elected presiding officer of the convention during which the United States Constitution was written; and

WHEREAS, George Washington was elected to be the first President of the United States under the new Constitution; and

WHEREAS, As President, George Washington was aware of the need to build an executive structure that could accommodate future presidents, and was careful and deliberate in his actions; and

WHEREAS, George Washington is known as the Father of our Country; and

WHEREAS, There is no national or state holiday to honor this great man by name; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado:

1 That February 22, George Washington's birthday, is a day of
2 recognition for the state of Colorado and all of its citizens, including
3 school children, to honor this great man.
4

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7 **APPOINTMENTS TO CONFERENCE COMMITTEES**
8

9 Pursuant to a request from the Senate, the Speaker appointed House
10 conferees to the First Conference Committees as follows:
11

12 **SB03-190**--Representative Witwer, Chairman, Young, Plant
13 **SB03-200**--Representative Young, Chairman, Witwer, Plant
14 **SB03-203**--Representative Young, Chairman, Witwer, Plant
15 **SB03-205**--Representative Young, Chairman, Witwer, Plant
16

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18
19 **LAY OVER OF CALENDAR ITEMS**
20

21 On motion of Representative King, the following items on the Calendar
22 were laid over until February 19, retaining place on Calendar:
23

24 Consideration of Special Orders--**HB03-1232, 1283, 1218, 1224, 1272,**
25 **1273, 1212.**

26 Consideration of General Orders--**SB03-071, HB03-1139, 1246, 1194,**
27 **1266, SB03-059, HB03-1240, 1271, 1140, 1146, 1205, 1230, 1242,**
28 **1286, 1221, 1228, 1281, 1216, 1197, 1204, 1222, 1288, 1142, 1290,**
29 **1295.**

30 Consideration of Conference Committee Reports--**SB03-185, 175, 183.**
31 Consideration of Resolutions--**SJR03-016, 020.**
32

33
34 On motion of Representative King, the House adjourned until 9:00 a.m.,
35 February 19, 2003.
36

37 Approved:
38

39
40
41 LOLA SPRADLEY,
42 Speaker

43 Attest:
44

45 JUDITH RODRIGUE,
46 Chief Clerk