

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

Fifty-ninth Legislative Day

Friday, March 7, 2003

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Prayer	By the chaplain, Reverend Stanley Reeder.	11
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Pledge	By Senator Entz.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present-- 33.	18
	Absent/Excused--2; Dyer, Grossman.	19
	Present later--Grossman.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Johnson, reading of the Journal of March 6, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that HB03-1174 be postponed indefinitely.	32
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State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SB03-236 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37
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	Amend printed bill, page 5, line 9, strike "MAY" and substitute "SHALL".	42
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	Page 9, line 11, strike "MAY" and substitute "SHALL".	44
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Local Government	After consideration on the merits, the Committee recommends that HB03-1266 be referred to the Committee of the Whole with favorable recommendation.	47
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Local Government	After consideration on the merits, the Committee recommends that HB03-1239 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	52
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	Amend reengrossed bill, page 2, strike lines 18 and 19 and substitute the following:	56
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	"(10) This section is repealed, effective August 5, 2003. "	59
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Education	After consideration on the merits, the Committee recommends that HB03-1226 be referred to the Committee of the Whole with favorable recommendation.	62
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Education After consideration on the merits, the Committee recommends that **HB03-1127** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE REVISOR OF STATUTES

March 6, 2003

We herewith transmit:

Without comment, as amended, SB03-060.

INTRODUCTION OF BILL--FIRST READING

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

HB03-1256 by Representative(s) Spradley, Fairbank, Fritz, Hefley, McFadyen, Miller, Rippy, Rose, Veiga, Boyd, Briggs, Garcia, Hall, Hoppe, Jahn, Mitchell, Stengel, Weddig, White, Wiens; also Senator(s) Anderson, Kester, Chlouber, Entz, Dyer--Concerning the authority of the state to enter into lease-purchase agreements, and, in connection therewith, authorizing lease-purchase agreements for a high-custody correctional facility and for the university of Colorado health sciences center at Fitzsimons.
State Veterans & Military Affairs

Committee of the Whole On motion of Senator Lamborn, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Lamborn was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

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

SB03-074 by Senator(s) Andrews; --Concerning the distribution of a portion of regional transportation district sales tax revenues to governmental entities other than the district.

Laid over until Friday, March 14, retaining its place on the calendar.

SB03-222 by Senator(s) McElhany; also Representative(s) King, Young--Concerning a requirement that the general fund surplus be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

SB03-073 by Senator(s) Owen; also Representative(s) Hoppe--Concerning an increase in the state engineer's authority to approve the use of water.

Laid over until Friday, March 14, retaining its place on the calendar.

HB03-1026 by Representative(s) Witwer; also Senator(s) Arnold--Concerning the authority of public health agencies to release to law enforcement officials information related to bioterrorism.

As amended in General Orders, March 3, page 523.

Amendment No. 2(L.003), by Senator Arnold.

Amend the Health, Environment, Welfare, and Institutions Committee Report, dated February 26, 2003, page 1, line 2, strike "AGENTS WITH

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POTENTIAL TERRORIST" and substitute "AGENTS".";

strike line 3.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB03-1117 by Representative(s) Veiga; also Senator(s) Anderson--Concerning protection orders.

Amendment No. 1(L.002), by Senator Anderson.

Amend reengrossed bill, page 28, after line 18, insert the following:

"SECTION 9. The introductory portion to 8-2-109 (1), Colorado Revised Statutes, is amended to read:

8-2-109. Rights of person charged with contempt. (1) In all cases where a person is charged with indirect criminal contempt for violation of a ~~restraining~~ PROTECTION order or injunction issued by a court, the accused shall enjoy:

SECTION 10. 8-73-108 (4) (r) (I) (A), Colorado Revised Statutes, is amended to read:

8-73-108. Benefit awards. (4) **Full award.** An individual separated from a job shall be given a full award of benefits if any of the following reasons and pertinent conditions related thereto are determined by the division to have existed. The determination of whether or not the separation from employment shall result in a full award of benefits shall be the responsibility of the division. The following reasons shall be considered, along with any other factors that may be pertinent to such determination:

(r) (I) Quitting a job because of domestic abuse may be reason for a determination for a full award only if:

(A) The division has been provided a copy of a police report, criminal charges, ~~restraining~~ PROTECTION order, medical records, or any other corroborative evidence documenting the domestic abuse;

SECTION 11. 13-40-107.5 (5) (b) (I), Colorado Revised Statutes, is amended to read:

13-40-107.5. Termination of tenancy for substantial violation - definition - legislative declaration. (5) (b) In any action for possession under this section, it shall be a defense that:

(I) The tenant is a victim of domestic violence that has been documented by the filing of a police report or the issuance of a ~~restraining~~ PROTECTION order and the domestic violence is the basis for the termination notice; or

SECTION 12. 14-4-103 (4), Colorado Revised Statutes, is amended to read:

14-4-103. Emergency protection orders. (4) An emergency protection order shall expire not later than the close of judicial business on the third day of judicial business following the day of issue, unless otherwise continued by the court. The court may continue an emergency protection order only if the plaintiff has filed a complaint for a ~~restraining~~ PROTECTION order to prevent domestic abuse pursuant to article 14 of title 13, C.R.S., and the judge is unable to set a hearing on plaintiff's request for a temporary ~~restraining~~ PROTECTION order on the day the complaint was filed.

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SECTION 13. 14-4-107 (2) (a) and (5) (f), Colorado Revised Statutes, are amended to read:

14-4-107. Family violence justice fund - creation - grants from fund. (2) Grants from the fund shall be used to fund qualifying organizations to provide legal advice, representation, and advocacy for and on behalf of indigent clients who are victims of family violence. Moneys from the fund may be provided for services that include, but are not limited to:

(a) The provision of direct legal representation to victims of family violence in resolving their civil legal matters and removing impediments to the elimination of family violence. Such representation may include, but need not be limited to, representation in any ~~restraining~~ PROTECTION order proceeding, action for dissolution of marriage, legal separation, or declaration of invalidity of marriage, paternity action, child custody action, proceeding to establish or enforce child support, administrative hearings, or any other judicial actions in which family violence is an issue or in which legal representation is necessary to protect the interests of a victim of family violence.

(5) For purposes of this section:

(f) ~~"Restraining~~ "PROTECTION order" has the same meaning as set forth in section 18-6-803.7 (1) ~~(e)~~ (a.5), C.R.S.

SECTION 14. 14-10-108 (2.3), (2.5), (3), (6), and (7), Colorado Revised Statutes, are amended to read:

14-10-108. Temporary order or temporary injunction. (2.3) Any ~~restraining~~ PROTECTION order issued pursuant to this section on or after July 1, 1999, shall be issued using the standardized set of forms developed by the state court administrator pursuant to section 13-1-136, C.R.S.

(2.5) As part of a temporary ~~restraining~~ PROTECTION order, the court may award interim decision-making responsibility of a child to a person entitled to bring an action for the allocation of parental responsibilities under section 14-10-123, when such award is reasonably related to preventing domestic abuse as defined in section 14-4-101 (2) or preventing the child from witnessing domestic abuse. The interim decision-making responsibility order may be modified or dissolved, based upon the best interests of the child as set forth in section 14-10-124, at a subsequent temporary or permanent orders hearing or as otherwise provided by subsection (6) of this section or as otherwise ordered by the court. The interim decision-making responsibility order may be issued without notice to the other party only if the court finds that irreparable injury would result to the moving party or the child if no order were issued until the time for responding to the motion had elapsed. The interim decision-making responsibility order shall be without prejudice to the rights of the parties or child at subsequent hearings in the proceedings. The interim decision-making responsibility order may provide for parenting time for any other party.

(3) The court may issue a temporary ~~restraining~~ PROTECTION order without requiring notice to the other party only if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury would result to the moving party if no order were issued until the time for responding had elapsed. A copy of any temporary ~~restraining~~ PROTECTION order issued pursuant to this section shall be provided to the protected parties.

(6) On two days' notice to the party who obtained the temporary ~~restraining~~ PROTECTION order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification. The motion to dissolve or modify

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the temporary ~~restraining~~ PROTECTION order granted without notice shall be set down for hearing at the earliest possible time and take precedence of all matters except older matters of the same character, and the court shall determine such motion as expeditiously as the ends of justice require.

(7) At the time a ~~restraining~~ PROTECTION order is requested pursuant to this section, the court shall inquire about, and the requesting party and such party's attorney shall have an independent duty to disclose, knowledge such party and such party's attorney may have concerning the existence of any prior ~~restraining~~ PROTECTION orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order.

SECTION 15. 14-10-115 (3) (b) (III), Colorado Revised Statutes, is amended to read:

14-10-115. Child support - guidelines - schedule of basic child support obligations. (3) (b) (III) Upon request of the noncustodial parent, the court may order the custodial parent to submit an annual update of financial information using the approved standardized child support guideline forms, including information on the actual expenses relating to the children of the marriage for whom support has been ordered. The court shall not order the custodial parent to update such financial information pursuant to this subparagraph (III) in circumstances where the noncustodial parent has failed to exercise parenting time rights or when child support payments are in arrears or where there is documented evidence of domestic violence, child abuse, or a violation of a ~~restraining~~ PROTECTION order on the part of the noncustodial parent. The court may order the noncustodial parent to pay the costs involved in preparing an update to the financial information. If the noncustodial parent claims, based upon the information in the updated form, that the custodial parent is not spending the child support for the benefit of the children, the court may refer the parties to a mediator to resolve the differences. If there are costs for such mediation, the court shall order that the party requesting the mediation pay such costs.

SECTION 16. 14-10-120 (6), Colorado Revised Statutes, is amended to read:

14-10-120. Decree. (6) Notwithstanding the entry of a final decree of dissolution of marriage or of legal separation pursuant to this section, the district court may maintain jurisdiction to enter such temporary or permanent civil ~~restraining~~ PROTECTION orders as may be provided by law upon request of any of the parties to the action for dissolution of marriage or legal separation, including, but not limited to, any ~~restraining~~ PROTECTION order requested pursuant to section 14-10-108.

SECTION 17. 14-10-123.7 (2), Colorado Revised Statutes, is amended to read:

14-10-123.7. Parental education - legislative declaration. (2) A court may order a parent whose child is under eighteen years of age to attend a program designed to provide education concerning the impact of separation and divorce on children in cases in which the parent of a minor is a named party in a dissolution of marriage proceeding, a legal separation proceeding, a proceeding concerning the allocation of parental responsibilities, parenting time proceedings, or postdecree proceedings involving the allocation of parental responsibilities or parenting time or proceedings in which the parent is the subject of a ~~restraining~~ PROTECTION order issued pursuant to this article.

SECTION 18. 14-11-101 (1) and (2), Colorado Revised Statutes, are amended to read:

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14-11-101. Foreign decrees - how handled. (1) Upon the docketing in a court of competent jurisdiction in this state of exemplified copies of all the written pleadings and court orders, judgments, and decrees in a case of divorce, separate maintenance, or annulment, or for support of minor children or a spouse, or for a ~~restraining~~ PROTECTION order or other court order issued for the protection of a party or parties, or for a combination of the same entered in any court of competent jurisdiction in any other state or jurisdiction having reciprocal provisions for a like enforcement of orders, judgments, or decrees entered in the state of Colorado and upon obtaining jurisdiction by personal service of process as provided by the Colorado rules of civil procedure, said court in this state shall have jurisdiction over the subject matter and of the person in like manner as if the original suit or action had been commenced in this state, and is empowered to amend, modify, set aside, and make new orders as the court may find necessary and proper so as to do justice and equity to all parties to the action according to the public policy of this state, and has the same right, power, and authority to enter orders for temporary alimony, support money, and attorneys' fees as in similar actions originating in this state.

(2) The courts of this state in cases of dissolution of marriage, legal separation, or declaration of invalidity of marriage, or for support of minor children or a spouse, or for the protection of a party or parties by means of a ~~restraining~~ PROTECTION order, however styled or designated, or for any combination of the same, where the action originated in this state, have the power to enforce the decrees, judgments, and orders of other states or jurisdictions made pursuant to statutes similar to this statute, or to amend the same, or to enter new orders to the same extent and in the same manner as though such decrees, judgments, and orders were entered in the courts of this state.

SECTION 19. 16-3-402 (2.5), Colorado Revised Statutes, is amended to read:

16-3-402. Right to communicate with attorney and family. (2.5) If the victim is able to demonstrate through the use of Caller I.D. or other credible evidence that the incarcerated defendant has called the victim from the jail or correctional facility in violation of the ~~restraining~~ PROTECTION order issued pursuant to section 18-1-1001, C.R.S., or in violation of any other valid ~~restraining~~ PROTECTION order or emergency protection order in effect, then the defendant shall not be entitled to further telephone calls except to such defendant's attorney, which calls shall be placed by a jail or correctional facility staff member. If the defendant was arrested for violating an order not to contact certain family members, the right to contact those family members by telephone shall be prohibited, and the jail or correctional facility staff shall place all outgoing telephone calls that the defendant wishes to make which are not identified in the ~~restraining~~ PROTECTION order as prohibited.

SECTION 20. 16-4-103 (2), Colorado Revised Statutes, is amended to read:

16-4-103. Fixing of bail and conditions of bail bond. (2) A condition of every bail bond, and the only condition for a breach of which a surety or security on the bail bond may be subjected to forfeiture, is that the released person appear to answer the charge against such person at a place and upon a date certain and at any place or upon any date to which the proceeding is transferred or continued. Further conditions of every bail bond shall be that the released person not commit any felony while at liberty on such bail bond and that the court in which the action is pending have the power to revoke the release of the defendant, to increase the bail bond, or to change any bail bond condition if it is shown that a competent court has found probable cause to believe that the defendant has committed a felony while released pending adjudication of a prior felony charge. A further condition of every bail bond in cases of domestic violence as defined in section 18-6-800.3 (1), C.R.S., shall be

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that the released person acknowledge the ~~restraining~~ PROTECTION order as provided in section 18-1-1001 (5), C.R.S. A further condition of every bail bond in a case of an offense under section 42-2-138 (1) (d) (I), C.R.S., of driving while such person's driver's license or privilege to drive, either as a resident or nonresident, is restrained solely or partially because of a conviction of a driving offense pursuant to section 42-4-1301 (1) or (2) (a), C.R.S., shall be that such person not drive any motor vehicle during the period of such driving restraint. In addition, the judge may impose such additional conditions upon the conduct of the defendant as will, in the judge's opinion, render it more likely that the defendant will fulfill the other bail bond conditions. These additional conditions may include submission of the defendant to the supervision of some qualified person or organization. Any defendant whose bail bond is revoked or increased under an order entered pursuant to this section and who remains in custody must be tried on the charges on which the bail bond has been increased or revoked within ninety days after such order or within six months after the defendant's arraignment on such charges, whichever date is earlier.

SECTION 21. 18-1.3-204 (2) (b) (III), Colorado Revised Statutes, is amended to read:

18-1.3-204. Conditions of probation. (2) (b) When granting probation, in addition to the consideration of the provisions set forth in paragraph (a) of this subsection (2), the court shall order as a condition of probation in cases in which the defendant was convicted of a crime, the underlying factual basis of which included an act of domestic violence, as defined in section 18-6-800.3 (1), that the defendant:

(III) Comply with the terms of any ~~restraining~~ PROTECTION order in effect against the defendant during the probation period;

SECTION 22. 18-1.3-501 (3) (b) (IV), Colorado Revised Statutes, is amended to read:

18-1.3-501. Misdemeanors classified - penalties. (3) (b) Misdemeanors that present an extraordinary risk of harm to society shall include the following:

(IV) Second and all subsequent violations of a ~~restraining~~ PROTECTION order as defined in section 18-6-803.5 (1.5) ~~(a.5)~~; and

SECTION 23. 18-9-111 (5) (b), Colorado Revised Statutes, is amended to read:

18-9-111. Harassment - stalking. (5) Where a person commits stalking under paragraph (b) of subsection (4) of this section, the following shall apply:

(b) If, at the time of the offense, there was a temporary or permanent ~~restraining~~ PROTECTION order, injunction, or condition of bond, probation, or parole or any other court order in effect against such person prohibiting the behavior described in paragraph (b) of subsection (4) of this section, such person commits a class 4 felony. In addition, when a violation under subsection (4) of this section is committed in connection with a violation of a court order, including but not limited to any ~~restraining~~ PROTECTION order or any order that sets forth the conditions of a bond, any sentence imposed for such violation pursuant to this subsection (5) shall run consecutively and not concurrently with any sentence imposed pursuant to section 18-6-803.5 and with any sentence imposed in a contempt proceeding for violation of the court order. Nothing in this paragraph (b) shall be construed to alter or diminish the inherent authority of the court to enforce its orders through civil or criminal contempt proceedings; however, before a criminal contempt proceeding is heard before the court, notice of the proceedings

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shall be provided to the district attorney for the district of the court where the proceedings are to be heard and the district attorney for the district of the court where the alleged act of criminal contempt occurred. The district attorney for either district shall be allowed to appear and argue for the imposition of contempt sanctions.

SECTION 24. 19-2-707 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

19-2-707. Mandatory protection order. (1) (a) There is hereby created a mandatory ~~restraining~~ PROTECTION order against any juvenile charged with the commission of a delinquent act and the juvenile's parents or legal guardian, which order shall remain in effect from the time that the juvenile is advised of such juvenile's rights and informed of such order at such juvenile's first appearance before the court until final disposition of the action or, in the case of an appeal, until disposition of the appeal. Such order shall restrain the juvenile and the juvenile's parents or legal guardian from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the delinquent act charged.

(b) Repealed.

(c) The ~~restraining~~ PROTECTION order issued pursuant to this section shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected parties.

(2) At the time of the juvenile's first appearance before the court, the court shall inform the juvenile and the juvenile's parents or legal guardian of the ~~restraining~~ PROTECTION order effective pursuant to this section and shall also inform the juvenile and the juvenile's parents or legal guardian that a violation of such order is punishable as contempt of court.

(3) Nothing in this section shall preclude the juvenile or the juvenile's parents or legal guardian from applying to the court at any time for modification or dismissal of the ~~restraining~~ PROTECTION order issued pursuant to this section or the district attorney from applying to the court at any time for additional provisions under the ~~restraining~~ PROTECTION order, modification of the order, or dismissal of the order. The trial court shall retain jurisdiction to enforce, modify, or dismiss the ~~restraining~~ PROTECTION order during the pendency of any appeal that may be brought.

SECTION 25. 19-3-316 (1) (a) and (5), Colorado Revised Statutes, are amended to read:

19-3-316. Protection orders and emergency protection orders.

(1) (a) The juvenile court and the district court shall have the authority to issue ~~restraining~~ PROTECTION orders to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), C.R.S., when requested by the local law enforcement agency, the county department, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense, based upon an allegation of a recent actual unlawful sexual offense or threat of the same. Any ~~restraining~~ PROTECTION order issued pursuant to this section shall be on a standardized form prescribed by the judicial department and a copy shall be provided to the protected person.

(5) At the time a ~~restraining~~ PROTECTION order or an emergency protection order is requested, the court shall inquire about, and the requesting party and such party's attorney shall have an independent duty to disclose, knowledge such party and such party's attorney may have concerning the existence of any prior ~~restraining~~ PROTECTION orders or

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emergency protection orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order or emergency protection order.

SECTION 26. 19-4-111 (4) and (5), Colorado Revised Statutes, are amended to read:

19-4-111. Pretrial proceedings. (4) Upon the filing of a petition under this article, any party may seek the issuance of a temporary ~~restraining~~ PROTECTION order or injunction under the criteria set forth in section 14-10-108, C.R.S. Any party may further seek temporary orders as to the allocation of parental responsibilities, including allocation of decision-making responsibility and parenting time, and support once an order determining the existence of the parent and child relationship has been entered by the court. The filing of a motion for temporary orders shall not prevent a party or public agency from seeking other relief as may be provided by this article. Issues of temporary orders concerning the allocation of parental responsibilities, including decision-making responsibility and parenting time, and issues of support shall be determined in accordance with the criteria set forth in the "Uniform Dissolution of Marriage Act", article 10 of title 14, C.R.S. Any temporary ~~restraining~~ PROTECTION order issued pursuant to this subsection (4) shall be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

(5) At the time a ~~restraining~~ PROTECTION order is requested pursuant to this section, the court shall inquire about, and the requesting party and such party's attorney shall have an independent duty to disclose, knowledge such party and such party's attorney may have concerning the existence of any prior ~~restraining~~ PROTECTION orders of any court addressing in whole or in part the subject matter of the requested ~~restraining~~ PROTECTION order.

SECTION 27. 19-5-102.5 (2), Colorado Revised Statutes, is amended to read:

19-5-102.5. Relinquishment hearings - court docket priority. (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this section shall affect the priority of a hearing concerning the issuance of a temporary ~~restraining~~ PROTECTION order pursuant to section 13-14-102, C.R.S., section 14-4-103, C.R.S., or section 14-10-108, C.R.S.

SECTION 28. 19-5-202.5 (2), Colorado Revised Statutes, is amended to read:

19-5-202.5. Adoption hearings - termination appeals - court docket priority - exceptions. (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this section shall affect the priority of a hearing concerning the issuance of a temporary ~~restraining~~ PROTECTION order pursuant to section 13-14-102, C.R.S., section 14-4-103, C.R.S., or section 14-10-108, C.R.S.

SECTION 29. 19-5-207 (2.5) (a), Colorado Revised Statutes, is amended to read:

19-5-207. Written consent and home study report for public adoptions. (2.5) (a) In all petitions for adoption, whether by the court, the county department of social services, or child placement agencies, in addition to the written home study report described in subsection (2) of this section, the court shall require the county department of social services, the designated qualified individual, or the child placement agency to conduct a criminal records check for any prospective adoptive parent and to report to the court any case in which a record check reveals that the prospective adoptive parent was convicted at any time of a felony

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or misdemeanor in one of the following areas: Child abuse or neglect; spousal abuse; any crime against a child; any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.; violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S.; any crime involving violence, rape, sexual assault, or homicide; or any felony physical assault or battery conviction or felony drug-related conviction within, at a minimum, the past five years. No person convicted of a felony offense specified in this subsection (2.5) shall be allowed to adopt a child. In addition to the criminal records check, the county department of social services, the individual, or the child placement agency conducting the investigation shall access the state central registry of child protection to determine whether the prospective adoptive parent or parents are the subject of a report of known or suspected child abuse. Pursuant to section 19-1-307 (2) (k.5), information shall be made available if a person's name is on the central registry of child protection or has been designated as "status pending" pursuant to section 19-3-313.

SECTION 30. 24-34-402.7 (1)(a) (I), Colorado Revised Statutes, is amended to read:

24-34-402.7. Unlawful action against employees seeking protection. (1) (a) Employers shall permit an employee to request or take up to three working days of leave from work in any twelve-month period, with or without pay, if the employee is the victim of domestic abuse, as that term is defined in section 13-14-101 (2), C.R.S., the victim of stalking, as that crime is defined in section 18-9-111 (4), C.R.S., the victim of sexual assault, as that crime is defined in section 18-3-402, C.R.S., or the victim of any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, as that term is defined in section 18-6-800.3 (1), C.R.S. This section shall only apply if such employee is using the leave from work to protect himself or herself by:

(I) Seeking a civil ~~restraining~~ PROTECTION order to prevent domestic abuse pursuant to section 13-14-102, C.R.S.;

SECTION 31. 26-6-108 (2) (a.5), Colorado Revised Statutes, is amended to read:

26-6-108. Denial of original license - suspension - revocation - probation - refusal to renew license - fines. (2) The department may deny, suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 or assess a fine against the licensee pursuant to section 26-6-114 should the licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(a.5) Be convicted of third degree assault, as described in section 18-3-204, C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S., the violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S., any misdemeanor offense of child abuse as defined in section 18-6-401, C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this paragraph (a.5). For purposes of this paragraph (a.5), "convicted" shall have the same meaning as set forth in section 26-6-104 (7) (a) (II); or

SECTION 32. 27-1-110 (7) (c) (III), Colorado Revised Statutes, is amended to read:

27-1-110. Employment of personnel - screening of applicants

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- **disqualifications from employment.** (7) (c) Except as otherwise provided in paragraph (d) of this subsection (7), a person shall be disqualified from employment either as an employee or as a contracting employee if less than ten years have passed since the person was discharged from a sentence imposed for conviction of any of the following criminal offenses:

(III) Violation of a ~~restraining~~ PROTECTION order, as described in section 18-6-803.5, C.R.S.;"

Renumber succeeding sections accordingly.

Amendment No. 2(L.004), by Senator Anderson.

Amend reengrossed bill, page 10, strike lines 12 through 20 and substitute the following:

"section.;"

line 27, after "(I)", insert "(A)".

Page 11, line 8, strike "court," and substitute "court.;"

strike lines 9 through 11 and substitute the following:

"(B) NOTWITHSTANDING THE PROHIBITION IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), A PROTECTION ORDER MAY BE MODIFIED OR DISMISSED ON THE MOTION OF THE PROTECTED PERSON, OR THE PERSON'S ATTORNEY, PARENT OR LEGAL GUARDIAN IF A MINOR, OR CONSERVATOR OF LEGAL GUARDIAN IF ONE HAS BEEN APPOINTED; EXCEPT THAT THIS SUB-SUBPARAGRAPH (B) SHALL NOT APPLY IF THE PARENT, LEGAL GUARDIAN, OR CONSERVATOR IS THE RESTRAINED PERSON."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB03-1079 by Representative(s) Veiga; also Senator(s) Arnold--Concerning mandatory juvenile parole.

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

HB03-1109 by Representative(s) Marshall; also Senator(s) Dyer--Concerning the creation of a definition for a juvenile "status offender" for purposes of compliance with federal law.

Laid over until Monday, March 10, retaining its place on the calendar.

HB03-1156 by Representative(s) Romanoff; also Senator(s) Johnson S.--Concerning the Colorado state board of medical examiners' ability to fine a licensee for certain unprofessional conduct.

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

HB03-1104 by Representative(s) Pommer; also Senator(s) Phillips--Concerning the method of modifying the provisions of an old hire pension plan established for certain public safety employees.

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

HB03-1014 by Representative(s) Ragsdale; also Senator(s) Takis--Concerning the clarification of terms relating to the court-appointed special advocate (CASA) program.

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

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- HB03-1101** by Representative(s) Hall; also Senator(s) Jones--Concerning authorization for the department of public health and environment to recover the full amount of its costs in reviewing applications under the "Voluntary Clean-up and Redevelopment Act".
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1063** by Representative(s) Johnson R.; also Senator(s) Entz--Concerning a patient's option to choose to have the purpose for which a drug is prescribed printed on the prescription label.
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1038** by Representative(s) Stafford, Romanoff; also Senator(s) Hagedorn--Concerning domestic violence extensions under the Colorado works program.
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1281** by Representative(s) Cloer, Spradley, Stafford, Williams S.; also Senator(s) Evans--Concerning the eligibility of a taxpayer who is a person with a disability to participate in a property tax work-off program.
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1077** by Representative(s) May M.; also Senator(s) Evans--Concerning the establishment of a process for the resolution of disputes among local governments arising out of a petition for annexation of land that is located within the boundaries of a development plan entered into by local governments through intergovernmental agreement.
Amendment No. 1, Local Government Committee Amendment.
 (Printed in Senate Journal, February 28, page 503 and placed in members' bill files.)
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1032** by Representative(s) Pommer; also Senator(s) Tupa--Concerning a school district education board's oversight of a school district's participation in the interest-free loan program.
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- SB03-149** by Senator(s) Arnold; also Representative(s) Spence--Concerning practices relating to school districts' budgets.
 Laid over until Monday, March 10, retaining its place on the calendar.
- HB03-1003** by Representative(s) Brophy; also Senator(s) Taylor--Concerning civil liability for certain agricultural recreation activities.
 Laid over until Monday, March 10, retaining its place on the calendar.
- SB03-101** by Senator(s) Owen, Anderson, Arnold, Hanna, Teck; also Representative(s) Young, Coleman, Decker, Miller, Williams T.--Concerning stabilization of employer contributions to the public employees' retirement association.
Amendment No. 1, Finance Committee Amendment.
 (Printed in Senate Journal, February 5, page 257 and placed in members' bill files.)
Amendment No. 2, Appropriations Committee Amendment.
 (Printed in Senate Journal, February 28, pages 509-510 and placed in members' bill files.)
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-134** by Senator(s) Keller, Hagedorn; also Representative(s) Tochtrop--Concerning the continuation of the certification of nurse aides by the state board of nursing.
Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
 (Printed in Senate Journal, February 14, pages 372-375 and placed in members' bill files.)

SB03-134		1
	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	2
	(Printed in Senate Journal, February 28, page 511 and placed in members' bill files.)	3
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	5
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SB03-114	by Senator(s) Hanna; also Representative(s) Miller--Concerning increased penalties for illegal feeding of wild bears.	8
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	<u>Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.</u>	11
	(Printed in Senate Journal, February 13, page 343 and placed in members' bill files.)	12
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	14
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SB03-068	by Senator(s) Hagedorn; also Representative(s) Brophy--Concerning the creation of the commission on mandated health insurance benefits to assess the impact of mandated health insurance benefits in Colorado, and, in connection therewith, making an appropriation.	17
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	Laid over until Monday, March 10, retaining its place on the calendar.	21
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SB03-027	by Senator(s) Entz; also Representative(s) Rippey--Concerning the regulation of outfitters hired to assist others in taking wildlife.	23
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	<u>Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.</u>	26
	(Printed in Senate Journal, February 13, page 397-403 and placed in members' bill files.)	27
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	29
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SB03-132	by Senator(s) May R., Johnson S., McElhany, Chlouber; --Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, increasing the amount of allocations, requiring allocations to be made for every state fiscal year without regard to the amount of state revenues for the fiscal year, and requiring a specified percentage of the revenues allocated to be expended for highway purposes or highway-related capital improvements.	32
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	Laid over until Monday, March 10, retaining its place on the calendar.	39
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SB03-001	by Senator(s) Cairns; also Representative(s) Lee--Concerning property tax credits to support education in the state.	41
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	Laid over until Friday, March 14, retaining its place on the calendar.	44
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SB03-225	by Senator(s) McElhany; --Concerning recommendations from the department of regulatory agencies regarding the public utilities commission.	46
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	<u>Amendment No. 1, Business Affairs and Labor Committee Amendment.</u>	49
	(Printed in Senate Journal, February 6, page 267 and placed in members' bill files.)	50
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	<u>Amendment No. 2, Appropriations Committee Amendment.</u>	52
	(Printed in Senate Journal, February 28, page 513 and placed in members' bill files.)	53
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	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	55
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HB03-1070	by Representative(s) Ragsdale, Williams S.; also Senator(s) Takis--Concerning the clarification of existing statutory provisions to specify that the regional transportation district may annex certain areas upon the affirmative vote of a majority of the registered electors voting upon such question.	58
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	63
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- HB03-1103** by Representative(s) Briggs; also Senator(s) Chlouber--Concerning an increase of the service required to be provided by qualified private businesses pursuant to competitively negotiated contracts to fifty percent of the regional transportation district service that involves transporting the general public by means of any self-propelled vehicle that is designed primarily for travel on the public highways. 1
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Amendment No. 1, Transportation Committee Amendment. 7
(Printed in Senate Journal, February 28, page 513 and placed in members' bill files.) 8
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Amendment No. 2(L.004), by Senator Chlouber. 10
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Amend the Transportation Committee Report, dated February 27, 2003, 12
page 1, line 16, strike "ALONE." and substitute "ALONE, AND IN NO EVENT 13
SHALL SUCH COST BE WEIGHTED MORE THAN THIRTY PERCENT IN MAKING 14
AN AWARD DETERMINATION." 15
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As amended, ordered revised and placed on the calendar for Third Reading and Final 17
Passage. 18
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- SB03-235** by Senator(s) Lamborn; also Representative(s) Mitchell--Concerning the right to display 20
national symbols. 21
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Laid over until Monday, March 10, retaining its place on the calendar. 23
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- HB03-1006** by Representative(s) Fairbank; also Senator(s) Anderson--Concerning provisional ballots. 25
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Laid over until Monday, March 10, retaining its place on the calendar. 27
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- SB03-232** by Senator(s) Chlouber; --Concerning the office of consumer counsel. 29
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Laid over until Monday, March 10, retaining its place on the calendar. 31
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- HB03-1287** by Representative(s) Ragsdale, Briggs, Cloer, Coleman, Hodge, Merrifield, Weissmann, 33
Williams S.; also Senator(s) Chlouber--Concerning the exemption of an applicant 34
requesting a new certificate of title for an older vehicle from posting a security in a case 35
where the applicant is unable to provide evidence of ownership of the vehicle to the 36
department of revenue. 37
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 39
(Printed in Senate Journal, March 4, page 527 and placed in members' bill files.) 40
41
As amended, ordered revised and placed on the calendar for Third Reading and Final 42
Passage. 43
44
- HB03-1222** by Representative(s) Johnson R.; also Senator(s) Kester--Concerning the electronic filing of 45
documents with the division of workers' compensation. 46
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 48
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- HB03-1272** by Representative(s) Jahn, Fritz, Marshall, Vigil; also Senator(s) Kester--Concerning a 50
prohibition against recording certain information when accepting a negotiable instrument as 51
payment. 52
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 54
(Printed in Senate Journal, March 4, page 527 and placed in members' bill files.) 55
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As amended, ordered revised and placed on the calendar for Third Reading and Final 57
Passage. 58
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- HB03-1237** by Representative(s) Judd; also Senator(s) Lamborn--Concerning technical modifications to 60
the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in 61
connection therewith, amending or repealing obsolete, inconsistent, and conflicting 62
provisions of law. 63
64
Laid over until Monday, March 10, retaining its place on the calendar. 65
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- HB03-1257** by Representative(s) Marshall; also Senator(s) Lamborn--Concerning a nonsubstantive recodification of Colorado's banking laws. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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- HB03-1298** by Representative(s) Harvey; also Senator(s) Lamborn--Concerning increased limitations on claims asserting that a mortgage is unconscionable. 6
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Declared **lost** on Second Reading. 9
(For further action, see Amendments to the Report of the Committee of the Whole.) 10
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- HB03-1148** by Representative(s) Cloer, Schultheis, Cadman, Crane, Fairbank, Hall, Hefley, King, Lee, Lundberg, McFadyen, Mitchell, Stengel, White; also Senator(s) Hillman--Concerning restoration of self-defense as a defense in criminal cases. 12
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 15
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- HB03-1034** by Representative(s) Merrifield; also Senator(s) Arnold--Concerning the effective date for electronic transmission of sex offender registration information. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 21
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- HB03-1165** by Representative(s) Lundberg, Lee, Schultheis, King; also Senator(s) Hillman--Concerning unofficial copies of the Colorado Revised Statutes. 23
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
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- HB03-1027** by Representative(s) Harvey; also Senator(s) Hillman--Concerning interlocutory appellate review of class certification orders in class action lawsuits. 29
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Amendment No. 1, Judiciary Committee Amendment. 32
(Printed in Senate Journal, March 4, page 541 and placed in members' bill files.) 33
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 35
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- HB03-1273** by Representative(s) Jahn; also Senator(s) Johnson S.--Concerning disclosure of credit scoring information to the consumer when used to underwrite motor vehicle insurance. 38
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 41
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- SB03-233** by Senator(s) Hillman; also Representative(s) Fairbank--Concerning the inclusion of employees of a district attorney in specified retirement plans. 43
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Amendment No. 1, Finance Committee Amendment. 46
(Printed in Senate Journal, March 5, pages 550-552 and placed in members' bill files.) 47
48
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 49
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- HB03-1301** by Representative(s) Hall; also Senator(s) Teck--Concerning the penalties for persons who issue checks to the department of revenue that are returned as unpaid for any reason caused by the maker. 52
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Amendment No. 1, Finance Committee Amendment. 56
(Printed in Senate Journal, March 5, page 552 and placed in members' bill files.) 57
58
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 59
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- HB03-1081** by Representative(s) Coleman, Vigil, White, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning foster care services. 62
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Laid over until Monday, March 10, retaining its place on the calendar. 65
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- HB03-1194** by Representative(s) White; also Senator(s) Kester--Concerning real property instruments filed with a county clerk and recorder. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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- HB03-1025** by Representative(s) Frangas; also Senator(s) Keller--Concerning the option of addressing any special education history in a juvenile adjudication proceeding. 6
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Amendment No. 1, Judiciary Committee Amendment. 9
(Printed in Senate Journal, March 5, page 554 and placed in members' bill files.) 10
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 12
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- HB03-1299** by Representative(s) Cadman; also Senator(s) Dyer--Concerning the minimum authorized return for a life insurance annuity. 15
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Laid over until Monday, March 10, retaining its place on the calendar. 18
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- HB03-1290** by Representative(s) Lee; also Senator(s) Cairns--Concerning declarations of a state of emergency. 20
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Laid over until Monday, March 10, retaining its place on the calendar. 23
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- HB03-1143** by Representative(s) Crane, Brophy, Cadman, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, Lundberg, May M., Mitchell, Rhodes, Schultheis, Sinclair, Spence, Stafford, White; also Senator(s) May R., Andrews, Arnold, Cairns, Hillman, Johnson S., Jones, Kester, Lamborn--Concerning leave for teachers' union activities. 25
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Laid over until Monday, March 10, retaining its place on the calendar. 30
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- HB03-1224** by Representative(s) Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Hefley, King, Larson, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens; also Senator(s) Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz, Hillman, Johnson S., Jones, Kester, McElhany, Owen, Taylor, Teck--Concerning a prohibition against the acceptance by public entities of identity documents that are not secure. 32
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Laid over until Monday, March 10, retaining its place on the calendar. 39
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- HB03-1028** by Representative(s) Rose; also Senator(s) Teck--Concerning the continuation of the statewide pilot program for teen pregnancy and dropout prevention. 41
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 44
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- HB03-1095** by Representative(s) Berry; also Senator(s) Reeves--Concerning procedural requirements related to certain abandoned children. 46
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 49
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- HB03-1246** by Representative(s) Lundberg; also Senator(s) Johnson S.--Concerning specification of the eligibility requirements for the Colorado works program, and, in connection therewith, replacing outdated references to the former aid to families with dependent children program eligibility with the actual eligibility standards and requirements and directing the state board of human services to adopt rules relating to eligibility determinations. 51
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 57
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- AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE** 60
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- Senator Lamborn moved to amend the Report of the Committee of the Whole to show that HB03-1298 was laid over until Monday, March 10. 62
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- A majority of all members elected to the Senate having voted in the affirmative, HB03-1298 was laid over. 65
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Lamborn, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB03-222, HB03-1026 as amended, HB03-1117 as amended, HB03-1079, HB03-1156, HB03-1104, HB03-1014, HB03-1101, HB03-1063, HB03-1038, HB03-1281, HB03-1077 as amended, HB03-1032, SB03-101 as amended, SB03-134 as amended, SB03-114 as amended, SB03-027 as amended, SB03-225 as amended, HB03-1070, HB03-1103 as amended, HB03-1287 as amended, HB03-1222, HB03-1272 as amended, HB03-1257, HB03-1148, HB03-1034, HB03-1165, HB03-1027 as amended, HB03-1273, SB03-233 as amended, HB03-1301 as amended, HB03-1194, HB03-1025 as amended, HB03-1028, HB03-1095, HB03-1246.

Laid over until Monday, March 10: HB03-1109, SB03-149, HB03-1003, SB03-068, SB03-132, SB03-235, HB03-1006, SB03-232, HB03-1237, HB03-1081, HB03-1299, HB03-1290, HB03-1143, HB03-1224, HB03-1298.

Laid over until Friday, March 14: SB03-074, SB03-073, SB03-001.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **HB03-1197** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 13, after the period, add "THIS SUBPARAGRAPH (III) SHALL NOT BE CONSTRUED TO AUTHORIZE THE COLORADO STATE BOARD OF ACCOUNTANCY OR ITS AGENT TO SUBPOENA OR EXAMINE PERSONAL INCOME TAX RETURNS."

Finance After consideration on the merits, the Committee recommends that **SB03-243** be referred to the Committee of the Whole with favorable recommendation.

Health, Environment, Welfare & Institutions The Committee on Health, Environment, Welfare, and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
COLORADO COMMISSION FOR THE
DEAF AND HARD OF HEARING**

for terms expiring July 1, 2004:

Russell Herman of Molina, Colorado, to fill the vacancy occasioned by the resignation of Jill E. Boice as a member who is a professional in the field of deafness who is knowledgeable in and has experience with other types of disabilities, appointed;

Terry M. Sims of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Harriet H. Tupler as a member of the public, appointed.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1015** be referred to the Committee of the Whole with favorable recommendation.

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **HB03-1007** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 14, strike "NOTHING" and insert "EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), NOTHING".

Page 6, strike line 20 and insert the following:

"effect upon passage and shall apply to actions filed on or".

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **HB03-1232** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 17, strike "INTEREST AS TO" and substitute "INTEREST.";

strike lines 18 through 20.

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1097** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 3, strike "fifty TWO HUNDRED" and substitute "fifty";

line 5, strike "two hundred THOUSAND" and substitute "two hundred";

line 14, strike "two hundred THOUSAND" and substitute "two hundred".

Page 4, line 3, strike "one TWO" and substitute "one";

line 7, strike "may" and substitute "may SHALL";

strike line 22 and substitute "BY A FINE OF TWO HUNDRED DOLLARS AND AN ASSESSMENT OF TEN".

Page 5, line 11, strike "THOUSAND" and substitute "HUNDRED";

line 19, strike "two hundred THOUSAND" and substitute "two hundred";

strike lines 23 through 27 and substitute the following:

33-6-127. Hunting with artificial light, night vision, or thermal imaging devices. (1) (a) Unless otherwise provided by commission rule or regulation and except as provided in section 33-6-107 (9) for persons owning or leasing land, members of their family, or their agents, it is unlawful for any person to utilize any artificial light as an aid in hunting or taking any wildlife OUTSIDE LEGAL HUNTING HOURS ACCORDING TO COMMISSION RULES. For the purposes of this section SUBSECTION (1), the possession of any firearm with cartridges in the chamber or magazine or loaded with powder and ball or a strung bow, unless the bow is cased, while attempting to project any artificial light into areas where wildlife may be found is prima facie evidence of a violation of this section.

(b) ~~Any~~ A person who violates this section SUBSECTION (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars and an assessment of twenty license suspension points.

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HB03-1097

(2) (a) UNLESS OTHERWISE PROVIDED BY COMMISSION RULE AND EXCEPT AS PROVIDED IN SECTION 33-6-107 (9) FOR PERSONS OWNING OR LEASING LAND, MEMBERS OF THEIR FAMILY, OR THEIR AGENTS, IT IS UNLAWFUL FOR A PERSON TO UTILIZE ELECTRONIC NIGHT VISION EQUIPMENT, ELECTRONICALLY ENHANCED LIGHT-GATHERING OPTICS, OR THERMAL IMAGING DEVICES AS AN AID IN HUNTING OR TAKING WILDLIFE OUTSIDE LEGAL HUNTING HOURS ACCORDING TO COMMISSION RULES.

(b) A PERSON WHO VIOLATES THIS SUBSECTION (2) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF TWO THOUSAND DOLLARS AND AN ASSESSMENT OF TWENTY LICENSE SUSPENSION POINTS."

Page 6, strike lines 1 through 11.

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1035** be referred to the Committee of the Whole with favorable recommendation.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-057

by Senator(s) Anderson, Hanna, Phillips; also Representative(s) Cadman--Concerning benefit plan alternatives within the fire and police pension association for members of money purchase plans.

Senator Anderson moved that the Senate concur in House amendments to **SB03-057**, as printed in House Journal, March 4, page 979. The motion was **passed** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	E	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	E	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

SB03-057

A majority of all members elected to the Senate having voted in the affirmative, the bill, as amended, was declared **repassed**.

MESSAGE FROM THE HOUSE:

March 7, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1267, amended as printed in House Journal, March 6, pages 1042-1043. HB03-1219, amended as printed in House Journal, March 6, pages 1048-1049.

The House has voted not to concur in the Senate amendments to HB03-1161 and requests that a conference committee be appointed. The Speaker has appointed Representatives Rippey, chairman, T. Williams, and Miller as House conferees on the First Conference Committee on HB03-1161. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB03-1107, 1098, 1093, 1037, 1192 and has repassed the bills as so amended.

INTRODUCTION OF BILL--FIRST READING

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

SB03-244

by Senator(s) Cairns, Lamborn, Andrews; also Representative(s) Schultheis--Concerning an exemption for all business personal property.
State Veterans & Military Affairs

SENATE SERVICES REPORT

Senate Services

To the Governor for signature on Wednesday, March 6, 2003, at: 8:40 a.m.
SB03-061, 071.

MESSAGE FROM THE GOVERNOR

March 5, 2003

To the Honorable
Senate
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

S.B. 03-169 – Concerning The Elimination Of Limits On Revenues Related To The Indirect Costs Incurred By Certain Entities Within The Department Of Agriculture, And, In Connection Therewith, Making A Supplemental Appropriation.

Approved March 5, 2003 at 3:45 p.m.

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S.B. 03-170 – Concerning The Appropriation Of Moneys For The Support Of Metropolitan State College Of Denver And Fort Lewis College In The 2002-03 General Appropriation Bill As A Direct Appropriation To The Board Of Trustees For Each Such Institution. 1
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Approved March 5, 2003 at 3:46 p.m. 5
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S.B. 03-172 – Concerning Docket Fees Transferred To The Family Stabilization Services Fund. 8
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Approved March 5, 2003 at 3:44 p.m. 10
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S.B. 03-173 – Concerning The Repeal Of Specified Nursing Facility Provider Payments, And Making An Appropriation In Connection Therewith. 13
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Approved March 5, 2003 at 3:47 p.m. 15
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S.B. 03-175 – Concerning Prescribing The Use Of The Nursing Home Penalty Cash Fund, And Making An Appropriation In Connection Therewith. 18
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Approved March 5, 2003 at 3:48 p.m. 20
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S.B. 03-176 – Concerning The Repeal Of Eligibility Under The “Colorado Medical Assistance Act” For Specified Legal Immigrants, And Making An Appropriation In Connection Therewith. 23
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Approved March 5, 2003 at 3:47 p.m. 26
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S.B. 03-177 – Concerning A Reduction In The Percentage Amount Of The Community Corrections Appropriation That The Entities Administering Community Corrections May Spend On Administrative Costs, And Modifying An Appropriation In Connection Therewith. 29
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Approved March 5, 2003 at 3:47 p.m. 33
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S.B. 03-178 – Concerning The Deposit Of Revenues From Charges For Communications Services In The Telecommunications Revolving Fund. 36
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Approved March 5, 2003 at 3:43 p.m. 38
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S.B. 03-179 – Concerning Transfers Of Moneys Related To Capital Construction, And Making An Appropriation In Connection Therewith. 41
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Approved March 5, 2003 at 3:43 p.m. 43
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S.B. 03-180 – Concerning The Authority Of The Department Of Agriculture To Expend Moneys From The Mandatory Fruit And Vegetable Inspection Fund For Purposes Other Than The Direct Costs Of Mandatory Inspections, And, In Connection Therewith, Making A Supplementary Appropriation From The Mandatory Fruit And Vegetable Inspection Fund And The Brand Inspection Fund. 46
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Approved March 5, 2003 at 3:43 p.m. 51
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S.B. 03-181 – Concerning Increased Fees To Be Credited To The Ground Water Management Cash Fund, And, In Connection Therewith, Making A Supplemental Appropriation. 54
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Approved March 5, 2003 at 3:42 p.m. 57
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S.B. 03-182 – Concerning The Consolidation Of Programs Implemented By The Department Of Local Affairs That Pertain To The Regulation Of Construction, And, In Connection Therewith, Consolidating Programs For The Regulation Of Factory-Built Structures, Multi-Family Structures Where No Standards Exist, Manufactured Home Installations, And Sellers Of Manufactured Homes. 60
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Approved March 5, 2003 at 4:03 p.m. 65
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S.B. 03-183 – Concerning The Modification Of Certain Preschool Through Twelfth Grade Public Education Programs, And Making Appropriations In Connection Therewith.	1
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Approved March 5, 2003 at 4:02 p.m.	5
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S.B. 03-184 – Concerning The Authority Of The State Treasurer To Assess A Fee For Performing A Cash Management Transaction Affecting A Cash Balance On Behalf Of A State Department, And Making An Appropriation In Connection Therewith.	7
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Approved March 5, 2003 at 4:01 p.m.	11
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S.B. 03-185 – Concerning The Establishment Of A Tax Amnesty Program Whereby Taxpayers May Pay Overdue Tax Liabilities Without Penalty For A Limited Time, And Making An Appropriation In Connection Therewith.	13
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Approved March 5, 2003 at 4:00 p.m.	17
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S.B. 03-187 – Concerning The Elimination Of Specified Responsibilities Of The Department Of Health Care Policy And Financing During The Medicaid Enrollment Process, And Making An Appropriation In Connection Therewith.	19
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Approved March 5, 2003 at 3:55 p.m.	23
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S.B. 03-188 – Concerning The Elimination Of The Presidential Primary Election.	25
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Approved March 5, 2003 at 3:54 p.m.	27
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S.B. 03-189 – Concerning The Annual Allowable Cash Funds For State-Supported Institutions Of Higher Education, And, In Connection Therewith, Adding Funds Received From Student Financial Aid, Tuition Assistance, And Scholarships To The Maximum Amount Of Cash Funds That May Be Raised, Spent, Or Transferred To Reserves By Such Institutions, And Making An Appropriation In Connection Therewith.	29
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Approved March 5, 2003 at 3:53 p.m.	36
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S.B. 03-190 – Concerning Tobacco Litigation Settlement Moneys Received By The State, And, In Connection Therewith, Reallocating The Moneys For The 2002-03 Fiscal Year For The Purpose Of Augmenting The State General Fund, Providing Authorization For The State Treasurer To Invest Moneys Transferred On July 5, 2002, From The Tobacco Litigation Settlement Trust Fund To The General Fund In Any Manner In Which The Trust Fund Moneys May Be Invested, And Modifying Appropriations For The 2002-03 Fiscal Year.	38
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Approved March 5, 2003 at 3:52 p.m.	46
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S.B. 03-191 – Concerning The Augmentation Of The General Fund Through Transfers Of Certain Moneys In The 2002-03 Fiscal Year.	48
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Approved March 5, 2003 at 3:51 p.m.	51
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S.B. 03-192 – Concerning Restoration Fees For Persons Who Have Lost The Privilege To Operate A Motor Vehicle, And Making An Appropriation Therefor.	53
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Approved March 5, 2003 at 3:50 p.m.	56
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S.B. 03-193 – Concerning The State Historical Fund, And Making An Appropriation In Connection Therewith.	58
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Approved March 5, 2003 at 3:49 p.m.	61
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S.B. 03-195 – Concerning The Amount Of The General Fund Appropriation For The State’s Share Of Districts’ Total Program Funding Required To Be Made To Be In Compliance With Section 17 (5) Of Article IX Of The Colorado Constitution, And Making Appropriations In Connection Therewith.

Approved March 5, 2003 at 3:41 p.m.

S.B. 03-196 – Concerning The Utilization Of The Cash System Of Accounting For The Financial Administration Of Specified Medical Services Provided Under The “Colorado Medical Assistance Act”, And, In Connection Therewith, Creating An Exception To The Requirement That The Determination Of The General Fund Surplus Be Based Upon The Accrual System Of Accounting For Certain Reimbursements Made In Accordance With Said Act.

Approved March 5, 2003 at 3:41 p.m.

S.B. 03-197 – Concerning The Payment Of Monthly Salaries Of State Employees, And, In Connection Therewith, Specifying That Monthly Salaries Of State Employees For The Month Of June Shall Be Paid On The First Working Day Of July And Creating An Exception To The Requirement That The Determination Of The General Fund Surplus Be Based Upon The Accrual System Of Accounting For Payment Of Monthly Salaries Of State Employees For The Month Of June.

Approved March 5, 2003 at 3:42 p.m.

S.B. 03-198 – Concerning The Elimination Of The Technology Learning Grant And Revolving Loan Program.

Approved March 5, 2003 at 3:40 p.m.

S.B. 03-200 – Concerning A Supplemental Appropriation To The Department Of Corrections.

Approved March 5, 2003 at 3:59 p.m.

S.B. 03-201 – Concerning A Supplemental Appropriation To The Department Of Education.

Approved March 5, 2003 at 4:04 p.m.

S.B. 03-203 – Concerning A Supplemental Appropriation To The Department Of Health Care Policy And Financing.

Approved March 5, 2003 at 4:05 p.m.

S.B. 03-204 – Concerning A Supplemental Appropriation To The Department Of Higher Education.

Approved March 5, 2003 at 4:10 p.m.

S.B. 03-205 – Concerning A Supplemental Appropriation To The Department Of Human Services.

Approved March 5, 2003 at 4:11 p.m.

S.B. 03-208 – Concerning A Supplemental Appropriation To The Department Of Law.

Approved March 5, 2003 at 4:12 p.m.

S.B. 03-209 – Concerning A Supplemental Appropriation To The Department Of Legislature.

Approved March 5, 2003 at 4:13 p.m.

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S.B. 03-210 – Concerning A Supplemental Appropriation To The Department Of Local Affairs.

Approved March 5, 2003 at 4:14 p.m.

S.B. 03-211 – Concerning A Supplemental Appropriation To The Department Of Military And Veterans Affairs.

Approved March 5, 2003 at 4:14 p.m.

S.B. 03-212 – Concerning A Supplemental Appropriation To The Department Of Natural Resources.

Approved March 5, 2003 at 3:49 p.m.

S.B. 03-213 – Concerning A Supplemental Appropriation To The Department Of Personnel.

Approved March 5, 2003 at 3:57 p.m.

S.B. 03-214 – Concerning A Supplemental Appropriation To The Department Of Public Health And Environment.

Approved March 5, 2003 at 3:56 p.m.

S.B. 03-215 – Concerning A Supplemental Appropriation To The Department Of Public Safety.

Approved March 5, 2003 at 3:55 p.m.

S.B. 03-216 – Concerning A Supplemental Appropriation To The Department Of Regulatory Agencies.

Approved March 5, 2003 at 3:54 p.m.

S.B. 03-217 – Concerning A Supplemental Appropriation To The Department Of Revenue.

Approved March 5, 2003 at 3:53 p.m.

S.B. 03-218 – Concerning A Supplemental Appropriation To The Department Of State.

Approved March 5, 2003 at 3:52 p.m.

S.B. 03-219 – Concerning A Supplemental Appropriation To The Department Of Transportation.

Approved March 5, 2003 at 3:57 p.m.

S.B. 03-220 – Concerning A Supplemental Appropriation To The Department Of The Treasury.

Approved March 5, 2003 at 3:56 p.m.

S.B. 03-228 – Concerning The Authority Of The General Assembly To Appropriate Moneys From The Highway Users Tax Fund To The Department Of Revenue For License Plate Funding, And Making An Appropriation Therefor.

Approved March 5, 2003 at 3:40 p.m.

Sincerely,
(Signed)

Bill Owens
Governor

Rec'd 03-06-03 11:50 a.m.

Mona Heustis, Secretary of the Senate

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On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 7, was laid over until Monday, March 10, retaining its place on the calendar.

Consideration of Resolution: HJR03-1011.
Consideration of Governor's Appointments:
Commissioner of Insurance.

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, March 10, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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