

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

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Forty-first Legislative Day Monday, February 17, 2003

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Prayer	By the chaplain, Reverend Dr. Kathryn Towne.	10
Pledge	By Senator Teck.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--34. Vacant--Total 1.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Tapia, reading of the Journal of February 14, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**COMMUNICATIONS FROM THE SECRETARY OF STATE**

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Donetta Davidson, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Resignation from Office as filed in this office on the 14th day of February, 2003, by State Senator Penfield Tate.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Colorado, at the City and County of Denver this 17th day of February, 2003.

(Signed)  
William A. Hobbs  
Deputy Secretary of State for  
Donetta Davidson  
Secretary of State

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Donetta Davidson, Secretary of State of the State of Colorado, do hereby certify that the attached is a true and exact copy of the Appointment to Fill a Vacancy In Office as filed in this office on the 14th day of February, 2003, by the Democratic 33rd Senate District Vacancy Committee, designating the appointment of Peter Groff to fill the vacancy in the office of Colorado State Senator, District 33, for the Sixty-Fourth General Assembly of the State of Colorado, caused by the resignation of the Honorable Penfield Tate.

In Testimony Whereof, I have hereunto set my hand and affixed  
the Great Seal of the State of Colorado, at the City and County of Denver  
this 17th day of February, 2003.

(Signed)  
William A. Hobbs  
Deputy Secretary of State for  
Donetta Davidson  
Secretary of State

State of Colorado  
Department of  
State

United States of America, ss. Certificate  
State of Colorado

I, Donetta Davidson, Secretary of State of the State of Colorado, do hereby certify that the  
attached is a true and exact copy of the Declaration of Acceptance to Fill a Vacancy In  
Office as filed in this office on the 14th day of February, 2003, by Peter Groff, accepting  
the appointment of the Democratic 33rd Senate District Vacancy Committee, to fill the  
vacancy in the office of Colorado State Senator, District 33, for the Sixty-Fourth General  
Assembly of the State of Colorado, caused by the resignation of the Honorable Penfield  
Tate,

In Testimony Whereof, I have hereunto set my hand and affixed  
the Great Seal of the State of Colorado, at the City and County of Denver  
this 17th day of February, 2003.

(Signed)  
William A. Hobbs  
Deputy Secretary of State for  
Donetta Davidson  
Secretary of State

On motion of Senator Anderson, and with the unanimous consent of the Senate, the  
President appointed a committee composed of Senators Dyer, Hillman, and Nichol to wait  
upon Chief Justice Mullarkey of the Supreme Court and request her to administer the oath  
of office to Senator-elect Groff.

The President announced that the Senate would be in recess until the return of the  
Committee with the Chief Justice Mullarkey.

Senate in Recess

Chief Sergeant-at-arms Jackson announced the arrival of the Committee and Chief Justice  
Mullarkey.

Senate Reconvened

Oath of  
Office

The Chief Justice administered the Oath of Office to Senators-elect Groff.

President Andrews announced that Senator Peter Groff is added to the permanent roll call  
of the Senate.

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**COMMITTEE OF REFERENCE REPORTS**

Trans-  
portation

The Committee returns herewith Senate Bill 03-171 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

Judiciary

The Committee returns herewith SB03-081 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

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**MESSAGES FROM THE HOUSE**

February 14, 2003

Mr. President:

The House has postponed indefinitely SB03-227. The bill is returned herewith.

February 14, 2003

Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on SB03-183 to consider matters not at issue between the two houses.

The House has voted to authorize the House conferees on the First Conference Committee on SB03-175 to consider matters not at issue between the two houses.

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**MESSAGE FROM THE REVISOR**

February 14, 2003

We herewith transmit:

Without comment, as amended, HB03-1033, 1143, and 1097.

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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**SJR03-018** by Senator(s) Lamborn; also Representative(s) Fritz--Concerning the deployment of a missile defense system by the United States congressional delegation.

Laid over one day under Senate Rule 30(b).

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

Laid over one day under Senate Rule 30(b).

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**SJR03-020** by Senator(s) Anderson, Andrews, Fitz-Gerald, Owen, Teck, Reeves; also Representative(s) King, Spradley, Young, Witwer, Plant, Veiga--Concerning a Joint Session of the House of Representatives and Senate of the Sixty-fourth General Assembly for the purpose of presenting fiscal information to the members of the General Assembly on the potential state fiscal emergency for the 2003-04 fiscal year.

Laid over until later in the day.

**INTRODUCTION OF BILLS--FIRST READING**

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

**HB03-1033** by Representative(s) Spradley, Jahn, Tochtrop; also Senator(s) Hagedorn--Concerning the implementation of the federal "Employee Retirement Income Security Act" with regard to the administration of requests for health benefits.  
Business Affairs & Labor

**HB03-1097** by Representative(s) Hall; also Senator(s) Johnson S.--Concerning the regulation of the hunting of wildlife.  
Agriculture, Natural Resources & Energy

**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.  
State Veterans & Military Affairs

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

**SB03-133** by Senator(s) Dyer; also Representative(s) Stengel, Mitchell--Concerning civil forfeiture in title 16, Colorado revised statutes.

A majority of those elected to the Senate having voted in the affirmative, Senator Dyer was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.004), by Senator Dyer.

Amend engrossed bill, page 25, line 1, strike "COMMITTED THE SUBJECT ACT OR";

line 2, strike "ACTS".

A majority of all members elected to the Senate having voted in the affirmative, the amendment was adopted.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

**SB03-133**

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

Co-sponsors added: Anderson, Grossman.

**SB03-126**

by Senator(s) Entz; also Representative(s) McCluskey--Concerning procedures for the development of water projects by the Colorado water resources and power development authority.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Tapia.

**SB03-098**

by Senator(s) Arnold, Anderson, Entz; also Representative(s) Fritz, Marshall--Concerning benefit provisions of the public employees' retirement association.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

**SB03-118**

by Senator(s) Chlouber, Entz, Hillman, Kester; also Representative(s) Rippey, Jahn, Miller--Concerning the exclusion of a person who performs duties for more than one employer in the business of horse racing from the definition of "employee" for the purposes of the "Workers' Compensation Act of Colorado".

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Tapia.

**SB03-079** by Senator(s) Reeves; also Representative(s) Smith--Concerning support obligations.

A majority of those elected to the Senate having voted in the affirmative, Senator Reeves was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.010), by Senator Reeves.

Amend engrossed bill, page 59, line 9, strike "RELINQUISHMENT AND ADOPTION ACTIONS,".

Page 73, line 19, strike "and 75" and substitute "through 76 and section 78".

A majority of all members elected to the Senate having voted in the affirmative, the amendment was adopted.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Groff, Hagedorn.

**SB03-112** by Senator(s) Anderson; also Representative(s) Coleman--Concerning modifications to the program for the medically indigent.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

**SB03-117** by Senator(s) Cairns; also Representative(s) Spence--Concerning the schedule by which the department of education releases school accountability reports.

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

**SB03-117**

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

**SB03-130**

by Senator(s) Sandoval; also Representative(s) Jahn--Concerning the repeal of the home health services pilot program advisory committee.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Jones, Kester, Tapia.

**SB03-096**

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

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Tapia.

**SB03-050**

by Senator(s) Takis, Anderson, Taylor, Tupa; also Representative(s) Williams T., Coleman, Vigil, White--Concerning the implementation of a questionnaire by the state board of nursing for the purposes of renewing nursing Licenses, and making an appropriation therefor.

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

**SB03-050**

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Groff.

**SB03-052**

by Senator(s) Anderson, Takis, Taylor, Tupa; also Representative(s) Vigil, Coleman, White, Williams T.--Concerning the elimination of the report to the state auditor related to the public safety communications trust fund.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

**SB03-042**

by Senator(s) Takis; also Representative(s) McCluskey--Concerning the one dollar surcharge on filings received by a county clerk and recorder as an authorized agent for the executive director of the department of revenue.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

**SB03-013**

by Senator(s) Johnson S.; also Representative(s) Berry--Concerning modifications to the "Comprehensive Primary and Preventive Care Grant Program Act".

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



**SB03-013**

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Jones.

**SB03-108**

by Senator(s) Kester; also Representative(s) Harvey--Concerning exemptions from the definition of used motor vehicle dealer.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Cairns, Chlouber.

**SB03-116**

by Senator(s) Chlouber; also Representative(s) Larson--Concerning the distinction between a motor vehicle dealer and a motor vehicle service contract provider for purposes of motor vehicle service contract insurance.

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

YES	35	NO	0	EXCUSED	0	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	Y	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		

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

Co-sponsors added: Cairns, Jones, Kester.

**SB03-053**

by Senator(s) McElhany; also Representative(s) King--Concerning operations of the Colorado school for the deaf and the blind, and, in connection therewith, creating an independent governing board for the school.

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

SB03-053

YES	34	NO	1	EXCUSED	0	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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Evans, Jones, Keller, Lamborn, May, Phillips, Sandoval.

**CONSIDERATION OF RESOLUTION**

**SJR03-020** by Senator(s) Anderson, Andrews, Fitz-Gerald, Owen, Teck, Reeves; also Representative(s) King, Spradley, Young, Witwer, Plant, Veiga--Concerning a Joint Session of the House of Representatives and Senate of the Sixty-fourth General Assembly for the purpose of presenting fiscal information to the members of the General Assembly on the potential state fiscal emergency for the 2003-04 fiscal year.

Senator Anderson moved to suspend the rules for immediate consideration of **SJR03-020**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

On motion of Senator Anderson, the resolution was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	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	Y	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		

Committee of the Whole

On motion of Senator Taylor, the Senate resolved itself into Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Taylor 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:

**SB03-158** by Senator(s) Tupa, Phillips; also Representative(s) Pommer, Madden, Plant, Weissmann--Concerning the sale of property of a school district.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, February 7, pages 273-274 and placed in members' bill files.)

- SB03-158** Amendment No. 2(L.003), by Senator Tupa. 1  
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3  
Amend the Education Committee Report, dated February 6, 2003, page 4  
1, line 7, strike "YEARS.;" and substitute "YEARS; AND";" 5  
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after line 7 of the committee report, insert the following: 7  
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"after line 23, insert the following: 9  
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"(III) THE STATE TREASURER APPROVES IN WRITING THE TERMS OF 11  
THE SALE AND LEASE-PURCHASE AGREEMENTS.;" 12  
13  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 14  
Passage. 15  
16
- SB03-045** by Senator(s) Entz, Isgar, Phillips, Taylor; also Representative(s) Miller, Hodge, Hoppe, 17  
Rippy, White--Concerning the increased regulation of water wells, and, in connection 18  
therewith, requiring continuing education of water well construction contractors and pump 19  
installers as a condition of licensure, increasing well permit fees, creating a cash fund, 20  
specifying additional well construction and pump installation enforcement authority, and 21  
creating a well inspection program. 22  
23  
Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 24  
(Printed in Senate Journal, January 17, pages 77-78 and placed in members' bill files.) 25  
26  
Amendment No. 2, Appropriations Committee Amendment. 27  
(Printed in Senate Journal, February 10, page 298 and placed in members' bill files.) 28  
29  
Amendment No. 3(L.004), by Senator Entz. 30  
31  
Amend printed bill, page 11, line 22, after "**penalties.**", insert "(1)". 32  
33  
Page 12, after line 12, insert the following: 34  
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"(2) ONLY A LICENSED PUMP INSTALLATION CONTRACTOR MAY 36  
INSTALL A CISTERN OR OTHER WATER STORAGE TANK BETWEEN THE 37  
WELLHEAD AND THE PRESSURE TANK OR DOWNSTREAM OF THE WELLHEAD 38  
IF NO PRESSURE TANK IS UTILIZED." 39  
40  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 41  
Passage. 42  
43
- HB03-1161** by Representative(s) Rippy, Fritz, Cadman, White; also Senator(s) McElhany--Concerning 44  
limitations on claims for damages filed against construction professionals. 45  
46  
Laid over until Wednesday, February 19, retaining its place on the calendar. 47  
48
- SB03-152** by Senator(s) Gordon; --Concerning the authority of local governments to establish 49  
transferable development rights programs. 50  
51  
Laid over until Wednesday, February 19, retaining its place on the calendar. 52  
53
- HB03-1048** by Representative(s) Vigil, Coleman, White, Williams T.; also Senator(s) Taylor, Anderson, 54  
Tupa--Concerning authorization to move moneys from the Colorado student obligation 55  
bond authority fund to funds established for the future payment of higher education 56  
expenses. 57  
58  
Laid over until Wednesday, February 19, retaining its place on the calendar. 59  
60
- SB03-164** by Senator(s) Gordon; --Concerning creation of a post-conviction DNA evidence procedure. 61  
62  
Amendment No. 1, Judiciary Committee Amendment. 63  
(Printed in Senate Journal, February 12, pages 333-334 and placed in members' bill files.) 64  
65  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 66  
Passage. 67  
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<b>SB03-088</b>	by Senator(s) Linkhart, Evans, Gordon; also Representative(s) Plant, Groff, Mitchell-- Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.	1 2 3 4
	Laid over until Wednesday, February 19, retaining its place on the calendar.	5 6
<b>SB03-154</b>	by Senator(s) Hillman; also Representative(s) Rhodes--Concerning a prohibition on local governments from requiring an owner of a private residential property to sell the property below its fair market value.	7 8 9 10
	Laid over until Tuesday, February 18, retaining its place on the calendar.	11 12
<b>SB03-055</b>	by Senator(s) Teck; also Representative(s) Decker--Concerning the provision of waste services within the limits of local government entities.	13 14 15
	Laid over until Tuesday, February 18, retaining its place on the calendar.	16 17
<b>SB03-025</b>	by Senator(s) Dyer; also Representative(s) Hefley--Concerning limitation of the ability of a local government to regulate firearms, and, in connection therewith, identifying firearms regulation as a matter of statewide concern.	18 19 20 21
	Laid over until Wednesday, February 19, retaining its place on the calendar.	22 23
<b>SB03-074</b>	by Senator(s) Andrews; --Concerning the distribution of a portion of regional transportation district sales tax revenues to governmental entities other than the district.	24 25 26
	Laid over until Wednesday, February 19, retaining its place on the calendar.	27 28
<b>HB03-1018</b>	by Representative(s) Miller; also Senator(s) Chlouber--Concerning the statutory limitation on bonded indebtedness that may be issued by county governments.	29 30 31
	Laid over until Wednesday, February 19, retaining its place on the calendar.	32 33
<b>SB03-153</b>	by Senator(s) Owen; --Concerning parental choice of preschool providers.	34 35
	Laid over until Tuesday, February 18, retaining its place on the calendar.	36 37
<b>SB03-099</b>	by Senator(s) Evans, Lamborn, Andrews, Jones, May R., McElhany, Owen; --Concerning the establishment of a scholarship program to provide low-income children with educational options.	38 39 40 41
	Laid over until Tuesday, February 18, retaining its place on the calendar.	42 43
<b>SB03-106</b>	by Senator(s) Jones, May R.; also Representative(s) Larson--Concerning third-party damages subject to subrogation in claims that are paid pursuant to the "Workers' Compensation Act of Colorado".	44 45 46 47
	Laid over until Wednesday, February 19, retaining its place on the calendar.	48 49
<b>SB03-226</b>	by Senator(s) Kester; --Concerning continuation of the examining board of plumbers.	50 51
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	52 53
<b>SB03-003</b>	by Senator(s) Takis, Anderson, Windels; also Representative(s) Veiga--Concerning mental health services coverage under health benefit plans.	54 55 56
	<u>Amendment No. 1, Health, Environment, Welfare &amp; Institutions Committee Amendment.</u> (Printed in Senate Journal, February 6, page 263 and placed in members' bill files.)	57 58 59
	<u>Amendment No. 2, Judiciary Committee Amendment.</u> (Printed in Senate Journal, February 13, page 348 and placed in members' bill files.)	60 61 62
	<u>Amendment No. 3(L.004), by Senator Arnold.</u>	63 64
	Amend printed bill, page 2, line 10, strike "REGARDLESS OF WHETHER THE SERVICES ARE";	65 66 67
	line 11, strike "VOLUNTARY OR" and substitute "THAT ARE";	68 69

- SB03-003** line 12, strike "SYSTEM." and substitute "SYSTEM IF MENTAL HEALTH SERVICES ARE BEING PROVIDED TO THE INDIVIDUAL PRIOR TO THE TIME OF THE COURT-ORDERED TREATMENT.".
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-231** by Senator(s) Hillman; --Concerning product liability actions.
- Ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-091** by Senator(s) Tupa, Phillips; also Representative(s) Briggs--Concerning incentives for increased use of alternative fuels, and, in connection therewith, allowing hybrid vehicles to use high occupancy vehicle lanes and requiring the use of alternative fuels for certain state vehicles.
- Amendment No. 1, Transportation Committee Amendment.  
(Printed in Senate Journal, February 5, pages 258-259 and placed in members' bill files.)
- Amendment No. 2, Finance Committee Amendment.  
(Printed in Senate Journal, February 13, pages 350-351 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-107** by Senator(s) Chlouber; also Representative(s) Hefley--Concerning the number of days simulcast facilities may broadcast out-of-state greyhound races.
- Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, February 6, page 267-268 and placed in members' bill files.)
- Amendment No. 2(L.003), by Senator Chlouber.
- Amend the Business Affairs & Labor Committee report, dated February 5, 2003, page 1, line 4, strike "NOT";
- line 6, before the first "RACE", insert "LIVE" and strike "OF AT LEAST NINETY LIVE RACE DAYS";
- line 7, strike "A TOTAL OF ONE HUNDRED TWENTY" and substitute "SEVEN";
- line 9, strike "WHILE THE LIVE RACE MEET IS ACTIVE." and substitute "DURING ANY WEEK IN WHICH IT CONDUCTS FIVE DAYS OF LIVE RACING OF AT LEAST TEN RACES EACH DAY.";
- line 10, after "HELD.", insert "ANY LIVE RACE DAY THAT IS CANCELED BY THE DIVISION DUE TO WEATHER OR OTHER UNUSUAL CONDITIONS SHALL BE CREDITED TOWARD THE FIVE-DAY MINIMUM IF AT LEAST TEN RACES WERE SCHEDULED ON THAT DAY. THE COMMISSION SHALL APPORTION NO MORE THAN TWO HUNDRED FIFTY SIMULCAST RACE DAYS EQUITABLY AMONG GREYHOUND TRACKS BASED UPON THE NUMBER OF LIVE RACE DAYS. AN IN-STATE FACILITY SHALL NOT SIMULCAST MORE THAN THE NUMBER OF RACE DAYS APPORTIONED TO SUCH FACILITY BY THE COMMISSION.".
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**
- On motion of Senator Taylor, 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: SB03-158 as amended, SB03-045 as amended, SB03-164 as amended, SB03-226, SB03-003 as amended, SB03-231, SB03-091 as amended, SB03-107 as amended.
- Laid over until Tuesday, February 18: SB03-154, SB03-055, SB03-153, SB03-099.

Laid over until Wednesday, February 19: HB03-1161, SB03-152, HB03-1048, SB03-025, SB03-074, HB03-1018, SB03-106, SB03-088.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB03-013, 042, 050, 052, 053, 079, 096, 098, 108, 112, 116, 117, 118, 126, 130, 133; SR03-011.

To the Governor for signature on Friday, February 14, 2003 at 3:55 p.m. SJR03-007.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and Energy

After consideration on the merits, the Committee recommends that SB03-073 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

"SECTION 1. 37-92-308 (1) (c), (3), (6), and (7), Colorado Revised Statutes, are amended, and the said 37-92-308 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-92-308. Substitute water supply plans - special procedures for review. (1) The general assembly hereby finds, determines, and declares that:

(c) Prior to January 1, 2002, the general assembly gave the state engineer administrative authority to regulate wells upon promulgation of rules for a river basin or aquifer, subject to the review of the water judge as provided in section 37-92-501 (3). and nothing in this section shall be construed to modify such authority. TO THE EXTENT IT HAS NOT PREVIOUSLY DONE SO, THE GENERAL ASSEMBLY HEREBY APPROVES OF AND RATIFIES THE AMENDED RULES GOVERNING THE DIVERSION AND USE OF TRIBUTARY GROUND WATER IN THE ARKANSAS RIVER BASIN OF COLORADO, AS APPROVED BY THE WATER JUDGE FOR WATER DIVISION 2, THAT BECAME EFFECTIVE ON JUNE 1, 1996.

(I) THE GENERAL ASSEMBLY INTENDS THE STATE ENGINEER TO HAVE THE AUTHORITY TO PROMULGATE AND AMEND WELL ADMINISTRATION RULES PURSUANT TO SECTION 37-92-501 THAT INCLUDE THE AUTHORITY TO APPROVE REPLACEMENT PLANS THAT ALLOW THE CONTINUING OPERATION OF WELLS CAUSING OUT-OF-PRIORITY DEPLETIONS WITHOUT REQUIRING A WATER COURT PLAN FOR AUGMENTATION IN WATER DIVISION 2.

(II) EXCEPT AS ALLOWED IN THIS SECTION, THE STATE ENGINEER SHALL NOT HAVE THE AUTHORITY TO APPROVE PLANS THAT ALLOW THE CONTINUING OPERATION OF WELLS CAUSING OUT-OF-PRIORITY DEPLETIONS IN WATER DIVISION 1.

(III) NOTWITHSTANDING ANY AMBIGUITY ABOUT THE SCOPE OF THE STATE ENGINEER'S RULE-MAKING AUTHORITY PURSUANT TO SECTION 37-92-501 THAT MAY HAVE EXISTED BEFORE JANUARY 1, 2003, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS PARAGRAPH (c) SHALL GOVERN THE SCOPE OF SUCH AUTHORITY AFTER JANUARY 1, 2003.

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(3) For substitute water supply plans approved by the state engineer in writing prior to January 1, 2002, the state engineer may approve one renewal of such plan on the same or similar terms as those contained in the previous approval of such plan. The renewal plan request may include amendments to the previously approved plan so long as the amendments address the same water uses or projects as were included in the previously approved plan. Such renewal may not extend past December 31, 2002. After such date, the plan shall comply with the provisions of subsection (3.5), (4), or (5) of this section in order to continue operation as a substitute water supply plan. Renewal of a previously approved substitute water supply plan pursuant to this subsection (3) shall not require notice to other water users EXCEPT AS REQUIRED IN SUBSECTION (3.5) OF THIS SECTION. Neither the approval nor the denial of a substitute water supply plan by the state engineer shall create any presumptions, shift the burden of proof, or be a defense in any legal action that may be initiated concerning a renewed substitute water supply plan.

(3.5) (a) TO PROVIDE SUFFICIENT TIME TO FULLY INTEGRATE CERTAIN WELLS INTO THE WATER COURT ADJUDICATION PROCESS FOR AUGMENTATION PLANS, DURING 2003, 2004, AND 2005 THE STATE ENGINEER MAY APPROVE ANNUAL SUBSTITUTE WATER SUPPLY PLANS FOR WELLS OPERATING IN THE SOUTH PLATTE RIVER BASIN THAT HAVE BEEN OPERATING PURSUANT TO SUBSTITUTE WATER SUPPLY PLANS APPROVED BEFORE 2003 USING THE PROCEDURES AND STANDARDS SET FORTH IN THIS SUBSECTION (3.5). AFTER DECEMBER 31, 2005, ALL SUCH WELLS SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION IN ORDER TO CONTINUE OPERATION UNDER A SUBSTITUTE WATER SUPPLY PLAN. THE GENERAL ASSEMBLY FINDS THAT THIS THREE-YEAR PERIOD IS A SUFFICIENT AMOUNT OF TIME TO DEVELOP AUGMENTATION PLAN APPLICATIONS FOR THESE WELLS, AND IT INTENDS THAT THERE SHALL BE NO SUBSEQUENT EXTENSIONS OF THIS DEADLINE.

(b) BEGINNING JANUARY 1, 2003, THE STATE ENGINEER MAY APPROVE THE OPERATION OF A WELL DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) UNDER A SUBSTITUTE WATER SUPPLY PLAN IF THE FOLLOWING CONDITIONS ARE MET:

(I) THE WELL IS TRIBUTARY TO THE SOUTH PLATTE RIVER, HAS BEEN INCLUDED IN A SUBSTITUTE WATER SUPPLY PLAN PREVIOUSLY APPROVED BY THE STATE ENGINEER, AND IS INCLUDED IN A NEW WRITTEN REQUEST FOR APPROVAL OF A SUBSTITUTE WATER SUPPLY PLAN FILED WITH THE STATE ENGINEER AFTER JANUARY 1, 2003. THE WRITTEN REQUEST SHALL IDENTIFY THE ANTICIPATED STREAM DEPLETIONS ATTRIBUTABLE TO ALL WELLS IN THE PLAN FOR THE EIGHTEEN MONTHS FOLLOWING THE DATE OF THE REQUEST IN TIME, LOCATION, AND AMOUNT AND SHALL LIST THE IDENTITY, LOCATION, AND AMOUNT OF ALL REPLACEMENT WATER SOURCES TO BE USED TO REPLACE SUCH STREAM DEPLETIONS, INCLUDING ANY RE-TIMING WELLS OR AUGMENTATION WELLS, AS THOSE TERMS ARE DEFINED IN SECTION 37-90-103.

(II) THE APPLICANT HAS PROVIDED WRITTEN NOTICE OF THE REQUEST FOR APPROVAL OF THE SUBSTITUTE WATER SUPPLY PLAN BY FIRST-CLASS MAIL OR ELECTRONIC MAIL TO ALL PARTIES WHO HAVE SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN NOTIFICATION LIST FOR WATER DIVISION 1, AND PROOF OF SUCH NOTICE IS FILED WITH THE STATE ENGINEER;

(III) THE STATE ENGINEER HAS GIVEN THE OWNERS OF WATER RIGHTS AND DECREED CONDITIONAL WATER RIGHTS THIRTY DAYS AFTER THE DATE OF MAILING OF SUCH NOTICE TO FILE COMMENTS ON THE SUBSTITUTE WATER SUPPLY PLAN. SUCH COMMENTS SHALL INCLUDE ANY CLAIM OF INJURY, ANY TERMS AND CONDITIONS THAT SHOULD BE IMPOSED UPON THE PLAN TO PREVENT INJURY TO A PARTY'S WATER RIGHTS OR DECREED CONDITIONAL WATER RIGHTS, AND ANY OTHER INFORMATION THE OPPOSER WISHES THE STATE ENGINEER TO CONSIDER IN REVIEWING THE SUBSTITUTE WATER SUPPLY PLAN REQUEST.

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(IV) THE STATE ENGINEER, AFTER CONSIDERATION OF THE COMMENTS, HAS DETERMINED THAT THE OPERATION AND ADMINISTRATION OF SUCH PLAN WILL REPLACE ALL OUT-OF-PRIORITY DEPLETIONS IN TIME, LOCATION, AND AMOUNT IN A MANNER THAT WILL PREVENT INJURY TO OTHER WATER RIGHTS AND DECREED CONDITIONAL WATER RIGHTS, INCLUDING WATER QUALITY AND CONTINUITY TO MEET THE REQUIREMENTS OF USE TO WHICH THE SENIOR APPROPRIATION HAS NORMALLY BEEN PUT PURSUANT TO SECTION 37-80-120(3), AND WILL NOT IMPAIR COMPLIANCE WITH THE SOUTH PLATTE RIVER COMPACT. THE STATE ENGINEER SHALL IMPOSE SUCH TERMS AND CONDITIONS AS ARE NECESSARY TO ENSURE THAT THESE STANDARDS ARE MET. IN MAKING THE DETERMINATIONS SPECIFIED IN THIS SUBPARAGRAPH (IV), THE STATE ENGINEER SHALL HOLD A PUBLIC HEARING TO ADDRESS THE ISSUES. ADDITIONALLY, IN MAKING THE DETERMINATIONS SPECIFIED IN THIS SUBPARAGRAPH (IV), THE STATE ENGINEER SHALL USE THE STANDARDS LISTED IN PARAGRAPH (c) OF THIS SUBSECTION (3.5) FOR EVALUATING SUCH PLANS. IT IS THE LEGISLATIVE INTENT THAT THE ADOPTION OF THESE STANDARDS IS ONLY AN INTERIM COMPROMISE, TO GIVE GREATER CERTAINTY TO SENIOR SURFACE WATER USERS IN COLORADO THAN PAST PRACTICES OF THE STATE ENGINEER HAVE GIVEN, UNTIL AUGMENTATION PLANS FOR THESE WELLS HAVE BEEN DECREED AND FINAL DETERMINATIONS ABOUT THE METHODOLOGIES FOR CALCULATING THE AMOUNT AND TIMING OF STREAM DEPLETIONS HAVE BEEN MADE BY THE WATER COURT. THESE INTERIM STANDARDS SHALL NOT CREATE ANY PRESUMPTIONS, SHIFT THE BURDEN OF PROOF, OR SERVE AS A DEFENSE IN ANY APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION.

(c) (I) FOR THOSE IRRIGATION WELLS WHERE DIVERSIONS ARE ACTUALLY MEASURED USING WATER METERS OR VERIFIED POWER CONVERSION MEASUREMENTS, THE PRESUMED AMOUNT OF CONSUMPTIVE USE FROM WELLS USED FOR FLOOD IRRIGATION SHALL NOT BE LESS THAN FIFTY PERCENT OF DIVERSIONS, AND THE PRESUMED AMOUNT OF CONSUMPTIVE USE FROM WELLS USED FOR SPRINKLER IRRIGATION SHALL NOT BE LESS THAN SEVENTY-FIVE PERCENT OF DIVERSIONS. FOR THOSE IRRIGATION WELLS WHERE DIVERSIONS ARE NOT ACTUALLY MEASURED, THE STATE ENGINEER SHALL DETERMINE THE AMOUNT OF STREAM DEPLETIONS USING ACTUAL DATA FOR THE CROPS GROWN, ACRES IRRIGATED, SURFACE WATER DELIVERIES, AND THE MODIFIED BLANEY-CRIDDLE METHOD.

(II) THE STATE ENGINEER SHALL DETERMINE THE TIMING OF STREAM DEPLETIONS CAUSED BY PUMPING WELLS INCLUDED IN THE PLAN USING THE UNITED STATES GEOLOGICAL SURVEY STREAM DEPLETION FACTOR METHOD FOR ALL AREAS COVERED BY SUCH FACTORS. IN OTHER AREAS, THE STATE ENGINEER SHALL USE APPROPRIATE GROUND WATER MODELS OR OTHER METHODS ACCEPTABLE TO THE STATE ENGINEER, BASED ON THE LOCATION OF THE WELL, THE RATE OF PUMPING, THE USE BEING MADE OF THE GROUND WATER, AND THE AQUIFER CHARACTERISTICS.

(III) THE STATE ENGINEER SHALL CALCULATE STREAM DEPLETIONS CAUSED BY PUMPING THAT OCCURRED AFTER JANUARY 1, 1974, BUT BEFORE THE DATE OF THE REQUEST FROM THE WELLS INCLUDED IN THE PLAN, AND REPLACEMENT OF ALL SUCH INJURIOUS DEPLETIONS THAT OCCUR OUT OF PRIORITY SHALL BE REQUIRED.

(IV) EXISTING SURFACE WATER RIGHTS MAY BE USED AS A REPLACEMENT WATER SOURCE IN PLANS REQUESTED PURSUANT TO THIS SUBSECTION (3.5), EVEN IF SUCH RIGHTS HAVE NOT BEEN DECREED FOR SUCH USE, BUT THE SUBSTITUTE WATER SUPPLY PLAN SHALL REQUIRE REPLACEMENT OF THE HISTORIC RETURN FLOWS, INCLUDING DITCH SEEPAGE LOSSES, FROM THE USE OF SUCH SURFACE WATER RIGHTS IN THE TIME, LOCATION, AND AMOUNT IN WHICH THEY OCCURRED SO THAT OTHER WATER RIGHTS WILL NOT BE INJURED. THE PRESUMED AMOUNT OF ON-FARM CONSUMPTIVE USE FROM IRRIGATION WATER RIGHTS SHALL NOT BE MORE THAN FIFTY PERCENT OF THE AMOUNT DELIVERED TO THE FARMS; EXCEPT THAT IF A WATER COURT APPLICATION HAS BEEN FILED AND THE PROPOSED CHANGE OF WATER RIGHT IS APPROVED AS A SEPARATE SUBSTITUTE WATER SUPPLY PLAN PURSUANT TO THIS SECTION, SUCH

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WATER RIGHTS MAY BE USED IN ACCORDANCE WITH THEIR OWN  
SUBSTITUTE WATER SUPPLY PLAN.

(V) IF A SUBSTITUTE WATER SUPPLY PLAN INCLUDES WELLS THAT  
ARE ALSO COVERED BY A DECREED PLAN FOR AUGMENTATION, THE  
ACCOUNTING METHODOLOGIES REQUIRED BY THE DECREE SHALL CONTROL.

(VI) THE USE OF RE-TIMING WELLS AND AUGMENTATION WELLS,  
AS THOSE TERMS ARE DEFINED IN SECTION 37-90-103, SHALL INCLUDE THE  
TERMS AND CONDITIONS NEEDED TO ACCOUNT FOR AND REPLACE ALL  
INJURIOUS OUT-OF-PRIORITY STREAM DEPLETIONS THAT WILL RESULT  
FROM THEIR USE.

(VII) IF AMENDMENTS, INCLUDING BUT NOT LIMITED TO THE  
ADDITION OF MORE WELLS OR THE ADDITION OF DIFFERENT REPLACEMENT  
WATER SOURCES, ARE PROPOSED TO A SUBSTITUTE WATER SUPPLY PLAN  
AFTER THE INITIAL WRITTEN NOTICE OF THE PLAN WAS GIVEN, THE NOTICE  
AND COMMENT PROCESS DESCRIBED IN THIS PARAGRAPH (c) SHALL BE  
REPEATED FOR SUCH AMENDMENTS. IF THE AMENDMENT NEEDS TO BE  
IMPLEMENTED BEFORE THE EXPIRATION OF THE THIRTY-DAY COMMENT  
PERIOD PROVIDED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS  
SUBSECTION (3.5) IN ORDER TO PREVENT INJURY TO SENIOR CALLING  
WATER RIGHTS, THE NOTICE MUST BE GIVEN AS SOON AS POSSIBLE PRIOR  
TO IMPLEMENTING THE AMENDMENT. THE STATE ENGINEER MAY REVOKE  
OR FURTHER CONDITION THE APPROVAL OF ANY AMENDMENT IN RESPONSE  
TO COMMENTS RECEIVED AFTER THE IMPLEMENTATION OF THE  
AMENDMENT.

(VIII) A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT  
TO THIS SUBSECTION (3.5) SHALL REQUIRE THAT THE STATE ENGINEER  
CURTAIL ALL OUT-OF-PRIORITY DIVERSIONS THE DEPLETIONS FROM WHICH,  
INCLUDING THOSE THAT OCCURRED OR WILL OCCUR AFTER NOVEMBER 1,  
2002, ARE NOT SO REPLACED AS TO PREVENT INJURY TO VESTED WATER  
RIGHTS OR OTHERWISE REMEDIED TO THE REASONABLE SATISFACTION OF  
THE INJURED PARTY.

(d) A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO  
THIS SUBSECTION (3.5) SHALL NOT BE APPROVED FOR A PERIOD OF MORE  
THAN ONE YEAR; EXCEPT THAT AN APPLICANT MAY REQUEST THE RENEWAL  
OF A PLAN BY REPEATING THE APPLICATION PROCESS DESCRIBED IN THIS  
SUBSECTION (3.5); EXCEPT THAT NO PLAN APPROVED PURSUANT TO THIS  
SUBSECTION (3.5) MAY BE RENEWED BEYOND DECEMBER 31, 2005.

(e) WHEN THE STATE ENGINEER APPROVES OR DENIES A  
SUBSTITUTE WATER SUPPLY PLAN, THE STATE ENGINEER SHALL SERVE A  
COPY OF THE DECISION ON ALL PARTIES TO THE APPLICATION BY  
FIRST-CLASS MAIL OR, IF SUCH PARTIES HAVE SO ELECTED, BY ELECTRONIC  
MAIL. NEITHER THE APPROVAL NOR THE DENIAL BY THE STATE ENGINEER  
SHALL CREATE ANY PRESUMPTIONS, SHIFT THE BURDEN OF PROOF, OR  
SERVE AS A DEFENSE IN ANY LEGAL ACTION THAT MAY BE INITIATED  
CONCERNING THE SUBSTITUTE WATER SUPPLY PLAN. ANY APPEAL OF A  
DECISION MADE BY THE STATE ENGINEER CONCERNING A SUBSTITUTE  
WATER SUPPLY PLAN PURSUANT TO THIS SUBSECTION (3.5) SHALL BE MADE  
TO THE WATER JUDGE IN WATER DIVISION 1 WITHIN THIRTY DAYS, WHO  
SHALL HEAR SUCH APPEAL ON AN EXPEDITED BASIS.

(6) The state engineer shall establish a substitute water supply  
plan notification list for each water division for the purposes of notifying  
interested parties pursuant to SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
SUBSECTION (3.5) OF THIS SECTION AND subparagraph (II) of paragraph (a)  
of subsection (5) of this section. Beginning in July 2002, and in January  
of each year thereafter, in order to establish such notification list, the  
water clerks in each division shall include in the water court resume an  
invitation to be included on such notification list for the applicable water  
division. Persons on the substitute water supply plan notification list  
shall receive notice of all substitute water supply plans filed in that water  
division pursuant to ~~subsection~~ SUBSECTIONS (3.5) AND (5) of this section  
by either first-class mail or, if a person so requests, by electronic mail.

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Persons may be required to pay a fee, not to exceed twelve dollars per year, to be placed on the notification list.

(7) Beginning January 1, 2002, the state engineer may approve a substitute water supply plan if the state engineer determines such plan is needed to address an emergency situation and that the plan will not cause injury to the vested water rights or decreed conditional water rights of others or impair compliance with any interstate compact. Such plan shall not be implemented for more than ninety days. For purposes of this section, "emergency situation" means a situation affecting public health or safety where a substitute water supply plan needs to be implemented more quickly than the other procedures set forth in this section allow. FOR 2003, AN "EMERGENCY SITUATION" MAY ALSO MEAN AN IMMEDIATE NEED FOR THE USE OF RE-TIMING WELLS OR AUGMENTATION WELLS NECESSITATED BY EXTREME DROUGHT CONDITIONS. In such situation, notice to other water users shall not be required. Neither the approval nor the denial by the state engineer shall create any presumptions, shift the burden of proof, or be a defense in any legal action that may be initiated concerning an emergency substitute water supply plan.

**SECTION 2.** 37-90-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**37-90-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(3.5) "AUGMENTATION WELL" MEANS A WELL THAT DIVERTS GROUND WATER TO BE USED ONLY FOR DELIVERY TO A SURFACE STREAM, DITCH, CANAL, OR RESERVOIR. THE PURPOSE OF AN AUGMENTATION WELL IS TO REPLACE OUT-OF-PRIORITY DEPLETIONS AS PART OF A DECREED PLAN FOR AUGMENTATION OR A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO SECTION 37-92-308.

(14.5) "RE-TIMING WELL" MEANS A WELL THAT DIVERTS TRIBUTARY GROUND WATER TO BE USED ONLY TO RECHARGE THE SAME AQUIFER FROM WHICH THE GROUND WATER IS DIVERTED, BUT AT A DIFFERENT LOCATION FROM WHICH SUCH WATER IS PUMPED. THE PURPOSE OF A RE-TIMING WELL IS TO CHANGE THE TIME WHEN TRIBUTARY GROUND WATER REACHES THE SURFACE STREAM AS PART OF A DECREED PLAN FOR AUGMENTATION OR A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO SECTION 37-92-308.

**SECTION 3.** 37-90-137, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**37-90-137. Permits to construct wells outside designated basins - fees - permit no ground water right - evidence - time limitation - well permits - repeal.** (14) THE STATE ENGINEER MAY ISSUE PERMITS FOR RE-TIMING WELLS AND AUGMENTATION WELLS ONLY IN ACCORDANCE WITH DECREED PLANS FOR AUGMENTATION AND SUBSTITUTE WATER SUPPLY PLANS APPROVED PURSUANT TO SECTION 37-92-308 THAT INCLUDE SUCH WELLS.

**SECTION 4.** 37-92-305 (8), Colorado Revised Statutes, is amended to read:

**37-92-305. Standards with respect to rulings of the referee and decisions of the water judge.** (8) In reviewing a proposed plan for augmentation and in considering terms and conditions that may be necessary to avoid injury, the referee or the water judge shall consider the depletions from an applicant's use or proposed use of water, in quantity and in time, the amount and timing of augmentation water that would be provided by the applicant, and the existence, if any, of injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. A plan for augmentation shall be sufficient to permit the continuation of diversions when curtailment

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would otherwise be required to meet a valid senior call for water, to the extent that the applicant shall provide replacement water necessary to meet the lawful requirements of a senior diverter at the time and location and to the extent the senior would be deprived of his or her lawful entitlement by the applicant's diversion. A proposed plan for augmentation that relies upon a supply of augmentation water which, by contract or otherwise, is limited in duration shall not be denied solely upon the ground that the supply of augmentation water is limited in duration, so long as the terms and conditions of the plan prevent injury to vested water rights. Said terms and conditions shall require replacement of out-of-priority depletions that occur after any groundwater diversions cease. Decrees approving plans for augmentation shall require that the state engineer curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. A PLAN FOR AUGMENTATION MAY PROVIDE THAT ADDITIONAL OR ALTERNATIVE SOURCES OF REPLACEMENT WATER, INCLUDING WATER LEASED ON A YEARLY OR LESS FREQUENT BASIS, CAN BE USED IN THE PLAN AFTER THE INITIAL DECREE IS ENTERED IF THE USE OF SAID ADDITIONAL OR ALTERNATIVE SOURCES IS PART OF A SUBSTITUTE WATER SUPPLY PLAN APPROVED PURSUANT TO SECTION 37-92-308 OR IF SUCH SOURCES ARE DECREED FOR SUCH USE.

**SECTION 5. Applicability.** This act shall apply to requests for approval of substitute supply plans filed on or after January 1, 2003.

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

Agriculture,  
Natural  
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and Energy

After consideration on the merits, the Committee recommends that **SB03-027** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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

**"SECTION 1.** Article 55.5 of title 12, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**ARTICLE 55.5  
Colorado Outfitters Licensing Board**

**12-55.5-101. Legislative declaration.** THE GENERAL ASSEMBLY INTENDS TO PROMOTE AND ENCOURAGE RESIDENTS AND NONRESIDENTS TO PARTICIPATE IN THE ENJOYMENT AND USE OF COLORADO MOUNTAINS, RIVERS, STREAMS, AND WILDLIFE. IN ENACTING THIS ARTICLE, THE GENERAL ASSEMBLY DOES NOT INTEND TO INTERFERE WITH THE BUSINESS OF LIVESTOCK OPERATIONS, NOR TO PREVENT LIVESTOCK OPERATORS OR OWNERS FROM LOANING OR LEASING BUILDINGS OR ANIMALS, NOR TO PREVENT AN OWNER OR OPERATOR OF A LIVESTOCK OPERATION FROM ACCOMPANYING A PERSON OR PERSONS ON LAND THAT HE OR SHE OWNS, NOR TO INTERFERE WITH THE PUBLIC'S ABILITY TO ENJOY THE RECREATIONAL VALUE OF COLORADO'S MOUNTAINS, RIVERS, AND STREAMS WITHOUT COMMERCIAL OUTFITTERS, NOR TO INTERFERE WITH THE RIGHT OF THE UNITED STATES TO MANAGE THE PUBLIC LANDS UNDER ITS CONTROL.

**12-55.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE COLORADO OUTFITTERS LICENSING BOARD CREATED IN SECTION 12-55.5-103.

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(2) "CLIENT" MEANS A PERSON WHO PURCHASES OR ATTEMPTS TO PURCHASE OUTFITTING SERVICES.

(3) "GUIDE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY OR CONTRACTS WITH AN OUTFITTER FOR COMPENSATION AND WHO ACCOMPANIES THE OUTFITTER'S CLIENTS DURING OUTDOOR ACTIVITIES THAT CONSTITUTE THE DIRECT PROVISION OF OUTFITTING SERVICES.

(4) "OUTFITTER" MEANS A PERSON WHO PROVIDES OR OFFERS TO PROVIDE OUTFITTING SERVICES.

(5) "OUTFITTING SERVICES" MEANS EITHER OF THE FOLLOWING:

(a) FURNISHING GUIDE SERVICES OR TRANSPORTATION FOR COMPENSATION TO AID AN INDIVIDUAL IN HUNTING, FISHING, OR TAKING WILDLIFE; OR

(b) EMPLOYING PERSONS TO TRANSPORT INDIVIDUALS, EQUIPMENT, SUPPLIES, OR WILDLIFE WITH A VEHICLE, A VESSEL, OR LIVESTOCK TO AID AN INDIVIDUAL IN HUNTING, FISHING, OR TAKING WILDLIFE.

(6) "PERSON" MEANS AN INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, CORPORATION, OR OTHER LEGAL ENTITY.

**12-55.5-103. Colorado outfitters licensing board - creation - termination.** (1) THE COLORADO OUTFITTERS LICENSING BOARD IS HEREBY CREATED. THE BOARD SHALL CONSIST OF FIVE VOTING MEMBERS APPOINTED BY THE GOVERNOR AND ONE EX OFFICIO MEMBER. ONE MEMBER SHALL BE FROM THE PUBLIC AT LARGE AND SHALL NOT BE AFFILIATED WITH OUTFITTERS, AND FOUR MEMBERS SHALL BE ACTIVE OUTFITTERS. THE EX OFFICIO MEMBER SHALL BE THE DIRECTOR OF THE DIVISION OF WILDLIFE OR A DESIGNEE OF THE DIRECTOR. TO QUALIFY AS AN OUTFITTER MEMBER, AN INDIVIDUAL SHALL HAVE AT LEAST SEVEN YEARS' EXPERIENCE AS AN OUTFITTER.

(2) THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE WITHIN THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(3) THE PROVISIONS OF SECTION 24-34-104, C.R.S., CONCERNING THE TERMINATION SCHEDULE FOR REGULATORY BODIES OF THE STATE, UNLESS EXTENDED AS PROVIDED IN THAT SECTION, ARE APPLICABLE TO THE BOARD.

**12-55.5-104. Board - membership - compensation.**

(1) MEMBERS OF THE BOARD SHALL HOLD OFFICE FOR STAGGERED TERMS OF FOUR YEARS. TWO MEMBERS SHALL HAVE AN INITIAL TERM OF TWO YEARS, AND ONE MEMBER SHALL HAVE AN INITIAL TERM OF THREE YEARS. A MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE TERMS. A VACANCY SHALL BE FILLED WITHIN THIRTY DAYS BY APPOINTMENT BY THE GOVERNOR FOR THE REMAINDER OF THE UNEXPIRED TERM.

(2) THE BOARD MEMBERS SHALL BE COMPENSATED FOR THEIR ACTUAL EXPENSES INCURRED WHILE ACTING IN THEIR OFFICIAL CAPACITY AS MEMBERS OF THE BOARD.

(3) THE BOARD SHALL HOLD REGULAR MEETINGS AT LEAST THREE TIMES PER YEAR AND SHALL HOLD SPECIAL MEETINGS AT SUCH OTHER TIMES AS THE BOARD MAY DEEM NECESSARY. THE MEMBERS SHALL CHOOSE A CHAIRPERSON FROM THEIR OWN MEMBERSHIP.

(4) A MAJORITY OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

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**12-55.5-105. Powers and duties.** (1) THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO ISSUE OR DENY AN OUTFITTER'S LICENSE;

(b) TO PROMULGATE AND ENFORCE RULES THAT IMPLEMENT THIS ARTICLE;

(c) TO COOPERATE WITH THE APPROPRIATE STATE AND FEDERAL AGENCIES IN MATTERS OF MUTUAL CONCERN REGARDING THE BUSINESS OF OUTFITTING IN COLORADO;

(d) TO SET AND COLLECT FEES IN ACCORDANCE WITH SECTION 24-34-105, C.R.S., THAT WILL GENERATE SUFFICIENT REVENUE TO OFFSET THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THIS ARTICLE.

(2) THE BOARD MAY DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION AN OUTFITTER'S LICENSE IF THE APPLICANT OR LICENSEE:

(a) VIOLATES A STATUTE IN, OR RULE PROMULGATED OR ORDER ISSUED PURSUANT TO, THIS ARTICLE;

(b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-55.5-107;

(c) FRAUDULENTLY APPLIES FOR A LICENSE;

(d) VIOLATES LOCAL, STATE, OR FEDERAL LAW CONCERNING PUBLIC LAND MANAGEMENT, WILDLIFE, OR PUBLIC SAFETY;

(e) USES FALSE, DECEPTIVE, OR MISLEADING ADVERTISING;

(f) MISREPRESENTS SERVICES, FACILITIES, OR EQUIPMENT TO A CLIENT OR PROSPECTIVE CLIENT;

(g) USES OR SERVES ALCOHOL OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5), C.R.S., AND SUCH USE OR SERVICE THREATENS THE SAFETY OF A CLIENT OR THE PUBLIC;

(h) HAS BEEN DISCIPLINED FOR VIOLATING AN OUTFITTING LAW IN ANOTHER JURISDICTION IF THE VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE;

(i) HIRES A PERSON AS A GUIDE WHO FAILS TO MEET THE REQUIREMENTS OF SECTION 12-55.5-107, UNLESS THE PERSON IS TEMPORARILY HIRED TO PROTECT OR PROVIDE FOR THE HEALTH, SAFETY, OR WELFARE OF A CLIENT IN AN EMERGENCY SITUATION AND THE BOARD OR THE BOARD'S REPRESENTATIVE IS NOTIFIED OF THE SITUATION; OR

(j) VIOLATES SECTION 18-4-503 OR 18-4-504, C.R.S., RESULTING IN TWO OR MORE SECOND OR THIRD DEGREE CRIMINAL TRESPASS CONVICTIONS WITHIN ANY THREE- TO FIVE-YEAR PERIOD WHILE ACTING AS AN OUTFITTER OR GUIDE.

(3) A PROCEEDING TO DENY, SUSPEND, REVOKE, OR PLACE ON PROBATION A LICENSE SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S. THE BOARD MAY USE AN ADMINISTRATIVE LAW JUDGE EMPLOYED BY THE DIVISION OF ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF PERSONNEL TO CONDUCT HEARINGS. A PERSON WHOSE LICENSE IS DENIED, SUSPENDED, PLACED ON PROBATION, OR REVOKED SHALL PAY FOR THE COSTS INCURRED IN BRINGING AND CONDUCTING SUCH PROCEEDING.

(4) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES A VIOLATION OF THIS ARTICLE THAT, IN THE OPINION OF THE BOARD, DOES NOT WARRANT FORMAL ACTION BUT HAS MERIT, A LETTER OF ADMONITION MAY BE SENT BY CERTIFIED MAIL TO THE OUTFITTER AGAINST WHOM THE COMPLAINT WAS MADE AND A COPY SHALL BE SENT TO THE PERSON MAKING THE COMPLAINT. AN OUTFITTER HAS THE RIGHT TO REQUEST IN

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WRITING, WITHIN THIRTY DAYS AFTER POSTMARK OF THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. IF SUCH REQUEST IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED, AND THE MATTER SHALL BE ADDRESSED BY FORMAL DISCIPLINARY PROCEEDINGS. THE LETTER OF ADMONITION SHALL ADVISE THE OUTFITTER OF SUCH RIGHT TO ADJUDICATION.

(5) THE BOARD AND THE DIVISION OF WILDLIFE SHALL DEVELOP A SYSTEM TO SEND A NOTICE WITH HUNTING AND FISHING LICENSES STATING THAT IT IS ILLEGAL TO PROVIDE OUTFITTING SERVICES IN COLORADO WITHOUT A LICENSE.

**12-55.5-106. License required.** (1) A PERSON SHALL NOT PROVIDE OUTFITTING SERVICES WITHOUT A CURRENT AND VALID LICENSE ISSUED PURSUANT TO THIS ARTICLE.

(2) A CLIENT SHALL NOT KNOWINGLY PURCHASE OUTFITTING SERVICES FROM A PERSON WHOM THE CLIENT KNOWS DOES NOT HOLD A CURRENT AND VALID LICENSE ISSUED PURSUANT TO THIS ARTICLE.

**12-55.5-107. Outfitter license requirements.** (1) TO QUALIFY FOR A LICENSE, AN APPLICANT FOR AN OUTFITTER'S LICENSE SHALL:

- (a) BE EIGHTEEN YEARS OF AGE OR OLDER;
- (b) HOLD A VALID FIRST-AID INSTRUCTOR'S CARD OR STANDARD FIRST-AID CARD ISSUED BY THE AMERICAN RED CROSS, OR POSSESS EQUIVALENT OR BETTER QUALIFICATIONS;
- (c) HAVE NEVER BEEN CONVICTED OF A FELONY;
- (d) BE INSURED AND BONDED IN AN AMOUNT DETERMINED BY THE BOARD;
- (e) IDENTIFY THE LAND BASE OF OPERATION; AND
- (f) PAY A FEE SET BY THE BOARD IN SECTION 12-55.5-105 (1) (d).

(2) AN APPLICATION FOR LICENSURE OF AN ENTITY THAT IS NOT AN INDIVIDUAL SHALL INCLUDE THE NAMES OF ALL OFFICERS, DIRECTORS, MEMBERS, PARTNERS, OWNERS OF AT LEAST TEN PERCENT OF THE ENTITY, AND OTHER PERSONS WHO HAVE MANAGING OR CONTROLLING AUTHORITY IN THE ENTITY. THE ENTITY SHALL DESIGNATE ON THE LICENSE APPLICATION ONE OF ITS OFFICERS, DIRECTORS, MEMBERS, PARTNERS, OR OTHER CONTROLLING OR MANAGING INDIVIDUALS TO BE THE RESPONSIBLE PARTY AND AGENT FOR THE ENTITY FOR ALL COMMUNICATIONS WITH THE BOARD. IF THE ENTITY CHANGES ITS RESPONSIBLE PARTY AND AGENT, IT SHALL NOTIFY THE BOARD WITHIN TEN WORKING DAYS AFTER THE CHANGE AND PROVIDE CONTACT INFORMATION FOR THE NEW RESPONSIBLE PARTY AND AGENT.

(3) THE BOARD MAY DENY AN INITIAL OR RENEWAL APPLICATION FOR LICENSURE IF:

- (a) A PERSON WAS PREVIOUSLY LISTED AS PARTICIPATING IN AN ENTITY PURSUANT TO SUBSECTION (2) OF THIS SECTION AND SUCH ENTITY WAS SUBJECTED TO DISCIPLINE UNDER THIS ARTICLE;
- (b) AN ENTITY LISTS A PERSON AS PARTICIPATING IN THE ENTITY PURSUANT TO SUBSECTION (2) OF THIS SECTION AND THE ENTITY IN WHICH THE PERSON WAS PREVIOUSLY LISTED AS A PARTICIPATING PERSON WAS SUBJECTED TO DISCIPLINE UNDER THIS ARTICLE; OR

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(c) AN ENTITY THAT LISTS A PERSON AS A PARTICIPATING PERSON PURSUANT TO SUBSECTION (2) OF THIS SECTION AND SUCH PERSON WAS PREVIOUSLY SUBJECTED TO DISCIPLINE AS AN INDIVIDUAL UNDER THIS ARTICLE.

**12-55.5-108. Contracts for outfitting services - writing required.** (1) PRIOR TO ENGAGING IN ANY ACTIVITY AS AN OUTFITTER, AN OUTFITTER SHALL PROVIDE A WRITTEN CONTRACT TO THE CLIENT SIGNED BY BOTH THE OUTFITTER AND THE CLIENT, STATING AT LEAST THE FOLLOWING TERMS:

- (a) TYPE OF SERVICES TO BE PROVIDED;
- (b) DATES OF SERVICE;
- (c) TRANSPORTATION ARRANGEMENTS;
- (d) COSTS OF THE SERVICES;
- (e) RATIO OF CLIENTS TO GUIDES; AND

(f) THE OUTFITTER'S POLICY REGARDING CANCELLATION OF THE CONTRACT AND REFUND OF A DEPOSIT.

(2) AN ACTION SHALL NOT BE MAINTAINED BY AN OUTFITTER FOR BREACH OF A CONTRACT TO PROVIDE OUTFITTING SERVICES OR FOR THE RECOVERY OF COMPENSATION FOR SERVICES RENDERED UNDER SUCH CONTRACT OR AGREEMENT IF THE OUTFITTER HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE.

(3) A WRITTEN CONTRACT PROVIDED PURSUANT TO THIS SECTION SHALL ALSO CONTAIN A WRITTEN STATEMENT THAT OUTFITTERS ARE BONDED AND REQUIRED TO POSSESS THE MINIMUM LEVEL OF LIABILITY INSURANCE AND THAT THE ACTIVITIES OF OUTFITTERS ARE REGULATED BY THE BOARD.

**12-55.5-109. Penalty - cease and desist orders.** (1) (a) A PERSON WHO VIOLATES SECTION 12-55.5-106 COMMITS A MISDEMEANOR AND SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS, OR BY IMPRISONMENT NOT TO EXCEED ONE YEAR, FOR EACH VIOLATION, AND IN ACCORDANCE WITH SECTION 33-6-113, C.R.S.

(b) EACH CLIENT THAT IS PROVIDED OUTFITTING SERVICES BY AN OUTFITTER WITHOUT A LICENSE IS A SEPARATE VIOLATION OF THIS SUBSECTION (1).

(2) (a) IF THE BOARD DETERMINES THAT A PERSON IS ACTING OR HAS ACTED IN VIOLATION OF THIS ARTICLE, THE BOARD MAY ISSUE AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS CEASE FORTHWITH. THE PERSON SO ORDERED MAY REQUEST A HEARING ON THE QUESTION OF WHETHER A VIOLATION OCCURRED WITHIN THIRTY DAYS AFTER THE DATE OF SERVICE OF THE ORDER TO CEASE AND DESIST. THE HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(b) IF A PERSON FAILS TO COMPLY WITH A CEASE AND DESIST ORDER, THE BOARD MAY REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING, AND IF SO REQUESTED SUCH AUTHORITY SHALL BRING, A SUIT FOR A TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT A VIOLATION OF THE ORDER.

(c) A STAY OF A CEASE AND DESIST ORDER MAY BE ISSUED ONLY AFTER A HEARING INVOLVING BOTH PARTIES.

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(d) MATTERS BROUGHT BEFORE A COURT PURSUANT TO THIS SECTION SHALL TAKE PRECEDENCE OVER OTHER MATTERS ON THE COURT'S DOCKET.

**12-55.5-110. Enforcement.** UPON REQUEST FROM THE BOARD, A LEVEL I, LEVEL Ia, OR LEVEL II PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (I), C.R.S., SHALL ASSIST THE BOARD IN THE ENFORCEMENT OF THIS ARTICLE AND THE RULES PROMULGATED BY THE BOARD.

**12-55.5-111. Remedies - contracts void - public nuisance - seizure of equipment.** (1) A CONTRACT FOR THE SERVICES OF AN OUTFITTER SHALL BE VOID AND UNENFORCEABLE BY THE OUTFITTER UNLESS SUCH OUTFITTER IS LICENSED UNDER THIS ARTICLE.

(2) A MOTOR VEHICLE, TRAILER, VESSEL, FIREARM, WEAPON, TRAP, PIECE OF EQUIPMENT, HEAD OF LIVESTOCK, OR OTHER ARTICLE OF PERSONAL PROPERTY USED TO PROVIDE OUTFITTING SERVICES IN VIOLATION OF THIS ARTICLE IS DECLARED TO BE A CLASS 2 PUBLIC NUISANCE. UNLESS IN CONFLICT WITH THE SPECIFIC PROVISIONS OF THIS SECTION, PART 3 OF ARTICLE 13 OF TITLE 16, C.R.S., SHALL APPLY TO ACTIONS TAKEN PURSUANT TO THIS SECTION.

(3) (a) PERSONAL PROPERTY SUBJECT TO SEIZURE UNDER THIS SECTION THAT IS SEIZED AS A PART OF A CRIMINAL PROCEEDING FOR VIOLATION OF THIS ARTICLE AND FOR WHICH DISPOSITION IS NOT PROVIDED BY ANOTHER STATUTE OF THIS STATE SHALL BE DISPOSED OF AS PROVIDED IN THIS SECTION.

(b) THE COURT MAY ORDER SUCH PROPERTY SOLD BY THE BOARD AS A SALE ON EXECUTION.

(c) THE PROCEEDS OF SUCH SALE SHALL BE APPLIED AS FOLLOWS:

(I) TO THE FEES AND COSTS OF REMOVAL AND SALE; AND

(II) TO THE PAYMENT OF THE COSTS THE STATE HAS INCURRED FROM SUCH ACTION.

**12-55.5-112. Immunity.** A PERSON ACTING AS A CONSULTANT TO THE DIRECTOR, A WITNESS TESTIFYING IN A PROCEEDING UNDER THIS ARTICLE, AND A PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ACTS OCCURRING WHILE ACTING AS A CONSULTANT, WITNESS, OR COMPLAINANT, IF SUCH PERSON WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN WAS WARRANTED BY THE FACTS.

**12-55.5-113. Transfer - grandfather clause.** (1) ALL INVESTIGATIONS IN PROGRESS PURSUANT TO THIS ARTICLE AS IT EXISTED ON JUNE 30, 2003, SHALL BE REFERRED TO THE BOARD BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS FOR FINAL ADJUDICATION. ACTIONS TAKEN AND DECISIONS RENDERED BY THE DIRECTOR PRIOR TO JULY 1, 2003, ARE HEREBY RATIFIED AND SHALL CONTINUE UNDER THE BOARD'S JURISDICTION. VIOLATIONS OF THIS ARTICLE AS IT EXISTED ON JUNE 30, 2003, MAY BE CONSIDERED WHEN MAKING LICENSING DECISIONS.

(2) A PERSON WHO ON JUNE 30, 2003, IS REGISTERED IN GOOD STANDING UNDER THE LAWS OF THIS STATE IN EFFECT ON SUCH DATE SHALL BE DEEMED LICENSED UNTIL JANUARY 1, 2004, FOR THE PURPOSES OF THIS ARTICLE.

**12-55.5-114. Applicability.** THIS ARTICLE SHALL NOT APPLY TO A PERSON WHO ONLY AUTHORIZES PERSONS TO HUNT, FISH, OR TAKE WILDLIFE ON PROPERTY THE PERSON OWNS, RENTS, OR LEASES, INCLUDING, BUT NOT LIMITED TO, PROVIDING SUCH AUTHORIZATION FOR COMPENSATION.

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SB03-027

**12-55.5-115. Repeal.** THIS ARTICLE IS REPEALED, EFFECTIVE JULY, 1, 2014.

**SECTION 2.** 24-1-122 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-1-122. Department of regulatory agencies - creation.** (4) The following boards and agencies are transferred by a **type 2** transfer to the department of regulatory agencies and allocated to the division of registrations:

(f) THE COLORADO OUTFITTERS LICENSING BOARD, CREATED BY SECTION 12-55.5-103, C.R.S.

**SECTION 3. Repeal.** 24-34-104 (32) (b), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (32) The following function of the specified agency shall terminate on July 1, 2003:

(b) ~~The regulation of outfitters by the director of the division of registrations pursuant to article 55.5 of title 12, C.R.S.;~~

**SECTION 4.** 24-34-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (45) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, SHALL TERMINATE ON JULY 1, 2014: THE REGULATION OF OUTFITTERS PURSUANT TO ARTICLE 55.5 OF TITLE 12, C.R.S.

**SECTION 5.** 33-6-113 (1), Colorado Revised Statutes, is amended to read:

**33-6-113. Illegal sale of wildlife.** (1) Except as otherwise provided in articles 1 to 6 of this title or by rule ~~or regulation~~ of the commission, it is unlawful for any person to sell or purchase or offer for sale or purchase any wildlife or to solicit another person in the illegal hunting or taking of any wildlife for the purposes of monetary or commercial gain or profit. For the purposes of this section, it is deemed to be a sale of wildlife if a person, for monetary or other consideration, provides, ~~unregistered~~ WITHOUT A LICENSE, outfitting services as defined in article 55.5 of title 12, C.R.S.

**SECTION 6.** 13-4-102 (2) (v), Colorado Revised Statutes, is amended to read:

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

(v) Review final actions and orders of the ~~director of the division of registrations~~ COLORADO OUTFITTERS LICENSING BOARD appropriate for judicial review, as provided in section ~~12-55.5-115~~ 12-55.5-108, C.R.S.;

**SECTION 7. Effective date - applicability.** This act shall take effect July 1, 2003, and shall apply to acts committed on or after said date.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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**INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

**SR03-012** by Senator(s) Anderson, Andrews, Fitz-Gerald; --Concerning changes to memberships of Senate Committees of Reference.

Laid over one day under Senate Rule 30(c).

Senate in recess.

Senate reconvened.

Call of Senate

Call Raised.

**MESSAGE FROM THE HOUSE**

February 17, 2003  
Mr. President:

The House has passed on Third Reading and returns herewith SB03-199, 206, 208, 209, 211, 212, 213, 216, 218, 220, 195, 180, 201, 204, 202.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-217, amended as printed in House Journal, February 6, page 324, and amended on Third Reading as printed in House Journal, February 17, and SB03-197, amended as printed in House Journal, February 10, page 618, and amended on Third Reading as printed in House Journal, February 17, and SB03-215, amended as printed in House Journal, February 14, page 683, and amended on Third Reading as printed in House Journal, February 17.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-219, amended as printed in House Journal, February 6, page 324. SB03-173, amended as printed in House Journal, February 14, page 666. SB03-176, amended as printed in House Journal, February 14, pages 666-667. SB03-190, amended as printed in House Journal, February 14, pages 678-679. SB03-228, amended as printed in House Journal, February 14, page 679. SB03-200, amended as printed in House Journal, February 14, pages 680-686. SB03-203, amended as printed in House Journal, February 14, pages 680-681. SB03-205, amended as printed in House Journal, February 14, pages 681-682. SB03-214, amended as printed in House Journal, February 14, pages 682-683.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB03-207, amended on Third Reading as printed in House Journal February 17. SB03-210, amended on Third Reading as printed in House Journal February 17.

**MESSAGE FROM THE REVISOR**

February 17, 2003

We herewith transmit:

Without comment, as amended, SB03-217, 197, 215, 219, 173, 176, 190, 228, 200, 203, 205, 214, 207, and 210.

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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 Senate proceeded out of order for Consideration of Governor's Appointments.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator McElhany, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE STATE ELECTRICAL BOARD**

effective July 1, 2002 for terms expiring July 1, 2005:

Richard G. Weingardt of Aurora, Colorado, to serve as a representative of the public at large, reappointed;

Jeffrey L. Pagnard of Highlands Ranch, Colorado, to serve as a building official from a political subdivision of the state performing electrical inspections, appointed;

Von Dewayne Stelljes, Jr. of Brighton, Colorado, to serve as a journeyman electrician, reappointed;

Douglas J. Tamminga of Bailey, Colorado, to serve as a general contractor actively engaged in the building industry, reappointed;

Richard D. Brinkley of Glenwood Springs, Colorado, to serve as a private, municipal, or cooperative electric utilities rendering electric service to the ultimate electrical inspections, reappointed.

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	E	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	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		

On motion of Senator Taylor, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE COLORADO LOTTERY COMMISSION**

effective July 1, 2002 for terms expiring July 1, 2006:

Timothy D. Bachicha of Alamosa, Colorado, to serve as a certified public accountant and as a Republican, reappointed;

Michael F. Bennet of Denver, Colorado, to serve as a representative of the public and as a Democrat, appointed.

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	E	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	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		

On motion of Senator Dyer, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE STATE BOARD OF PAROLE

effective July 1, 2002 for terms expiring July 1, 2005:

Richard A. Martinez, O.D. of Pueblo, Colorado, to serve as a citizen representative, reappointed;

Sharon K. Bartlett Walker of Grand Junction, Colorado, to serve as a former parole or probation officer, reappointed.

effective August 1, 2002 for a term expiring July 1, 2005:

The Honorable Deborah C. Allen of Aurora, Colorado, to serve as a citizen representative, appointed.

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	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		

On motion of Senator McElhany, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE STATE PERSONNEL BOARD

effective June 30, 2002 for a term expiring June 30, 2007:

Diedra A. Garcia of Lakewood, Colorado, appointed.

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	E	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	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		

On motion of Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

for terms expiring July 1, 2006:

Michael W. Klish of Grand Junction, Colorado, to serve as an Unaffiliated member west of the continental divide who has substantial experience with land reclamation and is not employed by the oil and gas industry, reappointed;

Peter M. Mueller of Littleton, Colorado, to serve as an Unaffiliated member with substantial experience in the oil and gas industry, reappointed;

J. Thomas Reagan of Littleton, Colorado, to serve as a Republican member with substantial experience in the oil and gas industry, appointed.

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	E	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	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		

**TRIBUTES -- A POINT OF INTEREST**

Honoring David Smith -- by Senator Johnson

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 February 17, 2003, was laid over until February 18, 2003, retaining its place on the calendar.

Consideration of Resolutions: SJR03-017, HJR03-1015.  
Conference Committees to Report: SB03-175, SB03-183, SB03-185.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., February 18, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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