

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

Seventy-seventh Legislative Day

Tuesday, March 25, 2003

Prayer	By the chaplain, Father Chris Misuira.	10
Pledge	By Senator Phillips.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--32. Absent/Excused--3; Anderson, Entz, Lamborn. Present later--Anderson, Lamborn.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Kester, reading of the Journal of March 25, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that SB03-010 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	16
	Amend printed bill, page 5, line 1, strike "A VULNERABLE PERSON," and substitute "VULNERABLE PERSONS,";	17
	line 2, strike "INCLUDES, BUT IS";	18
	strike line 3 and substitute the following:	19
	"MAY INCLUDE POSITIONS IN WHICH PERSONS HAVE ACCESS TO OR";	20
	line 19, strike "C.R.S.;" and substitute "C.R.S., OR AN ASSISTED LIVING RESIDENCE LICENSED PURSUANT TO SECTION 25-3-101;";	21
	line 23, strike "25-3-101;" and substitute "25-3-101, EXCEPT THAT "FACILITY" DOES NOT INCLUDE A LICENSED AMBULATORY SURGICAL CENTER THAT DOES NOT PROVIDE OVERNIGHT CARE;";	22
	Page 6, line 11, strike "CLINIC." and substitute "CLINIC;";	23
	after line 11, insert the following:	24
	"(XVI) AN IN-HOME SUPPORT SERVICE AGENCY, AS DEFINED IN SECTION 26-4-1402, C.R.S.;"	25
	line 17, strike "PRIOR" and substitute "(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), PRIOR";	26
	line 19, after "CONDUCT", insert "OR CAUSE TO BE CONDUCTED";	27
	line 22, after "HISTORY.", add "A FACILITY MAY USE A PRIVATE CRIMINAL BACKGROUND CHECK COMPANY TO CONDUCT THE CRIMINAL HISTORY	28

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RECORD CHECK REQUIRED UNDER THIS PARAGRAPH (a).";

after line 22, insert the following:

"(II) THIS SECTION SHALL NOT APPLY TO THE EMPLOYMENT OF AN INDIVIDUAL IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT ONLY WITH A VULNERABLE PERSON WHO IS A SPOUSE, PARENT, GRANDPARENT, SIBLING, OR CHILD OF THE INDIVIDUAL.

(III) A FACILITY MAY, IN LIEU OF CONDUCTING THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), ACCEPT DOCUMENTATION OF A VALID INITIAL HEALTH CARE CERTIFICATION THAT REQUIRES A CRIMINAL HISTORY RECORD CHECK SO LONG AS THE INITIAL CERTIFICATION WAS GRANTED NOT MORE THAN NINETY DAYS PRIOR TO THE EMPLOYMENT OF THE INDIVIDUAL BY THE FACILITY.";

strike line 24 and substitute the following:

"DETERMINATION WHETHER A PROSPECTIVE EMPLOYEE HAS BEEN".

Page 7, line 4, strike "OR (c)";

line 8, after the period, add "IF THE FACILITY DETERMINES THAT THE PROSPECTIVE EMPLOYEE HAS BEEN ARRESTED FOR OR CHARGED WITH A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION BUT THERE IS NO RECORD OF CONVICTION, THE FACILITY MAY, IN ITS DISCRETION, DECIDE WHETHER TO EMPLOY THE PERSON AS AN EMPLOYEE.";

line 11, after "TO", insert "SUBPARAGRAPH (I) OF PARAGRAPH (a) OF".

Page 8, line 16, strike "OR (c)";

strike lines 18 and 19 and substitute the following:

"DIRECT CONTACT WITH VULNERABLE PERSONS. IF THE CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (3) OF THIS SECTION INDICATES THAT A PROSPECTIVE EMPLOYEE WAS CONVICTED OF A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (6), THE PERSON MAY BE DISQUALIFIED FROM EMPLOYMENT IN A POSITION INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS. A PERSON WHO IS";

strike line 23;

line 24, strike "SUBSECTION (6), A" and substitute the following:

"(b) A".

Page 9, strike line 14;

line 15, strike "SUBSECTION (6), A" and substitute the following:

"(c) A";

line 16, strike "SHALL" and substitute "MAY".

Page 10, strike lines 10 through 15.

Page 11, line 8, strike "OR (c)";

line 9, after the period, add "UPON NOTIFICATION TO THE FACILITY THAT THE EMPLOYER HAS BEEN CONVICTED OF A DISQUALIFYING OFFENSE DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, THE FACILITY MAY TERMINATE THE EMPLOYEE'S EMPLOYMENT.";

after line 26, insert the following:

"(10) ANY FACILITY THAT RENEWS ITS LICENSE WITH THE DEPARTMENT SHALL, AT THE TIME OF RENEWAL, CERTIFY IN WRITING TO

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THE DEPARTMENT THAT THE FACILITY IS IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.";

line 27, strike "(10)" and substitute "(11)"; and strike "SHALL, DURING ANY MONITORING PROCESS" and substitute "SHALL".

Page 12, line 1, strike "REQUIRED OR AUTHORIZED BY LAW,";

line 4, after the period, add "THE DEPARTMENT MAY NOT CHARGE A FEE TO A FACILITY IN CONNECTION WITH ANY REQUIREMENT OR FUNCTION OF THE DEPARTMENT DESCRIBED IN THIS SUBSECTION (11). THE DEPARTMENT SHALL ACCOMPLISH THE REQUIREMENTS SPECIFIED IN THIS SUBSECTION (11) WITHIN EXISTING APPROPRIATIONS.";

after line 11, insert the following:

"SECTION 5. 26-4-124, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-4-124. Program of all-inclusive care for the elderly - services - eligibility. (8.7) PRIOR TO THE EMPLOYMENT OF AN INDIVIDUAL IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT WITH A VULNERABLE PERSON, A PACE PROGRAM SITE OPERATOR SHALL CONDUCT A CRIMINAL HISTORY RECORD CHECK PURSUANT TO FEDERAL PACE PROGRAM PARTICIPATION REQUIREMENTS.";

line 12, strike "5." and substitute "6."

Page 13, line 20, strike "A VULNERABLE PERSON," and substitute "VULNERABLE PERSONS,";

line 21, strike "INCLUDES, BUT IS";

strike line 22 and substitute the following:

"MAY INCLUDE POSITIONS IN WHICH PERSONS HAVE ACCESS TO OR".

Page 14, line 5, strike "PRIOR" and substitute "(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), PRIOR";

after line 10, insert the following:

(II) THIS SECTION SHALL NOT APPLY TO THE EMPLOYMENT OF AN INDIVIDUAL IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT ONLY WITH A VULNERABLE PERSON WHO IS A SPOUSE, PARENT, GRANDPARENT, SIBLING, OR CHILD OF THE INDIVIDUAL.

(III) AN AGENCY MAY, IN LIEU OF CONDUCTING THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), ACCEPT DOCUMENTATION OF A VALID INITIAL HEALTH CARE CERTIFICATION THAT REQUIRES A CRIMINAL HISTORY RECORD CHECK SO LONG AS THE INITIAL CERTIFICATION WAS GRANTED NOT MORE THAN NINETY DAYS PRIOR TO THE EMPLOYMENT OF THE INDIVIDUAL BY THE AGENCY.";

strike line 12 and substitute the following:

"DETERMINATION WHETHER A PROSPECTIVE EMPLOYEE HAS BEEN";

line 19, strike "OR (c)";

line 23, after the period, add "IF THE AGENCY DETERMINES THAT THE PROSPECTIVE EMPLOYEE HAS BEEN ARRESTED FOR OR CHARGED WITH A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION BUT THERE IS NO RECORD OF CONVICTION, THE AGENCY MAY, IN ITS DISCRETION, DECIDE WHETHER TO EMPLOY THE PERSON AS AN EMPLOYEE.";

line 26, after "TO", insert "SUBPARAGRAPH (I) OF PARAGRAPH (a) OF".

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Page 16, line 4, strike "OR (c)";

strike lines 6 and 7 and substitute the following:

"INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS. IF THE CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (3) OF THIS SECTION INDICATES THAT A PROSPECTIVE EMPLOYEE WAS CONVICTED OF A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (6), THE PERSON MAY BE DISQUALIFIED FROM EMPLOYMENT BY AN AGENCY IN A POSITION INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS. A";

strike line 11;

line 12, strike "SUBSECTION (6), A" and substitute the following:

"(b) A".

Page 17, strike line 2;

line 3, strike "SUBSECTION (6), A" and substitute the following:

"(c) A";

line 4, strike "SHALL" and substitute "MAY";

strike lines 25 through 27.

Page 18, strike lines 1 through 3;

line 23, strike "OR (c)";

line 24, after the period, add "UPON NOTIFICATION TO THE AGENCY THAT THE EMPLOYER HAS BEEN CONVICTED OF A DISQUALIFYING OFFENSE DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, THE AGENCY MAY TERMINATE THE EMPLOYEE'S EMPLOYMENT.".

Page 19, strike line 16 and substitute "SHALL";

line 17, strike "LAW,";

after line 20, insert the following:

"SECTION 7. 26-4-903, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-4-903. Pilot program - consumer-directed attendant support. (9) (a) THE PROVISIONS OF SECTION 26-4-522.5 PERTAINING TO AN AGENCY SHALL APPLY TO INDIVIDUALS PARTICIPATING IN THE PILOT PROGRAM WHO EMPLOY OR ATTEMPT TO EMPLOY INDIVIDUALS IN POSITIONS REQUIRING DIRECT CONTACT WITH VULNERABLE PERSONS.

(b) THE PROVISIONS OF SECTION 26-4-522.5 SHALL APPLY TO PERSONS SEEKING EMPLOYMENT WITH, OR WHO ARE EMPLOYED BY, INDIVIDUALS PARTICIPATING IN THE PILOT PROGRAM IN POSITIONS REQUIRING DIRECT CONTACT WITH VULNERABLE PERSONS.

(c) THIS SUBSECTION (9) SHALL NOT APPLY TO THE EMPLOYMENT OF AN INDIVIDUAL IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT ONLY WITH A VULNERABLE PERSON WHO IS A SPOUSE, PARENT, GRANDPARENT, SIBLING, OR CHILD OF THE INDIVIDUAL.".

Renumber succeeding sections accordingly.

Page 22, line 7, strike "A VULNERABLE PERSON," and substitute "VULNERABLE PERSONS,";

line 8, strike "INCLUDES, BUT IS";

strike line 9 and substitute the following:

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"MAY INCLUDE POSITIONS IN WHICH PERSONS HAVE";

line 11, strike "PERSONNEL AND" and substitute "PERSONNEL,";

strike line 12 and substitute the following:

"STAFF, KITCHEN STAFF, AND SECURITY PERSONNEL.";

line 19, strike "PRIOR" and substitute "(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), PRIOR";

after line 25, insert the following:

"(II) THIS SECTION SHALL NOT APPLY TO THE EMPLOYMENT OF AN INDIVIDUAL AS AN EMPLOYEE, OR THE RETAINING OF AN INDIVIDUAL AS A CONTRACTOR, IN A POSITION THAT WOULD REQUIRE DIRECT CONTACT ONLY WITH A VULNERABLE PERSON WHO IS A SPOUSE, PARENT, GRANDPARENT, SIBLING, OR CHILD OF THE INDIVIDUAL.

(III) AN AGENCY MAY, IN LIEU OF CONDUCTING THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), ACCEPT DOCUMENTATION OF A VALID INITIAL HEALTH CARE CERTIFICATION THAT REQUIRES A CRIMINAL HISTORY RECORD CHECK SO LONG AS THE INITIAL CERTIFICATION WAS GRANTED NOT MORE THAN NINETY DAYS PRIOR TO THE EMPLOYMENT OR RETENTION OF THE INDIVIDUAL BY THE AGENCY.";

line 27, strike "THAT A" and substitute "WHETHER".

Page 23, line 1, strike "NOT";

line 8, strike "OR (c)";

line 13, after the period, add "IF THE AGENCY DETERMINES THAT THE PROSPECTIVE EMPLOYEE OR CONTRACTOR HAS BEEN ARRESTED FOR OR CHARGED WITH A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION BUT THERE IS NO RECORD OF CONVICTION, THE AGENCY MAY, IN ITS DISCRETION, DECIDE WHETHER TO EMPLOY THE PERSON AS AN EMPLOYEE OR RETAIN THE PERSON AS A CONTRACTOR.";

line 16, after "TO", insert "SUBPARAGRAPH (I) OF PARAGRAPH (a) OF".

Page 24, line 17, strike "EXECUTIVE DIRECTOR" and substitute "STATE BOARD OF HUMAN SERVICES";

line 22, strike "OR (c)";

strike lines 25 and 26 and substitute the following:

"CONTACT WITH VULNERABLE PERSONS. IF THE CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (3) OF THIS SECTION INDICATES THAT A PROSPECTIVE EMPLOYEE OR CONTRACTOR WAS CONVICTED OF A DISQUALIFYING OFFENSE SET FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (6), THE PERSON MAY BE DISQUALIFIED FROM EMPLOYMENT AND CONTRACT WORK WITH AN AGENCY IN A POSITION INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS. A PERSON WHO IS".

Page 25, strike line 3;

line 4, strike "SUBSECTION (6), A" and substitute the following:

"(b) A";

strike line 22;

line 23, strike "SUBSECTION (6), A" and substitute the following:

"(c) A";

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line 24, strike "SHALL" and substitute "MAY".

Page 26, strike lines 19 through 24.

Page 27, line 20, strike "OR (c)";

line 22, after the period, add "UPON NOTIFICATION TO THE AGENCY THAT THE EMPLOYER OR CONTRACTOR HAS BEEN CONVICTED OF A DISQUALIFYING OFFENSE DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION, THE AGENCY MAY TERMINATE THE EMPLOYEE'S OR CONTRACTOR'S EMPLOYMENT OR CONTRACT WORK."

Page 28, line 13, strike "SHALL, DURING ANY MONITORING" and substitute "SHALL";

line 14, strike "PROCESS REQUIRED OR AUTHORIZED BY LAW,".

MESSAGE FROM THE HOUSE

March 24, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1238, 1040.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1056, amended as printed in House Journal, March 14, page 1145.
HB03-1147, amended as printed in House Journal, March 17, page 1174.
HB03-1249, amended as printed in House Journal, March 17, page 1175.
HB03-1314, amended as printed in House Journal, March 17, page 1176.
HB03-1086, amended as printed in House Journal, March 21, page 1200.
HB03-1326, amended as printed in House Journal, March 21, pages 1201-1202.
HB03-1044, amended as printed in House Journal, March 21, page 1203.
HB03-1318, amended as printed in House Journal, March 21, pages 1204-1205.
HB03-1208, amended as printed in House Journal, March 21, page 1205.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB03-1137, amended as printed in House Journal, March 14, pages 1145-1146, and amended on Third Reading as printed in House Journal, March 24.

The House has passed on Third Reading and returns herewith SB03-224, 086, 115, 032, 234, 013, 116.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-098, amended as printed in House Journal, March 14, page 1144.
SB03-133, amended as printed in House Journal, March 17, page 1175.
SB03-009, amended as printed in House Journal, March 17, page 1175.
SB03-067, amended as printed in House Journal, March 21, page 1202.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SB03-226, amended on Third Reading as printed in House Journal March 24.

MESSAGE FROM THE REVISOR OF STATUTES

March 24, 2003

We herewith transmit:

Without comment, HB03-1238 and 1040.
Without comment, as amended, HB03-1056, 1147, 1249, 1314, 1086, 1326, 1044, 1318, 1208, and 1137 and SB03-098, 133, 009, 067, and 226.

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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:

SB03-132 by Senator(s) May R., Johnson S., McElhany, Chlouber; also Representative(s) Rippy-- Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, requiring allocations to be made for every state fiscal year that commences on or after July 1, 2006, without regard to the amount of state revenues for the fiscal year.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1298 by Representative(s) Harvey; also Senator(s) Lamborn--Concerning increased limitations on claims asserting that a mortgage is unconscionable.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1290 by Representative(s) Lee; also Senator(s) Cairns--Concerning declarations of a state of emergency.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1087 by Representative(s) Veiga; also Senator(s) Gordon--Concerning requirements related to student transfers, and, in connection therewith, adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends an unsatisfactory school, as defined by section 22-7-604 (1), shall have priority over any other applicant for enrollment purposes.

The question being "Shall the bill 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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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 and Grossman.

HB03-1297 by Representative(s) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T.; also Senator(s) Dyer, Anderson--Concerning death penalty aggravating factors.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	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	E	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: Grossman.

HB03-1186 by Representative(s) Mitchell; also Senator(s) Teck--Concerning the assertion of claims for exemplary damages.

The question being "Shall the bill 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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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: Evans, Hillman, and McElhany.

HB03-1053 by Representative(s) Ragsdale, Borodkin, Coleman; also Senator(s) Teck, Entz, May, Takis--Concerning emissions testing for diesel vehicles.

The question being "Shall the bill 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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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**.

HB03-1050 by Representative(s) Coleman; also Senator(s) Kester--Concerning the creation of the business enterprise program cash fund for the state's vending facility program.

The question being "Shall the bill 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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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.

SB03-237 by Senator(s) Anderson; also Representative(s) Pommer--Concerning moneys for the repayment of school district obligations.

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

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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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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**.

HB03-1219 by Representative(s) Hall, Fritz, Hoppe, Larson, McCluskey, White, Williams T.; also Senator(s) Johnson S.--Concerning the regulation of collection agencies, and, in connection therewith, continuing the collection agency board.

The question being "Shall the bill 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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	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, and Sandoval.

HB03-1228 by Representative(s) Cadman, Crane, Fairbank, Rhodes; also Senator(s) Dyer--Concerning a limitation on liability for the treatment costs of specified health care conditions of a person in a county jail.

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

YES	32	NO	2	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	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	N		

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

Co-sponsors added: Chlouber and Jones.

HB03-1083 by Representative(s) Spence, Paccione; also Senator(s) Arnold, Anderson, Dyer, Hanna, Johnson S.--Concerning repeal of the requirement that transfer rules shall not prohibit a student's participation in extracurricular activities if the student enrolls in the transfer school within fifteen days after the school year begins and prior to participating in the activity during the same school year at the prior school of enrollment.

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

HB03-1083

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	N	McElhany	N	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
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 and Windels.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SR03-013 by Senator(s) Fitz-Gerald; --Concerning changes to memberships of Senate Committees of Reference.

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

CONSIDERATION OF RESOLUTION

SR03-013 by Senator(s) Fitz-Gerald; --Concerning changes to memberships of Senate Committees of Reference.

Senator Anderson moved to suspend the rules for immediate consideration of **SR03-013**.

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 Fitz-Gerald, the resolution was declared **lost** by the following roll call vote:

YES	14	NO	20	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	N
Arnold	N	Grossman	Y	Lamborn	N	Takis	N
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

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:

- HB03-1160** by Representative(s) Spence, Briggs, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Spradley, Stafford, White, Williams T., Witwer; also Senator(s) Anderson--Concerning the provision of financial assistance for kindergarten through twelfth grade education to disadvantaged children. 1
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Laid over until Wednesday, March 26, retaining its place on the calendar. 6
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- SB03-232** by Senator(s) Chlouber;--Concerning the office of consumer counsel. 8
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Laid over until Friday, March 28, retaining its place on the calendar. 10
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- SB03-001** by Senator(s) Cairns; also Representative(s) Lee--Concerning property tax credits to support education in the state. 12
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Laid over until Friday, March 28, retaining its place on the calendar. 15
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- HB03-1237** by Representative(s) Judd; also Senator(s) Lamborn--Concerning technical modifications to the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law. 17
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Laid over until Wednesday, March 26, retaining its place on the calendar. 22
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- SB03-236** by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp, Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King, McCluskey, Sinclair, Stengel, Weddig--Concerning an authorization of the issuance of voter-approved revenue bonds for the purpose of financing water infrastructure projects by the state, and, in connection therewith, excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending. 24
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Laid over until Friday, March 28, retaining its place on the calendar. 31
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- HB03-1007** by Representative(s) Williams T., Clapp; also Senator(s) Hillman--Concerning the limitation on noneconomic damages for certain physical injuries in medical malpractice actions. 33
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 37
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- SB03-121** by Senator(s) McElhany; also Representative(s) Williams T.--Concerning the preparation of a cost-benefit analysis of rules proposed for adoption by state agencies under the "State Administrative Procedure Act" to determine the impact of the proposed rules on the state's economy. 39
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Laid over until Wednesday, March 26, retaining its place on the calendar. 44
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- HB03-1232** by Representative(s) Stafford, Spradley; also Senator(s) Johnson S.--Concerning evidence of admissions in civil proceedings related to the provision of medical care. 46
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As amended in General Orders--Second Reading, March 17, page 677. 49
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 51
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- HB03-1241** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification on election ballots. 54
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As amended in General Orders--Second Reading, March 21, pages 699-701. 57
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Amendment No. 3(L.004), by Senator McElhany. 59
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Amend Senate floor amendment L.003, page 3, strike line 2 and substitute the following: 61
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"INVESTIGATION.""; 63
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Page 4 of the reengrossed bill, after line 25, insert the following: 66
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"(c) IN THE CASE OF A DISAGREEMENT AMONG THE ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN VERIFICATION ENVELOPE MATCHES THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER PURSUANT TO THE PROCEDURES SPECIFIED IN 68
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HB03-1241

PARAGRAPH (a) OF THIS SUBSECTION (1), THE MAIL BALLOT CONTAINED IN THE RETURN VERIFICATION ENVELOPE SHALL BE COUNTED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS 1-7.5-107 (6) AND 1-7.5-107.5."."

Page 4 of Senate floor amendment L.003, after line 2, insert the following:

"Page 7, after line 1, insert the following:

"(c) IN THE CASE OF A DISAGREEMENT AMONG THE ELECTION JUDGES AS TO WHETHER THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION ON THE RETURN ENVELOPE MATCHES THE SIGNATURE OF THE ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER PURSUANT TO THE PROCEDURES SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE ABSENTEE BALLOT CONTAINED IN THE RETURN ENVELOPE SHALL BE COUNTED IN ACCORDANCE WITH THE REQUIREMENTS OF PART 3 OF THIS ARTICLE."."

line 3, strike "Page 7"."

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

HB03-1001 by Representative(s) Hoppe; also Senator(s) Johnson S.--Concerning increased flexibility in the use of water resources.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1313 by Representative(s) Wiens, May M., Harvey; also Senator(s) Evans, Lamborn--Concerning the exclusion of particular regions from the motor vehicle emissions program area by rule promulgated by the air quality control commission.

Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, March 21, page 685 and placed in members' bill files.)

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

HB03-1010 by Representative(s) Salazar; also Senator(s) Entz--Concerning the frequency of applications necessary to qualify for disabled veteran license plates.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1294 by Representative(s) Stafford, Williams S.; also Senator(s) McElhany--Concerning health insurance for employers with fewer than fifty-one employees.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1267 by Representative(s) McCluskey; also Senator(s) Taylor--Concerning the repeal of the statutory provision that limits a governmental entity from imposing a surcharge upon any person using an alternative form of payment for the payment of moneys to the state.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, March 21, page 704 and placed in members' bill files.)

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

SB03-250 by Senator(s) Sandoval, Anderson; also Representative(s) Spence, Marshall, Williams S.-- Concerning the merger of a school district retirement system with another public employee retirement system.

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

Amend printed bill, page 6, line 19, after "BOTH", insert "THE ACCOUNTS OF INACTIVE PARTICIPANTS OF THE MERGING SYSTEM AT THE TIME OF THE MERGER WHO ARE ENTITLED TO DEFERRED BENEFITS UPON ATTAINMENT OF THE REQUIRED RETIREMENT AGE UNDER THE PROVISIONS OF THE MERGING SYSTEM SHALL BE MAINTAINED BY THE CONTINUING SYSTEM AS SEPARATE

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SB03-250

ACCOUNTS, AND ALL RIGHTS AND BENEFITS ASSOCIATED THEREWITH SHALL
BE GOVERNED BY THE PROVISIONS OF THE MERGING SYSTEM IN EFFECT
BEFORE THE MERGER. "

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

HB03-1312 by Representative(s) Larson, Decker, Groff, Jahn, Judd, Lee, Marshall, Romanoff, Rose,
Smith, Stengel, White, Witwer; also Senator(s) Anderson--Concerning the authority to
direct the disposition of a person's last remains.

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

HB03-1012 by Representative(s) Williams T., Clapp; also Senator(s) Hillman--Concerning the
prohibition of the corporate practice of medicine by a professional services corporation
formed by persons licensed to practice medicine.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1129 by Representative(s) Rhodes, Harvey, Schultheis, Brophy, Cadman, Crane, Larson, May
M.; also Senator(s) Lamborn--Concerning a prohibition on discrimination by public entities
against contractors on the basis of labor organization affiliation.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1303 by Representative(s) Crane; also Senator(s) Lamborn--Concerning crimes involving the
unauthorized use of communication devices, and, in connection therewith, making an
appropriation.

Laid over until Wednesday, March 26, retaining its place on the calendar.

HB03-1153 by Representative(s) Weddig; also Senator(s) Hanna--Concerning the conduct of absentee
mail ballot elections.

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

The remaining bills on the Second Reading--General Orders calendar were laid over until
Wednesday, March 26, retaining their place: HB03-1263, HB03-1020, HB03-1251,
SB03-242.

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: HB03-1007, HB03-1232 as amended, HB03-1241 as
amended, HB03-1313 as amended, HB03-1267 as amended, SB03-250 as amended,
HB03-1312, HB03-1153.

Laid over until Wednesday, March 26: HB03-1160, HB03-1237, SB03-121, HB03-1001
as amended, HB03-1010, HB03-1294, HB03-1012, HB03-1129, HB03-1303, HB03-1263,
HB03-1020, HB03-1251, SB03-242.

Laid over until Friday, March 28: SB03-232, SB03-001, SB03-236.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SJR03-031 by Senator(s) Phillips; also Representative(s) Weissmann--Concerning honoring the 2002
Monarch High School football team for winning the state 4A championship.

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

COMMITTEE OF REFERENCE REPORTS

Business
Affairs and
Labor

The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBERS OF THE
STATE HOUSING BOARD**

for terms expiring January 31, 2005:

Peter H. Neukirch of Littleton, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed;

Rose A. Durham of Colorado Springs, to serve as a member from the Fifth Congressional District and as a Republican, reappointed.

Business
Affairs and
Labor

After consideration on the merits, the Committee recommends that **SB03-245** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 22, after "TEXT", insert "OR A SUBSTANTIVELY ACCURATE SUMMARY", and after "14-10-107 (4) (b)", insert "(I) (A)".

Judiciary

After consideration on the merits, the Committee recommends that **HB03-1236** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 27, line 13, strike "33, 35, and 36" and substitute "32, 34, and 35".

Judiciary

After consideration on the merits, the Committee recommends that **SB03-122** be postponed indefinitely.

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB03-254, 255.

Correctly engrossed: SB03-237.

Correctly reengrossed: SB03-238, 241.

Correctly revised: HB03-1050, 1053, 1083, 1186, 1219, 1228, 1297.

Correctly rerevised: HB03-1046, 1061, 1108, 1172, 1205, 1211, 1216, 1218, 1221, 1229, 1240, 1243, 1255, 1271, 1283, 1304, 1306.

To the Governor for signature on Wednesday, March 13, 2003, at 1:15 p.m.: SB03-002, 046, 047, 052, 057, 062, 066, 096, 118, 137, 143, 223.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1070, 1101, 1104, 1109, 1156, 1165, 1194, 1222, 1273, 1281.

The President has signed: HJR03-1028.

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TRIBUTES

Honoring Amanda Silverthorn -- by Senator Takis

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 25, was laid over until Wednesday, March 26, retaining its place on the calendar.

Consideration of Resolutions: SJR03-028, SJR03-030, SJR03-027.

Consideration of Memorial: SJM03-002.

Consideration of House Amendments to Senate Bills: SB03-117.

Consideration of Governor's Vetoes: SB03-207.

Consideration of Governor's Appointment:

Member of the Medical Services Board.

Conference Committees to Report: HB03-1161, HB03-1103, HB03-1301, HB03-1025.

Request for Conference Committee: SB03-065.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Wednesday, March 26, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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