

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

Fifty-sixth Legislative Day

Tuesday, March 4, 2003

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Prayer	By the chaplain, Reverend Glen Hamlyn.	11
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Pledge	By Senator Entz.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present-- 32.	17
	Absent/Excused--3; Groff, Keller, Phillips.	18
	Present later--Groff, Keller, Phillips.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Johnson, reading of the Journal of Monday, March 3, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

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Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1287 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
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	Amend reengrossed bill, page 3, line 16, strike "OLDER AND UNRESTORED," and substitute "OLDER,".	36
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Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1298 be referred to the Committee of the Whole with favorable recommendation.	40
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Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1222 be referred to the Committee of the Whole with favorable recommendation.	44
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Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1272 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	48
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	Amend reengrossed bill, page 2, after line 26, insert the following:	53
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	"(3) THE RECORDING OF A PERSON'S SOCIAL SECURITY NUMBER ON A BONAFIDE LOAN APPLICATION."	55
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Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1237 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	59
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	Amend reengrossed bill, page 5, after line 27, insert the following:	64
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	"SECTION 8. 5-3.5-101 (2), Colorado Revised Statutes, is amended to read:	66
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HB03-1237

5-3.5-101. Definitions. As used in this article, unless the context otherwise requires:

(2) "Covered loan" means a consumer credit ~~mortgage loan~~ transaction involving SECURED BY property located within this state that is considered a mortgage under section 152 of the federal "Home Ownership and Equity Protection Act of 1994", 15 U.S.C. sec. 1602 (aa), as amended, and regulations adopted pursuant thereto by the federal reserve board, including, without limitation, 12 CFR 226.32, as amended; except that if the total points and fees ~~on a loan~~ paid by the obligor at or before closing exceed six percent of the total loan amount, such loan shall be deemed to be a covered loan if the ~~loan~~ TRANSACTION otherwise meets the requirements of this subsection (2).

SECTION 9. 5-3.5-102 (1) (a), Colorado Revised Statutes, is amended to read:

5-3.5-102. Protection of obligors. (1) A covered loan is subject to the following limitations:

(a) **Limitation on balloon payment.** No covered loan may contain a provision for a scheduled payment that is more than twice as large as the average of earlier REGULARLY scheduled ~~monthly~~ payments, unless such balloon payment becomes due and payable not less than one hundred twenty months after the date of execution of the loan. This prohibition does not apply when the payment schedule is adjusted to account for the seasonal or irregular income of the obligor or if the purpose of the loan is a bridge loan connected with, or related to, the acquisition or construction of a dwelling intended to become the obligor's principal dwelling.

SECTION 10. 5-3.5-103 (1) (c), Colorado Revised Statutes, is amended to read:

5-3.5-103. Restricted acts and practices. (1) The following acts and practices are prohibited in the making of a covered loan:

(c) **Refinancing within a one-year period.** Within one year after having extended credit subject to ~~12 CFR 226.32~~ THIS ARTICLE 3.5, no lender shall refinance any COVERED loan subject to ~~12 CFR 226.32~~ to the same obligor into another COVERED loan subject to ~~12 CFR 226.32~~ unless the refinancing is in the obligor's interest. An assignee holding or servicing an extension of mortgage credit subject to ~~12 CFR 226.32~~ THIS ARTICLE 3.5 shall not, for the remainder of the one-year period following the date of origination of the credit, refinance any COVERED loan subject to ~~12 CFR 226.32~~ to the same obligor into another COVERED loan subject to ~~12 CFR 226.32~~ unless the refinancing is in the obligor's interest. A creditor or assignee shall not engage in acts or practices to evade this paragraph (c), including a pattern or practice of arranging for the refinancing of its own loans by affiliated or unaffiliated creditors, or modifying a loan agreement, regardless of whether the existing loan is satisfied and replaced by the new loan, and charging a fee."

Renumber succeeding sections accordingly.

Business
Affairs and
Labor

After consideration on the merits, the Committee recommends that **HB03-1257** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE REVISOR OF STATUTES

March 3, 2003
We herewith transmit:

Without comment, as amended, HB03-1020 and SB03-143.

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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:

SB03-041 by Senator(s) Reeves; also Representative(s) Smith--Concerning the central information system, and making an appropriation in connection therewith.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

SB03-110 by Senator(s) Entz, Chlouber, Hillman, Isgar, Tapia, Taylor, Owen; also Representative(s) Hoppe, Miller, Salazar--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

Co-sponsors added: Johnson, Kester, and Teck.

HB03-1066 by Representative(s) Larson; also Senator(s) Teck--Concerning frivolous requests for hearings before 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	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

HB03-1009 by Representative(s) Fritz, Cadman, Rhodes; also Senator(s) Hanna, Phillips--Concerning a statewide health care defined benefit plan for police officers and firefighters.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

Co-sponsors added: Chlouber, Entz, Hagedorn, Isgar, Linkhart, Nichol, and Taylor.

HB03-1124 by Representative(s) Lundberg; also Senator(s) Jones--Concerning a modification to the definition of the term "expenditure" for purposes of the "Local Government Budget Law of Colorado" to exclude the payment of moneys received from and required to be paid to another person by the office of the public trustee.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

HB03-1185 by Representative(s) Brophy; also Senator(s) Entz--Concerning the maximum gross weight of a vehicle combination operated by an electric utility.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

Co-sponsors added: Isgar.

HB03-1071 by Representative(s) Larson, Smith; also Senator(s) Teck, Entz, May--Concerning a requirement that enforcement officials who perform commercial vehicle safety inspections be certified by the commercial vehicle safety alliance to perform level I inspections.

HB03-1071

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	E	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	E	Mr. President	Y
Gordon	Y	Keller	E	Reeves	Y		

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

HB03-1037 by Representative(s) Romanoff; also Senator(s) Arnold--Concerning the reporting of child abuse or neglect.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	E	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	E	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, Fitz-Gerald, Grossman, Hanna, Keller, Linkhart, Sandoval, Tapia, Taylor, Tupa, and Windels.

HB03-1084 by Representative(s) Clapp; also Senator(s) Sandoval--Concerning the requirement that registered dietitians report child abuse or neglect.

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

YES	28	NO	5	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	E	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	N	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	E	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: Entz, Fitz-Gerald, Gordon, Hanna, and Tupa.

HB03-1192 by Representative(s) Rhodes; also Senator(s) Sandoval--Concerning actions taken by the Colorado state board of chiropractic examiners that affect a chiropractor's licensing status.

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

HB03-1192

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	E	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	E	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: Entz, Hanna, and Kester.

SB03-234

by Senator(s) Kester; also Representative(s) Hall--Concerning the date that refund interest begins to accrue where property tax was erroneously levied as a result of an error by the taxpayer in completing statements relating to oil and gas property.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	E	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	E	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: Arnold, Chlouber, Entz, Taylor, and Teck.

HB03-1157

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

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	E	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	E	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**.

HB03-1204

by Representative(s) Stengel; also Senator(s) Jones--Concerning disclosure by an investment firm to fiduciaries of public moneys regarding any business agreement that may create a conflict of interest for the investment firm.

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

HB03-1204

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	E	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: Hagedorn and Sandoval.

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

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: Hanna, Sandoval, Taylor, and Windels.

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 Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR03-022 by Senator(s) Cairns, Andrews, Arnold, Chlouber, Entz, Evans, Hillman, Johnson S., Jones, Kester, Lamborn, May, McElhany, Owen, Taylor, Teck; also Representative(s) Fairbank--Concerning a request that the Colorado congressional delegation work to protect the permanency of the savings of the United States.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	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	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	N	Reeves	N		

Co-sponsors added: Sandoval.

HJR03-1023 by Representative(s) Cloer, Cadman, Decker, Hefley, King, Schultheis, Sinclair, Spradley, Stafford; also Senator(s) Lamborn--Concerning the expression of gratitude and support for the United States Armed Forces stationed abroad.

On motion of Senator Lamborn, the resolution was referred to the committee on State, Veterans and Military Affairs.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB03-1048, 1069.**

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB03-240; SJR03-025

Correctly engrossed: SB03-041, 110, 234; SJR03-025

Correctly reengrossed: SB03-021, 032, 141.

Correctly revised: HB03-1009, 1037, 1066, 1084, 1071, 1124, 1157, 1185, 1192, 1193, 1204; HJR03-1021.

Correctly rerevised: HB03-1036, 1098, 1169, 1193.

Correctly enrolled: SB03-061, 071.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE JOINT RESOLUTIONS

SJR03-018 by Senator(s) Lamborn, Andrews, Cairns, Evans, Hillman, May, Owen; also Representative(s) Fritz, Lee, Smith--Concerning the deployment of a missile defense system by the United States congressional delegation.

Senator Lamborn moved that the Senate concur in House amendments to **SJR03-018**, as printed in House Journal, February 28, page 975. The motion was **passed** 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		

The question being "Shall the resolution, as amended, be adopted?", the roll call was taken with the following result:

SJR03-018

YES	32	NO	3	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	N	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	N	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 resolution, as amended, was declared **readopted**.

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.

Senator Hillman moved that the Senate concur in House amendments to **SJR03-019**, as printed in House Journal, February 28, page 976. The motion was **passed** 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		

The question being "Shall the resolution, as amended, be adopted?", the roll call was taken with the following result:

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	Y	Reeves	N		

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

Co-sponsors added: Evans.

MESSAGE FROM THE HOUSE

March 4, 2003

Mr. President:

The House has adopted the First Report of the Second Conference Committee on SB03-183, as printed in House Journal, March 3, pages 1010-1012, and has re-passed the bill as so amended. The bill is returned herewith.

FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON SB03-183

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your second conference committee appointed on SB03-183,
concerning the modification of certain preschool through twelfth grade
public education programs, and making appropriations in connection
therewith, has met and reports that it has agreed upon the following:

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

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

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

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

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

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

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

line 14, strike "FROM THE";

strike lines 15 through 19;

after line 23, insert the following:

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

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

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

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SB03-183

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

~~(I) The current economic slowdown being experienced in Colorado has significantly reduced the amount of revenues the general assembly has available to fund state services and programs during the 2001-02 state fiscal year and has caused the general assembly to modify its decisions regarding the objects and level of support for which state revenues are to be expended during said state fiscal year;~~

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

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

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

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

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

Renumber succeeding sections accordingly.

Page 25, before line 1, insert the following:

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

Section 2. **Appropriation.**

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SB03-183

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

Renumber succeeding section accordingly.

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

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

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

strike line 19 and substitute the following:

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

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

strike line 10 and substitute the following:

"repealed as follows:".

Respectfully submitted,

Senate Committee:
 (Signed)
 Senator Owen, Chairman
 Senator Teck
 Senator Reeves

House Committee:
 (Signed)
 Representative Young, Chairman
 Representative Witwer
 Representative Plant

Senator Anderson moved to suspended the rules for immediate consideration of the Conference Committee Report to SB03-183.

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

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CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB03-183 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--
Concerning the modification of certain preschool through twelfth grade public education
programs, and making appropriations in connection therewith.

Senator Reeves moved for the adoption of the First Report of the Second Conference
Committee on **SB03-183**, as printed in Senate Journal, March 4, pages 536-540.

The motion 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		

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	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	N
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 **repassed**.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB03-1148** be referred
to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB03-1034** be referred
to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB03-1165** be referred
to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB03-1027** be
amended as follows, and as so amended, be referred to the Committee of the Whole with
favorable recommendation.

Amend reengrossed bill, page 2, line 13, after "ORDERS.", add "IF A STAY
IS ORDERED, ALL DISCOVERY AND OTHER PROCEEDINGS SHALL BE STAYED
DURING THE PENDENCY OF AN APPEAL TAKEN PURSUANT TO THIS SECTION
UNLESS THE COURT ORDERING THE STAY FINDS UPON THE MOTION OF ANY
PARTY THAT SPECIFIC DISCOVERY IS NECESSARY TO PRESERVE EVIDENCE
OR TO PREVENT UNDUE PREJUDICE TO SUCH PARTY.".

Senate in recess.

Senate reconvened.

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:

COMMISSIONER OF INSURANCE

effective January 7, 2003, for a term expiring at the pleasure of the Governor:

Douglas Dean of Denver, Colorado, appointed.

Business
Affairs and
Labor

After consideration on the merits, the Committee recommends that **HB03-1273** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 4, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1241.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1001, amended as printed in House Journal, March 3, page 996.
HB03-1050, amended as printed in House Journal, March 3, page 996.
HB03-1053, amended as printed in House Journal, March 3, page 996.
HB03-1130, amended as printed in House Journal, March 3, page 997.
HB03-1159, amended as printed in House Journal, March 3, page 997.
HB03-1263, amended as printed in House Journal, March 3, page 997.

The House has passed on Third Reading and returns herewith SB03-060,047,118,052.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-066, amended as printed in House Journal, March 4, page 998.

The House has postponed indefinitely SB03-004. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 4, 2003

We herewith transmit:

Without comment, HB03-1241.
Without comment, as amended, HB03-1001, 1050, 1053, 1130, 1159, and 1263 and SB03-066.

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INTRODUCTION OF RESOLUTION

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

- HJR03-1012** by Representative(s) Hoppe; also Senator(s) Entz--Concerning the species conservation eligibility list.
Agriculture, Natural Resources & Energy

INTRODUCTION OF BILLS--FIRST READING

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

- SB03-241** by Senator(s) May R.; also Representative(s) Rippy--Concerning the continuation of the regulation of certain persons in the business of automotive sales, and, in connection therewith, continuing the regulatory functions of the executive director of the department of revenue related to motor vehicle sales.
Transportation
- SB03-242** by Senator(s) Dyer; --Concerning membership of the peace officers standards and training board.
Judiciary
- SB03-243** by Senator(s) Anderson; also Representative(s) White--Concerning the statewide travel management program.
Finance
- HB03-1020** by Representative(s) Boyd; also Senator(s) Groff--Concerning forgery.
Judiciary
- HB03-1112** by Representative(s) McFadyen; also Senator(s) Tapia--Concerning the inadmissability of certain confidential communications by juveniles.
State Veterans & Military Affairs

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 4, was laid over until Wednesday, March 5, retaining its place on the calendar.

Second Reading--General Orders: SB03-222, SB03-073, HB03-1026, HB03-1117, HB03-1079, HB03-1109, HB03-1156, HB03-1104, HB03-1014, HB03-1101, HB03-1063, HB03-1038, HB03-1281, HB03-1077, HB03-1032, SB03-149, HB03-1003, SB03-101, SB03-134, SB03-114, SB03-068, SB03-027, SB03-132, SB03-001, SB03-225, HB03-1070, HB03-1103, SB03-235, HB03-1006, SB03-232.

Consideration of Governor's Appointments:

- Member of the Coal Mine Board of Examiners;
- Member of the Board of Governors of the Colorado State University System;
- Members of the Read-To-Achieve Board;
- Members of the Colorado Aeronautical Board;
- Members of the Ground Water Commission;
- Members of the Colorado Children's Trust Fund Board;
- Members of the Hazardous Waste Commission;
- Members of the Medical Services Board.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Wednesday,
March 5, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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