

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

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Sixty-ninth Legislative Day Monday, March 17, 2003

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Prayer	By the chaplain, Dr. Evan Hock.	10
Pledge	By Senator Chlouber.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present-- 31. Absent/Excused--4; May, Nichol, Owen, Phillips. Present later--Owen, Phillips.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Keller, reading of the Journal of March 14, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**MESSAGE FROM THE HOUSE**

March 14, 2003

Mr. President:

The House has postponed indefinitely SB03-014. The bill is returned herewith.

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**INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

**SJR03-028** by Senator(s) Dyer; also Representative(s) Stengel--Concerning proclaiming March 16, 2003, as Liberty Day in Colorado.

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

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**MESSAGES FROM THE GOVERNOR**

February 17, 2003

To the Honorable  
 Senate  
 First Regular Session  
 Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and returned to the Senate the following resolution:

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S.J.R. 03-007 – Concerning Support For The Secretary Of The Interior's Actions To Enforce California's Entitlements Pursuant To The Colorado River Compact.

Approved February 17, 2003 at 2:38 p.m.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 02-20-03 9:45 a.m.  
Mona Heustis, Secretary of the Senate

March 14, 2003

To the Honorable  
Senate  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

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

S.B. 03-061 - Concerning Responsibilities For Local Administration Of Motor Vehicle Registration Laws For The City And County Of Denver.

Approved March 12, 2003 at 4:53 p.m.

S.B. 03-071 - Concerning The Prerequisites For The Issuance Of Liquor Licenses To Certain Types Of Premises.

Approved March 13, 2003 at 4:50 p.m.

S.B. 03-206 - Concerning A Supplemental Appropriation To The Judicial Department.

Approved March 13, 2003 at 5:15 p.m.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 03-14-03 1:40 p.m.  
Mona Heustis, Secretary of the Senate

March 5, 2003

The Honorable Colorado Senate  
Sixty-Fourth Colorado General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 03-186, "Concerning an Increase in Fees Collected by the Judicial Department, and Making an Appropriation in Connection Therewith." I will neither sign nor veto Senate Bill 03-186. Therefore, this bill becomes law at 12:01 a.m. on March 18, 2003. This letter sets forth my reasons for letting this bill become law without my signature.

Senate Bill 03-186 significantly increases fees charged by the Judicial Department. The increase in fees will be used to fund the Judicial Stabilization Cash Fund and money from the fund will be spent to fund judicial operations. During this difficult fiscal challenge, many Executive Branch departments have offered significant savings through program and staff reductions. However, the Judicial Department has not been held to the same standards. Instead the Judicial Department instituted temporary reductions through furloughs in order to generate some savings for the current fiscal year, while utilizing fee increases to maintain funding at current levels in future years. This is not equitable to other departments. While most other departments received a reduction in FTE in FY 2002-03, the Judicial Department did not. For instance, the Department of Corrections

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received an FTE reduction of 210, equal to the amount of vacancies in the Department. The Judicial Department did not receive a similar reduction.

In the past few years, the Judicial Department has received significant increases in both General Fund and total appropriations. Table 1 shows the increases in appropriations to the Judicial Department. Given the strong growth in funding over the past five years, I believe that the Judicial Department could have offered more savings than it did.

**Table 1: Judicial Department Appropriations**

	General Fund		Total Funds	
	Appropriation	Growth	Appropriation	Growth
FY 03-04*	\$ 221,228,536	3.4%	\$ 286,541,856	3.5%
FY 02-03	\$ 213,928,757	-0.4%	\$ 276,884,033	2.0%
FY 01-02	\$ 214,887,046	4.1%	\$ 271,460,927	5.8%
FY 00-01	\$ 206,485,128	6.3%	\$ 256,686,865	8.4%
FY 99-00	\$ 194,268,468	7.7%	\$ 236,902,563	8.2%
FY 98-99	\$ 180,395,178	7.1%	\$ 218,959,775	6.2%

\*This is the amount recommended by the JBC Staff.

While I am generally not supportive of fee increases, Senate Bill 03-186 enjoyed near unanimous support in both the House and the Senate. Because of this and because I do not want to interfere with another branch of government's management decisions, I am allowing Senate Bill 03-186 to become law without my signature.

Sincerely,  
 (signed)  
 Bill Owens  
 Rec'd 03-14-03 1:40 p.m.  
 Mona Heustis, Secretary of the Senate

Appointment Letters of withdrawal for appointments from Governor Owens were read:

February 21, 2003

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the nomination of the following:

**MEMBER OF THE  
 STATE BOARD OF HEALTH**

for a term expiring March 1, 2005:

Dr. Franklyn N. Judson of Denver, Colorado, reappointed.

Sincerely,  
 (signed)  
 Bill Owens  
 Governor  
 Rec'd 03-14-03 3:10 p.m.  
 Mona Heustis, Secretary of the Senate

February 21, 2003

To the Honorable  
 Colorado Senate  
 Colorado General Assembly  
 State Capitol Building  
 Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the nominations of the following:

MEMBERS OF THE STATE HOUSING BOARD

for terms expiring January 31, 2005:

Karen C. Gerard of Loveland, Colorado, reappointed;

Laurie L. Bower of Edwards, Colorado, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd 03-14-03 3:10 p.m.  
Mona Heustis, Secretary of the Senate

**SENATE SERVICES REPORT**

Senate Services

Correctly printed: SB03-250, 251;  
SJR03-027;  
SJM03-001.

Correctly engrossed: SB03-132, 243.

Correctly revised: HB03-1003, 1005, 1008, 1045, 1081, 1100, 1175, 1212, 1224, 1226, 1239, 1266, 1288, 1298.

Correctly enrolled: SB03-002, 029, 035, 057, 046, 137,143, 223;  
SJR03-017, 025.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: HB03-1014, 1028, 1032, 1034, 1038, 1063, 1079, 1095, 1098, 1148, 1192, 1246.

The President has signed: HB03-1093.

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 Resolution.

**CONSIDERATION OF RESOLUTION**

**SJR03-026** by Senator(s) Anderson, Andrews, Fitz-Gerald; also Representative(s) King, Spradley, Veiga--Concerning the 50TH Anniversary of the Colorado Legislative Council.

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

YES	33	NO	0	EXCUSED	2	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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		

**SJR03-026**

Co-sponsors added: Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, McElhany, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

Call of Senate

Call of Senate.  
Call Raised.

**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) Rippey-- Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, increasing the amount of allocations, requiring allocations to be made for every state fiscal year without regard to the amount of state revenues for the fiscal year, and requiring a specified percentage of the revenues allocated to be expended for highway purposes or highway-related capital improvements.

Laid over until Tuesday, March 18, retaining its place on the calendar.

**HB03-1081**

by Representative(s) Coleman, Vigil, White, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning foster care services.

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Fitz-Gerald, Hagedorn, Hanna, Isgar, Keller, Sandoval, and Windels.

**HB03-1298**

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

Laid over until Tuesday, March 18, retaining its place on the calendar.

**HB03-1003**

by Representative(s) Brophy; also Senator(s) Taylor--Concerning civil liability for certain agricultural recreation activities.

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

Third Reading Amendment No. 1(L.019), by Senator Taylor.

Amend revised bill, page 6, strike lines 8 though 12.

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

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

**HB03-1003**

YES	21	NO	12	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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 bill was declared **passed**.

Co-sponsors added: Chlouber, Entz, Evans, Isgar, Johnson, and Teck.

**HB03-1005**

by Representative(s) Hoppe, Hodge, Miller, Rippey, White; also Senator(s) Entz, Isgar, Phillips, Taylor--Concerning the extension of the implementation dates for certain water augmentation requirements.

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Chlouber and Teck.

**HB03-1008**

by Representative(s) Spradley; also Senator(s) Kester--Concerning conservation easements for appurtenant water rights.

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Andrews, Arnold, Chlouber, Entz, Evans, Groff, Grossman, Hillman, Tapia, Taylor, and Teck.

**HB03-1100**

by Representative(s) Smith; also Senator(s) Taylor--Concerning the management of natural resources on federal land.

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

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**HB03-1100**

YES	33	NO	0	EXCUSED	2	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Isgar, Kester, and Teck.

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

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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, Sandoval, Teck, and Tupa.

**HB03-1224** by Representative(s) Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Hefley, King, Larson, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens; also Senator(s) Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz, Hillman, Johnson S., Jones, Kester, McElhany, Owen, Taylor, Teck--Concerning a prohibition against the acceptance by public entities of identity documents that are not secure.

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

YES	21	NO	12	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	Y	May	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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 bill was declared **passed**.

**HB03-1045** by Representative(s) Clapp, Madden, Romanoff, Stafford; also Senator(s) Hagedorn--Concerning penalties relating to unauthorized insurance policies.

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

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**HB03-1045**

YES	33	NO	0	EXCUSED	2	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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, McElhany, Tapia, and Teck.

**HB03-1212** by Representative(s) Veiga; also Senator(s) Evans--Concerning restitution orders entered in criminal cases.

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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**.

**HB03-1288** by Representative(s) Smith; also Senator(s) Evans--Concerning the definition of terms used in connection with an injury arising out of certain public facilities for purposes of the "Colorado Governmental Immunity Act".

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	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	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: Isgar.

**HB03-1266** by Representative(s) Larson, McCluskey, Rippey, Rose, Salazar, Stengel, Weddig; also Senator(s) Taylor--Concerning recodification of statutes related to peace officers.

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

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**HB03-1266**

YES	33	NO	0	EXCUSED	2	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Fitz-Gerald, Sandoval, and Tapia.

**HB03-1239** by Representative(s) Stengel; also Senator(s) Dyer--Concerning minor adjustments to the boundaries between certain contiguous counties.

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Andrews, Entz, and Grossman.

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

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	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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 and Tapia.

**SB03-243** by Senator(s) Anderson; also Representative(s) White--Concerning the statewide travel management program.

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

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**SB03-243**

YES	33	NO	0	EXCUSED	2	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	E	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	E	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: Andrews, Fitz-Gerald, Groff, Grossman, Hanna, Kester, Owen, Sandoval, Taylor, Teck, and Tupa.

Committee of the Whole

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

**SB03-001** by Senator(s) Cairns; also Representative(s) Lee--Concerning property tax credits to support education in the state.

Laid over until Tuesday, March 18, retaining its place on the calendar.

**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.

Laid over until Tuesday, March 18, retaining its place on the calendar.

**HB03-1299** by Representative(s) Cadman; also Senator(s) Dyer--Concerning the minimum authorized return for a life insurance annuity.

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, March 5, pages 554-555 and placed in members' bill files.)

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

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

Amendment No. 1(L.003), by Senator Tupa.

Amend reengrossed bill, page 3, strike line 27 and substitute the following:

"SECTION 3. 24-20-202, Colorado Revised Statutes, is amended to read:

**24-20-202. Restrictions on noncitizens in event of riot, insurrection, or invasion.** (1) If the governor at any time issues his A proclamation as provided in section 24-20-201 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-32-2104 declaring the state or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it is unlawful while said proclamation is in force for any person firm, or corporation within the territory covered by said proclamation WHO IS NOT A CITIZEN OF THE UNITED STATES to purchase, manufacture for sale or use, receive, transport, carry, or use any firearm

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HB03-1290

or ammunition or to sell, give away, or otherwise dispose of or permit others to obtain possession of any firearm or ammunition. ~~without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit satisfies the governor or his representative that the same is to be used in defense of his home, person, or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the national guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation, or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 24-20-201.~~

(2) (a) IN ORDER TO SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, WHERE THE GOVERNOR HAS ISSUED A PROCLAMATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-32-2104 DECLARING THE STATE OR ANY COUNTY, CITY, TOWN, OR DISTRICT WITHIN THE STATE TO BE IN A STATE OF RIOT, INSURRECTION, OR INVASION, ANY PERSON WITHIN THE TERRITORY COVERED BY SAID PROCLAMATION WHO INTENDS TO PURCHASE ANY FIREARM OR AMMUNITION SHALL SUBMIT SUCH IDENTIFICATION TO THE VENDOR SELLING THE FIREARM OR AMMUNITION AS SHALL DEMONSTRATE THAT THE PURCHASER IS A CITIZEN OF THE UNITED STATES.

(b) FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE SUBMISSION BY A PURCHASER OF ANY OF THE FOLLOWING FORMS OF IDENTIFICATION SHALL CONSTITUTE SUFFICIENT PROOF TO SATISFY THE REQUIREMENT OF THIS SECTION THAT A PURCHASER IS A CITIZEN OF THE UNITED STATES:

(I) A VALID UNITED STATES PASSPORT;

(II) A VALID EMPLOYEE IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE PURCHASER ISSUED BY ANY BRANCH, DEPARTMENT, AGENCY, OR ENTITY OF THE UNITED STATES GOVERNMENT OR OF THIS STATE, OR BY ANY COUNTY, MUNICIPALITY, BOARD, AUTHORITY, OR OTHER POLITICAL SUBDIVISION OF THIS STATE;

(III) A VALID PILOT'S LICENSE WITH A PHOTOGRAPH OF THE PURCHASER ISSUED BY THE FEDERAL AVIATION ADMINISTRATION OR OTHER AUTHORIZED AGENCY OF THE UNITED STATES;

(IV) A VALID BIRTH CERTIFICATE ISSUED IN THE PURCHASER'S NAME BY ANY COUNTY OF THIS OR ANY OTHER STATE WHEN SUBMITTED WITH ANOTHER FORM OF VALID IDENTIFICATION BEARING A PHOTOGRAPH OF THE PURCHASER;

(V) A VALID CARD ISSUED IN THE PURCHASER'S NAME BY THE FEDERAL SOCIAL SECURITY ADMINISTRATION WHEN SUBMITTED WITH ANOTHER FORM OF VALID IDENTIFICATION BEARING A PHOTOGRAPH OF THE PURCHASER; OR

(VI) A VALID UNITED STATES MILITARY IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE PURCHASER.

**SECTION 4.** 24-20-204, Colorado Revised Statutes, is amended to read:

**24-20-204. Violation - penalty.** Any person ~~firm, or corporation~~ violating the provisions of section 24-20-202 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment."

Strike page 4.

Page 5, strike lines 1 through 3.

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**HB03-1290**

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

**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.

Laid over until Tuesday, March 18, retaining its place on the calendar.

**HB03-1015**

by Representative(s) Marshall; also Senator(s) Anderson--Concerning the alleviation of the administrative workload of the department of public health and environment in areas not directly related to the enforcement of health and safety regulations, and, in connection therewith, delaying a statewide economic analysis and repealing a fee credit program.

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

**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.

Laid over until Tuesday, March 18, retaining its place on the calendar.

**HB03-1127**

by Representative(s) Smith; also Senator(s) Arnold--Concerning allegations against education providers.

Amendment No. 1(L.011), by Senator Windels.

Amend reengrossed bill, page 2, strike lines 13 through 16 and substitute the following:

"(b) MAINTAINING A SAFE ENVIRONMENT IS AN IMPORTANT COMPONENT OF LEARNING. AT TIMES, EDUCATORS MAY FEEL THEY LACK THE AUTHORITY TO MAINTAIN SAFETY AND DISCIPLINE IN THE PUBLIC SCHOOL CLASSROOM OR THEY MAY HESITATE TO EXERCISE THIS AUTHORITY BECAUSE OF THE THREAT OF A LAWSUIT RESULTING FROM THEIR ACTIONS."

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

**HB03-1097**

by Representative(s) Hall; also Senator(s) Johnson S.--Concerning the regulation of the hunting of wildlife.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. (Printed in Senate Journal, March 7, pages 582-583 and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Isgar.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated March 6, 2003, page 1, strike line 9;

line 10, before "line 19" insert "Page 5,".

Page 2, line 5, strike "wildlife OUTSIDE LEGAL HUNTING HOURS" and substitute "wildlife.";

line 6, strike "ACCORDING TO COMMISSION RULES.".

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

**HB03-1035**

by Representative(s) Briggs, Young; also Senator(s) Entz--Concerning the management of pest control districts, and, in connection therewith, authorizing cooperative pest control agreements.

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- HB03-1035** Ordered revised and placed on the calendar for Third Reading and Final Passage. 1  
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- HB03-1111** by Representative(s) Harvey; also Senator(s) Evans--Concerning the authority of county governments to prosecute violations of the county's building code. 3  
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 7  
(Printed in Senate Journal, March 11, pages 609-610 and placed in members' bill files.) 8  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 10  
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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. 13  
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Laid over until Tuesday, March 18, retaining its place on the calendar. 18  
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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. 20  
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 23  
(Printed in Senate Journal, March 7, page 582 and placed in members' bill files.) 24  
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As amended, laid over until Tuesday, March 18, retaining its place on the calendar. 26  
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- HB03-1286** by Representative(s) Hefley, Clapp, Romanoff; also Senator(s) Dyer--Concerning acceleration of the process for terminating the parent-child legal relationship of children under one year of age, and, in connection therewith, expediting the voluntary relinquishment process. 28  
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Amendment No. 1, Judiciary Committee Amendment. 33  
(Printed in Senate Journal, March 11, page 616 and placed in members' bill files.) 34  
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Amendment No. 2(L.006), by Senator Evans. 36  
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Amend reengrossed bill, page 5, line 2, strike "SEVENTY-TWO"; 38  
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line 3, strike "HOURS" and substitute "FOUR DAYS". 40  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 42  
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The remaining bills on the Second Reading--General Orders calendar were laid over until Tuesday, March 18, retaining their place: HB03-1240, HB03-1304, HB03-1297, 45  
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HB03-1221, HB03-1207, HB03-1306, HB03-1244, HB03-1186, HB03-1243, HB03-1197, 47  
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SB03-238, HB03-1160, SB03-241, HB03-1253, HB03-1205, HB03-1046, HB03-1001, 48  
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HB03-1241, HB03-1271, HB03-1142, HB03-1255, HB03-1283, HB03-1061, HB03-1033, 49  
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HB03-1219, HB03-1172, HB03-1083, HB03-1108. 50  
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 53  
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- On motion of Senator Jones, 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: 55  
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- Passed on Second Reading: HB03-1299 as amended, HB03-1290 as amended, 59  
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HB03-1015, HB03-1127 as amended, HB03-1097 as amended, HB03-1035, HB03-1111 60  
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as amended, HB03-1286 as amended. 61  
Laid over until Tuesday, March 18: SB03-001, HB03-1237, SB03-236, HB03-1007, 62  
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SB03-121, HB03-1232 as amended, HB03-1240, HB03-1304, HB03-1297, HB03-1221, 63  
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HB03-1207, HB03-1306, HB03-1244, HB03-1186, HB03-1243, HB03-1197, SB03-238, 64  
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HB03-1160, SB03-241, HB03-1253, HB03-1205, HB03-1046, HB03-1001, HB03-1241, 65  
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HB03-1271, HB03-1142, HB03-1255, HB03-1283, HB03-1061, HB03-1033, HB03-1219, 66  
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HB03-1172, HB03-1083, HB03-1108. 67  
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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 House Amendments to Senate Joint Resolution. 70  
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CONSIDERATION OF HOUSE AMENDMENTS TO SENATE JOINT RESOLUTIONS

SJR03-012 by Senator(s) Entz; also Representative(s) Salazar--Concerning extending the naming of the "Korean War Veterans Memorial Highway".

Senator Entz moved that the Senate concur in House amendments to SJR03-012, as printed in House Journal, March 11, pages 1106-1107. The motion was adopted by the following roll call vote:

Table with 8 columns: YES (33), NO (0), EXCUSED (2), ABSENT (0). Rows list names and their corresponding votes (Y, N, E).

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

Table with 8 columns: YES (33), NO (0), EXCUSED (2), ABSENT (0). Rows list names and their corresponding votes (Y, N, E).

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

INTRODUCTION OF BILL--FIRST READING

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

SB03-252 by Senator(s) Kester, Anderson, Andrews, Cairns, Dyer, Entz, Evans, Gordon, Groff, Grossman, Isgar, Johnson S., Jones, May R., Owen, Tapia, Teck, Tupa; also Representative(s) Stengel--Concerning the placement following parole revocation of a parolee on parole for a nonviolent felony, and making an appropriation in connection therewith.

Judiciary

TRIBUTE

Honoring Johnny Spillane -- by Senator Taylor.

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 17, was laid over until Tuesday, March 18, retaining its place on the calendar.

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

Consideration of Governor's Vetoes: SB03-207.

Consideration of Governor's Appointments:

Members of the Colorado Tourism Office Board of Directors;

Members of the Juvenile Parole Board;

Members of the Colorado Traumatic Brain Injury Board.

Conference Committee to Report: HB03-1161.

Request for Conference Committee: SB03-065.

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

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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