

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

Sixty-sixth Legislative Day

Friday, March 14, 2003

Prayer By the chaplain, Monsignor Tom Fryar.

Pledge By the President.

Call to Order By the President at 9:00 a.m.

Roll Call Present-- 34.
Absent/Excused--1; Taylor.
Present later--Taylor.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Jones, reading of the Journal of March 13, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary (Corrected Judiciary Committee Report for HB03-1297 replacing the Judiciary Committee Report printed in Senate Journal, March 11, page 617.)

After consideration on the merits, the Committee recommends that **HB03-1297** 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, strike "EPISODE WITHIN A THREE-YEAR" and substitute "EPISODE.";

strike line 14.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1139** be postponed indefinitely.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1218** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 3, insert the following:

"(IV) SUBPARAGRAPHS (I) TO (III) OF THIS PARAGRAPH (b) ARE REPEALED AS OF THE EFFECTIVE DATE OF ANY FEDERAL LAW THAT WOULD PERMIT ANY ACTIVITY DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b)."

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Trans-
portation After consideration on the merits, the Committee recommends that **HB03-1216** be referred to the Committee of the Whole with favorable recommendation.

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portation After consideration on the merits, the Committee recommends that **HB03-1053** be referred to the Committee of the Whole with favorable recommendation.

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Finance After consideration on the merits, the Committee recommends that **HB03-1130** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

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Amend reengrossed bill, page 4, line 21, strike "A" and substitute "THE";
line 22, strike "OF REFERENCE" and substitute "ON FINANCE".

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Finance After consideration on the merits, the Committee recommends that **HB03-1050** be referred to the Committee of the Whole with favorable recommendation.

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

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MEMBERS OF THE
STATEWIDE POISON CONTROL OVERSIGHT BOARD

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for terms expiring July 1, 2006:

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Derk L. Maniscalco of Arvada, Colorado, to serve as a member from the public at large and as a Republican from the Seventh Congressional District, appointed;

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Barbara Bailey of Colorado Springs, Colorado, to serve as a representative of the Department of Public Health and Environment and as a Democrat from the Fifth Congressional District, appointed;

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James A. Ruth, Ph.D. of Boulder, Colorado, to serve as the designee of the chancellor of the University of Colorado Health Sciences Center and as a Democrat from the Second Congressional District, reappointed;

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Carol M. Warner of Centennial, Colorado, to serve as a member from the public at large and as a Republican from the Sixth Congressional District, reappointed

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Health,
Environment,
Welfare &
Institutions After consideration on the merits, the Committee recommends that **HB03-1229** be referred to the Committee of the Whole with favorable recommendation.

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Health,
Environment,
Welfare &
Institutions After consideration on the merits, the Committee recommends that **SB03-246** be referred to the Committee on Appropriations with favorable recommendation.

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Health,
Environment,
Welfare &
Institutions After consideration on the merits, the Committee recommends that **HB03-1211** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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Amend reengrossed bill, page 10, line 16, strike "15," and substitute "1," and strike "PROVIDE" and substitute "MODIFY THE", and after "TRAINING", insert "PROVIDED";

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line 17, strike "DESIGNED".

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Page 11, line 3, strike "15," and substitute "1," and strike "BOARD" and substitute "BOARD, IN CONSIDERATION OF INPUT AND RECOMMENDATIONS FROM THE COUNTY DEPARTMENTS,";

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HB03-1211

line 14, after "STATE,", insert "USING A FORM CREATED BY THE STATE DEPARTMENT,";

line 20, after "ENTITY,", insert "WHICH ENTITY SHALL BE ONE".

Page 12, line 3, after "OF", insert "AND PREVENT THE RELEASE OF ANY INFORMATION CONTAINED IN";

line 6, strike "NOTHING";

line 7, strike "IN THIS SECTION SHALL PREVENT", and strike "OR" and substitute "AND";

line 8, strike "FROM MAINTAINING" and substitute "MAY MAINTAIN";

line 11, strike "15," and substitute "1,".

Page 20, line 19, strike "SECTION." and substitute "SECTION AND THE DIRECT AND INDIRECT COSTS OF ADMINISTERING SUBSECTIONS (3) AND (4) OF SECTION 19-3-313.5.".

line 22, strike "15," and substitute "1,".

Page 33, strike lines 2 and 3 and substitute the following:

"SECTION 20. Effective date. This act shall take effect January 1, 2004."

Local Government

After consideration on the merits, the Committee recommends that **HB03-1228** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 5 and substitute the following:

"amended to read:

17-26-104.5. Medical visits - charge to persons in custody.

(1) A county jail may assess a medical treatment charge against any person who receives while being held in custody medical treatment performed by a physician, dentist, nurse, or licensed hospital or as a result of a sick call or for whom a prescription is filled. The county jail may assess any such medical treatment charge against the person's jail account. In addition, the county jail may assess a reasonable medical treatment charge for each visit by a person in custody to an institutional or noninstitutional physician, dentist, or optometrist; except that a medical treatment charge shall not be assessed for any visit required by the county jail during the intake process, an annual physical examination, any visit to a physician, dentist, or optometrist that results from a referral by a nurse, physician's assistant, or physician, or any emergency treatment or follow-up visit initiated by a medical professional. In no case shall a person's inability to pay be the basis for not providing ~~treatment by any medical personnel~~ MEDICAL TREATMENT EQUIVALENT TO THE COMMUNITY STANDARD OF CARE. Any medical treatment charge that remains unpaid shall constitute a cost of care that the person may be ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S.

(2) The provisions of this section shall apply to any person held in custody in a county jail regardless of whether the person is a juvenile, is being held prior to trial, or is in custody for conviction under a state statute or a county or municipal ordinance

(3) WHEN A PERSON IS HELD IN CUSTODY IN A COUNTY JAIL, THE COUNTY";

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HB03-1228

strike lines 13 and 14 and substitute the following:

"MEDICAL TREATMENT COSTS FOR A".

Education

After consideration on the merits, the Committee recommends that **HB03-1087** be referred to the Committee of the Whole with favorable recommendation.

Education

After consideration on the merits, the Committee recommends that **SB03-237** 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 10, strike "TRUSTEE" and substitute "CUSTODIAN";

line 12, strike the second "THE".

Page 3, line 6, after "BANK", insert "OR DEPOSITORY TRUST COMPANY,";

line 9, strike "TRUSTEE" and substitute "CUSTODIAN";

line 10, strike "TRUSTEE" and substitute "CUSTODIAN";

line 11, strike "TRUSTEE," and substitute "CUSTODIAN,";

line 15, strike "SECURITIES THAT" and substitute "ANY INVESTMENTS PERMITTED BY LAW.";

strike lines 16 and 17;

line 19, strike "TRUSTEE" and substitute "CUSTODIAN".

Page 4, line 2, strike "TRUSTEE" and substitute "CUSTODIAN";

line 6, strike "TRUSTEE" and substitute "CUSTODIAN";

line 17, strike "TRUSTEE" and substitute "CUSTODIAN".

Page 5, line 5, strike "TRUSTEE" and substitute "CUSTODIAN";

line 20, after the period, insert "IF A SCHOOL DISTRICT CHOOSES TO ADOPT SUCH A RESOLUTION, IT SHALL BE ADOPTED PRIOR TO ISSUANCE OR INCURRENCE OF THE BONDS OR OBLIGATIONS TO WHICH IT APPLIES.".

Page 7, line 13, strike "EQUAL" and substitute "NOT EXCEED";

line 14, strike "FORWARDED." and substitute "FORWARDED; EXCEPT THAT THE STATE TREASURER, IN ONE OR MORE MONTHS DURING THE TWELVE-MONTH WITHHOLDING PERIOD, MAY WITHHOLD MORE THAN ONE-TWELFTH OF THE AMOUNT FORWARDED, IF THE SCHOOL DISTRICT IN ONE OR MORE MONTHS DURING THE TWELVE-MONTH WITHHOLDING PERIOD RECEIVES TOTAL PROGRAM AND TAX REVENUES IN AN AMOUNT THAT IS LESS THAN ONE-TWELFTH OF THE AMOUNT FORWARDED.".

Page 8, line 9, strike "TRUSTEE" and substitute "CUSTODIAN".

Education

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

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**MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE**

for terms expiring January 1, 2004:

Leonel B. Silva of Centennial, Colorado, to serve as a Democrat, appointed;

for terms expiring January 1, 2005:

Linda Campbell of Ignacio, Colorado, to serve as a Republican, appointed;
Peter Decker of Ridgway, Colorado, to serve as a Democrat, appointed;

for terms expiring January 1, 2006:

Michael Pugh of Pueblo, Colorado, to serve as a Republican, appointed;
Sally Schaefer of Grand Junction, Colorado, to serve as a Republican, appointed;

for a term expiring January 1, 2007:

Ronald W. Pettigrew of Durango, Colorado, to serve as a Republican, appointed.

MESSAGE FROM THE HOUSE

March 13, 2003

Mr. President:

The House has postponed indefinitely SB03-108, & SB03-003 The bills are returned herewith.

INTRODUCTION OF RESOLUTION AND MEMORIAL

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

SJR03-027 by Senator(s) Hagedorn, Hanna, Windels; also Representative(s) Stafford, Madden, Romanoff--Concerning streamlining health care billing.
Health, Environment, Welfare & Institutions

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

SJM03-001 by Senator(s) Hanna, Phillips, Arnold, Dyer, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hillman, Isgar, Johnson S., Keller, Kester, Linkhart, Nichol, Owen, Reeves, Sandoval, Taylor, Teck, Windels; also Representative(s) Young, Borodkin, Briggs, Coleman, Frangas, Paccione, Ragsdale, Rippey, Vigil, Weddig--Memorializing Congress and President Bush to fulfill the pledge to help fund states to fight terrorist attacks.
State Veterans & Military Affairs

INTRODUCTION OF BILLS--FIRST READING

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

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.
Finance

HB03-1250 by Representative(s) Sinclair, King, Schultheis; also Senator(s) Cairns--Concerning the procedure for awarding science and technology education center grants by the state board of education from recommendations by the science and technology education center grants advisory board.
Education

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

GENERAL ORDERS--SECOND READING OF BILLS

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

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

Laid over until August 1, 2003.

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

Laid over until Friday, March 21, retaining its place on the calendar.

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

Laid over until Monday, March 17, retaining its place on the calendar.

SB03-154 by Senator(s) Hillman; also Representative(s) Rhodes--Concerning a prohibition on local governments from requiring an owner of a private residential property to sell the property below its fair market value.

Laid over until Friday, March 21, retaining its place on the calendar.

SB03-132 by Senator(s) May R., Johnson S., McElhany, Chlouber; --Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, increasing the amount of allocations, requiring allocations to be made for every state fiscal year without regard to the amount of state revenues for the fiscal year, and requiring a specified percentage of the revenues allocated to be expended for highway purposes or highway-related capital improvements.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 13, pages 348-350 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, February 28, pages 511-512 and placed in members' bill files.)

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

(For further action, see Amendments to the Report of the Committee of the Whole.)

SB03-232 by Senator(s) Chlouber; also Representative(s) Stengel--Concerning the office of consumer counsel.

Laid over until Friday, March 21, 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 Monday, March 17, 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.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, March 5, pages 552-553 and placed in members' bill files.)

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HB03-1081

Amendment No. 2(L.019), by Senator Takis.

Amend the Local Government Committee Report, dated March 4, 2003,
page 1, line 8, strike "moneys." and substitute "moneys - rule-making.";

line 10, after "OF", insert "HEALTH AND".

Page 2, strike lines 2 and 3 and substitute the following:

"STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY FUNDS
MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD
SUBSEQUENT PAYMENTS. THE PROVISION IN THE";

line 4, after "RECOVER", insert "OR WITHHOLD";

strike lines 5 and 6 and substitute the following:

"THE FUNDS. THE STATE BOARD SHALL PROMULGATE RULES THAT SET
FORTH THE PROCEDURES FOR THE APPEAL, WHICH RULES SHALL REQUIRE,
AT A MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT
AGENCY."."

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

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

Laid over until Monday, March 17, 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 Monday, March 17, retaining its place on the calendar.

HB03-1143 by Representative(s) Crane, Brophy, Cadman, Clapp, Fairbank, Fritz, Harvey, Hefley, King,
Lee, Lundberg, May M., Mitchell, Rhodes, Schultheis, Sinclair, Spence, Stafford, White;
also Senator(s) May R., Andrews, Arnold, Cairns, Hillman, Johnson S., Jones, Kester,
Lamborn--Concerning leave for teachers' union activities.

Ordered revised and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

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

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

Amend reengrossed bill, page 2, line 19, strike "THE STANDARDS OF THE
INDUSTRY," and substitute "STANDARD INDUSTRY PRACTICES,".

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

Amend printed bill, page 2, line 14, strike "BAD FAITH".

As amended, ordered revised and placed on the calendar for Third Reading and Final
Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

HB03-1003 by Representative(s) Brophy; also Senator(s) Taylor--Concerning civil liability for certain
agricultural recreation activities.

Amendment No. 1(L.012), by Senator Taylor.

Amend reengrossed bill, page 2, line 19, after "INDIVIDUAL,", insert
"FACILITY PERSON,".

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HB03-1003

Page 3, line 7, after "HUSBANDRY;", insert "RODEO AND LIVESTOCK ACTIVITIES;"

Page 5, line 11, strike "FACILITY" and substitute "ACTIVITY INSTRUCTION".

Page 6, line 12, strike "CLEARLY";

line 13, strike "VISIBLE LOCATION AT THE FACILITY." and substitute "LOCATION AT THE FACILITY THAT IS CLEARLY VISIBLE TO ANY PROSPECTIVE PARTICIPANT."

Page 7, after line 6, insert the following:

"(c) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO IMPOSE LIABILITY ON A FACILITY PERSON FOR THE FAILURE OF AN ACTIVITY INSTRUCTOR OR EQUIPMENT PROVIDER TO COMPLY WITH THE PROVISIONS OF PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (5) SO LONG AS THE FACILITY PERSON HAS COMPLIED WITH THE PROVISIONS."

Amendment No. 2(L.014), by Senator Taylor.

Amend reengrossed bill, page 7, strike lines 7 through 26.

Renumber succeeding sections accordingly.

Amendment No. 3(L.017), by Senator Chlouber.

Amend reengrossed bill, page 3, line 11, strike "FARM" and substitute "FARM,";

line 12, strike "OR RANCH" and substitute "RANCH, OR A PUBLIC PROPERTY THAT IS LEASED OR RENTED AND UNDER THE CONTROL OF THE PERSON DEFINED IN PARAGRAPH (e) OF THIS SUBSECTION (2)".

Amendment No. 4(L.018), by Senator Hillman.

Amend reengrossed bill, page 3, line 4, strike "VEHICLE." and substitute "VEHICLE THAT OCCURS ON OR IN PROXIMITY TO THE PROPERTY OF AN AGRICULTURAL OPERATION OR AN ADJACENT ROADWAY."

Amendment No. 5(L.016), by Senator Hillman.

Amend reengrossed bill, page 5, line 6, strike "(A)";

line 7, strike "OR SHOULD HAVE KNOWN";

strike lines 10 through 21.

Renumber succeeding subparagraphs accordingly.

Page 6, strike lines 10 through 27.

Page 7, strike lines 1 through 6 and substitute the following:

"(5) THE OPERATOR OF A FACILITY SHALL EXERCISE REASONABLE CARE TO PROTECT AGAINST DANGERS OF WHICH HE OR SHE ACTUALLY KNEW OR SHALL GIVE WARNING OF ANY DANGERS THAT ARE ORDINARILY PRESENT ON THE PROPERTY."

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

HB03-1005

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

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- HB03-1005** 1
Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 2
(Printed in Senate Journal, March 6, pages 559-560 and placed in members' bill files.) 3
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As amended, ordered revised and placed on the calendar for Third Reading and Final 5
Passage. 6
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- HB03-1008** 8 by Representative(s) Spradley; also Senator(s) Kester--Concerning conservation easements 8
for appurtenant water rights. 9
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 11
(Printed in Senate Journal, March 6, page 560 and placed in members' bill files.) 12
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As amended, ordered revised and placed on the calendar for Third Reading and Final 14
Passage. 15
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- HB03-1100** 17 by Representative(s) Smith; also Senator(s) Taylor--Concerning the management of natural 17
resources on federal land. 18
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 20
(Printed in Senate Journal, March 6, pages 560-561 and placed in members' bill files.) 21
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Amendment No. 2(L.006), by Senator Taylor. 23
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Amend the Agriculture, Natural Resources, and Energy Committee 25
Report, dated March 5, 2003, page 1, line 9, strike "AIR QUALITY" and 26
substitute "RESOURCE"; 27
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strike line 11 and substitute the following: 29
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"SEC. 1604, AND 43 U.S.C. SEC. 1712. 31
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SECTION 8. 25-8-202 (1), Colorado Revised Statutes, is 33
amended BY THE ADDITION OF A NEW PARAGRAPH to read: 34
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25-8-202. Duties of the commission. (1) The commission shall 36
develop and maintain a comprehensive and effective program for 37
prevention, control, and abatement of water pollution and for water 38
quality protection throughout the entire state and, in connection 39
therewith, shall: 40
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(1) COORDINATE WITH THE UNITED STATES SECRETARY OF THE 42
INTERIOR AND THE UNITED STATES SECRETARY OF AGRICULTURE TO 43
DEVELOP WATER QUALITY MANAGEMENT PLANS FOR FEDERAL LANDS 44
PURSUANT TO 16 U.S.C. SEC. 530, 16 U.S.C. SEC. 1604, AND 43 U.S.C. 45
SEC. 1712."." 46
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As amended, ordered revised and placed on the calendar for Third Reading and Final 48
Passage. 49
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- HB03-1175** 51 by Representative(s) Spence, Briggs, Crane, Fairbank, Frangas, Lee, Paccione, Rose, 51
Schultheis, Williams S.; also Senator(s) Andrews--Concerning numbers to identify 52
postsecondary education students. 53
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Amendment No. 1, Education Committee Amendment. 55
(Printed in Senate Journal, March 6, page 561 and placed in members' bill files.) 56
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As amended, ordered revised and placed on the calendar for Third Reading and Final 58
Passage. 59
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- HB03-1224** 61 by Representative(s) Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, 61
Decker, Fairbank, Fritz, Hall, Hefley, King, Larson, Lundberg, May M., McCluskey, 62
Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens; also 63
Senator(s) Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz, Hillman, Johnson S., 64
Jones, Kester, McElhany, Owen, Taylor, Teck--Concerning a prohibition against the 65
acceptance by public entities of identity documents that are not secure. 66
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 68
(Printed in Senate Journal, March 5, page 555 and placed in members' bill files.) 69

HB03-1224

Amendment No. 2(L.015), by Senator Andrews.

Amend reengrossed bill, page 2, after line 10, insert the following:

(1) "BREASTFEEDING WOMEN" MEANS BREASTFEEDING WOMEN AS DEFINED BY 42 U.S.C. SEC. 1786 (b).

(2) "CHILDREN" MEANS CHILDREN AS DEFINED BY 42 U.S.C. SEC. 1786 (b).

(3) "INFANTS" MEANS INFANTS AS DEFINED BY 42 U.S.C. SEC. 1786 (b).

(4) "PREGNANT WOMEN" MEANS PREGNANT WOMEN AS DEFINED BY 42 U.S.C. SEC. 1786 (b)."

Renumber succeeding subsections accordingly.

Page 3, line 9, strike "SECTION" and substitute "ARTICLE";

line 10, change the comma to a semi-colon;

line 11, before "OR PROVIDING", insert "ISSUING A TRAFFIC CITATION, ACCEPTING AN APPLICATION FOR THE PROVISION OF SERVICES OR PROVIDING SERVICES TO PREGNANT WOMEN, WOMEN BREASTFEEDING AN INFANT THAT WAS BORN IN THE UNITED STATES, AND INFANTS AND CHILDREN BORN IN THE UNITED STATES PURSUANT TO 42 U.S.C. SEC. 1786,";

line 12, strike "SERVICES,", and substitute "SERVICE; A PEACE OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES AND WITHIN THE SCOPE OF THE OFFICER'S EMPLOYMENT IF SUCH OFFICER RECORDS THE USE OF A DOCUMENT THAT IS NOT SECURE AND VERIFIABLE WITHIN THE CRIMINAL JUSTICE RECORD;"

after line 13, insert the following:

"SECTION 2. 18-5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

"18-5-102. Forgery. (3) UTTERING A FORGED DOCUMENT TO A PEACE OFFICER SHALL CREATE A PRESUMPTION THAT THE PERSON INTENDED TO DEFRAUD SUCH PEACE OFFICER."

Renumber succeeding sections accordingly.

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

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

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

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

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

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".

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 6, page 563 and placed in members' bill files.)

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- HB03-1288** Amendment No. 2(L.003), by Senator Windels.
 Amend reengrossed bill, page 4, line 7, strike "A CONSTRUCTED";
 line 8, strike "DEVICE" and substitute "STRUCTURES AND RELATED APPARATUS";
 line 17, strike "ACONSTRUCTED DEVICE" and substitute "STRUCTURES AND RELATED APPARATUS".
 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 Monday, March 17, retaining its place on the calendar.
- HB03-1266** by Representative(s) Larson, McCluskey, Rippey, Rose, Salazar, Stengel, Weddig; also Senator(s) Taylor--Concerning recodification of statutes related to peace officers.
 Ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1239** by Representative(s) Stengel; also Senator(s) Dyer--Concerning minor adjustments to the boundaries between certain contiguous counties.
Amendment No. 1, Local Government Committee Amendment.
 (Printed in Senate Journal, March 7, page 565 and placed in members' bill files.)
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- 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".
Amendment No. 1(L.002), by Senator Windels.
 Amend reengrossed bill, page 2, line 10, after "parties.", add "IN ADDITION, IN ALL PROCEEDINGS UNDER THE "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF TITLE 22, C.R.S., THE COURT SHALL MAKE AVAILABLE TO THE CHILD'S PARENT OR GUARDIAN AD LITEM INFORMATION CONCERNING THE TRUANCY PROCESS."
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- HB03-1197** by Representative(s) May M., Judd; also Senator(s) Taylor, Anderson--Concerning the use of confidential communications between certified public accountants and clients in proceedings relating to the attest activities of certified public accountants, and, in connection therewith, creating an exception to the Colorado accountant-client privilege for purposes of disciplinary functions of the state board of accountancy related to attest services.
Amendment No. 1, Finance Committee Amendment.
 (Printed in Senate Journal, March 7, page 581 and placed in members' bill files.)
Amendment No. 2(L.005), by Senator Hagedorn.
 Amend reengrossed bill, page 4, after line 6, insert the following:

HB03-1197

"(VII) SUBPARAGRAPH (III) OF THIS PARAGRAPH (f) SHALL NOT BE A WAIVER OF ANY THIRD PARTY OR THE CERTIFIED PUBLIC ACCOUNTANT OR CERTIFIED PUBLIC ACCOUNTING FIRM OF DUE PROCESS REMEDIES AVAILABLE UNDER THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., THE OPEN RECORDS LAWS, ARTICLE 72 OF TITLE 24, C.R.S., OR ANY OTHER PROVISION OF LAW.

(VIII) PRIOR TO THE DISCLOSURE OF INFORMATION PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), THE CERTIFIED PUBLIC ACCOUNTANT, CERTIFIED PUBLIC ACCOUNTING FIRM, OR CLIENT THEREOF SHALL HAVE THE OPPORTUNITY TO DESIGNATE REPORTS OR WORKING PAPERS RELATED TO THE ATTEST FUNCTION UNDER SUBPOENA AS PRIVILEGED AND CONFIDENTIAL PURSUANT TO THIS PARAGRAPH (f) OR THE OPEN RECORDS LAWS, ARTICLE 72 OF TITLE 24, C.R.S., IN ORDER TO ASSURE THAT THE REPORT OR WORKING PAPERS SHALL NOT BE DISSEMINATED OR OTHERWISE REPUBLISHED AND SHALL ONLY BE REVIEWED PURSUANT TO LIMITED AUTHORITY GRANTED TO THE BOARD UNDER TO THIS SECTION.

(IX) NO LATER THAN THIRTY DAYS AFTER THE BOARD OF ACCOUNTANCY COMPLETES THE INVESTIGATION FOR WHICH RECORDS OR WORKING PAPERS ARE SUBPOENAED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (f), THE BOARD SHALL RETURN ALL ORIGINAL RECORDS, WORKING PAPERS, OR COPIES THEREOF TO THE CERTIFIED PUBLIC ACCOUNTANT OR CERTIFIED PUBLIC ACCOUNTING FIRM."

As amended, declared **lost** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole.)

SB03-243

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

Ordered engrossed 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 Monday, March 17, retaining their place: HB03-1015, HB03-1007, HB03-1232, HB03-1127, HB03-1097, HB03-1035, HB03-1111, SB03-121, HB03-1286, HB03-1240, HB03-1304, HB03-1297, HB03-1221, HB03-1207, HB03-1306, HB03-1244, HB03-1186, HB03-1243.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1197

by Representative(s) May M., Judd; also Senator(s) Taylor, Anderson--Concerning the use of confidential communications between certified public accountants and clients in proceedings relating to the attest activities of certified public accountants, and, in connection therewith, creating an exception to the Colorado accountant-client privilege for purposes of disciplinary functions of the state board of accountancy related to attest services.

Senator Taylor moved to amend the Report of the Committee of the Whole to show that **HB03-1197**, as amended, was laid over to Monday, March 17.

A majority of all members elected to the Senate having voted in the affirmative, **HB03-1197** was laid over.

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.

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SB03-132

Senator Phillips requested a roll call vote on **SB03-132**.

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

As amended, declared **passed** on Second Reading.

HB03-1143 by Representative(s) Crane, Brophy, Cadman, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, Lundberg, May M., Mitchell, Rhodes, Schultheis, Sinclair, Spence, Stafford, White; also Senator(s) May R., Andrews, Arnold, Cairns, Hillman, Johnson S., Jones, Kester, Lamborn--Concerning leave for teachers' union activities.

Senator May moved to amend the Report of the Committee of the Whole to show that **HB03-1143** was laid over to Friday, March 21.

A majority of all members elected to the Senate having voted in the affirmative, **HB03-1143** was laid over.

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

Senator Lamborn moved to amend the Report of the Committee of the Whole to show that the following Linkhart floor amendment, (L.003) to HB 03-1298, did not pass.

Amend printed bill, page 2, line 14, strike "BAD FAITH".

The amendment was declared **adopted** by the following roll call vote:

YES	18	NO	17	EXCUSED	0	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	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SB03-132, as amended, HB03-1081 as amended, HB03-1298 as amended, HB03-1003 as amended, HB03-1005 as amended, HB03-1008 as amended, HB03-1100 as amended, HB03-1175 as amended, HB03-1224 as amended, HB03-1045, HB03-1212, HB03-1288 as amended, HB03-1266, HB03-1239 as amended, HB03-1226 as amended, SB03-243.

Laid over until Monday, March 17: SB03-001, HB03-1237, HB03-1299, HB03-1290, SB03-236, HB03-1015, HB03-1007, HB03-1232, HB03-1127, HB03-1097, HB03-1035, HB03-1111, SB03-121, HB03-1286, HB03-1240, HB03-1304, HB03-1297, HB03-1221, HB03-1207, HB03-1306, HB03-1244, HB03-1186, HB03-1243, HB03-1197 as amended.

Laid over until Friday, March 21: SB03-073, SB03-154, SB03-232, HB03-1143,

Laid over until August 1: SB03-074.

MESSAGE FROM THE HOUSE

March 14, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1021, amended as printed in House Journal, March 13, page 1121.

The House has passed on Third Reading and returns herewith SB03-025,130.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-024, amended as printed in House Journal, March 13, pages 1121-1132.

MESSAGE FROM THE REVISOR OF STATUTES

March 14, 2003

We herewith transmit:

Without comment, as amended, HB03-1021 and SB03-024.

Senator Anderson moved to suspend the rules for immediate Consideration of House Amendments to SB03-024.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-024 by Senator(s) Chlouber; also Representative(s) White, Rose--Concerning permits that authorize persons who demonstrate competence with handguns to carry concealed handguns in all statutorily authorized areas of the state, and, in connection therewith, identifying the carrying of concealed handguns as an issue of statewide concern, creating statewide standards for issuance of permits to carry concealed handguns, and making an appropriation.

Senator Chlouber moved that the Senate concur in House amendments to SB03-024, as printed in House Journal, March 13, pages 1121-1122. The motion was passed by the following roll call vote:

Table with 8 columns: YES (25), NO (10), EXCUSED (0), ABSENT (0), and names of senators/representatives with their respective votes (Y/N).

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

SB03-024

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
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	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Co-sponsors added: Entz, Evans, Hillman, and Owen.

INTRODUCTION OF BILLS--FIRST READING

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

SB03-251 by Senator(s) Hagedorn, Hillman, Isgar, Johnson S., McElhany; also Representative(s) Mitchell, Carroll, McFadyen, Stafford--Concerning a prohibition on the use by local governments of amortization to eliminate nonconforming uses of property.
State Veterans & Military Affairs

HB03-1089 by Representative(s) Mitchell; also Senator(s) Taylor--Concerning reimbursement to owners whose property is acquired by a condemning authority in eminent domain proceedings.
State Veterans & Military Affairs

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators McElhany, Chairman, Hillman, and Hanna, as Senate Conferees on the First Conference Committee on **HB03-1161**.

MESSAGES FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Owens were read and assigned to Committee as follows:

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 have the honor to designate, appoint, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
STATE HOUSING BOARD**

for terms expiring January 31, 2007:

Felix M. Lopez of Trinidad, Colorado to serve as a member from the Third Congressional District and as a Republican, appointed;

Ted J. Chavez of Milliken, Colorado, to serve as a member from the Fourth Congressional District and as a Democrat, appointed;

E. Michael Rosser of Aurora, Colorado, to serve as a member from the Seventh Congressional District and as a Republican, appointed;

Rick L. Padilla of Denver, Colorado, to serve as a member from the First Congressional District and as an Unaffiliated, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Business Affairs & Labor

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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
STATE ELECTRICAL BOARD

for a term expiring July 1, 2005:

Thomas J. Lofland of Arvada, Colorado to fill the vacancy occasioned by the resignation of Frank J. Peralta of Pueblo West, Colorado, and to serve as a master electrician and as an Unaffiliated, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Business Affairs & Labor

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 have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for terms expiring January 1, 2008:

Peter M. Meersman of Aurora, Colorado, to serve as an employee representative whose liability is insured by Pinnacol Assurance, reappointed;

Debra E. Lovejoy of Colorado Springs, Colorado, to serve as an employee representative whose liability is insured by Pinnacol Assurance, appointed;

J. Mark Eagleton of Golden, Colorado to serve as an employee representative whose liability is insured by Pinnacol Assurance, appointed;

Gary O. Johnson of Lakewood, Colorado, to serve as a representative with experience in management and operation of an insurance company, appointed;

David L. Stevens of Denver, Colorado, to serve as a representative with experience in investment and finance, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Business Affairs & Labor

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 have the honor to designate, appoint, reappoint and submit to your consideration, the following:

MEMBERS OF THE
AIR QUALITY CONTROL COMMISSION

for terms expiring January 31, 2006:

James B. Martin of Longmont, Colorado, to serve as a member with technical experience, appointed;

John W. Daily of Boulder, Colorado, to serve as a member with scientific experience, appointed;

Marian I. Smith of Glenwood Springs, Colorado, to serve as a member with industrial training experience, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Health, Environment, Welfare & Institutions

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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 have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE
MEDICAL SERVICES BOARD

for a term expiring July 1, 2003:

Matthew T. Dunn of Denver, Colorado to fill the vacancy occasioned by the resignation of Representative John P. Witwer of Evergreen, Colorado and to serve as a member who has experience with the delivery of health care from the First Congressional District and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Health, Environment, Welfare & Institutions

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 have the honor to designate, appoint, reappoint and submit for your consideration, the following:

MEMBERS OF THE
STATE BOARD OF HEALTH

for a term expiring March 1, 2005:

Kris M. Johnson of Centennial, Colorado, to serve as representative of the Sixth Congressional District and as a Republican, appointed.

for terms expiring March 1, 2007:

Dr. Vander M. Barkett of Salida, Colorado, to serve as an at-large member, and as a Republican, reappointed;

Dr. Hai Phong Bui, of Lakewood, Colorado, to serve as an at-large member, and as a Republican, reappointed;

Laura J. Davis of Westminster, Colorado, to serve as a representative of the Second Congressional District, and as a Republican, reappointed;

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Jeanne T. McGinnis of Lakewood, Colorado, to serve as a representative of the Seventh Congressional District, and as a Democrat, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 03/07/03
Mona Heustis, Secretary of the Senate

Committee on Health, Environment, Welfare & Institutions

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1037, 1107, 1185, 1193, 1204.

The President has signed: HB03-1009, 1018, 1036, 1066, 1071, 1084, 1124, 1157.

The President has signed: SB03-002, 057, 137.

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 14, was laid over until Monday, March 17, retaining its place on the calendar.

- Consideration of Resolution: SJR03-026.
- Consideration of House Amendments to Senate Bills: SB03-117.
- Consideration of House Amendments to Senate Joint Resolution: SJR03-012.
- 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.
- Requests for Conference Committees: HB03-1161, SB03-065.

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, March 17, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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