

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

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Seventy-third Legislative Day

Friday, March 21, 2003

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| Prayer             | By the chaplain, Father Chris Masuira.   | 10   |
| Pledge             | By Senator Chlouber.   | 11   |
| Call to Order      | By the President at 9:00 a.m.  | 12   |
| Roll Call          | Present-- 29.<br>Absent/Excused--6; Cairns, Entz, Evans, Kester, Lamborn, Taylor.<br>Present later--Cairns, Evans, Lamborn, Taylor.                  | 13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21 |
| Quorum             | The President announced a quorum present.  | 22   |
| Reading of Journal | On motion of Senator Keller, reading of the Journal of March 20, 2003 was dispensed with and the Journal was approved as corrected by the Secretary. | 23<br>24<br>25<br>26                               |

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**COMMITTEE OF REFERENCE REPORTS**

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| Trans-<br>portation | After consideration on the merits, the Committee recommends that <b>HB03-1313</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.  | 27<br>28<br>29<br>30<br>31<br>32<br>33<br>34<br>35 |
|                     | Amend reengrossed bill, page 2, strike lines 23 through 25 and substitute the following:  | 36<br>37<br>38                                     |
|                     | "PROGRAM AREA AND MAY, BY RULE PROMULGATED ON OR BEFORE DECEMBER 31, 2004, ADJUST SUCH BOUNDARIES TO".  | 39<br>40<br>41                                     |
|                     | Page 3, strike lines 5 through 9 and substitute the following:  | 42<br>43   |
|                     | " <b>SECTION 2.</b> 25-7-133 (7), Colorado Revised Statutes, is amended to read:  | 44<br>45<br>46                                     |
|                     | <b>25-7-133. Legislative review and approval of state implementation plans and rules.</b> (7) (a) The commission may submit a request to redesignate Fort Collins to attainment status for the air pollutant carbon monoxide and may submit an associated maintenance plan for such area to the federal environmental protection agency for approval and incorporation into the state implementation plan. Such redesignation request and maintenance plan shall not be subject to further review pursuant to this section. | 47<br>48<br>49<br>50<br>51<br>52<br>53<br>54<br>55 |
|                     | (b) ANY REVISIONS TO THE AUTOMOBILE".   | 56<br>57   |
| Trans-<br>portation | After consideration on the merits, the Committee recommends that <b>HB03-1010</b> be referred to the Committee of the Whole with favorable recommendation.  | 58<br>59<br>60<br>61<br>62<br>63<br>64             |

Business  
Affairs and  
Labor

After consideration on the merits, the Committee recommends that **HB03-1294** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, after line 2, insert the following:

"**SECTION 2.** 10-16-105 (7.2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans.** (7.2) The commissioner shall promulgate rules to implement a basic health benefit plan and a standard health benefit plan to be offered by each small employer carrier as a condition of transacting business in this state. Such rules shall be in conformity with the provisions of article 4 of title 24, C.R.S., and shall incorporate the following:

(c) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A SMALL EMPLOYER CARRIER MAY OFFER AND A SMALL EMPLOYER MAY ACCEPT OR REJECT COVERAGE FOR DOMESTIC PARTNERS UNDER A STANDARD OR BASIC HEALTH BENEFIT PLAN. "

Renumber succeeding section accordingly.

Education

After consideration on the merits, the Committee recommends that **SB03-248** be referred to the Committee on Appropriations with favorable recommendation.

**INTRODUCTION OF RESOLUTION AND MEMORIAL**

The following resolution was read by title:

**SJR03-030** by Senator(s) Lamborn, Andrews; also Representative(s) Mitchell--Concerning support for President Bush's position on the University of Michigan's affirmative action admissions policy.

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

The following memorial was read by title:

**SJM03-002** by Senator(s) Evans, Andrews; also Representative(s) Wiens, Brophy--Concerning memorializing the United States Senate to support the floor vote and nomination of federal judicial nominee Miguel Estrada.

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

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 General Orders--Second Reading.

Committee  
of the  
Whole

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

**GENERAL ORDERS--SECOND READING OF BILLS**

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

- HB03-1304** by Representative(s) McCluskey, Hall, Berry, Briggs, Fairbank, Frangas, Fritz, Hoppe, Larson, Lee, May M., Merrifield, Paccione, Rippey, Rose, Sinclair, Spence, Spradley, Stafford, White, Wiens; also Senator(s) Johnson S.--Concerning the penalties associated with impersonating a peace officer. 1  
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Amendment No. 1(L.002), by Senator Johnson. 6  
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Amend reengrossed bill, page 2, line 7, strike "July 1, 2003," and 8  
substitute "May 1, 2003,". 9  
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As amended, ordered revised and placed on the calendar for Third Reading and Final 11  
Passage. 12  
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- HB03-1297** by Representative(s) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T.; also Senator(s) Dyer, Anderson--Concerning death penalty aggravating factors. 14  
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Amendment No. 1, Judiciary Committee Amendment. 16  
(Printed in Senate Journal, March 14, page 645 and placed in members' bill files.) 17  
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As amended, laid over until Monday, March 24, retaining its place on the calendar. 19  
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- HB03-1240** by Representative(s) Clapp; also Senator(s) Dyer--Concerning changes to the juvenile justice system. 22  
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Amendment No. 1, Judiciary Committee Amendment. 25  
(Printed in Senate Journal, March 11, pages 616-617 and placed in members' bill files.) 26  
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As amended, ordered revised and placed on the calendar for Third Reading and Final 28  
Passage. 29  
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- HB03-1207** by Representative(s) Briggs; also Senator(s) Entz--Concerning a modification to the statutory provisions regarding special districts to allow a municipality to agree to be the approving authority of a special district that was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation. 31  
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Laid over until Monday, March 24, retaining its place on the calendar. 37  
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- HB03-1306** by Representative(s) Hall; also Senator(s) Jones--Concerning the appointment of independent referees by a board of county commissioners to conduct a hearing related to a petition for an abatement or refund of property taxes. 39  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 43  
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- HB03-1244** by Representative(s) Ragsdale; also Senator(s) Tapia--Concerning penalties imposed for committing the crime of defacing property. 45  
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Amendment No. 1, Judiciary Committee Amendment. 48  
(Printed in Senate Journal, March 12, pages 626-627 and placed in members' bill files.) 49  
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Amendment No. 2(L.005), by Senator Tapia. 51  
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Amend the Judiciary Committee Report, dated March 11, 2003, page 1, 53  
strike lines 3 through 6 and substitute the following: 54  
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"line 19, strike "C.R.S." and substitute "C.R.S., AND FIFTY PERCENT OF 56  
THE FINES COLLECTED PURSUANT TO THIS PARAGRAPH (a) SHALL BE 57  
CREDITED TO THE JUVENILE DIVERSION CASH FUND CREATED IN SECTION 58  
19-2-303.5, C.R.S.";" 59  
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Page 3, strike line 7 and substitute the following: 61  
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"line 23, strike "(m), or (1) (n);" and substitute "(m) or (1) (n).";" 63  
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strike line 16 and substitute the following: 65  
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"Page 6, strike lines 1 through 25 and substitute the following: 67  
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"**SECTION 7.** Part 3 of article 2 of title 19, Colorado Revised 69  
Statutes, is amended BY THE ADDITION OF A NEW SECTION to 70  
read: 71  
72

**HB03-1244**

**19-2-303.5. Juvenile diversion cash fund - creation.** (1) HALF OF THE MONEYS COLLECTED PURSUANT TO SECTION 18-4-509 (2) (a), C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE JUVENILE DIVERSION CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF JUVENILE DIVERSION PROGRAMS PURSUANT TO SECTION 19-2-303.

(2) THE FUND IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF JUVENILE DIVERSION PROGRAMS. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF JUVENILE DIVERSION PROGRAMS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(4) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ". "

As amended, referred to the Committee on Appropriations.

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

Laid over until Monday, March 24, retaining its place on the calendar.

**HB03-1243** by Representative(s) Marshall; also Senator(s) Chlouber--Concerning the application of the statute of limitations for prosecuting offenses based on a series of acts performed at different times to criminal violations under the "Colorado Securities Act".

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.

As amended in General Orders, March 14, pages 655-656.

Laid over until Monday, March 24, retaining its place on the calendar.

**SB03-238** by Senator(s) Chlouber; also Representative(s) Stengel--Concerning the recovery of actual costs of utility facility relocation at the request of a government entity.

Amendment No. 1(L.004), by Senator Chlouber.

Strike the Finance Committee Report, dated March 11, 2003, and substitute the following:

"Amend printed bill, page 2, line 23, after the period, add the following:

"RECOVERY OF ACTUAL COSTS INCURRED FOR RELOCATION IS INTENDED FOR THOSE STATE AND POLITICAL SUBDIVISION REQUESTS THAT ARE DETERMINED BY THE COMMISSION TO BE BEYOND THE NORMAL COURSE OF BUSINESS. ". "

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

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- HB03-1160** by Representative(s) Spence, Briggs, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Spradley, Stafford, White, Williams T., Witwer; also Senator(s) Anderson--Concerning the provision of financial assistance for kindergarten through twelfth grade education to disadvantaged children. 1  
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Laid over until Monday, March 24, retaining its place on the calendar. 6  
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- SB03-241** by Senator(s) May R.; also Representative(s) Rippy--Concerning the continuation of the 8  
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regulation of certain persons in the business of automotive sales, and, in connection  
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therewith, continuing the regulatory functions of the executive director of the department of  
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revenue related to motor vehicle sales.  
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 19  
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- HB03-1253** by Representative(s) Stengel, Briggs, Coleman, Larson, Ragsdale, Stafford; also Senator(s) 21  
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Kester--Concerning the prevention of discriminatory trade practices in the payment of  
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motor vehicle insurance claims for the repair of damaged motor vehicles.  
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Laid over until Monday, March 24, retaining its place on the calendar. 29  
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- HB03-1205** by Representative(s) McCluskey, Hoppe, Briggs, Brophy, Fairbank, Fritz, Hall, Johnson R., 32  
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King, May M., Miller, Rose, White, Wiens; also Senator(s) Taylor--Concerning the refund  
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of beef board fees by the board of directors of the Colorado beef council authority.  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 40  
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- HB03-1046** by Representative(s) Madden; also Senator(s) Hillman--Concerning the creation of a 42  
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conservation easement in gross through a reservation.  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 47  
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- HB03-1001** by Representative(s) Hoppe; also Senator(s) Johnson S.--Concerning increased flexibility in 50  
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the use of water resources.  
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
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(Printed in Senate Journal, March 13, page 631 and placed in members' bill files.)  
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As amended, ordered revised and placed on the calendar for Third Reading and Final  
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Passage.  
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(For further action, see Amendments to the Report of the Committee of the Whole.) 64  
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- HB03-1241** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification 67  
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on election ballots.  
Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 13, page 631 and placed in members' bill files.)  
Amendment No. 2(L.003), by Senator McElhany.  
Amend the State, Veterans, and Military Affairs Committee Report, dated  
March 10, 2003, page 1, strike line 1 and substitute the following:  
"Amend reengrossed bill, page 2, after line 1, insert the following:  
"**SECTION 1.** 1-1-104, Colorado Revised Statutes, is amended  
BY THE ADDITION OF A NEW SUBSECTION to read:  
**1-1-104. Definitions.** As used in this code, unless the context  
otherwise requires:  
(19.5) (a) "IDENTIFICATION" MEANS:  
(I) A VALID DRIVER'S LICENSE;  
(II) A VALID UNITED STATES PASSPORT;  
(III) A VALID EMPLOYEE IDENTIFICATION CARD WITH A  
PHOTOGRAPH OF THE ELIGIBLE ELECTOR 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;

**HB03-1241**

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

(V) A VALID UNITED STATES MILITARY IDENTIFICATION CARD WITH A PHOTOGRAPH OF THE ELIGIBLE ELECTOR.

(b) ANY FORM OF IDENTIFICATION INDICATED IN PARAGRAPH (a) OF THIS SUBSECTION (19.5) THAT SHOWS THE ADDRESS OF THE ELIGIBLE ELECTOR SHALL BE CONSIDERED IDENTIFICATION ONLY IF THE ADDRESS IS IN THE STATE OF COLORADO."

Renumber succeeding sections accordingly.

Page 3, line 15, strike "DATABASE AS OF 7 P.M. ON";

after line 2, insert the following:

"strike lines 23 through 27 and substitute the following:

"THE SIGNATURES DO NOT MATCH, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN TEN DAYS AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN TEN"

Page 4, strike lines 1 through 10;

strike lines 16 and 17 and substitute the following:

"COUNTY CLERK AND RECORDER TO THE DISTRICT ATTORNEY FOR INVESTIGATION."

Page 5, after line 4, insert the following:

"(4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

(b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS SECTION." .";

line 3, strike "Page 5,";

after line 5, insert the following:

"Page 6, strike lines 1 through 15 and substitute the following:

"MATCH, THE COUNTY CLERK AND RECORDER SHALL, WITHIN THREE DAYS AFTER ELECTION DAY, SEND TO THE ELIGIBLE ELECTOR AT THE ADDRESS INDICATED IN THE REGISTRATION RECORDS A LETTER EXPLAINING THE DISCREPANCY IN SIGNATURES AND A FORM FOR THE ELIGIBLE ELECTOR TO CONFIRM THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER. IF THE COUNTY CLERK AND RECORDER RECEIVES THE FORM WITHIN TEN DAYS AFTER ELECTION DAY CONFIRMING THAT THE ELECTOR RETURNED A BALLOT TO THE COUNTY CLERK AND RECORDER AND ENCLOSING A COPY OF THE ELECTOR'S IDENTIFICATION AS DEFINED IN SECTION 1-1-104 (19.5), AND IF THE BALLOT IS OTHERWISE VALID, THE

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**HB03-1241**

BALLOT SHALL BE COUNTED. IF THE ELIGIBLE ELECTOR RETURNS THE FORM INDICATING THAT THE ELECTOR DID NOT RETURN A BALLOT TO THE COUNTY CLERK AND RECORDER, OR IF THE ELIGIBLE ELECTOR DOES NOT RETURN THE FORM WITHIN TEN DAYS AFTER ELECTION DAY, THE SELF-AFFIRMATION ON";

strike lines 20 and 21 and substitute the following:

"AND RECORDER TO THE DISTRICT ATTORNEY FOR INVESTIGATION.".

Page 7, after line 6, insert the following:

"(4) (a) AN ELECTION JUDGE SHALL NOT DETERMINE THAT THE SIGNATURE OF AN ELIGIBLE ELECTOR ON THE SELF-AFFIRMATION DOES NOT MATCH THE SIGNATURE OF THAT ELIGIBLE ELECTOR ON FILE WITH THE COUNTY CLERK AND RECORDER SOLELY ON THE BASIS OF SUBSTITUTION OF INITIALS OR USE OF A COMMON NICKNAME.

(b) THE DESIGNATED ELECTION OFFICIAL MAY PROVIDE TRAINING IN THE TECHNIQUE AND STANDARDS OF SIGNATURE COMPARISON TO ELECTION JUDGES WHO COMPARE SIGNATURES PURSUANT TO THIS SECTION.".

As amended, laid over until Monday, March 24, retaining its place on the calendar.

**HB03-1221** by Representative(s) Fairbank; also Senator(s) Cairns--Concerning accessibility standards for residential projects designed to serve persons with disabilities.

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

Amend reengrossed bill, page 8, line 21, strike "from" and substitute "from";

strike lines 22 through 24, and substitute the following:

~~"architectural drawings prepared after July 1, 1975, unless the authority responsible for the construction determines that the construction has reached a state where compliance is impractical~~ OR PROPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT. This article shall apply".

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

**HB03-1271** by Representative(s) Sinclair; also Senator(s) Taylor--Concerning voting by certain electors who are located outside the state.

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

**HB03-1142** by Representative(s) Crane, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, May M., Mitchell, Rhodes, Schultheis, Spence, Stafford, White; also Senator(s) Chlouber, Lamborn--Concerning minor political parties.

Laid over until Monday, March 24, retaining its place on the calendar.

**HB03-1255** by Representative(s) Stafford, Williams S.; also Senator(s) Johnson S.--Concerning the enhancement of patient safety through the confidential analysis of health care information by nongovernmental patient safety organizations.

Amendment No. 1(L.008), by Senator Johnson.

Amend reengrossed bill, page 3, strike line 6 and substitute the following:

"CONTAINED IN SUCH STUDIES CONDUCTED BY ANY SUCH NONGOVERNMENTAL ENTITY";

line 7, strike "INFORMATION".

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

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**HB03-1283** by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning qualifications for designation as a managed service organization for the purchase of treatment services related to alcohol and drug abuse.

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

**HB03-1061** by Representative(s) May M.; also Senator(s) Phillips--Concerning the repeal of the requirement that the state board of registration for professional engineers and professional land surveyors publish an annual roster.

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, March 13, page 633 and placed in members' bill files.)

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

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

Laid over until Monday, March 24, retaining its place on the calendar.

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

Laid over until Monday, March 24, retaining its place on the calendar.

**HB03-1172** by Representative(s) Clapp, Crane, Hefley, Lee, Lundberg, Rhodes, Spradley, White; also Senator(s) Dyer--Concerning school board policies covering when personnel may address health care treatment for student behavior issues.

Amendment No. 1(L.007), by Senator Dyer.

Amend reengrossed bill, page 2, line 8, after the period, add "SCHOOL PERSONNEL SHALL NOT TEST OR REQUIRE A TEST FOR A CHILD'S BEHAVIOR WITHOUT PRIOR WRITTEN PERMISSION FROM THE PARENTS OR GUARDIANS OR THE CHILD AND PRIOR WRITTEN DISCLOSURE AS TO THE DISPOSITION OF THE RESULTS OR THE TESTING THEREFROM." .

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

**HB03-1108** by Representative(s) Paccione; also Senator(s) Tupa--Concerning a standard policy for accepting international baccalaureate diploma students in Colorado institutions of higher education.

Amendment No. 1, Education Committee Amendment.  
(Printed in Senate Journal, March 13, pages 634-636 and placed in members' bill files.)

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

**HB03-1218** by Representative(s) Rose, Stengel; also Senator(s) Jones--Concerning a prohibition on a public corporation from making loans to directors.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 14, page 645 and placed in members' bill files.)

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

**HB03-1216** by Representative(s) Stafford; also Senator(s) Cairns--Concerning the equipment required for driving school vehicles.

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

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- HB03-1053** by Representative(s) Ragsdale, Borodkin, Coleman; also Senator(s) Teck, Entz, May, Takis--Concerning emissions testing for diesel vehicles. 1  
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Laid over until Monday, March 24, retaining its place on the calendar. 4  
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- HB03-1050** by Representative(s) Coleman; also Senator(s) Kester--Concerning the creation of the 6  
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business enterprise program cash fund for the state's vending facility program. 9  
Laid over until Monday, March 24, retaining its place on the calendar. 10
- HB03-1229** by Representative(s) Cloer, Schultheis; also Senator(s) Johnson S.--Concerning an 11  
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exemption from authority-to-practice requirements for mental health professionals with authority to practice in another state who practice in Colorado up to twenty days annually. 15  
Ordered revised and placed on the calendar for Third Reading and Final Passage. 16
- HB03-1211** by Representative(s) Williams T.; also Senator(s) Anderson--Concerning records of child 17  
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abuse or neglect for the protection of children. 20  
Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 21  
(Printed in Senate Journal, March 14, pages 646-647 and placed in members' bill files.) 22  
23  
Amendment No. 2(L.007), by Senator Anderson. 24  
25  
Amend reengrossed bill, page 11, line 4, strike "SUSPECTED OF" and 26  
substitute "FOUND TO BE RESPONSIBLE"; 27  
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line 5, strike "CHILD ABUSE OR NEGLECT"; 29  
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line 14, strike "SUSPECTED" and substitute "FOUND TO BE RESPONSIBLE IN 31  
A CONFIRMED REPORT"; 32  
33  
line 22, strike "SUSPECTED" and substitute "FOUND TO BE RESPONSIBLE IN 34  
A CONFIRMED REPORT". 35  
36  
Page 21, line 2, strike "SECTION." and substitute "SECTION AND FOR THE 37  
DIRECT AND INDIRECT COSTS OF ADMINISTERING SECTION 19-3-313.5 (3) 38  
AND (4).". 39  
40  
Page 24, line 26, strike "SUSPECTED OF" and substitute "FOUND TO BE 41  
RESPONSIBLE FOR THE". 42  
43  
Page 26, line 15, strike "are the subject of" and substitute "~~are the subject~~ 44  
of HAVE BEEN FOUND TO BE RESPONSIBLE IN". 45  
46  
Page 29, line 18, strike "is the subject of" and substitute "~~is the subject of~~ 47  
HAS BEEN FOUND TO BE RESPONSIBLE IN". 48  
49  
Page 30, line 4, strike "is the subject of" and substitute "~~is the subject of~~ 50  
HAS BEEN FOUND TO BE RESPONSIBLE IN". 51  
52  
Page 32, line 16, strike "is the subject of" and substitute "~~is the subject of~~ 53  
HAS BEEN FOUND TO BE RESPONSIBLE IN". 54  
55  
As amended, ordered revised and placed on the calendar for Third Reading and Final 56  
Passage. 57
- HB03-1228** by Representative(s) Cadman, Crane, Fairbank, Rhodes; also Senator(s) Dyer--Concerning 58  
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a limitation on liability for the treatment costs of specified health care conditions of a person in a county jail. 62  
Amendment No. 1, Local Government Committee Amendment. 63  
(Printed in Senate Journal, March 14, pages 647-648 and placed in members' bill files.) 64  
65  
As amended, laid over until Monday, March 24, retaining its place on the calendar. 66  
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**HB03-1087** by Representative(s) Veiga; also Senator(s) Gordon--Concerning requirements related to student transfers, and, in connection therewith, adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends an unsatisfactory school, as defined by section 22-7-604 (1), shall have priority over any other applicant for enrollment purposes.

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

The remaining bills on the Second Reading--General Orders calendar were laid over until Monday, March 24, retaining their place: SB03-237, SB03-073, SB03-154, SB03-232, HB03-1143, SB03-001, HB03-1237, SB03-236, HB03-1007, SB03-121, HB03-1232, HB03-1241 as amended, HB03-1083.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

Senator Taylor moved to amend the Report of the Committee of the Whole to show that **HB03-1001** was laid over to Monday, March 24, retaining its place on the calendar.

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

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

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

Passed on Second Reading: HB03-1304 as amended, HB03-1240 as amended, HB03-1306, HB03-1243, SB03-238 as amended, SB03-241, HB03-1205, HB03-1046, HB03-1221 as amended, HB03-1271, HB03-1255 as amended, HB03-1283, HB03-1061 as amended, HB03-1172 as amended, HB03-1108 as amended, HB03-1218 as amended, HB03-1216, HB03-1229, HB03-1211 as amended, HB03-1087.  
Referred to Appropriations: HB03-1244 as amended.  
Laid over until Monday, March 24: HB03-1297 as amended, HB03-1207, HB03-1186, HB03-1197 as amended, HB03-1160, HB03-1253, HB03-1142, HB03-1033, HB03-1219, HB03-1053, HB03-1050, HB03-1228 as amended, SB03-237, SB03-073, SB03-154, SB03-232, HB03-1143, SB03-001, HB03-1237, SB03-236, HB03-1007, SB03-121, HB03-1232, HB03-1241 as amended, HB03-1083, HB03-1001 as amended.

**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **HB03-1267** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 12 through 20 and substitute the following:

**"SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Finance After consideration on the merits, the Committee recommends that **SB03-250** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB03-1308** be postponed indefinitely.

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:

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.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1312** be referred to the Committee of the Whole with favorable recommendation.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **SJR03-027** be referred to the Senate for final action.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1012** 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 20, strike ""Colorado Corporation" and substitute ""~~Colorado Corporation~~";

line 21, strike "Code", and substitute "~~Code~~", "COLORADO BUSINESS CORPORATION ACT", ARTICLES 101 TO 117 OF TITLE 7, C.R.S.,".

Page 4, line 19, strike "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO";

strike lines 20 through 22;

line 23, strike "PRACTICE OF MEDICINE OR DIAGNOSIS OR TREATMENT.".

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1129** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1303** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 10, line 24, strike "OR" and substitute "WHO";

line 25, after "DEVICE,", insert "OR WHO VIOLATES SUBSECTION (2) (e) OF THIS SECTION";

line 27, strike "CLASS 4" and substitute "CLASS 6".

Page 11, line 9, strike "DEVICE FOR A" and substitute "DEVICE;";

strike line 10;

line 13, strike "(4)." and substitute the following:

"(4); OR

(d) KNOWINGLY VIOLATES SUBSECTION (2) (d) OF THIS SECTION.";

line 14, strike "class 6" and substitute "~~class 6~~ CLASS 5".

Page 19, line 7, strike "WILLFULLY" and substitute "INTENTIONALLY".

State, Veterans and Military Affairs 1  
 After consideration on the merits, the Committee recommends that **HB03-1153** be referred to the Committee of the Whole with favorable recommendation. 2  
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 Judiciary 6  
 After consideration on the merits, the Committee recommends that **HB03-1263** be referred to the Committee of the Whole with favorable recommendation. 7  
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 Judiciary 10  
 After consideration on the merits, the Committee recommends that **HB03-1020** be referred to the Committee of the Whole with favorable recommendation. 11  
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 Judiciary 14  
 After consideration on the merits, the Committee recommends that **HB03-1251** be referred to the Committee of the Whole with favorable recommendation. 15  
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 Judiciary 18  
 After consideration on the merits, the Committee recommends that **SB03-242** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 19  
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 Amend printed bill, page 2, line 5, strike "TWENTY" and substitute "TWENTY-TWO"; 23  
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 line 7, strike "the" and substitute "the"; 26  
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 strike line 8 and substitute "special agent in charge of the Denver division of the federal bureau of"; 28  
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 line 9, strike "investigation," and substitute "investigation,"; 31  
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 strike line 10 and substitute "one local government representative,"; 34  
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 line 11, strike "DESIGNEE,". 37  
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**SENATE SERVICES REPORT**

Correctly engrossed: SJR03-029. 40  
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 Correctly rerevised: HB03-1015. 43  
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 To the Governor for signature on Thursday, March 20, 2003, 3:33 p.m., SB03-029, 035. 46  
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**MESSAGE FROM THE GOVERNOR**

To the Honorable 49  
 Senate 50  
 First Regular Session 51  
 Denver, CO 80203 52  
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 Ladies and Gentlemen: 56  
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 I have the honor to inform you that I have approved and filed with the Secretary of State the following acts: 58  
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 S.B. 03-24 – 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. 61  
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Approved March 18, 2003 at 2:38 p.m. 67  
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S.B. 03-25 – Concerning Limitations of the Ability of a Local Government to Regulate Firearms, and, in Connection Therewith, Identifying Firearms Regulation as a Matter of Statewide Concern.

Approved March 18, 2003 at 2:40 p.m.

S.B. 03-054 – Concerning Commercial Vehicle Permits, And, In Connection Therewith, Eliminating Requirements That Certain Permits Be Carried In The Vehicles For Which They Are Issued If Peace Officers Or Other Enforcement Officials May Determine That The Permits Can Be Electronically Verified At The Time Of Contact And Allowing The Department Of Transportation To Issue Annual Fleet Permits For Excess Size And Weight Vehicles

Approved March 18, 2003 at 10:15 a.m.

S.B. 03-059 – Concerning The Recreation Of The Division Of Insurance Within The Department Of Regulatory Agencies, And, In Connection Therewith, Reinstating The Regulatory Functions Of The Division Of Insurance As They Existed As Of July 1, 2002, Staggering The Time Frame Under Which The Division Of Insurance Undergoes Sunset Review, And Making Conforming Amendments.

Approved March 18, 2003 at 10:22 a.m.

S.B. 03-072 – Concerning Information For Schools Regarding Sex Offenders.

Approved March 18, 2003 at 10:24 a.m.

S.B. 03-100 – Concerning High School Diplomas Awarded to Certain Veterans.

Approved March 18, 2003 at 10:20 a.m.

S.B. 03-109 – Concerning The Judicial Procedures Relating To Criminal Records.

Approved March 18, 2003 at 10:29 a.m.

S.B. 03-143 – Concerning The Transfer Of Certain Existing Employees From The Colorado Office Of Economic Development To The Colorado Tourism Office.

Approved March 18, 2003 at 10:23 a.m.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 03-20-03 12:33 p.m.  
Elizabeth Bliss, Senate Staff

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#### APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Chlouber, Chairman, May, and Isgar as Senate Conferees on the First Conference Committee on **HB03-1103**.

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#### MEMORANDUM REPORT FROM THE HOUSE AND SENATE COMMITTEES ON DELAYED BILLS

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines:

**Long Appropriation Bill:**

The Monday, March 24 deadline (the 76th legislative day) for introduction of the long appropriation bill in the Senate is extended until Monday, March 31, 2003 (the 83rd legislative day).

The Friday, March 28 deadline (the 80th legislative day) for passage of the long appropriation bill in the Senate is extended until Monday, April 7, 2003 (the 90th legislative day).

The Friday, April 4 deadline (the 87th legislative day) for passage of the long appropriation bill in the House is extended until Monday, April 14, 2003 (the 97th legislative day).

The Friday, April 11 deadline (the 94th legislative day) for adoption of the conference committee report on the long appropriation bill is extended until Friday, April 18, 2003 (the 101st legislative day).

**Committee of Reference Deadlines for Regular Bills:**

The Friday, March 21 deadline (the 73th legislative day) to report bills originating in the opposite house by committees of reference is extended until:

- In the Senate, Tuesday, March 25, 2003 (the 77th legislative day).
- In the House of Representatives, Thursday, March 27, 2003 (the 79th legislative day).

**Passage Deadlines for Regular Bills:**

The Monday, March 31 deadline (the 83th legislative day) for final passage of Senate Bills in the House of Representatives is extended until Tuesday, April 1, 2003 (the 84th legislative day).

The Monday, April 7 deadline (the 90th legislative day) for final passage of House Bills in the Senate is extended until Wednesday, April 9, 2003 (the 92nd legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)  
Representative Spradley  
Speaker of the House of Representatives

(signed)  
Senator Andrews  
President of the Senate

(signed)  
Representative King  
House Majority Leader

(signed)  
Senator Anderson  
Senate Majority Leader

(signed)  
Representative Veiga  
House Minority Leader

(signed)  
Senator Fitz-Gerald  
Senate Minority Leader

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 21, was laid over until Monday, March 24, retaining its place on the calendar.

- Third Reading of Bills--Final Passage: SB03-132, HB03-1298, HB03-1290.
- Consideration of Resolution: SJR03-028.
- Consideration of House Amendments to Senate Bills: SB03-117.
- Consideration of Governor's Vetoes: SB03-207.
- Conference Committee to Report: HB03-1161.
- Request for Conference Committees: SB03-065, HB03-1103, HB03-1301, HB03-1025.

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, March 24, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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