

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

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Ninety-ninth Legislative Day

Wednesday, April 16, 2003

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Prayer	By the chaplain, Congregational Leader Chaim Urbach.	10
Pledge	By Senator Teck.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--32. Absent/Excused--3; Dyer, Evans, Phillips. Present later--Dyer, Evans, Phillips.	13 14 15 16 17 18 19 20 21
Quorum	The President announced a quorum present.	22 23
Reading of Journal	On motion of Senator Grossman, reading of the Journal of April 15, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26 27

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**MESSAGE FROM THE HOUSE**

April 15, 2003  
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives King, chairman, T. Williams, and Veiga as House conferees on the First Conference Committee on SB03-305.

In response to the request of the Senate, the Speaker has appointed Representatives Larson, chairman, Stengel, and Miller as House conferees on the First Conference Committee on SB03-106.

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**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title and referred to the committee indicated:

**SJR03-038** by Senator(s) Groff; --Concerning awareness and treatment of Epilepsy.

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

**SCR03-003** by Senator(s) Tupa, Fitz-Gerald, Reeves; also Representative(s) Plant--Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) (a) of article X of the constitution of the state of Colorado, concerning a requirement that the maximum annual percentage change in state fiscal year spending for any state fiscal year equal the greater of inflation plus the percentage change in state population in the prior calendar year or the percentage change in Colorado personal income in the prior calendar year, adjusted for revenue changes approved by voters after 2003.  
State Veterans & Military Affairs

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**INTRODUCTION OF BILLS--FIRST READING**

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

- SB03-329** by Senator(s) Taylor; also Representative(s) Miller--Concerning the conformance of state law regarding mining explosives oversight to federal law.  
Agriculture, Natural Resources & Energy
- SB03-330** by Senator(s) Teck; also Representative(s) Stengel--Concerning the manner of conducting the study of valuation for assessment of property.  
Finance

**MESSAGE FROM THE GOVERNOR**

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

April 9, 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  
MOTION PICTURE AND TELEVISION  
ADVISORY COMMISSION

for terms expiring June 30, 2007:

George R. Turner of Canon City, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Joel C. Ehrlich of Nederland, Colorado, to serve as a Democrat from the Second Congressional District, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor

Rec'd April 15, 2003  
Mona Heustis, Secretary of the Senate

Committee on Business Affairs & Labor

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

- HB03-1333** by Representative(s) Larson, Lee, King, Rose, White; also Senator(s) Arnold--Concerning the authority of a school district to impose sanctions on students for failure to return library resources.

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

**HB03-1333**

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	E	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**SB03-304**

by Senator(s) Arnold, Evans, Hillman, McElhany; also Representative(s) Lee--Concerning provisions that govern the operations of state-supported institutions of higher education.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	E	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**SB03-317**

by Senator(s) Chlouber; also Representative(s) Young--Concerning the reduction of the amount that vendors are allowed to retain as payment for the collection of taxes imposed by the state.

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

YES	23	NO	11	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	N
Dyer	Y	Hillman	N	McElhany	N	Teck	Y
Entz	N	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	E	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Fitz-Gerald, Owen, Teck, and Tupa.

**HB03-1238**

by Representative(s) Brophy; also Senator(s) McElhany--Concerning a requirement that the general fund surplus be determined based upon the accrual system of accounting, as enunciated by the governmental accounting standards board.

Laid over until Monday, April 21, retaining its place on the calendar.

Committee of the Whole

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

- HB03-1314** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning a requirement that a meeting of a school board at which employment contracts are negotiated be open to the public.
- Laid over until Thursday, April 17, retaining its place on the calendar.
- HB03-1214** by Representative(s) Harvey; also Senator(s) Cairns--Concerning not requiring notification to a parent that the parent's minor child is seeking an abortion in a case of a medical emergency.
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, March 26, page 761 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.  
(For further action, see Amendment to the Report of the Committee of the Whole.)
- 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 Thursday, April 17, retaining its place on the calendar.
- SB03-131** by Senator(s) Arnold; also Representative(s) Berry--Concerning continuation of the use of electronic hearings regarding motor vehicle regulation by the department of revenue.
- Amendment No. 1, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 14, page 1013 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-150** by Senator(s) Evans, Keller; also Representative(s) Stafford, Coleman--Concerning the creation of a special district to provide mental health care services to eligible persons residing in certain counties in the state, and, in connection therewith, authorizing the district to seek voter approval to impose a sales tax in the district to provide mental health care services to children and families residing in the district.
- Amendment No. 1, Finance Committee Amendment.  
(Printed in Senate Journal, February 7, pages 291-294 and placed in members' bill files.)
- Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 14, pages 1013-1014 and placed in members' bill files.)
- Amendment No. 3(L.008), by Senator Evans.
- Amend the Finance Committee Report, dated February 6, 2003, page 1, strike line 1 and substitute the following:
- "Amend printed bill, page 3, line 23, after "SALES", insert "OR PROPERTY".
- Page 5, after line 8, insert the following:";
- after line 11, insert the following:
- "Page 10, line 15, strike "2003," and substitute "2004," .";
- after line 12, insert the following:
- "line 7, after "CONSTITUTION," , insert "UPON ADOPTION OF A RESOLUTION BY AT LEAST TWO-THIRDS OF THE BOARD MEMBERS,";" .

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**SB03-150**

Page 3, line 7, after "SALES", insert "OR PROPERTY";  
line 8, after "SALES", insert "OR PROPERTY".

Amendment No. 4(L.009), by Senator Hagedorn.

Amend printed bill, page 15, after line 20, insert the following:

**"32-17-112. District revenues.** ANY REVENUES RAISED OR GENERATED BY THE DISTRICT SHALL BE IN ADDITION TO AND SHALL NOT BE USED TO REPLACE ANY STATE FUNDING THE COUNTIES IN THE DISTRICT WOULD OTHERWISE BE ENTITLED TO RECEIVE FROM THE STATE."

Renumber succeeding C.R.S. sections accordingly.

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

**SB03-083**

by Senator(s) Keller, Arnold; also Representative(s) Romanoff--Concerning the "Child Mental Health Treatment Act".

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 14, page 1014 and placed in members' bill files.)

Amendment No. 2(L.005), by Senator Keller.

Amend printed bill, page 2, strike lines 2 through 27.

Strike pages 3 and 4.

Page 5, strike lines 1 through 20.

Renumber succeeding sections accordingly.

Page 5, strike lines 25 through 27.

Strike page 6.

Page 7, strike lines 1 through 7.

Renumber succeeding sections accordingly.

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

**SB03-128**

by Senator(s) Grossman; also Representative(s) Hefley--Concerning authority for a local law enforcement agency to administer DNA tests to felony arrestees.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 14, page 1014 and placed in members' bill files.)

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

**SB03-011**

by Senator(s) Hagedorn, Hanna; also Representative(s) Spradley, Jahn, Tochtrop--Concerning prescription medications under the "Colorado Medical Assistance Act".

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.

(Printed in Senate Journal, February 7, page 288 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 14, pages 1014-1015 and placed in members' bill files.)

Amendment No. 3(L.009), by Senator Hagedorn.

Amend the Health, Environment, Welfare & Institutions Committee Report, dated February 6, 2003, page 2, strike line 8 and substitute the following:

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**SB03-011**

"AS MAIL ORDER. TO THE EXTENT ALLOWED BY FEDERAL LAW, THE STATE DEPARTMENT SHALL REQUIRE THAT THE SAME COPAYMENT AMOUNT BE PAID BY A MEDICAL ASSISTANCE RECIPIENT RECEIVING PRESCRIPTION MEDICATION THROUGH MAIL ORDER AS A MEDICAL ASSISTANCE RECIPIENT RECEIVING PRESCRIPTION MEDICATION FROM A LOCAL PHARMACY." .".

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

**SB03-010**

by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) White, Coleman, Vigil, Williams T.--Concerning the criminal history record check requirement for persons who apply to work in positions involving direct contact with vulnerable persons.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. (Printed in Senate Journal, March 25, pages 725-730 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment. (Printed in Senate Journal, April 14, pages 1015-1016 and placed in members' bill files.)

Amendment No. 3(L.019), by Senator Tupa.

Amend printed bill, page 28, after line 17, insert the following:

**"SECTION 9.** 25-1.5-101 (1), Colorado Revised Statutes, as enacted by Senate Bill 03-002, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-1.5-101. Powers and duties of the department.** (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(y) TO PROMULGATE AND ENFORCE RULES CONCERNING THE EMPLOYMENT BY FACILITIES DESCRIBED IN SECTION 25-1-124.5 (2) (e) OF PERSONS IN POSITIONS INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS PURSUANT TO SECTION 25-1-124.5.

**SECTION 10.** 25-1.5-103 (4), Colorado Revised Statutes, as enacted by Senate Bill 03-002, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

**25-1.5-103. Hospitals and community mental health centers - powers and duties of the department - limitations on rules promulgated by the department.** (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 25-1.5-101 (1) (y), THE DEPARTMENT in the exercise of its powers ~~the department~~ shall not promulgate any rule, regulation, or standard that limits or interferes with the ability of an individual to enter into a contract with a private pay facility concerning the programs or services provided at the private pay facility. For the purposes of this subsection (4), "private pay facility" means a skilled nursing facility or intermediate care facility subject to the requirements of section 25-1-120 or an assisted living residence licensed pursuant to section 25-27-105 that is not publicly funded or is not certified to provide services that are reimbursed from state or federal assistance funds.

**SECTION 11. Effective date.** Sections 9 and 10 of this act shall take effect July 1, 2003, and the remainder of this act shall take effect on passage."

Renumber succeeding section accordingly.

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

**SB03-030**

by Senator(s) Cairns; --Concerning the disclosure to each individual taxpayer of the average amount of certain taxes paid by the taxpayer in the previous calendar year.

Amendment No. 1, Finance Committee Amendment. (Printed in Senate Journal, January 30, page 163 and placed in members' bill files.)

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SB03-030

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

SB03-087

by Senator(s) Linkhart; --Concerning the improvement of urban water use efficiency, and making an appropriation in connection therewith.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, February 13, pages 343-347 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.  
(Printed in Senate Journal, April 14, page 1014 and placed in members' bill files.)

Amendment No. 3(L.011), by Senator Linkhart.

Strike the Appropriations Committee Report, dated April 11, 2003.

Strike the Agriculture, Natural Resources and Energy Committee Report, dated February 12, 2003, and substitute the following:

"Amend printed bill, strike everything below the enacting clause and substitute the following:

**"SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The continuing growth and development and the viability of established economies place increasing demands on Colorado's water resources;

(b) Although the "Water Conservation Act of 1991" fostered a state policy of enhancing urban water use efficiency, the act now requires an amendment to meet the heightened need of bringing human water demands into balance with the available water supply.

(2) It is therefore the purpose and intent of this act and the policy of this state to require municipal water providers and state and local governments to maximize the efficient use of existing urban water supplies through implementation, at the local level, of greater conservation measures and creative supply-side options.

**SECTION 2.** 37-60-126 (1), Colorado Revised Statutes, is amended to read:

**37-60-126. Water use efficiency - urban water use efficiency programs - relationship to state assistance for water facilities.** (1) As used in this section AND SECTION 37-60-126.5, unless the context otherwise requires:

(a) "Covered entity" OR "WATER PROVIDER" means ~~each~~ A municipality, agency, utility, including any privately owned utility, or other publicly owned entity ~~with~~ THAT HAS a legal obligation to supply, distribute, or otherwise provide water at retail to domestic, commercial, industrial, or public facility customers and ~~which~~ THAT has a total demand for such customers of two thousand acre-feet or more in calendar years 1989 or thereafter.

(b) "Public facility" means any facility operated by an instrument of government for the benefit of the public, including, but not limited to, a government building, park or other recreational facility, school, college, university, or other educational institution, highway, hospital, or stadium.

(c) "SINGLE-FAMILY RESIDENTIAL PER CAPITA WATER USE" MEANS THE TOTAL VOLUME OF TREATED WATER SOLD TO SINGLE-FAMILY RESIDENTIAL ACCOUNTS DIVIDED BY THE NUMBER OF SINGLE-FAMILY ACCOUNTS DIVIDED BY THE AVERAGE SINGLE-FAMILY HOUSEHOLD OCCUPANCY IN THE SERVICE AREA.

(d) "SYSTEMWIDE PER CAPITA WATER USE" MEANS THE TOTAL VOLUME OF TREATED WATER DIVIDED BY THE SERVICE AREA POPULATION.

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(e) "UNACCOUNTED-FOR WATER" MEANS THE DIFFERENCE BETWEEN THE TOTAL VOLUME OF TREATED WATER AND THE TOTAL VOLUME OF TREATED WATER SOLD.

(f) "WATER USE EFFICIENCY" MEANS STRETCHING EXISTING WATER SUPPLIES TO MEET A LARGER PORTION OF FUTURE URBAN WATER NEEDS, TAKING INTO ACCOUNT ECONOMIC, SOCIAL, AND ENVIRONMENTAL COSTS.

SECTION 3. Article 60 of title 37, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**37-60-126.5. Water use efficiency - water divisions 1 and 2 - urban water providers - elimination of wasteful practices - standards-plans.** (1) IN ADDITION TO THE REQUIREMENTS OF SECTION 37-60-126, THE FOLLOWING SHALL APPLY TO COVERED ENTITIES THAT RELY, DIRECTLY OR THROUGH CONTRACT, ON WATER IMPORTED FROM ANOTHER WATER DIVISION:

(a) WITHIN TWO YEARS AFTER JUNE 4, 2003, EACH COVERED ENTITY THAT DOES NOT HAVE A WATER USE EFFICIENCY PLAN SATISFYING THE PROVISIONS OF PARAGRAPHS (c) to (h) OF THIS SUBSECTION (1) SHALL, SUBJECT TO SECTION 37-60-127, DEVELOP, ADOPT, MAKE PUBLICLY AVAILABLE, AND IMPLEMENT A PLAN PURSUANT TO WHICH SUCH COVERED ENTITY SHALL ENCOURAGE ITS DOMESTIC, COMMERCIAL, INDUSTRIAL, AND PUBLIC FACILITY CUSTOMERS TO USE WATER MORE EFFICIENTLY. ANY COVERED ENTITY THAT MAKES AN INITIAL DETERMINATION THAT IT HAS SATISFIED PARAGRAPHS (c) to (h) OF THIS SUBSECTION (1) SHALL, WITHIN TWO YEARS AFTER JUNE 4, 2003, GIVE PUBLIC NOTICE OF SUCH DETERMINATION AT AN OFFICIAL MEETING OF THE APPROPRIATE GOVERNING BODY OF THE COVERED ENTITY.

(b) THE MANNER IN WHICH THE COVERED ENTITY DEVELOPS, ADOPTS, MAKES PUBLICLY AVAILABLE, AND IMPLEMENTS A PLAN ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE DETERMINED BY THE COVERED ENTITY. THE PLAN SHALL BE ACCOMPANIED BY A PROGRAM FOR ITS IMPLEMENTATION.

(c) IN DEVELOPING A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), EACH COVERED ENTITY SHALL CONSIDER AT LEAST THE FOLLOWING:

(I) A DETERMINATION OF THE WATER PROVIDER'S HISTORIC DEMAND CALCULATED BY THE ANNUAL AVERAGE DURING THE PERIOD FROM 1994 THROUGH 2001, FOR BOTH SINGLE-FAMILY RESIDENTIAL PER CAPITA WATER USE AND SYSTEMWIDE PER CAPITA WATER USE;

(II) A DETERMINATION OF THE WATER PROVIDER'S ANTICIPATED URBAN WATER DEMAND OVER THE PLANNING PERIOD, INCLUDING CONSIDERATION OF ANY EXISTING LOCAL LAND USE PLANS AND THE ASSUMPTIONS UPON WHICH SUCH PLANS ARE BASED;

(III) A PLAN TO IDENTIFY AND REPAIR DISTRIBUTION SYSTEM LEAKS AND INDIVIDUAL SERVICE LEAKS WITH A GOAL OF BRINGING THE LEVEL OF UNACCOUNTED-FOR WATER LOSS TO TEN PERCENT OR LESS OF THE TOTAL VOLUME OF TREATED WATER ON OR BEFORE JULY 1, 2008;

(IV) A PLAN TO DECREASE AVERAGE ANNUAL SINGLE-FAMILY RESIDENTIAL PER CAPITA WATER USE BY TWENTY PERCENT OF THE HISTORIC AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) OR, IN THE ALTERNATIVE, DECREASE SINGLE-FAMILY RESIDENTIAL WATER USE TO A MAXIMUM AVERAGE OF ONE HUNDRED FORTY GALLONS PER CAPITA PER DAY ON OR BEFORE JULY 1, 2008; AND

(V) A PLAN TO DECREASE AVERAGE ANNUAL SYSTEMWIDE PER CAPITA WATER USE BY TWENTY PERCENT OF THE HISTORIC AMOUNT AS DETERMINED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) OR, IN THE ALTERNATIVE, DECREASE SYSTEM-WIDE WATER USE TO A MAXIMUM AVERAGE OF ONE HUNDRED NINETY GALLONS PER CAPITA PER DAY ON OR BEFORE JULY 1, 2008.

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(d) A WATER PROVIDER MAY PROPOSE LESSER OR GREATER EFFICIENCY STANDARDS THAN OTHERWISE REQUIRED BY SUBPARAGRAPHS (IV) AND (V) OF PARAGRAPH (c) OF THIS SUBSECTION (1) FOR GOOD CAUSE BASED ON A SHOWING OF HARDSHIP OR UNIQUE CIRCUMSTANCES. A SHOWING OF GOOD CAUSE SHALL BE MADE THROUGH A RECORD OF DECISION BY THE WATER PROVIDER AFTER A HEARING AND PUBLIC COMMENT.

(e) IN DEVELOPING A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), EACH COVERED ENTITY SHALL CONSIDER AT LEAST THE WATER SAVING MEASURES IN SECTION 37-60-126(4) AND THE FOLLOWING:

(I) INSTALLATION OF WATER METERS TO MEASURE DELIVERY TO ANY UNMETERED CUSTOMERS;

(II) BEST MANAGEMENT PRACTICES FOR COMMERCIAL AND INDUSTRIAL WATER USE;

(III) INTERRUPTIBLE WATER SUPPLY ARRANGEMENTS, INCLUDING DRY-YEAR LEASING;

(IV) COORDINATED USE OF SURFACE WATER AND GROUND WATER;

(V) SYSTEM INTEGRATION WITH OTHER WATER PROVIDERS; AND

(VI) SENDING WATER BILLS AT LEAST MONTHLY.

(f) IN DEVELOPING A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), EACH COVERED ENTITY SHALL GIVE CONSIDERATION TO HOW THE COVERED ENTITY MAY USE SUCH SAVED WATER AS A WATER SUPPLY IN A DROUGHT.

(g) IN DEVELOPING A PLAN PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), A COVERED ENTITY SHALL ALSO CONSIDER MEASURES THAT MAY APPLY DURING A GOVERNOR-DECLARED DROUGHT EMERGENCY, INCLUDING AT LEAST THE FOLLOWING PLANNING ELEMENTS:

(I) LIMITING THE NUMBER OF NEW TAPS ADDED TO THE WATER DISTRIBUTION SYSTEM;

(II) REQUIRING BEST AVAILABLE TECHNOLOGY FOR THE INSTALLATION OF NEW INDOOR WATER APPLIANCES; AND

(III) LIMITING THE EXTENT OF NEW OUTDOOR PLANT AND TURF INSTALLATION.

(h) THE PLAN TO BE ADOPTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL CONTAIN A SECTION STATING THE COVERED ENTITY'S BEST JUDGMENT OF THE ROLE OF WATER USE EFFICIENCY PLANS IN THE COVERED ENTITY'S WATER SUPPLY PLANNING.

(i) EXCEPT FOR THE ELEMENTS OF A WATER USE EFFICIENCY PLAN THAT A COVERED ENTITY HAS ALREADY IMPLEMENTED PRIOR TO JUNE 4, 2003, THE PLAN REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL SET FORTH RESULTS OF THE CONSIDERATION OF THE WATER-EFFICIENT MEASURES AND TECHNIQUES SET FORTH IN PARAGRAPH (e) OF THIS SUBSECTION (1) OF THIS SECTION AND ADOPTED BY THE COVERED ENTITY AFTER JUNE 4, 2003.

(j) (I) EXCEPT FOR THE ELEMENTS OF A WATER USE EFFICIENCY PLAN THAT A COVERED ENTITY HAS ALREADY IMPLEMENTED PRIOR TO JUNE 4, 2003, BEFORE ADOPTING ANY OTHER MAJOR ELEMENTS OF A PLAN UNDER PARAGRAPHS (b), (d), AND (f) OF THIS SUBSECTION (1), EACH COVERED ENTITY SHALL PUBLISH A DRAFT PLAN, GIVE PUBLIC NOTICE OF THE PLAN, MAKE SUCH PLAN PUBLICLY AVAILABLE, AND SOLICIT COMMENTS FROM THE PUBLIC FOR A PERIOD OF NOT LESS THAN SIXTY DAYS AFTER THE DATE ON WHICH THE DRAFT PLAN IS MADE PUBLICLY AVAILABLE. REFERENCE SHALL BE MADE IN THE PUBLIC NOTICE TO THE ELEMENTS OF A PLAN THAT HAVE ALREADY BEEN IMPLEMENTED.

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(II) A LONG-TERM PLAN SHALL BE UPDATED AND RESUBMITTED TO THE BOARD AT LEAST EVERY FIVE YEARS. A WATER PROVIDER MAY MAKE CHANGES TO AN EXISTING PLAN AT ANY TIME BUT SHALL GIVE PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT ON ANY MAJOR CHANGES, CONSISTENT WITH THE NOTICE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (j).

(k) A COVERED ENTITY MAY AT ANY TIME ADOPT CHANGES TO A PLAN ADOPTED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1). IF THE PROPOSED CHANGES ARE MAJOR, THE COVERED ENTITY SHALL GIVE PUBLIC NOTICE OF THE CHANGES, MAKE THE CHANGES AVAILABLE IN DRAFT FORM, AND PROVIDE THE PUBLIC AN OPPORTUNITY TO COMMENT ON SUCH CHANGES BEFORE ADOPTING THEM.

(l) (I) ON AND AFTER JANUARY 1, 2006, NEITHER THE BOARD NOR THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY SHALL ACCEPT AN APPLICATION FROM A COVERED ENTITY FOR FINANCIAL ASSISTANCE, EITHER IN THE FORM OF TAX REVENUES OR STATE-BACKED BONDS, IN THE CONSTRUCTION OF ANY WATER DIVERSION, STORAGE, CONVEYANCE, WATER TREATMENT, OR WASTEWATER TREATMENT FACILITY UNLESS SUCH COVERED ENTITY INCLUDES A COPY OF THE WATER USE EFFICIENCY PLAN THAT COMPLIES WITH THE PROVISIONS OF PARAGRAPHS (c) TO (h) OF THIS SUBSECTION (1).

(II) ON AND AFTER JANUARY 1, 2006, THE BOARD AND THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY, TO WHICH ANY COVERED ENTITY HAS APPLIED FOR FINANCIAL ASSISTANCE FOR THE CONSTRUCTION OF A WATER DIVERSION, STORAGE, CONVEYANCE, WATER TREATMENT, OR WASTEWATER TREATMENT FACILITY, SHALL CONSIDER ANY WATER USE EFFICIENCY PLAN FILED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (I) IN DETERMINING WHETHER TO RENDER FINANCIAL ASSISTANCE TO SUCH ENTITY. SUCH CONSIDERATION SHALL BE CARRIED OUT WITHIN THE DISCRETION ACCORDED THE BOARD AND THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY PURSUANT TO WHICH SUCH BOARD AND AUTHORITY RENDER SUCH FINANCIAL ASSISTANCE TO SUCH COVERED ENTITY.

(III) THE BOARD AND THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH EACH OTHER FOR THE PURPOSES OF AVOIDING DELAY IN THE PROCESSING OF APPLICATIONS FOR FINANCIAL ASSISTANCE COVERED BY THIS SECTION AND AVOIDING DUPLICATION IN THE CONSIDERATION REQUIRED BY SUBPARAGRAPH (II) OF THIS PARAGRAPH (I).

(m) ON OR BEFORE JULY 1, 2003, WATER PROVIDERS SHALL:

(I) INFORM CITIZENS OF METHODS TO MAXIMIZE OUTDOOR WATER USE EFFICIENCY;

(II) DISCOURAGE OUTDOOR LANDSCAPE WATERING DURING HOURS WHEN EVAPORATIVE LOSS IS AT A MAXIMUM;

(III) PLACE AN APPROPRIATE LIMIT ON THE PERCENTAGE OF TURF IN NEW LANDSCAPE DEVELOPMENT; AND

(IV) REQUIRE SUBSURFACE IRRIGATION ON ALL NEW LANDSCAPED PUBLIC MEDIANS LESS THAN FOUR FEET WIDE.

(2) EFFECTIVE JULY 1, 2003, FOR COVERED ENTITIES THAT RELY, DIRECTLY OR THROUGH CONTRACT, ON WATER IMPORTED FROM ANOTHER WATER DIVISION, ANY NEW COVENANT OR OTHER LAND USE REGULATION OR POLICY THAT PROHIBITS OR LIMITS THE INSTALLATION OR USE OF DROUGHT-TOLERANT LANDSCAPES IS PROHIBITED.

**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. " .".

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Amendment No. 4(L.012), by Senator Linkhart.

Amend the Linkhart floor amendment (L.011\_SB087), page 3, line 7, after "37-60-126," , insert "EXCEPT FOR INCORPORATED AREAS WHERE THE SERVICE AREA LIES IN MORE THAN ONE WATER DIVISION,".

Pursuant to Senate Rule 25(e), Senator Lamborn requested a new Fiscal Note on **SB03-087**.

As amended, laid over until Thursday, April 17, retaining its place on the calendar.

**AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB03-1214** by Representative(s) Harvey; also Senator(s) Cairns--Concerning not requiring notification to a parent that the parent's minor child is seeking an abortion in a case of a medical emergency.

Senator Fitz-Gerald moved to amend the Report of the Committee of the Whole to show that **HB03-1214** as amended did **not** pass.

The motion was declared passed by the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	Y	Isgar	Y	Nichol	N	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

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

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

On motion of Senator Taylor, the Report of the Committee of the Whole, as amended, 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: SB03-131 as amended, SB03-150 as amended, SB03-083 as amended, SB03-128 as amended, SB03-011 as amended, SB03-010 as amended, SB03-030 as amended.

Lost on Second Reading: HB03-1214 as amended.

Laid over until Thursday, April 17: HB03-1314, SB03-236, SB03-087 as amended.

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 Conference Committee Reports.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**HB03-1103** by Representative(s) Briggs; also Senator(s) Chlouber--Concerning an increase of the service required to be provided by qualified private businesses pursuant to competitively negotiated contracts to fifty percent of the regional transportation district service that involves transporting the general public by means of any self-propelled vehicle that is designed primarily for travel on the public highways.

Senator Chlouber moved for the adoption of the First Report of the First Conference Committee on **HB03-1103**, as printed in Senate Journal, April 1, page 827. The motion was **adopted** by the following roll call vote:

**HB03-1103**

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Arnold, Evans, May, and McElhany.

**HB03-1301** by Representative(s) Hall; also Senator(s) Teck--Concerning the penalties for persons who issue checks to the department of revenue that are returned as unpaid for any reason caused by the maker.

Senator Teck moved for the adoption of the First Report of the First Conference Committee on **HB03-1301**, as printed in Senate Journal, April 7, page 933. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Arnold, and Kester.

**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.

Senator Entz moved for the adoption of the First Report of the First Conference Committee on **HB03-1005**, as printed in Senate Journal, March 14, pages 652-653. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Evans.

**HB03-1161** by Representative(s) Rippy, Fritz, Cadman, White; also Senator(s) McElhany--Concerning limitations on claims for damages filed against construction professionals.

Senator McElhany moved for the adoption of the First Report of the First Conference Committee on **HB03-1161**, as printed in Senate Journal, April 9, pages 963-968. The motion was **adopted** by the following roll call vote:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	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		

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	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		

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

**HB03-1161**

Co-sponsors added: Cairns, Chlouber, Hillman, Jones, Lamborn, May, and Teck.

**IMMEDIATE RECONSIDERATION OF HB03-1161**

**HB03-1161** by Representative(s) Rippey, Fritz, Cadman, White; also Senator(s) McElhany--Concerning limitations on claims for damages filed against construction professionals.

Having voted on the prevailing side, Senator McElhany moved for immediate reconsideration of the last Senate action, Consideration of Conference Committee Report, on **HB03-1161**. The roll call was taken with the following result:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	N
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was denied.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS--CONTINUED**

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

Senator Andrews moved for the adoption of the First Report of the First Conference Committee on **HB03-1224**, as printed in Senate Journal, April 15, pages 1025-1026. The motion was **adopted** by the following roll call vote:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	N		

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	Y	Reeves	N		

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

**SB03-226** by Senator(s) Kester; also Representative(s) White--Concerning continuation of the examining board of plumbers.

Senator Kester moved for the adoption of the First Report of the First Conference Committee on **SB03-226**, as printed in Senate Journal, April 9, pages 962-963. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Chlouber.

**COMMITTEE OF REFERENCE REPORTS**

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB03-305**

\*\*\*\*\*  
 THIS REPORT AMENDS THE  
 REREVISED BILL  
 \*\*\*\*\*

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

Your first conference committee appointed on SB03-305, concerning payment of expenses of the legislative department, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 4, line 13, after "fund.", add "It is the intent of the general assembly that, of this amount, any moneys budgeted for special session costs during the 2003-04 fiscal year that are not expended for this purpose during the 2003 interim be expended for legislative aides during the 2004 regular session. The executive committee of legislative council shall determine the amount of moneys available for expenditure for legislative aides no later than December 1, 2003."

**SB03-305**

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

Amend rerevised bill, page 2, line 26, after "fund.", add "It is the intent of the general assembly that, of this amount, any moneys budgeted for special session costs during the 2003-04 fiscal year that are not expended for this purpose during the 2003 interim be expended for legislative aides during the 2004 regular session. The executive committee of legislative council shall determine the amount of moneys available for expenditure for legislative aides no later than December 1, 2003."

Respectfully submitted,

Senate Committee:  
(signed)  
Senator Anderson, Chairman  
Senator Chlouber  
Senator Linkhart

House Committee:  
(signed)  
Representative King, Chairman  
Representative Veiga  
Representative Williams T.

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After consideration on the merits, the Committee recommends that **HB03-1223** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 3 through 18.

Renumber succeeding sections accordingly.

Trans-  
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After consideration on the merits, the Committee recommends that **SB03-257** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, strike line 17 and substitute the following:

"DECREASED OR DIVERTED PURSUANT TO PARAGRAPH (a) OR (b) OF SUBSECTION (3) OF THIS";

line 19, strike "DISTRICT OBLIGATED IN CONNECTION WITH AN" and substitute "DISTRICT.";

strike lines 20 and 21.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB03-1073** be referred to the Committee of the Whole with favorable recommendation.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB03-1289** be referred to the Committee on Appropriations with favorable recommendation.

Trans-  
portation

After consideration on the merits, the Committee recommends that **HB03-1040** be referred to the Committee of the Whole with favorable recommendation.

Finance

After consideration on the merits, the Committee recommends that **HB03-1274** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 10, strike "AND";

line 13, strike "SECTION." and substitute "SECTION; AND";

after line 13, insert the following:

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HB03-1274

"(C) INCOME EARNED FROM ANY INVESTMENT OR DEPOSIT PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION AND PARAGRAPH (b) OF THIS SUBSECTION (4).";

line 19, after "(4).", add "AN AMOUNT EQUAL TO SUCH PAYMENT SHALL BE TRANSFERRED FROM THE RESTRICTED ACCOUNT CREATED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (e) OF SUBSECTION (2) OF THIS SECTION TO THE SCHOOL DISTRICT TAX AND REVENUE ANTICIPATION NOTES REPAYMENT ACCOUNT CREATED IN PARAGRAPH (b) OF THIS SUBSECTION (4) ON OR BEFORE THE LAST DAY OF THE FISCAL YEAR IN WHICH THE TAX AND REVENUE ANTICIPATION NOTES WERE ISSUED.".

Page 9, line 18, after "(1) (a),", insert "(1) (a.5),";

line 19, after "Statutes,", insert "as amended by House Bill 03-1032, enacted at the First Regular Session of the Sixty-fourth General Assembly,";

line 22, after "(a)", insert "(I)";

strike line 23 and substitute the following:

"approval by the state treasurer of an application to";

line 24, strike "program," and substitute "program submitted by a district pursuant to paragraph (a.5) of this subsection (1),".

Page 10, line 4, strike "(a.5)" and substitute "(II)";

line 13, strike "PARAGRAPH (a.5)" and substitute "SUBPARAGRAPH (II)";

after line 15, insert the following:

"(a.5) A district that chooses to participate in the interest-free OR LOW-INTEREST loan program shall submit an application to the state treasurer. On and after the effective date of this paragraph (a.5), a district's initial application to participate in the interest-free OR LOW-INTEREST loan program shall be subject to approval by a resolution adopted by the district board of education as follows:

(I) For a month in which the district seeks a AN EMERGENCY loan PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (1), the chief financial officer of the district and the district superintendent shall present the EMERGENCY loan request to the district board of education, explaining the need for the EMERGENCY loan and the requested amount. The district board of education, by majority vote, shall approve or disapprove the EMERGENCY loan request and the amount. If the district board of education approves the EMERGENCY loan request, the chief financial officer and the district superintendent shall request the EMERGENCY loan from and certify the amount of the EMERGENCY loan to, as approved by the district board of education, the state treasurer as provided in paragraph (a) of this subsection (1).

(II) IF, IN ORDER TO RECEIVE AN INTEREST-FREE LOAN, A DISTRICT SEEKS TO HAVE TAX AND REVENUE ANTICIPATION NOTES ISSUED ON ITS BEHALF PURSUANT TO SECTION 29-15-112, C.R.S., THE CHIEF FINANCIAL OFFICER OF THE DISTRICT AND THE DISTRICT SUPERINTENDENT SHALL PRESENT A REQUEST TO THE DISTRICT BOARD OF EDUCATION TO PARTICIPATE IN THE INTEREST-FREE LOAN PROGRAM AND TO HAVE TAX AND REVENUE ANTICIPATION NOTES ISSUED ON ITS BEHALF. SUCH REQUEST SHALL EXPLAIN THE DISTRICT'S ANTICIPATED CASH FLOW DEFICIT FOR THE UPCOMING CALENDAR YEAR AND THE TOTAL AMOUNT OF TAX AND REVENUE ANTICIPATION NOTES THAT NEED TO BE ISSUED ON ITS BEHALF TO COVER SUCH DEFICIT. THE DISTRICT BOARD OF EDUCATION, BY MAJORITY VOTE, SHALL APPROVE OR DISAPPROVE THE PARTICIPATION IN THE INTEREST-FREE LOAN PROGRAM AND THE AMOUNT OF TAX ANTICIPATION AND REVENUE NOTES THAT SHALL BE ISSUED ON BEHALF OF THE DISTRICT. IF THE DISTRICT BOARD OF EDUCATION APPROVES THE PARTICIPATION IN

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**HB03-1274**

THE INTEREST-FREE LOAN PROGRAM AND THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES, THE CHIEF FINANCIAL OFFICER AND THE DISTRICT SUPERINTENDENT SHALL CERTIFY TO THE STATE TREASURER THE AMOUNT OF THE TAX AND REVENUE NOTES, AS APPROVED BY THE DISTRICT BOARD OF EDUCATION, THAT SHALL BE ISSUED ON BEHALF OF THE DISTRICT. THEREAFTER, A DISTRICT SHALL NOT BE REQUIRED TO RECEIVE APPROVAL FOR AN INTEREST-FREE LOAN MADE FROM THE PROCEEDS OF THE TAX AND REVENUE ANTICIPATION NOTES THAT RECEIVED PRIOR APPROVAL BY THE DISTRICT BOARD OF EDUCATION."

Page 11, strike lines 12 through 16 and substitute the following:

"(3) The state treasurer shall consult with the department of education concerning the administration of the loan program under this section in order to assure that it is implemented in a manner which THAT will minimize the loss of interest to the general fund caused by the loan of moneys to districts in order to alleviate cash flow management problems AMOUNT OF EMERGENCY LOANS NEEDED BY EACH DISTRICT."

Finance After consideration on the merits, the Committee recommends that **HB03-1330** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB03-307** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB03-308** be referred to the Committee of the Whole with favorable recommendation.

**SENATE SERVICES REPORT**

Senate Services Correctly printed: SB03-322, 323, 324, 325, 326, 327, 328; SR03-016, 017; SJR03-037; SCR03-002.

Correctly engrossed: SB03-304, 317.

Correctly reengrossed: SB03-294, 303.

Correctly revised: HB03-1333.

Correctly rerevised: HB03-1106, 1220, 1238, 1326, 1335, 1337.

Correctly enrolled: SB03-015, 044, 056, 079, 102, 120, 233, 241.

**CONFERENCE COMMITTEES GRANTED FURTHER POWERS**

**HB03-1025** by Representative(s) Frangas; also Senator(s) Keller--Concerning the option of addressing any special education history in a juvenile adjudication proceeding.

Senator Keller moved that the Senate Conferees on the First Conference Committee on **HB03-1025** be given the powers to go beyond the scope of the differences between the two Houses.

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

**SB03-300** by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning the imposition of a management fee on certain funds that are invested by the state treasurer.

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**SB03-300**

Senator Teck moved that the Senate Conferees on the First Conference Committee on **SB03-300** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

**COMMITTEE OF REFERENCE REPORTS**

Business  
Affairs and  
Labor

After consideration on the merits, the Committee recommends that **SB03-324** be referred to the Committee on Appropriations with favorable recommendation.

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:

MEMBERS OF THE  
STATE BOARD OF HEALTH

for terms expiring March 1, 2005:

Glenn H. Schlabs of Colorado Springs, Colorado, to serve as a Democrat from the Fifth Congressional District, appointed;

Kindra K. Mulch of Burlington, Colorado, to serve as a Democrat from the Fourth Congressional District, reappointed;

David A. Sprecace of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed;

Commissioner Charlotte Bobicki of Alamosa, Colorado, to serve as a county commissioner and as a Democrat from the Third Congressional District, appointed.

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;

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

Health,  
Environment,  
Welfare &  
Institutions

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

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MEMBER OF THE  
COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2004:

Nancy McNally of Westminster, Colorado, to serve as a parent representative, reappointed.

Health,  
Environment,  
Welfare &  
Institutions

After consideration on the merits, the Committee recommends that **HB03-1056** be referred to the Committee on Appropriations with favorable recommendation.

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**MESSAGE FROM THE HOUSE**

April 16, 2003  
Mr. President:

The House has adopted and transmits herewith HJR03-1043, as printed in House Journal, April 1, pages 1378-1380.

The House has adopted and transmits herewith HJR03-1050, as printed in House Journal, April 9, pages 1522-1523.

The House has adopted and transmits herewith HJR03-1027, as printed in House Journal, April 5, pages 1033-1034.

The House has adopted and transmits herewith HJR03-1056, as printed in House Journal, April 15, pages 1657-1658.

The House has passed on Third Reading and returns herewith SB03-292.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-275, amended as printed in House Journal, April 15, page 1665. SB03-248, amended as printed in House Journal, April 15, page 1665-1670.

The House has voted to recede from its position, dissolve the First Conference Committee on HB03-1003, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Witwer, and Plant as House conferees on the First Conference Committee on SB03-291.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Plant, and Witwer as House conferees on the First Conference Committee on SB03-300.

In response to the request of the Senate, the Speaker has appointed Representatives Witwer, chairman, Young, and Plant as House conferees on the First Conference Committee on SB03-282.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Witwer, and Plant as House conferees on the First Conference Committee on SB03-268.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Plant, and Witwer as House conferees on the First Conference Committee on SB03-258.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Witwer, and Plant as House conferees on the First Conference Committee on SB03-284.

In response to the request of the Senate, the Speaker has appointed Representatives Young, chairman, Witwer, and Plant as House conferees on the First Conference Committee on SB03-297.

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**MESSAGE FROM THE REVISOR OF STATUTES**

April 16, 2003

We herewith transmit:

Without comment, as amended, SB03-275 and 248.

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**INTRODUCTION OF RESOLUTIONS AND MEMORIAL**

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

- HJR03-1027** by Representative(s) Spence, Berry, Briggs, Brophy, Clapp, Crane, Fairbank, Frangas, Hall, Harvey, Hefley, Hoppe, Jahn, Johnson R., King, Lee, Miller, Rose, Schultheis, Vigil, White, Williams T., Witwer; also Senator(s) Andrews, Cairns, Entz, Lamborn, May R., Owen--Concerning the importance of history and civic education at the college level.  
Laid over one day under Senate Rule 30(e).
- HJR03-1043** by Representative(s) Cloer, Schultheis, Larson, Williams S., Butcher, Carroll, Crane, Frangas, Harvey, Hefley, Jahn, Johnson R., King, McFadyen, Ragsdale, Salazar, Sinclair, Spence, Spradley, Stafford; also Senator(s) McElhany--Concerning the naming of a portion of State Highway 115 as the "Vietnam Veterans Memorial Highway".  
Laid over one day under Senate Rule 30(e).
- HJR03-1050** by Representative(s) Lundberg, Cloer, Lee, May M., Schultheis, Wiens, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Harvey, Hefley, Hoppe, King, Mitchell, Rhodes, Rippy, Rose, Smith, Spence, Stafford, Stengel; also Senator(s) Cairns, Arnold, Johnson S., Lamborn, May R.--Concerning the recognition of Home Education Week in Colorado.  
Laid over one day under Senate Rule 30(e).
- HJR03-1056** by Representative(s) King; also Senator(s) Anderson--Concerning setting the convening date for the 2004 regular session of the General Assembly.  
Laid over one day under Senate Rule 30(e).
- SCR03-004** by Senator(s) Gordon; --Submitting to the registered electors of the state of Colorado an amendment to section 20 of article X of the constitution of the state of Colorado, concerning a requirement that state fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and population growth, without being subject to reduction due to declines in state revenues.  
State Veterans & Military Affairs
- SJR03-039** by Senator(s) Tapia; also Representative(s) Butcher--Concerning country of origin labeling for beef contemplated by the department of agriculture.  
Agriculture, Natural Resources & Energy
- SJR03-040** by Senator(s) Windels, Andrews; --Concerning the creation of a legislative interim committee to study civic education.  
Laid over one day under Senate Rule 30(b).
- SJR03-041** by Senator(s) Hanna, Phillips, Andrews, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hillman, Isgar, Johnson S., Keller, Lamborn, Linkhart, Nichol, Owen, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Windels; also Representative(s) Merrifield, Cloer, Cadman, Madden, Miller, Plant, Rhodes, Rose, Sinclair, Vigil, Weddig, Wiens, Williams S.--Concerning encouraging businesses to adopt families of service members stationed at military installations across Colorado.  
Laid over one day under Senate Rule 30(b).

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**INTRODUCTION OF BILL--FIRST READING**

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

**SB03-331**

by Senator(s) Johnson S.; also Representative(s) Mitchell--Concerning enforcement of health benefit coverage by the insurance commissioner.  
Health, Environment, Welfare & Institutions

**COMMITTEE OF REFERENCE REPORTS**

Business  
Affairs and  
Labor

After consideration on the merits, the Committee recommends that **HB03-1163** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 8, strike "FOLLOWING:" and substitute "FOLLOWING, TO THE EXTENT FEDERALLY ELIGIBLE INDIVIDUALS ARE DESIGNATED BY THE GOVERNOR:";

line 13, strike "CHAPTER 2 OF TITLE II OF";

line 14, strike "1974"," and substitute "2002",".

Page 4, line 26, strike "(1.5) (b) (I) (C),";

line 27, strike "(1.5) (b) (I) (D),".

Page 5, strike lines 1 and 2 and substitute the following:

"amended, to read:".

Page 6, strike lines 5 through 16.

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

The President has signed: HB03-1142.

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 April 16, was laid over until Thursday, April 17, retaining its place on the calendar.

Consideration of Resolutions: SJR03-032, HJR03-1033, SJR03-033, SJR03-035, SJR03-036, HJR03-1017, HJR03-1016, SR03-017.

Consideration of Memorial: SJM03-006.

Consideration of Governor's Vetoes: SB03-207.

Consideration of Governor's Appointment:

Member of the Mines Land Reclamation Board.

Conference Committees to Report: HB03-1025, HB03-1003, SB03-098, HB03-1111, SB03-009, SB03-065, HB03-1218, HB03-1305, HB03-1253, SB03-088, SB03-007, HB03-1092, HB03-1237, HB03-1007, SB03-038, HB03-1219, SB03-113.

Request for Conference Committees: HB03-1240, HB03-1172, SB03-126, HB03-1228, HB03-1290, SB03-106, SB03-235, SB03-284, SB03-290, SB03-297, SB03-291, SB03-300, SB03-282, SB03-268, SB03-258.

Notice of Intent to Reconsider: HB03-1208.

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On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Thursday, April 17, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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