

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

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Forty-third Legislative Day

Wednesday, February 19, 2003

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Prayer By the chaplain, Reverend David Peters, Genesis Presbyterian Church.

Pledge By Senator Teck.

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

Roll Call Present-- 35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tapia, reading of the Journal of February 18, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

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**INTRODUCTION OF BILLS--FIRST READING**

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

- HB03-1101** by Representative(s) Hall; also Senator(s) Jones--Concerning authorization for the department of public health and environment to recover the full amount of its costs in reviewing applications under the "Voluntary Clean-up and Redevelopment Act".  
Health, Environment, Welfare & Institutions
- HB03-1121** by Representative(s) Wiens, King, May M., McCluskey, White; also Senator(s) Evans, Chlouber--Concerning offers of settlement in civil actions.  
Judiciary
- HB03-1149** by Representative(s) Cloer, Crane, Hall, Harvey, Lundberg, Mitchell, Rhodes, Schultheis, White, Wiens; also Senator(s) Cairns--Concerning the creation of a penalty against a government employee for making a materially false statement related to the dependency or neglect of a child.  
Judiciary
- HB03-1175** by Representative(s) Spence, Briggs, Crane, Fairbank, Frangas, Lee, Paccione, Rose, Schultheis, Williams S.; also Senator(s) Andrews--Concerning numbers to identify postsecondary education students.  
Education
- HB03-1302** by Representative(s) Rippey; also Senator(s) Kester--Concerning clarification of the applicability of statutory provisions that enacted certain notification requirements affecting only those applications for development filed on or after July 1, 2001.  
Agriculture, Natural Resources & Energy

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

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

- SB03-058** by Senator(s) May R.; also Representative(s) Cadman--Concerning state government efficiencies, and, in connection therewith, clarifying the meaning of grants under the "Procurement Code", authorizing the creation of alternative procurement methods, allowing an exception to the selection and contract formation requirements of the "Procurement Code", and allowing an exception to the emissions testing requirements for motor vehicles under certain circumstances.

**SB03-058**

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

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

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

Co-sponsors added: Andrews, Jones, and Lamborn.

**SB03-085**

by Senator(s) Isgar, Entz; also Representative(s) Smith--Concerning the state engineer's authority to approve temporary loans of water rights.

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

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

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

Co-sponsors added: Groff, Grossman, Kester, Nichol, Owen, Tapia, and Taylor.

**SB03-139**

by Senator(s) Andrews; also Representative(s) Lundberg--Concerning the procedure for contesting the result of an election approving the creation of a financial obligation when certain information is withheld from the voters.

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

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

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

Co-sponsors added: Lamborn.

**SB03-137**

by Senator(s) Arnold; also Representative(s) Spence--Concerning modifications to deadlines involving the conversion of unsatisfactory schools.

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

**SB03-137**

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

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

Co-sponsors added: Groff and Windels.

**SB03-015**

by Senator(s) Owen, Hanna; also Representative(s) Jahn, Tochtrop--Concerning disclosure by a health care provider to the named insured of the estimated charges for nonemergency procedures prior to the scheduling of such procedures.

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

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

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

Co-sponsors added: Hagedorn, Nichol, and Sandoval.

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:

**SB03-154**

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

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

**SB03-161**

by Senator(s) Cairns; also Representative(s) Crane--Concerning authority for any state agency to provide limited monetary incentive awards to state employees whose ideas result in new cost savings.

As amended in General Orders, February 18, page 413, referred to the Committee on Appropriations.

**SB03-099**

by Senator(s) Evans, Lamborn, Andrews, Jones, May R., McElhany, Owen; also Representative(s) King--Concerning the establishment of a scholarship program to provide low-income children with educational options.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, February 7, pages 289-291 and placed in members' bill files.)

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**SB03-099**

Amendment No. 2(L.038), by Senators Evans and Hagedorn.

Amend the Education Committee Report, dated February 6, 2003, page 4, line 9, strike "TITLE.;" and substitute "TITLE.".;  
strike lines 10 through 19.

Amendment No. 3(L.039), by Senators Evans and Hagedorn.

Amend the Education Committee Report, dated February 6, 2003, page 3, line 21, strike "(a)";  
line 25, strike "(b)" and substitute "(2)".  
Page 4, line 2, strike "PROGRAM." and substitute "PROGRAM.".;  
strike lines 3 through 9.

Amendment No. 4(L.040), by Senators Evans and Hagedorn.

Amend the Education Committee Report, dated February 6, 2003, page 3, strike lines 19 through 29.  
Page 4, strike lines 1 and 2.

Amendment No. 5(L.043), by Senator Gordon.

Amend printed bill, page 7, line 25, strike "ENROLLED IN" and substitute "PARTICIPATING IN THE PROGRAM AND ENROLLED IN AND ATTENDING".  
Page 8, line 1, strike "ENROLLED IN" and substitute "PARTICIPATING IN THE PROGRAM AND ENROLLED IN AND ATTENDING".  
Page 13, line 18, strike "IS RECEIVING A SCHOLARSHIP" and substitute "RESIDES IN THE SCHOOL DISTRICT AND IS ENROLLED IN AND ATTENDING A PARTICIPATING NONPUBLIC SCHOOL".

Amendment No. 6(L.032), by Senator Evans.

Amend Education Committee Report, dated February 6, 2003, page 1, line 12, strike "THE" and substitute "THE".  
Page 2, line 2, after "OF", insert "SUBSECTION (4) OF";  
line 3, strike "SUBSECTION (4)," and substitute "SECTION,";  
line 10, strike "THIS SUBSECTION (4)." and substitute "SUBSECTION (4) OF THIS SECTION.".

Amendment No. 7(L.047), by Senator Windels.

Amend the Education Committee Report, dated February 6, 2003, page 2, line 10, strike "(4)." and substitute "(4).

(6) A SCHOOL DISTRICT MAY ENTER INTO A CONTRACT WITH A PARTICIPATING NONPUBLIC SCHOOL THAT SETS FORTH THE PROCEDURES FOR THE PROVISION OF THE EDUCATIONAL SERVICES TO THE ELIGIBLE CHILD, SO LONG AS THE CONTRACT IS CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE. NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED TO HOLD A SCHOOL DISTRICT RESPONSIBLE FOR THE ADMINISTRATIVE COSTS OR THE COSTS OF ACCOUNTING AND REPORTING INCURRED BY A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO THE PROGRAM."

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

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

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SB03-152

by Senator(s) Gordon; --Concerning the authority of local governments to establish transferable development rights programs.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 12, pages 223-224 and placed in members' bill files.)

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

Amend the Local Government Committee Report, dated February 11, 2003, page 1, strike line 1 and substitute the following:

"Amend printed bill, page 2, strike lines 6 through 17.

Page 3, strike lines 1 through 23.

Renumber succeeding C.R.S. sections accordingly.";

line 6, strike "30-28-106, C.R.S.:" and substitute "30-28-106 OR 31-23-206, C.R.S., AS APPLICABLE.";

after line 9, insert the following:

"strike lines 19 through 27 and substitute the following:

"(5) "DEVELOPMENT RIGHT" MEANS A FREELY ALIENABLE RIGHT REPRESENTING A SINGLE RESIDENTIAL UNIT OR COMPARABLE COMMERCIAL DEVELOPMENT UNIT THAT IS SEVERED FROM THE TITLE TO A PARCEL OF LAND IN A SENDING AREA AND THAT MAY BE TRANSFERRED TO A PARCEL OF LAND IN A RECEIVING AREA PURSUANT TO A PROGRAM FOR TRANSFERABLE DEVELOPMENT RIGHTS ESTABLISHED PURSUANT TO THIS PART 3.";

strike line 10 and substitute the following:

"Page 5, strike lines 1 through 3;

strike lines 7 through 15 and substitute the following:

"(7) "RECEIVING AREA" MEANS LAND THAT IS NOT DESIGNATED FOR PRESERVATION, CONSERVATION, OR OPEN SPACE PURPOSES AND THAT MEETS ONE OF THE FOLLOWING CRITERIA:

(a) IS WITHIN AN EXISTING DEVELOPED AREA;

(b) IS ADJACENT TO AN EXISTING DEVELOPED AREA; OR

(c) IS LOCATED IN AN AREA ANTICIPATED TO EXPERIENCE DEVELOPMENT AS INDICATED IN THE COMPREHENSIVE OR MASTER PLAN OF THE LOCAL GOVERNMENT HAVING JURISDICTION OVER SUCH LAND WHERE SUCH LAND IS:

(I) ADJACENT TO A MAJOR ARTERIAL, COLLECTOR, OR TRANSIT ROUTE; AND

(II) WHERE DEVELOPMENT ON SUCH LAND WILL BE COMPATIBLE WITH ADJOINING DEVELOPMENT OR LAND USES.";

line 20, strike "AND" and substitute "OR.";

after line 10 of the committee report, insert the following:

"Page 6, strike lines 3 through 7 and substitute the following:

"CONSISTENT WITH THE PROTECTION OF OPEN LAND; OR".

Page 7, line 11, after "A", insert "VOLUNTARY.";

strike line 11 and substitute the following:

"Page 8, line 14, after "AREA.", insert "A LOCAL GOVERNMENT OR ANY TWO OR MORE LOCAL GOVERNMENTS MAY DESIGNATE A THIRD PARTY NOT-FOR-PROFIT ENTITY TO ADMINISTER THE BANK ON ITS OR THEIR BEHALF SUBJECT TO THE PROVISIONS OF A TRANSFERABLE DEVELOPMENT

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**SB03-152**

RIGHTS PROGRAM ESTABLISHED PURSUANT TO THIS PART 3.";

line 19, strike "OR".

Page 2, strike lines 2 through 8 and substitute the following:

"(b) PRECLUDE RURAL LAND USE POLICIES THAT ENCOURAGE CLUSTERING;

(c) EXPAND OR DIMINISH EXISTING AUTHORITIES REGARDING THE ESTABLISHMENT OF TERM EASEMENTS."

after line 9, insert the following:

"Page 9, after line 6, insert the following:

"(4) LOCAL GOVERNMENTS DESIGNATING SENDING AREAS PURSUANT TO THIS PART 3 MAY CONSIDER RECOGNIZING ADDITIONAL DEVELOPMENT RIGHTS IN LAND WITHIN SENDING AREAS WHERE SUCH LAND IS OF PARTICULAR VALUE TO THE LOCAL GOVERNMENT FOR CONSERVATION OR PRESERVATION PURPOSES. SUCH LAND MAY INCLUDE, WITHOUT LIMITATION, HIGHLY PRODUCTIVE OR IRRIGATED AGRICULTURAL LANDS, RIPARIAN CORRIDORS, AND OTHER LAND OF LOCAL, REGIONAL, OR STATEWIDE SIGNIFICANCE. NOTHING IN THIS SUBSECTION (4) SHALL BE CONSTRUED AS INCREASING THE RIGHT TO DEVELOP IN SUCH SENDING AREAS."

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

**SB03-074**

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

Laid over until Thursday, February 20, retaining its place on the calendar.

**SB03-106**

by Senator(s) Jones, May R.; also Representative(s) Larson--Concerning third-party damages subject to subrogation in claims that are paid pursuant to the "Workers' Compensation Act of Colorado".

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, February 13, page 342 and placed in members' bill files.)

As amended, laid over until Thursday, February 20, retaining its place on the calendar.

**SB03-088**

by Senator(s) Linkhart, Evans, Gordon; also Representative(s) Plant, Groff, Mitchell-- Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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

**HB03-1161**

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

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, February 11, page 313 and placed in members' bill files.)  
(Committee Report was severed: Section 1: Page 2, lines 23-29 was declared adopted. Section 2: Page 1 and page 2, lines 1-22 was declared adopted.)

Amendment No. 2(L.035), by Senator Tapia.

Strike the Business Affairs & Labor Committee Report, dated February 10, 2003, and substitute the following:

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

"SECTION 1. 13-20-802, Colorado Revised Statutes, is amended to read:

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HB03-1161

**13-20-802. Legislative declaration.** The general assembly hereby finds, declares, and determines that ~~limited~~ changes in the law are necessary and appropriate concerning actions claiming damages, indemnity, or contribution in connection with alleged construction defects. ~~resulting in property loss or damage.~~ It is the intent of the general assembly that this part 8 apply to these types of civil actions while preserving adequate rights and remedies for property owners who bring and maintain such actions.

**SECTION 2.** Part 8 of article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**13-20-802.5. Definitions.** AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACTION" MEANS A CIVIL ACTION OR AN ARBITRATION PROCEEDING FOR DAMAGES, INDEMNITY, OR CONTRIBUTION BROUGHT AGAINST A CONSTRUCTION PROFESSIONAL TO ASSERT A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD PARTY CLAIM FOR DAMAGES OR LOSS TO, OR THE LOSS OF USE OF, REAL OR PERSONAL PROPERTY CAUSED BY A DEFECT IN THE CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY. "ACTION" DOES NOT INCLUDE ANY CIVIL ACTION IN TORT ALLEGING PERSONAL INJURY OR WRONGFUL DEATH TO A PERSON OR PERSONS RESULTING FROM A CONSTRUCTION DEFECT.

(2) "CLAIMANT" MEANS A PERSON OTHER THAN THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEYS OF THE SEVERAL JUDICIAL DISTRICTS OF THE STATE WHO ASSERTS A CLAIM AGAINST A CONSTRUCTION PROFESSIONAL THAT ALLEGES A DEFECT IN THE CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY.

(3) "CONSTRUCTION PROFESSIONAL" MEANS AN ARCHITECT, CONTRACTOR, SUBCONTRACTOR, DEVELOPER, BUILDER, BUILDER VENDOR, ENGINEER, OR INSPECTOR PERFORMING OR FURNISHING THE DESIGN, SUPERVISION, INSPECTION, CONSTRUCTION, OR OBSERVATION OF THE CONSTRUCTION OF ANY IMPROVEMENT TO REAL PROPERTY. IF THE IMPROVEMENT TO REAL PROPERTY IS TO A COMMERCIAL PROPERTY, THE TERM "CONSTRUCTION PROFESSIONAL" SHALL ALSO INCLUDE ANY PRIOR OWNER OF THE COMMERCIAL PROPERTY, OTHER THAN THE CLAIMANT, AT THE TIME THE WORK WAS PERFORMED. AS USED IN THIS SUBSECTION (3), THE TERM "COMMERCIAL PROPERTY" MEANS PROPERTY THAT IS ZONED TO EXCLUDE RESIDENTIAL OCCUPANCY.

(4) "NOTICE OF CLAIM" MEANS A WRITTEN NOTICE SENT BY A CLAIMANT TO THE LAST KNOWN ADDRESS OF A CONSTRUCTION PROFESSIONAL AGAINST WHOM THE CLAIMANT ASSERTS A CONSTRUCTION DEFECT CLAIM THAT DESCRIBES THE CLAIM IN REASONABLE DETAIL SUFFICIENT TO DETERMINE THE GENERAL NATURE OF THE DEFECT AND ANY DAMAGES CLAIMED TO HAVE BEEN CAUSED BY THE DEFECT.

**SECTION 3.** 13-20-803 (1), Colorado Revised Statutes, is amended to read:

**13-20-803. List of defects required.** (1) IN ADDITION TO THE NOTICE OF CLAIM REQUIRED BY SECTION 13-20-803.5, in every action brought against ~~any architect, contractor, builder, builder vendor, engineer, or inspector performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property;~~ A CONSTRUCTION PROFESSIONAL, the claimant shall file with the court OR ARBITRATOR and serve on the ~~defendant~~ CONSTRUCTION PROFESSIONAL an initial list of construction defects in accordance with this section. ~~As used in this part 8, "action" means any civil action or arbitration proceeding for damages, indemnity, or contribution asserting a claim, counterclaim, cross-claim, or third-party claim for injury or loss to, or the loss of use of, any real property caused by an alleged defect in the construction of an improvement to the real property.~~

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HB03-1161

**SECTION 4.** Part 8 of article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**13-20-803.5. Notice of claim process.** (1) NOLATER THAN SIXTY DAYS BEFORE FILING AN ACTION AGAINST A CONSTRUCTION PROFESSIONAL, A CLAIMANT SHALL SEND OR DELIVER A WRITTEN NOTICE OF CLAIM TO THE CONSTRUCTION PROFESSIONAL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY PERSONAL SERVICE.

(2) FOLLOWING THE MAILING OR DELIVERY OF THE NOTICE OF CLAIM, AT THE WRITTEN REQUEST OF THE CONSTRUCTION PROFESSIONAL, THE CLAIMANT SHALL PROVIDE THE CONSTRUCTION PROFESSIONAL AND ITS CONTRACTORS OR OTHER AGENTS REASONABLE ACCESS TO THE CLAIMANT'S PROPERTY DURING NORMAL WORKING HOURS TO INSPECT THE PROPERTY AND THE CLAIMED DEFECT. THE INSPECTION SHALL BE COMPLETED WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF CLAIM.

(3) WITHIN FIFTEEN DAYS FOLLOWING THE COMPLETION OF AN INSPECTION CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, A CONSTRUCTION PROFESSIONAL MAY SEND OR DELIVER TO THE CLAIMANT, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR PERSONAL SERVICE, AN OFFER TO SETTLE THE CLAIM BY PAYMENT OF A SUM CERTAIN OR REMEDY THE CLAIMED DEFECT DESCRIBED IN THE NOTICE OF CLAIM. A WRITTEN OFFER TO REMEDY THE CONSTRUCTION DEFECT SHALL INCLUDE A REPORT OF THE SCOPE OF THE INSPECTION, THE FINDINGS AND RESULTS OF THE INSPECTION, A DESCRIPTION OF THE ADDITIONAL CONSTRUCTION WORK NECESSARY TO REMEDY THE DEFECT DESCRIBED IN THE NOTICE OF CLAIM AND ALL DAMAGE TO THE IMPROVEMENT TO REAL PROPERTY CAUSED BY THE DEFECT, AND A TIMETABLE FOR THE COMPLETION OF THE REMEDIAL CONSTRUCTION WORK.

(4) UNLESS A CLAIMANT ACCEPTS AN OFFER MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION IN WRITING WITHIN FIFTEEN DAYS OF THE DELIVERY OF THE OFFER, THE OFFER SHALL BE DEEMED TO HAVE BEEN REJECTED.

(5) A CLAIMANT WHO ACCEPTS A CONSTRUCTION PROFESSIONAL'S OFFER TO REMEDY OR SETTLE BY PAYMENT OF A SUM CERTAIN A CONSTRUCTION DEFECT CLAIM SHALL DO SO BY SENDING THE CONSTRUCTION PROFESSIONAL A WRITTEN NOTICE OF ACCEPTANCE NO LATER THAN FIFTEEN DAYS AFTER RECEIPT OF THE OFFER. IF AN OFFER TO SETTLE IS ACCEPTED, THEN THE MONETARY SETTLEMENT SHALL BE PAID IN ACCORDANCE WITH THE OFFER. IF AN OFFER TO REMEDY IS ACCEPTED BY THE CLAIMANT, THE REMEDIAL CONSTRUCTION WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE TIMETABLE SET FORTH IN THE OFFER UNLESS THE DELAY IS CAUSED BY EVENTS BEYOND THE REASONABLE CONTROL OF THE CONSTRUCTION PROFESSIONAL.

(6) IF NO OFFER IS MADE BY THE CONSTRUCTION PROFESSIONAL, OR IF THE CLAIMANT REJECTS AN OFFER, THE CLAIMANT MAY BRING AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL FOR THE CONSTRUCTION DEFECT CLAIM DESCRIBED IN THE NOTICE OF CLAIM.

(7) IF AN OFFER BY A CONSTRUCTION PROFESSIONAL IS MADE AND ACCEPTED, AND IF THEREAFTER THE CONSTRUCTION PROFESSIONAL DOES NOT COMPLY WITH ITS OFFER TO REMEDY OR SETTLE A CLAIM FOR A CONSTRUCTION DEFECT, THE CLAIMANT MAY FILE AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL FOR CLAIMS ARISING OUT OF THE DEFECT OR DAMAGE DESCRIBED IN THE NOTICE OF CLAIM WITHOUT FURTHER NOTICE.

(8) AFTER THE SENDING OF A NOTICE OF CLAIM, A CLAIMANT AND A CONSTRUCTION PROFESSIONAL MAY, BY WRITTEN MUTUAL AGREEMENT, ALTER THE PROCEDURE FOR THE NOTICE OF CLAIM PROCESS DESCRIBED IN THIS SECTION.

(9) ANY ACTION COMMENCED BY A CLAIMANT WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL BE STAYED, WHICH STAY SHALL REMAIN IN EFFECT UNTIL THE CLAIMANT HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

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HB03-1161

(10) A CLAIMANT MAY AMEND A NOTICE OF CLAIM TO INCLUDE CONSTRUCTION DEFECTS DISCOVERED AFTER THE SERVICE OF THE ORIGINAL NOTICE OF CLAIM. HOWEVER, THE CLAIMANT MUST OTHERWISE COMPLY WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADDITIONAL CLAIMS.

(11) FOR PURPOSES OF THIS SECTION, ACTUAL RECEIPT BY ANY MEANS OF A WRITTEN NOTICE, OFFER, OR RESPONSE PREPARED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED FOR DELIVERY OR SERVICE OF THE NOTICE, OFFER, OR RESPONSE SHALL BE DEEMED TO BE SUFFICIENT DELIVERY OR SERVICE.

**13-20-805. Tolling of statutes of limitation.** IF A NOTICE OF CLAIM IS SENT TO A CONSTRUCTION PROFESSIONAL IN ACCORDANCE WITH SECTION 13-20-803.5 WITHIN THE TIME PRESCRIBED FOR THE FILING OF AN ACTION UNDER ANY APPLICABLE STATUTE OF LIMITATIONS OR REPOSE, THEN THE STATUTE OF LIMITATIONS OR REPOSE IS TOLLED UNTIL SIXTY DAYS AFTER THE COMPLETION OF THE NOTICE OF CLAIM PROCESS DESCRIBED IN SECTION 13-20-803.5.

**13-20-806. Limitation of treble damages pursuant to the "Colorado Consumer Protection Act".** (1) A CONSTRUCTION PROFESSIONAL SHALL NOT BE LIABLE FOR TREBLE DAMAGES UNDER SECTION 6-1-113 (2) (a) (III), C.R.S., WITH RESPECT TO ANY ACTION IF:

(a) THE CONSTRUCTION PROFESSIONAL'S MONETARY OFFER, MADE PURSUANT TO SECTION 13-20-803.5 (3), TO SETTLE FOR A SUM CERTAIN A CONSTRUCTION DEFECT CLAIM DESCRIBED IN A NOTICE OF CLAIM IS EQUAL TO OR GREATER THAN THE AMOUNT AWARDED TO THE CLAIMANT AS ACTUAL DAMAGES SUSTAINED; OR

(b) THE REASONABLE COST, AS DETERMINED BY THE TRIER OF FACT, TO COMPLETE THE CONSTRUCTION PROFESSIONAL'S OFFER, MADE PURSUANT TO SECTION 13-20-803.5, TO REMEDY THE CONSTRUCTION DEFECT DESCRIBED IN THE NOTICE OF CLAIM IS EQUAL TO OR GREATER THAN THE AMOUNT AWARDED TO THE CLAIMANT AS ACTUAL DAMAGES SUSTAINED.

(2) IF A CONSTRUCTION PROFESSIONAL DOES NOT COMPLY WITH THE TERMS OF AN OFFER TO REMEDY OR SETTLE A CLAIM FOR A CONSTRUCTION DEFECT MADE PURSUANT TO SECTION 13-20-803.5 AND ACCEPTED BY THE CLAIMANT, OR IF A CONSTRUCTION PROFESSIONAL FAILS TO MAKE SUCH AN OFFER, THE CONSTRUCTION PROFESSIONAL SHALL BE SUBJECT TO THE TREBLE DAMAGES PROVISION OF SECTION 6-1-113 (2) (a) (III), C.R.S.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, TREBLE DAMAGES AWARDED TO A CLAIMANT UNDER SECTION 6-1-113 (2) (a) (III), C.R.S., SHALL NOT EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS IN ANY ACTION BROUGHT BY A CLAIMANT AGAINST A CONSTRUCTION PROFESSIONAL.

**SECTION 5. Applicability.** This act shall apply to actions filed on or after the effective date of this act.

**SECTION 6. 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." .".

Amendment No. 3(L.046), by Senator Hillman.

Amend the Tapia floor amendment (HB1161\_L.035), page 6, line 19, after "LAW," insert "THE AGGREGATE AMOUNT OF";

line 21, after "C.R.S.," insert "AND ATTORNEY FEES AWARDED TO A CLAIMANT UNDER SECTION 6-1-113 (2) (b), C.R.S.,".

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

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SB03-025

by Senator(s) Dyer; also Representative(s) Hefley--Concerning limitation of the ability of a local government to regulate firearms, and, in connection therewith, identifying firearms regulation as a matter of statewide concern.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, January 15, page 65 and placed in members' bill files.)

Amendment No. 2(L.035), by Senator Dyer.

(Amendment No. 2(L.035) severed: Section 1: Page 4, lines 8-17 was declared adopted. Section 2: Pages 1-3 and page 4, lines 1-7 and lines 18-28, was declared adopted.)

Strike the Judiciary Committee Report, dated January 13, 2003.

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

"SECTION 1. 18-12-105.6, Colorado Revised Statutes, is amended to read:

**18-12-105.6. Limitation on local ordinances regarding firearms in private vehicles.** (1) The general assembly hereby finds that:

(a) A person carrying a weapon in a private automobile or other private means of conveyance FOR HUNTING OR for lawful protection of such person's or another's person or property, as permitted in sections 18-12-105 (2) (b) and 18-12-105.5 (3) (c), may tend to travel WITHIN A COUNTY, CITY AND COUNTY, OR MUNICIPAL JURISDICTION OR in or through different county, city and county, and municipal jurisdictions, en route to the person's destination;

(b) Inconsistent laws exist in local jurisdictions with regard to the circumstances under which weapons may be carried in automobiles and other private means of conveyance;

(c) This inconsistency creates a confusing patchwork of laws that unfairly subjects a person who lawfully travels with a weapon ~~in or through one jurisdiction~~ to criminal penalties because he or she travels WITHIN A JURISDICTION OR into or through another jurisdiction;

(d) This inconsistency places citizens in the position of not knowing when they may be violating local laws while traveling WITHIN A JURISDICTION OR in, through, or between different jurisdictions, and therefore being unable to avoid committing a crime.

(2) (a) Based on the findings specified in subsection (1) of this section, the general assembly concludes that the carrying of weapons in private automobiles or other private means of conveyance FOR HUNTING OR for lawful protection of a person's or another's person or property while traveling into, ~~or~~ through, OR WITHIN, a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction, is a matter of statewide concern and is not an offense.

(b) Notwithstanding any other provision of law, no municipality, county, or city and county shall have the authority to enact or enforce any ordinance or resolution that would restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance FOR HUNTING OR for lawful protection of a person's or another's person or property while traveling into, ~~or~~ through, OR WITHIN, a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction.

SECTION 2. Title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 11.7**

**Regulation of Firearms**

**29-11.7-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

SB03-025

(a) SECTION 3 OF ARTICLE II OF THE STATE CONSTITUTION, THE ARTICLE REFERRED TO AS THE STATE BILL OF RIGHTS, DECLARES THAT ALL PERSONS HAVE CERTAIN INALIENABLE RIGHTS, WHICH INCLUDE THE RIGHT TO DEFEND THEIR LIVES AND LIBERTIES;

(b) SECTION 13 OF ARTICLE II OF THE STATE CONSTITUTION PROTECTS THE FUNDAMENTAL RIGHT OF A PERSON TO KEEP AND BEAR ARMS AND IMPLEMENTS SECTION 3 OF ARTICLE II OF THE STATE CONSTITUTION;

(c) THE GENERAL ASSEMBLY RECOGNIZES A DUTY TO PROTECT AND DEFEND THE FUNDAMENTAL CIVIL RIGHTS SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1);

(d) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG JURISDICTIONS WITHIN THE STATE WITH REGARD TO FIREARMS REGULATIONS;

(e) THIS INCONSISTENCY AMONG LOCAL GOVERNMENT LAWS REGULATING LAWFUL FIREARM POSSESSION AND OWNERSHIP HAS EXTRATERRITORIAL IMPACT ON STATE CITIZENS AND THE GENERAL PUBLIC BY SUBJECTING THEM TO CRIMINAL AND CIVIL PENALTIES IN SOME JURISDICTIONS FOR CONDUCT WHOLLY LAWFUL IN OTHER JURISDICTIONS;

(f) INCONSISTENCY AMONG LOCAL GOVERNMENTS OF LAWS REGULATING THE POSSESSION AND OWNERSHIP OF FIREARMS RESULTS IN PERSONS BEING TREATED DIFFERENTLY UNDER THE LAW SOLELY ON THE BASIS OF WHERE THEY RESIDE, AND A PERSON'S RESIDENCE IN A PARTICULAR COUNTY OR CITY OR CITY AND COUNTY IS NOT A RATIONAL CLASSIFICATION WHEN IT IS THE BASIS FOR DENIAL OF EQUAL TREATMENT UNDER THE LAW;

(g) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF NOT KNOWING WHEN THEY MAY BE VIOLATING THE LOCAL LAWS AND THEREFORE BEING UNABLE TO AVOID VIOLATING THE LAW AND BECOMING SUBJECT TO CRIMINAL AND OTHER PENALTIES.

(2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE GENERAL ASSEMBLY CONCLUDES THAT:

(a) THE REGULATION OF FIREARMS IS A MATTER OF STATEWIDE CONCERN;

(b) IT IS NECESSARY TO PROVIDE STATEWIDE LAWS CONCERNING THE POSSESSION AND OWNERSHIP OF A FIREARM TO ENSURE THAT LAW-ABIDING PERSONS ARE NOT UNFAIRLY PLACED IN THE POSITION OF UNKNOWINGLY COMMITTING CRIMES INVOLVING FIREARMS.

**29-11.7-102. Firearms database - prohibited.** (1) A LOCAL GOVERNMENT, INCLUDING A LAW ENFORCEMENT AGENCY, SHALL NOT MAINTAIN A LIST OR OTHER FORM OF RECORD OR DATABASE OF:

(a) PERSONS WHO PURCHASE, EXCHANGE, OR PAWN FIREARMS OR WHO LEAVE FIREARMS FOR REPAIR OR SALE ON CONSIGNMENT;

(b) PERSONS WHO TRANSFER FIREARMS, UNLESS THE PERSONS ARE FEDERALLY LICENSED FIREARMS DEALERS;

(c) THE DESCRIPTIONS, INCLUDING SERIAL NUMBERS, OF FIREARMS PURCHASED, TRANSFERRED, EXCHANGED, PAWNED, OR LEFT FOR REPAIR OR SALE ON CONSIGNMENT.

**29-11.7-103. Regulation - type of firearm - prohibited.** A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT REGULATES OR PROHIBITS THE SALE, PURCHASE, OR POSSESSION OF A FIREARM THAT A PERSON MAY LAWFULLY SELL, PURCHASE, OR POSSESS UNDER STATE OR FEDERAL LAW. ANY SUCH ORDINANCE, REGULATION, OR OTHER LAW ENACTED BY A LOCAL GOVERNMENT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION IS VOID AND UNENFORCEABLE.

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SB03-025

**SECTION 3. 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."

Amendment No. 3(L.038), by Senator Hagedorn.

Amend the Dyer floor amendment (SB025\_L.035), page 4, line 20, strike "REGULATES OR".

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

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders--Second Reading of Bills, Calendar (SB03-102, HB03-1018, HB03-1048) of Wednesday February 19, was laid over until Thursday, February 20, retaining its place on the calendar.

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

SB03-099

by Senator(s) Evans, Lamborn, Andrews, Jones, May R., McElhany, Owen; also Representative(s) King--Concerning the establishment of a scholarship program to provide low-income children with educational options.

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following Evans and Hagedorn floor amendment, (L.038) to SB03-099, did not pass:

Amend the Education Committee Report, dated February 6, 2003, page 4, line 9, strike "TITLE.;" and substitute "TITLE.".;  
strike lines 10 through 19.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	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		

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following Tupa floor amendment, (L.046) to SB03-099, did pass:

Amend the Education Committee Report, dated February 6, 2003, page 2, line 12, after "BACKGROUND,", insert "SEXUAL ORIENTATION,".

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

YES	16	NO	19	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	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	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		

**SB03-099**

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following Tupa floor amendment, (L.044) to SB03-099, did pass:

Amend printed bill, page 7, after line 3, insert the following:

"(a) THE NONPUBLIC SCHOOL IS A SECULAR INSTITUTION THAT IS NOT AFFILIATED WITH OR OWNED, OPERATED, OR CONTROLLED BY A RELIGION OR A RELIGIOUS SECT;"

Reletter succeeding paragraphs accordingly.

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

YES	13	NO	22	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	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	N	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		

Senator Evans and Cairns moved to amend the Report of the Committee of the Whole to show that the following Evans and Hagedorn floor amendment, (L.037) to SB03-099, did pass:

Amend printed bill, page 6, strike lines 15 through 21 and substitute the following:

"(a) THE SCHOOL DISTRICT HAS TWO OR MORE PUBLIC SCHOOLS THAT, IN BOTH OF THE PREVIOUS TWO SCHOOL YEARS FOR WHICH DATA IS AVAILABLE, RECEIVED ACADEMIC PERFORMANCE RATINGS OF "LOW" OR "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604 (5);

(b) THE SCHOOL DISTRICT HAD AN ENROLLMENT OF AT LEAST ELEVEN THOUSAND PUPILS IN KINDERGARTEN AND GRADES ONE THROUGH TWELVE FOR THE PRECEDING SCHOOL YEAR; AND

(c) (I) A MAJORITY OF A SCHOOL DISTRICT BOARD OF EDUCATION HAS INDICATED ITS INTENT TO PARTICIPATE IN THE PROGRAM THROUGH THE ADOPTION OF A FAVORABLE RESOLUTION AND THE PROVISION OF A COPY OF THE RESOLUTION TO THE STATE BOARD OF EDUCATION; OR

(II) A MAJORITY OF THE ELIGIBLE ELECTORS OF THE SCHOOL DISTRICT HAVE VOTED IN FAVOR OF THE SCHOOL DISTRICT PARTICIPATING IN THE PROGRAM PURSUANT TO SECTION 22-56-110."

Page 10, line 3, strike "**monthly**";

strike line 12 and substitute the following:

"(2) BY NOVEMBER 1 AND FEBRUARY 1 OF EACH SCHOOL YEAR";

strike lines 19 and 20 and substitute the following:

"ENROLLED IN THE PARTICIPATING NONPUBLIC SCHOOL AS OF THE DATE OF REPORTING; AND";

strike lines 26 and 27.

Page 11, strike lines 1 through 6;

strike line 7 and substitute the following:

**"22-56-109. Financing - pupil enrollment";**

line 8, strike "(1)";

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**SB03-099**

strike lines 14 through 21;

line 22, strike "**22-56-111.**" and substitute "**22-56-110.**".

Page 12, line 11, after "DISTRICT", insert "WHO VOTED IN THE MOST RECENT SCHOOL BOARD ELECTION";

line 25, strike "**22-56-112.**" and substitute "**22-56-111.**";

strike lines 26 and 27 and substitute the following:

"(1) A SCHOOL DISTRICT SHALL EVALUATE THE ACADEMIC PERFORMANCE OF EACH ELIGIBLE CHILD WHO IS ENROLLED IN A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO THE PROGRAM. ON OR BEFORE DECEMBER 1, 2008, THE SCHOOL DISTRICT SHALL PROVIDE A WRITTEN REPORT TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE DEPARTMENT. THE REPORT SHALL INCLUDE NON-IDENTIFYING INDIVIDUAL STUDENT DATA ON THE STATEWIDE ASSESSMENTS AND AN ANALYSIS OF INDIVIDUAL STUDENT ACHIEVEMENT. THE SCHOOL DISTRICT SHALL ALSO RECORD SIMILAR DATA FOR THOSE ELIGIBLE CHILDREN NOT SELECTED IN THE LOTTERY PROCESS TO PARTICIPATE IN THE PILOT PROGRAM. THE SCHOOL DISTRICT SHALL ALSO REPORT THE FINANCIAL IMPACT OF THE PILOT PROGRAM ON THE SCHOOL DISTRICT."

Page 13, strike lines 1 through 11.

Senator Evans moved a Call of the Senate.

Call of Senate

Call of Senate.

Call Raised.

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

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

**ROLL CALL VOTE ON SB03-099**

Senator Phillips requested a roll call vote on SB03-099 as amended:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	N
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		

As amended, declared passed on Second Reading.

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

On motion of Senator Teck, 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: SB03-099 as amended, SB03-152 as amended, SB03-088,  
 HB03-1161 as amended, SB03-025 as amended.  
 Referred to the Committee on Appropriations: SB03-161 as amended.  
 Laid over until Thursday, February 20: SB03-074, SB03-106 as amended, SB03-102,  
 HB03-1018, HB03-1048.  
 Laid over until Friday, February 21: SB03-154.

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### COMMITTEE OF REFERENCE REPORTS

Agriculture,  
 Natural  
 Resources  
 and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

#### MEMBER OF THE COAL MINE BOARD OF EXAMINERS

for a term expiring July 1, 2004:

Karl C. Koehler of Hayden, Colorado, to fill the vacancy occasioned by the resignation of Frank A. Self and to serve as a Colorado coal mine owner, operator, manager, or other mine official actively engaged in the surface mining industry, appointed

Agriculture,  
 Natural  
 Resources  
 and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

#### MEMBER OF THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM

for a term expiring January 17, 2004:

Pat D. Broe of Denver, Colorado, to fill the vacancy occasioned by the resignation of Ronald Pettigrew, appointed.

for a term expiring January 20, 2005:

Connie L. Calaway of Carbondale, Colorado, to fill the vacancy occasioned by the resignation of Paula E. Sandoval, appointed.

for a term expiring January 15, 2007:

Donald A. Hamstra of Brighton, Colorado, reappointed;  
 Jeff Shoemaker of Denver, Colorado, reappointed.

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### MESSAGE FROM THE HOUSE

February 19, 2003  
 Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1186, 1157, 1243, 1193, 1226.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1081, amended as printed in House Journal, February 18, pages 783-784.  
 HB03-1158, amended as printed in House Journal, February 18, page 783.  
 HB03-1256, amended as printed in House Journal, February 18, page 784.  
 HB03-1127, amended as printed in House Journal, February 18, pages 784-785.  
 HB03-1160, amended as printed in House Journal, February 18, pages 786-787.





On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., February 20,  
2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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