

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
First Regular Session

Thirty-first Legislative Day

Friday, February 7, 2003

1 Prayer by Father Michael Suchnicki, Samaritan House, Denver.

2

3 The Speaker called the House to order at 9:00 a.m.

4

5 Pledge of Allegiance led by Representative Rippy.

6

7 The roll was called with the following result:

8

9 Present--63.

10 Excused--Representatives Briggs, Sanchez--2.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Hall, the reading of the journal of
16 February 6, 2003, was declared dispensed with and approved as corrected
17 by the Chief Clerk.

18

19

20

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

22

23 The following bills were considered on Third Reading. The titles were
24 publicly read. Reading of the bill at length was dispensed with by
25 unanimous consent.

26

27 On motion of Representative King, Consideration of **SB03-199, 206, 207,**
28 **208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220** was laid over until
29 February 10, retaining place on Calendar.

30

31

32 **SB03-177** by Senator(s) Reeves, Owen, Teck; also Representative(s)
33 Young, Plant, Witwer--Concerning a reduction in the
34 percentage amount of the community corrections
35 appropriation that the entities administering community
36 corrections may spend on administrative costs, and
37 modifying an appropriation in connection therewith.

38

39 The question being "Shall the bill pass?".

40 A roll call vote was taken. As shown by the following recorded vote, a
41 majority of those elected to the House voted in the affirmative and the bill
42 was declared **passed**.

43

	YES	61	NO	02	EXCUSED	02	ABSENT	00
1								
2	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	N	Smith	Y
4	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
5	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
9	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
10	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
11	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
12	Crane	Y	Larson	Y	Rippy	Y	White	Y
13	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
14	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
15	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
16	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
17	Garcia	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

19 Co-sponsor added: Representative Romanoff

20
 21 **SB03-179** by Senator(s) Owen, Reeves, Teck; also Representative(s)
 22 Witwer, Plant, Young--Concerning transfers of moneys
 23 related to capital construction, and making an
 24 appropriation in connection therewith.

25
 26 The question being "Shall the bill pass?".

27 A roll call vote was taken. As shown by the following recorded vote, a
 28 majority of those elected to the House voted in the affirmative and the bill
 29 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
30								
31	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
32	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
33	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
34	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
35	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
36	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
37	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
38	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
39	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
40	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
41	Crane	Y	Larson	Y	Rippy	Y	White	Y
42	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
43	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
44	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
45	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
46	Garcia	Y	May	Y	Schultheis	Y	Young	Y
47							Speaker	Y

48
 49 **SB03-182** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 50 Witwer, Plant, Young--Concerning the consolidation of
 51 programs implemented by the department of local affairs
 52 that pertain to the regulation of construction, and, in
 53 connection therewith, consolidating programs for the
 54 regulation of factory-built structures, multi-family
 55 structures where no standards exist, manufactured home
 56 installations, and sellers of manufactured homes.

1 The question being "Shall the bill pass?".
 2 A roll call vote was taken. As shown by the following recorded vote, a
 3 majority of those elected to the House voted in the affirmative and the bill
 4 was declared **passed**.

	YES	63	NO	00	EXCUSED	02	ABSENT	00
7	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
9	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
10	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
11	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
14	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
15	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
16	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
17	Crane	Y	Larson	Y	Rippy	Y	White	Y
18	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
19	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
20	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
21	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
22	Garcia	Y	May	Y	Schultheis	Y	Young	Y
23							Speaker	Y

24 Co-sponsor added: Representative Smith.

25
 26 **SB03-188** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 27 Witwer, Plant, Young--Concerning the elimination of the
 28 presidential primary election.

29
 30 The question being "Shall the bill pass?".
 31 A roll call vote was taken. As shown by the following recorded vote, a
 32 majority of those elected to the House voted in the affirmative and the bill
 33 was declared **passed**.

	YES	60	NO	03	EXCUSED	02	ABSENT	00
36	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	Y	Hall	Y	McFadyen	N	Smith	N
38	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
39	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
40	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
42	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
43	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
44	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
45	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
46	Crane	Y	Larson	Y	Rippy	Y	White	Y
47	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
48	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
49	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
50	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
51	Garcia	Y	May	Y	Schultheis	Y	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Berry, Butcher, Cloer, Coleman, Fairbank,
 54 Frangas, Hall, Jahn, Merrifield, Spence, Williams S.

55

1 **SB03-193** by Senator(s) Reeves, Owen, Teck; also Representative(s)
 2 Young, Plant, Witwer--Concerning the state historical
 3 fund, and making an appropriation in connection
 4 therewith.
 5

6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.
 10

	YES	61	NO	02	EXCUSED	02	ABSENT	00
12	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
15	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
16	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
17	Butcher	N	Hoppe	Y	Paccione	Y	Tochtrop	Y
18	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
19	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
20	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
21	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
22	Crane	Y	Larson	Y	Rippy	Y	White	Y
23	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
24	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
25	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
26	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
27	Garcia	N	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsor added: Representative Frangas.
 30

31 **HB03-1124** by Representative(s) Lundberg; also Senator(s) Jones--
 32 Concerning a modification to the definition of the term
 33 "expenditure" for purposes of the "Local Government
 34 Budget Law of Colorado" to exclude the payment of
 35 moneys received from and required to be paid to another
 36 person by the office of the public trustee.
 37

38 The question being "Shall the bill pass?".
 39 A roll call vote was taken. As shown by the following recorded vote, a
 40 majority of those elected to the House voted in the affirmative and the bill
 41 was declared **passed**.
 42

	YES	63	NO	00	EXCUSED	02	ABSENT	00
44	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
47	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
50	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
51	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
52	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
53	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
54	Crane	Y	Larson	Y	Rippy	Y	White	Y
55	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
56	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y

1	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
2	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
3	Garcia	Y	May	Y	Schultheis	Y	Young	Y
4							Speaker	Y

5 Co-sponsor added: Representative Vigil.

6
7 **HB03-1092** by Representative(s) White, Hoppe, Rippy, Wiens; also
8 Senator(s) Anderson--Concerning management of
9 Colorado's state-owned forested land.

10
11 The question being "Shall the bill pass?".

12 A roll call vote was taken. As shown by the following recorded vote, a
13 majority of those elected to the House voted in the affirmative and the bill
14 was declared **passed**.

15	YES	44	NO	19	EXCUSED	02	ABSENT	00
16	Berry	Y	Groff	N	McCluskey	Y	Sinclair	Y
17	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
18	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
19	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
20	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	N
21	Butcher	Y	Hoppe	Y	Paccione	N	Tochtrop	N
22	Cadman	Y	Jahn	Y	Plant	N	Veiga	N
23	Clapp	Y	Johnson	Y	Pommer	N	Vigil	N
24	Cloer	Y	Judd	N	Ragsdale	N	Weddig	N
25	Coleman	Y	King	Y	Rhodes	Y	Weissmann	N
26	Crane	Y	Larson	N	Rippy	Y	White	Y
27	Decker	Y	Lee	Y	Romanoff	N	Wiens	Y
28	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
29	Frangas	N	Madden	N	Salazar	Y	Williams T.	Y
30	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
31	Garcia	N	May	Y	Schultheis	Y	Young	Y
32							Speaker	Y

33
34 Co-sponsors added: Representatives Brophy, Cadman, Crane, Fairbank, Fritz,
35 Hall, Hefley, Lee, Lundberg, May, McCluskey, Miller, Rhodes, Rose, Salazar,
36 Schultheis, Stafford, Young, Speaker.

37
38 **HB03-1100** by Representative(s) Smith; also Senator(s) Taylor--
39 Concerning the management of natural resources on
40 federal land.

41
42 The question being "Shall the bill pass?".

43 A roll call vote was taken. As shown by the following recorded vote, a
44 majority of those elected to the House voted in the affirmative and the bill
45 was declared **passed**.

46	YES	63	NO	00	EXCUSED	02	ABSENT	00
47	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
48	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
49	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
50	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
51	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
52	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
53	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
54	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
55	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y

1	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
2	Crane	Y	Larson	Y	Rippy	Y	White	Y
3	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
4	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
5	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
6	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
7	Garcia	Y	May	Y	Schultheis	Y	Young	Y
8							Speaker	Y

9 Co-sponsors added: Representatives Brophy, Butcher, Cloer, Coleman,
10 Fairbank, Fritz, Harvey, Hoppe, Lee, Lundberg, Marshall, May, McCluskey,
11 McFadyen, Miller, Paccione, Rose, Salazar, Schultheis, Weddig, White, Wiens,
12 Williams S., Young, Speaker.

13
14 **HB03-1079** by Representative(s) Veiga; Senator Arnold--Concerning
15 mandatory juvenile parole.

16
17 The question being "Shall the bill pass?".

18 A roll call vote was taken. As shown by the following recorded vote, a
19 majority of those elected to the House voted in the affirmative and the bill
20 was declared **passed**.

21								
22	YES	60	NO	03	EXCUSED	02	ABSENT	00
23	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
24	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
25	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
26	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
27	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
28	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
29	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
30	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
31	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
32	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
33	Crane	Y	Larson	Y	Rippy	Y	White	Y
34	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
35	Fairbank	Y	Lundberg	Y	Rose	N	Williams S.	Y
36	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
37	Fritz	N	Marshall	Y	Sanchez	E	Witwer	Y
38	Garcia	Y	May	Y	Schultheis	Y	Young	Y
39							Speaker	Y

40 Co-sponsors added: Representatives Boyd, Coleman, Groff, Madden, Marshall,
41 Paccione, Plant, Vigil, Williams S.

42
43
44 House in recess. House reconvened.

45
46
47 On motion of Representative King, **SB03-169, 170, 172, 173, 175, 178,**
48 **181, 183, 184, 185, 186, 187, 189, 191, 192, 195, 196, 197, 198** were
49 made Special Orders on Friday, February 7, 2003, at 10:05 a.m.

50
51
52 The hour of 10:05a.m., having arrived, on motion of Representative
53 Berry, the House resolved itself into Committee of the Whole for
54 consideration of Special Orders and she was called to the Chair to act as
55 Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

(Amendments to the committee amendment are to the printed committee report which was printed and placed in the members' bill file.)

SB03-169 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--Concerning the elimination of limits on revenues related to the indirect costs incurred by certain entities within the department of agriculture, and, in connection therewith, making a supplemental appropriation.

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

SB03-170 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--Concerning the appropriation of moneys for the support of Metropolitan state college of Denver and Fort Lewis college in the 2002-03 general appropriation bill as a direct appropriation to the board of trustees for each such institution.

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

SB03-172 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer--Concerning docket fees transferred to the family stabilization services fund.

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

SB03-173 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--Concerning the repeal of specified nursing facility provider payments, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Welfare, & Institutions Report, dated February 5, 2003, and placed in member's bill file; Report also printed in House Journal, February 6, pages 334-335.

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

(For change in action, see Amendments to Report.)

SB03-175 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--Concerning prescribing the use of the nursing home penalty cash fund, and making an appropriation in connection therewith.

1 Amendment No. 1, by Representatives Berry, Jahn.

2
3 Amend reengrossed bill, page 2, after line 15, insert the following:

4
5 "(IV) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
6 NURSING HOME PENALTY CASH FUND ONLY BE USED FOR THE PURPOSES OF
7 SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) FOR FISCAL YEAR 2002-03.
8 IT IS NOT THE GENERAL ASSEMBLY'S INTENT TO PROVIDE EITHER THE STATE
9 DEPARTMENT OR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
10 AN INCENTIVE FOR PENALTIES TO BE ASSESSED AGAINST NURSING
11 FACILITIES. IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE NURSING
12 HOME PENALTY CASH FUND BE USED TO PROTECT THE HEALTH AND
13 PROPERTY OF INDIVIDUALS RESIDING IN NURSING FACILITIES WHICH THE
14 STATE DEPARTMENT HAS FOUND TO BE IN VIOLATION OF FEDERAL
15 REGULATIONS FOR PARTICIPATION IN THE MEDICAID PROGRAM CONSISTENT
16 WITH THE PROVISIONS OF SECTION 25-1-107.5, C.R.S.";

17
18 strike line 16 and substitute the following:

19
20 "(V) THIS SUBPARAGRAPH (V) AND SUBPARAGRAPHS (III) AND (IV)
21 OF THIS".

22
23 As amended, ordered revised and placed on the Calendar for Third
24 Reading and Final Passage.

25
26 **SB03-178** by Senator(s) Reeves, Owen, Teck; also Representative(s)
27 Plant, Witwer, Young--Concerning the deposit of revenues
28 from charges for communications services in the
29 telecommunications revolving fund.

30
31 Ordered revised and placed on the Calendar for Third Reading and Final
32 Passage.

33
34 **SB03-181** by Senator(s) Reeves, Owen, Teck; also Representative(s)
35 Witwer, Plant, Young--Concerning increased fees to be
36 credited to the ground water management cash fund, and,
37 in connection therewith, making a supplemental
38 appropriation.

39
40 Ordered revised and placed on the Calendar for Third Reading and Final
41 Passage.

42
43 **SB03-183** by Senator(s) Reeves, Owen, Teck; also Representative(s)
44 Plant, Witwer, Young--Concerning the modification of
45 certain preschool through twelfth grade public education
46 programs, and making appropriations in connection
47 therewith.

48
49 Amendment No. 1, Education Report, dated February 5, 2003, and placed
50 in member's bill file; Report also printed in House Journal, February 6,
51 page 333.

52 The following action was taken on the committee report:

53 Page 1, lines 1 through 18, declared **passed**

54 Page 2, lines 1 through 13, declared **passed**

55 Page 2, lines 14 through 16, declared **lost**

56

1 Amendment No. 2, by Representative Lee.

2
3 Amend the Education Committee Report, dated February 5, 2003, page
4 2, strike lines 4 and 5 and substitute the following:

5
6 "(V) UPON RECEIPT FROM A SCHOOL DISTRICT OF AN ACCOUNTING
7 OF ANY EXPENDITURES MADE OR MONEYS ENCUMBERED FOR THE
8 PURCHASE OF NEW TEXTBOOKS IN THE 2002-03 BUDGET YEAR, INCLUDING
9 COPIES OF INVOICES, CONTRACTS, OR OTHER DOCUMENTATION OF THE
10 AMOUNT AND PURPOSE OF THE EXPENDITURES OR ENCUMBRANCES, THE
11 DEPARTMENT OF EDUCATION MAY ALLOW THE SCHOOL DISTRICT TO
12 EXPEND MONEYS FROM THE DISTRICT'S CAPITAL RESERVE FUND DURING
13 THE 2002-03 AND 2003-04 BUDGET YEARS TO";

14
15 line 6, strike "DISTRICTS" and substitute "THE DISTRICT".

16
17 Amendment No. 3, by Representative King.

18
19 Amend reengrossed bill, page 6, line 23, strike "OR THE";

20
21 line 24, strike "2002-03 BUDGET YEAR";

22
23 line 26, strike "CONSTITUTION; EXCEPT" and substitute "CONSTITUTION.";

24
25 strike line 27.

26
27 Page 7, strike lines 1 through 3.

28
29 Page 9, line 2, strike "FOR" and substitute "FROM";

30
31 line 18, strike "MADE AS OF JANUARY 31, 2003," and substitute "MADE,
32 COMMITTED, OR OBLIGATED AS OF THE EFFECTIVE DATE OF THIS
33 SUBSECTION (4.5)";

34
35 after line 23, insert the following:

36
37 "(c) IF, AS OF THE EFFECTIVE DATE OF THIS SUBSECTION (4.5), A
38 QUALIFIED CHARTER SCHOOL HAS NOT YET MADE EXPENDITURES RELATED
39 TO A PORTION OR ALL OF THE MONEYS ANTICIPATED TO BE RECEIVED BY
40 THE CHARTER SCHOOL IN THE 2002-03 BUDGET YEAR PURSUANT TO
41 SECTION 22-30.5-112.3 (1), WITHIN THIRTY DAYS OF THE EFFECTIVE DATE
42 OF THIS SUBSECTION (4.5), THE CHARTER SCHOOL SHALL SUBMIT TO THE
43 DEPARTMENT OF EDUCATION A LIST OF EXPENDITURES PLANNED BY THE
44 CHARTER SCHOOL USING MONEYS ANTICIPATED TO BE RECEIVED IN THE
45 2002-03 BUDGET YEAR PURSUANT TO SECTION 22-30.5-112.3 (1). ONCE
46 PLANNED EXPENDITURES ARE MADE BY THE CHARTER SCHOOL, THE
47 CHARTER SCHOOL SHALL SUBMIT COPIES OF INVOICES, CONTRACTS, OR
48 OTHER APPROPRIATE DOCUMENTATION OF THE AMOUNTS AND PURPOSES OF
49 THE EXPENDITURES TO THE DEPARTMENT BY AUGUST 1, 2003. FROM THE
50 MONEYS APPROPRIATED FOR THE 2002-03 BUDGET YEAR PURSUANT TO
51 PARAGRAPH (a) OF THIS SUBSECTION (4.5), THE DEPARTMENT SHALL MAKE
52 PAYMENTS OF MONEYS TO BE DISTRIBUTED TO EACH ELIGIBLE DISTRICT
53 DURING THE 2002-03 BUDGET YEAR AS SOON AS POSSIBLE UPON RECEIPT
54 OF THE INFORMATION REQUIRED BY THIS PARAGRAPH (c)."

55
56 Reletter succeeding paragraph accordingly.

1 Amendment No. 3, by Representative Plant.

2
3 Amend the Amendment No. 3, by Representative King, as printed in
4 House Journal, page 593, line 31, strike ""MADE," and substitute
5 ""MADE";

6
7 line 32, strike "COMMITTED, OR OBLIGATED".

8
9 As amended, ordered revised and placed on the Calendar for Third
10 Reading and Final Passage.

11
12 **SB03-184** by Senator(s) Teck, Owen, Reeves; also Representative(s)
13 Witwer, Plant, Young--Concerning the authority of the
14 state treasurer to assess a fee for performing a cash
15 management transaction affecting a cash balance on behalf
16 of a state department, and making an appropriation in
17 connection therewith.

18
19 Ordered revised and placed on the Calendar for Third Reading and Final
20 Passage.

21
22
23 **SB03-186** by Senator(s) Owen, Reeves, Teck; also Representative(s)
24 Young, Plant, Witwer--Concerning an increase in fees
25 collected by the judicial department, and making an
26 appropriation in connection therewith.

27
28 Ordered revised and placed on the Calendar for Third Reading and Final
29 Passage.

30
31 **SB03-187** by Senator(s) Reeves, Owen, Teck; also Representative(s)
32 Plant, Witwer, Young--Concerning the elimination of
33 specified responsibilities of the department of health care
34 policy and financing during the medicaid enrollment
35 process, and making an appropriation in connection
36 therewith.

37
38 Ordered revised and placed on the Calendar for Third Reading and Final
39 Passage.

40
41 **SB03-189** by Senator(s) Teck, Owen, Reeves; also Representative(s)
42 Young, Plant, Witwer--Concerning the annual allowable
43 cash funds for state-supported institutions of higher
44 education, and, in connection therewith, adding funds
45 received from student financial aid, tuition assistance, and
46 scholarships to the maximum amount of cash funds that
47 may be raised, spent, or transferred to reserves by such
48 institutions, and making an appropriation in connection
49 therewith.

50
51 Amendment No. 1, Education Report, dated February 5, 2003, and placed
52 in member's bill file; Report also printed in House Journal, February 6,
53 page 334.

54
55 As amended, ordered revised and placed on the Calendar for Third
56 Reading and Final Passage.

1 **SB03-185** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 2 Plant, Witwer, Young--Concerning the establishment of a
 3 tax amnesty program whereby taxpayers may pay overdue
 4 tax liabilities without penalty for a limited time, and
 5 making an appropriation in connection therewith.
 6

7 Amendment No. 1, by Representative Plant.
 8

9 Amend reengrossed bill, page 9, after line 3, insert the following:
 10

11	ITEM &	GENERAL
12	SUBTOTAL	FUND
13	\$	\$
14	"FY 2002-03 TAX	
15	AMNESTY PROGRAM	
16	MISCELLANEOUS	
17	COSTS	99,605".
18		

19 Adjust affected totals accordingly.
 20

21 Amendment No. 2, by Representatives Lee, Stengel.
 22

23 Amend reengrossed bill, page 3, line 8, after the period, add "THE
 24 EXECUTIVE DIRECTOR MAY EXTEND THE TAX AMNESTY PROGRAM TO ANY
 25 LATER DATE THROUGH NOVEMBER 30, 2003".
 26

27 Page 4, line 18, after "2003", insert "OR SUCH LATER DATE AS THE
 28 EXECUTIVE DIRECTOR ELECTS PURSUANT TO SUBSECTION (1) OF THIS
 29 SECTION,".
 30

31 Page 5, line 12, after "2003", insert "OR SUCH LATER DATE AS THE
 32 EXECUTIVE DIRECTOR ELECTS PURSUANT TO SUBSECTION (1) OF THIS
 33 SECTION,";
 34

35 line 13, after "2003", insert "OR SUCH LATER DATE AS THE EXECUTIVE
 36 DIRECTOR ELECTS PURSUANT TO SUBSECTION (1) OF THIS SECTION,".
 37

38 As amended, ordered revised and placed on the Calendar for Third
 39 Reading and Final Passage.
 40

41 On motion of Representative King, the remainder of the Special Orders
 42 Calendar (**SB03-191, 192, 195, 196, 197, 198**) was laid over until
 43 February 10, retaining place on Calendar.
 44

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

46 Representatives Young and Clapp moved to amend the Report of the
 47 Committee of the Whole to show that SB03-173, was laid over,
 48 unamended, until February 10, 2003.
 49

50 The amendment was declared **passed** by the following roll call vote:
 51

52	YES	63	NO	00	EXCUSED	02	ABSENT	00
53	Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
54	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

1	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
2	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
4	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
5	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
6	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
8	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
9	Crane	Y	Larson	Y	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
13	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

16

17 Representative Merrifield moved to amend the Report of the Committee
 18 of the Whole to show that Amendment No. 2, by Representative King
 19 (printed in House Journal page 593, lines 17-56) to SB03-183, did not
 20 pass, that the following Merrifield amendment, to SB03-183, did pass,
 21 and that SB03-183, as amended, did pass.

22

23 Amend reengrossed bill, page 5, line 20, strike "(1) (a) (I), (1) (c)," and
 24 substitute "(1) (a) (I)";

25

26 strike lines 21 and 22 and substitute the following:

27 "Revised Statutes, are amended to read:".

28

29 Page 6, strike lines 6 through 17;

30

31 line 23, strike "OR THE";

32

33 line 24, strike "2002-03 BUDGET YEAR".

34

35 Page 7, strike lines 5 and 6 and substitute the following:

36 "Colorado Revised Statutes, are amended to";

37

38 strike lines 9 through 19 and substitute the following:

39

40 **"fund moneys. (3) (a) (II) The total amount of state education fund**
 41 **moneys to be distributed to all eligible districts for the 2002-03 budget**
 42 **year shall be seven million eight hundred thirteen thousand nine hundred**
 43 **forty-three dollars."**

44

45 Page 8, line 1, strike "point." and substitute "point; EXCEPT THAT FOR THE
 46 2003-04 BUDGET YEAR, THE TOTAL AMOUNT OF STATE EDUCATION FUND
 47 MONEYS TO BE APPROPRIATED FOR ALL ELIGIBLE DISTRICTS SHALL BE AN
 48 AMOUNT EQUAL TO THE TOTAL AMOUNT OF STATE EDUCATION FUND
 49 MONEYS APPROPRIATED FOR ALL ELIGIBLE DISTRICTS FOR THE 2001-02
 50 BUDGET YEAR INCREASED BY THE RATE OF INFLATION FOR THE 2001
 51 CALENDAR YEAR PLUS ONE PERCENTAGE POINT.";

52

53 strike line 27.

54

55 Strike page 9.

56

1 Page 21, line 1, strike "Charter School Capital" and substitute "~~Charter~~
2 ~~School Capital~~";

3
4 line 2, strike "Construction" and substitute "~~Construction~~", and in the
5 ITEM & SUBTOTAL column, strike "7,813,943" and substitute
6 "~~7,813,943~~", and in the CASH FUNDS EXEMPT column, strike
7 "7,813,943" and substitute "~~7,813,943~~";

8
9 line 15, in the ITEM & SUBTOTAL column, strike "94,387,589" and
10 substitute "86,573,646".

11
12 Page 23, line 5, in the TOTAL column, strike "3,062,215,266" and
13 substitute "3,054,401,323";

14
15 line 9, in the TOTAL column, strike "\$3,111,919,731" and substitute
16 "\$3,104,105,788", and in the CASH FUNDS EXEMPT column, strike
17 "\$320,063,879" and substitute "\$312,249,936".

18
19 The amendment was declared **lost** by the following roll call vote:
20

YES	27	NO	36	EXCUSED	02	ABSENT	00
Berry	N	Groff	Y	McCluskey	N	Sinclair	N
Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
Boyd	Y	Harvey	N	Merrifield	Y	Spence	N
Briggs	E	Hefley	N	Miller	Y	Stafford	N
Brophy	N	Hodge	Y	Mitchell	N	Stengel	N
Butcher	Y	Hoppe	N	Paccione	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Plant	N	Veiga	Y
Clapp	N	Johnson	N	Pommer	Y	Vigil	Y
Cloer	N	Judd	Y	Ragsdale	Y	Weddig	Y
Coleman	Y	King	N	Rhodes	N	Weissmann	Y
Crane	N	Larson	Y	Rippy	N	White	N
Decker	N	Lee	N	Romanoff	Y	Wiens	N
Fairbank	N	Lundberg	N	Rose	N	Williams S.	Y
Frangas	Y	Madden	Y	Salazar	Y	Williams T.	N
Fritz	N	Marshall	Y	Sanchez	E	Witwer	N
Garcia	Y	May	N	Schultheis	N	Young	N
						Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

41
42
43 Passed Second Reading: **SB03-169, 170, 172, 175 amended, 178, 181,**
44 **183 amended, 184, 186, 187, 189 amended, 185 amended.**

45
46 Laid over until date indicated retaining place on Calendar: **SB03-173,**
47 **191, 192, 195, 196, 197, 198.**

48
49 The Chairman moved the adoption of the Committee of the Whole
50 Report. As shown by the following roll call vote, a majority of those
51 elected to the House voted in the affirmative, and the Report was
52 **adopted.**

YES	63	NO	00	EXCUSED	02	ABSENT	00
Berry	Y	Groff	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

1	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
2	Briggs	E	Hefley	Y	Miller	Y	Stafford	Y
3	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
4	Butcher	Y	Hoppe	Y	Paccione	Y	Tochtrop	Y
5	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
6	Clapp	Y	Johnson	Y	Pommer	Y	Vigil	Y
7	Cloer	Y	Judd	Y	Ragsdale	Y	Weddig	Y
8	Coleman	Y	King	Y	Rhodes	Y	Weissmann	Y
9	Crane	Y	Larson	Y	Rippy	Y	White	Y
10	Decker	Y	Lee	Y	Romanoff	Y	Wiens	Y
11	Fairbank	Y	Lundberg	Y	Rose	Y	Williams S.	Y
12	Frangas	Y	Madden	Y	Salazar	Y	Williams T.	Y
13	Fritz	Y	Marshall	Y	Sanchez	E	Witwer	Y
14	Garcia	Y	May	Y	Schultheis	Y	Young	Y
15							Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES

After consideration on the merits, the Committee recommends the following:

HB03-1113 be referred to the Committee of the Whole with favorable recommendation.

BUSINESS AFFAIRS & LABOR

After consideration on the merits, the Committee recommends the following:

HB03-1011 be postponed indefinitely.

HB03-1126 be postponed indefinitely.

HB03-1157 be referred to the Committee of the Whole with favorable recommendation.

HB03-1192 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, line 12, strike "12-22-303 (7);" and substitute "~~12-22-303 (7)~~ 18-18-102 (5), C.R.S., OR A HABIT-FORMING DRUG, AS DEFINED IN SECTION 12-22-102 (13);".

Page 3, line 26, strike "ORIGINAL RECORDS OR".

Page 4, strike lines 6 through 12 and substitute the following;

1 "(b) Upon certification of the custodian that the copies are true
2 and complete except for the patient's name, they shall be deemed
3 authentic, subject to the right to inspect SUBPOENA the originals for the
4 limited purpose of ascertaining the accuracy of the copies. THE
5 ORIGINALS SHALL REMAIN CONFIDENTIAL AND BE RETURNED TO THE
6 CUSTODIAN AS SOON AS THE ACCURACY OF THE COPY IS ASCERTAINED. No
7 privilege of confidentiality shall exist with respect to such copies, and no
8 liability shall lie against the board or the custodian for furnishing or using
9 such copies in accordance with this subsection (7).";

10

11 strike lines 15 through 19 and substitute the following:

12

13 "(10) NOTWITHSTANDING OTHER LAWS TO THE CONTRARY,
14 INVESTIGATIONS, EXAMINATIONS, MEETINGS, AND OTHER PROCEEDINGS OF
15 THE BOARD CONDUCTED PURSUANT TO THIS SECTION ARE NOT REQUIRED
16 TO BE CONDUCTED PUBLICALLY AND MINUTES OF THE BOARD NEED NOT BE
17 OPEN TO PUBLIC INSPECTION; EXCEPT THAT FINAL ACTION OF THE BOARD
18 TAKEN PURSUANT TO THIS SECTION SHALL BE OPEN TO THE PUBLIC.";

19

20 strike lines 20 through 27.

21

22 Page 5, strike lines 1 through 4.

23

24 Renumber succeeding section accordingly.

25

26

27

28 **HB03-1219** be amended as follows, and as so amended, be referred to
29 the Committee on Appropriations with favorable
30 recommendation:

31

32 Amend printed bill, page 8, strike line 27.

33

34 Page 9, strike lines 1 through 5.

35

36 Renumber succeeding sections accordingly.

37

38 Page 9, line 6, strike "(5)" and substitute "(4), (5),";

39

40 line 9, strike "(5)" and substitute "(4) When the administrator approves
41 the application, the applicant shall pay a nonrefundable license fee in an
42 amount to be determined by the ADMINISTRATOR IN CONSULTATION WITH
43 THE board.

44

45 (5);

46

47 strike lines 13 and 14 and substitute the following:

48 "LICENSE FEES AND SCHEDULES. THE ADMINISTRATOR MAY CHANGE THE
49 RENEWAL DATE OF ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE TO
50 THE END THAT APPROXIMATELY THE SAME NUMBER OF LICENSES ARE
51 SCHEDULED FOR RENEWAL IN EACH MONTH OF THE YEAR. WHERE ANY
52 RENEWAL DATE IS SO CHANGED, THE FEE FOR THE LICENSE SHALL BE
53 PROPORTIONATELY INCREASED OR DECREASED, AS THE CASE MAY BE.
54 EVERY LICENSEE SHALL PAY";

55

1 line 16, strike "24-34-105, C.R.S.," and substitute "12-14-121 AND
2 SUBSECTION (4) OF THIS SECTION,".

3
4 Page 10, line 5, after "the", insert "ADMINISTRATOR IN CONSULTATION
5 WITH THE".

6
7
8
9
10 **EDUCATION**

11 After consideration on the merits, the Committee recommends the
12 following:

13
14 **HB03-1177** The Committee returns herewith HB03-1177 and reports
15 that said bill has been considered on its merits and voted
16 upon by the committee in accordance with House Rules,
17 that the deadline applicable to committees under Joint
18 Rule 23 (a)(1) has passed, that final action has not been
19 taken by this Committee within said deadline, and that the
20 Committee on Delayed Bills has not waived said deadline.
21 Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to
22 be postponed indefinitely.
23
24
25
26

27 **FINANCE**

28 After consideration on the merits, the Committee recommends the
29 following:

30
31 **HB03-1183** The Committee returns herewith HB03-1183 and reports
32 that said bill has been considered on its merits and voted
33 upon by the committee in accordance with House Rules,
34 that the deadline applicable to committees under Joint
35 Rule 23 (a)(1) has passed, that final action has not been
36 taken by this Committee within said deadline, and that the
37 Committee on Delayed Bills has not waived said deadline.
38 Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to
39 be postponed indefinitely.
40
41
42
43

44 **JUDICIARY**

45 After consideration on the merits, the Committee recommends the
46 following:

47
48 **HB03-1138** be amended as follows, and as so amended, be referred to
49 the Committee on Appropriations with favorable
50 recommendation:
51

52 Amend printed bill, page 2, strike lines 17 through 23 and substitute the
53 following:

54
55 "SECTION 2. Title 18, Colorado Revised Statutes, is amended
56 BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 3.5
Unlawful Termination of Pregnancy

18-3.5-101. Unlawful termination of pregnancy. (1) A PERSON COMMITS THE OFFENSE OF UNLAWFUL TERMINATION OF A PREGNANCY IF, WITH INTENT TO TERMINATE UNLAWFULLY THE PREGNANCY OF ANOTHER PERSON, THE PERSON UNLAWFULLY TERMINATES THE OTHER PERSON'S PREGNANCY.

(2) UNLAWFUL TERMINATION OF A PREGNANCY IS A CLASS 4 FELONY.

18-3.5-102. Exclusions. NOTHING IN THIS ARTICLE SHALL PERMIT THE PROSECUTION OF A PERSON FOR PROVIDING MEDICAL TREATMENT, INCLUDING BUT NOT LIMITED TO AN ABORTION, IN UTERO TREATMENT, OR TREATMENT RESULTING IN LIVE BIRTH, TO A PREGNANT WOMAN FOR WHICH THE CONSENT OF THE PREGNANT WOMAN, OR A PERSON AUTHORIZED BY LAW TO ACT ON HER BEHALF, HAS BEEN OBTAINED OR FOR WHICH CONSENT IS IMPLIED BY LAW.

SECTION 3. 18-1.3-401 (13) (a) (II) and (13) (a) (III), Colorado Revised Statutes, are amended to read:

18-1.3-401. Felonies classified - presumptive penalties. (13) (a) The court, if it sentences a defendant who is convicted of any one or more of the offenses specified in paragraph (b) of this subsection (13) to incarceration, shall sentence the defendant to a term of at least the midpoint, but not more than twice the maximum, of the presumptive range authorized for the punishment of the offense of which the defendant is convicted if the court makes the following findings on the record:

(II) The defendant knew or reasonably should have known that the victim of the offense was pregnant. ~~and~~

(III) ~~The underlying factual basis of the offense includes an act of domestic violence, as defined in section 18-6-800.3 (1).~~

SECTION 4. 18-1.3-501 (6) (b) and (6) (c), Colorado Revised Statutes, are amended to read:

18-1.3-501. Misdemeanors classified - penalties. (6) For a defendant who is convicted of assault in the third degree, as described in section 18-3-204, the court, in addition to any fine the court may impose, shall sentence the defendant to a term of imprisonment of at least six months, but not longer than the maximum sentence authorized for the offense, as specified in this section, which sentence shall not be suspended in whole or in part, if the court makes the following findings on the record:

(b) The defendant knew or should have known that the victim of the offense was pregnant. ~~and~~

(c) ~~The underlying factual basis of the offense includes an act of domestic violence, as defined in section 18-6-800.3 (1).~~"

1 Strike page 3.

2
3 Page 4, strike lines 1 through 11.

4
5 Renumber succeeding sections accordingly.

6
7
8
9 **HB03-1214** be amended as follows, and as so amended, be referred to
10 the Committee of the Whole with favorable
11 recommendation:

12
13 Amend printed bill, page 2, after line 1, insert the following:

14
15 "SECTION 1. 12-37.5-103, Colorado Revised Statutes, is
16 amended BY THE ADDITION OF A NEW SUBSECTION to read:

17
18 **12-37.5-103. Definitions.** As used in this article, unless the
19 context otherwise requires:

20
21 (4) "MEDICAL EMERGENCY" MEANS A CONDITION THAT, ON THE
22 BASIS OF THE PHYSICIAN'S GOOD-FAITH CLINICAL JUDGMENT, SO
23 COMPLICATES THE MEDICAL CONDITION OF A PREGNANT MINOR AS TO
24 NECESSITATE A MEDICAL PROCEDURE NECESSARY TO PREVENT THE
25 PREGNANT MINOR'S DEATH OR FOR WHICH A DELAY WILL CREATE A
26 SERIOUS RISK OF SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A
27 MAJOR BODILY FUNCTION, PROVIDED THAT EVERY POSSIBLE EFFORT IS
28 MADE TO PRESERVE THE LIFE OF BOTH THE PREGNANT MINOR AND HER
29 UNBORN OFFSPRING."

30
31 Renumber succeeding sections accordingly.

32
33
34
35 **HB03-1243** be referred to the Committee of the Whole with favorable
36 recommendation.

37
38
39
40
41 **LOCAL GOVERNMENT**

42 After consideration on the merits, the Committee recommends the
43 following:

44
45 **HB03-1105** be amended as follows, and as so amended, be referred to
46 the Committee on Appropriations with favorable
47 recommendation:

48
49 Amend printed bill, page 3, after line 5, insert the following:

50
51 "SECTION 2. 25-1-107 (1), Colorado Revised Statutes, is
52 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

53
54 **25-1-107. Powers and duties of the department - repeal.**
55 (1) The department has, in addition to all other powers and duties
56 imposed upon it by law, the following powers and duties:

1 (11) TO PERFORM THE DUTIES SPECIFIED IN PART 6 OF ARTICLE 10
2 OF TITLE 30, C.R.S."

3
4 Renumber succeeding sections accordingly.

5
6 Page 4, line 26, strike "DEPARTMENT OF REGULATORY";

7
8 line 27, strike "AGENCIES" and substitute "DEPARTMENT OF PUBLIC
9 HEALTH AND ENVIRONMENT".

10
11 Page 5, line 23, strike "YEARS." and substitute "YEARS; EXCEPT THAT, OF
12 THE MEMBERS INITIALLY APPOINTED, FOUR MEMBERS SHALL BE APPOINTED
13 FOR A TERM OF THREE YEARS, THREE MEMBERS SHALL BE APPOINTED FOR
14 A TERM OF TWO YEARS, AND THREE MEMBERS SHALL BE APPOINTED FOR A
15 TERM OF ONE YEAR."

16
17 Page 7, line 18, strike "ONLY THE ACTUAL AND REASONABLE" and
18 substitute "THE";

19
20 line 19, after the period, add "THE FEES CHARGED BY THE C.C.S.T. BOARD
21 FOR TRAINING PROGRAMS MAY INCLUDE THE COSTS INCURRED IN THE
22 ESTABLISHMENT AND OPERATION OF THE C.C.S.T. BOARD."

23
24 Page 8, strike lines 21 through 26.

25
26 Page 9, strike lines 1 through 3 and substitute the following:

27
28 "SECTION 5. Effective date - applicability. (1) This act shall
29 take effect July 1, 2006.

30
31 (2) However, if a referendum petition is filed against this act or
32 an item, section, or part of this act during the 90-day period after final
33 adjournment of the general assembly that is allowed for submitting a
34 referendum petition pursuant to article V, section 1 (3) of the state
35 constitution, then the act, item, section, or part, shall not take effect
36 unless approved by the people at a biennial regular general election and
37 shall take effect on the date specified in subsection (1) or on the date of
38 the official declaration of the vote thereon by proclamation of the
39 governor, whichever is later.

40
41 (3) The provisions of this act shall apply to coroners elected or
42 appointed on or after November 6, 2006."

43
44
45
46
47 **STATE, VETERANS, & MILITARY AFFAIRS**

48 After consideration on the merits, the Committee recommends the
49 following:

50
51 **HB03-1128** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend printed bill, page 3, strike lines 11 through 16 and substitute the
56 following:

"(1) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE CHIEF ADMINISTRATOR OF A PUBLIC SCHOOL SHALL CAUSE THE NATIONAL MOTTO TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN A CLASSROOM SO LONG AS A DISPLAY MEETING THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (1) HAS BEEN DONATED TO THE PUBLIC SCHOOL FOR SUCH PURPOSE; EXCEPT THAT NO MORE THAN ONE DISPLAY PER CLASSROOM SHALL BE REQUIRED.

(b) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE CHIEF ADMINISTRATIVE OFFICER OF A PUBLIC BUILDING THAT IS UNDER THE AUTHORITY AND CONTROL OF AN INSTITUTION SUPPORTED IN WHOLE OR IN PART BY THE STATE SHALL CAUSE THE NATIONAL MOTTO TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN A PUBLIC AREA OF THE BUILDING SO LONG AS A DISPLAY MEETING THE REQUIREMENTS OF PARAGRAPH (c) OF THIS SUBSECTION (1) HAS BEEN DONATED TO THE INSTITUTION FOR SUCH PURPOSE; EXCEPT THAT NO MORE THAN ONE DISPLAY PER BUILDING SHALL BE REQUIRED.

(c) THE DISPLAY REQUIRED BY THIS SUBSECTION (1)".

Page 4, strike lines 1 through 4 and substitute the following:

"(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO ANY STRUCTURE:

(a) THAT DOES NOT CONTAIN CLASSROOMS OR OFFICES THAT ARE OPEN FOR BUSINESS WITH THE PUBLIC; OR

(b) THAT IS DESIGNED PRIMARILY FOR MAINTENANCE OR FOR VEHICLE PARKING.";

strike lines 26 and 27.

Page 5, strike lines 1 and 2;

line 16, strike "EACH CLASSROOM OF EACH PUBLIC" and substitute "CLASSROOMS OF PUBLIC SCHOOLS";

line 17, strike "SCHOOL";

strike lines 21 through 25 and substitute the following:

"(1) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE CHIEF ADMINISTRATIVE OFFICER OF A PUBLIC BUILDING THAT IS UNDER THE AUTHORITY AND CONTROL OF A POLITICAL SUBDIVISION OF THE STATE SHALL CAUSE THE NATIONAL MOTTO TO BE PROMINENTLY AND CONSPICUOUSLY DISPLAYED IN A PUBLIC AREA OF THE BUILDING SO LONG AS A DISPLAY MEETING THE REQUIREMENTS OF PARAGRAPH (b) OF THIS SUBSECTION (1) OF THIS SECTION HAS BEEN DONATED TO THE POLITICAL SUBDIVISION FOR SUCH PURPOSE; EXCEPT THAT NO MORE THAN ONE DISPLAY PER BUILDING SHALL BE REQUIRED.

(b)".

Page 6, strike lines 10 through 13 and substitute the following:

1 "(2) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION SHALL
2 NOT APPLY TO ANY STRUCTURE:

3
4 (a) THAT DOES NOT CONTAIN OFFICES THAT ARE OPEN FOR
5 BUSINESS WITH THE PUBLIC; OR

6
7 (b) THAT IS DESIGNED PRIMARILY FOR MAINTENANCE OR FOR
8 VEHICLE PARKING."

9
10 Page 7, strike lines 8 and 9.

11
12
13
14
15 **TRANSPORTATION & ENERGY**

16 After consideration on the merits, the Committee recommends the
17 following:

18
19 **HB03-1179** The Committee returns herewith HB03-1179 and reports
20 that said bill has been considered on its merits and voted
21 upon by the committee in accordance with House Rules,
22 that the deadline applicable to committees under Joint
23 Rule 23 (a)(1) has passed, that final action has not been
24 taken by this Committee within said deadline, and that the
25 Committee on Delayed Bills has not waived said deadline.
26 Pursuant to Joint Rule 23 (a)(3)(A), said bill is deemed to
27 be postponed indefinitely.

28
29
30 **INTRODUCTION OF BILLS**
31 **First Reading**

32
33 The following bills were read by title and referred to the committees
34 indicated:

35
36 **HB03-1300** by Representative(s) Pommer--Concerning the creation of
37 a prescription drug discount program under the "Colorado
38 Medical Assistance Act".

39 Committee on Information & Technology
40 Committee on Appropriations

41
42 **HB03-1301** by Representative(s) Hall--Concerning the penalties for
43 persons who issue checks to the department of revenue
44 that are returned as unpaid for any reason caused by the
45 maker.

46 Committee on Finance

47
48
49 **INTRODUCTION OF RESOLUTIONS**

50
51 The following resolution was read by title and laid over one day under the
52 rules:

53
54 **HJR03-1015** by Representative(s) Wiens, May M., Cadman, Harvey,
55 Lee, McCluskey, Rhodes, Rippey, White; also Senator(s)
56 Evans, Hillman, Andrews, Dyer, Entz, Isgar, Johnson S.--

1 Concerning the elimination of legal impediments regarding
2 the use of water conservation measures.

3
4 WHEREAS, The state of Colorado is subject to drought cycles
5 that result in water shortages; and

6
7 WHEREAS, These drought cycles and water shortages present
8 hardships to current water users; and

9
10 WHEREAS, Water demands imposed by traditional landscaping
11 using nonnative plant species may result in an unreasonable and
12 unnecessary burden on future water resources; and

13
14 WHEREAS, Restrictive covenants, municipal ordinances, and
15 county resolutions that prohibit or limit the use of xeriscape or that
16 require cultivated vegetation to include turf grass may be contrary to the
17 public good; and

18
19 WHEREAS, Individual homeowners, homeowners' associations,
20 municipalities, and other local governmental entities should be
21 encouraged to save water through the use of water-saving devices such
22 as landscaping plants, plumbing fixtures, and appliances when the use of
23 such devices is a reasonable alternative as determined by such entities;
24 and

25
26 WHEREAS, Water retailers and wholesalers should be encouraged
27 to promote the sale and use of such water-saving devices through more
28 prominent advertising, in-store displays, and sales; and

29
30 WHEREAS, Wise water policies are necessary to extend the
31 existing supplies of water within this state; now, therefore,

32
33 *Be It Resolved by the House of Representatives of the Sixty-fourth*
34 *General Assembly of the State of Colorado, the Senate concurring*
35 *herein:*

36
37 That the General Assembly call upon homeowners' associations,
38 municipalities, and counties:

39
40 (1) Within the next 90 days, to review their covenants,
41 ordinances, resolutions, and procurement codes and contracts to evaluate
42 their effects on landscaping and other activities that place a burden on the
43 state's water resources; and

44
45 (2) Within the next 90 days, to revise and implement covenants,
46 ordinances, resolutions, or procurement codes and contracts that
47 encourage and promote responsible water conservation measures,
48 including specifically xeriscaping.

49
50 *Be It Further Resolved*, That copies of this Joint Resolution be
51 sent to the Colorado Municipal League, Colorado Counties, Inc., the
52 Colorado Association of Commerce and Industry, and the Rocky
53 Mountain and the Southern Colorado chapters of the Community
54 Associations Institute.

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

3
4 **SJR03-012** by Senator(s) Entz; also Representative(s) Salazar--
5 Concerning extending the naming of the "Korean War
6 Veterans Memorial Highway".
7 Committee on Transportation & Energy

8
9

10

11

PRINTING REPORT

12

13 The Chief Clerk reports the following bills have been correctly printed:
14 **HB03-1300, 1301.**

15

16

17

18

LAY OVER OF CALENDAR ITEMS

19

20 On motion of Representative King, the following items on the Calendar
21 were laid over until February 10, retaining place on Calendar:

22

23 Consideration of General Orders--**HB03-1013, 1081, 1033, 1082, 1143,**
24 **1097, 1121, 1101, 1172, SB03-200, 201, 215, HB03-1158, SB03-071,**
25 **HB03-1127, 1160, 1175, 1112, 1139, 1149, 1111, 1171.**

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30 On motion of Representative King, the House adjourned until 10:00 a.m.,
31 February 10, 2003.

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Attest:

JUDITH RODRIGUE,
Chief Clerk

Approved:

LOLA SPRADLEY,
Speaker