

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

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Forty-ninth Legislative Day

Tuesday, February 25, 2003

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Prayer	By the chaplain, Father Dennis Woerter.	10
Pledge	By Senator Takis.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present-- 33. Absent/Excused--2; Evans, Gordon. Present later--Evans, Gordon.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Grossman, reading of the Journal of February 24, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**INTRODUCTION OF BILLS--FIRST READING**

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

<b>HB03-1286</b>	by Representative(s) Hefley, Clapp, Romanoff; also Senator(s) Dyer--Concerning acceleration of the process for terminating the parent-child legal relationship of children under one year of age, and, in connection therewith, expediting the voluntary relinquishment process. Judiciary	16
<b>HB03-1207</b>	by Representative(s) Briggs; also Senator(s) Entz--Concerning a modification to the statutory provisions regarding special districts to allow a municipality to agree to be the approving authority of a special district that was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation. Local Government	17
<b>HB03-1211</b>	by Representative(s) Williams T.; also Senator(s) Anderson--Concerning records of child abuse or neglect for the protection of children. Health, Environment, Welfare & Institutions	18
<b>HB03-1222</b>	by Representative(s) Johnson R.; also Senator(s) Kester--Concerning the electronic filing of documents with the division of workers' compensation. Business Affairs & Labor	19
<b>HB03-1229</b>	by Representative(s) Cloer, Schultheis; also Senator(s) Johnson S.--Concerning an exemption from authority-to-practice requirements for mental health professionals with authority to practice in another state who practice in Colorado up to twenty days annually. Health, Environment, Welfare & Institutions	20
<b>HB03-1232</b>	by Representative(s) Stafford, Spradley; also Senator(s) Johnson S.--Concerning evidence of admissions in civil proceedings related to the provision of medical care. Health, Environment, Welfare & Institutions	21
<b>HB03-1239</b>	by Representative(s) Stengel; also Senator(s) Dyer--Concerning minor adjustments to the boundaries between certain contiguous counties. Local Government	22

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- HB03-1283** by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning qualifications for designation as a managed service organization for the purchase of treatment services related to alcohol and drug abuse. 1  
 Health, Environment, Welfare & Institutions 2  
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- HB03-1287** by Representative(s) Ragsdale, Briggs, Cloer, Coleman, Hodge, Merrifield, Weissmann, Williams S.; also Senator(s) Chlouber--Concerning the exemption of an applicant requesting a new certificate of title for an older vehicle from posting a security in a case where the applicant is unable to provide evidence of ownership of the vehicle to the department of revenue. 6  
 Business Affairs & Labor 7  
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- HB03-1298** by Representative(s) Harvey; also Senator(s) Lamborn--Concerning increased limitations on claims asserting that a mortgage is unconscionable. 13  
 Business Affairs & Labor 14  
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- HB03-1299** by Representative(s) Cadman; also Senator(s) Dyer--Concerning the minimum authorized return for a life insurance annuity. 17  
 Business Affairs & Labor 18  
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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: 22  
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- 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. 25  
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A majority of those elected to the Senate having voted in the affirmative on February 24, Senator Evans was given permission to offer a Third Reading amendment. 32  
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Third Reading Amendment No. 2 (L.049), by Senator Evans. 35

Amend engrossed bill, page 7, strike lines 25 through 27. 36  
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Page 8, strike lines 1 through 5. 38  
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Senator Windels requested a roll call vote on amendment No. 2 (L.049) to SB03-099. 41  
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Senator Evans moved a Call of the Senate. 43  
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Call of Senate. 45  
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Call Raised. 47  
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The question being "Shall the amendment No. 2 (L.049) to SB03-099 pass?", the roll call was taken with the following result: 50  
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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		

A majority of all members elected to the Senate having voted in the affirmative, amendment No. 2 (L.049) to SB03-099 was declared **passed**. 53  
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The question being "Shall the bill, as amended, pass?", the roll call was taken with the following result: 64  
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**SB03-099**

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		

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

Co-sponsors added: Arnold, Cairns, Johnson, and Teck.

**SB03-039**

by Senator(s) Grossman; also Representative(s) Mitchell--Concerning fingerprint-based criminal history record checks of applicants for licenses involving sales of motor vehicles, and making an appropriation in connection therewith.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	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	N	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: Fitz-Gerald, Groff, and Phillips.

**SB03-037**

by Senator(s) Nichol; also Representative(s) Mitchell--Concerning modifications to the county maintenance of effort calculations for the Colorado child care assistance program.

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, Hanna, and Tapia.

**SB03-024**

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

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

**SB03-024**

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Co-sponsors added: Andrews, Johnson, Jones, Kester, Lamborn, May, McElhany, Nichol, and Teck.

**SB03-006**

by Senator(s) Windels, Anderson, Takis; also Representative(s) Hoppe, Veiga--Concerning the creation of a local initiative committee pilot program for management of community-based programs for adults with mental illness who come into contact with the criminal justice system.

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: Gordon, Groff, Hagedorn, Hanna, Keller, Linkhart, Nichol, Phillips, Tapia, and Tupa.

Committee of the Whole

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

**SB03-106**

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".

As amended in General Orders--Second Reading, February 19, page 430.

Amendment No. 2(L.004), by Senator Phillips.

Amend the Business Affairs & Labor Committee report, dated February 12, 2003, page 1, line 1, strike "line 21," and substitute the following:

"line 19, after "(d)", insert "(I)";

line 21,";

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**SB03-106**

line 6 of the committee report, strike the quote mark and the second period and add "RECOVERY FOR EACH OF SAID ELEMENTS OF DAMAGES SHALL BE AVAILABLE ONLY FROM THAT PORTION OF THE AWARD SEPARATELY DESIGNATED BY THE TRIER OF FACT AS REPRESENTING THAT ELEMENT OF DAMAGES, AND SHALL NOT EXCEED THE AMOUNT OF BENEFITS ACTUALLY PAID BY THE CARRIER FOR THAT ELEMENT OF DAMAGES OR THE STATUTORY LIMIT ON THE AMOUNT PAYABLE FOR THAT ELEMENT OF DAMAGES AS SET FORTH IN ARTICLES 40 TO 47 OF THIS TITLE, WHICHEVER IS LESS.

(II)";

line 7 of the committee report, strike "line 19," and substitute the following:

"line 5, after the period, add "SHOULD THE AMOUNT OF THE RECOVERY BE INSUFFICIENT TO COVER ALL OF THE DAMAGES OF THE EMPLOYEE AND THE AMOUNT OF THE SUBROGATION INTEREST, THE TRIER OF FACT SHALL REASONABLY APPORTION THE AMOUNTS TO THE RESPECTIVE INTERESTS OF THE PARTIES AS THE TRIER OF FACT FINDS APPROPRIATE.";

line 19,".

Page 2 of the committee report, line 3, change the period to a semicolon;

after line 3, insert the following:

"line 25, strike "SECTION; AND" and substitute "SECTION. REIMBURSEMENT FOR EACH OF SAID ELEMENTS OF DAMAGES SHALL BE AVAILABLE ONLY FROM THAT PORTION OF THE AWARD SEPARATELY DESIGNATED BY THE TRIER OF FACT AS REPRESENTING THAT ELEMENT OF DAMAGES, AND SHALL NOT EXCEED THE AMOUNT OF BENEFITS ACTUALLY PAID BY THE RESPONSIBLE PARTY FOR THAT ELEMENT OF DAMAGES OR THE STATUTORY LIMIT ON THE AMOUNT PAYABLE FOR THAT ELEMENT OF DAMAGES AS SET FORTH IN ARTICLES 40 TO 47 OF THIS TITLE, WHICHEVER IS LESS."."

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 Wednesday, February 26, retaining its place on the calendar.

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

Laid over until Monday, March 3, retaining its place on the calendar.

**HB03-1107** by Representative(s) Johnson R.; also Senator(s) Johnson S.--Concerning modifications to the consumer-directed attendant support program.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.  
(Printed in Senate Journal, February 21, page 449 and placed in members' bill files.)

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

**HB03-1151** by Representative(s) Boyd; also Senator(s) Johnson S.--Concerning out-of-home placement provider consortia.

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

**HB03-1067** by Representative(s) Larson; also Senator(s) Johnson S.--Concerning certain circumstances under which the purchaser of a motor vehicle that was abandoned on public property is required to obtain a bonded title for the vehicle.

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

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**HB03-1144** by Representative(s) Frangas; also Senator(s) Johnson S.--Concerning the exemption of two-point-lap-belt-only systems from certain child restraint system requirements.

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

Senator Anderson moved to lay over the remaining bills until Wednesday, February 26: SB03-021, SB03-141, SB03-041, SB03-032.

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

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

Passed on Second Reading: SB03-106 as amended, HB03-1107 as amended, HB03-1151, HB03-1067, HB03-1144.

Laid over until Wednesday, February 26: SB03-074, SB03-021, SB03-141, SB03-041, SB03-032.

Laid over until Monday, March 3: SB03-154.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary After consideration on the merits, the Committee recommends that **HB03-1169** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB03-1036** be referred to the Committee of the Whole with favorable recommendation.

**MESSAGE FROM THE HOUSE**

February 25, 2003  
Mr. President:

The House has passed on Third Reading and returns herewith SB03-071, 059.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1294, amended as printed in House Journal, February 24, page 897.  
HB03-1244, amended as printed in House Journal, February 24, page 898.  
HB03-1308, amended as printed in House Journal, February 24, page 898.  
HB03-1255, amended as printed in House Journal, February 24, pages 898-899.

The House has adopted and returns herewith SJR03-016 & SJR03-021.

The House has adopted and transmits herewith HJR03-1018, as printed in House Journal, February 19, pages 818-819.

The House has adopted and transmits herewith HJR03-1019, as printed in House Journal, February 20, pages 834-836.

**SENATE SERVICES REPORT**

Senate Services Correctly engrossed: SB03-006, 024, 037, 039.

Correctly reengrossed: SB03-025, 102.

Correctly rerevised: HB03-1018, 1048, 1069, 1302.

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 February 25, was laid over until Wednesday, February 26, retaining its place on the calendar.

Consideration of Resolution: SJR03-022.

Consideration of Governor's Appointments:

Member of the Coal Mine Board of Examiners;

Member of the Board of Governors of the Colorado State University System;

Members of the Read-To-Achieve Board.

Conference Committees to Report: SB03-175, SB03-183, SB03-185, SB03-190, SB03-200, SB03-203, SB03-205.

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On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Wednesday, February 26, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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