

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

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Twenty-eighth Legislative Day	Tuesday, February 4, 2003
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Prayer	Senator Andrews asked for a moment of silence in honor of the Astronauts of the Columbia and our Men and Women in the U.S. Military.
Pledge	By Senator Cairns.
Call to Order	By the President at 9:00 a.m.
Roll Call	Present-- 31. Absent/Excused--4; Takis, Tate, Taylor, Tupa. Present later--Takis, Tate, Taylor, Tupa.
Quorum	The President announced a quorum present.
Reading of Journal	On motion of Senator Kester, reading of the Journal of February 3, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.

**INTRODUCTION OF BILLS--FIRST READING**

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

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|------------------|--|
| <b>HB03-1046</b> | by Representative(s) Madden; also Senator(s) Hillman--Concerning the creation of a conservation easement in gross through a reservation.<br>Agriculture, Natural Resources & Energy  |
| <b>HB03-1077</b> | by Representative(s) May M.; also Senator(s) Evans--Concerning the establishment of a process for the resolution of disputes among local governments arising out of a petition for annexation of land that is located within the boundaries of a development plan entered into by local governments through intergovernmental agreement.<br>Local Government |
| <b>HB03-1093</b> | by Representative(s) Berry, Rippy, Rose, Salazar, White, Decker, McFadyen, Miller, Smith, Vigil; also Senator(s) Teck--Concerning the governance of state colleges within the Colorado higher education system.<br>Education   |
| <b>HB03-1104</b> | by Representative(s) Pommer; also Senator(s) Phillips--Concerning the method of modifying the provisions of an old hire pension plan established for certain public safety employees.<br>Finance   |
| <b>HB03-1107</b> | by Representative(s) Johnson R.; also Senator(s) Johnson S.--Concerning modifications to the consumer-directed attendant support program.<br>Health, Environment, Welfare & Institutions   |
| <b>HB03-1144</b> | by Representative(s) Groff; also Senator(s) Johnson S.--Concerning the exemption of two-point-lap-belt-only systems from certain child restraint system requirements.<br>Transportation  |
| <b>HB03-1151</b> | by Representative(s) Boyd; also Senator(s) Johnson S.--Concerning out-of-home placement provider consortia.<br>Health, Environment, Welfare & Institutions   |

HB03-1165by Representative(s) Lundberg, Lee, Schultheis, King; also Senator(s) Hillman--Concerning unofficial copies of the Colorado Revised Statutes.  
Judiciary

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SJR03-012by Senator(s) Entz; --Concerning extending the naming of the "Korean War Veterans Memorial Highway".

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

HJR03-1014by Representative(s) Spradley, King, Veiga; also Senator(s) Andrews, Anderson, Fitz-Gerald--Concerning the authorization of the committee on legal services to retain legal counsel for the purpose of bringing an action on the purported vetoes of the headnote definitions of the 2002 long bill contained in H.B. 02-1420 and the appropriation clause in H.B. 02-1246.

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

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:

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

A majority of those elected to the Senate having voted in the affirmative, Senator Reeves was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.001), by Senator Reeves.

Amend the State Veterans & Military Affairs Committee Report, dated January 29, 2003, line 9, strike "SYSTEMS." and substitute "SYSTEMS OF A STATE AGENCY OR OTHER STATE ENTITY.".

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

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

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

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

SB03-199by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--Concerning a supplemental appropriation to the department of agriculture.

SB03-199

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-201

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of education.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-206

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the judicial department.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-207

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of labor and employment.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

SB03-207

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

SB03-208

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of law.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

Co-sponsors added: Evans.

SB03-209

by Senator(s) Anderson, Owen, Teck, Reeves; also Representative(s) King, Young, Witwer, Plant--Concerning a supplemental appropriation to the department of legislature.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

Co-sponsors added: Andrews, Evans.

SB03-210

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of local affairs.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-211

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of military and veterans affairs.

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

SB03-211

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

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

SB03-212

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of natural resources.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-213

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of personnel.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-214

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of public health and  
environment.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

SB03-214

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

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SB03-215

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of public safety.  
  
The question being "Shall the bill pass?", the roll call was taken with the following result:

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

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

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SB03-216

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of regulatory agencies.  
  
The question being "Shall the bill pass?", the roll call was taken with the following result:

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

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

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SB03-217

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of revenue.  
  
The question being "Shall the bill pass?", the roll call was taken with the following result:

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

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

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SB03-218

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of state.  
  
The question being "Shall the bill pass?", the roll call was taken with the following result:

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SB03-218

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

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

SB03-219

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of transportation.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-220

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of the treasury.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

Co-sponsors added: Evans.

SB03-179

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

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

SB03-179

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

SB03-200

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of corrections.

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

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

SB03-203

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of health care policy and financing.

Laid over until Wednesday, February 5, retaining its place on the calendar.

SB03-205

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of human services.

Laid over until Wednesday, February 5, retaining its place on the calendar.

SB03-204

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--  
Concerning a supplemental appropriation to the department of higher education.

Laid over until Wednesday, February 5, retaining its place on the calendar.

MESSAGE FROM THE GOVERNOR

Appointment

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

January 21, 2003

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

MEMBER OF THE  
COLORADO COMMISSION ON HIGHER EDUCATION

For a term expiring July 1, 2005:

Gully Stanford of Denver, Colorado, to serve as a representative of the First Congressional District and as a Democrat, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor



Rec'd: 02/03/03  
Mona Heustis, Secretary of the Senate

Committee on Education

**APPOINTMENT BY THE PRESIDENT**

In accordance with Section 39-9-101 (1) C.R.S., I am pleased to reappoint Senator Terry Phillips to the State Board of Equalization.

**SENATE SERVICES REPORT**

Senate  
Services

Correctly engrossed: SB03-179, 199, 200, 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220; SJR03-009.

Correctly reengrossed: SB-169, 170, 172, 173, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198.

Senate in recess.

Senate reconvened.

**COMMITTEE OF REFERENCE REPORTS**

Business  
Affairs and  
Labor

The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE  
COLORADO BANKING BOARD**

for a term expiring July 1, 2005:

Adam P. Coyle of Parker, Colorado, to fill the vacancy occasioned by the resignation of Karen J. Rodriguez and to serve as the representative of an executive officer of an industrial bank and as a Democrat, appointed.

Business  
Affairs and  
Labor

After consideration on the merits, the Committee recommends that **SB03-044** be referred to the Committee of the Whole with favorable recommendation.

Business  
Affairs and  
Labor

After consideration on the merits, the Committee recommends that **SB03-118** be referred to the Committee on Agriculture, Natural Resources and Energy with favorable recommendation.

State,  
Veterans and  
Military  
Affairs

After consideration on the merits, the Committee recommends that **SB03-154** 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 10, after "THE", insert "PRIVATE RESIDENTIAL";  
  
line 12, after "property", insert "THAT IT OWNS OR".

State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that <b>SB03-008</b> be postponed indefinitely.	1 2 3 4 5 6 7
Judiciary	After consideration on the merits, the Committee recommends that <b>SB03-109</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	8 9 10 11 12
	Amend printed bill, page 1, strike line 101 and substitute "CONCERNING THE JUDICIAL PROCEDURES RELATING TO CRIMINAL RECORDS.".	13 14 15 16
Business Affairs and Labor	After consideration on the merits, the Committee recommends that <b>SB03-155</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	17 18 19 20 21
	Amend printed bill, page 2, line 18, before "(2)," insert "(1) and", and strike "is" and substitute "are";	22 23 24
	strike line 20 and substitute the following:	25 26
	<b>12-14-116. Collection agency board - created.</b> (1) For the purpose of <del>carrying out the provisions of this article</del> ADVISING THE ADMINISTRATOR, the governor shall appoint five members to the collection agency board, which board is hereby created. The members of the board serving on July 1, 1985, shall continue to serve their appointed terms, and their successors shall be appointed for three-year terms. Upon the death, resignation, or removal of any member of the board, the governor shall appoint a member to fill the unexpired term. Any member of the board may be removed by the governor for misconduct, neglect of duty, or incompetence. No member may serve more than two consecutive terms.	27 28 29 30 31 32 33 34 35 36 37 38
	(2) <del>No</del> A person".	39 40
	Page 3, after line 4, insert the following:	41 42
	<b>"SECTION 4.</b> 12-14-109 (1) (f) and (1) (g), Colorado Revised Statutes, are amended to read:	43 44 45
	<b>12-14-109. Validation of debts.</b> (1) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector or collection agency shall, unless the following information is contained in the initial written communication or the consumer has paid the debt, send the consumer a written notice with the disclosures specified in paragraphs (a) to (g) of this subsection (1). If such disclosures are placed on the back of the notice, the front of the notice shall contain a statement notifying consumers of that fact. Such disclosures shall state:	46 47 48 49 50 51 52 53 54 55
	(f) That collection agencies are licensed by the <del>collection agency board</del> ADMINISTRATOR. The address of the <del>board</del> ADMINISTRATOR shall also be disclosed. If, however, the debt collector is a person employed by the department of personnel for the purpose of collecting debts due to the state on behalf of another state agency, the disclosure required under this paragraph (f) shall state that the activities of such debt collector are subject to sections 12-14-104 to 12-14-109, Colorado Revised Statutes, as contained in the "Colorado Fair Debt Collection Practices Act", that complaints may be filed with the executive director of the department of personnel, and that disciplinary actions will be subject to the rules and regulations of the state personnel system.	56 57 58 59 60 61 62 63 64 65 66
	(g) That consumers shall not send payments to the <del>collection agency board</del> ADMINISTRATOR.	67 68 69

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**SECTION 5.** 12-14-113 (5), Colorado Revised Statutes, is amended to read:

**12-14-113. Civil liability.** (5) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any advisory opinion of the ~~board~~ ADMINISTRATOR, notwithstanding that, after such act or omission has occurred, such opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

**SECTION 6.** 12-14-114, Colorado Revised Statutes, is amended to read:

**12-14-114. Administrative enforcement.** Compliance with this article shall be enforced by the ~~board~~ ADMINISTRATOR. The ~~board~~ ADMINISTRATOR has power to make reasonable rules and regulations for the administration and enforcement of this article, including standards of conduct for licensees and registrants and collection notices and forms.

**SECTION 7.** 12-14-119 (1) (a) (II), (3), and (4), Colorado Revised Statutes, are amended to read:

**12-14-119. Collection agency license - requirements - application - fee - expiration.** (1) As requisites for licensure, the applicant for a collection agency license shall:

(a) (II) Notwithstanding the requirements of subparagraph (I) of this paragraph (a), the ~~board~~ ADMINISTRATOR may substitute other business experience for such requirements where such business experience has provided comparable experience in collections.

(3) At the time the application is submitted, the applicant shall pay a nonrefundable investigation fee in an amount to be determined by the ~~board~~ ADMINISTRATOR.

(4) When the administrator approves the application, the applicant shall pay a nonrefundable license fee in an amount to be determined by the ~~board~~ ADMINISTRATOR.

**SECTION 8.** 12-14-123 (1) (e), Colorado Revised Statutes, is amended to read:

**12-14-123. Duties of collection agencies.** (1) A licensee shall:

(e) Upon written demand of the ~~board~~ ADMINISTRATOR, within five days ~~of~~ AFTER receipt of such demand, produce a complete set of all form notices or form letters used by the licensee in the collection of accounts;

**SECTION 9.** 12-14-124 (1), (2), (3), (4), (5), (7), (8), and (10), Colorado Revised Statutes, are amended to read:

**12-14-124. Bond.** (1) Each licensee shall maintain at all times and each applicant shall file, prior to the issuance of any license to such applicant, a bond in the sum of twelve thousand dollars plus an additional two thousand dollars for each ten thousand dollars or part thereof by which the average monthly sums remitted or owed to all of its clients during the previous year exceed fifteen thousand dollars; or, in the alternative, an applicant or licensee shall present evidence of a savings account, deposit, or certificate of deposit of the same sum and meeting the requirements of section 11-35-101, C.R.S. The total amount of the bond shall not exceed twenty thousand dollars and shall be in favor of the attorney general of the state of Colorado for use of the people of the state of Colorado and the ~~collection agency board~~ ADMINISTRATOR. Such bond shall be executed by the applicant or licensee as principal and by a corporation ~~which~~ THAT is licensed by the commissioner of insurance to transact the business of fidelity and surety insurance as surety. If any such surety, during the life of the bond, cancels the bond or reduces the

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penal sum of the bond, it immediately shall notify the ~~board~~ ADMINISTRATOR in writing. The board shall give notice to the licensee that the bond has been cancelled or reduced and that the licensee's license shall automatically expire unless a new or increased bond with proper sureties is filed within thirty days after the date the ~~board~~ ADMINISTRATOR received the notice, or on such later date as is stated in the surety's notice.

(2) The bond shall include a condition that the licensee shall, upon demand in writing made by the ~~board~~ ADMINISTRATOR, pay over to ~~said board~~ THE ADMINISTRATOR for the use of any client from whom any debt is taken or received for collection by ~~said~~ THE licensee, the proceeds of such collection, less the charges for collection in accordance with the terms of the agreement made between ~~said~~ THE licensee and the client.

(3) A client may file with the ~~board~~ ADMINISTRATOR a duly verified claim as to money due such client for money collected by a licensee. If the ~~board~~ ADMINISTRATOR makes a preliminary determination that a claim meets the requirements of this section it shall make a demand for the amount claimed. Such demand may be made on the licensee, the surety, or both.

(4) If a receiver has been appointed by any court of competent jurisdiction in the state of Colorado to take charge of the assets of any licensee, such receiver, upon the written consent of the ~~board~~ ADMINISTRATOR, first had and obtained, may make demand for and receive payment on said bond from the surety on such bond of said licensee and, upon order of court first had and obtained, may bring suit upon said bond in the name of such receiver, without joining the ~~board~~ ADMINISTRATOR as a party to said action.

(5) If a client has filed a duly verified claim with the ~~board, which~~ ADMINISTRATOR, WHO has refused to make demand upon the licensee or surety, the client may bring suit against the licensee or surety on the bond for the recovery of money due from such licensee without assignment of such bond to the client. Nothing in this section shall preclude a client from making a demand on both the licensee and the surety.

(7) Such bond shall cover all matters placed with ~~said~~ THE licensee during the term of the license granted and any renewal, except as provided in this section. Such bond may be enforced in the manner described in this section, by a receiver appointed to take charge of the assets of any licensee, or by any client if the ~~board~~ ADMINISTRATOR refuses to act. The aggregate liability of the surety, for any and all claims ~~which~~ THAT may arise under such bond, shall not exceed the penalty of such bond.

(8) Any licensee, at any time, may file a new bond with the board. Any surety may file with the board notice of withdrawal as surety on the bond of any licensee. Upon filing of such new bond or on expiration of thirty days after the filing of notice of withdrawal as surety by the surety, the liability of the former surety for all future acts of the licensee shall terminate, except as provided in subsection (9) of this section. The ~~board~~ ADMINISTRATOR shall cancel the bond given by any surety company upon being advised its license to transact the business of fidelity and surety insurance has been revoked by the commissioner of insurance and shall notify the licensee.

(10) In lieu of an individual surety bond, the administrator may authorize a blanket bond covering qualifying licensees in the sum of two million dollars in favor of the attorney general of the state of Colorado for use of the people of the state of Colorado and the ~~collection agency board~~ ADMINISTRATOR. Each new and renewal applicant shall pay a fee in an amount determined by the administrator to offset the applicant's share of the blanket bond. Conditions and procedures regarding the bond shall be as set forth in this section for individual bonds.

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**SECTION 10.** 12-14-128 (4) (a), Colorado Revised Statutes, is amended to read:

**12-14-128. Unlawful acts.** (4) It is unlawful and a violation of this article for any licensee, collections manager, debt collector, or solicitor:

(a) To refuse or fail to comply with any rule ~~and regulation~~ adopted pursuant to this article or any lawful order of the ~~board or~~ administrator; or

**SECTION 11.** 12-14-130 (1), (2), (4), (5), (6), (7), (8), (9), (10) (a), (10) (b), and (11), Colorado Revised Statutes, are amended to read:

**12-14-130. Complaint - investigations - powers of the board - sanctions.** (1) Upon the filing with the board by any interested person of a written complaint charging any person with a violation of this article, any rule adopted pursuant to this article, or any lawful order of the ~~board~~ ADMINISTRATOR, the ~~board~~ ADMINISTRATOR shall conduct an investigation thereof.

(2) The ~~board~~ ADMINISTRATOR may, on its own motion, conduct an investigation of the conduct of any person concerning compliance with this article.

(4) In any proceeding held under this section, the ~~board~~ ADMINISTRATOR may accept as prima facie evidence of grounds for disciplinary or adverse action any disciplinary or adverse action taken against a licensee, the licensee's principles, debt collector, solicitor, or collections manager by another jurisdiction that issues professional, occupational, or business licenses, if the conduct ~~which~~ THAT prompted the disciplinary or adverse action by that jurisdiction would be grounds for disciplinary action under this section.

(5) The ~~board~~ ADMINISTRATOR, or someone designated by it for such purpose, has the right, during normal business hours without resort to subpoena, to examine the books, records, and files of any licensee. If the books, records, and files are located outside Colorado, the licensee shall bear all expenses in making them available to the ~~board~~ ADMINISTRATOR or IT'S THE ADMINISTRATOR'S designee.

(6) (a) The ~~board~~ ADMINISTRATOR may require the making and filing, by any licensee, at any time, of a written, verified statement of the licensee's assets and liabilities, including, if requested, a detailed statement of amounts due claimants. The ~~board~~ ADMINISTRATOR may also require an audited statement when cause has been shown that an audited statement is needed.

(b) Any financial statement of any applicant or licensee required to be filed with the ~~board~~ ADMINISTRATOR shall not be a public record but may be introduced in evidence in any court action or in any administrative action involving the applicant or licensee.

(7) For the purpose of any proceeding under this article, the ~~board~~ ADMINISTRATOR may subpoena witnesses and compel them to give testimony under oath. If any witness subpoenaed by the board or an administrative law judge fails or refuses to appear or testify, the subpoenaing authority may petition the district court, and, upon proper showing, the court may order such witness to appear and testify. Disobedience of the order of court may be punished as a contempt of court.

(8) The ~~board~~ ADMINISTRATOR may appoint an administrative law judge pursuant to part 10 of article 30 of title 24, C.R.S., to conduct any proceedings authorized under this article.

(9) If the ~~board~~ ADMINISTRATOR finds cause to believe a licensee or collections manager has violated this article, any rules adopted

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pursuant to this article, or any lawful order of the ~~board~~ ADMINISTRATOR, the ~~board~~ ADMINISTRATOR shall so notify the licensee or collections manager and hold a hearing. Any proceedings conducted pursuant to this section shall be in accordance with article 4 of title 24, C.R.S.

(10) (a) If the ~~board~~ ADMINISTRATOR or the administrative law judge finds that the licensee or collections manager has violated this article, the rules adopted pursuant to this article, or any lawful order of the ~~board~~ ADMINISTRATOR, or if the licensee fraudulently obtained a license, the ~~board~~ ADMINISTRATOR may issue letters of admonition, deny, revoke, or suspend the license of such licensee or approval of the collections manager, place such licensee or collections manager on probation, or impose administrative fines in an amount up to one thousand dollars per violation on the licensee or collections manager.

(b) The ~~board~~ or administrator may issue letters of admonition pursuant to paragraph (a) of this subsection (10) without a hearing; except that the licensee or collections manager receiving the letter of admonition may request a hearing before the board to appeal the issuance of the letter.

(11) The court of appeals shall have jurisdiction to review all final actions and orders that are subject to judicial review of the ~~collection agency board~~ ADMINISTRATOR. Such proceedings shall be conducted in accordance with section 24-4-106 (11), C.R.S.

**SECTION 12.** 12-14-135, Colorado Revised Statutes, is amended to read:

**12-14-135. Injunction - receiver.** The district court in and for the city and county of Denver, upon application of the ~~board~~ ADMINISTRATOR, may issue an injunction or other appropriate order restraining any person from any violation of this article and may appoint a receiver or award any other relief to effectuate the provisions of this article. This provision shall be in addition to any other remedy and shall not prohibit the enforcement of any other law. The ~~board~~ ADMINISTRATOR shall not be required to show irreparable injury or to post a bond.

**SECTION 13.** 12-14-136 (2), Colorado Revised Statutes, is amended to read:

**12-14-136. Disposition of fees and fines.** (2) All fines collected pursuant to this article, including but not limited to fines collected pursuant to section 12-14-130, shall be collected by the administrator and transmitted to the state treasurer, who shall credit the same to the ~~collection agency cash~~ GENERAL fund. ~~created in subsection (1) of this section."~~.

Renumber succeeding sections accordingly.

Business Affairs and Labor After consideration on the merits, the Committee recommends that **SB03-221** be postponed indefinitely.

INTRODUCTION OF BILLS--FIRST READING

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

**HB03-1088** by Representative(s) Williams T., Vigil, White; also Senator(s) Takis, Anderson, Tupa-- Concerning the annual compensation of members of the public utilities commission. Business Affairs & Labor

**SB03-223** by Senator(s) McElhany; --Concerning extension of the public utilities commission to a date no earlier than July 1, 2008. Business Affairs & Labor

- SB03-224** by Senator(s) Jones; --Concerning the continuation of the workers' compensation physician accreditation program under rules adopted by the director of the division of workers' compensation.  
Business Affairs & Labor
- SB03-225** by Senator(s) McElhany; --Concerning recommendations from the department of regulatory agencies regarding the public utilities commission.  
Business Affairs & Labor

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

- SR03-010** by Senator(s) Anderson, Andrews, Chlouber, Evans, Hillman; --Concerning amendments to senate rules.  
Laid over one day under Senate Rule 30(c).
- SJR03-013** by Senator(s) Cairns, Taylor; also Representative(s) Fritz--Concerning memorializing the crew of the space shuttle Columbia.  
Laid over one day under Senate Rule 30(b).
- SJR03-014** by Senator(s) Arnold, Cairns, Chlouber, Entz, Hillman, Jones, Kester, May R., McElhany; also Representative(s) Larson--Concerning Colorado peace officer appreciation day.  
Laid over one day under Senate Rule 30(b).

On motion of Senator Jones, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 4, 2003, was laid over until February 5, 2003, retaining its place on the calendar.

Second Reading -- General Orders: SB03-202, SB03-036, SB03-100, SB03-025, SB03-051, SB03-070, SB03-074, SB03-086, HB03-1018, SB03-115, SB03-053, HB03-1091, SB03-098, SB03-143, SB03-113, SB03-078, SB03-089, SB03-119, SB03-120.

Consideration of Resolutions: SJR03-010, SJR03-011, HJR03-1008, HJR03-1007.

Consideration of Governor's Appointments:  
Members of the Board of Assessment Appeals;  
Members of the Board of Parks and Outdoor Recreation;  
Member of the Board of Trustees of the State Colleges in Colorado;  
Members of the Securities Board;  
Member of the Examining Board of Plumbers;  
Member of the Special Funds Board for Workers' Compensation Self Insurers.

On motion of Senator Jones, the Senate adjourned until 9:00 a.m., February 5, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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