

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

Twenty-ninth Legislative Day Wednesday, February 5, 2003

Prayer By the chaplain, Dr. Jerry Nelson, Southern Gables Church.

Pledge By Senator Cairns.

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

Roll Call Present-- 31.
 Absent/Excused--4; Evans, Isgar, Phillips, Tupa.
 Present later--Evans, Isgar, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Kester, reading of the Journal of February 4, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Taylor, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
 BOARD OF ASSESSMENT APPEALS

effective July 1, 2002 for terms expiring July 1, 2003:

Judith A. Nuechter of Salida, Colorado, reappointed;
 Steffen A. Brown of Highlands Ranch, Colorado, reappointed.

for a term expiring July 1, 2003:

Rebecca A. Hawkins of Highlands Ranch, Colorado, to fill the vacancy occasioned by the resignation of Mark R. Linne, appointed.

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

On motion of Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF PARKS AND OUTDOOR RECREATION

effective June 30, 2002 for terms expiring June 30, 2006:

Edward C. Callaway of Mt. Crested Butte, Colorado, to serve as an at-large member and as a Republican, reappointed;

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Wade A. Haerle of Grand Junction, Colorado, to serve as a representative of the Western Region and as a Democrat, reappointed.

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Grossman	N	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	Y	Hanna	Y	May	Y	Tate	N
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	N
Evans	Y	Jones	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	N	Kester	Y	Sandoval	Y		

On motion of Senator Arnold, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES OF THE
STATE COLLEGES IN COLORADO

for terms expiring July 1, 2003:

Kathleen S. Eck of Vail, Colorado, to fill the vacancy occasioned by the resignation of Ann C. Rice of Denver, Colorado, appointed.

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

On motion of Senator McElhany, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
SECURITIES BOARD

effective July 1, 2002 for terms expiring July 1, 2005:

Herrick K. Lidstone, Jr. of Centennial, Colorado, to serve as a member who is licensed by the State Supreme Court to practice law in the state of Colorado and who is conversant in securities law, reappointed.

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

On motion of Senator McElhany, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
EXAMINING BOARD OF PLUMBERS**

effective July 1, 2002 for a term expiring July 1, 2006:

Richard N. Johnson of Colorado Springs, Colorado, to serve as a representative who is engaged in the construction of residential or commercial buildings as a plumbing contractor and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

On motion of Senator McElhany, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
SPECIAL FUNDS BOARD FOR
WORKERS' COMPENSATION SELF INSURERS**

for a term expiring July 1, 2006:

David L. Roper of Grand Junction, Colorado, to serve as a member who has knowledge of risk management and finance and as a Republican, reappointed.

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

SJR03-010 by Senator(s) Andrews; also Representative(s) Spradley--Concerning recognizing Ronald Reagan Day in Colorado.

Laid over until Thursday, February 6, retaining its place on the calendar.

SJR03-011 by Senator(s) Lamborn, Andrews; also Representative(s) Fairbank--Concerning support of the people of the Republic of China.

On motion of Senator Lamborn, the resolution was **adopted** by the following roll call vote:

YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	N
Arnold	Y	Hagedorn	N	Linkhart	N	Tapia	N
Cairns	Y	Hanna	N	May	Y	Tate	N
Chlouber	Y	Hillman	Y	McElhany	Y	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	N	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	N
Evans	Y	Jones	Y	Phillips	E	Windels	Y
Fitz-Gerald	N	Keller	N	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Cairns, Entz, May.

HJR03-1008 by Representative(s) Hoppe, Briggs, Fairbank, Hall, Harvey, Rhodes, Rose, Spence; also Senator(s) Entz--Concerning additions and modifications to the drinking water revolving fund eligibility list.

On motion of Senator Entz, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Chlouber, Taylor.

HJR03-1007 by Representative(s) Hoppe, Briggs, Fairbank, Hall, Harvey, Rhodes, Rose, Schultheis, Spence; also Senator(s) Entz--Concerning additions and modifications to the water pollution control revolving fund eligibility list.

On motion of Senator Entz, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Taylor.

HJR03-1014 by 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.

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HJR03-1014

On motion of Senator Andrews, the resolution was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Chlouber, Evans, Gordon, Grossman, Hanna, Linkhart, Nichol, Owen, Reeves, Sandoval, Tate, Teck, Tupa, Windels.

SJR03-013 by Senator(s) Cairns, Taylor; also Representative(s) Fritz--Concerning memorializing the crew of the space shuttle Columbia.

On motion of Senator Cairns, the resolution was read at length and **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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	E	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Kester	Y	Sandoval	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Reeves, Sandoval, Takis, Tapia, Tate, Teck, Tupa, Windels.

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 until Friday, May 2, retaining its place on the calendar.

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

Laid over until Thursday, February 6, retaining its place on the calendar.

SR03-010 by Senator(s) Anderson, Andrews, Chlouber, Evans, Hillman; --Concerning amendments to senate rules.

Laid over until Thursday, February 6, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB03-097** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 1, insert the following:

"SECTION 2. 17-22.5-403 (7) (a), Colorado Revised Statutes, is amended to read:

17-22.5-403. Parole eligibility. (7) (a) For any offender who is incarcerated for an offense committed on or after July 1, 1993, upon application for parole, the state board of parole, working in conjunction

SB03-097

with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether or not to grant parole. The state board of parole, if it determines that placing an offender on parole is appropriate, shall set the length of the period of parole at the mandatory period of parole established in section 18-1.3-401 (1) (a) (V), C.R.S., except as otherwise provided for specified offenses in section 17-2-201 (5) (a), (5) (a.5), and (5) (a.7). If an application for parole is refused by the state board of parole, the state board of parole shall reconsider within one year thereafter whether such inmate should be granted parole. The state board of parole shall continue such reconsideration each year thereafter until such inmate is granted parole or until such inmate is discharged pursuant to law; except that, if the inmate applying for parole was convicted of a class 1 or class 2 crime of violence, as defined in section 18-1.3-406, C.R.S., any sex offense, as defined in section 18-1.3-1003 (5), C.R.S., a habitual criminal offense as defined in section 18-1.3-801 (2.5), C.R.S., or of any offense subject to the requirements of section 18-1.3-904, C.R.S., the board need only reconsider granting parole to such inmate once every three years, until the board grants such inmate parole or until such inmate is discharged pursuant to law, OR IF THE PERSON APPLYING FOR PAROLE WAS CONVICTED OF A CLASS 1 OR CLASS 2 FELONY THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S., THE BOARD NEED ONLY RECONSIDER GRANTING PAROLE TO SUCH PERSON ONCE EVERY FIVE YEARS, UNTIL THE BOARD GRANTS SUCH PERSON PAROLE OR UNTIL SUCH PERSON IS DISCHARGED PURSUANT TO LAW."

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **SB03-006** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 6, line 18, strike "CIVIL JUSTICE AND" and substitute "JUDICIARY COMMITTEE OF THE";

strike line 19;

line 27, strike "CIVIL JUSTICE AND" and substitute "JUDICIARY COMMITTEE OF THE".

Page 7, strike line 1;

line 13, strike "2008." and substitute "2008; EXCEPT THAT, IF THE GRANTS, GIFTS, OR DONATIONS REQUIRED TO IMPLEMENT THIS SECTION ARE NOT RECEIVED BY JULY 1, 2004, THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2004. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GRANTS, GIFTS, OR DONATIONS REQUIRED TO IMPLEMENT THIS SECTION ARE NOT RECEIVED BY JULY 1, 2004."

Judiciary

After consideration on the merits, the Committee recommends that **SB03-147** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SB03-133** be referred to the Committee of the Whole with favorable recommendation.

Finance

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

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**MEMBERS OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR**

for terms expiring September 1, 2006:

Edward G. Bosier of Englewood, Colorado, to serve as an assessor from a county with seventy-five thousand or more in population and as a Republican, reappointed;

Donald R. Bain of Hugo, Colorado, to serve as a non-assessor from a county with less than seventy-five thousand in population and as a Republican and as Chairman, reappointed.

Finance After consideration on the merits, the Committee recommends that **SB03-101** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 4, line 13, strike "FIVE" and substitute "TEN".

Page 6, line 8, strike "FIVE" and substitute "TEN".

Page 7, line 1, strike "FIVE" and substitute "TEN";

line 8, strike "FIVE" and substitute "TEN".

Finance After consideration on the merits, the Committee recommends that **SB03-032** be referred to the Committee on Appropriations with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **SB03-075** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SB03-148** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

February 5, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1129,1005,1156,1185.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1003, amended as printed in House Journal, January 31, page 246.

HB03-1103, amended as printed in House Journal, January 31, pages 246-247.

HB03-1148, amended as printed in House Journal, February 3, page 270.

HB03-1169, amended as printed in House Journal, February 3, pages 270-271.

HB03-1117, amended as printed in House Journal, February 3, page 271.

HB03-1008, amended as printed in House Journal, February 3, page 271.

HB03-1108, amended as printed in House Journal, February 3, pages 271-272.

HB03-1036, amended as printed in House Journal, February 3, page 272.

HB03-1066, amended as printed in House Journal, February 3, page 272.

SENATE SERVICES REPORT

Senate Services Correctly printed: SB03-223, 224, 225;
SJR03-012, 013, 014;
SR03-010.

Correctly reengrossed: SB03-178, 179, 199, 200, 201, 206, 207, 208, 209, 210, 211,
212, 213, 214, 215, 216, 217, 218, 219, 220.

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:

**MEMBERS OF THE
EXAMINING BOARD OF PLUMBERS:**

for terms expiring July 1, 2005:

Ronald L. Kinning of Arvada, Colorado, to serve as a master plumber and as a Republican, appointed;

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 RACING COMMISSION**

effective July 1, 2002 for a term expiring July 1, 2006:

Marilyn G. Alkire of Denver, Colorado, to serve as a representative of the racing industry as an Unaffiliated member from the First Congressional District, appointed.

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 LIMITED GAMING CONTROL COMMISSION**

effective July 1, 2002 for a term expiring July 1, 2006:

Natalie Meyer of Denver, Colorado to serve as a member from the First Congressional District with experience in business in a management-level capacity and as a Republican, reappointed.

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:

**MEMBERS OF THE
SECURITIES BOARD**

effective July 1, 2002 for terms expiring July 1, 2005:

Roscoe Walker, III, of Englewood, Colorado, to serve as a member of the public at large, reappointed;

Trans-
portation

After consideration on the merits, the Committee recommends that **SB03-091** be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation.

Amend printed bill, page 3, line 9, after the period, add "THE EXEMPTION RELATING TO HYBRID VEHICLES SHALL APPLY ONLY IF SUCH EXEMPTION DOES NOT AFFECT THE RECEIPT OF FEDERAL FUNDS AND DOES NOT VIOLATE ANY FEDERAL LAWS OR REGULATIONS.";

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SB03-091

line 15, strike "OR" and substitute "OR, SUBJECT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5),";

line 20, strike "AND" and substitute "AND, SUBJECT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5),".

Trans- After consideration on the merits, the Committee recommends that **SB03-092** be
portation postponed indefinitely.

Trans- After consideration on the merits, the Committee recommends that **SB03-156** be
portation postponed indefinitely.

State, After consideration on the merits, the Committee recommends that **SB03-055** be amended
Veterans and as follows, and as so amended, be referred to the Committee of the Whole with favorable
Military recommendation.
Affairs

Amend printed bill, page 2, line 23, after "ORDINANCE", insert "THAT HAS THE EFFECT OF".

State, After consideration on the merits, the Committee recommends that **SB03-144** be
Veterans and postponed indefinitely.
Military
Affairs

State, After consideration on the merits, the Committee recommends that **SB03-135** be amended
Veterans and as follows, and as so amended, be referred to the Committee of the Whole with favorable
Military recommendation.
Affairs

Amend printed bill, page 9, line 15, strike "As", and substitute "as";

strike lines 16 and 17, and substitute the following:

~~"the terms of the respective members of the former boards expire, the governor shall make the required appointments pursuant to this section."~~

Finance After consideration on the merits, the Committee recommends that **SB03-056** 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 9, strike "year, AND A PERSON WHO IS" and substitute "year";

strike lines 10 through 12;

line 13, strike "CALENDAR YEAR, and IN EITHER CASE," and substitute "and";

line 15, after "employer.", insert ""MEMBER" ALSO INCLUDES AN ACTIVE EMPLOYEE WHO WORKS LESS THAN SIXTEEN HUNDRED HOURS PER YEAR BUT OTHERWISE QUALIFIES AS A MEMBER AND WHOSE EMPLOYER ELECTS TO TREAT ALL SUCH OTHER SIMILAR EMPLOYEES AS MEMBERS.";

line 16, strike "or fire" and substitute "~~or fire~~";

after line 17, insert "FOR THE PURPOSE OF PARTICIPATION IN THE STATEWIDE DEFINED BENEFIT PLAN PURSUANT TO PART 4 OF THIS ARTICLE OR THE STATEWIDE MONEY PURCHASE PLAN PURSUANT TO PART 5 OF THIS ARTICLE, BUT NOT FOR THE PURPOSE OF PARTICIPATION IN THE STATEWIDE DEATH AND DISABILITY PLAN PURSUANT TO PART 8 OF THIS ARTICLE, THE TERM MAY INCLUDE CLERICAL OR OTHER PERSONNEL EMPLOYED BY A FIRE PROTECTION DISTRICT, FIRE AUTHORITY, OR COUNTY IMPROVEMENT DISTRICT, WHOSE SERVICES ARE AUXILIARY TO FIRE PROTECTION.".

SB03-056

Page 3, line 8, strike "31-31-704 (1)," and substitute "31-31-704 (1) and (3)," and strike "is" and substitute "are";

line 10, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 4, after line 3, insert the following:

"(3) If an employer that elects to affiliate as to retirement pursuant to this section provides any local DEFINED BENEFIT retirement pension plan in addition to social security, each member employed by such employer shall elect, not later than sixty days after affiliation, either to remain covered under the retirement provisions of such local DEFINED BENEFIT plan or to become covered under the retirement provisions of the statewide defined benefit plan established by part 4 of this article. If a member fails to make such an election for any reason, said member shall be deemed to have elected to remain covered under the retirement provisions of the local DEFINED BENEFIT plan. A member who elects to become covered under the retirement provisions of the statewide defined benefit plan established by part 4 of this article shall be deemed to have waived all rights to retirement benefits under the local DEFINED BENEFIT plan but shall receive full credit for all service credited under the local DEFINED BENEFIT plan, and a member electing to remain covered under the local DEFINED BENEFIT plan shall not be governed by the provisions of the statewide defined benefit plan relating to defined retirement benefits.

(3.5) IF AN EMPLOYER THAT ELECTS TO AFFILIATE AS TO RETIREMENT PURSUANT TO THIS SECTION PROVIDES ANY LOCAL DEFINED CONTRIBUTION RETIREMENT PENSION PLAN IN ADDITION TO SOCIAL SECURITY, SIXTY-FIVE PERCENT OF THE EMPLOYEES ELIGIBLE TO PARTICIPATE IN THE SUPPLEMENTAL STATEWIDE DEFINED BENEFIT PLAN SHALL APPROVE THE AFFILIATION PRIOR TO IT BECOMING EFFECTIVE.";

line 12, strike "BENEFITS." and substitute "BENEFITS FOR ITS MEMBERS.".

MESSAGE FROM THE REVISOR OF STATUTES

February 5, 2003

We herewith transmit:

Without comment, HB03-1129, 1005, 1156, and 1185.

Without comment, as amended, HB03-1003, 1103, 1148, 1169, 1117, 1008, 1108, 1036, and 1066.

INTRODUCTION OF BILL--FIRST READING

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

SB03-226 by Senator(s) Kester; --Concerning continuation of the examining board of plumbers.
Business Affairs & Labor

SB03-227 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--
Concerning the reduction of the amount that vendors are allowed to retain as payment for
the collection of taxes imposed by the state.
Finance

SB03-228 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--
Concerning the authority of the general assembly to appropriate moneys from the highway
users tax fund to the department of revenue for license plate funding, and making an
appropriation therefor.
Finance

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HB03-1032 by Representative(s) Pommer; also Senator(s) Tupa--Concerning a school district education board's oversight of a school district's participation in the interest-free loan program.
Education

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

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The President has signed: HJR03-1013.

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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 5, 2003, was laid over until February 6, 2003, retaining its place on the calendar.

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Third Reading -- Final Passage: SB03-203, SB03-205, SB03-204.
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, SJR03-012, SR03-010.

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On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., February 6, 2003.

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Approved:

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John Andrews
President of the Senate

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Attest:

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Mona Heustis
Secretary of the Senate

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