

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

Thirty-fourth Legislative Day Monday, February 10, 2003

- Prayer By the chaplain, Reverend Dr. Kathryn Towne.
- Pledge By Senator Tupa.
- Call to Order By the President at 10:00 a.m.
- Roll Call Present-- 32.
Absent/Excused--3; Hillman, Linkhart, Phillips.
Present later-- Hillman, Linkhart, Phillips.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Sandoval, reading of the Journal of February 7, 2003, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

- Trans-
portation After consideration on the merits, the Committee recommends that **SB03-058** be amended as follows, and as so amended, be referred to the Committee on State, Veterans and Military Affairs with favorable recommendation.

Amend printed bill, page 3, after line 24, insert the following:

"(I) A LOAN;";

Renumber succeeding subparagraphs accordingly.
- Approp-
riations After consideration on the merits, the Committee recommends that **SB03-050** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, after line 10, insert the following:

"SECTION 5. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2003, the sum of two hundred ninety-five thousand eight hundred ninety-two dollars (\$295,892) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, one hundred seventy-six thousand two hundred ninety-two dollars (\$176,292) and 3.0 FTE is for allocation to the division of registrations, and one hundred nineteen thousand six hundred dollars (\$119,600) is for allocation to the executive director's office for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of one hundred nineteen thousand six hundred dollars (\$119,600), or so much thereof as may be necessary, for the provision of legal services to the division of registrations related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

SB03-050

Renumber succeeding section accordingly.

Page 1, line 103, strike "**LICENSES.**" and substitute "**LICENSES, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB03-045** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, line 13, strike "~~and shall~~" and substitute "BE REQUIRED TO TAKE AND PASS AN EXAMINATION CONCERNING and shall".

Page 10, line 9, strike "~~ten~~" and substitute "ten";

line 10, strike "TWENTY-FIVE";

line 13, strike "SHALL" and substitute "SHALL, NO LATER THAN JANUARY 7, 2007,".

Page 11, line 2, strike "37-91-107." and substitute "37-91-107 WITHIN ONE YEAR AFTER THE ESTABLISHMENT OF SUCH REQUIREMENT.".

Page 17, after line 23, insert the following:

"SECTION 19. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, to the department of natural resources, for the fiscal year beginning July 1, 2003, the sum of three hundred ninety-seven thousand four hundred eighty-five dollars (\$397,485) and 8.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the well inspection cash fund created pursuant to section 37-80-111.5, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, for the provision of legal services to the department of natural resources, division of water resources, related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of natural resources out of the appropriation made in subsection (1) of this section."

Renumber succeeding section accordingly.

Page 1, strike line 107, and substitute the following:

"AUTHORITY, CREATING A WELL INSPECTION PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **SB03-052** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB03-042** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB03-013** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM REVISOR OF STATUTES

February 7, 2003

We herewith transmit:

Without comment, HB03-1124 and 1079.

Without comment, as amended, HB03-1092 and 1100 and SB03-179 and 182.

INTRODUCTION OF BILLS--FIRST READING

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

- SB03-229** by Senator(s) Hillman, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Keller, Kester, Phillips, Taylor, Teck; also Representative(s) Rippy, Boyd, Briggs, Fairbank, Fritz, Hoppe, Miller, Rose, Salazar, Veiga, White--Concerning expansion of the stationary source voluntary emission reduction program, and, in connection therewith, providing for additional flexibility and cost recovery incentives.
State Veterans & Military Affairs
- SB03-230** by Senator(s) May R., Lamborn, Cairns, Andrews, Fitz-Gerald; also Representative(s) Fritz--Concerning an authorization for the secretary of state to promulgate rules pursuant to the "Uniform Electronic Signatures Act".
State Veterans & Military Affairs
- HB03-1092** by Representative(s) White, Hoppe, Rippy, Wiens; also Senator(s) Anderson--Concerning management of Colorado's state-owned forested land.
Agriculture, Natural Resources & Energy
- HB03-1100** by Representative(s) Smith; also Senator(s) Taylor--Concerning the management of natural resources on federal land.
Agriculture, Natural Resources & Energy
- HB03-1124** by Representative(s) Lundberg; also Senator(s) Jones--Concerning a modification to the definition of the term "expenditure" for purposes of the "Local Government Budget Law of Colorado" to exclude the payment of moneys received from and required to be paid to another person by the office of the public trustee.
Finance

Senate in recess.

Senate reconvened.

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:

- SB03-203** 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.

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

Senator Owen withdrew the request for a Third Reading amendment.

Laid over until Tuesday, February 11, 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 Tuesday, February 11, 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 Tuesday, February 11, retaining its place on the calendar.

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.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Grossman	N	Lamborn	N	Takis	N
Arnold	Y	Hagedorn	N	Linkhart	N	Tapia	Y
Cairns	N	Hanna	Y	May	N	Tate	N
Chlouber	Y	Hillman	N	McElhany	N	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	N	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Keller	Y	Reeves	Y	Mr. President	N
Gordon	Y	Kester	Y	Sandoval	N		

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

Co-sponsors added: Anderson.

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.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	N	Takis	Y
Arnold	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Cairns	N	Hanna	Y	May	N	Tate	Y
Chlouber	Y	Hillman	Y	McElhany	N	Taylor	Y
Dyer	Y	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	Y	Jones	N	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**.

SB03-202

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting.

Laid over until Tuesday, February 11, retaining its place on the calendar.

SB03-036

by Senator(s) Andrews; also Representative(s) Groff--Concerning the requirement of
completion of a course on civil government for high school graduation.

SB03-036

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	Grossman	Y	Lamborn	Y	Takis	Y
Arnold	Y	Hagedorn	Y	Linkhart	N	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	N
Fitz-Gerald	Y	Keller	N	Reeves	N	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: Arnold, Dyer, Evans, Gordon, Hillman, Lamborn, May, McElhany, Nichol, Sandoval, Teck, Tupa.

SB03-100

by Senator(s) Entz, Arnold, Isgar, Owen, Taylor; also Representative(s) Salazar-- Concerning high school diplomas awarded to certain veterans.

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: Anderson, Andrews, Cairns, Chlouber, Dyer, Evans, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hanna, Hillman, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Phillips, Reeves, Sandoval, Takis, Tapia, Tate, Teck, Tupa, Windels.

SB03-086

by Senator(s) Hillman, Andrews, Arnold, Dyer, Evans, Hagedorn, Kester, Lamborn, Owen, Teck; also Representative(s) Williams T., Fairbank, Lee, Hefley, Young--Concerning a limitation on the use of contingent fee contracts by governmental entities to retain private attorneys.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	Y	Takis	N
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	Y
Evans	Y	Jones	Y	Phillips	N	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: McElhany.

HB03-1091
by Representative(s) Hefley, Groff, Mitchell; also Senator(s) Evans, Gordon--Concerning the enactment of Colorado Revised Statutes 2002 as the positive and statutory law of the state of Colorado.

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**.

SB03-143
by Senator(s) Taylor; also Representative(s) White--Concerning the transfer of certain existing employees from the Colorado office of economic development to the Colorado tourism office.

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: Anderson, Chlouber, Entz, Fitz-Gerald, Gordon, Grossman, Hanna, Isgar, Kester, McElhany, Phillips, Sandoval.

SB03-115
by Senator(s) Hillman, Kester, Entz, Tapia; also Representative(s) Young, McFadyen, Salazar--Concerning the authority of the governing bodies of local governments to protect the in-basin use of agricultural water rights.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Grossman	Y	Lamborn	N	Takis	N
Arnold	N	Hagedorn	Y	Linkhart	N	Tapia	Y
Cairns	N	Hanna	Y	May	N	Tate	N
Chlouber	Y	Hillman	Y	McElhany	N	Taylor	Y
Dyer	N	Isgar	Y	Nichol	Y	Teck	Y
Entz	Y	Johnson	Y	Owen	Y	Tupa	Y
Evans	N	Jones	N	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: Chlouber, Gordon, Grossman, Phillips, Teck.

SB03-070
by Senator(s) Lamborn; also Representative(s) McCluskey--Concerning payment procedures for a public works construction project, and, in connection therewith, creating requirements for contractors' bonds that are consistent with existing mechanics' liens requirements applicable to private projects.

SB03-070

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**.

SB03-113

by Senator(s) McElhany; also Representative(s) Wiens--Concerning the continuation of the division of gaming within the department of revenue.

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: Chlouber, Fitz-Gerald, Jones, Phillips.

SB03-078

by Senator(s) McElhany; also Representative(s) Williams T.--Concerning regulation of insurance by the insurance commissioner.

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: Jones, May.

SB03-089

by Senator(s) Phillips; also Representative(s) Hall--Concerning modifications to the notice requirements applicable to the formation of certain political subdivisions that are authorized to levy ad valorem taxes.

SB03-089

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**.

SB03-119

by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the continuation of the regulatory functions of the state board of pharmacy.

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: Jones, May.

SB03-120

by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the continuation of the regulatory functions of the state board of dental examiners.

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: Phillips, Tapia.

SB03-044

by Senator(s) Hagedorn; also Representative(s) Fritz--Concerning restrictions on post-tenure employment of former members of the general assembly.

SB03-044

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: Grossman, Tupa.

Committee
of the
Whole

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

SB03-109

by Senator(s) Windels; also Representative(s) Rose--Concerning the streamlining of judicial procedures.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 4, page 244 and placed in members' bill files.)

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

SB03-155

by Senator(s) Kester; also Representative(s) Rhodes--Concerning the administration of regulations pertaining to debt collectors, and, in connection therewith, continuing the collection agency board.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 4, pages 244-248 and placed in members' bill files.)

Declared LOST on Second Reading.
(For further action, see Amendments to the Committee of the Whole Report.)

SB03-097

by Senator(s) Takis, Hagedorn; also Representative(s) Stafford--Concerning reconsideration of the parole application of a person convicted of certain crimes of violence.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, February 5, pages 255-256 and placed in members' bill files.)

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

SB03-147

by Senator(s) Dyer; also Representative(s) Hefley--Concerning strengthening Colorado's criminal procedure laws.

Amendment No. 1(L.001), by Senator Dyer.

Amend printed bill, page 20, strike lines 7 and 8 and substitute the following:

SB03-147

"(b) "BUSINESS ENTITY" MEANS A CORPORATION OR OTHER ENTITY THAT IS SUBJECT TO THE PROVISIONS OF TITLE 7, C.R.S.; FOREIGN CORPORATIONS QUALIFIED TO DO BUSINESS IN THIS STATE PURSUANT TO ARTICLE 115 OF TITLE 7, C.R.S., SPECIFICALLY INCLUDING FEDERALLY CHARTERED OR AUTHORIZED FINANCIAL INSTITUTIONS; A CORPORATION OR OTHER ENTITY THAT IS SUBJECT TO THE PROVISIONS OF TITLE 11, C.R.S.; OR A SOLE PROPRIETORSHIP OR OTHER ASSOCIATION OR GROUP OF INDIVIDUALS DOING BUSINESS IN THE STATE."

Amendment No. 2(L.002), by Senator Dyer.

Amend printed bill, page 17, line 24, after the period, add "THE COURT MAY ORDER THE DEFENDANT PAY THE COST OF PRODUCTION OF RECORDS."

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

SB03-135

by Senator(s) Lamborn; --Concerning the elimination of outdated provisions of law resulting from the law's obsolescence, infrequency of use, or inapplicability to current society, and, in connection therewith, repealing or amending various provisions of law.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 5, page 259 and placed in members' bill files.)

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

Amend printed bill, page 12, after line 10, insert the following:

"SECTION 18. 23-3.3-102 (6), Colorado Revised Statutes, is amended to read:

23-3.3-102. Assistance program authorized - procedure - audits. (6) In determining the amount allocated to each institution that is not a state institution or a nonpublic institution of higher education, the commission shall consider only that portion of financial need which would have existed were the institution's tuition no greater than the highest in-state tuition rate charged by a comparable state institution. In determining the amount allocated to each nonpublic institution of higher education, the commission shall base its determination upon the cost of attendance at a nonpublic institution of higher education. ~~The change in the manner of calculating financial assistance to nonpublic institutions of higher education shall not result in a dollar decrease in the allocation of financial assistance to any institution from the dollar allocation made to such institution for the 1989-90 fiscal year. The allocation for need-based financial aid to nonpublic institutions shall be phased in over three years, as follows:~~

~~(a) For fiscal year 1990-91, ninety percent of the need as determined by the cost of attendance at a nonpublic institution;~~

~~(b) For fiscal year 1991-92, ninety-five percent of the need as determined by the cost of attendance at a nonpublic institution; and~~

~~(c) For fiscal year 1992-93 and fiscal years thereafter, one hundred percent of the need as determined by the cost of attendance at a nonpublic institution."~~

Renumber succeeding sections accordingly.

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

SB03-148

by Senator(s) Teck; also Representative(s) Marshall--Concerning the time for electronic filing of income tax returns.

SB03-148

Amendment No. 1(L.001), by Senator Philips.

Amend printed bill, page 2, strike lines 10 through 20 and substitute the following:

"SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

SB03-056

by Senator(s) Phillips, Hanna; also Representative(s) Ragsdale--Concerning membership in plans administered by the fire and police pension association.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 5, pages 259-260 and placed in members' bill files.)

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

SB03-051

by Senator(s) Hagedorn, Chlouber, Evans, Hanna, Windels; also Representative(s) Clapp, Madden, Romanoff, Stafford--Concerning changes to state laws in relation to the federal "Health Insurance Portability and Accountability Act of 1996", as amended.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, January 28, pages 143-147 and placed in members' bill files.)

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

Amend the Business Affairs & Labor Committee Report, dated January 28, 2003, page 7, line 11, strike "REQUIREMENTS FOR" and substitute "PROHIBITIONS OR LIMITATIONS ON".

Amendment No. 3(L.005), by Senator Hagedorn.

Amend the Business Affairs and Labor Committee Report, dated January 28, 2003, page 2, after line 13, insert the following:

"SECTION 3. 25-1-107 (1) (aa), Colorado Revised Statutes, is amended to read:

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

(aa) To operate and maintain a program ~~for children with disabilities to provide and~~ ASSESS THE INCIDENCE OF CHRONIC AND DISABLING CONDITIONS IN CHILDREN AND TO expedite THE provision of health care services ~~to~~ THROUGH GRANTS AND CONTRACTS FOR children who have congenital birth defects or who are the victims of burns or trauma or children who have acquired DISEASES OR disabilities;"

Renumber succeeding sections accordingly.

Amendment No. 4(L.006), by Senator Hagedorn.

Amend the Business Affairs & Labor Committee Report, dated January 28, 2003, page 8, after line 17, insert the following:

"SECTION 9. 25-1-1204 (3), Colorado Revised Statutes, as enacted by section 8 of Senate Bill 03-051, enacted at the first regular session of the sixty-fourth general assembly, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

SB03-051

25-1-1204. Use and disclosure of protected health information.
(3) This section shall not be construed to preempt the prohibitions or limitations on the use and disclosure of protected health information pursuant to the following provisions:

(c.5) SECTION 13-25-126, C.R.S., CONCERNING THE CONFIDENTIALITY AND USE OF INFORMATION ABOUT GENETIC TESTS PERFORMED TO DETERMINE PARENTAGE;"

Renumber succeeding sections accordingly.

Page 9, after line 26, insert the following:

"SECTION 11. Effective date. This act shall take effect upon passage; except that section 9 of this act shall only take effect if Senate Bill 03-079 is enacted and becomes law."

Renumber succeeding section accordingly.

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

SB03-223 by Senator(s) McElhany; also Representative(s) Berry--Concerning extension of the public utilities commission to a date no earlier than July 1, 2008.

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

SB03-224 by Senator(s) Jones; also Representative(s) Butcher--Concerning the continuation of the workers' compensation physician accreditation program under rules adopted by the director of the division of workers' compensation.

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

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB03-098, SB03-154, SB03-133, SB03-055, SB03-025, SB03-074, HB03-1018, SB03-053, SB03-117, SB03-153) of February 10, was laid over until Tuesday, February 11, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB03-155 by Senator(s) Kester; also Representative(s) Rhodes--Concerning the administration of regulations pertaining to debt collectors, and, in connection therewith, continuing the collection agency board.

Senator Kester requested a roll call vote to show that SB03-155, as amended, did pass.

The bill, as amended, was declared passed 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	E
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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SB03-109 as amended, SB03-097 as amended, SB03-147 as amended, SB03-135 as amended, SB03-148 as amended, SB03-056 as amended, SB03-051 as amended, SB03-223, SB03-224, SB03-155 as amended.
Laid over until Tuesday, February 11: SB03-098, SB03-154, SB03-133, SB03-055, SB03-025, SB03-074, HB03-1018, SB03-053, SB03-117, SB03-153.

MESSAGE FROM THE HOUSE

February 10, 2003

Mr. President:

The House has passed on Third Reading and returns herewith SB03-169,170,172, 178,181,184,186,187.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-175, amended as printed in House Journal, February 7, pages 591-592. SB03-183, amended as printed in House Journal, February 7, pages 592-594. SB03-185, amended as printed in House Journal, February 7, pages 595-598. SB03-189, amended as printed in House Journal, February 7, page 594.

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB03-036, 044, 070, 078, 086, 089, 100, 113, 115, 119, 120, 143, 202, 227, 228.

Correctly revised: HB03-1091.

Senate in recess.

Senate reconvened.

MESSAGE FROM REVISOR OF STATUTES

February 10, 2003

We herewith transmit:

Without comment, as amended, SB03-175, 183, 185, and 189.

APPOINTMENT BY THE PRESIDENT

In accordance with 39-29-116 (4), I am pleased to re-appointed Senator Ken Chlouber and Senator Ron Teck to serve on the Uranium Mill Tailings Remedial Action Program Fund Oversight Committee.

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 10, 2003, was laid over
until February 11, 2003, retaining its place on the calendar.

Consideration of Governor's Appointments:
Members of the Colorado Banking Board;
Members of the Advisory Committee to the Property Tax Administrator;
Member of the Examining Board of Plumbers;
Member of the Colorado Racing Commission;
Member of the Colorado Limited Gaming Control Commission;
Member of the Securities Board;
Member of the Board of Trustees of Metropolitan State College of Denver;
Member of the Colorado Educational and Cultural Facilities Authority Board of
Directors;
Member of the Board of Real Estate Appraisers;
Member of the Workers' Compensation Cost Containment Board.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., February 11, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate