

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

Ninetieth Legislative Day Monday, April 7, 2003

- Prayer 10
By the chaplain, Father Chris Misuira. 11
- Pledge 12
By Senator Fitz-Gerald. 13
- Call to 14
Order 15
By the President at 10:00 a.m. 16
- Roll Call 17
Present-- 33. 18
Absent/Excused--2, Evans, Windels. 19
Present later--Evans, Windels. 20
- Quorum 21
The President announced a quorum present. 22
- Reading of 23
Journal 24
On motion of Senator Tapia, reading of the Journal of April 4, 2003 was 25
dispensed with and the Journal was approved as corrected by the Secretary. 26

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB03-1301**

**THIS REPORT ADOPTS THE
REREVISED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB03-1301,
concerning the penalties for persons who issue checks to the department
of revenue that are returned as unpaid for any reason caused by the
maker, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill
and that the rerevised bill be adopted without change.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Hall, Chairman	Senator Teck, Chairman
Representative Stengel	Senator Anderson
Representative Jahn	Senator Sandoval

MESSAGE FROM THE HOUSE

(NOTE: The following "Message from the House" was originally read into the Senate Journal, April 4, 2003.)

April 4, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB03-1333, 1332.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB03-1319, amended as printed in House Journal, April 3, pages 1410-1411.
 HB03-1337, amended as printed in House Journal, April 3, page 1411.
 HB03-1274, amended as printed in House Journal, April 3, page 1412.
 HB03-1073, amended as printed in House Journal, April 3, pages 1412-1413.
 HB03-1191, amended as printed in House Journal, April 3, pages 1442-1443.
 HB03-1289, amended as printed in House Journal, April 3, page 1443.
 HB03-1223, amended as printed in House Journal, April 3, pages 1443-1444.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
 SB03-241, amended as printed in House Journal, April 3, page 1443.

The House has adopted and transmits herewith HJR03-1020, as printed in House Journal,
 February 27, pages 952-953.

The House has adopted and transmits herewith HJR03-1033, as printed in House Journal,
 March 20, pages 1196-1197.

The House has adopted and transmits herewith HJR03-1022, as printed in House Journal,
 February 25, pages 928-929, and amended as printed in House Journal, April 4.

MESSAGE FROM THE REVISOR OF STATUTES

April 4, 2003

We herewith transmit:

Without comment, HB03-1333 and 1332.

Without comment, as amended, HB03-1319, 1337, 1274, 1073, 1191, 1289, and 1223 and
 SB03-241.

INTRODUCTION OF RESOLUTIONS AND MEMORIAL

The following resolutions were read by title:

HJR03-1020 by Representative(s) Wiens, Brophy, Cadman, Crane, Decker, May M., Rhodes, Rippy,
 Smith, Spence, White; also Senator(s) Evans--Concerning support for administrative
 procedures that would enable increased forest management to help reduce the risk of
 catastrophic wildfires.

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

HJR03-1022 by Representative(s) Pommer, Butcher, Frangas, McCluskey, Merrifield; also Senator(s)
 Groff--Concerning spay and neuter your pet day.

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

HJR03-1033 by Representative(s) King, Spradley; also Senator(s) Anderson, Andrews--Concerning the
 requirement that the legislative council staff conduct a study of certain constitutional and
 statutory provisions.

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

The following memorial was read by title:

SJM03-004 by Senator(s) Entz; also Representative(s) Rippy--Memorializing the Congress of the
 United States to appropriate the authorized amount of payments in lieu of taxes.

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

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INTRODUCTION OF BILLS--FIRST READING

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

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| SB03-308 | by Senator(s) May R., Anderson; also Representative(s) Witwer--Concerning the use of advanced technology fund moneys.
Finance | 7 |
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| SB03-309 | by Senator(s) Anderson; also Representative(s) Young--Concerning a suspension of the administration of statewide assessments in writing.
Education | 11 |
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| SB03-310 | by Senator(s) Evans; also Representative(s) Smith--Concerning estate planning.
Judiciary | 15 |
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| SB03-311 | by Senator(s) Entz; also Representative(s) Hoppe--Concerning periodic reporting requirements on subjects assigned to the legislative committees dealing with natural resources issues under titles 33 to 37, Colorado Revised Statutes.
Agriculture, Natural Resources & Energy | 18 |
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| SB03-312 | by Senator(s) McElhany; also Representative(s) Fairbank--Concerning clarification that offering a fee-for-service dental plan for which premiums are not charged shall not be considered transacting the business of insurance.
Business Affairs & Labor | 23 |
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| SB03-313 | by Senator(s) Entz; also Representative(s) McCluskey, Hoppe--Concerning an increase in the state engineer's authority to approve the use of water, and, in connection therewith, making an appropriation.
Agriculture, Natural Resources & Energy | 28 |
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| HB03-1085 | by Representative(s) Rippey; also Senator(s) Teck--Concerning the duration of the validity of certain forms of identification issued by the department of revenue.
State Veterans & Military Affairs | 33 |
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| HB03-1173 | by Representative(s) Coleman, Boyd, Butcher, Groff, Jahn, Judd, Marshall, McFadyen, Ragsdale, Romanoff, Tochtrop; also Senator(s) Tapia, Windels--Concerning the funding of Colorado family literacy programs.
Education | 37 |
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| HB03-1191 | by Representative(s) Clapp; also Senator(s) Jones--Concerning the prohibition of computer dissemination of indecent material to children.
Judiciary | 42 |
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| HB03-1223 | by Representative(s) Veiga; also Senator(s) Chlouber--Concerning the penalties for failure to maintain financial responsibility for a motor vehicle, and making an appropriation in connection therewith.
Transportation
Appropriations | 46 |
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| HB03-1252 | by Representative(s) Boyd; also Senator(s) Chlouber--Concerning the availability of emergency contraception to a survivor of a sexual assault.
State Veterans & Military Affairs | 52 |
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| HB03-1274 | by Representative(s) Mitchell; also Senator(s) Arnold--Concerning modifications to the program under which the state treasurer makes loans to school districts with general fund cash deficits.
Finance | 56 |
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| HB03-1289 | by Representative(s) Briggs, Larson, Decker, McCluskey, Merrifield; also Senator(s) Arnold, Kester--Concerning consumer protection for intrastate household moves, and, in connection therewith, changing the registration requirements for a motor carrier of household goods within Colorado, and making an appropriation therefor.
Transportation
Appropriations | 61 |
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- HB03-1319** by Representative(s) Fritz, Briggs, Brophy, Cadman, Hall, Harvey, McFadyen, Plant, Rippy, Salazar, Stengel, Tochtrop, White; also Senator(s) Dyer, Hagedorn, Teck-- Concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado's natural resources.1
- Judiciary2
- Agriculture, Natural Resources & Energy3
- HB03-1327** by Representative(s) Butcher, McFadyen, Tochtrop; also Senator(s) Tapia--Concerning an extension of the time in which retirees of the public employees' retirement association may be employed to work as nonlicensed employees for schools without reducing the retirement benefits of the retirees.4
- Education5
- HB03-1330** by Representative(s) Stengel; also Senator(s) Dyer--Concerning measures to ensure compliance with existing statutory provisions that govern tobacco escrow funds.6
- Finance7
- HB03-1332** by Representative(s) May M.; also Senator(s) Phillips--Concerning the adjustment of the ratio of valuation for assessment for residential real property.8
- Finance9
- HB03-1333** by Representative(s) Larson, Lee, King, Rose, White; also Senator(s) Arnold--Concerning the authority of a school district to impose sanctions on students for failure to return library resources.10
- Education11
- HB03-1337** by Representative(s) Fairbank; also Senator(s) Chlouber--Concerning tavern licenses.12
- Business Affairs & Labor13

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

IMMEDIATE RECONSIDERATION OF SB03-265

- SB03-265** by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-- Concerning the property tax exemption for qualifying seniors, and, in connection therewith, lowering the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation, and making an appropriation in connection therewith.14

Having voted on the prevailing side, Senator Anderson moved for immediate reconsideration of the last Senate action, Third Reading--Final Passage, on **SB03-265**.

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

THIRD READING--FINAL PASSAGE OF BILL

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

- SB03-265** by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-- Concerning the property tax exemption for qualifying seniors, and, in connection therewith, lowering the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation, and making an appropriation in connection therewith.15

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

SB03-265

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	N	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	N	Taylor	N
Dyer	Y	Hillman	N	McElhany	N	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	Y	Jones	N	Phillips	N	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Arnold, and Chlouber.

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 General Orders--Second Reading of Bills.

Committee of the Whole

On motion of Senator McElhany, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator McElhany was called to the Chair to act as Chairman.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, **HB03-1044, HB03-1121, SB03-249** were advanced on the General Orders--Second Reading calendar.

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:

HB03-1044 by Representative(s) Williams S., Coleman, Stafford; also Senator(s) May R.--Concerning the enforcement of penalties for toll evasion, and, in connection therewith, requiring courts to report outstanding judgments and warrants and default judgments for toll evasion to the department of revenue, prohibiting a person who has an outstanding judgment or warrant or a default judgment for toll evasion from obtaining or renewing a driver's license, and allowing civil penalty assessment notices for toll evasion that is evidenced by means that do not involve a peace officer to be sent to suspected violators by mail delivery services other than the United States postal service.

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

HB03-1121 by Representative(s) Wiens, King, May M., McCluskey, White; also Senator(s) Evans, Chlouber--Concerning offers of settlement in civil actions.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 24, pages 721-722 and placed in members' bill files.)

Amendment No. 2(L.013), by Senator Evans.

Strike the Judiciary Committee Report, dated March 18, 2003, and substitute the following:

"Amend reengrossed bill, page 2, line 12, strike "AND ATTORNEY FEES";
line 18, strike "AND ATTORNEY FEES".

Page 3, strike lines 14 and 15 and substitute the following:

"(b) For purposes of this section, "actual costs" shall not include attorney fees BUT SHALL MEAN COSTS";

HB03-1121

strike lines 23 through 27.

Page 4, strike lines 1 through 5."

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

SB03-249

by Senator(s) Owen, Anderson; also Representative(s) Stengel--Concerning authority for the state to enter into leveraged leasing agreements.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, March 28, page 796 and placed in members' bill files.)

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

On motion of Senator Anderson, the remaining bills were laid over until Tuesday, April 8, retaining their place on the calendar: HB03-1016, SB03-073, SB03-232, SB03-001, SB03-236, SB03-121, HB03-1140, HB03-1256, HB03-1214, HB03-1128, SB03-258.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB03-1044, HB03-1121 as amended, SB03-249 as amended. Laid over until Tuesday, April 8: HB03-1016, SB03-073, SB03-232, SB03-001, SB03-236, SB03-121, HB03-1140, HB03-1256, HB03-1214, HB03-1128, SB03-258.

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 appointment and recommends that the appointment be confirmed:

MEMBERS OF THE STATE ELECTRICAL BOARD

for a term expiring July 1, 2005:

Thomas J. Lofland of Arvada, Colorado to fill the vacancy occasioned by the resignation of Frank J. Peralta of Pueblo West, Colorado, and to serve as a master electrician and as an Unaffiliated, 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:

MEMBERS OF THE STATE HOUSING BOARD

for terms expiring January 31, 2005:

Janet S. Oldham of Louisville, Colorado, to serve as a member from the Second Congressional District and as a Democrat, reappointed;

for terms expiring January 31, 2007:

Ted J. Chavez of Milliken, Colorado, to serve as a member from the Fourth Congressional District and as a Democrat, appointed;

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MESSAGE FROM THE HOUSE

April 7, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1209.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1004, amended as printed in House Journal, April 4, page 1462. HB03-1138, amended as printed in House Journal, April 4, page 1462. HB03-1341, amended as printed in House Journal, April 4, pages 1463-1464.

The House has adopted and transmits herewith HJR03-1047, as printed in House Journal, April 4, pages 1492-1493.

The House has voted not to concur in the Senate amendments to HB03-1219 and requests that a conference committee be appointed. The Speaker has appointed Representatives Hall, chairman, Williams, T., and Hodge as House conferees on the First Conference Committee on HB03-1219. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB03-1253 and requests that a conference committee be appointed. The Speaker has appointed Representatives Stengel, chairman, Larson, and Frangas as House conferees on the First Conference Committee on HB03-1253. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB03-1228 and requests that a conference committee be appointed. The Speaker has appointed Representatives Cadman, chairman, Hall, and Miller as House conferees on the First Conference Committee on HB03-1228. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB03-1313, 1142 and has repassed the bills as so amended.

April 7, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB03-1163, amended as printed in House Journal, April 4, pages 1462-1463, and amended on Third Reading as printed in House Journal, April 7.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB03-1170, amended as printed in House Journal, April 4, page 1463, and amended on Third Reading as printed in House Journal, April 7.

MESSAGE FROM THE REVISOR OF STATUTES

April 7, 2003

We herewith transmit:

Without comment, HB03-1209.

Without comment, as amended, HB03-1004, 1138, 1341, 1163, and 1170.

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INTRODUCTION OF BILL--FIRST READING

The following bill was read by title and referred to the committee indicated:

HB03-1073 by Representative(s) Smith; also Senator(s) Entz--Concerning clarification of the types of aircraft that are exempt from the excise tax imposed on gasoline in Colorado.
Transportation

SENATE SERVICES REPORT

Senate Services Correctly reengrossed: SB03-259, 260, 266, 268, 274, 275, 276, 278, 279, 280, 284, 286, 287, 288, 290, 291, 292, 295, 296, 297, 299, 302, 305.

Correctly revised: HJR03-1045.

Correctly rerevised: HB03-1001.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR03-031.

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill No. 03-258, the Long Appropriation Bill:

The Friday, March 28 deadline (the 80th legislative day) for passage of the Long Appropriation Bill in the Senate as extended until Monday, April 7, 2003 (the 90th legislative day) is further extended until Wednesday, April 9, 2003 (the 92nd legislative day).

The Friday, April 4 deadline (the 87th legislative day) for passage of the Long Appropriation Bill in the House as extended until Monday, April 14, 2003 (the 97th legislative day) is further extended until Wednesday, April 16, 2003 (the 99th legislative day).

The Friday, April 11 deadline (the 94th legislative day) for adoption of the conference committee report on the Long Appropriation Bill as extended until Friday, April 18, 2003 (the 101st legislative day) is further extended until Monday, April 21, 2003 (the 104th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed)
Representative Spradley
Speaker of the House of Representatives

(signed)
Senator Andrews
President of the Senate

(signed)
Representative King
House Majority Leader

(signed)
Senator Anderson
Senate Majority Leader

(signed)
Senator Fitz-Gerald
Senate Minority Leader

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TRIBUTES

Honoring Fountain, Colorado -- by Senator McElhany.

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 April 7, was laid over until Tuesday, April 8, retaining its place on the calendar.

- Third Reading--Final Passage: HB03-1303.
- Consideration of Resolutions: SJR03-032, HJR03-1032, HJR03-1041.
- Consideration of Memorial: SJM03-002.
- Consideration of House Amendments to Senate Bills: SB03-038, SB03-088, SB03-044, SB03-106, SB03-079, SB03-235, SB03-058.
- Consideration of Governor's Vetoes: SB03-207.
- Consideration of Governor's Appointments:
 - Member of the Board of Trustees for Fort Lewis College;
 - Members of the Mined Land Reclamation Board;
 - Members of the Colorado Student Obligation Bond Authority Board of Directors.
- Consideration of Conference Committee: HB03-1103.
- Conference Committees to Report: HB03-1161, HB03-1301, HB03-1025, HB03-1224, HB03-1003, HB03-1005, SB03-226, SB03-098, HB03-1111, SB03-009.
- Request for Conference Committees: SB03-065, HB03-1240, HB03-1172, HB03-1218, HB03-1007, HB03-1305, HB03-1092, HB03-1237, SB03-113, SB03-126, SB03-007.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Tuesday, April 8, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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