

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

Fiftieth Legislative Day

Wednesday, February 26, 2003

Prayer By the chaplain, Reverend Chris Taylor.

Pledge By Senator Takis.

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

Roll Call Present--35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grossman, reading of the Journal of February 25, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor After consideration on the merits, the Committee recommends that **HB03-1098** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 5, line 1, strike "NOT LATER THAN JULY 1, 2003," and substitute "AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION,";

line 7, strike "No later than April 1, 2002" and substitute "~~No later than April 1, 2002~~ AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION,";

line 8, strike "2003,".

Page 6, line 17, strike "Beginning not later than July 1, 2002 2003," and substitute "~~Beginning not later than July 1, 2002~~ AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION,".

Business Affairs and Labor After consideration on the merits, the Committee recommends that **HB03-1047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 15 through 25 and substitute the following:

"SECTION 2. Applicability. This act shall apply to all contracts entered into on or after the effective date of this act.

SECTION 3. 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.".

Business Affairs and Labor After consideration on the merits, the Committee recommends that **HB03-1088** be postponed indefinitely.

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**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-185**

THIS REPORT ADOPTS THE
REENGROSSED BILL

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

Your first conference committee appointed on SB03-185,
concerning the establishment of a tax amnesty program whereby
taxpayers may pay overdue tax liabilities without penalty for a limited
time, and making an appropriation in connection therewith, has met and
reports that it has agreed upon the following:

That the House recede from its amendments made to the bill and
that the reengrossed bill be adopted without change.

Respectfully submitted,

Senate Committee:	House Committee:
(Signed)	(Signed)
Senator Owen, Chairman	Representative Young, Chairman
Senator Teck	Representative Plant
Senator Reeves	Representative Witwer

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-175**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB03-175,
concerning prescribing the use of the nursing home penalty cash fund,
and making an appropriation in connection therewith, has met and reports
that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the
bill, as said amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider
matters not at issue between the two houses, the following amendments
be recommended:

Amend rerevised bill, page 2, strike lines 10 and 11 and substitute the
following:

"HOME PENALTY CASH FUND MAY BE USED FOR INSPECTING AND
INVESTIGATING COMPLAINTS OF NURSING";

line 13, strike "C.R.S.; AND" and substitute "C.R.S., OR PURSUANT TO
FEDERAL LAW.";

strike lines 14 and 15.

Page 3, strike lines 5 through 14.

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SB03-175

Renumber succeeding sections accordingly.

Page 6, line 13, in the GENERAL FUND column, strike "624,860(M)" and substitute "566,346(M)" and in the CASH FUNDS column, strike "500,000(H)" and substitute "558,514(H)".

Page 9, line 12, in the CASH FUNDS column, strike "\$751,563" and substitute "\$751,563" and in the CASH FUNDS EXEMPT column, strike "\$186,737,806^a" and substitute "\$186,737,806^b";

line 13, in the GENERAL FUND column, strike "\$1,180,436,543^a" and substitute "\$1,180,378,029^a", in the CASH FUNDS column, insert "\$1,310,077", and, in the CASH FUNDS EXEMPT column, strike "\$187,237,806^b".

Adjust affected (T) notation totals accordingly.

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Reeves
Senator Teck

House Committee:
(Signed)
Representative Young, Chairman
Representative Plant
Representative Witwer

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-183**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB03-183, concerning the modification of certain preschool through twelfth grade public education programs, and making appropriations in connection therewith, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 10, strike line 22 and substitute the following:

"(II) A LIST OF ALL MONEYS EXPENDED, ENCUMBERED, OR OBLIGATED AS OF JANUARY 31, 2003,";

line 23, strike "OF THIS SUBSECTION (4.5)";

line 27, strike "EXPENDITURES" and substitute "EXPENDITURES, ENCUMBRANCES, OR OBLIGATIONS".

Page 11, strike lines 2 through 11 and substitute the following:

"(c) ONCE A CHARTER SCHOOL EXPENDS AMOUNTS THAT WERE ENCUMBERED OR OBLIGATED AS OF JANUARY 31, 2003, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (4.5), THE";

line 14, strike "FROM THE";

strike lines 15 through 19;

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SB03-183

after line 23, insert the following:

"(e) OF THE AMOUNT OF STATE EDUCATION FUND MONEYS APPROPRIATED FOR THE 2002-03 BUDGET YEAR PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4.5), ANY AMOUNT NOT DISTRIBUTED PURSUANT TO PARAGRAPH (b) OR (c) OF THIS SUBSECTION (4.5) SHALL REMAIN IN THE STATE EDUCATION FUND; EXCEPT THAT UP TO FIVE HUNDRED THOUSAND DOLLARS OF SUCH AMOUNT SHALL BE ALLOCATED AND DISTRIBUTED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-123.5 AMONG DISTRICTS PARTICIPATING IN THE SCHOOL BREAKFAST PROGRAM."

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 6, line 4, strike "amended" and substitute "amended, and the said 22-54-117 (1.6) is further amended BY THE ADDITION OF A NEW PARAGRAPH,";

line 18, strike "EIGHT MILLION FOUR HUNDRED" and substitute "FIVE MILLION dollars.";

strike line 19 and substitute the following:

"(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE CONTRARY, FOR EACH CALENDAR MONTH OF THE 2002-03 FISCAL YEAR, THROUGH JUNE 30, 2003, ONCE THE TRANSFER REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (1.6) IS MADE, THE STATE TREASURER SHALL TRANSFER FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.6) TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE DESCRIBED IN SUBSECTION (1.5) OF THIS SECTION AN AMOUNT EQUAL TO THE MONEYS TRANSFERRED TO SAID CONTINGENCY RESERVE DURING SUCH CALENDAR MONTH NO LATER THAN THE LAST DAY OF THE MONTH IN WHICH SUCH MONEYS WERE TRANSFERRED TO SAID CONTINGENCY RESERVE. HOWEVER, THE TOTAL AMOUNT OF MONEYS TRANSFERRED FROM THE CONTINGENCY RESERVE CREATED IN THE STATE PUBLIC SCHOOL FUND TO THE SCHOOL CAPITAL CONSTRUCTION EXPENDITURES RESERVE PURSUANT TO THIS PARAGRAPH (c) SHALL NOT EXCEED THREE MILLION FOUR HUNDRED NINETY-NINE THOUSAND NINE HUNDRED FORTY DOLLARS."

Page 11, line 25, strike "amended" and substitute "amended, and the said 22-54-123.5 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 12, after line 13, insert the following:

"(3) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, APPROPRIATING STATE MONEYS TO SCHOOL DISTRICTS THAT ARE PROVIDING A SCHOOL BREAKFAST PROGRAM TO ASSIST THE DISTRICTS IN CREATING, EXPANDING, OR ENHANCING THE SCHOOL BREAKFAST PROGRAM IN EACH LOW-PERFORMING SCHOOL IN THE DISTRICT WITH THE GOAL OF IMPROVING THE ACADEMIC PERFORMANCE OF STUDENTS ATTENDING THOSE SCHOOLS IS AN IMPORTANT ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND CONSTITUTES AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS. THEREFORE, SCHOOL DISTRICTS THAT PROVIDE A SCHOOL BREAKFAST PROGRAM IN LOW-PERFORMING SCHOOLS MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION."

Page 13, line 9, after "12.", insert "Repeal.";

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SB03-183

strike line 10 and substitute the following:

"repealed as follows:".

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Reeves
Senator Teck

House Committee:
(Signed)
Representative Young, Chairman
Representative Plant
Representative Witwer

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-190**

THIS REPORT AMENDS THE
REENGROSSED BILL

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

Your first conference committee appointed on SB03-190, concerning tobacco litigation settlement moneys received by the state, and, in connection therewith, reallocating the moneys for the 2002-03 fiscal year for the purpose of augmenting the state general fund, providing authorization for the state treasurer to invest moneys transferred on July 5, 2002, from the tobacco litigation settlement trust fund to the general fund in any manner in which the trust fund moneys may be invested, and modifying appropriations for the 2002-03 fiscal year, has met and reports that it has agreed upon the following:

That the House recede from its amendments made to the bill, as said amendments appear in the rerevised bill, and that the following amendments be substituted therefor:

Amend reengrossed bill, page 3, line 1, strike "TWENTY-NINE MILLION SIXTY-TWO";

line 2, strike "THOUSAND FOUR HUNDRED EIGHTY-SIX" and substitute "THIRTY-THREE MILLION TWO HUNDRED TWENTY-SIX THOUSAND SEVEN HUNDRED SEVENTY-EIGHT".

Page 6, line 5, strike "SEVEN MILLION THIRTEEN THOUSAND";

line 6, strike "TWO HUNDRED TWENTY-TWO" and substitute "THREE MILLION";

line 9, strike "THIRTEEN MILLION ONE HUNDRED FORTY-NINE THOUSAND";

line 10, strike "SEVEN HUNDRED NINETY-THREE" and substitute "TWELVE MILLION NINE HUNDRED NINETY-EIGHT THOUSAND SEVEN HUNDRED TWENTY-THREE".

Page 24, line 13, in the ITEM & SUBTOTAL column, strike "49,375,427" and substitute "45,362,205" and in the CASH FUNDS EXEMPT column, strike "7,670,753" and substitute "3,657,531".

Page 25, line 1, in the ITEM & SUBTOTAL column, strike "585,186,702" and substitute "581,173,480";

line 5, strike "\$7,013,222" and substitute "\$3,000,000";

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SB03-190

line 12, in the TOTAL column, strike "1,407,587,871" and substitute "1,403,574,649".

Page 26, line 1, in the TOTAL column, strike "\$1,624,856,167" and substitute "\$1,620,842,945" and in the CASH FUNDS EXEMPT column, strike "\$86,103,338^a" and substitute "\$82,090,116^a".

Page 29, line 13, in the ITEM & SUBTOTAL column, strike "13,149,793" and substitute "12,998,723" and in the CASH FUNDS EXEMPT column, strike "13,149,793^b" and substitute "12,998,723^b".

Page 30, line 1, in the ITEM & SUBTOTAL column, strike "12,503,297" and substitute "12,352,227" and in the CASH FUNDS EXEMPT column, strike "12,503,297^a" and substitute "12,352,227^a";

line 7, in the ITEM & SUBTOTAL column, strike "26,967,552" and substitute "26,665,412".

Page 31, line 13, in the TOTAL column, strike "48,657,672" and substitute "48,355,532".

Page 32, line 4, in the TOTAL column, strike "\$277,718,254" and substitute "\$277,416,114" and in the CASH FUNDS EXEMPT column, strike "\$77,701,661^b" and substitute "\$77,399,521^b".

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Teck
Senator Reeves

House Committee:
(Signed)
Representative Witwer, Chairman
Representative Young
Representative Plant

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-200**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB03-200,
concerning a supplemental appropriation to the department of corrections,
has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill,
as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 28, line 7, in the ITEM & SUBTOTAL
column, strike "3,632,632" and substitute "4,137,686" and, in the
GENERAL FUND column, strike "2,632,632" and substitute
"3,137,686".

Adjust affected totals accordingly.

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SB03-200

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Teck
Senator Reeves

House Committee:
(Signed)
Representative Young, Chairman
Representative Witwer
Representative Plant

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-203**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB03-203,
concerning a supplemental appropriation to the department of health care
policy and financing, has met and reports that it has agreed upon the
following:

That the Senate accede to the House amendments made to the bill,
as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 29, line 2, in the ITEM & SUBTOTAL
column, strike "4,673,651" and substitute "4,645,048", in the GENERAL
FUND column, strike "2,336,826(M)" and substitute "2,322,524(M)"
and, in the FEDERAL FUNDS column, strike "2,336,825" and substitute
"2,322,524".

Adjust affected totals accordingly.

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Teck
Senator Reeves

House Committee:
(Signed)
Representative Young, Chairman
Representative Witwer
Representative Plant

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-205**

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on SB03-205,
concerning a supplemental appropriation to the department of human
services, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill,
as said amendments appear in the rerevised bill, with the following
changes:

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SB03-205

Amend rerevised bill, page 19, line 1, in the ITEM & SUBTOTAL column, strike "19,775,158" and substitute "19,446,045" and, in the GENERAL FUND column, strike "12,540,781" and substitute "12,211,668";

line 4, in the ITEM & SUBTOTAL column, strike "520,854" and substitute "344,913" and, in the GENERAL FUND column, strike "520,854" and substitute "344,913".

Adjust affected totals accordingly.

Page 21, line 15, in the ITEM & SUBTOTAL column, strike "71,554,381" and substitute "71,339,103".

Page 22, line 2, in the ITEM & SUBTOTAL column, strike "(1,260.5 FTE)" and substitute "(1,257.5 FTE)";

line 4, in the ITEM & SUBTOTAL column, strike "8,533,206" and substitute "8,502,691".

Page 23, line 3, in the ITEM & SUBTOTAL column, strike "83,876,632" and substitute "83,630,839", in the GENERAL FUND column, strike "58,269,487^a" and substitute "58,085,737^a", in the CASH FUNDS column, strike "3,179,299^b" and substitute "3,170,229^b", and, in the CASH FUNDS EXEMPT column, strike "22,427,846^c" and substitute "22,374,873^c";

line 7, strike "\$2,695,731" and substitute "\$2,686,661";

line 8, strike "\$19,919,776" and substitute "\$19,866,803";

line 10, strike "\$7,452,807" and substitute "\$7,428,437";

line 12, strike "\$3,984,829(T)" and substitute "\$3,956,226(T)".

Adjust affected totals and affected (T) notation totals accordingly.

Respectfully submitted,

Senate Committee:
(Signed)
Senator Owen, Chairman
Senator Teck
Senator Reeves

House Committee:
(Signed)
Representative Young, Chairman
Representative Witwer
Representative Plant

MESSAGE FROM THE HOUSE

February 25, 2003

Mr. President:

The House has adopted the First Report of the First Conference Committee on SB03-185, as printed in House Journal, February 17, page 769, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-175, as printed in House Journal, February 17, pages 766-767, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to reject the First Report of the First Conference Committee on SB03-183, and requests the Conferees be discharged and that a Second Conference Committee be appointed. The Speaker has appointed Representative(s) Young, chairman, Witwer and Plant as conferees on the Second Conference Committee. The bill is returned herewith.

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The House has adopted the First Report of the First Conference Committee on SB03-190, as printed in House Journal, February 24, pages 900-902, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-200, as printed in House Journal, February 24, page 902, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-203, as printed in House Journal, February 24, pages 902-903, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-205, as printed in House Journal, February 24, pages 903-904, and has repassed the bill as so amended. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

February 25, 2003

We herewith transmit:

Without comment, as amended, HB03-1244, 1308, and 1255.

With comment, as amended, HB03-1294.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committee indicated:

SJR03-023 by Senator(s) Hanna, Hagedorn; --Concerning the enactment of legislation to guarantee access to health care to all Coloradans.
State Veterans & Military Affairs

HJR03-1018 by Representative(s) Berry; also Senator(s) Chlouber--Concerning American heart month.
Laid over one day under Senate Rule 30(e).

HJR03-1019 by Representative(s) Spradley; also Senator(s) Kester--Concerning the General Assembly's endorsement of the Colorado 64 water principles.

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

INTRODUCTION OF BILLS--FIRST READING

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

SB03-237 by Senator(s) Anderson; also Representative(s) Pommer--Concerning moneys for the repayment of school district obligations.
Education

HB03-1087 by Representative(s) Veiga; also Senator(s) Gordon--Concerning requirements related to student transfers, and, in connection therewith, adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends an unsatisfactory school, as defined by section 22-7-604 (1), shall have priority over any other applicant for enrollment purposes.
Education

HB03-1244 by Representative(s) Ragsdale; also Senator(s) Tapia--Concerning penalties imposed for committing the crime of defacing property.
Judiciary

- HB03-1255** by Representative(s) Stafford, Williams S.; also Senator(s) Johnson S.--Concerning the enhancement of patient safety through the confidential analysis of health care information by nongovernmental patient safety organizations.
Health, Environment, Welfare & Institutions
- HB03-1294** by Representative(s) Stafford, Williams S.; also Senator(s) McElhany--Concerning health insurance for employers with fewer than fifty-one employees.
Business Affairs & Labor
- HB03-1295** by Representative(s) Spradley, Veiga; also Senator(s) Kester, Phillips--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service in the state.
Business Affairs & Labor
Appropriations
- HB03-1308** by Representative(s) Decker; also Senator(s) Jones--Concerning property tax interest rates.
Finance

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:

- SB03-106** by Senator(s) Jones, May R.; also Representative(s) Larson--Concerning third-party damages subject to subrogation in claims that are paid pursuant to the "Workers' Compensation Act of Colorado".

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

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

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

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

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

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

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

Co-sponsors added: Hanna and Sandoval.

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

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

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

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

Co-sponsors added: Evans, Fitz-Gerald, Groff, Hanna, Keller, Sandoval, Tapia, and Windels.

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

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

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

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

Co-sponsors added: Fitz-Gerald.

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

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

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

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

Co-sponsors added: Groff, Hanna, Sandoval, and Tapia.

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 Conference Committee Reports.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB03-175 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning prescribing the use of the nursing home penalty cash fund, and making an appropriation in connection therewith.

Senator Owen moved for the adoption of the First Report of the First Conference Committee on SB03-175, as printed in Senate Journal, February 26, pages 478-479. The motion was adopted by the following roll call vote:

Table with 4 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list names and their votes: Anderson, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Windels, Mr. President.

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

Table with 4 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0). Rows list names and their votes: Anderson, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Windels, Mr. President.

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

SB03-183 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- Concerning the modification of certain preschool through twelfth grade public education programs, and making appropriations in connection therewith.

Senator Reeves moved to accede to the request of the House and that the Senate discharge the First Conference Committee on SB03-183 and that a new Conference Committee be appointed. The motion was adopted.

The President appointed Senators Reeves, Chairman, Owen, and Teck as Senate Confereres to the Second Conference Committee on SB03-183.

SB03-185 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning the establishment of a tax amnesty program whereby taxpayers may pay overdue tax liabilities without penalty for a limited time, and making an appropriation in connection therewith.

Senator Teck moved for the adoption of the First Report of the First Conference Committee on SB03-185, as printed in Senate Journal, February 26, page 478. The motion was adopted by the following roll call vote:

SB03-185

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

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

SB03-190

by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young--
Concerning tobacco litigation settlement moneys received by the state, and, in connection
therewith, reallocating the moneys for the 2002-03 fiscal year for the purpose of
augmenting the state general fund, providing authorization for the state treasurer to invest
moneys transferred on July 5, 2002, from the tobacco litigation settlement trust fund to the
general fund in any manner in which the trust fund moneys may be invested, and modifying
appropriations for the 2002-03 fiscal year.

Senator Owen moved for the adoption of the First Report of the First Conference
Committee on **SB03-190**, as printed in Senate Journal, February 26, pages 481-482. The
motion was **adopted** by the following roll call vote:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	Y	Reeves	Y		

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	Y	Reeves	Y		

SB03-190

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

SB03-200

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

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **SB03-200**, as printed in Senate Journal, February 26, pages 482-483. The motion was **adopted** by the following roll call vote:

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

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

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

Co-sponsors added: Kester.

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.

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **SB03-203**, as printed in Senate Journal, February 26, pages 483-484. The motion was **adopted** by the following roll call vote:

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

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

SB03-203

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Andrews, Isgar, Kester, and Tapia.

SB03-205

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

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **SB03-205**, as printed in Senate Journal, February 26, pages 483-484. The motion was **adopted** by the following roll call vote:

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

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

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

Co-sponsors added: Groff, Isgar, and Tapia.

SENATE SERVICES REPORT

Senate Services

Correctly engrossed: SB03-106.

Correctly reengrossed: SB03-006, 024, 037, 039, 099.

Correctly revised: HB03-1067, 1107, 1144, 1151.

Correctly enrolled: SJR03-010, 011, 013, 015.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB03-1302**.

CHANGE OF SPONSORSHIP

Due to the resignation of Senator Tate, the President announced the following change in bill sponsorship:

Senator Reeves to be the prime sponsor on **HB03-1095**.

INTRODUCTION OF RESOLUTION

SJR03-024

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning the certification by the general assembly of the amount of state education fund revenues that should be considered available for appropriation for the 2003-04 state fiscal year.

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

TRIBUTES

Memorializing Dr. John Mose Roberts--by Senator Anderson.

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 26, was laid over until Thursday, February 27, retaining its place on the calendar.

Second Reading--General Orders: SB03-074, SB03-021, SB03-141, SB03-041, SB03-032, SB03-073, SB03-110.

Consideration of Resolution: SJR03-022.

Consideration of Governor's Appointments:

Member of the Coal Mine Board of Examiners;

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

Members of the Read-To-Achieve Board.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Thursday, February 27, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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