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

One-hundred-sixth Legislative Day Wednesday, April 23, 2003

Prayer	By the chaplain, Reverend Kelby Cotton.
Pledge	By Senator Groff.
Call to Order	By the President at 9:00 a.m.
Roll Call	Present32. Absent/Excused3; Arnold, Evans, Takis. Present laterArnold, Evans, Takis.
Quorum	The President announced a quorum present.
Reading of	On motion of Senator Johnson, reading of the Journal of April 22, 2003 was

dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Agriculture, After consideration on the merits, the Committee recommends that **SB03-313** be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 14.

Strike pages 3 through 6.

Journal

Page 7, strike lines 1 through 23.

Renumber succeeding sections accordingly.

Page 8, strike lines 9 through 22 and substitute the following:

"CONSUMPTIVE USE OF AN ABSOLUTE WATER RIGHT FOR APPLICATION TO ANOTHER TYPE OR PLACE OF USE ON A TEMPORARY BASIS WITHOUT PERMANENTLY CHANGING THE WATER RIGHT.

(2) FOR PURPOSES OF THIS SECTION, "INTERRUPTIBLE WATER SUPPLY AGREEMENT" MEANS AN OPTION AGREEMENT BETWEEN TWO WATER RIGHT OWNERS WHEREBY:

(a) THE LOANING WATER RIGHT OWNER AGREES THAT, DURING THE TERM OF SUCH AGREEMENT, IT WILL STOP ITS USE OF THE LOANED WATER RIGHT FOR A SPECIFIED LENGTH OF TIME IF THE OPTION IS EXERCISED BY THE BORROWING WATER RIGHT OWNER IN ACCORDANCE WITH THE AGREEMENT; AND

(b) THE BORROWING WATER RIGHT OWNER MAY DIVERT THE LOANED WATER RIGHT FOR SUCH OWNER'S PURPOSES, SUBJECT TO THE".

Page 9, line 1, strike "IRRIGATION";

line 2, strike "FOR DOMESTIC OR MUNICIPAL PURPOSES".

SB03-313

Page 10, line 3, strike "IRRIGATION";

line 9, strike "IRRIGATION";

line 10, strike "FORMERLY IRRIGATED LANDS," and substitute "LAND WHERE THE WATER IS DECREED FOR USE, AND, IF THE LOANED WATER RIGHT IS BEING USED FOR IRRIGATION,";

line 11, strike "SOILS," and substitute "SOILS";

line 21, strike "EXERCISED" and substitute "OPERATED";

line 22, after "DROUGHT", insert "OR OTHER";

line 24, strike "OR" and substitute "AND";

strike lines 25 and 26 and substitute the following:

"(II) FOR A PERIOD OF NOT MORE THAN THREE YEARS IN A TEN-YEAR PERIOD, FOR WHICH ONLY A SINGLE APPROVAL IS REQUIRED. THE TEN-YEAR PERIOD SHALL BEGIN WITH THE GRANTING OF SUCH APPROVAL.".

Page 11, line 1, strike "AGREEMENT" and substitute "OPTION";

line 2, strike "SECTION." and substitute "SECTION; EXCEPT THAT THE OPTION MAY BE EXERCISED AT ANY TIME DURING 2003.";

line 12, after "THE", insert "APPROVAL OR";

line 15, after the period, add "THE WATER JUDGE SHALL HEAR AND DETERMINE SUCH APPEAL USING THE PROCEDURES AND STANDARDS SET FORTH IN SECTIONS 37-92-304 AND 37-92-305 FOR DETERMINATION OF MATTERS REREFERRED TO THE WATER JUDGE BY THE REFEREE. THE PROPONENT OF THE INTERRUPTIBLE SUPPLY AGREEMENT SHALL BE DEEMED TO BE THE APPLICANT FOR PURPOSES OF APPLICATION OF SUCH PROCEDURES AND STANDARDS. THE PARTY FILING THE APPEAL SHALL PAY A FEE TO THE WATER COURT TO COVER THE INCREASED COSTS ASSOCIATED WITH SUCH EXPEDITED APPEAL. MONEYS FROM SUCH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER AND DEPOSITED IN THE EXPEDITED WATER ADJUDICATION CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS IN THE FUND FOR THE JUDICIAL DEPARTMENT'S EXPEDITED ADJUDICATIONS PURSUANT TO THIS SUBSECTION (4).".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB03-106

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

Your first conference committee appointed on SB03-106, concerning third-party damages subject to subrogation in claims that are paid pursuant to the "Workers' Compensation Act of Colorado", 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:

SB03-106

Amend rerevised bill, page 3, line 25, strike "DAMAGES; AND" and substitute "DAMAGES; EXCEPT THAT, TO THE EXTENT THE TRIER OF FACT MAKES A SEPARATE AWARD FOR DISFIGUREMENT DAMAGES, THE RIGHT OF THE BENEFICIARY OF THE ASSIGNED INTEREST TO RECOVER FROM SUCH DISFIGUREMENT DAMAGES SHALL BE LIMITED TO THE AMOUNT THE BENEFICIARY OF THE ASSIGNED INTEREST PAID, OR IS OBLIGATED TO PAY, IN DISFIGUREMENT DAMAGES PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE; AND".

Page 7, line 23, after the period, insert "IF THE TRIER OF FACT MAKES A SEPARATE AWARD FOR DISFIGUREMENT DAMAGES, REIMBURSEMENT FROM SUCH DISFIGUREMENT DAMAGE AWARD SHALL BE LIMITED TO THE AMOUNT THE PARTY PAYING WORKERS' COMPENSATION BENEFITS PAID, OR IS OBLIGATED TO PAY, IN DISFIGUREMENT DAMAGES PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE.".

Respectfully submitted,

Senate Committee: (signed) Senator Jones, Chairman Senator May R. Senator Sandoval House Committee: (signed) Representative Larson, Chairman Representative Stengel Representative Miller

MESSAGES FROM THE HOUSE

April 22, 2003 Mr. President:

The House has adopted the First Report of the First Conference Committee on SB03-009, as printed in House Journal, April 18, pages 1812-1813, 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 SB03-275, as printed in House Journal, April 21, page 1858, 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 SB03-297, as printed in House Journal, April 21, pages 1840-1841, and has repassed the bill as so amended. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB03-1106, & 1322 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB03-1326 and requests that a conference committee be appointed. The Speaker has appointed Representatives Fritz, chairman, Spence, and Jahn as House conference on the First Conference Committee on HB03-1326. The bill is transmitted herewith.

April 22, 2003 Mr. President:

The House failed to pass SB03-051 on Second Reading. The bill is returned herewith.

April 22, 2003 Mr. President:

The House has voted to assent to the request of the Senate for a Second Conference Committee on HB03-1224. The Speaker has appointed Representatives Lee, chairman, Brophy, and Miller as House conference on the Second Conference Committee on HB03-1224. HJR03-1038

SB03-337

SB03-338

HB03-1329

HB03-1334

HB03-1344

HB03-1350

MESSAGE FROM THE REVISOR OF STATUTES

1 2 3 4 5 6 7 8 9 10 April 22, 2003 We herewith transmit: Without comment, HB03-1344 and 1350. Without comment, as amended, HB03-1329 and 1334. 11 12 13 Without comment, as amended, SB03-242, 006, 045, 068, 085, 141, and 238. 14 15 16 17 18 **INTRODUCTION OF RESOLUTION** The following resolution was read by title and referred to the committee indicated: by Representative(s) Spradley; also Senator(s) Kester--Concerning declaration of the week 19 of May 5, 2003, as Correctional Employees Appreciation Week. 20 Laid over one day under Senate Rule 30(e). 22 INTRODUCTION OF BILLS--FIRST READING 26 The following bills were read by title and referred to the committees indicated: 28 by Senator(s) Teck, Andrews, Anderson, Owen; also Representative(s) Mitchell-- 30 Concerning economic development incentives, and, in connection therewith, eliminating the 31 by Senator(s) Teck, Andrews, Anderson, Owen; also Representative(s) Mitchell--31 32 Concerning economic development incentives, and, in connection therewith, eliminating the insurance premium tax credit allowed to certified investors who make certified investments 33 in certified capital companies on or after January 31, 2004, prohibiting school district 34 35 36 37 boards of education from entering into new business incentive agreements, eliminating state payments currently made to school districts for the purpose of reimbursing the districts for property tax revenue reductions resulting from existing business incentive agreements, and establishing a tax credit for taxpayers who lose the benefit of existing business incentive 38 39 agreements or engage in business activity that the economic development commission determines should be supported by a credit. $\begin{array}{r} 40\\ 41\\ 42\\ 43\\ 44\\ 45\\ 46\\ 47\\ 49\\ 50\\ 51\\ 52\\ 53\\ 55\\ 56\\ 57\\ 58\\ 59\end{array}$ Finance by Senator(s) Grossman, Groff, Andrews; also Representative(s) Carroll, Mitchell--Concerning the authorization of certain charter schools focused on closing the academic achievement gap for academically low-achieving or at-risk pupils by the state board of education. Education by Representative(s) Rippy; also Senator(s) Johnson S.--Concerning additional funding to encourage the beneficial use of waste tires, and making an appropriation therefor. Health, Environment, Welfare & Institutions Appropriations by Representative(s) Mitchell; also Senator(s) Hillman--Concerning the state engineer's authority to approve the temporary operation of interruptible water supply agreements, and making an appropriation in connection therewith. Agriculture, Natural Resources & Energy Appropriations by Representative(s) Lee, Hefley, Mitchell, Plant; also Senator(s) Gordon, Evans--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending 60 or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the 61 language to reflect the legislative intent of the laws. 62 63 Judiciary 64 by Representative(s) Rippy; also Senator(s) Dyer--Concerning the electronic publication of 65 administrative rule-making materials by the secretary of state. 66 State Veterans & Military Affairs 67

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:

HB03-1089 by Representative(s) Mitchell; also Senator(s) Taylor--Concerning reimbursement to owners whose property is acquired by a condemning authority in eminent domain proceedings.

Laid over until Thursday, April 24, retaining its place on the calendar.

SB03-314 by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the placement of children who are part of a sibling group.

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

YES	20	NO	13	EXCUSED	2		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	N
Arnold	Y	Grossman	Ν	Lamborn		Y	Takis	Ν
Cairns	Y	Hagedorn	Y	Linkhart		Ν	Tapia	Ν
Chlouber	Y	Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany			Teck	Y
Entz	Ν	Isgar		Nichol		Y	Tupa	E
Evans		Johnson	Y	Owen		Y	Windels	Ν
Fitz-Gerald	Ν	Jones	Y	Phillips		Ν	Mr. President	Y
Gordon	Ν	Keller	Ν	Reeves		Ν		

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

Co-sponsors added: Andrews.

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

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE STATE HOUSING BOARD

for term expiring January 31, 2007:

E. Michael Rosser of Aurora, Colorado, to serve as a member from the Seventh Congressional District and as a Republican, appointed;

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans		Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y	-	

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

MEMBERS OF THE COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2007:

Richard O. Schroeder of Highlands Ranch, Colorado, to serve as a representative of the business community, appointed;

Lisa M. Dowdney of Leadville, Colorado, to serve as a representative of a local government entity, appointed.

YES	34	NO	0	EXCUSED	1		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		Hanna	Y	May			Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y	Teck	Y
Dyer Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	E	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves		Y		

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

<u>MEMBERS OF THE</u> <u>COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES</u>

for terms expiring March 23, 2007:

John K. Coors of Evergreen, Colorado, to serve as a representative of graduates, reappointed;

David J. Wagner of Englewood, Colorado, to serve as a representative of non-graduates, reappointed.

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany	•	Y Teck	Y
Entz	Y	Isgar	Y	Nichol		Y Tupa	Y
Evans	E	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	-	Y Mr. President	Y
Gordon	Y	Keller		Reeves	7	Y	

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

UNIVERSITY OF COLORADO HOSPITAL AUTHORITY BOARD OF DIRECTORS

for term effective March 1, 2003 and continuing until February 28, 2007 (or until his/her successor is appointed by the Board of Regents:

Timothy J. "Tim" Travis as resident of the Seventh Congressional District;

Elizabeth Hoffman, Ph.D., as a resident of the Second Congressional District.

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y Teck	Y
Entz	Y	Isgar		Nichol		Y Tupa	Y
Evans	E	- 9	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y Mr. Preside	ent Y
Gordon	Y	Keller	Y	Reeves		Y	

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

MEMBERS OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION

for terms expiring June 30, 2007:

George R. Turner of Canon City, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Joel C. Ehrlich of Nederland, Colorado, to serve as a Democrat from the Second Congressional District, reappointed.

YES	34	NO	0	EXCUSED	1		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		Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany			Teck	Y
Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	E	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves		Y		

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

MEMBERS OF THE COVERCOLORADO BOARD OF DIRECTORS

for terms expiring July 1, 2006:

John P. Hopkins of Grand Junction, Colorado, to serve as a representative of a health maintenance organization, reappointed;

Judith M. Jung of Denver, Colorado, to serve as a representative of a sickness and accident insurance carrier, reappointed.

YES	34	NO	0	EXCUSED	1	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
Dyer Entz	Y	Isgar	Y	Nichol		Y Tupa	Y
Evans	E	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y Mr. President	Y
Gordon	Y	Keller	Y	Reeves		Y	

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB03-1253 by Representative(s) Stengel, Briggs, Coleman, Larson, Ragsdale, Stafford; also Senator(s) Kester--Concerning the prevention of discriminatory trade practices in the payment of motor vehicle insurance claims for the repair of damaged motor vehicles.

Senator Kester moved for the adoption of the First Report of the First Conference Committee on **HB03-1253**, as printed in Senate Journal, April 18, page 1095. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y Teck	Y
Entz	Y	Isgar		Nichol		Y Tupa	Y
Evans		Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y Mr. President	Y
Gordon	Y	Keller		Reeves		Y	

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

YES	29	NO	5	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Ν	Takis	Y
Cairns	Ν	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber		Hanna	Y	May	Ν	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Ν	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	E	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**.

HB03-1305 by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning standards of conduct regarding dead human bodies.

Senator Johnson moved for the adoption of the First Report of the First Conference Committee on **HB03-1305**, as printed in Senate Journal, April 21, pages 1120-1121. The motion was **adopted** by the following roll call vote:

		-	-				-
YES	34	NO	0	EXCUSED	1	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		Nichol	Y	Tupa	Y
Evans		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:

HB03-1305

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman		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	E	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller		Reeves	Y		

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

HB03-1025 by Representative(s) Frangas; also Senator(s) Keller--Concerning the option of addressing any special education history in a juvenile adjudication proceeding.

Senator Keller moved for the adoption of the First Report of the First Conference Committee on **HB03-1025**, as printed in Senate Journal, April 21, pages 1122-1123. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1		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		Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y	Teck	Y
Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans		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	0	EXCUSED	1		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		Hanna	Y	May			Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y	Teck	Y
Dyer Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	E	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**.

HB03-1092 by Representative(s) White, Hoppe, Rippy, Wiens; also Senator(s) Anderson--Concerning management of Colorado's state-owned forested land.

Senator Anderson moved for the adoption of the First Report of the First Conference Committee on **HB03-1092**, as printed in Senate Journal, April 22, pages 1164-1165. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn			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		Nichol		Y	Tupa	Y
Evans	E	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y	Mr. President	Y
Gordon	Y	Keller		Reeves		Y		

HB03-1092

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

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y Teck	Y
Entz	Y	Isgar		Nichol		Y Tupa	Y
Evans		Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y Mr. President	Y
Gordon	Y	Keller		Reeves		Y	

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

RECALL OF HB03-1294

Senator Anderson moved for recall of **HB03-1294** from the House of Representatives for purpose of reconsideration. The motion was passed by unanimous consent. The bill was ordered recalled.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Conference Committees: **SB03-297**, **SB03-275**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB03-297 by Senator(s) Owen, Reeves, Teck; also Representative(s) Plant, Witwer, Young--Concerning a reduction in the level of funding provided from the state general fund for certain activities of the department of agriculture, and, in connection therewith, creating an inspection and consumer services cash fund and granting authority to the agricultural commission to set fees for the support of such activities and making an appropriation.

> Senator Owen moved for the adoption of the First Report of the First Conference Committee on **SB03-297**, as printed in Senate Journal, April 21, page 1112 The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	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		Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar		Nichol	Y	Tupa	Y
Evans	E	Johnson	Y	Owen	Y	Tupa 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	0	EXCUSED	1	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		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany		Y Teck	Y
Entz	Y	Isgar	Y	Nichol		Y Tupa	Y
Evans	E	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y Mr. President	Y
Gordon	Y	Keller	Y	Reeves		Y	

SB03-297

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

SB03-275 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning the distribution of school accountability reports, and making an appropriation in connection therewith.

Laid over until later in the day, April 23, retaining its place on the calendar.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Consideration of Conference Committee: **SB03-009**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SB03-009 by Senator(s) Tupa, Anderson, Takis; also Representative(s) Coleman, Vigil, White, Williams T.--Concerning fingerprint-based criminal history record checks for emergency medical technician certificate applicants.

Senator Tupa moved for the adoption of the First Report of the First Conference Committee on **SB03-009**, as printed in Senate Journal, April 21, pages 1111-1112. The motion was **adopted** by the following roll call vote:

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

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

YES	34	NO	0	EXCUSED	1		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		Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman		McElhany		Y	Teck	Y
Dyer Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	E	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips		Y	Mr. President	Y
Gordon	Y	Keller		Reeves		Y		

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

SB03-275 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning the distribution of school accountability reports, and making an appropriation in connection therewith.

Senator Teck moved to **reject** the First Report of the First Conference Committee on **SB03-275**, as printed in Senate Journal, April 21, pages 1121-1122, that the First Conference Committee be dissolved, and that a Second Conference Committee be formed.

A majority of all members elected to the Senate having voted in the affirmative, the motion 66 was **adopted**.

SB03-275 The President appointed Senators Teck, Chairman, Owen, and Reeves as Senate Conferees on the Second Conference Committee on SB03-275.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB03-325** be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Amend printed bill, page 2, line 4, strike "IN" and substitute "CALLED INTO";

strike lines 5 through 18 and substitute the following:

"ARMY NATIONAL GUARD OF THE UNITED STATES, THE ARMY RESERVE, THE NAVAL RESERVE, THE MARINE CORPS RESERVE, THE AIR NATIONAL GUARD OF THE UNITED STATES, THE AIR FORCE RESERVE, OR THE COAST GUARD RESERVE WHO HAS BEEN ORDERED TO ACTIVE DUTY PURSUANT TO 10 U.S.C. SEC. 12301 (a) OR 12302 FOR A PERIOD OF MORE THAN THIRTY CONSECUTIVE DAYS IN A TIME OF WAR OR NATIONAL EMERGENCY DECLARED BY THE CONGRESS OR THE PRESIDENT OF THE UNITED STATES.";

line 19, strike "IN" and substitute "CALLED INTO";

line 25, after "(1)", insert "(a)";

line 26, after "older", insert "OR WHO IS A PERSON CALLED INTO MILITARY SERVICE";

line 27, strike "OR WHO IS A PERSON IN".

Page 3, strike line 1;

line 2, strike "UNDER THIS SECTION";

strike line 6 and substitute the following:

"before April 1 of each year";

after line 7, insert the following:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), A PERSON CALLED INTO MILITARY SERVICE AT ANY TIME BETWEEN JANUARY 1, 2003, AND JUNE 1, 2003, MAY DEFER THE PAYMENT OF REAL PROPERTY TAXES FOR THE PROPERTY TAX YEAR 2002 BY FILING A CLAIM PURSUANT TO THIS SECTION ON OR BEFORE JUNE 1, 2003.";

strike lines 8 and 9.

Renumber succeeding section accordingly.

Finance	After consideration on the merits, the Committee recommends that SB03-321 be referred to the Committee of the Whole with favorable recommendation.
Einenee	After consideration on the manites the Committee recommonds that SID02 011 he

Finance After consideration on the merits, the Committee recommends that **SJR03-044** be postponed indefinitely.

Trans-
portationAfter consideration on the merits, the Committee recommends that SB03-323 be referred
to the Committee of the Whole with favorable recommendation.

- Trans-
portationAfter consideration on the merits, the Committee recommends that **SB03-320** be referred
to the Committee of the Whole with favorable recommendation.
- Transportation After consideration on the merits, the Committee recommends that **HB03-1190** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 5, after "SHALL", insert "HAVE THE AUTHORITY TO DETERMINE THE AMOUNT OF AN APPLICATION FEE FOR SPECIAL EVENT LICENSE PLATES AND TO";

line 6, strike "A" and substitute "EACH";

line 7, strike "PAYABLE TO THE";

strike lines 8 and 9 and substitute the following:

"TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LICENSE PLATE CASH FUND, CREATED IN SECTION 42-3-113 (6).";

after line 15, insert the following:

"SECTION 3. 42-3-117.7, Colorado Revised Statutes, as enacted by section 2 of this act, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

42-3-117.7. Temporary special event license plates. (3) (a) The department shall have the authority to determine the AMOUNT OF AN APPLICATION FEE FOR EACH SPECIAL EVENT LICENSE PLATE AND TO DETERMINE THE FEE, NOT TO EXCEED TWENTY-FIVE DOLLARS, FOR THE ISSUANCE OF A TEMPORARY SPECIAL EVENT LICENSE PLATE, AND SUCH FEE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LICENSE PLATE CASH FUND, CREATED IN SUBSECTION (5) OF THIS SECTION.

(b) SALES OR USE TAX DUE IN CONNECTION WITH A SPECIAL EVENT LICENSE PLATE OR VEHICLE THAT WILL BE ISSUED SUCH PLATE SHALL BE PAID BEFORE THE SPECIAL EVENT LICENSE PLATE IS ISSUED.

(5) FEES COLLECTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LICENSE PLATE CASH FUND, WHICH FUND IS HEREBY CREATED. THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF REVENUE. MONEYS IN THE FUND SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE DIRECT COSTS INCURRED BY THE DEPARTMENT IN ISSUING LICENSE PLATES PURSUANT TO THIS ARTICLE. AT THE END OF EACH FISCAL YEAR, ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND SHALL REVERT TO THE HIGHWAY USERS TAX FUND CREATED IN SECTION 43-4-201 (1) (a), C.R.S.

SECTION 4. Effective date. (1) Section 42-3-117.7 (3) as enacted in section 2 of this act shall only take effect if Senate Bill 03-272 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law.

(2) Section 3 of this act shall only take effect if Senate Bill 03-272 is not enacted at the First Regular Session of the Sixty-fourth General Assembly and does not become law.".

Renumber succeeding section accordingly.

State, After consideration on the merits, the Committee recommends that **HB03-1209** be referred to the Committee of the Whole with favorable recommendation. Military Affairs

SENATE SERVICES REPORT

Senate Correctly printed: SB03-336. Services

Correctly engrossed: SB03-314.

Correctly reengrossed: SB03-255, 309, 310, 312, 315, 324.

Correctly revised: HB03-1089; HJR03-1040.

Correctly rerevised: HB04-1021, 1040, 1130, 1170, 1191, 1244, 1249, 1292.

Correctly enrolled: SB03-258, 259, 260, 261, 262, 263, 265, 266, 267, 271, 272, 273, 274, 276, 277, 278, 279, 280, 284, 285, 286, 287, 288, 290, 291, 292, 295, 296, 299, 300, 302.

To the Governor for signature on Tuesday, April 22, 2003, at 4:26 p.m., SB03-259, 260, 261, 262, 263, 265, 266, 274, 276, 277, 278, 279, 280, 285, 287, 288, 290, 292, 295, 296, 299, 302.

To the Governor for signature on Tuesday, April 22, 2003, at 4:38 p.m., SB03-267, 272, 273, 284, 286.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-258, 259, 260, 261, 262, 263, 265, 266, 267, 271, 272, 273, 274, 276, 277, 278, 279, 280, 284, 285, 286, 287, 288, 290, 291, 292, 295, 296, 299, 300, 302.

Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

Transportation After consideration on the merits, the Committee recommends that **HB03-1341** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 5, after "(4)", insert "(a)";

line 15, after "FEES", insert "FOR AN ANNUAL LICENSE, REGISTRATION, OR CERTIFICATE";

after line 17, insert the following:

"(b) This subsection (4) shall not be construed to prohibit the issuance of a license, registration, or certificate for more than twelve months if such authority is granted by statute.".

MESSAGE FROM THE HOUSE

April 23, 2003 Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1348, 1349.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1105, amended as printed in House Journal, April 22, page 1911. HB03-1342, amended as printed in House Journal, April 22, page 1912. HB03-1346, amended as printed in House Journal, April 22, page 1914. HB03-1340, amended as printed in House Journal, April 22, page 1914. HB03-1315, amended as printed in House Journal, April 22, page 1915.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-110 amended as printed in House Journal, April 21, page 1872 and amended on Third Reading as printed in House Journal, April 23.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-070, amended as printed in House Journal, April 22, page 1913. SB03-249, amended as printed in House Journal, April 22, pages 1913-1914. SB03-240, amended as printed in House Journal, April 22, page 1915. SB03-317, amended as printed in House Journal, April 22, page 1915.

In response to the request of the Senate for the reconsideration of HB03-1294, the bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 23, 2003

We herewith transmit:

Without comment, HB03-1348 and 1349. Without comment, as amended, HB03-1105, 1342, 1346, 1340, and 1315. Without comment, as amended, SB03-110, 070, 249, 240, and 317.

INTRODUCTION OF RESOLUTION

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

SJR03-048 by Senator(s) Johnson S., Isgar, Reeves; also Representative(s) McCluskey, Paccione--Concerning honoring Dr. Albert C. Yates, president of Colorado State University.

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

INTRODUCTION OF BILLS--FIRST READING

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

SB03-339 by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning the information required to be provided by the proponents of certain nonrecall, citizen-initiated petitions. State Veterans & Military Affairs

SB03-340 by Senator(s) May R.; --Concerning exemptions from registration under the "Colorado Charitable Solicitations Act". State Veterans & Military Affairs

MESSAGES FROM THE GOVERNOR

April 22, 2003

The Honorable Colorado House of Representatives Sixty-Fourth General Assembly First Regular Session Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State Senate Bill 03-107, "Concerning the Number of Days Simulcast Facilities May Broadcast Out-of-State Greyhound Races." I will neither sign or veto Senate Bill 03-107. Therefore, this bill becomes law at 12:01 A.M. on April 29, 2003. This letter sets forth my reasons for letting this bill become law without my signature.

This bill increases the number of days simulcast facilities can broadcast out-of-state25greyhound races. The purpose of this change is to place greyhound racing on a more equal26footing with horse racing by eliminating the disparity in the number of days simulcast27facilities that serve the two different types of racing may operate.28

As a strong opponent of gambling and the deleterious societal effects that it can produce, I am concerned by the fact that SB03-107 increases opportunities for wagering on greyhound racing. However, I also believe as a general matter that the state should not arbitrarily discriminate between essentially comparable forms of permitted activity. Unjustified state favoritism distorts the behavior of free markets and imposes unnecessary costs on consumers and society. In this case, distinguishing between greyhound racing and horse racing reflects no fundamental difference in the inherent relative worth of the regulated activities and thus serves no broader purpose.

Accordingly, I am allowing Senate Bill 03-107 to become law without my signature.

Sincerely, (signed) Bill Owens Governor Rec'd 04-23-03 11:25 a.m. Jaima M. Lindquist, Senate Staff

April 22, 2003

To the Honorable Senate Sixty-fourth General Assembly First Regular Session Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following acts:

S.B. 03-015 – Concerning Disclosure By A Health Care Provider To The Named Insured Of The Estimated Charges For Nonemergency Procedures Prior To The Scheduling Of Such Procedures.

Approved April 22, 2003 at 2:40 p.m.

S.B. 03-016 – Concerning The Prohibition Of Certain Persons Controlling An Industrial Bank.

Approved April 22, 2003 at 2:41 p.m.

S.B. 03-023 – Concerning The Creation Of Time Lines For Terminating The Parent-Child Legal Relationship Of Certain Children.

Approved April 22, 2003 at 2:45 p.m.

S.B. 03-036 – Concerning The Requirement Of Completion Of A Course On Civil Government For High School Graduation.

Approved April 22, 2003 at 2:46 p.m.

S.B. 03-044 – Concerning Restrictions On Post-Tenure Employment Of Former Members Of The General Assembly.

Approved April 22, 2003 at 2:47 p.m.

S.B. 03-056 – Concerning Membership In Plans Administered By The Fire And Police Pension Association.

Approved April 22, 2003 at 2:48 p.m.

S.B. 03-079 – Concerning Support Obligations.

Approved April 22, 2003 at 2:50 p.m.

S.B. 03-091 – Concerning Incentives For Increased Use Of Alternative Fuels, And, In Connection Therewith, Allowing Hybrid Vehicles To Use High Occupancy Vehicle Lanes And Requiring The Use Of Alternative Fuels For Certain State Vehicles.

Approved April 22, 2003 at 2:49 p.m.

S.B. 03-102 – Concerning Voter Identification.

Approved April 22, 2003 at 2:50 p.m.

S.B. 03-149 – Concerning Practices Relating To School Districts' Budgets.

Approved April 22, 2003 at 2:52 p.m.

S.B. 03-158 – Concerning The Sale Of Property Of A School District.

Approved April 22, 2003 at 2:55 p.m.

S.B. 03-231 – Concerning Product Liability Actions.

Approved April 22, 2003 at 3:00 p.m.

S.B. 03-233 – Concerning The Inclusion Of Employees Of A District Attorney In Specified Retirement Plans.

Approved April 22, 2003 at 3:01 p.m.

S.B. 03-237 – Concerning Moneys For The Repayment Of School District Obligations.

Approved April 22, 2003 at 3:02 p.m.

S.B. 03-241 – Concerning The Continuation Of The Regulation Of Certain Persons In The Business Of Automotive Sales, And, In Connection Therewith, Continuing The Regulatory Functions Of The Executive Director Of The Department Of Revenue Related To Motor Vehicle Sales.

Approved April 22, 2003 at 3:03 p.m.

Sincerely, (signed) Bill Owens Governor Rec'd 04-23-03 11:25 a.m. Jaima M. Lindquist, Senate Staff

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-246.

The President has signed: HB03-1121, 1211, 1256.

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 23, was laid over until Thursday, April 24, retaining its place on the calendar.

General Orders--Second Reading: HB03-1137, SB03-244, HB03-1314, SB03-257, HB03-1274, SB03-077, SB03-251, SB03-236, SB03-327. Consideration of Resolutions: SJR03-036, SJR03-038, HJR03-1043, SJR03-040, SJR03-042, SJR03-046, HJR03-1029. Consideration of Memorials: SJM03-006, SM03-001, SJM03-007, SJM03-008, SJM03-005. Consideration of Governor's Vetoes: SB03-207. Consideration of Conference Committee Reports: Conference Committees to Report: SB03-098, HB03-1111, SB03-065, HB03-1218, SB03-088, SB03-007, HB03-1237, HB03-1007, SB03-038, HB03-1219, SB03-113, SB03-106, SB03-282, SB03-268, HB03-1290, SB03-235, HB03-1172, HB03-1240, HB03-1228, SB03-248, HB03-1147, HB03-1301. Request for Conference Committees: HB03-1224.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Thursday, April 24, 2003.

Approved:

John Andrews President of the Senate

Attest:

Mona Heustis Secretary of the Senate