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

Eightieth Legislative Day

Friday, March 28, 2003

Prayer By the chaplain, Reverend Glen Hamlyn.

Pledge By Senator Phillips.

Call to Order

By the President at 9:00 a.m.

Roll Call Present-- 29.

Absent/Excused--6; Hagedorn, Isgar, Jones, Lamborn, McElhany, Taylor.

Present later--Isgar, McElhany, Taylor.

Quorum The President announced a quorum present.

Reading of Journal

On motion of Senator Kester, reading of the Journal of March 27, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health. Environment, Welfare & Institutions

The Committee on Health, Environment, Welfare, and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE STATE BOARD OF NURSING

for terms expiring July 1, 2005:

Linda L. Roan of Colorado Springs, Colorado, to serve as a representative of nursing education, reappointed;

Tammy C. Will of Platteville, Colorado, to serve as a licensed practical nurse, appointed;

Lois K. Lynch of Lakewood, Colorado, to serve as a hospital staff nurse, reappointed.

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be favorably referred to the Committee on Education:

MEMBERS OF THE COLORADO STUDENT OBLIGATION BOND AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2003:

Debra A. Baldwin of Cherry Hills Village, Colorado, to fill the vacancy occasioned by the resignation of Joanne G. Ballard, appointed;

effective July 31, 2002 for terms expiring July 31, 2006:

James B. Haass of Englewood, Colorado, appointed;

Gilbert D. Friesen of Westminster, Colorado, reappointed;

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Finance

After consideration on the merits, the Committee recommends that SB03-249 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, after line 23, insert the following:

"**SECTION 3.** 39-3-124, Colorado Revised Statutes, is amended to read:

39-3-124. Property used by governmental entity - installment sales or lease-purchase or leveraged lease agreement - exemption.

(1) Property, real and personal, which is used by the state or any of its political subdivisions pursuant to the provisions of any installment sales agreement, lease-purchase agreement, or any other agreement whereby the state or such political subdivision shall be entitled to acquire title to such property at the end of the agreement term without cost or for only nominal consideration shall be exempt from the levy and collection of property tax.

(2) A LEASEHOLD INTEREST IN REAL OR PERSONAL PROPERTY THAT IS OWNED BY THE STATE OR BY A POLITICAL SUBDIVISION OF THE STATE AND THAT HAS BEEN LEASED TO A PRIVATE PERSON, THE USE AND POSSESSION OF WHICH HAS BEEN LEASED BACK TO THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX DURING THE TERM OF THE USE AND POSSESSION OF THE PROPERTY BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE."

Renumber succeeding section accordingly.

Page 1, line 102, strike "AGREEMENTS." and substitute "AGREEMENTS, AND, IN CONNECTION THEREWITH, SPECIFYING THAT PROPERTY THAT IS THE SUBJECT OF A LEVERAGED LEASING AGREEMENT IS EXEMPT FROM PROPERTY TAXATION.".

MESSAGE FROM THE HOUSE

March 27, 2003

Mr. President:

The House has postponed indefinitely SB03-039. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1322, amended as printed in House Journal, March 26, page 1268.

MESSAGE FROM THE REVISOR OF STATUTES

March 28, 2003

We herewith transmit:

Without comment, as amended, HB03-1322.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

SR03-014 by Senator(s) Anderson, Andrews; --Concerning consideration of amendments to the FY 2003-04 general appropriation bill on second reading.

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

SJR03-032 by Senator(s) Windels; also Representative(s) McFadyen--Concerning recognition of May 24 as Colorado aviation maintenance technician day, and, in connection therewith, honoring the life of airplane mechanic Charles Edward Taylor.

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

HJR03-1025 by Representative(s) Coleman, Spradley, Cadman, Hoppe, Jahn, Stafford, Williams T.; also Senator(s) Gordon--Concerning Single Parents' Day.

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

HJR03-1031 by Representative(s) Marshall, Spradley, Veiga, Berry, Borodkin, Butcher, Clapp, Harvey, Hefley, Hoppe, Jahn, Madden, McFadyen, Miller, Paccione, Ragsdale, Rhodes, Romanoff, Tochtrop; also Senator(s) Fitz-Gerald, Anderson--Concerning honoring Women's History Month.

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

HJR03-1032 by Representative(s) Crane, Schultheis, Borodkin, Boyd, Briggs, Brophy, Cadman, Carroll, Cloer, Coleman, Decker, Fairbank, Frangas, Fritz, Garcia, Harvey, Hefley, Hoppe, Jahn, Johnson R., Judd, King, Larson, Lee, Lundberg, May M., McCluskey, Merrifield, Miller, Mitchell, Rhodes, Rippy, Rose, Salazar, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, Tochtrop, Vigil, White, Wiens, Williams S., Williams T., Witwer; also Senator(s) Lamborn, Phillips, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Hagedorn, Hillman, Johnson S., Jones, Kester, Taylor--Concerning an expression by the Colorado general assembly of solidarity with the State of Israel in its fight against terrorism.

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

HJR03-1034 by Representative(s) Madden, Spradley, Veiga, Williams T., Tochtrop; also Senator(s) Anderson, Fitz-Gerald--Concerning the General Assembly's support of the full investigation of the alleged sexual assaults at the United States Air Force Academy.

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:

- by Representative(s) Rhodes; also Senator(s) McElhany--Concerning the clarification of responsibilities related to compensation for employment. Business Affairs & Labor
- by Representative(s) Mitchell; also Senator(s) Kester--Concerning changes in the HB03-1322 procedures for workers' compensation hearings. Business Affairs & Labor
- HB03-1325 by Representative(s) Vigil; also Senator(s) Tapia--Concerning the types of matches that make a participant a professional boxer. State Veterans & Military Affairs

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length 60 having been dispensed with by unanimous consent:

by Representative(s) Judd; also Senator(s) Lamborn--Concerning technical modifications to HB03-1237 the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law.

Laid over until Monday, March 31, retaining its place on the calendar.

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

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	•	Y Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	I	E Takis	Y
Cairns	Y	Hagedorn	E	Linkhart	1	N Tapia	Y
Chlouber		Hanna	Y	May	<u> </u>	Y Taylor	Y
Dver	Y	Hillman	Y	McElhany		Y Teck	Y
Dyer Entz	Y	Isgar		Nichol	7	Y Tupa	Y
Evans	Y	Johnson	Y	Owen	7	Y Windels	Y
Fitz-Gerald	N	Jones	E	Phillips	7	Mr. President	Y
Gordon	N	Keller	Y	Reeves	7	<i>Y</i>	

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

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Evans, and Johnson.

HB03-1303 by Representative(s) Crane; also Senator(s) Lamborn--Concerning crimes involving the unauthorized use of communication devices, and, in connection therewith, making an appropriation.

Laid over until Monday, March 31, retaining its place on the calendar.

HB03-1263 by Representative(s) Plant; also Senator(s) Owen, Teck--Concerning the granting of parole to special needs offenders.

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

YES	29	NO	3	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	7	Y Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	E	E Takis	Y
Cairns	Y	Hagedorn	E	Linkhart	}	7 Tapia	Y
Chlouber	Y	Hanna	N	May		Y Taylor	Y
Dyer	Y	Hillman	Y	McElhany	}	Y Teck	Y
Entz	Y	Isgar	Y	Nichol	}	7 Tupa	Y
Evans	Y	Johnson	Y	Owen	}	Windels (N
Fitz-Gerald	Y	Jones	E	Phillips	}	Mr. President	Y
Gordon	Y	Keller		Reeves		<u> </u>	

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

Co-sponsors added: Arnold, Chlouber, Groff, Kester, and Linkhart.

HB03-1020 by Representative(s) Boyd; also Senator(s) Groff--Concerning forgery.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	,	Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen	,	Y Windels	Y
Fitz-Gerald	Y	Jones	E	Phillips	•	Y Mr. Presiden	t 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: Grossman, Hanna, and Tapia.

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HB03-1251 by Representative(s) Boyd; also Senator(s) Cairns--Concerning the creation of the auto theft prevention authority.

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

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen		Y	Tupa Windels	Y
Fitz-Gerald	Y	Jones	E	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 was declared **passed**.

Co-sponsors added: Andrews, Arnold, Groff, Hanna, Hillman, and Nichol.

SB03-242 by Senator(s) Dyer; also Representative(s) Larson--Concerning membership of the peace officers standards and training board.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	Е	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	Y	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	E	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: Arnold, Entz, Evans, Keller, Kester, Tapia, Taylor, and Windels.

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

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

YES	32	NO	0	EXCUSED	3		ABSENT	0]
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y	1
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y	
Cairns	Y	Hagedorn	E	Linkhart		Y	Tapia	Y	
Chlouber		Hanna	Y	May		Y	Taylor	Y	
Dyer	Y	Hillman	Y	McElhany		Y	Teck	Y	r
Entz	Y	Isgar		Nichol		Y	Tupa	Y	r
Evans		Johnson	Y	Owen			Windels	Y	r
Fitz-Gerald	Y	Jones	Е	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 was declared **passed**.

Co-sponsors added: Groff and Hanna.

HB03-1159 by Representative(s) Paccione, Groff, Merrifield, Pommer, Spence, Williams S.; also Senator(s) Johnson S.--Concerning certification of education paraprofessionals.

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

HB03-1159

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Ŋ	' Sandoval	Y
Arnold	N	Grossman		Lamborn	E	Takis	Y
Cairns	N	Hagedorn	E	Linkhart	Y	Tapia Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	I Teck	Y
Entz	Y	Isgar		Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	E	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y	<i>T</i>	

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

Co-sponsors added: Hanna, Phillips, Tapia, Tupa, and Windels.

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

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

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	E	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: Arnold, Cairns, Gordon, Groff, Grossman, Hillman, Isgar, Kester, and Taylor.

by Senator(s) Groff, Johnson S., Kester; also Representative(s) Hefley--Concerning the SB03-245 protection of an innocent spouse from debts incurred by the other spouse after the initiation of domestic relations proceedings.

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

YES	31	NO	1	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	Linkhart		Y	Tapia	Y
Chlouber	Y	Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany			Teck	Y
Entz	Y	Isgar	Y	Nichol		Y	Tupa	Y
Evans	Y	Johnson	Y	Owen			Windels	Y
Fitz-Gerald	Y	Jones	Ε	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 was declared passed.

Co-sponsors added: Fitz-Gerald, Gordon, Hanna, Keller, Nichol, Phillips, and Windels.

HB03-1236 by Representative(s) Hefley; also Senator(s) Dyer--Concerning strengthening Colorado's substantive criminal law.

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

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HB03-1236

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	E	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		Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	E	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**.

SB03-248 by Senator(s) Anderson; also Representative(s) King--Concerning the financing of public schools, and making an appropriation in connection therewith.

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

YES	29	NO	3	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	7	Kester	7	Y Sandoval	Y
Arnold	Y	Grossman	7	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	E	Linkhart	}	Y Tapia	Y
Chlouber		Hanna	N	l May		Y Taylor	Y
Dyer	Y	Hillman	7	McElhany		Y Teck	Y
Entz	Y	Isgar		Nichol	}	Y Tupa	N
Evans	Y	Johnson	}	Owen	}	Windels	N
Fitz-Gerald	Y	Jones	E	Phillips	}	Mr. President	Y
Gordon	Y	Keller	7	Reeves	}	I	

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

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

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-117 by Senator(s) Cairns; also Representative(s) Spence--Concerning the schedule by which the department of education releases school accountability reports.

Laid over until Monday, March 31, retaining its place on the calendar.

SB03-098 by Senator(s) Arnold, Anderson, Entz; also Representative(s) Fritz, Marshall--Concerning benefit provisions of the public employees' retirement association.

Senator Arnold moved that the Senate not concur in House amendments to **SB03-098**, as printed in House Journal, March 14, page 1144, and that a Conference Committee be appointed.

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

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 that the Senate not concur in House amendments to **SB03-009**, as printed in House Journal, March 17, page 1175, and that a Conference Committee be appointed.

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

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SB03-009

Senator Tupa moved that the Senate Conferees on the First Conference Committee on SB03-009 be given the powers to go beyond the scope of the differences between the two Houses.

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

SB03-067

by Senator(s) Johnson S.; also Representative(s) Stengel--Concerning procedures to be followed by county governments in connection with the merging of parcels of land.

Laid over until Monday, March 31, retaining its place on the calendar.

SB03-226

by Senator(s) Kester; also Representative(s) White--Concerning continuation of the examining board of plumbers.

Senator Kester moved that the Senate not concur in House amendments to **SB03-226**, as printed in House Journal, March 24, pages 1232-1233, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion 22 was **adopted**.

SB03-112

by Senator(s) Anderson; also Representative(s) Coleman--Concerning modifications to the program for the medically indigent.

Senator Anderson moved that the Senate concur in House amendments to **SB03-112**, as printed in House Journal, March 21, page 1200-1201. The motion was **passed** by the following roll call vote:

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	Linkhart		Y	Tapia	Y
Chlouber	Y	Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany			Teck	Y
Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	Y	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	E	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	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	Linkhart		Y	Tapia	Y
Chlouber	Y	Hanna	Y	May		Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany			Teck	Y
Entz	Y	Isgar		Nichol		Y	Tupa	Y
Evans	Y	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	E	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**.

SB03-133

by Senator(s) Dyer; also Representative(s) Stengel, Mitchell--Concerning civil forfeiture in title 16, Colorado revised statutes.

Senator Dyer moved that the Senate concur in House amendments to **SB03-133**, as printed in House Journal, March 17, page 1175. The motion was **passed** by the following roll call vote:

SB03-133

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen		Y	Windels	Y
Fitz-Gerald	Y	Jones	E	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	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	•	Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn]	E Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen	•	Y Windels	Y
Fitz-Gerald	Y	Jones	E	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**.

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 Johnson, the following Governor's appointment was laid over until later in the day, March 28:

MEMBER OF THE MEDICAL SERVICES BOARD

for a term expiring July 1, 2003:

Matthew T. Dunn of Denver, Colorado to fill the vacancy occasioned by the resignation of Representative John P. Witwer of Evergreen, Colorado and to serve as a member who has experience with the delivery of health care from the First Congressional District and as a Republican, appointed.

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

MEMBERS OF THE STATE HOUSING BOARD

for terms expiring January 31, 2005:

Peter H. Neukirch of Littleton, Colorado, to serve as a member from the Sixth Congressional District and as a Republican, appointed;

Rose A. Durham of Colorado Springs, to serve as a member from the Fifth Congressional District and as a Republican, reappointed.

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YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Е	Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen	Y	Tupa Windels	Y
Fitz-Gerald	Y	Jones	E	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

CONSIDERATION OF RESOLUTIONS

by Senator(s) Dyer; also Representative(s) Stengel--Concerning proclaiming March 16, **SJR03-028** 2003, as Liberty Day in Colorado.

Laid over until May 8.

SJR03-030 by Senator(s) Lamborn, Andrews; also Representative(s) Mitchell--Concerning support for President Bush's position on the University of Michigan's affirmative action admissions

Laid over until Monday, March 31, retaining its place on the calendar.

by Senator(s) Hagedorn, Hanna, Windels; also Representative(s) Stafford, Madden, **SJR03-027** Romanoff--Concerning streamlining health care billing.

Laid over until Monday, March 31, retaining its place on the calendar.

SJR03-031 by Senator(s) Phillips; also Representative(s) Weissmann--Concerning honoring the 2002 Monarch High School football team for winning the state 4A championship.

Laid over until Thursday, April 3, retaining its place on the calendar.

HJR03-1012 by Representative(s) Hoppe; also Senator(s) Entz--Concerning the species conservation eligibility list.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	,	Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	I	E Takis	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	•	Y Mr. President	Y
Gordon	Y	Keller		Reeves	7	Y	

HJR03-1025 by Representative(s) Coleman, Spradley, Cadman, Hoppe, Jahn, Stafford, Williams T.; also Senator(s) Gordon--Concerning Single Parents' Day.

> Senator Anderson moved to suspend the rules for immediate consideration of HJR03-1025.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration was granted.

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

HJR03-1025

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	E	Linkhart		Y Tapia	Y
Chlouber		Hanna	Y	May		Y Taylor	Y
Dyer	Y	Hillman		McElhany		Y Teck	Y
Entz	Y	Isgar		Nichol		Y Tupa	Y
Evans	Y	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	E	Phillips		Y Mr. President	Y
Gordon	Y	Keller		Reeves		Y	

Co-sponsors added: Sandoval, Tupa, and Windels.

HJR03-1031

by Representative(s) Marshall, Spradley, Veiga, Berry, Borodkin, Butcher, Clapp, Harvey, Hefley, Hoppe, Jahn, Madden, McFadyen, Miller, Paccione, Ragsdale, Rhodes, Romanoff, Tochtrop; also Senator(s) Fitz-Gerald, Anderson--Concerning honoring Women's History Month.

Senator Anderson moved to suspend the rules for immediate consideration of HJR03-1031.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration was granted.

On motion of Senator Fitz-Gerald, the resolution was read at length and adopted by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E Takis	Y
Cairns	Y	Hagedorn	E	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	Y	Johnson	Y	Owen		Y Windels	Y
Fitz-Gerald	Y	Jones	E	Phillips		Y Mr. President	Y
Gordon	Y	Keller	Y	Reeves		Y	

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Johnson, Keller, Kester, Linkhart, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

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 Johnson, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE **MEDICAL SERVICES BOARD**

for a term expiring July 1, 2003:

Matthew T. Dunn of Denver, Colorado to fill the vacancy occasioned by the resignation of 63 Representative John P. Witwer of Evergreen, Colorado and to serve as a member who has experience with the delivery of health care from the First Congressional District and as a Republican, appointed.

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YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn		E	Takis	Y
Cairns	Y	' Hagedorn	Е	Linkhart		Y	Tapia	Y
Chlouber	Y	' Hanna	Y	May			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	E	Phillips		Y	Mr. President	Y
Gordon	Y	Keller (Reeves		Y		

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the Committee recommends that SB03-255 be referred Education to the Committee on Appropriations with favorable recommendation.

Education After consideration on the merits, the Committee recommends that SB03-254 be referred to the Committee on Appropriations with favorable recommendation.

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

MEMBERS OF THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for terms expiring January 1, 2004:

Rita Kahn of Denver, Colorado, to serve as a Democrat, appointed;

INTRODUCTION OF RESOLUTION

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

by Senator(s) Windels, Groff, Johnson S.; --Concerning the control of smoking in the SR03-015 Colorado state Senate. State Veterans & Military Affairs

SENATE SERVICES REPORT

Correctly engrossed: SB03-242, 245, 248. Senate

Services

Correctly revised: HB03-1012, 1020, 1092, 1159, 1236, 1237, 1251, 1263, 1303, 1305.

Correctly rerevised: HB03-1007, 1010, 1033, 1160, 1207, 1253, 1294.

Correctly enrolled: SB03-013;

SJR03-012, 022, 026.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1015, 1027, 1035, 1045, 1047, 1077, 1169; HJR03-1011.

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Senate in recess.

Senate reconvened.

INTRODUCTION OF BILLS--FIRST READING

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

SB03-259 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning the authority of the department of health care policy and financing to charge a monthly fee to specified families whose children are enrolled in a children's home- and community-based services waiver program.

Appropriations

- SB03-260 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--Concerning the registration of wholesale food manufacturers, and, in connection therewith, assessing a wholesale food manufacturing and storage fee and making an appropriation. Business Affairs & Labor
- SB03-261 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning fees assessed for the costs of administering programs in the department of local affairs, and, in connection therewith, increasing certain fees collected by the bond allocations committee, the office of the property tax administrator, and the board of assessment appeals, and making an appropriation.

Local Government

- SB03-262 by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young--Concerning transfers of moneys related to capital construction. Finance
- SB03-263 by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young--Concerning when the annual state contribution to the fire and police pension association to assist in amortizing the unfunded accrued liability of old hire pension plans shall be transferred, and, in connection therewith, eliminating the state contribution to the old hire pension plans for the 2003-04 and 2004-05 state fiscal years, extending the state contribution through the 2011-12 state fiscal year, and changing the date on which the state makes the annual contribution to April 30, and making an appropriation. State Veterans & Military Affairs
- SB03-264 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--Concerning the enterprise status of institutions of higher education for the purposes of section 20 of article X of the state constitution. Education
- 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.

Local Government

SB03-266 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer--Concerning the authority of the department of health care policy and financing to charge a nursing facility provider fee to certain medicaid providers in order to establish nursing facility-related programs, and, in connection therewith, establishing the nursing facility quality of care grant program and the state nursing facility service program for specified legal immigrants.

Health, Environment, Welfare & Institutions

SB03-267 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-Concerning the method by which the motor vehicle business group within the department of 65 revenue is annually funded, and making an appropriation therefor.

Transportation

SB03-268	by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing a portion of the tobacco settlement revenues scheduled to be received by the state, requiring the net proceeds of any securitization to be used to fund the three percent reserve required by the state constitution and a cash flow reserve, and modifying the level of future appropriations for programs funded with tobacco litigation settlement moneys. Appropriations	1 2 3 4 5 6 7 8 9
SB03-269	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-Concerning allocation of state moneys to nonpublic higher education institutions for needbased financial aid, and making an appropriation in connection therewith. State Veterans & Military Affairs	10 11 12 13 14
SB03-270	by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, YoungConcerning a reduction in the general fund obligation to finance the operational cost of mandatory inspections of shipments of potatoes, and, in connection therewith, progressively increasing the proportion of such cost that is financed from the mandatory fruit and vegetable inspection fund and making appropriations thereto. Agriculture, Natural Resources & Energy	15 16 17 18 19 20 21
SB03-271	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, WitwerConcerning the augmentation of the general fund through transfers of certain moneys. Finance	22 23 24
SB03-272	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, YoungConcerning cash funding license plate issuance from license plate fees, and making an appropriation therefor. Transportation	25 26 27 28 29 30
SB03-273	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, WitwerConcerning the elimination of salary increases for certain state employees for the 2003-04 fiscal year, and making an appropriation in connection therewith. Local Government	31 32 33 34 35
SB03-274	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, WitwerConcerning the suspension of certain transfers of state limited gaming revenues to funds other than the state general fund, and making an appropriation in connection therewith. Business Affairs & Labor	36 37 38 39 40
SB03-275	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, YoungConcerning the distribution of school accountability reports, and making an appropriation in connection therewith. Education	41 42 43 44
SB03-276	by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, YoungConcerning cash funding of water quality programs, and, in connection therewith, making appropriations. Agriculture, Natural Resources & Energy	45 46 47 48 49
SB03-277	by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, YoungConcerning the inclusion of amounts of salary reductions resulting from the furloughing of certain members of the public employees' retirement association when calculating the highest average salary of such members for retirement purposes. Finance	50 51 52 53 54 55
SB03-278	by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-Concerning the collection of a water administration fee from users of adjudicated water rights for allocation to the division of water resources, and, in connection therewith, making an appropriation. Agriculture, Natural Resources & Energy	56 57 58 59 60 61
SB03-279	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-Concerning limitations on the provision of services in the medical assistance program. Appropriations	62 63 64 65 66

SB03-280	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, YoungConcerning the hazardous substance response fund, and, in connection therewith, making an appropriation. Appropriations	4
SB03-281	by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-Concerning changes to earned time computations, and making an appropriation in connection therewith. Judiciary	(
SB03-282	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, YoungConcerning tobacco litigation settlement moneys received by the state, and, in connection therewith, reallocating a portion of the moneys received in the 2002-03 fiscal year for the purpose of augmenting the state general fund, modifying appropriations for the 2002-03	10 11 12 13 14 14 16 17 18
SB03-283	by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, YoungConcerning sentencing for particular crimes. Judiciary	19 20 21 21
SB03-284	by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-Concerning the reduction of the period of mandatory juvenile parole, and making an appropriation in connection therewith. Judiciary	23 24 25 26 26
SB03-285	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-Concerning the reduction of the statutorily required general fund reserve for the 2002-03 state fiscal year due to a revenue shortfall. Finance	19 20 21 22 22 23 25 26 27 28 29 31 32 33 33 34
SB03-286	and, in connection therewith, creating a working group to manage the use of juvenile detention beds within the limitation and making an appropriation. Judiciary	35 36 37
SB03-287	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young Concerning an increase in the annual license fees paid by health facilities, and making an	38 39 40 42 42 43
SB03-288	by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young Concerning limitations on the provision of private duty nursing services under medical assistance. Health, Environment, Welfare & Institutions	44 45 46 47
SB03-289	by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young	48 49 50 51 52 52 53 54 55
SB03-290	Concerning the authority of the board of parks and outdoor recreation regarding its budget,	54 55 55 56 56 56 56
SB03-291	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer Concerning changes to the children's basic health plan. Health, Environment, Welfare & Institutions	60 62 63 64
SB03-292	by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, WitwerConcerning a suspension of the administration of certain statewide assessments, and making an appropriation in connection therewith.	65

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SB03-293	by Senator(s) Reeves, Owen, Teck; also Representative(s) Witwer, Plant, YoungConcerning authority for county departments of social services to provide child support collection services on behalf of recipients of child care assistance. Health, Environment, Welfare & Institutions
SB03-294	by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, YoungConcerning pharmaceutical benefits administered through the state's medical assistance

program, and, in connection therewith, requiring the state to negotiate rebates and discounts, allowing pharmaceutical companies to implement wellness programs in lieu of cash rebates, and making an appropriation.

Business Affairs & Labor

SB03-295 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--Concerning a reduction in the allocation of revenue to the older Coloradans fund, and making an appropriation in connection therewith. Health, Environment, Welfare & Institutions

SB03-296 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer--Concerning the diversion of the unemployment tax surcharge from the unemployment compensation fund to the general fund.

Business Affairs & Labor

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. Agriculture, Natural Resources & Energy

SB03-298 by Senator(s) Reeves, Owen, Teck; also Representative(s) Witwer, Plant, Young--Concerning a modification to court jurisdiction in proceedings brought to compel compliance with compulsory school attendance requirements, and making an appropriation in connection therewith.

Education

SB03-299 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-Concerning a reduction in the transfer of specified tax revenue to the supplemental old age pension health and medical care fund, and making an appropriation in connection therewith. Health, Environment, Welfare & Institutions

SB03-300 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--Concerning the imposition of a management fee on certain funds that are invested by the state treasurer.

Finance

SB03-301 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer--Concerning the authority of the department of public health and environment to assess fees for milk testing, and, in connection therewith, making an appropriation.

Agriculture, Natural Resources & Energy

SB03-302 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--Concerning the repeal of annual gathering of statistical information by the division of insurance regarding the workers' compensation system of Colorado, and making an appropriation therefor.

Business Affairs & Labor

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 March 28, was laid over until Monday, March 31, retaining its place on the calendar.

Second Reading--General Orders: SB03-073, SB03-232, SB03-001, SB03-236, HB03-1197 as amended, HB03-1142, HB03-1001 as amended, SB03-121, SB03-246, HB03-1121, HB03-1140, HB03-1256, HB03-1214, HB03-1128. Consideration of Memorial: SJM03-002. Consideration of Governor's Vetoes: SB03-207.

Conference Committees to Report: HB03-1161, HB03-1103, HB03-1301, HB03-1025, HB03-1224, HB03-1003, HB03-1005. Request for Conference Committees: SB03-065, HB03-1111.	1 2 3 4 5
On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, March 31, 2003.	6 7 8 9
Approved:	10 11 12
John Andrews President of the Senate	13 14 15
Attest:	16 17
Mona Heustis Secretary of the Senate	18 19 20