

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

Ninety-second Legislative Day

Wednesday, April 9, 2003

Prayer By Chaplain David Anderson.

Pledge By Senator Fitz-Gerald.

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

Roll Call Present-- 31.
Absent/Excused--4; Evans, Hanna, McElhany, Nichol.
Present later--Evans, Hanna, McElhany, Nichol.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tapia, reading of the Journal of April 8, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB03-253** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB03-247** be referred to the Committee on Appropriations with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB03-1326** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB03-252** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 17-2-103 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 3, line 7, strike "FELONY," and substitute "FELONY AS DEFINED BY SECTION 17-22.5-405 (5) (b),";

line 8, before "THE", insert "ANY UNLAWFUL SEXUAL BEHAVIOR CONTAINED IN SECTION 16-22-102 (9), C.R.S., OR SUBJECT TO ARTICLE 6.5 OF TITLE 18, C.R.S., AND UNLESS THE BOARD DETERMINES AGGRAVATING CIRCUMSTANCES EXIST SUCH THAT PLACEMENT IN A COMMUNITY CORRECTIONS PROGRAM OR A FACILITY DESCRIBED IN SECTION 17-1-206.5 IS NOT WARRANTED,";

after line 16, insert the following:

"(13) (a) THE BOARD MAY REVOKE THE PAROLE IF REQUESTED TO DO SO BY THE PAROLEE. IF A PAROLEE REQUESTS TO HAVE HIS OR HER PAROLE REVOKED, THE PAROLEE SHALL PROVIDE THE BOARD A JUSTIFIABLE REASON FOR REQUESTING REVOCATION OF PAROLE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

SB03-252

(b) PRIOR TO REVOKING PAROLE UPON THE REQUEST OF A PAROLEE, THE BOARD MAY RECOMMEND OR IMPLEMENT APPROPRIATE INTERVENTIONS IN ORDER TO ASSIST IN THE PAROLEE WITH REINTEGRATION AND PREVENT A RETURN TO INCARCERATION.

(c) IF THE BOARD REVOKES THE PAROLE UPON THE REQUEST OF THE PAROLEE, THE BOARD SHALL PROCEED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (11) OF THIS SECTION.

SECTION 2. 17-22.5-303, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-22.5-303. Parole. (8) THE STATE BOARD OF PAROLE SHALL CONSIDER THE PAROLE OF A PERSON WHOSE PAROLE IS REVOKED EITHER FOR A TECHNICAL VIOLATION OR BASED ON A SELF-REVOCAION AT LEAST ONCE WITHIN ONE HUNDRED EIGHTY DAYS OF THE REVOCATION IF THE PERSON'S RELEASE DATE IS MORE THAN NINE MONTHS FROM THE DATE OF THE PERSON'S REVOCATION; EXCEPT THAT A PERSON WHOSE PAROLE IS REVOKED BASED ON A TECHNICAL VIOLATION THAT INVOLVED THE USE OF A WEAPON SHALL NOT BE CONSIDERED FOR PAROLE FOR ONE YEAR.

SECTION 3. 17-2-201, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

17-2-201. State board of parole. (14) THE BOARD SHALL CONSIDER THE PAROLE OF A PERSON WHOSE PAROLE IS REVOKED EITHER FOR A TECHNICAL VIOLATION OR BASED ON A SELF-REVOCAION AT LEAST ONCE WITHIN ONE HUNDRED EIGHTY DAYS OF THE REVOCATION IF THE PERSON'S RELEASE DATE IS MORE THAN NINE MONTHS FROM THE DATE OF THE PERSON'S REVOCATION; EXCEPT THAT A PERSON WHOSE PAROLE IS REVOKED BASED ON A TECHNICAL VIOLATION THAT INVOLVED THE USE OF A WEAPON SHALL NOT BE CONSIDERED FOR PAROLE FOR ONE YEAR.

SECTION 4. 17-22.5-403 (9), Colorado Revised Statutes, is amended to read:

17-22.5-403. Parole eligibility. (9) ~~(a) The provisions of this subsection (9) shall apply to any offender who is paroled for a class 2, 3, 4, or 5 felony or a class 6 felony that is the offender's second or subsequent felony offense committed on or after July 1, 1998, and is subsequently reincarcerated pursuant to subsection (8) of this section. Following reincarceration, the offender may apply for parole and the state board of parole, working in conjunction with the department and using the guidelines established pursuant to section 17-22.5-404, shall determine whether to grant parole. If the state board of parole determines that placing the offender on parole is appropriate, it shall set the length of the period of parole at any time remaining on the offender's mandatory period of parole established in section 18-1.3-401 (1) (a) (V), C.R.S.; except that, if the offender's remaining mandatory period of parole is less than twelve months, the state board of parole shall release the offender to twelve months of supervision and the offender shall not be required to serve the remaining mandatory period of parole. If an application for parole is refused by the state board of parole, the state board of parole shall reconsider within one year thereafter whether the offender should be granted parole. The state board of parole shall continue such reconsideration each year thereafter, except as otherwise provided for the crimes specified in subsection (7) of this section, until the board grants the offender parole or releases the offender on supervision or until the offender completes the mandatory period of parole in incarceration. If the offender completes the mandatory period of parole in incarceration, he or she shall be released to a twelve-month period of supervision.~~

(b) ~~(f) If the state board of parole grants parole to an offender pursuant to paragraph (a) of this subsection (9) for the period remaining on the offender's mandatory period of parole, the provisions of subsection (8) of this section shall apply while the offender is serving the remainder of the mandatory period of parole; except that, if the state board of parole subsequently revokes the offender's parole as provided in subsection (8) of this section and the offender's remaining period of mandatory parole is less than six months, the state board shall impose intermediate sanctions as provided in paragraph (f) of this subsection (9) or return the~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB03-252

~~offender to a place of confinement for a period of up to twelve months and the offender shall not be required to serve the remaining mandatory period of parole. Any person reincarcerated for a period of up to twelve months pursuant to this paragraph (b) shall be eligible for subsequent release for a twelve-month period of supervision at any time during such reincarceration or upon completion of such incarceration.~~

~~(H) If the offender completes the mandatory period of parole or the state board of parole discharges the offender from mandatory parole pursuant to subsection (8) of this section, the offender's sentence shall be deemed fully discharged.~~

~~(c) For any offender released to a twelve-month period of supervision pursuant to this subsection (9), the division of adult parole shall provide supervision and assistance in securing employment, housing, and such other services as may affect the offender's successful reintegration into the community while recognizing the need for public safety. The state board of parole, pursuant to section 17-22.5-404, shall establish the conditions for the offender's twelve-month supervision prior to the offender's release from incarceration. Upon a determination in a revocation proceeding that the conditions of supervision have been violated, the state board of parole shall continue the supervision in effect, modify the conditions of supervision if circumstances then shown to exist require such modifications, which circumstances shall be set forth in writing, or revoke the supervision and impose intermediate sanctions as provided in paragraph (f) of this subsection (9) or order the return of the offender to a place of confinement designated by the executive director for any period of time up to twelve months. Any offender who has been reincarcerated due to a supervision revocation pursuant to this paragraph (c) shall be eligible for subsequent release for a twelve-month period of supervision at any time during such reincarceration.~~

~~(d) The state board of parole may discharge an offender released on supervision under this subsection (9) at any time during the term of supervision upon a determination that the offender has been sufficiently rehabilitated and reintegrated into society and can no longer benefit from supervision. In making any such determination, the state board of parole shall make written findings as to why the offender is no longer in need of supervision. Upon completion of twelve consecutive months of supervision or discharge from supervision as provided in this paragraph (d), the offender's sentence shall be deemed fully discharged.~~

~~(e) Notwithstanding any provisions of this subsection (9) to the contrary, the total amount of time spent by an offender in incarceration as a result of revocation of supervision shall not exceed the length of the offender's original sentence to incarceration plus the length of the offender's original sentence to mandatory parole plus twelve months. In calculating the time spent in incarceration by an offender for purposes of this paragraph (e), the offender shall receive credit for time spent in incarceration as a result of the original sentence to incarceration, any time spent in incarceration as a result of revocation of mandatory parole, and any time spent in incarceration as a result of revocation of supervision.~~

~~(f) If revocation of mandatory parole for less than twelve months or revocation of supervision is based on a technical violation of the conditions of parole or supervision, the state board of parole shall impose intermediate sanctions where facilities appropriate for such intermediate sanctions are available. For purposes of this paragraph (f), "intermediate sanctions" may include, but are not limited to, a community corrections program, as defined in section 17-27-102 (3), a home detention program, as described in article 27.8 of this title, or a specialized restitution and community service program, as described in article 27.9 of this title. THE STATE BOARD OF PAROLE SHALL CONSIDER THE PAROLE OF A PERSON WHOSE PAROLE IS REVOKED EITHER FOR A TECHNICAL VIOLATION OR BASED ON A SELF-REVOCATION AT LEAST ONCE WITHIN ONE HUNDRED EIGHTY DAYS OF THE REVOCATION IF THE PERSON'S RELEASE DATE IS MORE THAN NINE MONTHS FROM THE DATE OF THE PERSON'S REVOCATION; EXCEPT THAT A PERSON WHOSE PAROLE IS REVOKED BASED ON A TECHNICAL VIOLATION THAT INVOLVED THE USE OF A WEAPON SHALL NOT BE CONSIDERED FOR PAROLE FOR ONE YEAR.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB03-252

SECTION 5. 18-1.3-401 (1) (a) (VI), Colorado Revised Statutes, is amended to read:

18-1.3-401. Felonies classified - presumptive penalties. (1) (a) (VI) Any person sentenced for a class 2, 3, 4, or 5 felony, or a class 6 felony that is the offender's second or subsequent felony offense, committed on or after July 1, 1998, regardless of the length of the person's sentence to incarceration and the mandatory period of parole, shall not be deemed to have fully discharged his or her sentence until said person has either completed or been discharged by the state board of parole from the mandatory period of parole imposed pursuant to subparagraph (V) of this paragraph (a). or completed or been discharged by the state board of parole from the twelve-month period of supervision imposed pursuant to section 17-22.5-403 (9), C.R.S., whichever occurs first. Prior to fully discharging his or her sentence, upon revocation of parole, a person may be returned to incarceration for the periods specified in section 17-22.5-403 (9), C.R.S."

Renumber succeeding sections accordingly.

Page 5, strike lines 1 and 2 and substitute the following:

"PROVIDERS FOR SERVICES FOR PAROLEES PLACED PURSUANT TO SECTION 17-2-103 (11) (b) (III).".

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB03-1005

***** 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 HB03-1005, concerning the extension of the implementation dates for certain water augmentation requirements, has met and reports that it has agreed upon the following:

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

Respectfully submitted,

House Committee: (signed) Representative Hoppe, Chairman Representative Rippe Representative Salazar Senate Committee: (signed) Senator Entz, Chairman Senator Chlouber Senator Grossman

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB03-226

***** 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 SB03-226, concerning continuation of the examining board of plumbers, has met and reports that it has agreed upon the following:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72

SB03-226

1. That the House recede from its amendment made to the bill, as said amendment appears 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 reengrossed bill, page 2, line 17, strike "(3) (a) and";
line 18, strike "are" and substitute "is";
strike lines 20 through 25.

Page 3, strike lines 1 through 4 and substitute the following:

"(5) This article is repealed, effective July 1, 2003 2013. Prior to";
strike lines 7 through 25.

Renumber succeeding sections accordingly.

Page 3, strike line 27 and substitute the following:

"amended to read:".

Page 4, strike line 1;

strike lines 4 through 17 and substitute the following:

"(2) When a complaint or an investigation discloses an instance of".

Respectfully submitted,

Senate Committee:
(signed)
Senator Kester, Chairman
Senator Johnson
Senator Isgar

House Committee:
(signed)
Representative White, Chairman
Representative Frangas
Representative Cadman

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB03-1161

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 HB03-1161,
concerning limitations on claims for damages filed against construction
professionals, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, strike everything below the enacting clause and
substitute the following:

"SECTION 1. 13-20-802, Colorado Revised Statutes, is amended
to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1161

13-20-802. Legislative declaration. The general assembly hereby finds, declares, and determines that ~~limited~~ changes in the law are necessary and appropriate concerning actions claiming damages, indemnity, or contribution in connection with alleged construction defects. ~~resulting in property loss or damage.~~ It is the intent of the general assembly that this part 8 apply to these types of civil actions while preserving adequate rights and remedies for property owners who bring and maintain such actions.

SECTION 2. Part 8 of article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-20-802.5. Definitions. AS USED IN THIS PART 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACTION" MEANS A CIVIL ACTION OR AN ARBITRATION PROCEEDING FOR DAMAGES, INDEMNITY, OR CONTRIBUTION BROUGHT AGAINST A CONSTRUCTION PROFESSIONAL TO ASSERT A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD PARTY CLAIM FOR DAMAGES OR LOSS TO, OR THE LOSS OF USE OF, REAL OR PERSONAL PROPERTY OR PERSONAL INJURY CAUSED BY A DEFECT IN THE DESIGN OR CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY.

(2) "ACTUAL DAMAGES" MEANS THE FAIR MARKET VALUE OF THE REAL PROPERTY WITHOUT THE ALLEGED CONSTRUCTION DEFECT, THE REPLACEMENT COST OF THE REAL PROPERTY, OR THE REASONABLE COST TO REPAIR THE ALLEGED CONSTRUCTION DEFECT, WHICHEVER IS LESS, TOGETHER WITH RELOCATION COSTS, AND, WITH RESPECT TO RESIDENTIAL PROPERTY, OTHER DIRECT ECONOMIC COSTS RELATED TO LOSS OF USE, IF ANY, INTEREST AS PROVIDED BY LAW, AND SUCH COSTS OF SUIT AND REASONABLE ATTORNEY FEES AS MAY BE AWARDBLE PURSUANT TO CONTRACT OR APPLICABLE LAW. "ACTUAL DAMAGES" AS TO PERSONAL INJURY MEANS THOSE DAMAGES RECOVERABLE BY LAW, EXCEPT AS LIMITED BY THE PROVISIONS OF SECTION 13-20-806 (4).

(3) "CLAIMANT" MEANS A PERSON OTHER THAN THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEYS OF THE SEVERAL JUDICIAL DISTRICTS OF THE STATE WHO ASSERTS A CLAIM AGAINST A CONSTRUCTION PROFESSIONAL THAT ALLEGES A DEFECT IN THE CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY.

(4) "CONSTRUCTION PROFESSIONAL" MEANS AN ARCHITECT, CONTRACTOR, SUBCONTRACTOR, DEVELOPER, BUILDER, BUILDER VENDOR, ENGINEER, OR INSPECTOR PERFORMING OR FURNISHING THE DESIGN, SUPERVISION, INSPECTION, CONSTRUCTION, OR OBSERVATION OF THE CONSTRUCTION OF ANY IMPROVEMENT TO REAL PROPERTY. IF THE IMPROVEMENT TO REAL PROPERTY IS TO A COMMERCIAL PROPERTY, THE TERM "CONSTRUCTION PROFESSIONAL" SHALL ALSO INCLUDE ANY PRIOR OWNER OF THE COMMERCIAL PROPERTY, OTHER THAN THE CLAIMANT, AT THE TIME THE WORK WAS PERFORMED. AS USED IN THIS SUBSECTION (4), "COMMERCIAL PROPERTY" MEANS PROPERTY THAT IS ZONED TO PERMIT COMMERCIAL, INDUSTRIAL, OR OFFICE TYPES OF USE.

(5) "NOTICE OF CLAIM" MEANS A WRITTEN NOTICE SENT BY A CLAIMANT TO THE LAST KNOWN ADDRESS OF A CONSTRUCTION PROFESSIONAL AGAINST WHOM THE CLAIMANT ASSERTS A CONSTRUCTION DEFECT CLAIM THAT DESCRIBES THE CLAIM IN REASONABLE DETAIL SUFFICIENT TO DETERMINE THE GENERAL NATURE OF THE DEFECT, INCLUDING A GENERAL DESCRIPTION OF THE TYPE AND LOCATION OF THE CONSTRUCTION THAT THE CLAIMANT ALLEGES TO BE DEFECTIVE AND ANY DAMAGES CLAIMED TO HAVE BEEN CAUSED BY THE DEFECT.

SECTION 3. 13-20-803 (1), Colorado Revised Statutes, is amended to read:

13-20-803. List of defects required. (1) IN ADDITION TO THE NOTICE OF CLAIM REQUIRED BY SECTION 13-20-803.5, in every action brought against ~~any architect, contractor, builder, builder vendor, engineer, or inspector performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1161

~~improvement to real property, A CONSTRUCTION PROFESSIONAL, the claimant shall file with the court OR ARBITRATOR and serve on the defendant CONSTRUCTION PROFESSIONAL an initial list of construction defects in accordance with this section. As used in this part 8, "action" means any civil action or arbitration proceeding for damages, indemnity, or contribution asserting a claim, counterclaim, cross-claim, or third-party claim for injury or loss to, or the loss of use of, any real property caused by an alleged defect in the construction of an improvement to the real property.~~

SECTION 4. The introductory portion to 13-20-804 (1) and 13-20-804 (1) (a) and (1) (b), Colorado Revised Statutes, are amended to read:

13-20-804. Restriction on construction defect negligence claims. (1) No negligence claim seeking damages for a residential construction defect may be asserted in an action if such claim arises from the failure to construct a residential AN improvement to real property in substantial compliance with an applicable building code or industry standard; except that such claim may be asserted if such failure results in one or more of the following:

- (a) Actual ~~or probable~~ damage to real or personal property;
- (b) Actual ~~or probable~~ loss of the use of real or personal property;

SECTION 5. Part 8 of article 20 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

13-20-803.5. Notice of claim process. (1) NO LATER THAN SEVENTY-FIVE DAYS BEFORE FILING AN ACTION AGAINST A CONSTRUCTION PROFESSIONAL, OR NO LATER THAN NINETY DAYS BEFORE FILING THE ACTION IN THE CASE OF A COMMERCIAL PROPERTY, A CLAIMANT SHALL SEND OR DELIVER A WRITTEN NOTICE OF CLAIM TO THE CONSTRUCTION PROFESSIONAL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY PERSONAL SERVICE.

(2) FOLLOWING THE MAILING OR DELIVERY OF THE NOTICE OF CLAIM, AT THE WRITTEN REQUEST OF THE CONSTRUCTION PROFESSIONAL, THE CLAIMANT SHALL PROVIDE THE CONSTRUCTION PROFESSIONAL AND ITS CONTRACTORS OR OTHER AGENTS REASONABLE ACCESS TO THE CLAIMANT'S PROPERTY DURING NORMAL WORKING HOURS TO INSPECT THE PROPERTY AND THE CLAIMED DEFECT. THE INSPECTION SHALL BE COMPLETED WITHIN THIRTY DAYS OF SERVICE OF THE NOTICE OF CLAIM.

(3) WITHIN THIRTY DAYS FOLLOWING THE COMPLETION OF THE INSPECTION PROCESS CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS SECTION, OR WITHIN FORTY-FIVE DAYS FOLLOWING THE COMPLETION OF THE INSPECTION PROCESS IN THE CASE OF A COMMERCIAL PROPERTY, A CONSTRUCTION PROFESSIONAL MAY SEND OR DELIVER TO THE CLAIMANT, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR PERSONAL SERVICE, AN OFFER TO SETTLE THE CLAIM BY PAYMENT OF A SUM CERTAIN OR BY AGREEING TO REMEDY THE CLAIMED DEFECT DESCRIBED IN THE NOTICE OF CLAIM. A WRITTEN OFFER TO REMEDY THE CONSTRUCTION DEFECT SHALL INCLUDE A REPORT OF THE SCOPE OF THE INSPECTION, THE FINDINGS AND RESULTS OF THE INSPECTION, A DESCRIPTION OF THE ADDITIONAL CONSTRUCTION WORK NECESSARY TO REMEDY THE DEFECT DESCRIBED IN THE NOTICE OF CLAIM AND ALL DAMAGE TO THE IMPROVEMENT TO REAL PROPERTY CAUSED BY THE DEFECT, AND A TIMETABLE FOR THE COMPLETION OF THE REMEDIAL CONSTRUCTION WORK.

(4) UNLESS A CLAIMANT ACCEPTS AN OFFER MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION IN WRITING WITHIN FIFTEEN DAYS OF THE DELIVERY OF THE OFFER, THE OFFER SHALL BE DEEMED TO HAVE BEEN REJECTED.

(5) A CLAIMANT WHO ACCEPTS A CONSTRUCTION PROFESSIONAL'S OFFER TO REMEDY OR SETTLE BY PAYMENT OF A SUM CERTAIN A CONSTRUCTION DEFECT CLAIM SHALL DO SO BY SENDING THE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1161

CONSTRUCTION PROFESSIONAL A WRITTEN NOTICE OF ACCEPTANCE NO LATER THAN FIFTEEN DAYS AFTER RECEIPT OF THE OFFER. IF AN OFFER TO SETTLE IS ACCEPTED, THEN THE MONETARY SETTLEMENT SHALL BE PAID IN ACCORDANCE WITH THE OFFER. IF AN OFFER TO REMEDY IS ACCEPTED BY THE CLAIMANT, THE REMEDIAL CONSTRUCTION WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE TIMETABLE SET FORTH IN THE OFFER UNLESS THE DELAY IS CAUSED BY EVENTS BEYOND THE REASONABLE CONTROL OF THE CONSTRUCTION PROFESSIONAL.

(6) IF NO OFFER IS MADE BY THE CONSTRUCTION PROFESSIONAL OR IF THE CLAIMANT REJECTS AN OFFER, THE CLAIMANT MAY BRING AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL FOR THE CONSTRUCTION DEFECT CLAIM DESCRIBED IN THE NOTICE OF CLAIM, UNLESS THE PARTIES HAVE CONTRACTUALLY AGREED TO A MEDIATION PROCEDURE, IN WHICH CASE THE MEDIATION PROCEDURE SHALL BE SATISFIED PRIOR TO BRINGING AN ACTION.

(7) IF AN OFFER BY A CONSTRUCTION PROFESSIONAL IS MADE AND ACCEPTED, AND IF THEREAFTER THE CONSTRUCTION PROFESSIONAL DOES NOT COMPLY WITH ITS OFFER TO REMEDY OR SETTLE A CLAIM FOR A CONSTRUCTION DEFECT, THE CLAIMANT MAY FILE AN ACTION AGAINST THE CONSTRUCTION PROFESSIONAL FOR CLAIMS ARISING OUT OF THE DEFECT OR DAMAGE DESCRIBED IN THE NOTICE OF CLAIM WITHOUT FURTHER NOTICE.

(8) AFTER THE SENDING OF A NOTICE OF CLAIM, A CLAIMANT AND A CONSTRUCTION PROFESSIONAL MAY, BY WRITTEN MUTUAL AGREEMENT, ALTER THE PROCEDURE FOR THE NOTICE OF CLAIM PROCESS DESCRIBED IN THIS SECTION.

(9) ANY ACTION COMMENCED BY A CLAIMANT WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL BE STAYED, WHICH STAY SHALL REMAIN IN EFFECT UNTIL THE CLAIMANT HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.

(10) A CLAIMANT MAY AMEND A NOTICE OF CLAIM TO INCLUDE CONSTRUCTION DEFECTS DISCOVERED AFTER THE SERVICE OF THE ORIGINAL NOTICE OF CLAIM. HOWEVER, THE CLAIMANT MUST OTHERWISE COMPLY WITH THE REQUIREMENTS OF THIS SECTION FOR THE ADDITIONAL CLAIMS.

(11) FOR PURPOSES OF THIS SECTION, ACTUAL RECEIPT BY ANY MEANS OF A WRITTEN NOTICE, OFFER, OR RESPONSE PREPARED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED FOR DELIVERY OR SERVICE OF THE NOTICE, OFFER, OR RESPONSE SHALL BE DEEMED TO BE SUFFICIENT DELIVERY OR SERVICE.

(12) EXCEPT AS PROVIDED IN SECTION 13-20-806, A CLAIMANT SHALL NOT RECOVER MORE THAN ACTUAL DAMAGES IN AN ACTION.

13-20-805. Tolling of statutes of limitation. IF A NOTICE OF CLAIM IS SENT TO A CONSTRUCTION PROFESSIONAL IN ACCORDANCE WITH SECTION 13-20-803.5 WITHIN THE TIME PRESCRIBED FOR THE FILING OF AN ACTION UNDER ANY APPLICABLE STATUTE OF LIMITATIONS OR REPOSE, THEN THE STATUTE OF LIMITATIONS OR REPOSE IS TOLLED UNTIL SIXTY DAYS AFTER THE COMPLETION OF THE NOTICE OF CLAIM PROCESS DESCRIBED IN SECTION 13-20-803.5.

13-20-806. Limitation of damages. (1) A CONSTRUCTION PROFESSIONAL OTHERWISE LIABLE SHALL NOT BE LIABLE FOR MORE THAN ACTUAL DAMAGES, UNLESS AND ONLY IF THE CLAIMANT OTHERWISE PREVAILS ON THE CLAIM THAT A VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S., HAS OCCURRED; AND IF:

(a) THE CONSTRUCTION PROFESSIONAL'S MONETARY OFFER, MADE PURSUANT TO SECTION 13-20-803.5 (3), TO SETTLE FOR A SUM CERTAIN A CONSTRUCTION DEFECT CLAIM DESCRIBED IN A NOTICE OF CLAIM IS LESS THAN EIGHTY-FIVE PERCENT OF THE AMOUNT AWARDED TO THE CLAIMANT AS ACTUAL DAMAGES SUSTAINED EXCLUSIVE OF COSTS, INTEREST, AND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1161

ATTORNEY FEES; OR

(b) THE REASONABLE COST, AS DETERMINED BY THE TRIER OF FACT, TO COMPLETE THE CONSTRUCTION PROFESSIONAL'S OFFER, MADE PURSUANT TO SECTION 13-20-803.5, TO REMEDY THE CONSTRUCTION DEFECT DESCRIBED IN THE NOTICE OF CLAIM IS LESS THAN EIGHTY-FIVE PERCENT OF THE AMOUNT AWARDED TO THE CLAIMANT AS ACTUAL DAMAGES SUSTAINED EXCLUSIVE OF COSTS, INTEREST, AND ATTORNEY FEES.

(2) IF A CONSTRUCTION PROFESSIONAL DOES NOT SUBSTANTIALLY COMPLY WITH THE TERMS OF AN ACCEPTED OFFER TO REMEDY OR AN ACCEPTED OFFER TO SETTLE A CLAIM FOR A CONSTRUCTION DEFECT MADE PURSUANT TO SECTION 13-20-803.5 OR IF A CONSTRUCTION PROFESSIONAL FAILS TO RESPOND TO A NOTICE OF CLAIM, THE CONSTRUCTION PROFESSIONAL SHALL BE SUBJECT TO THE TREBLE DAMAGES PROVISION OF SECTION 6-1-113 (2) (a) (III), C.R.S.; EXCEPT THAT A CONSTRUCTION PROFESSIONAL SHALL BE SUBJECT TO THE TREBLE DAMAGES PROVISION ONLY IF THE CLAIMANT OTHERWISE PREVAILS ON THE CLAIM THAT A VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S., HAS OCCURRED.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AGGREGATE AMOUNT OF TREBLE DAMAGES AWARDED IN AN ACTION UNDER SECTION 6-1-113 (2) (a) (III), C.R.S., AND ATTORNEY FEES AWARDED TO A CLAIMANT UNDER SECTION 6-1-113 (2) (b), C.R.S., SHALL NOT EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS IN ANY ACTION AGAINST A CONSTRUCTION PROFESSIONAL.

(4) (a) IN AN ACTION ASSERTING PERSONAL INJURY OR BODILY INJURY AS A RESULT OF A CONSTRUCTION DEFECT IN WHICH DAMAGES FOR NONECONOMIC LOSS OR INJURY OR DERIVATIVE NONECONOMIC LOSS OR INJURY MAY BE AWARDED, SUCH DAMAGES SHALL NOT EXCEED THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS. AS USED IN THIS SUBSECTION (4), "NONECONOMIC LOSS OR INJURY" HAS THE SAME MEANING AS SET FORTH IN SECTION 13-21-102.5 (2) (b), AND "DERIVATIVE NONECONOMIC LOSS OR INJURY" HAS THE SAME MEANING AS SET FORTH IN SECTION 13-21-102.5 (2) (a).

(b) THE LIMITATIONS ON NONECONOMIC DAMAGES SET FORTH IN THIS SUBSECTION (4) SHALL BE ADJUSTED FOR INFLATION AS OF JULY 1, 2003, AND AS OF JULY 1 OF EACH YEAR THEREAFTER UNTIL AND INCLUDING JULY 1, 2008. THE ADJUSTMENT MADE PURSUANT TO THIS PARAGRAPH (b) SHALL BE ROUNDED UPWARD OR DOWNWARD TO THE NEAREST TEN DOLLAR INCREMENT.

(c) AS USED IN PARAGRAPH (b) OF THIS SUBSECTION (4), "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-BOULDER, ALL ITEMS, ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(d) THE SECRETARY OF STATE SHALL CERTIFY THE ADJUSTED LIMITATION ON DAMAGES WITHIN FOURTEEN DAYS AFTER THE APPROPRIATE INFORMATION IS AVAILABLE, AND SUCH ADJUSTED LIMITATION ON DAMAGES SHALL BE THE LIMITATION APPLICABLE TO ALL CLAIMS FOR RELIEF THAT ACCRUE ON OR AFTER JULY 1, 2003.

(5) CLAIMS FOR PERSONAL INJURY OR BODILY INJURY AS A RESULT OF A CONSTRUCTION DEFECT SHALL NOT BE SUBJECT TO THE TREBLE DAMAGES PROVISIONS OF THE "COLORADO CONSUMER PROTECTION ACT". ARTICLE 1 OF TITLE 6, C.R.S.

(6) IN ANY CASE IN WHICH THE COURT DETERMINES THAT THE ISSUE OF A VIOLATION OF THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S., WILL BE SUBMITTED TO A JURY, THE COURT SHALL NOT DISCLOSE NOR ALLOW DISCLOSURE TO THE JURY OF AN OFFER OF SETTLEMENT OR OFFER TO REMEDY MADE UNDER SECTION 13-20-803.5 THAT WAS NOT ACCEPTED BY THE CLAIMANT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1161

13-20-807. Express warranty - not affected. THE PROVISIONS OF THIS PART 8 ARE NOT INTENDED TO ABROGATE OR LIMIT THE PROVISIONS OF ANY EXPRESS WARRANTY. THE PROVISIONS OF THIS PART 8 SHALL APPLY TO THOSE CIRCUMSTANCES WHERE AN ACTION IS FILED ASSERTING ONE OR MORE CLAIMS FOR RELIEF INCLUDING A CLAIM FOR BREACH OF WARRANTY. THE PROVISIONS OF THIS PART 8 SHALL NOT BE DEEMED TO REQUIRE A CLAIMANT WHO IS THE BENEFICIARY OF AN EXPRESS WARRANTY TO COMPLY WITH THE NOTICE PROVISIONS OF SECTION 13-20-803.5 TO REQUEST ORDINARY WARRANTY SERVICE IN ACCORDANCE WITH THE TERMS OF SUCH WARRANTY. A CLAIMANT WHO REQUIRES WARRANTY SERVICE SHALL COMPLY WITH THE PROVISIONS OF SUCH WARRANTY.

SECTION 6. Applicability. This act shall apply to actions filed on or after the effective date of this act.

SECTION 7. 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."

Respectfully submitted,

House Committee:
(signed)
Representative Rippy, Chairman
Representative Miller
Representative Williams T.

Senate Committee:
(signed)
Senator McElhany, Chairman
Senator Hillman

MESSAGES FROM THE HOUSE

April 8, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1190, amended as printed in House Journal, April 7, page 1495.
HB03-1276, amended as printed in House Journal, April 7, page 1496.
HB03-1292, amended as printed in House Journal, April 7, page 1496.

April 8, 2003
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Wiens, chairman, Spradley, and Plant as House conferees on the First Conference Committee on SB03-113.

The Speaker has appointed Representatives Rhodes, chairman, White, and Judd as House conferees on the First Conference Committee on HB03-1237.

MESSAGE FROM THE REVISOR OF STATUTES

April 8, 2003

We herewith transmit:

Without comment, as amended, HB03-1190, 1276, and 1292.

INTRODUCTION OF BILLS--FIRST READING

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

HB03-1138 by Representative(s) Hefley, Schultheis, Cloer, May M., Crane, Lee, Rhodes; also Senator(s) Hillman--Concerning offenses against pregnant women that affect their unborn children, and making an appropriation in connection therewith.
Judiciary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1276 by Representative(s) Frangas, Sanchez; also Senator(s) Kester--Concerning the pooling of all small employers within certain geographic areas for the purposes of purchasing health benefit coverage.
Business Affairs & Labor

HB03-1292 by Representative(s) Williams S., Borodkin, Boyd, Briggs, Frangas, Jahn, Plant, Romanoff, Sinclair, Stafford; also Senator(s) Teck--Concerning service fees for intermediate care facilities for the mentally retarded, and making an appropriation therefor.
Finance
Appropriations

MESSAGES FROM THE GOVERNOR

Appointment Letters of designation and appointment from Governor Owens were read and assigned to Committees as follows:

March 18, 2003

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, reappoint and submit to your consideration, the following:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

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.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 04/04/03
Mona Heustis, Secretary of the Senate

Committee on Education

March 18, 2003

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

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.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 04/04/03
Mona Heustis, Secretary of the Senate

Committee on Judiciary

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:

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

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

Third Reading Amendment No. 1(L.013), by Senator Lamborn.

Amend revised bill, page 4, line 25, after "SERVICE", insert "FOR A CHARGE OR COMPENSATION".

Page 5, line 8, after "PROVIDED", insert "FOR A CHARGE OR COMPENSATION".

Page 7, line 14, strike "SO THAT IT IS CAPABLE" and substitute "FOR THE PURPOSE";

line 15, after "ANY", insert "EFFECTIVE".

Page 8, after line 13, insert the following:

"(n) "MULTIPURPOSE DEVICE" MEANS ANY COMMUNICATION DEVICE THAT IS CAPABLE OF MORE THAN ONE FUNCTION, AND INCLUDES ANY COMPONENT THEREOF.";

line 14, strike "~~(g)~~ (n)" and substitute "~~(g)~~ (o)";

after line 17, insert the following:

"(p) "UNLAWFUL ACCESS DEVICE" MEANS ANY ACCESS DEVICE OR OTHER INSTRUMENT, DEVICE, MACHINE, EQUIPMENT, TECHNOLOGY, OR SOFTWARE THAT IS PRIMARILY DESIGNED, DEVELOPED, ASSEMBLED, MANUFACTURED, SOLD, DISTRIBUTED, POSSESSED, USED, PROMOTED ADVERTISED, OR OFFERED FOR SALE FOR THE PURPOSE OF DEFEATING OR CIRCUMVENTING ANY EFFECTIVE TECHNOLOGY, DEVICE, OR SOFTWARE, OR ANY COMPONENT OR PART THEREOF, USED BY THE PROVIDER, OWNER, OR LICENSEE OF ANY COMMUNICATION SERVICE OR OF ANY DATA, AUDIO OR VIDEO SERVICE, PROGRAMS, OR TRANSMISSIONS, TO PROTECT ANY SUCH COMMUNICATION, DATA, AUDIO OR VIDEO SERVICE, PROGRAMS, OR TRANSMISSIONS FROM UNAUTHORIZED RECEIPT, ACQUISITION, INTERCEPTION, ACCESS, DECRYPTION, DISCLOSURE, COMMUNICATION, TRANSMISSION, OR RE-TRANSMISSION.";

line 19, strike "knowingly:" and substitute "knowingly AND WITH THE INTENT TO DEFRAUD A COMMUNICATION SERVICE PROVIDER:".

Page 9, line 5, change the semicolon to a comma and add "AS STATED IN A CONTRACT OR OTHERWISE; OR";

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

HB03-1303

line 9, change the semicolon to a comma and insert "AS STATED IN A CONTRACT OR OTHERWISE;"

line 13, strike "DEVICE;" and substitute "DEVICE IF SUCH CONCEALMENT IS FOR THE PURPOSE OF COMMITTING A VIOLATION OF SUBPARAGRAPH (I), (II), OR (III) OF THIS PARAGRAPH (a);".

Page 14, after line 6, insert the following:

"(13) **Saving provisions.** (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A PERSON WHO MANUFACTURES, PRODUCES, ASSEMBLES, DESIGNS, DEVELOPS, SELLS, DISTRIBUTES, OR LICENSES A MULTIPURPOSE DEVICE SHALL NOT BE IN VIOLATION OF THIS SECTION UNLESS SUCH PERSON ACTS KNOWINGLY AND WITH AN INTENT TO DEFRAUD A COMMUNICATION SERVICE PROVIDER AND THE MULTIPURPOSE DEVICE:

(I) IS MANUFACTURED, DEVELOPED, ASSEMBLED, PRODUCED, DESIGNED, DISTRIBUTED, SOLD, OR LICENSED FOR THE PRIMARY PURPOSE OF COMMITTING A VIOLATION OF THIS SECTION; OR

(II) HAS ONLY LIMITED COMMERCIALY SIGNIFICANT PURPOSE OR USE OTHER THAN AS AN UNLAWFUL ACCESS DEVICE OR FOR THE COMMISSION OF ANY OTHER VIOLATION OF THIS SECTION; OR

(III) IS MARKETED BY THE PERSON, OR BY ANOTHER ACTING IN CONCERT WITH THAT PERSON AND WITH HIS OR HER KNOWLEDGE, FOR USE AS AN UNLAWFUL ACCESS DEVICE OR FOR THE PURPOSE OF COMMITTING ANY OTHER VIOLATION OF THIS SECTION.

(b) NOTHING IN THIS SECTION SHALL REQUIRE THAT THE DESIGN OF, OR THE DESIGN AND SELECTION OF PARTS, SOFTWARE CODE, OR COMPONENTS FOR, A COMMUNICATIONS DEVICE PROVIDE FOR A RESPONSE TO ANY PARTICULAR TECHNOLOGY, DEVICE, OR SOFTWARE, OR ANY COMPONENT OR PART THEREOF, USED BY THE PROVIDER, OWNER, OR LICENSEE OF ANY COMMUNICATION SERVICE OR OF ANY DATA, AUDIO OR VIDEO PROGRAMS, OR TRANSMISSIONS FOR THE PURPOSE OF PROTECTING ANY SUCH COMMUNICATION, DATA, AUDIO OR VIDEO SERVICE, PROGRAMS, OR TRANSMISSIONS FROM UNAUTHORIZED RECEIPT, ACQUISITION, INTERCEPTION, ACCESS, DECRYPTION, DISCLOSURE, COMMUNICATION, TRANSMISSION, OR RETRANSMISSION.

(c) THIS SECTION SHALL NOT IMPOSE ANY CRIMINAL OR CIVIL LIABILITY UPON ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY, ANY STATE OR LOCAL GOVERNMENT AUTHORITY, MUNICIPALITY, OR AGENCY, OR ANY COMMUNICATION SERVICE PROVIDER, LAWFULLY ACTING WITHIN HIS, HER, OR ITS CAPACITY AS SUCH."

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

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

YES	32	NO	3	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	N	May	Y	Taylor	Y
Dyer	Y	Hillman	N	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
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**.

SB03-258 by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning the provision for payment of the expenses of the executive, legislative, and
judicial departments of the state of Colorado, and of its agencies and institutions, for and
during the fiscal year beginning July 1, 2003, except as otherwise noted.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	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	Y
Fitz-Gerald	Y	Jones	Y	Phillips	N	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Chlouber, Evans, and Gordon.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

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 Conferees on the First Conference Committee on **SB03-098** 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**.

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

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB03-1016 by Representative(s) Mitchell; also Senator(s) Dyer--Concerning the effective duration of certification of emissions control for motor vehicles.

Laid over until Thursday, April 10, retaining its place on the calendar.

SB03-073 by Senator(s) Owen; also Representative(s) Hoppe--Concerning an increase in the state engineer's authority to approve the use of water.

Laid over until Friday, April 11, retaining its place on the calendar.

SB03-232 by Senator(s) Chlouber; --Concerning the office of consumer counsel.

Laid over until Friday, April 11, retaining its place on the calendar.

HB03-1256 by Representative(s) Spradley, Fairbank, Fritz, Hefley, McFadyen, Miller, Rippy, Rose, Veiga, Boyd, Briggs, Garcia, Hall, Hoppe, Jahn, Mitchell, Stengel, Weddig, White, Wiens; also Senator(s) Anderson, Kester, Chlouber, Entz, Dyer--Concerning the authority of the state to enter into lease-purchase agreements, and, in connection therewith, authorizing lease-purchase agreements for a high-custody correctional facility and for the university of Colorado health sciences center at Fitzsimons.

HB03-1256Amendment No. 1(L.013), by Senator Anderson.

Amend reengrossed bill, page 8, line 23, after "agreements", insert "for up to twenty-five years".

Page 12, line 23, after "agreement", insert "FOR THE ACQUISITION OF PERSONAL PROPERTY".

Page 14, line 9, strike "**legislative declaration -**";

line 10, after "**proceeds.**", insert "(1)";

after line 13, insert the following:

"(2) ON OR BEFORE JUNE 30, 2006, THE UNIVERSITY OF COLORADO SHALL ENTER INTO AN AGREEMENT WITH A THIRD-PARTY MASTER DEVELOPER TO CARRY OUT THE DEVELOPMENT, SALE, OR USE OF THE REAL ESTATE INTERESTS OF THE UNIVERSITY OF COLORADO IN THE CAMPUS AT NINTH AVENUE AND COLORADO BOULEVARD, INCLUDING, BUT NOT LIMITED TO, THE UNIVERSITY'S REAL ESTATE INTERESTS IN THE GROUND LEASED TO THE UNIVERSITY OF COLORADO HOSPITAL, THAT WILL MAXIMIZE THE MONEYS AVAILABLE FOR THE MOVE OF THE COLORADO HEALTH SCIENCES CENTER TO THE FORMER FITZSIMONS ARMY BASE.

(3) (a) FOR PURPOSES OF THIS SUBSECTION (3), UNLESS THE CONTEXT OTHERWISE REQUIRES, "NET PROCEEDS FROM NINTH AVENUE AND COLORADO BOULEVARD" MEANS THE PROCEEDS FROM THE SALE, GROUND LEASE, OR OTHER DISPOSITION OF THE REAL ESTATE INTEREST OF THE UNIVERSITY OF COLORADO IN THE NINTH AVENUE AND COLORADO BOULEVARD CAMPUS, INCLUDING, BUT NOT LIMITED TO, THE UNIVERSITY'S INTERESTS IN THE GROUND LEASED TO THE UNIVERSITY OF COLORADO HOSPITAL, LESS ACTUAL AND REASONABLE COSTS OF COMPLETING THE TRANSACTION AND LESS ANY UNSATISFIED DEBT OR OTHER OBLIGATION RELATING TO SUCH REAL ESTATE INTERESTS.

(b) OF THE NET PROCEEDS FROM NINTH AVENUE AND COLORADO BOULEVARD, UP TO FIFTEEN MILLION DOLLARS SHALL BE DEPOSITED INTO THE GENERAL FUND. ANY NET PROCEEDS FROM NINTH AVENUE AND COLORADO BOULEVARD IN EXCESS OF FIFTEEN MILLION DOLLARS SHALL BE DIVIDED EQUALLY WITH ONE-HALF BEING DEPOSITED INTO THE GENERAL FUND AND ONE-HALF BEING RETAINED BY THE UNIVERSITY OF COLORADO FOR THE DEVELOPMENT OF THE FITZSIMONS CAMPUS."

Page 15, line 10, strike "OWED" and substitute "DUE";

line 15, after the second "FUND", insert "THE LESSER OF THE AMOUNT DUE TO ANY LESSOR DURING THE FISCAL YEAR AND".

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

(For further action, see Amendment to the Report of the Committee of the Whole.)

HB03-1214 by Representative(s) Harvey; also Senator(s) Cairns--Concerning not requiring notification to a parent that the parent's minor child is seeking an abortion in a case of a medical emergency.

Laid over until Thursday, April 10, retaining its place on the calendar.

HB03-1140 by Representative(s) Larson, Tochtrop, Young, Harvey, Hodge, Hoppe, Rippey, White; also Senator(s) Entz, Chlouber, Taylor, Isgar, Kester--Concerning the classification of state noxious weeds, and, in connection therewith, implementing management programs for such classified noxious weeds.

Amendment No. 1(L.010), by Senator Entz.

Amend reengrossed bill, page 4, line 9, strike "land and includes an owner" and substitute "land. ~~and includes an owner~~";

strike lines 10 through 16 and substitute the following:

"of any easement, right-of-way, or estate in the land."

HB03-1140

Page 14, after line 1, insert the following:

"(15) FOR THE PURPOSES OF THIS SECTION, AN "OCCUPANT" SHALL NOT INCLUDE THE OWNER OF AN EASEMENT OR RIGHT-OF-WAY. "

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

Amend reengrossed bill, page 6, line 2, strike "OR";

line 3, strike "COMMISSIONER." and substitute "COMMISSIONER;"

after line 3, insert the following:

"(III) NOXIOUS WEED MANAGEMENT PLANS THAT ARE PART OF AN APPROVED RECLAMATION PLAN PURSUANT TO SECTION 34-32-116 (7) OR 34-32.5-117 (4), C.R.S.;

(IV) NOXIOUS WEED MANAGEMENT ACTIVITIES THAT ARE CONDUCTED ON DISTURBED LANDS AS PART OF AN APPROVED RECLAMATION PLAN PURSUANT TO SECTION 34-33-111 (1), C.R.S.; OR

(V) NOXIOUS WEED MANAGEMENT ACTIVITIES THAT ARE PART OF ACTIVITIES CONDUCTED ON DISTURBED LANDS AS PART OF AN APPROVED RECLAMATION PLAN PURSUANT TO SECTION 34-60-106 (12), C.R.S. "

Page 8, line 22, strike "AN" and substitute "EXCEPT AS PROVIDED PURSUANT TO SECTION 35-5.5-104.5 (1) (a), AN".

Amendment No. 3(L.014), by Senator Entz.

Amend the Entz floor amendment (L.013_HB1140), page 1, line 11, strike "AS PART OF AN APPROVED";

line 12, strike "RECLAMATION PLAN".

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

HB03-1128 by Representative(s) Stafford, Crane, Harvey, Rhodes, Schultheis, Sinclair; also Senator(s) Cairns, Andrews, Arnold, Hillman, Johnson S., Kester, Lamborn, May R.--Concerning the required display of the national motto in public buildings in the state.

Laid over until Thursday, April 10, retaining its place on the calendar.

SB03-082 by Senator(s) Linkhart, Dyer; also Representative(s) Stafford--Concerning child placement in dependency or neglect actions.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 7, page 287 and placed in members' bill files.)

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

SB03-001 by Senator(s) Cairns; also Representative(s) Lee--Concerning property tax credits to support education in the state.

Laid over until Thursday, April 10, retaining its place on the calendar.

SB03-236 by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp, Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King, McCluskey, Sinclair, Stengel, Weddig--Concerning an authorization of the issuance of voter-approved revenue bonds for the purpose of financing water infrastructure projects by the state, and, in connection therewith, excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending.

Laid over until Thursday, April 10, retaining its place on the calendar.

SB03-019 by Senator(s) Anderson; --Concerning program reviews of tobacco settlement programs.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB03-019

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, January 16, page 69 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 4, pages 924-926 and placed in members' bill files.)

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

SB03-033

by Senator(s) Anderson, Takis, Taylor, Tupa; also Representative(s) Coleman, Vigil, White, Williams T.--Concerning management of public records by governmental entities.

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

Amend printed bill, page 2, strike lines 2 through 8.

Page 3, strike lines 1 through 5 and substitute the following:

"**SECTION 1.** 24-80-102 (4), Colorado Revised Statutes, is amended to read:

24-80-102. State archives and public records - personnel - duties - cash fund. (4) To effectuate the purposes of this part 1, the governor may direct any ~~department, division, board, bureau, commission, institution, or agency of the state, or any political subdivision thereof,~~ OF THE STATE to designate a records ~~liaison officer~~ ADMINISTRATOR to cooperate with and assist and advise the executive director in the performance of the duties and functions concerning state archives and public records and to provide such other assistance and data as will enable the department of personnel to properly carry out its activities and effectuate the purposes of this part 1.";

line 11, strike ""AGENCY"" and substitute ""STATE AGENCY"";

strike lines 13 through 15;

line 16, before "AGENCY", insert "STATE";

line 18, before "AGENCY", insert "STATE";

line 19, before "AGENCY", insert "STATE";

line 24, before "AGENCY'S", insert "STATE".

Page 4, line 5, before "AGENCY'S", insert "STATE";

line 7, before "AGENCY'S", insert "STATE";

line 9, before "AGENCY'S", insert "STATE";

line 11, before "AGENCY'S", insert "STATE";

line 15, before "AGENCY'S", insert "STATE";

line 19, before "AGENCY'S", insert "STATE";

strike lines 25 through 27.

Page 5, strike line 1;

line 2, strike "(4)" and substitute "(3)";

line 4, strike "(4)" and substitute "(3)";

line 9, after "officer", insert "OF A STATE AGENCY, AS DEFINED IN SECTION 24-80-102.7,";

line 12, after "value.", insert "EVERY PUBLIC OFFICER OF A POLITICAL SUBDIVISION WHO HAS PUBLIC RECORDS IN HIS OR HER CUSTODY SHALL CONSULT PERIODICALLY WITH THE DEPARTMENT OF PERSONNEL AND THE ATTORNEY GENERAL OF THE STATE, AND SUCH THREE OFFICERS SHALL

SB03-033

DETERMINE WHETHER THE RECORDS IN QUESTION ARE OF LEGAL, ADMINISTRATIVE, OR HISTORICAL VALUE.";

line 22, strike "agency" and substitute "STATE agency OR POLITICAL SUBDIVISION".

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

SB03-121

by Senator(s) McElhany; also Representative(s) Williams T.--Concerning the preparation of a cost-benefit analysis of rules proposed for adoption by state agencies under the "State Administrative Procedure Act" to determine the impact of the proposed rules on the state's economy.

Laid over until Thursday, April 10, retaining its place on the calendar.

SB03-167

by Senator(s) Isgar; also Representative(s) Brophy--Concerning the valuation of possessory interests in land leased by the state board of land commissioners for purposes of property taxation.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, February 12, page 333 and placed in members' bill files.)

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

SB03-022

by Senator(s) Johnson S., Anderson; --Concerning the administration of the old age pension health and medical care programs.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 4, page 927 and placed in members' bill files.)

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

SB03-049

by Senator(s) Sandoval; also Representative(s) Hall--Concerning the method by which moneys in the aviation fund may be appropriated by the general assembly.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, January 15, page 66 and placed in members' bill files.)

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

SB03-239

by Senator(s) Chlouber; also Representative(s) Berry--Concerning the enforcement of compulsory motor vehicle insurance, and, in connection therewith, continuing the motorist insurance identification database program.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, March 13, page 630 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 4, page 927 and placed in members' bill files.)

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

SB03-103

by Senator(s) Reeves, Teck; also Representative(s) Berry, Larson--Concerning training programs for Colorado peace officers overseen by the peace officer standards and training board, and, in connection therewith, providing funding for such peace officer training programs.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, February 14, page 370 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 4, pages 927-928 and placed in members' bill files.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

- SB03-103** As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 1
2
3
4
- SB03-076** by Senator(s) Teck, Arnold, Taylor; also Representative(s) Mitchell--Concerning time frames applicable to penalties for offenses relating to the use of substances. 5
6
7
8
9
10
11
12
13
14
15
16
- Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, March 5, page 553 and placed in members' bill files.) 17
18
19
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 4, page 928 and placed in members' bill files.) 20
21
22
23
24
25
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 26
27
28
- SB03-005** by Senator(s) Owen; also Representative(s) Tochtrop--Concerning a care management pilot program for the oversight of medical services provided to specified recipients of medicaid. 29
30
31
32
- Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 7, page 289 and placed in members' bill files.) 33
34
35
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 4, pages 928-929 and placed in members' bill files.) 36
37
38
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 39
40
41
42
- SB03-230** by Senator(s) May R., Lamborn, Cairns, Andrews, Fitz-Gerald; also Representative(s) Fritz--Concerning an authorization for the secretary of state to promulgate rules pursuant to the "Uniform Electronic Signatures Act". 29
30
31
32
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 27, page 499 and placed in members' bill files.) 33
34
35
- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 4, page 929 and placed in members' bill files.) 36
37
38
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 39
40
41
42

AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE

- HB03-1256** by Representative(s) Spradley, Fairbank, Fritz, Hefley, McFadyen, Miller, Rippey, Rose, Veiga, Boyd, Briggs, Garcia, Hall, Hoppe, Jahn, Mitchell, Stengel, Weddig, White, Wiens; also Senator(s) Anderson, Kester, Chlouber, Entz, Dyer--Concerning the authority of the state to enter into lease-purchase agreements, and, in connection therewith, authorizing lease-purchase agreements for a high-custody correctional facility and for the university of Colorado health sciences center at Fitzsimons. 45
46
47
48
49
50
51
- Senators McElhany and Reeves moved to amend the Report of the Committee of the Whole to show that the State, Veterans & Military Affairs Committee amendment to **HB03-1256**, Senate Journal, March 26, 2003, pages 760-761, did pass. 52
53
54
55

The motion was declared **LOST** by the following roll call vote:

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	N	Sandoval	N
Arnold	N	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	N	Hanna	Y	May	Y	Taylor	N
Dyer	N	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	Isgar	N	Nichol	Y	Tupa	Y
Evans	N	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	N	Phillips	N	Mr. President	Y
Gordon	N	Keller	Y	Reeves	Y		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB03-1256 as amended, HB03-1140 as amended, SB03-082 as amended, SB03-019 as amended, SB03-033 as amended, SB03-167 as amended, SB03-022 as amended, SB03-049 amended, SB03-239 as amended, SB03-103 as amended, SB03-076 as amended, SB03-005 as amended, SB03-230 as amended.

Laid over until Thursday, April 10: HB03-1016, HB03-1214, HB03-1128, SB03-001, SB03-236, SB03-121.

Laid over until Friday, April 11: SB03-073, SB03-232.

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **HB03-1147** 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 4 through 7 and substitute the following:

"SECTION 1. 39-22-903 (4), Colorado Revised Statutes, is amended to read:

39-22-903. Repeal of part. (4) The change of the date in section 39-22-901 from January 1, 2001, to January 1, 2005, and the change of the repeal date in subsection (1) of this section from January 1, 2002, to January 1, 2006, were made by the general assembly during the second regular session of the sixty-third general assembly to continue and reestablish the olympic committee program established by this part 9. Section 39-22-1001 (2), which requires the elimination of any income tax checkoff that does not have contributions that equal or exceed ~~ten~~ FIVE percent of the total amount contributed to all income tax checkoffs during the period between January 1 ~~2002~~, and September 30 ~~2002~~, shall not apply to the olympic committee program continued and reestablished by this subsection (4); except that THE OLYMPIC COMMITTEE PROGRAM SHALL BE SUBJECT TO THE PROVISIONS OF section 39-22-1001 (3). ~~shall apply to the period between January 1, 2003, and September 30, 2004.~~

SECTION 2. 39-22-1001 (2) (a), (3) (a), and (4) (a), Colorado Revised Statutes, are amended, and the said 39-22-1001 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

39-22-1001. Limitation on the duration of voluntary contribution programs - repeal. (2) (a) Any other provision of law to the contrary notwithstanding, except as provided in PARAGRAPH (c) OF THIS SUBSECTION (2) AND IN subsections (3) and (4) of this section, for the period January 1, 1988, through September 30, 1988, and for each January 1 through September 30 thereafter, if the amount designated on Colorado income tax returns as contributed under the provisions of any voluntary contribution program created by law does not equal or exceed ten percent of the total amount contributed to all income tax checkoffs during such period according to the records of the department of revenue, then any such voluntary contribution program shall no longer be effective as of January 1 of the then current calendar year and shall not be reflected on the Colorado income tax returns made for such year or any subsequent year.

(c) FOR THE PERIOD JANUARY 1, 2003, THROUGH SEPTEMBER 30, 2003, AND FOR EACH JANUARY 1 THROUGH SEPTEMBER 30 THEREAFTER, IF THE AMOUNT DESIGNATED ON COLORADO INCOME TAX RETURNS AS CONTRIBUTED UNDER THE PROVISIONS OF ANY VOLUNTARY CONTRIBUTION PROGRAM CREATED BY LAW DOES NOT EQUAL OR EXCEED FIVE PERCENT OF THE TOTAL AMOUNT CONTRIBUTED TO ALL INCOME TAX CHECKOFFS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

HB03-1147

DURING SUCH PERIOD ACCORDING TO THE RECORDS OF THE DEPARTMENT OF REVENUE, THEN ANY SUCH VOLUNTARY CONTRIBUTION PROGRAM SHALL NO LONGER BE EFFECTIVE AS OF JANUARY 1 OF THE THEN CURRENT CALENDAR YEAR AND SHALL NOT BE REFLECTED ON THE COLORADO INCOME TAX RETURNS MADE FOR SUCH YEAR OR ANY SUBSEQUENT YEAR.

(3) (a) Paragraph (a) of subsection (2) of this section shall not apply to the United States olympic voluntary contribution established pursuant to part 9 of this article. Beginning January 1, 2003, and continuing through September 30, 2004, if the aggregate amount designated on Colorado income tax returns as contributed under the provisions of the olympic committee income tax checkoff program during the period commencing January 1, 2003, and ending September 30, 2004, does not equal or exceed ~~ten~~ FIVE percent of the aggregate amount contributed to all income tax checkoffs during the period commencing January 1, 2003, and ending September 30, 2004, according to the records of the department of revenue, then the olympic committee income tax checkoff program shall no longer be effective as of January 1, 2004, and shall not be reflected on the Colorado income tax returns made for such year or any subsequent year.

(4) (a) ~~Paragraph (a)~~ of Subsection (2)".

Renumber succeeding sections accordingly.

Page 1, line 101, strike "CHECKOFFS, AND, IN" and substitute "CHECKOFFS.";

strike lines 102 through 107.

Finance

After consideration on the merits, the Committee recommends that **HB03-1208** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 25, 2003
Mr. President:

The Speaker has appointed Representatives Spradley, chairman, Hall, and Miller as House conferees on the First Conference Committee on SB03-065.

MESSAGE FROM THE GOVERNOR

April 7, 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. 03-013 - Concerning Modifications To The "Comprehensive Primary And Preventive Care Grant Program Act".

Approved April 7, 2003 at 4:20 p.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

S.B. 03-032 – Concerning The Procedures For Reviewing Materials Submitted By An Owner Claiming A Property Tax Exemption For Property Used For Religious Purposes.

Approved April 7, 2003 at 4:21 p.m.

S.B. 03-112 – Concerning Modifications To The Program For The Medically Indigent.

Approved April 7, 2003 at 4:23 p.m.

S.B. 03-115 – Concerning The Authority Of The Governing Bodies Of Local Governments To Protect The In-Basin Use Of Agricultural Water Rights.

Approved April 7, 2003 at 5:03 p.m.

S.B. 03-116 – Concerning The Distinction Between A Motor Vehicle Dealer And A Motor Vehicle Service Contract Provider For Purposes Of Motor Vehicle Service Contract Insurance.

Approved April 7, 2003 at 5:06 p.m.

S.B. 03-130 – Concerning The Repeal Of The Home Health Services Pilot Program Advisory Committee.

Approved April 7, 2003 at 5:09 p.m.

S.B. 03-133 – Concerning Civil Forfeiture In Title 16, Colorado Revised Statutes.

Approved April 7, 2003 at 5:10 p.m.

S.B. 03-135 – Concerning The Elimination Of Outdated Provisions Of Law Resulting From The Law’s Obsolescence, Infrequency Of Use, Or Inapplicability To Current Society, And, In Connection Therewith, Repealing Or Amending Various Provisions Of Law.

Approved April 7, 2003 at 5:11 p.m.

S.B. 03-224 – Concerning The Continuation Of The Worker’s Compensation Physician Accreditation Program Under Rules Adopted By The Director Of The Division Of Workers’ Compensation.

Approved April 7, 2003 at 5:21 p.m.

S.B. 03-234 – Concerning The Date That Refund Interest Begins To Accrue Where Property Tax Was Erroneously Levied As A Result Of An Error By The Taxpayer In Completing Statements Relating To Oil And Gas Property.

Approved April 7, 2003 at 5:23 p.m.

Sincerely,
(signed)

Bill Owens

Governor

Rec'd 04-08-03 9:55 a.m.

Mona Heustis, Secretary of the Senate

APPOINTMENTS TO CONFERENCE COMMITTEES

The President appointed Senators Jones, Chairman, Lamborn, and Hanna as Senate Conferees on the First Conference Committee on **HB03-1218**.

The President appointed Senators Johnson, Chairman, Kester, and Hanna as Senate Conferees on the First Conference Committee on **HB03-1305**.

The President appointed Senators Kester, Chairman, Johnson, and Nichol as Senate Conferees on the First Conference Committee on **HB03-1253**.

SENATE SERVICES REPORT

Senate
Services

Correctly engrossed: SB03-258.

Correctly reengrossed: SB03-249.

Correctly rerevised: HB03-1044, 1121.

Correctly enrolled: SB03-021, 034, 042, 067, 117, 119, 147, 243.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1010, 1083, 1108, 1117, 1186, 1232, 1255; HJR03-1034, 1035, 1036, 1039.

TRIBUTES

Honoring Eads Elementary School -- by Senator Hillman.

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 9, was laid over until Thursday, April 10, retaining its place on the calendar.

Consideration of Resolutions: SJR03-032, HJR03-1032, HJR03-1041, HJR03-1020, HJR03-1022, HJR03-1033, HJR03-1047.

Consideration of Memorials: SJM03-002, SJM03-004, SJM03-001.

Consideration of House Amendments to Senate Bills: SB03-038, SB03-088, SB03-044, SB03-106, SB03-079, SB03-235, SB03-058, SB03-241.

Consideration of Governor's Vetoes: SB03-207.

Consideration of Governor's Appointments:

Member of the Board of Trustees for Fort Lewis College;

Members of the Mined Land Reclamation Board;

Members of the Colorado Student Obligation Bond Authority Board of Directors;

Members of the Colorado Commission on the Aging;

Members of the Air Quality Control Commission;

Member of the State Electrical Board;

Members of the State Housing Board.

Consideration of Conference Committee: HB03-1103, HB03-1301.

Conference Committees to Report: HB03-1161, HB03-1025, HB03-1224, HB03-1003, HB03-1005, SB03-226, SB03-098, HB03-1111, SB03-009.

Request for Conference Committees: SB03-065, HB03-1240, HB03-1172, HB03-1218, HB03-1007, HB03-1305, HB03-1092, HB03-1237, SB03-113, SB03-126, SB03-007, HB03-1219, HB03-1253, HB03-1228.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Thursday, April 10, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69