

**HOUSE JOURNAL**  
**SIXTY-FOURTH GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**First Regular Session**

One Hundred-twelfth Legislative Day                      Tuesday, April 29, 2003

1 Prayer by the Reverend Doctor Cynthia Cearley, Montview Presbyterian  
2 Church, Denver.

3

4 The Speaker called the House to order at 9:00 a.m.

5

6 Pledge of Allegiance led by Representative Spence.

7

8 The roll was called with the following result:

9

10            Present--65.

11

12 The Speaker declared a quorum present.

13

14

15 On motion of Representative Cadman, the reading of the journal of  
16 April 28, 2003, was declared dispensed with and approved as corrected  
17 by the Chief Clerk.

18

19

20

**CONSIDERATION OF MEMORIAL**

21

22 **HM03-1004** by Representative(s) Decker--Memorializing former  
23 Representative Harold J. Evetts.

24

25 (Printed and placed in member's file, also printed in House Journal  
26 April 25, pages 2050-2051.)

27

28 The Speaker ordered the memorial read at length.

29

30 Representative Decker introduced members of the family that were  
31 present.

32

33

34 Pursuant to House Rule 26(f) the House stood in recess to allow the  
35 following former members to speak on behalf of the honorable Harold J.  
36 Evetts: Bob Kirscht.

37

38

39

House reconvened.

40

41

42 On motion of Representative Decker, the memorial was **adopted** by the  
43 following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
2	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
3	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
4	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
5	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
6	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
7	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
8	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
9	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
10	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
11	Cloer	Y	King	Y	Rhodes	Y	White	Y
12	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
13	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
14	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
15	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
16	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
17							Speaker	Y

18  
19 Co-sponsors added: Roll call of the House.

20  
21  
22 House in recess. House reconvened.

23  
24  
25  
26 **MESSAGE FROM THE SENATE**

27  
28 Madam Speaker:

29  
30 The Senate has adopted and transmits herewith: SJR03-036.

31  
32  
33  
34 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

35  
36 **SJR03-036** by Senator(s) Arnold, Teck, Andrews, Cairns, Chlouber,  
37 Hillman, Johnson S., May R., McElhany, Owen, Taylor;  
38 also Representative(s) King--Concerning honoring the  
39 ten-year anniversary of the "Charter Schools Act".

40  
41 On motion of Representative King, the rules were suspended and the  
42 resolution given immediate consideration.

43  
44 On motion of Representative King, the resolution was read at length and  
45 **adopted by viva voce** vote.

46  
47 Co-sponsors added: Representatives Briggs, Cadman, Carroll, Clapp, Cloer,  
48 Coleman, Crane, Decker, Fairbank, Frangas, Fritz, Garcia, Hall, Harvey, Hefley,  
49 Hoppe, Johnson, Lee, Lundberg, Madden, May, McCluskey, Merrifield, Miller,  
50 Mitchell, Paccione, Rhodes, Romanoff, Rose, Salazar, Schultheis, Sinclair,  
51 Smith, Spence, Stafford, Stengel, Veiga, Vigil, Weddig, White, Wiens,  
52 Williams T., Witwer, Speaker.

53  
54  
55

1                                   **CONSIDERATION OF RESOLUTION**

2

3    **HJR03-1066** by Representative(s) Judd, Borodkin, Boyd, Carroll,  
 4                                   Cerbo, Coleman, Crane, Fritz, Lee, May M., Romanoff,  
 5                                   Sinclair, Smith, Stengel, Weissmann; also Senator(s)  
 6                                   Grossman--Concerning the proclamation of "Holocaust  
 7                                   Days of Remembrance".

8

9    (Printed and placed in member's file, also printed in House Journal  
 10    April 18, page 1829-1830.)

11

12   On motion of Representative Judd, the resolution was read at length.

13

14   Amendment No. 1, moved by Representative Judd.

15

16   Amend printed resolution, page 1, line 3, strike "6 million Jews" and  
 17   substitute "12 million Jews, Gypsies, homosexuals, and disabled persons  
 18   along with Protestants, Catholics, trade unionists, industrialists,".

19

20   The amendment was declared **passed** by the following roll call vote:

21

22	YES	59	NO	06	EXCUSED	00	ABSENT	00
23	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
24	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
25	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
26	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
27	Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
28	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
29	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
30	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
31	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
32	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
33	Cloer	Y	King	Y	Rhodes	Y	White	Y
34	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
35	Crane	N	Lee	Y	Romanoff	Y	Williams S.	Y
36	Decker	Y	Lundberg	N	Rose	Y	Williams T.	Y
37	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
38	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
39							Speaker	Y

40

41   On motion of Representative Judd the resolution as amended was  
 42   **adopted** by the following roll call vote:

43

44	YES	63	NO	00	EXCUSED	02	ABSENT	00
45	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
46	Borodkin	Y	Garcia	Y	McCluskey	E	Smith	Y
47	Boyd	Y	Hall	E	McFadyen	Y	Spence	Y
48	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
50	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
51	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
52	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
53	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
54	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
55	Cloer	Y	King	Y	Rhodes	Y	White	Y
56	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6 Co-sponsors added: Roll call of the House.  
7  
8  
9

## 10 REPORTS OF COMMITTEE OF REFERENCE

### 11 HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

12 After consideration on the merits, the Committee recommends the  
13 following:  
14

15  
16 **HB03-1370** be referred to the Committee of the Whole with favorable  
17 recommendation.  
18

19  
20 **HB03-1371** be referred to the Committee of the Whole with favorable  
21 recommendation.  
22

23  
24 **SB03-010** be postponed indefinitely.  
25

26  
27 **SB03-314** be referred to the Committee of the Whole with favorable  
28 recommendation.  
29

30  
31 **HR03-1013** be referred out for final action.  
32

### 33 34 35 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 36 **on SB03-113**

37  
38 This Report Adopts the Reengrossed Bill.  
39

40 To the President of the Senate and the  
41 Speaker of the House of Representatives:  
42

43 Your first conference committee appointed on SB03-113,  
44 concerning the continuation of the division of gaming within the  
45 department of revenue, has met and reports that it has agreed upon the  
46 following:  
47

48 That the House recede from its amendment made to the bill and  
49 that the reengrossed bill be adopted without change.  
50

51 Respectfully submitted,

52 Senate Committee:

53 Andy McElhany

54 John Andrews

55 Joan Fitz-Gerald

House Committee:

Tom Wiens

Lola Spradley

Tom Plant

1                                   **PRINTING REPORT**

2  
3 The Chief Clerk reports the following bill has been correctly printed:  
4 **HB03-1380.**

5  
6  
7  
8                                   **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

9  
10 The Speaker has signed: **HM03-1004.**

11  
12  
13                                   **INTRODUCTION OF BILL**  
14                                   **First Reading**

15  
16  
17 The following bill was read by title and referred to the committee  
18 indicated:

19  
20 **HB03-1381** by Representative(s) Mitchell--Concerning child restraint  
21 systems in motor vehicles.  
22 Committee on State, Veterans, & Military Affairs

23  
24  
25                                   **INTRODUCTION OF RESOLUTION**

26  
27  
28 The following resolution was read by title and laid over one day under the  
29 rules:

30  
31 **HR03-1019** by Representative(s) Briggs, Marshall--Concerning  
32 Polycystic Kidney Disease Day.

33  
34           WHEREAS, Polycystic Kidney Disease affects more people in the  
35 United States than Cystic Fibrosis, Multiple Sclerosis, Hemophilia, Sickle  
36 Cell Anemia, Huntington's Disease, and Down's Syndrome combined;  
37 and

38  
39           WHEREAS, Polycystic Kidney Disease causes both kidneys to  
40 lose function and ultimately fail; and

41  
42           WHEREAS, Polycystic Kidney Disease affects families,  
43 irrespective of gender, age, or ethnicity, and it does not skip a generation;  
44 and

45  
46           WHEREAS, Polycystic Kidney Disease costs Americans more  
47 than \$2 billion annually in Medicaid and Medicare charges for dialysis  
48 and transplantation; and

49  
50           WHEREAS, The Polycystic Kidney Disease Foundation, Rocky  
51 Mountain Chapter, and its 1,000 members are holding their 2nd Annual  
52 Polycystic Kidney Disease Walk on Sunday, September 21, 2003; now,  
53 therefore,

54  
55                                   *Be It Resolved by the House of Representatives of the Sixty-fourth*  
56 *General Assembly of the State of Colorado:*

1 That we, the members of the House of Representatives, name  
 2 Sunday, September 21, 2003, Polycystic Kidney Disease Day, and that  
 3 we encourage the citizens of the state of Colorado to participate in the  
 4 2nd Annual Polycystic Kidney Disease Walk on said date.

5  
 6 *Be It Further Resolved*, That a copy of this Resolution be sent to  
 7 the Polycystic Kidney Disease Foundation, Rocky Mountain Chapter.

8  
 9  
 10 House in recess. House reconvened.  
 11  
 12

### 13 **THIRD READING OF BILLS--FINAL PASSAGE**

14  
 15  
 16 The following bills were considered on Third Reading. The titles were  
 17 publicly read. Reading of the bill at length was dispensed with by  
 18 unanimous consent.

19  
 20 **HB03-1376** by Representative(s) Harvey, May M., Hefley, Schultheis,  
 21 Lundberg, Brophy, Cadman, Carroll, Clapp, Cloer,  
 22 Coleman, Crane, Decker, Fairbank, Hall, Hoppe, King,  
 23 Lee, Miller, Mitchell, Rhodes, Rose, Salazar, Sinclair,  
 24 Smith, Spence, Stafford, Stengel, White, Wiens, Williams  
 25 T., Witwer; also Senator(s) Cairns, May R., Johnson S.,  
 26 McElhany--Concerning amendments to the "Colorado  
 27 Parental Notification Act" to address legal concerns.  
 28

29 As shown by the following roll call vote, a majority of all members  
 30 elected to the House voted in the affirmative, and Representative Harvey  
 31 was given permission to offer a Third Reading amendment:  
 32

33	YES	64	NO	01	EXCUSED	00	ABSENT	00
34	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
35	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
36	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
37	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
38	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
39	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
40	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
41	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
42	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
43	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
44	Cloer	Y	King	Y	Rhodes	Y	White	Y
45	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
46	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
47	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
48	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
49	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
50							Speaker	Y

51  
 52 **Third Reading amendment No. 1**, by Representative Harvey.

53  
 54 Amend engrossed bill, page 4, strike line 1 and substitute the following:

55  
 56 "PARENT; OR";

1 after line 1, insert the following:

2  
3 "(d) A VALID COURT ORDER IS ISSUED PURSUANT TO SECTION  
4 12-37.5-107."

5  
6 The amendment was declared **passed** by the following roll call vote:

	YES	63	NO	02	EXCUSED	00	ABSENT	00
9	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
10	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
11	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
12	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
13	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
14	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
15	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
16	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
17	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
18	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
19	Cloer	Y	King	Y	Rhodes	Y	White	Y
20	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
21	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
22	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
23	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
24	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
25							Speaker	Y

26  
27 The question being, "Shall the bill, as amended, pass?".  
28 A roll call vote was taken. As shown by the following recorded vote, a  
29 majority of those elected to the House voted in the affirmative, and the  
30 bill, as amended, was declared **passed**.

	YES	41	NO	24	EXCUSED	00	ABSENT	00
33	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
34	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
35	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
36	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
37	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
38	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
39	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	N
40	Carroll	Y	Jahn	N	Plant	N	Vigil	N
41	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
42	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
43	Cloer	Y	King	Y	Rhodes	Y	White	Y
44	Coleman	Y	Larson	N	Rippy	Y	Wiens	Y
45	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
46	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
48	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
49							Speaker	Y

50 Co-sponsor added: Representative Fritz.

51  
52 **HB03-1024** by Representative(s) Jahn; also Senator(s) Chlouber--  
53 Concerning child care, and, in connection therewith,  
54 making modifications to certain statutes affecting child  
55 placement agencies, and making an appropriation therefor.  
56

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the bill  
 4 was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
6	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
7	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
8	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
9	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
10	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
11	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
12	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
13	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
14	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
15	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
16	Cloer	Y	King	Y	Rhodes	Y	White	Y
17	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
18	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
19	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
20	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
21	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
22							Speaker	Y

23 Co-sponsors added: Representatives Boyd, Butcher, Carroll, Clapp, Cloer,  
 24 Coleman, Frangas, Merrifield, Miller, Ragsdale, Stafford, Stengel, Tochtrop,  
 25 Weddig, Williams S., Young.

26  
 27 **HB03-1099** by Representative(s) Brophy, Witwer, Young; also  
 28 Senator(s) Hillman, Teck--Concerning the regulation of  
 29 liquefied petroleum gas by the director of the division of  
 30 oil and public safety in the department of labor and  
 31 employment, and making an appropriation therefor.

32  
 33 The question being "Shall the bill pass?".  
 34 A roll call vote was taken. As shown by the following recorded vote, a  
 35 majority of those elected to the House voted in the affirmative and the bill  
 36 was declared **passed**.

	YES	55	NO	10	EXCUSED	00	ABSENT	00
39	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
40	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
41	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
42	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
43	Brophy	Y	Hefley	Y	Miller	Y	Stengel	N
44	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	N
45	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
46	Carroll	Y	Jahn	Y	Plant	N	Vigil	Y
47	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	N
48	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	Y
49	Cloer	Y	King	Y	Rhodes	Y	White	Y
50	Coleman	Y	Larson	N	Rippy	Y	Wiens	Y
51	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
52	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
54	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
55							Speaker	Y

56 Co-sponsors added: Representatives Hoppe, Salazar, Stafford, Tochtrop.



1 **HB03-1352** by Representative(s) Carroll, Jahn, Miller, Smith,  
 2 Weissmann; also Senator(s) Tupa--Concerning fingerprint-  
 3 based criminal history record checks for students entering  
 4 training programs approved by the peace officers  
 5 standards and training board, and making an appropriation  
 6 in connection therewith.

7  
 8 The question being "Shall the bill pass?".  
 9 A roll call vote was taken. As shown by the following recorded vote, a  
 10 majority of those elected to the House voted in the affirmative and the bill  
 11 was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
14	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
15	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
16	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
17	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
18	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
19	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
20	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
21	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
22	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
23	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
24	Cloer	Y	King	Y	Rhodes	Y	White	Y
25	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
26	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
27	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
28	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
29	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
30							Speaker	Y

31 Co-sponsors added: Representatives Berry, Boyd, Coleman, Fairbank, Frangas,  
 32 Garcia, Hall, Hefley, Hoppe, Lee, Madden, Marshall, McFadyen, Merrifield,  
 33 Mitchell, Paccione, Romanoff, Stafford, Williams S.

34  
 35 **HB03-1354** by Representative(s) Carroll; also Senator(s) Groff--  
 36 Concerning the establishment of a microenterprise  
 37 development advisory council.

38  
 39 The question being "Shall the bill pass?".  
 40 A roll call vote was taken. As shown by the following recorded vote, a  
 41 majority of those elected to the House voted in the affirmative and the bill  
 42 was declared **passed**.

	YES	48	NO	17	EXCUSED	00	ABSENT	00
45	Berry	Y	Fritz	Y	May	N	Sinclair	N
46	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
47	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
48	Briggs	Y	Harvey	N	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hefley	Y	Miller	Y	Stengel	N
50	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
51	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
52	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
53	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
54	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
55	Cloer	N	King	Y	Rhodes	N	White	Y
56	Coleman	Y	Larson	Y	Rippy	Y	Wiens	N

1	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
2	Decker	Y	Lundberg	N	Rose	N	Williams T.	Y
3	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
5							Speaker	N

6 Co-sponsors added: Representatives Butcher, Frangas, Jahn, Marshall,  
7 McFadyen, Merrifield, Paccione, Romanoff, Williams S.

8  
9 **HB03-1356** by Representative(s) Fairbank; also Senator(s) Sandoval--  
10 Concerning implementation of the federal "Help America  
11 Vote Act of 2002", and, in connection therewith, creating  
12 a federal elections assistance fund, creating a statewide  
13 centralized voter registration system, requiring specified  
14 forms of identification from first-time voters, making other  
15 changes in response to the federal act, and making an  
16 appropriation therefor.

17  
18 The question being "Shall the bill pass?".

19 A roll call vote was taken. As shown by the following recorded vote, a  
20 majority of those elected to the House voted in the affirmative and the bill  
21 was declared **passed**.

23	YES	59	NO	06	EXCUSED	00	ABSENT	00
24	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
25	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
26	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
27	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
28	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
29	Butcher	Y	Hodge	N	Mitchell	Y	Tochtrop	Y
30	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
31	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
32	Cerbo	N	Johnson	Y	Pommer	Y	Weddig	N
33	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	Y
34	Cloer	Y	King	Y	Rhodes	Y	White	Y
35	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
36	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
37	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
38	Fairbank	Y	Madden	Y	Salazar	N	Witwer	Y
39	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
40							Speaker	Y

41 Co-sponsors added: Representatives Cadman, Coleman, Garcia, Hoppe, Miller,  
42 Paccione, Romanoff, Schultheis, Sinclair, Stafford, Williams S., Speaker.

43  
44  
45  
46 **CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

47  
48 **HB03-1007** by Representative(s) Williams T., Clapp; also Senator(s)  
49 Hillman--Concerning the limitation on noneconomic  
50 damages for certain physical injuries in medical  
51 malpractice actions.

52  
53 (Conference committee report printed in House Journal, April 28,  
54 pages 2061-2062.)

1 On motion of Representative Williams T., the Conference Committee  
2 Report was **adopted** by the following roll call vote:

	YES	61	NO	04	EXCUSED	00	ABSENT	00
5	Berry	N	Fritz	N	May	Y	Sinclair	Y
6	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	N
7	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
14	Clapp	Y	Judd	N	Ragsdale	Y	Weissmann	Y
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
21							Speaker	Y

22  
23 The question being "Shall the bill, as amended, pass?".  
24 A roll call vote was taken. As shown by the following recorded vote, a  
25 majority of those elected to the House voted in the affirmative and the  
26 bill, as amended, was declared **repassed**.

	YES	33	NO	32	EXCUSED	00	ABSENT	00
29	Berry	N	Fritz	N	May	Y	Sinclair	Y
30	Borodkin	N	Garcia	N	McCluskey	Y	Smith	N
31	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
32	Briggs	N	Harvey	Y	Merrifield	N	Stafford	Y
33	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hodge	N	Mitchell	N	Tochtrop	N
35	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
36	Carroll	N	Jahn	N	Plant	N	Vigil	N
37	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
38	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
39	Cloer	Y	King	Y	Rhodes	Y	White	Y
40	Coleman	Y	Larson	N	Rippy	Y	Wiens	Y
41	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
42	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
43	Fairbank	N	Madden	N	Salazar	N	Witwer	Y
44	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
45							Speaker	Y

46 Co-sponsors added: Representatives Brophy, Hoppe, Speaker.

47  
48 **HB03-1218** by Representative(s) Rose, Stengel; also Senator(s) Jones--  
49 Concerning a prohibition on a public corporation from  
50 making loans to directors.

51  
52 (Conference committee report printed in House Journal, April 25,  
53 pages 2044-2045.)

54  
55 On motion of Representative Rose, the Conference Committee Report  
56 was **adopted** by the following roll call vote:

	YES	64	NO	01	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

20 The question being "Shall the bill, as amended, pass?".

21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the  
 23 bill, as amended, was declared **repassed**.

	YES	62	NO	03	EXCUSED	00	ABSENT	00
25								
26	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
28	Boyd	Y	Hall	N	McFadyen	Y	Spence	Y
29	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
30	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
32	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
33	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
34	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
35	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
36	Cloer	Y	King	Y	Rhodes	Y	White	Y
37	Coleman	Y	Larson	Y	Rippy	N	Wiens	Y
38	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
39	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	Y	Schultheis	Y	Young	N
42							Speaker	Y

43 Co-sponsor added: Representative Paccione.

44  
 45 **HB03-1228** by Representative(s) Cadman, Crane, Fairbank, Rhodes;  
 46 also Senator(s) Dyer--Concerning a limitation on liability  
 47 for the treatment costs of specified health care conditions  
 48 of a person in a county jail.

49  
 50 (Conference committee report printed in House Journal, April 25,  
 51 pages 2045.)

52  
 53 On motion of Representative Cadman, the Conference Committee Report  
 54 was **adopted** by the following roll call vote:

55

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

20 The question being "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the  
 23 bill, as amended, was declared **repassed**.

	YES	49	NO	16	EXCUSED	00	ABSENT	00
25								
26	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
28	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
29	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
30	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hodge	N	Mitchell	Y	Tochtrop	N
32	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
33	Carroll	N	Jahn	Y	Plant	N	Vigil	Y
34	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
35	Clapp	Y	Judd	Y	Ragsdale	N	Weissmann	N
36	Cloer	Y	King	Y	Rhodes	Y	White	Y
37	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
38	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
39	Decker	N	Lundberg	Y	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Butcher, Hall.

46 **HB03-1240** by Representative(s) Clapp; also Senator(s) Dyer--  
 47 Concerning changes to the juvenile justice system.

49 (Conference committee report printed in House Journal, April 25,  
 50 pages 2045-2046.)

52 On motion of Representative Clapp, the Conference Committee Report  
 53 was **adopted** by the following roll call vote:

54  
 55

	YES	65	NO	00	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
3	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
4	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
5	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	Y	King	Y	Rhodes	Y	White	Y
13	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
18							Speaker	Y
19								

20 The question being "Shall the bill, as amended, pass?".  
 21 A roll call vote was taken. As shown by the following recorded vote, a  
 22 majority of those elected to the House voted in the affirmative and the  
 23 bill, as amended, was declared **repassed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
26	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
28	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
29	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
30	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
31	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
32	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
33	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
34	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
35	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
36	Cloer	Y	King	Y	Rhodes	Y	White	Y
37	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
38	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
39	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
42							Speaker	Y

43 Co-sponsors added: Representatives Frangas, Hall, Hoppe, Lundberg,  
 44 Merrifield, Paccione, Schultheis, Stafford, Williams S.

#### 49 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

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

55 (Amended as printed in Senate Journal, April 21.)

56

1 Representative Plant moved that the House **not concur** in Senate  
 2 amendments and that a Conference Committee be appointed with  
 3 permission to go beyond the scope of the differences between the House  
 4 and the Senate. The motion was declared **passed** by the following roll  
 5 call vote:

	YES	63	NO	02	EXCUSED	00	ABSENT	00
8	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
9	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
10	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
11	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
12	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
13	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
14	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
15	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
16	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
17	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
18	Cloer	Y	King	Y	Rhodes	Y	White	Y
19	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
20	Crane	Y	Lee	N	Romanoff	Y	Williams S.	Y
21	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
22	Fairbank	N	Madden	Y	Salazar	Y	Witwer	Y
23	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
24							Speaker	Y

26  
 27 **HB03-1294** by Representative(s) Stafford, Williams S.; also Senator(s)  
 28 McElhany--Concerning health insurance for employers  
 29 with fewer than fifty-one employees.

30  
 31 (Amended as printed in Senate Journal, April 24.)

32  
 33 Representative Stafford moved that the House **concur** in Senate amend-  
 34 ments. The motion was declared **passed** by the following roll call vote:

	YES	60	NO	05	EXCUSED	00	ABSENT	00
37	Berry	Y	Fritz	Y	May	N	Sinclair	Y
38	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
39	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
40	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
41	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
42	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
43	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
44	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
45	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
46	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
47	Cloer	Y	King	Y	Rhodes	Y	White	Y
48	Coleman	N	Larson	Y	Rippy	Y	Wiens	N
49	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
50	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	N
51	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
53							Speaker	Y

54  
 55 The question being, "Shall the bill, as amended, pass?"  
 56 A roll call vote was taken. As shown by the following recorded vote, a

1 majority of those elected to the House voted in the affirmative, and the  
2 bill, as amended, was declared **repassed**.

	YES	54	NO	11	EXCUSED	00	ABSENT	00
5	Berry	Y	Fritz	Y	May	N	Sinclair	Y
6	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
7	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hefley	N	Miller	Y	Stengel	Y
10	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	N	Johnson	Y	Pommer	Y	Weddig	N
14	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
15	Cloer	N	King	Y	Rhodes	Y	White	Y
16	Coleman	N	Larson	Y	Rippy	Y	Wiens	N
17	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	N
19	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
21							Speaker	Y

22 Co-sponsor added: Representative Paccione.

23  
24  
25 **HB03-1274** by Representative(s) Mitchell; also Senator(s) Arnold--  
26 Concerning modifications to the program under which the  
27 state treasurer makes loans to school districts with general  
28 fund cash deficits.

29  
30 (Amended as printed in Senate Journal, April 24, pages 1193-1195 and  
31 on Third Reading, as printed in Senate Journal April 25.)

32  
33 Representative Mitchell moved that the House **concur** in Senate amend-  
34 ments. The motion was declared **passed** by the following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
37	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
38	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
39	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
40	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
41	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
42	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
43	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
44	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
45	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
46	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
47	Cloer	Y	King	Y	Rhodes	Y	White	Y
48	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
49	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
50	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
51	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
53							Speaker	Y

54  
55 The question being, "Shall the bill, as amended, pass?"  
56 A roll call vote was taken. As shown by the following recorded vote, a



1 majority of those elected to the House voted in the affirmative, and the  
2 bill, as amended, was declared **repassed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
5	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
6	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
7	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
9	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
10	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
11	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
14	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
18	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
21							Speaker	Y

### 25 CONSENT GRANTED TO CONFERENCE COMMITTEE

27 Representative Frangas moved that the First Conference Committee on  
28 **HB03-1147** be granted permission to go beyond the scope of the  
29 difference between the House and the Senate. The motion was passed by  
30 the following roll call vote:

	YES	63	NO	02	EXCUSED	00	ABSENT	00
33	Berry	Y	Fritz	Y	May	N	Sinclair	Y
34	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
35	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
36	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
37	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
38	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
39	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
40	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
41	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
42	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
43	Cloer	Y	King	Y	Rhodes	Y	White	Y
44	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
45	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
46	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
48	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
49							Speaker	Y

53 On motion of Representative King, **SB03-304, HB03-1358, SB03-049,**  
54 **076, 083, 101, 230, 239, 309, 131** were added to the Special Orders  
55 Calendar on Tuesday, April 29, 2001.

1 On motion of Representative Crane, the House resolved itself into  
 2 Committee of the Whole for consideration of Special Orders and he was  
 3 called to the Chair to act as Chairman.

---

4  
5  
6 **SPECIAL ORDERS--SECOND READING OF BILLS**

7  
8 The Committee of the Whole having risen, the Chairman reported the  
 9 titles of the following bills had been read (reading at length had been  
 10 dispensed with by unanimous consent), the bills considered and action  
 11 taken thereon as follows:

12  
13 (Amendments to the committee amendment are to the printed committee  
 14 report which was printed and placed in the members' bill file.)

15  
16 **SB03-011** by Senator(s) Hagedorn, Hanna; also Representative(s)  
 17 Spradley, Jahn, Tochtrop--Concerning prescription  
 18 medications under the "Colorado Medical Assistance Act",  
 19 and making an appropriation in connection therewith.

20  
21 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,  
 22 dated April 23, 2003, and placed in member's bill file; Report also printed  
 23 in House Journal, April 23, page 1937.

24  
25 Amendment No. 2, Appropriations Report, dated April 25, 2003, and  
 26 placed in member's bill file; Report also printed in House Journal,  
 27 April 25, pages 2038-2039.

28  
29 As amended, ordered revised and placed on the Calendar for Third  
 30 Reading and Final Passage.

31  
32 **SB03-022** by Senator(s) Johnson S., Anderson; also Representa-  
 33 tive(s) Sinclair--Concerning the administration of the old  
 34 age pension health and medical care programs, and making  
 35 an appropriation therefor.

36  
37 Ordered revised and placed on the Calendar for Third Reading and Final  
 38 Passage.

39  
40 **SB03-027** by Senator(s) Entz; also Representative(s) Rippy--  
 41 Concerning the regulation of outfitters hired to assist  
 42 others in taking wildlife.

43  
44 Amendment No. 1, Appropriations Report, dated April 25, 2003, and  
 45 placed in member's bill file; Report also printed in House Journal,  
 46 April 25, pages 2039-2040.

47  
48 Amendment No. 2, by Representative Rippy.

49  
50 Amend the Appropriation Committee Report, dated April 25, 2003, page  
 51 2, after line 16, insert the following:

52  
53 "SECTION 4. 12-55.5-114, Colorado Revised Statutes, is  
 54 amended to read:

55  
56 **12-55.5-114. Fees - cash fund.** Except as otherwise provided in

1 this article and in section ~~12-55.5-109~~ 12-55.5-110, all fees collected  
2 pursuant to this article shall be transmitted to the state treasurer, who  
3 shall credit the same to the division of registrations cash fund created  
4 pursuant to section 24-34-105 (2) (b), C.R.S. The general assembly shall  
5 make annual appropriations from the division of registrations cash fund  
6 for expenditures of the division incurred in the performance of its duties  
7 under this article."  
8

9 Renumber succeeding sections accordingly.

10  
11 As amended, ordered revised and placed on the Calendar for Third  
12 Reading and Final Passage.

13  
14 **SB03-030** by Senator(s) Cairns; also Representative(s) Lee--  
15 Concerning the disclosure to each individual taxpayer of  
16 the average amount of certain taxes paid by the taxpayer  
17 in the previous calendar year.  
18

19 Amendment No. 1, Finance Report, dated April 24, 2003, and placed in  
20 member's bill file; Report also printed in House Journal, April 24,  
21 page 1988.  
22

23 As amended, ordered revised and placed on the Calendar for Third  
24 Reading and Final Passage.

25  
26 **SB03-033** by Senator(s) Anderson, Takis, Taylor, Tupa; also  
27 Representative(s) Coleman, Vigil, White, Williams T.--  
28 Concerning management of public records by  
29 governmental entities.  
30

31 Ordered revised and placed on the Calendar for Third Reading and Final  
32 Passage.  
33

34  
35 **SB03-304** by Senator(s) Arnold, Evans, Hillman, McElhany; also  
36 Representative(s) Lee--Concerning provisions that govern  
37 the operations of state-supported institutions of higher  
38 education.  
39

40 Amendment No. 1, Education Report, dated April 23, 2003, and placed  
41 in member's bill file; Report also printed in House Journal, April 24,  
42 pages 1965-1966.  
43

44 Amendment No. 2, by Representative Lee.

45  
46 Amend reengrossed bill, page 4, strike lines 13 and 14 and substitute the  
47 following:  
48

49 "MASTERS, AND DOCTORAL DEGREE programs. Consistent with the  
50 tradition of land grant universities, COLORADO STATE UNIVERSITY HAS  
51 EXCLUSIVE".  
52

53 As amended, ordered revised and placed on the Calendar for Third  
54 Reading and Final Passage.  
55

1 **HB03-1358** by Representative(s) Spradley, King, Borodkin, Fairbank,  
2 McFadyen, Merrifield, Plant, Pommer, Williams S.; also  
3 Senator(s) Kester, Grossman--Concerning additional  
4 requirements relating to radioactive classified waste  
5 disposal.  
6

7 Amendment No. 1, Transportation & Energy Report, dated April 23,  
8 2003, and placed in member's bill file; Report also printed in House  
9 Journal, April 24, pages 1967-1969.

10

11 Amendment No. 2, by Representative Spradley.

12

13 Amend the Transportation and Energy Committee Report, dated April 23,  
14 2003, page 3, strike lines 2 through 9 and substitute the following:

15

16 "Page 10, strike lines 1 through 11 and substitute the following:

17

18 ~~"(3) (c) No disposal referred to in paragraph (b) of subsection (1)~~  
19 ~~of this section shall occur unless the department of public health and~~  
20 ~~environment has approved such disposal.~~ IN DECIDING WHETHER TO  
21 APPROVE A LICENSE OR LICENSE AMENDMENT FOR CLASSIFIED WASTES, the  
22 department shall consider the transcripts of the";";

23

24 line 17, strike "RESPONSE.;" and substitute "RESPONSE." and, strike  
25 "PROPOSAL" and substitute "PROPOSED LICENSE OR LICENSE  
26 AMENDMENT";";

27

28 line 22, strike "16." and substitute "21."

29

30 Renumber succeeding subparagraphs accordingly."

31

32 Page 4, line 3, strike "AS DESCRIBED IN PARAGRAPH";

33

34 line 4, strike "(b) OF SUBSECTION (1) OF THIS SECTION" and substitute  
35 "PROVIDED FOR UNDER A VALID LICENSE OR LICENSE AMENDMENT FOR  
36 SUCH CLASSIFIED WASTE".

37

38 Amendment No. 3, by Representative Spradley.

39

40 Amend printed bill, page 6, strike lines 8 and 9 and substitute the  
41 following:

42

43 ~~"such disposal has been approved as provided in subsection (3) of this~~  
44 ~~section~~ FACILITY HAS RECEIVED A LICENSE OR LICENSE AMENDMENT IN  
45 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105, C.R.S., FOR SUCH  
46 RECEIPT AND DISPOSAL OF CLASSIFIED WASTES THAT ARE SUBSTANTIALLY  
47 SIMILAR IN RADIOLOGICAL AND CHEMICAL CONTENT AND  
48 CONCENTRATIONS."

49

50 Amendment No. 4, by Representative Spradley.

51

52 Amend printed bill, page 3, line 18, strike "OTHER THAN ORE";

53

54 strike lines 24 and 25 and substitute the following:

55 "DEFINED IN 42 U.S.C. SEC. 2014 (e) (2);".

56

1 Page 5, strike lines 14 through 17.

2

3 Page 6, strike lines 16 through 18 and substitute the following:

4

5 ~~"(III) Nothing in this paragraph (b) shall apply to processing of~~  
6 ~~materials for their mineral value and the subsequent disposal of the mill~~  
7 ~~tailings from that processing.";~~

8

9 strike lines 20 through 22 and substitute the following:

10

11 "subsection (2), if a site subject to this section is proposing to dispose of  
12 ~~classified waste, the site shall provide written notice~~ EACH PROPOSED  
13 LICENSE OR LICENSE AMENDMENT FOR SUCH RECEIPT AND DISPOSAL OF  
14 CLASSIFIED WASTE SHALL INCLUDE".

15

16 Amendment No. 5, by Representative Spradley.

17

18 Amend printed bill, page 4, line 8, strike "PROCESSES, BUT NOT" and  
19 substitute "PROCESSES;"

20

21 line 9, strike "INCLUDING ION EXCHANGE TREATMENT;"

22

23 after line 16, insert the following:

24

25 "(III) MATERIALS FROM OR ACTIVITIES RELATED TO CONSTRUCTION  
26 MATERIAL MINING REGULATED UNDER ARTICLE 32.5 OF TITLE 34, C.R.S.".

27

28 Page 6, line 27, strike "ELECTED OFFICIAL OF" and substitute  
29 "INDEPENDENT MEDIATOR FROM OUTSIDE THE STATE OF COLORADO  
30 SELECTED BY".

31

32 As amended, ordered engrossed and placed on the Calendar for Third  
33 Reading and Final Passage.

34

35 **SB03-049** by Senator(s) Sandoval; also Representative(s) Hall--  
36 Concerning the method by which moneys in the aviation  
37 fund may be appropriated by the general assembly.

38

39 Ordered revised and placed on the Calendar for Third Reading and Final  
40 Passage.

41

42 **SB03-076** by Senator(s) Teck, Arnold, Taylor; also Representative(s)  
43 Mitchell--Concerning time frames applicable to penalties  
44 for offenses relating to the use of substances, and making  
45 an appropriation in connection therewith.

46

47 Ordered revised and placed on the Calendar for Third Reading and Final  
48 Passage.

49

50 **SB03-083** by Senator(s) Keller, Arnold; also Representative(s)  
51 Romanoff--Concerning the "Child Mental Health  
52 Treatment Act".

53

54 Ordered revised and placed on the Calendar for Third Reading and Final  
55 Passage.

56

1 **SB03-101** by Senator(s) Owen, Anderson, Arnold, Hanna, Teck; also  
2 Representative(s) Young, Coleman, Decker, Miller,  
3 Williams T.--Concerning stabilization of employer  
4 contributions to the public employees' retirement  
5 association.  
6

7 Amendment No. 1, Appropriations Report, dated April 25, 2003, and  
8 placed in member's bill file; Report also printed in House Journal,  
9 April 25, page 2041.  
10

11 Amendment No. 2, by Representative Young.  
12

13 Amend the House Appropriations Committee Report, dated April 25,  
14 2003, page 3, line 1, in the General Fund column, strike "(1,364)" and  
15 substitute "(15,403)", in the Cash Funds column, strike "(12,710)" and  
16 substitute "(32,449)", in the Cash Funds Exempt column, strike "(5,914)"  
17 and substitute "(37,752)", in the Federal Funds column, strike "(11,488)"  
18 and substitute "(3,433)", and, in the Total column, strike "(31,476)" and  
19 substitute "(89,037)";  
20

21 line 4, in the General Fund column, strike "(20,557)" and substitute  
22 "(6,518)", in the Cash Funds column, strike "(38,294)" and substitute  
23 "(18,555)", in the Cash Funds Exempt column, strike "(47,871)" and  
24 substitute "(16,033)", in the Federal Funds column, strike "(26,833)" and  
25 substitute "(34,888)", and, in the Total column, strike "(133,555)" and  
26 substitute "(75,994)".  
27

28 As amended, ordered revised and placed on the Calendar for Third  
29 Reading and Final Passage.  
30

31 **SB03-230** by Senator(s) May R., Lamborn, Cairns, Andrews, Fitz-  
32 Gerald; also Representative(s) Fritz--Concerning an  
33 authorization for the secretary of state to promulgate rules  
34 pursuant to the "Uniform Electronic Transactions act", and  
35 making an appropriation therefor.  
36

37 Amendment No. 1, Appropriations Report, dated April 25, 2003, and  
38 placed in member's bill file; Report also printed in House Journal,  
39 April 25, page 2044.  
40

41 As amended, ordered revised and placed on the Calendar for Third  
42 Reading and Final Passage.

43 **SB03-239** by Senator(s) Chlouber; also Representative(s) Berry--  
44 Concerning the enforcement of compulsory motor vehicle  
45 insurance, and, in connection therewith, continuing the  
46 motorist insurance identification database program, and  
47 making an appropriation therefor.  
48

49 Amendment No. 1, Transportation & Energy Report, dated April 24,  
50 2003, and placed in member's bill file; Report also printed in House  
51 Journal, April 24, pages 1990-1992.  
52

53 As amended, ordered revised and placed on the Calendar for Third  
54 Reading and Final Passage.  
55

1 **SB03-309** by Senator(s) Anderson; also Representative(s) Young--  
 2 Concerning a suspension of the administration of  
 3 statewide assessments in writing, and making an  
 4 appropriation therefor.

5  
 6 Laid over until April 30, retaining place on Calendar.

7  
 8 **SB03-131** by Senator(s) Arnold; also Representative(s) Berry--  
 9 Concerning continuation of the use of electronic hearings  
 10 regarding motor vehicle regulation by the department of  
 11 revenue.

12  
 13 Ordered revised and placed on the Calendar for Third Reading and Final  
 14 Passage.

---

15  
 16  
 17  
 18  
 19 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

20  
 21 Passed Second Reading: **SB03-011 amended, 022, 027 amended,**  
 22 **030 amended, 033, 304 amended, HB03-1358 amended, SB03-049,**  
 23 **076, 083, 101 amended, 230 amended, 239 amended, 131.**

24  
 25 Laid over until date indicated retaining place on Calendar:  
 26 **SB03-309--April 30, 2003.**

27  
 28 The Chairman moved the adoption of the Committee of the Whole  
 29 Report. As shown by the following roll call vote, a majority of those  
 30 elected to the House voted in the affirmative, and the Report was  
 31 **adopted.**

	YES	64	NO	00	EXCUSED	01	ABSENT	00
34	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
35	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
36	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
37	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
38	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
39	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
40	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
41	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
42	Cerbo	Y	Johnson	E	Pommer	Y	Weddig	Y
43	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
44	Cloer	Y	King	Y	Rhodes	Y	White	Y
45	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
46	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
47	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
48	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
49	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
50							Speaker	Y

51  
 52  
 53  
 54  
 55

1                   **REPORTS OF COMMITTEES OF REFERENCE**

2  
3                   **BUSINESS AFFAIRS & LABOR**

4 After consideration on the merits, the Committee recommends the  
5 following:

6  
7                   **HB03-1377**    be referred to the Committee of the Whole with favorable  
8 recommendation.

9  
10  
11                  **SB03-303**    be referred to the Committee of the Whole with favorable  
12 recommendation.

13  
14  
15  
16  
17                  **EDUCATION**

18 After consideration on the merits, the Committee recommends the  
19 following:

20  
21                  **HB03-1114**    be amended as follows, and as so amended, be referred to  
22 the Committee on Appropriations with favorable  
23 recommendation:

24  
25 Amend printed bill, strike everything below the enacting clause and  
26 substitute the following:

27  
28                  "**SECTION 1.** 13-1-130, Colorado Revised Statutes, is amended  
29 to read:

30  
31                  **13-1-130. Reports of convictions to department of education.**

32 When a person is convicted OF, pleads nolo contendere TO, or receives a  
33 deferred sentence for a violation of the provisions of section 18-3-305,  
34 18-6-302, or 18-6-701, C.R.S., or of section 18-6-301, C.R.S., when the  
35 victim is a child who is ten years of age or older and under eighteen years  
36 of age, or of any of the provisions of part 4 of article 3 when the victim  
37 is a child, part 4 of article 6, or part 4 of article 7 of title 18, C.R.S., A  
38 FELONY and the court knows the person is a current or former employee  
39 of a school district OR A CHARTER SCHOOL in this state or holds a license  
40 or authorization pursuant to the provisions of article 60.5 of title 22,  
41 C.R.S., the court shall report such fact to the department of education.

42  
43                  **SECTION 2.** 18-6-301 (2), Colorado Revised Statutes, is  
44 amended to read:

45  
46                  **18-6-301. Incest.** (2) When a person is convicted OF, pleads nolo  
47 contendere TO, or receives a deferred sentence for a violation of the  
48 provisions of this section and the victim is a child who is ~~ten years of age~~  
49 ~~or older and~~ under eighteen years of age and the court knows the person  
50 is a current or former employee of a school district OR A CHARTER  
51 SCHOOL in this state or holds a license or authorization pursuant to the  
52 provisions of article 60.5 of title 22, C.R.S., the court shall report such  
53 fact to the department of education.

54  
55                  **SECTION 3.** 22-2-117 (1) (b), Colorado Revised Statutes, is  
56 amended to read:



1           **22-2-117. Additional power - state board - waiver of**  
2 **requirements - rules.** (1) (b) The state board shall not waive any of the  
3 requirements specified in any of the following statutory provisions:  
4

5           (I) The "Public School Finance Act of 1994", article 54 of this  
6 title;  
7

8           (II) The "Exceptional Children's Educational Act", article 20 of  
9 this title; ~~or~~

10  
11           (III) Any provision of part 6 of article 7 of this title pertaining to  
12 the data necessary for school accountability reports; OR  
13

14           (IV) ANY PROVISION OF THIS TITLE THAT RELATES TO  
15 FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS OF EDUCATORS  
16 AND SCHOOL PERSONNEL.  
17

18           **SECTION 4.** The introductory portion to 22-2-119 (1) (a) and  
19 22-2-119 (1) (a) (II), Colorado Revised Statutes, are amended, and the  
20 said 22-2-119 (1) (a) is further amended BY THE ADDITION OF A  
21 NEW SUBPARAGRAPH, to read:  
22

23           **22-2-119. Department of education - inquiries by boards of**  
24 **education concerning prospective employees.** (1) When an inquiry is  
25 made by a board of education of a school district pursuant to the  
26 provisions of section 22-32-109.7 (1) or (1.5) or by the governing board  
27 of a nonpublic school pursuant to the provisions of section 22-1-121  
28 concerning a prospective or current employee, the department shall  
29 provide the following information concerning such person:  
30

31           (a) Whether according to the records of the department such  
32 person has been convicted of, has pled nolo contendere to, or has  
33 received a deferred sentence ~~or deferred prosecution~~ for:  
34

35           (II) A misdemeanor crime involving unlawful sexual behavior or  
36 unlawful behavior involving children; OR  
37

38           (III) A MISDEMEANOR CRIME, THE UNDERLYING FACTUAL BASIS OF  
39 WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE  
40 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

41  
42           **SECTION 5.** Part 1 of article 2 of title 22, Colorado Revised  
43 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
44 read:  
45

46           **22-2-119.5. Department of education - duty to report -**  
47 **convictions - arrests.** (1) UPON RECEIVING A REPORT FROM A COURT  
48 PURSUANT TO SECTION 13-1-130, C.R.S., THAT A PERSON HAS BEEN  
49 CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A  
50 DEFERRED SENTENCE FOR AN OFFENSE SPECIFIED IN SUBSECTION (3) OF  
51 THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY REPORT SUCH FACT  
52 TO THE SCHOOL DISTRICT THAT IS THE CURRENT EMPLOYER OR THE LAST  
53 KNOWN EMPLOYER OF THE PERSON.  
54

55           (2) UPON RECEIVING NOTICE FROM THE COLORADO BUREAU OF  
56 INVESTIGATION THAT A PERSON WHO HOLDS A LICENSE OR AUTHORIZATION

1 PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE HAS BEEN  
 2 ARRESTED FOR AN OFFENSE SPECIFIED IN SUBSECTION (3) OF THIS SECTION,  
 3 THE DEPARTMENT SHALL IMMEDIATELY REPORT SUCH FACT TO THE  
 4 SCHOOL DISTRICT THAT IS THE CURRENT EMPLOYER OR THE LAST KNOWN  
 5 EMPLOYER OF THE PERSON.

6  
 7 (3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE  
 8 FOLLOWING OFFENSES:

9  
 10 (a) A FELONY;

11  
 12 (b) A MISDEMEANOR OFFENSE SPECIFIED IN SECTION 18-7-302 (2)  
 13 (b), C.R.S., OR IN PART 4 OF ARTICLE 3, PART 4 OF ARTICLE 6, OR PART 4  
 14 OF ARTICLE 7 OF TITLE 18, C.R.S., OR ANY COUNTERPART MUNICIPAL LAW  
 15 OF THIS STATE;

16  
 17 (c) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH  
 18 HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC  
 19 VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.

20  
 21 **SECTION 6.** 22-32-110.3 (4) (a), Colorado Revised Statutes, is  
 22 amended to read:

23  
 24 **22-32-110.3. Board of education - specific powers - teacher in**  
 25 **residence program.** (4) (a) A school district may hire a person to teach  
 26 as a resident teacher even though the person is not licensed pursuant to  
 27 article 60.5 of this title, ~~and does not hold any type of~~ IF THE PERSON  
 28 HOLDS A TYPE VII authorization pursuant to section 22-60.5-111. The  
 29 resident teacher may teach under the supervision of an administrator with  
 30 an assigned, licensed teacher serving as a mentor and shall enroll in such  
 31 teacher preparation courses as the school district deems necessary for the  
 32 resident teacher and for which the school district has contracted with an  
 33 institution of higher education. Supervision for a resident teacher shall  
 34 include an annual minimum of one hundred hours of observation and  
 35 supervision in the classroom.

36  
 37 **SECTION 7.** 22-60.5-103 (1), (2) (c), and (4), Colorado Revised  
 38 Statutes, are amended, and the said 22-60.5-103 is further amended BY  
 39 THE ADDITION OF A NEW SUBSECTION, to read:

40  
 41 **22-60.5-103. Applicants - licenses - authorizations - submittal**  
 42 **of form and fingerprints - failure to comply constitutes grounds for**  
 43 **denial.** (1) (a) Any person making ~~initial~~ application for any ~~provisional~~  
 44 license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or  
 45 22-60.5-306 or for any authorization specified in section 22-60.5-111  
 46 shall submit TO THE DEPARTMENT OF EDUCATION AT THE TIME OF  
 47 APPLICATION a complete set of fingerprints of such applicant taken by a  
 48 qualified law enforcement agency, ~~and a completed form as specified in~~  
 49 ~~subsection (2) of this section.~~ Said fingerprints and form shall be  
 50 submitted to the department of education at the time of application. The  
 51 provisions of this section concerning submission of fingerprints shall not  
 52 apply to any person making application for any professional license  
 53 specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or  
 54 22-60.5-306, for renewal of a license pursuant to the provisions of section  
 55 22-60.5-110, or for renewal of an authorization UNLESS THE APPLICANT  
 56 PREVIOUSLY SUBMITTED A COMPLETE SET OF HIS OR HER FINGERPRINTS TO

1 THE DEPARTMENT OF EDUCATION.

2  
3 (b) Any person applying for any professional license specified in  
4 section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306 OR FOR  
5 ANY AUTHORIZATION SPECIFIED IN SECTION 22-60.5-111 OR for renewal  
6 of a SUCH license pursuant to the provisions of section 22-60.5-110, or for  
7 renewal of an authorization shall, however, OR AUTHORIZATION OR FOR  
8 ANY MASTER CERTIFICATE SPECIFIED IN SECTION 22-60.5-202,  
9 22-60.5-211, 22-60.5-302, OR 22-60.5-307, SHALL submit TO THE  
10 DEPARTMENT OF EDUCATION AT THE TIME OF APPLICATION a completed  
11 form as specified in subsection (2) of this section.

12  
13 (2) (c) For the purposes of this subsection (2) PART 1, "convicted"  
14 OR "CONVICTION" means a conviction by a jury VERDICT or by ENTRY OF  
15 A VERDICT OR ACCEPTANCE OF A PLEA BY a court and shall also include  
16 the forfeiture of any bail, bond, or other security deposited to secure the  
17 appearance by a person charged with having committed a felony or  
18 misdemeanor, the payment of a fine, a plea of nolo contendere, OR the  
19 imposition of a deferred or suspended sentence by the court. ~~or an~~  
20 ~~agreement for a deferred prosecution approved by the court.~~

21  
22 (4) The department of education shall ~~release~~ FORWARD  
23 fingerprints submitted pursuant to subsection (1) of this section to the  
24 Colorado bureau of investigation for the purpose of fingerprint  
25 processing, ~~utilizing the files and records of~~ OBTAINING A  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH the  
27 Colorado bureau of investigation and the federal bureau of investigation,  
28 TO DETERMINE WHETHER THE APPLICANT FOR LICENSURE OR  
29 AUTHORIZATION HAS A CRIMINAL HISTORY. TO FACILITATE A CRIMINAL  
30 HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SUBSECTION (4),  
31 THE DEPARTMENT OF EDUCATION MAY CONDUCT A SEARCH ON THE ICON  
32 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS DEFINED IN SECTION  
33 24-33.5-102 (3), C.R.S., AND MAY USE ANY OTHER AVAILABLE SOURCE OF  
34 CRIMINAL HISTORY INFORMATION THAT THE DEPARTMENT OF EDUCATION  
35 DETERMINES IS APPROPRIATE. THE DEPARTMENT OF EDUCATION MAY USE  
36 THE SPECIFIED SOURCES TO DETERMINE ANY CRIME OR CRIMES FOR WHICH  
37 THE PERSON WAS ARRESTED OR CHARGED AND THE DISPOSITION OF ANY  
38 CRIMINAL CHARGES.

39  
40 (6) (a) WHEN THE DEPARTMENT OF EDUCATION FINDS PROBABLE  
41 CAUSE TO BELIEVE THAT AN EDUCATOR LICENSED OR AUTHORIZED  
42 PURSUANT TO THIS ARTICLE HAS BEEN CONVICTED OF A FELONY OR  
43 MISDEMEANOR, OTHER THAN A MISDEMEANOR TRAFFIC OFFENSE OR  
44 TRAFFIC INFRACTION, SUBSEQUENT TO THE EDUCATOR'S LICENSURE OR  
45 AUTHORIZATION, THE DEPARTMENT OF EDUCATION SHALL REQUIRE THE  
46 EDUCATOR TO SUBMIT A COMPLETE SET OF THE EDUCATOR'S FINGERPRINTS  
47 TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY. THE EDUCATOR  
48 SHALL SUBMIT THE FINGERPRINTS WITHIN THIRTY DAYS AFTER RECEIPT OF  
49 THE WRITTEN REQUEST FOR FINGERPRINTS FROM THE DEPARTMENT OF  
50 EDUCATION. THE DEPARTMENT OF EDUCATION SHALL DENY, SUSPEND,  
51 ANNUL, OR REVOKE, PURSUANT TO SECTION 22-60.5-107 (2.5), THE  
52 EDUCATOR'S LICENSE OR AUTHORIZATION IF HE OR SHE FAILS TO SUBMIT  
53 FINGERPRINTS ON A TIMELY BASIS PURSUANT TO THIS SUBSECTION (6).

54  
55 (b) THE DEPARTMENT OF EDUCATION SHALL FORWARD  
56 FINGERPRINTS SUBMITTED PURSUANT TO THIS SUBSECTION (6) TO THE

1 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING  
 2 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE  
 3 COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF  
 4 INVESTIGATION, TO DETERMINE WHETHER THE EDUCATOR HAS A CRIMINAL  
 5 HISTORY. IN ADDITION, THE DEPARTMENT OF EDUCATION MAY USE THE  
 6 RECORDS OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS  
 7 DEFINED IN SECTION 24-33.5-102 (3), C.R.S., OR ANY OTHER SOURCE  
 8 AVAILABLE, TO ASCERTAIN WHETHER THE EDUCATOR HAS BEEN  
 9 CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 22-60.5-107 (2) OR  
 10 (2.5).

11  
 12 **SECTION 8.** 22-60.5-107 (2) and (3), Colorado Revised Statutes,  
 13 are amended, and the said 22-60.5-107 is further amended BY THE  
 14 ADDITION OF A NEW SUBSECTION, to read:

15  
 16 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
 17 **revoking license, certificate, endorsement, or authorization.** (2) Any  
 18 license, certificate, endorsement, or authorization may be denied,  
 19 annulled, suspended, or revoked in the manner prescribed in section  
 20 22-60.5-108, notwithstanding the provisions of subsection (1) of this  
 21 section:

22  
 23 (a) When the holder has been determined to be mentally  
 24 incompetent by a court of competent jurisdiction and a court has entered,  
 25 pursuant to part 3 or part 4 of article 14 of title 15 or section 27-10-109  
 26 (4) or 27-10-125, C.R.S., an order specifically finding that the mental  
 27 incompetency is of such a degree that the holder is incapable of  
 28 continuing to perform his OR HER job; except that the license, certificate,  
 29 endorsement, or authorization held by a person who has been determined  
 30 to be mentally incompetent and for whom such an order has been entered  
 31 shall be revoked or suspended by operation of law without a hearing,  
 32 notwithstanding the provisions of section 22-60.5-108;

33  
 34 (b) When the APPLICANT OR holder is convicted OF ~~pleads not~~  
 35 ~~contendere, or receives a deferred sentence or a deferred prosecution for~~  
 36 ~~a violation of any law of this state or any counterpart municipal law of~~  
 37 ~~this state involving unlawful behavior pursuant to any of the following~~  
 38 ~~statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S.;~~  
 39 ~~section 18-6-301, C.R.S., when the victim is a child who is ten years of~~  
 40 ~~age or older and under eighteen years of age, part 4 of article 3, part 4 of~~  
 41 ~~article 6, and part 4 of article 7 of title 18, C.R.S.;~~ ONE OF THE  
 42 FOLLOWING OFFENSES OR A VIOLATION OF A COUNTERPART MUNICIPAL  
 43 OFFENSE IN THIS STATE:

44  
 45 (I) MISDEMEANOR SEXUAL ASSAULT AS DESCRIBED IN SECTION  
 46 18-3-402, C.R.S.;

47  
 48 (II) MISDEMEANOR UNLAWFUL SEXUAL CONDUCT AS DESCRIBED  
 49 IN SECTION 18-3-404, C.R.S.;

50  
 51 (III) MISDEMEANOR SEXUAL ASSAULT ON A CLIENT BY A  
 52 PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5, C.R.S.;

53  
 54 (IV) MISDEMEANOR CHILD ABUSE AS DESCRIBED IN SECTION  
 55 18-6-401, C.R.S.;

56

1 (V) MISDEMEANOR SEXUAL EXPLOITATION OF CHILDREN AS  
2 DESCRIBED IN SECTION 18-6-403, C.R.S.; OR

3  
4 (VI) CONTRIBUTING TO THE DELINQUENCY OF A MINOR AS  
5 DESCRIBED IN SECTION 18-6-701, C.R.S.;

6  
7 (c) When the APPLICANT OR holder is ~~found guilty of or upon the~~  
8 ~~court's acceptance of a guilty plea or a plea of nolo contendere to a~~  
9 CONVICTED OF A MISDEMEANOR violation of any law of this state, any  
10 municipality of this state, or the United States involving the illegal sale  
11 of controlled substances, as defined in section 12-22-303 (7), C.R.S.;

12  
13 (d) When the APPLICANT OR holder is ~~found guilty~~ CONVICTED of  
14 a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS  
15 SECTION, or upon the court's acceptance of a guilty plea or a plea of nolo  
16 contendere to a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION  
17 (2.5) OF THIS SECTION, in this state or, under the laws of any other state,  
18 the United States, or any territory subject to the jurisdiction of the United  
19 States, of a crime which, if committed within this state, would be a  
20 felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS  
21 SECTION, when the commission of said felony, in the judgment of the  
22 state board of education, renders ~~him~~ THE APPLICANT OR HOLDER unfit to  
23 perform the services authorized by his OR HER license, certificate,  
24 endorsement, or authorization.

25  
26 (e) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A  
27 DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE INVOLVING WHAT  
28 WOULD CONSTITUTE A PHYSICAL ASSAULT, A BATTERY, OR A  
29 DRUG-RELATED OFFENSE IF COMMITTED BY AN ADULT AND THE OFFENSE  
30 WAS COMMITTED WITHIN THE TEN YEARS PRECEDING THE DATE OF  
31 APPLICATION FOR A LICENSE, CERTIFICATE, ENDORSEMENT, OR  
32 AUTHORIZATION PURSUANT TO THIS ARTICLE.

33  
34 (2.5) (a) A LICENSE, CERTIFICATE, ENDORSEMENT, OR  
35 AUTHORIZATION SHALL BE DENIED, ANNULLED, SUSPENDED, OR REVOKED  
36 IN THE MANNER PRESCRIBED IN SECTION 22-60.5-108, NOTWITHSTANDING  
37 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY,  
38 IN THE FOLLOWING CIRCUMSTANCES:

39  
40 (I) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF ONE OF THE  
41 FOLLOWING OFFENSES:

42  
43 (A) FELONY CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401,  
44 C.R.S.;

45  
46 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,  
47 C.R.S.;

48  
49 (C) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR,  
50 AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;

51  
52 (D) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
53 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
54 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

55  
56 (E) A FELONY OFFENSE IN ANOTHER STATE, THE UNITED STATES,

1 OR TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES, THE  
 2 ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF  
 3 ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (D) OF  
 4 THIS SUBPARAGRAPH (I);

5

6 (II) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF:

7

8 (A) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH  
 9 HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC  
 10 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND THE  
 11 CONVICTION IS A SECOND OR SUBSEQUENT CONVICTION FOR THE SAME  
 12 OFFENSE;

13

14 (B) INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302 (2)  
 15 (b), C.R.S.; OR

16

17 (C) A CRIME UNDER THE LAWS OF ANOTHER STATE, THE UNITED  
 18 STATES, OR A TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED  
 19 STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE  
 20 ELEMENTS OF ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS  
 21 (A) AND (B) OF THIS SUBPARAGRAPH (II);

22

23 (III) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A  
 24 DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE THAT WOULD  
 25 CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN  
 26 SECTION 16-22-102 (9), C.R.S., IF COMMITTED BY AN ADULT; OR

27

28 (IV) WHEN THE APPLICANT OR HOLDER FAILS TO SUBMIT  
 29 FINGERPRINTS ON A TIMELY BASIS AFTER RECEIPT OF THE WRITTEN  
 30 REQUEST FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION  
 31 22-60.5-103 (6) (a).

32

33 (b) NOTWITHSTANDING ANY OTHER PROVISION OF SECTION  
 34 22-60.5-103 TO THE CONTRARY, FOR PURPOSES OF THIS SUBSECTION (2.5),  
 35 "CONVICTED" OR "CONVICTION" MEANS A CONVICTION BY A JURY VERDICT  
 36 OR BY ENTRY OF A VERDICT.

37

38 (3) A certified copy of the judgment of a court of competent  
 39 jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo  
 40 contendere, OR a deferred sentence, or a deferred prosecution SENTENCE  
 41 shall be conclusive evidence for the purposes of paragraphs (b) and (c) of  
 42 subsection (2) of this section AND FOR PURPOSES OF SUBSECTION (2.5) OF  
 43 THIS SECTION. Upon receipt of a certified copy of the judgment, the  
 44 department of education may take immediate action to deny, annul, or  
 45 suspend any license, certificate, endorsement, or authorization without a  
 46 hearing, notwithstanding the provisions of section 22-60.5-108. The  
 47 department of education may revoke a suspended license based on a  
 48 violation of paragraph (b) or (c) of subsection (2) of this section AND  
 49 SHALL REVOKE A SUSPENDED LICENSE BASED ON A VIOLATION OF  
 50 SUBSECTION (2.5) OF THIS SECTION without a hearing and without any  
 51 further action, after the exhaustion of all appeals, if any, or after the time  
 52 for seeking an appeal has elapsed, and upon the entry of a final judgment.

53

54 **SECTION 9.** 22-60.5-111 (1), Colorado Revised Statutes, is  
 55 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

56

**22-60.5-111. Authorization - types - applicants' qualifications.**

(1) Pursuant to the rules of the state board of education, the department of education is authorized to issue the following authorizations to persons of good moral character meeting the qualifications prescribed by this section and by the rules of the state board of education:

(g) A TYPE VII AUTHORIZATION, TEACHER IN RESIDENCE, AUTHORIZES A SCHOOL DISTRICT TO EMPLOY A PERSON WHO IS ELIGIBLE, PURSUANT TO SECTION 22-32-110.3, AS A TEACHER IN RESIDENCE.

**SECTION 10.** 22-63-302 (11) (a) (I), Colorado Revised Statutes, is amended to read:

**22-63-302. Procedure for dismissal - judicial review.**

(11) (a) The board of a school district may take immediate action to dismiss a teacher, without a hearing, notwithstanding subsections (2) to (10) of this section, pending the final outcome of judicial review or when the time for seeking review has elapsed, when the teacher is convicted, pleads nolo contendere, or receives a deferred sentence for:

(I) A violation of any law of this state or any counterpart municipal law of this state involving unlawful behavior pursuant to any of the following statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S., OR section 18-6-301, C.R.S., ~~when the victim is a child who is ten years of age or older and under eighteen years of age, and~~ OR part 4 of article 3, part 4 of article 6, and part 4 of article 7 of title 18, C.R.S.; or

**SECTION 11.** 24-5-101, Colorado Revised Statutes, is amended to read:

**24-5-101. Effect of criminal conviction on employment rights.**

(1) (a) ~~Except as otherwise provided by section 4 of article XII of the state constitution, and except for the certification and revocation of certification of peace officers as provided in section 24-31-305, and except for the employment of personnel in positions involving direct contact with vulnerable persons as specified in section 27-1-110, C.R.S.;~~ IN PARAGRAPH (b) OF THIS SUBSECTION (1), the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession.

(b) THIS SUBSECTION (1) SHALL NOT APPLY TO:

(I) THE OFFICES AND CONVICTIONS DESCRIBED IN SECTION 4 OF ARTICLE XII OF THE STATE CONSTITUTION;

(II) THE CERTIFICATION AND REVOCATION OF CERTIFICATION OF PEACE OFFICERS AS PROVIDED IN SECTION 24-31-305;

(III) THE EMPLOYMENT OF PERSONNEL IN POSITIONS INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS AS SPECIFIED IN SECTION 27-1-110, C.R.S.; AND

1 (IV) THE LICENSURE OR AUTHORIZATION OF EDUCATORS  
2 PROHIBITED PURSUANT TO SECTION 22-60.5-107 (2) OR (2.5), C.R.S.

3  
4 (2) Whenever any state or local agency is required to make a  
5 finding that an applicant for a license, certification, permit, or registration  
6 is a person of good moral character as a condition to the issuance thereof,  
7 the fact that such applicant has, at some time prior thereto, been  
8 convicted of a felony or other offense involving moral turpitude, and  
9 pertinent circumstances connected with such conviction, shall be given  
10 consideration in determining whether, in fact, the applicant is a person of  
11 good moral character at the time of the application. The intent of this  
12 section is to expand employment opportunities for persons who,  
13 notwithstanding that fact of conviction of an offense, have been  
14 rehabilitated and are ready to accept the responsibilities of a law-abiding  
15 and productive member of society.

16  
17 **SECTION 12. Appropriation.** (1) In addition to any other  
18 appropriation, there is hereby appropriated, out of any moneys in the  
19 educator licensure cash fund created in section 22-60.5-112, Colorado  
20 Revised Statutes, not otherwise appropriated, to the department of  
21 education, for allocation to the office of professional services, for the  
22 fiscal year beginning July 1, 2003, the sum of two hundred eighty-five  
23 thousand eight hundred dollars (\$285,800) and 1.5 FTE, or so much  
24 thereof as may be necessary, for the implementation of this act.

25  
26 (2) In addition to any other appropriation, there is hereby  
27 appropriated to the department of public safety, for allocation to the  
28 Colorado bureau of investigation, for the fiscal year beginning July 1,  
29 2003, the sum of two hundred thirty-five thousand eight hundred dollars  
30 (\$235,800), or so much thereof as may be necessary, for fingerprint  
31 processing services related to the implementation of this act. Said sum  
32 shall be from cash funds exempt received from the department of  
33 education out of the appropriation made in subsection (1) of this section.

34  
35 **SECTION 13. Safety clause.** The general assembly hereby  
36 finds, determines, and declares that this act is necessary for the immediate  
37 preservation of the public peace, health, and safety."

38  
39 Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND  
40 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

41  
42  
43  
44  
45 **JUDICIARY**

46 After consideration on the merits, the Committee recommends the  
47 following:

48  
49 **HB03-1378** be referred favorably to the Committee on Appropriations.

50  
51  
52 **SB03-128** be amended as follows, and as so amended, be referred to  
53 the Committee on Appropriations with favorable  
54 recommendation:

55  
56 Amend reengrossed bill, page 2, line 6, after "**enforcement.**", insert "(1)";



1 strike line 8 and substitute "COMMISSION OF A FELONY OFFENSE LISTED IN  
2 SECTION 18-1.3-406 (2) (a) (II) OR (2) (b).";

3

4 strike lines 9 through 11;

5

6 after line 11, insert the following:

7

8           "(2) UPON APPROVAL FROM THE COLORADO BUREAU OF  
9 INVESTIGATION, THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT  
10 THE BIOLOGICAL SUBSTANCE SAMPLE TO THE COLORADO BUREAU OF  
11 INVESTIGATION. THE COLORADO BUREAU OF INVESTIGATION SHALL  
12 CONDUCT THE GENETIC TESTING, MAINTAIN THE RESULTS AND FURNISH THE  
13 RESULTS TO THE LAW ENFORCEMENT AGENCY UPON SUFFICIENT FUNDING  
14 MADE AVAILABLE TO THE COLORADO BUREAU OF INVESTIGATION.

15

16           (3) THE RESULTS OF THE CHEMICAL TESTING OF A BIOLOGICAL  
17 SUBSTANCE COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
18 AND FILED WITH THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO  
19 SUBSECTION (2) OF THIS SECTION SHALL BE REMOVED FROM THE  
20 COLORADO BUREAU OF INVESTIGATION'S DNA DATABASE AND THE  
21 DATABASE KEPT BY THE LOCAL LAW ENFORCEMENT AGENCY AND THE  
22 BIOLOGICAL SAMPLE SHALL BE DESTROYED UPON RECEIPT FROM EITHER  
23 THE LOCAL LAW ENFORCEMENT AGENCY THAT MADE THE ARREST OR THE  
24 COURT HAVING JURISDICTION OVER THE CRIMINAL CASE RELATED TO THE  
25 ARREST THAT THE ARRESTEE WHOSE BIOLOGICAL SUBSTANCE WAS TAKEN  
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION IS NOT CONVICTED OF A  
27 FELONY AS A RESULT OF HIS OR HER ARREST OR THE FELONY CONVICTION  
28 ON WHICH THE AUTHORITY FOR INCLUDING HIS OR HER DNA PROFILE WAS  
29 BASED HAS BEEN REVERSED. THE LOCAL LAW ENFORCEMENT AGENCY  
30 THAT MADE THE ARREST OR THE COURT HAVING JURISDICTION OVER THE  
31 CRIMINAL CASE RELATED TO THE ARREST SHALL IMMEDIATELY GIVE  
32 NOTICE TO THE COLORADO BUREAU OF INVESTIGATION IF THE ARRESTEE  
33 IS NOT CHARGED OR CONVICTED OF A FELONY AS A RESULT OF THE  
34 ARREST."

35

36

37

38

### 39 **STATE, VETERANS, & MILITARY AFFAIRS**

40 After consideration on the merits, the Committee recommends the  
41 following:

42

43 **HB03-1368** be referred to the Committee of the Whole with favorable  
44 recommendation.

45

46

47 **HB03-1372** be amended as follows, and as so amended, be referred to  
48 the Committee of the Whole with favorable  
49 recommendation:

50

51 Amend printed bill, page 4, strike lines 13 through 27 and substitute the  
52 following:

53

54 "commissioner of insurance. ALL BUSINESS RECORDS RELATED TO SUCH  
55 PLAN SHALL BE DISCLOSED BY PINNACOL ASSURANCE TO THE SAME  
56 EXTENT AS SIMILAR RECORDS ARE DISCLOSED BY THE OTHER INSURANCE

1 COMPANIES.".

2

3 Page 5, strike lines 1 through 27.

4

5 Page 6, strike lines 1 through 7.

6

7 Renumber succeeding sections accordingly.

8

9

10

11 **HB03-1379** be postponed indefinitely.

12

13

14 **HB03-1381** be referred favorably to the Committee on Information &  
15 Technology.

16

17

18 **HCR03-1007** be postponed indefinitely.

19

20

21 **HCR03-1009** be postponed indefinitely.

22

23

24 **HCR03-1011** be referred to the Committee of the Whole with favorable  
25 recommendation.

26

27

28 **HJR03-1026** be postponed indefinitely.

29

30

31 **HJR03-1051** be referred out for final action.

32

33

34

35 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE**  
36 **on SB03-275**

37

38 This Report Amends the Rerevised Bill.

39

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

42

43 Your second conference committee appointed on SB03-275,  
44 concerning the distribution of school accountability reports, and making  
45 an appropriation in connection therewith, has met and reports that it has  
46 agreed upon the following:

47

48 1. That the Senate accede to the House amendment made to the  
49 bill, as the amendment appears in the rerevised bill.

50

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

54

55 Amend rerevised bill, page 2, line 2, strike "(a) and (2)," and substitute  
56 "(a),";

1 line 3, strike "are" and substitute "is";  
 2  
 3 strike lines 8 through 18 and substitute the following:  
 4  
 5 "department shall print and provide to the public school copies of the  
 6 accountability reports in the amount of: Total pupil enrollment at last  
 7 annual count, plus the total number of teachers as listed on the school  
 8 accountability report. ~~plus an additional twenty-five percent.~~"  
 9  
 10 Page 3, strike lines 3 and 4 and substitute the following:  
 11 "decreased by ten thousand dollars (\$10,000)."  
 12

13 Respectfully submitted,  
 14 Senate Committee: House Committee:  
 15 Ron Teck John Witwer  
 16 Dave Owen Brad Young  
 17 Peggy Reeves Tom Plant  
 18  
 19  
 20

21 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
 22 **on SB03-282**  
 23

24 This Report Amends the Rerevised Bill.  
 25

26 To the President of the Senate and the  
 27 Speaker of the House of Representatives:  
 28

29 Your first conference committee appointed on SB03-282,  
 30 concerning tobacco litigation settlement moneys received by the state,  
 31 and, in connection therewith, reallocating a portion of the moneys  
 32 received in the 2002-03 fiscal year for the purpose of augmenting the  
 33 state general fund, modifying appropriations for the 2002-03 fiscal year,  
 34 and reducing and eliminating funding of specified programs from tobacco  
 35 litigation settlement moneys in the 2003-04 fiscal year, has met and  
 36 reports that it has agreed upon the following:  
 37

38 1. That the Senate accede to the House amendments made to the  
 39 bill, as said amendments appear in the rerevised bill, with the following  
 40 changes:  
 41

42 Amend rerevised bill, page 3, line 13, after "(1)", insert "THE LESSER OF";  
 43  
 44 line 15, strike "SHALL BE TRANSFERRED" and substitute "OR SEVEN  
 45 MILLION FIVE HUNDRED NINETY-FOUR THOUSAND EIGHT HUNDRED SIXTEEN  
 46 DOLLARS SHALL BE TRANSFERRED FROM THE CASH FUND".  
 47

48 Page 11, strike lines 8 and 9 and substitute the following:  
 49 "BE APPROPRIATED TO THE DIVISION OF CRIMINAL JUSTICE IN THE  
 50 DEPARTMENT OF PUBLIC SAFETY FOR THE JUVENILE DIVERSION PROGRAM  
 51 ESTABLISHED PURSUANT TO SECTION 19-2-303, C.R.S."  
 52

53 Page 27, strike lines 2 and 3 and substitute the following:  
 54 "to the department of public safety, division of criminal justice, juvenile  
 55 justice and delinquency prevention, for juvenile diversion programs, for  
 56 the fiscal year beginning".

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

4  
5 Amend rerevised bill, page 5, line 27, strike "PARAGRAPH (b) OF  
6 SUBSECTION (1)" and substitute "SUBPARAGRAPH (VII) OF PARAGRAPH (a)  
7 OF SUBSECTION (1.8)".

8  
9 Page 7, line 16, strike "TWELVE" and substitute "ELEVEN";

10  
11 after line 24, insert the following:

12  
13           "(VII) THE CHILDREN'S BASIC HEALTH PLAN TRUST CREATED IN  
14 SECTION 26-19-105, C.R.S., SHALL RECEIVE EIGHTEEN MILLION FIVE  
15 HUNDRED THOUSAND DOLLARS."

16  
17 Page 13, after line 13, insert the following:

18  
19           "**SECTION 11.** 26-19-105 (2.5), Colorado Revised Statutes, is  
20 amended to read:

21  
22           **26-19-105. Trust - created.** (2.5) For fiscal year 2000-01, the  
23 general assembly shall appropriate to the trust ten million dollars from the  
24 moneys received by the state for said fiscal year pursuant to the master  
25 settlement agreement. For fiscal year 2001-02, the general assembly shall  
26 appropriate to the trust nine million eight hundred thousand dollars from  
27 the moneys annually received by the state pursuant to the master  
28 settlement agreement. EXCEPT AS OTHERWISE PROVIDED IN SECTION  
29 24-75-1104 (1.8) (a) (VII), C.R.S., beginning in fiscal year 2002-03, and  
30 for each fiscal year thereafter so long as the state receives moneys  
31 pursuant to the master settlement agreement, the general assembly shall  
32 appropriate to the trust seventeen million five hundred thousand dollars  
33 from the moneys annually received by the state pursuant to the master  
34 settlement agreement. Except as otherwise provided in section  
35 24-22-115.5, C.R.S., the general assembly shall appropriate the amount  
36 specified in this subsection (2.5) from moneys credited to the tobacco  
37 litigation settlement cash fund created in section 24-22-115, C.R.S. The  
38 amount appropriated pursuant to this subsection (2.5) shall be in addition  
39 to and not in replacement of any general fund moneys appropriated to the  
40 trust."

41  
42 Renumber succeeding sections accordingly.

43  
44 Page 23, strike line 9 and substitute the following:

45 "of four hundred fifty-one thousand three hundred fifty-four dollars  
46 (\$451,354), or so much thereof as may";

47  
48 line 11, strike "one";

49  
50 strike line 12 and substitute the following:

51 "ninety-five thousand nine hundred eighteen dollars (\$95,918)";

52  
53 line 13, strike "(\$123,863)";

54  
55 line 14, strike "four hundred thirty-three";

56

1 strike line 15 and substitute the following:  
2 "three hundred fifty-five thousand four hundred thirty-six dollars  
3 (\$355,436) shall be cash funds";

4  
5 line 23, strike "two hundred sixteen thousand";

6  
7 strike line 24 and substitute the following:  
8 "one hundred seventy-seven thousand seven hundred eighteen dollars  
9 (\$177,718) out of any moneys in the".

10  
11 Page 24, line 1, strike "two hundred sixteen";

12  
13 strike line 2 and substitute the following:  
14 "one hundred seventy-seven thousand seven hundred eighteen dollars  
15 (\$177,718) in federal funds.".

16  
17 Page 28, after line 8, insert the following:

18  
19 **"SECTION 22. Appropriation - adjustments in 2003 long bill.**

20 (1) For the implementation of this act, appropriations made in the annual  
21 general appropriation act to the department of education, for the fiscal  
22 year beginning July 1, 2003, shall be adjusted as follows:

23  
24 (a) The cash funds exempt appropriation to assistance to public  
25 schools, grant programs and other distributions, for the read-to-achieve  
26 cash fund, is decreased by one million dollars (\$1,000,000). Said sum  
27 shall be from the tobacco litigation settlement cash fund pursuant to  
28 section 24-75-1104, Colorado Revised Statutes.

29  
30 (b) The cash funds exempt appropriation to assistance to public  
31 schools, grant programs and other distributions, for the read-to-achieve  
32 grant program, is decreased by one million dollars (\$1,000,000). Said  
33 sum shall be from the read-to-achieve cash fund pursuant to section  
34 22-7-506, Colorado Revised Statutes.

35  
36 (2) For the implementation of this act, appropriations made in the  
37 annual general appropriation act to the department of health care policy  
38 and financing, for the fiscal year beginning July 1, 2003, shall be adjusted  
39 as follows:

40  
41 (a) The cash funds exempt appropriation to the indigent care  
42 program, H.B. 97-1304 children's basic health plan trust, for the fiscal  
43 year beginning July 1, 2003, is increased by one million dollars  
44 (\$1,000,000). Said sum shall be from the tobacco litigation settlement  
45 cash fund pursuant to section 24-75-1104, Colorado Revised Statutes.

46  
47 (b) The appropriation to the indigent care program, for children's  
48 basic health plan premium costs, is increased by two million five hundred  
49 thirty-three thousand seven hundred eighty-six dollars (\$2,533,786). Of  
50 said sum, eight hundred eighty-six thousand eight hundred twenty-five  
51 dollars (\$886,825) shall be from the children's basic health plan trust  
52 pursuant to section 26-19-105, Colorado Revised Statutes, and one  
53 million six hundred forty-six thousand nine hundred sixty-one dollars  
54 (\$1,646,961) shall be from federal funds.

55  
56 (c) The appropriation to the indigent care program, for children's

1 basic health plan dental benefit costs, is increased by three hundred  
 2 twenty-two thousand eight hundred six dollars (\$322,806). Of said sum,  
 3 one hundred twelve thousand nine hundred eighty-two dollars (\$112,982)  
 4 shall be from the children's basic health plan trust pursuant to section  
 5 26-19-105, Colorado Revised Statutes, and two hundred nine thousand  
 6 eight hundred twenty-four dollars (\$209,824) shall be from federal  
 7 funds."

8  
 9 Renumber succeeding sections accordingly.

10  
 11 Page 28, line 12, strike "13" and substitute "14";  
 12  
 13 line 15, strike "14 and 15" and substitute "15 and 16".  
 14

15 Respectfully submitted,

16 Senate Committee:

17 Ron Teck  
 18 Dave Owen  
 19 Peggy Reeves

House Committee:

John Witwer  
 Brad Young  
 Tom Plant

20

21

22

23

### MESSAGE FROM THE SENATE

24

25 Madam Speaker:

26

27 The Senate has passed on Third Reading and returns herewith HB03-  
 28 1188, 1004, 1210, 1056.

29

30 The Senate has passed on Third Reading and transmitted to the Revisor  
 31 of Statutes: SB03-323,

32

33 SB03-251, amended as printed in Senate Journal, April 22, 2003,  
 34 page 1160 and 1164, and in Senate Journal, April 28,  
 35 page 1257,

36 SB03-236, amended as printed in Senate Journal, April 22, 2003,  
 37 pages 1162-1164, and in Senate Journal, April 28,  
 38 pages 1257-1260,

39 SB03-328, amended as printed in Senate Journal, April 28, 2003,  
 40 page 1268,

41 SB03-252, amended as printed in Senate Journal, April 28, 2003,  
 42 page 1274,

43 SB03-313, amended as printed in Senate Journal, April 28, 2003,  
 44 page 1274,

45 SB03-326, amended as printed in Senate Journal, April 28, 2003,  
 46 page 1275,

47 HB03-1341, amended as printed in Senate Journal, April 28, 2003,  
 48 page 1260,

49 HB03-1329, amended as printed in Senate Journal, April 28, 2003,  
 50 page 1268,

51 HB03-1317, amended as printed in Senate Journal, April 28, 2003,  
 52 page 1269.

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**MESSAGE FROM THE REVISOR**

We herewith transmit:  
Without comment, as amended, SB03-323, 251, 236, 328, 352, 313, 326,  
HB03-1341, 1329 and 1317.

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**MESSAGES FROM THE GOVERNOR**

I certify I received the following on the 29th day of April, 2003, at  
2:30 p.m. The original is on file in the records of the House of  
Representatives of the General Assembly.

Judith Rodrigue,  
Chief Clerk of the House

April 28, 2003

To the Honorable  
House of Representatives  
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 act:

**HB03-1256** 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.

Approved April 28, 2003 at 1:25 p.m.

Sincerely,  
(signed)  
Bill Owens  
Governor

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April 29, 2003

To the Honorable  
House of Representatives  
Sixty-fourth General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

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

3  
4 **HB03-1304** Concerning The Penalties Associated With Impersonating  
5 A Peace Officer.

6  
7 Approved April 29, 2003 at 10:43 A.M.

8  
9 Sincerely,  
10 (signed)  
11 Bill Owens  
12 Governor

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13  
14  
15  
16 **INTRODUCTION OF BILLS**  
17 **First Reading**

18  
19 The following bills were read by title and referred to the committees  
20 indicated:

21  
22 **SB03-236** by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also  
23 Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp,  
24 Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King,  
25 McCluskey, Sinclair, Stengel, Weddig--Concerning an  
26 authorization of the issuance of voter-approved revenue  
27 bonds for the purpose of financing water infrastructure  
28 projects by the state, and, in connection therewith,  
29 excluding revenues derived from bond proceeds and  
30 projects financed by bonds from state fiscal year spending.  
31 Committee on Agriculture, Livestock, & Natural Resources

32  
33 **SB03-251** by Senator(s) Hagedorn, Hillman, Isgar, Johnson S.,  
34 McElhany; also Representative(s) Mitchell, Carroll,  
35 McFadyen, Stafford--Concerning a prohibition on the use  
36 by local governments of amortization to eliminate  
37 nonconforming uses of property.  
38 Committee on Information & Technology

39  
40 **SB03-252** by Senator(s) Kester, Anderson, Andrews, Cairns, Dyer,  
41 Entz, Evans, Gordon, Groff, Grossman, Isgar, Johnson S.,  
42 Jones, May R., Owen, Tapia, Teck, Tupa; also  
43 Representative(s) Stengel--Concerning the placement  
44 following parole revocation of a parolee on parole for a  
45 nonviolent felony, and making an appropriation in  
46 connection therewith.

47 Committee on Judiciary  
48 Committee on Appropriations

49  
50 **SB03-313** by Senator(s) Entz, Evans; also Representative(s)  
51 McCluskey, Hoppe--Concerning an increase in the state  
52 engineer's authority to approve the use of water, and, in  
53 connection therewith, making an appropriation.

54 Committee on Agriculture, Livestock, & Natural Resources  
55 Committee on Appropriations

56



1 **SB03-323** by Senator(s) Andrews; also Representative(s)  
 2 Spence--Concerning the board of directors of the regional  
 3 transportation district.

4 Committee on State, Veterans, & Military Affairs  
 5

6 **SB03-326** by Senator(s) Cairns; also Representative(s) Spence,  
 7 Fritz--Concerning statutory provisions governing publicly-  
 8 supported libraries.

9 Committee on Education  
 10

11 **SB03-328** by Senator(s) Owen; also Representative(s)  
 12 Plant--Concerning changes to earned time computations,  
 13 and making an appropriation in connection therewith.

14 Committee on Judiciary

15 Committee on Appropriations  
 16

17

18

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### APPOINTMENTS TO CONFERENCE COMMITTEE

20

21 The Speaker appointed Representatives Witwer, Chairman, Plant and  
 22 Larson as House conferees to the First Conference Committee on  
 23 **HB03-1263**.

24

25

26

### SPEAKER ANNOUNCEMENT

27

28 Speaker Spradley announced that the First Report of the First Conference  
 29 Committee on SB03-098 was out of order.

30

31 The report will not be calendared for consideration. The report will not  
 32 be printed in the journal nor will it be printed and placed in members'  
 33 files. The Speaker's decision was based upon Joint Rule 4(i) that states  
 34 "no report which includes matters beyond the scope of differences  
 35 between the two houses shall be signed until consent to report on such  
 36 matters has been given in accordance with subsection (d) of this joint  
 37 rule."

38

39 Permission to go beyond the differences between the House and the  
 40 Senate was denied April 17, House Journal page 1715. The report went  
 41 beyond the scope of the differences.

42

43

44

45

### LAY OVER OF CALENDAR ITEMS

46

47 On motion of Representative King, the following items on the Calendar  
 48 were laid over until April 30, retaining place on Calendar:

49

50 Consideration of General Orders--**HB03-1311, 1247, SB03-155**.

51 Consideration of Resolutions--**HJR03-1042, SJR03-030, 034,**  
 52 **HJR03-1052, 1057, 1058, 1062, SJR03-041, HJR03-1059, 1061,**  
 53 **SJR03-042, 046, HJR03-1054, 1068, 1069**.

54 Consideration of Memorials--**SJM03-001, 002, 004, HM03-1001, 1002,**  
 55 **SJM03-005, 007, 008, HM03-1003**.

56

1 On motion of Representative King, the House adjourned until 9:00 a.m.,  
2 April 30, 2003.

3

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Approved:

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LOLA SPRADLEY,  
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,  
13 Chief Clerk