

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

One Hundred-eighteenth Legislative Day Monday, May 5, 2003

1 Prayer by the Reverend E. Fred Sullivan, Beulah United Methodist
2 Church.

3
4 The Speaker called the House to order at 10:00 a.m.

5
6 Pledge of Allegiance led by Representative Rose.

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 Briggs, the reading of the journal of May 2,
16 2003, was declared dispensed with and approved as corrected by the
17 Chief Clerk.

18
19
20
21 **REPORTS OF COMMITTEES OF REFERENCE**

22
23 **APPROPRIATIONS**

24 After consideration on the merits, the Committee recommends the
25 following:

26
27 **HB03-1030** be referred to the Committee of the Whole with favorable
28 recommendation.

29
30
31 **SB03-128** be postponed indefinitely.

32
33
34 **SB03-348** be referred to the Committee of the Whole with favorable
35 recommendation.

36
37
38 **SB03-349** be referred to the Committee of the Whole with favorable
39 recommendation.

40
41
42
43

1 **FINANCE**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB03-1382** be amended as follows, and as so amended, be referred to
6 the Committee of the Whole with favorable
7 recommendation:

8
9 Amend printed bill, page 2, strike lines 22 through 25 and substitute the
10 following:

11
12 "39-22-622 SHALL BE AS FOLLOWS:

13
14 (a) IF THE AMOUNT OF THE REFUND IS LESS THAN FIVE THOUSAND
15 DOLLARS OR IF THE AMOUNT OF THE REFUND IS EQUAL TO OR GREATER
16 THAN FIVE THOUSAND DOLLARS BUT LESS THAN TEN PERCENT OF THE
17 TAXPAYER'S NET TAX LIABILITY FOR THE PERIOD FOR WHICH THE TAX IS
18 PAID, THE ANNUAL RATE OF INTEREST SHALL BE THE PRIME RATE, AS
19 REPORTED BY THE "WALL STREET JOURNAL", PLUS THREE POINTS,
20 ROUNDED TO THE NEAREST FULL PERCENT. IN THE EVENT THAT MORE
21 THAN ONE RATE IS SO REPORTED, THE HIGHEST RATE SHALL BE UTILIZED.

22
23 (b) (I) IF THE AMOUNT OF THE REFUND IS EQUAL TO OR GREATER
24 THAN FIVE THOUSAND DOLLARS AND THE AMOUNT OF THE REFUND IS
25 EQUAL TO OR GREATER THAN TEN PERCENT OF THE TAXPAYER'S NET TAX
26 LIABILITY FOR THE PERIOD FOR WHICH THE TAX IS PAID, THE ANNUAL RATE
27 OF INTEREST SHALL BE THE PRIME RATE, AS REPORTED BY THE "WALL
28 STREET JOURNAL", ROUNDED TO THE NEAREST FULL PERCENT, EXCEPT AS
29 PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b). IN THE EVENT
30 THAT MORE THAN ONE RATE IS REPORTED, THE HIGHEST RATE SHALL BE
31 UTILIZED.

32
33 (II) FOR ANY REFUND SUBJECT TO THE PROVISIONS OF
34 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), IF THE TAXPAYER
35 DEMONSTRATES THAT THE OVERPAYMENT OF TAX NECESSITATING SUCH
36 REFUND WAS DUE TO GOOD CAUSE AS DETERMINED BY THE EXECUTIVE
37 DIRECTOR, THE ANNUAL RATE OF INTEREST SHALL BE THE PRIME RATE, AS
38 REPORTED BY THE "WALL STREET JOURNAL", PLUS THREE POINTS,
39 ROUNDED TO THE NEAREST FULL PERCENT. IN THE EVENT THAT MORE
40 THAN ONE RATE IS SO REPORTED, THE HIGHEST RATE SHALL BE UTILIZED."

41
42
43
44 **SB03-334** be referred to the Committee of the Whole with favorable
45 recommendation.

46
47
48 **SB03-340** be referred to the Committee of the Whole with favorable
49 recommendation.

50
51
52 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

53
54 The Speaker has signed: **HB03-1140; SB03-006, 007, 019, 045, 070,**
55 **085, 110, 121, 141, 167, 240, 308; SJM03-006, 032, 036.**

56

DELIVERY OF BILLS TO GOVERNOR

The Chief Clerk of the House of Representatives reports the following bills have been delivered to the Office of the Governor: **HB03-1003, 1103, 1106, 1238, 1330** at 2:34 p.m., on May 02, 2003.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and laid over one day under the rules:

HJR03-1072 by Representative(s) Cloer, Johnson R., Garcia, Jahn; also Senator(s) Anderson, Andrews, Fitz-Gerald--Concerning the retention of officers and employees of the First Regular Session of the Sixty-fourth General Assembly.

Be It Resolved by the House of Representatives of the Sixty-fourth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That the Chief Clerk of the House of Representatives and the Secretary of the Senate remain in such capacity after adjournment of the General Assembly *sine die* until the convening of the Second Regular Session of the Sixty-fourth General Assembly in January 2004.

(2) That the Chairman of the House Services Committee, with the authorization of the Speaker, and the Chairman of the Senate Services Committee, with the authorization of the President, are hereby separately authorized to retain such employees for such period of time in the interim between the First Regular Session of the Sixty-fourth General Assembly and the Second Regular Session of the Sixty-fourth General Assembly as they deem necessary for their respective houses; except that the office equipment of the General Assembly and the services of such employees shall be used only in connection with official legislative business.

(3) That the officers named in subsection (1) of this resolution and the employees referred to in subsection (2) of this resolution shall be compensated for their services at the same rate paid to them during the First Regular Session of this Sixty-fourth General Assembly, as may be modified by any salary survey adjustments and merit increases to become effective during the fiscal year beginning July 1, 2003, which are approved by the President of the Senate for officers and employees of the Senate and the Speaker of the House of Representatives for officers and employees of the House of Representatives. All such compensation shall be paid from moneys appropriated for such purposes by the Sixty-fourth General Assembly.

HJR03-1073 by Representative(s) King, Spradley, Veiga; also Senator(s) Anderson, Andrews, Fitz-Gerald--Concerning the appointment of a joint committee to notify the Governor that the First Regular Session of the Sixty-fourth General Assembly is about to adjourn sine die.

1 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 2 *General Assembly of the State of Colorado, the Senate concurring*
 3 *herein:*

4
 5 That a joint committee of five members, consisting of three
 6 members of the House of Representatives and two members of the
 7 Senate, be appointed, respectively, by the Speaker of the House of
 8 Representatives and the President of the Senate to notify the Honorable
 9 Bill Owens, Governor of the State of Colorado, that the First Regular
 10 Session of the Sixty-fourth General Assembly is about to adjourn *sine die*
 11 and to inquire if he has any communication to convey to the General
 12 Assembly in joint session.

13
 14
 15 **HJR03-1074** by Representative(s) King, Spradley, Veiga; also
 16 Senator(s) Anderson, Andrews, Fitz-Gerald--Concerning
 17 the adjournment sine die of the First Regular Session of
 18 the Sixty-fourth General Assembly.

19
 20 *Be It Resolved by the House of Representatives of the Sixty-fourth*
 21 *General Assembly of the State of Colorado, the Senate concurring*
 22 *herein:*

23
 24 That, when the First Regular Session of the Sixty-fourth General
 25 Assembly adjourns on May 7, 2003, it shall stand adjourned *sine die*.

26
 27
 28
 29 **THIRD READING OF BILLS--FINAL PASSAGE**

30
 31 The following bills were considered on Third Reading. The titles were
 32 publicly read. Reading of the bill at length was dispensed with by
 33 unanimous consent.

34
 35 **SB03-309** by Senator(s) Anderson; also Representative(s) Young--
 36 Concerning a suspension of the administration of
 37 statewide assessments in writing, and making an
 38 appropriation therefor.

39
 40 Laid over until May 6, retaining place on Calendar.

41
 42 **SB03-307** by Senator(s) Cairns; also Representative(s) Mitchell--
 43 Concerning the continuation of the requirement that the
 44 state individual income tax return form include a line
 45 whereby an individual taxpayer may make a contribution
 46 to the Colorado special olympics fund.

47
 48 The question being "Shall the bill pass?".
 49 A roll call vote was taken. As shown by the following recorded vote, a
 50 majority of those elected to the House voted in the affirmative and the bill
 51 was declared **passed**.

52
 53

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Fritz	Y	May	Y	Sinclair	Y
Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

54
 55
 56

1	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	Y	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
14							Speaker	Y

15 Co-sponsors added: Representatives Boyd, Butcher, Carroll, Cloer, Coleman,
 16 Crane, Fairbank, Frangas, Fritz, Hoppe, Jahn, Marshall, McFadyen, Miller,
 17 Pommer, Romanoff, Salazar, Schultheis, Spence, Weddig, Weissmann,
 18 Williams S.

19
 20 **SB03-321** by Senator(s) Taylor; also Representative(s) Stengel--
 21 Concerning the repeal of a periodic reporting requirement
 22 on a subject assigned to the finance committees under title
 23 39, Colorado Revised Statutes.

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

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

48 Co-sponsors added: Representatives Hoppe, Schultheis, Spence, Williams S.

49
 50 **SB03-327** by Senator(s) Evans; also Representative(s) Stafford--
 51 Concerning hearings in dependency and neglect actions.

52
 53 As shown by the following roll call vote, a majority of all members
 54 elected to the House voted in the affirmative, and Representative Stafford
 55 was given permission to offer a Third Reading amendment:

56

	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 **Third Reading amendment No. 1**, by Representative Stafford.

21
22 Amend revised bill, page 3, line 6, strike "OR THAT REASONABLE EFFORTS
23 TO REUNITE THE";

24
25 line 7, strike "CHILD AND THE FAMILY HAVE NOT YET SUCCEEDED".

26
27 The amendment was declared **passed** by the following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
29								
30	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
31	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
32	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
33	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
34	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
35	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
36	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
37	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
38	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
39	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
40	Cloer	Y	King	Y	Rhodes	Y	White	Y
41	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
42	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
43	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
44	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
45	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
46							Speaker	Y
47								

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

49 A roll call vote was taken. As shown by the following recorded vote, a
50 majority of those elected to the House voted in the affirmative, and the
51 bill, as amended, was declared **passed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
53								
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
56	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

1	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	Y	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
14							Speaker	Y

15 Co-sponsors added: Representatives Boyd, Coleman, Frangas, Jahn, Paccione,
16 Spence, Tochtrop, Williams S.

17

18 **SB03-251** by Senator(s) Hagedorn, Hillman, Isgar, Johnson S.,
19 McElhany; also Representative(s) Mitchell, Carroll,
20 McFadyen, Stafford--Concerning a prohibition on the use
21 by local governments of amortization to eliminate
22 nonconforming uses of property.

23

24 As shown by the following roll call vote, a majority of all members
25 elected to the House voted in the affirmative, and Representative
26 Weissmann was given permission to offer a Third Reading amendment:

27

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

46

47 **Third Reading amendment No. 1**, by Representative Weissmann.

48

49 Amend revised bill, page 4, line 4, strike "REGULATION."

50

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

52

53	YES	64	NO	01	EXCUSED	00	ABSENT	00
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
56	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

1	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	N
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	Y	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
14							Speaker	Y

15
 16 The question being, "Shall the bill, as amended, pass?".
 17 A roll call vote was taken. As shown by the following recorded vote, a
 18 majority of those elected to the House voted in the affirmative, and the
 19 bill, as amended, was declared **passed**.

21	YES	42	NO	22	EXCUSED	01	ABSENT	00
22	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
23	Borodkin	N	Garcia	N	McCluskey	Y	Smith	N
24	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
25	Briggs	N	Harvey	Y	Merrifield	N	Stafford	Y
26	Brophy	Y	Hefley	Y	Miller	Y	Stengel	E
27	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
28	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
29	Carroll	Y	Jahn	Y	Plant	N	Vigil	N
30	Cerbo	N	Johnson	N	Pommer	N	Weddig	N
31	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
32	Cloer	Y	King	Y	Rhodes	Y	White	Y
33	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
34	Crane	Y	Lee	Y	Romanoff	N	Williams S.	Y
35	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
36	Fairbank	Y	Madden	N	Salazar	Y	Witwer	N
37	Frangas	Y	Marshall	N	Schultheis	Y	Young	Y
38							Speaker	Y

39 Co-sponsors added: Representatives Brophy, Cadman, Crane, Fritz, Lee, May,
 40 Merrifield, Schultheis, Tochtrop.
 41 Representative Stengel excused from voting under House Rule 21(c).

42
 43 **SB03-310** by Senator(s) Evans; also Representative(s) Smith--
 44 Concerning estate planning.

45
 46 As shown by the following roll call vote, a majority of all members
 47 elected to the House voted in the affirmative, and Representative Smith
 48 was given permission to offer a Third Reading amendment:

50	YES	65	NO	00	EXCUSED	00	ABSENT	00
51	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
52	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
53	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
54	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
55	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
56	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y

1	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
2	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
3	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
4	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
5	Cloer	Y	King	Y	Rhodes	Y	White	Y
6	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
7	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
8	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
9	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
10	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
11							Speaker	Y

12
13 **Third Reading amendment No. 1**, by Representative Smith.

14
15 Amend revised bill, page 17, strike lines 8 through 14.

16
17 Renumber succeeding section accordingly.

18
19 The amendment was declared **passed** by the following roll call vote:

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

39
40 The question being, "Shall the bill, as amended, pass?"

41 A roll call vote was taken. As shown by the following recorded vote, a
42 majority of those elected to the House voted in the affirmative, and the
43 bill, as amended, was declared **passed**.

45	YES	64	NO	01	EXCUSED	00	ABSENT	00
46	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
47	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
48	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
49	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
50	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
51	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
52	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
53	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
54	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
55	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
56	Cloer	Y	King	Y	Rhodes	Y	White	Y

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

7 Co-sponsor added: Representative Schultheis.

8
 9 **SB03-320** by Senator(s) May R.; also Representative(s) Berry--
 10 Concerning periodic reporting requirements on subjects
 11 assigned to the legislative committees dealing with
 12 transportation issues under title 43, Colorado Revised
 13 Statutes.

14
 15 The question being "Shall the bill pass?".
 16 A roll call vote was taken. As shown by the following recorded vote, a
 17 majority of those elected to the House voted in the affirmative and the bill
 18 was declared **passed**.

20	YES	64	NO	01	EXCUSED	00	ABSENT	00
21	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
22	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
23	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
24	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
26	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	Y
27	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
28	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
29	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
30	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
31	Cloer	Y	King	Y	Rhodes	Y	White	Y
32	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
35	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
36	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
37							Speaker	Y

38 Co-sponsors added: Representatives McFadyen, Stafford.

39
 40 **SB03-333** by Senator(s) May R.; also Representative(s) Berry--
 41 Concerning the use of electronic formats in the
 42 enforcement of traffic law.

43
 44 The question being "Shall the bill pass?".
 45 A roll call vote was taken. As shown by the following recorded vote, a
 46 majority of those elected to the House voted in the affirmative and the bill
 47 was declared **passed**.

49	YES	64	NO	01	EXCUSED	00	ABSENT	00
50	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
51	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
52	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
53	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
54	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
55	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
56	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y

1	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
2	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
3	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
4	Cloer	Y	King	Y	Rhodes	Y	White	Y
5	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
6	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
7	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
8	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
9	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
10							Speaker	Y

11 Co-sponsors added: Representatives Borodkin, McFadyen, Pommer, Romanoff,
12 Stafford, Williams S.

13
14 **SB03-324** by Senator(s) Taylor; also Representative(s) Berry--
15 Concerning the expenditure of moneys in the petroleum
16 storage tank fund to implement the regulation of fuel
17 products by the division of oil and public safety.

18
19 The question being "Shall the bill pass?".
20 A roll call vote was taken. As shown by the following recorded vote, a
21 majority of those elected to the House voted in the affirmative and the bill
22 was declared **passed**.

23	YES	62	NO	03	EXCUSED	00	ABSENT	00
24								
25	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
26	Borodkin	Y	Garcia	N	McCluskey	Y	Smith	Y
27	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
28	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
29	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
30	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
31	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
32	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
33	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
34	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
35	Cloer	Y	King	Y	Rhodes	Y	White	Y
36	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
37	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
38	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
39	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
40	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
41							Speaker	Y

42 Co-sponsors added: Representatives Borodkin, Boyd, Marshall.

43
44 **SB03-326** by Senator(s) Cairns; also Representative(s) Spence, Fritz
45 --Concerning statutory provisions governing publicly-
46 supported libraries.

47
48 The question being "Shall the bill pass?".
49 A roll call vote was taken. As shown by the following recorded vote, a
50 majority of those elected to the House voted in the affirmative and the bill
51 was declared **passed**.

52	YES	63	NO	02	EXCUSED	00	ABSENT	00
53								
54	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
55	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	N
56	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y

1	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hefley	Y	Miller	Y	Stengel	N
3	Butcher	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
6	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
7	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
8	Cloer	Y	King	Y	Rhodes	Y	White	Y
9	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
14							Speaker	Y

15 Co-sponsors added: Representatives Boyd, Frangas, Hodge, Lee, Marshall,
16 McFadyen, Merrifield, Paccione, Rhodes, Williams S.

17
18 **SB03-329** by Senator(s) Taylor; also Representative(s) Miller--
19 Concerning the conformance of state law regarding mining
20 explosives oversight to federal law.

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

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

45 Co-sponsors added: Representatives Larson, McFadyen.

46
47 **SB03-254** by Senator(s) Evans; also Representative(s) Spence--
48 Concerning closing the achievement gap, and, in
49 connection therewith, creating a program to assist schools
50 that have received an "unsatisfactory" rating or have a
51 significant achievement gap, establishing a commission to
52 propose actions to close the achievement gap, and creating
53 a cash fund.

54
55 The question being "Shall the bill 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 bill
2 was declared **passed**.

	YES	46	NO	19	EXCUSED	00	ABSENT	00
5	Berry	N	Fritz	Y	May	Y	Sinclair	Y
6	Borodkin	N	Garcia	Y	McCluskey	Y	Smith	Y
7	Boyd	N	Hall	Y	McFadyen	Y	Spence	Y
8	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
9	Brophy	N	Hefley	Y	Miller	Y	Stengel	Y
10	Butcher	N	Hodge	Y	Mitchell	Y	Tochtrop	N
11	Cadman	Y	Hoppe	N	Paccione	Y	Veiga	N
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	N	Johnson	Y	Pommer	Y	Weddig	Y
14	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
15	Cloer	Y	King	Y	Rhodes	Y	White	Y
16	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
17	Crane	N	Lee	Y	Romanoff	Y	Williams S.	Y
18	Decker	N	Lundberg	N	Rose	Y	Williams T.	Y
19	Fairbank	Y	Madden	N	Salazar	Y	Witwer	Y
20	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
21							Speaker	Y

22 Co-sponsors added: Representatives Carroll, Frangas, Lee, Paccione.

23
24 **SB03-264** by Senator(s) Teck, Owen, Reeves; also Representative(s)
25 Plant, Witwer, Young--Concerning the enterprise status of
26 institutions of higher education for the purposes of section
27 20 of article X of the state constitution.

28
29 The question being "Shall the bill pass?".

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

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

52 Co-sponsors added: Representatives Boyd, Carroll, Garcia, Hoppe, Jahn, King,
53 Madden, McFadyen, Paccione, Spence, Stafford, Stengel, Vigil, Williams T.,
54 Speaker.

55

1 **SB03-325** by Senator(s) Phillips, Anderson, Dyer, Andrews, Cairns,
 2 Chlouber, Gordon, McElhany, Owen, Isgar, Entz, Evans,
 3 Fitz-Gerald, Lamborn, Hillman, Kester, Taylor, Jones,
 4 Nichol, Groff, Tapia, Hanna, Sandoval, Grossman,
 5 Reeves, Windels, Johnson S.; also Representative(s)
 6 Pommer, McFadyen, Berry, Madden, Hefley, Sinclair,
 7 Tochtrop, Butcher, Borodkin, Boyd, Briggs, Cadman,
 8 Carroll, Cerbo, Clapp, Frangas, Fritz, Hodge, Jahn,
 9 Johnson R., Lundberg, McCluskey, Merrifield, Miller,
 10 Mitchell, Paccione, Plant, Ragsdale, Rippy, Romanoff,
 11 Salazar, Spence, Stafford, Veiga, Vigil, Weddig,
 12 Weissmann, Williams T., Witwer, Young--Concerning the
 13 deferral of property taxes owed by active duty military
 14 personnel.
 15

16 The question being "Shall the bill pass?".
 17 A roll call vote was taken. As shown by the following recorded vote, a
 18 majority of those elected to the House voted in the affirmative and the bill
 19 was declared **passed**.
 20

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

39 Co-sponsors added: Representatives Brophy, Cloer, Crane, Fairbank, Garcia,
 40 Hall, Hoppe, King, Larson, Marshall, May, Rhodes, Smith, Stengel, Speaker.
 41
 42
 43

44 **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

45
 46 **HB03-1111** by Representative(s) Harvey; also Senator(s) Evans--
 47 Concerning the authority of county governments to
 48 prosecute violations of the county's building code.
 49

50 (Conference Committee Report printed in House Journal, May 2,
 51 page 2273.)
 52

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

	YES	55	NO	09	EXCUSED	00	ABSENT	01
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	N	Hefley	Y	Miller	Y	Stengel	N
7	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	Y
8	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	N	Plant	-	Vigil	Y
10	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
11	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
12	Cloer	N	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	N
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	45	NO	20	EXCUSED	00	ABSENT	00
26	Berry	Y	Fritz	N	May	Y	Sinclair	Y
27	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
28	Boyd	Y	Hall	Y	McFadyen	N	Spence	Y
29	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	N
30	Brophy	N	Hefley	Y	Miller	Y	Stengel	N
31	Butcher	N	Hodge	N	Mitchell	N	Tochtrop	N
32	Cadman	N	Hoppe	Y	Paccione	Y	Veiga	Y
33	Carroll	N	Jahn	N	Plant	Y	Vigil	Y
34	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
35	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	N
36	Cloer	Y	King	Y	Rhodes	Y	White	Y
37	Coleman	Y	Larson	N	Rippy	Y	Wiens	Y
38	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
39	Decker	Y	Lundberg	N	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
42							Speaker	N

43 Co-sponsors added: Representatives Weddig.

47 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS

49 On motion of Representative King, the rules were suspended for
 50 immediate consideration of Senate amendments to HB03-1342, 1105,
 51 1344, 1360.

53 **HB03-1342** by Representative(s) Coleman; also Senator(s) Johnson S.
 54 --Concerning fees that support the Colorado state titling
 55 and registration system.

56

1 (Amended as printed in Senate Journal, May 1, page 1372.)
 2
 3 Representative Coleman moved that the House **concur** in Senate amend-
 4 ments. The motion was declared **passed** by the following roll call vote:
 5

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

24
 25 The question being, "Shall the bill, as amended, pass?".
 26 A roll call vote was taken. As shown by the following recorded vote, a
 27 majority of those elected to the House voted in the affirmative, and the
 28 bill, as amended, was declared **repassed**.
 29

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

48
 49 **HB03-1105** by Representative(s) Witwer; also Senator(s) Evans--
 50 Concerning qualifications of county coroners.
 51

52 (Amended as printed in Senate Journal, May 1, page 1373.)
 53

54 Representative Witwer moved that the House **concur** in Senate amend-
 55 ments. The motion was declared **passed** by the following roll call vote:
 56

	YES	61	NO	04	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	N	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	N	Lee	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Lundberg	N	Rose	Y	Williams T.	Y
16	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	Marshall	Y	Schultheis	N	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
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	N	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	N	Rose	Y	Williams T.	Y
40	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
41	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
42							Speaker	Y

43 Co-sponsor added: Representative May.

46 **HB03-1344** by Representative(s) Lee, Hefley, Mitchell, Plant; also
 47 Senator(s) Gordon, Evans--Concerning the revision of
 48 statutes in the Colorado Revised Statutes, as amended,
 49 amending or repealing obsolete, inconsistent, and
 50 conflicting provisions of law and clarifying the language
 51 to reflect the legislative intent of the laws.

53 Laid over until May 6, retaining place on Calendar.

54
 55

1 **HB03-1360** by Representative(s) White; also Senator(s) Dyer--
 2 Concerning the collection of data from insurers regarding
 3 small group health insurance for the purpose of analysis to
 4 determine the changes in the small group health insurance
 5 marketplace.
 6

7 (Amended as printed in Senate Journal, May 2.)
 8

9 Representative White moved that the House **concur** in Senate amend-
 10 ments. The motion was declared **passed** by the following roll call vote:
 11

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

30
 31 The question being, "Shall the bill, as amended, pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative, and the
 34 bill, as amended, was declared **repassed**.
 35

	YES	61	NO	04	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	Y	Hodge	Y	Mitchell	Y	Tochtrop	Y
43	Cadman	N	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	N	Rose	Y	Williams T.	Y
51	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	Marshall	Y	Schultheis	N	Young	Y
53							Speaker	Y

54 Co-sponsors added: Representatives Weddig, Speaker.
 55
 56

CONSIDERATION OF RESOLUTION

SJR03-034 by Senator(s) Keller; also Representative(s) Jahn--
Concerning National Philanthropy Day.

(Printed and placed in member's file.)

On motion of Representative Jahn, the resolution was read at length and
adopted by viva voce vote.

Co-sponsors added: Roll call of the House.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

HR03-1020 by Representative(s) McCluskey--Concerning honoring
Dr. Albert C. Yates, President of Colorado State
University.

WHEREAS, Since 1990, Dr. Albert C. Yates has led Colorado
State University as its President, the third longest tenure of a president at
Colorado State University; and

WHEREAS, President Yates has guided Colorado State University
to new heights and achievements in nearly all its dimensions, leading it
to its present status as "The Institution of Choice in Colorado"; and

WHEREAS, President Yates has provided visionary, thoughtful,
consistent, and often courageous leadership in the face of great
challenges, helping the University community to believe in its own
capacity for achievement and excellence; and

WHEREAS, The hallmark of President Yates' tenure has been his
commitment to "putting students first" and ensuring student learning and
success; and

WHEREAS, President Yates' leadership has created dramatic
increases in student enrollment, enrollment of ethnically diverse students,
academic achievement, and graduation rates; and

WHEREAS, President Yates recommitted Colorado State
University to its initial charge as a land grant institution by strengthening
the University's bond with agriculture, putting Colorado State University
at the forefront of many critical agriculture issues; and

WHEREAS, Under the leadership of President Yates, Colorado
State University's reputation as one of the nation's premier research
universities grew, increasing external research funding by 82% since
1990 and investing in Programs of Research and Scholarly Excellence;
and

WHEREAS, President Yates has dedicated himself to securing a
solid future for the institution by strengthening private donations;
encouraging Ram pride, loyalty, and *esprit de corps*; and enhancing the

1 University's relationship with students, alumni, friends, and other people
2 throughout the world; and
3

4 WHEREAS, President Yates has placed a high priority on
5 enhancing the overall quality of undergraduate education, leading to the
6 revamping of the core curriculum, creation of required first-year seminars
7 for all students, appointment of University Distinguished Teaching
8 Scholars, and a strengthened University Honors Program; and
9

10 WHEREAS, President Yates has committed his energy and
11 passion to enhancing diversity and access at Colorado State University
12 and worked diligently to build a more welcoming and supportive campus
13 climate for all students; and
14

15 WHEREAS, President Yates taught the University community to
16 believe in the importance of turning adversity to advantage, guiding the
17 campus through the 1997 flood and countless other crises with vision,
18 dignity, and a sense of humanity; and
19

20 WHEREAS, Over the past 13 years, Colorado State University has
21 gained in national stature and reputation, moving firmly into the top ranks
22 of the nation's public research universities; and
23

24 WHEREAS, President Yates was instrumental in the formation of
25 the Mountain West Conference and leading Colorado State University
26 from the Western Athletic Conference to the Mountain West Conference;
27 and
28

29 WHEREAS, Colorado State University men's and women's
30 athletics have continued to be successful, competitive Mountain West
31 Conference programs of high quality and integrity because of President
32 Yates' leadership and example; and
33

34 WHEREAS, Under the leadership of President Yates, the physical
35 appearance of the campus has been completely transformed into an
36 environment that reflects the institution's character, spirit, and
37 commitment to academic excellence; and
38

39 WHEREAS, Albert C. Yates ranks among the finest and most
40 dedicated presidents in the history of Colorado State University, and the
41 people of Colorado are proud to have benefitted from his leadership and
42 friendship for the past 13 years; now, therefore,
43

44 *Be It Resolved by the House of Representatives of the Sixty-fourth*
45 *General Assembly of the State of Colorado:*
46

47 That, upon the retirement of President Yates, the people of the
48 state of Colorado celebrate an extraordinary leader and that we, the
49 members of the House of Representatives of the Sixty-fourth General
50 Assembly, pay tribute to President Yates for his years of dedicated public
51 service and look forward to his continued involvement in the community
52 affairs of Colorado.
53

54 *Be It Further Resolved*, That copies of the resolution be sent to
55 President Yates, the Colorado University State Board of Governors, and
56 Governor Owens.

1 On motion of Representative King, the rules were suspended and the
2 resolution given immediate consideration.

3

4 On motion of Representative McCluskey, the resolution was read at
5 length and **adopted** by **viva voce** vote.

6

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

8

9

10

11

12 **HR03-1021** by Representative Berry--Concerning honoring Chief
13 Lonnie J. Westphal.

14

15 WHEREAS, On May 1, 2003, Colonel Lonnie J. Westphal will
16 retire as the Chief of the Colorado State Patrol after 29 years of
17 exemplary service in the Colorado State Patrol; and

18

19 WHEREAS, Chief Westphal began his career with the Colorado
20 State Patrol in 1974 and rose steadily through the ranks until 1995 when
21 he was appointed Chief; and

22

23 WHEREAS, Chief Westphal, since his appointment as Chief and
24 through his leadership and management, has developed the Colorado
25 State Patrol into one of the finest law enforcement agencies within the
26 country; and

27

28 WHEREAS, Chief Westphal has introduced a number of new
29 programs and innovations that have enhanced the productivity and
30 effectiveness of the Colorado State Patrol and improved public safety;
31 and

32

33 WHEREAS, Chief Westphal is highly respected within Colorado
34 and throughout the country, serving on a number of boards and
35 committees in the law enforcement area and other related fields, and
36 currently serves as a vice president with the International Association of
37 Chiefs of Police; and

38

39 WHEREAS, Chief Westphal has been an effective proponent of
40 public safety throughout his career that has made Colorado a better and
41 safer state; and

42

43 WHEREAS, Chief Westphal worked closely and cooperatively
44 with the state legislature, private sector, and other public sector agencies
45 toward advancing the cause of public safety in Colorado; and

46

47 WHEREAS, Chief Westphal will be missed by his many friends
48 within the state legislature, state government, business community, law
49 enforcement community, and other areas within and outside of the state;
50 now, therefore,

51

52 *Be It Resolved by the Senate of the Sixty-fourth General Assembly*
53 *of the State of Colorado, the House of Representatives concurring herein:*

54

55 That we, the members of the Sixty-fourth General Assembly, wish
56 to express our sincere appreciation to Chief Lonnie Westphal for his

1 dedicated service to the citizens and state of Colorado and wish him the
2 best in his retirement.

3

4 *Be It Further Resolved*, That a copy of this Joint Resolution be
5 presented to Chief Westphal.

6

7 On motion of Representative King, the rules were suspended and the
8 resolution given immediate consideration.

9

10 On motion of Representative Berry, the resolution was read at length and
11 **adopted by viva voce** vote.

12

13 Co-sponsors added: Roll call of the House.

14

15

16

17

INTRODUCTION OF RESOLUTION

18

19 The following resolution was read at length and laid over until later in the
20 day:

21

22 **HR03-1022** by Representative(s) King, Spradley--Concerning
23 authorization to limit debate in the committee of the
24 whole.

25

26 *Be It Resolved by the House of Representatives of the Sixty-fourth*
27 *General Assembly of the State of Colorado:*

28

29 That Rule No. 14 of the Rules of the House of Representatives is
30 amended to read:

31

32

14. Limiting Debate

33

34 (a) Upon the affirmative vote of a majority of all members elected,
35 debate may be closed at a time not less than one hour from the
36 adoption of a motion to that effect, and such motion having been
37 made, no other motion except to adjourn or to take recess shall be
38 entertained until the motion to close debate and fix an hour for the
39 vote upon the pending question shall have been decided.

40

41 (b) DURING THE LAST THREE DAYS OF A LEGISLATIVE SESSION, UPON A
42 MAJORITY VOTE OF ALL MEMBERS ELECTED, THE HOUSE MAY
43 AUTHORIZE THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE TO
44 LIMIT DEBATE ON ANY MEASURES TO BE HEARD BY THE COMMITTEE.
45 SUCH AN AUTHORIZATION SHALL BE MADE PRIOR TO THE
46 FORMATION OF THE COMMITTEE OF THE WHOLE UNDER HOUSE
47 RULE 32 AND MAY CONTAIN SUCH DIRECTIONS AND SPECIFICS
48 ABOUT ANY LIMITS ON THE LENGTH OF DEBATE AS DEEMED
49 APPROPRIATE BY THE HOUSE.

50

51

52

53

House in recess. House reconvened.

54

55

56

1 **REPORTS OF COMMITTEE OF REFERENCE**

2
3 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

6
7 **SB03-346** be amended as follows, and as so amended, be referred to
8 the Committee of the Whole with favorable
9 recommendation:

10
11 Amend reengrossed bill, page 2, strike lines 19 and 20.

12
13 Page 3, line 1, strike "THE SENATE." and substitute "NO PERSON
14 APPOINTED BY THE GOVERNOR MAY TAKE OFFICE UNTIL CONFIRMED BY
15 THE SENATE; EXCEPT THAT INTERIM APPOINTMENTS MAY BE MADE UPON
16 THE DEATH, DISABILITY, OR REMOVAL OF A MEMBER.";

17
18 strike lines 25 and 26;

19
20 line 27, strike "THE SENATE." and substitute "NO PERSON APPOINTED BY
21 THE GOVERNOR MAY TAKE OFFICE UNTIL CONFIRMED BY THE SENATE;
22 EXCEPT THAT INTERIM APPOINTMENTS MAY BE MADE UPON THE DEATH,
23 DISABILITY, OR REMOVAL OF A MEMBER.".

24
25
26
27 **SB03-347** be referred favorably to the Committee on Appropriations.
28
29

30
31 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
32 **on SB03-078**

33
34 This Report Amends the Rerevised Bill.

35
36 To the President of the Senate and the
37 Speaker of the House of Representatives:

38
39 Your second conference committee appointed on SB03-078,
40 concerning regulation of insurance by the insurance commissioner. , has
41 met and reports that it has agreed upon the following:

42
43 That the Senate accede to the House amendments made to the bill,
44 as said amendments appear in the rerevised bill, with the following
45 changes:

46
47 Amend rerevised bill, page 4, line 3, strike "ASSISTING" and
48 substitute "ASSIST".

49
50 Page 6, line 13, strike "(a)";

51
52 strike lines 17 through 26 and substitute the following:

53
54 "CONDITION. THE REQUIREMENT FOR FUTURE MEDICAL MAINTENANCE
55 THAT WILL NOT SIGNIFICANTLY IMPROVE THE CONDITION OR THE
56 POSSIBILITY OF IMPROVEMENT OR DETERIORATION RESULTING FROM THE

1 PASSAGE OF TIME SHALL NOT AFFECT A FINDING OF MAXIMUM MEDICAL
2 IMPROVEMENT. THE POSSIBILITY OF IMPROVEMENT OR DETERIORATION
3 RESULTING FROM THE PASSAGE OF TIME ALONE SHALL NOT AFFECT A
4 FINDING OF MAXIMUM MEDICAL IMPROVEMENT."

5

6 Page 7, line 17, strike "10-4-706" and substitute "10-4-706,";

7

8 line 18, strike "OR 10-4-706.1" and substitute "10-4-706.1, 10-4-706.4, OR
9 10-4-706.6".

10

11 Page 10, line 24, before "MEDICAL", insert "HEALTH CARE OR".

12

13 Page 11, line 4, before "MEDICAL", insert "HEALTH CARE OR";

14

15 line 6, after "HEALTH CARE", insert "OR MEDICAL";

16

17 after line 7, insert the following:

18

19 "(IV) MAINTENANCE CARE AFTER MAXIMUM MEDICAL
20 IMPROVEMENT IS ACHIEVED;"

21

22 Renumber succeeding subparagraphs accordingly.

23

24 Page 11, strike lines 12 through 27.

25

26 Strike page 12.

27

28 Page 13, strike lines 1 through 11.

29

30 Page 21, line 21, strike "10-4-706.6 (1);" and substitute "10-4-706.6 (1)
31 FOR A FULL COVERAGE DIRECT ACCESS POLICY;"

32

33 Page 22, after line 23, insert the following:

34

35 "(7) (a) **Commercial policies.** NOTWITHSTANDING ANY
36 PROVISION OF THIS SECTION TO THE CONTRARY, AN INSURER WHO OFFERS
37 COVERAGE TO A COMMERCIAL ENTITY SHALL NOT BE REQUIRED TO
38 DISCLOSE ANY PROVISIONS OTHER THAN THE FOLLOWING:

39

40 (I) THE PROVISIONS CONCERNING THE FULL COVERAGE DIRECT
41 ACCESS POLICY AND THE DIFFERENT COVERAGE LEVELS FOR SUCH;

42

43 (II) LEGAL LIABILITY COVERAGE;

44

45 (III) UNINSURED AND UNDERINSURED COVERAGE; AND

46

47 (IV) COLLISION AND COMPREHENSIVE COINSURANCE AND
48 DEDUCTIBLES.

49

50 (b) FOR THE PURPOSES OF THIS SUBSECTION (7), "COMMERCIAL
51 POLICY" MEANS ANY COVERAGE PROVIDED UNDER A COMMERCIAL MOTOR
52 VEHICLE, GARAGE, OR TRUCKERS COVERAGE FORM FROM EITHER A
53 COMMERCIAL MANUAL OR RATING RULE APPROVED BY THE
54 COMMISSIONER."

55

56 Page 23, line 21, strike "AN" and substitute "FOR A FULL COVERAGE

1 DIRECT ACCESS POLICY, AN".

2

3 Page 24, line 5, strike "FORTY" and substitute "THIRTY";

4

5 line 13, strike "FORTY" and substitute "THIRTY".

6

7 Page 26, strike line 3 and substitute the following:

8

9 "THIS SUBSECTION (2).".

10

11 Page 27, line 1, strike "(2)" and substitute "(3)";

12

13 line 16, strike "(3)" and substitute "(4)".

14

15 Page 28, line 3, strike "SUBPARAGRAPH(I.5)," and substitute "SUBSECTION
16 (5),";

17

18 line 7, strike "(4)" and substitute "(5)".

19

20 Page 29, line 6, strike "(7)" and substitute "(8)";

21

22 line 16, strike "(2)" and substitute "(8)".

23

24 Page 30, after line 19, insert the following:

25

26 "(11) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
27 AN INSURER THAT IS OFFERING A COMMERCIAL POLICY, AS DEFINED IN
28 10-4-706.3 (7) (b), TO OFFER COVERAGES OTHER THAN THE FOLLOWING:

29

30 (a) FULL COVERAGE DIRECT ACCESS POLICIES AND THE DIFFERENT
31 COVERAGE LEVELS FOR SUCH;

32

33 (b) LEGAL LIABILITY COVERAGE PURSUANT TO SECTION 10-4-706
34 (1) (a);

35

36 (c) UNINSURED AND UNDERINSURED MOTORIST COVERAGE
37 PURSUANT TO SECTION 10-4-609;

38

39 (d) COLLISION COVERAGE PURSUANT TO SECTION 10-4-710 (3),
40 AND

41

42 (e) COMPREHENSIVE COVERAGE PURSUANT TO SECTION 10-4-616.".

43

44 Page 32, strike lines 5 through 8;

45

46 strike lines 12 through 14 and substitute the following:

47

48 "(a) (I) "EXPERT REVIEWER" MEANS A LICENSED PHYSICIAN OR
49 OTHER APPROPRIATE HEALTH CARE PROVIDER WHO CONDUCTS AN
50 INDEPENDENT EXTERNAL REVIEW. AN EXPERT REVIEWER SHALL NOT:".

51

52 Page 34, strike lines 10 through 13 and substitute the following:

53

54 "SECTION. THE INSURER SHALL PAY THE COST OF THE EXTERNAL REVIEW
55 AND".

56

1 Page 37, line 27, strike "REVIEWERS; EXCEPT THAT NO MORE" and
2 substitute "REVIEWERS."
3

4 Page 38, strike lines 1 and 2;
5

6 line 3, strike "ELIGIBLE INJURED PERSON."
7

8 Page 41, line 24, strike "10-4-706" and substitute "10-4-706,";
9

10 line 25, strike "OR";
11

12 line 26, strike "10-4-706.1" and substitute "10-4-706.1, 10-4-706.2,
13 10-4-706.4, OR 10-4-706.6".
14

15 Page 42, line 19, strike "10-4-706" and substitute "10-4-706,";
16

17 line 20, strike "OR 10-4-706.1" and substitute "10-4-706.1, 10-4-706.2,
18 10-4-706.4, OR 10-4-706.6".
19

20 Page 50, strike lines 14 through 27.
21

22 Page 51, strike lines 1 through 22 and substitute the following:
23

24 **"SECTION 14.** 10-4-714, Colorado Revised Statutes, is amended
25 to read:
26

27 **10-4-714. Limitation on tort actions.** (1) ON AND AFTER THE
28 EFFECTIVE DATE OF THIS SECTION, AS AMENDED, no person for whom
29 direct benefit coverage is required by operation of sections 10-4-705 to
30 10-4-707, or for whom direct benefits would have been payable but for
31 exercise of a deductible option or but for a waiting period or percentage
32 limitation, shall be allowed to recover against an owner, user, or operator
33 of a motor vehicle, or against any person or organization legally
34 responsible for the acts or omissions of such person, for damages for
35 bodily injury caused by a motor vehicle accident, except in those cases
36 in which there has been caused by a motor vehicle accident ONE OR MORE
37 OF THE FOLLOWING:
38

39 (a) Death;
40

41 (b) (I) ~~Dismemberment~~ SERIOUS PERMANENT IMPAIRMENT OF
42 BODILY FUNCTION;
43

44 (II) FOR THE PURPOSES OF THIS SECTION, "SERIOUS PERMANENT
45 IMPAIRMENT OF BODILY FUNCTION" MEANS AN ACCIDENTAL AND
46 OBJECTIVELY MANIFESTED SERIOUS AND PERMANENT IMPAIRMENT OF AN
47 IMPORTANT BODY FUNCTION THAT SIGNIFICANTLY AFFECTS THE PERSON'S
48 GENERAL ABILITY TO LEAD A NORMAL LIFE, AS MANIFESTED BY THE
49 PERSON'S SIGNIFICANT INABILITY TO PERFORM THE PRINCIPAL ECONOMIC
50 OR NONECONOMIC ACTIVITIES THAT THE PERSON ENGAGED IN PRIOR TO THE
51 ACCIDENT. A "SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION"
52 MUST BE CLINICALLY ESTABLISHED ON THE BASIS OF OBJECTIVE
53 DIAGNOSTIC TESTS AND MEASUREMENTS THAT ARE MEDICALLY
54 RECOGNIZED.
55

56 (c) ~~Permanent disability~~;

1 (d) Permanent SERIOUS disfigurement.

2
3 (e) ~~Reasonable need for services of the type described in section~~
4 ~~10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) having a reasonable value~~
5 ~~in excess of two thousand five hundred dollars. "Reasonable value" as~~
6 ~~used in this paragraph (e) means the average cost of specific types of~~
7 ~~services described in section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3)~~
8 ~~(b) in the state of Colorado as determined by the commissioner and~~
9 ~~published not less than once each year. Notwithstanding the provisions~~
10 ~~of this paragraph (e), no person shall be allowed to recover against an~~
11 ~~owner, user, or operator of a motor vehicle used in a ridesharing~~
12 ~~arrangement, as defined in section 10-4-707.5 (2), or against any person~~
13 ~~or organization legally responsible for the acts or omissions of such~~
14 ~~person for damages caused by a motor vehicle accident in which such~~
15 ~~vehicle was involved, if such vehicle was in use at the time of the~~
16 ~~accident in a ridesharing arrangement, as defined in section 10-4-707.5~~
17 ~~(2), based on a reasonable need for services of the type described in~~
18 ~~section 10-4-706 (1) (b) and (1) (c), (2) (a), or (3) (b) unless such services~~
19 ~~have a reasonable value in excess of five thousand dollars.~~

20
21 (f) ~~Loss of earnings and loss of earning capacity extending beyond~~
22 ~~the fifty-two week period provided in section 10-4-706 (1) (d) or (3) (e)~~
23 ~~and not compensated by an applicable complying policy.~~

24
25 (2) ~~Nothing in this part 7 shall be construed to preclude recovery~~
26 ~~against an alleged tort-feasor of benefits provided or economic loss~~
27 ~~recoverable in excess of the minimum coverages required in section~~
28 ~~10-4-706 (1) (b) to (1) (d), or, if applicable, to a person qualified under~~
29 ~~section 10-4-706 (3), in excess of alternative coverages. THE ISSUES OF~~
30 ~~WHETHER AN INJURED PERSON HAS SUFFERED SERIOUS PERMANENT~~
31 ~~IMPAIRMENT OF BODILY FUNCTION OR PERMANENT SERIOUS~~
32 ~~DISFIGUREMENT ARE QUESTIONS OF LAW FOR THE COURT IF THE COURT~~
33 ~~FINDS EITHER:~~

34
35 (a) ~~THERE IS NO FACTUAL DISPUTE CONCERNING THE NATURE AND~~
36 ~~EXTENT OF THE PERSON'S INJURIES; OR~~

37
38 (b) ~~THERE IS A FACTUAL DISPUTE CONCERNING THE NATURE AND~~
39 ~~EXTENT OF THE PERSON'S INJURIES, BUT THE DISPUTE IS NOT MATERIAL TO~~
40 ~~THE DETERMINATION AS TO WHETHER THE PERSON HAS SUFFERED A~~
41 ~~SERIOUS PERMANENT IMPAIRMENT OF BODILY FUNCTION OR PERMANENT~~
42 ~~SERIOUS DISFIGUREMENT; EXCEPT THAT, FOR A TRAUMATIC BRAIN INJURY,~~
43 ~~A QUESTION OF FACT FOR THE JURY IS CREATED IF A LICENSED~~
44 ~~PSYCHOLOGIST, PSYCHIATRIST, ALLOPATHIC OR OSTEOPATHIC PHYSICIAN,~~
45 ~~NEUROLOGIST, OR PHYSICAL MEDICINE AND REHABILITATION PHYSICIAN~~
46 ~~WHO REGULARLY DIAGNOSES OR TREATS TRAUMATIC BRAIN INJURIES~~
47 ~~TESTIFIES UNDER OATH THAT THERE IS A SERIOUS NEUROLOGICAL INJURY.~~

48
49 (3) ~~NOTHING IN THIS PART 7 SHALL BE CONSTRUED TO PRECLUDE~~
50 ~~RECOVERY AGAINST AN ALLEGED TORT-FEASOR OF BENEFITS PROVIDED OR~~
51 ~~ECONOMIC LOSS RECOVERABLE IN EXCESS OF THE MINIMUM COVERAGES~~
52 ~~REQUIRED IN THIS PART 7."~~

53
54 page 58, after line 5, insert the following:

55
56 **"SECTION 24. Repeal.** 10-4-601 (2) and (11), 10-4-618 (2),

1 10-4-620 (2), 10-4-621, 10-4-625 (1), and 10-4-626 (1), Colorado
2 Revised Statutes, as enacted by House Bill 03-1188, enacted at the First
3 Regular Session of the Sixty-fourth General Assembly, are repealed."

4

5 Renumber succeeding sections accordingly.

6

7 Page 58, strike line 15 and substitute the following:

8

9 "shall take effect on passage and shall apply to accidents and injuries
10 occurring on or after the date of";

11

12 line 17, strike "25, and 26" and substitute "25, 26, and 27".

13

14 Respectfully submitted,

15 Senate Committee:

16 Andy McElhany

17 Mark Hillman

18 Jim Isgar

House Committee:

Tambor Williams

Lola Spradley

Suzanne Williams

19

20

21

22 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

23

24 The Speaker has signed: **SB03-068, 103, 235, 238, 242, 249, 253, 312,**
25 **317.**

26

27

28

29

30 **MESSAGE FROM THE SENATE**

31

32 Madam Speaker:

33

34 The Senate voted to concur in House amendments to SB03-236, and
35 repassed the bill as amended.

36

37 Pursuant to Joint Rule No. 5, the Senate voted to recede from its position
38 on SB03-098, concurred in House amendments thereto, and repassed the
39 bill as so amended.

40

41

42

43 On motion of Representative King, **SB03-252, 313, 328, 342, 336,**
44 **HB03-1369, 1030, SB03-348, 349, HB03-1382, SB03-334, 340** were
45 added to the Special Orders Calendar on Monday, May 5, 2003.

46

47

48 On motion of Representative Berry, the House resolved itself into
49 Committee of the Whole for consideration of Special Orders and she was
50 called to the Chair to act as Chairman.

51

52

53 **SPECIAL ORDERS--SECOND READING OF BILLS**

54

55 The Committee of the Whole having risen, the Chairman reported the
56 titles of the following bills had been read (reading at length had been

1 dispensed with by unanimous consent), the bills considered and action
2 taken thereon as follows:

3

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

6

7 **SB03-331** by Senator(s) Johnson S.; also Representative(s) Mitchell--
8 Concerning enforcement of health benefit coverage by the
9 insurance commissioner.

10

11 On motion of Representative Weissmann, the bill was read at length.

12

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

15

16 **SB03-318** by Senator(s) Gordon; also Representative(s) Hefley--
17 Concerning reduction of sentences for particular drug
18 crimes, and, in connection therewith, creating a drug
19 offender treatment fund.

20

21 On motion of Representative Romanoff, the bill and committee report
22 were read at length.

23

24 Amendment No. 1, Judiciary Report, dated May 1, 2003, and placed in
25 member's bill file; Report also printed in House Journal, May 1,
26 pages 2227-2229.

27

28 Amendment No. 2, by Representative Hefley.

29

30 Amend the Judiciary Committee Report, dated May 1, 2003, page 1,
31 strike lines 7 through 18 and substitute the following:

32

33 **"16-11.5-102. Substance abuse assessment - standardized**
34 **procedure - repeal.** (3) (a) ~~The judicial department, the department of~~
35 ~~corrections, the division of criminal justice of the department of public~~
36 ~~safety, and the department of human services~~ THE EXECUTIVE DIRECTORS
37 OF THE DEPARTMENT OF CORRECTIONS, DEPARTMENT OF PUBLIC SAFETY,
38 DEPARTMENT OF HUMAN SERVICES, AND THE STATE COURT
39 ADMINISTRATOR SHALL APPOINT SIX MEMBERS INCLUDING THE DIRECTORS
40 OR DESIGNEES OF THE DIVISION OF ADULT PAROLE, COMMUNITY
41 CORRECTIONS AND YOUTHFUL OFFENDER SYSTEM IN THE DEPARTMENT OF
42 CORRECTIONS, DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF
43 PUBLIC SAFETY, THE ALCOHOL AND DRUG ABUSE DIVISION IN THE
44 DEPARTMENT OF HUMAN SERVICES, YOUTH CORRECTIONS WITHIN THE
45 DEPARTMENT OF HUMAN SERVICES, THE DIVISION OF MENTAL HEALTH
46 SERVICES IN THE DEPARTMENT OF HUMANS SERVICES, AND THE DIVISION
47 OF PROBATIONS SERVICES IN THE JUDICIAL DEPARTMENT WHO shall
48 cooperate to develop a plan for the allocation of moneys deposited in the
49 drug offender surcharge fund created pursuant to section 18-19-103 (4),
50 C.R.S., among the judicial department, the department of corrections, the
51 division of criminal justice of the department of public safety, and the
52 department of human services. The plan developed pursuant to this
53 subsection (3) shall be submitted to the general assembly ~~on or before~~
54 ~~January 1, 1992. For the fiscal year beginning July 1, 1992, the general~~
55 ~~assembly shall appropriate moneys only from the drug offender surcharge~~
56 ~~fund in accordance with such plan~~ WITH THE JUDICIAL DEPARTMENT'S

1 ANNUAL BUDGET REQUEST."

2

3 Page 2 of the Committee Report, strike lines 1 through 8;

4

5 after line 27, insert the following:

6

7 "(6) THE INTERAGENCY TASK FORCE ON TREATMENT'S AUTHORITY
8 SHALL BE LIMITED TO THOSE DUTIES SPECIFIED IN SUBSECTIONS (7) AND (8)
9 OF THIS SECTION.";

10

11 line 28, strike "(6)" and substitute "(7)".

12

13 Page 3 of the Committee Report, line 4, strike "THE FORMULA, AT A" and
14 substitute "THE INTERAGENCY TASK FORCE ON TREATMENT SHALL
15 DEVELOP AN ALLOCATION FORMULA FOR THE ALLOCATION OF THE MONEYS
16 FROM THE DRUG OFFENDER TREATMENT FUND. THE FORMULA SHALL ONLY
17 BE BASED UPON A JUDICIAL DISTRICT'S POPULATION AND THE NUMBER OF
18 USE AND POSSESSION DRUG CASE FILINGS IN THE JUDICIAL DISTRICT. EACH
19 JUDICIAL DISTRICT DRUG TREATMENT BOARD SHALL SUBMIT A PLAN, BASED
20 UPON THE PROPOSED ALLOCATION FORMULA, TO THE INTERAGENCY TASK
21 FORCE ON TREATMENT BEGINNING SEPTEMBER 1 OF THE FIRST YEAR
22 FUNDING IS APPROPRIATED TO THE JUDICIAL DEPARTMENT FROM THE DRUG
23 OFFENDER TREATMENT FUND AND SEPTEMBER 1 OF EACH YEAR
24 THEREAFTER TO BE INCLUDED IN THE JUDICIAL DEPARTMENT'S ANNUAL
25 BUDGET REQUEST. THE INTERAGENCY TASK FORCE ON TREATMENT SHALL
26 NOT HAVE THE AUTHORITY TO REJECT THE PLAN SUBMITTED FROM THE
27 LOCAL JUDICIAL DRUG TREATMENT BOARDS.";

28

29 strike lines 5 and 6;

30

31 line 14, strike "(7)" and substitute "(8)";

32

33 strike line 20 and substitute the following:

34

35 "(9) THIS SUBSECTION (9) AND SUBSECTIONS (4), (5), (6), (7), AND
36 (8)".

37

38 Page 4 of the Committee Report, after line 3, insert the following:

39

40 "Page 13, after line 15, insert the following:

41

42 "(4) EACH JUDICIAL DISTRICT'S DRUG OFFENDER TREATMENT
43 BOARD SHALL SUBMIT A REPORT TO THE INTERAGENCY TASK FORCE ON
44 TREATMENT CREATED IN SECTION 16-11.5-102 (4), C.R.S., AND THE
45 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
46 DETAILING THE AMOUNT AND TO WHOM THE BOARD DISTRIBUTED ITS
47 FUNDING IN THE PREVIOUS YEAR AND THE AMOUNT OF FUNDING RECEIVED
48 BY THE BOARD FROM THE INTERAGENCY TASK FORCE ON TREATMENT BY
49 JANUARY 31 OF EACH YEAR BEGINNING THE FIRST YEAR AFTER THE
50 JUDICIAL DISTRICT DRUG OFFENDER TREATMENT BOARDS RECEIVE
51 FUNDING."

52

53 Renumber succeeding subsection accordingly."

54

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

1 **SB03-323** by Senator(s) Andrews; also Representative(s) Spence--
2 Concerning the board of directors of the regional
3 transportation district.
4

5 Laid over until May 6, retaining place on Calendar.
6
7

8
9 **HB03-1382** by Representative(s) Young, Plant, Witwer; also
10 Senator(s) Teck, Owen, Reeves--Concerning the interest
11 rate on certain moneys that the state owes taxpayers for
12 overpayment of certain taxes.
13

14 On motion of Representative Vigil, the bill and committee report were
15 read at length.
16

17 Amendment No. 1, Finance Report, dated May 2, 2003, and placed in
18 member's bill file; Report also printed in House Journal, May 5,
19 page 2286.
20

21 Amendment No. 2, by Representative Weddig.
22

23 Amend printed bill, page 2, strike line 26.
24

25 Strike page 3 and substitute the following:
26

27 **"SECTION 2. Effective date.** This act shall take effect at 12:01
28 a.m. on the day following the expiration of the ninety-day period after
29 final adjournment of the general assembly that is allowed for submitting
30 a referendum petition pursuant to article V, section 1 (3) of the state
31 constitution; except that, if a referendum petition is filed against this act
32 or an item, section, or part of this act within such period, then the act,
33 item, section, or part, if approved by the people, shall take effect on the
34 date of the official declaration of the vote thereon by proclamation of the
35 governor."
36

37 As amended, ordered engrossed and placed on the Calendar for Third
38 Reading and Final Passage.
39
40
41

42 **SB03-342** by Senator(s) Owen, Reeves, Teck; also Representative(s)
43 Young, Plant, Witwer--Concerning the creation of a cash
44 flow reserve in the controlled maintenance trust fund, and,
45 in connection therewith, selling eligible state facilities that
46 are simultaneously leased back by the state pursuant to
47 lease-purchase agreements and using the net proceeds of
48 the sales and other moneys to fund the cash flow reserve.
49

50 On motion of Representative Veiga, the bill was read at length.
51

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

- 1 **SB03-348** by Senator(s) Owen, Reeves, Teck; also Representative(s)
2 Young, Plant, Witwer--Concerning modifications to the
3 designation of the state emergency reserve for the 2002-03
4 state fiscal year.
5
6 Ordered revised and placed on the Calendar for Third Reading and Final
7 Passage.
8
9 **SB03-349** by Senator(s) Owen, Reeves, Teck; also Representative(s)
10 Young, Plant, Witwer--Concerning the authority of the
11 governor to utilize state moneys not otherwise
12 appropriated for the 2002-03 state fiscal year to cover
13 general fund appropriations in the event of a revenue
14 shortfall, and, in connection therewith, authorizing the
15 governor to direct the disbursement of general fund
16 moneys comprising the statutorily required general fund
17 reserve for such purpose and authorizing the transfer of
18 moneys from certain cash funds under certain
19 circumstances to augment the general fund.
20
21 On motion of Representative Tochtrop, the bill was read at length.
22
23 Ordered revised and placed on the Calendar for Third Reading and Final
24 Passage.
25
26
27 **SB03-336** by Senator(s) May R., Andrews; also Representative(s)
28 Fritz--Concerning the statewide internet portal.
29
30 On motion of Representative Veiga, the bill was read at length.
31
32 Ordered revised and placed on the Calendar for Third Reading and Final
33 Passage.
34
35
36 **SB03-341** by Senator(s) Andrews; also Representative(s) Mitchell--
37 Concerning the exclusion of candidate debate programs
38 aired by broadcast facilities from the definition of
39 "electioneering communication" for purposes of Colorado
40 law governing campaign finance.
41
42 On motion of Representative Tochtrop, the bill was read at length.
43
44 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
45 May 1, 2003, and placed in member's bill file; Report also printed in
46 House Journal, May 1, page 2230.
47
48 As amended, declared **lost** on Second Reading.
49
50
51 **HB03-1369** by Representative(s) Spence; also Senator(s) Anderson--
52 Concerning a modification to the eligibility criteria for
53 children in one of grades one through three for purposes of
54 the "Colorado Opportunity Contract Pilot Program" to
55 require a child to have been continuously attending a
56 public school during the previous school year.

1 Amendment No. 1, Education Report, dated April 28, 2003, and placed
2 in member's bill file; Report also printed in House Journal, April 28,
3 page 2068.

4
5 Amendment No. 2, by Representative Spence.

6
7 Amend the Education Committee Report, dated April 28, 2003, page 1,
8 strike lines 2 through 4 and substitute the following:

9
10 "line 12, after "YEAR," insert "OR HAD NOT ATTAINED THE AGE FOR
11 COMPULSORY SCHOOL ATTENDANCE SPECIFIED IN SECTION 22-33-104 FOR
12 THE PREVIOUS SCHOOL YEAR,";

13
14 line 17, strike "or" and substitute "or";".

15
16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.

18
19 On motion of Representative King, the remainder of the Special Orders
20 Calendar (**SB03-252, 313, 328, HB03-1030, SB03-334, 340**) was laid
21 over until May 6, retaining place on Calendar.

22
23
24 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**

25
26 Representative Weissmann moved to amend the Report of the Committee
27 of the Whole to show that the following Weissmann amendment, to
28 SB03-331, did pass, and that SB03-331, as amended, did pass.

29
30 Amend reengrossed bill, page 3, line 1, strike "2004," and substitute
31 "2005,".

32
33
34 Pursuant to House Rule 16, Representative King moved "Shall the main
35 question be now put?" The motion was declared **passed** by the following
36 roll call vote:

37

	YES	37	NO	28	EXCUSED	00	ABSENT	00
39	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
40	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
41	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
42	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
43	Brophy	Y	Hefley	Y	Miller	N	Stengel	Y
44	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
45	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
46	Carroll	N	Jahn	N	Plant	N	Vigil	N
47	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
48	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
49	Cloer	Y	King	Y	Rhodes	Y	White	Y
50	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
51	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
52	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
54	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
55							Speaker	Y

56

1 Representative Weissmann's amendment to SB03-331 was declared **lost**
 2 by the following roll call vote:

	YES	28	NO	37	EXCUSED	00	ABSENT	00
5	Berry	N	Fritz	N	May	N	Sinclair	N
6	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
7	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
8	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
9	Brophy	N	Hefley	N	Miller	Y	Stengel	N
10	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
11	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
14	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
15	Cloer	N	King	N	Rhodes	N	White	N
16	Coleman	Y	Larson	N	Rippy	N	Wiens	N
17	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
18	Decker	N	Lundberg	N	Rose	N	Williams T.	N
19	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
20	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
21							Speaker	N

22
 23
 24 Representative Weissmann moved to amend the Report of the Committee
 25 of the Whole to show that the following Weissmann amendment, to
 26 SB03-331, did pass, and that SB03-331, as amended, did pass.

27
 28 Amend reengrossed bill, page 2, line 26, strike "SENATE" and substitute
 29 "SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
 30 PRESIDENT OF THE SENATE, AND THE MAJORITY AND MINORITY LEADERS OF
 31 THE SENATE AND HOUSE OF REPRESENTATIVES".

32
 33
 34 Pursuant to House Rule 16, Representative King moved "Shall the main
 35 question be now put?" The motion was declared **passed** by the following
 36 roll call vote:

	YES	37	NO	28	EXCUSED	00	ABSENT	00
39	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
40	Borodkin	N	Garcia	N	McCluskey	Y	Smith	Y
41	Boyd	N	Hall	Y	McFadyen	N	Spence	Y
42	Briggs	Y	Harvey	Y	Merrifield	N	Stafford	Y
43	Brophy	Y	Hefley	Y	Miller	N	Stengel	Y
44	Butcher	N	Hodge	N	Mitchell	Y	Tochtrop	N
45	Cadman	Y	Hoppe	Y	Paccione	N	Veiga	N
46	Carroll	N	Jahn	N	Plant	N	Vigil	N
47	Cerbo	N	Johnson	Y	Pommer	N	Weddig	N
48	Clapp	Y	Judd	N	Ragsdale	N	Weissmann	N
49	Cloer	Y	King	Y	Rhodes	Y	White	Y
50	Coleman	N	Larson	Y	Rippy	Y	Wiens	Y
51	Crane	Y	Lee	Y	Romanoff	N	Williams S.	N
52	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Madden	N	Salazar	N	Witwer	Y
54	Frangas	N	Marshall	N	Schultheis	Y	Young	Y
55							Speaker	Y

56

1 Representative Weissmann's amendment to SB03-331 was declared **lost**
 2 by the following roll call vote:

	YES	28	NO	37	EXCUSED	00	ABSENT	00
5	Berry	N	Fritz	N	May	N	Sinclair	N
6	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
7	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
8	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
9	Brophy	N	Hefley	N	Miller	Y	Stengel	N
10	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
11	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
12	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
13	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
14	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
15	Cloer	N	King	N	Rhodes	N	White	N
16	Coleman	Y	Larson	N	Rippy	N	Wiens	N
17	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
18	Decker	N	Lundberg	N	Rose	N	Williams T.	N
19	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
20	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
21							Speaker	N

22
 23
 24 Representative Weissmann moved to amend the Report of the Committee
 25 of the Whole to show that the Weissmann motion to refer HB03-1382 to
 26 the Committee on Appropriations did pass.

27
 28
 29 Pursuant to House Rule 16, Representative King moved "Shall the main
 30 question be now put?" The motion was declared **passed** by the following
 31 roll call vote:

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

51
 52
 53 Representative Weissmann's amendment to HB03-1382 was declared **lost**
 54 by the following roll call vote:

55
 56

	YES	28	NO	37	EXCUSED	00	ABSENT	00
1								
2	Berry	N	Fritz	N	May	N	Sinclair	N
3	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
4	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
5	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
6	Brophy	N	Hefley	N	Miller	Y	Stengel	N
7	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
8	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
9	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
10	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
11	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
12	Cloer	N	King	N	Rhodes	N	White	N
13	Coleman	Y	Larson	N	Rippy	N	Wiens	N
14	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
15	Decker	N	Lundberg	N	Rose	N	Williams T.	N
16	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
17	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
18							Speaker	N
19								
20								

21 Representative Weissmann moved to amend the Report of the Committee
 22 of the Whole to show that the following Weissmann amendment, to
 23 SB03-342, did pass, and that SB03-342, as amended, did pass.

24
 25 Amend reengrossed bill, page 4, strike line 9 and substitute the following:

26
 27 "24-77-102(15), COMMERCIAL BANK AS A TRUSTEE, OR ANY PERSONS WHO
 28 INVEST IN THE STATE BUILDINGS INVESTMENT POOL TRUST FUND
 29 ESTABLISHED PURSUANT TO SECTION 24-82-1003."

30
 31 Page 8, after line 13, insert the following:

32
 33 **"24-82-1003. Investment pool.** (1) ANY INDIVIDUAL WHO IS A
 34 RESIDENT OF THIS STATE MAY CONTRIBUTE MONEYS TO THE STATE
 35 BUILDINGS INVESTMENT POOL TRUST FUND, WHICH FUND IS HEREBY
 36 CREATED IN THE STATE TREASURY TO BE ADMINISTERED BY THE STATE
 37 TREASURER.

38
 39 (2) THE STATE TREASURER MAY USE THE MONEYS IN THE STATE
 40 BUILDINGS INVESTMENT POOL TRUST FUND TO PURCHASE A LEGAL
 41 INTEREST IN AN ELIGIBLE STATE FACILITY PURSUANT TO SECTION
 42 24-82-1002 (2) ON BEHALF OF THE PERSONS WHO INVESTED IN THE TRUST
 43 FUND. ANY PERSON WHO CONTRIBUTES MONEYS TO THE TRUST FUND
 44 SHALL BE ENTITLED TO RECEIVE A PROPORTIONATE SHARE OF ANY LEASE
 45 PAYMENTS MADE PURSUANT TO THIS SECTION. ANY MONEYS NOT USED TO
 46 PURCHASE AN ELIGIBLE STATE FACILITY SHALL BE RETURNED TO THE
 47 PAYOR."

48
 49 Renumber succeeding C.R.S. sections accordingly.

50
 51 The amendment was declared **lost** by the following roll call vote:

	YES	26	NO	39	EXCUSED	00	ABSENT	00
53								
54	Berry	N	Fritz	N	May	N	Sinclair	N
55	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
56	Boyd	Y	Hall	N	McFadyen	Y	Spence	N

1	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
2	Brophy	N	Hefley	N	Miller	Y	Stengel	N
3	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
4	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
5	Carroll	Y	Jahn	Y	Plant	N	Vigil	Y
6	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
7	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	N
8	Cloer	N	King	N	Rhodes	N	White	N
9	Coleman	Y	Larson	N	Rippy	N	Wiens	N
10	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
11	Decker	N	Lundberg	N	Rose	N	Williams T.	N
12	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
13	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
14							Speaker	N

15
16
17 Representatives Rippy, Miller, Smith moved to amend the Report of the
18 Committee of the Whole to show that the following White amendment,
19 to SB03-349, did pass, and that SB03-349, as amended, did pass.

20
21 Amend reengrossed bill, page 5, line 2, after "DOLLARS.", add
22 "RECOGNIZING THE DEPENDENCE OF LOCAL GOVERNMENTS ON MONEYS
23 FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND AND THE LOCAL
24 GOVERNMENT MINERAL IMPACT FUND AND THE FEDERAL PRIORITY FOR THE
25 USE OF THE MONEYS FROM SUCH FUNDS TO ASSIST LOCAL GOVERNMENTS
26 IMPACTED BY ENERGY AND MINERAL DEVELOPMENT ACTIVITIES, IT IS THE
27 INTENT OF THE GENERAL ASSEMBLY TO RESTORE IN FUTURE YEARS TO THE
28 EXTENT PRACTICABLE ANY AMOUNTS TRANSFERRED FROM EITHER OF SUCH
29 FUNDS PURSUANT TO THIS SUB-SUBPARAGRAPH (B).".

30
31 The amendment was declared **lost** by the following roll call vote:

33	YES	18	NO	47	EXCUSED	00	ABSENT	00
34	Berry	Y	Fritz	Y	May	N	Sinclair	N
35	Borodkin	N	Garcia	Y	McCluskey	N	Smith	Y
36	Boyd	N	Hall	N	McFadyen	Y	Spence	N
37	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
38	Brophy	Y	Hefley	N	Miller	Y	Stengel	N
39	Butcher	N	Hodge	Y	Mitchell	N	Tochtrop	N
40	Cadman	Y	Hoppe	N	Paccione	N	Veiga	N
41	Carroll	N	Jahn	N	Plant	N	Vigil	N
42	Cerbo	Y	Johnson	N	Pommer	N	Weddig	N
43	Clapp	N	Judd	N	Ragsdale	N	Weissmann	N
44	Cloer	N	King	N	Rhodes	N	White	Y
45	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
46	Crane	N	Lee	N	Romanoff	N	Williams S.	N
47	Decker	N	Lundberg	N	Rose	N	Williams T.	N
48	Fairbank	N	Madden	N	Salazar	Y	Witwer	N
49	Frangas	Y	Marshall	N	Schultheis	N	Young	N
50							Speaker	N

51
52
53 Representative Weissmann moved to amend the Report of the Committee
54 of the Whole to show that the following Vigil amendment, to SB03-336,
55 did pass, and that SB03-336, as amended, did pass.

56

1 Amend reengrossed bill, page 2, strike lines 4 through 8.

2

3 Reletter succeeding paragraphs accordingly.

4

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

6

	YES	27	NO	38	EXCUSED	00	ABSENT	00
8	Berry	N	Fritz	N	May	N	Sinclair	N
9	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
10	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
11	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
12	Brophy	N	Hefley	N	Miller	Y	Stengel	N
13	Butcher	Y	Hodge	Y	Mitchell	N	Tochtrop	Y
14	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
15	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
16	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
17	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
18	Cloer	N	King	N	Rhodes	N	White	N
19	Coleman	N	Larson	N	Rippy	N	Wiens	N
20	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
21	Decker	N	Lundberg	N	Rose	N	Williams T.	N
22	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N
23	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
24							Speaker	N

25

26

27 Representative Paccione moved to amend the Report of the Committee
28 of the Whole to show that the following Paccione amendment, to
29 HB03-1369, did pass, and that HB03-1369, as amended, did pass.

30

31 Amend the Education Committee Report, dated April 28, 2003, page 1,
32 strike line 4 and substitute the following:

33

34 "strike lines 16 and 17 and substitute the following:

35

36 ~~"(B) Lacks overall learning readiness attributable to at least three~~
37 ~~significant family risk factors, as described in section 22-28-106, or".~~

38

39 The amendment was declared **lost** by the following roll call vote:

40

	YES	29	NO	35	EXCUSED	01	ABSENT	00
42	Berry	N	Fritz	N	May	N	Sinclair	N
43	Borodkin	Y	Garcia	Y	McCluskey	N	Smith	N
44	Boyd	Y	Hall	N	McFadyen	Y	Spence	N
45	Briggs	N	Harvey	N	Merrifield	Y	Stafford	N
46	Brophy	N	Hefley	N	Miller	Y	Stengel	N
47	Butcher	Y	Hodge	Y	Mitchell	E	Tochtrop	Y
48	Cadman	N	Hoppe	N	Paccione	Y	Veiga	Y
49	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
50	Cerbo	Y	Johnson	N	Pommer	Y	Weddig	Y
51	Clapp	N	Judd	Y	Ragsdale	Y	Weissmann	Y
52	Cloer	N	King	N	Rhodes	N	White	N
53	Coleman	Y	Larson	Y	Rippy	N	Wiens	N
54	Crane	N	Lee	N	Romanoff	Y	Williams S.	Y
55	Decker	N	Lundberg	N	Rose	N	Williams T.	N
56	Fairbank	N	Madden	Y	Salazar	Y	Witwer	N

1	Frangas	Y	Marshall	Y	Schultheis	N	Young	N
2							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

7 Passed Second Reading: **SB03-331, 318 amended, HB03-1382**
 8 **amended, SB03-342, 348, 349, 336.**

10 Lost on Second Reading: **SB03-341 amended.**

12 Laid over until date indicated retaining place on Calendar: **SB03-323,**
 13 **252, 313, 328, HB03-1030, SB03-334, 340--May 6, 2003.**

15 The Chairman moved the adoption of the Committee of the Whole
 16 Report. As shown by the following roll call vote, a majority of those
 17 elected to the House voted in the affirmative, and the Report was
 18 **adopted.**

20	YES	64	NO	00	EXCUSED	01	ABSENT	00
21	Berry	Y	Fritz	Y	May	Y	Sinclair	Y
22	Borodkin	Y	Garcia	Y	McCluskey	Y	Smith	Y
23	Boyd	Y	Hall	Y	McFadyen	Y	Spence	Y
24	Briggs	Y	Harvey	Y	Merrifield	Y	Stafford	Y
25	Brophy	Y	Hefley	Y	Miller	Y	Stengel	Y
26	Butcher	Y	Hodge	Y	Mitchell	E	Tochtrop	Y
27	Cadman	Y	Hoppe	Y	Paccione	Y	Veiga	Y
28	Carroll	Y	Jahn	Y	Plant	Y	Vigil	Y
29	Cerbo	Y	Johnson	Y	Pommer	Y	Weddig	Y
30	Clapp	Y	Judd	Y	Ragsdale	Y	Weissmann	Y
31	Cloer	Y	King	Y	Rhodes	Y	White	Y
32	Coleman	Y	Larson	Y	Rippy	Y	Wiens	Y
33	Crane	Y	Lee	Y	Romanoff	Y	Williams S.	Y
34	Decker	Y	Lundberg	Y	Rose	Y	Williams T.	Y
35	Fairbank	Y	Madden	Y	Salazar	Y	Witwer	Y
36	Frangas	Y	Marshall	Y	Schultheis	Y	Young	Y
37							Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

44 After consideration on the merits, the Committee recommends the
 45 following:

47 **SB03-084** be referred favorably to the Committee on Appropriations.

INFORMATION & TECHNOLOGY

52 After consideration on the merits, the Committee recommends the
 53 following:

55 **HR03-1014** be postponed indefinitely.

1 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

2
3 The Speaker has signed: **HB03-1303.**

4
5
6
7 **MESSAGES FROM THE SENATE**

8
9 Madam Speaker:

10
11 The President appointed Senators Hillman, Chm., Entz, and Isgar, as
12 members of the First Conference Committee on HB03-1334.

13
14 The President appointed Senators Chlouber, Chm., Kester, and Fitz-
15 Gerald, as members of the First Conference Committee on HB03-1223.

16
17 The President appointed Senators Cairns, Chm., Lamborn, and Nichol, as
18 members of the First Conference Committee on HB03-1376.

19
20
21 The Senate has postponed indefinitely and returned herewith:
22 HB03-1247, 1276.

23
24
25
26 **INTRODUCTION OF BILL**
27 **First Reading**

28
29 The following bill was read by title and referred to the committee
30 indicated:

31
32 **SB03-350** by Senator(s) Phillips, Anderson, Arnold, Windels, Groff,
33 Keller, Tapia; also Representative(s) Fritz, Jahn, Larson,
34 Stengel, Crane, Boyd--Concerning the withdrawal of a
35 local government from a retirement association formed by
36 local governments with retirements plans.
37 Committee on Local Government

38
39
40
41 **LAY OVER OF CALENDAR ITEMS**

42
43 On motion of Representative King, the following items on the Calendar
44 were laid over until May 6, retaining place on Calendar:

45
46 Consideration of General Orders--**HCR03-1008, 1005, SB03-256.**
47 Consideration of Resolutions--**SJR03-030, 041, HJR03-1061,**
48 **SJR03-042, 046, HJR03-1054, 1069, HR03-1019, HJR03-1051,**
49 **HR03-1013, HJR03-1070, 1064, SJR03-004, 027, HJR03-1044,**
50 **SJR03-038, 039, 045, HJR03-1053, HR03-1022.**
51 Consideration Memorials--**SJM03-001, 002, 004, 005, 007, 008, 010.**
52 Consideration of Senate amendments--**HB03-1316.**
53 Consideration of Adherence--**SB03-088.**

54
55
56

1 On motion of Representative King, the House adjourned until 9:00 a.m.,
2 May 6, 2003.

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,
13 Chief Clerk