

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

One-hundred-eleventh Legislative Day Monday, April 28, 2003

Prayer By the chaplain, Reverend Bill Calhoun. 10
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 Pledge By Senator Cairns. 13
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 Call to Order By the President at 10:00 a.m. 15
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 Roll Call Present--32. 18
 Absent/Excused--3; Linkhart, McElhany, and Phillips. 19
 Present later--Linkhart, McElhany, and Phillips. 20
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 Quorum The President announced a quorum present. 22
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 Reading of Journal On motion of Senator Jones, reading of the Journal of April 25, 2003 was 24
 dispensed with and the Journal was approved as corrected by the Secretary. 25
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THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length 31
 having been dispensed with by unanimous consent: 32

SB03-321 by Senator(s) Taylor; also Representative(s) Stengel--Concerning the repeal of a periodic 34
 reporting requirement on a subject assigned to the finance committees under title 39, 35
 Colorado Revised Statutes. 36

The question being "Shall the bill pass?", the roll call was taken with the following result: 37
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YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill 51
 was declared **passed**. 52

SB03-320 by Senator(s) May R.; also Representative(s) Berry--Concerning periodic reporting 54
 requirements on subjects assigned to the legislative committees dealing with transportation 55
 issues under title 43, Colorado Revised Statutes. 56

The question being "Shall the bill pass?", the roll call was taken with the following result: 57
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SB03-320

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

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

HB03-1190 by Representative(s) Spence; also Senator(s) Entz--Concerning the authority of the department of revenue to issue a temporary special event license plate.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	N	Reeves	Y		

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

Co-sponsors added: Jones, May, and Taylor.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Chlouber and Entz.

HB03-1206 by Representative(s) Rhodes; also Senator(s) McElhany--Concerning the clarification of responsibilities related to compensation for employment.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

HB03-1206

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

HB03-1332

by Representative(s) May M.; also Senator(s) Phillips--Concerning the adjustment of the ratio of valuation for assessment for residential real property.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

SB03-318

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

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

Third Reading Amendment No. 1(L.011), by Senator Gordon.

Amend engrossed bill, page 12, line 19, strike "ONE MILLION THREE" and substitute "TWO MILLION TWO".

Page 13, line 19, strike "ONE MILLION THREE" and substitute "TWO MILLION TWO".

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

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Anderson, Chlouber, Fitz-Gerald, Groff, Hagedorn, Hanna, Isgar, Keller, Linkhart, Nichol, Tapia, Tupa, and Windels.

SB03-333

by Senator(s) May R.; also Representative(s) Berry--Concerning the use of electronic formats in the enforcement of traffic law.

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

SB03-333

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Lamborn.

SB03-256

by Senator(s) Windels; also Representative(s) Briggs--Concerning the review by a local government of a development plan submitted by a school district in connection with the siting of a new public school facility.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Groff and Taylor.

HB03-1327

by Representative(s) Butcher, McFadyen, Tochtrop; also Senator(s) Tapia--Concerning an extension of the time in which retirees of the public employees' retirement association may be employed to work as nonlicensed employees for schools without reducing the retirement benefits of the retirees.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Hanna and Kester.

SB03-331

by Senator(s) Johnson S.; also Representative(s) Mitchell--Concerning enforcement of health benefit coverage by the insurance commissioner.

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

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SB03-331

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Evans.

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-073

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

Senator Owen moved that the Senate concur in House amendments to **SB03-073**, as printed in House Journal, April 24, page 1984. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

SB03-103

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

Senator Reeves moved that the Senate concur in House amendments to **SB03-103**, as printed in House Journal, April 24, page 1985. The motion was **passed** by the following roll call vote:

SB03-103

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

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

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

Co-sponsors added: Arnold and Taylor.

SB03-294

by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young-- Concerning pharmaceutical benefits administered through the state's medical assistance program, and, in connection therewith, requiring the state to implement drug utilization mechanisms for the medical assistance program, and making an appropriation in connection therewith.

Laid over until Tuesday, April 29, retaining its place on the calendar.

SB03-253

by Senator(s) Chlouber; also Representative(s) White--Concerning the validation of certain parental liability waivers.

Senator Chlouber moved that the Senate concur in House amendments to **SB03-253**, as printed in House Journal, April 24, page 1964. The motion was **passed** by the following roll call vote:

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

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

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

SB03-253

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

Co-sponsors added: Arnold and Grossman.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB03-1007

by Representative(s) Williams T., Clapp; also Senator(s) Hillman--Concerning the limitation on noneconomic damages for certain physical injuries in medical malpractice actions.

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **HB03-1007**, as printed in Senate Journal, April 24, page 1211. The motion was **adopted** by the following roll call vote:

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

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

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

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

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

IMMEDIATE RECONSIDERATION OF HB03-1007

HB03-1007

by Representative(s) Williams T., Clapp; also Senator(s) Hillman--Concerning the limitation on noneconomic damages for certain physical injuries in medical malpractice actions.

Having voted on the prevailing side, Senator Hillman moved for immediate reconsideration of the last Senate action, Consideration of Conference Committee Report, on **HB03-1007**. The roll call was taken with the following result:

HB03-1007

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

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration **LOST**.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS -- CONTINUED

SB03-235 by Senator(s) Lamborn; also Representative(s) Mitchell--Concerning the right to display the United States flag.

Senator Lamborn moved for the adoption of the First Report of the First Conference Committee on **SB03-235**, as printed in Senate Journal, April 24, page 1207. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Cairns and Johnson.

Committee of the Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

- HB03-1137** by Representative(s) King, Williams T., Fritz, Berry, Briggs, Cadman, Clapp, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Hoppe, Lee, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rippy, Rose, Schultheis, Sinclair, Spence, Stafford, White, Wiens; also Senator(s) Hagedorn--Concerning a credit against state income tax for contributions to nonprofit organizations that provide resources for education, and making an appropriation in connection therewith. 1
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Laid over until Tuesday, April 29, retaining its place on the calendar. 8
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- SB03-244** by Senator(s) Cairns, Lamborn, Andrews; also Representative(s) Schultheis--Concerning an exemption for all business personal property. 10
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Laid over until Tuesday, April 29, retaining its place on the calendar. 13
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- HB03-1314** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning a requirement that a meeting of a school board at which employment contracts are negotiated be open to the public. 15
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Laid over until Tuesday, April 29, retaining its place on the calendar. 19
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- SB03-257** by Senator(s) Andrews; --Concerning additional purposes related to the sales tax levied by the regional transportation district for which the registered electors within the geographical boundaries of the district may use the initiative process. 21
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Laid over until Tuesday, April 29, retaining its place on the calendar. 25
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- SB03-077** by Senator(s) Jones, Chlouber, Entz, Johnson S., Lamborn, May R., Andrews, Cairns, Evans, Kester; also Representative(s) King--Concerning a pilot program to provide financial assistance to families of students attending poorly performing public schools. 27
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As amended, laid over until Tuesday, April 29, retaining its place on the calendar. 31
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- SB03-251** by Senator(s) Hagedorn, Hillman, Isgar, Johnson S., McElhany; also Representative(s) Mitchell, Carroll, McFadyen, Stafford--Concerning a prohibition on the use by local governments of amortization to eliminate nonconforming uses of property. 33
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As amended in General Orders, April 22, pages 1160 and 1164. 37
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Amendment No. 3(L.014), by Senator Hagedorn. 39
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Strike the State, Veterans, & Military Affairs Committee Report, dated April 16, 2003. 41
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 45
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- SB03-236** by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp, Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King, McCluskey, Sinclair, Stengel, Weddig--Concerning an authorization of the issuance of voter-approved revenue bonds for the purpose of financing water infrastructure projects by the state, and, in connection therewith, excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending. 48
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As amended in General Orders, April 22, pages 1162-1164. 55
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Amendment No. 7(L.009), by Senators Entz and Dyer. 57
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Amend printed bill, page 20, line 3, strike "A NEW PARAGRAPH" and substitute "THE FOLLOWING NEW PARAGRAPHS"; 59
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after line 17, insert the following: 62
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"(t) TO ENTER INTO ONE OR MORE AGREEMENTS WITH THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY AND ANY OTHER ENTITIES TO ASSIST IN THE DEVELOPMENT OF THE WATER RESOURCES OF THE STATE. 64
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SECTION 3. 37-95-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read: 69
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SB03-236

37-95-106. Authority - powers. (1) Except as otherwise limited by this article, the authority, acting through the board, has the power:

(hh) TO ENTER INTO ONE OR MORE AGREEMENTS WITH THE COLORADO WATER CONSERVATION BOARD AND ANY OTHER GOVERNMENTAL AGENCIES TO ASSIST IN THE DEVELOPMENT OF THE WATER RESOURCES OF THE STATE.

SECTION 4. Repeal. 37-95-103 (4.7) and (12.5) (a) (I), Colorado Revised Statutes, are repealed as follows:

37-95-103. Definitions. As used in this article:

~~(4.7) "Domestic water supply project" means any facility that provides water supply for domestic or municipal uses, including but not limited to all uses made of water in and through municipal water supply systems.~~

~~(12.5) (a) (I) "Small water resources project" means any water management facility or hydroelectric facility that is or will be financed in whole or in part by the authority and in which the total amount of financing provided by the authority to any participating governmental agency does not exceed one hundred million dollars.~~

SECTION 5. 37-95-107, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS to read:

37-95-107. Feasibility studies - repayment of costs. (1) THE STATE ENGINEER SHALL NOT ISSUE A PERMIT OR LICENSE OR APPROVE PLANS, PURSUANT TO ANY LAW OR RULE GOVERNING SUCH ACTIONS, FOR CONSTRUCTION OF ANY WATER MANAGEMENT FACILITY OR HYDROELECTRIC POWER FACILITY FOR WHICH THE AUTHORITY HAS PAID IN WHOLE OR IN PART FOR A FEASIBILITY STUDY OR AN ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STUDY WITHOUT A WRITTEN RESOLUTION OR WRITTEN STATEMENT BY THE AUTHORITY NOTIFYING THE STATE ENGINEER THAT THE APPLICANT HAS REIMBURSED THE AUTHORITY FOR ITS EXPENDITURES FOR THE CONDUCT OF SUCH STUDIES.

(2) IF THE COLORADO WATER CONSERVATION BOARD ENTERS INTO A CONTRACT FOR THE PERFORMANCE OF A FEASIBILITY STUDY FOR A PROPOSED RAW WATER PROJECT WITH A GOVERNMENTAL AGENCY AND INCURS EXPENSES IN PERFORMING SUCH FEASIBILITY STUDY, THEN THE AUTHORITY SHALL PROVIDE FOR THE REIMBURSEMENT OF SUCH EXPENSES OUT OF ITS FINANCING CONTRACT WITH THE GOVERNMENTAL AGENCY FOR SUCH PROJECT PRIOR TO THE START OF CONSTRUCTION ONLY WHEN:

(a) THE COLORADO WATER CONSERVATION BOARD'S CONTRACT WITH THE GOVERNMENTAL AGENCY SPONSORING THE PROJECT UNCONDITIONALLY REQUIRES THE REPAYMENT OF ALL OF THE EXPENSES ASSOCIATED WITH THE FEASIBILITY STUDY PRIOR TO THE START OF CONSTRUCTION, REGARDLESS OF THE FUNDING SOURCE FOR SUCH CONSTRUCTION; AND

(b) SUCH GOVERNMENTAL AGENCY OBTAINS FINANCING FROM THE AUTHORITY.

(3) THE REIMBURSEMENT OBLIGATION OF THE AUTHORITY PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT APPLY:

(a) TO THE EXPENSES OF ANY FEASIBILITY STUDY COMMENCED OR INITIATED BY THE COLORADO WATER CONSERVATION BOARD PRIOR TO THE EFFECTIVE DATE OF THIS SECTION;

(b) TO THE EXPENSES OF ANY FULL OR PARTIAL STREAM-WIDE, BASIN-WIDE, OR STATEWIDE FEASIBILITY STUDY THAT IS NOT FOCUSED ON A SINGLE DISCRETE RAW WATER SUPPLY PROJECT;

(c) TO THE EXPENSES OF ANY FEASIBILITY STUDY IDENTIFIED AND AUTHORIZED OR DIRECTED BY LAW TO BE PERFORMED BY THE COLORADO WATER CONSERVATION BOARD WITHOUT A CONTRACT WITH ANOTHER GOVERNMENTAL AGENCY FOR SUCH STUDY;

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SB03-236

(d) TO THE STUDY OF ANY DOMESTIC WATER SUPPLY PROJECT;

(e) IF THE COLORADO WATER CONSERVATION BOARD WAIVES THE OBLIGATION OF THE GOVERNMENTAL AGENCY TO MAKE SUCH REPAYMENT OR IF THE COLORADO WATER CONSERVATION BOARD RELEASES, IN WHOLE OR IN PART, SUCH GOVERNMENTAL AGENCY FROM ITS OBLIGATION TO MAKE SUCH REPAYMENT; AND

(f) IF OTHERWISE AGREED TO BY THE AUTHORITY AND THE COLORADO WATER CONSERVATION BOARD IN AN AGREEMENT ENTERED INTO PURSUANT TO SECTION 37-60-106 (1) (t).

SECTION 6. 37-95-107.5 (2), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

37-95-107.5. Legislative declaration - specific project authorizations. (2) It is the recognition and intent of the general assembly that investment in the state's water resources for future generations must be made from state funds, FROM PRIVATE CAPITAL, OR FROM OTHER MONEYS AVAILABLE TO THE AUTHORITY. Major Colorado water projects should be developed as soon as possible in anticipation of demand and revenues.

(3) Several compacts relating to interstate streams have been entered into by the state on behalf of the people of the state of Colorado to reserve for the people the right to the use of such waters under the appropriation doctrine. It is hereby declared to be the policy of the general assembly to fully utilize, for the maximum benefit of all the people, said natural stream resources. To achieve such utilization, ~~it is further declared to be the policy of the general assembly that certain major projects, using decreed water rights, should be developed. Therefore, in addition to any project authorization previously made by joint resolution,~~ the general assembly hereby authorizes DIRECTS the authority to proceed with the simultaneous consideration of the following PROJECT DEVELOPMENT AND FINANCING IN ACCORDANCE WITH AGREEMENTS BETWEEN THE PROJECT SPONSOR AND THE AUTHORITY, AND CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE, SUCH PROJECTS AS THE COLORADO WATER CONSERVATION BOARD IDENTIFIES IN STATEWIDE WATER SUPPLY INITIATIVES AND ASSOCIATED FEASIBILITY STUDIES, OTHER PROJECTS IDENTIFIED BY THE AUTHORITY, AND THE FOLLOWING PROJECTS:

(a) A major multipurpose water project in western Colorado to store water for the development of western Colorado; ~~to be constructed simultaneously with the facility described in paragraph (b) of this subsection (3);~~

(b) A major multipurpose water project for the benefit of the Denver metropolitan area on the South Platte river upstream from the Chatfield reservoir; AND

(c) A major multipurpose water project to regulate and store the waters of the South Platte river or its tributaries located on the South Platte river or its tributaries which enter downstream of the Henderson gauging station northerly of Denver.

(4) ~~Any decision by the authority for construction funding by the authority of any one of the projects specified in paragraph (a), (b), or (c) of subsection (3) of this section shall include construction funding for the other two projects. The authority shall hold construction funds in an escrow account until construction of a project commences.~~

(5) ~~The provisions of this section shall not be applicable to the financing of any small water resources project.~~

SECTION 7. 37-95-116 (1), Colorado Revised Statutes, is amended to read:

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SB03-236

37-95-116. Annual report - annual audit - annual budget.

(1) On or before April 30 of each year, the authority shall make an annual report of its activities for the preceding fiscal year to the governor ~~the Colorado water conservation board~~, and the joint agriculture and natural resource committee of the house of representatives and the senate. Each such report shall set forth a complete operating and financial statement covering its operations during the year. Included within such report shall be detailed financial data setting forth the manner in which any previously appropriated state funds have been used. The authority, no later than November 30 of each year, shall report to the governor any requests for state funds for the upcoming state fiscal year, detailing the purposes for which said funds are to be utilized."

Renumber succeeding section accordingly.

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

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

SB03-323

by Senator(s) Andrews; also Representative(s) Spence--Concerning the board of directors of the regional transportation district.

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

HB03-1209

by Representative(s) Harvey, May M., Fairbank, Schultheis, Briggs, Clapp, Cloer, Crane, Decker, Hall, Hoppe, Larson, Lundberg, Mitchell, Rhodes, Sinclair, White, Wiens; also Senator(s) May R.--Concerning the prohibition of discrimination against employees based upon labor union participation.

Declared **LOST** on Second Reading.

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

HB03-1341

by Representative(s) Berry; also Senator(s) Teck--Concerning the authority of the executive director of the department of revenue to administratively adjust occupational license renewal dates for licenses issued by entities within the department of revenue.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 23, page 1182 and placed in members' bill files.)

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1209

by Representative(s) Harvey, May M., Fairbank, Schultheis, Briggs, Clapp, Cloer, Crane, Decker, Hall, Hoppe, Larson, Lundberg, Mitchell, Rhodes, Sinclair, White, Wiens; also Senator(s) May R.--Concerning the prohibition of discrimination against employees based upon labor union participation.

Senator May requested a roll call vote on **HB03-1209**.

YES	13	NO	22	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	N	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	N	Hanna	N	May	Y	Taylor	Y
Dyer	N	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

Declared **LOST** on Second Reading.

SB03-236

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

SB03-236

Senator Dyer requested a roll call vote on **SB03-236**.

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	N
Dyer	Y	Hillman	Y	McElhany	Y	Teck	N
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

As amended, declared passed on Second Reading.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: SB03-251 as amended, SB03-236 as amended, SB03-323, HB03-1341 as amended.

Lost on Second Reading: HB03-1209.

Laid over until Tuesday, April 29: HB03-1137, SB03-244, HB03-1314, SB03-257, SB03-077.

COMMITTEE OF REFERENCE REPORTS

**FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON HB03-1224**

 THIS REPORT AMENDS THE
 REREVISED BILL

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

Your second conference committee appointed on HB03-1224, concerning a prohibition against the acceptance by public entities of identity documents that are not secure, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, strike lines 11 and 12.

Renumber succeeding subsections accordingly.

Page 2, strike lines 17 and 18.

Renumber succeeding subsections accordingly.

Page 3, after line 13, insert the following:

"24-72.1-104. Records. INFORMATION GATHERED PURSUANT TO SECTION 24-72.1-105 (2) (a) SHALL BE A PUBLIC RECORD ACCESSED PURSUANT TO SECTION 24-72-306 UNLESS THE SUBJECT OF THE INFORMATION IS A JUVENILE OR THE INFORMATION CONCERNS AN ONGOING CRIMINAL INVESTIGATION. SUCH RECORDS SHALL BE RETAINED FOR THREE YEARS, BUT MAY BE DISPOSED OF AFTER THREE YEARS."

Renumber succeeding C.R.S. sections accordingly.

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HB03-1224

Page 3, line 14, before "ACTIONS", insert "(1)";

after line 17, insert the following:

"(2) A PEACE OFFICER WHO, IN THE PERFORMANCE OF THE OFFICER'S DUTIES, UTILIZES IDENTIFICATION THAT IS NOT SECURE AND VERIFIABLE SHALL NOT FORFEIT GOVERNMENTAL IMMUNITY PURSUANT TO THIS SECTION IF SUCH OFFICER:

(a) GATHERS ALL INFORMATION FROM SUCH IDENTIFICATION; AND

(b) IF FEASIBLE, ACCORDING TO ANY APPLICABLE LAW ENFORCEMENT AGENCY GUIDELINES, GATHERS FINGERPRINT INFORMATION FROM SUCH PERSON AND STORES SUCH FINGERPRINTS FOR AT LEAST ONE YEAR AS A CRIMINAL JUSTICE RECORD.";

line 20, strike "ISSUING A";

line 21, strike "TRAFFIC CITATION,";

line 22, strike "PREGNANT WOMEN, WOMEN";

strike line 23;

line 27, strike "RECORDS THE USE" and substitute "COMPLIES WITH SECTION 24-72.1-105 (2)";.

Page 4, strike line 1;

line 2, strike "CRIMINAL JUSTICE RECORD";.

Respectfully submitted,

House Committee:
(signed)
Representative Lee, Chairman
Representative Brohpy
Representative Miller

Senate Committee:
(signed)
Senator Andrews, Chairman
Senator Lamborn
Senator Nichol

MESSAGE FROM THE GOVERNOR

April 25, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am returning to you Senate Bill 03-120, "Concerning the Continuation of the Regulatory Functions of the State Board of Dental Examiners, and Making an Appropriation Therefor." I vetoed this bill as of 12:34 p. today. This letter sets forth my reasons for doing so.

SB03-120 is the latest bill wherein the legislature has ignored most of the recommendations of a Sunset report. The Executive Branch expends considerable resources to conduct Sunrise and Sunset reviews. In light of this expense, it may make sense to adjust the process for preparing these reports and corresponding legislation to better serve both the Executive and Legislative branches.

SB 120—if enacted into law—would greatly harm consumers. By removing an important recommendation from the Sunset process that a private association provide the Board of Dental Examiners (Board) with a complete record of all professional review proceedings, the legislature put in place two standards of care, one established and enforced by the Board and a separate one established and enforced by a private association. The result is a regulatory loophole that exists in no other regulated profession and deprives consumers of access to important information.

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The bill also fails to incorporate recommendations that would allow administrative and regulatory efficiencies for the Board. SB 120 would expand the Board size without establishing panels similar to those that have had tremendous success within the Medical and Nursing Boards. This would increase regulatory expense without a corresponding benefit to consumers.

SB 120 also creates continuing education (CE) requirements when there is little evidence this will lead to greater consumer protection. Even more troubling, the bill creates a potential conflict of interest by delegating authority to a private entity to determine CE requirements for dentists and hygienists. The private entity could profit by providing courses yet would be able to dictate what courses are required to continue practicing. Improved professional competency should be required of any CE program without the risk that courses may be of no benefit to patients or may not be related to dental practices.

SB 120 also places an undue burden on dental hygienists by requiring them to maintain excessive amounts of malpractice insurance coverage without any documented need for this regulation.

As a state legislator, I sponsored the law that allows hygienists to practice without the onsite supervision of a doctor. The bill would now require hygienists to publicly report the name of their "supervising" dentist. This provision erodes the independent practice of hygienists that I believe strongly in, and worked to establish.

Because this program does not sunset until July 1, 2004, we still have ample time to work together to pass legislation next year to continue and improve dental regulation in Colorado.

I appreciate the hard work of the bill sponsors, but for the aforementioned reasons, I have vetoed this bill.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 4-25-03 1:25 p.m.
Mona Heustis, Secretary of the Senate

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB03-342, 343;
SJM03-009.

Correctly engrossed: SB03-256, 318, 320, 321, 329, 331, 333;
SJM03-005, 007, 008.

Correctly reengrossed: SB03-327.

Correctly revised: HB03-1190, 1206, 1327, 1332.

Correctly rerevised: HB03-1274.

Correctly enrolled: SB03-009, 041, 050, 114, 222, 225, 250, 297.

To the Governor for signature on Friday, April 25, 2003 at 9:30 a.m., SB03-226.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1001, 1266, 1335.

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

MESSAGE FROM THE HOUSE

April 28, 2003
Mr. President:

The House has adopted and transmits herewith HJR03-1067, as printed in House Journal, April 21, pages 1841-1842.

The House has adopted and transmits herewith HJR03-1065, as printed in House Journal, April 18, pages 1828-1829.

The House has adopted and transmits herewith HJR03-1046, as printed in House Journal, April 3, pages 1449-1450, and amended as printed in House Journal, April 28.

The House has adopted and transmits herewith HJR03-1048, as printed in House Journal, April 4, pages 1483-1484.

The House has adopted and transmits herewith HJR03-1055, as printed in House Journal, April 15, pages 1645-1646.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1360, amended as printed in House Journal, April 25, page 2009.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; HB03-1132, amended as printed in House Journal, April 24, pages 1963-1964, and amended on Third Reading as printed in House Journal, April 28.

The House has passed on Third Reading and returns herewith SB03-312.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-078, amended as printed in House Journal, April 25, page 2005-2009, and amended on Third Reading as printed in House Journal, April 28.

MESSAGE FROM THE REVISOR OF STATUTES

April 28, 2003

We herewith transmit:

Without comment, as amended, HB03-1132 and 1360 and SB03-078.

COMMITTEE OF REFERENCE REPORTS

Business Affairs and Labor

After consideration on the merits, the Committee recommends that HB03-1366 be referred to the Committee of the Whole with favorable recommendation.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB03-1237

THIS REPORT AMENDS THE REREVISED BILL

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

Your first conference committee appointed on HB03-1237, concerning technical modifications to the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law, has met and reports that it has agreed upon the following:

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HB03-1237

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

Amend rerevised bill, page 13, strike lines 8 through 27.

Strike page 14.

Page 15, strike lines 1 through 7.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Rhodes, Chairman	Senator Lamborn, Chairman
Representative White	Senator Jones
Representative Judd	Senator Nichol

FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON HB03-1301

THIS REPORT AMENDS THE
REREVISED BILL

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

Your second conference committee appointed on HB03-1301, concerning the penalties for persons who issue checks to the department of revenue that are returned as unpaid for any reason caused by the maker, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, line 6, strike "FIFTY-DOLLAR" and substitute "FORTY-ONE-DOLLAR".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Hall, Chairman	Senator Teck, Chairman
Representative Stengel	Senator Anderson
Representative Jahn	Senator Sandoval

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB03-1219

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB03-1219, concerning the regulation of collection agencies, and, in connection therewith, continuing the collection agency board, has met and reports that it has agreed upon the following:

HB03-1219

1. That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill.

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

Amend rerevised bill, page 7, line 12, strike "OR";

strike line 14 and substitute the following:

"ACTION; OR

(III) SUCH ACTION MAY BE BROUGHT PURSUANT TO ARTICLE 13 OR 13.5 OF TITLE 26, C.R.S., SECTION 14-14-104, C.R.S., OR ARTICLE 4 OR 6 OF TITLE 19, C.R.S., IF THE ACTION IS BY A PRIVATE COLLECTION AGENCY ACTING ON BEHALF OF A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT."

Respectfully submitted,

House Committee:
(signed)
Representative Hall, Chairman
Representative Williams T.
Representative Hodge

Senate Committee:
(signed)
Senator Johnson S., Chairman
Senator Jones
Senator Takis

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-340** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 18, after "~~officers of~~" insert "AN OFFICER OF".

Page 3, line 1, strike "~~organization, including its~~ ORGANIZATION'S" and substitute "organization, ~~including~~ WHICH MAY INCLUDE its";

line 7, strike "26 U.S.C. SEC. 6033 (a) (2) (B)";

line 8, strike "IF THIS EXEMPTION IS BASED UPON";

after line 9, insert the following:

SECTION 3. The introductory portion to 6-16-104.3 (2), Colorado Revised Statutes, is amended to read:

6-16-104.3. Professional fundraising consultants - annual registration - fees. (2) Every contract between a professional fundraising consultant and a charitable organization or sponsor shall be in writing and signed by ~~at least two~~ AN authorized ~~officials~~ OFFICIAL of the charitable organization. The professional fundraising consultant shall provide a copy of the contract to the charitable organization prior to the performance of any material services under the contract and shall make a copy of the contract available to the secretary of state upon request. The contract shall contain all of the following provisions:

SECTION 4. The introductory portion to 6-16-104.6 (2), Colorado Revised Statutes, is amended to read:

6-16-104.6. Paid solicitors - annual registration - filing of contracts - fees. (2) Every contract between a paid solicitor and a charitable organization or sponsor for each solicitation campaign shall be in writing and shall be signed by ~~at least two~~ AN authorized ~~officials~~ OFFICIAL of the charitable organization or sponsor, one of whom shall be a member of the organization's governing body, and by the paid solicitor if the paid solicitor is an individual or by the authorized contracting officer for the paid solicitor if the paid solicitor is not an individual. The paid solicitor shall provide a copy of the contract to the charitable organization prior to the performance of any material services under the

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SB03-340

contract and shall make a copy of the contract available to the secretary of state upon request. The contract shall contain all of the following provisions:".

Renumber succeeding section accordingly.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-336** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE GOVERNOR

Appointment A letter of designations and appointments from Governor Owens was read and assigned to Committee as follows:

April 16, 2003

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

Ladies and Gentlemen:

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

**MEMBERS OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND**

for terms expiring April 15, 2005:

Charles R. Frederickson of Englewood, Colorado, to serve as a Democrat from the First Congressional District, appointed;

Joan E. Harned of Gypsum, Colorado, to serve as a Republican from the Second Congressional District, appointed;

Leonard W. Gregory of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, reappointed;

Claire M. O'Neal of Holyoke, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed;

Clarke D. Becker of Woodland Park, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Greg Romberg of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Ruben A. Valdez of Lakewood, Colorado, to serve as a Democrat from the Seventh Congressional District, reappointed;

Senator Norma Anderson of Lakewood, Colorado, to serve as a Republican from the Seventh Congressional District, appointed.

for terms expiring April 15, 2007:

Jeffrey A. Crawford of Englewood, Colorado, to serve as a Republican from the First Congressional District, reappointed;

Ron G. Holliday of Breckenridge, Colorado, to serve as an Unaffiliated from the Second

Congressional District, appointed; 1
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 Hon. T. Wright Dickinson of Maybell, Colorado, to serve as a Republican from the Third 3
 Congressional District, reappointed; 4
 5
 Gerald Faust of Las Animas, Colorado, to serve as a Republican from the Fourth 6
 Congressional District, reappointed; 7
 8
 Hon. Carl Miller of Leadville, Colorado, to serve as a Democrat from the Fifth 9
 Congressional District, appointed; 10
 11
 Hon. James R. Sullivan of Larkspur, Colorado, to serve as a Republican from the Sixth 12
 Congressional District, appointed. 13

Sincerely, 15
 (signed) 16
 Bill Owens 17
 Governor 18

Rec'd 04-25-03 4:20 p.m. 19
 Mona Heustis, Secretary of the Senate 20

Committee on Agriculture, Natural Resources & Energy 21
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Executive Order A 066 03 shall amend, repeal, and supersede Executive Order A 161 02 24
 pertaining to the State Board of the Great Outdoors Colorado Trust Fund. See Senate 25
 Journal, January 13, pages 33-34 for Governor's appointments pursuant to Executive Order 26
 A 161 02. 27
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On motion of Senator Anderson, and with a two-thirds majority of those elected to the 31
 Senate having voted in the affirmative, **HB03-1188, HB03-1164, HB03-1329, SB03-328,** 32
HB03-1004, HB03-1210, HB03-1317, SB03-252, SB03-313, SB03-326, HB03-1056 33
 were made Special Orders at 4:20 p.m. 34
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Committee of the Whole The hour of 4:20 p.m. having arrived, Senator Evans moved that the Senate resolve itself 37
 of the into the Committee of the Whole for consideration of Special Orders--Second 38
 Whole Reading of Bills and Senator Evans was called to the Chair to act as Chairman. 39
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SPECIAL ORDERS--SECOND READING OF BILLS 41
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The Committee of the Whole having risen, the Chairman reported that the following bills, 43
 reading at length having been dispensed with by unanimous consent, had been considered 44
 and action taken thereon as follows: 45
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HB03-1188 by Representative(s) King, Cloer; also Senator(s) McElhany--Concerning compulsory 47
 insurance coverage for motor vehicles. 48
 49

Ordered revised and placed on the calendar for Third Reading and Final Passage. 50
 51

HB03-1329 by Representative(s) Rippy; also Senator(s) Johnson S.--Concerning additional funding to 52
 encourage the beneficial use of waste tires, and making an appropriation therefor. 53
 54

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 55
 (Printed in Senate Journal, April 24, page 1219 and placed in members' bill files.) 56
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As amended, ordered revised and placed on the calendar for Third Reading and Final 58
 Passage. 59
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SB03-328 by Senator(s) Owen; also Representative(s) Plant--Concerning changes to earned time 61
 computations, and making an appropriation in connection therewith. 62
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Amendment No. 1, Appropriations Committee Amendment. 64
 (Printed in Senate Journal, April 25, page 1237 and placed in members' bill files.) 65
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 67
 Passage. 68
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- HB03-1004** by Representative(s) Rhodes; also Senator(s) Reeves--Concerning amendment of the crime of child abuse to include actions related to the manufacture of a controlled substance in the presence of a child, and making an appropriation in connection therewith. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 5
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- HB03-1210** by Representative(s) Madden; also Senator(s) Hillman--Concerning a list of delinquent state taxpayers that is made available on the internet. 7
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 10
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- HB03-1317** by Representative(s) Fritz, Clapp, Fairbank, Jahn, Rhodes, Rippy, Smith, Witwer; also Senator(s) Dyer--Concerning limitations on the provision of materials used to illegally manufacture a controlled substance. 12
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Amendment No. 1, Appropriations Committee Amendment. 16
(Printed in Senate Journal, April 25, pages 1238-1239 and placed in members' bill files.) 17
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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- HB03-1164** by Representative(s) Spradley, Butcher; also Senator(s) Hillman--Concerning the expansion of access to health insurance, and making an appropriation therefor. 22
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 25
(Printed in Senate Journal, April 24, pages 1212-1218 and placed in members' bill files.) 26
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Amendment No. 2(L.032), by Senator Hillman. 28
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Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 6, strike line 4 and substitute the following: 30
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"Page 13, line 17, strike "PART 9 PURSUANT TO SECTION" and substitute "PART 9."; 33
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line 18, strike"10-16-907."; 36
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strike lines 10 and 11 and substitute the following: 38
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"line 23, strike "EITHER ENGAGED IN THE SAME TRADE, PROFESSION, OR"; 40
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line 24, strike "INDUSTRY OR BE"."; 42
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line 19, strike "10-16-909.";" and substitute "10-16-910.";" 44
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Page 9 of the committee report, line 19, strike "REPORTABLE"; 46
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line 24, strike "REPORTABLE". 48
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Page 10 of the committee report, line 2, strike "REPORTABLE"; 50
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line 7, strike "REPORTABLE"; 52
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line 11, strike "REPORTABLE"; 54
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line 20, before "MEWA", insert "REPORTABLE"; 56
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strike line 22 and substitute the following: 58
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"strike line 22 and substitute the following: 60
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"COVERAGE OFFERED BY THE MEWA";"; 62
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strike line 25 and substitute the following: 64
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"strike lines 2 and 3 and substitute the following: 66
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"RISK MANAGEMENT";"; 68
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HB03-1164

strike line 27 and substitute the following:

"MEWA.";

Page 12, strike lines 2 through 4 and substitute the following:

"line 23, strike "1" and substitute "4, 6 through 8, and 12";

line 24, strike "through 3";

strike line 27 and substitute the following:

"(2) The remaining sections of this bill shall take effect July 1, 2003,".

Page 25, line 1, after "and", insert "section 10"."

Amendment No. 3(L.033), by Senator Hillman.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 11, strike line 23 and substitute the following:

"Revised Statutes, is repealed.

SECTION 14. 10-16-423, Colorado Revised Statutes, is amended to read:

10-16-423. Confidentiality of health information. Any data or information pertaining to the diagnosis, treatment, or health of any enrollee or applicant obtained from such person or from any provider by any health maintenance organization shall be held in confidence and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of part 1 of this article or this part 4; or upon the express consent of the enrollee or applicant; or pursuant to statute or court order for the production of evidence or the discovery thereof; or in the event of claim or litigation between such person and the health maintenance organization wherein such data or information is pertinent; OR AS OTHERWISE REQUIRED OR PERMITTED BY STATE OR FEDERAL LAW. A health maintenance organization shall be entitled to claim any statutory privileges against such disclosure ~~which~~ THAT the provider, who furnished such information to the health maintenance organization, is entitled to claim."."

Amendment No. 4(L.034), by Senator Hillman.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 3, strike lines 11 through 33.

Page 4 of the committee report, strike lines 1 through 11 and substitute the following:

"(b) (I) The basic health benefit plan shall reflect ~~one of the following benefit designs:~~ A basic health benefit plan as determined by ~~rule by the commissioner;~~ THAT DOES NOT INCLUDE COVERAGE PURSUANT TO THE MANDATORY COVERAGE PROVISIONS OF SECTION 10-16-104 (4), (5), AND (8) TO (12).

(II) THE BASIC HEALTH BENEFIT PLAN MAY REFLECT ONE OF THE FOLLOWING OPTIONS IN ADDITION TO THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b):

(⊕) (A) Coverage that meets the requirements for a high deductible health plan for the purposes of qualifying for a federal medical savings account; except that health maintenance organization basic health benefit plans shall reflect a sharing of higher consumer costs through higher

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HB03-1164

copayments instead of deductible amounts. Such health insurance shall be offered in conjunction with a medical savings account, as defined in section 39-22-504.7, C.R.S., or an account or other mechanism as defined in federal law that is comparable to a medical savings account, which account or mechanism shall reflect an employer contribution of not less than one hundred percent of the amount of the premium paid by the employer for each individual employee up to seventy-five percent of the amount of the deductible; except that a business group of one may not contribute more than the business group of one's net income to a medical savings account or more than sixty-five percent of the deductible amount of the plan. A medical savings account may be accessed through a debit card system; OR

~~(H)~~ (B) Coverage that meets the requirements for a high deductible health plan for the purposes of qualifying for a federal medical savings account; except that a health maintenance organization may reflect a sharing of higher consumer costs through higher copayments instead of deductible amounts. Such high deductible health plan shall include all of the mandated benefits required pursuant to section 10-16-104 and may be offered in conjunction with a medical savings account or other mechanism as defined in federal law that is comparable to a medical savings account; OR

~~(H)~~ A health benefit plan that has a deductible amount of two thousand five hundred dollars in which the covered person is responsible after the first one thousand dollars of coverage has been provided by an employer in a manner similar to a personal care account; or

~~(IV)~~ A basic health benefit plan as determined by rule by the commissioner.";"

Amendment No. 5(L.036), by Senator Hillman.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 4, after line 15, insert the following:

"after line 16, insert the following:

"SECTION 7. 10-16-105 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-16-105. Small group sickness and accident insurance - guaranteed issue - mandated provisions for basic and standard health benefit plans. (5) Each small group sickness and accident insurer or other entity shall make reasonable disclosure in solicitation and sales materials provided to small employers the following information in a form and manner prescribed by the commissioner and upon request of any such small employer shall provide such information in detail:

(g) (I) THAT THE SMALL EMPLOYER PURCHASING ANY HEALTH BENEFIT PLAN OTHER THAN A BASIC PLAN PURSUANT TO PARAGRAPH (b) OF SUBSECTION (7.2) OF THIS SECTION, MUST PAY FOR ALL OF THE MANDATED BENEFITS PURSUANT TO SECTION 10-16-104 AND THAT THESE MANDATES INCLUDE MANDATORY, NONWAIVABLE COVERAGES FOR NEWBORN, MATERNITY, PREGNANCY, CHILDBIRTH, COMPLICATIONS FROM PREGNANCY AND CHILDBIRTH, THERAPIES FOR CONGENITAL DEFECTS AND BIRTH ABNORMALITIES, LOW-DOSE MAMMOGRAPHY, MENTAL ILLNESS, BIOLOGICALLY-BASED MENTAL ILLNESS, THE AVAILABILITY OF ALCOHOLISM TREATMENT, THE AVAILABILITY OF HOSPICE CARE, PROSTATE CANCER SCREENING, CHILD HEALTH SUPERVISION, HOSPITALIZATION AND GENERAL ANESTHESIA FOR DENTAL PROCEDURES FOR DEPENDENT CHILDREN, DIABETES, AND PROSTHETIC DEVICES.

(II) THAT A SMALL EMPLOYER PURCHASING A BASIC HEALTH BENEFIT PLAN IS WAIVING COVERAGE FOR LOW-DOSE MAMMOGRAPHY SCREENING, MENTAL ILLNESS, PROSTATE SCREENING, CHILD HEALTH

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HB03-1164

SUPERVISION, HOSPITALIZATION AND GENERAL ANESTHESIA FOR DENTAL PROCEDURES FOR CHILDREN, AND THE AVAILABILITY OF TREATMENT FOR ALCOHOLISM, AND THE AVAILABILITY OF HOSPICE CARE."

Renumber succeeding sections accordingly."

Page 12 of the committee report, strike lines 2 through 4 and substitute the following:

"line 23, strike "1" and substitute "4, 6 through 9, and 13";

line 24, strike "through 3";

strike line 27, and substitute the following:

"(2) The remaining sections of this bill shall take effect July 1, 2003,".

Page 25, line 1, after "and", insert "section 10".".

Amendment No. 6(L.043), by Senator Tapia.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 4, line 26, strike "AFFILIATION.;" and substitute "AFFILIATION, INCLUDING, BUT NOT LIMITED TO, A CHAMBER OF COMMERCE.;".

Amendment No. 7(L.042), by Senator Hillman.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 7, line 10, strike "GROUP.;" and substitute "GROUP AND SHALL BE THE SAME FOR ANY EMPLOYEE OR DEPENDENT OF THE EMPLOYEE.;".

Amendment No. 8(L.035), by Senator Hillman.

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 2, after line 17, insert the following:

SECTION 6. 10-16-102 (10) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(10) (b) "Case characteristics" are limited to the following demographic characteristics:

(IV) SMOKING STATUS;

(V) CLAIMS EXPERIENCE;

(VI) STANDARD INDUSTRIAL CLASSIFICATION; AND

(VII) HEALTH STATUS.

SECTION 7. 10-16-102 (10) (c), Colorado Revised Statutes, is amended to read:

10-16-102. Definitions. As used in this article, unless the context otherwise requires:

(10) (c) Effective ~~January 1, 1995~~ SEPTEMBER 1, 2003, "case characteristics" does not include ~~claim experience, health status, and duration of coverage~~ or any other characteristic not specifically described in paragraph (b) of this subsection (10)."

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HB03-1164

line 18, strike ""SECTION 6." and substitute "SECTION 8.";

strike line 28 of the committee report and substitute the following:

"strike line 18 and substitute the following:

"(7.5) (a), Colorado Revised Statutes, are amended, and the said 10-16-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:";

Page 4 of the committee report, strike line 11 and substitute the following:

"COVERAGE PROVISIONS OF SECTION 10-16-104 (4), (5), AND (8) TO (12).

(8.5) (a) FOR SMALL GROUP HEALTH BENEFIT PLANS ISSUED TO OR RENEWED FOR A SMALL EMPLOYER ON OR AFTER SEPTEMBER 1, 2003:

(I) (A) AN ADJUSTMENT IN RATES FOR CLAIMS EXPERIENCE, HEALTH STATUS, AND STANDARD INDUSTRIAL CLASSIFICATION MAY BE MADE BUT SHALL NOT BE CHARGED TO THE INDIVIDUALS UNDER THE PLAN;

(B) A CARRIER MAY ADJUST RATES UNIFORMLY FOR ALL INDIVIDUALS UNDER A SMALL EMPLOYER POLICY BASED ON TOBACCO USE. A SMALL EMPLOYER CARRIER MAY APPLY AN INCREASE OR DECREASE OF UP TO FIFTEEN PERCENT RATING ADJUSTMENT TO PARTICULAR INDIVIDUALS RELATED TO TOBACCO USE. ANY INDIVIDUAL WHO DOES NOT QUALIFY FOR A LOWER RATE MAY BE OFFERED THE OPTION OF PARTICIPATING IN A BONA FIDE WELLNESS PROGRAM AS DEFINED UNDER THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED. ANY INDIVIDUAL WHO PARTICIPATES IN A BONA FIDE WELLNESS PROGRAM MAY BE ALLOWED THE LOWER RATE. THE AVAILABILITY OF A TOBACCO RATING ADJUSTMENT AND ANY BONA FIDE WELLNESS PROGRAM SHALL BE DISCLOSED TO EACH POTENTIAL INSURED. THE PROVISIONS OF THIS SUB-SUBPARAGRAPH (B) SHALL ONLY BE APPLICABLE IF ALLOWED UNDER FEDERAL LAW.

(II) FOR A SMALL EMPLOYER'S POLICY, ADJUSTMENTS MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) MAY BE MADE BUT SHALL NOT RESULT IN A RATE FOR THE SMALL EMPLOYER THAT DEVIATES FROM THE CARRIER'S FILED RATE BY MORE THAN THE AMOUNTS SET FORTH IN THE FOLLOWING SCHEDULE:

(A) ON AND AFTER SEPTEMBER 1, 2003, UNTIL SEPTEMBER 29, 2004, INCREASES MORE THAN FIVE PERCENT FROM OR DECREASES MORE THAN FIFTEEN PERCENT FROM THE CARRIER'S FILED RATE;

(B) ON AND AFTER SEPTEMBER 30, 2004, UNTIL SEPTEMBER 29, 2005, INCREASES MORE THAN TEN PERCENT FROM OR DECREASES MORE THAN TWENTY-FIVE PERCENT FROM THE CARRIER'S FILED RATE; AND

(C) ON AND AFTER SEPTEMBER 30, 2005, INCREASES MORE THAN FIFTEEN PERCENT FROM OR DECREASES MORE THAN THIRTY-FIVE PERCENT FROM THE CARRIER'S FILED RATE;

(III) ANY ADJUSTMENTS PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL BE APPLIED UNIFORMLY TO THE RATES CHARGED FOR ALL INDIVIDUALS UNDER THE SMALL EMPLOYER POLICY, AND ANY ADJUSTMENTS PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) MAY BE APPLIED TO INDIVIDUALS WITHIN THE SMALL GROUP;

(IV) A SMALL EMPLOYER CARRIER SHALL NOT INCREASE OR DECREASE RATES BASED ON THE SIZE OF A SMALL EMPLOYER GROUP; AND

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HB03-1164

(V) ON AND AFTER SEPTEMBER 1, 2004, A SMALL EMPLOYER CARRIER MAY MAKE AN UPWARD ADJUSTMENT TO A SMALL BUSINESS GROUP'S RENEWAL PREMIUM, NOT TO EXCEED FIFTEEN PERCENT ANNUALLY, DUE TO THE CLAIMS EXPERIENCE, HEALTH STATUS, STANDARD INDUSTRIAL CLASSIFICATION, OR TOBACCO USE FOR ALL INDIVIDUALS UNDER THE SMALL EMPLOYER POLICY PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) A SMALL EMPLOYER CARRIER OFFERING A HEALTH BENEFIT PLAN TO A SMALL EMPLOYER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8.5) SHALL BE REQUIRED TO DEMONSTRATE TO THE COMMISSIONER IN RATE FILINGS THAT PREMIUM RATES ARE NOT EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

(c) THE SMALL EMPLOYER CARRIER SHALL NOT USE CASE CHARACTERISTICS OTHER THAN AGE, GEOGRAPHIC AREA, FAMILY COMPOSITION, HEALTH STATUS, STANDARD INDUSTRIAL CLASSIFICATION, AND CLAIMS EXPERIENCE, NOR SHALL IT USE ANY OTHER RATING FACTORS OTHER THAN ACTUAL CLAIMS EXPERIENCE ON THAT SMALL EMPLOYER CARRIER'S HEALTH BENEFIT PLAN, INDUSTRY, CLASS OF BUSINESS, AND PLAN DESIGN, WITHOUT PRIOR APPROVAL OF THE COMMISSIONER UNLESS OTHERWISE PROVIDED IN THIS SUBSECTION (8.5).";".

Page 12 of the committee report, strike lines 2 through 4 and substitute the following:

"line 23, strike "1" and substitute "4, 6 through 10, and 14";

line 24, strike "through 3";

strike line 27, and substitute the following:

"(2) The remaining sections of this bill shall take effect July 1, 2003,".

Page 25, line 1, after "and" insert, "section 10"."

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

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

SB03-252

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 25, pages 1240-1246 and placed in members' bill files.)

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

SB03-313

by Senator(s) Entz; also Representative(s) McCluskey, Hoppe--Concerning an increase in the state engineer's authority to approve the use of water, and, in connection therewith, making an appropriation.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 23, page 1169-1170 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, April 25, page 1246 and placed in members' bill files.)

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

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

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, April 25, pages 1247-1248 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Cairns.

Amend the Education Committee Report, dated April 24, 2003, page 1, line 10, strike "DISTRICT;" and substitute "BOUNDARIES OF THE AUTHORITY;"

line 14, strike "IN THE DISTRICT" and substitute "WITHIN THE BOUNDARIES OF THE AUTHORITY";

line 15, strike "DISTRICT;" and substitute "BOUNDARIES OF THE AUTHORITY;"

Page 2, line 2, strike "GEOGRAPHICAL BOUNDARIES OF THE DISTRICT" and substitute "BOUNDARIES OF THE AUTHORITY".

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

HB03-1056 by Representative(s) Stengel, Spradley; also Senator(s) Anderson--Concerning the extension of certain solid waste disposal fees, and making an appropriation in connection therewith.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1164 by Representative(s) Spradley, Butcher; also Senator(s) Hillman--Concerning the expansion of access to health insurance, and making an appropriation therefor.

Senator Keller moved to amend the Report of the Committee of the Whole to show that the following Keller floor amendment (L.037), to **HB03-1164**, did pass:

Amend the Business Affairs and Labor Committee Report, dated April 23, 2003, page 2, strike lines 17 through 28.

Page 3, strike lines 3 through 33.

Page 4, strike lines 1 through 11.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	E	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	Y	Nichol	Y	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

Senator Keller moved to amend the Report of the Committee of the Whole to show that the following Keller floor amendment (L.039), to **HB03-1164**, did pass:

Amend reengrossed bill, page 2, after line 1, insert the following:

"SECTION 1. 10-4-403, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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HB03-1164

10-4-403. Standards for rates - competition - procedure - requirement for independent actuarial opinions regarding 1991 legislation. (2.7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A CARRIER WITH THE AUTHORITY TO SELL SMALL EMPLOYER HEALTH BENEFIT COVERAGE IN THIS STATE SHALL REDUCE THE PREMIUM CHARGED TO A SMALL EMPLOYER THAT PURCHASES A BASIC HEALTH BENEFIT PLAN PURSUANT TO SECTION 10-16-105 (7.2) (b) TO AT LEAST FIVE PERCENT LESS THAN POLICIES ISSUED ON OR BEFORE JULY 1, 2003, FOR BASIC PLANS ISSUED OR RENEWED ON OR AFTER JANUARY 1, 2004."

Renumber succeeding sections accordingly.

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

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	E	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	Y	Nichol	Y	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB03-1188, HB03-1329 as amended, SB03-328 as amended, HB03-1004, HB03-1210, HB03-1317 as amended, HB03-1164 as amended, SB03-252 as amended, SB03-313 as amended, SB03-326 as amended, HB03-1056.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1334** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 14 through 19.

Page 3, strike lines 1 through 11 and substitute the following:

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

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

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

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

line 17, strike "IRRIGATION" and, strike "FOR DOMESTIC,";

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HB03-1334

line 18, strike "INDUSTRIAL, OR MUNICIPAL PURPOSES".

Page 4, line 12, after "RIGHTS", insert "OR DECREED CONDITIONAL WATER RIGHTS";

line 20, strike "IRRIGATION";

line 22, after "RIGHTS", insert "AND DECREED CONDITIONAL WATER RIGHTS,";

line 26, strike "IRRIGATION" and, strike "FORMERLY";

line 27, strike "IRRIGATED LANDS," and substitute "LAND WHERE THE WATER IS DECREED FOR USE, AND, IF THE LOANED WATER RIGHT IS BEING USED FOR IRRIGATION," and, strike "SOILS," and substitute "SOILS".

Page 5, line 11, strike "EXERCISED ONLY UPON" and substitute "OPERATED ONLY:";

strike lines 12 through 20 and substitute the following:

"(I) (A) DURING A DROUGHT OR OTHER EMERGENCY DECLARED BY THE GOVERNOR PURSUANT TO SECTION 24-32-2104, C.R.S., IN THE COUNTY OF ORIGIN OR USE; OR

(B) IF THE PARTIES TO THE AGREEMENT DETERMINE THAT OTHER CONDITIONS WARRANT THE USE OF AN INTERRUPTIBLE WATER SUPPLY AGREEMENT IN A DESIGNATED AREA; AND

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

(d) THE APPLICANT SHALL GIVE NOTICE BY MARCH 1 OF ANY YEAR THAT THE OPTION IS TO BE EXERCISED TO ALL PARTIES WHO FILED COMMENTS WITH THE STATE ENGINEER PURSUANT TO THIS SECTION, UNLESS EARLIER REQUIRED IN THE AGREEMENT; EXCEPT THAT THE OPTION MAY BE EXERCISED AT ANY TIME DURING 2003."

Page 6, line 8, after the period, insert "THE WATER JUDGE SHALL HEAR AND DETERMINE SUCH APPEAL USING THE PROCEDURES AND STANDARDS SET FORTH IN SECTIONS 37-92-304 AND 37-92-305 FOR DETERMINATION OF MATTERS REREFERRED TO THE WATER JUDGE BY THE REFEREE. THE PROPONENT OF THE INTERRUPTIBLE WATER SUPPLY AGREEMENT SHALL BE DEEMED TO BE THE APPLICANT FOR PURPOSES OF APPLICATION OF SUCH PROCEDURES AND STANDARDS.";

line 10, strike "EXPEDITED";

strike lines 15 and 16 and substitute the following:

"SUPPLY AGREEMENT PURSUANT TO THIS SECTION SHALL PAY A FEE";

after line 25, insert the following:

"SECTION 2. 24-32-2104 (4), Colorado Revised Statutes, is amended to read:

24-32-2104. The governor and disaster emergencies. (4) A disaster emergency shall be declared by executive order or proclamation of the governor if the governor finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat of danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and the governor terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than thirty days unless renewed by the governor; EXCEPT THAT DISASTER EMERGENCIES

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HB03-1334

DECLARED DUE TO DROUGHT SHALL CONTINUE UNTIL THE END OF THE
CALENDAR YEAR IN WHICH THEY ARE DECLARED UNLESS EARLIER
TERMINATED BY THE GOVERNOR. The general assembly, by joint
resolution, may terminate a state of disaster emergency at any time.
Thereupon, the governor shall issue an executive order or proclamation
ending the state of disaster emergency. All executive orders or
proclamations issued under this subsection (4) shall indicate the nature
of the disaster, the area threatened, and the conditions ~~which~~ THAT have
brought it about or ~~which~~ THAT make possible termination of the state of
disaster emergency. An executive order or proclamation shall be
disseminated promptly by means calculated to bring its contents to the
attention of the general public and, unless the circumstances attendant
upon the disaster prevent or impede, shall be promptly filed with the
office of emergency management, the secretary of state, and the county
clerk and recorder and disaster agencies in the area to which it applies."

Renumber succeeding sections accordingly.

Page 6, line 26, strike "(1)".

Page 7, strike lines 7 through 13.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-339** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1345** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1316** be referred to the Committee on Appropriations with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1350** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-322** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 12 and substitute the following:

"known or suspected to be susceptible to the influence of groups".

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **SB03-341** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 11, strike "ONE" and substitute "TWO";

line 17, strike "one" and substitute "two".

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INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

- SJR03-049** by Senator(s) Arnold; also Representative(s) Berry--Concerning honoring Chief Lonnie J. Westphal.
Laid over one day under Senate Rule 30(b).
- HJR03-1046** by Representative(s) Hoppe, Brophy, Larson, Smith, Spradley, Young; also Senator(s) Isgar, Chlouber, Entz, Taylor--Concerning United States Forest Service treatment of water rights on National Forest lands in Colorado.
Laid over one day under Senate Rule 30(e).
- HJR03-1048** by Representative(s) Hoppe, Larson, Brophy, Spradley, Young, Hodge, Miller, Cadman, White; also Senator(s) Entz--Concerning support of federal legislation to control nonnative phreatophytic noxious weeds.
Laid over one day under Senate Rule 30(e).
- HJR03-1055** by Representative(s) Spradley; also Senator(s) Andrews--Concerning endorsement of the participation of Taiwan in the World Health Organization.
Laid over one day under Senate Rule 30(e).
- HJR03-1065** by Representative(s) Fritz, Boyd, Carroll, Crane, Decker, Fairbank, Hall, Jahn, Madden, Mitchell, Rippy, Spence, Wiens; also Senator(s) Anderson--Concerning Early Childhood Intervention Awareness Day.
Laid over one day under Senate Rule 30(e).
- HJR03-1067** by Representative(s) Mitchell, Harvey, Brophy, Cadman, Clapp, Coleman, Crane, Fairbank, Lee, Lundberg, Rhodes, Rippy, Schultheis, Smith, Stafford, Stengel, Witwer; also Senator(s) Lamborn--Concerning crisis pregnancy centers.
Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS--FIRST READING

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

- HB03-1132** by Representative(s) Fairbank, Lee; also Senator(s) Hillman--Concerning modifications to the "Fair Campaign Practices Act" in furtherance of constitutional provisions addressing campaign finance enacted as article XXVIII of the state constitution by a vote of the people at the 2002 general election.
State Veterans & Military Affairs
- HB03-1360** by Representative(s) White; also Senator(s) Dyer--Concerning the collection of data from insurers regarding small group health insurance for the purpose of analysis to determine the changes in the small group health insurance marketplace.
Judiciary

MESSAGES FROM THE GOVERNOR

- Appointments Letters of designations and appointments from Governor Owens were read and assigned to Committees as follows:
April 16, 2003
To the Honorable
Colorado Senate
Colorado General Assembly

State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

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

MEMBERS OF THE
ADVISORY COMMITTEE TO THE PROPERTY
TAX ADMINISTRATOR

for terms expiring September 1, 2004:

Patricia Huskey of Dove Creek, Colorado, to replace Maclovio Martinez of San Acacio, Colorado, who no longer qualifies, and to serve as an assessor from a county with less than seventy-five thousand in population and as a Democrat, appointed;

Lynn K. Whiteman of Meeker, Colorado, to fill the vacancy occasioned by the resignation of Stephen Michael Snyder of Grand Junction, Colorado, and to serve as a non-assessor from the Western Slope and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 04-28-03 3:10 p.m.
Mona Heustis, Secretary of the Senate

Committee on Finance

April 16, 2003

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

Ladies and Gentlemen:

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

MEMBER OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS

for a term expiring January 1, 2008:

Robert "R.J." Jolly of Kit Carson, Colorado, to serve as a farmer and employer whose liability is insured by Pinnacol Assurance, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 04-28-03 3:10 p.m.
Mona Heustis, Secretary of the Senate

Committee on Business Affairs & Labor

April 16, 2003

To the Honorable

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Colorado Senate
 Colorado General Assembly
 State Capitol Building
 Denver, CO 80203

Ladies and Gentlemen:

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

MEMBERS OF THE
 STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2005:

Maria G. Williams of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Patricia D. Baca of Denver, Colorado and to serve as a member of the public, appointed;

for terms expiring March 1, 2007:

Youlon D. Savage of Denver, Colorado, to serve as a member of the public, reappointed;

Honorable Richard M. Sheehan of Littleton, Colorado, to serve as a representative of county commissioners, reappointed;

Arthur W. Hogling, Ph.D. of Evergreen, Colorado, to serve as a member of the public, reappointed;

Honorable David E. Long of New Raymer, Colorado, to serve as a representative of county commissioners, appointed;

Honorable Wayne E. Wolf of Cedaredge, Colorado, to serve as a representative of county commissioners, appointed.

Sincerely,
 (signed)
 Bill Owens
 Governor

Rec'd 04-28-03 3:10 p.m.
 Mona Heustis, Secretary of the Senate

Committee on Health, Environment, Welfare & Institutions

April 16, 2003

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

Ladies and Gentlemen:

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

MEMBERS OF THE
 GROUND WATER COMMISSION

for terms expiring May 1, 2007:

Robert Loose of Wiggins, Colorado, to serve as a representative from Upper Black Squirrel and as a resident agriculturist, reappointed;

Charles "Max" Smith of Walsh, Colorado, to serve as a representative from the Southern

High Plains and as a resident agriculturist, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 04-28-03 3:10 p.m.
Mona Heustis, Secretary of the Senate

Committee on Agriculture, Natural Resources & Energy

April 16, 2003

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

Ladies and Gentlemen:

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

MEMBERS OF THE
ADVISORY COMMITTEE ON
GOVERNMENTAL ACCOUNTING

for terms expiring May 18, 2007:

Karl R. Peacock of Littleton, Colorado, to fill the vacancy occasioned by the resignation of Jeffrey M. Reynolds of Golden, Colorado and to serve as a representative of special service districts, appointed;

Kevin F. Collins of Franktown, Colorado, to serve as a representative of certified public accountants, reappointed;

Michael S. Clark of Denver, Colorado, to serve as a representative of local city and county governments, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 04-28-03 3:10 p.m.
Mona Heustis, Secretary of the Senate

Committee on Finance

April 16, 2003

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

Ladies and Gentlemen:

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

MEMBER OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

for terms expiring November 1, 2004:

Dr. John K. Young of Arvada, Colorado, to serve as a Republican from the Seventh Congressional District, appointed;

Jim I. Snook of Alamosa, Colorado, to serve as a Republican from the Third Congressional District, appointed;

for terms expiring November 1, 2006:

Janette L. Kochis of Matheson, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Marjorie "Lynne" Sherrod of Steamboat Springs, Colorado, to serve as a Republican from the Third Congressional District, appointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd 04-28-03 3:10 p.m.
Mona Heustis, Secretary of the Senate

Committee on Agriculture, Natural Resources & Energy

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Kester, Chairman, Lamborn, and Tapia as Senate Conferees on the First Conference Committee on **HB03-1244**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-073.

The President has signed: SB03-009, 041, 050, 114, 222, 225, 250, 297.

PRINTING OF SENATE JOINT MEMORIALS -- SJM03-006 and SJM03-009

SJM03-006 by Senator(s) Phillips, Arnold, Evans, Fitz-Gerald, Tupa; also Representative(s) Madden, Plant, Pommer, Weissmann--Memorializing former Senator Les Fowler.

WHEREAS, By the Will of Divine Providence, our beloved former member, the Honorable Les Fowler, departed this life on February 8, 2003, at the age of 78; and

WHEREAS, Senator Fowler was born June 21, 1924, in St. Louis, Missouri; and

WHEREAS, Senator Fowler served in the Navy during World War II; and

WHEREAS, Senator Fowler moved to Boulder shortly after World War II where he attended the University of Colorado School of Business on the G.I. Bill and played on the C.U. golf team; and

WHEREAS, Senator Fowler was the University of Colorado golf team's volunteer head coach, a position he held for more than 29 years, during which time he led the team to 3 conference titles and coached future PGA players Hale Irwin and Dale Douglass; and

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SJM03-006

WHEREAS, Senator Fowler, one of the state's premier amateur golfers, was elected to the Colorado Golf Hall of Fame and is the only person in state history to have won the amateur state stroke play tournament, the amateur state match play tournament, the amateur state senior stroke play tournament, and the amateur state senior match play tournament; and

WHEREAS, Senator Fowler was a district manager for Northwestern Mutual Financial Network for 38 years; and

WHEREAS, Senator Fowler served as a Boulder City Councilman from 1956 to 1962; and

WHEREAS, Senator Fowler served as a State Representative from 1967 to 1968 where he served as a member of the Transportation and Highways Committee and as vice-chair of the Education Committee; and

WHEREAS, Senator Fowler honorably and faithfully served the citizens of Boulder County in the State Senate from 1969 to 1988; and

WHEREAS, Senator Fowler is the longest serving state legislator in Boulder County history; and

WHEREAS, Senator Fowler was known as a driving force behind the establishment of the Eldorado Canyon State Park and the Regional Transportation District; and

WHEREAS, Senator Fowler was chair of the Senate Local Government Committee from 1969 to 1972, chair of the Senate Finance Committee from 1973 to 1988, and a member of the Business Affairs and Labor Committee from 1975 to 1988; and

WHEREAS, Senator Fowler demonstrated his deep and enduring belief in public education by serving as the prime sponsor for and a chief architect of the "Public School Finance Act of 1973" which stands today as the crucial education funding reform of the contemporary era as it required powerful state general fund support for funding of K-12 education; and

WHEREAS, The "Public School Finance Act of 1973", and the ensuing annual renewal of this remarkable approach to funding and support of public education, has produced more funding support and more property tax relief than any other legislative measure since statehood; and

WHEREAS, Senator Fowler was a pioneer of lowering the voting age to 18, believing in the enrollment of youth as early as possible in our democratic process; and

WHEREAS, Senator Fowler will be remembered as a man who was fascinated with the legislative process and who was quietly effective even during difficult times; and

WHEREAS, After he left public office, Senator Fowler served his community as a member of the board of directors of University Hospital for 13 years, serving longer on the board than any other member; and

WHEREAS, It is fitting that we, the members of the Sixty-fourth General Assembly, pay tribute to the dedicated service of Senator Fowler and express our deep regret and sorrow occasioned by his death; now, therefore,

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

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SJM03-006

That, in the death of Les Fowler, the people of the State of Colorado have lost an outstanding citizen and public servant and that we, the members of the Sixty-fourth General Assembly, hereby extend our deep and heartfelt sympathy to the members of his family and pay tribute to a man who served his state well and faithfully.

Be It Further Resolved, That copies of this Memorial be sent to Senator Fowler's wife, Jane Fowler, to his daughter Nancy Denton, and to his sons Mark Fowler and Marty Fowler.

SJM03-009 by Senator(s) Evans; --Memorializing former senator and representative Joe Winkler.

WHEREAS, Josef "Joe" Winkler was born on April 23, 1928, in Denver, Colorado, the son of Austrian immigrants who homesteaded in Douglas County; and

WHEREAS, Joe Winkler graduated from Douglas County High School in 1946 and then from Colorado State University in 1953 with a degree in animal husbandry and animal production; and

WHEREAS, Joe Winkler married Lois Simon on February 11, 1966; and

WHEREAS, Winkler served as chairman in the early days of the Douglas County Republican party as well as secretary and founded the Young Republicans League in Douglas County in the 1950s; and

WHEREAS, He served as the chairman of the 22nd Senatorial District, the 18th Judicial District, and the 40th Representative District; and

WHEREAS, Winkler served five terms in the General Assembly, from 1972 to 1986, with three terms in the House of Representatives and two in the Senate; and

WHEREAS, Winkler was a man who stayed true to his values, as United States Representative Tom Tancreado praised: ". . . Joe was titanium - nothing eroded his principles. And he was the nicest guy in the whole world on top of that."; and

WHEREAS, Winkler championed open space and worked hard for agriculture, describing himself as ultraconservative, dedicated to cutting back on government spending, cutting taxes, and increasing water storage for future growth; and

WHEREAS, In addition to his active participation in politics, Winkler loved animals and was dedicated to helping animals and children; and

WHEREAS, Winkler spent many years working with young people in 4-H club and each fall gave busloads of third graders a lesson in the early history of Douglas County as well as a lesson in land husbandry; and

WHEREAS, Winkler loved his cattle and was also known to take in every stray cat and dog that appeared on his doorstep; and

WHEREAS, In 2002, with the support of Joe Winkler and his wife, the Douglas County Buddy Center, an animal adoption program of the Dumb Friends League, opened its doors; now, therefore,

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

SJM03-009

That, in the death of Joe Winkler, the people of the State of Colorado have lost a devoted public servant, an outstanding citizen, and an admired neighbor, and that we, the members of the Colorado General Assembly, do hereby extend our deep and heartfelt sympathy to the members of his family and community and pay tribute to a man who served his state and community well and faithfully.

Be It Further Resolved, That copies of this Joint Memorial be sent to his wife Lois Winkler, his sister Fran Cannon of Castle Rock, and his brother George Winkler of Yuma, Arizona.

PRINTING OF SENATE MEMORIAL -- SM03-001

SM03-001 by Senator(s) Teck; --Memorializing former senator Dan D. Noble.

WHEREAS, By the Will of Divine Providence, our beloved former member, the Honorable Dan D. Noble, departed this life November 9, 2002, at the age of 73; and

WHEREAS, Senator Noble was born March 28, 1929, in Wahoo, Nebraska; and

WHEREAS, Senator Noble served in the United States Army in the motor battalion in the Korean War from 1950 to 1952; and

WHEREAS, Senator Noble and his late wife, Donna Noble, moved to Colorado so he could join his father-in-law, the late Frank Bottum, in opening the San Miguel Basin State Bank in Norwood, Colorado; and

WHEREAS, Senator Noble attended the University of Colorado School of Banking from 1960 to 1962; and

WHEREAS, Senator Noble served for 44 years as an officer of the San Miguel Basin State Bank, including service as president and director of the bank; and

WHEREAS, In 1969, Senator Noble was appointed to the Colorado Senate to fill the vacancy caused by the resignation of Senator Wilson Rockwell; and

WHEREAS, Senator Noble was subsequently elected to the Senate in his own name in 1970 and was reelected to an additional 3 terms, serving as a member of the Colorado Senate a total of 17 years from 1969 through 1986; and

WHEREAS, Senator Noble represented Senate districts 6, 32, and 34, covering all or portions of Archuleta, Delores, Delta, Gunnison, Hinsdale, Montezuma, Montrose, Ouray, and San Miguel Counties; and

WHEREAS, While a member of the Colorado General Assembly, Senator Noble served on and chaired a number of standing and interim committees, and his committee positions included serving as chair of the Senate State Affairs Committee from 1973-76, chair of the Senate Local Government Committee from 1977-78, chair of the Legislative Audit Committee in 1984, chair of the Interim Committee on Federal and State Lands in 1975, and chair of the Interim Committee on Mined Land in 1977; and

WHEREAS, Senator Noble served as Senate Assistant Majority Leader from 1977-78 and as Senate Majority Leader from 1979-80 and from 1982-86, and, while serving as Senate Majority Leader, was well respected for minimizing conflict, maintaining good relations between the parties, and for his moderate, quiet but firm, behind-the-scenes leadership style; and

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SM03-001

WHEREAS, Over the course of his long and distinguished legislative career, Senator Noble sponsored legislation that was enacted affecting numerous areas of state policy and government, including agriculture, environmental protection, education, mental health, public employees, taxes, transportation, and water; and

WHEREAS, Senator Noble's arguably best-known legislative accomplishment was the passage of Senate Bill 79-536, the so-called "Noble Bill", which directed a portion of the revenues from the state sales and use tax on new or used motor vehicles, including motor homes, motor vehicle batteries, tires, parts, or accessories, be used for state, county, and municipal highway construction; and

WHEREAS, The Noble Bill represented an early example by the General Assembly of earmarking revenue from a particular funding source for specified uses; and

WHEREAS, Senator Noble was an influential supporter of quality higher education in general and of Fort Lewis College in Durango, Colorado, in particular, and assisted in obtaining funding from the General Assembly to enable Fort Lewis College to construct a classroom and office building, in return for which assistance the college gave Senator Noble its Distinguished Service Award in 1984 and dedicated and named a lecture hall, Noble Hall, in his honor in 1986; and

WHEREAS, Senator Noble enjoyed a reputation among members on both sides of the aisle for his fairness, knowledge, and even-handedness; and

WHEREAS, Senator Noble was a member of the Masons, Elks, and Lions Clubs, was a director of the San Miguel Water District, county chairman of the Red Cross, and served on the Advisory Council of the Grand Mesa-Uncompahgre National Forest; and

WHEREAS, Senator Noble was also well known and regarded for his devotion to his family, as illustrated by his practice of scheduling Friday sessions of the Senate in a manner that would allow him to catch an airplane home to watch his childrens' sports events; and

WHEREAS, It is fitting that we, the members of the Senate of the Sixty-fourth General Assembly, pay tribute to the dedicated service of Senator Noble and express our deep regret and sorrow occasioned by his death; now, therefore,

Be It Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado:

That, in the death of Dan D. Noble, the people of the state of Colorado have lost a dedicated public servant and outstanding citizen, and that we, the members of the Senate of the Sixty-fourth General Assembly, do hereby extend our deep and heartfelt sympathy to the members of his family and pay tribute to a man who served his state well and faithfully.

Be It Further Resolved, That copies of this Memorial be sent to Senator Noble's children, Doug Noble of Grand Junction, Colorado, Danette Christensen of Parachute, Colorado, Darin Noble of Parachute, Colorado, Dru Nemecek of Englewood, Colorado, and Darcy Crotteau of Battle Mountain, Nevada, Senator Noble's sister, Evelyn Bailey, of Lincoln, Nebraska, and Senator Noble's brother, Darrold Noble, of Lincoln, Nebraska.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 28, was laid over until Tuesday, April 29, retaining its place on the calendar.

Consideration of Resolutions: SJR03-036, SJR03-038, HJR03-1043, SJR03-048, 1
 HJR03-1060, SJR03-045, SJR03-039. 2
 Consideration of Memorials: SJM03-006, SM03-001, SJM03-009. 3
 Consideration of House Amendments to Senate Bills: SB03-294. 4
 Consideration of Governor's Vetoes: SB03-207. 5
 Conference Committees to Report: SB03-098, HB03-1111, SB03-065, SB03-088, 6
 SB03-038, SB03-113, SB03-106, SB03-282, SB03-268, HB03-1290, HB03-1172, 7
 SB03-248, HB03-1147, SB03-275, HB03-1326. 8
 Request for Conference Committees: HB03-1244. 9

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On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Tuesday, April 29, 2003.

Approved: 17
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 John Andrews 19
 President of the Senate 20
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Attest: 22
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 Mona Heustis 25
 Secretary of the Senate 26
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