HOUSE JOURNAL

SIXTY-FOURTH GENERAL ASSEMBLY

STATE OF COLORADO First Regular Session

Sixty-sixth Legislative Day

Friday, March 14, 2003

Prayer by Pastor Curtis Miller, Worship Center of Brighton. 3 The Speaker called the House to order at 9:00 a.m. 4 5 Pledge of Allegiance led by Representative Carroll. 6 7 The roll was called with the following result: 8 9 Present--61. 10 Vacancy--1. Excused--Representatives Butcher, Fritz, Sinclair--3. 11 Present after roll call--Representatives Fritz, Sinclair. 12 13 14 The Speaker declared a quorum present. 15 16 On motion of Representative McCluskey, the reading of the journal of 17 18 March 13, 2003, was declared dispensed with and approved as corrected 19 by the Chief Clerk. 20 21 22 23

THIRD READING OF BILLS--FINAL PASSAGE

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

HB03-1021

by Representative(s) King; also Senator(s) Arnold--Concerning the financing of capital construction for qualified charter schools that have bonds issued on their behalf by the Colorado educational and cultural facilities authority. and making an appropriation in connection therewith.

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The question being "Shall the bill pass?".

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

J	O
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40	Vacancy 1 YES 4	-1	NO	21	EXCUSED	02	ABSENT	00
41	Berry	Y G	arcia	Y	McCluskey	Y	Sinclair	E
42	Borodkin N	۱ H	all	Y	McFadyen	Y	Smith	Y
43	Boyd	ΥH	arvey	Y	Merrifield	N	Spence	Y

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

Co-sponsors added: Representatives Cadman, Crane, Fairbank, Harvey, Hefley, Lee, Mitchell, Rhodes, Rose, Schultheis, Stafford.

SB03-024

by Senator(s) Chlouber; also Representative(s) White, Rose--Concerning permits that authorize persons who demonstrate competence with handguns to carry concealed handguns in all statutorily authorized areas of the state, and, in connection therewith, identifying the carrying of concealed handguns as an issue of statewide concern, creating statewide standards for issuance of permits to carry concealed handguns, and making an appropriation.

The question being "Shall the bill pass?".

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

31								
32	Vacancy 1 YES	3 46	NO	16	EXCUSED	02	ABSENT	00
33	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Е
34	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
35	Boyd	N	Harvey	Y	Merrifield	Y	Spence	Y
36	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
37	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
38	Butcher	E	Hoppe	Y	Paccione	N	Tochtrop	Y
39	Cadman	Y	Jahn	Y	Plant	N	Veiga	N
40	Carroll	N	Johnson	Y	Pommer	N	Vigil	N
41	Clapp	Y	Judd	N	Ragsdale	N	Weddig	Y
42	Cloer	Y	King	Y	Rhodes	Y	Weissmann	N
43	Coleman	Y	Larson	Y	Rippy	Y	White	Y
44	Crane	Y	Lee	Y	Romanoff	N	Wiens	Y
45	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y
46	Fairbank	Y	Madden	N	Salazar	Y	Williams T.	Y
47	Frangas	N	Marshall	N			Witwer	Y
48	Fritz	Y	May	Y	Schultheis	Y	Young	Y
49			·				Speaker	Y

Co-sponsors added: Representatives Briggs, Cadman, Clapp, Decker, Fairbank, Fritz, Hefley, Hoppe, King, Larson, Lee, Lundberg, McFadyen, Miller, Mitchell, Salazar, Smith, Spence, Stafford, Stengel, Tochtrop, Wiens, Williams T., Young, Speaker.

SB03-025

by Senator(s) Dyer; also Representative(s) Hefley-Concerning limitation of the ability of a local government to regulate firearms, and, in connection therewith, identifying firearms regulation as a matter of statewide concern.

The question being "Shall the bill pass?".

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

12	Vacancy 1 YES	39	NO	24	EXCUSED	01	ABSENT	00
13	Berry	Y	Garcia	N	McCluskey	N	Sinclair	Y
14	Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
15	Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
16	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
17	Brophy	Y	Hodge	N	Mitchell	Y	Stengel	Y
18	Butcher	E	Hoppe	Y	Paccione	N	Tochtrop	Y
19	Cadman	Y	Jahn	N	Plant	N	Veiga	N
20	Carroll	N	Johnson	N	Pommer	N	Vigil	N
21	Clapp	Y	Judd	N	Ragsdale	N	Weddig	N
22	Cloer	Y	King	Y	Rhodes	Y	Weissmann	N
23	Coleman	N	Larson	Y	Rippy	Y	White	Y
24	Crane	Y	Lee	Y	Romanoff	N	Wiens	Y
25	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	N
26	Fairbank	Y	Madden	N	Salazar	Y	Williams T.	Y
27	Frangas	N	Marshall	N			Witwer	Y
28	Fritz	Y	May	Y	Schultheis	Y	Young	Y
29			•				Speaker	Y

Co-sponsors added: Representatives Cadman, Cloer, Crane, Harvey, Hoppe, King, Larson, Lundberg, May, Miller, Rhodes, Rose, Schultheis, Sinclair, Spence, Stafford, Tochtrop, White, Wiens, Williams T.

<u>SB03-130</u> by Senator(s) Sandoval; also Representative(s) Jahn-Concerning the repeal of the home health services pilot program advisory committee.

The question being "Shall the bill pass?".

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

42								
43	Vacancy 1 YES	63	NO	00	EXCUSED	01	ABSENT	00
44	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	Y	Merrifield	Y	Spence	Y
47	Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
48	Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
49	Butcher	E	Hoppe	Y	Paccione	Y	Tochtrop	Y
50	Cadman	Y	Jahn	Y	Plant	Y	Veiga	Y
51	Carroll	Y	Johnson	Y	Pommer	Y	Vigil	Y
52	Clapp	Y	Judd	Y	Ragsdale	Y	Weddig	Y
53	Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
54	Coleman	Y	Larson	Y	Rippy	Y	White	Y
55	Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
56	Decker	Y	Lundberg	Y	Rose	Y	Williams S.	Y

	Page 1144]	House	e Journal66t	h Da	yMarch 14,	2003			
1 2 3 4 5 6 7	Fairbank Frangas Fritz	Y Y Y	Madden Marshall May	Y Y Y	Salazar Schultheis	Y Y	Williams T. Witwer Young	Y Y Y Y			
5	Co-sponsors added: Representatives Frangas, Williams S.										
7 8 9 10 11 12	SB03-224	Co ph	ncerning the ysician accr	e contreditat	es; also Reprinuation of the tion program ivision of wor	e wor unde	kers' compens r rules adopt	sation ed by			
13 14	Laid over un	til M	arch 17, ret	ainin	g place on Ca	lenda	ır.				
15 16 17 18 19 20	On motion Committee o called to the	f the	Whole for c	onsid	fall, the Hou eration of Ger man.	se re neral	esolved itself Orders, and h	f into e was			
21 22	GENE	RAI	ORDERS	SE	COND REAI	OING	G OF BILLS				
23 24 25 26 27	The Committee of the Whole having risen, the Chairman reported the titles of the following bills had been read (reading at length had been dispensed with by unanimous consent), the bills considered and action taken thereon as follows:										
28 29 30					endment are t			nittee			
31 32 33 34 35	HB03-1311,	On motion of Representative King, Consideration of SB03-155 , HB03-1311 , 1086 , 1252 , 1132 was laid over until March 17, retaining place on Calendar.									
36 37 38 39	SB03-158	Po	Senator(s) mmer, Mado property of	den, P	oa, Phillips; lant, Weissma ool district.	also nn(Representat Concerning th	ive(s) e sale			
40 41	Referred to t	he C	ommittee o	n Fina	ance.						
42 43 44 45	SB03-098	by Re			Arnold, An Fritz, Marsha			also enefit			

Representative(s) Fritz, Marshall--Concerning benefit provisions of the public employees' retirement association.

Amendment No. 1, Finance Report, dated March 5, 2003, and placed in member's bill file; Report also printed in House Journal, March 6, pages 1053-1055.

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

HB03-1056 by Representative(s) Stengel, Spradley; also Senator(s) 23 Anderson--Concerning the extension of certain solid waste disposal fees. 4 5 Amendment No. 1, Appropriations Report, dated March 7, 2003, and 6 placed in member's bill file; Report also printed in House Journal, 7 March 7, pages 1056-1057. 8 9 As amended, ordered engrossed and placed on the Calendar for Third 10 Reading and Final Passage. 11 12 HB03-1137 13 by Representative(s) King, Williams T., Fritz, Berry, Briggs, Cadman, Clapp, Crane, Decker, Fairbank, Hall, 14 15 Harvey, Hefley, Hoppe, Lee, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rippy, Rose, Schultheis, Sinclair, Spence, Stafford, White, Wiens; also Senator(s) 16 17 18 Hagedorn--Concerning a credit against state income tax 19 for contributions to nonprofit organizations that provide 20 resources for education, and making an appropriation in 21 connection therewith. 22 23 Amendment No. 1, Education Report, dated February 3, 2003, and placed 24 in member's bill file; Report also printed in House Journal, February 5, 25 pages 298-299. 26 27 Amendment No. 2, Appropriations Report, dated March 7, 2003, and 28 placed in member's bill file; Report also printed in House Journal, 29 March 7, page 1077. 30 31 <u>Amendment No. 3</u>, by Representative Paccione. 32 33 Amend printed bill, page 4, line 19, strike "COLORADO" and substitute 34 "COLORADO, THAT DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, 35 RACE, COLOR, RELIGION, ETHNIC BACKGROUND, OR NEED FOR SPECIAL 36 SERVICES,". 37 38 <u>Amendment No. 4</u>, by Representative Paccione. 39 Amend printed bill, page 6, line 4, strike "TWO HUNDRED" and substitute 40 41 "ONE HUNDRED EIGHTY-FIVE"; 42 43 line 9, strike "TWO HUNDRED" and substitute "ONE HUNDRED" 44 EIGHTY-FIVE"; 45 46 line 14, strike "TWO HUNDRED" and substitute "ONE HUNDRED" 47 EIGHTY-FIVE". 48 49 Amendment No. 5, by Representative Williams S. 50 51 Amend printed bill, page 4, strike lines 24 through 26 and substitute the 52 following:

"ORGANIZATION TO TAKE ALL STATEWIDE ASSESSMENTS REQUIRED OF
 STUDENTS AT THE SAME GRADE LEVEL WHO ATTEND PUBLIC SCHOOLS
 UNDER THE COLORADO STUDENT ASSESSMENT PROGRAM ESTABLISHED IN

PART 4 OF ARTICLE 7 OF TITLE 22, C.R.S., AND THAT ALSO ALLOWS THE SCHOOL TO HAVE THE STUDENT ANNUALLY TESTED BY A RECOGNIZED TESTING FIRM AND PAID FOR BY THE APPLICABLE PRIVATE SCHOOL SO THAT THE STUDENT'S ACADEMIC ACHIEVEMENT AND GROWTH CAN BE MEASURED IN ACCORDANCE WITH PART 6 OF ARTICLE 7 OF TITLE 22, C.R.S.".

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

<u>HB03-1016</u> by Representative(s) Mitchell--Concerning the effective duration of certification of emissions control for motor vehicles.

 Amendment No. 1, Transportation & Energy Report, dated January 29, 2003, and placed in member's bill file; Report also printed in House Journal, January 29, page 240.

As amended, laid over until March 17, retaining place on Calendar.

AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT

Representative Paccione moved to amend the Report of the Committee of the Whole to show that the following Paccione amendment, to HB 03-1137, did pass, and that HB 03-1137, as amended, did pass.

Amend the Education Committee Report, dated February 3, 2003, page 2, after line 22, insert the following:

"Page 11, line 9, strike "(a);" and substitute "(a). For purposes of this subparagraph (IV), "scholarship" means an amount that is greater than or equal to the amount of tuition charged for an entire academic year by an eligible school attended during the academic year by an income-qualified student who receives the amount or on whose behalf payment of the amount is made to the eligible school.";";

line 23, strike "Page 11,".

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

44	Vacancy 1 YES	24	NO	39	EXCUSED	01	ABSENT	00
45	Berry	N	Garcia	N	McCluskey	N	Sinclair	N
46	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
47	Boyd	Y	Harvey	N	Merrifield	Y	Spence	N
48	Briggs	N	Hefley	N	Miller	Y	Stafford	N
49	Brophy	N	Hodge	Y	Mitchell	N	Stengel	N
50	Butcher	Е	Hoppe	N	Paccione	Y	Tochtrop	Y
51	Cadman	N	Jahn	Y	Plant	Y	Veiga	Y
52	Carroll	Y	Johnson	N	Pommer	Y	Vigil	Y
53	Clapp	N	Judd	Y	Ragsdale	Y	Weddig	Y
54	Cloer	N	King	N	Rhodes	N	Weissmann	Y
55	Coleman	Y	Larson	N	Rippy	N	White	N
56	Crane	N	Lee	N	Romanoff	Y	Wiens	N

	Decker	N	Lundberg	N	Rose	N	Williams S.	Y
)	Fairbank	N	Madden	Y	Salazar	N	Williams T.	N
	Frangas	Y	Marshall	Y			Witwer	N
-	Fritz	N	May	N	Schultheis	N	Young	N
í							Speaker	N

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

Passed Second Reading: SB03-098 amended, HB03-1056 amended, 1137 amended.

Laid over until date indicated retaining place on Calendar: **SB03-155**, **HB03-1311**, **1086**, **1252**, **1016** amended, **1132**--March 17, 2003.

Referred to Committee indicated: **SB03-158**--Committee on Finance.

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

Vacancy 1 YES	S 52	NO	11	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
Boyd	N	Harvey	Y	Merrifield	N	Spence	Y
Briggs	Y	Hefley	Y	Miller	Y	Stafford	Y
Brophy	Y	Hodge	Y	Mitchell	Y	Stengel	Y
Butcher	E	Hoppe	Y	Paccione	N	Tochtrop	Y
Cadman	Y	Jahn	Y	Plant	N	Veiga	Y
Carroll	Y	Johnson	Y	Pommer	Y	Vigil	N
Clapp	Y	Judd	Y	Ragsdale	N	Weddig	N
Cloer	Y	King	Y	Rhodes	Y	Weissmann	Y
Coleman	Y	Larson	Y	Rippy	Y	White	Y
Crane	Y	Lee	Y	Romanoff	Y	Wiens	Y
Decker	Y	Lundberg	Y	Rose	Y	Williams S.	N
Fairbank	Y	Madden	N	Salazar	Y	Williams T.	Y
Frangas	Y	Marshall	N			Witwer	Y
Fritz	Y	May	Y	Schultheis	Y	Young	Y
		-				Speaker	Y

REPORTS OF COMMITTEES OF REFERENCE

APPROPRIATIONS

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

<u>HB03-1040</u> be referred to the Committee of the Whole with favorable recommendation.

<u>HB03-1044</u> be referred to the Committee of the Whole with favorable recommendation.

1 2 3 4 5	<u>HB03-1085</u>	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:							
5	Amend printe	ed bill, page 4, strike lines 24 through 27.							
7 8	Page 5, strike	e lines 1 through 14.							
9 10	Renumber succeeding section accordingly.								
11 12	Page 1, line 102, strike "REVENUE," and substitute "REVENUE.";								
13 14	strike line 103.								
14 15 16 17 18	<u>HB03-1106</u>	be referred to the Committee of the Whole with favorable recommendation.							
19 20		recommendation.							
21 22 23 24	<u>HB03-1164</u>	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:							
25 26	Amend printe	Amend printed bill, page 18, after line 1, insert the following:							
27	"SEC"	TION 7. Appropriation. In addition to any other							
28		there is hereby appropriated, out of any moneys in the							
29	multiple em	ployer welfare arrangement cash fund not otherwise							
30	annronriated	to the department of regulatory agencies, for distribution to							
31	the division of	of insurance, for the fiscal year beginning July 1, 2003, the							
32	sum of twenty	y-seven thousand one hundred seventeen dollars (\$27,117)							
33		E, or so much thereof as may be necessary, for the							
34		on of this act.".							
35	1								
36	Renumber su	cceeding sections accordingly.							
37									
38		01, strike "INSURANCE." and substitute "INSURANCE, AND							
39	MAKING AN A	APPROPRIATION THEREFOR.".							
40									
41									
42	IID02 1152	1 1 1 6 11 1 1 1 1 1 6 1							
43	<u>HB03-1173</u>								
44		the Committee of the Whole with favorable recommendation:							
45 46		recommendation.							
47	Amend the E	ducation Committee Report, dated January 27, 2003, page							
48		2 through 5 and substitute the following:							
49	2, surke inies	2 through 3 and substitute the following.							
50	"Strike pages	4 and 5 "							
51	burne pages	Turid 3							
52									
53									
54 55 56	<u>HB03-1318</u>	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:							

Amend printed bill, page 7, after line 5, insert the following:

"(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of seventy-five thousand dollars (\$75,000) and 0.7 FTE, or so much thereof as may be necessary, for the implementation of this act. Such sum shall be from cash funds exempt received from the department of natural resources out of the appropriation made in subsection (1) of this section.";

line 6, strike "(2)" and substitute "(3)".

HB03-1321 be postponed indefinitely.

be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend reengrossed bill, page 64, after line 12, insert the following:

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"SECTION 8. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2003, the sum of sixty-two thousand five hundred seventy-nine dollars (\$62,579) and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, sixty thousand seven hundred eighty-five dollars (\$60,785) and 0.2 FTE is for allocation to the division of registrations, and one thousand seven hundred ninety-four dollars (\$1,794) is for allocation to the executive director's office for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of one thousand seven hundred ninety-four dollars (\$1,794), or so much thereof as may be necessary, for the provision of legal services to the division of registrations related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "EXAMINERS." and substitute "EXAMINERS, AND MAKING AN APPROPRIATION THEREFOR.".

1 2 3 4	AGRICULT After consider following:	URE, LIVESTOCK, & NATURAL RESOURCES eration on the merits, the Committee recommends the
5 6 7 8	<u>HB03-1324</u>	be amended as follows, and as so amended, be referred to the Committee on Local Government with favorable recommendation:
9	Amend printe	ed bill, page 4, strike lines 13 through 27.
10 11 12	Renumber suc	cceeding sections accordingly.
13 14 15	HJR03-1022	be amended as follows, and as amended, be referred out for final action:
16 17 18	Amend printe substitute "pe	ed resolution, page 1, line 12, strike "companion" and t".
19 20	Page 2, line 5	, strike "better," and substitute "better and";
21 22	line 6, strike '	'companions".
23 24 25		
26 27 28 29		AFFAIRS & LABOR eration on the merits, the Committee recommends the
30 31 32 33	SB03-038	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:
34 35 36	Amend reengthe following	rossed bill, page 3, strike lines 10 through 19 and substitute:
37 38 39 40 41 42 43 44	OR "FAMILY M ON SUSPICION CONVICTED O	OR PURPOSES OF THIS SECTION ONLY, "NEXT OF KIN", "KIN", EMBER" SHALL NOT INCLUDE ANY PERSON WHO IS ARRESTED OF HAVING COMMITTED, IS CHARGED WITH, OR HAS BEEN F, ANY FELONY OFFENSE SPECIFIED IN PART 1 OF ARTICLE 3 C.R.S., INVOLVING THE DEATH OF THE DECEDENT.".
45 46 47 48	SB03-116	be referred to the Committee of the Whole with favorable recommendation.
49 50 51 52	SB03-226	be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:
53 54	Amend reeng	rossed bill, page 3, strike lines 7 through 14.
55 56	Renumber suc	cceeding sections accordingly.

FINANCE

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

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<u>HB03-1208</u> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, after line 17, insert the following:

"(c) (I) A Taxpayer may claim any tax benefit allowed pursuant to paragraph (b) of this subsection (6) in excess of the combined total amount of credits specified in a certification filed prior to June 3, 2002, in an income tax year only if, based upon the financial report prepared by the controller in accordance with the provisions of section 24-77-106.5, C.R.S., the controller certifies that the amount of state revenues for the state fiscal year ending in that income tax year exceeds the limitation on state fiscal year spending imposed by section 20 (7) (a) of article X of the state constitution.

(II) ANY TAX BENEFIT THAT MAY NOT BE CLAIMED BY A TAXPAYER IN AN INCOME TAX YEAR BECAUSE OF THE RESTRICTION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) MAY BE CLAIMED AS A TAX BENEFIT IN THE NEXT SUCCEEDING INCOME TAX YEAR IN WHICH THE RESTRICTION SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (C) DOES NOT PREVENT THE BENEFIT FROM BEING CLAIMED.

(III) ANY TAX BENEFIT CLAIMED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) SHALL BE TREATED FOR PURPOSES OF APPLYING THE CARRYFORWARD PROVISIONS OF SECTIONS 39-30-103.5, 39-30-104, AND 39-30-105, AS APPLICABLE, AS ARISING IN THE INCOME TAX YEAR IN WHICH THE BENEFIT CAN FIRST BE CLAIMED.

(IV) ANY TAX BENEFIT CLAIMED BY A TAXPAYER SOLELY PURSUANT TO THIS PARAGRAPH (c) THAT EXCEEDS THE AMOUNT OF THE TAX BENEFIT ALLOWABLE FOR THE TAXABLE YEAR PURSUANT TO SECTIONS 39-30-103.5, 39-30-104, AND 39-30-105, AS APPLICABLE, AFTER APPLYING THE TAX BENEFITS AVAILABLE TO THE TAXPAYER UNDER THOSE SECTIONS WITHOUT REGARD TO THIS PARAGRAPH (c), MAY BE CARRIED FORWARD AS A TAX BENEFIT TO SUBSEQUENT YEARS FOR THE PERIODS SPECIFIED IN SUCH SECTIONS; EXCEPT THAT THE CARRYFORWARD PERIODS SPECIFIED IN SUCH SECTIONS SHALL BE EXTENDED BY ONE INCOME TAX YEAR FOR EACH INCOME TAX YEAR THAT THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c) EXCLUDE THE TAXPAYER FROM CLAIMING TAX BENEFITS PURSUANT TO SUCH SECTIONS.".

HB03-1262 be postponed indefinitely.

<u>HB03-1329</u> be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend printed bill, page 2, strike lines 24 through 26 and substitute the following:

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"SECTION 3. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THE STATE OF COLORADO IMPOSE A TWENTY-FIVE CENT SURCHARGE ON THE DISPOSAL OF MOTOR VEHICLE TIRES, CREDIT SUCH SURCHARGE TO THE PROCESSORS AND END USERS OF WASTE TIRES CASH FUND, AND REQUIRE THE MONEYS IN SUCH CASH FUND TO BE USED TO REIMBURSE PROCESSORS AND END USERS OF RAW WASTE TIRES?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress.".

19 20 21

Page 3, strike lines 1 and 2.

22 23 24

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<u>HB03-1330</u> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

27 28 29

Amend printed bill, page 9, after line 10, insert the following:

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"(c) THE DEPARTMENT SHALL TRANSMIT BY ELECTRONIC MAIL OR OTHER PRACTICABLE MEANS TO EACH STAMPING AGENT NOTICE OF ANY ADDITION TO OR REMOVAL FROM THE DIRECTORY OF A TOBACCO PRODUCT BRAND MANUFACTURER OR BRAND FAMILY. Unless otherwise PROVIDED BY AGREEMENT BETWEEN A STAMPING AGENT AND A TOBACCO PRODUCT MANUFACTURER, A STAMPING AGENT SHALL BE ENTITLED TO A REFUND FROM A TOBACCO PRODUCT MANUFACTURER OF ANY MONEY PAID BY THE STAMPING AGENT TO THE TOBACCO PRODUCT MANUFACTURER FOR ANY CIGARETTES OF THE TOBACCO PRODUCT MANUFACTURER STILL HELD BY THE STAMPING AGENT ON THE DATE OF NOTICE BY THE DEPARTMENT OF THE REMOVAL FROM THE DIRECTORY OF THE TOBACCO PRODUCT MANUFACTURER OR THE BRAND FAMILY OF THE CIGARETTES. DEPARTMENT SHALL NOT RESTORE TO THE DIRECTORY A TOBACCO PRODUCT MANUFACTURER OR A BRAND FAMILY UNTIL THE TOBACCO PRODUCT MANUFACTURER HAS PAID THE STAMPING AGENT ANY REFUND DUE.".

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Reletter succeeding paragraph accordingly.

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JUDICIARY 2 After consideration on the merits, the Committee recommends the 3 following: 5 **SB03-006** be amended as follows, and as so amended, be referred to 6 the Committee on Appropriations with favorable 7 recommendation: 8 9 Amend reengrossed bill, page 4, line 25, strike "BASED ON" and substitute 10 "IN CONSIDERATION OF THE"; 11 12 line 27, strike "SERVICES" and substitute "SERVICES, THE DIRECTOR OF THE 13 DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT,". 14 Page 5, line 6, after "DESIGNEE," insert "THE DIRECTOR OF THE DIVISION 15 OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT OR HIS OR HER 17 DESIGNEE, THE DIRECTOR OF THE DIVISION OF PAROLE AND COMMUNITY 18 CORRECTIONS IN THE DEPARTMENT OF CORRECTIONS OR HIS OR HER 19 DESIGNEE,"; 20 21 strike lines 8 through 11 and substitute the following: 22 23 "DISTRICT, A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN SERVICES WITH EXPERTISE IN SUBSTANCE ABUSE TREATMENT, THE CHIEF PROBATION 25 OFFICER IN THE JUDICIAL DISTRICT OR HIS OR HER DESIGNEE, AND A REPRESENTATIVE FROM EACH OF THE"; 27 28 line 22, strike the second "SERVICES" and substitute "SERVICES, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL 30 DEPARTMENT,". 31 32 Page 6, line 14, strike "SAFETY" and substitute "SAFETY, THE DIRECTOR OF THE DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT,"; 34 line 21, strike "SAFETY" and substitute "SAFETY, THE DIRECTOR OF THE 35 36 DIVISION OF PROBATION SERVICES IN THE JUDICIAL DEPARTMENT,". 37 38 Page 7, line 5, strike "SAFETY" and substitute "SAFETY, THE STATE COURT 39 ADMINISTRATOR IN THE JUDICIAL DEPARTMENT,"; 40 line 12, after "(6)", insert "(a)", and strike "2008; EXCEPT" and substitute 41 42 "2008."; 43 strike line 13 and substitute the following: 44 45 46 "(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF 47 THIS SUBSECTION (6), IF THE GRANTS, GIFTS, OR DONATIONS REQUIRED TO 48 IMPLEMENT PARAGRAPH (b) OF SUBSECTION (2) OF THIS"; 49 line 14, after "2004,", insert "PARAGRAPH (b) OF SUBSECTION (2) OF"; 50 51 52 line 16, strike "SAFETY" and substitute "SAFETY, THE STATE COURT 53 ADMINISTRATOR IN THE JUDICIAL DEPARTMENT,";

55 line 19, after "IMPLEMENT", insert "PARAGRAPH (b) OF SUBSECTION (2) 56 OF";

after line 19, insert the following:

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HB03-1258

SB03-014

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"(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2006, PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2006. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2006.

(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6), IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2007, PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION SHALL BE REPEALED EFFECTIVE JULY 1, 2007. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR IN THE JUDICIAL DEPARTMENT, AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING IF THE GIFTS, GRANTS, OR DONATIONS REQUIRED TO IMPLEMENT PARAGRAPH (d) OF SUBSECTION (2) OF THIS SECTION ARE NOT RECEIVED BY JULY 1, 2007.".

STATE, VETERANS, & MILITARY AFFAIRS

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

> be amended as follows, and as so amended, be referred to of the Whole with favorable the Committee recommendation:

Amend printed bill, page 2, line 25, strike "OR UNSOLICITED ABSENTEE BALLOT APPLICATIONS".

be postponed indefinitely.

PRINTING REPORT

The Chief Clerk reports the following concurrent resolution has been correctly printed: **HCR03-1003**.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB03-1014**, 1028, 1032, 1034, 1038, 1063, 1079, 1093, 1095, 1098, 1192, 1148, 1246; \$B03-002, 057, 137.

1	DELIVERY OF BILLS TO GOVERNOR		
2 3 4 5 6 7	The Chief Clerk of the House of Representatives reports the followin bills have been delivered to the Office of the Governor: HB03-1009 1018 , 1036 , 1037 , 1066 , 1071 , 1084 , 1107 , 1124 , 1157 , 1185 , 1193 , 120 at 10:39 a.m., March 14,2003.		
8 9 10 11		MESSAGE FROM THE SENATE	
12 13	Madam Speaker:		
13 14 15 16 17	The Senate has postponed indefinitely and returns herewith: HB03-1139.		
18 19 20		INTRODUCTION OF BILLS First Reading	
21 22 23	The following bills were read by title and referred to the committees indicated:		
24 25 26	HB03-1331	by Representative(s) Spence; also Senator(s) Arnold-Concerning the state's contribution to the prepaid expense trust fund when the fund has an actuarial deficit.	
27 28 29	Committee on Committee on	Appropriations	
30 31 32 33	HB03-1332 Committee on	by Representative(s) May MConcerning the adjustment of the ratio of valuation for assessment for residential real property. Finance	
34 35 36 37	SB03-027	by Senator(s) Entz; also Representative(s) Rippy-Concerning the regulation of outfitters hired to assist others in taking wildlife.	
38 39 40	Committee on Agriculture, Livestock, & Natural Resources Committee on Appropriations		
41 42 43 44 45	SB03-068	by Senator(s) Hagedorn; also Representative(s) Brophy-Concerning the creation of the commission on mandated health insurance benefits to assess the impact of mandated health insurance benefits in Colorado, and, in connection therewith, making an appropriation.	
46 47 48	Committee on Business Affairs & Labor Committee on Appropriations		
49 50 51	SB03-149 Committee on	by Senator(s) Arnold; also Representative(s) Spence-Concerning practices relating to school districts' budgets. Education	
52 53	SB03-235	by Senator(s) Lamborn; also Representative(s) Mitchell	
54 55 56	Committee on	Concerning the right to display national symbols. State, Veterans, & Military Affairs	

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

INTRODUCTION OF CONCURRENT RESOLUTION

HCR03-1003 by Representative(s) Fairbank, Harvey, Schultheis, Williams T., Lee, Brophy, Cadman, Clapp, Cloer, Crane, Fritz, King, Mitchell, Rhodes, Spence, Stafford-Submitting to the registered electors of the state of Colorado an amendment to article IX of the constitution of the state of Colorado, concerning the repeal of section 7 regarding the prohibition against the use of public assets for sectarian educational purposes.

Committee on State, Veterans, & Military Affairs

INTRODUCTION OF RESOLUTION

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

indicated:

HJR03-1030 by Representative(s) Veiga, Borodkin, Boyd, Butcher, Carroll, Frangas, Garcia, Hodge, Judd, Madden, Marshall, McFadyen, Merrifield, Paccione, Plant, Pommer, Ragsdale, Romanoff, Salazar, Tochtrop, Vigil, Weddig, Weissmann, Williams S.; also Senator(s) Groff-Concerning A Season for Nonviolence.

Committee on State, Veterans, & Military Affairs

WHEREAS, A Season for Nonviolence is a nine-week season beginning January 30, 2003, and ending April 4, 2003, devoted to the principles of nonviolence; and

WHEREAS, A Season for Nonviolence was created in commemoration of the memorial anniversaries of Mohandas K. Gandhi and Dr. Martin Luther King, Jr.; and

WHEREAS, A Season for Nonviolence was created to promote the principles of nonviolence as practiced and taught by Mohandas K. Gandhi and Dr. Martin Luther King, Jr., as well as other peacemakers dedicated to creating a more peaceful, compassionate, and just world; and

WHEREAS, A Season for Nonviolence seeks to create an awareness of nonviolent principles and practices as a powerful way to heal, transform, and empower communities to reap the benefits of nonviolence; and

WHEREAS, A Season for Nonviolence urges communities to recognize and honor those who are using nonviolence to build communities that value the dignity and worth of every human being; and

WHEREAS, The goal of A Season for Nonviolence is to show individuals that their nonviolent choices and actions do make a difference in bringing peace and harmony to their lives and their community; and

form peaceful habits of nonviolence that last throughout the year; now, therefore,

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WHEREAS, In furtherance of its goal of nonviolence, A Season for Nonviolence urges individuals to engage in the daily practice of peace for the nine weeks of the season by honoring self, honoring others, honoring the environment, expressing gratitude, practicing forgiveness, demonstrating compassion, choosing peaceful thoughts, choosing peaceful communication, and choosing peaceful actions; and

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

WHEREAS, A Season for Nonviolence encourages individuals to

- (1) That we, the members of the Sixty-fourth General Assembly, encourage all Coloradans to remember and embrace the teachings of Mohandas K. Gandhi, Dr. Martin Luther King, Jr., and other great peacemakers.
- (2) That we urge all Coloradans to participate in A Season for Nonviolence by making a commitment to practice nonviolence daily.

Be It Further Resolved, That a copy of this Joint Resolution be sent to A Season for Nonviolence - Rocky Mountain Alliance.

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

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

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

WHEREAS, The United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

WHEREAS, Our country would not be where it is without the strength, bravery, insight, and persistence of the women who have come before us; and

WHEREAS, American women have played and continue to play a critical economic, cultural, political, and social role in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home as everything from educators to astronauts; and

Consideration of General Orders--**HB03-1147**, **1238**, **1249**, **SB03-133**,

Consideration of Resolutions--HJR03-1025, 1020, SJR03-022, HJR03-1029, HR03-1012.

Consideration of Senate amendments--HB03-1047, 1026, 1117, 1077, 1103, 1287, 1272, 1027, 1301, 1025, 1006.

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1	On motion of Representative King, the House adjourned until 10:00 a.m.,		
2	March 17, 2003.	,	
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4		Approved:	
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8		LOLA SPRADLEY,	
9		Speaker	
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12	JUDITH RODRIGUE,		
13	Chief Clerk		