

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

One Hundred-thirteenth Legislative Day Wednesday, April 30, 2003

1 Prayer by Dr. Gene Selander, Cherry Creek Community Church, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Smith.

6

7 The roll was called with the following result:

8

9 Present--64.

10 Absent--Representative McFadyen--1.

11 Present after roll call--Representative McFadyen.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Wiens, the reading of the journal of
 17 April 29, 2003, was declared dispensed with and approved as corrected
 18 by the Chief Clerk.

19

20

21

THIRD READING OF BILLS--FINAL PASSAGE

22

23
 24 The following bills were considered on Third Reading. The titles were
 25 publicly read. Reading of the bill at length was dispensed with by
 26 unanimous consent.

27

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

32

33 The question being "Shall the bill pass?".

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

37

| | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|--------|----|------------|----|----------|----|
| 39 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 40 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 41 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 42 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 43 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |

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

13 Co-sponsors added: Representatives Boyd, Butcher, Carroll, Coleman,
14 Paccione, Salazar, Stafford, Williams S., Young.

15
16 **SB03-022** by Senator(s) Johnson S., Anderson; also
17 Representative(s) Sinclair--Concerning the administration
18 of the old age pension health and medical care programs,
19 and making an appropriation therefor.

20
21 The question being "Shall the bill pass?".

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

| 25 | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 26 | | | | | | | | |
| 27 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 28 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 29 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 30 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 31 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 32 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 33 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 34 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 35 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 36 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 37 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 38 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 39 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 40 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 41 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 42 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 43 | | | | | | | Speaker | Y |

44 Co-sponsors added: Representatives Coleman, Jahn, Marshall, McFadyen,
45 Merrifield, Williams S.

46
47 **SB03-027** by Senator(s) Entz; also Representative(s) Rippy--
48 Concerning the regulation of outfitters hired to assist
49 others in taking wildlife.

50
51 The question being "Shall the bill pass?".

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

55

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

19 Co-sponsors added: Representatives Cloer, Crane, Fritz, McFadyen, Miller,
20 Stengel.

21
22 **SB03-030** by Senator(s) Cairns; also Representative(s) Lee--
23 Concerning the disclosure to each individual taxpayer of
24 the average amount of certain taxes paid by the taxpayer
25 in the previous calendar year.

26
27 The question being "Shall the bill pass?".

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

| | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 33 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 34 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 35 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 36 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 37 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 38 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 39 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 40 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 41 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 42 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 43 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 44 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 45 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 46 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 47 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 48 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 49 | | | | | | | Speaker | Y |

50 Co-sponsors added: Representatives Coleman, Crane, Fairbank, Rhodes,
51 Schultheis, Williams S.

52
53 **SB03-033** by Senator(s) Anderson, Takis, Taylor, Tupa; also
54 Representative(s) Coleman, Vigil, White, Williams T.--
55 Concerning management of public records by
56 governmental entities.

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

| | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 7 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 8 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 9 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 10 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 11 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 12 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 13 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 14 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 15 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 16 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 17 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 18 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 19 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 20 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 21 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 22 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 23 | | | | | | | Speaker | Y |

24 Co-sponsors added: Representatives McFadyen, Salazar.

25
 26 **SB03-304** by Senator(s) Arnold, Evans, Hillman, McElhany; also
 27 Representative(s) Lee--Concerning provisions that govern
 28 the operations of state-supported institutions of higher
 29 education.

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

| | YES | 64 | NO | 01 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 37 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 38 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 39 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 40 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 41 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 42 | Butcher | N | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 43 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 44 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 45 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 46 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 47 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 48 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 49 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 50 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 51 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 52 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 53 | | | | | | | Speaker | Y |

54 Co-sponsors added: Representatives Carroll, McFadyen, Paccione, Salazar.

55

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

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

| | YES | 46 | NO | 19 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 13 | Berry | Y | Fritz | N | May | N | Sinclair | Y |
| 14 | Borodkin | Y | Garcia | Y | McCluskey | N | Smith | N |
| 15 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | N |
| 16 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | Y |
| 17 | Brophy | N | Hefley | Y | Miller | N | Stengel | Y |
| 18 | Butcher | Y | Hodge | N | Mitchell | Y | Tochtrop | Y |
| 19 | Cadman | Y | Hoppe | N | Paccione | Y | Veiga | N |
| 20 | Carroll | Y | Jahn | N | Plant | Y | Vigil | Y |
| 21 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 22 | Clapp | N | Judd | Y | Ragsdale | N | Weissmann | Y |
| 23 | Cloer | Y | King | Y | Rhodes | N | White | Y |
| 24 | Coleman | Y | Larson | N | Rippy | Y | Wiens | Y |
| 25 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 26 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 27 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 28 | Frangas | N | Marshall | Y | Schultheis | Y | Young | Y |
| 29 | | | | | | | Speaker | Y |

30 Co-sponsors added: Representatives Jahn, Romanoff.
 31
 32

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

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

| | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 43 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 44 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 45 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 46 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 47 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 48 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 49 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 50 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 51 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 52 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 53 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 54 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 55 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 56 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |

| | | | | | | | | |
|---|----------|---|----------|---|------------|---|---------|---|
| 1 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 2 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 3 | | | | | | | Speaker | Y |

4 Co-sponsors added: Representatives Frangas, Fritz, Garcia, Hoppe, McFadyen,
5 Rippy.

6
7 **SB03-076** by Senator(s) Teck, Arnold, Taylor; also Representative(s)
8 Mitchell--Concerning time frames applicable to penalties
9 for offenses relating to the use of substances, and making
10 an appropriation in connection therewith.

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

| 17 | YES | 61 | NO | 04 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 18 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 19 | Borodkin | Y | Garcia | N | McCluskey | Y | Smith | Y |
| 20 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 21 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 22 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 23 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 24 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 25 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 26 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | N |
| 27 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 28 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 29 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 30 | Crane | Y | Lee | Y | Romanoff | N | Williams S. | Y |
| 31 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 32 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 33 | Frangas | N | Marshall | Y | Schultheis | Y | Young | Y |
| 34 | | | | | | | Speaker | Y |

35 Co-sponsors added: Representatives Boyd, Butcher, Coleman, Larson, Stafford,
36 Williams S.

37
38 **SB03-083** by Senator(s) Keller, Arnold; also Representative(s)
39 Romanoff--Concerning the "Child Mental Health
40 Treatment Act".

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

| 47 | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|---------|----|------------|----|----------|----|
| 48 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 49 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 50 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 51 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 52 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 53 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 54 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 55 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 56 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |

| | | | | | | | | |
|---|----------|---|----------|---|------------|---|-------------|---|
| 1 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 2 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 3 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 4 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 5 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 6 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 7 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 8 | | | | | | | Speaker | Y |

9 Co-sponsors added: Representatives Borodkin, Boyd, Butcher, Carroll, Frangas,
10 Hodge, Jahn, Larson, Madden, Marshall, McFadyen, Merrifield, Mitchell,
11 Paccione, Plant, Pommer, Stafford, Tochtrop, Vigil, Weddig, Williams S.

12
13 **SB03-101** by Senator(s) Owen, Anderson, Arnold, Hanna, Teck; also
14 Representative(s) Young, Coleman, Decker, Miller,
15 Williams T.--Concerning stabilization of employer
16 contributions to the public employees' retirement
17 association, and making an appropriation therefor.

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

| 23 | YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 24 | | | | | | | | |
| 25 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 26 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 27 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 28 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 29 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 30 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 31 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 32 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 33 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 34 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 35 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 36 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 37 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 38 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 39 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 40 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 41 | | | | | | | Speaker | Y |

42 Co-sponsors added: Representatives Frangas, Hodge, Hoppe, Marshall,
43 McFadyen, Plant, Weddig, Williams S.

44
45 **SB03-230** by Senator(s) May R., Lamborn, Cairns, Andrews, Fitz-
46 Gerald; also Representative(s) Fritz--Concerning an
47 authorization for the secretary of state to promulgate rules
48 pursuant to the "Uniform Electronic Transactions act", and
49 making an appropriation therefor.

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

55

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

19 Co-sponsors added: Representatives Brophy, Butcher, Cadman, Cloer,
20 Coleman, Hodge, Hoppe, Lee, McFadyen, Merrifield, Miller, Rippy, Romanoff,
21 Stafford, Weddig, Williams S.

22
23 **SB03-239** by Senator(s) Chlouber; also Representative(s) Berry--
24 Concerning the enforcement of compulsory motor vehicle
25 insurance, and, in connection therewith, continuing the
26 motorist insurance identification database program, and
27 making an appropriation therefor.

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

| | YES | 61 | NO | 04 | EXCUSED | 00 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 34 | | | | | | | | |
| 35 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 36 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 37 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 38 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 39 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 40 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 41 | Cadman | N | Hoppe | Y | Paccione | Y | Veiga | Y |
| 42 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 43 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 44 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 45 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 46 | Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| 47 | Crane | Y | Lee | N | Romanoff | Y | Williams S. | Y |
| 48 | Decker | Y | Lundberg | N | Rose | Y | Williams T. | Y |
| 49 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 50 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 51 | | | | | | | Speaker | Y |

52 Co-sponsors added: Representatives Coleman, Hefley, Hodge, McFadyen,
53 Merrifield, Miller, Paccione, Spence, Stafford, Weddig, Weissmann, Williams S.

54
55

1 **SB03-131** by Senator(s) Arnold; also Representative(s) Berry--
 2 Concerning continuation of the use of electronic hearings
 3 regarding motor vehicle regulation by the department of
 4 revenue.

5
 6 The question being "Shall the bill pass?".
 7 A roll call vote was taken. As shown by the following recorded vote, a
 8 majority of those elected to the House voted in the affirmative and the bill
 9 was declared **passed**.

10

| YES | 65 | NO | 00 | EXCUSED | 00 | ABSENT | 00 |
|----------|----|----------|----|------------|----|-------------|----|
| Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| Cloer | Y | King | Y | Rhodes | Y | White | Y |
| Coleman | Y | Larson | Y | Rippy | Y | Wiens | Y |
| Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| | | | | | | Speaker | Y |

29 Co-sponsors added: Representatives Butcher, McFadyen, Merrifield, Miller,
 30 Mitchell, Pommer, Salazar, Spence, Stafford, Williams S.

31

32

33

34

CONSIDERATION OF MEMORIALS

35

36 **HM03-1002** by Representative(s) Weddig--Memorializing former
 37 Representative William Young.

38

39 (Printed and placed in member's file, also printed in House Journal
 40 April 16, pages 1708-1709.)

41

42 The Speaker ordered the memorial read at length.

43

44 Representative Weddig introduced members of the family that were
 45 present.

46

47 On motion of Representative Weddig, the memorial was **adopted** by **viva**
 48 **voce** vote.

49

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

51

52

53

54

House in recess. House reconvened.

55

56

1 **HM03-1003** by Representative(s) Decker, Merrifield, Sinclair--
2 Memorializing former Representative Joe Cantrell.
3

4 (Printed and placed in member's file, also printed in House Journal
5 April 25, pages 2049-2050.)
6

7 The Speaker ordered the memorial read at length.
8

9 Representative Decker introduced members of the family that were
10 present.
11

12
13 Pursuant to House Rule 26(f) the House stood in recess to allow the
14 following former members to speak on behalf of the honorable
15 Joe Cantrell: Bob Kirscht, Betty Neale
16

17
18 House reconvened.
19
20

21 On motion of Representative Decker, the memorial was **adopted** by **viva**
22 **voce** vote.
23

24 Co-sponsors added: Roll call of the House.
25

26
27 House in recess. House reconvened.
28
29

30
31 **MESSAGE FROM THE SENATE**
32

33 Madam Speaker:
34

35 The Senate has adopted and transmits herewith: SJM03-006, as printed
36 in Senate Journal, April 28, pages 1283-1285.
37

38
39
40 **INTRODUCTION AND CONSIDERATION OF MEMORIAL**
41

42 **SJM03-006** by Senator(s) Phillips, Arnold, Evans, Fitz-Gerald, Tupa;
43 also Representative(s) Madden, Plant, Pommer,
44 Weissmann--Memorializing former Senator Les Fowler.
45

46 On motion of Representative King, the rules were suspended and the
47 memorial was given immediate consideration.
48

49 The Speaker ordered the memorial read at length.
50

51 On motion of Representative Madden, the memorial was **adopted** by the
52 following roll call vote:
53

54 Co-sponsors added: Roll call of the House.
55
56

CONSIDERATION OF RESOLUTIONS

1
2
3 **HJR03-1059** by Representative(s) Larson, Cloer, Rose, Berry,
4 Williams S., May M., Boyd, Butcher, Carroll, Cerbo,
5 Frangas, Hodge, Johnson R., McCluskey, Merrifield,
6 Miller, Paccione, Plant, Ragsdale, Rippy, Salazar, Smith,
7 Stengel, Tochtrop, Vigil, Weddig, Weissmann, Wiens,
8 Williams T.; also Senator(s) Isgar--Concerning the
9 recognition of the San Juan Forum as a model for regional
10 development.

11
12 (Printed and placed in member's file, also printed in House Journal
13 April 17, pages 1745-1746.)

14
15 On motion of Representative Larson, the resolution was **adopted** by **viva**
16 **voce** vote.

17
18 Co-sponsors added: Roll call of the House.

19
20
21 **HJR03-1052** by Representative(s) Cloer, Williams S.; also Senator(s)
22 Sandoval--Concerning the proclamation of American
23 Indian heritage month.

24
25 (Printed and placed in member's file, also printed in House Journal
26 April 14, page 1619.)

27
28 On motion of Representative Cloer, the resolution was **adopted** by **viva**
29 **voce** vote.

30
31 Co-sponsors added: Roll call of the House.

32
33
34
35
36 **REPORTS OF COMMITTEES OF REFERENCE**

APPROPRIATIONS

37
38
39 After consideration on the merits, the Committee recommends the
40 following:

41
42 **HB03-1031** be postponed indefinitely.

43
44
45 **HB03-1114** be amended as follows, and as so amended, be referred to
46 the Committee of the Whole with favorable
47 recommendation:

48
49 Amend the House Education Committee Report, dated April 28, 2003,
50 page 13, line 5, strike "two hundred eighty-five" and substitute "three
51 hundred twenty-seven thousand four hundred sixty-seven dollars
52 (\$327,467), or so much";

53
54 strike line 6;

55

1 line 7, after "act.", insert "The general assembly has determined that this
2 act can be implemented with contract services, and therefore no separate
3 appropriation of FTE authority is necessary to carry out the purposes of
4 this act."

5

6

7

8 **HB03-1343** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11

12 Amend printed bill, page 31, after line 1, insert the following:

13

14 **"SECTION 26. Appropriation.** (1) In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 driver's license administrative revocation account in the highway users
17 tax fund created in section 42-2-132, Colorado Revised Statutes, to the
18 department of revenue, for the fiscal year beginning July 1, 2003, the sum
19 of thirty thousand one hundred seventy-five dollars (\$30,175) and 0.5
20 FTE, or so much thereof as may be necessary, for the implementation of
21 this act.

22

23 (2) In addition to any other appropriation, there is hereby
24 appropriated, out of any moneys in the general fund not otherwise, to the
25 judicial department, for the fiscal year beginning July 1, 2003, the sum
26 of thirteen thousand six hundred thirty-two dollars (\$13,632) and 0.2
27 FTE, or so much thereof as may be necessary, for the implementation of
28 this act.

29

30 **SECTION 27.** Part 1 of article 1 of title 17, Colorado Revised
31 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
32 read:

33

34 **17-1-146. Appropriation to comply with section 2-2-703 - SB**
35 **03-125** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
36 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
37 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 03-1343, ENACTED
38 AT THE FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL
39 ASSEMBLY:

40

41 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO
42 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE
43 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO
44 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
45 17-1-116, THE SUM OF SEVENTY-SIX THOUSAND FOUR HUNDRED FOURTEEN
46 DOLLARS (\$76,414).

47

48 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
49 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
50 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
51 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THIRTY-ONE THOUSAND
52 FORTY DOLLARS (\$31,040).

53

54 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION
55 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
56 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,

1 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
2 SECTION 17-1-116, THE SUM OF NINETY THOUSAND THREE HUNDRED SEVEN
3 DOLLARS (\$90,307).

4
5 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
6 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
7 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
8 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SIXTY-SEVEN
9 THOUSAND SEVEN HUNDRED TWENTY-THREE DOLLARS (\$67,723).

10
11 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION
12 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
13 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
14 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
15 SECTION 17-1-116, THE SUM OF THIRTEEN THOUSAND EIGHT HUNDRED
16 NINETY-THREE DOLLARS (\$13,893).

17
18 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
19 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SEVENTY-THREE
22 THOUSAND THREE HUNDRED SIXTY SEVEN DOLLARS (\$73,367).

23
24 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
25 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
26 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
27 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
28 SECTION 17-1-116, THE SUM OF SIXTY-NINE THOUSAND FOUR HUNDRED
29 SIXTY-SEVEN DOLLARS (\$69,467).

30
31 **SECTION 28.** 24-75-302 (2), (2) (q), (2) (r), and (2) (s),
32 Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is
33 further amended BY THE ADDITION OF A NEW PARAGRAPH, to
34 read:

35
36 **24-75-302. Capital construction fund - capital assessment fees**
37 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
38 through July 1, ~~2006~~, 2007, a sum as specified in this subsection (2) shall
39 accrue to the capital construction fund. The state treasurer and the
40 controller shall transfer such sum out of the general fund and into the
41 capital construction fund as moneys become available in the general fund
42 during the fiscal year beginning on said July 1. Transfers between funds
43 pursuant to this subsection (2) shall not be deemed to be appropriations
44 subject to the limitations of section 24-75-201.1. The amount which shall
45 accrue pursuant to this subsection (2) shall be as follows:

46
47 (q) On July 1, 2004, one hundred million dollars, plus two
48 hundred thirty-three thousand eight hundred seventy-two dollars pursuant
49 to H.B. 00-1201, enacted at the second regular session of the sixty-second
50 general assembly; plus seventy-nine thousand eight hundred eighty-seven
51 dollars pursuant to H.B.01-1242, enacted at the first regular session of the
52 sixty-third general assembly; plus four hundred eighty-six thousand two
53 hundred sixty-nine dollars pursuant to S.B. 02-050, enacted at the second
54 regular session of the sixty-third general assembly; plus nine hundred
55 seventy-two thousand five hundred thirty-eight dollars pursuant to H.B.
56 02-1038, enacted at the second regular session of the sixty-third general

1 assembly; plus four thousand twelve dollars pursuant to section 3 of H.B.
2 02S-1006 enacted at the third extraordinary session of the sixty-third
3 general assembly, PLUS SEVENTY-SIX THOUSAND FOUR HUNDRED
4 FOURTEEN DOLLARS PURSUANT TO H.B. 03-1343, ENACTED AT THE FIRST
5 REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

6
7 (r) On July 1, 2005, one hundred million dollars; plus four
8 hundred forty-nine thousand seven hundred ninety-nine dollars pursuant
9 to S.B.02-050, enacted at the second regular session of the sixty-third
10 general assembly, PLUS NINETY THOUSAND THREE HUNDRED SEVEN
11 DOLLARS PURSUANT TO H.B. 03-1343, ENACTED AT THE FIRST REGULAR
12 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY;

13
14 (s) On July 1, 2006, twenty-two thousand nine hundred
15 twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the
16 third extraordinary session of the sixty-third general assembly, PLUS
17 THIRTEEN THOUSAND EIGHT HUNDRED NINETY-THREE DOLLARS PURSUANT
18 TO H.B. 03-1343, ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-
19 FOURTH GENERAL ASSEMBLY;

20
21 (t) ON JULY 1, 2007, SIXTY-NINE THOUSAND FOUR HUNDRED SIXTY-
22 SEVEN DOLLARS PURSUANT TO H.B. 03-1343, ENACTED AT THE FIRST
23 REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY."

24
25 Renumber succeeding sections accordingly.

26
27 Page 1, line 101, strike "ALCOHOL." and substitute "ALCOHOL, AND
28 MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

29
30
31
32 **HB03-1367** be amended as follows, and as so amended, be referred to
33 the Committee of the Whole with favorable
34 recommendation:

35
36 Amend printed bill, page 3, after line 9, insert the following:

37
38 **"SECTION 2. Appropriation.** In addition to any other
39 appropriation, there is hereby appropriated, out of any moneys in the
40 license plate cash fund created in section 42-3-113, Colorado Revised
41 Statutes, to the department of revenue, for the fiscal year beginning July
42 1, 2003, the sum of six thousand four hundred thirty-two dollars (\$6,432),
43 or so much thereof as may be necessary, for the implementation of this
44 act."

45
46 Renumber succeeding section accordingly.

47
48 Page 1, line 103, strike "VALOR." and substitute "VALOR, AND MAKING
49 AN APPROPRIATION IN CONNECTION THEREWITH."

50
51
52
53 **HB03-1375** be postponed indefinitely.

54
55

1 **HB03-1378** be amended as follows, and as so amended, be referred to
 2 the Committee of the Whole with favorable
 3 recommendation:
 4

5 Amend printed bill, page 4, after line 12, insert the following:
 6

7 **"SECTION 5. Appropriation.** In addition to any other
 8 appropriation, there is hereby appropriated, out of any moneys in the state
 9 commission on judicial performance cash fund created in section
 10 13-5.5-107, Colorado Revised Statutes, not otherwise appropriated, to the
 11 judicial department, for the fiscal year beginning July 1, 2003, the sum
 12 of four hundred six thousand dollars (\$406,000), or so much thereof as
 13 may be necessary, for the implementation of the provisions of article 5.5
 14 of title 13, Colorado Revised Statutes."
 15

16 Renumber succeeding section accordingly.
 17

18 Page 1, line 104, strike "ACTIONS." and substitute "ACTIONS AND
 19 MAKING AN APPROPRIATION."
 20
 21
 22

23 **SB03-255** be referred to the Committee of the Whole with favorable
 24 recommendation.
 25
 26
 27
 28

29 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

30 After consideration on the merits, the Committee recommends the
 31 following:
 32

33 **HB03-1057** be postponed indefinitely.
 34
 35

36 **HB03-1380** be postponed indefinitely.
 37
 38

39 **SB03-134** be amended as follows, and as so amended, be referred to
 40 the Committee of the Whole with favorable
 41 recommendation:
 42

43 Amend revised bill, page 5, strike lines 10 through 27.
 44

45 Page 6, strike lines 1 through 7 and substitute the following:
 46

47 "advisory committee THAT SHALL REPORT TO THE BOARD. Such
 48 committee shall be composed of ~~five~~ SEVEN members WHO HAVE
 49 EXPERTISE IN AN AREA UNDER REVIEW. One member shall be a certified
 50 nurse aide, one member shall be a ~~member of the state board of nursing,~~
 51 LICENSED PROFESSIONAL NURSE WHO SUPERVISES CERTIFIED NURSE AIDES,
 52 one member shall represent ~~professional associations composed of home~~
 53 ~~health agencies~~ A HOME HEALTH AGENCY, ~~one member shall be from a~~
 54 ~~group representing the concerns of senior citizens,~~ and one member shall
 55 represent ~~professional associations composed of~~ A nursing homes
 56 FACILITY, ONE MEMBER SHALL BE a department of public health and

1 environment employee, ~~shall serve as an ex officio member~~, ONE
2 MEMBER SHALL BE FAMILY MEMBER OF A CONSUMER WHO RECEIVES HOME
3 HEALTH SERVICES OR NURSING FACILITY SERVICES, AND ONE MEMBER
4 SHALL BE A CONSUMER OF HOME HEALTH CARE OR NURSING FACILITY
5 SERVICES. ~~Committee members shall NOT be compensated for their~~
6 ~~services in accordance with the provisions of section 24-34-102 (13),~~
7 ~~C.R.S.~~ BUT SHALL BE REIMBURSED FOR THE ACTUAL AND NECESSARY
8 EXPENSES IN THE PERFORMANCE OF THEIR DUTIES FROM THE DIVISION OF
9 REGISTRATIONS CASH FUND BY THE GENERAL ASSEMBLY.

10

11 **SECTION 8.** Part 1 of article 38.1 of title 12, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14

15 **12-38.1-110.5. Medication aides - training - scope of duties -**
16 **repeal.** (1) PRIOR TO A CERTIFIED NURSE AIDE OBTAINING TRAINING AS
17 A MEDICATION AIDE TO ADMINISTER MEDICATIONS IN A NURSING FACILITY,
18 THE FOLLOWING PREREQUISITES SHALL BE MET:

19

20 (a) POSSESSION OF A HIGH SCHOOL DIPLOMA OR A GENERAL
21 EQUIVALENCY DIPLOMA;

22

23 (b) ATTAINMENT OF THE AGE OF EIGHTEEN YEARS;

24

25 (c) THE ABILITY TO READ AND COMPREHEND ENGLISH;

26

27 (d) AT LEAST TWO THOUSAND HOURS WORKING AS A CERTIFIED
28 NURSE AIDE IN A NURSING FACILITY; AND

29

30 (e) LETTERS OF RECOMMENDATION FROM A DIRECTOR OF NURSING
31 AND TWO CHARGE NURSES.

32

33 (2) (a) A CERTIFIED NURSE AIDE WHO HAS MET THE PREREQUISITES
34 OF SUBSECTION (1) OF THIS SECTION MAY TRAIN TO BECOME A MEDICATION
35 AIDE TO ADMINISTER MEDICATIONS IN A NURSING FACILITY. SUCH
36 TRAINING SHALL INCLUDE ONE HUNDRED FORTY HOURS OF TRAINING THAT
37 INCLUDES ONE HUNDRED HOURS OF CLASSROOM TRAINING, TWENTY HOURS
38 OF RETURN SKILLS DEMONSTRATION, AND TWENTY HOURS OF CLINICAL
39 EXPERIENCE.

40

41 (b) SUCH TRAINING CLASS SHALL INCLUDE THE FOLLOWING TOPICS:

42

43 (I) FUNDAMENTALS OF THE GASTROINTESTINAL,
44 MUSCULOSKELETAL, SKIN AND SENSORY, URINARY, CARDIOVASCULAR,
45 RESPIRATORY, ENDOCRINE, REPRODUCTIVE, AND NERVOUS SYSTEMS AND
46 THE MEDICATIONS EFFECTING EACH SYSTEM;

47

48 (II) PSYCHOTHERAPEUTIC MEDICATIONS;

49

50 (III) INFLAMMATION, INFECTION, IMMUNITY, AND MALIGNANT
51 DISEASE;

52

53 (IV) PAIN MANAGEMENT;

54

55 (V) BASIC PRINCIPLES OF ADMINISTERING MEDICATIONS AND
56 INFECTION CONTROL;

1 (VI) DOCUMENTATION OF MEDICATION ADMINISTRATION;

2
3 (VII) PATIENTS RIGHTS AND ABILITY TO REFUSE MEDICATION;

4
5 (VIII) BEHAVIORAL INTERVENTION; AND

6
7 (IX) POSITIONS OF PATIENTS IN PREPARATION FOR MEDICATION
8 ADMINISTRATION.

9
10 (3) (a) A CERTIFIED NURSE AIDE WHO HAS COMPLETED A BOARD
11 APPROVED MEDICATION AIDE TRAINING PROGRAM MAY PERFORM THE
12 FOLLOWING TASKS, IN A NURSING FACILITY ONLY:

13
14 (I) MEASUREMENT AND DOCUMENTATION OF VITAL SIGNS PRIOR TO
15 ADMINISTERING MEDICATIONS;

16
17 (II) ADMINISTRATION OF ROUTINELY PRESCRIBED ORAL
18 MEDICATIONS, WHICH THE MEDICATION AIDE HAS PERSONALLY PREPARED,
19 INCLUDING THE CRUSHING AND ADMINISTERING OF MEDICATIONS IF SUCH
20 PREPARATION IS APPROPRIATE ACCORDING TO THE MANUFACTURER'S
21 INSTRUCTIONS AND A PHYSICIAN'S ORDER, AND EXCLUDING COUMADIN
22 AND ITS DERIVATIVES AND ANY SCHEDULED DRUGS; AND

23
24 (III) DOCUMENTATION OF ANY MEDICATIONS PERSONALLY
25 ADMINISTERED BY THE MEDICATION AIDE.

26
27 (b) A MEDICATION AIDE SHALL REPORT MEDICATION
28 ADMINISTRATION ERRORS TO HIS OR HER SUPERVISOR.

29
30 (4) (a) THE BOARD SHALL PROMULGATE RULES REGARDING THE
31 SUPERVISION REQUIREMENTS FOR A MEDICATION AIDE, THE REQUIREMENTS
32 FOR A REGISTERED NURSE TO DO A PATIENT ASSESSMENT PRIOR TO A
33 MEDICATION AIDE ADMINISTERING MEDICATIONS, AND REQUIREMENTS FOR
34 A REGISTERED NURSE TO REVIEW MEDICATIONS TO BE ADMINISTERED BY
35 A MEDICATION AIDE.

36
37 (b) THE BOARD HAS THE AUTHORITY TO APPROVE ALL TRAINING
38 AND EDUCATION PROGRAMS FOR MEDICATION AIDES.

39
40 (5) THE ADMINISTRATION OF MEDICATIONS BY MEDICATION AIDES
41 SHALL NOT ALTER REQUIREMENTS AND LIMITATIONS ON THE DELEGATION
42 OF NURSING TASKS PURSUANT TO SECTION 12-38-132.

43
44 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008. PRIOR TO
45 SUCH REPEAL, THE TRAINING, EDUCATION, AND FUNCTIONS OF MEDICATION
46 AIDES SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104,
47 C.R.S.

48
49 **SECTION 9.** 24-34-104 (39) (b), Colorado Revised Statutes, is
50 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

51
52 **24-34-104. General assembly review of regulatory agencies and**
53 **functions for termination, continuation, or reestablishment.**
54 (39) (b) The following agencies, functions, or both, shall terminate on
55 July 1, 2008:

56

1 (XVI) THE TRAINING, EDUCATION, AND FUNCTIONS OF
 2 MEDICATION AIDES PURSUANT TO SECTION 12-38.1-110.5, C.R.S."

3
 4 Renumber succeeding sections accordingly.

5
 6 Page 8, line 11, before "(1) (d)", insert "(1) (b) and";

7
 8 line 12, strike "is", and substitute "are";

9
 10 after line 14, insert the following:

11
 12 "(b) A person for hire who does not represent himself OR HERSELF
 13 as or hold himself OR HERSELF out to the public as a certified nurse aide.
 14 However, no person for hire who is not a nurse aide certified under this
 15 article shall perform the duties of or hold himself OR HERSELF out as
 16 being able to perform the full duties of a CERTIFIED nurse aide."

17
 18
 19
 20
 21 **LOCAL GOVERNMENT**

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

24
 25 **HB03-1373** be amended as follows, and as so amended, be referred to
 26 the Committee of the Whole with favorable
 27 recommendation:

28
 29 Amend printed bill, page 3, strike lines 1 through 4 and substitute the
 30 following:

31
 32 "~~Where a municipal sales tax has been approved by the registered electors~~
 33 ~~at an election held prior to July 1, 1973, the use tax provided for in~~
 34 ~~section 29-2-109 may be levied by the governing body without an~~
 35 ~~election.~~"

36
 37
 38
 39 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 40 **on HB03-1219**

41
 42 This Report Amends the Rerevised Bill.

43
 44 To the President of the Senate and the
 45 Speaker of the House of Representatives:

46
 47 Your first conference committee appointed on HB03-1219,
 48 concerning the regulation of collection agencies, and, in connection
 49 therewith, continuing the collection agency board, has met and reports
 50 that it has agreed upon the following:

51
 52 1. That the House accede to the Senate amendments made to the
 53 bill, as said amendments appear in the rerevised bill.

54
 55 2. That, under the authority granted the committee to consider
 56 matters not at issue between the two houses, the following amendments

1 be recommended:

2

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

4

5 strike line 14 and substitute the following:

6

7 "ACTION; OR

8

9 (III) SUCH ACTION MAY BE BROUGHT PURSUANT TO ARTICLE 13 OR
10 13.5 OF TITLE 26, C.R.S., SECTION 14-14-104, C.R.S., OR ARTICLE 4 OR 6
11 OF TITLE 19, C.R.S., IF THE ACTION IS BY A PRIVATE COLLECTION AGENCY
12 ACTING ON BEHALF OF A DELEGATE CHILD SUPPORT ENFORCEMENT UNIT."

13

14 Respectfully submitted,

15 House Committee:

16 Dale Hall

17 Tambor Williams

18 Mary Hodge

19

Senate Committee:

Steve Johnson

Ed Jones

Stephanie Takis

20

21

22 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE**
23 **on HB03-1224**

24

25 This Report Amends the Rerevised Bill.

26

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

29

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

34

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

38

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

40

41 Renumber succeeding subsections accordingly.

42

43 Page 2, strike lines 17 and 18.

44

45 Renumber succeeding subsections accordingly.

46

47 Page 3, after line 13, insert the following:

48

49 **"24-72.1-104. Records.** INFORMATION GATHERED PURSUANT TO
50 SECTION 24-72.1-105 (2) (a) SHALL BE A PUBLIC RECORD ACCESSED
51 PURSUANT TO SECTION 24-72-306 UNLESS THE SUBJECT OF THE
52 INFORMATION IS A JUVENILE OR THE INFORMATION CONCERNS AN ONGOING
53 CRIMINAL INVESTIGATION. SUCH RECORDS SHALL BE RETAINED FOR THREE
54 YEARS, BUT MAY BE DISPOSED OF AFTER THREE YEARS."

55

56 Renumber succeeding C.R.S. sections accordingly.

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

2

3 after line 17, insert the following:

4

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

9

10 (a) GATHERS ALL INFORMATION FROM SUCH IDENTIFICATION; AND

11

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

16

17 line 20, strike "ISSUING A";

18

19 line 21, strike "TRAFFIC CITATION,";

20

21 line 22, strike "PREGNANT WOMEN, WOMEN";

22

23 strike line 23;

24

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

27

28 Page 4, strike line 1;

29

30 line 2, strike "CRIMINAL JUSTICE RECORD;".

31

32 Respectfully submitted,

33

House Committee:

Senate Committee:

34

Don Lee

John Andrews

35

Greg Brophy

Doug Lamborn

36

Carl Miller

Alice Nichol

37

38

39

40 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
41 **on HB03-1237**

42

43 This Report Amends the Rerevised Bill.

44

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

47

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

54

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

- 1 changes:
- 2
- 3 Amend rerevised bill, page 13, strike lines 8 through 27.
- 4
- 5 Strike page 14.
- 6
- 7 Page 15, strike lines 1 through 7.
- 8
- 9 Renumber succeeding sections accordingly.

10 Respectfully submitted,

| | |
|---------------------|-------------------|
| 11 House Committee: | Senate Committee: |
| 12 Pam Rhodes | Doug Lamborn |
| 13 Al White | Ed Jones |
| 14 Joel Judd | Alice Nichol |

17

18

19 **FIRST REPORT OF SECOND CONFERENCE COMMITTEE**

20 **on HB03-1301**

21

22 This Report Amends the Rerevised Bill.

23

24 To the President of the Senate and the

25 Speaker of the House of Representatives:

26

27 Your second conference committee appointed on HB03-1301,

28 concerning the penalties for persons who issue checks to the department

29 of revenue that are returned as unpaid for any reason caused by the

30 maker, has met and reports that it has agreed upon the following:

31

32 That the House accede to the Senate amendments made to the bill,

33 as said amendments appear in the rerevised bill, with the following

34 changes:

35

36 Amend rerevised bill, page 2, line 6, strike "FIFTY-DOLLAR" and substitute

37 "FORTY-ONE-DOLLAR".

38

39 Respectfully submitted,

| | |
|---------------------|-------------------|
| 40 House Committee: | Senate Committee: |
| 41 Dale Hall | Ron Teck |
| 42 Joe Stengel | Norma Anderson |
| 43 Cheri Jahn | Paula Sandoval |

44

45

46

47 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**

48 **on SB03-065**

49

50 This Report Amends the Reengrossed Bill.

51

52 To the President of the Senate and the

53 Speaker of the House of Representatives:

54

55 Your first conference committee appointed on SB03-065,

56 concerning animal protection, has met and reports that it has agreed upon

1 the following:
2

3 That the House recede from its amendments made to the bill, as
4 said amendments appear in the rerevised bill, and that the following
5 amendment be substituted therefor:
6

7 Amend reengrossed bill, page 5, strike lines 18 and 19 and substitute the
8 following:
9

10 "commissioner, which amount shall not exceed ~~two~~ THREE hundred fifty
11 dollars per license."
12

13 Respectfully submitted,

14 Senate Committee:

15 Ken Chlouber

16 Mark Hillman

17 Dan Grossman

House Committee:

Lola Spradley

Dale Hall

Carl Miller

21 PRINTING REPORT

22
23 The Chief Clerk reports the following bill has been correctly printed:
24 **HB03-1381.**
25

28 SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

29
30 The Speaker has signed: **HM03-1002, 1003.**
31

34 MESSAGES FROM THE SENATE

35
36 Madam Speaker:

37
38 The Senate voted to concur in House amendments to SB03-294, and
39 repassed the bill as amended.
40

41 The Senate has voted not to concur in House Amendments to SB03-078,
42 and requests that a Conference Committee be appointed. The President
43 appointed Senators McElhany, Chm., Hillman, and Nichol, as members
44 of the First Conference Committee on the part of the Senate. The bill is
45 transmitted herewith.
46

47 The Senate granted permission to members of the First Conference
48 Committee on SB03-268, to consider matters not at issue between the two
49 houses.
50

51 The Senate has adopted the First Report of the Second Conference
52 Committee on HB03-1224, as printed in Senate Journal, April 28, pages
53 1261-1262, and repassed the bill as amended. The bill is returned
54 herewith.
55

1 The Senate has adopted the First Report of the First Conference
2 Committee on HB03-1237, as printed in Senate Journal, April 28, pages
3 1264-1265, and repassed the bill as amended. The bill is returned
4 herewith.

5
6 The Senate has adopted the First Report of the Second Conference
7 Committee on HB03-1301, as printed in Senate Journal, April 28, page
8 1265, and repassed the bill as amended. The bill is returned herewith.

9
10 The Senate has adopted the First Report of the First Conference
11 Committee on HB03-1219, as printed in Senate Journal, April 28, page
12 1266, and repassed the bill as amended. The bill is returned herewith.

13
14
15 The Senate has passed on Third Reading and transmitted to the Revisor
16 of Statutes:

17
18 HB03-1164, amended as printed in Senate Journal, April 28, 2003,
19 pages 1269-1274, and on Third Reading in Senate Journal,
20 April 29.

21
22
23
24 **MESSAGE FROM THE REVISOR**

25
26 We herewith transmit:
27 Without comment, as amended, HB03-1164.

28
29
30
31 **MESSAGE FROM THE GOVERNOR**

32
33 I certify I received the following on the 29th day of April, 2003, at
34 3:55 p.m. The original is on file in the records of the House of
35 Representatives of the General Assembly.

36
37
38 April 29, 2003

Judith Rodrigue,
Chief Clerk of the House

39
40 To the Honorable
41 House of Representatives
42 Sixty-fourth General Assembly
43 First Regular Session
44 Denver, CO 80203

45
46 Ladies and Gentlemen:

47
48 I have the honor to inform you that I have approved and filed with the
49 Secretary of State the following acts:

50
51 **HB03-1033** Concerning The Implementation Of The Federal
52 "Employee Retirement Income Security Act" With Regard
53 To The Administration Of Requests For Health Benefits.

54
55 Approved April 29, 2003 at 2:00 p.m.

56

1 **HB03-1044** Concerning The Enforcement Of Penalties For Toll
2 Evasion, And, In Connection Therewith, Requiring Courts
3 To Report Outstanding Judgments And Warrants And
4 Default Judgments For Toll Evasion To The Department
5 Of Revenue, Prohibiting A Person Who Has An
6 Outstanding Judgment Or Warrant Or A Default Judgment
7 For Toll Evasion From Obtaining Or Renewing A Driver's
8 License, And Allowing Civil Penalty Assessment Notices
9 For Toll Evasion That Is Evidenced By Means That Do
10 Not Involve A Peace Officer To Be Sent To Suspected
11 Violators By Mail Delivery Services Other Than The
12 United States Postal Service.

13
14 Approved April 29, 2003 at 2:01 p.m.

15
16 **HB03-1197** Concerning The Use Of Confidential Communications
17 Between Certified Public Accountants And Clients In
18 Proceedings Relating To The Attest Activities Of Certified
19 Public Accountants, And, In Connection Therewith,
20 Creating An Exception To The Colorado Accountant-
21 Client Privilege For Purposes Of Disciplinary Functions
22 Of The State Board Of Accountancy Related To Attest
23 Services.

24
25 Approved April 29, 2003 at 2:02 p.m.

26
27 **HB03-1211** Concerning Records Of Child Abuse Or Neglect For The
28 Protection Of Children.

29
30 Approved April 29, 2003 at 2:03 p.m.

31
32 **HB03-1220** Concerning The Safety Of Persons Who Act In Proximity
33 To High Voltage Lines.

34
35 Approved April 29, 2003 at 2:04 p.m.

36
37 **HB03-1221** Concerning Accessibility Standards For Residential
38 Projects Designed To Serve Persons With Disabilities.

39
40 Approved April 29, 2003 at 2:06 p.m.

41
42 **HB03-1236** Concerning Strengthening Colorado's Substantive
43 Criminal Law.

44
45 Approved April 29, 2003 at 2:07 p.m.

46
47 **HB03-1241** Concerning Signature Verification On Election Ballots.

48
49 Approved April 29, 2003 at 2:08 p.m.

50
51 **HB03-1267** Concerning The Repeal Of The Statutory Provisions That
52 Limits A Government Entity From Imposing A Surcharge
53 Upon Any Person Using An Alternative Form Of Payment
54 For The Payment Of Money's To The State.

55
56 Approved April 29, 2003 at 2:09 p.m.

1 **HB03-1297** Concerning Death Penalty Aggravating Factors.
2
3 Approved April 29, 2003 at 2:11 p.m.
4
5 **HB03-1298** Concerning Increased Limitations On Claims Asserting
6 That A Mortgage Is Unconscionable.
7
8 Approved April 29, 2003 at 2:12 p.m.
9 Sincerely,
10 (signed)
11 Bill Owens
12 Governor

13
14
15
16 **APPOINTMENTS TO CONFERENCE COMMITTEE**

17
18 Pursuant to a request from the Senate, the Speaker appointed
19 Representatives Williams T., Chairman, Spradley and Williams S. as
20 House conferees to the First Conference Committee on **SB03-078**.

21
22
23 House in recess. House reconvened.
24
25

26
27 **REPORTS OF COMMITTEES OF REFERENCE**

28
29 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

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

32
33 **SB03-236** be referred favorably to the Committee on Finance.
34

35
36 **SB03-329** be referred favorably to the Committee on Appropriations.
37

38
39
40
41 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

44
45 **HJR03-1063** be postponed indefinitely.
46

47
48 **HJR03-1064** be referred out for final action.
49

50
51 **SB03-327** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:
54

55 Amend reengrossed bill, page 3, line 7, strike "FAILED" and substitute
56 "NOT YET SUCCEEDED".

1 **SJR03-004** be amended as follows, and as so amended, be referred out
2 for final action:

3
4 Amend engrossed joint resolution, page 1, strike lines 1 through 3;

5
6 line 4, strike "Illnesses" and substitute "According to the Centers for
7 Disease Control, the increase of illnesses";

8
9 line 5, strike "diet and" and substitute "diet, tobacco use, and", and strike
10 "have replaced infectious";

11
12 strike lines 6 through 9 and substitute the following:
13 "are burdening the health care system; and";

14
15 line 10, strike "Health" and substitute "According to the American
16 Dietetic Association, the Surgeon General, the Centers for Disease
17 Control, Aetna insurance company, and various medical journal articles,
18 health";

19
20 line 12, strike "diet and" and substitute "diet, tobacco-free lifestyle, and";

21
22 line 14, before "60%" insert "According to the Centers for Disease
23 Control,".

24
25 Page 2, line 3, strike "Unhealthy" and substitute "According to the
26 American Dietetic Association, the Centers for Disease Control, Aetna
27 insurance company, and various medical journal articles, unhealthy";

28
29 line 7, strike "Chronic" and substitute "According to the Centers for
30 Disease Control, chronic";

31
32 line 10, strike "For" and substitute "According to the Centers for Disease
33 Control, for";

34
35 line 13, strike "Only" and substitute "According to the Centers for
36 Disease Control, only";

37
38 line 15, strike "Of" and substitute "According to the Centers for Disease
39 Control, of";

40
41 after line 16, insert the following:

42 "WHEREAS, According to the American Heart Association,
43 tobacco use is the number one cause of preventable death and disease in
44 the United States; and

45
46 WHEREAS, According to the American Heart Association,
47 approximately 47 million adults in the United States smoke cigarettes and
48 over 400,000 Americans die each year from smoking-related illnesses;
49 and

50
51 WHEREAS, According to the American Heart Association, 35%
52 of high school students in the United States are current smokers; and

53
54 WHEREAS, According to the American Heart Association, the
55 estimated annual federal and state government Medicaid payments
56 directly caused by tobacco use are approximately \$17 billion; and

- 1 WHEREAS, According to the American Heart Association, the
2 estimated yearly state and federal tax burden caused by tobacco use is
3 about \$45 billion; and";
4
5 line 17, strike "Despite" and substitute "According to Aetna insurance
6 company,";
7
8 line 20, strike "7" and substitute "According to the Centers for Disease
9 Control, 6";
10
11 line 22, strike "Trips" and substitute "According to the Centers for
12 Disease Control, trips";
13
14 line 24, strike "Since" and substitute "According to the Centers for
15 Disease Control, since";
16
17 line 27, strike "Excess" and substitute "According to the Centers for
18 Disease Control, excess";
19
20 line 30, strike "Until" and substitute "According to the surgeon general's
21 call to action entitled "Overweight and Obesity: At a Glance", until";
22
23 line 33, strike "20" and substitute "According to the Centers for Disease
24 Control, 20";
25
26 line 36, strike "The" and substitute "According to the Centers for Disease
27 Control and the surgeon general's call to action to prevent and decrease
28 overweight and obesity, the";
29
30 line 39, strike "Each" and substitute "According to the Centers for
31 Disease Control, each".
32
33 Page 3, line 2, strike "A" and substitute "According to the Centers for
34 Disease Control, a";
35
36 after line 3, insert the following:
37
38 "WHEREAS, According to the "Centers for Disease Control and
39 Prevention, Guidelines for School and Community Programs: Promoting
40 Lifelong Physical Activity", inadequate participation in physical activity
41 is a major contributor to the "epidemic of obesity" that has plagued the
42 nation's young people during the past two decades; and
43
44 WHEREAS, According to the Centers for Disease Control, daily
45 moderate exercise promotes better health, higher energy, and increased
46 brain power; and
47
48 WHEREAS, Only 20% of Colorado high schools provide physical
49 education to students; and";
50
51 line 4, strike "Studies" and substitute "According to the centers for
52 disease control, studies";
53
54 line 12, strike "home" and substitute "home, promote the importance of
55 a tobacco-free lifestyle,";
56

1 strike lines 15 through 18 and substitute the following:

2

3 "(3) That the General Assembly encourages Colorado's schools
4 to combat obesity and problems associated with being overweight through
5 a comprehensive approach to promoting a healthy diet and exercise.";

6

7 strike lines 28 through 31.

8

9

10

11 **SJR03-027** be amended as follows, and as so amended, be referred out
12 for final action:

13

14 Amend engrossed resolution, page 1, strike lines 6 through 8.

15

16

17

18

19 **INFORMATION & TECHNOLOGY**

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

22

23 **HB03-1381** be referred to the Committee of the Whole with favorable
24 recommendation.

25

26

27

28 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
29 **on SB03-268**

30

31 This Report Amends the Rerevised Bill.

32

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

35

36 Your first conference committee appointed on SB03-268,
37 concerning tobacco litigation settlement moneys, and, in connection
38 therewith, creating a tobacco litigation settlement financing corporation
39 for the purpose of securitizing a portion of the tobacco settlement
40 revenues scheduled to be received by the state, requiring the net proceeds
41 of any securitization to be used to fund the three percent reserve required
42 by the state constitution and a cash flow reserve, and modifying the level
43 of future appropriations for programs funded with tobacco litigation
44 settlement moneys, has met and reports that it has agreed upon the
45 following:

46

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

49

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

53

54 Amend rerevised bill, page 3, line 17, strike "EMERGENCIES AND ENSURE
55 THAT THE THREE";

56

- 1 strike lines 18 through 21 and substitute the following:
2 "EMERGENCIES."
3
- 4 Page 14, line 20, after "**audit.**", insert "(1)".
5
- 6 Page 15, after line 6, insert the following:
7
8 "(2) NO LATER THAN NOVEMBER 1, 2003, THE CORPORATION
9 SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
10 ASSEMBLY ITS ACTIONS AND INTENTIONS REGARDING THE EXECUTION OF
11 A PROPERTY SALE CONTRACT PURSUANT TO SECTION 24-82.5-111. THE
12 CORPORATION SHALL SET FORTH ITS REASONS FOR EXECUTING OR
13 CHOOSING NOT TO EXECUTE A PROPERTY SALE CONTRACT AND THE
14 PROPOSED TERMS, CONDITIONS, AND EXECUTION DATE OF ANY PROPERTY
15 SALE CONTRACT THAT THE CORPORATION INTENDS TO EXECUTE."
16
- 17 Page 16, line 4, strike "JUNE" and substitute "NOVEMBER";
18
19 line 8, strike "JUNE" and substitute "NOVEMBER";
20
21 line 13, strike "TWO" and substitute "ONE".
22
- 23 Page 19, strike lines 22 through 27.
24
- 25 Page 20, strike lines 1 and 2 and substitute the following:
26 "PROVISION OF LAW, NET PROCEEDS DEPOSITED INTO THE";
27
28 line 5, strike "EMERGENCY. FOR";
29
30 strike lines 6 through 10 and substitute the following:
31 "EMERGENCY IN ACCORDANCE WITH SECTION 24-22-115.5 (2) (a.7) (II).";
32
33 line 13, strike "SUBPARAGRAPH (II) OF";
34
35 line 17, strike "SUBPARAGRAPH (II) OF";
36
37 line 20, strike "SUBPARAGRAPH (II) OF";
38
39 line 24, strike "- **transfer of right to tobacco settlement revenues**".
40
- 41 Page 21, line 2, strike "JUNE" and substitute "NOVEMBER".
42
- 43 Page 28, line 11, strike "JULY" and substitute "DECEMBER";
44
45 line 18, strike "JULY" and substitute "DECEMBER".
46
- 47 Page 29, line 23, after "(1),", insert "THE LESSER OF";
48
49 line 25, strike "SHALL BE TRANSFERRED" and substitute "OR SEVEN
50 MILLION FIVE HUNDRED NINETY-FOUR THOUSAND EIGHT HUNDRED SIXTEEN
51 DOLLARS SHALL BE TRANSFERRED FROM THE CASH FUND".
52
- 53 Page 31, line 2, after "24-22-115;", add "AND";
54
55 line 4, strike "24-82.5-110 (2); AND" and substitute "24-82.5-110 (2).";
56

- 1 strike lines 5 through 7;
2
3 line 11, strike "JULY" and substitute "DECEMBER";
4
5 line 18, strike "SUBPARAGRAPHS (IV) AND (V)" and substitute
6 "SUBPARAGRAPH (IV)";
7
8 line 19, strike "ARE REPEALED, EFFECTIVE JULY" and substitute "IS
9 REPEALED, EFFECTIVE DECEMBER";
10
11 line 27, strike "JULY" and substitute "DECEMBER".
12
13 Page 32, strike lines 15 through 27.
14
15 Page 33, strike lines 1 through 4.
16
17 Renumber succeeding subparagraphs accordingly.
18
19 Page 33, strike lines 9 through 12 and substitute the following:
20 "24-82.5-110 (2) (a) OR (2) (b)";
21
22 line 15, strike "FOR";
23
24 strike lines 16 through 20 and substitute the following:
25
26 "TO DETERMINE IF A CASH FLOW EMERGENCY EXISTS, ON A DAILY BASIS
27 THE STATE TREASURER SHALL DETERMINE IF THE STATE'S AVAILABLE
28 MONEYS ARE SUFFICIENT TO FULLY FUND THE OBLIGATIONS OF THE STATE
29 THAT ARE DUE AND PAYABLE ON THAT DAY. IF THE AVAILABLE MONEYS
30 ARE NOT SUFFICIENT, THE STATE TREASURER IN CONSULTATION WITH THE
31 OFFICE OF THE GOVERNOR SHALL DECLARE A CASH FLOW EMERGENCY AND
32 UTILIZE THE MONEYS IN THE CASH FLOW RESERVE TO MEET THE STATE'S
33 OBLIGATIONS. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (A),
34 "AVAILABLE MONEYS" MEANS MONEYS ON DEPOSIT IN THE ACCOUNTS OF
35 THE GENERAL FUND AND THOSE CASH FUNDS SUBJECT TO THE PROVISIONS
36 OF SECTION 24-75-208.
37
38 (B) IN RESOLVING A CASH FLOW EMERGENCY, THE STATE
39 TREASURER SHALL EXPEND ALL MONEYS DESIGNATED AS A CASH FLOW
40 RESERVE PURSUANT TO SECTION 24-82.5-110 (2) (a) OR (2) (b) BEFORE
41 EXPENDING ANY OTHER MONEYS DESIGNATED AS A CASH FLOW RESERVE
42 PURSUANT TO ANY OTHER PROVISION OF LAW.
43
44 (C) IF THE STATE TREASURER EXPENDS MONEYS FROM THE CASH
45 FLOW RESERVE DURING ANY STATE FISCAL YEAR AS PERMITTED BY
46 SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AN AMOUNT OF
47 MONEYS EQUAL TO THE AMOUNT OF MONEYS EXPENDED SHALL BE
48 DEPOSITED IN THE TOBACCO LITIGATION SETTLEMENT TRUST FUND ON OR
49 BEFORE THE LAST DAY OF THE FOLLOWING STATE FISCAL YEAR AND
50 DESIGNATED AS A CASH FLOW RESERVE TO BE EXPENDED ONLY AS
51 PERMITTED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).
52
53 (D) MONEYS DESIGNATED AS A CASH FLOW RESERVE PURSUANT TO
54 SECTION 24-82.5-110 (2) (a) OR (2) (b) OR SUB-SUBPARAGRAPH (C) OF THIS
55 SUBPARAGRAPH (II) SHALL NOT BE USED TO MEET ANY OTHER
56 CONSTITUTIONAL OR STATUTORY RESERVE REQUIREMENT."

1 Reletter succeeding sub-subparagraph accordingly.
2
3 Page 33, line 21, strike "(III) IS REPEALED, EFFECTIVE JULY" and substitute
4 "(II) IS REPEALED, EFFECTIVE DECEMBER".
5
6 Page 34, line 2, strike "JULY" and substitute "DECEMBER";
7
8 line 5, strike "EITHER"
9
10 line 7, strike "OR GENERAL FUND MONEYS";
11
12 strike line 8;
13
14 line 9, strike "PARAGRAPH (a) OF THIS SUBSECTION (2) ARE" and substitute
15 "IS";
16
17 line 13, strike "(IV) IS REPEALED, EFFECTIVE JULY" and substitute "(III) IS
18 REPEALED, EFFECTIVE DECEMBER";
19
20 line 21, strike "JULY" and substitute "DECEMBER".
21
22 Page 35, line 4, strike "JULY" and substitute "DECEMBER";
23
24 line 12, strike "JULY" and substitute "DECEMBER".
25
26 Page 37, line 6, strike "JULY" and substitute "DECEMBER";
27
28 line 14, strike "JULY" and substitute "DECEMBER".
29
30 Page 42, line 9, strike "JULY" and substitute "DECEMBER";
31
32 line 16, strike "JULY" and substitute "DECEMBER";
33
34 line 25, strike "JULY" and substitute "DECEMBER".
35
36 Page 43, line 6, strike "JULY" and substitute "DECEMBER";
37
38 strike lines 7 through 27.
39
40 Page 44, strike lines 1 through 7.
41
42 Renumber succeeding sections accordingly.
43
44 Page 1, strike line 107;
45
46 line 108, strike "STATE CONSTITUTION AND" and substitute "USED TO
47 FUND".
48
49 Respectfully submitted,
50 Senate Committee: House Committee:
51 Dave Owen Brad Young
52 Ron Teck John Witwer
53 Peggy Reeves Tom Plant
54
55
56

**REPORT FROM THE SENATE AND HOUSE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill No. 03-248, Concerning the Financing of Public Schools and Making an Appropriation Therefor:

The Friday, March 14 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 28, 2003 (the 80th legislative day), Friday, April 4, 2003 (the 87th legislative day), Friday, April 18, 2003 (the 101st legislative day), Monday, April 21, 2003 (the 104th legislative day), Friday, April 25, 2003 (the 108th legislative day), and Wednesday, April 30, 2003 (the 113th legislative day) is further extended until Friday, May 2, 2003 (the 115th legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

| | |
|----------------|------------------|
| (signed) | (signed) |
| Lola Spradley | John Andrews |
| Keith King | Norma Anderson |
| Jennifer Veiga | Joan Fitz-Gerald |

MESSAGE FROM THE SENATE

Madam Speaker:

The Senate granted permission to members of the First Conference Committee on HB03-1147, to consider matters not at issue between the two houses.

The President appointed Senators Owen, Chm., Kester, and Tapia, as members of the First Conference Committee on HB03-1263.

The Senate has passed on Third Reading and returns herewith HB03-1138, 1213, 1289, 1123, 1366, 1345, 1350.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes: SB03-336,

| | |
|------------|--|
| SB03-254, | amended as printed in Senate Journal, April 29, page 1295, |
| SB03-264, | amended as printed in Senate Journal, April 29, page 1295, |
| SB03-325, | amended as printed in Senate Journal, April 29, |
| | pages 1295-1296, |
| SB03-340, | amended as printed in Senate Journal, April 29, page 1309, |
| SB03-322, | amended as printed in Senate Journal, April 29, page 1310, |
| SB03-341, | amended as printed in Senate Journal, April 29, page 1310, |
| HB03-1173, | amended as printed in Senate Journal, April 29, page 1295, |

- 1 HB03-1318, amended as printed in Senate Journal, April 29, page 1296,
- 2 HB03-1319, amended as printed in Senate Journal, April 29,
- 3 pages 1296-1297,
- 4 HB03-1320, amended as printed in Senate Journal, April 29, page 1297,
- 5 HB03-1323, amended as printed in Senate Journal, April 29, page 1297.

6

7

8

9 **MESSAGE FROM THE REVISOR**

10

11 We herewith transmit:

12 Without comment, SB03-336.

13 Without comment, as amended, SB03-254. 264, 325, 340, 322, 341,

14 HB03-1173, 1318, 1319, 1320, and 1323.

15

16

17

18 **INTRODUCTION OF BILL**

19 **First Reading**

20

21 The following bill was read by title and referred to the committee

22 indicated:

23

24 **HB03-1382** by Representative(s) Young, Plant, Witwer; also

25 Senator(s) Teck, Owen, Reeves--Concerning the interest

26 rate on certain moneys that the state owes taxpayers for

27 overpayment of certain taxes.

28 Committee on Finance

29

30

31

32 **INTRODUCTION OF RESOLUTION**

33

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

35 rules:

36

37 **HJR03-1070** by Representative(s) Clapp; also Senator(s) Johnson S.--

38 Concerning a request that the United States Congress

39 enact a Medicare prescription drug benefit.

40

41 WHEREAS, The use of prescription drugs improves the quality of

42 care for patients and helps patients live healthier, longer, and more

43 productive lives while keeping them out of more costly acute care settings

44 in the long term; and

45

46 WHEREAS, Since Medicare was enacted, the increased use of

47 new and improved prescription drugs has changed the delivery of health

48 care in the United States; and

49

50 WHEREAS, While two-thirds of the Medicare population has

51 some form of prescription drug coverage, although many times it is

52 inadequate, one-third of Medicare beneficiaries have no prescription drug

53 coverage at all; and

54

55 WHEREAS, Because Congress has not enacted a drug benefit in

56 the Medicare program, the program is inadequate in providing the elderly

1 and disabled the most appropriate drug therapies, preventing the delivery
2 of quality health care at an affordable cost; and
3

4 WHEREAS, The private sector provides affordable coverage for
5 prescription drugs by negotiating discounts on drugs and meeting the
6 needs of special populations with chronic diseases and those with
7 co-morbidities through coordinating care with disease management, drug
8 utilization review, and patient education programs, all of which aid in
9 reducing medical errors; and
10

11 WHEREAS, A comprehensive reform of the Medicare program
12 could utilize the successful tools of the private sector in coordinating care
13 for Medicare recipients and use the marketplace to foster competition
14 among private plans, resulting in more choices of quality coverage for
15 seniors and the disabled while maintaining the financial sustainability of
16 the program; and
17

18 WHEREAS, Congressional inaction has resulted in a failure to
19 provide for comprehensive reform of Medicare, thereby forcing states to
20 use their own resources to ease the financial burden on their elderly and
21 disabled populations and effectively causing states to assume an
22 unfunded, informal mandate; and
23

24 WHEREAS, The Congressional Budget Office and the United
25 States Department of Health and Human Services have estimated that
26 there are thousands of Medicare recipients in Colorado who rely on
27 Medicaid for prescription drug benefits and that Colorado would save
28 \$366 million in Medicaid funds over the period 2005-2012 if Congress
29 would enact this long-overdue Medicare health benefit; now, therefore,
30

31 *Be It Resolved by the House of Representatives of the Sixty-fourth*
32 *General Assembly of the State of Colorado, the Senate concurring*
33 *herein:*
34

35 That we, the members of the Sixty-fourth General Assembly,
36 request that the United States House of Representatives and the United
37 States Senate enact financially sustainable, voluntary, universal, and
38 privately administered out-patient prescription drug coverage as part of
39 the federal Medicare program.
40

41 *Be It Further Resolved,* That copies of this Joint Resolution be
42 sent to the members of Colorado's Congressional delegation.
43

44 _____
45
46 With unanimous consent, the Speaker excused the Committee on Finance
47 to meet while the House is in session.
48

49 _____
50
51 House in recess. House reconvened.
52

53
54 _____
55

1 On motion of Representative King, **HB03-1381, 1377, SB03-303,**
2 **HB03-1370, 1371, 1114, 1373, SB03-314, HB03-1368, 1372, SB03-255,**
3 **HB03-1367, 1311, 1247, SB03-155, HB03-1378, HCR03-1011,**
4 **SB03-134** were added to the Special Orders Calendar on Wednesday,
5 April 30, 2001.

6
7
8 On motion of Representative Witwer, the House resolved itself into
9 Committee of the Whole for consideration of Special Orders and he was
10 called to the Chair to act as Chairman.

11
12
13 **SPECIAL ORDERS--SECOND READING OF BILLS**

14
15 The Committee of the Whole having risen, the Chairman reported the
16 titles of the following bills had been read (reading at length had been
17 dispensed with by unanimous consent), the bills considered and action
18 taken thereon as follows:

19
20 (Amendments to the committee amendment are to the printed committee
21 report which was printed and placed in the members' bill file.)

22
23 **SB03-309** by Senator(s) Anderson; also Representative(s) Young--
24 Concerning a suspension of the administration of
25 statewide assessments in writing, and making an
26 appropriation therefor.

27
28 Laid over until May 1, retaining place on Calendar.

29
30 **HB03-1381** by Representative(s) Mitchell; also Senator(s) Groff--
31 Concerning child restraint systems in motor vehicles.

32
33 Ordered engrossed and placed on the Calendar for Third Reading and
34 Final Passage.

35
36 **HB03-1377** by Representative(s) Williams T.--Concerning statutory
37 provisions governing business entities contained in title 7
38 of the Colorado revised statutes.

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

42
43 **HB03-1370** by Representative(s) Rhodes; also Senator(s) Anderson--
44 Concerning reviews of designated trauma facilities.

45
46 Ordered engrossed and placed on the Calendar for Third Reading and
47 Final Passage.

48
49 **HB03-1371** by Representative(s) Clapp; also Senator(s) Lamborn--
50 Concerning the repeal of the authority of the department
51 of public health and environment to contract with an
52 outside entity for services related to voluntary
53 vaccinations.

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

- 1 **HB03-1373** by Representative(s) Spence, Hall, Rippy, Weddig; also
2 Senator(s) Entz--Concerning the authority of a
3 municipality to propose a sales or use tax when a county
4 in which the municipality is located has a pending
5 proposal for a sales or use tax.
6
- 7 Amendment No. 1, Local Government Report, dated April 28, 2003, and
8 placed in member's bill file; Report also printed in House Journal,
9 April 30, page 2132.
10
- 11 As amended, ordered engrossed and placed on the Calendar for Third
12 Reading and Final Passage.
13
- 14 **SB03-314** by Senator(s) Johnson S.; also Representative(s) Clapp--
15 Concerning the placement of children who are part of a
16 sibling group.
17
- 18 Ordered revised and placed on the Calendar for Third Reading and Final
19 Passage.
20
- 21 **HB03-1372** by Representative(s) Cadman, Williams T., Briggs, May
22 M., Rhodes, Rippy, White--Concerning the authority of
23 the commissioner of insurance to regulate certain workers'
24 compensation insurers, and, in connection therewith,
25 deleting certain exemptions for Pinnacol Assurance from
26 otherwise applicable provisions of insurance law and
27 prohibiting other state government instrumentalities from
28 writing workers' compensation insurance in Colorado.
29
- 30 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
31 April 29, 2003, and placed in member's bill file; Report also printed in
32 House Journal, April 29, pages 2105-2106.
33
- 34 As amended, ordered engrossed and placed on the Calendar for Third
35 Reading and Final Passage.
36
- 37 **SB03-255** by Senator(s) Chlouber; also Representative(s) Cadman--
38 Concerning provisions relating to selective service
39 registration as a prerequisite for enrolling at a state-
40 supported institution of higher education.
41
- 42 Amendment No. 1, Education Report, dated April 28, 2003, and placed
43 in member's bill file; Report also printed in House Journal, April 28,
44 pages 2068-2069.
45
- 46 As amended, ordered revised and placed on the Calendar for Third
47 Reading and Final Passage.
48
- 49 **HB03-1367** by Representative(s) Cloer, Larson, Stafford, Briggs,
50 Harvey, McFadyen, Merrifield, Ragsdale, Sinclair,
51 Spence, Wiens, Williams S.; also Senator(s) Nichol,
52 Lamborn, Johnson S.--Concerning the issuance of a
53 military valor special license plate to persons who have
54 received a military award for valor.
55

1 Amendment No. 1, Appropriations Report, dated April 30, 2003, and
2 placed in member's bill file; Report also printed in House Journal,
3 April 30, page 2128.

4
5 Amendment No. 2, by Representative Weissmann.

6
7 Amend printed bill, page 3, strike lines 8 and 9 and substitute the
8 following:

9
10 "(III) AIR FORCE CROSS;

11
12 (IV) SILVER STAR; OR

13
14 (V) A MILITARY MEDAL OR HONOR GIVEN FOR VALOR AS
15 DETERMINED BY THE ADJUTANT GENERAL OF THE DEPARTMENT OF
16 MILITARY AFFAIRS."

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

20 (For change in action, see Amendments to Report, page 2167.)

21
22
23 **HB03-1311** by Representative(s) Hefley--Concerning an exclusion of
24 arrangements for fixed lease payments from the definition
25 of a security.

26
27 Laid over until May 8. The bill is deemed lost.

28
29
30 **SB03-155** by Senator(s) Kester; also Representative(s) Rhodes--
31 Concerning the administration of regulations pertaining to
32 debt collectors, and, in connection therewith, continuing
33 the collection agency board.

34
35 Laid over until May 8.

36
37
38 **HB03-1378** by Representative(s) Hefley, Williams T., Madden,
39 Carroll, Coleman, Crane, Fairbank, Jahn, Judd, Lee,
40 Lundberg, Mitchell, Romanoff, Spradley, Stengel, Veiga;
41 also Senator(s) Anderson, Dyer, Taylor, Evans, Fitz-
42 Gerald, Gordon, Groff, Grossman, Jones, Kester,
43 Lamborn, Windels--Concerning moneys deposited in the
44 state commission on judicial performance cash fund, and,
45 in connection therewith, increasing the docket fees for
46 criminal and traffic actions.

47
48 Amendment No. 1, Appropriations Report, dated April 30, 2003, and
49 placed in member's bill file; Report also printed in House Journal,
50 April 30, page 2129.

51
52 As amended, ordered engrossed and placed on the Calendar for Third
53 Reading and Final Passage.

54
55

1 **HCR03-1011** by Representative(s) Lee; also Senator(s) Cairns--
2 Submitting to the registered electors of the state of
3 Colorado an amendment to section 7 of article V of the
4 constitution of the state of Colorado, concerning the
5 ability of the general assembly to call itself into special
6 session, and, in connection therewith, in the event of a
7 declaration of a disaster emergency by the governor,
8 authorizing the general assembly to call itself into special
9 session by written request of a majority of the members of
10 each house to the presiding officer of each house to
11 consider only those subjects raised by the governor's
12 declaration
13

14 Ordered engrossed and placed on the Calendar for Third Reading and
15 Final Passage.

16
17 **SB03-134** by Senator(s) Keller, Hagedorn; also Representative(s)
18 Tochtrop--Concerning the continuation of the certification
19 of nurse aides by the state board of nursing, and making an
20 appropriation therefor.
21

22 Amendment No. 1, Health, Environment, Welfare, & Institutions Report,
23 dated April 30, 2003, and placed in member's bill file; Report also printed
24 in House Journal, April 30, pages 2129-2132.
25

26 Amendment No. 2, by Representative Stafford.
27

28 Amend the Health, Environment, Welfare, and Institutions Committee
29 Report, dated April 30, 2003, page 1, line 1, strike "page 5, strike lines 10
30 through 27." and substitute "page 4, after line 6, insert the following:
31

32 "SECTION 5. 12-38.1-102, Colorado Revised Statutes, is
33 amended BY THE ADDITION OF A NEW SUBSECTION to read:
34

35 **12-38.1-102. Definitions - repeal.** As used in this article, unless
36 the context otherwise requires:
37

38 (4.3) "MEDICATION AIDE" MEANS A CERTIFIED NURSE AIDE WHO IS
39 AUTHORIZED BY THE BOARD TO ADMINISTER MEDICATIONS IN NURSING
40 HOMES PURSUANT TO SECTION 12-38.1-110.5."
41

42 Renumber succeeding sections accordingly.
43

44 Page 5, strike lines 10 through 27."
45

46 Page 2 of the committee report, line 3, strike "8." and substitute "9."
47

48 Page 4, strike "9." and substitute "10."
49

50 As amended, ordered revised and placed on the Calendar for Third
51 Reading and Final Passage.
52

53 A motion by Representative King that the Committee rise, report progress
54 and beg leave to sit again at 5:50 p.m., was adopted by unanimous
55 consent.
56

1 House reconvened.

2
3 The Committee of the Whole reported it had risen, reported progress and
4 would sit again at 5:50 p.m.

5
6
7
8 **REPORTS OF COMMITTEES OF REFERENCE**

9
10 **EDUCATION**

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

13
14 **SB03-326** be amended as follows, and as so amended, be referred to
15 the Committee on Appropriations with favorable
16 recommendation:

17
18 Amend reengrossed bill, page 68, strike lines 26 and 27.

19
20 Page 69, strike lines 1 through 4.

21
22 Renumber succeeding subsections accordingly.

23
24 Page 69, strike lines 15 through 18 and substitute the following:

25
26 "POLITICAL, OR SCIENTIFIC VALUE AS TO MINORS.

27
28 (5) "MINOR" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED THE
29 AGE OF SEVENTEEN."

30
31 Renumber succeeding subsections accordingly.

32
33 Page 71, strike lines 21 through 27.

34
35 Page 72, strike lines 1 through 10.

36
37
38
39
40 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

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

43
44 **HJR03-1044** be amended as follows, and as so amended, be referred out
45 for final action:

46
47 Amend printed resolution, page 1, strike lines 7 through 12 and substitute,
48 "WHEREAS, more than 50% of the children and teens in America do not
49 receive the recommended daily amount of calcium; and";

50
51 "WHEREAS, The national health community, such as the National
52 Institute of Child Health Development, the National Academy of
53 Sciences, and the American Academy of Pediatrics, recognize our
54 calcium needs are high during childhood and highest during adolescence;
55 and".

56

1 Page 2, line 1, strike "15% of teenage girls" and substitute "11% of
2 teenage girls and 28% of teenage males";

3

4 strike lines 6 through 8 and substitute the following:

5

6 "WHEREAS, The best way to get enough calcium is by eating and
7 drinking enough foods and beverages that contain calcium;

8

9 WHEREAS, Milk and other dairy products are good sources of
10 calcium that naturally offer the most calcium per serving, and other
11 important sources of calcium include tofu, legumes, and some green leafy
12 vegetables; and";

13

14 strike lines 15 and 16 and substitute the following:

15

16 "(1) That the General Assembly finds that there are calcium
17 deficient diets among Colorado's school age children; and";

18

19 line 23, after "Executives," insert "the Colorado School Food Service
20 Association,".

21

22

23

24

25 **INFORMATION & TECHNOLOGY**

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

28

29 **SB03-251** be amended as follows, and as so amended, be referred to
30 the Committee of the Whole with favorable
31 recommendation:

32

33 Amend reengrossed bill, page 3, line 2, strike "as" and substitute "through
34 amortization of".

35

36 Page 4, line 7, strike "REGULATION, OR THAT" and substitute
37 "REGULATION.";

38

39 strike lines 8 through 10;

40

41 after line 13, insert the following:

42

43 "SECTION 3. 30-28-120 (1), Colorado Revised Statutes, is
44 amended to read:

45

46 **30-28-120. Existing structures - county property.** (1) The
47 lawful use of a building or structure or the lawful use of any land, as
48 existing and lawful at the time of the adoption of a zoning resolution or,
49 in the case of an amendment of a resolution, at the time of such
50 amendment, may be continued, although such use does not conform with
51 the provisions of such resolution or amendment, and such use may be
52 extended throughout the same building if no structural alteration of such
53 building is proposed or made for the purpose of such extension. The
54 addition of a solar energy device to such building shall not necessarily be
55 considered a structural alteration. The board of county commissioners
56 may provide in any zoning resolution for the restoration, reconstruction,

1 extension, or substitution of nonconforming uses upon such terms and
 2 conditions as may be set forth in the zoning resolution. ~~The board of~~
 3 ~~county commissioners, in any zoning resolution, may provide for the~~
 4 ~~termination of nonconforming uses, either by specifying the period in~~
 5 ~~which nonconforming uses shall be required to cease or by providing a~~
 6 ~~formula whereby the compulsory termination of a nonconforming use~~
 7 ~~may be so fixed as to allow for the recovery or amortization of the~~
 8 ~~investment in the nonconformance."~~

9
 10 Renumber succeeding section accordingly.

11
 12
 13
 14
 15 **JUDICIARY**

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

18
 19 **SB03-310** be amended as follows, and as so amended, be referred to
 20 the Committee of the Whole with favorable
 21 recommendation:

22
 23 Amend reengrossed bill, page 2, strike lines 2 through 18.

24
 25 Strike pages 3 through 15.

26
 27 Page 16, strike lines 1 through 5 and substitute the following:

28
 29 "SECTION 1. 15-1-402, Colorado Revised Statutes, is amended
 30 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
 31 read:

32
 33 **15-1-402. Definitions.** As used in this part 4, unless the context
 34 otherwise requires:

35
 36 (10.5) "QUALIFIED BENEFICIARY" MEANS A BENEFICIARY WHO, ON
 37 THE DATE THE BENEFICIARY'S QUALIFICATION IS DETERMINED:

38
 39 (a) IS A DISTRIBUTE OR A PERMISSIBLE DISTRIBUTE OF TRUST
 40 INCOME OR PRINCIPAL;

41
 42 (b) WOULD BE A DISTRIBUTE OR PERMISSIBLE DISTRIBUTE OF
 43 TRUST INCOME OR PRINCIPAL IF THE INTEREST OF THE DISTRIBUTEES
 44 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (10.5) TERMINATED ON
 45 THAT DATE; OR

46
 47 (c) WOULD BE A DISTRIBUTE OR PERMISSIBLE DISTRIBUTE OF
 48 TRUST INCOME OR PRINCIPAL IF THE TRUST TERMINATED ON SAID DATE.

49
 50 (12.5) "TOTAL RETURN TRUST" MEANS A TRUST THAT IS
 51 CONVERTED TO A TOTAL RETURN TRUST PURSUANT TO SECTION 15-1-404.5
 52 OR A TRUST THE TERMS OF WHICH MANIFEST THE SETTLOR'S INTENT THAT
 53 THE TRUSTEE WILL ADMINISTER THE TRUST IN ACCORDANCE WITH SECTION
 54 15-1-404.5 (4) AND (4.5).

55
 56 **SECTION 2.** 15-1-404 (3) (g) and (3) (h), Colorado Revised

1 Statutes, are amended, and the said 15-1-404 is further amended BY THE
2 ADDITION OF A NEW PARAGRAPH, to read:

3

4 **15-1-404. Trustee's power to adjust.** (3) A trustee may not
5 make an adjustment:

6

7 (g) If the trustee is a beneficiary of the trust; or

8

9 (h) If the trustee is not a beneficiary, but the adjustment would
10 benefit the trustee directly or indirectly; OR

11

12 (i) IF THE TRUST IS A TOTAL RETURN TRUST.

13

14 **SECTION 3.** Part 4 of article 1 of title 15, Colorado Revised
15 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
16 read:

17

18 **15-1-404.5. Conversion - total return trusts - administration.**

19 (1) **Conversion by trustee.** UNLESS EXPRESSLY PROHIBITED BY THE
20 GOVERNING INSTRUMENT, A TRUSTEE MAY RELEASE THE POWER TO ADJUST
21 DESCRIBED IN SECTION 15-1-404 AND CONVERT A TRUST TO A TOTAL
22 RETURN TRUST AS DESCRIBED IN THIS SECTION IF ALL OF THE FOLLOWING
23 APPLY:

24

25 (a) THE TRUST DESCRIBES THE AMOUNT THAT MAY OR MUST BE
26 DISTRIBUTED TO A BENEFICIARY BY REFERRING TO THE TRUST'S INCOME
27 AND THE TRUSTEE DETERMINES THAT CONVERSION TO A TOTAL RETURN
28 TRUST WILL ENABLE THE TRUSTEE TO BETTER CARRY OUT THE PURPOSES
29 OF THE TRUST;

30

31 (b) THE TRUSTEE SENDS A WRITTEN NOTICE OF THE TRUSTEE'S
32 DECISION TO CONVERT THE TRUST TO A TOTAL RETURN TRUST SPECIFYING
33 A PROSPECTIVE EFFECTIVE DATE FOR THE CONVERSION WHICH MAY NOT BE
34 SOONER THAN SIXTY DAYS AFTER THE NOTICE IS SENT, AND INCLUDING A
35 COPY OF THIS SECTION, TO THE QUALIFIED BENEFICIARIES, DETERMINED AS
36 OF THE DATE THE NOTICE IS SENT AND ASSUMING NONEXERCISE OF ALL
37 POWERS OF APPOINTMENT;

38

39 (c) THERE ARE ONE OR MORE LEGALLY COMPETENT BENEFICIARIES
40 DESCRIBED IN SECTION 15-1-402 (10.5) (a), AND ONE OR MORE LEGALLY
41 COMPETENT REMAINDER BENEFICIARIES DESCRIBED IN EITHER SECTION
42 15-1-402 (10.5) (b) OR 15-1-402 (10.5) (c), DETERMINED AS OF THE DATE
43 THE NOTICE IS SENT; AND

44

45 (d) NO BENEFICIARY HAS OBJECTED IN WRITING TO THE
46 CONVERSION TO A TOTAL RETURN TRUST AND DELIVERED SUCH OBJECTION
47 TO THE TRUSTEE WITHIN SIXTY DAYS AFTER THE NOTICE WAS SENT.

48

49 (2) **Conversion, reconversion, and adjustment of the**
50 **distribution percentage by agreement.** CONVERSION TO A TOTAL
51 RETURN TRUST OR RECONVERSION TO AN INCOME TRUST MAY BE MADE BY
52 AGREEMENT BETWEEN THE TRUSTEE AND ALL QUALIFIED BENEFICIARIES OF
53 THE TRUST. THE TRUSTEE AND ALL QUALIFIED BENEFICIARIES MAY ALSO
54 AGREE TO MODIFY THE DISTRIBUTION PERCENTAGE, EXCEPT THAT THE
55 TRUSTEE AND THE QUALIFIED BENEFICIARIES MAY NOT AGREE TO A
56 DISTRIBUTION PERCENTAGE LESS THAN THREE PERCENT OR GREATER THAN

1 FIVE PERCENT. THE AGREEMENT MAY INCLUDE ANY OTHER ACTIONS A
2 COURT COULD PROPERLY ORDER PURSUANT TO SUBSECTION (7) OF THIS
3 SECTION.

4
5 **(3) Conversion or reconversion by court.** (a) THE TRUSTEE
6 MAY, FOR ANY REASON, ELECT TO PETITION THE COURT TO ORDER
7 CONVERSION TO A TOTAL RETURN TRUST, INCLUDING WITHOUT LIMITATION
8 THE REASON THAT CONVERSION UNDER SUBSECTION (1) OF THIS SECTION
9 IS UNAVAILABLE BECAUSE:

10
11 (I) A BENEFICIARY TIMELY OBJECTS TO THE CONVERSION TO A
12 TOTAL RETURN TRUST;

13
14 (II) THERE ARE NO LEGALLY COMPETENT BENEFICIARIES
15 DESCRIBED IN SECTION 15-1-402 (10.5) (a); OR

16
17 (III) THERE ARE NO LEGALLY COMPETENT BENEFICIARIES
18 DESCRIBED IN SECTION 15-1-402 (10.5) (b) OR (10.5) (c).

19
20 (b) A BENEFICIARY MAY REQUEST THE TRUSTEE TO CONVERT TO A
21 TOTAL RETURN TRUST OR ADJUST THE DISTRIBUTION PERCENTAGE
22 PURSUANT TO THIS SUBSECTION (3). IF THE TRUSTEE DECLINES OR FAILS TO
23 ACT WITHIN SIX MONTHS AFTER RECEIVING A WRITTEN REQUEST FROM A
24 BENEFICIARY TO DO SO, THE BENEFICIARY MAY PETITION THE COURT TO
25 ORDER THE CONVERSION OR ADJUSTMENT.

26
27 (c) THE TRUSTEE MAY PETITION THE COURT PROSPECTIVELY TO
28 RECONVERT FROM A TOTAL RETURN TRUST OR TO ADJUST THE
29 DISTRIBUTION PERCENTAGE IF THE TRUSTEE DETERMINES THAT THE
30 RECONVERSION OR ADJUSTMENT WILL ENABLE THE TRUSTEE TO BETTER
31 CARRY OUT THE PURPOSES OF THE TRUST. A BENEFICIARY MAY REQUEST
32 THE TRUSTEE TO PETITION THE COURT PROSPECTIVELY TO RECONVERT
33 FROM A TOTAL RETURN TRUST OR ADJUST THE DISTRIBUTION PERCENTAGE.
34 IF THE TRUSTEE DECLINES OR FAILS TO ACT WITHIN SIX MONTHS AFTER
35 RECEIVING A WRITTEN REQUEST FROM A BENEFICIARY TO DO SO, THE
36 BENEFICIARY MAY PETITION THE COURT TO ORDER THE RECONVERSION OR
37 ADJUSTMENT.

38
39 (d) (I) IN A JUDICIAL PROCEEDING INSTITUTED UNDER THIS
40 SUBSECTION (3), THE TRUSTEE MAY PRESENT OPINIONS AND REASONS
41 CONCERNING:

42
43 (A) THE TRUSTEE'S SUPPORT FOR, OR OPPOSITION TO, A
44 CONVERSION TO A TOTAL RETURN TRUST, A RECONVERSION FROM A TOTAL
45 RETURN TRUST, OR AN ADJUSTMENT OF THE DISTRIBUTION PERCENTAGE OF
46 A TOTAL RETURN TRUST, INCLUDING WHETHER THE TRUSTEE BELIEVES
47 CONVERSION, RECONVERSION, OR ADJUSTMENT OF THE DISTRIBUTION
48 PERCENTAGE WOULD ENABLE THE TRUSTEE TO BETTER CARRY OUT THE
49 PURPOSES OF THE TRUST; AND

50
51 (B) ANY OTHER MATTER RELEVANT TO THE PROPOSED
52 CONVERSION, RECONVERSION, OR ADJUSTMENT OF THE DISTRIBUTION
53 PERCENTAGE.

54
55 (II) A TRUSTEE'S ACTIONS UNDERTAKEN IN ACCORDANCE WITH
56 THIS SUBSECTION (3) SHALL NOT BE DEEMED IMPROPER OR INCONSISTENT

1 WITH THE TRUSTEE'S DUTY OF IMPARTIALITY UNLESS THE COURT FINDS
2 FROM ALL THE EVIDENCE THAT THE TRUSTEE ACTED IN BAD FAITH.

3

4 (e) THE COURT SHALL ORDER CONVERSION TO A TOTAL RETURN
5 TRUST, RECONVERSION PROSPECTIVELY FROM A TOTAL RETURN TRUST, OR
6 ADJUSTMENT OF THE DISTRIBUTION PERCENTAGE OF A TOTAL RETURN
7 TRUST IF THE COURT DETERMINES THAT THE CONVERSION, RECONVERSION,
8 OR ADJUSTMENT OF THE DISTRIBUTION PERCENTAGE WILL ENABLE THE
9 TRUSTEE TO BETTER CARRY OUT THE PURPOSES OF THE TRUST.

10

11 (f) IF A CONVERSION TO A TOTAL RETURN TRUST IS MADE
12 PURSUANT TO A COURT ORDER, THE TRUSTEE MAY RECONVERT THE TRUST
13 TO AN INCOME TRUST ONLY:

14

15 (I) PURSUANT TO A SUBSEQUENT COURT ORDER; OR

16

17 (II) BY FILING WITH THE COURT AN AGREEMENT MADE PURSUANT
18 TO SUBSECTION (2) OF THIS SECTION TO RECONVERT TO AN INCOME TRUST.

19

20 (g) UPON A RECONVERSION, THE POWER TO ADJUST, AS DESCRIBED
21 IN SECTION 15-1-404 AND AS IT EXISTED BEFORE THE CONVERSION, SHALL
22 BE REVIVED.

23

24 (h) AN ACTION MAY BE TAKEN UNDER THIS SUBSECTION (3) NO
25 MORE FREQUENTLY THAN EVERY TWO YEARS, UNLESS THE COURT FOR
26 GOOD CAUSE ORDERS OTHERWISE.

27

28 (4) **Administration of a total return trust.** DURING THE TIME
29 THAT A TRUST IS A TOTAL RETURN TRUST, THE TRUSTEE SHALL ADMINISTER
30 THE TRUST IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (4)
31 AS FOLLOWS, UNLESS OTHERWISE EXPRESSLY PROVIDED BY THE TERMS OF
32 THE TRUST:

33

34 (a) THE TRUSTEE SHALL INVEST THE TRUST ASSETS SEEKING A
35 TOTAL RETURN WITHOUT REGARD TO WHETHER THE RETURN IS FROM
36 INCOME OR APPRECIATION OF PRINCIPAL;

37

38 (b) THE TRUSTEE SHALL MAKE INCOME DISTRIBUTIONS IN
39 ACCORDANCE WITH THE GOVERNING INSTRUMENT SUBJECT TO THE
40 PROVISIONS OF THIS SECTION;

41

42 (c) THE DISTRIBUTION PERCENTAGE FOR ANY TRUST CONVERTED
43 TO A TOTAL RETURN TRUST BY A TRUSTEE IN ACCORDANCE WITH
44 SUBSECTION (1) OF THIS SECTION SHALL BE FOUR PERCENT, UNLESS A
45 DIFFERENT PERCENTAGE HAS BEEN DETERMINED IN AN AGREEMENT MADE
46 PURSUANT TO SUBSECTION (2) OF THIS SECTION OR ORDERED BY THE
47 COURT PURSUANT TO SUBSECTION (3) OF THIS SECTION;

48

49 (d) (I) THE TRUSTEE SHALL PAY TO A BENEFICIARY IN THE CASE OF
50 AN UNDERPAYMENT WITHIN A REASONABLE TIME, AND SHALL RECOVER
51 FROM A BENEFICIARY IN THE CASE OF AN OVERPAYMENT, EITHER BY
52 REPAYMENT BY THE BENEFICIARY OR BY WITHHOLDING FROM FUTURE
53 DISTRIBUTIONS TO THE BENEFICIARY:

54

55 (A) AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE
56 AMOUNT PROPERLY PAYABLE AND THE AMOUNT ACTUALLY PAID; AND

1 (B) INTEREST COMPOUNDED ANNUALLY AT A RATE PER ANNUM
2 EQUAL TO THE DISTRIBUTION PERCENTAGE IN THE YEAR OR YEARS DURING
3 WHICH THE UNDERPAYMENT OR OVERPAYMENT OCCURS.

4
5 (II) FOR PURPOSES OF THIS PARAGRAPH (d), ACCRUAL OF INTEREST
6 MAY NOT COMMENCE UNTIL THE BEGINNING OF THE TRUST YEAR
7 FOLLOWING THE YEAR IN WHICH THE UNDERPAYMENT OR OVERPAYMENT
8 OCCURS.

9
10 (4.5) FOR PURPOSES OF SUBSECTION (4) OF THIS SECTION:

11
12 (a) "INCOME", AS THAT TERM APPEARS IN THE GOVERNING
13 INSTRUMENT, SHALL BE DEEMED TO MEAN THE DISTRIBUTION AMOUNT.

14
15 (b) (I) THE "DISTRIBUTION AMOUNT" SHALL BE AN ANNUAL
16 AMOUNT EQUAL TO THE DISTRIBUTION PERCENTAGE MULTIPLIED BY THE
17 AVERAGE NET FAIR MARKET VALUE OF THE TRUST'S ASSETS.

18
19 (II) FOR PURPOSES OF THIS PARAGRAPH (b), THE AVERAGE NET FAIR
20 MARKET VALUE OF THE TRUST'S ASSETS SHALL BE THE NET FAIR MARKET
21 VALUE OF THE TRUST'S ASSETS AVERAGED OVER THE LESSER OF:

22
23 (A) THE THREE PRECEDING YEARS; OR

24
25 (B) THE PERIOD DURING WHICH THE TRUST HAS BEEN IN
26 EXISTENCE.

27
28 (5) **Determination of matters in administration of total return**
29 **trust.** THE TRUSTEE MAY DETERMINE ANY OF THE FOLLOWING MATTERS
30 IN ADMINISTERING A TOTAL RETURN TRUST AS THE TRUSTEE DEEMS
31 NECESSARY OR HELPFUL FOR THE PROPER FUNCTIONING OF THE TRUST:

32
33 (a) THE EFFECTIVE DATE OF A CONVERSION TO A TOTAL RETURN
34 TRUST PURSUANT TO SUBSECTION (1) OF THIS SECTION;

35
36 (b) THE MANNER OF PRORATING THE DISTRIBUTION AMOUNT FOR
37 A SHORT YEAR IN WHICH A BENEFICIARY'S INTEREST COMMENCES OR
38 CEASES, OR IF THE TRUST IS A TOTAL RETURN TRUST FOR ONLY PART OF
39 THE YEAR, OR THE TRUSTEE MAY ELECT TO TREAT THE TRUST YEAR AS TWO
40 SEPARATE YEARS, THE FIRST OF WHICH ENDS AT THE CLOSE OF THE DAY ON
41 WHICH THE CONVERSION OR RECONVERSION OCCURS, AND THE SECOND OF
42 WHICH ENDS AT THE CLOSE OF THE TRUST YEAR;

43
44 (c) WHETHER DISTRIBUTIONS ARE MADE IN CASH OR IN KIND;

45
46 (d) THE MANNER OF ADJUSTING VALUATIONS AND CALCULATIONS
47 OF THE DISTRIBUTION AMOUNT TO ACCOUNT FOR OTHER PAYMENTS FROM,
48 OR CONTRIBUTIONS TO, THE TRUST;

49
50 (e) WHETHER TO VALUE THE TRUST'S ASSETS ANNUALLY OR MORE
51 FREQUENTLY;

52
53 (f) WHICH VALUATION DATES TO USE AND HOW MANY VALUATION
54 DATES TO USE;

55
56 (g) VALUATION DECISIONS CONCERNING ANY ASSET FOR WHICH

1 THERE IS NO READILY AVAILABLE MARKET VALUE, INCLUDING:

2

3 (I) HOW FREQUENTLY TO VALUE SUCH AN ASSET;

4

5 (II) WHETHER AND HOW OFTEN TO ENGAGE A PROFESSIONAL
6 APPRAISER TO VALUE SUCH AN ASSET; AND

7

8 (III) WHETHER TO EXCLUDE THE VALUE OF SUCH AN ASSET FROM
9 THE NET FAIR MARKET VALUE OF THE TRUST'S ASSETS FOR PURPOSES OF
10 DETERMINING THE DISTRIBUTION AMOUNT. FOR PURPOSES OF THIS
11 SECTION, ANY SUCH ASSET SO EXCLUDED SHALL BE REFERRED TO AS AN
12 "EXCLUDED ASSET", AND THE TRUSTEE SHALL DISTRIBUTE ANY NET
13 INCOME RECEIVED FROM THE EXCLUDED ASSET AS PROVIDED FOR IN THE
14 GOVERNING INSTRUMENT, SUBJECT TO THE FOLLOWING PRINCIPLES:

15

16 (A) THE TRUSTEE SHALL TREAT EACH ASSET FOR WHICH THERE IS
17 NO READILY AVAILABLE MARKET VALUE AS AN EXCLUDED ASSET UNLESS
18 THE TRUSTEE DETERMINES THAT THERE ARE COMPELLING REASONS NOT TO
19 DO SO AND THE TRUSTEE CONSIDERS ALL RELEVANT FACTORS INCLUDING
20 THE BEST INTERESTS OF THE BENEFICIARIES;

21

22 (B) IF TANGIBLE PERSONAL PROPERTY OR REAL PROPERTY IS
23 POSSESSED OR OCCUPIED BY A BENEFICIARY, THE TRUSTEE MAY NOT LIMIT
24 OR RESTRICT ANY RIGHT OF THE BENEFICIARY TO USE THE PROPERTY IN
25 ACCORDANCE WITH THE GOVERNING INSTRUMENT REGARDLESS OF
26 WHETHER THE TRUSTEE TREATS THE PROPERTY AS AN EXCLUDED ASSET;
27 AND

28

29 (C) BY WAY OF EXAMPLE AND NOT BY WAY OF LIMITATION, ASSETS
30 FOR WHICH THERE IS A READILY AVAILABLE MARKET VALUE INCLUDE CASH
31 AND CASH EQUIVALENTS; STOCKS, BONDS, AND OTHER SECURITIES AND
32 INSTRUMENTS FOR WHICH THERE IS AN ESTABLISHED MARKET ON A STOCK
33 EXCHANGE, IN AN OVER-THE-COUNTER MARKET, OR OTHERWISE; AND ANY
34 OTHER PROPERTY THAT CAN REASONABLY BE EXPECTED TO BE SOLD
35 WITHIN ONE WEEK OF THE DECISION TO SELL WITHOUT EXTRAORDINARY
36 EFFORTS BY THE SELLER. BY WAY OF EXAMPLE AND BY WAY OF
37 LIMITATION, ASSETS FOR WHICH THERE IS NO READILY AVAILABLE MARKET
38 VALUE INCLUDE STOCKS, BONDS, AND OTHER SECURITIES AND
39 INSTRUMENTS FOR WHICH THERE IS NO ESTABLISHED MARKET ON A STOCK
40 EXCHANGE, IN AN OVER-THE-COUNTER MARKET, OR OTHERWISE; REAL
41 PROPERTY; TANGIBLE PERSONAL PROPERTY; AND ARTWORK AND OTHER
42 COLLECTIBLES.

43

44 (h) ANY OTHER ADMINISTRATIVE MATTER THAT THE TRUSTEE
45 DETERMINES IS NECESSARY OR HELPFUL FOR THE PROPER FUNCTIONING OF
46 THE TOTAL RETURN TRUST.

47

48 (6) **Allocations.** (a) EXPENSES, TAXES, AND OTHER CHARGES
49 THAT WOULD OTHERWISE BE DEDUCTED FROM INCOME IF THE TRUST WAS
50 NOT A TOTAL RETURN TRUST MAY NOT BE DEDUCTED FROM THE
51 DISTRIBUTION AMOUNT.

52

53 (b) UNLESS OTHERWISE PROVIDED BY THE GOVERNING
54 INSTRUMENT, THE DISTRIBUTION AMOUNT EACH YEAR SHALL BE DEEMED
55 TO BE PAID FROM THE FOLLOWING SOURCES FOR THAT YEAR IN THE
56 FOLLOWING ORDER:

- 1 (I) NET INCOME DETERMINED AS IF THE TRUST WAS NOT A TOTAL
2 RETURN TRUST;
3
- 4 (II) OTHER ORDINARY INCOME AS DETERMINED FOR FEDERAL
5 INCOME TAX PURPOSES;
6
- 7 (III) NET REALIZED SHORT-TERM CAPITAL GAINS AS DETERMINED
8 FOR FEDERAL INCOME TAX PURPOSES;
9
- 10 (IV) NET REALIZED LONG-TERM CAPITAL GAINS AS DETERMINED
11 FOR FEDERAL INCOME TAX PURPOSES;
12
- 13 (V) TRUST PRINCIPAL COMPRISING ASSETS FOR WHICH THERE IS A
14 READILY AVAILABLE MARKET VALUE; AND
15
- 16 (VI) OTHER TRUST PRINCIPAL.
17
- 18 (7) **Court orders.** (a) THE COURT MAY ORDER ANY OF THE
19 FOLLOWING ACTIONS IN A PROCEEDING BROUGHT BY A TRUSTEE OR A
20 BENEFICIARY PURSUANT TO PARAGRAPH (a), (b), OR (c) OF SUBSECTION (3)
21 OF THIS SECTION:
22
- 23 (I) SELECT A DISTRIBUTION PERCENTAGE OTHER THAN FOUR
24 PERCENT, EXCEPT THAT THE COURT MAY NOT ORDER A DISTRIBUTION
25 PERCENTAGE LESS THAN THREE PERCENT OR GREATER THAN FIVE PERCENT;
26
- 27 (II) AVERAGE THE VALUATION OF THE TRUST'S NET ASSETS OVER
28 A PERIOD OTHER THAN THREE YEARS;
29
- 30 (III) RECONVERT PROSPECTIVELY FROM A TOTAL RETURN TRUST,
31 OR ADJUST THE DISTRIBUTION PERCENTAGE OF A TOTAL RETURN TRUST;
32
- 33 (IV) DIRECT THE DISTRIBUTION OF NET INCOME, DETERMINED AS
34 IF THE TRUST WERE NOT A TOTAL RETURN TRUST, IN EXCESS OF THE
35 DISTRIBUTION AMOUNT AS TO ANY OR ALL TRUST ASSETS IF THE
36 DISTRIBUTION IS NECESSARY TO PRESERVE A TAX BENEFIT; OR
37
- 38 (V) CHANGE OR DIRECT ANY ADMINISTRATIVE PROCEDURE AS THE
39 COURT DETERMINES IS NECESSARY OR HELPFUL FOR THE PROPER
40 FUNCTIONING OF THE TOTAL RETURN TRUST.
41
- 42 (b) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO
43 LIMIT THE EQUITABLE JURISDICTION OF THE COURT TO GRANT OTHER
44 RELIEF AS THE COURT DEEMS PROPER.
45
- 46 (8) **Restrictions.** (a) THE DISTRIBUTION AMOUNT MAY NOT BE
47 LESS THAN THE NET INCOME OF THE TRUST, DETERMINED WITHOUT REGARD
48 TO THE PROVISIONS OF THIS SECTION, EITHER:
49
- 50 (I) FOR A TRUST FOR WHICH AN ESTATE TAX OR A GIFT TAX
51 MARITAL DEDUCTION WAS CLAIMED OR MAY BE CLAIMED, IN WHOLE OR IN
52 PART, BUT ONLY DURING THE LIFETIME OF THE SPOUSE FOR WHOM THE
53 TRUST WAS CREATED; OR
54
- 55 (II) FOR A TRUST THAT WAS EXEMPT, IN WHOLE OR IN PART, FROM
56 GENERATION-SKIPPING TRANSFER TAX ON THE EFFECTIVE DATE OF THIS

1 SECTION BY REASON OF ANY EFFECTIVE DATE OR TRANSITION RULE.

2

3 (b) CONVERSION TO A TOTAL RETURN TRUST SHALL NOT AFFECT
4 ANY PROVISION IN THE GOVERNING INSTRUMENT:

5

6 (I) THAT DIRECTS OR AUTHORIZES THE TRUSTEE TO DISTRIBUTE
7 PRINCIPAL;

8

9 (II) THAT DIRECTS OR AUTHORIZES THE TRUSTEE TO DISTRIBUTE A
10 FIXED ANNUITY OR A FIXED FRACTION OF THE VALUE OF TRUST ASSETS;

11

12 (III) THAT AUTHORIZES A BENEFICIARY TO WITHDRAW A PORTION
13 OR ALL OF THE PRINCIPAL; OR

14

15 (IV) THAT IN ANY MANNER DIMINISHES AN AMOUNT PERMANENTLY
16 SET ASIDE FOR CHARITABLE PURPOSES UNDER THE GOVERNING
17 INSTRUMENT UNLESS BOTH INCOME AND PRINCIPAL ARE SET ASIDE.

18

19 (9) **Tax limitations.** IF A PARTICULAR TRUSTEE IS ALSO A
20 BENEFICIARY OF THE TRUST AND CONVERSION OR FAILURE TO CONVERT
21 WOULD ENHANCE OR DIMINISH THE BENEFICIAL INTEREST OF THAT
22 TRUSTEE, OR IF POSSESSION OR EXERCISE OF THE CONVERSION POWER BY
23 A PARTICULAR TRUSTEE ALONE WOULD CAUSE ANY INDIVIDUAL TO BE
24 TREATED AS OWNER OF A PART OF THE TRUST FOR FEDERAL INCOME TAX
25 PURPOSES OR CAUSE A PART OF THE TRUST TO BE INCLUDED IN THE GROSS
26 ESTATE OF ANY INDIVIDUAL FOR FEDERAL ESTATE TAX PURPOSES, THEN
27 THAT PARTICULAR TRUSTEE MAY NOT PARTICIPATE AS A TRUSTEE IN THE
28 EXERCISE OF THE CONVERSION POWER, EXCEPT THAT:

29

30 (a) THE TRUSTEE MAY PETITION THE COURT UNDER PARAGRAPH (a)
31 OF SUBSECTION (3) OF THIS SECTION TO ORDER CONVERSION IN
32 ACCORDANCE WITH THIS SECTION; AND

33

34 (b) A CO-TRUSTEE OR CO-TRUSTEES TO WHOM THIS SUBSECTION (9)
35 DOES NOT APPLY MAY CONVERT THE TRUST TO A TOTAL RETURN TRUST IN
36 ACCORDANCE WITH SUBSECTION (1) OR (2) OF THIS SECTION.

37

38 (10) **Releases.** A TRUSTEE MAY IRREVOCABLY RELEASE THE
39 POWER GRANTED BY THIS SECTION IF THE TRUSTEE REASONABLY BELIEVES
40 THE RELEASE IS IN THE BEST INTERESTS OF THE TRUST AND ITS
41 BENEFICIARIES. THE RELEASE MAY BE PERSONAL TO THE RELEASING
42 TRUSTEE OR IT MAY APPLY GENERALLY TO SOME OR ALL SUBSEQUENT
43 TRUSTEES. THE RELEASE MAY BE FOR ANY SPECIFIED PERIOD, INCLUDING
44 A PERIOD MEASURED BY THE LIFE OF AN INDIVIDUAL.

45

46 (11) **Remedies.** (a) A TRUSTEE WHO REASONABLY AND IN GOOD
47 FAITH TAKES ANY ACTION OR OMITS TO TAKE ANY ACTION UNDER THIS
48 SECTION IS NOT LIABLE TO ANY PERSON INTERESTED IN THE TRUST. AN ACT
49 OR OMISSION BY A TRUSTEE UNDER THIS SECTION SHALL BE PRESUMED TO
50 BE REASONABLE AND UNDERTAKEN IN GOOD FAITH UNLESS THE ACT OR
51 OMISSION IS DETERMINED BY THE COURT TO HAVE BEEN AN ABUSE OF
52 DISCRETION.

53

54 (b) IF A TRUSTEE REASONABLY AND IN GOOD FAITH TAKES OR
55 OMITS TO TAKE ANY ACTION UNDER THIS SECTION AND A PERSON
56 INTERESTED IN THE TRUST OPPOSES THE ACT OR OMISSION, THE PERSON'S

1 EXCLUSIVE REMEDY SHALL BE TO SEEK AN ORDER OF THE COURT
2 DIRECTING THE TRUSTEE TO:

3
4 (I) CONVERT THE TRUST TO A TOTAL RETURN TRUST;

5
6 (II) RECONVERT FROM A TOTAL RETURN TRUST;

7
8 (III) CHANGE THE DISTRIBUTION PERCENTAGE; OR

9
10 (IV) ORDER ANY ADMINISTRATIVE PROCEDURES THE COURT
11 DETERMINES ARE NECESSARY OR HELPFUL FOR THE PROPER FUNCTIONING
12 OF THE TRUST.

13
14 (c) A CLAIM FOR RELIEF UNDER THIS SUBSECTION (11) THAT IS NOT
15 BARRED BY ADJUDICATION, CONSENT, OR LIMITATION, IS NEVERTHELESS
16 BARRED AS TO ANY BENEFICIARY WHO HAS RECEIVED A STATEMENT FULLY
17 DISCLOSING THE MATTER UNLESS A PROCEEDING TO ASSERT THE CLAIM IS
18 COMMENCED WITHIN SIX MONTHS AFTER RECEIPT OF THE STATEMENT. A
19 BENEFICIARY IS DEEMED TO HAVE RECEIVED A STATEMENT IF IT IS
20 RECEIVED BY THE BENEFICIARY OR THE BENEFICIARY'S REPRESENTATIVE
21 IN A MANNER DESCRIBED IN SECTION 15-10-403 OR 15-1-405.

22
23 (12) **No duty.** A TRUSTEE HAS NO DUTY TO INFORM A
24 BENEFICIARY ABOUT THE AVAILABILITY AND PROVISIONS OF THIS SECTION.
25 A TRUSTEE HAS NO DUTY TO REVIEW THE TRUST TO DETERMINE WHETHER
26 ANY ACTION SHOULD BE TAKEN UNDER THIS SECTION UNLESS THE TRUSTEE
27 IS REQUESTED IN WRITING BY A QUALIFIED BENEFICIARY TO DO SO.

28
29 (13) **Application.** (a) THIS SECTION SHALL APPLY TO TRUSTS IN
30 EXISTENCE ON THE EFFECTIVE DATE OF THIS SECTION AND TO TRUSTS
31 CREATED ON OR AFTER THAT DATE.

32
33 (b) THIS SECTION SHALL BE CONSTRUED TO APPLY TO THE
34 ADMINISTRATION OF A TRUST THAT IS ADMINISTERED IN COLORADO UNDER
35 COLORADO LAW OR THAT IS GOVERNED BY COLORADO LAW WITH RESPECT
36 TO THE MEANING AND EFFECT OF ITS TERMS UNLESS:

37
38 (I) THE TRUST IS A TRUST DESCRIBED IN THE "INTERNAL REVENUE
39 CODE OF 1986", SECTION 170 (f) (2) (B), 664 (d), 1361 (d), 2702 (a) (3), OR
40 2702 (b);

41
42 (II) THE GOVERNING INSTRUMENT EXPRESSLY PROHIBITS THE USE
43 OF THIS SECTION BY SPECIFIC REFERENCE TO ONE OR MORE PROVISIONS OF
44 THIS PART 4;

45
46 (III) THE TERMS OF A TRUST IN EXISTENCE ON THE EFFECTIVE DATE
47 OF THIS SECTION INCORPORATE PROVISIONS THAT OPERATE AS A TOTAL
48 RETURN TRUST. THE TRUSTEE OR A BENEFICIARY OF SUCH A TRUST MAY
49 PROCEED UNDER SECTION 15-1-405 TO ADOPT PROVISIONS IN THIS SECTION
50 THAT DO NOT CONTRADICT PROVISIONS IN THE GOVERNING INSTRUMENT."

51
52
53
54
55

1 **TRANSPORTATION & ENERGY**

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

4
5 **SB03-315** be postponed indefinitely.

6
7
8 **SB03-320** be referred to the Committee of the Whole with favorable
9 recommendation.

10
11
12 **SB03-324** be referred favorably to the Committee on Appropriations.

13
14
15 **SB03-333** be referred to the Committee of the Whole with favorable
16 recommendation.

17
18
19
20 **MESSAGE FROM THE SENATE**

21
22 Madam Speaker:

23
24 The Senate granted permission to members of the First Conference
25 Committee on SB03-248 to consider matters not at issue between the two
26 houses.

27
28 The Senate has adopted and returns herewith: HJR03-1043, 1048.

29
30 The Senate has adopted and transmits herewith: SJR03-045;

31
32 SJR03-039, amended as printed in Senate Journal, April 24, 2003,
33 pages 1219-1220.

34
35
36
37 **INTRODUCTION OF BILLS**
38 **First Reading**

39
40 The following bills were read by title and referred to the committees
41 indicated:

42
43 **SB03-254** by Senator(s) Evans; also Representative(s) Spence--
44 Concerning closing the achievement gap, and, in
45 connection therewith, creating a program to assist schools
46 that have received an "unsatisfactory" rating or have a
47 significant achievement gap, establishing a commission to
48 propose actions to close the achievement gap, and creating
49 a cash fund.

50 Committee on Education

51
52 **SB03-264** by Senator(s) Teck, Owen, Reeves; also Representative(s)
53 Plant, Witwer, Young--Concerning the enterprise status of
54 institutions of higher education for the purposes of section
55 20 of article X of the state constitution.

56 Committee on Education

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

14 Committee on Finance

15
 16 **SB03-336** by Senator(s) May R., Andrews; also Representative(s)
 17 Fritz--Concerning the statewide internet portal.

18 Committee on Information & Technology

19
 20 **SB03-340** by Senator(s) May R.; also Representative(s) Cadman--
 21 Concerning exemptions from registration under the
 22 "Colorado Charitable Solicitations Act".

23 Committee on Finance

24
 25 **SB03-341** by Senator(s) Andrews; also Representative(s) Mitchell--
 26 Concerning the exclusion of candidate debate programs
 27 aired by broadcast facilities from the definition of
 28 "electioneering communication" for purposes of Colorado
 29 law governing campaign finance.

30 Committee on State, Veterans, & Military Affairs

31
 32
 33 House in recess. House reconvened.
 34
 35
 36

37 On motion of Representative Witwer, the House resolved itself into
 38 Committee of the Whole for continuation of consideration of Special
 39 Orders, and he returned to the Chair to act as Chairman.

40
 41
 42 **SPECIAL ORDERS--SECOND READING OF BILLS**

43 (Continued from page 2152)

44
 45
 46 **HB03-1114** by Representative(s) Clapp; also Senator(s) Hillman--
 47 Concerning employees in public schools.

48
 49 Amendment No. 1, Education Report, dated April 28, 2003, and placed
 50 in member's bill file; Report also printed in House Journal, April 29,
 51 pages 2096-2104.

52
 53 Amendment No. 2, Appropriations Report, dated April 30, 2003, and
 54 placed in member's bill file; Report also printed in House Journal,
 55 April 30, pages 2125-2126.

56

1 Amendment No. 3, by Representative Clapp.

2

3 Amend the Education Committee Report, dated April 28, 2003, page 3,
4 line 19, strike "(3)" and substitute "(2)";

5

6 strike lines 23 through 29.

7

8 Renumber succeeding subsection accordingly.

9

10 Amendment No. 4, by Representative Lee.

11

12 Amend the Education Committee Report, dated April 28, 2003, page 10,
13 line 17, strike "VERDICT." and substitute "VERDICT OR ACCEPTANCE OF A
14 PLEA BY A COURT."

15

16 Amendment No. 5, by Representative Lee.

17

18 Amend the Education Committee Report, dated April 28, 2003, page 8,
19 after line 32, insert the following:

20

21 "(f) WHEN THE APPLICANT OR HOLDER HAS FORFEITED ANY BAIL,
22 BOND, OR OTHER SECURITY DEPOSITED TO SECURE THE APPEARANCE BY A
23 PERSON CHARGED WITH HAVING COMMITTED A FELONY OR MISDEMEANOR,
24 PAID A FINE, ENTERED A PLEA OF NOLO CONTENDERE, OR RECEIVED A
25 DEFERRED OR SUSPENDED SENTENCE IMPOSED BY THE COURT FOR ANY
26 OFFENSE DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF
27 SUBSECTION (2.5) OF THIS SECTION."

28

29 Amendment No. 6, by Representative Williams S.

30

31 Amend the Education Committee Report, dated April 28, 2003, page 5,
32 line 20, strike "~~subsection (2)~~ PART 1," and substitute "subsection (2),";

33

34 line 22, before "PLEA", insert "GUILTY";

35

36 line 25, strike "OR";

37

38 line 26, strike "court. ~~or an~~" and substitute "court or an";

39

40 strike line 27 and substitute the following:

41 "agreement for a deferred prosecution approved by the court."

42

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

45

46

47 **SB03-303** by Senator(s) Dyer; also Representative(s) Stengel--
48 Concerning an exclusion of the provision of telecom-
49 munications services for inmates in penal institutions from
50 the jurisdiction of the public utilities commission.

51

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

54

55

1 **HB03-1368** by Representative(s) Crane, Harvey, May M., Schultheis,
2 Hefley, Wiens, Briggs, Brophy, Cadman, Clapp, Cloer,
3 Decker, Fairbank, Fritz, Hall, Hoppe, Johnson R., King,
4 Lee, Lundberg, McCluskey, Mitchell, Rhodes, Rippy,
5 Rose, Sinclair, Smith, Spence, Spradley, Stafford, Stengel,
6 White, Williams T; also Senator(s) Lamborn.--Concerning
7 the requirement of a daily recitation of the pledge of
8 allegiance in each public school in the state.
9

10 Amendment No. 1, by Representatives Paccione, Garcia.

11
12 Amend printed bill, page 2, line 11, strike "MIDDLE, JUNIOR HIGH, AND
13 HIGH" and substitute "MIDDLE, AND JUNIOR HIGH";

14
15 line 14, after the period, add "THE TEACHER AND STUDENTS IN EACH
16 CLASSROOM IN EACH PUBLIC HIGH SCHOOL IN THE STATE OF COLORADO
17 SHALL RECITE ALOUD THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE
18 UNITED STATES OF AMERICA WHEN THE SCHOOL CONDUCTS ITS DAILY
19 ANNOUNCEMENTS."
20

21 Amendment No. 1, by Representative Larson.

22
23 Amend printed bill, page 2, line 18, strike "RELIGIOUS" and substitute
24 "ANY";

25
26 line 19, strike "GROUNDS." and substitute "GROUNDS AND FILES THE
27 OBJECTION IN WRITING WITH THE PRINCIPAL OF THE SCHOOL."
28

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

31
32 **HB03-1247** by Representative(s) Vigil; also Senator(s) Tupa--
33 Concerning fingerprint-based criminal history record
34 checks for all public school educators as a requirement for
35 licensing.
36

37 (Previously amended as printed in House Journal, April 21, page 1860.)
38

39 Amendment No. 2, Information & Technology Report, dated
40 February 17, 2003, and placed in member's bill file; Report also printed
41 in House Journal, February 18, page 778.
42

43 As amended, ordered engrossed and placed on the Calendar for Third
44 Reading and Final Passage.
45

46
47
48 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**
49

50 Representative Sinclair moved to amend the Report of the Committee of
51 the Whole to show that the following Weissmann amendment, to
52 HB03-1367, did not pass, and that HB03-1367, as amended, did pass.
53

54 Amend printed bill, page 3, strike lines 8 and 9 and substitute the
55 following:
56

1 "(III) AIR FORCE CROSS;

2

3 (IV) SILVER STAR; OR

4

5 (V) A MILITARY MEDAL OR HONOR GIVEN FOR VALOR AS
6 DETERMINED BY THE ADJUTANT GENERAL OF THE DEPARTMENT OF
7 MILITARY AFFAIRS."

8

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

10

| | YES | 36 | NO | 28 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 12 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 13 | Borodkin | Y | Garcia | N | McCluskey | Y | Smith | Y |
| 14 | Boyd | Y | Hall | Y | McFadyen | N | Spence | Y |
| 15 | Briggs | Y | Harvey | N | Merrifield | N | Stafford | Y |
| 16 | Brophy | Y | Hefley | Y | Miller | N | Stengel | Y |
| 17 | Butcher | N | Hodge | N | Mitchell | Y | Tochtrop | N |
| 18 | Cadman | Y | Hoppe | Y | Paccione | N | Veiga | N |
| 19 | Carroll | N | Jahn | N | Plant | N | Vigil | N |
| 20 | Cerbo | N | Johnson | Y | Pommer | N | Weddig | N |
| 21 | Clapp | Y | Judd | N | Ragsdale | Y | Weissmann | N |
| 22 | Cloer | Y | King | Y | Rhodes | N | White | Y |
| 23 | Coleman | N | Larson | Y | Rippy | E | Wiens | Y |
| 24 | Crane | Y | Lee | Y | Romanoff | N | Williams S. | Y |
| 25 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 26 | Fairbank | Y | Madden | N | Salazar | N | Witwer | N |
| 27 | Frangas | N | Marshall | N | Schultheis | Y | Young | N |
| 28 | | | | | | | Speaker | Y |

29

30

31 Representative Johnson moved to amend the Report of the Committee of
32 the Whole to show that SB03-134, as amended, did not pass.

33

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

35

| | YES | 07 | NO | 57 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 37 | Berry | N | Fritz | N | May | N | Sinclair | Y |
| 38 | Borodkin | N | Garcia | N | McCluskey | Y | Smith | N |
| 39 | Boyd | N | Hall | N | McFadyen | N | Spence | N |
| 40 | Briggs | Y | Harvey | N | Merrifield | N | Stafford | N |
| 41 | Brophy | N | Hefley | N | Miller | N | Stengel | N |
| 42 | Butcher | N | Hodge | N | Mitchell | N | Tochtrop | N |
| 43 | Cadman | N | Hoppe | N | Paccione | N | Veiga | N |
| 44 | Carroll | N | Jahn | N | Plant | N | Vigil | N |
| 45 | Cerbo | N | Johnson | Y | Pommer | N | Weddig | N |
| 46 | Clapp | N | Judd | N | Ragsdale | N | Weissmann | N |
| 47 | Cloer | N | King | N | Rhodes | N | White | N |
| 48 | Coleman | N | Larson | N | Rippy | E | Wiens | N |
| 49 | Crane | N | Lee | N | Romanoff | N | Williams S. | N |
| 50 | Decker | Y | Lundberg | N | Rose | Y | Williams T. | N |
| 51 | Fairbank | N | Madden | N | Salazar | N | Witwer | N |
| 52 | Frangas | Y | Marshall | N | Schultheis | N | Young | N |
| 53 | | | | | | | Speaker | N |

54

55

1 Representatives Crane and Lee moved to amend the Report of the
 2 Committee of the Whole to show that Amendment No. 2, by
 3 Representative Larson (printed in House Journal page 2167, lines 21-27),
 4 to HB03-1368, did not pass, and that HB03-1368, as amended, did pass.

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

| | YES | 31 | NO | 33 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 9 | Berry | N | Fritz | Y | May | Y | Sinclair | Y |
| 10 | Borodkin | N | Garcia | N | McCluskey | Y | Smith | Y |
| 11 | Boyd | N | Hall | Y | McFadyen | N | Spence | Y |
| 12 | Briggs | Y | Harvey | Y | Merrifield | N | Stafford | Y |
| 13 | Brophy | Y | Hefley | Y | Miller | N | Stengel | N |
| 14 | Butcher | N | Hodge | N | Mitchell | Y | Tochtrop | N |
| 15 | Cadman | Y | Hoppe | Y | Paccione | N | Veiga | N |
| 16 | Carroll | N | Jahn | N | Plant | N | Vigil | N |
| 17 | Cerbo | N | Johnson | N | Pommer | N | Weddig | N |
| 18 | Clapp | Y | Judd | N | Ragsdale | N | Weissmann | N |
| 19 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 20 | Coleman | N | Larson | N | Rippy | E | Wiens | Y |
| 21 | Crane | Y | Lee | Y | Romanoff | N | Williams S. | N |
| 22 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 23 | Fairbank | Y | Madden | N | Salazar | N | Witwer | Y |
| 24 | Frangas | N | Marshall | N | Schultheis | Y | Young | N |
| 25 | | | | | | | Speaker | Y |

26
 27 Representative Butcher moved to amend the Report of the Committee of
 28 the Whole to show that the following Butcher and Williams S.
 29 amendment, to HB03-1368, did pass, and that HB03-1368, as amended,
 30 did pass.

31
 32 Amend printed bill, page 2, line 12, after "COLORADO", insert "AND IN
 33 EACH PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, AND HIGH SCHOOL IN
 34 THE STATE OF COLORADO THAT RECEIVES VOUCHER MONEYS".

35
 36 The amendment was declared **lost** by the following roll call vote:

| | YES | 31 | NO | 33 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 39 | Berry | Y | Fritz | N | May | N | Sinclair | N |
| 40 | Borodkin | Y | Garcia | Y | McCluskey | N | Smith | Y |
| 41 | Boyd | Y | Hall | N | McFadyen | Y | Spence | N |
| 42 | Briggs | N | Harvey | N | Merrifield | Y | Stafford | N |
| 43 | Brophy | N | Hefley | N | Miller | Y | Stengel | Y |
| 44 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 45 | Cadman | N | Hoppe | N | Paccione | Y | Veiga | Y |
| 46 | Carroll | Y | Jahn | Y | Plant | N | Vigil | Y |
| 47 | Cerbo | Y | Johnson | N | Pommer | Y | Weddig | Y |
| 48 | Clapp | N | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 49 | Cloer | N | King | N | Rhodes | N | White | N |
| 50 | Coleman | Y | Larson | Y | Rippy | E | Wiens | N |
| 51 | Crane | N | Lee | N | Romanoff | Y | Williams S. | Y |
| 52 | Decker | N | Lundberg | N | Rose | N | Williams T. | N |
| 53 | Fairbank | N | Madden | Y | Salazar | Y | Witwer | N |
| 54 | Frangas | Y | Marshall | Y | Schultheis | N | Young | N |
| 55 | | | | | | | Speaker | N |

56

1 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

2
3 Passed Second Reading: **HB03-1381, 1377, 1370, 1371, 1373 amended,**
4 **SB03-314, HB03-1372 amended, SB03-255 amended, 1367 amended,**
5 **1378 amended, HCR03-1011, HB03-1114 amended, SB03-303,**
6 **HB03-1368 amended, 1247 amended.**

7
8 Laid over until date indicated retaining place on Calendar:
9 **SB03-309--May 1, 2003.**

10 **HB03-1311, SB03-155--May 8, 2003**

11
12 The Chairman moved the adoption of the Committee of the Whole
13 Report. As shown by the following roll call vote, a majority of those
14 elected to the House voted in the affirmative, and the Report was
15 **adopted.**

| | YES | 64 | NO | 00 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 18 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 19 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 20 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 21 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 22 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 23 | Butcher | Y | Hodge | Y | Mitchell | Y | Tochtrop | Y |
| 24 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 25 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 26 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | Y |
| 27 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 28 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 29 | Coleman | Y | Larson | Y | Rippy | E | Wiens | Y |
| 30 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 31 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 32 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 33 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 34 | | | | | | | Speaker | Y |

35
36
37
38 **CONSENT GRANTED TO CONFERENCE COMMITTEE**

39
40 Representative King moved that the First Conference Committee on
41 **SB03-248** be granted permission to go beyond the scope of the difference
42 between the House and the Senate. The motion was passed by the
43 following roll call vote:

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

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

7
8
9

10 CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL

11

12 On motion of Representative King the rules were suspended for
13 immediate consideration of Senate amendments to HB03-1164.

14

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

18

19 (Amended as printed in Senate Journal, April 28, 2003, pages 1269-1274,
20 and on Third Reading in Senate Journal, April 29.)

21

22 Representative Spradley moved that the House **not concur** in Senate
23 amendments and that a Conference Committee be appointed. The motion
24 was declared **passed** by the following roll call vote:

25

| 26 | YES | 62 | NO | 02 | EXCUSED | 01 | ABSENT | 00 |
|----|----------|----|----------|----|------------|----|-------------|----|
| 27 | Berry | Y | Fritz | Y | May | Y | Sinclair | Y |
| 28 | Borodkin | Y | Garcia | Y | McCluskey | Y | Smith | Y |
| 29 | Boyd | Y | Hall | Y | McFadyen | Y | Spence | Y |
| 30 | Briggs | Y | Harvey | Y | Merrifield | Y | Stafford | Y |
| 31 | Brophy | Y | Hefley | Y | Miller | Y | Stengel | Y |
| 32 | Butcher | Y | Hodge | Y | Mitchell | N | Tochtrop | Y |
| 33 | Cadman | Y | Hoppe | Y | Paccione | Y | Veiga | Y |
| 34 | Carroll | Y | Jahn | Y | Plant | Y | Vigil | Y |
| 35 | Cerbo | Y | Johnson | Y | Pommer | Y | Weddig | N |
| 36 | Clapp | Y | Judd | Y | Ragsdale | Y | Weissmann | Y |
| 37 | Cloer | Y | King | Y | Rhodes | Y | White | Y |
| 38 | Coleman | Y | Larson | Y | Rippy | E | Wiens | Y |
| 39 | Crane | Y | Lee | Y | Romanoff | Y | Williams S. | Y |
| 40 | Decker | Y | Lundberg | Y | Rose | Y | Williams T. | Y |
| 41 | Fairbank | Y | Madden | Y | Salazar | Y | Witwer | Y |
| 42 | Frangas | Y | Marshall | Y | Schultheis | Y | Young | Y |
| 43 | | | | | | | Speaker | Y |

44

45 The Speaker appointed Representatives Spradley, Chairman, Williams T.

46

47

48

49

50 REPORTS OF COMMITTEES OF REFERENCE

51

52 **SB03-236** be amended as follows, and as so amended, be referred to
53 the Committee on Appropriations with favorable
54 recommendation:

55

56 Amend reengrossed bill, page 3, strike lines 2 through 16.

1 Strike pages 4 through 19.

2

3 Page 20, strike lines 1 through 21 and substitute the following:

4

5 "SECTION 1. Article 60 of title 37, Colorado Revised Statutes,
6 is amended BY THE ADDITION OF A NEW PART to read:

7

8

PART 2

9

10 WATER INFRASTRUCTURE REVENUE BONDS

11

12 **37-60-201. Legislative declaration.** (1) THE GENERAL
13 ASSEMBLY HEREBY DECLARES THAT 2003 MARKS COLORADO'S FOURTH
14 CONSECUTIVE YEAR OF DROUGHT CONDITIONS AND THAT COLORADO IS
15 LIKELY TO CONTINUE TO EXPERIENCE CYCLES OF DROUGHT IN THE FUTURE
16 THAT WILL REDUCE THE AMOUNT OF WATER RESOURCES AVAILABLE TO
17 MEET THE STATE'S GROWING NEEDS FOR GOOD-QUALITY, AFFORDABLE
18 WATER SUPPLIES.

19

20 (2) IN ORDER TO PROVIDE FOR DROUGHT RELIEF, THE GENERAL
21 ASSEMBLY FINDS THAT:

22

23 (a) COLORADO'S EXISTING WATER INFRASTRUCTURE IS
24 INSUFFICIENT TO ENABLE THE STATE TO FULLY EXERCISE ALL OF ITS
25 COMPACT ENTITLEMENTS TO WATER, INCLUDING BUT NOT LIMITED TO PEAK
26 FLOWS, AND IT IS IN THE BEST INTEREST OF THE PEOPLE OF THIS STATE FOR
27 THE STATE TO FURTHER DEVELOP AND IMPROVE THE STATE'S WATER
28 INFRASTRUCTURE SO THAT THE STATE CAN RESERVE AS MUCH AS POSSIBLE
29 OF THE WATER TO WHICH IT IS ENTITLED UNDER COMPACTS AND INCREASE
30 ITS AVAILABLE WATER RESOURCES;

31

32 (b) IT IS NECESSARY AND APPROPRIATE TO EXPEDITE THE
33 DEVELOPMENT AND IMPROVEMENT OF COLORADO'S WATER
34 INFRASTRUCTURE BY AUTHORIZING THE BOARD TO ISSUE VOTER-APPROVED
35 WATER INFRASTRUCTURE REVENUE BONDS FOR THE PURPOSE OF FUNDING
36 WATER INFRASTRUCTURE PROJECTS APPROVED BY THE GOVERNOR;

37

38 (c) IT IS NECESSARY AND APPROPRIATE THAT THESE BOND
39 PROCEEDS BE UTILIZED BY 2005 TO BEGIN CONSTRUCTION OF WATER
40 PROJECTS TO EASE COLORADO'S VULNERABILITY TO DROUGHT;

41

42 (d) IT IS ALSO NECESSARY AND APPROPRIATE TO REQUIRE A
43 PORTION OF ANY BOND PROCEEDS, AS DETERMINED BY THE COLORADO
44 WATER CONSERVATION BOARD, TO BE EXPENDED FOR APPROVED WATER
45 INFRASTRUCTURE PROJECTS OR PORTIONS THEREOF THAT:

46

47 (I) AUGMENT OR IMPROVE EXISTING WATER INFRASTRUCTURE
48 FACILITIES;

49

50 (II) CONSERVE EXISTING WATER SUPPLIES;

51

52 (III) PROTECT AND ENHANCE AGRICULTURAL USES;

53

54 (IV) PROVIDE MITIGATION FOR FISH AND WILDLIFE IN ACCORDANCE
55 WITH THE STANDARDS SET FORTH IN SECTION 37-60-122.2;

56

1 (V) PROVIDE OTHER ENVIRONMENTAL AND RECREATIONAL
2 BENEFITS; OR

3
4 (VI) PROVIDE FAIR MITIGATION TO THE AFFECTED BASIN OF ORIGIN.

5
6 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,
7 BY ENACTMENT OF THIS PART 2:

8
9 (a) WATER INFRASTRUCTURE REVENUE BONDS ISSUED PURSUANT
10 TO THIS PART 2 DO NOT CONSTITUTE "A DEBT BY LOAN IN ANY FORM"
11 UNDER SECTION 3 OF ARTICLE XI OF THE STATE CONSTITUTION BECAUSE:

12
13 (I) PAYMENTS OF PRINCIPAL, INTEREST, AND OTHER COSTS ON
14 SUCH BONDS SHALL BE MADE SOLELY FROM REVENUE AND RECEIPTS
15 DERIVED FROM THE SALE OF WATER, POWER, OR OTHER ASSETS BY THE
16 BOARD FROM A WATER INFRASTRUCTURE PROJECT WHOSE CONSTRUCTION,
17 DEVELOPMENT, OR IMPROVEMENT WAS FINANCED IN WHOLE OR IN PART BY
18 THE BONDS, BOND PROCEEDS, AND INTEREST OR INCOME EARNED ON THE
19 DEPOSIT AND INVESTMENT OF SUCH REVENUES AND RECEIPTS AND BOND
20 PROCEEDS; AND

21
22 (II) THE OWNERS OR HOLDERS OF BONDS MAY NOT LOOK TO ANY
23 OTHER REVENUES OF THE STATE FOR THE PAYMENT OF THE BONDS;

24
25 (b) THE PROCEEDS OF BONDS, REVENUES, AND RECEIPTS DERIVED
26 FROM THE SALE OF WATER, POWER, OR OTHER ASSETS BY THE BOARD FROM
27 A WATER INFRASTRUCTURE PROJECT WHOSE CONSTRUCTION,
28 DEVELOPMENT, OR IMPROVEMENT WAS FINANCED IN WHOLE OR IN PART BY
29 THE BONDS, AND INTEREST AND INCOME EARNED ON THE DEPOSIT AND
30 INVESTMENT OF SUCH PROCEEDS AND REVENUES AND RECEIPTS, ARE NOT
31 INCLUDED IN STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20
32 OF ARTICLE X OF THE STATE CONSTITUTION AND ARTICLE 77 OF TITLE 24,
33 C.R.S.

34
35 **37-60-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
36 CONTEXT OTHERWISE REQUIRES:

37
38 (1) "APPROVED WATER INFRASTRUCTURE PROJECT" OR "APPROVED
39 PROJECT" MEANS A WATER INFRASTRUCTURE PROJECT THAT HAS BEEN
40 RECOMMENDED BY THE BOARD AND APPROVED BY THE GOVERNOR
41 PURSUANT TO SECTION 37-60-203.

42
43 (2) "REVENUE BONDS" OR "BONDS" MEANS WATER
44 INFRASTRUCTURE REVENUE BONDS AUTHORIZED BY AND ISSUED IN
45 ACCORDANCE WITH THIS PART 2.

46
47 (3) "WATER INFRASTRUCTURE PROJECT" OR "PROJECT" MEANS A
48 PROJECT SPONSORED BY A GOVERNMENTAL ENTITY, A PRIVATE ENTITY, OR
49 JOINTLY BY GOVERNMENTAL AND PRIVATE ENTITIES, THAT INVOLVES THE
50 ACQUISITION OF WATER RIGHTS, THE CONSTRUCTION, DEVELOPMENT, OR
51 IMPROVEMENT, INCLUDING REHABILITATION OR ENLARGEMENT, OF A DAM,
52 RESERVOIR, FLOOD CONTROL, OR OTHER WATER DIVERSION, CONVEYANCE,
53 OR STORAGE FACILITY, EXCLUDING A DOMESTIC WATER TREATMENT AND
54 DISTRIBUTION SYSTEM OR WASTEWATER TREATMENT AND COLLECTION
55 SYSTEM, TOGETHER WITH RELATED HYDROELECTRICAL OR RECREATIONAL
56 FACILITIES THAT WILL ENHANCE THE ABILITY OF THE STATE TO FULLY

1 EXERCISE ALL OF ITS COMPACT ENTITLEMENTS TO WATER FOR ANY
2 BENEFICIAL USE, INCLUDING BUT NOT LIMITED TO PEAK FLOWS, AND
3 REDUCE THE STATE'S VULNERABILITY TO DROUGHT OR THE LIKELIHOOD OF
4 WATER SHORTAGES. "WATER INFRASTRUCTURE PROJECT" SHALL NOT
5 INCLUDE ANY WATER RESOURCES PROJECT WITH A TOTAL PROJECT COST OF
6 LESS THAN FIVE MILLION DOLLARS OR ANY PROJECT ELIGIBLE FOR
7 FINANCING PURSUANT TO SECTION 37-95-107.6 OR 37-95-107.8, BUT
8 SHALL INCLUDE SUCH ADDITIONAL PROJECTS AS DESCRIBED IN SECTION
9 37-60-201 (2) (d) WHEN APPROVED BY THE BOARD.

10

11 **37-60-203. Submission of ballot question regarding issuance of**
12 **water infrastructure revenue bonds - approval of water infrastructure**

13 **projects.** (1) (a) THE SECRETARY OF STATE SHALL SUBMIT A BALLOT
14 QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE STATE OF
15 COLORADO AT AN ELECTION TO BE HELD IN NOVEMBER 2003 FOR THEIR
16 APPROVAL OR REJECTION. EACH ELECTOR VOTING AT THE ELECTION SHALL
17 CAST A VOTE AS PROVIDED BY LAW EITHER "YES" OR "NO" ON THE
18 PROPOSITION: "SHALL THE STATE OF COLORADO DEBT BE INCREASED \$2
19 BILLION, WITH A REPAYMENT COST OF \$4 BILLION, MAXIMUM TOTAL STATE
20 COST, BY AN AMENDMENT TO THE COLORADO REVISED STATUTES
21 PROVIDING FOR DROUGHT RELIEF BY THE FINANCING OF IMPROVEMENTS TO
22 WATER INFRASTRUCTURE IN COLORADO, AND, IN CONNECTION THEREWITH,
23 AUTHORIZING THE COLORADO WATER CONSERVATION BOARD TO ISSUE
24 REVENUE BONDS FOR THE CONSTRUCTION OF PRIVATE OR PUBLIC WATER
25 INFRASTRUCTURE PROJECTS COSTING \$5 MILLION OR MORE THAT HAVE
26 BEEN APPROVED BY THE GOVERNOR; AUTHORIZING THE WATER
27 CONSERVATION BOARD TO RECOMMEND PROJECTS, INCLUDING AT LEAST
28 TWO PROJECTS FROM DIFFERENT RIVER BASINS WITH A START DATE OF
29 2005, AND REQUIRING THE GOVERNOR TO APPROVE AT LEAST ONE SUCH
30 PROJECT; SETTING ASIDE \$100 MILLION OF BOND PROCEEDS TO FINANCE
31 PROJECTS, OR PORTIONS OF PROJECTS, THAT AUGMENT OR IMPROVE
32 EXISTING FACILITIES OR CONSERVE EXISTING WATER SUPPLIES WITHOUT
33 CREATING NEW STORAGE FACILITIES; EXEMPTING THE BOND PROCEEDS,
34 THE PROCEEDS OF SALES BY THE BOARD OF WATER, POWER, OR OTHER
35 ASSETS FROM FACILITIES FINANCED BY THE BONDS, AND ANY SECTION 20
36 OF THE STATE CONSTITUTION AND ARTICLE 77 OF TITLE 24, COLORADO
37 REVISED STATUTES; AND REQUIRING THE GENERAL ASSEMBLY AND
38 EXECUTIVE BRANCH AGENCIES TO ADOPT BY JULY 1, 2004, ANY
39 NECESSARY STATUTES AND RULES, RESPECTIVELY, TO ENSURE THE
40 MARKETABILITY OF THE BONDS AUTHORIZED BY THIS MEASURE?"

41

42 (b) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF THE
43 QUESTION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
44 (1) SHALL BE CANVASSED AND THE RESULT DETERMINED IN THE MANNER
45 PROVIDED BY LAW FOR THE CANVASSING OF VOTES FOR REPRESENTATIVES
46 IN CONGRESS.

47

48 (2) IF THE REGISTERED ELECTORS OF THE STATE VOTING ON THE
49 QUESTION APPROVE THE BALLOT QUESTION SUBMITTED PURSUANT TO
50 SUBSECTION (1) OF THIS SECTION, THE BOARD SHALL IDENTIFY
51 OPPORTUNITIES FOR WATER INFRASTRUCTURE PROJECTS AND STORAGE
52 STATEWIDE AND MAY RECOMMEND TO THE GOVERNOR WATER
53 INFRASTRUCTURE PROJECTS TO BE FUNDED, IN WHOLE OR IN PART,
54 THROUGH THE ISSUANCE OF NO MORE THAN TWO BILLION DOLLARS OF
55 BONDS IN THE AGGREGATE. THE RECOMMENDATION SHALL INCLUDE, AT
56 A MINIMUM:

1 (a) A DESCRIPTION OF THE RECOMMENDED PROJECTS WITH A
2 MINIMUM OF TWO SUCH PROJECTS IN DIFFERENT RIVER BASINS, THAT HAVE
3 A START DATE OF 2005;

4
5 (b) A FEASIBILITY REPORT THAT EVALUATES THE ECONOMIC AND
6 ENGINEERING FEASIBILITY OF THE PROJECTS;

7
8 (c) RECOMMENDED COMPLETION SCHEDULES FOR THE PROJECTS;

9
10 (d) A STATEMENT THAT LISTS THE PROJECTED COST OF EACH
11 PROJECT AND THE AMOUNT OF REVENUE BOND PROCEEDS TO BE EXPENDED
12 ON EACH PROJECT AND IDENTIFIES THE SOURCE AND AMOUNT OF ANY
13 MONEYS OTHER THAN BOND PROCEEDS TO BE EXPENDED ON EACH
14 PROJECT.

15
16 (3) OF THE BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS
17 SECTION FOR THE PURPOSE OF FINANCING APPROVED WATER
18 INFRASTRUCTURE PROJECTS, A MINIMUM OF ONE HUNDRED MILLION
19 DOLLARS OF BOND PROCEEDS SHALL BE AVAILABLE TO FINANCE APPROVED
20 WATER INFRASTRUCTURE PROJECTS OR PORTIONS THEREOF THAT AUGMENT
21 OR IMPROVE EXISTING WATER INFRASTRUCTURE FACILITIES OR CONSERVE
22 EXISTING WATER SUPPLIES WITHOUT CREATING NEW WATER STORAGE
23 FACILITIES.

24
25 (4) THE GOVERNOR MAY APPROVE ANY OR ALL OF THE WATER
26 INFRASTRUCTURE PROJECTS RECOMMENDED BY THE BOARD PURSUANT TO
27 SUBSECTION (2) OF THIS SECTION. HOWEVER, THE GOVERNOR SHALL
28 APPROVE AT A MINIMUM AT LEAST ONE PROJECT THAT HAS A START DATE
29 OF 2005. THE BOARD SHALL ISSUE REVENUE BONDS ONLY FOR THE
30 PURPOSE OF FINANCING APPROVED PROJECTS.

31
32 **37-60-204. Water infrastructure revenue bonds - rules.**

33 (1) SUBJECT TO THE APPROVAL BY THE GOVERNOR, AND ALL OTHER
34 REQUIREMENTS OF THIS PART 2, THE BOARD, FROM TIME TO TIME, MAY
35 ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING APPROVED WATER
36 INFRASTRUCTURE PROJECTS.

37
38 (2) THE BOARD SHALL PROMULGATE SUCH RULES AS NECESSARY
39 TO ENSURE THE MARKETABILITY OF THE BONDS AUTHORIZED BY THIS PART
40 2 NO LATER THAN JULY 1, 2004.

41
42 **37-60-205. Bonds as contracts - agreement of state not to limit
43 or alter rights of obligees.**

44 (1) ANY REVENUE BONDS ISSUED SHALL
45 CONSTITUTE A CONTRACT BETWEEN THE BOARD AND THE OWNER OR
46 HOLDER THEREOF. THE STATE HEREBY PLEDGES AND AGREES WITH THE
47 HOLDERS OF ANY BONDS ISSUED UNDER THIS PART 2 AND WITH THOSE
48 PARTIES WHO ENTER INTO CONTRACTS WITH THE BOARD PURSUANT TO THIS
49 PART 2 THAT THE STATE WILL NOT LIMIT, ALTER, RESTRICT, OR, IMPAIR THE
50 RIGHTS VESTED IN THE BOARD OR THE RIGHTS OR OBLIGATIONS OF ANY
51 PERSON WITH WHICH IT CONTRACTS TO FULFILL THE TERMS OF ANY
52 AGREEMENTS MADE PURSUANT TO THIS PART 2. THE STATE FURTHER
53 AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS OR REMEDIES
54 OF THE HOLDERS OF ANY BONDS OF THE BOARD UNTIL SUCH BONDS HAVE
55 BEEN PAID OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE.
56 THE BOARD MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THE
STATE IN BONDS.

1 (2) NEITHER THE MEMBERS OF THE BOARD, THE STATE TREASURER,
2 THE DIRECTOR OF THE BOARD, NOR ANY PERSON EXECUTING BONDS SHALL
3 BE LIABLE PERSONALLY ON THE BONDS OR BE SUBJECT TO ANY PERSONAL
4 LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.
5

6 **37-60-206. Bond proceeds and revenues and receipts from**
7 **approved water infrastructure projects - water infrastructure**
8 **development fund.** (1) THE RESOLUTION OR OTHER INSTRUMENT
9 AUTHORIZING THE ISSUANCE OF REVENUE BONDS MAY PLEDGE ALL OR ANY
10 PORTION OF THE PROCEEDS FROM THE ISSUANCE OF THE BONDS TO THE
11 PAYMENT OF THE BONDS AND ANY COSTS ASSOCIATED WITH THE ISSUANCE
12 AND ADMINISTRATION OF THE BONDS.
13

14 (2) ALL PROCEEDS FROM THE ISSUANCE OF BONDS THAT ARE NOT
15 PLEDGED FOR THE PAYMENT OF THE BONDS, ANY COSTS ASSOCIATED WITH
16 THE ISSUANCE AND ADMINISTRATION OF THE BONDS, ANY REVENUES AND
17 RECEIPTS THAT ARE DERIVED FROM THE SALE OF WATER, POWER, OR OTHER
18 ASSETS BY THE BOARD FROM WATER INFRASTRUCTURE PROJECTS
19 FINANCED BY THE BONDS, AND ANY PAYMENTS MADE OR REVENUES
20 PLEDGED TO THE BOARD BY ANY POLITICAL SUBDIVISION SHALL BE
21 CREDITED TO THE WATER INFRASTRUCTURE DEVELOPMENT FUND, WHICH
22 FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST AND
23 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE
24 FUND SHALL BE CREDITED TO THE FUND AND BECOME PART THEREOF, AND
25 MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR SHALL
26 REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND OF
27 THIS STATE OR TO ANY OTHER FUND. ALL MONEYS IN THE FUND SHALL BE
28 CONTINUOUSLY APPROPRIATED TO THE BOARD AND SHALL BE USED TO
29 FINANCE APPROVED WATER INFRASTRUCTURE PROJECTS, TO PAY ANY
30 UNPLEDGED COSTS OF ISSUING AND ADMINISTERING BONDS, INCLUDING
31 REIMBURSEMENT OF COSTS INCURRED BY THE TREASURER IN ASSISTING
32 THE BOARD IN ACCORDANCE WITH THIS PART 2, AND TO PAY ANY OTHER
33 EXPENSE OR CHARGE INCURRED IN CONNECTION WITH THE ONGOING
34 OPERATION OR MAINTENANCE OF APPROVED WATER INFRASTRUCTURE
35 PROJECTS OR OTHER ACTIONS OF THE BOARD AUTHORIZED BY THIS PART 2.
36

37 (3) PROCEEDS FROM THE ISSUANCE OF BONDS, EARNING ON SUCH
38 PROCEEDS, AND REVENUES AND RECEIPTS DERIVED FROM THE SALE BY THE
39 BOARD OF WATER, POWER, OR OTHER ASSETS FROM WATER
40 INFRASTRUCTURE PROJECTS FINANCED BY THE BONDS AND EARNINGS ON
41 SUCH REVENUES AND RECEIPTS SHALL NOT BE INCLUDED IN STATE FISCAL
42 YEAR SPENDING, AS DEFINED BY SECTION 24-77-102 (17) (a), C.R.S., FOR
43 ANY GIVEN FISCAL YEAR FOR PURPOSES OF SECTION 20 OF ARTICLE X OF
44 THE STATE CONSTITUTION AND ARTICLE 77 OF TITLE 24, C.R.S.
45

46 **37-60-207. Exemption from taxation.** EXCEPT AS OTHERWISE
47 PROVIDED IN THIS SECTION, THE INCOME FROM REVENUE BONDS IS EXEMPT
48 FROM ALL TAXATION AND ASSESSMENTS IN THIS STATE. IN THE
49 RESOLUTION, CERTIFICATE, INDENTURE OF TRUST, OR OTHER INSTRUMENT
50 AUTHORIZING THE ISSUANCE OF SUCH BONDS, THE BOARD MAY WAIVE THE
51 EXEMPTION FROM FEDERAL OR STATE INCOME TAXATION FOR INTEREST ON
52 THE BONDS.
53

54 **37-60-208. Annual reports.** (1) IF THE BOARD ISSUES REVENUE
55 BONDS, THEN NO LATER THAN FEBRUARY 15 OF THE FIRST CALENDAR YEAR
56 FOLLOWING THE CALENDAR YEAR IN WHICH THE BOARD FIRST ISSUES

1 BONDS, AND NO LATER THAN FEBRUARY 15 OF EACH YEAR THEREAFTER,
 2 THE BOARD SHALL SUBMIT A REPORT TO THE MEMBERS OF THE JOINT
 3 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE MEMBERS OF THE
 4 LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY, THE CHAIR
 5 OF THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE
 6 OF THE HOUSE OF REPRESENTATIVES, AND THE CHAIR OF THE
 7 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE
 8 SENATE. SUCH REPORT SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING
 9 INFORMATION:

10

11 (a) THE TOTAL AMOUNT OF BONDS ISSUED BY THE BOARD IN
 12 ACCORDANCE WITH THIS PART 2;

13

14 (b) THE APPROVED WATER INFRASTRUCTURE PROJECTS FOR WHICH
 15 THE PROCEEDS FROM THE BONDS HAVE BEEN EXPENDED, THE AMOUNT OF
 16 NOTE PROCEEDS EXPENDED ON EACH PROJECT, THE STATUS OF EACH
 17 PROJECT, AND THE ESTIMATED DATE OF COMPLETION FOR EACH PROJECT
 18 NOT YET COMPLETED; AND

19

20 (c) THE TOTAL AMOUNT OF PROCEEDS FROM THE ISSUANCE OF
 21 BONDS AND REVENUES AND RECEIPTS DERIVED FROM THE SALE OF WATER,
 22 POWER, OR OTHER ASSETS BY THE BOARD FROM A WATER
 23 INFRASTRUCTURE FACILITY WHOSE DEVELOPMENT OR IMPROVEMENT WAS
 24 FINANCED IN WHOLE OR IN PART BY BONDS IN EACH STATE FISCAL YEAR
 25 AND THE COSTS ASSOCIATED WITH THE ISSUANCE AND ADMINISTRATION OF
 26 THE BONDS.

27

28 **37-60-209. Construction of part.** THE POWERS CONFERRED BY
 29 THIS PART 2 SHALL BE IN ADDITION AND SUPPLEMENTAL TO, AND NOT IN
 30 SUBSTITUTION FOR, AND THE LIMITATIONS IMPOSED BY THIS PART 2 SHALL
 31 NOT DIRECTLY OR INDIRECTLY MODIFY, LIMIT, OR AFFECT, THE POWERS
 32 CONFERRED BY ANY OTHER LAW TO THE BOARD, THE STATE TREASURER,
 33 THE DEPARTMENT OF NATURAL RESOURCES, OR THE COLORADO WATER
 34 RESOURCES AND POWER DEVELOPMENT AUTHORITY CREATED BY ARTICLE
 35 95 OF TITLE 37, C.R.S.

36

37 **37-60-210. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE
 38 UPON THE REJECTION BY THE REGISTERED ELECTORS OF THE STATE VOTING
 39 ON THE QUESTION OF THE BALLOT QUESTION SUBMITTED PURSUANT TO
 40 SECTION 37-60-203 (1) (a)."

41

42 Page 21, line 4, after "(3)", insert "TO THE GOVERNOR";

43

44 line 23, strike "**Repeal.**";

45

46 line 24, strike "repealed as follows:" and substitute "amended to read:".

47

48 Page 22, strike lines 3 through 7 and substitute the following:

49

50 "(12.5) (a) (I) "Small water resources project" means any water
 51 management facility or hydroelectric facility that is or will be financed
 52 in whole or in part by the authority and in which the total amount of
 53 financing provided by the authority to any participating governmental
 54 agency does not exceed ~~one~~ FIVE hundred million dollars.";

55

56 line 10, strike "THE" and substitute "(a) (I) BEFORE ANY PROPOSED

1 PROJECT CAN RECEIVE CONSIDERATION FOR CONSTRUCTION FUNDING BY
 2 THE AUTHORITY, THE COLORADO WATER CONSERVATION BOARD MUST
 3 FIRST REVIEW THE FEASIBILITY STUDY OF ANY SUCH PROPOSED PROJECT,
 4 AND THE GENERAL ASSEMBLY MUST AUTHORIZE THE AUTHORITY TO
 5 PROCEED TO CONSIDER THE CONSTRUCTION OF ANY PROPOSED PROJECT.
 6

7 (II) (A) UPON RECEIPT OF A FEASIBILITY STUDY BY THE COLORADO
 8 WATER CONSERVATION BOARD, SAID BOARD SHALL REVIEW SUCH STUDY
 9 AND FORWARD THE STUDY TO THE GENERAL ASSEMBLY TOGETHER WITH
 10 ITS RECOMMENDATION AS TO WHETHER OR NOT THE PROPOSED PROJECT
 11 SHOULD BE AUTHORIZED BY THE GENERAL ASSEMBLY.
 12

13 (B) UPON RECEIPT OF A FEASIBILITY STUDY FROM THE COLORADO
 14 WATER CONSERVATION BOARD, THE GENERAL ASSEMBLY MAY AUTHORIZE
 15 THE AUTHORITY, BY MEANS OF A JOINT RESOLUTION SIGNED BY THE
 16 GOVERNOR, TO PROCEED WITH THE CONSIDERATION OF ANY PROJECT THAT
 17 THE GENERAL ASSEMBLY DEEMS TO BE IN THE INTERESTS OF AND TO THE
 18 ADVANTAGE OF THE PEOPLE OF THIS STATE. HOWEVER, SUCH JOINT
 19 RESOLUTION SHALL IN NO WAY REQUIRE OR COMPEL THE AUTHORITY TO
 20 FUND OR IN ANY WAY FINANCE AND PROCEED WITH THE DEVELOPMENT,
 21 ACQUISITION, CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT,
 22 EXTENSION, IMPROVEMENT, FURNISHING, EQUIPPING, MAINTENANCE,
 23 REPAIR, MANAGEMENT, OPERATION, OR DISPOSITION OF, OR PARTICIPATION
 24 IN ANY PROPOSED PROJECT. A DECISION TO PROCEED, WHEN MADE
 25 SUBSEQUENT TO SUCH JOINT RESOLUTION, SHALL BE ENTIRELY WITHIN THE
 26 DISCRETION OF THE AUTHORITY.
 27

28 (C) SHOULD THE AUTHORITY CHOOSE TO PROCEED WITH A
 29 PROJECT, THEN THE AUTHORITY SHALL MAKE, OR CAUSE TO BE MADE, THE
 30 NECESSARY FINAL DESIGNS AND SPECIFICATIONS FOR SUCH PROJECT;
 31 EXCEPT THAT THE FINAL PROJECT LOCATION, OPERATION, AND PURPOSES
 32 MUST BE IN SUBSTANTIAL COMPLIANCE WITH THE FEASIBILITY STUDY FOR
 33 A PROJECT THAT WAS REVIEWED BY THE COLORADO WATER
 34 CONSERVATION BOARD. THE AUTHORITY SHALL ALSO DEVELOP AND
 35 IMPLEMENT DETAILED PLANS FOR THE FINANCING OF PROJECTS WITH
 36 WHICH IT CHOOSES TO PROCEED. THE TERMS AND CONDITIONS OF SUCH
 37 FINANCING SHALL BE AT THE SOLE DISCRETION OF THE AUTHORITY.
 38

39 (III) THE PROVISIONS OF THIS SUBSECTION (1) SHALL NOT APPLY TO
 40 ANY SMALL WATER RESOURCES PROJECT; EXCEPT THAT, IN THE CASE OF
 41 ANY SMALL WATER RESOURCES PROJECT THAT CONSISTS OF OR INCLUDES
 42 RAW WATER DIVERSION OR STORAGE FACILITIES, THE BOARD SHALL
 43 PROMPTLY FORWARD A COPY OF THE PROJECT LOAN APPLICATION TO THE
 44 COLORADO WATER CONSERVATION BOARD FOR INFORMATIONAL
 45 PURPOSES.
 46

47 (b) THE".
 48

49 Page 24, line 2, strike "(4), and (5)," and substitute "and (4),";

50 line 26, strike "STUDIES," and substitute "STUDIES AND";

51 line 27, strike "AUTHORITY, AND THE FOLLOWING PROJECTS:" and
 52 substitute "AUTHORITY."
 53

54 Page 25, strike lines 1 through 11 and substitute the following:
 55
 56

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

5
 6 ~~(b) A major multipurpose water project for the benefit of the~~
 7 ~~Denver metropolitan area on the South Platte river upstream from the~~
 8 ~~Chatfield reservoir;~~

9
 10 ~~(c) A major multipurpose water project to regulate and store the~~
 11 ~~waters of the South Platte river or its tributaries located on the South~~
 12 ~~Platte river or its tributaries which enter downstream of the Henderson~~
 13 ~~gauging station northerly of Denver.";~~

14
 15 strike lines 17 and 18.

16

17

18

19 **SB03-307** be referred to the Committee of the Whole with favorable
 20 recommendation.

21

22

23 **SB03-321** be referred to the Committee of the Whole with favorable
 24 recommendation.

25

26

27 **HCR03-1005** be amended as follows, and as so amended, be referred to
 28 the Committee on Appropriations with favorable
 29 recommendation:

30

31 Amend printed resolution, page 3, line 22, strike "NINE AND ONE-HALF"
 32 and substitute "EIGHT".

33

34

35

36 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 37 **on HB03-1290**

38

39 This Report Adopts the Reengrossed Bill.

40

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

43

44 Your first conference committee appointed on HB03-1290,
 45 concerning declarations of a state of emergency, has met and reports that
 46 it has agreed upon the following:

47

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

50

51 Respectfully submitted,

52 House Committee:

53 Don Lee

54 Tim Fritz

55 Carl Miller

56

Senate Committee:

Bruce Cairns

Doug Lamborn

Alice Nichol

1 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**
 2 **on HB03-1326**

3 This Report Amends the Rerevised Bill.

4
 5 To the President of the Senate and the
 6 Speaker of the House of Representatives:

7
 8 Your first conference committee appointed on HB03-1326,
 9 concerning limitations on liability for providers of services for persons
 10 with developmental disabilities, has met and reports that it has agreed
 11 upon the following:

12
 13 That the House accede to the Senate amendments made to the bill,
 14 as the amendments appear in the rerevised bill, with the following
 15 changes:

16
 17 Amend rerevised bill, page 6, line 11, strike "FEDERAL AND STATE
 18 STATUTE" and substitute "FEDERAL OR STATE LAW".

19
 20 Respectfully submitted,

21 House Committee:

22 Tim Fritz
 23 Nancy Spence
 24 Cheri Jahn

21 Senate Committee:

22 Jim Dyer
 23 Bob Hagedorn
 24 John Evans

25
 26
 27
 28 **MESSAGE FROM THE SENATE**

29
 30 Madam Speaker:

31
 32 The Senate has adopted the First Report of the First Conference
 33 Committee on HB03-1290, as printed in Senate Journal, April 29, pages
 34 1298-1299, and repassed the bill as amended. The bill is returned
 35 herewith.

36
 37 The Senate has adopted the First Report of the First Conference
 38 Committee on HB03-1326, as printed in Senate Journal, April 29, page
 39 1299, and repassed the bill as amended. The bill is returned herewith.

40
 41
 42
 43 **LAY OVER OF CALENDAR ITEMS**

44
 45 On motion of Representative King, the following items on the Calendar
 46 were laid over until May 1, retaining place on Calendar:

47
 48 Consideration of General Orders--**HCR03-1008, HB03-1369.**
 49 Consideration of Conference Committee Reports--**SB03-113, 275, 282.**
 50 Consideration of Resolutions--**HJR03-1042, SJR03-030, 034,**
 51 **HJR03-1057, 1058, 1062, SJR03-041, HJR03-1061, SJR03-042, 046,**
 52 **HJR03-1054, 1068, 1069, HR03-1019, HJR03-1051, HR03-1013.**
 53 Consideration of Memorials--**SJM03-001, 002, 004, HM03-1001,**
 54 **SJM03-005, 007, 008.**
 55 Consideration of Senate Amendments--**HB03-1190, 1206, 1332.**

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

3

4

Approved:

5

6

7

8

LOLA SPRADLEY,
Speaker

9

10 Attest:

11

12 JUDITH RODRIGUE,
13 Chief Clerk