

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

Seventy-sixth Legislative Day

Monday, March 24, 2003

Prayer By the chaplain, Reverend Bill Calhoun, Montview Blvd. Presbyterian Church.

Pledge By Senator Phillips.

Call to Order By the President at 10:00 a.m.

Roll Call Present-- 30.
Absent/Excused--5; Entz, Gordon, Keller, Linkhart, McElhany.
Present later--Linkhart, McElhany.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Kester, reading of the Journal of March 21, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1305** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 14, line 27, strike "NINETY" and substitute "THREE HUNDRED SIXTY-FIVE".

Page 15, strike lines 1 through 3 and substitute the following:

"FUNERAL DIRECTOR OR EMBALMER HAS GIVEN CLEAR PRIOR NOTICE OF THIS PROVISION AND HAS GIVEN SUCH PERSON A REASONABLE OPPORTUNITY TO COLLECT THE CREMATED REMAINS, IF THE FUNERAL DIRECTOR OR EMBALMER RECORDS THE EXACT LOCATION OF THE DISPOSITION AND THE COSTS ASSOCIATED WITH THE DISPOSITION AND THE RECOVERY OF THE CREMATED REMAINS IS POSSIBLE. RECOVERY OF COSTS SHALL BE LIMITED TO A REASONABLE AMOUNT OF THE COSTS ACTUALLY EXPENDED BY THE FUNERAL DIRECTOR OR EMBALMER."

Appropriations After consideration on the merits, the Committee recommends that **SB03-246** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF BILLS--FIRST READING

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

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

SB03-255 by Senator(s) Chlouber; --Concerning provisions relating to selective service registration as a prerequisite for enrolling at a state-supported institution of higher education.
Education

THIRD READING--FINAL PASSAGE OF BILLS

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

SB03-132 by Senator(s) May R., Johnson S., McElhany, Chlouber; also Representative(s) Rippey-- Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, requiring allocations to be made for every state fiscal year that commences on or after July 1, 2006, without regard to the amount of state revenues for the fiscal year.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1298 by Representative(s) Harvey; also Senator(s) Lamborn--Concerning increased limitations on claims asserting that a mortgage is unconscionable.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1290 by Representative(s) Lee; also Senator(s) Cairns--Concerning declarations of a state of emergency.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1304 by Representative(s) McCluskey, Hall, Berry, Briggs, Fairbank, Frangas, Fritz, Hoppe, Larson, Lee, May M., Merrifield, Paccione, Rippey, Rose, Sinclair, Spence, Spradley, Stafford, White, Wiens; also Senator(s) Johnson S.--Concerning the penalties associated with impersonating a peace officer.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Anderson, Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hanna, Kester, Lamborn, May, McElhany, Reeves, Sandoval, Tapia, Taylor, Teck, Tupa, and Windels.

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

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

HB03-1240

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

HB03-1306

by Representative(s) Hall; also Senator(s) Jones--Concerning the appointment of independent referees by a board of county commissioners to conduct a hearing related to a petition for an abatement or refund of property taxes.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

HB03-1243

by Representative(s) Marshall; also Senator(s) Chlouber--Concerning the application of the statute of limitations for prosecuting offenses based on a series of acts performed at different times to criminal violations under the "Colorado Securities Act".

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Arnold and Grossman.

SB03-238

by Senator(s) Chlouber; also Representative(s) Stengel--Concerning the recovery of actual costs of utility facility relocation at the request of a government entity.

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

YES	30	NO	2	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	E	Isgar	Y	Nichol	N	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

SB03-241

by Senator(s) May R.; also Representative(s) Rippy--Concerning the continuation of the regulation of certain persons in the business of automotive sales, and, in connection therewith, continuing the regulatory functions of the executive director of the department of revenue related to motor vehicle sales.

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

SB03-241

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Jones.

HB03-1205 by Representative(s) McCluskey, Hoppe, Briggs, Brophy, Fairbank, Fritz, Hall, Johnson R., King, May M., Miller, Rose, White, Wiens; also Senator(s) Taylor--Concerning the refund of beef board fees by the board of directors of the Colorado beef council authority.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Chlouber and Isgar.

HB03-1046 by Representative(s) Madden; also Senator(s) Hillman--Concerning the creation of a conservation easement in gross through a reservation.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Chlouber, Evans, Groff, Grossman, and Tupa.

HB03-1221 by Representative(s) Fairbank; also Senator(s) Cairns--Concerning accessibility standards for residential projects designed to serve persons with disabilities.

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

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HB03-1221

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Hanna, Hillman, and Tupa.

HB03-1271 by Representative(s) Sinclair; also Senator(s) Taylor--Concerning voting by certain electors who are located outside the state.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Andrews, Arnold, Cairns, Evans, Hanna, Hillman, Isgar, Lamborn, May, McElhany, Nichol, Teck, and Windels.

HB03-1255 by Representative(s) Stafford, Williams S.; also Senator(s) Johnson S.--Concerning the enhancement of patient safety through the confidential analysis of health care information by nongovernmental patient safety organizations.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

HB03-1283 by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning qualifications for designation as a managed service organization for the purchase of treatment services related to alcohol and drug abuse.

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

HB03-1283

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Hanna and Phillips.

HB03-1061 by Representative(s) May M.; also Senator(s) Phillips--Concerning the repeal of the requirement that the state board of registration for professional engineers and professional land surveyors publish an annual roster.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Johnson.

HB03-1172 by Representative(s) Clapp, Crane, Hefley, Lee, Lundberg, Rhodes, Spradley, White; also Senator(s) Dyer--Concerning school board policies covering when personnel may address health care treatment for student behavior issues.

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

YES	28	NO	4	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	N
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	N		

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

Co-sponsors added: Andrews, Arnold, Cairns, Evans, Hillman, Jones, Lamborn, and May.

HB03-1108 by Representative(s) Paccione; also Senator(s) Tupa--Concerning a standard policy for accepting international baccalaureate diploma students in Colorado institutions of higher education.

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

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HB03-1108

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Arnold, Fitz-Gerald, Groff, Grossman, Hanna, Phillips, Sandoval, and Windels.

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

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

YES	31	NO	1	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Evans, Groff, Grossman, Hagedorn, Hanna, Nichol, Sandoval, and Tupa.

HB03-1216 by Representative(s) Stafford; also Senator(s) Cairns--Concerning the equipment required for driving school vehicles.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

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

HB03-1229 by Representative(s) Cloer, Schultheis; also Senator(s) Johnson S.--Concerning an exemption from authority-to-practice requirements for mental health professionals with authority to practice in another state who practice in Colorado up to twenty days annually.

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

HB03-1229

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

HB03-1211 by Representative(s) Williams T.; also Senator(s) Anderson--Concerning records of child abuse or neglect for the protection of children.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	E	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	E	Keller	E	Reeves	Y		

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

Co-sponsors added: Arnold, Evans, Groff, Hagedorn, Hanna, Isgar, Jones, Owen, Sandoval, Taylor, and Tupa.

HB03-1087 by Representative(s) Veiga; also Senator(s) Gordon--Concerning requirements related to student transfers, and, in connection therewith, adopting a policy establishing that an applicant with a proficiency rating of unsatisfactory in one or more academic areas who attends an unsatisfactory school, as defined by section 22-7-604 (1), shall have priority over any other applicant for enrollment purposes.

Laid over until Tuesday, March 25, retaining its place on the calendar.

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

GENERAL ORDERS--SECOND READING OF BILLS

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

HB03-1297 by Representative(s) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T.; also Senator(s) Dyer, Anderson--Concerning death penalty aggravating factors.

As amended in General Orders--Second Reading, March 21, page 697.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

HB03-1207 by Representative(s) Briggs; also Senator(s) Entz--Concerning a modification to the statutory provisions regarding special districts to allow a municipality to agree to be the approving authority of a special district that was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation.

Laid over until Wednesday, March 26, retaining its place on the calendar.

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- HB03-1186** by Representative(s) Mitchell; also Senator(s) Teck--Concerning the assertion of claims for exemplary damages. 1
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Amendment No. 1, Judiciary Committee Amendment. 4
(Printed in Senate Journal, March 12, page 627 and placed in members' bill files.) 5
6
As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
9
- HB03-1197** by Representative(s) May M., Judd; also Senator(s) Taylor, Anderson--Concerning the use 10
of confidential communications between certified public accountants and clients in 11
proceedings relating to the attest activities of certified public accountants, and, in 12
connection therewith, creating an exception to the Colorado accountant-client privilege for 13
purposes of disciplinary functions of the state board of accountancy related to attest 14
services. 15
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Laid over until Wednesday, March 26, retaining its place on the calendar. 17
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- HB03-1160** by Representative(s) Spence, Briggs, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, 19
King, Lee, Lundberg, Rhodes, Rose, Schultheis, Spradley, Stafford, White, Williams T., 20
Witwer; also Senator(s) Anderson--Concerning the provision of financial assistance for 21
kindergarten through twelfth grade education to disadvantaged children. 22
23
Laid over until Tuesday, March 25, retaining its place on the calendar. 24
25
- HB03-1253** by Representative(s) Stengel, Briggs, Coleman, Larson, Ragsdale, Stafford; also Senator(s) 26
Kester--Concerning the prevention of discriminatory trade practices in the payment of 27
motor vehicle insurance claims for the repair of damaged motor vehicles. 28
29
Laid over until Wednesday, March 26, retaining its place on the calendar. 30
31
- HB03-1142** by Representative(s) Crane, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, May M., 32
Mitchell, Rhodes, Schultheis, Spence, Stafford, White; also Senator(s) Chlouber, Lamborn-- 33
Concerning minor political parties. 34
35
Laid over until Wednesday, March 26, retaining its place on the calendar. 36
37
- HB03-1033** by Representative(s) Spradley, Jahn, Tochtrop; also Senator(s) Hagedorn--Concerning the 38
implementation of the federal "Employee Retirement Income Security Act" with regard to 39
the administration of requests for health benefits. 40
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Laid over until Wednesday, March 26, retaining its place on the calendar. 42
43
- HB03-1053** by Representative(s) Ragsdale, Borodkin, Coleman; also Senator(s) Teck, Entz, May, Takis- 44
-Concerning emissions testing for diesel vehicles. 45
46
Ordered revised and placed on the calendar for Third Reading and Final Passage. 47
48
- HB03-1050** by Representative(s) Coleman; also Senator(s) Kester--Concerning the creation of the 49
business enterprise program cash fund for the state's vending facility program. 50
51
Ordered revised and placed on the calendar for Third Reading and Final Passage. 52
53
- SB03-237** by Senator(s) Anderson; also Representative(s) Pommer--Concerning moneys for the 54
repayment of school district obligations. 55
56
Amendment No. 1, Education Committee Amendment. 57
(Printed in Senate Journal, March 14, page 648 and placed in members' bill files.) 58
59
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 60
Passage. 61
62
- HB03-1219** by Representative(s) Hall, Fritz, Hoppe, Larson, McCluskey, White, Williams T.; also 63
Senator(s) Johnson S.--Concerning the regulation of collection agencies, and, in connection 64
therewith, continuing the collection agency board. 65
66
Amendment No. 1(L.010), by Senator Takis. 67
68
Amend reengrossed bill, page 7, strike lines 15 and 16 and substitute the 69
following: 70
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HB03-1219

"SECTION 6. The introductory portion to 12-14-113 (1), Colorado Revised Statutes, is amended, and the said";

strike lines 26 and 27.

Page 8, strike lines 1 and 2.

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

SB03-073

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

Laid over until Friday, March 28, retaining its place on the calendar.

SB03-154

by Senator(s) Hillman; also Representative(s) Rhodes--Concerning a prohibition on local governments from requiring an owner of a private residential property to sell the property below its fair market value.

Laid over until Monday, March 31, retaining its place on the calendar.

HB03-1228

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

As amended in General Orders--Second Reading, March 21, page 703.

Amendment No. 2(L.006), by Senator Dyer.

Strike the Local Government Committee Report, dated March 13, 2003, and substitute the following:

"Amend reengrossed bill, strike everything below the enacting clause and substitute the following:

"SECTION 1. 17-26-104.5, Colorado Revised Statutes, is amended to read:

17-26-104.5. Medical visits - charge to persons in custody.

(1) A county jail may assess a medical treatment charge against any person who receives while being held in custody medical treatment performed by a physician, dentist, nurse, or licensed hospital or as a result of a sick call or for whom a prescription is filled. The county jail may assess any such medical treatment charge against the person's jail account. In addition, the county jail may assess a reasonable medical treatment charge for each visit by a person in custody to an institutional or noninstitutional physician, dentist, or optometrist; except that a medical treatment charge shall not be assessed for any visit required by the county jail during the intake process OR an annual physical examination REQUIRED BY THE COUNTY JAIL. ~~any visit to a physician, dentist, or optometrist that results from a referral by a nurse, physician's assistant, or physician, or any emergency treatment or follow-up visit initiated by a medical professional.~~ In no case shall a person's inability to pay be the basis for not providing ~~treatment by any medical personnel~~ MEDICAL TREATMENT EQUIVALENT TO THE COMMUNITY STANDARD OF CARE. Any medical treatment charge that remains unpaid shall constitute a cost of care that the person may be ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S.

(2) The provisions of this section shall apply to any person held in custody in a county jail regardless of whether the person is a juvenile, is being held prior to trial, or is in custody for conviction under a state statute or a county or municipal ordinance.

(3) WHEN A PERSON IS HELD IN CUSTODY IN A COUNTY JAIL, THE PERSON SHALL BE PRIMARILY RESPONSIBLE FOR THE PAYMENT OF THE COST OF MEDICAL CARE PROVIDED TO THE PERSON FOR A SELF-INFLICTED INJURY OR A CONDITION THAT WAS PREEXISTING PRIOR TO THE PERSON'S ARREST AND SHALL BE CHARGED FOR THE MEDICAL CARE BY THE

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HB03-1228

PROVIDER OF CARE. FOR PURPOSES OF THIS SECTION, "PREEXISTING CONDITION" MEANS AN ILLNESS BEGINNING OR AN INJURY SUSTAINED BEFORE A PERSON IS IN THE PEACEABLE CUSTODY OF THE COUNTY'S OFFICERS. THIS SUBSECTION (3) SHALL NOT APPLY TO CARE REQUIRED BY THE COUNTY JAIL PURSUANT TO SUBSECTION (1) OF THIS SECTION, CARE PAID FOR BY OTHER ENTITIES PURSUANT TO SECTION 17-26-120 OR 17-26-124, OR CARE PAID FOR BY ANY OTHER ENTITY.

(4) A COUNTY MAY SEEK PAYMENT OR REIMBURSEMENT FOR ANY MEDICAL TREATMENT COSTS FROM A PERSON BEING HELD IN CUSTODY AND RECEIVING SUCH SERVICES.

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

Amendment No. 3(L.010), by Senator Tupa.

Amend the Dyer floor amendment (HB1228_L.006), page 2, strike line 26 and substitute the following:

"RECEIVING SUCH SERVICES OR FROM AN INSURANCE CARRIER OR OTHER ENTITY THAT MAY PROVIDE MEDICAL CARE COST ASSISTANCE TO THE PERSON BEING HELD IN CUSTODY AND RECEIVING SUCH SERVICES, UNLESS THE PERSON'S POLICY ISSUED PURSUANT TO ARTICLE 16 OF TITLE 10, C.R.S., EXPRESSLY PROHIBITS COVERAGE."

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

SB03-232 by Senator(s) Chlouber;--Concerning the office of consumer counsel.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1143 by Representative(s) Crane, Brophy, Cadman, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, Lundberg, May M., Mitchell, Rhodes, Schultheis, Sinclair, Spence, Stafford, White; also Senator(s) May R., Andrews, Arnold, Cairns, Hillman, Johnson S., Jones, Kester, Lamborn--Concerning leave for teachers' union activities.

Amendment No. 1(L.004), by Senator May.

Amend reengrossed bill, page 3, line 18, strike "OR";

strike line 19 and substitute the following:

"UNLESS THE TEACHERS' UNION REIMBURSES THE SCHOOL DISTRICT FOR THE SALARY AND BENEFITS OF ANY EMPLOYEE TO ATTEND SUCH MEETINGS."

As amended, declared **LOST** on Second Reading.

SB03-001 by Senator(s) Cairns; also Representative(s) Lee--Concerning property tax credits to support education in the state.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1237 by Representative(s) Judd; also Senator(s) Lamborn--Concerning technical modifications to the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law.

Laid over until Tuesday, March 25, retaining its place on the calendar.

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SB03-236 by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp, Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King, McCluskey, Sinclair, Stengel, Weddig--Concerning an authorization of the issuance of voter-approved revenue bonds for the purpose of financing water infrastructure projects by the state, and, in connection therewith, excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending.

Laid over until Tuesday, March 25, retaining its place on the calendar.

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

Laid over until Tuesday, March 25, retaining its place on the calendar.

SB03-121 by Senator(s) McElhany; also Representative(s) Williams T.--Concerning the preparation of a cost-benefit analysis of rules proposed for adoption by state agencies under the "State Administrative Procedure Act" to determine the impact of the proposed rules on the state's economy.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1232 by Representative(s) Stafford, Spradley; also Senator(s) Johnson S.--Concerning evidence of admissions in civil proceedings related to the provision of medical care.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1241 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification on election ballots.

Laid over until Tuesday, March 25, retaining its place on the calendar.

HB03-1083 by Representative(s) Spence, Paccione; also Senator(s) Arnold, Anderson, Dyer, Hanna, Johnson S.--Concerning repeal of the requirement that transfer rules shall not prohibit a student's participation in extracurricular activities if the student enrolls in the transfer school within fifteen days after the school year begins and prior to participating in the activity during the same school year at the prior school of enrollment.

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

HB03-1001 by Representative(s) Hoppe; also Senator(s) Johnson S.--Concerning increased flexibility in the use of water resources.

Laid over until Tuesday, March 25, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1297 by Representative(s) Fritz, Lee, Hefley, Spradley, Fairbank, Frangas, Jahn, Mitchell, White, Williams T.; also Senator(s) Dyer, Anderson--Concerning death penalty aggravating factors.

Senator Grossman moved to amend the Report of the Committee of the Whole to show that the following Grossman floor amendment (L.002) to **HB03-1297** did pass:

Amend reengrossed bill, page 2, after line 14, insert the following:

"SECTION 2. 18-1.3-1201 (5) (n), Colorado Revised Statutes, is amended to read:

18-1.3-1201. Imposition of sentence in class 1 felonies - appellate review. (5) For purposes of this section, aggravating factors shall be the following factors:

(n) The defendant committed the class 1 felony against the victim because of the victim's race, color, ancestry, religion, SEXUAL ORIENTATION, or national origin; or".

Renumber succeeding sections accordingly.

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HB03-1297

YES	14	NO	18	EXCUSED	3	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	E	Isgar	Y	Nichol	N	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	E	Keller	E	Reeves	Y		

Less that a majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **LOST**.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

- Passed on Second Reading: HB03-1297 as amended, HB03-1186 as amended, HB03-1053, HB03-1050, SB03-237 as amended, HB03-1219 as amended, HB03-1228 as amended, HB03-1083.
- Lost on Second Reading: HB03-1143, as amended.
- Laid over until Tuesday, March 25: HB03-1160, SB03-232, SB03-001, HB03-1237, SB03-236, HB03-1007, SB03-121, HB03-1232 as amended, HB03-1241 as amended, HB03-1001 as amended.
- Laid over until Wednesday March 26: HB03-1207, HB03-1197 as amended, HB03-1253, HB03-1142, HB03-1033.
- Laid over until Friday, March 28: SB03-073.
- Laid over until Monday, March 31: SB03-154.

COMMITTEE OF REFERENCE REPORTS

- Education After consideration on the merits, the Committee recommends that **HB03-1159** be referred to the Committee of the Whole with favorable recommendation.
- Education After consideration on the merits, the Committee recommends that **HB03-1021** be referred to the Committee on Appropriations with favorable recommendation.
- Education After consideration on the merits, the Committee recommends that **HB03-1250** be postponed indefinitely.
- Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **HB03-1320** be referred to the Committee on Appropriations with favorable recommendation.
- Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **HB03-1092** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 20 and 21 and substitute the following:

"FORESTED LAND SHALL CONSULT AND COOPERATE WITH THE STATE FORESTER IN THE ACTIVE MANAGEMENT OF ALL FORESTED STATE LANDS".
- Judiciary After consideration on the merits, the Committee recommends that **HB03-1121** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 5, insert the following:

HB03-1121

"SECTION 2. 13-17-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-17-202. Award of actual costs and fees when offer of settlement was made. (4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AN ACTION OR ARBITRATION PROCEEDING BROUGHT PURSUANT TO PART 8 OF ARTICLE 20 OF THIS TITLE."

Renumber succeeding sections accordingly.

Page 4, strike line 8, and substitute the following:

"date; except that section 2 of this act shall only take effect if House Bill 03-1161 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law."

MESSAGES FROM THE GOVERNOR

March 20, 2003

To the Honorable
Senate
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

S.B. 03-002 – Concerning A Nonsubstantive Recodification Of Statutes Relating To The Powers Of The Department Of Public Health And Environment.

Approved March 20, 2003 at 2:33 p.m.

S.B. 03-046 – Concerning The Speed Limit For Single Rear Axle Vehicles That Are In The Business Of Transporting Trash.

Approved March 20, 2003 at 2:34 p.m.

S.B. 03-047 – Concerning The Water Resources Review Committee.

Approved March 20, 2003 at 2:35 p.m.

S.B. 03-052 – Concerning The Elimination Of The Report To The State Auditor Related To The Public Safety Communications Trust Fund.

Approved March 20, 2003 at 2:35 p.m.

S.B. 03-062 – Concerning The Requirement That A Warrant Drawn On A Fund That Contains Moneys That Do Not Revert To The State General Fund Be Treated As Unclaimed Property If The Warrant Is Not Presented To The State Treasurer For Payment.

Approved March 20, 2003 at 2:37 p.m.

S.B. 03-066 – Concerning The Repeal Of The Motor Vehicle Air Conditioning Fee, And, In Connection Therewith, Repealing The Ozone Protection Fund.

Approved March 20, 2003 at 2:40 p.m.

S.B. 03-096 – Concerning Modifications To The "County And Municipality Development Revenue Bond Act".

Approved March 20, 2003 at 2:45 p.m.

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S.B. 03-118 – Concerning The Exclusion Of A Person Who Performs Duties For More Than One Employer In The Business Of Horse Racing From The Definition Of “Employee” For The Purpose Of The “Workers’ Compensation Act Of Colorado”. 1
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Approved March 20, 2003 at 2:46 p.m. 5
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S.B. 03-137 – Concerning Modifications To Deadlines Involving The Conversion Of Unsatisfactory Schools. 7
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Approved March 20, 2003 at 2:48 p.m. 10
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S.B. 03-223 – Concerning Extension Of The Public Utilities Commission To A Date No Earlier Than July 1, 2008. 12
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Approved March 20, 2003 at 2:49 p.m. 15
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Sincerely, 17

(signed) 18

Bill Owens 19

Governor 20

Rec'd 03-21-03 9:10 a.m. 21

Mona Heustis, Secretary of the Senate 22
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March 21, 2003 25
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To the Honorable 27

Senate 28

First Regular Session 29

Denver, CO 80203 30
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Ladies and Gentlemen: 32
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I am filing with the Secretary of State, Senate Bill 03-57, "Concerning Benefit Plan Alternatives within the Fire and Police Pension Association for Members of Money Purchase Plans." I will neither sign nor veto Senate Bill 03-57. Therefore, this bill becomes law at 12:01 A.M. on March 25. This letter sets forth my reasons for letting this bill become law without my signature. 34
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In the past few months, I have expressed concerns about the financial accountability of the Fire and Police Pension Association (FPPA) to the State of Colorado. Tremendous amounts of taxpayer dollars flow into the FPPA and thus its finances should be open to inspection and audit--both to protect the taxpayer and the FPPA's beneficiaries. This bill does nothing to address these concerns, and in fact expands the FPPA's financial commitments through the administration of a new hybrid retirement plan. 40
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Accordingly, I am allowing Senate Bill 03-57 to become law without my signature. 47
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Sincerely, 49

(signed) 50

Bill Owens 51

Governor 52

Rec'd 03-21-03 3:15 p.m. 53

Karen Kuhlmann, Asst. Secretary of the Senate 54
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APPOINTMENTS TO CONFERENCE COMMITTEES 58 59

The President appointed Senators Teck, Chairman, Anderson, and Sandoval as Senate Conferees on the First Conference Committee on **HB03-1301**. 60
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The President appointed Senators Dyer, Chairman, Hillman, and Keller as Senate Conferees on the First Conference Committee on **HB03-1025**. 63
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SENATE SERVICES REPORT

Correctly printed: SB03-254, 255.

Correctly engrossed: SB03-238, 241.

Correctly revised: HB03-1046, 1061,1087, 1108, 1172, 1205, 1211, 1216, 1218, 1221, 1229, 1240, 1243, 1255, 1271, 1283, 1304, 1306.

To the Governor for signature on Friday, March 21, 2003, 1:44 p.m., SB03-060, 097, 164.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 24, was laid over until Tuesday, March 25, retaining its place on the calendar.

Consideration of Resolutions: SJR03-028, SJR03-030.

Consideration of Memorial: SJM03-002.

Consideration of House Amendments to Senate Bills: SB03-117.

Consideration of Governor's Vetoes: SB03-207.

Conference Committee to Reports: HB03-1161, HB03-1103.

Request for Conference Committee: SB03-065.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Tuesday, March 25, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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