

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

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

Prayer By the chaplain, Reverend Dr. Larron D. Jackson. 10-11

Pledge By Senator Cairns. 12-13

Call to Order By the President at 9:00 a.m. 14-15

Roll Call Present--33. 16-17
 Absent/Excused--2; Linkhart, Nichol. 18-19
 Present later--Linkhart, Nichol. 20-21

Quorum The President announced a quorum present. 22-23

Reading of Journal On motion of Senator Jones, reading of the Journal of April 29, 2003 was dispensed with and the Journal was approved as corrected by the Secretary. 24-25

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Memorials: **SJM03-006** and **SM03-001**. 26-31

CONSIDERATION OF MEMORIALS

SJM03-006 by Senator(s) Phillips, Arnold, Evans, Fitz-Gerald, Tupa; also Representative(s) Madden, Plant, Pommer, Weissmann--Memorializing former Senator Les Fowler. 32-38

On motion of Senator Phillips, the memorial was read at length and **adopted** by the following roll call vote: 39-40

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

Co-sponsors added: Anderson, Andrews, Cairns, Chlouber, Dyer, Entz, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, and Windels. 41-53

SM03-001 by Senator(s) Teck; --Memorializing former senator Dan D. Noble. 54-58

On motion of Senator Teck, the memorial was read at length and **adopted** by the following roll call vote: 59-60

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SM03-001

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Tupa, and Windels.

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

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:

SCR03-002 by Senator(s) Teck; also Representative(s) Fritz--Submitting to the registered electors of the state of Colorado an amendment to section 1 (4) of article V of the constitution of the state of Colorado, concerning a requirement that any ballot measure affecting the hunting of wildlife be approved by a two-thirds vote.

Laid over until the 1st day of Mountain Lion Hunting Season, November 14.

HB03-1173 by Representative(s) Coleman, Boyd, Butcher, Groff, Jahn, Judd, Marshall, McFadyen, Ragsdale, Romanoff, Tochtrop; also Senator(s) Tapia, Windels--Concerning the funding of Colorado family literacy programs.

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

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

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

Co-sponsors added: Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Keller, Linkhart, Sandoval, and Takis.

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.

SB03-254

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

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

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

SB03-264

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

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

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

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

Co-sponsors added: Arnold, Fitz-Gerald, Gordon, Groff, Hanna, Linkhart, Tupa, and Windels.

SB03-325

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

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

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

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

Co-sponsors added: Arnold, Hagedorn, Keller, Linkhart, May, and Tupa.

HB03-1138 by Representative(s) Hefley, Schultheis, Cloer, May M., Crane, Lee, Rhodes; also Senator(s) Hillman--Concerning offenses against pregnant women that affect their unborn children, and making an appropriation in connection therewith.

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

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

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

Co-sponsors added: Andrews, Arnold, Cairns, Johnson, Jones, Lamborn, May, McElhany, Nichol, Owen, and Teck.

HB03-1318 by Representative(s) Hoppe, Brophy, Hall, Hefley, Lee, Plant, Tochtrop, Veiga, Wiens, Williams T., Witwer; also Senator(s) Grossman--Concerning the creation of water banks to operate in each water division, and, in connection therewith, making an appropriation.

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

YES	31	NO	4	EXCUSED	0	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	N	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Entz, Fitz-Gerald, Groff, Hagedorn, Hanna, Hillman, Isgar, Kester, Owen, Tapia, Taylor, Teck, and Tupa.

HB03-1213 by Representative(s) Johnson R., Stengel; also Senator(s) Dyer--Concerning the removal of commercial purpose from the crime of sexual exploitation of a child, and making an appropriation therefor.

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

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

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

HB03-1213

Co-sponsors added: Anderson, Arnold, Groff, Grossman, Hanna, Hillman, Isgar, Jones, Lamborn, McElhany, Nichol, Sandoval, Taylor, and Teck.

HB03-1319

by Representative(s) Fritz, Briggs, Brophy, Cadman, Hall, Harvey, McFadyen, Plant, Rippy, Salazar, Stengel, Tochtrop, White; also Senator(s) Dyer, Hagedorn, Teck-- Concerning the augmentation of law enforcement tools used to gain compliance with laws regulating the recreational use of Colorado's natural resources.

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

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

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

Co-sponsors added: Grosssman.

HB03-1320

by Representative(s) Rippy; also Senator(s) McElhany--Concerning the state engineer's authority to administer temporary instream flows held by the Colorado water conservation board, and, in connection therewith, requiring the state engineer to determine whether such temporary instream flows would injure existing water rights, and making an appropriation.

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

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

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

Co-sponsors added: Groff, Grossman, Jones, Lamborn, and May.

HB03-1289

by Representative(s) Briggs, Larson, Decker, McCluskey, Merrifield; also Senator(s) Arnold, Kester--Concerning consumer protection for intrastate household moves, and, in connection therewith, changing the registration requirements for a motor carrier of household goods within Colorado, and making an appropriation therefor.

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

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

HB03-1289

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

Co-sponsors added: Chlouber, Fitz-Gerald, Hagedorn, Jones, May, and Tupa.

HB03-1323

by Representative(s) Mitchell; also Senator(s) Hagedorn--Concerning the coordination of the permitting by all levels of government of natural resource development projects.

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

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

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

HB03-1123

by Representative(s) Sinclair, King, Lee, Rippy, Stafford; also Senator(s) Johnson S.-- Concerning the cash funding of the regulation of racing events, and, in connection therewith, making an appropriation.

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

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

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

Co-sponsors added: Lamborn.

HB03-1366

by Representative(s) White; also Senator(s) Anderson--Concerning a limitation on supersedeas bonds.

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

HB03-1366

Co-sponsors added: Andrews, Arnold, Hillman, and Jones.

SB03-340

by Senator(s) May R.; also Representative(s) Cadman--Concerning exemptions from registration under the "Colorado Charitable Solicitations Act".

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

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

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

SB03-336

by Senator(s) May R., Andrews; also Representative(s) Fritz--Concerning the statewide internet portal.

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

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

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

Co-sponsors added: Chlouber, Hagedorn, Hillman, Jones, Lamborn, Taylor, and Teck.

HB03-1345

by Representative(s) Vigil; also Senator(s) Takis--Concerning the concurrent legislative jurisdiction over the real property constituting the Rocky Mountain arsenal.

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

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

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

Co-sponsors added: Groff and Nichol.

SB03-322 by Senator(s) Andrews, Dyer, Owen, McElhany, Chlouber, Taylor, May R., Arnold, Cairns, Entz, Evans, Hillman, Johnson S., Jones, Lamborn; also Representative(s) Lee, Harvey, May M., Wiens, Schultheis, Sinclair, Hefley, Clapp, Smith, Briggs, Brophy, Cadman, Crane, Fairbank, Fritz, Lundberg, Rhodes, Rose, Spence, Stafford, Stengel--Concerning the requirement that state-supported institutions of higher education verify the visa status of enrolled foreign students from specified countries with links to Islamic terrorism.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Co-sponsors added: Teck.

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

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

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

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

HB03-1350 by Representative(s) Rippy; also Senator(s) Dyer--Concerning the electronic publication of administrative rule-making materials by the secretary of state.

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

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

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

IMMEDIATE RECONSIDERATION OF SB03-322

SB03-322 by Senator(s) Andrews, Dyer, Owen, McElhany, Chlouber, Taylor, May R., Arnold, Cairns, Entz, Evans, Hillman, Johnson S., Jones, Lamborn; also Representative(s) Lee, Harvey, May M., Wiens, Schultheis, Sinclair, Hefley, Clapp, Smith, Briggs, Brophy, Cadman, Crane, Fairbank, Fritz, Lundberg, Rhodes, Rose, Spence, Stafford, Stengel--Concerning the requirement that state-supported institutions of higher education verify the visa status of enrolled foreign students from specified countries with links to Islamic terrorism.

Having voted on the prevailing side, Senator Anderson moved for immediate reconsideration of the last Senate action, Third Reading--Final Passage, on **SB03-322**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING--FINAL PASSAGE OF BILL

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

SB03-322 by Senator(s) Andrews, Dyer, Owen, McElhany, Chlouber, Taylor, May R., Arnold, Cairns, Entz, Evans, Hillman, Johnson S., Jones, Lamborn; also Representative(s) Lee, Harvey, May M., Wiens, Schultheis, Sinclair, Hefley, Clapp, Smith, Briggs, Brophy, Cadman, Crane, Fairbank, Fritz, Lundberg, Rhodes, Rose, Spence, Stafford, Stengel--Concerning the requirement that state-supported institutions of higher education verify the visa status of enrolled foreign students from specified countries with links to Islamic terrorism.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Committee of the Whole On motion of Senator Teck, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Teck 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:

SB03-339 by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning the information required to be provided by the proponents of certain nonrecall, citizen-initiated petitions.

SB03-339

Amendment No. 1(L.002), by Senator Johnson.

Amend printed bill, page 5, after line 16, insert the following:

"SECTION 6. Applicability. This act shall apply to any nonrecall, citizen-initiated petition to be placed on a statewide ballot on or after the effective date of this act."

Renumber succeeding section accordingly.

Amendment No. 2(L.003), by Senator Johnson.

Amend printed bill, page 2, line 13, strike "AND";

after line 13, insert the following:

"(II) AN ESTIMATE OF THE STATE'S FISCAL LIABILITIES FOR FUNDING A PROGRAM OR SERVICE AT A MINIMUM OR SPECIFIED LEVEL IF THE PETITION PROPOSES OR HAS THE EFFECT OF REQUIRING A MINIMUM OR SPECIFIED LEVEL OF STATE FUNDING FOR SUCH PROGRAM OR SERVICE; AND".

Renumber succeeding subparagraph accordingly.

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

HB03-1223 by Representative(s) Veiga; also Senator(s) Chlouber--Concerning the penalties for failure to maintain financial responsibility for a motor vehicle, and making an appropriation in connection therewith.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, April 16, page 1066 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.

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

Amendment No. 3(L.009), by Senators Chlouber, Lamborn, and Fitz-Gerald.

Amend the Appropriations Committee Report, dated April 25, 2003, page 1, strike lines 1 through 8 and substitute the following:

"Amend reengrossed bill, page 2, line 15, strike "(A)";

line 20, strike "SECTION; AND" and substitute "SECTION.";

strike lines 21 through 25.

Page 3, strike lines 1 and 2."

Amendment No. 4(L.007), by Senator Chlouber.

Amend reengrossed bill, page 4, after line 12, insert the following:

"SECTION 4. 42-3-112 (2) and (3) (a), Colorado Revised Statutes, are amended to read:

42-3-112. Records of application and registration. (2) The department, upon registering a vehicle, shall issue to the owner a registration card ~~which~~ THAT shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, a notice, in type ~~which~~ THAT is larger than the other information contained on the registration card, that motor vehicle insurance coverage is compulsory in Colorado, that

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HB03-1223

noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine, ~~and that such owner shall be required upon receipt of the registration card to sign the affirmation clause on such card which states "I swear or affirm under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____,"~~ a description of the registered vehicle, including the identification number thereof, and, with reference to every new vehicle sold in this state after January 1, 1932, the date of sale by the manufacturer or dealer to the person first operating such vehicle, and such other statement of facts as may be determined by the department.

(3) (a) Any notice for renewal of registration shall include a notice, in type ~~which~~ THAT is larger than the other information contained in the notice, which specifies that motor vehicle insurance coverage is compulsory in Colorado, that noncompliance is a misdemeanor traffic offense, that the minimum penalty for such offense is a one-hundred-dollar fine and that the maximum penalty for such offense is one year's imprisonment and a one-thousand-dollar fine. ~~and that such owner shall be required as a condition of obtaining a renewed registration card and upon receipt of the registration card to sign the affirmation clause on such card which states "I swear or affirm under penalty of perjury that I now have in effect a complying policy of motor vehicle insurance pursuant to the "Colorado Auto Accident Reparations Act", part 7 of article 4 of title 10, C.R.S., or a certificate of self-insurance to cover the vehicle for which this registration is issued, and I understand that such insurance must be renewed so that coverage is continuous. Signature _____, Date _____."~~

Renumber succeeding sections accordingly.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Teck, 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: HB1223 as amended.
- Lost on Second Reading: SB03-339 as amended.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB03-1147 by Representative(s) Frangas, Butcher, Spence, Vigil; also Senator(s) Teck--Concerning existing income tax checkoffs.

Senator Teck moved that the Senate Conferees on the First Conference Committee on **HB03-1147** be given the powers to go beyond the scope of the differences between the two Houses.

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

MESSAGE FROM THE HOUSE

April 30, 2003
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1358, amended as printed in House Journal, April 29, pages 2092-2093.

The House has passed on Third Reading and returns herewith SB03-022, 033, 049, 076, 083, 131.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-011, amended as printed in House Journal, April 29, page 2090. SB03-027, amended as printed in House Journal, April 29, pages 2090-2091. SB03-030, amended as printed in House Journal, April 29, page 2091. SB03-304, amended as printed in House Journal, April 29, page 2091. SB03-101, amended as printed in House Journal, April 29, page 2094. SB03-230, amended as printed in House Journal, April 29, page 2094. SB03-239, amended as printed in House Journal, April 29, page 2094.

The House has adopted and transmits herewith HJR03-1059, as printed in House Journal, April 17, pages 1745-1746.

The House has adopted and transmits herewith HJR03-1052, as printed in House Journal, April 14, page 1619.

In response to the request of the Senate, the Speaker has appointed Representatives T. Williams, chairman, Spradley, and S. Williams as House conferees on the First Conference Committee on SB03-078.

The House has adopted and returns herewith SJM03-006.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Owen, Chairman, Kester, and Tapia as Senate Conferees on the First Conference Committee on **HB03-1263**.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB03-344, 345, 346, 347; SJM03-010.

Correctly engrossed: SB03-254, 264, 322, 325, 336, 340, 341; SCR03-002; SJR03-036.

Correctly reengrossed: SB03-251, 236, 252, 313, 323, 326, 328.

Correctly revised: HB03-1123, 1138, 1173, 1213, 1223, 1289, 1318, 1319, 1320, 1323, 1345, 1350, 1366.

Correctly rerevised: HB03-1004, 1056, 1164, 1188, 1210, 1317, 1329, 1341.

Correctly enrolled: SB03-006, 007, 019, 045, 070, 085, 110, 121, 141, 167, 240, 308.

To the Governor for signature on Tuesday, April 29, 2003 at 9:00 a.m., SB03-009, 041, 050, 073, 114, 222, 225, 250, 297.

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Senate in recess.

Senate reconvened.

COMMITTEE OF REFERENCE REPORTS

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-065**

**THIS REPORT AMENDS THE
BILL**

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

Your first conference committee appointed on SB03-065,
concerning animal protection, has met and reports that it has agreed upon
the following:

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

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

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

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Senator Chlouber, Chairman	Representative Spradley, Chairman
Senator Hillman	Representative Hall
Senator Grossman	Representative Miller

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-268**

**THIS REPORT AMENDS THE
REREVISED BILL**

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

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

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SB03-268

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

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

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

strike lines 18 through 21 and substitute the following:

"EMERGENCIES."

Page 14, line 20, after "audit.", insert "(1)".

Page 15, after line 6, insert the following:

"(2) NO LATER THAN NOVEMBER 1, 2003, THE CORPORATION SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY ITS ACTIONS AND INTENTIONS REGARDING THE EXECUTION OF A PROPERTY SALE CONTRACT PURSUANT TO SECTION 24-82.5-111. THE CORPORATION SHALL SET FORTH ITS REASONS FOR EXECUTING OR CHOOSING NOT TO EXECUTE A PROPERTY SALE CONTRACT AND THE PROPOSED TERMS, CONDITIONS, AND EXECUTION DATE OF ANY PROPERTY SALE CONTRACT THAT THE CORPORATION INTENDS TO EXECUTE."

Page 16, line 4, strike "JUNE" and substitute "NOVEMBER";

line 8, strike "JUNE" and substitute "NOVEMBER";

line 13, strike "TWO" and substitute "ONE".

Page 19, strike lines 22 through 27.

Page 20, strike lines 1 and 2 and substitute the following:

"PROVISION OF LAW, NET PROCEEDS DEPOSITED INTO THE";

line 5, strike "EMERGENCY. FOR";

strike lines 6 through 10 and substitute the following:

"EMERGENCY IN ACCORDANCE WITH SECTION 24-22-115.5 (2) (a.7) (II).";

line 13, strike "SUBPARAGRAPH (II) OF";

line 17, strike "SUBPARAGRAPH (II) OF";

line 20, strike "SUBPARAGRAPH (II) OF";

line 24, strike "- transfer of right to tobacco settlement revenues".

Page 21, line 2, strike "JUNE" and substitute "NOVEMBER".

Page 28, line 11, strike "JULY" and substitute "DECEMBER";

line 18, strike "JULY" and substitute "DECEMBER".

Page 29, line 23, after "(1),", insert "THE LESSER OF";

line 25, strike "SHALL BE TRANSFERRED" and substitute "OR SEVEN MILLION FIVE HUNDRED NINETY-FOUR THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS SHALL BE TRANSFERRED FROM THE CASH FUND".

Page 31, line 2, after "24-22-115;", add "AND";

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line 4, strike "24-82.5-110 (2); AND" and substitute "24-82.5-110 (2).";

strike lines 5 through 7;

line 11, strike "JULY" and substitute "DECEMBER";

line 18, strike "SUBPARAGRAPHS (IV) AND (V)" and substitute "SUBPARAGRAPH (IV)";

line 19, strike "ARE REPEALED, EFFECTIVE JULY" and substitute "IS REPEALED, EFFECTIVE DECEMBER";

line 27, strike "JULY" and substitute "DECEMBER".

Page 32, strike lines 15 through 27.

Page 33, strike lines 1 through 4.

ReNUMBER succeeding subparagraphs accordingly.

Page 33, strike lines 9 through 12 and substitute the following:

"24-82.5-110 (2) (a) OR (2) (b)";

line 15, strike "FOR";

strike lines 16 through 20 and substitute the following:

"TO DETERMINE IF A CASH FLOW EMERGENCY EXISTS, ON A DAILY BASIS THE STATE TREASURER SHALL DETERMINE IF THE STATE'S AVAILABLE MONEYS ARE SUFFICIENT TO FULLY FUND THE OBLIGATIONS OF THE STATE THAT ARE DUE AND PAYABLE ON THAT DAY. IF THE AVAILABLE MONEYS ARE NOT SUFFICIENT, THE STATE TREASURER IN CONSULTATION WITH THE OFFICE OF THE GOVERNOR SHALL DECLARE A CASHFLOW EMERGENCY AND UTILIZE THE MONEYS IN THE CASH FLOW RESERVE TO MEET THE STATE'S OBLIGATIONS. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (A), "AVAILABLE MONEYS" MEANS MONEYS ON DEPOSIT IN THE ACCOUNTS OF THE GENERAL FUND AND THOSE CASH FUNDS SUBJECT TO THE PROVISIONS OF SECTION 24-75-208.

(B) IN RESOLVING A CASH FLOW EMERGENCY, THE STATE TREASURER SHALL EXPEND ALL MONEYS DESIGNATED AS A CASH FLOW RESERVE PURSUANT TO SECTION 24-82.5-110 (2) (a) OR (2) (b) BEFORE EXPENDING ANY OTHER MONEYS DESIGNATED AS A CASH FLOW RESERVE PURSUANT TO ANY OTHER PROVISION OF LAW.

(C) IF THE STATE TREASURER EXPENDS MONEYS FROM THE CASH FLOW RESERVE DURING ANY STATE FISCAL YEAR AS PERMITTED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AN AMOUNT OF MONEYS EQUAL TO THE AMOUNT OF MONEYS EXPENDED SHALL BE DEPOSITED IN THE TOBACCO LITIGATION SETTLEMENT TRUST FUND ON OR BEFORE THE LAST DAY OF THE FOLLOWING STATE FISCAL YEAR AND DESIGNATED AS A CASH FLOW RESERVE TO BE EXPENDED ONLY AS PERMITTED BY SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II).

(D) MONEYS DESIGNATED AS A CASHFLOW RESERVE PURSUANT TO SECTION 24-82.5-110(2)(a) OR (2)(b) OR SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (II) SHALL NOT BE USED TO MEET ANY OTHER CONSTITUTIONAL OR STATUTORY RESERVE REQUIREMENT."

Reletter succeeding sub-subparagraph accordingly.

Page 33, line 21, strike "(III) IS REPEALED, EFFECTIVE JULY" and substitute "(II) IS REPEALED, EFFECTIVE DECEMBER".

Page 34, line 2, strike "JULY" and substitute "DECEMBER";

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line 5, strike "EITHER" 1
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 line 7, strike "OR GENERAL FUND MONEYS"; 4
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 strike line 8; 6
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 line 9, strike "PARAGRAPH (a) OF THIS SUBSECTION (2) ARE" and substitute 8
 "IS"; 9
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 line 13, strike "(IV) IS REPEALED, EFFECTIVE JULY" and substitute "(III) IS 11
 REPEALED, EFFECTIVE DECEMBER"; 12
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 line 21, strike "JULY" and substitute "DECEMBER". 14
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 Page 35, line 4, strike "JULY" and substitute "DECEMBER"; 16
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 line 12, strike "JULY" and substitute "DECEMBER". 18
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 Page 37, line 6, strike "JULY" and substitute "DECEMBER"; 20
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 line 14, strike "JULY" and substitute "DECEMBER". 22
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 Page 42, line 9, strike "JULY" and substitute "DECEMBER"; 24
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 line 16, strike "JULY" and substitute "DECEMBER"; 26
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 line 25, strike "JULY" and substitute "DECEMBER". 28
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 Page 43, line 6, strike "JULY" and substitute "DECEMBER"; 30
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 strike lines 7 through 27. 32
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 Page 44, strike lines 1 through 7. 34
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 Renumber succeeding sections accordingly. 36
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 Page 1, strike line 107; 38
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 line 108, strike "STATE CONSTITUTION AND" and substitute "USED TO 40
 FUND". 41
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 Respectfully submitted, 43
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 Senate Committee: House Committee: 45
 (signed) (signed) 46
 Senator Owen, Chairman Representative Young, Chairman 47
 Senator Teck Representative Witwer 48
 Senator Reeves Representative Plant 49
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Appropriations After consideration on the merits, the Committee recommends that **HB03-1342** be referred to the Committee of the Whole with favorable recommendation. 52
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Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1346** be referred to the Committee of the Whole with favorable recommendation. 56
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Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1359** be referred to the Committee of the Whole with favorable recommendation. 61
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Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that SB03-319 be postponed indefinitely.	1 2 3 4 5
Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that SB03-123 be postponed indefinitely.	6 7 8 9 10
Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that SB03-347 be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14 15
Agriculture, Natural Resources and Energy	After consideration on the merits, the Committee recommends that SB03-346 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19 20
	Amend printed bill, page 2, line 16, strike "DULY QUALIFIED." and substitute "DULY APPOINTED, QUALIFIED, AND CONFIRMED.";	21 22 23
	line 19, strike "SENATE; EXCEPT" and substitute "SENATE.";	24 25
	strike line 20.	26 27
	Page 3, strike line 1;	28 29
	line 2, strike "OF THE SENATE.";	30 31
	strike line 24 and substitute the following:	32 33
	"successor has been appointed, and has qualified, AND CONFIRMED. PURSUANT TO SECTION";	34 35 36
	strike line 27 and substitute the following:	37 38
	"UNTIL CONFIRMED BY THE SENATE.".	39 40
	Page 4, strike lines 1 and 2 and substitute the following:	41 42
	"A member shall".	43 44 45
Business Affairs and Labor	The Committee on <u>Business Affairs and Labor</u> has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:	46 47 48 49
	MEMBER OF THE <u>PINNACOL ASSURANCE BOARD OF DIRECTORS</u>	50 51 52
	for a term expiring January 1, 2008:	53 54
	Robert "R.J." Jolly of Kit Carson, Colorado, to serve as a farmer and employer whose liability is insured by Pinnacol Assurance, appointed.	55 56 57 58
Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1339 be referred to the Committee of the Whole with favorable recommendation.	59 60 61 62
Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1347 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	63 64 65 66 67

Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1348 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Business Affairs and Labor	After consideration on the merits, the Committee recommends that HB03-1351 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	6 7 8 9 10
Business Affairs and Labor	After consideration on the merits, the Committee recommends that SB03-345 be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14
Education	After consideration on the merits, the Committee recommends that HB03-1363 be referred to the Committee of the Whole with favorable recommendation.	15 16 17 18

MESSAGE FROM THE HOUSE

April 30, 2003
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Stengel, chairman, Smith, and Ragsdale as House conferees on the First Conference Committee on HB03-1244.

MESSAGE FROM THE REVISOR OF STATUTES

April 30, 2003

We herewith transmit:

Without comment, as amended, HB03-1358 and SB03-011, 027, 030, 304, 101, 230, and 239.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

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

Laid over one day under Senate Rule 30(e).

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

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILL--FIRST READING

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

HB03-1358 by Representative(s) Spradley, King, Borodkin, Fairbank, McFadyen, Merrifield, Plant, Pommer, Williams S.; also Senator(s) Kester, Grossman--Concerning additional requirements relating to radioactive classified waste disposal.
Local Government

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
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)
Representative Spradley	Senator Andrews
Speaker of the House of Representatives	President of the Senate
(signed)	(signed)
Representative King	Senator Anderson
House Majority Leader	Senate Majority Leader
(signed)	(signed)
Representative Veiga	Senator Fitz-Gerald
House Minority Leader	Senate Minority Leader

MESSAGE FROM THE GOVERNOR

April 30, 2003

To the Honorable Senate
Sixty-fourth General Assembly
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. 03-073 – Concerning An Increase In The State Engineer’s Authority To Approve The Use Of Water.

Approved April 30, 2003 at 10:01 A.M.

S.B. 03-305 – Concerning Payment Of Expenses Of The Legislative Department, And Making An Appropriation In Connection Therewith.

Approved April 30, 2003 at 10:02 A.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 2:35 p.m.
Mona Heustis, Secretary of the Senate

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Senator Anderson moved a Call of the Senate.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB03-248 by Senator(s) Anderson; also Representative(s) King--Concerning the financing of public schools, and making an appropriation in connection therewith.

Senator Anderson moved that the Senate Conferees on the First Conference Committee on **SB03-248** be given the powers to go beyond the scope of the differences between the two Houses.

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

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

CONSIDERATION OF RESOLUTIONS

SJR03-038 by Senator(s) Groff; also Representative(s) Marshall--Concerning awareness and treatment of Epilepsy.

Laid over until Thursday, May 1, retaining its place on the calendar.

HJR03-1043 by Representative(s) Cloer, Schultheis, Larson, Williams S., Butcher, Carroll, Crane, Frangas, Harvey, Hefley, Jahn, Johnson R., King, McFadyen, Ragsdale, Salazar, Sinclair, Spence, Spradley, Stafford; also Senator(s) McElhany--Concerning the naming of a portion of State Highway 115 as the "Vietnam Veterans Memorial Highway".

On motion of Senator McElhany, the resolution was **adopted** by the following roll call vote:

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

SJR03-048 by Senator(s) Johnson S., Isgar, Reeves; also Representative(s) McCluskey, Paccione--Concerning honoring Dr. Albert C. Yates, president of Colorado State University.

Laid over until Monday, May 5, retaining its place on the calendar.

HJR03-1060 by Representative(s) King, Spradley; also Senator(s) Anderson, Andrews--Concerning the creation of an interim committee to study the impact of various constitutional and statutory provisions on the ability of the state to provide programs and services to its citizens.

Laid over until Thursday, May 1, retaining its place on the calendar.

SJR03-045 by Senator(s) Hanna, Tapia, Linkhart, Fitz-Gerald, Gordon, Groff, Grossman, Jones, Kester, Sandoval, Windels; also Representative(s) Plant--Concerning recognizing the importance of physical activity for children, and, in connection therewith, declaring every Wednesday as Colorado Walking Wednesday and recognizing the Feet First program.

On motion of Senator Hanna, the resolution was **adopted** by the following roll call vote:

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Hagedorn, Hillman, Isgar, Johnson, Keller, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Takis, Taylor, Teck, and Tupa.

SJR03-039 by Senator(s) Tapia; also Representative(s) Butcher--Concerning country of origin labeling for beef contemplated by the department of agriculture.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 24, pages 1219-1220 and placed in members' bill files.)

On motion of Senator Tapia, the resolution, as amended, was read at length and **adopted** by the following roll call vote:

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

Co-sponsors added: Arnold, Chlouber, Entz, Evans, Groff, Grossman, Jones, Kester, Sandoval, and Teck.

SJR03-049 by Senator(s) Arnold; also Representative(s) Berry--Concerning honoring Chief Lonnie J. Westphal.

Laid over until Monday, May 5, retaining its place on the calendar.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of **HJR03-1048**.

HJR03-1048 by Representative(s) Hoppe, Larson, Brophy, Spradley, Young, Hodge, Miller, Cadman, White; also Senator(s) Entz--Concerning support of federal legislation to control nonnative phreatophytic noxious weeds.

HJR03-1048

On motion of Senator Entz, the resolution was **adopted** by the following roll call vote:

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB03-1334, SB03-342, HB03-1316, HB03-1357, HB03-1315, HB03-1349, SB03-334, HB03-1362** were made Special Orders at 4:55 p.m.

Committee of the Whole

The hour of 4:55 p.m. having arrived, Senator Teck moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Teck was called to the Chair to act as Chairman.

SPECIAL 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:

HB03-1334 by Representative(s) Mitchell; also Senator(s) Hillman--Concerning the state engineer's authority to approve the temporary operation of interruptible water supply agreements, and making an appropriation in connection therewith.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 28, pages 1276-1278 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 29, pages 1302-1303 and placed in members' bill files.)

Amendment No. 3(L.014), by Senator Owen.

Amend reengrossed bill, page 7, line 5, strike "\$65, 280) and 1.0 FTE," and substitute "\$65,280),".

Amendment No. 4(L.012), by Senator Hillman.

Amend the Agriculture, Natural Resources and Energy Committee Report, dated April 28, 2003, page 1, after line 15, insert the following:

"line 12, after "TO", insert "TEMPORARY";".

Page 2 of the committee report, strike line 4 and substitute the following:

"RIGHTS, IF SUCH CONDITIONAL RIGHTS WILL BE EXERCISED DURING OPERATION OF THE INTERRUPTIBLE WATER SUPPLY AGREEMENT,";"

after line 5, insert the following:

"line 21, strike "IN USE, LOCATION, AND AMOUNT";";

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HB03-1334

strike line 7 and substitute the following:

"RIGHTS, IF SUCH CONDITIONAL RIGHTS WILL BE EXERCISED DURING OPERATION OF THE INTERRUPTIBLE WATER SUPPLY AGREEMENT,";"

Amendment No. 5(L.015), by Senator Hillman.

Amend the Agriculture, Natural Resources and Energy Committee Report, dated April 28, 2003, page 2, line 15, after "DURING", insert "THE CALENDAR YEAR IN WHICH".

Page 3, line 12, strike "FEE";" and substitute "FEE".";

strike lines 13 through 31.

Page 4, strike lines 1 through 10.

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

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

SB03-342

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 29, page 1303 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Owen.

Amend printed bill, page 3, line 8, after "PURCHASES", insert "A LEGAL INTEREST IN".

Page 5, line 8, before "PROPERTY", insert "LEGAL INTEREST IN THE";

line 22, strike "THE" and substitute "ANY OTHER MONEYS IN THE".

Page 12, line 14, strike "SECURITY, REGARDLESS OF ITS MATURITY DATE," and substitute "SECURITY";

line 16, after "(e).", add "NOTWITHSTANDING ANY PROVISION IN SECTION 24-75-601.1 TO THE CONTRARY, SUCH SECURITY MAY HAVE A MATURITY DATE THAT IS GREATER THAN FIVE YEARS, MAY HAVE A COUPON RATE THAT IS NOT FIXED, AND MAY BEAR INTEREST AT VARIABLE RATES.".

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

HB03-1316

by Representative(s) Spradley; also Senator(s) Arnold--Concerning modifications to the compensation process for state employees, and making an appropriation therefore.

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

Amend reengrossed bill, page 4, line 3, strike "(3), and (4)," and substitute "and (3),".

Page 10, strike lines 6 through 27.

Strike pages 11 and 12.

Page 13, strike lines 1 through 13 and substitute the following:

"SECTION 2. 24-50-104 (4) (a) and (4) (b), Colorado Revised Statutes, are amended, and the said 24-50-104 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

HB03-1316

24-50-104. Job evaluation and compensation - repeal.

(4) **Annual compensation process.** (a) ~~The state personnel director shall establish technically and professionally sound survey methodologies to determine prevailing total compensation practices, levels, and costs. THE PURPOSE OF THE ANNUAL COMPENSATION PROCESS IS TO DETERMINE ANY NECESSARY ADJUSTMENTS TO STATE EMPLOYEE SALARIES, STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS, AND PERFORMANCE AWARDS. The annual total compensation survey, based on an analysis of surveys conducted by public or private organizations, INCLUDING SURVEYS BY THE STATE PERSONNEL DIRECTOR, shall include a fair sample of public and private sector employers and jobs, including areas outside the Denver metropolitan area. Any surveys provided on a confidential basis shall not be revealed except to the state auditor's office and the private firm conducting the audit required in paragraph (b) of this subsection (4). In order to establish confidence in the utilization of salary and fringe benefits~~ SELECTION OF surveys, the state personnel director shall meet and confer in good faith with management and STATE employee representatives of the state and the total compensation advisory council. ~~in the selection and utilization of public or private surveys or surveys conducted by the state personnel director.~~

(b) THE STATE PERSONNEL DIRECTOR SHALL PREPARE AN ANNUAL COMPENSATION REPORT BASED ON THE ANALYSIS OF SURVEYS CONDUCTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4). The purpose of the annual total compensation report shall be to reflect all adjustments necessary to maintain the total compensation SALARY structure, STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS, AND PERFORMANCE AWARDS for the upcoming fiscal year. ~~The total compensation survey, including any supplemental salary or benefits survey, shall not be appealable.~~ The state auditor is responsible for contracting with a private firm to conduct a performance audit of the procedures and application of data, including ~~adjustments to job rates~~ ANY SURVEY CONDUCTED BY THE STATE PERSONNEL DIRECTOR. BEGINNING JANUARY 1, 2003, such audits shall be conducted ~~annually through calendar year 2000 and every two years, beginning January 1, 2001, and EVERY TWO YEARS, AND BEGINNING JANUARY 1, 2005, THE AUDITS SHALL BE CONDUCTED EVERY FOUR YEARS.~~ A report shall be submitted to the governor and the general assembly by ~~THE June 30 1999, and every other year thereafter~~ IMMEDIATELY FOLLOWING THE COMPLETION OF THE AUDIT.

(d) ANY MONEYS APPROPRIATED PURSUANT TO THIS SUBSECTION (4) SHALL NOT BE USED TO ACHIEVE PARITY FOR EMPLOYEES OUTSIDE THE STATE PERSONNEL SYSTEM.

SECTION 3. 24-50-104 (4) (c), Colorado Revised Statutes, as amended by Senate Bill 03-273, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

(c) BY AUGUST 1, 2003, AND BY AUGUST 1 OF EACH YEAR THEREAFTER, the state personnel director shall submit the ANNUAL COMPENSATION REPORT AND ~~final total compensation~~ recommendations and estimated ~~increased~~ costs ~~including~~ FOR STATE EMPLOYEE COMPENSATION FOR THE NEXT FISCAL YEAR, COVERING SALARIES, STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS, AND PERFORMANCE AWARDS, TO THE GOVERNOR AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. THE RECOMMENDATIONS SHALL REFLECT A CONSIDERATION OF THE RESULTS OF THE ANNUAL COMPENSATION SURVEY, FISCAL CONSTRAINTS, THE ABILITY TO RECRUIT AND RETAIN STATE EMPLOYEES, APPROPRIATE ADJUSTMENTS WITH RESPECT TO STATE EMPLOYEE COMPENSATION, AND those costs resulting from implementation of section 24-50-110 (1) (a). ~~to the governor and the joint budget committee of the general assembly by November 1, 2001, and by August 1 of each year thereafter and~~ THE ANNUAL COMPENSATION REPORT SHALL INCLUDE THE RESULTS OF THE SURVEYS OF PUBLIC OR PRIVATE EMPLOYERS AND JOBS FOR PREVAILING TOTAL COMPENSATION AND THE REASONS FOR ANY DEVIATION FROM PREVAILING TOTAL COMPENSATION IN THE

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HB03-1316

RECOMMENDATIONS SUBMITTED TO THE GOVERNOR AND THE JOINT BUDGET COMMITTEE. THE STATE PERSONNEL DIRECTOR shall ALSO publish such report. ~~If the amount of the final total compensation recommendations and estimated costs submitted on November 1, 2001, results in an amount that exceeds the amount of general fund moneys requested for salaries as contained in the original budget requests of all the departments for the 2002-03 fiscal year, the office of state planning and budgeting shall submit to the joint budget committee by January 24, 2002, budget amendments that reduce the amount of general fund moneys requested for purposes other than salaries in such budget requests so that the total amount of general fund moneys requested does not exceed the total amount of general fund moneys requested by all departments as contained in such original budget requests.~~

SECTION 4. 24-50-104 (4) (d) (II), Colorado Revised Statutes, as enacted by Senate Bill 03-273, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

24-50-104. Job evaluation and compensation - repeal.
(4) Annual compensation process. (d) (II) TO THE EXTENT SUCH CHANGES ARE FUNDED, THE RECOMMENDED CHANGES IN STATE CONTRIBUTIONS FOR GROUP BENEFIT PLANS AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE NEXT FISCAL YEAR SHALL BE EFFECTIVE JANUARY 1 OF THE NEXT FISCAL YEAR. For the 2003-04 fiscal year and every fiscal year thereafter, TO THE EXTENT SUCH CHANGES ARE FUNDED, the recommended changes ~~to~~ IN STATE EMPLOYEE salaries AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE FISCAL YEAR FOLLOWING THE FISCAL YEAR FOR WHICH THE RECOMMENDATIONS WERE MADE shall be effective on July 1 of the fiscal year following the fiscal year for which the ~~recommended changes~~ RECOMMENDATIONS were made, AND THE RECOMMENDED CHANGES IN STATE EMPLOYEE PERFORMANCE AWARDS AND ANY ADJUSTMENTS TO THE RECOMMENDED CHANGES MADE BY THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT FOR THE NEXT FISCAL YEAR SHALL BE EFFECTIVE JULY 1 OF THE NEXT FISCAL YEAR, unless:

(A) The general assembly, acting by bill, establishes a different effective date for that fiscal year; or

(B) The governor orders otherwise pursuant to section 24-50-109.5, ~~and such order is adopted by the general assembly through a joint resolution declaring a fiscal emergency and approved by the governor in accordance with section 39 of article V of the Colorado constitution."~~

Renumber succeeding sections accordingly.

Amendment No. 2(L.005), by Senator Arnold.

Amend reengrossed bill, page 6, line 14, after "SUPERVISORY", insert "STATE";

line 19, after "workweek.", add "THE PROVISIONS OF THIS SUBPARAGRAPH (II) SHALL ONLY APPLY TO SUPERVISORS WHO ARE STATE EMPLOYEES.".

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

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HB03-1357 by Representative(s) Cloer, Larson; also Senator(s) Jones--Concerning an exemption of certain statutorily authorized sales of abandoned motor vehicles from the requirement to obtain a certification of emissions control.

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

HB03-1315 by Representative(s) Rippy; also Senator(s) Anderson--Concerning the master lease program.

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

HB03-1349 by Representative(s) Larson, Berry, May M., Marshall; also Senator(s) Taylor--Concerning the repeal of the time line that moneys appropriated from the federal unemployment trust fund may be obligated for administrative purposes.

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

SB03-334 by Senator(s) Grossman; --Concerning the period in which an application for the property tax exemption for qualifying seniors may be filed.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, April 29, page 1313 and placed in members' bill files.)

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

HB03-1362 by Representative(s) Stengel; also Senator(s) Taylor--Concerning the collection of sales tax on telephone and telegraph services when taxable services are aggregated with nontaxable services.

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1334 by Representative(s) Mitchell; also Senator(s) Hillman--Concerning the state engineer's authority to approve the temporary operation of interruptible water supply agreements, and making an appropriation in connection therewith.

Senator Evans moved to amend the Report of the Committee of the Whole to show that the following Evans amendment (L.016) to **HB03-1334**, did pass:

Amend the Appropriations Committee Report, dated April 29, 2003, page 1, strike lines 8 through 13.

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

YES	5	NO	29	EXCUSED	1	ABSENT	0
Anderson	N	Groff	N	Kester	N	Sandoval	N
Arnold	N	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	E	Tapia	N
Chlouber	N	Hanna	N	May	N	Taylor	N
Dyer	Y	Hillman	N	McElhany	N	Teck	N
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	N	Owen	N	Windels	N
Fitz-Gerald	N	Jones	N	Phillips	N	Mr. President	N
Gordon	N	Keller	N	Reeves	N		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Teck, 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: HB03-1334 as amended, SB03-342 as amended, HB03-1316 as amended, HB03-1357, HB03-1315, HB03-1349, SB03-334 as amended, HB03-1362.

COMMITTEE OF REFERENCE REPORTS

- Judiciary The Committee returns herewith **Senate Bill 03-335** because consideration of the measure was postponed for more than 30 days or until a date beyond the date for adjournment sine die of the legislative session. Therefore, under Senate Rule 22 (f), said bill is deemed to be postponed indefinitely. 1-11
- Judiciary After consideration on the merits, the Committee recommends that **HB03-1360** be referred to the Committee of the Whole with favorable recommendation. 12-15
- Judiciary After consideration on the merits, the Committee recommends that **HB03-1352** be referred to the Committee on Appropriations with favorable recommendation. 16-19
- Judiciary After consideration on the merits, the Committee recommends that **SJR03-043** be referred to the Senate for final action. 20-23
- Judiciary After consideration on the merits, the Committee recommends that **HB03-1105** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 24-26
- Amend reengrossed bill, page 5, line 18, strike "SEVEN" and substitute "EIGHT". 27-28
- Page 6, strike line 1 and substitute the following: 29-30
- "(IV) A COUNTY COMMISSIONER OF A COUNTY WITH A POPULATION OF FIFTY THOUSAND OR MORE; 31-33
- (V) A COUNTY COMMISSIONER OF A COUNTY WITH A POPULATION OF LESS THAN FIFTY THOUSAND;". 34-36
- Renumber succeeding subparagraphs accordingly. 37-38
- Page 6, line 13, strike the first "TWO" and substitute "THREE". 39-40
- Page 7, line 14, strike "(4)" and substitute "(5)". 41-42
- Judiciary After consideration on the merits, the Committee recommends that **HB03-1344** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 43-47
- Amend reengrossed bill, page 66, after line 14, insert the following: 48-49
- "**SECTION 117.** 12-47-301 (7), Colorado Revised Statutes, is amended to read: 50-52
- 12-47-301. Licensing in general.** (7) A licensee shall report each transfer or change of financial interest in the license to the state licensing authority and, for retail licenses, to the local licensing authority, within thirty days after the transfer or change. A report shall be required for transfers of capital stock of a public corporation; except that a report shall not be required for transfers of such stock totaling less than ten percent in any one year, but any transfer of a controlling interest shall be reported regardless of size. It is unlawful for the licensee to fail to report a transfer required by this subsection ~~(8)~~ (7). Such failure to report shall be grounds for suspension or revocation of the license. 53-64

HB03-1344

SECTION 118. 12-47-407 (1), Colorado Revised Statutes, is amended to read:

12-47-407. Retail liquor store license. (1) A retail liquor store license shall be issued to persons selling only malt, vinous, and spirituous liquors in sealed containers not to be consumed at the place where sold. Malt, vinous, and spirituous liquors in sealed containers shall not be sold at retail other than in retail liquor stores except as provided in section 12-47-408. In addition, retail liquor stores may sell nonfood items related to the consumption of such liquors, liquor-filled candy, and food items approved by the state licensing authority that are prepackaged, labeled, directly related to the consumption of such liquors, and are sold solely for the purpose of cocktail garnish in containers up to sixteen ounces. Nothing in this section shall be construed to authorize the sale of food items that could constitute a snack, a meal, or portion of a meal. Nothing in this section or in section ~~12-47-103 (30)~~ 12-47-103 (31) shall be construed to prohibit the sale of items by a retail liquor store on behalf of or to benefit a charitable organization, as defined in section 39-26-102, C.R.S., or a nonprofit corporation subject to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., and determined to be exempt from federal income tax by the federal internal revenue service, if the retail liquor store does not receive compensation for any such sale. Nothing in this section shall prohibit a retail liquor store licensee, at the option of the licensee, from displaying promotional material furnished by a manufacturer or wholesaler, which material permits a customer to purchase other items from a third person if the retail liquor store licensee does not receive payment from the third person and if the ordering of the additional merchandise is done by the customer directly from the third person.

SECTION 119. 26-4-103 (11), Colorado Revised Statutes, is amended to read:

26-4-103. Definitions. As used in this article, unless the context otherwise requires:

(11) "Nursing facility" means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards in section 25-1-107 (1) (I) (I), C.R.S., is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in 42 U.S.C. ~~sec. 1396d~~ SEC. 1396r for certification as a qualified provider of nursing facility services. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision, or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring, and recording the patient's response to treatment; and monitoring, observing, and evaluating the drug regimen. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled."

Renumber succeeding section accordingly.

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-316** be postponed indefinitely.

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR03-003** be postponed indefinitely.

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State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SCR03-005 be postponed indefinitely.	1 2 3 4 5
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SJR03-037 be postponed indefinitely.	6 7 8 9 10
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SCR03-004 be postponed indefinitely.	11 12 13 14 15
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SJR03-047 be postponed indefinitely.	16 17 18 19 20
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that HB03-1356 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	21 22 23 24 25
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SB03-343 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	26 27 28 29
	Amend printed bill, page 4, line 7, strike "1998." and substitute "1998, OR ANY OTHER AMOUNT INDICATED BY THE TAXPAYER."	30 31 32

INTRODUCTION OF BILLS--FIRST READING

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

SB03-348	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning modifications to the designation of the state emergency reserve for the 2002-03 state fiscal year. Appropriations	37 38 39 40 41 42 43
SB03-349	by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the authority of the governor to utilize state moneys not otherwise appropriated for the 2002-03 state fiscal year to cover general fund appropriations in the event of a revenue shortfall, and, in connection therewith, authorizing the governor to direct the disbursement of general fund moneys comprising the statutorily required general fund reserve for such purpose and authorizing the transfer of moneys from certain cash funds under certain circumstances to augment the general fund. Appropriations	44 45 46 47 48 49 50 51 52
SB03-350	by Senator(s) Phillips, Anderson, Arnold, Windels, Groff, Keller, Tapia; also Representative(s) Fritz, Jahn, Larson, Stengel, Crane, Boyd--Concerning the withdrawal of a local government from a retirement association formed by local governments with retirements plans. Finance	53 54 55 56 57

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committee indicated:

SR03-018	by Senator(s) Lamborn, Nichol, Tapia; --Concerning commending cities that celebrate Columbus Day. Laid over one day under Senate Rule 30(c).	62 63 64 65 66 67
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SCR03-007 by Senator(s) Evans, Jones; --Submitting to the registered electors of the state of Colorado an amendment to article IX of the constitution of the state of Colorado, concerning the repeal of section 7 regarding the prohibition against the use of public assets for sectarian educational purposes.
State Veterans & Military Affairs

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Cairns moved for the adoption of the First Report of the First Conference Committee on **HB03-1290**, as printed in Senate Journal, April 29, pages 1298-1299. The motion was **adopted** by the following roll call vote:

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

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

HB03-1326 by Representative(s) Fritz, Mitchell, Rhodes, Spradley, Fairbank, Jahn, Lee, Spence; also Senator(s) Dyer--Concerning limitations on liability for providers of services for persons with developmental disabilities.

Senator Dyer moved for the adoption of the First Report of the First Conference Committee on **HB03-1326**, as printed in Senate Journal, April 29, page 1299. The motion was **adopted** by the following roll call vote:

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

HB03-1326

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

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

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

TRIBUTES

Honoring Truscott Elementary School -- by Senator Johnson.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 30, was laid over until Thursday, May 1, retaining its place on the calendar.

Consideration of Resolutions: HJR03-1046, HJR03-1055, HJR03-1065, HJR03-1067, HB03-1066.

Consideration of Memorials: SJM03-009, SJM03-010.

Consideration of Governor's Vetoes: SB03-207, SB03-120.

Consideration of Governor's Appointments:

Members of the Colorado Commission on the Aging.

Conference Committees to Report: SB03-098, HB03-1111, SB03-065, SB03-088, SB03-038, SB03-113, SB03-106, SB03-282, SB03-268, HB03-1172, SB03-248, HB03-1147, SB03-275.

Request for Conference Committee: SB03-078.

On motion of Senator Anderson, the Senate adjourned until 8:45 a.m., Thursday, May 1, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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