

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

One-hundred-fifth Legislative Day Tuesday, April 22, 2003

- Prayer By the President.
- Pledge By Senator Groff.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--35.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Johnson, reading of the Journal of April 21, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILL--FIRST READING

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

- HB03-1123** by Representative(s) Sinclair, King, Lee, Rippey, Stafford; also Senator(s) Johnson S.-- Concerning the cash funding of the regulation of racing events, and, in connection therewith, making an appropriation.
 Finance
 Appropriations

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:

- SB03-312** by Senator(s) McElhany; also Representative(s) Fairbank--Concerning clarification that offering a fee-for-service dental plan for which premiums are not charged shall not be considered transacting the business of insurance.

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

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

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

SB03-310 by Senator(s) Evans; also Representative(s) Smith--Concerning estate planning.

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**.

HB03-1191 by Representative(s) Clapp; also Senator(s) Jones--Concerning the prohibition of computer dissemination of indecent material to children.

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: Anderson, Andrews, Arnold, Cairns, Chlouber, Evans, Gordon, Groff, Grossman, Hagedorn, Johnson, Kester, Lamborn, May, Nichol, Tapia, Taylor, and Teck.

HB03-1292 by Representative(s) Williams S., Borodkin, Boyd, Briggs, Frangas, Jahn, Plant, Romanoff, Sinclair, Stafford; also Senator(s) Teck--Concerning service fees for intermediate care facilities for the mentally retarded, and making an appropriation therefor.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	N
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	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**.

HB03-1249 by Representative(s) Sinclair, May M., Ragsdale; also Senator(s) Lamborn--Concerning the powers of the adjutant general, and, in connection therewith, authorizing the appointment of assistant adjutant generals, the receipt of gifts, grants, and donations, and the public or private use of distance learning facilities.

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

HB03-1249

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

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

SB03-255

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

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	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
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	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**.

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

HB03-1040

by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning repeal of the authority for a motor vehicle owner to continue to use certain types of license plates.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	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	N	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

SB03-324

by Senator(s) Taylor; also Representative(s) Berry--Concerning the expenditure of moneys in the petroleum storage tank fund to implement the regulation of fuel products by the division of oil and public safety.

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

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SB03-324

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: Entz, Kester, and May.

HB03-1244 by Representative(s) Ragsdale; also Senator(s) Tapia--Concerning penalties imposed for committing the crime of defacing property.

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

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

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

Co-sponsors added: Groff, Hagedorn, Hillman, Phillips, and Tupa.

HB03-1130 by Representative(s) Witwer, Cloer, Brophy, Hefley, Paccione, Romanoff, Rose, Salazar, Williams S.; also Senator(s) Kester, Entz, Keller, Windels--Concerning the addition of a line to Colorado state individual income tax return forms whereby individual taxpayers may make a voluntary contribution to the family resource centers fund, and making an appropriation in connection therewith.

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	N	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: Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Linkhart, Nichol, Phillips, Sandoval, and Tapia.

SB03-315 by Senator(s) Gordon, Anderson, Chlouber; --Concerning the funding of the motor vehicle business group within the department of revenue from moneys in the highway users tax fund, and making an appropriation therefor.

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

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SB03-315

YES	27	NO	8	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	N	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	N	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: Tupa.

HB03-1021 by Representative(s) King; also Senator(s) Arnold--Concerning the financing of capital construction for qualified charter schools that have bonds issued on their behalf by the Colorado educational and cultural facilities authority, and making an appropriation in connection therewith.

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, Jones, Lamborn, and May.

HB03-1170 by Representative(s) Frangas, Butcher, Crane, Jahn, May M., Spence, Vigil; also Senator(s) Anderson--Concerning the penalties for a person convicted of certain crimes involving motor vehicles.

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, Cairns, Jones, and Sandoval.

SB03-309 by Senator(s) Anderson; also Representative(s) Young--Concerning a suspension of the administration of statewide assessments in writing.

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

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SB03-309

YES	34	NO	1	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	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**.

Committee of the Whole

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

SB03-244 by Senator(s) Cairns, Lamborn, Andrews; also Representative(s) Schultheis--Concerning an exemption for all business personal property.

Laid over until Wednesday, April 23, retaining its place on the calendar.

HB03-1314 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning a requirement that a meeting of a school board at which employment contracts are negotiated be open to the public.

Laid over until Wednesday, April 23, retaining its place on the calendar.

SB03-257 by Senator(s) Andrews; --Concerning additional purposes related to the sales tax levied by the regional transportation district for which the registered electors within the geographical boundaries of the district may use the initiative process.

Laid over until Wednesday, April 23, retaining its place on the calendar.

HB03-1274 by Representative(s) Mitchell; also Senator(s) Arnold--Concerning modifications to the program under which the state treasurer makes loans to school districts with general fund cash deficits.

Laid over until Wednesday, April 23, retaining its place on the calendar.

SB03-251 by Senator(s) Hagedorn, Hillman, Isgar, Johnson S., McElhany; also Representative(s) Mitchell, Carroll, McFadyen, Stafford--Concerning a prohibition on the use by local governments of amortization to eliminate nonconforming uses of property.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 17, page 1087 and placed in members' bill files.)

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

Amend printed bill, page 4, line 7, strike "REGULATION." and substitute "REGULATION, OR THAT TERMINATES OR ELIMINATES ANY OFF-PREMISES ADVERTISING DEVICE THAT IS NOT OTHERWISE GOVERNED BY PART 4 OF ARTICLE 1 OF TITLE 43, C.R.S."

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

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

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- HB03-1089** by Representative(s) Mitchell; also Senator(s) **Taylor**--Concerning reimbursement to owners whose property is acquired by a condemning authority in eminent domain proceedings. 1
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- Amendment No. 1(L.013), by Senator Taylor.
- Amend reengrossed bill, page 2, line 15, strike "(a)";
line 21, strike "AND";
line 22, strike "THE REASONABLE COSTS OF THE LITIGATION";
line 24, strike "CONDEMNING" and substitute "LAST WRITTEN OFFER GIVEN TO THE PROPERTY OWNER PRIOR TO THE FILING OF THE CONDEMNATION ACTION. THE PROVISIONS OF THIS SUBSECTION (1.5) SHALL NOT APPLY TO ANY CONDEMNATION PROCEEDING SEEKING TO ACQUIRE RIGHTS-OF-WAY UNDER ARTICLE 4, 5, OR 5.5 OF THIS TITLE.";
strike lines 25 through 27.
Page 3, strike lines 1 through 14.
Re-number succeeding sections accordingly.
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- SB03-077** by Senator(s) Jones, Chlouber, Entz, Johnson S., Lamborn, May R., Andrews, Cairns, Evans, Kester; also Representative(s) King--Concerning a pilot program to provide financial assistance to families of students attending poorly performing public schools. 29
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- As amended in General Orders on Monday, April 21, laid over until Wednesday, April 23, retaining its place on the calendar.
- SB03-314** by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the placement of children who are part of a sibling group.
- Amendment No. 1(L.012), by Senators Hagedorn and Lamborn.
- Amend printed bill, page 2, line 18, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".
Page 3, line 18, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";
line 19, strike "CONVINCING".
Page 5, line 5, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";
line 6, strike "CONVINCING";
line 21, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".
Page 6, line 18, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".
Page 7, line 6, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";
line 7, strike "CONVINCING".
Page 8, line 25, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";
line 26, strike "CONVINCING".
Page 9, line 26, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";

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line 27, strike "CONVINCING".

Page 10, line 26, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";

line 27, strike "CONVINCING".

Page 12, line 8, strike "CLEAR AND" and substitute "A PREPONDERANCE OF THE";

line 9, strike "CONVINCING";

line 24, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".

Page 13, line 10, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE";

line 25, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".

Page 14, line 21, strike "CLEAR AND CONVINCING" and substitute "A PREPONDERANCE OF THE".

Amendment No. 2(L.013), by Senators Hagedorn and Lamborn.

Amend printed bill, page 2, line 20, after "OF", insert "A CHILD OR OF".

Page 3, line 20, after "OF", insert "A CHILD OR OF".

Page 5, line 7, after "OF", insert "A CHILD OR OF";

line 23, after "OF", insert "A CHILD OR OF".

Page 6, line 20, after "OF", insert "A CHILD OR OF".

Page 7, line 8, after "OF", insert "A CHILD OR OF".

Page 8, line 27, after "OF", insert "A CHILD OR OF".

Page 10, line 1, after "OF", insert "A CHILD OR OF".

Page 11, line 1, after "OF", insert "A CHILD OR OF".

Page 12, line 10, after "OF", insert "A CHILD OR OF";

line 26, after "OF", insert "A CHILD OR OF".

Page 13, line 12, after "OF", insert "A CHILD OR OF";

line 27, after "OF", insert "A CHILD OR OF".

Page 14, line 23, after "OF", insert "A CHILD OR OF".

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

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

SB03-236

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.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 7, page 565 and placed in members' bill files.)

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SB03-236

Amendment No. 2(L.005), by Senators Anderson and Dyer.

Amend printed bill, page 7, line 24, after the period, insert "IN PROCEEDING PURSUANT TO THIS PART 2, THE BOARD SHALL BE SUBJECT TO THE COLORADO SUNSHINE LAW CONTAINED IN PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S., AND THE OPEN RECORDS PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.".

Amendment No. 3(L.006), by Senators Anderson and Dyer.

Amend printed bill, page 8, line 10, strike " _____ " and substitute "ONE HUNDRED MILLION".

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

Amend printed bill, page 5, line 24, strike "APPROVED BY THE GOVERNOR" and substitute "NOT REJECTED BY THE GENERAL ASSEMBLY".

Page 7, strike line 21 and substitute the following:

"STATEWIDE AND RECOMMEND WATER".

Page 8, strike lines 16 through 18 and substitute the following:

"(3) THE GENERAL ASSEMBLY, BY JOINT RESOLUTION APPROVED AT THE NEXT REGULAR OR EXTRAORDINARY SESSION BY AT LEAST TWO-THIRDS OF THE MEMBERS OF BOTH HOUSES, MAY REJECT ANY SUCH PROJECT IF SUCH REJECTION OCCURS WITHIN THIRTY DAYS AFTER THE BOARD'S RECOMMENDATION. THE BOARD SHALL ISSUE REVENUE";

line 24, strike "VOTER-APPROVED".

Page 20, line 10, strike "TO THE GENERAL ASSEMBLY".

Amendment No. 5(L.008), by Senator Anderson.

Amend printed bill, page 7, line 1, strike "\$ _____ " and substitute "\$21,500,000,000".

Page 9, line 12, after the period, add "NOTHING IN THIS PART 2 SHALL BE CONSTRUED AS AUTHORIZING THE CONTRACTING BY THE STATE OF A DEBT OR LOAN IN ANY FORM, NOR THE PLEDGING OF THE GENERAL TAXES OF THE STATE. BONDS ISSUED PURSUANT TO THIS PART 2 SHALL NOT BE CONSTRUED TO BE MORAL OBLIGATION BONDS. PAYMENTS OF PRINCIPAL, INTEREST, AND OTHER COSTS ON SUCH BONDS SHALL BE MADE SOLELY FROM REVENUE AND RECEIPTS DERIVED FROM USER FEES OR THE SALE OF WATER, POWER, OR OTHER ASSETS BY THE BOARD FROM A WATER INFRASTRUCTURE PROJECT WHOSE ACQUISITION, CONSTRUCTION, DEVELOPMENT, OR IMPROVEMENT WAS FINANCED IN WHOLE OR IN PART BY THE BONDS, BOND PROCEEDS, AND INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF SUCH REVENUES, RECEIPTS, AND BOND PROCEEDS. THE OWNERS OR HOLDERS OF SUCH BONDS SHALL NOT LOOK TO ANY OTHER REVENUES OF THE STATE FOR THE PAYMENT OF THE BONDS; SHALL NOT LOOK TO ANY LEGAL, EQUITABLE, OR MORAL OBLIGATION ON THE PART OF THE STATE TO PAY ANY PORTION OF THE BONDS; AND SHALL NOT LOOK TO THE GENERAL FUND OR ANY OTHER FUND, OTHER THAN THE WATER INFRASTRUCTURE DEVELOPMENT FUND, FOR THE PAYMENT OF PRINCIPAL OR INTEREST OF SUCH OBLIGATION.".

Amendment No. 6(L.004), by Senators Dyer and Anderson.

Amend printed bill, page 6, line 11, strike "EXERCISE ALL OF ITS";

line 12, strike "COMPACT ENTITLEMENTS TO WATER" and substitute "UTILIZE ITS WATER RESOURCES";

line 14, strike "NOT";

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SB03-236

strike lines 15 through 17;
line 18, strike "37-95-107.8, BUT SHALL".

As amended, declared **LOST** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole.)

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

Senator Hagedorn moved to amend the Report of the Committee of the Whole to show that **SB03-251**, as amended, was laid over to the General Orders calendar of April 23, 2003, retaining its place on the calendar.

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 **adopted**.

ROLL CALL VOTE ON SB03-314

SB03-314 by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the placement of children who are part of a sibling group.

Senator Phillips requested a roll call vote on **SB03-314**.

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	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	Isgar	N	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Senator Dyer moved to amend the Report of the Committee of the Whole to show that **SB03-236**, as amended, was laid over to the General Orders calendar of April 23, 2003, retaining its place on the calendar.

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 **adopted**.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Lamborn, the Report of the Committee of the Whole, as amended, 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: HB03-1089 as amended, SB03-314 as amended.
Laid over until Wednesday, April 23: SB03-244, HB03-1314, SB03-257, HB03-1274, SB03-077, SB03-251 as amended, SB03-236 as amended.

COMMITTEE OF REFERENCE REPORTS

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB03-1092**

THIS REPORT AMENDS THE
REENGROSSED BILL

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

HB03-1092

Your first conference committee appointed on HB03-1092, concerning management of Colorado's state-owned forested land, has met and reports that it has agreed upon the following:

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

Amend reengrossed bill, page 5, strike lines 2 and 3 and substitute the following:

"(d) PROTECT AND RESTORE WATERSHEDS."

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative White, Chairman	Senator Anderson, Chairman
Representative Hoppe	Senator Tapia
Representative Miller	Senator Chlouber

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB03-007

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 SB03-007, concerning toll evasion violations committed in vehicles not owned by the operator, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 2, line 4, strike "(I)";

line 8, strike "PENALTY." and substitute "PENALTY; EXCEPT THAT, AT THE DISCRETION OF SUCH OWNER:";

strike lines 9 and 10, and substitute the following:

"(I) THE OWNER MAY OBTAIN";

line 13, strike "PAYMENT, THE" and substitute "PAYMENT";

line 14, strike "OWNER MAY DO SO AND SHALL" and substitute "AND";

line 15, strike "AUTHORITY." and substitute "AUTHORITY; OR";

strike lines 16 through 18, and substitute the following:

"(II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR";

line 19, strike "NOT LIABLE FOR PAYMENT OF".

Page 3, line 16, strike "(I)";

line 20, strike "PENALTY." and substitute "PENALTY; EXCEPT THAT, AT THE DISCRETION OF SUCH OWNER:";

strike lines 21 and 22, and substitute the following:

"(I) THE OWNER MAY OBTAIN";

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SB03-007

line 25, strike "PAYMENT, THE" and substitute "PAYMENT";

line 26, strike "OWNER MAY DO SO AND SHALL" and substitute "AND".

line 27, strike "AUTHORITY." and substitute "AUTHORITY; OR".

Page 4, strike lines 1 through 3, and substitute the following:

"(II) THE OWNER MAY SEEK TO AVOID LIABILITY FOR";

line 4, strike "NOT LIABLE FOR PAYMENT OF".

Respectfully submitted,

Senate Committee:
(signed)
Senator Chlouber, Chairman
Senator McElhany
Senator Nichol

House Committee:
(signed)
Representative Harvey, Chairman
Representative Berry
Representative Pommer

MESSAGES FROM THE HOUSE

April 22, 2003
Mr. President:

The House has postponed indefinitely SB03-005. The bill is returned herewith.

The House has adopted and transmits herewith HJR03-1038, as printed in House Journal, March 27, page 1291.

April 22, 2003
Mr. President:

The House has adopted and returns herewith SJR03-029

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1344, 1350.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1329, amended as printed in House Journal, April 21, page 1869.
HB03-1334, amended as printed in House Journal, April 21, pages 1869-1870 & 1877

The House has passed on Third Reading and returns herewith SB03-037, 041, 050, 114, 222, 225, 250.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB03-242, amended as printed in House Journal, April 21, page 1869.
SB03-006, amended as printed in House Journal, April 21, page 1870.
SB03-045, amended as printed in House Journal, April 21, page 1871.
SB03-068, amended as printed in House Journal, April 21, page 1871.
SB03-085, amended as printed in House Journal, April 21, page 1872.
SB03-141, amended as printed in House Journal, April 21, page 1875.
SB03-238, amended as printed in House Journal, April 21, page 1875.

INTRODUCTION OF BILLS--FIRST READING

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

SB03-336 by Senator(s) May R., Andrews; also Representative(s) Fritz--Concerning the statewide internet portal.
State Veterans & Military Affairs

HB03-1188 by Representative(s) King, Cloer; also Senator(s) McElhany--Concerning compulsory insurance coverage for motor vehicles.
Business Affairs & Labor

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APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Andrews, Chairman, Lamborn, and Nichol as Senate Conferees on the Second Conference Committee on **HB03-1224**.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB03-333, 334, 335.
 Correctly engrossed: SB03-255, 309, 310, 312, 315, 324;
 SJR03-033.

Correctly reengrossed: SB03-307, 308.

Correctly revised: HB03-1021, 1040, 1130, 1170, 1191, 1244, 1249, 1292.

Correctly rerevised: HB03-1073, 1163, 1238, 1263, 1330.

Correctly enrolled: SB03-292.

To the Governor for signature on Monday, April 21, 2003 at 10:30 a.m., SB03-305.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1044, 1197, 1220, 1221.

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 Resolution: **HJR03-1040**.

CONSIDERATION OF RESOLUTION -- HJR03-1040

HJR03-1040 by Representative(s) Spence, Briggs, McCluskey, Paccione, Salazar; also Senator(s) Teck, Reeves--Concerning the 50th anniversary of the Western Interstate Commission for Higher Education and its contributions to higher education in Colorado and the Western states.

On motion of Senator Teck, 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, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, Sandoval, Takis, Tapia, Taylor, Tupa, and Windels.

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 22, was laid over until Wednesday, April 23, retaining its place on the calendar.

Consideration of Resolutions: SJR03-036, SJR03-038, HJR03-1043, SJR03-040, 1
 SJR03-042, SJR03-046, HJR03-1029. 2
 Consideration of Memorials: SJM03-006, SM03-001, SJM03-007, SJM03-008, 3
 SJM03-005. 4
 Consideration of Governor's Vetoes: SB03-207. 5
 Consideration of Governor's Appointments: 6
 Members of the State Housing Board; 7
 Members of the Colorado Civil Rights Commission; 8
 Members of the Colorado School of Mines, Board of Trustees. 9
 Consideration of Conference Committee Reports: HB03-1253, HB03-1305, HB03-1025. 10
 Conference Committees to Report: SB03-098, HB03-1111, SB03-009, SB03-065, 11
 HB03-1218, SB03-088, SB03-007, HB03-1092, HB03-1237, HB03-1007, SB03-038, 12
 HB03-1219, SB03-113, SB03-106, SB03-282, SB03-268, SB03-297, HB03-1290, 13
 SB03-275, SB03-235, HB03-1172, HB03-1240, HB03-1228, SB03-248, HB03-1147, 14
 HB03-1301. 15
 Request for Conference Committees: HB03-1224. 16

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Wednesday, April 20
 23, 2003. 21

Approved: 22
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 John Andrews 26
 President of the Senate 27

Attest: 28
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 Mona Heustis 32
 Secretary of the Senate 33
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