

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

---

Forty-fifth Legislative Day Friday, February 21, 2003

---

		1
		2
		3
		4
		5
		6
		7
		8
		9
		10
Prayer	By the chaplain, Monsignor Thomas Fryar.	11
		12
Pledge	By the President.	13
		14
Call to Order	By the President at 9:00 a.m.	15
		16
		17
Roll Call	Present-- 29.	18
	Absent/Excused--6; Dyer, Hillman, Lamborn, McElhany, Owen, Reeves.	19
	Present later--Dyer, Hillman, Lamborn, Owen, Reeves.	20
		21
Quorum	The President announced a quorum present.	22
		23
Reading of Journal	On motion of Senator Tapia, reading of the Journal of February 20, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24
		25
		26
		27

---

**COMMITTEE OF REFERENCE REPORTS**

		28
		29
		30
		31
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1107</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	32
		33
		34
		35
		36
	Amend reengrossed bill, page 2, line 7, strike "as many as one hundred fifty" and substitute " <del>as many as one hundred fifty</del> ";	37
		38
		39
	line 8, strike "support." and substitute "support TO THE EXTENT AUTHORIZED BY FEDERAL WAIVER.".	40
		41
		42
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1151</b> be referred to the Committee of the Whole with favorable recommendation.	43
		44
		45
		46
		47
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that <b>HB03-1156</b> be referred to the Committee on <u>Finance</u> with favorable recommendation.	48
		49
		50
		51
		52
Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	53
		54
		55
		56

**MEMBERS OF THE  
READ-TO-ACHIEVE BOARD**

		57
		58
		59
		60
	for terms expiring July 1, 2005:	61
		62
	Darlene H. Medina of Alamosa, Colorado, to serve as a third grade teacher who works in a rural school district and as a Democrat, reappointed;	63
		64
		65
	Sheryl L. Weitzel of Greeley, Colorado, to serve as an elementary school principal who works in a rural school district and as an Unaffiliated, reappointed;	66
		67

Tina C. Leone of Colorado Springs, Colorado, to serve as an elementary school principal and as a Republican, appointed.

**INTRODUCTION OF BILLS--FIRST READING**

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

**HB03-1224** by Representative(s) Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Hefley, King, Larson, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens; also Senator(s) Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz, Hillman, Johnson S., Jones, Kester, McElhany, Owen, Taylor, Teck--Concerning a prohibition against the acceptance by public entities of identity documents that are not secure.  
State Veterans & Military Affairs

**HB03-1257** by Representative(s) Marshall; also Senator(s) Lamborn--Concerning a nonsubstantive recodification of Colorado's banking laws.  
Business Affairs & Labor

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB03-1069** and **HB03-1302** were made Special Orders at 9:15 a.m.

Committee of the Whole The hour of 9:15 a.m. having arrived, Senator Entz moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Entz 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:

**HB03-1069** by Representative(s) McCluskey; also Senator(s) Takis--Concerning the modification of certain procedures related to the issuance of a duplicate warrant to pay money.

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

**HB03-1302** by Representative(s) Rippey; also Senator(s) Kester--Concerning clarification of the applicability of statutory provisions that enacted certain notification requirements affecting only those applications for development filed on or after July 1, 2001.

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 Entz, 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: **HB03-1069, HB03-1302.**

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

- SB03-154** by Senator(s) Hillman; also Representative(s) Rhodes--Concerning a prohibition on local governments from requiring an owner of a private residential property to sell the property below its fair market value. 1  
2  
3  
4  
Laid over until Monday, February 24, at the end of the calendar. 5  
6
- SB03-106** by Senator(s) Jones, May R.; also Representative(s) Larson--Concerning third-party damages subject to subrogation in claims that are paid pursuant to the "Workers' Compensation Act of Colorado". 7  
8  
9  
10  
Laid over until Monday, February 24, retaining its place on the calendar. 11  
12
- SB03-102** by Senator(s) Arnold; also Representative(s) White--Concerning voter identification. 13  
(As amended in General Orders as printed in Senate Journal, February 19, 2003, page 430.) 14  
15  
16  
As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 17  
18  
19
- HB03-1018** by Representative(s) Miller; also Senator(s) Chlouber--Concerning the statutory limitation on bonded indebtedness that may be issued by county governments. 20  
21  
22  
Amendment No. 1, Local Government Committee Amendment. 23  
(Printed in Senate Journal, January 29, page 157 and placed in members' bill files.) 24  
25  
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 26  
27  
28
- HB03-1048** by Representative(s) Vigil, Coleman, White, Williams T.; also Senator(s) Taylor, Anderson, Tupa--Concerning authorization to move moneys from the Colorado student obligation bond authority fund to funds established for the future payment of higher education expenses. 29  
30  
31  
32  
33  
Ordered revised and placed on the calendar for Third Reading and Final Passage. 34  
35
- SB03-074** by Senator(s) Andrews; --Concerning the distribution of a portion of regional transportation district sales tax revenues to governmental entities other than the district. 36  
37  
38  
Laid over until Monday, February 24, retaining its place on the calendar. 39  
40
- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 41  
42
- On motion of Senator Entz, 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: 43  
44  
45  
46
- Senator Phillips requested a roll call vote on SB03-102 as amended. 47  
48
- Senator Arnold moved a Call of the Senate. 49  
50
- Call of Senate. 51  
52
- Call Raised. 53  
54
- ROLL CALL VOTE ON SB03-102** 55  
56
- | YES         | 18 | NO       | 16 | EXCUSED  | 1 | 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 | E | 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 |               |   |
- As amended, declared passed on Second Reading. 67  
68  
69
- Passed on Second Reading: SB03-102 as amended, HB03-1018 as amended, HB03-1048. 70  
Laid over until Monday, February 24: SB03-106, SB03-074. 71  
Laid over until Monday, February 24, at the end of the calendar: SB03-154. 72

CONSIDERATION OF RESOLUTIONS

SJR03-019 by Senator(s) Hillman; also Representative(s) Williams T.--Concerning a request that the Colorado congressional delegation support President Bush's call for legal reform.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding counts. Rows list names and their votes (Y/N).

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Johnson, Jones, Kester, May, Taylor, and Teck.

SJR03-021 by Senator(s) May R., Cairns, Dyer, Entz, Jones, Owen, Taylor; also Representative(s) King--Concerning a request that congress give first priority to supporting and passing the defense appropriations bill.

On motion of Senator May, the resolution was read at length and adopted by the following roll call vote:

Table with 8 columns: YES, NO, EXCUSED, ABSENT and corresponding counts. Rows list names and their votes (Y/N).

Co-sponsors added: Arnold, Evans, Kester, and Lamborn.

SJR03-022 by Senator(s) Cairns, Andrews, Arnold, Chlouber, Entz, Evans, Hillman, Johnson S., Jones, Kester, Lamborn, May, McElhany, Owen, Taylor, Teck; also Representative(s) Fairbank--Concerning a request that the Colorado congressional delegation work to protect the permanency of the savings of the United States.

Laid over until Monday, February 24, retaining its place on the calendar.

COMMITTEE OF REFERENCE REPORTS

Transportation After consideration on the merits, the Committee recommends that HB03-1067 be referred to the Committee of the Whole with favorable recommendation.

Transportation After consideration on the merits, the Committee recommends that HB03-1144 be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that SB03-039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Business Affairs & Labor Committee Report, dated February 10, 2003, page 2, strike line 9, and substitute the following:

"OR CHANGE OF OWNERSHIP.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

SB03-039

**SECTION 2. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys collected pursuant to section 12-6-104 (4) (a), Colorado Revised Statutes, to the department of public safety for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2003, the sum of two hundred fifty thousand three hundred and thirty-one dollars (\$250,331) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, ninety-five thousand three hundred and nineteen dollars (\$95,319) shall be from fees generated from criminal background checks, and one hundred fifty-five thousand twelve dollars (\$155,012) shall be from cash funds exempt.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the auto dealers license fund, created in section 12-6-123, Colorado Revised Statutes, to the department of revenue, for allocation to the information technology division, for fiscal year beginning July 1, 2003, the sum of twenty-six thousand four hundred dollars (\$26,400), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding sections accordingly.

Page 1, line 103, strike "VEHICLES." and substitute "VEHICLES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **SB03-037** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Strike the Health, Environment, Welfare & Institutions Committee Report, dated February 5, 2003, and substitute the following:

"Amend printed bill, page 3, line 10, strike "ALLOCATED" and substitute "SET FORTH IN THE ANNUAL GENERAL APPROPRIATION ACT";

strike lines 16 through 19 and substitute "TOTAL COUNTY FUNDS SET FORTH IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM FOR THAT STATE FISCAL YEAR, SO THAT THE PERCENTAGE EQUALS THE COUNTY'S PROPORTIONATE SHARE OF THE TOTAL STATE AND FEDERAL FUNDS APPROPRIATED FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM FOR THAT STATE FISCAL YEAR, REFLECTED AS A PERCENTAGE. FOR ANY STATE FISCAL YEAR, THE SUM OF ALL COUNTIES' MAINTENANCE OF EFFORT SHALL BE EQUAL TO OR GREATER THAN THE TOTAL COUNTY FUNDS SET FORTH IN THE GENERAL APPROPRIATION ACT FOR THE STATE FISCAL YEAR 1996-97 FOR EMPLOYMENT-RELATED CHILD CARE."."

Appropriations

After consideration on the merits, the Committee recommends that **SB03-024** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 30, strike lines 4 through 8 and substitute the following:

"nine hundred eight thousand eight hundred and six dollars (\$908,806) and 5.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, five hundred twenty-three thousand six hundred and ninety-six dollars (\$523,696) shall be from fees generated from criminal background checks, and three hundred eighty-five thousand one hundred ten dollars (\$385,110) shall be from cash funds exempt."

Page 1, line 108, strike "APPROPRIATION." and substitute "APPROPRIATION IN CONNECTION THEREWITH."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69

Appropriations After consideration on the merits, the Committee recommends that **SB03-021** be referred to the Committee of the Whole with favorable recommendation.

1  
2

Appropriations After consideration on the merits, the Committee recommends that **SB03-020** be postponed indefinitely.

3  
4  
5  
6

Appropriations After consideration on the merits, the Committee recommends that **SB03-141** be referred to the Committee of the Whole with favorable recommendation.

7  
8  
9  
10

Appropriations After consideration on the merits, the Committee recommends that **SB03-041** be referred to the Committee of the Whole with favorable recommendation.

11  
12  
13  
14

Appropriations After consideration on the merits, the Committee recommends that **SB03-032** be referred to the Committee of the Whole with favorable recommendation.

15  
16  
17  
18

Appropriations After consideration on the merits, the Committee recommends that **SB03-006** be referred to the Committee of the Whole with favorable recommendation.

19  
20  
21  
22  
23

---

**SENATE SERVICES REPORT**

Senate Services Correctly printed: SJR03-021, 022.

24  
25  
26  
27  
28  
29  
30

Correctly reengrossed: SB03-088, 152.

31  
32

Correctly rerevised: HB03-1161.

33  
34  
35

---

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 February 21, was laid over until Monday, February 24, retaining its place on the calendar.

36  
37  
38  
39  
40

Consideration of Governor's Appointments:  
Member of the Coal Mine Board of Examiners;  
Member of the Board of Governors of the Colorado State University System.  
Conference Committees to Report: SB03-175, SB03-183, SB03-185, SB03-190,  
SB03-200, SB03-203, SB03-205.

41  
42  
43  
44  
45  
46  
47

---

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, February 24, 2003.

48  
49  
50  
51

Approved:

52

John Andrews  
President of the Senate

53  
54  
55  
56  
57

Attest:

58  
59

Mona Heustis  
Secretary of the Senate

60  
61  
62  
63  
64