

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

Eighty-sixth Legislative Day

Thursday, April 3, 2003

Prayer	By Senator May.	10
Pledge	By Senator May.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present-- 29. Absent/Excused--6; Chlouber, Entz, Isgar, Keller, Linkhart, Taylor. Present later--Chlouber, Entz, Isgar, Keller, Linkhart, Taylor.	13 14 15 16 17 18 19 20 21
Quorum	The President announced a quorum present.	22 23
Reading of Journal	On motion of Senator Sandoval, reading of the Journal of April 2, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24 25 26

COMMITTEE OF REFERENCE REPORTS

Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that SB03-295 be referred to the Committee of the Whole with favorable recommendation.	27 28 29 30 31 32 33 34
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that SB03-287 be referred to the Committee of the Whole with favorable recommendation.	35 36 37 38 39
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that SB03-291 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	40 41 42 43

Amend printed bill, page 2, line 23 after "(II)" insert "AND WHO IS THEN DETERMINED ELIGIBLE FOR THE PROGRAM".

Page 3, after line 10, insert the following:

"SECTION 2. Appropriation - adjustments to the 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation for the indigent care program, H.B. 97-1304 children's basic health plan trust, is decreased by five million eight hundred twenty-two thousand nine hundred eight dollars (\$5,822,908).

(b) The appropriation for the indigent care program, children's basic health plan, administration, is decreased by three hundred sixty-eight thousand eight hundred ninety-nine dollars (\$368,899). Of said sum, one hundred twenty-nine thousand one hundred sixteen dollars (\$129,116) shall be from cash funds exempt and two hundred thirty-nine thousand seven hundred eighty-three dollars (\$239,783) shall be from federal funds.

SB03-291

(c) The appropriation for the indigent care program, children's basic health plan, premium costs, is decreased by sixteen million eighty-five thousand seven hundred forty-six dollars (\$16,085,746). Of said sum, five million seven hundred seventy-three thousand three hundred forty-four dollars (\$5,773,344) shall be from cash funds exempt and ten million three hundred twelve thousand four hundred two dollars (\$10,312,402) shall be from federal funds.

(d) The appropriation for the indigent care program, children's basic health plan, dental benefit costs, is increased by two hundred twenty-seven thousand two hundred eighty-nine dollars (\$227,289). Of said sum, seventy-nine thousand five hundred fifty-two dollars (\$79,552) shall be from cash funds exempt and one hundred forty-seven thousand seven hundred thirty-seven dollars (\$147,737) shall be from federal funds.

(2) The appropriation made in the annual general appropriation act as adjusted by paragraph (1) of this section assumes: (a) an average annual medical cost per child of \$1,051.80 (\$87.65 per month), not including dental services, and assumes an estimated average monthly caseload of 53,457 children; (b) average annual dental costs per child of \$131.40 (\$10.95 per month); (c) 2,450 member months of prenatal care at a cost of \$363.00 per member month for women enrolled in the program prior to the effective date of this act; and (d) 350 births at an average cost of \$3,965 for women enrolled in the program prior to the effective date of this act. It is the intent of the general assembly that the department of health care policy and financing shall manage the children's caseload so as not to exceed the overall appropriation for the children's basic health plan in fiscal year 2003-04."

Renumber succeeding section accordingly.

Page 1, line 101, strike "PLAN." and substitute "PLAN, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **SB03-299** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 5, strike "exempt".

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **SB03-266** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 4 through 9 and substitute the following:

"DOLLARS AND FIFTY CENTS. IN NO EVENT SHALL THE FEE BE CHARGED TO: A NURSING CARE FACILITY LICENSED PURSUANT TO SECTION 25-1-107 (1) (I) (I), C.R.S., THAT DOES NOT ACCEPT STATE OR FEDERAL ASSISTANCE MONEYS FOR THE SERVICES IT PROVIDES TO THE FACILITY'S RESIDENTS; A NURSING FACILITY PROVIDER THAT DOES NOT RECEIVE PAYMENT FOR SERVICES PURSUANT TO TITLE XIX OF THE SOCIAL SECURITY ACT; OR TO A NURSING FACILITY THAT IS";

line 10, after the period, insert "IN ADDITION, THE FEE SHALL NOT BE CHARGED FOR PATIENT DAYS OF RESIDENTS FOR WHOM A NURSING FACILITY PROVIDER RECEIVES PAYMENT FOR SERVICES PURSUANT TO PART A OF TITLE XVIII OF THE SOCIAL SECURITY ACT.";

line 14, strike "IS AUTHORIZED TO" and substitute "SHALL";

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SB03-266

line 15, strike "BROAD-BASED" and substitute "UNIFORMITY";

line 16, after the period, add "THE STATE DEPARTMENT SHALL EXCLUDE THE FEWEST NUMBER OF NURSING FACILITY PROVIDERS FROM THE FEE TO BE CHARGED PURSUANT TO THIS SUBSECTION (1) AS IS NECESSARY TO OBTAIN THE WAIVER UNDER THIS PARAGRAPH (b).".

Page 4, line 9, strike "IMPROVING" and substitute "MAINTAINING" and after "FOR", insert "MEDICAID";

line 10, after "GRANTS", insert "TO NURSING FACILITY PROVIDERS, WHO PAID THE FEE CHARGED PURSUANT TO SUBSECTION (1) OF THIS SECTION,";

line 11, strike "TO NURSING";

strike line 12 and substitute the following:

"ON THE BASIS OF THAT NURSING FACILITY'S MEDICAID PATIENT DAYS. THE STATE DEPARTMENT SHALL DISTRIBUTE GRANTS UNDER THE PROGRAM NO MORE THAN FOURTEEN DAYS AFTER RECEIPT OF THE FEE CHARGED PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE";

after line 14, insert the following:

"(4) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE NURSING FACILITY QUALITY OF CARE GRANT PROGRAM SHALL BE IN ADDITION TO THE AMOUNT OF THE GENERAL ASSEMBLY'S ANNUAL APPROPRIATION FOR NURSING FACILITY MEDICAID PAYMENTS MADE PURSUANT TO THE COLORADO MEDICAL ASSISTANCE ACT.".

Renumber the succeeding subsection accordingly.

Page 5, after line 15, insert the following:

"(3) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.";

line 24, strike "IS AUTHORIZED TO" and substitute "SHALL";

line 27, after the period, insert "THE PAYMENT OF SERVICES PROVIDED BETWEEN APRIL 1, 2003, AND JUNE 30, 2003, UNDER THIS PART 2 SHALL BE MADE RETROACTIVELY BY THE STATE DEPARTMENT AFTER JULY 1, 2003.".

Page 6, line 2, strike "SHARE" and substitute "SHARE, AS DETERMINED PURSUANT TO ARTICLE 4 OF THIS TITLE,";

line 7, after the period, insert "A NURSING FACILITY PROVIDING SERVICES TO AN ELIGIBLE PERSON PURSUANT TO THIS PART 2 SHALL RETAIN THE PATIENT'S SHARE OF PAYMENT AS DEFINED PURSUANT TO ARTICLE 4 OF THIS TITLE AS PARTIAL PAYMENT FOR SERVICES PROVIDED TO THE PATIENT.";

line 8, strike "PROGRAM" and substitute "SERVICE PROGRAM";

line 22, strike "PROGRAM." and substitute "SERVICE PROGRAM.";

line 23, strike "RESPONSIBILITIES" and substitute "RESPONSIBILITIES, INCLUDING THE PAYMENT OF THE PATIENT'S SHARE PURSUANT TO SECTION 26-15-202 (2),";

line 24, after "FACILITY", insert "SERVICE".

Page 10, after line 10 insert the following:

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SB03-266

"SECTION 12. Appropriation - adjustments to the 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The medical services premiums general fund appropriation is decreased by nine million nine hundred thirty-four thousand dollars (\$9,934,000) and the cash fund appropriation is increased by nine million nine hundred thirty-four thousand dollars (\$9,934,000). The cash fund appropriation shall be from the nursing facility cash fund created in section 26-4-410.2 (2), Colorado Revised Statutes.

(b) The appropriation for the medical services premiums is increased by thirty million five hundred seventeen thousand and sixteen dollars (\$30,517,016). Of said sum, fifteen million two hundred fifty-eight thousand five hundred eight dollars (\$15,258,508) shall be cash funds and fifteen million two hundred fifty-eight thousand five hundred eight dollars (\$15,258,508) shall be federal funds. The cash fund appropriation shall be from the nursing facility cash fund created in section 26-4-410.2 (2), Colorado Revised Statutes. The appropriation shall be for the nursing facility quality of care grant program established in section 26-4-410.2 (3), Colorado Revised Statutes.

(c) The cash fund appropriation for other medical services is increased by five million, two hundred fifty-eight thousand, five hundred eight dollars (\$5,258,508). The cash fund appropriation shall be from the nursing facility cash fund established in section 26-4-410.2 (2), Colorado Revised Statutes. The appropriation shall be for the state nursing facility service program established in section 26-15-202, Colorado Revised Statutes.

(d) The appropriation for the executive director's office is increased by eighty-eight thousand dollars (\$88,000) and 2.0 FTE. Of said sum, sixty-six thousand dollars (\$66,000) shall be cash funds and twenty-two thousand dollars (\$22,000) shall be federal funds. The cash fund appropriation shall be from the nursing facility cash fund established in section 26-4-410.2 (2), Colorado Revised Statutes."

Renumber succeeding section accordingly.

Page 1, line 108 strike "IMMIGRANTS." and substitute "IMMIGRANTS, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH."

Business Affairs and Labor

After consideration on the merits, the Committee recommends that **SB03-302** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs and Labor

After consideration on the merits, the Committee recommends that **SB03-296** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 11, strike "8-77-109." and substitute "8-77-109; EXCEPT THAT, BEGINNING JULY 1, 2004 THE AMOUNT ALLOCATED TO THE GENERAL FUND SHALL BE ALLOCATED TO THE UNEMPLOYMENT COMPENSATION FUND.";

line 25, strike "not" and substitute "not";

strike lines 26 and 27.

Page 3, strike line 1 and substitute "year and any unobligated amounts remaining in the fund at the end of any fiscal year shall be retained in the employment support fund for purposes of this subsection (2)."

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Business Affairs and Labor After consideration on the merits, the Committee recommends that **SB03-274** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 1
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Amend printed bill, page 2, line 9, strike "2005," and substitute "2004,"; 4
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line 13, strike "AND 2004-05 STATE FISCAL YEARS," and substitute "STATE FISCAL YEAR,"; 7
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line 24, strike "NO" and substitute "MONEYS ACCRUING TO THE FUND ON AND AFTER JULY 1, 2002, AND ANY PREVIOUSLY TRANSFERRED UNENCUMBERED MONEYS"; 10
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strike line 25. 14
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Page 3, strike lines 1 through 3; 16
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line 6, strike "ON AND AFTER JULY 1, 2005." and substitute "FOR ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2004." 18
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Business Affairs and Labor After consideration on the merits, the Committee recommends that **SB03-260** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 23
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Amend printed bill, page 5, strike lines 10 through 17. 26
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Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **SB03-288** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 30
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Amend printed bill, page 2, line 1, strike "(1)," and substitute "(1) and (4)," and strike "is" and substitute "are"; 34
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line 5, strike "persons" and substitute "~~persons~~ ELIGIBLE CHILDREN"; 38
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after line 6, insert the following: 40
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"(4) As used in this section, unless the context otherwise requires: 42
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(a) "ELIGIBLE CHILDREN" MEANS CHILDREN WHO ARE MEDICALLY FRAGILE, REQUIRE CONTINUAL LINE OF SIGHT, AND WOULD BE HOSPITALIZED WITHIN TEN DAYS IF NOT PROVIDED PRIVATE-DUTY NURSING SERVICES. 44
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(b) "Private-duty nursing" means nursing care that is more individualized and continuous than both the nursing care available under the home health benefit and the nursing care routinely provided in a hospital or nursing facility."; 49
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line 10, strike "ONE" and substitute "ONE HUNDRED TWELVE HOURS PER WEEK."; 54
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strike line 11. 57
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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. 61
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CONSIDERATION OF RESOLUTION

SJR03-031 by Senator(s) Phillips; also Representative(s) Weissmann--Concerning honoring the 2002 Monarch High School football team for winning the state 4A championship.

On motion of Senator Phillips, the resolution 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: 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, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

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:

HB03-1001 by Representative Hoppe; also Senator Johnson S.--Concerning increased flexibility in the use of water resources, without regard to water division boundaries.

Laid over until Friday, April 4, retaining its place on the calendar.

SB03-261 by Senator Teck; also Representative Witwer--Concerning fees assessed for the costs of administering programs in the department of local affairs, and, in connection therewith, increasing certain fees collected by the bond allocations committee, the office of the property tax administrator, and the board of assessment appeals, and 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	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 was declared **passed**.

SB03-273 by Senator Owen; also Representative Young--Concerning the elimination of salary increases for certain state employees for the 2003-04 fiscal year, and making an appropriation in connection therewith.

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

SB03-273

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	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	N
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**.

SB03-269

by Senator Owen; also Representative Young--Concerning allocation of state moneys to nonpublic higher education institutions for need-based financial aid, and making an appropriation in connection therewith.

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	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	Y	Keller	N	Reeves	Y		

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

SB03-272

by Senator Teck; also Representative Witwer--Concerning cash funding license plate issuance from license plate fees, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Teck was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(J.002), by Senator Teck.

Amend printed bill, page 9, strike line 12, and substitute the following:

"beginning July 1, 2003, the sum of three million one hundred twenty-four thousand nine hundred two dollars (\$3,124,902), or so much thereof";

strike lines 17 through 19, and substitute the following:

"of revenue, for license plate ordering, is decreased by three million one hundred twenty-four thousand nine hundred two dollars (\$3,124,902) cash funds exempt. Such sum shall be from the highway users tax fund pursuant to section 43-4-201, Colorado Revised Statutes."

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

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

SB03-272

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	N	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	N	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**.

SB03-262

by Senator Owen; also Representative Witwer--Concerning transfers of moneys related to capital construction.

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**.

SB03-271

by Senator Owen; also Representative Young--Concerning the augmentation of the general fund through transfers of certain moneys.

A majority of those elected to the Senate having voted in the affirmative, Senator Anderson was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.006), by Senator Anderson.

Amend engrossed bill, page 2, strike line 9 and substitute the following:

"SECTION 2. 24-4.2-104 (1) (a) (I), (1) (a) (II) (A), and (1) (b) (I), Colorado".

Page 3, strike line 4, and substitute the following:

"transmit SEVENTY PERCENT OF the moneys COLLECTED to the court administrator of the judicial district in";

line 6, strike "district." and substitute "district AND SHALL TRANSMIT THIRTY PERCENT OF THE MONEYS COLLECTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.";

line 13, strike "Any" and substitute "SEVENTY PERCENT OF any";

line 17, strike "district." and substitute "district AND THIRTY PERCENT OF ANY MONEYS COLLECTED BY THE CLERK PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND.

(b) (I) A surcharge shall be levied against a penalty assessment imposed for a violation of a class A or class B traffic infraction or class 1 or class 2 misdemeanor traffic offense pursuant to section 42-4-1701, C.R.S. The amount of such surcharge shall be the amount specified in the penalty and surcharge schedule in section 42-4-1701 (4), C.R.S., or, if no amount is specified, thirty-seven percent of the penalty imposed.

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SB03-271

~~At~~ SEVENTY PERCENT OF THE moneys collected by the department of revenue pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the infraction occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district as provided in section 42-1-217, C.R.S., AND THIRTY PERCENT OF THE MONEYS COLLECTED BY THE DEPARTMENT OF REVENUE PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND. ~~Surcharges~~ SEVENTY PERCENT OF THE SURCHARGES paid to the clerk of the court pursuant to this subparagraph (I) shall be transmitted to the court administrator of the judicial district in which the offense was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district AND THIRTY PERCENT OF THE SURCHARGES PAID TO THE CLERK OF THE COURT PURSUANT TO THIS SUBPARAGRAPH (I) SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND."

Page 15, after line 4, insert the following:

"SECTION 8. 42-1-217 (4), Colorado Revised Statutes, is amended to read:

42-1-217. Disposition of fines and surcharges. (4) ~~At~~ SEVENTY PERCENT OF THE moneys collected by the department as surcharges on penalty assessments issued for violations of a class A or a class B traffic infraction or a class 1 or a class 2 misdemeanor traffic offense, pursuant to section 42-4-1701, shall be transmitted to the court administrator of the judicial district in which the offense or infraction was committed for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district. THIRTY PERCENT OF THE MONEYS COLLECTED BY THE DEPARTMENT AS SURCHARGES ON PENALTY ASSESSMENTS ISSUED FOR VIOLATIONS OF A CLASS A OR A CLASS B TRAFFIC INFRACTION OR A CLASS 1 OR A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE, PURSUANT TO SECTION 42-4-1701, SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT SUCH SUM TO THE GENERAL FUND."

Renumber succeeding sections accordingly.

Page 15, line 6, strike "of" and substitute "or".

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

The question being "Shall the bill, as amended, 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**.

SB03-277

by Senator Reeves; also Representative Plant--Concerning the inclusion of amounts of salary reductions resulting from the furloughing of certain members of the public employees' retirement association when calculating the highest average salary of such members for retirement purposes.

SB03-277

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: Nichol.

SB03-285

by Senator Owen; also Representative Young--Concerning the reduction of the statutorily required general fund reserve for the 2002-03 state fiscal year due to a revenue shortfall.

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**.

SB03-300

by Senator Teck; also Representative Plant--Concerning the imposition of a management fee on certain funds that are invested by the state treasurer.

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	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 was declared **passed**.

SB03-265

by Senator Teck; also Representative Young--Concerning the property tax exemption for qualifying seniors, and, in connection therewith, lowering the maximum amount of actual value of the primary owner-occupied residence of a qualifying senior that is partly exempt from property taxation, and making an appropriation in connection therewith.

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

SB03-265

YES	8	NO	27	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	N	Takis	N
Cairns	N	Hagedorn	N	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	N	Taylor	N
Dyer	Y	Hillman	N	McElhany	N	Teck	Y
Entz	N	Isgar	N	Nichol	N	Tupa	N
Evans	N	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	N	Phillips	N	Mr. President	N
Gordon	N	Keller	N	Reeves	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, the bill was declared **lost**.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Anderson gave notice of intent to move for reconsideration of **SB03-265**.

THIRD READING--FINAL PASSAGE OF BILLS -- CONTINUED

SB03-282

by Senator Teck; also Representative Witwer--Concerning tobacco litigation settlement moneys received by the state, and, in connection therewith, reallocating a portion of the moneys received in the 2002-03 fiscal year for the purpose of augmenting the state general fund, modifying appropriations for the 2002-03 fiscal year, and reducing and eliminating funding of specified programs from tobacco litigation settlement moneys in the 2003-04 fiscal year.

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	Y
Cairns	Y	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	N	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	N
Fitz-Gerald	Y	Jones	Y	Phillips	N	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**.

SB03-267

by Senator Reeves; also Representative Young--Concerning the method by which the motor vehicle business group within the department of revenue is annually funded, and making an appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Gordon was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(J.003), by Senator Gordon.

Amend the Transportation Committee report dated April 1, 2003, page 2, strike lines 8 through 13, and substitute the following:

""SECTION 5. Appropriation - adjustments in long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation for motor vehicle business group, administration, personal services is decreased by five hundred fifty-three thousand six hundred forty-two dollars (\$553,642).

SB03-267

(b) The cash funds exempt appropriation for motor vehicle business group, administration, personal services is increased by five hundred fifty-three thousand six hundred forty-two dollars (\$553,642). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(c) The general fund appropriation for motor vehicle business group, administration, operating expenses is decreased by sixty thousand nine hundred four dollars (\$60,904).

(d) The cash funds exempt appropriation for motor vehicle business group, administration, operating expenses is increased by sixty thousand nine hundred four dollars (\$60,904). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(e) The general fund appropriation for motor vehicle business group, motor vehicle division, personal services is decreased by eight million seven hundred twenty-one thousand one hundred seventy-three dollars (\$8,721,173).

(f) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, personal services is increased by eight million seven hundred twenty-one thousand one hundred seventy-three dollars (\$8,721,173). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(g) The general fund appropriation for motor vehicle business group, motor vehicle division, operating expenses is decreased by one million one hundred sixty-one dollars (\$1,000,161).

(h) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, operating expenses is increased by one million one hundred sixty-one dollars (\$1,000,161). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(i) The general fund appropriation for motor vehicle business group, motor vehicle division, drivers license documents is decreased by two million eight hundred fourteen thousand one hundred forty (\$2,814,140).

(j) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, drivers license documents is increased by two million eight hundred fourteen thousand one hundred forty (\$2,814,140). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

SECTION 6. Appropriation - adjustments in long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of revenue for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation for motor vehicle business group, administration, personal services is decreased by five hundred fifty-three thousand six hundred forty-two dollars (\$553,642).

(b) The cash funds exempt appropriation for motor vehicle business group, administration, personal services is increased by five hundred fifty-three thousand six hundred forty-two dollars (\$553,642). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(c) The general fund appropriation for motor vehicle business group, administration, operating expenses is decreased by sixty thousand nine hundred four dollars (\$60,904).

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SB03-267

(d) The cash funds exempt appropriation for motor vehicle business group, administration, operating expenses is increased by sixty thousand nine hundred four dollars (\$60,904). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(e) The general fund appropriation for motor vehicle business group, motor vehicle division, personal services is decreased by ten million six hundred forty-seven thousand eight hundred thirty-one dollars (\$10,647,831).

(f) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, personal services is increased by ten million six hundred forty-seven thousand eight hundred thirty-one dollars (\$10,647,831). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(g) The general fund appropriation for motor vehicle business group, motor vehicle division, operating expenses is decreased by one million one hundred sixty-one dollars (\$1,000,161).

(h) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, operating expenses is increased by one million one hundred sixty-one dollars (\$1,000,161). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

(i) The general fund appropriation for motor vehicle business group, motor vehicle division, drivers license documents is decreased by two million eight hundred fourteen thousand one hundred forty (\$2,814,140).

(j) The cash funds exempt appropriation for motor vehicle business group, motor vehicle division, drivers license documents is increased by two million eight hundred fourteen thousand one hundred forty (\$2,814,140). Such sum shall be from the highway users tax fund pursuant to section 43-4-201 (3) (a) (II) (M), Colorado Revised Statutes.

SECTION 7. Effective date. This act shall take effect July 1, 2003; except that sections 3 and 5 of this act shall take effect only if Senate Bill 03-273 is enacted at the First Regular Session of the Sixty-fourth General Assembly and becomes law, and sections 4 and 6 of this act shall take effect only if Senate Bill 03-273 is not enacted at the First Regular Session of the Sixty-fourth General assembly and does not become law."."

The amendment was declared **LOST** on the following roll call vote:

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

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

SB03-267

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	Y
Evans	Y	Johnson	N	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**.

SB03-263

by Senator Owen; also Representative Witwer--Concerning when the annual state contribution to the fire and police pension association to assist in amortizing the unfunded accrued liability of old hire pension plans shall be transferred, and, in connection therewith, eliminating the state contribution to the old hire pension plans for the 2003-04 and 2004-05 state fiscal years, extending the state contribution through the 2011-12 state fiscal year, and changing the date on which the state makes the annual contribution to April 30, and making an appropriation.

A majority of those elected to the Senate having voted in the affirmative, Senator Hillman was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.005), by Senator Hillman.

Amend engrossed bill, page 7, line 4, strike "(b) NOTWITHSTANDING ANY";

strike line 5 and substitute the following:

"(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE STATE SHALL TRANSFER TO THE FIRE AND";

line 10, strike "31-30.5-306 (1) (b) (II)," and substitute "31-30.5-306 (1) (b) (II). SUCH TRANSFERS MAY OCCUR".

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

The question being "Shall the bill, as amended, 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	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	Y	Nichol	N	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	Y	Keller	N	Reeves	Y		

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

RECONSIDERATION OF SB03-267

SB03-267

by Senator Reeves; also Representative Young--Concerning the method by which the motor vehicle business group within the department of revenue is annually funded, and making an appropriation therefor.

SB03-267

Having voted on the prevailing side, Senator Chlouber moved for reconsideration of the last Senate action, Third Reading--Final Passage, on **SB03-267**.

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

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

YES	30	NO	5	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	N	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	N	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**.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **SB03-284** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 19-2-909 is further amended BY THE ADDITION OF A NEW SUBSECTION";

after line 12, insert the following:

"(b.5) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (1), THE BOARD MAY IMPOSE A MANDATORY PERIOD OF PAROLE OF NINE MONTHS IF THE BOARD FINDS AGGRAVATING CIRCUMSTANCES EXIST IN THE JUVENILE'S CASE THAT INDICATE THAT A NINE-MONTH PERIOD OF MANDATORY PAROLE IS WARRANTED."

Page 3, strike lines 2 through 12 and substitute the following:

SECTION 4. 19-2-1002 (9), Colorado Revised Statutes, as amended by House Bill 03-1079, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

19-2-1002. Juvenile parole. (9) **Parole discharge.** The board may discharge a juvenile from parole after the juvenile has served the mandatory parole period of ~~nine months~~ SIX MONTHS but prior to the expiration of his or her period of parole supervision when it appears to the board that there is a reasonable probability that the juvenile will remain at liberty without violating the law or when such juvenile is under the probation supervision of the district court, in the custody of the department of corrections, or otherwise not available to receive parole supervision."

Judiciary

After consideration on the merits, the Committee recommends that **SB03-281** be postponed indefinitely.

Judiciary

After consideration on the merits, the Committee recommends that **SB03-289** be postponed indefinitely.

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Judiciary After consideration on the merits, the Committee recommends that **SB03-286** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB03-283** be postponed indefinitely.

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **SB03-270** be postponed indefinitely.

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **SB03-276** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 14 through 16 and substitute the following:

"permit system. ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEYS IN THE FUND AND ALL UNENCUMBERED OR UNAPPROPRIATED BALANCES IN THE FUND SHALL REMAIN IN THE FUND, SHALL BE APPROPRIATED ONLY FOR THE EXPENSES OF THE DISCHARGE PERMIT SYSTEM, AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR OR ANY OTHER TIME. It is the intent of the".

Page 9, line 12, after "act", insert "for the department of public health and environment, water quality control division,";

line 14, strike "to the department of public health and";

line 15, strike "environment, for allocation to the water quality control division,";

strike lines 20 through 25 and substitute the following:

"(b) The appropriation is increased by two million four hundred eight thousand eight hundred sixty-nine dollars (\$2,408,869) cash funds and 26.8 FTE. Of said sum, one million seven hundred fifty-four thousand two hundred fifty-nine dollars (\$1,754,259) shall be from the water quality control fund created in section 25-8-503 (1) (c), Colorado Revised Statutes and six hundred fifty-four thousand six hundred ten dollars (\$654,610) shall be from the drinking water cash fund created in section 25-1-107 (1) (x.7) (II), Colorado Revised Statutes.".

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **SB03-290** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 20 and substitute "Statutes, are amended, and the said 33-12-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

(1.7) THE BOARD SHALL ESTABLISH BY RULE THE FEE FOR FACILITIES USED FOR WEDDING PARTIES IN AN AMOUNT THAT IS NO MORE THAN TWENTY DOLLARS.".

Education The Committee on Education has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE
COLORADO STUDENT OBLIGATION BOND
AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2003:

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Debra A. Baldwin of Cherry Hills Village, Colorado, to fill the vacancy occasioned by the resignation of Joanne G. Ballard, appointed.

effective July 31, 2002 for terms expiring July 31, 2006:

James B. Haass of Englewood, Colorado, appointed;

Gilbert D. Friesen of Westminster, Colorado, reappointed.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SB03-306; SJM03-003.

Correctly engrossed: SB03-261, 262, 263, 265, 267, 269, 271, 272, 273, 277, 282, 285, 300.

Correctly enrolled: SB03-112, 133.

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and Energy

After consideration on the merits, the Committee recommends that **SB03-278** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. Article 80 of title 37, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

37-80-121. Water administration fee - cash fund - rules - report - definitions - repeal. (1) FOR PURPOSES OF THIS SECTION:

(a) "FEE" MEANS THE ANNUAL WATER ADMINISTRATION FEE CREATED BY THIS SECTION. FOR PURPOSES OF THIS SECTION, AN ANNUAL WATER ADMINISTRATION YEAR RUNS FROM NOVEMBER 1 TO OCTOBER 31. THE FEE SHALL BE INITIALLY ASSESSED FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS SECTION UNTIL OCTOBER 31, 2003. THEREAFTER THE FEE SHALL BE ASSESSED FOR EACH ANNUAL WATER ADMINISTRATION YEAR.

(b) "FUND" MEANS THE WATER ADMINISTRATION CASH FUND CREATED BY THIS SECTION.

(c) (I) "OWNER" MEANS THE OWNER OF A WATER RIGHT THAT HAS BEEN ADJUDICATED FOR:

(A) DIRECT FLOW IN AN AMOUNT OF AT LEAST ONE CUBIC FOOT PER SECOND;

(B) STORAGE IN AN AMOUNT OF AT LEAST ONE HUNDRED ACRE-FEET.

(II) "OWNER" SHALL NOT INCLUDE A FEDERAL OR STATE AGENCY.

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SB03-278

(2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AN OWNER SHALL BE SUBJECT TO AN ANNUAL WATER ADMINISTRATION FEE IN THE FOLLOWING AMOUNTS:

(I) FOR DIRECT FLOW WATER THAT HAS BEEN ADJUDICATED FOR:

(A) AGRICULTURAL IRRIGATION, AUGMENTATION, RECHARGE, OR STOCK WATERING USE, TEN DOLLARS FOR EACH DECREE;

(B) FOR DIRECT FLOW WATER THAT IS NOT SUBJECT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I), TWO HUNDRED FIFTY DOLLARS FOR EACH DECREE;

(II) FOR STORED WATER THAT HAS BEEN ADJUDICATED FOR:

(A) AGRICULTURAL IRRIGATION, AUGMENTATION, RECHARGE, OR STOCK WATERING USE, TWENTY-FIVE DOLLARS FOR EACH DECREE;

(B) FOR STORED FLOW WATER THAT IS NOT SUBJECT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), ONE HUNDRED DOLLARS FOR EACH DECREED ACRE-FOOT.

(b) AN OWNER:

(I) SHALL PAY THE FEE WHEN DUE;

(II) SHALL NOTIFY THE DIVISION ENGINEER OF THE APPROPRIATE WATER DIVISION OF THE NAME AND ADDRESS OF ANY NEW OWNER OF THE WATER RIGHTS.

(c) THE STATE ENGINEER SHALL COLLECT THE FEE FROM EACH OWNER AND MAY PROCEED PURSUANT TO SECTIONS 37-92-502 AND 37-92-503 IN SUCH COLLECTION.

(3) BY RULE, THE STATE ENGINEER SHALL ESTABLISH:

(a) A SCHEDULE FOR THE PAYMENT OF THE FEE, WHICH MAY:

(I) VARY BY LOCATION, TYPE OR SIZE OF USE, OR ANY OTHER FACTOR DEEMED NECESSARY BY THE STATE ENGINEER; AND

(II) INCLUDE MONTHLY, QUARTERLY, ANNUAL, SEASONAL, OR OTHER TERMS OF PAYMENT;

(b) (I) A PROCEDURE FOR PROVIDING TO EACH OWNER INDIVIDUAL NOTIFICATION OF THE AMOUNT AND TERMS OF PAYMENT OF THE FEE.

(II) THE STATE ENGINEER MAY UTILIZE THE WATER RIGHTS RESUME AND MAY POST A NOTICE ON THE APPROPRIATE DIVERSION OR STORAGE STRUCTURE TO PUBLICIZE THE EXISTENCE OF THE FEE.

(4) THE STATE ENGINEER SHALL TRANSMIT ALL MONEYS GENERATED BY THE FEE TO THE STATE TREASURER, WHO SHALL DEPOSIT THEM IN THE WATER ADMINISTRATION CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL MONEYS CREDITED TO THE FUND AND UNEXPENDED AT THE END OF ANY GIVEN FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. MONEYS IN THE FUND SHALL BE APPROPRIATED SOLELY TO THE DIVISION OF WATER RESOURCES AND THE DEPARTMENT OF NATURAL RESOURCES FOR COSTS ASSOCIATED WITH THE STATE ENGINEER'S ADMINISTRATION OF APPROPRIATIVE WATER RIGHTS, INCLUDING COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION.

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SB03-278

(5) THE STATE ENGINEER, IN CONSULTATION WITH THE COLORADO WATER CONGRESS AND INTERESTED PARTIES, SHALL REEXAMINE THE ADMINISTRATION FEES ESTABLISHED IN THIS SECTION AND SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1, 2004, THAT IDENTIFIES THE FOLLOWING:

(a) THE TOTAL AMOUNT OF MONEYS RECEIVED UNDER THE FEE SCHEDULE ESTABLISHED IN THIS SECTION AND THE DISPOSITION, WITHIN THE DIVISION OF WATER RESOURCES, OF SUCH MONEYS;

(b) THE SERVICES PROVIDED BY THE DIVISION IN THE FULFILLMENT OF ITS RESPONSIBILITIES UNDER THIS TITLE THAT CANNOT BE DIRECTLY CORRELATED TO THE ADMINISTRATION OF WATER UNDER THIS SECTION;

(c) ALL BENEFICIARIES OF THE STATE ENGINEER'S WATER ADMINISTRATION ACTIVITIES ESTABLISHED UNDER THIS TITLE;

(d) BENEFICIARIES OF THE STATE ENGINEER'S WATER ADMINISTRATION ACTIVITIES ESTABLISHED UNDER THIS TITLE THAT DO NOT PAY FEES UNDER THIS SECTION;

(e) ALTERNATIVE FUNDING OPTIONS FOR THE STATE ENGINEER'S WATER ADMINISTRATION ACTIVITIES ESTABLISHED UNDER THIS TITLE; AND

(f) MORE COST-EFFECTIVE APPROACHES TO ACHIEVING THE WATER ADMINISTRATION OBJECTIVES IDENTIFIED IN THIS ARTICLE, CONSIDERING THE ACTIVITIES OF BOTH THE STATE ENGINEER AND AFFECTED ENTITIES.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 2. 37-92-502 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

37-92-502. Orders as to waste, diversions, distribution of water. (5) (c) THE STATE ENGINEER AND THE DIVISION ENGINEERS HAVE AUTHORITY TO COLLECT THE WATER ADMINISTRATION FEE ESTABLISHED IN SECTION 37-80-121.

SECTION 3. 37-92-503, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-503. Enforcement - injunction. (8) THE STATE ENGINEER AND THE PARTICULAR DIVISION ENGINEER IN THE NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE ATTORNEY GENERAL, SHALL COLLECT THE WATER ADMINISTRATION FEE ESTABLISHED IN SECTION 37-80-121. FAILURE BY ANY PERSON TO PAY THE FEE WHEN DUE SHALL SUBJECT THE PERSON TO PAYMENT OF TRIPLE THE OUTSTANDING DEBT, ACCRUED INTEREST AT ONE AND ONE-HALF PERCENT PER MONTH OF OUTSTANDING DEBT, FEES ASSOCIATED WITH COLLECTION, AND RECOVERY OF REASONABLE ATTORNEY FEES.

SECTION 4. Appropriation - adjustments in 2003 long bill.

(1) For the implementation of this act, appropriations made in the annual general appropriation act for the department of natural resources for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation is decreased by one million six hundred two thousand two hundred sixty five dollars (\$1,602,265).

(b) The cash funds appropriation is increased by one million eight hundred seventy-seven thousand two hundred sixty-five dollars (\$1,877,265) and 5.0 FTE. Said sum shall be from the water administration cash fund created in section 37-80-121, Colorado Revised Statutes.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **SB03-301** be postponed indefinitely.

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **SB03-297** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, line 1, before "DONATIONS", insert "AND";

line 22, strike "brand." and substitute "brand; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEE SHALL BE TWENTY-FIVE DOLLARS.";

line 26, strike "brand." and substitute "brand; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEE FOR EACH SUCCEEDING BRAND SHALL BE TEN DOLLARS AND THE FEE FOR EACH ANALYSIS OR SPECIAL ANALYZATION OR CHANGE SHALL BE TWO DOLLARS AND FIFTY CENTS.".

Page 6, line 9, strike "the penalty shall" and substitute "ON OR AFTER JULY 1, 2005, the DAILY penalty shall BE FIVE DOLLARS PER DAY. THE SUM TOTAL OF ALL SUCH DAILY PENALTIES SHALL";

line 10, strike "The penalty" and substitute "~~The penalty~~ ANY AND ALL SUCH PENALTIES";

line 21, strike "COMMISSION." and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE INSPECTION FEE SHALL BE TWENTY-FIVE CENTS PER TON.".

Page 7, line 7, strike "COMMISSION." and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE INSPECTION FEE SHALL BE TWENTY-FIVE CENTS PER HUNDRED POUNDS.".

Page 10, line 12, strike "amended to read:" and substitute "amended, and the said 35-14-127 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:";

line 19, strike "~~this article~~" and substitute "this article OR BY";

line 20, strike "The" and substitute "(I) TO AND INCLUDING JUNE 30, 2005, the";

line 23, strike "(I)" and substitute "~~(I)~~ (A)";

line 24, strike "(II)" and substitute "~~(II)~~ (B)";

line 26, strike "(III)" and substitute "~~(III)~~ (C)".

Page 11, line 1, strike "(IV)" and substitute "~~(IV)~~ (D)";

line 3, strike "(V)" and substitute "~~(V)~~ (E)";

line 5, strike "(VI)" and substitute "~~(VI)~~ (F)";

line 7, strike "(VII)" and substitute "~~(VII)~~ (G)";

after line 7, insert the following:

"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(a.5) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEE FOR SCALES IS BASED ON CAPACITY AS FOLLOWS:

(I) SCALES WITH A CAPACITY OF 80,001 POUNDS AND OVER
\$100.00

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SB03-297

(II) SCALES WITH A CAPACITY OF 30,001 POUNDS THROUGH 80,000 POUNDS
75.00

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(III) SCALES WITH A CAPACITY OF 10,001 POUNDS THROUGH 30,000 POUNDS
40.00

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(IV) SCALES WITH A CAPACITY OF 2,001 POUNDS THROUGH 10,000 POUNDS
20.00

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(V) SCALES WITH A CAPACITY OF 451 POUNDS THROUGH 2,000 POUNDS
12.00

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(VI) SCALES WITH A CAPACITY OF 76 POUNDS THROUGH 450 POUNDS
7.00

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(VII) SCALES WITH A CAPACITY OF 75 POUNDS OR LESS
5.00";

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line 10, strike "COMMISSION." and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, SUCH ANNUAL LICENSE FEE SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS PER SCALE.";

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line 11, strike "The" and substitute "(a) (I) TO AND INCLUDING JUNE 30, 2005, the";

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after line 15, insert the following:

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"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

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(b) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEE FOR TEXTILE METERS IS FIVE DOLLARS PER METER.";

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strike lines 16 through 24 and substitute the following:

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"(6) ON AND AFTER JULY 1, 2005, the annual license fee for cordage meters is five dollars per meter.

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(7) ON AND AFTER JULY 1, 2005, the annual license fee for moisture meters is twenty dollars per meter.

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(8) ON AND AFTER JULY 1, 2005, the license fee for certified weighers is five dollars.

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(9) ON AND AFTER JULY 1, 2005, the license fee for persons who sell or install WEIGHING AND MEASURING devices is five dollars.

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(10) ON AND AFTER JULY 1, 2005, the license fee for ~~weighing and measuring device servicemen~~ PERSONS WHO SERVICE WEIGHING AND MEASURING DEVICES is five dollars.";

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line 25, strike "The" and substitute "(a) (I) TO AND INCLUDING JUNE 30, 2005, the".

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Page 12, after line 9, insert the following:

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"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

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(b) ON AND AFTER JULY 1, 2005, THE FEE FOR A SPECIAL TEST WHERE PASSENGER VEHICLES OR LIGHT DUTY PICKUP TRUCKS ARE USED SHALL NOT EXCEED TWENTY-FIVE DOLLARS PER HOUR PLUS THE MILEAGE CHARGE SET FORTH IN SECTION 24-9-104, C.R.S. THE FEE FOR A SPECIAL TEST WHERE SCALE TEST TRUCKS ARE USED SHALL NOT EXCEED TWENTY-FIVE DOLLARS PER HOUR PLUS ONE DOLLAR AND TWENTY-FIVE

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SB03-297

CENTS PER MILE TRAVELED. THE COMMISSIONER SHALL REVIEW AND SET THE FEES ANNUALLY AT A RATE NOT TO EXCEED ACTUAL COSTS. IF ANY TEST OF A DEVICE AT ONE LOCATION REQUIRES TIME BEYOND THE FIRST DAY, THE SPECIAL TEST FEE SHALL BE EFFECTIVE FOR THE BALANCE OF TIME AFTER ONE DAY AND UNTIL THE TEST IS COMPLETED. THE SPECIAL TEST FEE MAY BE CHARGED FOR ANY TEST MADE AT THE REQUEST OF THE OWNER OF THE DEVICE.";

line 23, strike "COMMISSION." and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEES FOR METROLOGY SERVICES SHALL BE SET ANNUALLY AT A LEVEL THAT DOES NOT EXCEED ACTUAL COSTS OR TWENTY DOLLARS PER HOUR, WHICHEVER IS LESS.";

line 26, strike "COMMISSION." and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, SUCH RATES SHALL BE THE SAME RATES AS SET FORTH FOR SPECIAL TESTS IN SECTION 35-14-127 (12).".

Page 13, line 17, strike "The" and substitute "(I) (A) TO AND INCLUDING JUNE 30, 2005, the".

Page 14, after line 12, insert the following:

"(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEES FOR RETAILERS ARE BASED ON THE TOTAL ANNUAL GROSS SALES, EXCLUDING THE SALE OF GASOLINE, OF THE ESTABLISHMENT FOR THE PREVIOUS CALENDAR YEAR, AS REPORTED TO THE DEPARTMENT OF REVENUE. IN THE CASE OF CHAIN STORES, THE ANNUAL LICENSE FEE IS BASED ON TOTAL ANNUAL GROSS SALES, EXCLUDING THE SALE OF GASOLINE, OF INDIVIDUAL STORES FOR THE PREVIOUS CALENDAR YEAR AS REPORTED BY THE HOME OFFICE OF SUCH CHAIN TO THE DEPARTMENT. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, A RETAILER WHO HAS NOT BEEN ENGAGED IN BUSINESS DURING THE PREVIOUS CALENDAR YEAR SHALL PAY TWO DOLLARS FOR ITS ANNUAL LICENSE FEE. RETAIL CLASSES AND FEES ARE AS FOLLOWS:

CLASS I. RETAILER - GROSS SALES UP TO AND INCLUDING \$50,000, FEE \$2.00.

CLASS II. RETAILER - OVER \$50,000 TO AND INCLUDING \$100,000 GROSS SALES, FEE \$5.00.

CLASS III. RETAILER - OVER \$100,000 TO AND INCLUDING \$200,000 GROSS SALES, FEE \$8.00.

CLASS IV. RETAILER - OVER \$200,000 TO AND INCLUDING \$500,000 GROSS SALES, FEE \$15.00.

CLASS V. RETAILER - OVER \$500,000 GROSS SALES, FEE \$25.00.";

line 13, strike "The" and substitute "(I) (A) TO AND INCLUDING JUNE 30, 2005, the".

Page 15, after line 8, insert the following:

"(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEES FOR WHOLESALERS ARE BASED ON THE AVERAGE NUMBER OF CASES OF EGGS (THIRTY DOZEN PER CASE) SOLD PER WEEK DURING THE PREVIOUS YEAR; EXCEPT THAT FOR A WHOLESALER WHO HAS NOT BEEN ENGAGED IN BUSINESS DURING THE PREVIOUS CALENDAR YEAR, THE FEE IS TWENTY-FIVE DOLLARS. THE APPLICANT FOR A WHOLESALE LICENSE SHALL KEEP SUCH RECORDS AS MAY BE NECESSARY TO INDICATE ACCURATELY THE QUANTITY OF EGGS SOLD PER WEEK DURING THE YEAR

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AND SHALL ALLOW THE COMMISSIONER TO EXAMINE THESE RECORDS IN DETERMINING THE QUANTITY OF EGGS SOLD. A WHOLESALER SHALL RETAIN SUCH RECORDS OF QUANTITY SOLD FOR A PERIOD OF TWO YEARS. THE WHOLESALER CLASSES AND FEES ARE AS FOLLOWS:

CLASS I. WHOLESALER - UP TO AND INCLUDING 50 CASES PER WEEK, FEE \$25.00.

CLASS II. WHOLESALER - OVER 50 CASES TO AND INCLUDING 100 CASES PER WEEK, FEE \$50.00.

CLASS III. WHOLESALER - OVER 100 CASES TO AND INCLUDING 250 CASES PER WEEK, FEE \$100.00.

CLASS IV. WHOLESALER - OVER 250 CASES TO AND INCLUDING 750 CASES PER WEEK, FEE \$300.00.

CLASS V. WHOLESALER - OVER 750 CASES PER WEEK, FEE \$500.00.";

line 24, after "(1)", insert "(a) (I)" and after "2003,", insert "TO AND INCLUDING JUNE 30, 2005,".

Page 16, after line 1, insert the following:

"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, THE FEE FOR EACH LICENSE UNDER THIS ARTICLE SHALL BE AS FOLLOWS: LOCKER PLANTS, FIFTY DOLLARS FOR EACH YEAR; PROCESSORS, FIFTY DOLLARS FOR EACH YEAR; FOOD PLAN OPERATORS, ONE HUNDRED DOLLARS FOR EACH YEAR. THERE SHALL BE NO REDUCTION OF A LICENSE FEE FOR ANY FRACTIONAL PART OF A YEAR.";

strike line 16 and substitute "COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE ANNUAL REGISTRATION FEE SHALL BE TEN DOLLARS.";

strike lines 20 through 22 and substitute the following:

"~~ten-dollar~~ late fee in addition to the registration fee. TO AND INCLUDING JUNE 30, 2005, THE LATE FEE SHALL BE EQUAL TO THE ANNUAL REGISTRATION FEE ESTABLISHED BY THE AGRICULTURAL COMMISSION. ON AND AFTER JULY 1, 2005, THE LATE FEE SHALL BE TEN DOLLARS.".

Page 17, strike lines 3 through 5 and substitute the following:

"35-60-105. Inspection fees - reports. (1) Except as provided in subsection (5) of this section, an inspection fee of fifteen cents per ton OR, TO AND INCLUDING JUNE 30, 2005, IN AN AMOUNT ESTABLISHED BY THE AGRICULTURAL COMMISSION, shall be paid on";

line 9, strike "An" and substitute "(I) (A) TO AND INCLUDING JUNE 30, 2005, an";

after line 14, insert the following:

"(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, AN ANNUAL INSPECTION FEE OF TEN DOLLARS PER PRODUCT SHALL BE PAID IN LIEU OF THE INSPECTION FEE ON COMMERCIAL FEED THAT IS DISTRIBUTED IN THE STATE ONLY IN PACKAGES OF TEN POUNDS OR LESS. PRODUCTS SOLD IN PACKAGES OF TEN POUNDS OR LESS ARE NOT SUBJECT TO THE TWENTY-FIVE-DOLLAR PER YEAR MINIMUM SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (1).";

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line 15, strike "The" and substitute "(I) (A) TO AND INCLUDING JUNE 30, 2005, the";

after line 16, insert the following:

"(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE MINIMUM TOTAL INSPECTION FEE PAID SHALL BE TWENTY-FIVE DOLLARS PER YEAR."

line 17, strike "In" and substitute "(a) (I) TO AND INCLUDING JUNE 30, 2005, in";

after line 25, insert the following:

"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, IN THE CASE OF A COMMERCIAL FEED THAT IS DISTRIBUTED IN THE STATE BOTH IN PACKAGES OF TEN POUNDS OR LESS, AND IN PACKAGES WEIGHING OVER TEN POUNDS, THE FIFTEEN-CENT PER TON INSPECTION FEE SHALL BE PAID ON THE COMMERCIAL FEEDS DISTRIBUTED IN PACKAGE WEIGHTS OVER TEN POUNDS WITH A MINIMUM INSPECTION FEE OF TWENTY-FIVE DOLLARS. THE ANNUAL FLAT FEE OF TEN DOLLARS PER PRODUCT SHALL BE PAID ON THE PRODUCTS SOLD IN PACKAGES OF TEN POUNDS OR LESS."

Page 18, strike lines 1 and 2 and substitute the following:

"due date, a penalty fee of ten dollars per product OR, TO AND INCLUDING JUNE 30, 2005, IN AN AMOUNT ESTABLISHED BY THE AGRICULTURAL COMMISSION, shall be added to the amount due. The".

Page 19, line 9, strike "For" and substitute "(a) (I) TO AND INCLUDING JUNE 30, 2005, for";

line 16, strike "(a)" and substitute "(a) (A)";

line 19, strike "(b)" and substitute "(b) (B)";

line 20, strike "(c)" and substitute "(c) (C)";

line 21, strike "(d)" and substitute "(d) (D)";

after line 21, insert the following:

"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, FOR FILING THE APPLICATION DESCRIBED IN SECTION 12-16-104, EACH APPLICANT SHALL PAY THE FOLLOWING FEE TO THE COMMISSIONER, WHO SHALL TRANSMIT ALL SUCH FEES TO THE STATE TREASURER FOR CREDIT TO THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S.:

(I) DEALERS, FIFTY DOLLARS FOR EACH YEAR; EXCEPT THAT A DEALER WHO SIGNS AN AFFIDAVIT STATING THAT SUCH DEALER WILL PAY CASH FOR EACH TRANSACTION FOR FARM PRODUCTS SHALL PAY NO APPLICATION FEE;

(II) AGENTS, TEN DOLLARS FOR EACH YEAR;

(III) SMALL-VOLUME DEALERS, TWENTY DOLLARS FOR EACH YEAR."

Page 20, line 4, strike "Each" and substitute "(a) (I) TO AND INCLUDING JUNE 30, 2005, each";

after line 11, insert the following:

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"(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, EACH APPLICANT FOR A COMMODITY HANDLER LICENSE SHALL PAY A LICENSE FEE OF FIFTY DOLLARS FOR EACH YEAR AND EACH APPLICANT FOR AN AGENT LICENSE SHALL PAY A LICENSE FEE OF TEN DOLLARS FOR EACH YEAR, WHICH THE DEPARTMENT SHALL COLLECT AND TRANSMIT TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S.";

strike lines 15 through 23 and substitute the following:

"12-16-217. Inspection fees. (2) Each inspection fee shall be uniform for the particular service rendered, and the amount of such fee shall be determined by the state agricultural commission. ~~so that~~ ON AND AFTER JULY 1, 2005, said fee, as nearly as possible, shall cover fifty percent of the operational costs of the inspection service after the deduction of any federal moneys that may be forthcoming for such an inspection service. The inspection fee shall be paid by the person, firm, corporation, or other organization requesting the service at the time it is rendered or as otherwise provided and authorized by the commission."

MESSAGES FROM THE HOUSE

April 3, 2003
Mr. President:

The House has adopted and returns herewith SJR03-031.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1252, amended as printed in House Journal, April 2, page 1399.
HB03-1085, amended as printed in House Journal, April 2, pages 1399-1400.
HB03-1173, amended as printed in House Journal, April 2, page 1400.
HB03-1330, amended as printed in House Journal, April 2, page 1401.
HB03-1327, amended as printed in House Journal, April 2, pages 1401-1402.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-120, amended as printed in House Journal, April 2, pages 1400-1401, and amended on Third Reading as printed in House Journal, April 3.

April 3, 2003
Mr. President:

The House has postponed indefinitely SB03-132. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

April 3, 2003

We herewith transmit:

Without comment, as amended, HB03-1252, 1085, 1173, 1330, and 1327 and SB03-120.

INTRODUCTION OF BILL--FIRST READING

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

SB03-307 by Senator(s) Cairns; also Representative(s) Mitchell--Concerning the continuation of the requirement that the state individual income tax return form include a line whereby an individual taxpayer may make a contribution to the Colorado special olympics fund.
Finance

RECONSIDERATION OF SB03-272

SB03-272 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--
Concerning cash funding license plate issuance from license plate fees, and making an
appropriation therefor.

Having voted on the prevailing side, Senator Teck moved for reconsideration of the last
Senate action, Third Reading--Final Passage, on **SB03-272**.

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:

SB03-272 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--
Concerning cash funding license plate issuance from license plate fees, and making an
appropriation therefor.

A majority of those elected to the Senate having voted in the affirmative, Senator Teck
was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(J.003), by Senator Teck.

Amend engrossed bill, page 9, strike line 4, and substitute the following:

"beginning July 1, 2003, the sum of three million one hundred twenty-
four thousand nine hundred two dollars (\$3,124,902), or so much
thereof";

strike lines 9 through 11, and substitute the following:

"of revenue, for license plate ordering, is decreased by three million one
hundred twenty-four thousand nine hundred two dollars (\$3,124,902).
Such sum shall be from the highway users tax fund pursuant to section
43-4-201, Colorado Revised Statutes."

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

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

YES	34	NO	0	EXCUSED	1	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	E
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.

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On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB03-305, SB03-279, SB03-268, SB03-280, SB03-259, SB03-258, SB03-292, SB03-275, SB03-295, SB03-287, SB03-291, SB03-299, SB03-266, SB03-302, SB03-296, SB03-274, SB03-260, SB03-288, SB03-284, SB03-286, SB03-276, SB03-290, SB03-278, SB03-297 were made Special Orders at 6:54 p.m.

Committee of the Whole The hour of 6:54 p.m. having arrived, Senator May moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator May 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:

SB03-305 by Senator Anderson; also Representative King--Concerning payment of expenses of the legislative department, and making an appropriation in connection therewith.

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

SB03-279 by Senator Owen; also Representative Young--Concerning limitations on the provision of services in the medical assistance program.

Amendment No. 1(L.001), by Senator Owen.

Amend printed bill, page 2, line 15, strike "LAW." and substitute "LAW OR REGULATION."

Page 3, line 2, strike "LAW." and substitute "LAW OR REGULATION.";

line 16, strike "LAW." and substitute "LAW OR REGULATION."

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

SB03-268 by Senator Reeves; also Representative Plant--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.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 2, pages 859-861 and placed in members' bill files.)

Amendment No. 2(L.013), by Senators Groff and Cairns.

Amend the Appropriations Committee Report, dated April 2, 2003, page 1, line 11, after "MONEYS.", add "FIFTY PERCENT OF ANY SUCH INTEREST OR INCOME REMAINING IN THE TRUST FUND AT THE END OF THE 2004-05 FISCAL YEAR OR AT THE END OF ANY SUBSEQUENT FISCAL YEAR SHALL BE TRANSFERRED, ON THE FIRST DAY OF THE NEXT FISCAL YEAR, TO THE YOUTH MENTORING SERVICES CASH FUND CREATED BY SECTION 25-20.5-203 (6), C.R.S."

Page 3, after line 2, insert the following:

"Page 36, after line 15, insert the following:

"(d) THE YOUTH MENTORING SERVICES CASH FUND CREATED BY SECTION 25-20.5-203 (6), C.R.S., SHALL RECEIVE FIFTY PERCENT OF ANY SETTLEMENT MONEYS REMAINING AFTER ALL OTHER PROGRAMS HAVE RECEIVED SETTLEMENT MONEYS AS SPECIFIED IN THIS SUBSECTION (1.9) AND SUBSECTION (1) OF THIS SECTION.".

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

SB03-280 by Senator Teck; also Representative Witwer--Concerning the hazardous substance response fund, and, in connection therewith, making an appropriation.

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

SB03-259 by Senator Teck; also Representative Witwer--Concerning the authority of the department of health care policy and financing to charge a monthly fee to specified families whose children are enrolled in a children's home- and community-based services waiver program.

Amendment No. 1, Appropriations Committee Amendment.
(Printed in Senate Journal, April 2, pages 861-862 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Teck.

Amend printed bill, page 5, strike lines 13 through 16 and substitute the following:

"(6) THE STATE DEPARTMENT SHALL SEEK THE FEDERAL AUTHORIZATION NECESSARY TO IMPOSE A MONTHLY PREMIUM FEE UNDER THE CHILDREN'S HOME- AND COMMUNITY-BASED SERVICES PROGRAM AND THE CHILDREN'S EXTENSIVE SUPPORT PROGRAM, AS REQUIRED BY THIS SECTION."

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

SB03-258 by Senator Owen; also Representative Young--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2003, except as otherwise noted.

Laid over until Friday, April 4, retaining its place on the calendar.

SB03-292 by Senator Reeves; also Representative Young--Concerning a suspension of the administration of certain statewide assessments, and making an appropriation in connection therewith.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 2, pages 862-863 and placed in members' bill files.)

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

SB03-287 by Senator(s) Teck, Owen, Reeves; also Representative(s) Witwer, Plant, Young--Concerning an increase in the annual license fees paid by health facilities, and making an appropriation therefor.

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

SB03-275 by Senator Teck; also Representative Witwer--Concerning the distribution of school accountability reports, and making an appropriation in connection therewith.

Amendment No. 1(L.001), by Senator Windels.

Amend printed bill, page 2, after line 18, insert the following:

"SECTION 2. 22-7-605, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-7-605. School accountability reports - format - repeal.
(9.3) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (4) TO (9) OF THIS SECTION, FOR THE 2003-04 SCHOOL YEAR, THE DEPARTMENT SHALL MODIFY THE FORMAT OF THE SCHOOL ACCOUNTABILITY REPORTS FOR ALL PUBLIC HIGH SCHOOLS TO CLEARLY SPECIFY THAT THE ACADEMIC

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SB03-275

PERFORMANCE RATING FOR THE SCHOOL IS BASED SOLELY ON CSAP ASSESSMENTS IN READING AND MATHEMATICS ADMINISTERED TO STUDENTS IN THE TENTH GRADE.

(b) THIS SUBSECTION (9.3) IS REPEALED, EFFECTIVE JULY 1, 2004."

Renumber succeeding sections accordingly.

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

SB03-295

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning a reduction in the allocation of revenue to the older Coloradans fund, and making an appropriation in connection therewith.

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

Amend printed bill, page 2, strike line 5 and substitute the following:

"years commencing on ~~and after~~ July 1, 2002, AND ON AND AFTER JULY 1, 2005, eighty-five percent of";

strike line 17 and substitute the following:

"(b) FOR THE FISCAL YEARS COMMENCING ON JULY 1, 2003 AND 2004";

line 18, strike "2003,".

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

SB03-291

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning changes to the children's basic health plan.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. (Printed in Senate Journal, April 3, pages 867-868 and placed in members' bill files.)

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

SB03-299

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning a reduction in the transfer of specified tax revenue to the supplemental old age pension health and medical care fund, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. (Printed in Senate Journal, April 3, page 868 and placed in members' bill files.)

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

SB03-266

by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the authority of the department of health care policy and financing to charge a nursing facility provider fee to certain medicaid providers in order to establish nursing facility-related programs, and, in connection therewith, establishing the nursing facility quality of care grant program and the state nursing facility service program for specified legal immigrants.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. (Printed in Senate Journal, April 3, pages 868-870 and placed in members' bill files.)

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

SB03-302

by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--

SB03-302

Concerning the repeal of annual gathering of statistical information by the division of insurance regarding the workers' compensation system of Colorado, and making an appropriation therefor.

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

SB03-296

by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the diversion of the unemployment tax surcharge from the unemployment compensation fund to the general fund.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 3, page 870 and placed in members' bill files.)

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

SB03-260

by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning the registration of wholesale food manufacturers, and, in connection therewith, assessing a wholesale food manufacturing and storage fee and making an appropriation.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 3, page 871 and placed in members' bill files.)

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

SB03-288

by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young-- Concerning limitations on the provision of private duty nursing services under medical assistance.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 3, page 871 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Owen.

Amend the Health, Environment, Welfare, & Institutions Committee Report, dated April 3, 2003, line 1, strike the second ""(1)" and substitute ""(1), (3) (b),";

after line 4, insert the following:

~~""(3) (b) Private-duty nursing services shall not be provided as twenty-four-hour care except in special circumstances and for limited time periods as established by the state department pursuant to this section.";~~

line 5, strike ""(4)" and substitute "(4)".

Amendment No. 3(J.003), by Senator Owen.

Amend printed bill, page 2, after line 18, insert the following:

"Section 4. Appropriation - adjustments to the 2003 long bill.
For implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2003, to the department of health care policy and financing, medical services premiums, shall be decreased by one million two hundred forty-two thousand nine hundred eighty-eight dollars (\$1,242,988). Of said sum, six hundred twenty-one thousand four hundred ninety-four dollars (\$621,494) shall be from the general fund and six hundred twenty-one thousand four hundred ninety-four dollars (\$621,494) shall be from federal funds."

Renumber succeeding sections accordingly.

Page 1, line 102, strike "ASSISTANCE." and substitute "ASSISTANCE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

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- SB03-288** 1
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 3
Passage. 4
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- SB03-284** 6
by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-- 7
Concerning the reduction of the period of mandatory juvenile parole, and making an 8
appropriation in connection therewith. 9
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Amendment No. 1, Judiciary Committee Amendment. 10
(Printed in Senate Journal, April 3, page 881 and placed in members' bill files.) 11
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 13
Passage. 14
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- SB03-274** 16
by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- 17
Concerning the suspension of certain transfers of state limited gaming revenues to funds 18
other than the state general fund, and making an appropriation in connection therewith. 19
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 20
(Printed in Senate Journal, April 3, page 871 and placed in members' bill files.) 21
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Amendment No. 2(L.004), by Senator Fitz-Gerald. 23
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Amend printed bill, page 2, line 24, after "(6)", insert "(a)". 25
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Page 3, after line 6, insert the following: 27
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"(b) IF THE TOTAL AMOUNT OF REVENUES COLLECTED BY THE 29
DEPARTMENT FOR STATE TAXES PAID PURSUANT TO THE TAX AMNESTY 30
PROGRAM ESTABLISHED IN SECTION 39-21-201, C.R.S., EXCEEDS THE 31
AMOUNT OF FIVE MILLION DOLLARS, THEN AN AMOUNT EQUAL TO THE 32
AMOUNT OF ANY SUCH EXCESS SHALL BE TRANSFERRED FROM THE 33
GENERAL FUND TO THE FUND ON OR BEFORE SEPTEMBER 1, 2003. IN NO 34
EVENT SHALL THE AMOUNT TRANSFERRED PURSUANT TO THIS PARAGRAPH 35
(b) EXCEED THE AMOUNT TRANSFERRED TO THE GENERAL FUND PURSUANT 36
TO PARAGRAPH (a) OF THIS SUBSECTION (6).". 37
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 40
Passage. 41
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- SB03-286** 43
by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- 44
Concerning a limitation on the number of juvenile detention beds in the state of Colorado, 45
and, in connection therewith, creating a working group to manage the use of juvenile 46
detention beds within the limitation and making an appropriation. 47
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 49
- SB03-276** 50
by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young-- 51
Concerning cash funding of water quality programs, and, in connection therewith, making 52
appropriations. 53
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 54
(Printed in Senate Journal, April 3, page 882 and placed in members' bill files.) 55
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 57
Passage. 58
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- SB03-290** 60
by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- 61
Concerning the authority of the board of parks and outdoor recreation regarding its budget, 62
and, in connection therewith, allowing the board to establish fees by rule and creating a 63
stores revolving fund. 64
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 65
(Printed in Senate Journal, April 3, page 882 and placed in members' bill files.) 66
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 68
Passage. 69

SB03-297 by Senator(s) Owen, Reeves, Teck; also Representative(s) Plant, Witwer, Young--
 Concerning a reduction in the level of funding provided from the state general fund for
 certain activities of the department of agriculture, and, in connection therewith, creating an
 inspection and consumer services cash fund and granting authority to the agricultural
 commission to set fees for the support of such activities and making an appropriation.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
 (Printed in Senate Journal, April 3, pages 886-891 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Owen.

Amend the Agriculture, Natural Resources, and Energy Committee
 report, dated April 2, 2003, page 9, strike line 8 and substitute the
 following:

"strike line 20 and substitute "(e) ~~Repealed.~~";";

line 9, strike "(D)";" and substitute "(C)";".

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

SB03-278 by Senator(s) Reeves, Owen, Teck; also Representative(s) Young, Plant, Witwer--
 Concerning the collection of a water administration fee from users of adjudicated water
 rights for allocation to the division of water resources, and, in connection therewith, making
 an appropriation.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
 (Printed in Senate Journal, April 3, pages 883-885 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Entz.

Amend the Agriculture, Natural Resources and Energy Committee
 Report, dated April 3, 2003, page 3, line 27, strike "SECTION." and
 substitute "SECTION; EXCEPT THAT MONEYS IN THE FUND SHALL NOT BE
 USED FOR LITIGATION."

Amendment No. 3(L.006), by Senator Reeves.

Amend the Agriculture, Natural Resources & Energy Committee Report,
 dated April 3, 2003, page 2, line 12, strike "DECREE;" and substitute
 "DECREED WATER RIGHT;";

line 15, strike "DECREE;" and substitute "DECREED WATER RIGHT;";

line 18, strike "DECREE;" and substitute "DECREED WATER RIGHT;";

line 21, strike "DECREED ACRE-FOOT." and substitute "DECREED WATER
 RIGHT."

Amendment No. 4(J.002), by Senators Reeves and Taylor.

Amend the Agriculture, Natural Resources and Energy Committee
 Report, dated April 3, 2003, page 5, strike lines 14 through 20, and
 substitute the following:

"(a) The general fund appropriation is decreased by one million
 four hundred fourteen thousand five hundred thirty-nine dollars
 (\$1,414,539).

(b) The cash funds appropriation is increased by one million six
 hundred eighty-nine thousand five hundred thirty-nine dollars
 (\$1,689,539) and 5.7 FTE. Said sum shall be from the water
 administration cash fund created in section 37-80-121 (4), Colorado
 Revised Statutes.

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SB03-278

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of twelve thousand one hundred fifty-eight dollars (\$12,158) and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of natural resources related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of natural resources out of the appropriation made in subsection (1) of this section."

As amended, ordered engrossed 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 May, 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: SB03-305, SB03-279 as amended, SB03-268 as amended, SB03-280, SB03-259 as amended, SB03-292 as amended, SB03-287, SB03-275 as amended, SB03-295 as amended, SB03-291 as amended, SB03-299 as amended, SB03-266 as amended, SB03-302, SB03-296 as amended, SB03-260 as amended, SB03-288 as amended, SB03-284 as amended, SB03-274 as amended, SB03-286, SB03-276 as amended, SB03-290 as amended, SB03-297 as amended, SB03-278 as amended.

Laid over until Friday, April 4: SB03-258.

**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) and subsequently until Friday, April 4, 2003 (the 87th legislative day) is further extended until Friday, April 18, 2003 (the 101st legislative day).

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

(signed)
Representative Spradley
Speaker of the House of Representatives

(signed)
Senator Andrews
President of the Senate

(signed)
Representative King
House Majority Leader

(signed)
Senator Anderson
Senate Majority Leader

(signed)
Representative Veiga
House Minority Leader

(signed)
Senator Fitz-Gerald
Senate Minority Leader

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 3, was laid over until Friday, April 4, retaining its place on the calendar.

General Orders--Second Reading: SB03-073, SB03-232, SB03-001, SB03-236, SB03-121, HB03-1121, HB03-1140, HB03-1256, HB03-1214, HB03-1128, SB03-249.
Consideration of Resolutions: SJR03-032, HJR03-1032, HJR03-1041.
Consideration of Memorial: SJM03-002.
Consideration of House Amendments to Senate Bills: SB03-016, SB03-091, SB03-023, SB03-038, SB03-088, SB03-044, SB03-056, SB03-102, SB03-106, SB03-158, SB03-079, SB03-015, SB03-113, SB03-231, SB03-149, SB03-233, SB03-036, SB03-235, SB03-107, SB03-126, SB03-237, SB03-007, SB03-058.
Consideration of Governor's Vetoes: SB03-207.
Consideration of Governor's Appointments:
Member of the Board of Trustees for Fort Lewis College;
Members of the Mined Land Reclamation Board.
Consideration of Conference Committee: HB03-1103.
Conference Committees to Report: HB03-1161, HB03-1301, HB03-1025, HB03-1224, HB03-1003, HB03-1005, HB03-226, SB03-098, HB03-1111, SB03-009.
Request for Conference Committees: SB03-065, HB03-1240, HB03-1172, HB03-1218, HB03-1007, HB03-1305, HB03-1092, HB03-1237.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Friday, April 4, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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