

SENATE JOURNAL

Sixty-fourth General Assembly

STATE OF COLORADO

First Regular Session

One-hundred-fourteenth Legislative Day

Thursday, May 1, 2003

Prayer	By the chaplain, Dr. Evan Hock.	10
Pledge	By Senator Cairns.	11
Call to Order	By the President at 8:45:00 a.m.	12
Roll Call	Present--33. Absent/Excused--2; Johnson, Linkhart. Present later--Johnson, Linkhart.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Jones, reading of the Journal of April 30, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that SCR03-006 be postponed indefinitely.	16
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that HB03-1376 be referred to the Committee of the Whole with favorable recommendation.	17
State, Veterans and Military Affairs	After consideration on the merits, the Committee recommends that HJR03-1023 be referred to the Senate for final action.	18

MESSAGE FROM THE HOUSE

April 30, 2003
Mr. President:

The House has laid over until May 8th, SB03-315, and 155. The bills are returned herewith.

April 30, 2003
Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on SB03-248 to consider matters not at issue between the two houses.

The House has voted not to concur in the Senate amendments to HB03-1164 and requests that a conference committee be appointed. The Speaker has appointed Representatives Spradley, chairman, T. Williams, and Miller as House conferees on the First Conference Committee on HB03-1164. The bill is transmitted herewith.

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 Memorial: **SJM03-010**.

CONSIDERATION OF MEMORIAL

SJM03-010 by Senator(s) Anderson, Keller; also Representative(s) Fairbank--Concerning memorializing former legislator Claire Traylor.

On motion of Senator Anderson, the memorial 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: Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Kester, Lamborn, Linkhart, May, McElhany, Nichol, Owen, Phillips, 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:

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

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

Third Reading Amendment No. 1(L.010), by Senator Chlouber.

Amend revised bill, page 2, line 5, strike "(a)";

strike lines 8 through 20 and substitute the following:

"THE DEPARTMENT PROOF OF INSURANCE COVERAGE IN ACCORDANCE WITH SECTION 10-4-705, C.R.S., PROOF OF SELF-INSURANCE IN ACCORDANCE WITH SECTION 10-4-716, C.R.S., OR PROOF OF AN EXEMPTION FROM ANY SUCH FINANCIAL SECURITY REQUIREMENTS."

Page 3, line 20, strike "(2) and";

line 21, strike "are" and substitute "is";

strike lines 22 through 27 and substitute the following:

"42-3-112. Records of application and registration. (3)(a) Any notice for renewal of registration shall include a".

Page 4, strike lines 1 through 19.

HB03-1223

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**.

SB03-342

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

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	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	N	May	N	Taylor	Y
Dyer	N	Hillman	Y	McElhany	N	Teck	Y
Entz	N	Isgar	Y	Nichol	N	Tupa	N
Evans	N	Johnson	N	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**.

HB03-1316 by Representative(s) Spradley; also Senator(s) Arnold--Concerning modifications to the compensation process for state employees, and making an appropriation therefore.

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

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

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

Co-sponsors added: May.

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

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

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

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

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

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

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	N	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

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

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: Entz.

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

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

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

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

Co-sponsors added: Arnold, Chlouber, Entz, Gordon, Groff, Hagedorn, Hanna, Keller, Kester, Linkhart, Nichol, Sandoval, Tapia, Tupa, and Windels.

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

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	N	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

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

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

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

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

Co-sponsors added: Groff, Grossman, Johnson, and Kester.

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

CONSIDERATION OF RESOLUTIONS

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

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

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

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

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

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

Amend joint resolution, as printed in House Journal, April 18, page 1822, line 8, after "Assembly", insert "and after completion of the study conducted by Legislative Council staff pursuant to House Joint Resolution 03-1033, as adopted at the First Regular Session of the Sixty-fourth General Assembly";

line 13, strike "fourteen members" and substitute "the members of the Legislative Council";

strike lines 14 through 18;

line 19, strike "made no later than July 1, 2003.";

strike line 35 and substitute the following:

"(2) That the interim committee shall utilize the study conducted by the Legislative Council staff pursuant to House Joint Resolution 03-1033, as adopted at the First Regular Session of the Sixty-fourth General Assembly and may";

line 43, strike "shall report" and substitute "comprised of the Legislative Council shall consider";

line 44, strike "to the Legislative Council";

strike line 45 and substitute the following:

"shall report its findings".

HJR03-1060

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

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

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

HJR03-1046

by Representative(s) Hoppe, Brophy, Larson, Smith, Spradley, Young; also Senator(s) Isgar, Chlouber, Entz, Taylor--Concerning United States Forest Service treatment of water rights on National Forest lands in Colorado.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	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: Johnson, Kester, Lamborn, Owen, and Teck.

HJR03-1055

by Representative(s) Spradley; also Senator(s) Andrews--Concerning endorsement of the participation of Taiwan in the World Health Organization.

Laid over until Friday, May 2, retaining its place on the calendar.

HJR03-1065

by Representative(s) Fritz, Boyd, Carroll, Crane, Decker, Fairbank, Hall, Jahn, Madden, Mitchell, Rippy, Spence, Wiens; also Senator(s) Anderson--Concerning Early Childhood Intervention Awareness Day.

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

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

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

HJR03-1067 by Representative(s) Mitchell, Harvey, Brophy, Cadman, Clapp, Coleman, Crane, Fairbank, Lee, Lundberg, Rhodes, Rippey, Schultheis, Smith, Stafford, Stengel, Witwer; also Senator(s) Lamborn--Concerning crisis pregnancy centers.

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

YES	19	NO	16	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	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

HJR03-1066 by Representative(s) Judd, Borodkin, Boyd, Carroll, Cerbo, Coleman, Crane, Fritz, Lee, May M., Romanoff, Sinclair, Smith, Stengel, Weissmann; also Senator(s) Grossman--Concerning the proclamation of "Holocaust Days of Remembrance".

Laid over until Friday, May 2, retaining its place on the calendar.

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

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

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

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

SR03-018 by Senator(s) Lamborn, Nichol, Tapia; --Concerning commending cities that celebrate Columbus Day.

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

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-011 by Senator(s) Hagedorn, Hanna; also Representative(s) Spradley, Jahn, Tochtrop--Concerning prescription medications under the "Colorado Medical Assistance Act", and making an appropriation in connection therewith.

Senator Hagedorn moved that the Senate concur in House amendments to **SB03-011**, as printed in House Journal, April 29, page 2090. The motion was **passed** by the following roll call vote:

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SB03-011

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		

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, as amended, was declared **repassed**.

Co-sponsors added: Entz.

SB03-027

by Senator(s) Entz; also Representative(s) Rippy--Concerning the regulation of outfitters hired to assist others in taking wildlife.

Senator Entz moved that the Senate concur in House amendments to **SB03-027**, as printed in House Journal, April 29, pages 2090-2091. The motion was **passed** 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		

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, as amended, was declared **repassed**.

SB03-030

by Senator(s) Cairns; also Representative(s) Lee--Concerning the disclosure to each individual taxpayer of the average amount of certain taxes paid by the taxpayer in the previous calendar year.

Senator Cairns moved that the Senate concur in House amendments to **SB03-030**, as printed in House Journal, April 29, page 2091. The motion was **passed** by the following roll call vote:

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	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	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	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

SB03-304

by Senator(s) Arnold, Evans, Hillman, McElhany; also Representative(s) Lee--Concerning provisions that govern the operations of state-supported institutions of higher education.

Senator Arnold moved that the Senate concur in House amendments to **SB03-304**, as printed in House Journal, April 29, page 2091. The motion was **passed** 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		

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

SB03-304

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, as amended, was declared **repassed**.

SB03-101

by Senator(s) Owen, Anderson, Arnold, Hanna, Teck; also Representative(s) Young, Coleman, Decker, Miller, Williams T.--Concerning stabilization of employer contributions to the public employees' retirement association, and making an appropriation therefor.

Senator Owen moved that the Senate concur in House amendments to **SB03-101**, as printed in House Journal, April 29, page 2094. The motion was **passed** 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		

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, as amended, was declared **repassed**.

SB03-239

by Senator(s) Chlouber; also Representative(s) Berry--Concerning the enforcement of compulsory motor vehicle insurance, and, in connection therewith, continuing the motorist insurance identification database program, and making an appropriation therefor.

Senator Chlouber moved that the Senate concur in House amendments to **SB03-239**, as printed in House Journal, April 29, page 2094. The motion was **passed** by the following roll call vote:

SB03-239

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		

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, as amended, was declared **repassed**.

SB03-230

by Senator(s) May R., Lamborn, Cairns, Andrews, Fitz-Gerald; also Representative(s) Fritz-
-Concerning an authorization for the secretary of state to promulgate rules pursuant to the
"Uniform Electronic Transactions act", and making an appropriation therefor.

Senator May moved that the Senate concur in House amendments to **SB03-230**, as printed in House Journal, April 29, page 2094. The motion was **passed** 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		

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, as amended, was declared **repassed**.

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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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Johnson, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE COLORADO COMMISSION ON THE AGING

for terms expiring when no longer a legislator:

Representative William Sinclair of Colorado Springs, Colorado, to serve as a representative of the House of Representatives and as a Republican, appointed;

for terms expiring July 1, 2006:

Jerald F. Wathen of Fort Morgan, Colorado, to serve as a Republican from the Fourth Congressional District, appointed;

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		

On motion of Senators May and Johnson, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE AIR QUALITY CONTROL COMMISSION

for a term expiring January 31, 2004:

Jim Evans of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Suzanne R. Griffin and to serve as a member with private sector employment experience, appointed.

for terms expiring January 31, 2005:

Robert H. Lowdermilk of Denver, Colorado, to serve as a member with industrial experience and as a Republican, reappointed;

Doug N. Blewitt of Englewood, Colorado, to serve a member with technical experience and as an Unaffiliated, reappointed;

Cynthia S. Peterson of Littleton, Colorado, to serve as a member with technical experience and as a Democrat, reappointed

for terms expiring January 31, 2006:

James B. Martin of Longmont, Colorado, to serve as a member with technical experience, appointed;

John W. Daily of Boulder, Colorado, to serve as a member with scientific experience, appointed;

Marian I. Smith of Glenwood Springs, Colorado, to serve as a member with industrial training experience, reappointed.

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		

COMMITTEE OF REFERENCE REPORTS

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **HB03-1132** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, after line 10, insert the following:

"SECTION 2. The introductory portion to 1-45-105.5 (1) (a), Colorado Revised Statutes, is amended to read:

1-45-105.5. Contributions or gifts to members of general assembly and governor during consideration of legislation. (1)(a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution, OR MAKE OR PROMISE TO MAKE A GIFT OF MONEY PURSUANT TO SECTION 24-6-203 (3) (a) (II), C.R.S., OR SOLICIT OR PROMISE TO SOLICIT SUCH GIFT OF MONEY, for:".

Renumber succeeding sections accordingly.

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Hillman, Chairman, Owen, and Takis as Senate Conferees on the First Conference Committee on **HB03-1164**.

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SB03-348, 349, 350;
SCR03-007;
SR03-018.

Correctly engrossed: SB03-334, 339, 342;
SJR03-039, 045;
SJM03-006;
SM03-001.

Correctly reengrossed: SB03-254, 264, 322, 325, 336, 340, 341.

Correctly revised: HB03-1223, 1315, 1316, 1334, 1349, 1357, 1362;
HJR03-1043, 1048.

Correctly rerevised: HB03-1123, 1138, 1173, 1213, 1289, 1318, 1319, 1320, 1323, 1345,
1350, 1362, 1366.

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Correctly enrolled: SJR03-032, 036;
SJM03-006;
SM03-001.

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CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB03-1263 by Representative(s) Plant; also Senator(s) Owen, Teck--Concerning the granting of parole to special needs offenders.

Senator Owen moved that the Senate Conferees on the First Conference Committee on **HB03-1263** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

COMMITTEE OF REFERENCE REPORTS

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-078**

**THIS REPORT AMENDS THE
REREVISED BILL**

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

Your first conference committee appointed on SB03-078, concerning regulation of insurance by the insurance commissioner, and, in connection therewith, extending required motor vehicle insurance, and making an appropriation, has met and reports that it has agreed upon the following:

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

Amend rerevised bill, page 4, line 3, strike "ASSISTING" and substitute "ASSIST".

Page 6, line 13, strike "(a)";

strike lines 17 through 26 and substitute the following:

"CONDITION. THE REQUIREMENT FOR FUTURE MEDICAL MAINTENANCE THAT WILL NOT SIGNIFICANTLY IMPROVE THE CONDITION OR THE POSSIBILITY OF IMPROVEMENT OR DETERIORATION RESULTING FROM THE PASSAGE OF TIME SHALL NOT AFFECT A FINDING OF MAXIMUM MEDICAL IMPROVEMENT. THE POSSIBILITY OF IMPROVEMENT OR DETERIORATION RESULTING FROM THE PASSAGE OF TIME ALONE SHALL NOT AFFECT A FINDING OF MAXIMUM MEDICAL IMPROVEMENT."

SB03-078

Page 7, line 17, strike "10-4-706" and substitute "10-4-706,";
line 18, strike "OR 10-4-706.1" and substitute "10-4-706.1, 10-4-706.4, OR 10-4-706.6".
Page 11, line 6, strike "HEALTH CARE" and substitute "MEDICAL";
after line 7, insert the following:
 "(IV) MAINTENANCE CARE AFTER MAXIMUM MEDICAL IMPROVEMENT IS ACHIEVED;".
Re-number succeeding subparagraphs accordingly.
Page 11, strike lines 12 through 27.
Strike page 12.
Page 13, strike lines 1 through 11.
Page 21, line 21, strike "10-4-706.6 (1);" and substitute "10-4-706.6 (1) FOR A FULL COVERAGE DIRECT ACCESS POLICY;".
Page 23, line 21, strike "AN" and substitute "FOR A FULL COVERAGE DIRECT ACCESS POLICY, AN".
Page 26, strike line 3 and substitute the following:
"THIS SUBSECTION (2).".
Page 27, line 1, strike "(2)" and substitute "(3)";
line 16, strike "(3)" and substitute "(4)";
Page 28, line 3, strike "SUBPARAGRAPH (I.5)," and substitute "SUBSECTION (4),";
line 7, strike "(4)" and substitute "(5)".
Page 29, line 6, strike "(7)" and substitute "(8)";
line 16, strike "(2)" and substitute "(8)".
Page 32, strike lines 5 through 8;
strike lines 12 through 14 and substitute the following:
 "(a) (I) "EXPERT REVIEWER" MEANS A LICENSED PHYSICIAN OR OTHER APPROPRIATE HEALTH CARE PROVIDER WHO CONDUCTS AN INDEPENDENT EXTERNAL REVIEW. AN EXPERT REVIEWER SHALL NOT:".
Page 34, strike lines 10 through 13 and substitute the following:
"SECTION. THE INSURER SHALL PAY THE COST OF THE EXTERNAL REVIEW AND".
Page 37, line 27, strike "REVIEWERS; EXCEPT THAT NO MORE" and substitute "REVIEWERS".
Page 38, strike lines 1 and 2;
line 3, strike "ELIGIBLE INJURED PERSON".
Page 41, line 24, strike "10-4-706" and substitute "10-4-706,";
line 25, strike "OR";

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SB03-078

line 26, strike "10-4-706.1" and substitute "10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6".

Page 42, line 19, strike "10-4-706" and substitute "10-4-706,";

line 20, strike "OR 10-4-706.1" and substitute "10-4-706.1, 10-4-706.2, 10-4-706.4, OR 10-4-706.6".

Page 50, line 25, after "(e)", insert "(I)".

Page 51, line 1, strike "dollars." and substitute "dollars, EXCLUSIVE OF DIAGNOSTIC PROCEDURES.";

line 16, strike "dollars." and substitute "dollars, EXCLUSIVE OF DIAGNOSTIC PROCEDURES.";

after line 16, insert the following:

"(II) THE MONETARY AMOUNTS INDICATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) SHALL BE ADJUSTED ANNUALLY FOR MEDICAL INFLATION BY THE COMMISSIONER."

Page 58, strike line 15 and substitute the following:

"shall take effect on passage and shall apply to accidents and injuries occurring on or after the date of".

Respectfully submitted,

Senate Committee: House Committee:
(signed) (signed)
Senator McElhany, Chairman Representative Williams T., Chairman
Senator Hillman Representative Spradley
Representative Williams S.

Appropriations

After consideration on the merits, the Committee recommends that HB03-1351 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that SB03-084 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 21, insert the following:

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

(1) The appropriation to the department of health care policy and financing, for the executive director's office, is increased by six hundred ninety-five thousand six hundred six dollars (\$695,606) and 5.6 FTE. Of said sum, three hundred forty-seven dollars eight hundred three dollars (\$347,803) shall be general fund and shall be subject to the "(M)" notation as defined in the general appropriation act. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2003, the department of health care policy and financing, executive director's office, will receive the sum of three hundred forty-seven dollars eight hundred three dollars (\$347,803) in federal funds for the implementation of this act. Although the federal funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

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SB03-084

(2) The appropriation to the department of health care policy and financing, for medical services premiums, is decreased by six hundred ninety-five thousand six hundred six dollars (\$695,606). Of said sum, three hundred forty-seven thousand eight hundred three dollars (\$347,803) shall be from the general fund and three hundred forty-seven thousand eight hundred three dollars (\$347,803) shall be from federal funds.

(3) The appropriation to the department of human services, county administration, for county administration, is decreased by eight million six hundred twenty-four thousand eight hundred seventy-nine dollars (\$8,624,879). Said sum shall be from Medicaid funds transferred from the department of health care policy and financing.

(4) The appropriation to the department of law, for legal services to state agencies, is increased by twenty-five thousand one hundred sixteen dollars (\$25,116). Said sum shall be from cash fund exempt received from the department of health care policy and financing out of the appropriation made in subsection (1) of this section.

SECTION 3. Transfer of appropriation. The appropriation made in the annual general appropriation act to the department of health care policy and financing, department of human services medicaid-funded programs, for county administration - medicaid funding, for the fiscal year beginning July 1, 2003 is hereby transferred to the executive director's office."

Renumber succeeding sections accordingly.

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

Appropriations After consideration on the merits, the Committee recommends that **HB03-1356** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB03-1352** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB03-343** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **HB03-1347** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 25, strike "13.5 FTE," and substitute "11.5 FTE,".

Appropriations After consideration on the merits, the Committee recommends that **SB03-348** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB03-349** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **SB03-140** be postponed indefinitely.

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Local Government After consideration on the merits, the Committee recommends that **HB03-1354** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

May 1, 2003
Mr. President:

The House has adopted and transmits herewith HJR03-1057, as printed in House Journal, April 15, pages 1658-1659.

The House has adopted and transmits herewith HJR03-1062, as printed in House Journal, April 18, pages 1824-1825.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1381, 1377, 1370, 1371.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1114, amended as printed in House Journal, April 30, page 2165-2166, and amended on Third Reading as printed in House Journal, May 1.

HB03-1373, amended as printed in House Journal, April 30, page 2150.

HB03-1368, amended as printed in House Journal, April 30, page 2167,

and amended on Third Reading as printed in House Journal, May 1.

HB03-1372, amended as printed in House Journal, April 30, page 2150.

HB03-1367, amended as printed in House Journal, April 30, pages 2150-2151 and on 2167-2168.

HB03-1247, amended as printed in House Journal, April 30, pages 2167-2168.

HB03-1378, amended as printed in House Journal, April 30, page 2151.

The House has passed on Third Reading and returns herewith SB03-303, 314.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-255, amended as printed in House Journal, April 30, page 2150.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-134, amended as printed in House Journal, April 30, page 2152, and amended on Third Reading as printed in House Journal, May 1.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR03-1057 by Representative(s) Stafford, Lundberg, Schultheis, Sinclair, May M., Paccione, Wiens, Harvey, Berry, Briggs, Brophy, Butcher, Cadman, Carroll, Clapp, Cloer, Crane, Fairbank, Frangas, Fritz, Hall, Hefley, Hodge, Hoppe, Jahn, Johnson R., King, Lee, McCluskey, Merrifield, Miller, Mitchell, Rhodes, Rippey, Rose, Smith, Spence, Spradley, Stengel, Tochtrop, Vigil, Williams S., Williams T.; also Senator(s) Johnson S., Lamborn, Arnold, Cairns, Kester, Gordon, Groff, Grossman, Hagedorn, Hillman, Jones, Sandoval--
Concerning a National Day of Prayer.

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

HJR03-1062 by Representative(s) Stafford, Coleman, Frangas, Johnson R., Williams S.; also Senator(s) Linkhart--Concerning designation of the month of May as Mental Health Month in Colorado.

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

INTRODUCTION OF BILL--FIRST READING

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

SB03-351

by Senator(s) Chlouber, Phillips, Kester; also Representative(s) White--Concerning the allocation of revenues from limited gaming activity that accrue to the state historical fund pursuant to section 9 (5) (b) (III) of article XVIII of the state constitution.
State Veterans & Military Affairs

COMMITTEE OF REFERENCE REPORTS

Finance

After consideration on the merits, the Committee recommends that **SB03-350** 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 4, strike "AND CONTRIBUTIONS TO THE ASSOCIATION" and substitute "THE ASSOCIATION AND PLAN";

line 5, strike "ARTICLE." and substitute "ARTICLE AND CEASE ITS CONTRIBUTIONS TO THE PLAN.";

line 6, after the first "ASSOCIATION", insert "AND PLAN";

line 16, strike "ASSOCIATION." and substitute "ASSOCIATION AND PLAN.".

Page 5, line 6, strike "ASSOCIATION," and substitute "ASSOCIATION AND PLAN,";

line 7, strike "ASSOCIATION." and substitute "PLAN.";

line 8, strike "ASSOCIATION," and substitute "PLAN,";

line 18, strike "BOARD" and substitute "BODY";

line 21, strike "ASSOCIATION" and substitute "PLAN";

line 25, strike "BOARD" and substitute "BODY";

line 27, strike "ASSOCIATION" and substitute "PLAN".

Page 6, line 4, after "ASSOCIATION", insert "AND PLAN".

Finance

After consideration on the merits, the Committee recommends that **SB03-330** be postponed indefinitely.

Finance

After consideration on the merits, the Committee recommends that **SB03-344** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 17, after the period, add "THE AUDIT SHALL NOT REPLACE THE ANNUAL AUDIT PRESCRIBED IN SECTION 29-1-603, C.R.S.".

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CONSIDERATION OF RESOLUTIONS

Senator Anderson moved to suspend the rules for immediate consideration of **HJR03-1062** and **HJR03-1057**.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

HJR03-1062 by Representative(s) Stafford, Coleman, Frangas, Johnson R., Williams S.; also Senator(s) Linkhart--Concerning designation of the month of May as Mental Health Month in Colorado.

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

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	E	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, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

HJR03-1057 by Representative(s) Stafford, Lundberg, Schultheis, Sinclair, May M., Paccione, Wiens, Harvey, Berry, Briggs, Brophy, Butcher, Cadman, Carroll, Clapp, Cloer, Crane, Fairbank, Frangas, Fritz, Hall, Hefley, Hodge, Hoppe, Jahn, Johnson R., King, Lee, McCluskey, Merrifield, Miller, Mitchell, Rhodes, Rippy, Rose, Smith, Spence, Spradley, Stengel, Tochtrop, Vigil, Williams S., Williams T.; also Senator(s) Johnson S., Lamborn, Arnold, Cairns, Kester, Gordon, Groff, Grossman, Hagedorn, Hillman, Jones, Sandoval--Concerning a National Day of Prayer.

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

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	E	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, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Hanna, Isgar, Keller, Linkhart, McElhany, Nichol, Owen, Phillips, Reeves, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **HB03-1342, HB03-1346, HB03-1359, SB03-347, SB03-346, HB03-1339, HB03-1348, SB03-345, HB03-1363, HB03-1360, HB03-1105, HB03-1344, HB03-1376** were made Special Orders at 4:20 p.m.

Committee of the Whole	The hour of 4:20 p.m. having arrived, Senator Evans moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Evans was called to the Chair to act as Chairman.	1 2 3 4
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:	5 6 7 8 9 10
HB03-1342	by Representative(s) Coleman; also Senator(s) Johnson S.--Concerning fees that support the Colorado state titling and registration system.	11 12 13
	<u>Amendment No. 1, Finance Committee Amendment.</u> (Printed in Senate Journal, April 29, page 1313 and placed in members' bill files.)	14 15 16
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	17 18 19
HB03-1346	by Representative(s) Clapp; also Senator(s) Owen--Concerning the administrative operation of the dental assistance program.	20 21 22
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	23 24
HB03-1359	by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning the discontinuation of in-home support services for a medical assistance recipient when other care has not been secured for that recipient.	25 26 27 28
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	29 30
SB03-347	by Senator(s) Taylor, Isgar, Entz; also Representative(s) Rippy--Concerning the valuation of possessory interests in land involving timber contracts.	31 32 33
	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	34 35
SB03-346	by Senator(s) Entz; also Representative(s) Rose--Concerning the appointment of members of certain boards involved with water resources, and, in connection therewith, clarifying that members appointed while the senate is in session to the Colorado water conservation board and the board of directors of the Colorado water and power development authority require senate confirmation prior to taking office.	36 37 38 39 40 41
	<u>Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.</u> (Printed in Senate Journal, April 30, page 1335 and placed in members' bill files.)	42 43 44
	<u>Amendment No. 2(L.003), by Senator Entz.</u>	45 46
	Amend printed bill, page 2, line 13, after the period insert "MEMBERS OF THE BOARD MAY NOT VOTE BY PROXY."	47 48 49
	<u>Amendment No. 3(L.004), by Senator Entz.</u>	50 51
	Amend printed bill, page 2, line 18, after "GOVERNOR", insert "TO A VACANCY OCCURRING".	52 53 54
	Page 3, line 26, after "GOVERNOR", insert "TO A VACANCY OCCURRING".	55 56 57
	<u>Amendment No. 4(L.002), by Senator Taylor.</u>	58 59
	Amend printed bill, page 2, line 5, after "resources" insert a comma;	60 61
	strike line 6, and substitute the following:	62 63
	" shall be a voting member ex officio. the attorney general, state engineer,".	64 65 66 67

SB03-346		1
	As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.	2
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HB03-1339	by Representative(s) Harvey; also Senator(s) McElhany--Concerning the funding of real estate commission programs relating to the conduct of real estate licensees.	5
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	7
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HB03-1348	by Representative(s) Rhodes; also Senator(s) Kester--Concerning the authority of domestic life insurance companies relating to separate account contracts.	10
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	12
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SB03-345	by Senator(s) McElhany; also Representative(s) King--Concerning a clarification that a person who receives a certificate of self-insurance for motor vehicles from the commissioner of insurance is not subject to certain other compulsory motor vehicle coverage requirements.	15
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	Ordered engrossed and placed on the calendar for Third Reading and Final Passage.	19
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HB03-1363	by Representative(s) King, Lundberg, Stafford, Briggs, Brophy, Cadman, Carroll, Clapp, Cloer, Crane, Fairbank, Fritz, Hall, Harvey, Hoppe, Lee, May M., Mitchell, Paccione, Rhodes, Rose, Schultheis, Sinclair, Smith, Spence, Spradley, Wiens, Witwer; also Senator(s) Andrews, Hagedorn, Lamborn, Owen, Teck, May R.--Concerning repeal of provisions that discriminate against religious entities in the receipt of services from the Colorado educational and cultural facilities authority.	22
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	28
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HB03-1360	by Representative(s) White; also Senator(s) Dyer--Concerning the collection of data from insurers regarding small group health insurance for the purpose of analysis to determine the changes in the small group health insurance marketplace.	31
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	Ordered revised and placed on the calendar for Third Reading and Final Passage.	34
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HB03-1105	by Representative(s) Witwer; also Senator(s) Evans--Concerning qualifications of county coroners.	37
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	40
	(Printed in Senate Journal, April 30, page 1345 and placed in members' bill files.)	41
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	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	43
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HB03-1344	by Representative(s) Lee, Hefley, Mitchell, Plant; also Senator(s) Gordon, Evans--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.	46
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	<u>Amendment No. 1, Judiciary Committee Amendment.</u>	51
	(Printed in Senate Journal, April 30, pages 1345-1346 and placed in members' bill files.)	52
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	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	54
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HB03-1376	by Representative(s) Harvey, May M., Hefley, Schultheis, Lundberg, Brophy, Cadman, Carroll, Clapp, Cloer, Coleman, Crane, Decker, Fairbank, Hall, Hoppe, King, Lee, Miller, Mitchell, Rhodes, Rose, Salazar, Sinclair, Smith, Spence, Stafford, Stengel, White, Wiens, Williams T., Witwer; also Senator(s) Cairns, May R., Johnson S., McElhany--Concerning amendments to the "Colorado Parental Notification Act" to address legal concerns.	57
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	<u>Amendment No. 1(L.035), by Senator Fitz-Gerald.</u>	63
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	Amend reengrossed bill, page 4, strike lines 26 and 27 and substitute the following:	65
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HB03-1376

~~"(b) The court in its discretion, may~~ SHALL appoint a guardian ad litem for the minor and also an attorney TO REPRESENT THE MINOR AT NO CHARGE TO THE MINOR if said minor is not represented by".

Amendment No. 2(L.039), by Senator FitzGerald.

(Senator Anderson moved to sever the Fitz-Gerald amendment (L.039). Section 1: Page 1, lines 1-9, declared PASSED; and Section 2: Page 1, lines 10-19, declared LOST.)

Amend reengrossed bill, page 6, after line 3, insert the following:

"(g) THE COLORADO SUPREME COURT SHALL ISSUE RULES GOVERNING THE JUDICIAL BYPASS PROCEDURE, INCLUDING RULES THAT ENSURE THAT THE CONFIDENTIALITY OF MINORS FILING BYPASS PETITIONS WILL BE PROTECTED. THE COLORADO SUPREME COURT SHALL ALSO PROMULGATE A FORM PETITION THAT MAY BE USED TO INITIATE A BYPASS PROCEEDING. PHYSICIANS SHALL NOT BE REQUIRED TO COMPLY WITH THIS ARTICLE UNTIL FORTY-FIVE DAYS AFTER THE COLORADO SUPREME COURT PUBLISHES FINAL RULES AND A FINAL FORM.";

Amendment No. 3(L.043), by Senator Gordon.

Amend reengrossed bill, page 4, after line 3, insert the following:

"SECTION 4. 12-37.5-106 (1) and the introductory portion to 12-37.5-106 (2), Colorado Revised Statutes, are amended to read:

12-37.5-106. Penalties - damages - defenses. (1) Any person who performs or attempts to perform an abortion in willful violation of this article:

(a) ~~Commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501 C.R.S.; and~~

(b) Shall be liable for damages proximately caused thereby.

(2) It shall be an affirmative defense to any ~~criminal or~~ civil proceedings if the person establishes that:".

Renumber succeeding sections accordingly.

Amendment No. 4(L.042), by Senator Cairns.

Amend reengrossed bill, page 3, after line 9, insert the following:

"SECTION 3. 12-37.5-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-37.5-104. Notification concerning abortion. (2) AT THE TIME THE PHYSICIAN, LICENSED HEALTH CARE PROFESSIONAL, OR STAFF OF THE PHYSICIAN OR LICENSED HEALTH CARE PROFESSIONAL INFORMS THE MINOR THAT NOTICE MUST BE PROVIDED TO THE MINOR'S PARENTS PRIOR TO PERFORMING AN ABORTION, THE PHYSICIAN, LICENSED HEALTH CARE PROFESSIONAL, OR THE STAFF OF THE PHYSICIAN OR LICENSED HEALTH CARE PROFESSIONAL MUST INFORM THE MINOR UNDER WHAT CIRCUMSTANCES THE MINOR HAS THE RIGHT TO HAVE ONLY ONE PARENT NOTIFIED.".

Renumber succeeding sections accordingly.

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HB03-1376

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

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

Senator Grossman moved to amend the Report of the Committee of the Whole to show that the following Grossman floor amendment (L.038) to **HB03-1376**, did pass:

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

"(4) "MEDICAL EMERGENCY" MEANS ANY CIRCUMSTANCE IN WHICH AN ABORTION IS NECESSARY, IN APPROPRIATE MEDICAL JUDGMENT, FOR THE PRESERVATION OF THE LIFE OR HEALTH OF THE MOTHER."

The amendment to the Report of the Committee of the Whole was declared **passed** on the following roll call vote:

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

Senator Fitz-Gerald moved to amend the Report of the Committee of the Whole to show that the following Fitz-Gerald floor amendment (L.032) to **HB03-1376**, did pass:

Amend reengrossed bill, page 2, strike line 19 and substitute the following:

SECTION 2. 12-37.5-103 (1) and (3), Colorado Revised Statutes, are";

after line 23, insert the following:

"(1) "Minor" means a person under ~~eighteen~~ SEVENTEEN years of age."

The amendment to the Report of the Committee of the Whole was declared **LOST** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	N
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	Y	Isgar	Y	Nichol	N	Tupa	Y
Evans	N	Johnson	N	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

Senator Fitz-Gerald moved to amend the Report of the Committee of the Whole to show that the following Fitz-Gerald floor amendment (L.036) to **HB03-1376**, did pass:

Amend reengrossed bill, page 3, line 26, strike "EXISTS AND" and substitute "EXISTS; OR";

HB03-1376

strike lines 27.

Page 4, strike line 1.

The amendment to the Report of the Committee of the Whole was declared **LOST** on the following roll call vote:

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

Senator Hanna moved to amend the Report of the Committee of the Whole to show that the following Fitz-Gerald floor amendment (L.040) to **HB03-1376**, did pass:

Amend reengrossed bill, page 2, line 21, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 3, after line 2, insert the following:

"(4) "CLERGY MEMBER" MEANS A PRIEST, A RABBI, A DULY ORDAINED, COMMISSIONED, OR LICENSED MINISTER OF A CHURCH, A MEMBER OF A RELIGIOUS ORDER, OR A RECOGNIZED LEADER OF ANY RELIGIOUS BODY.";

line 3, strike "(4)" and substitute "(5)";

after line 9, insert the following:

"(6) "RELATIVE OF THE MINOR" MEANS A MINOR'S GRANDPARENT, ADULT AUNT, ADULT UNCLE, OR ADULT SIBLING.

SECTION 3. 12-37.5-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-37.5-104. Notification concerning abortion.

(2) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, A MINOR, INSTEAD OF PROVIDING WRITTEN NOTICE OF THE PENDING ABORTION TO THE MINOR'S PARENT, MAY ELECT TO PROVIDE WRITTEN NOTICE OF THE PENDING ABORTION TO:

(I) A RELATIVE OF THE MINOR; OR

(II) A CLERGY MEMBER.

(b) IF A MINOR ELECTS TO PROVIDE NOTICE TO A PERSON SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE NOTICE SHALL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION."

ReNUMBER succeeding sections accordingly.

Page 3, line 14, strike "are entitled to notice", and substitute "~~are entitled to~~ MAY RECEIVE notice PURSUANT TO SECTION 12-37.5-104 (1)";

after line 15, insert the following:

"(a.5) THE PERSON WHOM THE MINOR ELECTS TO NOTIFY PURSUANT TO SECTION 12-37.5-104 (2) CERTIFIES IN WRITING THAT HE OR SHE HAS BEEN NOTIFIED; OR";

line 27, strike "THE REQUIRED NOTICE TO THE" and substitute "NOTICE PURSUANT TO SECTION 12-37.5-104; OR".

Page 4, strike line 1;

line 15, strike "of any parent," and substitute "~~of any parent~~ REQUIRED PURSUANT TO SECTION 12-37.5-104,".

The amendment to the Report of the Committee of the Whole was declared **passed** on the following roll call vote:

YES	20	NO	15	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	Y	Isgar	Y	Nichol	Y	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

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

Passed on Second Reading: HB03-1342 as amended, HB03-1346, HB03-1359, SB03-347, SB03-346 as amended, HB03-1339, HB03-1348, SB03-345, HB03-1363, HB03-1360, HB03-1105 as amended, HB03-1344 as amended, HB03-1376 as amended.

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

COMMITTEE OF REFERENCE REPORTS

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB03-1111

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB03-1111, concerning the authority of county governments to prosecute violations of the county's building code, has met and reports that it has agreed upon the following:

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

HB03-1111

Amend rerevised bill, page 3, line 2, after the first "IN", insert "A MANNER THAT RESULTS IN A";

line 25, after "OFFENSE.", add "NOTHING IN THIS SUBPARAGRAPH (I) SHALL BE CONSTRUED TO PROHIBIT THE USE OF ANY BUILDING OR STRUCTURE IN VIOLATION OF AN OTHERWISE APPLICABLE BUILDING CODE WHERE THE USE COMPLIES WITH ANY BUILDING CODE THAT WAS IN EFFECT AT THE TIME THE BUILDING OR STRUCTURE WAS ERECTED, CONSTRUCTED, RECONSTRUCTED, OR ALTERED.".

Respectfully submitted,

House Committee:
(signed)
Representative Harvey, Chairman
Representative Lundberg
Representative Weddig

Senate Committee:
(signed)
Senator Evans, Chairman
Senator Kester
Senator Nichol

Health,
Environment,
Welfare &
Institutions

The Committee on Health, Environment, Welfare, and Institutions has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD OF HUMAN SERVICES

for a term expiring March 1, 2005:

Maria G. Williams of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Patricia D. Baca of Denver, Colorado and to serve as a member of the public, appointed;

for terms expiring March 1, 2007:

Youlon D. Savage of Denver, Colorado, to serve as a member of the public, reappointed;

Honorable Richard M. Sheehan of Littleton, Colorado, to serve as a representative of county commissioners, reappointed;

Arthur W. Hogling, Ph.D. of Evergreen, Colorado, to serve as a member of the public, reappointed;

Honorable David E. Long of New Raymer, Colorado, to serve as a representative of county commissioners, appointed;

Honorable Wayne E. Wolf of Cedaredge, Colorado, to serve as a representative of county commissioners, appointed.

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **HB03-1340** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

"SECTION 1. 25-7-133 (7), Colorado Revised Statutes, is amended to read:

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HB03-1340

25-7-133. Legislative review and approval of state implementation plans and rules - legislative declaration - repeal.

~~(7) (a) The commission may submit a request to redesignate Fort Collins to attainment status for the air pollutant carbon monoxide and may submit an associated maintenance plan for such area to the federal environmental protection agency for approval and incorporation into the state implementation plan. Such redesignation request and maintenance plan shall not be subject to further review pursuant to this section.~~

(b) (I) THE GENERAL ASSEMBLY RECOGNIZES THAT, DUE TO THE FEDERAL IMPOSITION OF NEW EMISSION MODELS AND THE STRINGENT DEADLINES THAT APPLY TO FEDERAL APPROVAL OF MOTOR VEHICLE EMISSION BUDGETS IN THE REQUIRED TRANSPORTATION CONFORMITY FINDINGS, THE TRANSPORTATION PLANNING PROCESS RELATED TO THE PLANS AND BUDGETS DESCRIBED IN THIS PARAGRAPH (b) CANNOT BE COMPLETED WITHIN THE DEADLINES ESTABLISHED BY THE LEGISLATIVE REVIEW PROCESS OTHERWISE REQUIRED BY THIS SECTION, THEREBY POTENTIALLY JEOPARDIZING THE TIMELY IMPLEMENTATION OF CERTAIN TRANSPORTATION PROJECTS.

(II) THEREFORE, TO ASSURE TIMELY PREPARATION AND SUBMISSION OF REQUIRED UPDATED TRANSPORTATION PLANS AND PROGRAMS IN ORDER TO AVOID THE DELAY OF CERTAIN TRANSPORTATION PROJECTS, THE COMMISSION MAY REVISE THE CARBON MONOXIDE MAINTENANCE PLANS FOR THE LONGMONT AND DENVER METROPOLITAN AREAS BY AUGUST 1, 2003, FOR THE SOLE PURPOSE OF REVISING THE MOTOR VEHICLE EMISSION BUDGETS IN SUCH PLANS AS NECESSITATED BY THE USE OF THE LATEST MOBILE SOURCE EMISSIONS MODEL AND GUIDANCE ISSUED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY. THE COMMISSION SHALL NOT REVISE SUCH PLANS IN ANY WAY NOT DIRECTLY RELATED TO THE REQUIRED USE OF SUCH UPDATED MODEL AND GUIDANCE.

(III) IN LIEU OF PROCEEDING PURSUANT TO SUBSECTIONS (1) TO (6) OF THIS SECTION, THE COMMISSION SHALL SUBMIT THE REVISED PLANS AND EMISSION BUDGETS DESCRIBED IN THIS PARAGRAPH (b) IN SUMMARY FORM BY AUGUST 1, 2003, TO AND FOR APPROVAL BY THE GENERAL ASSEMBLY'S LEGISLATIVE COUNCIL. IF THE LEGISLATIVE COUNCIL FAILS TO ACT ON ANY SUCH SUBMISSION BY SEPTEMBER 30, 2003, THE REVISED MAINTENANCE PLANS AND EMISSION BUDGETS DESCRIBED IN THIS PARAGRAPH (b) SHALL NOT BE SUBMITTED TO THE ADMINISTRATOR FOR FINAL APPROVAL AND INCORPORATION INTO THE STATE IMPLEMENTATION PLAN.

(IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE DECEMBER 31, 2003.

SECTION 2. 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."

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **SB03-160** be postponed indefinitely.

Health,
Environment,
Welfare &
Institutions

After consideration on the merits, the Committee recommends that **HB03-1024** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 5 through 8.

Reletter succeeding paragraphs accordingly.

Page 7, strike lines 12 through 19.

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HB03-1024

Renumber succeeding sections accordingly.

Page 9, after line 27, insert the following:

"SECTION 6. 24-33.5-415.7 (2), Colorado Revised Statutes, is amended to read:

24-33.5-415.7. Amber alert program. (2) For the purposes of this section, "abducted child" means a child:

(a) Whose whereabouts are unknown;

(b) (I) Whose domicile at the time he or she was reported missing was Colorado; OR

(II) ABOUT WHOM CREDIBLE INFORMATION IS RECEIVED FROM A LAW ENFORCEMENT AGENCY LOCATED IN ANOTHER STATE THAT THE ABDUCTED CHILD IS TRAVELING TO OR IN THE STATE OF COLORADO;

(c) Whose age at the time he or she was first reported missing was seventeen years of age or younger; and

(d) Whose disappearance poses a credible threat as determined by local law enforcement to the safety and health of the child."

Renumber succeeding sections accordingly.

Agriculture,
Natural
Resources
and Energy

After consideration on the merits, the Committee recommends that **HB03-1099** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 5, after "on", insert "odorized".

Page 6, line 15, strike "UPON";

strike lines 16 through 18 and substitute the following:

"ANY SPECIFIC INFORMATION THAT IS CONFIDENTIAL BY STATE OR FEDERAL LAW SHALL REMAIN CONFIDENTIAL."

Page 7, line 2, after "OF", insert "ODORIZED";

line 11, before "LIQUEFIED", insert "ODORIZED";

line 20, after "FOR", insert "ODORIZED".

Page 8, line 12, strike "A";

strike line 13 and substitute the following:

"THE AMOUNT NECESSARY TO ACCUMULATE AND MAINTAIN IN THE LIQUEFIED PETROLEUM GAS INSPECTION FUND A RESERVE SUFFICIENT TO DEFRAY ADMINISTRATIVE EXPENSES OF THE DIVISION OF OIL AND PUBLIC SAFETY FOR A PERIOD OF TWO MONTHS."

Page 11, after line 12, insert the following:

"SECTION 12. Repeal. 8-20-401 (1), (4), (5), and (7), Colorado Revised Statutes, are repealed as follows:

8-20-401. Definitions. As used in this part 4, unless the context otherwise requires:

(1) ~~"ASTM" means the American society of testing materials.~~

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HB03-1099

- (4) ~~"HD-5" means the grade of propane specified as HD-5.~~
- (5) ~~"HG" means the chemical mercury.~~
- (7) ~~"PSIG" means the pressure exerted in pounds per square inch gauge."~~

Renumber succeeding sections accordingly.

Page 13, line 24, after "Appliances", insert "AND COMPONENTS".

Page 14, strike lines 8 through 10 and substitute the following:

"OR INSTALLED UNLESS CERTIFIED BY OR LISTED IN STANDARDS ESTABLISHED BY RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY PURSUANT TO SECTION 8-20-102."

Page 15, line 6, strike "amended" and substitute "amended, and the said 8-20-413 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

line 10, strike "comply BE USED, STORED, AND TRANSPORTED IN" and substitute "comply";

line 11, strike "COMPLIANCE".

Page 16, after line 4, insert the following:

"(3) ANY CHANGES TO ANY STANDARDS PROMULGATED BY THE GPA AFTER JANUARY 1, 2003, SHALL BE REVIEWED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. AFTER SUCH REVIEW, THE DIRECTOR MAY ADOPT ANY SUCH CHANGES BY RULE."

Agriculture,
Natural
Resources
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO STATE FAIR AUTHORITY
BOARD OF COMMISSIONERS

or terms expiring November 1, 2004:

Dr. John K. Young of Arvada, Colorado, to serve as a Republican from the Seventh Congressional District, appointed;

Jim I. Snook of Alamosa, Colorado, to serve as a Republican from the Third Congressional District, appointed;

for terms expiring November 1, 2006:

Janette L. Kochis of Matheson, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Marjorie "Lynne" Sherrod of Steamboat Springs, Colorado, to serve as a Republican from the Third Congressional District, appointed.

Agriculture,
Natural
Resources
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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MEMBERS OF THE
GROUND WATER COMMISSION

for terms expiring May 1, 2007:

Robert Loose of Wiggins, Colorado, to serve as a representative from Upper Black Squirrel and as a resident agriculturist, reappointed;

Charles "Max" Smith of Walsh, Colorado, to serve as a representative from the Southern High Plains and as a resident agriculturist, reappointed.

Agriculture,
Natural
Resources
and Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
STATE BOARD OF THE
GREAT OUTDOORS COLORADO TRUST FUND

for terms expiring April 15, 2005:

Charles R. Frederickson of Englewood, Colorado, to serve as a Democrat from the First Congressional District, appointed;

Leonard W. Gregory of Pueblo, Colorado, to serve as a Democrat from the Third Congressional District, appointed;

Claire M. O'Neal of Holyoke, Colorado, to serve as a Democrat from the Fourth Congressional District, appointed;

Clarke D. Becker of Woodland Park, Colorado, to serve as a Republican from the Fifth Congressional District, appointed;

Greg Romberg of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Ruben A. Valdez of Lakewood, Colorado, to serve as a Democrat from the Sixth Congressional District, appointed;

Senator Norma Anderson of Lakewood, Colorado, to serve as a Republican from the Seventh Congressional District, appointed;

Jeffrey A. Crawford of Englewood, Colorado, to serve as a Republican from the First Congressional District, reappointed;

Ron G. Holliday of Breckenridge, Colorado, to serve as an Unaffiliated from the Second Congressional District, appointed;

Hon. T. Wright Dickinson of Maybell, Colorado, to serve as a Republican from the Third Congressional District, reappointed;

Gerald Faust of Las Animas, Colorado, to serve as a Republican from the Fourth Congressional District, reappointed;

Hon. Carl Miller of Leadville, Colorado, to serve as a Democrat from the Fifth Congressional District, appointed;

Hon. James R. Sullivan of Larkspur, Colorado, to serve as a Republican from the Sixth Congressional District, appointed.

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MESSAGE FROM THE HOUSE

May 1, 2003

Mr. President:

The House has adopted and transmits herewith HJR03-1042, as printed in House Journal, March 31, page 1352-1353, and amended as printed in House Journal, May 1.

The House has adopted the First Report of the First Conference Committee on SB03-065, as printed in House Journal, April 30, pages 2135-2136, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-113, as printed in House Journal, April 29, page 2076, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-268, as printed in House Journal, April 30, pages 2142-2145, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the Second Conference Committee on SB03-275, as printed in House Journal, April 29, pages 2106-2107, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-282, as printed in House Journal, April 29, pages 2107-2110, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB03-1219, as printed in House Journal, April 30, pages 2132-2133, and has repassed the bill as amended.

The House has adopted the First Report of the Second Conference Committee on HB03-1224, as printed in House Journal, April 30, pages 2133-2134, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB03-1237, as printed in House Journal, April 30, pages 2134-2135, and has repassed the bill as amended.

The House has adopted the First Report of the Second Conference Committee on HB03-1301, as printed in House Journal, April 30, page 2135, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB03-1290, as printed in House Journal, April 30, page 2179, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB03-1326, as printed in House Journal, April 30, page 2180, and has repassed the bill as amended.

The House has voted to concur in the Senate amendments to HB03-1190, 1206, 1332, 1341, 1329, 1317 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

May 1, 2003

We herewith transmit:

Without comment, HB03-1381, 1377, 1370, and 1371.

Without comment, as amended, HB03-1114, 1373, 1368, 1372, 1367, 1247, and 1378 and SB03-255 and 134.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB03-350, SB03-084, SB03-348, SB03-349, HB03-1351** were made Special Orders at 7:10 p.m.

Committee of the Whole The hour of 7:10 p.m. having arrived, Senator Evans moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Evans 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:

SB03-350 by Senator(s) Phillips, Anderson, Arnold, Windels, Groff, Keller, Tapia; also Representative(s) Fritz, Jahn, Larson, Stengel, Crane, Boyd--Concerning the withdrawal of a local government from a retirement association formed by local governments with retirements plans.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, May 1, page 1370 and placed in members' bill files.)

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

SB03-084 by Senator(s) Johnson S.; also Representative(s) Fritz--Concerning eligibility determinations under the "Colorado Medical Assistance Act".

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 14, page 375 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, May 1, pages 1367-1368 and placed in members' bill files.)

Amendment No. 3(L.004), by Senator Keller.

Amend printed bill, page 2, line 5, strike "- **repeal.**" and substitute "- **recovery prohibition - repeal.**".

Page 5, after line 21, insert the following:

"(5) THE STATE DEPARTMENT SHALL NOT PURSUE RECOVERY FROM A COUNTY FOR THE COST OF MEDICAL SERVICES PROVIDED TO A PERSON WHO HAS BEEN INCORRECTLY DETERMINED ELIGIBLE FOR MEDICAL ASSISTANCE BY THAT COUNTY OR ANY OTHER ENTITY."

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

SB03-348 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning modifications to the designation of the state emergency reserve for the 2002-03 state fiscal year.

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

SB03-349 by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the authority of the governor to utilize state moneys not otherwise appropriated for the 2002-03 state fiscal year to cover general fund appropriations in the event of a revenue shortfall, and, in connection therewith, authorizing the governor to direct the disbursement of general fund moneys comprising the statutorily required general fund reserve for such purpose and authorizing the transfer of moneys from certain cash funds under certain circumstances to augment the general fund.

SB03-349

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

HB03-1351

by Representative(s) Hall; also Senator(s) Kester--Concerning an increase in the annual license fee for retail food establishments, and making an appropriation in connection therewith.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Evans, 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: SB03-350 as amended, SB03-084 as amended, SB03-348, SB03-349, HB03-1351.

COMMITTEE OF REFERENCE REPORTS

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB03-248**

**THIS REPORT AMENDS THE
REENGROSSED BILL**

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

Your first conference committee appointed on SB03-248, concerning the financing of public schools, and making an appropriation in connection therewith, has met and reports that it has agreed upon the following:

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

Amend reengrossed bill, page 7, strike lines 20 through 27.

Page 8, strike lines 1 through 11 and substitute the following:

"SECTION 5. 22-54-103 (10) (f), Colorado Revised Statutes, is amended, and the said 22-54-103 (10) is further amended BY THE ADDITION A NEW PARAGRAPH, to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(10) (e.5) A PUPIL WHO IS ENROLLED AS LESS THAN A FULL-TIME STUDENT, OTHER THAN A STUDENT DESCRIBED IN PARAGRAPH (b), (c), OR (d) OF THIS SUBSECTION (10), SHALL BE COUNTED IN ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD FOR STUDENTS WHO ARE ENROLLED AS LESS THAN FULL-TIME STUDENTS.

(10) (f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in half-day kindergarten; the number of pupils enrolled in full-day kindergarten; the number of pupils enrolled in first grade through twelfth grade, SPECIFYING THOSE WHO ARE ENROLLED AS FULL-TIME STUDENTS AND THOSE WHO ARE ENROLLED AS LESS THAN FULL-TIME STUDENTS; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils

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SB03-248

enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act"; and the number of at-risk pupils.

SECTION 6. Repeal. 22-54-104 (2) (a) (VI), Colorado Revised Statutes, is repealed as follows:

22-54-104. District total program. (2) (a) (VI) ~~For the 2003-04 budget year and budget years thereafter, the~~ ".
budget year and budget years thereafter, the".

Renumber succeeding sections accordingly.

Page 9, line 6, strike "ENROLLMENT AND THE DISTRICT'S" and substitute "ENROLLMENT.";

strike line 7;

line 10, strike "THE FOLLOWING NEW SUBSECTIONS," and substitute "A NEW SUBSECTION,".

Page 10, strike lines 20 through 23.

Page 15, line 4, strike "per" and substitute "per";

strike lines 5 through 7 and substitute the following:

"pupil operating revenues multiplied by the district's preschool enrollment as defined in ~~section 22-54-103 (10) (c)~~ SECTION 22-54-103 (9.5). Such".

Page 20, line 25, strike "(a.5) (I)," and substitute "(a) (III) (A), (2) (a.3), (2) (a.5) (I),".

Page 21, strike lines 20 through 27.

Page 22, strike lines 1 through 5 and substitute the following:

"(2) (a) (III) (A) For budget year 2000-01 and budget years thereafter, except as otherwise provided in paragraph (a.3) of this subsection (2), each charter school and the authorizing school district shall negotiate funding under the contract at a minimum of ninety-five percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an on-line pupil and ~~one hundred~~ NINETY-FIVE percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school. The school district may choose to retain the actual amount of the charter school's per pupil share of the central administrative overhead costs for services actually provided to the charter school; except that such amount shall not exceed five percent of the district per pupil revenues for each pupil who is not an on-line pupil enrolled in the charter school AND FIVE PERCENT OF THE DISTRICT PER PUPIL ON-LINE FUNDING FOR EACH ON-LINE PUPIL ENROLLED IN THE CHARTER SCHOOL.

(a.3) If the authorizing school district enrolls five hundred or fewer students, the charter school shall receive funding in the amount of the greater of one hundred percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school plus one hundred percent of the district per pupil revenues for each pupil who is not an on-line pupil enrolled in the charter school, minus the actual amount of the charter school's per pupil share of the central administrative overhead costs incurred by the school district, ~~for pupils who are not on-line pupils~~ based on audited figures, or eighty-five percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an on-line pupil plus ~~one hundred~~ EIGHTY-FIVE percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school.

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SB03-248

(a.5) As used in this subsection (2):

(I) "Central administrative overhead costs" means indirect costs incurred in providing: ~~items or~~

(A) Services listed under the heading of support services - general administration in the school district chart of accounts as specified by rule of the state board; AND

(B) SALARIES AND BENEFITS FOR ADMINISTRATIVE JOB CLASSIFICATIONS LISTED UNDER THE HEADINGS OF SUPPORT SERVICES - BUSINESS AND SUPPORT SERVICES - CENTRAL IN THE SCHOOL DISTRICT CHART OF ACCOUNTS AS SPECIFIED BY RULE OF THE STATE BOARD.";

strike lines 16 through 27.

Page 23, strike lines 1 and 2 and substitute the following:

"SECTION 21. 22-33-104.6 (3) (a), (4) (a), and (5) (b), Colorado Revised Statutes, are amended, and the said 22-33-104.6 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-33-104.6. On-line program - legislative declaration - authorized - definitions. (3) **Program criteria.** A school district, any group of two or more school districts, a charter school, a group of charter schools, or any board of cooperative services is hereby authorized to create an on-line program. The following guidelines shall apply to any on-line program that is created and administered pursuant to the provisions of this section:

(a) A child who is participating in an on-line program shall ~~not~~ be subject to compulsory school attendance as provided in this article AND SHALL BE DEEMED TO COMPLY WITH THE COMPULSORY ATTENDANCE REQUIREMENTS THROUGH PARTICIPATION IN THE ON-LINE PROGRAM;

(4) **Funding.** ~~(a) If a child is participating in an on-line program created by a school district or by a charter school, the school district providing the on-line program or the chartering school district for the charter school providing the on-line program shall be entitled to count such child in accordance with the provisions of section 22-54-103 (8.5) for purposes of determining on-line pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title, if, in the preceding academic year, such child either~~ FOR THE 2003-04 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS SECTION, A SCHOOL DISTRICT, FOR PURPOSES OF DETERMINING TOTAL PROGRAM FUNDING UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, MAY NOT COUNT A STUDENT IN THE SCHOOL DISTRICT'S ON-LINE PUPIL ENROLLMENT WHO ENROLLS IN OR TRANSFERS TO AN ON-LINE PROGRAM WITHIN THE SCHOOL DISTRICT, UNLESS:

(I) (A) ~~Was enrolled in a public school or charter school of a school district in this state; or~~ THE STUDENT WAS INCLUDED IN A SCHOOL DISTRICT'S PUPIL ENROLLMENT OR ON-LINE PUPIL ENROLLMENT FOR THE PRECEDING SCHOOL YEAR; AND

(B) THE STUDENT SUBSTANTIALLY COMPLETED THE ASSIGNED COURSE WORK FOR THE CLASSES IN WHICH HE OR SHE WAS ENROLLED FOR AT LEAST ONE SEMESTER OF THE PRECEDING SCHOOL YEAR AND RECEIVED A SEMESTER GRADE FOR THE CLASSES; OR

(II) THE STUDENT, IN THE PRECEDING SCHOOL YEAR, was not enrolled in any private school, ~~had~~ DID NOT ~~participated~~ PARTICIPATE in a nonpublic home-based education program, ~~or had~~ AND DID NOT

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~~participated~~ PARTICIPATE in home instruction by a licensed or certified teacher.

(4.5) TO VERIFY THAT A STUDENT MEETS THE REQUIREMENTS SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, AN ON-LINE PROGRAM SHALL REQUEST FROM THE SCHOOL DISTRICT IN WHICH THE STUDENT WAS ENROLLED CONFIRMATION OF THE STUDENT'S ENROLLMENT AND THE SEMESTER GRADES RECEIVED BY THE STUDENT FOR THE CLASSES IN WHICH THE STUDENT WAS ENROLLED. THE SCHOOL DISTRICT IN WHICH THE STUDENT WAS ENROLLED SHALL RESPOND TO THE ON-LINE PROGRAM'S VERIFICATION REQUEST WITHIN SIXTY DAYS AFTER RECEIPT OF THE REQUEST.

(5) (b) For the 2002-03 budget year, ~~and for each budget year thereafter~~, for purposes of determining school districts' on-line pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title, in addition to the children counted pursuant to subsection (4) of this section, school districts may count up to a statewide total of one hundred thirty-five children who, AS OF OCTOBER 1, are enrolled in, ATTENDING, AND ACTIVELY PARTICIPATING IN on-line programs created pursuant to this section and who, for the preceding school year, were enrolled after October 1 in public schools or charter schools of school districts in this state or were enrolled in private schools or participating in nonpublic home-based education programs or participating in home instruction by licensed teachers.

(6) (a) FOR THE 2003-04 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, IF A STUDENT WHO MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION OR IS EXEMPT UNDER RULES ADOPTED BY THE STATE BOARD TRANSFERS AFTER OCTOBER 1 TO AN ON-LINE PROGRAM WITHIN THE SCHOOL DISTRICT IN WHICH THE STUDENT WAS INCLUDED IN PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, THE STUDENT SHALL BE INCLUDED IN THE SCHOOL DISTRICT'S ON-LINE PUPIL ENROLLMENT, AND THE DEPARTMENT OF EDUCATION SHALL ACCORDINGLY REDUCE THE PER PUPIL FUNDING RECEIVED BY THE SCHOOL DISTRICT FOR THE TRANSFERRING STUDENT TO THE AMOUNT OF MINIMUM PER PUPIL FUNDING, AS SPECIFIED IN SECTION 22-54-104 (3.5), FOR THE ENTIRE SCHOOL YEAR IN WHICH THE STUDENT TRANSFERRED.

(b) FOR THE 2003-04 BUDGET YEAR AND FOR EACH BUDGET YEAR THEREAFTER, IF A STUDENT WHO IS INCLUDED IN THE PUPIL ENROLLMENT OF A SCHOOL DISTRICT TRANSFERS TO AN ON-LINE PROGRAM WITHIN THE SAME SCHOOL DISTRICT WITHIN THE SAME SCHOOL YEAR, BUT DOES NOT MEET THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION AND IS NOT EXEMPT UNDER RULES ADOPTED BY THE STATE BOARD, THE DEPARTMENT OF EDUCATION SHALL REMOVE THE STUDENT FROM THE SCHOOL DISTRICT'S PUPIL ENROLLMENT AND SHALL ACCORDINGLY REDUCE THE TOTAL PROGRAM FUNDING RECEIVED BY THE SCHOOL DISTRICT FOR THE ENTIRE SCHOOL YEAR IN WHICH THE STUDENT TRANSFERRED.

(c) A STUDENT WHO IS ENROLLED IN ON-LINE PROGRAM COURSES FOR A MAJORITY OF THE STUDENT'S SCHOOL DAY AND WHO SEEKS TO ENROLL IN A TRADITIONAL PUBLIC SCHOOL FOR ONE OR MORE COURSES SHALL OBTAIN PERMISSION FROM THE ON-LINE PROGRAM IN WHICH THE STUDENT IS ENROLLED PRIOR TO ENROLLING IN ONE OR MORE COURSES AT A TRADITIONAL PUBLIC SCHOOL. THE ON-LINE PROGRAM MAY NEGOTIATE WITH THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS LOCATED FOR PAYMENT OF THE COSTS INCURRED AS A RESULT OF THE STUDENT'S PARTICIPATION IN ONE OR MORE COURSES AT THE TRADITIONAL PUBLIC SCHOOL.

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(7) THE STATE BOARD MAY PROMULGATE RULES ALLOWING EXEMPTIONS FROM THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION FOR STUDENTS WHOSE PARENTS OR LEGAL GUARDIANS REMOVE THEM FROM SCHOOL FOR EXTRAORDINARY REASONS AND FOR STUDENTS WHO ARE HABITUALLY DISRUPTIVE OR ARE OTHERWISE AT RISK AND FOR STUDENTS WHO DID NOT RESIDE IN AND ATTEND A SCHOOL IN THE STATE DURING THE PRIOR SCHOOL YEAR. IN ADDITION, THE STATE BOARD MAY PROMULGATE SUCH OTHER RULES AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 22. 22-33-104.6 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

22-33-104.6. On-line program - legislative declaration - authorized - definitions. (2) **Definitions.** As used in this section:

(b.5) "ON-LINE PUPIL ENROLLMENT" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (8.5).

(c.5) "PUPIL ENROLLMENT" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-54-103 (10).

SECTION 23. 22-54-103 (8.5), Colorado Revised Statutes, is amended to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(8.5) "On-line pupil enrollment" means the number of pupils, ~~enrolled~~ on October 1 within the applicable budget year or the school day nearest said date, ENROLLED IN, ATTENDING, AND ACTIVELY PARTICIPATING in, an on-line program created pursuant to section 22-33-104.6 by the district or by a charter school chartered by the district, minus any such pupils who were enrolled in any such on-line programs for the 2001-02 school year. IN ADDITION, "ON-LINE PUPIL ENROLLMENT" MEANS THE NUMBER OF PUPILS WHO MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-33-104.6 (4) (a) AND TRANSFER TO AN ON-LINE PROGRAM AFTER OCTOBER 1 OF A SCHOOL YEAR.

SECTION 24. 22-33-104 (1) and (2) (i) (III), Colorado Revised Statutes, are amended to read:

22-33-104. Compulsory school attendance. (1) Except as otherwise provided in subsection (2) of this section, every child who has attained the age of seven years and is under the age of sixteen years, except as provided by this section, shall attend public school for at least one thousand fifty-six hours if a secondary school pupil or nine hundred sixty-eight hours if an elementary school pupil during each school year; except that in no case shall a school or schools be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education. A STUDENT WHO PARTICIPATES IN AN ON-LINE PROGRAM PURSUANT TO THE PROVISIONS OF SECTION 22-33-104.6 SHALL BE DEEMED TO ATTEND SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (1).

(2) The provisions of subsection (1) of this section shall not apply to a child:

(i) Who is being instructed at home:

~~(III) In an alternative program authorized pursuant to section 22-33-104.6, or".~~

Renumber succeeding sections accordingly.

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Page 31, strike lines 15 through 27.

Page 32, strike lines 1 through 13.

Renumber succeeding sections accordingly.

Page 34, strike lines 9 through 27.

Strike pages 35 through 40.

Page 41, strike lines 1 through 6.

Renumber succeeding sections accordingly.

Page 44, after line 21, insert the following:

"SECTION 42. 22-30.5-109 (6), Colorado Revised Statutes, is amended to read:

22-30.5-109. Charter schools - restrictions - establishment - number. (6) A school district shall not discriminate against a charter school OR A NONPUBLIC SCHOOL PARTICIPATING IN THE COLORADO OPPORTUNITY CONTRACT PILOT PROGRAM PURSUANT TO ARTICLE 56 OF THIS TITLE in publicizing the district's educational options AVAILABLE TO STUDENTS RESIDING WITHIN THE DISTRICT through advertising, direct mail, availability of mailing lists, or other informational activities, provided that the charter OR NONPUBLIC school pays for its share of such publicity at cost.

SECTION 43. 22-32-119, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-119. Kindergartens - repeal. (1.5) SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS FROM THE FEDERAL GOVERNMENT THROUGH THE "NO CHILD LEFT BEHIND ACT OF 2001", PUBLIC LAW 107-110, ON AND AFTER JULY 1, 2003, A BOARD OF EDUCATION MAY EXPAND ITS CURRENT HALF-DAY KINDERGARTEN PROGRAMS TO FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAMS. MONEYS AUTHORIZED PURSUANT TO THIS SECTION SHALL BE FIRST USED TO SERVE STUDENTS WHO ATTEND A SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR, UNLESS THAT SCHOOL IS OPERATING A FULL-DAY KINDERGARTEN PROGRAM, AND THEN TO SERVE STUDENTS WHO ATTEND A SCHOOL THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "LOW" PURSUANT TO SECTION 22-7-604 (5) FOR THE PREVIOUS SCHOOL YEAR.

SECTION 44. 22-2-122 (1) (a), (2), (3) (a), and (3) (c), Colorado Revised Statutes, are amended to read:

22-2-122. Grants to schools and school districts. (1) (a) In preparing the application forms to be submitted by school districts or public schools when applying for GRANT moneys, ~~from a statutorily created education grant program~~, except as otherwise required by statute, the department shall not require information from public schools or school districts which has been previously submitted to the department; except that this prohibition shall not apply to annual updates of information sought by the department.

(2) Whenever, as part of a ~~statutorily created~~ grant program, the department or a school or school district is required to prepare an evaluation of the effectiveness of the services provided using the grant moneys, the department shall compile the evaluations and make such evaluations readily available to all schools and school districts upon request. Any costs associated with the compilation and availability of

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such reports shall be paid from the amount appropriated to the department for costs incurred in administering such grant programs.

(3) (a) For each budget year, the department shall allocate to the boards of cooperative services established pursuant to article 5 of this title that provide a wide range of services described in section 22-5-118 to their member school districts, or school districts with student populations of less than four thousand students, an amount equal to one percent of the amount appropriated to all ~~statutorily created~~ education grant programs for that fiscal year, or two hundred fifty thousand dollars, whichever is less. The amount allocated to the boards of cooperative services pursuant to this subsection (3) shall be taken from the amounts appropriated to all ~~statutorily created~~ education grant programs. In the event the department allocates two hundred fifty thousand dollars, such amount shall be taken from each education grant program in the same proportion that the amount appropriated for that fiscal year to the education grant program bears to the total amount appropriated for that fiscal year to all ~~statutorily created~~ education grant programs.

(c) The boards of cooperative services that receive moneys pursuant to this subsection (3) shall only use such moneys to assist member school districts and schools in applying for grants from ~~statutorily created~~ education grant programs. One or more boards of cooperative services may use the moneys allocated pursuant to this subsection (3) jointly to provide services to member school districts from more than one board of cooperative services.

SECTION 45. 22-54-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-114. State public school fund. (2.5) THE GENERAL ASSEMBLY FINDS THAT IMPLEMENTATION OF SECTION 22-7-603.5, INCLUDING IMPLEMENTATION OF RULES TO UNIQUELY IDENTIFY INDIVIDUAL STUDENTS, HAS RESULTED IN MORE ACCURATE DETERMINATIONS OF PUPIL ENROLLMENT AND A SAVINGS IN THE AMOUNT REQUIRED TO FUND THE STATE'S SHARE OF TOTAL PROGRAM FUNDING FOR SCHOOL DISTRICTS. FOR THE 2003-04 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL ALLOCATE A PORTION OF THE AMOUNT OF THE IN-YEAR COST RECOVERY OCCURRING AS A RESULT OF THE USE OF UNIQUE STUDENT IDENTIFIERS TO FUND IMPLEMENTATION OF THE ACADEMIC GROWTH PILOT PROGRAM AND THE ACADEMIC GROWTH PROGRAM PURSUANT TO SECTION 22-7-603.7. THE AMOUNT ALLOCATED TO THE ACADEMIC GROWTH PILOT PROGRAM AND THE ACADEMIC GROWTH PROGRAM PURSUANT TO THIS SUBSECTION (2.5) SHALL NOT EXCEED TWO HUNDRED THOUSAND DOLLARS IN ANY BUDGET YEAR."

Renumber succeeding sections accordingly.

Page 51, after line 14, insert the following:

"SECTION 49. Part III (2) (A) of section 2 of Senate Bill 03-258, as enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended BY THE ADDITION OF A NEW FOOTNOTE to read:

Section 2. **Appropriation.**

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SECTION 50. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the legislative department, for allocation to the legislative council, for the fiscal year beginning July 1, 2003, the sum of one hundred eighty-two thousand dollars (\$182,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt transferred from the department of education."

Renumber succeeding sections accordingly.

Page 52, strike line 17 and substitute the following:

"hundred eighteen thousand six hundred thirty-five dollars (\$318,635).";

strike lines 22 through 26 and substitute the following:

"by twenty-eight million eight hundred eighty-five thousand twenty-three dollars (\$28,885,023). Of said sum, twenty-seven million one hundred thirty thousand eight hundred twenty-five dollars (\$27,130,825) shall be from the general fund and one million seven hundred fifty-four thousand one hundred ninety-eight dollars (\$1,754,198) shall be cash funds exempt from the state education fund".

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

Amend reengrossed bill, page 14, line 9, strike "(3) (c)" and substitute "(1) (b) (II), (2) (b) (II), (3) (c).";

strike line 13 and substitute the following:

"repeal. (1) (b) (II) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), for the 1998-99 budget year and budget years thereafter, the dollar amount required to be budgeted per pupil pursuant to this paragraph (b) shall be increased each year by the same percentage that the statewide base per pupil funding is increased pursuant to section 22-54-104 (5). Such amount shall be rounded to the nearest dollar.

(B) FOR THE 2003-04 BUDGET YEAR, THE MINIMUM DOLLAR AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO THIS PARAGRAPH (b) SHALL BE AN AMOUNT EQUAL TO THE AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) FOR THE 2002-03 BUDGET YEAR.

(2) (b) (II) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II), for the 1998-99 budget year and budget years thereafter, the minimum dollar amount required to be budgeted per pupil pursuant to this paragraph (b) shall be increased each year by the same percentage that the statewide base per pupil funding is increased pursuant to section 22-54-104 (5). Such amount shall be rounded to the nearest dollar.

(B) FOR THE 2003-04 BUDGET YEAR, THE MINIMUM DOLLAR AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO THIS PARAGRAPH (b) SHALL BE AN AMOUNT EQUAL TO THE AMOUNT REQUIRED TO BE BUDGETED PER PUPIL PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) FOR THE 2002-03 BUDGET YEAR.

(3) (c) Notwithstanding the provisions of paragraph (a) of this".

Page 44, before line 22, insert the following:

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"SECTION 46. 22-7-606 (1) (a), Colorado Revised Statutes, as amended by Senate Bill 03-117, enacted at the First Regular Session of the Sixty-fourth General Assembly, is amended to read:

22-7-606. School accountability reports - delivery website - repeal. (1) (a) The department shall deliver each public school's annual accountability report to the public school by September 15, 2001, by November 15, 2002, by ~~December 15, 2003, and by December 15~~ JANUARY 15, 2004, AND BY JANUARY 15 each year thereafter. The department shall print and provide to the public school copies of the accountability reports in the amount of: Total pupil enrollment at last annual count, plus the total number of teachers as listed on the school accountability report. ~~plus an additional twenty-five percent.~~

SECTION 47. Repeal. 22-54-105 (3) (d), Colorado Revised Statutes, is repealed as follows:

22-54-105. Instructional supplies and materials - capital reserve and insurance reserve - at-risk funding - preschool funding - repeal. (3) (d) ~~On or before October 1, 2001, and on or before October 1 each year thereafter, each district that has a pupil enrollment that exceeds six thousand pupils and receives at-risk funding pursuant to section 22-54-104 shall submit to the department of education a report specifying how the district used the at-risk funding received during the preceding fiscal year. On or before January 15, 2002, and on or before January 15 each year thereafter, the department of education shall submit to the education committees of the senate and the house of representatives and to the joint budget committee a summary of the district reports received pursuant to this paragraph (d) during the preceding October."~~

Renumber succeeding sections accordingly.

Page 52, after line 19, insert the following:

"(b) The general fund appropriation to management and administration, Colorado student assessment program, is decreased by one million dollars (\$1,000,000)."

Reletter succeeding paragraphs accordingly.

Respectfully submitted,

Senate Committee:	House Committee:
(signed)	(signed)
Senator Anderson, Chairman	Representative King, Chairman
Senator Arnold	Representative Spence
Senator Windels	Representative Jahn

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON HB03-1164

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB03-1164, concerning the expansion of access to health insurance, and making an appropriation therefor, has met and reports that it has agreed upon the following:

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HB03-1164

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

Amend rerevised bill, page 3, after line 26, insert the following:

"SECTION 3. 10-8-530 (1.5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10-8-530. Funding of program - repeal. (1.5) (g.5) (I) THE BOARD MAY INCLUDE IN THE SPECIAL FEES ASSESSED AGAINST INSURERS PURSUANT TO THIS SUBSECTION (1.5) A ONE-TIME EXPENSE FOR THE ACTUARIAL STUDY REQUIRED PURSUANT TO SECTION 10-8-533.

(II) THIS PARAGRAPH (g.5) IS REPEALED, EFFECTIVE MARCH 1, 2004."

Renumber succeeding sections accordingly.

Page 6, line 22, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,".

Page 8, line 27, strike "account; OR" and substitute "account."

Page 10, line 12, strike "INCREASES MORE THAN FIVE PERCENT FROM OR";

line 14, strike "UNTIL SEPTEMBER 29,";

line 15, strike "2005,"

line 16, strike "AND";

strike lines 17 through 19.

Page 11, after line 20, insert the following:

"(8.7) (a) THE COMMISSIONER SHALL EVALUATE HOW SUBSECTION (8.5) OF THIS SECTION AFFECTS THE SMALL GROUP MARKET. SPECIFICALLY, THE COMMISSIONER SHALL EVALUATE THE IMPACT OF THE FOLLOWING:

(I) RATING FLEXIBILITY BASED ON CLAIMS EXPERIENCE AND APPLICATION OF RATING FLEXIBILITY ON SMALL BUSINESS GROUPS OF ONE TO SMALL EMPLOYERS WITH NO MORE THAN FIFTEEN EMPLOYEES, AS COMPARED TO THE IMPACT ON SMALL EMPLOYERS WITH SIXTEEN OR MORE EMPLOYEES;

(II) RATING FLEXIBILITY ON THE SIZE AND STABILITY OF THE SMALL GROUP MARKET;

(III) RATING FLEXIBILITY ON THE AGGREGATE HEALTH STATUS OF THE SMALL GROUP MARKET, INCLUDING, BUT NOT LIMITED TO, WHETHER THE RISK PROFILE OF THE SMALL GROUP MARKET IMPROVED BECAUSE OF THE IMPLEMENTATION OF SUBSECTION (8.5) OF THIS SECTION; AND

(IV) THE NUMBER OF SMALL EMPLOYER GROUPS WHOSE PREMIUMS ARE AT OR BELOW THE INDEX RATE AND THE NUMBER OF SMALL EMPLOYER GROUPS WHOSE PREMIUMS ARE ABOVE THE INDEX RATE.

(b) THE COMMISSIONER SHALL SUBMIT A REPORT OF THE EVALUATION PURSUANT TO THIS SUBSECTION (8.7) TO THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN JANUARY 15, 2007."

Page 12, line 18, strike "CHILD HEALTH";

HB03-1164

line 19, strike "SUPERVISION,";

line 20, strike "AND".

Page 16, line 23, after "MEWAs" insert "THAT ARE SELF-FUNDED OR FULLY-INSURED ARRANGEMENTS".

Page 18, line 16, strike "MEWA AND" and substitute "MEWAs AND";

line 17, strike "AS DETERMINED BY THE COMMISSIONER." and substitute "PURSUANT TO THIS SECTION.";

strike line 27.

Page 19, strike lines 1 through 8.

Page 26, after line 3, insert the following:

"SECTION 20. 18-4-412, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-4-412. Theft of medical records or medical information - penalty. (5) THIS SECTION SHALL NOT APPLY TO COVERED ENTITIES SUBJECT TO THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996" AND IMPLEMENTING REGULATIONS."

Renumber succeeding sections accordingly.

Page 26, line 21, strike "4," and substitute "5,";

line 22, strike "11, 12, and 15" and substitute "12, 13, and 16";

line 26, strike "13" and substitute "14".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Spradley, Chairman	Senator Hillman, Chairman
Representative Williams T.	Senator Owen
Representative Miller	Senator Takis

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MESSAGE FROM THE HOUSE

May 1, 2003
Mr. President:

The House has voted to reject the Conference Committee Report on SB03-078, and requests the Conferees be discharged and that a second Conference Committee be appointed. The Speaker has appointed Representatives T. Williams, chairman, Spradley, and S. Williams as House conferees on the Second Conference Committee on SB03-078. The bill is returned herewith.

INTRODUCTION OF RESOLUTION

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

HJR03-1042 by Representative(s) Mitchell; also Senator(s) Arnold--Concerning honoring the housekeeping and maintenance staffs of the Colorado state capitol complex.

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

INTRODUCTION OF BILLS--FIRST READING

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

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| HB03-1114 | by Representative(s) Clapp; also Senator(s) Hillman--Concerning employees in public schools. | 5 |
| | Education | 6 |
| | Appropriations | 7 |
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| HB03-1247 | by Representative(s) Vigil; also Senator(s) Tupa--Concerning fingerprint-based criminal history record checks for all public school educators as a requirement for licensing, and making an appropriation therefor. | 10 |
| | Education | 11 |
| | Appropriations | 12 |
| | | 13 |
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| HB03-1367 | by Representative(s) Cloer, Larson, Stafford, Briggs, Harvey, McFadyen, Merrifield, Ragsdale, Sinclair, Spence, Wiens, Williams S.; also Senator(s) Nichol, Lamborn, Johnson S.--Concerning the issuance of a military valor special license plate to persons who have received a military award for valor, and making an appropriation in connection therewith. | 16 |
| | Transportation | 17 |
| | Appropriations | 18 |
| | | 19 |
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| HB03-1368 | by Representative(s) Crane, Harvey, May M., Schultheis, Hefley, Wiens, Briggs, Brophy, Cadman, Clapp, Cloer, Decker, Fairbank, Fritz, Hall, Hoppe, Johnson R., King, Lee, Lundberg, McCluskey, Mitchell, Rhodes, Rippy, Rose, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, White, Williams T.; also Senator(s) Lamborn--Concerning the requirement of a daily recitation of the pledge of allegiance in each public school in the state. | 23 |
| | State Veterans & Military Affairs | 24 |
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| HB03-1370 | by Representative(s) Rhodes; also Senator(s) Anderson--Concerning reviews of designated trauma facilities. | 31 |
| | Health, Environment, Welfare & Institutions | 32 |
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| HB03-1372 | by Representative(s) Cadman, Williams T., Briggs, May M., Rhodes, Rippy, White; also Senator(s) Owen--Concerning the authority of the commissioner of insurance to regulate certain workers' compensation insurers, and, in connection therewith, deleting certain exemptions for Pinnacle Assurance from otherwise applicable provisions of insurance law and prohibiting other state government instrumentalities from writing workers' compensation insurance in Colorado. | 35 |
| | Business Affairs & Labor | 36 |
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| HB03-1373 | by Representative(s) Spence, Hall, Rippy, Weddig; also Senator(s) Entz--Concerning the authority of a municipality to propose a sales or use tax when a county in which the municipality is located has a pending proposal for a sales or use tax. | 43 |
| | Local Government | 44 |
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| HB03-1377 | by Representative(s) Williams T.; also Senator(s) Evans--Concerning statutory provisions governing business entities contained in title 7 of the Colorado revised statutes. | 48 |
| | Finance | 49 |
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| HB03-1378 | by Representative(s) Hefley, Williams T., Madden, Carroll, Coleman, Crane, Fairbank, Jahn, Judd, Lee, Lundberg, Mitchell, Romanoff, Spradley, Stengel, Veiga; also Senator(s) Anderson, Dyer, Taylor, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Jones, Kester, Lamborn, Windels--Concerning moneys deposited in the state commission on judicial performance cash fund, and, in connection therewith, increasing the docket fees for criminal and traffic actions and making an appropriation. | 52 |
| | Judiciary | 53 |
| | Appropriations | 54 |
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| HB03-1381 | by Representative(s) Mitchell; also Senator(s) Groff--Concerning child restraint systems in motor vehicles. | 61 |
| | Transportation | 62 |
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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, the rules were suspended for Immediate Consideration of Conference Committee Report.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

HB03-1164 by Representative(s) Spradley, Butcher; also Senator(s) Hillman--Concerning the expansion of access to health insurance, and making an appropriation therefor.

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **HB03-1164**, as printed in Senate Journal, May 1, pages 1394-1396. The motion was **adopted** by the following roll call vote:

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

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

YES	21	NO	14	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	N	Tapia	Y
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Co-sponsors added: Andrews, Arnold, Chlouber, Evans, Kester, Lamborn, Owen, and Teck.

IMMEDIATE RECONSIDERATION OF HB03-1164

HB03-1164 by Representative(s) Spradley, Butcher; also Senator(s) Hillman--Concerning the expansion of access to health insurance, and making an appropriation therefor.

Having voted on the prevailing side, Senator Hillman moved for immediate reconsideration of the last Senate action, Repassage, on **HB03-1164**. The roll call was taken with the following result:

YES	14	NO	21	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	N
Arnold	N	Grossman	Y	Lamborn	N	Takis	N
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	N
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	Y	Nichol	Y	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		

HB03-1164

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration **LOST**.

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 May 2, was laid over until Friday, May 2, retaining its place on the calendar.

General Orders--Second Reading: HB03-1137, HB03-1314, SB03-077.
Consideration of Memorial: SJM03-009.
Consideration of Governor's Vetoes: SB03-207, SB03-120.
Conference Committees to Report: SB03-098, HB03-1111, SB03-065, SB03-088, SB03-038, SB03-113, SB03-106, SB03-282, SB03-268, HB03-1172, SB03-248, HB03-1147, SB03-275, HB03-1244, SB03-078, HB03-1263.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Friday, May 2, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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