

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

Seventy-eighth Legislative Day

Wednesday, March 26, 2003

Prayer	By the chaplain, Reverend Arlyn Tolzman.	1
Pledge	By Senator Phillips.	2
Call to Order	By the President at 9:00 a.m.	3
Roll Call	Present-- 35.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Kester, reading of the Journal of March 25, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	6

MESSAGES FROM THE HOUSE

March 25, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1106.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1016, amended as printed in House Journal, March 14 & March 21, pages 1146 & 1200.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB03-112, amended as printed in House Journal, March 21, page 1200-1201.

The House has voted to concur in the Senate amendments to HB03-1081,1008,1100, 1175,1288,1239,1226,1299,1127,1097,1286 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB03-1003 and requests that a conference committee be appointed. The Speaker has appointed Representatives Brophy, chairman, Rippey, and Salazar as House conferees on the First Conference Committee on HB03-1003. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB03-1005 and requests that a conference committee be appointed. The Speaker has appointed Representatives Hoppe, chairman, Rippey, and Salazar as House conferees on the First Conference Committee on HB03-1005. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB03-1224 and requests that a conference committee be appointed. The Speaker has appointed Representatives Lee, chairman, Brophy, and Garcia as House conferees on the First Conference Committee on HB03-1224. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB03-1111 and requests that a conference committee be appointed. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HJR03-1011 and has readopted the resolution as so amended.

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March 25, 2003

Mr. President:

The House has postponed indefinitely SB03-152. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 25, 2003

We herewith transmit:

- Without comment, HB03-1106.
- Without comment, as amended, SB03-112.
- With comment, as amended, HB03-1016.

INTRODUCTION OF BILLS--FIRST READING

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

- SB03-256** by Senator(s) Windels; also Representative(s) Briggs--Concerning the review by a local government of a development plan submitted by a school district in connection with the siting of a new public school facility.
Local Government
Education
- SB03-257** by Senator(s) Andrews; --Concerning additional purposes related to the sales tax levied by the regional transportation district for which the registered electors within the geographical boundaries of the district may use the initiative process.
Transportation
- HB03-1016** by Representative(s) Mitchell; also Senator(s) Dyer--Concerning the effective duration of certification of emissions control for motor vehicles.
Transportation
- HB03-1040** by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning repeal of the authority for a motor vehicle owner to continue to use certain types of license plates.
Transportation
- HB03-1044** by Representative(s) Williams S., Coleman, Stafford; also Senator(s) May R.--Concerning the enforcement of penalties for toll evasion, and, in connection therewith, requiring courts to report outstanding judgments and warrants and default judgments for toll evasion to the department of revenue, prohibiting a person who has an outstanding judgment or warrant or a default judgment for toll evasion from obtaining or renewing a driver's license, and allowing civil penalty assessment notices for toll evasion that is evidenced by means that do not involve a peace officer to be sent to suspected violators by mail delivery services other than the United States postal service.
Transportation
- HB03-1056** by Representative(s) Stengel, Spradley; also Senator(s) Anderson--Concerning the extension of certain solid waste disposal fees, and making an appropriation in connection therewith.
Health, Environment, Welfare & Institutions
Appropriations
- HB03-1086** by Representative(s) King; also Senator(s) McElhany--Concerning beneficiary deeds.
Judiciary
- HB03-1106** by Representative(s) Harvey; also Senator(s) Lamborn--Concerning the authority of a financial institution to organize as a limited liability company.
Business Affairs & Labor

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- HB03-1137** by Representative(s) King, Williams T., Fritz, Berry, Briggs, Cadman, Clapp, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Hoppe, Lee, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rippy, Rose, Schultheis, Sinclair, Spence, Stafford, White, Wiens; also Senator(s) Hagedorn--Concerning a credit against state income tax for contributions to nonprofit organizations that provide resources for education, and making an appropriation in connection therewith. 1
Education 7
Appropriations 8
- HB03-1147** by Representative(s) Frangas, Butcher, Spence, Vigil; also Senator(s) Teck--Concerning existing income tax checkoffs, and, in connection therewith, exempting the western slope military veterans' cemetery income tax checkoff from the requirement that a checkoff must receive ten percent of the total amount contributed to all checkoffs in a year in order to remain on the income tax form the following year. 10
Finance 15
- HB03-1208** by Representative(s) Spradley; also Senator(s) Owen--Concerning the enterprise zone tax benefit extensions that taxpayers may receive for certain tax benefits after termination of the enterprise zone. 17
Finance 20
- HB03-1249** by Representative(s) Sinclair, May M., Ragsdale; also Senator(s) Lamborn--Concerning the powers of the adjutant general, and, in connection therewith, authorizing the appointment of assistant adjutant generals, the receipt of gifts, grants, and donations, and the public or private use of distance learning facilities. 22
State Veterans & Military Affairs 26
Appropriations 27
- HB03-1314** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning a requirement that a meeting of a school board at which employment contracts are negotiated be open to the public. 29
State Veterans & Military Affairs 32
- HB03-1318** by Representative(s) Hoppe, Brophy, Hall, Hefley, Lee, Plant, Tochtrop, Veiga, Wiens, Williams T., Witwer; also Senator(s) Grossman--Concerning the creation of water banks to operate in each water division, and, in connection therewith, making an appropriation. 34
Agriculture, Natural Resources & Energy 37
Appropriations 38
- HB03-1326** by Representative(s) Fritz, Mitchell, Rhodes, Spradley, Fairbank, Jahn, Lee, Spence; also Senator(s) Dyer--Concerning limitations on liability for providers of services for persons with developmental disabilities. 40
Judiciary 43

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

- SB03-132** by Senator(s) May R., Johnson S., McElhany, Chlouber; also Representative(s) Rippy--Concerning the allocation of sales and use tax revenues to the highway users tax fund, and, in connection therewith, requiring allocations to be made for every state fiscal year that commences on or after July 1, 2006, without regard to the amount of state revenues for the fiscal year. 52

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	N
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	N
Chlouber	Y	Hanna	N	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	N	Nichol	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		

SB03-132

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

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

HB03-1298 by Representative(s) Harvey; also Senator(s) Lamborn--Concerning increased limitations on claims asserting that a mortgage is unconscionable.

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

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

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

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

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

Third Reading Amendment No. 1(L.005), by Senators Cairns and Tupa.

Amend revised bill, page 4, line 4, after "~~24-20-201~~", insert "OR EXECUTIVE ORDER";

line 7, after "proclamation", insert "OR ORDER";

line 9, after "proclamation", insert "OR ORDER";

line 26, after "PROCLAMATION", insert "OR EXECUTIVE ORDER".

Page 5, line 3, after "PROCLAMATION", insert "OR ORDER".

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

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

HB03-1232 by Representative(s) Stafford, Spradley; also Senator(s) Johnson S.--Concerning evidence of admissions in civil proceedings related to the provision of medical care.

HB03-1232

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	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	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

HB03-1313

by Representative(s) Wiens, May M., Harvey; also Senator(s) Evans, Lamborn--Concerning the exclusion of particular regions from the motor vehicle emissions program area by rule promulgated by the air quality control commission.

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

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

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

HB03-1267

by Representative(s) McCluskey; also Senator(s) Taylor--Concerning the repeal of the statutory provision that limits a governmental entity from imposing a surcharge upon any person using an alternative form of payment for the payment of moneys to the state.

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	N	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**.

SB03-250

by Senator(s) Sandoval, Anderson; also Representative(s) Spence, Marshall, Williams S.--Concerning the merger of a school district retirement system with another public employee retirement system.

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

SB03-250

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: Andrews, Arnold, Evans, Groff, Hanna, Jones, Lamborn, May, Phillips, and Tapia.

HB03-1312 by Representative(s) Larson, Decker, Groff, Jahn, Judd, Lee, Marshall, Romanoff, Rose, Smith, Stengel, White, Witwer; also Senator(s) Anderson--Concerning the authority to direct the disposition of a person's last remains.

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: Lamborn.

HB03-1153 by Representative(s) Weddig; also Senator(s) Hanna--Concerning the conduct of absentee mail ballot elections.

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: Evans, Groff, and Kester.

HB03-1007 by Representative(s) Williams T., Clapp; also Senator(s) Hillman--Concerning the limitation on noneconomic damages for certain physical injuries in medical malpractice actions.

Laid over until later in the day, Wednesday, March 26.

HB03-1241 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification on election ballots.

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HB03-1241

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

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

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

Co-sponsors added: Arnold, Cairns, Chlouber, Evans, Jones, Lamborn, May, and Teck.

IMMEDIATE RECONSIDERATION OF HB03-1241

HB03-1241 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification on election ballots.

Having voted on the prevailing side, Senator Phillips moved for immediate reconsideration of the last Senate action, Third Reading--Final Passage of **HB03-1241**.

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

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:

HB03-1241 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning signature verification on election ballots.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	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	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	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: Dyer, Kester, and Nichol.

Committee of the Whole

On motion of Senator Hillman, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Hillman was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

HB03-1207 by Representative(s) Briggs; also Senator(s) Entz--Concerning a modification to the statutory provisions regarding special districts to allow a municipality to agree to be the approving authority of a special district that was originally approved by a board of county commissioners but has since become wholly contained within the boundaries of the municipality by annexation.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, March 12, page 621 and placed in members' bill files.)

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

HB03-1197 by Representative(s) May M., Judd; also Senator(s) Taylor, Anderson--Concerning the use of confidential communications between certified public accountants and clients in proceedings relating to the attest activities of certified public accountants, and, in connection therewith, creating an exception to the Colorado accountant-client privilege for purposes of disciplinary functions of the state board of accountancy related to attest services.

As amended in General Orders--Second Reading, March 14, pages 655-656.

Laid over until Friday, March 28, retaining its place on the calendar.

HB03-1253 by Representative(s) Stengel, Briggs, Coleman, Larson, Ragsdale, Stafford; also Senator(s) Kester--Concerning the prevention of discriminatory trade practices in the payment of motor vehicle insurance claims for the repair of damaged motor vehicles.

Amendment No. 1(L.007), by Senator Kester.

Strike the Transportation Committee Report, dated March 11, 2003, and substitute the following:

"Amend reengrossed bill, page 5, line 15, after "BUSINESS;", insert "EXCEPT THAT A DISINCENTIVE DOES NOT INCLUDE WARRANTY OR GUARANTY REPAIRS OR PROVIDING A BENEFICIARY OR CLAIMANT WITH A LIST OF THE REPAIR BUSINESSES THAT ARE LOCATED CLOSE TO THE BENEFICIARY OR CLAIMANT OR THAT MEET OR EXCEED INDUSTRY STANDARDS OF QUALITY, SERVICE, OR SAFETY;" .

Page 6, line 7, after "INSURER", insert "COVERING DAMAGES THAT ARE VISIBLE OR EVIDENT AT THE TIME OF INSPECTION";

line 11, strike "BIDS" and substitute "BIDS, GENERALLY ACCEPTED INSURER-BASED METHODOLOGY,";

line 14, strike "AND" and substitute "OR";

line 18, strike "PARTS;" and substitute "PARTS, LESS ANY APPLICABLE DEDUCTIBLE;" ;

line 19, strike "AND" and substitute "OR";

line 20, strike "WHEN" and substitute "WITHIN THREE BUSINESS DAYS AFTER";

strike lines 21 through 27.

Reletter succeeding paragraphs accordingly.

Page 7, line 2, strike "LOCATION," and substitute "LOCATION THAT IS WITHIN A REASONABLE DISTANCE,";

line 8, before "AFFILIATION", insert "OWNERSHIP BY OR THROUGH AN";

line 9, strike "INSURER." and substitute "INSURER WHEN THE RECOMMENDATION IS MADE.";

line 10, strike "(a)", and strike "WRITTEN";

strike lines 13 through 25." .

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HB03-1253

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

(For further action, see Roll Call Vote, pages 751-752.)

HB03-1142

by Representative(s) Crane, Clapp, Fairbank, Fritz, Harvey, Hefley, King, Lee, May M., Mitchell, Rhodes, Schultheis, Spence, Stafford, White; also Senator(s) Chlouber, Lamborn-- Concerning minor political parties.

Laid over until Friday, March 28, retaining its place on the calendar.

HB03-1160

by Representative(s) Spence, Briggs, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Spradley, Stafford, White, Williams T., Witwer; also Senator(s) Anderson--Concerning the provision of financial assistance for kindergarten through twelfth grade education to disadvantaged children.

Amendment No. 1, Finance Committee Amendment.

(Printed in Senate Journal, March 13, pages 629-630 and placed in members' bill files.)

Amendment No. 2(L.044), by Senator Anderson.

Amend Finance Committee Report, dated March 11, 2003, page 1, strike lines 1 and 2 and substitute the following:

"Amend reengrossed bill, page 5, line 3, strike "___ U.S. __," and substitute "536 U.S. 639,".

Page 6, strike lines 12 and 13 and substitute the following:".

Amendment No. 3(L.056), by Senator Anderson.

Amend reengrossed bill, page 7, line 16, strike "CHILD:" and substitute "CHILD WAS CONTINUOUSLY ENROLLED IN AND ATTENDING A PUBLIC SCHOOL DURING THE PREVIOUS SCHOOL YEAR AND:";

line 19, after "AVAILABLE;", insert "OR";

line 23, strike "AVAILABLE; OR" and substitute "AVAILABLE.";

strike lines 24 through 27 and substitute the following:

"(II) FOR CHILDREN ENTERING OR ENROLLED IN ONE OF GRADES ONE THROUGH THREE, THE CHILD:

(A) WAS CONTINUOUSLY ENROLLED IN AND ATTENDING A PUBLIC SCHOOL DURING THE PREVIOUS SCHOOL YEAR;" .

Page 8, line 1, strike "(A)" and substitute "(B)";

line 4, strike "(B)" and substitute "(C)";

after line 8, insert the following:

"(III) FOR CHILDREN ENTERING OR ENROLLED IN KINDERGARTEN, THE CHILD:

(A) LACKS OVERALL LEARNING READINESS ATTRIBUTABLE TO AT LEAST THREE SIGNIFICANT FAMILY RISK FACTORS, AS DESCRIBED IN SECTION 22-28-106; OR

(B) RESIDES IN AN AREA IN WHICH THE CHILD'S NEIGHBORHOOD SCHOOL, AS DEFINED IN SECTION 22-1-122 (2) (c), IS A PUBLIC SCHOOL IN THE SCHOOL DISTRICT THAT RECEIVED AN ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604 (5)."

Page 13, after line 13, insert the following:

"(9) A CHILD WHO WAS CONTINUOUSLY ENROLLED IN AND ATTENDING A NONPUBLIC SCHOOL, OR PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION

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22-33-104.5, SHALL NOT BE ENTITLED TO PARTICIPATE IN THE PILOT PROGRAM IN THE SCHOOL YEAR FOLLOWING THE SCHOOL YEAR IN WHICH THE CHILD ATTENDED THE NONPUBLIC SCHOOL OR PARTICIPATED IN THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM; EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION (9) SHALL NOT APPLY IF THE CHILD WAS ENROLLED IN THE NONPUBLIC SCHOOL THROUGH PARTICIPATION IN THE PILOT PROGRAM."

Amendment No. 4(L.070), by Senator Philips.

Amend the Finance Committee Report, dated March 11, 2003, page 1, strike lines 1 through 3;

line 4, before "strike", insert "Amend reengrossed bill, page 6,".

Amendment No. 5(L.071), by Senator Anderson.

Amend reengrossed bill, page 11, strike lines 3 through 14.

Renumber succeeding subparagraph accordingly.

Page 11, line 16, strike "TO (III)" and substitute "AND (II)".

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.)

HB03-1237 by Representative(s) Judd; also Senator(s) Lamborn--Concerning technical modifications to the statutes enforced by the administrator of the "Uniform Consumer Credit Code", and, in connection therewith, amending or repealing obsolete, inconsistent, and conflicting provisions of law.

Laid over until Thursday, March 27, retaining its place on the calendar.

SB03-121 by Senator(s) McElhany; also Representative(s) Williams T.--Concerning the preparation of a cost-benefit analysis of rules proposed for adoption by state agencies under the "State Administrative Procedure Act" to determine the impact of the proposed rules on the state's economy.

Laid over until Thursday, March 27, retaining its place on the calendar.

HB03-1001 by Representative(s) Hoppe; also Senator(s) Johnson S.--Concerning increased flexibility in the use of water resources.

As amended, in General Orders--Second Reading, March 21, page 699.

Laid over until Friday, March 28, retaining its place on the calendar.

HB03-1010 by Representative(s) Salazar; also Senator(s) Entz--Concerning the frequency of applications necessary to qualify for disabled veteran license plates.

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

HB03-1033 by Representative(s) Spradley, Jahn, Tochtrop; also Senator(s) Hagedorn--Concerning the implementation of the federal "Employee Retirement Income Security Act" with regard to the administration of requests for health benefits.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, March 13, pages 633-634 and placed in members' bill files.)

Amendment No. 2(L.018), by Senator Hagedorn.

Amend the Business Affairs and Labor Committee Report, dated March 12, 2003, page 1, strike lines 2 through 6 and substitute the following:

"substitute "coverage";

line 14, strike "A BENEFIT" and substitute "A COVERED BENEFIT".

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Page 3, line 16, after "PERSON", insert "AND THE COVERED PERSON'S DESIGNATED REPRESENTATIVE";

line 19, after "PERSON", insert "AND THE COVERED PERSON'S DESIGNATED REPRESENTATIVE";

line 23, strike "GROUP";

strike lines 8 through 13 of the committee report and substitute the following:

"line 26, strike "POLICYHOLDER OR" and substitute "COVERED PERSON AND THE COVERED PERSON'S REPRESENTATIVE";

line 27, strike "INSURED".

Page 4, line 5, after "PERSON", insert "AND THE COVERED PERSON'S DESIGNATED REPRESENTATIVE";

line 8, strike "POLICYHOLDER OR", and substitute "COVERED PERSON AND THE COVERED PERSON'S DESIGNATED REPRESENTATIVE";

line 9, strike "INSURED";

line 15, strike "GROUP".

Page 2 of the committee report, strike lines 1 through 5 and substitute the following:

"line 18, strike "PERSON; AND" and substitute "PERSON AND THE COVERED PERSON'S DESIGNATED REPRESENTATIVE; AND".

Page 5, line 5, before "BENEFITS", insert "COVERED";

line 8, strike "decision, except as provided in subparagraph (II) of this" and substitute "decision ~~except as provided in subparagraph (II) of this~~";

line 9, strike "paragraph (b)," and substitute "~~paragraph (b)~~";

line 11, strike "MIRROR" and substitute "REFLECT";

after line 6 of the committee report, insert the following:

"Page 6, line 17, before "BENEFITS", insert "COVERED".

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

HB03-1294 by Representative(s) Stafford, Williams S.; also Senator(s) McElhany--Concerning health insurance for employers with fewer than fifty-one employees.

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.)

The remaining bills on the Second Reading--General Orders calendar were laid over until Thursday, March 27, retaining their place: HB03-1012, HB03-1129, HB03-1303, HB03-1263, HB03-1020, HB03-1251, SB03-242, HB03-1305, SB03-246, HB03-1159, HB03-1092, HB03-1121.

ROLL CALL VOTE ON HB03-1253

HB03-1253 by Representative(s) Stengel, Briggs, Coleman, Larson, Ragsdale, Stafford; also Senator(s) Kester--Concerning the prevention of discriminatory trade practices in the payment of motor vehicle insurance claims for the repair of damaged motor vehicles.

Senator McElhany moved for a roll call vote on **HB03-1253**.

HB03-1253

The bill, as amended, was declared passed by the following roll call vote:

YES	28	NO	7	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	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	N	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	N	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB03-1160 by Representative(s) Spence, Briggs, Cadman, Clapp, Crane, Fairbank, Harvey, Hefley, King, Lee, Lundberg, Rhodes, Rose, Schultheis, Spradley, Stafford, White, Williams T., Witwer; also Senator(s) Anderson--Concerning the provision of financial assistance for kindergarten through twelfth grade education to disadvantaged children.

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment (L.062), to **HB03-1160**, did pass:

Amend reengrossed bill, page 22, after line 10, insert the following:

"22-56-111. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2009."

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment (L.063), to **HB03-1160**, did pass:

Amend reengrossed bill, page 6, strike lines 8 through 19 and substitute the following:

"(10) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT CHOOSES TO PARTICIPATE IN THE PILOT PROGRAM PURSUANT TO SECTION 22-56-104 (1) (b)."

Page 7, strike lines 1 through 3 and substitute the following:

"(b) ANY SCHOOL DISTRICT IN THE STATE MAY PARTICIPATE VOLUNTARILY IN THE PILOT PROGRAM. A SCHOOL DISTRICT SHALL".

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

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YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment (L.064), to **HB03-1160**, did pass:

Amend reengrossed bill, page 21, strike line 24 and substitute the following:

"repeal. (1) THE SCHOOL DISTRICT SHALL MAKE AVAILABLE TO THE PUBLIC, ON AN ANNUAL BASIS AND THROUGH THE USE OF NON-IDENTIFYING DATA, THE RESULTS OF THE STATEWIDE ASSESSMENT ADMINISTERED TO ELIGIBLE CHILDREN WHO ARE ENROLLED IN AND ATTENDING A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM AND WHO ARE INCLUDED IN THE SCHOOL DISTRICT'S PUPIL ENROLLMENT PURSUANT TO SECTION 22-54-103 (10) (a) (III).

(2) A SCHOOL DISTRICT SHALL EVALUATE THE ACADEMIC".

Page 22, line 10, strike "(2)" and substitute "(3)".

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment (L.065), to **HB03-1160**, did pass:

Amend reengrossed bill, page 14, line 24, after "ORIGIN,", insert "SEXUAL ORIENTATION,".

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

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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 Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment (L.066), to **HB03-1160**, did pass:

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Amend reengrossed bill, page 15, after line 9, insert the following:

"(g) THE NONPUBLIC SCHOOL AGREES TO LIMIT THE TUITION CHARGED TO AN ELIGIBLE CHILD ATTENDING THE NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM TO AN AMOUNT NOT TO EXCEED THE ACTUAL EDUCATIONAL COST PER PUPIL, AS DESCRIBED IN SECTION 22-56-108 (2)."

Reletter succeeding paragraphs accordingly.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.046), to **HB03-1160**, did pass:

Amend reengrossed bill, page 15, after line 1, insert the following:

"(e) THE NONPUBLIC SCHOOL AGREES TO PROVIDE, FOR EACH ELIGIBLE CHILD ENROLLED IN AND ATTENDING THE NONPUBLIC SCHOOL PURSUANT TO THE PILOT PROGRAM, A MONTHLY SUMMARY OF THE ELIGIBLE CHILD'S ATTENDANCE TO THE ELIGIBLE CHILD'S PARENT THROUGHOUT THE SCHOOL YEAR, WHICH SUMMARY SHALL BE SIGNED BY THE PARENT AND FORWARDED TO THE SCHOOL DISTRICT OF RESIDENCE OF THE ELIGIBLE CHILD;"

Reletter succeeding paragraphs accordingly.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.047), to **HB03-1160**, did pass:

Amend reengrossed bill, page 9, strike lines 16 through 27 and substitute the following:

"(5) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, NO MORE THAN ONE PERCENT OF A SCHOOL DISTRICT'S STUDENT ENROLLMENT FOR THE PREVIOUS SCHOOL YEAR MAY PARTICIPATE IN THE PILOT PROGRAM, AND SUCH NUMBER SHALL BE KNOWN AS THE SCHOOL DISTRICT'S PARTICIPATION CAP."

Page 10, strike lines 1 through 3.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.049), to **HB03-1160**, did pass:

Amend reengrossed bill, page 7, strike lines 17 through 23 and substitute the following:

"(A) PERFORMED AT THE PROFICIENCY LEVEL OF "UNSATISFACTORY" IN AT LEAST ONE ACADEMIC AREA ON THE MOST RECENT STATEWIDE ASSESSMENT FOR WHICH DATA IS AVAILABLE, AND THE PERFORMANCE IS BASED ON A GOOD FAITH EFFORT TO COMPLETE THE ASSESSMENT AND IS NOT BASED ON STUDENT ABSENCE OR REFUSAL TO COMPLETE THE ASSESSMENT;

(B) PERFORMED AT THE PROFICIENCY LEVEL EQUIVALENT TO "UNSATISFACTORY" IN READING, WRITING, OR MATHEMATICS ON THE MOST RECENT CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAMS FOR WHICH DATA IS AVAILABLE, AND THE PERFORMANCE IS BASED ON A GOOD FAITH EFFORT TO COMPLETE THE EXAM AND IS NOT BASED ON STUDENT ABSENCE OR REFUSAL TO COMPLETE THE EXAM; OR".

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.051), to **HB03-1160**, did pass:

Amend reengrossed bill, page 8, line 18, strike "ONCE" and substitute "EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8) OF THIS SECTION, ONCE".

Page 12, after line 27, insert the following:

"(IV) THE ELIGIBLE CHILD, WHILE PARTICIPATING IN THE PILOT PROGRAM, PERFORMED AT THE PROFICIENCY LEVEL OF "UNSATISFACTORY" OR ITS EQUIVALENT IN AT LEAST ONE ACADEMIC AREA ON A STATEWIDE ASSESSMENT, OR IN READING, WRITING, OR MATHEMATICS ON THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM, FOR TWO SUCCESSIVE SCHOOL YEARS."

Re-number succeeding subparagraphs accordingly.

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

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YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.053), to **HB03-1160**, did pass:

Amend reengrossed bill, page 15, after line 1, insert the following:

"(e) THE NONPUBLIC SCHOOL MEETS ALL REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101, ET SEQ., AS AMENDED;"

Reletter succeeding paragraphs accordingly.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.054), to **HB03-1160**, did pass:

Amend reengrossed bill, page 15, before line 2, insert the following:

"(e) THE NONPUBLIC SCHOOL MEETS ALL REQUIREMENTS OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT" AND THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE, IN PROVIDING EDUCATIONAL SERVICES TO AN ELIGIBLE CHILD WHO HAS AN INDIVIDUAL EDUCATIONAL PROGRAM;"

Reletter succeeding paragraphs accordingly.

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.058), to **HB03-1160**, did pass:

Amend reengrossed bill, page 12, line 24, strike "SIXTY" and substitute "NINETY";

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strike lines 26 and 27 and substitute the following:

"UNLESS THE ATTENDANCE FAILURE IS DUE TO THE ELIGIBLE CHILD BEING TEMPORARILY ILL OR INJURED OR AN ABSENCE THAT IS APPROVED BY THE ADMINISTRATOR OF THE PARTICIPATING NONPUBLIC SCHOOL, OR UNLESS THE ELIGIBLE CHILD IS ABSENT FOR AN EXTENDED PERIOD DUE TO PHYSICAL, MENTAL, OR EMOTIONAL DISABILITY;"

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.059), to **HB03-1160**, did pass:

Amend reengrossed bill, page 5, line 1, strike "AND";

strike lines 2 through 5 and substitute the following:

"(c) IS NEUTRAL WITH RESPECT TO RELIGION AND PROVIDES ASSISTANCE DIRECTLY TO A BROAD CLASS OF CITIZENS WHO, IN TURN, DIRECT GOVERNMENT AID TO RELIGIOUS SCHOOLS WHOLLY AS A RESULT OF THEIR OWN GENUINE AND INDEPENDENT PRIVATE CHOICE, AND THUS CONTAINS THE ESSENTIAL COMPONENTS DESCRIBED IN ZELMAN V. SIMMONS-HARRIS, 536 U.S. 639, 122 S.Ct. 2460, 153 L.Ed.2d. 604 (2002); AND

(d) HAS A CLEAR SECULAR PURPOSE OF PROVIDING AN EDUCATIONAL OPPORTUNITY THAT OTHERWISE MIGHT NOT BE WITHIN THE MEANS OF SOME COLORADO FAMILIES, DOES NOT HAVE THE PRIMARY EFFECT OF ADVANCING OR INHIBITING RELIGION, AND HAS NO RISK OF GOVERNMENTAL ENTANGLEMENT WITH RELIGION TO ANY CONSTITUTIONALLY SIGNIFICANT DEGREE, AND THUS MEETS THE STANDARDS SET FORTH IN AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE FUND, INC. V. STATE, 648 P.2D 1072 (COLO. 1982)."

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.068), to **HB03-1160**, did pass:

Amend reengrossed bill, page 15, line 14, strike "AND";

line 18, strike "CURRICULUM." and substitute "CURRICULUM; AND";

after line 18, insert the following:

HB03-1160

"(i) THE NONPUBLIC SCHOOL DISCLOSES WHETHER THE BUILDING IS IN COMPLIANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101, ET SEQ., AS AMENDED, AND PROVIDES INFORMATION ABOUT THE PROGRAMS AVAILABLE TO THE SCHOOL'S STUDENTS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, ET SEQ., AND THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE."

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following Windels floor amendment (L.069), to **HB03-1160**, did pass:

Amend reengrossed bill, page 22, line 8, strike "FINANCIAL" and substitute "FINANCIAL, PROGRAMMATIC, AND STAFFING".

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

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the following amendment to **HB03-1160** did pass:

Amend the Finance Committee Report, dated March 11, 2003, page 3, strike lines 4 through 6 and substitute the following:

""SECTION 3. Refer to people under referendum. This act shall be submitted to a vote of the registered electors of the state of Colorado at the next biennial regular general election, for their approval or rejection, under the provisions of the referendum as provided for in section 1 of article V of the state constitution, and in article 40 of title 1, Colorado Revised Statutes. Each elector voting at said election and desirous of voting for or against said act shall cast a vote as provided by law either "Yes" or "No" on the proposition: "SHALL THERE BE A PILOT PROGRAM ESTABLISHED TO PROVIDE FINANCIAL ASSISTANCE TO DISADVANTAGED CHILDREN ENTERING OR ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE SO THEY MAY ATTEND NONPUBLIC SCHOOLS?" The votes cast for the adoption or rejection of said act shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress."

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

HB03-1160

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	N	Linkhart	Y	Tapia	Y
Chlouber	N	Hanna	Y	May	N	Taylor	N
Dyer	N	Hillman	N	McElhany	N	Teck	N
Entz	N	Isgar	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		

HB03-1294 by Representative(s) Stafford, Williams S.; also Senator(s) McElhany--Concerning health insurance for employers with fewer than fifty-one employees.

Senator Phillips moved to amend the Report of the Committee of the Whole to show that the Business Affairs & Labor Committee amendment to **HB03-1294**, printed in Senate Journal, March 13, pages 633-634, did pass.

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

YES	16	NO	19	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	N	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 Tapia moved to amend the Report of the Committee of the Whole to show that the following Tapia floor amendment (L.011), to **HB03-1294**, did pass:

Amend reengrossed bill, page 3, line 23, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE".

Page 5, line 13, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE";

line 20, strike "HEALTH";

line 21, strike "STATUS" and substitute "CLAIMS EXPERIENCE".

Page 6, line 3, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE";

line 8, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE";

line 15, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE";

line 21, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE".

Page 7, line 1, strike "HEALTH STATUS" and substitute "CLAIMS EXPERIENCE".

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

YES	17	NO	18	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	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		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Hillman, 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: HB03-1207 as amended, HB03-1253 as amended, HB03-1160 as amended, HB03-1010, HB03-1033 as amended, HB03-1294.

Laid over until Thursday, March 27: HB03-1237, SB03-121, HB03-1012, HB03-1129, HB03-1303, HB03-1263, HB03-1020, HB03-1251, SB03-242, HB03-1305, SB03-246, HB03-1159, HB03-1092, HB03-1121.

Laid over until Friday, March 28: HB03-1197 as amended, HB03-1142, HB03-1001 as amended.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **HB03-1140** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources and Energy After consideration on the merits, the Committee recommends that **HJR03-1012** be referred to the Senate for final action.

State, Veterans and Military Affairs After consideration on the merits, the Committee recommends that **HB03-1256** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 17, after line 3, insert the following:

"SECTION 10. Legislative declaration - voter approval.

(1) The general assembly finds and declares that:

(a) There is no final court opinion determining whether the lease-purchase agreements authorized by this act constitute multi-year financial obligations that would require voter approval pursuant to section 20 (4) (b) of article X of the state constitution;

(b) Given the size of the projects, it is reasonable that the voters who approved section 20 of article X of the state constitution would have expected that financial transactions of this size would be submitted to them separately for approval pursuant to that section; and

(c) Therefore, the authorization of the construction of the Colorado state penitentiary II and the academic facilities for the university of Colorado health sciences center should each be referred to a vote of the people pursuant to the provisions of section 20 of article X of the state constitution.

SECTION 11. Article 21 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-21-111. Submission of ballot questions regarding approval of lease-purchase agreements. (1) (a) THE SECRETARY OF STATE SHALL SUBMIT A BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE STATE OF COLORADO AT THE STATEWIDE ELECTION TO BE HELD IN NOVEMBER, 2003, FOR THEIR APPROVAL OR REJECTION. EACH ELECTOR VOTING AT SAID NOVEMBER ELECTION SHALL CAST A VOTE AS PROVIDED BY LAW EITHER "YES" OR "NO" ON THE PROPOSITION: "SHALL STATE DEBT BE INCREASED BY UP TO \$102,800,000 WITH A MAXIMUM REPAYMENT COST OF \$138,500,000 WITH NO NEW TAXES FOR THE PURPOSE OF AUTHORIZING A LEASE-PURCHASE AGREEMENT FOR COLORADO STATE PENITENTIARY II?"

HB03-1256

(b) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF THE QUESTION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE CANVASSED AND THE RESULT DETERMINED IN THE MANNER PROVIDED BY LAW FOR THE CANVASSING OF VOTES FOR REPRESENTATIVES IN CONGRESS.

(2) (a) THE SECRETARY OF STATE SHALL SUBMIT A BALLOT QUESTION TO A VOTE OF THE REGISTERED ELECTORS OF THE STATE OF COLORADO AT THE STATEWIDE ELECTION TO BE HELD IN NOVEMBER, 2003, FOR THEIR APPROVAL OR REJECTION. EACH ELECTOR VOTING AT SAID NOVEMBER ELECTION SHALL CAST A VOTE AS PROVIDED BY LAW EITHER "YES" OR "NO" ON THE PROPOSITION: "SHALL STATE DEBT BE INCREASED BY UP TO \$202,876,109 WITH A MAXIMUM REPAYMENT COST OF \$387,200,000 WITH NO NEW TAXES FOR THE PURPOSE OF AUTHORIZING LEASE-PURCHASE AGREEMENTS FOR ACADEMIC FACILITIES FOR THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER AT THE FORMER FITZSIMONS ARMY BASE?"

(b) THE VOTES CAST FOR THE ADOPTION OR REJECTION OF THE QUESTION SUBMITTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL BE CANVASSED AND THE RESULT DETERMINED IN THE MANNER PROVIDED BY LAW FOR THE CANVASSING OF VOTES FOR REPRESENTATIVES IN CONGRESS.

SECTION 12. Effective date. (1) This act shall take effect July 1, 2003; except that:

(a) Section 2 of this act shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor, but only if approved by the voters pursuant to section 24-21-111 (1), Colorado Revised Statutes.

(b) Sections 3 and 6 through 9 of this act shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor, but only if approved by the voters pursuant to section 24-21-111 (2), Colorado Revised Statutes."

Renumber succeeding section accordingly.

State, Veterans and Military Affairs

After consideration on the merits, the Committee recommends that **HB03-1214** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 12 through 14 and substitute "MAJOR BODILY FUNCTION."

Page 3, strike lines 4 through 6 and substitute the following:

"SECTION 3. Effective date. This act shall take effect July 1, 2004."

State, Veterans and Military Affairs

After consideration on the merits, the Committee recommends that **HB03-1128** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans and Military Affairs

The Committee returns herewith House Bill 03-1112 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

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State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **HB03-1089** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 2, after the period, add "IN ADDITION, AN OWNER MAY NOT BE REIMBURSED UNDER THE PROVISIONS OF THIS SUBSECTION (1.5) WHERE THE CONDEMNING AUTHORITY FOLLOWS THE REQUIREMENTS OF THE "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SECTIONS 4321, ET SEQ., AND THE COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS, 40 C.F.R. PARTS 1500-1508, TO OBTAIN CLEARANCE FOR PROJECT CONSTRUCTION INVOLVING FEDERAL FUNDS UNLESS THE AWARD BY THE COURT IN THE PROCEEDINGS EQUALS OR EXCEEDS TWO HUNDRED PERCENT OF THE CONDEMNING AUTHORITY'S FINAL WRITTEN OFFER OF SETTLEMENT FURNISHED TO THE OWNER AS REQUIRED IN SECTION 38-1-121 (6). THE PROVISIONS OF THIS SUBSECTION (1.5) SHALL NOT APPLY TO ANY CONDEMNATION PROCEEDING SEEKING TO ACQUIRE RIGHTS-OF-WAY UNDER ARTICLE 4, 5, OR 5.5 OF THIS TITLE."

APPOINTMENTS TO CONFERENCE COMMITTEE

The President appointed Senators Chlouber, Chairman, Hillman, and Grossman as Senate Conferees on the First Conference Committee on **SB03-065**.

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

SENATE SERVICES REPORT

Senate
Services

Correctly printed: SR03-013;
SJR03-031.

Correctly engrossed: SB03-250.

Correctly reengrossed: SB03-237.

Correctly revised: HB03-1007, 1153, 1232, 1241, 1267, 1312, 1313.

Correctly rerevised: HB03-1050, 1053, 1083, 1087, 1186, 1219, 1228, 1297.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

CORRECTED MESSAGE --

The President has signed (March 20, 2003): SB03-060, 097, 164.

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 March 26, was laid over until Thursday, March 27, retaining its place on the calendar.

Third Reading--Final Passage of Bills: HB03-1007.

Consideration of Resolutions: SJR03-028, SJR03-030, SJR03-027, SJR03-031.

Consideration of Memorial: SJM03-002.

Consideration of House Amendments to Senate Bills: SB03-117, SB03-098, SB03-133, SB03-009, SB03-067, SB03-226.

Consideration of Governor's Vetoes: SB03-207.

Consideration of Governor's Appointment:

Member of the Medical Services Board.

Conference Committees to Report: HB03-1161, HB03-1103, HB03-1301, HB03-1025.

Request for Conference Committee: SB03-065.

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On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Thursday, March 27, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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