

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

Fifty-second Legislative Day

Friday, February 28, 2003

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Prayer	By the chaplain, Reverend Dr. Kathryn Towne.	11
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Pledge	By Senator Takis.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present-- 32.	18
	Absent/Excused--3; Anderson, Reeves, Windels.	19
	Present later--Windels.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Grossman, reading of the Journal of February 27, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	24
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Judiciary	After consideration on the merits, the Committee recommends that HB03-1117 be referred to the Committee of the Whole with favorable recommendation.	31
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Judiciary	After consideration on the merits, the Committee recommends that HB03-1079 be referred to the Committee of the Whole with favorable recommendation.	35
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Judiciary	After consideration on the merits, the Committee recommends that HB03-1109 be referred to the Committee of the Whole with favorable recommendation.	39
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Judiciary	After consideration on the merits, the Committee recommends that SB03-125 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	43
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	Amend printed bill, page 4, line 1, after "POSSESSION", insert "BY A PASSENGER, BUT NOT INCLUDING THE DRIVER,".	48
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	Page 12, strike lines 20 through 22 and substitute the following:	51
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	"SECTION 10. Effective date - applicability. (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect September 30, 2003, and shall apply to acts committed on or after said date.	53
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	(2) This act shall only take effect if Senate Bill 03-192 is enacted at the first regular session of the sixty-fourth general assembly and becomes law.".	58
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Finance	After consideration on the merits, the Committee recommends that HB03-1156 be referred to the Committee of the Whole with favorable recommendation.	62
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Finance After consideration on the merits, the Committee recommends that **HB03-1104** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs and Labor After consideration on the merits, the Committee recommends that **SB03-162** be postponed indefinitely.

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 COLORADO CHILDREN'S TRUST FUND BOARD

for terms expiring November 7, 2004:

Thomas H. McMillen of Golden, Colorado, to serve as a representative with knowledge of child abuse prevention, reappointed;

Cynthia S. Honssinger of Denver, Colorado, to fill the vacancy occasioned by the resignation of Brian E. Williamson and to serve as a member knowledgeable in the area of law, appointed.

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 HAZARDOUS WASTE COMMISSION

for terms expiring August 1, 2005:

Christina M. Aguilera of Westminster, Colorado, to serve as a representative of the academic community and as Unaffiliated, appointed;

Diane M. Johnson of Arvada, Colorado, to serve as a representative of the regulated community and as a Democrat, reappointed;

William J. Kelso of Centennial, Colorado, to serve as a representative of the public and as a Republican, appointed.

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 MEDICAL SERVICES BOARD

for terms expiring July 1, 2006:

Michael Oliva of Parker, Colorado, to serve as a Republican from the Sixth Congressional District, reappointed;

Joan M. Johnson of Denver, Colorado, to serve as a Democrat from the Seventh Congressional District, appointed.

Health, Environment, Welfare & Institutions After consideration on the merits, the Committee recommends that **HB03-1014** be referred to the Committee of the Whole with favorable recommendation.

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Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that HB03-1101 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4 5
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that HB03-1063 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9 10
Health, Environment, Welfare & Institutions	After consideration on the merits, the Committee recommends that HB03-1038 be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14 15
Local Government	After consideration on the merits, the Committee recommends that HB03-1281 be referred to the Committee of the Whole with favorable recommendation.	16 17 18 19
Local Government	After consideration on the merits, the Committee recommends that HB03-1077 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	20 21 22 23
	Amend reengrossed bill, page 3, line 22, after "COUNTY" insert "OR COUNTIES";	24 25 26
	line 24, strike "COUNTY." and substitute "COUNTY OR COUNTIES.".	27 28
	Page 4, line 11, strike "PLAN," and substitute "PLAN TO WHICH THE MUNICIPALITY IS NOT A PARTY,".	29 30 31 32
Education	After consideration on the merits, the Committee recommends that HB03-1032 be referred to the Committee of the Whole with favorable recommendation.	33 34 35 36
Education	After consideration on the merits, the Committee recommends that SB03-149 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	37 38 39 40
	Amend printed bill, strike everything below the enacting clause and substitute the following:	41 42 43
	SECTION 1. 22-44-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:	44 45 46
	22-44-102. Definitions. As used in this part 1, unless the context otherwise requires:	47 48 49
	(6.5) "MODIFIED ACCRUAL BASIS" MEANS A BASIS OF ACCOUNTING THAT IS BASED ON WHEN REVENUE AND OTHER FINANCING SOURCES ARE DUE AND AVAILABLE AND WHEN OBLIGATIONS OR LIABILITIES ARE INCURRED FOR EXPENDITURES AND OTHER FINANCING USES.	50 51 52 53 54
	SECTION 2. The introductory portion to 22-44-105 (1), Colorado Revised Statutes, is amended, and the said 22-44-105 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:	55 56 57 58 59
	22-44-105. Budget - contents - mandatory. (1) The budget shall be presented in the format established by the state board of education by rule and regulation and shall adhere to the following guidelines:	60 61 62 63
	(a.3) (I) THE BUDGET SHALL BE CONSTRUCTED USING THE MODIFIED ACCRUAL BASIS OF ACCOUNTING.	64 65 66 67

SB03-149

(II) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2003, BUT PRIOR TO JULY 1, 2013, A SCHOOL DISTRICT SHALL IMPLEMENT THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.3) TO THE EXTENT FEASIBLE. FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2013, A SCHOOL DISTRICT SHALL FULLY IMPLEMENT THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.3).

(c.5) THE BUDGET SHALL ENSURE THAT THE SCHOOL DISTRICT HOLDS UNRESTRICTED GENERAL FUND OR CASH FUND EMERGENCY RESERVES IN THE AMOUNT REQUIRED UNDER THE PROVISIONS OF SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 3. 22-44-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-44-105. Budget - contents - mandatory. (1.5) (a) A BUDGET ADOPTED PURSUANT TO THIS ARTICLE SHALL NOT PROVIDE FOR EXPENDITURES, INTERFUND TRANSFERS, OR RESERVES, IN EXCESS OF AVAILABLE REVENUES AND BEGINNING FUND BALANCES.

(b) FOR FISCAL YEARS BEGINNING PRIOR TO JULY 1, 2013, IF A SCHOOL DISTRICT DOES NOT USE THE MODIFIED ACCRUAL BASIS OF ACCOUNTING, THE SCHOOL DISTRICT SHALL PREPARE AN ITEMIZED RECONCILIATION BETWEEN THE FISCAL YEAR END FUND BALANCES BASED ON THE BASIS OF ACCOUNTING USED BY THE SCHOOL DISTRICT AND THE FISCAL YEAR END FUND BALANCES BASED ON THE MODIFIED ACCRUAL BASIS OF ACCOUNTING. THE RECONCILIATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE LIABILITY FOR ACCRUED SALARIES AND RELATED BENEFITS. THE RECONCILIATION SHALL BE INCLUDED WITH THE FINAL VERSION OF THE AMENDED BUDGET AND THE ANNUAL AUDITED FINANCIAL STATEMENTS.

SECTION 4. 22-44-103 (1), Colorado Revised Statutes, is amended to read:

22-44-103. Budget and appropriation - required. (1) The board of education of each school district shall adopt a budget and an appropriation resolution for each fiscal year, prior to the beginning of the fiscal year. THE BOARD SHALL ENSURE THAT THE DISTRICT USES GENERALLY ACCEPTED ACCOUNTING PRINCIPLES IN PREPARING THE BUDGET. THE BOARD SHALL ENSURE THAT THE DISTRICT USES THE FULL ACCRUAL BASIS OF ACCOUNTING WHEN BUDGETING AND ACCOUNTING FOR ANY ENTERPRISE FUNDS INCLUDED IN THE DISTRICT BUDGET.

SECTION 5. 22-45-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-45-101. Definitions. As used in this article, unless the context otherwise requires:

(2.7) "MODIFIED ACCRUAL BASIS" MEANS A BASIS OF ACCOUNTING THAT IS BASED ON WHEN REVENUE AND OTHER FINANCING SOURCES ARE DUE AND AVAILABLE AND WHEN OBLIGATIONS OR LIABILITIES ARE INCURRED FOR EXPENDITURES AND OTHER FINANCING USES.

SECTION 6. 22-45-102 (1), Colorado Revised Statutes, is amended to read:

22-45-102. Accounts. (1) (a) (I) EACH SCHOOL DISTRICT SHALL USE THE MODIFIED ACCRUAL BASIS OF ACCOUNTING IN MAINTAINING ITS GOVERNMENTAL FUNDS. EACH SCHOOL DISTRICT SHALL USE THE FULL ACCRUAL BASIS OF ACCOUNTING WHEN BUDGETING AND ACCOUNTING FOR ANY ENTERPRISE FUNDS INCLUDED IN THE DISTRICT BUDGET. The board of education of each school district shall cause financial records to be kept in accordance with generally accepted ACCOUNTING principles. ~~of governmental accounting.~~ The financial transactions of the school district

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shall be recorded in general, appropriation, revenue, and expenditure records. Appropriate entries from the adopted budget shall be made in the records for the respective funds. Separate accounts shall be maintained for each of the several funds prescribed by this article. Continuing balances of the various budgetary accounts shall be maintained on at least a monthly basis.

(II) FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2003, BUT PRIOR TO JULY 1, 2013, A SCHOOL DISTRICT SHALL USE THE MODIFIED ACCRUAL BASIS OF ACCOUNTING FOR GOVERNMENTAL FUNDS, AS REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), TO THE EXTENT FEASIBLE. FOR FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2013, A SCHOOL DISTRICT SHALL FULLY IMPLEMENT THE REQUIREMENT OF USING THE MODIFIED ACCRUAL BASIS OF ACCOUNTING FOR GOVERNMENTAL FUNDS AS REQUIRED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) The board of education of each school district shall review the financial condition of said school district ~~from time to time~~ AT LEAST QUARTERLY during the fiscal year. ~~and may~~ THE BOARD SHALL require the secretary, treasurer, or any employee who has duties which relate to the fiscal affairs of said school district to submit a financial report covering his THE fiscal actions ~~from time to time as deemed appropriate by said board~~ INVOLVING THE GENERAL FUND, AND OTHER FUNDS THAT THE BOARD MAY REQUEST, AT LEAST QUARTERLY. AT A MINIMUM, THE REPORT SHALL INCLUDE:

(I) THE ACTUAL AMOUNTS SPENT AND RECEIVED ON THE MODIFIED ACCRUAL BASIS OF ACCOUNTING AS OF THE DATE OF THE REPORT FROM EACH OF THE SEVERAL FUNDS BUDGETED BY THE DISTRICT FOR THE FISCAL YEAR, EXPRESSED AS DOLLAR AMOUNTS AND AS PERCENTAGES OF THE ANNUAL BUDGET;

(II) THE ACTUAL AMOUNTS SPENT AND RECEIVED ON THE MODIFIED ACCRUAL BASIS OF ACCOUNTING FOR EACH FUND FOR THE SAME PERIOD IN THE PRECEDING FISCAL YEAR, EXPRESSED AS DOLLAR AMOUNTS AND AS PERCENTAGES OF THE ANNUAL BUDGET;

(III) THE EXPECTED YEAR-END FUND BALANCES, EXPRESSED AS DOLLAR AMOUNTS AND AS PERCENTAGES OF THE ANNUAL BUDGET; AND

(IV) A COMPARISON OF THE EXPECTED YEAR-END FUND BALANCES WITH THE AMOUNT BUDGETED FOR THAT FISCAL YEAR.

SECTION 7. 22-44-113 (1), Colorado Revised Statutes, is amended, and the said 22-44-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-44-113. Borrowing from funds. (1) ~~Notwithstanding the provisions of section 22-44-112,~~ A board of education may borrow unencumbered moneys from any one fund, except the bond redemption fund, for the use of another fund at any time. All moneys borrowed from a fund pursuant to this subsection (1) shall be repaid to said fund when needed to meet the obligations of said fund, and all revenues credited to the borrowing fund shall be used first to repay the loan. Any such loan shall be repaid not later than three months after the beginning of the following budget year. In the event moneys are not forthcoming from designated sources, an amount equal to the outstanding liability shall be expended from the general fund and used to repay the loan. Such amount from the general fund shall be recorded as revenue in the receiving fund.

(3) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL FUNDS CREATED BY LAW OR REGULATION OR BY ACTION OF A SCHOOL DISTRICT.

SECTION 8. Article 45 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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22-45-102.5. Salary disbursements. EACH SCHOOL DISTRICT BOARD SHALL ESTABLISH THE DAY OR DAYS OF THE MONTH BY WHICH THE EMPLOYEES OF THE SCHOOL DISTRICT SHALL RECEIVE WAGE AND SALARY PAYMENTS. THE DAY OF THE MONTH ESTABLISHED BY THE BOARD FOR WAGE AND SALARY PAYMENTS SHALL BE NO EARLIER THAN THE DAY ON WHICH THE SCHOOL DISTRICT RECEIVES THE STATE EQUALIZATION PAYMENT FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-115. IF AN EMPLOYEE RECEIVES WAGE OR SALARY PAYMENTS ON MULTIPLE DAYS WITHIN A MONTH, THE LAST DAY ON WHICH THE EMPLOYEE RECEIVES PAYMENT SHALL BE NO EARLIER THAN THE DAY ON WHICH THE SCHOOL DISTRICT RECEIVES THE STATE EQUALIZATION PAYMENT FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-115.

SECTION 9. 22-45-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-45-103. Funds. (3) EACH SCHOOL DISTRICT SHALL ENSURE THAT THE DISTRICT HOLDS UNRESTRICTED GENERAL FUND OR CASH FUND EMERGENCY RESERVES IN THE AMOUNT REQUIRED UNDER THE PROVISIONS OF SECTION 20 (5) OF ARTICLE X OF THE STATE CONSTITUTION.

SECTION 10. Effective date. This act shall take effect July 1, 2003.

SECTION 11. 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."

MESSAGE FROM THE HOUSE

February 27, 2003
Mr. President:

The House has voted to authorize the House conferees on the Second Conference Committee on SB03-183 to consider matters not at issue between the two houses.

Committee
of the
Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB03-074 by Senator(s) Andrews; --Concerning the distribution of a portion of regional transportation district sales tax revenues to governmental entities other than the district.

Laid over until Friday, March 7, retaining its place on the calendar.

SB03-021 by Senator(s) Isgar; also Representative(s) Williams S.--Concerning modifications to the direct care provider career path pilot program.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 6, page 263 and placed in members' bill files.)

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

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- SB03-141** by Senator(s) Tapia, Entz, Grossman, Jones, Kester, Sandoval, Taylor; also Representative(s) Salazar--Concerning persons convicted of a crime, and, in connection therewith, waiving certain fees, authorizing medical care at state hospitals, and providing for the enrollment of persons in custody in a county jail in certain benefit programs upon release. 1
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Amendment No. 1, Judiciary Committee Amendment. 7
(Printed in Senate Journal, February 6, page 269 and placed in members' bill files.) 8
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 10
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- SB03-041** by Senator(s) Reeves; also Representative(s) Smith--Concerning the central information system, and making an appropriation in connection therewith. 13
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Laid over until Monday, March 3, retaining its place on the calendar. 16
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- SB03-032** by Senator(s) Phillips; also Representative(s) Stengel--Concerning the procedures for reviewing materials submitted by an owner claiming a property tax exemption for property used for religious purposes. 18
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 22
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- SB03-073** by Senator(s) Owen; also Representative(s) Hoppe--Concerning an increase in the state engineer's authority to approve the use of water. 24
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Laid over until Monday, March 3, retaining its place on the calendar. 27
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- SB03-110** by Senator(s) Entz, Chlouber, Hillman, Isgar, Tapia, Taylor, Owen; also Representative(s) Hoppe, Miller, Salazar--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith. 29
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Laid over until Monday, March 3, retaining its place on the calendar. 33
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- HB03-1169** by Representative(s) Jahn, Marshall, Boyd, Frangas, Fritz, Garcia, Groff, Hefley, Rhodes, Rippy, Stengel, Veiga; also Senator(s) Arnold, Hanna--Concerning amendment of the definition of child abuse to include actions related to the manufacture of a controlled substance in the presence of a child. 35
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 40
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- HB03-1036** by Representative(s) Garcia; also Senator(s) Dyer--Concerning the application of lottery winnings to offset restitution owed in criminal cases. 42
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 45
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- HB03-1098** by Representative(s) White, Marshall, Berry, Groff, Larson, Paccione, Rippy, Romanoff, Salazar, Stengel, Wiens, Williams T., Young; also Senator(s) Chlouber--Concerning the addition of wireless telephone service subscribers to the Colorado no-call list. 47
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 51
(Printed in Senate Journal, February 26, page 477 and placed in members' bill files.) 52
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Amendment No. 2(L.009), by Senator Chlouber. 54
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Amend reengrossed bill, page 6, strikes lines 21 and 22. 56
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Renumber succeeding section accordingly. 58
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 60
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- HB03-1047** by Representative(s) Sinclair; also Senator(s) Takis--Concerning the acceptance of contract terms by a public establishment. 63
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HB03-1047

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 26, page 477 and placed in members' bill files.)

As amended, 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 Cairns, 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: SB03-021 as amended, SB03-141 as amended, SB03-032, HB03-1169, HB03-1036, HB03-1098 as amended, HB03-1047 as amended.
Laid over until Monday, March 3: SB03-041, SB03-073, SB03-110.
Laid over until Friday, March 7: SB03-074.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB03-1093 was made Special Orders at 9:35 a.m..

Committee of the Whole

The hour of 9:35 a.m. having arrived, Senator Cairns moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Cairns was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

HB03-1093 by Representative(s) Berry, Rippey, Rose, Salazar, White, Decker, McFadyen, Miller, Smith, Vigil; also Senator(s) Teck--Concerning the governance of state colleges within the Colorado higher education system.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 27, pages 497-499 and placed in members' bill files.)

Amendment No. 2(L.011), by Senator Teck.

Amend the Education Committee Report, dated February 26, 2003, page 2, line 2, after "MISSION", insert a comma.

Page 4, line 24, strike "21" and substitute "22".

As amended, 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 Cairns, 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: HB03-1093 as amended.

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Senator Hillman moved to proceed out of order for consideration of **HJR03-1019**.

CONSIDERATION OF RESOLUTION

HJR03-1019 by Representative(s) Spradley; also Senator(s) Kester--Concerning the General Assembly's endorsement of the Colorado 64 water principles.

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	E	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	N	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	E		

Co-sponsors added: Entz, Fitz-Gerald, Groff, Grossman, Hagedorn, Hillman, Keller, Linkhart, Phillips, Sandoval, Tapia, Teck, Tupa, and Windels.

SENATE SERVICES REPORT

Senate Services
 Correctly printed: SB03-238, 239.
 Correctly engrossed: SJR03-024.
 Correctly revised: HJR03-1018.

Senate Services
 The Senate Services Committee reports that the original billback and associated documents for House Bill 03-1112, by Representative McFadyen and Senator Tapia, concerning inadmissability of juvenile statements, has been misplaced. A duplicate copy has been prepared and certified to be a true and correct copy by the Secretary of the Senate, the President of the Senate, the Speaker of the House, and the Chief Clerk of the House. Such duplicate copy shall hereafter be considered in place of the original bill.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources and Energy
 After consideration on the merits, the Committee recommends that **HB03-1003** be referred to the Committee of the Whole with favorable recommendation.

Appropriations
 After consideration on the merits, the Committee recommends that **SB03-101** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, after line 1, insert the following:

"SECTION 6. Appropriation - adjustments to the 2003 long bill. For the implementation of Section 24-51-401 (1.9)(a), Colorado Revised Statutes, appropriations made in the general appropriations act for the fiscal year beginning July 1, 2003, shall be reduced by the sum of one million four hundred ninety-four thousand five hundred ninety-nine dollars (\$1,494,599). Said sum shall be derived from such sources as detailed in the following table:

Appropriations	After consideration on the merits, the Committee recommends that SB03-134 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
	Amend the Senate Health, Environment, Welfare & Institutions Committee Report dated February 13, 2003, page 5, after line 5, insert the following:	5 6 7 8
	"SECTION 9. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2003, the sum of one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary, for the implementation of this act.";	9 10 11 12 13 14 15 16
	line 6, strike " SECTION 9. " and substitute " SECTION 10. ";	17
	after line 8, insert the following:	18 19
	"Page 1, line 102, strike " NURSING. " and substitute " NURSING, AND MAKING AN APPROPRIATION THEREFOR. ".	20 21 22 23
Appropriations	After consideration on the merits, the Committee recommends that SB03-114 be referred to the Committee of the Whole with favorable recommendation.	24 25 26
Appropriations	After consideration on the merits, the Committee recommends that SB03-068 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	27 28 29 30
	Amend printed bill, page 7, line 24, strike "commission on mandated health insurance benefits," and substitute "division of insurance,";	31 32 33 34
	line 25, strike "of _____ dollars (\$)," and substitute "of eighteen thousand one hundred forty-four dollars (\$18,144) and 0.2 FTE,".	35 36 37
Appropriations	After consideration on the merits, the Committee recommends that SB03-027 be referred to the Committee of the Whole with favorable recommendation.	38 39 40
Appropriations	After consideration on the merits, the Committee recommends that SB03-132 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41 42 43 44
	Strike the Transportation Committee Report, dated February 11, 2003, and substitute the following:	45 46 47
	"Amend printed bill, strike everything below the enacting clause and substitute the following:	48 49 50
	"SECTION 1. 39-26-123 (2) (a) (II) (A), Colorado Revised Statutes, is amended to read:	51 52 53
	39-26-123. Receipts - disposition. (2) (a) (II) (A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), in any fiscal year THAT COMMENCES BEFORE JULY 1, 2006, if the revenue estimate prepared in accordance with section 24-75-201.3 (2), C.R.S., indicates that, after making required expenditures, making the allocation to the highway users tax fund in accordance with sub-subparagraph (A) of subparagraph (I) of this paragraph (a), and maintaining the statutorily required reserve, there will not be sufficient general fund revenue to fund general fund expenditures up to the statutory appropriation limit, the governor shall direct the state treasurer to reduce the amount of sales and use taxes credited to the highway users tax fund as necessary to provide the additional general fund revenue to fully fund the general fund expenditures up to the statutory appropriation limit.	54 55 56 57 58 59 60 61 62 63 64 65 66 67

SB03-132

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor."."

Page 1, line 103, strike "INCREASING THE AMOUNT OF ALLOCATIONS,";

line 105, after "YEAR", insert "THAT COMMENCES ON OR AFTER JULY 1, 2006,";

line 106, strike "YEAR, AND REQUIRING A SPECIFIED";

strike lines 107 through 109 and substitute the following:

"YEAR."

Appropriations

After consideration on the merits, the Committee recommends that **SB03-001** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 25 through 27.

Page 4, strike lines 1 through 3;

strike lines 6 through 12.

Re-number succeeding subsections accordingly.

Page 4, strike lines 17 through 22.

Re-number succeeding subsections accordingly.

Page 6, strike lines 20 through 27.

Page 7, strike lines 1 through 15.

Re-number succeeding C.R.S. sections accordingly.

Page 7, line 17, strike "OR";

line 18, strike "39-3.8-104".

Page 8, line 2, strike "OR BY THE PUBLIC OR CHARTER";

line 3, strike "SCHOOL PURSUANT TO SECTION 39-3.8-104 (2),";

line 12, strike "(4) OR BY THE PUBLIC OR CHARTER" and substitute "(4).";

line 13, strike "SCHOOL PURSUANT TO SECTION 39-3.8-104 (2).".

Page 10, strike lines 2 through 27.

Page 11, strike lines 1 through 14.

Re-number succeeding C.R.S. section accordingly.

Amend the Education Committee Report, dated February 13, 2003, page 1, strike lines 12 through 17.

Page 2, strike lines 24 through 31.

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SB03-001

Page 3, strike lines 1 through 5;
line 6, before "after", insert "Page 11,".

Appropriations

After consideration on the merits, the Committee recommends that **SB03-225** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 8, line 27, strike "FOR FISCAL YEAR 2003-04,".

Page 9, line 2, strike "SUBJECT TO";

strike lines 3 through 6.

Transportation

After consideration on the merits, the Committee recommends that **HB03-1070** be referred to the Committee of the Whole with favorable recommendation.

Transportation

After consideration on the merits, the Committee recommends that **HB03-1103** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 1, after "(3) (b),", insert "(3) (e) (I),";

line 2, strike "amended" and substitute "amended, and the said 32-9-119.5 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH,".

Page 4, after line 23, insert the following:

"(c.5) EACH REQUEST FOR PROPOSALS SHALL SPECIFY ALL OF THE EVALUATION FACTORS TO BE USED BY THE DISTRICT IN AWARDING THE CONTRACT AND THE WEIGHT TO BE GIVEN BY THE DISTRICT FOR EACH FACTOR. THE EVALUATION FACTORS SHALL INCLUDE THE COST TO THE DISTRICT, COST RELATED FACTORS, NON-COST FACTORS SUCH AS PERFORMANCE HISTORY OF COMPARABLE SERVICES PROVIDED IN-STATE OR OUT-OF-STATE, FINANCIAL STABILITY, MANAGERIAL EXPERIENCE, OPERATIONAL PLAN, EMPLOYEE RECRUITMENT AND TRAINING, AND ANY OTHER FACTORS IDENTIFIED BY THE DISTRICT. NO AWARD SHALL BE MADE BASED ON COST TO THE DISTRICT ALONE.

(e) (I) With respect to each request for proposals, the district shall award the contract to the technically qualified provider whose responsive proposal offers the lowest cost to the district BASED ON A CONSIDERATION OF THE EVALUATION FACTORS ESTABLISHED PURSUANT TO PARAGRAPH (c.5) OF THIS SUBSECTION (3). Each contract shall be effective not later than ninety days after its award. If the district determines that no responsive proposals are received for a request for proposals or that the proposals submitted would not be in the best interests of the district to accept, the district may reject such proposals and may, in its discretion, solicit new proposals for the designated service in accordance with the provisions of this section."

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-235** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike line 7 and substitute the following:

"SYMBOLS OF THE NATION:";

strike line 10 and substitute the following:

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SB03-235

"(c) IN HIS OR HER PERSONAL WORK AREA ON THE JOB;"

after line 13, insert the following:

"(2) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, THE RIGHT WITH RESPECT TO A PERSON'S REAL PROPERTY SHALL BE SUBJECT TO REASONABLE RESTRICTIVE COVENANTS OR EQUITABLE SERVITUDES; EXCEPT THAT AN OWNERS' ASSOCIATION SHALL NOT PROHIBIT THE OUTDOOR DISPLAY OF THE FLAG OF THE UNITED STATES BY A PROPERTY OWNER ON THAT OWNER'S PROPERTY IF THE FLAG IS DISPLAYED IN A MANNER CONSISTENT WITH CHAPTER 1 OF TITLE 4 OF THE UNITED STATES CODE, AS AMENDED. AN OWNERS' ASSOCIATION MAY ADOPT REASONABLE RULES AND REGULATIONS REGARDING THE SIZE, NUMBER, PLACEMENT, MANNER OF DISPLAY, AND LIGHTING OF THE FLAG, AND THE LOCATION, SIZE, AND HEIGHT OF FLAGPOLES.";

line 14, strike "(2)" and substitute "(3)".

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **HB03-1006** 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 16, insert the following:

"THE ELECTION JUDGE SHALL MARK, ON A SPACE PROVIDED, ON THE PROVISIONAL BALLOT ENVELOPE, AS PRESCRIBED BY THE SECRETARY OF STATE, INDICATING THAT THE ELECTOR HAS FAILED TO PROVIDE REQUIRED VOTER IDENTIFICATION.".

State,
Veterans and
Military
Affairs

After consideration on the merits, the Committee recommends that **SB03-232** be referred to the Committee of the Whole with favorable recommendation.

INTRODUCTION OF BILL--FIRST READING

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

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.
Transportation

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

February 21, 2003

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint, reappoint and submit to your consideration, the following:

**MEMBERS OF THE
WILDLIFE COMMISSION**

for terms expiring March 1, 2007:

The Honorable Ken M. Torres of Weston, Colorado, to serve as a county commissioner from Wildlife District 4 and as a Republican, appointed;

Rick M. Enstrom of Lakewood, Colorado, to serve as a representative of sportsmen from Wildlife District 5 and as an Unaffiliated, reappointed.

Sincerely,
(signed)
Bill Owens
Governor

Rec'd: 02/27/03
Mona Heustis, Secretary of the Senate

Committee on Agriculture, Natural Resources & Energy

TRIBUTES

Honoring Alex Maska -- by Senator McElhany.
Honoring Amber Sublette -- by Senator McElhany.
Honoring Elizabeth May Applegate -- by Senator McElhany.
Honoring Elizabeth McDarby -- by Senator McElhany.
Honoring Emily Gustafson -- by Senator McElhany.
Honoring Jennifer Thomason -- by Senator McElhany.
Honoring Jennifer Westbrook -- by Senator McElhany.
Honoring Katherine Muterspaugh -- by Senator McElhany.
Honoring Katrina Johnson -- by Senator McElhany.
Honoring Krystle Smith -- by Senator McElhany.
Honoring Meghan Bryant -- by Senator McElhany.
Honoring Meredith Lee Clewe -- by Senator McElhany.
Honoring Rachael Greeley -- by Senator McElhany.
Honoring Sara Benjamin -- by Senator McElhany.
Honoring Andy Salvador -- by Senator Hillman.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 28, was laid over until Monday, March 3, retaining its place on the calendar.

Consideration of House Amendments to Senate Bills: SB03-046.

Consideration of Resolution: SJR03-022.

Consideration of Governor's Appointments:

Member of the Coal Mine Board of Examiners;

Member of the Board of Governors of the Colorado State University System;

Members of the Read-To-Achieve Board.

Conference Committee to Report: SB03-183.

On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday,
March 3, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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