

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

---

One-hundred-first Legislative Day Friday, April 18, 2003

---

Prayer	By the chaplain, Reverend Dr. Marjorie Williams Cooper.	10
Pledge	By Senator Teck.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--32. Absent/Excused--3; Chlouber, Lamborn, McElhany.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Grossman, reading of the Journal of April 17, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.	15

---

**COMMITTEE OF REFERENCE REPORTS**

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB03-1253**

\*\*\*\*\*  
**THIS REPORT AMENDS THE  
REREVISED BILL**  
\*\*\*\*\*

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

Your first conference committee appointed on HB03-1253, concerning the prevention of discriminatory trade practices in the payment of motor vehicle insurance claims for the repair of damaged motor vehicles, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill.
2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendment be recommended:

Amend rerevised bill, page 6, line 25, strike "DEDUCTIBLE;" and substitute "DEDUCTIBLE OR REDUCTION FOR COMPARATIVE NEGLIGENCE;".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Stengel, Chairman	Senator Kester, Chairman
Representative Larson	Senator Johnson
Representative Frangas	Senator Nichol

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

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB03-300

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
\*\*\*\*\*

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

Your first conference committee appointed on SB03-300,  
concerning the imposition of a management fee on certain funds that are  
invested by the state treasurer, has met and reports that it has agreed upon  
the following:

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

Amend rerevised bill, page 3, line 27, strike "2004." and substitute  
"2006."

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

Amend rerevised bill, page 2, after line 1, insert the following:

"SECTION 1. 24-36-102 (1), Colorado Revised Statutes, is  
amended to read:

**24-36-102. Function of department - employees.** (1) The  
principal function of the treasury department is to receive all state  
moneys collected by or otherwise coming into the hands of any officer,  
department, institution, or agency of the state government as required in  
section 24-36-103 (1) and to deposit and disburse the same in the manner  
prescribed by law. It shall have no tax collection or enforcement  
functions whatsoever. IN ORDER TO PERFORM THE PRINCIPAL FUNCTION  
OF THE TREASURY DEPARTMENT, THE STATE TREASURER MAY CONTRACT  
FOR SERVICES IN ORDER TO COMPLY WITH STATUTORY MANDATES AND TO  
ENSURE THAT THE STATE RECEIVES ALL REVENUE ACCRUING TO IT  
PURSUANT TO SUCH MANDATES. FEES FOR SUCH SERVICES SHALL BE  
CONTINUOUSLY APPROPRIATED FROM REVENUES RECEIVED THROUGH SUCH  
SERVICES AND SHALL NOT BE APPROPRIATED FROM THE GENERAL FUND."

Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:  
(signed)  
Senator Teck, Chairman  
Senator Owen  
Senator Reeves

House Committee:  
(signed)  
Representative Young, Chairman  
Representative Witwer  
Representative Plant

Health,  
Environment,  
Welfare &  
Institutions

After consideration on the merits, the Committee recommends that **SB03-314** 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 **SB03-311** be  
postponed indefinitely.

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

Agriculture,  
Natural  
Resources  
and Energy

After consideration on the merits, the Committee recommends that **HB03-1319** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 4, line 15, strike "death" and substitute "death, DAMAGE,";

line 16, strike "livestock" and substitute "livestock, REAL PROPERTY, A MOTOR VEHICLE,".

Page 5, line 12, strike "LIVESTOCK" and substitute "LIVESTOCK, REAL PROPERTY, A MOTOR VEHICLE," and, strike "or property" and substitute "or property".

**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:

**SB03-073** by Senator(s) Owen; also Representative(s) Hoppe--Concerning an increase in the state engineer's authority to approve the use of water.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Entz, Evans, Groff, Grossman, Hagedorn, Hillman, Johnson, Kester, and Nichol.

**SB03-087** by Senator(s) Linkhart; also Representative(s) Romanoff--Concerning the improvement of urban water use efficiency, and making an appropriation in connection therewith.

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

YES	23	NO	9	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	E	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	N	Taylor	Y
Dyer	Y	Hillman	N	McElhany	E	Teck	Y
Entz	N	Isgar	Y	Nichol	N	Tupa	Y
Evans	Y	Johnson	Y	Owen	N	Windels	Y
Fitz-Gerald	Y	Jones	N	Phillips	Y	Mr. President	N
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Groff, Grossman, Hagedorn, Hanna, Phillips, and Tupa.

**HB03-1322** by Representative(s) Mitchell; also Senator(s) Kester--Concerning changes in the procedures for workers' compensation hearings.

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

**HB03-1322**

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	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**.

Committee of the Whole

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

**SB03-232** by Senator(s) Chlouber; --Concerning the office of consumer counsel.

Laid over until Monday, April 21, retaining its place on the calendar.

**SB03-244** by Senator(s) Cairns, Lamborn, Andrews; also Representative(s) Schultheis--Concerning an exemption for all business personal property.

Laid over until Monday, April 21, retaining its place on the calendar.

**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.

Laid over until Monday, April 21, retaining its place on the calendar.

**SB03-236** by Senator(s) Dyer, Andrews, Hagedorn, Hillman; also Representative(s) Hoppe, Briggs, Brophy, Cadman, Clapp, Decker, Fritz, Hall, Harvey, Hefley, Johnson R., King, McCluskey, Sinclair, Stengel, Weddig--Concerning an authorization of the issuance of voter-approved revenue bonds for the purpose of financing water infrastructure projects by the state, and, in connection therewith, excluding revenues derived from bond proceeds and projects financed by bonds from state fiscal year spending.

Laid over until Monday, April 21, retaining its place on the calendar.

**SB03-312** by Senator(s) McElhany; also Representative(s) Fairbank--Concerning clarification that offering a fee-for-service dental plan for which premiums are not charged shall not be considered transacting the business of insurance.

Laid over until Monday, April 21, retaining its place on the calendar.

**SB03-077** by Senator(s) Jones, Chlouber, Entz, Johnson S., Lamborn, May R., Andrews, Cairns, Evans, Kester; --Concerning a pilot program to provide financial assistance to families of students attending poorly performing public schools.

Laid over until Monday, April 21, retaining its place on the calendar.

**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.

Laid over until Monday, April 21, retaining its place on the calendar.

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

- HB03-1073** by Representative(s) Smith; also Senator(s) Entz--Concerning clarification of the types of aircraft that are exempt from the excise tax imposed on gasoline in Colorado. 1  
2  
3  
Ordered revised and placed on the calendar for Third Reading and Final Passage. 4  
5
- 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. 6  
7  
8  
Laid over until Monday, April 21, retaining its place on the calendar. 9  
10
- HB03-1274** by Representative(s) Mitchell; also Senator(s) Arnold--Concerning modifications to the program under which the state treasurer makes loans to school districts with general fund cash deficits. 11  
12  
13  
Laid over until Monday, April 21, retaining its place on the calendar. 14  
15  
16
- HB03-1330** by Representative(s) Stengel; also Senator(s) Dyer--Concerning measures to ensure compliance with existing statutory provisions that govern tobacco escrow funds. 17  
18  
19  
Ordered revised and placed on the calendar for Third Reading and Final Passage. 20  
21
- SB03-307** by Senator(s) Cairns; also Representative(s) Mitchell--Concerning the continuation of the requirement that the state individual income tax return form include a line whereby an individual taxpayer may make a contribution to the Colorado special olympics fund. 22  
23  
24  
25  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 26  
27
- SB03-308** by Senator(s) May R., Anderson; also Representative(s) Witwer--Concerning the use of advanced technology fund moneys. 28  
29  
30  
Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 31  
32
- HB03-1163** by Representative(s) Marshall; also Senator(s) Takis--Concerning administrative changes to the operation of CoverColorado, and, in connection therewith, directing to CoverColorado a portion of the premium tax, fines, and penalties collected by the division of insurance from health insurers authorized to conduct business in Colorado. 33  
34  
35  
36  
37  
Amendment No. 1, Business Affairs and Labor Committee Amendment. 38  
(Printed in Senate Journal, April 16, page 1072 and placed in members' bill files.) 39  
40  
As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 41  
42  
43  
44

#### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 45

On motion of Senator Dyer, 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: 46  
47  
48  
49

Passed on Second Reading: HB03-1073, HB03-1330, SB03-307, SB03-308, HB03-1163 as amended. 50  
51  
52

Laid over until Monday, April 21: SB03-232, SB03-244, HB03-1314, SB03-236, SB03-312, SB03-077, SB03-257, HB03-1040, HB03-1274. 53  
54  
55  
56

#### CONSIDERATION OF RESOLUTIONS 57 58

- HJR03-1033** by Representative(s) King, Spradley; also Senator(s) Anderson, Andrews--Concerning the requirement that the legislative council staff conduct a study of certain constitutional and statutory provisions. 59  
60  
61  
62  
63

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for consideration of **HJR03-1033**. 64  
65  
66  
67

On motion of Senator Anderson, the resolution was **adopted** by the following roll call vote: 68  
69

**HJR03-1033**

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Nichol.

**SJR03-032**

by Senator(s) Windels; also Representative(s) McFadyen--Concerning recognition of May 24 as Colorado aviation maintenance technician day, and, in connection therewith, honoring the life of airplane mechanic Charles Edward Taylor.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**SJR03-033**

by Senator(s) Jones, May R.; also Representative(s) Sinclair--Concerning honoring the Tuskegee Airmen.

Laid over until Monday, April 21, retaining its place on the calendar.

**SJR03-036**

by Senator(s) Arnold, Teck, Andrews, Cairns, Chlouber, Hillman, Johnson S., May R., McElhany, Owen, Taylor; also Representative(s) King--Concerning honoring the ten-year anniversary of the "Charter Schools Act".

Laid over until Monday, April 21, retaining its place on the calendar.

**HJR03-1017**

by Representative(s) Harvey; also Senator(s) Dyer--Concerning support for a partial reallocation of existing Chatfield Reservoir storage capacity for municipal use.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

**HJR03-1016**

by Representative(s) Wiens; also Senator(s) Evans, Entz, McElhany, Owen--Concerning urging federal land management agencies to work with appropriate state agencies in Colorado to establish an immediate plan of action to improve unnatural forest conditions in the state in order to reduce the threat of wildfires.

**HJR03-1016**

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, April 11, pages 1011-1012 and placed in members' bill files.)

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Kester.

**SR03-017**

by Senator(s) Dyer, May R., McElhany, Andrews, Anderson, Arnold, Cairns, Chlouber, Entz, Evans, Hagedorn, Isgar, Johnson S., Jones, Kester, Lamborn, Nichol, Owen, Takis, Taylor, Teck, Tupa; --Concerning an expression by the Colorado state Senate of appreciation for the contributions made by the United Kingdom to Operation Iraqi Freedom.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Gordon, Grossman, Phillips, and Sandoval.

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

Laid over until Monday, April 21, retaining its place on the calendar.

**HJR03-1027**

by Representative(s) Spence, Berry, Briggs, Brophy, Clapp, Crane, Fairbank, Frangas, Hall, Harvey, Hefley, Hoppe, Jahn, Johnson R., King, Lee, Miller, Rose, Schultheis, Vigil, White, Williams T., Witwer; also Senator(s) Andrews, Cairns, Entz, Lamborn, May R., Owen--Concerning the importance of history and civic education at the college level.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Anderson, Arnold, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Linkhart, Nichol, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

**HJR03-1043** by Representative(s) Cloer, Schultheis, Larson, Williams S., Butcher, Carroll, Crane, Frangas, Harvey, Hefley, Jahn, Johnson R., King, McFadyen, Ragsdale, Salazar, Sinclair, Spence, Spradley, Stafford; also Senator(s) McElhany--Concerning the naming of a portion of State Highway 115 as the "Vietnam Veterans Memorial Highway".

Laid over until Monday, April 21, retaining its place on the calendar.

**HJR03-1050** by Representative(s) Lundberg, Cloer, Lee, May M., Schultheis, Wiens, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Harvey, Hefley, Hoppe, King, Mitchell, Rhodes, Rippy, Rose, Smith, Spence, Stafford, Stengel; also Senator(s) Cairns, Arnold, Johnson S., Lamborn, May R.--Concerning the recognition of Home Education Week in Colorado.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Andrews, Evans, Hillman, Jones, and Sandoval.

**SJR03-040** by Senator(s) Windels, Andrews; --Concerning the creation of a legislative interim committee to study civic education.

Laid over until Monday, April 21, retaining its place on the calendar.

**SJR03-041** by Senator(s) Hanna, Phillips, Andrews, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hillman, Isgar, Johnson S., Keller, Lamborn, Linkhart, Nichol, Owen, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Windels; also Representative(s) Merrifield, Cloer, Cadman, Madden, Miller, Plant, Rhodes, Rose, Sinclair, Vigil, Weddig, Wiens, Williams S.--Concerning encouraging businesses to adopt families of service members stationed at military installations across Colorado.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

Co-sponsors added: Anderson, Arnold, Cairns, Hagedorn, Jones, Kester, May, and Reeves.

**SJR03-042** by Senator(s) May R.; --Concerning a request that the Congress of the United States return responsibility for surface transportation policy to the states by allowing the states to retain federal fuel tax revenues.

Laid over until Monday, April 21, retaining its place on the calendar.

**SJR03-046** by Senator(s) Entz; --Concerning the military personnel from Colorado who have served in Operation Iraqi Freedom.

Laid over until Monday, April 21, retaining its place on the calendar.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bill: **SB03-248**.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB03-248** by Senator(s) Anderson; also Representative(s) King--Concerning the financing of public schools, and making an appropriation in connection therewith.

Senator Anderson moved that the Senate not concur in House amendments to **SB03-248**, as printed in House Journal, April 15, pages 1665-1670, and that a Conference Committee be appointed.

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

The President appointed Senators Anderson, Chairman, Arnold, and Windels as Senate Conferees on the First Conference Committee on **SB03-248**.

**COMMITTEE OF REFERENCE REPORTS**

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

MEMBERS OF THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES

for terms expiring March 23, 2007:

John K. Coors of Evergreen, Colorado, to serve as a representative of graduates, reappointed;

David J. Wagner of Englewood, Colorado, to serve as a representative of non-graduates, reappointed.

Education After consideration on the merits, the Committee recommends that **SJM03-005** be referred to the Senate for final action.

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

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Entz, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE MINED LAND RECLAMATION BOARD

for terms expiring March 1, 2007:

Michael T. Nelligan of Denver, Colorado to serve as a member with experience in the mining industry, appointed;

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

On motion of Senator Anderson, the following Governor's appointment was laid over until Monday, April 21, retaining its place on the calendar:

MEMBERS OF THE STATE HOUSING BOARD

for term expiring January 31, 2007:

E. Michael Rosser of Aurora, Colorado, to serve as a member from the Seventh Congressional District and as a Republican, appointed;

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

MEMBERS OF THE STATE BOARD OF HEALTH

for terms expiring March 1, 2005:

Glenn H. Schlabs of Colorado Springs, Colorado, to serve as a Democrat from the Fifth Congressional District, appointed;

Kindra K. Mulch of Burlington, Colorado, to serve as a Democrat from the Fourth Congressional District, reappointed;

David A. Sprecaze of Denver, Colorado, to serve as a Republican from the First Congressional District, appointed;

Commissioner Charlotte Bobicki of Alamosa, Colorado, to serve as a county commissioner and as a Democrat from the Third Congressional District, appointed.

Kris M. Johnson of Centennial, Colorado, to serve as representative of the Sixth Congressional District and as a Republican, appointed.

for terms expiring March 1, 2007:

Dr. Vander M. Barkett of Salida, Colorado, to serve as an at-large member, and as a Republican, reappointed;

Dr. Hai Phong Bui, of Lakewood, Colorado, to serve as an at-large member, and as a Republican, reappointed;

Laura J. Davis of Westminster, Colorado, to serve as a representative of the Second Congressional District, and as a Republican, reappointed;

Jeanne T. McGinnis of Lakewood, Colorado, to serve as a representative of the Seventh Congressional District, and as a Democrat, reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**MEMBERS OF THE  
COLORADO CHILDREN'S TRUST FUND BOARD**

for terms expiring November 7, 2004:

Nancy J. McNally of Westminster, Colorado, to serve as a parent representative, reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	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		

**MEMORANDUM  
REPORT FROM THE HOUSE AND SENATE  
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for Senate Bill No. 03-248, Concerning the Financing of Public Schools and Making an Appropriation Therefor:

The Friday, March 14 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 28, 2003 (the 80th legislative day), Friday, April 4, 2003 (the 87th legislative day), and Friday, April 18, 2003 (the 101st legislative day) is further extended until Monday April 21, 2003 (the 104th legislative day).

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

(signed)  
Representative Spradley  
Speaker of the House of Representatives

(signed)  
Senator Andrews  
President of the Senate

(signed)  
Representative King  
House Majority Leader

(signed)  
Senator Anderson  
Senate Majority Leader

(signed)  
Representative Veiga  
House Minority Leader

(signed)  
Senator Fitz-Gerald  
Senate Minority Leader

**MESSAGE FROM THE GOVERNOR**

April 17, 2003

To the Honorable Senate  
Sixty-fourth General Assembly  
First Regular Session  
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B. 03-119 – Concerning The Continuation Of The Regulatory Functions Of The State Board Of Pharmacy.

Approved April 17, 2003 at 9:50 A.M.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd 04-17-03 4:15 p.m.  
Mona Heustis, Secretary of the Senate

**SENATE SERVICES REPORT**

Senate Services

Correctly printed: SB03-332;  
SJR03-042, 043, 044, 045, 046, 047;  
SCR03-005, 006;  
SJM-007, 008;  
SM03-001.

Correctly engrossed: SB03-073, 087;  
SJR03-035.

Correctly reengrossed: SB03-010, 011, 030, 083, 128, 131, 150.

Correctly revised: HB03-1322;  
HJR03-1056.

To the Governor for signature on Thursday, April 17, 2003 at 8:54 a.m.,  
SB03-016, 023, 036, 091,149, 158, 231, 237.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: HB03-1061, 1207, 1251, 1299, 1306, 1312, 1313.

**MESSAGE FROM THE HOUSE**

April 18, 2003  
Mr. President:

The House has adopted and returns herewith SJR03-035.

The House has adopted the First Report of the First Conference Committee on SB03-290, as printed in House Journal, April 17, pages 1752-1753, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on SB03-284, as printed in House Journal, April 17, pages 1754, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on HB03-1005, as printed in House Journal, April 17, page 1719, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB03-1103, as printed in House Journal, April 17, pages 1719-1720, and has repassed the bill as amended.

The House has adopted and transmits herewith HJR03-1029, as printed in House Journal, March 11, pages 1113-1114.

The House has postponed indefinitely SB03-082. The bill is returned herewith.

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

The House has voted to reject the First Conference Committee Report on HB03-1301, and requests the Conferees be discharged and that a second Conference Committee be appointed. The Speaker has appointed Representatives Hall, chairman, Stengel, and Jahn as House conferees on the Second Conference Committee on HB03-1301. The bill is returned herewith.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Reports.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**SB03-284** by Senator(s) Teck, Owen, Reeves; also Representative(s) Young, Plant, Witwer-- Concerning the reduction of the period of mandatory juvenile parole, and making an appropriation in connection therewith.

Senator Teck moved for the adoption of the First Report of the First Conference Committee on **SB03-284**, as printed in Senate Journal, April 17, page 1092. The motion was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**SB03-290** by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the authority of the board of parks and outdoor recreation regarding its budget, and, in connection therewith, allowing the board to establish fees by rule, creating a stores revolving fund, and making an appropriation.

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **SB03-290**, as printed in Senate Journal, April 17, pages 1088-1089. The motion was **adopted** by the following roll call vote:

SB03-290

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	E	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	E	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	E	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

**CONFERENCE COMMITTEES GRANTED FURTHER POWERS**

SB03-282

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

Senator Teck moved that the Senate Conferees on the First Conference Committee on **SB03-282** be given the powers to go beyond the scope of the differences between the two Houses.

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

HB03-1305

by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning standards of conduct regarding dead human bodies.

Senator Johnson moved that the Senate Conferees on the First Conference Committee on **HB03-1305** be given the powers to go beyond the scope of the differences between the two Houses.

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

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

Senate in recess.

Senate reconvened.

Senator Anderson moved a Call of the Senate.

---

**RECONSIDERATION OF PASSAGE AND CONCURRENCE ON SB03-271**

**SB03-271** by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--  
Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Anderson moved for reconsideration of the concurrence and passage on **SB03-271** as printed in Senate Journal, April 15, pages 1036-1037.

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

---

**RECONSIDERATION OF HOUSE AMENDMENTS TO SB03-271**

**SB03-271** by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer--  
Concerning the augmentation of the general fund through transfers of certain moneys.

Senator Anderson moved that the Senate not concur in House amendments to **SB03-271**, as printed in House Journal, April 10, page 1558, and that a Conference Committee be appointed, and that the Senate Conferees be given the powers to go beyond the scope of the differences between the two Houses.

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

The President appointed Senators Owen, Chairman, Teck, and Reeves as Senate Conferees on the First Conference Committee on **SB03-271**.

---

**SENATE ADHERE ON SB03-126**

**SB03-126** by Senator(s) Entz; also Representative(s) McCluskey--Concerning procedures for the development of water projects by the Colorado water resources and power development authority.

Senator Entz moved to withdraw the request for a conference committee on **SB03-126**.

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

Senator Entz moved that the Senate adhere to its position on **SB03-126**.

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

---

**MESSAGES FROM THE HOUSE**

April 18, 2003  
Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee on SB03-009 to consider matters not at issue between the two houses.

April 18, 2003  
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives King, chairman, Spence, and Jahn as House conferees on the First Conference Committee on SB03-248.

In response to the request of the Senate, the Speaker has appointed Representatives McCluskey, chairman, Smith, and Miller as House conferees on the First Conference Committee on SB03-126.

The Speaker has appointed Representatives Stengel, chairman, Frangas, and Sinclair as House conferees on the First Conference Committee on HB03-1147.

---

**RECALL OF HB03-1224**

Senator Anderson moved for recall of **HB03-1224**.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**. The bill was ordered recalled.

---

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 18, was laid over until Monday, April 21, retaining its place on the calendar.

Consideration of Memorials: SJM03-006, SM03-001, SJM03-007, SJM03-008.

Consideration of Governor's Vetoes: SB03-207.

Conference Committees to Report: HB03-1025, SB03-098, HB03-1111, SB03-009, SB03-065, HB03-1218, HB03-1305, SB03-088, SB03-007, HB03-1092, HB03-1237, HB03-1007, SB03-038, HB03-1219, SB03-113, SB03-106, SB03-291, SB03-282, SB03-268, SB03-258, SB03-297, HB03-1290, SB03-275, SB03-235, HB03-1172, HB03-1240, HB03-1228.

Request for Conference Committees: HB03-1147.

---

On motion of Senator Anderson, the Senate adjourned until 10:00 a.m., Monday, April 21, 2003.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52