

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

Forty-second Legislative Day Tuesday, February 18, 2003

- Prayer By the chaplain, Pastor Mike Bergman, Montclair United Methodist Church.
- Pledge By Senator Teck.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present-- 34.
Absent/Excused--1; Linkhart.
Present later--Linkhart.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Tapia, reading of the Journal of February 17, 2003 was dispensed with and the Journal was approved as corrected by the Secretary.

CONSIDERATION OF RESOLUTION

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 **SR03-012**.

SR03-012 by Senator(s) Anderson, Andrews, Fitz-Gerald; --Concerning changes to memberships of Senate Committees of Reference.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	E	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		

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:

SB03-158 by Senator(s) Tupa, Phillips; also Representative(s) Pommer, Madden, Plant, Weissmann-- Concerning the sale of property of a school district.

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

SB03-158

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	E	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, Fitz-Gerald, Groff, Tapia.

SB03-045

by Senator(s) Entz, Isgar, Phillips, Taylor; also Representative(s) Miller, Hodge, Hoppe, Rippy, White--Concerning the increased regulation of water wells, and, in connection therewith, requiring continuing education of water well construction contractors and pump installers as a condition of licensure, increasing well permit fees, creating a cash fund, specifying additional well construction and pump installation enforcement authority, and creating a well inspection program.

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

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

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

Co-sponsors added: Chlouber, Hillman, Kester, Tapia.

SB03-164

by Senator(s) Gordon; also Representative(s) Hefley--Concerning creation of a post-conviction DNA evidence procedure.

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: Fitz-Gerald, Groff, Grossman, Hanna, Linkhart, Nichol, Sandoval, Tapia, Tupa, Windels.

SB03-226

by Senator(s) Kester; also Representative(s) White--Concerning continuation of the examining board of plumbers.

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

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SB03-226

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, Chlouber, Entz, Hanna, Jones, Nichol, Phillips, Sandoval, Taylor, Teck.

SB03-003

by Senator(s) Takis, Anderson, Windels; also Representative(s) Veiga--Concerning mental health services coverage under health benefit plans.

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: Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Keller, Linkhart, Nichol, Phillips, Sandoval, Tapia, Tupa.

SB03-231

by Senator(s) Hillman; also Representative(s) Mitchell--Concerning product liability actions.

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

YES	18	NO	17	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	N	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Phillips	N	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

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

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Johnson, Jones, Kester, May, Teck.

IMMEDIATE RECONSIDERATION OF SB03-231

SB03-231

by Senator(s) Hillman; also Representative(s) Mitchell--Concerning product liability actions.

Having voted on the prevailing side, Senator Hillman moved for immediate reconsideration of **SB03-231**.

SB03-231

Immediate reconsideration was denied 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		

THIRD READING--FINAL PASSAGE OF BILLS--CONTINUED

SB03-091

by Senator(s) Tupa, Phillips; also Representative(s) Briggs--Concerning incentives for increased use of alternative fuels, and, in connection therewith, allowing hybrid vehicles to use high occupancy vehicle lanes and requiring the use of alternative fuels for certain state vehicles.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	N	Grossman	Y	Lamborn	N	Takis	Y
Cairns	N	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	N	Taylor	Y
Dyer	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	N	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

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

Co-sponsors added: Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Hillman, Keller, Owen, Sandoval, Tapia, Taylor, Teck, Windels.

SB03-107

by Senator(s) Chlouber; also Representative(s) Hefley--Concerning the number of days simulcast facilities may broadcast out-of-state greyhound races.

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

YES	33	NO	2	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	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: Hillman, Kester, Tapia, Taylor.

Committee of the Whole

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

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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:

- SB03-154** by Senator(s) Hillman; also Representative(s) Rhodes--Concerning a prohibition on local governments from requiring an owner of a private residential property to sell the property below its fair market value.
- Laid over until Wednesday, February 19, retaining its place on the calendar.
- SB03-055** by Senator(s) Teck; also Representative(s) Decker--Concerning the provision of waste services within the limits of local government entities.
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 5, page 259 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
(For further action, see roll call vote on page 415.)
- SB03-153** by Senator(s) Owen; --Concerning parental choice of preschool providers.
- Laid over until May 8, 2003.
- SB03-099** by Senator(s) Evans, Lamborn, Andrews, Jones, May R., McElhany, Owen; also Representative(s) King--Concerning the establishment of a scholarship program to provide low-income children with educational options.
- Laid over until Wednesday, February 19, retaining its place on the calendar.
- SB03-058** by Senator(s) May R.; also Representative(s) Cadman--Concerning state government efficiencies, and, in connection therewith, clarifying the meaning of grants under the "Procurement Code", authorizing the creation of alternative procurement methods, allowing an exception to the selection and contract formation requirements of the "Procurement Code", and allowing an exception to the emissions testing requirements for motor vehicles under certain circumstances.
- Amendment No. 1, Transportation Committee Amendment.
(Printed in Senate Journal, February 10, page 297 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-085** by Senator(s) Isgar, Entz; also Representative(s) Smith--Concerning the state engineer's authority to approve temporary loans of water rights.
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 14, pages 364-366 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB03-161** by Senator(s) Cairns; also Representative(s) Crane--Concerning authority for any state agency to provide limited monetary incentive awards to state employees whose ideas result in new cost savings.
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 14, page 366 and placed in members' bill files.)
- As amended, ordered engrossed 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.)

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SB03-102 by Senator(s) Arnold; also Representative(s) White--Concerning voter identification. 1
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 3
 (Printed in Senate Journal, February 14, pages 366-368 and placed in members' bill files.) 4
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 As amended, declared **LOST** on Second Reading. 6
 (For further action, see Amendments to the Report of the Committee of the Whole.) 7

SB03-139 by Senator(s) Andrews; also Representative(s) Lundberg--Concerning the procedure for 9
 contesting the result of an election approving the creation of a financial obligation when 10
 certain information is withheld from the voters. 11
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 13
 (Printed in Senate Journal, February 14, pages 368-370 and placed in members' bill files.) 14
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Amendment No. 2(L.002), by Senator Andrews. 16
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 Amend the State, Veterans, & Military Affairs Committee Report, dated 18
 February 11, 2003, page 2, line 16, after "BEEN", insert "MADE PUBLIC 19
 AND HAVE BEEN"; 20
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 line 26, strike "(I) AND (II)" and substitute "(I), (II), (III), AND (IV)". 22
 23
 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 24
 Passage. 25

SB03-137 by Senator(s) Arnold; also Representative(s) Spence--Concerning modifications to 27
 deadlines involving the conversion of unsatisfactory schools. 28
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 Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 30

SB03-015 by Senator(s) Owen, Hanna; also Representative(s) Jahn, Tochtrop--Concerning disclosure 32
 by a health care provider to the named insured of the estimated charges for nonemergency 33
 procedures prior to the scheduling of such procedures. 34
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 36
 (Printed in Senate Journal, February 14, page 372 and placed in members' bill files.) 37
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 As amended, ordered engrossed and placed on the calendar for Third Reading and Final 39
 Passage. 40

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE 42
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SB03-102 by Senator(s) Arnold; also Representative(s) White--Concerning voter identification. 44
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 Senator Arnold moved to amend the Report of the Committee of the Whole to show that 47
SB03-102, as amended, was laid over to Wednesday, February 19. 48
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 A majority of all members elected to the Senate having voted in the affirmative, 50
SB03-102, as amended, was laid over. 51

SB03-055 by Senator(s) Teck; also Representative(s) Decker--Concerning the provision of waste 53
 services within the limits of local government entities. 54
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 Senator Phillips requested a roll call vote on SB03-055. 56
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 Senator Teck moved a Call of the Senate. 58

Call of Senate. 59
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 Call Raised. 61
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 SB03-055 was declared **LOST** on the following roll call vote. 63
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SB03-055

YES	17	NO	18	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	N
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	N	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		

SB03-161

by Senator(s) Cairns; also Representative(s) Crane--Concerning authority for any state agency to provide limited monetary incentive awards to state employees whose ideas result in new cost savings.

Senator Teck moved to amend the Report of the Committee of the Whole to show that SB03-161 as amended was laid over to Wednesday, February 19.

A majority of all members elected to the Senate having voted in the affirmative, **SB03-161** as amended was laid over.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Lamborn, 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: SB03-058 as amended, SB03-085 as amended, SB03-139 as amended, SB03-137, SB03-015 as amended.

Lost on Second Reading: SB03-055.

Laid over until Wednesday, February 19: SB03-154, SB03-099, SB03-102 as amended, SB03-161 as amended.

Laid over until May 8: SB03-153.

SENATE SERVICES REPORT

Senate Services

Correctly printed: SJR03-018, 019, 020; SR03-012.

Correctly engrossed: SB03-003, 045, 091, 107, 158, 164, 226, 231; SJR03-020.

Correctly reengrossed: SB03-013, 042, 050, 052, 053, 079, 096, 098, 108, 112, 116, 117, 118, 126, 130, 133.

MESSAGE FROM THE HOUSE

February 18, 2003

Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB03-1121, amended as printed in House Journal, February 17, page 726.
 HB03-1101, amended as printed in House Journal, February 17, pages 726-727.
 HB03-1172, amended as printed in House Journal, February 17, page 727.
 HB03-1175, amended as printed in House Journal, February 17, page 727.
 HB03-1149, amended as printed in House Journal, February 17, page 727.
 HB03-1111, amended as printed in House Journal, February 17, page 728.
 HB03-1302, amended as printed in House Journal, February 17, page 728.

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MESSAGE FROM REVISOR OF STATUTES

February 18, 2003

We herewith transmit:

Without comment, as amended, HB03-1121, 1101, 1172, 1175, 1149, 1111, and 1302.

CONSIDERATION OF RESOLUTIONS

SJR03-017

by Senator(s) Entz; also Representative(s) Stengel--Concerning requesting that the congressional delegation of the state of Colorado work to permanently repeal the death tax.

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	N	Lamborn	Y	Takis	N
Cairns	Y	Hagedorn	Y	Linkhart	N	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	N
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	N	Keller	N	Reeves	N		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Evans, Hillman, Isgar, Johnson, Jones, Lamborn, May, McElhany, Nichol, Owen, Sandoval, Tapia, Taylor, Teck.

HJR03-1015

by Representative(s) Wiens, May M., Cadman, Harvey, Lee, McCluskey, Rhodes, Rippy, White; also Senator(s) Evans, Hillman, Andrews, Dyer, Entz, Isgar, Johnson S.-- Concerning the elimination of legal impediments regarding the use of water conservation measures.

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

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

Co-sponsors added: Anderson, Fitz-Gerald, Hanna, Keller, Linkhart, Phillips, Sandoval, Tapia, Taylor, Tupa, Windels.

SJR03-018

by Senator(s) Lamborn; also Representative(s) Fritz--Concerning the deployment of a missile defense system by the United States congressional delegation.

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

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

SJR03-018

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Johnson, Jones, Kester, May, McElhany, Nichol, Owen, Taylor, Teck.

SJR03-019

by Senator(s) Hillman; also Representative(s) Williams T.--Concerning a request that the Colorado congressional delegation support President Bush's call for legal reform.

Laid over until Wednesday, February 19, retaining its place on the calendar.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB03-217

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant-- Concerning a supplemental appropriation to the department of revenue.

Senator Owen moved that the Senate concur in House amendments to **SB03-217**, as printed in House Journal, February 6, page 324. The motion was **passed** by the following roll call vote:

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

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

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

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

SB03-197

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the payment of monthly salaries of state employees, and, in connection therewith, specifying that monthly salaries of state employees for the month of June shall be paid on the first working day of July and creating an exception to the requirement that the determination of the general fund surplus be based upon the accrual system of accounting for payment of monthly salaries of state employees for the month of June.

Senator Owen moved that the Senate concur in House amendments to **SB03-197**, as printed in House Journal, February 10, page 618. The motion was **passed** by the following roll call vote:

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

SB03-197

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

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

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

SB03-215

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of public safety.

Senator Owen moved that the Senate concur in House amendments to **SB03-215**, as printed in House Journal, February 14, page 683. The motion was **passed** by the following roll call vote:

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

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

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

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

SB03-219

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of transportation.

Senator Owen moved that the Senate concur in House amendments to **SB03-219**, as printed in House Journal, February 6, page 324. The motion was **passed** by the following roll call vote:

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

SB03-219

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

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

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

SB03-173

by Senator(s) Owen, Reeves, Teck; also Representative(s) Young, Plant, Witwer-- Concerning the repeal of specified nursing facility provider payments, and making an appropriation in connection therewith.

Senator Owen moved that the Senate concur in House amendments to **SB03-173**, as printed in House Journal, February 14, page 666. The motion was **passed** by the following roll call vote:

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

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

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

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

SB03-176

by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young-- Concerning the repeal of eligibility under the "Colorado Medical Assistance Act" for specified legal immigrants, and making an appropriation in connection therewith.

Senator Owen moved that the Senate concur in House amendments to **SB03-176**, as printed in House Journal, February 14, pages 666-667. The motion was **passed** by the following roll call vote:

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

SB03-176

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

YES	24	NO	11	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	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	N	Keller	N	Reeves	Y		

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

SB03-190

by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young--
Concerning tobacco litigation settlement moneys received by the state, and, in connection therewith, reallocating the moneys for the 2002-03 fiscal year for the purpose of augmenting the state general fund, providing authorization for the state treasurer to invest moneys transferred on July 5, 2002, from the tobacco litigation settlement trust fund to the general fund in any manner in which the trust fund moneys may be invested, and modifying appropriations for the 2002-03 fiscal year.

Senator Owen moved that the Senate not concur in House amendments to **SB03-190**, as printed in House Journal, February 14, pages 678-679, 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 Owen, Reeves, and Teck as Senate Conferees on the First Conference Committee on **SB03-190**.

SB03-228

by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young--
Concerning the authority of the general assembly to appropriate moneys from the highway users tax fund to the department of revenue for license plate funding, and making an appropriation therefor.

Senator Teck moved that the Senate concur in House amendments to **SB03-228**, as printed in House Journal, February 6, page 324. The motion was **passed** by the following roll call vote:

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

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

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

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

SB03-200 by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of corrections. 1
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Senator Owen moved that the Senate not concur in House amendments to **SB03-200**, as
printed in House Journal, February 14, pages 680-686, and that a Conference Committee
be appointed. 4
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A majority of all members elected to the Senate having voted in the affirmative, the motion
was **adopted**. 8
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The President appointed Senators Owen, Teck, and Reeves as Senate Conferees on the
First Conference Committee on **SB03-200**. 11
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SB03-203 by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of health care policy and
financing. 14
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Senator Owen moved that the Senate not concur in House amendments to **SB03-203**, as
printed in House Journal, February 14, pages 680-681, and that a Conference Committee
be appointed. 18
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A majority of all members elected to the Senate having voted in the affirmative, the motion
was **adopted**. 22
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The President appointed Senators Owen, Teck, and Reeves as Senate Conferees on the
First Conference Committee on **SB03-203**. 25
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SB03-205 by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of human services. 28
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Senator Owen moved that the Senate not concur in House amendments to **SB03-205**, as
printed in House Journal, February 14, pages 681-682, and that a Conference Committee
be appointed. 31
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A majority of all members elected to the Senate having voted in the affirmative, the motion
was **adopted**. 35
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The President appointed Senators Owen, Teck, and Reeves as Senate Conferees on the
First Conference Committee on **SB03-205**. 38
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SB03-214 by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of public health and
environment. 41
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Senator Owen moved that the Senate concur in House amendments to **SB03-214**, as
printed in House Journal, February 6, page 324. The motion was **passed** by the following
roll call vote: 45
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YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Sandoval	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Takis	Y
Cairns	Y	Hagedorn	Y	Linkhart	Y	Tapia	Y
Chlouber	Y	Hanna	Y	May	Y	Taylor	Y
Dyer	Y	Hillman	Y	McElhany	Y	Teck	Y
Entz	Y	Isgar	Y	Nichol	Y	Tupa	Y
Evans	Y	Johnson	Y	Owen	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Phillips	Y	Mr. President	Y
Gordon	Y	Keller	Y	Reeves	Y		

The question being "Shall the bill, as amended, pass?", the roll call was taken with the
following result: 60
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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		

SB03-214

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

SB03-207

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of labor and employment.

Senator Owen moved that the Senate concur in House amendments to **SB03-207**, as printed in House Journal, February 6, page 324. The motion was **passed** by the following roll call vote:

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

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

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

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

Co-sponsors added: Linkhart.

SB03-210

by Senator(s) Owen, Teck, Reeves; also Representative(s) Young, Witwer, Plant--
Concerning a supplemental appropriation to the department of local affairs.

Senator Owen moved that the Senate concur in House amendments to **SB03-210**, as printed in House Journal, February 6, page 324. The motion was **passed** by the following roll call vote:

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

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

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

SB03-210

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

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On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 18, 2003, was laid over until February 19, 2003, retaining its place on the calendar.

Conference Committees to Report: SB03-175, SB03-183, SB03-185.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., February 19, 2003.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate