

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

Addendum

(As authorized by Section 26, Article V of
the Constitution of the State of Colorado)

MESSAGE FROM THE HOUSE

May 8, 2003
Mr. President:

The House took no action on SJR03-046, SJR03-038, SJR03-043. The resolutions are returned herewith.

The House took no action on SJM03-002, SJM03-005, SJM03-007, and SJM03-008. The memorials are returned herewith.

The House took no action on Second Reading for SB03-323, 313, 346, 256, and 322.

The House failed to act and returns herewith: SB03-245

COMMITTEE OF REFERENCE REPORTS

State,
Veterans and
Military
Affairs

The Senate Committee on State Veterans & Military Affairs has had under consideration SJM03-003. Adjournment sine die of the First Regular Session of the 64th General Assembly having passed, SJM03-003 is returned herewith to the Senate.

State,
Veterans and
Military
Affairs

The Senate Committee on State Veterans & Military Affairs has had under consideration HB03-1252. Adjournment sine die of the First Regular Session of the 64th General Assembly having passed, HB03-1252 is returned herewith to the Senate.

Business
Affairs and
Labor

The Senate Committee on Business Affairs and Labor has had under consideration SB03-124. Adjournment sine die of the First Regular Session of the 64th General Assembly having passed, SB03-124 is returned herewith to the Senate.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-088, 352.

SENATE SERVICES REPORT -- May 9, 2003

To the Governor for signature on May 9, 2003, at 1:05PM.

SB03-088, 352.

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MESSAGE FROM THE GOVERNOR

May 9, 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 acts:

S.B. 03-088 – Concerning Implementation Of Recommendations Of The Committee On Legal Services In Connection With Legislative Review Of Rules And Regulations Of State Agencies.

Approved May 9, 2003 at 2:58 p.m.

S.B. 03-352 – Concerning The Congressional Redistricting Of Colorado With Minimal Population Deviation.

Approved May 9, 2003 at 3:00 p.m.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-09-03 3:20 p.m.
Mona Heustis, Secretary of the Senate

SENATE SERVICES REPORT -- May 13, 2003

Senate
Services

Correctly enrolled: SB03-011, 022, 027, 030, 037, 049, 065, 076, 083, 113, 131, 230, 239, 255, 264, 275, 294, 303, 304, 307, 309, 310, 314, and 318.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1004, 1007, 1021, 1025, 1040, 1056, 1073, 1089, 1092, 1105, 1111, 1123, 1130, 1138, 1163, 1170, 1173, 1191, 1210, 1213, 1218, 1228, 1240, 1249, 1253, 1274, 1289, 1292, 1301, 1305, 1315, 1316, 1317, 1322, 1326, 1327, 1332, 1345, 1346, 1350, 1354, 1359, 1362, 1363, 1366, 1369, 1370, 1373.

The President has signed: HB03-1164, 1318.

MESSAGES FROM THE GOVERNOR

May 14, 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 acts:

S.B. 03-007 – Concerning Toll Evasion Violations Committed In Vehicles Not Owned By The Operator.

Approved May 14, 2003 at 8:03 a.m.

S.B. 03-009 – Concerning Fingerprint-Based Criminal History Record Checks For Emergency Medical Technician Certificate Applicants.

Approved May 14, 2003 at 8:04 a.m.

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S.B. 03-019 – Concerning Program Reviews Of Tobacco Settlement Programs, And Making An Appropriation Therefor.	1
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Approved May 14, 2003 at 8:05 a.m.	4
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S.B. 03-041 – Concerning The Central Information System, And Making An Appropriation In Connection Therewith.	6
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Approved May 14, 2003 at 8:05 a.m.	9
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S.B. 03-045 – 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, Creating A Well Inspection Program, And Making An Appropriation In Connection Therewith.	11
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Approved May 14, 2003 at 8:05 a.m.	18
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S.B. 03-050 – Concerning The Implementation Of A Questionnaire By The State Board Of Nursing For The Purposes Of Renewing Nursing Licenses, And Making An Appropriation Therefor.	20
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Approved May 14, 2003 at 8:06 a.m.	24
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S.B. 03-070 – Concerning Payment Procedures For A Public Works Construction Project, And, In Connection Therewith, Creating Requirements For Contractors’ Bonds That Are Consistent With Existing Mechanics’ Liens Requirements Applicable To Private Projects.	26
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Approved May 14, 2003 at 8:07 a.m.	30
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S.B. 03-141 – Concerning Persons Convicted Of A Crime, And, In Connection Therewith, Waiving Certain Fees, Establishing Reimbursement Rates For Medical Care, And Authorizing Medical Care At State Hospitals.	32
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Approved May 14, 2003 at 8:09 a.m.	36
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S.B. 03-167 – Concerning The Valuation Of Possessory Interests In Land Leased By The State Board Of Land Commissioners For Purposes Of Property Taxation.	38
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Approved May 14, 2003 at 8:11 a.m.	41
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S.B. 03-225 – Concerning Recommendations From The Department Of Regulatory Agencies Regarding The Public Utilities Commission.	43
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Approved May 14, 2003 at 8:11 a.m.	46
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S.B. 03-235 – Concerning The Right To Display The United States Flag.	48
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Approved May 14, 2003 at 8:13 a.m.	50
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S.B. 03-240 – Concerning The Selection Process For An Independent Medical Examiner In Workers’ Compensation Cases.	52
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Approved May 14, 2003 at 8:14 a.m.	55
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S.B. 03-242 – Concerning Membership Of The Peace Officers Standards And Training Board.	57
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Approved May 14, 2003 at 8:15 a.m.	59
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S.B. 03-249 – Concerning Authority For The State To Enter Into Leveraged Leasing Agreements, And, In Connection Therewith, Specifying That Property That Is The Subject Of A Leveraged Leasing Agreement Is Exempt From Property Taxation.	61
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Approved May 14, 2003 at 8:16 a.m.	65
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S.B. 03-253 – Concerning The Validation Of Certain Parental Liability Waivers.	67
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Approved May 14, 2003 at 8:20 a.m.	69
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S.B. 03-297 – Concerning A Reduction In The Level Of Funding Provided From The State General Fund For Certain Activities Of The Department Of Agriculture, And, In Connection	71
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Therewith, Creating An Inspection And Consumer Services Cash Fund And Granting Authority To The Agricultural Commission To Set Fees For The Support Of Such Activities And Making An Appropriation.

Approved May 14, 2003 at 8:21 a.m.

S.B. 03-312 – 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.

Approved May 14, 2003 at 8:22 a.m.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-14-03 1:57 p.m.
Karen Kuhlmann, Asst. Secretary of the Senate

SENATE SERVICES REPORT -- May 14, 2003

Senate Services Correctly enrolled: SB03-033, 251, 252, 254, and 325.

SENATE SERVICES REPORT -- May 15, 2003

Senate Services Correctly enrolled: SB03-236.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-236.

SENATE SERVICES REPORT -- May 15, 2003

Senate Services Correctly enrolled: SB03-038, 320, 321, 324, 326, 328, 329, 334, 336, 340, 342, 344, 345, 347, 348, 349.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1024, 1190, 1206, 1219, 1224, 1237, 1244, 1263, 1290, 1294, 1320, 1323, 1329, 1334, 1339, 1341, 1342, 1347, 1348, 1349, 1351, 1356, 1357, 1360, 1367, 1371, 1372, 1381.

SENATE SERVICES REPORT -- May 15, 2003

Senate Services Correctly enrolled: SB03-098, 101, 106, 134, 248, 327, 331, 333, 347.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB03-098, 101, 106, 134, 248, 327, 331, 333, 347.

The President has signed: HB03-1099, 1114, 1132, 1147, 1172, 1223, 1340, 1344, 1352, 1358, 1368, 1378, 1382.

The President has signed: SB03-011, 022, 027, 030, 033, 037, 049, 065, 076, 083, 113, 131, 230, 239, 251, 252, 254, 255, 264, 268, 275, 282, 294, 303, 304, 307, 309, 310, 314, 317, 318, and 325.

SENATE SERVICES REPORT -- May 19, 2003

Senate Services

To the Governor for signature on Monday, May 19, 2003, at 9:52 AM
SB03-011, 022, 027, 030, 033, 037, 049, 065, 076, 083, 113, 131, 230, 236, 239, 251, 252, 254, 255, 264, 275, 294, 303, 304, 307, 309, 310, 314, 318, and 325.

MESSAGE FROM THE GOVERNOR

May 19, 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. 03-110 – Concerning The Funding Of Colorado Water Conservation Board Projects, And Making Appropriations In Connection Therewith.

Approved May 19, 2003 at 10:03 a.m.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-21-03 2:25 p.m.
Renee White, Senate Calendar Clerk

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB03-1319, 1376, 1377.

The President has signed: SB03-038, 320, 321, 324, 326, 328, 329, 334, 336, 340, 342, 344, 345, 347, 348, and 349.

SENATE SERVICES REPORT -- May 20, 2003

Senate Services

To the Governor for signature on May 20, at 11:41am: SB03-038, 098, 101, 106, 134, 248, 320, 321, 324, 326, 327, 328, 329, 331, 333, 334, 336, 340, 342, 344, 345, 347, 348, 349.

Correctly enrolled: SM03-002;
SR03-018, 019, 020;
SJR03-004, 027, 039, 041, 042, 045, 050;
SJM03-001, 004, 010.

To the Governor for signature on May 20, 2003, at 3:28pm: SB03-268 and 282.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR03-029.

MESSAGE FROM THE GOVERNOR

May 20, 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. 03-068 – Concerning The Creation Of The Commission On Mandated Health Insurance Benefits To Assess The Impact Of Mandated Health Insurance Benefits In Colorado, And, In Connection Therewith, Making An Appropriation.

Approved May 20, 2003 at 10:03 A.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-21-03 2:25 p.m.
Renee White, Senate Calendar Clerk

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SM03-002;
SR03-018, 019, 020;
SJR03-004, 014, 027, 034, 039, 041, 042, 045, 050;
SJM03-001, 004, 010.

The President has signed: HJR03-1016, 1017, 1020, 1022, 1023, 1027, 1029, 1032, 1033, 1037, 1038, 1040, 1041, 1042, 1043, 1044, 1046, 1047, 1048, 1049, 1050, 1052, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 1072, 1073, 1074.

MESSAGES FROM THE GOVERNOR

May 22, 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 acts:

S.B. 03-006 -- Concerning The Creation Of A Local Initiative Committee Pilot Program For Management Of Community-Based Programs For Adults With Mental Illness Who Come Into Contact With The Criminal Justice System.

Approved May 22, 2003 at 4:00 P.M.

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S.B. 03-011 -- Concerning Prescription Medications Under The "Colorado Medical Assistance Act", And Making An Appropriation In Connection Therewith. 1
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Approved May 22, 2003 at 4:01 P.M. 3
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S.B. 03-033 -- Concerning Management Of Public Records By Governmental Entities. 5
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Approved May 22, 2003 at 4:04 P.M. 7
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S.B. 03-065 -- Concerning Animal Protection. 9
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Approved May 22, 2003 at 4:05 P.M. 11
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S.B. 03-103 -- Concerning Training Programs For Colorado Peace Officers Overseen By The Peace Officer Standards And Training Board, And, In Connection Therewith, Providing Funding For Such Peace Officer Training Programs, And Making An Appropriation Therefor. 13
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Approved May 22, 2003 at 4:19 P.M. 18
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S.B. 03-113 -- Concerning The Continuation Of The Division Of Gaming Within The Department Of Revenue. 20
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Approved May 22, 2003 at 4:09 P.M. 23
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S.B. 03-307 -- 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. 26
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Approved May 22, at 4:10 P.M. 30
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S.B. 03-308 -- Concerning The Use Of Advanced Technology Fund Moneys. 32
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Approved May 22, 2003 at 4:12 P.M. 34
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S.B. 03-310 -- Concerning Estate Planning. 36
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Approved May 22, 2003 at 4:14 P.M. 38
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S.B. 03-325 -- Concerning The Deferral Of Property Taxes Owed By Active Duty Military Personnel. 40
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Approved May 22, 2003 at 4:16 P.M. 43
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Sincerely, 45
(signed) 46
Bill Owens 47
Governor 48
Rec'd 05-23-03 11:40 a.m. 49
Renee White, Senate Calendar Clerk 50
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May 22, 2003 52
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The Honorable Colorado Senate 55
Sixty-Fourth General Assembly 56
First Regular Session 57
State Capitol Building 58
Denver, CO 80203 59
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Ladies and Gentlemen: 62
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I am filing with the Secretary of State Senate Bill 03-248, "Concerning the Financing of Public Schools, and Making an Appropriation in Connection Therewith." Approved in part and disapproved in part as of 4:42 P.M. today. 64
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To begin with, please be advised that I am notifying the Department of Education of my legal counsel's opinion that section 43 of the bill is unconstitutional, and that I intend to take appropriate actions. 68
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Section 43, page 32, provides: 72

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

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

Section 43 attempts to control the spending and administration of federal funds. The General Assembly has no authority to direct the expenditure of federal funds in this manner; this section is an infringement upon the executive function of administration in violation of Article III of the Colorado Constitution. *MacManus v. Love*, 499 P.2d 609 (Colo. 1972); *Colorado General Assembly v. Lamm*, 738 P.2d 1156 (Colo. 1987).

With regard to my vetoes in this bill, under article IV, section 12 of the Colorado Constitution, I have the “power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items.” I have exercised this power with respect to a number of distinct items of appropriations in Senate Bill 03-248. Pursuant to the Colorado Constitution, I have forwarded copies of the vetoed items from this bill, with my objections, to the house of origin. I have approved the FY 2003-04 School Finance Act in part. In lining through these provisions, I have vetoed the following items:

- 1. Footnote 14a in Section 49, page 41, that provides:

14a DEPARTMENT OF EDUCATION, ASSISTANCE TO PUBLIC SCHOOLS, PUBLIC SCHOOL FINANCE, STATE SHARE OF DISTRICTS’ TOTAL PROGRAM – PURSUANT TO SECTION 22-54-104(5)(C)(III)(B), C.R.S., THE DEPARTMENT IS REQUIRED TO TRANSFER A PORTION OF THE AMOUNT APPROPRIATED FOR THIS LINE ITEM TO THE LEGISLATIVE COUNCIL TO FUND THE BIENNIAL COST OF LIVING ANALYSIS. THIS AMOUNT TRANSFERRED BY THE DEPARTMENT SHALL NOT EXCEED \$182,000.

This footnote amends the general appropriations bill. While the legislative branch has the authority to appropriate state funds, the executive branch has the inherent responsibility and authority to administer state funds. Therefore, the legislature may not attach conditions in the Long Bill that intrude into the administration of state government. *Anderson v. Lamm*, 579 P.2d 620 (Colo. 1978); *Colorado General Assembly v. Lamm*, 704 P.2d 1371 (Colo. 1985). Furthermore, Article V, Section 32 prohibits the legislature from including substantive legislation in the Long Bill. *Anderson*; *Colorado General Assembly*. The executive department cannot abide by legislative directives that are in violation of the Colorado Constitution.

This footnote violates the separation of powers in Article III of the Colorado Constitution by attempting to administer the appropriation. In addition, this footnote may violate Article V, Section 32 because it constitutes substantive legislation that cannot be included in the general appropriations bill pursuant to Article V, Section 32 of the Colorado Constitution. Accordingly, I am vetoing this footnote.

- 2. Section 51(2)(b), page 42, that provides:

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

This footnote amends the general appropriations bill. Article IV, Section 12 of the Colorado Constitution allows me to disapprove of any item of any bill making appropriations of money. I have exercised this power to veto this line item because it does not meet with my approval. These savings were anticipated based on a delay in delivery of the annual accountability reports permitted by section 46 of this bill. I will direct the Department of Education not to delay delivery of annual accountability reports, and this funding will permit the Department to meet its original deadlines. Delaying the accountability report delivery deadlines would conflict with other deadlines in statute that are critical to the school accountability system, including deadlines pertaining to the request for proposals for new management in consistently unsatisfactory schools as well as deadlines for Colorado’s new school choice program.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

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May 22, 2003

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The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

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Ladies and Gentlemen:

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I am filing with the Secretary of State, Senate Bill 03-328, "Concerning Changes to Earned Time Computations, and Making an Appropriation in Connection Therewith." I vetoed this bill as of 4:15 P.M. today, and this letter sets forth my reasons for doing so.

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S.B. 03-328 has the effect of reducing prison sentences by changing the amount of a prisoner's sentence that may be reduced as a result of accrued earned time. Protecting the public from crime is one of the most important duties of government. With all of the other changes to prisoner sentencing made by the General Assembly this year, I do not believe it is wise to make further changes at this time. Accordingly, I have vetoed this bill.

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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

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May 22, 2003

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The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

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Ladies and Gentlemen:

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I am filing with the Secretary of State, Senate Bill 03-275, "Concerning the Distribution of School Accountability Reports, and Making an Appropriation in Connection Therewith." I vetoed this bill as of 4:11 P.M. today. This letter sets forth my reasons for doing so.

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School accountability reports are designed to ensure that parents and other Colorado taxpayers have access to consistent and comparable information on the performance of Colorado's public schools. Access to this information is especially important in light of the billions of dollars Colorado taxpayers spend each year on our public schools. By eliminating copies of these reports, the General Assembly will reduce their effectiveness and may negatively impact parents, who are trying to find the most-appropriate school for their child. Additionally, information provided on the reports may be important to parents trying to determine whether or not their child qualifies for the newly enacted school choice program.

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Given the billions of dollars Colorado taxpayers spend on Colorado's public schools each year, I do not believe that the savings generated by this bill (\$10,000) justify reducing the taxpayers access to reports showing how these schools are performing. Accordingly, I have vetoed this bill.

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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

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May 22, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State, Senate Bill 03-309, "Concerning the Suspension of the Administration of Statewide Assessments in Writing, and Making an Appropriation Therefor." I vetoed this bill as of 4:12 P.M. today. This letter sets forth my reasons for doing so.

When considering the vast of amounts of taxpayer dollars that are spent to educate our youth, it is our responsibility to measure the value of the investment made. Writing assessments are one important way the state illustrates to taxpayers how well children are learning. Suspending writing assessments also would halt the opportunity for longitudinal analysis and individualized instruction to each student. The state would also place school districts in a situation in which they would scramble to find a commercial assessment to fill this void in testing writing skills.

We should not underestimate the importance of writing assessments. The College Board's Commission on Writing recently released a report that concluded that without solid writing skills "American education will never realize its potential as an engine of opportunity and economic growth." By their nature, writing assessments are more expensive and take more time to score because they are not "multiple-choice, fill-in-the-bubble tests." The results reflect critical thinking and interpretation skills needed to measure student achievement. Since 1997, the number of Colorado students scoring proficient or advanced on the fourth grade writing assessment has increased 20 percent. In an era of increased attention on improving our schools, now is not the time to scale back our assessment program.

We know from experience that a comprehensive assessment and accountability program improves education for all students. S.B. 03-309 weakens this program. Accordingly, I have vetoed this bill.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

May 22, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State, Senate Bill 03-264, "Concerning the Enterprise Status of Institutions of Higher Education for the Purposes of Section 20 of Article X of the State Constitution." I vetoed this bill as of 4:10 P.M. today. This letter sets forth my reasons for doing so.

The bill would have added higher education institutions to the list of state agencies that could become entities no longer subject to the TABOR amendment. Granting enterprise status to higher education institutions represents a major change in their governance. Such a change should only occur after a thorough institution-by-institution discussion on the costs and benefits, much like what occurred when the School of Mines was granted charter status. S.B. 03-264, however, would establish enterprise status for higher education institutions without careful analysis of the costs and benefits to taxpayers and students.

S.B. 03-264 would likely lead to tuition rate hikes without limit. Enterprise status would grant institutions much greater authority to increase the tuition burden on students and reduce legislative and executive oversight of tuition increases.

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Furthermore, any change to enterprise status of higher education institutions should also reflect reforms of the funding mechanisms for Colorado's colleges and universities. The findings from the Blue Ribbon Panel on Higher Education for the 21st Century point to the serious need for reforming the funding of higher education, and the major governance change of enterprise status should not be undertaken without such funding reforms.

Accordingly, I have vetoed this bill.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

May 22, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am returning to you Senate Bill 03-101, "Concerning Stabilization of Employer Contributions to the Public Employees' Retirement Association, and Making an Appropriation Therefor." I vetoed this bill as of 4:09 P.M. today, and this letter sets forth my reasons for doing so.

Senate Bill 03-101 removes the state's employer contribution rate from legislative control, which is an unwise fiscal policy that erodes the PERA board's accountability to the General Assembly. The bill also lowers from one hundred percent to only ninety-five percent the threshold of funded liabilities below which a division of PERA is deemed underfunded. The effect of this change is to leave PERA less than fully funded, even after any increases that the bill permits PERA's auditor to institute in the state's employer contribution rate.

Senate Bill 03-101 may create minor fiscal relief for the state budget in the short term. However, the "savings" that the bill generates are only achieved at the price of tolerating a less sound state retirement system in the long term, a choice that could one day produce a much greater impact on the state budget. Such a trade-off is unacceptable.

The State of Colorado has an obligation to provide its employees with a choice of sound retirement planning alternatives that they can count on to serve their best interests. This means first and foremost that we must work to ensure that PERA remains fiscally healthy. But it also means that we must provide state employees with greater freedom to select from a choice of retirement plans, so that individuals are empowered to advance their own personal retirement goals as they determine.

Senate Bill 03-101 does not make progress toward providing state employees with more retirement choices. Currently, term-limited, elected officials at the state level in Colorado have the option to participate in a defined contribution retirement plan that provides immediate portability with full retention of all contributions made by the state on an individual's behalf. Why should not all state employees, particularly those in high-turnover classifications, enjoy the same privilege? Denying such employees the ability to choose an immediately portable alternative means compelling them to subsidize the retirement plans of others. Senate Bill 03-101 does not move us closer to correcting such inequities.

For these reasons, I have vetoed this bill.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

May 22, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
State Capitol Building
Denver, CO 80203

I am filing with the Secretary of State S.B. 03-085, "Concerning the State Engineer's Authority to Approve Temporary Loans of Water Rights, and Making an Appropriation in Connection Therewith." I vetoed this bill as of 4:08 P.M. today, and this letter sets forth my reasons for doing so.

S.B. 03-85 conflicts with another bill, H.B. 03-1320, passed by the General Assembly this year. The intent of both bills is to protect the environment during times of severe drought without jeopardizing water rights on a permanent basis. S.B. 03-085 provides that, upon application by the Colorado Water Conservation Board (CWCB), a water right owner may loan a water right to that agency for instream flow purposes subject to approval by the Division Engineer.

H.B. 03-1320 also authorizes water right owners to loan their rights to the CWCB for instream flow purposes, but under more carefully defined circumstances than S.B. 03 -85. It provides that temporary instream flows may be approved upon a declaration of drought or other emergency by the Governor. Both bills condition temporary instream flows on a finding of no injury by the Division Engineer. At the request of the CWCB, Division of Water Resources, and Department of Natural Resources, H.B. 03-1320 appropriates \$5,000 from the ground water management cash fund for implementation. S.B. 03-085, however, only appropriates \$1,000 for implementation.

S.B. 03-085 also allows for agricultural to agricultural transfers within the same stream season. While that idea may have merit, it is uncertain how that may affect the primary purpose of protecting the environment during times of drought.

Due to the inconsistencies between the two bills, and given the concerns expressed by many during the legislative session that temporary instream flows should be approved only in drought or other emergencies, I hereby veto S.B. 03-085.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

May 22, 2003

The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I am filing with the Secretary of State, Senate Bill 03-252, "Concerning the Placement Following Parole Revocation of a Parolee on Parole for a Nonviolent Felony, and Making an Appropriation in Connection Therewith." I will neither sign nor veto Senate Bill 03-252. Therefore, this bill becomes law at 12:01 A.M. on June 7, 2003. This letter sets forth my reasons for letting this bill become law without my signature.

Senate Bill 03-252 is a positive step toward clarifying and rendering more consistent the options that are available to the Parole Board in dealing with nonviolent offenders who have committed a violation of parole that does not constitute a new crime. A drawback of the bill, however, is that it adds to the hearing obligations of the Parole Board without providing additional funding to support this increased burden. Senate Bill 03-252 also eliminates the mandatory year of post-release supervision that current law provides for most offenders who have been re-incarcerated after having their parole revoked. These changes are less satisfactory and detract from much of the benefit that the bill provides.

For these reasons, I am allowing Senate Bill 03-252 to become law without my signature.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

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May 22, 2003

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The Honorable Colorado Senate
Sixty-Fourth General Assembly
First Regular Session
Denver, CO 80203

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Ladies and Gentlemen:

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I am filing with the Secretary of State Senate Bill 03-318, "Concerning Reduction of Sentences for Particular Drug Crimes, and in Connection Therewith, Creating a Drug Offender Treatment Fund." I will neither sign nor veto Senate Bill 03-318. Therefore, this bill becomes law at 12:01 A.M. on June 7. This letter sets forth my reasons for letting this bill become law without my signature.

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S.B. 03-318 reduces felony levels involving controlled substances and directs the savings from lower anticipated incarceration rates for drug offenders to community-based substance abuse treatment programs. While I am skeptical of the ability of non-incarceration to protect the public from crimes involving illegal drugs and illegal drug use, this bill will afford Colorado an opportunity to determine the impact of directing criminals to treatment programs rather than prison alone.

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Accordingly, I am allowing Senate Bill 03-318 to become law without my signature.

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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 05-23-03 11:40 a.m.
Renee White, Senate Calendar Clerk

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June 3, 2003

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

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Ladies and Gentlemen:

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

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S.B. 03-121 – Concerning The Preparation Of A Cost-Benefit Analysis Of Rules Proposed For Adoption By State Agencies Under The "State Administrative Procedure Act" To Determine The Impact Of The Proposed Rules On The State's Economy.

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Approved June 3, 2003 at 2:35 p.m.

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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 06-03-03 3:35 p..m.
Renee White, Calendar Clerk

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June 5, 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. 03-236 – 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.

Approved June 5, 2003 at 10:25 a.m.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 06-05-03
Renee White, Senate Calendar Clerk

June 6, 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 acts:

S.B. 03-022 – Concerning The Administration Of The Old Age Pension Health And Medical Care Programs, And Making An Appropriation Therefor.

Approved June 5, 2003 at 5:19 p.m.

S.B. 03-027 – Concerning The Regulation Of Outfitters Hired To Assist Others In Taking Wildlife.

Approved June 5, 2003 at 5:20 p.m.

S.B. 03-030 – Concerning The Disclosure To Each Individual Taxpayer Of The Average Amount Of Certain Taxes Paid By The Taxpayer In The Previous Calendar Year.

Approved June 5, 2003 at 5:22 p.m.

S.B. 03-037 – Concerning Modifications To The County Maintenance Of Effort Calculations For The Colorado Child Care Assistance Program.

Approved June 5, 2003 at 5:23 p.m.

S.B. 03-038 – Concerning A Clarification Of Certain Terms Contained In The Unlawful Acts Section Of The “Mortuary Science Code”.

Approved June 5, 2003 at 5:23 p.m.

S.B. 03-049 – Concerning The Method By Which Moneys In The Aviation Fund May Be Appropriated By The General Assembly.

Approved June 5, 2003 at 5:24 p.m.

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S.B. 03-076 – Concerning Time Frames Applicable To Penalties For Offenses Relating To The Use Of Substances, And Making An Appropriation In Connection Therewith.	1
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Approved June 5, 2003 at 4:19 p.m.	3
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S.B. 03-083 – Concerning The “Child Mental Health Treatment Act”.	5
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Approved June 5, 2003 at 5:23 p.m.	7
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S.B. 03-098 – Concerning Benefit Provisions Of The Public Employees’ Retirement Association.	9
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Approved June 5, 2003 at 5:24 p.m.	11
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S.B. 03-106 – Concerning Third-Party Damages Subject To Subrogation In Claims That Are Paid Pursuant To The “Workers’ Compensation Act Of Colorado”.	13
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Approved June 5, 2003 at 5:26 p.m.	15
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S.B. 03-114 – Concerning Increased Penalties For Illegal Feeding Of Wild Bears.	17
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Approved June 5, 2003 at 5:27 p.m.	19
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S.B. 03-131 – Concerning Continuation Of The Use Of Electronic Hearings Regarding Motor Vehicle Regulation By The Department Of Revenue.	21
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Approved June 5, 2003 at 5:30 p.m.	23
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S.B. 03-134 – Concerning Continuation Of The Certification Of Nurse Aides By The State Board Of Nursing, And Making An Appropriation Therefor.	25
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Approved June 5, 2003 at 5:31 p.m.	27
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S.B. 03-222 – Concerning A Requirement That The General Fund Surplus Be Determined Based Upon The Accrual System Of Accounting, As Enunciated By The Governmental Accounting Standards Board.	29
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Approved June 5, 2003 at 5:33 p.m.	31
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S.B. 03-230 – Concerning An Authorization For The Secretary Of State To Promulgate Rules Pursuant To The “Uniform Electronic Transactions Act”, And Making An Appropriation Therefor.	33
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Approved June 5, 2003 at 5:34 p.m.	35
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S.B. 03-238 – Concerning The Recovery Of Actual Costs Of Utility Facility Relocation At The Request Of A Government Entity.	37
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Approved June 5, 2003 at 5:33 p.m.	39
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S.B. 03-239 – Concerning The Enforcement Of Compulsory Motor Vehicle Insurance, And, In Connection Therewith, Continuing The Motorist Insurance Identification Database Program, And Making An Appropriation Therefor.	41
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Approved June 5, 2003 at 5:34 p.m.	43
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S.B. 03-250 – Concerning The Merger Of A School District Retirement System With Another Public Employee Retirement System.	45
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Approved June 5, 2003 at 5:34 p.m.	47
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S.B. 03-251 – Concerning A Prohibition On The Use By Local Governments Of Amortization To Eliminate Nonconforming Uses Of Property.	49
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Approved June 6, 2003 at 9:10 a.m.	51
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S.B. 03-254 – Concerning Closing The Achievement Gap, And, In Connection Therewith, Creating A Program To Assist Schools That Have Received An “Unsatisfactory” Rating Or Have A Significant Achievement Gap, Establishing A Commission To Propose Actions To Close The Achievement Gap, And Creating A Cash Fund.	53
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Approved June 5, 2003 at 5:11 p.m.	55
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S.B. 03-255 – Concerning Provisions Relating To Selective Service Registration As A Prerequisite For Enrolling At A State-Supported Institution Of Higher Education.

Approved June 5, 2003 at 5:12 p.m.

S.B. 03-268 – Concerning Tobacco Litigation Settlement Moneys, And, In Connection Therewith, Creating A Tobacco Litigation Settlement Financing Corporation For The Purpose Of Securitizing A Portion Of The Tobacco Settlement Revenues Scheduled To Be Received By The State, Requiring The Net Proceeds Of Any Securitization To Be Used To Fund A Cash Flow Reserve, And Modifying The Level Of Future Appropriations For Programs Funded With Tobacco Litigation Settlement Moneys.

Approved June 5, 2003 at 5:15 p.m.

S.B. 03-282 – Concerning Tobacco Litigation Settlement Moneys Received By The State, And, In Connection Therewith, Reallocating A Portion Of The Moneys Received In The 2003-03 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.

Approved June 5, 2003 at 5:17 p.m.

S.B. 03-294 – Concerning Pharmaceutical Benefits Administered Through The State’s Medical Assistance Program, And, In Connection Therewith, Requiring The State To Implement Drug Utilization Mechanisms For The Medical Assistance Program, And Making An Appropriation In Connection Therewith.

Approved June 5, 2003 at 4:19 p.m.

S.B. 03-303 – Concerning An Exclusion Of The Provision Of Telecommunications Services For Inmates In Penal Institutions From The Jurisdiction Of The Public Utilities Commission.

Approved June 5, 2003 at 5:20 p.m.

S.B. 03-304 – Concerning Provisions That Govern The Operations Of State-Supported Institutions Of Higher Education.

Approved June 5, 2003 at 5:20 p.m.

S.B. 03-314 – Concerning The Placement Of Children Who Are Part Of A Sibling Group.

Approved June 5, 2003 at 5:30 p.m.

S.B. 03-317 – Concerning The Reduction Of The Amount That Vendors Are Allowed To Retain As Payment For The Collection Of Taxes Imposed By The State, And Making An Appropriation In Connection Therewith.

Approved June 5, 2003 at 5:32 p.m.

S.B. 03-320 – Concerning Periodic Reporting Requirements On Subjects Assigned To The Legislative Committees Dealing With Transportation Issues Under Title 43, Colorado Revised Statutes.

Approved June 5, 2003 at 5:35 p.m.

S.B. 03-321 – Concerning The Repeal Of A Periodic Reporting Requirement On A Subject Assigned To The Finance Committees Under Title 39, Colorado Revised Statutes.

Approved June 5, 2003 at 5:36 p.m.

S.B. 03-324 – Concerning The Expenditure Of Moneys In The Petroleum Storage Tank Fund To Implement The Regulation Of Fuel Products By The Division Of Oil and Public Safety.

Approved June 5, 2003 at 5:40 p.m.

S.B. 03-326 – Concerning Statutory Provisions Governing Publicly-Supported Libraries.

Approved June 5, 2003 at 4:50 p.m.

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- S.B. 03-327 – Concerning Hearings In Dependency And Neglect Actions. 1
 Approved June 5, 2003 at 4:52 p.m. 2
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- S.B. 03-329 – Concerning The Conformance Of State Law Regarding Mining Explosive Oversight To Federal Law. 5
 Approved June 5, 2003 at 4:53 p.m. 6
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- S.B. 03-331 – Concerning Enforcement Of Health Benefit Coverage By The Insurance Commissioner. 10
 Approved June 5, 2003 at 4:55 p.m. 11
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- S.B. 03-333 – Concerning The Use Of Electronic Formats In The Enforcement Of Traffic Law. 15
 Approved June 5 2003 at 4:45 p.m. 16
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- S.B. 03-334 – Concerning The Period In Which An Application For The Property Tax Exemption For Qualifying Seniors May Be Filed. 20
 Approved June 5 2003 at 4:50 p.m. 21
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- S.B. 03-336 – Concerning The Statewide Internet Portal. 25
 Approved June 5 2003 at 4:50 p.m. 26
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- S.B. 03-340 – Concerning Exemptions From Registration Under The “Colorado Charitable Solicitations Act”. 29
 Approved June 5 2003 at 4:57 p.m. 30
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- S.B. 03-342 – Concerning The Creation Of A Cash Flow Reserve In The Controlled Maintenance Trust Fund, And, In Connection Therewith, Selling Legal Interests In Eligible State Facilities That Are Simultaneously Leased Back By The State Pursuant To Lease-Purchase Agreements And Using The Net Proceeds Of The Sales And Other Moneys To Fund The Cash Flow Reserve. 34
 Approved June 5 2003 at 5:01 p.m. 35
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- S.B. 03-344 – Concerning Audit Requirements For Local Government Retirement Systems. 42
 Approved June 5 2003 at 5:03 p.m. 43
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- S.B. 03-345 – Concerning A Clarification That A Person Who Receives A Certificate Of Self-Insurance For Motor Vehicles From The Commissioner Of Insurance In Not Subject To Certain Other Compulsory Motor Vehicle Coverage Requirements. 46
 Approved June 5 2003 at 4:30 p.m. 47
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- S.B. 03-347 – Concerning The Valuation Of Possessory Interests In Land Involving Timber Contracts. 52
 Approved June 5 2003 at 4:53 p.m. 53
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- S.B. 03-348 – Concerning Modifications To The Designation Of The State Emergency Reserve For The 2002-03 State Fiscal Year. 57
 Approved June 5 2003 at 4:32 p.m. 58
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- S.B. 03-349 – Concerning The Authority Of The Governor To Utilize State Moneys Not Otherwise Appropriated For The 2002-03 Stat Fiscal Year To Cover General Fund Appropriations In The Event Of A Revenue Shortfall, And, In Connection Therewith, Authorizing The Governor To Direct The Disbursement Of General Fund Moneys Comprising The Statutorily Required General Fund Reserve For Such Purpose And Authorizing Transfer Of Moneys From Certain Cash Funds Under Certain Circumstances To Augment The General Fund. 62
 Approved June 5 2003 at 4:44 p.m. 63
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Sincerely,
(signed)
Bill Owens
Governor
Rec'd 06-06-03 11:33 a.m.
Karen Kuhlmann, Senate Journal Clerk

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