

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

Twenty-first Legislative Day Tuesday, January 27, 2004

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Prayer	By the chaplain, Reverend Stuart Haskins.	11
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Pledge	By Senator Fitz-Gerald.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--31.	18
	Absent/Excused--4; Evans, Hagedorn, Johnson, Tupa.	19
	Present later--Evans, Tupa.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Jones, reading of the Journal of January 23, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Business Affairs & Labor	The Committee on <u>Business Affairs and Labor</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	33
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**MEMBERS OF THE
BOARD OF REAL ESTATE APPRAISERS**

for terms expiring July 1, 2006: 40

Louis J. Garone of Westminster, Colorado, to serve as a real estate appraiser, reappointed; 41

Lawrence J. Depenbusch of Centennial, Colorado, to serve as a member of the public, appointed. 42

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Business Affairs & Labor	The Committee on <u>Business Affairs and Labor</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	49
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**MEMBER OF THE
STATE PERSONNEL BOARD**

for a term expiring June 30, 2008: 52

John S. Zakhem of Littleton, Colorado, reappointed. 53

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Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-023 be referred to the Committee of the Whole with favorable recommendation.	61
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Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-048** be postponed indefinitely.

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INTRODUCTION OF BILLS--FIRST READING

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

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SB04-163

by Senator(s) Owen; also Representative(s) Young--Concerning the prohibition against a physician referral to a limited-service hospital where a conflict of interest exists due to a financial interest in the hospital.
State Veterans & Military Affairs

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SB04-164

by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.
Transportation

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SB04-165

by Senator(s) Hillman; --Concerning fiscal analysis of changes in the employer contribution rate to the public employees' retirement association.
Finance

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SB04-166

by Senator(s) Lamborn; also Representative(s) Stengel--Concerning a one-time adjustment for inflation to the one-million-dollar damages limitation contained in the statute governing medical negligence recovery in accordance with the consumer price index of the United States bureau of labor statistics.
Business Affairs & Labor

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SB04-167

by Senator(s) Hagedorn; --Concerning prohibitions on retaliation against health care workers who furnish information about services provided to patients.
Health, Environment, Welfare & Institutions

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SB04-168

by Senator(s) Phillips; --Concerning rural renewable electric resources in Colorado.
Business Affairs & Labor

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SB04-170

by Senator(s) Hanna; --Concerning a prohibition against awarding a state contract to be performed outside the United States, and, in connection therewith, creating the "Keep Jobs in Colorado Act".
State Veterans & Military Affairs

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SB04-169

by Senator(s) Phillips; --Concerning the public benefits received by a company that replaces Colorado employees with workers located outside the United States, and, in connection therewith, creating the "Job Preservation Act of 2004".
State Veterans & Military Affairs

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HB04-1098

by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning the disposition of moneys received by the state, and, in connection therewith, creating a definition of "custodial moneys".
Finance

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MESSAGE FROM THE GOVERNOR

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Appointment

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

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January 20, 2004

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

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Ladies and Gentlemen:

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

MEMBERS OF THE COLORADO BOARD OF VETERANS AFFAIRS

effective June 30, 2002 for terms expiring June 30, 2006:

Randall L. Hoffman of Golden, Colorado, to serve as a veteran and as a Republican, reappointed;

C. Douglas Sterner of Pueblo, Colorado, to serve as a veteran and as a Republican, reappointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 1/21/04
Mona Heustis
Secretary of the Senate

Committee on State Affairs

LETTER OF APPOINTMENT

Appointment A letter of appointment from the Secretary of the Board of Regents, University of Colorado was read and assigned to Committee as follows:

January 6, 2004

Honorable John Andrews
President of the Colorado Senate
State Capitol Building
200 East Colfax Avenue
Denver, Colorado 80203

Attn: Mona Heustis, Secretary of the Senate

Dear President Andrews:

On behalf of the Board of Regents of the University of Colorado, I am pleased to forward to you the following appointments to the University of Colorado Hospital Authority Board of Directors:

From the Sixth Congressional District: Peter H. Coors, for a term effective January 1, 2004, and continuing until December 31, 2007 (or until his successor is appointed by the Board of Regents).

From the Fourth Congressional District: Richard L. Monfort, for a term effective January 1, 2004, and continuing until December 31, 2007 (or until his successor is appointed by the Board of Regents).

These appointments were approved by the Board of Regents at its December 11, 2003, meeting. A copy of the resolution to this effect is attached.

Per C.R.S. §23-21-503(2), appointments to the Hospital Authority Board of Directors from the congressional districts are subject to the advice and consent of the Senate.

Sincerely,
(signed)
Milagros Cortez
Secretary of the Board of Regents and of the University

Attachment (as referenced)

cc: Allen Staver, Vice President, General Counsel, Secretary to the Board,
University of Colorado Hospital Authority

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Rec'd: 01/12/04
 Senator John Andrews
 President of the Senate

Committee on Education

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:

SB04-087 by Senator(s) Owen; also Representative(s) Hall--Concerning the nonsubstantive recodification of statutory provisions that address sales and use tax exemptions.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	E	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-109 by Senator(s) Kester, Takis; also Representative(s) Stengel--Concerning the regulation of pawnbrokers.

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

YES	22	NO	11	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	N	Hagedorn	E	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	N	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	E	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	Y		

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

SB04-062 by Senator(s) Arnold; also Representative(s) Mitchell--Concerning databases of school district employees.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	E	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Cairns, Chlouber, Groff, Hanna, Hillman, Jones, Kester, Lamborn, Nichol, Tupa, and Windels.

Senate in recess.

Senate reconvened.

Senator Lamborn moved a Call of the Senate.

Senator Hanna moved the Call of the Senate be raised.

THIRD READING--FINAL PASSAGE OF BILLS--Continued

SB04-072 by Senator(s) Keller, Evans; also Representative(s) Fairbank, Boyd, Jahn--Concerning a required minimum investment in Colorado nanotechnology businesses from the second pool of one hundred million dollars of certified capital from the "Certified Capital Company Act".

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

YES	29	NO	4	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	E	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	E	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Gordon, Groff, Grossman, Hanna, Isgar, Nichol, Phillips, Tapia, Taylor, Teck, Tupa, and Windels.

SB04-036 by Senator(s) Takis, Sandoval; also Representative(s) Garcia, Borodkin, Ragsdale, Williams S., Sinclair, Merrifield--Concerning the prevention of spilling of material from certain motor vehicles.

Laid over until Wednesday, January 28, retaining its place on the calendar.

SB04-041 by Senator(s) Tapia; also Representative(s) McFadyen--Concerning appointment of another judge to preside over a deposition taken pursuant to rule 15 (d) of the Colorado rules of criminal procedure.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	E	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Evans, Groff, Hanna, and Veiga.

SENATE SERVICES REPORT

Correctly Printed: SB04-140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162.
Correctly Engrossed: SB04-036, 041, 062, 072, and 109. SJR04-003 and 004.
Correctly Reengrossed: SB04-068, 082, 090, 096 and 107.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 27, 2004, was laid over until Wednesday, January 28, 2004, retaining its place on the calendar.

Second Reading -- General Orders: SB04-106, SB04-115, SB04-022, SB04-034, SB04-110.

Consideration of Governor's Appointments:
 Executive Director of the Department of Local Affairs.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, January 28, 2004.

Approved:

John Andrews
 President of the Senate

Attest:

Mona Heustis

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