

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

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Third Legislative Day Friday, January 9, 2004

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Prayer By the chaplain, Rabbi Hillel Goldberg, Intermountain Jewish News.

Pledge By Senator Tapia.

Call to Order By the President at 9:00 a.m.

Roll Call Present--33.  
Absent/Excused--2; Owen, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Groff, reading of the Journal of January 8, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

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**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **SB04-011** be referred to the Committee of the Whole with favorable recommendation.

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On motion of Senator Arnold, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, **SB04-011** was made Special Orders at 9:08 a.m.

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Committee of the Whole The hour of 9:08 a.m. having arrived, Senator Arnold moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Arnold was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

**SB04-011** by Senator(s) Anderson, Taylor, Tupa; also Representative(s) Coleman, Rhodes, Williams T.--Concerning limitations on allowable qualified distributions pursuant to the "Certified Capital Company Act".

Ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Arnold, 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: SB04-011.

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**SENATE SERVICES REPORT**

**Correctly Printed:** SB04-060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, and 072.

Senate in recess.

Senate reconvened.

**COMMITTEE OF REFERENCE REPORTS**

Trans-  
portation After consideration on the merits, the Committee recommends that **SB04-004** be referred to the Committee of the Whole with favorable recommendation.

Trans-  
portation After consideration on the merits, the Committee recommends that **SB04-012** be referred to the Committee of the Whole with favorable recommendation.

**INTRODUCTION OF RESOLUTION**

The following resolution was read by title and referred to the committees indicated:

**SCR04-001** by Senator(s) Tupa; --Submitting to the registered electors of the state of Colorado an amendment to section 20 of article X of the constitution of the state of Colorado, concerning the exclusion of tuition paid to public institutions of higher education from the definition of "fiscal year spending", and, in connection therewith, limiting the effect of the exclusion on state fiscal year spending limits by requiring such limits to be calculated based upon prior state fiscal year spending limits, with adjustments for inflation and population growth, without being subject to reduction due to declines in state revenues.  
Education  
State Veterans & Military Affairs

**INTRODUCTION OF BILLS--FIRST READING**

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

**SB04-073** by Senator(s) Hanna; also Representative(s) Plant, Frangas--Concerning the creation of an assembly for comprehensive state health care reform for the purpose of making recommendations to the general assembly regarding access to health care for all Colorado residents.  
Health, Environment, Welfare & Institutions

**SB04-074** by Senator(s) Groff; also Representative(s) Carroll--Concerning public access to grand juries.  
State Veterans & Military Affairs

**SB04-075** by Senator(s) Evans; also Representative(s) Hefley--Concerning motions related to temporary protection orders under the "Uniform Dissolution of Marriage Act".  
Judiciary

**SB04-076** by Senator(s) Fitz-Gerald; --Concerning the regulation of electronic mail advertisements.  
Business Affairs & Labor  
Appropriations

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- SB04-077** by Senator(s) May R.; --Concerning the sale of surplus personal property of the state to elected state officials.  
State Veterans & Military Affairs
- SB04-078** by Senator(s) Groff; also Representative(s) Hall--Concerning administration by the insurance commissioner of provisions to ensure the financial responsibility of insurance companies.  
Business Affairs & Labor
- SB04-079** by Senator(s) Entz, Isgar; also Representative(s) Larson--Concerning the authorization of roadside memorials within public highway easements.  
Transportation
- SB04-080** by Senator(s) Windels; --Concerning the creation of a civic engagement advisory committee.  
Education  
Local Government  
Appropriations
- SB04-081** by Senator(s) Chlouber; --Concerning the prohibition of grocery store loyalty programs that offer discounts to consumers.  
Business Affairs & Labor
- SB04-082** by Senator(s) Kester; also Representative(s) Paccione--Concerning the authorization of certain persons to taste alcohol beverages in the course of post-secondary educational programs involving the culinary arts.  
Business Affairs & Labor

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## INTRODUCTION OF RESOLUTIONS

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

- SCR04-002** by Senator(s) Hillman; --Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning the harmonization of the requirements of section 20 of article X (TABOR) and section 17 of article IX (Amendment 23), and, in connection therewith, suspending the required one percent spending increase in certain state education funding in years when the TABOR revenue limit is not met, creating the state rainy day fund consisting of a portion of excess TABOR revenues and other moneys appropriated by the general assembly, authorizing the general assembly to transfer a limited amount of moneys from the rainy day fund to the general fund by a two-thirds vote, authorizing the governor to spend a limited amount of moneys in the rainy day fund in a disaster emergency, and reducing the "ratchet" effect of TABOR by the amount deposited in the state education fund and any amount transferred from the rainy day fund.  
Finance
- SCR04-003** by Senator(s) Anderson; --Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) of article X of the constitution of the state of Colorado, concerning a requirement that the fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.  
Finance
- SCR04-004** by Senator(s) Anderson; --Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) of article IX of the constitution of the state of Colorado, concerning the suspension of the required one percent increase in certain state education funding during an economic downturn.  
Finance

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## CHANGE IN SPONSORSHIP -- SB04-042

SB04-042 was introduced on Wednesday, January 7, 2004, with an error. Representative Rose was listed as the House Prime Sponsor of SB04-042. Representative Mitchell should be the House Prime Sponsor of SB04-042.

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

The President has signed: HJR04-1001.

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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 9, 2004, was laid over until Monday, January 12, 2004, retaining its place on the calendar.

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On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., January 12, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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