

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

Seventy-third Legislative Day

Friday, March 19, 2004

Prayer By the chaplain, Pastor Stan Reeder, Westminster Church of the Nazarene.

Pledge By Senator Arnold.

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

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

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Grossman, reading of the Journal of March 18, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Finance After consideration on the merits, the Committee recommends that **SB04-198** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 18, 2004
Mr. President:

The House has postponed indefinitely SB04-148. The bill is returned herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 18, 2004

We herewith transmit:

Without comment, as amended, HB04-1277, 1351, and 1393.
Without comment, as amended, SB04-007 and 152 .

INTRODUCTION OF RESOLUTIONS

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

SCR04-008 by Senator(s) Teck, Anderson, Chlouber, Kester, Owen, Taylor, Windels; also Representative(s) White, Miller, Plant, Spradley, Stengel, Weddig, Young--Submitting to the registered electors of the state of Colorado an amendment to section 1 (4) of article V of the constitution of the state of Colorado, concerning a requirement that amendments to the constitution, other than changes to provisions that were approved by a simple majority prior to January 1, 2005, be approved by a two-thirds vote.
State Veterans & Military Affairs

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

- SCR04-009** by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on state fiscal year spending.
Finance
- SCR04-010** by Senator(s) Anderson; also Representative(s) Berry--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
- SJR04-027** by Senator(s) Cairns; also Representative(s) Sinclair--Concerning the designation of a portion of Interstate Highway 70 as the Purple Heart Trail.
Laid over one day under Senate Rule 30(b).
- HJR04-1027** by Representative(s) Cloer, Carroll; also Senator(s) Groff--Concerning the designation of the third Saturday in June as "Juneteenth".
Laid over one day under Senate Rule 30(e).
- HJR04-1032** by Representative(s) Merrifield, Cadman, Carroll, Cerbo, Cloer, Hodge, Jahn, Larson, Madden, Marshall, Paccione, Plant, Rhodes, Romanoff, Tochtrop, Vigil, Weddig, Weissmann, Williams S., Williams T., Witwer; also Senator(s) Sandoval, Gordon, Isgar, Veiga--Concerning single parents' day.
Laid over one day under Senate Rule 30(e).
- HJR04-1033** by Representative(s) Young; also Senator(s) Kester--Concerning the potential to locate the Pierre Auger Observatory in southeastern Colorado.
Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-204** by Senator(s) Anderson; also Representative(s) Coleman--Concerning the administration of the state-supervised lottery program.
Business Affairs & Labor
- HB04-1277** by Representative(s) Hefley, Carroll, Cloer, Romanoff, Rose, Stafford, Williams S., Clapp, Frangas, Paccione, White; also Senator(s) Cairns--Concerning the child care commission, and, in connection therewith, modifying the responsibilities of the commission and changing the name of the commission to the early childhood and school readiness commission, and making an appropriation therefor.
Health, Environment, Welfare & Institutions
- HB04-1351** by Representative(s) Hoppe, Stengel, Briggs, Brophy, McCluskey, Rose, Salazar, Wiens, Young; also Senator(s) Taylor--Concerning the state board of stock inspection commissioners, and, in connection therewith, changing the fiscal policies of such board and the division of brand inspection to allow operation as an enterprise for purposes of section 20 of article X of the state constitution.
Agriculture, Natural Resources & Energy
- HB04-1393** by Representative(s) White, Cadman, Garcia, Merrifield, Miller, Rippy, Rose, Spradley; also Senator(s) Taylor, Andrews, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, McElhany--Concerning amendments to the Colorado "Ski Safety Act of 1979" to reflect evolution in the sport of skiing.
Agriculture, Natural Resources & Energy

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:

HB04-1109 by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning the continuation of the regulation of securities by the division of securities, and, in connection therewith, narrowing the exemption for certain Annuities, registration of federally registered securities, and discipline of licensees, specifying conditions for rescision of sales, and reducing the number of required meetings of the municipal bond authority advisory committee.

Laid over until Monday, March 22, retaining its place on the calendar.

HB04-1114 by Representative(s) Rose; also Senator(s) Evans--Concerning the payment of benefits under a motor vehicle policy for medical payments coverage.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1341 by Representative(s) Rose, Hefley; also Senator(s) Windels--Concerning prisoner processing fees collected by a county.

A majority of those elected to the Senate having voted in the affirmative, Senator Windels was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.010), by Senator Windels.

Amend revised bill, page 2, line 9, strike "PRISONERS AT THE TIME OF COMMITMENT, BUT SHALL BE";

line 10, strike "REFUNDED TO ANY PRISONER WHO IS ACQUITTED.".

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

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	N	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: Taylor.

HB04-1264 by Representative(s) Young, Plant, Witwer; also Senator(s) Teck, Owen, Reeves-- Concerning billing cycles for payments to providers under the "Colorado Medical Assistance Act".

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1343 by Representative(s) Jahn; also Senator(s) Johnson S.--Concerning the preclusion of the issuance of a court order nunc pro tunc when the order contains determinations that establish a child's eligibility under Title IV-E of the federal "Social Security Act".

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1241 by Representative(s) Miller; also Senator(s) Chlouber--Concerning clarification of the existing exemption from sales and use tax for property purchased for resale in the regular course of business to apply to any motor vehicle purchased by a motor vehicle dealer prior to the retail sale of such vehicle.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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, Entz, Fitz-Gerald, Jones, Kester, and May.

HB04-1357 by Representative(s) Rose; also Senator(s) Isgar--Concerning authorization for a winery to own a restaurant licensed to sell alcohol beverages, and, in connection therewith, allowing a winery to sell beverages of its own manufacture in such restaurant.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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: Chlouber and Tupa.

HB04-1151 by Representative(s) Wiens, Plant; also Senator(s) Evans--Concerning the ability of the state of Colorado to respond to the initial attack of a wildfire.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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: Arnold, Cairns, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, Phillips, Taylor, and Tupa.

HB04-1265 by Representative(s) Witwer, Plant, Young; also Senator(s) Reeves, Owen, Teck--Concerning the transfer of the administration of community mental health services to specified medical assistance recipients from the department of human services to the department of health care policy and financing, and making an appropriation in connection therewith.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1267 by Representative(s) Plant, Witwer, Young; also Senator(s) Teck, Owen, Reeves--Concerning the repeal of transfers to the controlled maintenance trust fund.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1039 by Representative(s) Spence; also Senator(s) McElhany--Concerning the expansion of the teacher loan forgiveness pilot program to include a teacher who is hired to teach in a qualified position after his or her first year of teaching.

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	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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: Arnold, Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Isgar, Jones, Keller, Kester, Phillips, Sandoval, Tapia, Taylor, Tupa, Veiga, and Windels.

SB04-114 by Senator(s) Andrews, May R.; also Representative(s) Berry--Concerning the authority of the state auditor to undertake a performance audit of the regional transportation district.

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

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

HB04-1305 by Representative(s) Jahn, Frangas, Hefley; also Senator(s) Anderson--Concerning protection orders.

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

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	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**.

HB04-1366 by Representative(s) Cadman, Carroll, Hefley, King, Lee; also Senator(s) Dyer--Concerning reserve officers performing law enforcement functions.

A majority of those elected to the Senate having voted in the affirmative, Senator Groff was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.001), by Senator Groff.

Amend revised bill, page 2, line 18, after the period, add "IF THE RESERVE OFFICER PERFORMS THE FUNCTION IN CIVILIAN CLOTHES, THE RESERVE OFFICER SHALL DISPLAY IDENTIFICATION, INCLUDING BUT NOT LIMITED TO A BADGE, THAT IS PLAINLY VISIBLE AND IDENTIFIES THE RESERVE OFFICER AS A PEACE OFFICER.".

(Amendment No. 1(L.001), by Senator Groff was offered, but not acted upon.)

Laid over until Monday, March 22, retaining its place on the calendar.

Committee of the Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB04-001 by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation.

Laid over until Friday, March 26, retaining its place on the calendar.

HB04-1046 by Representative(s) McGihon; also Senator(s) Teck--Concerning the computation of days in determining certain time periods for forcible entry and detainer actions.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 9, page 469 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Teck.

Strike the Judiciary Committee Report, dated March 8, 2004, and substitute the following:

"Amend reengrossed bill, page 2, line 7, strike "ten BUSINESS days" and substitute "ten CALENDAR days"."

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

- HB04-1084** by Representative(s) Cadman; also Senator(s) McElhany--Concerning the execution of a writ of restitution after entry of judgment in a forcible entry and detainer action. 1
2
3
Amendment No. 1, Judiciary Committee Amendment. 4
(Printed in Senate Journal, March 9, page 470 and placed in members' bill files.) 5
6
As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
9
- SB04-190** by Senator(s) Johnson S.; --Concerning the creation of liens for health care providers on 10
moneys collected by an injured person. 11
12
Laid over until Friday, March 26, retaining its place on the calendar. 13
14
- HB04-1271** by Representative(s) Clapp; also Senator(s) Kester--Concerning the establishment of a pilot 15
program for the placement of children in dedicated out-of-home settings. 16
17
As amended, Senate Journal, March 18, page 557. 18
19
As amended, ordered revised and placed on the calendar for Third Reading and Final 20
Passage. 21
22
- SB04-136** by Senator(s) Arnold; also Representative(s) King--Concerning the provision of remedial 23
assistance to high school students who perform below a certain level of proficiency in an 24
academic area on a statewide assessment. 25
26
As amended, Senate Journal, March 18, page 558. 27
28
Laid over until Monday, March 22, retaining its place on the calendar. 29
30
- HB04-1177** by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health 31
insurance, and, in connection therewith, making it a deceptive trade practice in the business 32
of insurance to deny coverage to an individual solely on the basis that the individual 33
donated a kidney, making it a deceptive trade practice under the consumer protection act to 34
sell health discount services without certain disclosures, and increasing incentives for 35
insurers to provide health benefit coverage to multiple employer welfare arrangements. 36
37
Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 38
(Printed in Senate Journal, March 4, pages 418-419 and placed in members' bill files.) 39
40
Amendment No. 2(L.031), by Senator Hillman. 41
42
Amend the Health, Environment, Welfare, and Institutions Committee 43
Report, dated March 3, 2004, page 1, line 5, after "15," insert "strike 44
"thirty" and substitute "~~thirty~~ TWENTY-FIVE" and,"; 45
46
strike lines 7 through 16 of the committee report. 47
48
Page 2 of the committee report, strike lines 1 through 4 and substitute the 49
following: 50
51
""A SELF-FUNDED MEWA SHALL MAINTAIN SPECIFIC AND AGGREGATE 52
STOP-LOSS INSURANCE IN AMOUNTS DETERMINED BY THE COMMISSIONER. 53
THE SPECIFIC STOP-LOSS INSURANCE SHALL REFLECT A MINIMUM OF ONE 54
MILLION DOLLARS OF COVERAGE FOR EACH INDIVIDUAL ENROLLED IN THE 55
SELF-FUNDED MEWA. THE SPECIFIC STOP-LOSS ATTACHMENT POINT FOR 56
THE SELF-FUNDED MEWA SHALL BE REVIEWED AND MAY BE APPROVED BY 57
THE COMMISSIONER IF THE STOP-LOSS CONTRACT HAS PROVISIONS 58
INSURING PAYMENT OF SPECIFIC AND AGGREGATE CLAIMS INCURRED PRIOR 59
TO THE CONTRACT YEAR END DATE AND PAID IN THE TWELVE MONTHS 60
IMMEDIATELY FOLLOWING THE STOP-LOSS CONTRACT YEAR END DATE. 61
THE COMMISSIONER MAY WAIVE A PORTION OF THE RESERVES REQUIRED 62
BY THIS SUBPARAGRAPH (III) WHEN A SELF-FUNDED MEWA 63
DEMONSTRATES TO THE COMMISSIONER THAT IT HAS OBTAINED THE 64
REQUIRED SPECIFIC AND AGGREGATE STOP-LOSS INSURANCE FROM AN 65
INSURER AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE.";" 66
67
68
Amendment No. 3(L.038), by Senator Hillman. 69
70
Amend the Health, Environment, Welfare, and Institutions Committee 71
Report, dated March 3, 2004, page 2, strike lines 21 through 24 and 72

substitute the following:

"Page 5, line 7, strike "BUYER'S CLUB OR";

line 9, strike "ADVERTISES" and substitute "OFFERS";

line 10, after "C.R.S.," insert "OR RELATED PRODUCTS";

line 13, after the period, add "A "DISCOUNT HEALTH PLAN" DOES NOT INCLUDE A PROGRAM IN WHICH A PARTICIPATING PROVIDER HAS AGREED, AS A CONDITION OF HIS OR HER PARTICIPATION IN THE PROGRAM, TO NEGOTIATE THE PRICES TO BE CHARGED FOR HIS OR HER SERVICES DIRECTLY WITH CONSUMERS IN THE PROGRAM AND THE PROVIDER IS NOT REQUIRED TO OFFER DISCOUNTED PRICES FOR HIS OR HER SERVICES AS PART OF THE PROGRAM.";

strike line 22 and substitute the following:

"PLAN MATERIALS:";

line 23, strike "FAILS" and substitute "FAIL";

line 27, strike "FAILS" and substitute "FAIL".

Page 6, strike lines 2 through 27.

Page 7, strike lines 1 through 5 and substitute the following:

"(III) FAIL TO MAKE AVAILABLE TO THE CONSUMER THROUGH A TOLL-FREE TELEPHONE NUMBER, UPON REQUEST OF THE CONSUMER, A COMPLETE AND ACCURATE LIST OF THE PARTICIPATING PROVIDERS WITHIN THE PLAN IN THE CONSUMER'S LOCAL AREA AND A LIST OF THE SERVICES FOR WHICH THE DISCOUNTS ARE APPLICABLE. SUCH LIST SHALL BE AVAILABLE TO THE CONSUMER UPON REQUEST COMMENCING WITH THE TIME OF PURCHASE AND SHALL BE UPDATED AT LEAST EVERY SIX MONTHS.

(IV) FAIL TO USE COMMON USAGE FOR WORDS AND PHRASES IN DESCRIBING THE DISCOUNTS OR ACCESS TO DISCOUNTS OFFERED, AND SUCH FAILURE RESULTS IN REPRESENTATIONS OF THE DISCOUNTS THAT ARE MISLEADING, DECEPTIVE, OR FRAUDULENT.

(V) FAIL TO PROVIDE TO THE CONSUMER NOTICE OF THE RIGHT TO CANCEL SUCH DISCOUNT HEALTH PLAN PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1).

(b) OFFERS DISCOUNTED HEALTH SERVICES OR PRODUCTS THAT ARE NOT AUTHORIZED BY A CONTRACT WITH EACH PROVIDER LISTED IN CONJUNCTION WITH THE DISCOUNT HEALTH PLAN.

(c) FAILS TO ALLOW A PURCHASER OF A DISCOUNT HEALTH PLAN TO CANCEL SUCH PLAN WITHIN THIRTY DAYS AFTER PURCHASE.

(d) FAILS TO REFUND ALL MEMBERSHIP FEES PAID TO THE DISCOUNT HEALTH PLAN BY THE CONSUMER WITHIN THIRTY DAYS AFTER TIMELY NOTIFICATION OF THE CANCELLATION OF THE PLAN TO THE DISCOUNT HEALTH PLAN ADMINISTRATOR PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1).";

strike lines 12 through 14.

Reletter succeeding paragraph accordingly."

Amendment No. 4(L.028), by Senator Teck.

Amend reengrossed bill, page 3, before line 1, insert the following:

"SECTION 2. 10-16-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-16-107. Rate regulation - approval of policy forms - benefit certificates - evidences of coverage - loss ratio guarantees - disclosures

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

on treatment of intractable pain. (8) ON AND AFTER JANUARY 1, 2005, A CARRIER SHALL NOT REFUSE TO ISSUE OR RENEW AN INDIVIDUAL HEALTH BENEFIT PLAN TO AN INDIVIDUAL BASED SOLELY ON THE INDIVIDUAL'S PRIOR DONATION OF A KIDNEY."

Renumber succeeding sections accordingly.

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB04-1369 by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Concerning payment of expenses of the legislative department, and making appropriations in connection therewith.

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, March 15, page 519 and placed in members' bill files.)

As amended, ordered revised 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.)

SB04-177 by Senator(s) Gordon, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Sandoval, Takis, Tapia, Taylor, Veiga, Windels; also Representative(s) Hefley, Stafford, Pommer, Borodkin, Briggs, Carroll, Coleman, Decker, Frangas, Hodge, Jahn, Judd, Madden, Marshall, McCluskey, McFadyen, McGihon, Miller, Rippy, Romanoff, Rose, Salazar, Stengel, Welker, Tochtrop, Weissmann, White, Williams S.--Concerning home- and community-based services under the state's medicaid program for children with autism.

Laid over until Monday, March 22, retaining its place on the calendar.

HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".

Laid over until Monday, March 22, retaining its place on the calendar.

HB04-1078 by Representative(s) Harvey, Lundberg, Rhodes; also Senator(s) Lamborn--Concerning regulation of sexually explicit representations that are harmful to minors.

Laid over until Monday, March 22, retaining its place on the calendar.

HB04-1236 by Representative(s) McCluskey; also Senator(s) Cairns--Concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance.

Amendment No. 1, Business Affairs and Labor Committee Amendment.

(Printed in Senate Journal, March 16, page 542 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, Young; also Senator(s) Hagedorn--Concerning requirements of an insurer regarding factors that may negatively affect an insured's ability to obtain homeowner's insurance.

Amendment No. 1, Business Affairs and Labor Committee Amendment.

(Printed in Senate Journal, March 16, page 543 and placed in members' bill files.)

Amendment No. 2(L.022), by Senator Hagedorn.

Amend reengrossed bill, page 5, strike lines 3 through 5 and substitute the following:

"SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section,

or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.".

Amendment No. 3(L.024), by Senator Dyer.

Amend the Business Affairs and Labor Committee Report, dated March 15, 2004, page 1, strike lines 13 through 15.

Page 2, strike lines 1 through 3.

Amendment No. 1(L.021), by Senator Takis.

Amend reengrossed bill, page 3, line 8, after "EXTENDED.", insert "THE INSURER SHALL COMPLETE ANY INSPECTION ASSOCIATED WITH THE UNDERWRITING OF THE NEW PROPERTY WITHIN THE THIRTY-DAY PERIOD.".

As amended, ordered revised 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.)

HB04-1368 by Representative(s) Briggs; also Senator(s) Johnson S.--Concerning the repeal of the requirement that a person file a report with the department of revenue after a motor vehicle accident if such person failed to demonstrate financial responsibility for the motor vehicle.

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

HB04-1062 by Representative(s) Larson, Berry, McFadyen; also Senator(s) May R., Takis--Concerning the disposition of motor vehicles abandoned at motor vehicle repair shops.

Amendment No. 1, Transportation Committee Amendment.

(Printed in Senate Journal, March 17, page 550 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

HB04-1369 by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Concerning payment of expenses of the legislative department, and making appropriations in connection therewith.

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment, (L.005) to HB 04-1369, did pass.

Amend reengrossed bill, page 4, line 18, strike "9,744,945 ¹/" and substitute "9,949,945 ¹/";

line 21, strike "6,566,396 ²/" and substitute "6,611,396 ²/".

Page 5, line 3, strike "4,473,446 ³/" and substitute "4,223,446 ³/".

Page 7, strike lines 6 through 27.

Page 8, strike lines 1 through 6.

Renumber succeeding section accordingly.

Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

HB04-1369 by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Concerning payment of expenses of the legislative department, and making appropriations in connection therewith.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **LOST** on the following roll call vote:

YES	17	NO	18	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, Young; also Senator(s) Hagedorn--Concerning requirements of an insurer regarding factors that may negatively affect an insured's ability to obtain homeowner's insurance.

Senator Hagedorn moved to amend the Report of the Committee of the Whole to show that HB 04-1292, as amended, was laid over to the general orders calendar of March 22, 2004, retaining its place on the calendar.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Teck, 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: HB04-1046 as amended, HB04-1084 as amended, HB04-1271 as amended, HB04-1177 as amended, HB04-1369 as amended, HB04-1236 as amended, HB04-1368, HB04-1062 as amended.

Laid over until Monday, March 22: SB04-136, SB04-177, HB04-1150, HB04-1078, HB04-1292 as amended.

Laid over until Friday, March 26: SB04-001, SB04-190.

MESSAGE FROM THE HOUSE

March 19, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1388, 1395, 1358.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1283, amended as printed in House Journal, March 18, pages 909-910.
HB04-1381, amended as printed in House Journal, March 18, page 910.
HB04-1165, amended as printed in House Journal, March 18, page 910.
HB04-1387, amended as printed in House Journal, March 18, pages 910-911.
HB04-1384, amended as printed in House Journal, March 18, page 911.

The House has passed on Third Reading and returns herewith SB04-180, 042, 068, 191.

The House has adopted and transmits herewith HJR04-1036, and amended as printed in House Journal, March 19.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR04-1036 by Representative(s) Hoppe; also Senator(s) Entz--Concerning the recognition of National Agriculture Day.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Resolutions--HJR04-1032, HJR04-1033, HJR04-1036.

**IMMEDIATE CONSIDERATION OF RESOLUTIONS--
HJR04-1032, HJR04-1033, HJR04-1036**

HJR04-1032 by Representative(s) Merrifield, Cadman, Carroll, Cerbo, Cloer, Hodge, Jahn, Larson, Madden, Marshall, Paccione, Plant, Rhodes, Romanoff, Tochtrop, Vigil, Weddig, Weissmann, Williams S., Williams T., Witwer; also Senator(s) Sandoval, Gordon, Isgar, Veiga--Concerning single parents' day.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

HJR04-1033 by Representative(s) Young; also Senator(s) Kester--Concerning the potential to locate the Pierre Auger Observatory in southeastern Colorado.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

HJR04-1036 by Representative(s) Hoppe; also Senator(s) Entz--Concerning the recognition of National Agriculture Day.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	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	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MESSAGE FROM THE GOVERNOR

Appointment A letter of withdrawal from Governor Owens was read:

March 17, 2004

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

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw the following:

**MEMBER OF THE
READ-TO-ACHIEVE BOARD**

appointed October 23, 2003 for a term expiring July 1, 2006, and effective March 17, 2004:

Nancy “Lynn” Bamberry of Lakewood, Colorado, to serve as a parent of a child in second or third grade and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 3/18/04
Mona Heustis
Secretary of the Senate

COMMITTEE OF REFERENCE REPORTS

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

**MEMBERS OF THE
COLORADO COMMISSION ON HIGHER EDUCATION**

for a term expiring July 1, 2005:

Michael F. Feeley of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Gully Stanford of Denver, Colorado, and to serve as a representative of the Seventh Congressional District and as a Democrat, appointed.

for terms expiring July 1, 2007:

Dean L. Quamme of Grand Junction, Colorado, to serve as a representative of the Third Congressional District and as a Republican, reappointed;

Judy P. Weaver of Pueblo, Colorado, to serve as a representative of the Third Congressional District and as a Republican, reappointed;

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for a term effective July 1, 2003 and expiring January 1, 2007:

Steven H. Meyer of Grand Junction, Colorado, appointed.

for a term effective July 1, 2003 and expiring January 1, 2008:

C. Thomas Kaesemeyer of Denver, Colorado, appointed.

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

MEMBERS OF THE
BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER

effective July 1, 2003 for terms expiring July 1, 2007:

Virginia Butler of Denver, Colorado, reappointed;

Maria Garcia Berry of Denver, Colorado, appointed.

Education After consideration on the merits, the Committee recommends that **SB04-194** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, line 23, strike "GRANT A PREFERENCE TO" and substitute "DISCRIMINATE AGAINST, OR GRANT A PREFERENCE TO,".

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBER OF THE BOARD OF
PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2006:

Antonette DeLauro of Centennial, Colorado, to fill the vacancy occasioned by the resignation of Edward C. Callaway, and to serve as a representative of the state at large and as a Republican, appointed.

Agriculture, Natural Resources, & Energy The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2007:

Thomas R. Sharp of Steamboat Springs, Colorado, to serve as a representative from the

Yampa-White drainage basin and as a Republican, appointed;

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **HB04-1251** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reegrossed bill, page 3, line 22, strike "IT IS IN THE BEST INTEREST OF" and substitute "THE HARM TO";

line 24, strike "CLOSED TO THE PUBLIC;";

strike line 25;

line 26, strike "IS IN VIOLATION OF SECTION 12-43-222;" and substitute "OPEN TO THE PUBLIC OUTWEIGHS THE PUBLIC INTEREST IN OBSERVING THE PROCEEDINGS;".

Page 4, line 8, strike "THEN", and strike "CLOSED" and substitute "OPEN".

Page 8, line 13, strike "AND";

line 16, strike "SECTION." and substitute "SECTION, AND WHO HAS NOT BEEN PREVIOUSLY REGISTERED AS A PSYCHOLOGIST CANDIDATE BY THE BOARD.";

strike lines 22 through 27 and substitute the following:

"ARE NOT MET WITHIN FOUR YEARS, THE REGISTRATION OF THE PSYCHOLOGIST CANDIDATE SHALL EXPIRE. A PERSON WHOSE PSYCHOLOGIST CANDIDATE REGISTRATION HAS EXPIRED SHALL NOT BE PRECLUDED FROM APPLYING FOR LICENSURE OR REGISTRATION WITH ANY OTHER MENTAL HEALTH BOARD FOR WHICH THE PERSON IS QUALIFIED.".

Page 9, strike lines 15 through 20 and substitute the following:

"(11) "SOCIAL WORKER" MEANS A PERSON WHO HAS ATTAINED A MASTER'S OF SOCIAL WORK OR A HIGHER SOCIAL WORK DEGREE OR ATTAINED A BACHELOR'S DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

Page 11, strike lines 7 through 20.

Renumber succeeding sections accordingly.

Page 14, line 8, strike "AN EARNED SOCIAL WORK DEGREE" and substitute "A MASTER'S OF SOCIAL WORK OR A HIGHER SOCIAL WORK DEGREE OR WHO HAS ATTAINED A BACHELOR'S DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS SECTION";

line 19, strike "AN EARNED";

line 20, strike "SOCIAL WORK DEGREE" and substitute "A MASTER'S OF SOCIAL WORK OR A HIGHER SOCIAL WORK DEGREE OR HAS ATTAINED A BACHELOR'S DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

Page 15, line 11, strike "AN";

strike line 12 and substitute the following:

"A MASTER'S OF SOCIAL WORK OR A HIGHER SOCIAL WORK DEGREE OR HAS ATTAINED A BACHELOR'S DEGREE IN SOCIAL WORK, WAS PRACTICING IN THE PROFESSION, AND WAS A SOCIAL WORKER PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.".

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

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **HB04-1200** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 12, strike "THERE IS NO" and substitute "THE DEVELOPMENT OF A UNIFORM SYSTEM OF COLLABORATIVE MANAGEMENT IS NECESSARY";

line 13, strike "UNIFORM SYSTEM";

line 18, strike "BY UTILIZING INTERAGENCY OVERSIGHT" and substitute "MAY";

strike lines 19 and 20;

line 21, after "AND", insert "ELIMINATE".

Page 4, line 1, strike "SYSTEM" and substitute "SYSTEM, INCLUDING THE FOSTER CARE SYSTEM,";

line 4, strike "COULD BE REINVESTED" and substitute "WILL ALLOW FOR REINVESTMENT OF THESE MONEYS";

line 5, strike "IN ORDER";

line 13, strike "ADDITIONAL EXISTING" and substitute "APPROPRIATE";

line 22, strike "EACH COUNTY";

strike lines 23 through 27 and substitute the following:

"LOCAL REPRESENTATIVES OF EACH OF THE AGENCIES SPECIFIED IN THIS PARAGRAPH (a) AND EACH COUNTY DEPARTMENT OF SOCIAL SERVICES THAT IS LOCATED IN ONE OF THE TEN COUNTIES THAT SERVES THE LARGEST PERCENTAGE OF CHILD WELFARE CLIENTS IN THE STATE SHALL ENTER INTO A JOINT MEMORANDUM OF".

Page 5, strike line 8 and substitute the following:

"THAT";

strike lines 21 and 22.

Renumber succeeding subparagraphs accordingly.

Page 6, strike line 15 and substitute the following:

"PARTIES TO THE";

line 17, strike "TO" and substitute "SHALL".

Page 8, line 15, strike "MAY" and substitute "SHALL".

Page 9, line 6, strike "ELIMINATE" and substitute "REDUCE", and after "AND", insert "ELIMINATE";

line 22, strike "(A)" and substitute "(a)".

Page 10, line 1, strike "(A)" and substitute "(a)";

line 11, strike "PROVIDED TO";

strike lines 12 and 13;

line 14, strike "SECTION", and after "SPECIFIED", insert "BY THE PARTIES TO THE MEMORANDUM OF UNDERSTANDING";

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

line 17, strike "ADDITIONAL EXISTING" and substitute "APPROPRIATE".

Page 11, line 20, strike "ADDITIONAL EXISTING" and substitute "APPROPRIATE".

Page 12, strike lines 13 through 27 and substitute the following:

"(4) A DEPARTMENT OR AGENCY THAT PROVIDES INTEGRATED MANAGED CARE SERVICES TO CHILDREN AND FAMILIES PURSUANT TO A GRANT PROGRAM SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ARTICLE THROUGHOUT THE TERM OF THE GRANT."

Page 13, strike lines 1 through 8;

line 9, strike "review - report to the" and substitute "review.";

line 10, strike "joint budget committee.";

strike lines 14 and 15 and substitute the following:

"UNDERSTANDING THAT INCLUDES:";

line 19, strike "PROVIDED;" and substitute "PROVIDED AND A DESCRIPTION OF ANY SIGNIFICANT IMPROVEMENT IN OUTCOMES FOR CHILDREN AND FAMILIES;"

Page 14, strike lines 11 through 17 and substitute the following:

"(2) UTILIZING THE REPORTS CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, A DIRECTOR OF A COUNTY DEPARTMENT OF SOCIAL SERVICES, A DIRECTOR OF A LOCAL MENTAL HEALTH CENTER, A SUPERINTENDENT OF A SCHOOL, AND A REPRESENTATIVE FROM A STATEWIDE FAMILY ADVOCACY ORGANIZATION, OR SUCH PERSON'S DESIGNEE, SHALL REVIEW";

line 20, strike "MEETING" and substitute "REVIEW";

strike line 27.

Strike page 15.

Page 16, strike lines 1 through 25.

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB04-1263** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 21, strike "IF FEDERAL LAW IS CHANGED FOR THE";

strike lines 22 through 26 and substitute the following:

"THE DIVISION OF WILDLIFE SHALL NOT COLLECT APPLICANTS' SOCIAL SECURITY NUMBER ON LICENSE APPLICATIONS UNLESS REQUIRED BY FEDERAL LAW. NO LICENSE ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES OR ANY AUTHORIZED AGENT OF SUCH DEPARTMENT SHALL DISPLAY THE HOLDER'S SOCIAL SECURITY NUMBER."

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

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

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadlines for the Long Appropriation Bill:

The Monday, March 22 deadline (the 76th legislative day) for introduction of the Long Appropriation Bill in the House is extended until Monday, March 29, 2004 (the 83rd legislative day).

The Friday, March 26 deadline (the 80th legislative day) for final passage of the Long Appropriation Bill in the House is extended until Friday, April 2, 2004 (the 87th legislative day).

The Friday, April 2 deadline (the 87th legislative day) for final passage of the Long Appropriation Bill in the Senate is extended until Monday, April 12, 2004 (the 97th legislative day).

The Friday, April 9 deadline (the 94th legislative day) for adoption of the conference committee report on the Long Appropriation Bill is extended until Friday, April 16, 2004 (the 101st legislative day).

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

(signed)
Lola Spradley
Keith King
Andrew Romanoff

(signed)
John Andrews
Mark Hillman
Joan Fitz-Gerald

SENATE SERVICES REPORT

Correctly Printed: SB04-203.

Correctly Engrossed: SB04-114.

Correctly Revised: HB04-1039, 1114, 1241, 1151, 1264, 1265, 1267, 1305, 1341, 1343, 1357 and 1366; HJR04-1030.

TRIBUTES

Honoring Roberta Rae Tanner -- by Senator Steve Johnson.

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 March 19, 2004, was laid over until Monday, March 22, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029, SJR04-026, HJR04-1005.

Consideration of House Amendments to Senate Bills: SB04-082, SB04-041, SB04-108, SB04-117, SB04-157, SB04-098, SB04-131, SB04-084.

Consideration of Governor's Appointments:

Members of the Read-To-Achieve Board.

Consideration of Conference Committee Reports: HB04-1112.

Conference Committees to Report: HB04-1072, HB04-1280.

On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday, March 22, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17