

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

Seventy-sixth Legislative Day

Monday, March 22, 2004

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| Prayer | By the chaplain, Reverend Dr. Kathryn Towne. | 11 |
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| Pledge | By Senator Hagedorn. | 13 |
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| Call to Order | By the President at 10:00 a.m. | 15 |
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| Roll Call | Present--33. | 18 |
| | Absent/Excused--2; Lamborn, Reeves. | 19 |
| | Present later--Lamborn, Reeves. | 20 |
| | | 21 |
| Quorum | The President announced a quorum present. | 22 |
| | | 23 |
| Reading of Journal | On motion of Senator Johnson, reading of the Journal of March 19, 2004, was dispensed with and the Journal was approved as corrected by the Secretary. | 24 |
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| | Senate in recess. | 29 |
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| | Senate reconvened. | 31 |
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| | Senator Johnson moved a Call of the Senate. | 35 |
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| | Senator Tapia moved the Call of the Senate be raised. | 37 |
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COMMITTEE OF REFERENCE REPORTS

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| Health, Environment, Welfare, & Institutions | The Committee on <u>Health, Environment, Welfare, and Institutions</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed: | 41 |
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**MEMBERS OF THE
COLORADO CHILDREN'S TRUST FUND BOARD**

| | | |
|--|---|----|
| | for a term expiring November 7, 2005: | 47 |
| | | 48 |
| | Carrie H. Nolan of Denver, Colorado, to serve as a member with knowledge of child abuse prevention, appointed; | 49 |
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| | for terms expiring November 7, 2006: | 53 |
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| | Dr. Donald E. Cook of Greeley, Colorado to serve as a member with knowledge of child abuse prevention and medicine, reappointed; | 58 |
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| | Adoree L. Blair of Littleton, Colorado, to serve as a member with knowledge of child abuse prevention and mental health, reappointed; | 61 |
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MESSAGE FROM THE HOUSE

March 19, 2004
Mr. President:

The House has voted to concur in the Senate amendments to HB04-1115, 1009, 1147, 1145, 1232, 1285, 1226, 1155, 1057, 1354, 1217, 1274, 1350, 1361, 1218, 1266, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB04-1117 and requests that a conference committee be appointed. The Speaker has appointed Representatives Rhodes, chairman, Harvey, and Marshall as House conferees on the First Conference Committee on HB04-1117. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1102 and requests that a conference committee be appointed. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

March 19, 2004

We herewith transmit:

Without comment, HB04-1388, 1395, and 1358.

Without comment, as amended, HB04-1283, 1381, 1165, 1387, and 1384.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

- SJR04-028** by Senator(s) Cairns, Andrews, Johnson S., Jones, May R.; also Representative(s) Cadman--Concerning social security personal retirement accounts.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-205** by Senator(s) Chlouber; also Representative(s) Hoppe--Concerning a requirement that applicants for a mining permit pursuant to the "Colorado Land Reclamation Act for the Extraction of Construction Materials" mail a copy of the application to only those surface owners whose interests appear of record.
Agriculture, Natural Resources & Energy
- HB04-1283** by Representative(s) Boyd; also Senator(s) Taylor--Concerning a study to determine the quality of education provided in Colorado's public high schools.
State Veterans & Military Affairs
Appropriations
- HB04-1358** by Representative(s) Spradley, Hoppe, Paccione, Salazar, Wiens; also Senator(s) Kester--Concerning an income tax checkoff for the Colorado state fair and industrial exposition.
Finance
- HB04-1381** by Representative(s) White; also Senator(s) McElhany--Concerning standards for the distribution of limited gaming revenues from the state historical fund by the governing bodies of existing cities that provide grants of such moneys for the benefit of historic properties.
Finance
- HB04-1384** by Representative(s) Sinclair, Coleman, Johnson R., Larson, May M., McCluskey, Rose, Weddig; also Senator(s) Lamborn--Concerning reporting requirements reviewed by the state, veterans, and military affairs committees of the general assembly pursuant to Colorado's "Information Coordination Act".
State Veterans & Military Affairs

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- HB04-1387** by Representative(s) Hefley; also Senator(s) Dyer--Concerning changes to the procedural criminal laws.
Judiciary
- HB04-1388** by Representative(s) Hefley; also Senator(s) Dyer--Concerning nonsubstantive changes to statutory provisions identifying crimes that pose an extraordinary risk of harm to society.
Judiciary
- HB04-1395** by Representative(s) Spence; also Senator(s) Kester--Concerning matters related to evaluations by the state board of parole of persons seeking parole.
Judiciary

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--SJR04-026.

CONSIDERATION OF RESOLUTION--SJR04-026

- SJR04-026** by Senator(s) Tapia, Kester; also Representative(s) Salazar, Butcher--Concerning honoring Staff Sergeant Pete Jimenez for his gallantry, bravery, and valor during World War II, and, in connection therewith, encouraging Colorado's Congressional Delegation to nominate Staff Sergeant Pete Jimenez for the Congressional Medal of Honor.

Amendment No. 1(L.001), by Senator Tapia.

Amend printed joint resolution, page 2, line 19, strike "Congressional";

line 27, strike "Congressional Medal of Honor" and substitute "Medal of Honor, commonly referred to as the "Congressional Medal of Honor",";

line 31, strike "Congressional";

line 35, strike "Congressional".

Page 3, line 1, after "to", insert "request that the Department of the Army";

line 3, strike "Congressional Medal of Honor." and substitute "Medal of Honor, commonly referred to as the "Congressional Medal of Honor".

Page 1, line 104, after "TO", insert "**REQUEST THAT THE DEPARTMENT OF THE ARMY**";

line 105, strike "**CONGRESSIONAL MEDAL OF HONOR.**" and substitute "**MEDAL OF HONOR, COMMONLY REFERRED TO AS THE "CONGRESSIONAL MEDAL OF HONOR".**".

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

On motion of Senator Tapia, the resolution, as amended, 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 | | |

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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, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--SJR04-027.

CONSIDERATION OF RESOLUTION--SJR04-027

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.

On motion of Senator Cairns, 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, Chlouber, Dyer, Entz, 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 HOUSE

March 22, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1035, and amended as printed in House Journal, March 22.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR04-1035 by Representative(s) Cloer, Sinclair; also Senator(s) Lamborn--Concerning the recognition of Military Appreciation Day, and, in connection therewith, expressing gratitude and support for Fort Carson troops.

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 Resolution--HJR04-1035.

CONSIDERATION OF RESOLUTION--HJR04-1035

HJR04-1035 by Representative(s) Cloer, Sinclair; also Senator(s) Lamborn--Concerning the recognition of Military Appreciation Day, and, in connection therewith, expressing gratitude and support for Fort Carson troops.

On motion of Senator Lamborn, the resolution was **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, Kester, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--HJR04-1021.

CONSIDERATION OF RESOLUTION--HJR04-1021

HJR04-1021 by Representative(s) Williams S., Berry, Boyd, Carroll, Cloer, Hefley, Jahn, Judd, Madden, Merrifield, Rippy, Rose, Salazar, Spence, Vigil, Weddig, Witwer; also Senator(s) Groff--Concerning support for self-determination for people with disabilities.

On motion of Senator Groff, 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, 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.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to Third Reading of Bills--Final Passage of Bills.

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:

HB04-1098 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".

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

SB04-118 by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

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

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 recision of sales, and reducing the number of required meetings of the municipal bond authority advisory committee.

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

Third Reading Amendment No. 1(L.014), by Senator Lamborn.

Amend revised bill, page 12, after line 12, insert the following:

"SECTION 5. 11-51-606 (1), (1.5) (a), (1.5) (c), and (1.5) (d), Colorado Revised Statutes, are amended to read:

11-51-606. Conduct of proceedings - cease-and-desist orders - consent orders - summary orders - issued by securities commissioner. (1) Any administrative proceeding under this article shall be conducted pursuant to the provisions of sections 24-4-104 and 24-4-105, C.R.S.; except that section 24-4-104 (3), C.R.S., shall not apply to any proceeding conducted pursuant to this article. Except as specified in paragraph (d) of subsection (1.5) or paragraph (e) of subsection (3) of this section, the securities commissioner shall refer the conduct of all hearings to an administrative law judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., OR A PANEL OF THE SECURITIES BOARD IN THE DISCRETION OF THE SECURITIES COMMISSIONER, BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER. Every hearing in an administrative proceeding shall be public unless the securities commissioner, in the securities commissioner's discretion, grants a request joined in by all the respondents that the hearing be conducted privately.

(1.5) (a) Whenever it appears to the securities commissioner, based upon sufficient evidence as presented in a petition by an officer or employee of the division of securities, that a person has committed or may commit any of the acts or practices listed in paragraph (b) of this subsection (1.5), then, in addition to any specific powers granted under this article, the securities commissioner, in his or her discretion, may issue to such person an order to show cause why the securities commissioner should not enter a final order directing such person to cease and desist from the unlawful act or practice, or impose such other sanctions as provided in subparagraph (IV) of paragraph (d) of this subsection (1.5). The securities commissioner shall, promptly WITHIN TWO CALENDAR DAYS, notify the chairperson of the securities board OR AN ADMINISTRATIVE LAW JUDGE that an order to show cause has been issued, and the chairperson OR ADMINISTRATIVE LAW JUDGE shall set a date for hearing on such order before the securities board OR ADMINISTRATIVE LAW JUDGE as provided in paragraph (d) of this subsection (1.5).

(c) Any person against whom an order to show cause has been entered pursuant to paragraph (a) of this subsection (1.5) shall be promptly notified by the securities division of the entry of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the chairperson of the securities board OR AN ADMINISTRATIVE LAW JUDGE for hearing on such order. Such notice may be served by United States mail, postage prepaid, to the last-known address of such person, by personal service, BY facsimile transmission, or as may be practicable upon any person against whom such order is entered. Mailing or facsimile transmission of an order or other documents under this subsection (1.5), or personal service of such orders or documents, shall constitute notice thereof to the person.

(d) (I) The hearing on an order to show cause shall be commenced no sooner than ten nor later than twenty-one calendar days following the date of transmission or service of the notification by the

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securities division as provided in paragraph (c) of this subsection (1.5). The hearing may be continued by agreement of ALL OF the parties BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, but in no event shall the hearing commence later than thirty-five calendar days following the date of transmission or service of the notification.

(II) If a person against whom an order to show cause entered pursuant to paragraph (a) of this subsection (1.5) does not appear at the hearing, the securities division may present evidence that notification was properly sent or served upon such person pursuant to paragraph (c) of this subsection (1.5) and such other evidence related to the matter as the securities board OR ADMINISTRATIVE LAW JUDGE deems appropriate. In the case where such person does not appear, the securities commissioner may not issue an order unless there is a finding by the securities board OR ADMINISTRATIVE LAW JUDGE that there is a reasonable basis to believe such notification was actually received or served, or, after reasonable search by the securities division, the person against whom the order was entered cannot be located. THE SECURITIES COMMISSIONER SHALL ENTER SUCH ORDER WITHIN TEN DAYS AFTER HIS OR HER DETERMINATION RELATED TO REASONABLE ATTEMPTS OF NOTIFICATION OF THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW.

(III) At any hearing pursuant to this paragraph (d), the securities board OR ADMINISTRATIVE LAW JUDGE shall take evidence and hear arguments from the securities division and the person against whom the order to show cause has been entered, pursuant to such rules and procedures as may be adopted by the securities commissioner. Based on the evidence entered and arguments heard at the hearing, the securities board OR ADMINISTRATIVE LAW JUDGE shall enter findings of fact, conclusions of law, and ~~its~~ AN initial decision recommending to the securities commissioner that a final order be entered affirming, denying, vacating, or otherwise modifying the order to show cause. THE INITIAL DECISION SHALL BE ISSUED WITHIN TEN DAYS AFTER THE CONCLUSION OF THE HEARING PROVIDED PURSUANT TO THIS PARAGRAPH (d) AND SHALL BE PROMPTLY DELIVERED TO THE SECURITIES COMMISSIONER.

(IV) If the securities commissioner reasonably finds that the person against whom the order to show cause was entered has engaged, or is about to engage, in acts or practices constituting violations as set forth in paragraph (b) of this subsection (1.5) and makes the findings required by section 11-51-704 (2), he or she may issue a final cease and desist order imposing one or more of the following sanctions:

(A) Directing such person to cease and desist from further unlawful acts or practices;

(B) Censuring the person, if the person is a licensed broker-dealer, sales representative, investment adviser, or investment adviser representative; or

(C) Requiring such person to undertake or comply with conditions or limitations placed upon the activities, functions, or operations of such person, within such reasonable time period as may be imposed by the securities commissioner.

(V) The securities commissioner shall promptly provide notice of the final order WITHIN TEN CALENDAR DAYS AFTER RECEIVING THE INITIAL DECISION, in the manner set forth in paragraph (c) of this subsection (1.5), to each person against whom such order has been entered. The final order entered pursuant to subparagraph (IV) of this paragraph (d) shall be effective when issued, and shall be a final order for purposes of judicial review pursuant to section 11-51-607."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "ANNUITIES," and substitute "ANNUITIES, AMENDING PROCEDURES FOR THE ISSUANCE OF CEASE-AND-DESIST ORDERS,".

(Amendment No. 1(L.014), Senator Lamborn was offered, but not acted upon.)

Laid over until Tuesday, March 23, retaining its place on the calendar.

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 on March 19. (See Senate Journal, March 19, page 575.)

(Amendment No. 1(L.001), by Senator Groff was withdrawn, March 22.)

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**.

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

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**.

HB04-1084 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.

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**.

HB04-1271 by Representative(s) Clapp; also Senator(s) Kester--Concerning the establishment of a pilot program for the placement of children in dedicated out-of-home settings.

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: Groff, Hanna, Keller, Phillips, Sandoval, and Tapia.

HB04-1177 by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health insurance, and, in connection therewith, making it a deceptive trade practice in the business of insurance to deny coverage to an individual solely on the basis that the individual donated a kidney, making it a deceptive trade practice under the consumer protection act to sell health discount services without certain disclosures, and increasing incentives for insurers to provide health benefit coverage to multiple employer welfare arrangements.

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

| YES | 33 | NO | 2 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | Y | Kester | Y | Takis | Y |
| Arnold | Y | Grossman | Y | Lamborn | Y | Tapia | Y |
| Cairns | Y | Hagedorn | N | May | Y | Taylor | Y |
| Chlouber | Y | Hanna | N | 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, Chlouber, Johnson, Kester, and Teck.

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.

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

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

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

Co-sponsors added: Arnold, Chlouber, Jones, Lamborn, and May.

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.

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: Fitz-Gerald, Gordon, Groff, Hanna, Isgar, Keller, Nichol, Phillips, Tapia, Veiga, and Windels.

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.

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: Phillips.

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.

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**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB04-1005, 1055, 1129.**

The President has signed: **HJR04-1030.**

SENATE SERVICES REPORT

Correctly Printed: SB04-204; SCR04-008, 009 and 010.
Correctly Reengrossed: SB04-114.

Correctly Revised: HB04-1046, 1084, 1271, 1177, 1369, 1236, 1368 and 1062. 1
Correctly Rerevised: HB04-1039, 1114, 1151,1241, 1264, 1265, 1267, 1305, 1341, 1343 2
and 1357. 3
Correctly Enrolled: SB04-090, 109 and 143. 4

On motion of Senator Hillman, and with a majority of those elected to the Senate having 8
voted in the affirmative, the balance of the calendar of March 22, 2004, was laid over until 9
Tuesday, March 23, 2004, retaining its place on the calendar. 10

Second Reading--General Orders: SB04-132, SB04-164, SB04-153, SB04-151, 12
HB04-1273, HB04-1187 as amended, HB04-1121, HB04-1242, SB04-136 as amended, 13
HB04-1150, HB04-1078, SB04-177, HB04-1292 as amended, HB04-1244, HB04-1230, 14
HB04-1348, HB04-1234, HB04-1308, HB04-1090, HB04-1353, HB04-1379, SB04-196, 15
HB04-1061, SB04-050, HB04-1311, HB04-1153, HB04-1066. 16
Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014 SJR04-022, SJR04-010, 17
SJR04-025, HJR04-1020, HJR04-1029, HJR04-1005, SJR04-017, HJR04-1027. 18
Consideration of House Amendments to Senate Bills: SB04-082, SB04-041, SB04-108, 19
SB04-117, SB04-157, SB04-098, SB04-131, SB04-084, SB04-007, SB04-152. 20
Consideration of Governor's Appointments: 21
Members of the Read-To-Achieve Board; 22
Members of the Water Quality Control Commission. 23
Consideration of Conference Committee Reports: HB04-1112. 24
Conference Committees to Report: HB04-1072, HB04-1280. 25

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, March 23, 30
2004. 31

Approved: 32
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John Andrews 37
President of the Senate 38

Attest: 39
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Mona Heustis 41
Secretary of the Senate 42
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