

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

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Twenty-seventh Legislative Day

Monday, February 2, 2004

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Prayer	By the President.	11
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Pledge	By Senator Anderson.	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; Hagedorn, Taylor.	19
	Present later--Hagedorn, Taylor.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Keller, reading of the Journal of January 30, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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**COMMITTEE OF REFERENCE REPORTS**

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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:	32
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**MEMBERS OF THE  
HAZARDOUS WASTE COMMISSION**

for terms expiring August 1, 2006:

Brenda K. Marriott of Arvada, Colorado, to serve as a representative of the regulated community and as a Republican, reappointed;

Lauren E. Evans of Lakewood, Colorado, to serve as a representative of the public at large and as a Republican, reappointed;

Len Kay Wilson of Denver, Colorado, to serve as a representative of local government and as a Republican, reappointed;

Ann C. Umphres of Golden, Colorado, to serve as a representative of the public at large and as a Democrat, reappointed.

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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:	55
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**MEMBERS OF THE  
STATE BOARD OF NURSING**

Janet E. Ferguson of Pueblo West, Colorado, to serve as a staff nurse employed in a nursing care facility, reappointed;

Sharon H. Pappas of Arvada, Colorado, to serve as a licensed professional nurse engaged in nursing service administration, appointed;

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MESSAGE FROM THE HOUSE

January 30, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1084, amended as printed in House Journal, January 29, page 190.
HB04-1150, amended as printed in House Journal, January 29, page 190.
HB04-1069, amended as printed in House Journal, January 29, page 190.
HB04-1206, amended as printed in House Journal, January 29, page 191-192.

The House has adopted and returns herewith SJR04-005.

MESSAGE FROM THE REVISOR OF STATUTES

January 30, 2004

We herewith transmit:

Without comment, as amended, HB04-1084, 1150, 1069, 1206.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the titles of the following bills were publicly read, the reading at length
having been dispensed with by unanimous consent:

SB04-015 by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) Vigil, Coleman,
Rhodes, Williams T.--Concerning the expansion of the offset against an inmate's state sales
tax refund.

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and their respective counts (35, 0, 0, 0). Rows list names of members and their votes (Y for Yes).

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

Co-sponsors added: Hanna and Windels.

SB04-108 by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of
claims under the "Unclaimed Property Act".

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

Table with 8 columns: YES, NO, EXCUSED, ABSENT and their respective counts (35, 0, 0, 0). Rows list names of members and their votes (Y for Yes).

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

Co-sponsors added: Kester and Taylor.

**SB04-120** by Senator(s) Hillman; also Representative(s) Stafford--Concerning charitable trusts, and, in connection therewith, permitting a charitable trust to be eligible to provide community or useful public service jobs and requiring that property that is owned and used by a charitable trust be treated the same as property that is owned and used by any other type of nonprofit organization for the purpose of claiming a religious purpose property tax exemption.

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 and Tapia.

**SB04-053** by Senator(s) Owen, Reeves, Teck; also Representative(s) Spradley, King--Concerning changes in the traffic laws.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	N
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	N
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	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: Chlouber and May.

Committee of the Whole On motion of Senator Lamborn, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Lamborn 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:

**SB04-034** by Senator(s) Evans, Andrews; also Representative(s) Mitchell--Concerning the designation of play streets by local authorities.

Laid over until Monday, February 9, retaining its place on the calendar.

**SB04-117** by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a newborn child from the custody of the child's parents.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.  
(Printed in Senate Journal, January 26, page 119 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Sandoval.

Amend printed bill, page 4, line 14, strike "OR";  
line 19, strike "C.R.S." and substitute "C.R.S.; OR";  
after line 19, insert the following:

"(IV) WHEN AN OFFICER OF THE COURT IS NOT AVAILABLE TO ISSUE AN ORDER PURSUANT TO SECTION 19-3-405 (1) WITHIN ONE HOUR OF THE ATTEMPT TO OBTAIN A COURT ORDER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), AND THE CHILD IS NOT IN A HOSPITAL SETTING."

Amendment No. 3(L.004), by Senator Grossman.

Amend the Health, Environment, Welfare & Institutions Committee Report, dated January 22, 2004, strike line 2 and substitute the following:

""04-117,";  
line 22, after "CUSTODY", insert "FOR A PERIOD OF LONGER THAN TWENTY-FOUR HOURS".

Amendment No. 4(L.005), by Senator Keller.

Amend printed bill, page 4, line 14, strike "OR";  
line 19, strike "C.R.S." and substitute "C.R.S.; OR";  
after line 19, insert the following:

"(IV) WHEN THE NEWBORN CHILD IS SUBJECT TO AN ENVIRONMENT EXPOSING THE NEWBORN CHILD TO A LABORATORY FOR MANUFACTURING CONTROLLED SUBSTANCES AS DEFINED IN SECTION 18-18-102 (5), C.R.S."

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

**SB04-057** by Senator(s) Johnson S.; also Representative(s) Johnson R.--Concerning the provision of information on meningococcal disease to students at postsecondary institutions.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.  
(Printed in Senate Journal, January 26, page 120 and placed in members' bill files.)

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

**HB04-1112** by Representative(s) Welker, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Sandoval-- Concerning the regulation of persons licensed to deal in certain monetary instruments, and, in connection therewith, continuing the regulatory authority of the banking board and the state bank commissioner over such activities.

Amendment No. 1, Business Affairs and Labor Committee Amendment.  
(Printed in Senate Journal, January 29, page 144 and placed in members' bill files.)

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

**SB04-116** by Senator(s) Jones; --Concerning rate-making in workers' compensation cases, and, in connection therewith, setting the effective date of workers' compensation insurance and medical benefit rates.

Laid over until Tuesday, February 3, retaining its place on the calendar.

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**HB04-1042** by Representative(s) Welker, Berry, Butcher, Cadman, Carroll, Coleman, Crane, Decker, Frangas, Garcia, Hefley, Jahn, King, Lundberg, Marshall, McFadyen, Merrifield, Miller, Rhodes, Romanoff, Salazar, Schultheis, Spence, Stafford, Weddig, Weissmann, White; also Senator(s) Jones--Concerning the requirement of demonstrating proof of motor vehicle insurance at the time a motor vehicle is registered.

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

**HB04-1103** by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning continuation of the securities board.

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

**HB04-1010** by Representative(s) King, Spradley; also Senator(s) Reeves--Concerning the elimination of certain education advisory boards.

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

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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 General Orders -- Second Reading of Bills Calendar (HB04-1007, SB04-091, SB04-115) of February 2, was laid over until Tuesday, February 3, retaining its place on the calendar.

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

On motion of Senator Lamborn, 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: SB04-117 as amended, SB04-057 as amended, HB04-1112 as amended, HB04-1042, HB04-1103, HB04-1010.

Laid over until Tuesday, February 3: SB04-116, HB04-1007, SB04-091, SB04-115.

Laid over until Monday, February 9: SB04-034.

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#### **MESSAGE FROM THE HOUSE**

February 2, 2004  
Mr. President:

The House has adopted and transmits herewith HJR04-1004.

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#### **INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

**HJR04-1004** by Representative(s) Hoppe; also Senator(s) Taylor--Concerning the designation of Colorado 4-H Day.

Laid over one day under Senate Rule 30(e).

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#### **IMMEDIATE CONSIDERATION OF RESOLUTION**

**HJR04-1004** by Representative(s) Hoppe; also Senator(s) Taylor--Concerning the designation of Colorado 4-H Day.

Senator Hillman moved to suspend the rules for immediate consideration of HJR04-1004.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

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

**MESSAGE FROM THE HOUSE**

February 2, 2004  
Mr. President:

The House has adopted and transmits herewith HJR04-1006.

**INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

**HJR04-1006** by Representative(s) Wiens; also Senator(s) Cairns, Evans--Concerning The Stand in the Gap Project, Inc, and, in connection therewith, expressing support for Colorado's Reservists and National Guard members.

Laid over one day under Senate Rule 30(e).

**IMMEDIATE CONSIDERATION OF RESOLUTION**

**HJR04-1006** by Representative(s) Wiens; also Senator(s) Cairns, Evans--Concerning The Stand in the Gap Project, Inc, and, in connection therewith, expressing support for Colorado's Reservists and National Guard members.

Senator Hillman moved to suspend the rules for immediate consideration of HJR04-1006.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

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

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**MESSAGE FROM THE HOUSE**

February 2, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1071, 1023.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1192, amended as printed in House Journal, January 30, page 235.  
HB04-1059, amended as printed in House Journal, January 30, page 236.  
HB04-1117, amended as printed in House Journal, January 30, pages 236-237.  
HB04-1126, amended as printed in House Journal, January 30, page 237.  
HB04-1148, amended as printed in House Journal, January 30, page 238.  
HB04-1092, amended as printed in House Journal, January 30, page 239.  
HB04-1124, amended as printed in House Journal, January 30, page 239.

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

January 22, 2004

The President has signed: SR04-001, 002, and 003; SJR04-001 and 002.

January 23, 2004

The President has signed: SJR04-006.

January 23, 2004

The President has signed: SJR04-007.

January 30, 2004

The President has signed: SJR04-005.

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**SENATE SERVICES REPORTS**

**Correctly Printed:** SB04-174.

**Correctly Engrossed:** SB04-015, 053, 108, and 120.

**Correctly Reengrossed:** SB04-014, 022, 023, 025 and 110.

**Correctly Enrolled:** SJR04-005.

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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 February 2, 2004, was laid over until Tuesday, February 3, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-008, SJR04-009.

Consideration of Governor's Appointments:

Members of the Colorado Water Resources and Power Development Authority;

Executive Director of the Department of Public Safety;

Member of the Colorado Civil Rights Commission.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, February 3, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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