

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

Fourteenth Legislative Day

Tuesday, January 20, 2004

Prayer	By the chaplain, Father Chris Papadeas-Greek Orthodox Monastic Brotherhood of St. George.	11
Pledge	By Senator Evans.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--30. Absent/Excused--5; Entz, Lamborn, McElhany, Nichol, Phillips. Present later--Entz, Lamborn, Nichol, Phillips.	18 19 20
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Johnson, reading of the Journal of January 19, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25

COMMITTEE OF REFERENCE REPORTS

Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-008 be referred to the Committee of the Whole with favorable recommendation.	32 33 34
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-082 be referred to the Committee of the Whole with favorable recommendation.	37 38 39
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-068 be referred to the Committee of the Whole with favorable recommendation.	41 42 43

INTRODUCTION OF RESOLUTION

	The following resolution was read by title and referred to the committee indicated:	49
SJR04-005	by Senator(s) Taylor, Owen, Teck, Reeves; also Representative(s) Stengel, Young, Witwer, Plant--Concerning the certification by the general assembly of its estimate of state general fund revenues and allowable state general fund appropriations for the 2004-05 budget year. Finance	51 52 53 54

INTRODUCTION OF BILLS--FIRST READING

	The following bills were read by title and referred to the committees indicated:	60
SB04-118	by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district. Agriculture, Natural Resources & Energy	62 63 64

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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, White, Weissmann; also Senator(s) Jones--Concerning the requirement of demonstrating proof of motor vehicle insurance at the time a motor vehicle is registered.
Business Affairs & Labor

HB04-1065 by Representative(s) Paccione; also Senator(s) Anderson--Concerning the granting of immunity related to the provision of human services referral information.
Judiciary

HB04-1110 by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, May M., Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning the continuation of the regulation of banking by the division of banking, and, in connection therewith, increasing the state bank commissioner's supervision of affiliated entities, allowing additional loan production offices, raising the threshold for required real estate appraisals, and repealing the "Colorado Investment Deposit Act".
Business Affairs & Labor

HB04-1111 by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, May M., Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning continuation of the banking board.
Business Affairs & Labor

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:

SB04-026 by Senator(s) Jones; also Representative(s) Welker--Concerning increasing the time period in which the insurance commissioner must hold a hearing about the cancellation of motor vehicle insurance.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	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: Taylor.

SB04-030 by Senator(s) Arnold; also Representative(s) Mitchell--Concerning crimes that make an inmate ineligible for participation in the regimented inmate training program.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	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, Jones, and Kester.

SB04-061 by Senator(s) Evans, Dyer, Gordon, Grossman, Jones; also Representative(s) Lee, Hefley, Judd, Marshall, Smith--Concerning the enactment of Colorado Revised Statutes 2003 as the positive and statutory law of the state of Colorado.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-016 by Senator(s) Anderson, Takis, Taylor, Tupa; also Representative(s) Coleman, Rhodes, Williams T.--Concerning the disposition of property by the division of correctional industries.

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

YES	30	NO	2	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-009 by Senator(s) Taylor, Anderson, Takis, Tupa; also Representative(s) Vigil, Coleman, Rhodes, Williams T.--Concerning the repeal of the requirement that the Colorado state fair authority not accept contributions from nonstate entities in any budget year that the authority would qualify as an enterprise under section 20 of article X of the state constitution that would cause the authority to receive more than ten percent of its annual revenues from all Colorado state and local governments combined.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	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: Andrews, Chlouber, Evans, Groff, Jones, Tapia, and Teck.

SB04-003 by Senator(s) Taylor, Anderson, Takis, Tupa; also Representative(s) Williams T., Coleman, Rhodes--Concerning certain reporting requirements regarding enterprise zones.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	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: Entz, Evans, Groff, Grossman, Kester, Teck, and Veiga.

SB04-063 by Senator(s) Teck; also Representative(s) May M.--Concerning court review of the rejection of a claim for certain tax refunds.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	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: Evans.

SB04-005 by Senator(s) Reeves; also Representative(s) Witwer, King, Romanoff, Spradley, Young--Concerning the presentation of information by each principal department of the executive branch of state government to legislative committees of reference at the beginning of every regular session of the general assembly.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	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: Andrews, Groff, Hanna, Jones, Keller, May, Owen, Tapia, and Teck.

SB04-044 by Senator(s) Fitz-Gerald; also Representative(s) Plant--Concerning authorization of an owner of a retail gaming tavern to own an interest in a hotel and restaurant establishment licensed to sell alcohol beverages.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	E	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: Jones, Kester, and Nichol.

SB04-007 by Senator(s) Anderson, Taylor; also Representative(s) Williams T., Rhodes--Concerning the determination of which higher education employees are exempt from the state personnel system.

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

YES	25	NO	8	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	E	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	Y		

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

Co-sponsors added: Andrews, Evans, and Teck.

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

SB04-042 by Senator(s) Arnold; also Representative(s) Mitchell, Carroll, Rose--Concerning the student loan advisory committee.

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

Amend printed bill, page 2, line 18, strike "APPOINT" and substitute "APPOINT, WITH THE CONSENT OF THE SENATE,".

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

- SB04-020**

by Senator(s) Hillman; also Representative(s) Mitchell--Concerning the limitation of liability in civil actions based on the effects from the long-term consumption of certain products by an individual.

Laid over until Wednesday, January 21, retaining its place on the calendar.

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- SB04-040**

by Senator(s) Entz; also Representative(s) Larson--Concerning the acquisition of property by the division of wildlife, and, in connection therewith, authorizing the purchase of property in Rio Grande county for public purposes.

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

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- SB04-013**

by Senator(s) Entz, Dyer, Isgar, Tapia, Taylor; also Representative(s) Hoppe, Miller, Rippy, Salazar, White--Concerning senate confirmation of membership of certain boards involved with water resources.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, January 14, page 59 and placed in members' bill files.)

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

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- SB04-024**

by Senator(s) Teck; also Representative(s) Romanoff--Concerning increased consistency in the regulation of certain professions by the division of registrations in the department of regulatory agencies, and, in connection therewith, enacting uniform statutory provisions governing the issuance of letters of admonition, immunity, renewal and reinstatement of licenses, registrations, or certificates, investigatory subpoenas, and disposition of fines collected.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, January 15, page 63 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Teck.

Amend printed bill, page 122, line 2, strike "SECTION 24-34-105." and substitute "SECTIONS 24-34-105 AND 24-79.5-102.";

line 24, strike "THREE" and substitute "TWO".

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

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- SB04-018**

by Senator(s) Hillman; --Concerning an increase in the contribution limit for local government retirement plans.

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

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- SB04-002**

by Senator(s) Taylor, Anderson, Takis, Tupa; also Representative(s) Coleman, Rhodes, Williams T.--Concerning the annual fiscal requirements for a local government to qualify for an exemption from a local government audit.

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

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- SB04-051**

by Senator(s) Grossman; also Representative(s) Witwer--Concerning an increase in the length of time for which a temporary license may be issued to a foreign physician.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, January 16, page 71 and placed in members' bill files.)

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

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- SB04-035**

by Senator(s) Kester; also Representative(s) Briggs--Concerning meetings of county boards of social services to address public assistance responsibilities of county departments.

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

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SB04-017 by Senator(s) Johnson S., Evans, Hagedorn, Hanna, Kester, Sandoval; also Representative(s) Stafford, Boyd, Cloer, Frangas, Johnson R., Schultheis, Tochtrop-- Concerning modifications to alien eligibility requirements under the Colorado works program in order to comply with federal law. 1
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 5
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SB04-032 by Senator(s) Isgar, Taylor, Entz; also Representative(s) Salazar, Hoppe, Miller, Rippey-- Concerning an authorization for loans of agricultural irrigation water rights. 8
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. (Printed in Senate Journal, January 16, page 73 and placed in members' bill files.) 10
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 13
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SB04-067 by Senator(s) Owen; also Representative(s) Smith--Concerning the elimination of obsolete provisions of law. 16
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 19
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 22
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On motion of Senator Cairns, 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: 24
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Passed on Second Reading: SB04-042 as amended, SB04-040, SB04-013 as amended, SB04-024 as amended, SB04-018, SB04-002, SB04-051 as amended, SB04-035, SB04-017, SB04-032 as amended, SB04-067. 28
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Laid over until Wednesday, January 21: SB04-020. 32
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SENATE SERVICES REPORT 34
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Correctly Printed: SB04-117 37
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SENATE SERVICES REPORT 40
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To the Governor for signature on Monday, January 19, 2004, at 4:30 p.m. SB04-011. 43
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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 20, 2004, was laid over until Wednesday, January 21, 2004, retaining its place on the calendar. 46
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Consideration of Resolutions: HJR04-1002. 51
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Consideration of Governor's Appointments: 53

Members of the Special Funds Board for Workers' Compensation Self Insurers; 54

Member of the State Electrical Board; 55

Members of the Securities Board; 56

Members of the Colorado Limited Gaming Control Commission; 57

Member of the Examining Board of Plumbers; 58

Member of the Colorado Lottery Commission; 59

Members of the Colorado Banking Board; 60

Members of the Oil and Gas Conservation Commission of the State of Colorado; 61

Members of the Colorado Water Conservation Board; 62

Executive Director of the Department of Natural Resources; 63

Members of the State Board of Parole. 64
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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, January 2, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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