

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

One-hundred-first Legislative Day

Friday, April 16, 2004

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

Pledge By Senator Keller.

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

Roll Call Present--26.
Absent/Excused--9; Anderson, Cairns, Dyer, Gordon, Lamborn, Phillips, Taylor, Teck, Tupa.
Present later--Anderson, Cairns, Gordon, Lamborn, Phillips, Taylor, Teck, Tupa.

Quorum The President *pro tem* announced a quorum present.

Reading of Journal On motion of Senator Kester, reading of the Journal of April 15, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Lamborn moved the Call of the Senate be raised.

COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **SB04-214** be postponed indefinitely.

MESSAGE FROM THE HOUSE

April 15, 2004

Mr. President:

The House has adopted the First Report of the First Conference Committee on HB04-1422, as printed in House Journal, April 15, and has repassed the bill as amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 15, 2004

We herewith transmit:

Without comment, HB04-1405, 1425, 1426, and 1431 .

Without comment, as amended, HB04-1144, 1300, 1075, 1171, 1231, and 1406.

With comment, as amended, HB04-1249.

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INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

- SCR04-015** by Senator(s) Phillips; also Representative(s) Spradley--Submitting to the registered electors of the state of Colorado an amendment to article XVIII of the constitution of the state of Colorado, concerning a requirement that certain providers of retail electric service utilize renewable fuels for a minimum percentage amount of each provider's total electrical output, and, in connection therewith, establishing the percentage as five percent by 2010 and ten percent by 2015 and requiring the Colorado public utilities commission to promulgate rules to effectuate the renewable energy standard.
Transportation

INTRODUCTION OF RESOLUTIONS

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

- SR04-008** by Senator(s) Gordon; --Concerning Firearm Violence Prevention and Awareness Day. Agriculture, Natural Resources & Energy
- SR04-009** by Senator(s) Evans, Grossman, Groff, May R., Johnson S.; --Concerning the University of Denver Pioneers winning the NCAA Division I Hockey National Championship.
Laid over one day under Senate Rule 30(c).
- SJR04-051** by Senator(s) Hanna; --Concerning recognizing Angel Flight West, and, in connection therewith, celebrating its 21st anniversary.
Laid over one day under Senate Rule 30(b).
- SJR04-052** by Senator(s) Hanna, Andrews, Arnold, Cairns, Chlouber, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Lamborn, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, Windels; also Representative(s) Tochtrop--Concerning recognition of the Colorado Nurse Alert System.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF CONCURRENT RESOLUTIONS--FIRST READING

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

- SCR04-016** by Senator(s) Grossman; --Submitting to the registered electors of the state of Colorado amendments to section 17 (1) and (5) of article IX and section 20 (7) of article X of the constitution of the state of Colorado, concerning authorization for the general assembly to temporarily modify certain constitutional limitations on state spending, and, in connection therewith, allowing a two-thirds majority of the members of the general assembly to suspend the required additional one percentage point increase above the rate of inflation for statewide base per pupil and total categorical program education funding, reduce the required increase in general fund appropriations for total program education funding by up to the amount of the suspended additional one percentage point, and adjust to a limited extent the amount of the state fiscal year spending limit during the 2005-06 and 2006-07 fiscal years and also during any subsequent fiscal year that follows a fiscal year in which there was a state revenue shortfall.
State Veterans & Military Affairs
- SCR04-017** by Senator(s) Gordon, Hillman; --Submitting to the registered electors of the state of Colorado an amendment to sections 44 and 48 of article V of the constitution of the state of Colorado, concerning redistricting by the general assembly pursuant to plans prepared by nonpartisan staff without the ability to adopt substantive amendments to such plans other than to adopt previously-rejected bills, and, in connection therewith, repealing the reapportionment commission and specifying criteria for the creation and consideration of redistricting bills.
Judiciary
- SCR04-018** by Senator(s) Tupa; --Submitting to the registered electors of the state of Colorado an amendment to article V of the constitution of the state of Colorado, concerning a requirement that the general assembly may ratify a proposed amendment to the United

States constitution only by a recorded vote, taken by ayes and noes, of two-thirds of all the members elected to each house.

State Veterans & Military Affairs

SCR04-019 by Senator(s) Tupa; --Submitting to the registered electors of the state of Colorado an amendment to section 20 (2) (e) of article X of the constitution of the state of Colorado, concerning a requirement that moneys paid by or on behalf of a student to a state institution of higher education that has been designated by the general assembly as an enterprise be counted as fiscal year spending for the sole purpose of calculating constitutional state and local district fiscal year spending limits, and, in connection therewith, specifying that the requirement shall take effect only if a majority of the electors of the state voting on the question approve House Concurrent Resolution 04-1004 at the 2004 general election.
Education

SCR04-020 by Senator(s) Tupa; --Submitting to the registered electors of the state of Colorado an amendment to section 19 of article X of the constitution of the state of Colorado, concerning the definition of state taxable income by reference to federal tax laws, and, in connection therewith, prohibiting the exclusion from state taxable income of income excluded from federal taxable income pursuant to any federal law enacted on or after January 1, 2005, that creates or increases a personal exemption or deduction from federal taxable income unless the general assembly enacts a law allowing the exclusion of such income from state taxable income.
Finance
Appropriations

INTRODUCTION OF RESOLUTIONS

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

SR04-010 by Senator(s) Tupa, Andrews, Chlouber, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Johnson S., Kester, Lamborn, Nichol, Owen, Phillips, Reeves, Tapia, Taylor, Teck, Windels; --Concerning human rights violations committed by the People's Republic of China in persecution of a person's political and spiritual beliefs and ethnicity, and, in connection therewith, acknowledging the fifteenth anniversary of the Tiananmen Square massacre and condemning the ongoing persecution of Tibetan citizens and Falun Gong practitioners.
Laid over one day under Senate Rule 30(c).

SJR04-053 by Senator(s) May R.; also Representative(s) Sinclair--Concerning the designation of April 22, 2004, as "Colorado Space Industry Day".
Laid over one day under Senate Rule 30(b).

SJR04-054 by Senator(s) Tupa; --Concerning the state's commitment to uphold constitutional rights in the fight against terrorism.
State Veterans & Military Affairs

SJR04-055 by Senator(s) Dyer; also Representative(s) Hefley--Concerning recognition by the Colorado general assembly of the University of Colorado's men's golf team on its 2003-04 season.
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:

SB04-239 by Senator(s) Evans, Gordon, Grossman, Jones; also Representative(s) Lee, Hefley, Judd, Marshall, Smith--Concerning the revision of statutes in the Colorado Revised Statutes, as amended, amending or repealing obsolete, inconsistent, and conflicting provisions of law and clarifying the language to reflect the legislative intent of the laws.
Judiciary

HB04-1075 by Representative(s) Romanoff; also Senator(s) Johnson S.--Concerning continued services for women in the treatment program for high-risk pregnant women, and making an appropriation therefor.
Health, Environment, Welfare & Institutions
Appropriations

HB04-1144	by Representative(s) Judd, Decker, Jahn, McGihon; also Senator(s) Reeves--Concerning the interception of the payment of specified claims to satisfy certain obligations of the claimant, and making an appropriation therefor. Finance Appropriations	1 2 3 4 5 6
HB04-1171	by Representative(s) Weddig, Borodkin; also Senator(s) Hagedorn--Concerning directing the state personnel director to investigate the feasibility of establishing a retirement health savings trust for the benefit of state employees. State Veterans & Military Affairs Appropriations	7 8 9 10 11 12
HB04-1231	by Representative(s) Larson, Welker; also Senator(s) Chlouber, May R.--Concerning the conditions applicable to the holders of commercial drivers' licenses. Transportation	13 14 15 16
HB04-1249	by Representative(s) Williams S., Boyd, Carroll, Hodge, Jahn, Judd, Madden, McFadyen, Merrifield, Miller, Rose, Tochtrop, Williams T.; also Senator(s) Kester--Concerning an increase in the current exemption from taxation established in section 39-3-119.5, Colorado Revised Statutes, for personal property, and making an appropriation in connection therewith. Education Finance Appropriations	17 18 19 20 21 22 23 24 25
HB04-1300	by Representative(s) Garcia, Carroll; also Senator(s) Sandoval--Concerning the regulation of notaries public, and, in connection therewith, modernizing the office of notary public, and making an appropriation. Judiciary Appropriations	26 27 28 29 30 31
HB04-1405	by Representative(s) Spradley, King, Romanoff; also Senator(s) Andrews, Fitz-Gerald, Grossman, Veiga--Concerning the power of the Colorado educational and cultural facilities authority to enter into additional financing agreements. Education	32 33 34 35 36
HB04-1406	by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning notification to the public of professional malpractice judgments by the state board of medical examiners. Health, Environment, Welfare & Institutions	37 38 39 40
HB04-1426	by Representative(s) Hoppe, Miller, Brophy, Hodge, Johnson R., McCluskey, Rose, Spradley, Tochtrop, White; also Senator(s) Chlouber, Entz--Concerning a requirement that applicants for a mining permit issued pursuant to the "Colorado Mined Land Reclamation Act" mail a copy of the application to only those surface owners whose interests appear of record. Agriculture, Natural Resources & Energy	41 42 43 44 45 46 47
HB04-1431	by Representative(s) Rose; also Senator(s) McElhany--Concerning the continuation of the wildlife management public education advisory council. Agriculture, Natural Resources & Energy	48 49 50 51
HB04-1425	by Representative(s) King; also Senator(s) Hillman--Concerning the legal publication of state ballot measures. State Veterans & Military Affairs	52 53 54 55 56
THIRD READING--FINAL PASSAGE OF BILLS		57 58 59
On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:		60 61 62
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 Monday, April 19, retaining its place on the calendar.	63 64 65 66 67 68
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 Monday, April 19, retaining its place on the calendar.	69 70 71 72

HB04-1279 by Representative(s) Stafford, Rose; also Senator(s) Hillman, Kester--Concerning liability regarding the behavior of dogs.

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

Third Reading Amendment No. 1(L.021), by Senator Johnson.

Amend revised bill, page 4, after line 26, insert the following:

"**SECTION 3.** 18-9-204.5 (1) and (5), Colorado Revised Statutes, are amended to read:

18-9-204.5. Unlawful ownership of dangerous dog. (1) The general assembly hereby finds, determines, and declares that:

(a) Dangerous dogs are a serious and widespread threat to the safety and welfare of citizens throughout the state because of the number and serious nature of attacks by such dogs; AND

(b) THE REGULATION AND CONTROL OF DANGEROUS DOGS IS A MATTER OF STATEWIDE CONCERN.

(5) (a) Nothing in this section shall be construed to prohibit a municipality from adopting any rule or law for the control of dangerous dogs; EXCEPT THAT ANY SUCH RULE OR LAW SHALL NOT REGULATE DANGEROUS DOGS IN A MANNER THAT IS SPECIFIC TO BREED.

(b) Nothing in this section shall be construed to abrogate a county's authority under part 1 of article 15 of title 30, C.R.S., to adopt dog control and licensing resolutions and to impose the penalties set forth in section 30-15-102, C.R.S.; EXCEPT THAT ANY SUCH RESOLUTION SHALL NOT REGULATE DANGEROUS DOGS IN A MANNER THAT IS SPECIFIC TO BREED."

Renumber succeeding sections accordingly.

The amendment was declared **adopted**, on the following roll call:

YES	21	NO	13	EXCUSED	1	ABSENT	0
Anderson	N	Groff	N	Kester	Y	Takis	N
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	E	Hillman	Y	Nichol	Y	Tupa	Y
Entz	N	Isgar	N	Owen	Y	Veiga	N
Evans	N	Johnson	Y	Phillips	Y	Windels	N
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	N		

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

YES	30	NO	4	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	E	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	N		

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

Co-sponsors added: Cairns, Chlouber, Johnson, Jones, Teck, and Tupa.

HB04-1080 by Representative(s) Williams T.; also Senator(s) Lamborn--Concerning the "Uniform Arbitration Act".

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

YES	34	NO	0	EXCUSED	1	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	E	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**.

HB04-1367 by Representative(s) Weissmann; also Senator(s) Phillips--Concerning the exclusion of certain areas located within the territorial boundaries of a municipality from the area of a library district.

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

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	N
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	N
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	E	Hillman	Y	Nichol	N	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	N
Evans	Y	Johnson	Y	Phillips	Y	Windels	N
Fitz-Gerald	Y	Jones	N	Reeves	N	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	N		

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

IMMEDIATE RECONSIDERATION OF HB04-1367

HB04-1367 by Representative(s) Weissmann; also Senator(s) Phillips--Concerning the exclusion of certain areas located within the territorial boundaries of a municipality from the area of a library district.

Having voted on the prevailing side, Senator Phillips moved for immediate reconsideration of the last Senate action, Third Reading--Final Passage, on HB04-1367. The roll call was taken with the following result:

YES	16	NO	18	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	N	May	Y	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	E	Hillman	N	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	N	Johnson	N	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	N
Gordon	N	Keller	Y	Sandoval	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was declared **LOST**.

THIRD READING--FINAL PASSAGE OF BILLS -- continued

SB04-211 by Senator(s) Hillman; also Representative(s) Spradley--Concerning increased efficiencies in the operation of the unclaimed property program in order to make available a portion of the unclaimed property trust fund to support CoverColorado.

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

YES	34	NO	0	EXCUSED	1	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	E	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, Hagedorn, and Isgar.

SB04-142 by Senator(s) Owen; also Representative(s) Jahn--Concerning the authorization of a specialized charter school by a community college.

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.005), by Senator Windels.

Amend engrossed bill, page 11, after line 14, insert the following:

"(6) (a) THERE SHALL BE AN ACADEMY ADVISORY COUNCIL FOR EACH SKILLS ACADEMY CREATED PURSUANT TO THIS PART 5. AN ACADEMY ADVISORY COUNCIL SHALL CONSIST OF SEVEN MEMBERS DESIGNATED, APPOINTED, OR ELECTED AS FOLLOWS:

(I) THE PRINCIPAL OR CHIEF OPERATING OFFICER OF THE ACADEMY, OR THE PRINCIPAL OR OFFICER'S DESIGNEE;

(II) ONE TEACHER WHO PROVIDES INSTRUCTION AT THE ACADEMY ELECTED BY A VOTE OF ALL OTHER TEACHERS WHO PROVIDE INSTRUCTION AT THE SCHOOL;

(III) TWO PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE ACADEMY WHO ARE ELECTED BY A VOTE OF THE PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE ACADEMY;

(IV) ONE MEMBER APPOINTED BY THE LOCAL BOARD OF EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE ACADEMY IS LOCATED;

(V) A PERSON FROM THE COMMUNITY WHO IS INVOLVED IN BUSINESS AND WHO IS APPOINTED BY THE PRINCIPAL OR CHIEF OPERATING OFFICER OF THE ACADEMY; AND

(VI) A PERSON REPRESENTING THE LABOR COMMUNITY AND WHO IS APPOINTED BY THE PRINCIPAL OR CHIEF OPERATING OFFICER OF THE ACADEMY.

(b) NO MORE THAN THREE MEMBERS OF AN ACADEMY ADVISORY COUNCIL SHALL BE EMPLOYED BY OR RELATIVES OF AN EMPLOYEE OF THE ACADEMY, THE SPONSORING AUTHORITY, OR A CONTRACTOR.

(c) MEMBERS OF AN ACADEMY ADVISORY COUNCIL SHALL BE ELECTED OR APPOINTED NO LATER THAN SEPTEMBER 1 OF EACH SCHOOL YEAR. MEMBERS OF AN ACADEMY ADVISORY COUNCIL SHALL SERVE TERMS OF TWO YEARS. ANY VACANCIES THAT MAY ARISE ON THE ACADEMIC ADVISORY COUNCIL BY REASON OF A MEMBER'S RESIGNATION OR DISQUALIFICATION OR FOR ANY OTHER REASON SHALL BE FILLED BY MAJORITY ACTION OF THE REMAINING MEMBERS OF THE COUNCIL.

(d) IN ADDITION TO ANY OTHER DUTIES AND POWERS PROVIDED FOR BY LAW, AN ACADEMY ADVISORY COUNCIL SHALL MAKE RECOMMENDATIONS TO THE PRINCIPAL OR CHIEF OPERATING OFFICER OF THE ACADEMY REGARDING THE PRIORITIZATION OF EXPENDITURES OF ACADEMY MONEYS. EACH ACADEMIC ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY TO DISCUSS:

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(I) MEANS FOR DETERMINING WHETHER DECISIONS AFFECTING THE EDUCATIONAL PROCESS ARE ADVANCING OR IMPEDING STUDENT ACHIEVEMENT;

(II) REPORTING TO STUDENTS, PARENTS, EDUCATORS, AND THE SPONSORING AUTHORITY ON THE EDUCATIONAL PERFORMANCE OF THE SCHOOL AND PROVIDING DATA FOR THE APPRAISAL OF SUCH PERFORMANCE;

(III) RECOMMENDATIONS TO THE PRINCIPAL OR THE CHIEF OPERATING OFFICER OF THE ACADEMY ON THE EXPENDITURE OF ALL GRANTS TO THE ACADEMY; AND

(IV) SAFETY ISSUES RELATED TO THE ENVIRONMENT OF THE ACADEMY."

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	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	E	Hillman	Y	Nichol	N	Tupa	N
Entz	N	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: Andrews, Cairns, Evans, Groff, Hillman, and Teck.

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--SJR04-031.

CONSIDERATION OF RESOLUTION--SJR04-031

SJR04-031 by Senator(s) Entz; also Representative(s) Hoppe--Concerning the species conservation eligibility list.

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

YES	34	NO	0	EXCUSED	1	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	E	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: Chlouber, Evans, Groff, Grossman, Isgar, Johnson, Kester, Phillips, and Sandoval.

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

Committee of the Whole On motion of Senator Arnold, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Arnold 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 Monday, April 19, retaining its place on the calendar.

SB04-164 by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.

Laid over until Monday, April 19, retaining its place on the calendar.

HB04-1242 by Representative(s) Sinclair, Cadman, Schultheis, Berry, Crane, Fairbank, Harvey, Hefley, Johnson R., King, Lee, May M., McCluskey, Rhodes, Spence, Young; also Senator(s) McElhany--Concerning a meeting of a school district board of education at which employment contracts are negotiated.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-190 by Senator(s) Johnson S.; also Representative(s) Harvey--Concerning the creation of liens for health care providers on moneys collected by an injured person.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-151 by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel--Concerning judicial evaluations by commissions on judicial performance.

As amended, Senate Journal, March 26, pages 644-647.

Laid over until Monday, April 19, retaining its place on the calendar.

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-203 by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-210 by Senator(s) Andrews; --Concerning the performance of the functions of immigration officers by state personnel.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-215 by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, Tapia, Taylor, Teck; also Representative(s) Rippy, Briggs, Hall, Miller, White--Concerning

the applicability of section 29-20-107, Colorado Revised Statutes, of the "Local Government Land Use Control Enabling Act".

Laid over until Monday, April 19, retaining its place on the calendar.

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.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 12, page 777 and placed in members' bill files.)

Amendment No. 2(L.001), by Senator Anderson.

Amend printed concurrent resolution, page 3, line 10, strike "YEARS," and substitute "YEARS PLUS ANY POPULATION ADJUSTMENT MADE PRIOR TO JULY 1, 2004,";

line 21, after "census.", add "THE STATE SHALL NOT MAKE ANY POPULATION ADJUSTMENT BASED ON THE 2000 DECENNIAL FEDERAL CENSUS IN ANY STATE FISCAL YEAR COMMENCING ON OR AFTER JULY 1, 2004.".

As amended, laid over until Monday, April 19, retaining its place on the calendar.

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.

Laid over until Monday, April 19, retaining its place on the calendar.

SB04-221 by Senator(s) Taylor; also Representative(s) White--Concerning the authority of a metropolitan district to exercise specified enforcement activities of other entities within the boundaries of the district.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 14, page 807 and placed in members' bill files.)

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

HB04-1404 by Representative(s) Fairbank; also Senator(s) Kester--Concerning investments by local governments, and, in connection therewith, amending provisions governing the issuance of securities and increasing the range of investment vehicles available to local governmental entities.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 14, page 808 and placed in members' bill files.)

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

SB04-220 by Senator(s) Owen; also Representative(s) Stengel--Concerning leveraged leasing agreements involving qualified state capital assets.

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

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 (SB04-213, SCR04-012, HB04-1373, HCR04-1005) of April 16, was laid over until Monday, April 19, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SB04-221 as amended, HB04-1404 as amended, SB04-220.
Laid over until Monday, April 19: SB04-001, SB04-164, HB04-1242, SB04-190,
SB04-151 as amended, HB04-1141, SB04-203, SB04-210, SB04-215, SCR04-010 as
amended, SCR04-009, SB04-213, SCR04-012, HB04-1373, HCR04-1005.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-228** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 19, after the period, add "FOR PURPOSES OF SECTION 22-54-106 (1) (a) (I), C.R.S., A DETERMINATION THAT THE VALUE OF A MINERAL INTEREST IS NEGLIGIBLE IN ACCORDANCE WITH THIS PARAGRAPH (d) SHALL NOT REDUCE THE AMOUNT OF PROPERTY TAX REVENUE THAT A SCHOOL DISTRICT IS ENTITLED TO RECEIVE FROM A PROPERTY TAX LEVY."

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-225** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, line 3, after the period, insert "THE STATE ENGINEER MAY EXERCISE THIS AUTHORITY ONLY IN CONNECTION WITH AN ALLEGED VIOLATION OF THIS ARTICLE. SUPPLIERS OF ENERGY USED TO PUMP GROUND WATER SHALL NOT BE REQUIRED TO MAINTAIN RECORDS OF ENERGY USED TO PUMP GROUND WATER MORE THAN FIVE YEARS AFTER THE YEAR IN WHICH THE ENERGY IS CONSUMED. SUPPLIERS OF ENERGY USED TO PUMP GROUND WATER SHALL BE HELD HARMLESS FROM ANY AND ALL CIVIL OR CRIMINAL LIABILITY WITH RESPECT TO THE TRANSFER OF RECORDS PURSUANT TO THIS SECTION."

line 21, strike "IF THE DISTRICT COURT UPHOLDS THE";

strike line 22;

line 23, strike "WHOM THE ORDER WAS ISSUED SHALL PAY" and substitute "THE PREVAILING PARTY SHALL BE ENTITLED TO".

Page 7, line 5, after the period, add "THIS AUTHORITY OF THE DISTRICT IS CONCURRENT WITH THE AUTHORITY OF THE STATE ENGINEER AND GROUND WATER COMMISSION DESCRIBED IN SECTIONS 37-90-105, 37-90-110, 37-90-111, AND 37-90-111.5.";

line 20, after the period, add "THE DISTRICT MAY EXERCISE THIS AUTHORITY ONLY IN CONNECTION WITH AN ALLEGED VIOLATION OF THIS ARTICLE. SUPPLIERS OF ENERGY USED TO PUMP GROUND WATER SHALL NOT BE REQUIRED TO MAINTAIN RECORDS OF ENERGY USED TO PUMP GROUND WATER MORE THAN FIVE YEARS AFTER THE YEAR IN WHICH THE ENERGY IS CONSUMED. SUPPLIERS OF ENERGY USED TO PUMP GROUND WATER SHALL BE HELD HARMLESS FROM ANY AND ALL CIVIL OR CRIMINAL LIABILITY WITH RESPECT TO THE TRANSFER OF RECORDS PURSUANT TO THIS SECTION."

Page 8, line 4, strike "IF THE DISTRICT COURT UPHOLDS THE";

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strike line 5;

line 6, strike "SHALL PAY" and substitute "THE PREVAILING PARTY SHALL BE ENTITLED TO".

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1135** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **HB04-1293** be postponed indefinitely.

Health, Environment, Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1014** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, line 6, strike "FORTY" and substitute "EIGHTEEN";

line 8, strike "AND";

line 9, strike "EXPERIENCE." and substitute "EXPERIENCE, AND EIGHT HOURS OF TRAINING ON DEMENTIA AND THE IMPACT ON MEDICATION ADMINISTRATION.".

Page 4, after line 22, insert the following:

"(5) A NURSING HOME FACILITY THAT ALLOWS A MEDICATION AIDE TO ADMINISTER MEDICATION PURSUANT TO THIS SECTION SHALL DISCLOSE TO THE PATIENT OR THE PATIENT'S REPRESENTATIVE, IF APPLICABLE, THAT THE NURSING HOME FACILITY EMPLOYS MEDICATION AIDES TO ADMINISTER MEDICATION AND THE PERSON WHO ADMINISTERS MEDICATION TO THE PATIENT MAY NOT BE A LICENSED NURSE.".

Renumber succeeding subsections accordingly.

Health, Environment, Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1028** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

April 16, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1012.

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--HJR04-1012.

IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1012

HJR04-1012

by Representative(s) Weissmann, Paccione, Plant, Pommer, Spradley; also Senator(s) Reeves--Concerning Jeremy Bloom's efforts to compete in collegiate football while accepting endorsements to fund his training in freestyle skiing for the United States Ski Team despite the NCAA rules prohibiting such endorsements.

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

YES	33	NO	1	EXCUSED	1	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	E	Hillman	Y	Nichol	Y	Tupa	N
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, Sandoval, Takis, Tapia, Taylor, Teck, Veiga, and Windels.

COMMITTEE OF REFERENCE REPORTS

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1165** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 9, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 21, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 26, strike "SEVEN HUNDRED" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 27, strike "FIFTY".

Page 3, line 2, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 9, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

Page 4, line 7, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 10, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 14, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 15, strike "HUNDRED FIFTY";

line 16, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 17, strike "HUNDRED FIFTY";

line 22, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

Page 5, line 2, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

line 16, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 18, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

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Page 6, line 3, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 7, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 15, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 16, strike "HUNDRED FIFTY";

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line 19, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 21, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 24, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

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Page 7, line 10, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 11, strike "HUNDRED FIFTY";

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line 13, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 24, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 26, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

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Page 8, line 10, strike "SEVEN HUNDRED" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 11, strike "FIFTY";

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line 13, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 24, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 26, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".

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Page 9, line 12, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 13, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 14, strike "HUNDRED FIFTY";

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line 24, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 27, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE".

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Page 10, line 1, strike "HUNDRED FIFTY";

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line 14, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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line 24, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";

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	line 25, strike "SEVEN" and substitute "SIX HUNDRED SEVENTY-FIVE";	1
	line 26, strike "HUNDRED FIFTY".	2
	Page 11, line 11, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";	3
	line 13, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";	4
	line 20, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".	5
	Page 12, line 6, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";	6
	line 8, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";	7
	line 17, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE";	8
	line 18, strike "SEVEN HUNDRED" and substitute "SIX HUNDRED SEVENTY-FIVE";	9
	line 19, strike "FIFTY";	10
	line 27, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".	11
	Page 13, line 2, strike "SEVEN HUNDRED FIFTY" and substitute "SIX HUNDRED SEVENTY-FIVE".	12
Judiciary	After consideration on the merits, the Committee recommends that HB04-1048 be referred to the Committee of the Whole with favorable recommendation.	13
Judiciary	After consideration on the merits, the Committee recommends that SB04-223 be referred to the Committee of the Whole with favorable recommendation.	14
Judiciary	After consideration on the merits, the Committee recommends that HB04-1016 be referred to the Committee of the Whole with favorable recommendation.	15
Judiciary	After consideration on the merits, the Committee recommends that HB04-1189 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16
	Amend reengrossed bill, page 3, strike lines 8 and 9 and substitute the following:	17
	"SHALL ONLY APPLY TO PERSONS CONVICTED OF CLASS 2 OR CLASS 3 FELONY OFFENSES.";	18
	line 24, after "(3.5)", insert "(a)".	19
	Page 4, after line 8, insert the following:	20
	"(b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL ONLY APPLY TO PERSONS CONVICTED OF CLASS 2 OR CLASS 3 FELONY OFFENSES.".	21
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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--SR04-009.

IMMEDIATE CONSIDERATION OF RESOLUTION--SR04-009

SR04-009 by Senator(s) Evans, Grossman, Groff, May R., Johnson S.; --Concerning the University of Denver Pioneers winning the NCAA Division I Hockey National Championship.

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

YES	34	NO	0	EXCUSED	1	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	E	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, Entz, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hillman, Isgar, Jones, Keller, Kester, Lamborn, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, SB04-228, HB04-1028, HB04-1048, SB04-223, HB04-1079, HB04-1400, and HB04-1237 were made Special Orders at 11:15 a.m.

Committee of the Whole The hour of 11:15 a.m. having arrived, Senator Arnold moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Arnold was called to the Chair to act as Chairman.

SPECIAL ORDERS--SECOND READING OF BILLS

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

SB04-228 by Senator(s) Hillman; also Representative(s) Stengel--Concerning the valuation of mineral interests for purposes of property taxation.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 16, page 855 and placed in members' bill files.)

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

HB04-1028 by Representative(s) Coleman, Rhodes, Williams T.; also Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the fee paid in connection with representation of indigent persons.

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

HB04-1048 by Representative(s) King; also Senator(s) McElhany--Concerning beneficiary deeds.

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

SB04-223 by Senator(s) McElhany; also Representative(s) Briggs--Concerning the designation of public transit officers as peace officers.

Laid over until Monday, April 19, retaining its place on the calendar.

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- HB04-1079** by Representative(s) Cadman; also Senator(s) Veiga--Concerning standard nonforfeiture regulation for individual deferred annuities offered by insurers. 1
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 4
(Printed in Senate Journal, April 15, page 815 and placed in members' bill files.) 5
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As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
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- HB04-1400** by Representative(s) Rhodes; also Senator(s) Chlouber--Concerning the regulation of 10
warranties on vehicle protection products. 11
12
Ordered revised and placed on the calendar for Third Reading and Final Passage. 13
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- HB04-1237** by Representative(s) May M.; also Senator(s) Lamborn--Concerning the authorization for 15
retailers to be held harmless for collecting the incorrect amount of state collected sales and 16
use tax due on a purchase when relying on a certified electronic database of addresses to 17
determine the jurisdictions to which tax is owed. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, the Report of the Committee of the Whole was adopted and, 26
a majority of all members elected to the Senate having voted in the affirmative, the 27
following action was taken: 28

Passed on Second Reading: SB04-228 as amended, HB04-1028, HB04-1048, HB04-1079 30
as amended, HB04-1400, HB04-1237. 31

Laid over until Monday, April 19: SB04-223. 32
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COMMITTEE OF REFERENCE REPORTS

- Appro- After consideration on the merits, the Committee recommends that **SB04-222** be referred 38
priations to the Committee of the Whole with favorable recommendation. 39
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- Appro- After consideration on the merits, the Committee recommends that **HB04-1089** be 42
priations amended as follows, and as so amended, be referred to the Committee of the Whole with 43
favorable recommendation. 44
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Amend reengrossed bill, page 4, strike lines 14 through 16 and substitute 46
the following: 47
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"AGRICULTURE IN THE STATE." 49
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- Appro- After consideration on the merits, the Committee recommends that **SB04-219** be amended 52
priations as follows, and as so amended, be referred to the Committee of the Whole with favorable 53
recommendation. 54
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Amend printed bill, page 3, strike lines 18 through 27. 56
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Strike page 4. 58
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Page 5, strike lines 1 through 6 and substitute the following: 60
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"SECTION 2. 30-10-421 (1) (b), (2), and (3), Colorado Revised 62
Statutes, as amended by House Bill 04-1413, enacted at the Second 63
Regular Session of the Sixty-fourth General Assembly, are amended, and 64
the said 30-10-421 is further amended BY THE ADDITION OF A NEW 65
SUBSECTION, to read: 66
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30-10-421. Filing surcharge - definitions. (1) (b) On and after 68
July 1, 2004, and through ~~June 30, 2005~~ JUNE 30, 2007, the county clerk 69

and recorder shall collect a surcharge of ~~up to fifty cents~~ ONE DOLLAR for each document received for recording or filing in his or her office. ~~Each clerk and recorder shall establish the amount of the surcharge to be collected by his or her county, but in no circumstance shall the surcharge exceed fifty cents per document.~~ The surcharge shall be in addition to any other fees permitted by statute.

(2) The county clerk and recorder shall transmit fifty cents out of each dollar collected pursuant to paragraph (a) of subsection (1) of this section to the SECRETARY OF STATE, WHO SHALL TRANSMIT SUCH MONEYS TO THE state treasurer who shall credit the same to the clerk and recorder ~~electronic filing~~ technology fund created in section 30-10-422.

(3) (a) The county clerk and recorder may retain the remaining fifty cents out of each dollar collected pursuant to paragraph (a) of subsection (1) of this section. ~~to be utilized to defray the costs of implementing and providing electronic filing and recording capabilities.~~ If the clerk and recorder elects not to retain any portion of the fifty cents, he or she shall transmit such unused portion to the SECRETARY OF STATE, WHO SHALL TRANSMIT SUCH MONEYS TO THE state treasurer who shall credit the same to the clerk and recorder ~~electronic filing~~ technology fund.

(b) The county clerk and recorder shall ~~use~~ RETAIN the proceeds of the ~~fee~~ SURCHARGE collected pursuant to paragraph (b) of subsection (1) of this section. SUCH PROCEEDS, ALONG WITH THE PROCEEDS FROM THE PORTION OF THE SURCHARGE COLLECTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION THAT THE CLERK AND RECORDER ELECTS TO RETAIN, SHALL BE UTILIZED to defray the costs of: ~~implementing and providing electronic filing and recording capabilities.~~

(I) ESTABLISHING, MAINTAINING, OR IMPROVING AN ELECTRONIC FILING SYSTEM; OR

(II) NECESSARY IMPROVEMENTS TO THE CORE FILING SYSTEM.

(c) THE COUNTY CLERK AND RECORDER SHALL PLACE ALL SURCHARGES THAT HE OR SHE RETAINS PURSUANT TO THIS SUBSECTION (3) IN A SEPARATE, SEGREGATED ACCOUNT.

(6) AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:".

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1358** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, after line 11, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado state fair authority cash fund created in section 35-65-107 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 2004, the sum of five hundred one dollars (\$501), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 102, strike "EXPOSITION." and substitute "EXPOSITION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1017** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, strike lines 14 and 15, and substitute the following:

"of revenue is decreased by forty-nine thousand two hundred sixty-one dollars (\$49,261) and 0.8 FTE.".

Appropriations After consideration on the merits, the Committee recommends that **SB04-206** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 6, after line 23, insert the following:

"SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2004, the sum of twenty-two thousand dollars (\$22,000), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from gifts, grants, and donations in the pediatric hospice care cash fund created in section 26-4-533 (6), Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2004, the department of health care policy and financing will receive the sum of twenty-two thousand dollars (\$22,000) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.".

Renumber succeeding section accordingly.

Page 1, line 102, strike "**ACT**." and substitute "**ACT**", **AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations After consideration on the merits, the Committee recommends that **HB04-1006** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1225** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1309** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1200** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1107** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 7, line 1, strike "the number of FTE for the fiscal" and substitute "appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2004, shall be adjusted as follows: The appropriation to the department of human";

strike line 2;

line 4, strike "program" and substitute "program,".

Appropriations After consideration on the merits, the Committee recommends that **HB04-1219** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1414** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1423** be referred to the Committee of the Whole with favorable recommendation. 1
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Appropriations After consideration on the merits, the Committee recommends that **HB04-1283** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 4
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Amend reengrossed bill, page 6, line 14, strike "JULY 1," and substitute "JULY 15,". 7
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Page 7, strike lines 14 through 18; 9
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line 19, strike "(7)" and substitute "(6)". 11
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Page 8, after line 6, insert the following: 13
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"(7) (a) THE DEPARTMENT OF EDUCATION IS HEREBY AUTHORIZED TO ENTER INTO A CONTRACT FOR STAFF ASSISTANCE TO CARRY OUT THE PROVISIONS AND PURPOSES OF THIS SECTION IF THE DEPARTMENT OF EDUCATION RECEIVES GIFTS, GRANTS, AND DONATIONS IN AN AMOUNT SUFFICIENT TO FUND STAFF ASSISTANCE. 15
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(b) IF THE HIGH SCHOOL COMMISSION CASH FUND CREATED PURSUANT TO SUBSECTION (6) OF THIS SECTION DOES NOT CONTAIN MONEYS SUFFICIENT TO PAY FOR STAFF ASSISTANCE BY JULY 1, 2004, THEN THE DEPARTMENT OF EDUCATION SHALL NOTIFY IN WRITING THE COMMISSION, THE STATE TREASURER, AND THE REVISOR OF STATUTES, AND THIS SECTION SHALL BE REPEALED, EFFECTIVE JULY 1, 2004. IN SUCH EVENT, THE STATE TREASURER SHALL RETURN FROM THE HIGH SCHOOL COMMISSION CASH FUND TO THE GRANTORS OR DONORS THE AMOUNT OF ALL GIFTS, GRANTS, OR DONATIONS. IF THE GIFTS, GRANTS, OR DONATIONS ARE RETURNED PURSUANT TO THIS SUBSECTION (7), ON JULY 1, 2004, THE TREASURER SHALL TRANSFER TO THE GENERAL FUND ANY INTEREST OR INCOME EARNED ON MONEYS IN THE FUND." 21
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INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING 35
36
37

The following concurrent resolution was read by title and referred to the committees indicated: 38
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SCR04-021 by Senator(s) Grossman, Groff; --Submitting to the registered electors of the state of Colorado an amendment to article X of the constitution of the state of Colorado, concerning the imposition of an additional excise tax on alcohol beverages for the purpose of creating a permanent funding source for the Tony Grampas youth services program, and, in connection therewith, excluding the net revenues of the excise tax and interest or income earned on the deposit and investment of said net revenues from fiscal year spending for purposes of section 20 of article X of the state constitution. 41
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INTRODUCTION OF RESOLUTION 52
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The following resolution was read by title: 54
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SR04-011 by Senator(s) Hillman; --Concerning nonsubstantive changes to the rules of the senate. Laid over one day under Senate Rule 30(c). 56
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APPOINTMENTS TO CONFERENCE COMMITTEE 60
61

HB04-1361 by Representative(s) Frangas, Jahn; also Senator(s) Owen--Concerning area vocational schools. 62
63
64

The President appointed Senators Owen, Chairman, Evans, and Groff as Senate Conferees on the First Conference Committee on **HB04-1361**. 65
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67

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB04-1114, 1155, 1182, 1305, 1383.

SENATE SERVICES REPORTS

- Correctly Printed:** SB04-232, 237 and 238.
- Correctly Engrossed:** SB04-142 and 211.
- Correctly Reengrossed:** SJR04-011, 028 and 037.
- Correctly Revised:** HB04-1080 and 1367.
- Correctly Rerevised:** HJR04-1020
- Correctly Enrolled:** SB04-115 and 137; SJR04-037 and 041.

TRIBUTES

- Honoring Tomika Starks -- by Senator Ken Gordon.
- Honoring Madeleine Carter -- by Senator Ken Gordon.
- Honoring Missy Lewis -- by Senator Ken Gordon.
- Honoring Tiny Rodriguez -- by Senator Ken Gordon.
- Honoring Beth Scully -- by Senator Ken Gordon.
- Honoring Linda Valeriano -- by Senator Ken Gordon.

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 April 16, 2004, was laid over until Monday, April 19, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046, SJR04-047, SJR04-048, SJR04-049.

Consideration of Memorials: SJM04-004, SJM04-003.

Reconsideration of Bill: HB04-1150.

Consideration of Governor's Appointments:

- Members of the Water Quality Control Commission;
- Executive Director of the Colorado Commission on Higher Education;
- Member of the University of Colorado Hospital Authority Board of Directors;
- Member of the Board of Trustees of Metropolitan State College of Denver;
- Members of the Board of Trustees for Adams State College;
- Member of the State Housing Board.

Consideration of Conference Committee Reports: HB04-1061.

Conference Committees to Report: HB04-1117, SB04-082, HB04-1236, HB04-1177, SB04-131, SB04-094, SB04-024.

Requests for Conference Committee: SB04-125, SB04-108, HB04-1115.

On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday, April 19, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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