

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

Seventieth Legislative Day

Tuesday, March 16, 2004

Prayer	By the chaplain, Reverend Glen Hamlyn.	10
Pledge	By Senator Arnold.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--33. Absent/Excused--2; McElhany, Nichol. Present later--McElhany.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Grossman, reading of the Journal of March 15, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

MESSAGE FROM THE HOUSE

March 15, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1104, amended as printed in House Journal, March 12, pages 846-847.
HB04-1367, amended as printed in House Journal, March 12, pages 847-848.
HB04-1380, amended as printed in House Journal, March 12, page 849.
HB04-1309, amended as printed in House Journal, March 12, pages 849-850.

The House has passed on Third Reading and returns herewith SB04-051,123,143,175.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB04-082, amended as printed in House Journal, March 12, page 848.
SB04-041, amended as printed in House Journal, March 12, page 848.
SB04-108, amended as printed in House Journal, March 12, page 849.
SB04-117, amended as printed in House Journal, March 12, pages 850-851.
SB04-157, amended as printed in House Journal, March 12, pages 851-852.

MESSAGE FROM THE REVISOR OF STATUTES

March 15, 2004

We herewith transmit:

Without comment, as amended, HB04-1104, 1367, 1380, and 1309.
Without comment, as amended, SB04-82, 41, 108, 117, and 157.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SJR04-026 by Senator(s) Tapia, Kester; also Representative(s) Salazar, Butcher--Concerning honoring Staff Sergeant Pete Jimenez for his gallantry, bravery, and valor during World War II, and,

in connection therewith, encouraging Colorado's Congressional Delegation to nominate Staff Sergeant Pete Jimenez for the Congressional Medal of Honor.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILL--FIRST READING

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

HB04-1380 by Representative(s) Spence; also Senator(s) Arnold--Concerning reports to the education committees of the general assembly pursuant to Colorado's "Information Coordination Act".
Education

THIRD READING--FINAL PASSAGE OF BILLS

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

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

Laid over until Wednesday, March 17, retaining its place on the calendar.

HB04-1159 by Representative(s) Decker, White, Briggs, Brophy, Hefley; also Senator(s) Evans--Concerning the modification of the "Colorado Uniform Jury Selection and Service 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	Y	Hillman	Y	Nichol	E	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: Hanna, Hillman, and Lamborn.

HB04-1217 by Representative(s) Lee; also Senator(s) Arnold--Concerning changes to the school accountability report to include a page that specifies certain information a parent may request from a school.

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

YES	19	NO	15	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	E	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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

Co-sponsors added: Andrews and Lamborn.

HB04-1274 by Representative(s) Marshall; also Senator(s) Veiga--Concerning identity theft.

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	Y	Hillman	Y	Nichol	E	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: Anderson, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Hillman, Lamborn, Phillips, Sandoval, Tapia, Taylor, Teck, and Tupa.

HB04-1350 by Representative(s) Berry; also Senator(s) Anderson--Concerning state programs to assist higher education students in paying tuition.

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	Y	Hillman	Y	Nichol	E	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 Keller.

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

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	Y	Hillman	Y	Nichol	E	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, Hagedorn, Hanna, Isgar, Tapia, Taylor, and Windels.

HB04-1218 by Representative(s) Fairbank; also Senator(s) Anderson--Concerning municipal court marshals.

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

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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	Y	Hillman	Y	Nichol	E	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**.

HB04-1266 by Representative(s) Pommer; also Senator(s) Groff--Concerning creation of the crime of criminal invasion of privacy.

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	Y	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Arnold, Chlouber, Hagedorn, Hanna, Hillman, Phillips, Sandoval, Tapia, Tupa, and Veiga.

HB04-1270 by Representative(s) Stengel; also Senator(s) Dyer--Concerning extradition proceedings.

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	Y	Hillman	Y	Nichol	E	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: Grossman.

HB04-1093 by Representative(s) McFadyen, Miller, Rose, Salazar, Tochtrop; also Senator(s) Hillman, Entz, Isgar--Concerning a preference for the purchase of Colorado agricultural products by governmental entities.

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

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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	Y	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Chlouber, Gordon, Groff, Grossman, Hagedorn, Hanna, Johnson, Kester, Phillips, Sandoval, Tapia, Taylor, Tupa, Veiga, and Windels.

HB04-1298 by Representative(s) Madden, Young; also Senator(s) Hillman, Kester--Concerning adjustments to the fees deposited into the wholesale food manufacturing and storage protection cash fund.

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	Y	Hillman	Y	Nichol	E	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.

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 Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2007:

John D. Redifer of Grand Junction, Colorado, to serve as a representative from the main Colorado drainage basin and as a Democrat, appointed;

Barbara J. Biggs of Denver, Colorado, to serve as a representative from the City and County of Denver and as a Democrat, appointed.

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	Y	Hillman	Y	Nichol	E	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		

On motion of Senator Arnold and Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF GOVERNORS OF THE
COLORADO STATE UNIVERSITY SYSTEM

for terms expiring January 17, 2008:

Chad McWhinney of Loveland, Colorado, appointed;

Phyllis "Diane" Evans of Kiowa, Colorado, to serve as a representative of agriculture, appointed.

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	Y	Hillman	Y	Nichol	E	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		

On motion of Senator Lamborn and Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2007:

Dennis V. Brinker of Coalmont, Colorado, to serve as a representative of public primary or secondary education and as a Republican, reappointed;

Holly E. Propst of Golden, Colorado, to serve as a representative of local government and land use planning and as a Republican, appointed.

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	Y	Hillman	Y	Nichol	E	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		

On motion of Senator Arnold, the following Governor's appointments were laid over until Wednesday, March 17:

MEMBERS OF THE
READ-TO-ACHIEVE BOARD

for terms expiring July 1, 2006:

Karen M. Brown of Pueblo West, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction and as an Unaffiliated, reappointed;

Karen J. Durica of Littleton, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Republican, reappointed;

Laura "Gail" Coleman of Lakewood, Colorado, to serve as third grade elementary school teacher and as a Republican, reappointed;

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

On motion of Senator Arnold, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
BOARD OF TRUSTEES FOR THE
UNIVERSITY OF NORTHERN COLORADO**

for terms expiring June 30, 2007:

Marcy H. Benson of Denver, Colorado, appointed.

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	Y	Hillman	Y	Nichol	E	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		

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB04-1305** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1366** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1150** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 24 through 26.

Page 3, strike lines 1 through 7;

line 8, strike "(5)" and substitute "(4)";

line 24, strike "WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED";

line 25, strike "WITH WEIGHT GAIN OR OBESITY, OR OTHER" and, after "INJURY", insert "NOT RELATED TO WEIGHT GAIN, OBESITY, OR A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY";

line 26, strike "ON:" and substitute "ON A MATERIAL VIOLATION OF AN";

strike line 27.

Page 4, line 3, strike "VIOLATION; OR" and substitute "VIOLATION.";

strike lines 4 through 9.

Page 5, line 7, strike "UNDER THIS PART 11," and substitute "AGAINST A MANUFACTURER, PACKER, DISTRIBUTER, CARRIER, HOLDER, OR SELLER OF A FOOD FOR CLAIMS RELATED TO THE LONG-TERM CONSUMPTION OF FOOD,".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1078** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 20, strike "PLAY, DANCE, OR OTHER";
line 21, strike "EXHIBITION." and substitute "EXHIBITION WITH ITS PRIMARY PURPOSE BEING FOR THE AUDIENCE'S SEXUAL GRATIFICATION."

Page 4, after line 26, insert the following:

"18-7-504. Displaying material harmful to minors - penalty.

(1) A PERSON COMMITS THE OFFENSE OF DISPLAYING MATERIAL THAT IS HARMFUL TO MINORS IF, HAVING CUSTODY, CONTROL, OR SUPERVISION OF A COMMERCIAL ESTABLISHMENT AND KNOWING THE CHARACTER OR CONTENT OF THE MATERIAL, THE PERSON FAILS TO TAKE COMMERCIALY FEASIBLE MEASURES TO PREVENT THE DISPLAY OF MATERIAL THAT IS HARMFUL TO MINORS IN THOSE AREAS WHERE THE MATERIAL MAY BE OPEN TO VIEW BY MINORS AS PART OF THE INVITED GENERAL PUBLIC.

(2) FOR PURPOSES OF THIS SECTION, EXAMPLES OF COMMERCIALY FEASIBLE MEASURES TO PREVENT THE DISPLAY OF MATERIAL THAT IS HARMFUL TO MINORS MAY INCLUDE BUT ARE NOT LIMITED TO:

(a) PLACING MATERIAL THAT IS HARMFUL TO MINORS BEHIND A SALES COUNTER WHERE IT WILL NOT BE READILY ACCESSIBLE BY MINORS;

(b) PLACING AN OPAQUE COVER OVER ANY MATERIAL THAT IS HARMFUL TO MINORS THAT INCLUDES A SEXUALLY EXPLICIT DEPICTION ON THE COVER; AND

(c) MOVING MATERIAL THAT IS HARMFUL TO MINORS AWAY FROM DISPLAY WINDOWS WHERE IT WOULD OTHERWISE BE SEEN BY MINORS.

(3) DISPLAYING MATERIAL THAT IS HARMFUL TO MINORS IS A CLASS 1 PETTY OFFENSE, AND, UPON CONVICTION, IS PUNISHABLE AS PROVIDED IN SECTION 18-1.3-503. EACH DAY THAT A PERSON COMMITS THE OFFENSE OF DISPLAYING MATERIAL THAT IS HARMFUL TO MINORS CONSTITUTES A SEPARATE OFFENSE.

(4) IF ANY PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO A PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT THE REMAINING PROVISIONS OF THIS PART 5 WHICH MAY BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND, TO THIS END, THE PROVISIONS OF THIS SECTION ARE DECLARED TO BE SEVERABLE FROM THE REMAINING PROVISIONS OF THIS PART 5."

Renumber succeeding C.R.S. sections accordingly.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1236** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 5, after "(1)", insert "(a)";
after line 10, insert the following:

"(b) THE COMMISSIONER MAY PROMULGATE A RULE OR ISSUE A BULLETIN CONCERNING DISCLOSURE REQUIREMENTS FOR A BINDER OF INSURANCE FOR HOMEOWNER'S INSURANCE."

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Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1292** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 18, strike "THIRTY-TWO" and substitute "THIRTY".

Page 3, line 4, strike "THIRTY-TWO-BUSINESS-DAY" and substitute "THIRTY-BUSINESS-DAY";

line 7, strike "THIRTY-TWO-BUSINESS-DAY" and substitute "THIRTY-BUSINESS-DAY";

after line 11, insert the following:

"10-4-110.8. Homeowner's insurance - definition. FOR THE PURPOSES OF THIS ARTICLE, "HOMEOWNER'S INSURANCE" MEANS INSURANCE THAT COVERS DAMAGE OR LOSS TO ALL TYPES OF HOMES, INCLUDING, BUT NOT LIMITED TO, SITE-BUILT HOMES, MANUFACTURED HOMES, FACTORY-BUILT HOMES, AND MOBILE HOMES.";

strike lines 13 through 15 and substitute the following:

"NOT, FOR THE PURPOSES OF UNDERWRITING OR RATING NEW OR RENEWAL POLICIES, USE CREDIT INFORMATION THAT IS ADVERSELY IMPACTED BY A DISSOLUTION OF MARRIAGE OR BY THE CREDIT INFORMATION OF A FORMER SPOUSE, NOR SHALL AN INSURER USE CREDIT INFORMATION RELATED TO A VERIFIABLE MEDICAL ACCOUNT THAT IS IN COLLECTIONS.";

line 20, strike "INSURANCE:" and substitute "INSURANCE OR AS A SEPARATE DOCUMENT:".

Page 4, line 26, strike "INSURED OR" and substitute "INSURED,";

strike line 27 and substitute the following:

"INSURER, A LOSS RESERVE ESTABLISHED BY THE INSURER, A LOSS ADJUSTMENT EXPENSE INCURRED BY THE INSURER, OR A PAYMENT MADE TO THE INSURER.

(4) FOR THE PURPOSES OF THIS SECTION, "INQUIRY" MEANS A REQUEST FOR INFORMATION REGARDING THE TERMS, CONDITIONS, OR COVERAGES AFFORDED UNDER AN INSURANCE CONTRACT.

SECTION 4. Part 1 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-4-116. Severability. IF ANY PROVISION OR CLAUSE OF THIS PART 1 OR APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS TITLE ARE DECLARED TO BE SEVERABLE.".

Renumber succeeding sections accordingly.

Page 5, strike lines 1 and 2.

Renumber succeeding section accordingly.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1368** be referred to the Committee of the Whole with favorable recommendation.

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SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR04-009.
The President has signed: SR04-006.

SENATE SERVICES REPORT

Correctly Printed: SB04-201.
Correctly Engrossed: SJR04-023, 024; SR04-006.
Correctly Revised: HB04-1093, 1218, 1266, 1270, 1298, 1350 and 1361;
HJR04-1008 and 1024.
Correctly Rerevised: HB04-1004, 1057, 1108, 1127, 1155, 1248 and 1354.

Senate in recess.

Senate reconvened.

MESSAGE FROM THE HOUSE

March 16, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1383.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1370, amended as printed in House Journal, March 12, page 850.
HB04-1240, amended as printed in House Journal, March 12, pages 865-66.
HB04-1365, amended as printed in House Journal, March 12, page 866.
HB04-1304, amended as printed in House Journal, March 12, page 867.

The House has passed on Third Reading and returns herewith SB04-090,109.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB04-098, amended as printed in House Journal, March 12, page 866.
SB04-131, amended as printed in House Journal, March 12, page 867.
SB04-084, amended as printed in House Journal, March 12, page 867.

The House has adopted and transmits herewith HJR04-1030, and amended as printed in
House Journal, March 16.

MESSAGE FROM THE REVISOR OF STATUTES

March 16, 2004

We herewith transmit:

Without comment, HB04-1383.
Without comment, as amended, HB04-1370, 1240, 1365, and 1304.
Without comment, as amended, SB04-98, 131, and 84.

INTRODUCTION OF RESOLUTIONS

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

SCR04-006 by Senator(s) Evans; --Submitting to the registered electors of the state of Colorado
amendments to articles IX and X of the constitution of the state of Colorado, concerning the
disposition of state revenues, and, in connection therewith, requiring the state to obtain a

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lump sum of state revenues by selling its right to receive annual tobacco litigation settlement payments and requiring the state revenues obtained to be deposited into a new state rainy day fund; requiring the state to retain specified amounts of state revenues in excess of the constitutional limitation on state fiscal year spending, but allowing the general assembly to adjust by law the amount of excess state revenues to be retained; eliminating the property tax exemption for qualifying seniors allowed with respect to property tax due in the year following any fiscal year during which the state has not retained sufficient excess state revenues to fund the exemption; eliminating the requirement that statewide base per pupil funding for public education from preschool through the twelfth grade and total state funding for all categorical programs increase by an additional one percent above the rate of inflation if the state did not retain excess state revenues during the prior state fiscal year and limiting that requirement if the state did not retain a sufficient amount of excess state revenue during the prior state fiscal year to fully fund the requirement; allowing the general assembly to eliminate or reduce by law in any state fiscal year from state fiscal year 2005-06 through state fiscal year 2010-11 the constitutionally required five percent annual increase in the general fund appropriation for total program education funding; restoring cash funds from which moneys have previously been transferred to augment the state general fund by requiring the transfer of state revenues from the state rainy day fund to the cash funds; allowing the use of remaining state revenues in the state rainy day fund for any lawful purpose; specifying that state revenues received and credited to the state rainy day fund, excess state revenues retained, and interest and income earned on those revenues are excluded from state fiscal year spending; prohibiting the transfer of state revenues from any cash fund to the state general fund or the use of those state revenues for any new purpose unrelated to existing authorized uses of the state revenues; excluding state revenues from fees paid to the state and credited to cash funds from fiscal year spending; eliminating the limitation on the use of state revenues created by the requirement that the state maintain an emergency reserve; and restricting the use of emergency taxes to generate state revenues to situations in which the state rainy day fund has been depleted and in which a man-made or natural disaster, an act of war, or a terrorist attack has occurred.

State Veterans & Military Affairs

SCR04-007 by Senator(s) Andrews; also Representative(s) Lee--Submitting to the registered electors of the state of Colorado amendments to article VI of the constitution of the state of Colorado, concerning judicial personnel, and, in connection therewith, limiting future terms of office for certain state court justices, judges, and magistrates; providing that the governor nominate all state court justices, judges, and magistrates subject to senate confirmation and later voter approval; eliminating the requirement that justices and judges be licensed attorneys; establishing a procedure for removal elections; requiring that any justice, judge, or magistrate who is convicted of certain crimes, receive a negative disciplinary finding, or be made the subject of a removal petition to stand for election; providing that any justice, judge, or magistrate receiving a majority of less than sixty percent at an election be retained or not be removed for one year only; requiring records and reports on each justice, judge, and magistrate to be made public and computer accessible; requiring that voters receive specified information on each justice, judge, and magistrate standing for election; prohibiting certain persons from serving as active or retired judges or in other judicial positions; providing enforcement procedures; and repealing certain constitutional provisions to conform with this amendment.

State Veterans & Military Affairs

INTRODUCTION OF BILLS--FIRST READING

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

- HB04-1104** by Representative(s) King; also Senator(s) McElhany--Concerning educator licensure, and making an appropriation in connection therewith.
Education
- HB04-1240** by Representative(s) Cadman, Brophy, Butcher, McGihon, Rhodes, Welker; also Senator(s) Hagedorn--Concerning continuation of the regulation of bail bonding agents by the division of insurance.
Business Affairs & Labor
- HB04-1304** by Representative(s) Jahn, Hefley, Berry, Frangas; also Senator(s) Arnold--Concerning adoption of the revised interstate compact on juveniles.
Judiciary

- HB04-1365** by Representative(s) Harvey; also Senator(s) Kester--Concerning water planning by retail water providers. 1
 Agriculture, Natural Resources & Energy 2
 Appropriations 3
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- HB04-1370** by Representative(s) Frangas, Williams T.; also Senator(s) Lamborn--Concerning the authority for a county department to enter into voluntary safety plan agreements related to first-time minor incidents of child abuse. 6
 Health, Environment, Welfare & Institutions 7
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- HB04-1383** by Representative(s) Williams T.; also Senator(s) McElhany--Concerning reports to the general assembly concerning issues before the business affairs and labor committee pursuant to Colorado's "Information Coordination Act". 11
 Business Affairs & Labor 12
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MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows: 20
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March 3, 2004 22
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To the Honorable 25
 Colorado Senate 26
 Colorado General Assembly 27
 State Capitol Building 28
 Denver, CO 80203 29
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Ladies and Gentlemen: 31
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following: 33
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**MEMBER OF THE
 BOARD OF PARKS AND OUTDOOR RECREATION**

for a term expiring June 30, 2006: 37
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Antonette DeLauro of Centennial, Colorado, to fill the vacancy occasioned by the resignation of Edward C. Callaway, and to serve as a representative of the state at large and as a Republican, appointed. 42
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Sincerely, 46
 (signed) 47
 Bill Owens 48
 Governor 49
 Rec'd: 3/15/04 50
 Mona Heustis 51
 Secretary of the Senate 52
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Committee on Agriculture, Natural Resources and Energy 54
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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 March 16, 2004, was laid over until Wednesday, March 17, 2004, retaining its place on the calendar. 57
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Second Reading--General Orders: SB04-153, HB04-1177, SB04-151, HB04-1273, 61
 HB04-1187 as amended, HB04-1121, HB04-1114, HB04-1242, HB04-1341 as amended, 62
 HB04-1271, HB04-1264, HB04-1343, HB04-1241, HB04-1357, HB04-1151, SB04-136. 63
 Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, 64
 SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029. 65
 Consideration of Conference Committee Reports: HB04-1112. 66
 Conference Committees to Report: HB04-1072, HB04-1280. 67
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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, March 17, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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