

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

Eighty-third Legislative Day

Monday, March 29, 2004

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Prayer	By the chaplain, Reverend Jason Perry.	11
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Pledge	By the President.	13
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Call to Order	By the President at 10:00 a.m.	15
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Roll Call	Present--33.	18
	Absent/Excused--2; Isgar, Phillips.	19
	Present later--Isgar, Phillips.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Jones, reading of the Journal of March 26, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Appropriations	After consideration on the merits, the Committee recommends that HB04-1402 be referred to the Committee of the Whole with favorable recommendation.	31
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Appropriations	After consideration on the merits, the Committee recommends that SB04-178 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	35
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	Amend printed bill, page 8, after line 3, insert the following:	40
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	"SECTION 6. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the organ and tissue donation awareness fund created in section 42-2-107 (4) (b) (II), 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."	42
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	Renumber succeeding section accordingly.	50
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	Page 1, line 109, strike the second "AND";	52
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	line 113, strike "FUND." and substitute "FUND, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.".	54
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Appropriations	After consideration on the merits, the Committee recommends that SB04-154 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	58
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	Amend printed bill, page 23, strike lines 8 and 9 and substitute the following:	62
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	"Statutes, are amended to read:";	65
		66
	strike lines 22 and 23.	67

Appropriations	After consideration on the merits, the Committee recommends that SB04-165 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that SB04-134 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
	Strike the Judiciary Committee Report, dated February 11, 2004, and substitute the following:	9 10 11
	"Amend printed bill, page 2, strike lines 2 through 25.	12 13
	Strike pages 3 through 10.	14 15
	Page 11, strike lines 1 through 12.	16 17
	Re-number succeeding sections accordingly."	18 19
Appropriations	After consideration on the merits, the Committee recommends that SB04-078 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	20 21 22 23
	Amend printed bill, page 15, after line 12, insert the following:	24 25 26
	"SECTION 19. Appropriations in long bill to be adjusted. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of regulatory agencies for the fiscal year beginning July 1, 2004, shall be adjusted as follows:	27 28 29 30 31
	(a) The cash fund appropriation for the division of insurance is decreased by six hundred eight dollars (\$608). Said sum shall be from the division of insurance cash fund created pursuant to section 10-1-103(3), Colorado Revised Statutes."	32 33 34 35 36
	Re-number succeeding sections accordingly.	37 38
	Page 1, line 103, strike "COMPANIES." and substitute "COMPANIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."	39 40 41
Appropriations	After consideration on the merits, the Committee recommends that SB04-052 be referred to the Committee of the Whole with favorable recommendation.	42 43 44 45
Appropriations	After consideration on the merits, the Committee recommends that SB04-189 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	46 47 48 49
	Amend printed bill, page 8, strike lines 16 through 26.	50 51 52
	Re-number succeeding subsections accordingly.	53 54
	Page 16, after line 26, insert the following:	55 56
	"(c) IF AN INSTITUTION OF HIGHER EDUCATION IS DESIGNATED AS AN ENTERPRISE PURSUANT TO SECTION 23-5-101.7, THE INSTITUTION SHALL ANNUALLY ALLOCATE AT LEAST TWENTY PERCENT OF ANY INCREASE IN TUITION REVENUES ABOVE INFLATION TO NEED-BASED FINANCIAL ASSISTANCE."	57 58 59 60 61 62
	Page 17, line 4, after "REDUCTION", insert "DURING THE SAME FISCAL YEAR".	63 64 65
	Page 27, strike line 3 and substitute the following:	66 67
	"(c)";	68 69
	line 4, strike "SHALL" and substitute "SHALL";	70 71 72

strike line 6 and substitute the following:

"FOR THE COMMISSION TO FORWARD TO THE GENERAL ASSEMBLY DURING THE ANNUAL BUDGET PROCESS."

Page 28, line 13, strike "23-18-102 (5)." and substitute "23-18-102 (3).";

line 15, strike "23-18-102 (6)." and substitute "23-18-102 (4).";

line 17, strike "23-18-102 (12)." and substitute "23-18-102 (10).".

Page 29, line 20, strike "(1) THE" and substitute "(1) BEGINNING JULY 1, 2005, THE".

Page 40, line 1, strike "(1.5) and (2)" and substitute "(1.5), (2), and (6)";

strike lines 3 and 4 and substitute the following:

"SECTION 14. Appropriations in long bill to be adjusted.

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of higher education, governing boards and local district junior colleges, regents of the university of Colorado, governing board and general campuses, general fund and tuition allocation, for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The general fund appropriation shall be reduced by four million five hundred thousand dollars (\$4,500,000).

(b) The cash funds appropriation shall be increased by four million five hundred thousand dollars (\$4,500,000). Said sum shall be from tuition.

SECTION 15. Effective date. (1) Except as provided in subsections (2) and (3) of this section, this act shall take effect July 1, 2004.

(2) Sections 5, 7, and 13 of this act shall take effect July 1, 2005.

(3) Section 14 of this act shall take effect only if:

(a) During state fiscal year 2004-05, the board of regents of the university of Colorado designates the university of Colorado as an enterprise pursuant to section 23-5-101.7, Colorado Revised Statutes; and

(b) The board of regents of the university of Colorado files written notice with the revisor of statutes and the staff director of the joint budget committee of the enterprise designation specified in paragraph (a) of this subsection (3)."

Renumber succeeding section accordingly.

Page 1, line 101, strike "EDUCATION." and substitute "EDUCATION, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

MESSAGES FROM THE HOUSE

March 26, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1401.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1014, amended as printed in House Journal, March 25, page 1058.
HB04-1375, amended as printed in House Journal, March 25, pages 1580-1060.
HB04-1394, amended as printed in House Journal, March 25, page 1061.
HB04-1400, amended as printed in House Journal, March 25, page 1062.
HB04-1398, amended as printed in House Journal, March 25, page 1058.

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HB04-1048, amended as printed in House Journal, March 25, page 1063.

The House has passed on Third Reading and returns herewith SB04-120,083,166,029.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-137, amended as printed in House Journal, March 25, page 1057. SB04-017, amended as printed in House Journal, March 25, page 1060.

The House has adopted the First Report of the First Conference Committee on HB04-1112, as printed in House Journal, March 23, pages 1025-1026, and has repassed the bill as amended.

The House has voted not to concur in the Senate amendments to HB04-1236 and requests that a conference committee be appointed. The Speaker has appointed Representatives McCluskey, chairman, Clapp, and Jahn as House conferees on the First Conference Committee on HB04-1236. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted to authorize the House conferees on the First Conference Committee on HB04-1072 to consider matters not at issue between the two houses.

The House has voted to recede from its position on HB04-1280 and dissolve the First Conference Committee. The House has voted to concur in the Senate amendments to HB04-1280, and has repassed the bill as so amended. The House requests return of the bill.

The House has voted to concur in the Senate amendments to HB04-1004, 1114,1341,1264,1265,1267,1046 and has repassed the bills as so amended.

The House has voted to recede from its position on HB04-1182 and dissolve the First Conference Committee. The House has voted to concur in the Senate amendments to HB04-1182, and has repassed the bill as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

March 26, 2004

We herewith transmit:

Without comment, HB04-1401.

Without comment, as amended, HB04-1014, 1375, 1394, 1400, and 1048.

Without comment, as amended, SB04-137 and 17.

With comment, as amended, HB04-1398.

INTRODUCTION OF BILLS--FIRST READING

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

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

SB04-211 by Senator(s) Hillman; --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.
Finance

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:

HB04-1311 by Representative(s) Frangas, Cloer, Schultheis, Hefley, Jahn, Lundberg, May M., Tochtrop, Weissmann; also Senator(s) Jones--Concerning identity theft.

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

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

Co-sponsors added: Andrews, Arnold, Cairns, Dyer, Entz, Evans, Groff, Grossman, Hagedorn, Hanna, Keller, Lamborn, May, Nichol, Phillips, Sandoval, Taylor, Teck, Tupa, Veiga, and Windels.

HB04-1121 by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning the treatment under laws regulating campaign finance of contributions to persons involved in the political process.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
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	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	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	Y	Sandoval	Y		

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

Co-sponsors added: Andrews, Arnold, Chlouber, Hillman, Jones, May, and Teck.

HB04-1304 by Representative(s) Jahn, Hefley, Berry, Frangas; also Senator(s) Arnold--Concerning adoption of the revised interstate compact on juveniles.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Grossman and Jones.

HB04-1376 by Representative(s) Weddig, Johnson R.; also Senator(s) Dyer--Concerning the sealing of arrest records in cases that are not adjudicated due to plea agreements.

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

Third Reading Amendment No. 1(L.012), by Senator Dyer.

Amend the Judiciary Committee Report, dated March 22, 2004, line 12, strike ""OR"." and substitute ""OR A CASE THAT"."

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

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--HJR04-1041.

CONSIDERATION OF RESOLUTION--HJR04-1041

HJR04-1041 by Representative(s) Boyd, Coleman, Hodge, Johnson R., Judd, Tochtrop, Witwer; also Senator(s) Hanna, Entz--Concerning the designation of March as Colorectal Cancer Awareness Month.

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded back to page 1 of the Senate Calendar for consideration of General Orders--Second Reading of Bills.

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

- SB04-190** by Senator(s) Johnson S.; --Concerning the creation of liens for health care providers on moneys collected by an injured person. 1
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Laid over until Tuesday, March 30, retaining its place on the calendar. 4
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- HB04-1273** by Representative(s) Spradley, Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippy, Rose, Salazar, Tochtrop, Weissmann, Wiens, Williams S., Williams T.; also Senator(s) Kester, Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service. 6
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As amended, Senate Journal, March 24, pages 628-629. 11
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Laid over until May 6, 2004. 13
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- HB04-1230** by Representative(s) Hall, May M., Crane, Fairbank, Lundberg, Mitchell, Rose, Williams S., Williams T.; also Senator(s) Jones--Concerning the election of school district directors from director districts. 16
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Laid over until Friday, April 2, retaining its place on the calendar. 19
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- SB04-192** by Senator(s) Lamborn, Tupa; also Representative(s) Fairbank, Madden--Concerning precinct caucus day. 22
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 25
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- SB04-126** by Senator(s) Entz; also Representative(s) Sinclair--Concerning the Colorado division of civil air patrol in the department of military and veterans affairs. 27
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 30
(Printed in Senate Journal, March 24, page 621 and placed in members' bill files.) 31
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 33
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- SB04-132** by Senator(s) Arnold; also Representative(s) Young, Hoppe, Weddig, Williams S., Williams T.--Concerning the modification of existing benefit plans for members of the public employees' retirement association. 36
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Amendment No. 1(L.002), by Senator Arnold. 40
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Amend printed bill, page 9, after line 10, insert the following: 42
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"SECTION 7. 24-51-208 (1) (f), Colorado Revised Statutes, is amended to read: 44
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24-51-208. Allocation of moneys. (1) The moneys of the 47
association shall be divided into several trust funds, including, but not 48
limited to: 49
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(f) The health care trust fund, created pursuant to the provisions 51
of section 24-51-1201, which consists of a portion of the employer 52
contributions equal to one and ~~one-tenth~~ TWO ONE-HUNDREDTHS percent 53
of member salaries; a portion of the amount paid by members to purchase 54
service credit relating to noncovered employment as determined pursuant 55
to section 24-51-505 (7); thirty percent of the amount of any reduction in 56
the employer contribution rates as determined in section 24-51-408.5 (5) 57
to amortize any overfunding in each division's trust fund; deductions of 58
premium amounts from monthly benefits of participating benefit 59
recipients; premiums paid directly to the trust fund by participating 60
benefit recipients, members, and dependents; monthly payments made by 61
employers on behalf of participating benefit recipients, members, and 62
dependents; and interest; in addition to a proportional share of investment 63
income earned thereon; 64
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SECTION 8. 24-51-602 (1), Colorado Revised Statutes, is 66
amended BY THE ADDITION OF A NEW PARAGRAPH to read: 67
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24-51-602. Service retirement eligibility. 69
(1) (a.5) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1), 70
ANY PERSON EXCEPT A STATE TROOPER WHO BECOMES A MEMBER ON OR 71
AFTER JULY 1, 2005, AND WAS NOT A MEMBER, INACTIVE MEMBER, OR A 72

RETIREE ON JULY 1, 2005, SHALL, UPON WRITTEN APPLICATION AND APPROVAL OF THE BOARD, RECEIVE SERVICE RETIREMENT BENEFITS PURSUANT TO THE BENEFIT FORMULA SET FORTH IN SECTION 24-51-603 (1) (a), (2), AND (3) IF THE MEMBER HAS MET THE AGE AND SERVICE CREDIT REQUIREMENTS STATED IN THE FOLLOWING TABLE:

SERVICE RETIREMENT ELIGIBILITY	
AGE REQUIREMENT (YEARS)	SERVICE CREDIT REQUIREMENT (YEARS)
ANY AGE	35
55	30
60	20
65	5

SECTION 9. 24-51-1002 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-51-1002. Annual percentages to be used.
(1) (a.5) (I) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE INCREASE APPLIED TO BENEFITS OF PERSONS WHO BECOME MEMBERS ON OR AFTER JULY 1, 2005, AND WERE NOT MEMBERS, INACTIVE MEMBERS, OR RETIREES ON JULY 1, 2005, SHALL BE THE LESSER OF THREE PERCENT OR THE ACTUAL INCREASE, AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, IN THE NATIONAL CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS DURING THE CALENDAR YEAR PRECEDING THE INCREASE IN THE BENEFIT. THE INCREASE APPLIED TO SUCH BENEFITS SHALL BE RECALCULATED ANNUALLY AS OF MARCH 1, AND SHALL BE THE COMPOUNDED ANNUAL PERCENTAGE OF THE ANNUAL INCREASES APPLIED TO SUCH BENEFITS. IF THE BENEFIT HAS NOT BEEN PAID DURING ALL TWELVE MONTHS OF THE CALENDAR YEAR PRECEDING MARCH 1, THEN THE ANNUAL INCREASE SHALL BE PRORATED.

(II) BENEFITS FOR VESTED INACTIVE MEMBERS WITH AT LEAST TWENTY-FIVE YEARS OF SERVICE CREDIT WHO BECOME MEMBERS ON OR AFTER JULY 1, 2005, AND WERE NOT MEMBERS, INACTIVE MEMBERS, OR RETIREES ON JULY 1, 2005, AS WELL AS BENEFITS FOR SURVIVORS OF SUCH DECEASED VESTED INACTIVE MEMBERS WHO HAD AT LEAST TWENTY-FIVE YEARS OF SERVICE CREDIT SHALL BE INCREASED BY THE ANNUAL INCREASE SPECIFIED IN SECTIONS 24-51-1001 AND 24-51-1003 AND SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5), FROM THE DATE OF TERMINATION OF MEMBERSHIP TO THE DATE BENEFITS COMMENCE."

Renumber succeeding sections accordingly.

Page 9, line 12, after "passage," insert "sections 8 and 9 of this act shall take effect on July 1, 2005,".

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

SB04-136 by Senator(s) Arnold; also Representative(s) King--Concerning the provision of remedial assistance to high school students who perform below a certain level of proficiency in an academic area on a statewide assessment.

As amended, Senate Journal, March 18, page 558.

Laid over until Tuesday, March 30, 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 Tuesday, March 30, retaining its place on the calendar.

SB04-201 by Senator(s) Lamborn; also Representative(s) Sinclair--Concerning the extension of unemployment benefits to a person who quits a job to relocate with an active duty military family member who has been transferred.

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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 25, page 631 and placed in members' bill files.)

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

SCR04-005 by Senator(s) Owen; also Representative(s) Williams T.--Submitting to the registered electors of the state of Colorado amendments to articles IV, VI, VII, IX, XVII, XVIII, and XXIV of the constitution of the state of Colorado, concerning the elimination of obsolete provisions of the state constitution.

Laid over until Friday, April 2, retaining its place on the calendar.

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".

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnson, 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: SB04-192, SB04-126 as amended, SB04-132 as amended, SB04-201 as amended, HB04-1383.

Laid over until Tuesday, March 30: SB04-190, SB04-136 as amended, SB04-151 as amended.

Laid over until Friday, April 2: HB04-1230, SCR04-005.

Laid over until May 6, 2004: HB04-1273 as amended.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1402, HB04-1351, SB04-205, HB04-1370 were made Special Orders at 11:00 a.m.

Committee of the Whole The hour of 11:00 a.m. having arrived, Senator Johnson moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Johnson 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:

HB04-1402 by Representative(s) Young; also Senator(s) Reeves--Concerning the repeal of the water administration fee adopted in Senate Bill 03-278, and, in connection therewith, providing for a refund of amounts already collected and making an appropriation.

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

HB04-1351 by Representative(s) Hoppe, Stengel, Briggs, Brophy, McCluskey, Rose, Salazar, Wiens, Young; also Senator(s) Taylor--Concerning the state board of stock inspection commissioners, and, in connection therewith, changing the fiscal policies of such board and the division of brand inspection to allow operation as an enterprise for purposes of section 20 of article X of the state constitution.

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

SB04-205 by Senator(s) Chlouber; also Representative(s) Hoppe--Concerning a requirement that applicants for a mining permit pursuant to the "Colorado Land Reclamation Act for the Extraction of Construction Materials" mail a copy of the application to only those surface owners whose interests appear of record.

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

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.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Johnson, 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: HB04-1402, HB04-1351, SB04-205, HB04-1370.

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Laid over until Tuesday, March 30, retaining its place on the calendar.

SB04-098 by Senator(s) Hanna; also Representative(s) Stengel--Concerning the establishment of a "Structured Settlement Protection Act".

Senator Hanna moved that the Senate concur in House amendments to **SB04-098**, as printed in House Journal, March 12, page 866. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	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	N	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, as amended, was declared **repassed**.

SB04-131 by Senator(s) Jones, Groff, Johnson S.; also Representative(s) Marshall--Concerning modifications to the procedures for handling an employment discrimination complaint filed by an employee in the state personnel system.

Laid over until Tuesday, March 30, retaining its place on the calendar.

SB04-057

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

Senator Johnson moved that the Senate concur in House amendments to **SB04-057**, as printed in House Journal, March 22, page 1012. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-088

by Senator(s) Hanna, Groff, Keller, Sandoval; also Representative(s) Rhodes--Concerning the encouragement of breastfeeding, and, in connection therewith, recognizing the benefits of breastfeeding and providing for breastfeeding in public.

Senator Hanna moved that the Senate concur in House amendments to **SB04-088**, as printed in House Journal, March 22, pages 1012 & 1014. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-103

by Senator(s) Sandoval, Gordon, Phillips, Arnold, Entz, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson S., Jones, Keller, Kester, Reeves, Takis, Tapia, Tupa, Veiga, Windels; also Representative(s) Cloer, Boyd, Cadman, Cerbo, Frangas, Madden, Marshall, McFadyen, McGihon, Merrifield, Romanoff, Vigil, Williams S.--Concerning policies to increase the inclusion of nutritious choices in school vending machines.

Senator Sandoval moved that the Senate concur in House amendments to **SB04-103**, as printed in House Journal, March 22, page 1013. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	Isgar	Y	Owen	N	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, as amended, was declared **repassed**.

SB04-087

by Senator(s) Owen; also Representative(s) Hall--Concerning the nonsubstantive recodification of statutory provisions that address sales and use tax exemptions.

Senator Owen moved that the Senate concur in House amendments to **SB04-087**, as printed in House Journal, March 22, page 1013. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB04-1072 by Representative(s) May M.; also Senator(s) Evans--Concerning the authority of the governing body of a municipality to submit to the registered electors of the municipality the question of changing the regular election date of the municipality.

Senator Evans moved that the Senate Conferees on the First Conference Committee on **HB04-1072** be given the powers to go beyond the scope of the differences between the two Houses.

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

MESSAGE FROM THE HOUSE

March 29, 2004
Mr. President:

The House has recalled SB04-013 for purposes of reconsideration.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-212 by Senator(s) McElhany, Fitz-Gerald; also Representative(s) Stengel, Plant, Wiens--
Concerning the exclusion of certain gaming property from the provisions of the "Unclaimed
Property Act".
Finance

SB04-213 by Senator(s) Arnold, Cairns, Hillman, Jones, Lamborn; --Concerning voter identification.
State Veterans & Military Affairs

HB04-1014 by Representative(s) Tochtrop; also Senator(s) Isgar--Concerning the regulation of
medication administration by certified nurse aides, and making an appropriation in
connection therewith.
Health, Environment, Welfare & Institutions

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

HB04-1375 by Representative(s) Mitchell, Brophy, Cadman, Crane, Harvey, Hefley, King, Lee,
Lundberg, May M., Miller, Rhodes, Rose, Sinclair, Welker, Wiens; also Senator(s) Arnold,
Hillman, Johnson S., McElhany--Concerning limitations on education regarding
manifestations of human sexuality.
Education

HB04-1394 by Representative(s) Fairbank; also Senator(s) Kester--Concerning alternative loan charges
by supervised lenders for small loans.
Business Affairs & Labor

HB04-1398 by Representative(s) Williams T.; also Senator(s) Dyer--Concerning statutory provisions
governing business entities contained in title 7 of the Colorado Revised Statutes.
Business Affairs & Labor

HB04-1400 by Representative(s) Rhodes; also Senator(s) Chlouber--Concerning the regulation of
warranties on vehicle protection products.
Business Affairs & Labor

HB04-1401 by Representative(s) Crane; also Senator(s) Arnold--Concerning the statutory designation of
the boundaries of the city and county of Broomfield, and, in connection therewith,
excluding areas of the city and county of Broomfield from the counties of Adams, Jefferson,
Boulder, and Weld.
Local Government

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CHANGE OF SENATE PRIME SPONSOR -- HB04-1079

The President announced that Senator Veiga will replace Senator Dyer as the Prime Sponsor on **HB04-1079**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB04-002, 030, 036, 067, 090, 107, 123 and 143.

SENATE SERVICES REPORTS

To the Governor for signature on Thursday, March 4, 2004, at 2:28 p.m.

SB04-004 and 018.

Correctly Printed: SB04-207, 208 and 209.

Correctly Reengrossed: SB04-153.

Correctly Revised: HB04-1121, 1304, 1311 and 1376.

Correctly Rerevised: HB04-1150, 1187, 1234 and 1348.

Correctly Enrolled: SB04-042, 063, 068, 089, 147, 180, 182 and 191.

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 29, 2004, was laid over until Tuesday, March 30, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029, HJR04-1005, SJR04-017, HJR04-1027, SJR04-028.

Consideration of Governor's Appointments:

Members of the Water Quality Control Commission;

Members of the Colorado Children's Trust Fund Board.

Consideration of Conference Committee Reports: HB04-1072, HB04-1117, HB04-1102.

Conference Committees to Report: SB04-082.

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

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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