

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

Sixty-second Legislative Day Monday, March 8, 2004

- Prayer By the chaplain, Reverend Shirley Riggs.
- Pledge By Senator Grossman.
- Call to Order By the President at 10:00 a.m.
- Roll Call Present--35.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Groff, reading of the Journal of March 5, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 3, 2004
 Mr. President:

The House has postponed indefinitely SB04-130. The bill is returned herewith.

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 -- SJR04-021.

CONSIDERATION OF RESOLUTION -- SJR04-021

SJR04-021 by Senator(s) Chlouber; also Representative(s) Miller--Concerning the celebration of the 125th birthday of St. Vincent Hospital in Leadville, Colorado.

On motion of Senator Chlouber, 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, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

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:

HB04-1098 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, March 15, retaining its place on the calendar.

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, March 15, retaining its place on the calendar.

SB04-111 by Senator(s) Grossman, Groff; also Representative(s) Stengel--Concerning the authority of a governing body to use emergency telephone charges to fund the costs associated with providing emergency services.

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

Third Reading Amendment No. 1(L.010), by Senator Anderson.

Amend engrossed bill, page 3, line 21, strike "INCLUDING" and substitute "INCLUDING, BUT NOT LIMITED TO,";

line 23, strike "BUT NOT LIMITED TO";

line 24, strike "PAGERS,".

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	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	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**.

HB04-1037 by Representative(s) Hodge; also Senator(s) Keller--Concerning the treatment of American sign language as a foreign language in education.

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: Fitz-Gerald, Gordon, Groff, Hagedorn, Hanna, Isgar, Nichol, Sandoval, Takis, Tapia, Tupa, Veiga, and Windels.

SB04-059 by Senator(s) Isgar, Entz, Hillman; also Senator(s) Salazar--Concerning the valuation of possessory interests in agricultural land.

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: Kester, Phillips, Tapia, and Taylor.

HB04-1069 by Representative(s) White; also Senator(s) Lamborn--Concerning deferred deposit loans.

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	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	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews.

HB04-1117 by Representative(s) Rhodes; also Senator(s) Hillman--Concerning a grace period in which a health insurance carrier may reenter the Colorado insurance market without penalty.

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: Andrews, Arnold, Chlouber, Evans, Johnson, Kester, Lamborn, Tapia, and Taylor.

HB04-1255 by Representative(s) Wiens; also Senator(s) Johnson S.--Concerning adjustments to the review schedule for certain entities by the department of regulatory agencies.

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**.

SB04-195 by Senator(s) Evans, Dyer, Gordon, Jones; also Representative(s) Lee, Hefley, Judd, Marshall, Smith--Concerning implementation of recommendations of the committee on legal services in connection with legislative review of rules and regulations of state agencies.

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**.

HB04-1149 by Representative(s) Jahn, Boyd, Carroll, Clapp, Cloer, Frangas, Hefley, Lee, McGihon, Williams S.; also Senator(s) Johnson S.--Concerning the use of criminal history records information in adoption proceedings.

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: Arnold, Groff and Grossman.

HB04-1118 by Representative(s) Johnson R., Borodkin, Cerbo, Fairbank, Hall, Hodge, Marshall, McCluskey, McGihon, Paccione, Pommer, Rhodes, Rippey, Rose, Schultheis, Sinclair; also Senator(s) Lamborn--Concerning the ramifications of making false reports concerning at-risk adults.

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

YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	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	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	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.

HB04-1074 by Representative(s) Lee; also Senator(s) Gordon--Concerning a department of corrections reentry program.

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

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

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

Co-sponsors added: Groff, Hanna, Keller, Sandoval, Tapia, Veiga, and Windels.

HB04-1280 by Representative(s) Stafford, Welker; also Senator(s) Johnson S.--Concerning authorization to issue a death certificate if death is presumed but the body is not found.

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: Arnold.

HB04-1125 by Representative(s) McFadyen; also Senator(s) Chlouber--Concerning a deceptive trade practice for violations of federal law related to unsolicited facsimiles.

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: Anderson, Andrews, Arnold, Dyer, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson, Jones, McElhany, Tapia, Tupa, Veiga, and Windels.

HB04-1216 by Representative(s) Rhodes, Hefley; also Senator(s) Dyer--Concerning the repeal of authority to provide pre-birth notice to the parent of a child whose other parent is relinquishing the parent-child legal relationship by means of the expedited relinquishment process.

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**.

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

SB04-132 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.

Laid over until Monday, March 15, retaining its place on the calendar.

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, March 15, 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, March 15, retaining its place on the calendar.

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- 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. 1
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Laid over until Tuesday, March 9, retaining its place on the calendar. 5
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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. 7
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Laid over until Tuesday, March 9, retaining its place on the calendar. 13
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- HB04-1022** by Representative(s) Vigil, Coleman, Rhodes, Williams T.; also Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the duties of the division of central services in the department of personnel. 15
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 19
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- HB04-1155** by Representative(s) Williams T.; also Senator(s) Taylor--Concerning a limitation on the authority of a municipality to regulate that portion of newly annexed land used as a right-of-way by agricultural users. 21
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Laid over until Tuesday, March 9, retaining its place on the calendar. 25
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- HB04-1043** by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning mandatory criteria to be used by courts in determining congressional district boundaries. 27
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 30
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- SB04-153** by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Welker--Concerning combining polling places, and, in connection therewith, authorizing designated election officials to establish vote centers where any elector registered in the political subdivision may vote. 32
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Laid over until Friday, March 12, retaining its place on the calendar. 37
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- SB04-094** by Senator(s) Hagedorn; also Representative(s) Spradley, Hall--Concerning the implementation of health savings accounts, and, in connection therewith, eliminating medical savings accounts for basic health benefit plans for small employers and converting the tax provisions for medical savings accounts to apply to health savings accounts. 39
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 44
(Printed in Senate Journal, March 3, page 405-408 and placed in members' bill files.) 45
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 47
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- HB04-1025** by Representative(s) Ragsdale, McFadyen, Merrifield; also Senator(s) Takis, Isgar, May R., Nichol--Concerning the expiration date of certificates of emissions control for new diesel vehicles. 50
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 54
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- HB04-1222** by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck-- Concerning the elimination of the designated cash flow reserve within the controlled maintenance trust fund, and, in connection therewith, transferring the balance of the reserve to the state general fund. 56
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 61
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- HB04-1067** by Representative(s) Coleman; also Senator(s) Taylor--Concerning the conversion of state refunds of business personal property taxes owed by the department of revenue to a taxpayer into unclaimed property for which a claim may be filed under the "Unclaimed Property Act" when the refund is represented by a warrant that has been cancelled in accordance with law. 63
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 69
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HB04-1009 by Representative(s) King; also Senator(s) Reeves--Concerning the ability of the governing board of each institution of higher education to elect to be exempt from certain state administrative restrictions.

Amendment No. 1(L.007), by Senator Reeves.

Amend reengrossed bill, page 2, line 26, after "(5)", insert "(a)".

Page 3, strike lines 2 through 10 and substitute the following:

"existing state department, institution, or agency, and any state-supported institution of higher education or other instrumentality thereof, except as provided in PARAGRAPH (b) OF THIS SUBSECTION (5) AND IN section 24-30-1517 (2), and the legislative and judicial departments of the state.";

line 11, strike "PART 15.";

after line 16, insert the following:

"(b) THE GOVERNING BOARD OF EACH INSTITUTION OF HIGHER EDUCATION, BY FORMAL ACTION OF THE GOVERNING BOARD, AND THE COLORADO COMMISSION ON HIGHER EDUCATION, BY FORMAL ACTION OF THE COMMISSION, MAY ELECT TO BE EXCLUDED FROM THE MEANING OF "STATE AGENCY" PURSUANT TO THIS SUBSECTION (5) AND MAY OBTAIN A RISK MANAGEMENT PROGRAM INDEPENDENT OF THE PROGRAM CREATED PURSUANT TO THIS PART 15. NOTHING IN THIS PARAGRAPH (b) SHALL BE CONSTRUED TO AFFECT THE EXEMPT STATUS OF ANY INSTITUTION IN THE UNIVERSITY OF COLORADO SYSTEM, INCLUDING THE UNIVERSITY OF COLORADO AT BOULDER, DENVER, AND COLORADO SPRINGS, AND THE UNIVERSITY OF COLORADO HEALTH SCIENCES CENTER, FROM THE STATE RISK MANAGEMENT SYSTEM PURSUANT TO SECTION 24-30-1517 (2), OR TO REQUIRE THE GOVERNING BOARD OF ANY SUCH INSTITUTION IN THE UNIVERSITY OF COLORADO SYSTEM TO TAKE FORMAL ACTION IN ORDER TO BE EXEMPT FROM THE DEFINITION OF "STATE AGENCY".";

line 24, strike "24-30-1502 (5)," and substitute "24-30-1502 (5) (b),".

Page 5, strike line 1 and substitute the following:

"of such claims, except as excluded by ~~section 24-30-1517 (2)~~ PURSUANT TO SECTIONS 24-30-1502 (5) (b) AND 24-30-1517 (2).";

strike line 13 and substitute the following:

"claims, except as excluded by ~~section 24-30-1517 (2)~~ PURSUANT TO SECTIONS 24-30-1502 (5) (b) AND 24-30-1517 (2). In developing and";

strike lines 15 through 19 and substitute the following:

"SECTION 6. 24-30-1517 (2), Colorado Revised Statutes, is amended to read:

24-30-1517. Applicability. (2) Nothing in this part 15 shall apply to the university of Colorado SYSTEM, INCLUDING THE UNIVERSITY OF COLORADO at Boulder, Denver, and Colorado Springs and the university of Colorado health sciences center.".

Page 7, line 4, strike "~~institution of higher education,~~" and substitute "institution of higher education,";

strike lines 12 through 27.

Page 8, strike lines 1 through 16.

Renumber succeeding sections accordingly.

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

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- HB04-1057** by Representative(s) Miller; also Senator(s) Taylor--Concerning newspaper theft. 1
 As amended, Senate Journal, March 5, pages 433 and 435. 2
 Laid over until Tuesday, March 9, retaining its place on the calendar. 3
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- HB04-1073** by Representative(s) Smith; also Senator(s) Entz--Concerning surface owner notifications 7
 filed by an applicant for a water right. 8
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 Ordered revised and placed on the calendar for Third Reading and Final Passage. 10
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- SB04-193** by Senator(s) Entz; also Representative(s) Salazar--Concerning the authority of the 12
 department of agriculture to promulgate rules to specify the class of strawberries allowed 13
 for production of nursery stock in the state. 14
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 Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 16
 17
- HB04-1213** by Representative(s) McCluskey, Brophy, Harvey, Johnson R., Madden, Miller, Rippy, 18
 Rose, Salazar, Tochtrop, Wiens; also Senator(s) Taylor--Concerning the continuation of the 19
 Colorado natural areas council. 20
 21
 Ordered revised and placed on the calendar for Third Reading and Final Passage. 22
 23
- HB04-1147** by Representative(s) Hall, Brophy, Briggs, Hoppe, Johnson R., King, McCluskey, Rose; 24
 also Senator(s) Hillman--Concerning the creation of an environmental management system 25
 permit pilot program. 26
 27
Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 28
 (Printed in Senate Journal, March 4, page 411 and placed in members' bill files.) 29
 30
 As amended, ordered revised and placed on the calendar for Third Reading and Final 31
 Passage. 32
 33
- HB04-1145** by Representative(s) Larson, Brophy, Hodge, Rippy, Rose, Briggs, Miller, Harvey; also 34
 Senator(s) Hillman, Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis--Concerning a 35
 limitation of liability for persons other than consumers who work with liquefied petroleum 36
 gas. 37
 38
 As amended, Senate Journal, March 5, page 434. 39
 40
Amendment No. 2(L.005), by Senator Hillman. 41
 42
 Amend reengrossed bill, page 2, strike lines 19 through 21 and substitute 43
 the following: 44
 45
 "(2) A PERSON". 46
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 48
 As amended, ordered revised and placed on the calendar for Third Reading and Final 49
 Passage. 50
 51
- HB04-1232** by Representative(s) Spradley, Briggs, Decker, Fairbank, Hall, Hoppe, King, McCluskey, 52
 Paccione, Rippy, Rose, Tochtrop, White, Wiens, Williams T.; also Senator(s) Kester-- 53
 Concerning guidelines for when enhanced motor vehicle insurance coverage is offered. 54
 55
Amendment No. 1, Business Affairs and Labor Committee Amendment. 56
 (Printed in Senate Journal, March 4, page 413 and placed in members' bill files.) 57
 58
 As amended, ordered revised and placed on the calendar for Third Reading and Final 59
 Passage. 60
 61
- HB04-1285** by Representative(s) Johnson R., Marshall, Fairbank, Hall, King, Lundberg, Sinclair, 62
 Stengel; also Senator(s) Kester--Concerning disclosure of outstanding debt by a health care 63
 provider prior to such debt going to collections. 64
 65
Amendment No. 1, Business Affairs and Labor Committee Amendment. 66
 (Printed in Senate Journal, March 4, page 417 and placed in members' bill files.) 67
 68
 As amended, ordered revised and placed on the calendar for Third Reading and Final 69
 Passage. 70
 71
 72

HB04-1306 by Representative(s) Jahn; also Senator(s) Kester--Concerning the issuance of licenses to persons who are in the business of selling motor vehicles.

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

HB04-1226 by Representative(s) White; also Senator(s) Kester--Concerning the authority for a bank to utilize a certificate of trust to establish a deposit account.

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

HB04-1026 by Representative(s) Carroll; also Senator(s) Grossman--Concerning the minimum amount of medical payments coverage that may be offered by an auto insurer.

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

HB04-1058 by Representative(s) Rippey; also Senator(s) May R.--Concerning eligibility determinations under the "Colorado Medical Assistance Act".

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

HB04-1220 by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck--Concerning transportation expenses under the "Colorado Medical Assistance Act".

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

HB04-1228 by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--Concerning the repeal of statutory provisions creating a coordinator of environmental problems within the office of the governor.

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

HB04-1177 by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health insurance, and, in connection therewith, making it a deceptive trade practice in the business of insurance to deny coverage to an individual solely on the basis that the individual donated a kidney, making it a deceptive trade practice under the consumer protection act to sell health discount services without certain disclosures, and increasing incentives for insurers to provide health benefit coverage to multiple employer welfare arrangements.

Laid over until Friday, March 12, retaining its place on the calendar.

HB04-1050 by Representative(s) Butcher; also Senator(s) Tapia--Concerning a prohibition against changing an inscription on a burial memorial without required permission.

Ordered revised 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 (SB04-191, SB04-187, SB04-188) of March 8, was laid over until Tuesday, March 9, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator McElhany, 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: HB04-1022, HB04-1043, SB04-094 as amended, HB04-1025, HB04-1222, HB04-1067, HB04-1009 as amended, HB04-1073, SB04-193, HB04-1213, HB04-1147 as amended, HB04-1145 as amended, HB04-1232 as amended, HB04-1285 as amended, HB04-1306, HB04-1226, HB04-1026, HB04-1058, HB04-1220, HB04-1228, HB04-1050.

Laid over until Tuesday, March 9: SB04-151, HB04-1273, HB04-1155, HB04-1057, SB04-191, SB04-187, SB04-188.

Laid over until Friday, March 12: SB04-153, HB04-1177.

Laid over until Monday, March 15: SB04-132, SB04-001, SB04-164.

COMMITTEE OF REFERENCE REPORTS

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB04-1208** be postponed indefinitely.

MESSAGE FROM THE HOUSE

March 8, 2004
Mr. President:

The House has postponed indefinitely SB04-101. The bill is returned herewith.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1244, 1368, 1366.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1062, amended as printed in House Journal, March 5, page 757.
HB04-1311, amended as printed in House Journal, March 5, page 757-759.
HB04-1234, amended as printed in House Journal, March 5, page 759.
HB04-1379, amended as printed in House Journal, March 5, page 760.

The House has passed on Third Reading and returns herewith SB04-008, 021, 044, 156, 036, 159, 014, 002, 047, 122.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-064, amended as printed in House Journal, March 5, page 761, and amended on Third Reading, March 8.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB04-1002, 1013, 1047, 1100, 1126, 1152, 1166.**

SENATE SERVICES REPORT

Correctly Engrossed: SB04-059, and 195.

Correctly Reengrossed: SB04-028, 097, 148, 171 and 176.

Correctly Revised: HB04-1037, 1043, 1069, 1074, 1117, 1118, 1125, 1145, 1149, 1216, 1255, and 1280.

Correctly Rerevised: HB04-1008, 1049, 1071, 1115, 1137, 1194, 1211, 1214 and 1215.

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 8, 2004, was laid over until Tuesday, March 9, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-023.

Consideration of House Amendments to Senate Bills: SB04-035, SB04-062, SB04-110, SB04-116, SB04-107, SB04-030.

Consideration of House Amendments to Senate Joint Resolution: SJR04-009.

Consideration of Governor's Appointments:

Members of the Air Quality Control Commission.

Conference Committees to Report: HB04-1112, HB04-1072.

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

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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