

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

Forty-first Legislative Day Monday, February 16, 2004

| | | |
|--------------------|--|---|
| Prayer | By Senator Arnold. | 1 |
| Pledge | By Senator Cairns. | 2 |
| Choral Music | "God Bless America", sung by Light Spring Singers. | 3 |
| Call to Order | By the President at 10:00 a.m. | 4 |
| Roll Call | Present--34. Absent/Excused--1; Anderson. Present later--Anderson. | 5 |
| Quorum | The President announced a quorum present. | 6 |
| Reading of Journal | On motion of Senator Sandoval, reading of the Journal of February 13, 2004, was dispensed with and the Journal was approved as corrected by the Secretary. | 7 |

COMMITTEE OF REFERENCE REPORTS

| | | |
|-------------------------------------|---|---|
| State, Veterans, & Military Affairs | The Committee returns herewith <u>Senate Bill 04-163</u> and reports that said bill has been considered on its merits and that a motion to lay the bill on the table was adopted, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely. | 8 |
| State, Veterans, & Military Affairs | The Committee returns herewith <u>Senate Bill 04-169</u> and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely. | 9 |

INTRODUCTION OF BILL--FIRST READING

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

SB04-186 by Senator(s) Entz, Andrews, Lamborn; also Representative(s) Larson--Concerning the authorization of roadside memorials within public highway easements.
Local Government

MESSAGES FROM THE GOVERNOR

February 13, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

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Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I hereby withdraw from your consideration the following:

MEMBER OF THE COLORADO CHILDREN'S TRUST FUND BOARD

effective October 28, 2003 for a term expiring at the pleasure of the Governor:

Cynthia S. Honssinger of Denver, Colorado, to fill the vacancy occasioned by the resignation of Deborah M. French, and to serve as a representative of the Department of Public Health and Environment, reappointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/13/04
Renee White
Calendar Clerk

February 2, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

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:

MEMBER OF THE STATE BOARD OF PAROLE

for a term expiring July 1, 2005:

Matthew J. Rhodes of Pueblo West, Colorado, to fill the vacancy occasioned by the resignation of Joseph F. Rall of Florence, Colorado, and to serve as a citizen representative, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/03/04
Renee White
Calendar Clerk

Committee on Judiciary

February 5, 2004

To the Honorable
Colorado Senate
Colorado General Assembly
State Capitol Building
Denver, CO 80203

Ladies and Gentlemen:

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:

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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.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/09/04
Mona Heustis
Secretary of the Senate

Committee on Education
Committee on Agriculture

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:

HB04-1206 by Representative(s) Mitchell, Butcher, Clapp, Coleman, Decker, Frangas, Hall, Harvey, Judd, Marshall, May M., McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop, Williams T.; also Senator(s) Hillman--Concerning the second pool of premium tax credits available under the "Certified Capital Company Act", and, in connection therewith, creating an insurance premium tax credit for contributions to CoverColorado by an insurance company.

Laid over until Tuesday, February 17, retaining its place on the calendar.

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, February 23, retaining its place on the calendar.

SB04-046 by Senator(s) Groff; also Representative(s) Stengel--Concerning the protection of the identity of a victim of unlawful sexual behavior.

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, Cairns, Hanna, Tapia, Tupa, Veiga, and Windels.

HB04-1032 by Representative(s) Rose; also Senator(s) Jones--Concerning the repeal date of the discounted youth hunting licenses 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: Arnold, Chlouber, Entz, Isgar, and Taylor.

SB04-157 by Senator(s) Andrews; also Representative(s) Spradley--Concerning the exclusion from lobbying of persons who limit their activities to providing formal testimony.

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, Chlouber, and May.

HB04-1119 by Representative(s) Hefley, Witwer, Boyd, Butcher, Carroll, Cerbo, Cloer, Crane, Frangas, Johnson R., Larson, McCluskey, McFadyen, Paccione, Pommer, Rippy, Romanoff, Welker, Williams S., Williams T., Briggs, Hall, King, May M., White; also Senator(s) Taylor, Chlouber, Arnold, Groff, Hagedorn, Hanna, Isgar, Johnson S., Keller, Lamborn, Reeves, Tapia, Veiga, Windels--Concerning the income tax credit for child care facilities, and, in connection therewith, clarifying the meaning of the terms "child care" and "child care facility" and extending the credit for five additional years.

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

Third Reading Amendment No. 1 (L.008), by Senator Taylor.

Amend revised bill, page 2, line 12, after "facility," insert "or";

line 13, strike "CARE or" and substitute "CARE,";

line 16, after "C.R.S.," insert "OR ANY OTHER PROGRAM THAT RECEIVED DONATIONS FOR WHICH A CREDIT WAS ALLOWED TO THE DONOR PURSUANT TO THIS SECTION FOR ANY INCOME TAX YEAR THAT ENDED BEFORE JANUARY 1, 2004,".

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 | 34 | NO | 1 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|------------|---|------------|---|-----------------|---|
| Anderson | | N 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, Cairns, Grossman, Sandoval, and Tupa.

SB04-147 by Senator(s) Sandoval; also Representative(s) Cloer--Concerning the administration of certain financial assistance programs in the department of revenue.

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.

SB04-152 by Senator(s) Evans; also Representative(s) Lee--Concerning a prohibition on the payment of a teacher following the initiation of a prosecution for an offense that would result in the loss of licensure.

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

Third Reading Amendment No. 1(L.003), by Senator Evans.

Amend corrected engrossed bill, page 2, line 20, after "CHARGED", insert "CRIMINALLY";

strike lines 24 and 25 and substitute the following:

"DOES NOT RESULT IN A CONVICTION AND THE TEACHER HAS NOT BEEN DISMISSED PURSUANT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL REINSTATE THE TEACHER, EFFECTIVE AS OF THE DATE OF THE FINAL DISPOSITION OF THE CASE. WITHIN TEN DAYS OF THE REINSTATEMENT, THE BOARD SHALL PROVIDE THE TEACHER WITH BACK PAY AND LOST BENEFITS AND SHALL RESTORE LOST SERVICE CREDIT."

Page 3, strike line 1.

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**.

Co-sponsors added: Andrews, Arnold, and Kester.

SB04-121 by Senator(s) Takis; also Representative(s) Hodge--Concerning the power of a local health department to clean up illegal drug labs.

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, Entz, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Keller, Kester, Sandoval, Tapia, Tupa, Veiga, and Windels.

SB04-146 by Senator(s) Reeves, Owen, Teck; also Representative(s) Plant, Witwer, Young--Concerning the procurement of law enforcement equipment for counterdrug activities through the federal government.

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 and Entz.

SB04-175 by Senator(s) Kester; also Representative(s) Marshall--Concerning the authority for a bank to rely on knowledge of an adjudication of incompetence in determining incompetence of a bank customer.

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

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| 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**.

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

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: Isgar, Lamborn, and Taylor.

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

SB04-130 by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences.

Laid over until Tuesday, February 17, retaining its place on the calendar.

SB04-166 by Senator(s) Lamborn; also Representative(s) Stengel--Concerning a one-time adjustment for inflation to the one-million-dollar damages limitation contained in the statute governing medical negligence recovery in accordance with the consumer price index of the United States bureau of labor statistics.

Laid over until Tuesday, February 17, 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.

Laid over until Wednesday, February 18, retaining its place on the calendar.

SB04-143 by Senator(s) Tapia, Groff, Grossman, Hillman, Kester; also Representative(s) Brophy, Butcher, McFadyen, Salazar--Concerning the modification of certain requirements for contractors that are awarded construction contracts for public projects.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 10, page 229 and placed in members' bill files.)

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

Amend printed bill, page 3, after line 2, insert the following:

"SECTION 2. 24-91-105, Colorado Revised Statutes, is amended to read:

24-91-105. Withdrawal by contractor of sums withheld - security deposit required. The contractor under any contract exceeding ~~eighty~~ ONE HUNDRED FIFTY thousand dollars made or awarded by any public entity, pursuant to which sums are withheld to assure satisfactory performance of the contract, may withdraw the whole or any portion of the said sums withheld if the contractor deposits acceptable securities with the public entity. The contractor shall take such actions as the public entity may require to transfer the securities or a limited interest in the securities, including a security interest, and to authorize the public entity to negotiate the acceptable securities and to receive the payments due the public entity pursuant to law or the terms of the contract, and, to the extent there are excess funds resulting from said negotiation, the balance shall be returned to the contractor. Such acceptable securities so deposited at all times shall have a market value at least equal in value to the amount so withdrawn. If at any time a public entity determines that the market value of the acceptable securities theretofore deposited has fallen below the amount so withdrawn, the public entity shall give notice thereof to the contractor, who forthwith shall deposit additional acceptable securities in an amount sufficient to reestablish a total deposit of securities equal in value to the amount so withdrawn."

Renumber succeeding sections accordingly.

Page 3, after line 9, insert the following:

"SECTION 4. 38-26-106 (1), Colorado Revised Statutes, is amended to read:

38-26-106. Contractor executes bond. (1) Every contractor who is awarded any contract for more than fifty thousand dollars for the construction, erection, repair, maintenance, or improvement of any building, road, bridge, viaduct, tunnel, excavation, or other public works for ~~this state, or for any county, city and county, municipality, school district, or other political subdivision of the state,~~ AND EVERY CONTRACTOR WHO IS AWARDED ANY CONTRACT FOR MORE THAN ONE HUNDRED THOUSAND DOLLARS FOR THE CONSTRUCTION, ERECTION, REPAIR, MAINTENANCE, OR IMPROVEMENT OF ANY BUILDING, ROAD, BRIDGE, VIADUCT, TUNNEL, EXCAVATION, OR OTHER PUBLIC WORKS FOR THIS STATE, before entering upon the performance of any such work included in said contract, shall duly execute, deliver to, and file with the board, officer, body, or person by whom such contract was awarded a good and sufficient bond, or other acceptable surety, approved by such contracting board, officer, body, or person, in a penal sum not less than one-half of the total amount payable by the terms of the contract."

Renumber succeeding section accordingly.

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

SB04-089 by Senator(s) Reeves; also Representative(s) Paccione--Concerning affordable housing, and, in connection therewith, allowing the certification of nonprofit local housing agencies as local public procurement units for purposes of cooperative purchasing agreements and allowing home owners in a mobile home park the right of first refusal in the event that the landlord of the park is selling the park.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 10, page 229 and placed in members' bill files.)

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

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- HB04-1110** by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning the continuation of the regulation of banking by the division of banking, and, in connection therewith, increasing the state bank commissioner's supervision of affiliated entities, allowing additional loan production offices, raising the threshold for required real estate appraisals, and repealing the "Colorado Investment Deposit Act".
- Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 10, page 229 and placed in members' bill files.)
- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
- 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.
- Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 11, page 233 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB04-135** by Senator(s) Owen, Reeves, Teck; also Representative(s) Plant, Witwer, Young--Concerning the determination of the community spouse resource allowance under the "Colorado Medical Assistance Act".
- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 11, page 233 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- SB04-010** by Senator(s) Takis, Anderson, Taylor; also Representative(s) Rhodes, Coleman, Vigil, Williams T.--Concerning leave benefits for employees in the state personnel system.
- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, February 11, pages 241-242 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.
- Senator Hillman moved that the Committee of the Whole rise, report progress, and beg leave to sit again. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.
- The Committee of the Whole reported it had risen, reported progress, and would sit again at 1:30 p.m.
-
- Committee of the Whole reconvened.
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- GENERAL ORDERS--SECOND READING OF BILLS -- Continued**
- SB04-077** by Senator(s) May R.; --Concerning the sale of surplus personal property of the state to elected state officials.
- Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, January 22, page 100 and placed in members' bill files.)
- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

- HB04-1005** by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the enterprise status of auxiliary facilities of institutions of higher education. 1
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Amendment No. 1, Finance Committee Amendment. 5
(Printed in Senate Journal, February 11, pages 242-243 and placed in members' bill files.) 6
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As amended, ordered revised and placed on the calendar for Third Reading and Final 8
Passage. 9
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- SB04-091** by Senator(s) Teck; --Concerning the provision of waste services within the limits of local 11
government entities. 12
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Laid over until Tuesday, February 17, retaining its place on the calendar. 14
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- SB04-115** by Senator(s) Dyer; also Representative(s) Mitchell--Concerning a limitation on the 16
recovery of noneconomic damages in breach of contract claims. 17
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Laid over until Tuesday, February 17, retaining its place on the calendar. 19
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- SB04-001** by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, 21
Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning 22
the exemption of business personal property from property taxation. 23
24
Laid over until Tuesday, February 17, retaining its place on the calendar. 25
26
- SB04-070** by Senator(s) Lamborn; also Representative(s) Williams T.--Concerning the enactment of 27
the "Colorado Uniform Trust Code". 28
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Laid over until Tuesday, February 17, retaining its place on the calendar. 30
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- SB04-132** by Senator(s) Arnold; also Representative(s) Young, Hoppe, Weddig, Williams S., Williams 32
T.--Concerning the modification of existing benefit plans for members of the public 33
employees' retirement association. 34
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Laid over until Monday, February 23, retaining its place on the calendar. 36
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- SB04-155** by Senator(s) Lamborn; also Representative(s) Cadman--Concerning a prohibition on local 38
enactments establishing minimum wages. 39
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Declared **lost** on Second Reading. 41
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- SB04-084** by Senator(s) Windels; also Representative(s) Sinclair--Concerning technical modifications 43
to voter identification requirements implementing the federal "Help America Vote Act of 44
2002". 45
46
Laid over until Tuesday, February 17, retaining its place on the calendar. 47
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- SB04-083** by Senator(s) Sandoval, Groff, Grossman, Keller, Tapia, Windels; also Representative(s) 49
Spence, Judd, McFadyen--Concerning the creation of an additional category of alternative 50
education campus. 51
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Amendment No. 1, Education Committee Amendment. 53
(Printed in Senate Journal, February 12, page 246 and placed in members' bill files.) 54
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 56
Passage. 57
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- SB04-129** by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning the selection of 59
designated providers for the professional diversion program for nurses. 60
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 62
(Printed in Senate Journal, February 12, pages 247-249 and placed in members' bill files.) 63
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 65
Passage. 66
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SB04-139 by Senator(s) Windels, Andrews; also Representative(s) Johnson R.--Concerning notification to persons of immunizations for their children under specified circumstances.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, February 12, page 249 and placed in members' bill files.)

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (SB04-125, HB04-1152, SB04-118, HB04-1059, HB04-1023, SB04-179, SB04-156, SB04-174, SB04-101, SB04-172, SB04-168) of February 16, was laid over until Tuesday, February 17, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Anderson, 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: SB04-143 as amended, SB04-089 as amended, HB04-1110 as amended, SB04-131 as amended, SB04-135 as amended, SB04-010 as amended, SB04-077 as amended, HB04-1005 as amended, SB04-083 as amended, SB04-129 as amended, SB04-139 as amended.

Lost on Second Reading: SB04-155

Laid over until Tuesday, February 17: SB04-130, SB04-166, SB04-091, SB04-115, SB04-001, SB04-070, SB04-084, SB04-125, HB04-1152, SB04-118, HB04-1059, HB04-1023, SB04-179, SB04-156, SB04-174, SB04-101, SB04-172, SB04-168.

Laid over until Wednesday, February 18: SB04-151

Laid over until Monday, February 23: SB04-132

INTRODUCTION OF RESOLUTION

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

SJR04-015 by Senator(s) Hagedorn; also Representative(s) McGihon--Concerning honoring Dr. Abraham J. Kauvar, affectionately referred to as "Dr. Abe".
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:

SB04-187 by Senator(s) Dyer; --Concerning removal from crimes limiting interactions with persons involved in official proceedings the qualifier that a person be legally summoned to the official proceeding.
Judiciary

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: HB04-1033.

SENATE SERVICES REPORT

Correctly Engrossed: SB04-046, 121, 146, 147, 152, 157 and 175.

Correctly Reengrossed: SB04-019, 064, 098, 105, 122 and 159.

Correctly Revised: HB04-1032, 1111 and 1119.

Correctly Rerevised: HB04-1052 and 1100.

Journal correction:

Page 266, strike lines 53 through 57, and substitute the following:

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of February 16, 2004, was laid over until Tuesday, February 17, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014.

Consideration of Governor's Appointments:

- Members of the Workers' Compensation Cost Containment Board;
- Members of the Colorado Commission on Higher Education;
- Members of the Board of Trustees for the University of Northern Colorado;
- Member of the Colorado Racing Commission;
- Members of the Board of Assessments Appeals.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, February 17, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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