

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

Thirty-seventh Legislative Day

Thursday, February 12, 2004

Prayer	By the chaplain, Father Dennis Woerter, St. Dominic's Catholic Church.	1
Pledge	By the President.	2
Call to Order	By the President at 9:00 a.m.	3
Roll Call	Present--34. Absent/Excused--1; Dyer. Present later--Dyer.	4
Quorum	The President announced a quorum present.	5
Reading of Journal	On motion of Senator Teck, reading of the Journal of February 11, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	6

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-170 be postponed indefinitely.	7
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-074 be postponed indefinitely.	8
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-100 be postponed indefinitely.	9
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-155 be referred to the Committee of the Whole with favorable recommendation.	10
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-084 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	11
	Amend printed bill, page 2, strike lines 3 and 4 and substitute the following:	12
	"Revised Statutes, are amended to read:".	13
	Page 3, strikes lines 6 through 9.	14

Education

After consideration on the merits, the Committee recommends that **SB04-083** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 22, after "behaviors," insert "retaining those students who have the potential to drop out,".

Page 3, line 2, strike "an";

line 3, strike "measure" and substitute "measures, including those";

line 5, strike "school accountability reports for" and substitute "accreditation of";

line 6, strike "this" and substitute "these" and, strike "measure" and substitute "measures";

line 7, strike "should also reflect".

Page 4, line 3, after "students", insert "AND HIGH-RISK STUDENTS AS DEFINED IN SUBSECTION (1.5) OF THIS SECTION";

line 8, strike "EIGHTY-FIVE" and substitute "NINETY-FIVE".

Page 5, strike line 15 and substitute the following:

"SUSPENSIONS; OR

(j) IS A PARENT OR PREGNANT WOMAN UNDER THE AGE OF TWENTY YEARS.";

line 21, strike "ESTABLISH AND REPORT" and substitute "DEMONSTRATE INITIAL BASELINE LEVELS OF AND MEASURABLE ANNUAL BENCHMARKS";

line 26, strike "EDUCATIONAL" and substitute "ACADEMIC".

Page 6, line 1, strike "22-7-409; OR" and substitute "22-7-409, IF APPLICABLE; AND";

line 2, strike "EDUCATIONAL" and substitute "ACADEMIC";

line 6, strike "INCLUDING" and substitute "THAT SHALL INCLUDE ONE OR MORE OF THE FOLLOWING: GRADE PROMOTION; SECONDARY SCHOOL DROPOUT RATES; GED SECTIONS ATTEMPTED;" and strike "COMPLETION, GRADUATION," and substitute "COMPLETION; GRADUATION;";

line 7, change the comma to a semicolon;

line 9, strike "IMPROVEMENT," and substitute "IMPROVEMENT APPROPRIATE FOR THE PURPOSES OF EACH PARTICULAR SCHOOL,";

line 10, after "TO", insert "AVERAGE DAILY ATTENDANCE,";

line 11, strike "EMPLOYMENT." and substitute "EMPLOYMENT, RATES OF STABILITY OR RETENTION, REDUCED RATES OF SUSPENSION OR OTHER DISCIPLINE, OR ATTENDANCE RATES.";

after line 11, insert the following:

"(b) AS A CONDITION TO RECEIVING A DESIGNATION AS AN ALTERNATIVE EDUCATION CAMPUS UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE STATE BOARD AND THE SCHOOL SHALL AGREE TO A DATE BY WHICH, IF THE SCHOOL HAS NOT DEMONSTRATED ACCOMPLISHMENT OF THE ANNUAL BENCHMARKS AGREED TO IN THE APPLICATION FOR DESIGNATION, THE SCHOOL DISTRICT IN WHICH SUCH SCHOOL IS LOCATED SHALL BE REQUIRED TO SUBMIT A SCHOOL IMPROVEMENT PLAN PURSUANT TO SECTION 22-7-609.".

Reletter succeeding paragraphs accordingly.

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Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-129** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 20, strike "LICENSEES." and substitute "LICENSEES;"

after line 20, insert the following:

"(VIII) TERMINATE A PARTICIPANT FROM THE PROGRAM IF THE PARTICIPANT:

(A) SUCCESSFULLY COMPLETES THE PROGRAM ACCORDING TO A CONTRACT BETWEEN THE PARTICIPANT AND THE PROVIDER;

(B) FAILS TO COOPERATE WITH THE PROVIDER;

(C) FAIL TO FULFIL THE PARTICIPANT'S CONTRACTUAL OBLIGATIONS TO THE PROVIDER OR THE BOARD;

(D) FAILS TO DISCLOSE INFORMATION PRIOR TO ACCEPTANCE THAT INDICATES THE PARTICIPANT MAY HAVE VIOLATED THIS ARTICLE;

(E) BECOMES UNABLE TO PRACTICE NURSING WITH REASONABLE SKILL OR SAFETY."

Page 5, after line 20, insert the following:

"(5) (a) UPON ACCEPTANCE, A NURSE WHO IS REFERRED TO THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM BY THE BOARD IN LIEU OF DISCIPLINE SHALL ENTER INTO A WRITTEN CONTRACT WITH THE BOARD. THE CONTRACT SHALL:

(I) INCORPORATE BY REFERENCE THE TREATMENT OR MONITORING PLAN AND OTHER COMPLIANCE REQUIREMENTS AS DEVELOPED BY THE DESIGNATED PROVIDER AFTER INITIAL ASSESSMENT OF THE NURSE;

(II) REQUIRE COMPLIANCE WITH THE TREATMENT OR MONITORING PLAN AND OTHER WRITTEN REQUIREMENTS DEVELOPED BY THE BOARD;

(III) CONTAIN STIPULATED FACTS CONCERNING THE DISCIPLINARY CIRCUMSTANCES, WHICH SHALL BE ADMISSIBLE IN A COURT OR ADMINISTRATIVE HEARING IF THE PARTICIPANT FAILS TO COMPLY WITH THE CONTRACTUAL OBLIGATIONS IMPOSED BY THIS SECTION.

(b) THE DESIGNATED PROVIDER OR THE BOARD MAY MODIFY THE TREATMENT OR MONITORING PROGRAM DURING THE COURSE OF PARTICIPATION IN THE PROGRAM. SUCH MODIFICATIONS SHALL BE A BINDING CONTRACTUAL OBLIGATION UPON THE PARTICIPANT.

(c) THE DESIGNATED PROVIDER SHALL PROMPTLY REPORT TO THE BOARD A FAILURE TO COMPLY WITH THE CONTRACTUAL OBLIGATIONS IMPOSED BY THIS SECTION.

(d) THE BOARD MAY IMMEDIATELY SUSPEND THE LICENSE OF A PARTICIPANT WHO FAILS TO COMPLY WITH THE CONTRACTUAL OBLIGATIONS IMPOSED BY THIS SECTION OR IF THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES SUCH ACTION."

Renumber succeeding subsection accordingly.

Page 6, after line 1, insert the following:

"(7) (a) THE BOARD SHALL ESTABLISH A QUALITY ASSURANCE COMMITTEE, WHICH SHALL CONSIST OF FIVE MEMBERS TO BE APPOINTED BY THE BOARD. OTHER THAN THE STAFF MEMBER FOR THE BOARD, NO MEMBER SHALL SERVE MORE THAN TWO FULL FOUR-YEAR TERMS. THE MEMBERS SHALL BE SELECTED AS FOLLOWS:

(I) ONE MEMBER SHALL BE A LICENSED PROFESSIONAL NURSE SPECIALIZING IN THE TREATMENT OF CHEMICAL DEPENDENCY;

(II) ONE MEMBER SHALL BE A LICENSED PROFESSIONAL OR PRACTICAL NURSE SPECIALIZING IN PSYCHIATRIC NURSING;

(III) ONE MEMBER SHALL BE A LICENSED PROFESSIONAL OR PRACTICAL NURSE WHO IS RECOVERING FROM AN ADDICTION TO DRUGS OR ALCOHOL;

(IV) ONE MEMBER SHALL BE A LICENSED ADDICTION COUNSELOR;
AND

(V) ONE MEMBER WHO IS THE STAFF MEMBER FOR THE BOARD.

(b) THE STAFF MEMBER FOR THE BOARD AND THE LICENSED MENTAL HEALTH PROVIDER SHALL BE NONVOTING MEMBERS OF THE COMMITTEE.

(c) THE QUALITY ASSURANCE COMMITTEE SHALL ASSURE THAT THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM IS ADEQUATELY EVALUATING, MONITORING, AND TREATING THE PARTICIPANTS IN THE PROGRAM SO THAT THE LIFE, HEALTH, PROPERTY, AND PUBLIC WELFARE IS NOT COMPROMISED. THE PROGRAM SHALL ALSO ASSURE THAT THE PROGRAM IS MONITORING AND TREATING PARTICIPANTS BY THE MOST EXPEDIENT AND EFFICIENT MEANS POSSIBLE.

(d) THE COMMITTEE SHALL MEET AS NECESSARY TO REVIEW THE PROCESSES, TREATMENT, OR MONITORING PLANS AND OUTCOMES OF THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM. THE COMMITTEE SHALL DEVELOP QUALITY ASSURANCE GUIDELINES, STANDARDS, AND AUDITING REQUIREMENTS. THE COMMITTEE SHALL REVIEW NO LESS THAN TWENTY PERCENT OF ALL NEW PARTICIPANT EVALUATIONS AND PLANS, AND TEN PERCENT OF PREVIOUS PARTICIPANTS, IN EACH FISCAL YEAR. AS A PART OF ITS EVALUATION, THE COMMITTEE MAY CONSIDER INFORMATION IN THE POSSESSION OF THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM CONCERNING A PARTICIPANT, INCLUDING INFORMATION RELEASED FROM THE BOARD, AND THE COMMITTEE MAY SOLICIT INFORMATION FROM THE PARTICIPANTS CONCERNING EACH PARTICIPANT'S PROGRESS AND COMPLIANCE WITH ESTABLISHED REQUIREMENTS.

(e) AT LEAST YEARLY, THE COMMITTEE SHALL PREPARE A QUALITY ASSURANCE REPORT FOR THE BOARD DESCRIBING HOW THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM HAS MET THE QUALITY ASSURANCE STANDARDS ESTABLISHED PURSUANT TO SUBPARAGRAPH (c) OF THIS SUBSECTION (7). IF THE COMMITTEE FINDS THAT THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM HAS INADEQUATELY PERFORMED ITS STATUTORY DUTIES, THE BOARD MAY DIRECT THAT THE QUALITY ASSURANCE COMMITTEE BEGIN COMPLETE OVERSIGHT OF THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM UNTIL THE BOARD DETERMINES THAT THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM WILL ADEQUATELY PERFORM ITS DUTIES.

(f) IF THE COMMITTEE IS DIRECTED BY THE BOARD TO BEGIN COMPLETE OVERSIGHT OF THE NURSING PEER HEALTH ASSISTANCE DIVERSION PROGRAM, THE COMMITTEE SHALL:

(I) ESTABLISH MECHANISMS TO IDENTIFY LICENSEES WITH ALCOHOL OR DRUG ABUSE OR PSYCHIATRIC, PSYCHOLOGICAL, OR EMOTIONAL PROBLEMS;

(II) DEVELOP METHODS TO REHABILITATE LICENSEES WHO PARTICIPATE IN THE PROGRAM WHILE ASSURING CONTINUED PUBLIC PROTECTION;

(III) EVALUATE LICENSEES WHO REQUEST ADMITTANCE TO THE PROGRAM, INCLUDING APPROVING OR DISAPPROVING SUCH REQUESTS PURSUANT TO GUIDELINES DEVELOPED AND ADOPTED BY THE COMMITTEE AND THE BOARD;

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(IV) DENY A LICENSEE'S ADMITTANCE TO OR CONTINUATION IN THE PROGRAM IF THE SAFETY OF THE PUBLIC CANNOT BE REASONABLY ASSURED;

(V) ADMIT A PARTICIPANT ONLY IF ALL REQUIREMENTS CONCERNING PARTICIPATION, INCLUDING, WITHOUT LIMITATION, SURVEILLANCE AND SUPERVISION, ARE EXPRESSLY ADDRESSED IN A CONTRACT THAT IS TAILORED TO REFLECT THE APPLICANT'S CIRCUMSTANCES AND SIGNED BY BOTH THE PARTICIPANT AND THE BOARD;

(VI) REVIEW AND DESIGNATE THOSE TREATMENT PROVIDERS, FACILITIES, OR SERVICES TO WHICH PARTICIPATING LICENSEES MAY BE REFERRED.

(g) THE QUALITY ASSURANCE COMMITTEE MEMBERS SHALL BE REIMBURSED FROM FUNDS COLLECTED BY THE ADMINISTERING ENTITY PURSUANT TO SUBSECTION (2) OF THIS SECTION, FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE ACTUAL PERFORMANCE OF THEIR DUTIES UNDER THIS SUBSECTION (7) IN THE SAME MANNER AND AT THE SAME RATE OF PER DIEM COMPENSATION OR PERCENTAGE THEREOF AS PROVIDED FOR MEMBERS OF BOARDS OR COMMISSIONS WITHIN THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES AS PROVIDED IN SECTION 24-34-102 (13), C.R.S."

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-139** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 4 through 6.

Reletter succeeding paragraphs accordingly.

Page 2, line 13, strike "FROM THE CURRENT SIXTY-TWO PERCENT TO EIGHTY PERCENT".

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **SB04-138** be referred to the Committee on Appropriations with favorable recommendation.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-150** be postponed indefinitely.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-102** be postponed indefinitely.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-140** be postponed indefinitely.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-125** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 7 and 8, and substitute the following:

"(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CLAIM" MEANS A CLAIM FOR PAYMENT OF MEDICAL PAYMENTS COVERAGE BENEFITS;

(b) "CLEAN CLAIM" MEANS A CLAIM THAT IS SUBMITTED TO AN INSURER".

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Page 7, line 3, strike "(4)" and substitute "(5)".

Page 8, line 6, strike "2006," and substitute "2005,".

Page 9, line 8, strike "July" and substitute "January".

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-162** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 8, line 5, change the period to a semicolon;

after line 5, insert the following:

"(p) CONVEYANCES AT FACILITIES REGULATED BY THE UNITED STATES MINE SAFETY AND HEALTH ADMINISTRATION PURSUANT TO THE "FEDERAL MINE SAFETY AND HEALTH ACT OF 1977", AS AMENDED."

Page 21, line 13, strike "FOR A PERIOD OF THREE" and substitute "UNTIL THE RESIDENCE IS TRANSFERRED TO A NEW OWNER OR THE OWNER OR LESSEE REQUESTS A NEW CERTIFICATE OF OPERATION.";

line 14, strike "YEARS."

Page 24, strike lines 19 through 21 and substitute the following:

"(2) (a) AN OWNER OR LESSEE MAY HAVE A DANGEROUS CONVEYANCE MADE TEMPORARILY DORMANT."

MESSAGE FROM THE HOUSE

February 11, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1035.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1149, amended as printed in House Journal, February 9, page 385.
HB04-1145, amended as printed in House Journal, February 10, page 398.
HB04-1006, amended as printed in House Journal, February 10, pages 398-399.
HB04-1022, amended as printed in House Journal, February 10, page 399.
HB04-1060, amended as printed in House Journal, February 10, page 399.

The House has passed on Third Reading and returns herewith SB04-005, 061.

MESSAGE FROM THE REVISOR OF STATUTES

February 11, 2004

We herewith transmit:

Without comment, HB04-1035.
Without comment, as amended, HB04-1149, 1145, 1006, 1022, and 1060.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-184 by Senator(s) Johnson S.; --Concerning the establishment of a preferred drug list for medicaid, and, in connection therewith, developing a prior authorization process for prescription drugs.
State Veterans & Military Affairs

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- SB04-185** by Senator(s) Entz; --Concerning requirements for a permit for a nonexempt ground water well located outside of the boundaries of any designated ground water basin.
Agriculture, Natural Resources & Energy
- HB04-1006** by Representative(s) Hefley; also Senator(s) McElhany--Concerning the classification of a dependent of a member of the armed forces for purposes of determining tuition at public institutions of higher education.
Education
- 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.
Finance
- HB04-1035** by Representative(s) Hoppe, Miller, Rippey, Salazar, White; also Senator(s) Entz, Dyer, Isgar, Tapia, Taylor--Concerning a prohibition on proxy voting by members of the Colorado water conservation board.
Agriculture, Natural Resources & Energy
- HB04-1060** by Representative(s) Lundberg; also Senator(s) Johnson S.--Concerning modifications to the "Colorado Children's Code" to comply with the federal "Keeping Children and Families Safe Act of 2003".
Health, Environment, Welfare & Institutions
- 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.
Judiciary
- HB04-1273** by Representative(s) Spradley, Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippey, 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.
Local Government
- HB04-1145** by Representative(s) Larson, Brophy, Hodge, Rippey, Rose, Briggs, Miller, Harvey; also Senator(s) Hillman, Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis--Concerning a limitation of liability for persons other than consumers who work with liquefied petroleum gas.
Business Affairs & Labor

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 Friday, February 13, 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 Friday, February 13, retaining its place on the calendar.
- 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.
A majority of those elected to the Senate having voted in the affirmative, Senator Fitz-Gerald was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.003), by Senator Fitz-Gerald.

Amend revised bill, page 5, line 1, strike "EITHER";
 strike lines 3 and 4 and substitute the following:
 "YEAR."

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

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
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 was declared **passed**.

Committee of the Whole

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

SB04-034 by Senator(s) Evans, Andrews; also Representative(s) Mitchell--Concerning the designation of play streets by local authorities.

Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar.

SB04-091 by Senator(s) Teck; --Concerning the provision of waste services within the limits of local government entities.

Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar.

SB04-115 by Senator(s) Dyer; also Representative(s) Mitchell--Concerning a limitation on the recovery of noneconomic damages in breach of contract claims.

Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar.

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- SB04-098** by Senator(s) Hanna; also Representative(s) Stengel--Concerning the establishment of a "Structured Settlement Protection Act". 1
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 4
(Printed in Senate Journal, February 3, pages 167-168 and placed in members' bill files.) 5
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 7
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- 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. 10
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Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar. 14
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- SB04-070** by Senator(s) Lamborn; also Representative(s) Williams T.--Concerning the enactment of the "Colorado Uniform Trust Code". 17
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Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar. 20
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- SB04-064** by Senator(s) Reeves; also Representative(s) Hefley--Concerning support obligations. 23
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Amendment No. 1, Judiciary Committee Amendment. 25
(Printed in Senate Journal, February 4, page 176 and placed in members' bill files.) 26
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 28
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- SB04-122** by Senator(s) Reeves; also Representative(s) Hefley--Concerning the repeal of family law magistrates. 31
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 34
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- SB04-114** by Senator(s) Andrews, May R.; --Concerning the authority of the state auditor to undertake a performance audit of the regional transportation district. 36
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Referred to the Committee on Appropriations. 39
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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. 41
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Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar. 45
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- SB04-095** by Senator(s) Veiga; also Representative(s) Mitchell--Concerning certificates of stillbirth. 48
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 50
(Printed in Senate Journal, February 5, page 188 and placed in members' bill files.) 51
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 53
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- SB04-019** by Senator(s) Johnson S., Evans, Hagedorn, Hanna, Kester, Sandoval; also Representative(s) Cloer, Boyd, Cerbo, Clapp, Frangas, Johnson R., Schultheis, Stafford, Tochtrop--Concerning changes to the Colorado works program to conform with the reauthorization by the United States congress of temporary assistance for needy families. 56
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 61
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- SB04-130** by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences. 63
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Laid over until Friday, February 13, retaining its place on the calendar. 66
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SB04-159 by Senator(s) Isgar, Tupa; also Representative(s) Larson--Concerning tests to determine the blood alcohol content level of a driver.

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

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

Laid over until Friday, February 13, retaining its place on the calendar.

HB04-1052 by Representative(s) Judd; also Senator(s) Dyer--Concerning changes to the name-change statute.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 5, page 190 and placed in members' bill files.)

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

HB04-1100 by Representative(s) Young; also Senator(s) Owen--Concerning Colorado's process for planning private prisons.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, February 5, page 190 and placed in members' bill files.)

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

SB04-105 by Senator(s) Kester; also Representative(s) Spence--Concerning the regulation of health insurance, and, in connection therewith, adopting certain modifications to health insurance laws recommended by the 2001 sunset report conducted by the department of regulatory agencies.

Amendment No. 1, Business Affairs and Labor Committee Amendment.

(Printed in Senate Journal, February 6, page 193 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 (SB04-101, SB04-166, HB04-1032, SB04-157, SB04-172, SB04-151, HB04-1119, SB04-147, SB04-152, SB04-121, SB04-146, SB04-175, HB04-1111, SB04-143, SB04-089, HB04-1110) of February 12, was laid over until Friday, February 13, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Teck, 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: SB04-098 as amended, SB04-064 as amended, SB04-122, SB04-095 as amended, SB04-019, SB04-159, HB04-1052 as amended, HB04-1100 as amended, SB04-105 as amended.

Referred to the Committee on Appropriations: SB04-114.

Laid over until Friday, February 13, being placed at end of the General Orders-Second Reading calendar: SB04-034, SB04-091, SB04-115, SB04-001, SB04-070, SB04-132.

Laid over until Friday, February 13, retaining their place on the General Orders-Second Reading calendar: SB04-130, SB04-046, SB04-101, SB04-166, HB04-1032, SB04-157, SB04-172, SB04-151, HB04-1119, SB04-147, SB04-152, SB04-121, SB04-146, SB04-175, HB04-1111, SB04-143, SB04-089, HB04-1110.

COMMITTEE OF REFERENCE REPORTS

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Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1152 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	3 4 5 6
	Amend reengrossed bill, page 2, line 3, strike "THE FOLLOWING" and substitute "A";	7 8 9
	line 4, strike "PARAGRAPHS" and substitute "PARAGRAPH";	10 11
	strike lines 6 through 8;	12 13
	line 9, strike "(e)" and substitute "(2) (d)".	14 15 16
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB04-118 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	17 18 19 20
	Amend printed bill, page 4, line 20, strike "(3.5) (a), and" and substitute "and (3.5) (a)";	21 22 23 24
	line 21, strike "(3.6),".	25 26
	Page 9, strike lines 6 through 27.	27 28
	Page 10, strike lines 1 through 9;	29 30
	line 25, strike "BASIN," and substitute "BASIN WITHIN WHICH THE GROUND WATER COMMISSION HAS DETERMINED THAT THE GROUND WATER IN ITS NATURAL COURSE WOULD NOT BE AVAILABLE TO AND REQUIRED FOR THE SATISFACTION OF DECREED SURFACE RIGHTS, AND THOSE LANDS WERE";	31 32 33 34 35
	line 26, after "DISTRICT", insert "ON OR AFTER JANUARY 1, 2002,".	36 37
	Page 11, line 6, strike "DISTRICT." and substitute "DISTRICT; EXCEPT THAT, IF THE LANDS WITHIN THE DESIGNATED GROUND WATER BASIN HAVE ALSO BEEN ANNEXED INTO A MUNICIPALITY AND WERE INCLUDED IN THE DISTRICT AS PART OF THAT MUNICIPALITY PURSUANT TO SECTION 37-45-136(3.6), SUCH ANNEXED LANDS MAY NOT BE EXCLUDED FROM THE DISTRICT WITHOUT THE CONSENT OF BOTH THE GOVERNING BODY OF THE ANNEXING MUNICIPALITY AND THE BOARD OF DIRECTORS OF THE DISTRICT; AND EXCEPT THAT, IF THE LANDS WITHIN THE DESIGNATED GROUND WATER BASIN WERE ALREADY INCLUDED IN THE DISTRICT BEFORE THE DESIGNATED GROUND WATER BASIN WAS DETERMINED BY THE GROUND WATER COMMISSION, SUCH LANDS MAY NOT BE EXCLUDED FROM THE DISTRICT WITHOUT THE CONSENT OF THE BOARD OF DIRECTORS OF THE DISTRICT.".	38 39 40 41 42 43 44 45 46 47 48 49 50 51
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1059 be referred to the Committee of the Whole with favorable recommendation.	52 53 54 55
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1023 be referred to the Committee of the Whole with favorable recommendation.	56 57 58 59 60
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB04-039 be postponed indefinitely.	61 62 63 64 65 66

Judiciary After consideration on the merits, the Committee recommends that **SB04-075** be postponed indefinitely. 1
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Judiciary After consideration on the merits, the Committee recommends that **SB04-134** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation. 5
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Amend printed bill, page 2, line 14, after "(1)", insert "A DISTRICT ATTORNEY MAY SUBMIT TO THE BOARD OR BOARDS OF COUNTY COMMISSIONERS OF THE COUNTY OR COUNTIES WITHIN THE DISTRICT ATTORNEY'S JUDICIAL DISTRICT A REQUEST FOR THE CREATION OF A JUDICIAL FUNDING DISTRICT PURSUANT TO THE PROVISIONS OF THIS ARTICLE. ONLY AFTER RECEIPT OF A REQUEST FROM THE DISTRICT ATTORNEY MAY THE BOARD OR BOARDS OF COUNTY COMMISSIONERS CONSIDER THE CREATION OF A JUDICIAL FUNDING DISTRICT.".

Judiciary After consideration on the merits, the Committee recommends that **SB04-179** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 19
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Amend printed bill, page 2, after line 11, insert the following: 23
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"SECTION 2. 13-32-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read: 25
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13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (1.7) THE JUDICIAL DEPARTMENT SHALL ANNUALLY TRANSFER THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS FROM THE JUDICIAL STABILIZATION CASH FUND TO THE COLORADO DISTRICT ATTORNEYS' COUNCIL TO PROMOTE THE EFFICIENT ADMINISTRATION OF CRIMINAL JUSTICE TO ASSIST IN MAINTAINING A CLEAR AND CONCISE CRIMINAL CODE, AND SUPPORT EFFECTIVE, PROFESSIONAL, AND ETHICAL PROSECUTION ON A STATEWIDE BASIS.".

Renumber succeeding sections accordingly. 38
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Page 2, line 17, after "RECEIVE", insert "AND EXPEND". 40
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Page 3, line 11, strike "THREE PERCENT"; 42
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strike line 12 and substitute the following: 44
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"BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 12-7-101 (1), C.R.S., IN A FELONY, MISDEMEANOR, PETTY OFFENSE, OR MISDEMEANOR TRAFFIC ACTION. THE SURCHARGE SHALL BE PAID UPON THE POSTING OF THE BOND. THE SURCHARGE SHALL BE ASSESSED ACCORDING TO THE FOLLOWING SCHEDULE: 46
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BOND AMOUNT	SURCHARGE
LESS THAN OR EQUAL TO \$1,500	\$25.00
\$1,501.00 TO \$5,000	\$100.00
OVER \$5,000	\$300.00

THE SURCHARGE FEE SHALL BE TRANSMITTED TO"; 60
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line 16, strike "**13-22-115.**" and substitute "**13-32-115.**". 62
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Page 4, line 14, strike "IN ADDITION TO ANY OTHER"; 64
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line 15, strike "PENALTIES OR SURCHARGES PRESCRIBED IN THIS ARTICLE, EFFECTIVE" and substitute "EFFECTIVE"; 66
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line 25, strike "IN ADDITION TO ANY OTHER PENALTIES OR"; 69

line 26, strike "SURCHARGES PRESCRIBED IN THIS ARTICLE, EFFECTIVE" and substitute "EFFECTIVE".

Page 5, line 7, strike "IN ADDITION TO ANY";

strike line 8;

line 9, strike "EFFECTIVE" and substitute "EFFECTIVE";

line 16, strike "IN ADDITION TO ANY";

strike line 17;

line 18, strike "EFFECTIVE" and substitute "EFFECTIVE";

strike lines 23 through 25 and substitute the following:

"SECTION 10. 19-2-709, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-2-709. Deferral of adjudication. (6) EFFECTIVE JULY 1, 2004, A JUVENILE GRANTED A DEFERRED ADJUDICATION IS SUBJECT TO AN ADDITIONAL PENALTY SURCHARGE OF FIFTY DOLLARS TO BE TRANSMITTED TO THE STATE TREASURER WHO SHALL DEPOSIT THE SURCHARGE IN THE JUDICIAL STABILIZATION CASH FUND CREATED PURSUANT TO SECTION 13-32-101 (1.5), C.R.S."

- Judiciary After consideration on the merits, the Committee recommends that **SB04-156** be referred to the Committee of the Whole with favorable recommendation.
- State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-173** be postponed indefinitely.
- State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-158** be postponed indefinitely.
- State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-174** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.
- Education After consideration on the merits, the Committee recommends that **SB04-144** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.
- Amend printed bill, page 3, line 5, before "MEMBERS", insert "THREE SCHOOL DISTRICTS REVIEWED, TO THE";
- line 6, strike "ASSEMBLY" and substitute "ASSEMBLY,".

SENATE SERVICES REPORT

Correctly Printed: SB04-182 and 183.

Correctly Rerevised: HB04-1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, and 1338.

TRIBUTES

Honoring:

John McCleary -- by Senator Ken Arnold, Senator Ken Kester, and Senator John Evans;
 and Representative Nancy Spence, Representative Mike May, and Representative Greg
 Brophy.
 Cynthia Mason-Corlett -- by Senator Ken Arnold, Senator Ken Kester, and Senator John
 Evans; and Representative Nancy Spence, Representative Mike May, and
 Representative Greg Brophy.
 The Smokey Hill Chapter of the Daughters of the American Revolution -- by Senator
 John Evans.

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 12, 2004, was laid over
 until Friday, February 13, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-008, 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;
 Members of the Colorado Racing Commission.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, February 13,
 2004.

Approved:

John Andrews
 President of the Senate

Attest:

Mona Heustis
 Secretary of the Senate

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