

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

Fifty-sixth Legislative Day

Tuesday, March 2, 2004

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Prayer	By the chaplain, Reverend Jewell Richardson.	11
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Pledge	By Senator Entz.	13
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Call to Order	By the President <i>pro tem</i> at 9:00 a.m.	15
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Roll Call	Present--34.	18
	Absent/Excused--1; Andrews.	19
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Quorum	The President <i>pro tem</i> announced a quorum present.	21
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Reading of Journal	On motion of Senator Veiga, reading of the Journal of March 1, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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COMMITTEE OF REFERENCE REPORTS

Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1117 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	30
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Amend reengrossed bill, page 2, strike line 16 and substitute the following:

"REDUCTION OF THE FIVE-YEAR WAITING PERIOD TO A FOUR-YEAR WAITING PERIOD, WITH THE";

line 20, strike "MARKET;" and substitute "MARKET ON OR BEFORE OCTOBER 31, 2004;";

strike lines 21 and 22 and substitute the following:

"(B) THE COMMISSIONER DETERMINES THAT THE EARLY REENTRY OF ANY CARRIER IS IN THE BEST INTERESTS OF THE STATE AND THE STATE'S INSURANCE MARKET, AND IS CONSISTENT WITH THE PROVISIONS OF THE FEDERAL "HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", AS AMENDED;";

strike lines 25 through 27 and substitute the following:

"(II) THE CARRIER SHALL NOT MARKET ANY MATERIALS OFFERING ALL OR PART OF ITS SMALL GROUP HEALTH BENEFIT PLAN MATERIALS PRIOR TO THE COMMISSIONER ISSUING A LETTER INDICATING PROVISIONS OF THIS PARAGRAPH (b) HAVE BEEN MET.".

Renumber succeeding subparagraphs accordingly.

Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1255 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	61
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Amend reengrossed bill, page 3, line 12, strike "(VII) and (39) (b) (XVII)," and substitute "(VII),";

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line 13, strike "are" and substitute "is";

strike lines 22 through 25.

Page 10, strike lines 3 through 10.

Renumber succeeding sections accordingly.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1145** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 13, strike "OR" and substitute "AND".

Legal
Services

After consideration on the merits, the Committee recommends that **SB04-195** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 5, after line 27, insert the following:

"(3) (a) Regulation 26-102.7 (a) (6), concerning transportation and other charges to effect delivery of tangible personal property to the purchaser if the sales agreement requires such delivery to consummate the sale, of rules of the department of revenue on sales and use tax (1 CCR 201-4) is repealed, effective September 15, 2004.

(b) Special Regulation 18, concerning Freight, Delivery, and Transportation, and Special Regulation 39, concerning Sand and Gravel, of rules of the department of revenue on sales and use tax - special regulations for specific businesses (1 CCR 201-5) are repealed, effective September 15, 2004."

Renumber succeeding subsection accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1043** be referred to the Committee of the Whole with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1057** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike line 20 and substitute the following:

"UNAUTHORIZED CONTROL OVER MORE THAN FIVE COPIES OF AN EDITION OF A NEWSPAPER FROM A NEWSPAPER DISTRIBUTION CONTAINER OWNED OR LEASED BY THE NEWSPAPER PUBLISHER";

line 22, after the period, add "CONTROL IS UNAUTHORIZED IF THERE IS A NOTICE ON THE NEWSPAPER OR ON THE NEWSPAPER DISTRIBUTION CONTAINER THAT POSSESSION OF MORE THAN FIVE COPIES WITH INTENT TO PREVENT OTHER INDIVIDUALS FROM READING THAT EDITION OF THE NEWSPAPER IS ILLEGAL."

Page 3, line 9, after "PERIODICAL", insert "INCLUDING, WITHOUT LIMITATION, ANY STUDENT PERIODICAL DISTRIBUTED AT ANY INSTITUTION OF HIGHER EDUCATION,".

Page 4, line 18, strike "section 1" and substitute "section 2";

line 19, strike "section 2" and substitute "section 3".

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State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-153** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 8, strike "ELECTION." and substitute "ELECTION, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS.";

after line 21, insert the following:

"(4) EACH VOTE CENTER USED IN A COUNTY SHALL HAVE A SECURE ELECTRONIC CONNECTION TO THE COMPUTERIZED REGISTRATION BOOK MAINTAINED BY THE COUNTY CLERK AND RECORDER PERMITTING ALL VOTING INFORMATION PROCESSED BY ANY COMPUTER AT A VOTE CENTER TO BE IMMEDIATELY ACCESSIBLE TO ALL OTHER COMPUTERS AT ALL VOTE CENTERS IN THE COUNTY. A COUNTY MAY NOT USE VOTE CENTERS IN AN ELECTION UNLESS THE SECRETARY OF STATE HAS CERTIFIED THAT THE SECURE ELECTRONIC CONNECTION IS SUFFICIENT TO PREVENT ANY ELECTOR FROM VOTING AT MORE THAN ONE VOTE CENTER AND TO PREVENT UNAUTHORIZED ACCESS TO THE COMPUTERIZED REGISTRATION BOOK.

(5) IN DETERMINING THE NUMBER AND LOCATION OF VOTE CENTERS, AND IN PROVIDING FOR POLL WATCHING ACTIVITIES, THE DESIGNATED ELECTION OFFICIAL SHALL CONSULT AND COOPERATE WITH THE CHAIRPERSONS OF THE COUNTY CENTRAL COMMITTEES OF THE MAJOR POLITICAL PARTIES AND A REPRESENTATIVE OF THE COUNTY ORGANIZATION OF ANY MINOR POLITICAL PARTY.

(6) EACH VOTE CENTER SHALL MEET ALL THE REQUIREMENTS OF FEDERAL AND STATE LAW APPLICABLE TO POLLING PLACES, EXCEPT AS SUCH REQUIREMENTS OF STATE LAW ARE MODIFIED BY THIS SECTION."

MESSAGE FROM THE HOUSE

March 1, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1009, and amended as printed in House Journal, March 1.

The House has adopted and returns herewith SJR04-009, amended as printed in House Journal, March 1.

The House has adopted and returns herewith SJR04-003 & SJR04-004.

INTRODUCTION OF BILL--FIRST READING

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

HB04-1151 by Representative(s) Wiens, Plant; also Senator(s) Evans--Concerning the ability of the state of Colorado to respond to the initial attack of a wildfire.
Agriculture, Natural Resources & Energy

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:

HB04-1182 by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.

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

Third Reading Amendment No. 1(L.023), by Senator Hillman.

Amend revised bill, page 4, line 1, strike "THE STANDARDS" and substitute "SUBSECTION (1) OF THIS SECTION".

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	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	E
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, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Phillips, Tapia, Taylor, Tupa, and Windels.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB04-1216** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1149** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1118** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1074** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 8, after "NEED", insert "AS DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS,".

Judiciary After consideration on the merits, the Committee recommends that **HB04-1280** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 6, line 6, after "A", insert "COPY OF THE";
strike lines 9 and 10 and substitute the following:

"IN A MANNER THAT IS CONSISTENT WITH THE COUNTY'S RECORD RETENTION POLICY AND FEDERAL LAW.".

MESSAGE FROM THE GOVERNOR

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

February 25, 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:

ORDERED:

That the following named person be and he is hereby appointed to the:

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

for a term expiring at the pleasure of the Governor:

Matt J. Knoedler of Lakewood, Colorado to serve as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 2/26/04
Mona Heustis
Secretary of the Senate

Committee on Health, Environment, Welfare & Institutions

SENATE SERVICES REPORT

Correctly Printed: SB04-196.
Correctly Revised: HJR04-1023.
Correctly Rerevised: HB04-1047, 1129, and 1166.

Senate in recess.

Senate reconvened.

TRIBUTES

Honoring Edward Schaefer -- by Senator Andy McElhany.

Journal correction:

Page 394, line 20, strike "Immedicate" and substitute "Immediate";

line 25, strike "CONSIDERATION" and substitute "IMMEDIATE CONSIDERATION".

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 2, 2004, was laid over until Wednesday, March 3, 2004, retaining its place on the calendar.

General Orders--Second Reading: SB04-132, SB04-001, SB04-164, SB04-151, HB04-1273, HB04-1008, HB04-1115, HB04-1037, HB04-1137, HB04-1194, HB04-1022, HB04-1071.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-017, SJR04-020, SJR04-021, HJR04-1021, SJR04-022.

Consideration of Memorial: SJM04-001.

Consideration of House Amendments to Senate Bills: SB04-035, SB04-062.

Requests for Conference Committee: HB04-1112, HB04-1072.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, March 3, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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