

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

Thirty-fourth Legislative Day

Monday, February 9, 2004

Prayer By the chaplain, Reverend Shirley Riggs.

Pledge By Senator Gordon.

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 Kester, reading of the Journal of February 6, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

INTRODUCTION OF BILL--FIRST READING

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

SB04-181 by Senator(s) Groff; --Concerning the conditions applicable to wholesale providers of telecommunication services.
Finance

Senate in recess.

Senate reconvened.

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 10, 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 Tuesday, February 10, retaining its place on the calendar.

SB04-116 by Senator(s) Jones; also Representative(s) McCluskey--Concerning rate-making in workers' compensation cases, and, in connection therewith, setting the effective date of workers' compensation insurance and medical benefit rates.

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**.

Co-sponsors added: Arnold and Chlouber.

HB04-1007 by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the obligations of a governing body of an institution of higher education that establishes an optional retirement plan.

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**.

HB04-1072 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.

Laid over until Tuesday, February 10, retaining its place on the calendar.

SB04-047 by Senator(s) May R.; also Representative(s) Rippy--Concerning documents filed with a county official.

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: Cairns, Entz, Jones, and Kester.

SB04-128 by Senator(s) Nichol; also Representative(s) Sinclair--Concerning administration of the laws regulating persons who sell interests in motor vehicles.

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**.

SB04-045 by Senator(s) Johnson S.; also Representative(s) Vigil--Concerning a prohibition against toughperson fighting.

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	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	N	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Groff, Jones, Sandoval, and Tupa.

HB04-1038 by Representative(s) Berry; also Senator(s) Arnold--Concerning an exemption from civil liability for a volunteer at a crisis telephone hotline.

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	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	Y	Tupa	N
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	N	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Chlouber, Nichol, and Teck.

SB04-123 by Senator(s) Anderson; also Representative(s) Spradley--Concerning the authority for the youthful offender system.

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, Dyer, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Jones, Keller, Kester, Nichol, Phillips, Sandoval, Takis, Tapia, Taylor, Tupa, Veiga, and Windels.

HB04-1065 by Representative(s) Paccione; also Senator(s) Anderson--Concerning the granting of immunity related to the provision of human services referral information.

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 Groff.

HB04-1033 by Representative(s) McFadyen, Merrifield, Welker; also Senator(s) Chlouber, May R.--Concerning information signs on interstate highways within specified populated areas.

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, Jones, May, Takis, Tapia, and Teck.

IMMEDIATE RECONSIDERATION OF HB04-1038

HB04-1038 by Representative(s) Berry; also Senator(s) Arnold--Concerning an exemption from civil liability for a volunteer at a crisis telephone hotline.

Having voted on the prevailing side, Senator Hillman moved for immediate reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on **HB04-1038**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB04-1038 by Representative(s) Berry; also Senator(s) Arnold--Concerning an exemption from civil liability for a volunteer at a crisis telephone hotline.

The question being "Shall the bill pass?", the roll call was taken with the following result: 1

YES	34	NO	1	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	N	Keller	Y	Sandoval	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**. 14

Co-sponsors added: Anderson, Chlouber, Nichol, Taylor, and Teck. 15

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS 16

The President has signed: HJR04-1011. 17

The President has signed: SJR04-012. 18

SENATE SERVICES REPORT 19

Correctly Printed: SB04-177, 178, 179 and 180. 20

Correctly Engrossed: SB04-045, 047,116, 123, and128. 21

Correctly Reengrossed: SB04-127. 22

Correctly Revised: HB04-1007, 1072, 1033, 1038 and 1065; HJR04-1011. 23

Correctly Enrolled: SJR04-012. 24

Journal correction: 25

Page 207, line 34, strike "Education" and substitute "Health, Environment, Welfare, & Institutions". 26

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 9, 2004, was laid over until Tuesday, February 10, 2004, retaining its place on the calendar. 27

General Orders -- Second Reading of Bills: SB04-034, SB04-091, SB04-115, SB04-098, SB04-001, SB04-070, SB04-064, SB04-122, SB04-114, SB04-132, SB04-095, SB04-019, SB04-130, SB04-159, SB04-046, HB04-1052, HB04-1100. 28

Consideration of Resolutions: SJR04-008, SJR04-011, SJR04-013, SJR04-014. 29

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, February 10, 2004. 30

Approved: 31

John Andrews
President of the Senate 32

Attest: 33

Mona Heustis
Secretary of the Senate 34