

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

Fiftieth Legislative Day Wednesday, February 25, 2004

Prayer By Senator Cairns. 10
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Pledge By Senator Groff. 13
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Call to Order By the President at 9:00 a.m. 15
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Roll Call Present--33. 18
Absent/Excused--2; Jones, Takis. 19
Present later--Takis. 20
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Quorum The President announced a quorum present. 22
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Reading of Journal On motion of Senator Tapia, reading of the Journal of February 24, 2004, was 24
dispensed with and the Journal was approved as corrected by the Secretary. 25
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COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB04-1363** be referred 31
to the Committee of the Whole with favorable recommendation. 32
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On motion of Senator Hillman, and with a majority of those elected to the Senate having 36
voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution 37
-- SJR04-019. 38
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CONSIDERATION OF RESOLUTION

SJR04-019 by Senator(s) Owen, May R., Entz; also Representative(s) Witwer--Concerning Huey-091 44
Day in Colorado. 45
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On motion of Senator Owen, the resolution was read at length and **adopted** by the 47
following roll call vote: 48
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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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Evans, 61
Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, 62
Keller, Kester, Lamborn, McElhany, Nichol, Phillips, Reeves, Sandoval, Takis, Tapia, 63
Taylor, Teck, Tupa, Veiga, and Windels. 64
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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 Senate proceeded to the beginning of the calendar for Third Reading--Final Passage of Bills.

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:

SB04-118 by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

Laid over until Thursday, February 26, retaining its place on the 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 Thursday, February 26, retaining its place on the calendar.

HB04-1087 by Representative(s) Rhodes; also Senator(s) Johnson S.--Concerning the establishment of the highest degree of care in the defense of a negligence claim under the high voltage power line statutes by proof of compliance with an applicable standard of the national electrical code.

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

YES	33	NO	1	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	N	Jones	E	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**.

SB04-180 by Senator(s) Hillman, Anderson, Andrews, Arnold, Chlouber, Dyer, Kester; also Representative(s) Cadman, Hefley, Miller, White, Wiens--Concerning a motion to dismiss for forum non conveniens.

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

YES	25	NO	9	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	E	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	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, Cairns, May, McElhany, and Teck.

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.

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

Third Reading Amendment No. 1(L.009), by Senator Lamborn.

Strike the Business Affairs & Labor Committee Report dated February 4, 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	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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Anderson, Groff, Grossman, and Veiga.

HB04-1212

by Representative(s) Mitchell, Berry, Borodkin, Boyd, Briggs, Carroll, Cerbo, Cloer, Coleman, Crane, Decker, Frangas, Hodge, Jahn, Johnson R., Judd, Larson, Madden, Marshall, May M., McGihon, Ragsdale, Rippey, Romanoff, Sinclair, Smith, Spence, Stafford, Vigil, Weddig, White, Wiens, Williams S., Williams T.; also Senator(s) Anderson, Arnold, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Reeves, Sandoval, Takis, Taylor, Windels--Concerning the scientific and cultural facilities district, and, in connection therewith, amending the ballot question concerning the extension of the district that will be submitted to the voters and modifying statutory provisions concerning the administration of the district.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	N	Nichol	N	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	E	Reeves	Y	Mr. President	N
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: Hanna and Veiga.

HB04-1076

by Representative(s) Madden, Brophy, Hodge, Rose; also Senator(s) Arnold--Concerning a prohibition on driving motor vehicles in the passing lane except when appropriate.

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

YES	31	NO	3	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	N	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	E	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews, Chlouber, Entz, Gordon, Groff, Grossman, Hillman, Phillips, Teck, Tupa, and Veiga.

HB04-1197 by Representative(s) Weddig, Borodkin, Briggs, Cerbo, Crane, Garcia, Hodge, Lee, Madden, McGihon, Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence, Vigil, Williams S.; also Senator(s) Evans, Takis--Concerning the use of devices on motor vehicles that interfere with the orderly regulation of traffic.

The question being "Shall the bill 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	E	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, Entz, Groff, Grossman, Hanna, Isgar, May, Phillips, Teck, Tupa, Veiga, and Windels.

HB04-1029 by Representative(s) Boyd, Cloer, Coleman, Frangas, Johnson R., Stafford, Tochtrop; also Senator(s) Hagedorn, Hanna, Kester, Sandoval--Concerning authorization for counties to increase participation in vocational education by Colorado works participants.

The question being "Shall the bill 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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Fitz-Gerald, Groff, Isgar, Phillips, Taylor, and Tupa.

HB04-1027 by Representative(s) Vigil, Coleman, Rhodes, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the role of the comprehensive primary and preventive care grant program's advisory council.

The question being "Shall the bill 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	E	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: Phillips.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Johnson, the following Governor's appointments were confirmed by a roll call vote:

COLORADO HEALTH FACILITIES AUTHORITY

for terms expiring June 30, 2007:

Mary A. Fairchild of Denver, Colorado, reappointed;

Katherine Spines of Boulder, Colorado, reappointed.

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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senator Johnson, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE
COLORADO COMMISSION ON THE AGING

for a term expiring July 1, 2006:

Kathleen B. McSheehy of Arvada, Colorado, to serve as a Democrat from the Seventh Congressional District, appointed.

for a term expiring when she is no longer a legislator:

The Honorable Paula E. Sandoval of Denver, Colorado, to serve as a representative of the Colorado State Senate and as a Democrat, appointed.

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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senator Johnson, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE
STATE BOARD OF NURSING**

for a term expiring July 1, 2006:

Judith A. Burke of Denver, Colorado, to serve as an advanced practice nurse, appointed.

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	E	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

COMMITTEE OF REFERENCE REPORTS

Local Government After consideration on the merits, the Committee recommends that **HB04-1273** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORTS

- Correctly Printed:** SB04-194.
- Correctly Engrossed:** SB04-115, 166, and 180.
- Correctly Reengrossed:** SB04-137, 182 and 185.
- Correctly Revised:** HB04-1027, 1029, 1076, 1087, 1197, and 1212.
- Correctly Rerevised:** HB04-1002, 1013, 1019, 1035, 1053, 1055, 1068, 1088, 1092, 1124, 1126, 1148, 1154, and 1195.

To the Governor for signature on Tuesday February 24, 2004, at 2:47 p.m.

SB04-005 and 061.

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 25, 2004, was laid over until Thursday, February 26, 2004, retaining its place on the calendar.

Second Reading -- General Orders: HB04-1129, HB04-1047, SB04-070.
 Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-017, SJR04-020, SJR04-021.
 Consideration of Memorial: SJM04-001.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, February 26, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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