

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

Seventy-eighth Legislative Day

Wednesday, March 24, 2004

Prayer	By the chaplain, Greg Isaac, Jordan Road Christian School.	10
Pledge	By Senator Hagedorn.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--34. Absent/Excused--1; McElhany. Present later--McElhany.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Johnson, reading of the Journal of March 23, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-192 be referred to the Committee of the Whole with favorable recommendation.	16
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-126 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	17
	Amend printed bill, page 2, strike lines 10 through 12 and substitute the following:	18
	"DIVISION shall be APPOINTED BY THE ADJUTANT GENERAL ACTING ON BEHALF OF THE GOVERNOR AND IN CONSULTATION WITH the duly appointed commanding officer of the civil air patrol, Colorado wing. Warrants shall be drawn against";	19
	line 16, strike "AND FORMER".	20

MESSAGE FROM THE HOUSE

March 23, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1399, amended as printed in House Journal, March 22, page 1013.

The House has passed on Third Reading and returns herewith SB04-095,040,187,195.

The House has passed on Third Reading and transmitted to the Revisor of Statutes;
SB04-057, amended as printed in House Journal, March 22, page 1012.
SB04-088, amended as printed in House Journal, March 22, pages 1012 & 1014.
SB04-103, amended as printed in House Journal, March 22, page 1013.
SB04-087, amended as printed in House Journal, March 22, page 1013.

MESSAGE FROM THE REVISOR OF STATUTES

March 23, 2004

We herewith transmit:

Without comment, as amended, HB04-1399.
Without comment, as amended, SB04-57, 088, 103, and 87.

INTRODUCTION OF RESOLUTION

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

SJR04-029 by Senator(s) Fitz-Gerald; also Representative(s) Cerbo--Concerning encouraging the Wal-Mart corporation to end dangerous business practices.
Business Affairs & Labor

INTRODUCTION OF BILLS--FIRST READING

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

HB04-1399 by Representative(s) Williams T.; also Senator(s) Kester--Concerning statutory provisions governing limited liability companies contained in title 7 of the Colorado Revised Statutes.
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:

SB04-177 by Senator(s) Gordon, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Sandoval, Takis, Tapia, Taylor, Veiga, Windels; also Representative(s) Hefley, Stafford, Pommer, Borodkin, Briggs, Carroll, Coleman, Decker, Frangas, Hodge, Jahn, Judd, Madden, Marshall, McCluskey, McFadyen, McGihon, Miller, Rippy, Romanoff, Rose, Salazar, Stengel, Welker, Tochtrop, Weissmann, White, Williams S.--Concerning home- and community-based services under the state's medicaid program for children with autism.

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

Third Reading Amendment No. 1(L.006), by Senator Gordon.

Amend engrossed bill, page 6, line 1, strike "PURPOSES." and substitute "PURPOSE."

Page 1, line 102, strike "AUTISM, AND" and substitute "AUTISM.";
strike line 103.

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:

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YES	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	N
Dyer	Y	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	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**.

HB04-1308 by Representative(s) Cloer, Jahn, King, Paccione, Spradley, White, Lundberg, Boyd, Butcher, Fairbank, Miller, Mitchell; also Senator(s) Lamborn--Concerning the requirement of pedigree papers for the distribution of prescription drugs.

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: Chlouber and Evans.

HB04-1090 by Representative(s) Rhodes; also Senator(s) Kester--Concerning criteria for independent contractors for purposes of workers' compensation coverage.

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: Fitz-Gerald, Tapia, Taylor, and Teck.

HB04-1353 by Representative(s) Schultheis, Coleman, Crane, Decker, Frangas, Garcia, Hall, Harvey, Jahn, King, Larson, Lee, May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop, Vigil, Weddig, Welker, Williams S.; also Senator(s) Cairns--Concerning immunity from liability for harm related to emergency activities.

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, Grossman, and Isgar.

HB04-1379 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning reports received by the general assembly that concern matters to be heard by the health, environment, welfare, and institutions committees pursuant to Colorado's "Information Coordination Act".

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**.

SB04-196 by Senator(s) Hagedorn; also Representative(s) Smith--Concerning consequences for commission of substance-related traffic offenses.

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: Evans, Groff, Hanna, Tapia, Tupa, and Veiga.

HB04-1061 by Representative(s) Berry, Hefley, Jahn, Madden, McFadyen, Williams S.; also Senator(s) Takis--Concerning the utilization of child advocacy centers.

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	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: Dyer, Fitz-Gerald, Groff, Hagedorn, Hanna, Isgar, Phillips, Sandoval, Tapia, Teck, Tupa, and Windels.

HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".

Laid over until Friday, March 26, retaining its place on the calendar.

HB04-1153 by Representative(s) Stengel; also Senator(s) Kester--Concerning housing issues for victims of domestic violence.

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: Evans, Groff, Grossman, Hanna, Tupa, and Veiga.

HB04-1066 by Representative(s) Wiens; also Senator(s) Evans--Concerning the opportunity for voters in the town of Castle Rock in Douglas county to determine whether to be included in the boundaries of certain special districts.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	N		

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

Co-sponsors added: Andrews, Cairns, Chlouber, Hillman, Lamborn, and May.

SB04-198 by Senator(s) Taylor, Anderson, Takis, Tupa; also Representative(s) Coleman, Rhodes, Vigil, Williams T.--Concerning the transfer of the responsibility of administering the state contribution to assist in providing certain benefits for volunteer firefighters from the fire and police pension association to the department of local affairs.

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, and Kester.

HB04-1263 by Representative(s) Lundberg, Schultheis, May M., Brophy, Cloer, Frangas, Hall, Harvey, Lee, Miller, Rippy, Rose, Spradley, Tochtrop, Welker; also Senator(s) Cairns--Concerning the removal of the requirement under Colorado law for submission of a social security number on an application for a license issued by the division of wildlife.

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, May, and McElhany.

RECALL OF SB04-013

Senator Entz moved for recall of **SB04-013** for purpose of reconsideration. The motion was passed by unanimous consent. The bill was ordered recalled.

Committee of the Whole

On motion of Senator Dyer, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Dyer was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate moved the following bills to the top of the General Orders--Second Reading of Bills calendar: HB04-1273, HB04-1292, HB04-1244, HB04-1234, HB04-1251.

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:

HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, Young; also Senator(s) Hagedorn--Concerning requirements of an insurer regarding factors that may negatively affect an insured's ability to obtain homeowner's insurance.

As amended, Senate Journal, March 19, pages 578-579.

Amendment No. 3(L.025), by Senator Hagedorn.

Amend the Business Affairs and Labor Committee Report, dated March 15, 2004, page 2, line 10, strike "INSURER." and substitute "INSURED."

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

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HB04-1244 by Representative(s) Jahn; also Senator(s) Evans--Concerning the payment from the risk management fund of the legal defense of professionals retained by agencies within the department of regulatory agencies who have statutory immunity from civil suit.

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

HB04-1234 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning measures to enhance consumer protection for certain motor vehicle coverages.

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

(Printed in Senate Journal, March 18, pages 554-555 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator McElhany.

Amend reengrossed bill, page 4, line 3, after "OR", insert "INFORM A THIRD-PARTY";

line 6, after "OR", insert "THIRD-PARTY";

line 8, after "OR", insert "THIRD-PARTY";

line 10, strike "INSURERS" and substitute "AN INSURER";

line 26, strike "THIRD-PARTY COVERAGE FOR A" and substitute "ANY APPLICABLE".

Page 5, line 6, strike "OR";

line 8, strike "CLAIMANT." and substitute "CLAIMANT; OR";

after line 8, insert the following:

"(d) RETURN OF A REPAIRED MOTOR VEHICLE TO THE CLAIMANT.".

Page 6, line 4, strike "STATEMENT" and substitute "STATEMENT, IN THE SAME MEDIUM AS THE APPLICATION WAS TAKEN,".

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

HB04-1251 by Representative(s) Frangas, Boyd, Cloer, Coleman, Johnson R., Tochtrop, Weissmann; also Senator(s) Kester--Concerning continuation of the regulation of mental health professionals by the department of regulatory agencies, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, March 19, page 584 and placed in members' bill files.)

Amendment No. 2(L.029), by Senator Entz.

Amend the Health, Environment, Welfare, and Institutions Committee Report, dated March 18, 2004, page 2, strike lines 7 through 11 and substitute the following:

""(11) "SOCIAL WORKER" MEANS A PERSON WHO POSSESSES AN EARNED MASTER'S OR BACHELOR'S DEGREE IN SOCIAL WORK FROM A SOCIAL WORK EDUCATION PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION, OR A DOCTORAL DEGREE IN SOCIAL WORK FROM A DOCTORAL PROGRAM WITHIN A SOCIAL WORK EDUCATION PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION, AND WHO IS PRACTICING WITHIN THE SCOPE OF SECTION 12-43-403.".";

strike lines 14 through 28.

Page 3, strike lines 1 and 2 and substitute the following:

"Page 14, line 7, strike "registration." and substitute "a social work degree.";

line 8, strike "SOCIAL WORK DEGREE" and substitute "MASTER'S OR BACHELOR'S DEGREE IN SOCIAL WORK FROM A SOCIAL WORK EDUCATION PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION, OR A DOCTORAL DEGREE IN SOCIAL WORK FROM A DOCTORAL PROGRAM

WITHIN A SOCIAL WORK EDUCATION PROGRAM ACCREDITED BY THE COUNCIL ON SOCIAL WORK EDUCATION";

line 20, strike "DEGREE." and substitute "DEGREE, AS DEFINED IN SECTION 12-43-401 (11).".

Page 15, line 12, strike "DEGREE." and substitute "DEGREE, AS DEFINED IN SECTION 12-43-401 (11).".

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

HB04-1273 by Representative(s) Spradley, Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippy, 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.

Amendment No. 1(L.015), by Senator Isgar.

Amend reengrossed bill, page 6, line 21, after the semicolon, add "OR";
strike lines 22 through 27.

Page 7, strike lines 1 through 5 and substitute the following:

"(b) UP TO THE FIRST TWENTY MEGAWATTS OF ANY HYDROELECTRIC PROJECT NOT IN EXISTENCE ON OR BEFORE THE EFFECTIVE DATE OF THIS ARTICLE."

Amendment No. 2(L.021), by Senator Lamborn.

Amend reengrossed bill, page 5, line 6, strike "SMALL";
strike lines 11 and 12 and substitute the following:

"(I) PUMPED STORAGE FACILITIES; COAL, NATURAL GAS, OIL, PROPANE, OR ANY".

Page 6, strike lines 18 through 27.

Page 7, strike lines 1 through 5.

Page 8, line 18, strike "FACILITY, THE NAMEPLATE";

strike line 19 and substitute "FACILITY THAT UTILIZES".

Amendment No. 3(L.019), by Senator Hillman.

Amend reengrossed bill, page 10, line 22, after the period, add "IF THE COMMISSION REASONABLY DETERMINES, BASED UPON AN EVIDENTIARY HEARING, INCLUDING A REVIEW OF MITIGATION MEASURES, THAT ADDING RENEWABLE RESOURCES PURSUANT TO THE STANDARD IN SECTION 40-3.3-102 (1) COMPROMISES SYSTEM RELIABILITY OR CONFLICTS WITH RELIABILITY STANDARDS OF THE NORTH AMERICAN ELECTRIC RELIABILITY COUNCIL, THE WESTERN ELECTRIC COORDINATING COUNCIL, OR THE FEDERAL ENERGY REGULATORY COMMISSION, THE COMMISSION SHALL DEFER THAT PORTION OF THE RENEWABLE ENERGY RESOURCES THAT CAUSES THE RELIABILITY PROBLEM UNTIL SUCH TIME THAT THE PROBLEM IS RESOLVED."

Page 11, strike lines 8 through 12, and substitute the following:

"(13) ELIGIBLE CAPACITY USED TO MEET THE STANDARD SHALL EITHER BE PRODUCED IN COLORADO OR WITHIN FIFTEEN MILES OF COLORADO'S BORDERS. RESOURCES THAT, BEFORE THE EFFECTIVE DATE OF THIS ACT, ARE OWNED BY, UNDER CONTRACT TO, OR THE SUBJECT OF NEGOTIATIONS WITH, A PROVIDER OR AVAILABLE TO A PROVIDER BUT FOR A LACK OF TRANSMISSION CAPACITY SHALL NOT BE SUBJECT TO THIS

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SUBSECTION (13)."

Page 12, after line 9, insert the following:

"(16) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE BUT SUBJECT TO OTHER APPLICABLE REQUIREMENTS OF THIS TITLE, IF THE COMMISSION DETERMINES, FOLLOWING AN EVIDENTIARY HEARING, THAT THE TOTAL COST OF ELECTRICITY OF A PORTFOLIO OF NEW RENEWABLE RESOURCES EXCEEDS THE TOTAL COST OF ANY OTHER PORTFOLIO OF NEW ELECTRIC RESOURCES REASONABLY AVAILABLE TO THE PROVIDER OF ELECTRIC SERVICE AS PART OF ITS LEAST-COST RESOURCE PLAN, THE COMMISSION SHALL REQUIRE THE PROVIDER TO DEFER THE ACQUISITION OF THE RENEWABLE ELECTRIC RESOURCE UNTIL SUCH TIME AS THE TOTAL COST DOES NOT EXCEED THAT OF OTHER AVAILABLE RESOURCES. FOR PURPOSES OF THIS SUBSECTION (16), THE TOTAL COST OF ELECTRICITY SHALL INCLUDE ALL REASONABLY KNOWN AND QUANTIFIABLE COSTS OVER THE RESOURCE PLANNING HORIZON, INCLUDING ANCILLARY SERVICE COSTS, THE COSTS OF LEGALLY REQUIRED AVAILABLE CONTROL TECHNOLOGY FOR NEW RESOURCES, AND THE COSTS ASSOCIATED WITH TRANSMISSION."

As amended, laid over until Thursday, March 25, retaining its place on the calendar.

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 (HB04-1273 as amended, SB04-153, SB04-151, HB04-1187 as amended, HB04-1121, HB04-1078, HB04-1230, HB04-1348, SB04-050, SB04-194, HB04-1311 as amended) of March 24, was laid over until Thursday, March 25, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Dyer, 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: HB04-1292 as amended, HB04-1244, HB04-1234 as amended, HB04-1251 as amended.

Laid over until Thursday, March 25: HB04-1273 as amended, SB04-153, SB04-151, HB04-1187 as amended, HB04-1121, HB04-1078, HB04-1230, HB04-1348, SB04-050, SB04-194, HB04-1311 as amended.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HJR04-1021, 1035.**

SENATE SERVICES REPORT

Correctly Printed: SB04-206.

Correctly Engrossed: SB04-177, 196 and 198.

Correctly Revised: HB04-1061, 1090, 1150, 1153, 1066, 1263, 1308, 1353, and 1379.

Correctly Rerevised: HB04-1109.

Journal correction:

Page 592, line 63, before "CONSIDERATION" insert "IMMEDIATE".

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 24, 2004, was laid over until Thursday, March 25, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029, HJR04-1005, SJR04-017, HJR04-1027, SJR04-028.

Consideration of House Amendments to Senate Bills: SB04-108, SB04-098, SB04-131.

Consideration of Governor's Appointments:

Members of the Colorado Children's Trust Fund Board.

Conference Committees to Report: HB04-1072, HB04-1280, HB04-1117.

Requests for Conference Committees to Report: HB04-1102, SB04-082.



On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, March 25, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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