62

63

64

65 66 67

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

Forty-fourth Legislative Day

Thursday, February 19, 2004

Prayer By the chaplain, Reverend Dr. Kathryn Towne.

Pledge By Senator Cairns.

Call to Order By Senator Arnold at 9:00 a.m.

Roll Call Present--30.

Absent/Excused--5; Andrews, Chlouber, Entz, Gordon, Nichol.

Present later--Entz, Gordon, Nichol.

Quorum The President announced a quorum present.

Reading of Journal

On motion of Senator Sandoval, reading of the Journal of February 18, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs The Committee on <u>State</u>, <u>Veterans</u>, <u>and Military Affairs</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be favorably referred to the Committee on Agriculture, Natural Resources, and Energy.

MEMBERS OF THE STATE BOARD OF LAND COMMISSIONERS

for terms expiring June 30, 2007:

Dennis V. Brinker of Coalmont, Colorado, to serve as a representative of public primary or secondary education and as a Republican, reappointed;

Holly E. Propst of Golden, Colorado, to serve as a representative of local government and land use planning and as a Republican, appointed.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB04-1002** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs & Labor

After consideration on the merits, the Committee recommends that **HB04-1126** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **HB04-1154** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs & Labor

After consideration on the merits, the Committee recommends that **HB04-1087** be referred to the Committee of the Whole with favorable recommendation.

Page 318

Without comment, HB04-1220, 1213, 1228, 1262.

1211, 1255, 1125, 1191, 1214, 1215, 1243, 1025.

Without comment, as amended, SB04-106.

Without comment, as amended, HB04-1073, 1114, 1089, 1058, 1271, 1226, 1232, 1217,

68

64

65 66

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 McElhany, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE WORKERS' COMPENSATION COST CONTAINMENT BOARD

for terms expiring December 13, 2006:

Jerry L. Mosley of Golden, Colorado, to serve as an employer with good risk management experience with respect to their workers' compensation insurance, reappointed;

Christopher B. Peck of Longmont, Colorado, to fill the vacancy occasioned by the resignation of Linda L. Reno, and to serve as an employer with good risk management experience with respect to their workers' compensation insurance, appointed.

YES	31	NO	0	EXCUSED	4	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	Ε	Hanna		McElhany	Y	Teck	Y
Dyer	Y	Hillman		Nichol	Y	Tupa	Y
Entz	Ε	Isgar	Y	Owen	Y	Veiga	Y
Evans		Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	\mathbf{E}
Gordon	Ε	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE COLORADO COMMISSION ON HIGHER EDUCATION

For terms expiring July 1, 2007:

Richard L. Garcia of Erie, Colorado, to serve as a representative of the Second Congressional District and as a Democrat, appointed;

Greg C. Stevinson of Littleton, Colorado, to serve as a representative of the Sixth Congressional District and as a Republican, appointed;

Raymond T. Baker, of Lakewood, Colorado, to serve as a representative of the Seventh Congressional District and as a Republican, reappointed.

YES	31	NO	0	EXCUSED	4	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		Hanna	Y	McElhany		Y Teck	Y
Dyer	Y	Hillman	Y	Nichol		Y Tupa	Y
Entz	E	Isgar	Y	Owen		Y Veiga	Y
Evans		Johnson	Y	Phillips		Y Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y Mr. President	E
Gordon	Е	Keller	Y	Sandoval		Y	

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

MEMBERS OF THE **BOARD OF TRUSTEES FOR THE** UNIVERSITY OF NORTHERN COLORADO

for terms expiring June 30, 2007:

Kevin Smith of Littleton, Colorado, reappointed;

Jerry L. Morgenson of Greeley, Colorado, appointed;

Gary M. Reiff of Englewood, Colorado, appointed;

Jerry D. Bryant of Yuma, Colorado, appointed.

YES	31	NO	0	EXCUSED	4	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	Е	Hanna		McElhany	•	Y Teck	Y
Dyer	Y	Hillman	Y	Nichol	•	Y Tupa	Y
Entz	Е	Isgar	Y	Owen	•	Y Veiga	Y
Evans	Y	Johnson	Y	Phillips	•	Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	•	Y Mr. President	Е
Gordon	Е	Keller	Y	Sandoval	•	Y	

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

MEMBER OF THE COLORADO RACING COMMISSION

for a term expiring July 1, 2007:

Gene O. Naugle of Penrose, Colorado, to serve as a representative of veterinarians, reappointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Groff		Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany		Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	E	Isgar	Y	Owen	Y	Veiga	Y
Evans		Johnson	Y	Phillips		Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Е
Gordon	E	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE **BOARD OF ASSESSMENT APPEALS**

for terms expiring July 1, 2004:

Judith A. Nuechter of Salida, Colorado, reappointed;

Steffen A. Brown of Highlands Ranch, Colorado, reappointed;

for terms expiring July 1, 2007:

Karen E. Hart of Kiowa, Colorado, reappointed;

Rebecca A. Hawkins of Highlands Ranch, Colorado, reappointed.

38 39 40

42

43

44 45 46

63 64

for a term beginning September 23, 2003 and expiring July 1, 2004:

MaryKay Kelley of Arvada, Colorado, appointed;

for a term beginning November 1, 2003 and expiring July 1, 2004:

Diane Devries of Wheatridge, Colorado, appointed.

YES	31	NO	0	EXCUSED	4	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn		Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber		Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Dyer Entz	E	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves	Y	Mr. President	Е
Gordon	E	Keller	Y	Sandoval	Y	•	

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

MEMBERS OF THE MEDICAL SERVICES BOARD

for a term expiring July 1, 2004:

Mary A. "Sally" Schaefer of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Doralyn B. Genova of Grand Junction, Colorado, and to serve as a representative of the Third Congressional District and as a Republican, appointed;

for a term expiring July 1, 2005:

David E. Bolin of Broomfield, Colorado, to fill the vacancy occasioned by the resignation of Richard F. Walker of Boulder, Colorado, and to serve as a representative of the Second Congressional District and as a Democrat, appointed.

for a term expiring July 1, 2007:

Matthew T. Dunn of Denver, Colorado to serve as a member who has experience with the delivery of health care from the First Congressional District and as a Republican, reappointed.

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester			Takis	Y
Arnold	Y	Grossman	Y	Lamborn		Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y	Taylor	Y
Chlouber		Hanna	Y	McElhany		Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol		Y	Tupa	Y
Dyer Entz	E	Isgar	Y	Owen		Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips		Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y	Mr. President	E
Gordon	Y	Keller	Y	Sandoval		Y		

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

MEMBERS OF THE BOARD OF TRUSTEES FOR WESTERN STATE COLLEGE OF COLORADO

for terms effective July 1, 2003 and expiring January 1, 2005:

Paul Rady of Englewood, Colorado, appointed; Louie D. Carleo of Pueblo, Colorado, appointed; Valerie Y. Schmalz of Gunnison, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2006;

Peter F. Kirchhof of Centennial, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2007:

Tom S. Cox of Crested Butte, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2008:

E. Patrick Wiesner of Castle Rock, Colorado, appointed; Stephanie A. Foote of Denver, Colorado, appointed.

YES	32	NO	0	EXCUSED	3		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn			Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y	Taylor	Y
Chlouber		Hanna	Y	McElhany			Teck	Y
Dyer	Y	Hillman	Y	Nichol		Y	Tupa	Y
Entz	E	Isgar	Y	Owen		Y	Veiga	Y
Evans		Johnson	Y	Phillips		Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y	Mr. President	Е
Gordon	Y	Keller	Y	Sandoval		Y		

Senator Hillman moved to suspend the rules for Immediate Consideration of House Amendments to SB04-106.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-106 by Senator(s) Teck; also Representative(s) Stengel--Concerning a repeal of the second pool of premium tax credits available under the "Certified Capital Company Act", and, in connection therewith, creating tax credits for contributions to a venture capital program.

Senator Teck moved that the Senate concur in House amendments to **SB04-106**, as printed in House Journal, February 10, page 399. The motion was **passed** by the following roll call vote:

YES	27	NO	5	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Takis	Y
Arnold	Y	Grossman	N	Lamborn	7	Y Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y Taylor	Y
Chlouber		Hanna	Y	McElhany	•	Y Teck	Y
Dyer	N	Hillman	Y	Nichol	•	Y Tupa	N
Dyer Entz	E	Isgar	Y	Owen	•	Y Veiga	Y
Evans		Johnson	Y	Phillips]	N Windels	Y
Fitz-Gerald	N	Jones		Reeves	•	Y Mr. President	E
Gordon	Y	Keller	Y	Sandoval	•	Y	

Senator Teck moved a Call of the Senate.

Senator Teck moved the Call of the Senate be raised.

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

YES	25	NO	7	EXCUSED	3	ABSENT	0
Anderson	N	Groff	Y	Kester		Y Takis	Y
Arnold	Y	Grossman	N	Lamborn	•	Y Tapia	Y
Cairns	Y	Hagedorn	Y	May	,	Y Taylor	Y
Chlouber		Hanna	Y	McElhany		Y Teck	Y
Dyer	N	Hillman	Y	Nichol	,	Y Tupa	N
Entz	E	Isgar	Y	Owen	,	Y Veiga	Y
Evans	Y	Johnson	Y	Phillips]	N Windels	Y
Fitz-Gerald	N	Jones		Reeves	,	Y Mr. President	Е
Gordon	Y	Keller	N	Sandoval	,	Y	

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

MESSAGE FROM THE HOUSE

February 19, 2004 Mr. President:

The House has adopted and transmits herewith HJR04-1014.

IMMEDIATE INTRODUCTION AND CONSIDERATION OF RESOLUTION

HJR04-1014 by Representative(s) Hoppe, Larson; also Senator(s) Entz, Isgar--Concerning the recognition of the 125th anniversary of the creation of the position of water commissioner and the first ten water districts.

Senator Hillman moved to suspend the rules for immediate consideration of HJR04-1014.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

On motion of Senator Taylor, the resolution was read at length and **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3	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		Hanna	Y	McElhany		Y Teck	Y
Dyer	Y	Hillman	Y	Nichol		Y Tupa	Y
Entz	E	Isgar	Y	Owen	-	Y Veiga	Y
Evans		Johnson	Y	Phillips	-	Y Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	-	Y Mr. President	t E
Gordon	Y	Keller	Y	Sandoval		Y	

Co-sponsors added: Anderson, Arnold, Cairns, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

MESSAGE FROM THE HOUSE

February 19, 2004 Mr. President:

The House has adopted and transmits herewith HJR04-1016.

58 59

IMMEDIATE INTRODUCTION AND CONSIDERATION OF RESOLUTION

HJR04-1016 by Representative(s) Spradley; also Senator(s) Hillman--Concerning Developmental

Disabilities Community Centered Day.

Senator Hillman moved to suspend the rules for immediate consideration of HJR04-1016.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

On motion of Senator Hillman, the resolution was **adopted** by the following roll call vote:

YES	32	NO	0	EXCUSED	3		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	E	Hanna	Y	McElhany		Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol		Y	Tupa	Y
Entz	E	Isgar	Y	Owen		Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips		Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y	Mr. President	E
Gordon	Y	Keller	Y	Sandoval		Y		

Co-sponsors added: Anderson, Arnold, Cairns, Dyer, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

COMMITTEE OF REFERENCE REPORTS

After consideration on the merits, the Committee recommends that HB04-1195 be referred **Judiciary** to the Committee of the Whole with favorable recommendation.

> After consideration on the merits, the Committee recommends that HB04-1148 be referred to the Committee of the Whole with favorable recommendation.

After consideration on the merits, the Committee recommends that SB04-180 be referred to the Committee of the Whole with favorable recommendation.

After consideration on the merits, the Committee recommends that SB04-182 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 25, strike "04-____," and substitute

Page 3, line 2, strike "04-____" and substitute "04-182";

line 7, strike "04-____" and substitute "04-182".

Agriculture, Natural Energy

Judiciary

Judiciary

Judiciary

After consideration on the merits, the Committee recommends that SB04-185 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable Resources, & recommendation.

> Amend printed bill, page 3, line 3, strike "VALIDITY" and substitute "EXISTENCE OF REASONABLE DILIGENCE TOWARD COMPLETION"

Agriculture, Natural Resources, & Energy

After consideration on the merits, the Committee recommends that **HB04-1035** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that Resources, & the appointments be confirmed:

MEMBERS OF THE COLORADO STATE FAIR AUTHORITY **BOARD OF COMMISSIONERS**

for terms expiring November 1, 2007:

Russell N. Johnson of Sterling, Colorado, to serve as a member with experience in agriculture and 4H Clubs and as a Certified Public Accountant, and to serve as a Republican from the Fourth Congressional District, reappointed;

John L. Crum of Denver, Colorado, to serve as a Democrat from the First Congressional District, appointed.

Health, Environment. Welfare, & Institutions

After consideration on the merits, the Committee recommends that **SB04-178** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, strike lines 7 through 9 and substitute the following:

"EACH MINOR DRIVER'S LICENSE, EACH DRIVER'S LICENSE, AND EACH IDENTIFICATION CARD ISSUED PURSUANT TO".

Health, Environment. Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1013** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, line 20, after "date.", insert "(1)".

Page 4, after line 2, insert the following:

"(2) Notwithstanding the provisions of subsection (1) of this section, the portion of section 1 of this act that amends section 24-1-119 (6.5), Colorado Revised Statutes, shall not take effect if House Bill 04-1107 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law.'

Health. Environment, Welfare, & Institutions

After consideration on the merits, the Committee recommends that **HB04-1127** 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 14, strike "ACTUALLY LICENSED AS SUCH." and substitute "LICENSED BY THE COLORADO STATE BOARD OF NURSING.".

SENATE SERVICES REPORT

Correctly Reengrossed: SB04-029, 084, 088, 101, 130, 145, 156, and 168. **Correctly Rerevised:** HB04-1023, 1059, 1152 and 1206. Correctly Enrolled: SB04-061; SJR04-016.

65 66

68

Senate in recess.
Senate reconvened.

MESSAGE FROM THE HOUSE

February 19, 2004 Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1216.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1159, amended as printed in House Journal, February 18, page 509. HB04-1308, amended as printed in House Journal, February 18, pages 509-510. HB04-1263, amended as printed in House Journal, February 18, page 510. HB04-1107, amended as printed in House Journal, February 18, pages 510-511. HB04-1265, amended as printed in House Journal, February 18, pages 511-511. HB04-1017, amended as printed in House Journal, February 18, pages 511-513. HB04-1225, amended as printed in House Journal, February 18, pages 513-515.

The House has passed on Third Reading and returns herewith SB04-004.

MESSAGE FROM THE REVISOR OF STATUTES

February 19, 2004

We herewith transmit:

Without comment, HB04-1216. Without comment, as amended, HB04-1159, 1308, 1263, 1107, 1147, 1265, 1017, 1225.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-189 by Senator(s) Anderson; also Representative(s) King--Concerning institutions of higher education.

Education

HB04-1208 by Representative(s) Stengel; also Senator(s) Teck--Concerning an increase in wildlife license fees other than nonresident big game license fees, and, in connection therewith, providing a revenue source for and extending the repeal date of the wildlife management public education advisory council.

Agriculture, Natural Resources & Energy

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 18, 2004, was laid over until Friday, February 19, 2004, retaining its place on the calendar.

General Orders -- Second Reading: SB04-151, SB04-166, SB04-179, SB04-174, SB04-172, HB04-1055, SB04-125, SB04-137.
Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-015.
Consideration of Memorial: SJM04-001.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, February 19, 2004.					
	Approved:	3 4 5 6			
	John Andrews President of the Senate	8 9 10			
Attest:		11 12 13			
Mona Heustis Secretary of the Senate		14 15 16 17			