

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

Seventy-ninth Legislative Day

Thursday, March 25, 2004

Prayer By the chaplain, Senator Lamborn.

Pledge By the President.

Call to Order By the President at 9:00 a.m.

Roll Call Present--35.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Johnson, reading of the Journal of March 24, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-201** 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 11, after "(s)", insert "(I)";

after line 12, insert the following:

"(II) BENEFITS AWARDED TO THE CLAIMANT UNDER THE PROVISIONS OF THIS PARAGRAPH (s) NORMALLY CHARGEABLE TO THE EMPLOYER SHALL BE CHARGED TO THE FUND."

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SJM04-002** be postponed indefinitely.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SCR04-005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend concurrent resolution, page 8, strike line 27 and substitute the following:

~~"1953, for old age pensions~~ ALL ESTATE TAXES APPROPRIATED UNDER SECTION 39-23.5-116, COLORADO REVISED STATUTES, FOR OLD AGE PENSIONS."

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:

HB04-1292 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.

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

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	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: Entz, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Lamborn, Nichol, Phillips, Tapia, Teck, Tupa, Veiga, and Windels.

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.

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**.

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

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

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.

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**.

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Committee
of the
Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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:

HB04-1273 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.

As amended, Senate Journal, March 24, pages 628-629.

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

SB04-153 by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Welker--Concerning combining polling places, and, in connection therewith, authorizing designated election officials to establish vote centers where any elector registered in the political subdivision may vote.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 2, page 401 and placed in members' bill files.)

Amendment No. 2(L.010), by Senator Reeves.

Amend the State, Veterans, and Military Affairs Committee Report, dated March 1, 2004, page 2, line 6, strike "SECTION." and substitute "SECTION.

(7) THE DESIGNATED ELECTION OFFICIAL OF A POLITICAL SUBDIVISION SHALL NOT ESTABLISH VOTE CENTERS FOR A GENERAL ELECTION UNLESS VOTE CENTERS WERE USED IN THE PREVIOUS ELECTION HELD BY THE POLITICAL SUBDIVISION IN AN ODD-NUMBERED YEAR.".

Amendment No. 3(L.009), by Senator McElhany.

Amend the State, Veterans, and Military Affairs Committee Report, dated March 1, 2004, page 2, line 6, strike "SECTION." and substitute "SECTION.

(8) THE USE OF VOTE CENTERS IN AN ELECTION SHALL NOT AFFECT THE DUTY OF THE ELECTION JUDGES TO MAKE A CERTIFICATE FOR EACH PRECINCT IN ACCORDANCE WITH SECTION 1-7-601.".

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

SB04-151 by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel--Concerning judicial evaluations by commissions on judicial performance.

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

HB04-1187 by Representative(s) Harvey, May M.; also Senator(s) Andrews--Concerning an alien's ability to establish Colorado domicile for in-state tuition purposes.

As amended, Senate Journal, March 11, page 489.

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

HB04-1121 by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning the treatment under laws regulating campaign finance of contributions to persons involved in the political process.

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

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HB04-1078 by Representative(s) Harvey, Lundberg, Rhodes; also Senator(s) Lamborn--Concerning regulation of sexually explicit representations that are harmful to minors. 1
 Laid over until Friday, March 26, retaining its place on the calendar. 2
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HB04-1230 by Representative(s) Hall, May M., Crane, Fairbank, Lundberg, Mitchell, Rose, Williams S., Williams T.; also Senator(s) Jones--Concerning the election of school district directors from director districts. 6
 Laid over until Friday, March 26, retaining its place on the calendar. 7
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HB04-1348 by Representative(s) Mitchell; also Senator(s) McElhany--Concerning standards for permissible noise from electric transmission facilities. 11
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 15
 (Printed in Senate Journal, March 18, page 554 and placed in members' bill files.) 16
 As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 17
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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 General Orders -- Second Reading of Bills Calendar (SB04-050, SB04-194, HB04-1311 as amended, HB04-1304, HB04-1376) of March 25, was laid over until Friday, March 26, retaining its place on the calendar. 21
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE 28
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On motion of Senator Arnold, 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: 30
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Passed on Second Reading: SB04-153 as amended, HB04-1187 as amended, HB04-1348 as amended. 34
 Laid over until Friday, March 26: HB04-1273 as amended, SB04-151, HB04-1121, HB04-1078, HB04-1230, SB04-050, SB04-194, HB04-1311 as amended, HB04-1304, HB04-1376. 35
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Business Affairs & Labor 44

After consideration on the merits, the Committee recommends that **HB04-1383** be referred to the Committee of the Whole with favorable recommendation. 45
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MESSAGE FROM THE HOUSE 49
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 Mr. President: 53
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The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1402. 55
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MESSAGE FROM THE REVISOR OF STATUTES 59
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We herewith transmit: 64
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Without comment, HB04-1402. 66
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INTRODUCTION OF BILL--FIRST READING

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

HB04-1402 by Representative(s) Young; also Senator(s) Reeves--Concerning the repeal of the water administration fee adopted in Senate Bill 03-278, and, in connection therewith, providing for a refund of amounts already collected and making an appropriation.
Appropriations

**MEMORANDUM
REPORT FROM THE HOUSE AND SENATE
COMMITTEES ON DELAYED BILLS**

Pursuant to Joint Rule 23 (c), the House and Senate Committees on Delayed Bills, acting jointly, extend the following deadline for House Bill No. 04-1397, Concerning the Financing of Public Schools:

The Friday, March 12 deadline (the 66th legislative day) for final passage, including any conference committee report, for any bill prescribing all or a substantial portion of the total funding for public schools pursuant to the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, as extended until Friday, March 26, 2004 (the 80th legislative day) is further extended until Friday, April 16, 2004 (the 101st legislative day).

This memorandum shall be printed in the journal of each house as is required by said Joint Rule 23 (c).

(signed) Lola Spradley Keith King Andrew Romanoff	(signed) John Andrews Mark Hillman Joan Fitz-Gerald
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MESSAGE FROM THE GOVERNOR

March 23, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.04-009 – Concerning The Repeal Of The Requirement That The Colorado State Fair Authority Not Accept Contributions From Nonstate Entities In Any Budget Year That The Authority Would Qualify As An Enterprise Under Section 20 Of Article X Of The State Constitution That Would Cause The Authority To Receive More Than Ten Percent Of Its Annual Revenues From All Colorado State And Local Governments Combined.

Approved March 23, 2004 at 4:00 P.M.

S.B.04-012 – Concerning The Types Of Records Necessary For The Department Of Revenue To Administratively Revoke A Driver's License For Tampering With An Interlock Device.

Approved March 23, 2004 at 4:01 P.M.

S.B.04-015 – Concerning The Expansion Of The Offset Against An Inmate’s State Sales Tax Refund.

Approved March 23, 2004 at 4:02 P.M.

S.B.04-021 – Concerning Eliminating The Requirement That Motor Vehicle Insurance Coverage Indemnify Loss That Occurs Outside Of The Areas Controlled By The United States.

Approved March 23, 2004 at 4:03 P.M.

S.B.04-023 – Concerning The Exclusion Of Certain Payments Made By An Employer To An Employee For The Purpose Of Supplementing Unemployment Benefits From The Definition Of “Wages” Under The “Colorado Employment Security Act”.

Approved March 23, 2004 at 4:04 P.M.

S.B.04-025 – Concerning The Ability Of The Colorado Mental Health Institute At Pueblo To Contract.

Approved March 23, 2004 at 4:04 P.M.

S.B.04-026 – Concerning Increasing The Time Period In Which The Insurance Commissioner Must Hold A Hearing About The Cancellation Of Motor Vehicle Insurance.

Approved March 23, 2004 at 4:05 P.M.

S.B.04-127 – Concerning Prohibited Conduct Of Notaries Public.

Approved March 23, 2004 at 4:07 P.M.

S.B.04-128 – Concerning Administration Of The Laws Regulating Persons Who Sell Interests In Motor Vehicles.

Approved March 23, 2004 at 4:09 P.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 3-24-04, 10:05 a.m.
Mona Heustis, Secretary of the Senate

APPOINTMENTS TO CONFERENCE COMMITTEE

SB04-082 by Senator(s) Kester; also Representative(s) Paccione--Concerning the authorization of certain persons to taste alcohol beverages in the course of post-secondary educational programs involving the culinary arts.

The President appointed Senators Kester, Chairman, Chlouber, and Tupa as Senate Conferees on the First Conference Committee on **SB04-082**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **SB04-044, 122, 156 and 159.**
The President has signed: **SJR04-026.**
The President has signed: **HJR04-1032, 1033, 1036.**

SENATE SERVICES REPORT

Correctly Reengrossed: SB04-177, 196 and 198.
Correctly Revised: HB04-1292, 1244, 1234, 1251.
Correctly Rerevised: HB04-1061, 1066, 1090, 1153, 1263, 1308, 1353 and 1379.

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 25, 2004, was laid over until Friday, March 26, 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, SB04-057, SB04-088, SB04-103, SB04-087.

Consideration of Governor's Appointments:

Members of the Colorado Children's Trust Fund Board.

Consideration of Conference Committee Reports: HB04-1072, HB04-1280, HB04-1117.

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

On motion of Senator Hillman, the Senate adjourned until 8:30 a.m., Friday, March 26, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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