

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

---

Thirty-sixth Legislative Day

Wednesday, February 11, 2004

---

Prayer By the chaplain, Greg Isaac, Jordan Road Christian School.

Pledge By Senator Gordon.

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 Kester, reading of the Journal of February 10, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

---

**COMMITTEE OF REFERENCE REPORTS**

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-131** 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 18, strike "~~may~~ SHALL" and substitute "may";

line 19, strike "hearing," and substitute "hearing.";

line 20, strike "AND, UNLESS" and substitute "UNLESS";

line 21, after "SECTION,", insert "IF";

line 22, strike "~~is set for hearing, it~~" and substitute "is set for hearing, it".

Page 3, strike lines 11 and 12 and substitute the following:

"MEDIATION BY THE DIVISION, THE BOARD MAY SET THE COMPLAINT FOR HEARING IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION.".

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-168** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, strike lines 18 through 27.

Strike page 4.

Page 5, strike lines 1 through 4.

Renumber succeeding sections accordingly.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-141** be postponed indefinitely.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66

**INTRODUCTION OF BILLS--FIRST READING**

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

- SB04-182** by Senator(s) Dyer; also Representative(s) Stengel--Concerning the release of funds placed into escrow by a tobacco product manufacturer that is not a participating manufacturer under the terms of the tobacco litigation master settlement agreement.  
Judiciary
- SB04-183** by Senator(s) Chlouber; also Representative(s) White--Concerning the transfer of the division of racing events from the department of revenue to the department of agriculture.  
Agriculture, Natural Resources & Energy
- HB04-1008** by Representative(s) Cloer; also Senator(s) Lamborn--Concerning assignment of benefits offered under a motor vehicle insurance policy.  
Business Affairs & Labor
- HB04-1068** by Representative(s) Marshall; also Senator(s) Veiga--Concerning actions for damages on behalf of an employee for injuries that arise from the negligent conduct of a stranger.  
Business Affairs & Labor
- HB04-1079** by Representative(s) Cadman; also Senator(s) Dyer--Concerning standard nonforfeiture regulation for individual deferred annuities offered by insurers.  
Business Affairs & Labor
- 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.  
Business Affairs & Labor
- HB04-1137** by Representative(s) Frangas, Cloer, Jahn, King, Paccione, Pommer, Vigil, White; also Senator(s) Groff--Concerning the creation of a public school student's right to have a guardian present when the student signs a statement that could result in expulsion.  
Education
- HB04-1154** by Representative(s) Jahn; also Senator(s) McElhany--Concerning the authority of the division of insurance to retain certain professionals for purposes of market conduct examinations.  
Business Affairs & Labor
- HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.  
Local Government

**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 Thursday, February 12, 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 Thursday, February 12, retaining its place on the calendar.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72

**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 Thursday, February 12, retaining its place on the calendar.

**HB04-1316** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of agriculture.

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	N	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**.

**HB04-1317** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of corrections.

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	N	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**.

**HB04-1318** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of education.

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	N	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**.

**HB04-1320** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of health care policy and financing.

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	N	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**.

**HB04-1321** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of higher education.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	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	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	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**.

**HB04-1322** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of human services.

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	N	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**.

**HB04-1323** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the judicial department.

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	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	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**.

**HB04-1324** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of labor and employment.

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	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	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**.

**HB04-1326** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of legislature.

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: Andrews.

**HB04-1327** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of local affairs.

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	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	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: Entz.

**HB04-1328** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of military and veterans 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: Entz and Isgar.

**HB04-1329** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of natural resources.

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: Entz, Hillman, and Taylor.

**HB04-1330** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of personnel and administration.

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	N	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**.

**HB04-1331** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of public health and environment.

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	N	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**.

**HB04-1332** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of public safety.

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	N	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**.

**HB04-1333** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of regulatory agencies.

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	N	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 and Taylor.

**HB04-1334** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of revenue.

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	N	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**.

**HB04-1336** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of transportation.

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	N	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**.

**HB04-1337** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of the treasury.

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	N	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**.

**HB04-1338** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning funding for capital construction, and making supplemental appropriations 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**.

**HB04-1319** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the offices of the governor, lieutenant governor, and state planning and budgeting.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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.

**HB04-1325** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of law.

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	N	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**.

**HB04-1335** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--  
Concerning a supplemental appropriation to the department of state.

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

YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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

Co-sponsors added: Cairns.

**COMMITTEE OF REFERENCE REPORTS**

Finance After consideration on the merits, the Committee recommends that **SB04-135** 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 14, strike "BE WITHIN";  
strike lines 15 and 16 and substitute the following:

"NOT BE LESS THAN THE FEDERAL MAXIMUM RESOURCE ALLOWANCE IN EFFECT ON JANUARY 1, 2004. The".

Finance After consideration on the merits, the Committee recommends that **SB04-010** 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 20, strike "TYPICAL" and substitute "PREVAILING".

Page 3, line 11, strike "WHEN PRACTICAL, THE" and substitute "THE";

line 16, after "SECTION.", add "IF A LEAVE POLICY CHANGE IS NECESSITATED FOR REASONS BEYOND THE CONTROL OF THE STATE

PERSONNEL DIRECTOR AND CANNOT BE INCLUDED IN THE ANNUAL COMPENSATION REPORT AND RECOMMENDATIONS, THE STATE PERSONNEL DIRECTOR SHALL NOTIFY THE MEMBERS OF THE GENERAL ASSEMBLY BY LETTER OF THE PROPOSED CHANGES PRIOR TO IMPLEMENTATION OF THE CHANGES.";

after line 16, insert the following:

"(IV) EMPLOYEES SHALL RETAIN ALL LEAVE ACCRUED PRIOR TO AUGUST 4, 2004, AND THE ACCRUED LEAVE SHALL NOT COUNT TOWARD ANY MAXIMUM LEAVE ACCRUAL RATE IMPLEMENTED ON OR AFTER SUCH DATE. NO EMPLOYEE SHALL EARN LESS THAN TWENTY-FOUR DAYS OF LEAVE ANNUALLY."

Finance After consideration on the merits, the Committee recommends that **SB04-077** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB04-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 3, insert the following:

"SECTION 2. 23-5-101.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**23-5-101.5. Enterprise status of auxiliary facilities.**

(6) NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION RELATING TO THE DESIGNATION OF AUXILIARY FACILITIES AS ENTERPRISES:

(a) ANY AUXILIARY FACILITIES OF ADAMS STATE COLLEGE THAT WERE A PART OF ANY STATE COLLEGES ENTERPRISE PURSUANT TO PARAGRAPH (g) OF SUBSECTION (4) OF THIS SECTION IN EXISTENCE PRIOR TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE IN SECTION 23-51-102 SHALL, AS THEY RELATE TO ADAMS STATE COLLEGE, BE DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES OF ADAMS STATE COLLEGE.

(b) ANY AUXILIARY FACILITIES OF MESA STATE COLLEGE THAT WERE A PART OF ANY STATE COLLEGES ENTERPRISE PURSUANT TO PARAGRAPH (g) OF SUBSECTION (4) OF THIS SECTION IN EXISTENCE PRIOR TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES OF MESA STATE COLLEGE IN SECTION 23-53-102 SHALL, AS THEY RELATE TO MESA STATE COLLEGE, BE DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES OF MESA STATE COLLEGE.

(c) ANY AUXILIARY FACILITIES OF METROPOLITAN STATE COLLEGE OF DENVER THAT WERE A PART OF ANY STATE COLLEGES ENTERPRISE ESTABLISHED UNDER LAW IN EXISTENCE PRIOR TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER IN SECTION 23-54-102 SHALL, AS THEY RELATE TO METROPOLITAN STATE COLLEGE OF DENVER, BE DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES OF METROPOLITAN STATE COLLEGE OF DENVER.

(d) ANY AUXILIARY FACILITIES OF WESTERN STATE COLLEGE OF COLORADO THAT WERE A PART OF ANY STATE COLLEGES ENTERPRISE PURSUANT TO PARAGRAPH (g) OF SUBSECTION (4) OF THIS SECTION IN EXISTENCE PRIOR TO THE ESTABLISHMENT OF THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO IN SECTION 23-56-102 SHALL, AS THEY RELATE TO WESTERN STATE COLLEGE OF COLORADO, BE DESIGNATED ENTERPRISES OF THE BOARD OF TRUSTEES OF WESTERN STATE COLLEGE OF COLORADO.";

strike lines 4 through 13 and substitute the following:

"SECTION 3. Safety clause. The general assembly hereby finds,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

Finance

The Committee on Finance has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

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;

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.

—————  
**SENATE SERVICES REPORT**

**Correctly Revised:** HB04-1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, and 1338.

—————  
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 11, 2004, was laid over until Thursday, February 12, 2004, retaining its place on the calendar.

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, SB04-105, SB04-101, SB04-166, HB04-1032, SB04-157, SB04-172, SB04-151, HB04-1119, SB04-147, SB04-152, SB04-121.

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

Consideration of Governor's Appointments:

Members of the Workers' Compensation Cost Containment Board;

Members of the Colorado Commission on Higher Education;

Members of the Board of Trustees for the University of Northern Colorado.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

---

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, February 12, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28