

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

Ninety-ninth Legislative Day

Wednesday, April 14, 2004

Prayer By the chaplain, Reverend Kelby Cotton.

Pledge By the President.

Call to Order By the President at 10:00 a.m.

Roll Call Present--33.
Absent/Excused--2; Nichol, Tupa.
Present later--Nichol, Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Hillman, reading of the Journal of April 13, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

COMMITTEE OF REFERENCE REPORTS

Business Affairs & Labor The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE
STATE HOUSING BOARD**

for a term expiring January 31, 2007:

Suzanne W. Buchner of Fowler, Colorado, to fill the vacancy occasioned by the resignation of Felix M. Lopez of Trinidad, Colorado, and to serve as a member from the Third Congressional District and as a Democrat, appointed.

Local Government After consideration on the merits, the Committee recommends that **HB04-1344** be referred to the Committee on Appropriations with favorable recommendation.

Local Government After consideration on the merits, the Committee recommends that **SB04-221** 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 21, strike "ON" and substitute "WITHIN THE DISTRICT";

strike line 22.

Page 3, strike lines 10 and 11 and substitute the following:

"DOCUMENT CONTAINING THE COVENANTS TO BE ENFORCED FOR THE AREA WITHIN THE METROPOLITAN DISTRICT NAME THE".

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Local Government	After consideration on the merits, the Committee recommends that HB04-1404 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	1 2 3
	Amend reengrossed bill, page 3, line 20, strike "OR";	4 5
	after line 20, insert the following:	6 7
	" (j) ANY OTHER PUBLIC ENTITY AS DEFINED IN 24-75-601 (1); OR".	8 9
	Reletter succeeding paragraph accordingly.	10 11
	Page 7, line 24, after "BOARD", insert "OR THE STATE FINANCIAL SERVICES BOARD".	12 13 14
	Page 8, line 12, strike "AND";	15 16
	line 15, change the period to a semicolon;	17 18
	after line 15, insert the following:	19 20
	" (f) PUBLIC FUNDS INVESTED IN ACCORDANCE WITH PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (4) ARE NOT SUBJECT TO THE COLLATERALIZATION, REQUIREMENTS, OR RESTRICTIONS OF ARTICLE 10.5 OF TITLE 11, C.R.S., EXCEPT FOR CERTIFICATION AS AN ELIGIBLE PUBLIC DEPOSITORY AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4); AND	21 22 23 24 25 26
	" (g) BANKS AND SAVINGS AND LOAN ASSOCIATIONS THAT ACCEPT PUBLIC FUNDS FOR THE PURPOSES OF INVESTING THEM IN ACCORDANCE WITH PARAGRAPHS (a) TO (e) OF THIS SUBSECTION (4) ARE NOT SUBJECT TO THE ADDITIONAL REQUIREMENTS OR RESTRICTIONS OF ARTICLE 10.5 OF TITLE 11, C.R.S., EXCEPT FOR CERTIFICATION AS AN ELIGIBLE PUBLIC DEPOSITORY AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (4)."	27 28 29 30 31 32 33
Finance	After consideration on the merits, the Committee recommends that SB04-220 be referred to the Committee of the Whole with favorable recommendation.	34 35 36 37
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SB04-213 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	38 39 40 41 42
	Amend printed bill, page 2, strike lines 11 and 12.	43 44 45
	Reletter succeeding subparagraphs accordingly.	46 47
	Page 2, line 15, strike "THE ELECTOR'S BIRTH CERTIFICATE;" and substitute "A BIRTH CERTIFICATE FOR THE ELECTOR ISSUED IN THE UNITED STATES;"	48 49 50 51
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that SCR04-012 be referred to the Committee of the Whole with favorable recommendation.	52 53 54
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that HB04-1373 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	55 56 57 58 59 60
	Amend reengrossed bill, page 37, after line 14, insert the following:	61 62
	" SECTION 20. Part 1 of article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:	63 64 65 66
	" 24-50-146. Veterans' preference. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:	67 68 69

(a) "ELIGIBLE APPLICANT" MEANS AN APPLICANT FOR APPOINTMENT OR PROMOTION IN THE STATE PERSONNEL SYSTEM WHO:

(I) IS SERVING OR WAS SEPARATED UNDER HONORABLE CONDITIONS AND SERVED IN ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES, INCLUDING THE NATIONAL GUARD OR ARMED FORCES RESERVE, DURING ANY PERIOD OF DECLARED WAR OR UNDECLARED WAR OR OTHER ARMED HOSTILITIES AGAINST AN ARMED FOREIGN ENEMY;

(II) IS SERVING OR WAS SEPARATED UNDER HONORABLE CONDITIONS AND SERVED ON ACTIVE DUTY IN ANY SUCH BRANCH IN ANY CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS AUTHORIZED; OR

(III) HAS COMPLETED AT LEAST TWENTY-FOUR MONTHS OF SERVICE IN THE NATIONAL GUARD OR ARMED FORCES RESERVE, AND A PORTION OF THAT SERVICE WAS DURING A PERIOD AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) "VETERANS' PREFERENCE" MEANS THE PREFERENCE TO BE AWARDED TO ELIGIBLE APPLICANTS FOR APPOINTMENT OR PROMOTION IN THE STATE PERSONNEL SYSTEM PURSUANT TO SECTION 15 OF ARTICLE XII OF THE STATE CONSTITUTION.

(2) EACH ELIGIBLE APPLICANT FOR APPOINTMENT OR PROMOTION IN THE STATE PERSONNEL SYSTEM SHALL BE AWARDED THE APPROPRIATE VETERANS' PREFERENCE AS SET FORTH IN SECTION 15 OF ARTICLE XII OF THE STATE CONSTITUTION."

Renumber succeeding sections accordingly.

Page 56, line 27, strike "26 through 44" and substitute "27 through 45".

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HCR04-1005** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed concurrent resolution, page 11, line 24, strike "service," and substitute "service";

line 25, strike "PERSONNEL,".

Page 12, line 1, strike "THE EMPLOYER MAY ELECT TO USE A" and substitute "A";

line 2, after "METHOD", insert "MAY BE USED";

line 3, strike "ITS PERSONNEL, CIVIL" and substitute "THE STATE PERSONNEL";

strike line 4 and substitute the following:

"SYSTEM. IF A NUMERICAL";

line 5, strike "METHOD," and substitute "METHOD IS USED,";

line 7, strike "IF THE EMPLOYER USES A" and substitute "IF A";

line 8, strike "METHOD," and substitute "METHOD IS USED,";

line 13, after "is", insert "SERVING OR WAS" and, strike "who," and substitute "who";

line 14, strike "other than for training purposes," and substitute "~~other than for training purposes,~~";

line 22, strike "served, other than for training purposes," and substitute "~~served other than for training purposes,~~".

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Page 13, strike line 7 and substitute the following:

"~~active~~ duty in any such branch. ~~other than for training purposes.~~";

line 11, strike "defense" and substitute "defense, OF A STATE NATIONAL GUARD,".

Page 14, line 6, strike "service, PERSONNEL," and substitute "service".

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

SCR04-014 by Senator(s) Evans; also Representative(s) Wiens--Submitting to the registered electors of the state of Colorado an amendment to section 10 of article IX of the constitution of the state of Colorado, concerning a direction to the state board of land commissioners to sell such public trust lands as may be necessary to provide an amount of trust principal that is sufficient to generate at least the necessary income to fund constitutionally required increases in funding for kindergarten-through-twelfth-grade education.
State Veterans & Military Affairs

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SJR04-046 by Senator(s) Tapia, Kester; also Representative(s) McFadyen, Butcher--Concerning a request for the department of defense to fully fund the Pueblo chemical depot project.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS--FIRST READING

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

SB04-233 by Senator(s) McElhany; also Representative(s) Harvey--Concerning the construction of a parking structure in the capitol complex.
Finance

SB04-234 by Senator(s) Arnold; also Representative(s) Stengel--Concerning parole revocation.
Judiciary

SB04-235 by Senator(s) Hillman; also Representative(s) Brophy--Concerning creation of a Republican river water conservation district.
Agriculture, Natural Resources & Energy

SB04-236 by Senator(s) Anderson; also Representative(s) Miller--Concerning the transformation of the office of emergency management into a division of the department of local affairs.
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:

SB04-144 by Senator(s) Veiga; also Representative(s) Romanoff--Concerning reviews of school districts, and, in connection therewith, requiring pilot efficiency reviews of a limited number of school districts, and making an appropriation.

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

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YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	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: Gordon, Groff, Grossman, Hanna, Phillips, Tupa, and Windels.

HB04-1279 by Representative(s) Stafford, Rose; also Senator(s) Hillman, Kester--Concerning liability regarding the behavior of dogs.

Laid over until Thursday, April 15, 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 Senate proceeded out of order for Consideration of Resolution--SJR04-041.

CONSIDERATION OF RESOLUTION--SJR04-041

SJR04-041 by Senator(s) Kester; also Representative(s) Spradley--Concerning declaration of the week of May 3, 2004, as correctional employees appreciation week.

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

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		

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

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

HB04-1422 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2004, except as otherwise noted.

Senator Owen moved that the Senate Conferes on the First Conference Committee on **HB04-1422** be given the powers to go beyond the scope of the differences between the two Houses.

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

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 House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-108 by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of claims under the "Unclaimed Property Act".

Senator Hillman moved that the Senate not concur in House amendments to **SB04-108**, as printed in House Journal, March 12, page 849, and that a Conference Committee be appointed.

A majority of all members elected to the Senate having voted in the affirmative, the motion was **adopted**.

CONFERENCE COMMITTEE GRANTED FURTHER POWERS

SB04-108 by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of claims under the "Unclaimed Property Act".

Senator Hillman moved that the Senate Conferees on the First Conference Committee on **SB04-108** be given the powers to go beyond the scope of the differences between the two Houses.

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

RECALL OF HB04-1150

Senator Hillman moved for recall of **HB04-1150** for purpose of reconsideration. The motion was passed by unanimous consent. The bill was ordered recalled.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1061**

**THIS REPORT AMENDS THE
REREVISED BILL**

To the President of the Senate and the Speaker of the House of Representatives:

Your first conference committee appointed on HB04-1061, concerning the utilization of child advocacy centers, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 3, line 21, strike "SHALL" and substitute "MAY REQUIRE";

line 22, strike "ENSURE";

line 25, strike "THAT REQUIRE NEUTRAL," and substitute "FOR FORENSIC

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INTERVIEWS TO BE CONDUCTED IN A MANNER WHICH IS OF A NEUTRAL,
FACT-FINDING NATURE, AND COORDINATED TO AVOID DUPLICATIVE
INTERVIEWING.";

strike lines 26 and 27.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Berry	Senator Anderson
Representative Stengel	Senator Takis
Representative Boyd	Senator Dyer

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB04-093, 098, 103, and 120.

The President has signed: HJR04-1050.

SENATE SERVICES REPORTS

To the Governor for signature on Tuesday April 13, 2004, at 2:51 p.m.

SB04-029, 057, 083, 088 and 166.

Correctly Printed: SB04-227, 228, 229, 230 and 231.

Correctly Engrossed: SB04-144.

Correctly Reengrossed: SB04-037, 071, 138, 183 and 207; SCR04-005.

Correctly Revised: HB04-1279.

Correctly Rerevised: HB04-1095 and 1381.

Correctly Enrolled: SB04-013.

TRIBUTES

Memorializing Chance Phelps -- by Senator Ron Teck and Representative Matt Smith and
Representative Gayle Berry.

Journal correction:

Page 799, line 31, strike "Education" and substitute "Appropriation".

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 April 14, 2004, was laid over until
Thursday, April 15, 2004, retaining its place on the calendar.

General Orders--Second Reading: HB04-1141, SB04-203, HB04-1080, SB04-142,
SB04-210, SB04-215, HB04-1367, SCR04-010, SCR04-009, SB04-211.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022,
SJR04-010, HJR04-1020, SJR04-017, SJR04-028, HJR04-1045, SJR04-032, HJR04-1037,
SJR04-035, SJR04-037, SJR04-038, SJR04-031, SJR04-039, SJR04-040, SJR04-042,
SJR04-043, SJR04-044, HJR04-1038.

Consideration of Memorials: SJM04-004, SJM04-003.

Consideration of Governor's Appointments:

Members of the Water Quality Control Commission;

Executive Director of the Colorado Commission on Higher Education;

Member of the University of Colorado Hospital Authority Board of Directors;

Member of the Board of Trustees of Metropolitan State College of Denver;
 Members of the Board of Trustees for Adams state College.
 Conference Committees to Report: HB04-1117, SB04-082, HB04-1236, HB04-1177,
 SB04-131, SB04-094, SB04-024, HB04-1422.
 Requests for Conference Committee: SB04-125.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, April 15, 2004.

Approved:

John Andrews
 President of the Senate

Attest:

Mona Heustis
 Secretary of the Senate