

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

Twenty-eighth Legislative Day

Tuesday, February 3, 2004

Prayer By the chaplain, Sister Alicia Cuaron - Marycrest Franciscan.

Pledge By Senator Anderson.

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

Roll Call Present--34.
Absent/Excused--1; Tupa.
Present later--Tupa.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Keller, reading of the Journal of February 2, 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 **SB04-078** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 11.

Page 3, strike lines 1 through 4.

Re-number succeeding sections accordingly.

Page 8, line 9, strike "No commission, collection fee," and substitute "~~No commission, collection fee~~";

strike lines 10 and 11 and substitute the following:

~~"or compensation conditioned upon the payment of an uncollected, deferred, or future premium shall be a liability. No bonus coupon or".~~

Page 14, strike lines 5 through 27.

Page 15, strike lines 1 through 12.

Re-number succeeding sections accordingly.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-098** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, line 2, strike "**Approval of**" and substitute "**Hearing on**";

line 3, strike "(1)";

line 7, strike "THE" and substitute "A HEARING ON THE TRANSFER HAS BEEN CONDUCTED PURSUANT TO SECTION 13-23-106 BY A COURT OR RESPONSIBLE ADMINISTRATIVE AUTHORITY.";

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

strike lines 8 through 21.

Page 8, line 20, strike "**approval of**" and substitute "**hearing on**";

line 21, strike "APPROVAL OF" and substitute "A HEARING ON".

Page 9, line 5, strike "APPROVAL OF" and substitute "A HEARING ON";

line 9, strike "ITS" and substitute "A HEARING.";

line 10, strike "AUTHORIZATION.".

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-076** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 7, after line 8, insert the following:

"SECTION 3. 6-1-106 (1) (c), Colorado Revised Statutes, is amended to read:

6-1-106. Exclusions. (1) This article does not apply to:

(c) ~~Actions or appeals pending on or before July 1, 1969~~
TELECOMMUNICATIONS AND INFORMATION SERVICE PROVIDERS OVER
WHOSE NETWORK AN ELECTRONIC MAIL MESSAGE IS TRANSMITTED.".

Renumber succeeding sections accordingly.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-128** be referred to the Committee of the Whole with favorable recommendation.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-045** be referred to the Committee of the Whole with favorable recommendation.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-001** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE REVISOR OF STATUTES

February 2, 2004

We herewith transmit:

Without comment, HB04-1071, 1023.

Without comment, as amended, HB04-1192, 1059, 1117, 1126, 1148, 1092, 1124.

INTRODUCTION OF BILLS--FIRST READING

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

HB04-1023 by Representative(s) Boyd, Miller, Rippy; also Senator(s) Entz, Hanna--Concerning the designation of Yule marble as the state rock.
Agriculture, Natural Resources & Energy

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

- HB04-1059** by Representative(s) Hoppe; also Senator(s) Hillman--Concerning additional enforcement authority regarding marketing orders issued by the commissioner of agriculture.
Agriculture, Natural Resources & Energy
- HB04-1092** by Representative(s) Spence; also Senator(s) Arnold--Concerning teachers serving in administrative capacities.
Education
- HB04-1117** by Representative(s) Rhodes; also Senator(s) Hillman--Concerning a grace period in which a health insurance carrier may reenter the Colorado insurance market without penalty.
Business Affairs & Labor
- HB04-1124** by Representative(s) Spence, Coleman, Crane, Hefley, King, Rose, White, Wiens, Williams S.; also Senator(s) Arnold, Evans--Concerning changes to the state school accountability report to add information on adequate yearly progress.
Education
- HB04-1126** by Representative(s) McCluskey, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Taylor--Concerning the continued regulation of institutions by the division of financial services, and, in connection therewith, extending the division of financial services.
Business Affairs & Labor
- HB04-1192** by Representative(s) Stengel; also Senator(s) Kester--Concerning the payment of income taxes by nonresident owners of certain pass-through entities.
Finance

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:

- SB04-117** by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a newborn child from the custody of the child's parents.

Laid over until Wednesday, February 4, retaining its place on the calendar.

- SB04-057** by Senator(s) Johnson S.; also Representative(s) Johnson R.--Concerning the provision of information on meningococcal disease to students at postsecondary institutions.

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, Phillips, and Tapia.

- HB04-1112** by Representative(s) Welker, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Sandoval--Concerning the regulation of persons licensed to deal in certain monetary instruments, and, in connection therewith, continuing the regulatory authority of the banking board and the state bank commissioner over such 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**.

HB04-1042 by Representative(s) Welker, Berry, Butcher, Cadman, Carroll, Coleman, Crane, Decker, Frangas, Garcia, Hefley, Jahn, King, Lundberg, Marshall, McFadyen, Merrifield, Miller, Rhodes, Romanoff, Salazar, Schultheis, Spence, Stafford, Weddig, Weissmann, White; also Senator(s) Jones--Concerning the requirement of demonstrating proof of motor vehicle insurance at the time a motor vehicle is registered.

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, Cairns, Chlouber, Dyer, Entz, Gordon, Groff, Grossman, Hanna, Isgar, Keller, Kester, Lamborn, May, Nichol, Phillips, Sandoval, Taylor, Teck, Tupa, Veiga, and Windels.

HB04-1103 by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning continuation of the securities board.

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	N	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: Owen.

HB04-1010 by Representative(s) King, Spradley; also Senator(s) Reeves--Concerning the elimination of certain education advisory boards.

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, Arnold, Dyer, Entz, Hanna, Kester, May, Owen, Taylor, and Teck.

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

MEMBERS OF THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

for terms expiring October 1, 2007:

James W. Hokit of Montrose, Colorado, to serve as a member from the Gunnison-Uncompahgre drainage basins with experience in planning and development and as a Republican, reappointed;

Robert Carlstrom of Walden, Colorado, to serve as a member from the North Platte drainage basin and as a Republican, reappointed.

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		

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

EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

for a term effective January 1, 2004, and expiring at the pleasure of the Governor:

Joe M. Morales of Silverthorne, Colorado to fill the vacancy occasioned by the resignation of C. Suzanne Mencer of Littleton, Colorado, appointed.

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		

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

MEMBER OF THE
COLORADO CIVIL RIGHTS COMMISSION

for a term expiring March 13, 2007:

Joseph M. Samuel of Denver, Colorado, to serve as a representative of the community at large, appointed.

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		

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE

for a term expiring January 1, 2007:

Richard G. Ballantine of Durango, Colorado, to fill the vacancy occasioned by the resignation of Ronald W. Pettigrew, and to serve as a Republican, appointed.

for a term expiring January 1, 2008:

Leonel B. Silva of Centennial, Colorado, to serve as a Democrat, reappointed;

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		

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

MEMBERS OF THE:
COLORADO EDUCATIONAL AND CULTURAL
 FACILITIES AUTHORITY BOARD OF DIRECTORS

for terms expiring June 30, 2007:

Forrest M. Cason of Lafayette, Colorado, reappointed;

David H. Kast of Colorado Springs, Colorado, reappointed.

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		

SENATE SERVICES REPORT

Correctly Engrossed: SB04-057 and 117.

Correctly Reengrossed: SB04-015, 053, 108 and 120.

Correctly Revised: HB04-1010, 1042, 1103 and 1112. HJR04-1004 and 1006.

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 3, 2004, was laid over until Wednesday, February 4, 2004, retaining its place on the calendar.

General Orders -- Second Reading of Bills: SB04-116, HB04-1007, SB04-091, SB04-115, HB04-1072, SB04-047.

Consideration of Resolutions: SJR04-008, SJR04-009.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, February 4, 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
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