

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

Eightieth Legislative Day

Friday, March 26, 2004

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Prayer	By the chaplain, Pat Harrison, Greenwood Community Church.	11
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Pledge	By Senator Hagedorn.	13
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Music Presentation	"The Star Spangled Banner", sung by the Montrose County High School Show Choir -- Cheryl Leu, Director	15
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Call to Order	By the President at 8:30 a.m.	18
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Roll Call	Present--35.	21
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Quorum	The President announced a quorum present.	23
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Reading of Journal	On motion of Senator Johnson, reading of the Journal of March 25, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	25
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COMMITTEE OF REFERENCE REPORTS

Trans- portation	The Committee on <u>Transportation</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	30
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**MEMBERS OF THE
COLORADO AERONAUTICAL BOARD**

for terms expiring December 19, 2006:

Harold W. Patton, Jr. of Greenwood Village, Colorado, to serve as a representative of local government from the eastern slope, reappointed;

Harold Jay Felderman of Greeley, Colorado, to serve as a representative of local government from the eastern slope, reappointed;

Leo M. Large of Nucla, Colorado, to serve as a representative of local government from the western slope, appointed.

MESSAGES FROM THE HOUSE

March 25, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1041

March 25, 2004
Mr. President:

The Speaker has appointed Representatives Clapp, chairman, Sinclair, and Frangas as House conferees on the First Conference Committee on HB04-1102.

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INTRODUCTION OF RESOLUTION

The following resolutions were read by title:

- HJR04-1041 by Representative(s) Boyd, Coleman, Hodge, Johnson R., Judd, Tochtrop, Witwer; also Senator(s) Hanna, Entz--Concerning the designation of March as Colorectal Cancer Awareness Month. Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-207 by Senator(s) Taylor, Johnson S.; also Representative(s) Hoppe--Concerning the welfare of pet animals, and, in connection therewith, authorizing the commissioner of agriculture to deny license renewal to people with unpaid civil penalties pursuant to the "Pet Animal Care and Facilities Act" and reestablishing the pet overpopulation fund voluntary contribution program. Agriculture, Natural Resources & Energy
SB04-208 by Senator(s) Andrews; --Concerning persistently dangerous public schools. Education
HB04-1367 by Representative(s) Weissmann; also Senator(s) Phillips--Concerning the exclusion of certain areas located within the territorial boundaries of a municipality from the area of a library district. Education

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:

- HB04-1098 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 Friday, April 2, retaining its place on the calendar.
SB04-118 by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district. Laid over until Friday, April 2, retaining its place on the calendar.
HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".

A majority of those elected to the Senate having voted in the affirmative, Senator Hillman was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.013), by Senator Hillman.

Amend revised bill, page 2, strike lines 8 through 12 and substitute the following:

"13-21-1102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) OBESITY AND MANY OTHER CONDITIONS THAT ARE DETRIMENTAL TO THE HEALTH AND WELL-BEING OF INDIVIDUALS ARE FREQUENTLY LONG-TERM MANIFESTATIONS OF POOR CHOICES THAT ARE HABITUALLY MADE BY THOSE INDIVIDUALS;

(b) DESPITE COMMERCIAL INFLUENCES, INDIVIDUALS REMAIN ULTIMATELY RESPONSIBLE FOR THE CHOICES THEY MAKE REGARDING THEIR BODY; AND

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(c) EXCESSIVE LITIGATION RESTRICTS THE WIDE RANGE OF CHOICES OTHERWISE AVAILABLE TO INDIVIDUALS WHO CONSUME PRODUCTS RESPONSIBLY."

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

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	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, Cairns, Chlouber, Dyer, Jones, May, McElhany, Owen, and Teck.

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

A majority of those elected to the Senate having voted in the affirmative, Senator McElhany was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.011), by Senator McElhany.

Amend revised bill, page 3, after line 6, insert the following:

"SECTION 2. 10-3-1110 (2), Colorado Revised Statutes, is amended to read:

10-3-1110. Regulations. (2) The commissioner may, after notice and hearing, as provided in article 4 of title 24, C.R.S., promulgate rules ~~and regulations~~ with respect to the payment of benefits under group and individual contracts of property or casualty coverage ~~except for property and casualty coverage provided pursuant to part 6 of article 4 of this title,~~ issued by organizations authorized to do business in this state under the provisions of article 4 of this title; EXCEPT THAT, TO THE EXTENT THAT A PROVISION OF THIS SUBSECTION (2) CONFLICTS WITH SECTION 10-4-634, THE PROVISIONS OF SECTION 10-4-634 SHALL GOVERN. Such rules may establish a penalty payable to the claimant on benefit payments that are delayed more than sixty days after a valid and complete filing of the claim unless there is a reasonable dispute between the parties concerning such claim. Such penalty shall not exceed twenty dollars on claims of less than one hundred dollars or interest at a rate of eight percent annually on claims above one hundred dollars. In addition to such penalties payable to the claimant, the commissioner, after notice and hearing, may assess a civil penalty against any insurer of one hundred dollars per day for each day benefit payments are delayed more than sixty days after a valid and complete filing of the claim unless there is a reasonable dispute between the parties concerning such claim."

Renumber succeeding sections accordingly.

Page 4, strike lines 21 through 27.

Page 5, strike lines 1 through 9 and substitute the following:

"(4) THE COMMISSIONER SHALL PROMULGATE RULES CONCERNING WHEN PAYMENTS FOR ANY APPLICABLE REPLACEMENT MOTOR VEHICLE SHALL BE MADE BY AN INSURER AND COLLISION WAIVERS FOR THIRD-PARTY CLAIMANT COVERAGE."

Page 27, line 19, before "This", insert "(1)";

after line 20, insert the following:

"(2) (a) Section 2 of this act shall only take effect if Senate Bill 04-125 is enacted and becomes law.

(b) Section 1 of this act shall not take effect if Senate Bill 04-125 is enacted and becomes law."

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

The question being "Shall the bill, as amended, 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**.

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.

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

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

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.

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	N	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, Chlouber, Jones, and May.

HB04-1348 by Representative(s) Mitchell; also Senator(s) McElhany--Concerning standards for permissible noise from electric transmission facilities.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	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.

Committee of the Whole On motion of Senator Chlouber, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Chlouber 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:

SB04-001 by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation.

Laid over until Friday, April 2, retaining its place on the calendar.

SB04-190 by Senator(s) Johnson S.; --Concerning the creation of liens for health care providers on moneys collected by an injured person.

Laid over until Monday, March 29, retaining its place on the calendar.

SB04-164 by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.

Laid over until Friday, April 2, retaining its place on the calendar.

HB04-1242 by Representative(s) Sinclair, Cadman, Schultheis, Berry, Crane, Fairbank, Harvey, Hefley, Johnson R., King, Lee, May M., McCluskey, Rhodes, Spence, Young; also Senator(s) McElhany--Concerning a meeting of a school district board of education at which employment contracts are negotiated.

Laid over until Friday, April 2, retaining its place on the calendar.

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 Monday, March 29, retaining its place on the calendar.

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.

Laid over until Monday, March 29, retaining its place on the calendar.

HB04-1311 by Representative(s) Frangas, Cloer, Schultheis, Hefley, Jahn, Lundberg, May M., Tochtrop, Weissmann; also Senator(s) Jones--Concerning identity theft.

As amended, Senate Journal, March 23, page 608.

Amendment No. 4(L.014), by Senator Grossman.

Amend reengrossed bill, page 4, before line 1, insert the following:

"SECTION 4. Part 1 of article 3 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

10-3-129. Prohibition - display of social security number - insurance companies. (1) AN INSURED MAY REQUIRE THAT AN INSURANCE COMPANY OR INSURER DOING BUSINESS IN COLORADO NOT USE HIS OR HER SOCIAL SECURITY NUMBER AS HIS OR HER INSURANCE IDENTIFICATION NUMBER AND AN INSURED MAY REQUIRE THAT AN INSURANCE COMPANY OR INSURER DOING BUSINESS IN COLORADO NOT DISPLAY THE INSURED'S SOCIAL SECURITY NUMBER ON HIS OR HER INSURANCE IDENTIFICATION CARD OR PROOF OF INSURANCE CARD. IF AN INSURED MAKES THE REQUEST, THE INSURANCE COMPANY OR INSURER SHALL REISSUE THE INSURED AN INSURANCE IDENTIFICATION CARD OR PROOF OF INSURANCE CARD THAT DOES NOT DISPLAY THE INSURED'S SOCIAL SECURITY NUMBER.

(2) BEGINNING JANUARY 1, 2006, AN INSURANCE COMPANY OR INSURER DOING BUSINESS IN COLORADO SHALL NOT ISSUE AN INSURANCE IDENTIFICATION CARD OR PROOF OF INSURANCE CARD THAT DISPLAYS THE INSURED'S SOCIAL SECURITY NUMBER."

Renumber succeeding section accordingly.

Amendment No. 5(L.015), by Senator Jones.

Strike the Jones amendment, as printed in the Senate Journal, March 23, page 608, lines 34 through 38 and substitute the following:

"Amend the State Veterans & Military Affairs Committee Report, dated March 17, 2004, page 1, strike lines 6 through 18 and substitute the following:

"6-1-712. Disposal of personal identifying documents - policy. (1) EACH PUBLIC AND PRIVATE ENTITY IN THE STATE THAT USES DOCUMENTS DURING THE COURSE OF BUSINESS THAT CONTAIN PERSONAL IDENTIFYING INFORMATION SHALL DEVELOP A POLICY FOR THE DESTRUCTION OR PROPER DISPOSAL OF PAPER DOCUMENTS CONTAINING PERSONAL IDENTIFYING INFORMATION."

Page 2, strike lines 1 through 6;

line 7, strike "(3)" and substitute "(2)";

strike lines 14 and 15."

As amended, ordered revised 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.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, February 6, pages 196-198 and placed in members' bill files.)

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Amendment No. 2(L.025), by Senator Evans.

Amend printed bill, page 2, line 8, strike "To" and substitute
 "(I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS
 PARAGRAPH (k), to";

line 10, strike "commissions;" and substitute "commissions.";

after line 10, insert the following:

"(II) ON AND AFTER THE EFFECTIVE DATE OF SENATE BILL 04-151,
 ANY RULE PROMULGATED BY THE STATE COMMISSION PURSUANT TO
 SUBPARAGRAPH (I) OF THIS PARAGRAPH (k) SHALL AUTOMATICALLY
 EXPIRE ON THE DECEMBER 31 FOLLOWING ITS PROMULGATION UNLESS THE
 SUPREME COURT FINDS THAT THE RULE IS WITHIN THE POWER OF THE STATE
 COMMISSION AND IS NOT CONTRARY TO ANY OTHER LAW."

Amendment No. 3(L.020), by Senator Evans.

Amend the State Veterans & Military Affairs Committee Report, dated
 February 4, 2004, page 1, strike lines 4 through 19 and substitute the
 following:

**"13-5.5-102. State commission on judicial performance -
 abolished - recreated - repeal.** (1) (a) (I) EFFECTIVE ON THE EFFECTIVE
 DATE OF SENATE BILL 04-151, THE STATE COMMISSION ON JUDICIAL
 PERFORMANCE IS ABOLISHED AND THE TERMS OF MEMBERS SERVING ON
 THE COMMISSION IMMEDIATELY PRIOR TO SUCH EFFECTIVE DATE ARE
 TERMINATED.

(II) There is hereby established the state commission on judicial
 performance, referred to in this article as the "state commission". The
 state commission shall consist of ~~ten~~ EIGHT members. The speaker of the
 house of representatives and the president of the senate shall each appoint
 one attorney and one nonattorney. The governor ~~and the chief justice of
 the supreme court~~ shall each appoint one attorney and ~~two nonattorneys~~
 ONE NONATTORNEY. THE ATTORNEY GENERAL SHALL APPOINT TWO
 NONATTORNEYS. All members of the state commission shall serve terms
 of four years; except that, of those first appointed, one person appointed
 by each appointing authority shall serve for a term of two years. ~~All
 initial appointments shall be completed by July 1, 1988. The term of any
 member of the state commission serving as of June 30, 1997, shall expire
 on November 30 of the year in which the term is scheduled to expire.~~
 The term of any member appointed on or after July 1, 1997, to replace a
 member of the state commission at the end of his or her term shall
 commence on December 1 of the year in which the previous member's
 term is scheduled to expire."."

Page 2 of the Committee Report, strike lines 1 through 16;

line 24, strike "ten" and substitute "~~ten~~ EIGHT";

line 26, strike "~~one attorney~~ TWO ATTORNEYS" and substitute "one
 attorney";

strike line 28, and substitute the following:

"shall ~~each~~ appoint one attorney and ~~two nonattorneys~~ ONE
 NONATTORNEY. THE ATTORNEY GENERAL SHALL APPOINT TWO
 NONATTORNEYS."

Page 3 of the Committee Report, line 9, strike the first "A" and substitute
 "EACH";

strike lines 10 through 20, and substitute the following:

"SERVING AS OF THE EFFECTIVE DATE OF SENATE BILL 04-151 MAY
 CONTINUE TO SERVE UNTIL THE END OF HIS OR HER TERM. ON AND AFTER
 THE EFFECTIVE DATE OF SENATE BILL 04-151, THE ATTORNEY GENERAL
 SHALL APPOINT A NONATTORNEY TO FILL ANY VACANCY ON EACH DISTRICT
 COMMISSION OF A NONATTORNEY FORMERLY APPOINTED BY THE CHIEF

JUSTICE. ON AND AFTER THE EFFECTIVE DATE OF SENATE BILL 04-151, UPON THE VACANCY OR END OF THE TERM OF THE ATTORNEY FORMERLY APPOINTED BY THE CHIEF JUSTICE AND UPON THE VACANCY OR THE END OF THE TERM OF THE FIRST NONATTORNEY FORMERLY APPOINTED BY THE GOVERNOR, NO APPOINTMENTS SHALL BE MADE."

Amendment No. 4(L.022), by Senator Evans.

Amend the State Veterans & Military Affairs Committee Report, dated February 4, 2004, page 3, strike lines 26 through 29.

Page 4, strike lines 1 through 27;

line 28, before "after", insert "Page 7,".

Amendment No. 5(L.015), by Senator Evans.

Amend printed bill, page 2, line 14, after "SHALL", insert "ANNUALLY".

Page 3, line 1, after "REPORT", insert "ANNUALLY".

Amendment No. 6(L.016), by Senator Evans.

Amend printed bill, page 3, after line 9, insert the following:

"(d) THE PRESIDENT OR CHIEF EXECUTIVE OFFICER OF EACH ORGANIZATION REGISTERED WITH THE SECRETARY OF STATE AS A NONPROFIT ORGANIZATION PURSUANT TO TITLE 7, C.R.S., THAT PROVIDES CHILD WELFARE SERVICES, DOMESTIC ABUSE AND VIOLENCE PREVENTION SERVICES, OR OTHER SERVICES INVOLVING FAMILIES IN THE DISTRICT;"

Reletter succeeding paragraph accordingly.

Amendment No. 7(L.017), by Senator Evans.

Amend printed bill, page 5, line 5, strike "AND";

after line 5, insert the following:

"(XV) ADHERENCE TO THE DIRECTIVES AND ORDERS OF THE SUPREME COURT; AND".

Renumber succeeding sub-subparagraph accordingly.

Amendment No. 8(L.023), by Senator Evans.

Amend printed bill, page 5, line 5, strike "AND";

after line 5, insert the following:

"(XV) UNDERSTANDS AND FOLLOWS THE COLORADO CODE OF JUDICIAL CONDUCT; AND".

Renumber succeeding subparagraph accordingly.

Amendment No. 9(L.024), by Senator Evans.

Amend printed bill, page 5, line 5, strike "AND";

after line 5, insert the following:

"(XV) UNDERSTANDS AND FOLLOWS THE EMPLOYMENT POLICIES OF THE JUDICIAL DEPARTMENT WHICH PREVENT CONFLICTS OF INTEREST, DISCRIMINATION, AND SEXUAL HARASSMENT; AND".

Renumber succeeding subparagraph accordingly.

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Amendment No. 10(L.018), by Senator Evans.

Amend the State Veterans and Military Affairs Committee Report, dated February 4, 2004, page 3, strike line 27 and substitute the following:

""SECTION 6. 13-5.5-106 (1) (b), (2) (b), and (3) (c), Colorado Revised"".

Page 4 of the committee report, strike lines 16 and 17 and substitute the following:

"Page 7, strike lines 1 and 2 and substitute the following:

"INFORMATION DEVELOPED UNDER THIS SUBSECTION (1.5) TO THE JUSTICE OR JUDGE AND THE CHIEF JUDGE OF THE COURT NO LATER THAN SEPTEMBER 1 OF THE YEAR IN WHICH THE EVALUATION IS CONDUCTED. EXCEPT FOR THIS RELEASE, THE NARRATIVE PROFILE, RECOMMENDATION, AND ANY OTHER RELEVANT INFORMATION DEVELOPED UNDER THIS SUBSECTION (1.5) SHALL REMAIN CONFIDENTIAL UNTIL THE JUSTICE OR JUDGE HAS FILED WITH THE SECRETARY OF STATE HIS OR HER DECLARATION OF INTENT TO RUN FOR ANOTHER TERM PURSUANT TO ARTICLE V, SECTION 25 OF THE STATE CONSTITUTION.

(2) (b) After the requirement of paragraph (a) of this subsection""; strike line 27 of the committee report and substitute the following:

"JUDGE'S NAME.

(3) (c) The district commission shall release the narrative profile and any other relevant information developed under this subsection (3) to the chief judge of the court and to the judge or magistrate no later than September 1 of the year in which the evaluation is performed. ~~By September 1 of the year in which the evaluation is performed, the narrative profile and any other relevant information developed under this subsection (3) shall also be available to the public; except that narrative profiles prepared pursuant to this subsection (3) shall not be mailed to registered voters.~~ EXCEPT FOR THIS RELEASE, THE NARRATIVE PROFILE, RECOMMENDATION, AND ANY OTHER RELEVANT INFORMATION DEVELOPED UNDER THIS SUBSECTION (3) SHALL REMAIN CONFIDENTIAL UNTIL THE JUDGE HAS FILED WITH THE SECRETARY OF STATE HIS OR HER DECLARATION OF INTENT TO RUN FOR ANOTHER TERM PURSUANT TO ARTICLE V, SECTION 25 OF THE STATE CONSTITUTION OR THE MAGISTRATE HAS FILED AN APPLICATION FOR APPOINTMENT AS A JUDGE OR JUSTICE.";

As amended, declared **lost** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole.)

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.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 10, page 480 and placed in members' bill files.)

Amendment No. 2(L.009), by Senator Lamborn.

Amend reengrossed bill, page 4, line 3, strike "TIME" and substitute "TIME.";

strike line 4.

Amendment No. 3(L.008), by Senator Lamborn.

Amend reengrossed bill, page 4, after line 12, insert the following:

"SECTION 3. The introductory portion to section 1-45-108 (3), Colorado Revised Statutes, is amended, and the said 1-45-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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1-45-108. Disclosure - repeal. (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3.5) OF THIS SECTION, all candidate committees, political committees, issue committees, small donor committees, and political parties shall register with the appropriate officer before accepting or making any contributions. Registration shall include a statement listing:

(3.5) ANY POLITICAL COMMITTEE THAT HAS REGISTERED WITH THE FEDERAL ELECTION COMMISSION MAY FILE WITH THE APPROPRIATE OFFICER A COPY OF THE REGISTRATION FILED WITH THE FEDERAL ELECTION COMMISSION AND, INsofar AS SUCH REGISTRATION CONTAINS SUBSTANTIALLY THE SAME INFORMATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE POLITICAL COMMITTEE SHALL BE CONSIDERED TO HAVE REGISTERED WITH THE APPROPRIATE OFFICER FOR PURPOSES OF SUBSECTION (3) OF THIS SECTION AND, THEREFORE, SHALL BE AUTHORIZED TO ACCEPT OR MAKE CONTRIBUTIONS AS PERMITTED BY LAW. ANY POLITICAL COMMITTEE THAT SATISFIES THE REQUIREMENTS OF THIS SUBSECTION (3.5) SHALL BE SUBJECT TO ALL OTHER LEGAL REQUIREMENTS PERTAINING TO CONTRIBUTIONS AND DISCLOSURE THAT ARE APPLICABLE TO POLITICAL COMMITTEES."

Renumber succeeding sections accordingly.

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

HB04-1078 by Representative(s) Harvey, Lundberg, Rhodes; also Senator(s) Lamborn--Concerning regulation of sexually explicit representations that are harmful to minors.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 16, page 542 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.
(For further action, see Amendments to the Report of the Committee of the Whole.)

SB04-050 by Senator(s) Lamborn; also Representative(s) Sinclair--Concerning motor vehicle carriers exempt from regulation as public utilities.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 18, pages 562-564 and placed in members' bill files.)

As amended, declared **lost** on Second Reading.

SB04-194 by Senator(s) Jones, Dyer, McElhany, May R., Cairns, Andrews, Arnold, Chlouber, Entz, Evans, Johnson S., Kester, Lamborn, Owen, Taylor, Teck; also Representative(s) Mitchell, Harvey, Brophy, Cadman, Crane, Hefley, King, Lee, May M., Wiens--Concerning the requirement that a public entity treat people equally in the operation of certain public functions, and, in connection therewith, creating the "Colorado Civil Rights Act".

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, March 19, page 583 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Hillman.

Amend printed bill, page 3, after line 23, insert the following:

"(5) NOTHING IN THIS SECTION SHALL BE INTERPRETED AS PROHIBITING A PUBLIC ENTITY FROM USING MARKETING OR PROMOTIONAL MATERIALS THAT TARGET A GROUP ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY, OR NATIONAL ORIGIN FOR THE PURPOSE OF INCREASING AWARENESS OF OPPORTUNITIES."

Renumber succeeding subsection accordingly.

As amended, declared **lost** on Second Reading.
(For further action, see Amendments to the Report of the Committee of the Whole.)

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HB04-1304 by Representative(s) Jahn, Hefley, Berry, Frangas; also Senator(s) Arnold--Concerning adoption of the revised interstate compact on juveniles.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

HB04-1376 by Representative(s) Weddig, Johnson R.; also Senator(s) Dyer--Concerning the sealing of arrest records in cases that are not adjudicated due to plea agreements.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 23, page 617 and placed in members' bill files.)

Amendment No. 2(L.011), by Senator Lamborn.

Amend the Judiciary Committee Report, dated March 22, 2004, page 2, line 5, strike "OR";

line 6, strike "ARRESTED".

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

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 (SB04-192, SB04-126, SB04-132, SB04-136 as amended) of March 26, was laid over until Monday, March 29, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

SB04-194 by Senator(s) Jones, Dyer, McElhany, May R., Cairns, Andrews, Arnold, Chlouber, Entz, Evans, Johnson S., Kester, Lamborn, Owen, Taylor, Teck; also Representative(s) Mitchell, Harvey, Brophy, Cadman, Crane, Hefley, King, Lee, May M., Wiens--Concerning the requirement that a public entity treat people equally in the operation of certain public functions, and, in connection therewith, creating the "Colorado Civil Rights Act".

Senator Jones requested a roll call vote on **SB04-194**.

Senator Fitz-Gerald moved a Call of the Senate.

Senator Jones moved the Call of the Senate be raised.

SB04-194 was declared **LOST** on the following roll call vote:

ROLL CALL VOTE ON SB04-194

YES	17	NO	18	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	N	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

HB04-1078 by Representative(s) Harvey, Lundberg, Rhodes; also Senator(s) Lamborn--Concerning regulation of sexually explicit representations that are harmful to minors.

Senator Gordon moved to amend the Report of the Committee of the Whole to show that HB04-1078, as amended, did not pass.

Senator Lamborn requested a roll call vote on the Gordon amendment to the Report of the Committee of the Whole.

ROLL CALL VOTE ON HB04-1078

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	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 amendment was adopted.

HB04-1078 as amended, declared **lost** on Second Reading.

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.

Senator Evans moved to amend the Report of the Committee of the Whole to show that SB04-151, as amended, was laid over to the general orders calendar of March 29, 2004, retaining its place on the calendar.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Chlouber, 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:

Passed on Second Reading: HB04-1311 as amended, HB04-1121 as amended, HB04-1304, HB04-1376 as amended.

Lost on Second Reading: SB04-050 as amended, SB04-194 as amended, HB04-1078 as amended.

Laid over until Monday, March 29: SB04-190, HB04-1273 as amended, HB04-1230, SB04-192, SB04-126, SB04-132, SB04-136 as amended, SB04-151 as amended.

Laid over until Friday, April 2: SB04-001, SB04-164, HB04-1242.

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1365** be referred to the Committee on Appropriations with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1351** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1393** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-205** be referred to the Committee of the Whole with favorable recommendation.

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Health, Environment, Welfare, & Institutions	The Committee on <u>Health, Environment, Welfare, and Institutions</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	1 2 3 4 5 6 7 8 9
	<u>MEMBER OF THE COLORADO COMMISSION FOR THE DEAF AND HARD OF HEARING</u>	10 11 12 13 14 15
	for a term expiring July 1, 2006:	16
	Deborah G. Mohney of Boulder, Colorado, to fill the vacancy occasioned by the resignation of James B. Duresky of Durango, Colorado, and to serve as a member who is hard of hearing, appointed.	17 18 19 20 21 22 23 24 25
Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1370 be referred to the Committee of the Whole with favorable recommendation.	26 27 28 29 30
Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1060 be postponed indefinitely.	31 32 33 34 35
Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1277 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36 37 38 39 40 41 42 43 44 45
Education	After consideration on the merits, the Committee recommends that HB04-1141 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	46 47 48 49 50
	Amend reengrossed bill, page 35, line 26, after "APPLICATION," insert "SUBJECT TO CORRECTION OF ANY DEFICIENCIES THE STATE BOARD MAY HAVE IDENTIFIED UPON REMAND,".	51 52 53 54 55 56
	Page 39, line 3, strike "SCHOOLS AND" and substitute "SCHOOLS,";	57 58
	line 4, strike "SCHOOLS." and substitute "SCHOOLS, AND PERSONS WHO CAN HELP ASSURE AWARENESS AND CONSIDERATION OF LOCAL COMMUNITY INPUT.".	59 60 61 62 63
Finance	After consideration on the merits, the Committee recommends that SB04-203 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	64 65 66 67 68 69
	Amend printed bill, page 20, line 10, after "2004," insert "IF THE GENERAL ASSEMBLY APPROPRIATES OR TRANSFERS MONEYS FROM THE GENERAL FUND IN AMOUNTS THAT WOULD REDUCE THE GENERAL FUND RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d) BELOW THE LEVEL REQUIRED BY SAID SECTION,";	70 71 72 73 74 75 76 77
	line 12, strike "AND MAY";	78 79
	strike lines 13 and 14 and substitute the following:	80 81
	"IN ORDER TO RESTORE THE GENERAL FUND RESERVE TO THE REQUIRED LEVEL.";	82 83 84
	line 15, after "2005," insert "IF THE GENERAL ASSEMBLY APPROPRIATES OR TRANSFERS MONEYS FROM THE GENERAL FUND IN AMOUNTS THAT WOULD REDUCE THE GENERAL FUND RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d) BELOW THE LEVEL REQUIRED BY SAID SECTION,";	85 86 87 88 89 90
	strike lines 18 and 19 and substitute the following:	91 92

"TO THE GENERAL FUND IN ORDER TO RESTORE THE GENERAL FUND RESERVE TO THE REQUIRED LEVEL.";

line 21, after "APPROPRIATE", insert "OR TRANSFER";

line 24, strike "2004," and substitute "2006,".

Page 31, line 10, strike "YEAR." and substitute "YEAR; EXCEPT THAT ALL SUCH MONEYS APPROPRIATED TO THE COLORADO STATE VETERANS TRUST FUND PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION SHALL REMAIN IN THE COLORADO STATE VETERANS TRUST FUND AND SHALL NOT REVERT BACK TO THE STATE RAINY DAY FUND.";

after line 10, insert the following:

"(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, TO THE EXTENT NECESSARY TO PRESERVE THE TAX-EXEMPT STATUS OF BONDS ISSUED ON A TAX-EXEMPT BASIS BY THE CORPORATION, THE GENERAL ASSEMBLY SHALL NOT DIRECTLY APPROPRIATE THE AMOUNTS TO BE APPROPRIATED PURSUANT TO SUBSECTION (1) OF THIS SECTION FROM THE STATE RAINY DAY FUND CREATED IN SECTION 24-82.5-110 (3) (a) TO THE PROGRAMS FOR WHICH THE APPROPRIATIONS ARE TO BE MADE, BUT SHALL INSTEAD APPROPRIATE SAID AMOUNTS FROM GENERAL FUND MONEYS THAT WOULD OTHERWISE BE USED TO MAINTAIN THE GENERAL FUND RESERVE REQUIRED BY SECTION 24-75-201.1 (1) (d) AND TRANSFER EQUIVALENT AMOUNTS FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND IN ORDER TO REPLENISH THE RESERVE."

Renumber succeeding subsection accordingly.

Page 36, after line 26, insert the following:

"SECTION 13. 28-5-709 (3) (b), Colorado Revised Statutes, is amended to read:

28-5-709. Colorado state veterans trust fund - created - report.

(3) (b) (I) Notwithstanding the provisions of paragraph (a) of this subsection (3), for the 2003-04, 2004-05, and 2005-06 fiscal years FISCAL YEARS COMMENCING ON OR AFTER JULY 1, 2003, twenty-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section OR MADE PURSUANT TO SECTION 24-75-1104.5 (1)(e), C.R.S., IF THE STATE PERSONNEL DIRECTOR ENTERS INTO ONE OR MORE PROPERTY SALE CONTRACTS PURSUANT TO SECTION 24-82.5-110, C.R.S., shall be credited to the trust fund and retained as principal in the trust fund, and seventy-five percent of the amount of annual appropriations made pursuant to subsection (2) of this section OR MADE PURSUANT TO SECTION 24-75-1104.5 (1) (e), C.R.S., IF THE STATE PERSONNEL DIRECTOR ENTERS INTO ONE OR MORE PROPERTY SALE CONTRACTS PURSUANT TO SECTION 24-82.5-110, C.R.S., and one hundred percent of any interest earned on the principal in the trust fund shall be subject to annual appropriation by the general assembly and may be allocated by the board for the purposes outlined in subsection (1) of this section.

(II) ~~This paragraph (b) is repealed, effective July 1, 2006."~~

Renumber succeeding sections accordingly.

INTRODUCTION OF BILL--FIRST READING

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

SB04-209

by Senator(s) Teck; --Concerning a reduction in state funding of state-supported institutions of higher education in future fiscal years for the purpose of preserving state funding for other state services, programs, and facilities, and, in connection therewith, making reductions in the amount of state general fund moneys appropriated to the governing boards of such institutions in fiscal years 2005-06 and 2006-07, authorizing governing boards to designate such institutions as enterprises for purposes of section 20 of article X of the state

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constitution, and authorizing governing boards of institutions designated as enterprises to set tuition and establish or discontinue programs independent of state governance.
Education

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SENATE SERVICES REPORT

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Correctly Engrossed: SB04-153,
Correctly Revised: HB04-1187 and 1348.
Correctly Rerevised: HB04-1244, 1251 and 1292.

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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 calendar of March 26, 2004, was laid over until Monday, March 29, 2004, retaining its place on the calendar.

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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.

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On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Monday, March 29, 2004.

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Approved:

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John Andrews
President of the Senate

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Attest:

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Mona Heustis
Secretary of the Senate

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