

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

Twenty-fourth Legislative Day

Friday, January 30, 2004

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Prayer	By the chaplain, Pastor Mike Bergman, Montview United Methodist Church.	11
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Pledge	By Senator Fitz-Gerald.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--32.	18
	Absent/Excused--3; Hagedorn, Johnson, Phillips.	19
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Quorum	The President announced a quorum present.	21
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Reading of Journal	On motion of Senator Jones, reading of the Journal of January 29, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	23
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Education	The Committee on <u>Education</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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Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	46
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Local Government	After consideration on the merits, the Committee recommends that HB04-1072 be referred to the Committee of the Whole with favorable recommendation.	62
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Local
Government

After consideration on the merits, the Committee recommends that **SB04-047** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 2 through 16.

Renumber succeeding sections accordingly.

Page 2, line 17, strike "(1) and (3)," and substitute "(1), (2), (3), and (4),".

Page 3, line 1, strike "instruments" and substitute "instruments DOCUMENTS";

after line 11, insert the following:

"(2) At least two microfilms or two optical imaging database records shall be made of each recorded ~~instrument~~ DOCUMENT, which shall be kept in separate buildings as far as reasonably may be done in order that they may not be subject to the same hazards. All sets of the microfilm and all optical imaging computer data shall be constantly under the control of the county clerk and recorder. One set of microfilm or one copy of the optical imaging database shall always be kept by the county clerk and recorder, so that the same is available to the public during the hours that said county clerk and recorder's office is open for business and so that persons desiring to inspect or examine the record may do so by means of microfilm reader and facilities or by means of optical imaging computer terminals maintained in said county clerk and recorder's office. Said records shall not be removed from the county clerk and recorder's office at any time for any purpose, except the security copy, which shall be kept in a security vault approved by the board of county commissioners and the county clerk and recorder. The security copy of the microfilm or optical image media may be deposited in the county records section of the department of personnel.";

after line 14, insert the following:

"(4) Any ~~instrument~~ DOCUMENT which cannot be satisfactorily recorded by microfilm or by optical imaging may be recorded by other methods of photographing or by transcribing by typewriter or by longhand.";

line 15, strike "AN INSTRUMENT" and substitute "A DOCUMENT";

line 19 strike "AN INSTRUMENT" and substitute "A DOCUMENT" and strike "ENDORSED IF DURING SUCH TIME";

strike lines 20 and 21 and substitute the following:

"RECORDED.";

line 26, strike "LIST" and substitute "ENTER" and strike "ON" and substitute "IN".

Page 4, line 1, strike "FROM" and substitute "AFTER" and strike "ENDORSED." and substitute "RECORDED.";

line 3, strike "amended" and substitute "amended, and the said 30-10-409 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

line 23, strike "5" and substitute "1", and strike the second "THE";

strike lines 24 through 27.

Page 5, strike lines 1 and 2;

line 3, strike "DOCUMENT." and substitute "THAT DAY. ANY DOCUMENT THAT IS RECEIVED AFTER 1 P.M. ON A BUSINESS DAY SHALL BE ENDORSED BY 5 P.M. ON THE FOLLOWING BUSINESS DAY.";

after line 7, insert the following:

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"(6) THE DEADLINES SET FORTH IN SECTIONS 30-10-407 (4.3) AND 30-10-408 (2.5) AND SUBSECTION (2) OF THIS SECTION SHALL BE EXTENDED FOR A REASONABLE PERIOD OF TIME IF A CONDITION OF DISASTER, AS DEFINED IN SECTION 24-32-2103 (1.5), C.R.S., CAUSES THE CLERK AND RECORDER'S OFFICE TO BE CLOSED.

SECTION 4. Effective date. This act shall take effect July 1, 2004."

Renumber succeeding section accordingly.

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:

SB04-022 by Senator(s) Owen; also Representative(s) Williams T.--Concerning enactment of the "Interstate Insurance Product Regulation Compact".

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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**.

SB04-110 by Senator(s) Cairns; also Representative(s) Frangas--Concerning a prohibition against transporting uncovered trash upon the highway.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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: Groff, May, and Teck.

SB04-025 by Senator(s) Tapia; also Representative(s) Butcher--Concerning the ability of the Colorado mental health institute at Pueblo to contract.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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: Chlouber, Groff, Hanna, Kester, Nichol, Sandoval, Taylor, Teck, and Tupa.

SB04-014 by Senator(s) Owen, Anderson, Teck; also Representative(s) Witwer, Plant, Romanoff, Young--Concerning county reserve account moneys under the Colorado works program.

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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: Groff, Hanna, Jones, Kester, Nichol, Tapia, and Taylor.

SB04-023 by Senator(s) McElhany; also Representative(s) Harvey--Concerning the exclusion of certain payments made by an employer to an employee for the purpose of supplementing unemployment benefits from the definition of "wages" under the "Colorado Employment Security Act".

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

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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: Jones, Lamborn, and Veiga.

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

- SB04-015** by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) Vigil, Coleman, Rhodes, Williams T.--Concerning the expansion of the offset against an inmate's state sales tax refund. 1
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Amendment No. 1, Finance Committee Amendment. 5
(Printed in Senate Journal, January 28, page 141 and placed in members' bill files.) 6
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 8
Passage. 9
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- SB04-108** by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of 11
claims under the "Unclaimed Property Act". 12
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 14
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- SB04-120** by Senator(s) Hillman; also Representative(s) Stafford--Concerning charitable trusts, and, in 16
connection therewith, permitting a charitable trust to be eligible to provide community or 17
useful public service jobs and requiring that property that is owned and used by a charitable 18
trust be treated the same as property that is owned and used by any other type of nonprofit 19
organization for the purpose of claiming a religious purpose property tax exemption. 20
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 22
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- SB04-053** by Senator(s) Owen, Reeves, Teck; also Representative(s) Spradley, King--Concerning 24
changes in the traffic laws. 25
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Amendment No. 1(L.003), by Senator Chlouber. 27
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Amend printed bill, page 2, strike lines 2 through 23. 29
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Strike page 3. 31
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Page 4, strike lines 1 through 15. 33
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Re-number succeeding sections accordingly. 35
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 38
Passage. 39
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 42
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On motion of Senator Kester, the Report of the Committee of the Whole was adopted and, 44
a majority of all members elected to the Senate having voted in the affirmative, the 45
following action was taken: 46
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Passed on Second Reading: SB04-015 as amended, SB04-108, SB04-120, SB04-053 as 48
amended. 49
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On motion of Senator Hillman, and with a majority of those elected to the Senate having 53
voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's 54
Appointments. 55
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- CONSIDERATION OF GOVERNOR'S APPOINTMENTS** 58
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On motion of Senator Cairns, the following Governor's appointment was confirmed by a 60
roll call vote: 61
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EXECUTIVE DIRECTOR 63
OF THE 64
DEPARTMENT OF LOCAL AFFAIRS 65
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for a term effective June 2, 2003 and expiring at the pleasure of the Governor: 67
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Michael L. Beasley of Highlands Ranch, Colorado to fill the vacancy occasioned by the 69
resignation of Bob Brooks, appointed. 70
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YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE
BOARD OF REAL ESTATE APPRAISERS

for terms expiring July 1, 2006:

Louis J. Garone of Westminster, Colorado, to serve as a real estate appraiser, reappointed;

Lawrence J. Depenbusch of Centennial, Colorado, to serve as a member of the public, appointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBER OF THE
STATE PERSONNEL BOARD

for a term expiring June 30, 2008:

John S. Zakhem of Littleton, Colorado, reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	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 appointments were confirmed by a roll call vote:

MEMBERS OF THE
FIRE AND POLICE PENSION ASSOCIATION
BOARD OF DIRECTORS

for terms expiring September 1, 2006:

Ronald M. Lappi of Grand Junction, Colorado, to serve as a representative of Colorado municipal employers, reappointed;

Mark S. Sunderhuse of Evergreen, Colorado, to serve as a representative of corporate administration, reappointed;

Monica Cortez-Sangster of Aurora, Colorado, to serve as a representative of the financial community with experience in insurance disability claims, appointed.

for terms expiring September 1, 2007:

Leo J. Johnson of Littleton, Colorado, to serve as a representative of special districts, reappointed;

John M. Bramble of Brighton, Colorado, to serve as a representative of Colorado municipal employers, reappointed.

YES	32	NO	0	EXCUSED	3	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	E	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	E	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

SENATE SERVICES REPORT

Correctly Engrossed: SB04-014, 022, 023, 025, and 110.

Correctly Reengrossed: SB04-106.

Senate in recess.

Senate reconvened.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

SJR04-009 by Senator(s) Taylor; also Representative(s) Rippey, White--Concerning the designation of Steamboat Springs as a Preserve America Community .

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:

SB04-174 by Senator(s) Tupa, Arnold, Cairns, Dyer, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hillman, Keller, Lamborn, Phillips, Takis, Tapia, Veiga, Windels; also Representative(s) Sinclair--Concerning a limitation on benefits that may be accepted by certain public officials.
State Veterans & Military Affairs

HB04-1069 by Representative(s) White; also Senator(s) Lamborn--Concerning deferred deposit loans.
State Veterans & Military Affairs

HB04-1084 by Representative(s) Cadman; also Senator(s) McElhany--Concerning the execution of a writ of restitution after entry of judgment in a forcible entry and detainer action.
Judiciary

HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippey, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".
Judiciary

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.
 Finance

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On motion of Senator Lamborn, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of January 30, 2004, was laid over until Monday, February 2, 2004, retaining its place on the calendar.

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Consideration of Resolutions: SJR04-008.

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On motion of Senator Lamborn, the Senate adjourned until 10:00 a.m., Monday, February 2, 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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