

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

Seventy-second Legislative Day

Thursday, March 18, 2004

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Prayer	By the chaplain, Father Chris Misuira.	11
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Pledge	By Senator Arnold.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--34.	18
	Absent/Excused--1; Evans.	19
	Present later--Evans.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Grossman, reading of the Journal of March 17, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Finance	After consideration on the merits, the Committee recommends that HB04-1244 be referred to the Committee of the Whole with favorable recommendation.	32
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Education	After consideration on the merits, the Committee recommends that SJR04-017 be referred to the Senate for final action with favorable recommendation.	36
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Education	After consideration on the merits, the Committee recommends that HB04-1230 be referred to the Committee of the Whole with favorable recommendation.	40
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Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1225 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	44
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	Amend reengrossed bill, page 4, line 20, strike "CHOOSE NOT TO PARTICIPATE IN" and substitute "OPT OUT OF".	48
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	Page 5, line 14, strike "OPT-IN" and substitute "OPT-OUT".	51
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	Page 8, line 6, strike "OPT-IN" and substitute "OPT-OUT";	53
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	line 7, after "WILL", insert "NOT";	55
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	line 8, after "INTENT", insert "NOT";	57
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	line 10, strike "OPT-IN" and substitute "OPT-OUT".	59
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	Page 9, line 10, strike " opt-in " and substitute " opt-out ";	61
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	line 11, strike "OPT-IN" and substitute "OPT-OUT";	63
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	line 13, after "WILL", insert "NOT";	65
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	line 14, after "INTENT", insert "NOT";	67

line 20, strike "ENSURE" and substitute "IN ADDITION TO NOTIFICATION ON THE BILLING STATEMENT AS REQUIRED BY SECTION 40-8.7-107, ENSURE", and strike "OPT-IN" and substitute "OPT-OUT";

line 23, strike "YEAR;" and substitute "YEAR, AND WHERE PRACTICAL ON A MONTHLY BASIS IN A STATEMENT ON THE BILL;";

line 27, strike "OPT-IN" and substitute "OPT-OUT".

Page 10, line 1, strike "IN," and substitute "OUT,";

line 2, before "BE", insert "NOT";

line 9, strike "STATEMENT AS "OPTIONAL LOW-INCOME" and substitute "STATEMENT.";

strike line 10 and substitute the following:

"THE LINE ITEM SHALL IDENTIFY THE OPTIONAL LOW-INCOME CHARGE, STATE THE AMOUNT OF THE CHARGE, AND PROVIDE AND IDENTIFY A TOLL-FREE NUMBER FOR THE CUSTOMER TO CALL TO CHOOSE NOT TO PARTICIPATE IN THE PAYMENT OF THE CHARGE, UNLESS THE".

Page 12, line 6, strike "TEN" and substitute "FIVE".

Business Affairs & Labor

After consideration on the merits, the Committee recommends that **HB04-1348** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 19 through 27 and substitute the following:

"UTILITIES COMMISSION MAY DETERMINE, WHILE REVIEWING UTILITY APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC TRANSMISSION FACILITIES, WHETHER PROJECTED NOISE LEVELS FOR ELECTRIC TRANSMISSION FACILITIES ARE REASONABLE. SUCH DETERMINATION SHALL TAKE INTO ACCOUNT CONCERNS RAISED BY PARTICIPANTS IN THE COMMISSION PROCEEDING AND THE ALTERNATIVES AVAILABLE TO A UTILITY TO MEET THE NEED FOR ELECTRIC TRANSMISSION FACILITIES. WHEN APPLYING, THE UTILITY SHALL PROVIDE NOTICE OF ITS APPLICATION TO ALL MUNICIPALITIES AND COUNTIES WHERE THE PROPOSED ELECTRIC TRANSMISSION FACILITIES WILL BE LOCATED. THE".

Page 3, strike lines 1 through 3;

line 7 strike "C.R.S., AND THE "STATE" and substitute "C.R.S.";

strike line 8.

Business Affairs & Labor

After consideration on the merits, the Committee recommends that **HB04-1234** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 18, after line 11, insert the following:

"SECTION 21. 10-4-622 (2), Colorado Revised Statutes, is amended to read:

10-4-622. Required provision for intrastate and interstate operation. (2) Nothing in this section shall be construed to require that a complying policy provide coverage while the insured motor vehicle is operated in such other jurisdictions by reason of any program, statute, law, or administrative rule in effect in such other jurisdiction by which coverage is afforded in such other jurisdiction through a government

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agency or publicly financed auto accident reparations plan such as, by way of illustration and not limitation, plans presently in effect in the province of Saskatchewan, Canada, and the commonwealth of Puerto Rico, U.S.A.".

Renumber succeeding sections accordingly.

Page 22, line 25, strike "TO AND FROM";

strike line 26;

line 27, strike "FACILITIES".

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1308** be referred to the Committee of the Whole with favorable recommendation.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1090** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 17, 2004
Mr. President:

The House has postponed indefinitely SB04-179. The bill is returned herewith.

The House has adopted and transmits herewith HJR04-1005.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title and referred to the committee indicated:

HCR04-1005 by Representative(s) Marshall, Jahn, Coleman, Carroll, Crane, Hefley, King, Lee, Miller, Mitchell, Paccione, Romanoff, Rose, Schultheis, Spence, Stengel, Weddig, Welker, White, Williams S.; also Senator(s) Anderson, Andrews, Groff, Grossman, Hillman, Sandoval, Takis--Submitting to the registered electors of the state of Colorado an amendment to sections 13, 14, and 15 of article XII, section 22 of article IV, and section 49 (3) of article V of the constitution of the state of Colorado, concerning reform of the state civil service system, and, in connection therewith, modifying the merit principle, exempting certain positions from the system, modifying the number of eligible applicants from which an appointment is to be made, modifying the residency requirement, expanding the duration of temporary employment, specifying the rule-making authority of the state personnel board and the state personnel director, authorizing a modification to the veterans' preference calculation, repealing the requirement that the state auditor's staff be included in the state personnel system, and making conforming amendments.
State Veterans & Military Affairs

HJR04-1005 by Representative(s) Spence, Hefley, Clapp, Garcia, Hoppe, King, Lee, Paccione, Stengel, Weddig, White, Williams S., Witwer; also Senator(s) Arnold--Concerning consolidation of the University of Colorado Health Sciences Center and the University of Colorado at Denver.
Laid over one day under Senate Rule 30(e).

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INTRODUCTION OF BILLS--FIRST READING

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

HB04-1309 by Representative(s) Brophy, Briggs, Merrifield; also Senator(s) Tupa, Chlouber--
Concerning the creation of a safe routes to school program, and making an appropriation in
connection therewith.
Local Government
Appropriations

HB04-1373 by Representative(s) Marshall, Jahn, Miller; also Senator(s) Anderson--Concerning
modifications to the "State Personnel System Act".
State Veterans & Military Affairs

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:

HB04-1109 by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey,
Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning the
continuation of the regulation of securities by the division of securities, and, in connection
therewith, narrowing the exemption for certain Annuities, registration of federally registered
securities, and discipline of licensees, specifying conditions for rescision of sales, and
reducing the number of required meetings of the municipal bond authority advisory
committee.

Laid over until Friday, March 19, retaining its place on the calendar.

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

SB04-153 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.

Laid over until Monday, March 22, retaining its place on the calendar.

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.

Laid over until Monday, March 22, retaining its place on the calendar.

HB04-1273 by Representative(s) Spradley and 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 and Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an
electric resource standard for renewable energy for providers of electric service.

Laid over until Monday, March 22, retaining its place on the calendar.

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- 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. 1
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As amended, Senate Journal, March 11, page 489. 4
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Laid over until Monday, March 22, retaining its place on the calendar. 6
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- 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. 8
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Laid over until Monday, March 22, retaining its place on the calendar. 12
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- HB04-1114** by Representative(s) Rose; also Senator(s) Evans--Concerning the payment of benefits under a motor vehicle policy for medical payments coverage. 14
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 17
(Printed in Senate Journal, March 11, page 486 and placed in members' bill files.) 18
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- 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. 23
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Laid over until Monday, March 22, retaining its place on the calendar. 28
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- HB04-1341** by Representative(s) Rose, Hefley; also Senator(s) Windels--Concerning prisoner processing fees collected by a county. 30
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As amended, Senate Journal, March 15, page 527. 33
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Amendment No. 3(L.009), by Senator Windels. 35
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Amend the Judiciary Committee Report, dated March 10, 2004, page 1, strike lines 1 and 2 and substitute the following: 37
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"Amend reengrossed bill, page 2, line 6, after "discharging", insert "CONVICTED"; 39
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line 9, strike "PRISONERS." and substitute "PRISONERS AT THE TIME OF COMMITMENT, BUT SHALL BE REFUNDED TO ANY PRISONER WHO IS NOT CONVICTED.";" 43
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 47
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- HB04-1271** by Representative(s) Clapp; also Senator(s) Kester--Concerning the establishment of a pilot program for the placement of children in dedicated out-of-home settings. 50
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 53
(Printed in Senate Journal, March 12, page 495 and placed in members' bill files.) 54
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As amended, laid over until Friday, March 19, retaining its place on the General Orders--Second Reading of Bills calendar. 56
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- HB04-1264** by Representative(s) Young, Plant, Witwer; also Senator(s) Teck, Owen, Reeves--Concerning billing cycles for payments to providers under the "Colorado Medical Assistance Act". 59
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 63
(Printed in Senate Journal, March 12, page 495 and placed in members' bill files.) 64
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 66
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- HB04-1343** by Representative(s) Jahn; also Senator(s) Johnson S.--Concerning the preclusion of the issuance of a court order nunc pro tunc when the order contains determinations that establish a child's eligibility under Title IV-E of the federal "Social Security Act". 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 5
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- HB04-1241** by Representative(s) Miller; also Senator(s) Chlouber--Concerning clarification of the existing exemption from sales and use tax for property purchased for resale in the regular course of business to apply to any motor vehicle purchased by a motor vehicle dealer prior to the retail sale of such vehicle. 7
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Amendment No. 1, Transportation Committee Amendment. 12
(Printed in Senate Journal, March 12, page 496 and placed in members' bill files.) 13
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 15
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- HB04-1357** by Representative(s) Rose; also Senator(s) Isgar--Concerning authorization for a winery to own a restaurant licensed to sell alcohol beverages, and, in connection therewith, allowing a winery to sell beverages of its own manufacture in such restaurant. 18
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Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment. 22
(Printed in Senate Journal, March 12, pages 508-509 and placed in members' bill files.) 23
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 25
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- HB04-1151** by Representative(s) Wiens, Plant; also Senator(s) Evans--Concerning the ability of the state of Colorado to respond to the initial attack of a wildfire. 28
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 31
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- SB04-136** by Senator(s) Arnold; also Representative(s) King--Concerning the provision of remedial assistance to high school students who perform below a certain level of proficiency in an academic area on a statewide assessment. 33
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Amendment No. 1, Education Committee Amendment. 37
(Printed in Senate Journal, March 12, pages 510-515 and placed in members' bill files.) 38
39
As amended, laid over until Friday, March 19, retaining its place on the General Orders-- Second Reading of Bills calendar. 40
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- HB04-1265** by Representative(s) Witwer, Plant, Young; also Senator(s) Reeves, Owen, Teck-- Concerning the transfer of the administration of community mental health services to specified medical assistance recipients from the department of human services to the department of health care policy and financing. 43
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 48
(Printed in Senate Journal, March 5, page 438 and placed in members' bill files.) 49
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Amendment No. 2, Appropriations Committee Amendment. 51
(Printed in Senate Journal, March 15, page 517 and placed in members' bill files.) 52
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 54
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- HB04-1177** by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health insurance, and, in connection therewith, making it a deceptive trade practice in the business of insurance to deny coverage to an individual solely on the basis that the individual donated a kidney, making it a deceptive trade practice under the consumer protection act to sell health discount services without certain disclosures, and increasing incentives for insurers to provide health benefit coverage to multiple employer welfare arrangements. 57
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Laid over until Friday, March 19, retaining its place on the calendar. 64
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- HB04-1267** by Representative(s) Plant, Witwer, Young; also Senator(s) Teck, Owen, Reeves--
Concerning the repeal of transfers to the controlled maintenance trust fund. 1
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Amendment No. 1, Appropriations Committee Amendment. 4
(Printed in Senate Journal, March 15, pages 517-518 and placed in members' bill files.) 5
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As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
9
- HB04-1039** by Representative(s) Spence; also Senator(s) McElhany--Concerning the expansion of the 10
teacher loan forgiveness pilot program to include a teacher who is hired to teach in a 11
qualified position after his or her first year of teaching. 12
13
Ordered revised and placed on the calendar for Third Reading and Final Passage. 14
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- SB04-177** by Senator(s) Gordon, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, 16
Grossman, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Sandoval, 17
Takis, Tapia, Taylor, Veiga, Windels; also Representative(s) Hefley, Stafford, Pommer, 18
Borodkin, Briggs, Carroll, Coleman, Decker, Frangas, Hodge, Jahn, Judd, Madden, 19
Marshall, McCluskey, McFadyen, McGihon, Miller, Rippy, Romanoff, Rose, Salazar, 20
Stengel, Welker, Tochtrop, Weissmann, White, Williams S.--Concerning home- and 21
community-based services under the state's medicaid program for children with autism. 22
23
Laid over until Friday, March 19, retaining its place on the calendar. 24
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- SB04-114** by Senator(s) Andrews, May R.; also Representative(s) Berry--Concerning the authority of 26
the state auditor to undertake a performance audit of the regional transportation district. 27
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Amendment No. 1, Transportation Committee Amendment. 29
(Printed in Senate Journal, February 4, page 177 and placed in members' bill files.) 30
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 32
Passage. 33
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- HB04-1369** by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Concerning 35
payment of expenses of the legislative department, and making appropriations in connection 36
therewith. 37
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Laid over until Friday, March 19, retaining its place on the calendar. 39
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- HB04-1305** by Representative(s) Jahn, Frangas, Hefley; also Senator(s) Anderson--Concerning 41
protection orders. 42
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 44
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- HB04-1366** by Representative(s) Cadman, Carroll, Hefley, King, Lee; also Senator(s) Dyer--Concerning 46
reserve officers performing law enforcement functions. 47
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 49
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- HB04-1150** by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, 51
King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) 52
Hillman--Concerning the creation of the "Commonsense Consumption Act". 53
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Laid over until Friday, March 19, retaining its place on the calendar. 55
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On motion of Senator Hillman, and with a majority of those elected to the Senate having 58
voted in the affirmative, the balance of the General Orders -- Second Reading of Bills 59
Calendar (HB04-1078, HB04-1236, HB04-1292, HB04-1368) of March 18, was laid over 60
until Friday, March 19, retaining its place on the calendar. 61
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- ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE** 65
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On motion of Senator Taylor, the Report of the Committee of the Whole was adopted and, 67

a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB04-1114 as amended, HB04-1341 as amended, HB04-1264 as amended, HB04-1343, HB04-1241 as amended, HB04-1357 as amended, HB04-1151, HB04-1265 as amended, HB04-1267 as amended, HB04-1039, SB04-114 as amended, HB04-1305, HB04-1366.

Laid over until Friday, March 19: HB04-1271 as amended, SB04-136 as amended, HB04-1177, SB04-177, HB04-1369, HB04-1150, HB04-1078, HB04-1236, HB04-1292, HB04-1368.

Laid over until Monday, March 22: SB04-153, SB04-151, HB04-1273, HB04-1187, HB04-1121, HB04-1242.

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--HJR04-1030.

CONSIDERATION OF RESOLUTION--HJR04-1030

HJR04-1030 by Representative(s) Wiens, Spradley, Plant; also Senator(s) Fitz-Gerald, McElhany-- Concerning a request that Indian gaming in Central City, Black Hawk, and Cripple Creek abide by the same rules and regulations as existing casinos.

On motion of Senator Fitz-Gerald, the resolution was **adopted** by the following roll call vote:

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	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	N		

Co-sponsors added: Andrews, Cairns, Chlouber, Entz, Hanna, Hillman, Isgar, Jones, Kester, Lamborn, May, Nichol, Phillips, Teck, and Tupa.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB04-1353** be referred to the Committee of the Whole with favorable recommendation.

Health, Environment, Welfare, & Institutions After consideration on the merits, the Committee recommends that **HB04-1379** be referred to the Committee of the Whole with favorable recommendation.

Health, Environment, Welfare, & Institutions After consideration on the merits, the Committee recommends that **SB04-196** 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 2, strike "(1) (a) and";

line 3, strike "are" and substitute "is";

line 6, strike "(1) The following persons shall be";

strike lines 7 through 18 and substitute the following:

"(1.7) A PERSON REQUIRED TO HOLD A RESTRICTED LICENSE PURSUANT TO THIS SECTION WHO IS A PERSISTENT DRUNK DRIVER AS DEFINED IN SECTION 42-1-102 (68.5), BASED ON AN OFFENSE THAT OCCURRED ON OR AFTER JULY 1, 2004, SHALL BE REQUIRED TO HOLD THE RESTRICTED LICENSE FOR AT LEAST TWO YEARS PRIOR TO BEING ELIGIBLE TO OBTAIN ANY OTHER DRIVER'S LICENSE ISSUED UNDER THIS ARTICLE."

Page 3, line 3, strike "amended" and substitute "amended, and the said 42-4-1301 is further amended BY THE ADDITION OF A NEW SUBSECTION,";

line 10, after the period, add "THE COURT, UPON SENTENCING A DEFENDANT PURSUANT TO THIS SUBPARAGRAPH (I), MAY, IN ADDITION TO ANY PENALTY IMPOSED UNDER A CLASS A TRAFFIC INFRACTION, ORDER THAT THE DEFENDANT PERFORM UP TO TWENTY-FOUR HOURS OF USEFUL PUBLIC SERVICE, SUBJECT TO THE CONDITIONS AND RESTRICTIONS OF SECTION 18-1.3-507, C.R.S., AND MAY FURTHER ORDER THAT THE DEFENDANT SUBMIT TO AND COMPLETE AN ALCOHOL EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM AT SUCH DEFENDANT'S OWN EXPENSE.";

line 12, strike "THE DISTRICT";

strike lines 13 through 15;

strike lines 19 through 21 and substitute the following:

"two years; IN ADDITION, A COURT MAY ALSO SENTENCE A DEFENDANT WHO IS TWICE OR MORE CONVICTED PURSUANT TO THIS SECTION TO A PERIOD OF UNSUPERVISED PROBATION NOT TO EXCEED TWO ADDITIONAL YEARS. As a condition of probation, the";

after line 23, insert the following:

"(8) A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION COMMITTED BY A PERSON UNDER EIGHTEEN YEARS OF AGE MAY BE FILED IN JUVENILE COURT."

Page 4, line 3, strike "42-4-1301" and substitute "42-4-1301, C.R.S.;"

line 4, strike "(2) (a.5), C.R.S.;"

after line 5, insert the following:

"SECTION 4. 42-2-124 (4), Colorado Revised Statutes, is amended to read:

42-2-124. When court to report convictions. (4) For the purposes of section 42-2-125 (1) (g), (1) (g.5), (1) (m), and (1) (n) and section 42-2-127.3, an adjudication of delinquency under title 19, C.R.S., for the acts described in such sections shall be considered to be a conviction for purposes of this section. However, an expungement of an adjudication of delinquency shall not result in a rescission of the revocation or suspension of the driving privilege unless said expungement is a result of a reversal of the adjudication on appeal."

Renumber succeeding sections accordingly.

Health,
Environment,
Welfare, &
Institutions

After consideration on the merits, the Committee recommends that **HB04-1061** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 3, strike "amended" and substitute "amended, and the said 19-3-308.5 (1) is further amended BY THE

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ADDITION OF A NEW PARAGRAPH,";

line 9, strike "FOR" and substitute "AT".

Page 3, after line 11, insert the following:

"(f) AN AGENCY THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH A CHILD ADVOCACY CENTER THAT EMPLOYS INTERVIEWERS SHALL ASSURE THAT SUCH INTERVIEWERS MEET THE TRAINING STANDARDS FOR PERSONS CONDUCTING INTERVIEWS ADOPTED BY THE AGENCY PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1). IN ADDITION, AN AGENCY THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING WITH A CHILD ADVOCACY CENTER THAT PROVIDES TECHNICAL ASSISTANCE FOR FORENSIC INTERVIEWS, FORENSIC MEDICAL EXAMINATIONS, OR EVIDENCE COLLECTION OR PRESERVATION SHALL ENSURE THAT THE CHILD ADVOCACY CENTER MEETS THE NATIONAL PERFORMANCE STANDARDS FOR CHILDREN'S ADVOCACY CENTERS AS ESTABLISHED BY THE NATIONAL ACCREDITING BODY. THESE STANDARDS INCLUDE, BUT ARE NOT LIMITED TO, STANDARDS THAT REQUIRE NEUTRAL, NON-DUPLICATIVE, AND NON-LEADING INTERVIEWS BY PROFESSIONALS SPECIFICALLY TRAINED TO CONDUCT SUCH INTERVIEWS."

Agriculture,
Natural
Resources, &
Energy

After consideration on the merits, the Committee recommends that **HB04-1243** be postponed indefinitely.

Agriculture,
Natural
Resources, &
Energy

The Committee on Agriculture, Natural Resources, and Energy has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2006:

Richard C. Kraft of Fort Morgan, Colorado, reappointed;

Robert T. Sakata of Brighton, Colorado, reappointed;

Jeffrey T. Bedingfield of Greeley, Colorado, appointed.

for terms expiring February 15, 2007:

Dr. Chris J. Wiant of Aurora, Colorado, reappointed;

Martha E. Rudolph of Denver, Colorado, reappointed;

Paul L. Grundemann of Castle Rock, Colorado, reappointed.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-050** 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 13, after "THE", insert "SCHEDULED";

strike line 15 and substitute "CONSPICUOUSLY MARKED MOTOR VEHICLE THAT SEATS AT LEAST NINE PEOPLE FOR A TRIP THAT ORIGINATES AND TERMINATES WITHIN:".

Page 3, after line 2, insert the following:

"SECTION 3. The introductory portion to 40-16-104 (1),

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Colorado Revised Statutes, is amended, and the said 40-16-104 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

40-16-104. Insurance requirements. (1) Each motor vehicle carrier exempt from regulation as a public utility shall maintain a general liability insurance policy, or, if such carrier is a public entity, a certificate of self-insurance in lieu thereof, issued pursuant to section 42-7-501, C.R.S., at the option of the public entity. Such an insurance policy shall be issued by ~~some~~ AN insurance carrier or insurer authorized to do business in Colorado for each motor vehicle of such carrier, and such certificate of self-insurance shall be issued by the executive director of the department of revenue. For ~~those~~ motor vehicle carriers exempt from regulation as public utilities specified in paragraphs (a) to ~~(f)~~ (h) of this subsection (1), such liability insurance shall be in the following minimum amounts:

(g) FOR URBAN MOTOR VEHICLE PASSENGER CARRIER SERVICE WITH A PASSENGER CAPACITY OF GREATER THAN SEVEN PEOPLE BUT FEWER THAN SIXTEEN PEOPLE, TWO MILLION FIVE HUNDRED THOUSAND DOLLARS COMBINED SINGLE LIMIT LIABILITY;

(h) FOR URBAN MOTOR VEHICLE PASSENGER CARRIER SERVICE WITH A PASSENGER CAPACITY OF GREATER THAN FIFTEEN PEOPLE BUT FEWER THAN THIRTY PEOPLE, FIVE MILLION DOLLARS COMBINED SINGLE LIMIT LIABILITY.

SECTION 4. 40-16-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-16-104. Insurance requirements. (3) NOTHING IN SUBSECTION (1) OF THIS SECTION SHALL BE CONSTRUED TO LIMIT, ABROGATE, OR EXEMPT A MOTOR CARRIER FROM OTHER INSURANCE REQUIREMENTS IMPOSED BY LAW.

SECTION 5. 40-16-105 (1), Colorado Revised Statutes, is amended to read:

40-16-105. Safety requirements. (1) (a) Motor vehicle carriers exempt from regulation as public utilities, except property carriers operating vehicles with a manufacturer's gross vehicle weight rating or gross combination rating of twenty-six thousand one pounds or more, shall comply with safety rules adopted by the public utilities commission pursuant to section 40-2-116. The commission shall have the primary responsibility for enforcement, inspection of vehicles, and supervision of drivers under this subsection (1). Nothing in this subsection (1) shall be construed to diminish the authority of the department of public safety, ~~any~~ A peace officer, or any other agent of government to enforce the laws of this state.

(b) THE PUBLIC UTILITIES COMMISSION MAY CONTRACT WITH THIRD PARTIES TO INSPECT VEHICLES FOR COMPLIANCE WITH THE SAFETY REQUIREMENTS OF THIS ARTICLE.

SECTION 6. 40-16-110 (5) (a), Colorado Revised Statutes, is amended to read:

40-16-110. Legislative declaration - federal preemption - property carriers to surrender certificates and permits - issuance by ports of entry. (5) (a) The commission may ~~in its discretion,~~ authorize the Colorado motor carrier services division in the department of revenue to issue temporary registrations to property carriers by motor vehicle for the seasonal operation of motor vehicles ~~for the purpose of transporting~~ TO TRANSPORT unprocessed agricultural produce to market or ~~to places of~~ storage. The duration of such temporary registrations shall be ninety consecutive days. An applicant shall present evidence of insurance to the port of entry ~~at the time of application~~ WHEN APPLYING or sign an

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affidavit attesting to the fact that the person making application
 APPLICANT is insured in accordance with the requirements of this article.
 Upon presentation of such evidence and payment of a fee of twenty FIFTY
 dollars per vehicle, the port of entry shall issue said A temporary
 registrations REGISTRATION as designated by the commission. The
 commission shall subsequently verify the accuracy of said THE affidavit
 by requiring that proper proof of liability insurance be filed with the
 commission after the issuance of the temporary registration. An
 applicant's failure to comply with this section shall be grounds for the
 refusal of the commission to issue any further temporary registrations to
 the applicant unless the applicant furnishes proof of currently effective
 insurance in the amounts required by this article and in a form
 satisfactory to the commission.

SECTION 7. Article 16 of title 40, Colorado Revised Statutes,
 is amended BY THE ADDITION OF A NEW SECTION to read:

40-16-111. Urban passenger service - required notice. AN
 URBAN MOTOR VEHICLE PASSENGER CARRIER SERVICE SHALL
 CONSPICUOUSLY POST THE SCHEDULE OF FARES THAT APPLY TO ALL
 ROUTES SERVED BY THE MOTOR VEHICLE IN THE MOTOR VEHICLE."

Renumber succeeding sections accordingly.

State,
 Veterans, &
 Military
 Affairs

After consideration on the merits, the Committee recommends that **HB04-1311** be
 amended as follows, and as so amended, be referred to the Committee of the Whole with
 favorable recommendation.

Amend reengrossed bill, page 2, strike lines 21 through 27 and substitute
 the following:

"SECTION 2. Part 7 of article 1 of title 6, Colorado Revised
 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
 read:

**6-1-712. Unlawful disposal of personal identifying documents
 - criminal liability.** (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT
 IDENTITY THEFT IS AN IMPORTANT CONCERN FOR CONSUMERS IN TODAY'S
 ECONOMY. UNSCRUPULOUS PERSONS OFTEN FRAUDULENTLY USE THE
 PERSONAL IDENTIFYING INFORMATION OF OTHERS TO OBTAIN GOODS AND
 SERVICES IN THE VICTIM'S NAME, COLLECTING THIS INFORMATION FROM
 DOCUMENTS CONTAINING THE INFORMATION THAT HAVE NOT BEEN
 DISPOSED OF IN A MANNER THAT PROTECTS CONSUMERS. THE GENERAL
 ASSEMBLY, THEREFORE, DECLARES THAT PROTECTION FROM IMPROPER
 DISPOSAL OF DOCUMENTS CONTAINING PERSONAL IDENTIFYING
 INFORMATION IS NECESSARY.

(2) A PERSON WHO, IN THE COURSE OF BUSINESS, ACCEPTS,
 CREATES, MAINTAINS, RECEIVES, STORES, OR REVIEWS A DOCUMENT THAT
 CONTAINS PERSONAL IDENTIFYING INFORMATION SHALL NOT KNOWINGLY
 RELINQUISH CONTROL OVER THE DOCUMENT WITHOUT ASSURING THAT ALL
 PERSONAL IDENTIFYING INFORMATION IS REMOVED FROM THE DOCUMENT
 OR MADE ILLEGIBLE OR THAT THE DOCUMENT ITSELF IS SHREDDED OR
 OTHERWISE DESTROYED IN A MANNER THAT PREVENTS A THIRD PERSON
 FROM OBTAINING THE PERSONAL IDENTIFYING INFORMATION.

(3) FOR THE PURPOSES OF THIS SECTION, "PERSONAL IDENTIFYING
 INFORMATION" MEANS: A SOCIAL SECURITY NUMBER; A PERSONAL
 IDENTIFICATION NUMBER; A PASSWORD; A PASS CODE; AN OFFICIAL STATE
 OR GOVERNMENT-ISSUED DRIVER'S LICENSE OR IDENTIFICATION CARD
 NUMBER; A GOVERNMENT PASSPORT NUMBER; BIOMETRIC DATA; AN
 EMPLOYER, STUDENT, OR MILITARY IDENTIFICATION NUMBER; OR A
 FINANCIAL TRANSACTION DEVICE.

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(4) A VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN SECTION 18-1.3-501, C.R.S."

Strike page 3.

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1153** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 2 through 5.

Strike page 3.

Page 4, strike lines 1 through 12.

Renumber succeeding sections accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1175** be postponed indefinitely.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1066** be referred to the Committee of the Whole with favorable recommendation.

MESSAGE FROM THE HOUSE

March 18, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1277, amended as printed in House Journal, March 17, pages 575-576 and on March 17, pages 889-891.
HB04-1351, amended as printed in House Journal, March 17, page 891.
HB04-1393, amended as printed in House Journal, March 17, page 892.

The House has passed on Third Reading and returns herewith SB04-182,089,063,147.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-152, amended as printed in House Journal, March 17, page 892.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-007, amended as printed in House Journal, March 17, page 889, and amended on Third Reading as printed in House Journal, March 18.

The House has adopted and transmits herewith HJR04-1032

The House has adopted and transmits herewith HJR04-1033, and amended as printed in House Journal, March 18.

The House has adopted and transmits herewith HJR04-1027, and amended as printed in House Journal, March 18.

The House has postponed indefinitely SB04-019, & 129. The bills are returned herewith.

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INTRODUCTION OF BILL--FIRST READING

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

SB04-203

by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes.
Finance

MESSAGE FROM THE GOVERNOR

March 17, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.04-096 – Concerning The Transfer Of Interests In Telecommunication Utility Assets That Are Not Used In The Provision Of Regulated Services Without Authorization By The Public Utilities Commission.

Approved March 17, 2004 at 1:36 P.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 3-17-04, 3:40 p.m.
Mona Heustis, Secretary of the Senate

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB04-009, 012, 013, 015, 021, 023, 025, 026, 127, and 128.

SENATE SERVICES REPORT

To the Governor for signature on Wednesday, March 17, 2004, at 11:46 a.m.

SB04-009, 012, 013, 015, 021, 023, 025, 026, 127 and 128.

Correctly Printed: SB04-202.
Correctly Enrolled: SB04-110 and 116.

TRIBUTES

Honoring:
First Lieutenant Aaron Sherbondy -- by Senator Ron May;
Mr. Yang Chee -- by Senator Alice Nichol;
The Smoky Hill Trail Chapter of the National Daughters of the American Revolution --
by Senator John Evans.

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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 18, 2004, was laid over until Friday, March 19, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029, SJR04-026.
Consideration of House Amendments to Senate Bills: SB04-082, SB04-041, SB04-108, SB04-117, SB04-157, SB04-098, SB04-131, SB04-084.

Consideration of Governor's Appointments:

Members of the Read-To-Achieve Board.

Consideration of Conference Committees Report: HB04-1112.

Conference Committees to Report: HB04-1072, HB04-1280.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, March 19, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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