

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

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Eighty-fifth Legislative Day

Wednesday, March 31, 2004

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Prayer	By the chaplain, Pastor Chuck Wysong.	10
Pledge	By Senator Jones.	11
Call to Order	By the President at 9:00 a.m.	12
Roll Call	Present--29. Absent/Excused--6; Cairns, Dyer, Gordon, Reeves, Tapia, Teck.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Jones, reading of the Journal of March 30, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**COMMITTEE OF REFERENCE REPORTS**

State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>SB04-202</b> be postponed indefinitely.	16
State, Veterans, & Military Affairs	After consideration on the merits, the Committee recommends that <b>HB04-1384</b> be referred to the Committee of the Whole with favorable recommendation.	17
Business Affairs & Labor	After consideration on the merits, the Committee recommends that <b>SB04-204</b> be referred to the Committee of the Whole with favorable recommendation.	18

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**MESSAGE FROM THE HOUSE**

March 30, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1279, amended as printed in House Journal, March 29, pages 1114-1115.  
HB04-1386, amended as printed in House Journal, March 29, pages 1117-1118.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-105, amended as printed in House Journal, March 29, pages 1115-1116.  
SB04-024, amended as printed in House Journal, March 29, page 1116.  
SB04-094, amended as printed in House Journal, March 29, pages 1116-1117.  
SB04-145, amended as printed in House Journal, March 29, page 1118.  
SB04-188, amended as printed in House Journal, March 29, page 1118.

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MESSAGE FROM THE REVISOR OF STATUTES

March 30, 2004

We herewith transmit:

Without comment, as amended, HB04-1279 and 1386.

Without comment, as amended, SB04-105, 24, 94, 45, and 188.

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:

HB04-1351 by Representative(s) Hoppe, Stengel, Briggs, Brophy, McCluskey, Rose, Salazar, Wiens, Young; also Senator(s) Taylor--Concerning the state board of stock inspection commissioners, and, in connection therewith, changing the fiscal policies of such board and the division of brand inspection to allow operation as an enterprise for purposes of section 20 of article X of the state constitution.

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

Table with 4 columns: YES (29), NO (0), EXCUSED (6), ABSENT (0). Rows list names and their votes (Y, E).

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared passed.

Co-sponsors added: Chlouber, Entz, Fitz-Gerald, Hillman, Isgar, Kester, and Phillips.

SB04-178 by Senator(s) Lamborn; also Representative(s) Mitchell--Concerning the promotion of anatomical donations, and, in connection therewith, eliminating the requirement that an individual who chooses to authorize an anatomical donation by driver's license or identification card sign the back of the license or card, requiring the department of revenue to place contact information for the organ and tissue donor registry on the back of each minor driver's license, driver's license, and state identification card, adding a line to Colorado state individual income tax return forms that allows an individual taxpayer to make a voluntary contribution to the organ and tissue donation awareness fund, and making an appropriation in connection therewith.

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

Table with 4 columns: YES (29), NO (0), EXCUSED (6), ABSENT (0). Rows list names and their votes (Y, E).

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared passed.

Co-sponsors added: Chlouber, Groff, Grossman, Hanna, Isgar, Jones, Keller, May, McElhany, Nichol, Sandoval, Veiga, and Windels.

**SB04-154** by Senator(s) Anderson; also Representative(s) Stengel--Concerning registration of persons who engage in unlawful sexual behavior.

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

YES	29	NO	0	EXCUSED	6	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	E
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	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	E	Mr. President	Y
Gordon	E	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 and May.

**SB04-165** by Senator(s) Hillman; also Representative(s) Brophy--Concerning fiscal analysis of changes in the employer contribution rate to the public employees' retirement association.

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

YES	29	NO	0	EXCUSED	6	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	E
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	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	E	Mr. President	Y
Gordon	E	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: Taylor.

**SB04-134** by Senator(s) Hillman; also Representative(s) Brophy, Hoppe--Concerning the funding of offices of district attorneys.

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

YES	29	NO	0	EXCUSED	6	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	E
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	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	E	Mr. President	Y
Gordon	E	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: Grossman, Kester, Phillips.

**SB04-078** by Senator(s) Groff; also Representative(s) Hall--Concerning administration by the insurance commissioner of provisions to ensure the financial responsibility of insurance companies, and making an appropriation in connection therewith.

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

YES	29	NO	0	EXCUSED	6	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	E
Cairns	E	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	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	E	Mr. President	Y
Gordon	E	Keller	Y	Sandoval	Y		

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

Committee of the Whole

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

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 to HB04-1393.

**HB04-1393** by Representative(s) White, Cadman, Garcia, Merrifield, Miller, Rippy, Rose, Spradley; also Senator(s) Taylor, Andrews, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn, McElhany-- Concerning amendments to the Colorado "Ski Safety Act of 1979" to reflect evolution in the sport of skiing.

Amendment No. 1(L.004), by Senator Grossman.

Amend reengrossed bill, page 2, line 4, strike "A NEW SUBSECTION," and substitute "THE FOLLOWING NEW SUBSECTIONS,";

after line 12, insert the following:

"(3.1) "EXTREME TERRAIN" MEANS ANY PLACE WITHIN THE SKI AREA BOUNDARY THAT CONTAINS CLIFFS WITH A MINIMUM TWENTY-FOOT RISE OVER A FIFTEEN-FOOT RUN, AND SLOPES WITH A MINIMUM FIFTY-DEGREE AVERAGE PITCH OVER A ONE-HUNDRED-FOOT RUN.";

line 19, strike "BUT NOT LIMITED TO";

line 23, after "CLIFFS," , insert "EXTREME TERRAIN,".

Page 4, line 12, after "~~skiing~~," , insert "THE SKI AREA'S EXTREME TERRAIN SHALL BE SIGNED AT THE COMMONLY USED ACCESS DESIGNATED WITH TWO BLACK DIAMONDS CONTAINING THE LETTERS "E" IN ONE AND "X" IN THE OTHER IN WHITE AND THE WORDS "EXTREME TERRAIN".".

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 (SB04-190, SB04-136 as amended, SB04-151 as amended, HB04-1141, SB04-203, SB04-189) of March 31, was laid over until Thursday, April 1, retaining its place on the calendar.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Sandoval, 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: HB04-1393 as amended.  
Laid over until Thursday, April 1: SB04-190, SB04-136 as amended, SB04-151 as amended, HB04-1141, SB04-203, SB04-189

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1095** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, after line 5, insert the following:

**"SECTION 2.** 24-10-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**24-10-111. Judgment against public entity or public employee - effect - no payment of attorneys fees in certain types of cases.**

(4) THERE SHALL BE NO AWARD OF ATTORNEY FEES PURSUANT TO SECTION 13-17-102 OR 13-17-201, C.R.S., NOR AN AWARD OF COSTS PURSUANT TO SECTION 13-16-113 (2), C.R.S., IN ANY LAWSUIT FILED PRIOR TO JULY 1, 2003, OR MAINTAINED IN GOOD FAITH RELIANCE UPON THE ERRONEOUS COLORADO SUPREME COURT HOLDINGS IN *CITY OF LONGMONT V. HENRY-HOBBS*, 50 P.3D 906 (COLO. 2002) AND *CITY OF COLORADO SPRINGS V. POWELL*, 48 P.3D 561 (COLO. 2002) THAT IS DISMISSED PURSUANT TO HOUSE BILL 03-1288."

Renumber succeeding sections accordingly.

Page 3, line 14, strike "2003." and substitute "2003 as to which no final unappealable judgment has been entered."

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1387** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, strike lines 19 through 27.

Page 5, strike lines 1 through 23.

Renumber succeeding sections accordingly.

Page 7, strike lines 2 through 27.

Strike page 8.

Strike page 9.

Page 10, strike lines 1 through 11.

Renumber succeeding sections accordingly.

Judiciary

After consideration on the merits, the Committee recommends that **HB04-1395** be referred to the Committee of the Whole with favorable recommendation.

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Judiciary After consideration on the merits, the Committee recommends that **HB04-1083** be postponed indefinitely. 1  
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Judiciary After consideration on the merits, the Committee recommends that **HB04-1388** be referred to the Committee of the Whole with favorable recommendation. 4  
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**MESSAGE FROM THE GOVERNOR**

March 29, 2004 10  
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To the Honorable Senate 12  
Sixty-fourth General Assembly 13  
Second Regular Session 14  
Denver, CO 80203 15  
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Ladies and Gentlemen: 17  
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I have the honor to inform you that I have approved and filed with the Secretary of State the following act: 19  
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**S.B.04-090** – Concerning The Confidentiality Of Information Regarding Investments Made By The Public Employees' Retirement Association. 22  
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Approved March 29, 2004 at 4:04 P.M. 25  
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Sincerely, 27  
(signed) 28  
Bill Owens 29  
Governor 30  
Rec'd: 3/30/04, 10:40 a.m. 31  
Karen Kuhlmann 32  
Asst. Secretary of the Senate 33  
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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SB04-064. 36  
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**SENATE SERVICES REPORTS**

**Correctly Printed:** SB04-214, 215 and 216. 42  
**Correctly Engrossed:** SB04-078, 134, 154, 165 and 178. 43  
**Correctly Reengrossed:** SB04-126, 132, 192, 201 and 205; SJR04-025. 44  
**Correctly Rerevised:** HB04-1370, 1383 and 1402; HJR04-1005, 1027, and 1029. 45  
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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 31, 2004, was laid over until Thursday, April 1, 2004, retaining its place on the calendar. 51  
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Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, HJR04-1020, SJR04-017, SJR04-028, HJR04-1045. 56  
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Consideration of House Amendments to Senate Bills: SB04-108, SB04-137, SB04-115, SB04-125, SB04-013. 59  
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Consideration of Governor's Appointments: 61  
Members of the Water Quality Control Commission. 62  
Consideration of Conference Committee Reports: HB04-1102. 63  
Conference Committees to Report: HB04-1072, HB04-1117, SB04-082. 64  
Requests for Conference Committee: HB04-1236, SB04-131. 65  
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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Thursday, April 1, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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