

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

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Fifty-second Legislative Day Friday, February 27, 2004

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- Prayer By the chaplain, Father Chris Misuira.
- Pledge By Senator Groff.
- Call to Order By the President at 9:00 a.m.
- Roll Call Present--32.  
Absent/Excused--3; Cairns, Lamborn, Phillips.  
Present later--Cairns, Phillips.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Tapia, reading of the Journal of February 26, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

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**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:

**HB04-1363** by Representative(s) King, Spradley; also Senator(s) Kester--Concerning participation in activities not offered within a student's school district.

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

YES	33	NO	0	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	E	Tapia	Y
Cairns	E	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.

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On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1129, HB04-1182, HB04-1047, HB04-1166 were made Special Orders at 9:12 a.m.

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Committee of the Whole The hour of 9:12 a.m. having arrived, Senator Kester moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Kester was called to the Chair to act as Chairman.

**SPECIAL 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:

**HB04-1129** by Representative(s) Stafford; also Senator(s) Entz--Concerning property taken by a county for delinquent taxes.

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

**HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.

Amendment No. 1, Local Government Committee Amendment.

(Printed in Senate Journal, February 20, page 338 and placed in members' bill files.)

Amendment No. 2(L.022), by Senator Hillman.

Amend the Local Government Committee Report, dated February 19, 2004, page 1, line 3, strike "PROPERTY." and substitute "PROPERTY. IF THE OWNER ELECTS TO DEMOLISH THE CONTAMINATED PROPERTY, THE GOVERNING BODY WITH JURISDICTION OVER THE AREA WHERE THE PROPERTY IS LOCATED MAY REQUIRE THE OWNER TO FENCE OFF THE PROPERTY OR OTHERWISE MAKE IT INACCESSIBLE TO PERSONS FOR OCCUPANCY OR INTRUSION.";

after line 3, insert the following:

"strike lines 19 through 21 and substitute the following:

"CERTIFIED INDUSTRIAL HYGIENIST OR AN INDUSTRIAL HYGIENIST AS DEFINED BY SECTION 24-30-1402, C.R.S., AND AS EVIDENCED BY A COPY OF THE RESULTS PROVIDED TO THE GOVERNING BODY, OR HAS DEMOLISHED THE PROPERTY, COMPLIANCE WITH THE STANDARDS SHALL";

line 24, strike "PROPERTY" and substitute "PROPERTY, OR A NEIGHBOR OF SUCH PROPERTY,";

line 25, after "INJURY", insert "OR LOSS".

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.)

**HB04-1047** by Representative(s) Rose; also Senator(s) Hagedorn--Concerning the authority of a county to require certain persons who receive child care assistance to cooperate with child support enforcement efforts.

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

**HB04-1166** by Representative(s) McCluskey, Hall, Rippey, Williams T.; also Senator(s) McElhany--Concerning an increase in the amount of moneys transferred by the state board for community colleges and occupational education from the Colorado customized training program to the Colorado existing industry training program.

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

**AMENDMENT TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**HB04-1182** by Representative(s) Cloer, Boyd, Clapp, Coleman, Frangas, Jahn, Stafford, Tochtrop, White, Wiens; also Senator(s) Hillman, Sandoval--Concerning standards for the cleanup of illegal drug laboratories.

Senator Hillman moved to amend the Report of the Committee of the Whole to show that the following amendment to HB04-1182 did pass.

Amend reengrossed bill, page 3, line 4, strike "PUBIC" and substitute "PUBLIC".

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared passed.

#### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Kester, 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: HB04-1129, HB04-1182 as amended, HB04-1047, HB04-1166.

#### COMMITTEE OF REFERENCE REPORTS

Education After consideration on the merits, the Committee recommends that **HB04-1037** 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 7 through 11 and substitute the following:

"(a) "AMERICAN SIGN LANGUAGE" MEANS THE NATURAL LANGUAGE RECOGNIZED GLOBALLY THAT IS USED BY MEMBERS OF THE DEAF COMMUNITY AND THAT IS LINGUISTICALLY COMPLETE WITH UNIQUE RULES FOR LANGUAGE STRUCTURE AND USE, THAT INCLUDE PHONOLOGY, MORPHOLOGY, SYNTAX, SEMANTICS, AND DISCOURSE."

Page 3, line 23, strike "COURSES; AND" and substitute "COURSES, EXCEPT THOSE REQUIREMENTS RELATED TO THE CONTENT OF THE ACADEMIC MAJOR; AND".

Page 4, strike lines 7 through 11 and substitute the following:

"(a) "AMERICAN SIGN LANGUAGE" MEANS THE NATURAL LANGUAGE RECOGNIZED GLOBALLY THAT IS USED BY MEMBERS OF THE DEAF COMMUNITY AND THAT IS LINGUISTICALLY COMPLETE WITH UNIQUE RULES FOR LANGUAGE STRUCTURE AND USE, THAT INCLUDE PHONOLOGY, MORPHOLOGY, SYNTAX, SEMANTICS, AND DISCOURSE."

Education After consideration on the merits, the Committee recommends that **HB04-1137** 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 16, after the period, add "THE SCHOOL SHALL BE DEEMED TO HAVE MADE A REASONABLE ATTEMPT TO CONTACT THE PARENT, GUARDIAN, OR LEGAL OR PHYSICAL CUSTODIAN IF THE SCHOOL CALLS EACH OF THE PHONE NUMBERS THE PARENT, GUARDIAN, OR LEGAL OR PHYSICAL CUSTODIAN PROVIDES TO THE SCHOOL AND ALL PHONE NUMBERS THE STUDENT PROVIDES TO THE SCHOOL FOR THE PARENT, GUARDIAN, OR LEGAL OR PHYSICAL CUSTODIAN."

Education After consideration on the merits, the Committee recommends that **HB04-1194** be referred to the Committee of the Whole with favorable recommendation.

Finance After consideration on the merits, the Committee recommends that **HB04-1022** be referred to the Committee of the Whole with favorable recommendation.

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Finance After consideration on the merits, the Committee recommends that **HB04-1071** be referred to the Committee of the Whole with favorable recommendation.

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**INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

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**SJR04-022** by Senator(s) Hillman; also Representative(s) Mitchell--Concerning a request that the United States Senators of the state of Colorado support a floor vote for President Bush's judicial nominees.  
Laid over one day under Senate Rule 30(b).

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**INTRODUCTION OF BILLS--FIRST READING**

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

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**HB04-1067** by Representative(s) Coleman; also Senator(s) Taylor--Concerning the conversion of state refunds of business personal property taxes owed by the department of revenue to a taxpayer into unclaimed property for which a claim may be filed under the "Unclaimed Property Act" when the refund is represented by a warrant that has been cancelled in accordance with law.  
Finance

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**HB04-1093** by Representative(s) McFadyen, Miller, Rose, Salazar, Tochtrop; also Senator(s) Hillman, Entz, Isgar--Concerning a preference for the purchase of Colorado agricultural products by governmental entities.  
Agriculture, Natural Resources & Energy

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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.  
State Veterans & Military Affairs

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**HB04-1175** by Representative(s) Boyd, Sinclair; also Senator(s) Veiga--Concerning the availability of emergency contraception to a survivor of a sexual assault.  
State Veterans & Military Affairs

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**HB04-1210** by Representative(s) Williams T.; also Senator(s) McElhany--Concerning authority of the insurance commissioner to promulgate rules related to the administration of medical payments coverage for the purposes of motor vehicle insurance.  
Business Affairs & Labor

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**HB04-1218** by Representative(s) Fairbank; also Senator(s) Anderson--Concerning municipal court marshals.  
Judiciary

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**HB04-1224** by Representative(s) Paccione; also Senator(s) McElhany, Lamborn--Concerning allowing minors to serve as directors of nonprofit corporations.  
Business Affairs & Labor

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**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.  
Education

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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.  
Transportation

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**HB04-1248** by Representative(s) Coleman, Rhodes, Vigil, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the distribution of tobacco products.  
Finance

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- HB04-1270** by Representative(s) Stengel; also Senator(s) Dyer--Concerning extradition proceedings. 1  
 Judiciary 2  
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- HB04-1305** by Representative(s) Jahn, Frangas, Hefley; also Senator(s) Anderson--Concerning 4  
 protection orders. 5  
 Judiciary 6  
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- HB04-1348** by Representative(s) Mitchell; also Senator(s) McElhany--Concerning standards for 8  
 permissible noise from electric transmission facilities. 9  
 Business Affairs & Labor 10  
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- HB04-1369** by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Concerning 12  
 payment of expenses of the legislative department, and making appropriations in connection 13  
 therewith. 14  
 Appropriations 15  
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- HB04-1353** by Representative(s) Schultheis, Coleman, Crane, Decker, Frangas, Garcia, Hall, Harvey, 17  
 Jahn, King, Larson, Lee, May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop, Vigil, 18  
 Weddig, Welker, Williams S.; also Senator(s) Cairns--Concerning immunity from liability 19  
 for harm related to emergency activities. 20  
 Judiciary 21  
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- HB04-1356** by Representative(s) Smith; also Senator(s) Kester--Concerning an increase in the amount 23  
 of income that an owner of certain tax exempt property may earn from the rental of the 24  
 property. 25  
 Local Government 26  
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- HB04-1357** by Representative(s) Rose; also Senator(s) Isgar--Concerning authorization for a winery to 28  
 own a restaurant licensed to sell alcohol beverages, and, in connection therewith, allowing a 29  
 winery to sell beverages of its own manufacture in such restaurant. 30  
 Agriculture, Natural Resources & Energy 31  
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### SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR04-019. 35  
 The President has signed: SJR04-018. 36  
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### SENATE SERVICES REPORTS

**Correctly Printed:** SB04-195. 42  
**Correctly Reengrossed:** SB04-115. 43  
**Correctly Revised:** HB04-1363 and HJR1015. 44  
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To the Governor for signature on Thursday, February 26, 2004, at 11:01 a.m. 46  
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SB04-106. 48  
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### TRIBUTES

Honoring John Burnett -- by Senator John Andrews and Representative Lola Spradley. 52  
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On motion of Senator Hillman, and with a majority of those elected to the Senate having 56  
 voted in the affirmative, the balance of the calendar of February 27, 2004, was laid over 57  
 until Monday, March 1, 2004, retaining its place on the calendar. 58  
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Second Reading--General Orders: HB04-1273. 62  
 Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-017, 63  
 SJR04-020, SJR04-021, HJR04-1021. 64  
 Consideration of Memorial: SJM04-001. 65  
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On motion of Senator Hillman, the Senate adjourned until 11:00 a.m., Monday, March 1, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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