	SENATE JOURNAL Sixty-fourth General Assembly STATE OF COLORADO Second Regular Session	
	Fifty-fifth Legislative Day Monday, March 1, 200	- 4
Prayer	By the chaplain, Reverend Bill Calhoun, Montview Blvd. Presbyterian Church.	1
Pledge	By Senator Chlouber.	1
Call to Order	By the President at 11:00 a.m.	1 1 1
Roll Call	Present33. Absent/Excused2; Hillman, Taylor. Present laterTaylor.	1 1 1 2 2
Quorum	The President announced a quorum present.	2
Reading of Journal	On motion of Senator Veiga, reading of the Journal of February 27, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	2 2 2 2 2
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	COMMITTEE OF REFERENCE REPORTS	2
Health, Environment, Welfare, & Institutions	The Committee on <u>Health, Environment, Welfare, and Institutions</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	3333
	MEMBERS OF THE AIR QUALITY CONTROL COMMISSION	3333
	for terms expiring January 31, 2007:	3
	Robert E. Brady, Jr. of Lakewood, Colorado, to serve as a member with industrial experience and as a Republican, reappointed;	4
	Jim Evans of Grand Junction, Colorado, to serve as a member with private sector employmer experience and as an Unaffiliated, reappointed;	4
	Christopher J. Neumann of Denver, Colorado, to serve a member with technical experience and as a Republican, appointed.	4
Health, Environment, Welfare, & Institutions	After consideration on the merits, the Committee recommends that HB04-1049 be referred to the Committee of the Whole with favorable recommendation.	5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1215 be referred to the Committee of the Whole with favorable recommendation.	5d 5
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1214 be referred to the Committee of the Whole with favorable recommendation.	6

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1211** be referred to the Committee of the Whole with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **SB04-183** be referred to the Committee on <u>Appropriations</u> with favorable recommendation.

Agriculture, Natural Resources, & Energy After consideration on the merits, the Committee recommends that **HB04-1155** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-028** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, after line 12, insert the following:

"SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2004, the sum of twenty-one thousand seven hundred forty-one dollars (\$21,741), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from gifts, grants, and donations in the Native American substance abuse treatment cash fund created in section 26-4-423, Colorado Revised Statutes. In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2004, the department of health care policy and financing will receive the sum of twenty-one thousand seven hundred forty-one dollars (\$21,741) in federal funds for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds."

Renumber succeeding section accordingly.

Page 1, line 102, strike "AMERICANS." and substitute "AMERICANS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH."

Appropriations

After consideration on the merits, the Committee recommends that **SB04-058** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **SB04-059** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-097** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-176** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 7, after line 7, insert the following:

"SECTION 5. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, from the conservation trust fund created in section 29-21-101, Colorado revised statutes, to the department of local affairs, for the fiscal year beginning July 1, 2004, the sum of fifty thousand and one dollars (\$50,001) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2004, the sum of three thousand forty dollars (\$3,040), or so much thereof as may be necessary, for the provision of legal services to the department of local affairs, for the implementation of this act. Such sum

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shall be from cash funds exempt received from the department of local affairs out of the appropriation made in subsection (1) of this section.".

Renumber succeeding sections accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-111** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-148** 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 6 through 8 and substitute the following:

"TAX INVESTIGATIVE AUDITOR WHO IS P.O.S.T. CERTIFIED IS A PEACE OFFICER";

line 9, strike "THEIR" and substitute "HIS OR HER";

line 12, strike "COLORADO AND WHO MAY BE CERTIFIED BY THE";

strike line 13 and substitute the following:

"COLORADO. AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT OTHERWISE REQUIRES, "TAX INVESTIGATIVE AUDITOR" MEANS A TAX INVESTIGATIVE AUDITOR FOR THE CRIMINAL TAX ENFORCEMENT SECTION IN THE TAXATION AND COMPLIANCE DIVISION IN THE DEPARTMENT OF REVENUE AND THE DIRECTOR OF SUCH SECTION.";

line 16, after "REVENUE", insert "WHO IS P.O.S.T. CERTIFIED";

strike lines 20 and 21;

line 22, strike "SECTION ARE PEACE OFFICERS" and substitute "WHO IS P.O.S.T. CERTIFIED IS A PEACE OFFICER";

line 23, strike "THEIR" and substitute "HIS OR HER";

line 24, strike "C.R.S., AND WHO MAY BE";

strike line 25 and substitute the following:

"C.R.S. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "TAX COMPLIANCE AGENT" MEANS A TAX COMPLIANCE AGENT FOR THE TAX COMPLIANCE SECTION IN THE TAXATION AND COMPLIANCE DIVISION IN THE DEPARTMENT OF REVENUE AND THE DIRECTOR OF SUCH SECTION.".

Page 3, after line 3, insert the following:

"SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the provisions of this act."

Renumber succeeding section accordingly.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-171** be referred to the Committee of the Whole with favorable recommendation.

MESSAGES FROM THE HOUSE

February 27, 2004 Mr. President:

The House has adopted and transmits herewith HJR04-1023.

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February 27, 2004 Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1151, amended as printed in House Journal, February 26, page 656.

The House has passed on Third Reading and returns herewith SB04-067,012,026,096.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-035, amended as printed in House Journal, February 26, page 656. SB04-062, amended as printed in House Journal, February 26, page 657.

The House has voted not to concur in the Senate amendments to HB04-1112 and requests that a conference committee be appointed. The House has granted authorization to go beyond the scope of the differences. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB04-1038, 1052, 1100, 1110, 1005, 1152, 1055, 1002, 1013 and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB04-1072 and requests that a conference committee be appointed. The Speaker has appointed Representatives May, chairman, Berry, and Ragsdale as House conferees on the First Conference Committee on HB04-1072. The bill is transmitted herewith.

February 27, 2004 Mr. President:

The Speaker has appointed Representatives Welker, chairman, Wiens, and Miller as House conferees on the First Conference Committee on HB04-1112.

MESSAGE FROM THE REVISOR OF STATUTES

February 27, 2004

We herewith transmit:

Without comment, as amended, SB04-35, 62. Without comment, as amended, HB04-1151.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR04-1023 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-Concerning the certification by the General Assembly of the amount of state education fund revenues that should be considered available for appropriation for the 2004-05 state fiscal year.

Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILL--FIRST READING

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

SB04-196 by Senator(s) Hagedorn; also Representative(s) Smith--Concerning consequences for commission of substance-related traffic offenses.

Health, Environment, Welfare & Institutions

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HB04-1098 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-Concerning the disposition of moneys received by the state, and, in connection therewith, creating a definition of "custodial moneys".

Laid over until Monday, March 8, retaining its place on the calendar.

SB04-118 by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

Laid over until Monday, March 8, retaining its place on the calendar.

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

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	⁷ Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor Taylor	Y
Chlouber		Hanna		McElhany		Teck	Y
Dyer	Y	Hillman	E	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves	Y	Mr. President	\mathbf{Y}
Gordon	Y	Keller	Y	Sandoval	Y	7	

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

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

Laid over until Tuesday, March 2, retaining its place on the calendar.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester		Y Takis	Y
Arnold	Y	Grossman	Y	Lamborn		Y Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y Taylor	Y
Chlouber	Y	Hanna	Y	McElhany		Y Teck	Y
Dyer	Y	Hillman	Е	Nichol		Y Tupa	Y
Entz	Y	Isgar	Y	Owen		Y Veiga	Y
Evans	Y	Johnson	Y	Phillips		Y Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y Mr. President	t 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, Grossman, Hanna, and Phillips.

HB04-1166 by Representative(s) McCluskey, Hall, Rippy, 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.

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

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YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	7	Y Takis	Y
Arnold	Y	Grossman	Y	Lamborn	•	Y Tapia	Y
Cairns	Y	Hagedorn	Y	May	•	Y Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	•	Y Teck	Y
Dyer	Y	Hillman	E	Nichol	`	Y Tupa Y Veiga	Y
Entz	Y	Isgar	Y	Owen	•	Y Veiga	Y
Evans	Y	Johnson	Y	Phillips	•	Y Windels	Y
Fitz-Gerald	Y	Jones		Reeves	•	Y Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	7	Y	

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

Co-sponsors added: Arnold, Chlouber, Entz, Isgar, Jones, and May.

On motion of Senator Anderson, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immedicate Consideration of Resolutions -- HJR04-1023.

CONSIDERATION OF RESOLUTION

HJR04-1023 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-Concerning the certification by the General Assembly of the amount of state education fund revenues that should be considered available for appropriation for the 2004-05 state fiscal year.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	E	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		

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE COVERCOLORADO BOARD OF DIRECTORS

for a term expiring July 1, 2007:

Susan "Scotti" Hutton of Littleton, Colorado, to serve as a member who is or has been insured by CoverColorado and who is otherwise uninsurable, appointed.

YES	34	NO	0	EXCUSED	1		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn			Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y	Taylor	Y
Chlouber		Hanna	Y	McElhany		Y	Teck	Y
Dyer	Y	Hillman	E	Nichol		Y	Tupa	Y
Entz	Y	Isgar	Y	Owen		Y	Veiga	Y
Evans		Johnson	Y	Phillips		Y	Windels	Y
Fitz-Gerald	Y	Jones		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 BOARD OF REAL ESTATE APPRAISERS

for a term expiring July 1, 2006:

Arthur Victor Gallegos of Colorado Springs, Colorado, to serve as a member of the public, reappointed.

YES	34	NO	0	EXCUSED	1		ABSENT	0
Anderson	Y	Groff	Y	Kester		Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn		Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May		Y	Taylor	Y
Chlouber		Hanna	Y	McElhany		Y	Teck	Y
Dyer	Y	Hillman	E	Nichol		Y	Tupa	Y
Entz	Y	Isgar	Y	Owen		Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips		Y	Windels	Y
Fitz-Gerald	Y	Jones		Reeves		Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval		Y		

COMMITTEE OF REFERENCE REPORTS

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **HB04-1069** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 23 and 24 and substitute the following:

"DATE SHALL BE SET ON OR AFTER THE CONSUMER'S NEXT PAYDAY OR THE DATE THE CONSUMER IS SCHEDULED TO RECEIVE BENEFITS, A COMMISSION, OR ANY OTHER PAYMENT; OR AFTER AN INCOME EVENT FOR THE CONSUMER UNLESS THE CONSUMER VOLUNTARILY REQUESTS A SHORTER LOAN TERM, THE CONSUMER'S REQUEST IS DOCUMENTED IN A WRITTEN STATEMENT SIGNED AND DATED BY THE CONSUMER AND IS SEPARATE FROM THE LOAN AGREEMENT, THE WRITTEN STATEMENT IS RETAINED BY THE LENDER, AND THE LOAN CANNOT BE RENEWED AND SHALL BE PAID IN CASH OR ITS EQUIVALENT. A LENDER MAY HOLD AN INSTRUMENT AND DELAY COMPLETION".

Page 4, line 16, strike "CHECK" and substitute "INSTRUMENT".

Page 5, strike lines 4 through 11.

Renumber succeeding sections accordingly.

Page 5, line 18, after "REASON,", insert "NOT INCLUDING A BANK ERROR,". Page 6, line 16, strike "knowingly" and substitute "knowingly".

Page 7, line 1, after "VIOLATION.", add "NOTHING IN THIS SUBSECTION (2) SHALL EXEMPT A LENDER FROM MAKING REQUIRED REFUNDS IF THE

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VIOLATION RESULTED IN AN OVERCHARGE OR EXCESS CHARGE TO THE CONSUMER.";

line 5, strike "OR" and substitute "OF";

line 15, strike "5-6-109" and substitute "5-5-109";

line 19, strike "CREDIT TO A" and substitute "CREDIT;";

strike lines 20 and 21;

strike lines 24 through 27.

Page 8, strike line 1 and substitute the following:

"(c) THE RELATION BETWEEN THE AMOUNT AND TERMS OF CREDIT GRANTED AND THE COST OF MAKING THE LOAN.".

Strike page 9 and substitute the following:

"**SECTION 9.** Article 3.1 of title 5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

5-3.1-123. Use of multiple agreements for deferred deposit loans. If a consumer obtains a deferred deposit loan voluntarily and separately from his or her spouse and the consumer's action is documented in writing, signed by the consumer, and retained by the lender, the transaction shall not be considered a violation of section 5-3-205.

SECTION 10. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to loans made and violations of the "Deferred Deposit Loan Act" on or after said date.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.".

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: **HB04-1019**, **1023**, **1027**, **1029**, **1032**, **1035**, **1053**, **1059**, **1068**, **1088**, **1092**, **1119**, **1124**, **1148**, **1154**, **1195**; **HJR04-1015**.

The President has signed: **HB04-1363**.

SENATE SERVICES REPORTS

Correctly Revised: HB04-1047, 1129, 1166 and 1182. **Correctly Rerevised:** HB04-1363.

On motion of Senator Anderson, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 1, 2004, was laid over until Tuesday, March 2, 2004, retaining its place on the calendar.

General Orders--Second Reading: HB04-1273, HB04-1008, HB04-1115. Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-017, SJR04-020, SJR04-021, HJR04-1021, SJR04-022. Consideration of Memorial: SJM04-001.

On motion of Senator Anderson, the Senate adjourned until 9:00 a.m., Tuesday, March 2, 2004.					
	Approved:	5 5 6			
	John Andrews President of the Senate	8 9			
Attest:		10 11 12 13			
Mona Heustis Secretary of the Senate		14 15 16 17			