

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

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Forty-second Legislative Day

Tuesday, February 17, 2004

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Prayer By the chaplain, Reverend Kelby Cotton, South Suburban Christian Church.

Pledge By Senator Cairns.

Call to Order By the President at 9:00 a.m.

Roll Call Present--32.  
Absent/Excused--3; Dyer, Nichol, Reeves.  
Present later--Dyer, Nichol, Reeves.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Sandoval, reading of the Journal of February 16, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

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**INTRODUCTION OF RESOLUTION**

The following resolution was read by title:

**SJR04-016** by Senator(s) Andrews, Fitz-Gerald, Hillman, Owen, Reeves, Teck; also Representative(s) Spradley, King, Plant, Romanoff, Witwer, Young--Concerning a request to the Supreme Court of the state of Colorado to render its opinion on questions regarding House Bill 04-1098.  
Laid over one day under Senate Rule 30(b).

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**INTRODUCTION OF MEMORIAL**

The following memorial was read by title:

**SJM04-001** by Senator(s) Evans, Andrews, Anderson, Cairns, Entz, Owen, Reeves; also Representative(s) Wiens, Harvey, May M.--Concerning honoring former senator and representative Joe Winkler.  
Laid over one day under Senate Rule 30(d).

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**INTRODUCTION OF BILL--FIRST READING**

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

**SB04-188** by Senator(s) Arnold, Grossman, Owen; also Representative(s) Rose--Concerning the surcharge on fines for violation of certain county ordinances that is paid to the Colorado traumatic brain injury trust fund, and, in connection therewith, limiting the imposition of the surcharge to violations of speed limits.  
Judiciary

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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:

HB04-1206 by Representative(s) Mitchell, Butcher, Clapp, Coleman, Decker, Frangas, Hall, Harvey, Judd, Marshall, May M., McFadyen, Pommer, Rose, Salazar, Stafford, Tochtrop, Williams T.; also Senator(s) Hillman--Concerning the second pool of premium tax credits available under the "Certified Capital Company Act", and, in connection therewith, creating an insurance premium tax credit for contributions to CoverColorado by an insurance company.

Laid over until Wednesday, February 18, retaining its place on the calendar.

SB04-143 by Senator(s) Tapia, Groff, Grossman, Hillman, Kester; also Representative(s) Brophy, Butcher, McFadyen, Salazar--Concerning the modification of certain requirements for contractors that are awarded construction contracts for public projects.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0), and names of members voting Y.

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

SB04-089 by Senator(s) Reeves; also Representative(s) Paccione--Concerning affordable housing, and, in connection therewith, allowing the certification of nonprofit local housing agencies as local public procurement units for purposes of cooperative purchasing agreements.

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

Table with 8 columns: YES (35), NO (0), EXCUSED (0), ABSENT (0), and names of members voting Y.

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

HB04-1110 by Representative(s) White, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, Wiens; also Senator(s) Teck--Concerning the continuation of the regulation of banking by the division of banking, and, in connection therewith, increasing the state bank commissioner's supervision of affiliated entities, allowing additional loan production offices, raising the threshold for required real estate appraisals, and repealing the "Colorado Investment Deposit Act".

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

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YES	35	NO	0	EXCUSED	0	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	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: Isgar and Taylor.

**SB04-131** by Senator(s) Jones, Groff, Johnson S.; also Representative(s) Marshall--Concerning modifications to the procedures for handling an employment discrimination complaint filed by an employee in the state personnel system.

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

YES	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
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	Y		

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

Co-sponsors added: Arnold and Chlouber.

**SB04-135** by Senator(s) Owen, Reeves, Teck; also Representative(s) Plant, Witwer, Young--Concerning the determination of the community spouse resource allowance under the "Colorado Medical Assistance Act".

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	Y		

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

**SB04-010** by Senator(s) Takis, Anderson, Taylor; also Representative(s) Rhodes, Coleman, Vigil, Williams T.--Concerning leave benefits for employees in the state personnel system.

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	N	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

**SB04-077** by Senator(s) May R.; --Concerning the sale of surplus personal property of the state to elected state officials.

Laid over until Wednesday, February 18, retaining its place on the calendar.

**HB04-1005** by Representative(s) Williams T., Coleman, Rhodes; also Senator(s) Tupa, Anderson, Takis, Taylor--Concerning the enterprise status of auxiliary facilities of institutions of higher education.

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

YES	35	NO	0	EXCUSED	0	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	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: Groff.

**SB04-083** by Senator(s) Sandoval, Groff, Grossman, Keller, Tapia, Windels; also Representative(s) Spence, Judd, McFadyen--Concerning the creation of an additional category of alternative education campus.

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

YES	35	NO	0	EXCUSED	0	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	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: Arnold, Gordon, Hanna, Phillips, Tupa, and Veiga.

**SB04-129** by Senator(s) Johnson S.; also Representative(s) Fairbank--Concerning the selection of designated providers for the professional diversion program for nurses.

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

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	N	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	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.

**SB04-139** by Senator(s) Windels, Andrews; also Representative(s) Johnson R.--Concerning notification to persons of immunizations for their children under specified circumstances.

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

YES	30	NO	5	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	N	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: Fitz-Gerald, Gordon, Groff, Grossman, Hanna, Isgar, Phillips, Tapia, Teck, and Veiga.

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

**SB04-130** by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences.

Ordered engrossed 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.)

**SB04-166** by Senator(s) Lamborn; also Representative(s) Stengel--Concerning a one-time adjustment for inflation to the one-million-dollar damages limitation contained in the statute governing medical negligence recovery in accordance with the consumer price index of the United States bureau of labor statistics.

Laid over until Wednesday, February 18, retaining its place on the calendar.

**SB04-091** by Senator(s) Teck; --Concerning the provision of waste services within the limits of local government entities.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, January 29, pages 145-146 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Teck.  
Amend printed bill, page 6, line 10, after "LEGALLY", insert "EITHER";

after line 18, insert the following:

"(6) THE ELECTORS OF A MUNICIPALITY MAY SUSPEND THE RESTRICTIONS IN PARAGRAPH (b) OF SUBSECTION (4) AND IN SUBSECTION (5) OF THIS SECTION BY INITIATIVE OR REFERENDUM IN ACCORDANCE WITH ARTICLE 11 OF THIS TITLE FOR A PERIOD OF UP TO EIGHT YEARS. AT THE REGULAR MUNICIPAL ELECTION IMMEDIATELY PRIOR TO THE EXPIRATION OF THE SUSPENSION OF SAID RESTRICTIONS, THE ELECTORS OF THE MUNICIPALITY MAY RENEW THE SUSPENSION FOR SUBSEQUENT EIGHT-YEAR PERIODS BY INITIATIVE OR REFERENDUM."

Amendment No. 3(L.005), by Senator Teck.

Amend the State, Veterans, and Military Affairs Committee Report, page 2, strike line 2 and substitute the following:

""(d) PARAGRAPH (b) OF THIS SUBSECTION (4) SHALL NOT PROHIBIT ANY CITY AND COUNTY WITH A POPULATION OF OVER FIVE HUNDRED THOUSAND THAT IS PROVIDING MUNICIPAL WASTE SERVICES ON THE EFFECTIVE DATE OF THIS SUBSECTION (4) FROM REQUIRING THE USE OF OR IMPOSING A FEE FOR RESIDENTIAL MUNICIPAL WASTE SERVICES IN THE FUTURE.

(e) AS USED IN THIS SUBSECTION (4), "RESIDENTIAL MUNICIPAL".

As amended, declared **lost** on Second Reading.

**SB04-115** by Senator(s) Dyer; also Representative(s) Mitchell--Concerning a limitation on the recovery of noneconomic damages in breach of contract claims.

Laid over until Monday, February 23, retaining its place on the calendar.

**SB04-001** by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation.

Laid over until Monday, February 23, retaining its place on the calendar.

**SB04-070** by Senator(s) Lamborn; also Representative(s) Williams T.--Concerning the enactment of the "Colorado Uniform Trust Code".

Laid over until Monday, February 23, retaining its place on the calendar.

**SB04-084** by Senator(s) Windels; also Representative(s) Sinclair--Concerning technical modifications to voter identification requirements implementing the federal "Help America Vote Act of 2002".

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.  
(Printed in Senate Journal, February 12, page 245 and placed in members' bill files.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**HB04-1152** by Representative(s) Hoppe, Rose, Salazar, White; also Senator(s) Entz--Concerning membership requirements for the water resources review committee.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, February 12, page 255 and placed in members' bill files.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**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, February 23, retaining its place on the calendar.

**HB04-1059** by Representative(s) Hoppe; also Senator(s) Hillman--Concerning additional enforcement authority regarding marketing orders issued by the commissioner of agriculture.

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

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- HB04-1023** by Representative(s) Boyd, Miller, Rippey; also Senator(s) Entz, Hanna--Concerning the designation of Yule marble as the state rock. 1  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 5  
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- SB04-179** by Senator(s) Dyer; --Concerning collection of moneys for the costs incurred by the judicial department. 7  
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Laid over until Wednesday, February 18, retaining its place on the calendar. 10  
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- SB04-156** by Senator(s) Groff; also Representative(s) Berry--Concerning limitations on the employment of sex offenders in facilities for the confinement of persons. 12  
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 15  
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- SB04-174** by Senator(s) Tupa, Arnold, Cairns, Dyer, Entz, Fitz-Gerald, Gordon, Groff, Grossman, Hillman, Keller, Lamborn, Phillips, Takis, Tapia, Veiga, Windels; also Representative(s) Sinclair--Concerning a limitation on benefits that may be accepted by certain public officials. 17  
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Laid over until Wednesday, February 18, retaining its place on the calendar. 21  
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- SB04-172** by Senator(s) Entz; also Representative(s) Sinclair--Concerning authorization of persons qualified to use disabled veteran license plates to park in parking reserved for persons with disabilities. 24  
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Laid over until Wednesday, February 18, retaining its place on the calendar. 28  
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- SB04-168** by Senator(s) Phillips; --Concerning rural renewable electric resources in Colorado. 30  
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Amendment No. 1, Business Affairs and Labor Committee Amendment. 32  
(Printed in Senate Journal, February 11, page 233 and placed in members' bill files.) 33  
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Amendment No. 2(L.004), by Senator McElhany. 35  
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Amend printed bill, page 6, after line 14, insert the following: 37  
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"(4) THE PROCEEDS OF BONDS, REVENUES, AND RECEIPTS DERIVED 39  
FROM THE CONSTRUCTION, UPGRADING, OR ACQUISITION ACTIVITIES 40  
DESCRIBED IN THIS SECTION THAT ARE FINANCED IN WHOLE OR IN PART BY 41  
THE BONDS, AND INTEREST AND INCOME EARNED ON THE DEPOSIT AND 42  
INVESTMENT OF SUCH PROCEEDS, REVENUES, AND RECEIPTS, SHALL NOT BE 43  
INCLUDED IN STATE FISCAL YEAR SPENDING FOR PURPOSES OF SECTION 20 44  
OF ARTICLE X OF THE STATE CONSTITUTION AND ARTICLE 77 OF TITLE 24, 45  
C.R.S." 46  
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(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS 48  
AUTHORIZING THE CONTRACTING BY THE STATE OF A DEBT OR LOAN IN ANY 49  
FORM, NOR THE PLEDGING OF THE GENERAL TAXES OF THE STATE. 50  
REVENUE BONDS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE 51  
CONSTRUED TO BE MORAL OBLIGATION BONDS. THE OWNERS OR HOLDERS 52  
OF SUCH BONDS SHALL NOT LOOK TO ANY OTHER REVENUES OF THE STATE 53  
FOR THE PAYMENT OF THE BONDS; SHALL NOT LOOK TO ANY LEGAL, 54  
EQUITABLE, OR MORAL OBLIGATION ON THE PART OF THE STATE TO PAY 55  
ANY PORTION OF THE BONDS; AND SHALL NOT LOOK TO THE STATE 56  
GENERAL FUND OR ANY OTHER FUND OF THE STATE FOR THE PAYMENT OF 57  
PRINCIPAL OR INTEREST OF SUCH OBLIGATION." 58  
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Renumber succeeding subsection accordingly. 60  
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Amendment No. 3(L.009), by Senator Phillips. 63  
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Amend printed bill, page 6, after line 18, insert the following: 65  
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"**SECTION 4.** Article 3 of title 40, Colorado Revised Statutes, is 67  
amended BY THE ADDITION OF A NEW SECTION to read: 68  
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**40-3-107.5. Interconnection with renewable energy 70  
cooperatives.** ELECTRIC UTILITIES SHALL INTERCONNECT WITH 71  
RENEWABLE ENERGY COOPERATIVES ORGANIZED PURSUANT TO SECTION 72

7-56-210, C.R.S. EVERY RENEWABLE ENERGY COOPERATIVE THAT DESIRES TO INTERCONNECT ITS SYSTEM WITH ANY FACILITIES OWNED OR OPERATED BY A PUBLIC UTILITY SHALL COMPLY WITH APPLICABLE INTERCONNECTION RULES AND WITH REASONABLE STANDARDS AND POLICIES RELATED TO THE RELIABILITY OF THE PUBLIC UTILITY SYSTEM. ALL SUCH STANDARDS AND POLICIES, AS WELL AS ALL COSTS FOR THE INTERCONNECTION SHALL BE FAIR, REASONABLE, AND NONDISCRIMINATORY TO EACH RENEWABLE ENERGY COOPERATIVE."

Renumber succeeding section accordingly.

As amended, ordered engrossed 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.)

**SB04-164**

by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.

Laid over until Monday, February 23, retaining its place on the calendar.

**SB04-029**

by Senator(s) Windels; also Representative(s) Jahn--Concerning medically fragile individuals.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.  
(Printed in Senate Journal, February 13, pages 269-270 and placed in members' bill files.)

Amendment No. 2(L.003), by Senator Windels.

Amend printed bill, page 2, line 6, after "(d)", insert "(I)";

after line 13, insert the following:

"(II) NOTHING IN THIS PARAGRAPH (d) REQUIRES THE PROVISION OF RESPITE CARE, ONLY THAT EACH INDIVIDUAL PLAN THAT INCLUDES THE PROVISION OF RESPITE CARE FOR MEDICAL PURPOSES HAVE A CONTINGENCY PLAN."

Page 5, line 1, after "(c)", insert "(I)";

after line 7, insert the following:

"(II) NOTHING IN THIS PARAGRAPH (c) REQUIRES A COMMUNITY CENTERED BOARD TO PROVIDE SERVICES SET FORTH IN A PLAN OF CARE THAT THE COMMUNITY CENTERED BOARD IS NOT OTHERWISE REQUIRED TO PROVIDE TO THE PERSON RECEIVING SERVICES, ONLY THAT THE PLAN OF CARE INCLUDE A CONTINGENCY FOR SUCH SERVICES."

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB04-088**

by Senator(s) Hanna, Groff, Keller, Sandoval; --Concerning the encouragement of breastfeeding, and, in connection therewith, recognizing the benefits of breastfeeding and providing for breastfeeding in public.

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

**SB04-145**

by Senator(s) Groff; also Representative(s) Frangas--Concerning minimum core academic requirements for high school graduation.

Amendment No. 1, Education Committee Amendment.  
(Education Committee Amendment as printed in Senate Journal, February 13, page 272, was declared **LOST** on Second Reading.)

Amendment No. 2(L.011), by Senator Groff.

Amend printed bill, page 4, after line 21, insert the following:

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"(6) THE POLICIES ADOPTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL INCLUDE PROVISIONS TO PERMIT STUDENTS TO TAKE EXAMINATIONS ADMINISTERED BY THE SCHOOL DISTRICT BY WHICH THE STUDENT MAY DEMONSTRATE COMPETENCIES DEEMED EQUIVALENT TO THE SUCCESSFUL COMPLETION OF ANY OF THE CORE COURSE REQUIREMENTS DESCRIBED IN SUBSECTION (3) OF THIS SECTION."

Amendment No. 3(L.012), by Senator Tupa.

Amend printed bill, page 3, line 15, after "SCIENCE;", add "AND";  
strike line 16.

Renumber succeeding subparagraph accordingly.

Page 4, line 3, after "SCIENCE;", add "AND";  
strike line 4.

Renumber succeeding subparagraph accordingly.

Amendment No. 4(L.006), by Senator Keller.

Amend printed bill, page 4, before line 22, insert the following:

"(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, EACH DISTRICT BOARD, IN ADOPTING THE POLICY DESCRIBED IN SUBSECTION (2) OF THIS SECTION, SHALL SPECIFY HOW A STUDENT MAY ACHIEVE INDIVIDUALIZED STANDARDS THAT WOULD INDICATE THE STUDENT HAS MET THE REQUIREMENTS OF SUCH STUDENT'S INDIVIDUAL EDUCATIONAL PROGRAM DEVELOPED PURSUANT TO ARTICLE 20 OF THIS TITLE."

Amendment No. 5(L.007), by Senator Groff.

Amend printed bill, page 3, line 12, strike "FOUR" and substitute "THREE".

Page 4, line 1, strike "THREE" and substitute "TWO".

Amendment No. 6(L.009), by Senator Groff.

Amend printed bill, page 3, line 1, strike "2005," and substitute "2006,".

Page 4, line 18, strike "2006-07" and substitute "2007-08";

line 19, strike "2005," and substitute "2006,".

Amendment No. 7(L.015), by Senator Anderson.

Amend the Groff floor amendment (SB145\_L.009), page 1, line 2, strike ""2007-08";" and substitute ""2008-09";".

As amended, ordered engrossed 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.)

**SB04-101**

by Senator(s) Gordon, Chlouber, Dyer, Entz, Evans, Grossman, Isgar, Kester, Tapia, Teck; also Representative(s) Stafford, Berry, Briggs, Decker, Salazar, White, Young--Concerning required disclosure of a nonrenewable water source in a contract for the purchase and sale of residential real property.

As amended, Senate Journal, February 13, page 265.

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Amendment No. 2(L.008), by Senator Gordon.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated January 28, 2004, page 1, line 6, after "CONTAIN", insert "OR HAVE APPENDED TO IT".

As amended, laid over until Wednesday, February 18, retaining its place on the General Orders--Second Reading of Bills calendar.  
(For further action, see Amendments to the Report of the Committee of the Whole.)

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 (HB04-1055, SB04-125, SB04-101 as amended, SB04-137) of February 17, was laid over until Wednesday, February 18, retaining its place on the calendar.

**AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE**

**SB04-168** by Senator(s) Phillips; --Concerning rural renewable electric resources in Colorado.

Senator Lamborn requested a roll call vote on **SB04-168**.

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	Y	Teck	N
Dyer	N	Hillman	Y	Nichol	N	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

As amended, declared passed on Second Reading.

**SB04-130** by Senator(s) Johnson S.; also Representative(s) Lundberg--Concerning limitations on exemplary damages for assisted living residences.

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment, (L.001) to SB04-130, did pass.

Amend printed bill, page 2, line 16, strike "NOT" and strike "A";

strike lines 17 through 23.

Page 3, line 8, after "OF", insert "NEGLIGENCE,".

The Groff amendment to the Report of the Committee of the Whole was declared **lost** on the following roll call vote.

YES	12	NO	23	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	N	Isgar	N	Owen	N	Veiga	N
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	N	Keller	Y	Sandoval	N		

**SB04-145** by Senator(s) Groff; also Representative(s) Frangas--Concerning minimum core academic requirements for high school graduation.

Senator Tupa moved to amend the Report of the Committee of the Whole to show that the

following Tupa floor amendment, (L.016) to SB 04-145, did pass.

Amend printed bill, page 3, after line 21, insert the following:

"(D) FOREIGN LANGUAGE STUDY;"

Reletter succeeding sub-subparagraphs accordingly.

Page 4, after line 9, insert the following:

"(D) FOREIGN LANGUAGE STUDY;"

Reletter succeeding sub-subparagraphs accordingly.

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

Senator Windels moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 04-145 did pass.

Amend printed bill, page 4, after line 15, insert the following:

"(5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR OF A POLICY ADOPTED PURSUANT TO THIS SECTION TO THE CONTRARY, A STUDENT WHO TRANSFERS TO A HIGH SCHOOL IN HIS OR HER JUNIOR YEAR OR LATER SHALL NOT BE SUBJECT TO THE GRADUATION REQUIREMENTS SPECIFIED IN THIS SECTION OR IN A POLICY ADOPTED PURSUANT TO THE PROVISIONS OF THIS SECTION."

Renumber succeeding subsection accordingly.

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

**SB04-101**

by Senator(s) Gordon, Chlouber, Dyer, Entz, Evans, Grossman, Isgar, Kester, Tapia, Teck; also Representative(s) Stafford, Berry, Briggs, Decker, Salazar, White, Young--Concerning required disclosure of a nonrenewable water source in a contract for the purchase and sale of residential real property.

Senator Gordon moved to amend the Report of the Committee of the Whole to show that the following amendment to SB 04-101 did pass, and that SB 04-101, as amended, did pass.

Amend the Agriculture, Natural Resources, and Energy Committee Report, dated January 28, 2004, page 1, strike lines 3 through 19 and substitute the following:

**"38-35.7-102. Disclosure of water source.** (1) ON AND AFTER JULY 1, 2005, EVERY CONTRACT FOR THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY SHALL CONTAIN OR HAVE APPENDED TO IT A DISCLOSURE STATEMENT IN BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE AND IN THE FOLLOWING FORM:

**"THE SOURCE OF WATER FOR THIS REAL ESTATE IS: A WELL; OR A WATER PROVIDER, WHICH CAN BE CONTACTED AS FOLLOWS: STREET AND MAILING ADDRESS:**

**TELEPHONE**

**THERE ARE MANY PLACES IN COLORADO WHERE THE WATER SUPPLY IS NONRENEWABLE. THIS MEANS THAT AT A LATER DATE YOU OR YOUR PROVIDER MAY NEED TO DEEPEN YOUR WELL, DRILL A NEW WELL, OR FIND A NEW SOURCE OF WATER. WE ADVISE YOU TO CALL YOUR WATER PROVIDER BEFORE CLOSING SO THAT YOU UNDERSTAND WHERE THE WATER FOR YOUR PROPERTY COMES FROM AND HOW LONG IT IS EXPECTED**

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**TO LAST."**

Page 2, strike lines 1 through 4;  
line 17, strike "WELL." and substitute "WELL.".";  
strike lines 18 through 22.

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

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

On motion of Senator Cairns, 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: SB04-130, SB04-084 as amended, HB04-1152 as amended, HB04-1059, HB04-1023, SB04-156, SB04-168 as amended, SB04-029 as amended, SB04-088, SB04-145 as amended, SB04-101 as amended.  
Lost on Second Reading: SB04-091 as amended.  
Laid over until Wednesday, February 18: SB04-166, SB04-179, SB04-174, SB04-172, HB04-1055, SB04-125, SB04-137.  
Laid over until Monday, February 23: SB04-115, SB04-001, SB04-070, SB04-118, SB04-164.

**IMMEDIATE CONSIDERATION OF RESOLUTION**

**SJR04-016** by Senator(s) Andrews, Fitz-Gerald, Hillman, Owen, Reeves, Teck; also Representative(s) Spradley, King, Plant, Romanoff, Witwer, Young--Concerning a request to the Supreme Court of the state of Colorado to render its opinion on questions regarding House Bill 04-1098.

Senator Hillman moved to suspend the rules for immediate consideration of SJR04-016.

A two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended and immediate consideration granted.

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

YES	35	NO	0	EXCUSED	0	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	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		

Co-sponsors added: Anderson, Chlouber, and Gordon.

**COMMITTEE OF REFERENCE REPORTS**

Judiciary

The Committee returns herewith Senate Bill 04-055 and reports that said bill has been considered on its merits and voted upon by the committee in accordance with Senate Rules, that the deadline applicable to committees under Joint Rule 23 (a) (1) has passed, that final action has not been taken by this committee within said deadline, and that the Committee on Delayed Bills has not waived said deadline. Pursuant to Joint Rule 23 (a) (3) (A), said bill is deemed to be postponed indefinitely.

**MESSAGES FROM THE HOUSE**

February 17, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1039.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1090, amended as printed in House Journal, February 9, page 384.  
HB04-1020, amended as printed in House Journal, February 16, page 448.  
HB04-1095, amended as printed in House Journal, February 10, pages 400-401.  
HB04-1009, amended as printed in House Journal, February 16, pages 448-449.  
HB04-1280, amended as printed in House Journal, February 16, page 449.  
HB04-1026, amended as printed in House Journal, February 16, page 450.  
HB04-1208, amended as printed in House Journal, February 16, pages 450-451.

February 17, 2004  
Mr. President:

The House has voted to concur in the Senate amendments to HB04-1331 and has repassed the bill as so amended.

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**MESSAGE FROM THE REVISOR OF STATUTES**

February 17, 2004

We herewith transmit:

Without comment, HB04-1039.  
Without comment, as amended, HB04-1090, 1020, 1095, 1009, 1280, 1026, 1208.

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**MESSAGE FROM THE GOVERNOR**

Appointment A letter of designation and appointment from Governor Owens was read and assigned to Committee as follows:

February 3, 2004

To the Honorable  
Colorado Senate  
Colorado General Assembly  
State Capitol Building  
Denver, CO 80203

Ladies and Gentlemen:

Pursuant to the powers conferred upon me by the Constitution and Laws of the State of Colorado, I have the honor to designate, appoint and submit to your consideration, the following:

**MEMBER OF THE  
COLORADO COMMISSION ON HIGHER EDUCATION**

for a term expiring July 1, 2005:

Michael F. Feeley of Lakewood, Colorado, to fill the vacancy occasioned by the resignation of Gully Stanford of Denver, Colorado, and to serve as a representative of the Seventh Congressional District and as a Democrat, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 2/09/04

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Mona Heustis  
Secretary of the Senate  
  
Committee on Education

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**SENATE SERVICES REPORT**

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**Correctly Printed:** SB04-186 and 187.  
**Correctly Engrossed:** SB04-010, 077, 083, 089, 129, 131, 135, 139 and 143.  
**Correctly Reengrossed:** SB04-046, 121, 146, 147, 152, 157, and 175.  
**Correctly Revised:** HB04-1005, and 1110.  
**Correctly Rerevised:** HB04-1032, 1111, and 1119.

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Journal correction:

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Page 291, strike line 41 and substitute the following:

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"The following resolution was read by title:"

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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 February 17, 2004, was laid over until Wednesday, February 18, 2004, retaining its place on the calendar.

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Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-015.

Consideration of Governor's Appointments:

- Members of the Workers' Compensation Cost Containment Board;
- Members of the Colorado Commission on Higher Education;
- Members of the Board of Trustees for the University of Northern Colorado;
- Member of the Colorado Racing Commission;
- Members of the Board of Assessments Appeals;
- Member of the Medical Services Board;
- Members of the Board of Trustees for Western Sate College of Colorado.

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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, February 18, 2004.

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Approved:

John Andrews  
President of the Senate

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Attest:

Mona Heustis  
Secretary of the Senate

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