

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

One-hundred-fourth Legislative Day Monday, April 19, 2004

- Prayer By the chaplain, Reverend Shirley Riggs.
- Pledge By Senator Evans.
- Call to Order By the President at 10:00 a.m.
- Roll Call Present--34.
Absent/Excused--1; Dyer.
Present later--Dyer.
- Quorum The President announced a quorum present.
- Reading of Journal On motion of Senator Sandoval, reading of the Journal of April 16, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB04-082**

**THIS REPORT ADOPTS THE
REENGROSSED BILL**

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB04-082,
concerning the authorization of certain persons to taste alcohol beverages
in the course of post-secondary educational programs involving the
culinary arts, has met and reports that it has agreed upon the following:

That the House recede from its amendments made to the bill, and
that the reengrossed bill be adopted without change.

Respectfully submitted,

| | |
|-------------------|-------------------------|
| Senate Committee: | House Committee: |
| (signed) | (signed) |
| Senator Kester | Representative Williams |
| Senator Chlouber | Representative Larson |
| Senator Tupa | Representative Paccione |

MESSAGES FROM THE HOUSE

April 16, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1411.

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The House has passed on Third Reading and transmitted to the Revisor of Statutes
 HB04-1136, amended as printed in House Journal, April 16, page 1306.
 HB04-1202, amended as printed in House Journal, April 16, page 1314.
 HB04-1003, amended as printed in House Journal, April 16, page 1342.
 HB04-1362, amended as printed in House Journal, April 16, pages 1360-1362.
 HB04-1227, amended as printed in House Journal, April 16, pages 1362-1363.
 HB04-1359, amended as printed in House Journal, April 16, page 1363.
 HB04-1034, amended as printed in House Journal, April 16, page 1364.
 HB04-1077, amended as printed in House Journal, April 16, page 1364.
 HB04-1256, amended as printed in House Journal, April 16, page 1364.
 HB04-1261, amended as printed in House Journal, April 16, page 1365.
 HB04-1360, amended as printed in House Journal, April 16, pages 1365-1366.
 HB04-1430, amended as printed in House Journal, April 16, page 1367.

The House has adopted the First Report of the First Conference Committee on SB04-082,
 as printed in House Journal, April 12, page 1285, and has repassed the bill as so amended.
 The bill is returned herewith.

The House has adopted the First Report of the First Conference Committee on
 HB04-1102, as printed in House Journal, April 13, page 1297, and has repassed the bill as
 amended.

The House has adopted the First Report of the First Conference Committee on
 HB04-1072, as printed in House Journal, April 13, pages 1296-1297, and has repassed the
 bill as amended.

April 16, 2004
 Mr. President:

The House has voted to authorize the House conferees on the First Conference Committee
 on SB04-024 to consider matters not at issue between the two houses.

The House has voted not to concur in the Senate amendments to HB04-1387 and requests
 that a conference committee be appointed. The Speaker has appointed Representatives
 Hefley, chairman, Stengel, and Carroll as House conferees on the First Conference
 Committee on HB04-1387. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1376 and requests
 that a conference committee be appointed. The Speaker has appointed Representatives
 Lee, chairman, Hefley, and Weddig as House conferees on the First Conference
 Committee on HB04-1376. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1311 and requests
 that a conference committee be appointed. The Speaker has appointed Representatives
 Rhodes, chairman, McCluskey, and Frangas as House conferees on the First Conference
 Committee on HB04-1311. The House has granted authorization to go beyond the scope of
 differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1263 and requests
 that a conference committee be appointed. The Speaker has appointed Representatives
 Lundberg, chairman, Rose, and Frangas as House conferees on the First Conference
 Committee on HB04-1263. The House has granted authorization to go beyond the scope
 of differences. The bill is transmitted herewith.

The House has voted not to concur in the Senate amendments to HB04-1397 and requests
 that a conference committee be appointed. The Speaker has appointed Representatives
 King, chairman, Spence, and Carroll as House conferees on the First Conference
 Committee on HB04-1397. The bill is transmitted herewith.

The House has voted to concur in the Senate amendments to HB04-1127, 1357, 1251,
 1234, 1348, 1393 and has repassed the bills as so amended.

MESSAGE FROM THE REVISOR OF STATUTES

April 16, 2004

We herewith transmit:

Without comment, HB04-1411.

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Without comment, as amended, HB04-1136, 1202, 1003, 1227, 1359, 1034, 1077, 1256, 1261, 1360, and 1430.
 With comment, as amended, HB04-1362.

INTRODUCTION OF RESOLUTION

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

SJR04-056 by Senator(s) Andrews; --Concerning the creation of an interim committee to study judicial reform.
 Judiciary

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, Senate Rule 4 was suspended for Special Orders-- Second Reading of Bills and the Special Orders--Second Reading of Bills calendar was laid over to Tuesday, April 20.

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:

HB04-1098 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 Tuesday, April 20, 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 Tuesday, April 20, retaining its place on the calendar.

SB04-221 by Senator(s) Taylor; also Representative(s) White--Concerning the authority of a metropolitan district to exercise specified enforcement activities of other entities within the boundaries of the district.

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 | 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 | N |
| 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**.

HB04-1404 by Representative(s) Fairbank; also Senator(s) Kester--Concerning investments by local governments, and, in connection therewith, amending provisions governing the issuance of securities and increasing the range of investment vehicles available to local governmental entities.

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**.

SB04-220 by Senator(s) Owen; also Representative(s) Stengel--Concerning leveraged leasing agreements involving qualified state capital assets.

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: Evans.

SB04-228 by Senator(s) Hillman; also Representative(s) Stengel--Concerning the valuation of mineral interests for purposes of property taxation.

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 | 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 | N | 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: Chlouber and Lamborn.

HB04-1028 by Representative(s) Coleman, Rhodes, Williams T.; also Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the fee paid in connection with representation of indigent persons.

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**.

HB04-1048 by Representative(s) King; also Senator(s) McElhany--Concerning beneficiary deeds.

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: Jones and Veiga.

HB04-1079 by Representative(s) Cadman; also Senator(s) Veiga--Concerning standard nonforfeiture regulation for individual deferred annuities offered by insurers.

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**.

HB04-1400 by Representative(s) Rhodes; also Senator(s) Chlouber--Concerning the regulation of warranties on vehicle protection products.

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

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
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| 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, Jones, and Kester.

HB04-1237 by Representative(s) May M.; also Senator(s) Lamborn--Concerning the authorization for retailers to be held harmless for collecting the incorrect amount of state collected sales and use tax due on a purchase when relying on a certified electronic database of addresses to determine the jurisdictions to which tax is owed.

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: Arnold, Chlouber, Evans, and Jones.

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 Reconsideration of Bill -- HB04-1150.

RECONSIDERATION OF HB04-1150

HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".

Having voted on the prevailing side, Senator Hillman moved for reconsideration of the last Senate action, Third Reading of Bills--Final Passage, on HB04-1150. The roll call was taken with the following result:

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
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| 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, reconsideration was granted.

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:

HB04-1150 by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) Hillman--Concerning the creation of the "Commonsense Consumption Act".

A majority of those elected to the Senate having voted in the affirmative, Senator Hillman was given permission to offer a Third Reading amendment.

Third Reading Amendment No. 1(L.015), by Senator Hillman.

Amend rerevised bill, page 3, strike lines 25 through 27 and substitute the following:

"OBESITY IS BASED ON A MATERIAL VIOLATION OF A COMPOSITION, BRANDING, OR LABELING STANDARD".

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

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

| YES | 33 | NO | 2 | EXCUSED | 0 | ABSENT | 0 |
|-------------|----|----------|---|----------|---|---------------|---|
| Anderson | Y | Groff | N | 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 | N | 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 and Teck.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

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.

| 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 | | |

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

EXECUTIVE DIRECTOR OF THE
COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

Richard F. O'Donnell of Golden, Colorado, appointed.

| 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 | | |

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

MEMBER OF THE
UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
BOARD OF DIRECTORS

for a term effective January 1, 2001 and continuing until December 31, 2007 (or until his successor is appointed by the Board of Regents):

Richard L. Monfort, from the fourth Congressional District, appointed.

| YES | 35 | NO | 0 | EXCUSED | 0 | ABSENT | 0 |
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| 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 | | |

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

MEMBER OF THE
BOARD OF TRUSTEES OF METROPOLITAN STATE
COLLEGE OF DENVER

effective July 1, 2003 for terms expiring July 1, 2007:

Sean R. Tonner of Littleton, Colorado, appointed.

| 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 | | |

On motion of Senator Arnold, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE

for terms effective July 1, 2003 and expiring January 1, 2005:

Vickie I. Ford of Center, Colorado, appointed;

LeRoy J. Salazar of Manassa, Colorado, appointed;
 Charles Scoggin of Boulder, Colorado, appointed;
 for terms effective July 1, 2003 and expiring January 1, 2006;
 Timothy L. Walters of Alamosa, Colorado, appointed;
 Mark Cavanaugh of Denver, Colorado, appointed;
 for terms effective July 1, 2003 and expiring January 1, 2007;
 Kathleen Eck of Vail, Colorado, appointed;
 for terms effective July 1, 2003 and expiring January 1, 2008;
 Peggy Lamm of Superior, Colorado, appointed;
 Meyer M. Saltzman of Denver, Colorado, appointed.

| 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 | | |

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

**MEMBER OF THE
STATE HOUSING BOARD**

for a term expiring January 31, 2007:

Suzanne W. Buchner of Fowler, Colorado, to fill the vacancy occasioned by the resignation of Felix M. Lopez of Trinidad, Colorado, and to serve as a member from the Third Congressional District and as a Democrat, appointed.

| 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 | | |

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

**MEMBER OF THE
BOARD OF TRUSTEES OF
 METROPOLITAN STATE COLLEGE OF DENVER**

effective July 1, 2003 for terms expiring July 1, 2007:

John Osborn of Englewood, Colorado, appointed.

| 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 | | |

On motion of Senator Lamborn, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2005:

Rodolfo F. Arguello of San Pablo, Colorado, to fill the vacancy occasioned by the resignation of Rick Padilla of Grand Junction, Colorado, and to serve as a veteran, appointed;

effective June 30, 2002 for terms expiring June 30, 2006:

Randall L. Hoffman of Golden, Colorado, to serve as a veteran and as a Republican, reappointed;

C. Douglas Sterner of Pueblo, Colorado, to serve as a veteran and as a Republican, reappointed.

for terms expiring June 30, 2007:

The Honorable William D. Sinclair of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Thomas E. Johnson of Durango, Colorado, and to serve as a veteran, appointed.

George D. Thomas of Denver, Colorado, to serve as a veteran, appointed.

| 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 | | |

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to General Orders--Second Reading of Bills.

Committee of the Whole

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

- SB04-001** 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. 1
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Laid over until Tuesday, April 20, retaining its place on the calendar. 5
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- 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. 7
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Laid over until Tuesday, April 20, retaining its place on the calendar. 12
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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. 15
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Laid over until Tuesday, April 20, retaining its place on the calendar. 19
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- SB04-190** by Senator(s) Johnson S.; also Representative(s) Harvey--Concerning the creation of liens for health care providers on moneys collected by an injured person. 22
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Laid over until Tuesday, April 20, retaining its place on the calendar. 25
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- 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. 27
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As amended, Senate Journal, March 26, pages 644-647. 31
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Laid over until Tuesday, April 20, retaining its place on the calendar. 33
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- 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. 35
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Laid over until Tuesday, April 20, retaining its place on the calendar. 41
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- SB04-210** by Senator(s) Andrews; --Concerning the performance of the functions of immigration officers by state personnel. 43
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Laid over until Tuesday, April 20, retaining its place on the calendar. 46
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- SB04-215** by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, Tapia, Taylor, Teck; also Representative(s) Rippey, Briggs, Hall, Miller, White--Concerning the applicability of section 29-20-107, Colorado Revised Statutes, of the "Local Government Land Use Control Enabling Act". 48
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Laid over until Tuesday, April 20, retaining its place on the calendar. 53
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- SCR04-010** by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) of article X of the constitution of the state of Colorado, concerning a requirement that the fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues. 55
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As amended, Senate Journal, April 16, page 854. 61
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Laid over until Tuesday, April 20, retaining its place on the calendar. 63
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- SCR04-009** by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on 65
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state fiscal year spending.

Laid over until Tuesday, April 20, retaining its place on the calendar.

SB04-213 by Senator(s) Arnold, Cairns, Hillman, Jones, Lamborn; also Representative(s) Crane--
Concerning voter identification.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, April 14, page 808 and placed in members' bill files.)

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

SCR04-012 by Senator(s) Andrews; --Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning a modification of constitutional restrictions affecting the ability of the general assembly to make adjustments to state spending in response to changing levels of state revenues, and, in connection therewith, restricting the growth in the statewide base per pupil funding for the 2005-06 and 2006-07 state fiscal years to the rate of inflation plus one additional percentage point; reducing by one hundred million dollars the amount of moneys required to be spent on public school funding in the 2005-06 and 2006-07 state fiscal years; for the 2005-06 state fiscal year, requiring the state to retain up to one hundred million dollars of excess state revenues; for the 2006-07 state fiscal year, requiring the state to retain up to the sum of one hundred million dollars of excess state revenues and one hundred million dollars of such revenues as adjusted for specified factors; and, for the 2007-08 and all succeeding state fiscal years, requiring the state to retain up to the amount of excess state revenues retained in the 2006-07 state fiscal year as adjusted for specified factors.

Laid over until Tuesday, April 20, retaining its place on the calendar.

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

Laid over until Tuesday, April 20, retaining its place on the calendar.

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.

Laid over until Tuesday, April 20, retaining its place on the calendar.

HB04-1398 by Representative(s) Williams T.; also Senator(s) Dyer--Concerning statutory provisions governing business entities contained in title 7 of the Colorado Revised Statutes.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 15, pages 815-817 and placed in members' bill files.)

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

SB04-208 by Senator(s) Andrews; also Representative(s) Spence--Concerning persistently dangerous public schools.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 15, pages 817-819 and placed in members' bill files.)

Amendment No. 2(L.004), by Senator Andrews.

Amend the Education Committee Report, dated April 14, 2004, page 2, line 21, strike the second "SCHOOL" and substitute "SCHOOL, EXCEPT FOR A PUBLIC SCHOOL, INCLUDING A CHARTER SCHOOL, THAT RECEIVES

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A DESIGNATION PURSUANT TO SECTION 22-7-604.5 AS AN ALTERNATIVE
EDUCATION CAMPUS,".

As amended, declared **lost** on Second Reading.
(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 (SB04-227, HB04-1141, SB04-217, SB04-218) of April 19, was laid over until
Tuesday, April 20, retaining its place on the calendar.

AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE

Senator Hillman moved to amend the Report of the Committee of the Whole to show that
SB 04-208, as amended, was laid over to the general orders calendar of April 20, 2004,
retaining its place on the calendar.

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 Teck, 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: SB04-213 as amended HB04-1398 as amended.
Laid over until Tuesday, April 20: SB04-001, SB04-164, HB04-1242, SB04-190,
SB04-151 as amended, SB04-203, SB04-210, SB04-215, SCR04-010 as amended,
SCR04-009, SCR04-012, HB04-1373, HCR04-1005, SB04-227, HB04-1141, SB04-217,
SB04-218, SB04-208 as amended.

MESSAGE FROM THE HOUSE

April 19, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1057, HJR04-1077

The House has voted to concur in the Senate amendments to HB04-1279 and has repassed
the bill as so amended.

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-240** by Senator(s) McElhany; also Representative(s) Sinclair--Concerning the limitations in the
"Colorado Governmental Immunity Act" on judgments against health care practitioners who
carry private medical malpractice insurance.
Business Affairs & Labor
- HB04-1003** by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning laws related to
the impersonation of a peace officer, and making an appropriation therefor.
Judiciary
Appropriations
- HB04-1034** by Representative(s) Welker, Berry, Borodkin, Larson, Pommer, Sinclair, Spence, Stafford;
also Senator(s) Takis, Isgar, May R.--Concerning electronic renewal of a driver's license.
Transportation
- HB04-1077** by Representative(s) Jahn; also Senator(s) Anderson--Concerning the requirement that a
current background investigation be conducted on persons who apply for placement on
certain treatment services provider lists, and making an appropriation therefor.
Judiciary
Appropriations

- HB04-1136** by Representative(s) Hall, Schultheis, Briggs, Cadman, Crane, Fairbank, Jahn, King, May M., McCluskey, Rose, Spradley, White, Williams T.; also Senator(s) Lamborn--Concerning an increase in the exemption from property taxation for personal property established in section 39-3-119.5, Colorado Revised Statutes, and making an appropriation in connection therewith. 1
State Veterans & Military Affairs 2
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- HB04-1202** by Representative(s) Pommer; also Senator(s) Chlouber--Concerning the funding of "Colorado History Day", and making an appropriation therefor. 8
Education 9
Appropriations 10
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- HB04-1227** by Representative(s) Sinclair; also Senator(s) Lamborn--Concerning voting systems. 13
State Veterans & Military Affairs 14
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- HB04-1261** by Representative(s) Lee; also Senator(s) Johnson S.--Concerning the regulation of dangerous dogs, and making an appropriation therefor. 16
Agriculture, Natural Resources & Energy 17
Appropriations 18
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- HB04-1359** by Representative(s) Johnson R., Borodkin, Carroll, Cerbo, Coleman, Crane, Fairbank, Hodge, Marshall, McFadyen, McCluskey, Weddig, White; also Senator(s) Taylor--Concerning the relocation of the Colorado geological survey from the department of natural resources to the Colorado school of mines. 21
Agriculture, Natural Resources & Energy 22
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- HB04-1360** by Representative(s) Marshall, Pommer, Spence; also Senator(s) McElhany, Groff--Concerning financial literacy education within public schools, and making an appropriation in connection therewith. 27
Education 28
Appropriations 29
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- HB04-1362** by Representative(s) Carroll, Hefley, King, Lee, Rose, Spence, Williams T.; also Senator(s) Groff, Grossman, Hagedorn, Jones--Concerning the authorization of institute charter schools by the state charter school institute, and making an appropriation therefor. 33
Education 34
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- HB04-1411** by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--Concerning the administration of appropriated moneys. 38
Appropriations 39
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- HB04-1430** by Representative(s) May M., Berry, Harvey; also Senator(s) Lamborn--Concerning the dates by which certain action is to be taken affecting municipal elections. 42
State Veterans & Military Affairs 43
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MESSAGE FROM THE GOVERNOR

April 14, 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 hereby withdraw from your consideration the following:

MEMBER OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for a term effective July 1, 2003 and expiring January 1, 2006;

Luis A. Colon of Centennial, Colorado, appointed.

Sincerely,
(signed)

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Bill Owens
Governor
Rec'd: 4/16/04
Mona Heustis
Secretary of the Senate

APPOINTMENTS TO CONFERENCE COMMITTEE

HB04-1115 by Representative(s) Rhodes, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Wiens, White, Williams T.; also Senator(s) Tapia--Concerning the continuation of the state board of registration for professional engineers and professional land surveyors.

The President appointed Senators Kester, Chairman, Johnson, and Tapia as Senate Conferees on the First Conference Committee on **HB04-1115**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR04-037 and SJR04-041.

The President has signed: HB04-1004.

The President has signed: HB04-1009, 1046, 1054, 1062, 1066, 1084, 1109, 1112, 1145, 1153, 1230, 1267, 1271, 1280, 1298, 1341, 1350, 1351, 1370, 1380, 1384, 1388, 1394, 1395, 1401, 1415.

The President has signed: SR04-009.

SENATE SERVICES REPORTS

Correctly Printed: SB04-239; SCR04-015, 016, 017, 018, 019, 020 and 021.

Correctly Engrossed: SB04-220, 221 and 228.

Correctly Reengrossed: SB04-142 and 211; SR04-009; SJR04-031.

Correctly Revised: HB04-1028, 1048, 1079, 1237, 1400 and 1404.

Correctly Rerevised: HB04-1080, 1279 and 1367; HJR04-1012.

Correctly Enrolled: SJR04-037 and 041.

TRIBUTES

Honoring Jim Greenhill -- by Senator Jim Isgar and Representative Mark Larson.

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 April 19, 2004, was laid over until Tuesday, April 20, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046, SJR04-047, SJR04-048, SJR04-049, SJR04-051, SJR04-052, SR04-010, SJR04-053, SJR04-055, SR04-011.

Consideration of Memorials: SJM04-004, SJM04-003.

Consideration of Conference Committee Reports: HB04-1061.

Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, SB04-094, SB04-024.

Requests for Conference Committee: SB04-125, SB04-108, HB04-1361.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, April 20, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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