

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

Seventy-seventh Legislative Day

Tuesday, March 23, 2004

Prayer By the chaplain, Reverend Kelby Cotton.

Pledge By the President.

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

Roll Call Present--33.
Absent/Excused--2; Anderson, Owen.
Present later--Anderson, Owen.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Johnson, reading of the Journal of March 22, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

MESSAGE FROM THE HOUSE

March 22, 2004
Mr. President:

The House has postponed indefinitely SB04-072. The bill is returned herewith.

The House has adopted and returns herewith SJR04-026.

INTRODUCTION OF BILLS--FIRST READING

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

SB04-206 by Senator(s) McElhany, Hanna, Anderson, Andrews, Chlouber, Dyer, Fitz-Gerald, Groff, Grossman, Hagedorn, Johnson S., Keller, Kester, Phillips, Reeves, Sandoval, Teck; also Representative(s) Witwer, Hefley, Harvey, Boyd, Carroll, Clapp, Coleman, Fairbank, Frangas, Hall, Johnson R., King, Mitchell, Plant, Rhodes, Romanoff, Spradley, Stafford, Tochtrop, Young--Concerning hospice care for persons who are eligible under the "Colorado Medical Assistance Act".
Health, Environment, Welfare & Institutions

HB04-1165 by Representative(s) Lundberg; also Senator(s) Teck--Concerning changes to the felony threshold loss amount in certain crimes.
Judiciary

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:

HB04-1109 by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning the continuation of the regulation of securities by the division of securities, and, in connection therewith, narrowing the exemption for certain Annuities, registration of federally registered securities, and discipline of licensees, specifying conditions for rescission of sales, and

reducing the number of required meetings of the municipal bond authority advisory committee.

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

Third Reading Amendment No. 1(L.014), by Senator Lamborn.

Amend revised bill, page 12, after line 12, insert the following:

"SECTION 5. 11-51-606 (1), (1.5) (a), (1.5) (c), and (1.5) (d), Colorado Revised Statutes, are amended to read:

11-51-606. Conduct of proceedings - cease-and-desist orders - consent orders - summary orders - issued by securities commissioner.

(1) Any administrative proceeding under this article shall be conducted pursuant to the provisions of sections 24-4-104 and 24-4-105, C.R.S.; except that section 24-4-104 (3), C.R.S., shall not apply to any proceeding conducted pursuant to this article. Except as specified in paragraph (d) of subsection (1.5) or paragraph (e) of subsection (3) of this section, the securities commissioner shall refer the conduct of all hearings to an administrative law judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., OR A PANEL OF THE SECURITIES BOARD IN THE DISCRETION OF THE SECURITIES COMMISSIONER, BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER. Every hearing in an administrative proceeding shall be public unless the securities commissioner, in the securities commissioner's discretion, grants a request joined in by all the respondents that the hearing be conducted privately.

(1.5) (a) Whenever it appears to the securities commissioner, based upon sufficient evidence as presented in a petition by an officer or employee of the division of securities, that a person has committed or may commit any of the acts or practices listed in paragraph (b) of this subsection (1.5), then, in addition to any specific powers granted under this article, the securities commissioner, in his or her discretion, may issue to such person an order to show cause why the securities commissioner should not enter a final order directing such person to cease and desist from the unlawful act or practice, or impose such other sanctions as provided in subparagraph (IV) of paragraph (d) of this subsection (1.5). The securities commissioner shall, promptly WITHIN TWO CALENDAR DAYS, notify the chairperson of the securities board OR AN ADMINISTRATIVE LAW JUDGE that an order to show cause has been issued, and the chairperson OR ADMINISTRATIVE LAW JUDGE shall set a date for hearing on such order before the securities board OR ADMINISTRATIVE LAW JUDGE as provided in paragraph (d) of this subsection (1.5).

(c) Any person against whom an order to show cause has been entered pursuant to paragraph (a) of this subsection (1.5) shall be promptly notified by the securities division of the entry of the order, along with a copy of the order, the factual and legal basis for the order, and the date set by the chairperson of the securities board OR AN ADMINISTRATIVE LAW JUDGE for hearing on such order. Such notice may be served by United States mail, postage prepaid, to the last-known address of such person, by personal service, BY facsimile transmission, or as may be practicable upon any person against whom such order is entered. Mailing or facsimile transmission of an order or other documents under this subsection (1.5), or personal service of such orders or documents, shall constitute notice thereof to the person.

(d) (I) The hearing on an order to show cause shall be commenced no sooner than ten nor later than twenty-one calendar days following the date of transmission or service of the notification by the securities division as provided in paragraph (c) of this subsection (1.5). The hearing may be continued by agreement of ALL OF the parties BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, but in no event shall the hearing commence later than thirty-five calendar days following the date of transmission or service of the notification.

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(II) If a person against whom an order to show cause entered pursuant to paragraph (a) of this subsection (1.5) does not appear at the hearing, the securities division may present evidence that notification was properly sent or served upon such person pursuant to paragraph (c) of this subsection (1.5) and such other evidence related to the matter as the securities board OR ADMINISTRATIVE LAW JUDGE deems appropriate. In the case where such person does not appear, the securities commissioner may not issue an order unless there is a finding by the securities board OR ADMINISTRATIVE LAW JUDGE that there is a reasonable basis to believe such notification was actually received or served, or, after reasonable search by the securities division, the person against whom the order was entered cannot be located. THE SECURITIES COMMISSIONER SHALL ENTER SUCH ORDER WITHIN TEN DAYS AFTER HIS OR HER DETERMINATION RELATED TO REASONABLE ATTEMPTS OF NOTIFICATION OF THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW.

(III) At any hearing pursuant to this paragraph (d), the securities board OR ADMINISTRATIVE LAW JUDGE shall take evidence and hear arguments from the securities division and the person against whom the order to show cause has been entered, pursuant to such rules and procedures as may be adopted by the securities commissioner. Based on the evidence entered and arguments heard at the hearing, the securities board OR ADMINISTRATIVE LAW JUDGE shall enter findings of fact, conclusions of law, and its AN initial decision recommending to the securities commissioner that a final order be entered affirming, denying, vacating, or otherwise modifying the order to show cause. THE INITIAL DECISION SHALL BE ISSUED WITHIN TEN DAYS AFTER THE CONCLUSION OF THE HEARING PROVIDED PURSUANT TO THIS PARAGRAPH (d) AND SHALL BE PROMPTLY DELIVERED TO THE SECURITIES COMMISSIONER.

(IV) If the securities commissioner reasonably finds that the person against whom the order to show cause was entered has engaged, or is about to engage, in acts or practices constituting violations as set forth in paragraph (b) of this subsection (1.5) and makes the findings required by section 11-51-704 (2), he or she may issue a final cease and desist order imposing one or more of the following sanctions:

(A) Directing such person to cease and desist from further unlawful acts or practices;

(B) Censuring the person, if the person is a licensed broker-dealer, sales representative, investment adviser, or investment adviser representative; or

(C) Requiring such person to undertake or comply with conditions or limitations placed upon the activities, functions, or operations of such person, within such reasonable time period as may be imposed by the securities commissioner.

(V) The securities commissioner shall promptly provide notice of the final order WITHIN TEN CALENDAR DAYS AFTER RECEIVING THE INITIAL DECISION, in the manner set forth in paragraph (c) of this subsection (1.5), to each person against whom such order has been entered. The final order entered pursuant to subparagraph (IV) of this paragraph (d) shall be effective when issued, and shall be a final order for purposes of judicial review pursuant to section 11-51-607."

Renumber succeeding sections accordingly.

Page 1, line 104, strike "ANNUITIES," and substitute "ANNUITIES, AMENDING PROCEDURES FOR THE ISSUANCE OF CEASE-AND-DESIST ORDERS,".

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

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The question being "Shall the bill, as amended, 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	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	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**.

Committee of the Whole

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

SB04-132 by Senator(s) Arnold; also Representative(s) Young, Hoppe, Weddig, Williams S., Williams T.--Concerning the modification of existing benefit plans for members of the public employees' retirement association.

Laid over until Friday, March 26, retaining its place on the calendar.

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 Friday, March 26, retaining its place on the calendar.

SB04-153 by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Welker--Concerning combining polling places, and, in connection therewith, authorizing designated election officials to establish vote centers where any elector registered in the political subdivision may vote.

Laid over until Wednesday, March 24, retaining its place on the calendar.

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.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1273 by Representative(s) Spradley, Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippy, Rose, Salazar, Tochtrop, Weissmann, Wiens, Williams S., Williams T.; also Senator(s) Kester, Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1187 by Representative(s) Harvey, May M.; also Senator(s) Andrews--Concerning an alien's ability to establish Colorado domicile for in-state tuition purposes.

As amended, Senate Journal, March 11, page 489.

Laid over until Wednesday, March 24, retaining its place on the calendar.

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- HB04-1121** by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning the treatment under laws regulating campaign finance of contributions to persons involved in the political process. 1
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Laid over until Wednesday, March 24, retaining its place on the calendar. 5
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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. 7
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Laid over until Friday, March 26, retaining its place on the calendar. 12
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- SB04-136** by Senator(s) Arnold; also Representative(s) King--Concerning the provision of remedial assistance to high school students who perform below a certain level of proficiency in an academic area on a statewide assessment. 14
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As amended, Senate Journal, March 18, page 558. 18
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Laid over until Friday, March 26, retaining its place on the calendar. 20
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- HB04-1078** by Representative(s) Harvey, Lundberg, Rhodes; also Senator(s) Lamborn--Concerning regulation of sexually explicit representations that are harmful to minors. 22
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Laid over until Wednesday, March 24, retaining its place on the calendar. 25
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- SB04-177** by Senator(s) Gordon, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Sandoval, Takis, Tapia, Taylor, Veiga, Windels; also Representative(s) Hefley, Stafford, Pommer, Borodkin, Briggs, Carroll, Coleman, Decker, Frangas, Hodge, Jahn, Judd, Madden, Marshall, McCluskey, McFadyen, McGihon, Miller, Rippy, Romanoff, Rose, Salazar, Stengel, Welker, Tochtrop, Weissmann, White, Williams S.--Concerning home- and community-based services under the state's medicaid program for children with autism. 27
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 35
(Printed in Senate Journal, February 13, pages 270-271 and placed in members' bill files.) 36
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Amendment No. 2, Appropriations Committee Amendment. 38
(Printed in Senate Journal, March 15, pages 518-519 and placed in members' bill files.) 39
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Amendment No. 3(L.003), by Senator Gordon. 41
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Amend the Appropriations Committee Report, dated March 12, 2004, 43
page 1, strike lines 3 through 18. 44
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Page 2 of the committee report, strike lines 1 through 25 and substitute the 46
following: 47
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 ""SECTION 5. Effective date. (1) This act shall take effect". 49
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Amendment No. 4(L.005), by Senator Gordon. 52
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Amend printed bill, page 2, line 16, strike "EIGHT" and substitute "SIX". 54
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Page 4, strike lines 23 through 26. 56
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Re-number succeeding subsections accordingly. 58
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Page 6, strike lines 8 through 11 and substitute "PROCESS FOR EACH 60
ELIGIBLE CHILD AND THE USE OF AN"; 61
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line 12, strike "THESE" and substitute "THIS". 63
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Page 8, strike lines 4 through 10 and substitute the following: 65
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 ~~"(II) If the surcharge is collected by a county or municipal court,~~ 67
The surcharge shall be ~~twelve~~ TWENTY dollars. ~~of which two dollars shall~~ 68
~~be retained by the county or municipality and the remaining ten dollars~~ 69
THE SURCHARGE shall be transmitted to"; 70
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line 23, strike "TWENTY-TWO" and substitute "TWENTY"; 72

strike line 25 and substitute the following:

"moneys to the court administrator of the judicial district in which the STATE TREASURER WHO SHALL";

line 26, strike "offense occurred for" and substitute "offense occurred for", and after "credit", insert "THE MONEYS".

Page 9, strike lines 2 and 3 and substitute the following:

"26-4-695, C.R.S. Two dollars of the surcharge shall be retained by the county and the remaining ten OF THE TWENTY dollars, TEN DOLLARS shall be".

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

HB04-1292 by Representative(s) Clapp, Stengel, Cadman, Fairbank, Jahn, Lee, May M., Rose, Stafford, Welker, White, Young; also Senator(s) Hagedorn--Concerning requirements of an insurer regarding factors that may negatively affect an insured's ability to obtain homeowner's insurance.

As amended, Senate Journal, March 19, pages 578-579.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1244 by Representative(s) Jahn; also Senator(s) Evans--Concerning the payment from the risk management fund of the legal defense of professionals retained by agencies within the department of regulatory agencies who have statutory immunity from civil suit.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1230 by Representative(s) Hall, May M., Crane, Fairbank, Lundberg, Mitchell, Rose, Williams S., Williams T.; also Senator(s) Jones--Concerning the election of school district directors from director districts.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1348 by Representative(s) Mitchell; also Senator(s) McElhany--Concerning standards for permissible noise from electric transmission facilities.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1234 by Representative(s) Fairbank; also Senator(s) McElhany--Concerning measures to enhance consumer protection for certain motor vehicle coverages.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1308 by Representative(s) Cloer, Jahn, King, Paccione, Spradley, White, Lundberg, Boyd, Butcher, Fairbank, Miller, Mitchell; also Senator(s) Lamborn--Concerning the requirement of pedigree papers for the distribution of prescription drugs.

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

HB04-1090 by Representative(s) Rhodes; also Senator(s) Kester--Concerning criteria for independent contractors for purposes of workers' compensation coverage.

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

HB04-1353 by Representative(s) Schultheis, Coleman, Crane, Decker, Frangas, Garcia, Hall, Harvey, Jahn, King, Larson, Lee, May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop, Vigil, Weddig, Welker, Williams S.; also Senator(s) Cairns--Concerning immunity from liability for harm related to emergency activities.

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

HB04-1379 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning reports received by the general assembly that concern matters to be heard by the health, environment, welfare, and institutions committees pursuant to Colorado's "Information Coordination Act".

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

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- SB04-196** by Senator(s) Hagedorn; also Representative(s) Smith--Concerning consequences for commission of substance-related traffic offenses. 1
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 4
(Printed in Senate Journal, March 18, pages 560-561 and placed in members' bill files.) 5
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final 7
Passage. 8
9
- HB04-1061** by Representative(s) Berry, Hefley, Jahn, Madden, McFadyen, Williams S.; also Senator(s) 10
Takis--Concerning the utilization of child advocacy centers. 11
12
Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 13
(Printed in Senate Journal, March 18, pages 561-562 and placed in members' bill files.) 14
15
As amended, ordered revised and placed on the calendar for Third Reading and Final 16
Passage. 17
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- SB04-050** by Senator(s) Lamborn; also Representative(s) Sinclair--Concerning motor vehicle carriers 19
exempt from regulation as public utilities. 20
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Laid over until Wednesday, March 24, retaining its place on the calendar. 22
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- HB04-1150** by Representative(s) Hefley, Mitchell, Harvey, Brophy, Decker, Fairbank, Hoppe, Jahn, 24
King, May M., Rippy, Salazar, Schultheis, Weddig, White, Williams S.; also Senator(s) 25
Hillman--Concerning the creation of the "Commonsense Consumption Act". 26
27
Amendment No. 1, Judiciary Committee Amendment. 28
(Printed in Senate Journal, March 16, page 541 and placed in members' bill files.) 29
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Amendment No. 2(L.012), by Senator Hillman. 31
32
Amend reengrossed bill, page 2, strike lines 18 and 19 and substitute the 33
following: 34
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"(2) "FOOD" MEANS ANY FOOD OR BEVERAGE, INCLUDING 36
CHEWING GUM, INTENDED FOR HUMAN CONSUMPTION AND ARTICLES USED 37
FOR COMPONENTS OF ANY SUCH FOOD OR BEVERAGE." 38
39
As amended, ordered revised and placed on the calendar for Third Reading and Final 40
Passage. 41
42
- HB04-1153** by Representative(s) Stengel; also Senator(s) Kester--Concerning housing issues for victims 43
of domestic violence. 44
45
Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 46
(Printed in Senate Journal, March 18, pages 565 and placed in members' bill files.) 47
48
As amended, ordered revised and placed on the calendar for Third Reading and Final 49
Passage. 50
51
- HB04-1066** by Representative(s) Wiens; also Senator(s) Evans--Concerning the opportunity for voters 52
in the town of Castle Rock in Douglas county to determine whether to be included in the 53
boundaries of certain special districts. 54
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Amendment No. 1(L.007), by Senator Evans. 56
57
Amend reengrossed bill, page 5, line 25, strike "REIMBURSE" and 58
substitute "GRANT". 59
60
Page 9, line 13, strike "REIMBURSE" and substitute "GRANT". 61
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As amended, ordered revised and placed on the calendar for Third Reading and Final 64
Passage. 65
66
- SB04-198** by Senator(s) Taylor, Anderson, Takis, Tupa; also Representative(s) Coleman, Rhodes, 67
Vigil, Williams T.--Concerning the transfer of the responsibility of administering the state 68
contribution to assist in providing certain benefits for volunteer firefighters from the fire and 69
police pension association to the department of local affairs. 70
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 72

SB04-194 by Senator(s) Jones, Dyer, McElhany, May R., Cairns, Andrews, Arnold, Chlouber, Entz, Evans, Johnson S., Kester, Lamborn, Owen, Taylor, Teck; also Representative(s) Mitchell, Harvey, Brophy, Cadman, Crane, Hefley, King, Lee, May M., Wiens--Concerning the requirement that a public entity treat people equally in the operation of certain public functions, and, in connection therewith, creating the "Colorado Civil Rights Act".

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1251 by Representative(s) Frangas, Boyd, Cloer, Coleman, Johnson R., Tochtrop, Weissmann; also Senator(s) Kester--Concerning continuation of the regulation of mental health professionals by the department of regulatory agencies, and making an appropriation in connection therewith.

Laid over until Wednesday, March 24, retaining its place on the calendar.

HB04-1263 by Representative(s) Lundberg, Schultheis, May M., Brophy, Cloer, Frangas, Hall, Harvey, Lee, Miller, Rippy, Rose, Spradley, Tochtrop, Welker; also Senator(s) Cairns--Concerning the removal of the requirement under Colorado law for submission of a social security number on an application for a license issued by the division of wildlife.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, March 19, page 586 and placed in members' bill files.)

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

HB04-1311 by Representative(s) Frangas, Cloer, Schultheis, Hefley, Jahn, Lundberg, May M., Tochtrop, Weissmann; also Senator(s) Jones--Concerning identity theft.

Amendment No. 1, State, Veterans and Military Affairs Committee Amendment.
(Printed in Senate Journal, March 18, pages 564-565 and placed in members' bill files.)

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

Amend the State Veterans & Military Affairs Committee Report, dated March 17, 2004, page 2, line 2, strike "RELINQUISH CONTROL OVER" and substitute "DISPOSE OF".

Amendment No. 3(L.009), by Senator Jones.

Amend reengrossed bill, page 4, before line 1, insert the following:

"**SECTION 4.** 24-72-204 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

(VII) ELECTRONIC MAIL ADDRESSES PROVIDED BY A PERSON TO AN AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION OF THE STATE FOR THE PURPOSES OF FUTURE ELECTRONIC COMMUNICATIONS TO THE PERSON FROM THE AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION."

Renumber succeeding section accordingly.

As amended, laid over until Wednesday, March 24, retaining its place on the calendar.

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 (HB04-1311 as amended) of March 23, was laid over until Wednesday, March 24, retaining its place on the calendar.

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Anderson, 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: SB04-177 as amended, HB04-1308, HB04-1090, HB04-1353, HB04-1379, SB04-196 as amended, HB04-1061 as amended, HB04-1150 as amended, HB04-1153 as amended, HB04-1066 as amended, SB04-198, HB04-1263 as amended. Laid over until Wednesday, March 24: SB04-153, SB04-151, HB04-1273, HB04-1187 as amended, HB04-1121, HB04-1078, HB04-1292 as amended, HB04-1244, HB04-1230, HB04-1348, HB04-1234, SB04-050, SB04-194, HB04-1251, HB04-1311 as amended. Laid over until Friday, March 26: SB04-132, SB04-164, HB04-1242, SB04-136 as amended.

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 Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-082 by Senator(s) Kester; also Representative(s) Paccione--Concerning the authorization of certain persons to taste alcohol beverages in the course of post-secondary educational programs involving the culinary arts.

Senator Kester moved that the Senate not concur in House amendments to **SB04-082**, as printed in House Journal, March 12, page 848, and that a Conference Committee be appointed.

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

SB04-041 by Senator(s) Tapia; also Representative(s) McFadyen--Concerning appointment of another judge to preside over a deposition taken pursuant to rule 15 (d) of the Colorado rules of criminal procedure.

Senator Tapia moved that the Senate concur in House amendments to **SB04-041**, as printed in House Journal, March 12, page 848. The motion was **passed** 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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

SB04-108 by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of claims under the "Unclaimed Property Act".

Laid over until Wednesday, March 24, retaining its place on the calendar.

SB04-117 by Senator(s) Sandoval, Andrews; also Representative(s) Cloer--Concerning removal of a newborn child from the custody of the child's parents.

Senator Sandoval moved that the Senate concur in House amendments to **SB04-117**, as printed in House Journal, March 12, pages 850-851. The motion was **passed** 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		

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

YES	27	NO	8	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	N	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	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	N	Reeves	N	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	Y		

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

SB04-157 by Senator(s) Andrews; also Representative(s) Spradley--Concerning the exclusion from lobbying of persons who limit their activities to providing formal testimony.

Senator Andrews moved that the Senate concur in House amendments to **SB04-157**, as printed in House Journal, March 12, pages 851-852. The motion was **passed** 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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Chlouber and May.

SB04-098 by Senator(s) Hanna; also Representative(s) Stengel--Concerning the establishment of a "Structured Settlement Protection Act".

Laid over until Wednesday, March 24, retaining its place on the calendar.

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.

Laid over until Wednesday, March 24, 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".

Senator Windels moved that the Senate concur in House amendments to **SB04-084**, as printed in House Journal, March 12, page 867. The motion was **passed** 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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

SB04-007 by Senator(s) Anderson, Taylor; also Representative(s) Williams T., Rhodes--Concerning the determination of which higher education employees are exempt from the state personnel system.

Senator Anderson moved that the Senate concur in House amendments to **SB04-007**, as printed in House Journal, March 17, page 889 and in House Journal, March 18, pages 901-903. The motion was **passed** 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		

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

YES	29	NO	6	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	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	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, as amended, was declared **repassed**.

SB04-152 by Senator(s) Evans; also Representative(s) Lee--Concerning a prohibition on the payment of a teacher following the initiation of a prosecution for an offense that would result in the loss of licensure.

Senator Evans moved that the Senate concur in House amendments to **SB04-152**, as printed in House Journal, March 17, page 892. The motion was **passed** 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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

Co-sponsors added: Andrews, Arnold, and Lamborn.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBERS OF THE
READ-TO-ACHIEVE BOARD

for terms expiring July 1, 2006:

Karen M. Brown of Pueblo West, Colorado, to serve as a member with knowledge of the best practices in reading and reading instruction and as an Unaffiliated, reappointed;

Karen J. Durica of Littleton, Colorado, to serve as a member with knowledge of and experience in public education in elementary grades and as a Republican, reappointed;

Laura "Gail" Coleman of Lakewood, Colorado, to serve as third grade elementary school teacher and as a Republican, 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 Hillman, the following Governor's appointments were laid over to Wednesday, March 24, retaining their place on the calendar:

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.

On motion of Senator Arnold, the following Governor's appointments were severed and confirmed by the following roll call votes:

MEMBERS 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.

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

for terms expiring July 1, 2007:

Dean L. Quamme of Grand Junction, Colorado, to serve as a representative of the Third Congressional District and as a Republican, reappointed;

Judy P. Weaver of Pueblo, Colorado, to serve as a representative of the Third Congressional District and as a Republican, 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 appointments were confirmed by a roll call vote:

MEMBERS OF THE
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for a term effective July 1, 2003 and expiring January 1, 2007:

Steven H. Meyer of Grand Junction, Colorado, appointed.

for a term effective July 1, 2003 and expiring January 1, 2008:

C. Thomas Kaesemeyer 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 Arnold, the following Governor's appointments were confirmed by a roll call vote:

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

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

Virginia Butler of Denver, Colorado, reappointed;

Maria Garcia Berry 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 Entz, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE BOARD OF
PARKS AND OUTDOOR RECREATION

for a term expiring June 30, 2006:

Antonette DeLauro of Centennial, Colorado, to fill the vacancy occasioned by the resignation of Edward C. Callaway, and to serve as a representative of the state at large and as a Republican, 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 Entz, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2007:

Thomas R. Sharp of Steamboat Springs, Colorado, to serve as a representative from the Yampa-White drainage basin and as a Republican, 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		

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

HB04-1112 by Representative(s) Welker, Coleman, Harvey, Hodge, Hoppe, Larson, Marshall, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Sandoval-- Concerning the regulation of persons licensed to deal in certain monetary instruments, and, in connection therewith, continuing the regulatory authority of the banking board and the state bank commissioner over such activities.

Senator Sandoval moved for the adoption of the First Report of the First Conference Committee on **HB04-1112**, as printed in Senate Journal, March 12, page 496. The motion 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		

The question being "Shall the bill, as amended, 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, as amended, was declared **repassed**.

MESSAGE FROM THE HOUSE

March 23, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1039.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Resolution--HJR04-1039.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR04-1039 by Representative(s) Wiens; also Senator(s) Lamborn--Concerning the American Red Cross Prepare Colorado Campaign.

IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1039

HJR04-1039 by Representative(s) Wiens; also Senator(s) Lamborn--Concerning the American Red Cross Prepare Colorado Campaign.

On motion of Senator Lamborn, 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, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **HB04-1304** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1376** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 6, strike "SUBPARAGRAPH (III)" and substitute "SUBPARAGRAPHS (II) AND (III)";

strike lines 15 through 20 and substitute the following:

~~paragraph (a)~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (a), arrest or criminal records information may not be sealed if:

(A) An offense is not charged due to a plea agreement in a separate case; or

(B) A dismissal occurs as part of a plea agreement in a separate case.";

line 26, strike "DUE TO A PLEA";

line 27, strike "AGREEMENT IN A CASE THAT" and substitute "OR".

Page 3, line 1, strike "CASE." and substitute "CASE, AND IF:";

strike lines 2 through 9 and substitute the following:

(A) THE PETITION IS FILED TWENTY YEARS OR MORE AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN INTEREST; AND

(B) THE PERSON IN INTEREST HAS NOT BEEN CHARGED OR ARRESTED FOR ANY CRIMINAL OFFENSE IN THE TWENTY YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE PERSON IN INTEREST."

MESSAGES FROM THE GOVERNOR

Appointments Letters of designation and appointment from Governor Owens were read and assigned to Committees as follows:

March 8, 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
STATE HOUSING BOARD

for a term expiring January 31, 2007:

Don W. Marostica of Loveland, Colorado, to fill the vacancy occasioned by the resignation of Ted J. Chavez of Milliken, Colorado, and to serve as a member from the Fourth Congressional District and as a Republican, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 3/18/04
Mona Heustis
Secretary of the Senate

Committee on Business Affairs and Labor

March 17, 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
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.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 3/18/04
Mona Heustis
Secretary of the Senate

Committee on Business Affairs and Labor

March 8, 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:

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for terms expiring March 23, 2008:

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L. Roger Hutson of Englewood, Colorado, to serve as a representative of graduates, appointed; 1
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DeAnn Craig of Denver, Colorado, to serve as a representative of graduates, appointed. 3
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Sincerely, 5
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(signed) 7

Bill Owens 8

Governor 9

Rec'd: 3/18/04 10

Mona Heustis 11

Secretary of the Senate 12

Committee on Education 13
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March 3, 2004 15
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To the Honorable 18
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Colorado Senate 20

Colorado General Assembly 21

State Capitol Building 22

Denver, CO 80203 23
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Ladies and Gentlemen: 25
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Pursuant to the powers conferred upon me by the Constitution and Laws of the State of 27
Colorado, I have the honor to designate, appoint and submit to your consideration, the 28
following: 29
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MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS 31
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for a term expiring June 30, 2005: 33
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Rodolfo F. Arguello of San Pablo, Colorado, to fill the vacancy occasioned by the resignation 35
of Rick Padilla of Grand Junction, Colorado, and to serve as a veteran, appointed; 36
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for a term expiring June 30, 2007: 38
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The Honorable William D. Sinclair of Colorado Springs, Colorado, to fill the vacancy 40
occasioned by the resignation of Thomas E. Johnson of Durango, Colorado, and to serve as 41
a veteran, appointed. 42
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Sincerely, 44
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(signed) 46

Bill Owens 47

Governor 48

Rec'd: 3/10/804 49

Mona Heustis 50

Secretary of the Senate 51
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Committee on State, Veterans and Military Affairs 53
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APPOINTMENTS TO CONFERENCE COMMITTEE 55
56
57

HB04-1117 by Representative(s) Rhodes; also Senator(s) Hillman--Concerning a grace period in which 58
a health insurance carrier may reenter the Colorado insurance market without penalty. 59
60

The President appointed Senators Hillman, Chairman, Johnson, and Takis as Senate 61
Conferees on the First Conference Committee on **HB04-1117**. 62
63

HB04-1102 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning the regulation of dental 64
health care providers by the state board of dental examiners. 65
66

The President appointed Senators Johnson, Chairman, Kester, and Hagedorn as Senate 67
Conferees on the First Conference Committee on **HB04-1102**. 68
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SENATE SERVICES REPORT

Correctly Printed: SB04-205.
Correctly Engrossed: SJR04-026 and 027.
Correctly Revised: HJR04-1021 and 1035.
Correctly Rerevised: HB04-1046, 1062, 1084, 1177, 1236, 1271, 1366, 1368 and 1369.
Correctly Enrolled: SB04-051,107 123 and 175.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 23, 2004, was laid over until Wednesday, March 24, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022,
 SJR04-010, SJR04-025, HJR04-1020, HJR04-1029, SJR04-026, HJR04-1005, SJR04-017,
 HJR04-1027, SJR04-028.
 Conference Committees to Report: HB04-1072, HB04-1280.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, March 24, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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