

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

One-hundred-twentieth Legislative Day Wednesday, May 5, 2004

Prayer	By the chaplain, Reverend Glen Hamlyn.	10
Pledge	By Senator McElhany.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--34. Absent/Excused--1; May. Present later--May.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Veiga, reading of the Journal of Tuesday, May 4, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

MESSAGE FROM THE HOUSE

May 4, 2004
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Cloer, chairman, Stengel, and Judd as House conferees on the First Conference Committee on SB04-216.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1021**

**THIS REPORT AMENDS THE
REREVISED BILL**

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

Your first conference committee appointed on HB04-1021, concerning the consumption of alcohol, and making an appropriation therefor, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill, as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 9, line 10, strike "THE FOLLOWING NEW SUBSECTIONS" and substitute "A NEW SUBSECTION";

strike lines 14 through 16.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Briggs	Senator McElhany
Representative Rose	Senator Jones
Representative Coleman	Senator Veiga

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1199

THIS REPORT AMENDS THE
REREVISED BILL

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

Your first conference committee appointed on HB04-1199,
concerning nonfelony traffic matters involving minors under the age of
eighteen years, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendments made to the bill,
as said amendments appear in the rerevised bill, with the following
changes:

Amend rerevised bill, page 14, strike lines 2 through 27.

Strike pages 15 and 16.

Page 17, strike lines 1 through 25.

Renumber succeeding sections accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Lee	Senator McElhany
Representative Witwer	Senator R. May
Representative Frangas	Senator Nichol

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:

HB04-1448 by Representative(s) Spradley; also Senator(s) May R.--Concerning the regulation of trade
names.

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**.

HB04-1190 by Representative(s) Romanoff; also Senator(s) Teck--Concerning economic development
incentives, and, in connection therewith, allowing a certified capital company to use
proceeds or gains from the use of certified capital to pay taxes passed through to the equity
owners of the certified capital company and modifying the circumstances under which a
certified capital company may make distributions from certified capital.

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

YES	32	NO	3	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	N	Nichol	Y	Tupa	Y
Entz	N	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: Isgar and Taylor.

HB04-1464 by Representative(s) Witwer, Young, Plant; also Senator(s) Reeves, Owen, Teck-- Concerning the authorization of additional personnel to the department of education to provide assistance to public schools relating to school capital construction.

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**.

HB04-1465 by Representative(s) Witwer, Young, Plant; also Senator(s) Teck, Owen, Reeves-- Concerning the capital development committee, and making an appropriation in connection therewith.

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	N	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	N
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: Anderson, Arnold, Entz, Fitz-Gerald, Gordon, Phillips, and Veiga.

HB04-1455 by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

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

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YES	19	NO	16	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	N	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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

Co-sponsors added: Anderson, Andrews, Arnold, Chlouber, Evans, Hillman, Kester, and Lamborn.

IMMEDIATE RECONSIDERATION OF HB04-1455

HB04-1455 by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

Having voted on the prevailing side, Senator Teck moved for immediate reconsideration and reversal of the roll call on **HB04-1455**. The roll call was taken with the following result:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	N
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	N	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	N	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was **LOST**.

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 Conference Committee Reports--HB04-1021 and HB04-1199.

IMMEDIATE CONSIDERATION OF CONFERENCE COMMITTEE REPORTS--HB04-1021 AND HB04-1199

HB04-1021 by Representative(s) Briggs, Merrifield; also Senator(s) McElhany--Concerning the consumption of alcohol, and making an appropriation therefor.

Senator McElhany moved for the adoption of the First Report of the First Conference Committee on **HB04-1021**, as printed in Senate Journal, May 5, page 1257. 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	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	N
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: Phillips.

HB04-1199 by Representative(s) Lee, Briggs, Crane, Hefley, Jahn, King, Larson, Pommer, Rose, Schultheis, Sinclair, Spence, Stafford, Welker, Williams S.; also Senator(s) McElhany-- Concerning nonfelony traffic matters involving minors under the age of eighteen years.

Senator McElhany moved for the adoption of the First Report of the First Conference Committee on **HB04-1199**, as printed in Senate Journal, May 5, page 1258. The motion was **adopted** by the following roll call vote:

YES	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	N	Phillips	N	Windels	N
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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: May.

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 Resolutions--HJR04-1067.

CONSIDERATION OF RESOLUTION--HJR04-1067

HJR04-1067 by Representative(s) Vigil, Butcher, Coleman, Frangas, Garcia, Salazar; also Senator(s) Tapia, Sandoval--Concerning the celebration of Cinco de Mayo.

On motion of Senator Tapia, the resolution was read at length and **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, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Takis, Taylor, Teck, Tupa, Veiga, and Windels.

CONSIDERATION OF RESOLUTIONS

HJR04-1038 by Representative(s) Spradley; also Senator(s) Andrews--Concerning nonsubstantive changes to the joint rules of the senate and the house of representatives, and, in connection therewith, making the joint rules gender-neutral, aligning the joint rules with current practices, and eliminating obsolete provisions.

Amendment No. 1(L.004), by Senator Hillman.

Amend reengrossed joint resolution, page 2, line 28, strike "SERVICES" and substitute "SERVICES".

Page 5, line 36, strike "WHETHER CREATED" and substitute "AND AUTHORIZED".

Page 6, strike line 36 and substitute the following:

"Any committee of reference of the General Assembly, or of either";

strike lines 39 through 43 and substitute the following:

"two-thirds of the entire membership. ~~The committee may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters:~~

- ~~(a) To consider the purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the public body shall use this subsection (a) as a subterfuge for providing covert information to prospective buyers or sellers;~~
- ~~(b) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;~~
- ~~(c) Matters required to be kept confidential by federal law or rules or state statutes;~~
- ~~(d) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;~~
- ~~(e) To determine positions relative to matters that may be subject to negotiations with employees or employee organizations; to develop strategy for and receive reports on the progress of negotiations, and to instruct negotiators;~~
- ~~(f) All meetings held by members of a public body subject to this part 4 to consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints~~

~~against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. An executive session may be held only at a regular or special meeting of the public body and only upon the affirmative vote of two-thirds of the entire membership of the body;~~

~~(g) Prior to the time the members of the public body convene in executive session, the chairman of the body shall announce the general topic of the executive session as enumerated in subsections (a) and (f) of this section.~~

~~The staff of such committee shall maintain topical minutes of any session held under the provisions of this Joint Rule. ANY EXECUTIVE SESSION SHALL BE HELD IN ACCORDANCE WITH PART 4 OF ARTICLE 6 OF TITLE 24, COLORADO REVISED STATUTES."~~

Strike page 7.

Page 8, strike lines 1 through 27.

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

On motion of Senator Andrews, the resolution, as amended, 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		

HJR04-1085 by Representative(s) Spradley; also Senator(s) Hillman--Concerning the general assembly urging congress to improve the rules to implement privacy of health information under the federal "Health Insurance Portability and Accountability Act of 1996".

On motion of Senator Hillman, 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		

HJR04-1090 by Representative(s) Spradley; also Senator(s) Hagedorn--Concerning commending the automated external defibrillator donation partnership between the American Heart Association and Kaiser Permanente.

On motion of Senator Hagedorn, the resolution was read at length and **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, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1080 by Representative(s) Paccione, Williams T., Lundberg, McCluskey, Welker; also Senator(s) Owen, Johnson S., Reeves--Concerning the Rocky Mountain Senior Games.

Amendment No. 1(L.001), by Senator Chlouber.

Amend engrossed joint resolution, page 1, line 9, strike "active";

line 14, strike "active".

Page 2, line18, strike "seniors" and substitute "adults".

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

On motion of Senator Owen, the resolution, as amended, 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, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Phillips, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1091 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning foster care month.

On motion of Senator Johnson, 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, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1047 by Representative(s) Cloer, Merrifield, Larson, Frangas, Paccione, Garcia, Butcher, Wiens, Berry, Borodkin, Boyd, Briggs, Brophy, Cadman, Carroll, Cerbo, Clapp, Coleman, Crane, Decker, Fairbank, Hall, Harvey, Hodge, Hoppe, Jahn, Johnson R., Judd, King, Lee, Lundberg, Madden, Marshall, May M., McCluskey, McFadyen, McGihon, Miller, Mitchell, Plant, Pommer, Ragsdale, Rhodes, Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, Tochtrop, Vigil, Weddig, Weissmann, Welker, White, Williams S., Williams T., Witwer, Young; also Senator(s) McElhany--Concerning Military Appreciation Month.

On motion of Senator McElhany, 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, Lamborn, May, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1061 by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning Mental Health Month in Colorado.

On motion of Senator Johnson, 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, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1063 by Representative(s) Merrifield, Cadman, Cloer, Decker, Hefley, King, Schultheis, Sinclair; also Senator(s) Jones--Concerning the designation of "Welcome Home Day" to welcome local area troops who have been serving overseas back to Colorado.

On motion of Senator Jones, the resolution was read at length and **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, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1068 by Representative(s) Johnson R., Tochtrop, Cloer, Boyd, Larson; also Senator(s) Hanna--Concerning honoring the registered nurses who care for all Coloradans, and, in connection therewith, celebrating National Nurses Week.

On motion of Senator Hanna, the resolution was read at length and **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, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1071 by Representative(s) Frangas, McGihon, Spradley; also Senator(s) Sandoval--Concerning support for Senator Ben Nighthorse Campbell's efforts to secure funding to restore the historic Elitch Gardens Theatre.

On motion of Senator Sandoval, 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, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1078 by Representative(s) Johnson R., Jahn, Boyd, Crane, Decker, Hall, Hodge, Miller, Salazar, Sinclair, Weddig; also Senator(s) Entz--Concerning the Colorado State Veterans Home at Fitzsimons.

On motion of Senator Entz, the resolution was read in part and **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, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1079 by Representative(s) Marshall, Larson, Carroll, Frangas, Borodkin, Cloer, Coleman, Madden, McGihon, Paccione, Romanoff, Stengel, White, Williams T.; also Senator(s) Groff--Concerning zero tolerance of racism in Colorado.

On motion of Senator Groff, the resolution was read at length and **adopted** by the following roll call vote:

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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		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1081 by Representative(s) Pommer; also Senator(s) Fitz-Gerald--Concerning honoring Enos Mills, and, in connection therewith, designating January 31 Enos Mills Day.

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

HJR04-1088 by Representative(s) Romanoff, Borodkin, Carroll, Cerbo, Frangas, Judd, Marshall, McGihon; also Senator(s) Groff--Concerning saluting the Denver Classroom Teachers Association for ratification of the Professional Compensation System.

On motion of Senator Groff, 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, Chlouber, Gordon, Grossman, Hagedorn, Johnson, Owen, Phillips, Sandoval, Tapia, Taylor, Teck, Tupa, and Veiga.

HJR04-1092 by Representative(s) Cadman, Harvey, Hefley, Briggs, Crane, Fairbank, Hall, King, Lee, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Welker, White, Wiens, Witwer; also Senator(s) May R.--Concerning a request that the members of Colorado's congressional delegation support President Bush's efforts to protect the United States from terrorists and the proliferation of weapons of mass destruction.

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

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	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	Y		

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Hillman, Johnson, Jones, Lamborn, McElhany, Owen, Taylor, and Teck.

HJR04-1093

by Representative(s) Berry, Hoppe, Decker, Hall, Johnson R., McCluskey, McFadyen, Merrifield, Miller, Pommer, Rippy, Rose, Smith, Spence, Spradley, White, Williams S.; also Senator(s) Teck--Concerning the recognition of Representative Scott McInnis for his years of public service to the citizens of Colorado.

On motion of Senator Teck, the resolution was read at length and **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, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Tupa, Veiga, and Windels.

MESSAGES FROM THE HOUSE

May 4, 2004
Mr. President:

The House failed to pass SB04-203 as amended on Second. The bill is returned herewith.

May 5, 2004
Mr. President:

The House has voted to reject the First report of the First Conference Committee on SB04-216, and requests the Conferees be discharged and that a second Conference Committee be appointed. The Speaker has appointed Representative(s) Cloer, Chairman, Stengel and Jahn. The bill is returned herewith.

MESSAGE FROM THE GOVERNOR

May 4, 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 ADAMS STATE COLLEGE

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

Juan Daniel Rodriguez of Colorado Springs, Colorado, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 5-5-04, 9:05 a..m.
Karen Kuhlmann, Asst. Secretary of the Senate

MESSAGE FROM THE GOVERNOR'S OFFICE

May 5, 2004

To the Honorable Members
Colorado Senate
Colorado House of Representatives
Sixty-Fourth General Assembly
Second Regular Session
State Capitol
Denver, Colorado 80203

Dear Ladies and Gentlemen:

This clemency report is submitted to you as required under Article IV, Section 7, of the Colorado Constitution. Attached are copies of the Executive Orders granting clemency.

During the year 2003, Governor Bill Owens granted two pardons, to Odell Fennell and Perry Russell. Mr. Fennell was granted a pardon for the 1954 Mesa County crimes of larceny of automobile hubcaps and larceny of a livestock calf. Mr. Russell was granted a pardon for the 1977 Weld County crime of attempted theft.

Sincerely,
(signed)
Mark Noel
Director of Extradition
and Executive Clemency
Rec'd 5-5-04
Karen Kuhlmann, Asst. Secretary of the Senate

The clemency report is on file with the Secretary of State. A copy is available upon request from the Secretary of State.

SENATE SERVICES REPORT

Correctly Reengrossed: SB04-260
Correctly Revised: HB04-1190, 1448, 1455, 1464 and 1465.
Correctly Rerevised: HB04-1021, 1193, 1446, 1447, 1449, 1454 and 1456; HJR1084.
Correctly Enrolled: SB04-001, 037, 071, 078, 114, 134, 144, 213, 222, 224 and 243
SJ04-013, 014, 015, 022, 023, 024, 025, 027, 028, 030, 031, 032, 039, 044 and 046;
SR04-010 and 011; SJM04-001.

Senate in recess.

Senate reconvened.

MESSAGE FROM THE HOUSE

May 5, 2004
Mr. President:

The House has adopted the First Report of the First Conference Committee on HB04-1199, as printed in House Journal, May 5, and has repassed the bill as amended.

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The House failed to pass SCR04-023 as amended on Third Reading. The bill is returned herewith.

The House has passed on Third Reading and returns herewith, SB04-246,253,251,254. The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-231, amended as printed in House Journal, May 4, page 1820. SB04-256, amended as printed in House Journal, May 4, pages 1820-1821. SB04-252, amended as printed in House Journal, May 4, page 1821. SB04-244, amended as printed in House Journal, May 4, pages 1821-1822. SB04-257, amended as printed in House Journal, May 4, page 1857. SB04-233, amended as printed in House Journal, May 4, page 1867, and amended on Third Reading as printed in House Journal, May 5.

The House has passed on Third Reading and transmitted to the Revisor of Statutes SCR04-005, amended on Third Reading as printed in House Journal May 5.

MESSAGE FROM THE REVISOR OF STATUTES

May 5, 2004

We herewith transmit:

Without comment, as amended, SCR04-005 and SB04-231, 256, 252, 244, 257, and 233.

RECALL OF HB04-1190

Senator Teck moved for recall of **HB04-1190** for purpose of reconsideration. The motion was passed by unanimous consent. The bill was ordered recalled.

RECONSIDERATION OF HB04-1190

HB04-1190 by Representative(s) Romanoff; also Senator(s) Teck--Concerning economic development incentives, and, in connection therewith, allowing a certified capital company to use proceeds or gains from the use of certified capital to pay taxes passed through to the equity owners of the certified capital company and modifying the circumstances under which a certified capital company may make distributions from certified capital.

Having voted on the prevailing side, Senator Teck moved for reconsideration of the last Senate action, Third Reading--Final Passage, on **HB04-1190**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

THIRD READING--FINAL PASSAGE OF BILL--HB04-1190

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent:

HB04-1190 by Representative(s) Romanoff; also Senator(s) Teck--Concerning economic development incentives, and, in connection therewith, allowing a certified capital company to use proceeds or gains from the use of certified capital to pay taxes passed through to the equity owners of the certified capital company and modifying the circumstances under which a certified capital company may make distributions from certified capital.

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

Third Reading Amendment No. 1(L.012), by Senator Teck.

Amend revised bill, page 6, line 6, strike "RETURN;" and substitute "return;" .

Page 7, line 3, strike "TWENTY" and substitute "FIFTEEN";

line 7, strike "(a)" and substitute "(b)".

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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	32	NO	3	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	N	Hillman	N	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 **repassed**.

APPOINTMENT OF SECOND CONFERENCE COMMITTEE FOR SB04-216

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer--Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

Senator Lamborn moved that a Second Conference Committee be appointed for **SB04-216**.

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

The President appointed Senators Lamborn, Chairman, Evans, and Tapia as Senate Conferees on the Second Conference Committee on **SB04-216**.

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 House Amendments to Senate Bills.

IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-244 by Senator(s) May R.; also Representative(s) Rippy--Concerning the statewide internet portal.

Senator May moved that the Senate not concur in House amendments to **SB04-244**, as printed in House Journal, May 4, pages 1821-1822, 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**.

The President appointed Senators May, Chairman, Owen, and Hagedorn as Senate Conferees on the First Conference Committee on **SB04-244**.

SCR04-005 by Senator(s) Owen; also Representative(s) Williams T.--Submitting to the registered electors of the state of Colorado amendments to articles IV, VII, and IX of the constitution of the state of Colorado, concerning the elimination of obsolete provisions of the state constitution.

Senator Owen moved that the Senate concur in House amendments to **SCR04-005**, as

printed in House Journal, May 5, pages 1878-1880. 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**.

SB04-231

by Senator(s) Owen; also Representative(s) White--Concerning the utilization of electronic services related to documents filed with the department of state, and making an appropriation therefor.

Senator Owen moved that the Senate concur in House amendments to **SB04-231**, as printed in House Journal, May 4, page 1820. 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**.

Senate in recess.

Senate reconvened.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate continued with Consideration of House Amendments to Senate Bills.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-257 by Senator(s) Owen; also Representative(s) Young--Concerning modifications to the retirement plans for public

Senator Owen moved that the Senate concur in House amendments to **SB04-257**, as printed in House Journal, May 4, pages 1857. 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	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	Y
Arnold	N	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	N	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.

SB04-256 by Senator(s) Taylor; also Representative(s) White--Concerning the sale of securities in the custody of the state treasurer as the administrator of unclaimed property to provide a source of revenue from the investment of the sale proceeds for the promotion of tourism in the state.

Senator Taylor moved that the Senate concur in House amendments to **SB04-256**, as printed in House Journal, May 4, pages 1820-1821. 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**.

SB04-252

by Senator(s) McElhany; also Representative(s) King--Concerning financing of state institutions of higher education, and making an appropriation in connection therewith.

Senator McElhany moved that the Senate concur in House amendments to **SB04-252**, as printed in House Journal, May 4, page 1821. 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: Kester.

SB04-233

by Senator(s) McElhany; also Representative(s) Harvey--Concerning the construction of a parking structure in the capitol complex.

Senator McElhany moved that the Senate concur in House amendments to **SB04-233**, as printed in House Journal, May 4, page 1867 and May 5. 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	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, as amended, was declared **repassed**.

Co-sponsors added: Arnold, May, and Teck.

MESSAGES FROM THE HOUSE

May 5, 2004
Mr. President:

In response to the request of the Senate for the recall of HB04-1190, the bill was transmitted.

The House has voted to concur in the Senate amendments to HB04-1465,1455, and has repassed the bills as so amended.

The House has adopted the First Report of the First Conference Committee on HB04-1021, as printed in House Journal, May 5, and has repassed the bill as amended.

The House has adopted and transmits herewith HJR04-1094. Pursuant to HJR04-1094, the Speaker has appointed Representatives T. Williams, Sinclair, Berry and Miller as House members on the joint committee to notify the Governor of adjournment sine die.

May 5, 2004
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Rippy, chairman, Brophy, and McFadyen as House conferees on the First Conference Committee on SB04-244.

INTRODUCTION OF RESOLUTION

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

HJR04-1094 by Representative(s) King, Spradley, Romanoff; also Senator(s) Hillman, Andrews, Fitz-Gerald--Concerning the appointment of a joint committee to notify the Governor that the Second Regular Session of the Sixty-fourth General Assembly is about to adjourn sine die.

On motion of Senator Dyer, and with a majority of those elected to the Senate having voted in the affirmative, the Senate Committee on Judiciary was given permission to meet at the microphone upon recess of the Senate.

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--HJR04-1094.

IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1094

HJR04-1094 by Representative(s) King, Spradley, Romanoff; also Senator(s) Hillman, Andrews, Fitz-Gerald--Concerning the appointment of a joint committee to notify the Governor that

the Second Regular Session of the Sixty-fourth General Assembly is about to adjourn sine die.

On motion of Senator Hillman, 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: Groff, Grossman, and Veiga.

The President appointed Senators Chlouber and Reeves to the joint committee to notify the Governor that the Second Regular Session of the Sixty-fourth General Assembly is about to adjourn sine die.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate returned to Consideration of Resolutions.

CONSIDERATION OF RESOLUTIONS

HJR04-1055 by Representative(s) Romanoff, Miller, Plant, Rippy, White; also Senator(s) Chlouber, Isgar--Concerning cleanup of inactive and abandoned mine sites.

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

HJR04-1064 by Representative(s) Wiens, Spradley; also Senator(s) Chlouber--Concerning the encouragement of federal legislation to ensure that programs providing financial assistance for the educational needs of children of migrant workers include assistance for children of all types of migrant workers.

On motion of Senator Chlouber, 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, Dyer, Entz, Evans, Fitz-Gerald,

Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1054 by Representative(s) Carroll, Paccione, Cerbo, Hefley, Judd, Lee, Marshall, McGihon, Merrifield, Pommer, Romanoff, Stengel, Vigil, Weissmann, White, Williams S.; also Senator(s) Groff, Grossman, Tupa, Veiga--Concerning the commemoration of the 50th anniversary of the United States Supreme Court's decision in Brown v. Board of Education of Topeka, Kansas.

On motion of Senator Groff, 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, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, and Windels.

SJR04-050 by Senator(s) Gordon; also Representative(s) Madden--Concerning an expression of support by the Colorado General Assembly for the maintenance of existing restrictions contained in rule G-37 of the Municipal Securities Rulemaking Board on contributions by persons involved in the municipal securities industry to political candidates and expressing its strong opposition to a weakening of any such restrictions.

On motion of Senator Gordon, 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: Andrews and Phillips.

HJR04-1060 by Representative(s) Stengel; also Senator(s) Grossman--Concerning the creation of Paralegal Day.

On motion of Senator Grossman, 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, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1022 by Representative(s) Welker; also Senator(s) Cairns--Concerning the recommendation to the United States Congress to enact legislation to make English the official language of the United States.

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

YES	24	NO	11	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
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	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	N		

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

HJR04-1056 by Representative(s) Williams T.; also Senator(s) Hillman--Concerning a request that the United States Congress reform the class action lawsuit process to protect against frivolous interstate class actions in state courts.

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

YES	28	NO	7	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	Y		

Co-sponsors added: Andrews, Arnold, Chlouber, Evans, Taylor, and Teck.

HJR04-1010 by Representative(s) Butcher, Paccione; also Senator(s) Tapia--Concerning an analysis of the feasibility of a passenger rail service along the Front Range area by the Colorado Department of Transportation.

On motion of Senator Tapia, the resolution was read in part and **adopted** by the following roll call vote:

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	N	Hillman	N	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	N
Gordon	Y	Keller	Y	Sandoval	Y		

Co-sponsors added: Entz, Fitz-Gerald, Groff, Hanna, Keller, Sandoval, Taylor, Teck, Tupa, Veiga, and Windels.

HJR04-1075 by Representative(s) Paccione, Sinclair; also Senator(s) Lamborn--Concerning the encouragement of businesses to give discounts to military personnel.

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

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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		

Co-sponsors added: Cairns and Hanna.

NOTICE OF INTENT TO RECONSIDER RESOLUTION

SCR04-013 by Senator(s) Hillman; also Representative(s) Sinclair--Submitting to the registered electors of the state of Colorado amendments to articles IX and X of the constitution of the state of Colorado, concerning the modification of constitutional restrictions on the ability of the state legislature to adjust state spending in response to changes in state revenues, and, in connection therewith, counting moneys diverted to the state education fund as state fiscal year spending in years when state revenues are less than the spending limits imposed by section 20 of article X (TABOR); suspending the provisions of section 17 of article IX (amendment 23) that require annual increases in certain funding requirements for preschool through the twelfth grade public education for state fiscal years 2005-06 and 2006-07; suspending the required increase in statewide base per pupil funding in any year when state fiscal year spending limits are not reached, but prohibiting any decrease in statewide base per pupil funding in any such year; suspending the provision of TABOR that limits the maximum annual percentage change in state fiscal year spending for state fiscal years 2005-06 and 2006-07; creating a state rainy day fund consisting of moneys appropriated by the general assembly within TABOR limits and requiring an annual appropriation of one hundred million dollars; replacing the existing state emergency reserve with the state rainy day fund; authorizing the general assembly to spend moneys in the state rainy day fund in any year when fiscal year spending is less than the TABOR limit and in declared emergencies; transferring moneys from the state rainy day fund to the general fund in specified circumstances; and counting moneys appropriated to and spent from the state rainy day fund as state fiscal year spending.

Laid over until May 6, 2004.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR04-013, 014, 015, 022, 023, 024, 025, 027, 028, 030, 031, 032, 035, 039, 043, 046; SR04-011; and SJM04-001.
 The President has signed: SB04-224.

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Chlouber moved the Call of the Senate be raised.

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
 ON SB04-244**

 THIS REPORT AMENDS THE
 REREVISED BILL

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

Your first conference committee appointed on SB04-244, concerning the statewide internet portal, has met and reports that it has agreed upon the following:

That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 9, strike lines 13 through 17 and substitute the following:

"(3) ANY CURRENT OR PENDING ACTION BY THE OFFICE OF INNOVATION AND TECHNOLOGY RELATING TO A REQUEST FOR PROPOSALS FOR THE STATEWIDE INTERNET PORTAL SHALL BE VOID."

Respectfully submitted,

Senate Committee: (signed) Senator R. May Senator Owen Senator Hagedorn	House Committee: (signed) Representative Rippy Representative Brophy Representative McFadyen
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On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Report--SB04-244.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORT--SB04-244**

SB04-244 by Senator(s) May R.; also Representative(s) Rippy--Concerning the statewide internet portal.

Senator May moved for the adoption of the First Report of the First Conference Committee on **SB04-244**, as printed in Senate Journal, May 5, pages 1279-1280. The motion was **adopted** by the following roll call vote:

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	E	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	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	E	Tupa	N
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	N	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**.

Co-sponsors added: Andrews, Chlouber, Jones, Kester, Taylor, and Teck.

FIRST REPORT OF SECOND CONFERENCE COMMITTEE
ON SB04-216

THIS REPORT ADOPTS THE
REREVISED BILL

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

Your second conference committee appointed on SB04-216, concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance, has met and reports that it has agreed upon the following:

That the Senate accede to House amendments made to the bill and that the rerevised bill be adopted without change.

Respectfully submitted,

Senate Committee: (signed) Senator Lamborn Senator Evans Senator Tapia	House Committee: (signed) Representative Cloer Representative Jahn Representative Stengel
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On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Report--SB04-216.

IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORT--SB04-216

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer--Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

Senator Lamborn moved for the adoption of the First Report of the Second Conference Committee on **SB04-216**, as printed in Senate Journal, May 5, page 1281. The motion was declared **LOST** by the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	N	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	N	Hillman	N	Nichol	E	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Declared **lost**.

NOTICE OF INTENT TO MOVE FOR RECONSIDERATION OF SB04-216

Having voted on the prevailing side, Senator Hillman gave notice of intent to move for reconsideration of the Conference Committee Report on **SB04-216**.

Senator Lamborn moved a Call of the Senate.

Senator Lamborn moved the Call of the Senate be raised.

**IMMEDIATE CONSIDERATION OF
CONFERENCE COMMITTEE REPORT--SB04-216**

SB04-216 by Senator(s) Lamborn; also Representative(s) Cloer--Concerning limitations on the use of credit information for the purposes of personal lines of property and casualty insurance rating, and, in connection therewith, substantially adopting the provisions of the National Conference of Insurance Legislators model for uses of credit information for personal lines of property and casualty insurance.

Senator Lamborn moved for the adoption of the First Report of the Second Conference Committee on **SB04-216**, as printed in Senate Journal, May 5, page 1281. The motion was **adopted** by the following roll call vote:

YES	18	NO	16	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	E	Tupa	N
Entz	Y	Isgar	N	Owen	N	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	E	Tupa	N
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	N		

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

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB04-060** be lay over to May 6, 2004.

MESSAGES FROM THE HOUSE

May 5, 2004
Mr. President:

The House has adopted the First Report of the First Conference Committee on SB04-244, as printed in House Journal, May 5, and has repassed the bill as so amended. The bill is returned herewith.

The House has adopted the First Report of the Second Conference Committee on

SB04-216, as printed in House Journal, May 5, and has repassed the bill as so amended. 1
The bill is returned herewith. 2

The House has voted to concur in the Senate amendments to HB04-1190 and has repassed 3
the bills as so amended. 4

The House has voted to concur in the Senate amendments to HJR04-1038 and has 5
re-adopted the resolution as so amended. 6

The House has adopted and returns herewith SJR04-010. 7
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May 5, 2004 10
Mr. President: 11

The House has voted to recede from its position on SB04-168 and has repassed the bill. 12
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The House has laid over till May 6th, SJR04-056. The resolution is deemed lost, the bill 14
is returned herewith. 15

The House has adopted and returns herewith SJR04-058. 16
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TRIBUTES

Honoring Jeramiah Maisonneuve -- by Senator Ken Arnold. 19

Honoring Kyle Arnold -- by Senator Ken Arnold. 20

Honoring Madeline Dee Arnold -- by Senator Ken Arnold. 21

Honoring Houston Arnold -- by Senator Ken Arnold. 22

Honoring Kathryn Anne Arnold -- by Senator Ken Arnold. 23

Honoring The Denver East High School Boys Basketball Team -- by Senator Peter C. 24
Groff and Senator Dan Grossman. 25

Memorializing Elvin Caldwell -- by Peter C. Groff. 26

Honoring Evan Elliott -- by Senator Ken Chlouber. 27

Honoring Sabrina Donaldson -- by Senator Ken Chlouber. 28

Honoring Chris Ong -- by Senator Steve Johnson. 29

Honoring Sara Stieben -- by Senator Steve Johnson. 30

Honoring Laura Glatfelter -- by Senator Ken Arnold. 31

Honoring Pete Roskop -- by Senators Jack Taylor and Ron Teck. 32

Honoring Pete Chris Gibbens -- by Senators Jack Taylor and Ron Teck. 33

Honoring Tommy George -- by Senators Jack Taylor and Ron Teck. 34

Honoring Amy Denning -- by Senator Doug Lamborn. 35

Honoring Tim Lambertson -- by Senator Doug Lamborn. 36

Honoring Carolyn Metzler -- by Senator Ken Kester. 37

Honoring Fran Mattedi -- by Senator Doug Lamborn. 38

Honoring Dustin Zvonek -- by Senator Peggy Reeves. 39

Honoring Charles Greenwood -- by Senator Peggy Reeves. 40

Honoring Jim Dunning -- by Senator Stephanie Takis. 41

Honoring Kelly Mosby -- by Senator Stephanie Takis. 42

Honoring Mary Rice -- by Senator Stephanie Takis. 43

Honoring Mike Dever -- by Senator Stephanie Takis. 44

Honoring Drew Harrison -- by Senator Terry Phillips. 45

Honoring Christopher Eudy -- by Senator Bob Hagedorn. 46

Honoring Bradley Case -- by Senator Bob Hagedorn. 47

Honoring Joseph Bocci -- by Senator Bob Hagedorn. 48

Honoring Doris Sadler -- by Senator Bob Hagedorn. 49

Honoring Brandon Bean -- by Senator Dan Grossman. 50

Honoring Shannon Kaygi -- by Senator Jim Isgar. 51

Honoring Adam Flint -- by Senator Jim Isgar. 52

Honoring Chris Fry -- by Senator Joan Fitz-Gerald. 53

Honoring Eric Bonack -- by Senator Joan Fitz-Gerald. 54

Honoring Molly Bolin -- by Senator Joan Fitz-Gerald. 55

Honoring Andrea Pallavicini -- by Senator Joan Fitz-Gerald. 56

Honoring Alonzo Payne -- by Senator Joan Fitz-Gerald. 57

Honoring Kevin Holstine -- by Senator Joan Fitz-Gerald. 58

Honoring Sarah Zaslow -- by Senator Joan Fitz-Gerald. 59

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Honoring Katie Boyle -- by Senator Joan Fitz-Gerald.	1
Honoring Rachel Lambert -- by Senator Joan Fitz-Gerald.	2
Honoring Matthew Holmes -- by Senator Joan Fitz-Gerald.	3
Honoring Heather Gwinager -- by Senator Sue Windels.	4
Honoring Kelly Oakley -- by Senator Sue Windels.	5
Honoring Stephen Polk -- by Senator Ron Tupa.	6
Honoring Erin Zimmerman -- by Senator Ron Tupa.	7
Honoring Tyrel Mosness -- by Senator Ron Tupa.	8
Honoring Alicia Harley -- by Senator Ron Tupa.	9
Honoring Dave DeFrank -- by Senator Ron Tupa.	10
Honoring Amy Soehngen -- by Senator Ron Tupa.	11
Honoring Meaghan Murphy -- by Senator Ron Tupa.	12
Honoring Jessica Shipley -- by Senator Jennifer Veiga.	13
Honoring Craig Beeler -- by Senator Deanna Hanna.	14
Honoring Melissa Thurtell -- by Senator Deanna Hanna.	15
Honoring Simon Winecki -- by Senator Ken Gordon.	16
Honoring James Gleeson -- by Senator Ken Gordon.	17
Honoring Whitney Lisk -- by Senator Ken Gordon.	18
Honoring Karen Johnson -- by Senator Moe Keller	19
Honoring Jo Ann Roberts -- by Senator Moe Keller.	20
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Journal correction:	24
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Page 104, strike line 6;	26
	27
line 8, strike "067." and substitute "067; SJR04-006."	28
	29
Page 117, line 46, strike "SB04-020; SJR04-007." and substitute "SB04-020.";	30
	31
after line 46, insert the following:	32
	33
"Correctly Reengrossed: SJR04-007."	34
	35
Page 126, line 46, strike "107; SJR04-005." and substitute "107.";	36
	37
line 47, strike "020." and substitute "020; SJR04-005.";	38
	39
line 46, strike " Revised: " and substitute " Rerevised: ".	40
	41
Page 134, line 7, strike "SJR04-003 and 004.";	42
	43
line 8, strike "107." and substitute "107; SJR04-003 and 004.".	44
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Page 173, line 31, strike "HJR04-1004 and 1006.";	46
	47
after line 31, insert the following:	48
	49
"Correctly Rerevised: HJR04-1004 and 1006."	50
	51
Page 219, line 32, strike "1065; HJR04-1011." and substitute "1065.";	52
	53
after line 32, insert the following:	54
	55
"Correctly Rerevised: HJR04-1011."	56
	57
Page 315, line 26, strike "168; SJR04-016." and substitute "168.";	58
	59
line 27, strike "143." and substitute "143; SJR04-016.".	60
	61
Page 340, line 28, strike " Revised: " and substitute " Rerevised: ".	62
	63
Page 348, line 65, strike "179; SJR04-015 and SJR018." and substitute "179.";	64
	65
after line 65, insert the following:	66
	67
"Correctly Reengrossed: SJR04-015 and 018."	68
	69

Page 387, line 45, strike "HB04-1363 and HJR1015." and substitute "HB04-1363."; 1
 after line 45, insert the following: 2
 "Correctly Rerevised: HJR04-1015.". 3
 Page 403, strike line 47; 4
 line 48, strike "1166." and substitute "1166; HJR04-1023.". 5
 Page 420, line 15, strike "Engrossed:" and substitute "Reengrossed:". 6
 Page 470, line 38, strike "SB04-094, 193 and SJR021." and substitute "SB04-094 and 7
 193."; 8
 line 39, strike "195." and substitute "195; SJR04-021.". 9
 Page 492, line 32, strike "Engrossed:" and substitute "Reengrossed:". 10
 Page 533, line 63, strike "1354; HJR04-1028." and substitute "1354."; 11
 line 64, strike "1224." and substitute "1224; HJR04-1028.". 12
 Page 544, line 13, strike "Engrossed:" and substitute "Reengrossed:". 13
 line 14, strike "1361;" and substitute "1361."; 14
 strike line 15; 15
 line 16, strike "1354." and substitute "1354; HJR04-1008 and 1024.". 16
 Page 587, line 41, strike "1366; HJR04-1030." and substitute "1366."; 17
 after line 41, insert the following: 18
 "Correctly Rerevised: HJR04-1030.". 19
 Page 620, line 6, strike "Engrossed:" and substitute "Reengrossed:". 20
 strike line 7; 21
 line 8, strike "1369." and substitute "1369; HJR04-1021 and 1035.". 22
 Page 680, line 20, strike "HB04-1383; HJR04-1041." and substitute "HB04-1383."; 23
 line 21, strike "1376." and substitute "1376; HJR04-1041.". 24
 Page 1229, line 3, strike "Senate" and substitute "Senator"; 25
 line 7, strike "Senate" and substitute "Senator". 26

On motion of Senator Hillman, and with the unanimous consent of those elected to the 27
 Senate having voted in the affirmative, the Second Regular Session of the Sixty-fourth 28
 General Assembly adjourned *sine die* at 8:33 p.m., Wednesday, May 5, 2004. 29

Approved: 30

John Andrews 31
 President of the Senate 32

Attest: 33

Mona Heustis 34
 Secretary of the Senate 35

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