

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

One hundredth Legislative Day

Thursday, April 15, 2004

Prayer	By the chaplain, Reverend Paul Kottke, University Park United Methodist Church.	11
Pledge	By Senator Keller.	13
Call to Order	By the President at 9:00 a.m.	15
Roll Call	Present--33. Absent/Excused--2; Dyer, Gordon. Present later--Dyer, Gordon.	18 19 20
Quorum	The President announced a quorum present.	22
Reading of Journal	On motion of Senator Kester, reading of the Journal of April 14, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24 25

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1015 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	31 32 33 34
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that HB04-1221 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	36 37 38 39
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1079 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	41 42 43
	Amend reengrossed bill, page 9, line 3, strike "A CONTRACT-BY-FORM BASIS." and substitute "A CONTRACT FORM-BY-CONTRACT FORM BASIS."	44 45 46 47
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-199 be postponed indefinitely.	48 49 50 51
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1269 be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	52 53 54 55
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1400 be referred to the Committee of the Whole with favorable recommendation.	56 57 58 59 60
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1398 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	61 62 63 64 65

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Amend reengrossed bill, page 120, line 19, strike "(b) and (1) (d),";
line 20, strike "they" and substitute "it" and strike "are" and substitute "is";

after line 24, insert the following:

"(a) The domestic entity name of the limited liability company;
AND";

line 26, strike "office; AND" and substitute "office.";

after line 26, insert the following:

"(c) ~~The date dissolution was authorized;~~".

Page 137, strike line 23 and substitute the following:

"ENTITY'S organic ~~statute~~ STATUTES and PRIMARY constituent documents applicable to";

line 26, after the period, add "REFERENCES IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) TO THE MOST STRINGENT PROVISIONS OF THE PRIMARY CONSTITUENT DOCUMENTS OR ORGANIC STATUTES ARE REFERENCES TO THOSE PROVISIONS OF SUCH DOCUMENTS OR STATUTES THAT ESTABLISH THE HIGHEST VOTING REQUIREMENTS FOR APPROVAL OF A MERGER. NOTHING IN THIS PARAGRAPH (c) SHALL BE DEEMED TO PERMIT ANY PRIMARY CONSTITUENT DOCUMENT TO CONTAIN MERGER PROVISIONS THAT ARE INCONSISTENT WITH THE ENTITY'S ORGANIC STATUTES.";

strike line 27 and substitute the following:

(II) ~~If the primary constituent documents or the organic statute expressly provide for the approval of the merger, then~~ The terms and conditions of the merger shall be approved in accordance with: ~~those provisions.~~

(A) THE PROVISIONS OF THE PRIMARY CONSTITUENT DOCUMENTS DEALING WITH MERGERS OF THE TYPE, AND WITH ENTITIES OF THE FORMS, DESCRIBED IN THE PLAN OF MERGER; OR

(B) IF THERE ARE NO SUCH PROVISIONS, THE PROVISIONS OF THE PRIMARY CONSTITUENT DOCUMENTS THAT CONTAIN THE MOST STRINGENT TERMS FOR APPROVAL OF ANY TYPE OF MERGER; OR

(C) IF THERE ARE NO SUCH PROVISIONS, THE PROVISIONS OF THE ENTITY'S ORGANIC STATUTES DEALING WITH MERGERS OF THE TYPE, AND WITH ENTITIES OF THE FORMS, DESCRIBED IN THE PLAN OF MERGER; OR

(D) IF THERE ARE NO SUCH PROVISIONS, THE PROVISIONS OF THE ENTITY'S ORGANIC STATUTES THAT CONTAIN THE MOST STRINGENT TERMS FOR APPROVAL OF ANY TYPE OF MERGER.".

Page 138, strike lines 1 through 3.

Page 142, strike lines 24 through 27 and substitute the following:

"DELIVERED. ~~All such electronically filed documents shall be stored by the secretary of state in an electronic or other medium and shall be retrievable by the secretary of state in perceivable form.~~".

Page 146, line 7, strike "(1) (f),";

strike lines 16 through 18.

Page 149, strike lines 1 through 12 and substitute the following:

"(4) If two or more documents are simultaneously delivered to the secretary of state, each of the documents shall be ~~treated as having~~ DEEMED TO HAVE BEEN filed simultaneously if each identifies, TO THE SATISFACTION OF THE SECRETARY OF STATE, all of the documents that are to be ~~treated as being~~ DEEMED TO HAVE BEEN filed simultaneously and

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states that all of such documents are to be ~~treated as having~~ DEEMED TO HAVE been filed simultaneously. All of such documents shall be ~~treated as having~~ DEEMED TO HAVE been filed at the time and ON THE date of filing of the first to be filed of such documents ~~at the time of filing on the date it is filed~~ TO BE FILED, as such time and date are evidenced by the records of the secretary of state. IF ANY OF SUCH DOCUMENTS IS REJECTED BY THE SECRETARY OF STATE, ALL OF SUCH DOCUMENTS SHALL BE DEEMED TO HAVE BEEN REJECTED BY THE SECRETARY OF STATE."

Page 153, strike lines 18 through 26 and substitute the following:

(2) ~~The secretary of state files a document by legibly stamping or otherwise endorsing the word "filed", together with the words "secretary of state" and the time and date of receipt, on the document. If a document is delivered to the secretary of state for filing electronically, the secretary of state files the document by electronically affixing the word "filed", together with the words "secretary of state" and the time and date of receipt, on the document in a form such that those words will appear on the document when the secretary of state retrieves the document in perceivable form.~~ THE SECRETARY OF STATE FILES A DOCUMENT BY MARKING OR OTHERWISE ASSOCIATING THE WORDS "SECRETARY OF STATE" AND THE TIME AND DATE OF FILING ON OR WITH THE DOCUMENT AND BY PLACING THE DOCUMENT IN RECORDS THAT THE SECRETARY OF STATE SHALL MAINTAIN TO CONTAIN ALL FILED DOCUMENTS. THE RECORDS OF FILED DOCUMENTS THAT THE SECRETARY OF STATE MAINTAINS SHALL BE SUCH THAT ANY FILED DOCUMENT MAY BE RETRIEVED BY THE SECRETARY OF STATE IN PERCEIVABLE FORM AND WITH THE TIME AND DATE OF ITS FILING."

Page 170, line 21, strike "and is for that reason or" and substitute "and is for that reason or IS";

line 25, strike "7-90-305," and substitute "7-90-305 (2) (a) AND (2) (b),".

Page 177, line 26, strike "affairs" and substitute "affairs CONDUCTING ITS ACTIVITIES".

Education The Committee on Education has had under consideration and has had a hearing on the following appointment and recommends that the appointment be confirmed:

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

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

John Osborn of Englewood, Colorado, appointed.

Education After consideration on the merits, the Committee recommends that **SB04-208** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, strike everything below the enacting clause and substitute the following:

"**SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-32-133. Persistently dangerous schools - identification - notice - rules. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT, PURSUANT TO THE REQUIREMENTS OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., THE DEPARTMENT OF EDUCATION HAS DEVELOPED DEFINITIONS AND PROCEDURES TO ENSURE THAT A STUDENT WHO ATTENDS A PERSISTENTLY DANGEROUS PUBLIC SCHOOL OR WHO BECOMES A VICTIM OF A VIOLENT CRIMINAL OFFENSE WHILE IN OR ON THE GROUNDS OF A PUBLIC SCHOOL IN WHICH THE STUDENT IS ENROLLED BE ALLOWED TO ATTEND A PUBLIC SCHOOL THAT

HAS NOT BEEN IDENTIFIED AS PERSISTENTLY DANGEROUS WITHIN THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "INCIDENTS" MEANS:

(I) ANY OF THE FOLLOWING VIOLATIONS THAT, PURSUANT TO THE PROVISIONS OF SECTION 22-32-109.1 (2) (b) AND THE RULES OF THE STATE BOARD OF EDUCATION, ARE REQUIRED TO BE REPORTED TO THE DEPARTMENT OF EDUCATION:

(A) VIOLATIONS INVOLVING DANGEROUS WEAPONS, AS DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV) (A) AND BY RULE OF THE STATE BOARD, INCLUDING BUT NOT LIMITED TO POSSESSION OF FIREARMS AT SCHOOL IN VIOLATION OF FEDERAL AND STATE LAWS;

(B) VIOLATIONS INVOLVING ALCOHOL, AS DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV) (B) AND BY RULE OF THE STATE BOARD;

(C) VIOLATIONS INVOLVING DRUGS, AS DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV) (C) AND BY RULE OF THE STATE BOARD;

(D) ASSAULTS, AS DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV) (F) AND BY RULE OF THE STATE BOARD, AND FIGHTS, AS DESCRIBED BY RULE OF THE STATE BOARD;

(E) ROBBERIES, AS DESCRIBED IN SECTION 22-32-109.1 (2) (b) (IV) (J) AND BY RULE OF THE STATE BOARD; AND

(F) VIOLATIONS INVOLVING OTHER FELONY OFFENSES, AS SPECIFIED BY RULE OF THE STATE BOARD; AND

(II) REPORTS OF EMPLOYEES ENGAGING IN UNLAWFUL BEHAVIOR, SUBMITTED TO THE DEPARTMENT OF EDUCATION AS REQUIRED BY RULES ADOPTED BY THE STATE BOARD OF EDUCATION.

(b) "PERSISTENTLY DANGEROUS SCHOOL" MEANS A PUBLIC SCHOOL THAT REPORTS TO THE DEPARTMENT OF EDUCATION A TOTAL NUMBER OF INCIDENTS THAT EXCEEDS A NUMBER THAT IS EQUAL TO OR GREATER THAN TEN PERCENT OF THE STUDENT ENROLLMENT OF THE PUBLIC SCHOOL FOR THE REPORTING YEAR.

(3) FOLLOWING SUBMISSION OF THE SAFE SCHOOL REPORT REQUIRED PURSUANT TO SECTION 22-32-109.1 (2) (b), THE DEPARTMENT OF EDUCATION SHALL IDENTIFY THOSE PUBLIC SCHOOLS THAT ARE PERSISTENTLY DANGEROUS SCHOOLS. IN ACCORDANCE WITH THE TIME LINES ESTABLISHED BY THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., AND THE FEDERAL REGULATIONS ISSUED PURSUANT THERETO, THE DEPARTMENT OF EDUCATION SHALL NOTIFY THE SCHOOL PRINCIPAL, SUPERINTENDENT, AND SCHOOL BOARD PRESIDENT OF EACH PERSISTENTLY DANGEROUS SCHOOL THAT THE SCHOOL HAS BEEN IDENTIFIED AS A PERSISTENTLY DANGEROUS SCHOOL. THE DEPARTMENT OF EDUCATION SHALL PROVIDE THE NOTICE IN WRITING, BY WRITTEN ELECTRONIC NOTIFICATION, RETURN RECEIPT REQUESTED.

(4) (a) UPON RECEIPT OF THE NOTICE OF IDENTIFICATION AS A PERSISTENTLY DANGEROUS SCHOOL, A SCHOOL DISTRICT, WITHIN THE TIME LINES ESTABLISHED BY THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., AND THE FEDERAL REGULATIONS ISSUED PURSUANT THERETO, SHALL:

(I) NOTIFY, IN WRITING, THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT ENROLLED IN EACH PERSISTENTLY DANGEROUS SCHOOL IN THE SCHOOL DISTRICT THAT THE PUBLIC SCHOOL HAS BEEN IDENTIFIED BY THE DEPARTMENT OF EDUCATION AS A PERSISTENTLY DANGEROUS SCHOOL; AND

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(II) OFFER THE PARENT OR LEGAL GUARDIAN THE OPPORTUNITY TO TRANSFER HIS OR HER CHILD'S ENROLLMENT TO A PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT THAT HAS NOT BEEN IDENTIFIED AS A PERSISTENTLY DANGEROUS SCHOOL.

(b) IN PROVIDING WRITTEN NOTICE OF IDENTIFICATION AS A PERSISTENTLY DANGEROUS SCHOOL, A SCHOOL DISTRICT MAY INCLUDE ADDITIONAL, RELIABLE, AND VALID INFORMATION TO ASSIST A PARENT OR LEGAL GUARDIAN IN MAKING AN INFORMED DECISION CONCERNING ENROLLMENT OF HIS OR HER CHILD.

(c) EACH SCHOOL DISTRICT SHALL ADOPT POLICIES AND PROCEDURES IN COMPLIANCE WITH THE PROVISIONS OF THE FEDERAL "NO CHILD LEFT BEHIND ACT OF 2001", 20 U.S.C. SEC. 6301 ET SEQ., AND THE FEDERAL REGULATIONS ISSUED PURSUANT THERETO, TO ENSURE THAT EACH PARENT OR LEGAL GUARDIAN WHO CHOOSES TO MAY ENROLL HIS OR HER CHILD IN A PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT THAT HAS NOT BEEN IDENTIFIED AS A PERSISTENTLY DANGEROUS SCHOOL.

(5) THE STATE BOARD OF EDUCATION SHALL ADOPT SUCH RULES AS MAY BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

SECTION 2. 22-32-109.1 (10), Colorado Revised Statutes, is amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (10) **Compliance with safe school reporting requirements.** (a) If the state board determines that a school district or one or more of the public schools in a school district is in willful noncompliance with the provisions of paragraph (b) of subsection (2) of this section, the state's share of the school district's total program, as determined pursuant to article 54 of this title, may be subject to forfeiture until the school district and each school in the district attains compliance with the provisions of paragraph (b) of subsection (2) of this section.

(b) AN EMPLOYEE OF A SCHOOL DISTRICT WHO IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION MAY BE SUBJECT TO REVOCATION OF HIS OR HER EDUCATOR LICENSE PURSUANT TO THE PROVISIONS OF SECTION 22-60.5-108.

SECTION 3. 22-60.5-107 (4), Colorado Revised Statutes, is amended to read:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (4) The department of education may suspend or revoke any license, certificate, endorsement, or authorization if the state board finds and determines that the holder thereof has become professionally incompetent or guilty of unethical behavior OR IF THE STATE BOARD FINDS AND DETERMINES THAT THE HOLDER THEREOF IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF SECTION 22-32-109.1 (2) (b).

SECTION 4. Effective date - applicability. This act shall take effect upon passage and shall apply to safe school reports submitted and violations of section 22-32-109.1 (2) (b), Colorado Revised Statutes, committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1422

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 HB04-1422,
concerning the provision for payment of the expenses of the executive,
legislative, and judicial departments of the state of Colorado, and of its
agencies and institutions, for and during the fiscal year beginning July 1,
2004, except as otherwise noted, has met and reports that it has agreed
upon the following:

1. 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 49, line 13, strike "**Subprogram**" and
substitute "**Subprogram^{6a}**".

Page 60, after line 10, insert the following:

6a Department of Corrections, Inmate Programs, Community
Reintegration Subprogram -- The Department is requested to track
recidivism rates for the inmates provided assistance through this
program for five years after release of an inmate. The Department
is further requested to report, in their annual budget submission,
a comparison of the recidivism rate of the inmates who are
assisted through this program as compared to the overall
recidivism rate for other inmates released from the Department."

Page 139, line 10, strike "Program" and substitute "Program^{51a}", in the
ITEM & SUBTOTAL column, strike "24,000" and substitute "22,222",
and, in the CASH FUNDS EXEMPT column, strike "24,000(T)^a" and
substitute "22,222(T)^a".

Adjust affected totals and affected (T) notation totals accordingly.

Page 160, after line 1, insert the following:

51a Department of Higher Education, Colorado Commission on
Higher Education Financial Aid, Special Purpose, Early
Childhood Professional Loan Repayment Program -- Of this
appropriation, no more than 10.0 percent shall be expended for
program administration."

Page 178, line 8, in the ITEM & SUBTOTAL column, strike "24,000"
and substitute "22,222" and, in the FEDERAL FUNDS column, strike
"24,000^d" and substitute "22,222^d".

Adjust affected totals accordingly.

Page 162, line 6, in the ITEM & SUBTOTAL column, strike "751,046"
and substitute "850,558";

line 7, in the ITEM & SUBTOTAL column, strike "(7.4 FTE)" and
substitute "(11.4 FTE)".

Page 163, line 12, in the ITEM & SUBTOTAL column, strike
"32,975,974" and substitute "33,075,486" and, in the CASH FUNDS
column, strike "565,056^a" and substitute "664,568^a".

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Adjust affected totals accordingly. 1

Page 164, line 1, strike "\$143,640" and substitute "\$243,152". 2

Page 342, line 14, strike "previously;" and substitute "on the issue under review previously;". 3

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended: 4

Amend rerevised bill, page 11, line 17, strike "\$32,000,000;" and substitute "\$12,000,000;". 5

Page 12, line 3, strike "\$69,005,000" and substitute "\$89,005,000". 6

Page 103, after line 11, insert the following: 7

	ITEM & SUBTOTAL	GENERAL FUND	FEDERAL FUNDS
	\$	\$	\$

"Non-Emergency Transportation Services	4,400,778	2,200,389	2,200,389";
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line 12, in the "TOTAL" column, strike "53,031,254" and substitute "57,432,032". 8

Page 105, line 8, strike "\$19,141.20" and substitute "\$19,112.45" and, in the ITEM & SUBTOTAL column, strike "651,719,554" and substitute "650,740,709"; 9

line 14, strike "\$12,922.21" and substitute "\$12,877.70" and, in the ITEM & SUBTOTAL column, strike "72,984,627" and substitute "72,733,265". 10

Page 106, line 12, strike "\$12,651.62" and substitute "\$12,606.79" and, in the ITEM & SUBTOTAL column, strike "584,833,914" and substitute "582,761,330". 11

Page 107, line 5, strike "\$3,641.29" and substitute "\$3,639.65" and, in the ITEM & SUBTOTAL column, strike "178,492,611" and substitute "178,410,002"; 12

line 9, strike "\$6,112.61" and substitute "\$6,111.71" and, in the ITEM & SUBTOTAL column, strike "49,059,808" and substitute "49,052,569". 13

Page 108, line 4, strike "\$1,419.59" and substitute "\$1,416.32" and, in the ITEM & SUBTOTAL column, strike "286,757,641" and substitute "286,097,561"; 14

line 8, strike "\$2,950.09" and substitute "\$2,927.09" and, in the ITEM & SUBTOTAL column, strike "44,634,868" and substitute "44,286,809"; 15

line 12, in the TOTAL column, strike "1,939,124,986" and substitute "1,934,724,208", in the GENERAL FUND column, strike "939,525,973(M)" and substitute "937,325,584(M)", and, in the FEDERAL FUNDS column, strike "969,619,247" and substitute "967,418,858". 16

Adjust affected totals accordingly. 17

Page 179, line 9, in the GENERAL FUND column, strike "463,443" and substitute "488,301" and, in the FEDERAL FUNDS column, strike "1,880,703" and substitute "1,855,845"; 18

line 11, strike "\$1,027,571" and substitute "\$1,013,899" and, strike "\$853,132" and substitute "\$841,946". 19

Adjust affected totals accordingly. 20

Page 182, line 3, in the ITEM & SUBTOTAL column, strike "1,991,184" and substitute "1,991,940" and, in the FEDERAL FUNDS column, strike "1,435,282^d" and substitute "1,436,038^d";

line 5, in the ITEM & SUBTOTAL column, strike "262,208" and substitute "261,452" and, in the FEDERAL FUNDS column, strike "131,482^d" and substitute "130,726^d".

Page 184, line 13, in the ITEM & SUBTOTAL column, strike "11,392,783" and substitute "11,318,722" and, in the FEDERAL FUNDS column, strike "7,262,928^c" and substitute "7,188,867^c".

Page 185, line 1, in the ITEM & SUBTOTAL column, strike "1,947,439" and substitute "1,920,147" and, in the FEDERAL FUNDS column, strike "1,294,589^c" and substitute "1,267,297^c".

Adjust affected totals accordingly.

After page 602, insert the following:

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Page 4, line 13, strike "(b)(II)," and substitute "(2) (b) (II),";

line 23, strike "(b)," and substitute "(2) (b),".

Page 70, line 11, strike "Expenditure" and substitute "Expenditures".

Page 130, line 1, strike "2005," and substitute " 2005, to the Joint Budget Committee,";

line 6, strike "The appropriation assumes no enrollment into the adult prenatal program for FY 2004-05." and substitute "The appropriation assumes 9,565 prenatal member months and 874 births for adult pregnant women served by the Children's Basic Health Plan waiver program.".

Page 166, line 4, strike "fo" and substitute "of".

Page 172, line 7, strike "\$32,825 shall be from Veterans Nursing Home patient revenue, and \$278,504" and substitute "and \$311,329".

Page 312, line 6, in the CASH FUNDS column, strike "866,978(T)^a" and substitute "867,041(T)^a" and, in the CASH FUNDS EXEMPT column, strike "2,091,227(T)^a" and substitute "2,091,164(T)^a".

Adjust affected totals and affected (T) notation totals accordingly.

Page 377, line 5, strike "\$245,485(T) and substitute "\$254,485(T)".

Page 425, line 13, strike "\$19,466,245" and substitute "\$19,475,245".

Page 415, line 1, strike "Grants¹⁶³" and substitute "Grants".

Page 420, line 12, in the CASH FUNDS EXEMPT column, strike "16,664" and substitute "16,664^b";

line 14, in the CASH FUNDS EXEMPT column, strike "410" and substitute "410^b".

Page 421, line 1, in the CASH FUNDS EXEMPT column, strike "3,014" and substitute "3,014^b";

after line 4, insert the following:

^b These amounts shall be from reserves in the Medication Administration Cash Fund pursuant to Section 25-1.5-303 (5) (a), C.R.S."

Page 513, line 1, in the CASH FUNDS column, strike "7,908,134^a" and substitute "7,908,134^c";

line 2, in the CASH FUNDS column, strike "4,132,956^a" and substitute "4,132,956^c";

after line 6, insert the following:

^c These amounts shall be from the Aviation Fund created in Section 43-10-109 (1), C.R.S., and are included for informational purposes only as they are continuously appropriated pursuant to Section 43-10-109 (3), C.R.S."

Page 545, line 11, strike "Fund." and substitute "Fund pursuant to Section 33-10-111 (4), C.R.S."

Strike pages 574 through 584 and substitute the following:

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Page 594, line 2, in the TOTAL column, strike "~~115,465,373~~" and substitute "~~115,465,373~~".

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Young	Senator Owen
Representative Witwer	Senator Teck
Representative Plant	Senator Reeves

MESSAGE FROM THE HOUSE

April 14, 2004
Mr. President:

The House has postponed indefinitely SB04-174. The bill is returned herewith.

INTRODUCTION OF RESOLUTIONS

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

- SJR04-047** by Senator(s) Arnold; --Concerning Colorado peace officer appreciation day.
Laid over one day under Senate Rule 30(b).
- SR04-007** by Senator(s) Windels; --Concerning the control of smoking in the Colorado State Senate.
State Veterans & Military Affairs
- SJR04-048** by Senator(s) Grossman, Andrews, Gordon; also Representative(s) Clapp, Borodkin, Butcher, Judd, Romanoff, Stafford--Concerning a reaffirmation by the Colorado General Assembly of the strong bonds connecting the United States and the state of Israel and an expression by the Colorado General Assembly of support and solidarity with the state of Israel in its struggle against terrorism.
Laid over one day under Senate Rule 30(b).
- SJR04-049** by Senator(s) Lamborn; also Representative(s) Schultheis--Concerning petitioning the executive secretary of the United States board on geographic names to change the name of Republican Mountain to Mount Democrat, and, in connection therewith, changing the name of Mount Democrat to Republican Mountain.
Laid over one day under Senate Rule 30(b).
- SJR04-050** by Senator(s) Gordon; --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.
Business Affairs & Labor

INTRODUCTION OF BILL--FIRST READING

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

- SB04-237** by Senator(s) Chlouber; --Concerning authorization of an alcohol beverage racetrack licensee to own certain other types of alcohol beverage licenses that authorize on-premise consumption of alcohol.
Business Affairs & Labor

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution--SJR04-037.

CONSIDERATION OF RESOLUTION--SJR04-037

SJR04-037 by Senator(s) Andrews, Evans; also Representative(s) Spradley--Concerning the recognition of Senator Ben Nighthorse Campbell for his years of public service to the citizens of Colorado.

On motion of Senator Andrews, the resolution was read at length and **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	E	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, Arnold, Cairns, Chlouber, Entz, 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.

Senate in recess.

Senate reconvened.

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--HB04-1422.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

HB04-1422 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning the provision for payment of the expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions, for and during the fiscal year beginning July 1, 2004, except as otherwise noted.

Senator Owen moved for the adoption of the First Report of the First Conference Committee on **HB04-1422**, as printed in Senate Journal, April 15, pages 820-831. 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	E	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	7	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	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	E	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
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**.

Co-sponsors added: Entz.

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 General Orders--Second Reading of Bills.

Committee of the Whole

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

HB04-1141 by Representative(s) King, Briggs, Cadman, Carroll, Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey, Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Stafford, Welker, White, Wiens, Witwer; also Senator(s) Andrews, Arnold, Chlouber, Dyer, Evans, Groff, Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Owen, Teck--Concerning charter schools, and, in connection therewith, providing for the creation of state charter schools, and making an appropriation therefor.

Laid over until Friday, April 16, retaining its place on the calendar.

SB04-203 by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes.

Laid over until Friday, April 16, retaining its place on the calendar.

HB04-1080 by Representative(s) Williams T.; also Senator(s) Lamborn--Concerning the "Uniform Arbitration Act".

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, April 1, page 691 and placed in members' bill files.)

Amendment No. 2(L.012), by Senator Lamborn.

Amend the Senate Business Affairs & Labor Committee Report, dated March 31, 2004, page 1, strike lines 10 through 13 and substitute the following:

"Page 16, line 18, strike "ACTION." and substitute "ACTION, EXCEPT THAT THE ARBITRATOR SHALL NOT HAVE THE POWER OF CONTEMPT."."

Page 2 of the committee report, strike lines 1 through 4 and substitute the following:

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"Page 19, strike lines 19 through 25;

line 26, strike "(3)" and substitute "(2)".

Page 20, strike "(4)" and substitute "(3)".

Page 21, after line 9, insert the following:

"(1.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE FACT THAT THE RELIEF WAS SUCH THAT IT COULD NOT OR WOULD NOT BE GRANTED BY A COURT OF LAW OR EQUITY IS NOT GROUND FOR VACATING OR REFUSING TO CONFIRM THE AWARD.".

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

SB04-210 by Senator(s) Andrews; --Concerning the performance of the functions of immigration officers by state personnel.

Laid over until Friday, April 16, retaining its place on the calendar.

SB04-215 by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, Tapia, Taylor, Teck; also Representative(s) Rippey, Briggs, Hall, Miller, White--Concerning the applicability of section 29-20-107, Colorado Revised Statutes, of the "Local Government Land Use Control Enabling Act".

Laid over until Friday, April 16, retaining its place on the calendar.

HB04-1367 by Representative(s) Weissmann; also Senator(s) Phillips--Concerning the exclusion of certain areas located within the territorial boundaries of a municipality from the area of a library district.

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

Amend reengrossed bill, page 4, strike lines 26 and 27 and substitute the following:

"WITHIN THE AREA OF THE LIBRARY DISTRICT PROPOSED FOR EXCLUSION.".

Page 9, strike lines 19 through 26 and substitute the following:

"SUBSECTION (3) OF THIS SECTION, AS APPLICABLE, HAVE BEEN SATISFIED. WHERE THE PETITION HAS BEEN FILED BY FIFTY PERCENT OR MORE OF THE OWNERS OF REAL PROPERTY WITHIN THE AREA PROPOSED FOR EXCLUSION FROM THE LIBRARY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE COURT SHALL ORDER THE ELECTION ONLY AFTER IT MAKES ADDITIONAL FINDINGS THAT THE TAXPAYING ELECTORS ARE ABLE TO ASSUME THE COSTS OF THE ELECTION IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (4).";

strike lines 20 through 23 and substitute the following:

"(b) THE ELECTION SHALL BE HELD AND CONDUCTED IN THE MANNER PROVIDED IN ARTICLES 1 TO 13 OF TITLE 1, C.R.S. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ONLY TAXPAYING ELECTORS SHALL BE ENTITLED TO VOTE AT AN ELECTION HELD PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4). THE COSTS OF THE ELECTION SHALL BE BORNE BY THE FOLLOWING PERSONS OR ENTITIES IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(I) THE MUNICIPALITY SHALL BEAR THE COSTS OF THE ELECTION WHERE THE GOVERNING BODY OF THE MUNICIPALITY HAS FILED THE PETITION PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION;

(II) THE LIBRARY DISTRICT SHALL BEAR THE COSTS OF THE

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ELECTION WHERE A MAJORITY OF THE BOARD OF THE LIBRARY DISTRICT HAS FILED THE PETITION PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION; AND

(III) THE TAXPAYING ELECTORS OF THE PARTICULAR AREA PROPOSED FOR EXCLUSION FROM THE LIBRARY DISTRICT SHALL BEAR THE COSTS OF THE ELECTION WHERE FIFTY PERCENT OR MORE OF THE OWNERS OF REAL PROPERTY WITHIN THE AREA PROPOSED FOR EXCLUSION FROM THE LIBRARY DISTRICT HAVE FILED THE PETITION PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION."

Page 10, line 8, after "PETITION.", add "IN EITHER CASE, WHERE THE PETITION HAS BEEN FILED BY FIFTY PERCENT OR MORE OF THE OWNERS OF REAL PROPERTY WITHIN THE AREA PROPOSED FOR EXCLUSION FROM THE LIBRARY DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, THE ORDER OF THE COURT SHALL INCLUDE A PROVISION UNIFORMLY ASSESSING THE COSTS OF THE ELECTION AMONG THE TAXPAYING ELECTORS OF THE AREA PROPOSED FOR EXCLUSION FROM THE LIBRARY DISTRICT."

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

SCR04-010 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 20 (7) of article X of the constitution of the state of Colorado, concerning a requirement that the fiscal year spending limits be calculated based upon prior fiscal year spending limits, with adjustments for inflation and growth, without being subject to reduction due to declines in revenues.

Laid over until Friday, April 16, retaining its place on the calendar.

SCR04-009 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on state fiscal year spending.

Laid over until Friday, April 16, retaining its place on the calendar.

SB04-211 by Senator(s) Hillman; also Representative(s) Spradley--Concerning increased efficiencies in the operation of the unclaimed property program in order to make available a portion of the unclaimed property trust fund to support CoverColorado.

Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 12, page 778 and placed in members' bill files.)

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

SB04-142 by Senator(s) Owen; also Representative(s) Jahn--Concerning the authorization of a specialized charter school by a community college.

Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, February 13, pages 272-278 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 5, page 716 and placed in members' bill files.)

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

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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Groff, 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: HB04-1080 as amended, HB04-1367 as amended, SB04-211 as amended, SB04-142 as amended.
Laid over until Friday, April 16: HB04-1141, SB04-203, SB04-210, SB04-215, SCR04-010, SCR04-009.

CONSIDERATION OF RESOLUTIONS

SJR04-011 by Senator(s) Evans, Andrews, Dyer, Hillman, Lamborn, Owen; also Representative(s) Brophy, Schultheis, Lee, Lundberg, May M., Rhodes--Concerning support for the federal "Fair Tax Act of 2003" by the Colorado congressional delegation in the United States congress.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
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	E	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	Y	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	N	Sandoval	Y		

Co-sponsors added: Hillman, Johnson, May, and Teck.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to **HJR04-1020**.

HJR04-1020 by Representative(s) Spradley; also Senator(s) Lamborn--Concerning the abolition of the death tax.

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

YES	24	NO	10	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
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	E	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	Y	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	N	Sandoval	Y		

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to **SJR04-028**.

SJR04-028 by Senator(s) Cairns, Andrews, Johnson S., Jones, May R.; also Representative(s) Cadman-
-Concerning social security personal retirement accounts.

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

YES	27	NO	8	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	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Co-sponsors added: Anderson, Arnold, Chlouber, Entz, Hillman, Johnson, Jones, Kester, May, McElhany, Owen, and Teck.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

The Committee on State, Veterans, and Military Affairs has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE
COLORADO BOARD OF VETERANS AFFAIRS

for a term expiring June 30, 2005:

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

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

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

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

for terms expiring June 30, 2007:

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

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

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-227** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, line 6, strike "INCORPORATE" and substitute "INCLUDE";

line 15, strike "INCORPORATE" and substitute "INCLUDE";

line 25, strike "INCORPORATE" and substitute "INCLUDE".

Page 1, line 101, strike "INCORPORATION" and substitute "INCLUSION".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-217** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 4, line 12, strike "SEALED IF" and substitute "SEALED. IF";

line 13, strike "ADMISSIBLE. ONLY" and substitute "ADMISSIBLE, ONLY";

strikes lines 17 through 27 and substitute the following:

"A CRIME DESCRIBED IN SECTIONS 18-3-402 TO 18-3-405.5, 18-6-301, 18-6-302, 18-6-403, AND 18-6-404."

Strike page 5.

Page 6, strike lines 1 and 2.

Renumber succeeding section accordingly.

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SB04-218** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 2, strike lines 17 through 27.

Page 3, strike lines 1 through 7 and substitute the following:

"(b) This subsection (8) shall not apply to construction bonds, contracts of insurance, contract clauses regarding insurance, or contract clauses regarding costs of defense of litigation arising out of the work or to any covenant, promise, agreement, or combination thereof to indemnify or hold harmless a contracting party against claims arising out of the negligent acts of the indemnitor and its subcontractors in the performance of the work under the contract. ~~However, no contracting party shall be required to indemnify or hold harmless from any liability or damages arising from the negligent acts of the indemnified party.~~

(c) THIS SUBSECTION (8) SHALL NOT APPLY TO ANY COVENANT, PROMISE, AGREEMENT, OR COMBINATION THEREOF TO INDEMNIFY OR HOLD HARMLESS A PERSON AGAINST A CLAIM ARISING FROM BODILY INJURY OR PROPERTY DAMAGE AND ALLEGING THAT SUCH PERSON WAS NEGLIGENT OR OTHERWISE AT FAULT FOR SELECTING, HIRING, ENGAGING, OR CONTRACTING WITH THE INDEMNITOR OR ITS AGENTS OR SUBCONTRACTORS OR FAILING TO SUPERVISE THE INDEMNITOR OR ITS AGENTS OR SUBCONTRACTORS.

(d) This subsection (8) is intended only to ~~affect the contractual relationship between the parties relating to indemnification of public entities for the negligent acts of the public entity~~ VOID AN OBLIGATION TO INDEMNIFY OR HOLD HARMLESS ANY PERSON FROM THAT PERSON'S OWN NEGLIGENCE OR FAULT and nothing in".

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **HB04-1237** be referred to the Committee of the Whole with favorable recommendation.



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MESSAGES FROM THE HOUSE

April 14, 2004
Mr. President:

The House has postponed indefinitely SB04-201. The bill is returned herewith.

April 15, 2004
Mr. President:

The House has adopted and returns herewith SJR04-041.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1405,1425,1426,1431.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1144, amended as printed in House Journal, April 14, pages 1307-1311.
HB04-1300, amended as printed in House Journal, April 14, pages 1312-1313.
HB04-1075, amended as printed in House Journal, April 14, page 1314.
HB04-1171, amended as printed in House Journal, April 14, page 1314.
HB04-1231, amended as printed in House Journal, April 14, pages 1314-1315.
HB04-1249, amended as printed in House Journal, April 14, page 1315.
HB04-1406, amended as printed in House Journal, April 14, page 1315.

The House has adopted and returns herewith SJR04-037.

On reconsideration, the House has voted not to concur in the Senate amendments to HB04-1361 and requests that a conference committee be appointed. The bill is transmitted herewith.

On reconsideration, the House has voted not to concur in the Senate amendments to HB04-1115 and requests that a conference committee be appointed. The bill is transmitted herewith.

INTRODUCTION OF BILL--FIRST READING

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

SB04-238 by Senator(s) Andrews, Entz; also Representative(s) Spradley--Concerning legislative approval requirements for additions or modifications to eligibility lists for funding from certain state funds.
Agriculture, Natural Resources & Energy

MESSAGE FROM THE GOVERNOR

April 13, 2004

To the Honorable Senate
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

I have the honor to inform you that I have approved and filed with the Secretary of State the following act:

S.B.04-007 – Concerning The Determination Of Which Higher Education Employees Are Exempt From The State Personnel System.

Approved April 13, 2004 at 4:09 P.M.

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- S.B.04-040** – Concerning The Acquisition Of Property By The Division Of Wildlife, And, In Connection Therewith, Authorizing The Purchase Of Property In Rio Grande County For Public Purposes. 1
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- Approved April 13, 2004 at 4:07 P.M. 8
- S.B.04-041** – Concerning Appointment Of Another Judge To Preside Over A Deposition Taken Pursuant To Rule 15 (d) Of The Colorado Rules Of Criminal Procedure. 9
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- Approved April 13, 2004 at 4:10 P.M. 12
- S.B.04-068** – Concerning The Administration Of A School District Bond Redemption Fund. 13
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- Approved April 13, 2004 at 4:10 P.M. 17
- S.B.04-084** – Concerning Technical Modifications To Voter Identification Requirements Implementing The Federal “Help America Vote Act Of 2002”. 18
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- Approved April 13, 2004 at 4:12 P.M. 22
- S.B.04-117** – Concerning Removal Of A Newborn Child From The Custody Of The Child’s Parents. 23
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- Approved April 13, 2004 at 4:14 P.M. 27
- S.B.04-152** – 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. 28
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- Approved April 13, 2004 at 4:17 P.M. 33
- S.B.04-157** – Concerning The Exclusion From Lobbying Of Persons Who Limit Their Activities To Providing Formal Testimony. 34
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- Approved April 13, 2004 at 4:15 P.M. 38
- S.B.04-187** – Concerning Removal From Crimes Limiting Interactions With Persons Involved In Official Proceedings The Qualifier That A Person Be Legally Summoned To The Official Proceeding. 39
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- Approved April 13, 2004 at 4:17 P.M. 44
- S.B.04-191** – Concerning The Terms Of Service For Members Of The Parole Board. 45
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- Approved April 13, 2004 at 4:20 P.M. 49
- S.B.04-195** – Concerning Implementation Of Recommendations Of The Committee On Legal Services In Connection With Legislative Review Of Rules And Regulations Of State Agencies. 50
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- Approved April 13, 2004 at 4:40 P.M. 55
- Sincerely, 56
(signed) 57
Bill Owens 58
Governor 59
Rec'd 4-14-04, 2:58 p.m. 60
Karen Kuhlmann, Asst. Secretary of the Senate 61
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APPOINTMENTS TO CONFERENCE COMMITTEE

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

The President appointed Senators Hillman, Chairman, McElhany, and Fitz-Gerald as Senate Conferees on the First Conference Committee on **SB04-108**.

SENATE SERVICES REPORTS

To the Governor for signature on Wednesday, April 14, 2004, at 4:44p.m.

SB04-093, 098, 103 and 120.

Correctly Printed: SB04-233, 234, 235 and 236; SCR04-014.

Correctly Reengrossed: SB04-144; SJR04-041.

TRIBUTES

Honoring Craig Beeler -- by Senator Deanna Hanna.

Honoring Randal Jefferson Herron -- by Senator John Andrews.

Journal correction:

Page 481, after line 38, insert the following:

"General Orders--Second Reading: HB04-1102, SB04-151, HB04-1273, HB04-1155, HB04-1057, SB04-188, HB04-1217, HB04-1011."

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of April 15, 2004, was laid over until Friday, April 16, 2004, retaining its place on the calendar.

Third Reading of Bills--Final Passage: HB04-1279.

Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-031, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046.

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

Reconsideration of Bill: HB04-1150.

Consideration of Governor's Appointments:

Members of the Water Quality Control Commission;

Executive Director of the Colorado Commission on Higher Education;

Member of the University of Colorado Hospital Authority Board of Directors;

Member of the Board of Trustees of Metropolitan State College of Denver;

Members of the Board of Trustees for Adams State College.

Consideration of Conference Committee Reports: HB04-1061.

Conference Committees to Report: HB04-1117, SB04-082, HB04-1236, HB04-1177, SB04-131, SB04-094, SB04-024.

Requests for Conference Committee: SB04-125.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Friday, April 16, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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