

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

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Sixty-ninth Legislative Day

Monday, March 15, 2004

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Prayer	By the chaplain, Reverend Glen Hamlyn.	10
Pledge	By Senator Arnold.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--33. Absent/Excused--2; Evans, Veiga.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Grossman, reading of the Journal of March 12, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

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**COMMITTEE OF REFERENCE REPORTS**

Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1265</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	16
	Amend reengrossed bill, page 4, line 15, strike "three hundred" and substitute the following:	17
	"two hundred fifty-nine thousand two hundred seventy-four dollars (\$259,274) and 2.3 FTE. Of said sum, one hundred twelve thousand four hundred fifteen dollars (\$112,415) shall be from the general fund and one hundred forty-six thousand eight hundred fifty-nine dollars (\$146,859) shall be from federal funds.";	18
	strike lines 16 through 20;	19
	strike lines 23 through 27, and substitute the following:	20
	"decreased by two hundred fifty-nine thousand two hundred seventy-four dollars (\$259,274). Of said sum, one hundred twelve thousand four hundred fifteen dollars (\$112,415) shall be from the general fund and one hundred forty-six thousand eight hundred fifty-nine dollars (\$146,859) shall be from federal funds.".	21
	Page 5, strike lines 3 and 4, and substitute the following:	22
	"by two hundred fifty-nine thousand two hundred seventy-four dollars (\$259,274) and 2.3 FTE. Said sum shall be from cash funds exempt".	23
	Page 1, line 104, strike " <b>FINANCING.</b> " and substitute " <b>FINANCING, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.</b> ".	24

Appropriations	After consideration on the merits, the Committee recommends that <b>HB04-1267</b> be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	25
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Amend reengrossed bill, page 2, line 1, strike "amended" and substitute "repealed";

strike lines 4 through 9 and substitute the following:

~~(b) (I) On July 1, 2004, the state treasurer and the controller shall transfer an amount equal to one hundred thirty-eight million two hundred thousand dollars from the general fund to the trust fund.~~

~~(II) On July 1, 2005, the state treasurer and the controller shall transfer an amount equal to one hundred thirty-eight million two hundred thousand dollars from the general fund to the trust fund.~~

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1039** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **SB04-177** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 9, strike lines 7 through 15 and substitute the following:

**"SECTION 5. Appropriation - adjustments to 2004 long bill.**

(1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of health care policy and financing for the fiscal year beginning July 1, 2004, shall be adjusted as follows:

(a) The appropriation to the executive director's office, for personal services, is increased by seventeen thousand three hundred twenty-four dollars (\$17,324) and 0.3 FTE. Of said sum, eight thousand six hundred sixty-two dollars (\$8,662) shall be from the Colorado autism treatment fund, created in section 26-4-695, Colorado Revised Statutes, and eight thousand six hundred and sixty-two dollars (\$8,662) shall be from federal funds.

(b) The appropriation to the executive director's office, for operating expenses, is increased by three thousand nine hundred sixteen dollars (\$3,916). Of said sum, one thousand nine hundred fifty-eight dollars (\$1,958) shall be from the Colorado autism treatment fund, created in section 26-4-695, Colorado Revised Statutes, and one thousand nine hundred fifty eight dollars (\$1,958) shall be from federal funds.

(c) The appropriation to the executive director's office, for the medicaid management information system contract, is increased by seventy-two thousand five hundred dollars (\$72,500). Of said sum, eighteen thousand one hundred twenty-five (\$18,125) shall be from the Colorado autism treatment fund, created in section 26-4-695, Colorado Revised Statutes, and fifty-four thousand three hundred seventy-five dollars (\$54,375) shall be from federal funds.

(d) The appropriation for the department of human services medicaid-funded programs, office of technology services - medicaid funding, Colorado benefits management system, is increased by twenty-nine thousand nine hundred dollars (\$29,900). Of said sum, fourteen thousand nine hundred fifty (\$14,950) shall be from the Colorado autism treatment fund, created in section 26-4-695, Colorado Revised Statutes, and fourteen thousand nine hundred fifty dollars (\$14,950) shall be from federal funds.

(2) For the implementation of this act, the appropriations made in the annual general appropriation act to the department of human services, office of information technology services, for the Colorado benefit management system (CBMS), shall be increased by twenty-nine thousand nine hundred dollars (\$29,900). Said sum shall be from cash funds exempt received from the department of health care policy and

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financing out of the appropriations made in subsection (1) of this section.

**SECTION 6. Effective date.** (1) This act shall take effect January 1, 2005.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later."

Page 1, line 102, strike "**AUTISM,**" and substitute "**AUTISM, AND MAKING AN APPROPRIATION THEREFOR.**".

Appropriations

After consideration on the merits, the Committee recommends that **SB04-114** be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1369** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, strike lines 4 through 7 and substitute the following:

"of the state of Colorado, the sum of twenty-six million nine hundred ten thousand five hundred ninety-eight dollars (\$26,910,598), or so much thereof as may be necessary, of which amount twenty-six million one hundred eighty-two thousand eight hundred ninety-seven dollars (\$26,182,897)";

line 14, strike "\$ 10,458,253 <sup>1/</sup>" and substitute "\$ 10,514,849 <sup>1/</sup>";

line 16, strike "6,376,061 <sup>2/</sup>" and substitute "6,413,033 <sup>2/</sup>";

line 18, strike "1,223,385" and substitute "1,256,007";

line 20, strike "4,195,763" and substitute "4,315,909".

Page 3, line 2, strike "4,372,601 <sup>3/</sup>" and substitute "4,410,800 <sup>3/</sup>";

line 4, strike "\$26,626,063" and substitute "\$26,910,598";

line 7, strike "\$10,368,253" and substitute "\$10,424,849";

line 19, strike "\$5,738,360" and substitute "\$5,775,332".

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**MESSAGE FROM THE HOUSE**

March 12, 2004  
Mr. President:

The House has postponed indefinitely SB04-135. The bill is returned herewith.

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**INTRODUCTION OF RESOLUTIONS**

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

**SR04-006**

by Senator(s) Gordon, Andrews, Dyer, Groff, Grossman, Tupa; --Concerning the condemnation of hate and racism.  
Laid over one day under Senate Rule 30(c).

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**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, VI, VII, IX, XVII, XVIII, and XXIV of the constitution of the state of Colorado, concerning the elimination of obsolete provisions of the state constitution.  
State Veterans & Military Affairs

**INTRODUCTION OF BILL--FIRST READING**

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

**SB04-201** by Senator(s) Lamborn; also Representative(s) Sinclair--Concerning the extension of unemployment benefits to a person who quits a job to relocate with an active duty military family member who has been transferred.  
State Veterans & Military Affairs

**THIRD READING--FINAL PASSAGE OF BILLS**

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

**HB04-1098** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning the disposition of moneys received by the state, and, in connection therewith, creating a definition of "custodial moneys".

Laid over until Monday, March 22, retaining its place on the calendar.

**SB04-118** by Senator(s) Entz, Taylor, Isgar; --Concerning the exclusion of lands within a designated ground water basin from a water conservancy district.

Laid over until Monday, March 22, retaining its place on the calendar.

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

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1155** by Representative(s) Williams T.; also Senator(s) Taylor--Concerning a limitation on the authority of a municipality to regulate that portion of newly annexed land used as a right-of-way by agricultural users.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Arnold, Chlouber, Entz, Hillman, and Isgar.

**HB04-1057** by Representative(s) Miller; also Senator(s) Taylor--Concerning newspaper theft.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews, Arnold, Chlouber, Entz, and Isgar.

**HB04-1354** by Representative(s) Hefley, Clapp, Stafford, Tochtrop, Witwer; also Senator(s) Johnson S., Hanna--Concerning enactment of the "Health Care Credentials Uniform Application Act".

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Entz and Hagedorn.

**HB04-1004** by Representative(s) Stafford, Welker; also Senator(s) Lamborn--Concerning enhanced protection for child users of public library services from harmful materials on the internet.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews, Arnold, Dyer, Entz, Groff, Grossman, Hagedorn, Hillman, Johnson, Jones, Kester, May, Tapia, and Teck.

**HB04-1274** by Representative(s) Marshall; also Senator(s) Veiga--Concerning identity theft.

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1108** by Representative(s) McFadyen; also Senator(s) Arnold--Concerning the inadmissability of certain confidential communications by juveniles.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Fitz-Gerald, Groff, and Tapia.

**HB04-1159** by Representative(s) Decker, White, Briggs, Brophy, Hefley; also Senator(s) Evans--Concerning the modification of the "Colorado Uniform Jury Selection and Service Act".

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1217** by Representative(s) Lee; also Senator(s) Arnold--Concerning changes to the school accountability report to include a page that specifies certain information a parent may request from a school.

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1127** by Representative(s) Johnson R., Larson, Tochtrop; also Senator(s) Johnson S.--Concerning a limitation on the use of the professional title of "nurse".

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

YES	32	NO	1	EXCUSED	2	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Arnold, Hagedorn, Hanna, and Kester.

**HB04-1248** by Representative(s) Coleman, Rhodes, Vigil, Williams T.; also Senator(s) Takis, Anderson, Taylor, Tupa--Concerning the distribution of tobacco products.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Grossman.

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--SR04-006.

### IMMEDIATE CONSIDERATION OF RESOLUTION--SR04-006

**SR04-006** by Senator(s) Gordon, Andrews, Dyer, Groff, Grossman, Tupa; --Concerning the condemnation of hate and racism.

On motion of Senator Gordon, the resolution was read at length.

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

Amend printed resolution, page 1, line 2, strike "Temple" and substitute "Congregation";

line 5, strike "Temple" and substitute "Congregation".

Page 2, line 38, strike "Temple" and substitute "Congregation".

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

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Keller, Kester, Lamborn, May, McElhany, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, and Windels.

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--SJR04-023.

### CONSIDERATION OF RESOLUTION--SJR04-023

**SJR04-023** by Senator(s) McElhany, Lamborn, Jones, May R.; also Representative(s) Cloer, Schultheis, Cadman, Hefley, King, Sinclair--Concerning welcoming home Fort Carson troops.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Keller, Kester, Nichol, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, and Windels.

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--SJR04-024.

**CONSIDERATION OF RESOLUTION--SJR04-024**

**SJR04-024** by Senator(s) Entz, Johnson S.; also Representative(s) Salazar--Concerning the designation of the Cumbres and Toltec Scenic Railroad as part of a National Historic Scenic Railway in order to preserve this national historic treasure for all Americans and future generations.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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, 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, and Windels.

Committee of the Whole On motion of Senator Chlouber, the Senate resolved itself into the Committee of the Whole for consideration of General Orders--Second Reading of Bills and Senator Chlouber was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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

Laid over until Monday, March 22, retaining its place on the calendar.



- SB04-001** by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation. 1  
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Laid over until Friday, March 19, retaining its place on the calendar. 5  
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- SB04-164** by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs. 7  
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Laid over until Monday, March 22, retaining its place on the calendar. 12  
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- SB04-153** by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Welker--Concerning combining polling places, and, in connection therewith, authorizing designated election officials to establish vote centers where any elector registered in the political subdivision may vote. 15  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 19  
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- HB04-1177** by Representative(s) Spradley, Cloer; also Senator(s) Hillman--Concerning health insurance, and, in connection therewith, making it a deceptive trade practice in the business of insurance to deny coverage to an individual solely on the basis that the individual donated a kidney, making it a deceptive trade practice under the consumer protection act to sell health discount services without certain disclosures, and increasing incentives for insurers to provide health benefit coverage to multiple employer welfare arrangements. 22  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 28  
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- SB04-151** by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel--Concerning judicial evaluations by commissions on judicial performance. 31  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 34  
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- HB04-1273** by Representative(s) Spradley and Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippy, Rose, Salazar, Tochtrop, Weissmann, Wiens, Williams S., Williams T.; also Senator(s) Kester and Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service. 37  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 42  
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- HB04-1046** by Representative(s) McGihon; also Senator(s) Teck--Concerning the computation of days in determining certain time periods for forcible entry and detainer actions. 45  
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Laid over until Friday, March 19, retaining its place on the calendar. 47  
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- HB04-1084** by Representative(s) Cadman; also Senator(s) McElhany--Concerning the execution of a writ of restitution after entry of judgment in a forcible entry and detainer action. 50  
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Laid over until Friday, March 19, retaining its place on the calendar. 52  
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- HB04-1187** by Representative(s) Harvey, May M.; also Senator(s) Andrews--Concerning an alien's ability to establish Colorado domicile for in-state tuition purposes. 55  
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As amended, Senate Journal, March 11, page 489. 57  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 59  
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- HB04-1121** by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning the treatment under laws regulating campaign finance of contributions to persons involved in the political process. 62  
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Laid over until Tuesday, March 16, retaining its place on the calendar. 65  
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**HB04-1350** by Representative(s) Berry; also Senator(s) Anderson--Concerning state programs to assist higher education students in paying tuition.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 11, page 483-485 and placed in members' bill files.)

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

Amend reengrossed bill, page 38, after line 26, insert the following:

**"SECTION 37.** 23-3.1-110, Colorado Revised Statutes, is amended to read:

**23-3.1-110. Designation as sole state agency.** The division is the agency authorized to enter into contracts concerning the programs established by Title IV, Part B of the federal "Higher Education Act of 1965", 20 U.S.C. 1071, as amended. TO THE EXTENT ANY FISCAL POLICIES REQUIRED BY THE FEDERAL "HIGHER EDUCATION ACT OF 1965", 20 U.S.C. 1071, AS AMENDED, ARE IN CONFLICT WITH STATE FISCAL POLICIES, THE DIVISION SHALL COMPLY WITH THE REQUIRED FEDERAL POLICIES."

Renumber succeeding sections accordingly.

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

**HB04-1361** by Representative(s) Frangas, Jahn; also Senator(s) Owen--Concerning area vocational schools.

Amendment No. 1, Education Committee Amendment.

(Printed in Senate Journal, March 11, page 485 and placed in members' bill files.)

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

**SB04-190** by Senator(s) Johnson S.; --Concerning the creation of liens for health care providers on moneys collected by an injured person.

Laid over until Friday, March 19, retaining its place on the calendar.

**HB04-1114** by Representative(s) Rose; also Senator(s) Evans--Concerning the payment of benefits under a motor vehicle policy for medical payments coverage.

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1242** by Representative(s) Sinclair, Cadman, Schultheis, Berry, Crane, Fairbank, Harvey, Hefley, Johnson R., King, Lee, May M., McCluskey, Rhodes, Spence, Young; also Senator(s) McElhany--Concerning a meeting of a school district board of education at which employment contracts are negotiated.

Laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1218** by Representative(s) Fairbank; also Senator(s) Anderson--Concerning municipal court marshals.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 11, page 490 and placed in members' bill files.)

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

**HB04-1266** by Representative(s) Pommer; also Senator(s) Groff--Concerning creation of the crime of criminal invasion of privacy.

Amendment No. 1, Judiciary Committee Amendment.

(Printed in Senate Journal, March 11, page 490 and placed in members' bill files.)

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

**HB04-1270** by Representative(s) Stengel; also Senator(s) Dyer--Concerning extradition proceedings.

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

**HB04-1341** by Representative(s) Rose, Hefley; also Senator(s) Windels--Concerning prisoner processing fees collected by a county.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 11, page 490 and placed in members' bill files.)

Amendment No. 2(L.007), by Senator Windels.

Amend the Judiciary Committee Report, dated March 10, 2004, page 1, strike lines 1 and 2 and substitute the following:

"Amend reengrossed bill, page 2, line 6, after "discharging", insert "CONVICTED";

line 9, strike "PRISONERS." and substitute "PRISONERS AT THE TIME OF COMMITMENT, BUT SHALL BE REFUNDED TO ANY PRISONER WHO IS ACQUITTED.";

As amended, laid over until Tuesday, March 16, retaining its place on the calendar.

**HB04-1093** by Representative(s) McFadyen, Miller, Rose, Salazar, Tochtrop; also Senator(s) Hillman, Entz, Isgar--Concerning a preference for the purchase of Colorado agricultural products by governmental entities.

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

**HB04-1298** by Representative(s) Madden, Young; also Senator(s) Hillman, Kester--Concerning adjustments to the fees deposited into the wholesale food manufacturing and storage protection cash fund.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.  
(Printed in Senate Journal, March 11, page 491 and placed in members' bill files.)

As amended, ordered revised 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 Chlouber, 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: HB04-1350 as amended, HB04-1361 as amended, HB04-1218 as amended, HB04-1266 as amended, HB04-1270, HB04-1093, HB04-1298 as amended.

Laid over until Tuesday, March 16: SB04-153, HB04-1177, SB04-151, HB04-1273, HB04-1187, HB04-1121, HB04-1141, HB04-1242, HB04-1341 as amended.

Laid over until Friday, March 19: SB04-001, HB04-1046, HB04-1084, SB04-190

Laid over until Monday, March 22: SB04-132, SB04-164.

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## MESSAGE FROM THE HOUSE

March 15, 2004  
Mr. President:

The House has adopted and transmits herewith HJR04-1008, HJR04-1024.

**INTRODUCTION OF RESOLUTIONS**

The following resolutions were read by title:

**HJR04-1008** by Representative(s) Merrifield, Sinclair; also Senator(s) Entz--Concerning the completion of the National World War II Memorial.  
Laid over one day under Senate Rule 30(e).

**HJR04-1024** by Representative(s) Jahn; also Senator(s) Anderson--Concerning support for the Stop Family Violence stamp.  
Laid over one day under Senate Rule 30(e).

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--HJR04-1008.

**IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1008**

**HJR04-1008** by Representative(s) Merrifield, Sinclair; also Senator(s) Entz--Concerning the completion of the National World War II Memorial.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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, 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, and Windels.

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--HJR04-1024.

**IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1024**

**HJR04-1024** by Representative(s) Jahn; also Senator(s) Anderson--Concerning support for the Stop Family Violence stamp.

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

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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, Arnold, Cairns, Chlouber, Dyer, 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, and Windels.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Joint Resolutions--SJR04-009.

**CONSIDERATION OF HOUSE AMENDMENTS TO  
SENATE JOINT RESOLUTIONS--SJR04-009**

**SJR04-009** by Senator(s) Taylor; also Representative(s) Rippy, White--Concerning the designation of Steamboat Springs as a Preserve America Community.

Senator Taylor moved that the Senate concur in House amendments to SJR04-009, as printed in House Journal, March 1, pages 696-697. The motion was adopted by the following roll call vote:

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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 resolution, as amended, be adopted?", the roll call was taken with the following result:

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	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 resolution, as amended, was declared **readopted**.

**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

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

MEMBERS OF THE  
COLORADO TOURISM OFFICE BOARD OF DIRECTORS

for a term expiring June 1, 2006:

Robert E. Perlman of Littleton, Colorado to fill the vacancy occasioned by the resignation of Robert A. Kunkel of Durango, Colorado, and to serve as a representative of the ski industry, appointed;

for terms expiring June 1, 2007:

John J. Schafer of Parker, Colorado, to serve as a representative of the hotel, motel and lodging industry, appointed;

Peter M. Meersman of Aurora, Colorado, to serve as a representative of the food, beverage and restaurant industry, appointed;

John E. Thomas Jr. of Arvada, Colorado, to serve as a representative of tourism-related transportation industries, reappointed.

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBER OF THE  
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

for a term expiring the Monday preceding the second Tuesday in January, 2008:

Polly E. Page of Aurora, Colorado to serve as a Republican, reappointed.

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBER OF THE  
STATE BOARD OF PAROLE

for a term expiring July 1, 2005:

Matthew J. Rhodes of Pueblo West, Colorado, to fill the vacancy occasioned by the resignation of Joseph F. Rall of Florence, Colorado, and to serve as a citizen representative, appointed.

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE  
COLORADO STUDENT OBLIGATION BOND  
AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2006:

Stanley M. Felix of Denver, Colorado, to fill the vacancy occasioned by the resignation of Andrea L. Aragon, appointed;

for terms expiring July 31, 2007:

Steven J. Schwartz of Durango, Colorado, reappointed;

Brett A. Siegel of Englewood, Colorado, reappointed;

David B. Walker of Denver, Colorado, appointed.

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE  
WILDLIFE COMMISSION

for terms expiring March 1, 2008:

Claire M. O'Neal of Holyoke, Colorado, to serve as a public member from Wildlife District 3 and as a Democrat, appointed;

Thomas M. Burke of Grand Junction, Colorado, to serve as a representative of a wildlife organization from Wildlife District 1 and as a Republican, reappointed.

YES	33	NO	0	EXCUSED	2	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	E
Evans	E	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

**MESSAGE FROM THE GOVERNOR**

March 11, 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.04-022** – Concerning Enactment Of The “Interstate Insurance Project Regulation Compact”.

Approved March 11, 2004 at 12:30 P.M.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 3/12/04, 2:32 p.m.  
Karen Kuhlmann  
Asst. Secretary of the Senate

**MESSAGES FROM THE GOVERNOR**

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

March 3, 2004

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

Ladies and Gentlemen:

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

**MEMBER OF THE  
COLORADO COMMISSION FOR THE  
DEAF AND HARD OF HEARING**

for a term expiring July 1, 2006:

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Deborah G. Mohny of Boulder, Colorado, to fill the vacancy occasioned by the resignation of James B. Duresky of Durango, Colorado, and to serve as a member who is hard of hearing, appointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 3/10/04  
Mona Heustis  
Secretary of the Senate

Committee on Health, Environment, Welfare and Institutions

March 3, 2004

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

Ladies and Gentlemen:

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

**MEMBERS OF THE  
WATER QUALITY CONTROL COMMISSION**

for terms expiring February 15, 2007:

Dr. Chris J. Wiant of Aurora, Colorado, reappointed;

Martha E. Rudolph of Denver, Colorado, reappointed;

Paul L. Grundemann of Castle Rock, Colorado, reappointed.

Sincerely,  
(signed)  
Bill Owens  
Governor  
Rec'd: 3/10/04  
Mona Heustis  
Secretary of the Senate

Committee on Agriculture, Natural Resources & Energy

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**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: SR04-004, SR04-005, and SJR04-021.

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**SENATE SERVICES REPORT**

**Correctly Reengrossed:** SB04-093 and 188.

**Correctly Revised:** HB04-1004, 1057, 1108, 1127, 1155, 1159, 1217, 1248, 1274 and 1354; HJR04-1028.

**Correctly Rerevised:** HB04-1102 and 1224.

**Correctly Enrolled:** SB04-003, 008, 047 and 146.

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

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-010, SJR04-025, HJR04-1020, HJR04-1029.  
Consideration of Conference Committee Reports: HB04-1112.  
Conference Committees to Report: HB04-1072, HB04-1280.



On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Tuesday, March 16, 2004.

Approved:

John Andrews  
President of the Senate

Attest:

Mona Heustis  
Secretary of the Senate

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