

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

Ninety-seventh Legislative Day

Monday, April 12, 2004

Prayer	By the chaplain, Reverend Dr. Kathryn Towne.	10
Pledge	By Senator Keller.	11
Call to Order	By the President at 10:00 a.m.	12
Roll Call	Present--34. Absent/Excused--1; Anderson. Present later--Anderson.	13
Quorum	The President announced a quorum present.	14
Reading of Journal	On motion of Senator Kester, reading of the Journal of April 8, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	15

COMMITTEE OF REFERENCE REPORTS

Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SJR04-031 be referred to the Senate for final action with favorable recommendation.	16
Agriculture, Natural Resources, & Energy	After consideration on the merits, the Committee recommends that SB04-222 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation.	17
	Amend printed bill, page 4, line 23, strike "NONIRRIGATED NATIVE VEGETATION" and substitute "PHREATOPHYTES".	18
Finance	After consideration on the merits, the Committee recommends that SCR04-010 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	19
	Amend printed concurrent resolution, page 5, line 2, strike "Resolution 04-_____" and substitute "Resolution 04-009";	20
	line 9, strike "Resolution 04-____," and substitute "Resolution 04-009,".	21
Finance	After consideration on the merits, the Committee recommends that SCR04-009 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	22
	Amend printed concurrent resolution, page 5, line 23, strike "Resolution 04-_____" and substitute "Resolution 04-010".	23
	Page 6, line 3, strike "Resolution 04-____," and substitute "Resolution 04-010,".	24

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Finance After consideration on the merits, the Committee recommends that **SB04-211** 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 24, strike "AND";

strike line 26 and substitute the following:

"CLAIMS; AND

(III) PUBLICATION AND CORRESPONDENCE EXPENSES PURSUANT TO SECTION 38-13-111 (7)."

Page 5, line 2, after "C.R.S.", insert "AND SUBSTANTIATED BY THE ACTUARIAL EVALUATIONS REQUIRED PURSUANT TO SECTION 10-8-530(1.5) (c), C.R.S., THE BOARD OF COVER COLORADO DETERMINES";

line 13, after "(1.5) (a)", insert "(1.5) (c)";

line 27, after the period, insert "THE REPORT SHALL BE SUBSTANTIATED BY THE ACTUARIAL EVALUATIONS REQUIRED BY PARAGRAPH (c) OF SUBSECTION (1.5) OF THIS SECTION."

Page 6, line 22, after "AMOUNTS", insert "AVAILABLE TO BE";

line 24, strike "twelve-month" and substitute "twelve-month TWENTY-FOUR-MONTH".

Page 7, after line 7, insert the following:

"(c) Prior to notice of the first assessment to be paid by insurers, and prior to an increase in the amount of the assessment pursuant to this subsection (1.5), AND PRIOR TO SUBMISSION OF A REQUEST FOR MONEYS FROM THE UNCLAIMED PROPERTY TRUST FUND PURSUANT TO SUBSECTION (1.3) OF THIS SECTION, the board shall obtain at least two actuarial evaluations of the amount of the assessment OR FOR THE REQUEST OF TRANSFER OF MONEYS FROM THE UNCLAIMED PROPERTY TRUST FUND."

Finance After consideration on the merits, the Committee recommends that **SCR04-002** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SCR04-003** be postponed indefinitely.

Finance After consideration on the merits, the Committee recommends that **SCR04-004** be postponed indefinitely.

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

EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION

for a term expiring at the pleasure of the Governor:

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

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

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MEMBER OF THE
UNIVERSITY OF COLORADO HOSPITAL AUTHORITY
BOARD OF DIRECTORS

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

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

Education

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

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

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

Sean R. Tonner of Littleton, Colorado, appointed.

Education

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR ADAMS STATE COLLEGE

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

Vickie I. Ford of Center, Colorado, appointed;

LeRoy J. Salazar of Manassa, Colorado, appointed;

Charles Scoggin of Boulder, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2006;

Timothy L. Walters of Alamosa, Colorado, appointed;

Mark Cavanaugh of Denver, Colorado, appointed;

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

Kathleen Eck of Vail, Colorado, appointed;

for terms effective July 1, 2003 and expiring January 1, 2008:

Peggy Lamm of Superior, Colorado, appointed;

Meyer M. Saltzman of Denver, Colorado, appointed.

MESSAGE FROM THE HOUSE

April 8, 2004
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives T. Williams, chairman, McCluskey, and Marshall as House conferees on the First Conference Committee on SB04-131.

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

- 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.
Laid over one day under Senate Rule 30(b).
- SJR04-038** by Senator(s) Teck, Isgar, Johnson S.; also Representative(s) Berry--Concerning the use of technology and electronic monitoring devices (telehealth care) in the delivery of health care services in the home.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

- HCR04-1004** by Representative(s) Spradley, Cloer, Williams T., Berry, Boyd, Briggs, Butcher, Carroll, Coleman, Fairbank, Hodge, Jahn, King, McFadyen, Paccione, Pommer, Rippy, Rose, Salazar, Spence, Stengel, Weissmann, Welker, White, Wiens, Young; also Senator(s) Johnson S., Kester, Phillips, Andrews, Arnold, Entz, Gordon, Groff, Grossman, Hagedorn, Hanna, Jones, Keller, Owen, Reeves, Sandoval, Teck, Tupa, Veiga--Submitting to the registered electors of the state of Colorado an amendment to section 20 (2) (d) of article X of the constitution of the state of Colorado, concerning the inclusion within the definition of "enterprise" state institutions of higher education that are designated by the general assembly as enterprises, and, in connection therewith, specifying that the general assembly retains its authority to authorize tuition spending authority for the governing board of the state institution of higher education that is designated as an enterprise.
Education

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-225** by Senator(s) Hillman; also Representative(s) Hoppe--Concerning the enforcement of orders for the unauthorized use of designated ground water.
Agriculture, Natural Resources & Energy
- SB04-226** by Senator(s) Taylor; also Representative(s) Cadman--Concerning fingerprint-based criminal history record checks for applicants for explosives permits.
Business Affairs & Labor
- HB04-1021** by Representative(s) Briggs, Merrifield; also Senator(s) McElhany--Concerning the consumption of alcohol, and making an appropriation therefor.
Business Affairs & Labor
Appropriations

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

- SB04-108** by Senator(s) Hillman; also Representative(s) McCluskey--Concerning the administration of claims under the "Unclaimed Property Act".
Laid over until Tuesday, April 13, retaining its place on the calendar.
- SB04-137** by Senator(s) Johnson S.; also Representative(s) Rhodes--Concerning the rights of persons providing care to children in out-of-home placement, and, in connection therewith,

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requiring the provision of notice to such persons of, and the opportunity to provide information at, a court hearing involving the child; and maintaining the confidentiality of personally identifiable information about a foster parent without the written consent of the foster parent.

Senator Johnson moved that the Senate concur in House amendments to **SB04-137**, as printed in House Journal, March 25, page 1057. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Keller.

SB04-125 by Senator(s) Kester; also Representative(s) Mitchell--Concerning the prompt payment of auto insurance benefits.

Senator Kester moved that the Senate not concur in House amendments to **SB04-125**, as printed in House Journal, March 26, page 1091, and that a Conference Committee be appointed.

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

SB04-105 by Senator(s) Kester; also Representative(s) Spence--Concerning the regulation of health insurance, and, in connection therewith, adopting certain modifications to health insurance laws recommended by the 2001 sunset report conducted by the department of regulatory agencies.

Senator Kester moved that the Senate concur in House amendments to **SB04-105**, as printed in House Journal, March 29, pages 1115-1116. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-024

by Senator(s) Teck; also Representative(s) Romanoff--Concerning increased consistency in the regulation of certain professions by the division of registrations in the department of regulatory agencies, and, in connection therewith, enacting uniform statutory provisions governing the issuance of letters of admonition, immunity, renewal and reinstatement of licenses, registrations, or certificates, investigatory subpoenas, and disposition of fines collected.

Senator Teck moved that the Senate not concur in House amendments to **SB04-024**, as printed in House Journal, March 29, page 1116, and that a Conference Committee be appointed.

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

Senator Teck moved that the Senate Conferees on the First Conference Committee on **SB04-024** be given the powers to go beyond the scope of the differences between the two Houses.

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

SB04-115

by Senator(s) Dyer; also Representative(s) Mitchell--Concerning a limitation on the recovery of noneconomic damages in breach of contract claims.

Senator Dyer moved that the Senate concur in House amendments to **SB04-115**, as printed in House Journal, March 26, page 1090. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	N		

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

Co-sponsors added: Andrews, Arnold, May, and McElhany.

SB04-094 by Senator(s) Hagedorn; also Representative(s) Spradley, Hall--Concerning the implementation of health savings accounts, and, in connection therewith, eliminating medical savings accounts for basic health benefit plans for small employers and converting the tax provisions for medical savings accounts to apply to health savings accounts.

Senator Hagedorn moved that the Senate not concur in House amendments to **SB04-094**, as printed in House Journal, March 29, pages 1116-1117, and that a Conference Committee be appointed.

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

SB04-045 by Senator(s) Johnson S.; also Representative(s) Vigil--Concerning a prohibition against toughperson fighting.

Senator Johnson moved that the Senate concur in House amendments to **SB04-045**, as printed in House Journal, March 29, page 1118. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	32	NO	3	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Sandoval and Tapia.

SB04-188 by Senator(s) Arnold, Grossman, Owen; also Representative(s) Rose--Concerning the surcharge on fines for violation of certain county ordinances that is paid to the Colorado traumatic brain injury trust fund, and, in connection therewith, limiting the imposition of the surcharge to violations of speed limits.

Senator Arnold moved that the Senate concur in House amendments to **SB04-188**, as printed in House Journal, March 29, page 1118. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: May.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

On motion of Senator Hillman, the following Governor's appointments were laid over to Tuesday, April 13:

MEMBERS OF THE WATER QUALITY CONTROL COMMISSION

for terms expiring February 15, 2006:

Richard C. Kraft of Fort Morgan, Colorado, reappointed;

Robert T. Sakata of Brighton, Colorado, reappointed;

Jeffrey T. Bedingfield of Greeley, Colorado, appointed.

for terms expiring February 15, 2007:

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

Martha E. Rudolph of Denver, Colorado, reappointed;

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

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

MEMBER OF THE COLORADO CHILDREN'S TRUST FUND BOARD

for a term expiring November 7, 2005:

Thomas H. McMillen of Golden, Colorado, to serve as a member with knowledge of child abuse prevention and law, reappointed;

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

MEMBERS OF THE
COLORADO SCHOOL OF MINES, BOARD OF TRUSTEES

for terms expiring March 23, 2008:

L. Roger Hutson of Englewood, Colorado, to serve as a representative of graduates, appointed;

DeAnn Craig of Denver, Colorado, to serve as a representative of graduates, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Johnson moved for the adoption of the First Report of the First Conference Committee on **HB04-1102**, as printed in Senate Journal, March 30, pages 669-670. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Andrews.

HB04-1072 by Representative(s) May M.; also Senator(s) Evans--Concerning the authority of the governing body of a municipality to submit to the registered electors of the municipality the question of changing the regular election date of the municipality.

Senator Evans moved for the adoption of the First Report of the First Conference Committee on **HB04-1072**, as printed in Senate Journal, April 2, page 704. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

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 Third Reading--Final Passage of Bills.

THIRD READING--FINAL PASSAGE OF BILLS

On Third Reading, the title of the following bill was publicly read, the reading at length having been dispensed with by unanimous consent:

HB04-1397 by Representative(s) King; also Senator(s) Anderson--Concerning the financing of public schools, and making an appropriation therefor.

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

Third Reading Amendment No. 1(L.063), by Senator Anderson.

Amend revised bill, page 6, strike lines 12 and 13 and substitute the following:

"amended to read:";

after line 16, insert the following:

"(a) (I) If the district percentage of at-risk pupils is equal to or less than the statewide average percentage of at-risk pupils or the district's funded pupil count is equal to or less than four hundred fifty-nine, the formula shall be:

(District per pupil funding x 11.5%) x District at-risk pupils";

line 17, strike "(c)" and substitute "(II)" and strike "PARAGRAPH (a) OF THIS" and substitute "SUBPARAGRAPH (I) OF THIS PARAGRAPH (a),";

line 18, strike "SUBSECTION (4),";

after line 24, insert the following:

"(b) (I) If the district percentage of at-risk pupils is greater than the statewide average percentage of at-risk pupils and the district's funded pupil count is greater than four hundred fifty-nine, the formula shall be:

((District per pupil funding x 11.5%) x (Statewide average percentage of at-risk pupils x District pupil enrollment)) + ((District per pupil funding x District at-risk factor) x (District at-risk pupils - (Statewide average percentage of at-risk pupils x District pupil enrollment)))";

line 25, strike "(d)" and substitute "(II)" and strike "PARAGRAPH (a) OF" and substitute "SUBPARAGRAPH (I) OF THIS PARAGRAPH (b),";

line 26, strike "THIS SUBSECTION (4),".

Page 8, line 11, strike "(I)," and substitute "(II),".

Page 18, after line 17, insert the following:

SECTION 17. 22-20-109 (4) and (5), Colorado Revised Statutes, are amended, and the said 22-20-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-20-109. Tuition. (4) (a) When a child with a disability enrolls and attends a school in a district other than the child's district of residence pursuant to the provisions of section 22-36-101, AND THE SCHOOL DOES NOT PROVIDE THE CHILD AN ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6, the district of residence shall be responsible for paying the tuition charge for educating the child to the district of attendance. THE DISTRICT OF ATTENDANCE SHALL NOT CHARGE THE DISTRICT OF RESIDENCE TUITION FOR THE EXCESS COSTS INCURRED IN EDUCATING A CHILD WITH A DISABILITY WHO RECEIVES EDUCATIONAL SERVICES FROM THE DISTRICT OF ATTENDANCE FOR LESS THAN A PERCENTAGE OF TIME SPECIFIED BY RULE OF THE STATE BOARD. THE DISTRICT OF ATTENDANCE SHALL PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE BOARD RULES ADOPTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4) WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN A SCHOOL IN THE DISTRICT OF ATTENDANCE. The amount of the tuition charge shall be determined pursuant to a contract entered into between the two districts pursuant to subsection (1) of this section. Under the circumstances

described in this subsection (4), the provisions of section 22-20-108 (8) shall not apply.

(b) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE STATE BOARD SHALL ADOPT RULES TO SPECIFY THE CONTENT, MANNER, AND TIMING OF THE NOTICE THAT A DISTRICT OF ATTENDANCE SHALL GIVE A DISTRICT OF RESIDENCE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4).

(5) (a) When a child with a disability enrolls in and attends a charter school pursuant to the provisions of part 1 of article 30.5 of this title, INCLUDING A CHARTER SCHOOL THAT PROVIDES AN ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6, the district of residence shall be responsible for paying to the charter school the tuition charge for the excess costs incurred in educating the child. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT BETWEEN THE CHARTER SCHOOL AND THE DISTRICT OF RESIDENCE IN A FORM APPROVED BY THE CHARTERING DISTRICT. THE CHARTER SCHOOL SHALL PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE CHARTER SCHOOL. The amount of the tuition charge shall be determined pursuant to ~~guidelines developed by the department~~ RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. Under the circumstances described in this subsection (5), the provisions of section 22-20-108 (8) shall not apply.

(b) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO APPLY TO THE CHARTER CONTRACT ENTERED INTO BETWEEN A CHARTER SCHOOL AND THE CHARTERING LOCAL BOARD OF EDUCATION PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE.

(6) WHEN A CHILD WITH A DISABILITY ENROLLS IN AND ATTENDS AN ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6 THAT IS NOT PROVIDED BY A CHARTER SCHOOL, THE DISTRICT OF RESIDENCE SHALL BE RESPONSIBLE FOR PAYING TO THE PROVIDER OF THE ON-LINE PROGRAM THE TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE CHILD. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT BETWEEN THE DISTRICT OF ATTENDANCE AND THE DISTRICT OF RESIDENCE IN A FORM APPROVED BY THE STATE BOARD. THE ON-LINE PROVIDER SHALL PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE ON-LINE PROGRAM. THE AMOUNT OF THE TUITION CHARGE SHALL BE DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD PURSUANT TO SUBSECTION (7) OF THIS SECTION. UNDER THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (6), THE PROVISIONS OF SECTION 22-20-108 (8) SHALL NOT APPLY.

(7) FOR THE 2004-05 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE STATE BOARD SHALL ADOPT RULES PERTAINING TO THE EDUCATION OF CHILDREN WITH DISABILITIES IN CHARTER SCHOOLS AND RULES PERTAINING TO THE EDUCATION OF CHILDREN WITH DISABILITIES THROUGH ON-LINE PROGRAMS. BOTH SETS OF RULES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, RULES TO:

(a) SPECIFY THE CONTENT, MANNER, AND TIMING OF THE NOTICE THAT A CHARTER SCHOOL OR ON-LINE PROVIDER SHALL GIVE A DISTRICT OF RESIDENCE PURSUANT TO SUBSECTIONS (5) AND (6) OF THIS SECTION, RESPECTIVELY;

(b) DEFINE THE TYPES AND AMOUNTS OF ALLOWABLE COSTS IN EXCESS OF THE PER PUPIL FUNDING FOR THE CHILD WITH A DISABILITY, AS DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE, AND ANY OTHER STATE AND FEDERAL REVENUES RECEIVED FOR EDUCATING THE CHILD, THAT A CHARTER SCHOOL OR ON-LINE PROGRAM MAY CHARGE AS TUITION TO A DISTRICT OF RESIDENCE;

(c) DEFINE OTHER APPLICABLE REVENUES THAT A DISTRICT OF

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RESIDENCE OF A CHILD WITH A DISABILITY SHALL APPLY IN PAYING THE TUITION CHARGE FOR EXCESS COSTS INCURRED IN EDUCATING THE CHILD AT A CHARTER SCHOOL OR THROUGH AN ON-LINE PROGRAM;

(d) SPECIFY THE LIMITATIONS ON THE NUMBER OF STAFF MEMBERS PER NUMBER OF STUDENTS THAT A CHARTER SCHOOL OR ON-LINE PROGRAM SHALL PROVIDE IN EDUCATING CHILDREN WITH DISABILITIES;

(e) SPECIFY THE AMOUNT AND TYPES OF EQUIPMENT NECESSARY FOR INSTRUCTION OF CHILDREN WITH DISABILITIES;

(f) SPECIFY THE MINIMUM NUMBER OF HOURS OF EDUCATIONAL INSTRUCTION THAT A CHARTER SCHOOL OR ON-LINE PROGRAM SHALL PROVIDE TO CHILDREN WITH DISABILITIES;

(g) SPECIFY THE METHODS OF DELIVERY OF EDUCATIONAL SERVICES PROVIDED TO CHILDREN WITH DISABILITIES BY A CHARTER SCHOOL OR AN ON-LINE PROGRAM; AND

(h) IDENTIFY ANY OTHER EXPENSES INVOLVED IN THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES IN ACCORDANCE WITH EACH CHILD'S INDIVIDUAL EDUCATION PROGRAM."

Renumber succeeding sections accordingly.

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

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	N	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

Committee of the Whole

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

GENERAL ORDERS--SECOND READING OF BILLS

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

SB04-001 by Senator(s) Cairns, Hillman, Andrews, Lamborn; also Representative(s) Spradley, Schultheis, Crane, Harvey, Lundberg, May M., Mitchell, Welker, Williams T.--Concerning the exemption of business personal property from property taxation.

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

SB04-164 by Senator(s) Owen; also Representative(s) Berry--Concerning the retention of state revenues in excess of the constitutional limitation on state fiscal year spending for the purposes of funding state infrastructure needs, and, in connection therewith, requiring excess state revenues retained to be used first to fund state and local transportation needs and next to fund other state capital construction needs.

Laid over until Friday, April 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. 1
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Laid over until Friday, April 16, retaining its place on the calendar. 6
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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. 8
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 13
(Printed in Senate Journal, March 25, page 631 and placed in members' bill files.) 14
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 16
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- SB04-190** by Senator(s) Johnson S.; --Concerning the creation of liens for health care providers on moneys collected by an injured person. 19
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Laid over until Friday, April 16, retaining its place on the calendar. 22
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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. 24
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As amended, Senate Journal, March 26, pages 644-647. 28
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Laid over until Friday, April 16, retaining its place on the calendar. 30
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- 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. 32
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Laid over until Tuesday, April 13, retaining its place on the calendar. 40
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- SB04-203** by Senator(s) Anderson, Andrews; also Representative(s) Young, Fairbank--Concerning tobacco litigation settlement moneys, and, in connection therewith, creating a tobacco litigation settlement financing corporation for the purpose of securitizing tobacco settlement revenues scheduled to be received by the state, creating a state rainy day fund, and requiring securitization proceeds to be credited to the fund and expended for specified purposes. 42
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Laid over until Tuesday, April 13, retaining its place on the calendar. 48
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- HB04-1095** by Representative(s) Witwer; also Senator(s) Gordon--Concerning the prospective applicability of certain amendments to the "Colorado Governmental Immunity Act". 50
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Amendment No. 1, Judiciary Committee Amendment. 53
(Printed in Senate Journal, March 31, page 687 and placed in members' bill files.) 54
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 56
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- SB04-136** by Senator(s) Arnold; also Representative(s) King--Concerning the provision of remedial assistance to high school students who perform below a certain level of proficiency in an academic area on a statewide assessment. 59
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As amended, Senate Journal, March 18, page 558 and April 2, page 707. 63
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Laid over until May 6, 2004. 65
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- HB04-1080** by Representative(s) Williams T.; also Senator(s) Lamborn--Concerning the "Uniform Arbitration Act". 1
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Laid over until Tuesday, April 13, retaining its place on the calendar. 4
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- HB04-1381** by Representative(s) White; also Senator(s) McElhany--Concerning standards for the 6
distribution of limited gaming revenues from the state historical fund by the governing 7
bodies of existing cities that provide grants of such moneys for the benefit of historic 8
properties. 9
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 11
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- SB04-207** by Senator(s) Taylor, Johnson S.; also Representative(s) Hoppe--Concerning the welfare of 13
pet animals, and, in connection therewith, authorizing the commissioner of agriculture to 14
deny license renewal to people with unpaid civil penalties pursuant to the "Pet Animal Care 15
and Facilities Act" and reestablishing the pet overpopulation fund voluntary contribution 16
program. 17
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 19
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- SB04-215** by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, 21
Tapia, Taylor, Teck; also Representative(s) Rippey, Briggs, Hall, Miller, White--Concerning 22
the applicability of section 29-20-107, Colorado Revised Statutes, of the "Local 23
Government Land Use Control Enabling Act". 24
25
Laid over until Tuesday, April 13, retaining its place on the calendar. 26
27
- SB04-037** by Senator(s) Anderson, Windels; also Representative(s) Stafford--Concerning the 28
continuing examination of the treatment of persons with mental illness who are involved in 29
the justice system. 30
31
Amendment No. 1, Appropriations Committee Amendment. 32
(Printed in Senate Journal, April 5, pages 715-716 and placed in members' bill files.) 33
34
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 35
Passage. 36
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- SB04-142** by Senator(s) Owen; also Representative(s) Jahn--Concerning the authorization of a 38
specialized charter school by a community college. 39
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Laid over until Tuesday, April 13, retaining its place on the calendar. 41
42
- SB04-138** by Senator(s) Owen, Reeves, Teck; also Representative(s) Witwer, Plant, Young-- 43
Concerning the repeal of the authority of the department of health care policy and financing 44
to charge a monthly fee to families whose children are enrolled in a children's home- and 45
community-based services waiver program. 46
47
Amendment No. 1, Appropriations Committee Amendment. 48
(Printed in Senate Journal, April 5, pages 717-719 and placed in members' bill files.) 49
50
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 51
Passage. 52
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- SB04-183** by Senator(s) Chlouber; also Representative(s) White--Concerning the transfer of the 54
division of racing events from the department of revenue to the department of agriculture. 55
56
Amendment No. 1, Appropriations Committee Amendment. 57
(Printed in Senate Journal, April 5, pages 719-721 and placed in members' bill files.) 58
59
As amended, ordered engrossed and placed on the calendar for Third Reading and Final 60
Passage. 61
62
- SB04-144** by Senator(s) Veiga; --Concerning reviews of school districts, and, in connection therewith, 63
requiring pilot efficiency reviews of a limited number of school districts. 64
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Laid over until Tuesday, April 13, retaining its place on the calendar. 66
67
- SB04-071** by Senator(s) Anderson; also Representative(s) Fairbank--Concerning the regulation of 68
fireworks, and, in connection therewith, clarifying the definitions of a "firework" and 69

"permissible firework", increasing fees for licensees, dedicating a portion of the fees collected from licensees to an educational program, and clarifying when fireworks may be prohibited during an open fire ban.

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, February 4, pages 179-183 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 7, pages 737-738 and placed in members' bill files.)

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

HB04-1279 by Representative(s) Stafford, Rose; also Senator(s) Hillman, Kester--Concerning liability regarding the behavior of dogs.

Laid over until Tuesday, April 13, retaining its place on the calendar.

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

Laid over until Tuesday, April 13, 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.

Laid over until Tuesday, April 13, retaining its place on the calendar.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders -- Second Reading of Bills Calendar (HB04-1279, HB04-1367) of April 12, was laid over until Tuesday, April 13, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Teck, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: SCR04-005 as amended, HB04-1095 as amended, HB04-1381, SB04-207, SB04-037 as amended, SB04-138 as amended, SB04-183 as amended, SB04-071 as amended.

Laid over until Tuesday, April 13: HB04-1141, SB04-203, HB04-1080, SB04-215, SB04-142, SB04-144, SB04-210, HB04-1279, HB04-1367.

Laid over until Friday, April 16: SB04-001, SB04-164, HB04-1242, SB04-190, SB04-151 as amended.

Laid over until May 6, 2004: SB04-136 as amended.

MESSAGE FROM THE HOUSE

April 12, 2004
Mr. President:

The House has postponed indefinitely SB04-165. The bill is returned herewith.

The House has adopted and transmits herewith HJR04-1050.
The House has adopted and transmits herewith HJR04-1038.

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--HJR04-1050.

IMMEDIATE CONSIDERATION OF RESOLUTION--HJR04-1050

HJR04-1050 by Representative(s) Tochtrop, Borodkin, Williams S.; also Senator(s) Takis--Concerning the designation of each April 24 as "Colorado Day of Remembrance of the Armenian Genocide".

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SB04-029, 057, 083, 088 and 166.
 The President has signed: HJR04-1018, 1027.
 The President has signed: HB04-1090, 1244, HJR04-1044.

SENATE SERVICES REPORTS

Correctly Printed: SB04-224.
Correctly Reengrossed: SJR04-033.
Correctly Rerevised: HB04-1412, 1413, 1415, 1416, 1417, 1418, 1419, 1420, 1421 and 1422; HJR04-1048 and 1049.

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

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

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TRIBUTES

Honoring The Colorado School for the Deaf and the Blind -- by Senator Andy McElhany.

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 12, 2004, was laid over until Tuesday, April 13, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, SJR04-022, SJR04-010, HJR04-1020, SJR04-017, SJR04-028, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035.
 Conference Committees to Report: HB04-1117, SB04-082, HB04-1236, HB04-1177, HB04-1061.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Tuesday, April 13, 2004.

Approved:

John Andrews
 President of the Senate

Attest:

Mona Heustis
 Secretary of the Senate

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