

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

One-hundred-twelfth Legislative Day

Tuesday, April 27, 2004

Prayer By the chaplain, Pastor Chuck Wysong.

Pledge By Senator Isgar.

Call to Order By the President at 8:00 a.m.

Roll Call Present--32.
Absent/Excused--3; Hanna, Nichol, and Phillips.
Present later--Hanna, Nichol, and Phillips.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Tapia, reading of the Journal of April 26, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

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:

HCR04-1005 by Representative(s) Marshall, Jahn, Coleman, Carroll, Crane, Hefley, King, Lee, Miller, Mitchell, Paccione, Romanoff, Rose, Schultheis, Spence, Stengel, Weddig, Welker, White, Williams S.; also Senator(s) Anderson, Andrews, Groff, Grossman, Hillman, Sandoval, Takis--Submitting to the registered electors of the state of Colorado an amendment to sections 13, 14, and 15 of article XII, section 22 of article IV, and section 49 (3) of article V of the constitution of the state of Colorado, concerning reform of the state civil service system, and, in connection therewith, modifying the merit principle, exempting certain positions from the system, modifying the number of eligible applicants from which an appointment is to be made, modifying the residency requirement, expanding the duration of temporary employment, specifying the rule-making authority of the state personnel board and the state personnel director, authorizing a modification to the veterans' preference calculation, repealing the requirement that the state auditor's staff be included in the state personnel system, and making conforming amendments.

Laid over until later in the day, Tuesday, April 27, retaining its place on the calendar.

HB04-1373 by Representative(s) Marshall, Jahn, Miller; also Senator(s) Anderson--Concerning modifications to the "State Personnel System Act".

Laid over until later in the day, Tuesday, April 27, retaining its place on the calendar.

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

Laid over until Wednesday, April 28, retaining its place on the calendar.

SCR04-009 by Senator(s) Anderson; also Representative(s) Berry--Submitting to the registered electors of the state of Colorado an amendment to section 17 (1) and (4) (b) of article IX of the

constitution of the state of Colorado, concerning modifications to the required increases in certain state education funding, and, in connection therewith, requiring the statewide base per pupil funding and the total state funding for all categorical programs to annually increase by the lesser of inflation or the percentage change in general fund revenues, and requiring an additional one percent increase in the statewide base per pupil funding and total state funding for all categorical programs when state revenues exceed the limitation on state fiscal year spending.

Laid over until Wednesday, April 28, retaining its place on the calendar.

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.

Laid over until Wednesday, April 28, retaining its place on the calendar.

HB04-1390 by Representative(s) Hefley, Coleman, Berry, Borodkin, Boyd, Carroll, Clapp, Crane, Frangas, Harvey, Hodge, Hoppe, Jahn, Judd, Larson, Madden, Marshall, May M., McFadyen, McGihon, Paccione, Ragsdale, Rippey, Rose, Schultheis, Stafford, Tochtrop, White, Wiens, Williams S.; also Senator(s) Johnson S.--Concerning the requirement that each health insurer provide information to consumers regarding covered benefits for cancer screening on the Colorado health benefit plan description form.

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

YES	27	NO	7	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	N	Hanna	Y	McElhany	N	Teck	Y
Dyer	Y	Hillman	N	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Isgar, Keller, Kester, Phillips, Tupa, Veiga, and Windels.

HB04-1231 by Representative(s) Larson, Welker; also Senator(s) Chlouber, May R.--Concerning the conditions applicable to the holders of commercial drivers' licenses.

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

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

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

Co-sponsors added: Entz.

HB04-1386 by Representative(s) Stengel, Spradley; also Senator(s) Kester--Concerning physical notice through a salvage brand to potential purchasers that a motor vehicle has been salvaged.

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

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

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

Co-sponsors added: Hanna and Sandoval.

HB04-1277 by Representative(s) Hefley, Carroll, Cloer, Romanoff, Rose, Stafford, Williams S., Clapp, Frangas, Paccione, White; also Senator(s) Cairns--Concerning the child care commission, and, in connection therewith, modifying the responsibilities of the commission and changing the name of the commission to the early childhood and school readiness commission, and making an appropriation therefor.

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

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

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

Co-sponsors added: Groff, Hagedorn, Hanna, Tapia, Tupa, and Windels.

HB04-1221 by Representative(s) Hoppe, Brophy, Harvey, Hefley, Hodge, McCluskey, Miller, Paccione, Salazar, Tochtrop, White, Wiens; also Senator(s) Entz--Concerning the funding of Colorado water conservation board projects, and making appropriations in connection therewith.

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

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

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

Co-sponsors added: Chlouber, Groff, Grossman, Phillips, Tapia, Taylor, and Teck.

HB04-1344 by Representative(s) May M.; also Senator(s) Evans--Concerning the ability of landowners to petition to be included in the Denver metropolitan scientific and cultural facilities district.

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

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

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

Co-sponsors added: Chlouber.

HB04-1015 by Representative(s) Pommer; also Senator(s) Johnson S.--Concerning the authorization of specified persons to obtain drugs commonly used in connection with animal control activities, and making an appropriation therefor.

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

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

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

Co-sponsors added: Tupa.

HB04-1365 by Representative(s) Harvey; also Senator(s) Kester--Concerning water planning by retail water providers.

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

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

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

Co-sponsors added: Groff, Grossman, Hillman, and Tapia.

HB04-1135 by Representative(s) Weissmann, Madden; also Senator(s) Tupa--Concerning the regulation of wildlife, and, in connection therewith, authorizing wildlife sanctuaries, and making an appropriation.

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

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

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

Co-sponsors added: Groff, Hanna, Keller, Tapia, Veiga, and Windels.

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

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

YES	25	NO	10	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	N	Teck	Y
Dyer	N	Hillman	N	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	N	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

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

HB04-1431 by Representative(s) Rose; also Senator(s) McElhany--Concerning the continuation of the wildlife management public education advisory council.

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

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

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

Co-sponsors added: Chlouber, Entz, Johnson, Taylor, and Teck.

HB04-1426 by Representative(s) Hoppe, Miller, Brophy, Hodge, Johnson R., McCluskey, Rose, Spradley, Tochtrop, White; also Senator(s) Chlouber, Entz--Concerning a requirement that applicants for a mining permit issued pursuant to the "Colorado Mined Land Reclamation Act" mail a copy of the application to only those surface owners whose interests appear of record.

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

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

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

Co-sponsors added: Evans.

HB04-1123 by Representative(s) Coleman, Decker, Carroll, Frangas, Paccione, Ragsdale, Witwer, Young; also Senator(s) Owen--Concerning the operation of the Colorado mental health institute at Fort Logan.

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

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

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

Co-sponsors added: Andrews, Grossman, Hanna, Keller, Sandoval, Teck, and Windels.

HB04-1425 by Representative(s) King; also Senator(s) Hillman--Concerning the legal publication of state ballot measures.

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

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

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

Co-sponsors added: Andrews and May.

HB04-1203 by Representative(s) Mitchell, May M., Schultheis, Carroll, Cloer, Harvey, Hoppe, Lundberg, McFadyen, Miller, Spradley, Young; also Senator(s) Hillman, Anderson, Johnson S.--Concerning limitations on the power of governmental entities to restrict the rights of property owners.

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

Third Reading Amendment No. 1(L.060), by Senator Isgar.

Amend revised bill, page 12, line 9, strike "EITHER";

line 10, strike "TERRITORIAL BOUNDARIES NOR";

strike lines 11 and 12;
 line 13, strike "LOCATED OUTSIDE OF ITS";
 line 20, strike "EITHER";
 strike lines 23 through 27 and substitute the following:
 "VIEWS OR".

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

Third Reading Amendment No. 2(L.064), by Senator Isgar.

Amend revised bill, page 12, line 8, strike "EFFECTIVE JANUARY 1, 2004, NO" and substitute "NO";
 line 19, strike "EFFECTIVE JANUARY 1, 2004, NO" and substitute "No".
 Page 13, line 6, strike "EFFECTIVE JANUARY 1, 2004, THE" and substitute "THE";
 strike lines 10 through 16 and substitute the following:

"SECTION 7. Effective date - applicability. (1) Sections 1, 2, 3, 4, and 5 of this act shall apply to any property for which a blight determination is made on or after sixty days following the effective date of this act.

(2) Section 6 of this act shall apply to any proceedings for the acquisition of property by condemnation commenced on or after the effective date of this act."

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

Third Reading Amendment No. 3(L.065), by Senator Isgar.

Amend revised bill, page 11, strike lines 16 through 27.
 Strike page 12.
 Page 13, strike lines 1 through 16 and substitute the following:

"SECTION 6. Applicability. This act shall apply to any property for which a blight determination is made on or after sixty days following the effective date of this act."

Renumber succeeding section accordingly.

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

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

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

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

Co-sponsors added: Andrews, Cairns, Chlouber, Evans, Lamborn, May, McElhany, and Teck.

HB04-1359 by Representative(s) Johnson R., Borodkin, Carroll, Cerbo, Coleman, Crane, Fairbank, Hodge, Marshall, McFadyen, McCluskey, Weddig, White; also Senator(s) Taylor-- Concerning the relocation of the Colorado geological survey from the department of natural resources to the Colorado school of mines.

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

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

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

Co-sponsors added: Chlouber, Entz, Hanna, Keller, Kester, Tapia, and Teck.

HB04-1284 by Representative(s) White, Rippy, Boyd, Cloer, Larson, Tochtrop; also Senator(s) Dyer-- Concerning audit procedures related to providers under the "Colorado Medical Assistance Act".

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

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

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

HB04-1406 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning notification to the public of professional malpractice judgments by the state board of medical examiners.

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

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

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

Co-sponsors added: Groff, Sandoval, and Veiga.

The President announced a change in sponsorship for **SB04-254**. Representative Rose is the House Prime Sponsor for **SB04-254**.

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

SB04-227 by Senator(s) Lamborn; also Representative(s) Clapp--Concerning the incorporation of the elements of the federal definition cited in 42 United States Code section 710 (b) (2) in certain health-related education programs.

As amended, Senate Journal, April 20, page 899.

Laid over until Wednesday, April 28, retaining its place on the calendar.

HB04-1309 by Representative(s) Brophy, Briggs, Merrifield; also Senator(s) Tupa, Chlouber--Concerning the creation of a safe routes to school program, and making an appropriation in connection therewith.

Amendment No. 1, Local Government Committee Amendment.
(Printed in Senate Journal, April 2, page 703 and placed in members' bill files.)

Amendment No. 2(L.008), by Senator Owen, was severed. Severed section 1: Page 1, lines 1 through 7 was declared **passed**. Severed section 2: Page 1, lines 8 through 16 was declared **LOST**.)

Severed Section 1:

Amend reengrossed bill, page 2, line 7, strike "DEPARTMENT SHALL ESTABLISH AND ADMINISTER" and substitute "COMMISSION SHALL ESTABLISH AND THE DEPARTMENT SHALL ADMINISTER".

Page 3, line 11, strike "IN AWARDING GRANTS" and substitute "GRANTS SHALL BE AWARDED";

strike line 12 and substitute the following:

"PROGRAM BASED ON:".

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

Amend reengrossed bill, page 4, line 2, strike "EXECUTIVE DIRECTOR," and substitute "COMMISSION,";

line 5, strike "WHO" and substitute "WHICH".

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

SCR04-007 by Senator(s) Andrews; also Representative(s) Lee--Submitting to the registered electors of the state of Colorado amendments to article VI of the constitution of the state of Colorado, concerning judicial personnel, and, in connection therewith, limiting future terms of office for certain state court justices, judges, and magistrates; providing that the governor nominate all state court justices, judges, and magistrates subject to senate confirmation and later voter approval; eliminating the requirement that justices and judges be licensed attorneys; establishing a procedure for removal elections; requiring that any justice, judge, or magistrate who is convicted of certain crimes, receive a negative disciplinary finding, or be made the subject of a removal petition to stand for election; providing that any justice, judge, or magistrate receiving a majority of less than sixty percent at an election be retained or not be removed for one year only; requiring records and reports on each justice, judge, and magistrate to be made public and computer accessible; requiring that voters receive specified information on each justice, judge, and magistrate standing for election; prohibiting certain persons from serving as active or retired judges or in other judicial

positions; providing enforcement procedures; and repealing certain constitutional provisions to conform with this amendment.

Laid over until Wednesday, April 28, 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 Wednesday, April 28, 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 Wednesday, April 28, retaining its place on the calendar.

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

Laid over until Wednesday, April 28, retaining its place on the calendar.

SB04-151 by Senator(s) Evans, Hillman, Kester, Arnold, Cairns, Johnson S., Jones, Lamborn, May R.; also Representative(s) Lee, Clapp, Decker, Hefley, King, May M., Spence, Stengel--Concerning judicial evaluations by commissions on judicial performance.

As amended, Senate Journal, March 26, pages 644-647.

Laid over until Wednesday, April 28, retaining its place on the calendar.

SB04-232 by Senator(s) Dyer, Entz, Andrews, Cairns, Evans, Hagedorn, Hillman, Jones, Lamborn, McElhany, Owen; also Representative(s) King, Hefley, Cadman, Cloer, Crane, Decker, Harvey, Lee, Schultheis, Sinclair, Spence, Stafford, Stengel--Concerning creation of a front range water conservation district.

Laid over until Wednesday, April 28, retaining its place on the calendar.

Senator Hillman moved that the Committee of the Whole rise, report progress, and beg leave to sit again at 3:30 p.m. A majority of those elected to the Senate having voted in the affirmative, the motion was adopted.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1309 as amended.

Laid over until Wednesday, April 28: SB04-227 as amended, SCR04-007, SB04-164, HB04-1242, SB04-190, SB04-151 as amended, SB04-232.

COMMITTEE OF REFERENCE REPORTS

Business Affairs & Labor The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE SECURITIES BOARD

for terms expiring July 1, 2006:

Steven W. Palamar of Telluride, Colorado, to serve as a member of the public at large, reappointed.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-246** be referred to the Committee of the Whole with favorable recommendation.

Business Affairs & Labor After consideration on the merits, the Committee recommends that **SB04-249** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **HB04-1227** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-248** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs After consideration on the merits, the Committee recommends that **SB04-242** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 17, strike "APPLICABLE." and substitute "APPLICABLE, BUT IN ANY CASE NOT BEFORE JANUARY 1, 2005."

SENATE SERVICES REPORTS

Correctly Printed: SB04-249, 250, 251 and 252.

Correctly Engrossed: SB04-001, 225, 226, 231, 235, 239 and 247; SCR04-013.

Correctly Reengrossed: SJR04-051 and 052.

Correctly Enrolled: SB04-059 and 198.

Correctly Printed: SB04-253, 254, 255 and 256.

Correctly Reengrossed: SB04-001, 118, 225, 226, 231, 235, 239, 247.

Correctly Revised: HB04-1015, 1123, 1135, 1165, 1203, 1221, 1231, 1277, 1284, 1344, 1359, 1365, 1386, 1390, 1406, 1425, 1426, 1431,

Correctly Enrolled: SB04-185 and 205; SJR04-051, 053 and 055.

MESSAGE FROM THE GOVERNOR

April 23, 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.04-088 – Concerning The Encouragement Of Breastfeeding, And, In Connection Therewith, Recognizing The Benefits Of Breastfeeding And Providing For Breastfeeding In Public.

Approved April 23, 2004 at 10:15 A.M.

Sincerely,
 (signed)
 Bill Owens
 Governor
 Rec'd 4-26-04, 4:25 p.m.
 Karen Kuhlmann, Asst. Secretary of the Senate

Senate in recess.

Senate reconvened.

Senator Arnold moved a Call of the Senate.

Senator Isgar moved the Call of the Senate be raised.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Report--HB04-1397.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

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

Senator Anderson moved for the adoption of the First Report of the First Conference Committee on **HB04-1397**, as printed in Senate Journal, April 7, pages 738-739, 741-744, and April 12, pages 786-789. 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	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	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	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		

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

Co-sponsors added: Arnold.

MESSAGE FROM THE HOUSE

April 27, 2004
Mr. President:

The House has adopted and transmits herewith HJR04-1051, and amended as printed in House Journal, April 27.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1407, amended as printed in House Journal, April 26, page 1546.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR04-1013.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-189, amended as printed in House Journal, April 26, pages 1547-1548, and amended on Third Reading as printed in House Journal, April 27.

MESSAGE FROM THE REVISOR OF STATUTES

April 27, 2004

We herewith transmit:

Without comment, as amended, HCR04-1013 and SB04-189.
With comment, as amended, HB04-1407.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1104** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend the Education Committee Report, dated April 22, 2004, page 1, strike lines 11 and 12 and substitute the following:

"Page 23, strike lines 19 through 27 and substitute the following:

"SECTION 9. Repeal. 22-60.5-116, Colorado Revised Statutes, is repealed."

Strike pages 24 and 25.

Page 26, strike lines 1 and 2;

line 3, strike "22-60.5-116.5 (2)," and substitute "22-60.5-116.5,";

strike lines 6 through 8 and substitute the following:

"preparation programs - biannual joint meeting. (1) The committees on education of the house of representatives and the senate shall biannually hold a joint meeting to assess the reports received concerning the effectiveness of the approved teacher preparation programs offered by accepted institutions of higher education in the state. At the meeting, the committees shall consider ~~the compiled results of the completed evaluation forms received pursuant to section 22-60.5-116(2) and (4) and~~ the reports on the review of approved teacher preparation programs received from the Colorado commission on higher education pursuant to section 23-1-121 (6), C.R.S. The committees shall take testimony from representatives of the institutions of higher education that provide the teacher preparation programs, the state board of education, the Colorado commission on higher education, and from any other interested persons. Based on the review of said ~~results and~~ reports and any testimony

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received, the committees shall assess whether the approved teacher preparation programs are adequately preparing teacher candidates to meet the performance-based teacher licensure standards adopted by rule of the state board of education pursuant to section 22-2-109 (3). In addition, the committees shall assess whether each approved teacher preparation program is being implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of title 23, C.R.S.

(2) If the committees, based on the reports received from the Colorado commission on higher education, ~~and the department of education~~, determine that an approved";

strike lines 18 through 27.

Page 27, strike lines 1 through 9.

Renumber succeeding sections accordingly."

Page 5 of the Committee Report, after line 14, add the following:

"Page 34, strike lines 25 through 27 and substitute the following:

"appropriation, there is hereby".

Page 35, strike lines 1 through 5;

line 12, strike "(3)" and substitute "(2)";

line 19, strike "(2)" and substitute "(1)".

Appropriations

After consideration on the merits, the Committee recommends that **SB04-112** be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that **HB04-1202** be referred to the Committee of the Whole with favorable recommendation.

Local Government

After consideration on the merits, the Committee recommends that **HB04-1428** be referred to the Committee of the Whole with favorable recommendation.

Local Government

After consideration on the merits, the Committee recommends that **HB04-1424** be referred to the Committee of the Whole with favorable recommendation.

State, Veterans, & Military Affairs

After consideration on the merits, the Committee recommends that **SCR04-023** be referred to the Committee of the Whole with favorable recommendation.

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--SB04-189.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

SB04-189

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

Senator Anderson moved that the Senate concur in House amendments to **SB04-189**, as printed in House Journal, April 26, pages 1547-1548. 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	22	NO	13	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	N
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	Y		

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

Co-sponsors added: Andrews, Arnold, Chlouber, Jones, McElhany, and Teck.

IMMEDIATE RECONSIDERATION OF SB04-189

SB04-189 by Senator(s) Anderson; also Representative(s) King--Concerning institutions of higher education, and making an appropriation in connection therewith.

Having voted on the prevailing side, Senator Anderson moved for immediate reconsideration and reversal of the roll call on **SB04-189**. The roll call was taken with the following result:

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

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

Committee of the Whole

On motion of Senator Arnold, the Senate resolved itself into the Committee of the Whole for continuation of General Orders--Second Reading of Bills and Senator Arnold returned to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS -- continued

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

- HB04-1134**

by Representative(s) Miller; also Senator(s) Arnold--Concerning the administration of programs relating to the prohibition against using identity information for an unlawful purpose.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 20, pages 900-901 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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- HB04-1269**

by Representative(s) Brophy; also Senator(s) Veiga--Concerning creation of the crime of criminal operation of a device in a motion picture theater.

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

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- SB04-215**

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

Amendment No. 1(L.007), by Senator Entz.

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

SECTION 1. 29-20-107, Colorado Revised Statutes, is amended to read:

29-20-107. Compliance with other requirements. (1) Except as provided in section 29-20-105 (2), where other procedural or substantive requirements for the planning for or regulation of the use of land are provided by law, such requirements shall control.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN CONNECTION WITH ANY PROPERTY THAT IS LOCATED WITHIN THE UNINCORPORATED AREA OF ANY COUNTY AND THAT WAS ZONED FOR AGRICULTURAL USE PRIOR TO MAY 17, 1974, THE OWNER OF THE PROPERTY SHALL HAVE A VESTED RIGHT TO DEVELOPMENT OF THE PROPERTY IN A MANNER THAT PERMITS ONE RESIDENTIAL UNIT PER THIRTY-FIVE ACRES OR PER LEGAL LOT SIZE AS ESTABLISHED IN A COUNTY'S ZONING PLAN ADOPTED PURSUANT TO SECTION 30-28-111 (1), C.R.S., AND IN EFFECT ON JANUARY 1, 2004, ALONG WITH ACCESS TO THE PROPERTY. SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (2), SUCH DEVELOPMENT SHALL BE NEITHER REGULATED NOR PROHIBITED UNDER SECTION 29-20-104. ANY REGULATION OR PROHIBITION APPLIED OR ENFORCED THAT PRECLUDES DEVELOPMENT CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION (2) SHALL BE TREATED AS A TAKING FOR WHICH THE COUNTY SHALL COMPENSATE THE OWNER OF THE PROPERTY TO THE FULLEST EXTENT PERMITTED UNDER LAW.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

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

Amend the Entz floor amendment (SB215_L.007), page 1, line 17, strike "2004, ALONG WITH ACCESS TO THE",

line 18, strike "PROPERTY." and substitute "2004."

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

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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

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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.

As amended, Senate Journal, April 26, pages 998-1005.

Laid over until Wednesday, April 28, retaining its place on the calendar.

HB04-1030 by Representative(s) Frangas, Boyd, Johnson R., Stafford, Tochtrop; also Senator(s) Hanna, Hagedorn, Kester, Sandoval--Concerning the evaluation of the Colorado works program, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment.
(Printed in Senate Journal, April 21, page 928 and placed in members' bill files.)

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

HB04-1157 by Representative(s) Larson; also Senator(s) Isgar--Concerning the procedures for purging title to a manufactured home.

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

HB04-1003 by Representative(s) McCluskey; also Senator(s) Johnson S.--Concerning laws related to the impersonation of a peace officer, and making an appropriation therefor.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 21, page 943 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 23, pages 973-974 and placed in members' bill files.)

Amendment No. 3(L.012), by Senator Johnson.

Amend reengrossed bill, page 3, line 8, strike "42-4-222 (1) (b)." and substitute "42-4-222 (1) (b); OR";

after line 8, insert the following:

"(d) A VENDOR WHO EXHIBITS, SELLS, OR OFFERS FOR SALE A LAMP OR DEVICE DESIGNED TO DISPLAY, OR THAT IS CAPABLE OF DISPLAYING, IF AFFIXED OR ATTACHED TO THE VEHICLE, A RED OR BLUE LIGHT."

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

HB04-1075 by Representative(s) Romanoff; also Senator(s) Johnson S.--Concerning continued services for women in the treatment program for high-risk pregnant women, and making an appropriation therefor.

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

HB04-1254 by Representative(s) Welker; also Senator(s) Johnson S.--Concerning investigations of child care providers.

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

HB04-1261 by Representative(s) Lee; also Senator(s) Johnson S.--Concerning the regulation of dangerous dogs, and making an appropriation therefor.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, April 21, page 927 and placed in members' bill files.)

Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 23, page 974 and placed in members' bill files.)

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

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.

Laid over until Wednesday, April 28, retaining its place on the calendar.

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

Laid over until Wednesday, April 28, retaining its place on the calendar.

HB04-1300 by Representative(s) Garcia, Carroll; also Senator(s) Sandoval--Concerning the regulation of notaries public, and, in connection therewith, modernizing the office of notary public, and making an appropriation.

Amendment No. 1, Judiciary Committee Amendment.
(Printed in Senate Journal, April 21, page 943 and placed in members' bill files.)

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

HB04-1077 by Representative(s) Jahn; also Senator(s) Anderson--Concerning the requirement that a current background investigation be conducted on persons who apply for placement on certain treatment services provider lists, and making an appropriation therefor.

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

HB04-1411 by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--Concerning the administration of appropriated moneys.

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

HB04-1225 by Representative(s) Berry, Spradley, Romanoff, Boyd, Cloer, Stafford; also Senator(s) Sandoval, Jones--Concerning the "Low-income Energy Assistance Act".

Amendment No. 1, Business Affairs and Labor Committee Amendment.
(Printed in Senate Journal, March 18, pages 553-554 and placed in members' bill files.)

As amended, laid over until Wednesday, April 28, 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 (SB04-217, HB04-1225 as amended, HB04-1256) of April 27, was laid over until Wednesday, April 28, retaining its place on the calendar.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1134 as amended, HB04-1269, SB04-215 as amended, HB04-1030 as amended, HB04-1157, HB04-1003 as amended, HB04-1075, HB04-1254, HB04-1261 as amended, HB04-1300 as amended, HB04-1077, HB04-1411.
Laid over until Wednesday, April 28: SB04-203 as amended, HCR04-1004, HB04-1021, SB04-217, HB04-1225 as amended, HB04-1256.

COMMITTEE OF REFERENCE REPORTS

State,
Veterans, &
Military
Affairs

After consideration on the merits, the Committee recommends that **SCR04-016** be postponed indefinitely.

Business
Affairs &
Labor

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

**MEMBERS OF THE
PINNACOL ASSURANCE BOARD OF DIRECTORS**

for a term expiring January 1, 2006:

Paul J. Suss of Centennial, Colorado, to fill the vacancy occasioned by the resignation of James E. Scholl of Holyoke, Colorado, and to serve as an employer whose liability is insured by Pinnacol Assurance, appointed;

for a term expiring January 1, 2008:

David W. Green of Loveland, Colorado, to fill the vacancy occasioned by the resignation of Peter M. Meersman of Aurora, Colorado, and to serve as an employee of an employer whose liability is insured by Pinnacol Assurance, appointed.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-240** be postponed indefinitely.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-252** be referred to the Committee of the Whole with favorable recommendation.

Judiciary

After consideration on the merits, the Committee recommends that **SJR04-056** be amended, as follows, and as amended, be referred to the Senate for final action:

Amend printed joint resolution, page 1, strike lines 12 through 14 and substitute the following:

"impartial examination of the capacity of Colorado's state courts to meet the demands placed on the judicial system; and".

Page 2, strike lines 1 and 2;

line 7, strike "consequently";

line 25, strike "and";

strike lines 26 through 29 and substitute the following:

"(III) Three members of the public appointed by the President of the Senate after consultation and agreement with the Minority Leader of the Senate including a current or former district attorney, a member of the Colorado bar, and one person who is not an attorney;

(IV) Three members of the public appointed by the Speaker of the House of Representatives after consultation and agreement with the minority Leader of the House of Representatives including a retired judge, a law professor currently employed by a law school in Colorado, and one person who is not an attorney; and";

after line 29, insert the following:

"(V) One retired judge appointed by the chief justice of the supreme court.";

line 33, strike "Governor" and substitute "President of the Senate and the Speaker of the House";

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strike lines 38 and 39.

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 1 and 2.

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 12 through 14 and substitute the following:

"(g) Alternatives to retention elections; and".

Reletter succeeding paragraphs accordingly.

Page 3, strike lines 17 and 18 and substitute the following:

"(i) The history of, and the appropriate standards to apply for the removal of judges by impeachment; and".

Trans-
portation

After consideration on the merits, the Committee recommends that **HB04-1034** 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 line 1 and substitute the following:

"SECTION 1. 42-2-118 (1) (a) (I) and (1.3) (a) (II), Colorado Revised Statutes, are";

after line 18, insert the following:

"(1.3) (a) The department may, in its discretion, allow renewal of a driver's license issued under section 42-2-114 by mail subject to the following requirements:

(II) Renewal by mail **OR ELECTRONICALLY** shall only be available every other driver's license renewal period as provided in section 42-2-114 (2) (a) and (3).";

line 21, strike "AGE OR" and substitute "AGE.";

strike line 22.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-244** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend printed bill, page 3, line 25, strike "FOUR" and substitute "THREE".

Page 4, after line 10, insert the following:

"(e) ONE MEMBER REPRESENTING THE JUDICIAL DEPARTMENT OF THE STATE APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT;".

Reletter succeeding paragraphs accordingly.

Page 9, after line 5, insert the following:

"(2) THE AUTHORITY SHALL NOT ENTER INTO A CONTRACT WITH A STATEWIDE PORTAL INTEGRATOR UNLESS THE STATEWIDE PORTAL INTEGRATOR WAS CHOSEN BY THE AUTHORITY PURSUANT TO A REQUEST FOR PROPOSALS ISSUED BY THE AUTHORITY.".

Page 10, strike lines 21 through 24 and substitute the following:

"24-37.7-106. Fees and charges - no modification. (1) THE AUTHORITY AND ANY THIRD PARTY VENDOR ENTERING A CONTRACT WITH

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THE AUTHORITY SHALL NOT:

(a) INCREASE OR DECREASE ANY CHARGE OR FEE FOR ELECTRONIC INFORMATION, PRODUCTS, AND SERVICES THAT IS AUTHORIZED BY LAW;

(b) DENY ACCESS TO ANY INFORMATION HELD BY THE STATE THAT IS SUBJECT TO DISTRIBUTION TO A REQUESTOR PURSUANT TO SECTION 24-72-204 (7), TO A BULK ELECTRONIC TRANSFER OF INFORMATION TO PRIMARY USERS AND VENDORS PURSUANT TO SECTION 42-1-206 (3.7), C.R.S., OR TO DISTRIBUTION AS OTHERWISE AUTHORIZED BY LAW."

Page 11, strike lines 3 and 4.

Reletter succeeding paragraphs accordingly.

Finance

After consideration on the merits, the Committee recommends that **SB04-256** 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 14, strike "AND" and substitute "AND, BEGINNING WITH THE 2005-06 STATE FISCAL YEAR,";

line 24, strike "THE" and substitute "BEGINNING WITH THE 2005-06 STATE FISCAL YEAR, THE".

Page 5, line 15, strike "OF" and substitute "BEGINNING WITH THE 2005-06 STATE FISCAL YEAR, OF".

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

SB04-186

by Senator(s) Entz, Andrews, Lamborn; also Representative(s) Larson--Concerning the authorization of roadside memorials within public highway easements.

Senator Entz moved that the Senate concur in House amendments to **SB04-186**, as printed in House Journal, April 19, pages 1407-1408. 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	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	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: Isgar.

SB04-153 by Senator(s) Johnson S., Reeves; also Representative(s) McCluskey, Lundberg, Paccione, Witwer--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.

Senator Johnson moved that the Senate not concur in House amendments to **SB04-153**, as printed in House Journal, April 22, pages 1481-1482, 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**.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to SB04-177.

SB04-177 by Senator(s) Gordon, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Groff, Grossman, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, Phillips, Sandoval, Takis, Tapia, Taylor, Veiga, Windels; also Representative(s) Hefley, Stafford, Pommer, Borodkin, Briggs, Carroll, Coleman, Decker, Frangas, Hodge, Jahn, Judd, Madden, Marshall, McCluskey, McFadyen, McGihon, Miller, Rippy, Romanoff, Rose, Salazar, Stengel, Welker, Tochtrop, Weissmann, White, Williams S.--Concerning home- and community-based services under the state's medicaid program for children with autism.

Senator Gordon moved that the Senate concur in House amendments to **SB04-177**, as printed in House Journal, April 23, pages 1507-1508. 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	31	NO	4	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	Y	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	N
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	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**.

SB04-204 by Senator(s) Anderson; also Representative(s) Coleman--Concerning the administration of the state-supervised lottery program.

Senator Anderson moved that the Senate concur in House amendments to **SB04-204**, as printed in House Journal, April 23, pages 1508-1509. 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	34	NO	1	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	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: Tupa.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded to SB04-126.

SB04-126 by Senator(s) Entz; also Representative(s) Sinclair--Concerning the Colorado division of civil air patrol in the department of military and veterans affairs.

Senator Entz moved that the Senate concur in House amendments to **SB04-126**, as printed in House Journal, April 22, page 1484. The motion was **passed** by the following roll call vote:

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

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

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

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

Co-sponsors added: Andrews, Johnson, and May.

SB04-111 by Senator(s) Grossman, Groff; also Representative(s) Stengel--Concerning the authority of a governing body to use emergency telephone charges to fund the costs associated with providing emergency services.

Senator Grossman moved that the Senate concur in House amendments to **SB04-111**, as printed in House Journal, April 19, pages 1406-1407. The motion was **passed** by the following roll call vote:

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

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

YES	29	NO	6	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	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	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

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

SB04-171 by Senator(s) Teck, Owen, Reeves; also Representative(s) Plant, Witwer, Young-- Concerning contingency-based contracts, and, in connection therewith, allowing a state agency to enter into a contingency-based contract only when specifically authorized to do so by law or when the office of state planning and budgeting approves the contract.

Senator Teck moved that the Senate concur in House amendments to **SB04-171**, as printed in House Journal, April 19, page 1407. 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**.

SB04-176

by Senator(s) Tupa, Anderson, Takis, Taylor; also Representative(s) Vigil, Coleman-- Concerning the division of local government's oversight of eligible entities' use of the conservation trust fund, and making an appropriation in connection therewith.

Senator Tupa moved that the Senate concur in House amendments to **SB04-176**, as printed in House Journal, April 22, pages 1483. 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**.

CONSIDERATION OF GOVERNOR'S APPOINTMENTS

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

MEMBER OF THE
COLORADO WATER RESOURCES
AND POWER DEVELOPMENT AUTHORITY

for a term expiring October 1, 2006:

Stephen T. LaBonde of Grand Junction, Colorado, to fill the vacancy occasioned by the resignation of Richard S. Pryor of Grand Junction, Colorado, and to serve as a member from the main Colorado drainage basin and as a Republican, appointed.

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

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

MEMBERS OF THE
BOARD OF TRUSTEES FOR THE COLORADO
SCHOOL FOR THE DEAF AND THE BLIND

effective July 1, 2004 for a term expiring July 1, 2006:

Ronald E. Harlow of Highlands Ranch, Colorado, to serve as an Unaffiliated, appointed;

effective July 1, 2004 for terms expiring July 1, 2008:

Douglas J. Miles of Manitou Springs, Colorado, to serve as a Democrat and to represent the blind community, appointed;

John C. Dickinson of Longmont, Colorado, to serve as an Unaffiliated and to represent the deaf community, appointed;

David S. Ek of Colorado Springs, Colorado, to serve as a Republican, appointed;

Dr. Morris D. Ververs of Simla, Colorado, to serve as a Republican, appointed.

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

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1104, HB04-1202, SB04-246, SB04-243, SB04-249, SB04-256, SCR04-023, HB04-1225 were made Special Orders at 5:30 p.m.

- Committee of the Whole The hour of 5:30 p.m. having arrived, Senator Arnold moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Arnold was called to the Chair to act as Chairman. 1
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- SPECIAL ORDERS--SECOND READING OF BILLS** 5
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- 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: 7
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- HB04-1104** by Representative(s) King; also Senator(s) McElhany--Concerning educator licensure, and making an appropriation in connection therewith. 11
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- Amendment No. 1, Education Committee Amendment.
(Printed in Senate Journal, April 22, page 961-963 and placed in members' bill files.) 14
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- Amendment No. 2, Appropriations Committee Amendment.
(Printed in Senate Journal, April 27, pages 1031-1032 and placed in members' bill files.) 17
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- As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 20
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- HB04-1202** by Representative(s) Pommer; also Senator(s) Chlouber--Concerning the funding of "Colorado History Day", and making an appropriation therefor. 23
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- Ordered revised and placed on the calendar for Third Reading and Final Passage. 26
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- SB04-246** by Senator(s) Johnson S.; also Representative(s) Clapp--Concerning the number of pharmacy personnel that a pharmacist may supervise. 28
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- Laid over until Wednesday, April 28, retaining its place on the calendar. 31
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- SB04-249** by Senator(s) Hillman; also Representative(s) King--Concerning the definition of an employer for purposes of the "Colorado Workers' Compensation Act" in situations in which a general contractor engages others to perform work on the general contractor's behalf. 33
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- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 38
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- SB04-243** by Senator(s) Andrews; --Concerning the creation of an incentive for a state agency to achieve cost savings by allowing the agency to keep a portion of the cost savings for the purpose of paying performance-based bonuses to the employees of the agency. 40
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- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 44
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- SB04-256** by Senator(s) Taylor; also Representative(s) White--Concerning the sale of securities in the custody of the state treasurer as the administrator of unclaimed property to provide a source of revenue from the investment of the sale proceeds for the promotion of tourism in the state. 46
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- Amendment No. 1, Finance Committee Amendment.
(Printed in Senate Journal, April 27, page 1039 and placed in members' bill files.) 51
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- As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 54
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- SCR04-023** by Senator(s) Andrews; also Representative(s) Fairbank--Submitting to the registered electors of the state of Colorado an amendment to section 2 of article XXI of the constitution of the state of Colorado, concerning elections to recall state elected officials, and, in connection therewith, providing for the deadlines regarding recall petitions and hearings to be set in statute rather than in the constitution and stating that a recall election shall be held as part of a general election if a general election will be held between fifty and ninety days after the time for filing a protest has passed and all protests have been finally decided. 57
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- Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 66
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HB04-1225 by Representative(s) Berry, Spradley, Romanoff, Boyd, Cloer, Stafford; also Senator(s) Sandoval, Jones--Concerning the "Low-income Energy Assistance Act".

As amended, Senate Journal, April 27, page 1036.

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

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Arnold, 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: HB04-1104 as amended, HB04-1202, SB04-249, SB04-243, SB04-256 as amended, SCR04-023, HB04-1225 as amended.
Laid over until Wednesday, April 28: SB04-246.

MESSAGE FROM THE HOUSE

April 27, 2004
Mr. President:

The House has adopted the First Report of the First Conference Committee on HB04-1397, as printed in House Journal, April 27, and has repassed the bill as amended.

INTRODUCTION OF CONCURRENT RESOLUTIONS--FIRST READING

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

HCR04-1013 by Representative(s) Fairbank; also Senator(s) Lamborn--Submitting to the registered electors of the state of Colorado an amendment to section 25 of article VI of the constitution of the state of Colorado, concerning the placement on the appropriate ballot of a single question asking electors whether they wish to retain the justices and judges seeking retention in office, followed by a list of said justices and judges with a place for electors to vote "Yes" or "No" on each justice or judge.
State Veterans & Military Affairs

HCR04-1010 by Representative(s) Young, Plant, Witwer; also Senator(s) Reeves, Owen, Teck--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 constitutional formulas that affect the ability of the state to make adjustments to state spending, and, in connection therewith, suspending the provisions of section 17 of article IX that require an increase in certain funding requirements for public schools for state fiscal years 2005-06 and 2006-07 and in state fiscal years following a decline in state fiscal year spending; requiring public school funding to increase by inflation plus one percentage point until such funding equals or exceeds levels that would have been reached in the absence of a suspension; repealing the requirement that beginning in state fiscal year 2011-12 public school funding grow annually by at least the rate of inflation; establishing the state fiscal year spending limit in section 20 of article X as six percent of the Colorado economy as measured by the statewide aggregate personal income; eliminating the state emergency reserve; establishing a state rainy day fund and the permitted uses of the moneys in such fund; and making all of the foregoing changes without increasing any tax rates.
State Veterans & Military Affairs

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

HJR04-1051 by Representative(s) Cloer, Sinclair, Schultheis, Cadman, Decker, Hefley, King, Merrifield, Spradley; also Senator(s) Lamborn, May R., McElhany--Concerning the recognition of the military personnel from Colorado who are serving in Operation Iraqi Freedom and honoring those who have died while serving in Iraq.
Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILL--FIRST READING

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

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

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB04-1263**

**THIS REPORT AMENDS THE
REREVISED BILL**

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

Your first conference committee appointed on HB04-1263, concerning the removal of the requirement under Colorado law for submission of a social security number on an application for a license issued by the division of wildlife, has met and reports that it has agreed upon the following:

That the House accede to the Senate amendment made to the bill, as said amendment appears in the rerevised bill, with the following change:

Amend rerevised bill, page 2, line 23, strike "LAW." and substitute "LAW OR MANDATED AS A CONDITION OF THE STATE RECEIVING FEDERAL FUNDS."

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Lundberg	Senator Cairns
Representative Rose	Senator Chlouber
Representative Frangas	

APPOINTMENTS TO CONFERENCE COMMITTEE

HB04-1376 by Representative(s) Weddig, Johnson R.; also Senator(s) Dyer--Concerning the sealing of arrest records in cases that are not adjudicated due to plea agreements.

The President appointed Senators Dyer, Chairman, Evans, and Groff as Senate Conferees on the First Conference Committee on **HB04-1376**.

SIGNING OF BILLS--RESOLUTIONS--MEMORIALS

The President has signed: SJR04-051, 053, 055.
The President has signed: SJR04-052.
The President has signed: HJR04-1053, 1059.

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TRIBUTES

- Honoring Dustin Zvonek -- by Senator Peggy Reeves.
- Honoring Joel Cassady -- by Senator Norma Anderson.
- Honoring Krista Hasling -- by Senator Ed Jones.
- Honoring Sara Heydlauff -- by Senator Ed Jones.
- Honoring Anne Holechek -- by Senator Ed Jones.
- Honoring Abby Kosley -- by Senator Ed Jones.
- Honoring Kristyn Loving -- by Senator Ed Jones.
- Honoring Kelly Loving -- by Senator Ed Jones.
- Honoring Amyu Marzulla -- by Senator Ed Jones.
- Honoring Christina Perroni -- by Senator Ed Jones.
- Honoring Aimee Wooldridge -- by Senator Ed Jones.

Journal correction:

Page 914, line 33, strike "**RESOLUTION**" and substitute "**BILL**";
 line 35, strike "resolution" and substitute "bill".

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 27, 2004, was laid over until Wednesday, April 28, 2004, retaining its place on the calendar.

- Third Reading of Bills--Final Passage: HCR04-1005, HB04-1373.
- Consideration of Resolutions: SJR04-013, SJR04-014, SJR04-022, SJR04-010, SJR04-017, HJR04-1045, SJR04-032, HJR04-1037, SJR04-035, SJR04-038, SJR04-039, SJR04-040, SJR04-042, SJR04-043, SJR04-044, HJR04-1038, SJR04-046, SJR04-047, SJR04-048, SJR04-049, SR04-010, SR04-011, HJR04-1057, HJR04-1077, HJR04-1052, HJR04-1058, HJR04-1085, HJR04-1090, SJR04-036, SJR04-057.
- Consideration of Memorials: SJM04-004, SJM04-003.
- Consideration of House Amendments to Senate Bills: SB04-168.
- Consideration of Conference Committees Reports: HB04-1061, SB04-082, HB04-1115, SB04-024, SB04-094, HB04-1387.
- Conference Committees to Report: HB04-1117, HB04-1236, HB04-1177, SB04-131, HB04-1361, SB04-108, HB04-1311, SB04-125.
- Requests for Conference Committees: HB 1189.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, April 28, 2004.

Approved:

John Andrews
 President of the Senate

Attest:

Mona Heustis
 Secretary of the Senate

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