

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

Sixty-third Legislative Day

Tuesday, March 9, 2004

Prayer By the chaplain, Father Dennis Woerter.

Pledge By the President.

Call to Order By the President at 9:00 a.m.

Roll Call Present--33.
Absent/Excused--2; Nichol, Tupa.
Present later--Nichol.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator Groff, reading of the Journal of March 8, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.

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
COLORADO TOURISM OFFICE BOARD OF DIRECTORS**

for a term expiring June 1, 2006:

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

for terms expiring June 1, 2007:

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

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

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

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:

**MEMBER OF THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

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

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

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Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1354** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 19, strike "NURSE";

strike line 20;

strike line 21 and substitute the following:

"ADVANCED PRACTICE NURSE, OPTOMETRIST, PHYSICIAN".

Page 6, line 11, strike "SEVEN" and substitute "EIGHT";

after line 26, insert the following:

"(VI) ONE ADVANCED PRACTICE NURSE;"

Renumber the following subparagraph accordingly.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **HB04-1224** be referred to the Committee of the Whole with favorable recommendation.

Business
Affairs &
Labor

After consideration on the merits, the Committee recommends that **SB04-093** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

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

SECTION 1. Article 47 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 10
RESPONSIBLE ALCOHOL BEVERAGE VENDOR ACT**

12-47-1001. Short title. THIS PART 10 SHALL BE KNOWN AND MAY BE CITED AS THE "RESPONSIBLE ALCOHOL BEVERAGE VENDOR ACT".

12-47-1002. Responsible vendors - standards. (1) TO BE A RESPONSIBLE ALCOHOL BEVERAGE VENDOR, A VENDOR SHALL COMPLY WITH THE SERVER AND SELLER TRAINING PROGRAM ESTABLISHED BY THE DIRECTOR OF THE LIQUOR ENFORCEMENT DIVISION OF THE DEPARTMENT OF REVENUE.

(2) THE DIRECTOR OF THE LIQUOR ENFORCEMENT DIVISION SHALL SET STANDARDS FOR COMPLIANCE WITH THE SERVER AND SELLER TRAINING PROGRAM. WHEN CREATING STANDARDS, THE DIRECTOR SHALL CONSIDER INPUT FROM LOCAL AND STATE GOVERNMENT, THE ALCOHOL BEVERAGE INDUSTRY, AND ANY OTHER STATE OR NATIONAL SELLER AND SERVER PROGRAMS.

SECTION 2. 12-47-601, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-47-601. Suspension - revocation - fines. (9) WHEN PENALIZING A VENDOR WHO HAS VIOLATED SECTION 12-47-901 (1) (a) BY SERVING A MINOR DURING AN UNDERAGE COMPLIANCE CHECK, STATE AND LOCAL LICENSING AUTHORITIES SHALL CONSIDER IT A MITIGATING FACTOR IF THE VENDOR IS A RESPONSIBLE ALCOHOL BEVERAGE VENDOR AS DEFINED BY PART 10 OF THIS ARTICLE.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

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SECTION 4. 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."

MESSAGE FROM THE HOUSE

March 8, 2004
Mr. President:

The House has adopted and returns herewith SJR04-021.

MESSAGE FROM THE REVISOR OF STATUTES

March 8, 2004

We herewith transmit:

Without comment, HB04-1244, 1368, 1366.

Without comment, as amended, HB04-1062, 1311, 1234, 1379.

Without comment, as amended, SB04-64.

INTRODUCTION OF RESOLUTION

The following resolution was read by title:

- SJR04-024** by Senator(s) Entz, Johnson S.; also Representative(s) Salazar--Concerning the designation of the Cumbres and Toltec Scenic Railroad as part of a National Historic Scenic Railway in order to preserve this national historic treasure for all Americans and future generations.
Laid over one day under Senate Rule 30(b).

INTRODUCTION OF BILLS--FIRST READING

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

- SB04-197** by Senator(s) May R.; also Representative(s) Briggs, Welker, Sinclair--Concerning the prohibition of a requirement in construction contracts for aggregate materials that a person indemnify another person for that other person's own negligence.
Business Affairs & Labor
- HB04-1062** by Representative(s) Larson, Berry, McFadyen; also Senator(s) May R., Takis--Concerning the disposition of motor vehicles abandoned at motor vehicle repair shops.
Transportation
- HB04-1234** by Representative(s) Fairbank; also Senator(s) McElhany--Concerning measurers to enhance consumer protection for certain motor vehicle coverages.
Business Affairs & Labor
- HB04-1244** by Representative(s) Jahn; also Senator(s) Evans--Concerning the payment from the risk management fund of the legal defense of professionals retained by agencies within the department of regulatory agencies who have statutory immunity from civil suit.
Finance
- HB04-1311** by Representative(s) Frangas, Cloer, Schultheis, Hefley, Jahn, Lundberg, May M., Tochtrop, Weissmann; also Senator(s) Jones--Concerning identity theft.
State Veterans & Military Affairs
- HB04-1366** by Representative(s) Cadman, Carroll, Hefley, King, Lee; also Senator(s) Dyer--Concerning reserve officers performing law enforcement functions.
Judiciary

HB04-1368 by Representative(s) Briggs; also Senator(s) Johnson S.--Concerning the repeal of the requirement that a person file a report with the department of revenue after a motor vehicle accident if such person failed to demonstrate financial responsibility for the motor vehicle.
Business Affairs & Labor

HB04-1379 by Representative(s) Clapp; also Senator(s) Johnson S.--Concerning reports received by the general assembly that concern matters to be heard by the health, environment, welfare, and institutions committees pursuant to Colorado's "Information Coordination Act".
Health, Environment, Welfare & Institutions

MESSAGE FROM THE GOVERNOR

March 8, 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.04-004 – Concerning The Statewide Tolling Enterprise, And, In Connection Therewith, Clarifying The Division Of Responsibilities Between The Board Of The Enterprise And The Transportation Commission With Respect To The Operation Of The Enterprise.

Approved March 8, 2004 at 1:28 P.M.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd 3-8-04, 3:15p.m.
Mona Heustis, Secretary of the Senate

MESSAGES FROM THE GOVERNOR

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

March 3, 2004

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

Ladies and Gentlemen:

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

MEMBERS OF THE
COLORADO WATER CONSERVATION BOARD

for terms expiring February 12, 2007:

Thomas R. Sharp of Steamboat Springs, Colorado, to serve as a representative from the Yampa-White drainage basin and as a Republican, appointed;

John D. Redifer of Grand Junction, Colorado, to serve as a representative from the main Colorado drainage basin and as a Democrat, appointed;

Barbara J. Biggs of Denver, Colorado, to serve as a representative from the City and County of Denver and as a Democrat, appointed.

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 3/5/04
Karen Kuhlmann
Assistant Secretary

Committee on Agriculture, Natural Resources and Energy

March 3, 2004

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

Ladies and Gentlemen:

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

MEMBERS OF THE
WILDLIFE COMMISSION

for terms expiring March 1, 2008:

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

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

Sincerely,
(signed)
Bill Owens
Governor
Rec'd: 3/5/04
Karen Kuhlmann
Assistant Secretary

Committee on Agriculture, Natural Resources and Energy

THIRD READING--FINAL PASSAGE OF BILLS

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

HB04-1022 by Representative(s) Vigil, Coleman, Rhodes, Williams T.; also Senator(s) Anderson, Takis, Taylor, Tupa--Concerning the duties of the division of central services in the department of personnel.

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

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

HB04-1043 by Representative(s) Fairbank; also Senator(s) Lamborn--Concerning mandatory criteria to be used by courts in determining congressional district boundaries.

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

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

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

Co-sponsors added: Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Hillman, Johnson, Jones, May, and Teck.

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.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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, Evans, Groff, Grossman, Hillman, Isgar, Johnson, Jones, Kester, Lamborn, May, McElhany, Owen, Phillips, Tapia, Teck, and Veiga.

HB04-1025 by Representative(s) Ragsdale, McFadyen, Merrifield; also Senator(s) Takis, Isgar, May R., Nichol--Concerning the expiration date of certificates of emissions control for new diesel vehicles.

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

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

HB04-1222 by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck-- Concerning the elimination of the designated cash flow reserve within the controlled maintenance trust fund, and, in connection therewith, transferring the balance of the reserve to the state general fund.

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

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

HB04-1067 by Representative(s) Coleman; also Senator(s) Taylor--Concerning the conversion of state refunds of business personal property taxes owed by the department of revenue to a taxpayer into unclaimed property for which a claim may be filed under the "Unclaimed Property Act" when the refund is represented by a warrant that has been cancelled in accordance with law.

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

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

HB04-1009 by Representative(s) King; also Senator(s) Reeves--Concerning the ability of the governing board of each institution of higher education to elect to be exempt from certain state administrative restrictions.

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

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

HB04-1073 by Representative(s) Smith; also Senator(s) Entz--Concerning surface owner notifications filed by an applicant for a water right.

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

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

SB04-193 by Senator(s) Entz; also Representative(s) Salazar--Concerning the authority of the department of agriculture to promulgate rules to specify the class of strawberries allowed for production of nursery stock in the state.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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, Chlouber, Evans, Hagedorn, Hillman, Isgar, and Taylor.

HB04-1213 by Representative(s) McCluskey, Brophy, Harvey, Johnson R., Madden, Miller, Rippey, Rose, Salazar, Tochtrop, Wiens; also Senator(s) Taylor--Concerning the continuation of the Colorado natural areas council.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Anderson	Y	Groff	Y	Kester	Y	Takis	Y	1
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y	2
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y	3
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y	4
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E	5
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y	6
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y	7
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y	8
Gordon	Y	Keller	Y	Sandoval	Y			9

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

Co-sponsors added: Chlouber, Evans, and Sandoval.

HB04-1147 by Representative(s) Hall, Brophy, Briggs, Hoppe, Johnson R., King, McCluskey, Rose; also Senator(s) Hillman--Concerning the creation of an environmental management system permit pilot program.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Anderson	Y	Groff	Y	Kester	Y	Takis	Y	23
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y	24
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y	25
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y	26
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E	27
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y	28
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y	29
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y	30
Gordon	Y	Keller	Y	Sandoval	Y			31

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

Co-sponsors added: Evans, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Lamborn, Phillips, Reeves, Sandoval, Tapia, Taylor, Teck, and Veiga.

HB04-1145 by Representative(s) Larson, Brophy, Hodge, Rippy, Rose, Briggs, Miller, Harvey; also Senator(s) Hillman, Teck, Chlouber, Entz, Johnson S., Kester, Owen, Takis--Concerning a limitation of liability for persons other than consumers who work with liquefied petroleum gas.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0	
Anderson	Y	Groff	Y	Kester	Y	Takis	Y	47
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y	48
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y	49
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y	50
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E	51
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y	52
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y	53
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y	54
Gordon	Y	Keller	Y	Sandoval	Y			55

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

Co-sponsors added: Entz, Evans, and Isgar.

HB04-1232 by Representative(s) Spradley, Briggs, Decker, Fairbank, Hall, Hoppe, King, McCluskey, Paccione, Rippy, Rose, Tochtrop, White, Wiens, Williams T.; also Senator(s) Kester--Concerning guidelines for when enhanced motor vehicle insurance coverage is offered.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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, Hanna, Isgar, Jones, and May.

HB04-1285 by Representative(s) Johnson R., Marshall, Fairbank, Hall, King, Lundberg, Sinclair, Stengel; also Senator(s) Kester--Concerning disclosure of outstanding debt by a health care provider prior to such debt going to collections.

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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: Fitz-Gerald, Gordon, Groff, Hanna, Keller, May, Sandoval, Teck, Veiga, and Windels.

HB04-1306 by Representative(s) Jahn; also Senator(s) Kester--Concerning the issuance of licenses to persons who are in the business of selling motor vehicles.

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

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

HB04-1226 by Representative(s) White; also Senator(s) Kester--Concerning the authority for a bank to utilize a certificate of trust to establish a deposit account.

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

Third Reading Amendment No. 1(L.003), by Senator Kester.

Amend revised bill, page 2, line 13, strike "ALL TRUSTEES" and substitute

"ANY TRUSTEE".

Page 4, line 2, after the period, add "IN ADDITION, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A BANK FROM REQUESTING ADDITIONAL INFORMATION IN ORDER TO ESTABLISH A DEPOSIT ACCOUNT FOR A TRUSTEE, INCLUDING A REQUEST THAT THE CERTIFICATE OF TRUST BE EXECUTED BY ALL TRUSTEES.".

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

HB04-1026 by Representative(s) Carroll; also Senator(s) Grossman--Concerning the minimum amount of medical payments coverage that may be offered by an auto insurer.

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

YES	22	NO	12	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	N	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	N	Hagedorn	N	May	N	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	Y	Tupa	E
Entz	Y	Isgar	Y	Owen	N	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, Hanna, Keller, Nichol, and Tapia.

HB04-1058 by Representative(s) Rippy; also Senator(s) May R.--Concerning eligibility determinations under the "Colorado Medical Assistance Act".

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

YES	34	NO	0	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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: Hagedorn, Hanna, and Sandoval.

HB04-1220 by Representative(s) Young, Plant, Witwer; also Senator(s) Owen, Reeves, Teck--
Concerning transportation expenses under the "Colorado Medical Assistance Act".

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	E
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**.

HB04-1228 by Representative(s) Witwer, Plant, Young; also Senator(s) Teck, Owen, Reeves--
Concerning the repeal of statutory provisions creating a coordinator of environmental problems within the office of the governor.

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

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

HB04-1050 by Representative(s) Butcher; also Senator(s) Tapia--Concerning a prohibition against changing an inscription on a burial memorial without required permission.

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

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Resolution -- SR04-004.

CONSIDERATION OF RESOLUTION -- SR04-004

SR04-004 by Senator(s) Andrews; --Concerning the adoption of policies and processes that involve thorough public input to identify and assert rights-of-way over federally managed public lands.

Amendment No. 1, Agriculture, Natural Resources and Energy Committee Amendment.
(Printed in Senate Journal, March 5, page 439 and placed in members' bill files.)

As amended, laid over until Wednesday, March 10, 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 Senate proceeded to General Orders--Second Reading of Bills.

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

SB04-151 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.

Laid over until Wednesday, March 10, retaining its place on the calendar.

HB04-1273 by Representative(s) Spradley, Madden, Fairbank, Larson, Berry, Briggs, Cloer, Frangas, Hefley, Johnson R., Marshall, McCluskey, Merrifield, Paccione, Pommer, Rippey, Rose, Salazar, Tochtrop, Weissmann, Wiens, Williams S., Williams T.; also Senator(s) Kester, Phillips, Gordon, Entz, Grossman, Veiga--Concerning the establishment of an electric resource standard for renewable energy for providers of electric service.

Laid over until Wednesday, March 10, retaining its place on the calendar.

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

Laid over until Wednesday, March 10, retaining its place on the calendar.

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

As amended, Senate Journal, March 5, pages 433 and 435.

Laid over until Wednesday, March 10, retaining its place on the calendar.

SB04-191 by Senator(s) Anderson; also Representative(s) Stengel--Concerning the terms of service for members of the parole board.

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

SB04-187 by Senator(s) Dyer; --Concerning removal from crimes limiting interactions with persons involved in official proceedings the qualifier that a person be legally summoned to the official proceeding.

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

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- 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. 1
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Laid over until Wednesday, March 10, retaining its place on the calendar. 6
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- HB04-1356** by Representative(s) Smith; also Senator(s) Kester--Concerning an increase in the amount of income that an owner of certain tax exempt property may earn from the rental of the property. 8
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 12
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- SB04-186** by Senator(s) Entz, Andrews, Lamborn; also Representative(s) Larson--Concerning the authorization of roadside memorials within public highway easements. 14
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Ordered engrossed and placed on the calendar for Third Reading and Final Passage. 17
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- HB04-1217** by Representative(s) Lee; also Senator(s) Arnold--Concerning changes to the school accountability report to include a page that specifies certain information a parent may request from a school. 19
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Laid over until Wednesday, March 10, retaining its place on the calendar. 23
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- HB04-1011** by Representative(s) King; also Senator(s) Anderson, Andrews--Concerning the employment status of persons employed within the state system of higher education. 25
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Laid over until Wednesday, March 10, retaining its place on the calendar. 28
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- HB04-1262** by Representative(s) Lundberg; also Senator(s) Cairns--Concerning a requirement that a jurisdiction post a notice when using an automated vehicle identification system to detect traffic control signal disobedience. 30
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 34
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- HB04-1020** by Representative(s) Romanoff, Plant; also Senator(s) Teck, Reeves--Concerning state employee incentive programs for cost-savings innovations. 36
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 39
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- HB04-1109** by Representative(s) Marshall, Coleman, Harvey, Hodge, Hoppe, Larson, McCluskey, Paccione, Rhodes, White, Wiens, Williams T.; also Senator(s) Lamborn--Concerning the continuation of the regulation of securities by the division of securities, and, in connection therewith, narrowing the exemption for certain annuities, amending procedures for the issuance of cease-and-desist orders, registration of federally registered securities, and discipline of licensees, specifying conditions for rescission of sales, and reducing the number of required meetings of the municipal bond authority advisory committee. 41
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Amendment No. 1, State, Veterans and Military Affairs Committee Amendment. 49
(Printed in Senate Journal, March 5, page 436 and placed in members' bill files.) 50
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 52
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- SB04-103** by Senator(s) Sandoval, Gordon, Phillips, Arnold, Entz, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson S., Jones, Keller, Kester, Reeves, Takis, Tapia, Tupa, Veiga, Windels; also Representative(s) Cloer, Boyd, Cadman, Cerbo, Frangas, Madden, Marshall, McFadyen, McGihon, Merrifield, Romanoff, Vigil, Williams S.--Concerning policies to increase the inclusion of nutritious choices in school vending machines. 55
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Amendment No. 1, Health, Environment, Welfare & Institutions Committee Amendment. 61
(Printed in Senate Journal, February 5, pages 188-189 and placed in members' bill files.) 62
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Amendment No. 2, State, Veterans and Military Affairs Committee Amendment. 64
(Printed in Senate Journal, March 5, page 437 and placed in members' bill files.) 65
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As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage. 67
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- HB04-1054** by Representative(s) Brophy; also Senator(s) Hillman--Concerning the duties of occupants of vehicles involved in accidents resulting in personal harm. 1
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Amendment No. 1, Transportation Committee Amendment. 4
(Printed in Senate Journal, March 5, page 437 and placed in members' bill files.) 5
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As amended, ordered revised and placed on the calendar for Third Reading and Final 7
Passage. 8
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- 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. 10
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Laid over until Wednesday, March 10, being placed at the beginning of the General 13
Orders-Second Reading calendar. 14
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ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Reeves, 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: 20
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Passed on Second Reading: SB04-191, SB04-187, HB04-1356, SB04-186, HB04-1262, HB04-1020, HB04-1109 as amended, SB04-103 as amended, HB04-1054 as amended. 24
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Laid over until Wednesday, March 10: SB04-151, HB04-1273, HB04-1155, HB04-1057, SB04-188, HB04-1217, HB04-1011, HB04-1102 (to be placed at the beginning of the General Orders-Second Reading calendar). 26
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COMMITTEE OF REFERENCE REPORTS

- State, Veterans, & Military Affairs 33
After consideration on the merits, the Committee recommends that **HB04-1004** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 34
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Amend reengrossed bill, page 7, line 6, strike "OR" and substitute "AND". 38
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- State, Veterans, & Military Affairs 41
After consideration on the merits, the Committee recommends that **HB04-1187** be referred to the Committee of the Whole with favorable recommendation. 42
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- Judiciary 46
After consideration on the merits, the Committee recommends that **HB04-1046** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. 47
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Amend reengrossed bill, page 2, line 2, strike "(1)"; 50
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strike line 7 and substitute the following: 52
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"five CALENDAR days nor more than ten CALENDAR days from the day of"; 54
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strike lines 18 through 20; 57
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strike lines 22 and 23 and substitute the following: 59
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"are amended to read:". 61
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Page 3, line 3, strike "BUSINESS" and substitute "CALENDAR"; 63
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line 8, strike "BUSINESS" and substitute "CALENDAR"; 65
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strike lines 11 through 13. 68
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Judiciary After consideration on the merits, the Committee recommends that **HB04-1274** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 4, line 5, strike "IS A VICTIM" and substitute "SUFFERS DAMAGES AS A RESULT";

line 6, strike "PART 1 OF" and, strike "THE";

line 7, strike "PERSON HAD HIS OR HER" and, after "INFORMATION", insert "WAS";

line 9, strike "CRIME." and substitute "CRIME, REGARDLESS OF WHETHER THE PERPETRATOR WAS CONVICTED OF THE CRIME.".

Judiciary After consideration on the merits, the Committee recommends that **HB04-1084** be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 2, line 10, after "EXECUTED", insert "BY THE COUNTY SHERIFF'S OFFICE IN WHICH THE PROPERTY IS LOCATED";

line 11, strike "(1)," and substitute "(1) OR (2),".

Judiciary After consideration on the merits, the Committee recommends that **HB04-1108** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **HB04-1159** be referred to the Committee of the Whole with favorable recommendation.

SENATE SERVICES REPORT

Correctly Engrossed: SB04-094,193 and SJR021.

Correctly Reengrossed: SB04-059, 111 and 195.

Correctly Revised: HB04-1009, 1022, 1025, 1043, 1067, 1073, 1147, 1213 and 1222.

Correctly Rerevised: HB04-1037, 1069, 1074, 1117, 1118, 1125, 1149, 1255, 1216 and 1280.

Correctly Enrolled: SJR04-020.

COMMITTEE OF REFERENCE REPORTS

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

**MEMBER OF THE
STATE BOARD OF PAROLE**

for a term expiring July 1, 2005:

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of March 9, 2004, was laid over until Wednesday, March 10, 2004, retaining its place on the calendar.

Consideration of Resolutions: SJR04-011, SJR04-013, SJR04-014, HJR04-1021, SJR04-022, SJR04-023, SJR04-010.

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Consideration of House Amendments to Senate Bills: SB04-035, SB04-062, SB04-110, SB04-116, SB04-107, SB04-030.	1
Consideration of House Amendments to Senate Joint Resolution: SJR04-009.	2
Consideration of Governor's Appointments:	3
Members of the Air Quality Control Commission;	4
Member of the State Board for Community Colleges and Occupational Education;	5
Members of the Board of Trustees for Western State College of Colorado;	6
Rocky Mountain Low-Level Radioactive Waste Board.	7
Conference Committees to Report: HB04-1112, HB04-1072.	8
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On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday, March 10, 2004.	13
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