

HOUSE JOURNAL
SIXTY-FOURTH GENERAL ASSEMBLY
STATE OF COLORADO
Second Regular Session

One hundred-seventh Legislative Day Thursday, April 22, 2004

1 Prayer by the Reverend Greg Cummins, Montview Presbyterian Church,
2 Denver.

3
4 The Speaker called the House to order at 9:00 a.m.

5
6 Pledge of Allegiance led by Representative Crane.

7
8 The roll was called with the following result:

9
10 Present--60.

11 Excused--Representative Hall--1.

12 Absent--Representatives Decker, Madden, Mitchell, Plant--4.

13 Present after roll call--Representatives Decker, Madden, Mitchell,
14 Plant.

15
16 The Speaker declared a quorum present.

17
18
19 On motion of Representative Briggs, the reading of the journal of
20 April 21, 2004, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22
23
24 **REPORTS OF COMMITTEES OF REFERENCE**

25
26 **AGRICULTURE, LIVESTOCK, & NATURAL RESOURCES**

27 After consideration on the merits, the Committee recommends the
28 following:

29
30 **HB04-1437** be amended as follows, and as so amended, be referred to
31 the Committee on Finance with favorable
32 recommendation:

33
34 Amend printed bill, page 2, strike lines 2 through 24.

35
36 Page 3, strike lines 1 through 3.

37
38 Renumber succeeding sections accordingly.

39
40 Page 4, strike lines 26 and 27.

41
42 Page 5, strike lines 1 through 7 and substitute the following:

43 "(5) (a) (I) An in-state simulcast facility that is located on the

1 premises of a greyhound track that is currently conducting a live race
2 meet may receive up to seven days of simulcast greyhound races from an
3 out-of-state host track during any week in which it conducts five days of
4 live racing of at least ten races each day. Such total includes, and is not
5 in addition to, the days on which live racing is held. Any live race day
6 that is canceled by the division due to weather or other unusual
7 conditions shall be credited toward the five-day minimum if at least ten
8 races were scheduled on that day. ~~The commission shall apportion no".~~

9
10 Page 6, strike lines 10 through 27.

11
12 Page 7, strike lines 1 through 5 and substitute the following:

13 "(b) (I) (A) An in-state simulcast facility that is located on the
14 premises of a class B track may receive ~~each year, up to a total of two~~
15 ~~hundred fifty days of~~ simulcast horse races from an out-of-state host
16 track. ~~Such total includes, and is not in addition to, the days on which~~
17 ~~live racing is held.~~ This sub-subparagraph (A) is repealed, effective April
18 20, 2008.

19
20 (B) A facility which is reopening as a track pursuant to section
21 12-60-503 (2) (b) may receive ~~three days of~~ simulcast horse races from
22 an out-of-state host track. ~~for each day of live horse racing for which the~~
23 ~~commission has granted it a race date for the subsequent year. A day of~~
24 ~~simulcast horse races, for the purposes of this paragraph (b), shall not~~
25 ~~include a day on which live horse races are conducted at the horse track~~
26 ~~at which the simulcast facility is located or a day on which the simulcast~~
27 ~~facility receives only simulcast races of horses from a race meet~~
28 ~~conducted at an in-state host track.~~

29
30 (I.5) (A) An in-state simulcast facility that is located on the
31 premises of a horse track that runs a horse race meet of at least fifty live
32 race days or at least sixty live race days if such horse race meet is held
33 during any portion of the track's third or subsequent year of operation
34 may receive ~~each year, three days of~~ simulcast horse races from an
35 out-of-state host track. ~~for each day of live horse racing conducted at~~
36 ~~such horse track during such year.~~

37
38 (B) This subparagraph (I.5) is effective April 21, 2008.";

39
40 strike lines 12 through 23 and substitute the following:

41
42 "(B) This subparagraph (II) is repealed, effective April 20, 2008.

43
44 (II.5) (A) An in-state simulcast facility that is not located on the
45 premises of a horse track that runs a horse race meet of at least fifty live
46 race days, or at least sixty live race days if such horse race meet is held
47 during any portion of the track's third or subsequent year of operation,
48 may only receive a broadcast signal of a simulcast horse race conducted
49 at an out-of-state host track through an in-state simulcast facility that is
50 located on the premises of a horse track which runs a horse race meet of
51 at least fifty live race days, or at least sixty live race days if such horse
52 race meet is held during any portion of the track's third or subsequent
53 year of operation.

54
55 (B) This subparagraph (II.5) is effective April 21, 2008.".

56

1 Page 8, strike lines 21 through 27.

2

3 Page 9, strike lines 1 through 5 and substitute the following:

4 "(C) During operating year 2008-2009 and thereafter, an in-state
5 simulcast facility located on the premises of a class B track may begin to
6 receive its allotted number of days of simulcast horse races pursuant to
7 subparagraph (I.5) of this paragraph (b) immediately, notwithstanding
8 that no live racing has yet taken place at such track during such operating
9 year, if such track has applied for a license to conduct, during such
10 operating year, a race meet of horses consisting of fifty or more race days
11 or, if such operating year includes all or part of the track's third or
12 subsequent year of operation, sixty or more race days. ~~The number of
13 simulcast days allotted shall be based on the number of days of live
14 racing for which the license is sought, using the formula set forth in
15 subparagraph (I.5) of this paragraph (b).~~".

16

17

18

19 **SB04-207** be referred to the Committee of the Whole with favorable
20 recommendation.

21

22

23

24

25 **EDUCATION**

26 After consideration on the merits, the Committee recommends the
27 following:

28

29 **HB04-1207** be amended as follows, and as so amended, be referred to
30 the Committee on Finance with favorable
31 recommendation:

32

33 Amend printed bill, page 2, after line 11, insert the following:

34 "(c) "PROGRAM" MEANS THE FIXED TUITION AND FEE RATE
35 PROGRAM."

36

37 Reletter succeeding paragraph accordingly.

38

39 Page 2, line 16, strike "EDUCATION" and substitute "EDUCATION THAT HAS
40 BEEN DESIGNATED AS AN ENTERPRISE PURSUANT TO SECTION 23-5-101.7".

41

42 Page 3, strike lines 3 through 17 and substitute the following:

43

44 "FIXED RATE.

45

46 (3) IF A STUDENT IS UNABLE TO COMPLETE A DEGREE PROGRAM
47 WITHIN THE DURATION OF THE FIXED-RATE CONTRACT BECAUSE A";

48

49 line 20, strike "COURSE CREDIT";

50

51 strike lines 21 through 27.

52

53 Page 4, strike lines 1 through 10.

54

55 Renumber succeeding subsections accordingly.

56

1 Page 4, line 11, after "BOARD", insert "PARTICIPATING IN THE PROGRAM";
2
3 line 13, strike "MINIMUM:" and substitute "MINIMUM,";
4
5 line 14, strike "(I) THE" and substitute "THE";
6
7 line 16, strike "CONTRACT;" and substitute "CONTRACT.";
8
9 strike lines 17 through 20;
10
11 after line 23, insert the following:

12
13 "(c) EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
14 UNDER THE DIRECTION AND CONTROL OF A GOVERNING BOARD
15 PARTICIPATING IN THE PROGRAM SHALL PUBLISH INFORMATION RELATING
16 TO THE FIXED-RATE CONTRACT OPTION IN THE INSTITUTION'S COURSE
17 CATALOG OR STUDENT HANDBOOK AND ON THE INSTITUTIONAL WEB SITE."
18

19 Page 5, strike lines 7 through 15 and substitute the following:

20
21 "**SECTION 3. Effective date.** (1) This act shall take effect only
22 if Senate Bill 04-189 is enacted at the Second Regular Session of the
23 Sixty-fourth General Assembly and becomes law.
24

25 (2) This act shall take effect at 12:01 a.m. on the day following
26 the expiration of the ninety-day period after final adjournment of the
27 general assembly that is allowed for submitting a referendum petition
28 pursuant to article V, section 1 (3) of the state constitution (August 4,
29 2004, if adjournment sine die is on May 5, 2004); except that, if a
30 referendum petition is filed against this act or an item, section, or part of
31 this act within such period, then the act, item, section, or part, if approved
32 by the people, shall take effect on the date of the official declaration of
33 the vote thereon by proclamation of the governor."
34
35
36

37 **HB04-1433** be amended as follows, and as so amended, be referred to
38 the Committee of the Whole with favorable
39 recommendation:
40

41 Amend printed bill, page 9, strike line 17 and substitute the following:

42
43 "(b) BEGINNING IN THE 2004-05 SCHOOL YEAR, THE DEPARTMENT
44 SHALL";
45

46 line 22, strike "(a)" and substitute "(b)";

47
48 line 23, strike "THE STATE";
49

50 after line 23, insert the following:

51 "(c) BEGINNING IN THE 2004-05 SCHOOL YEAR, THE DEPARTMENT
52 SHALL PROVIDE TO EACH SCHOOL DISTRICT IN THE STATE DIAGNOSTIC
53 ACADEMIC GROWTH INFORMATION FOR EACH STUDENT RESIDING IN THE
54 SCHOOL DISTRICT WHO IS A RECIPIENT RECEIVING ASSISTANCE TO ATTEND
55 A PARTICIPATING NONPUBLIC SCHOOL PURSUANT TO ARTICLE 56.1 OF THIS
56 TITLE. THE INFORMATION SHALL BE BASED ON THE CSAP ASSESSMENT

1 RESULTS FOR THE PRECEDING SCHOOL YEARS. THE SCHOOL DISTRICT
2 SHALL PROVIDE SUCH INFORMATION TO THE RECIPIENT THROUGH THE
3 PARTICIPATING NONPUBLIC SCHOOL IN WHICH THE RECIPIENT IS
4 ENROLLED.";

5
6 strike line 24 and substitute the following:

7
8 "(d) THE STATE BOARD SHALL PROMULGATE RULES ESTABLISHING
9 THE PROCEDURES BY";

10
11 line 27, strike "SCHOOLS." and substitute "SCHOOLS PURSUANT TO THIS
12 SUBSECTION (5).".

13
14 Reletter succeeding paragraphs accordingly.

15
16 Page 22, strike lines 16 through 22 and substitute the following:

17
18 "unique student identifiers to fund implementation of the academic
19 growth pilot program and the academic growth program pursuant to
20 ~~section 22-7-603.7~~ SECTION 22-7-604.3, CONCERNING THE CALCULATION
21 OF ACADEMIC GROWTH OF STUDENTS FOR DIAGNOSTIC PURPOSES. The
22 amount allocated to the academic growth pilot program and the academic
23 growth program pursuant to this subsection (2.5) FOR THE
24 IMPLEMENTATION OF SECTION 22-7-604.3 shall not exceed two hundred
25 thousand dollars in any budget year.".

26
27 Page 23, after line 12, insert the following:

28
29 "SECTION 14. Effective date. This act shall take effect upon
30 passage; except that section 22-7-604.3 (5) (c) shall only take effect if
31 House Bill 04-1442 is enacted at the Second Regular Session of the
32 Sixty-fourth General Assembly and becomes law.".

33
34 Renumber succeeding section accordingly.

35
36
37
38 **SB04-142** be amended as follows, and as so amended, be referred to
39 the Committee on Appropriations with favorable
40 recommendation:

41
42 Amend reengrossed bill, page 20, strike lines 21 through 27.

43
44 Page 21, strike line 1;

45
46 line 2, strike "(4)" and substitute "(3)";

47
48 line 14, strike "(4)" and substitute "(3)".

49
50 line 22, strike "(4)" and substitute "(3)".

51
52 Page 27, strike lines 3 through 13 and substitute the following:

53
54 "SECTION 3. 22-20-109 (5), Colorado Revised Statutes, as
55 amended by House Bill 04-1397, enacted at the Second Regular Session
56 of the Sixty-fourth General Assembly, is amended to read:

1 **22-20-109. Tuition.** (5) (a) (I) When a child with a disability
2 enrolls in and attends a charter school pursuant to the provisions of part
3 1 of article 30.5 of this title, including a charter school that provides an
4 on-line program pursuant to section 22-33-104.6, the district of residence
5 shall be responsible for paying to the charter school the tuition charge for
6 the excess costs incurred in educating the child. The tuition
7 responsibility shall be reflected in a contract between the charter school
8 and the district of residence in a form approved by the chartering district.
9 The charter school shall provide notice to the district of residence in
10 accordance with state board rules adopted pursuant to subsection (7) of
11 this section when a child with a disability applies to enroll in the charter
12 school. The amount of the tuition charge shall be determined pursuant to
13 rules adopted by the state board pursuant to subsection (7) of this section.
14 Under the circumstances described in this subsection (5), the provisions
15 of section 22-20-108 (8) shall not apply.

16
17 (II) WHEN A CHILD WITH A DISABILITY ENROLLS IN AND ATTENDS
18 A SKILLS ACADEMY PURSUANT TO THE PROVISIONS OF PART 5 OF ARTICLE
19 30.5 OF THIS TITLE, INCLUDING A CHARTER SCHOOL THAT PROVIDES AN
20 ON-LINE PROGRAM PURSUANT TO SECTION 22-33-104.6, THE DISTRICT OF
21 RESIDENCE SHALL BE RESPONSIBLE FOR PAYING TO THE SKILLS ACADEMY
22 THE TUITION CHARGE FOR THE EXCESS COSTS INCURRED IN EDUCATING THE
23 CHILD. THE TUITION RESPONSIBILITY SHALL BE REFLECTED IN A CONTRACT
24 BETWEEN THE DISTRICT OF RESIDENCE AND THE ADMINISTRATIVE UNIT OF
25 THE SKILLS ACADEMY IN A FORM APPROVED BY THE SPONSORING
26 AUTHORITY OF THE SKILLS ACADEMY. THE SKILLS ACADEMY SHALL
27 PROVIDE NOTICE TO THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH
28 STATE BOARD RULES ADOPTED PURSUANT TO SUBSECTION (7) OF THIS
29 SECTION WHEN A CHILD WITH A DISABILITY APPLIES TO ENROLL IN THE
30 SKILLS ACADEMY. THE AMOUNT OF THE TUITION CHARGE SHALL BE
31 DETERMINED PURSUANT TO RULES ADOPTED BY THE STATE BOARD
32 PURSUANT TO SUBSECTION (7) OF THIS SECTION. UNDER THE
33 CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (5), THE PROVISIONS OF
34 SECTION 22-20-108 (8) SHALL NOT APPLY.

35
36 (b) (I) Nothing in this subsection (5) shall be construed to apply
37 to the charter contract entered into between a charter school and the
38 chartering local board of education pursuant to part 1 of article 30.5 of
39 this title.

40
41 (II) NOTHING IN THIS SUBSECTION (5) SHALL BE CONSTRUED TO
42 APPLY TO THE OPERATING PLAN FOR A SKILLS ACADEMY OR A CONTRACT
43 FOR THE OPERATION OF A SKILLS ACADEMY ENTERED INTO PURSUANT TO
44 PART 5 OF ARTICLE 30.5 OF THIS TITLE.

45
46 **SECTION 4.** 22-20-109 (6), (7) (a), (7) (b), (7) (c), (7) (d), (7)
47 (f), and (7) (g), Colorado Revised Statutes, as enacted by House Bill
48 04-1397, enacted at the Second Regular Session of the Sixty-fourth
49 General Assembly, are amended to read:

50
51 **22-20-109. Tuition.** (6) When a child with a disability enrolls in
52 and attends an on-line program pursuant to section 22-33-104.6 that is not
53 provided by a charter school OR A SKILLS ACADEMY, the district of
54 residence shall be responsible for paying to the provider of the on-line
55 program the tuition charge for the excess costs incurred in educating the
56 child. The tuition responsibility shall be reflected in a contract between

1 the district of attendance and the district of residence in a form approved
2 by the state board. The on-line provider shall provide notice to the
3 district of residence in accordance with state board rules adopted pursuant
4 to subsection (7) of this section when a child with a disability applies to
5 enroll in the on-line program. The amount of the tuition charge shall be
6 determined pursuant to rules adopted by the state board pursuant to
7 subsection (7) of this section. Under the circumstances described in this
8 subsection (6), the provisions of section 22-20-108 (8) shall not apply.

9
10 (7) For the 2004-05 budget year and budget years thereafter, the
11 state board shall adopt rules pertaining to the education of children with
12 disabilities in charter schools AND SKILLS ACADEMIES and rules pertaining
13 to the education of children with disabilities through on-line programs.
14 Both sets of rules shall include, but need not be limited to, rules to:

15
16 (a) Specify the content, manner, and timing of the notice that a
17 charter school OR SKILLS ACADEMY or on-line provider shall give a
18 district of residence pursuant to subsections (5) and (6) of this section,
19 respectively;

20
21 (b) Define the types and amounts of allowable costs in excess of
22 the per pupil funding for the child with a disability, as determined
23 pursuant to article 54 of this title, and any other state and federal revenues
24 received for educating the child, that a charter school OR SKILLS
25 ACADEMY or on-line program may charge as tuition to a district of
26 residence;

27
28 (c) Define other applicable revenues that a district of residence of
29 a child with a disability shall apply in paying the tuition charge for excess
30 costs incurred in educating the child at a charter school OR SKILLS
31 ACADEMY or through an on-line program;

32
33 (d) Specify the limitations on the number of staff members per
34 number of students that a charter school OR SKILLS ACADEMY or on-line
35 program shall provide in educating children with disabilities;

36
37 (f) Specify the minimum number of hours of educational
38 instruction that a charter school OR SKILLS ACADEMY or on-line program
39 shall provide to children with disabilities;

40
41 (g) Specify the methods of delivery of educational services
42 provided to children with disabilities by a charter school OR SKILLS
43 ACADEMY or an on-line program; and".

44
45 Renumber succeeding sections accordingly.

46
47 Page 43, after line 12, insert the following:

48
49 **"SECTION 14. Effective date.** This act shall take effect upon
50 passage; except that sections 3 and 4 of this act shall only take effect if
51 House Bill 04-1397 is enacted at the Second Regular Session of the
52 Sixty-fourth General Assembly and becomes law.".

53
54 Renumber succeeding section accordingly.

1 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB04-1436** be postponed indefinitely.
6

7
8 **HB04-1438** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11
12 Amend printed bill, page 2, line 9, strike "PATIENT" and substitute
13 "IN-PATIENT";

14
15 line 12, strike "AN EXTERNAL AUDIT." and substitute "THE PROGRAM AUDIT
16 PROCEDURES REQUIRED BY THE STATE DEPARTMENT.";

17
18 strike line 19, and substitute the following:

19
20 "THE STATE BOARD CONSISTENT WITH THE PROVISIONS OF THIS PART 1, A
21 HOSPITAL PROVIDER'S PERCENT OF MEDICAID-ELIGIBLE";

22
23 line 20, after "SHALL", insert "BE EQUAL TO OR".
24
25
26
27

28 **LOCAL GOVERNMENT**

29 After consideration on the merits, the Committee recommends the
30 following:

31
32 **HJR04-1064** be amended as follows, and as amended, be referred out
33 for final action.
34

35 Amend printed resolution, page 2, line 18, strike "addressed with" and
36 substitute "addressed; and";

37
38 strike line 19;

39
40 line 21, strike "are felt in, and affect," and substitute "affects";

41
42 strike lines 22 through 25 and substitute the following:

43
44 "WHEREAS, The children of migrant workers should be eligible for
45 migrant student educational assistance regardless of the industry in which
46 the migrant parents work; now, therefore,";

47
48 line 33, strike "sufficient resources to enable public schools to meet the";

49
50 line 34, strike "educational needs of".
51
52
53
54
55

CONSIDERATION OF RESOLUTIONS

HJR04-1052 by Representative(s) King; also Senator(s) Hillman--
Concerning the convening date for the 2005 First Regular
Session of the Sixty-fifth General Assembly.

(Printed and placed in member's file.)

On motion of Representative King, the resolution was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Berry, Frangas, Hoppe, Johnson, Madden,
Marshall, McGihon, Salazar, Smith, Stafford.

HJR04-1058 by Representative(s) Spradley; also Senator(s) Andrews--
Concerning endorsement of the participation of Taiwan in
the World Health Organization.

(Printed and placed in member's file.)

On motion of Representative Spradley, the resolution was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Boyd, Briggs, Brophy, Cadman, Carroll,
Cloer, Coleman, Crane, Decker, Fairbank, Frangas, Harvey, Hefley, Hoppe,
Jahn, Johnson, King, Larson, Lundberg, Madden, Marshall, McCluskey,
McFadyen, Miller, Mitchell, Pommer, Rhodes, Rippy, Romanoff, Salazar,
Schultheis, Sinclair, Smith, Spence, Stafford, Stengel, Tochtrop, Weddig,
Welker, White, Wiens, Williams T., Witwer, Young.

HJR04-1085 by Representative(s) Spradley; also Senator Hillman--
Concerning the general assembly urging congress to
improve the rules to implement privacy of health
information under the federal "Health Insurance
Portability and Accountability Act of 1996".

(Printed and placed in member's file.)

On motion of Representative Spradley, the resolution was **adopted** by **viva voce** vote.

Co-sponsors added: Representatives Berry, Boyd, Briggs, Brophy, Butcher,
Cadman, Carroll, Clapp, Coleman, Crane, Decker, Frangas, Harvey, Hefley,
Hodge, Hoppe, Jahn, Johnson, King, Larson, Lee, Lundberg, Madden, Marshall,
McFadyen, McGihon, Merrifield, Miller, Mitchell, Paccione, Pommer, Ragsdale,
Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Stafford,
Stengel, Tochtrop, Vigil, Welker, White, Wiens, Williams S., Williams T.,
Witwer, Young.

HJR04-1090 by Representative(s) Spradley; also Senator(s) Hagedorn--
Concerning commending the automated external
defibrillator donation partnership between the American
Heart Association and Kaiser Permanente.

(Printed and placed in member's file.)

1 On motion of Representative Spradley, the resolution was **adopted** by
2 **viva voce** vote.

3
4 Co-sponsors added: Representatives Boyd, Carroll, Cerbo, Clapp, Coleman,
5 Crane, Decker, Frangas, Hefley, Hodge, Hoppe, Jahn, Johnson, McCluskey,
6 McFadyen, Miller, Mitchell, Paccione, Ragsdale, Romanoff, Rose, Salazar,
7 Sinclair, Spence, Stafford, Tochtrop, Vigil, Weddig, Weissmann, Welker, White,
8 Williams S., Williams T., Witwer, Young.

10
11 **MESSAGE FROM THE SENATE**

12
13 Madam Speaker:

14
15 The Senate has adopted and transmits herewith: SJR04-053.

17
18 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

19
20 **SJR04-053** by Senator(s) May R.; also Representative(s) Sinclair--
21 Concerning the designation of April 22, 2004, as
22 "Colorado Space Industry Day".

23
24 On motion of Representative King, the rules were suspended and the
25 resolution given immediate consideration.

26
27 On motion of Representative Sinclair, the resolution was read at length
28 and **adopted** by **viva voce** vote.

29
30 Co-sponsors added: Roll Call of the House.

32
33 **MESSAGE FROM THE SENATE**

34
35 Madam Speaker:

36
37 The Senate has adopted and transmits herewith: SJR04-055.

39
40 **INTRODUCTION AND CONSIDERATION OF RESOLUTION**

41
42 **SJR04-055** by Senator(s) Dyer; also Representative(s) Hefley--
43 Concerning recognition by the Colorado general assembly
44 of the University of Colorado's men's golf team on its
45 2003-04 season.

46
47 On motion of Representative King, the rules were suspended and the
48 resolution given immediate consideration.

49
50 On motion of Representative Hefley, the resolution was read at length
51 and **adopted** by **viva voce** vote.

52
53 Co-sponsors added: Roll Call of the House.

1 On motion of Representative Stafford, the House resolved itself into
2 Committee of the Whole for consideration of General Orders, and she
3 was called to the Chair to act as Chairman.

4
5
6
7 **GENERAL ORDERS--SECOND READING OF BILLS**
8

9 The Committee of the Whole having risen, the Chairman reported the
10 titles of the following bills had been read (reading at length had been
11 dispensed with by unanimous consent), the bills considered and action
12 taken thereon as follows:

13
14 (Amendments to the committee amendment are to the printed committee
15 report which was printed and placed in the members' bill file.)
16

17 **HB04-1374** by Representative(s) Wiens, Harvey, May M., Rippy,
18 Smith, White; also Senator(s) Evans--Concerning the
19 power of a governmental district, and, in connection
20 therewith, modifying the power of a water and sanitation
21 district or a water district to furnish certain water service,
22 authorizing water districts to seek voter approval to levy
23 a sales and use tax to address water issues, modifying the
24 method used for the inclusion of additional lands in a
25 water conservancy district, and specifying the types of
26 services overlapping districts can provide.
27

28 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,
29 dated March 25, 2004, and placed in member's bill file; Report also
30 printed in House Journal, March 26, pages 1093-1097.
31

32 Amendment No. 2, Finance Report, dated April 14, 2004, and placed in
33 member's bill file; Report also printed in House Journal, April 14, page
34 1303.
35

36 Amendment No. 3, by Representative Wiens.
37

38 Amend the Finance Committee Report, dated April 14, 2004, strike lines
39 2 through 4 and substitute the following:

40
41 "Report, dated March 25, 2004, page 2, line 18, strike "OR ANY OTHER
42 PROVISION";

43
44 line 19, strike "OF LAW";

45
46 strike lines 28 through 31.
47

48 Strike pages 3 through 5 and substitute the following:
49

50 **"SECTION 2.** 32-1-103 (7), (10) (a), and (10) (d), Colorado
51 Revised Statutes, are amended, and the said 32-1-103 is further amended
52 BY THE ADDITION OF A NEW SUBSECTION, to read:

53
54 **32-1-103. Definitions.** As used in this article, unless the context
55 otherwise requires:
56

1 (3.5) "DISASTER" MEANS ANY HUMAN-CAUSED OR NATURAL EVENT
2 THAT THREATENS MULTIPLE LIVES, PROPERTIES, OR NATURAL RESOURCES.
3

4 (7) "Fire protection district" means a special district which
5 provides protection against fire AND DISASTER by any available means and
6 which may supply ambulance and emergency medical and rescue
7 services.
8

9 (10) "Metropolitan district" means a special district that provides
10 for the inhabitants thereof any two or more of the following services:
11

12 (a) Fire AND DISASTER protection AND PREVENTION;
13

14 (d) Safety protection AND DISASTER EMERGENCY PREPAREDNESS
15 OR PLANNING, IN COOPERATION WITH OTHER EMERGENCY SERVICE
16 PROVIDERS;
17

18 **SECTION 3.** 32-1-1001 (1), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF THE FOLLOWING NEW
20 PARAGRAPHS to read:
21

22 **32-1-1001. Common powers.** (1) For and on behalf of the
23 special district the board has the following powers:
24

25 (p) TO AID EMERGENCY SERVICE PROVIDERS IN DISASTER
26 PLANNING, PREPAREDNESS, AND PREVENTION ACTIVITIES AS ACTIVITIES
27 WITHIN THE SCOPE OF THE SPECIAL DISTRICT'S EXISTING SERVICE PLAN
28 THAT DO NOT CONSTITUTE A MATERIAL MODIFICATION TO THE SERVICE
29 PLAN FOR PURPOSES OF SECTION 32-1-207. IF A FIRE PROTECTION
30 DISTRICT IS PROVIDING SERVICES WITHIN THE BOUNDARIES OF THE SPECIAL
31 DISTRICT, THE SPECIAL DISTRICT MAY ENGAGE IN DISASTER PLANNING,
32 PREPAREDNESS, AND PREVENTION ACTIVITIES THROUGH AGREEMENT WITH
33 THE FIRE PROTECTION DISTRICT IN A FORM DETERMINED BY THE FIRE
34 PROTECTION DISTRICT.
35

36 (q) TO ENGAGE IN FIRE MITIGATION ACTIVITIES, INCLUDING FOREST
37 THINNING, CREATING DEFENSIBLE SPACE, AND FUEL REDUCTION ACTIVITIES
38 AS ACTIVITIES WITHIN THE SCOPE OF THE SPECIAL DISTRICT'S SERVICE PLAN
39 THAT DO NOT CONSTITUTE A MATERIAL MODIFICATION TO THE SERVICE
40 PLAN FOR PURPOSES OF SECTION 32-1-207.
41

42 **SECTION 4.** 32-1-1004 (1), Colorado Revised Statutes, is
43 amended BY THE ADDITION OF A NEW PARAGRAPH to read:
44

45 **32-1-1004. Metropolitan districts - additional powers and**
46 **duties.** (1) In addition to the powers specified in section 32-1-1001, the
47 board of any metropolitan district has the following powers for and on
48 behalf of such district:
49

50 (d) TO ENGAGE IN DISASTER PLANNING, PREPAREDNESS, AND
51 PREVENTION ACTIVITIES IN COOPERATION WITH OTHER EMERGENCY
52 SERVICE PROVIDERS. IF A METROPOLITAN DISTRICT ENGAGES IN DISASTER
53 PLANNING, PREPAREDNESS, AND PREVENTION ACTIVITIES PURSUANT TO
54 THIS PARAGRAPH (d), SUCH ACTIVITIES SHALL NOT BE CONSIDERED
55 MATERIAL MODIFICATIONS TO THE METROPOLITAN DISTRICT'S SERVICE
56 PLAN FOR PURPOSE OF SECTION 32-1-207. IF A FIRE PROTECTION DISTRICT

1 IS PROVIDING SERVICES WITHIN THE BOUNDARIES OF THE METROPOLITAN
2 DISTRICT, THE METROPOLITAN DISTRICT MAY ENGAGE IN DISASTER
3 PLANNING, PREPAREDNESS, AND PREVENTION ACTIVITIES THROUGH
4 AGREEMENT WITH THE FIRE PROTECTION DISTRICT IN A FORM DETERMINED
5 BY THE FIRE PROTECTION DISTRICT.

6
7 (e) TO ENGAGE IN FIRE MITIGATION ACTIVITIES, INCLUDING FOREST
8 THINNING, CREATING DEFENSIBLE SPACE, AND FUEL REDUCTION
9 ACTIVITIES, IN COOPERATION WITH OTHER EMERGENCY SERVICE
10 PROVIDERS. IF A METROPOLITAN DISTRICT ENGAGES IN FIRE MITIGATION
11 ACTIVITIES PURSUANT TO THIS PARAGRAPH (d), SUCH ACTIVITIES SHALL
12 NOT BE CONSIDERED MATERIAL MODIFICATIONS TO THE METROPOLITAN
13 DISTRICT'S SERVICE PLAN FOR PURPOSE OF SECTION 32-1-207. IF A FIRE
14 PROTECTION DISTRICT IS PROVIDING SERVICES WITHIN THE BOUNDARIES OF
15 THE METROPOLITAN DISTRICT, THE METROPOLITAN DISTRICT MAY ENGAGE
16 IN FIRE MITIGATION ACTIVITIES THROUGH AGREEMENT WITH THE FIRE
17 PROTECTION DISTRICT IN A FORM DETERMINED BY THE FIRE PROTECTION
18 DISTRICT."

19
20 Renumber succeeding sections accordingly."

21
22 As amended, declared **lost** on Second Reading.

23
24 **SB04-153** by Senator(s) Johnson S., Reeves; also Representative(s)
25 McCluskey, Lundberg, Paccione, Welker--Concerning
26 combining polling places, and, in connection therewith,
27 authorizing designated election officials to establish vote
28 centers where any elector registered in the political
29 subdivision may vote.

30
31 Amendment No. 1, Local Government Report, dated April 14, 2004, and
32 placed in member's bill file; Report also printed in House Journal, April
33 15.

34
35 Amendment No. 2, by Representative Smith.

36
37 Amend reengrossed bill, page 3, line 14, after "NOT", insert "ALSO";

38
39 line 15, strike "SUBDIVISION." and substitute "SUBDIVISION, UNLESS EACH
40 PRECINCT POLLING PLACE HAS A SECURE ELECTRONIC CONNECTION TO
41 PROVIDE VOTING INFORMATION TO AND RECEIVE VOTING INFORMATION
42 FROM THE COMPUTERIZED REGISTRATION BOOK MAINTAINED BY THE
43 COUNTY CLERK AND RECORDER."

44
45 Page 4, line 4, strike "AT MORE THAN ONE VOTE CENTER" and substitute
46 "MORE THAN ONCE".

47
48 Amendment No. 3, by Representative Smith.

49
50 Amend reengrossed bill, page 4, line 7, strike "IN DETERMINING THE
51 NUMBER" and substitute "THE NUMBER, LOCATION, AND MANNER OF
52 OPERATION";

53
54 strike line 8 and substitute "CENTERS, INCLUDING PROVIDING FOR POLL
55 WATCHING ACTIVITIES, SHALL BE DETERMINED BY THE";

1 line 9, strike "SHALL CONSULT AND COOPERATE" and substitute "IN
2 CONSULTATION".

3
4 As amended, ordered revised and placed on the Calendar for Third
5 Reading and Final Passage.

6
7
8 **HB04-1131** by Representative(s) Salazar, McFadyen, Judd, Madden,
9 Tochtrop, Vigil; also Senator(s) Entz--Concerning the
10 regulation of seeds.

11
12 Amendment No. 1, Appropriations Report, dated April 16, 2004, and
13 placed in member's bill file; Report also printed in House Journal, April
14 19, pages 1412-1413.

15
16 As amended, ordered engrossed and placed on the Calendar for Third
17 Reading and Final Passage.

18
19
20 **HB04-1193** by Representative(s) Fairbank, Jahn; also Senator(s)
21 Hillman, Veiga--Concerning requirements for operating a
22 motor vehicle with valid proof of complying insurance.

23
24 Amendment No. 1, Business Affairs & Labor Report, dated January 29,
25 2004, and placed in member's bill file; Report also printed in House
26 Journal, February 2, pages 262-264.

27
28 Amendment No. 2, Finance Report, dated February 4, 2004, and placed
29 in member's bill file; Report also printed in House Journal, February 6,
30 page 364.

31
32 Amendment No. 3, Appropriations Report, dated April 16, 2004, and
33 placed in member's bill file; Report also printed in House Journal, April
34 19, pages 1413-1414.

35
36 As amended, ordered engrossed and placed on the Calendar for Third
37 Reading and Final Passage.

38
39
40 **HB04-1199** by Representative(s) Lee, Briggs, Crane, Hefley, Jahn,
41 King, Larson, Pommer, Rose, Schultheis, Sinclair, Spence,
42 Stafford, Welker, Williams S.; also Senator(s) McElhany--
43 Concerning nonfelony traffic matters involving minors
44 under the age of eighteen years.

45
46 Amendment No. 1, Transportation & Energy Report, dated April 7, 2004,
47 and placed in member's bill file; Report also printed in House Journal,
48 April 8 pages 1257-1258.

49
50 As amended, ordered engrossed and placed on the Calendar for Third
51 Reading and Final Passage.

52
53 **HB04-1424** by Representative(s) Spradley, Young; also Senator(s)
54 Kester, Johnson S.--Concerning the valuation of
55 possessory interests of negligible value.

56

1 Amendment No. 1, Local Government Report, dated April 8, 2004, and
2 placed in member's bill file; Report also printed in House Journal, April
3 8, page 1257.

4
5 As amended, ordered engrossed and placed on the Calendar for Third
6 Reading and Final Passage.

7
8 **SB04-028** by Senator(s) Hagedorn; also Representative(s) Larson--
9 Concerning substance abuse treatment for native
10 Americans, and making an appropriation in connection
11 therewith.

12
13 Ordered revised and placed on the Calendar for Third Reading and Final
14 Passage.

15
16 **SB04-032** by Senator(s) Isgar, Taylor, Entz; also Representative(s)
17 Salazar, Hoppe, Miller, Rippy--Concerning an
18 authorization for loans of agricultural irrigation water
19 rights, and making an appropriation in connection
20 therewith.

21
22 Ordered revised and placed on the Calendar for Third Reading and Final
23 Passage.

24
25 **SB04-097** by Senator(s) McElhany; also Representative(s) Cadman--
26 Concerning the acquisition of property by the division of
27 wildlife in El Paso county, and, in connection therewith,
28 making an appropriation.

29
30 Ordered revised and placed on the Calendar for Third Reading and Final
31 Passage.

32
33 **SB04-176** by Senator(s) Tupa, Anderson, Takis, Taylor; also
34 Representative(s) Vigil, Coleman--Concerning the division
35 of local government's oversight of eligible entities' use of
36 the conservation trust fund.

37
38 Amendment No. 1, Appropriations Report, dated April 16, 2004, and
39 placed in member's bill file; Report also printed in House Journal, April
40 19, page 1415.

41
42 As amended, ordered revised and placed on the Calendar for Third
43 Reading and Final Passage.

44
45 **HB04-1435** by Representative(s) Mitchell, Carroll, Clapp, Cloer,
46 Coleman, Hall, McFadyen, Miller, Rippy, Rose,
47 Schultheis, Spradley; also Senator(s) Johnson S.--
48 Concerning legislative approval of air quality control
49 commission action on march 12, 2004, regarding ozone.

50
51 Ordered engrossed and placed on the Calendar for Third Reading and
52 Final Passage.

53
54 **HB04-1086** by Representative(s) Spradley, King, Young; also
55 Senator(s) Teck, Owen--Concerning the structure of the
56 state system of community colleges.

1 Amendment No. 1, Education Report, dated April 19, 2004, and placed
2 in member's bill file; Report also printed in House Journal, April 20,
3 pages 1432-1435.

4
5 Amendment No. 2, by Representative Spradley.

6
7 Amend the Education Committee Report, dated April 19, 2004, page 2,
8 line 17, strike "RECOMMENDATIONS" and substitute "RECOMMENDATIONS,
9 PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION,";

10
11 line 18, strike "SERVICES;" and substitute "SERVICES PURSUANT TO
12 PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION,";

13
14 line 24, strike "LIME" and substitute "LINE".

15
16 Page 3, strike line 9 and substitute the following:

17
18 "FOR ANY STATE FISCAL YEAR COMMENCING ON AND AFTER JULY 1, 2004,
19 THE BOARD SHALL REDUCE THE".

20
21 Page 4, line 15, strike "PLAN." and substitute "PLAN, AND NOTHING IN THE
22 MASTER PLAN SHALL CAUSE THE DISPLACEMENT OF A CHARTER SCHOOL.".

23
24 As amended, ordered engrossed and placed on the Calendar for Third
25 Reading and Final Passage.

26
27 **SB04-126** by Senator(s) Entz; also Representative(s) Sinclair--
28 Concerning the Colorado division of civil air patrol in the
29 department of military and veterans affairs.

30
31 Amendment No. 1, State, Veterans, & Military Affairs Report, dated
32 April 20, 2004, and placed in member's bill file; Report also printed in
33 House Journal, April 20, page 1445.

34
35 As amended, ordered revised and placed on the Calendar for Third
36 Reading and Final Passage.

37
38 On motion of Representative White, the remainder of the General Orders
39 Calendar (**HB04-1408, SB04-177, HB04-1442, SCR04-005**) was laid
40 over until April 22, retaining place on Calendar.

41

42

43

44

45 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

46

47 Passed Second Reading: **SB04-153 amended, HB04-1131 amended,**
48 **1193 amended, 1199 amended, 1424 amended, SB04-028, 032, 097,**
49 **176 amended, HB04-1435, 1086 amended, SB04-126 amended.**

50

51 Lost on Second Reading: **HB04-1374 amended.**

52

53 Laid over until date indicated retaining place on Calendar: **HB04-1408,**
54 **SB04-177, HB04-1442, SCR04-005--April 23, 2004.**

55

1 The Chairman moved the adoption of the Committee of the Whole
 2 Report. As shown by the following roll call vote, a majority of those
 3 elected to the House voted in the affirmative, and the Report was
 4 **adopted.**

	YES	62	NO	00	EXCUSED	02	ABSENT	01
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	E	McFadyen	Y	Smith	Y
9	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
10	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
11	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
12	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
13	Cadman	Y	Jahn	Y	Paccione	E	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	-	Weddig	Y
15	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
16	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
17	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
18	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
19	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
20	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
21	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
22	Frangas	Y	May	Y	Schultheis	Y	Young	Y
23							Speaker	Y

25
 26 House in recess. House reconvened.

30 REPORTS OF COMMITTEES OF REFERENCE

32 BUSINESS AFFAIRS & LABOR

33 After consideration on the merits, the Committee recommends the
 34 following:

35
 36 **SB04-071** be amended as follows, and as so amended, be referred to
 37 the Committee on Appropriations with favorable
 38 recommendation:

39
 40 Amend reengrossed bill, page 3, line 15, strike "1500.001" and substitute
 41 "1500.1";

42
 43 line 17, strike "UN0333," and substitute "UN0333,".

44
 45 Page 4, line 27, strike "1500.001" and substitute "1500.1".

46
 47 Page 11, strike lines 16 through 27.

48
 49 Page 12, strike lines 1 through 7.

50
 51 Renumber succeeding section accordingly.

52
 53
 54
 55
 56

1 **FINANCE**

2 After consideration on the merits, the Committee recommends the
3 following:

4
5 **HB04-1207** be amended as follows, and as so amended, be referred to
6 the Committee on Appropriations with favorable
7 recommendation:

8
9 Amend the Education Committee Report, dated April 21, 2004, page 1,
10 after line 6, insert the following:

11
12 "Page 3, line 1, strike "SHALL" and substitute "MAY";";

13
14 line 7, strike "Page 3,";

15
16 line 15, strike ""PARTICIPATING" and substitute ""THAT IS PARTICIPATING".

17
18
19
20 **HB04-1437** be postponed indefinitely.

21
22
23 **HCR04-1016** be referred to the Committee of the Whole with favorable
24 recommendation.

25
26
27
28
29 **STATE, VETERANS, & MILITARY AFFAIRS**

30 After consideration on the merits, the Committee recommends the
31 following:

32
33 **HB04-1396** be amended as follows, and as so amended, be referred to
34 the Committee of the Whole with favorable
35 recommendation:

36
37 Amend printed bill, strike everything below the enacting clause and
38 substitute the following:

39
40 "SECTION 1. Part 2 of article 20 of title 29, Colorado Revised
41 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
42 read:

43
44 **29-20-203.5. Prohibition on unreasonable regulatory fees or**
45 **charges against particular types of business concerns - right of civil**
46 **action.** (1) EXCEPT AS NECESSARY TO ADDRESS AN IMMINENT THREAT TO
47 THE PUBLIC HEALTH OR SAFETY OF THE RESIDENTS OF THE LOCAL
48 GOVERNMENT, AND SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2) OF
49 THIS SECTION, NO LOCAL GOVERNMENT SHALL APPLY OR ENFORCE ANY
50 LOCAL LAW, REGULATION, POLICY, OR OTHER REQUIREMENT THAT IMPOSES
51 ANY REGULATORY FEE OR CHARGE AGAINST ANY PARTICULAR TYPE OF
52 BUSINESS CONCERN THAT IS NOT REASONABLY RELATED TO ANY COSTS
53 INCURRED BY THE LOCAL GOVERNMENT IN REGULATING THE PARTICULAR
54 TYPE OF BUSINESS CONCERN AGAINST WHICH THE FEE OR CHARGE HAS
55 BEEN IMPOSED.

56

1 (2) THIS SECTION SHALL NOT APPLY TO WATER TAP OR SEWER
2 CONNECTION FEES INSOFAR AS SUCH FEES RELATE TO THE CAPITAL OR
3 OPERATING COSTS OF PROVIDING WATER OR SEWER SERVICES OR
4 FACILITIES.

5
6 (3) ANY OWNER OF A BUSINESS CONCERN MAY CHALLENGE THE
7 IMPOSITION OF ANY REGULATORY FEE OR CHARGE ON THE BUSINESS
8 CONCERN AS VIOLATIVE OF THIS SECTION BY FILING, NOT LATER THAN
9 THIRTY DAYS AFTER THE IMPOSITION OF THE FEE OR CHARGE, AN ACTION
10 IN DISTRICT COURT FOR THE COUNTY IN WHICH THE FEE OR CHARGE HAS
11 BEEN IMPOSED PURSUANT TO C.R.C.P. 106(a)(4) FOR JUDICIAL REVIEW OF
12 THE EXERCISE OF DISCRETION ON THE PART OF THE LOCAL GOVERNMENT
13 IN IMPOSING THE FEE OR CHARGE. ANY SUCH ACTION SHALL BE GOVERNED
14 IN ACCORDANCE WITH THE PROCEDURES AND OTHER REQUIREMENTS
15 SPECIFIED IN THE RULE; EXCEPT THAT THE LOCAL GOVERNMENT SHALL
16 HAVE THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE
17 THAT, IN IMPOSING THE FEE OR CHARGE, IT HAS NEITHER EXCEEDED ITS
18 JURISDICTION NOR ABUSED ITS DISCRETION. NOTWITHSTANDING ANY
19 OTHER PROVISION OF LAW, THE IMPOSITION OF ANY FEE OR CHARGE
20 PROHIBITED BY THIS SECTION SHALL BE DEEMED A LEGISLATIVE
21 DETERMINATION AND NOT A QUASI-JUDICIAL DETERMINATION.

22
23 **SECTION 2. Effective date - applicability.** (1) This act shall
24 take effect August 5, 2004.

25
26 (2) However, if a referendum petition is filed against this act or
27 an item, section, or part of this act during the 90-day period after final
28 adjournment of the general assembly that is allowed for submitting a
29 referendum petition pursuant to article V, section 1 (3) of the state
30 constitution, then the act, item, section, or part, shall not take effect
31 unless approved by the people at a biennial regular general election and
32 shall take effect on the date specified in subsection (1) or on the date of
33 the official declaration of the vote thereon by proclamation of the
34 governor, whichever is later.

35
36 (3) The provisions of this act shall apply to any local law,
37 regulation, policy, or other requirement that assesses or imposes any fee,
38 surcharge, or any other form of publicly-imposed monetary charge
39 against any particular type of business concern applied or enforced on or
40 after the applicable effective date of this act."

41
42
43
44 **HCR04-1013** be referred to the Committee of the Whole with favorable
45 recommendation.

46
47
48 **HJR04-1031** be postponed indefinitely.

49
50
51 **HJR04-1046** be postponed indefinitely.

52
53
54
55

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE
on SB04-094**

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 SB04-094, 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, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill as said amendments appear in the rerevised bill, with the following changes:

Amend rerevised bill, page 2, strike line 2, and substitute "**SECTION 1.**";
line 3, strike "10-16-105 (7.2) (b) (II)," and substitute "10-16-105 (7.2) (b),";

strike lines 13 through 16 and substitute the following:

"commissioner shall implement a basic plan that approximates the lowest level of coverage offered in small group health benefit plans and shall implement a".

Page 3, strike lines 3 through 6 and substitute the following:

"(b) (I) ~~The~~ A basic health benefit plan ~~shall~~ MAY reflect a basic health benefit plan that does not include coverage pursuant to the mandatory coverage provisions of section 10-16-104 (4), (5), (8), (9), (10), and (12);

~~(II) In addition to the basic plan pursuant to subparagraph (I) of this paragraph (b), A basic health benefit plan may reflect one of the following options in addition to the requirements of subparagraph (I) of this paragraph (b): A HEALTH BENEFIT PLAN THAT IS A HIGH DEDUCTIBLE PLAN THAT WOULD QUALIFY FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC. 223 ; EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR MANDATORY HEALTH BENEFITS FOR MAMMOGRAPHY, PROSTATE SCREENING, CHILD SUPERVISION SERVICES, OR PROSTHETIC DEVICES PURSUANT TO SECTION 10-16-104 (4), (10), (11), AND (14) IF SUCH MANDATORY BENEFITS ARE NOT CONSIDERED BY THE FEDERAL DEPARTMENT OF TREASURY TO BE PREVENTIVE OR TO HAVE AN ACCEPTABLE DEDUCTIBLE AMOUNT; OR".~~

Page 4, strike lines 5 through 9 and substitute the following:

"(III) A BASIC HEALTH BENEFIT PLAN MAY REFLECT A BASIC HEALTH BENEFIT PLAN THAT DOES NOT INCLUDE COVERAGE PURSUANT TO THE MANDATORY COVERAGE PROVISIONS OF SECTION 10-16-104 (4), (5), (8), (9), (10), AND (12) AND IS A HIGH DEDUCTIBLE PLAN THAT WOULD

1 QUALIFY FOR A HEALTH SAVINGS ACCOUNT PURSUANT TO 26 U.S.C. SEC.
2 223; EXCEPT THAT A CARRIER MAY APPLY DEDUCTIBLE AMOUNTS FOR
3 MANDATORY HEALTH BENEFITS FOR MAMMOGRAPHY, PROSTATE
4 SCREENING, CHILD SUPERVISION SERVICES, OR PROSTHETIC DEVICES
5 PURSUANT TO SECTION 10-16-104 (4), (10), (11), AND (14) IF SUCH
6 MANDATORY BENEFITS ARE NOT CONSIDERED BY THE FEDERAL
7 DEPARTMENT OF TREASURY TO BE PREVENTIVE OR TO HAVE AN
8 ACCEPTABLE DEDUCTIBLE AMOUNT.".

9
10 2. That, under the authority granted the committee to consider
11 matters not at issue between the two houses, the following amendment be
12 recommended:

13
14 Amend rerevised bill, page 5, line 20, after "BENEFITS" insert "FOR";

15
16 line 21, strike "AND";

17
18 line 22, strike "SERVICES" and substitute "SERVICES, AND PROSTHETIC
19 DEVICES" and, strike "AND";

20
21 line 23, after "(11)," insert "AND (14)," and strike "PREVENTIVE";

22
23 line 24, strike the period and add "TO BE PREVENTIVE OR TO HAVE AN
24 ACCEPTABLE DEDUCTIBLE AMOUNT.".

25
26 Respectfully submitted,

27
28 Senate Committee:
29 Andy McElhany
30 Jim Dyer
31 Bob Hagedorn

House Committee:
Lola Spradley
Tambor Williams
Carl Miller

PRINTING REPORT

32
33
34
35
36
37 The Chief Clerk reports the following bills have been correctly printed:
38 **HB04-1451, 1452, 1453.**

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

39
40
41
42
43
44 The Speaker has signed: **SB04-132.**

MESSAGES FROM THE SENATE

45
46
47
48
49
50 Madam Speaker:

51
52 The Senate has adopted and returns herewith: HJR04-1053.

53
54
55 The Senate has adopted and returns herewith: HJR04-1059.

56

1 The Senate has passed on Third Reading and transmitted to the Revisor
2 of Statutes: SB04-224, 236, 237, 230.
3 SB04-223, amended as printed in Senate Journal, April 21, 2004, pages
4 941-942,
5 SB04-229, amended as printed in Senate Journal, April 21, 2004, page
6 942,
7 SB04-065, amended as printed in Senate Journal, April 21, 2004, pages
8 926-927,
9 SB04-238, amended on Third Reading as printed in Senate Journal, April
10 22.

11

12

13 HB04-1141, amended as printed in Senate Journal, April 21, 2004, pages
14 930-939, and on Third Reading as printed in Senate Journal, April 22.

15

16

17

18

MESSAGES FROM THE REVISOR

19

20 We herewith transmit:

21 Without comment, SB04-224, 236, 237, and 230.

22 Without comment, as amended, SB04-223, 229, 065, and 238.

23

24

25 We herewith transmit:

26 Without comment, as amended, HB04-1141.

27

28

29

30

MESSAGE FROM THE GOVERNOR

31

32 I certify I received the following on the 22nd day of April, 2004, at
33 3:16 p.m. The original is on file in the records of the House of
34 Representatives of the General Assembly.

35

36

Judith Rodrigue,
Chief Clerk of the House

37

38 April 21, 2004

39

40 To the Honorable
41 House of Representatives
42 Sixty-fourth General Assembly
43 Second Regular Session
44 Denver, CO 80203

45

46 Ladies and Gentlemen:

47

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

50

51 **HB04-1046** Concerning The Computation Of Days In Determining
52 Certain Time Periods For Forcible Entry And Detainer
53 Actions.

54

55 Approved April 22, 2004 at 8:55 A.M.

56

- 1 **HB04-1084** Concerning The Execution Of A Writ Of Restitution After
2 Entry Of Judgment In A Forcible Entry And Detainer
3 Action.
4
5 Approved April 21, 2004 at 2:15 P.M.
6
7
- 8 **HB04-1109** Concerning The Continuation Of The Regulation Of
9 Securities By The Division Of Securities, And, In
10 Connection Therewith, Narrowing The Exemption For
11 Certain Annuities, Amending Procedures For The Issuance
12 Of Cease-And-Desist Orders, Registration Of Federally
13 Registered Securities, And Discipline Of Licensees,
14 Specifying Conditions For Recision Of Sales, And
15 Reducing The Number Of Required Meetings Of The
16 Municipal Bond Authority Advisory Committee.
17
18 Approved April 21, 2004 at 2:16 P.M.
19
20
- 21 **HB04-1112** Concerning The Regulation Of Persons Licensed To Deal
22 In Certain Monetary Instruments, And, In Connection
23 Therewith, Continuing The Regulatory Authority Of The
24 Banking Board And The State Bank Commissioner Over
25 Such Activities.
26
27 Approved April 21, 2004 at 2:17 P.M.
28
- 29 **HB04-1114** Concerning The Payment Of Benefits Under A Motor
30 Vehicle Policy For Medical Payments Coverage.
31
32 Approved April 21, 2004 at 2:18 P.M.
33
34
- 35 **HB04-1153** Concerning Housing Issues For Victims Of Domestic
36 Violence.
37
38 Approved April 21, 2004 at 2:17 P.M.
39
- 40 **HB04-1182** Concerning Standards For The Cleanup Of Illegal Drug
41 Laboratories.
42
43 Approved April 21, 2004 at 2:19 P.M.
44
45
- 46 **HB04-1230** Concerning The Election Of School District Directors
47 From Director Districts.
48
49 Approved April 21, 2004 at 2:21 P.M.
50
- 51 **HB04-1267** Concerning The Repeal Of Transfers To The Controlled
52 Maintenance Trust Fund.
53
54 Approved April 21, 2004 at 2:23 P.M.
55
56

- 1 **HB04-1271** Concerning The Establishment Of A Pilot Program For
2 The Placement Of Children In Dedicated Out-Of-Home
3 Settings.
4
5 Approved April 21, 2004 at 2:40 P.M.
6
- 7 **HB04-1305** Concerning Protection Orders.
8
9 Approved April 21, 2004 at 2:45 P.M.
10
- 11 **HB04-1350** Concerning State Programs To Assist Higher Education
12 Students In Paying Tuition.
13
14 Approved April 21, 2004 at 2:46 P.M.
15
- 16 **HB04-1370** Concerning The Authority For A County Department To
17 Enter Into Voluntary Safety Plan Agreements Related To
18 First-Time Minor Incidents Of Child Abuse.
19
20 Approved April 21, 2004 at 2:48 P.M.
21
- 22 **HB04-1380** Concerning Reports To The Education Committees Of
23 The General Assembly Pursuant To Colorado's
24 "Information Coordination Act".
25
26 Approved April 21, 2004 at 2:51 P.M.
27
- 28 **HB04-1383** Concerning Reports To The General Assembly
29 Concerning Issues Before The Business Affairs And Labor
30 Committee Pursuant To Colorado's "Information
31 Coordination Act".
32
33 Approved April 21, 2004 at 2:53 P.M.
34
- 35 **HB04-1394** Concerning Alternative Loan Charges By Supervised
36 Lenders For Small Loans.
37
38 Approved April 21, 2004 at 2:57 P.M.
39
- 40 **HB04-1395** Concerning Matters Related To Evaluations By The State
41 Board Of Parole Of Persons Seeking Parole.
42
43 Approved April 21, 2004 at 2:55 P.M.
44
- 45 **HB04-1415** Concerning Changes To Reimbursements Of Nursing
46 Facilities, And, In Connection Therewith, Repealing The
47 Nursing Facility Provider Fee And Quality Of Care Grant
48 Program And Making An Appropriation.
49
50 Approved April 21, 2004 at 3:12 P.M.
51
- 52 Sincerely,
53 (signed)
54 Bill Owens
55 Governor
56
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INTRODUCTION OF BILLS
First Reading

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

SB04-065 by Senator(s) Keller, Arnold; also Representative(s) Larson, Coleman--Concerning the "Child Mental Health Treatment Act", and making an appropriation therewith.
Committee on Health, Environment, Welfare, & Institutions
Committee on Appropriations

SB04-223 by Senator(s) McElhany; also Representative(s) Briggs--Concerning the designation of public transit officers as peace officers.
Committee on Judiciary

SB04-224 by Senator(s) Arnold; also Representative(s) Stengel, Larson--Concerning sunrise review of peace officer status.
Committee on Finance

SB04-229 by Senator(s) Evans; also Representative(s) Williams T.--Concerning modifications to the "Central Filing of Effective Financing Statement Act".
Committee on Business Affairs & Labor

SB04-230 by Senator(s) Cairns, May R., Andrews, Chlouber, Dyer, Entz, Evans, Hagedorn, Hillman, Isgar, Johnson S., Jones, Kester, Lamborn, McElhany, Nichol, Owen, Sandoval, Tapia, Taylor, Teck; also Representative(s) Tochtrop, Salazar, Sinclair, Weddig, Witwer--Concerning the issuance of a Vietnam veteran special license plate.
Committee on Transportation & Energy

SB04-236 by Senator(s) Anderson; also Representative(s) Miller--Concerning the transformation of the office of emergency management into a division of the department of local affairs.
Committee on Local Government

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

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

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 23, retaining place on Calendar:

Consideration of Third Reading--**HB04-1190**.

Consideration of Conference Committee Report--**SB04-024**.

Consideration of Resolutions--**HJR04-1013, SJR04-015, HJR04-1010, SJR04-023, 024, 027, HJR04-1040, HR04-1008, HJR04-1047, SJR04-025, 030, HJR04-1051, 1042, HR04-1010, SJR04-033, HJR04-1055, 1056, 1060, 1061, 1062, 1063, 1065, HR04-1012, 1013, 1015, HJR04-1066, 1067, 1068, 1071, 1072, 1073, 1074, 1075, 1078, 1079, 1080, 1081, SJR04-011, 028, HJR04-1084**.

Consideration of Memorial--**SJM04-001**.

Consideration of Senate Amendments--**HB04-1292, 1187, 1121, 1399, 1420, 1421, 1095, 1080, 1367, 1404, 1079, 1150**.

On motion of Representative King, the House adjourned until 9:00 a.m., April 23, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk