

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

One hundred-nineteenth Legislative Day                      Tuesday, May 4, 2004

1 Prayer by the Reverend Brad Meuli, Denver Rescue Mission.

2

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

4

5 Pledge of Allegiance led by Representative Johnson R.

6

7 The roll was called with the following result:

8

9            Present--64.

10           Absent--Representative Mitchell--1.

11           Present after roll call--Representative Mitchell.

12

13 The Speaker declared a quorum present.

14

15

16 On motion of Representative Butcher, the reading of the journal of  
17 May 3, 2004, was declared dispensed with and approved as corrected by  
18 the Chief Clerk.

19

20

21

22

**REPORTS OF COMMITTEES OF REFERENCE**

23

**APPROPRIATIONS**

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

27

28 **HB04-1001**    The Committee returns herewith HB04-1001 and reports  
29                   that said bill has been considered on its merits and voted  
30                   upon by the Committee, and that final action has not been  
31                   taken by this Committee. Said bill cannot be passed  
32                   within the time remaining in the current legislative  
33                   session; therefore, said bill is deemed to be postponed  
34                   indefinitely.

35

36

37 **HB04-1097**    The Committee returns herewith HB04-1097 and reports  
38                   that said bill has been considered on its merits and voted  
39                   upon by the Committee, and that final action has not been  
40                   taken by this Committee. Said bill cannot be passed  
41                   within the time remaining in the current legislative  
42                   session; therefore, said bill is deemed to be postponed  
43                   indefinitely.

1 **HB04-1297** The Committee returns herewith HB04-1297 and reports  
2 that said bill has been considered on its merits and voted  
3 upon by the Committee, and that final action has not been  
4 taken by this Committee. Said bill cannot be passed  
5 within the time remaining in the current legislative  
6 session; therefore, said bill is deemed to be postponed  
7 indefinitely.  
8  
9

10 **HB04-1452** The Committee returns herewith HB04-1452 and reports  
11 that said bill has been considered on its merits and voted  
12 upon by the Committee, and that final action has not been  
13 taken by this Committee. Said bill cannot be passed  
14 within the time remaining in the current legislative  
15 session; therefore, said bill is deemed to be postponed  
16 indefinitely.  
17

18  
19 **HB04-1461** The Committee returns herewith HB04-1461 and reports  
20 that said bill has been considered on its merits and voted  
21 upon by the Committee, and that final action has not been  
22 taken by this Committee. Said bill cannot be passed  
23 within the time remaining in the current legislative  
24 session; therefore, said bill is deemed to be postponed  
25 indefinitely.  
26

27  
28  
29  
30 **BUSINESS AFFAIRS & LABOR**

31 After consideration on the merits, the Committee recommends the  
32 following:  
33

34 **HB04-1460** be postponed indefinitely.  
35

36  
37 **HCR04-1018** be postponed indefinitely.  
38

39  
40  
41  
42 **EDUCATION**

43 After consideration on the merits, the Committee recommends the  
44 following:  
45

46 **HCR04-1006** The Committee returns herewith HCR04-1006 because  
47 consideration of the measure was postponed for more than  
48 30 days or until a date beyond the date for adjournment  
49 sine die of the legislative session. Therefore, under House  
50 Rule 25 (j) (3), said resolution is deemed to be postponed  
51 indefinitely.  
52

53  
54 **HJR04-1086** The Committee returns herewith HCR04-1086 because  
55 consideration of the measure was postponed for more than  
56 30 days or until a date beyond the date for adjournment

1 sine die of the legislative session. Therefore, under House  
2 Rule 25 (j) (3), said resolution is deemed to be postponed  
3 indefinitely.  
4

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5  
6  
7 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
8 **on HB04-1003**  
9

10 This Report Amends the Rerevised Bill.

11  
12 To the President of the Senate and the  
13 Speaker of the House of Representatives:  
14

15 Your first conference committee appointed on HB04-1003,  
16 concerning laws related to the impersonation of a peace officer, and  
17 making an appropriation therefor, has met and reports that it has agreed  
18 upon the following:  
19

20 That the House accede to the Senate amendments made to the bill,  
21 as said amendments appear in the rerevised bill, with the following  
22 changes:  
23

24 Amend rerevised bill, page 3, after line 15, insert the following:  
25

26 **"SECTION 4. Repeal.** 42-4-220 (3) (b), Colorado Revised  
27 Statutes, is repealed as follows:  
28

29 **42-4-220. Motorized bicycles - motor-driven cycles - lighting**  
30 **equipment - department control - use and operation.** (3) (b) ~~No~~  
31 ~~person shall equip, drive, or move any vehicle or equipment upon any~~  
32 ~~highway with any lamp or device thereon capable of displaying a red or~~  
33 ~~blue light visible from directly in front of the center thereof. This section~~  
34 ~~shall not apply to any vehicle upon which such lights visible from the~~  
35 ~~front are expressly authorized or required by this article."~~  
36

37 Renumber succeeding sections accordingly.  
38

39 Page 6, line 17, strike "5, and 6" and substitute "6, and 7".  
40

41 Respectfully submitted,

42 House Committee:  
43 Bob McCluskey  
44 Joe Stengel  
45 Terrance Carroll  
46

Senate Committee:  
Steve Johnson  
Ken Kester  
Peggy Reeves  
47

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48  
49 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
50 **on HB04-1141**  
51

52 This Report Amends the Rerevised Bill.

53  
54 To the President of the Senate and the  
55 Speaker of the House of Representatives:  
56

1 Your first conference committee appointed on HB04-1141,  
2 concerning charter schools, and, in connection therewith, providing for  
3 the creation of state charter schools, and making an appropriation  
4 therefor, has met and reports that it has agreed upon the following:

5  
6 1. That the House accede to the Senate amendments made to the  
7 bill, as said amendments appear in the rerevised bill, with the following  
8 changes:

9  
10 Amend rerevised bill, page 11, strike lines 4 through 27.

11  
12 Strike pages 12 and 13.

13  
14 Renumber succeeding sections accordingly.

15  
16 Page 21, line 6, strike "DISTRICT";

17  
18 line 7, before "SCHOOL", insert "CHARTERING";

19  
20 line 8, before "SCHOOL", insert "CHARTERING";

21  
22 line 9, before "SCHOOL", insert "CHARTERING";

23  
24 line 12, before "SCHOOL", insert "CHARTERING".

25  
26 Page 25, line 22, strike "(a)".

27  
28 Page 26, strike lines 3 and 4 and substitute the following:

29  
30 "CHARTER APPLICATION. Applications must be filed with the local";

31  
32 strike lines 19 through 27.

33  
34 Page 27, strike lines 1 and 2;

35  
36 line 11, strike "(a)";

37  
38 strike line 15;

39  
40 line 16, strike "(2), the" and substitute "The";

41  
42 line 19, strike "PARAGRAPH (a) OF";

43  
44 strike lines 24 through 27.

45  
46 Page 28, strike lines 1 through 9;

47  
48 line 18, strike "DIRECT" and substitute "ENCOURAGE";

49  
50 line 19, strike "NEEDS AND FROM" and substitute "NEEDS.";

51  
52 strike lines 20 and 21.

53  
54 Page 29, line 4, strike "(a)";

55  
56 strike lines 18 through 27.

1 Page 31, strike lines 16 and 17 and substitute the following:

2  
3 "(2) A charter applicant or any other person who wishes".

4  
5 Page 32, strike lines 7 through 27.

6  
7 Page 33, strike lines 1 through 4.

8  
9 Page 34, line 4, strike the second "OR";

10  
11 line 5, strike "FIFTEEN-DAY period, WHICHEVER IS APPLICABLE," and  
12 substitute "period";

13  
14 line 24, strike "IN DETERMINING THE BEST INTERESTS";

15  
16 strike lines 25 and 26.

17  
18 Page 35, strike lines 8 through 11 and substitute the following:

19  
20 "TO THE LOCAL BOARD OF EDUCATION.";

21  
22 line 12, strike "(I)";

23  
24 strike lines 15 through 27.

25  
26 Page 36, strike lines 1 through 8.

27  
28 Page 37, strike lines 18 through 27 and substitute the following:

29 "~~(4) If the notice of appeal, or the motion to review by the state~~  
30 ~~board, relates to a local board's decision to grant a charter, the appeal and~~  
31 ~~review process shall be as follows:~~

32  
33 ~~(a) (I) Within sixty days after receipt of the notice of appeal or the~~  
34 ~~making of a motion to review by the state board and after reasonable~~  
35 ~~public notice, the state board, at a public hearing which may be held in~~  
36 ~~the district in which the proposed charter school has applied for a charter,~~  
37 ~~shall review the decision of the local board of education and determine~~  
38 ~~whether such decision was arbitrary and capricious or whether the~~  
39 ~~establishment or operation of the proposed charter school would:~~

40  
41 ~~(A) Violate any federal or state laws concerning civil rights;~~

42  
43 ~~(B) Violate any court order;~~

44  
45 ~~(C) Threaten the health and safety of pupils in the school district;~~

46  
47 ~~(D) Violate the provisions of section 22-30.5-109(2), prescribing~~  
48 ~~the permissible number of charter schools; or~~

49  
50 ~~(E) Be inconsistent with the equitable distribution of charter~~  
51 ~~schools among school districts.~~

52  
53 ~~(H) If such a determination is made, the state board shall remand~~  
54 ~~such decision to the local board with instructions to deny the charter~~  
55 ~~application. The decision of the state board shall be final and not subject~~  
56 ~~to appeal."~~

1 Page 38, strike lines 1 through 12;  
2  
3 strike lines 22 through 27.  
4  
5 Strike pages 39 through 42.  
6  
7 Page 43, strike lines 1 through 3.  
8  
9 Page 48, strike lines 18 through 21 and substitute the following:  
10  
11 "GREATER consideration be given to charter school applications designed  
12 to increase the".  
13  
14 Page 61, line 19, strike "DEPARTMENT OF EDUCATION." and substitute  
15 "DEPARTMENT."  
16  
17 Page 62, line 11, strike the second "DISTRICT";  
18  
19 line 13, after "(9)", insert "OF ISSUES ARISING ON OR AFTER JULY 1, 2004,";  
20  
21 line 16, strike "FUNDING." and substitute "FUNDING; EXCEPT THAT, IF THE  
22 CHARTER CONTRACT REQUIRES THE CHARTER SCHOOL TO COMPLETE ANY  
23 REQUIREMENTS PRIOR TO SEEKING A DETERMINATION FROM THE  
24 DEPARTMENT PURSUANT TO THIS SUBSECTION (9), THE CHARTER SCHOOL  
25 SHALL SUBMIT THE REQUEST NO LATER THAN THE END OF THE NEXT FISCAL  
26 YEAR FOLLOWING THE FISCAL YEAR IN WHICH THE CHARTER SCHOOL  
27 COMPLETES SAID REQUIREMENTS.";  
28  
29 line 27, strike the second "DISTRICT".  
30  
31 Page 63, line 3, strike the second "DISTRICT".  
32  
33 Page 65, strike lines 10 through 27.  
34  
35 Strike pages 66 through 73.  
36  
37 Page 74, strike lines 1 through 4.  
38  
39 Renumber succeeding sections accordingly.  
40  
41 Page 103, line 21, strike "(2) (k) and (3) (a)," and substitute "(2) (k),";  
42  
43 line 22, strike "are" and substitute "is".  
44  
45 Page 104, strike lines 3 through 7.  
46  
47 Page 116, strike lines 19 through 27.  
48  
49 Strike pages 117 and 118.  
50  
51 Page 119, strike lines 1 through 13.  
52  
53 Renumber succeeding sections accordingly.  
54  
55 Page 126, strike lines 10 through 27.  
56

1 Strike pages 127 through 130.

2

3 Page 131, strike lines 1 through 14.

4

5 Renumber succeeding sections accordingly.

6

7 2. That, under the authority granted the committee to consider  
8 matters not at issue between the two houses, the following amendments  
9 be recommended:

10

11 Amend rerevised bill, page 10, strike lines 8 through 13 and substitute the  
12 following:

13

14 "1.";

15

16 line 14, strike "(4)" and substitute "(3)";

17

18 strike lines 16 and 17;

19

20 line 18, strike "(6)" and substitute "(4)";

21

22 line 20, strike "(7)" and substitute "(5)";

23

24 line 24, strike "(8)" and substitute "(6)";

25

26 line 27, strike "(9)" and substitute "(7)".

27

28 Page 11, strike lines 1 through 3.

29

30 Page 14, line 5, strike "school. ~~which operates within a public school~~  
31 ~~district.~~" and substitute "school which operates within a public school  
32 district.";

33

34 line 11, strike "DISTRICT";

35

36 line 13, strike "DISTRICT";

37

38 line 14, strike "DISTRICT";

39

40 strike lines 21 through 26.

41

42 Page 15, line 3, strike "DISTRICT";

43

44 line 5, strike "DISTRICT";

45

46 line 7, strike "DISTRICT";

47

48 line 8, strike "DISTRICT";

49

50 strike line 15 and substitute the following:

51 "the CHARTERING local board of education. A charter";

52

53 line 26, strike "DISTRICT".

54

55 Page 16, strike lines 1 through 3 and substitute the following:

56 "obligations.";

1 line 10, strike "DISTRICT";  
2  
3 line 19, strike "DISTRICT";  
4  
5 line 27, strike "DISTRICT".  
6  
7 Page 17, line 2, strike "A STATE";  
8  
9 strike lines 3 and 4;  
10  
11 line 5, strike "CHARTER SCHOOLS BY RULE.";   
12  
13 strike lines 14 and 15;  
14  
15 line 16, strike "(d)" and substitute "(c)".  
16  
17 Page 18, line 11, strike "~~a school district~~ ITS CHARTERING AUTHORITY"  
18 and substitute "a school district";  
19  
20 line 12, strike "~~district~~ CHARTERING AUTHORITY" and substitute "district";  
21  
22 line 16, strike "~~school~~";  
23  
24 strike lines 17 and 18 and substitute the following:  
25  
26 "school district facilities. All other costs for the operation and";  
27  
28 line 20, strike "~~the school district~~ ITS" and substitute "the school district.";   
29  
30 strike line 21.  
31  
32 Page 19, line 3, strike "AUTHORITY." and substitute "SCHOOL DISTRICT.";   
33  
34 strike lines 4 through 11;  
35  
36 line 16, strike "~~the local board of education~~" and substitute "the  
37 CHARTERING local board of education.";   
38  
39 strike line 17;  
40  
41 line 18, strike "DISTRICT";  
42  
43 line 20, strike "DISTRICT";  
44  
45 strike lines 21 through 25 and substitute the following:  
46  
47 "policies."  
48  
49 Page 20, line 4, strike "~~the local~~" and substitute "the CHARTERING local  
50 board of education approved on or after July";  
51  
52 strike line 5;  
53  
54 line 12, strike "DISTRICT";  
55  
56 line 17, strike "DISTRICT";



1 line 21, strike "DISTRICT";  
2  
3 line 22, strike "DISTRICT".  
4  
5 Page 21, line 3, strike "DISTRICT";  
6  
7 line 16, strike "DISTRICT";  
8  
9 line 18, strike "DISTRICT".  
10  
11 Page 22, line 1, strike "DISTRICT";  
12  
13 line 3, strike "DISTRICT";  
14  
15 line 5, strike "DISTRICT";  
16  
17 line 14, strike "~~local board of education~~" and substitute "CHARTERING  
18 local board of education";  
19  
20 line 15, strike "CHARTERING AUTHORITY";  
21  
22 line 26, strike "AUTHORITY" and substitute "LOCAL BOARD OF  
23 EDUCATION".  
24  
25 Page 24, line 2, strike "AUTHORITY" and substitute "LOCAL BOARD OF  
26 EDUCATION".  
27  
28 Page 25, line 17, strike "~~school district~~ CHARTERING AUTHORITY," and  
29 substitute "CHARTERING school district,".  
30  
31 Page 29, line 5, strike "DISTRICT";  
32  
33 line 9, strike "DISTRICT";  
34  
35 line 12, strike "DISTRICT";  
36  
37 line 13, strike "DISTRICT".  
38  
39 Page 30, strike lines 1 through 26.  
40  
41 Renumber succeeding sections accordingly.  
42  
43 Page 31, line 7, strike "DISTRICT";  
44  
45 line 9, strike "DISTRICT";  
46  
47 line 11, strike "DISTRICT";  
48  
49 line 19, strike "DISTRICT";  
50  
51 line 21, strike "DISTRICT";  
52  
53 line 25, strike "DISTRICT";  
54  
55 line 27, strike "DISTRICT".  
56

1 Page 32, line 4, strike "DISTRICT";  
2  
3 line 5, strike "DISTRICT".  
4  
5 Page 33, strike lines 8 through 26.  
6  
7 Page 34, line 3, strike "DISTRICT";  
8  
9 line 4, strike "DISTRICT";  
10  
11 line 10, strike "DISTRICT";  
12  
13 line 12, strike "DISTRICT".  
14  
15 Page 36, line 10, strike "DISTRICT";  
16  
17 line 11, strike "DISTRICT";  
18  
19 line 23, strike "DISTRICT".  
20  
21 Page 37, line 1, strike "DISTRICT";  
22  
23 line 2, strike "DISTRICT";  
24  
25 line 8, strike "DISTRICT";  
26  
27 line 14, strike "DISTRICT";  
28  
29 strike lines 15 through 17 and substitute the following:  
30  
31 "A CHARTER APPLICANT OR A CHARTER SCHOOL."  
32  
33 Page 38, line 15, strike "DISTRICT";  
34  
35 strike lines 19 through 21.  
36  
37 Page 43, strike lines 4 through 27.  
38  
39 Strike pages 44 through 46.  
40  
41 Page 47, strike lines 1 through 19.  
42  
43 Renumber succeeding sections accordingly.  
44  
45 Page 47, line 22, strike "**reporting.**" and substitute "**reporting -**  
46 **publicizing - limits on enrollment - moratorium prohibited.**";  
47  
48 strike line 26 and substitute the following:  
49  
50 "CHARTER SCHOOL SHALL".  
51  
52 Page 48, line 2, strike "AND STATE CHARTER";  
53  
54 line 3, strike "SCHOOLS".  
55  
56 Page 49, after line 26, insert the following:

1           "(8) THE LOCAL BOARD OF EDUCATION OF A SCHOOL DISTRICT  
2 SHALL NOT IMPOSE A MORATORIUM ON THE APPROVAL OF CHARTER  
3 APPLICATIONS FOR CHARTER SCHOOLS WITHIN THE SCHOOL DISTRICT."  
4  
5 Page 50, line 4, strike "CHARTERING AUTHORITY" and substitute "LOCAL  
6 BOARD OF EDUCATION";  
7  
8 strike lines 7 through 9 and substitute the following:  
9  
10 "PERIODS.";  
11  
12 strike lines 12 and 13 and substitute the following:  
13  
14 "submit a renewal application to the CHARTERING local board of  
15 education. The CHARTERING local board of education";  
16  
17 line 14, strike "CHARTERING AUTHORITY";  
18  
19 line 17, strike "~~local~~" and substitute "CHARTERING local board of  
20 education shall contain:";  
21  
22 strike line 18;  
23  
24 line 22, strike "CONTRACT," and substitute "CONTRACT AND";  
25  
26 strike lines 24 through 26 and substitute the following:  
27  
28 "ASSESSMENT PROGRAM;"  
29  
30 Page 51, line 12, strike "~~local board~~" and substitute "CHARTERING local  
31 board of education if ~~such board~~ IT determines that";  
32  
33 strike line 13;  
34  
35 strike lines 21 through 23.  
36  
37 Page 52, strike line 5 and substitute the following:  
38  
39           "(4.5) If a local board of education";  
40  
41 line 6, strike "~~board~~ CHARTERING AUTHORITY" and substitute "board";  
42  
43 line 8, strike "DISTRICT";  
44  
45 strike lines 11 through 27.  
46  
47 Page 53, strike lines 1 through 5.  
48  
49 Renumber succeeding sections accordingly.  
50  
51 Page 53, strike lines 6 through 27 and substitute the following:  
52  
53           "**SECTION 10.** 22-30.5-112 (2) (a) (III) (A), (2) (a.4) (III), (2) (c)  
54 (II), (2) (d), (5), and (6), Colorado Revised Statutes, are amended, and the  
55 said 22-30.5-112 is further amended BY THE ADDITION OF THE  
56 FOLLOWING NEW SUBSECTIONS, to read:

1           **22-30.5-112. Charter schools - financing - guidelines - repeal.**  
2 (2) (a) (III) (A) For budget year 2000-01 and budget years thereafter".  
3  
4 Page 54, strike lines 1 through 7;  
5  
6 line 9, strike "DISTRICT";  
7  
8 line 11, strike "DISTRICT";  
9  
10 line 13, strike "DISTRICT";  
11  
12 line 15, strike "DISTRICT";  
13  
14 line 17, strike "DISTRICT";  
15  
16 line 19, strike "DISTRICT";  
17  
18 line 21, strike "DISTRICT";  
19  
20 line 23, strike "DISTRICT";  
21  
22 strike lines 24 through 27.  
23  
24 Strike page 55.  
25  
26 Page 56, strike lines 1 through 5;  
27  
28 line 6, strike "(III)" and substitute "(a.4) (III)";  
29  
30 strike lines 12 through 27.  
31  
32 Strike page 57.  
33  
34 Page 58, strike lines 1 through 26;  
35  
36 line 27, strike "(II)" and substitute "(c) (II)".  
37  
38 Page 59, line 1, strike "DISTRICT";  
39  
40 line 6, strike "DISTRICT";  
41  
42 line 7, strike "DISTRICT";  
43  
44 strike lines 14 through 27.  
45  
46 Strike page 60.  
47  
48 Page 61, strike lines 1 through 6;  
49  
50 line 14, strike "DISTRICT";  
51  
52 line 27, strike "DISTRICT".  
53  
54 Page 62, line 1, strike "DISTRICT";  
55  
56 line 4, strike "DISTRICT";

1 line 5, strike the second "DISTRICT";  
2  
3 line 6, strike "DISTRICT";  
4  
5 line 7, strike "DISTRICT";  
6  
7 line 8, strike "DISTRICT";  
8  
9 line 11, strike the first "DISTRICT";  
10  
11 line 17, strike "DISTRICT";  
12  
13 line 20, strike "DISTRICT";  
14  
15 line 21, strike "DISTRICT";  
16  
17 line 22, strike "DISTRICT";  
18  
19 line 26, strike "DISTRICT".  
20  
21 Page 63, line 9, strike the second "DISTRICT";  
22  
23 line 15, strike "DISTRICT";  
24  
25 line 18, strike the first "DISTRICT";  
26  
27 line 19, strike "DISTRICT";  
28  
29 line 25, strike "DISTRICT";  
30  
31 line 26, strike "DISTRICT".  
32  
33 Page 64, line 4, strike "DISTRICT";  
34  
35 line 8, strike the second "DISTRICT";  
36  
37 line 9, strike "DISTRICT";  
38  
39 line 12, strike "DISTRICT";  
40  
41 line 15, strike "DISTRICT";  
42  
43 line 19, strike "DISTRICT";  
44  
45 line 21, strike "DISTRICT";  
46  
47 line 26, strike "DISTRICT".  
48  
49 Page 65, line 3, strike the second "DISTRICT";  
50  
51 strike line 7 and substitute the following:  
52  
53 "CHARTER SCHOOL, THE CHARTER SCHOOL SHALL PAY".  
54  
55 Page 74, strike lines 5 through 27.  
56

1 Strike page 75.  
2  
3 Page 76, strike lines 1 through 24.  
4  
5 Renumber succeeding sections accordingly.  
6  
7 Page 77, line 9, strike "DISTRICT";  
8  
9 line 10, strike "EDUCATION AND" and substitute "EDUCATION.";  
10  
11 strike line 11;  
12  
13 line 12, strike "DEPARTMENT.";  
14  
15 strike lines 22 through 27.  
16  
17 Strike pages 78 through 95.  
18  
19 Page 96, strike lines 1 through 8.  
20  
21 Renumber succeeding sections accordingly.  
22  
23 Page 96, line 19, strike "TITLE, INCLUDING BUT NOT LIMITED" and  
24 substitute "TITLE.";  
25  
26 strike lines 20 and 21.  
27  
28 Page 97, strike lines 10 through 27.  
29  
30 Strike pages 98 through 102.  
31  
32 Page 103, strike lines 1 through 20.  
33  
34 Renumber succeeding sections accordingly.  
35  
36 Page 104, strike lines 8 through 27.  
37  
38 Strike pages 105 through 115.  
39  
40 Page 116, strike lines 1 through 18.  
41  
42 Renumber succeeding sections accordingly.  
43  
44 Page 119, strike lines 14 through 27.  
45  
46 Strike pages 120 through 125.  
47  
48 Page 126, strike lines 1 through 9.  
49  
50 Renumber succeeding sections accordingly.  
51  
52 Page 131, line 26, strike "STATE" and substitute "THE STATE CHARTER  
53 SCHOOL INSTITUTE";  
54  
55 line 27, strike "CHARTER SCHOOLS".  
56

1 Page 132, line 10, strike "A STATE" and substitute "THE STATE CHARTER  
2 SCHOOL INSTITUTE";  
3  
4 line 11, strike "CHARTER SCHOOL";  
5  
6 strike line 14 and substitute the following:  
7  
8 "OR BY THE STATE CHARTER SCHOOL INSTITUTE BOARD.";  
9  
10 strike lines 25 through 27 and substitute the following:  
11  
12 "(5) "STATE CHARTER SCHOOL INSTITUTE" OR "INSTITUTE" MEANS  
13 THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO PART 5 OF  
14 ARTICLE 30.5 OF THIS TITLE."  
15  
16 Page 133, line 7, strike "STATE CHARTER SCHOOL" and substitute "THE  
17 STATE CHARTER SCHOOL INSTITUTE";  
18  
19 line 10, strike "STATE" and substitute "THE INSTITUTE";  
20  
21 line 11, strike "CHARTER SCHOOL";  
22  
23 line 16, strike "STATE CHARTER SCHOOL'S" and substitute "THE  
24 INSTITUTE'S";  
25  
26 line 18, strike "STATE CHARTER" and substitute "INSTITUTE'S";  
27  
28 line 19, strike "SCHOOL'S";  
29  
30 strike line 23 and substitute the following:  
31  
32 "ENTERED INTO BY THE STATE CHARTER SCHOOL INSTITUTE,";  
33  
34 line 24, strike "22-30.5-104 (7) (b),".  
35  
36 Page 134, line 2, strike "STATE CHARTER SCHOOL" and substitute "THE  
37 INSTITUTE";  
38  
39 strike line 8 and substitute the following:  
40  
41 "~~no school district~~ NEITHER A SCHOOL DISTRICT NOR THE STATE CHARTER  
42 SCHOOL INSTITUTE shall receive a";  
43  
44 line 13, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";  
45  
46 line 18, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";  
47  
48 line 20, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";  
49  
50 line 24, strike "OR STATE CHARTER SCHOOL" and substitute "AND THE  
51 INSTITUTE".  
52  
53 Page 135, line 1, strike "STATE" and substitute "THE INSTITUTE";  
54  
55 line 2, strike "CHARTER SCHOOL";  
56

1 line 4, strike "STATE CHARTER SCHOOL." and substitute "THE INSTITUTE.";  
2  
3 strike lines 9 and 10 and substitute the following:  
4  
5 "each school district entitled to and desiring reimbursement under this  
6 article, AND THE STATE CHARTER SCHOOL INSTITUTE BOARD, shall";  
7  
8 line 14, strike "STATE CHARTER SCHOOL," and substitute "THE INSTITUTE,";  
9  
10 line 15, strike "STATE CHARTER SCHOOL'S" and substitute "THE  
11 INSTITUTE'S";  
12  
13 line 20, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";  
14  
15 line 24, strike "STATE CHARTER" and substitute "THE INSTITUTE";  
16  
17 line 25, strike "SCHOOLS".  
18  
19 Page 136, line 1, strike "STATE CHARTER SCHOOL" and substitute "THE  
20 INSTITUTE";  
21  
22 line 10, strike "STATE CHARTER SCHOOL" and substitute "THE STATE  
23 CHARTER SCHOOL INSTITUTE";  
24  
25 line 11, strike "STATE" and substitute "THE INSTITUTE";  
26  
27 line 12, strike "CHARTER SCHOOL";  
28  
29 line 16, strike "EACH STATE CHARTER SCHOOL" and substitute "THE STATE  
30 CHARTER SCHOOL INSTITUTE";  
31  
32 line 18, strike "STATE CHARTER SCHOOL;" and substitute "THE  
33 INSTITUTE;";  
34  
35 line 26, strike "STATE CHARTER SCHOOL" and substitute "THE STATE  
36 CHARTER SCHOOL INSTITUTE".  
37  
38 Page 137, line 2, strike "STATE CHARTER" and substitute "THE INSTITUTE";  
39  
40 line 3, strike "SCHOOL";  
41  
42 line 5, strike "STATE CHARTER SCHOOL" and substitute "THE STATE  
43 CHARTER SCHOOL INSTITUTE";  
44  
45 line 7, strike "STATE CHARTER SCHOOL" and substitute "THE INSTITUTE";  
46  
47 line 10, strike "STATE CHARTER SCHOOL." and substitute "THE STATE  
48 CHARTER SCHOOL INSTITUTE.";  
49  
50 line 14, strike "STATE CHARTER SCHOOLS" and substitute "OF THE STATE  
51 CHARTER SCHOOL INSTITUTE";  
52  
53 line 15, strike "STATE CHARTER" and substitute "THE INSTITUTE";  
54  
55 line 16, strike "SCHOOL";  
56



- 1 line 18, strike "STATE CHARTER SCHOOLS." and substitute "OF THE STATE  
2 CHARTER SCHOOL INSTITUTE."  
3
- 4 Page 138, line 4, strike "any school district which" and substitute "any A  
5 school district which OR THE STATE CHARTER SCHOOL INSTITUTE SHALL  
6 NOT BE ENTITLED TO ANY REIMBURSEMENT UNDER THIS ARTICLE IF THE  
7 SCHOOL DISTRICT OR THE INSTITUTE";  
8
- 9 line 5, strike "OR STATE CHARTER SCHOOL THAT";  
10
- 11 line 8, strike "22-51-108 shall not be entitled to" and substitute  
12 "22-51-108. ~~shall not be entitled to any reimbursement under this~~  
13 ~~article.~~";  
14
- 15 strike line 9;  
16
- 17 line 16, strike "STATE CHARTER SCHOOLS," and substitute "BY THE STATE  
18 CHARTER SCHOOL INSTITUTE,";  
19
- 20 strike lines 21 through 27.  
21
- 22 Strike pages 139 through 167.  
23
- 24 Page 168, strike lines 1 through 10.  
25
- 26 Renumber succeeding sections accordingly.  
27
- 28 Page 168, strike lines 20 through 26 and substitute the following:  
29
- 30 **"SECTION 24.** The introductory portion to 22-30.5-503 (1) (b),  
31 Colorado Revised Statutes, as enacted by House Bill 04-1362, enacted at  
32 the Second Regular Session of the Sixty-fourth General Assembly, is  
33 amended to read:  
34
- 35 **22-30.5-503. State charter school institute - establishment.**  
36 (1) (b) IN ADDITION TO ANY OTHER POWERS OR DUTIES GRANTED BY LAW  
37 TO THE INSTITUTE, the institute shall:  
38
- 39 **SECTION 25. Repeal.** 22-30.5-112 (5), Colorado Revised  
40 Statutes, as amended by House Bill 04-1362, enacted at the Second  
41 Regular Session of the Sixty-fourth General Assembly, is repealed as  
42 follows:  
43
- 44 **22-30.5-112. Charter schools - financing - guidelines - repeal.**  
45 ~~(5) The department of education will prepare an annual report and~~  
46 ~~evaluation for the governor and the house and senate committees on~~  
47 ~~education on the success or failure of charter schools and institute charter~~  
48 ~~schools, their relationship to other school reform efforts, and suggested~~  
49 ~~changes in state law necessary to strengthen or change the charter school~~  
50 ~~program and institute charter school programs.~~  
51
- 52 **SECTION 26.** 22-30.5-113, Colorado Revised Statutes, as  
53 amended by House Bill 04-1362, enacted at the Second Regular Session  
54 of the Sixty-fourth General Assembly, is REPEALED AND  
55 REENACTED, WITH AMENDMENTS, to read:  
56

1       **22-30.5-113. State board - department of education - duties -**  
2 **charter schools - evaluation - report.** (1) BEGINNING IN THE 2004-05  
3 BUDGET YEAR, AND AT LEAST EVERY THREE YEARS THEREAFTER, THE  
4 DEPARTMENT SHALL PREPARE A REPORT AND EVALUATION FOR THE  
5 GOVERNOR AND THE HOUSE AND SENATE COMMITTEES ON EDUCATION ON  
6 THE SUCCESS OR FAILURE OF CHARTER SCHOOLS AND OF INSTITUTE  
7 CHARTER SCHOOLS AUTHORIZED PURSUANT TO PART 5 OF THIS ARTICLE,  
8 THEIR RELATIONSHIP TO OTHER SCHOOL REFORM EFFORTS, AND  
9 SUGGESTED CHANGES IN STATE LAW NECESSARY TO STRENGTHEN OR  
10 CHANGE THE CHARTER SCHOOL PROGRAM DESCRIBED IN THIS ARTICLE.

11  
12       (2) THE STATE BOARD SHALL COMPILE EVALUATIONS OF CHARTER  
13 SCHOOLS RECEIVED FROM LOCAL BOARDS OF EDUCATION AND  
14 EVALUATIONS OF INSTITUTE CHARTER SCHOOLS PREPARED BY THE STATE  
15 CHARTER SCHOOL INSTITUTE CREATED IN SECTION 22-30.5-503. THE  
16 STATE BOARD SHALL REVIEW INFORMATION REGARDING THE STATUTES,  
17 REGULATIONS, AND POLICIES FROM WHICH CHARTER SCHOOLS WERE  
18 RELEASED PURSUANT TO SECTION 22-30.5-105 AND FROM WHICH  
19 INSTITUTE CHARTER SCHOOLS WERE RELEASED PURSUANT TO SECTION  
20 22-30.5-508 TO DETERMINE IF THE RELEASES ASSISTED OR IMPEDED THE  
21 CHARTER SCHOOLS OR THE INSTITUTE CHARTER SCHOOLS IN MEETING  
22 THEIR STATED GOALS AND OBJECTIVES.

23  
24       (3) IN PREPARING THE REPORT REQUIRED BY THIS SECTION, THE  
25 STATE BOARD SHALL COMPARE THE PERFORMANCE OF CHARTER SCHOOL  
26 PUPILS AND INSTITUTE CHARTER SCHOOL PUPILS WITH THE PERFORMANCE  
27 OF ETHNICALLY AND ECONOMICALLY COMPARABLE GROUPS OF PUPILS IN  
28 OTHER PUBLIC SCHOOLS WHO ARE ENROLLED IN ACADEMICALLY  
29 COMPARABLE COURSES.

30  
31       **SECTION 27.** 22-30.5-507 (7), Colorado Revised Statutes, as  
32 enacted by House Bill 04-1362, enacted at the Second Regular Session  
33 of the Sixty-fourth General Assembly, is amended to read:

34  
35       **22-30.5-507. Institute charter school - requirements -**  
36 **authority.** (7) Pursuant to the charter contract, an institute charter  
37 school may operate free from specified statutes and state board rules.  
38 The state board may waive state statutory requirements or rules  
39 promulgated by the state board; except that the state board may not waive  
40 any state statute or rule relating to the assessments required to be  
41 administered pursuant to section 22-7-409, any state statute or rule  
42 necessary to prepare the school accountability reports pursuant to part 6  
43 of article 7 of this title, or ANY STATUTE OR RULE NECESSARY TO  
44 IMPLEMENT THE PROVISIONS OF THE "PUBLIC SCHOOL FINANCE ACT OF  
45 1994", ARTICLE 54 OF THIS TITLE, OR any state statute or rule relating to  
46 the "Children's Internet Protection Act", article 87 of this title. Any  
47 waiver of state statute or state board rule made pursuant to this subsection  
48 (7) shall be for the term of the contract for which the waiver is made. A  
49 request for a waiver may be submitted to the institute as a part of the  
50 application for an institute charter school.

51  
52       **SECTION 28.** 22-32-124 (2), Colorado Revised Statutes, is  
53 amended to read:

**22-32-124. Building codes - zoning - planning.**

(2) (a) Notwithstanding the provisions of section 8-20-101 (4), C.R.S., upon request of the division of oil and public safety after consulting with the affected board of education, the appropriate building department of a county, town, city, or city and county wherein a building or structure has been erected pursuant to subsection (1) OR SUBSECTION (1.5) of this section may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of oil and public safety and, if such building or structure is in conformity, shall issue the necessary certificate of occupancy prior to use of the building or structure by the school district OR BY THE INSTITUTE CHARTER SCHOOL. A fee may be charged for such inspections upon approval of the board of education, if the amount of the fee is determined on the basis of the direct cost of providing such service. If the division of oil and public safety, after consulting with the affected board of education OR THE STATE CHARTER SCHOOL INSTITUTE CREATED PURSUANT TO SECTION 22-30.5-503, requests inspections by the building department, such inspections shall be in lieu of any inspections made by the division of oil and public safety; except that this subsection (2) shall not be construed to relieve the division of oil and public safety of the responsibility to conduct such inspections if the appropriate county, town, city, or city and county agency does not conduct the inspections. Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division of oil and public safety. The inspecting entity shall cooperate with the affected school district OR THE STATE CHARTER SCHOOL INSTITUTE in carrying out the duties of this section.

(b) If the division of oil and public safety conducts the necessary inspection to determine that a building or structure erected pursuant to subsection (1) OR SUBSECTION (1.5) of this section has been erected in conformity with the standards of the division of oil and public safety, it shall charge a fee of two hundred dollars for such inspection; except that the director of the division of oil and public safety by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division of oil and public safety by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S. Any fees collected by the division of oil and public safety pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151, C.R.S.

**SECTION 29. Effective date.** This act shall take effect upon passage; except that sections 15 through 22 and 24 through 28 of this act shall take effect only if House Bill 04-1362 is enacted and becomes law; and except that section 11 of this act shall not take effect if House Bill 04-1362 is enacted and becomes law."

Renumber succeeding section accordingly.

1 Page 1, line 101, strike "SCHOOLS, AND IN CONNECTION THEREWITH,"  
2 and substitute "SCHOOLS.";  
3  
4 strike lines 102 and 103.

5  
6 Respectfully submitted,  
7     House Committee:                     Senate Committee:  
8         Keith King                     John Andrews  
9         Nancy Spence                 Andy McElhany  
10        Terrance Carroll             Peter Groff

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11  
12  
13  
14     **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
15                     **on HB04-1261**

16  
17             This Report Amends the Reengrossed Bill.

18  
19 To the President of the Senate and the  
20 Speaker of the House of Representatives:

21  
22         Your first conference committee appointed on HB04-1261,  
23 concerning the regulation of dangerous dogs, has met and reports that it  
24 has agreed upon the following:

25  
26         That the Senate recede from its amendments made to the bill and  
27 that the reengrossed bill be adopted without change.

28  
29 Respectfully submitted,  
30     House Committee:                     Senate Committee:  
31         Don Lee                     Steve Johnson  
32         Diane Hoppe                 Ken Kester  
33         K. Jerry Frangas             Peggy Reeves

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34  
35  
36     **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
37                     **on HB04-1311**

38  
39             This Report Amends the Rerevised Bill.

40  
41 To the President of the Senate and the  
42 Speaker of the House of Representatives:

43  
44         Your first conference committee appointed on HB04-1311,  
45 concerning identity theft, has met and reports that it has agreed upon the  
46 following:

47  
48         1. That the House accede to the Senate amendments made to the  
49 bill, as said amendments appear in the rerevised bill, with the following  
50 changes:

51  
52 Amend rerevised bill, page 3, after line 9, insert the following:

53         "(3) A PUBLIC ENTITY THAT IS MANAGING ITS RECORDS IN  
54 COMPLIANCE WITH PART 1 OF ARTICLE 80 OF TITLE 24, C.R.S., SHALL BE  
55 DEEMED TO HAVE MET ITS OBLIGATIONS UNDER SUBSECTION (1) OF THIS  
56 SECTION.

1 (4) UNLESS AN ENTITY SPECIFICALLY CONTRACTS WITH A  
2 RECYCLER OR DISPOSAL FIRM FOR DESTRUCTION OF DOCUMENTS THAT  
3 CONTAIN PERSONAL IDENTIFYING INFORMATION, NOTHING HEREIN SHALL  
4 REQUIRE A RECYCLER OR DISPOSAL FIRM TO VERIFY THAT THE DOCUMENTS  
5 CONTAINED IN THE PRODUCTS IT RECEIVES FOR DISPOSAL OR RECYCLING  
6 HAVE BEEN PROPERLY DESTROYED OR DISPOSED OF AS REQUIRED BY THIS  
7 SECTION.";

8  
9 line 26, strike "USE";

10  
11 strike line 27.

12  
13 Page 4, strike lines 1 and 2;

14  
15 line 9, strike "BEGINNING" and substitute "AFTER", and after "2006,"  
16 insert "UPON ISSUANCE OR RENEWAL OF AN INSURANCE POLICY,".

17  
18 2. That, under the authority granted the committee to consider  
19 matters not at issue between the two houses, the following amendment be  
20 recommended:

21  
22 Amend rerevised bill, page 4, after line 12, insert the following:

23 "SECTION 5. Part 1 of article 5 of title 18, Colorado Revised  
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
25 read:

26  
27 **18-5-117. Unlawful possession of personal identifying**  
28 **information.** (1) A PERSON SHALL NOT POSSESS THE PERSONAL  
29 IDENTIFYING INFORMATION OF ANOTHER PERSON WITH THE INTENT TO USE  
30 THE INFORMATION, OR TO AID OR PERMIT ANOTHER TO USE THE  
31 INFORMATION, TO UNLAWFULLY GAIN A BENEFIT FOR HIMSELF OR HERSELF  
32 OR ANOTHER PERSON, OR TO INJURE OR DEFRAUD ANOTHER PERSON.

33  
34 (2) UNLAWFUL POSSESSION OF PERSONAL IDENTIFYING  
35 INFORMATION IS A CLASS 1 MISDEMEANOR.

36  
37 (3) AS USED IN THIS SECTION, "PERSONAL IDENTIFYING  
38 INFORMATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION  
39 6-1-712 (2), C.R.S., BUT SHALL NOT INCLUDE A FINANCIAL TRANSACTION  
40 DEVICE AS DEFINED IN SECTION 18-5-701 (3).".

41  
42 Renumber succeeding section accordingly.

43  
44 Page 4, line 13, strike "date." and substitute "date - applicability. (1)";  
45  
46 after line 21, add the following:

47  
48 "(2) The provisions of Section 5 of this act shall apply to offenses  
49 committed on or after the applicable effective date of this act.".

50  
51 Respectfully submitted,

52 House Committee:  
53 Pam Rhodes  
54 Robert McCluskey  
55 Jerry Frangas

Senate Committee:  
Ed Jones  
Doug Lamborn  
Deanna Hanna

56

**MESSAGE FROM THE SENATE**

Madam Speaker:

The Senate has adopted the First Report of the First Conference Committee on HB04-1311, as printed in Senate Journal, April 29, pages 1094-1095, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB04-1261, as printed in Senate Journal, May 3, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB04-1003, as printed in Senate Journal, May 3, and repassed the bill as amended. The bill is returned herewith.

The Senate has adopted the First Report of the First Conference Committee on HB04-1141, as printed in Senate Journal, May 3, and repassed the bill as amended. The bill is returned herewith.

The Senate granted permission to members of the First Conference Committee on SB04-153 to consider matters not at issue between the two houses.

The Senate has voted not to concur in House Amendments to SB04-225, and requests that a Conference Committee be appointed. The President appointed Senators Hillman, chairman, Entz, and Grossman as members of the First Conference Committee on SB04-225. The bill is transmitted herewith.

The President appointed Senators McElhany, chairman, Andrews, and Gordon as members of the First Conference Committee on HB04-1104.

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**CONSIDERATION OF RESOLUTIONS**

**HJR04-1084** by Representative(s) Boyd; also Senator(s) Keller--  
Concerning Drum Corps International Week in Colorado.

(Printed and placed in member's file.)

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

Co-sponsors added: Roll Call of the House.

**HJR04-1060** by Representative(s) Stengel; also Senator(s) Grossman--  
Concerning the creation of Paralegal Day.

(Printed and placed in member's file.)

Representative Stengel moved that the resolution be adopted.

Amendment No. 1, moved by Representative Stengel.

Amend printed joint resolution, page 2, line 7, strike "Colorado, as well as" and substitute "Colorado";

strike lines 8 through 10 and substitute the following:  
"for their outstanding work and";



**Third Reading amendment No. 1**, by Representative Hefley.

Amend engrossed concurrent resolution, page 3, strike lines 13 through 24 and substitute the following:

"DECLARE THAT INCREASING THE NUMBER OF TERMS OF OFFICE THAT FUTURE".

Page 5, strike lines 7 through 18 and substitute the following:

"DECLARE THAT INCREASING THE NUMBER OF TERMS OF OFFICE THAT FUTURE".

The amendment was declared **passed** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

The question being, "Shall the concurrent resolution, as amended, pass?". A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the concurrent resolution, as amended, was declared **passed**.

YES	48	NO	17	EXCUSED	00	ABSENT	00
Berry	N	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	N
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
Clapp	Y	King	N	Ragsdale	Y	Welker	Y
Cloer	N	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	N	Madden	N	Rose	Y	Williams T.	Y
Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y



1 Frangas N May Y Schultheis Y Young Y  
 2 Speaker Y

3 Representatives King, Lundberg requested their names be removed as  
 4 sponsors.

5 Co-sponsors added: Representatives Butcher, Jahn, Merrifield, Plant, Smith,  
 6 Stengel, Weddig, Williams S., Williams T.

7  
 8 **SB04-235** by Senator(s) Hillman; also Representative(s) Brophy--  
 9 Concerning creation of a Republican river water  
 10 conservation district.

11  
 12 As shown by the following roll call vote, a majority of all members  
 13 elected to the House voted in the affirmative, and Representative Brophy  
 14 was given permission to offer a Third Reading amendment:

YES	61	NO	04	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	N	Schultheis	Y	Young	Y
						Speaker	Y

35 **Third Reading amendment No. 1**, by Representative Brophy.

36  
 37 Amend revised bill, page 5, line 1, strike "DIRECTOR." and substitute  
 38 "DIRECTOR, WHO SHALL BE A RESIDENT OF THE RESPECTIVE COUNTY."

39  
 40 The amendment was declared **passed** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y

1	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
2	Frangas	Y	May	Y	Schultheis	Y	Young	Y
3							Speaker	Y

5 The question being, "Shall the bill, as amended, pass?".

6 A roll call vote was taken. As shown by the following recorded vote, a  
7 majority of those elected to the House voted in the affirmative, and the  
8 bill, as amended, was declared **passed**.

10	YES	64	NO	01	EXCUSED	00	ABSENT	00
11	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
12	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
13	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
14	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
15	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
16	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
17	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
18	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
19	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
20	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
21	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
22	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
23	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
24	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
25	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
26	Frangas	Y	May	Y	Schultheis	Y	Young	Y
27							Speaker	Y

28 Co-sponsors added: Representatives Hodge, Young.

30 **SB04-053** by Senator(s) Owen, Reeves, Teck; also Representative(s)  
31 Spradley, King--Concerning changes in the traffic laws.

33 The question being "Shall the bill pass?".

34 A roll call vote was taken. As shown by the following recorded vote, a  
35 majority of those elected to the House voted in the affirmative and the bill  
36 was declared **passed**.

38	YES	63	NO	02	EXCUSED	00	ABSENT	00
39	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
40	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
41	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
42	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
43	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
44	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
45	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
46	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
47	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
48	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
49	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
50	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
51	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	Y
52	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
54	Frangas	Y	May	Y	Schultheis	Y	Young	Y
55							Speaker	Y

56 Co-sponsor added: Representative Frangas

1 **HB04-1465** by Representative(s) Witwer, Young, Plant; also  
 2 Senator(s) Teck, Owen, Reeves--Concerning the capital  
 3 development committee, and making an appropriation in  
 4 connection therewith.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

10

	YES	65	NO	00	EXCUSED	00	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
16	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
17	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
18	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
19	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
21	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
25	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsor added: Representative Rose.

30

31 **SB04-239** by Senator(s) Evans, Gordon, Grossman, Jones; also  
 32 Representative(s) Lee, Hefley, Judd, Marshall, Smith--  
 33 Concerning the revision of statutes in the Colorado  
 34 Revised Statutes, as amended, amending or repealing  
 35 obsolete, inconsistent, and conflicting provisions of law  
 36 and clarifying the language to reflect the legislative intent  
 37 of the laws.

38

39 The question being "Shall the bill pass?".  
 40 A roll call vote was taken. As shown by the following recorded vote, a  
 41 majority of those elected to the House voted in the affirmative and the bill  
 42 was declared **passed**.

43

	YES	65	NO	00	EXCUSED	00	ABSENT	00
45	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
46	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
47	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
48	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
50	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
51	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
52	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
53	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
54	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
55	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
56	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	May	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6 Co-sponsors added: Representatives Carroll, Garcia, Johnson, Paccione, Rose,  
7 Schultheis, Weddig, Williams S.

8  
9 **SCR04-023** by Senator(s) Andrews; also Representative(s) Fairbank--  
10 Submitting to the registered electors of the state of  
11 Colorado an amendment to section 2 of article XXI of the  
12 constitution of the state of Colorado, concerning elections  
13 to recall state elected officials, and, in connection  
14 therewith, providing for the deadlines regarding recall  
15 petitions and hearings to be set in statute rather than in the  
16 constitution and stating that a recall election shall be held  
17 as part of a general election if a general election will be  
18 held between fifty and ninety days after the time for filing  
19 a protest has passed and all protests have been finally  
20 decided.

21  
22 Laid over until May 5, retaining place on Calendar.

23  
24 **HB04-1464** by Representative(s) Witwer, Young, Plant; also  
25 Senator(s) Reeves, Owen, Teck--Concerning the  
26 authorization of additional personnel to the department of  
27 education to provide assistance to public schools relating  
28 to school capital construction.

29  
30 The question being "Shall the bill pass?".

31 A roll call vote was taken. As shown by the following recorded vote, a  
32 majority of those elected to the House voted in the affirmative and the bill  
33 was declared **passed**.

35	YES	55	NO	10	EXCUSED	00	ABSENT	00
36	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
37	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
38	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
39	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
40	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
41	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
42	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
43	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
44	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
45	Clapp	Y	King	Y	Ragsdale	Y	Welker	N
46	Cloer	Y	Larson	Y	Rhodes	N	White	Y
47	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
48	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
49	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
50	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
51	Frangas	Y	May	N	Schultheis	N	Young	Y
52							Speaker	Y

53 Co-sponsors added: Representatives Coleman, Madden, McFadyen, Paccione,  
54 Romanoff.

1 **SB04-226** by Senator(s) Taylor; also Representative(s) Cadman--  
 2 Concerning fingerprint-based criminal history record  
 3 checks for applicants for explosives permits, and making  
 4 an appropriation therefor.

5  
 6 The question being "Shall the bill pass?".  
 7 A roll call vote was taken. As shown by the following recorded vote, a  
 8 majority of those elected to the House voted in the affirmative and the bill  
 9 was declared **passed**.

10

	YES	61	NO	04	EXCUSED	00	ABSENT	00
12	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
15	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
16	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
17	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
18	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
19	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
21	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
25	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
26	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	N	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Fairbank, Frangas, Jahn, Romanoff, Rose,  
 30 Spence.

31

32

33 **HB04-1463** by Representative(s) Harvey, Rose; also Senator(s) Tapia--  
 34 Concerning the capital development committee.

35

36 The question being "Shall the bill pass?".  
 37 A roll call vote was taken. As shown by the following recorded vote, a  
 38 majority of those elected to the House voted in the affirmative and the bill  
 39 was declared **passed**.

40

	YES	64	NO	01	EXCUSED	00	ABSENT	00
42	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
43	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
44	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
45	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
46	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
47	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
48	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
49	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
50	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
51	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
52	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
53	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
54	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
55	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
56	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y

1	Frangas	Y	May	N	Schultheis	Y	Young	Y
2							Speaker	Y

3 Co-sponsors added: Representatives McFadyen, Plant, Speaker.

4

5

6 On motion of Representative Smith, the House resolved itself into

7 Committee of the Whole for consideration of Special Orders and he was

8 called to the Chair to act as Chairman.

9

## 10 SPECIAL ORDERS--SECOND READING OF BILLS

11

12

13

14 The Committee of the Whole having risen, the Chairman reported the

15 titles of the following bills had been read (reading at length had been

16 dispensed with by unanimous consent), the bills considered and action

17 taken thereon as follows:

18

19 (Amendments to the committee amendment are to the printed committee

20 report which was printed and placed in the members' bill file.)

21

22 **SCR04-005** by Senator(s) Owen; also Representative(s) Williams T.--

23 Submitting to the registered electors of the state of

24 Colorado amendments to articles IV, VI, VII, IX, XVII,

25 XVIII, and XXIV of the constitution of the state of

26 Colorado, concerning the elimination of obsolete

27 provisions of the state constitution.

28

29 Ordered revised and placed on the Calendar for Third Reading and Final

30 Passage.

31

32

33 **SB04-231** by Senator(s) Owen; also Representative(s) White--

34 Concerning the utilization of electronic services related to

35 documents filed with the department of state, and making

36 an appropriation therefor.

37

38 Amendment No. 1, Appropriations Report, dated April 30, 2004, and

39 placed in member's bill file; Report also printed in House Journal, April

40 30, page 1701.

41

42 As amended, ordered revised and placed on the Calendar for Third

43 Reading and Final Passage.

44

45

46 **SB04-256** by Senator(s) Taylor; also Representative(s) White--

47 Concerning the sale of securities in the custody of the

48 state treasurer as the administrator of unclaimed property

49 to provide a source of revenue from the investment of the

50 sale proceeds for the promotion of tourism in the state.

51

52 Amendment No. 1, Finance Report, dated April 29, 2004, and placed in

53 member's bill file; Report also printed in House Journal, April 29, page

54 1662.

1 Amendment No. 2, Appropriations Report, dated April 30, 2004, and  
2 placed in member's bill file; Report also printed in House Journal, April  
3 30, pages 1701-1702.

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

7  
8 **SB04-246** by Senator(s) Johnson S.; also Representative(s) Clapp--  
9 Concerning the number of pharmacy personnel that a  
10 pharmacist may supervise.

11  
12 Ordered revised and placed on the Calendar for Third Reading and Final  
13 Passage.

14  
15 **SB04-252** by Senator(s) McElhany; also Representative(s) King--  
16 Concerning financing of state institutions of higher  
17 education.

18  
19 Amendment No. 1, Education Report, dated April 30, 2004, and placed  
20 in member's bill file; Report also printed in House Journal, April 30, pages  
21 1719-1721.

22  
23 Amendment No. 2, Appropriations Report, dated May 3, 2004, and placed  
24 in member's bill file; Report also printed in House Journal, May 3.

25  
26 Amendment No. 3, by Representative King.

27  
28 Amend reengrossed bill, page 4, line 14, strike "SECTION 23-5-101.7." and  
29 substitute "ANY OTHER PROVISION OF THIS ARTICLE."

30  
31 Page 7, line 9, after "PURSUANT", insert "TO".

32  
33 Page 9, strike line 12 and substitute the following:

34  
35 "(2)";

36  
37 line 13, strike "and".

38  
39 As amended, ordered revised and placed on the Calendar for Third  
40 Reading and Final Passage.

41  
42 **SB04-244** by Senator(s) May R.; also Representative(s) Rippy--  
43 Concerning the statewide internet portal.

44  
45 Amendment No. 1, Information & Technology Report, dated May 3,  
46 2004, and placed in member's bill file; Report also printed in House  
47 Journal, May 3.

48  
49 Amendment No. 2, by Representative McGihon.

50  
51 Amend reengrossed bill, page 9, after line 11, insert the following:

52 "(3) ANY CURRENT OR PENDING ACTION OR ARRANGEMENT BY ANY  
53 STATE AGENCY, THE OFFICE OF THE GOVERNOR, ANY SPECIAL PURPOSE  
54 AUTHORITY, ENTERPRISE, OR OTHER ENTITY OF THE STATE RELATING TO  
55 THE STATEWIDE INTERNET PORTAL THAT CONFLICTS WITH THE PROVISIONS  
56 OF THIS ACT SHALL BE VOID."

1 Page 17, after line 13, insert the following:

2  
3 "SECTION 3. **Effective date.** This act shall take effect on  
4 passage.".

5  
6 Renumber succeeding section accordingly.

7  
8 Amendment No. 3, by Representative Cadman.

9  
10 Amend reengrossed bill, page 5, strike lines 6 through 8 and substitute the  
11 following:

12  
13 "(6) THE BOARD SHALL ANNUALLY ELECT A CHAIRPERSON OF THE  
14 AUTHORITY FROM THOSE MEMBERS OF THE BOARD WHO ARE ELECTED  
15 OFFICIALS SERVING ON THE BOARD AND SHALL ANNUALLY ELECT ANOTHER  
16 MEMBER AS SECRETARY.".

17  
18 As amended, ordered revised and placed on the Calendar for Third  
19 Reading and Final Passage.

20  
21  
22  
23  
24 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

25  
26 Passed Second Reading: **SCR04-005, SB04-231 amended, 256**  
27 **amended, 246, 252 amended, 244 amended.**

28  
29 The Chairman moved the adoption of the Committee of the Whole  
30 Report. As shown by the following roll call vote, a majority of those  
31 elected to the House voted in the affirmative, and the Report was  
32 **adopted.**

33  
34

YES	64	NO	00	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	E	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

51  
52  
53  
54  
55



**MESSAGE FROM THE SENATE**

Madam Speaker:

The Senate granted permission to members of the First Conference Committee on SB04-225 to consider matters not at issue between the two houses.

The Senate voted to dissolve the Conference Committee on SB04-131, and lay the bill over to May 6.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

The Speaker appointed House conferees to the First Conference Committees as follows:

**SB04-225**--Representatives Hoppe, Chairman, Harvey and Madden

**CONSENT GRANTED TO CONFERENCE COMMITTEE**

Representative Hoppe moved that the First Conference Committee on **SB04-225** be granted permission to go beyond the scope of the difference between the House and the Senate. The motion was passed by the following roll call vote:

YES	63	NO	00	EXCUSED	01	ABSENT	01
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	E	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	-
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

**CONSENT GRANTED TO CONFERENCE COMMITTEE**

Representative McCluskey moved that the First Conference Committee on **SB04-153** be granted permission to go beyond the scope of the difference between the House and the Senate. The motion was passed by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y

1	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
2	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
3	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
4	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
5	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
6	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
7	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
8	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
9	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
10	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
11	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
12	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
13	Frangas	Y	May	Y	Schultheis	Y	Young	Y
14							Speaker	Y

### CONSIDERATION OF SENATE AMENDMENTS

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

(Amended as printed in Senate Journal, April 30, page 1143 and on Third Reading as printed in Senate Journal, April 28.)

Representative Lee moved that the House **not concur** in Senate amendments and that a Conference Committee be appointed. A substitute motion by Representative Garcia that the House **concur** in Senate amendments was declared **passed** by the following roll call vote:

YES	33	NO	32	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	N	Hefley	N	Merrifield	Y	Stafford	Y
Brophy	N	Hodge	Y	Miller	Y	Stengel	N
Butcher	N	Hoppe	N	Mitchell	Y	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	N	King	N	Ragsdale	Y	Welker	N
Cloer	N	Larson	Y	Rhodes	N	White	N
Coleman	Y	Lee	N	Rippy	N	Wiens	N
Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	N	Madden	Y	Rose	N	Williams T.	N
Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
Frangas	Y	May	N	Schultheis	N	Young	N
						Speaker	N

Laid over until later in the day, retaining place on Calendar.

**HOUSE RECEDES ON HB04-1123**

Representative Spradley moved that the House **recede** from its position on **HB04-1123** and that the Conference Committee be discharged. The motion was declared **passed** by **viva voce** vote.

Representative Spradley moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	63	NO	01	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	E
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

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

Co-sponsors added: Representatives Jahn, Merrifield, Stengel.

**REPORT OF COMMITTEE OF REFERENCE****FINANCE**

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

**SB04-203** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 20, strike line 16;

line 17, strike "NINE HUNDRED TWENTY-ONE" and substitute "TO THIRTY-SEVEN MILLION FOUR HUNDRED THOUSAND";

strike line 26;

line 27, strike "HUNDRED TWENTY-ONE DOLLARS" and substitute "TO FORTY-SEVEN MILLION SIX HUNDRED EIGHTY THOUSAND DOLLARS PLUS THE DIFFERENCE BETWEEN SAID AMOUNT AND ANY AMOUNT TRANSFERRED FROM THE STATE RAINY DAY FUND TO THE GENERAL FUND FOR THE PRIOR FISCAL YEAR PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I)".

Page 30, strike lines 1 through 4.

Reletter succeeding paragraphs accordingly.

Page 30, line 7, after "MILLION", insert "TWO HUNDRED THOUSAND".

Page 31, strike lines 24 through 26 and substitute the following:

"GENERAL PROVIDER THAT IS A DISPROPORTIONATE SHARE HOSPITAL IN PROPORTION TO EXISTING DISTRIBUTION FORMULAS.

(j) FOR FISCAL YEAR 2004-05 ONLY, IN ADDITION TO ANY OTHER MONEYS TRANSFERRED TO THE GENERAL FUND PURSUANT TO SECTION 24-82.5-110 (3) (b) (I) (A), THE GENERAL FUND SHALL RECEIVE ONE MILLION SIX HUNDRED SEVEN THOUSAND FOUR HUNDRED EIGHTY-ONE DOLLARS."

Page 34, strike lines 19 through 21 and substitute the following:

"GENERAL PROVIDER THAT IS A DISPROPORTIONATE SHARE HOSPITAL IN PROPORTION TO EXISTING DISTRIBUTION FORMULAS.

(XI) FOR FISCAL YEARS 2006-07, 2007-08, AND 2008-09 ONLY, JUVENILE DIVERSION PROGRAMS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE, SHALL RECEIVE TWO MILLION TWO HUNDRED THOUSAND DOLLARS PER YEAR."

Page 36, line 15, strike "(g)," and substitute "(f),".

Page 37, line 16, strike "(c)," and substitute "(b) AND (1) (j) (XI)".

Page 39, line 13, strike "(g)" and substitute "(f)".

1 Page 40, line 25, strike "(h)" and substitute "(g)".

2  
3 Page 43, line 7, strike "(b)" and substitute "(k)";

4  
5 line 24, strike "(b)" and substitute "(k)".

6  
7 Page 44, line 3, strike "(b)" and substitute "(k)";

8  
9 line 14, strike "(e)," and substitute "(d)".

10  
11 Page 46, strike lines 6 through 16 and substitute the following:

12  
13 **"SECTION 19.** 26-4-301 (1), Colorado Revised Statutes, is  
14 amended BY THE ADDITION OF THE FOLLOWING NEW  
15 PARAGRAPHS to read:

16  
17 **26-4-301. Optional provisions - optional groups - repeal.**

18 (1) The federal government allows the state to select optional groups to  
19 receive medical assistance. Pursuant to federal law, any person who is  
20 eligible for medical assistance under the optional groups specified in this  
21 section shall receive both the mandatory services specified in sections  
22 26-4-202 and 26-4-203 and the optional services specified in sections  
23 26-4-302 and 26-4-303. Subject to the availability of federal financial aid  
24 funds, the following are the individuals or groups which Colorado has  
25 selected as optional groups to receive medical assistance pursuant to this  
26 article:

27  
28 (r) ON AND AFTER JANUARY 1, 2005, INDIVIDUALS WHO ARE  
29 QUALIFIED ALIENS WHO WERE OR WOULD HAVE BEEN ELIGIBLE FOR  
30 SUPPLEMENTAL SECURITY INCOME AS A RESULT OF A DISABILITY BUT WHO  
31 ARE NOT ELIGIBLE FOR SUCH SUPPLEMENTAL SECURITY INCOME AS A  
32 RESULT OF THE PASSAGE OF THE FEDERAL "PERSONAL RESPONSIBILITY  
33 AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW  
34 104-193, IF SUCH INDIVIDUALS MEET THE RESOURCE, INCOME, AND  
35 DISABILITY REQUIREMENTS FOR SUPPLEMENTAL SECURITY INCOME  
36 ELIGIBILITY;

37  
38 (s) ON AND AFTER JANUARY 1, 2005, OTHER QUALIFIED ALIENS  
39 WHO ENTERED OR WERE PRESENT IN THE UNITED STATES BEFORE AUGUST  
40 22, 1996.

41  
42 **SECTION 20.** 26-4-301 (5), Colorado Revised Statutes, is  
43 amended, and the said 26-4-301 is further amended BY THE ADDITION  
44 OF THE FOLLOWING NEW SUBSECTIONS, to read:

45  
46 **26-4-301. Optional provisions - optional groups - repeal.**

47 (5) (a) A qualified alien shall not be eligible for services under this  
48 article except as provided for in sections 26-4-201 (2) and 26-4-203 (3).  
49 Qualified aliens who are not eligible for services pursuant to section  
50 26-4-201 (2) shall not be an optional group.

51  
52 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS  
53 SUBSECTION (5), FROM JANUARY 1, 2005, THROUGH JUNE 30, 2005, A  
54 QUALIFIED ALIEN SHALL BE ELIGIBLE FOR SERVICES UNDER THIS ARTICLE,  
55 AND QUALIFIED ALIENS WHO ARE NOT ELIGIBLE FOR SERVICES PURSUANT  
56 TO SECTION 26-4-201 (2) SHALL BE AN OPTIONAL GROUP.

1 (6) FROM JANUARY 1, 2005, THROUGH JUNE 30, 2005, A QUALIFIED  
2 ALIEN WHO ENTERED THE UNITED STATES ON OR AFTER AUGUST 22, 1996,  
3 SHALL NOT BE ELIGIBLE FOR BENEFITS UNDER THIS ARTICLE, EXCEPT AS  
4 PROVIDED IN SECTION 26-4-203 (3), FOR FIVE YEARS AFTER THE DATE OF  
5 ENTRY INTO THE UNITED STATES UNLESS HE OR SHE MEETS THE  
6 EXCEPTIONS DESCRIBED IN THE FEDERAL "PERSONAL RESPONSIBILITY AND  
7 WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUBLIC LAW  
8 104-193, AS AMENDED. AFTER FIVE YEARS, SUCH QUALIFIED ALIEN SHALL  
9 BE ELIGIBLE FOR BENEFITS UNDER THIS ARTICLE BUT SHALL HAVE SPONSOR  
10 INCOME AND RESOURCES DEEMED TO THE INDIVIDUAL OR FAMILY UNDER  
11 RULES ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION  
12 26-2-137.

13  
14 (7) FROM JANUARY 1, 2005, THROUGH JUNE 30, 2005, A LEGAL  
15 IMMIGRANT WHO IS RECEIVING MEDICAID NURSING FACILITY CARE OR  
16 HOME- AND COMMUNITY-BASED SERVICES ON JULY 1, 1997, SHALL  
17 CONTINUE TO RECEIVE SUCH SERVICES AS LONG AS HE OR SHE MEETS THE  
18 ELIGIBILITY REQUIREMENTS OTHER THAN CITIZEN STATUS. STATE GENERAL  
19 FUNDS MAY BE USED TO REIMBURSE SUCH CARE IN THE EVENT THAT  
20 FEDERAL FINANCIAL PARTICIPATION IS NOT AVAILABLE.

21  
22 (8) FROM JANUARY 1, 2005, THROUGH JUNE 30, 2005, A PREGNANT  
23 LEGAL IMMIGRANT SHALL BE ELIGIBLE TO RECEIVE PRENATAL AND  
24 MEDICAL SERVICES FOR LABOR AND DELIVERY AS LONG AS SHE MEETS  
25 ELIGIBILITY REQUIREMENTS OTHER THAN CITIZEN STATUS. STATE GENERAL  
26 FUNDS MAY BE USED TO REIMBURSE SUCH CARE IN THE EVENT THAT  
27 FEDERAL FINANCIAL PARTICIPATION IS NOT AVAILABLE.

28  
29 (9) PARAGRAPHS (r) AND (s) OF SUBSECTION (1) OF THIS SECTION,  
30 PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION, SUBSECTIONS (6), (7),  
31 AND (8) OF THIS SECTION, AND THIS SUBSECTION (9) ARE REPEALED,  
32 EFFECTIVE JULY 1, 2005.

33  
34 **SECTION 21.** Part 2 of article 15 of title 26, Colorado Revised  
35 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
36 read:

37  
38 **26-15-204.5. Suspension of part - repeal.** (1) EXCEPT FOR THIS  
39 SUBSECTION (1), THE PROVISIONS OF THIS PART 2 ARE SUSPENDED FROM  
40 JANUARY 1, 2005, THROUGH JUNE 30, 2005, AND SHALL HAVE NO LEGAL  
41 EFFECT DURING SAID PERIOD.

42  
43 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005.

44  
45 **SECTION 22.** 26-19-109 (6), Colorado Revised Statutes, as  
46 enacted by House Bill 04-1447, enacted at the Second Regular Session  
47 of the Sixty-fourth General Assembly, is amended to read:

48  
49 **26-19-109. Eligibility - children - pregnant women - repeal.**  
50 (6) (a) The state department shall provide a child who is no longer  
51 eligible for the state's medicaid program due to the implementation of  
52 Senate Bill 03-176, as enacted at the first regular session of the  
53 sixty-fourth general assembly, with the appropriate notice of the  
54 opportunity to choose to be enrolled in the plan prior to the child's  
55 disenrollment from medicaid. If the child's parent or legal guardian  
56 chooses to have the child enrolled in the plan, affirms income eligibility,

1 and agrees to any applicable cost-sharing, the state department shall  
2 enroll the child in the plan with no lapse of coverage between the child's  
3 enrollment in medicaid and the child's enrollment in the plan. The child  
4 shall be eligible for the plan for a period of twelve months consistent with  
5 the provisions of subsection (4) of this section.

6  
7 (b) (I) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (6)  
8 ARE SUSPENDED FROM JANUARY 1, 2005, THROUGH JUNE 30, 2005, AND  
9 SHALL HAVE NO LEGAL EFFECT DURING SAID PERIOD.

10  
11 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2005.

12  
13 **SECTION 23. Repeal of nonstatutory appropriation for House**  
14 **Bill 04-1415.** Section 3 of House Bill 04-1415, enacted at the Second  
15 Regular Session of the Sixty-fourth General Assembly, is repealed,  
16 effective July 1, 2004.

17  
18 **SECTION 24. Repeal of nonstatutory appropriation for House**  
19 **Bill 04-1447.** Section 5 of House Bill 04-1447, enacted at the Second  
20 Regular Session of the Sixty-fourth General Assembly, is repealed,  
21 effective July 1, 2004.

22  
23 **SECTION 25. Appropriation.** In addition to any other  
24 appropriations, there is hereby appropriated, to the department of health  
25 care policy and financing, medical services premiums, for the fiscal year  
26 beginning July 1, 2004, the sum of five million one hundred forty-two  
27 thousand seventeen dollars (\$5,142,017), or so much thereof as may be  
28 necessary, for the purpose of implementing this act. Of said sum, two  
29 million five hundred seventy-one thousand nine dollars (\$2,571,009) shall  
30 be from the general fund and two million five hundred seventy-one  
31 thousand eight dollars (\$2,571,008) shall be federal funds."

32  
33 Renumber succeeding sections accordingly.

34  
35  
36 Page 46, line 18, strike "(h)" and substitute "(g)";

37  
38 line 22, strike "law." and substitute "law, and sections 22 and 24 of this  
39 act shall take effect only if House Bill 04-1447 is enacted at the Second  
40 Regular Session of the Sixty-fourth General Assembly and becomes  
41 law."

42  
43  
44  
45 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

46  
47 The Speaker has signed: **HR04-1008; SB04-094, 115, 186, 189;**  
48 **SJR04-044.**

49  
50  
51 **MESSAGE FROM THE SENATE**

52  
53 Madam Speaker:

54  
55 The Senate has passed on Third Reading and returns herewith  
56 HB04-1447, 1454, 1446, 1449, 1456.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:  
 SB04-260, amended as printed in Senate Journal, May 3, 2004, page 1191,  
 HB04-1193, amended as printed in Senate Journal, May 3, 2004, page 1176.

### IMMEDIATE RECONSIDERATION OF HB04-1199

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

(Amended as printed in Senate Journal, April 30, page 1143 and on Third Reading as printed in Senate Journal, April 28.)

Representative Stafford moved for reconsideration of the last House action (Concurrence in Senate amendments) on **HB04-1199**. As shown by the following recorded vote, a majority of those elected voted in the affirmative the motion was declared **passed**:

YES	34	NO	31	EXCUSED	00	ABSENT	00
Berry	N	Garcia	N	McCluskey	Y	Sinclair	N
Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	N	Miller	N	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	N
Cadman	Y	Jahn	N	Paccione	N	Vigil	N
Carroll	N	Johnson	N	Plant	N	Weddig	N
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	N	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
Frangas	N	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Representative Lee moved for House concurrence in Senate amendments to **HB04-1199**. As shown by the following recorded vote, less than a majority of those elected voted in the affirmative the motion was declared **lost**:

YES	32	NO	33	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	N	Sinclair	Y
Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
Boyd	Y	Harvey	N	McGihon	Y	Spence	N
Briggs	N	Hefley	N	Merrifield	Y	Stafford	N
Brophy	N	Hodge	Y	Miller	Y	Stengel	N
Butcher	N	Hoppe	N	Mitchell	Y	Tochtrop	Y



1	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
2	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
3	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
4	Clapp	N	King	N	Ragsdale	Y	Welker	N
5	Cloer	N	Larson	Y	Rhodes	N	White	N
6	Coleman	Y	Lee	N	Rippy	N	Wiens	N
7	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
8	Decker	N	Madden	Y	Rose	N	Williams T.	N
9	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
10	Frangas	Y	May	N	Schultheis	N	Young	N
11							Speaker	N

12  
13 Representative Lee moved that the House **not concur** in Senate  
14 amendments and that a Conference Committee be appointed. The motion  
15 was declared **passed** by the following roll call vote:

16								
17	YES	34	NO	31	EXCUSED	00	ABSENT	00
18	Berry	N	Garcia	N	McCluskey	Y	Sinclair	N
19	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
20	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
21	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
22	Brophy	Y	Hodge	N	Miller	N	Stengel	Y
23	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	N
24	Cadman	Y	Jahn	N	Paccione	N	Vigil	N
25	Carroll	N	Johnson	N	Plant	N	Weddig	N
26	Cerbo	N	Judd	N	Pommer	Y	Weissmann	N
27	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
28	Cloer	Y	Larson	N	Rhodes	Y	White	Y
29	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
30	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
31	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
32	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
33	Frangas	N	May	Y	Schultheis	Y	Young	Y
34							Speaker	Y

35  
36 The Speaker appointed Representatives Lee, Chairman, Witwer and  
37 Frangas as House conferees to the bill.

38  
39  
40 House in recess. House reconvened.  
41  
42

## 43 REPORTS OF COMMITTEES OF REFERENCE

### 44 APPROPRIATIONS

45  
46 After consideration on the merits, the Committee recommends the  
47 following:  
48

49  
50 **SB04-257** be amended as follows, and as so amended, be referred to  
51 the Committee of the Whole with favorable  
52 recommendation:  
53

54 Amend reengrossed bill, page 39, line 14, strike "(\$117,891) and 1.0  
55 FTE," and substitute "(\$117,891),";  
56

1 line 19, strike "and 1.0 FTE".  
2  
3  
4  
5

6 **FINANCE**

7 After consideration on the merits, the Committee recommends the  
8 following:  
9

10 **HB04-1453** The Committee returns herewith HB04-1453 because  
11 consideration of the measure was postponed for more than  
12 30 days or until a date beyond the date for adjournment  
13 sine die of the legislative session. Therefore, under House  
14 Rule 25 (j) (3), said resolution is deemed to be postponed  
15 indefinitely.  
16  
17  
18  
19

20 **INFORMATION & TECHNOLOGY**

21 After consideration on the merits, the Committee recommends the  
22 following:  
23

24 **SB04-248** be postponed indefinitely.  
25  
26  
27  
28

29 **JUDICIARY**

30 After consideration on the merits, the Committee recommends the  
31 following:  
32

33 **SB04-253** be referred to the Committee of the Whole with favorable  
34 recommendation.  
35  
36  
37  
38

39 **STATE, VETERANS, & MILITARY AFFAIRS**

40 After consideration on the merits, the Committee recommends the  
41 following:  
42

43 **HCR04-1011** be postponed indefinitely.  
44  
45

46 **HCR04-1019** be postponed indefinitely.  
47  
48

49 **SJR04-010** be referred out for final action.  
50  
51  
52  
53  
54  
55

---

**FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
on HB04-1236**

This Report Amends the Rerevised Bill.

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

Your first conference committee appointed on HB04-1236, concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill as said amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 3, line 4, before "THAT", insert "PURSUANT TO SECTION 10-4-110";

strike line 14 and substitute the following:

"TO PUBLIC EXAMINATION; EXCEPT THAT THE COMMISSIONER MAY USE INFORMATION FROM THE UNDERWRITING METHODOLOGIES FILED PURSUANT TO THIS SUBSECTION (4) THAT DOES NOT IDENTIFY A SPECIFIC INSURER FOR CONSUMER INFORMATION PUBLICATIONS CONCERNING HOMEOWNER'S INSURANCE.

(5) IF AN INSURER ISSUES A BINDER OR A POLICY OF INSURANCE DURING A PERIOD IN WHICH THE INSURER ASSESSES THE RISK RELATED TO AN INDIVIDUAL'S REAL AND PERSONAL PROPERTY FOR THE PURPOSES OF HOMEOWNER'S INSURANCE, THE INSURER SHALL PROVIDE NOTICE TO THE POTENTIAL INSURED THAT THE DOCUMENTS ARE CONDITIONAL AND THAT THE INSURER HAS THIRTY BUSINESS DAYS, COMMENCING ON THE EFFECTIVE DATE OF THE CONDITIONAL COVERAGE, TO EVALUATE THE ISSUANCE OF A POLICY FOR HOMEOWNER'S INSURANCE. IF THE INSURER REFUSES TO ISSUE A POLICY OF HOMEOWNER'S INSURANCE OR CANCELS A CONDITIONAL POLICY THAT HAS BEEN ISSUED AS OF AN EFFECTIVE DATE WITHIN THIS THIRTY-BUSINESS-DAY PERIOD, THE INSURER SHALL NOTIFY THE HOMEOWNER OF THE INSURER'S DECISION. IF, PRIOR TO THE EXPIRATION OF THE THIRTY-BUSINESS-DAY PERIOD, THE INSURER OBTAINS INFORMATION SHOWING AN ARTICULABLE AND REASONABLE BASIS ON WHICH THE INSURER MIGHT BE JUSTIFIED IN CANCELLING COVERAGE AND THE INSURER BELIEVES THAT FURTHER INVESTIGATION OR REPAIR OF THE PROPERTY IS NECESSARY, THE THIRTY-BUSINESS-DAY PERIOD MAY BE EXTENDED. THE INSURER SHALL COMPLETE ANY INSPECTION ASSOCIATED WITH THE UNDERWRITING OF THE NEW PROPERTY WITHIN THE THIRTY-BUSINESS-DAY PERIOD.

**SECTION 2.** Part 1 of article 4 of title 10, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

1           **10-4-110.6. Homeowner's insurance - definition.** FOR THE  
2 PURPOSES OF THIS ARTICLE, "HOMEOWNER'S INSURANCE" MEANS  
3 INSURANCE THAT COVERS DAMAGE OR LOSS TO ALL TYPES OF HOMES,  
4 INCLUDING, BUT NOT LIMITED TO, SITE-BUILT HOMES, MANUFACTURED  
5 HOMES, FACTORY-BUILT HOMES, AND MOBILE HOMES.  
6

7           **10-4-110.8. Homeowner's insurance - prohibited practice -**  
8 **definitions.** (1) AN INSURER MAY NOT CANCEL OR FAIL TO RENEW  
9 COVERAGE OF AN INSURED SOLELY BECAUSE THE INSURED INQUIRES ABOUT  
10 COVERAGE FOR HOMEOWNER'S INSURANCE AND THE INQUIRY IS NOT  
11 RELATED TO AN ACTUAL CLAIM TO THE PROPERTY INSURED.  
12

13           (2) AN INSURER MAY ONLY PROVIDE INFORMATION REGARDING  
14 CLAIMS TO AN ENTITY THAT COMPILES OR MONITORS PERSONAL CLAIM OR  
15 LOSS EXPERIENCE SHARED BY INSURERS FOR UNDERWRITING OR RATING  
16 PURPOSES.  
17

18           (3) FOR THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
19 OTHERWISE REQUIRES, "CLAIM" INCLUDES A DEMAND FOR PAYMENT OF A  
20 BENEFIT BY THE INSURED, THE PAYMENT OF A COVERED BENEFIT BY AN  
21 INSURER, A LOSS RESERVE ESTABLISHED BY THE INSURER, A LOSS  
22 ADJUSTMENT EXPENSE INCURRED BY THE INSURER, OR A PAYMENT MADE  
23 TO THE INSURED.  
24

25           (4) FOR THE PURPOSES OF THIS SECTION, "INQUIRY" MEANS A  
26 REQUEST FOR INFORMATION REGARDING THE TERMS, CONDITIONS, OR  
27 COVERAGES AFFORDED UNDER AN INSURANCE CONTRACT.  
28

29           **10-4-116. Loss history information report - notice to insured**  
30 **- definition.** (1) EACH INSURER SHALL PRINT IN AT LEAST TWELVE-POINT  
31 BOLD-FACED TYPE, ON THE FIRST PAGE OF EACH PACKET CONTAINING THE  
32 INSURANCE POLICY AND EACH PACKET CONTAINING THE RENEWAL NOTICE  
33 FOR HOMEOWNER'S INSURANCE OR AS A SEPARATE DOCUMENT:  
34

35           (a) INFORMATION REGARDING HOW AN INSURED MAY OBTAIN A  
36 FREE COPY OF HIS OR HER LOSS HISTORY INFORMATION REPORT;  
37

38           (b) A TOLL-FREE TELEPHONE NUMBER THAT THE INSURED MAY  
39 CALL TO OBTAIN THE LOSS HISTORY INFORMATION REPORT; AND  
40

41           (c) A WEBSITE ADDRESS THAT THE INSURED MAY ACCESS TO  
42 OBTAIN THE LOSS HISTORY INFORMATION REPORT.  
43

44           (2) FOR THE PURPOSES OF THIS SECTION, "LOSS HISTORY  
45 INFORMATION REPORT" MEANS A COMPILATION OF AN INSURED'S PRIOR  
46 LOSS HISTORY INFORMATION USED BY AN INSURER IN THE INSURED'S  
47 HOMEOWNER'S INSURANCE UNDERWRITING PROCESS. SUCH INFORMATION  
48 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE INSURED'S NAME, DATE  
49 OF BIRTH, AND CLAIM INFORMATION SUCH AS DATE OF LOSS, TYPE OF LOSS,  
50 AND THE AMOUNTS PAID FOR THE LOSS, IF ANY, OR ANY OTHER  
51 INFORMATION THAT MAY NEGATIVELY AFFECT THE INSURED'S RATE OF  
52 HOMEOWNER'S INSURANCE OR ABILITY TO OBTAIN HOMEOWNER'S  
53 INSURANCE. A LOSS HISTORY INFORMATION REPORT SHALL INCLUDE ONLY  
54 INFORMATION REGARDING CLAIMS MADE TO AN INSURER AND SHALL NOT  
55 INCLUDE INFORMATION REGARDING INQUIRIES MADE TO THE INSURER.  
56

1       **10-4-117. Severability.** IF ANY PROVISION OR CLAUSE OF THIS  
2 PART 1 OR APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS  
3 HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS  
4 OR APPLICATIONS OF THIS PART 1 THAT CAN BE GIVEN EFFECT WITHOUT  
5 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
6 PROVISIONS OF THIS TITLE ARE DECLARED TO BE SEVERABLE."

7  
8 Renumber succeeding section accordingly.

9  
10 Respectfully submitted,

11       House Committee:

12       Bob McCluskey

13       Cheri Jahn

14       Lauri Clapp

Senate Committee:

Bruce Cairns

Jennifer Veiga

Andy McElhany

15  
16  
17  
18       **FIRST REPORT OF FIRST CONFERENCE COMMITTEE**  
19       **on SB04-225**

20  
21       This Report Amends the Rerevised Bill.

22  
23 To the President of the Senate and the  
24 Speaker of the House of Representatives:

25  
26       Your first conference committee appointed on SB04-225,  
27 concerning the enforcement of orders for the unauthorized use of  
28 designated ground water, and making an appropriation in connection  
29 therewith, has met and reports that it has agreed upon the following:

30  
31       1. That the Senate accede to the House amendments made to the  
32 bill, as said amendments appear in the rerevised bill, with the following  
33 changes:

34  
35 Amend rerevised bill, page 3, line 17, after "(1)", insert "(a)";

36  
37 line 24, strike "(a)" and substitute "(I)".

38  
39 Page 4, line 1, strike "(b)" and substitute "(II)";

40  
41 after line 2, insert the following:

42       "(b) IN THE PROCEEDING, THE PREVAILING PARTY SHALL BE  
43 ENTITLED TO THE COSTS OF THE PROCEEDING AND REASONABLE ATTORNEY  
44 FEES."

45  
46       2. That, under the authority granted the committee to consider  
47 matters not at issue between the two houses, the following amendments  
48 be recommended:

49  
50 Page 2, line 12, after "WELLS", insert "PUMPING DESIGNATED GROUND  
51 WATER".

52 Page 3, line 3, before "GROUND", insert "DESIGNATED";

53  
54 line 14, after the period, add "THIS PARAGRAPH (i) SHALL NOT APPLY TO  
55 ANY PERSON DIVERTING BY MEANS OF A WELL DESCRIBED IN SECTION  
56 37-90-105 (1) (a).";

1 line 19, strike "37-90-110," and substitute "37-90-110 IN RELATION TO  
2 DESIGNATED GROUND WATER,".

3  
4 Page 5, after line 21, insert the following:

5  
6 "(IV) THIS PARAGRAPH (a) SHALL NOT APPLY TO ANY PERSON  
7 DIVERTING BY MEANS OF A WELL DESCRIBED IN SECTION 37-90-105 (1)  
8 (a).".

9  
10 Page 6, strike lines 24 through 27.

11  
12 Strike page 7.

13  
14 Page 8, strike lines 1 through 3.

15  
16 Renumber succeeding sections accordingly.

17  
18 Respectfully submitted,

19 Senate Committee:

20 Mark Hillman

21 Daniel Grossman

22 Lewis H. Entz

House Committee:

Diane Hoppe

Ted Harvey

Alice Madden

## DELIVERY OF BILLS TO GOVERNOR

23  
24  
25  
26 The Chief Clerk of the House of Representatives reports the following  
27 bills have been delivered to the Office of the Governor: **HB-04-1150,**  
28 **1237, 1348, 1357, 1400** at 11:44 a.m., on May 4, 2004.

## MESSAGES FROM THE SENATE

29  
30  
31  
32  
33  
34  
35  
36 Madam Speaker:

37  
38 The Senate has passed on Third Reading and transmitted to the Revisor  
39 of Statutes:

40 HB04-1021, amended as printed in Senate Journal, May 3, 2004, pages  
41 1192-1193, and on Third Reading as printed in Senate Journal, May 4.

42  
43  
44 The President appointed Senators McElhany, chairman, May, and Nichol,  
45 as members of the First Conference Committee on HB04-1199.

46 The Senate has adopted the First Report of the First Conference  
47 Committee on HB04-1236, as printed in Senate Journal, May 4, and  
48 repassed the bill as amended. The bill is returned herewith.

49  
50  
51 The Senate has adopted and returns herewith: HJR04-1084.

**MESSAGES FROM THE REVISOR**

We herewith transmit:  
Without comment, as amended, HB04-1193.  
Without comment, as amended, SB04-260.

We herewith transmit:  
Without comment, as amended, HB04-1021.

**INTRODUCTION OF BILL  
First Reading**

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

**SB04-260** by Senator(s) Evans; also Representative(s) Lee--  
Concerning the definition of the price of property on  
which the sales tax is imposed, and, in connection  
therewith, excluding from the definition separately stated  
charges for services performed after the property is offered  
for sale.

Committee on Finance

House in recess. House reconvened.

**REPORTS OF COMMITTEES OF REFERENCE****APPROPRIATIONS**

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

**SB04-203** be amended as follows, and as so amended, be referred to  
the Committee of the Whole with favorable  
recommendation:

Amend the Finance Committee Report, dated May 4, 2004, page 1, line  
7, strike "SAID AMOUNT" and substitute "THIRTY-SEVEN MILLION FOUR  
HUNDRED THOUSAND DOLLARS";

strike lines 15 and 16 and substitute the following:

"GENERAL PROVIDER THAT QUALIFIES FOR THE PAYMENT FORMULA  
DISPROPORTIONATE SHARE HOSPITAL FACTOR UNDER SECTION 26-15-106  
(19), C.R.S., ENACTED BY HOUSE BILL 04-1438 AT THE SECOND REGULAR  
SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY, IN ACCORDANCE  
WITH SAID PAYMENT FORMULA."

Page 2, strike lines 7 and 8 and substitute the following:

1 "GENERAL PROVIDER THAT QUALIFIES FOR THE PAYMENT FORMULA  
2 DISPROPORTIONATE SHARE HOSPITAL FACTOR UNDER SECTION 26-15-106  
3 (19), C.R.S., ENACTED BY HOUSE BILL 04-1438 AT THE SECOND REGULAR  
4 SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY, IN ACCORDANCE  
5 WITH SAID PAYMENT FORMULA."  
6

7 Page 3, line 7, strike "ON AND AFTER JANUARY 1, 2005," and substitute  
8 "FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2004, AND ENDING ON JUNE  
9 30, 2005,";  
10

11 line 16, strike "ON AND AFTER JANUARY 1, 2005," and substitute "FOR THE  
12 FISCAL YEAR BEGINNING ON JULY 1, 2004, AND ENDING ON JUNE 30,  
13 2005,";  
14

15 line 28, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,";  
16

17 line 32, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,".  
18

19 Page 4, line 8, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,";  
20

21 line 15, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,";  
22

23 line 30, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,".  
24

25 Page 5, line 15, strike "JANUARY 1, 2005," and substitute "JULY 1, 2004,".  
26

27 Page 5, after line 34, insert the following:  
28

29 "Page 46, after line 16, insert the following:  
30

31 **"SECTION 26. Appropriation.** In addition to any other  
32 appropriation, there is hereby appropriated, out of any moneys in the  
33 general fund not otherwise appropriated, for the fiscal year beginning  
34 July 1, 2004, the sum of forty-two million nine hundred twenty-one  
35 thousand seventy-nine dollars (\$42,921,079), or so much as may be  
36 necessary, to be allocated as follows:  
37

38 (1) Nine million dollars (\$9,000,000) to the department of health  
39 care policy and financing, indigent care program, safety net provider  
40 payments;  
41

42 (2) One million dollars (\$1,000,000) to the department of human  
43 services, mental health and alcohol and drug abuse services, alcohol and  
44 drug abuse division;  
45

46 (3) Two million dollars (\$2,000,000) to the department of human  
47 services, adult assistance programs, community services for the elderly,  
48 state funding for senior services;  
49

50 (4) Three million four hundred thousand dollars (\$3,400,000) to  
51 the department of public health and environment, disease control and  
52 environmental epidemiology division, special purpose disease control  
53 program, Ryan White act, operating expenses;  
54

55 (5) Two million two hundred thousand dollars (\$2,200,000) to the  
56 juvenile diversion cash fund created in section 19-2-303.5, Colorado



1 Revised Statutes, and such sum, or so much thereof as may be necessary,  
2 is further appropriated to the department of public safety, division of  
3 criminal justice, juvenile justice and delinquency prevention; and  
4

5 (6) Twenty-five million three hundred twenty-one thousand  
6 seventy-nine dollars (25,321,079) to the fire and police members' benefit  
7 fund created in section 31-31-301, Colorado Revised Statutes.  
8

9 **SECTION 27. Transfer.** There is hereby transferred, from the  
10 state rainy day fund created in section 24-82.5-110 (3) (a), Colorado  
11 Revised Statutes, to the general fund, for the fiscal year beginning July  
12 1, 2004, the sum of forty-two million nine hundred twenty-one thousand  
13 seventy-nine dollars (\$42,921,079), which shall be used to replenish the  
14 general fund reserve."  
15

16 Renumber succeeding sections accordingly."  
17

18 Page 6, after line 5, insert the following:  
19

20 "Page 1, line 106, strike "AND";  
21

22 line 108, strike "PURPOSES." and insert "PURPOSES, AND MAKING AN  
23 APPROPRIATION THEREFOR."."  
24  
25  
26  
27

## 28 **BUSINESS AFFAIRS & LABOR**

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

32 **SB04-251** be referred to the Committee of the Whole with favorable  
33 recommendation.  
34

35  
36 **SB04-254** be referred to the Committee of the Whole with favorable  
37 recommendation.  
38  
39  
40

---

## 41 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 42 **on SB04-153** 43

44 This Report Amends the Rerevised Bill.  
45

46 To the President of the Senate and the  
47 Speaker of the House of Representatives:  
48

49 Your first conference committee appointed on SB04-153,  
50 concerning combining polling places, and, in connection therewith,  
51 authorizing designated election officials to establish vote centers where  
52 any elector registered in the political subdivision may vote, has met and  
53 reports that it has agreed upon the following:  
54

55 1. That the Senate accede to the House amendments made to the  
56 bill, as said amendments appear in the rerevised bill.

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

Amend rerevised bill, page 4, after line 24, insert the following:

"(8) (a) IN ELECTIONS HELD BEFORE JANUARY 1, 2006, THE ELECTION JUDGES SHALL MAKE ONE CERTIFICATE FOR EACH VOTE CENTER IN THE FORM REQUIRED BY SECTION 1-7-601.";

line 25, strike "(8) THE" and substitute "(b) IN ELECTIONS HELD ON AND AFTER JANUARY 1, 2006, THE".

Respectfully submitted,

Senate Committee:

Steve Johnson

Ken Kester

Peggy Reeves

House Committee:

Bob McCluskey

Gayle Berry

Terrance Carroll

### CONSIDERATION OF SENATE AMENDMENTS

**HB04-1187** by Representative(s) Harvey, May M.; also Senator(s) Andrews--Concerning an alien's ability to establish Colorado domicile for in-state tuition purposes.

Representative King moved the bill be laid over until May 6. The motion was declared **passed** by the following roll call vote:

YES	49	NO	16	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	N	Miller	N	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	Y	Plant	Y	Weddig	N
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	N	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Bill is deemed **lost**.

**HB04-1240** by Representative(s) Cadman, Brophy, Butcher, McGihon, Rhodes, Welker; also Senator(s) Hagedorn--Concerning continuation of the regulation of bail bonding agents by the division of insurance.

(Amended as printed in Senate Journal, April 29, pages 1102-1105.)

Representative Cadman moved that the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	64	NO	01	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

The question being, "Shall the bill, as amended, pass?"

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative, and the bill, as amended, was declared **repassed**.

YES	64	NO	01	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

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

(Amended as printed in Senate Journal, May 3, page 1176)

1 Representative Fairbank moved that the House **concur** in Senate  
 2 amendments. The motion was declared **passed** by the following roll call  
 3 vote:

YES	52	NO	12	EXCUSED	00	ABSENT	01
Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
Briggs	-	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	Y	Plant	N	Weddig	N
Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	N

24 The question being, "Shall the bill, as amended, pass?".

25 A roll call vote was taken. As shown by the following recorded vote, a  
 26 majority of those elected to the House voted in the affirmative, and the  
 27 bill, as amended, was declared **repassed**.

YES	52	NO	13	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	Y	Plant	N	Weddig	N
Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	N

47 Co-sponsors added: Representatives Crane, Rippy, Romanoff, Rose, Spence.

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

53 (Amended as printed in Senate Journal, May 3, pages 1192-1193, and on  
 54 Third Reading, as printed in Senate Journal, May 4.)

Representative Briggs moved that the House **concur** in Senate amendments. A substitute motion by Representative Rose that the House **not concur** in Senate amendments and that a Conference Committee be appointed was declared **passed** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

The Speaker appointed Representatives Briggs, Chairman, Rose and Coleman as House conferees to the bill.

### HOUSE RECEDES ON HB04-1104

Representative King moved that the House **recede** from its position on **HB04-1104**, that the Conference Committee be discharged and the House **concur** in Senate amendments. The motion was declared **passed** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

1 The question being, "Shall the bill, as amended, pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative, and the  
 4 bill, as amended, was declared **repassed**.

	YES	57	NO	08	EXCUSED	00	ABSENT	00
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
9	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
10	Briggs	Y	Hefley	Y	Merrifield	N	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	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
15	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
16	Clapp	Y	King	Y	Ragsdale	N	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	N	Rose	Y	Williams T.	Y
21	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
22	Frangas	N	May	Y	Schultheis	Y	Young	Y
23							Speaker	Y

### HOUSE RECEDES ON HB04-1117

29 Representative Rhodes moved that the House **recede** from its position on  
 30 **HB04-1117**, the Conference Committee be discharged, and the House  
 31 **concur** in Senate amendments. The motion was declared **passed** by the  
 32 following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
35	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
36	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
37	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
38	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
39	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
40	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
41	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
42	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
43	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
44	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
45	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
46	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
47	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
48	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
49	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
50	Frangas	Y	May	Y	Schultheis	Y	Young	Y
51							Speaker	Y

53 The question being, "Shall the bill, as amended, pass?".  
 54 A roll call vote was taken. As shown by the following recorded vote, a  
 55 majority of those elected to the House voted in the affirmative, and the  
 56 bill, as amended, was declared **repassed**.



A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill, as amended, was declared **repassed**.

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young Speaker	Y Y

**HB04-1311** by Representative(s) Frangas, Cloer, Schultheis, Hefley, Jahn, Lundberg, May M., Tochtrop, Weissmann; also Senator(s) Jones--Concerning identity theft.

On motion of Representative Frangas, the Conference Committee Report was **adopted** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Speaker Y



5

24 Co-sponsor added: Representative Johnson.

25

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The question being "Shall the bill, as amended, pass?".  
 A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill, as amended, was declared **repassed**.

YES	46	NO	19	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	N	Hodge	N	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	N	Plant	N	Weddig	Y
Cerbo	N	Judd	Y	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	N	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	N	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	N	Young	Y
						Speaker	N

Co-sponsor added: Representative Romanoff.

**HB04-1236** by Representative(s) McCluskey; also Senator(s) Cairns--  
 Concerning notice requirements to be made by an insurer to an applicant for homeowner's insurance.

(Conference Committee Report printed in House Journal, May 4, pages 1833-1835.)

On motion of Representative McCluskey, the Conference Committee Report was **adopted** by the following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

1 The question being "Shall the bill, as amended, pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the  
 4 bill, as amended, was declared **repassed**.

	YES	65	NO	00	EXCUSED	00	ABSENT	00
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	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	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	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

24 Co-sponsors added: Representatives Boyd, Hall, Johnson.

25  
 26  
 27 **HB04-1003** by Representative(s) McCluskey; also Senator(s) Johnson  
 28 S.--Concerning laws related to the impersonation of a  
 29 peace officer, and making an appropriation therefor.

30  
 31 (Conference Committee Report printed in House Journal, May 4,  
 32 page1793.)

33  
 34 On motion of Representative McCluskey, the Conference Committee  
 35 Report was **adopted** by the following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
38	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
41	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
42	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
44	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
48	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
49	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
50	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
51	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
52	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	Y	Schultheis	Y	Young	Y
54							Speaker	Y

1 The question being "Shall the bill, as amended, pass?".

2 A roll call vote was taken. As shown by the following recorded vote, a  
3 majority of those elected to the House voted in the affirmative and the  
4 bill, as amended, was declared **repassed**.

	YES	61	NO	04	EXCUSED	00	ABSENT	00
7	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
8	Borodkin	Y	Hall	Y	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	N	Jahn	Y	Paccione	Y	Vigil	Y
14	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
15	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
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	N	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	N	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Hall, Johnson, Marshall.

25  
26 **HB04-1141** by Representative(s) King, Briggs, Cadman, Carroll,  
27 Clapp, Cloer, Crane, Decker, Fairbank, Hall, Harvey,  
28 Hefley, Jahn, Lee, Lundberg, May M., Miller, Mitchell,  
29 Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley,  
30 Stafford, Welker, White, Wiens, Witwer; also Senator(s)  
31 Andrews, Arnold, Chlouber, Dyer, Evans, Groff,  
32 Hagedorn, Hillman, Johnson S., Jones, Kester, Lamborn,  
33 May R., McElhany, Owen, Teck--Concerning charter  
34 schools, and, in connection therewith, providing for the  
35 creation of state charter schools, and making an  
36 appropriation therefor.

37  
38 (Conference Committee Report printed in House Journal, May 4, pages  
39 1793-1810.)

40  
41 On motion of Representative King, the Conference Committee Report  
42 was **adopted** by the following roll call vote:

	YES	55	NO	10	EXCUSED	00	ABSENT	00
45	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
46	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
47	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
48	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
49	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N
50	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
51	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
52	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
53	Cerbo	N	Judd	Y	Pommer	N	Weissmann	Y
54	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
55	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
56	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
2	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	N	Witwer	Y
4	Frangas	N	May	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6  
7 The question being "Shall the bill, as amended, pass?".  
8 A roll call vote was taken. As shown by the following recorded vote, a  
9 majority of those elected to the House voted in the affirmative and the  
10 bill, as amended, was declared **repassed**.

11								
12	YES	41	NO	24	EXCUSED	00	ABSENT	00
13	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
14	Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
15	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
16	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
17	Brophy	Y	Hodge	N	Miller	Y	Stengel	N
18	Butcher	N	Hoppe	N	Mitchell	Y	Tochtrop	N
19	Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
20	Carroll	Y	Johnson	Y	Plant	N	Weddig	N
21	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
22	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
23	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
24	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
25	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
26	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
27	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
28	Frangas	N	May	Y	Schultheis	Y	Young	Y
29							Speaker	Y

30  
31 **SB04-153** by Senator(s) Johnson S., Reeves; also Representative(s)  
32 McCluskey, Lundberg, Paccione, Witwer--Concerning  
33 combining polling places, and, in connection therewith,  
34 authorizing designated election officials to establish vote  
35 centers where any elector registered in the political  
36 subdivision may vote.

37  
38 (Conference Committee Report printed in House Journal, May 4,  
39 pages1839-1840.)

40  
41 On motion of Representative McCluskey, the Conference Committee  
42 Report was **adopted** by the following roll call vote:

43								
44	YES	65	NO	00	EXCUSED	00	ABSENT	00
45	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
46	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
47	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
48	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
50	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
51	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
52	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
53	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
54	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
55	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
56	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	May	Y	Schultheis	Y	Young	Y
5							Speaker	Y

6  
7 The question being "Shall the bill, as amended, pass?".  
8 A roll call vote was taken. As shown by the following recorded vote, a  
9 majority of those elected to the House voted in the affirmative and the  
10 bill, as amended, was declared **repassed**.

11								
12	<b>YES</b>	<b>59</b>	<b>NO</b>	<b>06</b>	<b>EXCUSED</b>	<b>00</b>	<b>ABSENT</b>	<b>00</b>
13	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
14	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
15	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
16	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
17	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
18	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
19	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
20	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
21	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
22	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
23	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
24	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
25	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
26	Decker	Y	Madden	N	Rose	Y	Williams T.	Y
27	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
28	Frangas	Y	May	Y	Schultheis	Y	Young	Y
29							Speaker	Y

30 Co-sponsors added: Representatives Hall, Johnson, Plant.

### 31 32 33 34 **FIRST REPORT OF FIRST CONFERENCE COMMITTEE** 35 **on HB04-1203**

36  
37 This Report Amends the Rerevised Bill.

38  
39 To the President of the Senate and the  
40 Speaker of the House of Representatives:

41  
42 Your first conference committee appointed on HB04-1203,  
43 concerning limitations on the power of governmental entities to restrict  
44 the rights of property owners, has met and reports that it has agreed upon  
45 the following:

46  
47 1. That the House accede to the Senate amendments made to the  
48 bill, as said amendments appear in the rerevised bill.

49  
50 2. That, under the authority granted the committee to consider  
51 matters not at issue between the two houses, the following amendments  
52 be recommended:

53  
54 Amend rerevised bill, page 4, line 24, strike "AUTHORITY" and substitute  
55 "GOVERNING BODY".  
56

1 Page 8, line 26, strike "3." and substitute "4.".

2

3 Renumber succeeding sections accordingly.

4

5 Page 12, line 17, strike "REQUIRED" and substitute "NECESSARY".

6

7 Page 13, line 11, strike "subsection (2)" and substitute "subsection (2) or  
8 (3)";

9

10 after line 13, insert the following:

11

12 "(2) The provisions of section 31-25-105.5 (4), Colorado Revised  
13 Statutes, in section 1 of this act shall apply to any property for which a  
14 condemnation proceeding is commenced on or after the effective date of  
15 this act.";

16

17 line 14, strike "(2)" and substitute "(3)";

18

19 after line 16, insert the following:

20

21 "**SECTION 8. Severability.** If any provision of this act or the  
22 application thereof to any person or circumstances is held invalid, such  
23 invalidity shall not affect other provisions or applications of the act that  
24 can be given effect without the invalid provision or application, and to  
25 this end the provisions of this act are declared to be severable.".

26

27 Renumber succeeding section accordingly.

28

29 Respectfully submitted,

30

House Committee:

31

Shawn Mitchell

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Greg Brophy

33

Carl Miller

34

Senate Committee:

Mark Hillman

Doug Lamborn

Alice Nichol

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## MESSAGE FROM THE SENATE

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

### **HB04-1203**

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

(Conference Committee Report printed in House Journal, May 4, pages 1852-1853.)

On motion of Representative Mitchell, the Conference Committee Report was **adopted** by the following roll call vote:

YES	55	NO	09	EXCUSED	00	ABSENT	01
Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	N	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	N	Rose	N	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	N	May	Y	Schultheis	-	Young	Y
						Speaker	Y

The question being "Shall the bill, as amended, pass?".

A roll call vote was taken. As shown by the following recorded vote, a majority of those elected to the House voted in the affirmative and the bill, as amended, was declared **repassed**.

YES	41	NO	24	EXCUSED	00	ABSENT	00
Berry	N	Garcia	N	McCluskey	Y	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	Y	Smith	Y
Boyd	N	Harvey	Y	McGihon	N	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
Cerbo	N	Judd	N	Pommer	N	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	N	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
Decker	Y	Madden	N	Rose	N	Williams T.	Y
Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
Frangas	N	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Crane, Williams T.

### IMMEDIATE RECONSIDERATION OF HB04-1203

Having voted on the prevailing side, Representative Mitchell moved for immediate reconsideration of **HB04-1203**. As shown by the following recorded vote less than a majority of those elected to the House voted in the affirmative and the motion was declared **lost**:



1	YES	27	NO	37	EXCUSED	00	ABSENT	01
2	Berry	Y	Garcia	Y	McCluskey	N	Sinclair	N
3	Borodkin	Y	Hall	N	McFadyen	N	Smith	N
4	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
5	Briggs	N	Hefley	N	Merrifield	Y	Stafford	N
6	Brophy	N	Hodge	Y	Miller	N	Stengel	N
7	Butcher	Y	Hoppe	-	Mitchell	N	Tochtrop	Y
8	Cadman	N	Jahn	N	Paccione	Y	Vigil	Y
9	Carroll	N	Johnson	N	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	N	King	N	Ragsdale	Y	Welker	N
12	Cloer	N	Larson	Y	Rhodes	N	White	N
13	Coleman	Y	Lee	N	Rippy	N	Wiens	N
14	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
16	Fairbank	N	Marshall	Y	Salazar	N	Witwer	N
17	Frangas	Y	May	N	Schultheis	N	Young	N
18							Speaker	N

## REPORTS OF COMMITTEES OF REFERENCE

### APPROPRIATIONS

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

**SB04-233** 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 2, after "The", insert "capitol parking authority created pursuant to section 24-82-103 (5), Colorado Revised Statutes, within the";

line 3, strike ""department"" and substitute ""authority"";

line 13, after "department", insert "of personnel and the authority";

line 19, strike "department" and substitute "authority".

Page 3, line 11, strike "department" and substitute "authority";

line 17, strike "department" and substitute "authority".

Page 4, line 13, strike "department" and substitute "authority";

line 19, strike "amended" and substitute "amended, and the said 24-82-103 is further amended BY THE ADDITION OF A NEW SUBSECTION,".

Page 5, after line 4, insert the following:

"(5) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PERSONNEL THE CAPITOL PARKING AUTHORITY, REFERRED TO IN THIS SUBSECTION (5) AS THE "AUTHORITY", WHICH SHALL BE UNDER THE

1 DIRECTION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
2 PERSONNEL AND THE DIRECTOR OF THE DIVISION OF CENTRAL SERVICES.  
3 THE AUTHORITY SHALL CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF  
4 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE  
5 AUTHORITY RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS PURSUANT  
6 TO PARAGRAPH (b) OF THIS SUBSECTION (5), AND THE AUTHORITY  
7 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUES FROM  
8 GRANTS, AS DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO  
9 STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THE  
10 AUTHORITY CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION, THE  
11 AUTHORITY SHALL NOT BE SUBJECT TO ANY OF THE PROVISIONS OF  
12 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.  
13

14 (b) SUBJECT TO APPROVAL BY THE GENERAL ASSEMBLY, EITHER BY  
15 BILL OR BY JOINT RESOLUTION, AND AFTER APPROVAL BY THE GOVERNOR  
16 PURSUANT TO SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION, THE  
17 AUTHORITY IS HEREBY AUTHORIZED TO ISSUE REVENUE BONDS TO FINANCE  
18 THE ACQUISITION OF LAND FOR OFF-STREET PARKING OR THE  
19 CONSTRUCTION OF RELATED FACILITIES."  
20

21

22

23

24

#### **FINANCE**

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

28

29 **SB04-260** be amended as follows, and as so amended, be referred to  
30 the Committee of the Whole with favorable  
31 recommendation:

32

33 Amend reengrossed bill, page 2, line 19, after "OTHER", insert  
34 "SEPARABLE".  
35

36

37

38

39

40

41 On motion of Representative King, **SB04-253, 257, 251, 254** were made  
42 Special Orders on Tuesday, May 4, 2004, at 6:26 p.m.  
43

44

45

46

47

48 The hour of 6:26 p.m., having arrived, on motion of Representative  
49 Smith, the House resolved itself into Committee of the Whole for  
50 consideration of Special Orders and he was called to the Chair to act as  
51 Chairman.  
52

53

54

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57

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

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

**SB04-253** by Senator(s) Reeves; also Representative(s) Judd--  
Concerning the interception of certain moneys payable to  
a defendant to satisfy the defendant's obligations imposed  
pursuant to a judicial proceeding.

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

**SB04-257** by Senator(s) Owen; also Representative(s) Young--  
Concerning modifications to the retirement plans for  
public

Amendment No. 1, Finance Report, dated May 4, 2004, and placed in  
member's bill file; Report also printed in House Journal, May 4, pages  
1831-1832.

Amendment No. 2, Appropriations Report, dated May 3, 2004, and  
placed in member's bill file; Report also printed in House Journal, May  
3, pages 1740-1741.

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

**SB04-251** by Senator(s) Teck; also Representative(s) Young--  
Concerning the authority of the department of regulatory  
agencies to contract for personal services.

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

**SB04-254** by Senator(s) Teck; also Representative(s) Rose, Berry--  
Concerning the clarification of the regulatory relationship  
between special events and wine festivals, and, in  
connection therewith, authorizing joint fines.

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

---

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

Passed Second Reading: **SB04-253, 257 amended, 251, 254.**

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

1	YES	62	NO	00	EXCUSED	00	ABSENT	03
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	-	Mitchell	-	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	-
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

## MESSAGE FROM THE SENATE

Madam Speaker:

The President appointed Senators McElhany, chairman, Jones, and Veiga, as members of the First Conference Committee on HB04-1021.

The Senate has postponed indefinitely HB04-1407. The bill is returned herewith.

The Senate voted to adhere to its position on SB04-053.

The Senate voted to concur in House amendments to SB04-239, and repassed the bill as amended.

The Senate voted to concur in House amendments to SB04-235, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on SB04-153, as printed in Senate Journal May 4, and repassed the bill as amended.

The Senate has adopted the First Report of the First Conference Committee on SB04-225, as printed in Senate Journal May 4, and repassed the bill as amended.

The Senate voted to concur in House amendments to SB04-196, and repassed the bill as amended.

## SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1347, 1445.**

## CONSIDERATION OF ADHERENCE ON SB04-053

Representative Spradley moved that the House **adhere** to its position on **SB04-053**. The motion was **passed** by the following roll call vote:

	YES	64	NO	01	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	N	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	Y	Young	Y
18							Speaker	Y

## CONSIDERATION OF RESOLUTIONS

**HJR04-1010** by Representative(s) Butcher, Paccione; also Senator(s) Tapia--Concerning an analysis of the feasibility of a passenger rail service along the Front Range area by the Colorado Department of Transportation.

(Printed and placed in member's file.)

On motion of Representative Butcher, the resolution was **adopted** by the following roll call vote:

	YES	37	NO	27	EXCUSED	00	ABSENT	01
34								
35	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	N
36	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
37	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
38	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	N
39	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
40	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
41	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
42	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
43	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
44	Clapp	N	King	N	Ragsdale	Y	Welker	N
45	Cloer	Y	Larson	N	Rhodes	N	White	N
46	Coleman	Y	Lee	N	Rippy	N	Wiens	Y
47	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
48	Decker	Y	Madden	Y	Rose	N	Williams T.	Y
49	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
50	Frangas	Y	May	N	Schultheis	N	Young	-
51							Speaker	Y

Co-sponsors added: Representatives Borodkin, Boyd, Merrifield, Plant, Pommer, Romanoff, Tochtrop, Vigil, Williams S.

1 **HJR04-1042** by Representative(s) Butcher; also Senator(s) Tapia--  
 2 Concerning the reduction of geographic case  
 3 characteristics for the purposes of small group health  
 4 insurance.

5  
 6 (Printed and placed in member's file.)

7  
 8 Representative Butcher moved that the resolution be adopted.

9  
 10 Amendment No. 1, moved by Representative Butcher.

11  
 12 Amend printed joint resolution, page 2, strike line 21 and substitute the  
 13 following:

14  
 15 "including health benefit coverage; and

16  
 17 WHEREAS, Health care utilization patterns, clinical practice  
 18 patterns, and incidence of disease can influence health care costs; now,  
 19 therefore,";

20  
 21 line 33, strike "and";

22  
 23 strike line 36 and substitute the following:

24  
 25 "adjustments should be made; and

26  
 27 (5) That the General Assembly should encourage collection of  
 28 data to better evaluate and understand the impact of health care utilization  
 29 patterns, clinical practice patterns, incidence of disease, denying medical  
 30 care, treatment of the uninsured, cost-shifting, and uniformity of  
 31 premiums on health care costs."

32  
 33 The amendment was declared **passed** by **viva voce** vote.

34  
 35 On motion of Representative Butcher, the resolution as amended was  
 36 **adopted** by the following roll call vote:

37	YES	43	NO	22	EXCUSED	00	ABSENT	00
38	Berry	N	Garcia	Y	McCluskey	Y	Sinclair	N
39	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
40	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
41	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
42	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
43	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
44	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
45	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
46	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
47	Clapp	N	King	Y	Ragsdale	Y	Welker	N
48	Cloer	Y	Larson	N	Rhodes	N	White	Y
49	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
50	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	Y
51	Decker	N	Madden	Y	Rose	N	Williams T.	N
52	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
53	Frangas	Y	May	N	Schultheis	N	Young	Y
54							Speaker	Y

55 Co-sponsors added: Representatives Coleman, Marshall, McFadyen, McGihon,  
 56 Merrifield, Ragsdale, Romanoff, Smith, Tochtrop, Vigil, Williams S.

1 **SJR04-036** by Senator(s) Jones, Andrews, Arnold, Cairns, Chlouber,  
 2 Dyer, Evans, Groff, Hillman, Johnson S., Kester,  
 3 Lamborn, May R., McElhany, Owen, Sandoval, Tapia,  
 4 Teck; also Representative(s) Spence--Concerning the  
 5 Colorado Legislative Education Reform Caucus.

6  
 7 (Printed and placed in member's file.)  
 8

9 On motion of Representative Spence, the resolution was **adopted** by **viva**  
 10 **voce** vote.

11  
 12 Co-sponsors added: Representatives Fairbank, Ragsdale, Rippy, Rose, Salazar,  
 13 Wiens.

14  
 15 **SJR04-059** by Senator(s) Hillman, Andrews, Fitz-Gerald; also  
 16 Representative(s) Cloer, Johnson R., Garcia, Jahn--  
 17 Concerning the retention of officers and employees of the  
 18 Second Regular Session of the Sixty-fourth General  
 19 Assembly.

20  
 21 (Printed and placed in member's file.)  
 22

23 On motion of Representative Cloer, the resolution was **adopted** by **viva**  
 24 **voce** vote.

25  
 26 Co-sponsors added: Roll Call of the House.

27  
 28 **SJR04-057** by Senator(s) Hillman; also Representative(s) King--  
 29 Concerning a limitation on the number of bills that may be  
 30 sponsored by committees that meet during the legislative  
 31 interim.

32  
 33 (Printed and placed in member's file.)  
 34

35 On motion of Representative King, the resolution was **adopted** by the  
 36 following roll call vote:

	YES	53	NO	12	EXCUSED	00	ABSENT	00
39	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
40	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
41	Boyd	N	Harvey	Y	McGihon	Y	Spence	Y
42	Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
43	Brophy	N	Hodge	Y	Miller	Y	Stengel	N
44	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
45	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
46	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
47	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	N
48	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
49	Cloer	N	Larson	Y	Rhodes	Y	White	Y
50	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
51	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
52	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
53	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
54	Frangas	Y	May	Y	Schultheis	Y	Young	Y
55							Speaker	Y

56 Co-sponsor added: Representative Schultheis.

1 **HJR04-1054** by Representative(s) Carroll, Paccione, Cerbo, Hefley,  
 2 Judd, Lee, Marshall, McGihon, Merrifield, Pommer,  
 3 Romanoff, Stengel, Vigil, Weissmann, White, Williams  
 4 S.; also Senator(s) Groff, Grossman, Tupa, Veiga--  
 5 Concerning the commemoration of the 50th anniversary of  
 6 the United States Supreme Court's decision in Brown v.  
 7 Board of Education of Topeka, Kansas.

8  
 9 (Printed and placed in member's file.)

10  
 11 On motion of Representative Carroll, the resolution was **adopted** by the  
 12 following roll call vote:

YES	65	NO	00	EXCUSED	00	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

31  
 32 Co-sponsors added: Representatives Borodkin, Boyd, Briggs, Butcher, Cadman,  
 33 Cloer, Coleman, Crane, Decker, Fairbank, Frangas, Garcia, Hall, Jahn, Johnson,  
 34 King, Larson, Madden, May, McCluskey, Miller, Mitchell, Plant, Ragsdale,  
 35 Rhodes, Rippy, Rose, Salazar, Smith, Spence, Stafford, Tochtrop, Welker,  
 36 Wiens, Williams T., Witwer, Young, Speaker.

37  
 38 **SJR04-038** by Senator(s) Teck, Isgar, Johnson S.; also  
 39 Representative(s) Berry--Concerning the use of  
 40 technology and electronic monitoring devices (telehealth  
 41 care) in the delivery of health care services in the home.

42  
 43 (Printed and placed in member's files.)

44  
 45 Representative Berry moved that the resolution be adopted.

46  
 47 Representative Berry moved the following amendment:

48  
 49 Amendment No. 1, by Health, Environment, Welfare & Institutions  
 50 Report, dated May 3, 2004, and placed in member's bill file; Report also  
 51 printed in House Journal, May 3.)

52  
 53 The amendment was declared **lost** by **viva voce** vote.

54  
 55 On motion of Representative Berry, the resolution was **adopted** by the  
 56 following roll call vote:



	YES	63	NO	02	EXCUSED	00	ABSENT	00
1								
2	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
3	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
4	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
5	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
6	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
7	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
8	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
9	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
10	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
11	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
12	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
13	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
14	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
15	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
16	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
17	Frangas	Y	May	Y	Schultheis	N	Young	Y
18							Speaker	Y

19 Co-sponsors added: Representatives Boyd, Carroll, Coleman, Frangas, Larson,  
 20 Madden, Merrifield, Paccione, Romanoff, Smith, Stafford, Tochtrop, Vigil,  
 21 Weddig, Williams S.

22  
 23 **SJR04-040** by Senator(s) May R., Jones; also Representative(s)  
 24 Sinclair--Concerning American patriotism in Colorado  
 25 schools.

26  
 27 (Printed and placed in member's file.)

28  
 29 On motion of Representative Sinclair, the resolution was **adopted** by the  
 30 following roll call vote:

	YES	65	NO	00	EXCUSED	00	ABSENT	00
31								
32								
33	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
34	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
35	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
36	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
37	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
38	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
39	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
40	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
41	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
42	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
43	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
44	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
45	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
46	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
47	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
48	Frangas	Y	May	Y	Schultheis	Y	Young	Y
49							Speaker	Y

50 Co-sponsors added: Representatives Briggs, Carroll, Coleman, Crane, Fairbank,  
 51 Frangas, Garcia, Hall, Johnson, King, Larson, Lee, McCluskey, Merrifield,  
 52 Miller, Mitchell, Paccione, Rhodes, Rippy, Rose, Smith, Spence, Stafford,  
 53 Stengel, Tochtrop, Welker, White, Williams S., Williams T., Speaker.

54  
 55

1 **SJR04-042** by Senator(s) Chlouber; also Representative(s) Witwer--  
 2 Concerning an Office of Men's Health, and, in connection  
 3 therewith, requesting that Congress pass S. 1028 and H.R.  
 4 1734 to amend the "Public Health Service Act" to create  
 5 such office.

6  
 7 (Printed and placed in member's file.)  
 8

9 On motion of Representative Witwer, the resolution was **adopted** by the  
 10 following roll call vote:

11	YES	53	NO	12	EXCUSED	00	ABSENT	00
12	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
13	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
14	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
15	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
16	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
17	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
18	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
19	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
20	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
21	Clapp	Y	King	N	Ragsdale	Y	Welker	Y
22	Cloer	Y	Larson	Y	Rhodes	Y	White	N
23	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
24	Crane	Y	Lundberg	N	Romanoff	Y	Williams S.	Y
25	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
26	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
27	Frangas	Y	May	Y	Schultheis	N	Young	N
28							Speaker	Y

29 Co-sponsors added: Representatives Cloer, Tochtrop, Williams T.

30  
 31 **SJR04-011** by Senator(s) Evans, Andrews, Dyer, Hillman, Lamborn,  
 32 Owen; also Representative(s) Brophy, Schultheis, Lee,  
 33 Lundberg, May M., Rhodes--Concerning support for the  
 34 federal "Fair Tax Act of 2003" by the Colorado  
 35 congressional delegation in the United States congress.

36  
 37 (Printed and placed in member's file.)  
 38

39 On motion of Representative Brophy, the resolution was **lost** by the  
 40 following roll call vote:

42	YES	19	NO	46	EXCUSED	00	ABSENT	00
43	Berry	N	Garcia	N	McCluskey	N	Sinclair	N
44	Borodkin	N	Hall	N	McFadyen	N	Smith	Y
45	Boyd	N	Harvey	N	McGihon	N	Spence	N
46	Briggs	N	Hefley	Y	Merrifield	N	Stafford	N
47	Brophy	Y	Hodge	N	Miller	N	Stengel	N
48	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
49	Cadman	Y	Jahn	N	Paccione	N	Vigil	N
50	Carroll	N	Johnson	Y	Plant	N	Weddig	N
51	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
52	Clapp	N	King	N	Ragsdale	N	Welker	Y
53	Cloer	N	Larson	Y	Rhodes	Y	White	N
54	Coleman	N	Lee	Y	Rippy	N	Wiens	N
55	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
56	Decker	N	Madden	N	Rose	Y	Williams T.	N

1	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
2	Frangas	N	May	Y	Schultheis	Y	Young	Y
3							Speaker	N

### CONSIDERATION OF MEMORIAL

**SJM04-004** by Senator(s) Arnold, Andrews; also Representative(s) Mitchell--Memorializing Congress to abolish the alternative minimum tax for individuals and corporations.

(Printed and placed in member's file.)

On motion of Representative Mitchell, the memorial was **adopted** by the following roll call vote:

YES	39	NO	24	EXCUSED	01	ABSENT	01
Berry	N	Garcia	N	McCluskey	N	Sinclair	Y
Borodkin	N	Hall	Y	McFadyen	N	Smith	Y
Boyd	N	Harvey	Y	McGihon	-	Spence	Y
Briggs	Y	Hefley	Y	Merrifield	N	Stafford	Y
Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
Cadman	Y	Jahn	Y	Paccione	N	Vigil	N
Carroll	N	Johnson	Y	Plant	N	Weddig	N
Cerbo	N	Judd	N	Pommer	Y	Weissmann	N
Clapp	Y	King	Y	Ragsdale	N	Welker	Y
Cloer	Y	Larson	Y	Rhodes	Y	White	Y
Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	N
Decker	N	Madden	N	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	E	Salazar	Y	Witwer	Y
Frangas	N	May	Y	Schultheis	Y	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Crane, Fairbank, Hall, Lee, Rippy, Schultheis, Welker, Williams T.

**SJM04-003** by Senator(s) Tupa, Andrews, Arnold, Cairns, Entz, Evans, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Johnson S., Jones, Kester, Lamborn, Nichol, Owen, Reeves, Sandoval, Tapia, Taylor, Teck, Veiga, Windels; also Representative(s) Cadman, Larson, Garcia, Borodkin, Boyd, Briggs, Brophy, Butcher, Cerbo, Clapp, Cloer, Crane, Fairbank, Frangas, Hall, Hefley, Hoppe, Jahn, Lee, Lundberg, Madden, May M., McFadyen, McGihon, Merrifield, Miller, Paccione, Ragsdale, Rippy, Romanoff, Rose, Salazar, Schultheis, Smith, Spence, Stafford, Tochtrop, Vigil, Weddig, Welker, Williams S., Young--Memorializing Congress to propose an amendment to the United States Constitution requiring that the total amount of all federal appropriations made by Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year.

(Printed and placed in member's file.)

Laid over until May 5, retaining place on Calendar.

**CONSIDERATION OF RESOLUTION**

**HJR04-1065** by Representative(s) Clapp; also Senator(s) Dyer--  
Concerning a declaration that Xcel Energy should adopt  
certain measures to ensure uninterrupted electric service in  
Colorado.

(Printed and placed in member's file.)

Laid over until May 6. Deemed **lost**.

**MESSAGES FROM THE SENATE**

Madam Speaker:

In response to your message notifying the Senate that the House has  
receded from its position on HB04-1104, the bill is returned herewith.

In response to your message notifying the Senate that the House has  
receded from its position on HB04-1123, the bill is returned herewith.

The Senate voted to adhere to its position on SB04-168. The bill is  
transmitted herewith.

House in recess. House reconvened.

**APPOINTMENTS TO CONFERENCE COMMITTEES**

The Speaker appointed House conferees to the First Conference  
Committees as follows:

**SB04-216**--Representatives Cloer, Chairman, Stengel and Judd.

On motion of Representative King, **SB04-203, 233** were made Special  
Orders on Tuesday, May 4, 2004, at 9:02 p.m.

The hour of 9:02 p.m., having arrived, on motion of Representative  
Smith, the House resolved itself into Committee of the Whole for  
consideration of Special Orders and he was called to the Chair to act as  
Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**

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

1 (Amendments to the committee amendment are to the printed committee  
2 report which was printed and placed in the members' bill file.)  
3

4 **SB04-203** by Senator(s) Anderson, Andrews; also Representative(s)  
5 Young, Fairbank--Concerning tobacco litigation settlement  
6 moneys, and, in connection therewith, creating a tobacco  
7 litigation settlement financing corporation for the purpose  
8 of securitizing tobacco settlement revenues scheduled to  
9 be received by the state, creating a state rainy day fund,  
10 and requiring securitization proceeds to be credited to the  
11 fund and expended for specified purposes.  
12

13 Amendment No. 1, Finance Report, dated May 4, 2004, and placed in  
14 member's bill file; Report also printed in House Journal, May 4, pages  
15 1826-1829.  
16

17 Amendment No. 2, Appropriations Report, dated May 4, 2004, and  
18 placed in member's bill file; Report also printed in House Journal, May  
19 4, pages 1837-1839.  
20

21 Amendment No. 3, by Representative Young.  
22

23 Amend the Appropriations Committee Report, dated May 4, 2004, page  
24 2, line 14, strike "July 1, 2004," and substitute "July 1, 2004, but not  
25 including January 1, 2005,".  
26

27 Amendment No. 4, by Representative Young.  
28

29 Amend the Finance Committee Report, dated May 4, 2004, page 5, line  
30 29, strike "July 1, 2004," and substitute "July 1, 2004, but not including  
31 January 1, 2005,".  
32

33 As amended, declared **lost** on Second Reading.  
34

35 **SB04-233** by Senator(s) McElhany; also Representative(s) Harvey--  
36 Concerning the construction of a parking structure in the  
37 capitol complex.  
38

39 Amendment No. 1, Appropriations Report, dated May 4, 2004, and  
40 placed in member's bill file; Report also printed in House Journal, May  
41 4, pages 1855-1856.  
42

43 As amended, ordered revised and placed on the Calendar for Third  
44 Reading and Final Passage.  
45

46  
47  
48

49 **AMENDMENTS TO THE COMMITTEE OF THE WHOLE REPORT**  
50

51 Representatives Young and Harvey moved to amend the Report of the  
52 Committee of the Whole to show that the following Harvey amendment,  
53 to **SB04-203**, did pass, and that **SB04-203**, as amended, did pass.  
54

55 Amend reengrossed bill, page 3, line 16, strike "TO";  
56

1 strike lines 17 through 19 and substitute the following:

2  
3 "TO:

4  
5 (I) EFFICIENTLY ADDRESS CRITICAL CAPITAL CONSTRUCTION NEEDS  
6 OF THE STATE BY:

7  
8 (A) PROVIDING A SOURCE OF DIRECT FUNDING FOR CONSTRUCTION  
9 OF A HIGH-CUSTODY BED FACILITY FOR THE COLORADO STATE  
10 PENITENTIARY II CORRECTIONAL FACILITY AND ANCILLARY FACILITIES AND  
11 ACADEMIC FACILITIES FOR THE UNIVERSITY OF COLORADO HEALTH  
12 SCIENCES CENTER AT THE FORMER FITZSIMONS ARMY BASE THAT WOULD  
13 OTHERWISE HAVE TO BE FINANCED THROUGH LEASE-PURCHASE  
14 AGREEMENTS;

15  
16 (B) FUNDING DEBT SERVICE ON ALL OUTSTANDING CERTIFICATES  
17 OF PARTICIPATION THAT CANNOT IMMEDIATELY BE PAID IN FULL; AND

18  
19 (C) INCREASING THE PRINCIPAL BALANCE OF THE PERMANENT  
20 SCHOOL FUND CREATED IN SECTION 3 OF ARTICLE IX OF THE STATE  
21 CONSTITUTION AND USING INTEREST AND INCOME EARNED ON THE DEPOSIT  
22 AND INVESTMENT OF THE FUND TO INVEST IN BONDS OF SCHOOL DISTRICTS,  
23 GUARANTY BONDS OF SCHOOL DISTRICTS, AND MAKE LOANS TO SCHOOL  
24 DISTRICTS AS AUTHORIZED BY SAID SECTION 3; AND

25  
26 (II) ENSURE THAT FUTURE BENEFITS OBLIGATIONS OWED TO  
27 FIREFIGHTERS AND POLICE OFFICERS WILL BE PAID BY FULLY FUNDING THE  
28 PRESENT VALUE OF THE OBLIGATIONS."

29  
30 Page 4, line 12, strike "CREDITED TO THE STATE RAINY DAY FUND" and  
31 substitute "DEPOSITED IN THE TOBACCO SECURITIZATION ACCOUNT OF THE  
32 GENERAL FUND".

33  
34 Page 19, line 22, strike "STATE RAINY DAY";

35  
36 strike line 23 and substitute the following:

37  
38 "TOBACCO SECURITIZATION ACCOUNT OF THE GENERAL FUND CREATED IN  
39 SECTION 24-75-1104.5 (1).";

40  
41 strike lines 24 through 27.

42  
43 Strike page 20.

44  
45 Page 21, strike lines 1 through 21.

46  
47 Page 29, strike lines 19 through 27.

48  
49 Strike pages 30 through 34.

50  
51 Page 35, strike lines 1 through 15 and substitute the following:

52  
53 **"24-75-1104.5. Tobacco securitization account - creation - use**  
54 **of moneys.** (1) THE TOBACCO SECURITIZATION ACCOUNT IS HEREBY  
55 CREATED IN THE GENERAL FUND. THE ACCOUNT SHALL CONSIST OF ALL  
56 NET PROCEEDS OF A PROPERTY SALE CONTRACT DEPOSITED INTO THE

1 ACCOUNT PURSUANT TO SECTION 24-82.5-110 (2) AND ALL INTEREST OR  
2 INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF MONEYS IN THE  
3 ACCOUNT.

4  
5 (2) MONEYS IN THE TOBACCO SECURITIZATION ACCOUNT SHALL BE  
6 TRANSFERRED, EXPENDED, AND APPROPRIATED AS FOLLOWS:

7  
8 (a) AS SOON AS FEASIBLE FOLLOWING THE DEPOSIT OF THE NET  
9 PROCEEDS OF A PROPERTY SALE CONTRACT INTO THE ACCOUNT PURSUANT  
10 TO SECTION 24-82.5-110 (2), THE STATE TREASURER SHALL TRANSFER  
11 FROM THE ACCOUNT TO THE FIRE AND POLICE MEMBERS' BENEFIT FUND  
12 CREATED IN SECTION 31-31-301 (1) (a), C.R.S., AN AMOUNT THAT WILL  
13 ENSURE THAT THE PRESENT VALUE OF ALL STATE LIABILITY OF THE FUND  
14 IS FULLY FUNDED AS OF THE DATE OF THE TRANSFER.

15  
16 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
17 ASSEMBLY, THE STATE TREASURER SHALL PAY FROM THE ACCOUNT ALL  
18 OBLIGATIONS OF THE STATE OWED ON CERTIFICATES OF PARTICIPATION  
19 THAT ARE OUTSTANDING AS OF THE DATE ON WHICH NET PROCEEDS OF A  
20 PROPERTY SALE CONTRACT ARE DEPOSITED INTO THE ACCOUNT PURSUANT  
21 TO SECTION 24-82.5-110 (2).

22  
23 (c) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM  
24 THE ACCOUNT TO FUND THE MAXIMUM AMOUNT OF THE COSTS OF  
25 CONSTRUCTION OF A HIGH-CUSTODY BED FACILITY FOR THE COLORADO  
26 STATE PENITENTIARY II CORRECTIONAL FACILITY AND ANCILLARY  
27 FACILITIES AND ACADEMIC FACILITIES FOR THE UNIVERSITY OF COLORADO  
28 HEALTH SCIENCES CENTER AT THE FORMER FITZSIMONS ARMY BASE THAT  
29 COULD OTHERWISE HAVE BEEN FUNDED THROUGH LEASE-PURCHASE  
30 AGREEMENTS AUTHORIZED BY HOUSE BILL 03-1256, ENACTED AT THE  
31 FIRST REGULAR SESSION OF THE SIXTY-FOURTH GENERAL ASSEMBLY.  
32 NOTWITHSTANDING THE PROVISIONS OF HOUSE BILL 03-1256, WHICH  
33 AUTHORIZE THE STATE TO EXECUTE LEASE-PURCHASE AGREEMENTS TO  
34 FUND THE CONSTRUCTION OF SAID FACILITIES, THE STATE SHALL NOT  
35 ENTER INTO ANY LEASE-PURCHASE AGREEMENT TO FUND SAID FACILITIES  
36 ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH (c).

37  
38 (d) THE GENERAL ASSEMBLY, IN CONSULTATION WITH THE STATE  
39 TREASURER, SHALL DETERMINE THE AMOUNT OF MONEYS IN THE ACCOUNT  
40 NEEDED TO MAKE THE TRANSFER, EXPENDITURES, AND APPROPRIATIONS  
41 REQUIRED BY PARAGRAPHS (a) TO (c) OF THIS SUBSECTION (2). UPON THE  
42 DETERMINATION OF THE AMOUNT, THE TREASURER SHALL TRANSFER ALL  
43 MONEYS IN THE ACCOUNT IN EXCESS OF THE DETERMINED AMOUNT TO THE  
44 PERMANENT SCHOOL FUND, AS DEFINED IN SECTION 22-43.7-102 (2.7),  
45 C.R.S. MONEYS TRANSFERRED TO THE PERMANENT SCHOOL FUND AND  
46 ANY INTEREST OR INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF  
47 THE MONEYS MAY BE USED AS PRESCRIBED BY SECTION 3 OF ARTICLE IX  
48 OF THE STATE CONSTITUTION AND APPLICABLE LAW.

49  
50 (3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF  
51 THIS SECTION, TO THE EXTENT NECESSARY TO PRESERVE THE TAX-EXEMPT  
52 STATUS OF BONDS ISSUED ON A TAX-EXEMPT BASIS BY THE CORPORATION,  
53 THE TRANSFERS, EXPENDITURES, AND APPROPRIATIONS REQUIRED BY SAID  
54 SUBSECTION (2) SHALL BE MADE FROM GENERAL FUND MONEYS THAT ARE  
55 NOT PART OF THE TOBACCO SECURITIZATION ACCOUNT AND THAT WOULD  
56 OTHERWISE BE USED TO MAINTAIN THE GENERAL FUND RESERVE REQUIRED

1 BY SECTION 24-75-201.1 (1) (d), AND EQUIVALENT AMOUNTS SHALL BE  
2 TRANSFERRED FROM THE ACCOUNT TO THE GENERAL FUND IN ORDER TO  
3 REPLENISH THE RESERVE."

4  
5 Page 36, line 3, before "APPROPRIATED", insert "TRANSFERRED,  
6 EXPENDED, AND";

7  
8 strike lines 7 through 9 and substitute the following:

9  
10 "SECTION 4. 24-75-1104, Colorado Revised Statutes, is  
11 amended BY THE ADDITION OF A NEW SUBSECTION to read:";

12  
13 line 10, strike "(1) For the";

14  
15 strike lines 11 through 19.

16  
17 Page 37, line 7, strike "BUT SHALL INSTEAD BE MADE" and substitute "BUT  
18 TRANSFERS, EXPENDITURES, AND APPROPRIATIONS SHALL INSTEAD BE  
19 MADE FROM THE TOBACCO SECURITIZATION ACCOUNT OF THE GENERAL  
20 FUND";

21  
22 strike lines 9 through 20.

23  
24 Renumber succeeding sections accordingly.

25  
26 Page 38, line 24, strike "24-75-1104.5 (1) (k) (IV), C.R.S." and substitute  
27 "24-75-1104.5 (2) (c), C.R.S.".

28  
29 Page 39, strike lines 6 through 13 and substitute the following:

30  
31 "AGREEMENT."

32  
33 Page 40, strike lines 17 through 27.

34  
35 Page 41, strike lines 1 through 7.

36  
37 Renumber succeeding sections accordingly.

38  
39 Page 41, strike lines 17 through 27.

40  
41 Page 42, strike lines 1 through 7.

42  
43 Renumber succeeding sections accordingly.

44  
45 Page 43, strike lines 6 and 7 and substitute the following:

46  
47 "SUBSECTION (2.5), BUT MONEYS SHALL INSTEAD BE TRANSFERRED,  
48 EXPENDED, AND APPROPRIATED AS SPECIFIED IN SECTION 24-75-1104.5 (2),  
49 C.R.S.";

50  
51 strike lines 17 through 27.

52  
53 Strike page 44.

54  
55 Page 45, strike lines 1 through 25.

56



1 Renumber succeeding sections accordingly.

2  
3 Page 46, strike lines 17 through 22.

4  
5 Renumber succeeding section accordingly.

6  
7 Page 1, line 105, strike "STATE RAINY DAY" and substitute "TOBACCO  
8 SECURITIZATION ACCOUNT IN THE GENERAL".

9  
10 The amendment was declared **lost** by the following roll call vote:

	YES	27	NO	38	EXCUSED	00	ABSENT	00
13	Berry	Y	Garcia	Y	McCluskey	N	Sinclair	N
14	Borodkin	N	Hall	Y	McFadyen	N	Smith	N
15	Boyd	N	Harvey	Y	McGihon	N	Spence	Y
16	Briggs	N	Hefley	N	Merrifield	N	Stafford	Y
17	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
18	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	N
19	Cadman	N	Jahn	N	Paccione	N	Vigil	N
20	Carroll	N	Johnson	Y	Plant	N	Weddig	N
21	Cerbo	N	Judd	N	Pommer	N	Weissmann	N
22	Clapp	Y	King	N	Ragsdale	N	Welker	Y
23	Cloer	Y	Larson	N	Rhodes	Y	White	Y
24	Coleman	N	Lee	Y	Rippy	Y	Wiens	N
25	Crane	Y	Lundberg	Y	Romanoff	N	Williams S.	N
26	Decker	N	Madden	N	Rose	N	Williams T.	N
27	Fairbank	Y	Marshall	N	Salazar	N	Witwer	Y
28	Frangas	N	May	Y	Schultheis	Y	Young	Y
29							Speaker	Y

### ADOPTION OF COMMITTEE OF THE WHOLE REPORT

35 Passed Second Reading: **SB04-233 amended.**

37 Lost on Second Reading: **SB04-203 amended.**

39 The Chairman moved the adoption of the Committee of the Whole  
40 Report. As shown by the following roll call vote, a majority of those  
41 elected to the House voted in the affirmative, and the Report was  
42 **adopted.**

	YES	59	NO	06	EXCUSED	00	ABSENT	00
45	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
46	Borodkin	Y	Hall	N	McFadyen	Y	Smith	Y
47	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
48	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
49	Brophy	Y	Hodge	Y	Miller	Y	Stengel	N
50	Butcher	Y	Hoppe	N	Mitchell	Y	Tochtrop	Y
51	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
52	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
53	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
54	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
55	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
56	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y

1	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
2	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
3	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
4	Frangas	Y	May	Y	Schultheis	Y	Young	N
5							Speaker	N

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### LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until May 5, retaining place on Calendar:

Consideration of Resolutions--**HJR04-1040, HR04-1015, HJR04-1072, 1073, 1074, 1070, 1083, 1094, SJR04-056, 058, 017.**

Consideration of Governor's Partial Veto--**HB04-1422.**

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On motion of Representative King, the House adjourned until 10:00 a.m., May 5, 2004.

Approved:

LOLA SPRADLEY,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk