

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

One hundred-fifth Legislative Day

Tuesday, April 20, 2004

1 Prayer by Doctor Dan Hooper, Fellowship Church, Grand Junction.

2

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

4

5 Pledge of Allegiance led by Representative Clapp.

6

7 The roll was called with the following result:

8

9 Present--62.

10 Excused--Representatives Crane, Mitchell--2.

11 Absent--Representative Madden--1.

12 Present after roll call--Representatives Crane, Madden, Mitchell.

13

14 The Speaker declared a quorum present.

15

16

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

20

21

22

23

24

THIRD READING OF BILLS--FINAL PASSAGE

25

26 The following bills were considered on Third Reading. The titles were
27 publicly read. Reading of the bill at length was dispensed with by
28 unanimous consent.

29

30 **HB04-1190** by Representative(s) Romanoff--Concerning economic
31 development incentives, and, in connection therewith,
32 allowing a certified capital company to use proceeds or
33 gains from the use of certified capital to pay taxes passed
34 through to the equity owners of the certified capital
35 company and modifying the circumstances under which a
36 certified capital company may make distributions from
37 certified capital.

38

39 Laid over until April 21, retaining place on Calendar.

40

41

42 **SB04-185** by Senator(s) Entz; also Representative(s) Hoppe--
43 Concerning requirements for a permit for a nonexempt

ground water well located outside of the boundaries of any designated ground water basin.

The question being "Shall the bill 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 was declared **passed**.

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	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	E	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

Co-sponsors added: Representatives Jahn, Paccione, Rose, Stafford, Weddig, Williams T., Young.

SB04-205

by Senator(s) Chlouber; also Representative(s) Hoppe--
Concerning a requirement that applicants for a mining permit pursuant to the "Colorado Land Reclamation Act for the Extraction of Construction Materials" mail a copy of the application to only those surface owners whose interests appear of record.

The question being "Shall the bill 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 was declared **passed**.

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	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	E	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

4 Co-sponsors added: Representatives Boyd, Rippy, Rose, Williams T.

5
6 **SB04-132** by Senator(s) Arnold; also Representative(s) Young,
7 Hoppe, Weddig, Williams S., Williams T.--Concerning the
8 modification of existing benefit plans for members of the
9 public employees' retirement association.

10
11 The question being "Shall the bill pass?".

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

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

33
34 Co-sponsors added: Representatives Marshall, Rippy.

35
36 **SB04-198** by Senator(s) Taylor, Anderson, Takis, Tupa; also
37 Representative(s) Coleman, Rhodes, Vigil, Williams T.--
38 Concerning the transfer of the responsibility of
39 administering the state contribution to assist in providing
40 certain benefits for volunteer firefighters from the fire and
41 police pension association to the department of local
42 affairs.

43
44 The question being "Shall the bill pass?".

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

48	YES	64	NO	00	EXCUSED	01	ABSENT	00
49	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
50	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
51	Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
52	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
53	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
54	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
55	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y

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

11 Co-sponsors added: Representatives Cloer, Hefley, Jahn, Paccione, Williams S.

12
13 **SB04-168** by Senator(s) Phillips; also Representative(s) Spradley--
14 Concerning rural renewable electric resources in
15 Colorado.

16
17 The question being "Shall the bill pass?".

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

21								
22	YES	42	NO	22	EXCUSED	01	ABSENT	00
23	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
24	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
25	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
26	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	Y
27	Brophy	N	Hodge	Y	Miller	N	Stengel	N
28	Butcher	N	Hoppe	Y	Mitchell	N	Tochtrop	Y
29	Cadman	N	Jahn	Y	Paccione	Y	Vigil	N
30	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
31	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
32	Clapp	N	King	N	Ragsdale	N	Welker	Y
33	Cloer	Y	Larson	Y	Rhodes	N	White	N
34	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
35	Crane	E	Lundberg	N	Romanoff	Y	Williams S.	Y
36	Decker	N	Madden	Y	Rose	Y	Williams T.	Y
37	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	N
38	Frangas	Y	May	N	Schultheis	N	Young	Y
39							Speaker	Y

40 Co-sponsors added: Representatives Borodkin, Boyd, Carroll, Coleman,
41 Frangas, Garcia, Hefley, Jahn, Larson, Madden, Marshall, McFadyen, McGihon,
42 Merrifield, Paccione, Plant, Pommer, Romanoff, Rose, Salazar, Tochtrop,
43 Weddig, Williams S.

44
45 **SB04-059** by Senator(s) Isgar, Entz, Hillman; also Representative(s)
46 Salazar--Concerning the valuation of possessory interests
47 in agricultural land.

48
49 The question being "Shall the bill pass?".

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

53								
54	YES	64	NO	00	EXCUSED	01	ABSENT	00
55	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
56	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y

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

16 Co-sponsors added: Representatives Brophy, Cadman, Hall, Hodge, Hoppe,
 17 McFadyen, Merrifield, Miller, Paccione, Rippy, Rose, Vigil, Williams T.,
 18 Speaker.

19
 20 **SB04-111** by Senator(s) Grossman, Groff; also Representative(s)
 21 Stengel--Concerning the authority of a governing body to
 22 use emergency telephone charges to fund the costs
 23 associated with providing emergency services.

24
 25 The question being "Shall the bill pass?".
 26 A roll call vote was taken. As shown by the following recorded vote, a
 27 majority of those elected to the House voted in the affirmative and the bill
 28 was declared **passed**.

30	YES	56	NO	08	EXCUSED	01	ABSENT	00
31	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
32	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
33	Boyd	Y	Harvey	N	McGihon	Y	Spence	Y
34	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
35	Brophy	N	Hodge	Y	Miller	Y	Stengel	Y
36	Butcher	N	Hoppe	Y	Mitchell	Y	Tochtrop	Y
37	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
38	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
39	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
40	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
41	Cloer	Y	Larson	Y	Rhodes	N	White	Y
42	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
43	Crane	E	Lundberg	N	Romanoff	Y	Williams S.	Y
44	Decker	Y	Madden	Y	Rose	Y	Williams T.	Y
45	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
46	Frangas	N	May	Y	Schultheis	Y	Young	Y
47							Speaker	Y

48 Co-sponsors added: Representatives Jahn, Madden, McGihon, Williams S.

49
 50 **SB04-171** by Senator(s) Teck, Owen, Reeves; also Representative(s)
 51 Plant, Witwer, Young--Concerning contingency-based
 52 contracts, and, in connection therewith, allowing a state
 53 agency to enter into a contingency-based contract only
 54 when specifically authorized to do so by law or when the
 55 office of state planning and budgeting approves the
 56 contract.

1 The question being "Shall the bill 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 bill
 4 was declared **passed**.

	YES	63	NO	01	EXCUSED	01	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	E	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	N	May	Y	Schultheis	Y	Young	Y
23							Speaker	Y

24 Co-sponsors added: Representatives Cadman, Carroll, Fairbank, Hoppe, Rippy,
 25 Smith, Weissmann, Williams S., Williams T., Speaker.

26
 27 **SB04-186** by Senator(s) Entz, Andrews, Lamborn; also
 28 Representative(s) Larson--Concerning the authorization of
 29 roadside memorials within public highway easements.

30
 31 The question being "Shall the bill pass?".
 32 A roll call vote was taken. As shown by the following recorded vote, a
 33 majority of those elected to the House voted in the affirmative and the bill
 34 was declared **passed**.

	YES	47	NO	17	EXCUSED	01	ABSENT	00
37	Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
38	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
39	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
40	Briggs	Y	Hefley	N	Merrifield	Y	Stafford	Y
41	Brophy	N	Hodge	Y	Miller	Y	Stengel	N
42	Butcher	Y	Hoppe	Y	Mitchell	N	Tochtrop	Y
43	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
44	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
45	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
46	Clapp	N	King	N	Ragsdale	Y	Welker	Y
47	Cloer	Y	Larson	Y	Rhodes	N	White	Y
48	Coleman	Y	Lee	N	Rippy	Y	Wiens	Y
49	Crane	E	Lundberg	N	Romanoff	Y	Williams S.	Y
50	Decker	Y	Madden	Y	Rose	Y	Williams T.	N
51	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	Y
52	Frangas	Y	May	N	Schultheis	N	Young	Y
53							Speaker	Y

54 Co-sponsors added: Representatives Borodkin, Butcher, Cloer, Coleman,
 55 McFadyen, Merrifield, Ragsdale, Rippy, Salazar, Smith, Stafford, Weddig,
 56 Williams S.

HB04-1428 by Representative(s) Spradley, King; also Senator(s) May R.--Concerning a moratorium on the granting of permits to create a landfill in which to dispose only of tires.

The question being "Shall the bill 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 was declared **passed**.

YES	53	NO	11	EXCUSED	01	ABSENT	00
Berry	Y	Garcia	Y	McCluskey	Y	Sinclair	Y
Borodkin	Y	Hall	Y	McFadyen	Y	Smith	N
Boyd	Y	Harvey	Y	McGihon	Y	Spence	Y
Briggs	Y	Hefley	N	Merrifield	Y	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	Y	Johnson	Y	Plant	Y	Weddig	Y
Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
Clapp	N	King	Y	Ragsdale	N	Welker	Y
Cloer	N	Larson	Y	Rhodes	N	White	Y
Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
Crane	E	Lundberg	N	Romanoff	Y	Williams S.	Y
Decker	N	Madden	Y	Rose	Y	Williams T.	Y
Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
Frangas	Y	May	N	Schultheis	N	Young	Y
						Speaker	Y

Co-sponsors added: Representatives Butcher, Jahn, Madden, McFadyen, Merrifield, Plant, Williams S.

CONSENT GRANTED TO CONFERENCE COMMITTEE

Representative Spradley moved that the First Conference Committee on **SB04-094** 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	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	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	E	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

CONSIDERATION OF RESOLUTION

HJR04-1082 by Representative(s) Butcher, Salazar, McFadyen, Cerbo, Frangas, Borodkin, Carroll, Hodge, Madden, Marshall, Merrifield, Miller, Ragsdale, Romanoff, Spradley, Tochtrop, Weddig, Weissmann, Young; also Senator(s) Tapia, Chlouber, Kester--Concerning the 90th anniversary of the Ludlow Massacre.

(Printed and placed in member's file.)

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

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	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	E	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

Co-sponsors added: Representatives Berry, Boyd, Briggs, Brophy, Clapp, Cloer, Coleman, Crane, Decker, Garcia, Harvey, Hefley, Hoppe, Jahn, Johnson, Judd, Larson, McCluskey, McGihon, Paccione, Plant, Pommer, Rhodes, Rippy, Rose, Sinclair, Smith, Spence, Stafford, Vigil, Welker, White, Wiens, Williams S., Witwer.

MESSAGE FROM THE SENATE

Madam Speaker:

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

HB04-1098, amended on Third Reading, as printed in Senate Journal, April 20.

MESSAGE FROM THE REVISOR

We herewith transmit:

Without comment, as amended, HB04-1098.

1 **CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL**

2
3 **HB04-1098** by Representative(s) Young, Witwer, Plant; also
4 Senator(s) Owen, Teck, Reeves--Concerning the
5 disposition of moneys received by the state.
6
7

8 (Amended as printed in Senate Journal, April 20, page 886.)
9

10 On motion of Representative King, the rules were suspended for
11 immediate consideration of **HB04-1098**.
12

13 Representative Young moved that the House **concur** in Senate
14 amendments. A substitute motion by Representative Weissmann that the
15 House **not concur** in Senate amendments and that a Conference
16 Committee be appointed with permission to go beyond the scope of the
17 differences between the House and the Senate was declared **lost** by the
18 following roll call vote:
19

20	YES	25	NO	38	EXCUSED	00	ABSENT	02
21	Berry	N	Garcia	Y	McCluskey	N	Sinclair	N
22	Borodkin	Y	Hall	N	McFadyen	Y	Smith	N
23	Boyd	Y	Harvey	N	McGihon	Y	Spence	N
24	Briggs	N	Hefley	N	Merrifield	Y	Stafford	N
25	Brophy	N	Hodge	Y	Miller	N	Stengel	N
26	Butcher	Y	Hoppe	N	Mitchell	N	Tochtrop	Y
27	Cadman	N	Jahn	Y	Paccione	Y	Vigil	Y
28	Carroll	Y	Johnson	N	Plant	Y	Weddig	Y
29	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
30	Clapp	N	King	N	Ragsdale	Y	Welker	N
31	Cloer	N	Larson	N	Rhodes	N	White	N
32	Coleman	-	Lee	N	Rippy	N	Wiens	N
33	Crane	N	Lundberg	N	Romanoff	Y	Williams S.	-
34	Decker	N	Madden	Y	Rose	N	Williams T.	N
35	Fairbank	N	Marshall	Y	Salazar	Y	Witwer	N
36	Frangas	Y	May	N	Schultheis	N	Young	N
37							Speaker	N

38
39 Representative Young's motion that the House **concur** in Senate
40 amendments on **HB04-1098** was declared **passed** by the following roll
41 call vote:
42

43	YES	56	NO	09	EXCUSED	00	ABSENT	00
44	Berry	Y	Garcia	N	McCluskey	Y	Sinclair	Y
45	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
46	Boyd	Y	Harvey	Y	McGihon	N	Spence	Y
47	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	N
48	Brophy	Y	Hodge	N	Miller	Y	Stengel	Y
49	Butcher	Y	Hoppe	Y	Mitchell	Y	Tochtrop	Y
50	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	N
51	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
52	Cerbo	N	Judd	Y	Pommer	Y	Weissmann	Y
53	Clapp	Y	King	Y	Ragsdale	N	Welker	Y
54	Cloer	Y	Larson	Y	Rhodes	Y	White	Y
55	Coleman	N	Lee	Y	Rippy	Y	Wiens	Y
56	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y

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

5
6 The question being, "Shall the bill, as amended, 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
9 bill, as amended, was declared **repassed**.

10								
11	YES	60	NO	05	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	N	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	N
19	Carroll	Y	Johnson	Y	Plant	Y	Weddig	Y
20	Cerbo	N	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	N	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	N	May	Y	Schultheis	Y	Young	Y
28							Speaker	Y

29 Co-sponsors added: Representatives Crane, Hefley, King, McCluskey, Weddig,
30 Welker, Wiens, Williams S.

31 32 33 **APPOINTMENTS TO CONFERENCE COMMITTEES**

34
35 The Speaker appointed House conferees to the First Conference
36 Committees as follows:

37
38 **HB04-1115**--Representatives Rhodes, Chairman, Hoppe and Marshall.

39
40 **HB04-1361**--Representatives Rose, Chairman, Larson and Frangas.

41
42 **SB04-108**--Representatives McCluskey, Chairman, Wiens and Plant.

43 44 45 **REPORTS OF COMMITTEES OF REFERENCE**

46 **EDUCATION**

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

49
50
51 **HB04-1086** be amended as follows, and as so amended, be referred to
52 the Committee of the Whole with favorable
53 recommendation:

54
55 Amend printed bill, strike everything below the enacting clause and
56 substitute the following:

1 **"SECTION 1.** Part 1 of article 60 of title 23, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4
5 **23-60-104.5. Recommendations of governor's task force -**
6 **legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND
7 DECLARES THAT:

8
9 (a) ON DECEMBER 23, 2003, BY EXECUTIVE ORDER, THE
10 GOVERNOR ESTABLISHED THE GOVERNOR'S TASK FORCE TO STRENGTHEN
11 AND IMPROVE THE COMMUNITY COLLEGE SYSTEM;

12
13 (b) THE TASK FORCE WAS CHARGED WITH EVALUATING THE
14 CURRENT STRUCTURE OF GOVERNANCE AND ADMINISTRATION IN THE
15 STATE SYSTEM OF COMMUNITY COLLEGES AND RECOMMENDING REFORMS
16 AND COST SAVINGS TO THE GOVERNOR, THE COLORADO COMMISSION ON
17 HIGHER EDUCATION, THE BOARD, AND, IF APPLICABLE, THE GENERAL
18 ASSEMBLY;

19
20 (c) THE TASK FORCE MET TEN TIMES AND SPONSORED FIVE PUBLIC
21 FORUMS AT COMMUNITY COLLEGES AROUND THE STATE;

22
23 (d) THE TASK FORCE MADE SIX RECOMMENDATIONS TO THE
24 GOVERNOR ALONG WITH A TWO-YEAR TIMELINE FOR COMPLETING EACH
25 RECOMMENDATION AND SENDING PERIODIC REPORTS TO THE GOVERNOR;

26
27 (e) THESE RECOMMENDATIONS WERE:

28
29 (I) DECREASING THE ADMINISTRATIVE COSTS OF THE SYSTEM
30 OFFICE;

31
32 (II) MAINTAINING A CENTRAL SYSTEM OFFICE BUT RESTRUCTURING
33 ITS FUNCTIONS;

34
35 (III) CENTRALIZING AND STANDARDIZING THE INFORMATION
36 TECHNOLOGY FUNCTIONS OF THE SYSTEM OFFICE;

37
38 (IV) DECENTRALIZING INSTITUTIONAL RESEARCH FUNCTIONS OF
39 THE COLLEGES;

40
41 (V) RESTRUCTURING OF DISTANCE LEARNING; AND

42
43 (VI) COMPLETING A COMPREHENSIVE REVIEW OF THE
44 ADMINISTRATIVE COSTS FOR CAREER AND TECHNICAL EDUCATION.

45
46 (f) THE TASK FORCE RECOMMENDED THAT ANY COST SAVINGS
47 ACHIEVED FROM THE RECOMMENDATIONS SHOULD GO TO PROGRAM
48 PROVIDERS FOR ENHANCING SERVICES;

49
50 (g) THE TASK FORCE RECOMMENDED THAT THE BOARD CONDUCT
51 A COMPREHENSIVE EXAMINATION OF THE LOWRY CAMPUS, INCLUDING
52 HOW TO DEVELOP THE LAND TO ITS HIGHEST AND BEST USE AND HOW ANY
53 FUNDS RESULTING FROM THESE CHANGES MAY BE INVESTED IN THE
54 CLASSROOMS OF THE STATE SYSTEM OF COMMUNITY COLLEGES;

55

1 (h) THE TASK FORCE ESTABLISHED A TIME LINE FOR THE BOARD TO
2 FOLLOW AND INCLUDED IN THAT TIME LINE PERIODIC REPORTS TO THE
3 GOVERNOR; AND

4
5 (i) IT IS IN THE BEST INTERESTS OF THE PUBLIC THAT SOME OF
6 THESE RECOMMENDATIONS BE PUT INTO STATUTE.

7
8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10
11 (a) "COLLEGES" MEANS THE COMMUNITY COLLEGES UNDER THE
12 CONTROL OF THE BOARD.

13
14 (b) "SYSTEM OFFICE" MEANS THE OFFICE UNDER THE BOARD THAT
15 PROVIDES SERVICES TO ALL OF THE COLLEGES.

16
17 (c) "TASK FORCE" MEANS THE GOVERNOR'S TASK FORCE
18 ESTABLISHED PURSUANT TO AN EXECUTIVE ORDER DATED DECEMBER 23,
19 2003.

20
21 (3) (a) PURSUANT TO THE RECOMMENDATIONS OF THE TASK FORCE,
22 EFFECTIVE JULY 1, 2004, THE BOARD SHALL BEGIN TO REDUCE THE
23 ADMINISTRATIVE COSTS OF THE SYSTEM OFFICE BY AT LEAST THIRTY-FIVE
24 PERCENT.

25
26 (b) THE MONEYS AVAILABLE BECAUSE OF THE REDUCTIONS
27 REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE USED TO
28 FINANCE THE FOLLOWING RECOMMENDATIONS OF THE TASK FORCE:

29
30 (I) (A) THE INSTALLATION OF A CENTRALIZED, STANDARDIZED,
31 INTEGRATED, SYSTEM-WIDE INFORMATION TECHNOLOGY SYSTEM
32 SOLUTION FOR THE COLLEGES.

33
34 (B) ON OR BEFORE JULY 1, 2004, THE BOARD SHALL BEGIN
35 IMPLEMENTATION OF THE CENTRALIZED, STANDARDIZED, INTEGRATED,
36 SYSTEM-WIDE INFORMATION TECHNOLOGY CONFIGURATION FOR THE
37 COLLEGES. THE IMPLEMENTATION OF THE INFORMATION TECHNOLOGY
38 CONFIGURATION SHALL BE SUBSTANTIALLY COMPLETED ON OR BEFORE
39 JUNE 30, 2006. THE BOARD AND THE COLLEGES SHALL ADOPT BEST
40 PRACTICES FOR ALL BUSINESS PROCESSES.

41
42 (II) BY JANUARY 1, 2005, THE RESTRUCTURING OF DISTANCE
43 LEARNING AT ALL COLLEGES BY REQUIRING THE SYSTEM OFFICE TO
44 PROVIDE AND ALL COLLEGES TO USE A COMMON UTILITY INFRASTRUCTURE
45 AND MAINTAIN A COMMON STANDARD FOR SECURITY AND ACCREDITATION;

46
47 (III) BY JULY 1, 2004, LIMITING INSTITUTIONAL RESEARCH TO THE
48 COLLEGES THEMSELVES AND DEVELOPING AND MAINTAINING ONE
49 UNIVERSAL DATABASE WITH INDIVIDUAL COLLEGE PARTITIONS FOR
50 VIRTUAL PRIVACY, TO BE USED BY THE SYSTEM OFFICE, WITH ALL DATA
51 GOVERNED BY STANDARDIZED DEFINITIONS, GUIDELINES, AND REPORTING
52 STANDARDS AND PROCEDURES; AND

53
54 (IV) BY JULY 1, 2004, CONDUCTING A COMPREHENSIVE REVIEW BY
55 THE BOARD OF THE ADMINISTRATIVE COSTS FOR CAREER AND TECHNICAL
56 EDUCATION.

1 (c) ANY REMAINING MONEYS AVAILABLE BECAUSE OF THE
2 REDUCTIONS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) AFTER
3 THE FINANCING OF THE RECOMMENDATIONS SPECIFIED IN PARAGRAPH (b)
4 OF THIS SUBSECTION (3) SHALL BE USED IN DELIVERING CLASSROOM
5 INSTRUCTION AND IN SUPPORT OF THE COLLEGES.
6

7 (4) (a) ON OR BEFORE JUNE 30, 2005, THE STATE BOARD SHALL
8 DEVELOP A MASTER PLAN FOR THE USE, DEVELOPMENT, OR SALE OF THE
9 REAL PROPERTY AT THE LOWRY CAMPUS, EXCEPT FOR THE PROPERTY USED
10 BY THE COMMUNITY COLLEGE OF AURORA OR THE COMMUNITY COLLEGE
11 OF DENVER. NOTHING IN THIS SECTION SHALL PREVENT THE BOARD FROM
12 AUTHORIZING THE FORMATION A CHARTER SCHOOL AT THE LOWRY
13 CAMPUS PRIOR TO THE DEVELOPMENT OF THE MASTER PLAN.
14

15 (b) ON OR BEFORE JUNE 30, 2006, THE STATE BOARD MAY ENTER
16 INTO AN AGREEMENT WITH A THIRD-PARTY MASTER DEVELOPER TO CARRY
17 OUT THE USE, DEVELOPMENT, OR SALE OF THE REAL PROPERTY FOR THE
18 LOWRY CAMPUS.
19

20 (5) (a) AS USED IN THIS SUBSECTION (5), UNLESS THE CONTEXT
21 OTHERWISE REQUIRES, "NET PROCEEDS FROM THE LOWRY PROPERTY"
22 MEANS THE PROCEEDS FROM THE SALE, GROUND LEASE, OR OTHER
23 DISPOSITION OF THE REAL ESTATE INTERESTS OF THE STATE BOARD AT THE
24 LOWRY CAMPUS, LESS THE ACTUAL AND REASONABLE COSTS OF
25 COMPLETING THE TRANSACTION AND LESS ANY UNSATISFIED DEBT OR
26 OTHER OBLIGATION RELATING TO SUCH REAL ESTATE INTERESTS.
27

28 (b) THE NET PROCEEDS FROM THE LOWRY PROPERTY MAY BE
29 MAINTAINED IN AN ACCOUNT FOR USE BY THE STATE BOARD FOR
30 CAPITAL-DEVELOPMENT-RELATED PROJECTS AT THE SYSTEM OFFICE OR
31 THE COLLEGES.
32

33 (6) ON OR BEFORE OCTOBER 1, 2004, JULY 1, 2005, AND JULY 1,
34 2006, THE BOARD SHALL SUBMIT TO THE GOVERNOR AND TO THE
35 EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
36 REPORTS ON THE PROGRESS MADE IN IMPLEMENTING THE
37 RECOMMENDATIONS CONTAINED IN THIS SECTION.
38

39 **SECTION 2. Safety clause.** The general assembly hereby finds,
40 determines, and declares that this act is necessary for the immediate
41 preservation of the public peace, health, and safety."
42
43
44

45 **HB04-1442** be referred to the Committee of the Whole with favorable
46 recommendation.
47

48
49 **SB04-144** be amended as follows, and as so amended, be referred to
50 the Committee on Appropriations with favorable
51 recommendation:
52

53 Amend reengrossed bill, page 3, line 6, strike the second "THE".
54
55
56

HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS

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

HB04-1435 be referred to the Committee of the Whole with favorable recommendation.

SB04-138 be referred favorably to the Committee on Finance.

INFORMATION & TECHNOLOGY

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

HB04-1403 be postponed indefinitely.

SIGNING OF BILLS - RESOLUTIONS - MEMORIALS

The Speaker has signed: **HB04-1266, 1274, 1353, 1366.**

MESSAGES FROM THE SENATE

Madam Speaker:

On reconsideration, the Senate passed on Third Reading and transmitted to the Revisor of Statutes HB04-1150, amended as printed in Senate Journal, March 23, page 607, also amended on Third Reading as printed in Senate Journal, March 26, pages 640-641, and as printed in Senate Journal, April 19.

The President appointed Senators Kester, chairman, Johnson, and Tapia, as members of the First Conference Committee on HB04-1115.

The Senate has passed on Third Reading and transmitted to the Revisor of Statutes:
SB04-213, amended as printed in Senate Journal, April 19, 2004, page 878.

MESSAGES FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB04-1150.

We herewith transmit:
With comment, as amended, SB04-213.

MESSAGE FROM THE GOVERNOR

I certify I received the following on the 19th day of April, 2004, at 2:37 p.m. The original is on file in the records of the House of Representatives of the General Assembly.

Judith Rodrigue,
Chief Clerk of the House

April 19, 2004

To the Honorable
House of Representatives
Sixty-fourth General Assembly
Second Regular Session
Denver, CO 80203

Ladies and Gentlemen:

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

HB04-1147 Concerning The Creation Of An Environmental Management System Permit Pilot Program.

Approved April 19, 2004 at 11:20 A.M.

Sincerely,
(signed)
Bill Owens
Governor

INTRODUCTION OF CONCURRENT RESOLUTIONS

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

HCR04-1016 by Representative(s) Spradley; also Senator(s) Hillman-- Submitting to the registered electors of the state of Colorado amendments to section 17 of article IX and section 20 of article X of the constitution of the state of Colorado, concerning a modification of constitutional restrictions affecting the ability of the general assembly to make adjustments to state spending in response to changing levels of state revenues, and, in connection therewith, restricting the growth in the statewide base per pupil funding for the 2005-06 and 2006-07 state fiscal years to the rate of inflation plus one additional percentage point; reducing by seventy-five million dollars the amount of moneys required to be spent on public school funding in the 2005-06 and 2006-07 state fiscal years; for the 2005-06 state fiscal year, requiring the state to retain up to one hundred fifty million dollars of excess state revenues; for the 2006-07 state fiscal year, requiring the state to

1 retain up to the sum of one hundred fifty million dollars of
2 excess state revenues and one hundred fifty million dollars
3 of such revenues as adjusted for specified factors; and, for
4 the 2007-08 and all succeeding state fiscal years, requiring
5 the state to retain up to the amount of excess state
6 revenues retained in the 2006-07 state fiscal year as
7 adjusted for specified factors.

8 Committee on Finance
9

10 **HCR04-1017** by Representative(s) Frangas; also Senator(s) Veiga--
11 Submitting to the registered electors of the state of
12 Colorado an amendment to section 3.5 (3) of article X of
13 the constitution of the state of Colorado, concerning a
14 requirement that compensation paid by the state to local
15 governments for any fiscal year that commences on or
16 after January 1, 2005, for the net amount of property tax
17 revenues lost as a result of the property tax exemption for
18 qualifying seniors shall constitute a refund of excess state
19 revenues; except that, if an earned income tax credit is
20 allowed for the calendar year that ends during the fiscal
21 year as a mechanism for refunding excess state revenues,
22 the compensation shall only be paid from excess state
23 revenues above the amount needed to pay the full amount
24 of the earned income credit and any compensation in
25 excess of the amount of excess state revenues that are
26 available to pay the compensation shall not constitute a
27 refund, shall be paid from the general fund, and shall be
28 included in state fiscal year spending.

29 Committee on Finance
30

31
32 House in recess. House reconvened.
33

34
35 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**
36

37 The Speaker has signed: **HB04-1098**.
38

39
40 **DELIVERY OF BILL TO GOVERNOR**
41

42 The Chief Clerk of the House of Representatives reports the following
43 bill has been delivered to the Office of the Governor: **HB04-1098** at
44 2:03 p.m., on April 20, 2004.
45

46
47 **MESSAGE FROM THE SENATE**
48

49 Madam Speaker:
50

51 The Senate has adopted and returns herewith: HJR04-1082.
52 The Senate granted permission to members of the First Conference
53 Committee on SB04-094 to consider matters not at issue between the two
54 houses.
55
56

INTRODUCTION OF BILLS
First Reading

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

HB04-1446 by Representative(s) McFadyen; also Senator(s) Chlouber--Concerning the ability of a state employee to receive compensation from more than one state agency.

Committee on Business Affairs & Labor

HB04-1447 by Representative(s) Romanoff, Larson, Berry, Briggs, Cloer, Coleman, Frangas, Hefley, Plant, Salazar, Stafford, Vigil--Concerning the enrollment in the children's basic health plan of a child who is no longer eligible for medicaid due to the implementation of Senate Bill 03-176.

Committee on Health, Environment, Welfare, & Institutions

Committee on Appropriations

HB04-1448 by Representative(s) Spradley; also Senator(s) May R.--Concerning the regulation of trade names.

Committee on Business Affairs & Labor

SB04-213 by Senator(s) Arnold, Cairns, Hillman, Jones, Lamborn; also Representative(s) Crane--Concerning voter identification.

Committee on State, Veterans, & Military Affairs

On motion of Representative Sinclair, the House resolved itself into Committee of the Whole for consideration of General Orders, and he was called to the Chair to act as Chairman.

GENERAL ORDERS--SECOND READING OF BILLS

The Committee of the Whole having risen, the Chairman reported the titles of the following concurrent resolutions 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.)

HCR04-1009 by Representative(s) King, Spradley; also Senator(s) Hillman, Andrews--Submitting to the registered electors of the state of Colorado amendments to articles IX and X of the constitution of the state of Colorado, concerning modification of constitutional restrictions that limit the ability of the state legislature to balance competing spending priorities in response to changing levels of state revenues, and, in connection therewith, reducing constitutional public education funding growth requirements by fifty percent for state fiscal years 2005-06 and 2006-07 and, in response to revenue shortfalls only,

1 by fifty percent for subsequent state fiscal years;
2 eliminating the requirement that the state reserve three
3 percent of its fiscal year spending for emergency use only;
4 modifying the manner in which the constitutional
5 limitation on state fiscal year spending is calculated for
6 years in which there are revenue shortfalls; requiring the
7 state to retain up to three hundred fifty million dollars,
8 adjusted annually for inflation and state population
9 changes, of revenues in excess of the constitutional
10 limitation on state fiscal year spending; allowing excess
11 state revenues retained to be used only to augment the
12 state general fund and the state education fund, to fund a
13 newly created state rainy day fund, and to fund the
14 property tax exemption for qualifying seniors; and
15 allowing the general assembly, by a two-thirds vote of the
16 members of each house, to expend moneys from the state
17 rainy day fund in the fiscal year following a revenue
18 shortfall.
19

20 Amendment No. 1, Finance Report, dated April 8, 2004, and placed in
21 member's bill file; Report also printed in House Journal, April 12, pages
22 1283-1284.)
23

24 Amendment No. 2, by Representative King.
25

26 Amend printed concurrent resolution, page 4, line 7, strike "(a) EXCEPT
27 AS";
28

29 strike line 8 and substitute the following:
30

31 "In state";
32

33 strike line 15;
34

35 line 16, strike "THIS SUBSECTION(1), in" and substitute "percentage point;
36 EXCEPT THAT, IN STATE FISCAL YEAR 2005-06 AND STATE FISCAL YEAR
37 2006-07, THE STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE
38 FUNDING FOR ALL CATEGORICAL PROGRAMS SHALL GROW ANNUALLY BY
39 AT LEAST THE RATE OF INFLATION. In";
40

41 line 20, strike "inflation." and substitute "inflation; EXCEPT THAT, IN
42 STATE FISCAL YEAR 2011-12 AND STATE FISCAL YEAR 2012-13, THE
43 STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL
44 CATEGORICAL PROGRAMS SHALL GROW ANNUALLY BY AT LEAST THE RATE
45 OF INFLATION PLUS AN ADDITIONAL ONE PERCENTAGE POINT.";
46

47 strike lines 21 through 27.
48

49 Page 5, strike lines 1 through 7.
50

51 Amendment No. 3, by Representative King.
52

53 Amend printed concurrent resolution, page 5, line 8, strike "(a)";
54

55 line 13, strike "EXCEPT AS";
56

1 strike line 14 and substitute the following:

2

3 "In state";

4

5 line 20, strike "act." and substitute "act; EXCEPT THAT, IN STATE FISCAL
6 YEAR 2005-06 AND STATE FISCAL YEAR 2006-07, THE GENERAL ASSEMBLY
7 SHALL, AT A MINIMUM, ANNUALLY INCREASE THE GENERAL FUND
8 APPROPRIATION FOR TOTAL PROGRAM BY AN AMOUNT NOT BELOW FIVE
9 PERCENT OF THE PRIOR YEAR GENERAL FUND APPROPRIATION FOR TOTAL
10 PROGRAM LESS AN AMOUNT EQUAL TO A ONE PERCENTAGE POINT INCREASE
11 IN THE STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC
12 SCHOOL FINANCE ACT OF 1994" ON DECEMBER 28, 2000, AND TOTAL
13 STATE FUNDING FOR ALL CATEGORICAL PROGRAMS FOR THE FISCAL
14 YEAR.";

15

16 strike lines 21 through 27.

17

18 Page 6, strike lines 1 through 9.

19

20 Amendment No. 4, by Representative King.

21

22 Amend printed concurrent resolution, page 10, strike lines 16 through 19
23 and substitute the following:

24

25 "CONNECTION THEREWITH, SUSPENDING THE REQUIRED ADDITIONAL ONE
26 PERCENTAGE POINT INCREASE ABOVE THE RATE OF INFLATION FOR
27 STATEWIDE BASE PER PUPIL AND TOTAL CATEGORICAL PROGRAM
28 EDUCATION FUNDING FOR THE 2005-06 AND 2006-07 STATE FISCAL YEARS
29 AND REDUCING THE REQUIRED INCREASE IN GENERAL FUND
30 APPROPRIATIONS FOR TOTAL PROGRAM EDUCATION FUNDING FOR THOSE
31 FISCAL YEARS BY THE AMOUNT OF THE SUSPENDED ADDITIONAL ONE
32 PERCENTAGE POINT".

33

34 Page 1, strike lines 108 through 111;

35

36 line 112, strike "FISCAL YEARS;" and substitute the following:

37

38 "SUSPENDING THE REQUIRED ADDITIONAL ONE PERCENTAGE POINT
39 INCREASE ABOVE THE RATE OF INFLATION FOR STATEWIDE BASE PER
40 PUPIL AND TOTAL CATEGORICAL PROGRAM EDUCATION FUNDING FOR
41 THE 2005-06 AND 2006-07 STATE FISCAL YEARS AND REDUCING THE
42 REQUIRED INCREASE IN GENERAL FUND APPROPRIATIONS FOR TOTAL
43 PROGRAM EDUCATION FUNDING FOR THOSE FISCAL YEARS BY THE
44 AMOUNT OF THE SUSPENDED ADDITIONAL ONE PERCENTAGE POINT";

45

46 As amended, ordered engrossed and placed on the Calendar for Third
47 Reading and Final Passage.

48

49 **HCR04-1010** by Representative(s) Young, Plant, Witwer; also
50 Senator(s) Reeves, Owen, Teck--Submitting to the
51 registered electors of the state of Colorado amendments to
52 articles IX and X of the constitution of the state of
53 Colorado, concerning constitutional formulas that affect
54 the ability of the state to make adjustments to state
55 spending, and, in connection therewith, suspending the
56 provisions of section 17 of article IX that require an

1 increase in certain funding requirements for public schools
2 for state fiscal years 2005-06 and 2006-07 and in state
3 fiscal years following a decline in state fiscal year
4 spending; requiring public school funding to increase by
5 inflation plus one percentage point until such funding
6 equals or exceeds levels that would have been reached in
7 the absence of a suspension; repealing the requirement that
8 beginning in state fiscal year 2011-12 public school
9 funding grow annually by at least the rate of inflation;
10 establishing the state fiscal year spending limit in section
11 20 of article X as six percent of the Colorado economy as
12 measured by the statewide aggregate personal income;
13 eliminating the state emergency reserve; establishing a
14 state rainy day fund and the permitted uses of the moneys
15 in such fund; and making all of the foregoing changes
16 without increasing any tax rates.
17

18 Amendment No. 1, by Representative Young.

19
20 Amend printed concurrent resolution, page 7, line 3, strike "(5) and (7)
21 (a)" and substitute "(5), (7) (a), and (7) (d)";

22
23 after line 23, insert the following:

24
25 "(d) If revenue from sources not excluded from fiscal year
26 spending exceeds these limits in dollars for that fiscal year, the excess
27 shall be refunded in the next fiscal year unless voters approve a revenue
28 change as an offset. Initial district bases are current fiscal year spending
29 and 1991 property tax collected in 1992. Qualification or disqualification
30 as an enterprise shall change LOCAL district bases and future year limits,
31 AND IT SHALL CHANGE THE STATE FISCAL YEAR SPENDING LIMIT AS
32 PROVIDED BY LAW. Future creation of district bonded debt shall increase,
33 and retiring or refinancing district bonded debt shall lower, fiscal year
34 spending and property tax revenue by the annual debt service so funded.
35 Debt service changes, reductions, (1) and (3) (c) refunds, and
36 voter-approved revenue changes are dollar amounts that are exceptions
37 to, and not part of, any district base. Voter-approved revenue changes do
38 not require a tax rate change."
39

40 Page 9, line 8, after "BALANCE.", add "IF THE FISCAL YEAR SPENDING
41 LIMIT IS CHANGED AS A RESULT OF QUALIFICATION OR DISQUALIFICATION
42 AS AN ENTERPRISE, THEN THE RANGE OF STATE REVENUES REQUIRED TO BE
43 DEPOSITED IN THE FUND MAY BE CHANGED, AS PROVIDED BY LAW, SO AS
44 TO KEEP TWENTY-FIVE ONE-HUNDREDTHS PERCENT OF THE STATEWIDE
45 AGGREGATE PERSONAL INCOME AS THE MAXIMUM AMOUNT OF STATE
46 REVENUES THAT MAY BE DEPOSITED IN THE FUND DURING A GIVEN STATE
47 FISCAL YEAR."
48

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

51
52 **HCR04-1001** by Representative(s) Romanoff--Submitting to the
53 registered electors of the state of Colorado amendments to
54 section 17 (1) of article IX and section 20 of article X of
55 the constitution of the state of Colorado, concerning the
56 stabilization of government revenues, and, in connection

1 therewith, suspending the required one percent increase in
2 certain state education funding during an economic
3 downturn, requiring fiscal year spending limits for state
4 and local districts to be calculated based upon prior fiscal
5 year spending limits, with adjustments for inflation and
6 growth, without being subject to reduction due to declines
7 in revenues, and allowing local districts to seek voter
8 approval to impose a fluctuating mill levy for a specified
9 period in order to allow the local district to collect
10 property tax revenues not to exceed the amount of such
11 revenues collected in the prior year, as adjusted for
12 inflation and local growth.
13

14 Amendment No. 1, by State, Veterans, & Military Affairs Report, dated
15 April 13, 2004, and placed in member's bill file; Report also printed in
16 House Journal, April 14, page 1304.)
17

18 Amendment No. 2, by Representative Romanoff.
19

20 Amend printed concurrent resolution, page 3, line 10, strike "PARAGRAPH
21 (b)" and substitute "PARAGRAPHS (b) AND (c)";
22

23 line 21, strike "(a) OR AS" and substitute "(a), AS EXTENDED BY
24 PARAGRAPH (c) OF THIS SUBSECTION (1) AND AS MAY BE".
25

26 Page 4, line 2, strike "(1) OR AS" and substitute "(1), AS EXTENDED BY
27 PARAGRAPH (c) OF THIS SUBSECTION (1) AND AS MAY BE";
28

29 after line 26, insert the following:
30

31 "(c) FOR THE 2006-07 STATE FISCAL YEAR, THE REQUIREMENT
32 THAT THE STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE
33 PUBLIC SCHOOL FINANCE ACT OF 1994, ARTICLE 54 OF TITLE 22,
34 COLORADO REVISED STATUTES, ON DECEMBER 28, 2000, FOR PUBLIC
35 EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND TOTAL
36 STATE FUNDING FOR ALL CATEGORICAL PROGRAMS GROW BY AN
37 ADDITIONAL ONE PERCENTAGE POINT SPECIFIED IN SUBPARAGRAPH (I) OF
38 PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE SUSPENDED. THE
39 TEN-YEAR PERIOD DESCRIBED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF
40 THIS SUBSECTION (1) SHALL BE EXTENDED BY ONE YEAR TO ENSURE THAT
41 THE ONE PERCENTAGE POINT INCREASE REQUIREMENT APPLIES FOR AN
42 AGGREGATE RATHER THAN A CONSECUTIVE TOTAL OF TEN STATE FISCAL
43 YEARS."
44

45 Amendment No. 3, by Representative May M.
46

47 Amend printed concurrent resolution, page 5, line 4, strike "2004," and
48 substitute "2005,";
49

50 line 9, strike "2004-05" and substitute "2005-06";
51

52 line 11, strike "2000-01" and substitute "2001-02";
53

54 line 12, after "INFLATION", insert "FOR THE 2001, 2003, AND 2004
55 CALENDAR YEARS";
56

1 line 13, strike "2000, 2001, 2002, AND 2003" and substitute "2001, 2002,
2 2003, AND 2004";

3
4 line 15, strike "2000." and substitute "2001.";

5
6 line 16, strike "2005-06" and substitute "2006-07".

7
8 As amended, ordered engrossed and placed on the Calendar for Third
9 Reading and Final Passage.

10
11 On motion of Representative King, the remainder of the General Orders
12 Calendar (**HB04-1408, 1374, SB04-153**) was laid over until April 21,
13 retaining place on Calendar.

14 15 16 **ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

17
18 Passed Second Reading: **HCR04-1009 amended, 1010 amended, 1001**
19 **amended.**

20
21 Laid over until date indicated retaining place on Calendar: **HB04-1408,**
22 **1374, SB04-153**--April 21, 2004.

23
24 The Chairman moved the adoption of the Committee of the Whole
25 Report. As shown by the following roll call vote, a majority of those
26 elected to the House voted in the affirmative, and the Report was
27 **adopted.**

28	YES	56	NO	02	EXCUSED	03	ABSENT	04
29	Berry	Y	Garcia	E	McCluskey	Y	Sinclair	Y
30	Borodkin	Y	Hall	Y	McFadyen	Y	Smith	Y
31	Boyd	Y	Harvey	N	McGihon	Y	Spence	-
32	Briggs	Y	Hefley	Y	Merrifield	Y	Stafford	-
33	Brophy	Y	Hodge	Y	Miller	Y	Stengel	Y
34	Butcher	Y	Hoppe	Y	Mitchell	-	Tochtrop	Y
35	Cadman	Y	Jahn	Y	Paccione	Y	Vigil	Y
36	Carroll	Y	Johnson	Y	Plant	E	Weddig	Y
37	Cerbo	Y	Judd	Y	Pommer	Y	Weissmann	Y
38	Clapp	Y	King	Y	Ragsdale	Y	Welker	Y
39	Cloer	N	Larson	Y	Rhodes	Y	White	Y
40	Coleman	Y	Lee	Y	Rippy	Y	Wiens	Y
41	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	E
42	Decker	Y	Madden	Y	Rose	Y	Williams T.	-
43	Fairbank	Y	Marshall	Y	Salazar	Y	Witwer	Y
44	Frangas	Y	May	Y	Schultheis	Y	Young	Y
45							Speaker	Y

46 47 48 **REPORTS OF COMMITTEES OF REFERENCE**

49 50 **JUDICIARY**

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

53
54 **HB04-1432** be postponed indefinitely.

55
56 **SB04-037** be referred favorably to the Committee on Appropriations.

1 **STATE, VETERANS, & MILITARY AFFAIRS**

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

4
5 **HR04-1011** be postponed indefinitely.

6
7
8 **SB04-126** be amended as follows, and as so amended, be referred to
9 the Committee of the Whole with favorable
10 recommendation:

11
12 Amend reengrossed bill, page 2, line 9, strike "WING." and substitute
13 "WING, WHICH SHALL BE UNDER THE COMMAND AND CONTROL OF THE
14 DULY APPOINTED COMMANDING OFFICER OF SUCH WING.";

15
16 line 20, strike "THE TERM OF THE HEAD OF THE";

17
18 strike lines 21 and 22.

19
20
21 **SCR04-005** be referred to the Committee of the Whole with favorable
22 recommendation.

23
24
25 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

26
27 The Speaker has signed: **HJR04-1082.**

28
29
30 **DELIVERY OF BILLS TO GOVERNOR**

31
32 The Chief Clerk of the House of Representatives reports the following
33 bills have been delivered to the Office of the Governor:

34
35 **HB04-1241, 1304** at 2:46 p.m., on April 20, 2004.

36
37
38 **HB04-1266, 1274, 1353, 1366** at 4:06 p.m., on April 20, 2004.

39
40
41 **INTRODUCTION OF BILLS**
42 **First Reading**

43
44 The following bills were read by title and referred to the committees
45 indicated:

46
47 **HB04-1449** by Representative(s) Rhodes--Concerning the authority of
48 the state personnel director to establish the group benefit
49 plan year.

50 Committee on Business Affairs & Labor

51
52 **HB04-1450** by Representative(s) Schultheis, Crane, Lundberg,
53 Welker--Concerning students allocating student fees in
54 higher education.

55 Committee on Education
56

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar were laid over until April 21, retaining place on Calendar:

Consideration of Resolutions--**HJR04-1013, SJR04-015, HJR04-1010, SJR04-023, 024, 027, HJR04-1040, HR04-1008, HJR04-1047, SJR04-025, 030, HJR04-1051, 1052, 1042, HR04-1010, HJR04-1053, SJR04-033, HJR04-1055, 1056, 1058, 1059, 1060, 1061, 1062, 1063, 1065, HR04-1012, 1013, 1015, HJR04-1066, 1067, 1068, 1071, 1072, 1073, 1074, 1075, 1078, 1079, 1080, 1081, SJR04-011, 028, HJR04-1084, 1085.**

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

Consideration of Senate Amendments--**HB04-1292, 1187, 1121, 1399, 1420, 1421, 1095.**

On motion of Representative King, the House adjourned until 9:00 a.m., April 21, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk