

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

Seventy-first Legislative Day

Wednesday, March 17, 2004

1 Prayer by Dr. C. Gene Selander, Denver.

2

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

4

5 Pledge of Allegiance led by Representative Salazar.

6

7 The roll was called with the following result:

8

9 Present--58.

10 Excused--Representatives Briggs, Harvey, Madden, Rippy,

11 Stafford--5.

12 Absent--Representatives Schultheis, Young--2.

13 Present after roll call--Representatives Briggs, Harvey, Schultheis,

14 Stafford, Young.

15

16 The Speaker declared a quorum present.

17

18

19 On motion of Representative Rose, the reading of the journal of
20 March 16, 2004, was declared dispensed with and approved as corrected
21 by the Chief Clerk.

22

23

24

25

CONSIDERATION OF RESOLUTIONS

26

27 **HJR04-1005** by Representative(s) Spence, Hefley, Clapp, Fairbank,
28 Garcia, Hoppe, King, Lee, Paccione, Stafford, Stengel,
29 Weddig, White, Williams S., Witwer; also Senator(s)
30 Arnold--Concerning consolidation of the University of
31 Colorado Health Sciences Center and the University of
32 Colorado at Denver.

33

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

35

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

38

39 Co-sponsors added: Roll Call of the House.

40

41 **HR04-1006** by Representative(s) Borodkin, Coleman, Garcia, Larson,
42 Briggs, Salazar, Spradley, Boyd, Carroll, Cerbo, Harvey,
43 Hefley, Hodge, Hoppe, Jahn, Judd, Madden, McCluskey,

1 McFadyen, McGihon, Miller, Paccione, Pommer, Rhodes,
2 Romanoff, Spence, Stafford, Tochtrop, Weddig,
3 Weissmann, White, Wiens, Williams T.--Concerning
4 condemnation of vandalism of Jewish houses of prayer.
5

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

8 Representative Borodkin moved that the resolution be adopted and
9 requested that it be read at length.
10

11 Amendment No. 1, moved by Representative Borodkin.

12 Amend printed resolution, page 2, after line 6, add the following:
13

14 "Be It Further Resolved, That copies of this resolution be sent to
15 the BMH-BJ Congregation, Allied Jewish Federation of Colorado, the
16 Rocky Mountain Rabbinical Council, and the Mountain States Region of
17 the Anti-Defamation League."
18

19 The amendment was declared **passed** by **viva voce** vote.
20

21 On motion of Representative Borodkin, the resolution as amended, was
22 **adopted** by **viva voce** vote.
23

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

26
27 On motion of Representative King, at 9:48 a.m., **SB04-089, HB04-1283,**
28 **SB04-152, HB04-1381, SB04-063, 147, HB04-1393** were added to the
29 Special Orders Calendar on Wednesday, March 17, 2004.
30

31
32 On motion of Representative Wiens, the House resolved itself into
33 Committee of the Whole for consideration of Special Orders and he was
34 called to the Chair to act as Chairman.
35

36 37 38 SPECIAL ORDERS--SECOND READING OF BILLS 39

40 The Committee of the Whole having risen, the Chairman reported the
41 titles of the following bills had been read (reading at length had been
42 dispensed with by unanimous consent), the bills considered and action
43 taken thereon as follows:
44

45 (Amendments to the committee amendment are to the printed committee
46 report which was printed and placed in the members' bill file.)
47

48 **HB04-1345** by Representative(s) May M., Pommer, Boyd, Briggs,
49 Crane, Frangas, Lundberg, Marshall, Stafford; also
50 Senator(s) McElhany, Evans, Fitz-Gerald, Owen--
51 Concerning an increase in customers' ability to choose a
52 telecommunications local exchange provider.
53

54 Laid over until May 6, 2004. Bill deemed lost.
55
56

- 1 **SB04-007** by Senator(s) Anderson, Taylor; also Representative(s)
2 Williams T., Rhodes--Concerning the determination of
3 which higher education employees are exempt from the
4 state personnel system.
5
- 6 Amendment No. 1, by Representative Williams T.
7
8 Amend reengrossed bill, page 2, line 10, strike "institution;" and
9 substitute "institution";
10
11 line 11, strike "~~assistants~~;" and substitute "~~assistants~~ AND THEIR
12 EXECUTIVE ASSISTANTS;";
13
14 line 12, strike "OTHERS" and substitute "PROFESSIONALS";
15
16 line 15, strike "OTHER" and substitute "PROFESSIONAL".
17
18 Page 3, line 12, strike "FOR THE DURATION OF THEIR INITIAL
19 APPOINTMENT, HEADS" and substitute "HEADS";
20
21 line 13, strike "PROJECTS, AND" and substitute "AND GRANT PROJECTS;
22 AND, FOR THE DURATION OF THEIR INITIAL APPOINTMENT,";
23
24 line 21, strike "board." and substitute "board AND SUBJECT TO POSTAUDIT
25 REVIEW BY THE STATE PERSONNEL DIRECTOR.";
26
27 line 24, after "EDUCATION", insert "OTHER THAN ADMINISTRATIVE
28 POSITIONS IN EDUCATIONAL INSTITUTIONS";
29
30 line 26, strike "BOARD." and substitute "BOARD AND SUBJECT TO
31 POSTAUDIT REVIEW BY THE STATE PERSONNEL DIRECTOR.".
32
- 33 As amended, ordered revised and placed on the Calendar for Third
34 Reading and Final Passage.
35
- 36 **SB04-182** by Senator(s) Dyer; also Representative(s) Stengel--
37 Concerning the release of funds placed into escrow by a
38 tobacco product manufacturer that is not a participating
39 manufacturer under the terms of the tobacco litigation
40 master settlement agreement.
41
- 42 Ordered revised and placed on the Calendar for Third Reading and Final
43 Passage.
44
45
- 46 **HB04-1277** by Representative(s) Hefley, Carroll, Cloer, Romanoff,
47 Rose, Stafford, Williams S., Clapp, Frangas, Paccione,
48 White; also Senator(s) Cairns--Concerning the child care
49 commission, and, in connection therewith, modifying the
50 responsibilities of the commission and changing the name
51 of the commission to the early childhood and school
52 readiness commission.
53
- 54 (Previously amended on Second Reading, as printed in House Journal,
55 February 20, pages 575-576.)
56

1 Amendment No. 4, by Representative Hefley.

2
3 Strike the Appropriations Committee Report, dated March 5, 2004, and
4 substitute the following:

5
6 "Amend printed bill, page 13, line 3, strike "ARE HEREBY CONTINUOUSLY
7 APPROPRIATED TO THE" and substitute "SHALL BE SUBJECT TO ANNUAL
8 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE";

9
10 line 10, strike "GENERAL FUND." and substitute "CHILD CARE CASH FUND,
11 CREATED IN SECTION 26-6-114 (5).";

12
13 after line 16, insert the following:

14
15 "(4) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO
16 GENERAL FUND MONEYS SHALL BE OBLIGATED OR APPROPRIATED TO
17 IMPLEMENT THE PROVISIONS OF THIS PART 3.

18
19 (b) IF THE EARLY CHILDHOOD AND SCHOOL READINESS CASH FUND
20 CREATED PURSUANT TO THIS SECTION DOES NOT CONTAIN MONEYS
21 SUFFICIENT TO PAY THE MEMBERS OF THE COMMISSION FOR FISCAL YEAR
22 2004-05 BY DECEMBER 1, 2004, THEN THE STATE DEPARTMENT SHALL
23 NOTIFY THE COMMISSION, THE STATE TREASURER, AND THE REVISOR OF
24 STATUTES, AND THIS PART 3 SHALL BE REPEALED, EFFECTIVE DECEMBER
25 1, 2004.

26
27 (c) IF THE EARLY CHILDHOOD AND SCHOOL READINESS CASH FUND
28 CREATED PURSUANT TO THIS SECTION DOES NOT CONTAIN MONEYS
29 SUFFICIENT TO PAY THE MEMBERS OF THE COMMISSION FOR FISCAL YEAR
30 2005-06 BY DECEMBER 1, 2005, THEN THE STATE DEPARTMENT SHALL
31 NOTIFY THE COMMISSION, THE STATE TREASURER, AND THE REVISOR OF
32 STATUTES, AND THIS PART 3 SHALL BE REPEALED, EFFECTIVE DECEMBER
33 1, 2005.

34
35 (d) IF THE EARLY CHILDHOOD AND SCHOOL READINESS CASH FUND
36 CREATED PURSUANT TO THIS SECTION DOES NOT CONTAIN MONEYS
37 SUFFICIENT TO PAY THE MEMBERS OF THE COMMISSION FOR FISCAL YEAR
38 2006-07 BY DECEMBER 1, 2006, THEN THE STATE DEPARTMENT SHALL
39 NOTIFY THE COMMISSION, THE STATE TREASURER, AND THE REVISOR OF
40 STATUTES, AND THIS PART 3 SHALL BE REPEALED, EFFECTIVE DECEMBER
41 1, 2006.";

42
43 line 20, strike "2007." and substitute "2007; EXCEPT THAT, THIS PART 3
44 MAY BE REPEALED PRIOR TO JULY 1, 2007, IF REPEAL IS REQUIRED BY
45 SECTION 26-6-306.5 (4).".

46
47 Page 14, after line 14, insert the following:

48
49 **"SECTION 10. Appropriation.** (1) In addition to any other
50 appropriation, there is hereby appropriated, out of any moneys in the
51 early childhood and school readiness cash fund, created pursuant to
52 section 26-6-306.5 (2), Colorado Revised Statutes, not otherwise
53 appropriated, to the department of human services, for allocation to the
54 division of child care, for the fiscal year beginning July 1, 2004, the sum
55 of twenty-five thousand dollars (\$25,000), or so much thereof as may be
56 necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the early childhood and school readiness cash fund, created pursuant to section 26-6-306.5 (2), Colorado Revised Statutes, not otherwise appropriated, to the legislative department, for allocation to the legislative council, for the fiscal year beginning July 1, 2004, the sum of one thousand seven hundred dollars (\$1,700), or so much thereof as may be necessary, for the implementation of this act."

Renumber succeeding section accordingly.

Page 1, line 104, strike "COMMISSION." and substitute "COMMISSION, AND MAKING AN APPROPRIATION THEREFOR."."

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

HB04-1351 by Representative(s) Hoppe, Stengel, Briggs, Brophy, McCluskey, Rose, Salazar, Wiens, Young; also Senator(s) Taylor--Concerning the state board of stock inspection commissioners, and, in connection therewith, changing the fiscal policies of such board and the division of brand inspection to allow operation as an enterprise for purposes of section 20 of article X of the state constitution.

Amendment No. 1, Agriculture, Livestock, & Natural Resources Report, dated February 19, 2004, and placed in member's bill file; Report also printed in House Journal, February 20, pages 579-581.

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

SB04-089 by Senator(s) Reeves; also Representative(s) Paccione--Concerning affordable housing, and, in connection therewith, allowing the certification of nonprofit local housing agencies as local public procurement units for purposes of cooperative purchasing agreements.

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

HB04-1283 by Representative(s) Boyd; also Senator(S) Taylor--Concerning a study to determine the quality of education provided in Colorado's public high schools.

Amendment No. 1, Education Report, dated February 11, 2004, and placed in member's bill file; Report also printed in House Journal, February 12, pages 425-426.

Amendment No. 2, Appropriations Report, dated March 5, 2004, and placed in member's bill file; Report also printed in House Journal, March 8, page 776.

As amended, laid over until March 18, retaining place on Calendar.

- 1 **SB04-152** by Senator(s) Evans; also Representative(s) Lee--
2 Concerning a prohibition on the payment of a teacher
3 following the initiation of a prosecution for an offense that
4 would result in the loss of licensure.
5
- 6 Amendment No. 1, Education Report, dated March 10, 2004, and placed
7 in member's bill file; Report also printed in House Journal, March 11,
8 page 839.
9
- 10 As amended, ordered revised and placed on the Calendar for Third
11 Reading and Final Passage.
12
- 13 **SB04-063** by Senator(s) Teck; also Representative(s) May M.--
14 Concerning court review of the rejection of a claim for
15 certain tax refunds.
16
- 17 Ordered revised and placed on the Calendar for Third Reading and Final
18 Passage.
19
- 20 **SB04-147** by Senator(s) Sandoval; also Representative(s) Cloer--
21 Concerning the administration of certain financial
22 assistance programs in the department of revenue.
23
- 24 Ordered revised and placed on the Calendar for Third Reading and Final
25 Passage.
26
- 27 **HB04-1393** by Representative(s) White, Cadman, Garcia, Merrifield,
28 Miller, Rippy, Rose, Spradley; also Senator(s) Taylor,
29 Andrews, Chlouber, Entz, Fitz-Gerald, Isgar, Lamborn,
30 McElhany--Concerning amendments to the Colorado "Ski
31 Safety Act of 1979" to reflect evolution in the sport of
32 skiing.
33
- 34 Amendment No. 1, Local Government Report, dated March 10, 2004, and
35 placed in member's bill file; Report also printed in House Journal, March
36 11, page 840.
37
- 38 As amended, ordered engrossed and placed on the Calendar for Third
39 Reading and Final Passage.
40
- 41 On motion of Representative King, the remainder of the Special Orders
42 Calendar (**HB04-1257, 1315, 1355, SB04-095, HB04-1382, 1283**
43 **amended, 1381**) was laid over until March 18, retaining place on
44 Calendar.
45

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

- 46
- 47
- 48
- 49 Passed Second Reading: **SB04-007 amended, 182, HB04-**
50 **1277 amended, 1351 amended, SB04-089, 152 amended, 063, 147,**
51 **HB04-1393 amended.**
52
- 53 Laid over until date indicated retaining place on Calendar:
54 **HB04-1257, 1315, 1355, SB04-095, HB04-1382, 1283 amended, 1381--**
55 **March 18, 2004.**
56 **HB04-1345--May 6, 2004**

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

	YES	63	NO	00	EXCUSED	02	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	E	Wiens	Y
19	Crane	Y	Lundberg	Y	Romanoff	Y	Williams S.	Y
20	Decker	Y	Madden	E	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

27 REPORTS OF COMMITTEES OF REFERENCE

29 JUDICIARY

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

33 **SB04-020** be amended as follows, and as so amended, be referred to
 34 the Committee of the Whole with favorable
 35 recommendation:

37 Amend reengrossed bill, page 2, line 18, after "(2)", insert "(a)";

39 after line 24, insert the following:

41 "(b) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY CLAIM
 42 OR ACTION BROUGHT BY OR ON BEHALF OF A NATURAL PERSON AND TO
 43 ANY DERIVATIVE OR OTHER CLAIM OR ACTION ARISING THEREFROM THAT
 44 IS ASSERTED BY OR ON BEHALF OF ANY OTHER PERSON OR ENTITY.".

48 **SB04-179** be postponed indefinitely.

51 **SB04-187** be referred to the Committee of the Whole with favorable
 52 recommendation.

55 **SB04-191** be referred to the Committee of the Whole with favorable
 56 recommendation.

1 **LEGAL SERVICES**

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

4
5 **SB04-195** be referred to the Committee of the Whole with favorable
6 recommendation.
7
8
9

10
11 **STATE, VETERANS, & MILITARY AFFAIRS**

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

14
15 **HB04-1227** be amended as follows, and as so amended, be referred to
16 the Committee on Appropriations with favorable
17 recommendation:
18

19 Amend printed bill, page 4, after line 1, insert the following:

20
21 **"SECTION 1. Legislative declaration.** (1) The general
22 assembly hereby finds and declares that:

23
24 (a) Self-government by election is the cornerstone of true
25 democracy.
26

27 (b) The security and accuracy of elections ensure the confidence
28 of the citizens of the state in the democratic process and the legitimacy
29 of its results.
30

31 (c) Concerns have been raised in recent months about the security
32 and accuracy of computerized voting systems and technologies,
33 especially direct recording electronic (DRE) voting systems.
34

35 (d) These concerns are not new and were anticipated by the
36 federal "Help America Vote Act of 2002", P.L. No. 107-252, (HAVA),
37 which created a technical guidelines development committee to assist the
38 new election assistance commission in developing guidelines and
39 standards to ensure the reliability and accuracy of computer technologies
40 used in voting systems.
41

42 (e) These guidelines and standards will focus not only on ensuring
43 the security of computer and network hardware and software and data
44 storage, but also on detecting and preventing fraud and protecting the
45 privacy of voters and the accuracy of each ballot cast.
46

47 (f) The purpose of HAVA and the goal of the general assembly is
48 to ensure that every eligible American has an equal opportunity to cast a
49 vote freely and independently and to have that vote counted.
50

51 (2) The general assembly further finds and declares that many
52 issues, including the security and accuracy of voting systems, require
53 further examination in order to ensure the reliability of voting technology
54 as well as the confidence of Colorado's voters in the accuracy of the
55 tabulation of their votes."
56

- 1 Renumber succeeding sections accordingly.
2
3 Page 4, line 8, strike "RECORDED." and substitute "RECORDED IN AN
4 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM."
5
6 Page 5, line 1, strike "result." and substitute "result, INCLUDING BUT NOT
7 LIMITED TO OPTICAL SCANNING EQUIPMENT.";
8
9 line 4, strike "a "prom" or other" and substitute "a ~~"prom" or other~~ AN";
10
11 line 6, strike "election night" and substitute "~~election night~~ OFFICIAL";
12
13 line 7, strike "AN APPARATUS" and substitute "A DEVICE";
14
15 line 18, after "PLACE", insert "OR BY MAIL BALLOT";
16
17 line 23, strike "TO DESIGNATE ANY" and substitute "OF AN ELECTOR TO
18 VOTE ON A BALLOT QUESTION OR BALLOT ISSUE, THE FAILURE OF AN
19 ELECTOR TO VOTE FOR ANY CANDIDATE FOR AN OFFICE, OR THE
20 DESIGNATION BY AN ELECTOR OF FEWER VOTES THAN THERE ARE OFFICES
21 TO BE FILLED; EXCEPT THAT IT IS NOT AN UNDERVOTE IF THERE ARE FEWER
22 CANDIDATES THAN OFFICES TO BE FILLED AND THE ELECTOR DESIGNATES
23 AS MANY VOTES AS THERE ARE CANDIDATES.";
24
25 strike lines 24 through 27.
26
27 Page 6, strike line 1.
28
29 line 9, strike "APPARATUS OR PAPER BALLOTS" and substitute "DEVICE OR
30 BALLOT CARDS";
31
32 line 11, strike "TABULATING CARDS," and substitute "HARDWARE,
33 FIRMWARE,";
34
35 line 13, strike "INDIVIDUAL," and substitute "INDIVIDUAL";
36
37 line 14, strike "PARTNERSHIP, CORPORATION, OR OTHER" and substitute
38 "ENGAGED IN PRIVATE ENTERPRISE OR A";
39
40 line 16, strike "SYSTEMS." and substitute "SYSTEMS TO THE STATE, A
41 POLITICAL SUBDIVISION OF THE STATE, OR ANOTHER ENTITY AUTHORIZED
42 TO HOLD AN ELECTION UNDER THIS CODE.";
43
44 line 23, strike "paper ballot or tabulating" and substitute "~~paper ballot or~~
45 ~~tabulating~~ BALLOT".
46
47 Page 7, line 6, strike "two" and substitute "~~two~~ FIVE";
48
49 line 9, strike "one thousand five hundred" and substitute "~~one~~ TWO
50 thousand ~~five hundred~~";
51
52 line 18, strike "pages" and substitute "~~pages~~";
53
54 line 19, strike "or ballot cards placed upon voting devices" and substitute
55 "~~or ballot~~ cards placed upon voting ~~devices~~ EQUIPMENT";
56

- 1 strike line 22 and substitute the following:
2
3 "~~vote recorder or device~~ VOTING EQUIPMENT and may be printed on a
4 number of separate ~~pages~~ BALLOT CARDS";
5
6 line 23, strike "device or on one or more ballot" and substitute "~~device or~~
7 ~~on one or more ballot~~ EQUIPMENT.";
8
9 line 24, strike "cards" and substitute "~~cards~~".
10
11 Page 8, line 5, strike "The stubs" and substitute "~~The stubs~~ STUBS";
12
13 line 6, after "lines", insert "OR OTHER MEANS OF REMOVAL APPROVED BY
14 THE DESIGNATED ELECTION OFFICIAL";
15
16 line 7, strike "Both stubs" and substitute "~~Both stubs~~ STUBS".
17
18 Page 9, line 2, strike "STATION" and substitute "BOOTH";
19
20 line 14, strike "judges," and substitute "judges OR THE DESIGNATED
21 ELECTION OFFICIAL,".
22
23 Page 10, line 13, strike "recorder." and substitute "recorder OR WHOSE
24 INTEREST DERIVES SOLELY FROM OWNERSHIP OF SHARES IN A MUTUAL OR
25 PENSION FUND.".
26
27 Page 11, line 4, before "No", insert "(1)";
28
29 after line 6, insert the following:
30
31 "(2) THIS SECTION SHALL APPLY TO ELECTIONS HELD ON AND
32 AFTER JANUARY 1, 2006.".
33
34 Page 12, line 24, after "RECORDER", insert "OR DESIGNATED ELECTION
35 OFFICIAL".
36
37 Page 13, line 4, strike "SYSTEM FOR USE AT ALL" and substitute "SYSTEM,
38 INCLUDING ANY UPGRADE IN HARDWARE, FIRMWARE, OR SOFTWARE, FOR
39 USE AT";
40
41 line 5, strike "OR A PORTION OF";
42
43 line 13, strike "MAY" and substitute "SHALL";
44
45 line 17, after "BODY", insert "OR DESIGNATED ELECTION OFFICIAL";
46
47 line 20, after "BODY", insert "OR DESIGNATED ELECTION OFFICIAL";
48
49 line 26, strike "INFORM" and substitute "PROVIDE INFORMATION AT THE
50 REQUEST OF";
51
52 line 27, strike the third "OF" and substitute "ON".
53
54 Page 14, line 4, after the second "AND", insert "APPROVE".
55
56 Page 15, line 5, strike "OR UNDERVOTED";

1 line 8, strike "PAPER BALLOTS," and substitute "BALLOT CARDS,";
2
3 line 11, strike "OVERVOTED OR UNDERVOTED;" and substitute
4 "OVERVOTED;";
5
6 line 18, strike "AN APPARATUS OR" and substitute "A".
7
8 Page 16, line 2, strike "OR MARKED FORM OR A COMBINATION";
9
10 line 3, strike "THEREOF;" and substitute "FORM;".
11
12 Page 17, line 2, strike "IN EACH ODD-NUMBERED YEAR";
13
14 line 3, strike "ARE FAIR" and substitute "ACHIEVE THE STANDARDS
15 ESTABLISHED BY SECTION 1-1-103.";
16
17 strike line 4;
18
19 line 5, strike "MAY" and substitute "SHALL";
20
21 line 6, strike "AND MAINTAIN THE" and substitute "THE STANDARDS
22 ESTABLISHED BY SECTION 1-1-103 FOR";
23
24 strike line 7;
25
26 line 11, strike "MAY" and substitute "SHALL";
27
28 line 20, strike "PROCEDURES IN EACH ODD-NUMBERED YEAR." and
29 substitute "PROCEDURES.";
30
31 line 23, strike "FORTY-FIVE" and substitute "SIXTY";
32
33 line 24, after the period, add the following:
34
35 "THE SECRETARY OF STATE SHALL NOTIFY THE DESIGNATED ELECTION
36 OFFICIAL OF THE APPROVAL OR DISAPPROVAL OF SAID REVISIONS NO LATER
37 THAN FIFTEEN DAYS AFTER THE SECRETARY OF STATE RECEIVES THE
38 SUBMISSION."
39
40 Page 18, strike lines 17 through 22.
41
42 Renumber succeeding subsections accordingly.
43
44 Page 19, line 13, strike "CERTIFICATION" and substitute "APPROVAL";
45
46 line 23, strike "**systems.**" and substitute "**systems - definitions.**".
47
48 Page 20, line 6, strike "MAY" and substitute "SHALL".
49
50 Page 21, strike lines 1 through 6 and insert the following:
51
52 "(7) FOR PURPOSES OF THIS SECTION, "MODIFICATION" MEANS A
53 REVISION OR A NEW RELEASE OF AN ELECTRONIC OR ELECTROMECHANICAL
54 VOTING SYSTEM."
55
56 line 14, strike "MAY," and substitute "SHALL,";

1 line 19, strike "TWO" and substitute "ONE";

2

3 line 20, strike "YEARS," and substitute "YEAR,".

4

5 Page 22, line 11, strike "DESIGNATED ELECTION OFFICIAL" and substitute
6 "VENDOR OF THE SYSTEM";

7

8 line 12, strike "PROGRAM SOURCE CODE,";

9

10 line 18, strike "MAY" and substitute "SHALL";

11

12 strike line 19 and substitute the following:

13

14 **"1-5-621. Compliance - definitions.** (1) NOTWITHSTANDING ANY
15 PROVISION OF LAW TO THE CONTRARY, UPON FILING OF A COMPLAINT, THE
16 SECRETARY OF STATE SHALL INVESTIGATE THE COMPLAINT AND MAY".

17

18 Page 23, line 2, after the second period, add "FOR PURPOSES OF THIS
19 SECTION, "MALFUNCTION" MEANS A DEVIATION FROM A CORRECT VALUE
20 IN A VOTING SYSTEM.";

21

22 line 24, strike "MAY" and substitute "SHALL".

23

24 Page 24, line 1, after "OFFICIAL", insert "OR VOTING SYSTEM PROVIDER,
25 AS APPROPRIATE,";

26

27 line 5, strike "ELECTION;" and substitute "ELECTION UNTIL THE ACTIONS
28 TO REMEDY THE DEFECT ARE PERFORMED AND APPROVED BY THE
29 SECRETARY OF STATE;"

30

31 line 18, strike "A" and substitute "WITHIN THIRTY DAYS AFTER RECEIVING
32 NOTICE FROM THE SECRETARY OF STATE OF THE DECERTIFICATION OF AN
33 ELECTRONIC OR ELECTROMECHANICAL VOTING SYSTEM, A".

34

35 Page 25, line 17, strike "SUCH".

36

37 Page 26, line 12, strike "TWENTY-NINE" and substitute "THIRTY-TWO";

38

39 line 16, strike "RAMP." and substitute "RAMP WITH EDGE PROTECTION".

40

41 Page 30, line 26, after "ONE", insert "DIRECT RECORDING ELECTRONIC
42 VOTING SYSTEM SPECIALLY EQUIPPED FOR INDIVIDUALS WITH DISABILITIES
43 OR OTHER".

44

45 Page 31, line 13, strike "or voting machines STATIONS" and substitute "~~or~~
46 ~~voting machines~~".

47

48 Page 32, after line 13, insert the following:

49

50 **"SECTION 18.** 1-7-506 (1) (b), Colorado Revised Statutes, is
51 amended to read:

52

53 **1-7-506. Electronic vote-counting - test.** (1) (b) For the purpose
54 of testing an electronic voting device which records votes on a paper tape
55 and simultaneously on a "~~prom~~" or other AN electronic tabulating device,
56 the election judges in any precinct using the device shall run a paper tape

- 1 prior to opening the polls, label it, and return it to the designated election
2 official in the transfer case, together with one copy of the tape of votes
3 cast and the ~~"prom"~~ or other electronic tabulating device."
4
5 Renumber succeeding sections accordingly.
6
7 Page 34, line 2, after "the", insert "BALLOT QUESTION OR";
8
9 line 5, after "or", insert "BALLOT QUESTION OR".
10
11 Page 35, strike line 19 and substitute the following:
12
13 "party IN A PARTISAN ELECTION."
14
15 Page 37, strike line 2 and substitute "1-5-604, 1-5-605, 1-5-608, 1-5-
16 609,";
17
18 strike lines 4 through 9;
19
20 line 11, strike "2, 19, 20, and 27" and substitute "3, 20, 21, and 28".
21
22 Renumber succeeding section accordingly.
23
24
25

26 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

27
28 The Speaker has signed: **SB04-009, 012, 013, 015, 021, 023, 025, 026,**
29 **127, 128.**
30
31

32 **MESSAGE FROM THE SENATE**

33
34
35 Madam Speaker:

36
37 The Senate has passed on Third Reading and returns herewith HB04-
38 1159, 1270, 1093.

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

41 HB04-1217, amended as printed in Senate Journal, March 11, 2004,
42 pages 488-489, and in Senate Journal, March 12, page 502,

43 HB04-1274, amended as printed in Senate Journal, March 12, 2004, page
44 502,

45 HB04-1350, amended as printed in Senate Journal, March 15, 2004, page
46 526,

47 HB04-1361, amended as printed in Senate Journal, March 15, 2004, page
48 526,

49 HB04-1218, amended as printed in Senate Journal, March 15, 2004, page
50 526,

51 HB04-1266, amended as printed in Senate Journal, March 15, 2004, page
52 526-527,

53 HB04-1298, amended as printed in Senate Journal, March 15, 2004, page
54 527.
55
56

MESSAGE FROM THE REVISOR

We herewith transmit:
Without comment, as amended, HB04-1217, 1274, 1350, 1361, 1218,
1266, and 1298.

INTRODUCTION OF RESOLUTION

The following resolution was read by title and laid over one day under the
rules:

HJR04-1036 by Representative(s) Hoppe; also Senator(s) Entz--
Concerning the recognition of National Agriculture Day.

LAY OVER OF CALENDAR ITEMS

On motion of Representative King, the following items on the Calendar
were laid over until March 18, retaining place on Calendar:

Consideration of General Orders--**HB04-1221, 1279, SB04-185, 120,
HB04-1014, 1165, SB04-040, HB04-1388, 1395, 1384, SB04-180,
HB04-1358, 1387.**

Consideration of Resolutions--**HJR04-1012, 1013, 1018, SJR04-015,
HJR04-1010, 1027, 1032, 1033, 1034, 1035, SJR04-023, 024.**

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

Consideration of Senate Amendments--**HB04-1115, 1117, 1009, 1147,
1145, 1232, 1285, 1226, 1054, 1102, 1155, 1057, 1354, 1004, 1127.**

Consideration of Adherence--**HB04-1182.**

On motion of Representative King, the House adjourned until 9:00 a.m.,
March 18, 2004.

Approved:

LOLA SPRADLEY,
Speaker

Attest:

JUDITH RODRIGUE,
Chief Clerk