

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

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One-hundred-nineteenth Legislative Day

Tuesday, May 4, 2004

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Prayer	By the chaplain, Reverend Kelby Cotton.	11
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Pledge	By Senator McElhany.	13
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Call to Order	By the President at 10:00 a.m.	15
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Roll Call	Present--22.	18
	Absent/Excused--13; Anderson, Chlouber, Dyer, Grossman, Hagedorn, Keller, Lamborn, Nichol, Owen, Phillips, Reeves, Teck, Tupa.	19
	Present later--Anderson, Chlouber, Dyer, Grossman, Hagedorn, Keller, Lamborn, Nichol, Owen, Phillips, Reeves, Teck, Tupa.	20
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Quorum	The President announced a quorum present.	24
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Reading of Journal	On motion of Senator Veiga, reading of the Journal of May 3, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	26
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**COMMITTEE OF REFERENCE REPORTS**

Education	The Committee on <u>Education</u> has had under consideration and has had a hearing on the following appointments and recommends that the appointments be favorably referred to the <u>Committee on Finance</u> :	33
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**MEMBER OF THE**  
**COLORADO STUDENT OBLIGATION BOND**  
**AUTHORITY BOARD OF DIRECTORS**

for a term expiring July 31, 2004:

Debra A. Baldwin of Cherry Hills Village, Colorado, to fill the vacancy occasioned by the resignation of Knute S. Knudson of Grand Junction, Colorado, appointed.

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**MESSAGES FROM THE HOUSE**

May 3, 2004

Mr. President:

The House failed to pass SB04-218 as amended on Second. The bill is returned herewith.

The House has adopted and returns herewith SJR04-015.

The House has adopted and returns herewith SJR04-023.

The House has adopted and returns herewith SJR04-024.

The House has adopted and returns herewith SJR04-027.

The House has adopted and returns herewith SJR04-025.

The House has adopted and returns herewith SJR04-030.

The House has adopted and returns herewith SJR04-028.

The House has adopted and returns herewith SJR04-013.

The House has adopted and returns herewith SJR04-014.

The House has adopted and returns herewith SJR04-022.

The House has adopted and returns herewith SJR04-032.

The House has adopted and returns herewith SJR04-039.

The House has adopted and returns herewith SJR04-046.

The House has adopted and transmits herewith HJR04-1047.  
 The House has adopted and transmits herewith HJR04-1055.  
 The House has adopted and transmits herewith HJR04-1056.  
 The House has adopted and transmits herewith HJR04-1061.  
 The House has adopted and transmits herewith HJR04-1063.  
 The House has adopted and transmits herewith HJR04-1068.  
 The House has adopted and transmits herewith HJR04-1071.  
 The House has adopted and transmits herewith HJR04-1075.  
 The House has adopted and transmits herewith HJR04-1078.  
 The House has adopted and transmits herewith HJR04-1079.  
 The House has adopted and transmits herewith HJR04-1081.  
 The House has adopted and transmits herewith HJR04-1022.  
 The House has adopted and transmits herewith HJR04-1092.  
 The House has adopted and transmits herewith HJR04-1093.

The House has adopted and transmits herewith HJR04-1064, and amended as printed in House Journal, April 21, page 1476.

The House has adopted and transmits herewith HJR04-1088, and amended as printed in House Journal, May 3.

May 4, 2004  
 Mr. President:

The House has adopted and transmits herewith HJR04-1084.  
 The House has adopted and transmits herewith HJR04-1060, and amended as printed in House Journal, May 4.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1464,1463.

The House has passed on Third Reading and transmitted to the Revisor of Statutes HCR04-1014, amended as printed in House Journal, May 3, pages 1763-1764, and amended on Third Reading, as printed in House Journal, May 4.

The House has passed on Third Reading and returns herewith SB04-226.

The House has passed on Third Reading and transmitted to the Revisor of Statutes; SB04-235, amended as printed in House Journal, May 3, page 1764, and amended on Third Reading, as printed in House Journal May 4.  
 SB04-053, amended as printed in House Journal, May 3, pages 1764-1765.  
 SB04-239, amended as printed in House Journal, May 3, pages 1766-1769.

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## INTRODUCTION OF RESOLUTIONS

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

- HJR04-1022** by Representative(s) Welker; also Senator(s) Cairns--Concerning the recommendation to the United States Congress to enact legislation to make English the official language of the United States.  
 Laid over one day under Senate Rule 30(e).
- HJR04-1047** by Representative(s) Cloer, Merrifield, Larson, Frangas, Paccione, Garcia, Butcher, Wiens, Berry, Borodkin, Boyd, Briggs, Brophy, Cadman, Carroll, Cerbo, Clapp, Coleman, Crane, Decker, Fairbank, Hall, Harvey, Hodge, Hoppe, Jahn, Johnson R., Judd, King, Lee, Lundberg, Madden, Marshall, May M., McCluskey, McFadyen, McGihon, Miller, Mitchell, Plant, Pommer, Ragsdale, Rhodes, Rippy, Romanoff, Rose, Salazar, Schultheis, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, Tochtrop, Vigil, Weddig, Weissmann, Welker, White, Williams S., Williams T., Witwer, Young; also Senator(s) McElhany--Concerning Military Appreciation Month.  
 Laid over one day under Senate Rule 30(e).
- HJR04-1055** by Representative(s) Romanoff, Miller, Plant, Rippy, White; also Senator(s) Chlouber, Isgar--Concerning cleanup of inactive and abandoned mine sites.  
 Laid over one day under Senate Rule 30(e).
- HJR04-1056** by Representative(s) Williams T.; also Senator(s) Hillman--Concerning a request that the

- United States Congress reform the class action lawsuit process to protect against frivolous interstate class actions in state courts. 1  
Laid over one day under Senate Rule 30(e). 2  
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- HJR04-1061** by Representative(s) Stafford; also Senator(s) Johnson S.--Concerning Mental Health Month in Colorado. 5  
Laid over one day under Senate Rule 30(e). 6  
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- HJR04-1063** by Representative(s) Merrifield, Cadman, Cloer, Decker, Hefley, King, Schultheis, Sinclair; also Senator(s) Jones--Concerning the designation of "Welcome Home Day" to welcome local area troops who have been serving overseas back to Colorado. 9  
Laid over one day under Senate Rule 30(e). 10  
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- HJR04-1064** by Representative(s) Wiens, Spradley; also Senator(s) Chlouber--Concerning the encouragement of federal legislation to ensure that programs providing financial assistance for the educational needs of children of migrant workers include assistance for children of all types of migrant workers. 14  
Laid over one day under Senate Rule 30(e). 15  
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- HJR04-1068** by Representative(s) Johnson R., Tochtrop, Cloer, Boyd, Larson; also Senator(s) Hanna--Concerning honoring the registered nurses who care for all Coloradans, and, in connection therewith, celebrating National Nurses Week. 20  
Laid over one day under Senate Rule 30(e). 21  
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- HJR04-1071** by Representative(s) Frangas, McGihon, Spradley; also Senator(s) Sandoval--Concerning support for Senator Ben Nighthorse Campbell's efforts to secure funding to restore the historic Elitch Gardens Theatre. 25  
Laid over one day under Senate Rule 30(e). 26  
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- HJR04-1075** by Representative(s) Paccione, Sinclair; also Senator(s) Lamborn--Concerning the encouragement of businesses to give discounts to military personnel. 30  
Laid over one day under Senate Rule 30(e). 31  
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- HJR04-1078** by Representative(s) Johnson R., Jahn, Boyd, Crane, Decker, Hall, Hodge, Miller, Salazar, Sinclair, Weddig; also Senator(s) Entz--Concerning the Colorado State Veterans Home at Fitzsimons. 34  
Laid over one day under Senate Rule 30(e). 35  
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- HJR04-1079** by Representative(s) Marshall, Larson, Carroll, Frangas, Borodkin, Cloer, Coleman, Madden, McGihon, Paccione, Romanoff, Stengel, White, Williams T.; also Senator(s) Groff--Concerning zero tolerance of racism in Colorado. 39  
Laid over one day under Senate Rule 30(e). 40  
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- HJR04-1081** by Representative(s) Pommer; also Senator(s) Fitz-Gerald--Concerning honoring Enos Mills, and, in connection therewith, designating January 31 Enos Mills Day. 44  
Laid over one day under Senate Rule 30(e). 45  
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- HJR04-1088** by Representative(s) Romanoff, Borodkin, Carroll, Cerbo, Frangas, Judd, Marshall, McGihon; also Senator(s) Groff--Concerning saluting the Denver Classroom Teachers Association for ratification of the Professional Compensation System. 48  
Laid over one day under Senate Rule 30(e). 49  
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- HJR04-1092** by Representative(s) Cadman, Harvey, Hefley, Briggs, Crane, Fairbank, Hall, King, Lee, Mitchell, Rhodes, Rose, Schultheis, Sinclair, Spence, Spradley, Welker, White, Wiens, Witwer; also Senator(s) May R.--Concerning a request that the members of Colorado's congressional delegation support President Bush's efforts to protect the United States from terrorists and the proliferation of weapons of mass destruction. 53  
Laid over one day under Senate Rule 30(e). 54  
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- HJR04-1093** by Representative(s) Berry, Hoppe, Decker, Hall, Johnson R., McCluskey, McFadyen, Merrifield, Miller, Pommer, Rippy, Rose, Smith, Spence, Spradley, White, Williams S.; also Senator(s) Teck--Concerning the recognition of Representative Scott McInnis for his years of public service to the citizens of Colorado. 60  
Laid over one day under Senate Rule 30(e). 61  
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- On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments beginning on page 6 of the Senate Calendar. 68  
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**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator McElhany, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE  
SECURITIES BOARD

for terms expiring July 1, 2006:

Steven W. Palamar of Telluride, Colorado, to serve as a member of the public at large, reappointed.

YES	23	NO	0	EXCUSED	12	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator McElhany, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
PINNACOL ASSURANCE BOARD OF DIRECTORS

for a term expiring January 1, 2006:

Paul J. Suss of Centennial, Colorado, to fill the vacancy occasioned by the resignation of James E. Scholl of Holyoke, Colorado, and to serve as an employer whose liability is insured by Pinnacol Assurance, appointed;

for a term expiring January 1, 2008:

David W. Green of Loveland, Colorado, to fill the vacancy occasioned by the resignation of Peter M. Meersman of Aurora, Colorado, and to serve as an employee of an employer whose liability is insured by Pinnacol Assurance, appointed.

YES	23	NO	0	EXCUSED	12	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Taylor, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
ADVISORY COMMITTEE ON  
GOVERNMENTAL ACCOUNTING

for a term expiring May 18, 2005:

Velma A. Rose of Denver, Colorado, to fill the vacancy occasioned by the resignation of John D. Musso of Pueblo, Colorado and to serve as a representative of school and junior college districts, appointed.

YES	23	NO	0	EXCUSED	12	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	E	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Arnold, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
BOARD OF TRUSTEES FOR MESA STATE COLLEGE

for a term effective July 1, 2003 and expiring January 1, 2005:

James D. Hamilton of Grand Junction, Colorado, appointed.

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Johnson, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE  
STATE BOARD OF NURSING

Cheryl Ann Werner of Sterling, Colorado, to serve as a licensed practical nurse employed by a licensed hospital in a rural area, reappointed;

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Arnold, the following Governor's appointment was confirmed by a roll call vote:

MEMBER OF THE  
PRIVATE OCCUPATIONAL SCHOOL BOARD

for a term expiring July 1, 2006:

Lisa B. Noll of Colorado Springs, Colorado, to fill the vacancy occasioned by the resignation of Ryan L. Frazier of Denver, Colorado, and to serve as a member of the public, appointed.

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Arnold, the following Governor's appointment was confirmed by a roll call vote:

MEMBERS OF THE  
STATE BOARD FOR COMMUNITY COLLEGES  
AND OCCUPATIONAL EDUCATION

for terms expiring July 1, 2007:

Kurt D. Culbertson of Snowmass Village, Colorado, to serve as an Unaffiliated from the Third Congressional District, appointed.

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

On motion of Senator Arnold, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
BOARD OF TRUSTEES FOR THE COLORADO  
SCHOOL FOR THE DEAF AND THE BLIND

effective July 1, 2004 for terms expiring July 1, 2006:

Dr. Corinne G. Harmon of Cascade, Colorado, to serve as a Democrat, appointed;

Richard E. Hartman of Grand Junction, Colorado, to serve as a Democrat, appointed.

YES	24	NO	0	EXCUSED	11	ABSENT	0
Anderson	E	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	E	Lamborn	E	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	E	Hanna	Y	McElhany	Y	Teck	E
Dyer	E	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	E	Veiga	Y
Evans	Y	Johnson	Y	Phillips	E	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	E	Mr. President	Y
Gordon	Y	Keller	E	Sandoval	Y		

**CONFERENCE COMMITTEE GRANTED FURTHER POWERS**

**SB04-225**

by Senator(s) Hillman; also Representative(s) Hoppe--Concerning the enforcement of orders for the unauthorized use of designated ground water, and making an appropriation in connection therewith.

Senator Hillman moved that the Senate Conferees on the First Conference Committee on **SB04-225** be given the powers to go beyond the scope of the differences between the two Houses.

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

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Conference Committees to Report--SB04-131.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT--SB04-131**

**SB04-131** by Senator(s) Jones, Groff, Johnson S.; also Representative(s) Marshall--Concerning modifications to the procedures for handling an employment discrimination complaint filed by an employee in the state personnel system.

Senator Jones moved that the Conference Committee be dissolved and that the Senate Conferees be discharged. The motion was declared **adopted**.

Senator Jones moved that **SB04-131** be laid over to May 6, 2004. The motion was declared **adopted**.

**THIRD READING--FINAL PASSAGE OF BILLS**

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

**SB04-215** by Senator(s) Entz, Chlouber, Dyer, Evans, Hillman, Isgar, May R., McElhany, Owen, Tapia, Taylor, Teck; also Representative(s) Rippey, Briggs, Hall, Miller, White--Concerning the applicability of section 29-20-107, Colorado Revised Statutes, of the "Local Government Land Use Control Enabling Act".

Laid over until May 6, 2004.

**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.

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

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

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

Co-sponsors added: Groff and Tupa.

**HB04-1447** by Representative(s) Romanoff, Larson, Berry, Briggs, Cloer, Coleman, Frangas, Hefley, Plant, Salazar, Stafford, Vigil; also Senator(s) Owen--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, and making an appropriation therefor.

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

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

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

Co-sponsors added: Fitz-Gerald, Gordon, Groff, Hanna, Keller, Sandoval, Tapia, Tupa, and Windels.

**HB04-1454** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of higher education.

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

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

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

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

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

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

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

**HB04-1449** by Representative(s) Rhodes; also Senator(s) Tupa--Concerning the authority of the state personnel director to establish the group benefit plan year.

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

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



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

Co-sponsors added: Kester and Tapia.

**SCR04-025** by Senator(s) Owen; also Representative(s) Williams T., Romanoff--Submitting to the registered electors of the state of Colorado amendments to section 17 (1) and (5) of article IX and section 20 (7) of article X of the constitution of the state of Colorado, concerning the modification of constitutional restrictions that limit the ability of the general assembly to adjust state spending in response to changing levels of state revenues, and, in connection therewith, allowing the general assembly to reduce to a limited extent in response to a revenue shortfall the constitutionally required amount of annual growth in certain state funding for education from preschool through the twelfth grade and requiring state fiscal year spending limits to be calculated based upon prior fiscal year spending limits, with adjustments for inflation and population growth, without being subject to reduction due to declines in revenues.

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

YES	17	NO	17	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	N	Tapia	N
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Less than a two-thirds majority of all members elected to the Senate having voted in the affirmative, **SCR04-025** was declared **LOST**.

**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.

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

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

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

Co-sponsors added: Andrews, Arnold, and Lamborn.

**HB04-1456** by Representative(s) Berry; also Senator(s) McElhany--Concerning the authorization of the department of transportation to dispose of non-right-of-way property for the purpose of entering into a lease with an option to purchase.

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

YES	33	NO	1	EXCUSED	1	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Jones, May, and Tapia.

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

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

Third Reading Amendment No. 1(L.035), by Senator McElhany.

Amend revised bill, page 19, line 6, strike "(2) (r), (2) (s)," and substitute "(2) (s)";

strike lines 21 through 27.

Page 20, strike lines 1 through 4.

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

Third Reading Amendment No. 1(L.036), by Senator McElhany.

Amend revised bill, page 16, after line 24, insert the following:

**"SECTION 12.** 12-47-411, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**12-47-411. Hotel and restaurant license.**  
 (3.5) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, A HOTEL OR RESTAURANT LICENSED PURSUANT TO THIS SECTION MAY PERMIT A CUSTOMER OF THE HOTEL OR RESTAURANT TO RESEAL AND REMOVE FROM THE LICENSED PREMISES ONE OPENED CONTAINER OF PARTIALLY CONSUMED VINOUS LIQUOR PURCHASED ON THE PREMISES SO LONG AS THE ORIGINAL CONTAINER DID NOT CONTAIN MORE THAN 750 MILLILITERS OF VINOUS LIQUOR."

Renumber succeeding sections accordingly.

Page 21, strike lines 19 through 27.

Page 22, strike line 1.

Renumber succeeding sections accordingly.

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

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

YES	26	NO	8	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	Y	Taylor	N
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	N
Dyer	Y	Hillman	Y	Nichol	E	Tupa	Y
Entz	Y	Isgar	Y	Owen	N	Veiga	Y
Evans	Y	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Arnold, Groff, Grossman, Hanna, Isgar, Tapia, Tupa, and Veiga.

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

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

Third Reading Amendment No. 1(L.001), by Senator Johnson.

Amend printed concurrent resolution, page 7, line 20, strike "PUBLIC SCHOOL FUND REFERRED TO IN SECTION 3" and substitute "STATE EDUCATION FUND CREATED IN SECTION 17 (4) (a)";

line 21, strike "PUBLIC SCHOOL" and substitute "STATE EDUCATION";

line 23, strike "PUBLIC SCHOOL" and substitute "STATE EDUCATION".

Page 9, line 4, after "(9)", insert "(a)";

after line 7, insert the following:

"(b) FOR BOTH THE STATE FISCAL YEAR THAT IMMEDIATELY FOLLOWS THE STATE FISCAL YEAR IN WHICH THE STATE REPAYS TO THE TAXPAYERS THE BALANCE OF ALL EXCESS STATE REVENUES RETAINED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND INTEREST ACCRUED THEREON IN ACCORDANCE WITH PARAGRAPH (b) OF SUBSECTION (6) OF THIS SECTION AND THE NEXT SUCCEEDING STATE FISCAL YEAR, THE STATEWIDE BASE PER PUPIL FUNDING AND TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS SHALL GROW ANNUALLY BY AT LEAST THE RATE SPECIFIED IN SECTION 17 (1) OF ARTICLE IX OF THIS CONSTITUTION PLUS AN ADDITIONAL ONE PERCENTAGE POINT."

Page 10, line 25, strike "ACCORDINGLY, CREATING A COLORADO RAINY DAY FUND AND" and substitute "ACCORDINGLY; CREATING A COLORADO RAINY DAY FUND";

Page 11, line 1, strike "FUND;" and substitute "RAINY DAY FUND, BUT INCREASING THE RATE OF SUCH EDUCATION FUNDING GROWTH BY AN ADDITIONAL ONE PERCENTAGE POINT IN EACH OF THE TWO FISCAL YEARS THAT FOLLOW THE FISCAL YEAR OF REPAYMENT OF THE BALANCE OF RETAINED EXCESS STATE REVENUES PLUS INTEREST;"

line 2, after the first "THE", insert "RAINY DAY";

line 4, after the second "THE", insert "RAINY DAY";

line 7, strike "PERMANENT SCHOOL" and substitute "STATE EDUCATION".

Page 1, line 113, strike "ACCORDINGLY," and substitute "ACCORDINGLY;"

Page 2, line 1, strike "FUND AND" and substitute "FUND;"

line 105, strike "FUND;" and substitute "RAINY DAY FUND, BUT INCREASING THE RATE OF SUCH EDUCATION FUNDING GROWTH BY AN ADDITIONAL ONE PERCENTAGE POINT IN EACH OF THE TWO FISCAL YEARS THAT FOLLOW THE FISCAL YEAR OF REPAYMENT OF THE BALANCE OF RETAINED EXCESS STATE REVENUES PLUS INTEREST;"

line 105, after the second "THE", insert "RAINY DAY";

line 108, after the second "THE", insert "RAINY DAY";

line 112, strike "PERMANENT SCHOOL" and substitute "STATE EDUCATION".

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

Senate in recess.

Senate reconvened.

**THIRD READING--FINAL PASSAGE OF BILLS--continued**

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

As amended, laid over until later in the day, May 4, retaining its place on the calendar.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Resolution--HJR04-1084.

**CONSIDERATION OF RESOLUTION--HJR04-1084**

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

On motion of Senator Keller, the resolution was **adopted** by the following roll call vote:

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

Co-sponsors added: Anderson, Andrews, Arnold, Cairns, Chlouber, Dyer, Entz, Evans, Fitz-Gerald, Gordon, Groff, Grossman, Hagedorn, Hanna, Hillman, Isgar, Johnson, Jones, Kester, Lamborn, May, McElhany, Owen, Phillips, Reeves, Sandoval, Takis, Tapia, Taylor, Teck, Tupa, Veiga, and Windels.

\_\_\_\_\_  
Senate Groff asked to be removed as a cosponsor of HB04-1456.

\_\_\_\_\_  
Senate Grossman asked to be removed as a cosponsor of HB04-1456.

\_\_\_\_\_  
Senate in recess.

Senate reconvened.  
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Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.  
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### COMMITTEE OF REFERENCE REPORTS

Appropriations After consideration on the merits, the Committee recommends that **SB04-161** be postponed indefinitely.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1448** be referred to the Committee of the Whole with favorable recommendation.

Appropriations After consideration on the merits, the Committee recommends that **HB04-1455** be referred to the Committee of the Whole with favorable recommendation.

### APPOINTMENTS TO CONFERENCE COMMITTEE

**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.

The President appointed Senators McElhany, Chairman, May, and Nichol as Senate Conferees on the First Conference Committee on **HB04-1199**.

### MESSAGE FROM THE HOUSE

May 4, 2004  
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1465, amended as printed in House Journal, May 3, page 1765.

May 4, 2004  
Mr. President:

In response to the request of the Senate, the Speaker has appointed Representatives Hoppe, chairman, Harvey, and Madden as House conferees on the First Conference Committee on SB04-225.

The House has voted to authorize the House conferees on the First Conference Committee on SB04-225 to consider matters not at issue between the two houses.

The House has voted to authorize the House conferees on the First Conference Committee on SB04-153 to consider matters not at issue between the two houses.

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The House has voted to recede from its position, dissolve the First Conference Committee on HB04-1123, and concur in Senate amendments, and has repassed the bill. The House requests return of the bill.

The House has voted not to concur in the Senate amendments to HB04-1199 and requests that a conference committee be appointed. The Speaker has appointed Representatives Lee, chairman, Witwer, and Frangas as House conferees on the First Conference Committee on HB04-1199. The bill is transmitted herewith.

MESSAGE FROM THE REVISOR OF STATUTES

May 4, 2004

We herewith transmit:

- Without comment, as amended, HCR 04-1014.
Without comment, HB 04-1463 and 1464.
Without comment, as amended, SB 04-235, 053, and 239.
With comment, as amended, HB 04-1465.

INTRODUCTION OF CONCURRENT RESOLUTION--FIRST READING

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

HCR04-1014 by Representative(s) Hefley, Schultheis, Briggs, Crane, Hoppe, Lee, McCluskey, Rippey, Rose, Sinclair, Spence, Spradley, Welker, Wiens, Young; also Senator(s) Dyer, Evans-- Submitting to the registered electors of the state of Colorado amendments to section 1 of article IV and section 3 of article V of the constitution of the state of Colorado, concerning a uniform limitation on the number of years that an elected public official of Colorado state government shall be allowed to serve in consecutive terms, and, in connection therewith, increasing existing limits on the number of consecutive terms of office of future statewide elected officials and members of the general assembly and enabling each statewide elected official or member of the general assembly to serve not more than twelve consecutive years in the same office. State Veterans & Military Affairs

INTRODUCTION OF RESOLUTIONS

The following resolutions were read by title:

HJR04-1060 by Representative(s) Stengel; also Senator(s) Grossman--Concerning the creation of Paralegal Day. Laid over one day under Senate Rule 30(e).
HJR04-1084 by Representative(s) Boyd; also Senator(s) Keller--Concerning Drum Corps International Week in Colorado. Laid over one day under Senate Rule 30(e).

INTRODUCTION OF BILLS--FIRST READING

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

HB04-1463 by Representative(s) Harvey, Rose; also Senator(s) Tapia--Concerning the capital development committee. Appropriations
HB04-1464 by Representative(s) Witwer, Young, Plant; also Senator(s) Reeves, Owen, Teck-- Concerning the authorization of additional personnel to the department of education to provide assistance to public schools relating to school capital construction. Appropriations

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

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On motion of Senator Hillman, and with a majority of those elected to the Senate having  
voted in the affirmative, the Senate proceeded out of order for Consideration of Notice of  
Intent to Reconsider Conference Committee Report--HB04-1236.

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**RECONSIDERATION OF THE  
CONFERENCE COMMITTEE REPORT TO HB04-1236**

**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.

Having voted on the prevailing side, Senator McElhany moved for reconsideration of the  
last Senate action, Consideration of Conference Committee Report, on **HB04-1236**.

A majority of all members elected to the Senate having voted in the affirmative,  
reconsideration was granted.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT  
TO HB04-1236**

**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.

Senator Cairns moved for the adoption of the First Report of the First Conference  
Committee on **HB04-1236**, as printed in Senate Journal, May 3, pages 1177-1179. The  
motion was **adopted** by the following roll call vote:

YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	N	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	N	Hillman	Y	Nichol	N	Tupa	N
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	Y	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	N		

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

YES	33	NO	2	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	N	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	N		

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

Co-sponsors added: Andrews and Chlouber.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Third Reading of Bills--Final Passage--SCR04-024.

**THIRD READING--FINAL PASSAGE OF BILLS--continued**

On Third Reading, the title of the following concurrent resolution was publicly read, the reading at length having been dispensed with by unanimous consent:

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

As amended, Senate Journal, May 4, pages 1226-1228.

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

Third Reading Amendment No. 2(L.003), by Senators Keller, Gordon, and Johnson S..

Amend engrossed bill, page 10, after line 12, insert the following:

"Section 20 (5) and (7) (c) of the constitution of the state of Colorado are amended, and the said section 20 (7) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**Section 20. The Taxpayer's Bill of Rights. (5) Emergency reserves.** To use for declared emergencies only, each district shall reserve for 1993 1% or more, for 1994 2% or more, and for all later years 3% or more of its fiscal year spending excluding bonded debt service; EXCEPT THAT FOR ANY FISCAL YEAR THAT COMMENCES ON OR AFTER JULY 1, 2005, EACH DISTRICT NEED NOT RESERVE ANY OF ITS FISCAL YEAR SPENDING. Unused reserves apply to the next year's reserve.

**(7) Spending limits.** (c) ~~The maximum annual percentage change in each district's property tax revenue equals inflation in the prior calendar year plus annual local growth, adjusted for property tax revenue changes approved by voters after 1991 and (8) (b) and (9) reductions.~~ EACH LOCAL DISTRICT'S PROPERTY TAX REVENUE LIMIT IS THE PROPERTY TAX REVENUE LIMIT THAT EXISTED IN 2000, PLUS THE SUM OF LOCAL GROWTH SINCE 2000 AND THE PERCENTAGE OF CHANGE IN TOTAL PERSONAL INCOME FOR COLORADO SINCE 2000, ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS AFTER JANUARY 1, 2000, AND (8) (b) AND (9) REDUCTIONS.

(e) OTHER STATE AND LOCAL LIMITS ON DISTRICT REVENUE AND SPENDING MAY BE STRENGTHENED OR WEAKENED BY STATE OR LOCAL LEGISLATIVE ACTION. THIS SHALL NOT AFFECT THE POWERS GRANTED TO HOME RULE MUNICIPALITIES OR COUNTIES.

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(f) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO WEAKEN ANY OF THE PROVISIONS OF (4), INCLUDING THE REQUIREMENT OF VOTER APPROVAL OF NEW TAXES AND INCREASES IN TAX RATES.

(g) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO INVALIDATE ANY DISTRICT ELECTION PURSUANT TO THIS SECTION HELD PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (7).".

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

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

Third Reading Amendment No. 3(L.004), by Senator Gordon.

Amend engrossed concurrent resolution, page 10, after line 12, insert the following:

"Section 20 (7) (a) of the constitution of the state of Colorado is amended to read:

**Section 20. The Taxpayer's Bill of Rights. (7) Spending limits.**

(a) (i) The maximum annual percentage change in state fiscal year spending FOR ANY STATE FISCAL YEAR THAT COMMENCES BEFORE JULY 1, 2005, equals inflation plus the percentage change in state population in the prior calendar year, adjusted for revenue changes approved by voters after 1991. Population shall be determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

(ii) FOR ANY STATE FISCAL YEAR THAT COMMENCES ON OR AFTER JULY 1, 2005, STATE FISCAL YEAR SPENDING SHALL NOT EXCEED 6% OF THE COLORADO ECONOMY AS MEASURED BY THE STATEWIDE AGGREGATE PERSONAL INCOME, ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS AFTER 2003.".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

Third Reading Amendment No. 4(L.005), by Senators Gordon and S. Johnson.

Amend engrossed bill, page 4, strike lines 12 through 14.

Renumber succeeding paragraphs accordingly.

Page 5, strike lines 12 and 13 and substitute the following:

"YEAR.";

line 27, strike "AT THE MAXIMUM RATE".

Page 6, strike lines 1 through 11 and substitute the following:

"UP TO THE LIMIT SET FORTH IN SECTION 20 (7) (a) (iv) OF THIS ARTICLE OR AT THE RATE OF INFLATION AS SPECIFIED IN SUBSECTION (10) OF THIS SECTION.".

Page 10, after line 12, insert the following:

"Section 20 (7) (a) of the constitution of the state of Colorado is amended to read:

**Section 20. The Taxpayer's Bill of Rights. (7) Spending limits.**

(a) (i) FOR ANY STATE FISCAL YEAR THAT BEGINS PRIOR TO JULY 1, 2004,

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the maximum annual percentage change in state fiscal year spending equals inflation plus the percentage change in state population in the prior calendar year, adjusted for revenue changes approved by voters after 1991.

(ii) FOR THE 2004-05 STATE FISCAL YEAR, THE STATE FISCAL YEAR SPENDING LIMIT IS THE STATE FISCAL YEAR SPENDING LIMIT FOR THE 2002-03 STATE FISCAL YEAR PLUS THE PRODUCT OF THAT LIMIT AND THE SUM OF THE AGGREGATE AMOUNT OF INFLATION PLUS THE PERCENTAGE CHANGE IN STATE POPULATION FOR THE 2002 AND 2003 CALENDAR YEARS, ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS AFTER 2002.

(iii) FOR THE 2005-06 STATE FISCAL YEAR AND FOR EACH SUCCEEDING STATE FISCAL YEAR, THE STATE FISCAL YEAR SPENDING LIMIT IS THE STATE FISCAL YEAR SPENDING LIMIT FOR THE PRIOR STATE FISCAL YEAR PLUS THE PRODUCT OF THAT LIMIT AND THE SUM OF INFLATION PLUS THE PERCENTAGE CHANGE IN STATE POPULATION IN THE PRIOR CALENDAR YEAR, ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS AFTER 2004.

(iv) (A) EXCEPT AS OTHERWISE PROVIDED IN SECTION 21 (10) OF THIS ARTICLE, FOR THE 2004-05 STATE FISCAL YEAR, THE STATE GENERAL FUND APPROPRIATIONS LIMIT IS AN AMOUNT EQUAL TO ONE HUNDRED SIX PERCENT OF THE STATE GENERAL FUND APPROPRIATIONS LIMIT FOR THE 2002-03 STATE FISCAL YEAR.

(B) EXCEPT AS OTHERWISE PROVIDED IN SECTION 21 (10) OF THIS ARTICLE, FOR THE 2005-06 STATE FISCAL YEAR AND FOR EACH SUCCEEDING STATE FISCAL YEAR, THE STATE GENERAL FUND APPROPRIATIONS LIMIT IS AN AMOUNT EQUAL TO ONE HUNDRED SIX PERCENT OF THE STATE GENERAL FUND APPROPRIATIONS LIMIT FOR THE PRIOR STATE FISCAL YEAR.

(v) FOR PURPOSES OF THIS PARAGRAPH (a), population shall be determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census."

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

The question being "Shall the concurrent resolution, as amended, pass?", the roll call was taken with the following result:

YES	18	NO	17	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	N	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	N	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Less than a two-thirds majority of all members elected to the Senate having voted in the affirmative, **SCR04-024** was declared **lost**.

Senate in recess. \_\_\_\_\_

Senate reconvened. \_\_\_\_\_

Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

COMMITTEE OF REFERENCE REPORTS

Appropriations

After consideration on the merits, the Committee recommends that HB04-1463 be postponed indefinitely.

Appropriations

After consideration on the merits, the Committee recommends that HB04-1464 be referred to the Committee of the Whole with favorable recommendation.

Appropriations

After consideration on the merits, the Committee recommends that HB04-1465 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 32, after line 20, insert the following:

"SECTION 30. 22-43.7-105 (6), Colorado Revised Statutes, as amended by House Bill 04-1055, enacted at the Second Regular Session of the Sixty-fourth General Assembly, is amended to read:

22-43.7-105. Financial assistance application requirements - evaluation criteria - oversight board - duties. (6) From the applications submitted for financial assistance for the fiscal year commencing on the deadline for submitting such applications, the state board shall prepare a prioritized list of eligible capital construction projects. The state board shall then determine the type and amount of financial assistance to be provided for each eligible capital construction project based upon information provided by the school district in the application. Subject to the approval of the capital development committee of the general assembly, OR, IF PART 13 OF ARTICLE 3 OF TITLE 2, C.R.S., ESTABLISHING THE CAPITAL DEVELOPMENT COMMITTEE IS REPEALED, OF THE JOINT BUDGET COMMITTEE, as provided for in this subsection (6), the state board shall provide financial assistance in accordance with the determination, but may make any matching grant from the construction and renovation fund contingent upon the approval of a bonded indebtedness question to be submitted to the voters of a district during the fiscal year for which the grant is to be awarded. The state board shall submit a list of school districts and charter schools recommended to receive matching grants for capital construction projects, along with the amount of each grant and the amount of the school district or charter school match, to the capital development committee OR THE JOINT BUDGET COMMITTEE of the general assembly no later than August 16 of the fiscal year for which financial assistance is being sought. The capital development committee OR THE JOINT BUDGET COMMITTEE shall determine the number of capital construction projects on the list that may receive matching grants from moneys available in the construction and renovation fund before September 15 of the same fiscal year. Only capital construction projects on the prioritized list may receive matching grants from the construction and renovation fund, and the capital construction projects shall be funded in the priority determined by the state board. If the capital development committee OR THE JOINT BUDGET COMMITTEE does not make a determination on the list before September 15, the list shall be deemed approved as submitted and the state board may order payment of all matching grants on the list. The state board shall submit a list of school districts and charter schools for which the capital development committee OR THE CAPITAL DEVELOPMENT COMMITTEE has approved matching grants, along with the amount of each grant and the amount of the school district or charter school match to the joint budget committee of the general assembly no later than December 1 of the fiscal year for which financial assistance is being provided. Said list shall also be submitted to the education committees of the senate and the house of representatives, the governor, the president of the senate, and the speaker of the house of representatives. A prioritized list showing school districts that will be loaned money from the permanent school fund, along with the amount of each loan, shall be provided to the governor, the president of the senate, the speaker of the house of

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representatives, and the joint budget committee.".

Renumber succeeding sections accordingly.

Page 33, strike line 1 and substitute the following:

"2004; except that:

(1) Section 5 of this act shall be effective until the date that House Bill 04-1055 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law;

(2) Section 30 of this act shall be effective on that date that House Bill 04-1055 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law; and

(3) Section 31 of this act shall take effect only if part 13 of".

Finance

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

MEMBER OF THE  
COLORADO LOTTERY COMMISSION

for a term expiring July 1, 2006:

Joan D. Ringel of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael F. Bennet and to serve as a representative of the public appointed.

Finance

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

MEMBERS OF THE  
COLORADO STUDENT OBLIGATION BOND  
AUTHORITY BOARD OF DIRECTORS

for a term expiring July 31, 2004:

Debra A. Baldwin of Cherry Hills Village, Colorado, to fill the vacancy occasioned by the resignation of Knute S. Knudson of Grand Junction, Colorado, appointed.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON HB04-1203

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

Your first conference committee appointed on HB04-1203, concerning limitations on the power of governmental entities to restrict the rights of property owners, 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:

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

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

Renumber succeeding sections accordingly.

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

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

after line 13, insert the following:

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

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

after line 16, insert the following:

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

Renumber succeeding section accordingly.

Respectfully submitted,

House Committee:	Senate Committee:
(signed)	(signed)
Representative Mitchell	Senator Hillman
Representative Brophy	Senator Lamborn
Representative Miller	Senator Nichol

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Report on **HB04-1203**.

**IMMEDIATE CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

**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.

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **HB04-1203**, as printed in Senate Journal, May 4, pages 1236-1237. The motion was **adopted** by the following roll call vote:

YES	27	NO	8	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	N	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	Y
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	Y	Sandoval	N		

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

Co-sponsors added: Andrews, Cairns, Evans, Johnson, Lamborn, McElhany, and Teck.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1448, HB04-1455, HB04-1190, HB04-1464, HB04-1465 were made Special Orders at 5:10 p.m.

Committee of the Whole

The hour of 5:10 p.m. having arrived, Senator Chlouber moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Chlouber 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 that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

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

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

**HB04-1190** by Representative(s) Romanoff; also Senator(s) Teck--Concerning economic development incentives, and, in connection therewith, allowing a certified capital company to use proceeds or gains from the use of certified capital to pay taxes passed through to the equity owners of the certified capital company and modifying the circumstances under which a certified capital company may make distributions from certified capital.

As amended, Senate Journal, May 3, page 1214.

Amendment No. 2(L.011), by Senator Teck.

Amend the State, Veterans, and Military Affairs Committee Report, dated April 28, 2004, page 4, line 5, strike "thirty" and substitute "thirty TWENTY";

line 9, strike "return; AND" and substitute "RETURN; EXCEPT THAT DISTRIBUTIONS FOR ITEMS DESCRIBED SPECIFICALLY IN SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL EITHER BE REPORTED TO THE DIVISION OF HOUSING OR ACCRUED FOR REPORTING AT A LATER DATE AS DETERMINED BY THE ECONOMIC DEVELOPMENT COMMISSION; AND EXCEPT THAT IN NO EVENT SHALL THIS SUB-SUBPARAGRAPH (A) RESTRICT A CERTIFIED CAPITAL COMPANY'S ABILITY TO MAKE REPAYMENTS OF INDEBTEDNESS, INCLUDING MAKING REPAYMENTS OF INDEBTEDNESS OF THE CERTIFIED CAPITAL COMPANY ON WHICH CERTIFIED INVESTORS EARNED PREMIUM TAX CREDITS; AND";

line 17, strike "TWENTY" and substitute "FIFTEEN";

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line 18, after "THAN", insert "QUALIFIED";

strike line 19 and substitute the following:

"AND DISTRIBUTIONS DESCRIBED IN SUB-SUBPARAGRAPHS (A), (B), AND (C) OF SUBPARAGRAPH (III) OF".

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

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

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

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

Amendment No. 1, Appropriations Committee Amendment.

(Printed in Senate Journal, April 4, pages 1235-1236 and placed in members' bill files.)

Amendment No. 2(L.002), by Senator Anderson.

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

"**SECTION 1.** 2-3-1308, Colorado Revised Statutes, is amended to read:

**2-3-1308. Repeal of part.** This part 13 is repealed, effective July 1, ~~2004~~ 2009.

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

Page 1, line 101, strike "COMMITTEE, AND MAKING" and substitute "COMMITTEE.";

strike line 102.

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

**HB04-1455** by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

Amendment No. 1(L.002), by Senator Hagedorn.

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

"**SECTION 9.** Article 1 of title 25.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25.5-1-112. Drug-purchasing pool - report - repeal.** (1) THE STATE DEPARTMENT SHALL, WITHIN EXISTING APPROPRIATIONS, EVALUATE WHETHER THE STATE SHOULD APPLY TO THE FEDERAL GOVERNMENT TO JOIN AN EXISTING MULTI-STATE DRUG-PURCHASING COOPERATIVE FOR THE PURPOSE OF FACILITATING AN ECONOMICAL PURCHASE OF PRESCRIPTION DRUGS FOR STATE MEDICAID RECIPIENTS.

(2) ON OR BEFORE NOVEMBER 1, 2004, THE STATE DEPARTMENT SHALL REPORT TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE

COUNCIL AND THE HEALTH, ENVIRONMENT, WELFARE, AND INSTITUTIONS COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES THE STATE'S OPTIONS REGARDING THE APPLICATION TO JOIN AN EXISTING MULTI-STATE DRUG-PURCHASING COOPERATIVE AND WHETHER ANY LEGISLATIVE CHANGES WOULD BE NECESSARY.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005."

Renumber succeeding sections accordingly.

Page 9, line 12, strike "This" and substitute "Sections 1 to 8 of this".

Page 10, after line 5, insert the following:

"(7) This section and sections 9 and 11 of this act shall take effect upon passage."

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

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

**HB04-1455** by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

Senator Groff moved to amend the Report of the Committee of the Whole to show that the following Groff floor amendment, (L.003) to HB 04-1455, did pass.

Amend reengrossed bill, page 6, line 19, strike "(2),";

strike line 27.

Page 7, strike lines 1 through 3.

YES	15	NO	20	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	N
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	N	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **lost**.

**ROLL CALL VOTE ON HB04-1455**

**HB04-1455** by Representative(s) Young, Spradley; also Senator(s) Teck--Concerning the elimination of appropriations of revenue made for the payment of the expenses of the state of Colorado, including its departments, agencies, and institutions, that are appropriated on January 1, 2005.

Senator Grossman requested a roll call vote on **HB04-1455**.



YES	21	NO	14	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	N	Lamborn	Y	Tapia	N
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

A majority of all members elected to the Senate having voted in the affirmative, the amendment to the Report of the Committee of the Whole was declared **PASSED**.

#### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Chlouber, the Report of the Committee of the Whole was adopted and, a majority of all members elected to the Senate having voted in the affirmative, the following action was taken:

Passed on Second Reading: HB04-1448, HB04-1190 as amended, HB04-1464, HB04-1465 as amended, HB04-1455 as amended.

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of House Amendments to Senate Bills.

#### IMMEDIATE CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator Owen moved that the Senate adhere to its position on **SB04-053**. The motion was declared **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Senator Evans moved that the Senate concur in House amendments to **SB04-239**, as printed in House Journal, May 3, pages 1766-1769. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

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

Senator Hillman moved that the Senate concur in House amendments to **SB04-235**, as printed in House Journal, May 3, page 1764. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Co-sponsors added: Chlouber.

FIRST REPORT OF FIRST CONFERENCE COMMITTEE  
ON SB04-153

\*\*\*\*\*  
THIS REPORT AMENDS THE  
REREVISED BILL  
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To the President of the Senate and the  
Speaker of the House of Representatives:

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

1. That the Senate accede to the House amendments made to the  
bill, as said amendments appear in the rerevised bill.
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:	House Committee:
(signed)	(signed)
Senator S. Johnson	Representative McCluskey
Senator Kester	Representative Berry
Senator Reeves	Representative Carroll

On motion of Senator Hillman, and with a two-thirds majority of those elected to the  
Senate having voted in the affirmative, the rules were suspended for Immediate  
Consideration of Conference Committee Report--SB04-153.

IMMEDIATE CONSIDERATION OF  
CONFERENCE COMMITTEE REPORT--SB04-153

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

Senator Johnson moved for the adoption of the First Report of the First Conference  
Committee on **SB04-153**, as printed in Senate Journal, May 4, page 1243. The motion  
was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	26	NO	9	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	N
Cairns	N	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	N	Sandoval	N		

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

Co-sponsors added: Kester, May, Taylor, and Teck.

**MESSAGE FROM THE HOUSE**

May 4, 2004  
Mr. President:

The House has postponed indefinitely SB04-248. The bill is returned herewith.

The House has voted to concur in the Senate amendments to HB04-1240,1193, and has repassed the bills as so amended.

The House has voted not to concur in the Senate amendments to HB04-1021 and requests that a conference committee be appointed. The Speaker has appointed Representatives Briggs, chairman, Rose, and Coleman as House conferees on the First Conference Committee on HB04-1021. The bill is transmitted herewith.

The House has voted to recede from its position on HB04-1104, and concurred in the Senate amendments, and asks for the return of the bill.

The House has voted to recede from its position on HB04-1117, and concurred in the Senate amendments.

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

The House has adopted the First Report of the First Conference Committee on HB04-1311, as printed in House Journal, May 4, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1261, as printed in House Journal, May 4, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1236, as printed in House Journal, May 4, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1003, as printed in House Journal, May 4, and has repassed the bill as amended.

The House has adopted the First Report of the First Conference Committee on HB04-1141, as printed in House Journal, May 4, and has repassed the bill as amended.

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

FIRST REPORT OF FIRST CONFERENCE COMMITTEE ON SB04-225

\*\*\*\*\* THIS REPORT AMENDS THE REREVISED BILL \*\*\*\*\*

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

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

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

Amend rerevised bill, page 3, line 17, after "(1)", insert "(a)"; line 24, strike "(a)" and substitute "(I)".

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

after line 2, insert the following:

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

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

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

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

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

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

Page 5, after line 21, insert the following:

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

Page 6, strike lines 24 through 27.

Strike page 7.

Page 8, strike lines 1 through 3.

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Renumber succeeding sections accordingly.

Respectfully submitted,

Senate Committee:  
(signed)  
Senator Hillman  
Senator Grossman  
Senator Entz

House Committee:  
(signed)  
Representative Hoppe  
Representative Harvey  
Representative Madden

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Conference Committee Report--SB04-225.

**IMMEDIATE CONSIDERATION OF  
CONFERENCE COMMITTEE REPORT--SB04-225**

**SB04-225** by Senator(s) Hillman; also Representative(s) Hoppe--Concerning the enforcement of orders for the unauthorized use of designated ground water, and making an appropriation in connection therewith.

Senator Hillman moved for the adoption of the First Report of the First Conference Committee on **SB04-225**, as printed in Senate Journal, May 4, pages 1245-1246. The motion was **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

Cosponsors: Entz.

**APPOINTMENTS TO CONFERENCE COMMITTEE**

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

The President appointed Senators McElhany, Chairman, Jones, and Veiga as Senate Conferees on the First Conference Committee on **HB04-1021**.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bill--SB04-196.

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS**

**SB04-196** by Senator(s) Hagedorn; also Representative(s) Smith--Concerning consequences for commission of substance-related traffic offenses.

Senator Hagedorn moved that the Senate concur in House amendments to **SB04-196**, as printed in House Journal, April 29, page 1658. The motion was **passed** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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

**COMMITTEE OF REFERENCE REPORTS**

State,  
Veterans, &  
Military  
Affairs

After consideration on the merits, the Committee recommends that **HB04-1407** be postponed indefinitely.

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

The President has signed: SJR04-044, SR04-010.  
The President has signed: SB04-094, 115, 186 and 189.  
The President has signed: HB04-1347, 1445.

**SENATE SERVICES REPORT**

**Correctly Printed:** SB04-261.  
**Correctly Engrossed:** SB04-260; SCR04-025

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**Correctly Reengrossed:** SB04-203 and 248; SJR04-036, 056, 057, 058 and 059; SR04-011.  
**Correctly Revised:** HB04-1021, 1193, 1446, 1447, 1449, 1454, and 1456.  
**Correctly Rerevised:** HB04-1199 and 1240; HJR04-1051, 1052, 1057, 1058, 1062 and 1077.  
**Correctly Enrolled:** SB04-094, 111, 126, 176, 186, 204 and 207.

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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Governor's Appointments.

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**CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Dyer, the following Governor's appointments were confirmed by a roll call vote:

**MEMBER OF THE  
 JUVENILE PAROLE BOARD**

for a term expiring at the pleasure of the Governor:

Dean J. Conder of Denver, Colorado, to serve as a representative of the Department of Labor and Employment, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

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On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Governor's Appointments.

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**IMMEDIATE CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Entz, the following Governor's appointments were confirmed by a roll call vote:

**MEMBERS OF THE  
 GROUND WATER COMMISSION**

for terms expiring May 1, 2008:

Dennis W. Coryell of Burlington, Colorado, to serve as a representative from the Northern High Plains and as a resident agriculturist, reappointed;

Larry W. Clever of Grand Junction, Colorado, to serve as a representative from the Western Slope and municipal or industrial water users, reappointed.



YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senator Evans, the following Governor's appointments were confirmed by a roll call vote:

MEMBERS OF THE  
COLORADO CIVIL RIGHTS COMMISSION

for terms expiring March 13, 2008:

Jacque N. Stafford of Grand Junction, Colorado, to serve as a representative of small business and as a Republican, reappointed;

James R. Sullivan of Larkspur, Colorado, to serve as a representative of local government and as a Republican, reappointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senator Jones, the following Governor's appointments were confirmed by a roll call vote:

MEMBER OF THE  
STATE HOUSING BOARD

for a term expiring January 31, 2007:

Don W. Marostica of Loveland, Colorado, to fill the vacancy occasioned by the resignation of Ted J. Chavez of Milliken, Colorado, and to serve as a member from the Fourth Congressional District and as a Republican, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, the rules were suspended for Immediate Consideration of Governor's Appointments.

**IMMEDIATE CONSIDERATION OF GOVERNOR'S APPOINTMENTS**

On motion of Senator Taylor, the following Governor's appointments were confirmed by a roll call vote:

**MEMBER OF THE  
COLORADO LOTTERY COMMISSION**

for a term expiring July 1, 2006:

Joan D. Ringel of Denver, Colorado, to fill the vacancy occasioned by the resignation of Michael F. Bennet and to serve as a representative of the public appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

On motion of Senators Arnold and Taylor, the following Governor's appointment was confirmed by a roll call vote:

**MEMBER OF THE  
COLORADO STUDENT OBLIGATION BOND  
AUTHORITY BOARD OF DIRECTORS**

for a term expiring July 31, 2004:

Debra A. Baldwin of Cherry Hills Village, Colorado, to fill the vacancy occasioned by the resignation of Knute S. Knudson of Grand Junction, Colorado, appointed.

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

Senate in recess.

Senate reconvened.

Senator Hillman moved a Call of the Senate.

Senator Hillman moved the Call of the Senate be raised.

**RECONSIDERATION OF SCR04-024**

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of

excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

Having voted on the prevailing side, Senator Evans moved for reconsideration of the last Senate action, Third Reading--Final Passage, on **SCR04-024**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

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### THIRD READING--FINAL PASSAGE OF BILL--SCR04-024

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

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

As amended, Senate Journal, May 4, pages 1227-1228 and 1232-1234.

Senator Johnson moved for the adoption of **SCR04-024** as amended.

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### RECONSIDERATION OF L.003 to SCR04-024

Having voted on the prevailing side, Senator Evans moved for reconsideration of the last Senate action, adoption of L.003, on **SCR04-024**.

A majority of all members elected to the Senate having voted in the affirmative, reconsideration was granted.

Third Reading Amendment No. 2(L.003), by Senators Keller, Gordon, and Johnson S..

Amend engrossed bill, page 10, after line 12, insert the following:

"Section 20 (5) and (7) (c) of the constitution of the state of Colorado are amended, and the said section 20 (7) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**Section 20. The Taxpayer's Bill of Rights. (5) Emergency reserves.** To use for declared emergencies only, each district shall reserve for 1993 1% or more, for 1994 2% or more, and for all later years 3% or more of its fiscal year spending excluding bonded debt service; EXCEPT THAT FOR ANY FISCAL YEAR THAT COMMENCES ON OR AFTER JULY 1, 2005, EACH DISTRICT NEED NOT RESERVE ANY OF ITS FISCAL YEAR SPENDING. Unused reserves apply to the next year's reserve.

**(7) Spending limits.** (c) ~~The maximum annual percentage change in each district's property tax revenue equals inflation in the prior calendar year plus annual local growth, adjusted for property tax revenue changes approved by voters after 1991 and (8) (b) and (9) reductions.~~ EACH LOCAL DISTRICT'S PROPERTY TAX REVENUE LIMIT IS THE PROPERTY TAX REVENUE LIMIT THAT EXISTED IN 2000, PLUS THE SUM OF LOCAL GROWTH SINCE 2000 AND THE PERCENTAGE OF CHANGE IN TOTAL PERSONAL INCOME FOR COLORADO SINCE 2000, ADJUSTED FOR REVENUE CHANGES APPROVED BY VOTERS AFTER JANUARY 1, 2000, AND (8) (b) AND (9) REDUCTIONS.

(e) OTHER STATE AND LOCAL LIMITS ON DISTRICT REVENUE AND SPENDING MAY BE STRENGTHENED OR WEAKENED BY STATE OR LOCAL LEGISLATIVE ACTION. THIS SHALL NOT AFFECT THE POWERS GRANTED TO HOME RULE MUNICIPALITIES OR COUNTIES.

(f) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO WEAKEN ANY OF THE PROVISIONS OF (4), INCLUDING THE REQUIREMENT OF VOTER APPROVAL OF NEW TAXES AND INCREASES IN TAX RATES.

(g) NOTHING IN THIS SUBSECTION (7) SHALL BE CONSTRUED TO INVALIDATE ANY DISTRICT ELECTION PURSUANT TO THIS SECTION HELD PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (7).".

Less than a majority of all members elected to the Senate having voted in the affirmative, the amendment was declared **LOST**.

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**THIRD READING--FINAL PASSAGE OF BILLS**

**SCR04-024** by Senator(s) Johnson S.; also Representative(s) Romanoff--Submitting to the registered electors of the state of Colorado amendments to article X and section 17 (1) of article IX of the constitution of the state of Colorado, concerning the stabilization of the fiscal condition of the state, and, in connection therewith, requiring the state to retain specified amounts of excess state revenues for fiscal years 2005-06 and 2006-07 for state budget purposes and to repay the retained amounts plus interest to the taxpayers of the state as refunds of excess state revenues in subsequent fiscal years; including the excess state revenues retained as state fiscal year spending and increasing the state fiscal year spending base accordingly, creating a Colorado rainy day fund and reducing the rate of certain required education funding growth by one percentage point for fiscal years 2005-06 and 2006-07 in order to divert moneys from education funding to the fund; requiring moneys in the fund to be transferred to the general fund and used to maintain the state fiscal year spending base when revenue shortfalls occur; limiting the balance of the fund to an amount equal to fifteen percent of the amount of general fund revenues for the prior fiscal year and requiring any additional fund moneys to be transferred to the permanent school fund; allowing general fund appropriations to annually grow by the greater of the rate of inflation or the maximum rate specified in law; and limiting the use of cash funds for general fund purposes.

As amended, Senate Journal, May 4, pages 1227-1228, 1232-1234, and 1250-1252.

The question being "Shall the concurrent resolution, as amended, pass?", the roll call was taken with the following result:

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YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	N	Kester	Y	Takis	N
Arnold	Y	Grossman	N	Lamborn	N	Tapia	N
Cairns	N	Hagedorn	Y	May	N	Taylor	Y
Chlouber	Y	Hanna	N	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	N	Tupa	N
Entz	Y	Isgar	N	Owen	Y	Veiga	N
Evans	Y	Johnson	Y	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	Y	Reeves	N	Mr. President	Y
Gordon	N	Keller	N	Sandoval	N		

Less than a two-thirds majority of all members elected to the Senate having voted in the affirmative, the concurrent resolution was declared **LOST**.

On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of House Amendments to Senate Bills.

### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS

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

Senator Phillips moved that the Senate concur in House amendments to **SB04-168**, as printed in House Journal, April 19, page 1406. The motion was **passed** by the following roll call vote:

YES	16	NO	19	EXCUSED	0	ABSENT	0
Anderson	N	Groff	Y	Kester	Y	Takis	N
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	N	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	N
Dyer	N	Hillman	Y	Nichol	N	Tupa	Y
Entz	N	Isgar	Y	Owen	N	Veiga	Y
Evans	N	Johnson	N	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	N	Reeves	Y	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

Less than a majority of all members elected to the Senate having voted in the affirmative, concurrence to **SB04-168** was declared **LOST**.

### SENATE ADHERE ON SB04-168

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

Senator Lamborn moved that the Senate adhere to its position on **SB04-168**. The motion was declared **adopted** by the following roll call vote:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Groff	Y	Kester	Y	Takis	Y
Arnold	Y	Grossman	Y	Lamborn	Y	Tapia	Y
Cairns	Y	Hagedorn	Y	May	Y	Taylor	Y
Chlouber	Y	Hanna	Y	McElhany	Y	Teck	Y
Dyer	Y	Hillman	Y	Nichol	Y	Tupa	Y
Entz	Y	Isgar	Y	Owen	Y	Veiga	Y
Evans	Y	Johnson	Y	Phillips	Y	Windels	Y
Fitz-Gerald	Y	Jones	Y	Reeves	Y	Mr. President	Y
Gordon	Y	Keller	Y	Sandoval	Y		

**IMMEDIATE RECONSIDERATION OF ADHERENCE ON SB04-168**

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

Having voted on the prevailing side, Senator Lamborn moved for immediate reconsideration and reversal of the roll call on Senate Adherence, on **SB04-168**. The roll call was taken with the following result:

YES	0	NO	35	EXCUSED	0	ABSENT	0
Anderson	N	Groff	N	Kester	N	Takis	N
Arnold	N	Grossman	N	Lamborn	N	Tapia	N
Cairns	N	Hagedorn	N	May	N	Taylor	N
Chlouber	N	Hanna	N	McElhany	N	Teck	N
Dyer	N	Hillman	N	Nichol	N	Tupa	N
Entz	N	Isgar	N	Owen	N	Veiga	N
Evans	N	Johnson	N	Phillips	N	Windels	N
Fitz-Gerald	N	Jones	N	Reeves	N	Mr. President	N
Gordon	N	Keller	N	Sandoval	N		

Less than a majority of all members elected to the Senate having voted in the affirmative, reconsideration was **LOST**.

**MESSAGES FROM THE HOUSE**

May 4, 2004  
Mr. President:

The House has adopted the First Report of the First Conference Committee on HB04-1203, as printed in House Journal, May 4, and has repassed the bill as amended.

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

May 4, 2004  
Mr. President:

The House has adopted and transmits herewith HJR04-1010, HJR04-1054.

The House has adopted and returns herewith SJR04-036, SJR04-059, SJR04-057, SJR04-038, SJR04-040, SJR04-042.

The House has failed to pass SJR04-011, the resolution is returned herewith.

The House has adopted and returns herewith SJM04-004 .

The House has adopted and transmits herewith HJR04-1042, amended as printed in House Journal, May 4.

**INTRODUCTION OF RESOLUTIONS**

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

**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.  
Laid over one day under Senate Rule 30(e).

**HJR04-1054** by Representative(s) Carroll, Paccione, Cerbo, Hefley, Judd, Lee, Marshall, McGihon, Merrifield, Pommer, Romanoff, Stengel, Vigil, Weissmann, White, Williams S.; also Senator(s) Groff, Grossman, Tupa, Veiga--Concerning the commemoration of the 50th anniversary of the United States Supreme Court's decision in Brown v. Board of Education of Topeka, Kansas.  
Laid over one day under Senate Rule 30(e).

**HJR04-1042** by Representative(s) Butcher; also Senator(s) Tapia--Concerning the reduction of geographic case characteristics for the purposes of small group health insurance. Business Affairs & Labor 1  
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On motion of Senator Hillman, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the calendar of May 4, 2004, was laid over until Wednesday, May 5, 2004, retaining its place on the calendar. 8  
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Consideration of Resolutions: HJR04-1038, HJR04-1085, HJR04-1090, HJR04-1067, HJR04-1080, HJR04-1091. 12  
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On motion of Senator Hillman, the Senate adjourned until 10:00 a.m., Wednesday, May 5, 2004. 16  
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Approved: 20  
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John Andrews 25  
President of the Senate 26  
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Attest: 28  
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Mona Heustis 32  
Secretary of the Senate 33  
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