

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

Thirty-fifth Legislative Day

Tuesday, February 10, 2004

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Prayer	By the chaplain, Reverend Glen Hamlyn, Rocky Mountain Cathedral.	11
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Pledge	By Senator Gordon.	13
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Call to Order	By the President at 9:00 a.m.	15
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Roll Call	Present--32.	18
	Absent/Excused--3; Hanna, Teck, Tupa.	19
	Present later--Hanna, Tupa.	20
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Quorum	The President announced a quorum present.	22
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Reading of Journal	On motion of Senator Kester, reading of the Journal of February 9, 2004, was dispensed with and the Journal was approved as corrected by the Secretary.	24
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COMMITTEE OF REFERENCE REPORTS

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Appropriations	After consideration on the merits, the Committee recommends that HB04-1316 be referred to the Committee of the Whole with favorable recommendation.	31
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1317 be referred to the Committee of the Whole with favorable recommendation.	35
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1318 be referred to the Committee of the Whole with favorable recommendation.	39
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1319 be referred to the Committee of the Whole with favorable recommendation.	43
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1320 be referred to the Committee of the Whole with favorable recommendation.	47
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1321 be referred to the Committee of the Whole with favorable recommendation.	51
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1322 be referred to the Committee of the Whole with favorable recommendation.	55
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1323 be referred to the Committee of the Whole with favorable recommendation.	59
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1324 be referred to the Committee of the Whole with favorable recommendation.	63
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Appropriations	After consideration on the merits, the Committee recommends that HB04-1325 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that HB04-1326 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB04-1327 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB04-1328 be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16
Appropriations	After consideration on the merits, the Committee recommends that HB04-1329 be referred to the Committee of the Whole with favorable recommendation.	17 18 19 20
Appropriations	After consideration on the merits, the Committee recommends that HB04-1330 be referred to the Committee of the Whole with favorable recommendation.	21 22 23 24
Appropriations	After consideration on the merits, the Committee recommends that HB04-1331 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation.	25 26 27 28
	Amend reengrossed bill, page 6, line 8, strike "\$229,856(T)" and substitute " \$229,856(T) \$272,157(T)".	29 30 31
	Page 31, line 7, in the ITEM & SUBTOTAL column, strike "1,896,974" and substitute "1,930,225", and, in the FEDERAL FUNDS column, strike "1,883,525" and substitute "1,916,776".	32 33 34 35
	Adjusted affected totals accordingly.	36 37
	Page 45, line 12, in the Item & SUBTOTAL column, strike "282,832", and substitute " 282,832 ", and, in the FEDERAL FUNDS column, strike "4,516", and substitute " 4,516 ";	38 39 40 41
	after line 12, in the ITEM & SUBTOTAL column, insert "291,882", and, in the FEDERAL FUNDS column, insert "13,566";	42 43 44
	line 13, strike "1,129,101", and substitute " 1,129,101 ";	45 46
	after line 13, in the ITEM & SUBTOTAL column, insert "1,138,151".	47 48
	Page 53, line 14, strike "52,938,039", and substitute " 52,938,039 ";	49 50
	after line 14, in the TOTAL column, insert "52,947,089".	51 52
	Adjust affected totals accordingly.	53 54
	Page 54, line 7, strike "\$19,425,955" and substitute "\$19,468,256".	55 56 57
Appropriations	After consideration on the merits, the Committee recommends that HB04-1332 be referred to the Committee of the Whole with favorable recommendation.	58 59 60
Appropriations	After consideration on the merits, the Committee recommends that HB04-1333 be referred to the Committee of the Whole with favorable recommendation.	61 62 63 64
Appropriations	After consideration on the merits, the Committee recommends that HB04-1334 be referred to the Committee of the Whole with favorable recommendation.	65 66 67 68 69

Appropriations	After consideration on the merits, the Committee recommends that HB04-1335 be referred to the Committee of the Whole with favorable recommendation.	1 2 3 4
Appropriations	After consideration on the merits, the Committee recommends that HB04-1336 be referred to the Committee of the Whole with favorable recommendation.	5 6 7 8
Appropriations	After consideration on the merits, the Committee recommends that HB04-1337 be referred to the Committee of the Whole with favorable recommendation.	9 10 11 12
Appropriations	After consideration on the merits, the Committee recommends that HB04-1338 be referred to the Committee of the Whole with favorable recommendation.	13 14 15 16

MESSAGE FROM THE HOUSE

February 9, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1166, 1195.

The House has passed on Third Reading and transmitted to the Revisor of Statutes
HB04-1273, amended as printed in House Journal, February 6, page 346.
HB04-1194, amended as printed in House Journal, February 6, page 347.
HB04-1076, amended as printed in House Journal, February 6, page 347.
HB04-1087, amended as printed in House Journal, February 6, page 347.
HB04-1129, amended as printed in House Journal, February 6, page 347.
HB04-1197, amended as printed in House Journal, February 6, page 348.
HB04-1155, amended as printed in House Journal, February 6, page 349.

MESSAGE FROM THE REVISOR OF STATUTES

February 9, 2004

We herewith transmit:

Without comment, HB04-1166, 1195.

Without comment, as amended, HB04-1273, 1194, 1076, 1087, 1129, 1197, 1155.

INTRODUCTION OF BILLS--FIRST READING

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

HB04-1076	by Representative(s) Madden, Brophy, Hodge, Rose; also Senator(s) Arnold--Concerning a prohibition on driving motor vehicles in the passing lane except when appropriate. Transportation	52 53 54 55
HB04-1080	by Representative(s) Williams T.; also Senator(s) Lamborn--Concerning the "Uniform Arbitration Act". Business Affairs & Labor	56 57 58 59
HB04-1155	by Representative(s) Williams T.; also Senator(s) Taylor--Concerning a limitation on the authority of a municipality to regulate that portion of newly annexed land used as a right-of-way by agricultural users. Agriculture, Natural Resources & Energy	60 61 62 63 64
HB04-1166	by Representative(s) McCluskey, Hall, Rippy, Williams T.; also Senator(s) McElhany--Concerning an increase in the amount of moneys transferred by the state board for community colleges and occupational education from the Colorado customized training program to the Colorado existing industry training program. Education	65 66 67 68 69

- HB04-1194** by Representative(s) McCluskey, Carroll, Paccione; also Senator(s) Reeves--Concerning changes to the officers of the board of governors of the Colorado state university system. Education 1-3
- HB04-1195** by Representative(s) Stengel; also Senator(s) Dyer--Concerning criminal history record checks for use in court proceedings. Judiciary 4-7
- HB04-1197** by Representative(s) Weddig, Borodkin, Briggs, Cerbo, Crane, Garcia, Hodge, Lee, Madden, McGihon, Merrifield, Paccione, Pommer, Ragsdale, Sinclair, Spence, Vigil, Williams S.; also Senator(s) Evans, Takis--Concerning the use of devices on motor vehicles that interfere with the orderly regulation of traffic. Transportation 8-13
- HB04-1129** by Representative(s) Stafford; also Senator(s) Entz--Concerning property taken by a county for delinquent taxes. Local Government 14-17

On motion of Senator Hillman, and with a two-thirds majority of those elected to the Senate having voted in the affirmative, HB04-1316, HB04-1317, HB04-1318, HB04-1319, HB04-1320, HB04-1321, HB04-1322, HB04-1323, HB04-1324, HB04-1325, HB04-1326, HB04-1327, HB04-1328, HB04-1329, HB04-1330, HB04-1331, HB04-1332, HB04-1333, HB04-1334, HB04-1335, HB04-1336, HB04-1337, HB04-1338 were made Special Orders at 9:14 a.m. 18-26

Committee of the Whole The hour of 9:14 a.m. having arrived, Senator Taylor moved that the Senate resolve itself into the Committee of the Whole for consideration of Special Orders--Second Reading of Bills and Senator Taylor was called to the Chair to act as Chairman. 27-33

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: 34-40

- HB04-1316** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of agriculture. 41-43
Ordered revised and placed on the calendar for Third Reading and Final Passage. 44-45
- HB04-1317** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of corrections. 46-48
Ordered revised and placed on the calendar for Third Reading and Final Passage. 49-50
- HB04-1318** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of education. 51-53
Ordered revised and placed on the calendar for Third Reading and Final Passage. 54-55
- HB04-1320** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of health care policy and financing. 56-58
Ordered revised and placed on the calendar for Third Reading and Final Passage. 59-61
- HB04-1321** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--Concerning a supplemental appropriation to the department of higher education. 62-64
Ordered revised and placed on the calendar for Third Reading and Final Passage. 65-66

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HB04-1322	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of human services.	1 2 3
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	4 5
HB04-1323	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the judicial department.	6 7 8
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	9 10
HB04-1324	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of labor and employment.	11 12 13
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	14 15
HB04-1326	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of legislature.	16 17 18
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	19 20
HB04-1327	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of local affairs.	21 22 23
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	24 25
HB04-1328	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of military and veterans affairs.	26 27 28
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	29 30
HB04-1329	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of natural resources.	31 32 33
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	34 35
HB04-1330	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of personnel and administration.	36 37 38
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	39 40
HB04-1331	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of public health and environment.	41 42 43 44
	<u>Amendment No. 1, Appropriations Committee Amendment.</u> (Printed in Senate Journal, February 10, page 222 and placed in members' bill files.)	45 46 47
	As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.	48 49 50
HB04-1332	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of public safety.	51 52 53
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	54 55
HB04-1333	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of regulatory agencies.	56 57 58
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	59 60
HB04-1334	by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves-- Concerning a supplemental appropriation to the department of revenue.	61 62 63
	Ordered revised and placed on the calendar for Third Reading and Final Passage.	64 65 66

- HB04-1336** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the department of transportation. 1
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 4
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- HB04-1337** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the department of the treasury. 6
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 9
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- HB04-1338** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning funding for capital construction, and making supplemental appropriations in
connection therewith. 12
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 16
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- HB04-1319** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting. 18
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 22
(For further action, see Amendments to the Report of the Committee of the Whole.) 23
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- HB04-1325** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the department of law. 25
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 28
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- HB04-1335** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the department of state. 30
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 33
(For further action, see Amendments to the Report of the Committee of the Whole.) 34
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AMENDMENTS TO THE REPORT OF THE COMMITTEE OF THE WHOLE 37

- HB04-1319** by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the offices of the governor, lieutenant governor,
and state planning and budgeting. 38
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Senator Grossman moved to amend the Report of the Committee of the Whole to show
that the following Grossman floor amendment, (L.001) to HB04-1319, did pass: 43
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- Amend reengrossed bill, page 4, line 13, strike "~~818~~" and substitute
"818"; 46
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- line 14, strike "2,868", in the ITEM & SUBTOTAL column, strike
"~~49,727~~" and substitute "49,727", and, in the GENERAL FUND column,
strike "~~47,295~~" and substitute "47,295", and in the CASH FUNDS
EXEMPT column, strike "~~2,432^b~~" and substitute "2,432^b"; 49
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- strike line 15. 54
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- Adjust affected totals accordingly. 56
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- Page 6, strike line 5, and substitute the following "^b This amount shall be
from the Division of" 58
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- Page 12, line 13, in the CASH FUNDS EXEMPT column, strike
"~~\$1,838,665^a~~" and substitute "\$1,838,665^a"; 61
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- line 14, in the CASH FUNDS EXEMPT column, strike "\$1,870,983^a". 64
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- Page 13, line 1, strike "~~\$1,515,475~~ \$1,547,793" and substitute
"\$1,515,475". 66
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The motion was declared **LOST** by the following roll call vote:

YES	14	NO	20	EXCUSED	1	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	E
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	N	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

HB04-1335 by Representative(s) Young, Witwer, Plant; also Senator(s) Owen, Teck, Reeves--
Concerning a supplemental appropriation to the department of state.

Senator Tapia moved to amend the Report of the Committee of the Whole to show that the following Tapia floor amendment, (L.001) to HB04-1335, did pass:

Amend reengrossed bill, page 3, line 14, in the ITEM & SUBTOTAL column, strike "~~103,343~~" and substitute "103,343";

strike line 15;

Page 5, line 4, in the TOTAL column, strike "6,292,704" and substitute "6,039,240", and in the CASH FUNDS column, strike "6,125,240" and substitute "6,039,240", and, in the CASH FUNDS EXEMPT column, strike "167,464^b";

line 6, strike "\$5,250,097" and substitute "\$5,164,097";

strike lines 9 and 10.

Adjust affected totals accordingly.

Page 7, strike line 15.

The motion was declared **LOST** by the following roll call vote:

YES	15	NO	19	EXCUSED	1	ABSENT	0
Anderson	N	Groff	Y	Kester	N	Takis	Y
Arnold	N	Grossman	Y	Lamborn	N	Tapia	Y
Cairns	N	Hagedorn	Y	May	N	Taylor	N
Chlouber	N	Hanna	Y	McElhany	N	Teck	E
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	N	Mr. President	N
Gordon	Y	Keller	Y	Sandoval	Y		

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Taylor, 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: HB04-1316, HB04-1317, HB04-1318, HB04-1320, HB04-1321, HB04-1322, HB04-1323, HB04-1324, HB04-1326, HB04-1327, HB04-1328, HB04-1329, HB04-1330, HB04-1331 as amended, HB04-1332, HB04-1333, HB04-1334, HB04-1336, HB04-1337, HB04-1338, HB04-1319, HB04-1325, HB04-1335.

COMMITTEE OF REFERENCE REPORTS

Judiciary After consideration on the merits, the Committee recommends that **SB04-146** be referred to the Committee of the Whole with favorable recommendation.

Judiciary After consideration on the merits, the Committee recommends that **SB04-154** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 9, strike lines 19 and 20 and substitute the following:

"Revised Statutes, are amended to read:".

Page 11, strike lines 19 through 27.

Page 12, strike line 1.

Page 13, line 23, strike "and current" and substitute "and THE PERSON'S current";

line 24, strike "photograph." and substitute "photograph IFREQUESTEDBY THE CBI.".

Judiciary After consideration on the merits, the Committee recommends that **SB04-148** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 12, strike "MAY" and substitute "SHALL";

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

Judiciary After consideration on the merits, the Committee recommends that **SB04-111** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 2, line 14, strike "OR INDIRECTLY".

Page 3, line 11, strike "OR INDIRECTLY";

line 21, strike "INCLUDING, BUT NOT" and substitute "INCLUDING";

line 22, strike "LIMITED TO,";

line 26, strike "OR INDIRECTLY".

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

"THE NECESSARY EQUIPMENT TO REDIRECT CALLS FOR NONEMERGENCY TELEPHONE SERVICES.".

Business Affairs & Labor The Committee on Business Affairs and Labor has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

**MEMBER OF THE
COLORADO RACING COMMISSION**

for a term expiring July 1, 2007:

Gene O. Naugle of Penrose, Colorado, to serve as a representative of veterinarians, reappointed.

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Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-160 be postponed indefinitely.	1 2 3 4 5
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-175 be referred to the Committee of the Whole with favorable recommendation.	6 7 8 9 10
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1111 be referred to the Committee of the Whole with favorable recommendation.	11 12 13 14
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-143 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 3, line 7, strike "fifty" and substitute "fifty".	15 16 17 18 19 20 21
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-089 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend printed bill, page 3, strike lines 7 through 27. Strike page 4. Page 5, strike lines 1 through 25. Renumber succeeding section accordingly. Page 1, strike lines 105 through 107 and substitute "AGREEMENTS".	22 23 24 25 26 27 28 29 30 31 32 33 34 35 36
Business Affairs & Labor	After consideration on the merits, the Committee recommends that HB04-1110 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation. Amend reengrossed bill, page 9, line 20, strike "10" and substitute "18".	37 38 39 40 41 42 43 44
Business Affairs & Labor	After consideration on the merits, the Committee recommends that SB04-171 be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> with favorable recommendation. Amend printed bill, page 4, line 14, after "UNLESS", insert "THE HEAD OF THE PRINCIPAL DEPARTMENT OF STATE GOVERNMENT ENTERING INTO THE CONTRACT OR CONTAINING THE AGENCY ENTERING INTO THE CONTRACT SUBMITS THE CONTRACT AND AN ANALYSIS OF THE CONTRACT TO THE OFFICE AS REQUIRED BY PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND"; line 15, strike "STATE AGENCY"; strike line 16 and substitute the following: "DEPARTMENT. THE STATE CONTROLLER SHALL ALSO"; line 18, strike "OFFICE FOR APPROVAL." and substitute "OFFICE."; strike lines 19 through 26 and substitute the following: "(2) (a) WHENEVER A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT OR ANOTHER STATE AGENCY ENTERS INTO A CONTINGENCY-BASED CONTRACT, THE DEPARTMENT OR AGENCY SHALL PREPARE AN ANALYSIS OF THE CONTRACT THAT ADDRESSES:".	45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69

Page 5, line 15, strike "OFFICE" and substitute "DEPARTMENT OR AGENCY";

after line 16, insert the following:

"(b) THE HEAD OF A PRINCIPAL DEPARTMENT OF STATE GOVERNMENT ENTERING INTO A CONTINGENCY-BASED CONTRACT OR CONTAINING AN AGENCY ENTERING INTO A CONTINGENCY-BASED CONTRACT SHALL SIGN BOTH THE CONTRACT AND THE ANALYSIS PREPARED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) AND SHALL SUBMIT BOTH THE CONTRACT AND THE ANALYSIS TO THE OFFICE SO THAT THE OFFICE MAY APPROVE OR DISAPPROVE THE CONTRACT.

(c) UPON RECEIPT OF A CONTINGENCY-BASED CONTRACT AND ANALYSIS, THE OFFICE SHALL REVIEW AND EITHER APPROVE OR DISAPPROVE THE CONTRACT. THE OFFICE SHALL PROMPTLY TRANSMIT WRITTEN NOTIFICATION OF A DECISION TO APPROVE A CONTINGENCY-BASED CONTRACT TO THE HEAD OF THE PRINCIPAL DEPARTMENT THAT SUBMITTED THE CONTRACT TO THE OFFICE AND THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY. THE OFFICE SHALL PROMPTLY TRANSMIT WRITTEN NOTIFICATION OF A DECISION TO DISAPPROVE A CONTINGENCY-BASED CONTRACT ONLY TO THE HEAD OF THE PRINCIPAL DEPARTMENT THAT SUBMITTED THE CONTRACT TO THE OFFICE.";

strike lines 17 through 21.

Page 6, line 1, strike "reviewed by the state controller pursuant to";

line 2, strike "section 24-30-202, Colorado Revised Statutes," and substitute "entered into on a preliminary basis subject to subsequent approval by the state controller and the office of state planning and budgeting".

Business Affairs & Labor

After consideration on the merits, the Committee recommends that **SB04-161** be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation.

Amend printed bill, page 3, strike lines 19 through 26;

line 27, strike "(3)" and substitute "(2)".

Page 4, strike lines 4 through 13 and substitute the following:

"SECTION 3. 11-51-603 (1), Colorado Revised Statutes, is amended to read:

11-51-603. Criminal penalties. (1) Any person who willfully violates the provisions of section 11-51-501 OR 11-51-504 commits a class 3 felony and shall be punished as provided in section 18-1.3-401, C.R.S."

Page 45, line 24, strike "attorney." and substitute "attorney, OR THE ATTORNEY GENERAL MAY PROSECUTE THE APPROPRIATE CRIMINAL PROCEEDINGS UNDER THIS ARTICLE OR OTHERWISE AS AUTHORIZED BY LAW."

Page 68, after line 24, insert the following:

"SECTION 57. 11-53-102 (3), Colorado Revised Statutes, is amended to read:

11-53-102. Definitions. As used in this article, unless the context otherwise requires:

(3) "Commissioner" means the ~~commissioner of securities created by section 11-51-701~~ ATTORNEY GENERAL."

Renumber succeeding sections accordingly.

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Page 83, strike line 6 and substitute the following:

"attorney, OR THE ATTORNEY GENERAL MAY PROSECUTE THE APPROPRIATE CRIMINAL PROCEEDINGS UNDER THIS ARTICLE OR OTHERWISE AS AUTHORIZED BY LAW."

MESSAGE FROM THE HOUSE

February 10, 2004
Mr. President:

The House has passed on Third Reading and transmitted to the Revisor of Statutes HB04-1182, amended as printed in House Journal, February 9, page 383. HB04-1068, amended as printed in House Journal, February 9, page 384. HB04-1154, amended as printed in House Journal, February 9, pages 384-385. HB04-1079, amended as printed in House Journal, February 9, page 385. HB04-1008, amended as printed in House Journal, February 9, pages 385-386. HB04-1137, amended as printed in House Journal, February 9, page 386.

MESSAGE FROM THE REVISOR OF STATUTES

February 10, 2004

We herewith transmit:

Without comment, as amended, HB04-1182, 1068, 1154, 1079, 1008, 1137.

APPOINTMENT BY THE PRESIDENT

In accordance with Section 37-98-102 (5), C.R.S., the President and the Speaker of the House of Representatives have appointed Representative Diane Hoppe as Chairman and Senator Lewis Entz as Vice-Chairman of the Water Resources Review Committee effective January 1, 2004.

SENATE SERVICES REPORT

Correctly Printed: SB04-181
Correctly Reengrossed: SB04-045, 047, 116, 123 and 128.
Correctly Rerevised: HB04-1007, 1033, 1038, and 1065.

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 February 10, 2004, was laid over until Wednesday, February 11, 2004, retaining its place on the calendar.

Third Reading of Bills -- Final Passage: HB04-1206, HB04-1098, HB04-1072.
General Orders -- Second Reading of Bills: SB04-034, SB04-091, SB04-115, SB04-098, SB04-001, SB04-070, SB04-064, SB04-122, SB04-114, SB04-132, SB04-095, SB04-019, SB04-130, SB04-159, SB04-046, HB04-1052, HB04-1100, SB04-105, SB04-101, SB04-166, HB04-1032, SB04-157, SB04-172, SB04-151, HB04-1119, SB04-147, SB04-152, SB04-121.
Consideration of Resolutions: SJR04-008, SJR04-011, SJR04-013, SJR04-014.
Consideration of Governor's Appointments:
Members of the Workers' Compensation Cost Containment Board;
Members of the Colorado Commission on Higher Education;
Members of the Board of Trustees for the University of Northern Colorado.

On motion of Senator Hillman, the Senate adjourned until 9:00 a.m., Wednesday,
February 11, 2004.

Approved:

John Andrews
President of the Senate

Attest:

Mona Heustis
Secretary of the Senate

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